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SENATE—*Tuesday, March 27, 2001*

The Senate met at 9:15 a.m. and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, bless the Senators today. You are the Potter; they are the clay. Mold them and shape them after Your way. Americans have prayed for Your best for this Nation, and You have answered their prayers with these women and men, chosen by You because they are people open to Your guidance. Meet their personal needs today so they can be Your instruments in meeting America's needs. Give them peace of mind, security in their souls, and vigor in their bodies so they can lead with courage and boldness. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 27, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CHAFEE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

> Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.
>
> Hagel amendment No. 146, to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits.

AMENDMENT NO. 146

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Hagel amendment No. 146. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the remaining time on the proponent side of the Hagel amendment is how much?

The ACTING PRESIDENT pro tempore. Eighty minutes.

Mr. McCONNELL. I expect Senator HAGEL to be here momentarily. I yield myself 5 minutes of the Hagel proponent time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. McCONNELL. Mr. President, I never thought I would be putting a Richard Cohen column in the CONGRESSIONAL RECORD for any purpose on any issue, and certainly not on campaign finance reform. But I think this liberal columnist of the Washington Post must have had an epiphany. His column this morning I think is noteworthy, and I want to read a couple parts of it before putting it in the RECORD.

Richard Cohen said this morning in the Washington Post with regard to the underlying bill that it would do damage to the first amendment. He said:

> There is no getting around that. The AFL-CIO is right about it. The American Civil Liberties Union is right too. Some senators who support McCain-Feingold do not quibble with that assessment; they say only that no bill is perfect. . . .

Further in the article, Cohen says:

> The trouble is that the lobbyists on K Street will ultimately figure out a way around any campaign finance reform. This is virtually a physical law in Washington, like water seeking its own level. It happened following the Watergate reforms, and it will happen this time, too.
>
> And so when that happens we will be left with nothing much in the way of reform. But we will be left with a bit less free speech. Specifically, we will be left with severe restrictions on so-called issue advocacy. Sometimes these efforts are scurrilous and underhanded: Remember the scuzzy attack by friends of George Bush on John McCain's record on cancer research? But sometimes such attacks are valuable additions to the political debate. However you judge them, they are speech by a different name, and the First Amendment protects them all.

He goes on to say:

> Still, Congress has no business enacting a law—any law—that contains provisions it knows will not pass constitutional muster. . . .
>
> So there is a great desire to do something—almost anything, it seems, to convince the public that not all Washington is for sale. Much of the Washington press corps, symbiotically tied to government for its sense of importance, also cries out for reform. But this particular reform comes at a steep price, even the criminalization of what heretofore was free speech.
>
> No doubt the power and wealth of special interests pose a problem for the political system. But worse than the ugly cacophony of a last-minute smear campaign is the chill of any government-imposed silence. That's not reform. It's corruption by a different name.

I ask unanimous consent that the Richard Cohen column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

> [From the Washington Post, Mar. 27, 2001]
>
> . . . PRESERVE FREE SPEECH
>
> (By Richard Cohen)
>
> To tell the truth, I had no intention of ever writing about campaign finance reform, as in

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

the McCain-Feingold bill. It is a complicated matter, clotted with arcane terms like "soft money," "hard money" and now—and God help us—"non-severability." This is the sort of mind-numbing issue that I felt could be better handled by a panel of experts on the Jim Lehrer show—people with three names, like Doris Kearns Goodwin.

But an unaccountable sense of professional obligation got the better of me. I have done my reading, done my interviewing, consulted some very wise people and asked myself one basic question: What is it that I hold most dear in American public life? The answer, as always: the First Amendment.

Sen. Charles Schumer (D-N.Y.), one of those wise men I consulted, tried to make me see matters differently. He essentially stated his case in an eloquent speech on the floor of the Senate, pleading for campaign finance reform as a way to restore the people's confidence in the political system—to make us all feel that the votes of our representatives are not for sale.

Oddly enough, it was just that quality—a restoration of faith or idealism—that attracted me to Sen. John McCain's presidential campaign. Here was a candidate who in words, deeds and something undefinable had many convinced that good people could do good in government, and that the power of money had to be met by the power of ideas. McCain deserves all the credit he can get for putting the issue before the public.

But his bill would do damage to the First Amendment. There is not getting around that. The AFL-CIO is right about it. The American Civil Liberties Union is right too. Some Senators who support McCain-Feingold do not quibble with that assessment; they say only that no bill is perfect and no constitutional right is absolute. In this case, they say, we will have to give up some free speech rights to gain some control over a very messy and sometimes corrupt campaign finance system.

The trouble is that the lobbyists of K Street will ultimately figure out a way around any campaign finance reform. This is virtually a physical law in Washington, like water seeking its own level. It happened following the Watergate reforms, and it will happen this time, too.

And so when that happens we will be left with nothing much in the way of reform. But we will be left with a bit less free speech. Specifically, we will be left with severe restrictions on so-called issue advocacy. Sometimes these efforts are scurrilous and underhanded: Remember the scuzzy attack by friends of George Bush on John McCain's record on cancer research? But sometimes such attacks are valuable additions to our political debate. However you judge them, they are speech by a different name, and the First Amendment protects them all.

McCain-Feingold has various restrictions on issue advocacy. I will not bore you with the details. But those details are what so worries the AFL-CIO, the ACLU and—if they are to be believed—some of the GOP opponents of the bill in the Senate.

Probably, the courts will toss these provisions—that's why non-severability is so important. (Non-severability means that none of the law will take effect if any part of it is ruled unconstitutional.) McCain calls non-severability "French for 'kill campaign finance reform,'" and undoubtedly he is right. Still, Congress has no business enacting a law—any law—that contains provisions it knows will not pass constitutional muster.

But Congress is feeling real sorry for itself. Many of its members work long and hard and don't make anything like the money you can get just for failing at a big corporate job. On talk radio, they're denounced by intellectually corrupt personalities who make much more money, work many fewer hours and talk about Congress as if it were entirely on the take.

So there is a great desire to do something—almost anything, it seems, to convince the public that not all Washington is for sale. Much of the Washington press corps, symbiotically tied to government for its sense of importance, also cried out for reform. But this particular reform comes at a steep price, even the criminalization of what heretofore was free speech.

No doubt the power and wealth of special interests post a problem for the political system. But worse than the ugly cacophony of a last-minute smear campaign is the chill of any government-imposed silence. That's not reform. It's corruption by a different name.

Mr. McCONNELL. I also noted with interest David Broder's column this morning. Broder can best be described as something of a moderate on the campaign finance issue. He has been at several different places over the years. He makes this point about raising the hard money limit.

Much has changed in America since 1974, the year that Richard Nixon was forced to resign from the Presidency. Since then, we have had six other Presidents, the arrival of the Internet, and enough inflation to make the 1974 dollar worth 35 cents. That debate will, of course, occur during the course of the Hagel amendment.

Broder goes on to point out:

> Twenty-six years ago, Congress said that contributions below $1,000 were free of that taint. Is there something magical about that figure, or could it be bumped up to $2,000 or even $3,000 in order to finance robust campaigns without forcing candidates to spend as much time organizing fundraisers or dialing for dollars as they do in the current money chase?

Further in the article:

> Democrats and liberal interest groups claim that raising the $1,000 limit would benefit only a few wealthy givers. Only one-tenth of one percent of adult Americans made a political contribution of $1,000 in the last cycle. Of course, politics would be healthier if more Americans contributed something, but only a small minority now check their returns to divert $3 of their taxes to the presidential campaign fund—which would cost them nothing.

All this does is reflect a basic lack of interest in politics on the part of the Americans, which is not something we applaud, but it is certainly understandable.

Mr. President, I ask unanimous consent David Broder's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 27, 2001]

RAISE THE LIMIT . . .

(By David S. Broder)

Much has changed in America since 1974, the year that Richard Nixon was forced to resign from the presidency. Since then, we have had six other presidents, the arrival of the Internet and enough inflation to make the 1974 dollar worth about 35 cents.

This week the Senate faces the question of whether a campaign contribution limit of $1,000 should be adjusted upward for the first time since it was written into law in 1974. Amazingly enough, there are people inside and outside Congress who would jeopardize the passage of meaningful campaign finance legislation in order to preserve that $1,000 limit.

The Senate clearly has enough votes in sight to pass the McCain-Feingold bill, whose central provision would ban unlimited "soft-money" contributions to political parties from corporations, unions and wealthy individuals. These contributions, which can run from $100,000 upward and often are extorted by persistent pressure from candidates and officeholders, are rightly seen as potential sources of political corruption.

But before McCain-Feingold comes to an up-or-down vote, senators will confront the question of lifting the $1,000 limit on individual contributions to federal candidates. That "hard money" limit applies to regulated contributions that the candidates can use to buy ads or pay for other campaign costs. Raising the hard-money limit will offset some of the revenue lost to the parties if the six-figure soft money is banned.

Common sense says—and the Supreme Court has held—that contribution limits are justified by the public interest in preventing corruption or the appearance of corruption. Twenty-six years ago, Congress said that contributions below $1,000 were free of that taint. Is there something magical about that figure, or could it be bumped up to $2,000 or even $3,000 in order to finance robust campaigns without forcing candidates to spend as much time organizing fundraisers or dialing for dollars as they do in the current money chase?

Some Democrats and liberal interest groups, avowedly champions of reform, are finding creative rationalizations for opposing an increase in the hard-money contribution limit. Notable among them is Sen. Tom Daschle of South Dakota, the Democratic leader, who has been warning that if the $1,000 limit is raised (or raised by an unspecified "too much") he and others will have to reconsider their support for the McCain-Feingold soft-money ban.

It may be sheer coincidence that Democrats caught up to Republicans in the past election in the volume of soft-money contributions, while Republicans actually increased their hard-money lead, collecting $447 million to the Democrats' $270 million. Republicans have more contributors, especially small donors, thanks to their well-established direct-mail solicitations, while Democrats have failed to cultivate a similar mass base.

Democrats and liberal interest groups claim that raising the $1,000 limit would benefit only a few wealthy givers. Only one-tenth of one percent of adult Americans made a political contribution of $1,000 in the last cycle. Of course, politics would be healthier if more Americans contributed something, but only a small minority now check their returns to divert $3 of their taxes to the presidential campaign fund—which would cost them nothing.

The reality is that campaigns are going to be funded by relatively few people, but the notion that the $2,000 contributor of today is more corrupting than the $1,000 contributor of 1974 is nonsense.

The second argument is that raising the contribution limit is bad because the goal should be to reduce the amount spent on campaigns. Why? Political communication is expensive in mass-media America. Candidates are competing not only with each other but with all the commercial products and services vying for viewers' attention with their own ads and promotions. Contributions of reasonable size that help candidates get their messages out are good for democracy, not a threat.

McCain and Feingold are seeking to negotiate what a "reasonable" increase in individual limits would be. Such an amendment would strengthen their bill, not damage it, and certainly should not provide an excuse for Daschle or other Democrats to abandon it.

Political journalism lost a notable figure last week with the death of Rowland Evans, for many years the co-author with Robert Novak of one of the most influential columns in this country. Like his partner and many others of us, Evans had his biases, but his hallmark was the doggedness of his reporting. A patrician by birth, he brought a touch of class to his work, and he will be missed.

Mr. McCONNELL. It is noteworthy that nothing in the bill is going to quiet the votes of people with great wealth. Here is a full page ad today, in the Washington Post, paid for by a gazillionaire named Jerome Kohlberg who firmly believes everybody's money in politics is tainted except his. His money, of course, is pure. This is the same individual who spent $1½ million in Kentucky in 1998 trying to defeat our colleague, JIM BUNNING, and I have defended his right, obviously, over the years to do what he wants to do with his money.

It further points out that no matter what we do in the Senate, people of great wealth are still going to have influence. You are not going to be able to squeeze that out of the system. The Constitution doesn't allow it. This is a classic example of how big money is financing the reform side in this debate, underwriting Common Cause, underwriting ads.

Essentially, great people of great wealth are paying for the reform campaign. They are free to do that. I defend their right to do it, but I think it is noteworthy.

I ask a reduced version of this ad in today's Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TIME HAS COME

After two rejections by the Senate of a meaningful Campaign Finance Reform Bill it is now time for the Congress to act.

This is not a Democrat or Republican problem. The two operative parties of government now are "those who give" and "those who take," coupled with the exorbitant amounts of money involved. This collaboration calls into question the legitimacy of our elections and of the candidates in pursuit of office.

Citizen voters are increasingly making it evident that they are disgusted with the process, and questioning the integrity of a system that flies in the face of equal representation. They feel more certain with each election cycle that they are getting a President or Congress mortgaged with "due bills" that must be repaid by legislative favors.

It is a system that is inimical to our democratic ideals. One that convinces citizens that their government serves powerful organizations and individuals to their detriment. It is this perception that any new legislation must finally address.

The time has come for the Congress to demonstrate the statesmanship that the people of our country expect and deserve.—Jerome Kohlberg.

Mr. McCONNELL. I see Senator HAGEL is here and fully capable of controlling his time. I yield the floor.

Mr. HAGEL. Mr. President, I yield up to 15 minutes to my colleague from Kansas.

Mr. ROBERTS. Mr. President, a week ago yesterday Senator HAGEL, our colleague from Nebraska, took the floor of the Senate and with straight talk said some things that made a great deal of sense. They bear repeating at this point in this debate.

First, he said it was time for this debate. Our current campaign finance laws make absolutely no sense. That is true. Since the proponents are bound and determined to take up their version of what I call "alleged reform," before we get to the business of tax relief, the energy crisis, foreign policy, and national security concerns, not to mention a host of other pressing issues, it is time, certainly, to dispense with this issue. However, in so doing, let me remind my colleagues of our first obligation. That is to do no harm.

Senator HAGEL warned we must be careful not to abridge the rights of Americans to participate in our political system and have their voices heard. He understood and underscored the paramount importance of the first amendment to the Constitution, that being the freedom of speech.

Second, the Senator from Nebraska then emphasized we should not weaken our political parties or other important institutions within our American system. He stressed we should encourage greater participation, not less.

I want my colleagues and all listening to listen to Senator HAGEL.

> I start from the fundamental premise that the problem in the system is not the political party; the problem is not the candidate's campaign; the problem is the unaccountable, unlimited outside moneys and influence that flows into the system where there is either little or no disclosure. That is the core of the issue.

On that, Senator HAGEL was right as rain on a spring day in Nebraska.

He went on to say political parties encourage participation, they promote participation, and they are about participation. They educate the public and their activities are open, accountable and disclosed. And, then he nailed the issue when he said:

"Any reform that weakens the parties will weaken the system, lead to a less accountable system and a system less responsive to and accessible by the American people.

"Why," Senator HAGEL asked, "Why do we want to ban soft money to political parties—that funding which is now accountable and reportable? This ban would weaken the parties and put more money and control in the hands of wealthy individuals and independent groups accountable to no one."

It makes sense to me, Senator.

Finally, Senator HAGEL warned the obvious. In this regard, I simply do not understand why Members of this body and the proponents of alleged reform—and all of the twittering media bluebirds sitting on the reform windowsill—are so disingenuous with the obvious. It seems to me either they are blinded by their own political or personal prejudice or they just don't get it or they just don't want to get it.

Senator HAGEL warned last week:

> When you take away power from one group, it will expand power for another. I do not believe that our problems lie with candidates for public office and their campaigns. I believe the greatest threat to our political system today is from those who operate outside the boundaries of openness and accountability.

Three cheers for CHUCK HAGEL. He has shined the light of truth into the muddle of reform.

My colleagues, at the very heart of today's campaign law tortured problems are two simple realities that cannot be changed by any legislative cleverness or strongly held prejudice.

First, private money is a fact of life in politics. If you push it out of one part of the system it re-enters somewhere else within the shadows of or outside the law. Its like prohibition but last time around it was prohibition with temples, bedrooms, and labor union payoffs.

More to the point with members of this body deciding every session some two trillion dollars worth of decisions that affect the daily lives and pocketbooks of every American, there is no way anyone can or should limit individual citizens or interest groups of all persuasions from using private money, their money, to have their say, to protect their interests, to become partners in government—unless of course you prefer a totalitarian government.

Second, money spent to communicate with voters cannot be regulated without impinging on the very core of the first amendment, which was written as a safeguard and a protection of political discourse.

We got into this mess by defying both of these principles with very predictable results. Lets see now, here is a reform, let us place limits on money spent to support or defeat candidates.

Whoops, those who want to have their say now run ads that are called issue advocacy, and we are running at a full gallop in that pasture—can't stop that expression of free speech; it is constitutionally protected, or at least it was until yesterday in Senator WELLSTONE's amendment. When my colleagues placed tight limits on contributions to candidates and called that reform, we went down the same trail again. Whoops, those who want to have their say in a democracy began giving to political parties with unregulated soft money.

So now we have hard regulated disclosed and soft unregulated disclosed, and express advocacy and issue advocacy, and they are all wrapped up in a legalistic mumbo-jumbo that defies understanding or enforcement and has given reform and the Federal Election Commission a bad name.

My friends, this money-regulating scheme is bankrupt. Yet here we are again with the same medicine show, same horse doctor, and the same old medicine. But this time around we are to ban soft money given to political parties, and then to really make sure that works, we are going to restrict independent issue advocacy. We have solved the problem. Right? Wrong.

Whoops, instead of less money, we will have more—lots and lots of money. Pass McCain-Feingold, or the bill that is the underlying bill now, as amended, and interest groups will bypass the parties and conduct their own campaigns. Why give to individual candidates or their political party when you can run your own independent advocacy campaign, especially given the amounts of money these organizations have at their disposal? We are not talking thousands here, folks. We are talking millions. Talk about a negative ad Scud missile attack in 2002. I will tell you what. With this bill, there will be no party missile shield for those candidates trying to weather the storm.

This entire business reminds me of the times I would take my three children to a well-known fast-food pizza and entertainment center; I think it is called Chuck E. Cheese's. As I recall, for the price of one ticket, my kids would run amok from one game to the next, the favorite being called Whackamole, where kids would smack mole-like creatures whose heads popped out of dozens of mole holes. Smack one down, and another two would suddenly jump up. Well, campaign reform is a lot like Whackamole.

Well, not to worry now; we will fix that. Let's just add on another layer of reform. We will just limit ads that mention candidates within 60 days of an election. Now, last week, that ban was limited to corporations and unions and by groups they support if the ad was run on television and radio—not any mention of newspapers, posters, or billboards, just radio and television. Yesterday, in a fit of consistent unconstitutionality, we added another layer, making the ban apply to all groups. Thus, now the bill limits free expression.

Good grief, Mr. President. How in the world can we say we will improve the integrity of any political system by letting politicians restrict political speech? Can you imagine how everybody concerned will try to game the speech police?

By the way, there is an exemption for journalists. I used to be a journalist. Have we stopped to figure out who and what is a journalist and how we will get around that loophole? That is another story altogether. Hello, ACLU. How many court cases, indeed?

What a deal. Pass this so-called reform and candidates will spend more time asking for contributions, the very thing they want to avoid, forced by the current low limits to beg every day. Our political parties will lose their main source of funds or become hollow shells, and if the speech controls are upheld, why, our political discussion will be both chilled and contorted. Of course, the real campaigns would be run by the special interests with independent expenditures rather than by the candidates and the parties.

My colleagues, we have a choice. We can continue to go down this road of one party basically trying to unilaterally disarm the other and destroying our two-party system and the first amendment in the process or we can really support something that truly deals with the real problems within our campaign finance laws, and that "something" is the legislation offered by my friend and colleague, Senator HAGEL.

His reform does three basic things:

First, he protects the first amendment to the Constitution and calls for full and immediate disclosure and identity.

Second, he addresses the basic reason that our campaign funds are going around, under, and over the public disclosure table today, the antiquated limit on the amount of contributions that citizens may give to candidates unchanged over two decades.

Third, he proposes a limit on soft money that is of concern to me, but at least it is semi-reasonable. I will accept the cap given the full disclosure and the increase of the amount of money that our individual citizens could and should be giving to candidates.

Finally, if we are truly serious about getting a reform bill passed, if we want a bill signed by the President as opposed to an issue, it might be a good idea to see if the base bill amended by Senator HAGEL would fit that description.

President Bush listed six reform principles:

First, protect the rights of individuals to participate in democracy by updating the limits on individual giving to candidates and parties and protecting the rights of citizen groups to engage in issue advocacy. Hagel passes; the underlying bill, as amended to date, does not.

Second, the President said we should maintain strong political parties. Hagel passes that test; the underlying bill without Hagel does not.

Third, the President said we should ban the corporate and union soft money. I don't buy that, but under Senator HAGEL, he does limit soft money.

Fourth, the President said we should eliminate involuntary contributions. Hagel doesn't deal with that issue. The underlying bill as amended or, to be more accurate, as not amended, does not meet this criterion.

Fifth, require full and prompt disclosure. The Hagel bill meets this test.

Sixth, to promote a fair, balanced, and constitutional approach. Here, the President supports including a nonseverability provision, so if any provision of the bill is found unconstitutional, the entire bill is sent back to Congress for further deliberation.

Well, we still have that issue before us. However, the bottom line is that if you want a campaign reform measure that President Bush will sign, you should support the measure I have cosponsored with Senator HAGEL.

There is one other thing. Too many times, common sense is an uncommon virtue in this body. Here we have a paradox of enormous irony. Legislation that is unconstitutional, that endangers free speech, that advantages independent special interests and the wealthy and that will cripple the two-party system and individual participation has been labeled and bookshelved by many of the hangers-on within the national media and the special interests that are favored in the legislation as being "reform." I just heard on national television before driving to work that reform was being endangered. What is endangering reform, on the other hand, is these same folks branding the effort by my colleague as a poison pill.

Well, colleagues and those in the media, all that glitters is not gold. All that lurks under the banner of reform is not reform. There are a lot of cacti in this world; we just don't have to sit on every one of them. McCain-Feingold, the current bill, is another ride into a box canyon. On the other hand, legislation I have cosponsored with CHUCK HAGEL is a clear, cold drink of common sense, a good thing to have on any reform trail ride.

I salute you, sir, and yield the floor.

Mr. HAGEL. Mr. President, I am overwhelmed with my colleague from Kansas. I note that the senior Senator from Arizona was taking note, making reference to all of his hangers-on friends.

Mr. McCAIN. If the Senator will yield for a 10-second comment?

Mr. HAGEL. Yes.

Mr. McCAIN. As usual, the Senator from Kansas illuminated, enlightened, and entertained all at once, and I enjoyed it very much.

Mr. HAGEL. If he passes the Senator's test, then we are making progress and we are grateful.

The Senator from Wyoming is present. I understand he would like to make some comments. I ask Senator THOMAS, how much time does he need?

Mr. THOMAS. I think 10 minutes, if that is satisfactory.

Mr. HAGEL. I yield 10 minutes to the senior Senator from Wyoming.

Mr. FEINGOLD. Mr. President, I ask unanimous consent, following the remarks of the Senator from Wyoming, the Senator from New York be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Wyoming is recognized for 10 minutes.

Mr. THOMAS. Mr. President, I thank Senator HAGEL for the time and also thank Senator HAGEL for the work he has put in on this bill. I supported this bill in the beginning, last year—I was an original cosponsor—because I think it deals with the issue that is before us, and deals with it in a way that is relatively simple, that we can understand, and does the things that, in the final analysis, we want to have happen.

I have the notion that after spending all last week and another week this week on this whole matter of campaign reform, it is not very clear as to what has been done, what is being suggested, where we will be when it is over, which is the most important thing. What is it that we would like to have happen? I must confess, it has been very confused. That is why I supported the Hagel bill; it makes it rather clear that it does the things we want to do. It ends up providing an opportunity for more participation in the election process and for a constitutional limit, if there are some limits, and the strong parties which, of course, is the way we govern ourselves.

First of all is the constitutional importance of free speech. That is the most important thing we have to protect. This country was founded on the principle that people could express themselves and express themselves in the political process and be able to participate in it.

Kids ask often: How did you get to be in politics? I can tell you how. I got involved in issues. I got involved in agriculture, in talking about the process. It became very clear as I worked in the Wyoming Legislature that politics is the way we govern ourselves. The decisions by the people are made in the political process, are passed through the governmental process, and that is how it works. That is how I became involved. I think it is a way many people have become involved and, indeed, they need to be involved that way.

The first amendment is based primarily on a premise that if free society is to flourish, there has to be unfettered access and willingness to participate. McCain-Feingold, I believe, has unintended consequences. It limits political expression, certainly specifically 30 days before the primary and 60 days before the general election. We had some amendments about that yesterday. We need to be very careful about that in terms of our ability to participate and our ability to exercise that right of ours that is constitutional—free speech.

The Supreme Court upholds laws which prevent "the appearance of corruption," but surely that doesn't mean the Congress ought to ban the freedom of speech. In fact, in the Buckley case:

> Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order "to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people."

That is what it is all about.

State parties would be limited. My background and involvement as I moved through this process was being active in the State party. I was secretary of our State party. State parties are out there to encourage people to participate, to organize in counties, to bring county organizations and chairmen and young people into the party to represent the views they share. That is what parties are for. To limit the opportunity for those parties to do those things seems to me to be very difficult.

Parties cannot, under this process, use already-regulated soft money for party building. I think that is wrong. McCain-Feingold, in my view, federalizes elections. We already allow for a mix of Federal and State funds to be used for basic participation. Parties would be able to assist challengers. We should not make it terribly advantageous to be an incumbent. There ought to be challengers so we can make changes. State parties do that.

These are the issues that are very important and we need to preserve them and we need to understand them. We need to be clear about. It is my view that McCain-Feingold would decrease voter turnout, would decrease the interest in participation in elections. That is the strength of this country, for people to come together with different views and express those views in elections so the people, indeed, are represented. It would devastate the parties if McCain-Feingold were passed as it is proposed. It would devastate grassroots activity.

Political involvement ought not be limited only to professionals or people who have expert legal advice on the intricacies of Federal legislation.

I just came from a meeting with some folks who were talking about how difficult it is for trade associations to deal with people within their trade associations unless they get some kind of approval from the company and it can only last for 3 years and they can only do it in one company. Those are the kinds of restrictions that should not exist.

Frankly, I get a little weary of the corruption idea all the time, as if everyone in this Chamber votes because of somebody providing money. In my view and in my experience, you go out and campaign and tell people what your philosophy is, you tell people where you are going to be on issues, and they vote either up or down to support you. The idea that every time there is a dollar out there you change your vote is ridiculous. I am offended by that idea, frankly. I do not think it is the way it really is. In any event, McCain-Feingold fails on a number of points. It presents constitutional roadblocks regarding speech and restricts State parties from energizing voters.

The Hagel bill deals clearly with many things. It increases the opportunity for hard money, brings it up to date for inflation. No. 2, it provides a limit to soft money at a level that can be controllable. Most important, it provides for disclosure. It provides the opportunity for voters to see who is participating in the financial aspect of it. Then they can make their decisions.

I think it is something that brings accountability to campaign finance. It is something the President will reform. I am very pleased to be a supporter of the Hagel bill. I urge my friends in the Senate to support it as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from New York is recognized for up to 15 minutes.

Mr. SCHUMER. Mr. President, I rise in strong opposition to the amendment offered by Senator HAGEL to deal with soft money, not by banning it, as the McCain-Feingold bill does, but by capping donations to national parties at $60,000 per year per individual. Worse still, not only does this amendment set an awfully high cap for soft money, it would not limit soft money when given to State parties, even when the obvious purpose is to influence Federal elections.

Let me say right off the bat that I commend Senator HAGEL for his effort in this area. He is sincerely concerned about the mess that our campaign finance system has become and has offered the solution he believes is the best one. His integrity and his sincerity in offering this amendment are unquestioned by just everybody in this Chamber.

But in my judgment, and with all due respect to my friend from Nebraska, his amendment falls far, far short of what is needed to clean up our campaigns. This proposal is to reform what Swiss is to cheese: It just has too many holes. Enacting it would be worse than doing nothing, in my judgment, for the simple reason that it would carry the stamp of reform and lead the public to expect a better system while failing to live up to the label.

Should Hagel become law—which I hope it does not—people will say a year after: They tried it. They tried to do something and it failed. And you can't do anything.

Their cynicism, their disillusionment with the system, will actually increase, despite the sincere effort of the Senator from Nebraska.

The main problem with the amendment is how it treats soft money. Imagine that candidate Needbucks wants to run for the Senate. The election is 2 years away. He goes to his old friends, John and Jane Gotbucks, who have done quite well in the booming economy of the last 8 years, and asks them to donate soft money to the party.

Under the Hagel amendment, Mr. and Mrs. Gotbucks can give $240,000 in soft money—$60,000 limit per person, $240,000 per couple per cycle. Under McCain-Feingold, that would not be allowed.

But that is not everything. Throw in the $300,000 in hard money that John and Jane can give under this amendment, and you know what they say: Pretty soon we are talking about real money. The total that a couple can give is $540,000 in hard and soft money to a candidate under the Hagel legislation.

Mr. President, $540,000 a couple limits? That is reform? Give me a break. In fact, that is the kind of money that can't help but catch the gimlet eyes of our friend, candidate Needbucks, and his party.

Let's suppose, in addition, that John and Jane Gotbucks happen to run a corporation. The Hagel amendment would allow their corporation, and all others like it, to give legitimate, regulated money to the parties for the first time since the horse was the dominant mode of transportation and women couldn't even vote. We are allowing corporate money back into the system after nearly 100 years when it was not allowed.

Maybe it is instructive to remember how all this came about. In 1907 Teddy Roosevelt was burned by revelations that Wall Street corporations had given millions to his 1904 campaign. Of course, one of his famous wealthy supporters, Henry Clay Frick, came to despise Roosevelt for his progressivism and commented, "We bought the S.O.B. but he didn't stay bought."

But Teddy Roosevelt rose above the scandal and, as he so often did, blazed the trail of reform. He signed the Tillman Act, which outlawed corporate contributions, into law.

And now, for the first time in a century, this amendment would take us back to the Gilded Age when corporate barons legally—legally—could give money directly to political parties.

My friend from Nebraska may say his amendment isn't perfect but at least it keeps most of this corporate and union soft money out of the system. But even that modest claim really isn't accurate. Public Citizen has analyzed the $60,000 cap in the Hagel bill and determined that 58 percent of soft money given to the national parties in the 2000 election cycle would be permitted under these caps.

Even if this were pass-fail, 42 percent is an F. And we have not even reached the worst part of this amendment yet. Bad as it is to allow soft money in $120,000 increments rather than get rid of it, the amendment would do absolutely nothing to limit soft money flowing to the State parties.

In short, the Hagel amendment is like taking one step forward and two steps back—a step forward in terms of some limits, two steps back in terms of corporate contributions and soft money to parties. One step forward, two steps back. My colleagues, we are not at a square dance; we are dealing with serious reform.

The public is clamoring for us to do something. The Hagel bill is so watered down, has so many loopholes in it, it is like Swiss cheese that, again, you may as well vote for no reform at all, in my judgment.

If you tell our friends, our givers, Mr. Gotbucks and his company, that they can only give the minuscule sum of $60,000 a year to the national parties but they can give unlimited amounts to State parties for use in Federal elections, what do you think their lawyers are going to tell them to do? And when State parties get that money, they will use it to run issue ads, to get out the vote, and do other things that clearly benefit Federal candidates, just as they do now.

Let's not forget how this works.

Just last year, as then-Governor Bush was gearing up his run for the nomination, he set up a joint victory fund with 20 State Republican parties. This fund raised $5 million for then-candidate Bush that was meant to be used in the general election. The fund took in soft money contributions ranging from $50,000 to $150,000 from wealthy individuals and their families. This scheme, clearly intended to legally get around the limits, would continue unabated and could actually increase under the amendment that my friend from Nebraska has proposed.

In short, regulating soft money without dealing with the soft money that goes to State parties is like the person who drinks a Diet Coke with his double cheeseburger and fries: It does not quite get the job done.

It isn't enough to say the States will regulate soft money on their own. Mr. President, 29 States allow unlimited PAC contributions to State parties, 27 States allow unlimited individual contributions to State parties, and 13 States allow unlimited corporate and union contributions to State parties. So the notion that States will take care of soft money at the State level just does not stand up. There is no evidence that they will.

So then, if this amendment is so filled with holes, if it is, indeed, the original Swiss cheese amendment, why is it being proposed?

Well, the proponents, including my good friend from Nebraska, say they are concerned that banning soft money will doom our parties and drive all of the money now sloshing around our campaign system into the hands of independent and unaccountable advocacy groups who will run ads and engage in other political activity.

In the first place, there is a glaring inconsistency at the heart of this argument. On the one hand, opponents of McCain-Feingold—such as the Senator from Kentucky, who has led the fight against reform for many years—say they cannot support the bill because it treads on free speech. On the other hand, they say we do not dare enact the bill because then all of these outside groups will be using their first amendment rights in speaking out instead of the parties. And now on the third hand they say, well, we have always said regulating soft money is unconstitutional, but now we support capping soft money.

That is like being a little bit pregnant. You either exalt the first amendment above everything else and say there should be no limits or you don't and you support real reform like my friends from Arizona and Wisconsin have propounded.

As the New York Times put it this morning, my colleague from Kentucky "has flipped. He cannot now clothe himself in the Constitution in opposing real reform" as long as he votes for the Hagel amendment.

For my part, I agree with Justice Stevens, who said Buckley v. Valeo got it wrong. "Money is property—it is not speech," he wrote in a decision last year.

> The right to use one's own money to hire gladiators, or to fund speech by proxy, certainly merits significant constitutional protection. These property rights, however, are not entitled to the same protection as the right to say what one pleases.

The more important response to this amendment, however, is not to point out the proponents' contradictions on the first amendment but to chide them for greatly exaggerating the demise of our political parties.

Soft money isn't the cure for what ails the parties; it is the disease. All of us in this business know the parties have become little more than conduits for big money donations by a privileged few. The parties do not have any say. They are simply mechanisms which people who want to give a lot of money go through to make it happen. If we keep going down this road, we risk that parties will become empty shells. They are so busy channeling money in large amounts that they do not do the get out the vote and the party building and the educating that parties should do and did do until this soft money disease afflicted and corroded them, as it does our entire body politic.

The reality is, banning soft money will be good for our political parties, not bad. Banning soft money will strengthen our parties by breaking their reliance on a handful of superrich contributors and forcing them to build a wider base of small donors and grassroots supporters.

Let me quote the former chairman of the Republican Party, William Brock:

> In truth, the parties were stronger and closer to their roots before the advent of this loophole than they are today. Far from reinvigorating the parties themselves, soft money has simply strengthened certain specific candidates and the few donors who make huge contributions, while distracting the parties from traditional grassroots work.

The fact is, the parties in this country got along just fine without soft money in the 1980s, before this form of funding exploded, to say nothing of their 200-year history before that.

Is my friend from Nebraska saying the great two-party tradition in this country, which is one of the main causes of our political stability and the envy of the rest of the world, rests on the thin read of soft money contributions? I hope not. Let me tell the Senate, if that is true, then we are way too late in terms of strengthening the parties.

Ultimately, the basic premise of Senator HAGEL's argument, which is that the donors who now give soft money to the parties will simply shift it to existing independent groups, is also way off base. Corporations and unions won't be able to just run their own ads favoring a candidate in lieu of giving soft money or get 501(c)(4) groups to run the ads for them because the bill prohibits campaign ads by corporations and labor within 60 days of an election. As Charles Kolb, president of the Committee for Economic Development, a business group supporting reform, has said:

> We expect that most of the soft money from the business community will simply dry up.

Corporations that find it easy to give to a party are not going to set up their whole elaborate mechanism to try to get around reform. A few will; most won't.

It is true that individuals will be able to make independent expenditures supporting campaigns, but how many of them will really do that? Writing a fat check to the party is vastly easier than trying to run an ad or organize voters. As Al Hunt wrote in the Wall Street Journal last week:

> The notion that Carl Lindner or Denise Rich is going to be heavily into issue advocacy is comical.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask the Senator to yield me an additional 3 minutes.

Mr. DODD. I yield 3 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. SCHUMER. We all know that people such as Johnny Chung aren't giving for ideological reasons. They are giving because to them our Government works "like a subway—you have to put in coins to open up the gate."

But, of course, at the end of the day there is nothing we can do to stop independent political spending by individuals. That is clearly protected by the first amendment. The important point is that after this bill passes, any individuals or outside groups who want to support Federal candidates won't be able to coordinate their expenditures with candidates. They will have to go at it alone, if they really want to, without the key information they need about strategy and timing that make an ad campaign effective. So let them do it. The wall against coordination will go a long way to keeping out special interest influence and is a vast improvement over the current system giving directly to the parties.

Mr. President, I quote the words of someone who has invested a lot in this debate, someone who cares about reform, someone I greatly respect. Last year that person said:

> The American people see a political system controlled by special interests and those able to pump millions of dollars, much of it essentially unaccountable and defended by technicality and nuance. As our citizens become demoralized and detached because they feel they are powerless, they lower their expectations and standards for Government and our officeholders.

I completely agree with that speaker whose name was CHUCK HAGEL. If we agree that pumping millions of unaccountable dollars into the system threatens public confidence, which is the lifeblood of any democracy, we have to do something serious about it. We cannot say we are reforming when a couple can give $540,000 through soft and hard money to a candidate. That is not reform. That will not, I am afraid, bolster people's confidence in the system.

I am afraid the Hagel amendment is more words than action. While the system continues its long agonizing slide into greater and greater dependence on the most fortunate few, if we simply pass Hagel, we will do nothing to stop that slide. I urge defeat of the Hagel amendment and support of the original McCain-Feingold effort.

Mr. President, I yield my remaining time to the Senator from Connecticut.

Mr. DODD. Mr. President, I yield 1 minute to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from New York. We have had some rivalries when it comes to the dairy industry. I appreciate the use of the Swiss cheese analog. As a Cheesehead from Wisconsin, that is the most persuasive thing he could possibly use.

Senator SCHUMER has brought forth the absolutely basic point. First of all, under the Hagel amendment, corporate and union treasuries will be writing direct checks to the Federal parties, something we have never allowed.

Secondly, every dime of soft money that is currently allowed can just come through the State parties back to the Federal parties. No reform.

Third, when it comes to the limits that are raised, both soft and hard money under the Hagel amendment, any couple in America can give $540,000 every 2 years.

Finally, under the Hagel amendment, there is no prohibition on officeholders and candidates from raising this kind of money.

Those are four strikes against the bill, and you only need three.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield up to 10 minutes to my friend and colleague, the distinguished Senator from Nebraska, Mr. NELSON.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Nebraska for the opportunity today to extend my full support for campaign finance reform. Again, I convey my sincere appreciation for the work of Senators MCCAIN and FEINGOLD and Senator HAGEL, as well as all of my colleagues who are involved in this effort to reform the campaign finance system.

As a veteran of four Statewide campaigns myself, and as a newly elected Senator fresh from the campaign trail, I believe, as many of my colleagues do, that the current campaign finance laws are, in a word, "defective."

Our country was founded on principles such as freedom and justice. As I see it, the present system for financing Federal campaigns undermines those very principles.

I believe that in its present form the campaign finance system tends to benefit politicians who are already in office. Some folks call it incumbent insurance. I prefer to call it a problem. Thus, I wholeheartedly believe the time has come for meaningful campaign finance reform.

There is an old adage we all know that goes: Don't fix it unless it is broken. Well, many aspects of our campaign finance system today are broken, and they do need fixing.

Before us today we have several legislative remedies for this flawed system. Not one, though, as far as I am concerned, is a panacea for the maladies afflicting our current campaign finance laws, nor can they be. Both the McCain-Feingold bill and the Hagel bill include provisions which I support. I am a cosponsor of Senator HAGEL's legislation because I am particularly sympathetic to the bill's provision to limit soft money contributions rather than prohibit them.

In an effort to pinpoint the culprit for the faults in the present campaign finance system, I believe soft money has become the scapegoat. As my friend from Louisiana pointed out last night, there is a popular misconception that the McCain-Feingold bill bans all soft money. This is not accurate. McCain-Feingold bans only soft money to the political parties.

While I agree that unlimited soft money contributions raise important questions, I also believe that banning soft money to the parties would only be unproductive and ultimately ineffective. Chances are, if we succeed in blocking the flow of soft money from one direction, it will eventually be funneled to the candidates from another. Furthermore, some soft money contributions are used for valuable get-out-the-vote efforts and for the promotion of voter registration and party building, all very valuable efforts that promote our system.

A more realistic approach in lieu of banning soft money would be to cap the contributions at $60,000, as prescribed by the Hagel bill. Thus, I favor the provision to limit soft money in Senator HAGEL's bill. Also, I strongly support the provisions on disclosure outlined in McCain-Feingold, that are also included in the Hagel amendment. A lack of accountability within the current system is at the core of the problem. As a matter of fact, if we could enact substantive changes to disclosure laws and remove the facades which special interest groups hide behind, we, at the very least, will be heading in the right direction. This action to increase disclosure, combined with limitations on soft money contributions, will not only refine our current system, but will reform it.

As an individual who spent the majority of the past year on the campaign trail, I have put a great deal of thought into what I believe is the right direction for campaign finance reform. My Senate race has made me all too familiar with the shortcomings of the current system. My campaign experience with one group in particular has bolstered my support for efforts to limit so-called issue ads. This organization funded by undisclosed contributors ran soft-money issue ads throughout my campaign criticizing my stance on one issue, which was unrelated and irrelevant to their purported cause.

Unfortunately this is not the only example of issue-ad tactics I encountered during my most recent campaign. So it only follows that I am pleased with the Snowe-Jeffords provision, which addresses these so-called issue ads funded by labor and corporations. This provision will hold labor and corporations more accountable for these ads by imposing strict broadcasting regulations and increasing disclosure requirements.

I was very encouraged last night by the passage of Senator WELLSTONE's amendment, which expands the Snowe-Jeffords provision to also cover the ads run by special interest groups, whose sole purpose is to mislead voters. This leads me to my final point and the reason why I have come to the floor this morning. I want to express my strong support for this Hagel amendment we are currently debating. The passage of this amendment is crucial for the improvement of our campaign finance system. I commend Senator HAGEL for introducing a measure that realistically addresses soft money contributions. Additionally, the Hagel amendment does not supersede the critical aspects of McCain-Feingold—most notably the Snowe-Jeffords, and now Wellstone, issue-ad provisions, which are imperative if our goal is true reform. The Senate has the opportunity to repair our flawed campaign finance system. And if we don't seize the moment and take action now, it will always be a flaw in our democracy.

Again, I commend my colleagues on their efforts, and I am hopeful that we will succeed in approving this amendment and ultimately in approving a meaningful campaign finance reform package this session.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. There are 54 minutes remaining.

Mr. DODD. I yield 15 minutes to my colleague from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the ranking member of the Rules Committee. I join my colleagues in opposing the Hagel amendment, and I do so reluctantly on a personal level, but not on a substantive level. I have enjoyed working with the Senator from Nebraska on many issues. I respect and like him.

I regret to say that the amendment he brings to the floor today is simply not reform. I should say that again and again and again. It is not reform. It is not reform.

You don't have reform when you are institutionalizing for the first time in history the capacity of soft money to play a significant role in the political process, when the McCain-Feingold goal and objective, which I support, is to eliminate altogether the capacity of soft money to play the role that it does in our politics. So it goes in the exact opposite direction.

I will come back to that in a moment because I want to discuss for a moment where we find ourselves in this debate and really underscore the stakes in this debate at this time.

Last night, I voted with Senator WELLSTONE, together with other colleagues who believe very deeply in a bright-line test and in the capacity to have a constitutional method by which we even the playing field. I regret that some people who oppose the bill also chose to vote with Senator WELLSTONE because they saw it, conceivably, as a means of confusing reform and creating mischief in the overall resolution of this issue which Senator FEINGOLD and Senator MCCAIN have brought before the Senate.

Let me make it clear to my colleagues, to the press, to the public, and to people who care about campaign finance reform, the next few votes that we have on this bill are not just votes on amendments, in my judgment; they are votes on campaign finance reform. They are votes on McCain-Feingold itself. There will be a vote on the so-called severability issue which, for those who don't follow these debates that closely, means that if one issue is found to be unconstitutional, we don't want the whole bill to fall. So we say that a particular component of the bill will be severable from the other components of the bill, so that the bill will still stand, so that the reforms we put in on soft money, or the reforms we put in on reporting, or the reforms we put in on the amounts of money that can be contributed, would still stand even if some other effort to have reform may fall because it doesn't pass constitutional muster.

Now, opponents of this bill, specifically for the purpose of defeating McCain-Feingold, specifically for the purpose of creating mischief, will come to the floor and say: We don't want any severability. The whole bill should fall if one component of it is found unconstitutional, which defeats the very purpose of trying to put to a test a new concept of what might or might not pass constitutional muster. It is not unusual in the Senate for legislators, many of whom are lawyers, to make a judgment in which they believe they have created a test that might, in fact, be different from something that previously failed constitutional tests.

And so, as in this bill, we are trying to find a way to create a playing field that is fair, Mr. President. Fair. Many people in the Senate legitimately believe that it is not fair to have a limitation on corporations and unions, but then push all the money into a whole series of unregulated entities that will become completely campaign oriented and, in effect, take campaigning out of the hands of the candidates themselves. They won't be regulated at all, while everybody else is regulated.

That is what Senator WELLSTONE and I and others were trying to achieve last night—a fairness in the playing field. I understand why Senator FEINGOLD and

Senator McCAIN object to that. I completely understand it. They want fairness. They understand that that is important to the playing field, but they have tried to cobble together a fragile coalition here that can hold together and pass campaign finance reform.

Some people suggest they would not be part of that fragile coalition if indeed they were to embrace this other notion of a fair playing field. However, the Senate is the Senate. It is a place to deliberate, a place for people to come forward and put their ideas, legislatively, before the judgment of our colleagues.

Last night, the Senate worked its will, albeit, as in any legislative situation, with some mischief by some people who seek to defeat this. But we are in a no worse position today than we were before that amendment passed last night, because if we defeat the notion that this should be non-severable, we can still go out of the U.S. Senate with legislation and we still can put this properly to test before the Supreme Court, which is, after all, the business of our country.

That is the way it works. Congress passes something, and the Supreme Court decides whether or not it is, in fact, going to meet constitutional muster.

That said, I believe it is vital for us to proceed forward on these next votes with an understanding of what is at stake. The Hagel amendment would gut McCain-Feingold. Effectively, the vote we will have this morning will be a test of whether or not people support the notion of real campaign finance reform and of moving forward.

Let me say a few words about why the amendment Senator HAGEL has offered really breaches faith with the concept of reform itself.

The Hagel amendment imposes a so-called cap on soft money contributions of $60,000. That would be the first time in history the Congress put its stamp of approval on corporate and union treasury funds being used in connection with Federal elections. The Hagel amendment would legitimize soft money, literally reversing an almost century-long effort to have a ban on corporate contributions and the nearly 60-year ban on labor contributions. That is what is at stake in this vote on the Hagel amendment.

The Hagel amendment would institutionalize a loophole that was not created by Congress, but a loophole that was created by the Federal Election Commission.

Worse—if there is a worse—than just putting Congress' seal of approval on soft money is the impact the amendment would have on the role of money in elections. What we are seeking to do in the Senate today is reduce the impact of money on our elections.

I will later today be proposing an amendment that I know is not going to be adopted, but it is an amendment on which the Senate ought to vote, which is the best way to really separate politicians from the money. I will talk about how we will do that later. It is a partial public funding method, not unlike what we do for the President of the United States.

George Bush, who ran for President, did not adhere to it in the primaries, but in the general election he took public money. He sits in the White House today partly because public funding supported him. Ronald Reagan took public money. President Bush's father, George Bush, took public money. They were sufficiently supportive of that system to be President of the United States, and we believe it is the cleanest way ultimately to separate politicians from the money.

That is also what we are trying to do in the McCain-Feingold bill. It does not go as far as some would like to go, but it may be the furthest we can go, given the mix in the Senate today. It seeks to reduce the role of influence of money in the American political process.

The Hagel amendment would actually undo that and reverse it. It would enable a couple to contribute $120,000 per year, $240,000 per election cycle, to the political parties. In the end, the Hagel amendment would allow a couple to give more than $500,000—half a million dollars—per election cycle to the political parties in soft money and hard money combined.

We have heard the statistics. Less than one-half of 1 percent of the American population give even at the $1,000 level. Let me repeat that. Less than one-half of 1 percent of all Americans give even at the $1,000 level, and here is the Hagel amendment which seeks to have the Senate put its stamp of approval on the rich, and only the rich, being able to influence American politics by putting $500,000 per couple into the political system. That increases the clout of people with money, and it reduces the influence and capacity of the average American to have an equal weight in our political process.

Looked at another way, the amendment would allow five senior executives from a company to give $60,000 per year for a total of $300,000 of soft money annually. That could be combined with an additional $60,000 straight from the corporate treasury. That is hardly the way to get money out of politics.

Even with its attempted cap of soft money, the Hagel amendment leaves open a gaping loophole through which unmonitored soft money can still flow. It does nothing to stop the State parties from raising and spending unlimited soft money contributions on behalf of Federal candidates.

It is absolute fantasy to believe the State parties are not, as a result of that, going to become a pure conduit for the money that flows in six-figure contributions from the corporations or the labor unions or the wealthiest individuals.

It simply moves in the wrong direction. It codifies forever something we have restricted and prevented. It is the opposite of reform. It undoes McCain-Feingold, and I urge my colleagues to keep this reform train on its tracks. We need to complete the task, and we must turn away these efforts to overburden this bill or to directly assault its fundamental provisions.

I yield back whatever time remains to the manager.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield to my friend and colleague, the distinguished Senator from Tennessee, 10 minutes.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in support of the Hagel amendment and would like to take a few minutes to paint the larger picture of where we are in campaign finance and show the critical importance, I believe, of adopting this amendment today, especially in light of what I hope to have a chance to do later this week, which is to talk a little bit more about the effects of the McCain-Feingold legislation.

I stress now the absolutely critical importance of adopting the Hagel amendment really for three reasons. I will come back to these charts because they give an overall perspective that I found very useful in talking to my colleagues and in talking to others to understand the complexities of campaign finance and the critical importance of maintaining a balance between Federal or hard money and soft or non-Federal money.

The Hagel amendment really does three things: No. 1, it gives the candidate more voice; yes, more amplification of that voice. I think that is what bothers most people. If we look at the trend over the last 20 years, that individual candidate, Joe Smith, over the years has had a voice which stayed small and has been overwhelmed by the special interests, the outside money coming in, the unions, to where his voice has gotten no louder.

There is nothing more frustrating than to be an individual candidate and feel strongly about education, health care, the military, and say it on the campaign trail, but have somebody else giving a wholly different picture because you have lost that voice over time. The Hagel amendment is the only amendment to date that addresses that loss of voice over time.

No. 2, disclosure. Most people in this body and most Americans, I believe, understand the critical importance of increased disclosure today. What makes people mad is the fact that money is coming into a system and nobody knows from where it is coming. In fact, we saw in past elections the amount of money that came from overseas. It comes through the system and flows out, and nobody knows where it is going or who is buying the ads on television. How do you hold people accountable?

Those are what really make people mad: No. 1, the candidate has no voice; No. 2, the lack of accountability of dollars coming into the system and out of the system.

Does that mean we have to do away with the system? I do not think so. We have to be very careful how we modernize it and reform it, but let us look at the candidate's voice and let us look at disclosure.

The fundamental problem we talked about all last week, money in politics—is it corrupt, is it bad, is it evil? I say no, that is not the problem. I come back to what the problem is—the candidate, the challenger, the incumbent does not have the voice they had historically.

Let me show three charts. They will be basically the same format. It is pretty simple. There are seven funnels that money, resources, can be channeled through in campaign financing. I label the chart "Who Spends the Money?" I will have these seven funnels on the next three charts.

First, I have Joe Smith, the individual candidate who is out there campaigning. I said his, or her, voice over time has been diminished. Why? Because you have all of these other funnels—the issue groups: We talked about the Sierra Club, the NRA, the hundreds of issue groups that are out there right now spending and overwhelming the voice of the individual candidate.

Why does the individual candidate not have much of a voice today, relatively speaking? We see huge growth in these three funnels—corporations, unions and issue groups—but we have contained for 26 years, since the mid-1970s, how much this individual candidate can receive from an individual or from a PAC. We have contained the voice but have seen explosive growth in certain spending.

What makes the American people mad is indicated across the top. Individual candidates is one way for money to come to the system; political action committees is a very effective way. The parties in the box, the Republican Party, the Democratic Party, and other parties can raise money two ways: Federal dollars and non-Federal dollars. Notice all of this money in the yellow and green is "disclosed." The American people want to know where the money comes from and where it goes. This is all disclosed. There is control over that.

However, the explosive growth has occurred in corporations, unions, and issue groups. The problem—and the American people are aware of this, and we have to fix it—there is no disclosure. Nobody knows from or to where money is coming and going. I should add there is money coming into the system from overseas and China. We have to address disclosure.

The contribution limits right now apply just to the individual candidates. An individual can only give so much to an individual candidate. A PAC can only receive so much and give so much.

With the party hard money, the Federal money, again, there are contribution limits. Some people argue, as Senator HAGEL argues: Let's fix this and address the disclosure issue. The Hagel amendment does that. Let's address contributions limits; instead of stopping here with individual candidates, PACs and party hard money, extend it so that all of the party, the hard and the soft money, has contribution limits.

I said I will use the seven funnels from the chart. Money flows into the system at the top and goes out of the system below, the problem being the individual candidates do not have much of a voice.

The next chart looks complicated, but it is useful for understanding from where the money comes. I show how money flows into the funnel. On the left side of the chart, the funnels are the same. There are seven ways money gets to the political system. The problem is the individual candidate's voice has not been amplified in 25 years. We have to fix that, and we can, through the Hagel amendment.

Individuals can give to individual candidates. PACs can give to individual candidates, such as Joe Smith out there. Party hard money, the Republican Party, the Democratic Party, independent, they can give to individual candidates, and that is the only way an individual candidate can receive money to amplify his or her voice.

PACs can receive money from individuals, but they can also receive money, or be set up by corporations through sponsorships, by unions through sponsorships, and issue groups can establish PACs.

I happen to be chairman of the National Republican Senatorial Committee, and I can receive money as part of the senatorial committee from PACs, from individuals, party non-Federal money from individuals, but also corporations, unions, and issue groups can give party soft money.

Corporations receive money from earnings, and unions receive money from union dues. We tried to address this. I think it needs to be addressed.

Now straight to the Hagel amendment. There is not enough of a voice here. Contribution limits probably are too narrowly applied, and we need to move them over.

No. 3, we don't have enough in terms of disclosure. This is what the Hagel-Breaux amendment does and why it is absolutely critical to maintain balance in the system.

Next, disclosure and no disclosure. In this area, the Hagel amendment increases disclosure by requiring both television and radio media buys for political advertising to be disclosed. You would be able to know who, on channel 5 in Middleton, TN, purchased ads and for whom they purchased those ads. Again, much improved disclosure on this side.

Contribution limits: Party soft money had no contribution limits. Under the Hagel amendment, there is a cap, a limit on how much an entity contributes to the Republican Party or to the Democratic Party or to the Republican Senatorial Committee or to the Democratic Senatorial Committee. The contribution limits have been extended.

Third, and absolutely critical if we agree that the individual candidate's voice has been lost by this input on the right side of my diagram, we absolutely must increase the hard dollar limits, how much individuals can give individual candidates and how much PACs can give individual candidates. It has not increased in 26 or 27 years, since 1974. It has not been adjusted for inflation. If it is adjusted for inflation, you come to the numbers that Senator HAGEL put forward, the $3,000.

It increases the voice of the individual candidate. If you increase the voice of the individual candidate, you return to that balance where the candidate Joe Smith out there all of a sudden has more of a voice, again, with contribution limits.

An additional advantage is a challenger out there or an incumbent will have to spend less time. Now it requires so much money to amplify that voice of the candidate out there trying to get $1,000 gifts from hundreds and hundreds of people at 1974 levels; only worth about $300 today in terms of value, it lets you spend less time on the campaign trail doing that.

In summary, I urge support of the Hagel amendment because it addresses the fundamental problems we have in our campaign system today. Not that money in and of itself is corrupt or even corrupting, but the fact is that the individual candidate does not have sufficient voice. The Hagel amendment raises those limits from both individuals and PACs. It addresses the issue of soft money coming into the party system by capping soft money given by both individuals as well as other entities coming into the system at a level of $60,000. It improves disclosure by requiring television and radio media buys for political advertising to be fully and immediately disclosed.

I urge support of this amendment. I know it will be very close. I hope this placement of balance, this understanding of balance, will in turn attract people to support this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. If the Chair will notify me when 10 minutes expires.

I say to my colleague from Tennessee, his chart looks like a chart made up by a heart surgeon. It looks like a pulmonary tract following various arteries and capillaries.

Let me repeat what I said last evening to my friend from Nebraska. I have great respect for him, as I do the junior Senator from Nebraska, the Presiding Officer. I disagree with them on this amendment.

There is a fundamental disagreement here. Aside from the mechanics of the amendment and how much hard money is raised and how much soft money you cap and who gets disclosed or not disclosed, it seems to me to be an underlying, fundamental difference in not only this amendment but others that have been considered and will be considered. That underlying difference is whether or not you believe there is too much money already in politics or not.

If you subscribe to the notion that politics is suffering from a lack of money, then the Hagel amendment or various other proposals that will be offered are your cup of tea. I think that is the way you ought to go. If you truly think there is just not enough money today backing candidates seeking public office, truly you ought to vote for this amendment or amendments like it. If you believe, as I do as many Members on this side that there is too much money in the process—that the system has become awash in money, with candidates spending countless hours on a daily basis over a 6-year term in the Senate, over a 2-year term in the House, literally forced to raise thousands of dollars every day in your cycle to compete effectively in today's political environment then you believe as I do that we must move to put some breaks on this whole money chase.

It has been pointed out in my State, the small State of Connecticut, you have to raise something like $10,000 almost daily in order to raise the money to wage an effective defense of your seat or to seek it as a challenger. In California, in New York, the numbers become exponentially higher. I happen to subscribe to the notion that we ought to be doing what we can to slow this down, to try to reduce the cost of these campaigns and to slow down the money chase that is going on. But all these amendment are just opening up more spigots, allowing more money to flow into a process that is already nauseatingly awash in too much money. I believe that, and I think many of my colleagues do as well. I know most of the American public does.

If you want to know why we are not getting more participation in the political process, I think it is because people have become disgusted with it. Today it is no longer a question of the people's credibility or people's ability, but whether or not you have the wealth or whether you have access to it.

My concerns over the Hagel amendment are multiple. First of all, as has been pointed out by Senators FEINGOLD, SCHUMER, and KERRY, and others who have spoken out on this amendment, this is codifying soft money by placing caps on it. Caps which we all know are rather temporary in nature. Caps that are only to be lifted. So even if you subscribe to the notion that you are going to somehow limit this, the practical reality is we are basically saying we ought to codify this. That as a matter of statute, soft money ought to be allowed to come into the process, most of it unlimited, unregulated, and unaccountable. I think that would be a great mistake.

We are allowing a $60,000 per calendar year cap on soft money contributions from individuals to the national parties. It would be the first time in literally almost 100 years, since 1907, when Teddy Roosevelt, a great Republican reformer, thought there was just too much money coming out of corporations into politics. So Congress banned it. It was one of the great reforms of the 20th century in politics.

For the first time since 1943, with the passage of the Smith-Connally Act, and again in 1947 with the passage of the Taft-Hartley Act, Congress would be allowing the use of union treasury money in Federal elections. For almost 60 years we banned such funds from unions, almost 100 years from corporations. Now we are about to just undo all that. We are suggesting that we allow it up to $60,000 per year. We will cap that right now in the Hagel bill, but there are also proposals here that would allow for indexing the hard money limits for future inflation.

It is stunning to me we would include the indexed for inflation factor in politics. We index normally in relationship to the consumer price index, for people on Social Security or for people who are suffering, who are trying to buy food, medicine, clothes or pay rent, so we index it to allow them to be able to meet the rising cost of living. We are now going to index campaign contributions so the tiny minority of wealthy Americans can give more than $1,000—in this case, $3,000 per election or $6,000 per election cycle. Such indexing will enable the wealthy to have a little more undue access and influence in the political process.

That is turning the consumer price index on its head. The purpose of it was to help people who are of modest incomes to have an increase in their benefits to meet their daily needs. We are now going to apply it to the most affluent Americans. Those contributors who want more access and more control in the political process will get the benefit of the consumer price index. That, to me, is just wrong-headed and turning legitimate justification for such indexing on its head.

The hard money provisions are also deeply disturbing to me. Here we are going to say that no longer is a $1,000 per election limit the ceiling. We are going to raise that per election limit. Under the Hagel amendment, the individual hard dollar limit for contributions to candidates has been increased to $3,000 per election. This means an individual may contribute $6,000 per election cycle. A couple could contribute double, or $12,000 per election cycle.

Let me explain this to people who do not follow the minutiae of politics. All my colleagues and their principal political advisers know this routinely. There we say $3,000 per individual per election. What we really mean is that an individual may contribute $6,000 per election cycle, because it is $3,000 for the primary and another $3,000 for the general election. Normally when we go out and solicit campaign contributions we do not limit it to the individual. We also want to know whether or not their spouse or their minor or adult children would like to make some campaign contributions. As long as such contributions are voluntary, then those individuals may contribute their own limit, all the way up to the maximum of $6,000 per year.

So here we are going from $1,000 or $2,000—because the ceiling is really not $1,000, it is a $2,000 contribution that an individual may make to both a primary or general election—and we are now going to pump this up to $6,000 per year. Basically, that is what it works out to be. It could also be $12,000 per year for a couple. How many people get to make these amounts of contributions?

I find this stunning that we are talking about raising the limit because we are just impoverished in the process. It is sad how it has come to this, that we are hurting financially. A tiny fraction of the American public—it has been pointed out less than one-quarter of 1 percent—can make a contribution of $1,000 per election. Last year, 1999–2000, there were some 230,000 people out of a nation of 80 million who wrote a check for $1,000 as a contribution for a campaign; a quarter of a million out of 280 million people actually made contributions for $1,000.

There were about 1,200 people across the country who gave $25,000 annual limit. That is the present cap, by the way under current law.

Let me go to the second case. Under present law, you can give a total of $25,000 per year. Again, I apologize to people listening to this. There are actually people out there who write checks for $25,000 to support Federal candidates for office. Understand, we think this is just too low. This is just too low. We are struggling out here; I want you to know that. We are impoverished. We need more help. So $25,000 from that individual, 1,200 of them in the country—1,200 people out of 280 million wrote checks for $25,000. But, you know, we do not think that is enough. This bill now raises it to $75,000. How many Americans can write checks for $75,000 per year?

There is a disconnect between what we are debating and discussing and what the American public thinks about this. The chasm is huge. We are talking about people writing checks that are vastly in excess of what an average family makes as income a year to raise a family. And our suggestion is there is too little money in politics. We spend more money on potato chips, I am told.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. DODD. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I am told by one of my colleagues we spend more money on potato chips than we do on politics.

Maybe that is a good analogy, because I think too many Americans think this has become potato chips, in a sense. It has almost been devalued to that as a result of this disgusting process. I regret using the word "disgusting," but that is what it has become, when we are literally sitting around here and debating whether or not—with some degree of a notion that this is a reasonable debate—to go from $25,000 a year to $75,000 a year.

If you take this amendment in its totality, that same individual with soft money contributions and hard money contributions could literally write a check for $540,000 to support the candidate of their choice in any given year. That is, in my view, just the best evidence I could possibly offer that this institution is out of touch with the American public, when it tries to make a case that there is too little money in politics today.

Put the brakes on. Stop this. Reject this amendment. We can live with these caps that we presently have. There is absolutely no justification, in my view, for raising the limits. What we need to do is slow down the cost and look for better means by which we choose our candidates and support them for public office.

This is about as important a debate as we will have. I know the budget is coming up. I know health care and education are important, but this is how we elect people. This is about the basic institutions that represent the people of this Nation. We are getting further and further and further away from average people, and they are getting further and further away from us.

I urge my colleagues to reject this amendment and support the McCain-Feingold proposal. It is not perfect, but it is a major step in the right direction. I urge rejection of the amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield to my friend and colleague, the original cosponsor of this amendment, 10 minutes to the senior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank my colleague from Nebraska for yielding me time. I rise in strong support of the Hagel amendment to the McCain-Feingold bill.

Let me make two points this morning in reference to two arguments on the side that opposes the Hagel amendment.

The first argument I have heard on the floor by my colleagues and friends is that somehow the Hagel amendment institutionalizes soft money going to political parties, as if it makes it legal or something.

I would say to people who make that argument, where have you been? Both political parties receive huge amounts of unregulated, unrestricted money in terms of amounts that can be given to both political parties.

I have in my hand a list. The first page is of soft money contributors to Democrats in our Democratic Senate Campaign Committee, and the second page lists over 100 soft money contributors to the National Republican Senatorial Campaign Committee. There is an exactly similar list that could be made for the House of Representatives, the other body, which would list all the soft money contributors to the House's respective political committees. The same is true for the National Democratic Committee and the National Republican Committee.

The Hagel amendment restricts their ability to do what they are doing to $60,000 a year. Now, you don't think that is going to be one large restriction on the current practice which is legal under the Supreme Court decision? You bet it is.

Let me give you an example of what is occurring now without the Hagel amendment. On my side of the aisle, just to the Senate Campaign Committee, in the last cycle, the American Federation of State and County Municipal Employees gave our side $1,350,000. On the Republican side in relation to soft money going to their campaign committee, Freddie Mac gave them $670,250. Philip Morris gave them $550,000. On our side, the Service Employees International Union gave us $1,015,250.

So the arguments somehow that the Hagel bill institutionalizes or legitimizes or makes legal the concept of soft money contributions to political parties is nonsense. What it does do is restrict it for the first time by an act of Congress to no more than $60,000 contributions. Every one of the contributors shown on these two pages is substantially in excess of $60,000. In fact, the lowest one—they quit counting them at $100,000. They do not even bother to list them below $100,000. There are two pages of over 100 soft money contributions currently going to the political parties to do voter registration, to do party-building activities, get-out-the-vote activities. For the first time an effort by Congress will say that they cannot give $1,350,000 to Democrats and they cannot give $670,000 to the Republican Senate Campaign Committee; they are limited to $60,000 for party-building activities.

So the concept that somehow the Hagel legislation makes something legitimate that is not legal already is simply nonsense. It is already legal. For the first time, the Hagel bill restricts it, and in a major, major way.

The second point I will make is the following. The popular concept and the argument that I read daily in the press and listen nightly to in the news is that McCain-Feingold somehow eliminates soft money in Federal elections. Nothing could be further from the truth. I get deeply upset by people in the press reporting this issue when they say that somehow the debate is over eliminating soft money in Federal elections. It does not do that. It limits it only to the political parties that can best use the money in a fair and balanced manner.

The list behind me, which has been floating around for several days now—and I think it has caught the attention of many of our colleagues—is a list of advocacy groups that are not restricted by the soft money contributions that will be able to continue to be spent right up to the election—unrestricted, unreported, and are not affected in any way by this so-called soft money ban.

You all remember some of the names on this list because you have seen them time and again on the airways in your States attacking you. And not being able to respond to these types of groups is the real fallacy of this legislation. Do you remember Charlton Heston? Do you remember "Moses" campaigning against many people on my side of the aisle, through the National Rifle Association? Well, if the McCain-Feingold bill passes, they would still be on the air; they would still have Charlton Heston, and they would still be attacking Democrats for their support of gun control. They could not be affected by the legislation that is working its way through the Senate. They use soft dollars. If anyone thinks somehow prohibiting Members from helping them raise money is going to have an effect on them, believe me, it will not. They have plenty of sources without anybody helping them. They have enough money to continue to run the ads, primarily against Democrats who support gun control.

Do you remember the "Flo" ads on Medicare, Citizens for Better Medicare? Old Flo was there almost daily going after people who did not support what they thought was an appropriate Medicare reform bill and Medicare modernization. They will continue to have Flo on television. Flo will continue to be supported by soft money dollars, unrestricted, in any amount.

Do you remember Harry and Louise? The Health Insurance Association of America would totally be unaffected by the McCain-Feingold bill. They would continue to do their ads right up to the election.

Believe me, anyone who has the idea that 60 days before the election is going to adversely affect their activities has not been around very long. These groups do not wait until 60 days before the election. They start 2 years before an election. They are on the air in many of our States right now, today, going after incumbents that they do not like. They are unrestricted in how they can raise their money or how much they can spend. They don't care too much what happens 60 days before an election because their damage is already done. They will spend a year and 10 months beating you up. The only groups that are able to help in responding in kind is our State parties and our national parties.

So my argument is simple. No. 1, the McCain-Feingold bill does not restrict soft money where it should be restricted: Special interests, single interest organizations, which could continue to operate, going after candidates every day right up to an election. I know that most of these groups also do not have a lot of moderates. By definition, special interest groups generally are not moderate-type organizations. They generally reflect the hard-core positions of both of our parties.

Therefore, moderate Members who find themselves in the center of the political spectrum do not have any of these groups that are going to be out there defending their positions of moderation on particularly controversial issues. But the extreme wings of both of our parties, in many cases, will continue to be out there using unlimited amounts of soft money.

If we are talking about Members being somehow beholding to these organizations, if you have these groups on your back for 2 years, see if they do not have an affect on how you vote and what your positions are going to be, particularly if the only groups that can help you in order to defend your position are the State parties which will not have a level playing field and the same ability to run ads. These groups are not keeping with what the American people would like to see us do.

Therefore, my point is that the Hagel bill is a legitimate compromise. No. 1, it restricts the amount of soft money to $60,000 that can go to parties. That is a major restriction to both of our parties over what we currently are getting in terms of the millions from individual groups and individuals that the Hagel amendment would dramatically bring down to a more reasonable amount.

Secondly, I think it is incredibly unfair. It creates a very serious unlevel playing field to say to Members in the real world that we will allow all of the special interest, single-issue organizations to continue to use soft money—unrestricted in terms of the amount, unrestricted in how they can spend it—and yet we will be defenseless in terms of the parties coming to our defense.

I urge the support for the Hagel amendment.

The PRESIDING OFFICER (Mr. THOMAS). The Senator's time has expired.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield 5 minutes to the distinguished Senator from North Carolina, Mr. EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, last night we voted on an amendment that was adopted by the Senate, the Wellstone amendment. I will add a few comments about that briefly and then talk about Senator HAGEL's bill.

First, I want to make clear that the idea of leveling the playing field and doing something about these 501(c)(4) advocacy groups is an idea I support. It makes a great deal of sense. So it is a substantive matter. I support the reasoning behind the Wellstone amendment, but I remain concerned about the serious constitutional questions raised by the Wellstone amendment given the fact that the U.S. Supreme Court, in 1984, ruled that these corporations, these advocacy groups, 501(c)(4) advocacy groups are treated differently than unions and for-profit corporations for purposes of electioneering.

That serious question still remains, but I don't think that amendment or the fact that it has passed should in any way undermine our effort to pass McCain-Feingold, to support McCain-Feingold, and to do what is necessary to change the campaign finance system in this country.

With respect to Senator HAGEL's bill, first, I thank him for his work in this area. I know he is trying to do a positive thing. There are some fundamental problems with his bill.

No. 1, not only does it not solve the problem of soft money, it arguably makes it worse. Although he places limits on soft money contributions to national parties, all that has to be done to avoid that problem is to raise the money through State parties. In addition, he does absolutely nothing about the fundamental issue, which is the appearance that candidates and elected officials are raising unlimited, unregulated contributions in connection with elections. There is nothing under his amendment that would prevent a candidate for the Senate from calling to a State party, raising $500,000, $1 million contributions that can then be used for issue ads in connection with that candidate's election. There is a fundamental flaw in the bill.

In addition to that, it legitimizes what has been used to avoid the legitimate Federal election laws, which are soft money contributions that are flowing into these issue ads. We should not put our stamp of approval on the soft money process.

Furthermore, we should not have candidates for Federal office, candidates for the Senate, continuing to be allowed to call contributors, ask for these huge contributions to be made to State parties, and that money can then be spent on that candidate's election. The problem is not solved and arguably the problem, in fact, is made worse.

With respect to Senator's Breaux's argument that this long list of interest groups can continue to raise soft money and spend soft money, the response to that argument is that the McCain-Feingold bill prohibits any of us, an officeholder or a candidate for office, from calling and asking for unlimited soft money contributions from those special interest groups. It removes us, the elected officials, which is ultimately what this is all about, the integrity of the Senate, the integrity of the House of Representatives, the integrity of the Congress.

The PRESIDING OFFICER (Mr. ENZI). The Senator's time has expired.

Mr. EDWARDS. I ask for another 2 minutes.

Mr. DODD. Make it 1 minute.

Mr. EDWARDS. I will do it in 1 minute.

It removes us from that process, which is a critical fact, because what we are trying to do is restore the integrity of the candidates, the integrity of the election process, and the integrity of the Congress. No longer would we be able to call and ask a contributor to make a large contribution to the NRA or some special interest group, for that money to be used in connection with our campaign.

Fundamentally, the Hagel bill does not solve the problem. The problem continues to exist. McCain-Feingold moves us in the right direction.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I yield 7 minutes of my time to my friend and colleague, the senior Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, first, I thank my colleague from Nebraska for the work he has done in this area. You have not heard my voice on campaign finance reform in the last several years, largely because I believed the legislation that was on the floor was not campaign finance reform. I do believe now that the Hagel amendment brings to the floor the kind of reasonable and appropriate adjustment in the campaign finance law that fits and is appropriate for the political process.

Just for a few moments, I will address some of the comments of my colleague from Connecticut a few moments ago, when, in a rather emotionally charged way, he suggested that the political process is awash in money. I only can judge him by his statement, but I have to assume that the perspective he has offered is from a 1974 view.

If you step back into 1974 and look forward into the year 2000, that judgment can be made, that the political process is awash in money. But you cannot buy a car on the street today for a 1974 price, as much as you or I might wish. You cannot buy a house today at a 1974 price. Is he alleging that the auto industry and the real estate industry and all other industries of our country are awash in money? He has not made that statement, nor should he.

This is the reality: In 1980, I ran for political office in the State of Idaho as a congressional candidate for the first time. I spent about $185,000 on that campaign. At that time a campaign for Congress was about $175,000. Today that same campaign costs about $800,000 or $900,000. Why would it cost so much? At that time I was paying about $5,000 for polling advice. Today that same candidate would pay $13,000 or $14,000. At that time I was paying $400 or $500 for a political ad. Today in Idaho, I would pay $3,000 or $4,000 for a political ad. Does that mean politics is awash in money or does it simply mean you are having to pay for the cost of the goods and services you are buying for the political process today in 2000 dollars and not 1974 dollars?

I do believe that is what the Senator from Connecticut meant, but what he alleges is that there is all of this money out there when, in fact, it is the money that comes to the system based on what the system has asked for and what it believes it needs to present a legitimate and responsible political point of view.

There is nothing wrong with that. What is wrong or what needs to be adjusted is how that money gets directed and how that money gets reported so the public knows and can make valid and responsible judgments when they go to the polls on election day whether candidate X or candidate Y has played by the rules and is the kind of person they would want serving them in public office.

I do believe that is what the Hagel amendment offers. It offers to shape and control and disclose in the kind of legitimate and responsible way that all of us should expect, and that is important to the credibility of the political process.

It is tragic today when politicians malign politicians and suggest that there is corruption and evil in the system. Not all of us are perfect, but about 99 percent of us try to play by the rules. We are judged by those rules. For any one of us to stand in this Chamber and suggest that the system is corrupt and therefore, if we are in it, we are also corrupt or corruptible is a phenomenal stretch of anyone's imagination and should not happen. It is too bad it does happen. Only on the margin has it happened in the past. Usually those individuals who fail to play by the rules ultimately get destroyed by those rules.

What we are trying to do is to adjust those rules in a right and responsible fashion that brings clarity to the process, that reflects the fact that you cannot run a 2002 campaign in 1974 dollars or cents, for that matter. You cannot reach back well over a quarter of a century and expect that you can find the goods and services that you once purchased back then as something you will employ now in the political process.

So when the Senator from Connecticut gets so excited about the money that is in politics, why don't we be more concerned about directing it and clarifying it instead of trying to step back a quarter of a century to buy the goods and services that he bought then and that I bought then for the political process that have gone up by at least 25 or 30 percent in the interim?

Let me talk for a few moments on disclosure. Without question, disclosure is critical. The public clearly deserves to know and we have the tools and the technology today to disclose almost on a daily basis, certainly within a weekly process. Everyone should have their Web page and be up on the Internet and allow the world to know where their money is coming from and who is giving it. What is wrong with that? Nothing is wrong with that. And we should all be held accountable for it. The soft money issue—well, I think my colleague from Louisiana painted it very clearly: Disarm the political party, but let the open and uninhibited speech on the outside go unfettered. We can't touch that. The Constitution has said so. And we should not touch it.

What is wrong with a full, open, and robust political process? Nothing is wrong with that. That is how we make choices in this country, how we decide who will represent us in a representative republic. That is the way our system works. Those are the kinds of judgment calls the public ought to be allowed to make, and the Hagel amendment, in a very clear, clean, and appropriate fashion, makes those kinds of determinations.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. WELLSTONE. I say to Senator DODD that I believe he gave one of the best speeches I have ever heard on the floor on this question.

I have two colleagues on the other side whom I like very much. I think Senator HAGEL commands widespread respect, as does Senator CRAIG. I want to pick up, so I don't go with some rehearsed remarks, with what Senator CRAIG said. He talked about he didn't understand what the Senator from Connecticut was saying because we have this open and full process. That is on what we really ought to be focusing.

The fact of the matter is, that is the issue, I say to my colleague from Idaho. The vast majority of the people in the country don't believe this is an open and full process. Too many people in the country believe if you pay, you play; if you don't pay, you don't play. Too many people believe that their concerns for themselves and their families and their communities are of little concern to Senators and Members of the House of Representatives because they don't have the big bucks and because they are not the big players or the heavy hitters. That is exactly the point.

When we talk about corruption, I want to say again that I don't know of any individual wrongdoing by any Senator of either party. I hope it doesn't happen. But I do think we have systemic corruption, which is far more serious. That is when you have a huge imbalance between too few people with too much wealth, power, and say, and the vast majority of people who feel left out. If you believe the standard of representative democracy is that each person should count as one, and no more than one, we have moved dangerously far away from that. I think that is what my colleague from Connecticut was saying.

It is within this context that I have to say to my good friend from Nebraska that I do not believe the American people will believe this is a reform amendment if they should see a headline saying "U.S. Senate Votes to Put More Big Money into American Politics."

We now have, with the Hagel proposal, a huge loophole, unlimited soft money that now goes directly into State parties, and in addition we are talking about going from $1,000 to $3,000 and $2,000 to $6,000, when it comes to individual contributions.

Again, I was so pleased to hear my colleague from Connecticut say that when one-quarter of 1 percent of the population contributes $200 or more and one-ninth of 1 percent contributes $1,000 or more, why do we believe it is a reform to put yet more big money into politics and to have all of us more dependent upon these big givers, heavy hitters, or what some people call the "fat cats" in the United States? It doesn't strike me that this represents reform. I think it really represents more deform. And I am not trying to be caustic, but I just think this proposal on the floor of the Senate now is a great step backward. I hope my colleagues will vote against it.

Finally, I realize that with the proposal of my good friend from Nebraska, one individual would be authorized—if you are ready for this—to give a total of $270,000 in hard and soft money to a national party in an election cycle—$270,000? People in the Town Talk Cafe in Willmar, MN, scratch their heads and say: That is not us. We can't contribute $270,000 to a party in one cycle. We can't contribute $1,000, going to $3,000, or $3,000 going to $6,000. This is not reform. We want you to pass McCain-Feingold with strong amendments, which will be a bill that represents a step forward.

This proposal of my friend from Nebraska is not a step forward. It is a great leap, not even sideways but backward. I hope Senators will vote against it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I yield 5 minutes to my friend, the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I think everybody knows I would prefer not to have restrictions on soft money contributions to parties. The reason for that is I would like for the parties to be able to defend candidates and compete with these outside groups, that I confidently predict are not going to be restricted by anything we do here in this debate under the first amendment to the Constitution.

But legislating is always a matter of compromise. It seems to me the Hagel proposal casts a middle ground between people such as I who would not restrict the parties' ability to compete with outside groups, and people such as the Senator from Arizona and the Senator from Wisconsin who would take away 40 percent of the budget of the RNC and the DNC and 35 percent of the budget of the two senatorial committees—a middle ground. We have the prohibitionists on one side who want to completely gut the parties, and those such as I who would like to see the parties continue to have an unfettered opportunity to compete with outside groups. What Senators HAGEL and BREAUX have done is try to strike a middle ground.

In addition, they deal with what I think is the single biggest problem in politics, the hard money contribution set back in 1974 when a Mustang cost $2,700. Let's look at campaign inflation, which has been much greater than the CPI for almost everything else. For a 50-question poll, over the last 26 years, the cost has increased 150 percent. The cost of producing a 30-second commercial, over the last 26 years, has increased 600 percent. The cost of a first-class stamp, over the last 26 years, has increased 240 percent. The cost of airing a TV ad, per 1,000 homes, over the last 26 years has increased 500 percent. Meanwhile, the number of voters candidates have to reach—which is the way they charge for TV time—has gone up 42 percent over the last 26 years.

Back in 1974, when this bill was originally passed, the Federal Election Campaign Act, we had 141 million Americans in the voting age population. In 1998, it was 200 million in the voting age population. An individual's $1,000 contribution back in 1980 to a $1.1 million campaign represented only .085 percent of the total. That was the average cost of a campaign in those days. If the contribution limits had been tripled for the last election to adjust for inflation since 1974, an individual's $3,000, which would have been allowed had we allowed indexation initially, to the average $7 million campaign would have been only .04 percent of the total—less as a percentage of the campaign than it was 26 years ago. There is no corruption in that.

In addition to that, raising the contribution limits on hard money gives challengers a chance. They typically don't have as many friends and supporters as we do. To compete, they have to pool resources from a much smaller number of people. One of the big winners, if we indexed the hard money limit, would be challengers. The contribution limits date to a time of 50-cents-a-gallon gasoline and 25-cent McDonald's hamburgers.

This is absurd. That is the single biggest problem we need to deal with. Michael Malbon, one of the professors active in this field, said:

> We expected thousand-dollar contributors to include many lobbyists who would favor incumbents. That is not what we found. In Senate races in 1996 and 2000, 70 percent of the thousand-dollar contributions went to non-incumbents.

With regard to constitutionality, let me say again that I am not wild about limiting the party's ability to speak while allowing outside special interest groups to use large, unregulated, undisclosed contributions.

There is a legitimate constitutional question as to whether the courts will uphold the restrictions on the ability of political parties to engage in free speech.

The all-or-nothing debate over banning soft money has grown a bit tired and stale for many in the Senate—and, I would guess, many in the press who have had the misfortune of covering this issue for the past several years.

Senator HAGEL and Senator BREAUX along with their cosponsors have sought a middle ground that leaves neither side particularly happy—which leads me to believe that they have probably gotten it about right.

Those like myself who want to see our great political parties prosper and compete with unregulated outside special interest groups prefer no additional restrictions on soft money.

Those, like my colleague from Arizona or my colleague from Wisconsin, who want to take away 30 to 40 percent of the budgets of the great political parties by banning all non-Federal money are adamant that it must be their way or no way. A total ban on party soft money is their starting point in the negotiation and, unfortunately, their ending point.

I say to my friend from Nebraska, he has probably hit it about right. He is somewhere in the middle between me and my colleague from Arizona, JOHN MCCAIN.

I commend the cosponsors of Hagel-Breaux for their thoughtful effort to find a third way, a middle ground between those who want a total ban—the prohibitionists, you might call them—and those who want unfettered speech by America's political parties.

I want to briefly touch on two points in discussing the bipartisan Hagel-Breaux compromise. First, I want to talk about the dire need to increase the hard money limits, and, then I will offer my thoughts as to why the Hagel-Breaux compromise is more likely to be upheld as constitutional than McCain-Feingold.

I must state again that I am not wild about limiting the parties' ability to speak while allowing the outside special interest groups to use large, unregulated, undisclosed contributions to drown out the voices of parties and candidates.

There is a legitimate constitutional question as to whether the courts will uphold restrictions on the ability of political parties to engage in issue speech.

Ultimately, however, I believe that Hagel-Breaux is far more likely to be upheld than McCain-Feingold.

First, and most importantly, McCain-Feingold completely bans party soft money from corporations and unions. The Hagel-Breaux compromise, however, only places a cap on party soft money from unions and corporations, thus leaving unions and corporations with a meaningful avenue for supporting America's political parties.

There is a significant qualitative and constitutional difference between a ban and a cap. For example, the Supreme Court in Buckley upheld a contribution cap in the 1974 law. The legacy of Buckley is reasonable caps, not bans. A cap sets limits on the right to speak. A ban completely forecloses the right to speak. I would argue that we should have neither. But, if you have to choose one, then the lesser restriction has a far greater chance of being upheld under first amendment analysis.

In short, there is clearly a constitutional difference between a reasonable cap and a total ban. It is the difference between prohibition and moderation. I submit to my colleagues that corporations and unions participating in American politics and supporting our great parties is a virtue, not a vice. It may be wise—as Senators HAGEL and BREAUX suggest—to moderate that influence, but it is certainly unwise to prohibit it.

Let me touch on one other point—a myth, really. We have heard some in the Senate argue that corporations and unions have been banned from politics for the better part of the 20th century. No myth could be more pervasive or more untrue. Corporations and unions have never been banned from participating in politics in America. Anyone who knows the history of labor unions will tell you that the unions have been and continue to be one of the most significant players in American politics. Regardless of what you think of the labor unions, what they are doing today with non-Federal money is not illegal activity. I hear speaker after speaker on the other side get up and directly imply that labor unions are somehow doing something illegal by participating in politics. I may disagree with the unions on some of their issues, but I will firmly and proudly defend their right to participate in politics. The often-repeated and implicit statement that big labor is engaging in illegal activity by participating in politics is just plain wrong, and, that implicit and pervasive allegation should stop.

There is absolutely nothing in the Tillman Act or the Taft-Hartley Act that prohibits corporations and unions from giving to political parties. This is a gross misstatement and misreading of the plain language of well-established law.

Of course, the Hagel-Breaux compromise—unlike McCain-Feingold—seeks a constitutional middle ground on regulating outside groups by requiring that files on ad buys be available for public inspection. This increases accountability without requiring donor disclosure and membership lists of outside groups who dare to speak out on public issues in proximity to elections. The McCain-Feingold, Snowe-Jeffords approach has been struck down as recently as last year by the Second Circuit Court of Appeals. I commend my colleagues for recognizing the boundaries of the first amendment's guarantee of free speech and free association.

Finally, unlike McCain-Feingold, Hagel-Breaux recognizes that there is not only a first amendment, there is a tenth amendment. The tenth amendment limits the Federal Government's powers to mandate and dictate to States. McCain-Feingold tramples the tenth amendment almost as vigorously as it does the first amendment.

For example, McCain-Feingold would tell State and local parties that they must follow Federal law and Federal contribution and expenditure limits for a whole host of activities in years where there happens to be a Federal candidate on the State or local ballot.

Let me give you an example: Under McCain-Feingold, if the Sioux City Republican Party decided next year that it wanted to register voters in the final 4 months before election day to increase turnout for the Sioux City sheriff's race, then it would have to pay for the voter registration with money raised under strict Federal contribution limits. The same would be true if the local party in Sioux City wanted to print up buttons and bumper stickers that said "Vote Republican" to increase turnout for the local jailer's race. The Sioux City Republicans would have to operate under Federal law on contribution limits.

Hagel-Breaux, on the other hand, avoids understanding the varied and diverse role of political parties at the national, State and local level and avoids such massive, overbearing, and unwise Federal regulation.

Finally, the Hagel-Breaux compromise provides a rational justification for its limits. The Hagel-Breaux compromise takes the exact contribution limits upheld by the Supreme Court in Buckley and adjusts those limits for a quarter-century of inflation. I believe there is a good chance that the courts would view that sensible rationale as reasonable and constitutional.

In closing, let me say that I am not wild about this legislation, but I think it seeks and finds a middle ground, a third way for Senators on both sides of the aisle to come together and move forward in the spirit of bipartisan compromise. I commend my colleague from Nebraska and my colleague from Louisiana for their willingness to step into the breach.

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my good friend from Connecticut. Let us start with a few basic truths. We are supposed to have limits. They have been completely evaded, destroyed by the soft money loophole. The current law says no individual is supposed to give more than $1,000, or give more than $25,000 in a year totally, and because of the soft money loophole, there are no limits. That is a given. The question is whether or not we want to close the soft money loophole.

It seems to me, unless we close this soft money loophole, we are going to destroy public confidence in the election process in this country, and the cynicism which exists and the impact and effect of large money on politics is simply going to grow.

How do we close the soft money loophole? In McCain-Feingold we close it. We simply end the soft money loophole, not just for national parties, but also to make sure that Federal officials and officeholders and candidates do not raise money for State parties in a way to avoid our new prohibition. That is missing from the Hagel amendment.

We have to be clear on that critical point because we have seen charts which say: Look, we are going to reduce the amount of soft money in the campaigns because we are going to put a cap on the amount of soft money. Putting aside the fact that this goes exactly opposite the principles in McCain-Feingold and putting aside the fact that Hagel then would enshrine soft money into our national law, it also means that unless you close the possibility and end the possibility of Federal candidates, Federal officeholders, and national parties just simply raising money for State parties in Federal elections, you leave the loophole open.

What the Hagel amendment does is shift the loophole. It does not close it. It continues to allow Federal officeholders, Federal candidates, and national parties to raise the money for State campaigns and State parties that will in turn continue to use that money in attack ads and in so-called sham issue ads. It does not close the soft money loophole, it shifts the soft money loophole.

That is simply not good enough. That is not campaign finance reform. That is sham reform.

The other thing it does, relative to hard money limits, is it raises the hard money limits to $75,000 per year per individual which means that a couple can give in a cycle of 2 years $300,000 in hard money contributions. That is not reform. That simply says that big money, big bucks, and big contributions will continue to be solicited by those of us who are in office, those of us who seek office, and those of us who are in the national parties. That means that the role of big money in these campaigns is going to continue.

I close by quoting something the Supreme Court said in the Missouri case, in the Shrink Missouri Government PAC case a year or two ago. This is what the Supreme Court said about the appearance of impropriety, the appearance of corruption created by big contributions:

> While neither law nor morals equate all political contributions, without more, with bribes, we spoke in Buckley of the perception of corruption "inherent in a regime of large individual financial contributions" to candidates for public office as a source of concern "almost equal" to quid pro quo improbity. The public interest in countering that perception was, indeed, the entire answer to

the overbreadth claim raised in the Buckley case. This made perfect sense. Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works "only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption."

I thank the Chair, and I thank my good friend from Connecticut.

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, in 1971 when the Senate last visited this issue in earnest, it did so with every belief that the legislation that would be produced would end abuses of our Federal electoral system. It helped for a time until loopholes came to light and new abuses surfaced.

In every series of actions on this issue, there have been unintended and unexpected consequences. I want to talk about one of those consequences, and that is the effect that the current Federal campaign finance law has had on American politics.

It has converted American politics by requiring and facilitating a fundamental alteration in the conduct of campaigns. It takes candidates into the shadows—the closeted shadows—of an office dialing for big dollars and the flickering shadows of a television studio spending those big dollars on self-serving or, more frequently, attack ads disparaging the opponent.

What is given up by going into the shadows? What is given up is the public's open participation in the critical purposes of a political campaign. Let me suggest three of those purposes.

First, a purpose of a political campaign is mutual education. Both the voter and the candidate should conclude the campaign with a better understanding of each other. I cite as an example of that mutual education a former colleague and very close personal friend, Senator and then-Governor Lawton Chiles of my State of Florida.

In 1970, he commenced a campaign for the U.S. Senate as the most distinct long shot in a large field of candidates. He had no money. He had almost no statewide name recognition. He had no organization. But what he did have was a powerful desire and an idea. His idea was that he was going to take 3 or 4 months in the middle of the campaign, not to dial for dollars or to make TV spots, but to get to know the people of Florida in a very intimate way. He did it by walking almost 1,000 miles from the northwest corner of the State to the Florida Keys.

In the course of that walk, Lawton Chiles became a different human being. He had learned from the people of Florida, and then they responded to what he had done by electing him, and he in turn responded by 18 years of outstanding service in the Senate.

That is eliminated as people rush to the shadows to both dial and then produce TV ads.

A second purpose of a political campaign is to establish a contract between the candidate and the voters as to what is expected once elected.

I suggest this contract is especially important in our form of government. We do not have a parliamentary government where, when the people believe that the party elected has drifted away from its commitment, they can overturn that government and install a new government. We are all elected for a fixed term, so it is important that as that term commences and in the process of the development of the relationship between citizen and candidate, there is a clear understanding of what that candidate is going to do if he or she is elected.

That contract development is largely abrogated by the process of focusing the campaign exclusively on raising money in order to support 30-second television ads.

Finally, a purpose of a political campaign is to test the aptitudes, the character of the candidate should he or she be elected. I believe one of the most telling statements of what kind of a person one would be in office is how they conduct themselves as a candidate. Do they make quality decisions in public, under pressure? Do they exercise self-discipline? The kind of people they surround themselves with in the campaign will be a telling commentary on the kind of people they are likely to surround themselves with in office.

Again, what do we learn about the character and aptitude of a candidate if all we see is their own self-financed and self-produced TV ads? The public is telling us of its disgust with the move of the campaigns from the sunshine to the shadow. The American voters are shouting, particularly young voters. How are they shouting? They are shouting by their nonparticipation. Ever since the Constitution was amended to allow 18-year-olds to vote, the message of those 18-year-old voters has gone down at every Presidential election. If that is not telling us what the newest generation of American citizens has to say about the current process, we are deaf.

The Hagel amendment would increase the torrent of money into politics. It would increase the time and effort spent on raising and spending money on television ads. It would accelerate the slide of public involvement and interaction in a political campaign. We need to reject this amendment and adopt the legislation offered by Senators McCAIN and FEINGOLD.

Mr. ALLARD. Mr. President, I should offer an amendment that says: on page 3, between line 27 and line 28, insert the following: 30 days after enactment of this Act, the starboard deck chairs of the R.M.S. *Titanic* shall be moved to the port side, and vice versa.

Because if we step back and examine the campaign finance issue, I believe that in the end all this legislation affecting details of the campaign finance system is doing just that rearranging deck chairs on the *Titanic*. If I can just stretch this metaphor a bit farther, the iceberg looming out there in front of us is not soft money, or disclosure requirement, or compulsory union dues, but rather the simple fact that our federal government is so bloated and intrusive that Americans are desperate to find ways to affect it's actions.

I believe the absolute best ways to ensure there are no undue special interest influence is to suppress and reduce the size of government. If the government rids itself of special interest funding and corporate subsidies, then there would be less of a perception of any attempts to buy influence through donations. A simplified tax code, state regulation flexibility, free markets, local education control—these are less government approaches to problems that would also lower the desperate need for influence.

I am not alone in that belief. The Colorado Springs Gazette ran an editorial on Thursday, March 22 saying that "The best way, and the constitutional way, to limit campaign contributions is to reduce government itself, and thus the need interests have to manipulate government to their advantage."

That editorial is proof that perhaps those outside the beltway see the forest instead of all the individual trees we keep getting caught up by here on the Senate floor. They know that all we are doing is addressing symptomatic, not causal, problems.

There are two reasons why McCain-Feingold is ineffective. One of those reasons is the United States Supreme Court, and I will address that later. The other reason speaks to the futility of these alleged reforms—these various deck chair amendments. That reason is human nature. Even if we could constitutionally ban soft money, human nature dictates that people whose interest, both financial and otherwise, are constantly and severely being abused or threatened by our 1.9 trillion in federal spending will continue to seek to influence the government, some out of just basic self defense.

In the Eighties the complaint was against the PACs. In the Nineties and now, the complaint is against soft money. Even if there was a constitutional soft money ban, there will be something else later. What needs to be done is to address the problem, not try and hide the effect of the problem. But, since we are here, moving our chairs around, I must say that I favor certain chair arrangements. And so do my constituents.

Then Denver Rocky Mountain News, for instance, ran an editorial during the last Congress in response to the passage of the Shays/Meehan bill, expressing the paper's belief that soft money campaign contributions are a form of political expression and, as such, are protected by the First Amendment.

In the editorial they use an example of an average citizen who might decide to distribute leaflets against a city pot hole problem. If this hypothetical citizen is stopped from doing so by a city council, it would be a clear-cut violation of freedom of speech. The editorial then goes on, correctly, to explain that the difference between this simple form of election activity control and the kinds contained in McCain-Feingold is merely a difference of degrees, not type. Donors who want to give to the Republican National Committee or the Democrat National Committee are expressing their political views. As the Supreme Court has ruled, political spending equals political expression. Attempting to completely ban this political expression, however distasteful some might find soft money, is an attempt to stifle activities protected by the constitution. And so it is our duty as legislators to find a better way.

Let me explain also that I feel that a soft money ban is biased. It might just be coincidental that the McCain-Feingold has 34 Democrat co-sponsors and 6 Republican ones, but it might also have something to do with the fact that a ban on party soft money will ultimately benefit Democrat candidates over Republican ones. If political parties are curbed, the Democrats already have a cohesive constituency ready and able to step up and assume party functions. Organized labor is just that—coordinated people ready to work. They are also ready to spend. I don't begrudge the Democrat National Committee this labor and funding base, but it is unbalanced and blatantly partisan to attempt to shield this type of spending—which has been done in amendment after amendment on this floor—while attacking its counterbalancing force, the areas where the Republican National Committee instead has the advantage.

I have cosponsored Senator HAGEL and LANDRIEU's legislation because it shared some aspects of what I have previously proposed for campaign finance reform. The bill calls for increased disclosure, aspects of which we have embraced here already. Sunshine is a strong disinfectant. The bill calls for an increase to campaign donor limits. Hard money is called for a reason, and so we should encourage as much campaign spending as feasible to move into that category, where the rules are tighter and more defined.

The Hagel-Landrieu legislation is one of the best deck chair arrangements before us. I urge its passage.

Mr. WARNER. Mr. President, today I rise in support of the Hagel amendment to the McCain-Feingold campaign finance reform bill. This legislation is similar to legislation that I introduced in each of the last two Congresses, "The Constitutional and Effective Reform of Campaigns Act," or "CERCA." My bill has proven to be a good faith effort to strike middle ground in this important debate and offered an alternative to the bills that have been debated before the full Senate in the past. The principal points in my bill were enhanced disclosure, increased contribution limits, a cap on soft money and paycheck protection. Senator HAGEL's amendment does much the same thing.

As Chairman of the Rules Committee during the 105th Congress, I had the honor of presiding over at least twelve hearings on campaign finance reform. My legislation was a result of these two years of hearings, discussions with numerous experts and colleagues, and the result of over two decades of participating in campaigns and campaign finance debates.

It is well documented the growth of soft money in recent years is an issue of public concern. The $60,000 soft money cap found in the Hagel amendment addresses the public's legitimate concern over the propriety of large soft money donations while allowing the political parties sufficient funds to maintain their headquarters and conduct their grassroots effort.

In addition to the issue of soft money, there is the issue of raising the hard money caps. Politicians spend too much time fundraising at the expense of their legislative duties for incumbents, and, for both incumbents and challengers, at the expense of debating the issues with voters. The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation for over 20 years. This situation requires candidates to spend more and more time seeking more and more donors. The Hagel amendment triples the individual contribution limits to $3,000 and indexes that limit for inflation. My campaign finance legislation contained the exact same provision.

These are issues that I believe can be solved in a bipartisan fashion. I look forward to working with my colleagues to enact meaningful campaign finance reform, and I encourage my colleagues to support the Hagel amendment as a mechanism to reach bipartisan consensus on campaign finance reform.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, please notify me when I have used 5 minutes of the remaining time.

Mr. President, as I have listened this morning and throughout the days of last week about the dynamics of campaign finance reform, I believe it is well summarized in a piece that appeared in the New York Times on Sunday. I will read part of that piece because it does strike to the essence of real reform of campaign finance.

Joel Gora, general counsel to the New York Civil Liberties Union, and Peter Wallison, a fellow at the American Enterprise Institute, wrote this thoughtful op-ed in last Sunday's New York Times. This is some of what they had to say:

> Despite all the noise [about campaign finance reform] soft money is not the monster it's made out to be. By definition, it consists solely of contributions to political parties for such things as party building, getting out the vote and issue advertising; it cannot be used for direct support of candidates. . . . But eliminating soft money contributions to parties sacrifices other values that we believe are fundamental to our democratic system. . . .
>
> Political parties are groups with broader interests, more intertwined with the electoral process. . . . Banning soft money denies parties the rights that we would not think of denying to other organizations. . . .
>
> The National Abortion Rights Action League can attack the Republican Party with money it raises from any source and in any amount; the National Rifle Association can attack the Democratic party with the same unlimited resources; however, if soft money is eliminated, neither political party will have the resources to counter these attacks. . . .
>
> There is also the free-speech guarantee of the First Amendment. Can there be any doubt that the core of the Constitution's protection of free speech and a free press is to inform the electorate? . . .
>
> The McCain-Feingold bill goes beyond even limiting contributions. It actually prohibits speech. . . .
>
> There are no real winners in this situation, but there are real losers—the voting public.

And so said the New York general counsel to the New York Civil Liberties Union.

I think Mr. Gora said it well.

In these final minutes of debate, I go back to the basics that brought us here. We are here to reform our campaign finance system. My friends from Arizona and Wisconsin have offered one alternative. I believe it is the wrong approach. Their intentions are good, but the unintended consequences of their legislation would weaken our political system at the point where it should be the strongest. The McCain-Feingold bill would not open the process to more people; it would restrict the process to those who can afford to play outside the process.

What do we gain by weakening the vital dynamic institutions of the political process, the political parties, the one group of institutions that is accountable to the American public and the only institution that will help a challenger take on an incumbent?

We have heard an awful lot in this body in the last few days about incumbent protection, a lot of incumbent protection debate and amendments passed to protect our jobs.

My bipartisan colleague and I have offered an alternative. It is real reform. It will change our campaign finance system. It will make it better, more accountable, more responsible.

Our amendment provides more disclosure. It limits soft money. It increases the ability of individuals to participate by increasing the outdated 1974 limits on soft money. My goodness, where were all my colleagues in 1974 when this terrible corrosive corrupting factor of $1,000 was out there? I went back and read that debate. I was in Washington in 1974. There were Members of this body today who voted for that. Not a peep was made in 1974 about any corrupting influence. This is the same dollar amount. So how is that bad or how is that some way more corrupt?

We face serious questions today. Are we going to reform our campaign finance system? I think we can. I encourage my colleagues to vote for this amendment that amends the McCain-Feingold bill.

Mr. DODD. Parliamentary inquiry: The opponents have 8 minutes remaining?

The PRESIDING OFFICER. Your side has 8 minutes remaining.

Mr. DODD. I yield 3 minutes to the Senator from Rhode Island. I believe Senator THOMPSON of Tennessee would like to be heard and we will close with 3 minutes from the Senator from Arizona, just to inform my colleagues of the remaining allocation.

Mr. REED. Mr. President, I rise in opposition to the Hagel amendment. I respect Senator HAGEL immensely and compliment him for his efforts, but I think it is the wrong direction for campaign finance reform. The core of our debate about campaign finance reform is to restore the confidence of the American people in our political system—to make them believe, as we hope they once did, that their vote is the most significant aspect of a Federal election. Today I fear they believe their vote is less important than the contributions of special interests or economic elites.

The Hagel amendment would amplify significantly the bankrolling of economic elites in elections by raising the limits on contributions that these individuals can make.

I think it is very important to point out today the limits on contributions are only reached by approximately one-ninth of 1 percent of our country's citizens. This infinitesimal fraction of individuals are donating significant amounts of money to political campaigns. This does not represent, as a result, this effort to raise the limits, an attempt to reach out to the broad spectrum of American voters. It would, in fact, increase and enhance the role of a very small minority of America.

That is not the direction we should take for campaign finance reform. We should not increase the amount of dollars going to the system. We should create a system in which people again believe their vote, rather than any contribution by a special interest or a wealthy American, is the most important part of our system.

The other aspect of the Hagel amendment which is troubling is the institutional savings of soft money. His proposal allows wealthy individuals to donate $60,000 per calendar year to a political party, congressional campaign committee of a national party and others. This institutionalization once again exacerbates the role of money in campaigns and once again focuses away from the individual voter to the very wealthy contributor.

I think it is the wrong direction to take. As I said, the perception of our constituents is that this system is not working for them.

I yield the floor.

Mr. DODD. I yield 2 minutes to my colleague from Wisconsin.

Mr. FEINGOLD. I focus for a moment on the State party loophole and address the new provisions of the Hagel amendment concerning party soft money. I also want to respond to the argument that the new provisions of the Hagel bill are necessary because the McCain-Feingold bill will starve the parties or will, in their minds, federalize State elections. These charges are just untrue.

I talked yesterday about the Hagel amendment legitimizing and sanctioning the soft money system. I was referring primarily to the $60,000 cap on corporate, labor, and individual soft money contributions. The same can be said about the State soft money loophole, and even more so after the changes Senator HAGEL made in his amendment before he offered it yesterday. The amendment codifies the FEC's allocation rules used for soft money expenditures by the State party. The FEC currently requires expenditures on certain activities including get-out-the-vote and voter registration efforts to be paid for with a combination of hard and soft money. What the Hagel amendment does is write these allocation formulas into law. It takes the soft money system started in the States and makes it permanent.

We support the kinds of activities for which soft money now pays. It is not that we think get-out-the-vote or voter registration activities are somehow corrupt. Quite the contrary, we believe these activities are extremely important to the health of our democracy. But the approach of the McCain-Feingold bill is to get more hard money to the States, not to allow soft money to live on.

Senator McCAIN and I strongly support vital political parties at both the State and national level. What we don't support is using unlimited soft money from corporations, unions, and wealthy individuals to elect Federal candidates.

The McCain-Feingold bill doubles the amount of hard money an individual can give in hard money to state and local parties—to $10,000 per year, or $20,000 per cycle. That is a little-noted provision in our bill. To hear the Senator from Nebraska tell it, you would think that we were looking to severely restrict party activity in the States. Far from it.

All our bill says is that when a State party is spending money on Federal elections, it has to be hard money. That includes voter registration activities within 120 days before a Federal election. We all know that voter registration in States helps Federal candidates. Likewise, get out the vote activity and generic campaign activity—like general party advertising—when Federal candidates are on the ballot. Those kind of activities, regardless of how laudable they are and how much we want to encourage them, assist Federal candidates in their election campaigns. So we believe they must be paid for with Federal money. Obviously, so should public communications that refer to a clearly identified federal candidate and support or oppose a candidate for that office.

Does that mean that we are trying to weaken the parties? Not at all. We simply ensure that soft money raised by the states cannot be spent on federal elections. As I have said, to leave that State soft money loophole wide open cannot be considered reform. And at this point I would remind my colleagues that both parties consistently raise more hard money than soft money. It is not true that if you can't spent soft money on an activity, that activity won't take place. The parties raised more than $700 million in hard money in the 2000 cycle. The idea that we are somehow shutting down State party activities because they must now use hard money for certain activities—those connected to Federal elections—is simply untrue.

My colleagues might recall that the parties did just fine without a significant amount of soft money for many years. In the 1984 election cycle, soft money accounted for roughly 5 percent of the total receipts for the political parties, and voter turnout in the 84 elections was 53 percent. In the 2000 cycle, soft money accounted for 40 percent of the parties' receipts, and voter turnout was 51 percent. Soft money does not get out the vote any better than hard money. Soft money doesn't provide some kind of magic bullet that States need to conduct get out the vote activities, or other activities surrounding Federal elections. The States just need adequate funds to conduct those activities, and McCain-Feingold makes sure that they have the money—we double the amount of hard money an individual can give to a state party and increase the aggregate annual limit a commensurate amount.

We want to help state parties stay a vibrant part of our politics. And there are plenty of activities where States can spend whatever soft money they might raise through their State party. We don't attempt to exert any control over what a State party spends on election activities that are purely directed at State elections. But we do say—a million dollar contribution to the party from Philip Morris, or the AFL–CIO, or Roger Tamraz, or Denise Rich has the appearance of corruption, whether the money is used for phony issue ads attacking candidates, or voter registration.

Mr. DODD. Senator THOMPSON of Tennessee was going to try to get to the floor but is unavoidably detained. He would oppose the Hagel amendment on constitutional grounds.

Mr. President, what time remains now?

The PRESIDING OFFICER. Two minutes 50 seconds.

Mr. DODD. The remaining time I yield to my colleague from Arizona, the author of the McCain-Feingold bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the hard work and sincere conviction that my friend—my dear friend and comrade—the Senator from Nebraska has invested in his amendment. I would, as always, prefer to be on the same side of the fight with him, as we have been so many times in the past, and as we will be again. He is a man of honor and a patriot. I admire him and consider his friendship to be a treasure of inestimable value to me. And whatever faults I might have as a human being and as a legislator, I hope it could never be fairly said of me that I was ungrateful to men and women of character who have honored me with their friendship.

I should also acknowledge that there are provisions of Senator HAGEL's amendment that I could support, or that, at least, could provide the basis for bipartisan negotiations. The Senator's broadcast provision, for instance, merits support. And I believe there are ways that Democrats and Republicans could come together to address Senator HAGEL's central concern about making sure that our legislation does not weaken the two political parties even more than, what I believe, is the case today.

But recognizing both the Senator's hard work and sincere concern, I must oppose this amendment. I must oppose it because it preserves, indeed, it sanctions the soft money loophole that has made a mockery of current campaign finance law, and which has led directly to the many, outrageous campaign finance scandals of recent years that have so badly damaged the public's respect for their government, and for those of us who are responsible for protecting the public trust.

As I said in my opening statement, I believe it is self-evident that contributions from a single source that run to the hundreds of thousands of dollars are not healthy to a democracy. And I believe that conviction is broadly shared by the people whose interests we have sworn an oath to defend. My friend's amendment would allow this terribly damaging flaw in our current system to remain. It would, in fact, sanction it.

Thus I cannot support it. Even if every other provision of our bill were to be struck down by the opponents of campaign finance reform, along with all the good work done by both sides last week in reaching compromises on related issues, even if it were all to fall, a ban on soft money—the huge unregulated six and seven figure checks that come from corporations and unions, from Democrats and Republicans, from Denise Rich and Roger Tamraz—a ban on soft money, while not perfect reform, or comprehensive reform would still be good service by this body toward alleviating the appearance of corruption that afflicts our work here.

A cap of $120,000 per individual per campaign, along with absolutely no limits on soft money used by state parties for the benefit of candidates for federal office, will do little to address this problem. In fact, and I say this with the greatest respect and affection for my friend, it will do nothing but give this much abused system the Senate's stamp of approval.

Mr. President, at the end of debate, I will move to table the Hagel amendment, and I urge all my colleagues to join me in opposing it.

Mr. McCONNELL. Am I correct that at the end of my 5 minutes we go to the vote?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, over the last few days many of my colleagues, both Republicans and Democrats, including many of my cosponsors, have expressed a desire to vote on each of the three main issues in our amendment to McCain-Feingold. I note that my dear friend JOHN McCAIN mentioned that there might be some areas in my bill, which now is in the form of an amendment to McCain-Feingold, where we could find some agreement. The senior Senator from Arizona mentioned specifically that the disclosure part of my bill might be something on which we could find some common ground.

Therefore, in order to allow my colleagues to vote on all three of the main issues of my amendment, I demand a division of my amendment into three parts by subtitle.

The PRESIDING OFFICER. The Senator has that right. The amendment is so divided.

Mr. DODD. Parliamentary inquiry, Mr. President: What was the request?

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. McCONNELL. I am happy to yield for a parliamentary inquiry.

Mr. DODD. What was the request of the Senator from Nebraska?

The PRESIDING OFFICER. The Senator demanded a division of his amendment into three parts, and it has been so divided.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky has the floor and controls the time.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, what the Senator from Nebraska has provided us is an opportunity to have three votes on the three component parts of his amendment. That is allowed under the rules of the Senate. It gives us an opportunity to deal with the core issues the Senator from Nebraska has laid out here: The increase in hard money, increased disclosure, and the soft money cap. It is my understanding that when I yield back my time, we will go to the vote on those three amendments. I therefore yield back my time.

Mr. DODD. Mr. President, may I make a further parliamentary inquiry? I ask unanimous consent I be allowed to address the Chamber for 1 additional minute.

Mr. McCONNELL. Reserving the right to object, let me just say all this provides is an opportunity for three separate votes, as the Senator from Nebraska has pointed out: On the hard money contribution limit, increased disclosure, and the soft money provisions.

Mr. DODD. I appreciate that. All I want to inquire is: There was a unanimous consent agreement entered into for the consideration of this bill, with no second-degree amendments, no intervening motions. Is it the understanding of the Senator from Connecticut, then, that that unanimous consent agreement entered into for the consideration of this bill did not include a motion to divide? That is the first question.

The PRESIDING OFFICER. Division is not a motion; it is a right of any Senator.

Mr. DODD. Second, are motions to table in order?

The PRESIDING OFFICER. The first division will be open to a motion to table, followed by the second division, followed by the third division.

Mr. DODD. I thank the Chair and thank my colleague.

Mr. McCONNELL. Mr. President, I ask for the regular order.

Mr. REID. If the Senator will yield for another parliamentary inquiry, and that would be simply——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. MCCONNELL. I believe the time has basically run out. I think the Chair has explained there would be three votes, each subject to a tabling motion should the Senator from Nevada——

Mr. REID. Mine has to do with scheduling, if the Senator will yield for that.

Mr. MCCONNELL. I yield for that sole purpose.

Mr. REID. We have our party conferences at 12:30. If we have three votes, that will not work. I am wondering what the Senator's idea is.

Mr. MCCONNELL. I suggest to the distinguished Democratic whip we have a 15-minute rollcall vote on the first vote and then 10 minutes on each of the next two. We should not have any problem getting to our policy luncheons.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

The senior assistant bill clerk continued the call of the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, as I said earlier, I ask unanimous consent that the time on the first vote be 15 minutes, and the two subsequent votes be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I yield to the Senator from Arizona.

Mr. MCCAIN. I move to table and ask unanimous consent that that be for all three divisions. I move to table all three.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON DIVISION I, SUBTITLE A, CONTRIBUTION LIMITS

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Rockefeller

The motion was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the third vote occur notwithstanding the 12:30 p.m. recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON DIVISION II, SUBTITLE B, INCREASED DISCLOSURE

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 0, nays 100, as follows:

[Rollcall Vote No. 50 Leg.]

NAYS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The motion was rejected.

CHANGE OF VOTES

Mr. GRAHAM. Mr. President, on rollcall No. 50, I voted "aye." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, on rollcall vote No. 50, I voted "aye." It was my intention to vote "no." Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above orders.)

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Is the Senator from Kentucky correct that in order to adopt the Hagel amendment, division II, just voted on, by voice vote would require unanimous consent?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. It is adopted.

(Amendment No. 146, division II, was agreed to.)

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON DIVISION III, SUBTITLE C, SOFT MONEY OF NATIONAL PARTIES; STATE PARTY ALLOCABLE ACTIVITIES

The PRESIDING OFFICER. The question now occurs on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Thompson
Torricelli
Wellstone
Wyden

NAYS—40

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thurmond
Voinovich
Warner

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, just to notify the Chamber, the next amendment to be offered will be by Senator KERRY of Massachusetts.

I ask unanimous consent that the recess be extended until the hour of 2:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, at 1:15 p.m., the Senate recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—(continued)

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oklahoma, suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I am very pleased at the progress we have made. We have disposed of a number of amendments. I think we have had a level of debate with which Americans are pleased, as are certain Members of the Senate, by the significant participation that has taken place.

We really only have two major issues remaining. One is the issue of severability, which is, if there is a constitutional challenge to this legislation, if one part falls, whether or not all of it falls. The other is the hard money issue, with lots of negotiations and discussions going on as I speak.

It was agreed at the beginning we would spend 2 weeks on this issue, and that was my understanding. It is now my understanding that there are some Members who think perhaps we would not move to final passage. I am committed to moving to final passage.

As I have said before, it is not the 2 weeks that counts; it is the final disposition of this legislation which I think not only I but the American people deserve.

As I say, we have disposed of the major issues with the exception of two. Therefore, in regard to further consideration of the bill before the Senate, I ask unanimous consent that first-degree amendments be limited to 10 each for the proponents and opponents of the bill; that relevant second-degree amendments be in order, with 1 hour for debate per second-degree amendment; and after all amendments are offered, the bill be immediately advanced to third reading for final passage, with no intervening action or debate.

Mr. McCONNELL. Reserving the right to object, and I will object, let me say to my friend from Arizona, he knows, and we worked on it together, the consent agreement under which we took up this legislation scripted the beginning of the bill. It did not script the end.

The Senator from Arizona made very plain from the beginning he wanted this debate to end in an up-or-down vote. It may well end in an up-or-down vote, but the consent agreement did not determine that, and it would not be possible to get consent to structure the end at this time.

Let me say this to my friend from Arizona. I agree with him the only big issues left are the hard money limits and the nonseverability question. I do not think it is likely we would go beyond Thursday night, in any event.

However, Mr. President, to the unanimous consent request, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the thoughts of the Senator from Kentucky. It is hard for me to understand now, with just 2 full days, 2½ days, why we wouldn't, as is our practice around here once we have considered a lot of amendments and a lot of proposals, as we reach the end, narrow down amendments. One, then, has to wonder what the intentions are.

I don't perhaps disagree with the Senator from Kentucky about the language of the unanimous consent agreement. I believe everyone was laboring under the impression that we would reach final resolution of this issue with an up-or-down vote. There are some Senators who now question that.

So I will be back with another unanimous consent request, and if that is not agreeable, then one can only draw the conclusion that there is an objection to a final disposition of this issue and that, obviously, would be something we would have to then consider.

I want to make perfectly clear again what I said at the very beginning, and I will be glad to read the CONGRESSIONAL RECORD when the unanimous consent was entered into with this distinguished majority leader. No matter how long it takes, as long as I can maintain 51 votes, we will not move to other legislation until we dispose of this legislation. For years we were blocked. For years we were not allowed to have this process which we now all agree has been valuable and helpful. But we need to take it to a final vote. I will be back with further unanimous consent requests so that we can fully bring this issue to closure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I join in the remarks of the Senator from Arizona. I am pleased to see the distinguished majority leader on the floor, whom I have heard say on a number of occasions with regard to this process that he would not support a filibuster or an approach that would involve preventing us from getting to final passage on this bill. I appreciated those assurances, and I assume they still hold.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Let me make it clear once again, there would have been no consent agreement at all had the end been dictated by the agreement. I fully understood from the beginning that it was the desire of the Senator from Arizona to press for an up-or-down vote at the end of this debate. No one has been more aggressive than he has. Had it not been for the Senator from Arizona, we would not have been on this issue at all, at this point, which would have been my preference given the fact we have an energy crisis in the country, we have a stock market that is in trouble, and I, frankly, am somewhat stunned that we have spent 2 weeks on this issue.

Having said that, we have been on this issue because of the tenacity of the Senator from Arizona. The consent agreement was entered into because of the tenacity of the Senator from Arizona. But let me assure the Senate it was not just the Senator from Kentucky who would not have agreed to a consent agreement that dictated how this debate ends. So that is why I objected, not just for myself but for others.

It could well be that in the next day or so I will have a different view of that. But there are important votes yet to be cast, and I am sure we will be consulting—the Senator from Arizona and I—on the end game as we move along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator DODD has worked tirelessly with the Senator from Kentucky. He spent long hours here. I think we are arriving at a point where perhaps this evening or tomorrow sometime we can get a finite list of amendments. We have been working on that. We have a number of people on both sides who believe very strongly in their amendments and would not want to be told they are not important.

I have virtually been with my friend from Wisconsin on every vote we have taken this past 10 days. I think the leadership from Senator FEINGOLD, with his partner, the Senator from Arizona, has been exemplary. But the fact is, we have spent a lot of time on this bill. I do not expect at this time we should rush on some program to suddenly end it. As I said, there are a number of people who have submitted requests to Senator DODD about amendments that need to be offered. We expect to offer those amendments. I think we should move along as quickly as we can, and we certainly have tried to do that.

As I said, I think one way we can expedite things is to come up on both sides with a finite list of amendments and have that locked in. I hope to have that, after conferring with the leader and Senator DODD, at the earliest possible date.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just comment before I introduce an amendment and start the process of the clock.

With respect to the question of how this issue finishes, I hope the leader on the other side, and those who oppose this, will not move back from what I think was an understanding by most people who entered into that agreement that we were in fact going to have an opportunity to come to final resolution on this bill.

Obviously, if we are deprived of that, then I suspect many of us are going to try to find every opportunity the Senate presents us over the course of the next months. There is a long schedule yet ahead of us. It would be a waste of the time of the Senate and an insult to the process to somehow try to sidestep an appropriate, complete, and total resolution, having invested the time we have in the last days. I think everybody has moved in good faith in an effort to present the amendments that represent bona fide efforts to improve campaign finance. But I certainly will join with a number of other colleagues, I am confident, if there is some sidestepping procedural effort to deprive us of the appropriate voting conclusion. We will tie up the Senate, I am confident, for some period of time in an effort to try to resolve it.

AMENDMENT NO. 148

Mr. KERRY. Mr. President, I send an amendment to the desk on behalf of myself, Senator BIDEN, Senator WELLSTONE, and Senator CANTWELL. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself, Mr. BIDEN, Mr. WELLSTONE, and Ms. CANTWELL, proposes an amendment numbered 148.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. KERRY. Mr. President, this amendment is one that I think Senator BIDEN, Senator CANTWELL, Senator WELLSTONE, and I understand is not going to pass today. I hate to say that. I regret to say that. But it is a vote that we ought to have in the Senate. It is a vote that, in our judgment, represents the best of what could be achieved in the context of campaign finance reform. It is steps beyond Senator MCCAIN and Senator FEINGOLD, both of whom, I might add, have great sympathy for it notwithstanding the fact that they know, if it were to pass, you would have a very different mix in terms of what they began with as sort of a legislative agreement, if you will. I know Senator FEINGOLD is a strong supporter nevertheless.

What we are proposing is something the Senate has visited before. We have voted on this before. In fact, the Senate in 1994 passed, by a vote of 52–46, a campaign reform bill. It never got out of the Senate in 1994. This particular one fell victim to the House of Representatives and to the delay of the schedule. Nevertheless, it reflected the willingness of colleagues in the Senate to embrace a partial funding by the public, a partial match funding in order to reduce the dependency of politicians on going out and becoming supplicants in their search for funds.

This is, in effect, translating to the Senate races the same principle that has been in place and has been used, even through the current election for President of the United States, in our national elections. It is a partial funding, a match, if you will, that seeks to address the extraordinary amounts of money that are in our campaigns today.

We bring this particular amendment because this effort of campaign finance reform is not just to create a regulation on how much money you can raise in a particular request from a particular person, not just an effort to put limits on. There is a larger purpose that brings us here. That purpose is to undo the appearance of impropriety that comes with the linkage of money to the fact of getting elected, the act of getting elected. Most people in the Senate who have been here for awhile have watched colleagues sometimes squirm with discomfort because questions have been raised about those linkages.

We have had investigations, both of the Senate, of the Ethics Committee, and of outside groups, that have often been pointed at the way in which we are forced to raise money. I think most people in any honest assessment would be prepared to say when somebody sitting on a particular committee has to go out and raise money from people who have business before that committee, or when someone in the Senate has to ask for money from people who have legislative interests in front of them on which they will vote, there is almost an automatic cloud. It is not something we define for ourselves, it is something that is defined by the system itself. It is there whether we like it or not.

I do not think there is one of us in the Senate who has not been asked at one time or another: Gee, did those people who contributed to you somehow have an influence on the way you voted? For most people in the public, it is a natural connection. If people see the milk industry, or the insurance industry, or the banking industry, or the farmers, or the truckers—you could name any group. I am not being pejorative in naming any of those I named. Name any interest in America that conglomerates its money, and then look at the people who are elected, and you have an automatic connection, like it or not, of the money and the election process.

When you measure the fact that most of America does not contribute, most of America does not have the money to contribute—we have one-half of 1 percent of the people in this country who give the $1,000 donations. I think all of the soft money in this country was given by about 800 people in the last election cycle. Think of that—800 Americans out of 280 million giving tens of millions of dollars to affect the political process.

Most of the average citizens sit there and say: I can only afford $10, or maybe

I can afford $15 or $20 or $50. But they know; they sort of say to themselves: Boy, my $50 is not going to do much to alter the impact of $50,000 from some big, large interest, et cetera. They feel powerless and they turn off the system. They go away. They look at the system and they say: It doesn't represent me.

I don't know how many of my colleagues have stopped to ask, but why is it that a majority of the Senate is made up of millionaires? Are we representative of the United States of America as a group? The answer is no. But most people cannot afford to run for office, particularly for the Senate. So the question is, Do we have the guts, do we have the courage to come here and fight for real campaign finance reform that affords a more even playing field?

Is it a perfect playing field? The answer is no. We do not do that. And I understand that. But we can try to make it fair so a lot of people can get involved in the process.

Let me share with my colleagues this idea that we are submitting to the Senate today comes from a group of business leaders. This is not an idea that has been created by some sort of interest group that might arouse the normal suspicions of those who oppose campaign finance reform. This idea has been put together by a group called the Committee for Economic Development. Over 300 business leaders have endorsed this proposal. They include top executives of Sara Lee, Nortel Networks, State Farm, Motorola, Bear Stearns, American Management Systems, Hasbro, MGM Mirage, Guardsmark, Kaiser Permanente, Prudential, Saloman Smith Barney. They also include retired chairs or CEOs of AlliedSignal, Bank of America, GTE, International Paper, Union Pacific, General Foods, Monsanto, Time, CBS, Fannie Mae, Dow Chemical, and B.F. Goodrich.

I suppose the question might be asked, Why would past CEOs, why would corporate chieftains, why would corporations themselves be so interested in supporting a campaign finance mechanism that includes some public funding?

The reason is, these are the corporate entities that keep getting asked to contribute and contribute and contribute, that keep feeling as if they are dragged into a process that they themselves know is not in the best interests of the democracy of our country.

We are supposed to be, as Senator BYRD reminded us in our caucus a few minutes ago, a republic. A republic means we are people who represent the people who elect us—not the money that puts us here, the people who elect us.

The question is, Are we prepared to pass a campaign finance reform regime that distances us, to the maximum degree possible, from the fundraising and connects us, to the maximum degree possible, to the people who elect us? That is the purpose of this particular amendment.

This amendment is voluntary. I emphasize, it is voluntary. There is no mandate that anybody in the country has to follow this particular way of campaign financing. So there is no constitutional challenge here. You can choose to go in and live by a limit that you are given as a matching amount of money.

I want to explain exactly how it works. We want to encourage the small donor to participate in America again. We want to emphasize that it is the smaller contribution that is the most important contribution. So what we do is provide a matching amount of money doubled by the Federal Treasury for those small contributions up to $200. That means if somebody contributes anywhere up to $200 to a candidate, they would get up to $400 in a matching amount of money. And they would agree to live by a specific formula limit for each State in the country. That formula is: $1 million, plus 50 cents, times the number of voters in that particular State.

We did an analysis of the last two election cycles. When you compare the amounts that would be provided to candidates under this formula, it demonstrates that in only three races in the last cycle would you not have had enough money under this formula to be able to meet what happened in those races. The spending limit formula in 23 States would have provided candidates with more money than they had to go out and hock the system in order to be able to run. In an additional seven States, the formula would have brought candidates within $500,000 of the average amount that was spent in the last Senate election in that State.

Given what we have already passed in McCain-Feingold with respect to lowest unit charges, in effect, this formula would allow people to be able to spend more, if not the same, because they would be able to get more media buy for the dollars spent; and that result would be that they would be, in fact, greatly advantaged by this kind of formula.

What they also allow them to do is: If a candidate is not able to raise up to their limit, we allow the parties, through their hard money contributions, to be able to make up the difference to that candidate, much as they do today through the section 441(a)(d) contributions.

The virtue of this particular approach is that it does the most that we believe we can do to separate candidates from the fundraising process, to reduce the capacity of people to question the large contributions. We would still allow contributions up to the amounts of McCain-Feingold. So if that amount remains $1,000 in the primary and $1,000 in the general election, you can still raise it, but you only get credit for the first $200 toward your match. That means you would be encouraged to go out and bring people into the system for low-donor-amounts of contributions.

In every other regard we stay with McCain-Feingold. We want to see the ban on the soft money. We want to see the increased scrutiny, increased transparency, but we are trying to provide people with an ability to avoid the extraordinary arms race of fundraising that takes place in this country and to begin to restore every American's confidence that we are not in hock to the interests that support the campaigns.

There is a reason for having to do that. I remember when I was chairman of the Democratic Senatorial Campaign Committee in 1988. As Chairman, I refused to take soft money back in 1988. We did not take any soft money in the committee. That was the last year the campaign committee did not take soft money because they could not in order to compete. From that time until now, we have seen this extraordinary growth in the amount of soft money being raised, so that there was almost $½ billion of soft money in last year's campaigns. Think about that—an extraordinary amount.

But for 1992, the Republican Party raised $164 million in hard money, $45 million in soft money. In 1996, the $164 million jumped to $278 million in hard money; and it went from $45 million to $120 million in soft money. And this year, it went from the $278 million to $447 million in hard money; and the $120 million went up to $244 million in soft money. This is so far outside of inflation or any legitimate costs with respect to campaigning, it is insulting. The only way we are going to end that is to put in place a system where we bring Americans back into the process of contributing smaller amounts of money.

It is interesting that corporate contributions outnumbered the amount of small and union contributions by 15 to 1. Americans are currently looking at a political system that is effectively a corporately subsidized, corporately supported system. If you were the leader of any corporation in America—there are a few who are making a different decision—some of them have decided spontaneously they are simply not going to contribute, but unfortunately, an awful lot of them still decide: I can't be left behind, I can't suffer the vagaries of the system unless I can weigh in, unless I get sufficient access. So most of them, answerable to their board of directors and their shareholders, as a result, play the system as hard as they can.

Most of them will also tell you privately, they pray and hope the Senate will have the courage to change that system because they don't like it any more than many of us do.

The one thing we are going to hear from the opponents—and you can hear it right now—we have politics that are really good right now in using little phrases: "It is not the Government's money; it is your money. You deserve a refund." That is a quick, easy hit. People get applause. Everybody feels good and they forget about the fact that there are a whole lot of other issues.

We are going to hear them say: Gee whiz, politicians shouldn't depend on the public treasury to run for office. They are going to say this is welfare for politicians, "welfare for politicians" because somehow the Federal Government contributes. Ronald Reagan was elected using this Federal money. George Bush, in 1988, was elected using this money. Even the current President Bush was elected using Federal money. Bob Dole ran for President using Federal money. Countless numbers of candidates have run using Federal money.

It is not welfare for politicians. What it is is protection for politicians. That is what they want. They are afraid of a system that allows the average American to have a full voice. They are afraid of a system which requires them to go out and do anything except play sweetheart with a whole bunch of givers who give them big amounts of money so they can just swamp the average person who wants to run for office.

The fact is, if you analyze the amount of Federal dollars that are wasted and spent only because those interests are able to get the laws they want and ride roughshod over a broader consumer interest, there are billions upon billions of dollars that are spent as a result of the current system.

What this represents is liberty money for people in this country, freedom, the ability to be able to cut the cord of the system we have today and free themselves to be able to go out and have a fair system in which Americans can have confidence. Most Americans, if they were presented with that argument fair and square, would say: That is precisely what I want. I am willing to pay a $400, $500 amount to cover the cost of elections in this country in order to guarantee that people are free from the kind of special interest process today.

Moreover, you might see a lot more of your Senator and your Congressman because they wouldn't have to travel all around the country on weekends and weeknights to raise money from fundraisers in States everywhere other than their own.

It doesn't make sense. That is what this is an effort to try to achieve. I hope my colleagues will think hard about it. Fifty-two Members of the Senate in 1994 voted for a bill that had a partial component of public funding in it. Many people have acknowledged that ultimately this is the only way for us to free ourselves from the current system. While we can't deal with the primaries, that is too expensive and it doesn't work. What we do is set up a structure where in the general election, there is a clear ability of people to spend a limited amount of money, commensurate with the amounts of money and in some cases more than even the amounts they spend today.

I yield 15 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. It seems as though the Senator from Massachusetts and I have been doing this a long time. We lost one of the musketeers in Senator Bradley. I don't know how many times we have come to the floor to talk about this issue. What is discouraging is, we seem to be moving backwards now instead of forward.

I have a reputation that doesn't always serve me well of being relatively blunt. I am going to continue to exacerbate that a little bit today and depart from my prepared remarks at the outset and speak to the last point the Senator from Massachusetts was talking about.

Our friends who oppose this will say to any idea of any public financing: Why should the public pay for bumper stickers and billboards and the like? I will bet you if you sat down with every American, and were able to do it one on one, and said: Here is the deal: Do you want me taking money from a checkoff system on your income tax, as the Presidential campaign is run, or from a direct appropriation that may cost you a couple bucks a year? Would you feel better about me and my independence if you did that and I had a limited amount of money if I were the nominee that I could spend, a limited amount of money based on the size of my State? Or would you rather have me hanging around in Hollywood, New York, Detroit, Los Angeles, San Francisco, Chicago, the major money centers of the world, sitting down with investment bankers and with corporate heads and union leaders and listening to them telling me what they think is important for the future of America and my knowing full well if I disagree with what they think is important for the future of America, that they are not likely to contribute to me and, therefore, if I have to rely totally on the people with the big money, that I may very well find myself rationalizing that, well, maybe it is not such a bad idea to be for that idea because it is better for me to get elected intact with most of my views in place than it is for me to be pure about this and not be able to run. I think the American people understand.

I may be mistaken, but I believe Dick Clark, a former Senator from Iowa, and I, were the first two to introduce public financing as an idea back in 1974, in the middle of the Watergate scandal, to try to take polluting influence out of the system—I don't think there is an American out there who thinks if they get a chance to come up and lobby me on a particular issue and say, Senator, I sure hope you will vote for this tax cut or that tax cut or vote for or against something, that they have as much influence on me as somebody who walks in having contributed $10,000 to my campaign through two PAC contributions. I wonder what the American people think. I wonder do they think their voice is as easily heard as the rest of those folks.

The thing that has surprised me over the years that I have been pushing this idea, along with others, is that we who hold public office aren't tired of this, aren't worried, why it doesn't bother us, whether we are lily pure or not, why it doesn't bother us being associated with the notion that what we do is a consequence of the financial influence placed upon us.

For example, I don't think there is anything morally wrong, per se, about PAC money. That is an organization getting together and representing a particular interest—whether it is a labor organization, business organization, social organization—and giving a candidate $5,000 at a crack. I admit that is no more debilitating, no more immoral, no more unsavory than five people getting together in one family and coming up with $1,000 apiece to give $5,000. But I don't accept PAC money, and I haven't accepted PAC money—not because I think it is immoral or wrong, and I don't question the morality or judgment of those who accept it. I think I am one of the few people who don't accept it, and maybe one of the few in the whole Congress.

The reason I don't accept it is that I like the fact that no one can—and I am a pro-labor Senator—question my pro-labor votes because labor gives me any money. They don't. I can stand up and say I like the feeling at home that when I am for something that maybe not all my constituents like, but labor likes, nobody can use the argument that BIDEN has been bought off by labor because the following labor groups got together and contributed to him X amount of dollars.

A lot of Senators who talk about being lily white and pure accept PAC money. That is OK. But the only reason I don't is I don't like looking at my constituents and them thinking that I have taken a position because somebody contributed to me. That just bothers me. That just bothers my independence. There may come a day I have to take PAC money. I may run against somebody who raises $5 million in PAC money and I can't raise the money, so I have to take it to compete. But I don't accept it simply for my own gratification. I love walking into a meeting with a businessperson, or a business organization, or labor organization, and deciding for or against them based on the merits and never having to talk about money. I feel liberated. It is my sort of self-imposed, tiny victory against this system that I rail against all the time.

What has surprised me is why people of this body would not want limits on spending. Do you think the majority of us like traveling two-thirds of the way across the country to sit down at a fundraiser in the home of somebody who is going to ask us stupid questions, who may be an absolute idiot, and is going to raise us $20,000, and we have to sit there and listen. Now I'll have everybody who has ever done a fundraiser for me saying, "Is he talking about me?" If anybody likes that, you probably should be doing something else because you can't be that bright.

So I don't get this. I don't get it. I don't get why we haven't gotten to the point that just for our own living standard, so that we don't have to get on planes at 7:30 at night and sit in an airport, and then miss it, and 47 thank-you notes why we could not be there and apologize and set a new date, and you miss your kid's first communion, or you miss your daughter-in-law's birthday, or something because you are out raising money. I don't think anybody sitting in here has any idea how much of our time is spent raising money. The more scrupulous you are about how you raise it, the more hurdles you place in your way to make sure everybody knows that you are clean and you are not like what people think you are, the harder it is—the harder it is.

We all do it. We all sit here and say, wait a minute now; we just voted on a bill that will affect some of the people who are going to be there. I can't go to that fundraiser now. It will look like I did it for the wrong reason. I don't want them thinking that is why I did that because that is not why I did that. All Members here are moral, decent people. The irony is, this place, in terms of personal rectitude is probably squeakier than any Congress in the last 200 years because of all the disclosure rules. That is the irony. You used to have a person standing at a desk right over there—one of the leading Senators in history—who would write letters to the railroad company saying, "By the way, I just defeated a thing that would have hurt you. Send more money or I won't do it next time." The money that was being sent was in his pocket.

When I ran for the Senate in 1972 and won, there were no limits on what you could spend or what could be given to you. My goodness, you would think by now the irony of all ironies is that I would be dumbfounded if any Member of this body was taking money under the table or doing anything illegal. They are the cleanest bunch I have dealt with. Yet we are viewed as being among the dirtiest bunch. Why? Because we are associated with all this money.

My mom had an expression when I was a kid. I would say, "Mom, can I go hang out on the corner by Buffington's with the rest of the guys?" She would say, "Those guys get in trouble." And I would say, "But I won't." She would look at me and say, "JOE, if it walks like a duck and quacks like a duck and looks like a duck, it is a duck." I used to say, "What does that have to do with anything?" She would say, "Those boys down there are not good boys. When you hang with them, even if you are not doing anything wrong, you are going to be presumed to be."

What happens now when anybody within earshot, not holding public office, hears your child say, "Mom, I want to be a politician." I am not allowed to reference the gallery, but I bet if I looked at their expressions right now, they would all have the same expression: Oh, no, no, you don't want to do that. Why, when in fact they have more honest men and women in the business now than have ever have been in it? The likelihood of people doing untoward things relative to financial gain is almost unheard of now. When you have a billion plus dollars spent on elections, the conclusion to the American people is that if it looks like it is corruption, sounds like it is corrupt, it appears to be corruption, then it is probably corrupt.

So this has always amazed me. I would have thought by now that we would be so afraid of being burned by our association, unintentionally, with unsavory notions, causes, or people, through contributions, that we would say let's get out of this. I will tell you right now. I don't think anybody here would disagree. I would rather be beholden, or thought to be, to 280 million Americans than to 200 contributors. I would think they would want me to be beholden to them, not only in fact but in perception.

So what have we done? As my friend from Massachusetts has said—and we have been allies in this for a long time, and I am a great admirer of his—just since 1976, the total congressional campaign spending has gone up eightfold. In 1976, the average race for the House of Representatives cost $87,000. Today, it cost $816,000. Where are you going to get that money? Where are you going to go for that money? Do you think there is $816,000 worth of folks out there saying: Just because I love this system, I don't care what your positions are on any issues. I just want honorable men and women like you involved, so here is a contribution.

What do you think? Do you think that is how it happens? You know what it is for Senate races? In 1976, the average cost of a Senate race was $609,000. Now it is $7 million.

So I have gotten to the point where I am even more concerned about the amount than I am about the source—more about the amount than I am about the source. Let me explain that. If, in fact, we are going to ever do anything about the influence of money and the ability of people like me to be able to get involved in politics—I say people like me. No one who ever held State office, no one with any personal fortune or money, and who has a dubious distinction along with one other Senator on the floor being listed as one of the poorest men in the Senate.

How can a guy like me get involved today knowing that for me to get out of the box, I am going to have to raise, even in a tiny State such as mine, potentially $4 million to $5 million? How does one start that? Where does one go?

Why are we surprised with a lot of millionaires? Do you know what a lot of us Democrats do, as Dale Bumpers, one of the best speakers I heard on the Senate floor in past years, used to say, in the bosom of the lodge here? Because we cannot match their money, do you know what we do? When we recruit candidates, whom do we look for, I say to the Senator from Connecticut? We try to find millionaire Democrats. We try to find Democrats who are millionaires to front their own campaigns because we do not have enough money around to front all the campaigns. We try to find people who are millionaires.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I ask for 5 minutes more.

Mr. KERRY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Fifty-four minutes.

Mr. KERRY. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, the fact of the matter is, we are never going to make any really fundamental change in the system until we adopt the position of setting limits on the total amount of money that can be spent in a single State on a single election.

Our approach provides the candidates with partial public financing when they commit to voluntary limits, and if the other person does not commit to those voluntary limits, then we allow that funding to go up so that person can keep in parity with the person against whom they are running.

It is a simple, basic proposition. By the way, it is complementary to the so-called soft money ban. It is not contrary to, it does not undermine it; it is complementary to the ban on soft money.

The spending limits for the Senate candidates are different in each State based on a rather simple formula that my friend from Massachusetts pointed out: A million bucks to start and then, on top of that, 50 cents for each person of voting age in that State. In my

State of Delaware, that means one could not spend more than $1.3 million. In a State such as Illinois, where there are 9 million potential voters, one could spend $5.5 million.

I will not go through all the detail beyond that except to say that our amendment also includes a provision to counter those last-minute sham ads that have become all too common in the closing weeks of campaigns. Our amendment says if your campaign is a victim of one of those drive-by sham ads, you will receive additional public funding to enable you to respond to keep you in the game.

I have been calling for public financing for congressional campaigns for a very long time, since 1973, my first year in this body. I thought Watergate would have been enough to take us to the brink of trying to do something serious about campaigns. We did make some initial progress until the Supreme Court ruling in Buckley v. Valeo which set everything on its head, and now here we are back again.

The time has come, as my old math teacher would say, to work the problem and to stand at the blackboard until we come up with an answer that will pass the test of public confidence. The amendment we are offering today I think passes that test, and I urge all of my colleagues, for once and for all, do something that really will impact upon who can run, their ability to stay in the game, the ability to compete and reengender some confidence in the American people.

My closing remark is this: We have gotten to the point, as my friend from Massachusetts pointed out, of businesspeople dreading this funding process because they get held up for contributions. Beyond that, we have reached a point where, because we have had to become so brazen in the way in which we raise money, those who used to contribute to us who never were brazen in return are now equally brazen, suggesting they want to know more about what we will do before they give us the money.

It is a bad system. This could go a long way to changing it. I have no hope that it is likely to be adopted this time, but someday—someday—it will, and I suspect only after some additional major scandal occurs. I want to make sure for my own safety's sake I am recorded on the right side of this argument again so no one misunderstands what I think we should be doing.

I thank my friend for his leadership, and I thank him for yielding the time he has. I yield back whatever time is remaining.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Delaware for his comments. As he said, he started this crusade back when he was elected in 1972. We had a high water mark in the Senate when we actually passed it. We also had 49 votes at one point in time. We know we are not at that high water mark today for a lot of different reasons.

It is very interesting what the Senator just said about business-people. I cited the types of business-people who support this—major executives of major companies in the country. Here is what they said when they announced it:

> As business leaders, we are . . . concerned about the effects of the campaign finance system on the economy and business. . . . A vibrant economy and well functioning business system will not remain viable in an environment of real or perceived corruption, which will corrode confidence in government and business. . . . In addition, the pressures on businesses to contribute to campaigns because their competitors do so will increase. We wish to compete in the marketplace, not in the political arena.

I applaud these business leaders for recognizing the truth that a lot of the opponents of reform refuse to acknowledge.

The fact is that even the Supreme Court in the cases we so often cite—Buckley v. Valeo, Colorado, and others, all of those cases—talks about the legitimate right of Congress to try to curb the perception of corruption which they acknowledge on the Supreme Court is a component of trying to have good campaign finance reform.

What they have deemed to be constitutional, they have deemed to be constitutional partly making the judgment that it was necessary to combat that concept of corruption.

Moreover, I point out to my colleagues, sometimes we all know Congress does not do what the American people think it should do or want it to do, but the American people want us to put together a better system. A national survey conducted by the Mellman Group in April last year found that by a margin of 68 percent to 19 percent, voters favored a proposal that eliminates private contributions, sets spending limits, and gives qualifying candidates a grant from a publicly financed election fund.

In other words, every time the Congress votes against public funding, the Congress is explicitly denying what the majority of the American people want, which is the capacity to separate the people they elect from the fundraising process.

That same survey found that 59 percent of voters agree that we need to make major changes to the way we finance elections. But perhaps the most telling statistic was the fact that overwhelming majorities think special interest contributions affect the voting behavior of Members of Congress.

Eighty-seven percent of voters believe that money impacts Members of Congress, with 56 percent expressing the belief that it affects Members a lot. We ought to want to do something to eliminate that perception and to restore people's confidence in this institution.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, assuming all the time is used on both sides, when would the vote occur?

The PRESIDING OFFICER. At 5:55 p.m.

Mr. McCONNELL. This should be such an easy vote that I don't think I will need all my time. I will withhold it for the moment to see how many speakers there are on the other side. Suffice it to say, that taxpayer funding of elections is about as unpopular as voting to raise congressional pay.

We have the most complete poll ever taken on any subject, every April 15, when taxpayers get an opportunity to check off on their tax return the diversion of $3 to the Presidential campaigns and to help subsidize the conventions. It doesn't add to their tax bill. It is just diverting $3 of their tax money to politics.

The high water mark of the checkoff was back in 1980 when 29 percent of taxpayers checked off. Last year it was 12 percent. In fact, the lack of taxpayer interest in checking off some of the tax dollars already owed to this cause, the drop off was so alarming that in the early 1990s when the opposition party controlled the House, the Senate, and the Presidency, they upped the checkoff from $1 to $3, so fewer and fewer people could check off more money.

Clearly, this is an idea that is overwhelmingly unpopular with the American people. We had a vote the other day on the Wellstone amendment. The Wellstone amendment gave States the option of having taxpayer funding of elections of congressional races. It was defeated 64–36. Maybe you could have argued on that vote that it wasn't really a vote for taxpayer funding of elections because it only gave to States the option—the option—to have taxpayer funding of elections, yet only 36 Members of the Senate supported that.

This is the real thing before the Senate now. This is not giving any State the option to have a taxpayer-funded system. This is the real thing, taxpayer-funded elections for Senate races.

I have been somewhat chagrined and mystified that we have spent 2 weeks on the whole subject we have been on when the stock market is tanking, we have an energy crisis in this country. What are we doing in the Senate? We are talking about campaign finance reform. At the very least, the underlying bill didn't have taxpayer funding of elections in it, but there have been first one, and now the second effort to add that to this underlying bill.

So I don't think the American people would be particularly amused if they were paying any attention to this debate, which they are not—I don't think they would be particularly amused to find out what we are doing while we have these emerging problems in our country of energy and the stock market.

The argument over taxpayer funding of elections is a blast from the past. This debate over taxpayer financing is an idea whose time has come and gone. One of the huge victories on my side of this debate that we can savor is that reformers gave up on the horrible notion of taxpayer funding of elections some years ago. That is, most of them. We still have some people offering these amendments, and that is what is before the Senate at the moment.

It may surprise some of the people who are watching C-SPAN that we actually have had taxpayer financing of Presidential elections since 1976. This system has squandered over 1 billion tax dollars. In the 2000 Presidential race alone, taxpayers kicked in $238 million; 30 million of those dollars went toward the conventions in Philadelphia and Los Angeles. Fun weeks for those of us who were privileged to attend, but most taxpayers could surely come up with a better use of their tax dollars than underwriting political conventions.

Proponents of using taxpayer money for political campaigns get very creative in devising their polling questions so they can get results suggestive of some reservoir of support for this notion.

First off, they never refer to the money as the "taxpayers money." You will never see that in a polling question asked by a proponent of using tax money for buttons and balloons and TV commercials. They always call it "public funding," sort of like a public beach, public park, or public parking, leaving out the fact that the money started out in the taxpayers' private pockets.

Then they link the concept of public financing of campaigns to reducing special interest influence. Gee, that sounds like a bargain, except they can still get their numbers over 50 percent when they call it public funding and when they say it is for the purpose of reducing the nasty special interest. We all know the definition of a special interest. That is somebody against what I am trying to do. Those groups on my side are great Americans pursuing a wonderful cause. Those nasty special interests are the guys on the other side.

When someone such as myself frames a polling question in a more straightforward fashion, such as, do you support using taxpayer dollars for political campaigns—very straightforward and very truthful—respondents are decidedly less receptive than in the gimmicky polls that I suspect we have heard cited on the other side of this debate.

A reform group study in 1994 concluded that Americans remain skeptical of public funding for congressional campaigns. Remember, they were using that good word "public." Moreover, a careful examination of the core coalitions both in favor and against leads us to conclude that this proposal tends to be a hot button for a group that is not exactly a microcosm of America. Who is interested in this issue of taxpayer funding of elections when you call it "public funding"? It is a hot-button issue for liberals who are postgraduates, people who went to graduate schools. Liberals who graduated from graduate school think this is a great issue, that is, about 2 percent of the public—not, I submit, a microcosm of America or anywhere near the average American.

When we look at the biggest poll of all that I referred to earlier, the checkoff on the 1040 tax forms which allows filers to divert $3 from the U.S. Treasury to the Presidential election campaign funds—remember, this is money they already owe; if you ever change the law to make people actually cough up an additional $3, this fund would disappear entirely. It would be gone with the wind. It would be out of here. We would have to appropriate dollars to make up for the zero balance in this fund—nearly 90 percent of Americans choose not to check yes to the use of taxpayer dollars for Presidential elections. Last year's forms, 11.8 percent checked "yes."

As I said earlier, at its peak popularity in 1980, less than 30 percent checked yes. Imagine the results if the checkoff was for a congressional election campaign fund, which is what this amendment is about. Imagine the question on the tax form if it were crafted "congressional election campaign fund." People would not confine themselves to checking no. They would no doubt be compelled to include commentary in the margins on their tax returns. Such is the disdain for taxpayer funding of elections.

We haven't even gotten to another essential part of this whole issue. The Supreme Court does not allow us to just provide tax funding to the good guys, the Republicans and the Democrats. No, no. If you are going to provide tax dollars for campaigns, you can't constitutionally limit those taxpayer-funded schemes to the Republicans and to the Democrats—which is all of us in here. No, the Reform Party, Ralph Nader's Green Party, and for that matter, any individual eager for some name identification paid for by the taxpayers would be eligible to qualify.

Let me give a couple of examples. That great American, Lenora Fulani, of many parties over the years, and most recently the Reform Party, has collected 3.5 million of our tax dollars for her in 1984, 1988, and 1992 Presidential campaigns. The taxpayers of America have given Lenora Fulani $3.5 million to run for President of the United States.

In 1992, in fact, Ms. Fulani was the first in line to receive matching funds, even beating Bill Clinton to the funds.

Lyndon LaRouche got taxpayer funds for the 1992 Presidential campaign. It was a little difficult for him to function that year because he was in jail. It was something of an inconvenience. But the fact that he was in jail did not prevent him from getting tax dollars to run for President. He was in the middle of serving a 15-year sentence for fraud. But, by golly, we got him some tax money to run for President of the United States.

Imagine, if we extend this great idea to congressional races, we are going to have Lenora Fulanis and Lyndon LaRouches running in every House and Senate race in America. Every crackpot who got up in the morning, looked in the mirror, and said, "By golly, I think I see a Congressman," is going to get a subsidy from the taxpayers to go out and see if he can pull this thing off.

LaRouche has received over $2 million for his 1980, 1984, 1988, and 1992 Presidential campaigns. If you take out the 2 percent of Americans who are liberal postgraduates, there is not a lot of enthusiasm out in the hinterlands for this kind of reform. Indeed, there is disdain for this kind of reform. I suspect there is not a whole lot of support in the Senate.

Looking at the Wellstone amendment the other day, which got 36 votes, maybe I will be surprised, but I will be surprised if there are 36 votes there to have this proposal replace the current system of electing Members of Congress.

Let me say again, I can't think of anything that would frost the average taxpayer more than the idea of fringe candidates, maybe even in jail, running for Congress, running for the House and Senate.

I do not know how this amendment is crafted, but I can tell you, you cannot constitutionally restrict public funds, taxpayer funds, to just the people we would like to get it, which is people such as us who are Republicans or Democrats. We can't do that. It has to be crafted in such a way that these funds are not unreasonably denied to people who aspire, regardless of their ideas or present circumstance, such as being in jail—their present circumstance—you cannot unreasonably deny them their opportunity to have their say with our tax money.

I do not know how much more debate is needed on this idea from the past. But, not knowing yet, I will just retain the remainder of my time for the moment. How much is that?

The PRESIDING OFFICER. The Senator has 76 minutes.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened with interest to my colleague from Kentucky. I listened to him label this as an idea from the past. I am interested in that because it always struck me that the idea of the past was the perception of corruption of the Congress. The idea that ought to be passed is the notion that unlimited funds and unlimited amounts of money in our system corrupt and corrode the system.

If you were to ask the American people what they would like to see be the idea of the past, they would resoundingly, overwhelmingly tell you, as they have in every indication in the country, that they want us separated from these large sums of money.

It is no surprise my opponent comes to the floor and derides the concept of public funding as some sort of thing from the past which doesn't command a lot of votes. I understand that. I know we are not coming to the floor from a great position of strength. But we have to start from somewhere again on this effort.

We once passed it in the Senate, and we passed it once because it was the right thing to do and it was a good idea. I believe that the judgment made by those Senators who were then here is not now out of date; it is not now outmoded; it is not a judgment of the past. It was sound thinking. Once again, this body will one day come to understand that we need to separate ourselves from this money.

Senator MCCAIN above all set a standard for making clear that this is an idea of now, not of the past. My colleague does not even support campaign finance reform. He doesn't think McCain-Feingold ought to pass, let alone this amendment. It is no surprise he comes to the floor derisive about the concept of some level of public money being used to separate the politicians from the perceptions that cloud this institution.

My colleague from Kentucky brought an amendment a few years ago, with other people, I believe, to terminate the funding process of the Presidential races. Guess what. He lost. The Senate said we want to continue to have our Presidential races funded the way they are, even if it means that a fringe candidate such as a Lyndon LaRouche may get a couple of million dollars to run for office. That is the price in America of having a system that is free from special interests. That is the price.

The fact is, none of us can choose and pick who the candidates are. My colleague from Kentucky just acknowledged he does not know how this bill is structured. Maybe it would help him if he understood to some degree that it is structured in a way that not just anybody can run under this bill. You do not get the public funding unless you raise some money, and you can only raise some money if you have some kind of base of support. You only get some funding for the larger numbers of people you can entice to support you. So presumably there is a reflection in how much money you would ultimately get that is a reflection of what kind of candidate you are—whether you come with legitimacy or you do not come with legitimacy; otherwise, you are not going to get much.

Second, contrary to what my friend from Kentucky said, we do not mandate this on anybody. If you do not want to do this, you do not have to do this. If you are more content to go out and raise millions of dollars from all the interests, go do it. This system is only for those who choose to live by the limits. But the one differential would be involved if some multimillionaire is running against you, or someone wants to go out and court all the other interests and get $50,000, $150,000 at a whack, and have ads run that are completely outside of what even the 1974 election reforms tried to achieve. We are driving through the largest loophole we have ever seen in this process. I regret to say that began in 1996—not before. But the fact is, we have ads run under the guise of being issue ads that everybody knows are directed to either tear down someone's character or argue against their election. They are completely outside the mainstream of the election, except to the degree that they have a profound impact on it.

What we are really talking about is whether or not you want to have a voluntary system where, if somebody is spending those extraordinary amounts of money, you get to raise an additional amount by virtue of the public system.

I do not expect somebody who does not believe in any kind of campaign finance reform, who thinks we ought to have more money in the system, not less, and who equates money exclusively with the determination of elections and power—I do not expect that person to support or like this amendment.

I guarantee that over a period of time, as Americans continue to be disenchanted, as Senator MCCAIN's campaign so aptly showed—and the reason Senator MCCAIN's so aptly showed it is that what he did was he connected the dots for people. People want prescription drugs in Medicare. People want health maintenance organizations to be accountable to them. They want to know a doctor will make a medical decision about their potential illness or real illness if they have one. What Senator MCCAIN did was show them the reason they do not get a lot of these things that they want is that the money manages to completely cloud the issues and real choices.

Americans are subjected to this cacophony of funding which, frankly, crowds out even the voices of the candidates themselves in many cases. That is what this is about, a voluntary system giving people choice, allowing them to make up their own minds.

What are my colleagues so afraid of? What are they afraid of? That another candidate might have the voluntary choice to decide to do this? They don't have to do it. What are they afraid of? There is far more taxpayers' dollars spent and wasted as a result of the campaign system we have today than this system would cost any American.

Senator MCCAIN always talks about an aircraft carrier being built that the Navy did not ask for. That aircraft carrier alone would fund 10 years of election cycles under this bill—that one alone. How many different examples are there of things that get passed because of the money in politics, not because the voice of the American people asked for it?

He talks about the $3 checkoff. Yes, he is right. The $3 checkoff has diminished. But has anybody in America seen an advertisement asking them to participate? Has anyone in America had any kind of public input suggesting to them that if they were to check off, they could have a system that is perception-corruption free? The answer is no. We do not advertise. We do not ask accountants to suggest to their clients that they ought to check it off. There has been no effort whatsoever to try to bring Americans into the process of participation.

I will tell you, for most Americans who look at the system the way it is today, it is no wonder they do not check it off because they have no sense of the connection of that system to the potential that they would be participating in something that actually works and that is free and clear from the kind of cloud they see today.

I know the Senator from Washington wants to speak. How much time would the Senator like?

Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Washington.

Ms. CANTWELL. Mr. President, I will be short.

I am in support of my colleagues and in support of the Kerry-Biden-Wellstone-Cantwell amendment. I want to make three points today about this amendment.

First, as you have heard earlier in the debate, it is an addition to McCain-Feingold. We are trying to ban soft money, limit out of control issue ads, and increase disclosure on independent expenditures. But we also want to give candidates the opportunity to try a system that will free them, their time and their energy, to focus on the issues of the people.

Second, counter to some of the things that have been said on the floor today, this is a system that is supported by whom? Not just a few Members of the Senate; it is supported by business.

You have heard some of the CEO's and officials of the businesses that are part of this Committee for Economic Development, the CED. Why are they supporting such an amendment? Because they understand the world around us is changing, that they live in an information age, and that as they make better decisions, with more information and a more-informed public, they would like to see a better decision making process in the Senate.

Those businesses that have joined this effort to try to reform our political system, and to have a better decision making process, include Nortel, State Farm, Bear Stearns, the Frank Russell Company, the Vista Corporation of Spokane, Allied Signal, GTE, Dow Chemical—a variety of people who are not just a bunch of Members of the Senate.

This is a movement grabbing hold in businesses across America because they know our decisionmaking process is flawed. And this will only grow if this amendment is defeated, and we will see this organization and its supporters back again.

The third point that I would like to make is that this is in the best interest of the taxpayers. Do not be fooled. The discussion has been that if you vote for public financing, that is a vote for the public's paying for this process. That somehow it is going to cost them in their pocketbook.

We have heard a lot about the Presidential system and the checkoff. But I would ask you to think for a minute, how much is this system costing us when we do not get a prescription drug bill? How much does it cost senior citizens who live on a fixed income, who have to pay thousands of dollars a year for prescription drugs? Because we have been smart enough to figure out the new technologies for new drug therapies—smart enough to figure that out in a new information age—but not smart enough to make prescription drugs affordable.

Why is that? Because our campaign system does not reward that kind of thinking. It rewards a very short-term decision making process that does not discuss the fact that prescription drugs have become 30 percent of our overall health care costs, not 5 percent as they were 10 or 15 years ago. That is what is wrong with the decision making process.

The fact that we do not have a Patients' Bill of Rights, the fact that we do not spend the time and energy debating a real Patients' Bill of Rights and getting that issue before the Congress in a more aggressive way, and coming to terms and bringing the amendments and alternatives to the floor. That failure costs citizens of our country real personal and great hardships. This issue of whether it involves the public, I can tell you, it is costing us by not reforming our system.

What this amendment does today is to try to curb the amount of spending in our political campaigns and set limits. And it does so in a very reasonable way, while at the same time giving people the opportunity to get their message out and to participate in the system as they so wish.

I have learned a lot in the last weeks about how deep the cynicism in Washington is when it comes to discussing campaign finance reform. I am deeply committed to overcoming that cynicism and getting a whole generation of young people to take up this torch and change this system as opposed to thinking that government today is not as efficient in dealing with its issues.

But until we craft a campaign system with a shorter, more intensive campaign period, funded with finite and equal resources available to candidates, we will not govern well. Instead, the American public will be subject to the kind of campaigning, the kind of special interest ads deluging them in their living rooms with the discussions, not by the candidates, but by these interest groups of what your choices in America should be.

I am saying, follow the money back to the citizens of this country. Not until we have freed candidates from the time and energy drained from dialing for dollars will we improve the political discourse, play down the dominance of polls, and render the attack-driven, negative 30-second spots ineffective.

I think that day will come. I hate to wait until we have Internet voting, and an information age where citizens will look at all this information and find out exactly, in great detail, what their Senators and Members have been working on. I hope we can get it done sooner than that.

I commend Senator KERRY and the other sponsors—Senators BIDEN and WELLSTONE for their long-term vision on this issue because it is a vision that is headed in the right direction and it has articulated a better vision for campaign finance reform.

This amendment would make a real difference in how campaigns in this country are conducted. I hope, as the CED and Members join in this effort, we can reach a bipartisan consensus to take a step forward in curbing the spending and improving the participation in our campaign system in America.

I yield back the remainder of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I yield myself a moment that I need, and then I will yield to my colleague.

Mr. President, I thank the Senator from Washington for her support and for her comments and her understanding of the implications of this debate.

Let me point out to colleagues—and I emphasize—this does not change McCain-Feingold at all. No. 1. It embraces everything that is in McCain-Feingold. No. 2, it is purely voluntary. But, importantly, colleagues should note, 23 States in this country already have some form of public funding.

In the last few years, several States—Maine, Vermont, Massachusetts, I think Arizona—have moved to embrace something called Clean Elections, which have an even lower threshold than what I am supporting today.

I support the Clean Elections. Senator WELLSTONE and I have been advocates of it. But what we are coming in with is something that has broader bipartisan support, where businesses across the country—350 major business leaders and corporations—say: We have had enough of this other system. Here is a way we think is fair that encourages small contributions, encourages citizen participation, and provides some measure of public funding.

So I think the trend with the public in America is to move in this direction. I think that further counters the idea that this is somehow an old idea.

This is passing in States, and inevitably it is going to continue as a grassroots State movement where, once again, Washington, unless we change, is going to be not leading but following the American people.

How much time would the Senator from Connecticut like?

Mr. DODD. Ten minutes.

Mr. KERRY. I yield 10 minutes to the distinguished manager of the bill.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for up to 10 minutes.

Mr. DODD. Mr. President, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I commend my colleague from Massachusetts, Senator BIDEN, Senator WELLSTONE, and our new Member, Senator CANTWELL. I didn't hear all of the statements, but I listened to several of them. I was impressed with their astuteness and their level of articulation in support of this proposal.

This amendment, as my colleague from Kentucky knows, is not going to pass. We don't have the votes for this amendment. The Senator from Massachusetts was fully aware of that the moment he stood up and offered the amendment. Unfortunately, that is the case. It doesn't diminish the rationale or reason for offering the amendment and asking our colleagues to consider it and informing the American public about the value this amendment offers.

Let me step back a little and make two points. The details of this amendment have already been discussed. I think my colleagues and others may be aware of specifically how the amendment would work. It is a partial public financing program. As the Senator from Massachusetts has pointed out, some 23 States—almost half of the States—now have adopted some variation of this approach. The trend lines are clearly in this direction.

We are not alone in the world. Most sophisticated allies of ours, the most sophisticated democracies, industrialized nations around the globe, have also adopted partial public financing, not asking people to contribute more in taxation but a part of what they have contributed to support the underlying efforts of sustaining democratic institutions.

Let me make two points that have some value. One is, the reason this is necessary is that the Supreme Court has ruled that money is speech. Justice Stevens argued in a minority opinion back in 1974 that money was property, not speech. I agree with Justice Stevens. But he was of the minority view when the Court ruled on Buckley v. Valeo. For that simple conclusion that money is speech, we have been running this process out over the years where our ability to have some limitations on the amount of dollars that are spent and raised in seeking Federal office is significantly jeopardized because of the constitutionality of such provisions.

In the absence of having some public financing, we have had now for some 25 years public financing of our Presidential elections. Every single candidate for the Presidency, every prevailing candidate for the Presidency—beginning with Gerald Ford through Ronald Reagan, through George Bush 1 and 2, Bill Clinton—has taken public money. No greater conservative than Ronald Reagan took public money to run for the Presidency because, under that scheme, we could limit to some degree the amount that would be spent.

I know we have spent a lot of money on races. I hate to think of what the cost would have been in the absence of the public financing arrangement which every candidate has accepted, almost without exception, since 1976.

What the Senator from Massachusetts and those of us who are supporting his efforts are suggesting is that if it has worked fairly well in Presidential contests, if it is working fairly well in 23 States, if it is working fairly well in major democracies around the world, is it such a radical idea to slow down the money chase of multimillion-dollar campaigns to try something along the lines the Senator from Massachusetts is suggesting? I think not.

This is a modest proposal. In the absence of the constitutional amendment that our friend from South Carolina offered, which would say that money is not speech and amend the Bill of Rights—which many of our colleagues are reluctant to do, and I understand that; I happen to support him out of frustration because I don't know of any other means by which we can begin to try to slow down this exponentially growing foot race to gather the millions of dollars to run for Federal office—in the absence of that, this is the only other way I know that we are really going to make some difference in what is a growing and serious problem in this country, where the cost of running for public office is going way beyond the means and reach of average citizens.

As Senator KERRY has pointed out—I don't recall exactly the numbers, but roughly several hundred thousands of dollars, $300,000 to $400,000 on an average Senate race 25 years ago to around $7 million today—the cost has gone from some $400,000 to $7 million in the last 25 years, with no end in sight. How many Americans can even think about running for the Senate or the House of Representatives, where the factor of increase is almost the same?

This amendment is necessary. It is a reasonable one and one that is worthy of support.

The second thing I will mention about this: I heard my good friend from Kentucky talk about the diminishing response of the public to the checkoff system on the 1040 forms that has gone from a high of 29 percent down to some 12 percent. That is troubling. I believe it has less to do with the fact that there is a checkoff on public financing for Presidential races than the fact that those of us in public life are so devaluing public service, are so devaluing those who dedicate part of their lives or years of their lives to public service, that we demean it. We ridicule it. We attack each other every year.

I am surprised there is any support left. If you were to transfer what we do to each other in the public debate in this country to the private sector, you would destroy most competing businesses.

Someone once drew the analogy of comparing what would happen to McDonald's or Burger King if they engaged in campaigns against each other, competing for market share, with what we do as Democrats and Republicans in competing with each other for the right to represent them in public office. Someone suggested not only would they destroy each other, they would destroy franchised food.

If you look at campaign advertising, the attacks we wage against each other, the personal degradation we attach to and associate with our political competitors, what has happened is, we have so devalued public service and the public life of elected office that the public has become understandably disgusted with the condition of politics in America. We have no one to blame for that but ourselves. In no small measure that has occurred because of the rising amount of dollars that are spent being convinced by political consultants that the best way to win office is not to convince anyone of the merits of your argument but if you can convince people that your opponent is somehow unworthy of even consideration for the office, let alone that his ideas or her ideas may lack substance, then you can win a seat in the Congress of the United States.

Thus we see, as we did last year, where, of the 200 million eligible voters in America, only 50 percent voted; 100 million Americans cast their ballots for the Presidency of the United States, a decision that was made by a handful of votes in one State, and 100 million of our fellow citizens did not even show up on election day, where a tiny fraction, had they shown up in one State, would have resulted in a different outcome than what occurred as a result of the recounts and so forth that occurred in the State of Florida.

I suspect that a good portion of that 100 million didn't show up because they forgot or because they had something better to do that day.

I suspect a substantial portion didn't show up because they are disgusted with the process; they are sick and tired of coming into September and October after an election year and you can't turn on a single bit of programming without some mudslinging going on, attacking of one another, blistering one another. Whether it is through our own ads, or the ads of outside groups just trying to destroy the reputations of people seeking public life, I suspect that has more to do with the declining numbers of people checking off on the 1040 forms, the resource to support Presidential public financing.

One of the reasons why McCain-Feingold deserves support, in my view, is because there is some hope that this will put the brakes on, slow this down enough so we don't have an unending exponential growth of dollars pouring into the coffers of candidates and groups out there year in and year out, destroying not only the candidates, but the public's confidence in a political system that has contributed greatly to this great Nation over 200 years.

For those reasons, I applaud what the Senator from Massachusetts has offered. It is a worthwhile effort. I regret that he has to even go this route, but in the absence of it there is not much hope that we can do anything else in terms of getting the real numbers down. For those reasons, I support this amendment and urge its adoption.

Mr. KERRY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts controls 18 minutes 30 seconds.

Mr. KERRY. Let me begin by thanking the Senator from Connecticut. He has been at this for a long time. He has a voice of enormous credibility on the subject, and he is well respected around the country for his political wisdom and abilities. I think his voice is an important one, and I welcome it.

Very quickly—and then I will yield some time to the Senator from Minnesota—when we talk about these perceptions, I am not going to throw names around at all, but I mentioned earlier prescription drugs and some of the health care issues. If you look at what the drug industry spent in the last Congress—$8.7 million on political contributions—the result in the 106th Congress was no prescription drugs for seniors. But it is interesting, the industry got an extension of the R&D tax credit for those companies.

Most Americans would say: That is kind of interesting; I thought I had an interest in getting something, but they got it. Likewise, the juvenile justice bill doesn't happen because the gun lobby doesn't like the restrictions on gun show sales. The gun lobby spent $3.9 million in political contributions in the last cycle. Interestingly enough, the juvenile justice bill died in conference.

You can go down a long list of these things. They may or may not be connected, but the perception among the American people is very clear.

Without using any names at all, let me point out contributions from the oil and gas industry. Three or four of the major proponents of oil and gas interests in the Senate received in the last cycle $129,921; one received $146,779, another $286,000. But it is very interesting. Other people who were not so interested in the issue got figures in the range of $1,500, $1,075. That kind of a range sends a message to the American people about the impact of money in the system.

Mr. President, it is precisely the perceptions—leave alone realities—of that kind of connection that distorts our existence and our ability to have the confidence of the American people.

I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for up to 5 minutes.

Mr. WELLSTONE. Mr. President, let me thank Senator KERRY and Senator BIDEN and say I am proud to be an original cosponsor on this amendment.

My colleague has described the amendment, a 2-to-1 match for up to $200 worth of contributions. This is the public financing part that is in exchange for agreed-upon spending limits. I want to make two or three points in less than 5 minutes.

First, very soon we are going to have an amendment to dramatically increase hard money spending limits. The argument is that we really need to do this. As Senator DODD said earlier this morning, poor Senators, gee whiz, we need to be able to raise more money. There is nothing like that. When you do that, you are more beholden. It is the obscene money chase. You are more beholden to big money.

Most people in the country believe big money can pay so they can play, but they can't pay so they can't play. This amendment Senator KERRY has talked about, and Senator BIDEN spoke about, takes us into a different direction. Candidates agree to spending limits, and you have smaller contributions. You get your support from a lot of folks, little folks, middle class people. What a better politics it is. It is an election and a politics in which people can more believe.

The second point is, if you view this as a system—and I don't like saying this because I am an incumbent. But I think it is wired for incumbents. Most people agree that, by and large, that is true. If you want to move toward a more level playing field, in that direction, some system of voluntary, agreed-upon spending limits for public financing really gives the challengers and the people who aren't as well known a much better chance.

It is important to have competitive elections in a representative democracy. I can just tell you, remembering back to 1990—and Senator KERRY can go back to his first race—I certainly remember when it felt as if when people didn't know you or think you had a chance and you could hardly raise any money, there was no kind of system that would give you a chance. We lucked out. I won because of my good looks and brilliance. If not for that, I would have lost.

I got the Presiding Officer's attention on that. I am kidding.

The third point I want to make is that I believe this amendment, if it were part of the McCain-Feingold bill, would be another one of those reform amendments. I hope colleagues will vote for it. I think it is so much a better way of having people believe in the process. It is so much a better way of making sure lots of people think they can run for office as opposed to only a few. It is a better way of having people believe that these elections belong to them and believe they are more a part of politics.

I have heard my friend from Kentucky say more than once that any kind of public financing is "food stamps for politicians." That, again, presupposes that elections belong to politicians. They don't. They belong to the people in our States, to the people in the country.

This is a very good amendment. This is a strengthening amendment, and it is a very important vote. I hope we will have a strong vote for this Kerry amendment. I am very proud to be an original coauthor. I thank my colleague for allowing me to speak on this amendment.

Mr. KERRY. Mr. President, I thank the Senator from Minnesota. He is one of those who doesn't just talk about these things; he really practices it. Everybody in the Senate respects the depth of his commitment to reform and the principles that guide him in politics. I am very pleased to have him as a cohort in this endeavor.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts controls 11 minutes.

Mr. KERRY. Mr. President, we are nearing the end of this debate. I will take a couple minutes to summarize a few thoughts. I will then reserve the remainder of the time. I understand Senator McCAIN may be coming to the floor.

I emphasize to my colleagues that this is voluntary. It is absolutely voluntary. No one is mandated to live by this or to accept it. It simply gives candidates an option of being able to choose a different way of trying to be elected to high public office. It does so in a way that maximizes the effort to pull our fellow citizens who have less amounts of income, who have less capacity to influence the system into participating.

It encourages small contributions. It provides a match only for the contribution up to $200. Therefore, if you want to raise a large sum of money or even receive a large sum of money from the Federal Government, you have to include a lot of people in your campaign.

What it does ultimately is end the extraordinary spiral of higher and higher amounts of money governing the elections in our country, the staggering increases of each election.

When I first ran for office, it was about $2.5 million or $3 million. My last race was $13 million. That is why we see so many millionaires running, so many self-funded campaigns.

What we try to do is allow an adjustment against the self-funded candidate. We do not preclude a millionaire who wants to run for office and spend his or her money from doing so. There is no restraint whatsoever on somebody doing that, but what we try to do is level the playing field a little bit for that person who does not have the millions of dollars so their voice can also be heard in American politics.

Most Americans would like to see a Senate that is more reflective of America, that has more people who have varied experiences and who reflect more of the life and real concerns and aspirations of our Nation.

It is important for us to move to reflect that Americans have a right to elect Senators the same way they elect the President of the United States: by freeing them from the extraordinary burden of having to raise these large sums of money from those most interested in what we do, when we do it, and how we do it.

I do not know one colleague who had an advertisement run against them or who lost an election because they voted for this in 1994 or because they voted for this in 1986. I do not ever recall it being raised in campaigns in this country.

The notion of voting for a voluntary system for people to participate in an election, the same way we elect the President of the United States, that that would somehow trip them up in their reelection, is absurd and completely unproven in the process. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. DODD. Mr. President, I suggest the absence of a quorum and ask that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, there is no particular need to prolong this debate. I want to make a couple observations.

It has been suggested that because Republican candidates accepted taxpayer funds to run for President, that is somehow an endorsement. It is noteworthy that President Reagan always checked "no" proudly on his tax return on the notion of using taxpayer funding for Presidential elections. The reason he accepted the money is because he really did not have a choice, as a practical matter, since the contribution limit was set at $1,000. All of his advisers told him there was simply no way, not enough time to pool together enough funds at $1,000 per person to opt out of the Presidential system.

President Reagan, were he able to observe the last election, would have been proud that our now President, George W. Bush, was able, during the primary season where there is enough time to reach large numbers of $1,000-and-under donors, to refuse to accept the spending limits and the taxpayer funding prior to the convention.

Knowing the President as I do, if there had been enough time between the convention and the general election to have avoided taking taxpayer funds, I am confident he would then, too.

The problem is, when you have a contribution limit of $1,000 a person, and your convention ends around August 1, there is just not enough time to pool together enough resources to run for President.

It is not appropriate to suggest that the Republican Presidents, at least the two I have mentioned, endorse the idea of taxpayer funding of elections; certainly not for House and Senate races.

The other point I want to make is there was some suggestion that large segments of the business community—there was some discussion about the underlying bill—that large segments of the business community were supporting McCain-Feingold. That is clearly not the case. I am only aware of one fringe group that supports the underlying bill. All the major business organizations oppose the bill: the Chamber of Commerce, the National Association of Manufacturers, the National Association of Business PACs, and BIPAC, which is widely known. All the mainline business organizations oppose McCain-Feingold, and any suggestion to the contrary is not accurate.

I do not know who else may want to speak against the amendment. I know Senator FEINGOLD probably supports the principle but opposes the amendment and wants to speak.

I see Senator THOMPSON is here. We have not had a lot of speakers on this side. I think it is because just about everybody on this side has made up their mind on this amendment. Does the Senator from Tennessee want to speak against the amendment?

Mr. THOMPSON. No.

Mr. McCONNELL. Mr. President, is Senator FEINGOLD going to speak against the amendment? How much time does he need?

Mr. FEINGOLD. Ten minutes.

Mr. McCONNELL. I yield 10 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for up to 10 minutes.

Mr. FEINGOLD. Mr. President, I was candid with the Senator that I would be opposing the amendment even though I agree with the principles, and I will use some of my time to speak about the bill generally.

I think the amendment offered by the Senator from Massachusetts is absolutely the right policy. I have always believed completely in public financing, and the mechanism proposed in this amendment is the way we should go.

I have also taken note of the enormous amount of interest around the country in moving toward public financing in a number of States. Senator KERRY is right; this is a new beginning on this issue. It is not an old issue that has died. It is a rebirth that is occurring across the country, and the Kerry-Biden amendment is an important step in that direction.

When Senator MCCAIN and I began this process, coming to the final stages of trying to debate this bill, we agreed we would vote together on all amendments to make sure we show we are unified and that this will continue to be a bipartisan issue. So it is particularly painful for me to have to vote against this amendment, but it is not because I do not think it is the wave of the future and the ultimate solution to this problem.

All the McCain-Feingold bill does is close an enormous loophole that has made a mockery of our campaign finance system. It is the idea and principle behind the Kerry amendment that is ultimately the direction we have to go as a country in campaign finance reform. I hope we can get started on it the day after we get this bill through.

I want to talk about one other issue to which the Senator from Washington, Ms. CANTWELL, alluded. The time has come to talk about commonsense and conventional wisdom in the business community. It is common sense to declare our campaign finance system is broken and needs to be fixed. It is conventional wisdom, however, to say members of the business community must surely and monolithically oppose changes to the campaign finance reform system that has made influence available to them.

The common sense is right, but the conventional wisdom is wrong. Let us take a look at three items in last week's news.

First, we see the release of a list of names of 307 of our most prominent business leaders who have pledged their support for the campaign finance proposals of the Committee for Economic Development, CED. CED is an organization of prominent business leaders which has endorsed the McCain-Feingold bill and issued its own proposal that includes a soft money ban. This list of business leaders is a who's who of America's commerce. It includes CEOs and current or former top executives from Dow Chemical, Sara Lee, Motorola, Goldman Sachs, FMC, Prudential, and dozens of others.

Here is what CED President Charles Kolb had to say:

> As reform nears, the inside-the-beltway cottage industry is scrambling to oppose action, but this list provides real evidence that a growing number of business leaders want reform. They don't fear reform, but think it's desperately needed. They are the leading funders of campaigns, and they're tired of being hit-up for ever-increasing amounts of cash. They know the system—or lack of one—is hurting the business community and our democracy.

I ask unanimous consent that this list of business leaders and the accompanying release be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. Business leaders have common sense and they are changing the conventional wisdom about the need for real campaign finance reform.

Look at the second item, the results of a poll of hundreds of senior executives conducted for CED. In the poll leaders of companies with annual revenues of $500 million or more overwhelmingly supported the provisions of our bill, including strong support for a soft money ban.

The poll, conducted for CED by the respected Tarrance Group included these findings: three in five top business executives back a soft money ban; 74 percent say business leaders are pressured to make big contributions. Half said they "fear adverse consequences" if they refuse to contribute; more than 80 percent said that corporations give soft money for the purpose of influencing the legislative process. And 75 percent say that their contributions work—it gives them an edge in shaping legislation; 78 percent of business leaders agreed that the current system is "an arms race for cash that continues to get more and more out of control"; and 71 percent of executives in big companies say that all of these big dollar contributions are hurting their corporate image.

Business leaders believe that they are victims of a system that allows them to be shaken down. When asked why their companies give, the most frequent answer, from 31 percent, was "To avoid adverse legislative consequences". Twenty three percent say it is to buy access to the legislative process."

As a result, a full three-fifths of senior business executives said that they support a complete ban on soft money. That number was about the same, 57 percent, even in those companies that have been recent soft money givers.

Those findings are grim but they shouldn't surprise anyone who has thought about the political environment businesses in America now face. Business leaders have had enough. They have abandoned the conventional wisdom about the benefits of this corrupt system, and they are beginning to lead the call for reform. I ask unanimous consent that a release summarizing the results of this poll be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. FEINGOLD. A piece on the op-ed page of Monday's Washington Post entitled "Why this Lobbyist Backs McCain-Feingold." It was written by Wright Andrews, a long-time lobbyist, and a successful lobbyist, who has used this system to the advantage of his clients, but has finally said: "enough is enough." According to the conventional wisdom, Mr. Andrews is an unlikely advocate for reform. Not long ago, he was the president of the American League of Lobbyists, so it is fair to say that he was the lobbyists' lobbyist, but he seems to be a man of common sense as well, and there is what he had to say. He writes:

> [A]s a Washington insider, I know that on the campaign finance front, things have mushroomed out of control. . . . I know that lobbyists, legislators and the interests represented increasingly operate in a legislative environment dominated by the campaign finance process, and its excesses are like a cancer eating away at our democratic system. . . . [M]illions of Americans are convinced that lobbyists and the interests we represent are unprincipled sleazeballs who, in effect use great sums of money to bribe a corrupt Congress.

Mr. Andrews has put his finger on something. This system, especially soft money, taints everybody who is involved with it. Big money changes hands, things get done in Washington, and the American people think it is only common sense to conclude that corruption abounds. Mr. Andrews seems to understand, as the American business community now understands, that the appearance of corruption is just as bad for our democracy as actual corruption, because the American people don't see the difference. Mr. Andrews candidly admits that he and his clients have used money, within the system, to get legislative results. He continues:

> Campaign-related contributions, and expenditures at today's excessive levels increasingly have a disproportionate influence on certain legislative actions. Unlimited "soft" money donations and "issue ad" expenditures in particular are making a joke of contribution limits and are allowing some of the wealthiest interests far too much power and influence.

I ask unanimous consent that Mr. Andrews' op-ed be printed in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. FEINGOLD. This last quote from a Washington lobbyist is common sense and the new, emerging conventional wisdom. These three items make a few things clear. The old conventional wisdom about the opposition of the business community to real reform is wrong, and it is giving way to the common sense of the movement for reform. To those who will strive on this floor to beat back the reform America demands, I say, listen to these business leaders who are saying that they realize that the corrupt system in place does not serve their interests, or our country's. Listen to the corporate executives who say they are tired of the constant fund-raising and the feeling that they are being shaken down. Listen to this veteran lobbyist, and others like him, who are at the center of the current system and can't stand its rotten influence any longer. And if you oppose reform, listen to the common sense of the American people who today can take heart that the old conventional wisdom about the chances for reform is passing away, along with your remaining allies in this fight.

I can't think of anything more illustrative of the very issue that the U.S. Supreme Court asked us to consider in these situations. Is there an appearance of corruption? When the business leaders and the CEOs of this country believe they are being shaken down and that they are being intimidated into giving these contributions, at a bare minimum, this is the appearance of corruption that the U.S. Supreme Court has identified as the basis for legislative action in this area.

Exhibit 1

Top Executives and Civic Leaders Back Plan That Includes Soft-Money Ban

As the Senate begins to debate campaign finance reform, the Committee for Economic Development (CED) today sent every Senator the names of 307 prominent business and civic leaders who have endorsed its sweeping reform plan, which includes a soft-money ban. About 100 new executives have joined the effort since the Senate last considered reform in October 1999.

"As reform nears, the inside-the-beltway cottage industry is scrambling to oppose action," said CED President Charles Kolb. "But this list provides real evidence that a growing number of business leaders want reform. They don't fear reform, but think it's desperately needed. They are the leading funders of campaigns, and they're tired of being hit up for ever-increasing amounts of cash. They know the sysem—or lack of one—is hurting the business community and our democracy."

The endorsers include top executives of Sara Lee, John Hancock Mutual Life Insurance, State Farm, Prudential, H&R Block, ITT Industries, Motorola, Nortel Networks, Hasbro, the MONY Group, Chubb, Goldman Sachs, Boston Properties, and Saloman Smith Barney. They also include the retired chairmen or CEOs of Deloitte Touche Tohmatsu, AlliedSignal, Bank of America, GTE, International Paper, Union Pacific, General Foods, Monsanto, Time, CBS, Fannie Mae, Dow Chemical, Texaco, FMC, and BFGoodrich.

Other prominent Americans on the list include a former vice President, former Republican Secretaries of Defense, Treasury, and Labor, a former Senator and Republican National Committee Chairman, and a former Securities and Exchange Commission Chairman.

CED, the leading business group advocating reform, has officially endorsed the legislation offered by Senators John McCain and Russ Feingold, which the Senate will debate next week. The CED proposal calls for a ban on soft-money contributions, increased individual contribution limits (to $3,000), partial public financing for congressional races, and voluntary spending limits.

"Business executives support reform in roughly the same numbers as the rest of the nation's voters," Kolb said, pointing to a poll of top corporate executives of the nation's largest corporations that The Tarrance Group conducted on behalf of CED last year. According to the survey, 78 percent support reform, and 60 percent back a soft-money ban. (Importantly, 57 percent of those from companies that recently made soft-money contributions support a soft-money ban.) Many business leaders have called the current system a "shakedown" and half of the poll respondents said they fear adverse legislative consequences if they don't give.

Exhibit 2

First-Ever Corporate Poll Results—Senior Business Executives Back Campaign Finance Reform

POLL OF BIG-BUSINESS LEADERS SHOWS SUPPORT FOR SOFT-MONEY BAN, OTHER REFORMS SAY FEAR AND BUYING ACCESS ARE TOP REASONS FOR CORPORATE GIVING

Senior executives of the nation's largest businesses overwhelmingly say the nation's campaign finance system is "broken and should be reformed," and three-in-five back a soft-money ban, according to the first-ever survey of business leaders' views on political fundraising, which was released today. The main reasons corporate America makes political contributions, the executives said, is fear of retribution and to buy access to lawmakers.

Nearly three-quarters (74 percent) say pressure is placed on business leaders to make large political donations. Half of the executives said their colleagues "fear adverse consequences for themselves or their industry if they turn down requests" for contributions.

The survey provides new evidence to demolish the myth that corporations support the current campaign finance system. It was conducted by The Terrance Group for the Committee, for Economic Development (CED) a non-partisan research and policy group that has emerged as the business community's leading voice for campaign finance reform.

By a more than four-to-one margin, respondents said corporations make soft-money contributions to influence the legislative process rather than for more altruistic reasons. And 75 percent say political donations give them an advantage in shaping legislation.

Nearly four-in-five executives (78 percent) called the system "an arms race for cash that continues to get more and more out of control," with 43 percent strongly agreeing with that statement. Two-thirds (66 percent) said fundraising burdens are reducing competition in congressional races and the pool of good candidates. And 71 percent say stories about big-dollar contributions are hurting corporate America's image.

"As the chase for political dollars has exploded, the business community has increasingly called for reform," said Charles E.M. Kolb, the President of CED. "More executives are saying they're tired of the 'shakedown' and the unrelenting pressure to give ever-increasing amounts—something some say feels like 'extortion.'"

"This poll demonstrates conclusively that these are not just anecdotal accounts or minority opinions, but rather the widely held views in the top echelons of major corporations," Kolb said. "The business community sees a campaign finance system that's evolved into an influence- and access-buying system that damages our democracy and the way public policy decisions are made. And they increasingly feel trapped in a system that doesn't work for anyone."

When asked why corporate America contributes, the most frequently given answer (31 percent) was to "avoid adverse legislative consequences," and nearly a quarter (23 percent) said it was "to buy access to influence the legislative process." Another 22 percent said the business community gives "to promote a certain ideological position," and 12 percent said it does so "to support the electoral process."

"The numbers are compelling because the margins are so wide. The poll leaves no doubt that corporate leaders support significant reforms," said William Stewart, Vice President of Corporate & International Research for The Tarrance Group, a polling firm that specializing in working for corporations and Republican candidates. "In nearly all cases, a clear consensus exists, and it exists across all demographic subgroups. These executives feel the system is an escalating arms race, they fear retribution for not giving, and they describe contributions as being tied to legislative outcomes; all of which helps explain why executives overwhelmingly favor reform."

Perhaps some of the most surprising results of the survey are the levels of support for various reform proposals. Not only do three-in-five executives support banning soft money (the unlimited contributions from corporations, unions, and wealthy individuals), but 42 percent expressed strong support for the move. Even 57 percent of the executives who work for companies that have made soft-money contributions over the last three years, favor a ban.

In addition, the business leaders said they favored voluntary spending limits (66 percent), a publicly financed matching system for donations below $200 (53 percent), and an increase in the current $1,000 individual-contributions limit (63 percent).

"When so many senior executives support spending limits and a partial public-financing system, you know it's time for reform," said Kolb. "This is not a group that casually supports government rules and spending, but they clearly see that it is now vital to fix this broken system." Additionally, nearly nine-in-ten (88 percent) said they were concerned about the decline in voter participation, with 53 percent saying they were "very" or "extremely" concerned about it.

The Tarrance Group surveyed 300 randomly chosen senior corporate executives (vice presidents or above) from firms that had annual revenues of approximately $500 million or more. The telephone survey was conducted between September 12 and October 10. It has a margin or error or plus or minus 5.8 percent.

Of those surveyed, 42 percent work for firms that have made soft-money contributions since 1997. The vast majority (86 percent) had made personal political contributions. A much larger share identified themselves as Republicans (59 percent) than Democrats (19 percent).

In March 1999, CED unveiled a reform proposal that would ban soft money, institute public matching funds for small-dollar donations and voluntary spending limits, and increase individual contribution limit (to $3,000).

Founded 1942, CED is an independent, nonpartisan research and public policy organization. Its Subcommittee on Campaign Finance Reform was co-chaired by Edward A. Kangas, Chairman, Global Board of Directors of Deloitte Touche Tohmatsu, and George Rupp, President of Columbia University. CED's campaign finance program is funded by grants from The Pew Charitable Trusts and the Carnegie Corporation of New York.

EXHIBIT 3

[From the Washington Post, Mar. 19, 2001]

WHY THIS LOBBYIST BACKS MCCAIN-FEINGOLD

(By Wright H. Andrews)

As a Washington lobbyist for more than 25 years, I urge Congress to make a meaningful start on campaign finance reform and pass the McCain-Feingold bill. While many lobbyists privately express dismay and disgust with today's campaign finance process and are in favor of reforms, most have not expressed their views publicly. I hope more lobbyists will do so after reading this "true confession" by one of their own.

I am not an ivory-tower liberal, nor do I naively believe we can or should seek to end the influence of money on politics. I have engaged in many activities most reformers abhor, including: (1) making thousands of dollars in personal political contributions over the years, (2) raising hundreds of thousands of dollars, including "soft money," for both political parties and (3) counseling clients on how to use their money and "Issue ads" legally to influence elections and legislative decisions.

Why, then, does someone like me now openly call for new campaign finance restraints, at least on "soft" money and "issue" advertising? Quite simply because, as a Washington insider, I know that on the campaign finance front things have mushroomed out of control. In the years I have been in this business I have seen our federal campaign finance system and its effect on the legislative process change dramatically—and not for the better.

I believe that individuals and interests generally have a right to use their money to influence legislative decisions. Nevertheless, I know that lobbyists, legislators and the interests represented increasingly operate in a legislative environment dominated by the campaign finance process, and its excesses are like a cancer eating away at our democratic system.

There is no realistic hope of change until Congress legislates. I readily admit that I will continue, and expand, my own campaign finance activities—just as will most of my colleagues—until the rules are changed.

Right now there is an ever-increasing and seemingly insatiable bipartisan demand for more contributions, both "hard" and "soft" dollars. The Federal Election Commission has reported that overall Senate and House candidates raised a record $908.3 million during the 1999–2000 election cycle, up 37 percent from the 1997–1998 cycle. The Republican and Democratic parties also raised at least $1.2 billion in hard and soft money, double what they raised in the prior cycle. Soft-money donations from wealthy individuals, corporations, labor groups, trade associations and other interests have shown explosive growth. In addition, millions of dollars in unregulated "non-contribution" contributions are being plowed into the system through "issue ads."

Today's levels of political contributions and expenditures are undercutting the integrity of our legislative process.

Ironically, congressional lobbyists in general are better, more professional, more ethical and represent more diverse interests than in the past. Our elected officials today also are generally honest, hard-working and well-meaning. But millions of Americans are convinced that lobbyists and the interests we represent are unprincipled sleazeballs who, in effect, use great sums of money to bribe a corrupt Congress.

Many citizens believe that using money to try to influence decisions is inherently wrong, unethical and unfair. While supporting reforms and recognizing citizens' concerns, I disagree; I find little problem with political interests seeking to influence elected officials through contributions and expenditures at moderate levels, provided this is publicly disclosed and not done on a quid-pro-quo basis. The First Amendment allows every individual and interest to use its money to try, within reason, to influence Congress. And influence comes not just from political contributions; it also comes from using money, for example, to hire lobbyists, purchase newspaper ads and retain firms to generate "grass-roots" support.

I nonetheless think the time has come to temper this right. We have reached the point at which other interests and rights must come into play. Campaign related contributions and expenditures at today's excessive levels increasingly have a disproportionate influence on certain legislative actions. Unlimited "soft" money donations and "issue ad" expenditures in particular are making a joke of contribution limits and are allowing some of the wealthiest interests far too much power and influence.

Moreover, the ability of legislators to do their work is being reduced by the demands of today's campaign finance system. Many, especially senators, now must devote enormous amounts of time to fundraising.

Any significant new campaign finance limits that Congress adopts will have to survive certain challenges in the Supreme Court. If Congress carefully crafts legislative restrictions, the court will, I believe, uphold responsable limits by following reasoning such as it used in the Nixon v. Shrink Missouri Government PAC case, in which it noted that "the prevention of corruption and the appearance of corruption" is an important interest that can offset the interest of unfettered free speech.

Some lobbyists continue to support the present campaign finance system because their own abilities to influence decisions, and their economic livelihoods, are far more dependent on using political contributions and expenditures than on the merits of their causes. Others feel strongly that virtually no campaign contribution and expenditure limits are permissible because of the First Amendment's protections. And some, like me, believe additional restraints on campaign finance are required and allowable if properly drafted.

As to those in the last category, I invite and encourage them to work with me in Lobbyists for Campaign Reform, a coalition to urge Congress to pass meaningful campaign finance reforms, starting with the basic McCain-Feingold provisions.

Mr. FEINGOLD. Mr. President, I yield the floor.

Mr. McCONNELL. I am not aware of any more speakers on this side.

Mr. KERRY. I will be brief and then I will yield back my time.

I thank the Senator from Wisconsin notwithstanding that he has to oppose my amendment. I understand why. I appreciate the gentle and sensitive opposition that he made, and I particularly appreciate the remarks he made about the CED and the business leaders who support what I am attempting to do this afternoon.

I will answer quickly. I always enjoy my exchanges with the Senator from Kentucky. He is very good at what he does. He certainly is one of the best in this body at making arguments. However, I must say I am a bit taken aback by the notion that President Bush made a judgment not to take the Federal money, or to take the Federal money because he didn't have time to raise the other money. He raised $100 million in $1,000 contributions and Senator McCAIN suspended his campaign in March.

The notion that President Bush, between March and the August convention, did not have an opportunity through his rather formidable fundraising machine to reask everybody for $1,000 who gave almost $100 million in order to find the $46 million necessary for the general election or some larger amount if he wanted to live by it is absolutely without merit. Everybody in this country who raises money knows he has the ability to raise $1,000 contributions a second time from those same $100 million worth of people who had invested in his nomination and who would not have quit on him and who would have wanted him elected President.

Likewise with President Reagan, the exact same circumstances existed. He took the money because the money was there, but also because Americans knew that is the way they expect to elect their President in the general election. I don't think you could have sustained the arguments that would have been made in the face of campaign finance reform advocates across the country, who believe they don't want a President who, during the general election, has to raise that kind of money and be subjected to what we are subjected to here on an annual basis. There is an enormous distinction here and it needs to be made.

I yield back the remainder of my time.

Mr. McCONNELL. Mr. President, I sum it up, this is an amendment about the taxpayer funding of congressional elections, about as unpopular with the American people as voting for congressional pay raises. We have the most extensive poll ever taken on any issue on this subject every April 15 when our taxpayers in this country get an opportunity to divert $3 of the taxes they already owe into a fund to pay for the Presidential election and for the conventions. The resounding number, 88 percent, choose not to divert money, although it doesn't add to the tax bill. They choose not to divert tax dollars into this discredited system during which one out of four of the tax dollars have been spent on lawyers and accountants trying to comply with the act and, of course, in recent years, more money spent by outside groups and the political parties in issue ads than the amount of money spent in the course of the campaign.

Finally, let me say at the risk of being redundant, you can't restrict tax dollars to the Republicans and the Democrats, as we have learned in the Presidential system which has provided millions of dollars to Lenora Fulani and to Lyndon LaRouche who got tax dollars to run for President while in jail. This is going to provide funding for fringe candidates for Congress and for the Senate all over America. Any crackpot who wakes up in the morning and looks in the mirror and says, "Gee, I think I see a Congressman," is going to have hope under this that he will receive tax dollars to help finance his campaign.

Let me just say for the information of all Senators, the next amendment will be offered on our side of the aisle by the Senator from Tennessee, Mr. THOMPSON, who is present and prepared to offer his amendment as soon as this vote is concluded.

Am I correct that when I yield back my time, the vote will occur on the Kerry amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. Mr. President, at this point I yield back the remainder of my time.

The PRESIDING OFFICER. The question then is on agreeing to the amendment.

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—30

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Corzine
Daschle
Dayton
Dodd
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Leahy
Levin
Lieberman
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Stabenow
Torricelli
Wellstone

NAYS—70

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Chafee
Cleland
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

The amendment (No. 148) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I just consulted with Senator DASCHLE, the managers of the legislation, and all interested parties. We believe the best way to proceed tonight is to go ahead and have the next amendment laid down, which is the Thompson-Collins amendment, and that be debated tonight for whatever time is necessary, 2, 2½ hours.

We will come in in the morning at 9:15, have 30 minutes of debate equally divided, and have the next recorded vote about 9:45 a.m.

I ask unanimous consent that the Senate proceed to the Thompson-Collins amendment and, following the debate tonight, there be 30 minutes equally divided for closing remarks tomorrow beginning at 9:15 a.m., to be followed by a vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not disagree except to say it is the intention to have a Feinstein second-degree amendment immediately following the vote which will be to table the Thompson amendment. It is my understanding that is perfectly agreeable with the author of the amendment to have that vote on a second-degree amendment as well.

I ask to amend the unanimous consent request that, following that vote, a Feinstein second-degree amendment be in order.

Mr. DODD. I object to that. Let me explain if the leader will yield. We are going to debate the Thompson amendment, and there will be a vote on the Thompson amendment. There has been no decision whether it will be a vote up or down or to table.

Mr. MCCAIN. I amend my unanimous consent request that in the event the Thompson amendment is not tabled, a second-degree Feinstein——

Mr. DODD. I do not even want to agree with that. I understand where the Senator is coming from. At this point, I think we ought to go to the Thompson amendment, debate the Thompson amendment, and tomorrow get a better sense rather than push beyond that.

Mr. LOTT. Mr. President, I say to the Senator from Arizona, I hope he will do that because it will give everybody a chance to talk through everything tonight. In the morning, a whole new strategy may exist on the Senator's behalf or somebody else's behalf.

If we can withhold that now, I assume that is the direction we are going to go, but I think the managers want to have some further discussion about it.

Mr. MCCAIN. Mr. President, I have to say that will be our intention in the event the Thompson amendment is not tabled, and I have discussed this with the author of the amendment and many others, and unless there is some reason for not doing so, I hope that will be agreeable.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DODD. Reserving the right to object, the only request before the Chair is that posed by the majority leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Reserving the right to object, I ask the majority leader to give us a general overview, those who have been waiting patiently to offer amendments, as we are going into Wednesday and Thursday of the second week. Are we going to continue on this bill as long as there are amendments to be offered?

Mr. LOTT. There are some additional amendments I understand Senators would want to offer. I don't have a finite list. I don't know whether there are 2 or 3 or 10. The Senator may want to consult with the manager on that side. I don't know that there are more than a couple—I just don't know.

Mr. DODD. We have 21 amendments.

Mr. DURBIN. My inquiry is, there is no understanding that we are going to end this debate on Thursday night or Friday; we are going to continue until we finish the job?

Mr. LOTT. We are enjoying this immensely and we don't want to rush to finish this at a reasonable hour tomorrow. But if that is the will of the Senate, we may want to consider that.

Mr. DURBIN. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. In light of the agreement, the next vote is at 9:45 a.m. on Wednesday.

I yield the floor.

AMENDMENT NO. 149

Mr. THOMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON], for himself, Mr. TORRICELLI, and Mr. NICKLES, proposes an amendment numbered 149.

Mr. THOMPSON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify and index contribution limits)

On page 37, between lines 14 and 15, insert the following

SEC. . MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting "$2,500";

(2) in subparagraph (B), by striking "$20,000" and inserting "$40,000"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7,500".

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking "$30,000" and inserting "$50,000".

(c) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$7,500";

(2) in subparagraph (B), by striking "$15,000" and inserting "$17,500"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7,500".

(d) INCREASE IN SENATORIAL CAMPAIGN COMMITTEE LIMIT.—Section 315(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by striking "$17,500" and inserting "$35,000".

(e) INDEXING OF INCREASED LIMITS.—

(1) IN GENERAL.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)—

(i) by striking the second and third sentences;

(ii) by inserting "(A)" before "At the beginning"; and

(iii) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsection (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A); and

"(ii) each amount so increased shall remain in effect for the calendar year.

If any amount after adjustment under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next nearest multiple of $500 (or if such amount is a multiple of $250 (and not a multiple of $500), such amount shall be rounded to the next highest multiple of $500).

"(C) In the case of limitations under subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(B) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a) and (h), calendar year 2001".

(2) EFFECTIVE DATE.—The amendments made by subsection (e) shall apply to calendar years after 2002.

Mr. THOMPSON. Mr. President, I think it would be appropriate at this time to remind ourselves why we are here and to remind ourselves of the need for changing the current system under which we operate in terms of financing campaigns for Federal elections. It has to do with large amounts of money going to small amounts of people.

We have seen over the centuries problems with large amounts of money going to elected officials or people who would be elected officials. That is the basis behind the effort to ban soft money from our system.

We have gone from basically a small donor system in this country where the average person believed they had a stake, believed they had a voice, to one of extremely large amounts of money, where you are not a player unless you are in the $100,000 or $200,000 range, many contributions in the $500,000 range, occasionally you get a $1 million contribution. That is not what we had in mind when we created this system. It has grown up around us without Congress really doing anything to promote it or to stop it.

I think we are on the eve of maybe doing something to rectify that situation. Many Members are tired of picking up the paper every day and reading about an important issue we are going to be considering, one in which many interests have large sums at stake and then the second part of the story reading about the large amounts of money that are being poured into Washington on one side or the other of the issue—the implication, of course being clear, that money talks and large amounts of money talk the loudest.

Of course, that is a reflection on us. It is a reflection on us as a body. As the money goes up, the cynicism goes up, and the number of people who vote in this country goes down. That is not a system of which we are proud. That is not a system that many want to continue.

I read a few days ago about the problems our friends in France are having with their own big money scandal. I read in the newspaper where the French are saying their politics have become Americanized—meaning it is now a system of tremendously large amounts of money.

We learned in 1996 that the President of the United States can sit in the Oval Office and coordinate these large amounts of money on behalf of his own campaign. So the issue of whether or not making these large contributions of the State party ever reaches the benefit of the candidate is a moot issue. We know certainly that it does.

If we are able to do something about this soft money situation, where is this money that is in the system now going to go? I suggest we have seen the beginning of the phenomenon in electoral politics that will continue unabated, and that is the proliferation of independent groups, nonprofit groups, what have you, buying television ads in our system. I think it is protected almost totally by the first amendment. There are some modest restrictions one can make, but basically it is protected by the first amendment and it will continue and there is nothing we can do about it even if we wanted to. I am not sure we ought to. We ought to be subject to discussion and criticism and robust debate.

Having said that, if we get rid of the soft money, it is going to go somewhere—a good deal of it, anyway. Are we going to fuel that independent sector out there even more or are we going to allow the candidate, himself or herself, to have some voice in their own campaign? It will go to all these outside groups unless we do something about the hard money limits. Of course, we all know what we are talking about, but I hope the American people understand we created a system of so-called hard money, which is the legitimate money that we decided people ought to be able to contribute to Federal candidates for campaigns.

Everybody knows it takes money. It takes large amounts of money, it takes more and more money, and we will see in a few minutes how much it really takes.

We said for an individual in one cycle or in one campaign, $1,000 individual limit. That was back in 1974 when we passed that law. We had other limits for other activities. Individual contributions to parties we capped at $20,000; individual contributions to PACs, $5,000; aggregate individual limit of $25,000 a year. That has been the system we operated under since 1974. The soft money phenomena was very small until the mid-1990s and the system worked pretty well.

It has all changed now. The soft money is there in droves. The independent groups are out there energized on both sides, all sides, and we are still back here at these hard money $1,000 limitations that we created in 1974—a limitation of $1,000 that would be worth $3,500 a day if adjusted for inflation.

That is the nature of the problem. All the other areas have increased exponentially, and these legitimate, the most legitimate, the most disclosed, the most controlled, the area where nobody says there will be any corruption involved because the amounts are so low, has not changed. Inflation has tripled. It has more than tripled since 1974. The costs of campaigns have gone up 10 times.

I have a chart showing the average cost of winning a Senate seat in this country back to 1976. I wish we had 1974 numbers because it would probably be $400,000 or $500,000. We know in 1976 it was $600,000. In 1978, it came up to $1.2 million. The cost in the last election cycle that we had in 2000, the average cost of winning a Senate seat was over $7 million.

That includes one or two very expensive seats and that boosts the number up, but they count, too.

The last cycle, in 1998, was about $4.5 million. So about any way you cut it, you can see the dramatic increase, about a tenfold increase since 1974, of the cost of the election. That is the cost of everything: consultants, television is the biggest part of it, personnel—everything from stamps to the paper that you write on, the material that you send out. Everything has skyrocketed, has increased greatly with regard to campaigns since 1974—10 times. Inflation has increased over 3 times. And we are back at a $1,000 limit pretending we are doing something good by keeping the limit that low.

What has been the effect of that? What has been the effect of everything else running wild and our keeping this low cap on the most legitimate money in politics? It means one thing: incumbents have to spend an awful lot of their time running and raising money in $1,000 increments. In that respect, we get the worst of both worlds because, also, once we get the money, it is an incumbent protection deal because the great majority of Senators who run for reelection win because of inherent advantages that we have.

In the House last time, 98 percent of the sitting House Members to run for reelection won reelection—98 percent—attesting to the fact that by keeping these limits low, you are making it that much more difficult for challengers. You are making it that much more difficult for people who want to get into the system and reach that threshold of credibility by raising enough money to be able to say they are going to buy a few TV ads and such things as that, and tell their supporters: Yes, I am credible; I have that much money in the bank.

It is extremely difficult under our present system to do that now. We have an incumbent protection system in operation now. I do not think that is good for our country. We have been criticized for some of these amendments that have been passed during this debate in the last couple of weeks as, once again, doing something to protect incumbents. One of the things we can do to answer that is to say we are not going to continue to stick with this antiquated hard dollar limitation.

Others have commented upon and made note of the difficulty that challengers have in raising sufficient amounts of money to run. There was an article recently by Mr. Michael Malbin, executive director of the Campaign Finance Institute, a professor of political science in the State University of New York at Albany. In Rollcall last Monday, Mr. Malbin pointed out that the Campaign Finance Institute, affiliated with the George Washington University, analyzed past campaign finance data and reached surprising conclusions about the role that large contributions play in promoting competition in Federal elections. These conclusions are not arguments for or against McCain-Feingold or the Hagel bill.

He points out the $1,000 limitation today would be worth $3,500 if it was just indexed for inflation.

> From a competitive standpoint, upping the individual contribution limit would help

nonincumbent Senate candidates, while having little impact on the House.

He points out in races in 1996 and 2000, 70 percent of the $1,000 contributions went to nonincumbents. He says nonincumbents rely more on the $1,000 givers. He says:

> These data do not point to a single policy conclusion. But they do raise a yellow flag. Large givers and parties are important to non-incumbents.

McCain-Feingold would shut off one source of soft money, the banning of donations, without putting anything in its place.

I suggest we should put something in its place. That is the amendment that Senator TORRICELLI and Senator NICKLES and I have submitted. We take that $1,000 limitation that we have operated under since 1974 and we increase it to $2,500. I, frankly, would prefer to raise it closer to what inflation would bear, which would be $3,500.

I have been talking about rounding it off to $3,000. I do not get the indication that we would have the opportunity to pass that nearly as readily as what I am offering. Frankly, that is my primary motivation. I believe so strongly that we must make some meaningful increase in the hard money limit that I want to pare mine down to something that is substantially less than an inflation increase.

So, in real dollars, if we pass my amendment, we will be dealing with less than the candidate dealt with back in 1974 with his $1,000, not to mention the fact that all of the expenses have skyrocketed.

Individual contributions will go from $20,000 to $40,000; aggregate individual limits would go from $25,000 to $50,000 aggregate individual limits. People say $50,000, that is a lot of money. That is not $50,000 going to one person; that is $50,000 aggregate, going to all candidates.

Look at the tradeoff. Again, what I said in the very beginning about the reason we are here: large amounts of money, hundreds of thousands of dollars going to or on behalf of particular candidates. Here the individual candidate would only get $2,500 for an election. In terms of the aggregate amount, what is wrong with several $2,500 checks being made out to several candidates around the country, if a person wanted to do that? No one candidate is getting enough money to raise the question of corruption. I think the more the merrier. In that sense, more money in politics is a good thing. We have more people reach the threshold of credibility sooner and let them have a decent shot at participating in an election and not have a system where you do not have a chance unless you are a multimillionnaire or a professional politician who has been raising money all of his life and has his Rolodex in shape that he can move on, up, down the line.

So I doubled most of these other categories except for the contributions to PACs. On individual contributions to PACs, we move from the current $5,000 a year to $7,500 a year. On PAC contributions to parties, we move from $15,000 a year to $17,500 a year; PAC contributions to PACs, $5,000 to $7,500.

These are modest increments. I don't know the exact percentage—less than half increase.

Some would say, I assume, that though we are not even coming close to keeping up with inflation, and even though these prices are skyrocketing for everything that we buy connected with the campaign, that going from $1,000 to $2,500 is too rich for their blood. But I must say for those who read any of the articles, any of the treatments that have been out recently by scholars and thoughtful commentators and others, they have to see a pattern that must convince them that they should take a second look at taking such a position.

There is an article recently by Stuart Taylor in the National Journal, saying that increasing these hard money limits to $2,000 or $3,000 is certainly an appropriate thing to do.

There is no commentator, there is no writer, there is no reporter with more respect in this town and hardly in the country than David Broder. Mr. Broder wrote recently that raising it to $2,000 or even $3,000 would be an appropriate thing to do. There is no corruption issue there. There is no appearance issue there. That is what we need to keep in mind. We are not just talking about money. Money is not the same in one category as it is in the other. And more of it is not necessarily all bad, if you are giving a little bit to various candidates around the country. Let's not get so carried away in our zeal to think that all money is bad, that it doesn't take money to run campaigns, when that kind of attitude is going to hurt people who are challengers worse than anybody.

Let's get the amount up decent enough so it will not be so high as to have a corrupting influence or a bad appearance problem, but high enough to make the candidate credible.

Recently, I got the benefit of some legislative history on this matter with regard to this body and some comments that have been made over the years by former Senators who we all remember and we all respect.

Back in August of 1971, they debated a piece of legislation. If you recall, it was 2 years before Watergate. Senators Mathias and Chiles moved to establish a $5,000 limit on a person's contribution to a Federal candidate. That amendment was rejected. But Senator Chiles said: "to restore some public confidence on the part of the people [we need this amendment]."

He said:

> The people cannot understand, today, why a candidate receives $25,000 or $250,000 from one individual, and they cannot understand how a candidate is not going to be influenced by receiving that kind of money.

He said what we need to do is raise the amount so that it is not so high that we have that kind of improper influence appearance, but raise it high enough to give them a decent chance; and to him, at that point, it was $5,000. Well, that is closer to $20,000 today.

Before a subcommittee in March of 1973—on March 8, 1973—there was discussion between Senator Beall and Senator George McGovern, former Presidential candidate. Senator Beall said:

> [I]n Maryland, we don't have any limit on the total amount that you might spend in an election but we do limit contributions to $2,500.

This is, of course, the amount I am suggesting today.

Senator McGovern said:

> I favor that, Senator. I think there should be an individual limitation. I have proposed that in no race should it go beyond $3,000 by a single individual.

So Senator McGovern was at $3,000, and in real dollars way above what I am proposing. Again, his $3,000 would be $10,000, $12,000 today.

Coming on further, in the Watergate year, 1973, Senator Bentsen, former Senator from Texas, former Secretary of the Treasury, said:

> I believe my $3,000 limit walks that fine line between controlling the pollution of our political system by favor seekers with money to spend and overly limiting campaign contributions to the point that a new man simply does not have a chance.

On the vote to amend the Proxmire amendment with the Bentsen amendment, Senator Mondale voted yes. Senator Mondale and Senator Bentsen voted for a $3,000 individual limit which, again, is—what?—$10,000 or so today. On the vote which carried to adopt the amendment as amended, both Senator Mondale and Senator McGovern voted yes. Senator Cannon summarized the contribution limit provisions, as amended by Bentsen's amendment, and stated: The maximum of $3,000 individual contributions to congressional and Presidential candidates is what is in the bill, and the overall limit is $100,000. That is 100,000 1974 dollars. This is in the wake of Watergate that they were having this discussion at these amounts.

On March 28, 1974—after Watergate—which is the year that the last significant legislation in this area was passed, Senator Hathaway proposed an amendment to increase the amount from $3,000 to $6,000 that organizations may contribute.

During the debate, Senator HOLLINGS—our own Senator HOLLINGS—said:

> I . . . support limiting the amount that an individual can contribute to a campaign, and while I personally favor a $1,000 ceiling, I would agree to a compromise that would set $15,000 as the maximum contribution in Presidential races and $3,000 in Senate and House races.

Again, that is substantially above what we are talking about today.

Senator Hathaway said:

> [T]he President [President Nixon] advocated a $15,000 limitation. It seems to me the $3,000 for individuals and $6,000 for a group limitation, being considerably below the amount recommended by the President, is realistic.

The Hathaway amendment carried, and, again, Senator McGovern voted in favor. Again, it is substantially above what we are talking about today.

Finally, in June of 1974, the Watergate Committee issued its final report. That is a committee I spent a few days and weeks assisting in the writing. Recommendation No. 5 of the Watergate Committee report:

> The committee recommends enactment of a statutory-limitation of $3,000 on political contributions by any individuals to the campaign of each Presidential candidate during the prenomination period and a separate $3,000 limitation during the post-nomination period.

And the report also states:

> [T]he limit must not be set so low as to make private financing of elections impractical.

That had to do with Presidential elections. The Watergate Committee did recommend substantially above what we wound up with regard to Presidential elections. What would they have recommended 25 years later with inflation—knowing then what we know now, and that expenses were going to go up tenfold? The amounts would be much, much higher.

I say all of this to make one simple point. The increase in the hard money limits is long overdue and very modest. By trying to be holier than thou—and no one has fought for McCain-Feingold harder than I have since I have been here. When I first ran for political office—the first office I ever ran for—it just seemed to me that something was wrong with a system that took that much money, and it was a whole lot easier to raise money once you got in, and once a big bill came down the pike that everybody was interested in.

In private life you get a little uneasy about things such as that. I was not used to it. So I signed on. I became a reformer. And I have gone down to defeat many times because of it. So I take a back seat to no one in wanting to change the system so we can have some pride in it again.

But I am telling you, by keeping this hard money limit so low, we are hurting the system. We are going to wind up with something, if we are not careful, worse than what we have now. That is how important I think the increasing of the hard money limitation is.

There is another question that we should ask ourselves. I heard one of the commentators refer to this last Sunday. I had not thought about it, frankly, but it makes a lot of good sense. It is a good question. And that is, wait a minute, we just passed a so-called rich, wealthy candidate's amendment. I voted against it. I think it is unconstitutional. But the sentiment is a legitimate one. Everyone is fearful of the prospects of running against a multimillionaire who can put millions of dollars in of their own money. So what was adopted was an amendment that says, if the rich guy puts in money, you can raise your limits to $2,000, $3,000, $4,000, $5,000, I believe $6,000. You can take $6,000 from one person, I believe is what we wound up with. Let me ask you, if the $2,500 that I am proposing is corrupting, what about the $6,000 you are going to be using against the rich guy?

The fact that you are running against a rich guy is not going to make you any more or less susceptible to corruption, if that is the issue. How can we pass an increase for ourselves based on what somebody else is spending against us, if we are concerned about the corruption issue, unless we acknowledge that those levels of dollars are not a corruption problem? It is something considerably lower than that, such as $2,500, I suggest.

The amendment also has the benefit of being clearly constitutional. We have had a constitutional issue with regard to just about every aspect of this bill that has been brought up so far. We will not have a constitutional issue with this amendment. There is no question that we can increase the hard money limits. The constitutional issues have always been whether or not we could reduce the hard money limits.

I urge the Senate not to be so afraid to do something that is long overdue, and to not try to wear the mantle of reform to the extent that we wind up creating more harm, to take a noble purpose and turn it into a terrible result and have a situation where amendments such as mine are defeated and we go ahead and pass McCain-Feingold and do away with soft money and wind up with a hollow victory, indeed, as we see the candidate is unable to fend for himself, candidates who want to run can't afford to raise the money to run on the one hand and all the independent groups doing whatever they want to do in triplicate from what we have already seen in the future—that would be worse—and inflation continuing to increase and seeing that $1,000 limit continue to dwindle, dwindle down below the $300 that it is today.

I suggest to those who want to come in at some lower limit that we not simply nibble away at this problem, that we face up to it, do what we need to do, index these dollars, do what we need to do so we don't have to revisit this thing every couple of years, so that we can get on with our business. In a practical sense, look how long it has taken us to get here. It has taken us since 1974 to get here for these 2 weeks. A lot of blood has been spilt on the floor just to get here and get this debate. It may be another 25 years before we have another debate such as this. Let's come up with some reasonable amount, index it for inflation, so we don't have to go through this again because, in fact, we probably won't go through this again and nothing will be done about the proliferation of the independent ads and the independent outside groups as that goes on and on and on, and our puny little hard money limitation, the most legitimate, the most disclosed, the most limited part of our whole system continues to dwindle and dwindle and dwindle. That would be a bad result and a hollow victory indeed.

Mr. President, I urge the adoption of the amendment and yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Thompson amendment.

The fact is, the Senator from Tennessee was one of the very first persons to get involved in the McCain-Feingold effort. I am grateful for the years of hard work he has put into our effort to try to reform the campaign finance system. We have always had a disagreement about this issue but a polite disagreement. Now the issue is finally joined.

I understand many Members of this body believe it is appropriate to raise the hard money limits. I have said many times that there must be some flexibility on this issue. I have said, half seriously and half kiddingly, that I am willing to go up as much as $1,001 per election for the individual limit. I prefer we not even do that.

When I say that, of course, at this point in the difficult process of bringing this bill together, I don't really mean that that is as far as I am willing to go, as much as I regret it. This is an area that now has to be opened to negotiation, and there have already been several days of discussions about this subject. That said, I don't think a significant increase in the limits is warranted.

In the 2000 election, according to Public Citizen, roughly 232,000 people gave $1,000 or more to Federal candidates. That is just one-ninth of 1 percent of the voting-age population. An elite group of donors don't just dominate the soft money system, frankly; they actually dominate the hard money system as well. To most Americans, $2,000 is still a large sum of money. That is when an individual can give to a single candidate $1,000 in the primary and then another $1,000 in the general election. If we talked about average Americans getting a tax cut for that amount of money, we would say $2,000 is a very sizable tax cut. Somehow when we talk about the same sum in the context of political giving, we act as if this is a small figure.

As I have said, I understand that raising the hard money limits does have to be a part of a final stage of this debate, even though I am reluctant to do so. If we can agree on an increase that doesn't jeopardize the integrity of the McCain-Feingold bill as a whole, I will support it.

I am afraid that this amendment, well-intentioned as it is, simply raises the limit too high by raising the individual limit to $2,500 and by doubling the other contribution limits, including the aggregate limit, the total amount that people give. That is why I must oppose this amendment and urge my colleagues to oppose it as well.

I understand that because this bill bans soft money, those of us who would prefer to leave the limits at their current level may have to compromise. I say to all my colleagues, increasing the individual limit by 150 percent is just not a compromise we should make. Such a small number of Americans can afford to give what the limits even allow now—quite often it is given the nickname of "maxing out," giving the maximum—that a vote to increase the individual limit to $2,500 does mean putting more power in the hands of an even more concentrated group of citizens, and few Americans have the wherewithal to give those kinds of contributions.

A recent study by Public Campaign found that Senate incumbents in 2000 raised on average nearly three times as much as their challenges did from donors of $1,000 or more. It is likely that raising the hard money limit will give incumbents an even bigger advantage than they already have now. So whatever increase we might support, we need to consider that aspect of this very seriously. We should carefully consider any measure that increases an incumbent's advantage, which I am afraid is already so strong in our Federal elections. I am afraid the Thompson amendment does just that.

On this point, the Supreme Court has said Congress may legislate in this area in order to address the appearance of corruption. There is another appearance that is important here, and that is how the bill we are trying to craft as a whole appears to the public at large. That is very important. This bill started out, with the good help of the Senator from Tennessee, as a straightforward effort to ban soft money and address the phony issue ad problem.

We quickly added an amendment that raised individual limits when a candidate faces a wealthy opponent on the first day of the debate. Now we are looking at a doubling of most of the contribution limits for all campaigns. If we keep going in this direction, as others have said, pretty soon this bill starts to look as if it is aimed at raising limits and really protecting incumbents rather than addressing the problem of corruption. We need to pay attention to that perception because our goal here is to reestablish the American people's trust in government, not to drive people further away.

I am afraid the Thompson amendment doesn't just increase the individual limit to 150 percent; it doubles every other important hard money limit as well. For example, the aggregate of what an individual can give to individual candidates would increase from $25,000 a year to $50,000 a year. So in the course of an election cycle, a couple—if there happens to be a couple involved—could give $100,000 in contributions. Now I was just talking about how $2,000 is a lot of money to most Americans. Well, $100,000 is, of course, a staggering sum to most people. I think it is too high to have the name "reform."

This bill is about lessening the influence of money on politics. It is not about increasing it. If we are going to raise the limits at all, we must do everything we can to act in good faith with all the American people, not that tiny number of Americans who can afford to open up their checkbooks and max out the candidate. We have to do everything we can to look out for the Americans who could not even dream of writing a $1,000 check to a candidate, no matter how much they supported what that candidate stood for.

Although I know important negotiations are underway, this is why raising the limits has to give this body pause, because every time we act to empower the wealthy few in our system, we really do a disservice to our Nation. I believe the soft money ban in this bill does a great service to the Nation by ending a system that allows completely unlimited contributions from corporations, unions, and individuals to flow to the party. The soft money ban helps empower the average voter in this country, and that is why it is the centerpiece, the bottom line, the reason to be of the McCain-Feingold bill.

With this bill, we are getting rid of hundreds of millions of unregulated dollars. So I am willing to consider a modest increase in regulated dollars. But this amendment goes too far. I oppose raising the hard money limit 150 percent when only one-ninth of 1 percent of the voting-age population gives $1,000. Increasing this figure by 150 percent would give an unprecedented new level of access to those who would continue to max out under the new limit.

I must urge my colleagues to oppose this amendment. I do hope the Members of this body can work together to reach an increase that will be palatable to both sides of the aisle. I mean that sincerely. If we can't come to an agreement, this bill will be seriously jeopardized. This body has made laudable progress in the course of this debate. I have never been more proud to be a Member of the Senate. I say to my colleagues that we have come too far to let this reform debate stall, even over an issue as tough as this one.

I hope we can come to an agreement on this issue that I can support. Until that time, I do have to oppose the Thompson amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. What does the Senator from Virginia need?

Mr. ALLEN. Ten minutes.

Mr. THOMPSON. I yield 10 minutes to the Senator from Virginia.

Mr. ALLEN. Mr. President, and Members of the Senate, I rise in support of the Thompson amendment. I have listened to the debate on this issue for the last several days, and I have listened to the many different points of view expressed here. There is quite a spectrum of opinion. On one side of the spectrum, there are those—and they had 40 votes—who want to limit First Amendment rights and, in fact, voted for a Constitutional amendment to do just that. I actually commend the Senator from South Carolina, Mr. HOLLINGS, for at least recognizing that many of these proposals, including the McCain-Feingold bill, have the effect of restricting First Amendment rights, which is part of the Bill of Rights. Nevertheless, that is their view.

On that side of the spectrum, there are also those who want the taxpayers to pay for elections, which would be the result if you actually limited First Amendment rights. They honestly believe that is the approach to take. I find myself on the other end of the spectrum, as one who believes very much in the Bill of Rights. After all, it was first authored by George Mason in the Virginia Declaration of Rights. I think the First Amendment, as well as all of the Bill of Rights, is very important for all Americans. My view is that what we ought to have is more freedom; the maximum amount of individual freedom, and the maximum amount of accountability and honesty in elections, and having contributions made voluntarily as opposed to being taken out of tax money.

All the various amendments that have been offered today, and probably will be offered in the next few days, have as their purpose various restrictions or subterfuge to these two different points of view.

I have been a candidate for statewide office in Virginia twice. Last year, I ran statewide for the U.S. Senate under the Federal election laws. I also ran for Governor statewide, obviously, under Virginia's laws that are based upon the principles of freedom. In my view, the current Federal election laws are overly restrictive. They are bureaucratic, antiquated, and they are contrary to the principles of individual freedom, accountability and, yes, contrary to the concepts of honesty.

I have been working on an amendment with the Senator from Texas, Mr.

GRAMM, on what we call the Political Freedom and Accountability Act. I don't know if we will offer that amendment, but this looks like an opportunity to be in support of something that is at least going in that same direction. I have stood by my guiding principles on vote after vote during this debate. Sometimes I do not agree with the Senator from Kentucky on an amendment; to his and my chagrin, because I consider the professor someone very knowledgeable on this subject. Nonetheless, I am trying to advocate greater freedom and greater accountability.

What I am trying to do is make sure that in this debate we are advancing the ideas of freedom of exchange of ideas, freedom of political expression and increasing participation to the maximum extent possible. And equally important are the concepts of accountability and honesty.

First, the issue of freedom. The current laws and limits are clearly out of date. There is no one who can argue that these laws, the current restriction on direct contributions to candidates, are anything but completely antiquated and out of date. Let's take some examples. When TV reporters ask me what kind of reforms do I want, I tell them greater freedom, greater accountability, and to get these Federal laws up to date. I ask the TV reporters: Will you please, in your reporting of this issue, say what it cost to run a 30-second ad in 1974 when these laws were put into effect versus what you charge today for a TV ad.

Well, I am never home enough to watch TV anymore since I have joined the Senate, so maybe they told us. Nevertheless, we did our own research. The average cost of just producing a 30-second commercial has increased seven times, from $4,000 to $28,000. The cost of stamps—because we do send mailings out has increased. The cost of a first-class stamp in 1974 was 10 cents. Today, it is 34 cents, and rising. So that is over three times as much.

The cost of airing a 30-second television advertisement per 1,000 homes has escalated from $2 in 1974 to $11 in 1997. That is fivefold increase.

Candidates are today running in larger districts. There are more people in congressional districts, obviously, than before. There are more people in the United States of America. The voting-age population increased from 141 million in 1974 to over 200 million in 1998.

The reality is that the limits in the Thompson amendment don't even catch up with the increase in costs.

The Thompson amendment is a very modest approach of trying to get the Federal election laws more in line with what are the costs of campaigns.

The accountability and honesty aspect of this amendment is important because I think the current situation has improper disclosure; very poor disclosure and subterfuge. As far as disclosure is concerned, one can get a contribution of $1,000 on July 2 and it is not disclosed until late October under the current law. I very much agree with the efforts of the Senator from Louisiana, Ms. LANDRIEU, to get more prompt disclosure, and that needs to be done.

The contribution limits also force a greater use of soft money. People are all so upset about soft money going to political parties. Why is that being done? Because the cost of campaigns are increasing for all those demographic features and facts I just enunciated. The fact is, you need more money to run campaigns to get your messages out.

If an individual desired to part with $5,000, which is right much money for most people, but they believe so much in a candidate that they want to give $5,000, right now they would have to give $1,000 to the candidate. That would be disclosed, maybe belatedly but it would be disclosed. Then they would have to give $4,000 to a political party that would run ads, run mailings, whatever they would do to help that candidate.

The point is that $4,000, in this example, would not have the same accountability. It would not have the same scrutiny. Fred Smith may be a controversial character. It is one thing for him to give $1,000 and then $4,000 to the party, but it is all $5,000 to candidate B and you say: Gosh, candidate B has gotten all this money from Fred Smith. But really it only shows up as $1,000 because the rest has gone to the Democratic Party or the Republican Party or some other organization. Therefore, you are losing that accountability and the true honesty in a campaign that you want to have and the scrutiny that a candidate should have for getting contributions from individuals.

It is my view that we need to return responsibility for campaigns to the candidates. We are getting swamped. At least we were swamped—and I know this was not unique to Virginia last year—with these outside groups that are contributing to our campaigns. Mr. President, $5 million, at least the best we can determine, was spent not just by the Democratic Party running ads contrary to my campaign or Republicans running ads in favor of my campaign or in opposition to my opponent, but these independent expenditures—handgun control, attack TV ads, donor undisclosed; Sierra Club running attack ads, radio ads, voter guides, donors undisclosed; pro-abortion groups, dirty dozen ads against us—all these ads and they are all undisclosed. There are people all upset with this. That is part of democracy. That is part of free expression. It would be nice if there would be a constitutional way to disclose those individuals, but that is apparently unconstitutional.

The point is, you end up having to answer those ads. People think: You want to do all sorts of sordid things I will not repeat, but nevertheless you have to get the money to make sure you are getting your positive, constructive message out or setting the record straight.

With these limits, you end up having to raise money through political parties to combat these ads which, as much as I did not like them, they have a right to do. And I will defend the rights of these groups or any other groups to run those ads and have their free expression and political participation.

The point of the Thompson amendment is people are allowed to contribute more directly to a candidate. The candidate is held more responsible and accountable, and to the extent that you can get more direct contributions, it alleviates, negates, and diminishes the need to be using political parties as a subterfuge or a conduit to get the money you need to set the record straight.

Current Federal laws in many cases—one says: Look at how wonderful they are. It is amazing to me people think that, but nevertheless that is their view. They are so unaccountable in so many ways, and by limiting hard dollars, so to speak, or direct contributions, you are back with PACs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. May I have an additional 5 minutes?

Mr. THOMPSON. I yield an additional 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. I thank the Senator from Tennessee.

I think the contribution limits definitely create a dependency on soft money, thereby the corollary logically is that by increasing the direct contributions on hard limits, it decreases the necessity. It is pure commonsense logic, at least for those of us who have run under a system of freedom such as that in Virginia.

The other matter is contribution limits also prohibit candidates, except those with personal wealth, from acquiring a stake from which to launch a campaign. We went through this whole debate about what happens when you have millionaire candidates and thereby raise the limits for those candidates, and so forth. Gosh, if you did not have any limits, you would not have to worry about this.

Again, at least the amendment of the Senator from Tennessee addresses that in that we want to encourage more political participation in speech rather than limiting it. We ought to be promoting competition. We ought to be promoting freedom and a more informed electorate, which we would get with the amendment of the Senator from Tennessee. We want to enable any law-abiding American citizen to run for office.

Had the current limits been in place in 1968, Eugene McCarthy never would have been able to mount his effort against President Johnson.

Today's system has failed to make the elections more competitive. The current system hurts voters in our Republic by forcing more and more committees and contributions and political activists to operate outside the system where they are unaccountable and, consequently, more irresponsible and less honest.

I, of course, want to repeal the hard limits, but nevertheless, by increasing these limits, we can open up the political system. Challengers need to raise a great deal of money as quickly as possible to have any real chance of success. The current system, with its very stringent limits, prevents a challenger from raising the funds he or she needs, and I saw that in 1993 when I was running for Governor.

One may say: Gosh, this is all wonderful theory from the Senator from Virginia. You can look at Virginia as a test case of freedom and accountability. People say, sure, they have plenty of disagreements between the legislative and executive branch and between Democrats and Republicans, but you have honest Government in Virginia. If there is anybody giving large contributions, I guarantee you, boy that is scrutinized and there is a lot of answering to do for large contributions. Indeed, it may not be worth the bad press you get for accepting a large contribution.

Again, if you look at Virginia—which has a system where we have no contribution limits and better disclosure—Virginia right now has a Governor whose father was a butcher. His predecessor was a son of a former football coach. The predecessor to that Governor was a grandson of slaves. Virginia's system gives equal opportunity to all. Virginia has a record of which we can be proud.

The amendment of the Senator from Tennessee, while not ideal and exactly like Virginia, it is one that at least increases freedom—freedom of participation, freedom of expression, and coupled with other amendments, such as the amendment of the Senator from Louisiana on disclosure, brings greater honesty.

I urge my fellow Senators to support this amendment. It is a reasonable improvement, it is greater freedom, it is greater accountability, and it is greater honesty for the people of America. I yield back what moments I have remaining.

Mr. McCONNELL. Mr. President, I say to the Senator from Virginia——

Mr. THOMPSON. I yield to the Senator from Kentucky.

Mr. McCONNELL. I say to the Senator from Virginia before he leaves the floor, I hope he adds me as a cosponsor to the Allen-Gramm freedom amendment and indicate my total agreement with the Senator from Virginia about the Virginia law.

As I understand the situation in Virginia, and correct the Senator from Kentucky if he is wrong, Virginia almost never has a situation where candidates cannot get enough money to run.

Mr. ALLEN. You can have that situation if you are not credible.

Mr. McCONNELL. If you are not credible, you do not. The two parties are well funded. The candidates, if they are credible, are well funded. They are able to raise enough money to get their message across because they are not stuck under the 1974 contribution limit.

In fact, as the Senator from Virginia was pointing out, it has produced rather robust competition with minimal or no accusations of corruption; is the Senator from Kentucky correct?

Mr. ALLEN. The Senator from Kentucky is correct and there are no limited contributions from corporations, which I am not arguing at this point, but it is purely on Jeffersonian principles of freedom and disclosure and honesty.

Mr. McCONNELL. In fact, what a candidate does in Virginia is weigh, knowing the contribution will be disclosed, the perception of whether or not the candidate should accept the large contribution, knowing full well it will be fully disclosed and people can make of it what they will. Is that essentially the way it works in Virginia?

Mr. ALLEN. The Senator from Kentucky is correct. As I alluded in my remarks, sometimes you might as well not have been receiving a large contribution because the negative connotations and everything wrong that person or corporation may have done is somehow besmirching you. You have to be careful with it in trying to get contributions, whether for yourself or for political action efforts.

Mr. McCONNELL. I say to the Senator from Virginia, I know it must be somewhat depressing, given his philosophy, what we are doing here. But to make the Senator from Virginia feel better, not too far in the past the reform bills we were dealing with had draconian spending limits on candidates, taxpayer funding of elections.

As recently as 1992 and 1993 and 1994, majorities in the Senate were supporting taxpayer funding of elections. It was noteworthy that only 30 Senators in this body supported taxpayer funding of congressional races—the Kerry amendment earlier today. We have made some progress. We are now down to arguing over the impact of campaign finance reform on parties and outside groups. It used to be a lot worse. The whole universe of expression was balled together in these reform bills as recently as 1994.

I say to my friend from Virginia, add me as a cosponsor to the freedom amendment. We have come a long way. We are not quite there yet. The wisdom he has imparted tonight is certainly good to hear.

I yield the floor.

Mr. NICKLES. Mr. President, I will speak for a few minutes. I thank my friend and colleague from Connecticut for allowing me to jump ahead.

Mr. THOMPSON. I yield 15 minutes to the Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague from Tennessee for offering this amendment, which I am happy to cosponsor and also congratulate him for the speech he made. I hope my colleagues had a chance to hear what Senator THOMPSON was saying.

I also compliment Senator ALLEN for the comments he made. I appreciate the impact he has had since joining the Senate, including his idea, based on a campaign system that has worked quite well in the State of Virginia, which he has shared with us. Perhaps we will have a chance to vote on that amendment as well.

The pending amendment is the Thompson amendment, which I am pleased to cosponsor, which increases the hard money limits. It is one of the most important amendments we will deal with in this entire debate, in this Senator's opinion.

The amendment increases the hard money limits, hard money representing what individuals can contribute. Every dime of hard money is disclosed and reported. No one has alleged, that I am aware of, that this is corrupt money, that this is illegal money. Every dime is out in the open for everybody to see. The Thompson amendment increases the individual level from $1,000 to $2,500. That increase, if you look back to 1974, doesn't even keep up with inflation.

Senator THOMPSON also would increase some of the other limits that are in the current law. PAC limits would grow from $5,000 to $7,500. That is not keeping up with inflation: if we kept up with inflation over 25 years, we would have over a 300-percent increase. The amendment has a moderate increase in PACs. And the aggregate individual limit goes from $25,000 to $50,000. Somebody has said, isn't that too much? I don't think so. If somebody wants to contribute $2,500 per year, they can only contribute to 10 candidates currently. Under this amendment, you could contribute to 20.

Is that corrupt? No, I don't think that is corrupt. What I see as corrupt are the joint fundraising committees where you have millions of dollars of soft money funneled into some races. That money is not fully disclosed. Who contributed that money? We had a lot of Senate races last year and, the Democrats received around $21 million in these special joint committees last year. And we would like to say, is this the right way to raise and spend money? Does it make sense to do it that way? I don't think so. But with hard money, every single dime is out there for everybody to see in every single instance.

I think the Senator's amendment makes great sense. I hope my colleagues agree.

Some say we need to look for a compromise on this amendment. Senator THOMPSON has already compromised. His original amendment basically kept everything up with inflation, growing the aggregate limit from $25,000 to $75,000. His amendment now is at $50,000.

The limits on giving to parties goes from $20,000 to $40,000. Don't we want to strengthen parties? My friend and colleague has made a good point: parties are healthy to the system. Senator THOMPSON's amendment allows individuals to increase contributions to parties. We should keep party contributions and allow parties to grow.

If we are going to ban soft money, we should allow some increases in hard money. I think that is what the amendment we have before the Senate would do.

I thank my friend and my colleague from Tennessee for offering this amendment. I think it is an important amendment. I urge my colleagues: Isn't this a good improvement over the existing system?

I think it is. I urge the adoption of the amendment when we vote on it tomorrow morning.

I yield the floor.

Mr. McCONNELL. I ask the Senator from Tennessee if I could have 7 or 8 minutes.

Mr. THOMPSON. I yield 10 minutes to the Senator from Kentucky.

Mr. DODD. Could I be heard at some point?

Mr. McCONNELL. I will wrap it up really fast.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I want to commend the Senator from Tennessee for his amendment. It certainly begins to deal with what I think is the single biggest problem in the system today, and that was the failure to index the hard money contribution limit set back in 1974 when a Mustang cost $2,700.

As may have been said by the Senator from Tennessee and others, the average cost of a 50-question poll has increased from about $5,000 to $13,000 over the last 25 years. The average cost of producing a 30-second commercial has increased from $4,000 to approximately $28,000 over the last 26 years. The cost of a first-class stamp was 10 cents in 1974 and today it is 34 cents. The cost of airing a television advertisement per 1,000 homes has escalated from over $2 in 1974 to $11 in 1997. Meanwhile, the number of voters candidates must reach has increased 42 percent since 1974.

The voter population in 1974 was 140 million; today it is 200 million. We have produced a scarcity of funds for candidates to reach an audience. In 1980, the average winning Senate candidate spent a little over $1 million; in 2000 the average winning candidate spent a little over $7 million, an almost sevenfold increase. An individual's $2,000 contribution to a $1,000,000 campaign in 1980 amounted to .17 percent of the total. If the contribution limits were tripled for this last election to adjust for inflation, since 1974 an individual $6,000 contribution to the average $7 million campaign would have been only 0.08 percent of the total. A $60,000 contribution to an average winning Senate campaign in 2000 would be only .83 percent of the total.

What this all adds into, there is no potential for corruption, none based on the 1974 standard, if the amendment of the Senator from Tennessee is adopted. If no one in 1974 thought those limits at that time, based upon the cost of campaign activity at that time, was corrupting, why in the world would the Senator's amendment, which is even less than the cost of living increase—why in the world would anybody say that this has even the appearance of corruption? Certainly not corruption or even the appearance of corruption in today's dollars?

It is also important to note that these low contribution limits are the most tough on challengers. Challengers typically do not have as many friends as we incumbents. They are trying to pool resources from a rather limited number of supporters in order to compete with people such as us. The single biggest winners in the increase in contribution limits in hard dollars would be challengers.

Challengers already took a beating here on this floor when we took away all of this money from the parties earlier today. We have taken away 40 percent of the budget of the Republican National Committee and the Democratic National Committee. We have taken away 35 percent of the budget of the Republican Senatorial Committee and the Democratic Senatorial Committee. Parties: The only entity out there that will support challengers.

Challengers have lots of problems. Typically they have a really difficult time getting support from individuals and PACs. Now we have nailed the parties. At least under Senator THOMPSON's amendment we give these challengers an opportunity to raise more money from their friends to compete with people such as us.

So this is a very worthwhile amendment. I hope we will have an opportunity to vote on the Thompson amendment up or down, which means a chance to adopt it. We will have that discussion, I gather, at greater length in the morning. But it is a very worthwhile amendment.

I associate myself with the effort of the Senator from Tennessee, congratulate him for making this effort, and indicate my full support.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I believe I said earlier I was the only one here. I have been told a couple of colleagues may be on their way to the floor to be heard on this amendment before wrapping up debate tonight.

I am very fond of my friend from Tennessee. We have gotten to know each other a little better over the last number of months. He is a wonderful addition to the Senate. He was not unfamiliar with this institution prior to being elected to it, having worked back in the 1970s as a very successful and influential member of the Watergate Committee staff, and, having worked with Howard Baker and others, he is no stranger to this institution. His participation in any number of issues has enriched the Senate.

So it is with some sense of—again on a personal level, I would like to be supporting his amendment because I am very fond of him. People might understand those inclinations. But, unfortunately, I disagree with my colleague on this amendment. I will explain why.

I always love this story. When they asked Willy Sutton why he robbed banks, I always loved his answer. He said, "That's where the money is." That is why he robbed banks. We are not robbing banks, but my concern about this amendment is we are going to end up gravitating to where the money is. That is what we do. Our staffs and consultants and advisers and people who help raise money will tell you: Look, we have so much time in a day, so much time before the reelection or election campaigns. So if you have an hour to spend, we are going to spend the time going after those large contributors. It doesn't take a whole lot of knowledge to know that you do not go after the ones who cannot give as much. Instead, you go after the ones who can give more.

My concern is not so much that this number goes up and that people who can afford it are going to have greater access and greater influence. What is not being said here is very troubling to me. We are moving further and further in the direction of seeking the support and backing of those who can afford to write a check for $2,500. But, make no mistake about it, we should be clear with the American public, these numbers are somewhat misleading.

It doesn't make any difference whose numbers you are talking about. Under current law, an individual may contribute a $1,000 per election or $2,000 with $1,000 going to the primary and another $1,000 going to the general election. If we are talking about amendments being offered, Senator HAGEL's proposal contained a $3,000 per election, Senator FEINSTEIN is proposing $2,000 per election, while there are still others talking about $1,500 per election. Those numbers are really not a final number. A more accurate number is a doubling of the per election number to reflect one limit for the primary and another for the general, with the potential of yet another limit for a special or runoff election. So every number you read, has the automatic potential to double with respect to the individual contribution to candidates per election.

I know very few cases where Members have gone after the $1,000 contribution and not ended up with the $2,000. That, after all, is how it works. Because, as a practical matter, you can give $1,000 before the primary and $1,000 for the general election. So when we talk about limits here of $1,000 or $1,500 or $2,000 or $2,500, do a quick calculation and double the amount. That is the general formula that an individual can contribute to a candidate per election.

My friend from Tennessee proposes a $2,500 per election limit that individuals can give to candidates. This number may also double to $5,000, because that individual can write $2,500 for the primary and $2,500 for the general election.

You do not have to have a primary, just as long as there was some potential contest within your own party for the nomination. Such a potential contest allows you to get that additional $2,500 limit.

But it goes even beyond that. Frankly, people who can write a check for $2,500 probably can write a check for $5,000. If you can afford to give someone $2,500, there is a good likelihood your pockets are deep enough to write the check for $5,000. Under current law, each spouse has his or her own individual contribution limit. So that $2,500 becomes $5,000. If your spouse is so inclined—and they usually are—the $2,500 under the Senator proposal then becomes $5,000 per election. As a couple, the total they can give is now up to $10,000 per election.

Every single Member of this Chamber knows exactly what I am speaking about with respect to fundraising practices because as a candidate for this body many have done exactly what I have described. The general public may not follow all of this. That is how it is done. When you get that person who is going to give you $2,500 contribution for the primary, you always say: Can't you give me $2,500 for the general as well? In addition you say—Wouldn't Mrs. Jones or Mr. Jones also be willing, as well, to write those checks reflecting the maximum individual contribution limit per election?

Under this proposal, we are talking about potentially a total of $10,000 per couple as opposed to the current levels of $2,000 or $4,000 per election, if you will, if both husband and wife contribute. That is a pretty significant total increase.

My colleague quickly answers that his stamps have gone up, the price of television spots have gone up. I know that these costs have increased. But so has the population of the country and the number of people who can write $1,000 checks.

In 1974 there were not a tremendous number of people who could write a check for $1,000 to a candidate. Today the pool of contributors who can give $1,000 has expanded considerably. Last year there were almost a quarter of a million people who wrote checks for $1,000. That is not a small amount of people: 235,000 people wrote checks for $1,000 to support Federal candidates for office.

But what we are doing here by raising these amounts? We are moving further and further and further away from the overwhelming majority of Americans. I would like to see the average American participate in the electoral process of the country. I would like to see them contribute that $25 or $50 or $100, $200 to a candidate or party of their choice. However, given the average cost of a Senate race today or a House race—the numbers of my colleague from Tennessee suggests of around $7 million, and a House race around $800,000 a congressional district, I do not see many campaigns that are going to bother any longer with that smaller donor.

It is the de facto exclusion of more than 99 percent of the American adult population who could support, financially, the political process in this country, that worries me the most. I am worried about us getting overly concentrated on only those who can afford to write the large, maximum checks to campaigns. But I am more worried that we are getting ourselves further and further and further removed from the average citizen. The Americans who could not dream, in their wildest dreams, about writing a check for $2,500, let alone $10,000 to support a candidate for the Senate or the House of Representatives. They couldn't dream about doing that. They may be making decent salaries and incomes so they are not impoverished. But the idea of writing out a $10,000 check or any such checks that we would allow if this amendment is adopted is beyond the average Americans' imagination.

To some extent, it ought to be beyond ours as well. However, where we appear to be going is where the money is. That is what Willy Sutton said, and that is what we are saying. We are going to spend our time on that crowd because that is the most efficient use of our time with respect to fundraising. A phone call to Mr. and Mrs. Jones who can afford to make this kind of a contribution are going to get our attention. We are not interested in that individual who may be making $30,000, $40,000, $50,000, $60,000, $70,000, or $100,000 a year, with two or three kids, paying a home mortgage, trying to send kids to college. We are not interested, really, because they cannot even begin to think about contributions like this.

That is the danger. That is the danger. I am really not overly concerned—although it bothers me—over this concentration of wealth and the access that comes with it by adopting this amendment. That bothers me.

What deeply troubles me—what deeply troubles me—is that this institution gets further removed from the overwhelming majority of Americans. Their voices become less and less heard. They become more faint. They are harder to hear. They are harder to hear because we are getting further and further away from them since their ability to participate is being diminished.

One of my colleagues——

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. DODD. I would be happy to yield.

Mr. WELLSTONE. I don't want to break up the rhythm of what the Senator is saying. It is very powerful. I do not think I can say it as well as you. I would like to ask you one or two questions.

In this debate I don't believe I had really heard your formulation before. We talk about big money, corruption, not individual wrongdoing; some people have too much access. You just used the word "exclusion."

There was a young African American man today with whom I spoke. He was talking about Fannie Lou Hamer, a great civil rights leader. By background, Fannie Lou Hamer was the daughter of poor sharecroppers.

This is a question of inclusion. If you take the caps off, and you are relying on people who can afford to make these kinds of contributions, he was basically saying, this almost becomes a civil rights issue because it is a question of whether or not people who do not have the big bucks will be able to participate in the political process, will be able to be there at the table.

I ask the Senator, is this part of what is concerning you, that you are getting away from representative democracy and many people are going to feel more and more excluded as we now rely on bigger and bigger dollars?

I have three questions. And I will not take any more of your time. Is that what you are talking about?

Mr. DODD. That is part of it. I said, we are concentrating on who can give and how much they can give. Every time we raise the bar on the limits, then we are also expanding the number of people who do not, and maybe cannot, contribute their financial support. We are not even seeking their financial support, only their votes. I think there is inherently a danger in that.

I think it is a positive thing, by the way, that people write that check out for $5 and $10 and $20 contributions. In some ways, it can be more significant because sometimes that $10 or $25 check from someone who is trying to make ends meet. It is a greater sacrifice in some ways than it is for some of the people I know who write checks for $1,000 or $2,000 or $10,000. That $10,000 in the context of their overall wealth is a smaller percentage than the person making that $50 or $100 contribution who really cannot afford to do it but believes it is in their interest. It is part of their responsibility of citizenship to support the political process of this country and to support our democratic institutions.

What I am deeply troubled about—I am bothered by the raising of the contribution limits because of where I think it takes us, where it is ultimately going.

Mr. WELLSTONE. Right.

Mr. DODD. If you take the numbers of my friend from Tennessee, I think it is $400,000 in 1976—Is that right?

Mr. THOMPSON. It is $600,000.

Mr. DODD. So $600,000 in 1976, and $7 million in the year 2000. I tried to do some quick math—and I could be corrected of course—but if you extrapolate from that and go to the next 10 years, to the year 2010, we are buying into the notion that there is nothing we can do about this. It is just going to keep getting more expensive, guys.

So we are just going to make it a little easier for you to reach the levels of $13 million. I think that is about where we go in 10 years if the trend lines are accurate and continue.

I realize there can be changes here because it is not a perfect trend line. But if you take where it was 10 years ago, I think in about 1990 it was $1.16 million——

Mr. THOMPSON. That was 1993.

Mr. DODD. Sorry. So that was 1993. It has doubled. It is roughly about the same. So we may be talking about roughly $12 or $13 million in 10 years.

So as we raise the bar to make it easier for us to get up there, we are shrinking the pie of people who can contribute. Getting smaller and smaller and smaller and smaller are the number of people who can write these kinds of contributions. Make no mistake about it, that is where the money is. That is where we are going to go. You are not going to hold $100 fundraising events. You might do it because it is good politics. Maybe it will pay for the hotdogs and chips, and so forth, but you are not going to have a fundraiser doing that. It is a political event. Fundraisers have, as their minimum contribution, $500, $1,000, $1,500, or whatever it is as the bars go up.

In response to the question of my friend from Minnesota, that bothers me. What troubles me—what deeply troubles me—is that as that pool shrinks of those Americans who can make those large contributions, the pool expands of those Americans who are excluded from the process. And that is a great danger. That is a peril.

For us to enter the 21st century having inherited 200 years of uninterrupted democracy in this country, the only responsibility we have as life tenants, charged with however long we serve in this body, is to see to it that future generations will inherit an institution as sound and as credible and as filled with integrity as it was when we inherited it. To go in the direction we are headed here puts that, in my view, in peril and danger because of the very reason we are excluding too many Americans from having a voice to participate in our political process.

Mr. WELLSTONE. Will the Senator from Connecticut yield for another question?

You might call it a plutocracy, but let me ask you this. To my understanding, our colleague from Tennessee is talking about individual limits that basically amount to $5,000 for the 2-year cycle. The amount an individual can give to a party goes from $20,000 to $40,000 to $80,000 per cycle. What concerns me maybe even more is that the aggregate limit, am I correct, goes from $30,000 to $50,000, so it is $100,000 per cycle?

Mr. DODD. Yes. I did not get to that, but that is further down the line.

Mr. WELLSTONE. Let me ask my colleague this. I would argue that what we are now doing with the proposal of the Senator from Tennessee is actually making hard money soft money when you get to the point where people can now contribute up to $100,000 per cycle.

Mr. DODD. I say to my colleague, I will regain my time a little bit here, and then I will yield to him.

Mr. WELLSTONE. Here is my question. Do you think that when people in Connecticut—and I see Congressman SHAYS is here—or people from Minnesota, or people from Rhode Island—people around the country—read a headline, if this amendment passes—I certainly hope it is defeated—"The Senate Passes Reform, Brings More Big Money Into Politics," do you think people are going to view this as reform? Do you think taking these spending limits off and having us more dependent on the top 1 percent of the population—do you think most people in the country in the coffee shops are going to view this as reform, or do you think they are going to feel even more disillusioned about what we have done, if we support this amendment?

Mr. DODD. I suggest more of the latter. I didn't get to that part of the amendment yet, but the Senator from Minnesota is correct.

I have a hard time saying this and keeping a straight face. Today, and for the last number of years, you could give up to the limit of $25,000 per calendar year to Federal candidates. There were 1,200 people in America last year in part of the national campaign, including the Presidency, the entire House of Representatives and one-third of the Senate, who wrote checks contributing the $25,000 limit. I think it was 1,238 Americans to be exact.

But now we are saying—This is too tough. This is a real burden. These poor people out there, they are upset about this. We have to do something for these folks. This is outrageous that they have an aggregate limit for each individual of $25,000. We are going to double that cap.

We are going to say to them—The aggregate limit is now $50,000 per individual per calendar year. As I have suggested, as a practical matter, a husband and wife have their individual limits. If you can write a check for $50,000, I will guarantee that the couple can write checks totaling $100,000 in aggregate limits.

My colleague from Minnesota is correct. This is the softening of hard money. I don't know of anybody who keeps personal accounts—I am not talking about candidates no. I am talking about the average citizens. If they have a bank account at the Old Union Savings and Trust, or whatever it is, then they have their soft account and their hard account. I don't know of anybody, particularly average citizens, who segregates their own wealth that way. They write checks for politicians. They are told they have to send this to the soft money non-Federal account or instead, to the hard-money Federal account. But the average citizens do not keep money nor accounts that way. When they are writing checks for $100,000 and we say, "That could be all hard money," we make the contributor dizzy. They get nervous when you start telling them about soft and hard money. Money is money.

The fact is, it is too much money in the political process. The average citizen who hears about this throws up their hands. They shake their heads in utter disgust. They must think, what are these people thinking about. How disconnected can they be from the people of their States and their constituencies. It is not understandable to the average American if we sit here with a straight face and suggest that raising the maximum aggregate annual limits from $25,000 to $50,000 per year, which could total $100,000 per year per couple.

Mr. THOMPSON. Will the Senator yield on that point?

Mr. DODD. I am happy to yield.

Mr. THOMPSON. Does the Senator realize that the $50,000 he is concerned about now, which is doubling the $25,000, would be about $75,000 in 1974 terms? In other words, when our predecessors looked at this problem in 1974, they decided that for an individual limit for that year, it ought to be $75,000, roughly, in 2001 dollars. So actually by doubling it, we are not keeping up with inflation.

In terms of real purchasing power, they were higher than we are today. Did they miss the boat that badly back when they addressed this?

Mr. DODD. I suggest they may have.

I am not sure I heard my friend from Tennessee talk about statements made in 1971 or 1972. Prior to the adoption of the legislation after Watergate in 1974, people such as former distinguished colleague George McGovern and others who had suggested limits that were higher than even what we are talking about. I would be curious to know, had we said to them at that time, by the way, as a result of what you are doing, what the cost of an average Senate race would be 25 years from now, that even with $1,000 limits, we would be looking at a $7 million cost, when in 1976, the average cost was $400,000, and if you buy into this, it is going to rise to $7 million.

My concern is, by doubling the limits, we are inviting those numbers to go up. We are doing nothing about trying to at least slow this down from the direction it is clearly headed in: $13 million in 10 years, an average cost of a Senate seat. We are going to make this the Chamber of the rare few who can afford to be here or have access to these kinds of resources.

I accept the notion that costs have gone up. I also accept the notion that there are many more people today who could make that $1,000 contribution than could in 1976. It was a relatively small number of people then. Of course, that law also had other limitations which the Court threw out after the adoption of the campaign finance reform measures of 1974.

I realize the contribution limit is going to go up. I am even willing to accept some increase in the numbers. I am not suggesting we ought not to have any increase, although I could make a case for that.

I hope my friend from Tennessee and others who care about this—I know a lot of Members do—that we can find some numbers here that would be more realistic. The stated purpose must demonstrate that we are trying to slow down the money chase. It should not get any more out of hand than it has.

If you don't think it is out of hand—I know there are Members who don't—if you don't think the direction we are heading in is dangerous, if you don't think we are excluding more and more people every year, when you should look at the tiny percentage of people who actually can write these checks. During the 1999–2000 election cycle, the were only 1,200 people who could write checks totaling $25,000 per year. Out of a Nation of 280 million people, there were 230,000 people who wrote $1,000 checks. Basically we disregard most of the other contributors. If you think we are heading in the right direction, then you ought to support this amendment.

If you think this is getting us dangerously close to the point where fewer and fewer people are going to participate in the process, then you should oppose this amendment. I remind my colleagues that in the national Presidential race last year, one out of every two eligible adult voters did not show up at the polls. Despite the fact we spent over $1 billion in congressional races, not to mention what was spent on the Presidential race, one out of every two eligible adult voters of this country did not vote. There is a reason for this statistic.

I suggest in part it is because people are feeling further and further and further removed from the body politic. If you will, the body politic of our own Nation is being pulled further and further by excluding the average American. They do not believe they have the ability to have some say in politics. Their voices are being drowned out. Average Americans are further and further removed from being involved in the decision making process of who will represent them. That worries me deeply. That is what troubles me about this amendment.

For those reasons, I will oppose the amendment when the vote occurs. I urge that others see if we can't find some configuration. I am still hopeful, I say to the Senator from Tennessee, that maybe some configuration here that can be founded. There are a couple of numbers I didn't address, such as PAC limits, the State and local parties limit, the national parties limit. I don't really disagree with my colleague regarding where he has come out on those numbers. In fact, he could even move them around a little more. I accept that.

The number I have objected to is the aggregate annual limit of $50,000 per calendar year. There has been another number suggested by our colleague from California. There is a possibility of a compromise in there somewhere that we might be able to reach. I am not interested in seeing us go through an acrimonious debate and having a series of amendments where I think people recognizing the realities, could come to some reasonable compromise.

Our colleague from Tennessee has already reduced his original proposal by $500—as I think his original proposal was $3,000. He is now proposing $2,500 with this amendment. It is presently $1,000 per election under current law. It seems to me that if we are serious about this, we will attempt to come to a compromise. For those of us who support McCain-Feingold, who want to see us send a bill to the President that he could sign, then I would urge, between this evening and tomorrow, that we might try to find that ground.

I know that there are many people here interested in doing that. I add my voice to that. I am more than prepared to sit down with others who may be so inclined to see if we can't find some numbers that we can live with and defend. Numbers, I hope, that will both restrain the exponential growth of the cost of campaigns and not get us even further removed from the average citizens' ability to participate in the process financially and otherwise.

I put that on the table for whatever value it may have. I hope there is something we can do. I commend my colleague. I mentioned how fond I am of him personally and what a contribution he has made to the Senate. He has made very good suggestions in this amendment. While I disagree with some basic points, there are elements with which I do not disagree. I commend him for that and want to be on record in support of those efforts he has made.

My colleague from New York has arrived. I don't know what my colleague from Tennessee wants to do.

Mr. THOMPSON. Mr. President, I will make a couple comments first. I thank my friend from Connecticut, who is eloquent, as usual, in his advocacy. Clearly, what we are trying to do is reach a balance where we have limits that are high enough for people to run decent campaigns, and allow challengers in large States such as California, Texas, and others to have a decent chance to get a campaign off the ground, so you don't have to be a multimillionaire or a professional politician in order to have a chance. That is what we are doing—trying to get it up enough so they have a fighting chance, while not getting so high that we have a danger of corruption, or appearance of corruption. I don't really detect that we are in that ballpark yet.

There is some talk that increasing the aggregate individual limits from $25,000 to $50,000 is somehow outrageous. But I don't think that the ability to give several contributions, let's say, of $2,500 around the country s going to corrupt anybody. No one person is receiving all this money. No one person is receiving more than $2,500. So you don't have a corruption issue there. And why we are doing something on behalf of democracy by limiting the number of potential candidates out there who can get $2,500 kind of escapes me; plus the fact that in 1974, after the Watergate scandal, when everyone was rather sensitive, shall we say, about these issues and we addressed these issues, they came up with a $1,000 limitation, which would be $3,500 today. They came up with this $25,000, which—I am going to round it off 3 times—would be $75,000 today.

My colleagues heard my reference to Senators of the past, Democratic Senators and Republican Senators, many of whom wanted to go higher than what we are talking about today. My colleague is correct that I have scaled mine down because I had the temerity and audacity to think there was a chance that we could index this to inflation and have basically actually a little less than inflation. But let's round it off and say basically we can have the same dollars they had in 1974, right after the scandal of the century, when people were most receptive and responsive to this. But I found that was not to be the case. I don't think that would have flown. Certainly, Senator HAGEL's amendment today did not fly. So I came back and said: OK, let's move down from inflation, move down from 1974 dollars, go to $2,500. There is no corruption issue here. And these other limits, too, let's double some of them. We don't double all of them. But let's do something that will enhance McCain-Feingold, my friends.

As you know, I have supported McCain-Feingold from the beginning through thick and thin. My colleagues talk as if McCain-Feingold has already passed and that the scourge of soft money has totally left us. That is not the case.

Mr. SCHUMER. Will my colleague yield for a question?

Mr. THOMPSON. Yes.

Mr. SCHUMER. I thank my friend. I have respect for him and I know his commitment to reform is so real. I want to ask him a question because I have a concern. I would not go as high as $2,500. I can support a $2,000 raise. But that doesn't bother me very much. It is the aggregate limit that bothers me.

A minute ago, my friend from Tennessee who, I repeat, I have such respect for on this issue and on so many others, said it is not going to one person.

Why the aggregate limit raise gives me trouble is this. And I ask my friend from Tennessee a question. It is true that in 1974, when this law passed, the aggregate limits didn't go to one person. Now, however, they do—much of it. The reason is a series of Supreme Court rulings, as well as all of us, Democrats and Republicans, have become much more clever, and I know that people will donate the maximum limit to the national party, and the national party then gives that money to the candidate in their State, or the candidate they wish to see the national party give the money to; and given the first 1996—maybe 1998—Colorado decision, the party and the candidate can coordinate completely.

So I don't think it is correct for my good friend from Tennessee to say the aggregate limits don't go to one person. They didn't in 1974; they do now. If my friend from Tennessee had just decided to raise the individual limits and kept the party limits the same, I would not have much of an argument with him. It is silly to quibble over $500, if I believe $2,000 is the right amount and he has an amendment for $2,500. But it seems to me that under the new cases and under my friend's bill, somebody could donate $40,000 per year to the national party, could do that for 6 years, and thereby get $240,000 back to their candidate.

One other point, and I will ask my friend to comment. If the Supreme Court in the second Colorado case rules that the limits that the national party can give to the candidate, which is now 2 cents per voter age person per State, or per district in the House—but if they rule, as many think they will, to eliminate those limits, then it would not just be three or four people giving $240,000. It could be unlimited numbers of people giving $240,000 to the national party, which then gives it back to the candidate, with complete coordination allowed.

So, frankly, even though I know this was not the intent of my friend from Tennessee, I shudder to think that the party limits would go up. And unless there were provision in my friend's bill that would not allow that to happen—and I think with Supreme Court rulings it would be difficult to prevent—I think this would be a giant step backward, not because of simply raising the limits but because of all the new ways—I will be introducing tomorrow an amendment that tries to deal with the 441(a)(d) problem. But I say to my friend—and this is not his fault—that even if McCain-Feingold were to pass as is, if the Supreme Court rules that the 441(a)(d) limits go, then maybe we will accomplish a 10-percent improvement in corporate and in labor changes. True, you could not give more than whatever—you could not give $500,000 or a million, but you would not accomplish much.

The reason I am so worried about the amendment of my friend from Tennessee is it makes it even easier; instead of saying $180,000 that somebody could give in a Senate cycle, or $50,000 in a House cycle, they could give $400,000 in a cycle and, again, without those limits, out the window everything goes.

I just ask my colleague from Tennessee, am I wrong in thinking that now with the new Supreme Court decisions the aggregate limits are such that they do allow just what my friend from Tennessee said he didn't want the aggregate limits to do, which is give lots of money—call it hard or soft, whatever—to one campaign? I thank him for yielding and will give him a chance to answer.

Mr. THOMPSON. Mr. President, I respond first by saying that, based on my recollection, I disagree with his analysis of the Colorado case. I do not believe the Colorado case would allow coordination. I believe coordination would run afoul—in the amounts we are talking about, would run afoul of the hard money limits. Coordination would deem it as a hard money contribution, and therefore that is not allowed.

With regard to the issue of an individual contributing to a State party and having that earmarked for some particular candidate, again, I think you get into a coordination problem.

I am somewhat amazed with this alchemy going on here. This piddling increase that does not even keep up with inflation has doubled, tripled, quadrupled, and now we are up into the stratosphere. A couple is automatically doubled. Are we assuming the husband is going to tell the wife what to do or is the wife going to tell the husband what to do? I am not prepared to assume that. I do not think my friend from New York is either.

Mr. SCHUMER. It depends on the family.

Mr. THOMPSON. I think the Senator from New York might agree that we should not automatically double whatever the head of the household might want to do politically.

Let us get back within the realm of reason. Clearly, the real world being what it is, there is certainly a risk of some things going on in terms of parties helping individual candidates at the expense of other candidates. I do not think you can stop that.

My point is that the areas about which we are talking are infinitesimal compared to the problem we are supposed to be addressing. We are concentrating on the tail of the elephant instead of the elephant or we are concentrating on the tail of the donkey instead of the donkey. We are talking about hard money, incremental increases that do not amount to very much in terms of the increase but are very significant in terms of their being hard dollars instead of soft because it is not union money, it is not corporate money, if they are hard dollars to start with. I think we can agree that would be progress.

Again, yes, the world has changed. Perhaps people have gotten more clever. They have gotten attorney generals who will give them interpretations they like, and things of that nature, but when the people addressed this back in 1974, they were talking about much more buying power than we are talking about today.

Again, my colleagues are assuming they have soft money. That is the situation in the bank, and now we are talking about the details. I suggest that what my amendment will do is strengthen McCain-Feingold and ultimately make it something that will be more likely to pass the Senate, more likely to pass the House, and more likely to be signed by the President of the United States.

I am trying to help my friends, as I always have, with regard to this issue.

We overlook what is going to happen if we do not make some progress in this hard money area. I am encouraged to hear my friend from Connecticut say he is willing to talk about it, and obviously I am, too, but I have been doing all the coming down and I have not seen much coming up.

If we do not make some progress with regard to this area, we are going to create a situation where we have eliminated soft money, and we have impoverished the hard money side of the equation. Both parties have neglected the hard money side of the equation, the side that used to be predominant, by far, in terms of running these campaigns.

We are going to eliminate soft money, have an impoverished hard money situation and have these independent groups continue doing what they have been doing more and more.

People are going to react to that. That will not work. That will not work in my estimation. I want to get rid of soft money. I am tired of reading all these stories about the money pouring in and this vote on this major issue is going to go one way because the Democrats got this money and another way because the Republicans got that money. I am tired of all that.

I am telling my friends, if we do that and nothing else, we are going to wind up with a disfigured system that is worse than what we have today, and we will be back on the floor and all regulations will be taken off.

There is sentiment out there that I think will be energized under a few years of the system I just described, and we will be back here and people will be making credible arguments that we tried this, we tried that, candidates can no longer compete, and instead of having 98-percent reelection in the House, we will have 100 percent. They cannot get any higher than that. Challengers will not have a prayer, especially in the larger States. The independent groups will double, triple, and quadruple their buys in all of our States. Everybody will be running our campaigns except ourselves, and these are just the incumbents. The challengers will have no prayer at all.

That, I say to my colleagues, will result in a reaction that none of us want, a reaction to take off absolutely all the limits. I say some of us—none of us on the reform side of this issue want. I had to stop and remind myself that some of my colleagues think that would be a jolly good idea, which makes my point, that we are not as far away from that possibility as we might think.

In summary, I say to my friend from New York and to my other colleagues on this issue with whom I have worked side by side, it boils down to this: $5,000—let's say you double it to take care of the primary and the general election. Somebody can contribute $5,000.

Mr. President, $5,000 is different than $100,000; $5,000 is different than $500,000; $5,000 is different in every way quantitatively and qualitatively from $1 million. That is what we ought to be concentrating on, but in order to get rid of those large dollars, we have to give a candidate an even chance of running so he is not totally dependent on that soft money and he is not even totally dependent on his party and having somebody in Washington dole out the checks and decide which one of the potential challengers has a chance and which one does not.

Hopefully, at the end of this, we will have an opportunity to adopt this amendment and still be open for further discussion.

I reiterate, this amendment strengthens the cause. This amendment strengthens the cause; it does not weaken the cause. The fact that someone cannot contribute to the limits we might raise, to that point I say there are plenty of people who cannot contribute to the $1,000 limit we have today. We have diminished their freedom when we raise it to $1,000, recognizing you have to have some money to run.

If somebody can give $200, do we diminish their freedom? Are we causing their levels of cynicism to rise because we had a $1,000 limit? If we have a $2,500 limit, there will be some people who can give $1,000 or $500 or $700. Maybe not the full amount. The fact that you can give the full amount does nothing to my freedom or to my citizenship because I cannot at the present time give as much as you can.

As long as we live in a free country and I can aspire to that, there is no legal impediment to me doing that. I do not think we do anything to empower those who cannot necessarily give to the maximum of whatever level we raise because they cannot do it now. We are getting off the focus.

The focus ought to be on the issue of corruption, which cannot be the case. If so, our forbears in 1974 missed the mark, if we say corruption kicks in in these cases or the appearance of corruption. The other side of the equation, of course, is making it so people can run a decent campaign and get their message out and especially challengers.

I cite, again, the independent study that was done by the Campaign Finance Institute affiliated with George Washington University. It says from a competition standpoint, upping the individual contribution limit helps nonincumbent Senate candidates while having little impact on the House.

I can understand all the positions that my friends who oppose this amendment take with regard to it, but one might listen to that and think this is something outrageous we are proposing. I cite David Broder, I cite Stuart Taylor, I cite almost any commentator I have read on the subject. I think I am paraphrasing correctly. It was certainly reasonable to raise the limits to $2,000 or $3,000, and of course we are coming in the middle of that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent I be given 7 minutes from the time of the opposition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I reiterate a statement made in my dialog with the Senator from Tennessee. I did not hear him actually rebut what I said.

We focus too much on the smaller individual limits which go up from $1,000 to $2,500. I have no problem keeping them at $1,000. I have no problem raising them to $2,000. Yes, $25,000 is pretty large but hardly worth falling on a sword in terms of the bill.

There is truly an egregious problem with the amendment of my friend from Tennessee, and that is the raising of the aggregate limits. Under the new aggregate limits, there is complete coordination allowed by the Supreme Court when a national party contributes to the candidate. It is an expenditure. There is total coordination allowed. Under his proposal, a candidate could give to that national party $40,000 a year—this is not $1,000 or $2,000 but $40,000 a year. In the Senate, which is 6 years, that is $240,000. Assume for the sake of argument the spouse is of a different political persuasion, $240,000 under the Thompson amendment going directly to one candidate. That could be done over and over and over again if the 441(a)(d) limits go to candidate after candidate after candidate.

There is a serious problem with the amendment of my friend from Tennessee. It is not the raising of $1,000 to $2,500. It is the huge raise of the aggregate limits. We all know right now people raise money for their campaigns in $20,000 bits, the maximum allowable to a party. It is limited by the 441(a)(d) expenditure limits, 2 cents a voter. Those are likely to go in a month or two. Once they go, it won't matter, for most contributors, the contributors of wealth, whether the limit is $1,000 or $2,000 or $3,000; they can give to the candidate of their choice $40,000; $40,000 to the national party, again, constitutionally protected by the United States Supreme Court. That national party can coordinate with the candidate.

This is not a minor increase. That is not simply a rate of inflation increase. That is undoing a large part of eliminating soft money.

My friend from Tennessee talks about it being hard money. The way I thought about it, a large amount of individual money that goes to a candidate, whether it is funneled through a party or goes directly to a candidate, is what we are trying to prevent. You can call it hard money, but $40,000 is awfully soft hard money.

The amendment is a serious mistake under present law. But the only saving grace is that couldn't be done very often because there are limits on how much the party can give each candidate. I repeat, if the 441(a)(d) limits are eliminated, which many think they will be, then we have gone amok. And we will go doubly amok with the amendment of my friend from Tennessee.

This is not about raising the limits from $1,000 to $2,500. That is the least of it. If the Senator from Tennessee were good enough to keep all the other limits in place and just raise the individual limit to $2,500 or even raise the PAC limit to $7,500, I would have an argument. But it would be an argument against the current system. When he doubles the amount of money that can be given to national party committees from $20,000 to $40,000, he makes it a heck of a lot easier—call it soft, call it hard—for large amounts of money to be channeled directly to individual candidates.

If I were a well-to-do person who wanted to aid a campaign, I wouldn't give $1,000 directly to the candidate. I wouldn't give $2,500 directly to the candidate. I would give $40,000 to the Senate Republican committee, to the Senate Democratic committee and they, then, could coordinate with the candidate I liked and give them all of that money.

What are we talking about? The Senator from Tennessee keeps going back to 1974. We are not in 1974. We have had a number of Supreme Court rulings. We have had all sorts of consultants who have found ways around the law. The aggregate limit in 1974 seemed rather benign. It said, OK, you can only give to 25 candidates at $1,000 a head. The aggregate limit in 2001 is pernicious because the combination of court rulings and figuring out ways around the law have allowed all of that money to be channeled to an individual candidate.

I yield the floor.

Mr. THOMPSON. Mr. President, I simply say the issue has been joined. My position is my friend from New York is incorrect in terms of the law, his interpretation of the law in terms of a donor's legal right to coordinate or direct the direction of his contribution to a particular candidate. I do not think that is a correct interpretation of the law.

For anyone concerned about that, perhaps the Senator from New York and I can get together and hash this out tonight or in the morning, but I did want to state that issue. We have a disagreement on that.

I ask unanimous consent the Senator from Utah be given 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as I listened to the Senator from New York give a hypothetical circumstance, I am reminded of the statement that I was taught by a lawyer. As the Chair and my colleagues know, I am unencumbered by a legal education, so I have to defer to those who have been to law school, but I am told that one of the factors in law school they teach is hard cases make bad law.

The Senator from New York has described a theoretical, highly unlikely, hard case. If we were to legislate entirely on the basis of that theoretical circumstance, we would make bad law. I am interested to hear the Senator from Minnesota go on at great length about how few people give in these upper ranges. For the Senator from New York to be talking about many people giving $40,000 to many candidates every year flies in the face of the actual circumstance and experience about which the Senator from Minnesota talks.

As I say, I cannot comment on the legality of the cases that have been cited. But as an outside observer, listening to it, I simply say we had a theoretical hard case which would, if we followed it, make bad law.

Let me comment on why I am in favor of the Thompson amendment. As the Senator from Tennessee indicated earlier, I am one who would be delighted to see all limits disappear for a variety of reasons that I have stated over the years about campaign finance and its challenges.

Let me run through a historic demonstration of why the green bars on the Senator's chart keep going up. I got chastised in the press the other day for quoting Founding Fathers and talking about the Founding Fathers—as if they were irrelevant.

Quite aside from the philosophy, there is much we can learn from the Founding Fathers because every one of them was a very practical, very real politician. They had to run for election, too. They understood the political process. As I pointed out, George Washington won his elections by buying rum punch and ginger cakes for the assembled electorate. That is how they did it in those days. James Madison refused to do it and got defeated. So this issue is not new.

But when they were writing the Constitution, George Washington, as the President of the Constitutional Convention, never spoke except when he recognized one or the other delegates to the convention—except on one issue and that issue was how big congressional districts should be. The original proposal was that a congressional district should represent 50,000 people. The motion was made: no, let's cut that down to 30,000 people.

George Washington stepped from his chair as President of the Constitutional Convention to endorse the idea that it be cut down to 30,000 because, he said, a Representative has too much to do if he has to represent as many as 50,000 people. That is just too big for a congressional district.

So it was written into the original Constitution, 30,000, with, of course, the understanding that Congress could change that.

I now come from the State that just by 800 people missed getting a congressional seat in the last redistricting. Our State has the largest congressional districts, therefore, of any in the country—roughly 700,000 people per congressional district.

So if you want to talk about inflation in campaigns, go for a House campaign that, in George Washington's day, had to go for a population of 30,000 people to, today, where the seat represents 700,000 people—more than 20 times increased.

So it is not just inflation of money; it is inflation of challenge to meet that many people. How do you do it? You do not do it shaking hands. You do not do it speaking to Rotary Clubs and Kiwanis Clubs. You do not do it by holding town meetings. The only way you can reach 700,000 people for a congressional seat, and 10 times that or more in many Senate seats, is to buy time. That is the only way you can do it. There is no other physical way to let the people of your State know who you are, unless you are an incumbent who has already had 6 years of free publicity, a sports hero—and we are getting more and more of those in Congress and some of them are pretty good Members of Congress, but they would not be Members if they had not had their names emblazoned on the front pages of the papers, a circumstance that is worth millions.

If somebody wants to start from scratch, run from obscurity, they have to raise a lot of money because they have not been on the sports pages and they have not been on the front pages. They have not had all the free exposure. If they are not wealthy, they have to raise a lot of money. Raising money becomes harder and harder to do if you have a limit on the amount you can raise that does not grow with inflation and does not grow with the number of people in your district.

The days when Abraham Lincoln and Stephen A. Douglas could go around the State of Illinois and hold debates where thousands of people would come and stand in the Sun for 3 hours listening to them are over. We do not have that kind of attention being paid to politics today.

When I run a campaign ad, I do not have to just compete with my opponent. We talk as if all the campaign advertising is between two opponents.

When I run a campaign ad, it has to compete with the Budweiser frogs. It has to compete with all the other ads that are out there that will crowd it out as far as public attention is concerned. I can't just say here is where I am, and put my ad up and my opponent says here is where I am and put his ad up because people are turning off the ads. They are going into the kitchen for a sandwich while the commercials are on. I have to have so many that I cut through the clutter of all the competition that has nothing to do with politics. And that means I have to raise a lot of money.

It becomes harder and harder to do that if the limits do not grow, either with inflation in money or with inflation in the population I represent or with inflation in the amount of competing advertising that is there.

In my first race, we bought ads on all of the network stations, and I thought we were reaching the public. Then my ad adviser came to me and said we were getting killed in the ad war. I said: What do you mean? We are doing fine.

He said: You are not on cable and your opponent is on cable.

I hadn't thought about cable. I don't have cable in my house. So we had to buy ads on cable.

The number of outlets keeps increasing and the number of challenges to meet those outlets keeps going up. Yet we stick with a limit of the amount we can raise in the face of all of these increases.

So it only makes sense to index the amount we spend, not only to inflation of dollars but index to the inflation of the challenge that we face in spending those dollars to reach the voter because you get less and less bang for your buck, even if the number of bucks goes up according to monetary inflation.

I support this amendment. It is only common sense. It will not lead to the kind of theoretical disaster about which the Senator from New York talks. It will only make it possible, slightly easier, for challengers to get a little traction against incumbents. I still think it is not easy enough and I quote again the primary example of a challenger who took on an incumbent and knocked him off, which was Eugene McCarthy in 1968, who went to New Hampshire against an incumbent President and won enough votes in the New Hampshire primary to cause Lyndon Johnson to resign the race and announce he would not run.

Understand how he did that; that is how McCarthy did that. He got five people to give him $100,000 each. So he went to New Hampshire with a war chest of $500,000 in 1968. In today's money, that is $2 million or more. Under today's rules, he could not begin to do that. Under today's rules, for him to raise $100,000, he would have to go to 100 different people and do that five times over. His chances of getting that done would be very slim.

So I endorse this amendment. I am happy on the occasion of campaign finance reform to finally be in agreement with my friend from Tennessee on something relating to this bill. I hope we reject all of the theoretical arguments and live in the real world where this amendment makes enormous good sense.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 10 minutes in opposition.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, let me say I know how much Senators THOMPSON and COLLINS believe in campaign finance reform. They have been two of the real stalwarts of trying to help us get rid of the soft money loophole. So this is a disagreement in which I take no particular pleasure, to put it mildly. They have been some of the strongest supporters for campaign finance reform.

I do not agree with their amendment. The limits that are created are way too high, and it is going to create some of the same problems that the soft money loophole has created in terms of the size of the contributions that will be permitted. It will not be through unregulated money, the soft money loophole, but it will be through regulated increases in the total aggregate amounts which are simply too high to create public confidence that we are doing the right thing, that we are not selling access to ourselves for large amounts of money, that we are not accepting contributions of large amounts of money from people who have significant business before the Congress.

We are at an important moment in the Senate's consideration of this bill. It is a point where we are going to have to decide whether we are going to hold the line on real reform, which not only means eliminating the soft money loophole, which I think we are on the verge of doing, but also in terms of putting some reasonable, modest limits on contributions so we do not have aggregate contributions that are so large that the public will lose confidence in the electoral process. They could lose confidence, whether we call it soft money or hard money, if the amounts which flow into these campaigns, either directly or indirectly, are too large.

We become addicted to large sums of money. It is easier to raise a large sum of money from a few people than it is to raise a small sum of money from many people. That is how we got started on soft money. That is why it is called soft money. And that is why regulated money is called hard money.

It is hard to raise money with real limits. But now that we are close to banning soft money—hopefully—to going cold turkey on the enormous contributions that the soft money loophole has let us raise from a small number of individuals, now I am afraid we are going to be looking around for other opportunities to raise large sums of money.

It is like a smoker who wants to quit who looks under the sofa cushions for a cigarette they may have dropped 3 months ago. We are looking around for someplace to still get large contributions.

The categories for the amount of money that an individual can give to a party and the aggregate that an individual can give in any 1 year to candidates, parties, and PACs looks to be a very large pot of money. We have to resist the temptation—that is what it is properly called, at least for some of us—to raise the aggregate limits to sums which to the average American seem horrendously large.

The Thompson-Collins amendment doubles the limits for parties and the yearly aggregate, so that one individual, under the Thompson-Collins proposal, can give as much as $100,000 in a cycle. That is $50,000 a year to the parties and candidates and PACs that the individual supports. So a couple could give $200,000 over 2 years, and it can be solicited all at one time—from you, from me, from a Member of the House, from the President, the Vice President, and the political parties—because what is before us would raise the hard money limits.

It means that any of us can solicit the amounts of money which are under that aggregate or within the aggregate. That would mean, if this amendment passes, we could call up a couple and say: Can you contribute $200,000 in this cycle to our party and to the candidates we are supporting?

It is too big an amount. It puts us in a position which I believe we should not be in, which is to be competing in this arena for large contributions, which have undermined public confidence in the electoral process.

Too often when these large contributions have been what is being solicited—in the past with soft money, the unregulated money, but now if this amendment passes up to $200,000 a cycle per couple in hard money, usually we have gotten into the sale of access, the open, blatant sale of access. Nothing hidden about that.

Just a couple of examples—one from each party because this is a bipartisan problem.

First, for a Democratic National Committee trustee, which is shown on the board before us—this is for a $50,000 contribution or raising $100,000—a contributor gets two events with the President, two annual events with the Vice President, an annual trade mission where the trustee is invited to "join Party leadership as they travel abroad to examine current and developing political and economic [trends]." And, by the way, this same thing was used in a Republican administration—visiting foreign dignitaries at the highest level. So this is not, again, a partisan issue. It is the sale of access for huge amounts of money. And the larger the amount of money that we permit to be solicited, the worse, it seems to me, the appearance is when access is so openly and blatantly sold for that contribution.

That is what the temptation is. There is nothing illegal about this. I think it is shocking, but it is not illegal. If we raise the hard money limits to this extent, this same kind of sale of access is going to continue for the large contribution, which I think is so totally disenchanting our constituents.

On the Republican side, I have a chart in relation to a RNC annual gala. This is for a contributor who raises $250,000. He or she gets lunch with the Republican—Senate or House—committee chairman of their choice.

I think that is wrong. I do not know how we can stop this kind of open sale of access to ourselves for large amounts of money if we are going to increase hard limits, hard money contributions to the same extent as we see on these boards, when soft money was being used at this level of contribution to tempt people to make contributions in exchange for that access.

Another invitation to a Senatorial Campaign Committee event: This one promised that large contributors would be offered "plenty of opportunities to share [their] personal ideas and vision with" some of the top leaders and Senators. And then this invitation read the following: Failure to attend means "you could lose a unique chance to be included in current legislative policy debates—debates that will affect your family and your business for many years to come."

So for a large amount of money—in the view of most Americans, an exceedingly large amount of money—people are told they can have access to people who will affect their family and their business for many years to come, and explicitly that if you do not purchase that access, for a large amount of money, you could lose a unique chance to participate in a debate which "will affect your family and your business for many years to come."

No American should think that because he or she cannot contribute a huge sum of money they are then going to be unable to participate in a debate which affects family and business for many years to come.

Another one: This one says: "Trust members can expect a close working relationship with all [of the party's] Senators, top Administration officials and national leaders."

The greater these contribution limits are, the worse, it seems to me, the appearance is of impropriety, which is what we are trying to stop.

Mr. President, I ask unanimous consent that I be yielded 1 additional minute.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Supreme Court has held very explicitly, in Buckley v. Valeo, that large contribution limits can create the appearance of impropriety and that Congress has the right to stop that appearance of wrongdoing, that appearance of corruption, as the Court put it, which can be created by the solicitation of large amounts of money by people in power from constituents who have business before them. The amounts of money which we are talking about in this amendment are simply too large.

We should not be tempted. It is easier to raise money in these large amounts—we all know that—but we should not be tempted. If we are so tempted, we would be on the one hand closing the soft money loophole but on the other hand creating the same problem by lifting hard money limits to such a level that the same inappropriate appearance is created by the solicitation of contributions of this size.

I commend our friends and colleagues, Senators THOMPSON and COLLINS. They have been staunch supporters of reform. It seems awkward being on the other side from them on an amendment in this area, but I think it is a mistake to adopt this amendment. I hope we will reject it.

Mr. ROCKEFELLER. Mr. President, this morning I was unavoidably detained for longer than expected at a doctor's appointment. Because of that appointment I was not able to vote on the motion to table the first division of the Hagel amendment to the McCain-Feingold bill. My vote would not have changed the outcome on this amendment. I would have voted to table.

● Mr. BAUCUS. Mr. President, my responsibilities to the people of the State of Montana require that I be in Montana during the President's visit to my State. However, because campaign finance reform is such an important issue, I would like to submit this statement on how I would have voted on the following had I been present in the Senate today.

On the Hollings constitutional amendment. I voted for this amendment in the 105th Congress, and I would have voted for it again in the 107th. This amendment would ensure that Congress had the ability to combat the influence of money on the voting process.

On the Wellstone amendment. I would have voted for this amendment. I think it is a step in the right direction because it does not single out one group and reduce its ability to communicate with the voters. This amendment will create a more level playing field with regards to issue advertisements.●

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I applaud today's release of the Surgeon General's report, "Women and Smoking." It provides us with important information and recommendations to support our efforts to reduce smoking among women and prevent girls from starting the deadly habit. The results are disturbing and make it clear that we have a responsibility to combat the epidemic of smoking and tobacco-related diseases among women in the United States and around the world.

What the report makes clear is that we have been witness to an unprecedented tobacco industry marketing campaign targeted towards young women and girls. The consequences of this marketing campaign are staggering. From 1991 to 1999, smoking among high school girls increased from 27 to 34.9 percent. Since 1968, when Philip Morris introduced Virginia Slims, the rate of lung cancer deaths in women has skyrocketed. In fact, lung cancer has surpassed breast cancer as the leading cause of cancer death in the United States, accounting for 25 percent of all cancer deaths among women.

I am pleased that Secretary Thompson was able to join Dr. Satcher this morning to release the Surgeon General's report. I hope his presence signals the Bush administration's willingness to aggressively pursue policies and legislation to combat tobacco use among our children.

In particular, the report demonstrates the need for meaningful regulation of tobacco products by the Food and Drug Administration. Today, tobacco companies are exempt from the most basic health and safety oversight of their products. Consumers know more about what is in their breakfast cereal that what is in their cigarettes. Tobacco companies are not required to test additives for safety or tell consumers what is in their products. Nothing prevents them from making misleading or inaccurate health claims about their products.

This lack of regulation impacts women as tobacco companies aggressively target young girls through marketing campaigns linking smoking to weight loss and women's rights and progress. For example, one of the most famous ads directed at women was Lucky Strike's "Reach for a Lucky Instead of a Sweet." A recent Virginia

Slims' ad campaign told women that smoking could help them "Find Your Voice." As the father of two daughters, I find it unacceptable that young girls are relentlessly barraged with slick marketing campaigns encouraging them to take up a deadly—and illegal—habit.

Also, recognizing that many women are concerned about the long term health risks of smoking, tobacco companies have been promoting "low tar" or "light" cigarettes to women as a "safer" option. Big Tobacco is well aware that the health claims in their ads are either misleading or entirely false. But it works. Currently 60 percent of women smokers use light and ultra light cigarettes.

These are just some of the reasons I, along with Senators LINCOLN CHAFEE and BOB GRAHAM, introduced the first bipartisan tobacco legislation in this Congress, the KIDS Deserve Freedom from Tobacco Act. Our bill would grant the FDA full authority to regulate the manufacture, distribution, marketing, and sale of tobacco products to protect our children from the dangers of tobacco use.

The results of the Surgeon General's report demonstrate the need for FDA authority over tobacco products. Today, I call upon Secretary Thompson to make a commitment to the young girls and women of this country: that the Bush administration will make passing legislation giving the FDA strong, meaningful regulatory authority over tobacco products a top priority.

NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, as we celebrate National Women's History month, I pay tribute to the countless contributions made by women, past and present, those heralded and those unknown to most, who have advanced the rights of women and enriched our Nation's history.

The month of March has been designated as National Women's History Month to illuminate the tremendous accomplishments of women throughout history. I salute my colleagues, Senator BARBARA MIKULSKI and Senator ORRIN HATCH for cosponsoring legislation over two decades ago declaring National Women's History Week. The celebration of women's history has since been expanded into a month long tribute to commemorate the many contributions of women.

This year's national theme, "Celebrating Women of Courage and Vision," seeks to spark interest in the many remarkable stories of women's achievements in our schools and communities. We must strive to present history accurately, and in its entirety. History is not a womanless story and it should not be presented as such to our youth. It is imperative that we share the rich stories of women's struggles and achievements with all our children, but especially with our girls. With the benefit of strong female figures as role models, young women will have a fuller vision of what is possible in their lives.

The advancement of women in the last century has been nothing short of remarkable. At the beginning of the last century, women generally did not have the right to vote or own property. They could not hold most occupations, participate in the armed forces, or aspire to political office. But as long ago as 1872, a little known milestone in the fight for women's equality was achieved by the courageous actions of an Illinois woman.

Ellen Martin of Lombard, IL, understood her lack of legal entitlements in the late 1800s, but had the vision, the wits, and the determination to transcend the barriers around her. In the Presidential election of 1872, almost 50 years prior to the passage of the 19th Amendment, Martin and fourteen other Lombard women marched to the polls and demanded their right to vote. At the time, Lombard, IL, was governed by its local charter of incorporation, which inadvertently stated that "all citizens" rather than "all male citizens" had the right to vote.

Armed with a law book and her spectacles, Martin asserted her "citizenship" and demanded a ballot. Allegedly, the election judges were so shocked by the demand that one gentleman actually "fell backward into a flour barrel." Ironically reminiscent of this year's unusual election, the votes of those 15 courageous women were extensively debated in the courts. But eventually, those 15 votes became the first women's votes ever to be counted in Illinois in an American Presidential election.

Ellen Martin refused to be held down by the social and political mores of the day. She had the courage to challenge and conquer the barriers that attempted to restrict her. And for her efforts, she won a small but important victory. Of course, it was not until 1920 that women's fundamental right to vote was expressly protected by the Constitution in the 19th Amendment. I am proud to say that Illinois was the first State in the Union to ratify that long overdue amendment, guaranteeing women a voice in the political arena.

There are many little known milestones, similar to the story of Ellen Martin's courage, which reveal the heroism of women throughout our history. These stories are important and they are powerful, but they can have little impact if they are not shared. Sadly, only 3 percent of our educational materials focus on women's contributions. Legislators in Illinois have recognized the need for the appreciation of the historical contributions of women and have mandated the teaching of women's history in K–12 classes. Only by recognizing the authentic contributions of women will educators be truly faithful to our national heritage.

Today, women play a central role in the Nation's political and economic arenas. I am privileged to work with 13 women Senators who provide powerful examples to young women across the Nation. At the State level, women currently hold 27.6 percent of the statewide executive offices across the country and 22.4 percent of State legislative positions. As Susan B. Anthony pointed out in 1897: "There never will be complete equality until women themselves help to make laws." Women's representation in politics is not yet equal, but their increasing prominence signals a step in the right direction.

Today, women participate in our economy in record numbers, both in the workforce and as business leaders. Women own more than 9 million small businesses across the Nation, representing 38 percent of all small businesses nationwide. In Illinois, women own more than 250,000 firms. With their comprehensive participation, it is beyond dispute that women are vital to sustaining and improving our Nation's economy.

However, despite their strong presence in the workforce, women continue to earn less than men in this country. For every dollar a man earns, women on average earn only 73 cents. In Illinois, the wage gap is even larger: For every dollar earned by a man a woman earns only 69 cents. This wage gap persists despite the passage of the Equal Pay Act over three decades ago. Although the gap continues to shrink, the progress is painfully slow, shrinking by a rate of less than a half a penny a year. In order to facilitate the closure of this gap, I urge my colleagues to consider Senator DASCHLE's Paycheck Fairness Act, S. 77, of which I am a cosponsor. That bill would strengthen the enforcement mechanisms of the Equal Pay Act as well as recognize employer efforts to pay wages to women that reflect the real value of their contributions. The wage disparities between men and women have endured for far too long. We must approach the problem pro-actively and demand results.

The dedication of March as Women's History Month provides an excellent opportunity to celebrate the many contributions of women that have shaped our history as well as the powerful influence that women continue to exert not only as business leaders and politicians, but also as mothers, teachers, neighbors and vital members of the community. But as we "Celebrate Women of Courage and Vision," let us not forget the battles that lie ahead for women as they continue to struggle for full equality. As Alice Paul, a female attorney in the early 1900s, eloquently noted: "Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality." Let us allow the simple principle of equality to guide us, as we strive to make history in further advancing the rights of women.

SMALL BUSINESS ENERGY EMERGENCY RELIEF ACT

Mr. KOHL. Mr. President, yesterday the Senate approved S. 295, the Small Business Energy Emergency Relief Act of 2001. This bill will provide needed assistance to small businesses and farmers that have suffered direct and substantial economic injury caused by significant increases in the prices of heating oil, propane, kerosene, or natural gas.

Specifically, I would like to thank the Chairman and Ranking Member of the Small Business Committee, Senator KIT BOND and Senator JOHN KERRY, for their willingness to include an amendment sponsored by Senator HARKIN and me. This amendment will help farmers offset the surging costs of fuel. Farmers in my state and throughout the country have been negatively impacted as a result of high energy prices on farm income, due not only to the costs for fuel farmers need to run their equipment but also the increases in costs for fertilizer, which is made from natural gas.

Earlier this year, the spot price for natural gas had increased 400 percent from the year before. The Department of Energy is predicting that natural gas rates this winter will be at least double last year's levels. The most recognizable impact of this price spike has been on heating costs. However, many in the agriculture community are concerned with the impact of these spiraling costs on agricultural producers, since natural gas is the major component of nitrogen.

I am pleased that the Chairman and Ranking Member of the Small Business Committee agreed to include the Farm Energy Relief Act to allow the Secretary of Agriculture to declare a disaster area in counties where a sharp and significant increase in the price of fuel and fertilizer has caused farmers economic injury and created the need for financial assistance. That determination would allow farmers to be eligible for USDA's emergency disaster loans for losses arising from energy price spikes. I believe this amendment will provide much-needed relief to many of our producers who are also facing depressed prices for their commodities.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 26, 2001, the Federal debt stood at $5,733,895,076,837.79, Five trillion, seven hundred thirty-three billion, eight hundred ninety-five million, seventy-six thousand, eight hundred thirty-seven dollars and seventy-nine cents.

Five years ago, March 26, 1996, the Federal debt stood at $5,066,588,000,000, Five trillion, sixty-six billion, five hundred eighty-eight million.

Ten years ago, March 26, 1991, the Federal debt stood at $3,452,738,000,000, Three trillion, four hundred fifty-two billion, seven hundred thirty-eight million.

Fifteen years ago, March 26, 1986, the Federal debt stood at $1,982,440,000,000, One trillion, nine hundred eighty-two billion, four hundred forty million.

Twenty-five years ago, March 26, 1976, the Federal debt stood at $600,274,000,000, Six hundred billion, two hundred seventy-four million, which reflects a debt increase of more than $5 trillion, $5,133,621,076,837.79, Five trillion, one hundred thirty-three billion, six hundred twenty-one million, seventy-six thousand, eight hundred thirty-seven dollars and seventy-nine cents, during the past 25 years.

ADDITIONAL STATEMENTS

LIEUTENANT COLONEL MICHAEL DAVID

• Mr. CHAFEE. Mr. President, it is my great privilege to pay tribute to a Rhode Islander, Lieutenant Colonel Michael David, who will soon complete 23 years of distinguished service to our Nation.

As friends and colleagues gather to honor Lieutenant Colonel David's retirement from the U.S. Air Force, I would also like to extend to him my heartiest congratulations. Indeed, the State of Rhode Island is very proud and fortunate to have had a native of Warwick, RI represent us so well. I join with all Rhode Islanders in expressing thanks to Lieutenant Colonel David for the wonderful job he has done.

A graduate of the U.S. Air Force Academy, Lieutenant Colonel David has shared his expertise as he trained service men and women to fly the T–38 and C–141 aircraft at Air Force bases across our land; he has served as a T-38 Instructor Pilot, a C–141 Instructor and Evaluator Pilot. In addition, he has flown and led many world-wide airlift and formation airdrop missions. At present, he is charged with aiding the Pentagon's top brass in leading the Armed Forces into the 21st century, equipping our military to meet the challenges of the 21st century.

Along the way, Lieutenant Colonel David has been awarded numerous decorations including: Meritorious Service Medal, 2nd OLC, Aerial Achievement Medal, Air Force Commendation Medal, Air Force Achievement Medal, Combat Readiness Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Southwest Asia Service Medal, Small Arms Expert Pistol Ribbon, Air Force Legacy Service Award, Air Force Training Ribbon, Joint Meritorious Unit Award and the Air Force Outstanding Unit Award. Lieutenant Colonel David currently has the Defense Superior Service Medal pending approval by the Chairman, Joint Chiefs of Staff.

That is an impressive list! Our hats are off to Lieutenant Colonel David for these tremendous accomplishments.

Yet, we all know it is the military family that also deserves the recognition and congratulations for the years of travel, leaving family and friends, and for their tireless energy and support of the United States Armed Forces. For their outstanding dedication, I wish to commend and congratulate Lieutenant Colonel David's wife, the former Bernadette Louise Brennan, of Providence, and his two daughters, Ashley Nicole David and Stephanie Michelle David.

In closing, I am pleased to offer my very best wishes to Lieutenant Colonel David for happiness and fulfillment in his new endeavors. His contributions certainly will be remembered for generations to come.•

IN HONOR OF COMMUNITY FOOD RESOURCE CENTER

• Mr. LEAHY. Mr. President, it is my honor and pleasure to inform my fellow Senators that this year marks the 21st anniversary of Community Food Resource Center, a New York City organization that has been a leader in the fight for improved nutrition and economic well-being for all Americans.

CFRC's first project in 1980 was a school breakfast campaign. Since then, CFRC has been instrumental in shaping and promoting child nutrition programs. Because of CFRC's efforts, for example, New York City became the first major city to implement universal school meals on a large scale.

I became familiar with CFRC because of my work on the Senate Agriculture, Nutrition, and Forestry Committee. I have come to admire and respect the organization and its dedicated staff, and I feel honored to have had the chance to work with them. Whatever the issue, I can always count on CFRC to focus on the needs of those whose voices are rarely heard in the Capitol.

I would like to highlight just a few of CFRC's many innovative programs. Its Community Kitchen of West Harlem provides meals to more than 600 people nightly. Its CookShop program encourages schoolchildren to eat more fruits and vegetables. Its senior dinner programs use school cafeterias after hours to provide nutritious meals, social activities and an intergenerational program.

CFRC is also a leading advocate for government policies assisting low-income individuals and families. At a time when Food Stamp participation is declining nationwide, CFRC's Food Force project sends outreach workers with laptop computers to community-based sites to pre-screen thousands of needy New Yorkers. With TANF reauthorization approaching, CFRC's Welfare Made A Difference National Campaign is challenging the stereotypes that led to passage of the 1996 welfare law.

CFRC is not only committed to making a difference, it is also effective. Each year, tens of thousands of New Yorkers benefit from CFRC's programs, and its advocacy has made a difference to millions of Americans. I hope that 21 years from now, this country no longer needs groups like CFRC. But if there are still those among us who are poor or hungry, I hope that CFRC is still here keeping their needs in the national conscience.•

GREEK INDEPENDENCE DAY

• Mr. DURBIN. Mr. President, the annual celebration of Greek Independence Day that took place on Sunday, March 25 commemorated the independence of Greece after 400 years of oppression under the Ottoman Empire. The pages of our history books are filled with contributions that the Greeks have made to society. Our system of government, our literature, philosophy, religion, and mathematics all have their roots in Greek tradition. With the founding of the Olympic Games, the Greek people taught us that there is more to be gained through peaceful competition than armed conflict.

Perhaps the greatest contribution that the Greek people have made is a simple yet powerful idea that first conceived over 2,000 years ago. It is the idea that citizens possessed the power to determine the course of a nation. The Athenian republic was the world's first democratic state, a fact respected by all free states today.

The bonds that join the United States and Greece extend back to the founding of our country. When drafting our Constitution, our forefathers recognized the idealism and spirit of ancient Greece. Inspired by our own struggle for independence, Greece followed forty-five years later with its own struggle for independence. By celebrating this day, we pay tribute to those Greek men and women who have made the ultimate sacrifice in defense of the common cause of freedom. The United States has been able to proudly call Greece an ally in every major international conflict of the last century.

Those Americans that claim Greek heritage can be proud of the contributions made by their ancestors. The many Greek sons and daughters who have come to the United States have served honorably in all walks of American life. Greek culture continues to flourish in American cities, thus contributing to the rich ethnic diversity of our country. It is with great honor that I commemorate the celebration of Greek independence. I look forward to the continuing cooperation and lasting friendship between the United States and Greece.•

DR. JOHN R. ARMSTRONG AND THE JOHN R. ARMSTRONG PERFORMING ARTS CENTER

• Mr. LEVIN. Mr. President, I rise to congratulate the L'Anse Creuse Public Schools and their Superintendent, Dr. John R. Armstrong, for the opening and dedication of their beautiful new 999 seat auditorium. The L'Anse Creuse Public Schools have appropriately chosen to name this state of the art facility the John R. Armstrong Performing Arts Center in recognition for all Dr. Armstrong has done to support the arts, not only as the current Superintendent of the L'Anse Creuse Public Schools in Harrison Township, Michigan, but also as a teacher and principal.

Dr. John R. Armstrong has served his community, state, and country in countless ways. Since graduating from Bowling Green University thirty-four years ago, he has been a dedicated teacher and administrator in the L'Anse Creuse Public Schools. However, Doctor Armstrong's passion for education and youth has led him to take an active role not just in the school system, but in his community. He has held leadership positions in many civic organizations and institutions that seek to advance educational causes such as Director of the Kellogg Math/Science Grant Program at Selfridge Air National Guard Base. In addition, Dr. Armstrong has been a board member of the Mt. Clemens YMCA, the Mt. Clemens Art Center, the Macomb Literacy Project and the Traffic Safety Association of Macomb County.

Dr. Armstrong has worked extensively to increase funding for his school district. He has presided over several capital campaigns and bond proposals that have allowed this growing school district to provide an environment in which learning can flourish. While Dr. Armstrong has been superintendent, student achievement has soared, as evidenced by the fact that student's in his school district have improved their test scores on the Michigan Education Assessment Program, the PSAT, SAT and ACT at a rate that has exceeded the county, state and national averages.

Just as importantly, Dr. Armstrong has worked to promote life-long learning opportunities that realize that education should not be confined within classroom walls. To that end, he has fostered cross-cultural exchanges, a cooperative art and design program with General Motors and a dialogue on issues between students and senior citizens. In addition to supporting life-long learning for others, Dr. Armstrong has led by example. Since coming to the L'Anse Creuse School District, he has earned several teacher certificates, a master's degree and a doctorate in education.

The L'Anse Creuse School District can take pride in the opening of their new auditorium, and Dr. Armstrong can take pride in his long and honorable service to the students of not only the school district but of all Michigan. I hope my colleagues will join me in saluting both the L'anse Creuse School District and Dr. John R. Armstrong for their contributions to their community and the State of Michigan.•

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING COVERING CALENDAR YEAR 2000 MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

Pursuant to section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting covering calendar year 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 27, 2001.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 27, 2001.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1165. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Organization: Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Stock Issuances" (RIN3052-AB91) received on March 22, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1166. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-B-7409) received on March 16, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1167. A communication from the Assistant Secretary for Budget and Programs, Office of the Secretary of Transportation, transmitting, pursuant to law, the report on the Fair Act Commercial Activities Inventory for 2000; to the Committee on Governmental Affairs.

EC-1168. A communication from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-1169. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on February 16, 2001; to the Committee on Governmental Affairs.

EC-1170. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the District of Columbia for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1171. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification of the Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis" (Docket No. 97P-0354) received on March 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1172. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Clinical Chemistry and Clinical Toxicology Devices; Classification of B-Type Natriuretic Peptide Test System" (Docket No. 00P-1675) received on March 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1173. A communication from the Acting Assistant Secretary of Health Affairs, Department of Defense, transmitting, pursuant to law, a delay of the report on the plan to provide chiropractic health care services and benefits for member of the Uniformed Services; to the Committee on Armed Services.

EC-1174. A communication from the Secretary of Defense, transmitting, a delay of the annual report concerning cost savings resulting from workforce reductions for Fiscal Year 2000; to the Committee on Armed Services.

EC-1175. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report entitled "Use of Employees of Non-Federal Entities to Provide Services to the Department of Defense"; to the Committee on Armed Services.

EC-1176. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the report on restructuring costs associated with business combinations for calendar year 2000; to the Committee on Armed Services.

EC-1177. A communication from the Deputy Assistant Secretary of Budget and Finance, Department of the Interior, transmitting, pursuant to law, the annual report concerning the Outer Continental Shelf Lease Sales: Evaluation of Bidding Results for Fiscal Year 2000; to the Committee on Energy and Natural Resources.

EC-1178. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri" (FRL6956-9) received on March 16, 2001; to the Committee on Environment and Public Works.

EC-1179. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganes" (FRL6955-8) received on March 16, 2001; to the Committee on Environment and Public Works.

EC-1180. A communication from the Deputy Executive Secretary of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rules for Nondiscrimination in Health Coverage in the Group Market" (RIN0938-AI08) received on March 14, 2001; to the Committee on Finance.

EC-1181. A communication from the Deputy Executive Secretary of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Expanded Coverage for Outpatient Diabetes Self-Management Training and Diabetes Outcome Measurement" (RIN0938-AI96) received on March 14, 2001; to the Committee on Finance.

EC-1182. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology (NIST) for 2000; to the Committee on Commerce, Science, and Transportation.

EC-1183. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the annual report on Northeast Multispecies Harvest Capacity and Impact of Northeast Fishing Capacity Reduction for Fiscal Year 1999; to the Committee on Commerce, Science, and Transportation.

EC-1184. A communication from the Acting Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Zone Management Act Federal Consistency Regulations" (RIN0648-AM88) received on February 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1185. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska-Pollock Closure in the Statistical Area 610, Gulf of Alaska" received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1186. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska-Pollock Closure in the Statistical Area 630 Outside the Shelikof Strait, Gulf of Alaska" received on March 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1187. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Zone Off Alaska-Pollock Closure in the West Yakutat District, Gulf of Alaska" received on March 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1188. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plans" (RIN0648-AO80) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1189. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-B-7409) received on March 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1190. A communication from the Acting Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a report relating to the development of electronic commerce and associated technology; to the Committee on the Judiciary.

EC–1191. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Coniothyrium Minitans Strain CON/M/91–08; Exemption from the Requirement of a Tolerance" (FRL6772–1) received on March 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1192. A communication from the Deputy Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Change in Application of Federal Financial Participation Limits: Delay of Effective Date" (RIN0938–AK22) received on March 19, 2001; to the Committee on Finance.

EC–1193. A communication from the Deputy Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Payment for Nursing and Allied Health Education: Delay of Effective Date" (RIN0938–AE79) received on March 19, 2001; to the Committee on Finance.

EC–1194. A communication from the Chief of the Regulations Unit, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise" (RIN1515–AC82) received on March 23, 2001; to the Committee on Finance.

EC–1195. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report from the Office of Surface Mining for 2000; to the Committee on Energy and Natural Resources.

EC–1196. A communication from the Assistant General Counsel for Regulatory Law, Office of Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Department of Energy Cooperative Research and Development Agreements" (DOE O 483.1 and DOE M 483.1) received on March 23, 2001; to the Committee on Energy and Natural Resources.

EC–1197. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Aviation" (DOE O 440.2) received on March 23, 2001; to the Committee on Energy and Natural Resources.

EC–1198. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting, pursuant to law, a report concerning Egypt's economic achievements and challenges from 1999 through 2000; to the Committee on Foreign Relations.

EC–1199. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1200. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, the annual report concerning the United States Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union for Fiscal Year 2000; to the Committee on Foreign Relations.

EC–1201. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1202. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report on the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001; to the Committee on Armed Services.

EC–1203. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the annual report on Contingent Liabilities Under Chapter 443 Aviation Insurance Program; to the Committee on Armed Services.

EC–1204. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report concerning the science and technology program for Fiscal Year 2001; to the Committee on Armed Services.

EC–1205. A communication from the Acting Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, a report on the Angel Gate Academy Program; to the Committee on Armed Services.

EC–1206. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Facility Safety" (DOE O 420.1) received on March 23, 2001; to the Committee on Armed Services.

EC–1207. A communication from the Director of Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Status to That Person for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility" (RIN 1115–AF91) received on March 26, 2001; to the Committee on the Judiciary.

EC–1208. A communication from the Deputy Assistant Secretary of Indian Affairs, Division of Transportation, Department of the Interior , transmitting, pursuant to law, the report of a rule entitled "Distribution of Fiscal Year 2001 Indian Reservation Road Funds" (RIN1076–AE13) received on March 26, 2001; to the Committee on Indian Affairs.

EC–1209. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Technical Assistance Agreement with Israel; to the Committee on Foreign Relations.

EC–1210. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1211. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with the United Kingdom; to the Committee on Foreign Relations.

EC–1212. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1213. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–1214. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1215. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Belgium; to the Committee on Foreign Relations.

EC–1216. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Farmland Industries, Inc. v. Commissioner" received on March 26, 2001; to the Committee on Finance.

EC–1217. A communication from the Program Manager of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "The Registration Period for the USAS–12, Striker-12, and Streetweeper Shotguns Will Close on May 1, 2001" (ATF Rul. 2001–1) received on March 26, 2001; to the Committee on Finance.

EC–1218. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assessment of Liquidated Damages Regarding Imported Merchandise That Is Not Admissible Under the Food, Drug and Cosmetic Act" (RIN1515–AC45) received on March 23, 2001; to the Committee on Finance.

EC–1219. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy of the position of Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, the designation of an Acting Administrator, and the nomination of Jahn Graham to be Administrator; to the Committee on Governmental Affairs.

EC–1220. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to the confirmation of Sean O'Keefe to be Deputy Director of the Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1221. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to the confirmation of Mitchell Daniels to be the Director of the Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1222. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy of the position of Deputy Director for Management, Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1223. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, a report relative to the vacancy of the position of Controller, Office of Management and

Budget, Office of Federal Financial Management; to the Committee on Governmental Affairs.

EC-1224. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-1225. A communication from the Chief Financial Officer, Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Office of Inspector General for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1226. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 14, 2001; to the Committee on Governmental Affairs.

EC-1227. A communication from the District of Columbia Auditor, transmitting, a report entitled "Analysis of the First Quarter Cash Collections Against the Revised Fiscal Year 2001 Revenue Estimate"; to the Committee on Governmental Affairs.

EC-1228. A communication from the Managing Director of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Federal Activities Reform Act of 1998 for 1999; to the Committee on Governmental Affairs.

EC-1229. A communication from the Acting Administrator and Chief Executive Officer of the Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the annual report on the system of internal accounting controls and financial controls for 2000; to the Committee on Governmental Affairs.

EC-1230. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-1231. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Corrections of Retirement Coverage Errors Under the Federal Erroneous Retirement Coverage Corrections Act" (RIN3206-AJ38) received on March 19, 2001; to the Committee on Governmental Affairs.

EC-1232. A communication from the Deputy Under Secretary of Defense, Science and Technology, Office of the Director of Defense Research and Engineering, transmitting, pursuant to law, the Annual Report of the Strategic Environmental Research and Development Program for Fiscal Year 2000; to the Committee on Armed Services.

EC-1233. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the Annual Report on Reimbursement of Contractor Environmental Response Action Costs for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-1234. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the Monthly Status Report on Licensing Activities and Regulatory Duties dated January 2001; to the Committee on Environment and Public Works.

EC-1235. A communication from the Acting Secretary of the Army, Department of Defense, transmitting, pursuant to law, the implementation of a project for shoreline protection and ecosystem restoration for the Delaware Bay Coastline at Reeds Beach and Pierces Point, New Jersey; to the Committee on Environment and Public Works.

EC-1236. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Startup and Restart of Nuclear Facilities" (DOE O 425.1B) received on March 23, 2001; to the Committee on Environment and Public Works.

EC-1237. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Approval of Several NO_X Emission Trading Orders as Single Source SIP Revisions" (FRL6942-6) received on March 23, 2001; to the Committee on Environment and Public Works.

EC-1238. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Stationary Sources; Supplemental Delegation of Authority to the State of South Carolina" (FRL6956-1) received on March 23, 2001; to the Committee on Environment and Public Works.

EC-1239. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL6954-9) received on March 26, 2001; to the Committee on Environment and Public Works.

EC-1240. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "EPA Permit Guidance Document, Transportation Equipment Cleaning Point Source Category"; to the Committee on Environment and Public Works.

EC-1241. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Financial Management Requirements for U.S. Environmental Protection Agency Region 2 Assistance Agreement Recipients"; to the Committee on Environment and Public Works.

EC-1242. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Dive Stick Final Rule" (RIN3041-AB82) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1243. A communication from the Deputy Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program: Funding Announcement for the Global Ocean Ecosystems Dynamics Project" (RIN0648-ZA77) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1244. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Commercial Shark Management Measures; Emergency Rule; Request for Comments" (RIN0648-AO85) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1245. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska-Closes A Season Pollock Fishing by Mothership Component Processing in the Stellar Sea Lion Conservation Area of the Bering Sea and Aleutian Islands Management Area" received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1246. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry: Notice of Solicitation for Applications" (RIN0648-ZA09) received on March 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1247. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (La Crosse, Wisconsin)" (Docket No. 00-236) received on March 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1248. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Orono, Maine)" (Docket No. 00-243) received on March 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1249. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Weston, West Virginia)" (Docket No. 00-242) received on March 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1250. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (New Orleans, Louisiana)" (Docket No. 00-188) received on March 23, 2001: to the Committee on Commerce, Science, and Transportation.

EC-1251. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Lead, South Dakota)" (Docket No. 00-235) received on March 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1252. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: (Including 3 Regulations)" ((RIN2115-AE46) (2001-0004)) received on March 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1253. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (Including 3 Regulations)" ((RIN2115–AE47) (2001–0024)) received on March 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1254. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations (Including 49 Regulations)" ((RIN2115–AA97) (2001–0005)) received on March 26, 2001; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Grant S. Green, Jr., of Virginia, to be an Under Secretary of State (Management).

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. Bingaman, Mr. Lugar, and Mr. Lieberman):

S. 621. A bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. Brownback, Mr. Graham, and Mr. Bingaman):

S. 622. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco cessation under the medicare program, the medicaid program, and maternal and child health services block grant program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. Daschle, Mr. Kennedy, and Mr. Sarbanes):

S. 623. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a 50 percent credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself and Mrs. Hutchison):

S. 624. A bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. Specter, Mr. Daschle, Mr. Smith of Oregon, Mr. Leahy, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Wyden, Mr. Jeffords, Mr. Schumer, Mr. Chafee, Mr. Akaka, Mr. Ensign, Mr. Bayh, Mr. Biden, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Ms. Cantwell, Mrs. Carnahan, Mr. Carper, Mr. Cleland, Mrs. Clinton, Mr. Corzine, Mr. Dayton, Mr. Dodd, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Inouye, Mr. Johnson, Mr. Kerry, Ms. Landrieu, Mr. Levin, Mrs. Lincoln, Ms. Mikulski, Mr. Miller, Mrs. Murray, Mr. Nelson of Nebraska, Mr. Nelson of Florida, Mr. Reed, Mr. Reid, Mr. Rockefeller, Mr. Sarbanes, Ms. Stabenow, Mr. Torricelli, and Mr. Wellstone):

S. 625. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. Baucus):

S. 626. A bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. Graham):

S. 627. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. Daschle):

S. 628. A bill to amend the Internal Revenue Code of 1986 to provide a rebate of a portion of the Federal budget surplus in 2001; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. Conrad, Mr. Lieberman, Mr. Dorgan, Mr. Durbin, Mr. Rockefeller, Mr. Reid, and Mr. Johnson):

S. 629. A bill to amend the Internal Revenue Code of 1986 to provide a refund of individual taxes in 2001 and to establish a 10 percent rate bracket beginning in 2001, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. Wyden, Mr. Lieberman, Ms. Landrieu, Mr. Torricelli, Mr. Breaux, and Mr. Murkowski):

S. 630. A bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VOINOVICH:

S. 631. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 632. A bill to reinstate a final rule promulgated by the Administrator of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself and Mr. Rockefeller):

S. 633. A bill to provide for the review and management of airport congestion, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS:

S. 634. A bill to amend section 2007 of the Social Security Act to provide grant funding for additional Enterprise Communities, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 635. A bill to reinstate a standard for arsenic in drinking water; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself and Ms. Stabenow):

S. Con. Res. 29. A concurrent resolution congratulating the city of Detroit and its residents on the occasion of the tercentennial of its founding; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. Reid, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. Akaka, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 177, a bill to amend the provisions of title 19, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 205

At the request of Mrs. Hutchison, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 258

At the request of Ms. Snowe, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 264

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 264, a bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the medicare program to all individuals at clinical risk for osteoporosis.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 338

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

At the request of Mr. ENSIGN, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 338, supra.

S. 344

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 344, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

S. 362

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 362, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 363

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 363, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 364

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 364, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 409

At the request of Mrs. HUTCHISON, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 458

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 458, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 463

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 463, a bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER), the Senator from Louisiana (Mr. BREAUX), the Senator from Illinois (Mr. DURBIN), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 534

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 534, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. 548

At the request of Mr. HARKIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 563, a bill to amend the Social Security Act to require Social Security Administration publications to highlight critical information relating to the future financing shortfalls of the social security program, to require the Commissioner of Social Security to provide Congress with an annual report on the social security program, and for other purposes.

S. 565

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 599

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 599, a bill to amend the Omnibus Trade and Competitiveness Act of 1988 to establish permanent trade negotiating and trade agreement implementing authority.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 619

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 619, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Ms. STABENOW), was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. J. RES. 10

At the request of Mr. KENNEDY, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Michigan (Ms. STABENOW), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 44

At the request of Mr. COCHRAN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month".

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 115

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 115 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BROWNBACK, Mr. GRAHAM, and Mr. BINGAMAN):

S. 622. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco cessation under the medicare program, the medicaid program, and maternal and child health services block grant program; to the Committee on Finance.

Mr. DURBIN. Mr. President, I rise today to introduce legislation that expands treatment to millions of Americans suffering from a deadly addiction: tobacco. I am pleased to have Senators BROWNBACK, BINGAMAN, and GRAHAM of Florida join me in this effort. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2001 will help make smoking cessation therapy accessible to recipients of Medicare, Medicaid, and the Maternal and Child Health, MCH, Program.

We have long known that cigarette smoking is the largest preventable cause of death, accounting for 20 percent of all deaths in this country. It is well documented that smoking causes virtually all cases of lung cancer and a substantial portion of coronary heart disease, peripheral vascular disease, chronic obstructive lung disease, and cancers of other sites. And the harmful effects of smoking do not end with the smoker. Women who use tobacco during pregnancy are more likely to have adverse birth outcomes, including babies with low birth weight, which is linked with an increased risk of infant death and a variety of infant health disorders.

Still, despite enormous health risks, 48 million adults in the United States smoke cigarettes, approximately 22.7 percent of American adults. The rates are higher for our youth, 36.4 percent report daily smoking. In Illinois, the adult smoking rate is about 24.2 percent. Perhaps most distressing and surprising, data indicate that about 13 percent of mothers in the United States smoke during pregnancy.

Today, the Surgeon General released a new report that documents the health effects for women who smoke. Women now represent 39 percent of all smoking related deaths in the United States each year, more than double the percentage in 1965.

More than 21 percent of women in my state of Illinois smoke. Lung cancer is the leading cancer killer among women surpassing breast cancer in 1987, and smoking causes 87 percent of lung cancer cases. In fact, lung cancer death rates among women increased by more than 400 percent between 1960 and 1990. And smoking among girls is on the rise as well. From 1991 to 1999, smoking among high school girls increased from 27 to 34.9 percent.

There is no doubt that smoking rates among women and girls are linked to targeted tobacco advertising. The Centers for Disease Control and Prevention's National Health Interview Survey showed an abrupt increase in smoking inititation among girls around 1967, about the same time that Philip Morris and other tobacco companies launched advertisements for brands specifically targeted at women and girls. Six years after the introduction of Virginia Slims and other such brands, the rate of smoking initiation of 12-year-old girls increased by 110 percent.

The report released today echoes this concern, highlighting the targeting of women in tobacco marketing. Between 1995 and 1998, expenditures in the United States for cigarette advertising and promotion increased from $4.90 billion to $6.73 billion. In 1999, these promotional expenditures leaped another 22 percent, to a new high of $8.24 billion.

As a result, we are not only paying a heavy health toll, but an economic price as well. The total cost of smoking in 1993 in the U.S. was about $102 billion, with over $50 billion in health care expenditures directly linked to smoking. The Centers for Disease Control and Prevention, CDC, reports that approximately 43 percent of these costs were paid by government funds, primarily Medicaid and Medicare. Smoking costs Medicaid alone more than $12.9 billion per year. According to the Chicago chapter of the American Lung Association, my state of Illinois spends $2.9 billion each year in public and private funds to combat smoking-related diseases.

Today, however, we also know how to help smokers quit. Advancements in treating tobacco use and nicotine addiction have helped millions kick the habit. While more than 40 million adults continue to smoke, nearly as many persons are former smokers living longer, healthier lives. In large part, this is because new tools are available. Effective pharmacotherapy and counseling regimens have been tested and proven effective. The Surgeon General's 2000 Report, Reducing Tobacco Use, concluded that "pharmacologic treatment of nicotine addiction, combined with behavioral support, will enable 10 to 25 percent of users to remain abstinent at one year of posttreatment."

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Creating a new nonsmoker reduces anticipated medical costs associated with acute myocardial infarction and stroke by $47 in the first year and by $853 during the next seven years in 1995 dollars. And within four to five years after tobacco cessation, quitters use fewer health care services than continued smokers. In fact, in one study the cost savings from reduced use paid for a moderately priced effective smoking cessation intervention in just three to four years.

The health benefits tobacco quitters enjoy are undisputed. They live longer. After 15 years, the risk of premature death for ex-smokers returns to nearly the level of persons who have never smoked. Male smokers who quit between just the ages of 35 and 39 add an average of five years to their lives; women can add three years. Even older Americans over age 65 can extend their life expectancy by giving up cigarettes.

Former smokers are also healthier. They are less likely to die of chronic lung diseases. After ten smoke-free years, their risk of lung cancer drops to as much as one-half that of those who continue to smoke. After five to fifteen years the risk of stroke and heart disease for ex-smokers returns to the level of those who have never smoked. They have fewer days of illness, reduced rates of bronchitis and pneumonia, and fewer health complaints.

New Public Health Service Guidelines released last summer conclude that tobacco dependence treatments are both clinically effective and cost-effective relative to other medical and disease prevention interventions. The guidelines urge health care insurers and purchasers to include counseling and FDA-approved pharmacotherapeutic treatments as a covered benefit.

Unfortunately, the federal government, a major purchaser of health care through Medicare and Medicaid, does not currently adhere to its own published guidelines. It is high time that government-sponsored health programs catch up with science. That is why we are introducing legislation to improve smoking cessation benefits in government-sponsored health programs.

The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2000 improves access to and coverage of smoking cessation treatment therapies in four primary ways.

First, our bill adds a smoking cessation counseling benefit to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next twenty years. In a study of adults 65 years of age or older who received advice to quit, behavioral counseling and pharmocotherapy, 24.8 percent reported having stopped smoking six months following the intervention. The total economic benefits of quitting after age 65 are notable. Due to a reduction in the risk of lung cancer, coronary heart disease and emphysema, studies have found that heavy smokers over age 65 who quit can avoid up to $4,592 in lifelong illness-related costs.

Second, our measure provides coverage for both prescription and nonprescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Ironically, State Medicaid programs are required to cover Viagra, but not to treat tobacco addiction. Despite the fact that the States are now receiving the full benefit of their federal lawsuit against the tobacco industry, less than half the States provide coverage for smoking cessation in their Medicaid program. On average, states spend approximately 14.4 percent of their Medicaid budgets on medical care related to smoking.

Third, our legislation clarifies that the maternity benefit for pregnant women in Medicaid covers smoking cessation counseling and services. Smoking during pregnancy causes about 5-6 percent of perinatal deaths, 17–26 percent of low-birth-weight births, and 7–10 percent of preterm deliveries, and increases the risk of miscarriage and fetal growth retardation. It may also increase the risk of sudden infant death syndrome, SIDS. And a recent study published in the American Journal of Respiratory and Critical Care Medicine shows that children whose mothers smoke during pregnancy are almost twice as likely to develop asthma as those whose mothers did not. The Surgeon General recommends that pregnant women and parents with children living at home be counseled on the potentially harmful effects of smoking on fetal and child health. A new study shows that, over seven years, reducing smoking prevalence by just one percentage point would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Fourth, our bill ensures that the Maternal and Child Health Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services. In addition to the well-documented benefits of smoking cessation for maternity care, the Surgeon General's report adds, "Tobacco use is a pediatric concern. In the United States, more than 6,000 children and adolescents try their first cigarette each day. More than 3,000 children and adolescents become daily smokers each day, resulting in approximately 1.23 million new smokers under the age of 18 each year." The goal of the MCH program is to improve the health of all mothers and children. This goal cannot be reached without addressing the tobacco epidemic.

This legislation has been endorsed by ENACT, a coalition of more than 60 national health organizations including the Campaign for Tobacco Free Kids, the American Cancer Society, the American Heart Association, the American College of Chest Physicians, the Association of Maternal and Child Health Programs, and the American Public Health Association.

I hope my colleagues will join me not only in cosponsoring this legislation but also in working with me to see that its provisions are adopted before the year is out. As the Surgeon General has said, "Although our knowledge about tobacco control remains imperfect, we know more than enough to act now."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare, Medicaid, and MCH Tobacco Cessation Promotion Act of 2001".

SEC. 2. MEDICARE COVERAGE OF COUNSELING FOR CESSATION OF TOBACCO USE.

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 105(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended—

(1) in subparagraph (U), by striking "and" at the end;

(2) in subparagraph (V), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(W) counseling for cessation of tobacco use (as defined in subsection (ww));".

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 105(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended by adding at the end the following new subsection:

"Counseling for Cessation of Tobacco Use

"(ww) The term 'counseling for cessation of tobacco use' means the following:

"(1)(A) Counseling for cessation of tobacco use for individuals who have a history of tobacco use.

"(B) For purposes of subparagraph (A), the term 'counseling for cessation of tobacco use' means diagnostic, therapy, and counseling services for cessation of tobacco use which are furnished—

"(i) by or under the supervision of a physician; or "(ii) by any other health care professional who is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished,

as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service.

"(C) The term 'counseling for cessation of tobacco use' does not include coverage for drugs or biologicals that are not otherwise covered under this title.".

(c) Payment and Elimination of Cost-Sharing for Counseling for Cessation of Tobacco Use.—

(1) Payment and elimination of coinsurance.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 223(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), is amended—

(A) by striking "and" before "(U)"; and

(B) by inserting before the semicolon at the end the following: ", and (V) with respect to counseling for cessation of tobacco use (as defined in section 1861(ww)), the amount paid shall be 100 percent of the lesser of the actual charge for the service or the amount determined by a fee schedule established by the Secretary for each service".

(2) Elimination of coinsurance in outpatient hospital settings.—The third sentence of section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by inserting after "1861(s)(10)(A)" the following: ", with respect to counseling for cessation of tobacco use (as defined in section 1861(ww)),".

(3) Elimination of deductible.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking "and" before "(6)"; and

(B) by inserting before the period the following: ", and (7) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(ww))".

(d) Effective Date.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 3. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) Dropping Exception From Medicaid Prescription Drug Coverage for Tobacco Cessation Medications.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: "except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation".

(b) Requiring Coverage of Tobacco Cessation Counseling Services for Pregnant Women.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended by adding at the end the following new sentence: "Such medical assistance shall include counseling for cessation of tobacco use (as defined in section 1861(ww)).".

(c) Removal of Cost-Sharing for Tobacco Cessation Counseling Services for Pregnant Women.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended, in each of subsections (a)(2)(B) and (b)(2)(B), by inserting ", and counseling for cessation of tobacco use (as defined in section 1861(ww))" after "complicate the pregnancy".

(d) Effective Date.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 4. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) Quality Maternal and Child Health Services Includes Tobacco Cessation Counseling and Medications.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c) For purposes of this title, the term 'maternal and child health services' includes counseling for cessation of tobacco use (as defined in section 1861(ww)), any drug or biological used to promote tobacco cessation, and any health promotion counseling that includes an antitobacco use message.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

By Mr. ROCKEFELLER (for himself, Mr. Daschle, Mr. Kennedy, and Mr. Sarbanes):

S. 623. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a 50 percent credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, the problem of the uninsured continues to plague our Nation, and it is particularly severe for older Americans who are facing the loss of health coverage but who are not yet eligible for Medicare. Today, over 40 million Americans are without health insurance.

Adults between the ages of 55 to 65 are the fastest growing group of uninsured. Individuals 55 and older who have been laid off or retire early are particularly vulnerable to loss of health insurance. They have a difficult time buying health insurance on their own because they tend to have more chronic health problems that can result in either the denial of coverage, limited coverage, or very expensive policies.

This is the age group where early detection and access to preventative care become crucial. For example, only 16 percent of uninsured women report having had a mammogram in the past year, compared to 42 percent of insured women. Because regular preventative care is not received, the uninsured are more likely to be diagnosed at a more advanced stage of cancer, over 40 percent more likely to be diagnosed with late stage breast and prostate cancer, and more than twice as likely to be diagnosed with late stage melanoma than the insured.

The uninsured are more likely than those with insurance to be hospitalized for conditions that could have been avoided, such as pneumonia and uncontrolled diabetes. Delaying or not receiving treatment can lead to more serious illness and avoidable health problems, which has a direct impact on the health care needs of this segment of the population as they become old enough for Medicare coverage.

Lack of insurance and gaps in coverage affect more than just those without insurance. There is a cost to society, as well. When an uninsured person goes to a public hospital or clinic, and emergency room, or a private physician for care and cannot pay the full cost, some of the bill is passed on to those who do pay, through higher insurance premiums and in the form of taxes supporting our public insurance programs. One way or another, we all pay indirectly for having a large and growing uninsured population.

With the aging of the baby boom generation, this particularly vulnerable age group is expected to increase significantly. In 1999, there were 23.1 million Americans in this age group. This is expected to increase to 35 million Americans by the year 2020. Unless we effect positive change to address the barriers facing the growing number of uninsured in this age group, this problem will only get worse.

I join Senators Kennedy, Daschle, and Sarbanes, and Representatives. Stark, Brown, Gephardt, Rangel, Dingell, and a number of their colleagues today to introduce an improved version of the Medicare Early Access Act. Our legislation will create an opportunity for people between ages 55 and 64 to purchase Medicare coverage, which is really the only affordable option for this group, because of their age and the likelihood of chronic and/or preexisting conditions.

The Medicare Early Access and Tax Credit Act would reduce the number of uninsured Americans by more than 500,000. This bill provides new insurance coverage options through a Medicare buy-in for people aged 55 through 64 or through a special COBRA continuation program for workers aged 55 through 64 whose employers reneged on the promise of retiree health coverage.

This legislation improves upon the existing Medicare Early Access Act by adding a new 50 percent federal tax credit to the program to make it more affordable for people age 55 and over to obtain health insurance coverage. By including a tax credit, we are making this option available to a broader range of people.

A survey released last session by the Commonwealth Fund finds that one in five people from age 50–64 reported a period of time when they were without health insurance coverage since turning age 50. Access to employer insurance is reduced as people approach age sixty-five and retire. Consequently, older Americans rely most heavily on individual insurance, which is expensive and limited for people with serious health problems. Because average health expenses increase sharply with age, people closest to age sixty-five face the greatest risk of being uninsured and being charged the highest premiums in the individual market. Clearly, we need to take real steps to address the needs of this population.

The Commonwealth survey also found that, when asked what source they would trust more to provide health insurance for adults ages 50 to 64, Medicare outranked employer-sponsored coverage and direct purchase of private individual health insurance. Half of uninsured adults ages 50–64 said they would trust Medicare the most as a source of coverage.

The Medicare Early Access and Tax Credit Act provides an insurance option for people who are unable to purchase health insurance in the private market either because of pre-existing conditions, age related premium increases, or both.

The Medicare Early Access and Tax Credit Act is not the solution to solving America's health insurance coverage problems. But, it is a simple and obvious step to take to open new doors to a vulnerable segment of our population who are lacking affordable coverage elsewhere, and who need the opportunity to buy in to Medicare. I urge my colleagues to join us in making health insurance a reality for people in their later years of life, who are not yet eligible for the safety net of Medicare.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Early Access and Tax Credit Act of 2001".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

Sec. 101. Access to Medicare benefits for individuals 62-to-65 years of age.

"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

"Sec. 1859. Program benefits; eligibility.
"Sec. 1859A. Enrollment process; coverage.
"Sec. 1859B. Premiums.
"Sec. 1859C. Payment of premiums.
"Sec. 1859D. Medicare Early Access Trust Fund.
"Sec. 1859E. Oversight and accountability.
"Sec. 1859F. Administration and miscellaneous.

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

Sec. 201. Access to Medicare benefits for displaced workers 55-to-62 years of age.

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

Sec. 301. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle B—Amendments to the Public Health Service Act

Sec. 311. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle C—Amendments to the Internal Revenue Code of 1986

Sec. 321. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

TITLE IV—50 PERCENT CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

Sec. 401. 50 percent income tax credit for medicare buy-in premiums and for certain COBRA continuation coverage premiums.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

SEC. 101. ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after such section the following new part:

"PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

"SEC. 1859. PROGRAM BENEFITS; ELIGIBILITY.

"(a) ENTITLEMENT TO MEDICARE BENEFITS FOR ENROLLED INDIVIDUALS.—

"(1) IN GENERAL.—An individual enrolled under this part is entitled to the same benefits under this title as an individual entitled to benefits under part A and enrolled under part B.

"(2) DEFINITIONS.—For purposes of this part:

"(A) FEDERAL OR STATE COBRA CONTINUATION PROVISION.—The term 'Federal or State COBRA continuation provision' has the meaning given the term 'COBRA continuation provision' in section 2791(d)(4) of the Public Health Service Act and includes a comparable State program, as determined by the Secretary.

"(B) FEDERAL HEALTH INSURANCE PROGRAM DEFINED.—The term 'Federal health insurance program' means any of the following:

"(i) MEDICARE.—Part A or part B of this title (other than by reason of this part).

"(ii) MEDICAID.—A State plan under title XIX.

"(iii) FEHBP.—The Federal employees health benefit program under chapter 89 of title 5, United States Code.

"(iv) TRICARE.—The TRICARE program (as defined in section 1072(7) of title 10, United States Code).

"(v) ACTIVE DUTY MILITARY.—Health benefits under title 10, United States Code, to an individual as a member of the uniformed services of the United States.

"(C) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 2791(a)(1) of the Public Health Service Act.

"(b) ELIGIBILITY OF INDIVIDUALS AGE 62-TO-65 YEARS OF AGE.—

"(1) IN GENERAL.—Subject to paragraph (2), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 62 years of age, but has not attained 65 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) NOT ELIGIBLE FOR COVERAGE UNDER GROUP HEALTH PLANS OR FEDERAL HEALTH INSURANCE PROGRAMS.—The individual is not eligible for benefits or coverage under a Federal health insurance program (as defined in subsection (a)(2)(B)) or under a group health plan (other than such eligibility merely through a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(2) LIMITATION ON ELIGIBILITY IF TERMINATED ENROLLMENT.—If an individual described in paragraph (1) enrolls under this part and coverage of the individual is terminated under section 1859A(d) (other than because of age), the individual is not again eligible to enroll under this subsection unless the following requirements are met:

"(A) NEW COVERAGE UNDER GROUP HEALTH PLAN OR FEDERAL HEALTH INSURANCE PROGRAM.—After the date of termination of coverage under such section, the individual obtains coverage under a group health plan or under a Federal health insurance program.

"(B) SUBSEQUENT LOSS OF NEW COVERAGE.—The individual subsequently loses eligibility for the coverage described in subparagraph (A) and exhausts any eligibility the individual may subsequently have for coverage under a Federal or State COBRA continuation provision.

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY DOES NOT AFFECT COVERAGE.—In the case of an individual who is eligible for and enrolls under this part under this subsection, the individual's continued entitlement to benefits under this part shall not be affected by the individual's subsequent eligibility for benefits or coverage described in paragraph (1)(C), or entitlement to such benefits or coverage.

"SEC. 1859A. ENROLLMENT PROCESS; COVERAGE.

"(a) IN GENERAL.—An individual may enroll in the program established under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals eligible to enroll as of a month are permitted to pre-enroll during a prior month within an enrollment period described in subsection (b); and

"(2) each individual seeking to enroll under section 1859(b) is notified, before enrolling, of the deferred monthly premium amount the individual will be liable for under section 1859C(b) upon attaining 65 years of age as determined under section 1859B(c)(3).

"(b) ENROLLMENT PERIODS.—

"(1) INDIVIDUALS 62-TO-65 YEARS OF AGE.—In the case of individuals eligible to enroll under this part under section 1859(b)—

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is eligible to enroll under such section for January 2002, the enrollment period shall begin on November 1, 2001, and shall end on February 28, 2002. Any such enrollment before January 1, 2002, is conditioned upon compliance with the conditions of eligibility for January 2002.

“(B) Subsequent periods.—If the individual is eligible to enroll under such section for a month after January 2002, the enrollment period shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll and shall end four months later. Any such enrollment before the first day of the third month of such enrollment period is conditioned upon compliance with the conditions of eligibility for such third month.

“(2) Authority to correct for government errors.—The provisions of section 1837(h) apply with respect to enrollment under this part in the same manner as they apply to enrollment under part B.

“(c) Date Coverage Begins.—

“(1) In general.—The period during which an individual is entitled to benefits under this part shall begin as follows, but in no case earlier than January 1, 2002:

“(A) In the case of an individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under section 1859, the first day of such month of eligibility.

“(B) In the case of an individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such section, the first day of the following month.

“(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

“(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this part unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

“(d) Termination of Coverage.—

“(1) In general.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated at the earliest of the following:

“(A) General provisions.—

“(i) Notice.—The individual files notice (in a form and manner prescribed by the Secretary) that the individual no longer wishes to participate in the insurance program under this part.

“(ii) Nonpayment of premiums.—The individual fails to make payment of premiums required for enrollment under this part.

“(iii) Medicare eligibility.—The individual becomes entitled to benefits under part A or enrolled under part B (other than by reason of this part).

“(B) Termination based on age.—The individual attains 65 years of age.

“(2) Effective date of termination.—

“(A) Notice.—The termination of a coverage period under paragraph (1)(A)(i) shall take effect at the close of the month following for which the notice is filed.

“(B) Nonpayment of premium.—The termination of a coverage period under paragraph (1)(A)(ii) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 60 days; except that it may be extended for an additional 30 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 60-day period.

“(C) Age or medicare eligibility.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B (other than by reason of this part).

“SEC. 1859B. PREMIUMS.

“(a) Amount of Monthly Premiums.—

“(1) Base monthly premiums.—The Secretary shall, during September of each year (beginning with 1998), determine the following premium rates which shall apply with respect to coverage provided under this title for any month in the succeeding year:

“(A) Base monthly premium for individuals 62 years of age or older.—A base monthly premium for individuals 62 years of age or older, equal to 1/12 of the base annual premium rate computed under subsection (b) for each premium area.

“(2) Deferred monthly premiums for individuals 62 years of age or older.—The Secretary shall, during September of each year (beginning with 2001), determine under subsection (c) the amount of deferred monthly premiums that shall apply with respect to individuals who first obtain coverage under this part under section 1859(b) in the succeeding year.

“(3) Establishment of premium areas.—For purposes of this part, the term ‘premium area’ means such an area as the Secretary shall specify to carry out this part. The Secretary from time to time may change the boundaries of such premium areas. The Secretary shall seek to minimize the number of such areas specified under this paragraph.

“(b) Base Annual Premium for Individuals 62 Years of Age or Older.—

“(1) National, per capita average.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(b)(1)(A) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

“(2) Geographic adjustment.—The Secretary shall adjust the amount determined under paragraph (1) for each premium area (specified under subsection (a)(3)) in order to take into account such factors as the Secretary deems appropriate and shall limit the maximum premium under this paragraph in a premium area to assure participation in all areas throughout the United States.

“(3) Base annual premium.—The base annual premium under this subsection for months in a year for individuals 62 years of age or older residing in a premium area is equal to the average, annual per capita amount estimated under paragraph (1) for the year, adjusted for such area under paragraph (2).

“(c) Deferred Premium Rate for Individuals 62 Years of Age or Older.—The deferred premium rate for individuals with a group of individuals who obtain coverage under section 1859(b) in a year shall be computed by the Secretary as follows:

“(1) Estimation of national, per capita annual average expenditures for enrollment group.—The Secretary shall estimate the average, per capita annual amount that will be paid under this part for individuals in such group during the period of enrollment under section 1859(b). In making such estimate for coverage beginning in a year before 2005, the Secretary may base such estimate on the average, per capita amount that would be payable if the program had been in operation over a previous period of at least 4 years.

“(2) Difference between estimated expenditures and estimated premiums.—Based on the characteristics of individuals in such group, the Secretary shall estimate during the period of coverage of the group under this part under section 1859(b) the amount by which—

“(A) the amount estimated under paragraph (1); exceeds

“(B) the average, annual per capita amount of premiums that will be payable for months during the year under section 1859C(a) for individuals in such group (including premiums that would be payable if there were no terminations in enrollment under clause (i) or (ii) of section 1859A(d)(1)(A)).

“(3) Actuarial computation of deferred monthly premium rates.—The Secretary shall determine deferred monthly premium rates for individuals in such group in a manner so that—

“(A) the estimated actuarial value of such premiums payable under section 1859C(b), is equal to

“(B) the estimated actuarial present value of the differences described in paragraph (2).

Such rate shall be computed for each individual in the group in a manner so that the rate is based on the number of months between the first month of coverage based on enrollment under section 1859(b) and the month in which the individual attains 65 years of age.

“(4) Determinants of actuarial present values.—The actuarial present values described in paragraph (3) shall reflect—

“(A) the estimated probabilities of survival at ages 62 through 84 for individuals enrolled during the year; and

“(B) the estimated effective average interest rates that would be earned on investments held in the trust funds under this title during the period in question.

“SEC. 1859C. PAYMENT OF PREMIUMS.

“(a) Payment of Base Monthly Premium.—

“(1) In general.—The Secretary shall provide for payment and collection of the base monthly premium, determined under section 1859B(a)(1) for the age (and age cohort, if applicable) of the individual involved and the premium area in which the individual principally resides, in the same manner as for payment of monthly premiums under section 1840, except that, for purposes of applying this section, any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

“(2) Period of payment.—In the case of an individual who participates in the program established by this title, the base monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

“(b) Payment of Deferred Premium for Individuals Covered After Attaining Age 62.—

“(1) Rate of payment.—

“(A) In general.—In the case of an individual who is covered under this part for a month pursuant to an enrollment under section 1859(b), subject to subparagraph (B), the individual is liable for payment of a deferred premium in each month during the period described in paragraph (2) in an amount equal to the full deferred monthly premium rate determined for the individual under section 1859B(c).

"(B) SPECIAL RULES FOR THOSE WHO DISENROLL EARLY.—

"(i) IN GENERAL.—If such an individual's enrollment under such section is terminated under clause (i) or (ii) of section 1859A(d)(1)(A), subject to clause (ii), the amount of the deferred premium otherwise established under this paragraph shall be pro-rated to reflect the number of months of coverage under this part under such enrollment compared to the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(ii) ROUNDING TO 12-MONTH MINIMUM COVERAGE PERIODS.—In applying clause (i), the number of months of coverage (if not a multiple of 12) shall be rounded to the next highest multiple of 12 months, except that in no case shall this clause result in a number of months of coverage exceeding the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

"(2) PERIOD OF PAYMENT.—The period described in this paragraph for an individual is the period beginning with the first month in which the individual has attained 65 years of age and ending with the month before the month in which the individual attains 85 years of age.

"(3) COLLECTION.—In the case of an individual who is liable for a premium under this subsection, the amount of the premium shall be collected in the same manner as the premium for enrollment under such part is collected under section 1840, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed to be a reference to the Medicare Early Access Trust Fund established under section 1859D.

"(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1840 (other than subsection (h)) shall apply to premiums collected under this section in the same manner as they apply to premiums collected under part B, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

"SEC. 1859D. MEDICARE EARLY ACCESS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Medicare Early Access Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 1859B shall be transferred to the Trust Fund.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to this part D;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this part; and

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this part.

"SEC. 1859E. OVERSIGHT AND ACCOUNTABILITY.

"(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the Medicare Early Access Trust Fund under section 1859D(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this part to maintain financial solvency of the program under this part.

"(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this part. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this part.

"SEC. 1859F. ADMINISTRATION AND MISCELLANEOUS.

"(a) TREATMENT FOR PURPOSES OF TITLE.—Except as otherwise provided in this part—

"(1) individuals enrolled under this part shall be treated for purposes of this title as though the individual were entitled to benefits under part A and enrolled under part B; and

"(2) benefits described in section 1859 shall be payable under this title to such individuals in the same manner as if such individuals were so entitled and enrolled.

"(b) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF MEDICAID PROGRAM.—For purposes of applying title XIX (including the provision of medicare cost-sharing assistance under such title), an individual who is enrolled under this part shall not be treated as being entitled to benefits under this title.

"(c) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF COBRA CONTINUATION PROVISIONS.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act), any reference to an entitlement to benefits under this title shall not be construed to include entitlement to benefits under this title pursuant to the operation of this part.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund established by title XVIII".

(3) Section 1820(i) of such Act (42 U.S.C. 1395i-4(i)) is amended by striking "part D" and inserting "part E".

(4) Part C of title XVIII of such Act is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w-21(a)(2)(B)), by striking "1859(b)(3)" and inserting "1858(b)(3)";

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w-21(a)(2)(C)), by striking "1859(b)(2)" and inserting "1858(b)(2)";

(C) in section 1852(a)(1) (42 U.S.C. 1395w-22(a)(1)), by striking "1859(b)(3)" and inserting "1858(b)(3)";

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w-22(a)(3)(B)(ii)), by striking "1859(b)(2)(B)" and inserting "1858(b)(2)(B)";

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w-23(a)(1)(A)), by striking "1859(e)(4)" and inserting "1858(e)(4)"; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w-23(a)(3)(D)), by striking "1859(e)(4)" and inserting "1858(e)(4)".

(5) Section 1853(c) of such Act (42 U.S.C. 1395w-23(c)) is amended—

(A) in paragraph (1), by striking "or (7)" and inserting ", (7), or (8)", and

(B) by adding at the end the following:

"(8) ADJUSTMENT FOR EARLY ACCESS.—In applying this subsection with respect to individuals entitled to benefits under part D, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such part and the population under parts A and B.".

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 138(b)(4) of the Internal Revenue Code of 1986 is amended by striking "1859(b)(3)" and inserting "1858(b)(3)".

(2)(A) Section 602(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(B) Section 2202(2)(D)(ii) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(D)(ii)) is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

(C) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by inserting "(not including an individual who is so entitled pursuant to enrollment under section 1859A)" after "Social Security Act".

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

SEC. 201. ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE.

(a) ELIGIBILITY.—Section 1859 of the Social Security Act, as inserted by section 101(a)(2), is amended by adding at the end the following new subsection:

"(c) DISPLACED WORKERS AND SPOUSES.—

"(1) DISPLACED WORKERS.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has attained 55 years of age, but has not attained 62 years of age.

"(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

"(C) LOSS OF EMPLOYMENT-BASED COVERAGE.—

"(i) ELIGIBLE FOR UNEMPLOYMENT COMPENSATION.—The individual meets the requirements relating to period of covered employment and conditions of separation from employment to be eligible for unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), based on a separation from employment occurring on or after July 1, 2001. The previous sentence shall not be construed as requiring the individual to be receiving such unemployment compensation.

"(ii) LOSS OF EMPLOYMENT-BASED COVERAGE.—Immediately before the time of such separation of employment, the individual was covered under a group health plan on the basis of such employment, and, because of such loss, is no longer eligible for coverage under such plan (including such eligibility based on the application of a Federal or State COBRA continuation provision) as of the last day of the month involved.

"(iii) PREVIOUS CREDITABLE COVERAGE FOR AT LEAST 1 YEAR.—As of the date on which the individual loses coverage described in clause (ii), the aggregate of the periods of creditable coverage (as determined under section 2701(c) of the Public Health Service Act) is 12 months or longer.

"(D) EXHAUSTION OF AVAILABLE COBRA CONTINUATION BENEFITS.—

"(i) IN GENERAL.—In the case of an individual described in clause (ii) for a month described in clause (iii)—

"(I) the individual (or spouse) elected coverage described in clause (ii); and

"(II) the individual (or spouse) has continued such coverage for all months described in clause (iii) in which the individual (or spouse) is eligible for such coverage.

"(ii) INDIVIDUALS TO WHOM COBRA CONTINUATION COVERAGE MADE AVAILABLE.—An individual described in this clause is an individual—

"(I) who was offered coverage under a Federal or State COBRA continuation provision at the time of loss of coverage eligibility described in subparagraph (C)(ii); or

"(II) whose spouse was offered such coverage in a manner that permitted coverage of the individual at such time.

"(iii) MONTHS OF POSSIBLE COBRA CONTINUATION COVERAGE.—A month described in this clause is a month for which an individual described in clause (ii) could have had coverage described in such clause as of the last day of the month if the individual (or the spouse of the individual, as the case may be) had elected such coverage on a timely basis.

"(E) NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLANS.—The individual is not eligible for benefits or coverage under a Federal health insurance program or under a group health plan (whether on the basis of the individual's employment or employment of the individual's spouse) as of the last day of the month involved.

"(2) SPOUSE OF DISPLACED WORKER.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

"(A) AGE.—As of the last day of the month, the individual has not attained 62 years of age.

"(B) MARRIED TO DISPLACED WORKER.—The individual is the spouse of an individual at the time the individual enrolls under this part under paragraph (1) and loses coverage described in paragraph (1)(C)(ii) because the individual's spouse lost such coverage.

"(C) MEDICARE ELIGIBILITY (BUT FOR AGE); EXHAUSTION OF ANY COBRA CONTINUATION COVERAGE; AND NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLAN.—The individual meets the requirements of subparagraphs (B), (D), and (E) of paragraph (1).

"(3) CHANGE IN HEALTH PLAN ELIGIBILITY AFFECTS CONTINUED ELIGIBILITY.—For provision that terminates enrollment under this section in the case of an individual who becomes eligible for coverage under a group health plan or under a Federal health insurance program, see section 1859A(d)(1)(C).

"(4) REENROLLMENT PERMITTED.—Nothing in this subsection shall be construed as preventing an individual who, after enrolling under this subsection, terminates such enrollment from subsequently reenrolling under this subsection if the individual is eligible to enroll under this subsection at that time.".

(b) ENROLLMENT.—Section 1859A of such Act, as so inserted, is amended—

(1) in subsection (a), by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding at the end the following new paragraph:

"(3) individuals whose coverage under this part would terminate because of subsection (d)(1)(B)(ii) are provided notice and an opportunity to continue enrollment in accordance with section 1859E(c)(1).";

(2) in subsection (b), by inserting after Notwithstanding any other provision of law, (1) the following:

"(2) DISPLACED WORKERS AND SPOUSES.—In the case of individuals eligible to enroll under this part under section 1859(c), the following rules apply:

"(A) INITIAL ENROLLMENT PERIOD.—If the individual is first eligible to enroll under such section for January 2002, the enrollment period shall begin on November 1, 2001, and shall end on February 28, 2002. Any such enrollment before January 1, 2002, is conditioned upon compliance with the conditions of eligibility for January 2002.

"(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after January 2002, the enrollment period based on such eligibility shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll (or reenroll) and shall end four months later.";

(3) in subsection (d)(1), by amending subparagraph (B) to read as follows:

"(B) TERMINATION BASED ON AGE.—

"(i) AT AGE 65.—Subject to clause (ii), the individual attains 65 years of age.

"(ii) AT AGE 62 FOR DISPLACED WORKERS AND SPOUSES.—In the case of an individual enrolled under this part pursuant to section 1859(c), subject to subsection (a)(1), the individual attains 62 years of age.";

(4) in subsection (d)(1), by adding at the end the following new subparagraph:

"(C) OBTAINING ACCESS TO EMPLOYMENT-BASED COVERAGE OR FEDERAL HEALTH INSURANCE PROGRAM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—In the case of an individual who has not attained 62 years of age, the individual is covered (or eligible for coverage) as a participant or beneficiary under a group health plan or under a Federal health insurance program.";

(5) in subsection (d)(2), by amending subparagraph (C) to read as follows:

"(C) AGE OR MEDICARE ELIGIBILITY.—

"(i) IN GENERAL.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B)(i) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B.

"(ii) DISPLACED WORKERS.—The termination of a coverage period under paragraph (1)(B)(ii) shall take effect as of the first day of the month in which the individual attains 62 years of age, unless the individual has enrolled under this part pursuant to section 1859(b) and section 1859E(c)(1)."; and

(6) in subsection (d)(2), by adding at the end the following new subparagraph:

"(D) ACCESS TO COVERAGE.—The termination of a coverage period under paragraph (1)(C) shall take effect on the date on which the individual is eligible to begin a period of creditable coverage (as defined in section 2701(c) of the Public Health Service Act) under a group health plan or under a Federal health insurance program.".

(c) PREMIUMS.—Section 1859B of such Act, as so inserted, is amended—

(1) in subsection (a)(1), by adding at the end the following:

"(B) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—A base monthly premium for individuals under 62 years of age, equal to 1/12 of the base annual premium rate computed under subsection (d)(3) for each premium area and age cohort."; and

(2) by adding at the end the following new subsection:

"(d) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—

"(1) NATIONAL, PER CAPITA AVERAGE FOR AGE GROUPS.—

"(A) ESTIMATE OF AMOUNT.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(c)(1)(A) within each of the age cohorts established under subparagraph (B) as if all such individuals within such cohort were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(B) AGE COHORTS.—For purposes of subparagraph (A), the Secretary shall establish separate age cohorts in 5 year age increments for individuals who have not attained 60 years of ages and a separate cohort for individuals who have attained 60 years of age.

"(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1)(A) for each premium area (specified under subsection (a)(3)) in the same manner and to the same extent as the Secretary provides for adjustments under subsection (b)(2).

"(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals in an age cohort under paragraph (1)(B) in a premium area is equal to 165 percent of the average, annual per capita amount estimated under paragraph (1) for the age cohort and year, adjusted for such area under paragraph (2).

"(4) PRO-RATION OF PREMIUMS TO REFLECT COVERAGE DURING A PART OF A MONTH.—If the Secretary provides for coverage of portions of a month under section 1859A(c)(2), the Secretary shall pro-rate the premiums attributable to such coverage under this section to reflect the portion of the month so covered.".

(d) ADMINISTRATIVE PROVISIONS.—Section 1859F of such Act, as so inserted, is amended by adding at the end the following:

"(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

"(1) PROCESS FOR CONTINUED ENROLLMENT OF DISPLACED WORKERS WHO ATTAIN 62 YEARS OF AGE.—The Secretary shall provide a process for the continuation of enrollment of individuals whose enrollment under section 1859(c) would be terminated upon attaining 62 years of age. Under such process such individuals shall be provided appropriate and timely notice before the date of such termination and of the requirement to enroll under this part pursuant to section 1859(b) in order to continue entitlement to benefits under this title after attaining 62 years of age.

"(2) Arrangements with States for determinations relating to unemployment compensation eligibility.—The Secretary may provide for appropriate arrangements with States for the determination of whether individuals in the State meet or would meet the requirements of section 1859(c)(1)(C)(i).".

(e) Conforming Amendment to Heading to Part.—The heading of part D of title XVIII of the Social Security Act, as so inserted, is amended by striking "62" and inserting "55".

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) Establishment of New Qualifying Event.—

(1) In general.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by inserting after paragraph (6) the following new paragraph:

"(7) The termination or substantial reduction in benefits (as defined in section 607(7)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

"(2) Qualified retiree; qualified beneficiary; and substantial reduction defined.—Section 607 of such Act (29 U.S.C. 1167) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(D) Special rule for qualifying retirees and dependents.—In the case of a qualifying event described in section 603(7), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(6) Qualified retiree.—The term 'qualified retiree' means, with respect to a qualifying event described in section 603(7), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(7) Substantial reduction.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2001), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 602(3).".

(b) Duration of Coverage Through Age 65.—Section 602(2)(A) of such Act (29 U.S.C. 1162(2)(A)) is amended—

(1) in clause (ii), by inserting "or 603(7)" after "603(6)";

(2) in clause (iv), by striking "or 603(6)" and inserting ", 603(6), or 603(7)";

(3) by redesignating clause (iv) as clause (vi);

(4) by redesignating clause (v) as clause (iv) and by moving such clause to immediately follow clause (iii); and

(5) by inserting after such clause (iv) the following new clause:

"(v) Special rule for certain dependents in case of termination or substantial reduction of retiree health coverage.—In the case of a qualifying event described in section 603(7), in the case of a qualified beneficiary described in section 607(3)(D) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) Type of Coverage in Case of Termination or Substantial Reduction of Retiree Health Coverage.—Section 602(1) of such Act (29 U.S.C. 1162(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) Certain retirees.—In the case of a qualifying event described in section 603(7), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) Increased Level of Premiums Permitted.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 603(7), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) Notice.—Section 606(a) of such Act (29 U.S.C. 1166) is amended—

(1) in paragraph (4)(A), by striking "or (6)" and inserting "(6), or (7)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 603(7) shall be provided at least 90 days before the date of the qualifying event.".

(f) Effective Dates.—

(1) In general.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2001. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) Advance notice of terminations and reductions.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle B—Amendments to the Public Health Service Act

SEC. 311. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) Establishment of New Qualifying Event.—

(1) In general.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The termination or substantial reduction in benefits (as defined in section 2208(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) Qualified retiree; qualified beneficiary; and substantial reduction defined.—Section 2208 of such Act (42 U.S.C. 300bb–8) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(C) Special rule for qualifying retirees and dependents.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) Qualified retiree.—The term 'qualified retiree' means, with respect to a qualifying event described in section 2203(6), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) Substantial reduction.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2001), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 2202(3).".

(b) Duration of Coverage Through Age 65.—Section 2202(2)(A) of such Act (42 U.S.C. 300bb–2(2)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

"(iii) Special rule for certain dependents in case of termination or substantial reduction of retiree health coverage.—In the case of a qualifying event described in section 2203(6), in the case of a qualified beneficiary described in section 2208(3)(C) who is not the qualified retiree or spouse of such retiree, the later of—

"(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(II) the date that is 36 months after the date of the qualifying event.".

(c) Type of Coverage in Case of Termination or Substantial Reduction of Retiree Health Coverage.—Section 2202(1) of such Act (42 U.S.C. 300bb–2(1)) is amended—

(1) by striking "The coverage" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), the coverage"; and

(2) by adding at the end the following:

"(B) Certain retirees.—In the case of a qualifying event described in section 2203(6), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) Increased Level of Premiums Permitted.—Section 2202(3) of such Act (42 U.S.C. 300bb–2(3)) is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in section 2203(6), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.".

(e) Notice.—Section 2206(a) of such Act (42 U.S.C. 300bb–6(a)) is amended—

(1) in paragraph (4)(A), by striking "or (4)" and inserting "(4), or (6)"; and

(2) by adding at the end the following:

"The notice under paragraph (4) in the case of a qualifying event described in section 2203(6) shall be provided at least 90 days before the date of the qualifying event.".

(f) Effective Dates.—

(1) In general.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2001. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) Advance notice of terminations and reductions.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle C—Amendments to the Internal Revenue Code of 1986

SEC. 321. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) Establishment of New Qualifying Event.—

(1) In general.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (F) the following new subparagraph:

"(G) The termination or substantial reduction in benefits (as defined in subsection (g)(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.".

(2) Qualified retiree; qualified beneficiary; and substantial reduction defined.—Section 4980B(g) of such Code is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "except as otherwise provided in this paragraph," after "means,"; and

(ii) by adding at the end the following new subparagraph:

"(E) Special rule for qualifying retirees and dependents.—In the case of a qualifying event described in subsection (f)(3)(G), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree."; and

(B) by adding at the end the following new paragraphs:

"(5) Qualified retiree.—The term 'qualified retiree' means, with respect to a qualifying event described in subsection (f)(3)(G), a covered employee who, at the time of the event—

"(A) has attained 55 years of age; and

"(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

"(6) Substantial reduction.—The term 'substantial reduction'—

"(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2001), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

"(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of subsection (f)(2)(C).".

(b) Duration of Coverage Through Age 65.—Section 4980B(f)(2)(B)(i) of such Code is amended—

(1) in subclause (II), by inserting "or (3)(G)" after "(3)(F)";

(2) in subclause (IV), by striking "or (3)(F)" and inserting ", (3)(F), or (3)(G)";

(3) by redesignating subclause (IV) as subclause (VI);

(4) by redesignating subclause (V) as subclause (IV) and by moving such clause to immediately follow subclause (III); and

(5) by inserting after such subclause (IV) the following new subclause:

"(V) Special rule for certain dependents in case of termination or substantial reduction of retiree health coverage.—In the case of a qualifying event described in paragraph (3)(G), in the case of a qualified beneficiary described in subsection (g)(1)(E) who is not the qualified retiree or spouse of such retiree, the later of—

"(a) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

"(b) the date that is 36 months after the date of the qualifying event.".

(c) Type of Coverage in Case of Termination or Substantial Reduction of Retiree Health Coverage.—Section 4980B(f)(2)(A) of such Code is amended—

(1) by striking "The coverage" and inserting the following:

"(i) In general.—Except as provided in clause (ii), the coverage"; and

(2) by adding at the end the following:

"(ii) Certain retirees.—In the case of a qualifying event described in paragraph (3)(G), in applying the first sentence of clause (i) and the fourth sentence of subparagraph (C), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.".

(d) Increased Level of Premiums Permitted.—Section 4980B(f)(2)(C) of such Code is amended by adding at the end the following new sentence: "In the case of an individual provided continuation coverage by reason of a qualifying event described in paragraph (3)(G), any reference in clause (i) of this subparagraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in subparagraph (A)(ii)'.".

(e) Notice.—Section 4980B(f)(6) of such Code is amended—

(1) in subparagraph (D)(i), by striking "or (F)" and inserting "(F), or (G)"; and

(2) by adding at the end the following:

"The notice under subparagraph (D)(i) in the case of a qualifying event described in paragraph (3)(G) shall be provided at least 90 days before the date of the qualifying event.".

(f) Effective Dates.—

(1) In general.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2001. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) Advance notice of terminations and reductions.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

TITLE IV—50 PERCENT CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

SEC. 401. 50 PERCENT INCOME TAX CREDIT FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. MEDICARE BUY-IN PREMIUMS AND CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the amount paid during such year as—

"(1) qualified continuation health coverage premiums, and

"(2) medicare buy-in coverage premiums.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CONTINUATION HEALTH COVERAGE PREMIUMS.—The term 'qualified continuation health coverage premiums' means, for any period, premiums paid for continuation coverage (as defined in section 4980B(f)) under a group health plan for such period but only if failure to offer such coverage to the taxpayer for such period would constitute a failure by such health plan to meet the requirements of section 4980B(f) and only if the continuation coverage is provided because of a qualifying event described in section 4980B(f)(3)(G).

"(2) MEDICARE BUY-IN COVERAGE PREMIUMS.—The term 'medicare buy-in coverage premiums' means premiums paid under part D of title XVIII of the Social Security Act."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Medicare buy-in premiums and certain COBRA continuation coverage premiums."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. GREGG (for himself and Mrs. HUTCHISON):

S. 624. A bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clairfy the provisions relating to exemptions of certain professionals from minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Mr. President, I rise today to introduce legislation that, if enacted, could have a monumental impact on the lives of thousands of working men, women and families in America. Today, with Senator KAY BAILEY HUTCHISON, I am pleased to introduce the Workplace Flexibility Act. The Workplace Flexibility Act has as its primary purpose, giving families and employers greater flexibility in meeting and balancing the demands of work and family.

The demand for family time is significant. In fact, families today are spending close to 40 percent less time with their families and children than in the 1960s. This is an important and even critical issue to many Americans. In fact, survey upon survey has found that the issue of workplace flexibility and family time is the number one issue women want addressed.

The Workplace Flexibility Act is not a total solution, but it is an important part of the solution. It gives working families a choice.

The Workplace Flexibility Act in a nutshell consists of two main provisions. The first allows employees the option of taking time off in lieu of overtime pay. The second gives employees the option of "flexing" their schedules over a two week period. In other words, employees would have 10 "flexible" hours that they could work in one week in order to take 10 hours off in the next week. Flexible work arrangements have been available to Federal government workers since 1978. In the 1970's, 80's, and 90's federal government workers have had this special privilege. The Federal program was so successful in fact, that the President in 1993 issues an Executive Order extending it to parts of the Federal Government that had not yet had the benefits of the program.

Yet members of the private sector do not have this option. The Workplace Flexibility Act corrects this and extends this option to all businesses covered by the Fair Labor Standards Act.

So, who are these workers who are currently covered by the FLSA but do not have the ability to exercise workplace flexibility? They are some of the hardest working Americans. Sixty percent of these workers have only a high school education. Eighty percent of them make less than $28,000. A great percentage of them are single mothers with children. They are working hard to meet their family's economic needs as well as their emotional needs. And while government can't mandate love and nurture, it can get out of the way and eliminate barriers to opportunities for love and nurture. That is what the Workplace Flexibility Act does.

In the subsequent weeks and months we will undoubtedly hear from some that what working families really need is more money. They need their overtime pay. That may well be true for some families, and this bill does not affect them in any way. But for other families, for families who want to choose to take time off with pay to attend a child's school play or PTA meeting, the issue is time, not money. The point is this—the family should have the right to choose. Washington should not decide for them which priority is important for their family.

I am one who believes in the working men and women of America and in their ability to know what is best for their families. It is time for Congress to give families what they want, and not what Congress thinks they need. It's time to give working families what every Federal employee has already, workplace flexibility.

I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Flexibility Act".

SEC. 2. WORKPLACE FLEXIBILITY OPTIONS.

(a) COMPENSATORY TIME OFF.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1)(A) Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment or of working overtime.

"(B) In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

"(2)(A) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

"(B) In this subsection:

"(i) The term 'employee' means an individual—

"(I) who is an employee (as defined in section 3);

"(II) who is not an employee of a public agency; and

"(III) to whom subsection (a) applies.

"(ii) The term 'employer' does not include a public agency.

"(3) An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

"(A) The compensatory time off may be provided only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

“(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

“(C) No employee may receive, or agree to receive, the compensatory time off unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

“(D) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

“(4)(A) An employee may accrue not more than 160 hours of compensatory time off.

“(B) Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

“(C) The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

“(5)(A) An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (3)(A)(ii).

“(B) An employee may withdraw an agreement or understanding described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

“(6)(A)(i) An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

“(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

“(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

“(III) requiring the employee to use the compensatory time off.

“(ii) In clause (i), the term ‘intimidate, threaten, or coerce’ has the meaning given the term in section 13A(c)(2).

“(B) An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

“(i) the payment of monetary overtime compensation for the workweek; or

“(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.”.

(b) Remedies and Sanctions.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

“(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

“(A) the product of—

“(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

“(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

“(II) the number of such hours used by the employee; and

“(B) as liquidated damages, the product of—

“(i) such rate of compensation; and

“(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

“(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).”.

(c) Calculations and Special Rules.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by subsection (a), is further amended by adding at the end the following:

“(7) An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

“(8)(A) If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

“(i) the regular rate received by such employee when the compensatory time off was earned; or

“(ii) the final regular rate received by such employee;

whichever is higher.

“(B) Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

“(9) An employee—

“(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

“(B) who has requested the use of the accrued compensatory time off;

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

“(10) The terms ‘monetary overtime compensation’ and ‘compensatory time off’ shall have the meanings given the terms ‘overtime compensation’ and ‘compensatory time’, respectively, by subsection (o)(7).”.

(d) Notice to Employees.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 3. BIWEEKLY WORK PROGRAMS.

(a) In General.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

“SEC. 13A. BIWEEKLY WORK PROGRAMS.

“(a) Voluntary Participation.—

“(1) In general.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

“(2) Collective bargaining agreement.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

“(b) Biweekly Work Programs.—

“(1) In general.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

“(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

“(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

“(2) Conditions.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

“(A) Agreement or understanding.—The program may be carried out only in accordance with—

“(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

“(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

“(B) Statement.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

“(C) Minimum service.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

“(3) Compensation for hours in schedule.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) Computation of overtime.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) Overtime compensation provision.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) Discontinuance of program or withdrawal.—

"(A) Discontinuance of program.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) Withdrawal.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(c) Prohibition of Coercion.—

"(1) In general.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(2) Definition.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(d) Definitions.—In this section:

"(1) Basic work requirement.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) Collective bargaining.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) Collective bargaining agreement.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) Employee.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(5) Employer.—The term 'employer' does not include a public agency.

"(6) Overtime hours.—The term 'overtime hours', when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

"(7) Regular rate.—The term 'regular rate' has the meaning given the term in section 7(e).".

(b) Remedies.—

(1) Prohibitions.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(2) Remedies and sanctions.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216), as amended in section 2(b), is further amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(II) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(ii) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(iii) in the third sentence—

(I) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(II) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or";

(B) in subsection (e)—

(i) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(ii) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or"; and

(C) by adding at the end the following:

"(g)(1) In addition to any amount that an employer is liable under the second sentence of subsection (b) for a violation of a provision of section 13A, an employer that violates section 13A(c) shall be liable to the employee affected for an additional sum equal to that amount.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17.".

(c) Notice to Employees.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4. PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF IN BANKRUPTCY PROCEEDINGS.

Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "for—" and inserting the following: "on the condition that all accrued compensatory time off (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(2) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time off (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

SEC. 5. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "and section 12(c)" and inserting "section 12(c), and section 13A"; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking "The remedy" and inserting the following:

"(1) In general.—Except as provided in paragraphs (2) and (3), the remedy"; and

(B) by adding at the end the following:

"(2) Compensatory time.—The remedy for a violation of subsection (a) relating to the requirements of section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)) shall be such remedy as would be appropriate if awarded under subsection (b) or (f) of section 16 of such Act (29 U.S.C. 216).

"(3) Biweekly work programs.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation."; and

(3) in subsection (c), by striking paragraph (4).

SEC. 6. TERMINATION.

The authority provided by this Act and the amendments made by this Act terminates 5 years after the date of enactment of this Act.

Summary of the Workplace Flexibility Act

SECTION 2, WORKPLACE FLEXIBILITY OPTIONS: COMP-TIME

Gives employers and employees, who have been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period, the option of comp time in lieu of monetary overtime compensation, at the rate of 1½ hours of comp time for each hour of overtime worked.

Where a collective bargaining agreement is in place, an employer would have to work within that context in shaping any comp time program.

Where there is no collective bargaining agreement in place, the employer and the individual employee would be allowed to enter into "an agreement or understanding" with respect to comp time. Such an agreement must be completely voluntary and must be arrived at before the performance of the work. The agreement must be affirmed in writing.

The employer is prohibited from directly or indirectly intimidating, threatening, coercing or attempting to intimidate, threaten or coerce any employee into agreeing to the comp time option nor may acceptance of comp time be a condition of employment or of working overtime.

Employees may not accrue more than 160 hours of comp time. If unused, such hours must be cashed out at the end of the preceding calendar year or not later than 31 days after the end of an alternative 12-month period designated by the employer. An employer may, upon 30 days written notice to the employee, cash-out all hours banked in excess of 80. Employees who terminate their employment either voluntarily or involuntarily must be paid for any unused comp time.

An employee may withdraw an agreement or understanding at any time by submitting a written notice of withdrawal to the employer and an employer must, within 30 days after receiving the written request, provide the employee the monetary compensation due.

Comp time may be used, upon request by a worker within a reasonable period after making the request if it does not unduly disrupt the operations of the employer.

SECTION 3, BI-WEEKLY WORK PROGRAMS: FLEX-TIME

Gives employers and employees the option of a 2-week 80 hour work period during which, without incurring an overtime penalty, up to 10 hours could be "flexed" between the two week period. Employees could, if agreed upon by their employers, choose to work 2 weeks of 40 hours each, 50 hours in one week and 30 in another, etc. Employers would not be required to pay overtime rates (time-and-a-half) until 80 hours had been worked in 2 calendar weeks. For hours worked in excess of 80 in a 2 week period, a worker would have to be compensated either in cash or in paid comp time, if the employer has agreed to a comp time option, each at not less than a time-and-a-half basis.

Like comp time, this program is completely voluntary and may not affect collective bargaining agreements that are in force.

Congress would be covered by both provisions which sunset after 5 years.

Mrs. HUTCHISON. Mr. President, I rise today to join with my colleague, Senator GREGG from New Hampshire to introduce the Workplace Flexibility Act to give America's families the kinds of choices and options they demand and deserve.

When I speak with hourly wage workers in my home state of Texas, and I ask them how they are coping with the growing and competing demands of work and family, I hear many different answers. I hear stories of parents working days and nights to pay the bills and maybe even get a little bit ahead.

Today we introduce legislation to deal with some of the workplace problems of Americans who are paid by the hour. Every day, millions of people in this country must punch a time clock, and they never seem to have enough time they need to get things done, much less the time they would like to have to spend on home and family. Despite the fact that hourly wage earners have the greatest time and money pressures on them, the federal government gives them the least amount of flexibility in scheduling their work week.

While salaried, or so-called "exempt" workers can bargain with their employers to work additional hours in one week in order to take time off later, hourly or "non-exempt" workers do not have that privilege. The Federal Fair Labor Standards Act prohibits them from benefitting from the additional scheduling options that salaried workers enjoy and that Congress gave to all federal employees back in 1978.

It is time to end this inequity in our nation's labor laws. It is time to give all American workers the ability to choose work schedules to fit their own home and family needs.

The Workplace Flexibility Act will do just that. The bill restores fairness in workplace scheduling by giving hourly wage earners three new scheduling and overtime options.

First, where an employer requires an employee to work overtime, any hours in excess of 40 in a week, the bill would give that employee the option of choosing paid time-and-a-half off in lieu of time and a half pay. So, for example, an employee who works 10 hours of overtime would have earned 15 hours of paid time off for later use. This is called "comp time."

Second, for those employees who do not typically work overtime, which, by the way, encompasses over 90 percent of the women who are now paid by the hour, the bill would allow employees to choose to work more than 40 hours in one week in exchange for the same amount of paid time off in another week. This is called "flex time."

Finally, the bill will give employees and employers the option of establishing regular two week schedules to allow an employee to work additional hours in week one in order to take paid time off in week two. For example, many federal employees enjoy working 9-hour days and taking every alternate Friday off, with pay, for a total at the end of two weeks of 80 hours. I think it is only right to give private sector workers the flexibility that these federal employees now enjoy.

Polls show that Americans overwhelmingly support being given these added options. Three fourths of federal employees say comp time and flextime have given them more time to spend with their families and have improved their morale and even their productivity. President Clinton's own polling firm found recently that the same proportion of Americans, 75 percent, favor expanding these options to all private sector employees. It is easy to understand why.

According to the Bureau of Labor Statistics, both mother and father work outside the home in almost two thirds of American households. Moreover, 75 percent of mothers with school age children are now in the workforce, up dramatically in recent years. While the causes for this are many, including expanded work opportunities for women and a heavy tax burden on working families, the results are clear: fewer hours are spent by mothers and fathers with their children and with each other. This shrinking window of family time is weakening the essential family bond that is the bedrock of our strength as a nation.

Not only will our bill make it easier for parents to spend more quality time at home or engaged in personal or community activities, it will do so without a hit to the monthly bottom line. Since comp time and flex time are paid, workers will receive the same amount of money as they would if they did not have these options. The only difference is that this legislation will allow workers the flexibility of taking a day, a week, or even a month off once they have accumulated time in their bank.

Let me make one point very clear: the Workplace Flexibility Act expands, but does not replace the existing law requiring overtime pay for overtime work. For those employees required to work overtime, they will always have the option of receiving overtime pay at the standard time-and-a-half rate. This bill simply affords the employee additional options, upon the mutual agreement of the employee and employer. An employer who violates this or any other provision of our labor laws would be subject to severe civil fines and possibly even prison. In fact, this bill heightens those protections by providing for quadruple damages against an employer who violates the law.

But rather than foster antagonism between labor and management, these added scheduling options have been proven both in this country and abroad to encourage greater cooperation between employees and their employers. Flexible scheduling has created win-win situations for millions of salaried and federal workers and their employers. For the first time in 50 years, America's blue collar working men and women will be empowered to help determine the course of their work week. And thereby, workers will be given greater control over the most precious asset in their lives and in the lives of their families: time.

I urge my colleagues to respond to the growing need for workplace flexibility by supporting the Workplace Flexibility Act.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. LEAHY, Ms. COLLINS, Mr. LEIBERMAN, Ms. SNOWE, Mr. WYDEN, Mr.

JEFFORDS, Mr. SCHUMER, Mr. CHAFEE, Mr. AKAKA, Mr. ENSIGN, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 625. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today's introduction of the bipartisan Local Law Enforcement Act, with 50 original sponsors in the Senate, is the first step toward passing this important legislation this year. This bill has the support of a wide range of law enforcement, religious, and civil rights organizations.

Although America experienced a significant drop in violent crime during the 1990's, the number of hate crimes has continued to grow. In fact, according to FBI statistics, in 1999 there were 7876 reported hate crimes committed in the United States. That's over 20 hate crimes per day, every day.

Hate crimes are a national disgrace, an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. These senseless crimes have a destructive and devastating impact not only on individual victims, but entire communities. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

Yet for too long, the Federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. The bill we are introducing today will change that by giving the Justice Department greater ability to investigate and prosecute these crimes, and to help the states do so as well.

We look forward to bringing this legislation to the Senate floor for a vote in the near future.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce with Senator KENNEDY the Local Law Enforcement Act of 2001, legislation that would add new categories to current hate crimes law. I want to keep my remarks brief, so I speak to you from the heart about hate crimes.

Many of you know I am a Republican, a conservative man of faith from a religious minority. I have known firsthand persecution and discrimination because of my faith. As a member of the Senate Foreign Relations Committee, I have taken great interest in religious freedom and fighting anti-Semitism abroad. I found that all of my colleagues have joined me in that goal in many ways. We have all asked other countries to stop hate, to stop ethnic violence and persecution of minorities. Today, I ask every Senator to take the same stand in our own country.

If it were easy to speak out against hate thousands of miles away, then it must be easy to speak out against hate in your own backyard. Backyards in Wyoming—where Matthew Shepard was brutally beaten and left to die tied to a cattle fence off a lonely road. Backyards in Texas, where James Byrd, Jr. was dragged to death behind a pick-up truck. Backyards in Virginia, where Roanoke native Danny Lee Overstreet was brutally shot down in a hate crime last fall. Backyards in Alabama, where Jack Gaither was bludgeoned to death and set on fire. And backyards in Oregon, my state, where two women, Roxanne Ellis and Michelle Abdill of Medford, were killed in late 1995 because of their sexual orientation.

This hate crimes legislation sends a signal that violence of any kind is unacceptable. I look to my party and look for inclusion—a big tent approach to this issue. I hope that the President can join in this effort. I believe that given the opportunity, the White House can participate in this effort and play a significant role in the outcome. Further, I am committed to making sure that partisan rhetoric stays out of this issue and together we can work on both sides of the aisle to make this legislation public law. I fear any strain of hate or homophobia, any isolationism or xenophobia in politics today, and I believe that all my colleagues share this fear. Taking a stand against hate crimes isn't a liberal or a conservative issue—it's something we should all do.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate, to defend them regardless of their status, be they female, disabled or gay. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. By changing this law we can change hearts and minds as well.

The law is a teacher and we should teach our fellow citizens that all crime is hateful. But we can also teach that some crime is so odious that an extra measure of prosecution is demanded by us, so that it will never again be repeated among us.

Mrs. FEINSTEIN. Mr. President, I join with my colleagues in expressing my strong support for the Local Law Enforcement Act of 2001, legislation of which I am an original cosponsor.

Popularly known as the "Hate Crimes Prevention Act," this legislation would expand current federal protections against hate crimes based on race, religion, and national origin; amend the criminal code to cover hate crimes based on gender, sexual orientation, and disability; authorize grants for State and local programs designed to combat and prevent hate crimes; and enable the federal government to assist State and local law enforcement in investigating and prosecuting hate crimes.

While past efforts to enact this legislation have received strong bipartisan support, we have not been able to get it to the President's desk for his consideration. We must now work to ensure that this legislation is not simply supported, but actually passed and signed into law by the President.

This important legislation would enhance current hate crimes law and enable the federal government to offer assistance to states and localities in investigating and prosecuting bias-motivated crimes. Even with the strides we have made in combating hate crimes thus far, these crimes are still frequently under-reported and therefore go unprosecuted.

In California, I have seen, first-hand, the devastating impact these crimes have on victims, their families and their communities. Hate crimes divide neighborhoods and breed a sense of mistrust and fear within communities. This is why I have long supported legislation aimed at protecting citizens from crimes based on races, ethnicity, religion, gender, disability, or sexual orientation.

Prior to 1990, while we knew that hate crimes existed, we had no tools to measure the number of instances in which such crimes were committed. In 1990, Congress enacted the Hate Crimes Statistics Act. Because of this law, we are now able to quantify the extent of the problem. What we found was disturbing. For the first time, data was collected and analyzed on the incidence of hate crimes. In 1991, the first year after the Act took effect, 4,588 hate crimes were reported nationwide. In 1998, the last year for which we have statistics, that number rose to 7,755. These statistics provide federal and state law enforcement officials the tools to recognize the problems particular to their communities and have encouraged many to come up with solutions.

In 1993, I sponsored the Hate Crimes Sentencing Enhancement Act of 1993, which was subsequently signed into law as part of the Violent Crime Control and Law Enforcement Act of 1994. This act increased penalties for hate crimes targeting individuals because of their race, color, religion, national origin, gender, disability or sexual orientation.

While current hate crime laws help us better understand the problem and penalize those who would resort to such violent acts, these laws do not extend to the thousands of people who are victimized because of their gender, sexual orientation or disability. Nor are they broad enough to help those who were not engaging in such federally protected activities as attending school, or voting, when they were victimized.

In New Jersey, for example, a mentally disabled man was tortured by eight different people at a party. The man was burned with cigarettes, beaten, choked, and then left alone in the wilderness. Investigators found that this man was tortured only because of his disability. This was the third time this man had been attacked at a party.

Just recently, my staff met with a constituent who is a teacher at a Beverly Hills high school. The teacher expressed concern about the safety of gay students, many of whom had been targeted and attacked by other students on account of their sexual orientation. She felt that teachers like herself did all they could to protect the students while they were on school property. She feared for their safety, however, once the students were off school grounds. Even within the school, the teacher explained, some officials did little to create an environment of tolerance and mutual respect for the students. As a result, the bias-motivated acts committed against them often went unreported, whether they took place in the school or within their communities.

My constituent's appeal for help on behalf of her young students amplifies the need to send a strong message of mutual tolerance and respect to our youngsters. Nearly two-thirds of these crimes are committed by our nation's youth and young adults. In many ways, reinforcing the strength of our diverse nation must begin with our youth.

As these stories illustrate, the perpetrators of hate crimes have no respect for boundaries. They are neither confined to any one region of the country, nor any one age group. The perpetrators of these crimes target individuals not because of what the victims have, or what they have done, but for who they are. Hate crimes are not like other crimes of violence. Their impact is pervasive.

Opponents of hate crimes legislation argue that these crimes are no different from any other crime; that they should be treated like other crimes of violence. Research by the American Psychological Association, APA, suggest otherwise. According to the APA, hate crime victims and their communities are often left with psychological wounds that run deeper and take significantly longer to heal than the wounds of victims of non-bias related crimes.

Much like victims of non-bias related crimes, victims of hate crimes are likely to exhibit symptoms of depression, post-traumatic stress disorder, anxiety, high levels of anger, and a decreased sense of control. Unlike victims of non-bias related crimes, however, hate crime victims experience psychological after-effects at a much higher level. According to the APA, hate crime victims need "as much as five years to overcome the emotional distress of the incident," compared with "victims of non-bias crimes who experience a drop off in crime-related psychological problems within two years of the crime." The financial costs for mental health and medical treatment following an attack only add to the psychological stress of the victim.

Hate crimes pose a very real threat to the social health of the community. Individuals who live in communities where hate crimes have occurred often experience an increased sense of fear and intimidation. They also tend to feel a heightened sense of vulnerability and are much less likely to report such crimes should they occur again, for fear of retaliation. Hate crimes also breed mistrust within the community. Members of the victimized groups are likely to believe that law enforcement agencies are biased against their group and, that when needed, the law enforcement community will not respond.

In essence, hate crimes have been shown to produce deep psychological wounds in the victim. They engender a sense of disunity and division within the community, which undermines the basic tenets on which this nation was founded. As a country that prides itself on its diversity, our nation cannot continue to withstand these acts of hatred and intolerance. No individual or group should be targeted for violence and no such act of violence should go unpunished.

No American should have to live in fear because of his or her perceived race, sexual orientation, ethnicity or disability. No American should be afraid to walk down the street for fear of a gender-motivated attack. No American should be deterred by intimidation from living in the home of his or her choice. And certainly, no American should be deterred from reporting a hate-based crime because they are afraid that the police lack the will or the resources necessary to protect them.

This legislation is not only overdue, it is necessary for the safety and well being of millions of Americans. It is necessary for our National unity.

Certainly, none of us in this body would condone an act of brutality based on an individual's race, religion, sexual orientation, disability, ethnicity or gender. None of us would be willing to send the message that today, basic civil rights protections do not extend to every American, but only to a few and under certain circumstances.

By introducing this legislation today, we are sending a signal that we are unwilling to turn a blind eye to this epidemic of hate that threatens to envelop our Nation. I urge my colleagues to join in this message by supporting the enactment of "The Local Law Enforcement Enhancement Act of 2001."

By Mr. JEFFORDS (for himself and Mr. BAUCUS):

S. 626. A bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am introducing the Work Opportunity Improvement Act of 2001, which will permanently extend both the work opportunity tax credit and the welfare-to-work tax credit. The bill will also modify eligibility criteria for the work opportunity tax credit, to strengthen efforts to help fathers of children on welfare find work. Over the past five years, these tax credits have played a crucial role in helping 1.5 million low-skilled, undereducated persons dependent on public assistance enter the work force.

The work opportunity tax credit was first enacted in 1996, to provide employers with financial resources to recruit, hire, and retain individuals who have significant problems finding and keeping a job. The welfare-to-work tax credit, serving a similar purpose, was enacted the next year. Traditionally, employers had been reluctant to hire people coming off the welfare rolls, both because they tended to have less education and experience than other job candidates, and because welfare dependence was seen as fostering a poor self-image and work habits. These tax credits, however, have demonstrated that employers can be enticed to overcome their resistance to hiring less skilled, economically dependent individuals. No other incentive or training program has been nearly as successful as these tax credits in encouraging employers to change their hiring practices.

Over the past five years, government and employers have developed a partnership that has led to significant changes in hiring practices. Many employers have established outreach and recruitment programs to identify and target individuals whom employers could hire under these tax credit programs. States have made the tax credit programs more employer-friendly by continual improvements in the way the programs are administered. Still, we repeatedly hear both from employers and State job service agencies administering the programs that continued uncertainty about the programs' future impedes expanded participation and improvements in program administration. Making the work opportunity and welfare-to-work tax credits permanent would induce employers to expand their recruitment efforts and encourage States to commit more time and effort to further improve the programs. This, in turn, would mean that more individuals would be helped to make the jump from welfare dependency to work. Because these programs have proven so successful over the past five years, I believe they should be made permanent and am today introducing a bill to achieve this end.

In addition to making these two tax provisions permanent, my bill will address an oversight. Currently, the work opportunity tax credit gives employers an incentive to hire individuals on food stamps between ages 18 and 24. No sound policy reason exists for not extending the tax credit's eligibility criteria to people on food stamps over age 25. Lifting the work opportunity tax credit food stamp age ceiling would mean that many more fathers of children on welfare could be hired under the credit. These individuals often face significant barriers to finding work. Increasing the age ceiling for food stamp recipients is consistent with the tax credit's underlying objectives, as many food stamp households include adults who are not working. Moreover, over 90 percent of those on food stamps live below the poverty line. My bill will include among those eligible for the work opportunity tax credit persons in households receiving food stamps, as long as they are 50 years old or younger. I believe that this will have the effect of making the tax credit available with respect to fathers of children on welfare who aren't otherwise eligible.

I urge my colleagues to support and co-sponsor this bill.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 627. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce the Long-Term Care and Retirement Security Act. This legislation, which I sponsored in the 106th Congress with my distinguished colleague from Florida, Senator BOB GRAHAM, would ease the tremendous cost of long-term care.

The bill that Senator GRAHAM and I are re-introducing today would allow individuals a tax deduction for the cost of long-term care insurance premiums. Increasingly, Americans are interested in private long-term care insurance to pay for nursing home stays, assisted living, home health aides, and other services. However, most people find the policies unaffordable. The younger the person, the lower the insurance premium, yet most people aren't ready to buy a policy until retirement. A deduction would encourage more people to buy long-term care insurance.

Our proposal also would give individuals or their care givers a $3,000 tax credit to help cover their long-term care expenses. This would apply to those who have been certified by a doctor as needing help with at least three activities of daily living, such as eating, bathing or dressing. This credit would help care givers pay for medical supplies, nursing care and any other expenses of caring for family members with disabilities.

The Van Zee family of Otley, Iowa, typifies many families who would benefit from his legislation. Renee Van Zee at 55 years old has early onset Alzheimer's disease. Three years after her diagnosis, she can't feed, bathe or dress herself. Her daughter, Leanna, and her husband, Albert, are pulling out all the stops to keep Mrs. Van Zee out of a nursing home. They care for her full-time. They've found some services through Medicaid and Medicare and received a donated hospital bed. Even so, caring for Mrs. Van Zee is difficult. She can't be left alone at any time. The family's network of services is piecemeal, like that of many families in similar straits. Those services could change with any change in their circumstances. The family bears considerable out-of-pocket expenses for Mrs. Van Zee's nutritional supplements. The supplements cost $4.96 for a four-pack of cans. Mrs. Van Zee consumes two or three cans a day. It's obvious how this situation affects a family's finances. Working adults quit their jobs to care for a loved one, and take on a host of new expenses at the same time.

The Long-Term Care and Retirement Security Act would help the 22 million family caregivers like the Van Zees. A $3,000 tax credit would help to pay for Mrs. Van Zee's nutritional supplements or hire an extra nurse. The legislation also would help families like the Van Zees buy long-term care insurance. Someone like Mrs. Van Zee could have bought herself insurance years ago, had it been an affordable option for her.

As it did last year, the bill that Senator GRAHAM and I are introducing today has been endorsed by both the AARP and the Health Insurance Association of America. A companion bill sponsored by Representatives NANCY JOHNSON, KAREN THURMAN, and EARL POMEROY is pending in the House of Representatives.

An aging nation has no time to waste in preparing for long-term care, and the need to help people afford long-term care is more pressing than ever. I look forward to working with Senator GRAHAM and our colleagues in the Senate to get our bill passed into law as soon as possible.

By Mr. BURNS (for himself, Mr. WYDEN, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. TORRICELLI, Mr. BREAUX, and Mr. MURKOWSKI):

S. 630. A bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2001", or the "CAN SPAM Act of 2001".

SEC. 2. CONGRESSIONAL FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) There is a right of free speech on the Internet.

(2) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy. In order for global commerce on the Internet to reach its full potential, individuals and entities, using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(3) Unsolicited commercial electronic mail can be a mechanism through which businesses advertise and attract customers in the online environment.

(4) The receipt of unsolicited commercial electronic mail may result in costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(5) Unsolicited commercial electronic mail may impose significant monetary costs on providers of Internet access services, businesses, and educational and nonprofit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle without further investment. The sending of such mail is increasingly and negatively affecting the quality of service provided to customers of Internet access service, and shifting costs from the sender of the advertisement to the provider of Internet access service and the recipient.

(6) While some senders of unsolicited commercial electronic mail messages provide simple and reliable way for recipients to reject (or "opt-out" of) receipt of unsolicited commercial electronic mail from such senders in the future, other senders provide no

such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(7) An increasing number of senders of unsolicited commercial electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(8) An increasing number of senders of unsolicited commercial electronic mail purposefully include misleading information in the message's subject lines in order to induce the recipients to view the messages.

(9) Because recipients of unsolicited commercial electronic mail are unable to avoid the receipt of such mail through reasonable means, such mail may invade the privacy of recipients.

(10) The practice of sending unsolicited commercial electronic mail is sufficiently profitable that senders of such mail will not be unduly burdened by the costs associated with providing an "opt-out" mechanism to recipients and ensuring that recipients who exercise such opt-out do not receive further messages from that sender.

(11) In legislating against certain abuses on the Internet, Congress should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assemble, free speech, and privacy.

(b) CONGRESSIONAL DETERMINATION OF PUBLIC POLICY.—On the basis of the findings in subsection (a), the Congress determines that—

(1) there is substantial government interest in regulation of unsolicited commercial electronic mail;

(2) senders of unsolicited commercial electronic mail should not mislead recipients as to the source or content of such mail; and

(3) recipients of unsolicited commercial electronic mail have a right to decline to receive additional unsolicited commercial electronic mail from the same source.

SEC. 3. DEFINITIONS.

In this Act:

(1) AFFIRMATIVE CONSENT.—The term "affirmative consent", when used with respect to a commercial electronic mail message, means—

(A) the message falls within the scope of an express and unambiguous invitation or permission granted by the recipient and not subsequently revoked;

(B) the recipient had clear and conspicuous notice, at the time such invitation or permission was granted, of—

(i) the fact that the recipient was granting the invitation or permission;

(ii) the scope of the invitation or permission, including what types of commercial electronic mail messages would be covered by the invitation or permission and what senders or types of senders, if any, other than the party to whom the invitation or permission was communicated would be covered by the invitation or permission; and

(iii) a reasonable and effective mechanism for revoking the invitation or permission; and

(C) the recipient has not, after granting the invitation or permission, submitted a request under section 5(a)(3) not to receive unsolicited commercial electronic mail messages from the sender of the message.

(2) COMMERCIAL ELECTRONIC MAIL MESSAGE.—The term "commercial electronic mail message" means any electronic mail message the primary purpose of which is to advertise or promote, for a commercial purpose, a commercial product or service (including content on an Internet website). An electronic mail message shall not be considered to be a commercial electronic mail message solely because such message includes a reference to a commercial entity that serves to identify the sender or a reference or link to an Internet website operated for a commercial purpose.

(3) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(4) DOMAIN NAME.—The term "domain name" means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

(5) ELECTRONIC MAIL ADDRESS.—

(A) IN GENERAL.—The term "electronic mail address" means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered.

(B) INCLUSION.—In the case of the Internet, the term "electronic mail address" may include an electronic mail address consisting of a user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part").

(6) FTC ACT.—The term "FTC Act" means the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(7) FUNCTIONING RETURN ELECTRONIC MAIL ADDRESS.—

(A) The term "functioning return electronic mail address" means a legitimately obtained electronic mail address, clearly and conspicuously displayed in a commercial electronic mail message, that—

(i) remains capable of receiving messages for no less than 30 days after the transmission of such commercial electronic mail message; and

(ii) that has capacity reasonably calculated, in light of the number of recipients of the commercial electronic mail message, to enable it to receive the full expected quantity of reply messages from such recipients.

(B) An electronic mail address that meets the requirements of subparagraph (A) shall not be excluded from this deffnition because of a temporary inability to receive electronic mail message due to technical problems, provided steps are taken to correct such technical problems within a reasonable time period.

(8) HEADER INFORMATION.—The term "header information" means the source, destination, and routing information attached to the beginning of an electronic mail message, including the originating domain name and originating electronic mail address.

(9) IMPLIED CONSENT.—The term "implied consent", when used with respect to a commercial electronic mail message, means—

(A) within the 5-year period ending upon receipt of such message, there has been a business transaction between the sender and the recipient (including a transaction involving the provision, free of charge, of information, goods, or services requested by the recipient); and

(B) the recipient was, at the time of such transaction or thereafter, provided a clear and conspicuous notice of an opportunity not to receive unsolicited commercial electronic mail messages from the sender and has not exercised such opportunity.

(10) INITIATE.—The term "initiate", when used with respect to a commercial electronic mail message, means to originate such message, to procure the origination of such message, or to assist in the origination of such message through the provision or selection of addresses to which such message will be sent, but shall not include actions that constitute routine conveyance of such message. For purposes of this Act, more than 1 person may be considered to have initiated the same message.

(11) INTERNET.—The term "Internet" has the meaning given that term in the Internet Tax Freedom Act (Pub. L. 105-277, Div. C, Title XI, §1101(e)(3)(c)).

(12) INTERNET ACCESS SERVICE.—The term "Internet access service" has the meaning given that term in section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

(13) PROTECTED COMPUTER.—The term "protected computer" has the meaning given that term in section 1030(e)(2) of title 18, United States Code.

(14) RECIPIENT.—The term "recipient", when used with respect to a commercial electronic mail message, means the addressees of such message. If an address of a commercial electronic mail message has 1 or more electronic mail addresses in addition to the address to which the message was addressed, the addressees shall be treated as a separate recipient with respect to each such address.

(15) ROUTINE CONVEYANCE.—The term "routine conveyance" means the transmission, routing, relaying, handling, or storing, through an automatic technical process, of an electronic mail message for which another person has provided and selected the recipient addresses.

(16) SENDER.—The term "sender", when used with respect to a commercial electronic mail message, means a person who initiates such a message and whose product, service, or Internet web site is advertised or promoted by the message, but does not include any person, including a provider of Internet access service, whose role with respect to the message is limited to routine conveyance of the message.

(17) UNSOLICITED COMMERCIAL ELECTRONIC MAIL MESSAGE.—

(A) IN GENERAL.—The term "unsolicited commercial electronic mail message" means any commercial electronic mail message that is sent to a recipient—

(i) without prior affirmative consent or implied consent from the recipient; or

(ii) to a recipient who, subsequent to the establishment of affirmative or implied consent under subparagraph (i), has expressed, in a reply submitted pursuant to section 5(a)(3), or in response to any other opportunity the sender may have provided to the recipient, a desire not to receive commercial electronic mail messages from the sender.

(B) EXCLUSION.—Notwithstanding subparagraph (A), the term "unsolicited commercial electronic mail message" does not include an electronic mail message sent by or on behalf of one or more lawful owners of copyright, patent, publicity, or trademark rights to an unauthorized user of protected material notifying such user that the use is unauthorized and requesting that the use be terminated or that permission for such use be obtained from the rights holder or holders.

SEC. 4. CRIMINAL PENALTY FOR UNSOLICITED COMMERCIAL ELECTRONIC MAIL CONTAINING FRAUDULENT ROUTING INFORMATION.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1348. Unsolicited commercial electronic mail containing fraudulent transmission information

"(a) IN GENERAL.—Any person who intentionally initiates the transmission of any unsolicited commercial electronic mail message to a protected computer in the United States with knowledge that such message contains or is accompanied by header information that is materially or intentionally false or misleading shall be fined or imprisoned for not more than 1 year, or both, under this title.

"(b) Definitions.—Any term used in subsection (a) that is defined in section 3 of the Unsolicited Commercial Electronic Mail Act of 2001 has the meaning giving it in that section.".

(b) Conforming Amendment.—The chapter analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1348. Unsolicited commercial electronic mail containing fraudulent routing information".

SEC. 5. OTHER PROTECTIONS AGAINST UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) Requirements for Transmission of Messages.—

(1) Prohibition of false or misleading transmission information.—It shall be unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message that contains, or is accompanied by, header information that is materially or intentionally false or misleading, or not legitimately obtained.

(2) Prohibition of deceptive subject headings.—It shall be unlawful for any person to initiate the transmission, to a protected computer, of a commercial electronic mail message with a subject heading that such person knows is likely to mislead the recipient about a material fact regarding the contents or subject matter of the message.

(3) Inclusion of return address in commercial electronic mail.—It shall be unlawful for any person to initiate the transmission of a commercial electronic mail message to a protected computer unless such message contains a functioning return electronic mail address to which a recipient may send a reply to the sender to indicate a desire not to receive further messages from that sender at the electronic mail address at which the message was received.

(4) Prohibtiion of transmission of unsolicited commercial electronic mail after objection.—If a recipient makes a request to a sender, through an electronic mail message sent to an electronic mail address provided by the sender pursuant to paragraph (3), not to receive further electronic mail messages from that sender, it shall be unlawful for the sender, or any person acting on behalf of the sender, to initiate the transmission of an unsolicited commercial electronic mail message to such a recipient within the United States more than 10 days after receipt of such request.

(5) Inclusion of identifier, opt-out, and physical address in unsolicited commercial electronic mail.—It shall be unlawful for any person to initiate the transmission of any unsolicited commercial electronic mail message to a protected computer unless the message provides, in a manner that is clear and conspicuous to the recipient—

(A) identification that the message is an advertisement or solicitation;

(B) notice of the opportunity under paragraph (3) to decline to receive further unsolicited commercial electronic mail messages from the sender; and

(C) a valid physical postal address of the sender.

(b) No Effect on Policies of Providers of Internet Access Service.—Nothing in this Act shall be construed to have any effect on the lawfulness or unlawfulness, under any other provision of law, of the adoption, implementation, or enforcement by a provider of Internet access service of a policy of declining to transmit, route, relay, handle, or store certain types of electronic mail messages.

SEC. 6. ENFORCEMENT.

(a) Enforcement by Commission.—

(1) In general.—Section 5 of this Act shall be enforced by the Commission under the FTC Act. For purposes of such Commission enforcement, a violation of section 5 of this Act shall be treated as a violation of a rule under section 18 (15 U.S.C. 57a) of the FTC Act regarding unfair or deceptive acts or practices.

(2) Scope of commission enforcement authority.—

(A) The Commission shall prevent any person from violating section 5 of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the FTC Act were incorporated into and made a part of this section. Any person who violates section 5 of this Act shall be subject to the penalties and entitled the privileges and immunities provided in the FTC Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the FTC Act were incorporated into and made a part of this section.

(B) Nothing in this Act shall be construed to give the Commission authority over activities that are otherwise outside the jurisdiction of the FTC Act.

(b) Enforcement by Certain Other Agencies.—

(1) In general.—Compliance with section 5 of this Act shall be enforced under—

(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(i) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(ii) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Federal Reserve Board; and

(iii) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(B) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(C) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(D) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act;

(F) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

(G) the Communications Act of 1934 (47 U.S.C. 151 et seq.) by the Federal Communications Commission with respect to any person subject to the provisions of that Act.

(2) Exercise of certain powers.—For the purpose of the exercise by any agency referred to in paragraph (1) of its powers under any Act referred to in that paragraph, a violation of section 5 of this Act is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with any requirement imposed under section 5 of this Act, any other authority conferred on it by law.

(c) Enforcement by States.—

(1) Civil action.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person engaging in a practice that violates section 5 of this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction or in any other court of competent jurisdiction—

(A) to enjoin that practice, or

(B) to obtain damages on behalf of residents of the State, in an amount equal to the greater of—

(i) the actual monetary loss suffered by such residents; or

(ii) the amount determined under paragraph (2).

(2) Statutory damages.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the smaller of—

(A) the amount determined by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message received by such residents treated as a separate violation); or

(B) $500,000.

In determining the per-violation penalty under this paragraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(3) Treble damages.—If the court finds that the defendant committed the violation willfully and knowingly, the court may increase the amount recoverable under paragraph (2) up to threefold.

(4) Attorney fees.—In the case of any successful action under subparagraph (1), the State shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

(5) Notice.—

(A) Pre-filing.—Before filing an action under paragraph (1), an attorney general shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) Contemporaneous.—If an attorney general determines that it is not feasible to provide the notice required by subparagraph (A) before filing the action, the notice and a copy of the complaint shall be provided to the Commission when the action is filed.

(6) Intervention.—If the Commission receives notice under paragraph (4), it—

(A) may intervene in the action that is the subject of the notice; and

(B) shall have the right—

(i) to be heard with respect to any matter that arises in that action; and

(ii) to file a petition for appeal.

(7) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(8) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) maintains a physical place of business.

(9) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or other appropriate Federal agency under subsection (b) has instituted a civil action or an administrative action for violation of this Act, no State attorney general may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(d) ACTION BY PROVIDER OF INTERNET ACCESS SERVICE.—

(1) ACTION AUTHORIZED.—A provider of Internet access service adversely affected by a violation of section 5 may bring a civil action in any district court of the United States with jurisdiction over the defendant, or in any other court of competent jurisdiction, to—

(A) enjoin further violation by the defendant; or

(B) recover damages in any amount equal to the greater of—

(i) actual monetary loss incurred by the provider of Internet access service as a result of such violation; or

(ii) the amount determined under paragraph (2).

(2) STATUTORY DAMAGES.—For purposes of paragraph (1)(B)(ii), the amount determined under this paragraph is the smaller of—

(A) the amount determined by multiplying the number of willful, knowing, or negligent violations by an amount, in the discretion of the court, of up to $10 (with each separately addressed unlawful message carried over the facilities of the provider of Internet access service treated as a separate violation); or

(B) $500,000.

In determining the per-violation penalty under this paragraph, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(3) TREBLE DAMAGES.—If the court finds that the defendant committed the violation willfully and knowingly, the court may increase the amount recoverable under paragraph (2) up to threefold.

(4) ATTORNEY FEES.—In any action brought pursuant to paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action, and assess reasonable costs, including reasonable attorneys' fees, against any party.

(5) EVIDENTIARY PRESUMPTION.—For purposes of an action alleging a violation of section 5(a)(4) or 5(a)(5), a showing that a recipient has submitted a complaint about a commercial electronic mail message to an electronic mail address maintained and publicized by the provider of Internet access service for the purpose of receiving complaints about unsolicited commercial electronic mail messages shall create a rebuttable presumption that the message in question was unsolicited within the meaning of this Act.

(e) AFFIRMATIVE DEFENSE.—A person shall not be liable for damages under subsection (c)(2) or (d)(2) if—

(1) such person has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of section 5; and

(2) any violation occurred despite good faith efforts to maintain compliance with such practices and procedures.

SEC. 7. EFFECT ON OTHER LAWS.

(a) FEDERAL LAW.—Nothing in this Act shall be construed to impair the enforcement of section 223 or 231 of the Communications Act of 1934, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

(b) STATE LAW.—No State or local government may impose any civil liability for commercial activities or actions in interstate or foreign commerce in connection with an activity or action described in section 5 of this Act that is inconsistent with or more restrictive than the treatment of such activities or actions under this Act, except that this Act shall not preempt any civil action under—

(1) State trespass, contract, or tort law; or

(2) any provision of Federal, State, or local criminal law or any civil remedy available under such law that relates to acts of computer fraud perpetrated by means of the unauthorized transmission of unsolicited commercial electronic mail messages, provided that the mere sending of unsolicited commercial electronic mail in a manner that complies with this Act shall not constitute an act of computer fraud for purposes of this subparagraph.

SEC. 8. STUDY OF EFFECTS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

Not later than 18 months after the date of the enactment of this Act, the Commission, in consultation with the Department of Justice and other appropriate agencies, shall submit a report to the Congress that provides a detailed analysis of the effectiveness and enforcement of the provisions of this Act and the need (if any) for the Congress to modify such provisions.

SEC. 9. SEPARABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected.

SEC. 10. EFFECTIVE DATE.

The provisions of this Act shall take effect 120 days after the date of the enactment of this Act.

Mr. WYDEN. Mr. President, Internet communications are increasingly important to Americans' daily lives and business. However, as the public's reliance on online and Internet services continues to grow, so do the burdens and frustrations stemming from unwanted junk e-mail.

This type of e-mail is commonly known as "spam," and it isn't hard to see why. Getting spam e-mail in your in-box is a lot like getting its namesake lunchmeat in your lunchbox: You didn't order it, and you really can't tell where the stuff comes from.

Until now, you also have been virtually powerless to stop it. The recipient has no opportunity to refuse to accept the message, and thus is forced to take the time and bear the costs of storing, accessing, reviewing, and deleting such unwanted e-mail. In short, spammers have all the power. A spammer can send a recipient whatever messages it wants, and the recipient has no choice but to deal with them.

Technology is on the side of the spammer. E-mail technology enables spammers to send huge quantities of messages quickly and cheaply. With the stroke of a key, a spammer can let fly a torrent of tens or hundreds of thousands of identical e-mails at minimal cost. Such bulk spam can clog up the network, impairing Internet service for everyone. For example, back in December, an influx of millions of junk e-mails slowed Verizon's network to a crawl, causing delays of several hours for customers trying to send and receive messages.

Spam affects Internet companies as well as end users. Internet service providers are the ones who have to deal directly with the traffic jams caused when bulk spam floods their networks. And when consumers become frustrated by the receipt of spam, the first place they turn to complain will be the Internet companies from whom they purchase service. Left unchecked, spam could have a significant impact on how consumers perceive and use Internet services and e-commerce.

Because of this, Internet service providers have often played a major role in trying to shield their customers from spam. But the bottom line is that existing laws do not provide the tools to deal with the mounting problem of junk e-mail.

That is why I am teaming up again today with my good friend Senator BURNS to introduce the "Controlling the Assault of Non-Solicited Pornography And Marketing Act," the CAN SPAM Act, for short. This bipartisan legislation says that if you want to send unsolicited marketing e-mail, you've got to play by a set of rules, rules that allow consumers to see where the messages are coming from, and to tell the sender stop. The basic goal is simple: give the consumer more control.

Specifically, our bill would require a sender of any marketing e-mail to include a working return address, so that the recipient can send a reply e-mail demanding not to receive any further messages. A spammer would be prohibited from sending further messages to a consumer that has told it to stop.

The bill also would prohibit spammers from using falsified or deceptive headers or subject lines, so that consumers will be able to tell where their marketing e-mails are coming from.

The bill includes strong enforcement provisions to ensure compliance. Spammers that intentionally disguise their identities would be subject to misdemeanor criminal penalties. The Federal Trade Commission would have authority to impose civil fines. State attorneys general would be able to bring suit on behalf of the citizens of their states. And Internet service providers would be able to bring suit to keep unlawful spam off of their networks. In all cases, particularly high penalties would be available for true "bad actors"—the shady, high-volume spammers who have no intention of behaving in a lawful and responsible manner.

Our goal here is not to discourage legitimate online communications with consumers. Senator BURNS and I have no intention of interfering with a company's ability to use e-mail to inform customers of warranty information, provide account holders with monthly account statements, and so forth. Rather, we want to go after those unscrupulous individuals who use e-mail to annoy and mislead. I believe this bill strikes that important balance.

Senator BURNS and I have worked with a number of different groups in shaping this legislation, and we believe we have made real progress in addressing some concerns that were raised about the spam bill we proposed last year. We feel that the version of the bill we introduce today is a workable, common-sense approach. I am pleased that Senators LIEBERMAN, LANDRIEU, TORRICELLI, BREAUX, and MURKOWSKI are cosponsoring this bill today, and I look forward to working with them and the rest of my Senate colleagues to see that the bill moves forward as quickly as possible.

By Mr. VOINOVICH:

S. 631. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that I believe will provide for the financial future of millions of Americans, help boost this nation's savings rate, and bolster long-term economic growth. My bill, the Comprehensive Retirement Security and Pension Reform Act, mirrors H.R. 10, legislation introduced earlier this year by my friend and fellow Ohioan, Representative ROB PORTMAN.

It is estimated that right now, an astounding 75 million American workers have no pension plan. In other words, roughly half of America's workers lack a key mechanism they will need in order to achieve a comfortable retirement. This situation is intolerable and must change.

In my view, we must do more to encourage more citizens to ensure their financial independence in their golden years. That's why I strongly believe we need to enact the Comprehensive Retirement Security and Pension Reform Act. The increased personal savings and investment that would result from expanding pensions would reinvigorate our savings ethic, which has been eroding over recent years. Something needs to be done quickly to encourage more Americans to save and plan for their retirement and I believe the legislation I am introducing today is an important step in the right direction.

Among the important things the bill I am introducing today does is raise the maximum annual contribution to an Individual Retirement Account, IRAs, from $2,000 per individual to $5,000. The contribution limits for, IRAs, has remained unchanged since 1981. Since sixty-nine percent of all IRA participants contribute the maximum, the $2,000 limit has been a barrier to encouraging Americans to save for their own retirement. If the original IRA contribution limit in 1975, of $1,500, had been indexed for inflation, it would have reached $5,353 in the year 2000. Clearly, today's working men and women want to, and are ready to, invest more for their retirement if Congress would only let them. The time has come to raise the contribution limit.

In addition, the Comprehensive Retirement Security and Pension Reform Act includes provisions to encourage employers to offer pensions, increase participation by eligible employees, raise limits on benefits and contributions, improve asset portability, strengthen legal protections for plan participants, and reduce regulatory burdens on plan sponsors.

When the baby boomers start to retire in a few short years, this country will begin to experience a retirement tsunami unlike anything it has ever experienced. This 20-year event will put great strain on the economy and the federal budget, especially on government programs that provide services to senior citizens. One of the best ways to help prepare for this is to encourage private saving. The Comprehensive Retirement Security and Pension Reform Act is an important step in this direction and I urge my colleagues to join in co-sponsoring this legislation.

By Mr. NELSON of Florida:

S. 632. A bill to reinstate a final rule promulgated by the Administrator of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON of Florida. Mr. President, I rise today to express my grave concern about the Bush administration's latest decision to roll back measures designed to safeguard public health. Last Tuesday, the administration announced it would revoke the new, safer arsenic standard for drinking water and revert to the standard we have had in effect since 1942. The administration stated that the lower standard for drinking water should not go into effect because there was "no consensus on a particular safe level" of arsenic in drinking water. The administration also claims it would cost industry too much money to comply with the lower standard.

The old standard of 50 parts per billion was established almost 60 years ago—before research linked arsenic to some forms of cancer. A 1999 study by the National Academy of Sciences, a study mandated by Congress for drinking water, concluded that the current arsenic standard for drinking water could result in one additional case of cancer for every 100 people consuming such drinking water. Moreover, the study determined that long-term exposure to low concentrations of arsenic in drinking water can lead to skin, bladder, lung, and prostate cancer. Non-cancer effects of ingesting arsenic at these levels can include cardiovascular disease, diabetes and anemia as well as reproductive, developmental, immunological, and neurological effects. In response, the Environmental Protection Agency adopted a rule that set a new standard of 10 parts per billion which the EPA deemed safe for drinking water.

This standard also has been adopted by the European Union and the World Health Organization.

Is cost a sufficient reason for reversal? No. That's because Congress consistently has made clear that it will help states and municipalities with the funds necessary to provide their citizens with safe drinking water.

Even the Governor of Florida recognizes the health risks of arsenic. Arsenic was discovered recently in the soil in playgrounds in Tarpan Springs, Miami and Crystal River. It leached into the soil from pressure-treated wood used for park boardwalks and other outdoor structures. Last week, Gov. Jeb Bush ordered the state's wood-treatment plant to stop using arsenic to treat wood. I commend him for that decision.

If arsenic in the soil is dangerous for children, it only stands to reason that the danger is even greater when it is found in drinking water. The Administration should join the State of Florida in recognizing the danger of arsenic and restore the 10 parts per billion standard. In the meantime, I am introducing legislation to restore the federal rule containing the new, safer drinking-water standard. The American people deserve clean, safe drinking water. If the Administration won't act, Congress must.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arsenic Reduction in Drinking Water Act of 2001".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) PUBLIC WATER SYSTEM.—The term "public water system" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

(3) STATE.—The term "State" has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).

SEC. 3. REINSTATEMENT OF FINAL RULE.

On and after the date of enactment of this Act, the final rule promulgated by the Administrator entitled "Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring" (66 Fed. Reg. 6976 (January 22, 2001)), and the amendments to parts 9, 141, and 142 of title 40, Code of Federal Regulations, made by that rule, shall have full force and effect.

SEC. 4. ASSISTANCE FOR COMPLIANCE WITH ARSENIC STANDARD.

(a) IN GENERAL.—For each fiscal year for which funds are made available to carry out this section, the Administrator, using data obtained from the most recent available needs survey conducted by the Administrator under section 1452(h) of the Safe Drinking Water Act (42 U.S.C. 300j–12(h)), shall allocate the funds to States for use in carrying out treatment projects to comply with the final rule reinstated by section 3.

(b) RATIO.—The Administrator shall allocate funds to a State under subsection (a) in the ratio that—

(1) the financial need associated with treatment projects for compliance with the final rule reinstated by section 3 for public water systems in the State; bears to

(2) the total financial need associated with treatment projects for compliance with the final rule reinstated by section 3 for all public water systems in all States.

By Mrs. HUTCHISON (for herself and Mr. ROCKEFELLER):

S. 633. A bill to provide for the review and management of airport congestion, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Mr. President, I rise today, with my colleague Senator ROCKEFELLER, to introduce legislation that will bring real relief to the hundreds of millions of passengers that have been suffering through the dramatic increase in the number of flight delays and cancellations in our passenger aviation system.

I know that most of my colleagues are, by necessity, frequent fliers. So you know how bad it is out there and you have heard the statistics. More than twenty-five percent of the scheduled flights last year were delayed or canceled. The length of the average delay has also increased, despite the extra "fudge time" built into eighty-three percent of flights by the airlines to compensate for delays they know are going to occur.

Not coincidentally, the number of annual air travelers is also rising. Between 1995 and 1999, the number of air travelers increased nearly sixteen percent, from about 582 million to 674 million. The Federal Aviation Administration estimates that this number will increase to more than 1 billion by the end of this decade. To meet this increased demand, the number of scheduled flights has also increased.

However, there has not been a commensurate increase in the number of new aviation facilities. Only one major airport has opened in the last decade, in Denver, and only a handful of new runways and terminals have been completed to deal with the new demand. Unfortunately, the process for making capital improvements to existing airports is often painfully slow and easily derailed by well-organized groups who use every possible impediment to delay a new runway until it becomes impossibly expensive and difficult to build.

Unless we significantly expand the capacity of our aviation system, we will not be able to meet the growing demand for air travel. Air fares will skyrocket and delays will continue to spread across the system. The loss of American productivity, from millions of hours lost while sitting on an airport tarmac, will be incalculable.

Fixing the problem will call for more infrastructure and better air traffic control facilities. But we must meet the challenge now so these new runways and terminals can be ready before we have a real crisis on our hands.

Until now, most of the focus here in Congress has been on passenger service. The Commerce Committee recently reported a bill, which I cosponsored, to force airlines to live up to their promises to provide improved customer service, especially during delays and cancellations. Passenger service is critical, but the real cause of consumers' frustration is the explosive growth in the number and length of flight delays. This bill gets to the heart of that issue.

The bill instructs the Secretary to develop a procedure to ensure that the approval process for runways, terminals and airports is streamlined. Federal, state, regional and local reviews would take place simultaneously, not one after the other.

In no way would this mean that environmental laws would be ignored or broken. The bill does not limit the grounds on which a lawsuit may be filed. It simply provides the community with a reasonable time line to get an answer. If that answer is "no," then the community is free to explore other transportation options.

The bill also addresses the unfortunate practice of the airlines to overschedule at peak hours. At many airports, these schedules are so densely packed that, even in perfect weather conditions throughout the country, there is no way the airlines could possibly meet them. The result is chronically late flights.

The legislation directs the Secretary to study the options to ease congestion at crowded airports. The legislation also grants the airlines a limited antitrust exemption, so that they may consult with one another, subject to the Secretary's approval, to re-schedule flights from the most congested hours to off-peak times.

We have all experienced flights that push away from the gate only to languish for hours on the tarmac waiting to take off. The current system logs these flights as on-time departures. This legislation would change the definition of "on-time departure" to mean that the flight is airborne within 20 minutes of its scheduled departure time.

Our national economic health depends upon the reliability of our aviation system. If we fail to act now, that reliability will be placed in serious jeopardy.

Mr. ROCKEFELLER. Mr. President, I join today with the chairwoman of the Aviation Subcommittee in introducing the Aviation Delay Prevention Act. The bill is intended to start a dialogue about some of the solutions for reducing congestion, specifically ways to expedite airport construction, and provide a mechanism for air carriers to talk about changing flight schedules to reduce delays. This is a tough issue with no easy, simple solutions. Senator HUTCHISON and I know this. I also know that this specific piece of legislation is intended to provide a framework for a debate on how to provide a better air transportation system for travelers. We must, though, continue our efforts to work through every issue in our efforts to enable the FAA, airports and air carriers to provide a more efficient air transportation system.

Senator HUTCHISON and I want to provide our colleagues with constructive and feasible legislative provisions that are well thought out and considered. We will hold a hearing on this bill on Thursday, eliciting testimony from the Department of Transportation, DOT, the Federal Aviation Administration, FAA, airports and airlines, as well as general aviation.

We do know we are facing an aviation system that today is overcrowded and cannot keep up with demand. Tomorrow's demand forecasts are also daunting, with an increase in passenger traffic from about 670 million passengers to more than a billion. As we review the problems of our aviation system, I am constantly thinking and envisioning a system with twice the number of planes, and twice the number of people traveling within the next 10 years. Today, right now, we have airports that cannot accommodate all of the planes. We have terminals that need to be expanded, and runways that must be built. One thing all of us know is that without adequate runways and terminals, no one is well served.

We see it first hand as we fly around the country, as our planes are delayed, as we talk with constituents at home and here in Washington, that our aviation system is running on empty. Last year, we had to fight and claw our way to getting bills that finally provides sufficient money for the FAA to be able to build new runways and buy new equipment. We must be vigorous in ensuring that the Administration does not make cuts to these key programs, as was initially proposed by the Bush Administration. Knowing that it takes years to build a runway and years to develop new air traffic control systems, we cannot shortchange the system.

Last year, as part of the Wendell H. Ford Aviation Investment and Reform Act, FAIR–21, P.L. 106–181, we set out a road map for a more businesslike Federal Aviation Administration, FAA, creating a corporate-type Board with people from non-aviation related businesses to oversee air traffic control. We created a Chief Operating Officer, COO, to run air traffic, with specific authority to focus on operations, the budget and establishing a goal-oriented ATC. In addition, we made sure that the money was provided to buy new ATC equipment to expand ATC capacity.

With respect to airports, we authorized significant increases in Airport Improvement Program monies, increases of $1.25, $1.35 and $1.45 billion over 1999 funds, $1.95 billion. We also gave airports the ability to increase their passenger facility fees from $3 to $4.50 per person. The money is there to build and expand capacity. But, nothing happens overnight and we all know it.

With the reforms of the FAA and the funding, we are on a path to change. Yet, even with that path, we are not able to keep up with demand, particularly in the short term. Secretary Mineta has already stated he wants to use the reforms of FAIR–21, and not get bogged down in an age-old debate over FAA privatization/corporatization. The Air Transport Association, ATA, has echoed this sentiment. Nonetheless, we must look at ways particularly in the near term, to provide relief to travelers, and in the longer term figure out better ways to build runways, while being cognizant of the need to be environmentally conscious.

Right now we have runway construction underway at Denver, Detroit-Metro, Minneapolis-St. Paul, Houston, and Orlando. Miami is set to begin construction within the next month or two as is St. Louis. Charlotte is awaiting the United-US Airways merger decision before it begins construction since the carriers will help finance the project. At other airports, runway planning is ongoing. Chip Barclay, the President of the American Association of Airport Executives, in testimony before a House Committee recently noted that if we could build 50 more miles of additional runways we could solve our airport capacity problem. Fifty miles. Each of us wants them built more quickly, but changes in the laws may not expedite the current construction. Yet, we can ensure, as this bill does, that the FAA and other Federal, State and local agencies do a better job of coordinating the various environmental and planning reviews necessary before a runway is built. It is a starting point for the discussion, but by no means an end point. We want to expedite construction, without intruding upon the necessary environmental reviews.

AAAE has put out a proposal to expedite runway construction, and we will carefully evaluate it too. I have been developing my own legislation which will build upon the bill we introduced today and want to work with Senator HUTCHISON and other members on that bill. I have learned that this is a complicated problem, with no easy, or quick, solutions. As the legislation we introduce today is considered by the Committee, changes will be made to reflect many concerns and issues. Senator HUTCHISON and I want to work with the entire aviation community in addressing and solving this issue.

By Ms. COLLINS:

S. 634. A bill to amend section 2007 of the Social Security Act to provide grant funding for additional Enterprise Communities, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, in 1993, Congress created the Community Empowerment Program to provide communities with real opportunities for growth and revitalization. The program challenged local jurisdictions to develop strategic plans for the future and rewarded the communities that have developed the best plans with a ten-year designation as an Empowerment Zone or Enterprise Community. Once a designation is awarded, communities receive Federal support to assist local efforts to promote economic opportunity and implement strategies designed to help communities obtain their development goals. When it authorized the program, Congress also provided, in one appropriation, the funding necessary to support the communities for the full life of the ten-year designations.

In response to the initial success of the Community Empowerment Program, Congress authorized a second round of the Enterprise Community designations in 1998, creating an additional 20 Enterprise Communities. These designations were awarded to deserving communities shortly thereafter by the Department of Agriculture.

When Congress authorized a second round of Enterprise Communities, it only appropriated funding for the program in Fiscal Year 1999. Consequently, communities have had to rely on funding added in conference to the VA–HUD appropriations bill in each of the subsequent fiscal years.

This last minute approach to funding these communities is not at all conducive to the strategic planning that the Community Empowerment Program is supposed to encourage. We cannot expect local leaders to effectively implement their plans if the Federal support they have been promised is still in question. I believe it is time for Congress to demonstrate its support for the Round II Enterprise Communities by setting aside, as it did in Round I, the funding necessary to sustain this important program.

Today, I am introducing legislation that would ensure that Congress keeps its commitment to the Round II Enterprise Communities by authorizing a one time appropriation to the States through the Social Service Block Grant program to support the remaining years of the designations. My bill, the Enterprise Communities Enhancement Act of 2001, also authorizes the States to make annual grants for each of the seven remaining years of the program of $500,000 for each of the 20 Round II Enterprise Communities. By guaranteeing funding, Congress would demonstrate its support for the work being done by these communities and provide local leaders with the assurance that Federal dollars will be available as they make their plans for the future.

The Enterprise Communities Enhancement Act will also allow for more local control over how the annual funding is used. My bill allows communities to use funds to capitalize local revolving loan accounts should community leaders deem such accounts as an important part of their economic development efforts.

I have long been a strong supporter of Empower Lewiston—the local effort that secured and is implementing the Enterprise Community designation for the city of Lewiston, Maine. Thousands of local people and dozens of organizations worked together for a year to develop a strategic plan for the city as a whole and those neighborhoods most affected by poverty. The plan includes proposals to enhance lifelong learning and employment opportunities, improve the community's housing, and revitalize the city's downtown.

Empower Lewiston has been able to leverage its funding by more than 50 to 1, generating more than $11 million in public and private investment in the community. Included among the projects that have been funded are investments in a local employment firm that created 60 new jobs and in the Seeds of Change program that enhances outreach among community residents. Looking ahead, Empower Lewiston will be developing a community resource center, working to develop safe and affordable housing, and expanding education programs that target the needs of local residents.

Empower Lewiston provides a wonderful example of what the new Enterprise Communities are able to accomplish. By passing the Enterprise Communities Enhancement Act, Congress can ensure that communities such as Lewiston will have the resources they need to complete their missions and create a brighter future.

By Mr. DODD:

S. 635. A bill to reinstate a standard for arsenic in drinking water; to the Committee on Environment and Public Works.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arsenic Standard Reinstatement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1996, Congress amended the Safe Drinking Water Act (42 U.S.C. 300f et seq.) to require the Administrator of the Environmental Protection Agency to revise the standard for arsenic in drinking water;

(2) after conducting scientific and economic analyses, the Administrator, on January 22, 2001, promulgated a final rule to reduce the public health risks from arsenic in drinking water by reducing the permissible level of arsenic from 50 parts per billion (.05 milligrams per liter) to 10 parts per billion (.01 milligrams per liter);

(3) the new standard would provide additional protection against cancer and other health problems for 13,000,000 people;

(4) the National Academy of Sciences has determined that drinking water containing 50 parts per billion of arsenic "could easily" result in a 1-in-100 risk of cancer;

(5) 50 parts per billion of arsenic causes a cancer risk that is 10,000 times the level of any cancer risk caused by any carcinogen that the Environmental Protection Agency permits to be present in food;

(6) 10 parts per billion of arsenic in drinking water is the standard used by the European Union, Japan, and the World Health Organization;

(7) public water systems may apply for financial assistance through the drinking water State revolving loan fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12);

(8) since 1996, the revolving loan fund program has made $3,600,000,000 available to assist public water systems with projects to improve infrastructure; and

(9) on March 20, 2001, Administrator of the Environmental Protection Agency proposed to withdrew the pending arsenic standard that was promulgated on January 22, 2001, and due to take effect on March 23, 2001.

SEC. 3. REINSTATEMENT OF FINAL RULE.

(a) IN GENERAL.—On and after the date of enactment of this Act, the final rule promulgated by the Administrator of the Environmental Protection Agency entitled "Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring" (66 Fed. Reg. 6976 (January 22, 2001)), and the amendments to parts 9, 141, and 142 of title 40, Code of Federal Regulations, made by that rule, shall have full force and effect.

(b) MAXIMUM CONTAMINANT LEVEL.—The maximum contaminant level for arsenic in drinking water of .01 milligrams per liter established by the final rule described in subsection (a) shall not be subject to revision except by Act of Congress.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 29—CONGRATULATING THE CITY OF DETROIT AND ITS RESIDENTS ON THE OCCASION OF THE TERCENTENNIAL OF ITS FOUNDING

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 29

Whereas Detroit is the 10th most populous city in the United States and the most populous city in Michigan;

Whereas Detroit is the oldest major city in the Midwest, and 2001 is the 300th anniversary of Detroit's founding;

Whereas Detroit began as a French community on the Detroit River when Antoine de la Mothe Cadillac founded a strategic garrison and fur trading post on the site in 1701;

Whereas Detroit was named Fort Pontchartrain de' Etroit (meaning "strait") at the time of its founding and became known as Detroit because of its position along the Detroit River;

Whereas the Detroit region served as a strategic staging area during the French and Indian War, became a British possession in 1760, and was transferred to the British by the peace treaty of 1763;

Whereas the Ottawa Native American Chieftain Pontiac attempted a historic but unsuccessful campaign to wrest control of the garrison at Detroit from British hands in 1763;

Whereas in the nineteenth century, Detroit was a vocal center of antislavery advocacy and, for more than 40,000 individuals seeking freedom in Canada, an important stop on the Underground Railroad;

Whereas Detroit entrepreneurs, including Henry Ford, perfected the process of mass production and made automobiles affordable for people from all walks of life;

Whereas Detroit is the automotive capital of the Nation and an international leader in automobile manufacturing and trade;

Whereas the contributions of Detroit residents to civilian and military production have astounded the Nation, contributed to United States victory in World War II, and resulted in Detroit being called the Arsenal of Democracy;

Whereas residents of Detroit played a central role in the development of the organized labor movement and contributed to protections for workers' rights;

Whereas Detroit is home to the United Auto Workers Union and many other building and service trades and industrial unions;

Whereas Detroit has a rich sports tradition and has produced many sports legends, including: Ty Cobb, Al Kaline, Willie Horton, Hank Greenberg, Mickey Cochrane, and Sparky Anderson of the Detroit Tigers; Dick "Night Train" Lane, Joe Schmidt, Billy Sims, Dutch Clark, and Barry Sanders of the Detroit Lions; Dave Bing, Bob Lanier, Isaiah Thomas, and Joe Dumars of the Detroit Pistons; Gordie Howe, Terry Sawchuk, Ted Lindsay, and Steve Yzerman of the Detroit Red Wings; boxing greats Joe Louis, Sugar Ray Robinson, and Thomas Hearns; and Olympic speed skaters Jeanne Omelenchuk and Sheila Young-Ochowicz;

Whereas the cultural attractions in Detroit include the Detroit Institute of Arts, the Charles H. Wright Museum of African-American History (the largest museum devoted exclusively to African-American art and culture), the Detroit Historical Museum, the Detroit Symphony, the Michigan Opera Theater, the Detroit Science Center, and the Dossin Great Lakes Museum;

Whereas several centers of educational excellence are located in Detroit, including Wayne State University, the University of Detroit Mercy, Marygrove College, Sacred Heart Seminary College, the Center for Creative Studies—College of Art and Design, and the Lewis College of Business (the only institution in Michigan designated as a "Historically Black College");

Whereas residents of Detroit played an integral role in developing the distinctly American sounds of jazz, rhythm and blues, rock 'n roll, and techno; and

Whereas Detroit has been the home of Berry Gordy, Jr., who created the musical genre that has been called the Motown Sound, and many great musical artists, including Aretha Franklin, Anita Baker, and the Winans family: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION. 1. CONGRATULATING DETROIT AND ITS RESIDENTS.

The Congress, on the occasion of the tricentennial of the founding of the city of Detroit, salutes Detroit and its residents, and congratulates them for their important contributions to the economic, social, and cultural development of the United States.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit copies of this resolution to the Mayor of Detroit and the City Council of Detroit.

AMENDMENTS SUBMITTED AND PROPOSED

SA 148. Mr. KERRY (for himself, Mr. BIDEN, Mr. WELLSTONE, Ms. CANTWELL, and Mr. DODD) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 149. Mr. THOMPSON (for himself, Mr. TORRICELLI, and Mr. NICKLES) proposed an amendment to the bill S. 27, supra.

SA 150. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 148. Mr. KERRY (for himself, Mr. BIDEN, Mr. WELLSTONE, Ms. CANTWELL, and Mr. DODD) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. VOLUNTARY SPENDING LIMITS AND PUBLIC FINANCING FOR SENATE CANDIDATES.

(a) IN GENERAL.—The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

“TITLE V—VOLUNTARY SPENDING LIMITS AND PUBLIC FINANCING OF SENATE ELECTION CAMPAIGNS

“SEC. 501. DEFINITIONS.

“(a) ELIGIBLE SENATE CANDIDATE.—The term ‘eligible Senate candidate’ means a candidate for the Senate who is certified under section 502 as eligible to receive benefits under this title.

“(b) GENERAL ELECTION PERIOD.—The term ‘general election period’ means, with respect to a candidate, the period beginning on the day after the date of the primary or primary runoff election for the specific office that the candidate is seeking, whichever is later, and ending on the earlier of—

“(1) the date of the general election; or

“(2) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

“SEC. 502. ELIGIBILITY FOR PUBLIC FINANCING.

“(a) IN GENERAL.—A Senate candidate qualifies as an eligible Senate candidate during the general election period if the candidate files with the Commission a declaration, signed by the candidate, that the candidate—

“(1) will comply with the election expenditure limit under section 503; and

“(2) has met the qualifying contribution requirement under subsection (d).

“(b) TIME TO FILE DECLARATION.—A declaration under paragraph (1) shall be filed by a candidate not later than the date that is 30 days before the date of the general election.

“(c) CERTIFICATION OF ELIGIBLE SENATE CANDIDATE.—

“(1) IN GENERAL.—Not later than 5 days after a candidate files a declaration under subsection (b), the Commission shall certify whether or not the candidate is an eligible Senate candidate.

“(2) REVOCATION OF CERTIFICATION.—The Commission may revoke a certification under paragraph (1) if a candidate fails to comply with this title.

“(3) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (2), the candidate shall repay to the Senate Election Fund an amount equal to the value of benefits received under this title.

“(d) QUALIFYING CONTRIBUTION REQUIREMENT.—

“(1) IN GENERAL.—The qualifying contribution requirement under this subsection is met if the Senate candidate accepts an aggregate number of qualifying contributions equal to or greater than 0.25 percent of the voting age population of the State in which the candidate is running for office.

“(2) QUALIFYING CONTRIBUTIONS.—For purposes of paragraph (1), the term ‘qualifying contributions’ means a contribution in connection with the general election for which the candidate is seeking funding—

“(A) from an individual who is a resident of the State for which the candidate is seeking office; and

“(B) in an aggregate amount of—

“(i) not less than $20; and

“(ii) not more than $200.

“SEC. 503. GENERAL ELECTION EXPENDITURE LIMIT.

“(a) IN GENERAL.—The aggregate amount of expenditures that may be made by an eligible Senate candidate and the candidate’s authorized committee in connection with the general election of the candidate shall not exceed an amount equal to the sum of—

“(1) $1,000,000, plus

“(2) 50 cents multiplied by the voting age population for the State in which the candidate is running for office.

“(b) NOTICE OF FAILURE TO COMPLY.—A candidate who files a declaration under section 502 and subsequently acts in a manner that is inconsistent with such declaration shall, not later than 24 hours after the first such act—

“(1) file with the Commission a notice describing such act; and

“(2) notify all other candidates for the same office by certified mail.

“(c) INCREASE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the limitation under subsection (a) with respect to any candidate shall be increased by an amount equal to the excess of—

“(A)(i) the expenditures made with respect to the general election of any opponent of the candidate in the same election who is not certified under this section; and

“(ii) the aggregate amount of independent expenditures and disbursements for an electioneering communication (as defined in section 304(d)(3)) made or obligated to be made in support of another candidate in the election or in opposition to the eligible Senate candidate, over

“(B) the expenditure limit with respect to the candidate.

“(2) LIMITATION.—Any increase in the expenditure limit under paragraph (1) shall not exceed an aggregate amount equal to 200 percent of the expenditure limit with respect to the candidate (determined without respect to this subsection).

“(d) INDEX.—

“(1) IN GENERAL.—In the case of any calendar year after 2003—

“(A) each amount under subsection (a) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that the base period shall be calendar year 2003; and

“(B) each amount so increased shall be the amount in effect for the calendar year.

“(2) ROUNDING.—Each amount as increased under paragraph (1), if not a multiple of $100, shall be rounded to the nearest multiple of $100.

“SEC. 504. BENEFITS FOR ELIGIBLE CANDIDATES.

“An eligible Senate candidate shall be entitled to—

“(1) payments available under section 505 for the general election period to make or obligate to make expenditures during the election period; and

“(2) an aggregate amount of increase in payments in response to certain independent expenditures, disbursements for electioneering communications (as defined in section 304(d)(3)), and expenditures of an opponent of the candidate under section 505.

“SEC. 505. PUBLIC FINANCING FOR ELIGIBLE SENATE CANDIDATES.

“(a) AMOUNT OF PAYMENT.—

“(1) IN GENERAL.—An eligible Senate candidate shall be entitled to a payment with respect to a general election in an amount equal to 200 percent of the aggregate amount of contributions received from individuals during the general election period.

“(2) LIMITATION.—The amount taken into account under paragraph (1) with respect to an individual contribution shall not exceed $200.

“(b) MATCHING FUNDS IN RESPONSE TO INDEPENDENT EXPENDITURES; ELECTIONEERING COMMUNICATIONS; AND EXPENDITURES OF OPPONENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if the Commission determines, with respect to a general election period, that—

“(A) an opponent of an eligible Senate candidate has made expenditures; or

“(B) an aggregate amount of independent expenditures and disbursements for electioneering communications (as so defined) has been made or obligated to be made in support of another candidate or against the eligible Senate candidate,

in an aggregate amount in excess of the expenditure limit with respect to the eligible Senate candidate, the Commission shall make available to the eligible Senate candidate, not later than 24 hours after making such determination, an aggregate increase in funds in an amount equal to the aggregate amount of such excess expenditures and disbursements.

“(2) LIMIT ON AMOUNT OF MATCHING FUNDS.—The aggregate amount of any increase under paragraph (1) shall not exceed an amount equal to 200 percent of the expenditure limit with respect to the candidate (determined without regard to this subsection or section 503(c)).

“(3) ELIGIBLE SENATE CANDIDATES OPPOSED BY MORE THAN 1 OPPONENT.—For purposes of paragraph (1), if an eligible Senate candidate is opposed by more than 1 opponent in the same election, the Commission shall take into account only the amount of expenditures described in paragraph (1)(A) of the opponent that expends, in the aggregate, the greatest amount.

“(c) USE OF PAYMENTS.—Payments received by an eligible Senate candidate under subsection (a) shall be used to make expenditures with respect to the general election period of the candidate.

“SEC. 506. ADMINISTRATION OF PUBLIC FINANCING.

“(a) SENATE ELECTION FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ‘Senate Election Fund’.

“(2) DEPOSITS.—The Commission shall deposit amounts appropriated for public financing under this title in the Senate Election Fund.

“(3) FUNDS.—The Commission shall withdraw the payments for an eligible Senate candidate from the Senate Election Fund.

“(b) PAYMENTS TO CANDIDATES.—

“(1) IN GENERAL.—Not later than 5 days after the Commission certifies a Senate candidate as an eligible candidate under section 502(c), the Commission shall pay the eligible Senate candidate the amount of public financing under section 505(a) and any amount of matching funds determined under section 505(b).

“(2) CERTIFICATION.—For purposes of determining the amount under paragraph (1) with respect to a Senate candidate, the candidate shall certify to the Commission the amount of contributions described in section 505(a) and expenditures described in section 505(b).

“(c) INSUFFICIENT FUNDS.—

“(1) WITHHOLDING.—If, at the time a payment is due under subsection (b), the Secretary of the Treasury determines that the monies in the Senate Election Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible Senate candidates, the Secretary shall withhold from the amount of the payment any amount that the Secretary determines to be necessary to ensure that each eligible Senate candidate will receive the same pro rata share of the candidate’s full entitlement.

“(2) SUBSEQUENT PAYMENT.—Amounts withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Senate Election Fund to pay all or a portion of the funds withheld from all eligible Senate candidates, but, if only a portion is to be paid, the portion shall be paid in such a manner that each eligible

Senate candidate receives an equal pro rata share.

"SEC. 507. REGULATIONS.

"The Commission shall promulgate such regulations as necessary to carry out the provisions of this title, including reporting requirements to enable the Commission and eligible Senate candidates to determine in a timely manner the allowable increase in expenditure limits under section 503(c) and the matching funds under section 505(b) in response to certain disbursements.

"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Senate Election Fund such sums as are necessary to carry out this title.".

(b) Increase in Political Party Committee Coordinated Expenditures.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "(2) and (3)" and inserting "(2), (3), and (4)"; and

(2) by adding at the end the following:

"(4) In the case of an eligible Senate candidate (as defined under section 501(a)), the expenditure limit under paragraph (3) shall be the greater of—

"(A) the limit determined under paragraph (3) (without regard to this paragraph); or

"(B) an amount equal to the excess of—

"(i) the expenditure limit under section 503(a) with respect to the candidate (after any increase under section 503(c)), over

"(ii) the amount of contributions accepted by the candidate with respect to the general election period and any amounts received under section 505.".

(c) Effective Date.—Notwithstanding section 402 and except as otherwise provided in this section, amendments made by this section shall apply with respect to elections occurring after December 31, 2002.

SA 149. Mr. THOMPSON (for himself, Mr. Torricelli, and Mr. Nickles) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following

SEC. ___. MODIFICATION OF CONTRIBUTION LIMITS.

(a) Increase in Individual Limits.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting "$2,500";

(2) in subparagraph (B), by striking "$20,000" and inserting "$40,000"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7,500".

(b) Increase in Aggregate Individual Limit.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking "$30,000" and inserting "$50,000".

(c) Increase in Multicandidate Limits.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking "$5,000" and inserting "$7,500";

(2) in subparagraph (B), by striking "$15,000" and inserting "$17,500"; and

(3) in subparagraph (C), by striking "$5,000" and inserting "$7,500".

(d) Increase in Senatorial Campaign Committee Limit.—Section 315(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by striking "$17,500" and inserting "$35,000".

(e) Indexing of Increased Limits.—

(1) In general.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(A) in paragraph (1)—

(i) by striking the second and third sentences;

(ii) by inserting "(A)" before "At the beginning"; and

(iii) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsection (a), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A); and

"(ii) each amount so increased shall remain in effect for the calendar year.

If any amount after adjustment under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next nearest multiple of $500 (or if such amount is a multiple of $250 (and not a multiple of $500), such amount shall be rounded to the next highest multiple of $500).

"(C) In the case of limitations under subsection (a), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(B) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a) and (h), calendar year 2001".

(2) Effective date.—The amendments made by subsection (e) shall apply to calendar years after 2002.

SA 150. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) Increase in Civil Money Penalty for Knowing and Willful Violations.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) Increase in Criminal Penalty.—

(1) In general.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $1,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.".

(2) Conforming amendment.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting "(other than section 320)" after "this Act".

(c) Mandatory Referral to Attorney General.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting "(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)" after "United States".

(d) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

SEC. 306. EXTENSION OF BAN ON FOREIGN CONTRIBUTIONS TO ALL CAMPAIGN-RELATED DISBURSEMENTS.

(a) Prohibition on Disbursements by Foreign Nationals.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading, by striking "contributions" and inserting "disbursements";

(2) in subsection (a), by striking "contribution" each place it appears and inserting "disbursement"; and

(3) in subsection (a), by striking the semicolon and inserting the following: ", including any disbursement to a political committee of a political party and any disbursement for an independent expenditure;".

(b) Effective Date.—The amendments made by this section shall apply with respect to disbursements made on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, March 27, 2001. The purpose of this meeting will be to review the Research, Extension and Education title of the Farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 27, 2001 at 9:30 a.m., in open and closed session to receive testimony from the Unified and Regional Commanders on their military strategy and operational requirements, in review of the Defense Authorization Request for fiscal year 2002 and the Future Years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 27, 2001 to hear testimony on Society's Great Challenge, The Affordability of Long-Term Care.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Early Education and Child Care: How does the U.S. Measure Up? during the session of the Senate on Tuesday, March 27, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 27, 2001 at

10:30 am to hold a Business Meeting, and immediately after that to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 27, 2001, at 2:30 p.m., in closed session for a briefing on information warfare and other threats to critical United States information systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WATER, AND WILDLIFE

Mr. MCCONNELL. Mr. President: I ask unanimous consent that the Subcommittee on Fisheries, Water and Wildlife be authorized to meet on Tuesday, March 27 at 9:30 a.m. to receive testimony on water and wastewater infrastructure needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, March 27, 2001, in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent that Luke Ballman from my staff be allowed on the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 28, 2001

Mr. THOMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Wednesday, March 28. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the Thompson amendment to S. 27, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMPSON. For the information of all Senators, the Senate will resume consideration of the Thompson amendment regarding hard money tomorrow morning. There will be up to 30 minutes of debate prior to a vote at 9:45 a.m. Following the vote, further amendments will be offered. Votes will occur throughout the day and into the evening, with the intention of completing action on the bill by Thursday evening.

Those Members who have amendments remaining should work with the bill managers as soon as possible on a time to offer their amendments.

ADJOURNMENT UNTIL WEDNESDAY, MARCH 28, 2001, AT 9:15 A.M.

Mr. THOMPSON. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:13 p.m., adjourned until Wednesday, March 28, 2001, at 9:15 a.m.

NOMINATION

Executive nomination received by the Senate March 27, 2001:

DEPARTMENT OF STATE

ARGEO PAUL CELLUCCI, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

HOUSE OF REPRESENTATIVES—*Tuesday, March 27, 2001*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 295. An act to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

S. 395. An act to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

The message also announced that pursuant to Public Law 106-554, the Chair, on behalf of the President pro tempore, appoints the Senator from Michigan (Mr. LEVIN) to the Board of Trustees for the Center for Russian Leadership Development.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LEAGUE OF AMERICAN BICYCLISTS CONVENES FIRST BIKE SUMMIT IN WASHINGTON, D.C.

Mr. BLUMENAUER. Mr. Speaker, I came to Congress to make the Federal Government a better partner in the creating of more livable communities, communities that are safe, healthy, and economically secure. Today, transportation and energy are issues in every community across America. These problems are the results of countless individual decisions.

Mr. Speaker, this week a group of activists dedicated to making America a better place are gathering here in Washington, D.C. The League of American Bicyclists is convening the first annual Bike Summit. I would like to congratulate them on their efforts. As the spokesman for the Bipartisan Congressional Bicycle Caucus, I am excited that this bicycle community is coming to Washington, D.C. to make their voice heard.

Cyclists have a long and effective history of advocacy in this country. At the turn of the century, bicycling was fun, fast, convenient; and it was modern. The problem was there was no good place to ride these new-fangled contraptions. As a result, there was increasing demand for new, safe bike routes. In response, the Good Roads Movement was launched here in Washington, D.C. after a successful effort to lobby Congress for a $10,000 grant to study the possibility of a paved-road system. Well, the rest is history.

Bicycling remains a favorite alternative mode of transportation. While only 1 percent of Americans use bicycles as their primary mode of transportation, studies show that in communities that have good bike facilities, bike lanes and parking, that up to 50 percent of the public living within the 5- to 10-mile range will use it for commuting.

Good bicycling communities rival European communities in terms of cycling participation. Even in my hometown, rainy Portland, Oregon, we are more than double the national average. The league conference is an opportunity for us who hear once again from the bike advocates from around the country on the importance of using cycling as a means of transportation. It does not contribute to pollution or create traffic congestion. A 4-mile bicycle round trip prevents 15 pounds of air pollution, and we have in fact made huge strides with bicycle facilities. We have committed in the last 10 years almost $2 billion for bike and pedestrian projects, far more than the $41 million that had been done the 17 previous years.

Mr. Speaker, we need to encourage people to expand these small, meaningful choices in transportation. Worried about OPEC, parking problems, a lack of exercise, simply level the playing field, give the cyclists today an opportunity. There are millions of them around the country who are waiting not only to be heard but to be given a chance to cycle safely in their communities.

Mr. Speaker, I urge Members of this Congress to take advantage of this opportunity to meet with advocates and industry representatives from their districts this week, not just in your office. Thursday night the Bike League is hosting a reception from 5 to 7 in Room 268 of the Rayburn; and on Friday the Bicycle Caucus, the Washington Area Bicycle Association, and the League of American Bicyclists will be hosting the first Bike Caucus Ride of the 107th Congress for Members and their staff. It is a fun 7-mile ride. It is a perfect way to get to know your constituents and have a better feel for the community in which we work here in Washington, D.C.

Mr. Speaker, what about Members who do not have their bicycle here yet? No excuse. Contact us and we will make sure that that there is a bicycle available for Members and their staff. It would be a great idea also for Members of Congress to make sure that they have renewed their membership in the bicycle caucus before somebody asks them to do so. Last year we had almost 80 Members.

Get ready to ride and have fun, but also help your own community with the serious side because cycling is important for recreation and exercising. It is a way for more children to be able to get to school on their own. It is an excellent transportation choice for communities for adults; and it is an excellent way, if we do our part, to make our communities more livable, more safe and economically secure.

TAX RELIEF THIS YEAR

The SPEAKER pro tempore (Mr. WELDON of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today to call the House's attention to the current debate about retroactive tax cuts for all American families. Some of my colleagues may have missed some important developments over the past few days that reflect what I believe, Mr. Speaker, is a major shift in the conventional wisdom about President Bush's tax cut proposal. Forgive me for being indelicate, Mr. Speaker, but everyone today seems to be singing the President's tune.

Mr. Speaker, first our Democratic colleagues said that the President's tax cut proposal was a risky scheme. My colleagues may remember last year that most of them voted against a tax cut that was just 70 percent of the total that they are now supporting as an alternative to the President's plan. They may not want us to remember their old

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

position, Mr. Speaker, but the facts are plain. Their message on tax relief has definitely changed.

This weekend the President of the United States and even Senator KENT CONRAD both said, "We ought to act now on tax relief." The momentum in the political debate continues to move in the right direction, Mr. Speaker, namely toward larger, retroactive tax cuts this year. Even the toughest critics of tax relief said if you are going to use tax reductions as a method for economic stimulus, you must act quickly to have any effect whatsoever. Tax cuts will be meaningless to this year's economy, Mr. Speaker, unless they take effect this year. Our faltering economy is not just about a jittery stock market. There is no need to beam up any one around here today. Everyone seems to agree with the gentleman from Arizona (Mr. FLAKE) and I, tax relief is the new religion, Mr. Speaker; and everyone has caught it in Washington, D.C.

Finally, Treasury Secretary Paul O'Neill and Alan Greenspan of the Federal Reserve have both said that America's economy is experiencing a crisis in consumer confidence. No other single thing that Congress could do this year will do more to improve consumer confidence than by providing tax relief for every taxpayer that begins January 1 of this year.

Mr. Speaker, the idea of retroactive tax relief is an idea whose time has come. This Congress should act and act now.

MARCH 25 MARKS 90TH ANNIVERSARY OF TRAGIC TRIANGLE FIRE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PASCRELL) is recognized during morning hour debates for 5 minutes.

Mr. PASCRELL. Mr. Speaker, this past Sunday, March 25, came and went. March 25 is the 90th anniversary of the tragic Triangle fire, an event that changed the course of American history. On that day in 1911, a fire broke out at the Triangle Shirtwaist Company factory located on the top floors of the Asch Building on the corner of Greene Street and Washington Place in New York City.

The 575 workers who worked at the sewing machines had cans which collected the excess oil from the sewing machines. These cans were placed on top of boxes of lint. You can just imagine the picture now. A spark, an ignition, and the whole place went up, and 146 people out of the 475 that were working that day died. These people could not get out of the factory because the doors had been bolted. The doors had been locked by those who put profit ahead of worker safety. Times have changed, have they not?

Mr. Speaker, we argued on this floor in the last 2 years and 3 years about trade relations with other countries. I opposed those trade agreements that were not reciprocal but were one way, and we talked about the working conditions in other countries as not being up to what they should be; and yet here on our own mean streets of the United States of America, the greatest republic in the world, these factories still exist. Sweat labor still exists, and who speaks for those people, locked away for 12 and 16 hours? Who is here to talk about working conditions and what situations people have to go through to bring bread home to their families? Many times they are the new waves of immigrants, nowhere else to work, but in conditions that you and I would never accept.

Mr. Speaker, this fire is cited in the United States Almanac because it is the worst industrial fire in the history of the Nation. Business at the time was only concerned with the bottom line. Fire inspections and precautions were woefully inadequate. The Triangle factory had never conducted a fire drill. That building was supposed to be fireproof. There was no oversight and there certainly was no OSHA.

Mr. Speaker, we have all heard the debates of the past few weeks about protecting the workers. The employees were not in labor unions either, or just a few of them. There was no one there to protect them or speak for them. They were exploited and abused; and while we talk about working conditions in Honduras, in China, and well we should, right here in major suburbs and cities of this country, we know that the Department of Labor knows best about what goes on behind those locked doors right in the heart of New York City.

Mr. Speaker, in the wake of this tragedy people throughout the Nation demanded restitution, justice, and action that would safeguard the vulnerable and the oppressed. There were massive protests by people angry at the lack of concern and the greed that made the Triangle fire possible. As a direct result of that horrible tragedy, there was a substantial effort to alleviate the most dangerous aspects of sweatshop manufacturing in New York and throughout the Nation.

Mr. Speaker, on February 17, 2001, not too long ago, the last survivor of that factory blaze, Rose Freedman, passed away at 107 years of age. It is important that we not let the memory of the Triangle fire be extinguished from our memories. It is important that the workers of America, be they on farms, be they in factories, or be they in electronic cubicles, stand up and speak out when they see things that are unsafe. The courts will protect them; and if the courts do not, we will.

Mr. Speaker, this past Sunday, March 25th, came and went. March 25 was the 90th anniversary of the tragic Triangle Fire, an event that changed the course of American history. On that day in 1911, a fire broke out at the Triangle Shirtwaist Company factory, located on the top floors of the Asch Building on the corner of Greene Street and Washington Place in New York City.

The fire swept through the top 3 stories of the building in only ½ hour. When the fire ended, 146 of the 575 Triangle factory employees had died. Not all died in the fire. Many jumped to their deaths from the 8th, 9th, and 10th floors rather than face the flames.

It is cited in the U.S. Almanac because it is the worst industrial fire in the history of American industry.

Most of the Triangle factory workers were women. Most of the workers were recent European, Jewish or Italian immigrants, some as young as 11 years old. These women had come to the United States with their families to seek a better life.

But the harsh realities of working in a sweatshop was their reality.

Business at the time was only concerned with the bottom line. Fire inspections and precautions were woefully inadequate.

The Triangle factory had never conducted a fire drill and had locked doors, poor sanitation, and crowding. There was no oversight. There certainly was no OSHA. Most of the employees were not in labor unions. There was no one there to protect them from being exploited and abused.

However, in the wake of this tragedy, people throughout the nation demanded restitution, justice, and action that would safeguard the vulnerable and oppressed. It is unfortunate that it took events such as the Triangle Fire to demand change. There were massive protests by people angry at the lack of concern and the greed that had made the Triangle fire possible.

As a direct result of this horrible fire, there was a substantial effort to alleviate the most dangerous aspects of sweatshop manufacturing in New York and throughout the nation.

On February 17, 2001, the last survivor of the factory blaze, Rose Freedman, passed away at the age of 107.

It is important that we not let the memory of the Triangle Fire be extinguished from our memories.

It is for this reason that I have introduced House Concurrent Resolution 81 with my friend from New York, Mr. KING. This resolution recognizes the occasion of the 90th anniversary of the Triangle Fire.

In my mind, this resolution is very simple and very straightforward. I taught my students about the fire in just this manner when I taught history class. But apparently, for reasons that escape me, it is just too controversial for today. And that is a shame.

In 1911, the Triangle Fire brought attention to the many serious problems facing factory employees and paved the way for worker protection laws.

In the year 2001, we cannot even recognize the memory of the fire and its victims on the House floor. But even worse than not considering a simple, non-binding resolution, is that we are letting history repeat itself.

The truth is that young workers around the world are dying needlessly in burning factories for the same reasons that the women died in the Triangle Fire.

Meeting the bottom line is apparently worth the cost of inhuman conditions. We are repeating the same mistakes that the U.S. remedied decades ago. And although we have standards to protect American workers, our trade agreements lack teeth and do not even mention labor rights. By ignoring international workers rights abuses, we are not only allowing, but assisting in the mistreatment of millions of workers in sweatshops around the globe.

It is our own fault that nothing has changed.

This global economy that we support, apparently without question or reservation, is allowing countries to fight for commerce by allowing the lowest standards. And if this standard allows for a factory to lock its doors, while children work for twelve-hour days to make children's toys at the lowest cost possible, so be it.

And if there is a 1993 fire at a factory in Bangkok which kills 188 workers, eerily similar to the Triangle Fire, then the company can just move its business to another location and re-set up shop—no questions asked. No sanctions imposed.

As William Greider points out in his introduction to the book, The Triangle Fire, "the passivity of government and the public simply leads further down a low road. More injustices appear, and they, too, must be tolerated in the name of commerce."

"In the name of commerce."

It is "in the name of commerce" that international laws will not produce reasonable standards for business performance.

It is in the name of competitive advantage, that instead of improving working conditions, countries are trying to out do each other with the lowest standards to attract our commerce.

Changing the attitude of all Americans is not easy, but it is the right thing to do. Everyone should be outraged by sweatshops. But they should be just as outraged that we in the United States are enabling the sweatshops to continue.

I urge my colleagues to cosponsor House Concurrent Resolution 81, and remember the Triangle Fire. Remember what it did for our country. Honor the victims of the fire.

And recognize the ability of progressive thinking organizations, with the help of businesses groups and government support, to change the lives of people for the better.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, how different history would be if long ago people had taken Your holy word seriously: "Make justice your aim." Each day would be filled with promise and hope if all of us upon rising would make justice our aim. Without blaming anyone or without seeking applause, each day would lead to changing the world, if justice alone were our aim.

Justice itself would give balance to our daily routine, breathe contentment into our souls and set us free. Justice toward others would create a mutuality with every other person that would be fair, take us beyond expectation and codependency until we found trust and security.

Lord, if we as a people and as a Nation were to make justice our aim, how would this change our priorities? Could we change that much? In every age You alone, Lord God, take people beyond their wishful thinking and beyond themselves. You alone bring about lasting and true justice.

So, Lord God, in us and through us make justice Your aim now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. RODRIGUEZ) come forward and lead the House in the Pledge of Allegiance.

Mr. RODRIGUEZ led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

MARRIAGE TAX PENALTY REPEAL

Mr. PITTS. Mr. Speaker, later this week, we will again vote to remove the marriage penalty from our Tax Code, and this time we have a President who will sign the bill.

Eighty-five percent of the American people want us to do this, and with good reason. Forty percent of all first marriages end in divorce, single-parent families have increased 248 percent since 1960, and the percentage of children born out of wedlock has gone from 10 to 33 percent during the same period. Mr. Speaker, we need to strengthen families in this country.

The Tax Code is not the only reason this has happened. For 30 years we had a welfare system that tore families apart. Fortunately, a Republican Congress reformed that system. We still spend $1,000 supporting single-parent families for every $1 we spend encouraging couples to marry and stay together.

Clearly, we have a lot of work to do to strengthen marriages in America. This week we will have a chance to change the Tax Code that penalizes couples for getting married in the first place. I urge all my colleagues to support this very important bill.

PASS FLAT SALES TAX AND ABOLISH IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1998, Congress reformed the IRS and included two of my provisions. The first transferred the burden of proof from the taxpayer to the IRS; the second required judicial consent before the IRS could seize our property, and the results are now staggering. Property seizures dropped from 10,037 to 161 in the entire country.

The IRS had a license to steal, and they were stealing 10,000 properties a year. And if that is not enough to tax our gallbladders, the IRS is now complaining the new law is too tough. Beam me up here. It is time to tell these crybaby IRS thieves that we are going to pass a 15 percent flat sales tax and abolish them altogether.

I yield back what should be the next endangered species in the United States of America: The Internal Rectal Service.

THE NEW ADMINISTRATION IS GOOD FOR EVERYONE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to thank the current administration for its willingness, its simple willingness, to consider the economic consequences of previous executive regulations.

The Clinton administration promulgated new and somewhat draconian mining regulations in spite of the unforeseen economic hardships, especially in Nevada, that they would create, and in spite of the recommendations of the National Academy of Sciences study which stated that new Federal mining regulations were not necessary. Yet the previous administration went ahead, thinking it knew better than anyone else.

Well, finally, Nevadans and, may I say, all Americans can have faith that their Federal Government will not rush headlong into issuing new rules without listening to the public and to the experts.

It is nice to see the American people will once again have a say in their democracy, the way our Founding Fathers had envisioned it; the proper function of our Federal Government.

APPOINT U.S. ATTORNEY WITH D.C. ROOTS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, Wilma Lewis, the first woman in the history of the Nation's capital to be U.S. attorney, is leaving the office she has served with great distinction. From prosecution of hard-core street crime to complex white-collar violations, U.S. Attorney Lewis has left an extraordinary record.

She and her predecessor, Eric Holder, who went on to become Deputy Attorney General, had more in common than their background as the first African Americans to be appointed. They were both longtime Washingtonians who were also very able lawyers.

Most of the jurisdiction of the U.S. attorney here is D.C. criminal and civil law that elsewhere lies with a local prosecutor. Mayor Williams, Council Chair Cropp, and I have written President Bush to ask that he appoint as U.S. attorney a distinguished lawyer with deep roots in the D.C. community, as Ms. Lewis and Mr. Holder had. That is the way to be sure that not only Federal law is carried out, but that crime keeps coming down, as U.S. Attorneys Lewis and Holder assured.

FAMILY CARE TAX CREDIT ACT WILL LESSEN TAX BURDEN

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, providing help to families is one of the biggest reasons that I ran for Congress. I look forward to voting this week and eliminating the unfair marriage tax penalty and doubling the per-child deduction, but I believe we should do more to help families with tax relief, and I go one step further.

Mr. Speaker, that is why I have introduced the Family Care Tax Credit Act, which would lessen the tax burden on families who care for children or loved ones. Currently we give tax credit to families who pay for day care and other services, but families who have a parent taking care of their children are left on their own. My plan gives a fair and balanced approach to child care tax credits by giving help to all middle-income families with children.

Mr. Speaker, I have spoken with parents in Kansas who tell me that they would like to stay home with their children, but they simply cannot overcome the economic barriers caused by the current Tax Code. My plan would simply remove one of those barriers. I am thankful that this week we will have the marriage penalty as a past memory, but believe that we can and should do more to help families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

VETERANS OPPORTUNITIES ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 801) to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes, as amended.

The Clerk read as follows:

H.R. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Opportunities Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Sec. 101. Increase in maximum allowable annual Senior ROTC educational assistance for eligibility for benefits under the Montgomery GI Bill.
Sec. 102. Expansion of work-study opportunities.
Sec. 103. Inclusion of certain private technology entities in the definition of educational institution.
Sec. 104. Expansion of special restorative training benefit to certain disabled spouses or surviving spouses.
Sec. 105. Distance education.
Sec. 106. Technical amendments to the Montgomery GI Bill.

TITLE II—TRANSITION AND OUTREACH PROVISIONS

Sec. 201. Authority to establish overseas veterans assistance offices to expand transition assistance.
Sec. 202. Timing of preseparation counseling.
Sec. 203. Improvement in education and training outreach services for separating servicemembers and veterans.
Sec. 204. Expansion of outreach efforts to eligible dependents.
Sec. 205. Improvement of veterans outreach programs.

TITLE III—MEMORIAL AFFAIRS, INSURANCE, AND OTHER PROVISIONS

Sec. 301. Increase in burial benefits.
Sec. 302. Family coverage under Servicemembers' Group Life Insurance.
Sec. 303. Retroactive applicability of increase in maximum SGLI benefit for members dying in performance of duty on or after October 1, 2000.
Sec. 304. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.
Sec. 305. Increase in assistance amount for specially adapted housing.
Sec. 306. Revision of rules with respect to net worth limitation for eligibility for pensions for veterans who are permanently and totally disabled from a non-service-connected disability.
Sec. 307. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

SEC. 101. INCREASE IN MAXIMUM ALLOWABLE ANNUAL SENIOR ROTC EDUCATIONAL ASSISTANCE FOR ELIGIBILITY FOR BENEFITS UNDER THE MONTGOMERY GI BILL.

(a) IN GENERAL.—Sections 3011(c)(3)(B) and 3012(d)(3)(B) are each amended by striking "$2,000" and inserting "$3,400".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of

the enactment of this Act and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months beginning after such date.

SEC. 102. EXPANSION OF WORK-STUDY OPPORTUNITIES.

(a) Assisting in Outreach Services.—The second sentence of section 3485(a)(1) is amended in clause (A) by inserting before the comma the following: "or outreach services to servicemembers and veterans furnished by employees of State approving agencies".

(b) Working in Major Academic Discipline.—Such sentence is further amended—

(1) by striking "or (E)" and inserting "(E)"; and

(2) by inserting before the period the following: ", or (F) in the case of an individual who has declared a major academic discipline, activities within the department of that academic discipline approved by the Secretary that complement and reinforce the program of education pursued by that individual".

(c) Working in State Veterans Home.—Such sentence is amended in clause (C) by inserting after the comma "including the provision of such care to veterans in a State home for which payment is made under section 1741 of this title,".

(d) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after the date of the enactment of this Act.

SEC. 103. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN THE DEFINITION OF EDUCATIONAL INSTITUTION.

(a) In General.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: "Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a technological occupation (as determined by the Secretary).".

(b) Effective Date.—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

SEC. 104. EXPANSION OF SPECIAL RESTORATIVE TRAINING BENEFIT TO CERTAIN DISABLED SPOUSES OR SURVIVING SPOUSES.

(a) In General.—Section 3540 is amended by striking "section 3501(a)(1)(A) of this title" and inserting "subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title".

(b) Conforming Amendments.—(1) Section 3541(a) is amended in the matter preceding paragraph (1) by striking "of the parent or guardian".

(2) Section 3542(a) is amended—

(A) by striking "the parent or guardian shall be entitled to receive on behalf of such person" and inserting "the eligible person shall be entitled to receive"; and

(B) by striking "upon election by the parent or guardian of the eligible person" and inserting "upon election by the eligible person".

(3) Section 3543(a) is amended by striking "the parent or guardian for the training provided to an eligible person" and inserting "for the training provided to the eligible person".

(4) Section 3543 is amended by adding at the end the following new subsection:

"(c) In a case in which the Secretary determines requires a parent or guardian to make a request under section 3541(a) of this title on behalf of an eligible person, the parent or guardian shall be entitled—

"(1) to receive on behalf of the eligible person the special training allowance provided for under section 3542(a) of this title;

"(2) to elect an increase in the basic monthly allowance provided for under such section; and

"(3) to agree with the Secretary on the fair and reasonable amounts which may be charged under subsection (a).".

SEC. 105. DISTANCE EDUCATION.

(a) In General.—Subsection (a)(4) of section 3680A is amended—

(1) by inserting "(A)" after "leading"; and

(2) by inserting before the period the following: ", or (B) to a certificate that reflects educational attainment offered by an institution of higher learning".

(b) Effective Date.—The amendments made by subsection (a) shall apply to enrollments in independent study courses beginning on or after the date of the enactment of this Act.

SEC. 106. TECHNICAL AMENDMENTS TO THE MONTGOMERY GI BILL.

(a) Clarification of Eligibility Requirement for MGIB Benefits.—

(1) In general.—Clause (i) of section 3011(a)(1)(A) is amended to read as follows:

"(i) who (I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces; or".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).

(b) Entitlement Charge for Off-Duty Training and Education.—

(1) In general.—Section 3014(b)(2) is amended—

(A) in subparagraph (A), by striking "(without regard to" and all that follows through "subsection"; and

(B) by adding at the end the following new subparagraph:

"(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), or (e)(1) of section 3015 of this title, as the case may be.".

(2) Conforming amendments.—(A) Section 3015 is amended—

(i) in subsections (a)(1) and (b)(1), by inserting "subsection (g)" after "from time to time under";

(ii) by striking the first subsection (g), as inserted by section 1602(b)(3)(C) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (enacted by Public Law 106–398; 114 Stat. 1654A–359); and

(iii) by redesignating subsection (h) as subsection (g).

(B) Section 3032(b) is amended by inserting before the period at the end the following: ", or (3) the amount of the charges of the educational institution elected by the individual under section 3014(b)(1) of this title".

(3) Effective date.—The amendments made by this subsection shall take effect as if enacted on November 1, 2000.

(c) Incremental MGIB Increases for Contributing Active Duty Members.—

(1) In general.—Section 3011(e), as added by section 105(a)(1) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828), is amended—

(A) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(B) in paragraph (3), by striking "$4" and inserting "$20"; and

(C) in paragraph (4)—

(i) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(ii) by striking "by the Secretary".

(2) Conforming amendments.—(A) Section 3012(f), as added by section 105(a)(2) of such Act, is amended—

(i) in paragraph (2), by inserting ", but not more frequently than monthly" before the period;

(ii) in paragraph (3), by striking "$4" and inserting "$20"; and

(iii) in paragraph (4)—

(I) by striking "Secretary. The" and inserting "Secretary of the military department concerned. That"; and

(II) by striking "by the Secretary".

(B) Section 3015(g), as added by section 105(b)(3) of such Act, is amended—

(i) in the matter preceding paragraph (1), by inserting "effective as of the first day of the enrollment period following receipt of such contribution by the Secretary concerned," after "by section 3011(e) or 3012(f) of this title,"; and

(ii) in paragraph (1)—

(I) by striking "$1" and inserting "$5";

(II) by striking "$4" and inserting "$20"; and

(III) by inserting "of this title" after "section 3011(e) or 3012(f)".

(3) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).

(d) Conforming Amendment for Death Benefit.—

(1) In general.—Paragraph (1) of section 3017(b) is amended to read as follows:

"(1) the sum of (A) the total amount reduced from the individual's basic pay under section 3011(b), 3012(c), or 3018(c) of this title, and (B) the total amount of any contributions made by the individual under section 3011(e) or 3012(f) of this title, less".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on May 1, 2001.

(e) Clarification of Time Period for Election of Beginning of Chapter 35 Eligibility for Dependents.—

(1) In general.—(A) Section 3512(a)(3)(B), as amended by section 112 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1831), is amended to read as follows:

"(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and".

(B) Section 3512(a)(3)(C), as so amended by such section, is amended by striking "between the dates described in" and inserting "the date determined pursuant to".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if enacted on November 1, 2000.

TITLE II—TRANSITION AND OUTREACH PROVISIONS

SEC. 201. AUTHORITY TO ESTABLISH OVERSEAS VETERANS ASSISTANCE OFFICES TO EXPAND TRANSITION ASSISTANCE.

Section 7723(a) is amended by inserting after the first sentence the following new sentence:

"The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense, determines to be necessary to carry out such purposes.".

SEC. 202. TIMING OF PRESEPARATION COUNSELING.

(a) IN GENERAL.—(1) The first sentence of section 1142(a)(1) of title 10, United States Code, is amended to read as follows: "Within the time periods specified in paragraph (3), the Secretary concerned shall (except as provided in paragraph (4)) provide for individual preseparation counseling of each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date.".

(2) Such section is further amended by adding at the end the following new paragraphs:

"(3)(A) In the case of an anticipated retirement, preseparation counseling shall commence as soon as possible during the 24-month period preceding the anticipated retirement date. In the case of a separation other than a retirement, preseparation counseling shall commence as soon as possible during the 12-month period preceding the anticipated date. Except as provided in subparagraph (B), in no event shall preseparation counseling commence later than 90 days before the date of discharge or release.

"(B) In the event that a retirement or other separation is unanticipated until there are 90 or fewer days before the anticipated retirement or separation date, preseparation counseling shall begin as soon as possible within the remaining period of service.

"(4)(A) Subject to subparagraph (B), the Secretary concerned shall not provide preseparation counseling to a member who is being discharged or released before the completion of that member's first 180 days of active duty.

"(B) Subparagraph (A) shall not apply in the case of a member who is being retired or separated for disability.".

(b) CONFORMING AMENDMENT.—The second sentence of section 1144(a)(1) of title 10, United States Code, is amended by striking "during the 180-day period" and all that follows and inserting "within the time periods provided under paragraph (3) of section 1142(a) of this title, except that the Secretary concerned shall not provide preseparation counseling to a member described in paragraph (4)(A) of such section.".

SEC. 203. IMPROVEMENT IN EDUCATION AND TRAINING OUTREACH SERVICES FOR SEPARATING SERVICEMEMBERS AND VETERANS.

(a) PROVIDING OUTREACH THROUGH STATE APPROVING AGENCIES.—Section 3672(d) is amended by inserting "and State approving agencies" before "shall actively promote the development of programs of training on the job".

(b) ADDITIONAL DUTY.—Such section is further amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) In conjunction with outreach services furnished by the Secretary for education and training benefits under chapter 77 of this title, each State approving agency shall conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.".

SEC. 204. EXPANSION OF OUTREACH EFFORTS TO ELIGIBLE DEPENDENTS.

(a) AVAILABILITY OF OUTREACH SERVICES FOR CHILDREN, SPOUSES, SURVIVING SPOUSES, AND DEPENDENT PARENTS.—Paragraph (2) of section 7721(b) is amended to read as follows:

"(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.".

(b) IMPROVED OUTREACH PROGRAM.—(1) Subchapter II of chapter 77 is amended by adding at the end the following new section:

"§ 7727. Outreach for eligible dependents

"(a) In carrying out this subchapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

"(b) The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this subchapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7726 the following new item:

"7727. Outreach for eligible dependents.".

SEC. 205. IMPROVEMENT OF VETERANS OUTREACH PROGRAMS.

Section 7722(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary.".

TITLE III—MEMORIAL AFFAIRS, INSURANCE, AND OTHER PROVISIONS

SEC. 301. INCREASE IN BURIAL BENEFITS.

(a) BURIAL AND FUNERAL EXPENSES.—(1) Section 2307 is amended by striking "$1,500" and inserting "$2,000 (as increased from time to time under section 5312 of this title)".

(2) Section 2302(a) is amended by striking "$300" and inserting "$500 (as increased from time to time under section 5312 of this title)".

(3) Section 2303(a)(1)(A) is amended by striking "$300" and inserting "$500 (as increased from time to time under section 5312 of this title)".

(b) PLOT ALLOWANCE.—Section 2303(b) is amended by striking "$150" each place it appears and inserting "$300 (as increased from time to time under section 5312 of this title)".

(c) INDEXING PAYMENT AMOUNTS.—Section 5312(a) is amended—

(1) by striking "and each rate of monthly allowance" and inserting "each rate of monthly allowance"; and

(2) by inserting "and each rate of allowance paid under sections 2302, 2303, and 2307 of this title," after "under section 1805 of this title,".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 302. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—(1) Section 1965 is amended by adding at the end the following new paragraph:

"(10) The term 'insurable dependent', with respect to a member, means the following:

"(A) The member's spouse.

"(B) The member's child, as defined in the first sentence of section 101(4)(A) of this title.".

(2) Section 101(4)(A) is amended in the matter preceding clause (i) by inserting "(other than with respect to a child who is an insurable dependent under section 1965(10)(B) of such chapter)" after "except for purposes of chapter 19 of this title".

(b) INSURANCE COVERAGE.—(1) Subsection (a) of section 1967 is amended to read as follows:

"(a)(1) Subject to an election under paragraph (2), any policy of insurance purchased by the Secretary under section 1966 of this title shall automatically insure the following persons against death:

"(A) In the case of any member of a uniformed service on active duty (other than active duty for training)—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(B) Any member of a uniformed service on active duty for training or inactive duty training scheduled in advance by competent authority.

"(C) In the case of any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title—

"(i) the member; and

"(ii) each insurable dependent of the member.

"(2)(A) A member may elect in writing not to be insured under this subchapter.

"(B) A member may elect in writing not to insure the member's spouse under this subchapter.

"(3)(A) Subject to subparagraphs (B) and (C), the amount for which a person is insured under this subchapter is as follows:

"(i) In the case of a member, $250,000.

"(ii) In the case of a member's spouse, $100,000.

"(iii) In the case of a member's child, $10,000.

"(B) A member may elect in writing to be insured or to insure the member's spouse in an amount less than the amount provided for under subparagraph (A). The member may not elect to insure the member's child in an amount less than $10,000. The amount of insurance so elected shall, in the case of a member or spouse, be evenly divisible by $10,000.

"(C) In no case may the amount of insurance coverage under this subsection of a member's spouse exceed the amount of insurance coverage of the member.

"(4)(A) An insurable dependent of a member is not insured under this chapter unless the member is insured under this subchapter.

"(B) An insurable dependent who is a child may not be insured at any time by the insurance coverage under this chapter of more than one member. If an insurable dependent who is a child is otherwise eligible to be insured by the coverage of more than one member under this chapter, the child shall be insured by the coverage of the member whose eligibility for insurance under this subchapter occurred first, except that if that member does not have legal custody of the child, the child shall be insured by the coverage of the member who has legal custody of the child.

"(5) The insurance shall be effective with respect to a member and the insurable dependents of the member on the latest of the following dates:

"(A) The first day of active duty or active duty for training.

"(B) The beginning of a period of inactive duty training scheduled in advance by competent authority.

"(C) The first day a member of the Ready Reserve meets the qualifications set forth in section 1965(5)(B) of this title.

"(D) The date certified by the Secretary to the Secretary concerned as the date Servicemembers' Group Life Insurance under this subchapter for the class or group concerned takes effect.

"(E) In the case of an insurable dependent who is a spouse, the date of marriage of the spouse to the member.

"(F) In the case of an insurable dependent who is a child, the date of birth of such child or, if the child is not the natural child of the member, the date on which the child acquires status as an insurable dependent of the member.".

(2) Subsection (c) of such section is amended by striking the first sentence and inserting the following: "If a person eligible for insurance under this subchapter is not so insured, or is insured for less than the maximum amount provided for the person under subparagraph (A) of

subsection (a)(3), by reason of an election made by a member under subparagraph (B) of that subsection, the person may thereafter be insured under this subchapter in the maximum amount or any lesser amount elected as provided in such subparagraph (B) upon written application by the member, proof of good health of each person (other than a child) to be so insured, and compliance with such other terms and conditions as may be prescribed by the Secretary.''.

(c) TERMINATION OF COVERAGE.—(1) Subsection (a) of section 1968 is amended—

(A) in the matter preceding paragraph (1), by inserting ''and any insurance thereunder on any insurable dependent of such a member,'' after ''any insurance thereunder on any member of the uniformed services,''; and

(B) by adding at the end the following new paragraph:

''(5) With respect to an insurable dependent of the member, insurance under this subchapter shall cease—

''(A) 120 days after the date of an election made in writing by the member to terminate the coverage; or

''(B) on the earliest of—

''(i) 120 days after the date of the member's death;

''(ii) 120 days after the date of termination of the insurance on the member's life under this subchapter; or

''(iii) 120 days after the termination of the dependent's status as an insurable dependent of the member.''.

(2) Such subsection is further amended—

(A) in the matter preceding paragraph (1), by striking '', and such insurance shall cease—'' and inserting ''and such insurance shall cease as follows:'';

(B) by striking ''with'' after the paragraph designation in each of paragraphs (1), (2), (3), and (4) and inserting ''With'';

(C) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''thirty-one days—'' and inserting ''31 days, insurance under this subchapter shall cease—'';

(ii) in subparagraph (A)—

(I) by striking ''one hundred and twenty days'' after ''(A)'' and inserting ''120 days''; and

(II) by striking ''prior to the expiration of one hundred and twenty days'' and inserting ''before the end of 120 days''; and

(iii) by striking the semicolon at the end of subparagraph (B) and inserting a period;

(D) in paragraph (2)—

(i) by striking ''thirty-one days'' and inserting ''31 days,'';

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking the semicolon at the end and inserting a period;

(E) in paragraph (3)—

(i) by inserting a comma after ''competent authority''

(ii) by striking ''one hundred and twenty days'' both places it appears and inserting ''120 days''; and

(iii) by striking ''; and'' at the end and inserting a period; and

(F) in paragraph (4), by inserting ''insurance under this subchapter shall cease'' before ''120 days after '' the first place it appears.

(3) Subsection (b)(1)(A) of such section is amended by inserting ''(to insure against death of the member only)'' after ''converted to Veterans' Group Life Insurance''.

(d) PREMIUMS.—Section 1969 is amended by adding at the end the following new subsections:

''(g)(1)(A) During any period in which a spouse of a member is insured under this subchapter and the member is on active duty, there shall be deducted each month from the member's basic or other pay until separation or release from active duty an amount determined by the Secretary as the premium allocable to the pay period for providing that insurance coverage. No premium may be charged for providing insurance coverage for a child.

''(B) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications set forth in section 1965(5)(B) of this title and the spouse of the member is insured under a policy of insurance purchased by the Secretary under section 1966 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary (which shall be the same for all such members) as the share of the cost attributable to insuring the spouse of such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

''(2)(A) The Secretary shall determine the premium amounts to be charged for life insurance coverage for spouses of members under this subchapter.

''(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

''(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

''(h) Any overpayment of a premium for insurance coverage for an insurable dependent of a member that is terminated under section 1968(a)(5) of this title shall be refunded to the member.''.

(e) PAYMENTS OF INSURANCE PROCEEDS.—Section 1970 is amended by adding at the end the following new subsection:

''(i) Any amount of insurance in force on an insurable dependent of a member under this subchapter on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member's life under this subchapter.''.

(f) CONVERSION OF SGLI TO PRIVATE LIFE INSURANCE.—Section 1968(b) is amended by adding at the end the following new paragraph:

''(3)(A) In the case of a policy purchased under this subchapter for an insurable dependent who is a spouse, upon election of the spouse, the policy may be converted to an individual policy of insurance under the same conditions as described in section 1977(e) of this title (with respect to conversion of a Veterans' Group Life Insurance policy to such an individual policy) upon written application for conversion made to the participating company selected by the spouse and payment of the required premiums. Conversion of such policy to Veterans' Group Life Insurance is prohibited.

''(B) In the case of a policy purchased under this subchapter for an insurable dependent who is a child, such policy may not be converted under this subsection.''.

(g) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

(2) Each Secretary concerned, acting in consultation with the Secretary of Veterans Affairs, shall take such action as is necessary to ensure that during the period between the date of the enactment of this Act and the effective date determined under paragraph (1) each eligible member—

(A) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section; and

(B) is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

(3) For purposes of paragraph (2):

(A) The term ''Secretary concerned'' has the meaning given that term in section 101 of title 38, United States Code.

(B) The term ''eligible member'' means a member of the uniformed services described in subparagraph (A) or (C) of section 1967(a)(1) of title 38, United States Code, as amended by subsection (b)(1).

SEC. 303. RETROACTIVE APPLICABILITY OF INCREASE IN MAXIMUM SGLI BENEFIT FOR MEMBERS DYING IN PERFORMANCE OF DUTY ON OR AFTER OCTOBER 1, 2000.

(a) APPLICABILITY OF INCREASE IN BENEFIT.—Notwithstanding subsection (c) of section 312 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1854), the amendments made by subsection (a) of that section shall take effect on October 1, 2000, with respect to any member of the Armed Forces who died in the performance of duty (as determined by the Secretary concerned) during the period beginning on October 1, 2000, and ending at the close of March 31, 2001, and who on the date of death was insured under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, for the maximum coverage available under that program.

(b) DEFINITION.—For purposes of this section, the term ''Secretary concerned'' has the meaning given that term in section 101(25) of title 38, United States Code.

SEC. 304. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.

Section 3902(a) is amended by striking ''$8,000'' and inserting ''$9,000''.

SEC. 305. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.

Section 2102 is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking ''$43,000'' and inserting ''$48,000''; and

(2) in subsection (b)(2), by striking ''$8,250'' and inserting ''$9,250''.

SEC. 306. REVISION OF RULES WITH RESPECT TO NET WORTH LIMITATION FOR ELIGIBILITY FOR PENSIONS FOR VETERANS WHO ARE PERMANENTLY AND TOTALLY DISABLED FROM A NON-SERVICE-CONNECTED DISABILITY.

(a) IN GENERAL.—Section 1522(a) is amended by adding at the end the following new sentence: ''In determining the corpus of the estates of the veteran and the veteran's spouse, if any, the value of the real property of the veteran and the veteran's spouse and children shall be excluded if such property is used for farming, ranching, or similar agricultural purposes.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payment of pensions for months beginning on or after the date of the enactment of this Act.

SEC. 307. TECHNICAL AMENDMENTS.

(a) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Effective as of November 1, 2000, section 107 is amended—

(A) in the second sentence of subsection (a), by inserting "or (d)" after "subsection (c)";

(B) by redesignating the second subsection (c) (added by section 332(a)(2) of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419)) as subsection (d); and

(C) in subsection (d), as so redesignated, by striking "In" in paragraph (1) and inserting "With respect to benefits under chapter 23 of this title, in".

(2) Section 3512 is amended—

(A) in subsection (a)(5), by striking "clause (4) of this subsection" and inserting "paragraph (4)"; and

(B) in subsection (b)(2), by striking "willfull" and inserting "willful".

(3) Section 4303(13) is amended by striking the second period at the end.

(b) PUBLIC LAW 106–419.—Effective as of November 1, 2000, and as if included therein as originally enacted, the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419) is amended as follows:

(1) Section 111(f)(3) (114 Stat. 1831) is amended by striking "3654" and inserting "3564".

(2) Section 323(a)(1) (114 Stat. 1855) is amended by inserting a comma in the second quoted matter therein after "duty".

(3) Section 401(e)(1) (114 Stat. 1860) is amended by striking "this" both places it appears in quoted matter and inserting "This".

(4) Section 402(b) (114 Stat. 1861) is amended by striking the close quotation marks and period at the end of the table in paragraph (2) of the matter inserted by the amendment made that section.

(c) PUBLIC LAW 102–590.—Section 3(a)(1) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking ", during,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 107th Congress is only a few months old, but it is already apparent that this is going to be one that works to keep America's promises to veterans and their families. Later today we will begin consideration of H. Con. Res. 83, the congressional budget resolution, which contains record levels of funding for veterans' programs. As a matter of fact, it contains a 12 percent boost for VA spending, both mandatory and discretionary, to bring it to $52.3 billion, a $5.6 billion increase over fiscal year 2001.

In the past month, Mr. Speaker, the House Committee on Veterans' Affairs has met 10 times to hear the views of the Department of Veterans Affairs as well as veterans' organizations. We have heard from organizations such as the Veterans of Foreign Wars, the Gold Star Wives, the National Association of State Directors of Veterans Affairs, the Retired Enlisted Association, Fleet Reserve Association, Air Force Sergeants Association, the Jewish War Veterans, Blinded Veterans Association, Noncommissioned Officers Association, Military Order of the Purple Heart, Paralyzed Veterans of America, Disabled American Veterans, Amvets, American Ex-Prisoners of War, Vietnam Veterans of America, and the Retired Officers Association, 16 organizations in all.

Mr. Speaker, we learned a great deal about what is taking place in the lives of veterans and their families. We also learned about government programs that are effective and making a difference in their lives, and about some that need to be revised and updated and reformed.

Mr. Speaker, I encourage Members and their constituents to visit the Committee on Veterans' Affairs, Website to review the testimony presented at these hearings to learn more about these hearings and the testimony that we have received. For the RECORD, that is http://veterans.gov/. It is a font of information and a great resource on veterans legislation and hearings.

Mr. Speaker, we also heard during the course of those hearings from our distinguished VA Secretary Anthony Principi on two of those occasions. We heard about his determination to make the VA a more responsive and a more effective organization. Members of the Committee on Veterans' Affairs also told the Secretary that it is not enough that a grateful Nation remember its veterans and their sacrifice. The Nation that provides in excess of $47 billion, and as I said, that is likely to jump to $52.3 billion for veterans' programs, expects the VA to be held accountable.

We need accountability to make sure that that which we pass is faithfully implemented. We hope that in the future Secretary Principi will share this message with all of his employees. We really want the best bang for the buck. We want our veterans to be well served.

Today the House is considering two measures reported by the Committee on Veterans' Affairs last week. I would like to briefly summarize the purposes of the Veterans Opportunities Act of 2001. The gentleman from Arizona (Mr. HAYWORTH), the very distinguished chairman of our Subcommittee on Benefits, will provide a more detailed explanation of the bill momentarily.

Mr. Speaker, the Veterans Opportunities Act of 2001 is designed to enhance nonhealth programs serving veterans and their families. Many of the ideas contained in this bill were favorably mentioned in the testimony we received from the veterans' service organizations during the 107th Congress. One of this bill's provisions updates the law governing the type of training veterans can pursue under the Montgomery GI bill. We see more and more education and training opportunities offered outside of the traditional classroom setting. Veterans pursuing a good job should be able to use their GI benefits to offset the cost of these courses, and this bill will make those types of training more affordable to veterans eligible for the Montgomery GI bill.

The life insurance program available to all active duty servicemembers and many reservists does not provide coverage to members of the servicemember's family. Since so many persons on active duty today desire coverage for family members at an affordable premium, this bill would authorize that coverage.

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The bill also includes a provision to make the increase in life insurance coverage, which is scheduled to go into effect next Sunday, April 1, retroactive to cover the deaths of many of the service members who have tragically lost their lives since October 1 of last year.

I want to salute the gentleman from Texas (Mr. REYES), the ranking Democrat of the Subcommittee on Benefits, and the gentlewoman from Virginia (Mrs. JO ANN DAVIS), a new member, for suggesting this provision in the bill.

H.R. 801 also authorizes increases in payments to families of deceased veterans for burial expenses and in amounts provided to assist seriously disabled veterans purchase cars and to fix up their homes with specially adapted devices. It also requires the VA to improve its outreach efforts so that more veterans and their families are informed about the benefits for which they qualify.

Another provision is designed to ensure that service members are fully briefed on benefits that they may qualify for before they leave the service.

Before yielding to the gentleman from Illinois (Mr. EVANS), I want to express my very deep appreciation for his hard work and that of our staff and his staff and many, many Members on the bills that we are discussing today.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 801. I commend and thank the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the committee, for his leadership on this measure. The Veterans Opportunities Act of 2001 provides many improvements to veterans benefits and I am pleased to be an original cosponsor of this bill.

I also want to recognize several other Members who have contributed to this legislation, the chairman of the Subcommittee on Benefits, the gentleman from Arizona (Mr. HAYWORTH); the ranking member of the Subcommittee on Benefits, the gentleman from Pennsylvania (Mr. DOYLE); and the gentleman from New Jersey (Mr. PASCRELL), two outstanding and effective advocates for our veterans. This is a better bill because of their efforts.

Mr. Speaker, last September I introduced H.R. 5271, the Veterans' Family Farm Protection Act. That bill made it possible for more wartime veterans and their survivors to qualify for VA pension benefits without being forced to sell their family homes and ranches. I thank the chairman for including these provisions as section 306 of H.R. 801. This legislation will also benefit low-income veterans who seek to obtain health care from the VA.

I especially applaud the gentleman from Texas (Mr. REYES) for his leadership in first proposing an October 1, 2000, retroactive effective date for the $250,000 maximum benefit in the Servicemembers Group Life Insurance. The Reyes proposal would permit increased benefits to be paid under certain conditions to beneficiaries of those servicemembers who lost their lives in the performance of duty.

The gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from New Jersey (Mr. PASCRELL) have been strong advocates for improved VA outreach to veterans, their dependents and survivors. Each has authored important legislation to improve VA outreach. I am pleased that this legislation includes many of those outreach provisions.

H.R. 801 includes many other provisions important to veterans. Among them are improvements in veterans' health care benefits, improving veterans' access to transition assistance, increases in grants for adaptive housing, and increases in burial and funeral expenses, and the burial plot allowance.

I urge my colleagues to approve this measure and include a summary of H.R. 801 for the RECORD.

VETERANS OPPORTUNITIES ACT OF 2001, H.R. 801, AS AMENDED

Title: To amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.

Mr. Smith (for himself, Mr. Evans, Mr. Hayworth, and Mr. Reyes) introduced H.R. 801 on February 28, 2001; which was referred to the Committee on Veterans' Affairs.

Additional Cosponsors: Mr. Abercrombie, Mr. Baldacci, Ms. Berkley, Mr. Berry, Mr. Bilirakis, Ms. Brown of Florida, Mr. Brown of South Carolina, Mr. Buyer, Ms. Carson, Mr. Crenshaw, Mrs. Davis of Virginia, Mr. Doyle, Mr. Edwards, Mr. Ehrlich, Mr. Filner, Mr. Gonzalez, Mr. Goode, Mr. Gutierrez, Mr. Hansen, Mr. Honda, Mrs. Kelly, Ms. Lee, Mrs. McCarthy of New York, Mr. Owens, Mr. Pascrell, Mr. Peterson, Mr. Putnam, Mr. Roukema, Mr. Shows, Mr. Simmons, Mr. Simpson, Mr. Snyder, Ms. Solis, Mr. Spence, Mr. Stump, Mr. Udall of New Mexico, and Ms. Waters.

H.R. 801, as amended, would:

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

1. Increase from $2,000 to $3,400 the maximum allowable annual SROTC award for benefits under the Montgomery GI Bill.

2. Expand VA's work-study program for veterans to include working in their major academic discipline, working in state veterans homes, and helping State Approving Agencies with outreach efforts.

3. Provide for inclusion of certain private technology entities in the definition of educational institution.

4. Allow the disabled spouse or surviving spouse of a severely disabled service connected veteran to receive special restorative training.

5. Permit veterans to use VA educational assistance benefits for a certificate program offered by an accredited institution of higher learning by way of independent study.

TITLE II—TRANSITION AND OUTREACH PROVISIONS

1. Provide VA the authority to maintain transition assistance offices overseas.

2. Extend the time that preparation counseling is available to servicemembers leaving the service to as early as 12 months before discharge, and 24 months prior to discharge for military retirees.

3. Improve education and training outreach services by requiring each State Approving Agency to conduct outreach programs and provide services to eligible veterans and dependents about state and federal education and training benefits.

4. For purposes of VA's outreach program, defines an eligible dependent as the spouse, surviving spouse, child or dependent parent of a servicemember/veteran. Require VA to ensure that eligible dependents are made aware of VA's services through media and veterans publications.

5. Require VA to provide to the veteran or eligible dependent information concerning VA benefits and services whenever that person first applies for any benefit.

TITLE III—MEMORIAL AFFAIRS, INSURANCE, AND OTHER PROVISIONS

1. Increase the burial and funeral expense for a service connected veteran from $1,500 to $2,000, increase the burial and funeral expense for a nonservice connected veteran from $300 to $500, and increase the burial plot allowance from $150 to $300.

2. Expand the Servicemembers' Group Life Insurance (SGLI) program to include spouses and children. Spousal coverage will not exceed $100,000; child coverage would be $10,000. Upon termination of SGLI, the spouse's policy could be converted to a private life insurance policy.

3. Make the effective date of an increase from $200,000 to $250,000 in the maximum SGLI benefit provided for in Public Law 106-419 retroactive to October 1, 2000, for a servicemember who died in the performance of duty and had the maximum amount of insurance in force.

4. Increase the automobile and adaptive equipment grant for severely disabled veterans from $8,000 to $9,000.

5. Increase the grant for specially adapted housing for severely disabled veterans from $43,000 to $48,000, and increase the amount for less severely disabled veterans from $8,250 to $9,250.

6. Revise the rule with respect to the net worth limitation for VA's means-tested pension program by excluding the value of property used for farming, ranching or similar agricultural purposes.

Effective Date: Date of enactment except the following sections:

Sec. 106(a): Shall take effect as if included in the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 enacted on November 1, 2000 (Public Law 106-419).

Sec. 106(b): Shall take effect as if enacted on November 1, 2000.

Sec. 106(c): Shall take effect as if enacted on November 1, 2000.

Sec. 106(d): May 1, 2001.

Sec. 106(e): Shall take effect as if enacted on November 1, 2000.

Sec. 302: The first day of the first month that begins more than 120 days after date of enactment.

Cost: The Congressional Budget Office estimates that H.R. 801, as amended, would increase direct spending by $46 million in 2002, $290 million over the 2002-2006 period, and about $700 million over the 2002-2011 period. Direct spending would also increase in fiscal year 2001 should the bill be enacted before the end of this fiscal year. If addition, implementing the bill would increase spending subject to appropriation by less than $500,000 a year.

Legislative History:

Mar. 21, 2001: H.R. 801 ordered reported favorably, as amended, by the Committee on Veterans' Affairs.

Mar. 26, 2001: H.R. 801 reported, as amended, by the Committee on Veterans' Affairs, H. Rept. 107-27.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the chairman of our Subcommittee on Benefits.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH), the chairman of the full committee, for yielding me this time.

Mr. Speaker, I am pleased to rise today in support of H.R. 801, the Veterans Opportunities Act of 2001.

H.R. 801 makes a number of improvements and expansions to VA's benefits and services, some of which I would like to take this opportunity to briefly highlight.

With respect to educational assistance, this bill increases from $2,000 to $3,400 the maximum allowable annual Senior ROTC award for benefits under the Montgomery GI bill; expands VA's work-study program for veteran students; provides the inclusion of certain private technology entities, such as Microsoft and Novell, in the definition of educational institution; and permits veterans to use VA educational assistance benefits for a certificate program offered by an institution of higher learning by way of independent study.

H.R. 801 also enhances and clarifies VA's outreach services to separating servicemembers, as well as the spouse, surviving spouse, children and dependent parent of a veteran, and requires VA to provide full benefits and health care eligibility information to a veteran and dependent whenever that person first applies for any benefit.

Mr. Speaker, I would like to thank the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Pennsylvania (Mr. DOYLE) for working with the subcommittee on those aforementioned outreach provisions.

We also make a number of program increases, including raising the burial and funeral expenses for service and nonservice connected veterans and increasing the plot allowance.

The automobile and adaptive grant for severely disabled veterans is increased from $8,000 to $9,000, and the specially adapted housing grant is increased from $43,000 to $48,000.

We also propose to expand the Servicemembers' Group Life Insurance program to include coverage for the spouse and children of a servicemember enrolled in the insurance program.

Finally, Mr. Speaker, as we all know, within the last few months, we have lost far too many servicemembers to plane crashes, training accidents and, of course, an act of terrorism at sea. Just yesterday, it appears we lost two pilots in a U.S. Army plane crash in Germany. Two F-15s are missing after taking off yesterday from Lakenheath Air Base in the Scottish Highlands.

Mr. Speaker, sadly, I was informed this morning that one of the missing pilots could very well be from my home State of Arizona.

Last year, Congress approved legislation to increase the maximum amount of Servicemembers' Group Life Insurance from $200,000 to a quarter of a million dollars, $250,000. Even though the bill was signed into law on November 1 of 2000, this particular provision would not have gone into effect until April 1 of this year. So the bill we are discussing today would change the effective date to October 1, 2000, for those servicemembers who died during the performance of their military duties and had previously elected the maximum insurance amount.

Mr. Speaker, I would like to take time to thank my friend, the gentleman from Texas (Mr. REYES), the ranking member of the Subcommittee on Benefits, a Vietnam combat veteran, for helping us bring this provision to the table. Credit should also be given by this House to a newcomer to this institution, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for working with the full committee on this issue. Both of these Members deserve acknowledgment for their steadfast support to this issue and the bipartisan way in which we have worked.

Mr. Speaker, I would just note for the record we hear so much on the cable gab fests and on the Sunday shows about the need for bipartisanship. Mr. Speaker, at this time, in this place, we reaffirm the notion that those who sign on in our all-volunteer force do not check a box for partisan preference. They go not as Republicans or as Democrats but as Americans to serve our country, and today we reaffirm that.

Let me thank the ranking member of the subcommittee, the gentleman from Texas (Mr. REYES), for working with me on crafting this legislation in a bipartisan fashion, legislation which will benefit many active duty servicemembers, veterans, and dependents.

I also want to thank the gentleman from California (Mr. THOMAS) and the gentleman from Illinois (Mr. EVANS), the ranking member of our full committee, for their leadership.

Mr. Speaker, once again, for the reasons outlined in the aforementioned comments, I would urge my colleagues to support the Veterans Opportunity Act of 2001.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS), for yielding me this time.

Mr. Speaker, as an original cosponsor and strong supporter of H.R. 801, the Veterans Opportunities Act of 2001, I am pleased that we are considering this bill today. H.R. 801 contains a number of important provisions advanced by Members from both sides of the aisle, as the gentleman from Arizona (Mr. HAYWORTH) stated a few minutes ago.

I want to acknowledge, first and foremost, the cooperation of the gentleman from New Jersey (Mr. SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS), as well as the subcommittee chairman, the gentleman from Arizona (Mr. HAYWORTH), in bringing this bill to the floor in its present form.

The bill will improve educational benefits, transitional assistance for separating servicemembers, and outreach to veterans and their families.

I thank the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from New Jersey (Mr. PASCRELL), my colleagues, for their tireless advocacy for improved outreach to veterans and their families.

The bill also provides benefits for the increased cost of funerals, automobile and housing adaptations for severely disabled veterans, and it will stop eroding these benefits as the costs they are intended to cover increase year by year. The burial-related benefits increases proposed by this bill were last changed, Mr. Speaker, in 1973.

Because when benefit levels are not indexed to reflect the increased cost of the items that they are intended to pay for, veterans receive less value as each year goes by. The longer the time, the greatest the loss. By indexing these benefits to changes in the cost of living, their purchasing power will be retained.

I particularly want to discuss the insurance provisions of this bill. I am very pleased that the bill incorporates my request to make the beginning of fiscal year 2001 the effective date for the increase in the maximum amount of Servicemembers Group Life Insurance from $200,000 to $250,000 for those who lose their lives during the performance of military duties.

As a Vietnam veteran, I know the dangers of combat. Recent events have shown that even military training exercises and more routine duty can result in the loss of life to our servicemembers. As I stated during the subcommittee hearing, I was particularly concerned that those who lost their lives in the terrorist attack on the USS *Cole* as well as those such as Specialist Rafael Olvera Rodriguez, an El Paso native who died in the Blackhawk helicopter crash over Hawaii, ensure that they all qualify for increased maximum benefits.

Since the *Cole* attack, others performing official duties have died in North Carolina, Georgia, and Kuwait. Two National Coast Guardsmen died after an accident while on patrol just this past weekend, and just yesterday two pilots died when their Army plane crashed in Germany and two Air Force planes disappeared over Scotland with apparent loss of life.

The effective date of October 1, 2000 is intended to provide the maximum benefit of $250,000 for SGLI insured members, such as those who have lost their lives in performance of duty and who were insured for the maximum benefit at the time of their deaths. I know that the families of these military-insured members will appreciate this benefit.

I also support the provision allowing family members to be covered under the SGLI program. This is a needed improvement.

Finally, Mr. Speaker, I support the provision of excluding family farms and ranches from net worth determination for pension purposes.

Mr. Speaker, I was born on a family farm and I know the value of family farms. There are a number of small family farms today in my district. We should not ask veterans to give up their family farms in order to receive veterans' benefits that they have earned.

I today want to urge all Members to support this bill. It is a generous bill that pays back the debt that this country owes its men and women in uniform.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the very distinguished vice chairman of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, I thank my chairman, the gentleman from New Jersey (Mr. SMITH), for yielding me this time.

Mr. Speaker, I too support H.R. 801. This legislation makes important improvements to veterans' benefits such as increasing the burial and funeral allowance from $1,500 to $2,000 for service-connected veterans and from $300 to $500 for nonservice-connected veterans. The bill also raises the burial plot allowance from $150 to $300.

In addition, Mr. Speaker, the legislation increases the automobile and adaptive equipment grants for severely disabled veterans from $8,000 to $9,000. Under the bill, specially adapted housing grants are increased from $43,000 to $48,000, and the amount for additional adaptations to the home that may be needed later in life is raised from $8,250 to $9,250.

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The bill expands, as has already been indicated, the Servicemembers' Group Life Insurance Program to cover spouses up to a maximum of $100,000 and children to $10,000; and the bill also makes another important change to the sick-leave program. It increases the amount of servicemembers group life insurance paid to the survivors of members of the Armed Forces who died in the performance of duty between October 1, 2000, and March 31 of this year. Specifically, it directs the Secretary of Veterans Affairs to increase sick-leave payments to the maximum amount of $250,000 for those who previously contracted for the maximum benefit.

This increase was originally signed into law in November of 2000 as part of Public Law 106–419, but the implementation was delayed, unfortunately, until April 1, 2001; and unfortunately, a number of military personnel have been killed. As also has been raised by the gentleman from Texas (Mr. REYES) and others, a number of other military personnel have been killed in the line of duty since October 2000, including one of my constituents, Erik Larson, who was killed in a National Guard airplane crash earlier this month. While this bill will not ease the pain of losing a loved one, it will lessen the financial hardship.

And as a cosponsor of H.R. 801, Mr. Speaker, I urge my colleagues to support the Veterans Opportunities Act of 2001.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I am pleased to have the opportunity to speak on the important bipartisan piece of legislation that we have before us. I want to take this opportunity to thank the chairman of the full committee and the chairman of the subcommittee for their leadership, as well as the minority leader, as well as the gentleman from Illinois (Mr. EVANS) for his efforts, and the gentleman from Texas (Mr. REYES) also.

At a time when drastic tax cuts seem to overshadow our Nation's priorities, it is refreshing that the House should take up the legislation that addresses our commitment to improving services to those that have made the ultimate sacrifice, our veterans.

The Veterans Opportunities Act makes improvement to key veterans' programs. In particular, the measure makes enhancements to the veterans educational and the burial benefits that are long overdue. For those seeking assistance in pursuing higher education, the bill increases benefits under the Montgomery GI Bill. It expands the work-study opportunities for veteran students and extends benefits to cover independent study for qualified institutions. Without doubt, the educational benefits are instrumental in assisting the military in recruitment efforts. Those men and women who have chosen to serve our country in uniform deserve better access to higher education; and we all recognize the importance of how the cost of education has continued to grow and continued to move forward, so it is important for us to keep pace with that.

We have come a step forward; we still have a long way to go. But I am very pleased that we are beginning to address and increase the amounts of the Montgomery GI Bill.

Finally, the families who face financial challenges for burying our veterans will receive some relief under H.R. 801. Burial funeral allowances will be increased from $1,500 to $2,000 for service-connected veterans and $300 to $500 for nonservice-connected veterans.

As Congress prepares to take up the budget resolution, we should remind ourselves that our peace is a blessing. However, peace does not diminish our obligation to American veterans. It is time to take care of those and move forward. This bill begins to do that, and I want to thank the leadership on both sides for their efforts on this piece of legislation.

Once again, I want to congratulate the gentleman from Illinois (Mr. EVANS) and the gentleman from New Jersey (Mr. SMITH), the chairman of the committee, and the gentleman from Texas (Mr. REYES) for their efforts.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 801, the Veterans' Opportunity Act of 2001. As a cosponsor of this legislation, I am proud to be able to say that the committee referred a bill that has practical and immediate effects for many veterans and their loved ones. This legislation comprehensively addresses many issues associated with veterans and their dependents. However, Mr. Speaker, I will not delve into the details of this legislation. Suffice it to say our veterans have earned their benefits, often purchasing them with their own blood.

What I would like to speak about today is one section of the legislation that I believe will have an immediate and practical effect for the surviving families of many of our recently deceased veterans. As my colleagues may know, I recently introduced a bill, H.R. 115, the SGLI Adjustment Act. The substantive language of this bill was incorporated by the committee directly into H.R. 801. This legislation will directly and immediately help many of the families and beneficiaries of those killed since October 1, 2000.

Mr. Speaker, as I am sure my colleagues are aware, our military has recently suffered numerous tragedies. The bombing of the U.S.S. *Cole*, the crash of an Osprey, a Blackhawk, a National Guard airplane, and the accidental bombing of our own troops in Kuwait. All of these accidents were unforeseen, and all of these accidents resulted in the tragic loss of life.

Mr. Speaker, thankfully, our Nation has seen fit to provide our servicemen with a program of insurance to allow the families and beneficiaries to have some protection in the event of untimely death. This insurance, Servicemembers' Group Life Insurance, otherwise known as SGLI, can be purchased at a low rate for a maximum benefit of up to $200,000. Recently, on November 1 of last year, the President signed a bill increasing this maximum benefit to $250,000. Unfortunately, for those recently affected families, this increase in coverage does not take effect until April 1 of this year. By incorporating the substantive language of my bill, we will retroactively grant this increase to those families who had opted for the maximum benefit and subsequently lost a loved one in the performance of their duty.

Mr. Speaker, I would like to note that this provision is revenue-neutral and is funded from the SGLI Reserve Fund. It follows similar legislative precedent dating from the Gander, Newfoundland, crash and the death indemnity granted after the Gulf War.

Additionally, this provision has the direct support and endorsement of several veterans' and servicemen's organizations.

Mr. Speaker, just a few weeks ago, tragedy struck locally in my own district in the Commonwealth of Virginia. Several constituents of mine perished in the Air National Guard crash. I attended their memorial service. However, that was the hardest thing I had to face. The families of these servicemen face much harder days ahead.

Mr. Speaker, by passing the Veterans Opportunity Act of 2001, we will show the families and beneficiaries of these servicemen that we do, indeed, care. We take care of our own. Never let it be said that we do not.

I ask that the other Members of the House support H.R. 801. In the long term, this is the only way in which we will be able to assist the families of those recently perished.

Mr. Speaker, I would be remiss if I did not thank the committee and its staff for their hard work and dedication in seeing this bill brought to the floor. In particular, I would like to thank the gentleman from New Jersey

(Mr. SMITH), the gentleman from Arizona (Mr. HAYWORTH), and the gentleman from Florida (Mr. CRENSHAW) for ensuring that my legislation was attached to this bill in the form of a friendly amendment.

Mr. Speaker, now is the time. Now is the time for the other Members of the people's House to stand and support the families of our servicemen. Vote in support of passage of H.R. 801.

Mr. Speaker, I include the following material for the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
March 20, 2001.

Hon. CHRISTOPHER H. SMITH,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: It is my understanding that you recently received a letter from several of our colleagues asking for your support for amending H.R. 801, the Veterans' Opportunities Act, to include the language of H.R. 1015. As a cosponsor of both H.R. 801 and H.R. 1015, and as a member of your Committee, I am writing to add my support for this proposal.

As you know, Congress last year approved a $50,000 increase, to $250,000, in the maximum death benefits for families of military personnel through the Servicemembers' Group Life Insurance (SGLI). Though the legislation was signed into law on November 1, 2000, the effective date of this increase is not until April 1, 2001. Regrettably, for many of our servicemembers and their families—most notably, the 21 National Guard members killed in a plane crash earlier this month and the 17 sailors killed in the terrorist bombing of the USS *Cole*—this is too late.

H.R. 1015 would make a modest change in law that would bring comfort and security to the families of these brave servicemembers by making the annuity increase retroactive to October 1, 2001. The Administration has announced its support for this legislation, and I know that you have voiced your support for it as well.

I am hopeful that you will make it a part of your mark for tomorrow's mark-up session of H.R. 801. In the alternative, if offered as amendment, I am hopeful that you will support its adoption.

I look forward to working with you on this and other measures to improve the lives of our veterans and servicemembers.

Sincerely,

ANDER CRENSHAW,
Member of Congress.

CONGRESS OF THE UNITED STATES
Washington, DC, March 20, 2001.

Congressman CHRISTOPHER H. SMITH, Chairman,
House Committee on Veterans' Affairs, U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: This letter is to request that the Committee on Veterans' Affairs consider attaching H.R. 1015 as an amendment to H.R. 801, The Veterans' Opportunities Act of 2001.

As we know you are aware, America has recently suffered numerous military tragedies that have resulted in the unfortunate deaths of many of our servicemen and women. In particular, we have recently faced the crash of an Osprey, a Blackhawk, a Air National Guard airplane, and an accidental bombing of our own servicemen.

On November 1 of last year, the President signed legislation (c.f. P.L. 106–419) to increase the maximum SGLI benefit from $200,000 to $250,000. However, the effective date of this increase was delayed until April 1, 2001. H.R. 1015 would retroactively authorize the increased benefit for those who died after November 1, 2000 and were to receive the maximum SGLI benefit.

We would ask that the Committee incorporate the Davis language of H.R. 1015, while changing the effective date of retroactive coverage to October 1, 2001. This would pair the date of retroactivity with the beginning of the Fiscal Year and would assist the families and beneficiaries of the USS *Cole* tragedy.

Again, thank you for your consideration of our request.

Sincerely,

JO ANN DAVIS,
ERIC CANTOR,
ED SCHROCK,
ADAM PUTNAM.

AIR FORCE ASSOCIATION,
Arlington, VA, March 14, 2001.

Hon. JO ANN DAVIS,
Longworth House Office Building, Washington, DC.

DEAR MS. DAVIS: The Air Force Association applauds your efforts to include those service members killed in the line of duty and covered at the maximum limit of the Servicemembers Group Life Insurance (SGLI) Program since November 1, 2000 under the proposed increased limits for SGLI.

Your initiative will ensure that service-families mourning these tragic losses will receive the same benefits as those affected after the passage of the legislation.

We look forward to working with you to enact this legislation into law.

Sincerely,

JOHN A. SHAUD,
General, USAF (Ret).

NATIONAL GUARD ASSOCIATION OF THE UNITED STATES,
Washington, DC, March 14, 2001.

Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the National Guard Association of the United States (NGAUS), I wish to extend our support for H.R. 1015, legislation that will provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members who died in the line of duty.

With the increased level of operations for all members of the Armed Services, there have been an unfortunate increasing number of training accidents. This was all too evident when 21 members of the National Guard tragically lost their lives on March 3rd, in a military airplane crash. These good men died while serving their country, their state and their community. The severity of this accident is a grim reminder of the risks we ask of the members of the National Guard, along with all men and women who serve in uniform.

On November 1, 2001, the President signed into law S. 1402 that increased the maximum benefit for the SGLI from $200,000 to $250,000. However, implementation of the increase was delayed until April 1, 2001. The legislation you introduced will provide those service members who previously contracted for the maximum benefit of SGLI and died in the line of duty to receive the increased maximum amount of $250,000.

The National Guard Association of the United States fully supports your efforts and therefore I am proud to offer the endorsement of the NGAUS for H.R. 1015.

Respectfully,

RICHARD C. ALEXANDER,
Major General, OHARNG (Ret),
Executive Director.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, March 16, 2001.

Hon. JO ANN DAVIS,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: Thank you for introducing legislation to provide an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001.

Recognizing those men and women whom made the ultimate sacrifice, and ensuring that their family members are cared for is of utmost importance to the NCOA.

The NCOA strongly supports your proposed piece of legislation. Accordingly, it will be our privilege to provide testimony on behalf of H.R. 1015, or whatever assistance you may require.

Sincerely,

ALEX J. HARRINGTON,
Director of Legislative Affairs.

THE RETIRED OFFICERS ASSOCIATION,
Alexandria, VA, March 16, 2001.

Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 390,000 members of The Retired Officers Association (TROA), I wish to extend our support for H.R. 1015, a bill to provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001.

Your legislation provides an important and timely correction in the implementation of the recent increase in SGLI coverage from $200,000 to $250,000. The legislation is also consistent with action taken to increase SGLI after operational accidents such as the Gander, Newfoundland disaster. H.R. 1015 will ensure that those not covered at the higher SGLI level during the period between passage and implementation of the increase authorized under P.L. 106–419 will now be covered.

With the increased level of operations for all members of the Armed Services, tragic accidents are occurring more frequently. From the U.S.S. *Cole* to the most recent crash of an Air National Guard plane, our servicemen and women risk their lives on a daily basis. The severity of these accidents serve as a reminder that liberty is not procured without the constant vigilance of those who freely give up theirs to protect us.

TROA greatly appreciates your leadership on this issue and we offer our full endorsement of H.R. 1015, a bill that will help surviving family members to meet critical family needs following the tragic loss of their servicemembers in recent terrorist attacks or training accidents.

Sincerely,

MICHAEL A. NELSON.

GOLD STAR WIVES OF AMERICA, INC.,
Vincent, AL, March 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN DAVIS: On behalf of the 13,000 members of Gold Star Wives of America, Inc., I wish to extend our support for H.R. 1015, a bill to provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between November 1, 2000, and April 1, 2001. However, we would like to see this amended to read October 1, 2000 and April 1, 2001 to include the surviving family members of servicemembers lost on the U.S.S. *Cole*.

Your legislation provides an important and timely correction in the implementation of the recent increase in SGLI coverage from $200,000 to $250,000. The legislation is also consistent with action taken to increase SGLI after operational accidents such as the Gander, Newfoundland disaster. H.R. 1015 will ensure that those not covered at the higher SGLI level during the period between passage and implementation of the increase authorized under P.L. 106-419 will now be covered.

With the increased level of operations for all members of the Armed Services, tragic accidents are occurring more frequently. From the U.S.S. *Cole* to the most recent crash of an Air National Guard plane, our servicemen and women risk their lives on a daily basis. The severity of these accidents serve as a reminder that liberty is not procured without the constant vigilance of those who freely give up theirs to protect us.

Gold Star Wives of America Inc. greatly appreciates your leadership on this issue and we offer our full endorsement of H.R. 1015, a bill that will help surviving family members to meet critical family needs following the tragic loss of their servicemembers in recent terrorist attacks or training accidents.

Sincerely,
RACHEL A. CLINKSCALE,
Board Chairwoman.

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES,
Washington, DC, March 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 75,000 members of the Reserve Officers Association of the United States, chartered by Congress in 1922 to support the development and implementation of a military policy that will provide adequate national defense for the United States, I want to congratulate you for introducing HR 1015, legislation that would provide for an increase in the amount of Servicemembers Group Life Insurance (SIGLI) paid to the survivors of service members who die in the line of duty. I want you to know that the Reserve Officers Association fully supports your efforts in this regard.

Since the end of the Cold War we have witnessed a three-fold increase in the level of deployments of our Armed Forces. Our men and women in uniform are increasingly called upon to support contingency operations around the world, operations that expose them to danger on a continual basis, as the headlines daily remind us. Over the past several years, members of the Reserve components have annually provided more than 12,500,000 workdays of contributory support to our Active component forces. Truly the level of our military operations is remarkable. So, too, are our men and women of the uniformed services. Your bill will help recognize the value of these contributions and of the men and women who make them.

Again, let me thank you for sponsoring HR 1015. ROA appreciates your efforts and is pleased to offer our full support.

Sincerely,
JAYSON L. SPIEGEL,
Executive Director.

ENLISTED ASSOCIATION OF THE NATIONAL GUARD OF THE UNITED STATES,
Alexandria, VA, March 19, 2001.
Hon. JO ANN DAVIS,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the enlisted men and women of the Army and Air National Guard, the Enlisted Association of the National Guard of the United States (EANGUS) wishes to thank you for introducing H.R. 1015, a bill to increase the amount of Servicemember's Group Life Insurance paid to survivors of servicemembers who died in the performance of duty recently.

Although an increase was signed into law last November, the increase doesn't go into effect until April 1. Your bill would cover those who died in the recent tragedies and ensure that their survivors will receive the new maximum benefit.

EANGUS fully supports this bill. Thank you for your efforts on behalf of our uniformed men and women who serve their country and sometimes pay the ultimate price in that service.

Working for America's Best!
MSG MICHAEL P. CLINE (RET),
Executive Director.

MARCH 16, 2001.
Hon. JO ANN DAVIS,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the National Order of Battlefield Commissions, I wish to extend our support for H.R. 1015, a bill to provide for an increase in the amount of Servicemember's Group Life Insurance (SGLI) paid to survivors of members of the Armed Forces who died in the performance of duty between October 1, 2000, and April 1, 2001.

Your legislation provides an important and timely correction in the implementation of the recent increase in SGLI coverage from $200,000 to $250,000. The legislation is also consistent with action taken to increase SGLI after operational accidents such as the Gander, Newfoundland disaster. H.R. 1015 will ensure that those not covered at the higher SGLI level during the period between passage and implementation of the increase authorized under P.L. 106-416 will now be covered.

With the increased level of operations for all members of the Armed Services, tragic accidents are occurring more frequently. From the U.S.S. *Cole* to the most recent crash of an Air National Guard plane, our servicemen and women risk their lives on a daily basis. The severity of these incidents serve as a reminder that liberty is not procured without the constant vigilance of our servicemembers.

The members of the National Order of Battlefield Commissions greatly appreciate your leadership on this issue. We offer our full endorsement of H.R. 1015, a bill that will help surviving family members meet critical needs following the tragic losses of their loved ones to recent terrorist attacks or training accidents.

Sincerely,
ROBERT C. EVANS,
Washington Representative.

Mr. EVANS. Mr. Speaker, I yield 5½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, let me begin by thanking the gentleman from New Jersey (Mr. SMITH), for including part of the Veterans Right to Know Act in the legislation we are considering today. The leadership and dedication of the chairman of the committee to our veterans over the last 20 years has improved the lives of veterans across the United States.

Let me also extend my gratitude to the gentleman from Illinois (Mr. EVANS), our ranking member, for his support of my legislation. These two gentlemen set the proper tone for bipartisanship, which should be recognized, along with the subcommittee folks, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Texas (Mr. REYES), and also thank them for inviting us to testify before the subcommittee.

This legislation I am so proud to be a part of, the first piece of veterans legislation to reach the House floor, Mr. Speaker. I would like to speak in support of that portion which both the chairman and ranking member spoke of before, part of the Veterans Right to Know. This legislation makes great strides in improving benefits and outreach to our veterans and their dependents. I would also like to acknowledge important provisions in the legislation that were based on the gentleman from Pennsylvania's (Mr. DOYLE) veterans' outreach legislation. We worked together to ensure that every veteran has the benefits they deserve, and we will continue this work in the future.

To be quite frank, the lack of information available to veterans and their families about their benefits and services that they are eligible for has reached crisis proportions. In a recent national survey conducted by the Department of Veterans Affairs, it was indicated that less than half of the veterans contacted were aware of what benefits they were eligible for. We cannot accept that on the floor of the House, in the House of the people.

A survey that I did in my own district, the 8th Congressional District of New Jersey, showed that over half of those answering had no understanding of their benefits, no one had ever reached out to them, no confidence in the VA to deliver the information in the first place. These veterans signed a contract when they went into the service to defend us; and as a veteran I say this, and I know the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) feel the same way. Well, what happened to this contract when they left the service? What happened to the people and their families who now many times after death are going to the VA and saying gee, we did not know this, we did not know this.

This is a sacred covenant America has with its veterans, one that we must keep. Too often our Nation's heroes are not adequately informed as to what benefits they are entitled to receive or how to obtain those benefits. Everyone in this Congress would agree that this is simply unacceptable. Veterans across America and I are grateful to the gentleman from New Jersey (Mr. SMITH) for his Veterans' Opportunities Act. It includes a portion of legislation, title II, section 205, which will inform veterans about benefits and health care services. We are not doing veterans any favor, Mr. Speaker. This is our obligation.

The gentleman from New Jersey's measure also includes the portion of legislation that would require the VA to assist widows and survivors of veterans by informing them at the time of a burial request or application for life insurance proceeds about the full array of dependent benefits.

Today is a victory for veterans everywhere, but it is just the beginning. The plan that I have asked for, and hopefully will finally be enacted, would specify how the VA will identify veterans who are not enrolled or registered with the VA for benefits or services and require that the VA consult with the veterans services. How can we talk to the veterans about what they are eligible for if we do not start at the grass-roots of the organization that the gentleman from New Jersey (Mr. SMITH) spoke of before? All of those organizations, the Veterans of Foreign Wars, American Legion, the Disabled American Veterans, the Jewish War Veterans, et cetera, Vietnam Veterans, Disabled Veterans, if we do not turn to them, how can we really fulfill this covenant that we are talking about here?

Abraham Lincoln spoke of his responsibility in his second inaugural address saying, "We must care for him who shall have borne the battle and for his widow and for his orphan."

Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for doing America proud.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I again want to thank the gentleman from New Jersey (Mr. PASCRELL) for his very kind remarks and for his donation to the bill, particularly as it relates to informing our servicemen prior to discharge.

Mr. Speaker, I yield the remaining 2 minutes to the gentleman from Illinois (Mr. KIRK), my good friend and colleague.

□ 1445

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would say, first of all, talk about hitting the ground running, as the new chairman of the Committee on Veterans' Affairs, the gentleman is bringing this legislation so quickly to the House floor. When I described this legislation at my recent veterans' town hall meeting in north Chicago, Illinois, it got a standing ovation and is strongly supported. For us, hitting the ground running on veterans' issues is, I think, a crucial in paying our debt to the greatest generation for what they gave to our country.

Mr. Speaker, if there was a veterans caucus here in the Congress, including the veterans of Bosnia, Kosovo, and Operation Northern Watch in Iraq, I would be it. As a veteran of the most recent conflicts, we pay homage to those who served before us in much more difficult and arduous conflicts.

I have to really give my thanks to those men and women who introduced me and educated me on the importance of veterans' care: Larry Jenkins of the AFGE, shop steward in north Chicago; Johnny Allen, our Lake County Veterans Assistance Commission member; Al Pate, our very able director of the north Chicago VA Medical Center.

I want to say how strongly I feel about the need for bipartisan cooperation, and really hail the gentleman from Illinois (Mr. EVANS) for his leadership on this issue. For us in the north Chicago VA medical system, we really need this health care. We really need to expand benefits in the way that H.R. 801 outlines, in order to pay a debt that is owed for all of the freedoms that we enjoy.

We know, and the current data shows, that the children of military families overwhelmingly are those who sign up to provide the new duty, so the children of the men and women who protect us now will be those who protect us in the future. Making sure that we honor the debt and promise that we gave to them under President Lincoln's mandate is a crucial thing for me in my service here.

I want to salute the gentleman from New Jersey (Chairman SMITH), and urge all Members to support this legislation.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong support of the Veterans' Opportunities Act. I commend our veterans who have made such significant sacrifices to preserve this Nation and protect the freedoms we cherish.

Many people do not realize just how many veterans are among us: 19,520 war veterans, 1,854 Persian Gulf veterans, 8,177 Vietnam Era veterans, 4,257 Korean Era veterans, and 6,002 World War II veterans. In supporting the Veterans' Opportunities Act today, I pay homage to the more than 25,000 veterans in this nation.

I am particularly proud to vote for this legislation because it takes critical steps toward strengthening the Veterans Affairs Department. It expands payout amounts for several VA death and retirement benefits and extends coverage under the Servicemembers' Group Life Insurance program to dependent spouses and children. It also increases the maximum allowable annual ROTC award for benefits under the Montgomery GI Bill and expands the VA's work-study program for veterans who are students. Moreover, the Veterans' Opportunities Act increases funding for the automobile and adaptive equipment grant for severely disabled veterans and allows the disabled spouse or surviving spouse of a severely disabled service-connected veteran to receive special restorative training—both of these provisions are vital to many of my constituents. Finally, this legislation makes these much-needed changes retroactive to October 1, 2000, for service members killed in the line of duty. This language ensures that the service members killed in the terrorist attack on the USS *Cole* last October are covered.

I applaud the tireless efforts of the Chairman and Ranking Member on behalf of America's veterans over the years. They have succeeded in producing valuable legislation that will help those who need and deserve these services the most. I urge my colleagues to join me in voting for our veterans by voting for the Veterans' Opportunities Act.

Mr. DOYLE. Mr. Speaker, I rise today in support of H.R. 801, The Veterans Opportunities Act of 2001. I want to acknowledge Chairman SMITH, Ranking Member EVANS, Representative HAYWORTH, and Representative REYES for their steadfast commitment to fulfilling the promises we have made to our veterans and their families, and extend my sincere thanks for including portions of H.R. 336 as part of H.R. 801.

Throughout my six years on the Veterans Affairs Committee, I have been a strong supporter for protecting the viability, and ensuring the longevity of, the Department of Veterans Affairs. My primary concern has always been to improve veterans access to quality health care services and to insure they are delivered in a timely manner. But my focus on the need to provide appropriate support for the veterans health care programs has never clouded my awareness about the important roles that adequate support for VA construction projects and medical research play in addressing this concern in a serious, thoughtful, and effective manner. This is to say that we should always be mindful of how the Department works as a whole and be cautious about characterizing an issue as having just one facet or affecting just one type of individual. In my view, only if we remain sensitive to, and forthcoming about, how we can best implement changes to current practices to better serve the veterans community can we truly fulfill the mission of the Department of Veterans Affairs.

That is why I took great note of the first hand experiences relayed to me by members of the Veterans' Widows International Network (VWIN) when they visited my office a few years ago. At that time, members of the Network detailed personal difficulties they had endured and strongly advocated for the establishment of dedicated informational outreach services for surviving spouses and dependents of deceased veterans within the Department of Veterans Affairs. For those of you who are unfamiliar with this organization, VWIN was established in 1995 and has dedicated itself to reaching out to veterans' widows to inform them of benefits for which they might qualify, to provide them with a point of contact for processing their claims, and to keep them abreast of changes. The Network has done an admirable job in this respect, but if you are like me you are probably wondering why the Department isn't providing these services. There are a whole host of challenges that the Department could argue that preclude them from improving adequate access to, and the timely processing of, such information, including the assertion that they are already doing a good enough job in this respect. But that just isn't good enough and that is why Congress should make it a priority to pass H.R. 801, as well as both H.R. 336 and H.R. 511 in their entirety.

The heart of both H.R. 336, The Surviving Spouses and Dependents Outreach Enhancement and Veterans Casework Improvement Act, and H.R. 511, The Veterans Right to Know Act, is a belief grounded in the idea that one of our most basic responsibilities is to provide veterans and their family members with information about benefits to which they might be entitled. Indeed, the success of any initiative embarked upon sound levels of awareness and prudent oversight measures.

I want to sincerely thank Representative PASCRELL for being responsive to my concerns regarding the informational needs of surviving spouses and dependents when drafting the Veterans Right to Know Act. Their specific informational needs were initially addressed by language which would require the Department to provide information to dependents concerning benefits and health care services whenever a dependent first applies for any benefit under laws administered by the Secretary. This trigger mechanism is definitely a step in the right direction and I am pleased that it has been included in Section 205 of H.R. 801.

But what about the informational needs of all the surviving spouses and dependents of deceased veterans who would not retroactively be affected by this effort? My bill, H.R. 336, addresses this dilemma in a very straight forward and reasonable way. Specifically, it would (1) establish as a national goal to fully inform surviving spouses and dependents regarding their eligibility for benefits and health care services under laws administered by the Secretary of Veterans Affairs, (2) institute a legislative mandate that surviving spouses and dependents be included in the subset of populations targeted by the Department for outreach efforts, (3) require a full range of outreach efforts for surviving spouses and require dedicated staff at regional offices to assist with their needs, and (4) require periodic evaluation of the Department's efforts to address the needs of eligible dependents. Given the concerns that spurred me to author H.R. 336, I am most appreciative that aspects of my legislation involving the expanded and clarified term of eligible dependent and the specific means by which the Department can meet their informational needs are identified in Section 204 of H.R. 801.

I would, however, have preferred to also see included the cooperative effort text of H.R. 336 which speaks to the importance of encouraging all elements within the Department to work with private and public sector entities—most notably veterans service organizations and veterans widows organizations—to inform surviving spouses and dependents of deceased veterans regarding their eligibility. I would also have liked to see language speaking to the need to have staff at the local level available to assist these individuals with filing a claim, reconstructing incomplete records, and bridging language barriers included. These represent follow-up efforts designed to ensure that individuals fully understand and properly utilize the information they receive.

In closing, I believe there are shortcomings in current outreach efforts conducted by the Department, and thus I support the related improving language contained in H.R. 801. I am pleased that members of the Committee have paid attention to the need to bolster the Department's outreach efforts and hope that H.R. 801 will be expeditiously signed into law.

Mr. BUYER. Mr. Speaker, I would like to thank you and Ranking Member EVANS for agreeing to "Fast-Track" H.R. 801, the Veterans Opportunities Act.

I am especially pleased because I represent a district that is rural, with a large agricultural base.

As such, I fully support the Veterans Opportunities Act, because it finally addresses the issue of "means testing" veterans' agricultural possessions.

In my district, many farmers are land rich, but lack liquid assets to readily pay for health care services at the Department of Veterans Affairs.

H.R. 801 will greatly assist in remedying this problem, and allow them the opportunity to access the VA Health Care system without being penalized.

In addition, I am pleased that this bill finally addresses the issue of allowing veterans to use their GI Bill education benefits for certain private technology entities.

This expansion of benefits will allow veterans to receive benefits for various certification type courses that have previously not been recognized.

As a result, veterans can now pursue nontraditional educational programs that usually require intense study and certification.

This will ultimately level the playing field for veterans by allowing them to compete in the high-tech environment.

Lastly, this bill will increase the burial benefits for both service-connected and non-service-connected veterans.

This is truly important!

World War II veterans are dying at a rate of a thousand a day.

Many of these World War II veterans are living on fixed incomes, and the high costs of burying these veterans places a financial burden on their surviving spouses and families.

Mr. Speaker, this bill and its provisions are long overdue.

Again, I thank the Chairman and the Ranking Member for giving this bill such quick consideration early in the 107th Congress.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 801, The Veterans Opportunity Act. The bill provides for essential benefits related to retirement privileges that our veterans desperately need. I am pleased that the legislation has swiftly come before the House for consideration.

H.R. 801 expands and increases payout amounts for several Veterans Affairs Department (VA) death and retirement benefits and extends coverage under the Service Members' Group Life Insurance program to dependent spouses and children.

The bill reflects a strong consensus in America that our veterans simply need to be taken care of. The legislation increases from $2,000 to $3,400 the maximum allowable annual ROTC award for benefits under the Montgomery GI bill; expands the VA's work-study program for veterans who are students; includes certain private technology entities as education institutions; allows a disabled spouse or surviving spouse of a severely disabled service-connected veteran to receive special restorative training; permits a veteran to use VA educational assistance benefits for a certificate program offered by an institution of higher learning by way of independent study; and provides for other needed necessities.

The measure contains other much-needed reforms. For instance, the bill expands the Service Members' Group Life Insurance (SGLI) program to include spouses and children. Upon termination of the SGLI, the policy could be converted to a private life insurance policy. Finally, the bill makes such changes retroactive to October 1, 2000, for service members killed in the line of duty.

Mr. Speaker, I urge my colleagues to support this important measure for our veterans.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 801, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 801, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

VETERANS HOSPITAL EMERGENCY REPAIR ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 811) to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, as amended.

The Clerk read as follows:

H.R. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Hospital Emergency Repair Act".

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR PATIENT CARE IMPROVEMENTS.

(a) In General.—(1) The Secretary of Veterans Affairs is authorized to carry out major medical facility projects in accordance with this section, using funds appropriated for fiscal year 2002 or fiscal year 2003 pursuant to section 3. The cost of any such project may not exceed $25,000,000, except that up to two projects per year may be carried out at a cost not to exceed $30,000,000 for the purpose stated in subsection (c)(1).

(2) Projects carried out under this section are not subject to section 8104(a)(2) of title 38, United States Code.

(b) Type of Projects.—A project carried out under subsection (a) may be carried out only at a Department of Veterans Affairs medical center and only for the purpose of—

(1) improving a patient care facility;

(2) replacing a patient care facility;

(3) renovating a patient care facility;

(4) updating a patient care facility to contemporary standards; or

(5) improving, replacing, or renovating a research facility or updating such a facility to contemporary standards.

(c) Purpose of Projects.—In selecting medical centers for projects under subsection (a), the Secretary shall select projects to improve, replace, renovate, or update facilities to achieve one or more of the following:

(1) Seismic protection improvements related to patient safety (or, in the case of a research facility, patient or employee safety).

(2) Fire safety improvements.

(3) Improvements to utility systems and ancillary patient care facilities (including such systems and facilities that may be exclusively associated with research facilities).

(4) Improved accommodation for persons with disabilities, including barrier-free access.

(5) Improvements at patient care facilities to specialized programs of the Department, including the following:

(A) Blind rehabilitation centers.

(B) Inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.

(C) Residential and rehabilitation programs for veterans with substance-use disorders.

(D) Physical medicine and rehabilitation activities.

(E) Long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.

(F) Amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.

(G) Spinal cord injury centers.

(H) Traumatic brain injury programs.

(I) Women veterans' health programs (including particularly programs involving privacy and accommodation for female patients).

(J) Facilities for hospice and palliative care programs.

(d) Review Process.—(1) Before a project is submitted to the Secretary with a recommendation that it be approved as a project to be carried out under the authority of this section, the project shall be reviewed by a board within the Department of Veterans Affairs that is independent of the Veterans Health Administration and that is constituted by the Secretary to evaluate capital investment projects. The board shall review each such project to determine the project's relevance to the medical care mission of the Department and whether the project improves, renovates, repairs, or updates facilities of the Department in accordance with this section.

(2) In selecting projects to be carried out under the authority provided by this section, the Secretary shall consider the recommendations of the board under paragraph (1). In any case in which the Secretary selects a project to be carried out under this section that was not recommended for such approval by the board under paragraph (1), the Secretary shall include in the report of the Secretary under section 4(b) notice of such selection and the Secretary's reasons for not following the recommendation of the board with respect to that project.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account for projects under section 2—

(1) $250,000,000 for fiscal year 2002; and

(2) $300,000,000 for fiscal year 2003.

(b) Limitation.—Projects may be carried out under section 2 only using funds appropriated pursuant to the authorization of appropriations in subsection (a), except that funds appropriated for advance planning may be used for the purposes for which appropriated in connection with such projects.

SEC. 4. REPORTS.

(a) GAO Report.—Not later than April 1, 2003, the Comptroller General shall submit to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives a report evaluating the advantages and disadvantages of congressional authorization for projects of the type described in section 2(b) through general authorization as provided by section 2(a), rather than through specific authorization as would otherwise be applicable under section 8104(a)(2) of title 38, United States Code. Such report shall include a description of the actions of the Secretary of Veterans Affairs during fiscal year 2002 to select and carry out projects under section 2.

(b) Secretary Report.—Not later than 120 days after the date on which the site for the final project under section 2 is selected, the Secretary shall submit to the committees referred to in subsection (a) a report on the authorization process under section 2. The Secretary shall include in the report the following:

(1) A listing by project of each such project selected by the Secretary under that section, together with a prospectus description of the purposes of the project, the estimated cost of the project, and a statement attesting to the review of the project under section 2(c), and, if that project was not recommended by the board, the Secretary's justification under section 2(d) for not following the recommendation of the board.

(2) An assessment of the utility to the Department of Veterans Affairs of that authorization process.

(3) Such recommendations as the Secretary considers appropriate for future congressional policy for authorizations of major and minor medical facility construction projects for the Department of Veterans Affairs.

(4) Any other matter that the Secretary considers to be appropriate with respect to oversight by Congress of capital facilities projects of the Department of Veterans Affairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I rise in strong support of this legislation, H.R. 811, as amended, the Veterans Hospital Emergency Repair Act.

This bill would authorize the Secretary of Veterans Affairs to carry out urgently needed medical facility construction projects over the next 2 fiscal years, and would authorize appropriations of $250 million in fiscal year 2002 and $300 million in fiscal year 2003 for those projects.

I will briefly discuss the bill, and then would ask our distinguished chairman of the Subcommittee on Health, the gentleman from Kansas (Mr. MORAN), to provide a more detailed expansion explanation. He has done a great deal of work on this bill.

On March 1, 2001, Mr. Speaker, I introduced the Veterans Hospital Emergency Repair Act with our ranking member, the gentleman from Illinois (Mr. EVANS), and a number of our colleagues, including the gentleman from Kansas (Mr. MORAN).

We are concerned, Mr. Speaker, that the flow of appropriated funds for VA construction programs, at one time in the hundreds of millions of dollars every year, in recent years slowed to barely a trickle, and then bottomed out last year.

No funding was provided through the appropriations process for VA major construction in fiscal year 2001. However, as construction funding for veterans' hospitals and other medical facilities dried up, they continued to age. Hundreds of VA medical buildings are over 50 years old and have become rundown, substandard and, in some cases, unsafe.

Part of the reason funding has not been appropriated for construction projects has been the VA's Capital Assets Realignment for Enhanced Services, or CARES, initiative. CARES is expected to provide comprehensive planning for VA facilities across the country.

While the VA committee supports CARES, it is a phased process that could take 3 to 5 years to produce just the plans for some VA medical centers. Then it would take more time for projects to go forward through the authorization and the construction process.

Among these identified construction needs are some 67 VA buildings currently used by patients and staff that could be damaged or collapse in the event of an earthquake, including three that suffered damage several weeks ago at the American Lake Medical Center in the State of Washington.

Mr. Speaker, I think my colleagues know the urgency we are talking about. Hopefully it is self-evident to all of us. Our Nation's veterans simply cannot wait any longer, the CARES process notwithstanding. They need our health care today, as well as tomorrow. As a country we have obligations to these men and women who have served in the military uniform and have done so with honor, and deferring these obligations is the same thing as not keeping those obligations.

Mr. Speaker, as chairman of the committee, I am going to do my best to see that our veterans have high-quality health care in modern, well-maintained, and safe buildings. All of our committee members are together on this.

H.R. 811, as amended, is an important step that would provide a temporary authority to the Secretary to set aside for 2 years existing authorization requirements. It would allow the Secretary some discretion to approve repair projects based on recommendations of the VA Capital Investments Board.

This legislation, frankly, would depart from current authorization practice by effectively eliminating congressional influence in deciding how this money should be spent. We call it an emergency because it is.

I know the media likes to sometimes focus on pork in bills we consider. We hope that the Secretary of Veterans Affairs will make the most meritorious choices, those facilities that need repairs the most. Again, that is why we call it an emergency repair act.

The major veterans' organizations, Mr. Speaker, testified in support of this bill at the Committee on Veterans' Affairs' legislative hearing on March 13 of this year. The administration supports the bill, so long as it aligns with the President's overall budget.

I am very pleased, Mr. Speaker, and encouraged that the proposed budget resolution that we begin debating later on today fully accommodates the amount of money that we anticipate will be required to do this work.

Mr. Speaker, I would like to thank again, as I did on the previous bill, my good friend and colleague, the gentleman from Illinois (Mr. EVANS) and his staff, and our staff, as well, for working in a bipartisan way in ensuring that this legislation meets the needs of our crumbling infrastructure.

Finally, just let me say, there have been studies done as to what we actually have in the inventory of the VA; the Pricewaterhouse study, for example, done a couple of years ago. They estimated that we have about $35 billion worth of assets, and in order to keep those assets up and running and in fine shape, it would require about $700 million to $1.4 billion a year. We have been nowhere near that amount. Hence, we have a crumbling infrastructure crying out for repair, crying out for the money, the down payment for which is contained in this legislation.

This is a modest bill, even though it is over half a billion dollars, a modest bill vis-a-vis the need, the unmet need, for repairing the physical infrastructure of the VA. If we want to care for veterans, if we want world-class health care for our veterans, we need the physical plant to accommodate that. This legislation takes us forward in that process.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for this piece of legislation. As an original cosponsor of it, I thank and commend the gentleman from New Jersey (Mr. SMITH) for his leadership on this issue.

I think this is about the 30th time today that the gentleman has been saluted, Mr. Chairman, and he deserves each and every one. We know what work he has put into this and his staff has put into this as we introduce the legislation. So we are really pleased that the gentleman has moved it quickly to the floor and has taken his leadership role.

The Veterans Hospital Emergency Repair Act provides an opportunity for needed construction of VA facilities to be completed in a more timely manner. I also want to thank the gentleman from Kansas (Mr. MORAN), the gentleman from California (Mr. FILNER), and the gentleman from Arkansas (Mr. SNYDER) for their important contributions to this legislation. This is a better bill because of their efforts.

The legislation addresses a serious problem. While the VA reviews facility needs for the future, there has been a virtual moratorium on major construction projects. The VA has 5,000 buildings that on average are 50 years old. Many of these facilities need substantial improvements to continue serving the needs of our veterans. Unfortunately, the de facto moratorium has placed veterans and VA employees at risk to just work in the hospital or to be a patient there.

H.R. 811 allows the VA to expedite selection, funding, and completion of smaller construction projects within certain guidelines developed by the committee. Prioritized projects will improve safety and support VA's capacity for the programs most important to its mission.

Mr. Speaker, clearly the House should support H.R. 811. I urge my colleagues to approve this measure.

Mr. Speaker, I rise in strong support of H.R. 811 and thank the gentleman from New Jersey, the Chairman of our Committee, for his leadership on this important legislation. As an original cosponsor of the Veterans' Hospitals Emergency Repair Act, I believe this legislation provides for undertaking many existing VA construction needs in a more timely manner.

Because of the willingness of the Chairman to fully consider and accept a number of suggestions offered during Committee consideration of this legislation, this bill has been improved and perfected. Our Ranking Member on the Subcommittee on Health, BOB FILNER, recognized this measure as originally proposed might not enable VA to address the system's many needs for seismic corrections. As a result, the bill now before the House is intended to allow several of the more expensive seismic projects to be undertaken promptly. The Ranking Member of our Subcommittee on Oversight and Investigations, VIC SNYDER also identified the need to address research facility construction needs as research is integral to the VA's patient care mission. As reported, this measure now includes research facilities as candidates for emergency repair and construction activities.

This legislation addresses a serious problem confronting VA. While VA is undertaking a process to review its infrastructure needs for the future, known as CARES (Capital Asset Realignment for Enhanced Services), there has been a virtual moratorium on its major construction projects. In a system with 5,000 buildings that have an average age of 50, it is clear that too little investment in infrastructure has taken place in recent years. The effect of this de facto moratorium likely has placed veterans and VA employees at risk as buildings age and deteriorate without necessary renovation and fortification.

From my perspective, the current construction funding process has clearly had a dampening effect on both the quality and quantity of projects that have been routed through and recommended by the agency. As major construction funds have virtually evaporated, VA employees have recognized proposals they develop are unlikely to be funded—not because they lack merit—but because of the lack of availability of funds. I believe that the availability of designated funding will encourage more proposals from facilities, thereby enhancing the quality of projects from which VA may select.

The legislation we are considering today will allow VA to expedite selection, funding, and completion of "smaller" construction projects it believes are in the best interest of the system within certain guidelines developed by the Committee. The Committee has prioritized projects that will improve facilities' safety and barrier-free access and develop its capacity for the programs most integral to its mission—blind rehabilitation, programs for the seriously mentally ill, substance use disorder treatment, other rehabilitation, long-term care, amputation care, spinal cord injury, traumatic brain injury, and women's health. These categories are largely consistent with the priority VA's Capital Investment Board now assigns to various construction projects it reviews. Within these priorities, it will be possible for VA to choose a range of projects that need not be held up by completion of the CARES process.

I believe it is appropriate to delegate the selection of these projects to VA as an interim approach until the system has results from its

CARES process for a number of reasons. CARES will produce guidelines for restructuring system assets within market-basket areas—ultimately across the country. It is clear that some of the guidance it will produce will have significant implications for local markets, but some areas (those with only one VA medical center and high levels of acute workload) will be largely unaffected. VA also is aware of the areas (those in less populated areas whose mission has largely shifted to outpatient care and areas with more than one medical center) that may have some significant changes brought on by the CARES process. CARES may be a long-term project and projects must not be postponed indefinitely because of it.

While it is appropriate for the agency to make investments in locations that are likely to be less affected by the potential outcome of CARES, it is not appropriate to delay construction indefinitely awaiting the outcome of a process that may take a decade to complete. I am concerned that some networks, such as VISN 12, may be delaying any projects pending the outcome of the process there. I am hopeful there will be a reasonable proposal available for the Chicago area soon, however, options for this area have been considered for almost a decade. Viable construction projects, such as replacement of the badly deteriorated blind center at Hines, must be advanced to uphold safety standards and assure quality.

I understand that, within the guidelines of this legislation, the Department will have more authority. It is my hope that Headquarters use a centrally guided and administered process, such as the Capital Investment Board, to select those projects it believes best advance the mission of the agency overall. It should not be a process which allocates funds to networks for use at the directors' discretion. We have seen, on too many occasions that allocation of funds requested by the agency for special initiatives, such as waiting times or Hepatitis C, may not be used for these purposes.

Any construction planning exercise inevitably leads to the question of mission. What should VA be doing now and in the future? To be sure, the veterans' health care system has undergone many changes in the last few years—some reflect better practices from the private sector; some have redefined long-standing VA programs, such as mental health and long-term care, throughout the system, and perhaps not for the better.

To the extent that construction planning and the CARES process do not adequately "maintain the capacity" of VA's long-term care programs and services for veterans with special disabilities, I believe VA's planning outcomes will continue to face opposition from Congress and the veterans who have come to rely upon VA for its health care services. We cannot turn back the clock on these services, but we must ensure that adequate resources are available to meet veterans' needs—if not on an inpatient basis than in the community or home.

I have heard from one network director who believes it is not his responsibility to "maintain capacity". Unfortunately, it is evident from the October 2000 Capacity Report that he is not alone in believing that the maintenance of capacity does not apply to him. The report shows that VISNs 3 and 21 have not maintained capacity in the number of patients they treat for spinal cord injury. VISNs 3 and 22 have significantly reduced their blind rehabilitation workloads. Only a few networks have bolstered traumatic brain injury workloads or dollars.

I am most concerned about VA's substance abuse treatment capacity for mentally ill patients. It's not just about dollars which are overall 64 percent of the funds spent for these services in FY 1996. Very few networks treated as many individuals with serious mental illnesses for substance use disorders in fiscal year 1999 as in fiscal year 1996. This disturbing trend must be reversed now.

I am also concerned about long-term care capacity. There is no question that VA has closed a number of its nursing home beds in recent years and diverted the mission of many others to subacute or rehabilitative care. VA is in the process of identifying measures that indicate its maintenance of capacity. VA long-term care programs have been considered one of its finest activities. If VA is to be responsive to veterans needs and not just duplicate services that may already be available to them in the private sector, it must continue to make these services a priority in its infrastructure and resource utilization plans.

Mr. Speaker, there is clearly a need for approving H.R. 811 to begin to facilitate addressing some of many existing infrastructure needs within VA. I am pleased to recommend to this body the approval of the Veterans' Hospitals Emergency Repair Act.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the distinguished chairman of our Subcommittee on Health.

Mr. MORAN of Kansas. Mr. Speaker, I would like to express my gratitude to the chairman of the committee, the gentleman from New Jersey (Mr. SMITH); our ranking member, the gentleman from Illinois (Mr. EVANS); and the gentleman from California (Mr. FILNER), our ranking member of the Subcommittee on Health Care, for their leadership on this legislation.

The Veterans Hospital Emergency Repair Act is very much a bipartisan measure. Health care for our American veterans is a high priority for this Congress, and that is demonstrated by this legislation being on the floor so early in this Congress.

Presenting this bill and the earlier benefit measure, H.R. 801, prior to our spring district work period shows we are dedicated to attempting to do what is right for America's veterans and doing it early in this Congress.

H.R. 811 provides us a map out of the forest, authorizing the VA to improve and upgrade veterans' hospitals with smaller projects while the VA and Congress decide the larger question about what to do for veterans' facilities in the longer term. We should not halt facility maintenance and improvements while the VA takes several years to come to decisions on redeployment of old VA facilities.

A variety of factors have combined to result in a de facto moratorium on VA medical facility construction. Last year only one project was proposed, and no projects were funded. As the gentleman from New Jersey (Chairman SMITH) indicated, the Committee on the Budget has supported the committee's underlying basis of this bill. Two of the members of our Committee on Veterans' Affairs sit on the Committee on the Budget, the gentleman from Florida (Mr. CRENSHAW) and the gentleman from South Carolina (Mr. BROWN). The Committee on Veterans' Affairs appreciates their support for this measure within the deliberations of the Committee on the Budget.

The key components of H.R. 11 are, it authorizes the Secretary of Veterans Affairs to carry out major medical facility maintenance and rehabilitation projects during the next 2 years, and authorizes appropriations of $250 million in the fiscal year 2002 and $300 million in fiscal year 2003 for those purposes.

This bill also authorizes the Secretary to select patient care projects and, in certain circumstances, VA research facilities for such construction under this authority, not to exceed $25 million for any single project, with the exception that the Secretary could authorize up to $30 million for two seismic correction projects.

This legislation limits the types of projects that could be funded under the authority to those that would improve, replace, renovate, or update facilities, including research facilities, for patients' safety, seismic protection, improvements, and accommodations for those with disabilities.

The Secretary would be authorized to improve the various high-priority specialty disability programs within the Department, such as spinal cord, blind rehabilitation, traumatic brain injury, programs for seriously mentally ill. These veterans also deserve decent and upgraded facilities.

This legislation requires the Secretary to consider recommendations to the VA Independent Board that reviews capital investment proposals in selecting projects under the Secretary's authority.

□ 1500

And this legislation permits the Secretary to use Advanced Planning Funds to design programs selected by him under the purposes of this bill.

Mr. Speaker, this bill provides for accountability. It requires the Secretary and the Comptroller General to report to Congress the projects selected under this authority, their purposes and their costs and the results of the authorization process and recommendations for amending or extending that authority so that Congress will have full opportunity to watch what the VA does with this new authority.

Again, let me thank the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, for his leadership and compliment his assertiveness in the Committee on Veterans' Affairs.

Mr. Speaker, the new Committee on Veterans' Affairs is making a good start in the 107th Congress under the gentleman's leadership.

Mr. Speaker, I also look forward to working closely with the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), ranking member of the Committee on Veterans' Affairs, and also to the gentleman from California (Mr. FILNER), the ranking member on the Subcommittee on Health in advancing VA health care in the 107th Congress.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding the time to me.

Mr. Speaker, I rise today also in support of the Veterans Hospital Emergency Repair Act. I, too, want to thank the gentleman from New Jersey (Mr. SMITH), Chairman of the Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking member, and the gentleman from Kansas (Mr. MORAN), chairman of the Subcommittee on Health, for their leadership in developing what I think is a very important bill.

Mr. Speaker, I particularly want to thank the gentleman from New Jersey (Mr. SMITH) for supporting a provision that I strongly advocated to allow more seismic correction projects to be completed.

VA's Capital Investment Board has given the San Diego VA Medical Center one of its highest priorities for funding in the fiscal year 2000, but this project and many other seismic projects have exceeded the threshold the original bill would have authorized.

Mr. Speaker, I am pleased that the amendment on the floor today allows the Secretary of Veterans Affairs to identify four seismic projects that exceed the $25 million threshold by as much as $5 million and use this authority to address them in fiscal years 2002 and 2003.

The damage sustained, Mr. Speaker at the VA Puget Sound Health Care system in Seattle, Washington recently reminds many of us of the risk and disruption that VA staff and veterans using VA services may experience as a result of an earthquake. Sadly, we were also reminded of the tragedy experienced back in 1971, when 46 VA patients lost their lives during the San Fernando earthquake.

The VA has identified more than 60 projects that require seismic fortification. We cannot continue to turn our heads while VA patients and employees are in harm's way. The damage sustained at Puget Sound might typify the type of damage we would see up and down the West Coast in the event of seismic activities, at Palo Alto, at Long Beach, at San Francisco, at West Los Angeles and, of course, at San Diego. San Diego's VA Medical Center requires new exterior bracing and enhancements to the existing seismic structures. The costs of not completing these projects, Mr. Speaker, may be measured in lives, rather than in dollars.

Again, I would like to thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) and the gentleman from Kansas (Mr. MORAN) for working on this much-needed legislation.

Mr. Speaker, I urge all of my colleagues to vote for H.R. 811.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, and I, again, want to thank the gentleman from New Jersey (Mr. SMITH) for yielding the time to me.

Mr. Speaker, I also want to, along with the others, recognize the leadership of the gentleman from New Jersey (Mr. SMITH) for advancing this bill to final passage so early in our new Congress, along with, of course, the gentleman from Kansas (Mr. MORAN), chairman of the Subcommittee on Health, who has been ill and had to go out of his way to get here in time to speak here today.

Mr. Speaker, the Committee on Veterans' Affairs looks to the Capital Asset Realignment for Enhanced Services, which we fondly refer to as CARES as a map for restructuring VA capital facilities and to enhance services to veterans. That is good, Mr. Speaker.

In fact, my colleagues may recall that VA's CARES program was developed as an adaptation of early language in one of our bills, H.R. 2116, in the last Congress.

CARES should eventually reach all the major facilities, but some VA medical centers are not going to have the benefit of the results of these studies any time soon. VA has a list of patient care and research buildings that need upkeep, replacement, restoration and modernization. Some of these projects are shown in our bill report filed yesterday, which we know that VA is doing some of its heavy maintenance work by using minor construction and maintenance accounts, but funds Congress appropriates for small-scale maintenance and routine upkeep should not be bundled and used to support major construction requirements.

VA spending is still a "zero sum gain" and in the long run managing this way poorly serves veterans and VA. Even with such creative juggling of accounts, VA is falling behind. Many of VA's 4,700 patient-care buildings with a "present replacement value" of $35 billion, according to one report, are outdated. Frankly, some are beginning to look a bit threadbare, inefficient and very crowded. But it is more than the mere cosmetics, Mr. Speaker. As the gentleman from New Jersey (Mr. SMITH) pointed out, dozens of VA buildings currently in use could be damaged or even collapse in the event of an earthquake.

The Veterans Hospital Emergency Repair Act, the bill we are discussing here today, is an acknowledgment that much of the VA health care system is showing its age. The flow of appropriated funds for VA's construction programs, at one time in the hundreds of millions of dollars every year, has slowed to barely a trickle.

H.R. 811 would provide a temporary authority to the Secretary by setting aside for 2 years the existing Congressional authorization requirements. It would allow the Secretary to approve repair projects based on recommendations of VA's independent Capital Investments Board.

The bill provides strong guidance to the Secretary to give priority to projects that improve, restore, replace, and repair patient care facilities, facilities housing VA's special programs, facilities needed by VA's women patients and facilities that are at risk of seismic failure or other dangers, including VA's research facility.

Mr. Speaker, the Committee on Veterans' Affairs has concluded that VA has urgent construction needs that are not being met. Reported conditions at various VA medical centers tell the story best, crowded and inadequate treatment areas, unsafe conditions that impact quality of care, lack of maintenance and improvements and patient care buildings that clearly need seismic corrections for patients' and staff safety.

The bipartisan bill that we consider today authorizes VA to identify and remedy some of the most serious problems so that quality and safety may be maintained, or if need be, restored.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I just rose on the previous measure to stress the importance of improving educational, burial, and outreach programs for the departing service members, veterans, and their dependents.

There exists another matter which deserves our immediate attention, the state of our patient care facilities in the VA health care system.

The Veterans Hospital Emergency Repair Act authorizes $550 million over the next 2 years for major VA medical facility construction projects.

The Secretary of the Veterans Affairs will be given discretionary authority to improve, repair and renovate dilapidated patient care facilities, including some research centers.

To ensure that the process selecting these construction projects does not get caught up in politics, I am pleased also to see the accountability provisions that have been placed into effect.

The Secretary will be required to submit reports to Congress detailing which projects were funded and the criteria used to select these projects for funding purposes.

There is no doubt that H.R. 811 is only a short-term solution to improving the VA infrastructure, which in this case is 50 years old. As the veterans' population gets older, their long-term health care needs become even more acute.

It is imperative that the VA hospitals and the clinics be maintained to provide the quality of care our veterans need and deserve. Congress, therefore, must make a long-term financial commitment to address the VA construction and renovation needs.

This is a first step. And I know we all recognize the importance of this step, but we also recognize how much farther we need to go.

Mr. Speaker, and I want to take this opportunity in closing to congratulate the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, on his efforts; and I know, in quoting the gentleman, that the infrastructure is crumbling, and there is need for more resources.

I look forward to continuing to working with the chairman and also the gentleman from Illinois (Mr. EVANS), the ranking member on the Committee on Veterans' Affairs, as well as the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) on their efforts.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), a good friend.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me the time.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 811, the Veterans Hospital Emergency Repair Act, and I urge my colleagues to join in full support of this important legislation.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) our distinguished Chairman of the Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking minority member on the Committee on Veterans' Affairs, for bringing this measure to the floor at this time.

This bill authorizes $250 million in fiscal year 2002, $300 million in fiscal year 2003 to the Department of Veterans Affairs for major long overdue medical facility construction projects.

Furthermore, it authorizes our VA Secretary to select patient-care projects for construction, which are not to exceed $25 million for any one project. The VA's Secretary is also authorized to improve the various high-priority special disabilities programs, which is so urgently needed.

Over the last few years, the VA has found it increasingly difficult to obtain funding to update, to modernize, and repair its medical facilities as they treat a record number of veterans who are using the veterans medical facilities throughout the Nation. In order to address this problem, the VA initiated the Capital Assets Realignment for Enhanced Services, CARES, study to see how best VA services could be enhanced. However, this study is not going to be completed for several years and will not be able to enhance the VA budget for fiscal year 2002.

Recent annual budgets for VA health care have had little or no funding for major medical construction projects. Only one such project was requested in fiscal year 2001, and no funds were appropriated by the Congress for this period, despite the fact that $115.9 million was authorized for construction efforts.

Mr. Speaker, it is critical that we act swiftly to address the immediate funding shortage within the VA for capital construction projects. Accordingly, for that reason, I strongly support this bill and I urge its immediate passage.

Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for bringing it to the floor at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 811, and I am happy to see it is in a bipartisan fashion. It is so much more to come to the well when we are not throwing slings and arrows at each other.

Secretary Principi is from San Diego, and he knows full well the problems we have with seismic problems in the State of California. This will go a long way, but I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs and the gentleman from Illinois (Mr. EVANS), the ranking member for working on this bill.

Mr. Speaker, I would also have a plea to my colleagues that subvention for our veterans TRICARE are merely still Band-Aids, especially if you live in a rural area. I feel that if we work on an FEHBP bill that gives access to all veterans, it will be much better off.

Since I am not on the committee, I would also like to speak to the gentleman from New Jersey (Mr. SMITH) that we once had a male-dominated military force, and since then, it is men and women, especially women at a much higher rate, which means our facilities need to be upgraded with the increased number of women serving in our Armed Forces that are retiring; that health care is important and there is especially needs to that.

I would like to mention one other area that I hope the committee addresses. Over 50 years ago, and I think this is also in a bipartisan fashion, General MacArthur promised our fellow Filipino Americans they would have health care. That promise has not been held.

My colleagues on both sides of the aisle are working currently with Filipino health care from a time of Corregidor and Baguio when they gave their lives for the Filipino Islands and for the United States and their service to the United States, I think it is fair time that we bring that forward.

There is other things that help them, Impact Aid, COLAs for the veterans in active duty and a partnership that we have in San Diego where the Children's Hospital with UCSD working with our current VA medical facility, those kinds of things are helping, but I still feel, Mr. Speaker, we still have a long way to go in supplying and providing our veterans with adequate health care.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me just again thank the gentleman from Illinois (Mr. EVANS) and all the Members who have helped fashion this legislation.

I especially want to thank our staff: Pat Ryan, our general counsel and staff director; Kingston Smith; Jeannie McNally; Darryl Kehrer; Paige McManus; John Bradley; Sarah Shigley; Michael Durishin; Debbie Smith; Todd Houchins; Beth Kilker; Susan Edgerton; Mary Ellen McCarthy; Sandra McClellan; and Jerry Tan. I hope I did not miss anybody, but it really does make a difference to have staff and Members working so well together.

These two pieces of legislation, in all candor, would not be possible without the good work of our very professional staff, and I want to thank them very deeply; all the veterans are better served because of the expertise, as well as the compassion of our staff. I want to thank them for their work.

Mr. CRENSHAW. Mr. Speaker, I rise in strong support of two important bills under consideration today, both of which are important to maintaining our commitment to our nation's veterans.

The first, the Veterans' Opportunities Act makes great strides in improving the benefits we provide to veterans. Whether they are for disability or housing or education or burial, these benefits are but a small token of the gratitude that we owe them for their service to our nation. H.R. 801 runs the gamut of these programs, addressing inadequacies in pensions and transitional programs, education and work-study programs, and burial and funeral allowances.

By maintaining good benefits, Mr. Speaker, we also help our armed services to recruit and retain the very best. We must never forget that for all the expensive weaponry and high-tech gadgetry, the men and women who wear the uniforms are the backbone of our military.

In that respect, perhaps the most important provision of this bill is one that makes retroactive an increase in the maximum annuity available to servicemembers' families through the Servicemembers' Group Life Insurance (SGLI). Though this increase was signed into law on November 1, 2000, the effective date of this increase is not until April 1, 2001. Regrettably, for many of our servicemembers and families—most notably, the 21 National Guard members killed in a plane crash earlier this month, the 17 sailors killed in the terrorist bombing of the U.S.S. *Cole*, and personnel lost in training accidents in Hawaii and Kuwait—this is too late.

For all these reasons, I urge my colleague to support H.R. 801. But, I also rise in strong support, Mr. Speaker, of the second veterans' bill on the floor today, the Veterans' Hospital Emergency Repair Act.

The Veterans' Health Administration operates the largest federal health care delivery system in the country with 172 medical centers, 409 domiciliaries, 132 nursing homes, and 829 outpatient clinics. In 1999, these providers treated 3.6 million veterans.

Just as our veterans have been aging, so too has the infrastructure this grateful nation established to care for them. So many of the hospitals and facilities to which these veterans must go for care are simply unsafe or clearly distressed. We must not sacrifice the health and welfare of our veterans in such facilities.

The Veterans' Hospital Emergency Repair Act would complement an ongoing review within the Veterans' Health Administration, the Capital Asset Realignment for Enhanced Services (CARES). To borrow a phrase from the President's address to Congress last month: Our veterans health vision should drive our veterans health budget.

Congress made an informed decision in its last session to move the veterans' health system into the 21st century by enacting the Veterans' Millennium Health Care and Benefits Act. CARES, is a realistic way to determine how we move from the old system of medicine that revolved around hospital-based care to the new which relies upon outpatient and community-based care without sacrificing quality and without sinking dollars into infrastructure that we can reasonably expect to fall by the wayside. H.R. 811 can help to make that happen.

Mr. Speaker, I want to thank Veterans' Committee Chairman CHRIS SMITH and Ranking Member, LANE EVANS, for their leadership in moving both H.R. 801 and H.R. 811 to the floor so quickly. I urge my colleagues to support both these bills.

Mr. REYES. Mr. Speaker, as an original cosponsor and strong supporter of H.R. 811, the Veterans Hospital Emergency Repair Act, I am pleased that this bill is being considered today. Like any large organization, the Department of Veterans Affairs has many facilities which, as they age, require periodic repairs to assure that patients are cared for in an appropriate, safe, accessible setting.

Our Nation's veterans need to be assured that their care will not be jeopardized because funds are not available to make necessary and appropriate emergency repairs. This bill will provide that assurance.

I thank Chairman SMITH and our Ranking Democratic Member Mr. EVANS, as well as the Chairman and Ranking Democratic Member of the Subcommittee on Health, Mr. MORAN and Mr. FILNER for this timely bill. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 811, Veteran's Emergency Hospital. This legislation cures a shortfall in funding that should have been allocated to veterans last year.

No funding was provided through the appropriation process for Veterans Affairs Department (VA) major construction in FY 2001, despite Congress having authorized $116 million for four major projects. This occurred partly because the appropriators chose to wait for the VA's "Capital Assets Realignment for Enhanced Services," or CARES initiatives, to deliver a plan for alternative uses of un-needed VA facilities. That plan, however, may take a number of years to complete. In the meantime, the VA is funding its building projects by using the minor-construction, minor-miscellaneous and non-recurring maintenance accounts.

H.R. 811 basically authorizes as much as $250 million in fiscal year 2002 and $300 million in fiscal year 2003 to fund various major medical facility construction projects. The measure actually authorizes the VA to select patient care projects for construction and cap project costs at $25 million for any single project, except for seismic corrections. The bill specifies that the authorized funds should improve, replace, renovate or update facilities, including research facilities that need to be upgraded.

The measure also requires the VA to consider recommendations of the department's independent board for capital investments in selecting projects; to permit it to use the Advance Planning Fund to design projects selected under this bill; and requires the VA and the General Accounting Office to report to Congress on projects selected under the new authority, their purposes and costs, the results of the authorization process, and recommendations for changing this authority as needed.

I urge my colleagues to support the legislation.

□ 1515

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 811, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 811, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT OF CORPORATION FOR PUBLIC BROADCASTING, CALENDAR YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

Pursuant to section 19(3) of the Public Telecommunications Act of 1992 (Public Law 102-356), I transmit herewith the report of the Corporation for Public Broadcasting covering calendar year 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 27, 2001.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 16 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1602

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 2 minutes p.m.

PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED SEVENTH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of March 27, 2001, without intervention of any point of order, to consider House Resolution 84; that the resolution be considered as read for amendment; that the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the resolution be considered as adopted; and that the previous question be considered as ordered on the resolution, as amended, to adoption, without intervening motion except 1 hour of debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on House Administration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Speaker, by direction of the Committee on House Administration, and pursuant to the order of the House just agreed to, I call up the resolution (H. Res. 84) providing for the expenses of certain committees of the House of Representatives in the One Hundred Seventh Congress and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the resolution is considered read for amendment.

The text of House Resolution 84 is as follows:

H. Res. 84

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SEVENTH CONGRESS.

(a) In General.—With respect to the One Hundred Seventh Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $10,010,397; Committee on Armed Services, $10,847,677; Committee on the Budget, $11,221,912.71; Committee on Education and the Workforce, $15,590,870; Committee on Energy and Commerce, $18,813,475; Committee on Financial Services, $15,095,429; Committee on Government Reform, $21,842,000; Committee on House Administration, $7,859,306; Permanent Select Committee on Intelligence, $7,475,073.97; Committee on International Relations, $14,495,256; Committee on the Judiciary, $15,490, 248; Committee on Resources, $11,980,260; Committee on Rules, $5,370,773; Committee on Science, $12,254,301.50; Committee on Small Business, $4,798,783; Committee on Standards of Official Conduct, $2,921,091.20; Committee on Transportation and Infrastructure, $16,559,562; Committee on Veterans' Affairs, $5,273,013; and Committee on Ways and Means, $16,077,758.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2001, and ending immediately before noon on January 3, 2002.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,918,497; Committee on Armed Services, $5,182,597; Committee on the Budget, $5,513,304.71; Committee on Education and the Workforce, $8,137,966; Committee on Energy and Commerce, $8,938,911.40; Committee on Financial Services, $7,568,506; Committee on Government Reform, $10,692,000; Committee on House Administration, $3,765,460; Permanent Select Committee on Intelligence, $3,660,021.59; Committee on International Relations, $7,003,845; Committee on the Judiciary, $7,595,624; Committee on Resources, $5,804,266; Committee on Rules, $2,644,509; Committee on Science, $6,000,079; Committee on Small Business, $2,312,344; Committee on Standards of Official Conduct, $1,383,708; Committee on Transportation and Infrastructure, $7,873,320; Committee on Veterans' Affairs, $2,576,765; and Committee on Ways and Means, $8,014,668.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2002, and ending immediately before noon on January 3, 2003.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,091,900; Committee on Armed Services, $5,665,080; Committee on the Budget, $5,708,608; Committee on Education and the Workforce, $7,452,904; Committee on Energy and Commerce, $9,874,563.60; Committee on Financial Services, $7,526,923; Committee on Government Reform, $11,150,000; Committee on House Administration, $4,093,846; Permanent Select Committee on Intelligence, $3,815,052.38; Committee on International Relations, $7,491,411; Committee on the Judiciary, $7,894,624; Committee on Resources, $6,175,994; Committee on Rules, $2,726,264; Committee on Science, $6,254,222.50; Committee on Small Business, $2,486,439; Committee on Standards of Official Conduct, $1,537,383.20; Committee on Transportation and Infrastructure, $8,686,242; Committee on Veterans' Affairs, $2,696,248; and Committee on Ways and Means, $8,063,090.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The amendment printed in the resolution is adopted.

The text of H. Res. 84, as amended, is as follows:

H. Res. 84

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED SEVENTH CONGRESS.

(a) In General.—With respect to the One Hundred Seventh Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $9,607,006; Committee on Armed Services, $10,872,677; Committee on the Budget, $11,107,043; Committee on Education and the Workforce, $13,573,886; Committee on Energy and Commerce, $17,226,770; Committee on Financial Services, $11,846,231; Committee on Government Reform, $19,420,233; Committee on House Administration, $7,418,045; Permanent Select Committee on Intelligence, $6,955,074; Committee on International Relations, $12,672,626; Committee on the Judiciary, $13,166,463; Committee on Resources, $11,601,260; Committee on Rules, $5,370,773; Committee on Science, $10,628,041; Committee on Small Business, $4,798,783; Committee on Standards of Official Conduct, $2,871,091; Committee on Transportation and Infrastructure, $14,479,551; Committee on Veterans' Affairs, $5,142,263; and Committee on Ways and Means, $14,748,888.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2001, and ending immediately before noon on January 3, 2002.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,675,093; Committee on Armed Services, $5,182,597; Committee on the Budget, $5,403,522; Committee on Education and the Workforce, $7,059,821; Committee on Energy and Commerce, $8,527,251; Committee on Financial Services, $5,705,025; Committee on Government Reform, $9,810,000; Committee on House Administration, $3,560,662; Permanent Select Committee on Intelligence, $3,407,986; Committee on International Relations, $6,202,095; Committee on the Judiciary, $6,339,902; Committee on Resources, $5,595,266; Committee on Rules, $2,644,509; Committee on Science, $5,172,668; Committee on Small Business, $2,312,344; Committee on Standards of Official Conduct, $1,358,708; Committee on Transportation and Infrastructure, $6,964,664; Committee on Veterans' Affairs, $2,516,765; and Committee on Ways and Means, $7,228,481.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 2002, and ending immediately before noon on January 3, 2003.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $4,931,913; Committee on Armed Services, $5,690,080; Committee on the Budget, $5,703,521; Committee on Education and the Workforce, $6,514,065; Committee on Energy and Commerce, $8,699,519; Committee on Financial Services, $6,141,206; Committee on Government Reform, $9,610,233; Committee on House Administration, $3,857,383; Permanent Select Committee on Intelligence, $3,547,088; Committee on International Relations, $6,470,531; Committee on the Judiciary, $6,826,561; Committee on Resources, $6,005,994; Committee on Rules, $2,726,264; Committee on Science,

$5,455,373; Committee on Small Business, $2,486,439; Committee on Standards of Official Conduct, $1,512,383; Committee on Transportation and Infrastructure, $7,514,887; Committee on Veterans' Affairs, $2,625,498; and Committee on Ways and Means, $7,520,407.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor today House Resolution 84, the committee funding resolution for the 107th Congress. This resolution authorizes $203.5 million for 18 standing committees of the House and the Permanent Select Committee on Intelligence. It has been carefully crafted to adequately and responsibly fund committees, providing them with the means necessary to support their agendas, which is the agenda of the American people.

In their funding requests, committees requested $223.9 million for the 107th Congress, an increase of $40.5 million. This amounted to a 22.1 percent increase over the 106th authorized levels. Although it is important that committees have the necessary resources to support their workloads, it is also important to ensure we do it in a fiscally responsible manner. As a result, on a bipartisan basis, we have been able to cut more than 50 percent of the funds requested by committees from this resolution. The $20.1 million increase in this resolution, however, is fiscally responsible. This amount funds our priorities and is crucial to enacting the agenda of the U.S. House. It deserves the support of our Republican Members.

The increase also supports five special circumstances that exist due to the changes in committee structures and jurisdiction, providing for added staff and funding for the Permanent Select Committee on Intelligence, the Committee on Financial Services, the Committee on International Relations, and the Committee on Energy and Commerce. Without these special circumstances, the overall increase for the 107th Congress would have been 8.6 percent. The 107th Congress mark is still lower than the overall funding levels in the 103d Congress.

The resolution also reaches a long-sought-after goal that allocates one-third of resources in the committees to the minority. As a result, this, I feel, is the fairest allocation of resources to the minority since the 104th Congress began.

In the 103d Congress, while still in the minority, Republicans established a goal providing the two-thirds/one-third split as we referred to it for the committee staff and resources. Progress was made in each of the last three Congresses, and I want to give credit to the gentleman from California (Mr. THOMAS), who is now chairman of the Committee on Ways and Means, for working towards that goal. I believe that with this budget we have reached the goal.

A lot of work went into this, getting us to this point; and first I would like to thank a few people, and they would be first on the agenda the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives, and his staff, Scott Palmer and Ted Van Der Meid, who worked so diligently to achieve this goal.

We also need to recognize today the committee chairmen and also the ranking members, and I know my distinguished colleague, the gentleman from Maryland (Mr. HOYER), will be also commenting on that situation; but we need to, I believe, Mr. Speaker, let the American people know that in the House of Representatives, as we talk about comity and as we talk about bipartisan work to have the institution of the House operate, we need to realize that these chairmen and ranking members work diligently to communicate with each other and to establish what we have here today.

Also, I would like to thank the Committee on House Administration staff: Neil Volz, who is a staff director; Channing Nuss, Maria Robinson, Jeff Janice, and also Janet Giuliani and Steve Miller who are sitting here to my left and behind me. This is their swan song. They are going to be leaving the committee; and I do not know if we overworked them, Mr. Speaker, but they are actually going on to the Committee on Ways and Means with the gentleman from California (Mr. THOMAS). I do not know if we still have time for an amendment to strike some money from the Committee on Ways and Means budget so we can keep these two individuals. We can talk about that, I would say to the gentleman from Maryland (Mr. HOYER). But both of them have done a tremendous job, as all members have of this committee, and the staffs.

I also want to recognize the tremendous job of the ranking minority staff of the Committee on House Administration, Bob Bean and all of the staff members who worked on a cooperative basis with our office, with our staff, with all of their committee ranking members, as our staff worked with the chairmen of the committees, to also produce this resolution today.

I would also note, Mr. Speaker, that we also have a situation where we looked at the technology upgrades of the House, the hearing rooms for the committees; and the Committee on House Administration has determined, in consultation with the Speaker's office and with my distinguished colleague, the gentleman from Maryland (Mr. HOYER), that funds requested for hearing room upgrades should be removed from the normal committee funding process. We realize that most committee hearing rooms are in serious need of improvement, as many have not had improvements in decades. However, it is important there be a standardized approach from an institutional perspective to ensure that all upgrades are of a minimal technical standard, can be maintained by the House, and provide a base level on which we can build for the future. So I also believe this is very responsible in taking this approach as a committee.

Let me just close by noting two things: number one, the goal, and since technology has burst through in this country, the goal has been to take the House of Representatives and make sure that citizens can see their House, the people's House, in action in the committees. We have worked towards that. When we do that and we use all of the technology to video stream and to have hearings on the Internet, to take it out over the radio waves and, as a result, it does have an increased workload. There is also an attitude amongst the chairmen of the committees and the ranking members that they would like to do hearings, which I think is admirable. Not everybody can get in a car or hop in an airplane to come to Washington, D.C. So with these resources we feel this will be a tremendous start for the chairmen and ranking members to take the people's House out on the road, as we would say, and be able to have citizens from across the country see hearings in action and be able to get their input.

Now, the second thing I wanted to close with is also very, very important to me personally and I believe the institution of the House, and that is a comment I want to make about our ranking member, the gentleman from Maryland (Mr. HOYER). Achieving a budget takes cooperation. Getting to the two-thirds/one-third to make the House run as it should, it takes cooperation. It is not a one-way street. The ranking members of the Committee on House Administration and the majority members have given of their time through this process, each and every one of them has worked diligently to work with us to produce this.

But I have to publicly give accolades to the gentleman from Maryland (Mr. HOYER) because he did a yeoman's job in stepping up to the plate to make sure that the ranking members of the committee have the resources. He worked towards this goal that we had stated 6 years ago that we wanted to get to this point today, where we would be able to present this type of budget. But I just wanted to publicly point out that all of the ranking members really would be impressed if they saw all the amount of hours that the gentleman from Maryland (Mr. HOYER) and also his staff put in to make sure that this is a fair budget. He also worked with us and our majority members.

So, again, this is a fiscally-sound budget. It is a budget we can be proud of here in the U.S. House, and I want to again thank our staff, the ranking members, the Speaker, and also the gentleman from Maryland (Mr. HOYER).

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the chairman for his comments, not only about my work, but on behalf of the minority staff regarding the role that they have played in this.

Mr. Speaker, I rise in support of House Resolution 84, and I urge my Democratic colleagues to support it, as the chairman of the committee, the gentleman from Ohio (Mr. NEY), has urged his colleagues to support it. The process through which this resolution was developed, and the concern demonstrated by the majority leadership to meeting the minority's legitimate needs, was in my opinion, a very positive process.

House Resolution 84 goes a long way, Mr. Speaker, toward achieving the minority's longtime goal of controlling one-third of each committee's total resources and staff slots. While it does not reach this goal in every single case, the ranking minority members of the 19 committees covered by the provisions of this resolution agree that substantial progress has been made over the levels of the 106th Congress. They have expressed to me their confidence that additional accommodations will occur over the course of the 107th Congress to deal with any remaining issues. Even the handful of committees that had been most visibly deficient in the past, in meeting the minority's legitimate needs, have come a long way, and most have met their target.

In the past, we have had representations which have appeared to hit the targets, but which have not. The gentleman from Ohio (Mr. NEY) and the Speaker have been diligent in trying to make sure that those devices are no longer used, and I thank them both for their leadership.

Mr. Speaker, we have approximately a $1.8 trillion budget that the elected representatives of this House, and the elected representatives of the other body, are charged with overseeing. We are given the responsibility to ensure that the funds are spent as they are intended to be spent, and are spent effectively on behalf of the American people, whose funds they are. That is a weighty responsibility. The budget for this body to carry out that task represents approximately one ten-thousandth of the dollars spent for the activities which we have the responsibility of overseeing. So it is a relatively small amount.

Mr. Speaker, I think that the amount authorized by this resolution, which is substantially less than the amount requested by the committees, is nevertheless an amount that will responsibly enable our committees, both the majority and the minority, to effectively carry out their responsibilities to the American people.

□ 1615

It is not easy to oversee budgets in the billions of dollars. It requires staff who are talented, diligent, and conscientious. To hire and retain such staff requires sufficient sums to compete in the marketplace. This budget allows the committees to do that, so I am very pleased to support this budget.

I also want to say that the gentleman from Ohio (Chairman NEY) has done yeoman's service on behalf of this institution—not just his party, and not just the minority—but on behalf of the whole institution, in creating an atmosphere in which we can come together, look at a problem, discuss it rationally, reasonably, and fairly, and come to a conclusion that I think all of us can support.

I think the leadership of the gentleman from Ohio (Chairman NEY) will redound, both now and in the future, to the benefit of this institution, and I thank him for his consideration and his courage in confronting some who perhaps did not want to move quite as far toward the target that had been set.

I also want to thank the Speaker, the gentleman from Illinois (Mr. HASTERT). He made it very clear that he was committed to the target of one-third of the slots and one-third of the resources for the minority. The gentleman from Ohio (Chairman NEY) and the Speaker, the gentleman from Illinois (Mr. HASTERT), through their fairness and leadership helped accomplish this objective, and have set a powerful example.

Seven years ago, Mr. Speaker, when the majority was in the minority, a former Member of this body, Pat Roberts, now a member of the other body, promised, and I quote, "If lightning strikes and the sun comes up in the West and Republicans take over Congress, we are going to do that for you. You will at least get one-third."

Mr. Speaker, with the adoption of House Resolution 84, it would seem that something very unusual indeed has occurred in this body: Lightning has struck, and the sun has come up in the West.

It is my hope, Mr. Speaker, that this body continues to experience such wonders of nature.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to make note, Mr. Speaker, that we appreciate that if something would happen and lightning would strike, it would be fair. Let us not do that test, though.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 84, the Omnibus Committee Funding Resolution.

First of all, I would like to commend and congratulate the chairman and the ranking member for the work they have done in committee to bring forward today what I consider to be a very fair and responsive funding resolution.

In this budget they have not only provided sufficient resources to facilitate the work of the committees and the Congress, but they have done so in a fiscally responsible way.

In this regard, I think it is worth noting, as the gentleman from Ohio (Chairman NEY) said, that the budget for the 107th Congress is still $20 million below the spending levels for the 103rd.

I also want to commend the Speaker, the gentleman from Illinois (Mr. HASTERT), and the chairman, the gentleman from Ohio (Mr. NEY), for the long hours they have put in to assure a more fair and equitable distribution of resources to the minority. I should say that the Committee on Agriculture, which I chair, has long lived by the two-thirds/one-third rule with respect to the division of committee funds. I think this has served our committee well. I think it serves the interests of the people we represent well.

I think the fact that today's resolution finally achieves this ratio broadly for all committees is remarkable and historic, and will ultimately serve this Congress in the best interests of the people that we represent and that we work for.

Again, I thank the chairman and the ranking member for their hard work on this resolution, a very responsible resolution. I urge my colleagues to support overwhelmingly the passage of House Resolution 84.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), a member of the Committee on House Administration and a gentleman who has worked very hard to accomplish this result.

Mr. FATTAH. Mr. Speaker, let me first rise to say that I come from a background in the Pennsylvania Senate and General Assembly, I spent 12 years there, where we had something which was entitled the Bipartisan Management Committee. The entire management of the legislature was handled through the Bipartisan Management Committee, in which decisions around funding and committee size and staff issues were handled in a bipartisan manner.

Mr. Speaker, I think what has taken place in the Committee on House Administration, under the leadership of both the ranking member, the gentleman from Maryland (Mr. HOYER), and the chairman, the gentleman from Ohio (Mr. NEY), is as close to that as is possible here in the Congress in the sense that there has really been a bipartisan effort to figure out what, as a professional legislative body, is needed for the various committees to implement their objectives and responsibilities, and to adequately provide for that in terms of the overall funding levels for committees; to also meet a threshold, a target, if you will, set by the majority party when it was in the minority of a one-third provision of resources for a minority party in this Congress to be able to articulate and fight for its positions on a variety of issues. We have accomplished that.

I want to thank not just the chairman and the ranking member, I want to thank some of the people who had to work a little to get us there, including someone who I have not often said nice things about, I guess, on the floor of the House, the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform that I served on for 6 years. His committee and a number of the other committees, the Committee on the Judiciary and others, had to move a little bit so we could all come here today in support of this resolution.

I want to thank not just the leadership of the Committee on House Administration, but I want to thank others in the majority who helped move this Congress to a place that I think will gain us greater respect from all who view us.

Mr. Speaker, in conclusion, I want to say that I hope as this Congress goes forward, that we will continue to be prepared to meet the growing needs of the financial resources that our various committees will have; that we will work in terms of improving the committees and hearing rooms, and doing whatever else is necessary so that Members of what all would agree is the premier lawmaking body in the world would have the ability to carry out in a professional way their work; and that our committees are capable of taking charge of the great responsibilities we have as the United States Congress.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I am pleased to support this resolution because this resolution embodies some real leadership, the leadership to do the right thing for the House of Representatives. As has been noted by the other speakers, it was necessary to make some adjustments so that we could provide the equity and the comity that is necessary between the two parties. This is something that I think is very desirable.

This resolution constitutes a responsible reflection of committee Chair requests for the 107th Congress. The committee Chairs requested a 22-percent increase in funding over the 106th Congress. The gentleman from Ohio (Chairman NEY) and the Committee on House Administration were able to cut that request in half and still satisfy committee needs, and still obtain unanimous endorsement from all the committee Chairs and the ranking members.

We hear lots of talk about bipartisanship, but this is not only talk, but reflects the actions of bipartisanship. I have always heard for years about the acrimony in the Committee on House Administration. As a new member of it, I must say I have never seen a smoother process than the one that occurred over this committee funding issue, with both sides really working closely together to provide support for this. I think it is something that is very commendable, and it stands out and should serve really as a model for how we operate.

The funding resolution does provide or moves us greatly towards the two-thirds/one-third allocation of resources between the majority and the minority parties.

I would especially like to recognize our Speaker, the gentleman from Illinois (Mr. HASTERT), for the leadership, the encouragement he gave us to move in this direction, as well as the chairman, the gentleman from Ohio (Mr. NEY), and commend the gentleman from Maryland (Mr. HOYER) in the minority in working with us on this.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this resolution, which by all estimates is a fair, balanced, responsible, and necessary funding blueprint.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Ohio (Mr. NEY) knows, it was our position on this side that every ranking member of the 19 committees had to be in a position of being treated fairly for us to support the resolution. Again, through the work of the gentleman from Ohio (Mr. NEY) and the work of the ranking members and the chairmen, we have accomplished that objective.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Financial Institutions, who worked very closely with the new chairman, the gentleman from Ohio (Mr. OXLEY), to reach agreement.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Maryland for yielding time to me.

Mr. Speaker, I rise in support of House Resolution 84, the Omnibus Committee Funding Resolution. I particularly want to offer my support for the recommended funding for the Committee on Financial Services. This committee is now the second largest committee of the Congress. It cannot afford to ignore or inadequately address any of its areas of responsibilities in an increasingly integrated financial services market. The increase in funding will help the committee to fulfill its responsibilities.

I appreciate that the members of the Committee on House Administration have to struggle with some difficult choices between competing demands to trying to allocate the resources necessary so all committees can do their jobs. I want to thank them for the effort they made on behalf of the Committee on Financial Services.

I want to especially thank and commend the Democratic leadership for its strong advocacy of and commitment to the equitable allocation of resources to our minority. Thanks to their persistence, most ranking members will enjoy one-third control over staff slots and funds, with real discretion over these two areas once the resolution is adopted.

This one-third/two-thirds ratio for all committee resources is a minimal and absolutely essential component of an equitable distribution of dollars and staffing. I am pleased that most committees will finally have that authority.

The full Committee on House Administration, members of both parties, including especially the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), are to be commended for crafting such a well-balanced budget package.

I would urge all my colleagues, particularly those on my side of the aisle, to support this resolution.

Mr. Speaker, I also urge the committee to do something else. I urge the committee to exercise the authority it has to ensure that treatment of expenses for representational duties in the District of Columbia is no better but no worse than the treatment given to State legislators in almost each and every State, and most especially in States such as California and New York.

Mr. NEY. Mr. Speaker, I would like to applaud the gentleman's statement.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

Mr. HYDE. Mr. Speaker, I rise in support of House Resolution 84, as amended, which provides funding for the committees of the House of Representatives in the first session of the 107th Congress.

At the outset, I, too, would like to commend and thank the gentleman from Ohio (Mr. NEY), chairman of the Committee on House Administration, the gentleman from Maryland (Mr. HOYER), the ranking Democratic member, and other members of this committee in guiding a thoughtful and well-crafted resolution to the House floor today.

□ 1630

The task before them is by no means an easy one and is often complicated by the many different committee demands and requirements for resources.

The gentleman from Ohio (Mr. NEY) and the Committee on House Administration have deliberated long hours to produce a resolution which strikes a balance between fiscal belt-tightening and funding allocation priorities.

In particular, I think I speak for most Members of the House when I say we appreciate the unflagging efforts of both the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), as well as the entire Committee on House Administration in bringing to the floor today a product which is predicted to receive wide, bipartisan support.

Mr. Speaker, the work of the Committee on International Relations is as important to the national interests as is the work of any department or agency our committee oversees. The decisions we make with respect to our policy and involvement towards other countries are as important as any decisions this Congress makes.

Although, I, of course, wish the Committee on International Relations had received its entire request, I believe we can work within the amount allocated to us in this resolution and still achieve a record of accomplishments of which the Congress and the American people can be proud.

I wish to take this opportunity to weigh in a very real problem all Members face in the House. I am speaking about the physical office and meeting space availability or, rather, unavailability. When I appeared before the Committee on House Administration earlier this month, I suggested that perhaps it is not too visionary to contemplate another office building. The Senate has three office buildings to serve the interests of 100 Senators. On the House side, we have three buildings that are overutilized to serve the interests of 435 Members.

Mr. Speaker, I bring this up now so we might think about remedies for the very near future.

In closing, I urge the Members of the House to support H. Res. 84 as reported from the Committee on House Administration so the committees of the House can discharge their responsibilities and get on with the very important business we are sent here to do.

Mr. NEY. Mr. Speaker, we have one more speaker on this issue, this resolution. I want to say 21 years ago, Mr. Speaker, when I was in the Ohio House, I had a very young colleague from Ohio, and he was going off to Congress. I often wondered what would become of him. Now we know; he has become chairman of the Subcommittee on Financial Institutions and Consumer Credit with a lot of new responsibility.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, let me first begin by thanking the gentleman from Ohio (Mr. NEY), my good friend and colleague, for a virtuoso performance on this. I think probably, at least certainly in my almost 20 years in the House, this is the first time I can remember that we have had such a great working relationship between the gentleman from Ohio (Mr. NEY), chairman of the Committee on House Administration, and the gentleman from Maryland (Mr. HOYER), my good friend, to put this package together that satisfied just about everybody in what we wanted to try to accomplish in the way of committee funding.

From the hearings, where I had an opportunity to participate, along with the gentleman from New York (Mr. LAFALCE), the ranking member on the Subcommittee on Financial Institutions and Consumer Credit, to the efforts to make certain that not only were the chairmen but the ranking members satisfied with the numbers, has brought us today on the floor and on the verge of passing this legislation by an overwhelming margin.

It is in no small part due to the efforts of the gentleman from Ohio (Mr. NEY) as well as the gentleman from Maryland (Mr. HOYER) for their dedication to the work.

I suspect that not any of us got all that we had asked for, it is rare around this place that we get everything that we ask for, but I have to say that I have not talked to one Member, either chairman or ranking member, who felt that they did not get a fair shake from the Committee on House Administration, and that ultimately is what counts.

Mr. Speaker, our committee, as you know, is a new committee. It is the second largest committee in the House. We have assumed enormous new responsibilities particularly dealing with the Wall Street issues of securities and exchanges, as well as insurance added on to the traditional banking issues, as well as the IMF, World Bank, and others; but we have a wide range of issues, and we needed that kind of extra staff to carry out our functions.

Mr. Speaker, to show my colleagues how fair this whole process worked out to be, particularly with the two-thirds, one-third, we will receive in our committee nine new staffing slots, five of which will go to the minority. Clearly, the gentleman's efforts have borne fruit in moving this bipartisan effort and making certain that the committees were funded properly and have the opportunity to do and carry out the agendas that we have before us.

I have nothing but praise for the process and particularly for the gentleman from Ohio (Mr. NEY), the chairman, and the gentleman from Maryland (Mr. HOYER), my good friend, for what they have been able to accomplish and bring to the floor today.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I will make the representation, as I said before, that all 19 ranking members are going to support this resolution. They will do so because we have come together, sat down at the table, reasoned together and come up with what we believe to be a fair resolution.

Like the gentleman from Ohio (Mr. OXLEY) said, it is not perfect from anybody's standpoint, but perfect was not possible. But fair was possible, and it was achieved. It was achieved because I think the gentleman from Illinois (Mr. HASTERT), Speaker of the House of Representatives, believed it appropriate; the gentleman from Ohio (Mr. NEY), our chairman, fought hard to achieve that result.

It was not always easy. There were obviously some who felt that they did not like the shift that was being made, but because of the commitment to fairness of the gentleman from Illinois (Mr. HASTERT) and the gentleman from Ohio (Mr. NEY), fairness was achieved. I appreciate that.

There have been times, obviously, when on our side of the aisle, some thought that fairness was not achieved. We still are concerned about the ratios on committees. We are concerned from time to time with the processes that the Committee on Rules adopts, which precludes us from, we think, putting forward our propositions in a fair way.

It is good for the public to know, Mr. Speaker, that there are more times than not when we can sit down and come to agreement, knowing full well that all of us serve the American people, and they expect us to work together in as positive and productive a fashion as we can.

The leadership of the gentleman from Ohio (Mr. NEY) and the leadership of the gentleman from Illinois (Mr. HASTERT) have provided the opportunity for that to occur, and our ranking members have worked hard with their chairmen to accomplish that objective.

Mr. Speaker, I think we have done it, and I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I found in the years that I have served in office that the American people have a willingness to become involved in the energetic give-and-take of public debate, and that public debate on behalf of the people of the country is made in the committees. The committees are the heart of what this institution is about.

This is a proposal, a resolution we can be proud of. It is fiscally responsible. It is, I believe, a good day for not only the House, but for the American people, because the institution of the House works.

Mr. Speaker, I urge support of this resolution.

Mr. DINGELL. Mr. Speaker, I rise in support of the Omnibus Committee Funding Resolution. While the resolution does not include the full request of the Committee on Energy and Commerce, which the Minority supported, it does recognize the increased workload facing our Committee. Each of the six subcommittees has more than a full plate, with issues such as patient protections, prescription drugs for seniors, and national energy policies, even before consideration of Administration proposals that will presumably be forthcoming.

I note that the proposed budget is a significant improvement in its treatment of the minority. Although my colleagues on the other side of the aisle have previously spoken of a goal of a two-thirds/one-third split between the Majority and Minority in funding and staff positions, the Minority on the Committee on Energy and Commerce has never received even that modest allocation. Under this resolution, however, the minority members, who constitute 49 percent of the House and 45 percent of the Energy and Commerce Committee, will finally be allocated one-third of the funding and staff slots long promised by the majority party. More importantly, it is my understanding that an accommodation of the needs of the Minority has also been reached on the other Committees as well.

Because of these improvements, I support this resolution and urge my colleagues to support it. I would note that this resolution is just a first step in the process; the House will need to allocate sufficient funds to make good on its promises. This resolution represents a good beginning, and I hope it carries over into more mundane matters, like office space, as well as into legislation on important policy questions.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of today, the previous question is ordered on the resolution, as amended.

The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H. Res. 84, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 38 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 5 o'clock and 20 minutes p.m.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, March 22, 2001 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for a period of debate on the subject of the concurrent resolution on the budget for fiscal year 2002.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Ohio (Mr. HOBSON) to assume the chair temporarily.

□ 1721

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for a period of debate on the subject of the concurrent resolution on the budget for fiscal year 2002, with Mr. HOBSON (Chairman pro tempore) in the Chair.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, March 22, 2001, general debate shall not exceed 3 hours, with 2 hours confined to the congressional budget, equally divided and controlled by the ranking member of the Committee on the Budget and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK). The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour of debate on the congressional budget.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an opportunity that only comes around every few years, and that is an opportunity, as my friend and colleague, the gentleman from South Carolina (Mr. SPRATT) suggested at the Committee on Rules when we met just a little while ago, to have a watershed budget, kind of a real opportunity for taking a fresh look at where we are as a country; where we are as a Federal Government; what are our priorities; what are our values; what are our principles as we move forward.

As we look into this century, we have accomplished so much on this threshold and yet there are so many challenges that face us, but just to give us a little bit of a threshold to work from, let me suggest that, Mr. Chairman, we are about to debate the fifth straight balanced budget, and that in and of itself, I believe, not only is a real treat but a real accomplishment.

We have built that budget. We have built that accomplishment in a bipartisan way, Republicans and Democrats struggling and arguing and sometimes even fighting to come up with the priorities that shape our country's future. We did not do it alone, and we did it together along the way sometimes; sometimes not. But I think we all have a lot to be very proud of as we stand on this threshold and look forward.

Probably the people who deserve the most credit, as we stand on this threshold, are the people that are watching at home, balancing their checkbooks around their kitchen table, making the decision about where their kids are going to college, getting that Visa bill in the mail and going, oh, man, not again, or finding out that the energy prices just went up yet again and how that is going to have to take away from some of their other priorities.

So as we struggle through that which we think is so important here in Washington, D.C., let us be ever mindful of the kitchen-table conversations that are going on around America tonight, and those kitchen-table conversations, while maybe not having as many zeroes as the zeroes we are going to talk about in this particular budget, are just as important, if not more important, to the future of America.

As we build this budget, we build on a very solid foundation. And we decided in order to continue that solid foundation far into the future that we had to adopt six principles that would guide our deliberation, that would guide the decision, that would guide the blueprint as we move forward.

The first is that we would try and have maximum debt elimination. We as a country recognize, whether one is a farmer in Iowa or whether one runs a small business in upstate New York or whether one is a senior down in Florida or South Carolina, balancing their checkbook and making ends meet they know that debt can kill them; they know that running up too much and having too much indebtedness makes it pretty difficult for one to make the decisions that face them every day. We as a country are no different. By building up a national debt, by not living within the means of the revenues that we get from the hard-working Americans across this country, we have built up over a number of decades a huge debt held by the public, and one of the goals in this budget was to eliminate as much of that as possible; and we accomplish that in this budget.

Over the course of the next 10 years, we will pay down the most amount of debt held by the public that this Nation has ever experienced; and, in fact, by the end of this period of time, we will pay back all of the debt one can possibly pay and still be responsible as a Nation. Sure, there will be a little bit of debt left over that needs to be carried because it either has not matured yet or we would have to pay a high penalty or a high premium in order to recoup, but the bottom line is that we will turn over to our children and our grandkids almost a debt-free nation.

Second, maximum tax relief for every taxpayer. We want to make sure that everybody who pays taxes gets a little bit of tax relief. Why do we do that? Because we are running a tax surplus. After all the bills are paid, after all the debt is paid down, after we meet all of the priorities of a country that has many, we have a tax surplus that has been growing. In fact, it has been growing so large, it is now the largest, if we look at it with regard to our economy, our gross domestic product, it is the largest that we have ever carried as a Nation and we need to reduce that tax burden for every taxpayer.

There are some other priorities that we wanted to include in this budget. First we wanted to improve our education for our children. We have elected a President of the United States who has demanded that no child in this country should be left behind, and we take him up on that offer by continuing some very large increases in spending, but also demanding reform for our Nation's education system, recognizing that the soft bigotry of low expectations within our system, as the President has dubbed it, is something that needs to be broken, needs to be changed and more local control with high standards needs to be what we need to usher in in this new education era.

Next is a stronger national defense. We live in an ever-changing, ever more dangerous world, one that cannot be paid for, cannot be bought, cannot be invested in without rethinking our national defense.

The President of the United States, from that podium right back there, challenged us and said the money should not determine the policy but yet the policy should determine how much money we spend. He charged Secretary Rumsfeld, the Secretary of Defense, with coming forward with a full review, top to bottom, of our Nation's defense, and suggesting that we should not just put in some extra money because it sounds good, add some more money because the industrial defense complex needs to have that money to run, to just put in some more money because we have defense hawks around here or because it is expected as a Congress in order to add those dollars, but to say, no, first let us do a top-to-bottom review before we make the decision about how much money to spend. And that review is ongoing and we build that into our budget.

Next is to reform and modernize our Medicare system. We recognize certainly coming from a rural area, as I do, that Medicare is what we depend on. Health care in rural America is Medicare. We have a growing and a very aging population that needs this reformed and modernized to meet the new needs of their generation.

□ 1730

Back in 1965, modern prescription drugs and other procedures maybe were not contemplated. They are today, and our Medicare system needs to provide for that. That is why in this budget we provide for prescription-drug modernization, as well as other modernizations, so that we can extend the life of Medicare far beyond its current existence.

Then finally, a better Social Security system for our seniors today and for tomorrow; not just for today, but for tomorrow, recognizing that in a bipartisan way, Republicans and Democrats have set aside the entire surplus from the trust fund of Social Security and recognizing that while that answers the question of Social Security today, it does not answer the question for my generation or for generations to come.

So in this budget, while we continue the practice of setting aside the entire Social Security Trust Fund, putting it in that lock box, what we also do is we say, we want reform, we expect reform, we support the President's call for reform, and we move forward toward reform in this budget.

We believe that discretionary spending overall should be kept in pace with the economy. So as the President has suggested, we say that our government should not grow any faster than the family budget, should not grow any faster than the economy as a whole, so we limit the growth of government to the rate of inflation; and we believe that is a responsible way to move forward.

Finally, what we say is that after all of these priorities, after all of these goals are met, there is still money left over. After we pay for education, after we pay for our national defense, after we pay for our environment, after we pay for Medicare, after we pay for prescription drugs, after we set aside all of Social Security, after we pay down the national debt to the lowest point in over a century, there is still money left over, and whose money is that? It is the people who are balancing their checkbook around their kitchen table and they deserve a refund, they deserve their money back, they deserve to make those decisions that they want to make for their families and their own communities. And it is for that reason that we provide tax relief in this budget.

How does the surplus add up? Well, because of the projections that the Congressional Budget Office puts forward, we believe that there will be $5.6 trillion worth of surplus over the next 10 years. What do we propose to do with that? We propose to pay down the debt by setting aside all of Social Security. As we know, when our FICA taxes come in, they pay for benefits. Those that are left over usually get rolled into Treasury notes.

Well, we are able to not only pay down that debt because we are getting more surplus; but we are also able to, as a result of this, set aside for debt service, for a contingency reserve, and for Medicare the entire amounts to allow not only for reform, but for a rainy day. We have a contingency reserve over the course of this next 10 years of $517 billion as a cushion.

We recognize that the projections are not always very accurate. We believe these are very reasonable and very conservative projections; but we recognize that it may not hit exactly where we say, even though over the last 6 years they have come in larger than expected. But we still set aside over half of $1 trillion in addition to Medicare, in addition to Social Security, in addition to paying the debt service; and we still set aside half of $1 trillion to deal with that which we know is coming in the future: a farm crisis, a national defense review that may require additional spending.

We believe that this is a responsible budget, one that should be supported not only by my colleagues, but should be supported by the American people as a solid foundation to build upon, but also one that is flexible enough to deal with the contingencies and the concerns of the future. We have a good budget, it is a realistic budget, it is an enforceable budget. Support the budget.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, some years when we do the budget it is routine, even inconsequential; but some years, as in 1990 when we did the budget summit with President Bush and again in 1993 when we did the Clinton budget, and in 1997 when we did the Balanced Budget Agreement, the budget lays down a path that we follow for many years to come. This is such a budget. Because of what we did in 1990, 1993, and 1997, we are reaping the consequences of our fiscal good behavior. We think we see enormous surpluses projected at as much as $5.6 trillion; $2.6 trillion to $2.7 trillion, after we back out Social Security and Medicare. So this is a watershed budget. We are going to make an allocation of these surpluses that will last for at least 10 years and beyond, and that is why what we are doing has to be done with great gravity.

The chairman of our committee, the gentleman from Iowa (Mr. NUSSLE), just laid out six principles. Well, let me compare the difference between us and them, using his criteria, his six principles. He started with debt retirement, and I heartily agree. The more debt we can pay down, the better for our children and the better for our future, the better for Social Security and Medicare. So what is the scorecard on debt retirement, debt reduction? Our budget, our resolution on the Democratic side over 10 years between 2002 and 2011 will reduce the debt held by the public, Treasury debt held by the public by $3.681 trillion. Their resolution, the Republican resolution, will reduce that debt by $2.766 trillion. We win on that score by $920 billion. Not even close.

Tax relief. The gentleman said we should give some of the surplus back to the American people; and we agree, heartily agree. We have set aside one-third of the surplus to give it back to the American people in the form of tax relief to those taxpayers who need it the most. But in making room for tax cuts, we have also left room for other things that people clearly want: education. That was the next on the gentleman's list. The next criterion by which to judge the budget resolution he said was education. Listen to this: because we made room for other priorities, and were not just fixated on tax cuts alone, we provide $132.8 billion over the next 10 years, that much, $133 billion more than the Republican resolution would provide for the education of our children. There is no comparison. It is not even close. We went hands down on that particular issue.

A stronger national defense. I have been on the Committee on Armed Services for all of the time I have served here, more than 18 years; and I heartily agree, we need to do more for national defense, we need to modernize our defenses. We have been living off what we spent in the 1980s during the 1990s and now we need to put a little bit more into defense, so we do it. We have in our budget resolution $48.2 billion more for financial defense than they provide. They provided the gentleman from Iowa (Mr. NUSSLE) the opportunity to supply a different number, but we are realistically budgeting for defense $115 billion in budget authority over and above the baseline set by the Congressional Budget Office, which is an inflated baseline, a baseline equal to inflation. That much more for national defense. At least for now, we win on that score as well.

Medicare reform. That was the way it appeared on the gentleman's list. If we look through his budget resolution, the Republican resolution, we look in vain for any proposal for Medicare reform. It is not there. There is a vague proposal about prescription drug benefits for Medicare; but if we are really absolutely earnest about Medicare, then one of our chief concerns has to be how long will its solvent life last so we can tell older Americans it will be there when they need it. We will not be cutting it because we cannot extend its solvent life.

We have drawn a strict principle here. We want to add prescription-drug benefits to Medicare; but because we do not have a huge tax cut, we have a moderate tax cut, we have the resources, the wherewithal to do that by using resources from the general fund of our budget, not by dipping into the trust fund of Medicare and diminishing that trust fund and shortening its life, which is what the Republicans propose to do. They want to give to Medicare with one hand and take from it with the other, so that the result is, they get a very meager prescription-drug benefit, mostly for low-income beneficiaries and a shortened solvent life for Medicare. We extend the life of Medicare, and we provide a robust $330 billion to provide prescription-drug coverage under Medicare.

However, my biggest concern about their budget and the biggest difference between us and them and the point that I would close on is just this: I have been here for 18 years. I came here when the deficit was just beginning to mount. We have tried to get our arms around this terrible thing we call the deficit and change it; and we finally, finally, after 18 years, reversed some of the fiscal mistakes we made in the early 1980s and put this budget in surplus, surpluses that nobody ever thought possible. Surely we do not want to take any action now, now that we have gotten here, that would put our budget surplus in jeopardy. But this is what the Republican resolution does.

If we want it drawn as a line graph, here it is to my right. That red line against the blue background is where their bottom line would go, what resources are left over. We take the surplus that is available, back out the tax cuts they propose, back out Social Security and Medicare, adjust it for spending increases; and this is the path that they are plotting for the future. From 2002 to right here around 2007, 2008, we are skating on thin ice. We are skating on thin ice. We barely have a surplus at all. There is no margin for error, no room for a mistake here.

Let me show my colleagues what could happen if these robust assumptions about the growth of our economy on which these frothy, blue-sky surpluses are based. Let us assume that the growth rate in this country drops from the assumed rate on which these surpluses are predicated, from the assumed rate of growth of around 3 percent down to 2.5 percent, a drop of just one-half of 1 percentage point from 3 percent to 2.5 percent. As we can see, we go to the red in a hurry. We are back to borrowing from Social Security and Medicare once again. Just a slight deviation, just a slight mistake, error, or inaccuracy, and we are well below the line again.

Having worked here for years, to finally get to this day where we have a surplus, I hoped it would give us some freedom, some freedom for policy initiatives, for priorities that we have long deferred, help us pay down the debt of this country, help us address at long last the long-term problems of Social Security. That is a path we do not want to take. It has been too long, too hard getting to where we are to risk it all for this kind of projection.

That is why I say, there is a real difference between the budget resolution that we present and theirs. It scores better on every criterion the chairman just presented. It provides funds for extending the solvent life of Social Security and Medicare. They do not. But it leaves room for other priorities, prescription drugs, education, defense, agriculture which they have not provided for in their budget. Ours is a better budget resolution, and I think the debate that is coming up will clearly, clearly show that.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Alaska (Mr. YOUNG), the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Iowa on House Concurrent Resolution 83, the fiscal year 2002 House budget resolution.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, I would be pleased to engage in a colloquy with the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, first of all, I would like to commend the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, and the Committee on the Budget for bringing this resolution to the floor.

The intent of this resolution is to honor the funding guarantees in TEA21 and AIR21 and provides substantial increases for other important transportation programs, such as the Coast Guard. It is my understanding that due to errors in the functional totals that were provided by the Office of Management and Budget and perhaps other discrepancies between OMB and CBO, the Function 400 totals in this resolution were inadvertently understated.

□ 1745

I have been assured that a technical correction will be made in conference so that the final budget resolution accurately reflects the funding levels necessary to fully fund highways and transit under TEA21, and the Federal Aviation Administration's operating capital, and airport grant programs under AIR21, as well as provide increases for other transportation programs, such as the Coast Guard.

I would like to ask the gentleman from Iowa (Mr. NUSSLE) if my understanding accurately reflects his intention.

Mr. NUSSLE. Mr. Chairman, the gentleman from Alaska is correct. The Office of Management and Budget's budget submission contained recently identified errors in the transportation function.

Let me assure the gentleman that we will address these errors in conference, and that the Function 400 totals will be fully funded for TEA21 and AIR21, and provide increased funding for the Coast Guard.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman very much.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by offering my congratulations to the Committee on the Budget, led by the gentleman from Iowa (Chairman NUSSLE), for the extremely hard work and efficient job they have done in bringing this budget to the floor which will be voted on here in the next day or so. We appreciate very much the work that has been done and the budget that has emerged, which I rise to strongly support.

Mr. Chairman, as the chairman of the Joint Economic Committee, it is customary for us to have an hour at this time or at some point in the budget debate to discuss the effects, or the potential effects, as we see them, of the pending budget to be voted on on the economic performance of our country; and in fact, if we might be so presumptuous, since our economy has something to do with the world economy, on the effect that the budget and the spending program that it lays out would have on the economic performance of this country and the world during the next fiscal year.

I think in order to put this in the proper perspective, from the perspective of a citizen of this country, it is very important to recognize where we have been and how we got there economically over the past number of years, and then to talk a little bit about where the economy appears to be going.

I think it is important to point out, therefore, that we have done quite well over the last two decades. As a matter of fact, we are in the 10th year of an economic expansion, and yes, the economy is still expanding, albeit a bit slower than it was.

I think it is also important to point out that the 10-year growth period that we are currently in was preceded by an economic expansion that lasted 8 years. So there are some good things at play in the United States economy, producing first an 8-year period of growth, followed by a very short 8-month recession, and a very shallow one, I might point out, during the last half of 1990 and the first quarter of 1991, and then we began to grow once again, and we have grown through today.

We believe there are some reasons that happened. First, perhaps, is that in the early 1980s and in the mid-1980s, a stage was set in our country by the reduction of some tax rates which were brought about during the Reagan administration. Because we were able to build on that platform, if you will, of a new tax process, a new system, in effect, of at least lower rates, we were able to see the progress begin during the 1980s of building this long-term economic growth period that we have seen.

Secondly, it is important to point out that not everything that affects the economy happens as a result of activities in this room or in the other body. As a matter of fact, the Congress had very little to do with the activities of the Fed, the Federal Reserve, during the last 12 years or so. Headed up by our friend, Dr. Greenspan, the Fed took upon itself a new, or at least a partially new, direction.

In a book that I recently read about Dr. Greenspan, the introduction to the book called him "an anti-inflation hawk." That is precisely what has characterized the last 12 years of the activities of the Fed: The Fed has targeted inflation. As a result of the targeting of inflation, they have brought inflation down so that interest rates, the long-term interest rates, are also relatively low.

So between lower taxes than we have had historically, lower tax rates than we have had historically since World War II, and the lowest rate of inflation over a sustained period of time in that same period, we have seen very significant economic growth. There are other factors, but suffice it to say that our taxing system and our inflationary rates have been quite low.

However, all good things tend to come to an end, although this one has not come to an end quite yet, and we hope it will not. We do know that the economic program has begun to change, and there have been signs of a slowdown.

Although this slowdown was documented last December in a JEC study entitled "Economic Performance and Outlook," there seems to be a little confusion in some quarters about when the slowdown actually started. A review of the facts demonstrates that the economic slowdown has been under way at least since the middle of last year.

Recent economic developments are important, and it is important to understand that. Because policymakers cannot afford to be unaware of what has actually been happening in the economy, I would like to present some facts about where we have been.

The best single indicator of the slowdown is the decline in the rate of economic growth in the second half of the last year. That would be, of course, 2000. This decline in GDP growth was already evident in numbers released by the Clinton Commerce Department last year, and confirmed in subsequent releases.

Real economic growth, as a matter of fact, during the second quarter of 2000, was at 5.6 percent. This chart that I have here next to me shows here in the second quarter of 2000 we had a very significant increase to 5.6 percent from 4.8 percent during the first quarter. So things were really moving along quite well.

But then as the year progressed and we got into the third quarter, we can see here on the chart that the rate of growth actually dropped from 5.6 percent, which occurred in the second quarter, to 2.2 percent GDP growth in the third quarter, and in the fourth quarter it fell significantly again to 1.1 percent. So we are looking at a rate of growth today that is much lower than the rates that we saw early in 2000. As a matter of fact, we believe that this demonstrates quite conclusively that the slowdown actually began during the third quarter of 2000.

Some components of the economic slowdown, some additional components, are also important. For example, a very large portion of the private economy is accounted for by personal consumption and investment; that is, personal investment. The real personal consumption spending growth, as a matter of fact, decreased during that same period of time. It decreased, as a matter of fact, from over 7 percent growth in the first quarter of 2000 to less than 3 percent in the fourth quarter, again demonstrated by the chart here to my left.

Real private fixed investment growth also fell, as demonstrated on the next chart, from 16 percent in the first quarter of 2000 to about zero, to less than zero, a negative number, by the fourth quarter of 2000. So here again we see that during the last half of last year, things began to happen that some folks have called a financial meltdown. Some folks, it has caused some folks to sell all their equities, as a friend of mine told me he did yesterday.

So these trends, both in the factors that I have outlined here as well as in the stock market, which many Americans are watching very closely these days, have all shown significant declines, which again began during the second half of 2000.

The economy is therefore in a serious slowdown that was well under way in the middle of 2000. As is evident, there is a great deal of evidence that an economic slowdown has been under way for more than 6 months, and that it has nothing to do with public officials acknowledging what is shown in official statistics, most of which had already been released by the previous administration; that is, of course, the Clinton administration.

While construction and some service-producing industries have been holding up fairly well, overall measures of the economy show a rapid and deep slowdown.

So I think that perhaps the point that I want to make to begin this hour on the Joint Economic Committee analysis of this budget is that there has been a slowdown under way for quite some time.

We have seen, during the last two decades, almost 18 years of continuous economic growth, again, separated only by a short and mild 8-month recession in the second half of 1990 and the first quarter of 1991. Therefore, we should be able to learn from what we have done correctly in the past, and also learn from what perhaps we have done incorrectly during that same period of time.

Mr. Chairman, a review of the facts is enough to convince any reasonable person that a sharp economic slowdown has been under way, and this raises the obvious question of what the appropriate policy response should be.

As I have pointed out before, both monetary policy and fiscal policy, that is, tax and spending policy, have been very tight as the slowdown has unfolded. Steps have been made by the Federal Reserve to relax its overly tight monetary policy, though more is needed, and then adjustment of tax and spending policy is also warranted.

The current economic system is generating large and growing surpluses in revenue to the Federal Government, and the tax system is creating a fiscal drag at the same time on the economy. Federal revenues as a share of GDP are at their highest since World War II. Let me repeat that: Federal revenues as a share of GDP are at their highest since World War II.

I believe that, translated into slightly different language, that means that the American people are paying more in tax revenues as a share of GDP than at any time since World War II, and that, Mr. Chairman, at least in the view of the chairman of the Joint Economic Committee, creates a drag on the economy. The high level of Federal taxes is a hindrance to economic growth that can and should be alleviated, and I applaud the Bush administration for coming forth with this proposal for a $1.6 billion tax cut.

For all the talk about the size of the tax relief proposal, it amounts to about 6.6 cents on every dollar projected over the 10-year period. In other words, it is not a large tax decrease when compared with the total size of the revenues which will be coming in during that period of time.

The President has proposed and this budget contains, as we all know, a $1.6 trillion tax relief package. During the same period of time that this tax relief package will play out, our total revenues will be $26.6 trillion, so that amounts to about 6 cents on the dollar over that period of time, and I believe very much warranted.

Over the long term, reductions in tax rates and incentives for personal savings and investment will boost the after-tax reward for these activities, increasing the flow of resources into production.

□ 1800

This will improve economic growth, at least moderately in the short to intermediate run, and the compounding effects of this improvement over time will significantly increase economic and income growth over the long run.

Speedy delivery of the tax relief could also work to contain the current slowdown and facilitate a stronger renewal of economic growth.

The bottom line is that the Federal Government has a large tax surplus that is exacting a disproportionate additional cost on the already struggling taxpayers.

The Federal Government does not need this extra revenue, and it should be returned to the taxpayers where it originated in the first place.

A serious economic slowdown requires a reduction in fiscal drag caused by this excessive taxation.

The tax system is imposing excessive additional costs on the economy, and now is the right time to provide tax relief and reduce this burden on hard-pressed taxpayers.

We cannot make the economy turn on a dime, but we can alleviate the hardship caused by the slowdown and help build a foundation for stronger recovery.

There are those who say that the surplus should not be used for tax relief, and I believe that that is wrong.

Another important reason to provide tax relief is that the surplus will be spent, and I know that the gentleman from Florida (Mr. MILLER), Chairman of the Committee on Appropriations is here, and I know what a great job he has done over the last period of time in holding down helping to hold down spending.

But the fact of the matter is that we know that if that surplus remains, that that is too much of a temptation for the forces of this town to resist and, therefore, provides another compelling reason for this tax reduction to go in place.

The basic problem was outlined by the public choice school of economics some years ago. When they pointed out that surpluses just always get spent. The key problem is that there is an imbalance in our political system that leads to a bias towards increased Federal spending whenever there is a surplus.

The nature of the imbalance is this: The benefits of increased government spending are highly concentrated among the clients of various special interests groups that operate in our country and in this town while the costs of increased government spending are diffused among all the taxpayers.

In other words, the taxpayers are only indirectly represented by those of us in this room, while those who favor increased spending are represented by paid lobbyists throughout this town. In other words, in the legislative process, the more intense an organized representation of special interest groups in favor of more spending tends to overwhelm the general interests of taxpayers scattered throughout the country. The larger the surplus, my friends, the more pressure there will be to spend it.

Why should not we send some of the taxpayers hard-earned money back to them, and as we have pointed out on this chart, it is only 6 cents on the dollar over the period of time.

One of the founders of the public choice economics won the Nobel Prize for his development of this and related explanations of decision-making and unconstrained legislative bodies, that of course was Jim Buchanan who is now at George Mason University earlier at the University of Virginia.

The fundamental truth of this proposition is why so many of us have supported tax limitation and similar amendments ultimately based on the public choice theory.

Without such constraints, the pressures on the Federal Government to spend are so relentless and well organized that the outcome is in very little doubt, and so, we have before us a proposal to reduce the level of taxation on the American people contained in a very frugal budget.

It is being spent out of the money that is left over. After our basic needs have been met, an increase in this budget of, I understand, less than 4 percent overall, and still there is room for a tax cut.

I believe it is essential. When I go on the street and talk to my friends, they recognize the responsibility as a Member of the House that I have, as we all have a responsibility to help to provide Federal policy that makes our economy grow.

I challenge my friends on either side of the aisle to go back home having voted against the budget, which includes the provisions that are so important in setting the stage for this tax decrease.

Mr. Chairman, I challenge any of my friends to explain that in the light of the economic conditions that we appear to be headed for.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HOBSON). The Chair would note that the Committee has embarked on the period of debate specified in the previous order of the House on the subject of economic goals and policies, on which the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK) each control 30 minutes.

The gentleman from New Jersey (Mr. SAXTON) consumed 20 minutes of his 30 minutes.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I hope my estimate does not turn out like the budget to be 20 minutes.

Are not economics exciting, Mr. Chairman?

The Joint Economic Committee has been granted the authority to control this part of the budget debate, and it has been a tradition since I guess 1978 when Senator Humphrey and Congressman Gus Hawkins first authored the Full Employment and Balanced Growth Act.

It is our duty to present the views on the current stay of the U.S. economy and provide input into the budget debate before us. Now, this budget is not one of which those two men would be proud, and the budget before us today has the real potential to dismantle the great strides our economy has made in the past decade.

I would like to get this economic debate into the terms of my distinguished colleague from Iowa, who had sort of a better grasp of economics, this kitchen table, now back in California, where I come from, in San Lorenzo, California, my in-laws have a kitchen table. As a matter of fact, it is the only table they have to eat from in their house.

They are going to be watching this, and they are going to figure it out. I think they are going to say with this Republican budget, those folks are eating the filet mignon and why we are sitting here with our Hamburger Helper?

It is kind of interesting. My father-in-law kind of figured out what our tax breaks would be under this budget, and I can tell my colleagues this without giving away too much detail about Frank and Mary, they are going to save $239, all right? Their son-in-law, that is me, is going to get a tax cut bigger than their annual income.

They do not think that is very fair, but it may be because I am their son-in-law, but I do not think it is very fair either, because what they are not telling you in this great economic budget that 50 percent of all of this tax cut is going to people who make more than $200,000 a year.

Congress conveniently put all of us congressmen into that upper echelon. We are all going to get an average of about $28,000 a year tax cut, and our constituents are going to get probably less than a thousand bucks. I hope my colleagues all can go home and talk to their constituents around the kitchen table and tell them what you have done to them and those who pay payroll taxes are not going to save a nickel on this budget.

They are going to continue to pay that old Social Security, that Medicare tax and not get any relief. While the 1 percent, those who make $900,000 a year or more average a $46,000 tax cut and get 43 percent of the benefits, the average American is not going to get bupkes.

The distinguished gentleman from Iowa talked about a watershed budget. Remember, I did not grow up on a farm, but I wonder if the watershed is the one with the half moon carved in the door, because that may be where this budget came from. Because my colleagues talk about a top-to-bottom review, we could not have enough time, Mr. Chairman, to get to the middle, all of this is going to be a top review, because the bottom and the middle are not going to get anything.

I would like to go on for a moment to what concerns people, because I do not think they believe that this economic thing is on the level, the average American is going to get anything. Not only are they not going to get anything, the rich are going to get their tax cut out of the Medicare trust fund, because the Republicans are stealing the money out of the Medicare trust fund to give the tax cut to the very rich.

Boy, is that going to come home in a few years. The Secretary of the Treasury O'Neill, himself, as he talks about running Alcoa, he would not accept a long-range projection for more than 6 quarters.

He would not trust them. He is going to trust a 10-year projection, which is really stretching it.

Mr. Chairman, I am feeling pretty good about this economic projection right now. Medicare is not going to have a prescription drug benefit, because the tax cut that is being advertised as $1.6 trillion is really $3 trillion dollars. I mean, the Republicans cannot count.

We have already passed the $958 billion the committee has. The Committee on Ways and Means has reported out another $399 billion we are going to consider that on the floor this week.

The phase-out of the estate and gift taxes is going to be $267 billion, for Bush's proposal for tax incentive for charitable contribution $56 million; education IRAs, $6 million; the pension, IRAs liberalization $64 million; Bush's proposal for permanent extension research grant $50 million; and on and on, $2,397 million, and the debt service costs $556, a grand total of $2,953 tax cut, and my colleagues are trying to tell us that is $1.6 trillion.

My colleagues better take their shoes and socks off when my colleagues try and get above 10 because the numbers do not add up.

Then, after raiding the trust fund, not having any money left for a prescription drug benefit, giving all of this money to the rich, you from Iowa tell us you are willing to waste our seed corn, because the real economic benefits in our budget should come from educating our youth so we do not have to bring in all the foreign workers in the Silicon Valley because we do not have enough kids who have had a good education to handle the computer programming and the other things we have to do.

We should be ashamed of starving our children from the education they need, of providing health care to our seniors, providing health care to the youth in this country, providing a prescription drug benefit, all at the benefit of giving a few huge tax cuts to these extremely rich Republicans.

Mr. Chairman, I ask my colleagues, please, to vote against this budget. Let us give a little more Hamburger Helper out of that filet mignon than we are giving to the very rich and let us make some economic sense out of this economic Wizard of Oz story.

It does not add up. It helps only a few rich people. It is a travesty to the fair American system. It is not fair. It is not economic, and it is going to break the country.

Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. SAXTON. Mr. Chairman, may I inquire, did the gentleman from California (Mr. STARK) yield back all of his time?

Mr. STARK. Mr. Chairman, I reserved the balance of my time.

Mr. SAXTON. Mr. Chairman, may I inquire, it is my understanding that we are to have votes at this time or shortly, and a request has been made at this time to go ahead and take those votes. My intention at this time would be to yield back my time; however, if the gentleman from California (Mr. STARK) has more speakers and wants to wait until after the votes, which I understand will end about 7 p.m., then perhaps we can continue the debate during the Humphrey-Hawkins part of the debate after 7 p.m.

Mr. STARK. Mr. Chairman, it is my understanding that the Chair intends to call a vote at this point, and after the vote, we would continue using the time that has been allocated to the Joint Economic Committee, is that it, and it would be the time of the gentleman from New Jersey (Mr. SAXTON)?

Mr. Chairman, I have just a few speakers, and I have some time remaining, and I might as well do it now after we recognized the speakers, but I would ask unanimous consent to yield the balance of the Joint Economic Committee's time on the minority to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget, if that is agreeable with the gentleman's side.

Mr. SAXTON. That is fine.

Mr. Chairman, I believe it would be expeditious on my part at this point to yield the balance of the Joint Economic Committee's time back to the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, which I do.

The CHAIRMAN pro tempore. Does the Chair understand that the request is made on both sides, asking unanimous consent to yield back the balances of their times to the chairman and ranking minority member of the Committee on the Budget, respectively?

Mr. STARK. Mr. Chairman, at the balance of the speakers we have listed.

☐ 1815

The CHAIRMAN pro tempore (Mr. HOBSON). The Chair will entertain that request at that time.

Mr. SAXTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. HOBSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the subject of the concurrent resolution on the budget for fiscal year 2002, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the approval of the Journal, on agreeing to House Resolution 84, and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which the motion was entertained.

Votes will be taken in the following order:

Approval of the Journal, de novo;

House Resolution 84, by the yeas and nays;

H.R. 801, by the yeas and nays; and

H.R. 811, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule 1, the Journal stands approved.

PROVIDING FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE ONE HUNDRED SEVENTH CONGRESS

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 84, as amended, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The vote was taken by electronic device, and there were—yeas 357, nays 61, not voting 14, as follows:

[Roll No. 62]

YEAS—357

Abercrombie
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stenholm
Stump
Stupak
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler

Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—61

Andrews
Baird
Barrett
Berkley
Boyd
Brown (OH)
Carson (OK)
Condit
Davis (CA)
DeFazio
DeMint
Deutsch
Doggett
Dooley
Duncan
Filner
Green (TX)
Harman
Hefley
Hill
Hilleary
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jones (NC)
Kind (WI)
Kingston
Kucinich
Langevin
Largent
Larsen (WA)
Lucas (KY)
Luther
Matheson
McCarthy (NY)
Moore
Paul
Peterson (MN)
Phelps
Roemer
Royce
Sanchez
Scarborough
Schaffer
Schiff
Slaughter
Smith (WA)
Strickland
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Toomey
Udall (NM)
Waters
Wu

NOT VOTING—14

Ackerman
Baldwin
Becerra
Bonior
Chabot
Deal
Lampson
Moakley
Owens
Rothman
Shaw
Sisisky
Stearns
Udall (CO)

□ 1840

Ms. HARMAN, Mrs. MCCARTHY of New York, Messrs. LARGENT, DOOLEY of California, TAYLOR of Mississippi, LANGEVIN, CONDIT and HILLEARY changed their vote from "yea" to "nay."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

VETERANS OPPORTUNITIES ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 801, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 801, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 63]

YEAS—417

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Baldwin
Becerra
Bonior
Chabot
Deal
John
Lampson
Moakley
Nussle
Owens
Rothman
Shaw
Sisisky
Stearns

□ 1849

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JOHN. Mr. Speaker, on rollcall No. 63, H.R. 801, the Veterans' Opportunity Act of 2001, had I been present, I would have voted "yea."

VETERANS HOSPITAL EMERGENCY REPAIR ACT

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 811, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 811, as amended, on which the yeas and nays are ordered.

This will be a 5 -minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 64]

YEAS—417

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Baldwin
Becerra
Bonior
Chabot
Collins
Deal
Lampson
Moakley
Owens
Rivers
Rothman
Shaw
Sisisky
Stearns

☐ 1859

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER CONSIDERATION OF CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Thursday, March 22, 2001, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further debate on the subject of the concurrent resolution on the budget for fiscal year 2002.

☐ 1859

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further debate on the subject of the concurrent resolution on the budget for fiscal year 2002, with Mrs. BIGGERT (Chairman pro tempore) in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the following time remained for debate:

The gentleman from Iowa (Mr. NUSSLE) has 47 minutes remaining; the gentleman from South Carolina (Mr. SPRATT) has 51 minutes remaining; the gentleman from New Jersey (Mr. SAXTON) has 10 minutes remaining; and the gentleman from California (Mr. STARK) has 23½ minutes remaining.

The Chair understands that the time remaining for the gentleman from New Jersey (Mr. SAXTON) is to be yielded to the gentleman from Iowa (Mr. NUSSLE). Without objection, that will be the order. Therefore, the gentleman from Iowa (Mr. NUSSLE) has 57 minutes remaining.

There was no objection.

Mr. NUSSLE. Madam Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Armed Services, for the purpose of a colloquy.

Mr. STUMP. Madam Chairman, I understand that the resolution before us contains a provision that would establish a reserve fund for fiscal year 2002 that would permit Congress to consider a possible amended budget request from the President for additional defense spending.

Mr. NUSSLE. Madam Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Iowa.

Mr. NUSSLE. Madam Chairman, the gentleman is correct.

Mr. STUMP. Madam Chairman, as the gentleman knows, the Secretary of Defense is engaged in a top down strategic review of the missions, processes and requirements of the military. I expect that this review will lead to an amended budget process for national defense by the President later this spring or early summer.

Could the gentleman clarify the processes by which resources from the strategic reserve fund would be made available to support such an amended budget request and how this process would apply to the annual defense authorization legislation?

Mr. NUSSLE. Madam Chairman, if the gentleman will again yield, the resolution permits the adjustment of the 302(a) allocation aggregates and functional totals to reflect authorization and appropriations legislation reported by July 11 of this year if such legislation exceeds the allocations contained in this concurrent budget resolution. The appropriation totals for the reported bills would be adjusted by the chairman of the Committee on the Budget not later than July 25, 2001. The allocations could be further adjusted for a conference report considered at a later date as well.

Mr. STUMP. Madam Chairman, reclaiming my time, I appreciate the gentleman's clarification that the adjustment mechanism in the resolution would apply for both authorization and appropriation bills. I remain concerned that the timelines for reporting legislation and making required adjustments may be unsupportable should the administration be late in submitting an amended President's budget by request fiscal year 2002. In order to preclude such a problem, I ask that the gentleman work with me and the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Appropriations, during the conference on the budget resolution to ensure that full consideration of the legitimate defense needs of the Nation is not restricted by an artificially imposed calendar deadline.

Mr. NUSSLE. Madam Chairman, if the gentleman will further yield, I am wholeheartedly committed to working with the distinguished chairmen of both the Committee on Armed Services and the Committee on Appropriations to ensure that the process delineated in the budget resolution is sufficiently flexible to give the committees adequate time to consider properly and report out legislation acting on the President's amended budget request.

Mr. STUMP. Madam Chairman, I thank the gentleman from Iowa (Mr. NUSSLE).

Mr. STARK. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY), who understands full well, better than many of us, that the very richest in this country are getting an incontrovertibly huge portion of this budget to the detriment of the average people in our districts.

Mr. KENNEDY of Rhode Island. Madam Chairman, like the gentleman from California, I ought to be thrilled about this tax cut, because rich families like mine will have even more money. In fact, I think my dad might be able to buy an extra boat down at the Cape; that might be a good thing, and then we could fit so many more people that we would like to have down there.

This is an absolutely incredible budget in that it reverses the age-old priority of helping working families in this country. The President claims that he wants to leave no child behind. Well, that is not reflected in this budget. This budget, in fact, increases education at less of the rate than the number of students that are going to be enrolling in schools, despite the fact that we have crumbling schools. This budget even makes sure that subsidies are taken away from 50,000 families on child care. I mean, I thought we were family-friendly in this Congress; we wanted to make sure people could go to work and have child care.

So this budget has less affordable housing, fewer child care tax subsidies, fewer dollars to support our aging and crumbling schools, fewer dollars for Medicare and Social Security; and all the while it gives the top 1 percent nearly half of the $1.6 trillion tax cut. I mean, it does not take much more understanding than that. Half of the tax cut goes to the top 1 percent of this country, and who pays for it? All of these programs. That is who pays for it.

Madam Chairman, it is said that actions speak louder than words, and this budget resolution is deafening. It fairly shouts that the single most important thing this government can do is redirect our national wealth to those who are already affluent. Not educate our children, not provide affordable prescription drugs to seniors, not save Social Security, not even give tax relief to the working poor.

This budget is built around a huge tax cut, and to pay for it, the President would raid Medicare and send the bill to working Americans.

Madam Chairman, this budget resolution trashes a century-old priority of helping working class Americans into the economic mainstream. It would slash the Public Housing Capital Fund, making affordable housing even more scarce. It would take child care subsidies away from 50,000 families at a time when only 10 percent of eligible families are receiving them in the first place. It suggests significant cuts to job training programs, making it harder for workers to keep up with the changing economy.

Even on education, which the President supposedly cares so much about, it dramatically cuts the rate of increase and eliminates funding to rebuild crumbling buildings. This despite the fact that the Department of Education anticipates student enrollment to grow by another four and a half million over the next 4 years.

Less affordable housing, fewer child care subsidies, less job training, inadequate support for schools, and of course weakened Medicare and Social Security systems—this is a budget that will stifle economic opportunity for tens of millions of Americans in order to pay for a disastrous tax cut to benefit the very wealthy. We should be taking advantage of this era of unprecedented prosperity to update our social infrastructure for new economic and demographic realities, not squandering it on a cart-before-the-horse tax cut that doesn't help the people who need it most.

Mr. STARK. Madam Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT), who as a physician understands full well the harm that will be done to the seniors in this country by the inadequacy of the prescription benefit that lies in the Republican budget.

Mr. MCDERMOTT. Madam Chair, during the break I found the symbols of this budget; I found three walnut shells and a pea here. If we watch this budget, we are going to watch these guys play that old country-fair game of moving it around.

I want to talk about the numbers, because we have talked about the principles, all the principles; but let us talk about dollars.

The President says, and we agree, there is $5.6 trillion in surplus. Now, if we take away the Social Security and the Medicare and put it into those trust funds and leave them there to deal with Social Security and Medicare, we are down to $2.5. We take $3 trillion out with those two issues. Now we have $2.5 trillion; we can just spend it any way we want.

So the President says, let us spend $1.6 trillion on a tax break, let us give it back to the people. That sounds good. Everybody in favor of that, all right. But, let us think a minute.

When we change the tax structure, we change the whole tax structure. Right now there are 2 million people who have to figure their taxes twice under the AMT. With the President's changes, there will be 25 million people who will get the pleasure of figuring their taxes twice. If we want to change that and fix the AMT, it costs $300 billion. Ah, and, if we spend this 1.6 trillion and do not pay down the debt, we wind up having to pay another $400 billion in interest. Now, if we add all of that up, that leaves $207 billion to deal with all the needs of this country over the next 10 years.

The President has said he wants to give prescription drugs. That is $153 billion. So we are getting down to $60 billion for 10 years, remember; and then he wants to do something about defense, maybe $5 billion a year for 10 years. That is 50. So we are down to $10 billion, folks, left to do everything this country needs. He says he wants to do something about education. I have to get my walnut shells out here again because that man is going to have to have these to start moving it around. He says he wants to do something about conservation, wants to save the land and the trees and whatever, wants to deal with crime. But the walnut shells must have the answer, because the tax cuts for health care coverage is another issue. There is no money for the President to do what he says he is going to do.

The numbers are right here. All Americans sitting at the kitchen table, take it down, $5.6 trillion minus $2.5 trillion, minus $500 billion, we have $3 trillion gone. That only leaves $2.5 trillion. It is not there. Vote against it.

Mr. STARK. Madam Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), who agrees with the statement from the Alliance of Retired Americans that the budget before us could cause Medicare, which has out-performed conventional commercial health systems over the past decade, to go into a financial nose dive and insolvency by the year 2010 or so.

Mr. HINCHEY. Madam Chairman, the budget resolution we have before us is essentially perverse. It is so because the main feature of this budget is a huge tax cut. Now, that tax cut, as was explained to us just a few minutes ago, is much larger than it pretends to be, or the President pretends it to be. When that tax cut over 10 years is fully implemented, it turns out to be at least $2.5 trillion. That eats up essentially all of the anticipated surplus under the rosiest of circumstances over the next 10 years. That means that there is nothing left for education, there is nothing left for health care, there is nothing left for agriculture, there is nothing left for disasters. Every penny which is anticipated to be in the budget under the rosiest scenario over the next decade is gone. It is wiped out.

Why would anyone do that? Well, I think that there is a lesson here by examining history. This particular President was, for a period of time, the Governor of Texas. While he was Governor of Texas, he inherited a huge surplus from the previous administration, just as he has inherited a huge surplus from the previous Presidential administration here in Washington.

So, in Texas, he engaged in a huge tax cut. He thought that that would be a good thing for the Texas economy. Well, what is the fact of the matter? The fact of the matter is now that the Texas budget is in serious deficit. The Texas economy is in serious decline. That is what this President wants to do to the Nation. When somebody asked him, well, what are you going to do about the situation in Texas, while he was campaigning last year, his response to that question was, well, I hope I am not there to deal with it, and he was not there to deal with it. But we and he and the American people will be there to deal with the perverse consequences of this tax cut if we allow it to happen.

Now, what about Medicare? The President says he wants to have a prescription-drug program under Medicare, but there is no money for it because it is all gone, it is eaten up by his tax cut. So he wants to take money out of the Medicare trust fund and out of Social Security. He wants to take fully $1 trillion out of Social Security and Medicare over the next 10 years.

Think about what that is going to do to the security of people who are relying upon Social Security for at least some part of their retirement. Think of what that is going to do to the health care of aged Americans who are relying upon Medicare to provide their health care during their elderly years. He eats up $1 trillion of Medicare and Social Security, and that is the effect of this budget; and that is why it needs to be defeated.

Mr. STARK. Madam Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT), who understands that we could take the $50 billion a year that we are going to give away to a few rich Americans in estate tax relief and fund a decent prescription-drug benefit for our seniors with that same money.

□ 1915

Mr. WATT of North Carolina. Madam Chairman, I do not often come to the floor to speak on budget matters. I tend to leave these debates to the so-called budget experts. But I cannot sit idly by and let what we have worked so hard to accomplish be rolled back and destroyed for political benefit by the so-called experts, who seem to have lost touch with old-fashioned common sense.

Some people have referred to me in my political career as a liberal, but there is one very conservative thing my mama taught me when I was growing up: We simply do not spend money that we do not have. Now, my so-called conservative colleagues seem to be violating my mama's commonsense, conservative rule.

When I was elected in 1992, the annual budget deficit was approaching $200 billion per year, and was projected to grow at over $500 billion per year. If the projections had turned out to be correct, the budget deficit for the last 10 years would have been somewhere between $2 trillion and $5 trillion. Those projections proved to be woefully incorrect. Instead, the Congressional Budget Office now projects that we will have a budget surplus of over $5 trillion over the next 10 years.

What is my point? Am I trying to prove that President Clinton and this Congress did a great job or worked some magic to create the surplus? No. My point is that budget surplus and projections can be in error, and they almost always are.

Consider these facts: In January of 2000, the CBO projected that the budget surplus would be $2.4 trillion less than they projected that it would be 1 year later, in January of 2001. They were 75 percent off in their projections. That is staggering, even compared to the miscalculations they made during the 10 years that I have been in Congress.

The CBO itself says that there is a 1 in 20 chance that the Federal budget will be back in deficit in less than 5 years, even without a tax cut. If we take out the Social Security surplus, CBO says there is a 1 in 5 chance that we will be back in deficit spending. That is with no tax cut, no prescription drug benefit, no hurricanes, no tornadoes, no farm emergencies, and even if we keep the same spending levels, adjusting only for inflation.

So what is up with my so-called conservative colleagues? They obviously did not grow up listening to my mama's conservative philosophy, but I think I am going to stick with my mama's philosophy: We should not spend what we do not have. I think that is still a good philosophy for our households, and it is also a good philosophy for our country. We should stick to it and vote against this budget resolution.

Mr. STARK. Madam Chairman, I ask unanimous consent to yield the remainder of the time that I control to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NUSSLE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would say I wonder where the gentleman's mother was for the last 40 years when we were spending all the money that the Democratic-controlled Congresses were spending that they did not have.

It is great to quote one's mother when it works. I am probably as much at fault for that as anybody, not listening to my mother enough. But we should quote our mothers all the time, not just some of the time.

What we are going to talk about tonight, we are going to talk about the budget that we believe is an important step towards securing America's future. As we wrote this budget in the committee, taking the advice of the President, taking the advice of many years of budgets, we came up with six principles that we felt were important to put into this budget:

No. 1, maximum debt elimination;

No. 2, tax relief for every taxpayer;

No. 3, improved education for our kids;

No. 4, a stronger national defense;

No. 5, health care and Medicare modernization with a prescription drug benefit;

And finally, No. 6, better Social Security for our seniors.

The gentleman from Michigan (Mr. HOEKSTRA) will talk about how we are going to improve education for our children.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, for a number of years we have been taking a look at the dollars that we spend from Washington on our children. We have determined that the most effective way to spend those dollars is when we empower local school officials and parents to make the decisions for their children.

The direction of President Bush's education reform agenda and this budget reflect the importance that we place on parents and local school officials. The President's education plan calls for increased flexibility so as the dollars go to the local level, they can identify the needs of the particular children in their schools and match the needs to the funding that comes from Washington.

We want to hold States and local school districts accountable, making sure that every child is learning. For those children who are locked into failing schools, we would provide them with a way out.

But the budget is about investment. It is about how we are going to spend and how much more we are going to invest in America's children. The budget resolution calls for an increase of $4.6 billion, an 11.5 percent increase in program spending. We are going to triple funding and spending on one of our key priorities, which is making sure that every child has the opportunity to learn how to read.

We are going to provide $2.6 billion in increased spending to make sure that there is a qualified teacher in the classroom with all of our children. And as we ask States to hold schools accountable for learning, we will provide the funds to the States to not only develop the tests, but also to administer the tests at the local level.

Over the last number of years, we have identified special education as one of those major mandates on States that we never fully funded. We set aside an additional $1.25 billion to move towards meeting that commitment of full funding for special education.

We increased Pell grant spending by another $1 billion, so more of our children will have an opportunity to access higher education. In addition, we make provisions through the Tax Code, setting up educational savings accounts so more parents and families can prepare for the higher education needs of their children, but also for the K through 12 expenditures that they will incur.

There is a tax deductibility feature for teachers for classroom expenses. There will be a full tax exemption for all qualified prepaid State tuition plans, and a provision to allow for tax deductibility for certain features for school construction.

This is a comprehensive plan of education reform. It is a comprehensive plan for funding education to meet the priorities of America's children today and in the future. We are moving in the right direction. I encourage my colleagues to support this so we do not leave a single child behind.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, in response to what has just been said, let me say if there is a difference between two budgets, it is more distinct on the issue of education than anywhere else.

While the gentleman claims that they have increased education between this year and next year by 11.5 percent, he can only claim that by claiming over $2 billion that we have already appropriated in the last Congress for education. If we back out that money already appropriated, the increase is about 5.6 or 5.7 percent.

If we compare that to last year, the current year, in 2002, that will pale in comparison. In 2001, we have an increase of 18 percent for education. Over the previous 5 years, we have had an increase averaging 13 percent. What they are now bringing to the floor as an education budget pales in comparison to what we have done in the recent past, and it pales in comparison, it is no comparison, to what we are presenting in our budget resolution.

Our budget resolution will take our good fortune, the surpluses we have now, and invest more than $150 billion above the rate of inflation in education, $130 billion in our Democratic budget resolution for education over and above what the Republican resolution provides. So if they say this is a first criterion, then on that score we win hands down.

There is another salient difference between us and them. That is on Social Security and Medicare. All through the 1990s we have been able to foresee the day coming when the baby boomers retire, and when they all retire, Social Security and Medicare, two essential programs, are going to be stretched, possibly to the breaking point.

We did not have in the early and mid-1990s the wherewithal to deal with this problem. Even when we finally got the budget in surplus, it still was not big enough to step up to this huge problem. But now that we have gotten the year-to-year deficits out of the way, we have to face the long-term deficit. We may be sitting on an island of surpluses right now, but we are surrounded by a sea of debt. That debt runs into trillions of dollars for benefits promised but not yet provided Medicare and Social Security beneficiaries in the future.

Given the opportunity, we have got the obligation to do something about it, and our budget does something about it. Our budget will take one-third of the surplus and transfer it in equal shares to the Medicare Trust Fund and the Social Security Trust Fund, extending the solvency of Social Security to 2050 and Medicare to 2040.

The Republican budget resolution does nothing at all for the solvency of those two systems. In fact, it actually takes away from the solvent life of the Medicare system by allowing a new prescription drug benefit to be deducted from the trust fund, diminishing the fund available to run the regular benefits now provided by that program and shortening its solvent life.

We add prescription drugs, but for the additional benefits, we provide additional money out of the general surplus of the Treasury.

Madam Chairman, I yield 9 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Madam Chairman, I thank the gentleman for yielding time to me.

Let me start by talking about the resolution that is before us today, the Bush Republican budget that is before us today.

I think it is important to note that this budget, even though it is only for fiscal year 2002, this is a budget that is driven by one thing over 10 years, by this $1.6 trillion tax cut, actually a tax cut that is growing by leaps and bounds every day.

The problem with this budget is that in order to get the tax cut funded and to meet the $260 billion of additional spending the President wants, and, in addition, more spending that the President is going to ask for later, he has to offset it somewhere.

Where he offsets it, and our colleagues, our Republican colleagues on the Committee on the Budget did that as well, is they do it through the trust funds. They do it primarily through the Medicare Hospital Insurance Trust Fund, where they take a large portion of it to fund their reserve, and in order to meet the public's demand for prescription drug coverage, they come up with a minimal prescription drug plan that the President campaigned on, the Helping Hand plan, which will not solve the problem. We will talk about that in a second. But in doing so, they shorten the life span of Medicare, and it leads to the following conclusions: either ultimately to cut Medicare benefits, raise payroll taxes, or actually increase debt when we ought to be decreasing debt instead.

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At the same time, the Bush budget, which the Republican budget tracks, would use $500 billion to $600 billion of Social Security trust fund monies to privatize Social Security.

We do not know exactly what privatize means, but we do know any time you take trust fund monies, monies that have been obligated to future benefits paid for by FICA taxes, you have to make up that money. That is money that is already obligated, and you have to make it up either through more debt, higher payroll taxes or reduced benefits.

Here is what happened with the Republican plan. With the Republican plan moving at least $150 billion out of the Medicare trust fund, it shortens the life span to Medicare. The actuaries came out the other day and they said Medicare now is good till 2029 or 2028, but under the Republican plan before us tonight, you would actually shorten it to about 2024. It is moving in the wrong direction in trying to ensure Medicare solvency.

On top of that, the Republican plan as it is would affect Social Security, and this is what is in the President's budget. The actuaries the other day said the plan would go to about 2038 or 2039, full benefits paid under Social Security to 2038. Yet under the President's and the Republican's plan, it would shorten the life span of Social Security to as little as about 2027.

Madam Chairman, I do not think that that is what the American people want, given these two very successful programs. And the problem that we have today is the Republican budget, try as it might, the numbers simply do not add up because with a 10-year budget, the numbers are driven solely by trying to fund the tax cut first and then deal with our obligations to pay down the debt.

Our obligations are to ensure the solvency of Social Security and Medicare, not just for today's beneficiaries, but near-retirees and future beneficiaries and to find a prescription drug program. That is what the American people said they wanted in the last election.

Madam Chairman, I am going to switch and yield to the gentleman from Washington (Mr. MCDERMOTT), my colleague.

Mr. MCDERMOTT. Madam Chairman, I am up here to talk about one issue, the prescription drug benefit that everybody says they want from Medicare. Now, sometimes the Republicans, when they do budgets, tell the truth.

There are some people who actually come out and say what it is. A Republican acknowledged today that the $153 billion that President Bush set aside would not be enough. Let me quote him, he said "everybody knows that figure is gone. That is what the gentleman from Louisiana (Mr. TAUZIN) said.

He said it was set before the CBO estimated last year's House bill, which he said has already gone to $200 billion. The President put $153 billion in the budget, and the bill we passed last year was $200 billion.

Now the Republicans know that we have $392 billion in surplus in the Medicare plan. People pay their taxes. Everybody gets a pay stub that says HI on it, and that is the Medicare trust fund; that is we have $392 billion more than we needed.

The Republicans say, well, we will keep $239 billion, and we will take $153 billion away and put it into the drug bill. That is the $153 billion, the President says.

We know last year's bill was $200 billion, so we already know they are going to cheat. They are not going to give you what they promised last year. What the Democrats promised is the other one over here, where we add $330 billion out of the surplus in addition to what we put into Medicare.

As I said before, this is a shell game. These walnut shells, you can move them around, but the fact is this is a walnut shell. You cannot get two things out of the same money; and, my friends, if you are counting on a prescription drug benefit, you better hope the Democratic bill passes.

Mr. BENTSEN. Madam Chairman, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Madam Chairman, in North Carolina, we have a district where we are aging, and we have an out-migration of young people. What this means is the fact that we have larger percentages of older, lower-income people who indeed are paying an ever-increasing amount for prescription drugs. And to that extent, there is not a Medicare model that can effectively provide those resources in my district.

We cannot depend on HMOs for insurance for that. So in our district, it would mean that many of our people will go without the kind of health care they need. If, indeed, this budget goes through, there is very little hope with the proposed amount of money that is in the Republican bill that it would be sufficient to meet the needs of the constituents in my area.

Madam Chairman, there are many other districts in the United States that are very similar to my district. So I think the sensitivity is there. The people know that prescription drugs is a number one issue, but in rural America, where there are larger percentages of lower-income, senior citizens and the lack of insurance models for prescription drugs, we must depend on the Medicare model to have it.

Madam Chairman, I thank the gentleman from Texas for yielding to me.

Mr. BENTSEN. Madam Chairman, reclaiming my time, I want to ask the gentleman from Washington (Mr. MCDERMOTT), the difference between the Democratic plan and the Republican plan as I see it is this: The Republican plan A takes $150 billion to start out of the Medicare trust fund, thus shortening the solvency of the trust fund to pay for its prescription drug plan. The Democratic plan funds a prescription drug program at an adequate number and does not deplete it from the Medicare trust fund thus does not do anything to shorten the solvency of Medicare. In fact, we propose extending the solvency of Medicare.

Madam Chairman, I ask the gentleman from Washington if that would be correct; and I yield to the gentleman from Washington.

Mr. MCDERMOTT. Madam Chairman, what the gentleman is saying is that the President's budget says this, and this is the one he brought up and stood up here and talked about, that Medicare over the next 10 years is going to be $654 billion short. The Republicans's plan puts nothing into that. They put $153 billion into drugs and another a bunch of money, they call it modernization, $239 billion in modernization; whatever that means, I do not know. It does add to the $640 billion.

Mr. NUSSLE. Madam Chairman, I yield myself 1 minute just to respond briefly.

Madam Chairman, of course my colleagues do not know what modernization is because they never proposed it. I mean it should not be a surprise that they come out on the floor now and say they do not know what modernization is. They do not know what reform looks like; of course not.

It has been Republicans that have come to the floor in budget after budget extending the trust fund, extending the solvency.

When we took control of the Congress just 6 years ago, the trust funds were going bankrupt. And now my colleagues run to the floor and say our budget might, our budget could, our budget may, because you have at least some intellectual integrity to suggest that at least under our plan we can get the job done and still be able to provide the kind of reforms and modernization that we claim we can under this particular budget.

Yes, this budget allows for Medicare modernization. We are proud of that. The fact that my colleagues want to come in here and want to scare seniors about Medicare, I say sadly is not all that unusual. But I would ask my colleagues to please curb your rhetoric, because my colleagues know full well, that is not what our budget does.

Madam Chairman, to talk about how we are going to reduce the national debt, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), who is an outstanding member of the Committee on the Budget.

Ms. GRANGER. Madam Chairman, I rise today to speak in support of this budget resolution. I am especially pleased that a key aspect of this responsible budget blueprint is a significant reduction of our national debt.

When the Republicans became this Chamber's majority in 1995, the Congress had become all too familiar with running deficit budgets. That year the deficit was $164 billion. Worse yet, our publicly held debt was $3.8 trillion.

By the end of the fiscal year 2000, there were not deficits. In fact, we celebrated our third consecutive budget surplus, an achievement not seen in 50 years. We will have a surplus again this year, Madam Chairman, and this is a budget we can be proud of.

This year the government is paying down the debt by $262 billion. Since 1997, we have set aside $625 billion for debt repayment. That is a remarkable achievement and a good starting off place. But this budget will pay down an historic $2 trillion of publicly held debt over the next 10 years.

Why should we pay down the national debt? One reason is paying off the debt helps reduce interest rates. If those interest rates permanently fall by just 1/100 of a percent, the Federal Government can save an estimated $300 million per year in interest payments. Saving that money allows us to focus on funding the priorities of this Congress.

How does paying down the debt help the American people? It makes it easier for lending. It helps the average American get a loan for a purchase of a car, open a small business or pay down his credit card debt.

How does it help the American economy? It encourages more private sector investment. Instead of buying government bonds, that money can be used to finance long-term private sector projects, ensuring that we enjoy the strong economy we know is important.

By paying down $2 trillion, the government's publicly held debt will decline to just 7 percent of the gross domestic product by the year 2011. Its lowest level in 80 years.

We are paying down as much debt as we can as fast as we can. So why do not we just eliminate the public debt? Because the roughly $1 trillion of remaining debt is nonredeemable. It consists of marketable bonds that will not have matured, as well as savings bonds and special bonds for State and local governments.

This budget is committed to responsible debt reduction. By refusing to touch the nonredeemable debt, the government will not pay premiums and penalties for retiring the debt too fast; that could cost the American taxpayer as much as $150 billion.

Madam Chairman, in town hall meeting after town hall meeting, my constituents tell me that they are responsible for providing for their families, for running their business and planning for the future for themselves and their families. Leaving more than $3 trillion for another Congress, another time is not only irresponsible, it is unworthy of us as their elected representatives.

We have an opportunity and an obligation to pay off the maximum amount of debt that we can responsibly pay, and that is what is presented in this budget resolution.

Madam Chairman, I urge my colleagues to support this budget. Debt reduction can be this Congress' most important legacy.

Mr. NUSSLE. Madam Chairman, there was a mention made before about privatizing Social Security in our budget. We do not privatize Social Security in our budget, and the gentleman from New Hampshire will talk about that.

Madam Chairman, I yield 3 minutes to the distinguished gentleman from New Hampshire (Mr. SUNUNU), who is vice chairman of the Committee on the Budget.

Mr. SUNUNU. Madam Chairman, I want to thank the gentleman from Iowa (Mr. NUSSLE), Chairman of our Committee on the Budget for yielding the time to me.

Madam Chairman, I think it is important that we step back. We have heard a lot of rhetoric here. And as the gentleman from Iowa (Mr. NUSSLE) pointed out, most of it is designed to scare people.

I think that is unfortunate, because we have an historic opportunity to use record budget surpluses to do the right thing for the country; to put together a strong budget; to make the Tax Code more fair. I think we should step back and talk about what is in this budget rather than listening to speculation and scare tactics.

As the gentlewoman from Texas (Ms. GRANGER) indicated, we pay down more debt over the next 10 years than has ever been paid down by any country in the history of the world, over $2 trillion in debt retirement keeping interest rates low.

Of course, we cut taxes. We have heard a lot of speculation that it will be a $2.5 trillion dollar tax cut, and it is very interesting to see Members on the other side advocating for reform of AMT, which is not even part of the President's proposal.

The reason is because they are putting up a strawman that they might debate against, when they know full well the way budgets are written, it allows for $1.6 trillion over the 10-year period and no more.

We improve education, strengthen our national defense, and, of course, we have health care reform, Medicare modernization. For the first time in our country's history, we are creating a reserve fund to support reforms, modernizations for Medicare that were designed 35 years ago. Somehow the minority wants to portray this as being risky. Suddenly, it is risky to set up a reserve fund, something we have never done in this country. I think not.

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Of course, Social Security. Let us take a close look at how we are dealing with Social Security in this budget. First and foremost, we are setting aside every penny of the Social Security surplus, something I am sure my colleagues on the other side of the aisle will be pleased to know. It will be the third year in a row that we have done this.

It is important to reflect on the fact that it was the House Committee on the Budget 3 years ago that first proposed the idea of setting aside every penny of the Social Security surplus. We protect that surplus. It is shown very clearly.

We will use much of those revenues that are coming in to do the right thing for the taxpayer and retire a record amount of debt, but we also set up a reserve account for Social Security.

In addition to that reserve for Medicare, we set up a reserve for Social Security in order to pay for a bipartisan bill, reforms, modernization, initiatives that will strengthen that program. We do not prejudge what that fund will or will not be used for. But we know it will be there when we can get a bipartisan bill like the Kolbe-Stenholm bill that has been introduced or some other piece of legislation. We know we will have the funds to strengthen Social Security.

Is there tax relief in this bill? Yes. Right here, $1.6 trillion. Not 2, not 2.5, not 2.8. It is very clearly written in the budget resolution making the Tax Code more fair for all Americans.

Even after we do all this, we still have money left over in a contingency reserve. That is not risky. It is fair, it is balanced, and it makes common sense.

I urge my colleagues to support the resolution.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Iowa (Mr. NUSSLE) has 43½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 50½ minutes remaining.

Mr. SPRATT. Madam Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Madam Chairman, to briefly respond to my dear chairman of the committee, let me say that, when we talked about Medicare in 1995 when the Republicans took control of the House, the first thing they tried to do was to cut Medicare by $270 billion and Medicaid by $107 billion to fund their tax cut. They did not like it in 1965, they did not like it in 1995, and we are not sure that they like it right now. We fought them then, and we stopped them from doing it; and we helped preserve the program.

Let me tell the gentleman from New Hampshire (Mr. SUNUNU), one cannot reserve something that is already obligated for the future. One can only spend it on what it is obligated for, or one has to cut to get there.

Mr. NUSSLE. Madam Chairman, I yield myself 1 minute.

Madam Chairman, to the gentleman from Texas (Mr. BENTSEN), my very good friend, in 1965, I was 5 years old. Most of the people here were at least that age. We were not here in 1965. The gentleman was not here in 1965. How old was the gentleman in 1965? My guess is the gentleman probably was not much older than me.

My point is very simple, can we back off of this for just a moment. Both sides want to protect Social Security. Both sides want to protect Medicare and pay down the national debt. Both sides want to provide tax relief. Can we at least agree on that, and talk about real numbers?

If you want to continue to heighten the rhetoric here tonight, we can go toe to toe. That is not what the American people are wanting to tune in to listen to tonight. They want to know what is in your budget. They want to know what is in our budget.

Do not try to scare seniors with this. That is not what this is about. Both sides, both sides, I say very respectfully, want to save Social Security, Medicare, pay down the debt, and provide tax relief. We have a little bit of different approach on all those things. Let us talk about those little bit different approaches, but quit scaring seniors, telling them we are not setting aside this or we are dipping into that. That is not fair. Let us be fair about this debate.

Mr. SPRATT. Madam Chairman, I yield 7 minutes to the gentlewoman from Oregon (Ms. HOOLEY). Going back to the topic of education on which I think we are clearly superior, who better to talk about education than the gentlewoman from Oregon (Ms. HOOLEY), who is a public school teacher. She in turn will recognize and yield to the gentleman from North Carolina (Mr. PRICE), who is a former professor at Duke, and the gentleman from New Jersey (Mr. HOLT), who is a former professor of physics at Princeton.

Ms. HOOLEY of Oregon. Madam Chairman, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Chairman, I thank the gentlewoman for yielding.

Madam Chairman, the Republican budget deserves a failing grade on education, there is no question about it, because it only increases funding for the Department of Education by $2.4 billion. That is 5.7 percent, 5.7 percent over last year's levels. That is less than half the average increase that Congress has provided for the last 5 years.

Now, to inflate their increase, the Republicans try to claim credit for funding that we already provided for next year. That is not education leadership; that is budget gamesmanship.

Democrats, on the other hand, provide $4.8 billion more for education than the Republicans do for next year. This chart makes the comparison very clearly. Our budget provides $129 billion more over the next 10 years. Under the Democratic budget, our country will be in a much better position to address the challenges we face in education like reducing class size, school construction, recruiting and training teachers, boosting title I aid for disadvantaged students, increasing Pell Grants for college students, meeting the Federal Government's obligations to special-education funding, expanding Head Start.

There is so much that we need to do. Education needs to be a priority item in this budget, and the Democratic budget resolution provides that priority.

Let me ask the gentleman from New Jersey (Mr. HOLT), who has also joined us here, to discuss how the Democratic budget addresses what I consider to be the number one education issue of the next decade, the teacher shortage. We are going to need 2.2 million new teachers in this country in the next 10 years, and I do not think anybody knows where they are coming from. We need to be anticipating this need.

I ask the gentleman from New Jersey (Mr. HOLT) where are we on this question of the recruitment, retention, and professional development of teachers?

Ms. HOOLEY of Oregon. Madam Chairman, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, I thank the gentlewoman for yielding to me.

Madam Chairman, the Democratic budget recognizes that, whatever education reforms we are talking about, they will not mean anything unless we have quality teachers in the classroom. Does the Republican budget respond to this need? I would say no.

Over the next 10 years, as the gentleman from North Carolina (Mr. PRICE) points out, we will need 2.2 million new teachers. This is a national problem. It requires national attention. This is not something that a single school district or a single State can take care of.

Many of these teachers will be called on to teach science and math. Many will feel inadequate to do that. We must find ways to recruit and retain quality teachers, including math and science teachers, not only to keep the attrition rate low, but to ensure that the classrooms are not overcrowded.

The Democratic budget recognizes that, when our schools recruit and train new teachers, they are going to need modern classrooms as well.

Madam Chairman, I just want to emphasize that talking about educational reform is not good enough. We have to put something behind it.

Ms. HOOLEY of Oregon. Madam Chairman, reclaiming my time, we have got a problem with school construction. Our schools are bursting at the seams. One cannot go on a school tour anymore without looking at a classroom or closet that has been converted to a classroom or students sitting on the floor, radiators, windowsills because the classroom is overcrowded.

The Republican budget diverts $1.2 billion in school construction that this Congress provided last year and then eliminates construction funds for the next year. This comes at a time when we have a crisis in this country. We have $100 billion worth of projects for new school construction and renovation.

The Democratic budget provides $4.8 billion more than the Republican budget for education and $129 billion over the next 10 years. We have said education is a priority, and we have put our money where our mouth is.

Our budget also provides more than the Republicans for special education, an issue that is near and dear to my heart. The Democratic budget moves our country closer to a promise we made 26 years ago when we first passed the Individuals with Disability Education Act. We said we would pay 40 percent of the excess cost. Well, we need to do that. The Democratic budget does that over a 10-year period, adding $1.5 billion each year.

Since coming to Congress, I have visited every school district, large, small, rural, urban; and despite their geographic and economic differences, every school is struggling to provide the necessary services to children with disabilities.

We have a historic opportunity to meet our Federal commitment to our local schools. It is time that we keep the promise that we made 26 years ago that we invest in education of every child.

Madam Chairman, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Chairman, I thank the gentlewoman for yielding to me.

Madam Chairman, speaking of promises made, probably everyone in this Chamber remembers that when Candidate George W. Bush promised to raise the maximum Pell Grant award to $5,100 for freshman, it was welcomed with great enthusiasm. Well, President Bush, I am afraid, is not upholding that promise.

The Republicans in this budget have fallen $1.5 billion short of the amount needed to fulfill that promise. The Republicans are only providing enough funding here to raise the maximum award by $150; that is, from $3,750 to $3,900 a year. With $4.8 billion more for education next year, the Democrats' budget does far better for that.

For a final thought, let me turn again to the gentleman from New Jersey (Mr. HOLT), who, as his bumper stickers say, is in fact a rocket scientist, and ask him: Is the Republican budget adequate in terms of critical research funding?

Ms. HOOLEY of Oregon. Madam Chairman, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chairman, this is also related to education which we will address shortly. Quite simply, the Republican budget shortchanges scientific research. This is important, not only for producing the new ideas that are necessary to power our economy to lead to productivity growth, but it is also how we train the future educators and the future scientists.

The Republican budget holds NSF flat. It cuts NASA below the level needed to maintain the current purchasing power. Basic scientific research, which is the backbone of our economic success, would suffer under this Republican budget.

The Democratic budget, on the other hand, looks after these interests. The

Democrats provide $300 million more than the Republican budget for research and development at NASA, NSF, the Department of Energy. We keep our commitment to doubling the funding for the National Institutes of Health by 2003.

Our increased commitment as a Nation to scientific research is essential. This is important for education as well as for economic benefits to everyone in this country.

Ms. HOOLEY of Oregon. Madam Chairman, reclaiming my time, we need to invest in our future; and we can do that by investing in education.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. RYUN) to speak about our commitment to our Nation's defense.

Mr. RYUN of Kansas. Madam Chairman, as my colleagues can see from our budget, some of our priorities are listed; and one of those is a stronger national defense. That is one of the reasons that I support the fiscal year 2002 budget resolution.

Not only have the Republicans once again balanced the budget without dipping into Social Security and Medicare, we have met important priorities that continue to provide for the commitment of our men and women who are willing to stand in harm's way to give us a strong defense.

When I visit the soldiers that are at Fort Riley and Fort Leavenworth and our guardsmen at Forbes Field in my district, I know we need to do more for them. They have done a great deal to defend us. This budget does provide for that.

After years of neglect and a series of overdeployments under the previous administration that left our defenses stretched thin, the defense budget faced serious shortfalls. For too long we made the motto of the military "do more with less."

Between 1997 and 2001, the Republican-led Congress added $34.4 billion to make up for that inadequate funding. I am proud to say that, with this budget, the Republican budget, we are adding another $14.3 billion to fulfill our first duty under the Constitution, and that is to provide for the common defense.

Our military personnel deserve the 4.6 pay raise that we are providing for in this budget. They deserve the $400 million committed to improve military housing, which is a very big issue for them, quality of life issues. They deserve the $2.6 billion down payment on the $20 billion technology program to improve the equipment that they use when they go out on a mission.

More importantly, they deserve to know that, when Secretary of Defense Rumsfeld completes his military-wide, top-to-bottom review, that we stand ready, in the Republican initiative, not in the minority's initiative, that we will provide the necessary resources should there be more money needed to help make sure our troops are best trained and well equipped.

For those who have already served, this budget provides $3.9 billion to expand TriCare benefits for our military retirees from the age of 65 up, and it provides another $1.7 billion increase in veterans' health care, things that we have made commitments to that we are following up on.

Madam Chairman, this is a responsible budget. We are passing the budget on time. It is a budget that meets the priorities, as my colleagues can see from here. It is a budget that allows room for the appropriate adjustments, should they come, for unseen emergencies and for reform.

I encourage all of my colleagues, my friends on the other side as well, to join me to vote for this resolution.

Madam Chairman, I yield back the balance of my time to the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget.

Mr. SPRATT. Madam Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. DAVIS).

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Mr. DAVIS of Florida. Madam Chairman, our debate tonight is in part a disagreement as to the size of a tax cut and what our priorities as a Nation should be.

Here are the facts: The Congressional Budget Office projects a $5.6 trillion Federal surplus over the next 10 years. Democrats and Republicans have agreed that we should set aside $3 trillion of that projected surplus that is in the Social Security and Medicare Trust Funds. That leaves a projected surplus of about $2.5 trillion. This projection was made in January of this year based on an assumption that the economy would enjoy a substantial growth rate in excess of 3 percent annually for the next 10 years. That assumption is increasingly questionable.

Over a majority of States now are experiencing their own financial difficulties, and last week two major national financial institutions, Wells Fargo and Merrill Lynch, significantly lowered their projections as to our surplus. In fact, Wells Fargo suggested that the projection for this year will be 20 percent lower than what the CBO had projected.

Based on what we believe is a more conservative approach, the Democratic budget alternative calls for a tax cut of approximately $737 billion, roughly one-third of the projected surplus. This $737 billion tax cut allows us to direct $3.7 trillion to pay down the massive Federal debt, to help keep interest rates low, and to protect Social Security and Medicare for the retirement of the baby boomers.

Our $737 billion tax cut, in contrast to the Republican tax cut, targets tax cuts to those taxpayers at the bottom and the middle who are struggling the most to make ends meet. The Democratic budget plan provides marriage penalty relief by providing a standard deduction for married couples equal to twice the standard deduction for individuals. We provide relief from estate taxes by increasing the estate tax exclusion to $4 million per married couple; that is, $2 million per individual immediately, gradually increasing that exemption to $5 million. Our estate tax reform would repeal the estate tax for over two-thirds of the estates that pay the tax currently.

Our $737 billion tax cut would also allow tax cuts to be focused on what Democrats and Republicans ought to agree is a priority, and that is bolstering worker productivity. Let us invest in the education and training of our citizens, and research and development of technology, which is increasingly a powerful tool in the hands of our skilled workers. Our tax cut can be used for a permanent research and development tax credit, interest-free bonds for school construction, and providing greater deductibility to small- and medium-sized businesses to purchase information technology to enjoy more productivity in their own businesses.

In closing, let me caution my colleagues, both Republican and Democrat, to be careful with these surplus projections. If these projected surpluses do not materialize and we have enacted a massive tax cut, I fear we will once again be saddled with a massive Federal debt, and interest rates will begin to climb again. Let us get our priorities straight, and let us pass a responsible tax cut with relief for all Americans.

Mr. NUSSLE. Madam Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a very distinguished member of not only the Committee on the Budget, but also the Committee on Ways and Means, who will talk about tax relief for every taxpayer.

Mr. PORTMAN. Madam Chairman, I thank the gentleman from Iowa (Mr. NUSSLE) and congratulate him on a great budget.

I also want to respond a little bit to some of the points that have been made tonight. Let me start by saying that my colleagues on this side of the aisle have done a good job, I think, in setting out the principles of this budget and making clear that it does, in fact, meet our national priorities.

It increases funding for our public schools, it strengthens our national defense, it protects Medicare and Social Security in ways that we have never done before in this Congress. It truly protects the trust funds.

It does things that I think are necessary in terms of paying back the public debt. We just heard the debt talked about. The fact is this budget retires more public debt than we have ever done before as a Congress. In fact, it pays back all. All of the available public debt is going to be paid down under this budget.

At the end of the day, after all those priorities are met, after the debt is paid down, Social Security and Medicare protected, our national defense strengthened, there is still money left on the table. And that money left on the table those of us on this side of the aisle believe very strongly ought to go back to the hard-working taxpayers that created every dime of that $5.61 trillion budget surplus.

Is it too much to ask that we allow folks who paid every dime of that surplus to keep about 28 percent of it, a little less? That is what we are proposing here tonight. It is about $1.62 trillion that would go back to the folks who created every dime of that surplus. We think everyone ought to get that tax relief. We think every hard-working taxpayer deserves it.

It is interesting to look at the statistics. We now have the highest rate as a percentage of our GDP, our economy, in taxation than we have had in this country since World War II. In fact, if we go back before World War II, we will not find taxes that high. We also have a faltering economy. We have an economy that could use a tax cut to boost economic growth and keep us from going into a recession.

We also need to do some stuff in terms of addressing concerns in our Tax Code. We need to simplify our code and make it fair. These are all things we can do under the budget allocation we have set aside here for tax relief.

I have heard some of my colleagues on the other side of the aisle tonight attack the budget with regard to the tax side, saying it is only tax cuts for the rich. We are going to hear that a lot. But let us be clear: This debate tonight is not over what kind of tax cut we have or do not have, it is over how much money is left available in the budget for tax cuts. This Congress can then work its will on that. But I want to address that criticism because it is wrong.

If we look at the proposals that have come from the President, the proposals that have come out of the Committee on Ways and Means, those that are likely to come to the floor even later this week, we will see that, in fact, the tax relief we are talking about makes the code fair. It makes the code more progressive, not less progressive. In fact, the wealthiest Americans will pay a higher burden of the taxes in this country, not a lower burden, if we are to pass proposals that have been before the Committee on Ways and Means and that have been proposed by President Bush.

Let me give my colleagues an example. A family making $35,000 a year, under the proposals we have seen from President Bush and reported out of the Committee on Ways and Means, would pay no taxes; 100 percent tax cuts. Those making $35,000 a year, families with two kids would pay no Federal income taxes at all. Those making $50,000 a year would get about a 50 percent Federal income tax cut. Those making over $75,000 would get about a 25 percent tax cut. This is something that I think we need to address tonight. If you look at the Bush proposals and the Committee on Ways and Means proposals, in fact the Tax Code will become more progressive. Taxpayers at the higher end will pay a higher burden of the total taxation than they do today.

Madam Chairman, I want to say that the chairman of the Committee on Budget has done a great job with this. This budget is fair. What is set aside for tax relief is certainly fair. It allows us to double the child credit, it allows us to eliminate the marriage penalty, it allows us to get rid of the death tax and let every American save more for their own retirement.

We have a lot of priorities to address in this Congress, and we do it in this budget. Those priorities ought to make sure that hard-working Americans who created every dime of that surplus get to keep a little more of their hard-earned money. This tax relief makes a lot of sense right now for our economy and for the American taxpayer, the families. It also makes a lot of sense for our government.

I urge my colleagues to support this budget and let Americans keep more of what they earn.

Mr. SPRATT. Madam Chairman, I ask unanimous consent to yield 7 minutes, for purposes of control, to the gentlewoman from North Carolina (Mrs. CLAYTON) to address the agricultural aspects of our budget resolution.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Without objection, the gentlewoman from North Carolina (Mrs. CLAYTON) will control 7 minutes.

There was no objection.

Ms. CLAYTON. Madam Chairman, I yield myself such time as I may consume:

Madam Chairman, the Republican budget presented here tonight does not reflect the challenges and difficulties of our American farmers. In fact, it deliberately avoids it. The American farmers are in crisis. When we think of natural disasters here at home, the unfair markets abroad, and energy costs stemming from more of the geopolitical forces than from agricultural foundations, these all put the American farm and the entire fabric of rural America at risk. The response to this budget is nil. In this case, inaction speaks for itself. What it says to the American farmers is that while many love to pay lip service, that is what we would rather do than provide assistance to farmers.

The House Committee on Agriculture has been hearing from many different farm groups lately, and they have been practically unanimous in one belief, that we must be realistic about the level of support necessary to keep the American family farmer in business. They have urged the Committee on Agriculture to work to locate an additional $9 billion for farm relief for this year. My amendment in the Committee on Budget would have done that, plus it would provided $4 billion through the year 2011.

The Democratic alternative provides $46 billion increase to the baseline budget to meet emergencies. That would be $8 billion for year 2002 and $4 billion throughout. Supporting farmers that have supported this Nation for so long is not a matter of politics, but a commitment from both the Democrat and Republican Parties to the American farmer.

The gentleman from Texas (Mr. COMBEST) and the ranking member, the gentleman from Texas (Mr. STENHOLM), have made it clear that we need to increase economic support for farmers. In our recent markup I raised this issue, as well as I have raised it in the Committee on Rules today. I was disappointed that the amendment failed on a partisan vote because I truly believe that the concern of my Republican colleagues for American farmers indeed is genuine. I know that many of my colleagues in the majority will say that we do not need the increase to the budget because we indeed have the existence of a contingency fund. I respectfully say to them this is bad policy, bad policy for farmers and shaky fiscal ground on which to develop a budget.

Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

Mr. STENHOLM. Madam Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding me this time, and the gentlewoman is totally correct to raise the question about the adequacy of the reserve fund.

The resolution before us provides for a strategic reserve fund for agriculture, defense and other appropriate legislation. In addition, the contingency fund has other reserves for additional prescription drug spending, special education and emergencies.

The contingency fund approximates the on-budget surplus, which is $750 billion for 10 years. To preserve Medicare, this fund is partitioned into a Medicare contingency fund of about $240 billion and a general contingency fund of about $515 billion. It is at this point that the year-by-year amounts available for agriculture, defense, veterans, education, health care and other priorities become more critical.

Although there appears to be ample resources for the $515 billion over 10 years, in reality there is little room to accommodate additional resources for agriculture. In fiscal year 2005 and 2006, the general contingency fund has only $12 billion and $15 billion available. These amounts are barely sufficient to cover the $12 billion requested by agricultural groups as was stated, not to mention additional defense and other appropriate spending. Increased defense expenditures, additional prescription drug coverage and additional tax proposals severely limit funding beyond 2005.

Let me say, Madam Chairman, this budget resolution as it pertains to agriculture literally bets the farm and ranch after this year that the projected surpluses are going to materialize.

Madam Chairman, I would urge my colleagues on both sides of the aisle to look at the Democratic substitute and the Blue Dog budget to see what is really going to be necessary for agriculture and to vote for that. If Members vote for the resolution before us, you are literally betting the farm and ranch on a shaky projected surplus.

Mrs. CLAYTON. Madam Chairman, I yield to the gentleman from Mississippi (Mr. THOMPSON), who cares about water and the black farmers.

Mr. THOMPSON of Mississippi. Madam Chairman, I thank the gentlewoman from North Carolina very much for yielding.

Like my colleague from Texas, I am concerned about the plight of the farmer here in America. Under the Republican plan, there is no contingency plan for the $27 billion that we have had to earmark for emergency funding. In addition to that, the Republican budget resolution eliminates field offices for the Department of Agriculture. Those of us who live in rural America understand that our people need to be able to go to the offices within a reasonable period of time in a reasonable area.

Also the water and infrastructure needs. Many of us represent areas that do not have running water and sewer. Under this Republican budget, the problem of water and sewer in our rural areas is not adequately addressed. So we encourage Members to look at the Democratic alternative and support that for the people of America.

Mrs. CLAYTON. Madam Chairman, I thank the gentleman from Mississippi (Mr. THOMPSON) for his comments.

Madam Chairman, I yield my remaining time to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Chairman, our farmers once again are facing a crisis as they have in the last 3 years. Our farmers are facing a recession, record low prices and rising energy costs. We have the opportunity during the budget markup to show some leadership and commitment to our farmers.

□ 2015

However, this committee dropped the ball. Over the past 3 years, Congress has appropriated emergency funds for our farmers to the tune of $27 billion. We already know we are going to have to provide emergency assistance once again. But where is it in the budget? It is not there. The gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture, testified before the Committee on the Budget, and I quote, "We recommend that rather than providing additional assistance on an emergency ad hoc basis the budget allocation for agriculture needs to be permanently increased."

This budget has left agriculture to compete with what is left of the surplus and to depend on supplemental emergency assistance. This is not how the farmers of this country deserve to be treated.

Mr. NUSSLE. Madam Chairman, I yield myself 1 minute for a brief response.

Madam Chairman, first of all, I appreciate the tone of the gentlewoman's comments. We do have a slight disagreement on how we are going to achieve this goal, but it is a goal that is shared on both sides. As I say, I appreciate the tone in which the gentlewoman made her presentation and I hope that we can continue that tonight because there are, I think, shared goals even though there are differences of opinion on how to reach those goals.

I would just report to the gentlewoman that the American Farm Bureau Federation has recently today sent me a letter endorsing our budget, H. Con. Res. 83, which is the Republican budget, but again there is much work that we are going to have to do in agriculture and a number of other areas, and we share that workload and hopefully can continue to do it in a bipartisan way.

Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), a new member to the Committee on the Budget, to discuss our commitment to Medicare and reforming Medicare and modernization with a prescription drug benefit.

Mr. KIRK. Madam Chairman, this budget is based on really three key principles of economic growth, fiscal responsibility and protecting those most in need.

We all know the economy has soured. In my own congressional district, Motorola has laid off employees, Outboard Marine has gone bankrupt and so has Montgomery Ward. We know that the best education program and the best health care program and the best Social Security program is parents with a job. This budget does that.

This budget also pays down debt, $2 trillion in debt, leaving us at a level of debt not seen since the Wilson administration in 1917.

This budget also protects those most in need. We increase funding for special education, move towards our goal of doubling the National Institutes of Health and lay the groundwork for saving Social Security and Medicare. Our seniors know that Social Security and Medicare are in trouble over the long-term and even the charts of the other party show that very clearly, with a precipitous drop around 2015. Our seniors know that we will go from 30 million collecting a Medicare benefit and Social Security to 90 million as the baby-boom generation retires. They know that Medicare has an $11 trillion unfunded liability; that Social Security has a $9 trillion unfunded liability, and the way out of this is bipartisan Medicare modernization and reform.

President Bush put his hand out during his speech to the Nation on this, and it is incumbent upon us to make that happen. We know that the Medicare part A fund is solid for the next couple of years, but part B, the part that goes to pay for doctors, is already in debt. For us, I believe the key principle we should abide by is that health care offered to Medicare seniors should be as good as that offered a Congressman.

That is the principle upon which we must make our decisions on this budget.

This budget restarts our economy, making sure that parents have a job and can provide health care. This budget pays down debt and this budget leaves a foundation for bipartisan Medicare reform.

Now my hat goes off to the chairman of the Committee on the Budget, the gentleman from Iowa (Chairman NUSSLE), who has really hit the ground running with this document. I really have to commend our ranking minority member, the gentleman from South Carolina (Mr. SPRATT), who is the epitome of dignity in this process. It is in that spirit that we have to take on the Medicare challenge. When one looks at the number of people who will retire in the coming years, as our baby-boom generation passes from their working years, we need to join together to make sure that we have Medicare modernization that offers a prescription drug benefit, that offers a choice of doctors and that controls spending.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the gentleman for his kind compliment, and I pick up on something he said. He said that among the principles of both budgets is the commitment to protecting those in need. In light of that, I would like to point out that our budget resolution makes provision for $18 billion for low-income assistance programs and another $70 billion to enhance and improve access for working families to health care that they do not have because they are not fortunate to work for an employer who provides coverage.

Madam Chairman, I yield 6 minutes to the gentleman from Massachusetts

(Mr. CAPUANO), the former mayor of Summerville, Massachusetts, to talk about this aspect of our budget.

Mr. CAPUANO. Madam Chairman, before I talk about that issue I need to go back to the chart we just saw and we have seen already three times tonight by my count, is the six items that the other side is trying to deal with.

I actually agree with everything on that chart, but I want to talk about them for a minute. We talk about maximum debt elimination. I agree, we all want to do that. Surprisingly enough, the Democratic proposal does more.

We want to improve education. We all agree on that. Surprisingly enough, the Democratic proposal does more.

We want to have a stronger national defense. My goodness, surprisingly enough, the Democratic proposal does more.

We want to modernize and stabilize Medicare and Social Security. Again, surprisingly, the Democratic budget does more.

The only thing we do not do more on is tax cuts, but we are being criticized tonight as somehow being against tax cuts because we are only proposing $800 billion in tax cuts, roughly half of what the other side is proposing. The question is, what do we do with the remainder?

What we do is what I am about to talk about. We do more Medicare, defense, all the things we just talked about. We also do more research, more housing, more LIHEAP, more environment, more justice and more agriculture.

To talk about the vulnerable people we are going to help, because I actually think that it is not a bad thing, I can talk about adoption services; I talk about day care services; I can talk about services for people with disabilities, home-based services for the elderly, including Meals on Wheels, which we do more by. But I want to talk about one issue in particular, and that is housing, because it is so important to people in my district and in many parts across this country.

America used to believe that safe, affordable housing was a basic necessity and almost a right for all Americans. For years, for years, this government stood up and helped people attain homes. No one here complains when the mortgage rates drop, and that is a de facto, quasi governmental agency. Everyone here jumps up to protect the mortgage deduction in the Tax Code. We all do that because we know how important it is.

No matter what we do, no matter what we have done, not every American can afford to buy a home. I am not talking about the lazy takers amongst us. We all know there are some. We know that. That is not who I am talking about. I am talking about people who have played by the rules. They have gotten all the education they can get. They work hard every single day. They try to put money aside, but when they are faced with incredibly skyrocketing rents in many places across this country, paying back their college loan, buying a car, buying insurance for that automobile, trying to raise a family, when they are faced with all of that it is very, very difficult for many Americans to put aside money for a down payment.

As a matter of fact, five and a half million Americans today pay more than 50 percent of their income for housing costs. More than 50 percent of their housing costs represent their income. That is incredible. It is much more, much more an important part of their daily lives than their tax liability, because simply put most of those Americans do not have much tax liability. They do have rental costs. They do have mortgage costs, if they can afford it.

The President's budget, the budget we have before us, the Republican budget before us, cuts almost every single housing program we have. They cut $700 million from capital improvements for public housing. They completely eliminate $310 million for the drug elimination program. They completely eliminate a meager $25 million for the rural housing and economic development program. Never mind those $5.4 million, never mind the three million people who live in public housing. Of those three million, one million of them are children; they are children. Five hundred thousand are seniors. Another 300,000 are veterans. We just do not care. That is why the Democratic proposal puts that money back, and if all the money we are trying to put back into housing alone is totaled up, it totals out to a grand total of 1.5 percent of the tax cut. That is 1½ pennies out of every dollar proposed for their tax cut. That is why we are standing here trying to help the most vulnerable people amongst us. The money is short when one is comparing it to the tax cuts that we are trying to give today for people who already have housing, who already have fuel, who already have food.

Mrs. CLAYTON. Madam Chairman, will the gentleman yield?

Mr. CAPUANO. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Madam Chairman, I thank the gentleman from Massachusetts (Mr. CAPUANO) for yielding.

Madam Chairman, I am delighted he is bringing up the issue of vulnerability, and I want to speak about the vulnerability of many of the people who indeed need food. There are many who would have us to believe that the strength of the economy in the past 10 years has largely eliminated poverty from our midst and that we are now living in the good life for all who desire to quickly reach out and grab it. However, to those who believe there is no economic hardship in this country, I would invite them to let the scales fall from their eyes.

As the ranking member of the Subcommittee on Department Operations, Oversight, Nutrition and Forestry, I know personally about the food stamp and indeed I want to make sure that other people know there is a need for not only revising but increasing it.

Madam Chairman, I support my colleague because he recognizes the very real hardship people have in providing housing, and I want to emphasize indeed the percentage of working families now receiving food stamps, who are lower income, does not represent the low-income people. In fact, we have dropped in the percentage of participation in food stamps far greater than we have reduced poverty. So some of us feel that those of us who are enjoying the good life should also make provisions for those who are vulnerable. I for one want to stand up and speak about food stamp reform and support those who do.

In the Democratic alternative, there is $350 million more for food stamps this year. So that represents an increased amount of opportunity for working families who are lower income to participate in that.

I know my time is short, but I just want to say very briefly we put such a hardship on very poor people. Guess what? We cause all of this headache for food stamp applications, and if I wanted a home I only had to do this.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. BROWN), a distinguished new member of the Committee on the Budget, to talk about paying down our publicly held debt and our commitment to our Nation's veterans in this budget.

Mr. BROWN of South Carolina. Madam Chairman, I commend the chairman for a great budget. Having chaired the Committee on Ways and Means for South Carolina, I recognize the extreme pressures that the gentleman is under as we try to formulate a budget that would meet the needs of this great Nation and also return back to the taxpayers their due return that they so patiently waited for for so long.

As we campaigned across the land, one of the items that concerned most of the constituents was the ever-increasing debt. I am grateful, Madam Chairman, that that was one of the first items we addressed, is paying down the debt. Congress has paid down some $625 million in public debt since the Republicans took majority control of the House and the Senate.

□ 2030

For 40 years, debt was racked up as far as the eyes could see under deficit spending. Paying down $625 billion is only the beginning. The budget pays down $2.3 trillion more dollars in public debt over the next 10 years. Paying down the debt will mean better interest rates for all Americans, and the citizens of the First Congressional District. Just think how much more purchasing power we would have if college and university loans were at a lower interest rate. The same goes for a mortgage for a house or financing a family car. Lower interest rates will help all Americans.

In 2002, we will eliminate some $213 billion in debt. In 5 years, we will be up to $1.2 trillion; and in 10 years, some $2.34 trillion.

The work is far from over. As we heard tonight from both sides, there are additional items that could be funded if the will was to do so.

This budget, thanks to President Bush, has made it clear that the Federal Government's growth rate should be no larger than 4 percent per year. This is larger than the rate of inflation; it is larger than the rate of most people's wages increase.

I think we can continue to fund important priorities. The budget assumes a $1.7 billion increase in discretionary budget for our veterans over the fiscal year 2001 level, and a $3.9 billion increase in mandatory spending for veterans. This would accommodate a big increase in educational benefits under the Montgomery GI Bill.

Madam Chairman, the average American family knows how to balance its budget. The Federal Government is catching up to the Joneses. Things are looking up for the great business that is conducted in Washington, and all of us will benefit from these prudent decisions to restore fiscal sanity and pay off our bills.

Madam Chairman, I am grateful to be part of this committee.

Mr. SPRATT. Madam Chairman, before yielding to the gentleman from Virginia (Mr. MORAN), I yield myself such time as I may consume to say by explanation that the $5.6 trillion surplus from which we are both working is a projection of the Congressional Budget Office; and in making that projection, they assume that discretionary spending, the money that we appropriate annually every year, will be increased each year by the rate of inflation.

In light of that, we have provided for defense, national defense, which consists of more than half of the so-called discretionary spending budget. We have provided realistically in our budget resolution $115 billion over 10 years to pay for the modernization of our national defenses and for increased pay for our personnel to improve recruitment and retention and for military housing and other quality-of-life advantages that they justly deserve. That is in budget authority, $48 billion more, than is provided in the Republicans' budget resolution. So it is a significant amount of money. Whether it is enough or not, only the future will tell, but nobody can deny that $115 billion over inflation is a substantial plus-up for the defense budget.

Madam Chairman, to discuss further the defense budget, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who represents, among other things, I believe, the Pentagon.

Mr. MORAN of Virginia. Madam Chairman, I certainly applaud the leadership that has been demonstrated by the gentleman from South Carolina. He is extraordinarily knowledgeable on defense authorization, as well as our priorities for this budget resolution. That is why I oppose this budget resolution, because it makes deep tax cuts at the expense of critically needed programs.

Let me focus primarily on the shortfalls in the Defense Department that this budget resolution will greatly exacerbate.

Just a few months ago, the service chiefs testified that there was a need for an emergency supplemental appropriations bill of $7 billion, just to cover urgent shortfalls in the Defense Department. One of the most critical funding deficiencies expected this year is a shortfall of $1.4 billion in the defense health program. That is responsible for providing health care to all active-duty personnel and military retirees and their family members. Dr. Clinton, the head of health programs for the Defense Department, just testified last week that there is a $1.4 billion shortfall this year, and that money is not provided in this resolution for next year.

Senator DOMENICI wrote on March 15 to Secretary Rumsfeld saying that before the end of this year it may become necessary to truncate day-to-day health care operations and delay implementation of authorized programs for a large number of beneficiaries. The Democratic budget provides for this $7.1 billion defense supplemental and provides $48 billion more for defense over the next 10 years than the Republican budget. Of this amount, the $1.4 billion is for urgently needed funding for health care and $1 billion is for ensuring that the full pay raise Congress authorized last year is provided.

Madam Chairman, it is imperative that we address these shortfalls now. Already the Defense Department has confronted shortages of medical equipment, deteriorating military hospitals, as well as shortfalls in the direct care system and payments for managed care support contracts. We do not have the money in this budget resolution to fulfill our responsibilities to implement the senior pharmacy benefit that is scheduled to go into effect in the next few weeks, and the TRICARE for Life benefit for military retirees over the age of 65. This budget resolution assumes a base that is inadequate in fiscal year 2001 and shows virtually no increase in subsequent years.

Beyond the defense health care problems that we have, we cannot afford to shortchange the defense priorities that are necessary in this complex world; and by that I refer to cyber-terrorism, biological and chemical threats that are posing new dangers to our national security. Modernization requires a continued commitment to research and development and to technologies and equipment that will ensure that our armed services maintain their global dominance.

Developing the next generation of weapons programs will also require difficult decisions involving priorities and capabilities. It is unrealistic for this administration to assume that their top-to-bottom review conducted in an academic manner without thorough consultation with Congress and the armed services will effectively transform our military to meet the challenges of the next century without adequate funding. This budget resolution does not provide that adequate funding. We are not going to cancel procurement of an aircraft carrier or the joint strike fighter program and think that it will generate enough savings to pay for other programs or not meet an unmet security need.

Madam Chairman, investing in our national security should not be a partisan issue. Not addressing the current year's funding deficiencies in this budget resolution provides an unrealistic budget projection from the outset and directly affects our military readiness and the quality of life of our troops and families. Madam Chairwoman, this alone is reason to reject this budget resolution.

Madam Chairman, I yield back my time to the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. NUSSLE. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. COLLINS), a distinguished member of the Committee on the Budget and a member of the Committee on Ways and Means.

Mr. COLLINS. Madam Chairman, I thank the gentleman from Iowa for yielding me this time.

Madam Chairman, high energy prices, high interest rates, and finally, excessive taxation are choking this Nation's economy. This budget addresses one of those three factors, and that is the excessive taxation. How do we rein in excessive taxation? Simply by controlling spending. Let no one forget that the reason we have excessive taxation is because we have excessive spending.

The tax burden on the people of this Nation is the highest that taxation has been since World War II. Why is that, Madam Chairman? It is because the Congress over the past 50 years has created an abundance of government programs. Each program well intended, but expensive, expensive because the good intent of each program has been expanded far beyond their means; and as we hear tonight, they are to be expanded even more so by the other side of the aisle.

An example, Madam Chairman, is welfare, and it was only after the Republicans gained the control of Congress that welfare spending was addressed, and successfully, I might add. Another is Medicare. Medicare is a health insurance program which has been very beneficial to millions of seniors, many who would not have had access to health care had it not been more Fed care. But Medicare is facing a real problem over the next 15 years due to the number of people who will be under the Medicare insurance program. We would think by listening to the opponents of this budget that the Republicans are canceling the Medicare insurance. Such is far from the truth. I will remind them, Madam Chairman, that it was the Republican Congress who heard the call of the Medicare trustees in 1995 and 1996 who reported to the Committee on Ways and Means that the Medicare fund would be short of money or broke by this year. And it was the Republicans who made changes in 1997 and extended the Medicare program for another 25-plus years.

Madam Chairman, this budget also gives flexibility to reform the Medicare program and include in that reform prescription drugs and also to ensure that Medicare will be around for many, many years to come. This budget further strengthens the Department of Defense. It flexes funds for education, giving more control at the local level. This budget reduces the public debt from $3.2 trillion that has accrued today down to $818 billion over the next 10 years. That is less than $1 trillion of public debt after 10 years.

This budget sets aside payroll taxes and other trust fund receipts by an amount accruing to over $8 trillion over the next 10 years.

Finally, Madam Chairman, this budget gives Congress $1.6 trillion over the next 10 years to reduce the tax burden on every taxpayer in America. Tax relief will provide over $400 of relief this year for families, and upwards of $1,600 per year over the next 6 years. I urge my colleagues to pass this responsible budget. It is time to stop the runaway spending in this Congress of the people's money, and it is time to stop the overtaxation of the American family.

Madam Chairman, I yield back the remainder of my time.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. PUTNAM), a new member of the committee.

Mr. PUTNAM. Madam Chairman, I thank the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) for their hard work in putting together this document.

I hope to take a little different perspective this evening on this budget, a little bit of a generational perspective. We have a historic opportunity, a once-in-a-lifetime window through our economic prosperity, the surplus opportunities to keep our commitment to seniors, to invest in national priorities and, most importantly, to ensure that future generations do not inherit the type of debt that this generation inherited.

If we observe this chart, we see the rapid trend in the reduction of debt. Babies not even born yet will be born into a world between now and 2007 with massive amounts of debt. This budget, this budget, Madam Chairman, pays down the debt as rapidly as is financially possible, without raiding the safety deposit boxes of America and taking Johnny's and Suzie's U.S. savings bonds that have been given to them or won in the paper editorial contest. Without doing those things, we pay down the debt as fast as is humanly possible.

□ 2045

We keep our commitment to the soldiers and sailors, most of them in their late teens and early twenties, who are charged with the responsibility of giving us the freedom that we all take so for granted each night when we lay down in bed. It keeps our commitment to them by investing in quality-of-life issues and higher pay raises, and it responsibly anticipates a review that will evaluate their needs and allocate resources in the most responsible and appropriate way.

We invest in the future. We invest in education. We make sure that future generations have access to the best teachers, the best classrooms, the best opportunities that this great country can provide.

Madam Chairman, we keep our promise to seniors. Make no mistake about it, those who are on Social Security and Medicare today and those who will be in the near future, their program is intact. Their program will be intact. I would urge them not to fall for the Mediscare tactics that sometimes afflict debates such as this.

But for future generations, we have an obligation, a moral obligation, to fulfill our commitment to providing that safety net, but also ensuring that that program is there. Study after study has shown that without major reform, those programs will not be there for future generations without some responsible, courageous leadership from this body.

Finally, Madam Chairman, after reducing the debt as fast as possible, after investing in education and health care, after investing in defense, there is still money left over. Instead of spending more and more and more that got us into the debt situation we are in today, we return it to the taxpayers.

In this time of precarious economic instability, we give taxpayers, American citizens, the opportunity to have back a portion of their money to invest in college education, to pay down their own personal debt, to pay down their mortgage, to spend it on other things as they see fit. That is the beauty of this budget.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, as a newly elected Member of Congress from Texas, I wanted to take this opportunity, and also as a 14-year member of the Texas House of Representatives, to correct the record for the listening public on the economy in Texas and on Governor Bush's record as Governor.

I had the privilege of serving under three Governors in Texas. I was the House Republican whip in Texas, and I personally witnessed the benefits of Governor Bush's visionary leadership, his focus on returning the tax surplus in Texas to the taxpayers of Texas.

I can testify personally that many of the things heard here earlier tonight in the debate are simply not true about the Texas economy. In fact, anyone listening here tonight can simply log onto bidc.state.tx and confirm this for themselves.

As of October 2000, Texas has added over 2.4 million new jobs since January of 1990, and Texas leads all other States in net job creation. In a time when manufacturing jobs nationally have declined, Texas has seen an increase in manufacturing jobs. I can testify further that that is a direct result of Governor Bush's leadership and his consistent vision in understanding that the tax surplus belongs to the taxpayers.

Talking about the last legislative session, the Texas Legislature had $5.6 billion more to budget for the previous budget cycle as a direct result of projected increases in revenue generated by the State's expanding economy. Governor Bush said then and he has said again as President today, "We have a surplus in Texas because we have been good stewards of tax dollars. During times of plenty, we must not commit our State to programs we cannot afford in the future."

As Governor, as he has done as President, Mr. Bush prioritizes the needs of the Nation, just as he did the needs of the State. He made his top priority public education. The Texas Legislature, under Governor Bush's leadership, passed a $3.86 billion increase in funding for public education, the largest single increase in the State's history, which resulted in a $3,000 across-the-board pay raise for teachers and a $1.2 billion cut in property tax rates for Texas taxpayers.

In my experience in 14 years in the Texas House, the previous administrations that preceded Governor Bush, the Democrat administration, consistently sought to raise taxes and increase spending. In every session I have served under Governor Bush, he sought to decrease spending, control spending, cut taxes, which led to a tremendous strengthening in the State's economy. We will certainly see the same benefits here nationally.

The budget that the Committee on the Budget has produced, on which I had the privilege of serving, under the leadership of the gentleman from Iowa (Chairman NUSSLE), is very focused and consistent with the priorities that George Bush set out as Governor, focusing first on eliminating more public debt than has ever been eliminated in the history of the United States. This is all the debt that can be paid off without incurring a penalty to taxpayers.

It focuses, secondly, on guaranteeing Social Security and Medicare.

Madam Chairman, I urge passage of the budget resolution.

Mr. NUSSLE. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished chief deputy whip.

Mr. BLUNT. Madam Chairman, I thank the chairman for yielding time to me, and thank the Committee on the Budget for the great debate we are having here tonight and the hard work that has been done on this budget from both sides. Really the topics we are talking about are the kinds of topics that we should be discussing in Washington as we set out a blueprint for this budget year.

The Farm Bureau today has joined in the call that this budget be adopted. Other agricultural groups, now that they have had a chance to look at this budget, are also stepping forward and saying that this budget does meet the needs of agriculture. It addresses the tax overcharge that we have collected in excess of what the government has said over the last several years we would need for the next decade.

I have heard some of my friends on the other side stand up tonight and say that we need a tax cut not in the $1.6 trillion range, but about half of that, about $800 billion.

I would just remind them that when we passed that tax cut of that amount, $792 billion over 10 years on the House floor just 2 years ago, many of the same people who are saying that this amount is too much, it is irresponsible, they were saying that amount was too much, when it is very apparent now that that amount was not too much. If we would have started with that $792 billion tax package that the House narrowly passed 2 years ago, we might not see some of the economic problems we see in the country today, and we would only be 2 years into a 10-year tax cut, 2 years into a tax cut that is the size that everybody now says we should be pursuing.

I think a couple of years from now everybody will see that the tax cut proposed in this budget is equally modest, and is also as positive for the economy as that one would have been as a good start.

This does set aside the Social Security Trust Fund. It does set aside the Medicare Trust Fund. It pays off all the debt in 10 years that we can pay without a prepayment penalty. It is a great blueprint for this year. I urge my colleagues to adopt this budget.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would simply like to show my good friend, the gentleman from Missouri, a chart that we prepared which is our analysis of the gentleman's budget.

If they will look at the bottom line, the gentleman was not here when the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, spoke, but it is the bottom line that concerns him.

The truth of the matter is, there is nothing exceptional or extra in this budget for agriculture. The Farm Bureau and farmers on the whole are betting on the come; they are hoping that the Committee on Agriculture can come up with a new farm bill which will allot them some additional money. The gentleman from Iowa (Mr. NUSSLE) will then have the authority to add that money for agriculture and defense.

The problem is, the bottom line is $20 billion. If defense beats agriculture first to the trough, they could easily take $10 billion or $15 billion of that $20 billion. If we follow that bottom line over to the year 2005, it is negative. It is declining every year. It is down to $600 million, $600 million into the Medicare Trust Fund.

So we have a very constrained limit, and that is what the gentleman from Texas (Mr. STENHOLM) was saying just a minute ago.

Let me now turn to debt reduction, because everybody keeps coming back to that. Clearly if that is a good thing, and we both agree that it is, we should be judged by it. If we are judged fairly, our budget resolution provides, by our calculation, $3 trillion, 681 billion in debt reduction. Theirs provides $2 trillion, 766 billion. We are $915 billion better on that score alone.

Madam Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Madam Chairman, I thank the gentleman for yielding time to me.

I just wanted to respond in part to the gentleman from Missouri when he talks about the taxpayers in this country overpaying their taxes and being entitled to a refund. Certainly they are. There is not an argument about whether there should be a refund. The question is how much.

The question also is about debt reduction. We have placed on our children's and grandchildren's future a $5.7 trillion mortgage, so it is not just all about tax cuts, to the gentleman from Missouri, it is also about equity and fairness to future generations in this country and whether we are going to do the right thing.

I was at the White House about 4 or 5 weeks ago and had a chance to speak to the President. I told him about Governor Graves from Kansas. I said, "I know you know him, being a former Governor." He said, "Yes, he is a friend of mine." I said that Governor Graves was interviewed recently by the Associated Press and was talking about revenue shortfalls and tax cuts, which have happened in Kansas, substantial tax cuts, in the past 3 or 4 years, and about financing education.

Governor Graves said very candidly, "If I had known then what I know now about the revenue shortfalls, I would have done things differently." What he was saying was that they are scrambling now to find revenues to finance education in the State of Kansas, and they do not have sufficient funds to do an adequate job. In fact, Governor Graves has now asked for a tax increase because of revenue shortfalls and projections which went awry. The same thing, according to The New York Times, has happened in 15 other States.

So I caution all of my colleagues in the House to be conservative here. We can always go back and cut taxes more. Let us cut taxes as much as we can afford, but let us not overdo it so we have to come back later and ask for a tax increase.

Mr. MATHESON. Madam Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Utah.

Mr. MATHESON. Madam Chairman, I want to thank the gentleman from Iowa (Chairman NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) for all their work on this budget effort, and I agree with the chairman, who has pointed out that there is really a lot of common ground here. There may be a little question in the difference of approach. There is a lot of common ground. People on both sides want tax reduction, and clearly people on both sides want debt reduction.

We have heard a lot of discussion tonight about the benefits of debt reduction. The problem is, we keep talking about this in the context of a surplus, and we ought to be calling it what it really is, which is a projected surplus. The budget leaves little margin for error in that context.

My concern is, if things do not go as planned, we are going to enact the tax cuts, we are going to enact our spending program, and debt reduction will be the odd man out. It will be what falls off the table.

So I would urge caution as my colleague, the gentleman from Kansas, did as well, that we ought to be fiscally responsible. We ought to make sure we take advantage of this one-time opportunity to take a real bite out of the tremendous debt we have built up over the last 20 years.

Mr. MORAN of Virginia. Madam Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I thank the gentleman from Kansas for yielding to me, Madam Chairman.

Madam Chairman, our highest, most urgent priority in this budget resolution must be debt reduction. There is $3.7 trillion outstanding of public debt. If we do not pay it off, who does? Our children do. We are paying over $200 billion a year in interest on that debt today. It makes far more sense to make debt reduction our priority, because if these surplus estimates do not get realized over the next decade, then we are not going to be able to pay off the debt.

If we enact the tax cut, we know this Congress is not going to raise taxes again, so what we are going to do is raise Social Security and force our children to pay off the debt as well as pay for our retirement. That is wrong.

The Deputy Undersecretary of the Treasury for Domestic Finance testified before the Senate Committee on the Budget last week that of the $3.7 trillion of public debt outstanding that the gentleman from South Carolina (Mr. SPRATT) referred to, $3 trillion will mature by the end of this decade.

Mr. NUSSLE. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. TOOMEY), a member of the committee.

Mr. TOOMEY. Madam Chairman, I thank the gentleman for yielding time to me.

I would like to respond to this issue of the debt, which is hard to do with a completely straight face after decades in which the Democrats were in control of this Chamber and the other body, and routinely, year after year, there were no surpluses. The money was spent. Social Security surpluses were spent. The debt was run up.

Republicans come along, balance the budget, start paying down hundreds of billions of dollars in debt, and put forward a plan which over the next 10 years retires all the available debt, and then we hear that suddenly, somehow, that is not enough.

Let me explain something: There is a limit to how much and how fast we can pay down the debt. The numbers that my colleagues on the other side are talking about, I am sorry to say this, but it is just not possible. I would remind them that we have billions and billions of dollars worth of Treasury securities that extend beyond 10 years. Unless they intend to pass a law that would somehow force people to turn in a debt which they own now, bonds which are in their hands, which we cannot do, it is simply not possible.

Mr. SUNUNU. Madam Chairman, will the gentleman yield?

Mr. TOOMEY. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Madam Chairman, just to clarify that point, there are over $600 billion worth of 30-year notes out there, 10-year notes, notes that have not matured. They are being held by foreign banks, for example.

What the gentleman is suggesting is that we would not pass a lot of laws that forced people to redeem those because in doing so we would have to pay a premium. That would come out of the pockets of taxpayers.

Mr. TOOMEY. That is exactly right.

Reclaiming my time, I would further suggest that since they said these bonds are the property of someone else, they could demand any price they choose. They could force the U.S. taxpayer to pay a ridiculous and absurd price, and, frankly, they could choose to offer it at no price whatsoever.

So what we are doing, what the Republican budget does, it says, let us take all the available debt, everything that comes due, and as it matures, that is what we pay off.

Let me go to the fundamental difference between our two plans. Really what it comes down to is the Democratic budget grows government dramatically and provides token tax relief for some, while the Republican plan provides responsible government growth, but meaningful tax relief for all.

Let us remember that before we calculate the first dime of the surplus, we allow for $1 trillion of additional spending over the course of the next 10 years. We take all of the Social Security and surplus, Medicare surplus, and we put that money aside.

As I said earlier, we pay off all the available national debt. It is only after we do all of that that we say, now, with what is still left over, let us provide a little bit of tax relief for the people who created all that money in the first place.

□ 2100

I do not know how we could not provide at least this plan, at least what the President has proposed, at least what the Republican budget proposal calls for. It is a modest tax relief plan. It is small compared to the tax relief Ronald Reagan proposed in the early 1980s. Let us not pretend that the tax relief in the early 1980s led to deficits or debt. The fact is tax relief in 1981 led to a doubling of Federal revenue by 1989. It was out-of-control spending that caused the deficits.

This tax relief plan is not only small compared to the Reagan tax cuts, it is small compared to the Kennedy cuts of the 1960s. I have yet to hear my colleagues say that John F. Kennedy was proposing excess tax relief when in fact he did it when they did not have surplus.

Madam Chairman, the fact is we have an abundance of cash. The surplus is enormous, and it is about time that we provided some tax relief to the people who earned it and created it. We understand that the men and women who earned this money have a right to decide how to spend it. That comes prior to our desires to increase spending which is what the alternative does. We also understand that freedom works. If we lower the tax burden and increase economic freedom, we will increase prosperity and opportunity. Wages will grow. Standards of living will grow. There will be more opportunity for more Americans. That is why it is important that we pass this tax relief measure, and we pass this Republican budget.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, in giving the lion's share of this budget to tax reduction, the budget resolution leaves little room for other priorities, including law enforcement. To talk about our budget which provides $19 billion more for law enforcement is the gentleman from Massachusetts (Mr. CAPUANO).

Madam Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. CAPUANO), the former mayor of Sommerville, Massachusetts.

Mr. CAPUANO. Madam Chairman, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I am troubled by the budget resolution's disregard of the funding needs of the Department of Justice. Time and time again I have heard the need to enforce our laws instead of passing new ones. How can we expect law enforcement when this budget cuts funding for the Department of Justice by $1.6 billion in fiscal year 2002. Based upon the budget submitted by President Bush, these cuts are to be largely applied to State and local law enforcement assistance. The highly successful COPS program falls within these targeted cuts.

Although the President's budget proposal does not single out this important program, it does propose to redirect $1.5 billion in State and local grant assistance funding which does in fact fund COPS. Cutting the COPS program would undermine its success and harm local law enforcement throughout the country. Our police officers across this country applaud this program. This is a program that has worked. We have seen crime drop since 1994. We are seeing our police officers going in and having community ties in our schools and working with the community itself. They have built up relationships with our schools and our students, and at this time when we see so much violence going on, especially with the recent shootings, this is not a time to cut these particular programs. This certainly is a time that we should be encouraging these programs. With our particular budget, we increase this.

Madam Chairman, we have done a good job on reducing crime. We should continue with this program. We should guarantee that these programs continue, and we certainly should be supporting our police officers throughout this country.

Mr. CAPUANO. Madam Chairman, as you heard, I was the mayor of my community for 9 years before I came to this honorable body, and during that time the COPS program was passed and implemented. It started getting going in 1996. For a couple of years it was small money, and it really got going in 1996. From 1996 to 1998 in my community, we added eight additional police officers. In that same time period, we reduced crime by 29.2 percent. Maybe that is circumstantial, maybe it just happened to coincide with the COPS program, but I looked at my district which I did not represent then but I do now, and in my district in Massachusetts, we added 58 police officers in that time period, a 2 percent increase, but we reduced crime by 21 percent.

In the Commonwealth of Massachusetts, we added 363 police officers across the State, reduced crime by almost 14 percent. I just happened to look at the State of Texas, they added 9,000 police officers in that time period, a 20 percent increase, and they reduced crime by 7.5 percent.

In the whole country the same period of time, the COPS program helped add 115,097 police officers and crime was reduced 13.6 percent. Is all of this a coincidence? It just happened to be the same time period when the Federal Government got into the crime-fighting business on a local level. I think not.

Madam Chairman, I think the additional police officers on the street with the Federal Government helping us fund them is what turned the tide, and I dare say we will be back here in a few years if we cut this COPS program making sure that we have more police officers on the street in every community in this country.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW), a new member of the Committee on the Budget.

Mr. CRENSHAW. Madam Chairman, my colleagues have talked about the foundations of this budget, paying down the national debt, letting the taxpayers keep more of what they earn, preserving Social Security and preserving Medicare, and improving education. But as a member of the Committee on Armed Services and a new Member from a district that is largely military oriented, I want to address what this budget does in terms of the military because for the last 8 years, our young men and women in the military have watched as the military has been hollowed out. It has been underfunded and overdeployed.

Madam Chairman, I have talked to so many of those young people, and I decided that I would like to go to Congress to help rebuild our military and make America strong again; and that is exactly what this budget does. It adds almost 5 percent of new money to military spending, $5.6 billion for increase pay, for better housing, for health care for our military men and women. It adds $2.6 billion of new money for research and development. And that is important. That is a down payment on what is to come because our President has said that he believes, and I believe with all my heart, that we ought to let defense strategy drive defense spending and not the other way around. The President has ordered a top-to-bottom review of our military to decide what is the role of the military. What is our vision. It is a time of testing. It is a time of transition, and there is no sense spending money on technology that we are never going to use.

Madam Chairman, once that review has taken place and our President and our leaders of the military have a clear vision of where they want this country to go, then I am confident that we in this Congress will give them the necessary resources that they need. And so it is on that note that I ask for support for this resolution.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Both gentlemen have 11 minutes remaining.

Mr. SPRATT. Madam Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I thank the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for his great leadership and for his fundamental fairness throughout.

Madam Chairman, I stand to express the great support on the Democratic side for fully funding our environmental commitments in this budget. We know that the Republican resolution underfunds the environment and in fact does not fund the commitment, the bipartisan commitment, the landmark commitment made 1 year ago to double our funding for conservation programs, preservation programs and recreation programs in this country.

Many of us in this body supported CARA, legislation that passed overwhelmingly a year ago, the Conservation and Reinvestment Act, which would have tripled funding for these important preservation and conservation programs. We could not win support to pass that legislation into law, but in the interior appropriations bill last year, we struck a bipartisan agreement to double the funding, and that is a good, bipartisan compromise.

Unfortunately, the Republican resolution before us today underfunds that commitment by 25 percent, and the Democrats feel that is unacceptable. We provide the full commitment, over $10 billion over the next 5 years. The Republican resolution underfunds that commitment by $2.7 billion. The Democrats also provide money for brownfield reclamation, $200 million next year, $2 billion over the next 10 years to reclaim and revitalize brownfields, those abandoned, polluted industrial sites across this Nation that should be reused with reinvestment for commercial, residential and retail possibilities. Every time we reclaim a brownfield, we save a greenfield from development. We need to fund those programs.

Madam Chairman, we are very concerned on our side of the aisle with the broken promises from the President regarding the environment. He has blocked the rule that would stop the building of roads and logging in one-third of our national forests. He has revoked the rule to reduce arsenic in our water supply. We permit, under the rule that the President supports for arsenic and water, an amount that is 5 times greater than the standard of the World Health Organization, and that is unacceptable. He has broken his promise to curb carbon dioxide. We want to support the environment. I ask for support for the Democratic alternative.

Mr. NUSSLE. Madam Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), a former member of the Committee on the Budget. We have come to a very critical part of the debate, and that is why we are calling in one of our big guns.

Mr. SHAYS. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I am not a big gun, but I do realize there is life after the Committee on the Budget, but there are pains I still have after 10 years. I just express my admiration for what the Committee on the Budget has done and the camaraderie from both sides of the aisle, but as I listen to this debate, I ask this question: Why would anyone think that they are more fiscally responsible when they want to spend more?

Madam Chairman, I realize this is not a debate about tax cuts versus paying down more debt, this is a debate about spending more money or not. What our side of the aisle wants to do is spend 4 percent more. There are really three things you can do with the surplus. You can spend it, and we are going to spend 4 percent more.

□ 2115

We can pay down debt. We are going to pay down $2.3 trillion worth of debt. We can reduce taxes. This is a debate of spend more or maybe have more in tax cuts.

Now, I think that what has happened in the last so many years, we have had deficits from 1969 to 1998, 29 years of deficits, and those have ended. We have had 35 years of using Social Security reserve funds. We no longer have deficits. We no longer use Social Security reserves for spending. We paid down $500 billion of debt and, by the end of the year, $620 billion.

What scares the heck out of me, though, is this is a steep line of 587 to 635, which was last year; and it seems to me my colleagues on the other side of the aisle think it should remain steep. All I have heard about is more spending. We are going to spend $635 billion now to go up to $661 billion, which is what the President wants, a 4 percent increase in spending. That is a lot of money.

But we also wanted a tax cut, and it is a responsible tax cut. We are taking one-quarter of the surplus, and we are going to have a tax cut with it, one-quarter of the surplus.

Someone said it is not going to the right people, it is going to the people who pay taxes. Five percent of the American people pay 50 percent of the taxes, and 50 percent of the American people pay 95 percent of the taxes; and they are going to get a tax cut with our proposal. I am eager to vote for it.

People have then said, well, this tax cut is irresponsible. Kennedy had a tax cut that was twice as large as ours, and he did not have a real surplus. Reagan had a tax cut which was three times as large, and we had a deficit. We want a tax cut, and we have a surplus, and we only want to take a quarter of it.

So this is the debate I look forward to having in the months to come. I hope that we do not make it smaller than the $1.6 trillion; and I hope it goes to the people who deserve it, the people who pay taxes.

Again, I would like to thank my colleagues on both sides of the aisle. It has been an interesting debate. I am happy we are on the right side on this one.

We do not want more spending, at least not more than 4 percent. We want to return some of it back to the American people because they are the ones who pay the taxes. We do not want to make government larger than it already is. We want to make it consistent with our needs.

Mr. SPRATT. Madam Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PRICE) to discuss electoral reforms, which we provide $1.5 billion for in our budget resolution.

Mr. PRICE of North Carolina. Madam Chairman I thank the gentleman for yielding me this time.

Madam Chairman, we have a practice in this country of, when we find neighborhoods on the top of toxic waste dumps, we naturally respond to that emergency by buying out the homes to protect the people who live there. When floods wipe out communities, as they did in eastern North Carolina a couple of years ago, we respond by buying out property to protect residents and help them find safe places to live.

Well, we have an emergency situation in our democracy today. It was all too evident in Florida in November. Error-prone voting equipment is an emergency situation that threatens us, and the Democratic budget proposes an immediate and an effective response.

We want to provide emergency funds to buy out the punch-card voting systems that threaten the accuracy of and the faith in our elections, and we want to do it by the time of the 2002 elections. We also want to look at longer-term election reform.

Now our Republican friends at my request have included language in their budget resolution urging Congress to deal with the problem of the replacement of error-prone equipment, but the Republican budget provides no specific funding for this. By contrast, the Democratic budget addresses this critical issue with a billion dollars this year and $500 million next year.

Madam Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who can tell us more about why this funding is so critical. We appreciate her leadership on this issue.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I thank the gentleman from North Carolina (Mr. PRICE) for yielding to me.

Madam Chairman, voting is the most fundamental right guaranteed by our Constitution. I came here feeling this term that this would be a high priority for both sides of the aisle.

I have spoken with the President, and I have spoken with other leadership in this House. It is very appalling that there is no evidence of any funding to correct this problem with this Republican resolution.

There is no way that we can stand here and say that we support a strong democracy when we are not willing to fund the whole system that the entire country experienced as a failure this past election.

Just yesterday, I received a letter from someone in Iowa, talking about the difficulties which they had in Wapello County. He said that he was a precinct election committee member, and he had trouble getting up-to-date restoration information from the Iowa Department of Transportation through the Motor Voter Registration Program.

This was not just one place in our country. Our democracy was threatened throughout the Nation. We are standing here tonight talking about this type and size of budget without having given any particular attention to this problem that simply threatens our sovereignty as a Nation. The world is watching, and we have not even attempted to address it.

One cannot address a problem without designating some dollars. The Democratic proposal has $1 billion for 2001 and $500 million for 2002 to replace these outdated machines so that every vote that is cast can be counted.

I see no evidence of that in the Republican resolution, even though I asked the President personally about it. He told me that it would be there.

Mr. PRICE of North Carolina. Madam Chairman, I thank the gentlewoman from Texas. It is important, is it not, that, for the 2002 election, we be able to deal with this. Why should we wait. If we are going to deal with it, not have another election under these conditions, we have surely got to get the funding in this year's budget.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, if the gentleman will yield, what else, what else in this year's budget could be more important than preserving our own democracy?

Mr. PRICE of North Carolina. Madam Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), who has also been an outspoken advocate of election reform.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the distinguished gentleman from North Carolina for yielding to me.

Madam Chairman, it is interesting this last election that the elderly were denied access to vote. Disabled persons who I personally spoke to were indicating they were denied access to the voting polls. Military personnel were denied as well. In addition, students who had registered were denied as well. Inadequate procedures, people being denied the access to democracy.

H. Con. Res. 83 already eliminates 9 percent of the Department of Justice budget. How can we emphasize the value and importance of the right, the fundamental right to vote unless we provide the Democratic alternative that provides $1 billion in 2001.

Might I mind my manners to thank the gentleman from South Carolina (Mr. SPRATT) for his leadership, certainly thank the gentleman from Iowa (Chairman NUSSLE) for this time to debate, and thank the gentleman from North Carolina (Mr. PRICE).

But I think it is important to note that one has to spend money, and there is $1 billion in the Democratic alternative in 2001 and $500 million in 2002.

The most important item, however, is the process of legislation cannot work without funding democracy. We must fund democracy, keeping Social Security and Medicare solvent. The fact that there are people all over the country, California, Texas, Iowa, New York, Florida, there is clearly a case for election reform. One cannot do it without money.

Mr. NUSSLE. Madam Chairman, I yield 4 minutes to the gentleman from New Hampshire (Mr. SUNUNU), the distinguished vice chair of the Committee on the Budget.

Mr. SUNUNU. Madam Chairman, I think it is important, as we enter the closing minutes of the debate this evening, to review some of the arguments we have heard, review the main points of the budget proposal that is on the floor, because we have heard a lot of claims; and it is important that we have as many facts as possible straight.

This budget pays down, first and foremost, more debt over a 10-year period than we have ever paid down in the United States, over $2 trillion in debt. We heard some discussion about paying down $3 trillion or $3.5 trillion, paying off every penny of the public debt over the 10-year period. The fact is that is simply not possible unless we force every 10-year-old in the country to sell their United States savings bonds and force every foreign bank to give up their 30-year Treasury bonds. That is just not going to happen. To suggest otherwise is being disingenuous about how we deal with our country's finances. So we pay down as much debt as we possibly can, lower the debt as a percentage of the GNP to a level not seen in over 80 years.

We cut taxes for every American. We improve education. And we can manipulate the way we score a particular funding bill one way or another, but the fact is this has more funding for education than ever at the Federal level, an 11 percent increase.

We strengthen national defense. We heard an argument earlier tonight from the minority side arguing that it was not doing enough for defense. How times have changed. The fact of the matter is we put in more funding for our national defense than our former Democrat President proposed when he left office at the end of his term. We have increased funding $5 billion, and we recognize that our President right now is conducting a top-to-bottom review.

Of course we create reserves, funding reserves to modernize and strengthen Social Security and Medicare. We have heard critics on the other side say that somehow this is irresponsible to set aside money to strengthen these programs. How we have turned these arguments on their head.

What is this really about? I venture that it is really about tax cuts. That really should not surprise anyone because the tax cut debate has been in the front of the newspapers: what kind of tax relief will we have, how can we make the Tax Code more fair, and whether or not we will support the President's proposal.

The minority side does not support these tax cuts. They do not want to see Americans' taxes lowered. What is the reason? Well, if we just go back a few years, when I was first elected in 1996, they said, well, we cannot cut taxes until we balance the budget. Well, we balanced the budget. Then the argument was, well, we cannot cut taxes until we set aside every penny of the Social Security surplus. Done. We did that 3 years ago. Then the argument was, well, we cannot support tax cuts until we have set aside every penny of the Medicare surplus as well. Well, we have done that as well.

Then the argument was, well, we cannot cut taxes, of course, because we have not paid down the public debt. Well, we have paid off over $625 billion in debt; and we will pay off another $2 trillion over the next 10 years.

We have balanced the budget, set aside every penny of Social Security, set aside every penny of the Medicare surplus. We are on track to retire $2 trillion in public debt over the next 10 years. And still the call is, well, we cannot support that tax cut.

What is the real excuse? I think we heard it portrayed pretty eloquently from some Members on the minority side. The real reason is because we want to spend it. Because we want to spend it on every program that one can imagine.

We have heard about a lot of programs at the Federal level that are good strong programs delivering benefits and services to those that need them. But if we triple funding for every worthwhile program at the Federal level, we will bankrupt this country. The American people do not want that: Members of Congress do not want that.

We need to recognize that expanding the size of the Federal Government by 4 percent, it is about what the economy will grow, about what the average family budget will grow over the next year. I think that is reasonable.

I think Congress should live within its means. We pay down debt. We set aside for national security, increasing the funding of the NIH and education. But at the end of the day, we need to recognize that we have collected more in money than we need to run government. It is your money, and we should give a piece of it back.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Iowa (Mr. NUSSLE) has 4 minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 3½ minutes remaining.

Mr. NUSSLE. Madam Chairman, I would just alert the gentleman from South Carolina (Mr. SPRATT) that I have 4 minutes, and I plan to use that to close the debate tonight if that would be appropriate.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, just quickly in response to the last gentleman from New Hampshire (Mr. SUNUNU), with respect to taxes, we all came together on a tax cut in the Balanced Budget Agreement in 1997, $270 billion, which I helped negotiate. Our budget resolution on the floor right now provides $910 billion out of the surplus, one-third of the surplus, for tax reduction.

Madam Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

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Mr. HOLT. I thank the gentleman for yielding me this time.

Madam Chairman, I call my colleagues' attention once again to the inadequacies of the majority budget in the area of general science research. An increased commitment to scientific research is essential to future economic prosperity. The majority budget includes $22 billion for research. Now, that sounds good, but as this chart shows, that means that while in the past 3 years the NSF funding has increased 6.8 percent, the majority budget offered this year offers no increase above inflation.

The Democratic substitute would add $3 billion through fiscal year 2011. Now, this is not fluff. These are necessary. This is the ingredient of a successful economy. President Bush's science adviser said this is essential to accomplish those things that the Republican majority says they hope to accomplish with their budget. As he puts it: "No science, no surplus." It is that simple.

Mr. SPRATT. Madam Chairman, I yield the balance of my time to the gentlewoman from New Haven, Connecticut (Ms. DELAURO), the assistant minority leader.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentlewoman from Connecticut (Ms. DELAURO) is recognized for such time as may remain.

Ms. DELAURO. Madam Chairman, a budget for America should reflect the values of America. It should be realistic. Above all, it should be responsible.

It should balance the need for tax cuts for working and middle-class families against the need to provide a world-class education for our children, a Medicare prescription drug benefit for our seniors, and strengthening our national defense. And most of all, America's budget should do nothing to break faith with millions of seniors who rely on Social Security and Medicare, so that they can grow old with respect and the dignity that they so richly deserve.

But the Republican budget is neither responsible nor balanced. Based on inflated projections for economic growth, it places a nearly $2 trillion tax cut that benefits largely the wealthy ahead of Medicare, Social Security, education, defense and agriculture. In fact, Republicans spend more on a tax cut just for the wealthiest 1 percent than they spend on nearly every other need in the budget. And worst of all, the leadership budget raids Medicare to pay for this unfair tax cut. With accounting gimmicks to mask the fact that the numbers just do not add up, the Republican budget attempts to hide the fact that it raids Medicare to pay for a tax cut. This is just plain wrong.

By dipping into Medicare money to pay for an irresponsible tax cut, the Republicans break faith with millions of our parents and grandparents who rely on Medicare to meet their health care needs. At a time when we should be strengthening Medicare, adding a much-needed prescription drug benefit to it, the Republican budget would shortchange seniors who have paid into Medicare their entire lives.

In the end, what happens if all the budget projections are wrong, as they always have been in the past? We are back in a time of budget deficits, debt, higher interest rates, fewer jobs, less growth and a less secure future for our children.

This is a time for prudence. This is a time to think about our future and not to repeat past mistakes. We should reject the Republican budget. We should support the Democratic alternative. We ought to provide tax cuts for working middle-class families in this country and not crowd out education and prescription drugs.

Mr. NUSSLE. Madam Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. NUSSLE) is recognized for 4 minutes.

Mr. NUSSLE. Madam Chairman, I want to thank my friend from South Carolina for the debate tonight; the spirit of the debate. I think it was a good one. I think we talked about a number of issues that we needed to address.

Again, I would just reiterate the six goals and a little bit of the arguments about them.

Number one is maximum debt eliminations. My good friends and colleagues on the other side say, "Pay more of the national debt." I think it is pretty clear from tonight that we can only pay so much. Chairman Greenspan says that, the Treasury Department says that, and just about every economist has come forward and said, at some point in time 30-year notes do not come due. How do we go out and collect them? We cannot without paying a premium.

We can only pay a certain amount of the debt down. I think that is clear. We have the maximum amount of debt that is responsible to pay down.

Number two is tax relief. We have tax relief for every taxpayer. My friends on the other side say, but, really, if we add this in and we add that in, and then we add this over here and put it all together, and then we multiply by seven, their tax cut is really bigger. Well, but it is not. Read the bill. The bill says $1.6 trillion of tax relief. That is what reconciliation says.

I understand the folks back home sitting around the kitchen counter do not understand reconciliation, but we do. Let us not kid each other. We know the $1.6 is the maximum amount of tax relief we can have under this bill.

Next is education for all of our children. What they say is, we are going to spend more. We can spend more. We can invest more. We will put more tax dollars toward education than the Republicans can. I am sure they can, and they have. And we have tried over the last few years to keep up, and so we have all put more money into education. I grant my colleagues that. The point is nothing has improved. Our kids are not reading any better. Schools have not gotten better. Our programs have not been reformed.

So before we throw one more dollar at all of this, can we not at least talk about some reform? All right, fine, there is some advanced funding in there. The point is that from last year to this year, it will be an 11.5 percent increase. That is a pretty good increase, but with that has got to come needed reform.

Next is defense. A colleague came forward and said they have more money for defense. They are going to put all sorts of money in. What are they going to spend it on? They say, do not spend it on an aircraft carrier. What do we put it in? How are we going to know what to invest in for defense until we do the top-to-bottom review? And I know my colleagues are cynical about that and are saying that they do not know if they can get it done.

Quite frankly, I do not know if they can get it done either. But the point is somebody has to try, because just having a bidding war toward defense, eventually all we will be doing is shooting pennies at each other, and that will not give us a stronger defense.

Health care reform. My colleagues talk about solvency in Medicare, but they make it a zero sum game. They say if we take a dollar out to reform Medicare, which is what we all voted on when we put the lockbox for Medicare away, we said it could be used for reform, it could be used for modernization, that is what we all voted for, except for a few, in H.R. 2, the Medicare Lockbox, the difference though is that we say it is not a zero sum game. If we take money out of the trust fund for Medicare modernization, that does not necessarily mean the solvency is diminished. It means that with that reform it can be extended into the future.

And that is what we all want. Regardless of the scare tactics that, granted, only a few used tonight, it still, I think, is a shame.

Finally, on Social Security, let me say we are not privatizing Social Security. I defy my colleagues to find the word "privatized" in this bill. Find it, then we will talk about it. It is not in there. We do not privatize Social Security in this. What we are saying is we are setting aside all of the Social Security Trust Fund, just as we have in a bipartisan way finally been able to accomplish over the last three budgets. I think that is something we ought to celebrate and not demagogue.

Finally, let me just say that we do recognize that there are some concerns about forecasting into the future, and that is why we put a cushion into this budget. After we set aside all the trust funds, we set aside one additional trust fund, one additional reserve, of $517 billion for that rainy day, for that cushion.

We believe this is a responsible balanced budget, and we urge its adoption.

Mr. STARK. Madam Chairman, the Joint Economic Committee has been granted the authority to control one hour of the budget debate since passage of the Full Employment and Balanced Growth Act of 1978 authored by Senator Hubert Humphrey and Congressman Gus Hawkins. It is our duty to present views on the current state of the U.S. economy and provide input into the budget debate before us.

I am proud to be here today to continue the tradition begun by Senator Humphrey and Congressman Hawkins.

The Budget before us is not one of which those two men would be proud. Rather than leading us down an economic path of balanced growth and full employment, the budget before us today has the real potential to dismantle great strides made in our economy during the past decade.

Each day we anxiously watch stock market fluctuations highlight the fact that this budget is far too dependent upon highly imprecise economic forecasts. If the budget outlook weakens and this bill has already become law, the basic workings of government will be greatly hindered by returning to the days of budget deficits.

My key concerns with the budget before us lie in three areas: (1) The $1.6 trillion in tax cuts are too large, are weighted too heavily toward those with upper incomes, and jeopardize our government's ability to continue necessary funding levels for other important national priorities such as educating our children, defending our borders, and caring for our sick; (2) The budget raids the Medicare Trust Fund. Baby Boomers begin becoming eligible for Medicare in 2011. The time for protecting Medicare's fiscal resources is now. The budget before us fails that test; and (3) Drugs are too integral a part of medical care today for Medicare to continue to serve seniors adequately unless we add a prescription drug benefit. The budget before us fails to dedicate any new dollars to a Medicare prescription drug benefit.

A MATTER OF PRIORITIES: TAX BREAKS FOR THE WEALTHY OVER OTHER NEEDED PRIORITIES

A budget is essentially a statement of priorities and this budget makes abundantly clear that the priority is tax cuts for the wealthy at the expense of needed government spending in other areas.

President Bush and his Congressional followers have crafted a tax plan that on the surface appears to have something for everyone in order to help spur the economy. However, upon closer inspection, it is quite clear that there are many children left behind with the GOP tax cuts, but a generous helping hand offered to workers who earn over $373,000 annually.

First, I would like to dispel any notion that the GOP tax plan will actually help spur the current slowdown in the economy. The tax breaks proposed thus far will only help spur the economy if taxpayers see immediate relief and if the tax breaks are distributed equitably amongst all income groups. This will not happen under the tax plan passed by the Ways & Means Committee. The economic stimulus will happen when the tax cuts are fully phased-in. In order to control the exorbitant cost of the tax package, the Republicans can't allow the tax cuts to take full effect until 2006 or later. Are my colleagues predicting an economic slowdown five years from now?

Even if the tax beaks were to take full effect much sooner, it is highly unlikely that the U.S. would see much economic stimulation. The bulk of the tax package benefits those in the top 1% income group. Workers in the 1% income group receive an average income of $1.1 million annually and will receive an average tax break of $28,608 annually. These folks will account for over thirty percent of the tax revenues lost. Meanwhile, those workers earning less than $27,000 will only see a meager tax break of $239 annually, comprising only six percent of the lost tax revenues. We cannot afford to spend trillions of dollars on a tax benefit that is concentrated on the wealthiest income-earners.

The cost of these tax cuts eat up resources that could otherwise be used for important governmental programs that help many more people. We can and should be increasing our investment in education. President Bush has made education one of his highest rhetorical priorities. Unfortunately, this budget fails to follow through with the resources necessary to make great strides. In fact, it provides less than half the average increase Congress has granted Department of Education appropriations for the last five years.

The budget before us today clearly demonstrates a lack of commitment to our children. Republicans reduce funds for the Child Care Development Block Grant (CCDBG) by $200 million in 2002 and freeze funds after 2002. The child care provided through the CCDBG is important to help poor families move from welfare to work. At the moment, the block grant only has enough money to serve 12 percent of the eligible children. We need more funding in this program, not less. As Secretary of HHS Tommy Thompson said, welfare reform does not come cheap.

The Republicans let Temporary Assistance for Needy Families Supplemental Grants expire in 2001. Even worse, the Republican budget encourages states to divert the remaining federal funds to pay for state income tax credits for charitable contributions. These funds would otherwise provide critical welfare-to-work services. Democrats Boost Title XX Social Services Block Grant Funding in the Democratic budget would allow an increase to at least $2 billion in 2002.

And those are only a few examples of important domestic spending arenas where this budget falls far short.

PROTECTING MEDICARE

Measurements of the solvency of the Part A Trust Fund have been the long-standing mechanism by which we've measured the healthy of the Medicare program. Today, the Part A Trust Fund enjoys the longest solvency time period in the history of Medicare with insolvency now at 2029.

That should not be interpreted to mean all is well with Medicare. We all know that is not the case. In fact, starting in 2011, the baby boom generation will begin becoming eligible for Medicare benefits. That begins a major demographic shift with far fewer workers supporting far greater numbers of seniors on Medicare. Today the ratio is approximately 3.4 workers per Medicare beneficiary. According to the Medicare actuary, that number is predicted to drop to about 2.1 workers per beneficiary by 2029. All of this cries out for protecting every cent that we have in the Medicare Trust Fund and making changes to law to ensure that more funds go into the Trust Fund in the future. But, the budget before us does the opposite.

Rather than protect the Trust Fund for the future, this budget takes $153 billion—and maybe more—directly out of the Medicare surplus and allows those dollars to be spent on a Medicare prescription drug benefit.

There are those on the other side of the aisle who will argue that we've always dipped into the Medicare Trust Fund in order to finance current government spending and that this budget is no different. They are wrong. When we have used Medicare's surplus as a funding source in the past, we have always used surplus dollars on a loan basis—and paid back those dollars with interest to the Trust Fund. What the budget before us today would do is use those dollars to fund a Medicare prescription drug benefit—meaning that those dollars will forever disappear from their intended purpose of funding hospital care for future Medicare beneficiaries.

America's hospitals are concerned about this Medicare raid as well. In a letter dated March 16, the American Hospital Association, the Association of American Medical Colleges, the Catholic Health Association, the Federation of American Hospitals, the National Association of Public Hospitals and Health Systems, Premier, Inc., and VHA, Inc. all joined together to send a letter to Congress stating:

> While there is broad consensus that Medicare should include a prescription drug benefit, we believe that this benefit should be adequately funded; should not be financed through trust fund reserves; and should not be combined with a cap on the use of general revenue. Doing so will not only accelerate the insolvency of the Medicare Part A Trust Fund, but will also jeopardize the ability of health care providers to meet a rapidly increasing demand for services.

Make no mistake about it. The dollars being diverted from the Medicare Trust Fund in the budget before us today will NEVER be returned to the Trust Fund. They are being spent elsewhere. And, that means that there are fewer resources dedicated to Medicare's future. No ifs, ands, or buts about it.

MEDICARE PRESCRIPTION DRUG COVERAGE

The Congressional Budget Office estimates that Medicare beneficiaries will spend $1.5 trillion on prescription drugs over the next ten years. Medicare does not cover outpatient prescription drugs. None of us would belong to a health insurance plan that didn't include prescription drug coverage, but we continue to leave the seniors without any Medicare coverage of these necessary medical costs.

It is past time for us to add a prescription drug benefit to Medicare. However, the budget before us today provides no new dollars for a Medicare prescription drug benefit. Instead, it diverts needed dollars from the Part A Trust Fund into an account which is being labeled for use on a Medicare prescription drug benefit by the Majority.

The Majority only makes $153 billion available over a ten-year period for a Medicare prescription drug benefit. Most estimates indicate that an adequate prescription drug benefit could cost upward of $30 billion a year—and a good benefit would cost much more—$153 billion over ten is only a drop in the bucket. It is less than 1/10th the amount of money they are willing to "invest" in tax breaks which will have at best a questionable impact on the economy and less than 1/10th of the what CBO predicts will be spent on drugs for Medicare beneficiaries over the next 10 years. But, we know full well that lack of prescription drug coverage in Medicare is causing millions of seniors to choose between needed medications and heat for their homes, and that failure to cover these drugs also means increased health care costs as people forgo the most appropriate drug treatment because they cannot afford it.

A portion of the $153 billion is dedicated to the President's "Immediate Helping Hand" program. Unfortunately, that program is neither immediate or much help. It would provide grants to the states to enable them to cover prescription drugs for low-income seniors. However, the need for prescription drug coverage is not just a low-income problem—it is a middle class problem. And, states have made abundantly clear that they do not want to take on the burden of covering prescription drugs for seniors. The National Governors Association states point blank that, "if Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility or its costs to the states." The Immediate Helping Hand program has not been warmly received by Congress either. To consider it the method for moving forward on prescription drugs in the budget just simply doesn't make sense.

Again, it comes down to priorities. If we were to delete the estate tax provisions in the budget before us, new estimates from the Joint Committee on Taxation indicate we would have more than $600 billion that could be dedicated to a Medicare prescription drug benefit and other important priorities. The Republican estate tax proposal helps some 43,000 decedents of wealthy people. A Medicare prescription drug benefit would help 40 million seniors and disabled people. Over 90% of the beneficiaries of the estate tax cut make over $190,000 a year. The median income of Medicare beneficiaries is $14,500. Who needs more help?

For all of the reasons outlined above—and many more I have not had time to elucidate—I oppose this budget before us today. It fails to appropriately prioritize the needs of our nation and could put us back in the economic ditch that the Reagan tax package created in the 1980's, and from which we only recently emerged. During this time of unprecedented surplus, we should be shoring up the federal programs that people rely on, we should be increasing our investment in education, we should be improving the quality and availability of child care in our nation, we should be covering prescription drugs through Medicare, and doing much, much more. Instead, this budget squanders projected resources on tax cuts that disproportionately benefit the most well-off and puts at risk our ability to finance important government priorities now and in the future. I urge my colleagues to vote no on the budget before us.

Mr. RAHALL. Madam Chairman, I rise in my capacity as the Ranking Democratic Member on the Resources Committee to point out that among the many worthy and valid reasons why this budget resolution should be defeated is the fact that it runs roughshod over last year's landmark bipartisan agreement on conservation program funding.

This agreement, often referred to as "CARA light" but more formally as the Land Conservation, Preservation and Infrastructure Improvement Program was enacted as part of the fiscal year 2001 Interior Appropriations measure.

It seeks, in part, to keep faith with the original purpose of the Land and Water Conservation Fund by providing for a dedicated stream of funds for federal land acquisition as well as for State land and water conservation grants.

But it does more than that. Other eligible programs for the $12 billion set-aside are those which support historic preservation, the Youth Conservation Corps, Payments In Lieu of Taxes, the Forest Legacy Program, and State Wildlife Grants among others.

The pending budget resolution, as does the Bush Blueprint, would skim $2.7 billion from the $12 billion agreed to only late last year to help pay for tax cuts for the wealthy.

These are not touchy feely programs we are talking about here. These are programs that are extremely important to America and to Americans. They are endeavors that are part of our birthright and our destiny.

For by investing in America, and our natural resource heritage, we are fulfilling what I believe is an obligation we have to future generations. And that obligation is that this generation, the current generation, will not consume everything and leave nothing to our children and our children's children.

This budget resolution fails to meet that obligation. It fails to meet our obligations to this country in many other respects as well. So again, I urge the defeat of the pending resolution.

Mr. DINGELL. Madam Chairman, I wish I could say I was shocked and dismayed at the budget proposal the Republicans have put before us today. Unfortunately, I am not shocked. It is a typical Republican budget which slashes funding for programs that help the elderly, women, children and the public interest in order to give a fat tax cut to their fat-cat buddies.

Allow me, if you will, to give a brief synopsis of this draconian document:

Cuts funding for land conservation; Cuts the budget for environmental protection; Cuts funding for the Department of Agriculture, including the field offices which are there to help our farmers, the engine of America's prosperity since founding of our Republic. This budget also fails to provide any emergency income assistance for farmers; Cuts funding for NASA; Cuts funding for renewable and alternative energy research and development. This is the very research and development that could hold the answers to today's energy shortage; Cuts funding for the Army Corps of Engineers, the builders of America's infrastructure; Cuts Federal support for the railroads; Cuts funding for the Small Business Administration; Cuts funding for Community Development Block Grants; Cuts funding for the Department of Justice, the agency charged with enforcing our laws; Cuts funding for the Legal Services Corporation; and Cuts funding for the Equal Employment Opportunity Commission.

Though that is the end of this year's cuts, it is not the end of the rascality

Republican CHRISTOPHER SMITH, Chairman of the Veterans Affairs Committee, and LANE EVANS, Ranking Democrat on the Veterans Affairs Committee, have stated that, "$2.1 billion is the minimum needed to keep the promises made to care for those who risked their lives and answered this country's call in its hour of need." This budget falls $1 billion short of this minimum.

The Budget only designates $135 billion for a prescription drug benefit and Medicare reform. I would note to you that Representative BILLY TAUZIN said, "everybody knows that figure is gone." Additionally, CBO estimates that last years Republican prescription drug bill would cost well over $200 billion today.

Now that I have told you what this scandalous budget does not do, I will tell you what it does do.

Raids Medicare Part A's trust fund

Threatens the solvency of Social Security and Medicare

Mortgages our future based on a riverboat gamble. Make no mistake, the projected surplus is only a prediction 10 years into the future.

This disgrace of a budget grossly underfunds programs which deserve full funding and which the American people have told us time and again are important to them.

You may ask why the Republicans have created a budget which does not reflect America's priorities, why they have produced such a dim-witted "financial plan." I will be happy to tell you why. Because they are determined to give a massive and fiscally irresponsible tax cut to their fat-cat buddies. Do not be fooled, it is not working families who would benefit from this tax cut, it is the top 1 percent.

I would ask you to vote against this outrageous plan.

Mr. KLECZKA. Madam Chairman, I rise today in opposition to the Republican Budget Resolution and to urge my colleagues to support the more sensible Democratic alternative.

The Republican Budget Resolution before us calls for a massive $1.62 trillion tax cut. I am troubled by this for a number of reasons. First, the House is already on track to exceed this figure.

The Ways and Means Committee has already reported out two bills that cut taxes by almost $1.4 trillion. The Committee has yet to consider the remaining pieces of the President's tax cut plan, most notably the estate tax repeal—which the Wall Street Journal today reported would cost an astonishing $662.2 billion if made effective immediately.

This brings the price tag to over $2 trillion without providing funds for making the Research and Development tax credit permanent or allowing non-itemizers to deduct charitable contributions—both of which are included in the President's plan.

Secondly, I have serious concerns about pinning such a large tax cut on a budget surplus that may never materialize. Predicting so far into the future is fraught with uncertainties, especially in an economic downturn like we are currently experiencing. Would any reasonable person plan a vacation relying on a weather forecast for year 2009 or 2011?

Furthermore, the American people have been told that the tax cuts are necessary to stimulate our economy right now.

Well, Madam Chairman, your budget plan totally fails in this regard. Taxes are cut by $5.8 billion this year, or 50 cents per day per taxpayer—hardly a drop in the bucket of a $10 trillion dollar economy. This budget resolution directs that two-thirds of the benefits be withheld for 5 years.

An economic stimulus plan has been developed by our colleagues in the other body which calls for an immediate $60 billion tax cut for this year. This plan would achieve the goal of pumping up the economy.

Finally, I would like to call attention to a serious flaw contained within the Republican Budget Resolution. This budget diverts $153 billion away from the Medicare Hospital Insurance fund under the guise of a yet-to-be-determined prescription drug benefit. However, this money is being raised to pay hospital costs for current and future beneficiaries—it can't be spent twice. The resolution also earmarks another $240 billion in Medicare HI surpluses to a contingent fund. We cannot allow the Medicare Trust Fund to be used for other purposes because it will dramatically shorten the solvency of the Medicare Trust Fund. Our Democratic Budget locks away the current surpluses in both the Medicare and Social Security.

Madam Chairman, Congress must be prudent and cautious when developing budgets based on less-than certain surplus estimates. We have the resources to give a responsible tax cut to the American people and the Democratic plan does just that. I urge Members to reject the Republican Budget Resolution and support the Democratic substitute.

Mr. BLUMENAUER. Madam Chairman, today, Congress is debating the Fiscal Year 2002 Budget Resolution, a document that is sadly, fraudulent.

Common sense dictates that budget forecasting should be realistic and conservative. The document before us today is neither. The projections used in this document are not only widely optimistic, but also prone to extreme error. If the Congressional Budget Office used the same economic assumptions that the Social Security Trustees use when forecasting the future financial solvency of Social Security and Medicare, the two largest government programs, there would be no surplus. Despite this fact, the majority has pressed ahead with a financial plan that leaves no room for error, leading us down a fiscally dangerous path.

The Majority has based spending decisions on unrealistic spending assumptions. Four years ago, I watched this Congress engage in much backslapping and self-congratulating after passing the last Balanced Budget Act of 1997. Almost immediately, Congress began to wink and nod at spending limits imposed in that bill, tortuously bending and breaking the rules in order to claim spending limits had been honored. Two years ago, Congress dropped the charade, shattering spending limits and effectively giving up on the 1997 act. Now we are again holding down spending to unrealistic levels. Even the Republican Chairman of the Senate Budget Committee has already stated that the spending limits in the legislation are not feasible.

The document before us today drastically underfunds critical health, environment, and veterans programs. As our country is facing what the President and GOP claim is an energy crisis, they have proposed cutting funding for the Department of Energy by 7 percent. Energy conservation programs, the only truly feasible solutions for helping us address the short-term energy problems, are cut by nearly 10 percent. President Bush has repeatedly called for improved spending on America's veterans, yet he under funds VA programs by one billion dollars. Finally, this budget resolution cuts funding for environmental programs by 11 percent. While this is consistent with the Administration's anti-environmental actions, it threatens the important progress we've made in environmental policy over the last decade.

The budget resolution before us is not a financial blueprint, but rather a tax cut dressed up as a budget outline. All of the optimistic surplus assumptions and draconian cuts in needed programs are simply a charade to allow the President and my Republican colleagues to claim they can cut taxes and balance the budget. But they cannot. This document does not protect the Medicare trust fund and triple counts the Social Security Trust fund in order to fit the President"s tax proposal. The tax cuts described in this resolution are heavily tilted to those who need help the least and premised on questionable economic forecasts.

Since coming to Congress in 1996, I have based my fiscal policies on five basic principles:

1. Fair tax relief for working Americans.
2. Honoring our promises to Social Security and Medicare.
3. Paying down our $6 trillion national debt.
4. Avoiding future funding shortfalls.
5. Funding commitments to our children, seniors, veterans, and the environment.

I believe these are important goals that most of my colleagues share. Unfortunately, the document we are debating today accomplishes none of these principles. Oregonians have repeatedly told me they want to see budget and tax policies that are fiscally prudent and deal with for the challenges our country faces. This resolution doesn't and I oppose it.

The CHAIRMAN pro tempore. All time for general debate has expired. Pursuant to the order of the House of Thursday, March 22, 2001, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUSSLE) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the subject of the concurrent resolution on the budget for fiscal year 2002, had come to no resolution thereon.

CONGRATULATIONS TO SARA ABERNATHY

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Madam Speaker, at the appropriate time we will, on both sides, recognize our staffs, because although we do the talking, they do the arduous work that goes into this enormous task of putting together a budget.

We have one particular staffer that I want to recognize tonight. Late last week, as we were working another night well past midnight, I looked at Sara Abernathy and I said, "When are you due?" She said, "Next Wednesday." I said, "For goodness sake, get yourself home."

Well, the baby was not born Wednesday, it was born March 26 at 10:30 p.m. It is a Democrat. And I would simply like to say to Sara Abernathy, who has worked arduously in putting this budget together for us and for the good of everybody, "Congratulations on the birth and arrival of Nicholas Colum Butler on March 26."

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. BIGGERT). The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 27, 2001.*

HOUR OF MEETING ON WEDNESDAY, MARCH 28, 2001

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, Wednesday, March 28, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

CONGRATULATIONS TO CO-FOUNDERS OF "WOMEN OF TOMORROW"

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I congratulate news anchor Jennifer Valoppi and Don Brown, president and general manager of NBC 6, for outreaching to at-risk young women who choose to further their educational goals.

With the sponsorship of NBC 6, Jennifer and Don cofounded Women of Tomorrow, a mentoring and scholarship program for high-school-aged girls. The women of Tomorrow mentoring program currently operates in 17 schools in South Florida, and by January of next year, the program is expected to operate in every public high school in Miami, Dade and Broward Counties.

This year the program will award several academic scholarships as well as scholarships for books and supplies for low-income, at-risk girls.

I applaud the devotion of mentors Marita Srebnick, State Attorney Kathy Fernandez-Rundle, Judge Judy Kreeger, Attorney Sherry Williams, and the many prominent women of South Florida who dedicate their time to help mold today's young girls into tomorrow's leaders.

Madam Speaker, I ask that my colleagues join me in congratulating Jennifer, Don, and NBC 6, and, indeed, all of the women of tomorrow for contributing to the promise of our future and for leaving a lasting legacy that is sure to benefit all of society.

☐ 2145

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRATULATING BANGLADESH ON ITS 30TH ANNIVERSARY OF INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I come to the House floor tonight to celebrate the anniversary of the struggle the Bengalis went through to become an independent nation 30 years ago on March 26, 1971.

I visited Bangladesh a year ago with President Clinton at this time and was impressed with the progress that the country has made. The people and the government received us very warmly as we visited the capital Dhaka and the surrounding cities.

Madam Speaker, the independence of Bangladesh was hard fought. In 1970, a strong opposition within the masses arose in east Pakistan against the injustices and discrimination levied on the Bengali people. In the early spring of 1971, Pakistani forces moved in and ruthlessly tried to suppress the uprising with death squads and indiscriminate killings. Indira Gandhi, the prime minister of India, became very vocal in her opposition to Pakistani oppression and in 1971 the Indian army was sent in to help the Bengali fighters.

In 12 days' time, the Bengali liberation force, with the help of the Indian army, drove the Pakistani forces out of the region and Bangladesh was born. I salute the brave Bangla fighters, as well as the soldiers of the Indian Army who stood firm together to help the dream of a free Bengal nation become a reality.

Madam Speaker, U.S./Bangla relations have been developing positively since Bangladesh's declaration of a free republic in 1972. Current U.S./Bangla relations are excellent as demonstrated in several visits to Washington by the Bangladeshi premiers over the last 20 years.

In 1995, First Lady Hillary Clinton visited Bangladesh. The current prime minister of Bangladesh, Ms. Sheikh Hasina, also visited the United States in 1996 and 1997.

Relations between Bangladesh and the United States have further strengthened since the participation of Bangla troops in the 1991 Gulf War Coalition. The Bangladeshi soldiers also served jointly with the 1994 multinational force in Haiti.

The current government of Prime Minister Sheikh Hasina, elected in June 1996, has indicated that it will continue along the path of privatization and open market reforms but progress has been slow.

In the government's first year, real GDP growth of 5.7 percent and inflation of 2.6 percent were the best figures in the 1990s. We must collaborate in many ways with Bangladesh and continue our aid package to Bangladesh, and I want to congratulate my colleague, the gentleman from New York (Mr. CROWLEY) for starting the Bangladeshi caucus.

I have joined the same and hope to work with him for Bengali issues.

Under Madam Hasina, Bangladesh pursues a positive foreign policy based on friendship with all and malice towards none. While relations between the United States and Bangladesh are good, clearly there is ample room for improvement. One such area I believe U.S./Bangla relations can be improved is trade.

Madam Speaker, I would like to draw your attention to the African-Caribbean trade initiative that was introduced last year. The initiative gives only textile industries in Africa and the Caribbean duty free access to U.S. markets. A stark reality has to be understood that presently Bangladesh derives 76 percent of its foreign reserves from these exports. Taking this market away, most of which is the U.S. market, would deal a very heavy blow to the democracy of Bangladesh as it struggles to improve the conditions of its people.

Another important area where we can help, and I think my colleague, the gentleman from New York (Mr. CROWLEY) again has drawn attention to this, is the arsenic poisoning occurring in the drinking water wells in the Nawab Ganj district in Bangladesh. In the early 1970s, UNICEF, in an attempt to bring clean drinking water to the Bengali people, dug two wells to access shallow water ducts. At that time, arsenic testing was not conducted and arsenic's inherent slow-working poisonous effects were not recognized.

I ask my colleagues to urge the current administration to work on a long lasting solution for this problem affecting a great number of Bangladeshis.

Madam Speaker, on this historic occasion of Bangladesh's 30th anniversary of independence, we must show our sincere appreciation for all that Bangladesh is doing to improve itself and express solidarity with its democratic principles of governments in progress. I ask my fellow colleagues to join me in celebrating this occasion in wishing Bangladesh the very best of success in the years to come.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-30) on the resolution (H. Res. 100) providing for consideration of the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was referred to the House Calendar and ordered to be printed.

NATIVE HAWAIIAN EDUCATION REAUTHORIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to ask for support of the Native Hawaiian Education Reauthorization Act, which I have today introduced with my colleague the Honorable NEIL ABERCROMBIE.

The Native Hawaiian Education Act has been in effect since 1988. Congress has recognized its special responsibilities to the native, indigenous peoples of the United States by creating education programs to meet the special needs of American Indians, Alaskan Natives, and Native Hawaiians.

Programs supported with the modest appropriations provided under the Native Hawaiian Education Act have helped to improve educational opportunities for Native Hawaiian children, youth, and educators. Through the establishment of Native Hawaiian Education Councils, the Act has given Native Hawaiians a voice in deciding how to meet the critical education needs of their community.

Native Hawaiian students begin their school experience lagging behind other students in terms of readiness factors, such as vocabulary scores, and they score below national norms on standardized education achievement tests at all grade levels. In both public and private schools, Native Hawaiian students are over-represented among students qualifying for special education programs provided to students with learning disabilities. They have the highest rates of drug and alcohol use in the State of Hawaii. Native Hawaiian students are under-represented in institutions of higher education and among adults who have completed four or more years of college.

Why are Native Hawaiian students so disadvantaged? The poor showing of Native Hawaiian students is inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by King Kamehameha III. But following the overthrow of the Kingdom of Hawaii in 1893, by citizens and agents of the United States, middle schools were banned. After the United States annexed Hawaii, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. This declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying:

> I ka ʻōlelo nō ke ola; I ka ʻōlelo nō ka make
>
> In the language rests life. In the language rests death.

Our nation must make amends for the terrible damage that has been done to the Native Hawaiian people since the overthrow of the Hawaiian monarchy by military force in 1893. From 1826 until 1893, the United States had recognized the Kingdom of Hawaii as a sovereign, independent nation and accorded her full and complete diplomatic recognition. Treaties and trade agreements had been entered into between these two nations. In 1893, a powerful group of American businessmen engineered the overthrow with the use of U.S. naval forces.

Queen Liliuokalani was imprisoned and over 1.8 million acres of lands belonging to the crown, referred to as crown lands or ceded lands, were confiscated without compensation or due process.

A Presidential commission, led by Congressman James Blount declared that the takeover was an illegal act by the U.S. government. The U.S. Minister of Hawaii, John Stevens, was recalled. President Grover Cleveland sent a message to Congress calling the takeover an act of war committed by the United States against another sovereign nation and called for the restoration of the monarchy. This request was ignored by the Congress.

I say that the takeover was illegal because there was no treaty of annexation. There was no referendum of consent by the Native Hawaiian people. In recent years, we have learned that in the vaults of the National Archives is a 556-page petition dated 1897–1898 protesting the annexation of Hawaii by the United States. The petition was signed by 21,259 Native Hawaiian people; a second petition was signed by more than 17,000 people. Historians advise that this number constitutes nearly 100 percent of the native population at the time. Their voice was totally ignored.

Since the overthrow of the Kingdom and up until the present, Native Hawaiians have suffered from high rates of poverty, poor health status, low educational attainment, and high rates of alcohol and drug abuse and incarceration. By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to 22,600. In recognition of this severe decline and the desperate situation of the native people of Hawaii, Congress enacted the Hawaiian Homes Commission Act, which returned 200,000 acres of land confiscated by the federal government (out of the total of 1.8 million acres stolen) to the Native Hawaiian people as an act of contrition.

Unfortunately, the lands that were returned were in places where no one else lived or wanted to live. They were in the most remote areas of the islands. Relegated to isolation, without infrastructure, with no access to jobs, Native Hawaiians live today in segregated reservations, much like Indian tribes. Their current despair and conditions of poverty is due to this forced isolation.

Progress has been made over the years, even with the modest funding provided under the Native Hawaiian Education Act. One of the outstanding successes of the program is the dramatic increase in the number of young people who are fluent in the Native Hawaiian language. Once a dying language spoken only in isolated Native Hawaiian communities, primarily by elders, the Hawaiian language is now taught through a number of immersion programs, beginning in kindergarten and continuing through high school. The University of Hawaii at Hilo now has a program for a Masters' degree in Native Hawaii Language and Literature—the first program in the United States focusing on a Native American Language.

It is important to note that Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once-sovereign nation with whom the United States has a trust relationship. The political status of Native Hawaiians is comparable to that of American Indians and Alaskan Natives.

Justice requires that the United States fulfill its trust obligations to Native Hawaiians who lost everything at the time of their annexation. The $28 million authorized for Native Hawaiian education programs in this bill can't begin to make up for the loss of a nation.

I call upon my colleagues to support the reauthorization of the Native Hawaiian Education Act and justice for the Native Hawaiian people.

PRESIDENT BUSH'S EDUCATION PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, as the only Member of Congress from Florida on the Committee on Education and the Workforce, I am proud to be an original cosponsor of President Bush's No Child Left Behind Act of 2001.

Mr. Speaker, I rise today in strong support of this important education reform legislation. This legislation will do three key things. First, we will invest an additional $5 billion in reading over the next 5 years for children in grades K through 2. This is critical since right now 70 percent of the fourth graders in our inner-city schools cannot read at basic levels.

Second, we will require the States to conduct annual tests in grades 3 through 8 in reading and mathematics. This is critical to ensure that none of our children somehow fall through the cracks. How many times have we turned on the television only to see a college athlete explain that he is not able to read even though he somehow graduated from high school?

We are going to put a stop to that right here, right now in this Congress.

Third, in exchange for pumping historic levels of money into our public education system, we are going to insist on accountability. There must be a safety valve for students who are trapped in persistently failing schools. Therefore, if a school continues to fail for 3 consecutive years, the student is going to have the option of staying in that school and receiving $1,500 to use toward tutoring or he could transfer to a public school or he could transfer to a charter school or even a private school if that is in his best interest.

Now why do I support this legislation? Because I know it will make a meaningful difference in the lives of young people, and it will ensure that every child in this great country of ours will have the opportunity, whether he is rich or poor, to get a first class education.

Now how do I know this to be true? Because we have already implemented these same principles, measuring performance and demanding accountability, in the great State of Florida. What happened as a result? We went from having 78 F-rated schools based on low test scores to only 4 F schools in the course of only a year.

Let me give you two examples. First, in my district of Orlando, Florida, there is a school called Orlo Vista Elementary School. At this school, 92 percent of the children are from low-income families and they are entitled to receive the free hot lunch program. Eighty-six percent of the students are minorities. This school was rated as an F school by the State of Florida based on abysmally low test scores.

However, after measuring the students' performance, pumping Federal title I dollars into the school, along with local school board money and State dollars, we were able to make sure that we cured the problem and that all children were able to read, write and perform math appropriately. As a result, the school went from having 30 percent of the children pass a standardized test in 1 year to over 79 percent of the students being able to pass that same test a year later. It is no longer an F school.

Earlier this month, I had the pleasure of taking our U.S. Secretary of Education, Rod Paige, on a personal tour of this same Orlo Vista Elementary School in Orlando. I wanted him to see firsthand why the school was successful. I took him into a reading lab, and while there he observed a little 6-year-old African-American boy reading. This is a child who, 1 month earlier, was having problems with reading and was set apart.

The student-teacher ratio for this child was one-to-one. As he leaned over the shoulder watching this little child read, he was blown away and so impressed. This child was flying through that book, reading as well as most adults that I know.

We were making a difference. We caught the problem and solved it with a one-to-one student/teacher ratio.

This particular situation in Orlando was not unique. For example, at Dixon Elementary School, which is up in the Panhandle in Escambia County, another F-rated school existed because of persistently failing test scores. Yet in one year, after implementing similar legislation in Florida, we saw the students go from only 28 percent being able to pass a standardized test to this year over 94 percent passing that same test.

I genuinely believe that we can replicate the same success that we have had in Florida all across the United States by passing the No Child Left Behind Act of 2001, and I urge my colleagues to support this important education reform legislation.

THE BUDGET RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Wisconsin (Mr. KIND) is recognized for 60 minutes as the designee of the minority leader.

Mr. KIND. Mr. Speaker, I want to first of all start my remarks this evening by commending the chairman of the Committee on the Budget, my friend, the gentleman from Iowa (Mr. NUSSLE), as well as our ranking member, the gentleman from South Carolina (Mr. SPRATT), given the collegiality and the civility that they have demonstrated in the course of putting together a budget resolution, whether it was the work that they specifically were involved with on the committee in putting together the package that we started debate on tonight and will finish tomorrow but also the conduct of the debate that we saw here this evening. I think they demonstrated by their leadership that we can have some real differences of opinion on what the best direction is that we should be taking for the sake of the country, have differences of opinion in regards to what the budget resolution should look at but do so in a civil manner. I think that was demonstrated here this evening.

Mr. Speaker, I wanted to take this time, along with a few of my colleagues from the new Democratic Coalition, to continue the discussion that we are having on the budget resolution this evening. This is a very important time in the legislative process of this session of Congress because it is the budget resolution that establishes the broad frameworks that we will be filling in the spaces and the details throughout the course of this legislative year that will set the tone in regards to many of these programs, the size of tax cuts, the commitment to debt reduction, the commitment to trying to preserve and protect Medicare and Social Security for future generations. We want to devote a little bit more time this evening in regards to where we see things going as part of the new Democratic Coalition.

It is a coalition that comprises roughly 80 Members now within the Democratic Caucus. We believe in pro growth strategies. We believe in the necessity to reduce the national debt. We believe in tax relief for working families, and we believe that there are also some very crucial investments that we need to make collectively as a nation in order to see the type of economic progress and the expansion of economic opportunities, not just in the coming year but for future years.

Many of us have some severe reservations in regards to the Republican budget resolution that has been submitted; not the least of which is that the cornerstone of what they are offering is a very large, very sizable tax cut that is based on economic forecasts not this fiscal year or even next year but over the next 10 years.

Many of us believe that if surpluses do, in fact, materialize during the course of future years, and many of us hope that they will, that the economy will remain strong; that the current projections will prove accurate; that this is an excellent time for us to get serious on national debt reduction; to be serious about finding some long-term bipartisan solutions to preserve Medicare, Social Security; deal with the rising crisis that we have in this Nation in regards to the cost of prescription drugs, while also being able to deliver a responsible tax relief package that all Americans will benefit from.

□ 2200

That is where our major point of contention is with the Republican proposal. We believe in tax relief like they do, but we would like to see tax relief that is done in a responsible and fair manner.

There have been a lot of numbers bandied about during the course of this evening and undoubtedly they will again tomorrow; but basically, the corner of the budget resolution that the gentleman from Iowa (Mr. NUSSLE) and his committee has reported out calls for a $1.6 trillion tax cut over 10 years. To be honest, this is not tax relief that will happen this year or to any great extent next year; but most of the tax relief that they are talking about is backloaded severely to the 6th, 7th, 8th, 9th year from now. They have to do that for one simple reason: we do not have the surpluses and no one is predicting that the surpluses will be generated within the next 5 years, at least, in order to pay for a tax cut of that magnitude, so they have to backload it, hoping that the surpluses will, in fact, materialize 8, 9, 10 years from now.

Now, the average person in my district knows what is going on with this game. In fact, many of them are highly suspicious of these 10-year forecasts. They know that this is very speculative, these forecasts that are being bandied about right now, that no one can predict with any degree of certainty what the economy is going to be doing next year let alone what it will be doing 8, 9, 10 years from now. In fact, it has been said that God created economists in order to make weather forecasters look good. That is exactly what we are talking about, when we are talking about economic forecasts and projected budget surpluses that may or may not materialize 7, 8, 9 years from now.

There was a lot of talk earlier this evening that this tax cut they are offering does not even compare to the size of the tax relief that President Kennedy introduced back in 1960, that Ronald Reagan had introduced with his economic plan back in 1981, and perhaps in real dollar terms, the size of it does not compare. However, there is one very important significant difference, and that is the context in which these tax cut proposals were offered back in 1960, 1981, and today. Because I submit that back in 1960 and 1981, they were looking at an entirely different economic and demographic situation than we are today.

We could afford to take a chance back in 1960 and 1981 to pass large tax cuts because of two very important reasons. One was that we did not at that time have a $5.7 trillion national debt staring us in the face that is draining precious resources from the Federal budget every year just on the interest payments that we are making on our national debt, which totaled over $220 billion alone in the last fiscal year. That money is money that could be better spent for tax relief, for instance, for investments in education, in math and science programs and basic scientific and medical research in this country, but it is not. It is not because there is a large $5.7 trillion national debt that we have to make interest payments on, which comprises roughly the third largest spending program in the entire Federal budget.

But back in 1960, they were still keeping the budget in relative balance. In fact, during the decade of the 1960s, they were exercising fiscal discipline and responsibility by maintaining budgets that were within balance. In fact, the last time before the 1990s that we had a balanced budget in this country was 1969, LBJ's last budget that he submitted in his last year in office. Also, back in 1981 we were not looking at a $5.7 trillion national debt. I believe back then the national debt was roughly $1 trillion as opposed to what we are facing today.

So there is a significant difference between what we are calling for today and what the circumstances that existed back then were.

The other significant difference is that they were not at that time facing a demographic time bomb waiting to explode. By that I mean the aging population that we have in this country, the baby boomers who are all going to start to retire at approximately the same time early next decade entering the Medicare and the Social Security programs, bringing incredible fiscal pressure to bear if we cannot find long-term reforms for those programs, and that is something that I feel is getting lost in this debate. There is so much focus on the next 10 years which do look relatively optimistic when we look at budget situations, economic forecasts; but what is missing in the debate is what the second 10 years are going to look like in this century, and that is where I am afraid things are going to come home to roost.

Mr. Speaker, if we make bad decisions today, if we gamble on these projected surpluses today, lock in on large tax cuts that do not materialize, finding ourselves in a position of not being able to afford them, going back to a series of years as we just came out of during the 1980s and early 1990s of annual structural deficits, adding to, rather than reducing, our national debt, I am very concerned then about our children's capacity and our grandchildren's capacity to deal with that type of fiscal situation that they will be asked to have to deal with. That is a significant difference.

Just to tell my colleagues briefly how tenuous these forecasts really are, even according to the Congressional Budget Office that is offering these numbers that a lot of people are basing the tax cuts upon, they are telling us that if we are off by just one-tenth of 1 percent of GDP growth over the next 10 years, that translates into $250 billion of surplus that we will be off. So if we are off by even a half a percentage point on GDP growth in 10 years, that is roughly $1.5 trillion that we will be off with our surplus calculations, which I think is very speculative and very risky at this time.

The demographic aspect of what is happening I think is equally compelling. Let me show this graph briefly. Everyone in the House realizes that over half of the projected surplus is surplus that is generated by the surpluses in both the Social Security and the Medicare trust fund. We are collecting more than what is needed to go out in Social Security and Medicare. This is a great time in order to download the national debt so we are in a better position to deal with the baby boom generation's retirement.

This graph illustrates what the next 10, 20, 30 years are going to look like in regards to those surpluses in the Social Security Trust Fund. Over the next 10 years, we are running some surpluses; and to a large extent, this budget resolution is based on those surpluses. But, what has not been discussed in any great detail is what the second 10 years and beyond look like in the Social Security Trust Fund. We are going to have some unfunded liabilities that are going to come due starting early next decade with the baby boomers starting to retire. That black ink, red on this chart, suddenly turns into a sea of red ink that we need to come to grips with.

Mr. Speaker, this is as good a time as any for us to start looking in generational terms when we start making some of these budget decisions that we now have. Most of the decisions that I make when it comes to the budget and the fiscal policies that we pass, I try to make through the eyes of my two little boys who are just 4 and 2. I could not think of anything more patently unfair to do to them and their economic future than to saddle them with a large national debt because we did not have the courage to do something about it when we had a chance, or to make it more difficult for them to deal with an aging population in this country, when we have an opportunity with economic forecasts and surpluses that hopefully will materialize, to make the reforms that are needed to preserve and protect Social Security and Medicare, to make sure that we pass a prescription-medication component in this year's budget, to download the national debt as much as we can humanly do so that we are in a better position next decade of dealing with some of these other fiscal challenges that we are going to face, as well as making the crucial investments that need to be made in education programs, job training programs, research into medicine and the sciences, and a greater emphasis on math and science in the country generally.

So this is hopefully something that will be discussed in greater detail in the coming weeks as we develop the budget, in the coming months as we work on the budget details, because way too much emphasis, I am afraid, is being placed on economic forecasts that are so far out into the future that I would venture to guess that no one really, in all honesty, would be willing to bet their own personal finances on the realization of those forecasts today, when there is so much uncertainty in the air.

Mr. Speaker, at this time I yield to the gentleman from New Jersey (Mr. HOLT), my good friend, who I serve with on the Committee on Education and the Workforce, one of the foremost leaders on emphasizing the importance of math and science and scientific research on budget issues.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Wisconsin. I would like to pick up on a point that the gentleman made. The Congressional Budget Office, not a Democratic organization nor, for that matter, a Republican organization, has talked about the uncertainty in the budget projections; and they have made it clear that what looks like a surplus in some of the future years could actually be a deficit.

Now, we have a surplus today, an honest-to-goodness surplus, and the projections that tell us that we will have a net surplus to work with of more than $5 trillion have been gone over by lots of experts; and these projections are every bit as good, I would say, as the projections of several years ago that said we would be in deficit right now. So we should keep that in mind.

But the Democratic alternative budget that calls for paying down more debt and somewhat smaller tax cuts is arrived at not out of fear. This is not a fear of that uncertainty; this is not an eat-your-spinach austerity budget. No. We are trying to do, really, what the other side has said, which is to put more money in the pockets of the people of America, of the working families.

Mr. Speaker, we want to give a tax cut, not like the Republicans, one that pays off 6 or 8 or 11 years from now; and we want to pay down the debt. We would pay down the debt as rapidly as possible, more rapidly than the majority's budget.

This is not only the responsible thing to do, but it is important in demonstrating that our government has fiscal discipline, financial discipline. This leads to greater investor confidence and greater consumer confidence, lower interest rates, and that alone would put more money in the pockets of Americans, every homeowner getting a mortgage, every farmer buying a combine, every student with a student loan, every small businesswoman raising capital. And if we add to that the fact that what we are trying to do is to create a budget that leads to productivity growth, productivity growth that powers our economy leads to people having jobs. If we are going to have that productivity growth, we need a smart, well-trained workforce and we need new ideas.

Quite simply, we need to invest in education and we need to invest in research and development. In both of those areas, our budget does a better job than the majority party's budget. Mr. Speaker, in other words, we want to invest in teacher recruitment, teacher training, smaller class sizes, Pell Grants that will help everyone have the advantage of a college education. The Republican budget quite simply shortchanges the American people in education and in research.

So the Democratic budget is not an austerity budget. By paying down the debt, by investing in education and research, we are convinced that we will have a richer country; and that, I think, has been lost in the debate tonight. Yes, we can talk about who is spending more on this program and who is spending more on that program, but what we think we will end up with here is a program that is more fiscally responsible because we do not commit money over the long term when there is uncertainty in the projections, and we invest in those things that are necessary to have the economic growth that we need.

I thank the gentleman for putting together this discussion. There are a lot of differences in what the majority budget has and what we propose to do.

Mr. KIND. Mr. Speaker, I appreciate the gentleman's comments tonight. He makes a very valid point, one that will just take a second to emphasize again, and that is that Chairman Greenspan, whether he deserves it or not, has received a lot of credit in regards to the economic circumstances in the country. A lot of people listen to what he has to say; and he has consistently since day one, when he comes before the Committee on the Budget or the Committee on Financial Services testifying, emphasizes debt reduction, talking about the merits of debt reduction, how it will help the Federal Reserve interest rates, which is really the true economic stimulus in the economy; by making it cheaper for businesses to invest capital in their business, create more jobs, increase worker productivity. Then the average worker is going to see financial relief through lower interest rates, lower mortgage payments, car payments, credit card payments and, as the gentleman mentioned earlier, student loan payments will be cheaper to do. That is real money in real people's pockets as well, so there is a lot of value to continuing to emphasize debt reduction.

□ 2215

If the gentleman will yield, the Democrats would retire all redeemable public debt by 2008. The Republicans' budget would not.

Mr. KIND. Mr. Speaker, that is a very important point, a very important difference between the competing budget resolutions.

Mr. Speaker, I yield to my good friend, the gentleman from North Carolina (Mr. PRICE), one of the true authority figures when it comes to budgetary matters here in the House of Representatives.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I would like to begin by picking up on the point our colleague, the gentleman from New Jersey, was making about debt retirement. It seems strange to see our Republican colleagues arguing that, really, we had better not retire too much debt. After years and years and years of piling up debt and red ink and deficit spending, here we finally see the light of day. We are running modest surpluses, and we have the opportunity to reduce that mountain of debt.

Let us remind ourselves, that debt is not just an abstract number, that debt is costing this country over $200 billion a year in interest payments alone. Think what we could do with that money. Think of the more profitable public and private investments that could be made with that over $200 billion. We need to systematically and in a disciplined way get that debt paid down.

It seems to me that our Republican friends are making a couple of mistakes. In the first place, they are underestimating how much of that debt we can pay down over the next 10 years without incurring unreasonable penalties.

Then, secondly, they are using a device in their budget which they call a reserve fund, but they at the same time are making commitments that almost certainly will spend down that reserve fund: increases in defense spending, agricultural assistance. Goodness knows, they are not even taking any account of the kinds of farm payments we have had to make in recent years.

They are promising us a prescription drug coverage under Medicare. How much of that is it going to take for those reserve funds to vanish and, therefore, even less debt reduction to be achieved?

It seems to me that the approach we are taking in the Democratic alternative is far more reasonable, far more responsible. We are reducing the debt by a good deal more than our Republican friends. At the same time, we are taking more realistic account of the investments that they and we say that we are going to have to make.

Instead of the Republican approach, which has been to shout through a tax cut here mainly benefiting the wealthiest people in this country, and then say, well, we will figure out a few months later what the rest of the budget looks like, our approach on the Democratic side has been to roughly take one-third of the surplus and say we are going to commit that to a disciplined paying down of the national debt, beyond what we are already doing with the Social Security surplus, which is applied to debt reduction and to the long-term future of Social Security.

We take another one-third of the surplus and say we are going to apply that to tax relief. That is a large tax cut, and one from which this country will benefit.

Then we take the remaining third and apply it to investments which really both parties have committed to, in strengthening defense, providing a prescription drug benefit under Medicare, investing in education, investing in research.

I do want to return to what our colleague said about the National Science Foundation, an important component of that. We will be investing in roads and transit. Goodness knows, my district in North Carolina is well aware of the need for that investment.

It will be one-third, one-third, one-third, a balanced program of debt retirement, tax relief, and targeted, prudent investments. It seems to me that is a sound basis on which to proceed. I very much hope that before this process is over, that is the kind of process that we can all be part of.

Mr. KIND. I appreciate the gentleman's insight in this matter. Obviously, he has been directly involved in the creation of many budgets, and analyzing them as a member of the Committee on the Budget and the Committee on Appropriations.

I think that is one of the great differences between the Democratic alternative and what the majority is offering this week, is that we are taking a more balanced approach on projected surpluses.

First of all, we are hedging our bets a little bit. We are saying a lot of the surplus is speculative. Let us be honest, over two-thirds of the projected surplus will not even happen, if at all, until 6, 7, 8 years from now, so there is not a lot of wiggle room right now.

Mr. PRICE of North Carolina. If the gentleman will yield, well over two-thirds of that projected surplus is more than 5 years out. There have been a number of analysts in recent days that have pointed out the ominous fall in the stock market and what that will do to capital gains receipts, and the effect that will have on the projected surpluses.

Then look at what is happening in the States. In my State of North Carolina, and I understand something like half the States, the budget is taking a dive. The economic situation is deteriorating. We hope that that does not become worse, but surely it would be foolish for us to ignore those signs in projecting our Federal surplus.

Mr. KIND. Reclaiming my time, Mr. Speaker, I agree with the gentleman wholeheartedly, even in the State of Wisconsin, where we are following on the heels of a big tax cut that was just enacted, and now we are looking at a revenue shortfall of over 600 million to $1 billion in the next biennium. This is a consistent theme now from State to State to State from perhaps ill-considered economic gains in the coming years.

In just looking at the Republican budget resolution, to be honest, there are some smoke and mirrors being played here. If anyone believes they are only going to go with a 2 percent defense increase in this budget, take the fact that they are not allocating any money at all to a missile defense program, when we know the Bush administration has made this one of their top priorities, and missile defense can be extremely costly; or calling for an 8 percent real budget cut in agriculture programs when we know we are in the middle of an agriculture depression right now. We have seen the farm relief packages that have passed this Congress with bipartisan support in the last few years. It is just not realistic with the American people or honest with the American people on what their true spending costs are going to be in the budget.

The point I was making earlier is that back in 1981, we could afford to make a mistake. We could afford to take a gamble on passing a large tax cut plan that President Reagan was advocating. He was also advocating a large increase in defense spending. That is, in fact, what happened. So if we couple a large tax cut with a large increase in spending, that is what occurred within the 1981 economic plan. It led to a decade of annual deficits, which led to the $5.7 trillion of national debt that we now have and that we are wrestling with and trying to dig ourselves out from under.

Back then we could have an opportunity to recover from that type of fiscal mistake that was made. I am not confident at all that if we go down the same road, that we can recover in time for the baby-boom generation's retirement.

President Bush was here in the well not too long ago quoting Yogi Berra saying, "When you come to a fork in the road, take it." Yogi Berra was also famous for saying, "This is deja vu all over again." What they are offering in their budget resolution, with the large tax cut plus what will inevitably lead to a large increase in spending, especially in the defense area, and there will be bipartisan support for defense modernization, is a redo of the 1981 economic plan that led to the $5.7 trillion of national debt that we are trying to recover from, which resulted in the 1990s, in the Clinton administration, of putting together budget packages that would get us the balance, and then start running these surpluses.

So I hope we do not repeat the mistakes of the past, and we learn from what happened then so we can better prepare for the challenges of the future.

Mr. PRICE of North Carolina. If the gentleman will continue to yield, I cannot imagine that with the surpluses that we are running now, and seeing the baby boom retirement ahead and the implications that has for Social Security and Medicare, I cannot imagine that we would not want to get that national debt reduced down to the absolute minimum so we do not have this $200-plus billion in debt service each year awaiting us now, and so that we are in a better position to meet that challenge when it arises.

It is just incredible in this context to be saying, let us not pay down the debt too much. As one of our colleagues said, it is like a 400-pound man deciding he had better not go on a diet lest he become anorexic. That is not really our problem. Our problem right now is to systematically and in a disciplined way pay down that national debt, get that debt service off our back, get ourselves in a strengthened position to meet the challenges that surely lie ahead.

Mr. KIND. I could not agree with the gentleman more. Interestingly enough, that is the feedback I constantly hear from my constituents in western Wisconsin. They look at me and say, "What are you guys doing out in Washington?" Because they kind of view these Federal budget terms the same way they look at their own family finances. If there is debt they are responsible for, they understand they have a responsibility for taking care of that first before they embark on new spending programs or large new tax cuts. That seems to be the overwhelming, clear preference for the people living back home in Wisconsin.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), a good friend and someone who has some very strong opinions with regard to this budget resolution.

Mr. ALLEN. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, and my colleagues for being here tonight to talk about this budget resolution. At last it seems like we are going to be discussing at least the beginnings of an overall budget resolution with a few numbers; not a lot of numbers, not the kind of detail that apparently we may not see until May or June, but at least we are starting to engage in an important debate here.

I want to follow up on what the gentleman from North Carolina (Mr. PRICE) and the gentleman from Wisconsin (Mr. KIND) have been saying about the need to pay down the national debt and to meet our responsibilities. That word "responsibilities" seems to have been lost in terms of our friends on the Republican side of the aisle as they get into the debate on this budget resolution.

We have several responsibilities. I am struck by one in particular. That is the responsibility to meet the authorized Federal share of funding for special education. This is a program that was created in 1975, and within a few years the Congress authorized the Federal Government to pay up to 40 percent of the cost of special ed.

I suspect that it is as true in Wisconsin as it is in Maine. When I go out and talk to educators in Maine, the business people involved in education, the teachers, the superintendents, the members of the school boards, their number one concern, their number one request, is full funding of the Federal share of special education.

In Maine, that would be an additional $60 million per year. It is a huge amount of money. Yet, in our districts, over and over again, the local taxes and State taxes are being used to pick up the abdication of the Federal Government for its responsibility to fund special education. So local money and State money is being put into educating special ed students, and a good many of our regular students are finding that they do not have textbooks. They are in classes that are too large, and they are in schools that are rundown.

Before we have dessert first with a tax cut of this size, we really ought to meet our responsibilities. We ought to pay down a larger share of the national debt, and we ought to fully fund special education.

Today I went before the Committee on Rules with a proposed amendment that I hope will be approved to come to the floor tomorrow, but I cannot count on that, an amendment that would take this historic opportunity to fully fund the Federal portion of special education. It would mean an additional $11 billion. It has nothing to do with a new program. This is an old program that deserves a new promise, or, rather, the fulfillment of an old promise to fully fund special education.

That sum, $11 billion, is something we could not have conceived of except for this year, only with the kinds of projected surpluses that we see in front of us.

I believe that we have the right approach. We can have a tax cut about half the size of what the President proposes, and if we do that, we can do a Medicare prescription drug benefit, we can fully fund special education, and we will still have close to $800 billion to shore up Medicare and Social Security, and to have some sort of cushion against the possibility that these projections just will not work out as they are projected to be now.

□ 2230

We need balance.

The final thing I would say is this: the President came up to the State of Maine last Friday, and he made his usual pitch. To hear him describe and to hear our friends on the other side of the aisle describe what is going on, they say, well, we have met our responsibilities, and we have a trillion dollars contingency fund, which my colleagues and I know is not there; and then they say we are dealing with the money that is left over.

Mr. Speaker, I ask, does anyone in the country believe that the President's last priority is tax cuts? We all know that is the first priority. That is where the money is coming from. As the American people begin to understand, as they see real numbers, they will realize that a tax cut of $1.6 trillion is so large that we cannot deal with other priorities fully funding old programs like special ed or dealing with new emergencies like the high cost of prescription drugs for our seniors.

It seems to me we have to take account of the fact, as all of my colleagues have been saying, that we do not know that these projections will come in as promised or as projected and, therefore, we have got to be disciplined.

This is the time to shore up Social Security and Medicare, to prepare for a future when we will have more claimants in those programs and be responsible about our budgeting. The Republican budget resolution is not responsible and, therefore, it should be rejected.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. KIND. Mr. Speaker, I just want to commend the gentleman from Maine (Mr. ALLEN) for the leadership that he has provided this House in regards to getting this Congress to live up to the Federal Government's responsibility for funding special education costs.

The gentleman mentioned the 40 percent level where we should be, but I do not think too many people back home realize we are only funding it at slightly less than 15 percent of that 40 percent share. This is a challenge that is not going to go away.

We have a collision course with school budgets and modern medicine, where we are seeing more and more children who in the past normally would not have survived to live to school age entering the school systems, bringing the special needs with them and the increased costs. That is what IDEA is; that is what special education is all about.

If we can get one thing right in the education component of this budget, it is getting to our full share, that 40 percent level, of special education, which would provide tremendous relief to local school districts so they can use resources to implement the reforms that they would like to make; but they cannot because so much of their resources are being diverted to cover for our shortfall in IDEA and special education.

The gentleman and I have been working together on a task force to elevate this issue and to highlight it and we are going to continue doing it, reaching across the aisle trying to gather bipartisan support, because it is more than just funding IDEA. It is really a civil rights issue as well.

These children bring special needs to the classroom. They deserve to have access to a quality education like any other children in this country, but we are selling them short. We are not living up to our responsibility, our commitment to them to get the job done.

We can very easily do that if we make it a budget priority, and that is what this budget resolution is all about. It is a reflection of our priorities and our values as a country and what we are willing to invest in or not invest in.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. The gentleman reminds me of a point I wanted to make. Fully funding special education by the Federal Government would help special ed students obviously. It would also help regular students because, frankly, State and local money that is now being diverted to fund special education would be available for textbooks and additional programs for regular students.

Third, it would really help relieve pressure in the future on local property taxpayers. There is no question in my mind if we have a $1.6 trillion tax cut, the pressure on local property taxpayers is going to go up much faster than if we have a more responsible tax cut, balanced with investment in education and health care and with a reserve left to shore up Social Security and Medicare.

Mr. Speaker, I thank the gentleman for yielding.

Mr. KIND. I thank the gentleman for his leadership.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT), my friend.

Mr. HOLT. Just on that point, we wanted to talk about education funding and the obligations we have. With all of the talk about increased attention to education, the fact of the matter is that the budget of the majority party is less as a percentage increase in spending than any of the past 6 years; and to put it really into perspective, to see what is really at work here, when we face an obligation of something on the order of $100 billion to meet our obligation for special education, the majority party is presenting as a tax cut for the top 1 percent of Americans 13 times as much money as they are proposing for all of their educational reform and new educational initiatives. That, I think, is a stark difference.

I thank the gentleman for yielding.

Mr. PRICE of North Carolina. If the gentleman will yield for a brief point, I am sure we all remember that back during the campaign, George W. Bush campaigned on a $5,100 Pell Grant, wanting to get the maximum Pell Grant award for freshman up to $5,100; and yet in this education budget, we are dealing with, it appears, a $1 billion increase in the entire Pell Grant program. And our budget analysts tell us that would get the maximum award up about $150. So the maximum award would become something like $3,900.

To say the least, that is not $5,100. And it just does not represent the kind of investment in education we need to be making and that the political rhetoric would indicate that both parties want to make.

Mr. KIND. Suffice it to say, as a member of the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce, we are waiting with baited breath for the details of the President's higher-education funding priorities because this is all about access to higher education for students.

And if we want to slow down economic growth in this country, that is one sure way of doing it is underinvesting and access to postsecondary educational opportunities.

I would like to yield to the gentleman from Washington (Mr. INSLEE), my friend.

Mr. INSLEE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman's leadership in getting this group together. I just have a couple of points I want to make; and perhaps it expands on a few issues people have been talking about. First is personal disappointment by a guy who turned 50. I turned 50 last week, and it made me think about, besides imminent mortality, of course, the generation we are in and how this budget is such a disappointment to those of us who are in the baby boom generation and really see this as an opportunity for the baby boom generation to grow up; a real opportunity for the baby boom generation, who at times have been accused of being a little self-absorbed, a little selfish, to really decide we are going to do something pretty dramatic, which is take responsibility for our own retirement.

Because the baby boom generation with all of our great attributes, having given birth to the Beach Boys and rock and roll and some of those good things we brought to the country, but what we give to the country is a prospective economic collapse starting about 10 years from now when we start to retire. This budget which we are going to vote on in the next few days is really going to tell us what the baby boomer generation is about, whether we are going to be about irresponsibility and sort of hiding behind these fiscal hallucinations saying these things are honky dory for the last 10 years and pass the majority's budget, or whether the baby boom generation is going to stand up and say we are going to be responsible for our own retirement.

Because everybody knows from the Members the gentleman has up here today shows that when we start to retire 10 years from now, that looks fairly decent the next 10 years, but the day we start to retire 10 years from now all heck breaks lose, and we go right down back into the enormous hole in Social Security and Medicare benefits, unless we make some investments today in our future and paying down the debt and taking care of Social Security and Medicare, which this budget in a starkly obvious fashion does not do.

I do not think this budget is about numbers. This budget is about whether the baby boom generation is going to grow up and take personal responsibility for their own retirement. And this budget proposed by the Republicans says we will not, and I think that is wrong.

As a recently turned 50-year-old, I think we ought to stand up and take care of our own retirement. And the majority party has sort of said, they show us these numbers, we have seen their charts, and they say during the next 10 years, we are going to have these rosy surpluses. There may be some surpluses, if things go perfectly. We do not know that, but there may be some.

But after those 10 years, what they do not tell you, everything goes negative. It is really interesting. Almost 10 years to the day, almost everything goes negatively very, very rapidly when we start to retire.

I think what their economic policy is tantamount to is the guy who has fallen out of the 20-story, the 20th floor of the building, and he goes through and we know the stories, he passes the 10th floor on the way down and the guy says how are you doing, he says okay so far.

I think it is time for the baby boomers to reject this budget and take responsibility for our own retirement. It is the right thing to do to our kids and for our kids, and I hope we will be successful as we go down this road.

Mr. KIND. I thank the gentleman for his comments and a point well made.

Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for all of the work and the effort that he has and his staff has put in during the course of the last couple of months in putting together a solid Democratic alternative, one that recognizes that we need to maintain balance, that there is strong support within the Democratic party to provide responsible and fair tax relief to all Americans, that there is support within the Democratic party and recognizing the need to modernize our defense capability, which is going to costs some investments.

It is going to require investments over the next 10 years to get there, someone who is recognized in the alternative budget proposal that he has offered and the need to invest in scientific and medical research, and the importance of investing in education for our children and access to education for the higher-education programs that we support, so that the financial aid will be there for our students to go on to college or to technical school.

Mr. Speaker, I think it is a solid proposal. It is well balanced. One third being devoted to debt relief, one third being devoted to tax relief, and one third recognizing the individual responsibilities that we have existing right now.

I commend the gentleman for all of his work that he has put in and his staff has put in.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. SPRATT), our leader on the Committee on the Budget, the ranking member.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from Wisconsin for the recognition.

This is a complicated chart, but it says everything about the budget, why we are still here at this hour of the evening talking about it, trying to make the case, the point that this budget really cuts to the bone.

And I have three problems with the budget in general. First of all, it cuts so close to the margin that it leaves no room for error. If these projections over 10 years, a period that everybody agrees is a precarious amount of time in which to cast economic projections, if these projections are off by the slightest amount, this bottom line here, the so-called on-budget surplus, the surplus remaining after backing out Social Security and Medicare, it is just $20 billion next year, and by 2005, it is actually negative, because it begins to decline in 2004.

It is never a significant number until about 2008 or 2009. That is the margin of error, the cushion fund, if you will, in case these projections go wrong. So that is a first problem I have with the budget.

What can happen? We just talked about education. If we are wrong here and that goes into the red, then we will see education under pressure again. Discretionary accounts like that that are funded every year will be under the gun again.

Secondly, by committing the lion's share of our surpluses to the massive tax cut they are proposing, and when you provide for the additional interests that we will have to pay because we are using the surplus for tax reduction rather than debt reduction, very little room is left for any other priority.

If we want to see where the difference is, look at education, critically apparent when we look at education, because we have a balanced approach.

We put a third on debt reduction, a third on tax reduction, and a third on priority spending. We have money for the first time, real money for education, $130 billion over 10 years more than what the Republicans are proposing in their budget, $130 billion. There is no difference, no comparison between us and them when it comes to education.

That begins at the beginning when we set our framework and said we have got an unusually good stroke of fortune here.

We are now reaping the consequences of fiscal good behavior. We, therefore, want to set aside something for those programs which we have denied and deferred in prior years as we tried to subdue the deficit.

Education leads the list. We think it is the future. We think it is the ladder that holds up opportunity in America. So we allocate $130 billion more than they do to education.

□ 2245

Finally, Social Security and Medicare, we all know that, in 2008, the first of the baby boomers will retire. Seventy-seven million of them are marching to retirement right now. They are already born. They are not going anywhere. They will soon be claiming their benefits. We have got about 10 years to get ready. All through the 1990s, we knew this, but we did not have the wherewithal to deal with it. Now that we have the wherewithal, the $5.6 trillion surplus, we have an obligation. We have an obligation to deal with it.

As I have said earlier, we may be sitting on what appears to be an island of surpluses, but we are surrounded by a sea of debt. A large part of that debt is not monetized. It is unfunded, so to speak. It is represented by the promises that have been made to the beneficiaries that have yet to retire but, nevertheless, need those benefits when they do retire for Social Security and Medicare.

The unfunded liability of those programs today, if we funded the account adequately to provide for their solvency indefinitely into the future is $3.1 trillion. That is the unfunded liability. Now, we can either take some of our surplus and use it for that, or we can slough the problem off on to our children and let them pay for our retirement, the baby boomers' retirement.

What is the morally responsible thing to do? It is to take some of the surplus we have now and set it aside for Social Security and Medicare, and that is exactly what we do.

The first thing we do in our budget, we take a third of the surplus, $910 billion, we assign it to the future of these two programs in equal accounts, to Medicare and Social Security; and it ensures the solvency of these programs, Medicare to 2040, Social Security to 2050. That is not fiscally irresponsible. That is fiscal responsibility.

Mr. KIND. Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT), as the ranking member, is obviously much more familiar with the numbers of the budget resolution than I. I have a question for the gentleman. There is a lot of talk about this $5.6 trillion surplus over the next 10 years. But what is that reduced by if we do, in fact, take the Social Security and Medicare trust funds out of the equation? Where does that leave the surplus total at that point?

Mr. SPRATT. Mr. Speaker, even if we do that, what we are doing when we take them out of the equation is using the surpluses accumulating for now in those two trust accounts to buy up debt we incurred in the past, outstanding debt. In the past, we used it to fund new debt; and the proceeds of that new debt we used to fund new spending.

Now, we have both agreed, I will give the other party credit, we have both come to an accord that we will use both of these programs solely to buy up existing debt. Unfortunately, our Republican counterparts are breaking faith with us on the Medicare part A trust fund, the HI trust fund, because they are effectively saying we can use some of that to pay for prescription drug benefits under Medicare. $153 billion of the $392 billion that will accumulate over the next 10 years, they say we can spend it on Medicare drug coverage. But if we do that, it will not be there to pay for the other hospital insurance in-patient benefits to which it is primarily obligated.

Mr. KIND. Mr. Speaker, it is my understanding, correct me if I am wrong, a large part of that $5.6 trillion in surplus everyone is talking about are the surpluses being run in Social Security and Medicare. There seems to be pretty much a universal agreement, at least in this House, that we should not touch that, that that should be set aside and dedicated in preparing for the baby boomers' retirement.

If we did that, that $5.6 trillion number then is immediately reduced to roughly $2.7 trillion of surplus over 10 years, again if the projections prove true. But the gentleman from South Carolina (Mr. SPRATT) was just mentioning earlier how close they are cutting it with this budget resolution.

If we look at the $1.6 trillion tax cut proposal that they have out there, that is not entirely honest with the American people as well because they are not reducing debt as much as we are proposing. There would be an additional half a trillion or $500 billion on debt interest over the next 10 years, so that $1.6 trillion tax cut immediately jumps up to $2.1 trillion that we would have to pay for.

If we are going to deal with the alternative minimum tax, and everyone around here understands we need to deal with that so more working families are not included, that is going to be an additional $200 billion, $300 billion over 10 years to fix that problem.

If we extend the tax extenders as we do every year in this place, it is an additional $100 billion that is going to be added to the 1.6. So that $1.6 trillion tax cut would actually balloon up to roughly $2.6 trillion. If we only have roughly $2.7 trillion as a margin of error, that does not leave us with a heck of a lot of room to do virtually anything else, let alone reforming Social Security, Medicare, dealing with the prescription medication program, which I think a lot of people believe we need to take action on, or the education investment that we have to make.

Are those numbers pretty accurate?

Mr. SPRATT. Absolutely, Mr. Speaker. Look at the bottom line on this chart again, complicated as though it may be. In 2002, the amount left over is $20 billion. It is a lot of money. But keep in mind that that does not include the plus-up for defense, and it does not include the plus-up for agriculture. The two of those could easily be $15 billion, even $20 billion, in which event we are in the red again. We are dipping into those trust funds as early as 1 or 2 fiscal years from now. It is right there. The numbers are right there. It is their particular budget proposal. That is how close to the margin it comes.

Now, there is an appearance abroad that this budget allows us to sort of have our cake and eat it, too, to have big tax cuts and not really to have any significant programs cut that are important to people, particularly children.

One of the things that the President touts in his budget is he increases NIH by $2.8 billion and takes it one step away from doubling over a period of 5 years. So do we. It is important. We agree with that. However, if we read on, we find that that $2.8 billion increase in the NIH budget comes out of its parent agency, the Department of Health and Human Services. It comes out of its hide.

They also have other important agencies: the Center for Disease Control, the CDC, the community health centers. They suffer so that NIH can get the plus-up. We provide NIH the plus-up and also adequately raise the HHS budget so that other good important health programs do not have to suffer to pay for the widening wedge for NIH. They do not.

Let me tell my colleagues something else. One of the reasons that I do not think we should be out here tonight or today or tomorrow doing the budget is we still do not have the detail we need to know exactly what is in this budget proposal.

When we press the Secretary of HHS for further detail, he said, "I do not have it. It will come to me April 3 or thereabouts from OMB." When we press the Secretary of Agriculture for further details, we could not get it. She told us she would find out on April 3 also. When we asked the Secretary of Defense to come testify, he would not testify because he is not ready to testify. But we know he is coming back with a big bag for more money.

However, look at what happens as a result of trying to plus-up some things while holding other things constant. In HHS, here we have a President who ran on the campaign slogan that he would leave no child behind. He told us in his State of the Union message that his wife, a lovely woman, Laura, was a librarian, and she would see to it that children's programs were properly attended to.

Look carefully at the HHS budget when it comes. Based on documents released last week to the New York Times, there are three major cuts. Where are they coming in the HHS budget? In children's program. Why did he cut them? They have no voice.

We finally got the child care and development block grant up to $2 billion last year. Why were we pushing to get it up? It is a central ingredient for welfare to work. If mothers do not have child care, they cannot leave their kids alone at home. So we had to do it. We raised it $800 million to $2 billion. Still not enough. But it includes and covers 214,000 additional children. What has been targeted at HHS for reduction by OMB? You got it, $200 million out of children, child care.

We also added money to the account for abused and neglected children, just $178 million in the whole budget of HHS. What has been targeted for cuts? According to the New York Times, that particular program, taking money from abused, neglected children.

Finally, we dealt with some huge omissions that have been overlooked for years and is not at all defensible. Most Americans do not know it, but graduate medical education, interns and residencies, are paid for through the Medicare program, indirectly, but substantially, to the tune of about $10 billion. That is fine for everybody but pediatricians. They do not see patients on Medicare.

So our children's hospitals have not enjoyed that kind of subsidy in the past that all other specialties have enjoyed at the teaching hospitals. We finally corrected that last year with a $235 million fund, and that, too, is under target.

So when one talks about a budget that is providing for our needs and wants, not leaving any child behind, what one sees is that this big tax cut has even shoved the most critical and sensitive programs on the back burner.

Mr. KIND. Mr. Speaker, I want to thank the gentleman from South Carolina (Mr. SPRATT) for his insight tonight, his expertise, the work product that he has been able to produce in the alternative budget resolution. Hopefully it is opening up a lot of eyes in regards to what the majority party is offering, the promises that they are making, and the lack of details that they are providing right now. I thank the gentleman for his work.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to follow on some of the things that our distinguished ranking member has covered. In addition to some of the things that the gentleman from South Carolina (Mr. SPRATT) has talked about, the Republican budget would result in cuts in the following programs: the Environmental Protection Agency; the Department of Agriculture, including field offices; the National Aeronautics and Space Administration; Renewable and Alternative Energy, which is critically important, we have been reminded recently; Army Corps of Engineers; Federal support for railroads; the Small Business Administration; Community Development Block Grants; the Department of Justice. We had talked earlier about the hit that the community-oriented policing program would take. Legal Services Corporation, and on and on.

Something that troubles a lot of us a great deal is what would happen to environmental initiatives and land use initiatives. President Bush has made two environmental promises. One is to provide $900 million or what is called full funding for the Land and Water Conservation Fund. This is a fund for acquiring open space and parks and recreation and to eliminate $4.9 billion of maintenance backlog in the National Park Service. However, with his funding totals, he can only live up to these promises by consulting other vital environmental and natural resource programs.

So the Republican budget does not add up. The Republican budget would shorten the solvency of Medicare as the gentleman from South Carolina (Mr. SPRATT) and others have pointed out. The Republican budget would not live up to our obligations in education and would fall short of our obligations in providing health care for veterans.

All of this is because, seen from a 10-year projection, it looks like there is so much money that it seems possible to offer a two point something trillion dollar tax cut. Well, it is not possible if we are going to do these other things, if we are going to meet our obligations, if we are going to be fiscally disciplined so that we can have consumer confidence and investor confidence and a sound economy.

Mr. KIND. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for joining us here this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. LAMPSON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. BALDWIN (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. SHAW (at the request of Mr. ARMEY) for today and until 3 p.m. March 28 on account of illness in the family.

Mr. STEARNS (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIND) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today and March 28.

Mrs. WILSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and March 28.

Mr. KELLER, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, March 28.

Mr. PLATTS, for 5 minutes, March 28.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 295. An act to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes; to the Committee on Small Business in addition to the Committee on Agriculture for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 395. An act to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business.

ADJOURNMENT

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 28, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1346. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron: Pesticide Tolerance Technical Correction [OPP-301112; FRL-6776-4] (RIN: 2070-AB78) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1347. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a Report on Restructuring Costs Associated With Business Combinations; to the Committee on Armed Services.

1348. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a report on the Use of Employees of Non-Federal Entities to Provide Services to Department of Defense; to the Committee on Armed Services.

1349. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Dive Sticks—received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1350. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Aviation—received March 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1351. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Startup and Restart of Nuclear Facilities—received March 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1352. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Facility Safety—received March 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1353. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [AD-FRL-6939-9] (RIN: 2060-AF91) received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1354. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Project XL Site-Specific Rulemaking for Georgia-Pacific Corporation's Facility in Big Island, Virginia [FRL-6767-8] (RIN: 2060-AJ39) received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1355. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from New Motor Vehicles; Amendment to the Tier 2 Gasoline Sulfur Regulations [AMS-FRL-6768-1] (RIN: 2060-AI69) received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1356. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring: Delay of Effective Date [WH-FRL-6958-3] (RIN: 2040-AB75) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1357. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works [AD-FRL-6955-7] (RIN: 2060-AF26) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1358. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain [Transmittal No. DTC 005-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1359. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 003-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1360. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 027-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1361. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Luxembourg, France [Transmittal No. DTC 020-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1362. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 004-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1363. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 024-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1364. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 025-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1365. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 026-01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1366. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance Agreement with Israel [Transmittal No. DTC 022-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1367. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance Agreement with Canada, Australia and New Zealand [Transmittal No. DTC 021-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1368. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Greece [Transmittal No. DTC 002-01]; to the Committee on International Relations.

1369. A letter from the Chairman, National Mediation Board, transmitting the 2000 Annual Performance Report; to the Committee on Government Reform.

1370. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's "Major" final rule—Adjustment of Status To That Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility [INS No. 2078-00; AG Order No. 2411-2001] (RIN: 1115-AF91) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1371. A letter from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, transmitting a report on the Study Examining 17 U.S.C. Sections 109 and 117 Pursuant to Section 104 of the Digital Millennium Copyright Act; to the Committee on the Judiciary.

1372. A letter from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's "Major" final rule—Distribution of Fiscal Year 2001 Indian Reservation Roads Funds (RIN: 1076-AE13) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1373. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on Reeds Beach and Pierces Point, New Jersey Interim Feasibility Study; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 6. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability; with amendments (Rept. 107-29). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 100. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 (Rept. 107-30). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE:

H.R. 1211. A bill to amend the Internal Revenue Code of 1986 to restore a 100 percent deduction for business meals and entertainment and to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. Bishop, Mr. Collins, Mr. Cramer, Mr. Deal of Georgia, Mr. Green of Texas, Mr. Hilleary, Mr. Jones of North Carolina, Mr. Lewis of Georgia, Mrs. Myrick, Mr. Schaffer, Mr. Sessions, Mr. Smith of New Jersey, Mrs. Roukema, Mr. Weldon of Pennsylvania, and Mr. Wicker):

H.R. 1212. A bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. Doyle, Mr. Upton, Mr. Dingell, Mr. Buyer, Mr. Barrett, Mr. Sawyer, Mr. Stupak, Mr. Sherwood, Mr. Bonior, Mr. Peterson of Pennsylvania, Mr. Holden, Mr. Kanjorski, Mr. Moran of Virginia, Mr. Ehlers, Mr. Kildee, Mr. Leach, Mr. Souder, Mr. Visclosky, Ms. Baldwin, Mrs. Jones of Ohio, and Mr. Levin):

H.R. 1213. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREENWOOD (for himself, Mr. Doyle, Mr. Moran of Virginia, Mr. Upton, Mr. Bonior, Mr. Ehlers, Mr. Dingell, Mr. Peterson of Pennsylvania, Mr. Stupak, Mr. Holden, Mr. Gilchrest, Mr. Kildee, Ms. Rivers, and Mr. Leach):

H.R. 1214. A bill to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREENWOOD:

H.R. 1215. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself and Mr. Luther):

H.R. 1216. A bill to ensure that schools develop and implement comprehensive school safety plans; to the Committee on Education and the Workforce.

By Mr. BACA (for himself, Ms. Carson of Indiana, Mr. Filner, Mr. Gonzalez, Mr. Meeks of New York, Ms. McKinney, Mr. Serrano, and Ms. Velázquez):

H.R. 1217. A bill to provide grants to local educational agencies to provide financial assistance to elementary and secondary schools for obtaining computer software for multilingual education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACA:

H.R. 1218. A bill to provide for an African American Health Initiative under which demonstration projects conduct targeted health campaigns directed at high-risk African American populations; to the Committee on Energy and Commerce.

By Mr. BACA:

H.R. 1219. A bill to provide for a study to determine the costs to the public and private sectors of hip fractures among elderly individuals and spinal cord injuries among children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself, Mr. Pomeroy, and Mr. Hall of Texas):

H.R. 1220. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Ways and Means.

By Mr. BACA:

H.R. 1221. A bill to expand the Officer Next Door and Teacher Next Door initiatives of the Department of Housing and Urban Development to include fire fighters and rescue personnel, and for other purposes; to the Committee on Financial Services.

By Mr. BACA:

H.R. 1222. A bill to require the Secretary of Housing and Urban Development to conduct a study of developing residential mortgage programs that provide low-cost health insurance in connection with low-cost mortgages; to the Committee on Financial Services.

By Mr. BACA:

H.R. 1223. A bill to make grants to States for providing information regarding parolees to local law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 1224. A bill to amend the Internal Revenue Code of 1986 to permit teachers at the elementary and secondary school level, whether or not they itemize deductions, to deduct reasonable and incidental expenses related to instruction, teaching, or other educational job-related activities; to the Committee on Ways and Means.

By Mr. BURR of North Carolina:

H.R. 1225. A bill to amend the Elementary and Secondary Education Act of 1965 to establish programs to recruit, retain, and retrain teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CAPUANO (for himself, Mr. BALDACCI, Ms. BERKLEY, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. FRANK, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LARSON of Connecticut, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. OLVER, Mr. PASCRELL, Mr. RANGEL, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. TIERNEY, Mr. TOWNS, Ms. WATERS, and Ms. WOOLSEY):

H.R. 1226. A bill to provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adult witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. COLLINS (for himself and Mr. FOLEY):

H.R. 1227. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refund of 5 percent of the income tax otherwise payable for taxable year 1999; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 1228. A bill to provide fairness in voter participation; to the Committee on the Judiciary.

By Ms. DEGETTE:

H.R. 1229. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the Medicare Program, the Medicaid Program, and the maternal and child health program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H.R. 1230. A bill to provide for the establishment of the Detroit River International Wildlife Refuge in the State of Michigan, and for other purposes; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. SMITH of Washington, and Mr. WAMP):

H.R. 1231. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to allow for increased use of school resource officers by local educational agencies; to the Committee on Education and the Workforce.

By Mr. FILNER:

H.R. 1232. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 1233. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FATTAH (for himself, Mr. PAYNE, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. BORSKI, Ms. CARSON of Indiana, Mrs. CLAYTON, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. SAM JOHNSON of Texas, Ms. KILPATRICK, Ms. MCKINNEY, Ms. NORTON, Mr. RODRIGUEZ, Mr. STARK, Ms. VELÁZQUEZ, Ms. WATERS, Ms. BROWN of Florida, Mr. CUMMINGS, Mr. FILNER, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. JEFFERSON, Mrs. JONES of Ohio, Ms. LEE, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. RUSH, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. CONYERS, and Ms. JACKSON-LEE of Texas):

H.R. 1234. A bill to require States to equalize funding for education throughout the State; to the Committee on Education and the Workforce.

By Mr. FOLEY:

H.R. 1235. A bill to amend the Internal Revenue Code of 1986 to reduce the holding period for long-term capital gain treatment to 6 months; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 1236. A bill to amend the Tariff Suspension and Trade Act of 2000 to provide for the permanent designation of the San Antonio International Airport as an airport at which certain private aircraft arriving in the United States may land for processing; to the Committee on Ways and Means.

By Mr. HOEFFEL (for himself, Mr. BRADY of Pennsylvania, Mr. PITTS, Mr. DOYLE, Mr. GEKAS, Mr. KANJORSKI, Mr. PETERSON of Pennsylvania, Mr. FATTAH, Mr. TOOMEY, Mr. ENGLISH, Mr. HOLDEN, Ms. HART, Mr. PLATTS, Mr. MASCARA, Mr. WELDON of Pennsylvania, Mr. BORSKI, Mr. MURTHA, Mr. GREENWOOD, Mr. SHERWOOD, and Mr. COYNE):

H.R. 1237. A bill to designate certain lands in the Valley Forge National Historical Park as the Valley Forge National Cemetery; to the Committee on Resources, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 1238. A bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and to allow the credit for employment of certain older individuals; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. CUNNINGHAM, Mr. FILNER, and Mr. ISSA):

H.R. 1239. A bill to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. SNYDER, Mr. BERRY, and Mr. ROSS):

H.R. 1240. A bill to make supplemental appropriations for fiscal year 2001 to provide emergency disaster relief for damages resulting from ice storms; to the Committee on Appropriations.

By Mr. JOHN (for himself, Mr. HOUGHTON, Mr. TANNER, Mr. CRAMER, Mr. DOOLEY of California, Mr. SPRATT, and Mr. CARSON of Oklahoma):

H.R. 1241. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Education and the Workforce.

By Mr. KING (for himself, Mrs. MCCARTHY of New York, Mr. SWEENEY, Mr. CROWLEY, Mr. DIAZ-BALART, Mr. GUTIERREZ, Mr. RYAN of Wisconsin, Mr. HOUGHTON, Mr. WYNN, Mr. HINCHEY, Mr. SERRANO, Mr. ACKERMAN, Mr. QUINN, Mrs. KELLY, Mr. NEAL of Massachusetts, Ms. SLAUGHTER, Mr. WALSH, Mr. WEINER, Mr. GRUCCI, Mr. ENGEL, and Mr. ISRAEL):

H.R. 1242. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Mr. KLECZKA:

H.R. 1243. A bill to amend title 5, United States Code, to require executive agencies to pay the premiums for health care coverage provided under the Federal Employees Health Benefits program for reservists in the Armed Forces called or ordered to active duty for more than 30 days; to the Committee on Government Reform.

By Mr. LUCAS of Oklahoma:

H.R. 1244. A bill to name the national aviation center operated by the United States Customs Service as the "Glenn English Customs National Aviation Center"; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON:

H.R. 1245. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Castaic Lake Water Agency, California; to the Committee on Resources.

By Mr. MEEHAN (for himself, Mr. OLVER, Mr. FROST, Mr. WEINER, Mr. SANDERS, Mr. BENTSEN, Mr. BONIOR, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. NADLER, Mr. STARK, Mr. FILNER, Mr. WYNN, Mrs. MINK of Hawaii, Mr. MCNULTY, Mr. GUTIERREZ, Mr. LANTOS, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. FRANK, Mr. RUSH, Ms. WOOLSEY, Ms. MCKINNEY, Mr. EVANS, Mr. OWENS, Mr. RANGEL, Ms. NORTON, Mr. HINCHEY, Ms. CARSON of Indiana, Mr. BAIRD, Mrs. LOWEY, Mr. DELAHUNT, and Ms. KILPATRICK):

H.R. 1246. A bill to amend chapter 89 of title 5, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility; to the Committee on Government Reform.

By Mr. MEEHAN (for himself, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. HOEFFEL, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Mr. TIERNEY, Ms. LEE, Ms. NORTON, Mr. WEXLER, and Mr. KENNEDY of Rhode Island):

H.R. 1247. A bill to provide for the implementation of a system of licensing for purchasers of handguns and for a record of sale system for handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 1248. A bill to prohibit the possession of a firearm in a hospital zone; to the Committee on the Judiciary.

By Mrs. MINK of Hawaii:

H.R. 1249. A bill to ensure that crop losses resulting from plant viruses and other plant diseases are covered by crop insurance and the noninsured crop assistance program and that agricultural producers who suffer such losses are eligible for emergency loans; to the Committee on Agriculture.

By Mrs. MINK of Hawaii (for herself and Mr. ABERCROMBIE):

H.R. 1250. A bill to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. NAPOLITANO (for herself, Mr. CALVERT, Mr. DREIER, Ms. ROYBAL-ALLARD, and Mr. HORN):

H.R. 1251. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Resources.

By Mr. SANDERS (for himself, Mr. BONIOR, Ms. LEE, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mr. KUCINICH, Ms. MCKINNEY, Mr. PAYNE, Mr. PALLONE, Mr. SHERMAN, Ms. DELAURO, Mr. TOWNS, Mr. HOEFFEL, and Ms. NORTON):

H.R. 1252. A bill to amend the Safe Drinking Water Act to change the drinking water standard for arsenic from 50 parts per billion to 10 parts per billion by fiscal year 2003 and to 3 parts per billion by fiscal year 2006 and to authorize an $800 million to provide grants to small public drinking water systems to assist them in meeting these standards; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. HYDE, and Mr. HUTCHINSON):

H.R. 1253. A bill to amend the Shipping Act of 1984 to restore the application of the antitrust laws to certain agreements and conduct to which such Act applies; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. PITTS, Mr. MALONEY of Connecticut, Mr. GILMAN, Mrs. MORELLA, Mr. HINCHEY, Mr. DELAHUNT, Mr. TRAFICANT, Mr. WOLF, Mr. TOWNS, and Mr. SAXTON):

H.R. 1254. A bill to establish a program to provide for a reduction in the incidence and prevalence of Lyme disease; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mr. GEPHARDT, Mr. DINGELL, Mr. RANGEL, Mr. BONIOR, Mr. WAXMAN, Mr. GORDON, Mr. THOMPSON of Mississippi, Mr. FILNER, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. GONZALEZ, Mr. PAYNE, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Ms. SLAUGHTER, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. DEUTSCH, Mr. EVANS, Mr. FRANK, Mr. WEINER, Mr. STUPAK, Mr. KILDEE, Mr. CROWLEY, Mr. LANTOS, Mr. BARRETT, Mr. TIERNEY, Mr. LAFALCE, and Mr. MATSUI):

H.R. 1255. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65, to amend the Internal Revenue Code of 1986 to allow a 50 percent credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. BOEHLERT, Mr. MALONEY of Connecticut, Mr. MCNULTY, Mr. HOEFFEL, Mr. MORAN of Virginia, Mrs. JONES of Ohio, Ms. RIVERS, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mr. FROST, Mr. JEFFERSON, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. WU, Mr. ANDREWS, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. CONYERS, Mr. BLAGOJEVICH, Mr. OLVER, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. GILCHREST, Ms. SOLIS, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. SHAYS, Ms. MCCOLLUM, Mr. GILMAN, Mr. INSLEE, Mr. SMITH of Washington, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mrs. ROUKEMA, Mr. LANTOS, Ms. CARSON of Indiana, Mrs. TAUSCHER, Ms. LEE, Mrs. KELLY, Mr. DELAHUNT, Mr. FILNER, Mr. BERMAN, Mrs. JOHNSON of Connecticut, Mr. SABO, Mr. WEXLER, Mr. PAYNE, Mr. SAXTON, and Mr. BLUMENAUER):

H.R. 1256. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MOORE (for himself, Mr. STENHOLM, Mr. THOMPSON of California, Ms. HARMAN, Mr. SANDLIN, Mr. PHELPS, Mr. BOSWELL, Mr. BOYD, Mr. JOHN, Mr. TURNER, Mr. HILL, Mr. SCHIFF, Mr. PETERSON of Minnesota, Mr. BISHOP, Mr. TANNER, Mr. SHOWS, Mr. PASCRELL, Mrs. TAUSCHER, Mr. HONDA, Mr. EVANS, Ms. MCCARTHY of Missouri, and Mr. EDWARDS):

H.R. 1257. A bill to amend the Congressional Budget Act of 1974 to make the budget process more transparent; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Ms. BALDWIN, Mr. BONIOR, Mr. FROST, Mr. FILNER, Mr. GREEN of Texas, Mr. HASTINGS of Washington, Mr. HILLIARD, Mr. HINOJOSA, Mr. HONDA, Mr. HUTCHINSON, Mr. MENENDEZ, Ms. MCCARTHY of Missouri, Ms. SCHAKOWSKY, Mr. SERRANO, and Mr. UDALL of New Mexico):

H. Con. Res. 85. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. BACA:

H. Con. Res. 86. Concurrent resolution encouraging greater recognition of Memorial Day and Veterans Day; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 87. Concurrent resolution authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H. Con. Res. 88. Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation recognizing a National Lao-Hmong Recognition Day; to the Committee on Government Reform.

By Mr. BACA (for himself, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CARSON of Oklahoma, Mr. ENGLISH, Mr. FARR of California, Mr. HONDA, Mr. FROST, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Mr. KIND, Mr. PALLONE, Mr. STUPAK, and Mr. UDALL of New Mexico):

H. Res. 101. A resolution expressing the sense of the House of Representatives that schools across the Nation should teach about the role of Native Americans in American history and culture and lead community service projects that further that education; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mrs. LOWEY, Mr. GILMAN, and Mrs. KELLY):

H. Res. 102. A resolution expressing the sense of the House of Representatives regarding the maltreatment of United States civilian prisoners captured by the Axis Powers during World War II; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

7. The SPEAKER presented a memorial of the Senate of the State of Ohio, relative to Concurrent Resolution 5 memorializing the United States Congress to provide the full forty per cent federal share of funding for special education programs so that Ohio and other states participating in these critical programs will not be required to take funding from other vital state and local programs

in order to fund this underfunded federal mandate; to the Committee on Education and the Workforce.

8. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 6 memorializing the United States Congress to initiate the adoption of an amendment to the Constitution of the United States to read: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or any official of such state or political subdivision, to levy or increase taxes"; to the Committee on the Judiciary.

9. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Resolution No. 423 memorializing the United States Congress to urge appropriate funds for improvement of rail infrastructure in the Interstate Route 81 corridor. Such improvement shall ensure that the railroad that parallels Interstate Route 81 in Virginia provides a viable alternative to the use of Interstate Route 81 for the movement of interstate freight traffic; to the Committee on Transportation and Infrastructure.

10. Also, a memorial of the House of Representatives of the State of Kansas, relative to Resolution No. 6008 memorializing the United States Congress to provide funding for Gulf War illness research independent of that administered by the Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and for other purposes; jointly to the Committees on Energy and Commerce, Armed Services, and Veterans' Affairs.

11. Also, a memorial of the Senate of the State of Kansas, relative to Resolution No. 1824 memorializing the United States Congress to provide funding for Gulf War illness research independent of that administered by the Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and for other purposes; jointly to the Committees on Energy and Commerce, Armed Services, and Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COX:

H.R. 1258. A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad; to the Committee on the Judiciary.

By Mr. COX:

H. Res. 103. A resolution referring the bill (H.R. 1258), entitled "A bill for the relief of Sarabeth M. Davis, Robert S. Borders, Victor Maron, Irving Berke, and Adele E. Conrad", to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. Thomas and Mr. Hastert.

H.R. 8: Ms. Berkley.

H.R. 10: Mr. Weldon of Pennsylvania, Mr. Fattah, Mr. Flake, Mr. Barr of Georgia, Mr. Rogers of Kentucky, Mr. Skeen, Mr. Farr of California, Mr. Inslee, Mr. Tiahrt, Mr. Jenkins, Mr. Bartlett of Maryland, Mr. Deal of Georgia, Mr. Costello, Ms. DeLauro, Ms. Harman, Ms. McKinney, Mr. Rush, Mr. Boucher, Mr. Burton of Indiana, and Mr. Davis of Illinois.

H.R. 12: Mr. Cummings, Mr. Rush, Mr. Condit, Mr. Barrett, Mr. Kolbe, Mr. Armey, and Mr. Barr of Georgia.

H.R. 17: Mr. Engel and Mr. Berman.

H.R. 31: Mr. Tiahrt and Mr. Collins.

H.R. 40: Ms. Millender-McDonald, Mr. Jackson of Illinois, and Ms. Lee.

H.R. 42: Mr. Wamp.

H.R. 65: Mr. Blunt.

H.R. 87: Ms. Schakowsky and Mrs. Thurman.

H.R. 96: Mr. Turner and Mr. Davis of Illinois.

H.R. 97: Ms. Hart, Mr. Ortiz, Mr. Costello, Mr. Turner, Mr. Andrews, Mr. Carson of Oklahoma, Mr. Wamp, and Ms. Lofgren.

H.R. 116: Mr. Baird.

H.R. 117: Mrs. McCarthy of New York.

H.R. 150: Mr. Goodlatte, Mrs. Maloney of New York, Mr. McGovern, and Mr. Hutchinson.

H.R. 152: Mrs. Thurman.

H.R. 159: Mr. Manzullo, Mr. Foley, Mr. Barr of Georgia, and Mr. Tiahrt.

H.R. 179: Ms. Kaptur, Mrs. Napolitano, Mr. Pomeroy, Mr. Fletcher, and Mr. Vitter.

H.R. 218: Mr. Coble, Ms. Berkley, Mr. Frank, Mr. Andrews, Mr. Tancredo, and Mrs. Roukema.

H.R. 219: Mr. Crane and Mr. LaTourette.

H.R. 236: Mr. Osborne, Ms. Sanchez, Mr. Gillmor, Mrs. Bono, Mr. Bryant, Mr. Rehberg, and Mr. Tom Davis of Virginia.

H.R. 239: Mr. Platts.

H.R. 250: Ms. Sanchez, Mr. Wu, Mr. LaTourette, Mr. Delahunt, Mr. Tiahrt, Ms. Lee, Mr. Lucas of Oklahoma, and Ms. Slaughter.

H.R. 257: Mr. Toomey and Mr. Ney.

H.R. 259: Mr. Shows.

H.R. 267: Mr. Graham, Mr. Wexler, Mr. Weller, and Mr. LaFalce.

H.R. 280: Mr. Baker and Mrs. Roukema.

H.R. 281: Mr. Owens, Mrs. Maloney of New York, Mr. Rodriguez, Mr. Mascara, Ms. Dunn, Mr. Israel, Ms. Sanchez, Mr. Etheridge, and Mr. Frost.

H.R. 283: Mr. Davis of Illinois and Mrs. Thurman.

H.R. 285: Mr. Levin.

H.R. 303: Mr. Radanovich, Mrs. Bono, Mr. Tanner, Mr. Carson of Oklahoma, Mr. Blumenauer, Mr. Norwood, Mr. Sherwood, Mr. Ferguson, and Mr. Larsen of Washington.

H.R. 311: Mr. Gillmor and Mr. Tiahrt.

H.R. 326: Mr. Gilman, Ms. DeGette, Mr. Underwood, and Ms. Hart.

H.R. 336: Mr. Pastor and Ms. Brown of Florida.

H.R. 381: Mr. Frelinghuysen, Ms. Brown of Florida, and Mr. Murtha.

H.R. 382: Mr. Shadegg, Mr. Tiahrt, and Mr. Wicker.

H.R. 428: Mr. Meeks of New York, Mrs. Myrick, Mr. Holden, Mr. Wolf, Mr. Gilman, Mr. Tiahrt, Mr. Engel, Mr. Tancredo, Mr. Hoeffel, and Mr. Hutchinson.

H.R. 432: Mr. Moore and Mr. Visclosky.

H.R. 433: Mr. Moore and Mr. Visclosky.

H.R. 436: Mr. Isakson, Mr. Tancredo, Mr. Carson of Oklahoma, Mr. Maloney of Connecticut, Mr. Cooksey, Mr. Ramstad, Mr. Baldacci, Ms. DeLauro, Mr. Leach, Mr. Latham, Mr. Davis of Illinois, and Mr. Larsen of Washington.

H.R. 440: Ms. McKinney and Mr. Stenholm.

H.R. 478: Ms. McKinney.

H.R. 499: Mr. Filner and Mr. Berman.

H.R. 503: Mr. Souder.

H.R. 507: Mr. Ganske, Mr. Walden of Oregon, and Mr. Tiahrt.

H.R. 525: Mr. Davis of Illinois.

H.R. 527: Mr. Callahan, Mr. Baca, and Mr. Brady of Texas.

H.R. 539: Mr. Goodlatte, Mr. Rehberg, and Mr. Udall of Colorado.

H.R. 557: Mr. Stenholm.

H.R. 572: Mr. Hall of Ohio, Mr. Moran of Virginia, and Mr. Hastings of Florida.

H.R. 583: Mr. Hilleary and Mr. Wamp.

H.R. 586: Mr. Calvert.

H.R. 606: Mr. Rodriguez, Mr. Davis of Illinois, Mr. Menendez, Mr. Ryun of Kansas, and Mr. Honda.

H.R. 622: Mr. Langevin.

H.R. 630: Ms. Kilpatrick and Mr. Barrett.

H.R. 634: Mr. Barr of Georgia, Mr. Akin, Mr. Brady of Texas, Mr. Brown of South Carolina, Mr. Chabot, Mr. Gibbons, Mr. Johnson of Illinois, Mr. Manzullo, Mrs. Myrick, Mr. Oxley, Mr. Pence, Mr. Shimkus, and Mr. Tiahrt.

H.R. 638: Mr. Delahunt, Mr. Evans, Mr. Berman, and Mr. McGovern.

H.R. 662: Mr. Graves, Mrs. Emerson, Mr. Shimkus, Mr. Callahan, Mr. Riley, Mr. Lewis of Kentucky, Mr. Tiahrt, Mr. Holden, Mr. Platts, Mr. Bishop, Mr. Greenwood, Mr. Brady of Texas, Mr. Reynolds, Mr. Walden of Oregon, Mr. Hinchey, Mr. Istook, Mr. Dooley of California, Mr. Kolbe, Mr. Ryan of Wisconsin, Mr. Thornberry, Mr. Blunt, Mr. Gillmor, Mr. English, Mr. Ganske, Mr. Bass, Mr. Hutchinson, Mr. Frost, Mr. Shows, Mr. Abercrombie, Mr. Moran of Kansas, Mr. Walsh, Mr. LaFalce, Mr. Pitts, Mr. Ose, and Mr. Sherwood.

H.R. 668: Mr. McHugh.

H.R. 686: Mr. Lantos.

H.R. 687: Ms. Harman, Mr. Maloney of Connecticut, and Mr. Price of North Carolina.

H.R. 699: Mr. Sisisky and Mr. Ryun of Kansas.

H.R. 737: Mr. Hoeffel, Mr. Davis of Florida, Mr. Matheson, Mr. Davis of Illinois, Mrs. Clayton, Mr. Sherman, Mr. Graves, and Mr. Phelps.

H.R. 742: Mr. McDermott.

H.R. 744: Mr. Sweeney.

H.R. 747: Mr. Royce.

H.R. 752: Mr. Grucci and Mr. Gilman.

H.R. 755: Mr. Rangel, Mr. Rothman, and Ms. Baldwin.

H.R. 759: Mr. Udall of Colorado.

H.R. 771: Mr. Baca, Mr. Bonior, Mr. Boucher, Ms. Carson of Indiana, Mrs. Davis of California, Mrs. Jones of Ohio, Mr. Lipinski, Ms. Millender-McDonald, and Mr. Smith of New Jersey.

H.R. 778: Mr. Sandlin.

H.R. 808: Mr. Clement, Mr. Langevin, Mr. Weiner, Mr. Israel, Mr. Clay, Mr. Allen, Mr. Lewis of Kentucky, Mr. Lampson, Ms. Waters, Mrs. Napolitano, Mr. Peterson of Minnesota, Ms. Sanchez, Mr. Pastor, Mr. Hastings of Florida, Mr. Frank, Mr. Stark, Ms. Roybal-Allard, Mr. Capuano, and Mr. Sabo.

H.R. 817: Mrs. Thurman, Mr. Stenholm, Mr. Nethercutt, and Mr. Terry.

H.R. 822: Mrs. Maloney of New York.

H.R. 823: Ms. Lofgren and Mr. Berman.

H.R. 827: Ms. McCarthy of Missouri.

H.R. 865: Mr. Waxman, Mr. Brown of Ohio, Mr. Pastor, Mr. Sanders, Ms. Brown of Florida, Mr. Clay, and Mr. Davis of Illinois.

H.R. 876: Mr. GIBBONS, Mr. SANDERS, Ms. WOOLSEY, Mr. SESSIONS, Mr. BONILLA, and Ms. PRYCE of Ohio.

H.R. 887: Mr. PLATTS, Mrs. ROUKEMA, and Mrs. MINK of Hawaii.

H.R. 891: Mr. LANGEVIN.

H.R. 899: Ms. HART and Mr. DAVIS of Illinois.

H.R. 907: Mr. KANJORSKI.

H.R. 911: Mr. HOLDEN.

H.R. 913: Ms. MCKINNEY.

H.R. 917: Mr. DAVIS of Illinois.

H.R. 923: Mr. GREEN of Wisconsin, Mrs. THURMAN, and Mr. SMITH of Michigan.

H.R. 931: Mr. ROTHMAN and Mr. BENTSEN.

H.R. 933: Mr. OWENS, Mr. CLAY, Mr. BISHOP, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. ANDREWS, Mr. FARR of California, Mr. BRADY of Pennsylvania, and Ms. MILLENDER-MCDONALD.

H.R. 952: Mr. COYNE, Mr. GUTKNECHT, Mr. SOUDER, Ms. MCKINNEY, Mr. CLAY, Mr. FOSSELLA, Mr. WEXLER, and Mr. TIAHRT.

H.R. 961: Mr. PAYNE.

H.R. 962: Mr. CROWLEY and Mr. ACKERMAN.

H.R. 966: Mr. SOUDER.

H.R. 975: Mr. FRANK, Mr. EVANS, Mr. ALLEN, Mr. TIERNEY, Mr. BRADY of Pennsylvania, Mr. LUCAS of Oklahoma, Mrs. WILSON, Mr. CRAMER, Mr. SIMMONS, Mr. MCINTYRE, Mr. WICKER, Mr. CAMP, Mr. LANGEVIN, Mr. LANTOS, Mr. PLATTS, Mr. COYNE, Mr. MCDERMOTT, Mr. LEVIN, Mr. ABERCROMBIE, and Mrs. EMERSON.

H.R. 988: Mrs. MCCARTHY of New York.

H.R. 990: Mr. RANGEL, Mr. ENGLISH, Mr. GEORGE MILLER of California, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mr. KUCINICH, Mr. SOUDER, and Mr. UDALL of Colorado.

H.R. 994: Mr. LIPINSKI.

H.R. 1015: Mr. JONES of North Carolina, Mr. PAUL, Mr. RYUN of Kansas, and Mr. HALL of Texas.

H.R. 1019: Mr. BASS, Mr. WALDEN of Oregon, Mr. RADANOVICH, Mr. TRAFICANT, Mr. LEWIS of Kentucky, and Mr. HUTCHINSON.

H.R. 1024: Mr. PORTMAN and Mr. FOLEY.

H.R. 1026: Mrs. EMERSON, Mr. GONZALES, Mr. EDWARDS, and Ms. LOFGREN.

H.R. 1031: Mr. WATKINS.

H.R. 1043: Mr. GUTIERREZ and Mrs. LOWEY.

H.R. 1044: Mr. GUTIERREZ and Mrs. LOWEY.

H.R. 1066: Ms. LOFGREN.

H.R. 1073: Ms. SLAUGHTER, Mr. RODRIGUEZ, Mr. CRAMER, Mr. TURNER, Mr. FARR of California, Mr. JEFFERSON, Ms. KAPTUR, Mr. CROWLEY, Mr. SAWYER, Mr. RUSH, Mr. HOLDEN, Mrs. JOHNSON of Connecticut, and Mr. FILNER.

H.R. 1078: Mr. BRADY of Pennsylvania.

H.R. 1079: Mr. ENGLISH and Mr. PAUL.

H.R. 1084: Mr. PETRI.

H.R. 1086: Ms. MCKINNEY.

H.R. 1089: Mr. RAHALL and Mr. POMEROY.

H.R. 1096: Mr. COOKSEY, Mr. CARSON of Oklahoma, and Mr. TURNER.

H.R. 1100: Mr. CALVERT.

H.R. 1110: Mrs. THURMAN.

H.R. 1112: Mr. PASCRELL, Ms. CARSON of Indiana, Mr. PAYNE, and Ms. MCKINNEY.

H.R. 1116: Mr. LANTOS, Mr. KUCINICH, Mr. UDALL of Colorado, Mr. SERRANO, and Mr. ALLEN.

H.R. 1119: Mr. SIMMONS.

H.R. 1121: Ms. HOOLEY of Oregon.

H.R. 1128: Mr. PAUL, Mr. SESSIONS, and Mr. BARTLETT of Maryland.

H.R. 1140: Mr. WELLER, Mr. VISCLOSKY, Mr. BACHUS, Ms. HOOLEY of Oregon, Mr. WHITFIELD, Mr. SKELTON, Mr. LATOURETTE, Mr. CONYERS, Ms. HART, Mr. ISRAEL, Mr. GREEN of Wisconsin, Ms. BROWN of Florida, Mr. NETHERCUTT, Ms. MCCOLLUM, Mr. TERRY, Mr. RAHALL, Mr. BLUNT, Mr. CUMMINGS, Mr. BEREUTER, Mr. DEFAZIO, Mr. WALDEN of Oregon, Mrs. TAUSCHER, Mr. FLETCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILLMOR, Mr. LIPINSKI, Mr. COLLINS, Mr. BERRY, Mr. PLATTS, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. BLAGOJEVICH, Mr. FERGUSON, Mr. JACKSON of Illinois, Mr. ISTOOK, Mr. DOYLE, Mr. BAKER, Mr. HOLDEN, Mr. EHLERS, Mr. BORSKI, Mr. SIMPSON, Mr. COSTELLO, Mr. COOKSEY, Mr. BALDACCI, Mr. POMBO, Mr. BARCIA, Mr. TOM DAVIS of Virginia, Mr. ANDREWS, Mr. MORAN of Kansas, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Ms. VELÁZQUEZ, Mr. SWEENEY, Mr. RANGEL, Mr. SIMMONS, Mr. MATSUI, Mr. JOHNSON of Illinois, Ms. KAPTUR, Mr. PETRI, Mr. KANJORSKI, Mr. FOLEY, Ms. KILPATRICK, Mr. ISAKSON, Mr. LUTHER, Ms. PRYCE of Ohio, Mr. MENENDEZ, Mr. SHIMKUS, Mr. LARSEN of Washington, Mr. DUNCAN, Mr. MASCARA, Mr. MCNULTY, Mr. EHRLICH, Mr. NADLER, Mr. HAYES, Ms. DELAURO, Mr. KING, Mr. BONIOR, Mr. GILCHREST, Mr. UDALL of New Mexico, Mr. DOOLITTLE, Mr. PAYNE, Mr. WATKINS, Ms. BERKLEY, Mr. TAUZIN, Mr. KLECZKA, Mr. TIAHRT, Mr. RUSH, Mr. BOEHNER, Mr. UDALL of Colorado, Mrs. ROUKEMA, Mr. BLUMENAUER, Mr. LATHAM, Mr. HOYER, Mr. BARTLETT of Maryland, Mr. PETERSON of Minnesota, Mr. SAXTON, Mr. HOEFFEL, Mr. HORN, Mr. TURNER, Mrs. KELLY, Mr. MATHESON, Mr. BOEHLERT, Mr. CARSON of Oklahoma, Mr. WATTS of Oklahoma, Mr. FROST, Mrs. EMERSON, Mr. SANDLIN, Mr. LAHOOD, Mr. MEEKS of New York, Mr. LEACH, Mr. WYNN, Mr. GRUCCI, Mrs. CLAYTON, Mr. UPTON, Mr. DELAHUNT, Mr. LOBIONDO, Mr. SHOWS, Mr. MICA, Mrs. JONES of Ohio, Mrs. CAPITO, Mr. TIERNEY, Mr. CRENSHAW, Mr. CARDIN, Mr. GILMAN, Ms. MCKINNEY, Mr. HUTCHINSON, Mr. PASTOR, Mr. GOODE, and Mr. SANDERS.

H.R. 1141: Mr. HAYWORTH.

H.R. 1162: Mr. DAVIS of Illinois, Mr. SAWYER, Mr. PRICE of North Carolina, Mr. LAFALCE, and Ms. KILPATRICK.

H.R. 1167: Mr. HOEFFEL, Mr. BRADY of Pennnsylvania, Mr. KUCINICH, Mr. GILMAN, Mr. FILNER, Mrs. MINK of Hawaii, and Ms. CARSON of Indiana.

H.R. 1168: Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. KUCINICH, Ms. PELOSI, Mr. GILMAN, Mr. FILNER, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, and Mr. WOLF.

H.R. 1173: Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. SISISKY, Mr. EDWARDS, Mr. FROST, Mr. REYES, Mr. SKELTON, Mr. KENNEDY of Rhode Island, Mr. CONDIT, Mr. CRAMER, Mr. Abercrombie, Mrs. TAUSCHER, Mrs. JONES of Ohio, and Mr. MALONEY of Connecticut.

H.R. 1184: Mr. WYNN, Ms. MILLENDER-MCDONALD, Mr. MCDERMOTT, and Mrs. NORTHUP.

H.R. 1187: Mr. WEINER, Mr. BOUCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, and Mr. FARR of California.

H.R. 1194: Ms. KILPATRICK and Mr. SHAYS.

H.J. Res. 27: Mr. STARK.

H.J. Res. 36: Mr. LATHAM.

H.J. Res. 38: Mr. TIAHRT.

H. Con. Res. 3: Mr. UDALL of Colorado, Mr. GUTIERREZ, Ms. SANCHEZ, and Mr. GONZALEZ.

H. Con. Res. 17: Ms. ROYBAL-ALLARD and Ms. KILPATRICK.

H. Con. Res. 19: Mr. MCGOVERN and Ms. SLAUGHTER.

H. Con. Res. 23: Mrs. EMERSON.

H. Con. Res. 25: Mrs. MALONEY of New York.

H. Con. Res. 30: Mr. SCHIFF.

H. Con. Res. 45: Mr. SAXTON, Mr. CONYERS, and Mr. CAPUANO.

H. Con. Res. 59: Mr. HINCHEY.

H. Con. Res. 61: Ms. CARSON of Indiana and Mr. CUNNINGHAM.

H. Con. Res. 68: Mr. SOUDER and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 73: Ms. ROS-LEHTINEN, Ms. BALDWIN, and Mr. KING.

H. Res. 35: Mr. MALONEY of Conecticut.

H. Res. 56: Mr. DAVIS of Florida.

H. Res. 87: Mr. MCHUGH, Mr. LANTOS, Mr. JOHNSON of Illinois, Ms. HART, Ms. MCKINNEY, Mr. ETHERIDGE, Mr. HASTINGS of Washington, and Mrs. MINK OF HAWAII.

H. Res. 91: Mr. BARTLETT of Maryland, Mr. DAVIS of Florida, Mr. TANCREDO, Mr. FOLEY, and Mr. GOSS.

H. Res. 97: Mr. BLAGOJEVICH, Ms. BALDWIN, Mr. CUMMINGS, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Ms. BROWN of Florida, Mrs. MALONEY of New York, Mr. HASTINGS of Florida, Ms. KILPATRICK, Mrs. JONES of OHio, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Mr. WATT of North Carolina, Ms. NORTON, Ms. MCKINNEY, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mr. HIILLIARD, Mr. CONYERS, Ms. WATERS, Mrs. MINK of Hawaii, Ms. HARMAN, and Ms. MCCOLLUM.

PETITIONS, ETC.

Under clause 3 of rule XII,

8. The SPEAKER presented a petition of the Council of the City of Knoxville, Tennessee, relative to Resolution No. R–90–01 petitioning the United States Congress to amend the Internal Revenue Code of 1986 to allow for the deduction of state sales taxes in lieu of state and local income taxes; which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

IN HONOR OF THE DIGNITARIES FROM ACHILL ISLAND, IRELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the dignitaries Ireland who are spending St. Patrick's Day in my home district of Cleveland. My city is honored to have them with us on such an important holiday.

Our four distinguished guests hail from Achill Island, Ireland. They are: Mr. Thomas McNamara, Achill Tourism Chair; Father Pat Gilligan, Achill Tourism Committee Member; Ms. Karen Grealis, Achill Tourism Manager; and Ms. Adrian Kilbane, Achill Tourism Public Relations Officer. Together, they have left their homes to spend a very important holiday with us.

Rich with cultural heritage and diversity, the city of Cleveland includes a very important Irish population. Never forgetting their roots, the Cleveland community never forgets to celebrate ethnic holidays. Saint Patrick's Day, traditionally a day of lavish celebration and remembrance of one's heritage, is revered by the City of Cleveland by an extensive parade. My city is lucky this year to have with us a delegation of dignitaries from Achill Island, Ireland to assist us in the festivities. Visiting to help us remember our shared past, these people should give us all pause to remember our families and our heritage.

It should be of great joy to everybody in Cleveland that we have such honorable people visiting us on such an important holiday. My fellow colleagues, please join me in honoring the distinguished delegation of visitors from Achill Island, Ireland.

INCREASED FUNDING FOR ALZHEIMER'S, AUTISM, AND LYME DISEASE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, today I testified before the Labor, Health and Human Services (HHS), and Education Appropriations Subcommittee on the importance of setting aside sufficient funding for critical life-saving and life affirming medical research.

First Mr. Speaker, I would like to commend President Bush for continuing the commitment to double biomedical research funding in five years by providing a $2.8 billion increase for the National Institute of Health (NIH) in his budget proposal to Congress. The President's proposal provides the largest annual funding increase in NIH's history, and it is my hope that Congress follows in the President's footsteps.

Today I am here to represent the interests of those afflicted with Alzheimer's disease, autism, and Lyme disease. These devastating diseases have left the elderly helpless, the children voiceless, and people across the nation getting weaker and sicker.

ALZHEIMER'S DISEASE

As co-founder of the Bipartisan Task Force on Alzheimer's Disease, I am seeking support for increased funding of the National Institute on Aging so that it could accommodate an additional $200 million in Alzheimer's research. This appropriation will help us reach our goal of funding Alzheimer's research at $1 billion by fiscal year 2003 and allow us to launch an all-out assault on Alzheimer's disease.

This year, Mr. Speaker, we hope to increase funding for research to discover ways in which to prevent Alzheimer's for two critical target populations. The first target is people who will have clinical Alzheimer's disease 10 to 20 years from now. Researchers must find ways to slow or alter the changes that are already taking place in the brain so that symptoms of Alzheimer's never develops. The second target population is those persons who are already suffering with the disease. Researchers need more resources to help them find ways to prevent the health crises, the unmanageable behaviors, and the rapid functional decline that leads to hospitalization and nursing home placement. We are aware of the tremendous cost Alzheimer's already brings to bare on society. Not only is there an economic burden, but Alzheimer's also destroys the quality of life for the patient and the caregiver alike.

An increased investment from the government will allow for researchers to search for simple, practical, widely available, and affordable ways to detect the earliest changes in the brain.

Mr. Speaker, we have seen that the Alzheimer's investments Congress has made over the past decade are now paying off in rapid discoveries regarding the basic mechanisms of the disease, the complex interplay of genetic and environmental risk factors, and the treatments and interventions that can slow decline. Discoveries in the past year alone have generated great excitement in the field of Alzheimer's. For instance, scientists have developed a third FDA-approved drug designed for the treatment of the disease's cognitive symptoms. In addition, scientists have completed Phase 1 of a clinical trial involving humans in which they used a vaccine that appears to prevent in the brains of mice the amyloid deposition that forms plaques which characterize Alzheimer's disease.

The United States enters the 21st Century facing an imminent epidemic. By 2050, 14 million of today's baby boomers will have Alzheimer's disease. For most of them, the process that will destroy their memories, their lives, and their savings has already begun. The annual cost of Alzheimer's diseases will soar to at least $375 billion, overwhelming our health care system and bankrupting Medicare and Medicaid. The only way to avoid this crisis is to act now.

AUTISM

As the co-founder of the Coalition for Autism Research and Education (C.A.R.E.), I am seeking support for the provision of $5 million for the Center of Birth Defects and Developmental Disabilities at the Center for Disease Control and Prevention (CDC) to help the states conduct autism epidemiology research.

Autism is a developmental disorder that has robbed at least 400,000 children of their ability to communicate and interact. The disorder affects at least one in every 500 children in America. Currently, there is limited information on the prevalence, cause, or treatment of autism.

To address the lack of understanding Mr. Speaker, CDC began conducting epidemiological research on the incidence and surveillance of autism in two metropolitan areas in Georgia and my home state, New Jersey. Last year, Congress made a major and vital investment in the centers of excellence, and as a result, CDC expanded its research to include data collection in West Virginia, Arizona, South Carolina, Maryland, and Delaware. CDC's efforts in these states seek to identify the prevalence rate of autism and to verify that these cases are accurately diagnosed. The studies also seek to establish any relevant environmental or other exposures in these communities.

The basic data collection and verification is integral to better understanding the incidence of autism, the factors which may contribute to a higher rate of incidence, and effective treatment. The challenge is that effective analysis of this data must wait for the data collection efforts to expand to an additional 24 states.

CDC must receive the funding to collect data from approximately 30 states before it can move forward with a comprehensive analysis of trends that may reveal correlative factors, potential causes, and hopefully effective treatments and cures for autism.

LYME DISEASE

As a Member of Congress who has been active on the subject of Lyme disease for nearly two decades, I believe there are two critical areas we must focus upon if our nation is to better control the disease. First, I am seeking support for an increase of $8 million at the NIH, which would bring total Lyme disease funding to $32 million. NIH would use this infusion of funds to make the development and improvement of direct detection tests for Lyme a priority. Second, we must double the funding at CDC and bring total Lyme disease funding to $16 million. The CDC has admitted that "the (Lyme) disease is greatly underreported." Thus, we must urge CDC to re-examine its surveillance system to see where improvements can be made and accurately enhanced. In order to do this, they need adequate funding and oversight.

Lyme disease continues to harm tens of thousands of Americans who engage in outdoor activities, both from work and from recreation. Symptoms of Lyme disease can include a reddish skin rash, chills, flu-like symptoms, headaches, joint pain and fatigue. Without treatment, Lyme disease can result in acute headaches, arthritis, and nervous system and cardiac abnormalities. The CDC notes that Lyme disease is the leading cause of vectorborne infectious illness in the U.S. with approximately 15,000 cases reported annually. Over 125,000 cases of Lyme disease infection have been reported since 1982, and some studies indicate cases of Lyme may be underreported by as much as 10 or 12 fold. Furthermore, various estimates of the cost of Lyme disease on our society at between $500 million and $1 billion annually.

Consequently, I believe funding to address detection and surveillance would greatly assist Congress in ensuring the constituents in Lyme disease endemic areas that Lyme disease research is on the right track.

The case is amply made that extra monies for Alzheimer's disease, Autism, and Lyme disease will be very well put to use and represent a small payment toward preventing future health care costs.

Mr. Speaker, I urge all Members of Congress to support increased funding for Alzheimer's, autism, and Lyme disease.

IN HONOR OF THE 100TH ANNIVERSARY CELEBRATION OF THE IRON WORKERS LOCAL 17

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, please join me in saluting the hard working men and women of Iron Workers Local 17 of Cleveland, Ohio as they celebrate their 100th Anniversary.

The brilliant craftsmanship of the thousands of dedicated men and women who comprise the Iron Workers Local 17 is evident across the landscape of Northern Ohio. The bridges that span Ohio's beautiful rivers and The Rock and Roll Hall of Fame are both fine examples of the permanent imprint that Iron Workers 17 has cast on thousands of structures in the state. This community of working people who understand the value and importance of family are committed to creating a tradition of excellence. Performing one of the ten most dangerous jobs in the world, courageous ironworkers brave the tough Cleveland weather and risky working conditions to build the office towers, sports stadiums, and highway bridges that illuminate the skyline.

Early on when structural steel construction was in its infancy, ironworkers often worked ten hour days and seven day weeks for as little as twenty cents an hour, only expecting to hold positions for ten years before death or major injury ended their career. When Local 17 gained its charter in 1901 money was tight, but the union persevered and provided help to its members. In the turbulent years that followed, union iron workers learned how to deal with steel industry giants, often initiating strikes to gain fair labor practices. By the end of World War I, the unions successfully established the eight-hour day and five-day workweek.

Local 17 thrived in the midst of the great industrial expansion of the 1920's. In this decade, the largest building project in Cleveland's history, The Cleveland Union Terminal complex including the landmark Terminal Tower, was completed. During World War II, ironworkers, dedicated to the ideals of the United States, served in all branches of the military and were even recruited to work as "seabees" by the Navy to repair aircraft carriers and battleships. Iron workers on the homefront assisted in war munitions production or worked around the country building power plants, hydroelectric facilities, and dams needed in the war effort. In the decades following the war, iron workers were busy rebuilding the bridges and highways in disrepair after many years of use. Presently, Local 17 is enjoying renewed respect with growing membership and cordial relationships with contractors.

My fellow colleagues, please join me in saluting the thousands of dedicated men and women that brave tough conditions at great personal risk to keep Cleveland growing.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2001

SPEECH OF

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of H.R. 802, the Public Safety Officer Medal of Valor Act, which would create a national medal for public safety officers who exhibit extraordinary heroism in the line of duty.

As someone who once aspired to serve in law enforcement and a proud member of both the Congressional Law Enforcement and Firefighters Caucuses, I deeply admire those who devote their lives to public safety.

We are blessed to have dedicated men and women public safety officials throughout this nation who consistently risks their lives on a daily basis to protect our families and communities. It is absolutely critical that we recognize these loyal public servants and ensure that the risks that these brave individuals assume in the course of their duties are not taken for granted.

Although many local public safety organizations honor those who have demonstrated bravery, the federal government does little to reward and recognize these individuals. By passing the Public Safety Officer Medal of Valor Act, Congress would have the unique opportunity to express its appreciation for the unnoticed acts of valor committed by public safety officers who have gone above and beyond the call of duty. Further, this legislation will help send a positive message across the country that our public safety officers deserve our utmost respect for their service and sacrifices.

I will continue to applaud the courage and dedication to duty of all public safety officers and would strongly urge my colleagues to support the Public Safety Officer Medal of Valor Act.

INDEPENDENT TELECOMMUNICATIONS CONSUMER ENHANCEMENT ACT OF 2001

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 2001

Mrs. CLAYTON. Mr. Speaker, I rise in support of the Independent Telecommunications Consumer Enhancement Act of 2001. This bill would provide regulatory relief to small and mid-sized telephone companies that generally serve small town and rural communities. The current regulatory burdens on these small companies are the same as those placed on large companies; but, because of their size, these regulations are very costly and time-consuming.

These regulatory burdens tend to discourage competition in rural communities by impeding the entry of new companies into these markets. These burdens also pose obstacles to the development in rural communities of advanced services such as broadband Internet access.

The Telecommunications Act of 1996 provided for reduced regulations and greater competition in our country. This has fostered many new telecommunications and information services including advanced services. However, the benefits of these technological advances have been enjoyed by urban and suburban communities much more than by persons who live in small towns and rural communities. Large telephone companies and other entities tend to have the resources required to develop these advanced services and find the urban and suburban markets more attractive. The deployment of advanced services in urban areas contrasted with the difficulty of small companies offering these services in rural areas has exacerbated the digital

We must find ways to bridge this divide. Relieving certain regulatory burdens may help achieve this objective. The proponents of this bill and many small telephone companies promise that they will use the savings resulting from the elimination of these regulatory burdens to extend advanced services. Some question whether the savings resulting from this measure would simply increase profits of the small telephone companies with no corresponding increase in services. Some note that this bill does not impose a reciprocal obligation to extend services following the relaxation of current regulatory requirements, and does not include any enforcement mechanisms. We hope that the small telephone companies which benefit from the adoption of this bill will do the right thing and act in the best interest of the communities in which they operate. That is the intent of this measure and the basis for my support. It is proper for the federal government to foster a regulatory framework that stimulates competition and encourages deployment of advanced services to people who live in small towns and rural communities.

IN HONOR OF GINA QUIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, please join me today in welcoming Ms. Gina Quin, Chief Executive Officer of the Dublin Chamber of Commerce, to Cleveland as guest of honor at the Collins and Scanlon, 22nd Annual St. Patrick's Day Open House.

Educated at University College Dublin with an undergraduate degree in psychology and a Master of Business Administration, Ms. Quin currently represents 3000 Business Members in the Greater Dublin City Area. Her position requires her to develop policy that will aid in the overall development of Dublin by maximizing enterprise and investment opportunities within the Capital city.

Ms. Quin has held various other executive positions before her appointment to the Dublin Chamber of Commerce in 2000. She was an executive for both Lansdowne Market Research and the Irish Export Board. For six years prior to her work with the Dublin Chamber of Commerce, Ms. Quin served as chief executive for Gandon Enterprises where she was responsible for managing business activities across both manufacturing and service industries.

My fellow colleagues, let us welcome our distinguished friend from Ireland, Ms. Gina Quin, to Cleveland to join in our celebration of St. Patrick's Day.

SALUTING THE EXCHANGE CLUB CASTLE PROGRAM OF FORT PIERCE, FLORIDA

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. FOLEY. Mr. Speaker, next month marks an important milestone for those who battle child abuse. This will be the date when a key facility in my district marks its twenty year anniversary. In my community we are blessed to have as our neighbor the Exchange Club CASTLE program in Fort Pierce, Florida. In celebration of their 20 years of fighting violence against children, I ask my colleagues to join me in saluting this achievement.

The CASTLE program (Child Abuse Training and Life Enrichment) is a true American success story. In fat, what was once a small program has spawned a legion of 100 similar facilities in 27 states. CASTLE began two decades ago with a budget of just $40,000 serving just 25 families and has grown exponentially. Today it provides crucial services to more than 10,000 families in and around my Congressional District.

Mr. Speaker, child abuse is a silent scourge that strikes families from all walks of life and in every community rich, poor, small and large. Without the services of agencies like the Exchange Club's CASTLE program, our nation would bear the burden of thousands more cases of child abuse and suffer the effects of families torn apart.

What makes CASTLE so successful is their broad approach to the problem, working not just with parents, but with community officials, educators and children themselves in many cases working to stop violence before it occurs. CASTLE has developed dozens of community-wide programs to target at-risk youngsters and ensure that those most in need get the care, comfort and protection our society owes to them. Their message has resonated loudly throughout Florida and across the country: violence has no place in our homes and families.

Mr. Speaker, April marks the start of national child abuse prevention month. I am proud to salute the Exchange Club's CASTLE program on this important occasion and look forward to their continued success in our community and throughout the state. They have indeed made our nation a better place to live.

IN HONOR OF SCOTT MICHAEL DANIELSON

HON. EDWARD SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. SCHROCK. Mr. Speaker, I rise today to honor the memory of Petty Officer Second Class Scott Michael Danielson who passed away in service to our nation during a training exercise on February 22, 2001.

Petty Officer Danielson was a member of U.S. Navy Seal Team Eight, based at Little Creek Amphibious Base in Virginia Beach, Virginia. A native of Royal Oak, Michigan, Petty Officer Danielson joined the Navy in 1992 and owing to his exemplary service, was given the opportunity of joining the elite Navy Seals.

Petty Officer Danielson served our nation supporting Task Force Falcon during Operation Guardian in Kosovo. During his outstanding career, Petty Officer Danielson earned several medals and commendations including the Navy Commendation Medal, three Navy Achievement Medals, two Good Conduct Medals, the National Defense Medal, the Kosovo Campaign Medal, the Sea Service Deployment Medal, and the NATO Medal.

Mr. Speaker, America lost one of her finest with the untimely passing of Petty Officer Second Class Scott Michael Danielson. His passing reminds us of the danger that the men and women of our military face in both times of peace and war.

Our grateful nation mourns the loss of Petty Officer Second Class Scott Michael Danielson and extends its sympathies to Scott's loved ones. His family should be proud of the life he lived and should never doubt the gratitude of his nation for his courageous and exemplary service.

REGARDING THE RECENT PRESIDENT BUSH DECISIONS TO RELAX ENVIRONMENTAL POLICY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. REYES. Mr. Speaker, I rise today in opposition to the recent decisions by President Bush to renege on a campaign promise to reduce carbon dioxide emissions by power plants. The President in the last week and a half has also rescinded a strict new standard for arsenic levels in drinking water, suspended new cleanup requirements for mining companies, and threatening to challenge a logging ban on nearly 60 million acres of national forest land.

Americans want to have the environment dealt with in a responsible way, and this way does not include cutting the acceptable level of arsenic in our drinking water from 10 parts per billion to 50 parts per billion. A responsible way to deal with the environment does not include allowing electric utilities to decide not to reduce emissions of carbon dioxide. I am concerned that unilateral decisions are being made without thought about the long-term consequences that these decisions will have on our environment and the health of our people.

The United States-Mexico border suffers disproportionately from pollution. For example, my district of El Paso, Texas is an air-quality, non-attainment area and experiences huge problems with emissions from power plants and other airborne pollutants. If there is one thing that we cannot afford to do at this juncture in our history, it is to begin relaxing environmental standards in our country without taking into consideration the long-term effects of these actions.

I urge the administration and my colleagues in Congress to act in a more responsible manner when it comes to environmental policy and the development of legislation that may have dire long-term consequences.

IN HONOR OF JOHN D. BAKER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate John D. Baker on being awarded the 2001 Irish Good Fellowship Club's Good Fellowship Award. This prestigious award is a well-deserved honor which recognizes the dedication and commitment John D. Baker has shown to his family and the workers of our nation.

John D. Baker has had three children during his forty years of marriage. Always ready with a smile or kind word, Mr. Baker has been a living example of compassion for his children. He has worked hard to make sure that they grew up in a loving, caring environment.

Throughout his life, John D. Baker has exhibited a dedication to working men and women throughout the Cleveland area. He has been an active member of the International Longshoremen's Association since 1959, and now serves as the Vice-President to that organization. John D. Baker has committed his life to the cause of worker's justice. John D. Baker has served on many councils and committees, covering a wide-range of issues. From labor disputes to historical preservation, John D. Baker has played an important role in the development of the Cleveland area.

John D. Baker is a deserving recipient of the Irish Good Fellowship Club's Good Fellowship Award. Throughout his life, he has worked to help other people; both in their personal lives as well as in their workplaces. John D. Baker has been a great force of fellowship for many people, always offering caring words of encouragement and his friendship. A fellowship award is truly justified by Mr. Baker's daily life.

Throughout his life, Mr. John D. Baker has proven to be a leader by bringing people together and working for a more just society. His hard work and dedication have inspired many people to strive with him when he stands up for workers everywhere. My fellow colleagues, please stand with me in honoring Mr. John D. Baker.

MACHINIST BATTLED BIG LABOR FOR FOUR DECADES; RIGHT TO WORK ADVOCATES MOURN JOHN WALDUM, THEIR "HAPPY WARRIOR"

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. DELAY. Mr. Speaker, throughout its 45-year history, the National Right to Work Committee has been blessed with many loyal friends who selflessly offered their support in one legislative battle after another.

But even in the pantheon of Right to Work champions, there is no one else like John Waldum Jr., a retired machinist and former union member and a Committee board member since 1967.

Mr. Waldum, who served as the Committee's chairman from 1998 until last spring, passed away November 28 in Lake Worth, Fla.

"John had a slogan. 'You only keep what you are willing to defend.' And John took that slogan seriously. He spent his life fighting against the odds, but with an indomitable spirit that was, and will continue to be, an inspiration to us all."

Mr. Waldum first recognized the injustice and inherent dangers of compulsory unionism as a young man working in Missouri, which had (and has) no Right to Work law.

Kansas City union bosses wielded their monopoly power over his job to intimidate him into joining a strike—even though he believed it unjust and contrary to his long-term best interest.

Mr. Waldum quickly became a convinced Right to Work supporter, even as he continued to try to improve the system from within, both as a member of the Machinists union and as a shop steward for the United Auto Workers union.

As a result of his outspoken support for Right to Work, he endured years of harassment from power-hungry union officials.

Finally, in the early 1960s, Mr. Waldum and his family moved to Florida, a Right to Work state.

He later became a research and development machinist for the Pratt-Whitney Engine Corporation. All the while, he kept on fighting for the Right to Work cause.

When President Lyndon Johnson and the union hierarchy moved in 1965 to reimpose forced union membership and "fees" in Florida and other Right to Work states by abolishing Section 14(b) of the Taft-Hartley Act, Mr. Waldum enlisted in efforts to stop them.

The pointed testimony that Mr. Waldum and other freedom-loving workers gave to the U.S. House Labor Committee helped slow

During the 1970s Mr. Waldum participated in a successful campaign to tighten enforcement of Florida's Right to Work law and stiffen penalties for violators.

After he retired and moved with his wife Dorothy to Sebring, FL, Mr. Waldum relished the opportunity to expand his lobbying activities on behalf of the Right to Work cause.

During the 1990s he visited Washington, D.C., a number of times, and accepted invitations to testify before the National Labor Relations Board and congressional committees.

In 1993, he undoubtedly dumbfounded NLRB officials when he called the federal laws empowering union bosses to force workers to pay union dues as a job condition "a travesty of justice" that has transformed Organized Labor into "nothing more than a union press gang."

His testimony and his many letters to the editor often brimmed with moral indignation about how federal law and Big Labor-influenced bureaucrats trample the freedom of the individual worker.

But the ever-present twinkle in his eye made it clear that Mr. Waldum was not angry—only determined to make the world a better place.

John Waldum was a true gentleman and an outstanding spokesman for the Right to Work cause and he will be deeply missed.

Mr. Waldum is survived by his wife and their son and daughter, and four grandchildren and two great-grandchildren.

THE INTRODUCTION OF THE FAIRNESS FOR CIVIL SERVANT RESERVISTS AND GUARDSMEN ACT OF 2001

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KLECZKA. Mr. Speaker, I rise to introduce legislation today that will ensure the fair treatment of all civil servant reservists and guardsmen who are called up for active duty service. The Fairness for Civil Servant Reservists and Guardsmen Act of 2001 will mandate that all federal agencies pay the employee share of Federal Employee Health Benefits Program (FEHBP) premiums if they are on active duty for more than 30 days.

Currently, the federal government pays only the government portion of the health premium when a reservist is called to active duty. Because these men and women take leave without pay from their federal jobs, they often find themselves having to pay their portion of the premium from a much smaller salary, which can be a serious strain on their family finances. While reservists and their families are also eligible for military health care during this period, this alternative often constitutes a burden on the families, who may have to travel great distances to get to military health facilities and are forced to develop a new relationship with a different doctor.

The men and women of our National Guard and Reserve units perform absolutely essential functions in times of conflict. The soldiers of Milwaukee's 128th Air Refueling Wing and 440th Airlift Wing have answered the call time and time again. Those who also happen to be federal employees should not, on top of everything else, have to worry about how their families will get health care while they're off serving our country.

During the Gulf War, the Office of Personnel Management (OPM) asked federal agencies to cover both employee and employer costs of FEBHP premiums for those reservists and guardsmen who were on active duty and on leave without pay status. Last year, one of my constituents contacted me asking why this policy had not been extended to all civil service employees on active duty since the war. I then began contacting OPM and the Department of Defense (DoD) requesting that the policy be made permanent.

In June 2000 the OPM circulated a memo to agency heads encouraging them to make the policy a formal one. Earlier this month, DoD announced that it will begin covering health care premiums for all of its civil servant reservists or guardsmen who are called to active duty.

This bill would require that all federal agencies pay the FEHBP premiums of all their employees who are reservists or guardsmen that are called up for active duty in the future. It would also require federal agencies to reimburse the premiums paid by employees who served on active duty during Kosovo, Bosnia, and the 1998 Iraq operations.

Regarding the cost of this legislation, it is a very small price to pay for fairness. For example, the Pentagon estimates that it will only cost $2.3 million to reimburse the 1600 DoD employees who have served in the Balkans and Iraq over the past 10 years. Since the DoD is the largest employer of reservists and Guardsmen, that will be the highest amount any agency has to pay. More importantly, the Pentagon has even said they don't need supplemental appropriations to make the retroactive payments. Future costs will vary depending on the individual contingency operation.

I urge all of my colleagues to support this fair and important legislation.

IN HONOR OF MARJORIE PHILONA CONDON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Marjorie Condon, a lifelong resident of Ohio, who dedicated her life to the teaching profession. She will be missed, not only by her beloved family, but also by hundreds of former students.

Mrs. Condon taught fourth grade in Cleveland for over 15 years, first at Tom L. Johnson Elementary and then at Charles Lake Elementary, taking time off to raise six children. Holding bachelors degrees in both journalism and education, she shared a love of learning and literature with her husband, former newspaper columnist, George E. Condon. George and Marjorie met at Ohio State University and were married for 58 years.

She raised a family and loved crocheting, sewing, and playing piano. She also enjoyed fashioning stained glass, making candles, and cooking Chinese food. While in her mid-50s, Marjorie even taught herself how to snow ski.

My fellow colleagues, please join me today in celebrating the life of this remarkable woman. She was a woman of great knowledge and learning, who dedicated her life to her family and students.

INTRODUCTION OF THE MEDICARE EARLY ACCESS AND TAX CREDIT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. STARK. Mr. Speaker, I am pleased to join with Rep. SHERROD BROWN and a number of additional colleagues to introduce the "Medicare Early Access and Tax Credit Act." Companion legislation is being introduced by Sen. ROCKEFELLER in the Senate as well.

More than 43 million Americans have no health insurance today. There are many approaches to solutions for decreasing the number of uninsured. As most of my colleagues are aware, I support the creation of a universal health care system in which each and every American would have health insurance coverage. That is the most fair, affordable, and sustainable solution to our national health care needs.

However, that won't be accomplished overnight. In the meantime, there are steps that Congress can and should be taking to develop immediate, if smaller, solutions to providing people affordable health insurance coverage options. One such step is to pass legislation that would provide certain groups of individuals the option of buying into Medicare.

A recent Kaiser Family Foundation survey found that a majority of voters believe that the next population of the uninsured who should be helped is those aged 55–64. I agree.

A Commonwealth Fund study from July 2000 found that more than half of uninsured adults in the 50–64 age range trusted Medicare the most as a source of health insurance and nearly two-thirds of them would be interested in enrolling in Medicare early if that option were available. So, expanding Medicare would likely be a very attractive option to people of this age.

While the 55–64 segment of our population has a lower overall percentage of uninsured than other age segments, once these people lose insurance it is often difficult or impossible for them to obtain affordable coverage in the private insurance marketplace. And, with the aging of the baby boom generation, this is a quickly growing segment of our population. In 1999, there were 23.1 million

Given all of these facts, I have joined with many colleagues to introduce the Medicare Early Access and Tax Credit Act of 2001, a bill to expand access to Medicare's purchasing power to certain individuals below age 65.

The Medicare Early Access and Tax Credit Act would enable eligible individuals to harness Medicare's clout in the marketplace to get much more affordable health coverage than they are able to purchase in the private sector market that currently exists. And, to make this coverage more affordable, we have attached a 50 percent tax credit to it.

The bill would provide a very vulnerable population (age 55–64) with three new options to obtain health insurance (All numbers referenced below are based on the 2000 version of the bill so they are subject to change in our new legislation)

Individuals 62–65 years old with no access to health insurance could buy into Medicare by paying a base premium (about $326 a month) during those pre-Medicare eligibility years and a deferred premium during their post-65 Medicare enrollment (about $4 per month in 2005 for an individual who participated in the full three years of the new program). The deferred premium is designed to reimburse Medicare for the extra costs due to the fact that sicker than average people are likely to enroll in the program. The deferred premium would be payable out of the enrollee's Social Security check between the ages of 65–85.

Individuals 55–62 years old who have been laid off and have no access to health insurance, as well as their spouses, could buy into Medicare by paying a monthly premium (about $460 a month). There would be no deferred premium. Certain eligibility requirements would apply.

Retirees aged 55 or older whose employer-sponsored coverage is terminated could buy into their employer's health insurance for active workers at 125 percent of the group rate. This would be a COBRA expansion, with no relationship to Medicare.

Again, our new bill, The Medicare Early Access and Tax Credit Act of 2001 supplements our previous versions of this legislation by incorporating a new 50 percent tax credit that would be attached to each of the three programs. Thus, the actual cost to the enrollees would be substantially less than the cost under the proposals in last year's legislation.

Affordability is a key component of expanding health insurance coverage. Adding a tax credit to the programs increases their affordability so that more people age 55 and older can take advantage of the program. Last year's analysis from the Congressional Budget Office and the Joint Committee on Taxation, indicated that more than 500,000 currently uninsured people would gain health insurance coverage by enactment of the Medicare Early Access and Tax Credit

The Medicare Early Access Act and Tax Credit Act isn't the total solution for people age 55–64 who lack access to health insurance coverage. However, if passed, it would make available health insurance options for these individuals at much less than the cost of what is available today. This is a meaningful step forward in expanding health insurance coverage to a segment of our population that is quickly losing coverage in the private sector. The Medicare Early Access and Tax Credit Act is legislation that we should be able to agree upon and to enact so that people age 55–64 have a new, viable option for health insurance coverage. I look forward to working with my colleagues on both sides of the aisle and in the House and Senate to enact the Medicare Early Access and Tax Credit Act.

A more detailed summary of the legislation follows:

MEDICARE EARLY ACCESS AND TAX CREDIT ACT

(Please note: all numbers below are based on CBO/Joint Committee on Taxation analysis of the legislation in 2000. We will have updated figures once the new version of the bill is analyzed.)

TITLE I: HELP FOR PEOPLE AGED 62 TO 65

62–65 year olds without health insurance may buy into Medicare by paying monthly premiums and repaying any extra costs to Medicare through deferred premiums between ages 65 to 85.

Starting July, 2002, the full range of Medicare benefits (Part A & B and Medicare+Choice plans) may be brought by an individual between 62–65 who has earned enough quarters of coverage to be eligible for Medicare at age 65 and who has no health insurance under a public plan or a group plan. (The individual does not need to have exhausted any employer COBRA eligibility).

A person may continue to buy-into Medicare even if they subsequently become eligible for an employer group health plan or public plan. Individuals move into regular Medicare at age 65.

Financing: Enrollees must pay premiums. Premiums are divided into two parts:

(1) Base Premiums of about $326 a month payable during months of enrollment between 62 and 65, which will be adjusted for inflation and will vary a little by differences in the cost of health care in various geographic regions, and

(2) Deferred Premiums which will be payable between age 65–85, and which are estimated to be about $4 per month in 2005 for someone that participated for the full three years. The Deferred Premium will be paid like the current Part B premium, i.e., out of one's Social Security check.

Note, the Base Premium will be adjusted from year to year to reflect changing costs (and individuals will be told that number each year before they choose to enroll), but the 20 year Deferred Premium will not change from the dollar figure that the beneficiary is told when they first enroll between 62–65—they will be able to count on a specific dollar deferred payment figure.

The Base Premium equals the premium that would be necessary to cover all costs if all 62–65 year olds enrolled in the program.

The Deferred Premium repays Medicare for the fact that not all will enroll, but that many sicker than average people are likely to voluntarily enroll. The Deferred Premiums ensure that the program is eventually full financed over roughly 20 years.

TITLE II: HELP FOR 55- TO 62-YEAR-OLDS WHO LOSE THEIR JOBS

55–62 year olds who are eligible for unemployment insurance (and their uninsured spouses) may buy into Medicare through a premium.

The full range of Medicare benefits may be bought by an individual between 55–62 who: (1) has earned enough quarters of coverage to be eligible for Medicare at age 65; (2) is eligible for unemployment insurance; (3) before lay-off had a year-plus of employment-based health insurance; and (4) because of the unemployment no longer has such coverage or eligibility for COBRA coverage.

A worker's spouse who meets the above conditions (except for UI eligibility) and is younger than 62 may also buy-in (even if younger than 55).

The worker and spouse must terminate buy-in if they become eligible for other types of insurance, but if the conditions listed above reoccur, they are eligible to buy-in again. At age 62 they must terminate and can covert to the Title I program. Non-payment of premiums is also cause for termination.

There is a single monthly premium roughly equal to $460 that will be adjusted for inflation. It must be paid during the time of buy-in; there is no Deferred Premium. This premium is set to recover base costs plus some of the cost created by the likely enrollment of sicker than average people.

TITLE III: HELP FOR WORKERS 55+ WHOSE RETIREE BENEFITS ARE TERMINATED

Workers age 55+ whose retirement health insurance is terminated by their employer may buy into their employer's health insurance for active workers at 125% of the group rate (this is an extension of COBRA health continuation coverage—not a Medicare program).

This Title is an expansion of the COBRA health continuation benefits program. If a worker and dependents have relied on a company retiree health benefit plan, and that protection is terminated or substantially slashed during his or her retirement, but the company continues a health plan for its active workers, then the retiree may buy-into the company's group health plan at 125% of cost. They can remain in that plan, paying 125% of the premium, until they are eligible for Medicare at age 65.

TITLE IV: TAX CREDITS

Creates a new, federal tax credit equal to 50% of the amount paid by an individual for any of the three new programs described above. Thus the actual cost of participation will be half of the dollar amounts described above. This tax credit assures much greater participation levels because it dramatically lowers the monthly premiums.

HONORING MODESTO CHRISTIAN SCHOOL'S BOYS BASKETBALL TEAM

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. CONDIT. Mr. Speaker, I rise to recognize Modesto Christian High School boys basketball team. On March 17, Modesto Christian High School played against Mater Dei of Santa Ana for the CIF Division I State Basketball Championship.

Though the Crusaders were narrowly defeated, 57–54 their efforts under the leadership of Coach Gary Porter cannot go unnoticed. This team has inspired people throughout my district. The Crusaders posted an impressive 34–4 record in its first season of Division I—the highest level of high school basketball in California. Coach Porter has developed an outstanding program that has set an example throughout the state and nation. His encouraging his players to be their best is a staple at Modesto Christian High School.

The championship game was senior Chuck Hayes' final game for the Crusaders where he had a game high 18 points and 20 rebounds. Hayes has been called the greatest high school player to come from this area. According to the Modesto Bee, "Hayes' ability to take this game to another level against the best the state had to offer is what separated him from the rest." Hayes is not only an example on the court but off as well. His reputation is impeccable.

Mr. Speaker, sometimes winning in life is more important than the points a team scores in a particular game. The Crusaders have proven that teamwork, dedication and integrity are key components to success not only in basketball, but also in life. It is an honor for me to recognize the winners at Modesto Christian for an outstanding season. These young men represent the Central Valley's best to the state.

I ask my colleagues to rise and join me in honoring the Modesto Christian Crusaders: Jon Crenshaw; Chuck Hayes; Miles Scott; Brian Donham; James Noel; Richard Midgley; Marc Pratt; Jeff Porter; Josh Bouck; Kevin Bonner; Beau Brummell; Bobby Cole, Jr.; Marshall Meyers; William Patterson; and Davis Paris.

IN HONOR OF JUSTICE ALICE ROBIE RESNICK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Alice Robie Resnick, Justice of the Supreme Court of Ohio, who is being honored by the Cuyahoga County Democratic Party at their annual dinner this year.

Justice Resnick is a graduate of Siena Heights College, and the University of Detroit Law School. Serving as Assistant Prosecutor for Lucas County, she tried more than one hundred serious felony cases including ten death penalty cases. In 1982, she became the first woman elected to the Sixth District Court of Appeals. Justice Resnick became the second woman in history to be elected to the Ohio Supreme Court in 1988.

Justice Resnick has a long history of devotion to public service. She helped to form Toledo Crime Stoppers, Inc. and continues to serve on their Board of Trustees. As Chairperson of Safety on the Streets, she has spoken extensively on crime prevention. In 1991, she prompted the Ohio Bar Association and the Ohio Supreme Court to form the Joint Task Force on Gender Fairness, which she co-chaired. Justice Resnick wrote two Supreme Court opinions, continuing her work to improve the lives and welfare of women in Ohio: State v. Koss, regarding battered women syndrome, and Kerans v. Porter Paint Co., which dealt with sexual harassment issues.

In addition to recognition from The Cuyahoga County Democratic Party, Justice Resnick received the Outstanding Judicial Service Award from the Ohio Academy of Trial Lawyers and the Judicial Excellence Award from the Mahoning Valley Women's Political Caucus in 2000. She was also named 1990 Woman of the Year of the Columbus Branch of the American Association of University Women.

Justice Resnick is married to Judge Melvin Resnick of the Sixth District Court of Appeals. She has three step children and six grandchildren.

My fellow colleagues, please join me today in recognizing the many accomplishments of Justice Alice Robie Resnick, a woman dedicated to public service.

IN HONOR OF FRANKLIN G. SMITH, THE FIRST SUPERINTENDENT OF THE CHAMIZAL NATIONAL MEMORIAL

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. REYES. Mr. Speaker, I rise today to recognize a great American. Mr. Franklin G. Smith passed away Wednesday, March 14, 2001 in El Paso, Texas. He has been a resident of El Paso since 1971. Mr. Smith was born in Pueblo, Colorado. He attended Pueblo Junior College, obtained his Bachelor's Degree from the University of Arizona, and performed graduate work at the University of Arizona. He served with honor in the United States Army from 1944–1946. I would like to express my heartfelt sorrow to his lovely wife, Mary Pauline Smith of El Paso, and his daughter Alison Diane Olson and grand daughter Amber Marie Olson.

Mr. Smith was a 42-year veteran of the National Park Service and was the first superintendent of the Chamizal National Memorial in my district. He had a distinguished career which began in 1948 as a Seasonal Park Archeologist at Mesa Verde. From there he worked as a Seasonal Park Naturalist for four summers at the Grand Canyon; Tumacacori National Monument, Arizona; and Carlsbad Caverns National Park in New Mexico. He then served as an Assistant to the Chief of Archeology here in Washington and as a Regional Museum Curator in the Southwest Regional Office in Santa Fe, New Mexico. Mr. Smith also served as the Superintendent of Fort Davis National Historic Site in Ft. Davis, Texas and, finally, as the Superintendent of Chamizal National Memorial until 1990. He was awarded the Department of Interior Distinguished Service Award for 40 years of service.

Mr. Smith was a great lover of history, music, and museums and was responsible for the development of the nationally recognized Border Folk Festival and the Siglo del Oro Spanish Drama Festival that takes place at the Chamizal National Memorial every year.

Mr. Smith was a Fellow of the Company of Military Historians, corresponding member of the Hispanic Society of America, member of the American Association of Museums and a member of the El Paso County Historical Society (where he received a distinguished service award). He was a respected military historian and loved nothing better than to perform military music for others.

Mr. Smith possessed a true love of nature, culture and history and devoted the majority of his life to the preservation, protection and interpretation of our national heritage. He was a symbol of the mission of the National Park Service and influenced, guided, educated and inspired countless numbers of students to become National Park Service rangers.

His true love was his beautiful wife, Mary Pauline whom he met while working at the Grand Canyon in Arizona. I want to again express my sincere sympathy for her loss. We will truly miss the first Superintendent of the Chamizal National Memorial, Mr. Franklin G. Smith.

CONGRATULATIONS TO THE UNIVERSITY OF MARYLAND TERRAPINS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. HOYER. Mr. Speaker, Calvin Coolidge once said that, "Nothing in the world can take the place of persistence. Talent will not . . . genius will not . . . education will not. . . . Persistence and determination alone are omnipotent."

Mr. Speaker, the country finds itself on the edge of its seat, waiting with baited breath, as March Madness unfolds. The Final Four is just around the corner, and for the first time in history, the Mighty Maryland Terrapins will be there to show what persistence they've possessed, and what talent they exude.

Words can not possibly describe the poise and teamwork that the Terps exhibit. Their performance is to be applauded; their spirit imitated. What a deep sense of pride they have instilled in all of us for their hard work.

Under the tremendous coaching of Gary Williams, the Terps performance during this tournament has not only exceeded expectations, but has set a new standard for excellence. We can only hope that Terrence Morris mystifies, Steve Blake bolts, Juan Dixon dominates, Lonnie Baxter bounds, and Byron Mouton maneuvers the way they have so far. This will be the fourth meeting between the Terrapins and the Duke University Blue Devils. Each game has been an instant classic, and this contest shall truly be a game for the history books.

I stand before you today, an alumnus of Maryland, with the support of the entire State of Maryland, in praising the mighty Terrapins team, Coach Gary Williams and Athletic Director Debbie Yow. I encourage all in the Washington metropolitan area to join in saluting the Maryland Terps and wishing them success this weekend in Minneapolis.

Nuthin' but Net, Mr. Speaker . . . FEAR THE TURTLE!!!

A TRIBUTE TO HOWARD P. BERKOWITZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Howard P. Berkowitz, a man of extraordinary ability, boundless generosity, and profound commitment to service.

Howard has enjoyed a long and successful career in the field of finance, where his business acumen and managerial skill are widely respected. But it is through his tireless efforts to promote education, improve health care, support the arts, and encourage tolerance that Howard's character is most clearly revealed.

On April 5th, Howard will be honored by the Anti-Defamation League, an organization he has served as National Chair and in a variety of other important capacities. It is fitting that he should be so recognized, because Howard embodies the core values of ADL.

He believes passionately in advancing justice and equality, combating bigotry and anti-Semitism, and helping all men and women treat each other with respect and dignity. Indeed, Howard's truly international reputation has enhanced ADL's global statute and helped bring anti-bias education to every corner of the globe.

At the same time, Howard has devoted considerable time and energy to a range of other worthwhile causes. He founded the Gar Reichman Laboratory at Memorial Sloan-Kettering, while also serving on the Boards of the Stedman-Hawkins Sports Medicine Foundation, the Cancer Research Institute, and the President's Council of Memorial Sloan-Kettering. In each of these roles and others, Howard commands the trust and admiration of all with whom he works.

It is an honor to represent Howard Berkowitz and his family in the Congress. I am pleased to join the chorus of tributes for such a good friend and great human being.

IN HONOR OF THE CLEVELAND FILM SOCIETY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cleveland Film Society. Now celebrating its 25th anniversary, the Cleveland Film Society has enriched and educated our community for generations.

Every year, the Cleveland Film Society sponsors the Cleveland International Film Festival, which has become one of the premiere cinematic events in the country. Sponsoring over eighty feature films each year, the festival has become an important cultural event for the city of Cleveland. Always consciously working to create a more diverse social climate, the festival has served as a venue for people of all races, sexual orientations, and ethnicities to come together and express themselves. The Cleveland International Film Festival has served not just as a catalyst for tolerance, but also for understanding by providing people with an environment conducive to the intellectual analysis of film and important social issues.

Throughout its 25 years, the Cleveland Film Society has always provided the community with important educational opportunities. Two years ago, they began offering classes to the people of the surrounding neighborhood. Bringing innovative filmmakers to teach the classes, the community has been provided with an amazing educational resource. The society offers many classes from art appreciation to animated design.

Another important service of the Cleveland Film Society is the Cleveland Filmmakers Program. Offering consultation and advocacy services, the program has become an asset to area filmmakers. The program now has more than 300 members who attend meetings, workshops, and seminars.

After 25 years of valuable community service, the Cleveland Film Society has continually proven to be a valuable resource to our community. Providing our neighborhood with wonderful educational opportunities and chances to have dialogues with filmmakers, the society has become an important asset to the Cleveland area. My fellow colleagues, please join me in honoring the Cleveland Film Society.

THE EMERGENCY ECONOMIC REVITALIZATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. COLLINS. Mr. Speaker, today I rise to introduce The Emergency Economic Revitalization Act. The time for Congress to provide taxpayers and our nation's stumbling economy with an infusion by refunding tax revenues is now. In the past, Congress has regularly provided emergency funds for a variety of needs for specific groups suffering economic loss. Following that precedent, it is time that we provide emergency relief for those who bear the brunt of the current ailing economy. They are the same group, who because of this emergency assistance, will have the greatest ability to provide an economic rebound—the taxpayers.

My legislation will provide every single taxpayer, who had a liability in tax year 1999, with a rebate of 5 percent. These refunds will be made this year, making sure that we give individuals and families their own tax funds back as soon as possible. This is the kind of injection into the economy that will make a real difference today.

Waiting until the current economic emergency reaches crisis proportions will be too late. Tax proposals that phase relief in over 2, 5, or 10 years provide nothing for today's economic slowdown. Additionally, legislation that promises a few extra dollars for individuals who do not have a tax liability to begin with, is simply not enough.

As we know, the President has taken the lead in recognizing the fact that returning tax overpayments to taxpayers is the best and most effective way to provide the economy with a shot in the arm. However, when the President established the $1.62 trillion tax cut threshold during his Presidential campaign, our national economy was much stronger. Today, we are at the beginning of an economic emergency. While the tax bills currently moving through Congress provide limited tax relief in the future, these measures are simply not enough to make a real economic difference now. My legislation will provide relief this year and will not breach the $1.6 trillion threshold the President has established for fiscal year 2002 and beyond. My proposals are intended to supplement the initiatives supported by the President and the Congress.

Enacting meaningful tax reductions, that affect all taxpayers across the board, is the only real way we have of stopping the economic down turn. Now is the time for Congress to respond accordingly. I urge my colleagues to join me in this effort and hope we can enact this legislation in the very near future.

BIPARTISAN WORKING GROUP ON YOUTH VIOLENCE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Ms. DUNN. Mr. Speaker, parents continue to see tragic examples that reinforce the need for immediate action to stop the violence in our nation's schools. During the 106th Congress, twenty-four Members—twelve Democrats and twelve Republicans—worked together as part of the Bipartisan Working Group on Youth Violence. As Co-Chair of the Working Group, I was involved in identifying causes and advancing through consensus solutions to fight the rise of youth violence. During our weekly meetings we reviewed studies and listened to testimony from expert witnesses from academia, law enforcement, the judicial system, and advocacy groups.

Today I am re-introducing a school safety measure that emerged as a recommendation during our Working Group discussions. Specifically, my proposal will give schools the flexibility to use their federal education dollars to hire School Resource Officers. The School Resource Officer program sends specially trained police officers into public schools to identify at-risk youth and serve as positive role models to students. One adult can make a difference in the life of a child, students can trust and count on these officers.

Just last week at Granite Hills High School in Southern California, the nation was shocked by another school shooting. The youth offender was ultimately stopped by the campus School Resource Officer. The school principal called the officer his personal hero and said that if he weren't there, a lot of people would have died.

School Resource Officers clearly play a critical role in keeping schools safe. Nevertheless, local school officials currently face red tape when it comes to spending federal money for School Resource Officers. Under the federal Safe and Drug Free Schools and Communities Act, schools can only spend twenty cents of each federal dollar for School Resource Officers. My initiative would lift this cap and allow schools to spend any portion of its federal funds on School Resource Officers.

Early this year, I joined King County Sheriff Dave Reichert in announcing that Dimmit Middle School in Renton, Washington will receive a School Resource Officer in response to a student firing a gun in the school cafeteria. Our nation's schools should be safe places. We must expel fear from our classrooms and do everything we can to keep our children out of danger. School Resource Officers are an important part of any school safety plan, and every effort must be made on the federal level to give schools greater flexibility to hire these officers as a violence prevention measure.

IN HONOR OF FELIX HUJARSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Flex E. Hujarski, a respected member of the Cleveland community.

Flelix E. Hujarski will be remembered for his kind heart, his devotion to his family and friends and his dedication to Polonia. Dedicated husband and father, he is survived by his wife, Wanda, daughter, Irene Mastropieri and son, Lawrence. He is the beloved grandfather of nine and great grandfather of six. Wherever Felix went, he left behind his positive spirit, charm and humor. He was a positive life force, always sharing his love and thinking of the needs of others before his own needs. He was a most unique individual, with an obvious commitment to his family, his many friends and to his community.

I ask my colleagues to join me in celebrating the life of this remarkable man. He was a man of great passion, a dedicated servant to his community, and a loving husband, father, and grandfather. He will be missed by all.

TRIBUTE TO SHERIFF'S DEPUTY BUDDY PARRISH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that an outstanding career in law enforcement has come to an end. Buddy Parrish, a Wellington, Missouri, resident, recently retired after 29 years of service as a sheriff's deputy.

Mr. Parrish has diligently served the people of Lafayette County, for nearly three decades. His dedication to public service and to the citizens of the county is to be commended. A truly distinguished enforcement officer, Buddy was recently honored with a ceremony at the Lafayette County Courthouse. Over 80 people, including several respected civic leaders, paid tribute to Buddy's long and admirable career.

Mr. Speaker, Buddy had an exceptional career in law enforcement. I wish him all the best in the days ahead. I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

A TRIBUTE TO PHILLIP BURG FOR 2 MILLION MILES OF SAFE DRIVING

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. LEWIS of California. Mr. Speaker, I rise today to celebrate the achievements of Phillip Burg, a resident of Apple Valley, California, located in the heart of the 40th district. Phillip, a truck driver with Roadway Express for over twenty years, recently drove his two millionth mile. To put this in perspective, the average car driver would have to travel around the world eighty times to equal this milestone. And Philip has driven that distance without a preventable accident.

Driving two million miles is an achievement in and of itself. Not having a single accident during that trek is extraordinary. A driver can travel 999,999 miles without an accident, then break a mirror on the way back to the terminal, and the count starts again at zero. Few in the trucking industry have the longevity and dedication to reach this milestone.

Sixty-one years old, Phillip has seen it all: America's giant cities and small towns, open plains and towering mountains, farms that seem to go on forever and city skylines lit up against the stars. He's driven in every kind of weather imaginable in order to get the job done. These days, Phillip hauls everyday goods to Fresno, California and back five times a week, an average of 2,400 miles a week.

The men and women of our nation's trucking industry bring us the goods we use in our everyday lives. Be it toys for children, cups for the dinner table, or frames for pictures of loved ones, America's truckers bring it to you. "If you use it, we hauled it" is a motto of truckers, and it couldn't be more true. Simply stated, Phillip and his colleagues keep America running.

I applaud Phillip's dedication to his profession and his commitment to safety. I know I join his colleagues, his wife Melody, and his three children in congratulating him for his record of success.

IN HONOR OF THE 180TH ANNIVERSARY OF GREEK INDEPENDENCE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the nation of Greece on its triumphant 180th anniversary of winning independence. Throughout its glorious history, Greece has proven to be an inspiration to the United States.

The birthplace and cradle of democracy, Greece's long history of promoting the ideals of justice and freedom now serves as a stand against which we measure all other nations. The legacy of antiquity is still felt throughout the streets of Athens today. It was the ancient Greeks who first realized that the right of self-governance was an essential foundation of any civilized society. Although such principles seem elementary today, their ideas were revolutionary in their own time. We cannot discount the influence that ancient Greece has had on our nation.

In the founding of our nation, Greece served as a model by which the framers of the constitution structured our government. The political and philosophical influence of Greece can be felt throughout the institutions of our government. After helping to author our Constitution, Thomas Jefferson referred to Greece as "the light which led ourselves out of Gothic darkness," That same light, still shining from the distant memories of ancient Greece, guides our nation today.

Every year, the people of Greece come together to celebrate Greek Independence Day. Much like our own Fourth of July, Greek independence Day is a time for people to put aside difference and celebrate the vision which they share. It is a time to honor all people who join in the struggle for freedom. This year, it is important for all Americans to remember the history of independence and to remember where the roots of our nation originate.

My fellow colleagues, please join me in honoring the nation of Greece, on the 180th anniversary of their independence.

IN HONOR OF HEATHER MEURER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of Heather Courtney Meurer, a young woman who recently and suddenly passed away at the age of 32. Heather was the daughter of my good friend, and a dedicated public servant, Fred Meurer, and her loss was felt immediately.

Born in Seoul, Korea, Heather was raised in Salinas, California, and graduated from Salinas High School in 1987. Since her high school graduation, Heather had been working at St. Agnes Medical Center while pursuing her education. She had completed an accounting degree at Fresno State University, and was earning a master's degree in speech therapy at the time of her unfortunate death.

Heather's death, a young 32, is especially tragic because she had so much ahead of her, including exciting new opportunities through her upcoming speech therapy degree. She will be missed by her mother, Judi Albright Meurer and father Fred Meurer, both of Salinas, CA.; two sisters, Ashley Lafayette of Marina, CA., and Marie Barfuss of Utah; three brothers, David Meurer of Salinas, CA., and Steven and John Farnsworth of Utah; and her Korean birth mother, Monica Tedrowe. I sympathize with the Meurer family and their loss, and I can only hope that the love and support of their friends and community are helping them through this difficult time.

INTERNET APPRECIATION DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Ms. PELOSI. Mr. Speaker, I rise to report that the Intenet economy is alive and well.

In the past year, a perceived lack of public confidence has hampered an industry, which has limitless potential. Despite the negativity reported in the media, let it be known that 350 million Internet users worldwide truly enjoy this incredible medium. And that while the media has reported that almost 300 dotcoms have closed their doors since January 2000, more than 7,500 Internet-related companies have been funded by venture capital alone in the past 5 years. The Internet economy itself has created some 3 million jobs worldwide. In light of premature pessimism, industry leaders are calling on the 350 million Internet users worldwide to remember why they embraced the Internet in the first place by participating in "Internet Appreciation Day", on April 3d, with the launch of the 'Back the Net' campaign.

On April 3d, Internet users are being asked to show their support by donating to an online charity, purchasing something online or investing in their favorite online business. ICONOLAST, the San Francisco based company spearheading this effort is asking Internet users to alert at least 10 friends or their customer lists by sending a 'Back the Net' letter at www.iconocast.com/crusade.

The Internet has become a vital tool in our information society. It has grown exponentially through the 1990's and into the 21st century. This growth has fueled the economic prosperity of the last decade while giving businesses, consumers and more importantly the American family access to an unprecedented amount of information. More Americans are going online to conduct such day-to-day activities as education, business transactions, personal correspondence, research and information-gathering, and job searches. Each year, being digitally connected becomes ever more critical to economic and educational advancement as well as community participation. The family friendly Internet has brought happiness to America's families by increasing and enhancing communication across the country and across generations.

For these reasons friends of the Internet declare April 3d, 2001 "Internet Appreciation Day" to once again help restore public confidence in and respect for the Internet.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. PORTMAN. Mr. Speaker, because I attended the Conference of the Speakers of the G–8 Parliaments with House Speaker DENNIS HASTERT in Rome, Italy, I missed the following Rollcall votes on March 22, 2001; Rollcall vote No. 56, on the Motion to Adjourn. Had I been present, I would have voted "nay." On Rollcall No. 57, passage of H. Res. 93, I would have voted "yea." On Rollcall No. 58, passage of H.R. 1099, I would have voted "yea." on Rollcall No. 59, passage of H.R. 802, I would have voted "yea." On Rollcall No. 60, the Traficant amendment to H.R. 247, I would have voted "aye." On Rollcall No. 61, passage of H.R. 247, I would have voted "aye."

CLEAN SMOKESTACKS ACT OF 2001

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. WAXMAN. Mr. Speaker, today I am again joining with Representative BOEHLERT in introducing the Clean Smokestacks Act of 2001. This important legislation will finally cleanup the nation's dirty, antiquated powerplants.

When I originally introduced the Clean Smokestacks Act with Representative BOEHLERT in the last Congress, we had a modest beginning. I think we had a total of 15 cosponsors and little attention. But by the end of last year, the bill's supporters had grown to over 120 House Members.

This year, the Senate is joining in our effort. Senators JEFFORDS and LIEBERMAN have introduced a companion bill in the Senate, entitled the Clean Power Act. I am hopeful that together we can get the job done.

Electricity generation is our nation's single largest source of air pollution and greenhouse gas emissions. Nationally, power plants are responsible for about 40 percent of carbon dioxide emissions, 64 percent of sulfur dioxide emissions, 26 percent of nitrogen oxides emissions and 33 percent of mercury emissions.

These four pollutants are the major cause of some of the most serious environmental problems the nation faces, including acid rain, smog, respiratory illness, mercury contamination, and global warming. If we are going to improve air quality and reduce global warming, we must curb the emissions from these powerplants.

President Bush was right when he promised during the campaign to support legislation that would reduce all four powerplant pollutants. The Clean Smokestacks Act and the Clean Power Act embody this sensible approach. In fact, prior to the president's surprising reversal last week, I had hoped we could win the

President's support for our bipartisan approach.

Our job has become more difficult given the President's unfortunate decision to oppose curbing carbon dioxide emissions. But I believe that we have reached the point of no turning back on a four pollutant approach for powerplant emissions.

When the original Clean Air Act was enacted in 1970, the electric utility industry argued that stringent controls shouldn't be imposed on the oldest, dirtiest plants since they would soon be replaced by new state-of-the-art facilities. Although Congress acceded to these arguments and shielded old powerplants from the law's requirements, many of these facilities—which were already old in 1970—are still in use. In some cases, powerplants from 1922 are still in operation and have never had to meet the environmental requirements that a new facility would.

As a result, a single plant in the Midwest can emit as much pollution as the entire state of Massachusetts.

Opponents of our effort say that it will cost too much to address carbon dioxide emissions. But there have been at least four other studies published in the last six months by the Department of Energy and others that conclude that the costs of a multi-pollutant strategy will be quite reasonable.

In conclusion, let me commend Representative BOEHLERT and Senators JEFFORDS, LIEBERMAN, COLLINS, and SCHUMER. I am pleased to be part of this bipartisan, bicameral approach to strengthening the Clean Air Act and protecting our environment.

THE RETIREMENT OF FORREST S. McCARTNEY

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. WELDON of Florida. Mr. Speaker, at this time I would like to say a few words thanking Forrest McCartney for his service to the nation. I have the privilege of representing Florida's Space Coast, and Forrest has been a tremendous part of our community for many years. But, more importantly, his contributions to our nation's space program are remarkable.

Forrest retired on March 2 from his position as Lockheed Martin's chief of launch operations at Cape Canaveral Air Force Station and Vandenberg Air Force Base, a fitting end to an illustrious career.

Forrest McCartney was born in the town of Fort Payne, Alabama. He left rural Alabama to earn degrees in electrical engineering from Auburn and nuclear engineering from the USAF Institute of Technology.

Over the decades, Forrest served his nation in many ways. He retired from the Air Force as a Lt. General, and moved on to serve as the Director of NASA's Kennedy Space Center from 1986 through 1991. In 1994, he became a vice president for Lockheed Martin Astronautics in charge of space launch operations.

His military decorations and awards include the Distinguished Service Medal, Legion of Merit and one oak leaf cluster, Meritorious Service Medal and Air Force Commendation Medal with three oak leaf clusters. He is the recipient of the General Thomas D. White Space Trophy and the Military Astronautical Trophy.

McCartney is a member of the board of trustees for the Florida Institute of Technology and was awarded an honorary doctorate degree from that institution. He also received NASA's Distinguished Service Medal and is one of five recipients of the National Space Club's Goddard Memorial Trophy presented in March 1989. In 1991 he received the AIAA von Braun Award for Excellence in Space Program Management and NASA's Presidential Rank Award. In 1992 he received the Debus award from the Space Club in Florida, and in 1993 he was the sole recipient of the Goddard Trophy.

I think it's safe to assume that his wife and two daughters are very proud of their father. The State of Florida and the entire nation owes Forrest McCartney a debt of gratitude for his service.

Forrest, on behalf of all of my colleagues in the U.S. Congress, we wish you well in your retirement.

TRIBUTE TO ATTORNEY FRED L. LANDER III

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to note with great sadness the passing of Attorney Fred L. Lander III, one of the great community leaders and Noted Civil Rights Attorneys of Dallas, Texas.

Attorney Lander, III was born on April 19, 1927 in Charlotte, North Carolina. He served in the U.S. Army during the time of the Korean Conflict. He received his Juris Doctorate Degree in 1952 from Howard University School of Law in Washington, D.C.

His job pursuits were numerous, including classroom teacher, independent Real Estate and Insurance operator. He held an administrative position with the Port of New York Authority and Hearing Officer with the New York State Department of Labor. He also served 30 years with the Federal Government at the Internal Revenue Service, the Federal Power Commission, the National Archives and Records Service and the Department of Justice's Law Enforcement Assistance Administration.

He served with the Equal Employment Opportunity Commission until his retirement on April 16, 1987. In the interim, he served as Crime Analysis and Executive Director of the Pilot District Police Community Relations Project for the District of Columbia. He was appointed an Administrative Law Judge for the Civil Service Commission in Dallas, Texas.

Attorney Lander, III was a Life Member of the National Bar Association, the J.L. Turner Legal Association, the Dallas County Bar Association, the Federal Bar Association, the Texas Trial Lawyers Association, the American Bar Association, and the National Association of Blacks in Criminal Justice.

In community service, his memberships included the Dallas Urban League (Life Member and former Board Member); the National Association for the Advancement of Colored People (Life Member and former member of the Board of the Dallas Branch); OMEGA PSI PHI Fraternity, Inc. (Life Member); Paul Drayton Lodge No. 9 of the Free and Accepted Masons; Dallas Black Chamber of Commerce; Howard University Alumni Association; Progressive Voters League of Dallas; Regular Fellows Club (Past President); and Glen Oaks Homeowners Association (Legal Advisor).

He served on the Board of Directors of the Community Council of Greater Dallas, the North Texas Legal Services Foundation, the Dallas Office of the Opportunities Industrialization Center, the Park South YMCA, the Pylon

Attorney Lander, III was a Charter Advisor and participant of the C.A.W. Clark Legal Clinic. He was a 50-year member of the Omega Psi Phi Fraternity, Inc. and received the Man of the Year Award in 1977. He also received the President's Award for Outstanding Service in 1983 and the C.B. Bunkley Legal Service Award in 1989 from the J.L. Turner Legal Association; the Dallas Urban League Board Service Award in 1993 and the Whitney Young Award in 1995; and other awards, certifications, commendations and recognitions too numerous to mention.

He was certified to practice law before all Courts in the State of Texas, before the United States District Courts for the Northern and Eastern Districts of Texas, before the United States Court of Appeals for the Fifth Circuit, and before the United States Supreme Court.

Attorney Fred L. Lander, III was a wonderful husband to his wife and a loving parent. He was the proud father of an U.S. Navy retiree and a Municipal Court Judge in Dallas, Texas. He also had three Godchildren, two Texas adopted grandchildren and his pet.

Mr. Speaker, Attorney Ladner, III inspired his children, his peers, the Black community and all who knew him.

With his passing, I have lost a dear friend, many members of our community have lost a mentor, and the citizens of Dallas have lost a great Civil Rights Lawyer and community leader. He was truly an inspiration and will be missed. God bless his family. We commend him to you, dear Lord, in your eternal care. Amen.

A SPECIAL TRIBUTE TO CHIEF MASTER SERGEANT MARK W. CHARLTON, AIR NATIONAL GUARD, FOR HIS DEDICATED SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding Non-Commissioned Officer in the Ohio Air National Guard. Chief Master Sergeant Mark W. Charlton is retiring after a distinguished career of over 34 years in the United States armed forces, most recently with the 200th RED HORSE Squadron as the Vehicle Maintenance Superintendent and Logistics Manager.

Chief Charlton began his service to his country as an active duty Air Force Generator/Barrier Maintenance NCO. His first duty assignment took him to 6314th Civil Engineering Squadron, Osan Air Base, Korea, where he performed maintenance and repair of generator and aircraft arresting barrier systems.

After leaving active duty to become a member of the Ohio Air National Guard, 200th RED HORSE Squadron, Chief Charlton served as the full-time Aircraft Arresting Systems Barrier Team Chief for over 17 years, requiring him to spend numerous weeks away from his home, family and unit. His barrier team supported numerous deployments worldwide insuring safety of flight, life and equipment in performance of fighter aircraft operations.

Chief Charlton was instrumental in the success of the world-wide RED HORSE realignment and conversion process for both active duty and Air Reserve component forces enabling the vehicle sustainment, reallocation and acquisition process to drive change and successful support of the new RED HORSE Concept of Operations. During his assignment as Non-Commissioned Officer-In-Charge of Vehicle Maintenance, Chief Charlton consistently insured a unit vehicle-in-commission rate of 94% enabling the unit to respond to any type of military crisis world-wide, anytime, anywhere, within hours of notification.

Chief Charlton's dedication and service have earned him the highest regard for his character, professionalism and dedication as a Citizen-Airman. His exceptional knowledge of RED HORSE is universally known throughout the active duty and Air Reserve forces military community. No award is more appropriate, nor more fulfilling for him, than the knowledge that his efforts helped give America a clearer understanding of the important work of America's men and women in uniform.

Mr. Speaker, I ask each of my colleagues to join me in extending Chief Master Sergeant Mark W. Charlton our very best wishes as he begins this exciting new chapter in his life. Mark Charlton has earned, many times over, the title of Citizen-Airman and Patriot. May he fully enjoy the blessings of the very freedom he has so ably defended as a Non-Commissioned Officer in the Air National Guard.

A TRIBUTE TO AMERICA'S SOCIAL WORKERS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to America's social workers. March is National Social Work Month and I think it is fitting that we take time to thank these outstanding citizens for their honorable work.

Since I was first elected to the House over four years ago, I have employed at least one social worker as a member of my district staff. I had worked with social workers before during my tenure as North Carolina's Superintendent of public schools, and I was impressed with their versatility and the positive impact of their work on people's lives. Together the social workers on my staff and I have assisted veterans and seniors, and helped new immigrants pursue the American Dream in our great country.

About a month ago, I held a meeting with my youth advisory committee to talk about youth and school violence. We had a great meeting and we talked candidly about the issues that the young people of my district face on a daily basis. At one point during the meeting, we broke into small groups, which were led by faculty, administrators, and school social workers. I was particularly drawn to one of the small groups led by Kelly Lister, a school social worker from Zebulon. She did a marvelous job of interacting with the students and offered some practical and poignant thoughts for her group to consider.

Unfortunately, there are not enough school social workers in our schools. For example, in Johnston County, North Carolina, there is only one school social worker for all 29 schools in the system. We need more school social workers, like Kelly to work with our students, to help them grow and mature. In many instances they are a link between home, school, and community. They help students increase academic performance, deal with crisis situations, learn how to resolve conflicts without resorting to violence, practice important problem-solving and decision-making skills, and most importantly remain in school and graduate. School social workers are a critical component in a child's education and we owe them a debt of gratitude for their hard work and service.

Social workers effect our lives in so many ways. Their work touches all of us as individuals and as whole communities. They are educated, highly trained, and committed professionals. They work in family service and community mental health agencies, schools, hospitals, nursing homes, and many other private and public agencies. They listen. They care. And most importantly, they help those in need.

Mr. Speaker, social workers are an integral, irreplaceable part of our society. I urge all of my colleagues to take the time to honor all the social workers in their districts for all of their contributions and accomplishments during the remainder of National Social Work Month.

CELEBRATING THE WILLOWRIDGE HIGH SCHOOL BOYS BASKETBALL TEAM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. DELAY. Mr. Speaker, I rise today to call special attention to the achievements of the Willowridge High School Boys Basketball team of Sugar Land, Texas. This year, the Willowridge Eagles won their second consecutive 5A State championship on March 9th, 2001.

Undefeated in 39 games last season, the Willowridge Eagles extended their winning streak to 62 games over two years. Led by a veteran group of seniors, the Eagles also defeated three nationally ranked schools when they traveled north to win the "Slam Dunk to the Beach" Tournament in Lewes, Delaware. Willowridge was recognized as the Number Two team in the country in USA Today's Super 25 boys basketball rankings.

On their journey to the championship, Coach Ronnie Courtney and the Eagles have proven that they are one of the best high school basketball teams in the country. Their commitment to teamwork on-and-off the court has brought them both the state championship and national accolade. I congratulate the Willowridge Eagles. They have not only won the championship, but also the appreciation of their fans in Sugar Land, Texas, and across America.

APRIL CITIZEN OF THE MONTH—KARAN "BOBBY" KUMAR

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mrs. MCCARTHY of New York. Mr. Speaker, I have named Karan "Bobby" Kumar, Chairman of the Board at Nassau Health Care Corporation, as Citizen of the Month in the Fourth Congressional District for April 2001.

Bobby is a prominent leader in both the Indian Community on Long Island and in his health care profession. As a nurse, I know how important the Nassau Health Care Corporation is to our district

Kumar is a charismatic and hard working individual who has grown from a simple beginning into a respected individual in the society. The Nassau Health Care Corporation employs over 4,200 employees and is comprised of a 631-bed medical center, five health centers and is one of the largest nursing homes in the country with 889 beds.

An entrepreneur who has worked his way up from a bus boy to a successful businessman, Kumar now owns many successful businesses including a publishing company, and a construction and environmental company. Kumar Enterprises, a manufacturing company specializing in paint, is his most recent startup.

His leadership role in the Indian community is extensive. In the past, he has published the Indian, Pakistani, Bangladeshi, and American Yellow Pages. He is the chairman of the International Punjabi Welfare Council, and has received awards from the American Federation of Muslims of Indian Origin, the Indian Association of Long Island, the Indian Professional Engineers Association of USA, and the News India Times.

Yet his community involvement reaches outside the Indian community. He has been honored by various organizations including the Battered Women's Association, Nassau Association for the Help of Retarded Children, and the Convenience Stores Association. He was recognized by Newsday as the January 2000 Long Island Man of the Century.

Kumar and his wife, Roisin Meegan, have five children. I congratulate Bobby and his family on this achievement.

PRAISING THE HUMAN RIGHTS PROGRAM AT TRINITY COLLEGE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to commend the work of the human rights program at Trinity College in Hatford, Connecticut for its dedication to increasing awareness of human rights injustices around the world and the active role it has taken in the campaign against such abuses. Because of the tireless efforts of Maryam Elahi, the Director of the program, Trinity College boasts a human rights program that is believed to be the only undergraduate interdisciplinary human rights program in the United States, challenging its students to become active participants in the fight against human rights violations around the world. This Friday will mark yet another instance of Trinity's dedication.

On March 30, 2001, the Human Rights Program will be hosting a ceremony calling attention to the plight of three teachers being held as political prisoners in Myanmar, the country formerly known as Burma, Ms. Ma Thida Htway, Mr. U Ye Tint, and Ms. Ma Khin Khin Leh. Their story has caught the attention of many world leaders including Her Majesty, Queen Rania al-Abdulla of Jordan. I am honored to have Queen Rania as a guest of the First Congressional District and as the keynote speaker of Friday's ceremony.

The three teachers were arrested in July 1999 with a dozen other activists in connection to a march that had been planned commemorating the assassination of independence hero General Aung Sand and supporting the National League for Democracy (NLD). Ms. Ma Thida Htway, an elementary school teacher, was arrested for attempting to organize the 1999 uprising and creating a human rights movement. Mr. U Ye Tint, a private tutor, was helping students of the uprising produce pamphlets. Ms. Ma Khin Khin Leh, a nonpolitical, was arrested together with her three-year-old daughter, after the Military Intelligence was unable to locate her political activist husband. After five days her daughter was released; however, Ma Khin Khin Leh sits in an unspecified prison for a life sentence. The two others were also sentenced to lengthy prison terms in a trial that fell short of the international standards for fair trials. All have been brutalized and tortured because of their political beliefs. This cannot continue.

The plight of these three teachers is just one of many human rights abuses which occur everyday. I have joined my distinguished colleagues and co-chairs of the Congressional Human Rights Caucus, Mr. Lantos and Mr. Wolf, and many of my other colleagues, in a letter to Lieutenant General Khin Nyunt, Secretary of the State Peace and Development Council of the Union of Myanmar, calling on him to review their cases and release them immediately and unconditionally. It is my hope that our efforts will generate a victory in the battle for the three teachers; and ultimately, have a positive impact on the war against human rights abuses.

Here in the United States, we take for granted the inalienable rights afforded to us by the Constitution and the Bill of Rights. The freedoms of speech, expression, and assembly are all rights exercised by American citizens everyday. We often forgot these rights, which our forefathers fought so vigorously to ensure, are not freedoms enjoyed by all citizens of our world. I praise Trinity College for recognizing the significance of this international epidemic and urge my colleagues to join in the international campaign to combat these horrific violations of human rights.

SU CLINICA FAMILIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. ORTIZ. Mr. Speaker, I rise today to honor Su Clinica Familia (Spanish for "your family clinic"), a comprehensive primary health care service center in the Rio Grande Valley, on their 30th anniversary of operation in South Texas, and I ask my colleagues to join me in the observation of this important milestone.

Su Clinica's work over the years has provided the only medical care available to so many migrant workers and low-income families in the Valley over the past three decades. On the anniversary of their 30th year in service to South Texas, we are breaking ground on April 6th to celebrate the new dimension of their work: academia.

Su Clinica is now a major principal partner with the Regional Academic Health Center (RAHC), and they will be the primary training ground for RAHC. This will be a new direction for them in which they will recruit, train, and retain doctors and health care professionals, all in the Rio Grande Valley.

Su Clinica burst onto the South Texas community health scene in 1971 to improve the health for families in Cameron and Willacy Counties in South Texas. Su Clinica was the dream of a group of generous patrons, the Archdiocese of Brownsville and other charity groups, all who wanted to see health care available to migrant and seasonal farm workers.

I have particular, personal appreciation for Su Clinica Familia. As a former migrant worker, I have a unique perspective of what it is like to be unable to afford health care. I have vivid memories from my childhood about the health of my family. We had no health insurance, and thankfully we were relatively healthy.

But when one of us was sick, my father would gather us up, no matter what the time of day, to pray for whoever was sick. That was our health insurance. I still advocate that people pray for their loved ones when they are sick, but no one should be without basic health care today.

Su Clinica's unique health care services increase the self-worth of the people treated there. That self-worth is evident in the faces of the people who walk out of the clinic. The resulting longevity of their lives makes for happier families and healthier South Texans.

I have long had a working relationship with this leader in health care in the Rio Grande Valley. There is an enormous population in South Texas that have no access to health care, and Su Clinica has gone a long way toward decreasing that overall number.

From seeking the causes of anencephaly along the border in the early 1990s, to working together today to stem the epidemic of rampant, drug resistant tuberculosis along the border, our relationship has been strong and productive. The new direction in becoming the primary training ground for young doctors and health professionals is a natural outgrowth of Su Clinica's three decades of work for our community.

I ask my colleagues to join me today in congratulating Su Clinica Familia for their longevity and success in bringing health care to low-income South Texans, at a time and in a place where the quality of health care has international repercussions.

A BILL TO PERMANENTLY EXTEND THE WORK OPPORTUNITY AND WELFARE-TO-WORK TAX CREDITS AND IMPROVE THE PROGRAMS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. HOUGHTON. Mr. Speaker, Today I am joined by my colleague from New York, Mr. RANGEL, in introducing our bill, "The Work Opportunity Improvement Act of 2001." The bill would permanently extend the Work Opportunity Tax Credit (WOTC) and the Welfare-to-Work Credit (W-t-W) and make one other change discussed below. Both programs are currently due to expire on December 31, 2001.

As we reintroduce the bill to permanently extend the programs, I want to note how please I was to receive a report dated March 13, 2001 from the General Accounting Office which concluded that there is little evidence, if any, that employers are "churning" employees to take advantage of multiple credits. This report puts aside the churning charge that has surfaced in the past, and reflects favorably on the integrity of the programs.

Because there have been a number of improvements in the programs over the past few years, they are being well received in providing employment, with training, for our disadvantaged. During the past five years, WOTC and W-t-W have been an integral part in helping over a million and a half low-skilled individuals dependent on public assistance, enter into the work force. That does not mean there can't be further improvements to the programs. We will continue to review the programs for improvements that will benefit all the parties involved.

Such training can be costly and the credits provide an incentive to employers to hire the disadvantaged and provide the needed training while offsetting costs associated with the latter effort. Of course, many believe the programs would be even more successful if they could be extended indefinitely. We hear from both employers and state job services, which administer the programs, that the continued uncertainty surrounding short-term extensions impedes expanded participation and improvements in program administration. If the programs were made permanent, employers, both large and small, would be induced to expand their recruitment efforts and encourage the states to improve the administration of the programs. Such a change would benefit everyone.

The other provision in the bill would expand the food stamp category by increasing the age limit from 24 to 50 years of age. The current ceiling of 24 limits the availability of individuals in this targeted category. There are many individuals, over the age of 24, who could be gainfully employed if the age limit was expanded. Currently, the programs do an excellent job of helping women on welfare enter into the workforce. Over 80% of the hires in the programs are women. However, men from welfare households face a greater barrier to hire because they are no longer eligible for welfare once they turn 18. However, they can qualify if they are a member of a household receiving food stamps. But again, the age limit on the food stamp category is 24. We believe increasing that age limit to 50 will provide employers an incentive to hire such individuals and provide them with a sense of personal responsibility and self-esteem in assuming their responsibility as parents and members of society.

We use our colleagues to join us in cosponsoring this important legislation to extend and improve the two programs.

IN HONOR OF WOMEN'S HISTORY MONTH—RECOGNIZING NEW MEXICO WOMEN

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mrs. WILSON. Mr. Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

I received twenty-eight worthy nominations describing sacrifices and contributions these women have made for our community. The people who nominated the women described the dedication they have witnessed: volunteer hours for veteran services, Sunday School Teachers, service on non-profit boards, homeless programs, fund raising for scholarships for at risk youth, healthcare providers going above the call of duty, child advocates, volunteers at churches and synagogues, successful business women, wives, mothers and friends.

Allow me to share examples of the nominations.

Lydia Ashanin—A community volunteer since the age of 10. She has actively mentored many young women through Big Brothers/Big Sisters and other youth programs. Lydia is a committed volunteer for Leadership New Mexico, fostering future leaders in our state. Her volunteer efforts have touched economic development, women's programs and DWI activism.

JoAnn Carnahan—A hospice volunteer nominated by Elizabeth Carlin, a hospice patient. JoAnn takes Elizabeth for chemotherapy and stays with her for the 3–4 hours it takes for the treatments. JoAnn volunteers for a disabled man, doing his grocery shopping and laundry each week. At Christmas she helps with the gift bags for hospice patients.

Connie Martinez—A community liaison in the San Jose neighborhood of Albuquerque, she works hard on issues important to her neighbors and friends. Although she has experienced many personal losses in her life, she remains committed to making a positive difference. Connie is an advocate on environmental issues such as Superfund and Brownfields sites in the community, and social and economic concerns that affect the residents of San Jose. Connie is also an active volunteer at her parish.

Carolyn Monroe—A successful business woman who shares her skills on several boards concerned with the economic well-being and growth in our community. She understands the need and benefit of helping individuals and organizations succeed in the business community. Additionally she gives her time and financial support to many non-profit organizations.

Gloria Septien—One of only four women in the United States who owns a radio station, and one of only two Hispanic women who own a radio station. She has performed innumerable acts of kindness including food and toy drives for needy families and giving generously to charitable organizations, including the United Way.

Tamara Ward—A juvenile justice social worker who "walks the talk." Tamara has developed programs to help youth begin their rehabilitation and make a successful transition once they are out of the institution. She helps teens in the institution tell their stories through "Tales from the Inside", sharing why no one should follow in their footsteps. Tamara recruits positive role models to mentor the youth, providing a foundation to make positive changes in their lives.

These five excerpts from the nominations serve as examples of the women making history today and impacting the future in new Mexico. Please join me in honoring all of the worthy nominations: Julia Y. Seligman, Thema Honey, Aileen O'Bryan, Margarte Davidson (Posthumously), Maureen Sanders, Judie Framan, Gwen Poe, Fran Bradshaw, Cathy Davis, Anne Townsend, Penny Howard, Carolyn Chan, Melisse-Barlow, Betty King, Marie Torrens, Paulina Slopek, Cathleen Tomlinson, Jan Johnson, Clorinda Romero, Virginia Eubanks, Vickie Terry, Marily Schaer and Sue Stearns.

WILDKITS SWIM AWAY WITH STATE CHAMPIONSHIP

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I wish to congratulate the Evanston Township High School swim team for winning this year's Illinois State championship. After more than 40 long years, the State swimming championship title is back in Evanston. And after the many hours of hard work in the pool and countless laps, this team's dedication to winning was finally rewarded.

Led by Coach of the Year Kevin Auger, this year's outstanding and superbly talented Evanston Township High School swim team dominated the competition, broke state records, and swam away with the top prize. That was a proud moment for ETHS swimmers, coaches, faculty, and especially the parents of those remarkable student athletes. It was a very proud moment for all the residents of the city of Evanston and all Wildkit fans and alumni.

I urge all members to read the following article from the Evanston Review on ETHS' great achievement, and to take a minute and read the names of the championship swim team members listed below.

ETHS Team Members: Glen Anderson, Jamaal Applewhite, Peter Bloom, Nate Crocker, Brian Doyle, Justin Froelich, Taylor Hales, Alex Johnson, Alex Maass, Sean McCaffrey, Stuart Olsen, Terry Silkaitis, Stephen Skalinder, Will Vogel, Blake Wallace, Seth Weidman, and Brian Weiland.

ETHS Coaches: Kevin Auger, Jim Blickenstaff, Chuck Fargo, Joey Hailpern, and Aaron Melnick.

[From the Evanston Review, Mar. 1, 2001]

KITS SNAG FIRST STATE SWIM TITLE IN OVER 40 YEARS

(By Dennis Mahoney)

Evanston freshman Alex Johnson brought his family's favorite lawn ornament—a two-foot high plastic penguin—to the Illinois High School Association state swimming and diving finals Saturday at New Trier High School.

"It's always brought my family good luck, so I thought I'd bring it along," Johnson said.

But good luck isn't necessary at the state swim finals. The cream always rises to the top.

Led by the terrific trio of Terry Silkaitis, Sean McCaffrey and Blake Wallace, Evanston's swim team ascended to the top of the heap as the Wildkits captured their first state crown since 1960 Saturday.

Coach Kevin Auger's team left no doubt about the outcome with a sizzling performance during Friday's preliminary competition, then breezed to a team total of 139 points and easily outdistanced runner-up St. Charles East (110).

Silkaitis defended his individual championship in the 200-yard freestyle event, and also swam with the victorious 200 and 400 freestyle relay teams as part of a dominating performance by the Wildkits.

"Winning that last relay (in a school record 3:06.93) was just the icing on the cake for us," said Auger after his celebratory dip in the New Trier pool. "This just feels awesome. These guys worked so hard and it's just great to see this senior class accomplish this.

"For them to handle the pressure the way they did was just tremendous. Our big three swam virtually perfect Friday, and I told the guys we had to win yesterday to win it today."

"Even after the sectional I didn't think this was possible. It feels awesome, but it hasn't really sunk in yet," said Silkaitis. "It definitely was a nerve-wracking weekend. But I knew what I had to do—and I did it."

The splendid senior almost pulled off a pair of individuals wins. He put together impressive back-to-back swims in the 200—with a prelim time of 1:38.42 and a finals time of 1.38.36, both personal bests—and won the title by almost two seconds.

And he responded to a big challenge in the 100 butterfly, where Champaign Central stud Dan Trupin was the odds-on favorite—until Silkaitis broke the state record of 49.54 with a time of 48.96 in the prelims.

That threw a scare into Trupin, who responded by re-setting the record at 48.69 Saturday. Silkaitis settled for second best at 49.34.

"It was nice to win the 200 again, especially because this is my senior year," Silkaitis said. "Today was definitely harder than in the prelims. I'd have said no way coming into the meet that I could go a couple of 1:38s, but after yesterday I thought I could do it again. I felt good today.

"Was I disappointed in the fly? Not at all. If you're going to lose, lose to the best. I knew Trupin would be there and I just gave it everything I could."

Also producing points for the new state champs—with legendary coach Dobbie Burton, who led the Wildkits to five state titles in the 1950s, watching from the stands—were McCaffrey (fourth in the 200 freestyle, second in the 100 freestyle), Wallace (sixth in the 50 and sixth in the 100), Glenn Anderson (11th in the 100 backstroke) and the medley relay unit of Anderson, Justin Froelich, Taylor Hales and Seth Weidmann that finished 12th.

Both of Evanston's relay triumphs turned out to be the fastest times in the country this season. Silkaitis, Weidmann, Wallace and McCaffrey beat out rival New Trier with a winning time of 1:24.90 that was actually slower than their prelim effort (1:24.72).

The same foursome finished with a flourish in the 400. It marked the first time the Wildkits have won that event in their history.

McCaffrey's decision to participate in shorter races this season (he placed eighth last year in the 500 free) paid off. He wasn't happy with another fourth place finish in the 200 but came on strong after that. His splits were a 20.5 on the shorter relay and an incredible 45.5 on the 400.

"It was obvious to me the 500 was going to be harder with all those fast young kids coming up," said the Wildkit senior. "The 100 proved to be a better race for me.

"I trained hard and lifted a lot of weights this year to prepare for this. I knew this would be a fast race, but I didn't know it would be this fast (a state record 44.40 by winner Matt Grevers of Lake Forest). I knew first place was out of the question there. I was just trying to get some team points."

So was Wallace, a junior who established himself as one of the state's top sprinters.

"My individual swims weren't what I wanted, but the relays were awesome!" he said. "We were so pumped up for that 400 even though we already had the meet won. We wanted the state record (3:05.84), but we couldn't quite get it.

"Yesterday I felt a lot of pressure to make it into the top six (in the 50 and 100). I did what I had to do. I think coach Auger deserves so much credit. He had us swimming just as hard in practice as we did in the meets. And the taper was right on."

Good luck may have had something to do with Evanston's title after all. The school was fortunate to land Auger, who also coaches the girls team, via the Wildkit Swim Organization club.

He landed the full-time club position two years before taking the helm at the high school and worked with some of the current Kits as pre-teens.

"I'm thankful the WSO reached out to a remote place like Canada to sell me on coming to this place," Auger said. "They wanted to see the program get back to where it was when Dobbie was coaching.

"This was in the works when I first saw this group of kids. I'm a big believer in hard work getting you where you want to go, and my philosophy was we won't be out-worked. This year the whole team got behind that philosophy.

"I wouldn't have come here if I didn't believe the potential was here to win a state championship. All I did was convince them they were capable of doing it, and give them the work to back it up."

A TRIBUTE IN MEMORY OF RUDOLPH V. MARSHALL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Ms. LEE. Mr. Speaker, it is with a great sense of loss that I rise to pay tribute to Mr. Rudolph "Rudy" V. Marshall, the founder and chairman of the Bay Area Black Media Coalition, who recently passed away at the age of 64.

Rudy Marshall proudly served this country for 30 years. He enlisted in the United States Navy. He worked at the Veterans' Hospital and the Alameda Naval Supply.

Rudy demonstrated his leadership abilities in the community. He was often involved with service projects, which helped to build and to strengthen the neighborhoods. He developed a trust and a bond with the people.

One of Rudy's greatest achievement was his founding and chairing of the Bay Area Black Media Coalition in 1979. He was a tireless advocate of the racial diversification of newspaper and broadcast facilities. Rudy utilized all legal avenues to ensure the fair treatment of African Americans and other minorities by the media.

He conducted workshops and seminars for young people to have the opportunity to experience broadcasting and media work first hand. Rudy provided mentors from the communications industry in hopes of fostering an interest for a career in journalism.

Rudy Marshall was a pioneer in bringing to the people's attention the demand for fair and diverse representation in the media industry. He had a deep passion for justice, fairness, and professionalism.

He has touched us all. Rudy Marshall, beloved husband, father, grandfather, friend, and community leader will be deeply missed.

IN SUPPORT OF THE MEDICAL SAVINGS ACCOUNT AVAILABILITY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today in support of medical savings accounts. As we begin the 107th Congress, I am sad to report that over 43 million Americans are without health insurance. One solution to help alleviate this problem is medical savings accounts (MSAs). Figures recently released by the Internal Revenue Service confirm that MSAs are insuring the uninsured at an astounding rate. According to the IRS, since the program began in January of 1997, 32 percent of MSA purchasers were previously uninsured.

This success is in spite of restrictions placed on the pilot program, which was part of the bipartisan Kassebaum-Kennedy health care bill that President Clinton signed into law in 1996. As of now, you can only get an MSA if you work for a company with 50 or fewer employees or if you are self-employed. However, many thousands of uninsured people have been purchasing MSA policies because MSAs are making health insurance affordable for the first time. In addition, MSAs allow for choice of doctor and put healthcare decisions in the hands of the individual, not a managed care administrator.

Today, following in the bipartisan spirit under which MSAs were originally created, Chairman THOMAS and I have introduced the Medical Savings Account Availability Act, with strong bipartisan support. This bill would repeal the 750,000 cap on taxpayer participation and make MSAs permanent. The legislation also expands the eligibility of MSAs to all individuals with a qualified high deductible plan.

Repealing the 750,000 cap and making MSAs permanent are key to continuing the success of MSAs. Last year, Congress extended MSAs for 2 years. Nevertheless, many insurers are reluctant to invest the capital to market MSAs if they will expire soon. The Medical Savings Account Availability Act would make MSAs permanent. Insurers have also been hesitant to offer MSAs because the cap restrictions limit the size of the market in which MSAs could be offered. Therefore, repealing the cap would encourage the mass marketing of MSAs and increase Americans' awareness of the benefits of MSAs.

It has been 8 years since the first Medical Savings Account bill was introduced with bipartisan support. MSAs have a proven track record of insuring the uninsured, giving individuals choice and control over their health care, making health care affordable by reducing the cost of premiums, and encouraging Americans to save for long-term health care expenses. With 43 million Americans vulnerable and uninsured, it's time to make MSAs available to everyone. I look forward to working with Chairman THOMAS, members of both parties, and others who want all consumers to be able to reap the benefits of MSAs. I urge my colleagues to join us and support the Medical Savings Account Availability Act. The 43 million uninsured Americans will thank you.

CELEBRATING GREEK INDEPENDENCE DAY

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 2001

Mrs. LOWEY. Madam Speaker, I rise today to commemorate the 180th anniversary of

Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and he United States.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people to fight hard for their independence 180 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the U.S. and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

Greece has made many valuable contributions to the United States and to the lives of all Americans. Greek-Americans are a vital part of our cultural heritage, and I feel fortunate that my district in New York has benefited from the active participation of Greek-Americans in our community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contributions Greece and Greek-Americans have made to our country.

BANGLADESH NATIONAL DAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. CROWLEY. Mr. Speaker, I rise today in honor of the 30th Independence Day of the People's Republic of Bangladesh.

On this important occasion, we should all remember the people who sacrificed their lives and others who endured immense suffering to achieve political self-determination. Despite this, and since achieving independence, the people and government of Bangladesh have played an increasing role in global peacekeeping and democratic consolidation.

Bangladesh is roughly the size of the State of Wisconsin but has a population estimated at roughly 130 million. It is bounded by India from the north, east and west and by the Bay of Bengal and Myanmar from the south. Bangladesh has a rich historical and cultural past as a consequence of the influx of varied races and nationalities, including the Dravidian, Indo-Aryan, Mongol-Mughul, Arab, Persian, Turkic, Dutch, French and the English cultures.

The area that is now Bangladesh was under Muslim rule for five and a half centuries, followed by British rule for another two centuries. It was, most recently, a province of Pakistan for 26 years. The people of Bangladesh achieved their Independence through a difficult nine month long war of liberation in 1971.

Since Independence, the people of Bangladesh have overcome formidable challenges, including rapid population growth and food shortages. The country is consolidating democratic principles at home, is a partner in global peacekeeping efforts, has vast amount of undeveloped gas resources, and has become an exporter of development best practices abroad.

The U.S.-Bangladesh bilateral relationship is deepening through trade and investment partnerships and an ongoing high-level official dialogue. President Clinton made a historic visit to Bangladesh in March 2000 and Prime Minister Sheikh Hasina made a reciprocal visit in October of that year.

To build on these achievements, I have established a bipartisan Congressional Bangladesh Caucus and invite all of my colleagues to join me in this endeavor. The Caucus will examine issues relevant to our bilateral relationship with the Bangladeshi government, and issues affecting the Bangladeshi-American community in order to facilitate the formation of coherent foreign policy with regard to Bangladesh.

Mr. Speaker, I congratulate the people of Bangladesh on the milestone of their 30th Anniversary as an Independent nation.

RECOGNITION OF THE NATIONAL DAY OF BANGLADESH

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to salute and congratulate the nation of Bangladesh for thirty years of independence.

Founded in 1971 after gaining its independence from Pakistan, Bangladesh has evolved into a moderate Muslim democracy where the United States enjoys high prestige and respect. Bangladesh plays a moderating and welcome role in international fora like the G–77, the Nonaligned Movement and the Organization of the Islamic Conference.

Since independence, Bangladesh has struggled with an enormous population of 128 million crowded into a nation the size of Wisconsin. Subject to regular monsoons and flooding, Bangladesh has made significant social and economic progress in a number of areas. In particular Bangladesh has made major strides to meet the needs of its growing population and is now largely self-sufficient in rice production. Bangladesh is also a leader in microenterprise lending. The world famous Grameen Bank has provided small business loans to more than 2.4 million customers in 39,000 villages. The bank has a 98 percent loan recovery rate from its customers, 94 percent of whom are women. In a recent and promising development, 40–50 trillion cubic feet of natural gas have been discovered giving Bangladesh a long term source of energy and enough to become a natural gas exporter.

U.S.-Bangladesh relations have also grown in recent years. The United States is Bangladesh's number one trading partner. U.S. investment in Bangladesh has grown from $25 million to over $750 million in the last four years. But economic interests are not the only ties that bind the U.S. and Bangladesh.

Bangladesh has played a significant role in international peacekeeping activities. Several thousand Bangladeshi military personnel are deployed overseas on peacekeeping operations. Under U.N. auspices, Bangladeshi troops have served or are serving in Somalia, Rwanda, Mozambique, Kuwait, Bosnia, Haiti, and East Timor. Regionally, Bangladesh is a nation at peace with its neighbors and focused on regional integration through the South Asian Association for Regional Cooperation.

In addition, Bangladesh has demonstrated its commitment to environmental preservation by becoming the first country to participate in a debt for nature swap under the Tropical Forest Conservation Act of 1998. This program allowed Bangladesh to exchange a portion of its concessional debt to the United States in return for the preservation of more than 3 million acres of tropical forest home to the world's last genetically viable population of Bengal tigers.

Mr. Speaker, I urge all my colleagues to join me in commending the nation of Bangladesh for 30 years of independence.

TRIBUTE TO SENATOR GINETTE (GIGI) DENNIS

HON. HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to thank Colorado State Senator Gigi Dennis for her years of service to the State of Colorado and to wish her good luck in her new position. Senator Gigi has served in the Colorado State Senate since 1995, but is resigning at the end of the month to accept an appointment from President George W. Bush to become the Colorado Director of the Department of Agriculture's Office of Rural Development. "I'm proud of her," said her husband Dean Dennis. "I'm proud of her accomplishments." I know that Gigi's friends and neighbors in south-central Colorado, her colleagues in the Colorado legislature, and elected officials all across Colorado—including me—share Dean's sentiments. We are all proud of Gigi!

Senator Dennis has held numerous positions of real significance during her seven years in office, including Vice Chair of the Transportation Committee, a Member of the Legislative Council and Chairman of the Majority Caucus. Senator Dennis also served as the Rio Grande County Republican Secretary. Additionally, she served as a member of the State Accountability Commission on Education, and the Vice Chairman of the Education Committee (NCSL).

Senator Dennis summed up her feelings like this: "This resignation is not like walking away from my constituents, but creating a bigger circle of people I can impact through this office. In the end, it doesn't make any difference who gets the credit or who wins the fight . . . but whether Colorado citizens are better off for what we do. I'm extremely honored that President Bush has selected me for this position. This is another terrific opportunity to continue to help the State of Colorado, particularly the rural areas that I've represented over the years."

Mr. Speaker, I would like to take this opportunity to congratulate Senator Gigi Dennis on her new position and wish her good luck in the future. She will be missed in the state legislature.

Senator Dennis has served the State of Colorado well in the state Senate and I know she will continue that record of leadership in her new capacity with the Department of Agriculture.

TRIBUTE TO LA VINA MARS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2001

Mr. McINNIS. Mr. Speaker, I would like to wish a longtime Bayfield employee best wishes during her retirement. After serving as town clerk of Bayfield, Colorado for 29 years, La Vina Mars has decided to retire to spend a little more time with her family and her horses. As she does, I would like to take this opportunity to thank her for her service and wish her well.

La Vina became the town clerk in 1972, when the town population was 300. At that time, she served as the town clerk, the librarian and the ticket agent for the bus line that stopped in Bayfield. "She's been the glue that's held the town together for 29 years," said Ed Morlan, a long time member of the Town Board.

La Vina will miss talking with residents the most when her career is over. "I have some qualms about not coming to work. I will think about it because I have enjoyed it."

La Vina has spent much of her 29 years as one of only two or three town employees. When she started, La Vina worked as a volunteer for a month to learn the job's ropes. Now that she's leaving, town officials say it will be hard to replace her. Many credit her with helping Bayfield make it through a tough period in the mid 80's when the town nearly went broke.

Mr. Speaker, La Vina will truly be missed by the town of Bayfield and the people she worked with. It is appropriate that this body say thank you to La Vina for her hard work and dedication.

La Vina, your community, state and nation are proud of you and thankful for your years of service. We wish you all the best during your well-earned retirement.

HOUSE OF REPRESENTATIVES—*Wednesday, March 28, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, quiet our souls before Your throne of grace as we take up the responsibilities of this day. We acknowledge our dependence upon You. Give us this day the strength and wisdom to make decisions that would be pleasing to You.

Grant to the officers and Members of this body Your guidance and wisdom. May they find in You the spiritual resources for the pressures of their duties in this place. Make them conscious of Your will and purpose.

We pray today for our President, Vice President, and all Members of Congress as they work together to lead our country forward into a bright and blessed future.

Lord, thank You for every blessing upon our great country. We pray we might conduct ourselves in a manner worthy of all Your benefits.

This we pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. GOSS) come forward and lead the House in the Pledge of Allegiance.

Mr. GOSS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that one minutes will follow the proceedings later today.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up H. Res. 100 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 100

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. The period of debate on the subject of the concurrent resolution on the budget for fiscal year 2002 that occurred on March 27, 2001, pursuant to the order of the House of March 22, 2001, shall be considered to have been debate on House Concurrent Resolution 83, and the time for debate prescribed in section 305 of the Congressional Budget Act of 1974 shall be considered to have expired. A further period of general debate shall be confined to the concurrent resolution and shall not exceed 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After such further general debate, the concurrent resolution shall be considered for amendment under the five-minute rule. The amendment specified in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The current resolution, as amended, shall be considered as read. No further amendment shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in part B of the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST), my friend; pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on this matter.

Mr. Speaker, H. Res. 100 is a structured rule, as we have just heard the Clerk read. It is fairly typical for bringing forward the annual congressional budget resolution, for today is budget day in the House.

For a number of years, we have gotten into a very good habit of managing debate on the budget by asking that all amendments be drafted in the form of substitutes so that Members could consider the whole picture as we debate and weigh our spending priorities. This rule continues that tradition and wisely so in my view.

We have gone to great lengths with this rule to juggle the competing needs of having a full debate on a range of issues and perspectives without allowing the process to become so unwieldy that it bogs down in minutia.

In that regard, I think the rule is fair in making four, I repeat four substitute amendments, which means we are going to have good debate today. Those amendments reflect an array of points of view. I should note that three of those have Democratic sponsors.

Specifically, the rule provides for 40 minutes of additional general debate

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

equally divided and controlled by the chairman and the ranking minority member of the Committee on the Budget. The rule makes in order the concurrent resolution modified by the amendment printed in part A of the Committee on Rules report accompanying the resolution.

The rule further makes in order only those amendments printed in part B of the Committee on Rules report. Those four amendments may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, and shall not be subject to amendment.

The rule waives all points of order against the amendments except that, and this is important, if an amendment in the nature of a substitute is adopted, it is not in order to consider further substitutes.

The rule provides for a final period of general debate not to exceed 10 minutes, as the Clerk told us, equally divided and controlled by the chairman and ranking member of the Committee on the Budget to occur upon conclusion of the consideration of the concurrent resolution for amendment.

The rule permits the chairman of the Committee on the Budget to offer amendments in the House necessary to achieve mathematical consistency.

Finally, the rule provides that the concurrent resolution shall not be subject to a demand for division of the question of its adoption.

Mr. Speaker, this budget provides Congress with a unique opportunity. Here we are standing on top of a mountain of budget surplus thanks to the fiscal restraint of the majority party in the past several years. We gaze over endless possibilities rather than being stuck in the depths of a deficit canyon which we were in the early part of the 1990s.

Now, instead of jumping off of a mountaintop into some kind of spending free fall, it is time we firmly plant our feet and decide what we need to get accomplished for the people of the United States of America with our tax dollars.

That is what this budget is about. It is standing firm to ensure that our hard-fought surplus is preserved while providing Americans with necessary and appropriate government programs and security they deserve and count on from the Federal Government.

The surplus, combined with strong leadership from the new administration in the White House, will result from real relief for all taxpayers.

I commend the gentleman from Iowa (Chairman NUSSLE) and his committee for devising a budget that will reflect our commitment to fiscal discipline while also ensuring programs like Social Security and Medicare will be available for future generations, properly funded.

As we set forth to debate this budget, it is easy to get bogged down by the large abstract numbers; and I imagine we are going to hear lots of them today. There will be more zeros flying around this Chamber today than there were in the Second World War.

It is important to remember these numbers represent an opportunity to return money to hard-working individuals or, better yet, let them keep it and not have to send it on to Washington on April 15 or in quarterly payments.

I know my constituents in southwest Florida want real relief. They ask for it every time I see them. It is up to this body to reward their hard work, the work they do every day, to admit also that the government is taking more in taxes than it actually needs now. Over the next 10 years, this budget will provide the average American family with up to $1,600 in tax cuts. That is real relief.

The budget resolution goes further than immediate tax relief. It secures the future for all Americans. This security comes from the pairing of tax cuts with more funds for programs that every American cares about.

I certainly would not stand here and say that we have achieved getting rid of all government waste. I do not know anybody bold enough to make that statement, nor would it be an accurate statement.

Funds will be allocated, however, for important things, to improve education, to decrease the national debt, to modernize Social Security and Medicare. The increased money for these areas will enable all Americans to plan for the future with the assurance that past mistakes are, in fact, being corrected.

This budget illustrates the dedication of both the White House and the Republican leadership in Congress to fiscal discipline and to identifying, exposing, and excising unnecessary Federal spending. Americans do work hard to make and to save money, and they have a right to demand fiscal responsibility from the Federal Government.

But citizens of this country can rest assured that fiscal discipline will be practiced by following the blueprint this budget resolution outlines, as we will hear in debate today.

Not only will taxes be cut, but we will still stand committed to protecting from frivolous or wasteful spending our surplus which we are so proud of at this point. This is a fair rule. It is a standard rule. I think it is a good budget resolution that it underlies. I urge Members to support both.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume; and I thank the gentleman from Florida (Mr. GOSS), my good friend, for yielding me the 30 minutes.

Mr. Speaker, my Republican colleagues want to pretend they can give tax cuts to the very rich without hurting Social Security or Medicare, without hurting education or the environment. Mr. Speaker, if it sounds too good to be true, it probably is; and this budget is too good to be true.

They refused to admit that they cannot do it all. They do not want to admit that their $2 trillion tax cut comes from somewhere, and that somewhere is going to be heating programs for the working poor, prescription drugs, the national defense, family farms, and better schools for our children. Because, Mr. Speaker, there is no way one can afford these massive tax cuts and invest in education, provide prescription drug benefits, help people warm their homes in the winter; that is, not if one stands firm against raiding Social Security and Medicare.

The numbers just will not add up. But I think my Republican colleagues know that. They do not want to confess how much they will shortchange other important priorities to pay for these tax cuts. So instead of a real budget, Mr. Speaker, my Republican colleagues propose a "3-card monte" budget.

It puts off confronting harsh realities. It postpones the hard choices. It says our numbers might not add up; and when they do not, the Republican chairman of the Committee on the Budget will adjust them.

Mr. Speaker, the Committee on the Budget did not report a budget resolution. It reported a delegation of authority to the gentleman from Iowa (Mr. NUSSLE). There are tax cut numbers and total revenue numbers in this budget. But section 10 says ignore them.

Section 10 says the gentleman from Iowa (Mr. NUSSLE) will adjust the revenue figures to take account of any additional surpluses projected by CBO. He can increase the size of the permitted tax cuts. He can reduce the appropriate level of public debt, or he can do both.

Last year's budget also allowed the Committee on the Budget chairman to determine how much, if any, additional surplus to devote to tax cuts. Three weeks ago, the gentleman from Iowa (Mr. NUSSLE) used this authority to adjust last year's tax numbers to make room for this year's first tax bill.

□ 0915

It does not matter that there is a new President, a new Congress, a new set of priorities. Republicans say they do not need to see whether these new priorities fit with tax cuts of this size. The only priorities that count are those of the gentleman from Iowa (Mr. NUSSLE), and he can decide to devote all of the surplus that is needed to fit this year's bills.

Mr. Speaker, here we go again giving him the same unilateral authority for next year, but this time the Republicans do not stop at tax cuts. There are aggregate spending numbers in this budget. There is an energy number and an education number, and there is a defense number and an agriculture number. Section 6 says ignore all these numbers. Come July the gentleman from Iowa (Mr. NUSSLE) will look around and decide for the House what the spending numbers really are.

Mr. Speaker, I have to say, the chairmanship of the Committee on the Budget is looking better every day. The gentleman from Iowa (Mr. NUSSLE) can rewrite the numbers without a hearing and without a vote of any committee. Mr. Speaker, the gentleman can do it without any House action at all. Make no mistake about it, today we vote to grant the gentleman from Iowa (Mr. NUSSLE) extraordinary discretion to change the whole spending side of the budget.

And as if this broad spending authority is not enough, there are plenty of reserve funds to go around, too. There is a separate reserve fund for fiscal year 2001 defense, agriculture and other critical needs, a special fund for education, a fund for emergencies, one for Medicare, another for this, for that, and for the other thing, too.

Years ago Mr. DOMENICI, the chairman on the Senate side, faced a number of questions about a reserve fund in his budget. Frustrated, he tried to explain the notion once and for all with this phrase, "The money is in the resolution and the money is not in the resolution, and if you cannot see that, you must be blind."

Where I grew up, if you could not see through a ruse like that, you lost your wallet, your shirt, your reputation, not your eyesight. A reserve fund means that the numbers in the budget are not worth the paper they are printed on; Republicans can adjust them as they go along.

Mr. Speaker, this turns the budget process on its head. We will no longer use the budget to decide if we can afford one whole set of proposals viewed together. We will no longer enforce the totals we decide on in the budget. Instead, the Committee on the Budget chairman will determine, as each proposal comes up, if he likes it enough to adjust the budget levels to accommodate it. What a mockery.

My Republican colleagues on the Committee on Rules and the Committee on the Budget have said we need a biennial budget, but they cannot even write a budget that will last through July. If we cannot write a budget that will last for 2 months, how can we expect to do one for 2 years?

Mr. Speaker, we do not need these contingency funds and reserve funds and other extraordinary procedures to rewrite the budget as we go along. Republicans should step up to the plate. They should admit that a $2 trillion tax cut to benefit the rich is more important than anything else. They should admit that they are willing to endanger Medicare, cut heating programs, slash education, and decimate a new prescription drug benefit. But this budget lets them pretend for a while that all is well.

Mr. Speaker, the American people deserve better. I urge my colleagues to send this budget back and demand a real budget, an honest budget instead.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair reminds Members that they are not to make references to statements made by Members of the other body.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think I detected support for the rule in the opening statement of the gentleman from Texas (Mr. FROST), among several opportunities we will have to discuss several budgets today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time.

Following along on his comments, I think we will have to put the comments of the gentleman from Texas (Mr. FROST) in the undecided column based on the statements he has just provided us.

I want to express my appreciation to the gentleman from Iowa (Mr. NUSSLE), who has done a superb job here with this, and I also want to commend the newest member to the Committee on Rules, the gentleman from Washington (Mr. HASTINGS), who has also worked on this issue and done a phenomenal job.

Over the past 6 years, Republican Congresses have been very proud to have made history with budgets that have stopped reckless Washington spending, paid down the national debt, protected Social Security, and, of course, focused resources on our Nation's priorities. Once again, once again, Mr. Speaker, we are about to make history.

I have had the privilege of serving this body for over two decades now. Every single year that a budget has come forward during that time, and I suspect going back all of the way to 1974 when the Budget Empowerment Act was passed, there has been a three-letter acronym put on that budget: D-O-A. "Dead on arrival" has been placed on every budget, but late this afternoon we are going to pass the President's budget, and that is a great testimony to this administration and the fact that President Bush has provided such great leadership.

We know that Republicans have changed the culture of Washington so much that President Clinton was forced over the past several years, as we were pursuing all of these great accomplishments that we had, to stand right here in this Chamber behind where I am and say, the era of big government is over. But today President Bush is at the helm, and he is making a great deal of history.

The Republican budget pays down $2.3 trillion in national debt. The Republican budget provides tax relief for every American who pays taxes. The Republican budget makes education of our children a top priority. The Republican budget protects Social Security from the spending raids that went on for the three decades before we came to majority here in the Congress, and the Republican budget, of course, does what is our number one priority at the Federal level, and that is rebuild our Nation's military capability.

So to sum this up, Mr. Speaker, this Republican budget is a fair and balanced American budget that fully funds our shared priorities while reforming taxes and paying down the national debt. This is a very fair rule; and as the gentleman from Florida (Mr. GOSS) said, he suspects that underneath the statement of the gentleman from Texas (Mr. FROST), there was support of the rule.

Mr. Speaker, as was pointed out by the gentleman from Florida, we make in order three Democratic substitutes, one Republican substitute. We should have a rigorous and interesting debate today. But at the end of the day, I am very, very proud that we will pass the President's budget, which is the right thing to do.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have just been told that we are about to pass the President's budget today. That is simply not true. The President is not even planning to send his budget down to the Congress until a week from Monday, and yet the Congress is so hell-bent to pass a tax bill before the public understands the consequences of that tax bill that we are passing it before we even have the full budget sent down by the President. That to me is a disgraceful institutional advocation of responsibility.

Mr. Speaker, there are three reasons why we should vote against this "budget" and this resolution. First of all, this so-called budget resolution and the tax cuts contained in it are based upon flimsy, foggy guesses about what we are going to have in the Treasury 10 years from now. We do not have the faintest idea what we are going to have by way of surpluses 10 years from now. The numbers on which this budget is based have changed by 75 percent in 1 year. To commit to 10-year tax cut numbers on the basis of a guess about how much money is going to be in the

Treasury 10 years from now is patently ridiculous. Daffy Duck might pass that kind of budget; we should not.

Second, I would like to point out, as has been pointed out by the gentleman from Texas, that the tax cuts contemplated in this budget are so large that they leave no room on the table to deal with fixing Social Security long term, to deal with fixing Medicare long term, both of which are going to be in deficit in the long term. They leave no money left on the table to have a real attack on educational inadequacy or do a real alternative on prescription drugs, or to meet many of the other national priorities that our people have.

Mr. Speaker, worse, it risks repeating what happened in 1981, the last time this Congress rammed through a tax package before they had a budget. In 1981, we were told by President Reagan: "If you just pass my tax bill, we will have a balanced budget in 4 years." The green bars on this chart demonstrate what we were told we would have. Deficits would go down to zero in 4 years. Instead, the red bars demonstrate that we wound up with deficits tripling and quadrupling over that time, and interest rates went up by two full percent, and 4 million people lost their jobs. This resolution risks making the same mistake that we made in 1981, and I do not think that we ought to do it again.

This resolution makes a number of changes in the budget process that further detaches this Congress from economic reality, and I do not think that we ought to do that. It is a shell game, as the gentleman from Texas has indicated.

Mr. Speaker, thirdly and most importantly, this budget speaks to our values as much as it does to our accounting, and it tells a sad story. The fact is that this budget places supersize tax cuts for people over $200,000 ahead of our obligations, our prior obligations, to fix Medicare, fix Social Security or do anything significant on education.

My colleagues know there is a direct link between how well you do in the classroom and how well you do in the world economy afterwards, and yet this President, while talking as though education is his priority, instead cuts in half the increases we have had in the last 5 years to strengthen education. He puts the needs of taxpayers who make more than $200,000 a year ahead of the needs of all of the school children of this country.

Mr. Speaker, this budget resolution, because it refuses to cap tax cuts at $6,700, because it insists giving people who make over $200,000 a year much larger tax cuts than $6,700 a year, because it insists on doing that for the 2.3 million taxpayers who make more than $200,000 a year, it gets in the way of our being able to revolutionize education for the 47 million kids who need it.

Mr. Speaker, for the $280 billion that we could save by simply capping tax cuts at $6,700 for people who make over $200,000, we could do three things: We could, first of all, reduce the class size for every class in America down to 18. That is the size at which the research shows kids learn the best. Secondly, we could pay teachers enough so we could close the gap between what teachers get and other professionals. Thirdly, we could eliminate the construction backlog for every dilapidated school in America.

We ought to put those priorities ahead of the tax cut; above $6,700 for the wealthiest 1 percent of people in the country. The fact that we do not says something very sad about the values of this Chamber.

Mr. GOSS. Mr. Speaker, might I make an inquiry about the time remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) has 20½ minutes remaining. The gentleman from Texas (Mr. FROST) has 19.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and the underlying legislation. As a member of both the Committee on Rules and the Committee on the Budget, I would like to congratulate the gentleman from California (Mr. DREIER), the chairman on the Committee on Rules, on a very fair rule allowing for open debate.

Mr. Speaker, I also thank the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for a budget resolution that recognizes a need to rein in Federal spending while ensuring that our Nation's needs are met.

Mr. Speaker, I believe that we have crafted a resolution that will allow the Committee on Appropriations to responsibly allocate money to the subcommittees and to ensure that we maintain fiscal discipline throughout this whole process.

Mr. Speaker, today I would like to highlight one very important aspect of this resolution that affects many of us throughout the country. The Department of Energy's Environmental Management Program is at a critical juncture this year. I am pleased that the Committee on the Budget has highlighted the very real need for increased funding by including language that I authored, recognizing a need for approximately $6.65 billion for this program for fiscal year 2002.

□ 0930

This language is a strong signal to both the Committee on Appropriations and the administration of the importance of the nuclear cleanup funding for fiscal year 2002. I encourage OMB to take a note of Congress' support for this program as evidenced by the pending passage of the budget resolution today and to provide funding as suggested by the report language.

I am very concerned about recent reports that rather than increase the funding for this program the administration at least in appearance had proposed to cut this cleanup effort, but what we have seen in the past is a dramatic increase in cleanup success throughout the Nation as we focus more on cleanup and less on bureaucracy.

Mr. Speaker, I want to repeat that because at the sites throughout the country we indeed have focused more on cleanup rather than just adding more people to the whole process.

I am confident this trend can and must continue through continued funding for the PM program. A failure to fully fund this program will result in increased costs, delays and legal battles with States throughout the country that will further drain essential cleanup dollars away from the complex and simply delay progress. Many have highlighted the need for reform in the Department of Energy's management practices. I fully support this desire and pledge to work as chairman of the nuclear cleanup caucus to work with my colleagues and the administration to find ways to reform, continue to reform, the Department and ensure the program management's success.

However, I do not think that we can afford to not fund the cleanup program which has both contractual and legal funding requirements while these reforms that are badly needed take hold. We must recognize that our field offices are enacting reforms and contract discipline successfully on their own and that we must continue to fund their needs this year, and as reforms are identified and implemented the additional savings be focused on this cleanup work.

For example, at the Hanford Nuclear Reservation in my district, and also throughout the complex but particularly here, the Department has recently completed contracts with most of the major contractors that are new commercial-type contracts. These contracts put an impetus on the contractor to deliver on their projects or lose their fees. This is a big departure from what has happened in the past.

For example, one company in my district at Hanford agreed contractually to complete $2.5 billion worth of work for $2.2 billion through efficiencies and technology; and if they do not do that, they surrender their fee. I have to say this is a refreshing change to DOE contracting practice in the past and one that will greatly increase accountability throughout the complex.

Further, by incentivizing contractors to save money by giving them a small percentage of the savings that they attain, we are finding ways to increase cleanup and reduce the cost to the American taxpayer. This new contracting structure must continue and must be expanded. However, without adequate funding, these contracts will be altered; and the American taxpayer will lose out on the benefits that they are entitled to.

So, again, Mr. Speaker, I want to thank both of my chairmen, the gentleman from California (Mr. DREIER) and the gentleman from Iowa (Mr. NUSSLE), for their work on this legislation before us; and I ask all of my colleagues to support the rule and the budget resolution.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, back when he was running for President, Mr. Bush often said trust the people. But when it comes to the public health and the environment, fewer Americans trust this President's agenda and for good reason. He has called for oil drilling in the National Arctic Wildlife Refuge. He has broken his campaign promise to cut carbon dioxide emissions. He has even repealed new standards to get arsenic out of our drinking water.

In my State of Michigan, out of 3,000 wells, 450 have high levels of arsenic, which we know is a killer. It is used in pesticides. It is used in weed killers. It kills people and it causes serious health problems.

Now, the White House presents us with a budget that cuts or shortchanges every important environmental initiative. We heard a very good statement from the gentleman from Wisconsin talking about what this budget does to education, that it devastates the environment.

Let me give one example. Today, millions of American families depend on water treatment facilities so decrepit and so outdated that the water they process is not always safe to drink. That is why people are walking around this country with bottled water. In the State of Wisconsin in Milwaukee, 104 people died of cryptosporidium, a bacteria that got into their water supply. Naturally, EPA says it is going to cost $1 trillion over the next 2 decades to improve our sewer systems. That is about $23 billion a year more than is already being spent by State, local, and ratepayers, governments and ratepayers. So it is going to take $20 billion alone over the next 30 years to fix water and sewer systems in southeastern Michigan alone, where we have a huge problem.

Our State has a water problem. One would think Michigan, the Great Lake State with all the freshwater, 95 percent in the world, would be doing well but we have 11,000 inland lakes in our State. Every one of them is contaminated with mercury to the point if one is a pregnant woman she cannot eat the fish.

I have beaches in my district that are closed on a constant basis throughout the summer because of undertreated or not treated waste that comes down river and into Lake St. Clair and Lake Huron of the Great Lakes. We are not paying attention to our most vital of resources, our water resources.

In southeastern Michigan, 4.2 million men, women and children depend on those systems. But instead of investing in the treatment plants America needs, this budget, like it does in education, like it does for senior prescription drugs, squanders money on tax cuts for the super rich. It does not take care of those basic needs of education, of health care, and the public health and the environment on the issues that I have talked to.

This may not be this administration's priorities but I want the American people to know it is our priorities. Most families depend on facilities built in large part with Federal dollars. Good sewers and water systems may not make for good photo-ops but they are essential to protecting the environment and the public health.

It is one thing to say the people are trusted. It is another to have policies and agendas and a budget that is worthy of our trust.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, when I look at the Republican budget, it is absolutely clear to me who is taking care of the billionaires in this country. What I want to know is who is taking care of our children? The Republican budget puts children and their needs behind a $2 trillion tax cut that gives 45 percent of the benefit to the wealthiest 1 percent of Americans.

In fact, a third of our children are part of families that would receive zero benefit from the proposed tax cut. Let me say that again. One-third of the children in this Nation live in families that would benefit nothing from the proposed tax cut.

In recent months, we have all heard the Republicans talk about helping children. Now is the time to support those words with actions in this budget. They will not do it. They are not doing it.

The Democrats, however, invest in our children by providing tax cuts for the families that need them the most, by protecting Social Security and Medicare, by improving the schools for these children and, most importantly, by paying down the national debt for their future. By voting for the Democratic alternative, we will make good on a promise not to leave children behind, and we will then invest in our children. Hence, we will be investing in the future of this Nation.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. KIRK), a member of the Committee on the Budget.

Mr. KIRK. Mr. Speaker, as a new member of the Committee on the Budget, I rise in support of this resolution. We have a problem facing our country and that is the economic forecasting which is an inexact science and mistakes start at the program level. For example, when Congress added the recent national dialysis benefit to Medicare in 1972, forecasts used at the time predicted that the program enrollment would level out at 90,000 patients by 1995. Medicare actuaries now expect enrollment to exceed 400,000 by 2005 at a per-patient cost of $37,000.

Another example is the V–22 Osprey. DOD estimated in 1986 that the cost would be $32 million each, measured in 2000 dollars. That has now doubled to $83 million. DOD has kept total project cost overruns to only 40 percent above original estimates by reducing the number of aircraft from 913 to 458. Add the uncertainty of forecasting of general economic conditions such as program level errors and the very ability of budget forecasts, even one year out worsens the problem.

In January 1999, CBO predicted a $131 billion surplus for FY 2000; fully $100 billion below the $236 billion actually achieved. This year, CBO states that its estimated $281 billion surplus for fiscal year 2001 could either be $50 billion too high or too low. We need to reduce the swing in budget projections.

The Committee on the Budget must base its decisions on more accurate information. One important step in accuracy is to learn from the mistakes of the past. In the Committee on the Budget, we have bipartisan support for President Bush's testing under his education initiative, and that would have annual testing for students. We need to apply the same testing principle to the assumptions we use in budget forecasting.

Another source of error in the economic forecasts have been the omission of real world economic responses to the estimates that assess the changes in government spending or taxing policy. The chairman of the Committee on the Budget needs the ability to request supplemental estimates from CBO to accurately assess the impact of policy changes enacted during the fiscal year on estimated Federal revenues and expenditures.

These are decision tools needed by the chairman of the Committee on the Budget. In the recent hearing that we had on this rule, I proposed a change that would empower the chairman, in consultation with the ranking minority member, to get that data. I look forward to working with the gentleman from California (Mr. DREIER), the gentleman from Florida (Mr. GOSS), the gentleman from North Carolina (Mr. PRICE), and other members of the subcommittee, on legislative and budget process, to improve budget forecasting in the models that we use so that we make better decisions here in the Congress.

Mr. Speaker, I rise in strong support of this measure.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I want to say to my colleague, the gentleman from Illinois (Mr. KIRK), who serves on the Committee on the Budget with me, that I agree with him indeed that our projections are an imprecise science and I want to add to that scenario why this makes this a process we are not prepared to move with. Just think of Medicaid as one of the instances of an unpredictable number that indeed costs so much to our citizens but also costs to this government. We are not prepared because it is indeed an unpredictable number and we are not able to plan as we should.

As we plan a budget now, we should indeed have that budget to be a statement of our priorities. It should be a statement of who is important and what is important to us. It should be an opportunity of making choices.

I say our budget says some profound things to us. It says that our first priority is to make sure we give a big tax break and yet we do not say that. We say that our first priority is our children or education or defense and agriculture, but when we look at this budget we see that everything else is indeed determined by how much we give back in the tax cut. Then we begin to say what is left we will say in our priorities. So we made a choice. The choice was to give back to those indeed who had the most, and that means that this budget is not fair.

Furthermore, when we say we are committed to our farmers, in the Committee on the Budget, I offered an amendment that would allow this budget to be a statement based on soundness and fiscal reality. For the last 3 years, we have been funding our farmers $9 billion in emergency funds for the last 3 years. That is $27 billion, but this budget refused to take that reality into consideration, again making this document at its very inception mean it is worthless.

□ 0945

If we are going to make this budget a statement of facts and priorities and choice and soundness, we indeed need to rewrite it.

Mr. Speaker, I strongly oppose the resolution that is before us.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

The words of the administration and particularly President Bush during the campaign were: "leave no child behind." I rise today to say those words are, at best, very hollow in this budget that is being offered by the Republicans and allegedly by the administration.

For example, this budget gives no tax relief to families and less than 1 percent of this expands the earned income tax, while 45 percent of the tax cuts benefit those people who are in 1 percent of the income bracket. That leaves our children behind.

The Republican budget only provides 5.7 percent of an increase to educate the Nation's children, less than one-half the increase Congress has provided in the last 5 years. This means that we jeopardize class size reduction, school construction, teacher recruitment, title I and Pell grants, after-school programs and Head Start, where the Democratic budget provides $129 billion for that program.

Mr. Speaker, do my colleagues realize that children today go to bed hungry in America? Fifty-nine percent of all eligible families and just 47 percent of all eligible working families are able to participate in the food stamp program. The Democratic budget increases that by $381 million. It also increases the women and infant children program, but yet in the Republican budget we say that not only do we leave you behind; but we allow you to go to bed hungry and we allow you to get up hungry.

We know that working families need something very vital, Mr. Speaker, and that is child care. Whenever I go to my district, whether it is two-parent families or single-parent families or families that are children being raised by grandparents, they all need child care. Republicans cut child care by cutting out CDBG funds by $200 million. Democrats increase it by a $2.3 billion increase over 10 years.

Mr. Speaker, this budget is a faulty budget for our children. This budget should not pass. I ask my colleagues to support the alternatives that are put before us and provide for and promote our children of this Nation.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise with some concern about this particular rule for sort of a reason most people are not even familiar with, but it is the rainy-day fund or the budget reserve which was set up. I thought the chairman of the committee did a wonderful job of setting it up. The fact that we were going to have a strict way of handling emergency appropriations in this Congress which we have just never had before, it has always been a Christmas tree in the past. And unfortunately, as it wended its way to the floor here today, it has been watered down substantially in terms of leaving the definition up to the Committee on Appropriations and essentially they can spend it on whatever they want and then save the real emergencies for a separate appropriation.

I do not think that is right. Frankly, I think this is an issue that we have to address in this Congress. I have introduced legislation to do this. The gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, has supported that legislation. He has supported the concept of what we are doing, and I think it is something we should do. So for that reason I am vitally concerned about the rule here today, and I have some great difficulty in supporting it.

I will say about the budget itself, I think it does some good things in terms of tax reduction and education and other things; and I am sorry this point comes up, but the bottom line is that this is an area I think we need to address.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, some budgets are more important than others. Some years the budget is routine, even inconsequential. This budget this year is a watershed budget, much like the budget we did in 1993. It will determine the path we take for many years to come.

Let me say to the committee that the chairman of the committee, the gentleman from Iowa (Mr. NUSSLE) has endeavored to do a diligent, methodical job to cover the waterfront of the budget. We have done more work, the kind of work we should do, this year than we have in recent years, but the job is not done. That is not really to criticize him. The truth of the matter is, the facts are not in.

We do not have the budget backup data; it is still to come from the Office of Management and Budget. We do not know what the number for agriculture will be, a very big add in discretionary and mandatory spending. We do not know what the real number for defense is. Instead, what we have is a budget with placeholder numbers for these two large and critical accounts. As to defense, for example, that is more than half of discretionary spending. We asked for Mr. Rumsfeld to come over and testify. He declined. He is in the middle of his study for the transformation of the United States Armed Forces. So what did we do?

This resolution contains extraordinary authority for the chairman of the committee, acting unilaterally, by himself, to come over and plug in a number for defense once that number is determined at any time up until July 25. We suspect that that time will be after the tax cuts. So what we are doing is authorizing substantial tax cuts, huge tax cuts, historically high tax cuts in this particular resolution, without knowing what two of the largest spending categories are going to be.

There is an appearance that because of the surpluses we have we can have our cake and eat it too. We can have these huge tax cuts and not really have to cut essential programs elsewhere in the budget. But among other things, because we do not have this budget detail, there are implied budget cuts coming that will be revealed once the budget documents get here and hit the street after April 3.

Let me mention just one: the President has plussed-up NIH by $2.8 billion. So do we. It is important. However, the President's plus-up comes at the expense of other programs within the Department of Health and Human Services. It is not additional money; it is money that comes out of the hide of the rest of that department. There are other agencies like the CDC equally as important as NIH. We have not yet seen the documents, but we are told from documents that have been leaked or released that among other things, in order to pay for the NIH plus-up, we will cut, number one, the child care development block grant by as much as $200 million; number two, the account for abused and neglected children.

That is why this budget should not be considered today; it should be put off until we have the detail to make the right kind of judgment about the fundamental decisions we make today in this budget resolution which will affect us for some years to come.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, the rule before us today does to the budget resolution what we thought would happen in the Committee on the Budget. It takes this contingency reserve, this strategic reserve that the President had in his budget and, in effect, creates a slush fund for the majority to fund what they want.

As we see here, while they outline some things they want to fund, most of what they want to fund of the President's new spending, we do not know where it is. The President has asked for $260 billion in new spending and more to come later, and we do not know how we are going to fund it.

The problem with this budget is they cut it a little too close to the line. Because as we see here, they leave themselves no room for error to end up spending Medicare and Social Security funds to fund the President's tax cut and the President's spending priorities that he has.

This budget is too tight. The numbers do not work. What we are going to end up doing is spending Social Security and Medicare funds and shortening the life span of those two very important programs to all of our constituents.

Mr. Speaker, we should reject this rule, we should reject the budget, and we should go back and start over in writing a real budget for the American people.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to the Republican budget. Let me focus for a moment on the whole issue of small business. Small business had been funded at a level of $900 million. Under the Republican proposal, it will be reduced to $539 million. Let me tell my colleagues what they are going to get rid of. They are going to reduce funding in programs that previously had provided access for small businesses in our country that are going to require them to pay up-front fees to get into some of the programs. It is a claim that they are going to reduce redundant programs. The redundant programs that they are going to reduce are the new market venture capitalists and the new market initiatives that were proposed under the past administration, programs to go into areas that are disadvantaged and unfunded previously.

I say to the Republican administration and to the President, you claim to be a President for the business folk. The real business folk in our country are those who run small businesses. If you reduce those dollars, you kill small business.

Mr. GOSS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. PRYCE), a distinguished member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS), my colleague on the Committee on Rules, for yielding me this time. I rise in strong support of this balanced rule for the Republican budget resolution. The rule provides for a full and free debate of our Nation's budget priorities.

Mr. Speaker, the budget before us today is the hard-earned reward for years of fiscal discipline exercised by this Republican-controlled Congress. I am proud to say that this budget makes historic strides in paying down the Federal debt to its lowest level in more than 80 years, while investing in priority areas that will guarantee security for every generation of Americans.

What I am talking about is a better education for every child, the prescription-drug plan for every senior who needs it, and the return of the tax surplus to the American people. This plan also provides the funds necessary to rebuild our defense readiness and fulfills the commitment to our Nation's veterans.

This budget plan further promotes a sound economy by holding the rate of spending at the level of inflation, and by providing for critical reforms in Medicare and Social Security, by including a prudent emergency set-aside for natural disasters.

I would like to commend the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, and the gentleman from South Carolina (Mr. SPRATT), the ranking member, and all of the Members on the House Committee on the Budget for their hard-working commitment to produce a thoughtful bill that meets our most important priorities.

Mr. Speaker, the budget resolution that this fair rule will bring to the floor is a responsible budget; and it will keep us on the path of fiscal responsibility and economic prosperity. I support the rule, and I urge its support by the rest of this House.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are a number of things that this rule on the budget resolution could have done to prevent us from going into another decade of deficits comparable to what happened after the 1981 tax cut, but it does not allow any such protections to even be debated and voted on.

For example, it could have put in triggers that said that if the surplus estimates do not materialize, then we will not cut taxes as deeply as is envisioned in this budget resolution, but it kept those triggers out. What this budget resolution says is that if the surplus estimates go up, we can increase the tax cut; but if the surplus estimates go down, we cannot reduce the tax cut. That is a recipe for financial ruin, Mr. Speaker.

Mr. Speaker, since the tax cuts passed the House floor last month, the stock market has lost trillions of dollars of equity; corporations have come in with dramatically reduced earnings. None of that has been incorporated into the Congressional Budget Office estimates.

Those stock market losses are going to be deducted against next year's income taxes due, and yet we are acting today as though the rosy economic scenceric of the last eight years is going to continue indefinitely. If the CBO growth estimate is off by even eight-tenths of a percent, $4 trillion of this projected surplus vanishes.

□ 1000

The fact is that we have a very different economy, a worse economy, a slower economy than is estimated in the 16 year surplus estimates upon which this budget resolution is based.

All we are saying is, do not cut taxes if it means that our kids are going to have to pay off more debt, if our kids are going to have to provide for our Social Security and our Medicare because we have had to raid the trust funds in order to pay for a tax cut. That is fiscally irresponsible and it is selfish for the baby boom generation to reward ourselves and pass the bill onto our kids.

All we are saying is, cut taxes, but only cut taxes if we can afford to, only if our kids do not have to pay for those tax cuts.

This budget resolution does not do that. This budget resolution puts us right back into where we were in the 1980s, but this time the baby-boom generation is not around to pay off that debt, to put us back onto a road of fiscal responsibility. This time the baby-boom generation retires after this 10-year projection is over. In 2011, the baby boomers retire. They are going to want their Social Security and Medicare, and they will have the votes to make their children pay for those benefits. Our kids are going to have to come up with that money. This is so irresponsible to do to the next generation of Americans. The rule should be defeated.

Mr. GOSS. Mr. Speaker, recalling that the debate is on the rule itself, I am happy to yield 1½ minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida for yielding time to me.

Mr. Speaker, I just wanted to say that I support this rule because I support ultimately the budget.

I support the budget for a number of reasons. Number one, I think it is time that we in this Congress address the national debt. I have four children. I want the national debt gone. I am glad that this budget takes a very serious look at it.

I also believe that it is time to decrease the taxes on our citizens. When I was growing up in the 1970s, the tax burden on my parents and their generation, the income tax, was about 16 percent. Now, the generation before that in the 1950s had a 5 percent income tax burden. Today, that average tax burden is 24 percent. I think for middle-income Americans it is time to have tax relief. I am glad this budget takes a swing at that.

Then finally, Mr. Speaker, I support this budget because it has commonsense spending. It keeps the priorities of education, Medicare, Social Security, important social service programs which government should be funding, and yet at the same time it says, after we take care of those obligations, those priorities, after we take care of those normal, important functions and obligations of the government, after we pay down the debt, we are going to return and we are going to rebate to the American people the money which is theirs.

Somehow, somewhere along the way to Washington, many of us have forgotten this is not our money, it is the money of the hard-working taxpayers, and they deserve to keep as much of it as possible.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to respond to my colleague from Georgia to say that he will have an opportunity to vote to pay down the national debt, and he will have an opportunity to vote to ensure that we meet our obligations, but it will not be in the underlying resolution. It will be in the separate substitute that will be offered that will pay down more debt than the President proposed and more debt than the Republican budget resolution would pay down.

In addition, the gentleman is correct that we do need to meet our obligations first. Our obligations include not only paying down the national debt, but they also include meeting the obligations that we have made to the American people who have paid their FICA taxes for Social Security and Medicare.

Unlike the Republican budget and unlike the President's budget, the Democratic budget substitute does not spend any of those proceeds on other programs. The Republican budget and the President's budget, which are basically one and the same, would spend proceeds in the Medicare and Social Security Trust Funds, thereby shortening the life span of those programs for current and future beneficiaries. The gentleman will have that choice today to vote for the separate substitute.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is very clear what we have before us. We have basically a sham budget on the other side with the equivalent of the magic asterisk of 20 years ago giving the chairman of the Committee on the Budget the authority to change great portions of the budget.

Why can we not have a real budget? That is all that is asked on our side. Let us do this on the up and up. Unfortunately, the other side has not chosen to do that.

Mr. Speaker, I urge people to vote against the budget and for the Democratic substitute that is a real budget.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would certainly encourage people to vote for the rule, because that is actually what is before us. I am not sure where my friend and colleague, the gentleman from Texas, comes down on that, but I think he supports it because he wants to get to the substitutes that the rule does carry and provide for.

I would point out that it is a fair rule. It certainly is going to allow for extensive, full debate, I think, in a very thorough way. We have the Progressive Caucus substitute, the Blue Dog substitute, the Republican study substitute, and a Democratic substitute, in addition to the original work of the Committee. That is a plateful to consider today, and it certainly provides a number of options.

I do not know how we on the Committee on Rules can do much better than that, although I understand the concern of the gentleman from Delaware (Mr. CASTLE) that there were some specific single amendments brought to the Committee on Rules by individual Members who care very much about these levers and controls to guarantee that we do not overspend, which I am very sympathetic with, but did not find place on this rule because of the size and nature of having to deal with a budget resolution and the idea that we like to use the substitute amendment process.

We have already heard in a debate on the rule some very colorful language, some very vivid verbs and adjectives and adverbs; some scare, some inflammatory language, a little hyperbole. I suspect we are going to hear a lot more of that before the day is over.

I have heard phrases like "raiding the trust fund," billionaires starving children already, a little reminiscent of the days that the Republicans allegedly canceled the school lunch program. In fact, the Republicans plussed up the school lunch program, and it is in better shape now than it was.

I think we need to be careful of the rhetoric. I understand that when we are dealing with budgets, that it is hard to be absolutely correct about numbers because we are projecting into the future. If we knew everything exactly, it would be a lot easier to do.

But the idea that somehow we cannot go forward with a budget because we do not know exactly every number, it seems to me we will never get a budget done if we are going to wait for all those numbers to come in, because I would point out this is a prospective budget for the next fiscal year, and we are planning in order not to overspend. This is a prudent, responsible fiscal exercise to do that well.

We know that government cannot do it all. Most of us know that government should not do it all. When it comes to jobs, people depend on jobs. Our quality of life depends on jobs. That requires risk-taking by business and entrepreneurs; small business, big business, all kinds of enterprise. It is the way we do it in our country.

We know that business is complaining, that enterprise is complaining about being overregulated. We also know it is complaining about being overtaxed. Today we are going to try to do something for Americans who are overtaxed. We are going to try and send a budget forward that says that we recognize we are taxing too much, and now is the time that we can afford to do all the things government should appropriately and properly do for Americans in need who are counting on those programs, and we will still have the ability to reduce taxes on hardworking Americans so they can save and spend their own money instead of having us do it for them in Washington.

I think one of the questions we have to ask regularly when we are talking about the Federal budget is, is the expenditure that is being considered appropriate for the Federal Government, or are there other ways to spend money? Because when we get into questions of spending Federal dollars, what we are really asking is who pays and how much.

We know the answer to who pays: It is the taxpayers. How much? We know the answer to that now in America, too. We are taxing too much.

I urge my colleagues to pay close attention to the debate today. We have put good debate potential on the floor under this rule. I urge support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 130, not voting 20, as follows:

[Roll No. 65]

YEAS—282

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Regula
Rehberg
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (FL)

NAYS—130

Ackerman
Allen
Andrews
Baldacci
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Brown (FL)
Brown (OH)
Capuano
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dicks
Edwards
Evans
Farr
Fattah
Filner
Frank
Gephardt
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
LaFalce
Langevin
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Markey
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Moakley
Mollohan
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Price (NC)
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—20

Baldwin
Becerra
Boyd
Burton
Callahan
Cox
Gordon
Kaptur
Kleczka
Lampson
McKinney
Mink
Radanovich
Rangel
Reyes
Reynolds
Rothman
Shaw
Sisisky
Young (AK)

☐ 1030

Messrs. BENTSEN, ALLEN, KIND, SAWYER, EDWARDS, LUTHER, and OWENS changed their vote from "yea" to "nay."

Ms. RIVERS, Mr. TAUZIN and Mr. KUCINICH changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADOPTION OF FURTHER AMENDMENT TO H. CON. RES. 83, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that during consideration of H. Con. Res. 83, pursuant to House Resolution 100, the further amendment that I have placed at the desk be considered as adopted in the House and in the Committee of the Whole; and that the amendment I have placed at the desk be considered as read for the purpose of this request.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

The text of the amendment is as follows:

Page 2, line 26, strike "$2,378,000,000,000" and insert "$2,387,000,000,000".

Page 3, line 4, strike "$5,800,000,000,000" and insert "$5,800,000,000".

Page 5, line 14, strike "$5,903,000,000,000" and insert "$5,875,000,000,000".

Page 5, line 15, strike "$6,394,000,000,000" and insert "$5,928,000,000,000".

Page 5, line 16, strike "$6,972,000,000,000" and insert "$5,969,000,000,000".

Page 5, line 17, strike "$7,596,000,000,000" and insert "$5,988,000,000,000".

Page 5, line 18, strike "$8,623,000,000,000" and insert "$6,344,000,000,000".

Page 5, line 19, strike "$9,436,000,000,000" and insert "$6,721,000,000,000".

Page 13, line 11, strike "$28,000,000,000" and insert "$28,800,000,000".

Page 19, line 20, strike "cal" and insert "fiscal".

Page 43, move lines 4 through 13 two ems to the left.

Page 44, line 6, strike "$153,000,000" and insert "$153,000,000,000".

Page 46, line 10, "$3,871,000" and insert "$3,871,000,000".

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to House Resolution 100 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 83.

□ 1032

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, with Mr. LATOURETTE in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

The period of debate on the subject of the concurrent resolution on the budget for fiscal year 2002 that occurred on March 27, 2001, pursuant to the order of the House of March 22, 2001, shall be considered to have been debated on House Concurrent Resolution 83, and the time for debate prescribed in section 305 of the Congressional Budget Act of 1974 shall be considered to have expired.

A further period of general debate shall be confined to the concurrent resolution and shall not exceed 40 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes for the purpose of opening the debate.

Mr. Chairman, good morning. We are in the midst of continuing the debate on the budget for fiscal year 2002, and let me review what our plan has in store. We wrote a budget that has six principles that we think are pretty important as we stand on this very important threshold of the 21st century.

In our budget, we have maximum debt elimination, a historic $2.3 trillion of paying down the public debt by 2011 during this 10-year period.

Tax relief for every American taxpayer: $1,600 on average income tax break for the average family of four.

Improved education for our children: $44.5 billion commitment in fiscal year 2002 alone, an 11.5 percent increase for our kids. But we also recognize that it is not just the money, it is also reform of education.

A stronger national defense is our fourth principle: $14 billion increase, not only in 2001, but a $5.7 billion increase for pay, housing, and health care in 2002.

Health care reform that modernizes Medicare, provides for a prescription-drug benefit. It modernizes our Medicare benefit, because it is not just about the current Medicare and the current trust fund, it is about extending the life of the trust fund, extending the solvency through modernization. It is not a zero-sum game as some of my friends on the other side would have it.

Finally, saving Social Security. Third year in a row, the Republicans are setting aside all of the Social Security trust fund for exactly what we pay the FICA taxes for, for Social Security, for the retirement of our seniors. It is totally protected in this budget.

We have a good plan. These are the six principles that make up the plan.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), the very distinguished chairman of the Committee on Education and the Workforce, to talk about improved education for our children.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman from Iowa for yielding me this time.

Mr. Chairman, I am proud to stand before the House this morning in support of a budget blueprint that represents America's families and America's priorities.

Our colleagues on the Committee on the Budget have presented us with a common sense plan to improve education, strengthen the economy, and secure America's future. It reflects President Bush's efforts to close the achievement gap in education between disadvantaged students and their peers, and to work with States to push America's schools to be the best in the world.

Despite a decade of economic growth in the 1990s, the achievement gap between students, Anglo and minority, remains very wide. Washington has spent more than $130 billion since 1965 in a well-intentioned effort to close this gap. We spent more than $80 billion on that goal since 1990 alone; and, unfortunately, those efforts have not worked. Nearly 70 percent of inner city and rural fourth graders cannot read on a basic level, and low-income students lag behind their counterparts by an average of 20 percentile points on national assessment tests.

The hard lesson of the last 35 years is that money alone cannot be the vehicle for change in our public schools. There must also be accountability.

To ensure that Federal education dollars are being used effectively, we must ask States to assess student achievement in academics. One cannot correct a problem if one does not know that it exists; and for far too long, we have been spending Federal tax dollars in education without being able to track our students' progress and make certain that they are learning.

The budget before us today provides a framework for the most important change in Federal education policy since President Johnson. It paves the way for us to rededicate the Federal role in education to helping students who might otherwise fall through the cracks. It provides the resources needed to implement a system of accountability so parents will be able to know whether their children are learning.

This budget provides the resources necessary to accomplish these bold goals. It provides money to States to develop the test to track student performance each year, the centerpiece of the President's plan to leave no child behind. It targets resources to those who need it most by providing substantial funding for title I which provides aid to low-income students. Federal education funding for the Elementary and Secondary Education Act, the principle Federal law to aid disadvantaged students, is increased significantly.

Funding for reading programs is tripled, increasing to $5 billion over 5 years. This program will help reduce the number of children placed in special-education classes simply because they have not learned to read, moving the Federal Government closer to its original promise of providing up to 40 percent of the average per-pupil expenditures in IDEA to the States.

This budget also provides $2.6 billion for States to improve teacher quality through high-quality professional development, recruitment, and retention activities.

It addresses other educational priorities as well in higher education. An additional $1 billion is included for Pell Grants, increasing the maximum award for all students to provide more need-based grant aid to low-income college students.

Mr. Chairman, until we have a real system of accountability in place, it is truly unfair to our children to enact massive increases in Federal education spending beyond the reasonable steps outlined in this budget resolution. Spending without accountability is the approach that Washington has followed in the past; and as a tragic consequence, many children have been trapped in chronically failing schools and denied the opportunity to realize the American dream.

This budget provides a framework that allows Republicans and Democrats to work together to close the achievement gap and to improve education quality and hope to our Nation's most disadvantaged students.

I commend the gentleman from Iowa (Mr. NUSSLE) for his leadership in crafting a budget that represents the hopes, dreams, and aspirations of all Americans, particularly those of the next generation of American students.

Mr. SPRATT. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, our Republican colleagues have just laid out six principles by which to judge their resolution and our resolution. Let me take each one of those principles and apply it and compare the two resolutions.

First of all, maximum debt elimination. I heartily agree the more debt we can eliminate the better. Let's look at the bottom line on the two resolutions. Our budget resolution will provide $3.7 trillion for debt reduction. Theirs will provide $2.8 trillion for debt reduction. We provide $915 billion more for debt reduction. It is not even close. Furthermore, to the extent that they spend $1 out of this $500 billion contingency fund that they create, that will be $1 less for debt reduction.

Tax relief. Some of this surplus, a substantial share of it surely should be given back to the American people. We heartily agree with that principle. So what have we got? A third of the surplus that we set aside for tax relief, and we target it to those taxpayers who need it most, hard-working middle-income families.

Furthermore, this resolution makes in order, directs the Committee on Ways and Means by May 1 to provide $60 billion in tax relief this year, fiscal year 2001, before September 30, in order to give this sagging economy a stimulus. That means we have got $800 billion of tax reduction in this bill. By any yardstick, that is substantial tax reduction.

Education is at the top of the charts, a big concern amongst all people all over this country. Their budget increases education by 5.6 percent next year. Compare that to last year: 18 percent increase last year. Compare it to the last 5 years: 13 percent over the last 5 years. Compare it to our budget resolution: $130 billion more for elementary and secondary education, higher education, Pell Grants across the spectrum, $130 billion more than they provide for education. There is no comparison. There is no question. We win hands down on the issue of education.

National defense. I believe in a strong national defense. That is why we put in our budget realistic funding for defense. We have $115 billion in our budget over and above inflation for national defense. Their budget, on the other hand, baselines national defense and tells us that, when Mr. Rumsfeld tells us what the number is, they will supply a new number. In the meantime, we are providing substantial increase and realistically budgeting national defense.

Medicare reform. Medicare reform, read their budget. I defy my colleagues to find one syllable in there that deals with Medicare reform. It does not take up the issue. The only thing that even pretends to be Medicare reform in their resolution is a vague proposal to have some kind of prescription-drug coverage. But guess what. It is paid for out of the Medicare trust fund, the HI trust fund, which is already obligated for inpatient benefits. Now they double-obligate it.

They drain $153 billion off the Medicare trust fund, I guess you can call that reform; but I will tell you, my colleagues, what it does, it shortens the solvent life. It makes the problem worse. I would not call it wholesome reform.

Finally, Social Security. They make it point number six. We make it point number one.

□ 1045

Now that we have the wherewithal, the resources to do something about the Social Security situation, that is, the liabilities that we have for benefits promised but not yet provided, we intend to do something. We take $910 billion, one-third of the surplus over the next 10 years, and put it, 50 percent, in the Social Security Trust Fund, 50 percent in the Medicare Trust Fund. We extend the solvent life of Medicare to 2040 and Social Security to 2050.

There is no question that on all six of these principles we win hands down. Look at the scorecard, then decide how to vote. My colleagues should vote for our resolution. It is better even by the criteria they set down.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. STUMP), the very distinguished chairman of the Committee on Armed Services.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the budget resolution currently before the House sets a level of funding for the national defense function of $324.6 billion, or $14.3 billion higher than the previous provided for in the current year. This was also the level proposed by the President in his February 27 economic plan.

However, it should be understood that this level of funding should be viewed only as a placeholder pending the completion of the administration's comprehensive strategy review that will define the proper course this Nation should take in securing our national security interests in the coming decade and beyond. At the completion of this review, scheduled for later this spring, Secretary Rumsfeld will forward conclusions to the President that I am confident will recommend an adjustment in the amount of funding proposed for the national defense functions.

In anticipation of this process, the budget resolution contains a specific provision, section 6, which establishes a strategic reserve fund and the mechanism to use this budget resource within this fund to accommodate an increase in defense allocation resulting from the administration's strategy review.

I support President Bush's decision to first establish the strategic framework for the Department of Defense before putting forth a definitive defense spending plan. It marks a refreshing break from the previous administration's practice of allowing arbitrary budgetary considerations to set national security policy.

However, I am firmly convinced that regardless of what strategy adjustments the President proposes, there are severe and immediate and compelling needs facing the military that will require an infusion of additional budget resources this year and beyond. Therefore, while I would have preferred that the defense number in the budget resolution reflect this reality, I am satisfied that the resolution provides an adequate mechanism to revisit this question later in the year after the decision has been made for the proper funding level for defense.

Mr. Chairman, I want to thank the gentleman from Iowa (Chairman NUSSLE) for working with me and other members of the Committee on Armed Services on this very difficult problem. With the colloquy that he and I had yesterday, I am satisfied that this clarifies our outstanding concerns, and I urge my colleagues to support this resolution.

Mr. MCDERMOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I heard people talking about a shell game, and I listened to the gentleman from South Carolina (Mr. SPRATT), and I thought of having seen this shell game actually played in the State of Illinois, southern Illinois. I want to use one example so my colleagues will understood it.

In the budget that is being proposed, the American people have paid, or will pay, $526 billion more than is necessary over the next 10 years to cover Medicare. So that $526 billion is represented by this little coffee bean, and we put it underneath the contingency fund. We also say we are going to use it for Medicare, and we are also going to use it for the drug benefit.

The Republican budget uses that same $526 billion in two different places. They use 239 billion over here and 153 billion over there, and they still say, that we have a contingency fund over here. Now, that bean cannot be under all three of these shells. It simply is not possible. It can, however, be moved around, and that is why the game is like a county fair. You keep moving the bean or the money around, and the public guesses which one of the shells that bean is under.

The Republicans are figuring that the public is not smart enough to know that we are going to move it around and move it around and keep talking, and they will never know that they are spending it in three different places.

Now, the Democratic alternative, which is very simple, says we are going to use that money for advancing the long-term strength of Medicare. It is to be used after 2010, when the baby boomers start coming on the rolls, rather than spending it on the contingency fund for things in the next 10 years, or using it for the drug benefit. We are going to keep it for the time when the baby boomers come on line. Additionally, out of the money that we save from not cutting so many taxes, we put an honest-to-God $330 billion benefit for prescription drugs.

This is the foolishness of what they have done. The President says $153 billion for prescription drugs. The bill they had on the floor last year was for $159 billion, now estimated to be $200 billion. So they are not even funding what they offered last year. And what we—the Democrats—are saying is that is not an adequate benefit. $330 billion is what we are offering to the American people, and we are not going to play a shell game with them.

We are saving the Medicare surplus for Medicare as we know it, and we are adding to it a benefit.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), the very distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to congratulate the gentleman from Iowa (Mr. NUSSLE) for working closely with us. This budget resolution contains an innovative feature that I want to address.

Mr. Chairman, the Congress and the Committee on Agriculture that I chair have been struggling for over 3 years to cope with major economic crises on the farm. The basic programs that we passed in 1996 have not been able to keep up with collapsing prices and skyrocketing costs, leaving family farmers hanging on by a thread. As it should have, Congress has stepped in with emergency economic assistance in each of the last 3 years, and many farmers are in business today because of that.

Mr. Chairman, it is time to stop ad hoc assistance and move to a more permanent solution that producers and their lenders can count on.

Mr. Chairman, in preparation for this, the Committee on Agriculture is completing a series of almost 1½ years of hearings to determine what our future course should be. The gentleman from Iowa (Mr. NUSSLE), recognizing the critical need that our farmers face, worked closely with us to address the problem. This resolution names agriculture along with defense as a budget item eligible for access to the $517 billion reserve fund for fiscal years 2002 through 2011. In addition, it accesses fiscal year 2001 reserve funds for assistance in the current year.

Mr. Chairman, when the Committee on Agriculture reports legislation later this summer, budget allocations can be adjusted to reflect the Committee on Agriculture's action. By granting access to the reserve fund, the House will have an opportunity to consider a policy reform that will meet the needs of our farmers within the constraints of our budget. This will not produce a debate over numbers, but instead a serious discussion of the farm policies needed in the current situation in the coming years.

Mr. Chairman, I have spoken to the President at length about the problems facing farmers. I was impressed by both his understanding of the problem and his willingness to help address them. The gentleman from Iowa (Mr. NUSSLE) and his budget team have brought to the floor a resolution that not only makes provision for the immediate crisis of this year's crop, but provides the means to put a more permanent policy in place based upon policy needs rather than driven by number fixation.

Mr. Chairman, every Member who is working to relieve the pain of American farmers should join me with enthusiasm in supporting this budget. It is just the prescription to deliver a cure for farmers' problems instead of another Band-Aid.

Mr. MCDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, the last two speakers on the other side have made a very important point, and that is there is universal acknowledgment that in this upcoming fiscal year, there will be a spending increase for agriculture, and, more significantly, in defense. But we are not prepared today to confront those facts in terms of how much it is going to cost, and it is one reason why the contingency fund is not an appropriate way for us to be having this debate.

We ought to be honest with the American people on how much is the President going to propose for defense. Many of us are prepared to support a large percentage of that. How does that affect our ability to choose between the size of the tax cut and our ability to pay down the debt.

Mr. Chairman, one of the other things I want to highlight that you have heard a lot of discussion about in support of the Democratic alternative is why paying down the debt, taking one-third of the surplus and paying down the debt, or, as the Blue Dogs would propose, half of the surplus, will help Medicare and Social Security.

Mr. Chairman, as the baby boomers start to retire in 2012, this is going to put enormous strain on both Medicare and Social Security. There will be no easy choices. Raising the retirement age, nobody in this Chamber is going to advocate an increase in the payroll taxes. In fact, a lot of us would like to reduce the payroll tax.

Mr. Chairman, one of the few things available to us to soften the pain associated with these choices is to use more general revenue. We already put general revenue into Medicare. It is something that we have to consider doing with Social Security as part of the solution to preserve Social Security and Medicare for the retirement of the baby boomers, not to mention the cost of a prescription drug plan, which we all have to acknowledge will not be inexpensive. How can we do that?

Mr. Chairman, by paying down the debt, we preserve our ability to use general revenue to be part of the solution to preserve the solvency of Social Security and Medicare. The State of Florida, and every State in this Nation, has a tremendous amount at stake if we do not do this right. We need to plan now.

Mr. Chairman, the only prudent thing to do is to use the lion's share of the projected surplus to pay down the debt and begin to prepare Medicare and Social Security for the retirement of the baby boomers.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today to draw attention to what I believe is a serious deficiency in the budget resolution for fiscal year 2002.

Mr. Chairman, while I commend the gentleman from Iowa (Mr. NUSSLE) for his hard work on the budget resolution, I would be remiss if I did not speak to the yearly military budget shortfalls of between $50 billion and $100 billion per year.

Mr. Chairman, if we do not address this reality now, we are facing a budgetary train wreck that is simply unavoidable. My concern is that this budget only allows for marginal improvements. Mr. Chairman, we must push beyond marginal improvements. This requires a dual-track approach. While we plan for the realities of the 21st century's many challenges, we must take care of the force that we are fielding today and ensure peace through strength. I do not believe that we adequately address this in the budget resolution; however, I intend to support this budget resolution and take it as a good-faith effort, but I do so with reservations.

Mr. Chairman, I look forward to working with the gentleman from Arizona (Mr. STUMP) to address military funding shortfalls during the authorization process and with the Committee on Appropriations.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I rise in opposition to this budget resolution because it is not balanced. The consuming desire of our Republican colleagues for immediate political gratification has caused them to pursue exploding tax cuts for the most privileged people in our society without regard to our obligations both to our parents for Social Security and Medicare and to our children for educational opportunities.

Mr. Chairman, with the tax cuts for the privileged that are authorized by this resolution, we are setting a course, a path, to head back to the era of deficits, to head back to a period when we are no longer reducing the national debt and encouraging economic expansion and lower interest rates. That is a fiscal mistake.

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A budget is more than number crunching. People can get crunched, too. Recently, the first particulars of this Bush budget and its impact on children in this country have leaked out. These are the troubling numbers and details that will be coming out this next month after votes are taken on the tax cuts. Under this Bush budget, the children of America, who rely on child care will be "bush-whacked." The entire Early Learning Opportunities Fund designed to improve the quality of child care in this country, will be totally eliminated. $200 million will be removed from block grants to the states, for assisting the working poor in obtaining child care. This cut at a time when we already have 41,000 children in the State of Texas waiting to get access to child care; that under this waiting list will only grow. Although there are 900,000 reported cases of abuse and neglect of children across America, there will be an 18 percent cut in federal funding for state child protective services.

I am for all of the tax cuts that fiscal sanity will permit, but reality of this budget is that these tax cuts really cost. They cost and crunch our children in a very harsh way.

Last year, candidate Bush borrowed the slogan from the Children's Defense Fund, "leave no child behind," but the unrealistic tax breaks for those at the top make clear that this Republican budget has as its mantra "leave no millionaire behind."

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON), a new member of the Committee on the Budget.

Mr. CULBERSON. Mr. Chairman, as a new Member of Congress who has been here less than 3 months and a member of the Committee on the Budget, I have sought earnestly and honestly to find the true facts of the situation here; and I want to make two quick points.

First and foremost, it has come to my attention, I understand that the previous Congresses, when the Reagan tax cut was enacted, revenues doubled but spending tripled. I also want to make the point to the listening public that the Republican budget plan pays off as much publicly held debt as is legally possible to do so without incurring a penalty. That is a vitally important point, and I want to make sure the listeners understand that we cannot pay off any more debt than is contemplated by President Bush's budget without incurring penalties, and the Democratic budget plan would tax the taxpayers with $100 billion to $150 billion in penalties over 10 years, according to the Office of Management and Budget. And a very good source, who has been objective, is Alan Greenspan who says we are paying off all Federal debt that can be paid off and the publicly held debt will be eliminated by the end of this decade. That is a vitally important point that I hope the public will remember.

Mr. McDERMOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend, the gentleman from Washington (Mr. McDERMOTT) for yielding me this time.

Mr. Chairman, the choice before us today is not a choice between economic theories. It is a choice between moral positions. There is a major difference between the Democratic plan that I support put forth by the gentleman from South Carolina (Mr. SPRATT) and the majority plan, and that major difference is this: Our plan pays off about $1 trillion more of debt over the next 10 years than does the Republican plan.

This is a choice between instant gratification in 2001 or responsible treatment for our children for the next 10 years. The Republican budget does reflect one thing about American life. It reflects an unfortunate cultural tendency toward instant gratification; have a party now; spend all the money now and pass the bills off to the next generation.

A vote for the Spratt budget means that our children are $1 trillion less in debt than they would be under the majority budget. Forsake instant gratification. Do what is responsible for the future. Reject the Republican budget and adopt the Spratt substitute instead.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCHROCK), a very able, new member of our committee and the president of the freshman class.

Mr. SCHROCK. Mr. Chairman, this good budget contains about $400 million for military housing for our men and women in uniform, and that is a good thing. To give an example how bad military housing is, let me talk about Fort Story, which is an Army post in Virginia Beach, the Second Congressional District that I represent. There are 168 family units. Two have been condemned; 166 have been labeled code red, which means unacceptable. Most have been built before 1958. Several predate World War II.

As an example, the sergeant major of that command, the highest ranking enlisted man at that post, was living in a 1,700 square foot set of quarters that had been condemned. The floors had turned to sponge; termite infested and there was asbestos everywhere. It was going to cost $70,000 to clean it up; and Congress would only allow $20,000 to repair that, so it has to be condemned.

If we are going to make the mom and kids happy and keep dad in, what we have to do is make sure we provide the quality of life issues that are so important to the military people; and housing is one of them. I am delighted that this very good budget contains money for that.

Mr. McDERMOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend, the gentleman from Washington (Mr. McDERMOTT), for yielding me this time.

Mr. Chairman, the authors of this budget resolution owe my constituents and owe every American an explanation. How can they justify siphoning money out of the Medicare trust fund when Medicare solvency is already in jeopardy? Which of their budget priorities is more important than Medicare?

In 1965, Republican Members of Congress overwhelmingly opposed establishing the Medicare program. In 1994, Newt Gingrich, then Speaker of the House and the Republican leader of this House, stated that he would like to see Medicare, quote, "wither on the vine," unquote.

Now the Republicans control the White House and control the Congress. They want to accelerate Medicare insolvency, and they want to privatize the Medicare program.

Medicare is not some throw-away program that one can experiment with, that one can starve, that one can walk away from, that one can ultimately abandon. To the Republicans, I say do America a favor. Put the best interests of Americans ahead of their top-heavy tax cuts and their indiscriminate disdain for public programs, especially those as overwhelmingly successful and popular as Medicare.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the subcommittee chairwoman in charge of Medicare.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I regret that my colleagues on the other side of the aisle are playing such purposeful politics with this budget debate. The bottom line is that the HI trust fund, that is the hospital trust fund, that is part of the larger fund, can only be used for Medicare and it can be used for Medicare reform as well, because this body, Democrats and Republicans, voted for the lockbox bill. In fact, we voted 407 to 2. Everybody voted for it, and it said that the money in the HI trust fund could be used for Medicare and Medicare reform. So that is just that. Also, in this resolution we have explicitly provided the funding for a proposal that the President might propose for prescription drugs and/or Medicare reform or that we in Congress might write.

Where is the money going to come from? First of all, there is more money in this budget for prescription drugs than there ever was in a Clinton budget, and he talked about it all the time. So we have pretty good money in this budget.

Remember that Clinton funded his entire first prescription drug bill from savings within Medicare.

Now, I did not believe that was possible then and I do not believe it now, but it does remind us that we can make some savings within the program to also rededicate those resources to prescription drugs.

Then there are 40 trust funds currently in surplus. Any one of those trust funds could be used to carry the money into Medicare reform or prescription drugs. In other words, there is money in the bill, there is authority in the bill for us to write the prescription drug bill that we think will serve seniors and their children and grandchildren in the future.

If we just pay for all of the drugs, we are talking a trillion dollars over 10 years. Medicare is going to double its costs in the same 10 years. So now we are at a trillion five. The defense budget, at its biggest, will never exceed $300 billion.

We simply have to bring a prudent drug bill to the floor because the seniors do not need just prescription drugs. They need chronic-disease management. They need much better preventive health services than Medicare now offers.

Is it not pathetic that only last year we gave them coverage for pelvic exams and pap tests? So we have a lot of things we have to do to modernize Medicare, and we are obliged to bring back a disciplined, prudent prescription drug bill that meets the needs of seniors but also allows them the additional new services they need.

Mr. McDERMOTT. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, I would say that the gentlewoman from Connecticut (Mrs. JOHNSON) brings out the walnut shells in me because when she starts talking about the fact that all of the money is going to Medicare and do not worry, it is in a lockbox, anybody who reads that lockbox bill and can read the English language can realize that one can call anything reform and the money comes out of it. That is all that bill says.

What it means is benefits are either going to be cut or provider payments are going to be cut, or something is going to be taken away if they are not going to cut down. The President says we are $645 billion short, and we are still talking about modernizing, which means cut.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Washington (Mr. McDERMOTT) for yielding me this time.

Mr. Chairman, when I talk with the folks back home in New Jersey and they discover that the tax cuts, three-quarters of them, will not even kick in until more than 5 years from now, and they combine that with their realization that there is a lot of uncertainty about these projections, they wonder whether they are ever going to see this.

In fact, Mr. Chairman, we would be doing them a much greater favor in putting more money in their pockets if we pay down the debt. The Democratic version would pay down the debt a trillion dollars faster in the next 10 years. That would make us better able to deal with Social Security and Medicare when the baby boomers retire.

It would lower interest rates, which would help farmers and students and small businesswomen, home buyers; and by establishing fiscal discipline, it would improve consumer and investor confidence. That would be more money in the people's pockets.

Furthermore, the Democratic version goes considerably farther in investing in education and research, the necessary ingredients of a successful economy.

In both of those areas, they are necessary to lead to productivity growth. Again, more money in the pockets of the people of America.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Chairman, I yield 2½ minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, this is really a debate about our Nation's priorities. What do we want this country to be in the next 20 years? Do we want it to remain the strongest country on the face of the Earth or do we want it to slip back into third world status?

If this country is to remain strong, we need to invest in our people. That is the single most important investment this country can make in the future.

One in four children in my district in Rhode Island, in my first district, grows up in poverty; one in four. Yet, this Republican Congress would propose giving nearly half of the $2 trillion surplus to the richest 1 percent of our country.

Let us look at it, right here, choosing how we spend $280 billion. Are we going to invest it in our kids or are we going to invest it in a few millionaires who already have made it? I might add, to anyone who thinks that everyone who has made a million dollars earned it, let me just say something. I made a million dollars, and I did not earn it. I was given it by my parents and my grandparents. Know what? Wealth is now transferred from the rich to the rich.

Know what? People who are working for a living are not even earning enough to make it rich because this Republican Congress is gutting education; it is gutting job training; it is gutting those things that we know help people earn a living.

One of the things that this budget cuts is actual child care subsidies. Hello. I thought that this Congress was family friendly. What are they doing? They are eliminating over 50,000 subsidies for child care. Now what does one think those parents are going to do without the child care? Oh, they will go back on welfare. No, we do not want welfare, the Republicans say.

Okay, well, give me a solution. I will say that this budget is all wrong for this country. The President of the United States says he wants to leave no child behind, but in this budget he will end up leaving millions of children behind.

Know what? Those kids out there do not even know it today. Those parents do not even know it. The people in this gallery may know it, but there are going to be millions of children who are never going to even know that the vote we make today is the vote that is going to seal their future. It is going to seal their future either in poverty or it is going to brighten up their future, like the Democratic plan would have it by investing in the programs that will make them strong people.

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The thing that made this country so strong after World War II was the GI bill. It invested in a whole generation of Americans. Let us not miss the lesson of that importance of education; let us invest in the Democratic budget.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I rise today in support of the Democratic budget and in the alternative, the Blue Dog budget. It is quite familiar for me to stand here and address the subject of military budgets. For many years under both administrations, Democrats and Republicans, I would point out where we believe this body and America as a Nation were failing to set appropriate priorities in the defense budget. Far too often I have known that we were trying to do too much with too little. So I was glad to see both candidates for President advocate increases in the defense budget. It was good news. But that is not what is coming to pass.

I am disappointed with the President's defense budget for 2002 which the majority adopts in the budget resolution. The Bush budget provides about $325 billion for national security activities, of which $310.5 billion is for the Department of Defense. But then we have to take out the retiree health professions and then we have to adjust for inflation; and when that is done, we have an actual increase of only $100 million, $100 million. That will fix the gymnasium at West Point. So the $100 million increase in the defense budget makes a mockery of the President's campaign pledge that help is on the way. He must have meant spiritual help.

In contrast, both the Democratic budget and the Blue Dog budget provide more money for defense. The Democratic alternative provides for $2.7 billion more in fiscal year 2002, $48 billion more in 10 years, $7 billion in fiscal year 2001 for a supplemental. The Blue Dog provides for $4.5 billion more in fiscal year 2002, $19.3 billion over 5 years, $7 billion in fiscal year 2001 for a supplemental.

So despite the campaign rhetoric, the Republican administration has utterly failed to live up to its commitments. I thus speak in favor of the Democratic budget and, in the alternative, the Blue Dog budget.

Mr. McDERMOTT. Mr. Chairman, I yield myself the remainder of the time.

I just want to say in benediction here that it did not have to be this way. We had no hearings at which the Secretary of Defense would even come up to the committee and tell us. There is not anybody on this floor who does not think there is going to be more money in the defense budget, but he would not even come up and talk to us about it. There was no talking with our side about this budget.

What we have here is a sham budget from the Republicans. They get full credit for it. God bless them.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I think we saw from particularly the gentleman from Rhode Island probably the biggest contrast between the Republican and the Democrat substitutes. The gentleman from Rhode Island was very clear that the Democrats believe that government can solve people's problems, that government can take care of people, that government can solve all of the ills that our Nation has before it.

Republicans believe something just a little bit different, and that is we believe individuals and families make better decisions about their daily lives than the government can for them, and that if we could just keep the resources in their pocket to begin with, they could be empowered to make those decisions.

The most important debate of today, March 28, is not happening in the halls of Congress. Do we know where it is happening? It is happening around the kitchen tables of America as families struggle to balance their checkbooks, as they struggle to figure out how to send their kids to college, as they struggle between the decisions of, do I buy Nikes or do I buy Keds, whether we should buy name-brand cereal or should we buy generic. How do I pay my heating bill when I live in California? How do I pay my heating bill when I live in Iowa? How do I make the decisions that face me every single day about mortgages, about paying my visa bill, about my own debt; and when they hear on C-SPAN, which is probably droning in the background as they sit around their kitchen table, and they hear us talking about the debt held by the public and how we are doing such a great job, they say, what about me? What about my debt? How much money are you taking from me? It is almost April 15. These people have paid their taxes, and they find out, we have more money than we need.

Mr. Chairman, we are balancing the budget. We have this done now for the fifth year in a row, number one; number two, the most debt reduced by any budget that has ever been provided, and there is still money left over. After paying for all of the Medicare reform with a prescription-drug benefit, there is still money left over. With all of Social Security set aside so that we can make sure that generations to come have got Social Security to retire, and there is still money left over. With an 11.5 percent increase in education, there is still money left over. Increases for military, for agriculture, a number of other opportunities and priorities within the budget, and there is still money left over.

I would say to my friends, it is not your money. It is not my money. It is their money, and they deserve it back, because they have paid enough, they have paid too much. We have met the priorities of this budget, and it is time to give them a refund. There is no 7-Eleven in the country that once you have paid for your gas and your Snickers bar and your Coca Cola or whatever it might be and you give the person a $20 bill and the bill comes up to only about $18, who would keep the change? In fact, in Iowa, they would even run out into the parking lot and chased you down to give you your change.

Mr. Chairman, let us give the American people back their change, and let us do it today.

Mr. UDALL of Colorado. Mr. Chairman, to govern is to choose—and today the House was called on to make some basic choices about the future of the economy and the future of our country.

We need to proceed carefully and responsibly. We should steer a course that responds effectively to the challenges of today without risking the opportunities of the future on the outcome of a riverboat gamble.

That is why we should take a different course than the one proposed by the Republican leadership. And that is why I supported the Blue Dog alternative and the Spratt Substitute—because those alternatives were more credible, less risky, and more responsible.

Mr. Chairman, Coloradans know well the dangers of relying on long-range forecasts. We live in an arid state—visit us in the summer and you will see that the sun shines almost every day. We like it that way, and so do our summer visitors. But it means we have to be careful and plan ahead.

We know it would be imprudent to drain the reservoirs and rely just on forecasts of surplus water in the years ahead.

But that is what the Republican budget does—not with water, but with fiscal policy, with the budget, and with the economy.

The Republican plan relies on a ten-year economic forecaster and runs the risk of shortening the solvency of Social Security and Medicare if that forecast doesn't pan out.

And, in the meantime, it would neglect other important needs in order to pay for the President's tax plan.

As a result, it would not do enough to reduce the publicly-held debt and would shortchange education, seniors, research, and the environment.

By contrast, the Blue Dog substitute was far more prudent. To start with, it was a five-year plan, not one depending on a 10-year forecast. It would have allowed us to immediately reduce taxes by $23 billion this year, and to make further substantial reductions in taxes over the next four years. It would have allowed us to pay off a full half of the publicly-held debt by 2006. And it would have allowed us to make the investments we need to make in education, health care, and our communities.

Unfortunately the refusal of the Republican leadership to proceed on that reasonable course meant that the Blue Dog substitute was rejected. That was a mistake—and it was compounded by the rejection of the Spratt substitute.

The Spratt substitute was also a ten-year plan. But it was much better than the Republican plan. It would have allowed us to pay off most of the publicly-held debt by 2008. It would have enabled us to provide tax relief to all taxpayers, including the millions of people who pay more in payroll taxes than in income taxes. It would have allowed us to provide a real and meaningful prescription-drug benefit for Medicare beneficiaries—without risking the solvency of Medicare as the Republican plan does. And it would allow us to do what needs to be done to promote science, protect our environment, and respond to the pressures of population growth and sprawl—needs that the Republican plan seriously shortchanges.

When the Spratt substitute was rejected, I was left with no responsible choice except to vote against the risky Republican budget plan.

That plan is very deficient—it is filled with problems. In area after area it seriously shortchanges our country's needs and offers the American people a series of empty promises—all that while betting our continued prosperity on a 10-year forecast that leaves no room for error.

Mr. Chairman, the list of deficiencies in the Republican plan is a long one—too long for me to spell out now. So, let me focus on just a few.

SHORTCHANGING THE ENVIRONMENT

The Republican budget plan backtracks on last year's landmark agreement to provide dedicated funding for conservation. It does not provide the funding called for in that agreement, and falls far short of a commitment to meeting the needs of our communities to protect open space and respond to the pressures of growth and sprawl.

In contrast, the Democratic substitute offered by Representative Spratt would have provided the full $10.4 billion called for in last year's agreement. It also would have made sure we have the resources to improve the nation's water-supply infrastructure, revitalize brownfields in our cities, and make other needed investments in our public lands and environment.

These are areas of particular concern to all of us in Colorado, and I am particularly disappointed by these shortcomings in the Republican plan.

SHORTCHANGING SCIENCE

The Republican plan also pays too little attention to important funding needs of our science, space, and technology programs.

In particular, the numbers on NSF and NASA concern me. Neither of these premier science agencies receives a requested increase that even keeps pace with inflation. Even VA–HUD Appropriations Subcommittee Chairman Walsh has described the NSF request as falling far short of what is needed. Along with my Democratic colleagues on the Science Committee, I have committed my support to an increase in the NSF budget for FY 2002 of at least 15 percent to enable the Foundation to carry out adequately its vital role in support of science and engineering education and research.

Federal funding for research is a necessary precondition for continued economic success and security in our high-technology economy. I believe that science funding for all our agencies must be increased.

Also of particular concern to me is the funding levels of research accounts at the Department of Energy. The Republican resolution would cut appropriated energy programs for FY2002 by 15 percent, or $500 million, below the level needed, according to CBO, to maintain constant purchasing power. It remains unclear how this 15 percent cut will translate into decreases in specific DOE programs, but rumors are that DOE's clean energy research and development programs will see cuts of between 20 to 50 percent from FY2001 levels.

Funding for these accounts is critical to help us reduce our dependence on foreign oil and diversify our energy production portfolio.

The Bush budget claims an increase in this account, but it would not materialize until FY2004, and then only under the far-from-certain scenario of oil extraction from the Arctic National Wildlife Refuge (ANWR). I am glad that the Republican budget resolution does not assume receipts from oil leasing in ANWR—but neither does it make clear how clean energy accounts will be funded.

Dr. D. Allen Bromley, former President Bush's science advisor from 1989–1993, wrote in a March 9 New York Times op-ed that the Bush budget—which the Republican budget resolution mirrors almost exactly—"includes cuts, after accounting for inflation, to the three primary sources of ideas and personnel in the high-tech economy: NSF is cut by 2.6 percent, NASA by 3.6 percent, and the Department of Energy by an alarming 7.1 percent. The proposed cuts to scientific research are a self-defeating policy. Congress must increase the federal investment in science. No science, no surplus. It's that simple."

I believe we must heed Dr. Bromley's call. In FY2002, the Democratic substitute would provide $300 million more than the Republican resolution for NSF, NASA, and Department of Science programs—and $3 billion more than the Republican resolution over the ten-year period.

Here again, adoption of the Democratic substitute would have been a step in the right direction.

In conclusion, Mr. Chairman, I regret that today the House decided to bet so much on such a risky proposition as the Republican plan. I hope that our losses are less than I fear—but the odds are very much against us.

Mr. LEVIN. Mr. Chairman, budgets are about making choices. When a family sits down at the beginning of the year to write a budget, it must anticipate expenditures and honestly balance these against available resources. Families understand they have to allocate limited income among any number of competing priorities: paying the mortgage, car payments, dinners out, groceries, summer vacation expenses, saving for retirement or a child's future college expenses. The purpose of a budget is to confront these choices and make informed decisions.

The budget before the House today has little or nothing to do with making honest, informed choices. The document we are debating is about one thing, and one thing alone: enacting the President's tax program. It sacrifices everything else to that end.

At the heart of this budget is a gamble that future budget surpluses will be large enough to pay for the President's ten-year, two-trillion-dollar tax package. As the Congressional Budget Office has admitted, these surplus estimates are notoriously inaccurate. If the projected surpluses fail to materialize, the President's tax cut will eat into Social Security and Medicare. No one in his right mind would take out a home equity loan with a balloon payment and then count on winning the lottery to pay it off. Committing to such an oversized tax package on the basis of uncertain surplus projections is not budgeting. It's gambling with our nation's economy.

Budgetary considerations aside, the President's tax package is also the wrong medicine for the economic situation we face today. The President's plan is heavily backloaded, and provides almost no tax relief now when it's most needed.

The holes in this budget are big enough to drive Air Force One through. The defense budget anticipated by the budget resolution is tentative, pending the completion of the Administration's strategic review. The budget attempts to paper over these and other deficiencies. The same is true for Social Security and Medicare. Every one of us knows that significant resources will be needed to shore up these critical programs as the Baby Boom generation approaches retirement in a few years. We should step up to the plate to meet the financial challenges ahead, yet the budget before us actually makes the situation worse by diverting funds out of the Medicare Trust Fund, shortening the life of the Medicare Trust Fund by five years.

The Republican budget is long on rhetoric but actually shortchanges critical domestic initiatives. For example, the Republican prescription drug proposal provides insufficient funding for the President's so-called "immediate helping hand" proposal. The President's proposal is neither immediate, nor helpful to millions of seniors struggling with escalating drug costs. Even worse, the Republican budget pays for their prescription drug bill out of the Medicare Trust Fund, shortening Medicare's solvency. By contrast, the Democratic budget alternative's prescription drug proposal is more than twice as large and provides a meaningful benefit for seniors without endangering Medicare.

Similarly, the Majority's budget underfunds education. The Republican budget guts the school renovation program, diverts the money to other programs, and has the nerve to call this an education increase. It shortchanges funding for the Individuals with Disabilities Education Act. By contrast, the Democratic budget alternative boosts funding to reduce class size, provides for school modernization and teacher recruitment, and adequately funds special education and Head Start.

We can do better, which is why I will support the Democratic budget framework. Our budget provides $730 billion for tax relief. Unlike the GOP plan, which lavishes a disproportionate share of the tax cuts on the richest one-percent of taxpayers, the Democratic plan provides tax relief to all working families. It extends the solvency of Social Security and Medicare. We pay down more of the nation's debt. Finally, the Democratic framework sets aside resources for critical investments in education, prescription drugs, veterans, defense, and protecting the environment.

No company in America could get away with a business plan like the one offered today by the Republican majority. None of the families we represent would mortgage their financial future on such a risky foundation. We shouldn't either. Reject the Republican budget and adopt the Democratic substitute.

Mr. SMITH of Michigan. Mr. Chairman, I am particularly disappointed that none of the proposed budgets offered today address the serious problems facing Social Security. Setting aside the surplus coming in to Social Security actually does nothing to avert Social Security's insolvency. I think there is a greater understanding in this body in the last few years about the serious problems that Social Security faces in the future. Because of that increased understanding, I am even more disappointed in the unwillingness of Members to address Social Securities unsolvency. Suggesting the budget provides for paying down all the available "public debt" is actually a negative for me. It means we won't be using the surplus for fixing Social Security.

Social Security today has an unfunded liability of $9 trillion and we need to solve the problem now. That $9 trillion unfunded liability translates in terms of future dollars to an astounding shortage of a $120 trillion over the next 75 years. This means that there will be $120 trillion additional funding needed over and above the revenues coming in from the Social Security tax, if we are to maintain promised benefits over the next 75 years. The shortfalls are real. We know the number of people that are working now and will be entitled to benefits. We know the number of future workers and future retirees and therefore, the funding needed to fund benefits.

So, again Mr. Chairman, it should concern us all that we are not addressing this serious problem within the context of this budget—or any of the substitutes offered today.

Mr. CRANE. Mr. Chairman, the fiscal year 2002 budget resolution—Securing America's Future, A Budget that Works for Every Family—is a budget that is realistic and reasonable. While I personally would like to see a slower increase in the overall growth of spending and supported the Republican Study Group's amendment to do so, this budget does attempt to hold spending increases to roughly the rate of inflation.

Republicans have already proven that we can balance the budget and pay off the federal debt. With this budget we are refusing to squander the $5.6 trillion surplus projected over the next 10 years. The Republican budget has the right balance of priorities: cutting taxes, paying off debt, strengthening Social Security, modernizing Medicare, and bolstering our national defense.

The Republican plan will pay off $2.3 trillion of the national debt, the maximum that can be repaid without penalty. The Republican plan will also provide needed tax relief for working families by cutting tax rates, eliminating the marriage tax penalty, doubling the child tax credit, and repealing the death tax.

Looking back a decade ago, it seems impossible that the government could ever dig itself out of its financial hole. For too long, uncontrollable spending and reckless "borrowing" reigned in Washington. Now, thanks to a fiscally-responsible Republican Congress, we have a budget that is realistic and reasonable, holding the overall growth of spending to roughly inflation, while increasing spending on important priorities that will ensure a more secure future for every American family.

This budget reins in government spending, limiting it to the about same rate of growth as the average family's budget. It reduces federal taxes. It pays down the debt. And it takes care of important priorities like Social Security, Medicare, and national defense.

Mrs. CLAYTON. Mr. Chairman, American farms face the deepest agricultural recession of the century. Current farm conditions are worse than those during the Great Depression, World War II, or the 80s farm crisis. The combination of low commodity prices, unfair markets abroad, repeated natural disasters, and skyrocketing input costs has put not just the farmer, but the entire fabric of rural America at risk. This is the recession that the Republican budget proposal ignores. Rather than providing real economic assistance in the budget baseline, the Republican budget relies on a red herring "reserve fund." This reserve fund supposes to cover not only agricultural interests, but defense, tax extenders, and all other appropriate legislation.

It is also worth pointing out that the reserve fund in today's budget resolution is far smaller than we have been led to believe. Once the Medicare portion of the reserve fund is taken off-budget, about $500 billion dollars over $10 years remain. In reality, this leaves little room for agriculture. For example, in FY 2005 and 2006, the contingency fund has only $12 and $15 billion, respectively, available. This is barely sufficient to cover the requests of agricultural needs, not to mention other appropriate legislation of which there is certain to be plenty. This year a broad coalition of commodity and farm groups wrote to Congress requesting $9 billion for FY 2002, and $12 billion for each year thereafter. My amendment would have increased farm assistance programs by $9 billion in FY 2002 and by $45 billion over the next ten years. On a straight party line vote of 21 to 16 Republicans on the House Budget Committee, voted it down. This same amendment was also considered not in order by the Rules Committee.

The time is now for us to provide the needed funds by raising the agricultural baseline. If we are to be honest and of true assistance to our farmers, we must move away from the emergency assistance that we have provided in recent years. Emergency, ad-hoc funding is inherently unstable and unpredictable. Producers and lenders alike are understandably nervous about basing their financial decisions on money that may or may not materialize. This uncertainty threatens to chill the entire farm economy.

Mr. Chairman, farmers need help now. And they deserve better than to be promised so much, but with so little assistance. I urge my Republican colleagues to join with me in supporting our hardworking farmers by voting no to the Republican budget resolution. I will only support a budget resolution this year that supports farmers in the same way that they have supported this nation for so long. The Republican budget absolutely does not.

Mrs. CAPPS. Mr. Chairman, today the House debates the Budget Resolution. This critical legislation lays out the framework for the federal budget and spells out our nation's economic priorities. I cast my vote for a budget that is fiscally responsible, provides tax relief for all Americans, and invests in the programs that improve our quality of life.

The prosperity that we have enjoyed over the last decade has produced today's record budget surpluses and projections for huge future surpluses. These projections present us with the opportunity to keep our fiscal house in order, while meeting the key important needs of the American people.

The budget I support will allow us, first of all, to pass substantial tax cuts. Since coming to Congress, I have voted repeatedly to cut taxes. At a minimum, we should lower overall tax rates, fix the marriage penalty, and reform the estate tax laws.

Secondly, I voted for a budget resolution that devotes a third of the surplus to debt reduction. Clearly, we must continue paying down the $3.4 trillion national debt. Our progress in debt reduction has kept interest rates down and allowed families to pay less for their homes and cars.

Finally, the budget framework provides the funding necessary to address the most pressing needs of families on the Central Coast and across our nation. It invests in education, strengthens Social Security, Medicare and national defense, and provides the funding needed for an affordable prescription drug plan for all seniors.

Mr. Chairman, I pride myself on working in a bipartisan manner to address the concerns of my constituents. But I cannot, in good conscience, support the President's budget, as proposed today by the majority party.

The $2 trillion tax cut proposed by the President is simply too big. It won't allow us to pay down the debt. I also fear that a tax cut of this magnitude could open the door to a new era of runaway deficits that would cripple our economy and saddle our children with the burden of crushing debt.

In addition, I opposed the majority party's budget proposal because it depletes the resources we need to keep Social Security and Medicare solvent and provides only a slight increase in education. Finally, the President's budget will actually bring about deep cuts in several key areas, like veterans, agriculture, and environmental protection.

Mr. Chairman, today the House was faced with starkly differing proposals for setting the economic priorities of our nation. I truly believe that the votes I cast were in the best interests of our families and our future.

Mr. COYNE. Mr. Chairman, I rise in opposition to the budget resolution before us today.

This budget resolution is unrealistic and irresponsible. It makes optimistic and incautious assumptions about future budget surpluses to justify a massive series of tax cuts that would result in the chronic underfunding of important federal action on health care, education, transportation, veterans' benefits, housing, justice, environmental protection, and scientific research over the next ten years. This budget resolution would not do enough to shore up Social Security and Medicare, and it will effectively rule out the enactment of a comprehensive Medicare prescription drug benefit.

If recent years are accurate indicators, and I believe that they are, the Republican majorities in the House and Senate will adopt a budget resolution that even they are unwilling to implement. There are a number of Republican Representatives and Senators who will not support appropriations bills later this year that make irresponsible cuts in programs that they support.

Consideration of the annual budget resolution, unfortunately, has become a grotesque caricature of what is supposed to be. In recent years, Congress has consistently passed budgets that everyone knew it couldn't abide by. The House has already passed a trillion-dollar tax cut, and we are scheduled to pass a $400 billion tax cut tomorrow—after we have passed a budget resolution, granted, but certainly not after the House and Senate have agreed on the final tax cut and spending figures for Fiscal Year 2002. If Congress enacts massive permanent tax cuts and then passes appropriations bills that spend more than the amount authorized in this fantasy budget resolution, it seems all too likely that the federal budget will soon be running massive deficits again.

The budget resolution is in no way binding on the Republican majority. The all too common practice of disregarding the budget resolution in recent years has been formalized in the document before us today by the inclusion of a provision which allows the chairman of the House Budget Committee to adjust tax and spending levels unilaterally later in the year.

Congress has made many difficult decisions in order to produce the substantial surpluses we enjoy today. Our success has been made possible, however, only by remarkable economic conditions that we have done little to produce, and economic developments beyond our control could dramatically alter our fiscal reality in a very short period of time. Do we really want to throw this all away by celebrating prematurely and profligately? I don't think that we should.

I urge my colleagues to act conservatively and wisely. I urge them to pass a budget that funds discretionary programs at levels that reflect the appropriations levels we all know we will enact later this year. I urge them to use much of the on-budget surplus to pay down the national debt. And I urge them to pass a smaller, fairer, more fiscally responsible, and more honest tax cut that provides tax relief to the households that need it the most. In short, I urge my colleagues to reject the budget resolution before us and support the Democratic alternative budget.

Mr. DINGELL. Mr. Chairman, last week the President told us that it was all right for American families to swallow drinking water with five times the arsenic allowed in Europe when he halted a safe drinking water regulation. Today we are being asked to swallow another dangerous proposal—his budget.

I am proud of the day in 1964 when I presided over the House when it passed Medicare legislation. It is probably the most important vote I cast in my life. It has brought protection and health to our country's seniors ever since. But today, just like in 1995, when my Republican colleagues took control of this chamber, Medicare is under attack again—and for the same reason—to pay for a tax cut, which will go primarily to the richest individuals in the country.

The budget before us would actually raid the Medicare Trust Fund, just weeks after we passed legislation to stop that. According to Budget Committee analysts, the budget will ultimately dip into the Trust Fund to pay for either tax cuts or undefined contingent funding.

The budget resolution marks a retreat from the President's promise to design a meaningful prescription drug benefit. The budget includes just $153 billion over ten years for the new benefit, which is even less than the plan brought forward by my Republican colleagues last year. That proposal, which would give money to HMO's, was called unworkable and far too little.

The Democratic proposal would allocate more than double this amount and provide a meaningful drug benefit to all Medicare recipients who choose to participate, not just a small percentage who are poor. We could easily afford this benefit. But the President's budget puts tax cuts ahead of the needs of our seniors.

Even worse, this budget pays for its drug benefit by using the Medicare Hospital Insurance Trust Fund—money intended to pay for seniors' hospital care. In simple terms, this means we will pay for a drug benefit today by bankrupting Medicare sooner, and reduce future ability to pay for the doctor and hospital care seniors need, the old proverbial borrowing from Peter to pay Paul. That is wrong. We need to add a real prescription drug benefit to Medicare, but this is not the way to do it.

I could mention many other problems in this budget—how it shortchanges veterans and safe drinking water for starters—but let me just mention the energy budget. As Ranking Member on the Energy and Commerce Committee, I have heard a lot of rhetoric from the Administration on how we need to focus on our energy needs, but what does the President's budget do?

It actually cuts $700 million from the Department of Energy's budget. While the President has refused to tell us where these cuts will come from, news sources indicate it will come from energy research into conservation and renewable energy. How can this make any sense whatsoever?

The bottom line is that the President's tax cut of over $2 trillion is driving all of these decisions. This debate helps all of us, and the American people, understand that we must choose our priorities carefully. Last year's campaign was marked by Republican obfuscation. But now they are making choices—the wrong choices.

Do we want to protect Social Security and Medicare or do we want a big tax cut now? The President has told us, for example, that reducing taxes on estates over $2 million is more important than saving Social Security and Medicare. Will we agree? I, for one, will not.

The Republican budget is a blueprint for future borrowing at best, and draconian cuts at worst. It should be rejected. The Democratic Substitute, offered by the gentleman from South Carolina [Mr. SPRATT] is a much better alternative that will provide a fiscally responsible tax cut and will provide more adequate funding for education, Social Security, Medicare and prescription drugs, while continuing to pay down the debt.

Ms. ROYBAL-ALLARD. Mr. Chairman, in poll after poll, the American people have stated that tax cuts should not come at the expense of Medicare.

Still, the Republican budget resolution we are considering in the House this week takes $153 billion from the Medicare Trust Fund and diverts it to a new prescription drug benefit and unnamed Medicare "reforms."

CBO Director Dan Crippen has testified that adding a prescription drug benefit to the Medicare program could cost not $153 billion—but more than $1 trillion over the next decade.

Even Energy and Commerce Chairman BILLY TAUZIN has admitted that a prescription drug benefit for seniors will cost far more than $153 billion. We all know the problem.

The Bush "super-sized" tax cut puts the solvency of the Medicare Trust Fund in jeopardy.

And Bush's oversized tax cut will squeeze out the budget resources we must have for a sorely-needed prescription drug benefit for our seniors.

The working families and senior citizens in my Los Angeles district can count. They realize that the Republican budget resolution just doesn't add up. I urge my colleagues to join me in opposing this legislation.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong opposition to the Republican Budget because it severely cuts many of the programs, which benefits the needy in our country in order to pay for huge tax breaks for the wealthy.

I rise, as well, to urge support for the Democratic substitute which provides a fiscally responsible tax cut for middle income families, as well as, adequate funds for education, Social Security, Medicare, prescription drugs and it continues to pay down the national debt.

Mr. Chairman, 20 days ago, this House took the first step in dismantling all of our hard work and the progress that we have made in education, health care, housing and the many other needs of our constituents by passing the first piece of the Bush $1.6 Trillion tax cut.

Today, my friends on the other side of the isle intend to compound this shame by adopting what the Washington Post on Sunday called "a Lollipop Budget" because of the lollipops it provides to the few who need them the least, while leaving the government without the means to meet its obligations.

The budget the majority intends to pass today most surely will squander all of the funds necessary for critical investments in our nation.

Under this regressive budget plan for fiscal year 2002, there will be no money for, prescription drugs and ensuring the solvency of Social Security and Medicare.

Because of estimates that 12.2 million low and moderate income families with children—31.5 percent of all families with children—the majority of them headed by hard working adults, would not receive any tax reduction at all under this budget plan meaning that many Americans, especially Black and Hispanic will be left further behind.

Under this budget plan there will be inadequate spending for education, no New Markets initiative to provide the venture capital needed in our communities, 45 million Americans will continue to be without health insurance, and that HMO's will continue to make profits by denying care and the continued denial of prescription drug coverage for the over 25 million seniors who must choose between paying for food or medicine.

For my constituents who's tax system mirrors the Federal IRS Code, this budget will mean that the loss of $28 million to our local treasury on top of the devastating cuts in programs upon which they rely for a helping hand up.

Under this budget plan Americans living in the territories and others living in the states will be denied access to health care because Medicaid will be cut so that those who are in the top 10% of incomes in this country can get more.

Unlike the Republican Budget, the Democrat Budget retires the public debt by 2008, provides tax relief to all taxpayers, provides a credible prescription drug benefit, extends the solvency of Medicare and Social Security and provides realistic funding for priority investments for veterans, healthcare, the environment, education and law enforcement.

Mr. Chairman, we cannot afford to pass the Republican budget because of the harm that it will do to average Americans.

We have the resources today to right the wrongs of the past. We must insist that President Bush and the leadership of this Congress not squander our nation's wealth, but to invest it instead in the people.

Mr. KIRK. Mr. Chairman, I rise in support of the resolution. Today, we are preparing to vote to approve a responsible budget that meets our priorities: saving Social Security for seniors today and tomorrow, repaying $2.3 trillion in debt, improving education, providing a prescription drug benefit to our needy seniors, and providing tax relief to restart our flagging economy.

This budget also addresses a number of other key issues. The value of investment in foreign assistance is included, with special mention given to the urgent funding needs to support the Middle East Peace Process and the war on drugs in the Andean countries. The work of the U.S. Agency for International Development is commended. This is a direct result of the critical work being performed in areas including health care, democracy building and disaster relief.

The Great Lakes Naval Training Center is located in my district, and because of this vital role in training the fleet, naval training receives the attention it deserves in this resolution. Additional support is offered to the initiative to improve our national defense by reviewing the goals and needs of our Armed Forces to improve overall efficiency. This budget offers the Department of Defense the flexibility it needs to complete this thorough review and grants the Congress the ability to provide additional funding if the review deems it necessary.

Special mention is made of our imperative need to clean up nuclear waste, an issue of great importance in the City of Zion. It is here that 1,000 tons of highly radioactive spent nuclear fuel is stored less than 120 yards from Lake Michigan.

Both the President and now Congress commit to doubling funding for the National Institutes of Health (NIH), the world's leading biomedical research institution. Because of the ground breaking research conducted at NIH, lives are saved and health care costs are reduced while jobs are created. This is particularly important for the health care companies based in my district, and this resolution addresses this critical need.

As a member of the Budget Committee, I have seen Chairman NUSSLE and Ranking Minority Member SPRATT set out to do the work of our Committee with a spirit of bipartisanship that shows itself in mutual respect, open dialog, and a willingness to hear all points of view. I am proud to support their efforts.

Mutual respect has been evident during all of this year's budget debate. Open dialog has been the order of the day in all bipartisan meetings, and was especially evident during the markup of this budget resolution, when Budget Committee staff members presented a detailed functional breakdown of the budget and answered questions from all members of the Budget Committee. I want to commend the staff, particularly Rich Meade, Jim Bates, Jim Cantwell, Jason McKitrick and Paul Restuccia, for their expertise and hard work over the last few weeks.

This budget is a first step toward implementing the priorities we all value. I urge my colleagues to support me in voting for it. To succeed in implementing the goals of this resolution, we need to continue to follow the principles of bipartisanship that Chairman NUSSLE has shown us in the Budget Committee. I urge my colleagues to support the Chairman in this, as well, and vote in favor of the resolution.

Mr. DICKS. Mr. Chairman, during last year's campaign, President Bush made many promises to the American people. He promised to preserve Social Security and Medicare. He pledged to provide a prescription drug benefit for seniors. He said that he would increase our spending on national defense to improve readiness on national defense to improve readiness and the morale of our troops; and he declared that he would increase the federal commitment to education and maintain our efforts to protect the environment.

The FY 2002 budget before us today, based upon the President's own budget blueprint, sacrifices all of these promises and priorities in order to fulfill just one: a giant tax cut that offers its greatest benefits to the wealthiest Americans.

In my judgment, this budget is fiscally unsound because it relies upon rosy assumptions of economic growth and of subsequent government revenues to generate continued budget surpluses. And if these projected surpluses do not materialize, this Republican budget will cause the nation to return to the days of budget deficits and escalating national debt from which we only recently emerged. I would caution my colleagues to consider this point before casting their vote on the measure.

I am especially concerned about the shortsightedness of this budget with regard to our nation's defense. Although the President promised to increase defense spending to ensure that our military is prepared to meet challenges it will face in the 21st century, this budget allocation will not even keep pace with inflation. We already know that $3.9 billion will be necessary to provide health care benefits to Medicare-eligible military retirees for 2002 in accordance with last year's National Defense Authorization Act, a fact that is not considered in this budget. The President and many of my colleagues also support a national missile defense program, the cost of which will be enormous, further draining resources from an already depleted defense budget.

This budget also does not assume any action in this current fiscal year to address the urgently-needed supplemental appropriations for the Department of Defense. This is another faulty assumption and another area in which the Bush administration is retreating on the promise that "Help is on the Way" to address readiness concerns, the already-approved pay raise, and the need to improve quality of life for military personnel and their families. I believe that this issue is so important that I have already proposed a supplemental appropriations bill for my colleagues' consideration, containing legitimate emergency appropriations items that have been submitted by all of the services. To ignore these requests, as has been done in the Republican budget, is unwise.

My friends on the other side of the aisle will argue that Congress still may increase defense spending pending the outcome of a strategic review of defense requirements. I would point out to my colleagues that by the end of this week, it is likely that the House will have passed tax cuts totaling more than $1.35 billion—almost 85 percent of the allocation provided for tax cuts in this budget resolution. Several components of the President's tax proposal remain to be considered, including the elimination of the estate tax, expanding the charitable deduction, and making permanent the research and experimentation tax credit. Once this tax package is approved, where will the money be found to fund any increase in defense? Very likely it would require deep cuts to Social Security and Medicare, and to education and the environment.

In contrast to this anti-defense Republican budget, the Democratic substitute delivers on defense, providing a $7.1 billion defense supplemental for 2001 and providing $48 billion more for defense over the next 10 years than the Republican budget. This level of funding will improve the quality of life for our troops and their families, enable the modernization and replacement of aging equipment, and provide the research and development needed to ensure that our military remains the strongest and most efficient armed force in the world.

I am also very concerned about the shortcomings in the Republican budget with regard to natural resources and the environment. Their plan cuts $2.3 billion from last year's level, effectively an 11 percent cut considering inflation. Even after adjusting the budget to take into account for emergency funding made last year, the Republican budget plan does not return to last year's funding level until 2007.

As the Ranking Democratic Member of the Interior Appropriations Subcommittee, I have concerns about what the proposed budget implications will be for our public lands and natural resource priorities. We already have unmet needs and backlogs. Any cuts to these important programs only worsen these problems.

The Democratic alternative is much more responsible with regard to our nation's commitment to protecting the environment. Our substitute budget provides $3.6 billion more than the Republican plan for natural resources and environmental programs, adhering to last year's agreement regarding conservation programs, making needed investments in water infrastructure, and helping western states such as my state of Washington to better plan for and respond to the threat of wildfires.

Although Congress considers a budget resolution every year, there are times when annual decisions like this one have impacts that extend far beyond the next 12 months. In 1993, for example, Congress considered and approved one such budget that helped our nation to gain control over the escalating budget deficits we had experienced under the previous Bush and Reagan Administrations—deficits that were launched, interestingly, by the Reagan Administration's insistence on passing an enormous tax reduction bill. With the assistance of hindsight, I believe it is clear that this 1993 budget is, in no small part, responsible for the extremely positive financial circumstances we have enjoyed in the past several years.

In my judgment, the FY 2002 budget we are debating today will be much like that 1993 budget: a major landmark in our nation's fiscal history. What we pass today will outline how we will allocate the surpluses we project over the next ten years. We are determining whether we will devote necessary resources to preserving Social Security and Medicare, improving our national defense, protecting the environment, improving education, and providing sensible tax relief for working Americans; or, if we are going to abandon these needs to finance a politically popular tax cut. I urge my colleagues to oppose the Republican budget resolution and to support the Democratic alternative.

Mr. EVANS. Mr. Chairman, simply stated, H. Con. Res. 83 should be defeated. The budget resolution reported by the House Budget Committee on a straight party-line vote, fails our veterans. It does not provide the discretionary funding needed for veterans' benefits and services, particularly health care. H. Con. Res. 83 falls far short of the $2.1 billion increase in discretionary funding for veterans programs next year which Chairman CHRIS SMITH and I agreed was needed to, "Help us raise veterans benefits and services to a level at which we can confidently say as a Nation in freedom and at peace, at a time of plenty, we provide for our veterans."

It is bad enough that this budget fails to provide the funding needed for next fiscal year, which begins on October 1, 2001. But adding insult to injury, this budget plan actually calls for a nearly one billion dollar cut in funding for veterans benefits and services in the following budget year, fiscal year 2003. The $24.3 billion in discretionary spending proposed by the Budget Committee will not adequately fund veterans programs for fiscal year 2002. The nearly one billion reduction in funding for 2003 is a blueprint for devastating cuts in benefits and services for veterans. These are the benefits and services our veterans have earned by their honorable service to the Nation.

Perhaps even worse, the Budget Committee plan directs the House Committee on Veterans' Affairs to achieve "savings" in veterans benefits programs of more than $7 billion. I look forward to the Budget Committee members who support this blueprint providing details on the specific veterans benefits they propose to reduce or eliminate. Clearly, Congress should not cut veterans benefits provided in current law to help finance a nearly $2 trillion tax cut. A tax cut that mainly benefits those who are already the richest in our society. That is what this budget asks. I say no.

This nation honors its commitments. We have a national obligation to veterans. But it seems some want to ignore our nation's obligations to veterans. For them honoring this nation's obligations to veterans is not a priority.

Their priorities include instead a massive tax cut for the wealthiest in our society. Some veterans wait an entire year for a medical clinic appointment. That is shameful. That does not honor the sacrifice and service of our veterans. Some pay lip service to veterans, but veterans need real service.

If we do not honor veterans in both words and deeds, then we dishonor their service. I will not ignore America's veterans. They have already given of themselves for us.

As a nation, we owe veterans a tremendous debt. Our budget surplus allows that debt to be repaid if veterans are truly a priority. Veterans should be first in line. Today they are being pushed to the back as massive tax cuts for the wealthiest in society are the flavor of the month.

Our nation does not fully honor its obligations to veterans when we pause briefly on Memorial Day and Veterans Day. Our nation does not fully honor its obligations to veterans by building monuments. How well our nation honors its obligations to veterans is best measured in the benefits and services we provide those who have served and sacrificed for our Nation.

For these reasons and others, I urge the defeat of H. Con. Res. 83.

Mr. CASTLE. Mr. Chairman, I rise today to express my opposition to the changes that were made to the emergency budget reserve account language in the FY02 Budget Resolution reported out of the House Budget Committee.

The reported budget reserve account language was meaningful. It created a $5.6 billion budget reserve account that could only be used for major emergencies. The most important feature was that the Budget Committee held the keys to determining whether the spending proposed met the legal definition of an emergency.

The compromise that has been negotiated since then guts the budget reserve account. The Appropriations Committee unilaterally determines if the proposed spending meets the definition of an emergency. Furthermore, the Appropriations Committee can exhaust the $5.6 billion budget reserve account with low level "emergencies" and rely on Congress to pass legislation to fund "major" emergencies above the discretionary caps when the time comes.

I urge my fellow colleagues to join me and Chairman NUSSLE in sponsoring legislation that will be introduced today to make a real budget reserve account a permanent feature of our budgeting process.

In closing, I want to thank Chairman NUSSLE for his efforts to reform our budget process. He has been at the forefront of this issue since he first came to Washington, D.C. As the process moves forward, I will be pleased to support his efforts every step of the way.

Mr. COSTELLO. Mr. Chairman, I intend to vote against the ten-year budget offered by the Republican leadership today because its $1.6 billion tax cut is too large and it fails to adequately fund important priorities such as agriculture, education, veterans, the COPS program, prescription drugs for seniors and national defense. I will also vote against the Democratic budget, because while it is a vast improvement on the Republican plan, it is also based on unreliable ten-year projections.

Instead, I will support the alternative budget offered by the Blue Dogs, because it is based on economic estimates covering only the next five years. This body knows from experience that trying to predict the economy over five years is difficult, and that over ten years it is impossible. The Blue Dog five-year budget makes sense. It provides for a reasonable tax cut while paying down the debt and devoting more resources to critical priorities that the Republican budget neglects.

I am particularly concerned about the excessive Republican tax cut amid signs that the economy is slowing, which could lead to big deficits in the future. While I support a significant tax cut and will vote again this year to repeal the estate tax and eliminate the marriage penalty tax, I believe a five-year budget will allow a better opportunity to assess the health of the economy and to tailor policies to keep it strong. I am also concerned that the Republican budget allows for the privatization of Social Security, which could jeopardize the long-term solvency of the program.

Mr. Chairman, we learned from the Reagan polices of the 1980s that large tax cuts do not lead to balanced budgets, let along surpluses. We need a more fiscally responsible approach than the Republicans are currently offering to provide tax relief while keeping our important commitments to programs like Social Security and Medicare. I believe the Blue Dog budget meets these goals and I urge my colleagues to support it.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution shall be considered for amendment under the 5-minute rule. The amendment specified in part A of House Report 107–30 and the amendment specified in the order of the House of earlier today are adopted and the concurrent resolution, as amended, is considered read.

The text of House Concurrent Resolution 83, as amended, is as follows:

H. CON. RES. 83

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that the concurrent resolution on the budget for fiscal year 2001 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2002 and that the appropriate budgetary levels for fiscal years 2003 through 2011 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,624,700,000,000.
Fiscal year 2002: $1,635,800,000,000.
Fiscal year 2003: $1,699,000,000,000.
Fiscal year 2004: $1,755,700,000,000.
Fiscal year 2005: $1,816,700,000,000.
Fiscal year 2006: $1,872,200,000,000.
Fiscal year 2007: $1,948,600,000,000.
Fiscal year 2008: $2,041,700,000,000.
Fiscal year 2009: $2,143,200,000,000.
Fiscal year 2010: $2,256,600,000,000.

Fiscal year 2011: $2,387,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $5,800,000,000.
Fiscal year 2002: $67,700,000,000.
Fiscal year 2003: $83,100,000,000.
Fiscal year 2004: $108,600,000,000.
Fiscal year 2005: $133,100,000,000.
Fiscal year 2006: $167,400,000,000.
Fiscal year 2007: $187,100,000,000.
Fiscal year 2008: $201,100,000,000.
Fiscal year 2009: $217,000,000,000.
Fiscal year 2010: $232,700,000,000.
Fiscal year 2011: $240,900,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,556,900,000,000.
Fiscal year 2002: $1,613,700,000,000.
Fiscal year 2003: $1,660,300,000,000.
Fiscal year 2004: $1,723,200,000,000.
Fiscal year 2005: $1,799,900,000,000.
Fiscal year 2006: $1,851,600,000,000.
Fiscal year 2007: $1,918,000,000,000.
Fiscal year 2008: $1,998,500,000,000.
Fiscal year 2009: $2,077,000,000,000.
Fiscal year 2010: $2,161,500,000,000.
Fiscal year 2011: $2,252,800,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,508,900,000,000.
Fiscal year 2002: $1,579,800,000,000.
Fiscal year 2003: $1,634,600,000,000.
Fiscal year 2004: $1,698,600,000,000.
Fiscal year 2005: $1,777,600,000,000.
Fiscal year 2006: $1,825,700,000,000.
Fiscal year 2007: $1,889,900,000,000.
Fiscal year 2008: $1,973,700,000,000.
Fiscal year 2009: $2,053,600,000,000.
Fiscal year 2010: $2,139,900,000,000.
Fiscal year 2011: $2,230,200,000,000.

(4) Surpluses.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $115,800,000,000.
Fiscal year 2002: $56,000,000,000.
Fiscal year 2003: $64,400,000,000.
Fiscal year 2004: $57,100,000,000.
Fiscal year 2005: $39,100,000,000.
Fiscal year 2006: $46,500,000,000.
Fiscal year 2007: $58,700,000,000.
Fiscal year 2008: $68,000,000,000.
Fiscal year 2009: $89,600,000,000.
Fiscal year 2010: $116,700,000,000.
Fiscal year 2011: $156,800,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,575,000,000,000.
Fiscal year 2002: $5,623,000,000,000.
Fiscal year 2003: $5,674,000,000,000.
Fiscal year 2004: $5,733,000,000,000.
Fiscal year 2005: $5,807,000,000,000.
Fiscal year 2006: $5,875,000,000,000.
Fiscal year 2007: $5,928,000,000,000.
Fiscal year 2008: $5,969,000,000,000.
Fiscal year 2009: $5,988,000,000,000.
Fiscal year 2010: $6,344,000,000,000.
Fiscal year 2011: $6,721,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2001 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $310,300,000,000.
(B) Outlays, $300,600,000,000.
Fiscal year 2002:
(A) New budget authority, $324,600,000,000.
(B) Outlays, $319,300,000,000.
Fiscal year 2003:
(A) New budget authority, $333,300,000,000.
(B) Outlays, $325,500,000,000.
Fiscal year 2004:
(A) New budget authority, $342,600,000,000.
(B) Outlays, $334,000,000,000.
Fiscal year 2005:
(A) New budget authority, $352,200,000,000.
(B) Outlays, $347,200,000,000.
Fiscal year 2006:
(A) New budget authority, $362,100,000,000.
(B) Outlays, $354,600,000,000.
Fiscal year 2007:
(A) New budget authority, $372,200,000,000.
(B) Outlays, $361,900,000,000.
Fiscal year 2008:
(A) New budget authority, $382,700,000,000.
(B) Outlays, $375,600,000,000.
Fiscal year 2009:
(A) New budget authority, $393,500,000,000.
(B) Outlays, $386,500,000,000.
Fiscal year 2010:
(A) New budget authority, $404,500,000,000.
(B) Outlays, $397,600,000,000.
Fiscal year 2011:
(A) New budget authority, $416,300,000,000.
(B) Outlays, $409,200,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2002:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 2003:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $19,900,000,000.
Fiscal year 2004:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2005:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $20,800,000,000.
Fiscal year 2006:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $21,400,000,000.
Fiscal year 2007:
(A) New budget authority, $26,900,000,000.
(B) Outlays, $22,100,000,000.
Fiscal year 2008:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $22,800,000,000.
Fiscal year 2009:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 2010:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2011:
(A) New budget authority, $29,600,000,000.
(B) Outlays, $25,000,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 2002:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $21,000,000,000.
Fiscal year 2003:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $21,900,000,000.
Fiscal year 2004:
(A) New budget authority, $23,100,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2005:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,200,000,000.
Fiscal year 2006:
(A) New budget authority, $24,300,000,000.
(B) Outlays, $23,700,000,000.
Fiscal year 2007:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2008:
(A) New budget authority, $25,600,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2009:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2010:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,100,000,000.
Fiscal year 2011:
(A) New budget authority, $27,800,000,000.
(B) Outlays, $26,900,000,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2002:
(A) New budget authority, $800,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2003:
(A) New budget authority, $800,000,000.
(B) Outlays, −$500,000,000.
Fiscal year 2004:
(A) New budget authority, $900,000,000.
(B) Outlays, −$600,000,000.
Fiscal year 2005:
(A) New budget authority, $900,000,000.
(B) Outlays, −$500,000,000.
Fiscal year 2006:
(A) New budget authority, $1,000,000,000.
(B) Outlays, −$400,000,000.
Fiscal year 2007:
(A) New budget authority, $1,100,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2008:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $400,000,000.
Fiscal year 2009:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2010:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 2011:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $900,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,800,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2002:
(A) New budget authority, $26,700,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2003:
(A) New budget authority, $26,800,000,000.
(B) Outlays, $27,000,000,000.
Fiscal year 2004:
(A) New budget authority, $27,700,000,000.
(B) Outlays, $27,500,000,000.
Fiscal year 2005:
(A) New budget authority, $27,900,000,000.
(B) Outlays, $27,700,000,000.
Fiscal year 2006:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $27,800,000,000.
Fiscal year 2007:
(A) New budget authority, $28,600,000,000.
(B) Outlays, $28,300,000,000.
Fiscal year 2008:
(A) New budget authority, $29,300,000,000.
(B) Outlays, $28,800,000,000.
Fiscal year 2009:
(A) New budget authority, $30,600,000,000.
(B) Outlays, $29,900,000,000.
Fiscal year 2010:
(A) New budget authority, $31,200,000,000.
(B) Outlays, $30,500,000,000.
Fiscal year 2011:
(A) New budget authority, $32,400,000,000.
(B) Outlays, $31,500,000,000.

(6) Agriculture (350):
Fiscal year 2001:

(A) New budget authority, $26,300,000,000.

(B) Outlays, $23,700,000,000.

Fiscal year 2002:

(A) New budget authority, $19,100,000,000.

(B) Outlays, $17,500,000,000.

Fiscal year 2003:

(A) New budget authority, $18,600,000,000.

(B) Outlays, $17,000,000,000.

Fiscal year 2004:

(A) New budget authority, $18,500,000,000.

(B) Outlays, $17,100,000,000.

Fiscal year 2005:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $16,900,000,000.

Fiscal year 2006:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2007:

(A) New budget authority, $16,500,000,000.

(B) Outlays, $14,900,000,000.

Fiscal year 2008:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $14,100,000,000.

Fiscal year 2009:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $14,400,000,000.

Fiscal year 2010:

(A) New budget authority, $15,900,000,000.

(B) Outlays, $14,500,000,000.

Fiscal year 2011:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $14,700,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2001:

(A) New budget authority, $2,500,000,000.

(B) Outlays, −$800,000,000.

Fiscal year 2002:

(A) New budget authority, $7,400,000,000.

(B) Outlays, $4,400,000,000.

Fiscal year 2003:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $3,200,000,000.

Fiscal year 2004:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $8,600,000,000.

Fiscal year 2005:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $9,000,000,000.

Fiscal year 2006:

(A) New budget authority, $12,700,000,000.

(B) Outlays, $8,400,000,000.

Fiscal year 2007:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $9,200,000,000.

Fiscal year 2008:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $9,300,000,000.

Fiscal year 2009:

(A) New budget authority, $14,300,000,000.

(B) Outlays, $9,600,000,000.

Fiscal year 2010:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $12,800,000,000.

Fiscal year 2011:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $9,800,000,000.

(8) Transportation (400):

Fiscal year 2001:

(A) New budget authority, $62,100,000,000.

(B) Outlays, $51,700,000,000.

Fiscal year 2002:

(A) New budget authority, $61,000,000,000.

(B) Outlays, $55,600,000,000.

Fiscal year 2003:

(A) New budget authority, $58,700,000,000.

(B) Outlays, $58,300,000,000.

Fiscal year 2004:

(A) New budget authority, $59,200,000,000.

(B) Outlays, $60,200,000,000.

Fiscal year 2005:

(A) New budget authority, $59,700,000,000.

(B) Outlays, $62,000,000,000.

Fiscal year 2006:

(A) New budget authority, $60,300,000,000.

(B) Outlays, $63,700,000,000.

Fiscal year 2007:

(A) New budget authority, $60,800,000,000.

(B) Outlays, $64,900,000,000.

Fiscal year 2008:

(A) New budget authority, $61,300,000,000.

(B) Outlays, $66,400,000,000.

Fiscal year 2009:

(A) New budget authority, $61,800,000,000.

(B) Outlays, $68,000,000,000.

Fiscal year 2010:

(A) New budget authority, $62,200,000,000.

(B) Outlays, $69,300,000,000.

Fiscal year 2011:

(A) New budget authority, $63,100,000,000.

(B) Outlays, $71,200,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $11,400,000,000.

Fiscal year 2002:

(A) New budget authority, $10,100,000,000.

(B) Outlays, $11,400,000,000.

Fiscal year 2003:

(A) New budget authority, $10,300,000,000.

(B) Outlays, $11,000,000,000.

Fiscal year 2004:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $10,700,000,000.

Fiscal year 2005:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $10,400,000,000.

Fiscal year 2006:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $10,300,000,000.

Fiscal year 2007:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $10,500,000,000.

Fiscal year 2008:

(A) New budget authority, $11,800,000,000.

(B) Outlays, $10,800,000,000.

Fiscal year 2009:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,000,000,000.

Fiscal year 2010:

(A) New budget authority, $12,300,000,000.

(B) Outlays, $11,300,000,000.

Fiscal year 2011:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $11,600,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,900,000,000.

(B) Outlays, $69,800,000,000.

Fiscal year 2002:

(A) New budget authority, $82,100,000,000.

(B) Outlays, $76,200,000,000.

Fiscal year 2003:

(A) New budget authority, $82,000,000,000.

(B) Outlays, $81,700,000,000.

Fiscal year 2004:

(A) New budget authority, $83,900,000,000.

(B) Outlays, $82,300,000,000.

Fiscal year 2005:

(A) New budget authority, $87,300,000,000.

(B) Outlays, $84,800,000,000.

Fiscal year 2006:

(A) New budget authority, $90,200,000,000.

(B) Outlays, $87,700,000,000.

Fiscal year 2007:

(A) New budget authority, $92,800,000,000.

(B) Outlays, $90,400,000,000.

Fiscal year 2008:

(A) New budget authority, $95,700,000,000.

(B) Outlays, $93,000,000,000.

Fiscal year 2009:

(A) New budget authority, $98,400,000,000.

(B) Outlays, $95,900,000,000.

Fiscal year 2010:

(A) New budget authority, $100,500,000,000.

(B) Outlays, $98,400,000,000.

Fiscal year 2011:

(A) New budget authority, $104,600,000,000.

(B) Outlays, $101,400,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $182,600,000,000.

(B) Outlays, $175,500,000,000.

Fiscal year 2002:

(A) New budget authority, $204,000,000,000.

(B) Outlays, $201,100,000,000.

Fiscal year 2003:

(A) New budget authority, $229,700,000,000.

(B) Outlays, $225,800,000,000.

Fiscal year 2004:

(A) New budget authority, $246,500,000,000.

(B) Outlays, $244,700,000,000.

Fiscal year 2005:

(A) New budget authority, $253,800,000,000.

(B) Outlays, $251,500,000,000.

Fiscal year 2006:

(A) New budget authority, $266,800,000,000.

(B) Outlays, $264,600,000,000.

Fiscal year 2007:

(A) New budget authority, $287,000,000,000.

(B) Outlays, $284,200,000,000.

Fiscal year 2008:

(A) New budget authority, $307,600,000,000.

(B) Outlays, $305,200,000,000.

Fiscal year 2009:

(A) New budget authority, $329,700,000,000.

(B) Outlays, $327,600,000,000.

Fiscal year 2010:

(A) New budget authority, $354,200,000,000.

(B) Outlays, $352,500,000,000.

Fiscal year 2011:

(A) New budget authority, $382,400,000,000.

(B) Outlays, $380,200,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,500,000,000.

(B) Outlays, $217,700,000,000.

Fiscal year 2002:

(A) New budget authority, $229,100,000,000.

(B) Outlays, $229,100,000,000.

Fiscal year 2003:

(A) New budget authority, $243,900,000,000.

(B) Outlays, $243,700,000,000.

Fiscal year 2004:

(A) New budget authority, $260,200,000,000.

(B) Outlays, $260,400,000,000.

Fiscal year 2005:

(A) New budget authority, $291,800,000,000.

(B) Outlays, $291,700,000,000.

Fiscal year 2006:

(A) New budget authority, $309,900,000,000.

(B) Outlays, $309,700,000,000.

Fiscal year 2007:

(A) New budget authority, $336,100,000,000.

(B) Outlays, $336,400,000,000.

Fiscal year 2008:

(A) New budget authority, $362,800,000,000.

(B) Outlays, $362,700,000,000.

Fiscal year 2009:

(A) New budget authority, $391,100,000,000.

(B) Outlays, $390,800,000,000.

Fiscal year 2010:

(A) New budget authority, $423,400,000,000.

(B) Outlays, $423,700,000,000.

Fiscal year 2011:

(A) New budget authority, $459,400,000,000.

(B) Outlays, $459,400,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $255,900,000,000.

(B) Outlays, $256,900,000,000.

Fiscal year 2002:

(A) New budget authority, $271,500,000,000.

(B) Outlays, $272,100,000,000.

Fiscal year 2003:

(A) New budget authority, $281,800,000,000.

(B) Outlays, $282,300,000,000.

Fiscal year 2004:

(A) New budget authority, $293,300,000,000.

(B) Outlays, $292,500,000,000.

Fiscal year 2005:

(A) New budget authority, $308,100,000,000.

(B) Outlays, $306,700,000,000.

Fiscal year 2006:

(A) New budget authority, $315,900,000,000.

(B) Outlays, $314,400,000,000.

Fiscal year 2007:

(A) New budget authority, $323,400,000,000.

(B) Outlays, $321,900,000,000.

Fiscal year 2008:

(A) New budget authority, $337,900,000,000.

(B) Outlays, $336,500,000,000.

Fiscal year 2009:

(A) New budget authority, $349,300,000,000.

(B) Outlays, $347,600,000,000.

Fiscal year 2010:

(A) New budget authority, $359,900,000,000.

(B) Outlays, $358,200,000,000.

Fiscal year 2011:

(A) New budget authority, $371,600,000,000.

(B) Outlays, $369,400,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $9,800,000,000.

Fiscal year 2002:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $11,000,000,000.

Fiscal year 2003:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $11,700,000,000.

Fiscal year 2004:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $12,500,000,000.

Fiscal year 2005:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,300,000,000.

Fiscal year 2006:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,200,000,000.

Fiscal year 2007:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $15,200,000,000.

Fiscal year 2008:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $16,200,000,000.

Fiscal year 2009:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,500,000,000.

Fiscal year 2010:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,900,000,000.

Fiscal year 2011:

(A) New budget authority, $20,400,000,000.

(B) Outlays, $20,400,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $45,900,000,000.

Fiscal year 2002:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $51,600,000,000.

Fiscal year 2003:

(A) New budget authority, $53,000,000,000.

(B) Outlays, $52,800,000,000.

Fiscal year 2004:

(A) New budget authority, $55,300,000,000.

(B) Outlays, $54,900,000,000.

Fiscal year 2005:

(A) New budget authority, $59,300,000,000.

(B) Outlays, $58,900,000,000.

Fiscal year 2006:

(A) New budget authority, $58,800,000,000.

(B) Outlays, $58,300,000,000.

Fiscal year 2007:

(A) New budget authority, $58,100,000,000.

(B) Outlays, $57,700,000,000.

Fiscal year 2008:

(A) New budget authority, $62,000,000,000.

(B) Outlays, $61,600,000,000.

Fiscal year 2009:

(A) New budget authority, $63,400,000,000.

(B) Outlays, $63,000,000,000.

Fiscal year 2010:

(A) New budget authority, $64,700,000,000.

(B) Outlays, $64,400,000,000.

Fiscal year 2011:

(A) New budget authority, $67,100,000,000.

(B) Outlays, $66,700,000,000.

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $30,600,000,000.

(B) Outlays, $30,000,000,000.

Fiscal year 2002:

(A) New budget authority, $30,900,000,000.

(B) Outlays, $30,300,000,000.

Fiscal year 2003:

(A) New budget authority, $31,900,000,000.

(B) Outlays, $32,100,000,000.

Fiscal year 2004:

(A) New budget authority, $33,600,000,000.

(B) Outlays, $34,100,000,000.

Fiscal year 2005:

(A) New budget authority, $34,600,000,000.

(B) Outlays, $34,700,000,000.

Fiscal year 2006:

(A) New budget authority, $35,700,000,000.

(B) Outlays, $35,300,000,000.

Fiscal year 2007:

(A) New budget authority, $36,600,000,000.

(B) Outlays, $36,100,000,000.

Fiscal year 2008:

(A) New budget authority, $37,600,000,000.

(B) Outlays, $37,100,000,000.

Fiscal year 2009:

(A) New budget authority, $38,500,000,000.

(B) Outlays, $38,100,000,000.

Fiscal year 2010:

(A) New budget authority, $39,200,000,000.

(B) Outlays, $38,800,000,000.

Fiscal year 2011:

(A) New budget authority, $40,800,000,000.

(B) Outlays, $40,200,000,000.

(17) General Government (800):

Fiscal year 2001:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,100,000,000.

Fiscal year 2002:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2003:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,300,000,000.

Fiscal year 2004:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,600,000,000.

Fiscal year 2005:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $16,700,000,000.

Fiscal year 2006:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,100,000,000.

Fiscal year 2007:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,500,000,000.

Fiscal year 2008:

(A) New budget authority, $18,000,000,000.

(B) Outlays, $17,700,000,000.

Fiscal year 2009:

(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,000,000,000.

Fiscal year 2010:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $18,300,000,000.

Fiscal year 2011:

(A) New budget authority, $19,400,000,000.

(B) Outlays, $18,900,000,000.

(18) Net Interest (900):

Fiscal year 2001:

(A) New budget authority, $273,600,000,000.

(B) Outlays, $273,600,000,000.

Fiscal year 2002:

(A) New budget authority, $257,600,000,000.

(B) Outlays, $257,600,000,000.

Fiscal year 2003:

(A) New budget authority, $253,200,000,000.

(B) Outlays, $253,200,000,000.

Fiscal year 2004:

(A) New budget authority, $248,500,000,000.

(B) Outlays, $248,500,000,000.

Fiscal year 2005:

(A) New budget authority, $242,400,000,000.

(B) Outlays, $242,400,000,000.

Fiscal year 2006:

(A) New budget authority, $239,000,000,000.

(B) Outlays, $239,000,000,000.

Fiscal year 2007:

(A) New budget authority, $236,500,000,000.

(B) Outlays, $236,500,000,000.

Fiscal year 2008:

(A) New budget authority, $233,300,000,000.

(B) Outlays, $233,300,000,000.

Fiscal year 2009:

(A) New budget authority, $229,300,000,000.

(B) Outlays, $229,300,000,000.

Fiscal year 2010:

(A) New budget authority, $224,400,000,000.

(B) Outlays, $224,400,000,000.

Fiscal year 2011:

(A) New budget authority, $219,100,000,000.

(B) Outlays, $219,100,000,000.

(19) Allowances (920):

Fiscal year 2001:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$300,000,000.

Fiscal year 2002:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $1,800,000,000.

Fiscal year 2003:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $4,000,000,000.

Fiscal year 2004:

(A) New budget authority, $6,000,000,000.

(B) Outlays, $4,800,000,000.

Fiscal year 2005:

(A) New budget authority, $6,200,000,000.

(B) Outlays, $5,700,000,000.

Fiscal year 2006:

(A) New budget authority, $6,400,000,000.

(B) Outlays, $6,100,000,000.

Fiscal year 2007:

(A) New budget authority, $6,600,000,000.

(B) Outlays, $6,300,000,000.

Fiscal year 2008:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $6,400,000,000.

Fiscal year 2009:

(A) New budget authority, $7,000,000,000.

(B) Outlays, $6,600,000,000.

Fiscal year 2010:

(A) New budget authority, $7,200,000,000.

(B) Outlays, $6,800,000,000.

Fiscal year 2011:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $7,000,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2001:

(A) New budget authority, −$38,300,000,000.

(B) Outlays, −$38,300,000,000.

Fiscal year 2002:

(A) New budget authority, −$42,300,000,000.

(B) Outlays, −$42,300,000,000.

Fiscal year 2003:

(A) New budget authority, −$52,300,000,000.

(B) Outlays, −$52,300,000,000.

Fiscal year 2004:

(A) New budget authority, −$53,200,000,000.

(B) Outlays, −$53,200,000,000.

Fiscal year 2005:

(A) New budget authority, −$45,500,000,000.

(B) Outlays, −$45,500,000,000.

Fiscal year 2006:

(A) New budget authority, −$46,500,000,000.

(B) Outlays, −$46,500,000,000.

Fiscal year 2007:

(A) New budget authority, −$48,200,000,000.

(B) Outlays, −$48,200,000,000.

Fiscal year 2008:

(A) New budget authority, −$49,100,000,000.

(B) Outlays, −$49,100,000,000.

Fiscal year 2009:

(A) New budget authority, −$50,200,000,000.

(B) Outlays, −$50,200,000,000.

Fiscal year 2010:

(A) New budget authority, −$51,800,000,000.

(B) Outlays, −$51,800,000,000.

Fiscal year 2011:

(A) New budget authority, −$53,300,000,000.

(B) Outlays, −$53,300,000,000.

SEC. 4. RECONCILIATION.

(a) SUBMISSIONS BY THE HOUSE COMMITTEE ON WAYS AND MEANS FOR TAX RELIEF.—The House Committee on Ways and Means shall—

(1) report to the House a reconciliation bill—

(A) not later than May 2, 2001;

(B) not later than May 23, 2001; and

(C) not later than June 20, 2001; and

(2) submit to the Committee on the Budget recommendations pursuant to section (c)(2)(F)(ii) not later than September 11, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $5,783,000,000 for fiscal year 2001, $64,427,000,000 for fiscal year 2002, $80,036,000,000 for fiscal year 2003; $106,584,000,000 for fiscal year 2004, $130,973,000,000 for fiscal year 2005, $165,166,000,000 for fiscal year 2006, and $1,625,951,000,000 for the period of fiscal year 2001 through 2011.

(b) SUBMISSIONS BY HOUSE COMMITTEES ON ENERGY AND COMMERCE AND WAYS AND MEANS FOR MEDICARE REFORM AND PRESCRIPTION DRUGS.—(1) Not later than July 24, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $2,500,000,000 for fiscal year 2001, $11,200,000,000 for fiscal year 2002, $12,900,000,000 for fiscal year 2003, $14,800,000,000 for fiscal year 2004, $12,500,000,000 for fiscal year 2005, $12,800,000,000 for fiscal year 2006, and $153,000,000,000 for the period of fiscal year 2001 through 2011.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $2,500,000,000 for fiscal year 2001, $11,200,000,000 for fiscal year 2002, $12,900,000,000 for fiscal year 2003, $14,800,000,000 for fiscal year 2004, $12,500,000,000 for fiscal year 2005, $12,800,000,000 for fiscal year 2006, and $153,000,000,000 for the period of fiscal year 2001 through 2011.

(c) OTHER SUBMISSIONS BY HOUSE COMMITTEES.—(1) Not later than September 11, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $5,000,000 for fiscal year 2001, $5,000,000 for fiscal year 2002, $5,000,000 for fiscal year 2003, $5,000,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $10,000,000 for fiscal year 2006, and $87,000,000 for the period of fiscal year 2001 through 2011.

(B) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $0 for fiscal year 2001, $180,000,000 for fiscal year 2002, $466,000,000 for fiscal year 2003, $561,000,000 for fiscal year 2004, $681,000,000 for fiscal year 2005, $836,000,000 for fiscal year 2006, and $7,867,000,000 for the period of fiscal year 2001 through 2011.

(C) The House Committee on Financial Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce revenues, as follows: $0 for fiscal year 2001, $139,000,000 for fiscal year 2002, $101,000,000 for fiscal year 2003, $92,000,000 for fiscal year 2004, $96,000,000 for fiscal year 2005, $101,000,000 for fiscal year 2006, and $1,112,000,000 for the period of fiscal year 2001 through 2011.

(D) The House Committee on Government Reform shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays by not less than the following: $0 for fiscal year 2001, $0 for fiscal year 2002, $496,000,000 for fiscal year 2003, $523,000,000 for fiscal year 2004, $501,000,000 for fiscal year 2005, $475,000,000 for fiscal year 2006, and $3,871,000,000 for the period of fiscal year 2001 through 2011.

(E) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $0 for fiscal year 2001, $264,000,000 for fiscal year 2002, $479,000,000 for fiscal year 2003, $761,000,000 for fiscal year 2004, $816,000,000 for fiscal year 2005, $885,000,000 for fiscal year 2006, and $7,087,000,000 for the period of fiscal year 2001 through 2011.

(F)(i) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by not more than the following: $0 for fiscal year 2001, $820,000,000 for fiscal year 2002, $3,035,000,000 for fiscal year 2003, $2,842,000,000 for fiscal year 2004, $3,925,000,000 for fiscal year 2005, $4,267,000,000 for fiscal year 2006, and $39,515,000,000 for the period of fiscal year 2001 through 2011.

(ii) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the total level of revenues as specified in subsection (a).

(d) SPECIAL RULES.—In the House, if any bill reported pursuant to subsection (a) or subsection (c)(2)(F)(ii), amendment thereto or conference report thereon, has refundable tax provisions that increase outlays, the chairman of the Committee on the Budget may increase the amount of new budget authority provided by such provisions (and outlays flowing therefrom) allocated to the Committee on Ways and Means and adjust the revenue levels set forth in such subsection accordingly such that the increase in outlays and reduction in revenue resulting from such bill does not exceed the amounts specified in subsection (a) or subsection (c)(2)(F)(ii), as applicable.

SEC. 5. RESERVE FUND FOR EMERGENCIES.

(a) ALLOCATIONS FOR EMERGENCIES.—(1) In the House, in addition to the allocation provided under section 302(a) of the Congressional Budget Act of 1974, the joint explanatory statement of managers accompanying this resolution shall include a separate allocation of $5,627,000,000 in new budget authority and $2,617,000,000 in outlays for emergencies for natural disasters for fiscal year 2002 to the Committee on Appropriations. Such allocation shall be deemed to be an allocation made under section 302(a) of the Congressional Budget Act of 1974 for purposes of section 302(f)(1).

(2) In the House, after the reporting of a bill or joint resolution by the Committee on Appropriations, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on Appropriations shall suballocate the amounts of new budget authority and outlays allocated to it under paragraph (1) by the amount provided by that measure for an emergency for natural disasters as defined by this section and so designated pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. Suballocations under this paragraph may be made only after the Committee on Appropriations has reported legislation (as adjusted for any amendments thereto or conference reports thereon) providing at least $1,923,000,000 in new budget authority for fiscal year 2002 for accounts identified in the joint explanatory statement of managers accompanying the conference report on this resolution. Such suballocations shall be deemed to be suballocations made under section 302(b) of the Congressional Budget Act of 1974 for purposes of section 302(f)(1).

(b) DEFINITIONS.—As used in this section:

(1) The term "emergency" means a situation (other than a threat to national security) that—

(A) requires new budget authority (and outlays flowing therefrom) to prevent the imminent loss of life or property or in response to the loss of life or property; and

(B) is unanticipated.

(2) The term "unanticipated" means that the underlying situation is—

(A) sudden, which means quickly coming into being or not building up over time;

(B) urgent, which means a pressing and compelling need requiring immediate action;

(C) unforeseen, which means not predicted or anticipated as an emerging need; and

(D) temporary, which means not of a permanent duration.

(c) DEVELOPMENT OF GUIDELINES.—As soon as practicable, the chairman of the Committee on the Budget of the House shall, after consulting with the chairman of the Committee on Appropriations of the House, publish in the Congressional Record guidelines for application of the definition of emergency set forth in subsection (b).

(d) COMMITTEE EXPLANATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations of the House (including a committee of conference) reports any bill or joint resolution that provides new budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) should explain the reasons such amount designated under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 falls within the definition of emergency set forth in subsection (b) pursuant to the guidelines published under subsection (c).

(e) CBO REPORT ON THE BUDGET.—The Director of the Congressional Budget Office shall include in each report submitted under section 202(e)(1) of the Congressional Budget Act of 1974 the average annual enacted levels of discretionary budget authority and the resulting outlays for emergencies for the 5 fiscal years preceding the fiscal year of the most recently agreed to concurrent resolution on the budget.

(f) Section 314(b)(1) Adjustment.—Section 314(b)(1) of the Congressional Budget Act of 1974 shall not apply in the House—

(1) for fiscal year 2001; or

(2) for fiscal year 2002 or any subsequent fiscal year, except for emergencies affecting national security.

SEC. 6. STRATEGIC RESERVE FUND.

(a) Adjustments.—In the House, the chairman of the Committee on the Budget may, not later than July 25, 2001, increase allocations of new budget authority (and outlays flowing therefrom) and adjust aggregates (and adjust any other appropriate levels) for fiscal year 2002 for a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for any fiscal year for a bill to reauthorize title I of the Federal Agriculture Improvement Act of 1996 and other appropriate legislation, reported by July 11, 2001, and legislation to provide for medicare reform and a prescription drug benefit; and, in the House, the chairman may also make adjustments for amendments to or conference reports on such bills. The chairman shall consider the recommendations of the President's National Defense Review, any comparable review by the President of national agricultural policy, and any statement of administrative policy or supplemental budget request relating to any matter referred to in the preceding sentence.

(b) Limitations.—(1) The adjustments for any bill referred to in subsection (a) shall be in an amount not to exceed the amount by which such bill breaches the applicable allocation or aggregate.

(2) The total adjustments made under subsection (a) for any fiscal year may not cause the surplus set forth in this resolution for any fiscal year, as adjusted, covered by this resolution to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, as determined consistent with procedures set forth in H.R. 2 (107th Congress), as passed the House.

SEC. 7. SUPPLEMENTAL RESERVE FUND FOR MEDICARE.

In the House, whenever a reconciliation bill is reported, or an amendment thereto is offered or a conference report thereon is submitted, under section 4, the chairman of the Committee on the Budget may, for any of fiscal years 2001 through 2011, increase any allocations and aggregates of new budget authority (and outlays resulting therefrom) up to the amount provided by that measure to reform medicare and provide coverage for prescription drugs that is in excess of the instruction to the Committee on Energy and Commerce and the Committee on Ways and Means under section 4(b) (and make all other appropriate adjustments). The total adjustments made under this section for any fiscal year may not exceed the amount by which the Congressional Budget Office's estimate of the President's prescription drug plan (or, if such a plan is not submitted in a timely manner, the Congressional Budget Office's estimate of a comparable plan submitted by the chairmen of the committees of jurisdiction at levels to be determined by the chairman of the Committee on the Budget) exceeds the levels set forth in section 4(b)(2) for the period of fiscal years 2001 through 2011.

SEC. 8. RESERVE FUND FOR FISCAL YEAR 2001.

(a) Adjustments.—In the House, the chairman of the Committee on the Budget may increase allocations of new budget authority (and outlays flowing therefrom) and adjust aggregates (and adjust any other appropriate levels) for fiscal year 2001 for reported bills, or amendments thereto or conference reports thereon: (1) by the amount of new budget authority (and the outlays resulting therefrom) provided by such measure to eliminate shortfalls for the Department of Defense, for assistance for producers of program crops and specialty crops, and for other critical needs; and (2) by the amount of reduction in revenue caused by such measure providing immediate tax relief.

(b) Limitations.—(1) The adjustments for any bill referred to in subsection (a) shall be in an amount not to exceed the amount by which such bill breaches the applicable allocation or aggregate.

(2) The total adjustments made under subsection (a) for fiscal year 2001 may not cause the surplus set forth in this resolution for that fiscal year, as adjusted, to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, as determined consistent with procedures set forth in H.R. 2 (107th Congress), as passed the House.

SEC. 9. RESERVE FUND FOR PROMOTION OF FULL FUNDING FOR SPECIAL EDUCATION.

In the House, whenever the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered, or a conference report thereon is submitted that provides new budget authority for fiscal year 2002 in excess of $6,368,000,000 for programs authorized under the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may increase the appropriate allocations of new budget authority and outlays by the amount of that excess, but not to exceed $1,250,000,000 (and adjust any other appropriate levels).

SEC. 10. RESERVE FUND FOR ADDITIONAL TAX CUTS AND DEBT REDUCTION.

If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2002 through 2011), estimates an on-budget surplus for any of fiscal years 2001 through 2011 that exceeds the estimated on-budget surplus set forth in the Congressional Budget Office's January 2001 budget and economic outlook for such fiscal year, the chairman of the Committee on the Budget of the House may, in an amount not to exceed the increase in such surplus for that fiscal year—

(1) reduce the recommended level of Federal revenues and make other appropriate adjustments (including the reconciliation instructions) for that fiscal year;

(2) reduce the appropriate level of the public debt, increase the amount of the surplus, and make other appropriate adjustments for that fiscal year; or

(3) any combination of paragraphs (1) and (2).

SEC. 11. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution, and any adjustments permitted under sections 6, 7, and 8 may include changes in the appropriate reconciliation instructions.

SEC. 12. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) In General.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) Special Rule.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 13. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

For purposes of title III of the Congressional Budget Act of 1974, advance appropriations shall be scored as new budget authority for the fiscal year in which the appropriations are enacted, except that advance appropriations up to the levels specified in the joint explanatory statement of managers accompanying this resolution for programs, projects, activities or accounts identified in such joint statement shall continue to be scored as new budget authority in the year in which they first become available for obligation.

SEC. 14. FEDERAL EMPLOYEE PAY.

(a) Findings.—The House of Representatives finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2002 includes a 4.6 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2002 budgets with a 3.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 15. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress find the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small business.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 16. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should support the core operations of the Federal Emergency Management Agency by providing needed fire grant programs to assist our firefighters and rescue personnel as they respond to more than 17,000,000 emergency calls annually. To accomplish this task, Congress supports preservation of the Assistance to Firefighters grant program. Continued support of the Assistance to Firefighters grant program will enable local firefighters to adequately protect the lives of countless Americans put at risk by insufficient fire protection.

SEC. 17. SALES TAX DEDUCTION.

(a) FINDINGS.—The House finds that—

(1) in 1986 the ability to deduct State sales taxes was eliminated from the Federal tax code;

(2) the States of Tennessee, Texas, Wyoming, Washington, Florida, Nevada, and South Dakota have no State income tax;

(3) the citizens of those seven States continue to be treated unfairly by paying significantly more in taxes to the Government than taxpayers with an identical profile in different State because they are prohibited from deducting their State sales taxes from their Federal income taxes in lieu of a State income tax;

(4) the design of the Federal tax code is preferential in its treatment of States with State income taxes over those without State income taxes;

(5) the current Federal tax code infringes upon States' rights to tax their citizens as they see fit in that the Federal tax code exerts unjust influence on States without State income taxes to impose one their citizens;

(6) the current surpluses that our Government holds provide an appropriate time and opportunity to allow taxpayers to deduct either their State sales taxes or their State income taxes from their Federal income tax returns; and

(7) over 50 Members of the House have cosponsored legislation to restore the sales tax deduction option to the Federal tax code.

(b) SENSE OF HOUSE.—It is the sense of the House of Representatives that the Committee on Ways and Means should consider legislation that makes State sales tax deductible against Federal income taxes.

SEC. 18. FUNDING FOR GRADUATE MEDICAL EDUCATION AT CHILDREN'S TEACHING HOSPITALS.

It is the sense of Congress that:

(1) Function 550 of the President's budget should include an appropriate level of funding for graduate medical education conducted at independent children's teaching hospitals in order to ensure access to care by millions of children nationwide.

(2) An emphasis should be placed on the role played by community health centers in underserved rural and urban communities. An increase in funding for community health centers should not come at the expense of the Community Access Program. Both programs should be funded adequately, with the intention of doubling funding for increased capacity for community health centers, in addition to keeping the Community Access Program operational.

(3) The medicare program should emphasize such preventive medical services as those provided by vision rehabilitation professionals in saving Government funds and preserving the independence of a growing number of seniors in the coming years.

(4) Funding under function 550 should also reflect the importance of the Ryan White CARE Act to persons afflicted with HIV/AIDS. Funds allocated from the CARE Act serve as the safety net for thousands of low-income people living with HIV/AIDS who reside in metropolitan areas but are ineligible for entitlement programs. Moreover, the CARE Act provides critically needed grants directly to existing community-based clinics and public health providers to develop and deliver both early and ongoing comprehensive services to persons with HIV/AIDS.

SEC. 19. CONCURRENT RETIREMENT AND DISABILITY BENEFITS TO RETIRED MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that the Secretary of Defense is the appropriate official for evaluating the existing standards for the provision of concurrent retirement and disability benefits to retired members of the Armed Forces and the need to change these standards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should report to the congressional committees of jurisdiction on the provision of concurrent retirement and disability benefits to retired members of the Armed Forces;

(2) the report should address the number of individuals retired from the Armed Forces who would otherwise be eligible for disability compensation, the comparability of the policy to Office of Personnel Management guidelines for civilian Federal retirees, the applicability of this policy to prevailing private sector standards, the number of individuals potentially eligible for concurrent benefits who receive other forms of Federal assistance and the cost of that assistance, and alternative initiatives that would accomplish the same end as concurrent receipt of military retired pay and disability compensation;

(3) the Secretary of Defense should submit legislation that he considers appropriate; and

(4) upon receiving such report, the committees of jurisdiction, working with the Committees on the Budget of the House and Senate, should consider appropriate legislation.

The CHAIRMAN. No further amendment is in order except the amendments printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by the Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

After conclusion of consideration of the concurrent resolution for amendment, there shall be a final period of general debate which shall not exceed 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

It is now in order to consider amendment number 1 printed in part B of House Report 107–30.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. KUCINICH:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2002 and that the appropriate budgetary levels for fiscal years 2003 through 2011 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2002 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2002: $1,671,613,000,000.
Fiscal year 2003: $1,743,536,000,000.
Fiscal year 2004: $1,820,660,000,000.
Fiscal year 2005: $1,903,395,000,000.
Fiscal year 2006: $1,979,608,000,000.
Fiscal year 2007: $2,060,355,000,000.
Fiscal year 2008: $2,170,035,000,000.
Fiscal year 2009: $2,264,741,000,000.
Fiscal year 2010: $2,377,927,000,000.
Fiscal year 2011: $2,499,618,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2002: $34,500,000,000.
Fiscal year 2003: $41,200,000,000.
Fiscal year 2004: $46,300,000,000.
Fiscal year 2005: $49,000,000,000.
Fiscal year 2006: $62,600,000,000.
Fiscal year 2007: $75,400,000,000.
Fiscal year 2008: $84,700,000,000.
Fiscal year 2009: $98,000,000,000.
Fiscal year 2010: $114,000,000,000.
Fiscal year 2011: $130,900,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2002: $1,644,212,000,000.
Fiscal year 2003: $1,691,703,000,000.
Fiscal year 2004: $1,756,548,000,000.
Fiscal year 2005: $1,836,715,000,000.
Fiscal year 2006: $1,881,717,000,000.
Fiscal year 2007: $1,946,814,000,000.
Fiscal year 2008: $2,016,811,000,000.
Fiscal year 2009: $2,086,903,000,000.
Fiscal year 2010: $2,159,932,000,000.
Fiscal year 2011: $2,238,940,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2002: $1,605,871,000,000.
Fiscal year 2003: $1,662,777,000,000.
Fiscal year 2004: $1,734,976,000,000.
Fiscal year 2005: $1,812,019,000,000.
Fiscal year 2006: $1,852,444,000,000.
Fiscal year 2007: $1,915,721,000,000.
Fiscal year 2008: $1,991,123,000,000.
Fiscal year 2009: $2,062,464,000,000.
Fiscal year 2010: $2,136,979,000,000.
Fiscal year 2011: $2,215,937,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2002: $65,742,000,000.
Fiscal year 2003: $80,759,000,000.
Fiscal year 2004: $85,684,000,000.
Fiscal year 2005: $91,376,000,000.
Fiscal year 2006: $127,164,000,000.
Fiscal year 2007: $144,634,000,000.
Fiscal year 2008: $178,192,000,000.
Fiscal year 2009: $202,277,000,000.
Fiscal year 2010: $240,948,000,000.
Fiscal year 2011: $283,681,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2002: $5,641,000,000,000.
Fiscal year 2003: $5,671,000,000,000.
Fiscal year 2004: $5,696,000,000,000.
Fiscal year 2005: $5,712,000,000,000.
Fiscal year 2006: $5,700,000,000,000.
Fiscal year 2007: $5,665,000,000,000.
Fiscal year 2008: $5,596,000,000,000.
Fiscal year 2009: $6,006,000,000,000.
Fiscal year 2010: $6,361,000,000,000.
Fiscal year 2011: $6,737,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):

Fiscal year 2002:
(A) New budget authority, $258,495,000,000.
(B) Outlays, $272,550,000,000.
Fiscal year 2003:
(A) New budget authority, $265,998,000,000.
(B) Outlays, $267,442,000,000.
Fiscal year 2004:
(A) New budget authority, $273,371,000,000.
(B) Outlays, $275,340,000,000.
Fiscal year 2005:
(A) New budget authority, $280,655,000,000.
(B) Outlays, $279,539,000,000.
Fiscal year 2006:
(A) New budget authority, $288,245,000,000.
(B) Outlays, $282,897,000,000.
Fiscal year 2007:
(A) New budget authority, $296,097,000,000.
(B) Outlays, $287,870,000,000.
Fiscal year 2008:
(A) New budget authority, $304,171,000,000.
(B) Outlays, $299,138,000,000.
Fiscal year 2009:
(A) New budget authority, $312,560,000,000.
(B) Outlays, $307,561,000,000.
Fiscal year 2010:
(A) New budget authority, $321,107,000,000.
(B) Outlays, $316,107,000,000.
Fiscal year 2011:
(A) New budget authority, $330,102,000,000.
(B) Outlays, $324,998,000,000.

(2) International Affairs (150):

Fiscal year 2002:
(A) New budget authority, $22,389,000,000.
(B) Outlays, $18,327,000,000.
Fiscal year 2003:
(A) New budget authority, $22,909,000,000.
(B) Outlays, $18,831,000,000.
Fiscal year 2004:
(A) New budget authority, $23,357,000,000.
(B) Outlays, $19,369,000,000.
Fiscal year 2005:
(A) New budget authority, $24,037,000,000.
(B) Outlays, $19,589,000,000.
Fiscal year 2006:
(A) New budget authority, $24,614,000,000.
(B) Outlays, $20,031,000,000.
Fiscal year 2007:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $20,598,000,000.
Fiscal year 2008:
(A) New budget authority, $25,557,000,000.
(B) Outlays, $21,118,000,000.
Fiscal year 2009:
(A) New budget authority, $25,995,000,000.
(B) Outlays, $21,720,000,000.
Fiscal year 2010:
(A) New budget authority, $26,498,000,000.
(B) Outlays, $22,287,000,000.
Fiscal year 2011:
(A) New budget authority, $27,087,000,000.
(B) Outlays, $22,800,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2002:
(A) New budget authority, $21,583,000,000.
(B) Outlays, $20,725,000,000.
Fiscal year 2003:
(A) New budget authority, $22,055,000,000.
(B) Outlays, $21,361,000,000.
Fiscal year 2004:
(A) New budget authority, $22,379,000,000.
(B) Outlays, $21,945,000,000.
Fiscal year 2005:
(A) New budget authority, $22,839,000,000.
(B) Outlays, $22,429,000,000.
Fiscal year 2006:
(A) New budget authority, $23,323,000,000.
(B) Outlays, $20,847,000,000.
Fiscal year 2007:
(A) New budget authority, $23,812,000,000.
(B) Outlays, $23,280,000,000.
Fiscal year 2008:
(A) New budget authority, $24,303,000,000.
(B) Outlays, $23,743,000,000.
Fiscal year 2009:
(A) New budget authority, $24,816,000,000.
(B) Outlays, $24,339,000,000.
Fiscal year 2010:
(A) New budget authority, $25,335,000,000.
(B) Outlays, $24,749,000,000.
Fiscal year 2011:
(A) New budget authority, $25,879,000,000.
(B) Outlays, $25,274,000,000.

(4) Energy (270):

Fiscal year 2002:
(A) New budget authority, $1,360,000,000.
(B) Outlays, −$19,000,000.
Fiscal year 2003:
(A) New budget authority, $1,328,000,000.
(B) Outlays, −$72,000,000.
Fiscal year 2004:
(A) New budget authority, $1,309,000,000.
(B) Outlays, −$120,000,000.
Fiscal year 2005:
(A) New budget authority, $1,254,000,000.
(B) Outlays, −$91,000,000.
Fiscal year 2006:
(A) New budget authority, $1,336,000,000.
(B) Outlays, −$3,000,000.
Fiscal year 2007:
(A) New budget authority, $1,411,000,000.
(B) Outlays, $71,000,000.
Fiscal year 2008:
(A) New budget authority, $1,882,000,000.
(B) Outlays, $440,000,000.
Fiscal year 2009:
(A) New budget authority, $1,998,000,000.
(B) Outlays, $579,000,000.
Fiscal year 2010:
(A) New budget authority, $2,021,000,000.
(B) Outlays, $703,000,000.
Fiscal year 2011:
(A) New budget authority, $1,990,000,000.
(B) Outlays, $691,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2002:
(A) New budget authority, $30,031,000,000.
(B) Outlays, $28,305,000,000.
Fiscal year 2003:
(A) New budget authority, $30,826,000,000.
(B) Outlays, $30,076,000,000.
Fiscal year 2004:
(A) New budget authority, $31,810,000,000.
(B) Outlays, $31,152,000,000.
Fiscal year 2005:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $31,959,000,000.
Fiscal year 2006:
(A) New budget authority, $33,519,000,000.
(B) Outlays, $32,842,000,000.
Fiscal year 2007:
(A) New budget authority, $34,417,000,000.
(B) Outlays, $33,627,000,000.
Fiscal year 2008:
(A) New budget authority, $35,341,000,000.
(B) Outlays, $34,465,000,000.
Fiscal year 2009:
(A) New budget authority, $36,714,000,000.

(B) Outlays, $35,813,000,000.
Fiscal year 2010:
(A) New budget authority, $37,761,000,000.
(B) Outlays, $36,840,000,000.
Fiscal year 2011:
(A) New budget authority, $38,787,000,000.
(B) Outlays, $37,841,000,000.
(6) Agriculture (350):
Fiscal year 2002:
(A) New budget authority, $19,265,000,000.
(B) Outlays, $17,593,000,000.
Fiscal year 2003:
(A) New budget authority, $18,507,000,000.
(B) Outlays, $16,924,000,000.
Fiscal year 2004:
(A) New budget authority, $18,562,000,000.
(B) Outlays, $17,120,000,000.
Fiscal year 2005:
(A) New budget authority, $18,406,000,000.
(B) Outlays, $16,915,000,000.
Fiscal year 2006:
(A) New budget authority, $17,952,000,000.
(B) Outlays, $16,353,000,000.
Fiscal year 2007:
(A) New budget authority, $16,583,000,000.
(B) Outlays, $15,009,000,000.
Fiscal year 2008:
(A) New budget authority, $15,723,000,000.
(B) Outlays, $14,134,000,000.
Fiscal year 2009:
(A) New budget authority, $15,921,000,000.
(B) Outlays, $14,441,000,000.
Fiscal year 2010:
(A) New budget authority, $16,053,000,000.
(B) Outlays, $14,674,000,000.
Fiscal year 2011:
(A) New budget authority, $16,203,000,000.
(B) Outlays, $14,819,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2002:
(A) New budget authority, $10,029,000,000.
(B) Outlays, $6,497,000,000.
Fiscal year 2003:
(A) New budget authority, $11,246,000,000.
(B) Outlays, $5,825,000.
Fiscal year 2004:
(A) New budget authority, $15,891,000,000.
(B) Outlays, $11,593,000,000.
Fiscal year 2005:
(A) New budget authority, $16,009,000,000.
(B) Outlays, $12,239,000,000.
Fiscal year 2006:
(A) New budget authority, $15,982,000,000.
(B) Outlays, $11,643,000,000.
Fiscal year 2007:
(A) New budget authority, $16,086,000,000.
(B) Outlays, $11,904,000,000.
Fiscal year 2008:
(A) New budget authority, $16,242,000,000.
(B) Outlays, $11,734,000,000.
Fiscal year 2009:
(A) New budget authority, $16,313,000,000.
(B) Outlays, $11,770,000,000.
Fiscal year 2010:
(A) New budget authority, $16,428,000,000.
(B) Outlays, $11,722,000,000.
Fiscal year 2011:
(A) New budget authority, $16,542,000,000.
(B) Outlays, $11,745,000,000.
(8) Transportation (400):
Fiscal year 2002:
(A) New budget authority, $64,444,000,000.
(B) Outlays, $56,167,000,000.
Fiscal year 2003:
(A) New budget authority, $62,392,000,000.
(B) Outlays, $60,521,000,000.
Fiscal year 2004:
(A) New budget authority, $60,999,000,000.
(B) Outlays, $62,662,000,000.
Fiscal year 2005:
(A) New budget authority, $63,601,000,000.
(B) Outlays, $64,225,000,000.
Fiscal year 2006:
(A) New budget authority, $64,245,000,000.
(B) Outlays, $65,702,000,000.
Fiscal year 2007:
(A) New budget authority, $64,908,000,000.
(B) Outlays, $66,577,000,000.
Fiscal year 2008:
(A) New budget authority, $65,597,000,000.
(B) Outlays, $67,775,000,000.
Fiscal year 2009:
(A) New budget authority, $66,303,000,000.
(B) Outlays, $69,221,000,000.
Fiscal year 2010:
(A) New budget authority, $67,035,000,000.
(B) Outlays, $70,588,000,000.
Fiscal year 2011:
(A) New budget authority, $67,796,000,000.
(B) Outlays, $72,183,000,000.
(9) Community and Regional Development (450):
Fiscal year 2002:
(A) New budget authority, $11,892,000,000.
(B) Outlays, $11,730,000,000.
Fiscal year 2003:
(A) New budget authority, $12,067,000,000.
(B) Outlays, $11,731,000,000.
Fiscal year 2004:
(A) New budget authority, $12,350,000,000.
(B) Outlays, $11,967,000,000.
Fiscal year 2005:
(A) New budget authority, $12,664,000,000.
(B) Outlays, $11,913,000,000.
Fiscal year 2006:
(A) New budget authority, $12,933,000,000.
(B) Outlays, $11,936,000,000.
Fiscal year 2007:
(A) New budget authority, $13,198,000,000.
(B) Outlays, $12,181,000,000.
Fiscal year 2008:
(A) New budget authority, $13,476,000,000.
(B) Outlays, $12,444,000,000.
Fiscal year 2009:
(A) New budget authority, $13,759,000,000.
(B) Outlays, $12,696,000,000.
Fiscal year 2010:
(A) New budget authority, $14,048,000,000.
(B) Outlays, $12,962,000,000.
Fiscal year 2011:
(A) New budget authority, $14,340,000,000.
(B) Outlays, $13,233,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2002:
(A) New budget authority, $110,389,000,000.
(B) Outlays, $94,926,000,000.
Fiscal year 2003:
(A) New budget authority, $117,559,000,000.
(B) Outlays, $110,183,000,000.
Fiscal year 2004:
(A) New budget authority, $125,822,000,000.
(B) Outlays, $119,806,000,000.
Fiscal year 2005:
(A) New budget authority, $135,923,000,000.
(B) Outlays, $129,772,000,000.
Fiscal year 2006:
(A) New budget authority, $139,035,000,000.
(B) Outlays, $134,017,000,000.
Fiscal year 2007:
(A) New budget authority, $148,706,000,000.
(B) Outlays, $143,631,000,000.
Fiscal year 2008:
(A) New budget authority, $151,981,000,000.
(B) Outlays, $148,841,000,000.
Fiscal year 2009:
(A) New budget authority, $155,367,000,000.
(B) Outlays, $152,778,000,000.
Fiscal year 2010:
(A) New budget authority, $158,833,000,000.
(B) Outlays, $156,541,000,000.
Fiscal year 2011:
(A) New budget authority, $162,392,000,000.
(B) Outlays, $160,127,000,000.
(11) Health (550):
Fiscal year 2002:
(A) New budget authority, $194,085,000,000.
(B) Outlays, $190,959,000,000.
Fiscal year 2003:
(A) New budget authority, $212,445,000,000.
(B) Outlays, $210,723,000,000.
Fiscal year 2004:
(A) New budget authority, $227,483,000,000.
(B) Outlays, $226,534,000,000.
Fiscal year 2005:
(A) New budget authority, $243,984,000,000.
(B) Outlays, $242,370,000,000.
Fiscal year 2006:
(A) New budget authority, $260,317,000,000.
(B) Outlays, $258,667,000,000.
Fiscal year 2007:
(A) New budget authority, $279,956,000,000.
(B) Outlays, $277,662,000,000.
Fiscal year 2008:
(A) New budget authority, $300,281,000,000.
(B) Outlays, $298,181,000,000.
Fiscal year 2009:
(A) New budget authority, $321,645,000,000.
(B) Outlays, $319,851,000,000.
Fiscal year 2010:
(A) New budget authority, $346,303,000,000.
(B) Outlays, $344,676,000,000.
Fiscal year 2011:
(A) New budget authority, $373,436,000,000.
(B) Outlays, $371,993,000,000.
(12) Medicare (570):
Fiscal year 2002:
(A) New budget authority, $284,179,000,000.
(B) Outlays, $282,221,000,000.
Fiscal year 2003:
(A) New budget authority, $299,228,000,000.
(B) Outlays, $298,278,000,000.
Fiscal year 2004:
(A) New budget authority, $315,675,000,000.
(B) Outlays, $315,495,000,000.
Fiscal year 2005:
(A) New budget authority, $339,054,000,000.
(B) Outlays, $338,782,000,000.
Fiscal year 2006:
(A) New budget authority, $352,860,000,000.
(B) Outlays, $352,265,000,000.
Fiscal year 2007:
(A) New budget authority, $378,665,000,000.
(B) Outlays, $378,812,000,000.
Fiscal year 2008:
(A) New budget authority, $403,469,000,000.
(B) Outlays, $403,292,000,000.
Fiscal year 2009:
(A) New budget authority, $430,768,000,000.
(B) Outlays, $430,412,000,000.
Fiscal year 2010:
(A) New budget authority, $460,355,000,000.
(B) Outlays, $460,520,000,000.
Fiscal year 2011:
(A) New budget authority, $492,688,000,000.
(B) Outlays, $492,601,000,000.
(13) Income Security (600):
Fiscal year 2002:
(A) New budget authority, $284,148,000,000.
(B) Outlays, $278,365,000,000.
Fiscal year 2003:
(A) New budget authority, $294,503,000,000.
(B) Outlays, $291,588,000,000.
Fiscal year 2004:
(A) New budget authority, $305,450,000,000.
(B) Outlays, $302,923,000,000.
Fiscal year 2005:
(A) New budget authority, $319,479,000,000.
(B) Outlays, $317,443,000,000.
Fiscal year 2006:
(A) New budget authority, $327,026,000,000.
(B) Outlays, $324,705,000,000.
Fiscal year 2007:
(A) New budget authority, $334,003,000,000.
(B) Outlays, $332,385,000,000.
Fiscal year 2008:
(A) New budget authority, $348,527,000,000.
(B) Outlays, $347,026,000,000.
Fiscal year 2009:
(A) New budget authority, $360,130,000,000.
(B) Outlays, $350,381,000,000.
Fiscal year 2010:

(A) New budget authority, $371,190,000,000.
(B) Outlays, $369,313,000,000.
Fiscal year 2011:
(A) New budget authority, $382,791,000,000.
(B) Outlays, $380,446,000,000.
(14) Social Security (650):
Fiscal year 2002:
(A) New budget authority, $11,004,000,000.
(B) Outlays, $11,004,000,000.
Fiscal year 2003:
(A) New budget authority, $11,733,000,000.
(B) Outlays, $11,733,000,000.
Fiscal year 2004:
(A) New budget authority, $12,496,000,000.
(B) Outlays, $12,496,000,000.
Fiscal year 2005:
(A) New budget authority, $13,308,000,000.
(B) Outlays, $13,308,000,000.
Fiscal year 2006:
(A) New budget authority, $14,207,000,000.
(B) Outlays, $14,207,000,000.
Fiscal year 2007:
(A) New budget authority, $15,168,000,000.
(B) Outlays, $15,168,000,000.
Fiscal year 2008:
(A) New budget authority, $16,241,000,000.
(B) Outlays, $16,241,000,000.
Fiscal year 2009:
(A) New budget authority, $17,483,000,000.
(B) Outlays, $17,483,000,000.
Fiscal year 2010:
(A) New budget authority, $18,878,000,000.
(B) Outlays, $18,878,000,000.
Fiscal year 2011:
(A) New budget authority, $20,388,000,000.
(B) Outlays, $20,388,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2002:
(A) New budget authority, $57,418,000,000.
(B) Outlays, $54,482,000,000.
Fiscal year 2003:
(A) New budget authority, $59,615,000,000.
(B) Outlays, $58,336,000,000.
Fiscal year 2004:
(A) New budget authority, $61,813,000,000.
(B) Outlays, $60,927,000,000.
Fiscal year 2005:
(A) New budget authority, $66,036,000,000.
(B) Outlays, $65,329,000,000.
Fiscal year 2006:
(A) New budget authority, $65,637,000,000.
(B) Outlays, $64,735,000,000.
Fiscal year 2007:
(A) New budget authority, $65,178,000,000.
(B) Outlays, $64,601,000,000.
Fiscal year 2008:
(A) New budget authority, $69,313,000,000.
(B) Outlays, $68,792,000,000.
Fiscal year 2009:
(A) New budget authority, $71,790,000,000.
(B) Outlays, $71,292,000,000.
Fiscal year 2010:
(A) New budget authority, $73,876,000,000.
(B) Outlays, $73,369,000,000.
Fiscal year 2011:
(A) New budget authority, $76,060,000,000.
(B) Outlays, $75,538,000,000.
(16) Administration of Justice (750):
Fiscal year 2002:
(A) New budget authority, $32,431,000,000.
(B) Outlays, $31,436,000,000.
Fiscal year 2003:
(A) New budget authority, $32,545,000,000.
(B) Outlays, $32,809,000,000.
Fiscal year 2004:
(A) New budget authority, $35,330,000,000.
(B) Outlays, $35,543,000,000.
Fiscal year 2005:
(A) New budget authority, $36,420,000,000.
(B) Outlays, $36,347,000,000.
Fiscal year 2006:
(A) New budget authority, $37,466,000,000.
(B) Outlays, $37,036,000,000.
Fiscal year 2007:
(A) New budget authority, $38,543,000,000.
(B) Outlays, $38,013,000,000.
Fiscal year 2008:
(A) New budget authority, $39,665,000,000.
(B) Outlays, $39,152,000,000.
Fiscal year 2009:
(A) New budget authority, $40,822,000,000.
(B) Outlays, $40,292,000,000.
Fiscal year 2010:
(A) New budget authority, $42,021,000,000.
(B) Outlays, $41,483,000,000.
Fiscal year 2011:
(A) New budget authority, $43,284,000,000.
(B) Outlays, $42,278,000,000.
(17) General Government (800):
Fiscal year 2002:
(A) New budget authority, $16,996,000,000.
(B) Outlays, $16,503,000,000.
Fiscal year 2003:
(A) New budget authority, $17,151,000,000.
(B) Outlays, $16,925,000,000.
Fiscal year 2004:
(A) New budget authority, $17,582,000,000.
(B) Outlays, $17,445,000,000.
Fiscal year 2005:
(A) New budget authority, $18,060,000,000.
(B) Outlays, $17,688,000,000.
Fiscal year 2006:
(A) New budget authority, $18,568,000,000.
(B) Outlays, $18,115,000,000.
Fiscal year 2007:
(A) New budget authority, $19,109,000,000.
(B) Outlays, $18,644,000,000.
Fiscal year 2008:
(A) New budget authority, $18,791,000,000.
(B) Outlays, $18,445,000,000.
Fiscal year 2009:
(A) New budget authority, $19,377,000,000.
(B) Outlays, $18,882,000,000.
Fiscal year 2010:
(A) New budget authority, $19,968,000,000.
(B) Outlays, $19,437,000,000.
Fiscal year 2011:
(A) New budget authority, $20,599,000,000.
(B) Outlays, $20,048,000,000.
(18) Net Interest (900):
Fiscal year 2002:
(A) New budget authority, $256,860,000,000.
(B) Outlays, $256,860,000,000.
Fiscal year 2003:
(A) New budget authority, $251,900,000,000.
(B) Outlays, $251,900,000,000.
Fiscal year 2004:
(A) New budget authority, $246,030,000,000.
(B) Outlays, $246,030,000,000.
Fiscal year 2005:
(A) New budget authority, $237,809,000,000.
(B) Outlays, $237,809,000,000.
Fiscal year 2006:
(A) New budget authority, $230,958,000,000.
(B) Outlays, $230,958,000,000.
Fiscal year 2007:
(A) New budget authority, $224,040,000,000.
(B) Outlays, $224,040,000,000.
Fiscal year 2008:
(A) New budget authority, $215,519,000,000.
(B) Outlays, $215,519,000,000.
Fiscal year 2009:
(A) New budget authority, $205,519,000,000.
(B) Outlays, $205,519,000,000.
Fiscal year 2010:
(A) New budget authority, $194,220,000,000.
(B) Outlays, $194,220,000,000.
Fiscal year 2011:
(A) New budget authority, $182,136,000,000.
(B) Outlays, $182,136,000,000.
(19) Allowances (920):
Fiscal year 2002:
(A) New budget authority, −$483,000,000.
(B) Outlays, −$457,000,000.
Fiscal year 2003:
(A) New budget authority, −$492,000,000.
(B) Outlays, −$526,000,000.
Fiscal year 2004:
(A) New budget authority, −$499,000,000.
(B) Outlays, −$560,000,000.
Fiscal year 2005:
(A) New budget authority, −$509,000,000.
(B) Outlays, −$583,000,000.
Fiscal year 2006:
(A) New budget authority, −$519,000,000.
(B) Outlays, −$603,000,000.
Fiscal year 2007:
(A) New budget authority, −$531,000,000.
(B) Outlays, −$617,000,000.
Fiscal year 2008:
(A) New budget authority, −$540,000,000.
(B) Outlays, −$629,000,000.
Fiscal year 2009:
(A) New budget authority, −$551,000,000.
(B) Outlays, −$640,000,000.
Fiscal year 2010:
(A) New budget authority, −$560,000,000.
(B) Outlays, −$652,000,000.
Fiscal year 2011:
(A) New budget authority, −$571,000,000.
(B) Outlays, −$665,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2002:
(A) New budget authority, −$42,303,000,000.
(B) Outlays, −$42,303,000,000.
Fiscal year 2003:
(A) New budget authority, −$51,812,000,000.
(B) Outlays, −$51,812,000,000.
Fiscal year 2004:
(A) New budget authority, −$52,692,000,000.
(B) Outlays, −$52,692,000,000.
Fiscal year 2005:
(A) New budget authority, −$44,962,000,000.
(B) Outlays, −$44,962,000,000.
Fiscal year 2006:
(A) New budget authority, −$45,986,000,000.
(B) Outlays, −$45,986,000,000.
Fiscal year 2007:
(A) New budget authority, −$47,733,000,000.
(B) Outlays, −$47,733,000,000.
Fiscal year 2008:
(A) New budget authority, −$48,728,000,000.
(B) Outlays, −$48,728,000,000.
Fiscal year 2009:
(A) New budget authority, −$49,825,000,000.
(B) Outlays, −$49,825,000,000.
Fiscal year 2010:
(A) New budget authority, −$51,438,000,000.
(B) Outlays, −$51,438,000,000.
Fiscal year 2011:
(A) New budget authority, −$52,988,000,000.
(B) Outlays, −$82,988,000,000.

SEC. 4. RECONCILIATION.

The House Committee on Ways and Means shall report to the House a reconciliation bill not later than May 2, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $34,500,000,000 for fiscal year 2002, $41,200,000,000 for fiscal year 2003, $46,300,000,000 for fiscal year 2004, $49,000,000,000 for fiscal year 2005, $62,600,000,000 for fiscal year 2006, and $737,000,000,000 for the period of fiscal year 2002 through 2011.

SEC. 5. RESERVE FUND FOR ELECTION REFORM.

In the House, whenever a bill is reported, or an amendment thereto is offered or a conference report thereon is submitted, to provide comprehensive election reform (that includes provisions to provide matching grants to States and localities to upgrade voting equipment with an 80/20 Federal/State-locality match), the chairman of the Committee on the Budget may, for any of fiscal years 2002 through 2006, increase any allocations and aggregates of new budget authority (and outlays resulting therefrom) up to the amount provided by that measure for that purpose (and make all other appropriate adjustments). The total adjustments made under this section for any fiscal year may not exceed $500,000,000.

SEC. 6. RESERVE FUND FOR MEDICARE PRESCRIPTION DRUG BENEFITS.

In the House, whenever a bill is reported, or an amendment thereto is offered or a conference report thereon is submitted, to provide comprehensive medicare prescription drug coverage for all beneficiaries with an 80/20 Federal/beneficiary match, and provisions to allow for reimportation and bulk purchase discounts, the chairman of the Committee on the Budget may, for any of fiscal years 2002 through 2011, increase any allocations and aggregates of new budget authority (and outlays resulting therefrom) up to the amount provided by that measure for that purpose (and make all other appropriate adjustments). The total adjustments made under this section may not exceed $500,000,000,000.

The CHAIRMAN. Pursuant to House Resolution 100, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I yield myself 1 minute.

A budget is a plan. It shows what we stand for. It measures that commitment in dollars. The Progressive Caucus budget stands for building enough schools, hiring enough teachers to create the 18-student classrooms ideal for learning, affordable prescription drugs for everyone, 100 percent government help to lower the price of prescription drugs, and an 80 percent direct assistance on Medicare, enough polling booths to accurately record the votes of every American, building affordable new housing, cutting wasteful spending in the Department of Defense.

The Progressive Caucus budget will give every American a $300 dividend as a fair share of the budget surplus. We have set aside one-third of the budget surplus to give the American people their dividend.

Mr. Chairman, I ask my colleagues to look at the Progressive Caucus budget, take a measure of our commitment. You will see that the caucus leads in advancing education, affordable prescription drugs, accurate elections, affordable housing, and government efficiency, and we provide more tax relief for average Americans.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to reiterate a vitally important point that the American people need to remember as they listen to this debate. The Republican budget pays off as much of the publicly held debt as can be paid without incurring a significant financial penalty. This is a logical point that I as a new Member of Congress was not aware of until as a member of the Committee on the Budget we listened to the testimony of the experts. I sought very carefully to find the truth of this matter and determined as logically and clearly as I could see that a bond can only be paid off within the time period specified in the life of the bond; and clearly, all of the Americans out there listening to me know that if you have a bond fund and you as a bond holder expect to be paid on a regular schedule, want to be paid off early, you are going to get a premium for being paid off early.

The Republican budget, as confirmed by the testimony given to the Committee on the Budget, pays off as much publicly held debt as can be paid without incurring a penalty. The chart that we prepared shows what we are paying off. This is the amount of the national debt after a 10-year period. Chairman Alan Greenspan, who is, everyone acknowledges, an objective, impartial observer, said in his testimony to the Committee on the Budget that we are paying off all of the Federal debt by the end of this decade. In fact, Chairman Greenspan points out that we need to think about what happens when we have eliminated all publicly held debt.

The Progressive budget, the amendment before the House offered by the Democrats, seeks to pay off $747 billion more debt than can be paid off without incurring a penalty. If we adopt the amendment offered by the Democrats, the American taxpayers will incur a very significant financial penalty. The Office of Management and Budget estimates that the penalty that the American taxpayers will incur will exceed $100 billion.

Why should we incur this additional penalty? Why should we saddle the American taxpayer, who is already overtaxed, with an additional penalty?

The Republican budget alternative I want to stress pays off every single penny of this debt that can be paid off, and I think it is also vitally important for the American public as they listen to this debate to think about the implications of paying off more publicly held debt. Once all of that debt is paid off, we reach a point, as Chairman Greenspan said in his testimony, where once all the debt is eliminated, what is the Treasury going to do with all of this additional money that is coming in that is above and beyond what is necessary to pay for government programs and since there is no more publicly held debt to pay off, what do we do with all of that extra cash?

Chairman Greenspan said in his testimony he believes for long-term fiscal stability that it is far better for the Nation that the tax surpluses, and they are tax surpluses because we are being overtaxed, that the tax surpluses be lowered by tax reductions rather than by spending increases.

Mr. KUCINICH. Mr. Chairman, I would remind the gentleman from Texas that our budget would give $151 million to Texas for energy assistance.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), one of the architects of this budget.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

The question here is are we going to have a people's budget, a budget that addresses the real needs and priorities of average Americans; or are we going to have a special-interest budget that cuts the programs important to most Americans in their daily lives, such as education, Medicare and others, and returns to the days of huge deficits? If we care about education, school construction, smaller class size, Pell grants to access higher education; if we care about Head Start, if we care about a real Medicare prescription-drug benefit, not a subsidy to the pharmaceutical industry, they are doing just fine, thank you very much. If we care about election reform, if we care about real tax cuts targeted to average Americans and not to those at the very top who have done so well already, then the Progressive budget is a much and far better alternative than the Republican budget.

□ 1130

It pays down more debt more quickly, despite this new concern about the Republicans about not paying down the debt too fast. No, that is a sham.

Then, if we are concerned about our veterans, we had better fund our veterans, particularly for the aging veterans population, World War II and Korea. If we care about our young men and women in the military, their quality of life, we will vote for this budget.

Yes, if Members care about the continuing waste at the Pentagon, I hear again and again, do not throw money at problems, do not throw money at problems. The Pentagon has huge problems. They cannot keep track of the money they spend. They are still paying $400 for $40 items. They have spent $50 billion on Star Wars, and they cannot hit anything. They have three new jet fighter programs in the works, two of which are over budget, behind schedule; a new helicopter that does not work, cannot meet its mission, way over budget.

They have huge management problems at the Pentagon, and their answer is throw more money at them. If it were any other part of the Federal budget, if it is education or the concerns of average Americans, no, we cannot put more money there. Do not throw Federal money at it. But the Pentagon, yes, throw more money at it.

This budget essentially does all the things the American people need most, and reforms the Pentagon and pays down the debt. This is the best alternative before the Congress today.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GARY MILLER), a member of the Committee.

Mr. GARY MILLER of California. Mr. Chairman, it is interesting, we talk about education. We in our budget have proposed an increase in education, yet the proposal we have before us today is more mandates for local school districts. It says, when you are through hiring 100,000 teachers, we want you to hire another 100,000 counselors.

Well, maybe schools do not want counselors; maybe they need facilities, maybe they need money for special education. Maybe they do need money for counselors, but if they do not, we should not mandate them.

What we should do is tell education and the institutions associated with it that, here is the money; they know the needs of their children, they know the names of their children: Educate their children.

We have many Members coming before the House as if poor people only come in one color. There are black, white, brown, and red poor people. I know when I was a young man, I was raised by a single mother with my grandparents. We were poor. I remember coming home from school one day driving in a bus in seventh grade, and having the two boys before me, when we were driving on my street, they said, "Can you imagine anyone having to live on that street?" I never knew until that day I was poor.

When I decided to start a business, I had an old van that used more oil than gas. Every tool I had came in a cardboard box in the back. What did government do? Every time I tried to better myself, they took more of my money. All the Tax Code does today is build a wall between poor people and success and says, "We are going to hold you down," because every time somebody works harder, every time they make more money, we take more money from them as government.

We need to allow the working people of this Nation to keep their money, and people in Congress need to realize it is the money belonging to the people who earned it, it is not our money, because government does not earn any money.

Some say it is too much of a tax cut, that we want to eliminate the tax cut, we want to use it for new programs that the government thinks are better programs. Then one will say, we need to pay down more debt.

Our budget pays down every bit of the available debt that we have over a 10-year period. Members can go beyond that and say, we are going to pay our debt that is not due. First of all, we have to find somebody who wants to allow us to pay off debt that is not due. If we do find those people, I guarantee Members, we will pay a premium to pay off that debt.

We need reasonable government, reasonable structure, as the private sector has. We pay our debts as they come due. We are saying we are going to do that, but we want to go farther. We want to tell the American people that they earned their money. We want them to succeed. We want to give them more than lip service.

When we tell people they do not deserve a tax cut, we are giving them lip service when it comes to them being successful in life. Let us allow people to succeed. Let us allow people to be entrepreneurs if they want to, to take advantage of the capitalistic system we have out there, a free-market system. If people want to work, want to work harder, let them keep more of their money.

Their budget does not do that, our budget does that.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to reassure my good friend, the gentleman from California, that California would get $306 million in energy assistance under our bill.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), who is someone who fights for the economic rights of her people.

Ms. SOLIS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to express my full support for the Progressive Caucus budget resolution, which provides responsible and just resources for all Americans.

Unlike the Republican-proposed budget, which would ravage any reliable social programs that serve our Nation's poor, hard-working Americans, the Progressive Caucus would offer a fair tax without sacrificing the welfare of any of our citizens.

On the other hand, the Republican budget alternative would absolutely devastate the people in my district. They get no benefit from this budget. The majority of the people in my district make $31,000 a year. They get absolutely zero. The glass is empty. It is not even half full for them.

I am asking Members to consider alternatives that we are putting forward in the Progressive Caucus budget which would add and actually double grants, Pell grants, for needy students who would have a first chance, many the first in their family, to go forward and get a good education. Let us not leave any child behind. Let us not leave any minority or low-income student behind. Let us give them that education.

Let us also not rob those senior citizens that rely on MediCal and Social Security. There are thousands of senior citizens who need that support, many who have paid into the system. This is their money. They have worked many, many years here in our country to build this economy. Let us make sure that it goes back to their pockets, to those programs that they vitally need to survive.

I would also ask that we consider looking at what is happening right now in America. What we are talking about is an energy crisis in California, and we are talking about that happening all over the country. We really need to focus in on how we are going to provide some relief.

In California we know the experiment did not work. Let us not make that something that other States adopt as well. Let us move forward. Let us provide relief where it is needed. It is our money; send it back home. Vote for the Progressive Caucus budget.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to congratulate the chairman on putting together a mighty fine budget. Having chaired the Committee on Ways and Means in South Carolina, I recognize the difficulty of trying to match all the needs and all the requirements that are out there in this Nation with the limited resources we have.

But I applaud the gentleman and the other members of the Committee for standing firm that we would address the major issues that are facing this country, one being paying down the debt, and the other being returning some of the excess money back to those people that worked hard to make this great Nation strong, and giving some of that money back to them.

Our goal was to save Social Security, we have done that; to repay the debt, and we have a program to do that; improving education and returning tax overcharges back to our citizens, and those are being accomplished in this budget. I applaud the chairman and the other members of the committee for making that happen.

We all know that paying down the debt will mean better interest rates for all Americans. The Progressive Caucus budget calls for $745 billion more debt reduction than the committee's budget during the years 2002 to 2011. To achieve this, however, the government will either pay a penalty premium to retire "unredeemable" debt, or will build up cash surpluses which would be invested in private equities, introducing government ownership of the private economy.

We are making the strongest strides possible without unwise penalties. In 2002, we will eliminate some $213 billion in debt; in 5 years we will be up to $1.2 trillion; and in 10 years, $2.34 trillion.

In defense, we have made a decision that policy would drive the budget for defense, not dollars.

Another great concern of mine surrounds the Armed Forces budget. While the committee budget recognizes both immediate and long-term defense needs, the Progressive Caucus budget cuts deeply in defense. It provides $753 billion less in budget authority and $698 billion less in outlays during the years 2002 to 2011 than does the committee budget.

The quality of life for our Armed Forces personnel and their families is a priority in the House Republican budget, including increased pay, better housing, and $3.9 billion for the first year of expanded health benefits for over-65 military retirees.

The progressive budget slashes funds for national defense. We cannot afford to neglect our Armed Forces any longer. I applaud the chairman for supporting the committee budget.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my friend from South Carolina should be delighted to know our budget includes an additional $45.5 million for energy assistance for the people of his great State.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), a fighter for the people of Chicago.

Mr. DAVIS of Illinois. Mr. Chairman, the need for public housing, low- and moderate-income housing, housing for the homeless, housing for veterans, housing for people with AIDS, all of these needs are well defined and well documented, yet the Bush budget cuts $859 million from the public housing budget.

We all know about the problems of drugs in public housing, yet the Bush budget takes $316 million from drug elimination grants. The Bush budget cuts $422 million from the Community Development Block Grants program, $200 million from home housing block grants; $640 million from Section 8. It is unbelievable.

Mr. Chairman, these cuts can do nothing but leave pain, frustration, and blood. I hope that people will know how to bleed with compassion, because these cuts surely are not. When we cut, cut, cut, and cut, all that we get is blood, blood, blood, and blood. The blood of the American people will be on the heads of those who wielded the knife.

On the other hand, the Progressive Caucus has a budget which invests $2 billion per year in affordable housing, gives increased funding for Section 8 by $575 million to provide 100,000 more vouchers; $500 million more to address the backlog of public housing; a 50 percent increase for the Child Care Block Grant program, and a $200 million increase for homeless assistance grants.

This is the kind of budget, Mr. Chairman, that we need. This is the kind of progressive budget that I would be pleased to vote for. So I urge support for the Progressive Caucus' budget.

Mr. NUSSLE. Mr. Chairman, I yield 3½ minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I rise in strong support of the Committee on the Budget's budget. This is a budget that balances very clearly the need to provide tax relief for working Americans, the need to save and protect Social Security, the need to pay down our Nation's debt, and, yes, the need to meet unfunded liabilities of the Federal Government.

I would commend our chairman, who has led the way every single year that he has been on this Committee on the Budget, and now as chairman, in finding the necessary resources to significantly increase funding not only for education programs, but most specifically the Individuals with Disabilities Education Act, IDEA.

Every year that I have been in this Congress, as contrasted with the years prior to me being in Congress, funding for this critical program has increased. I am pleased to say that this year in this budget we have set aside $1.25 billion to increase the part B IDEA funding program. It was never done before, and it is testimony to this chairman's commitment to IDEA as a program.

I will yield to the chairman for a couple of clarifications on this groundbreaking accomplishment. The fact is that the reserve fund allocation of $1.250 billion is intended solely for the part B IDEA grants to States, not just IDEA-related funding generally.

Now, the report specifies that the IDEA reserve fund is for part B, but the resolution does not. I was wondering if the chairman would respond to that briefly.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, the gentleman is correct, number one.

Number two, we anticipate that the Committee on Appropriations will provide and other committees will provide the continued flexibility so that States and local school districts can meet the challenges of IDEA.

While the gentleman gave me some of the credit for that, and I appreciate that because it is a labor of love for me, there has been no one in this Congress who has held the banner any higher than the gentleman from New Hampshire.

I want to show Members what the gentleman has accomplished. This is the gentleman's work, I say to the gentleman from New Hampshire, since he has been here in Congress, these kinds of increases for special education. We are going to build on this average annual increase of 23 percent for special education.

While we celebrate that in this speech here today, we are not where we want to be yet. It is a labor of love for us. It is a labor of intellectual honesty, as well, of unfunded mandates. We are going to keep that fight going, but we have accomplished quite a bit in this budget. I appreciate the gentleman's leadership.

□ 1145

Mr. BASS. Mr. Chairman, reclaiming my time, I just want to emphasize, carrying on the point of the gentleman from Iowa (Mr. NUSSLE), that this is not necessarily instructions to the Committee on Appropriations to cap the fund at this amount. They are more than welcome to increase it above that. We certainly encourage them to increase the part B funding above that $1.25 or 1 and a quarter billion dollars, if they choose to do so.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Iowa.

Mr. NUSSLE. It is a commitment of that $1.25 billion, yes, number one, but, more importantly, as the gentleman knows, the House should work, under the circumstances will, to increase that as much as possible to meet its commitment to special education.

Mr. BASS. Mr. Chairman, I thank the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, for his leadership on this important issue.

Mr. KUCINICH. Mr. Chairman, I would say to the gentleman from New Hampshire (Mr. BASS), my good friend, he will be glad to know this budget does not leave the people of New Hampshire out in the cold. We have $53 million for energy assistance.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER), who is a champion of veterans rights.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for yielding the time to me.

Mr. Chairman, I rise as the ranking member of the Committee on Veterans' Affairs, Subcommittee on Health, in support of the Progressive Caucus budget, and to say that the Republican budget on the floor does not meet the needs of our veterans.

The budget this year not only provides merely for an inflationary increase for our health care for our veterans, but in the 2nd and the 3rd years of this budget, it actually is a decrease for our veterans.

Mr. Chairman, I hope the gentleman from Iowa (Mr. NUSSLE) can explain why our veterans in the years 2002 and 2003 of the budget resolution are cut from in the budget.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. FILNER. We will get back to the gentleman.

When we have a veterans community that is waiting up to 2 years for health appointments, when we have 500,000 claims backlogged at this moment, claims for adjudication of benefits that are mounting at $10,000 a week, this budget that the Progressive Caucus has meets those needs, whereas the budget resolution of the Republicans does not.

Our budget is supported by those who made up the independent budget, a coalition of veterans groups who said that the President's budget is short and the budget was short by up to $2 billion.

This is what we need for our veterans. We need to make sure that their health care is provided for in a timely basis; that their claims are adjudicated in a timely fashion.

We have a GI bill today, Mr. Chairman, that pays merely $500 a month to go to school. You cannot go to college with that kind of stipend. The Progressive Caucus budget actually begins to fund the Montgomery GI bill so we have a benefit that means something for our veterans.

It is a decade since the Persian Gulf War. We do not know what caused that illness, and we have no treatment for it. The budget of the majority has no funds for research into the Persian Gulf War illness. I can go on and on.

I say to the majority, my colleagues do not have a surplus unless we paid the bills. We have not paid our bills to our Nation's veterans. We have not lived up to our commitment. Vote for the Progressive Caucus budget.

Mr. NUSSLE. Mr. Chairman, I yield myself 30 seconds to answer the question of the gentleman from California (Mr. FILNER).

The Progressive Caucus say they spend more on veterans. Well, that is interesting. I appreciate that the Progressive Caucus may spend more, but evidently it is spent in the wrong places, because it is the Republican budget that has been applauded and endorsed by the House Committee on Veterans' Affairs, the American Legion, the AMVETS, the Disabled Veterans of America, the Paralyzed Veterans of America, and the VFW.

So I guess the gentleman can make his claims, but the veterans are on the side of the budget that we have here as the base bill today.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I asked the gentleman to yield. The gentleman did not yield.

Mr. FILNER. The gentleman did not answer my question.

Mr. NUSSLE. I certainly would be willing to do that.

The CHAIRMAN. The time is controlled by the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself 15 seconds and say I am very happy to yield to the gentleman from California (Mr. FILNER), but I would appreciate the same courtesy allowed to me.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW), my friend and member of the Committee on Veterans' Affairs.

Mr. CRENSHAW. Mr. Chairman, there are a lot of things wrong with this Progressive budget, but probably the most important thing that is wrong with it is the way it slashes defense spending.

I happen to believe that the number one responsibility of the Federal Government is to protect American lives, and the only way you keep America safe is you keep America strong. This budget moves in the wrong direction.

In the last 8 years, we watched our military get hollowed out, reduced by 40 percent; and, yet, deployment has increased almost 400 percent. We sent our troops gallivanting all over the world; and, today, the young men and women in uniform are worried about the direction that we are going to take.

I would say this budget as it is slashes defense spending. It does not recognize the world as it is today. The Cold War is over, yes, but we still face nuclear proliferation, non-State terrorists groups, world criminal elements with tentacles all over the world, and I think we have to recognize that.

We have to make America strong again, and that is what our budget does. It increases defense spending almost 5 percent. It adds $5.6 billion to begin to increase the pay of our military, give them better housing, give them health care benefits. Already, you can see the morale is boosted among our troops.

Mr. Chairman, our budget spends $2.6 billion on research and development. It is a down payment for what we need to spend in the future. The President believes, and I believe, that we ought to have a top-to-bottom review, so that our defense strategy will drive our defense spending and not the other way around.

It is a time of transition, a time of testing, and we do not want to go out and spend money on technology that might not work or be available.

And once this top-to-bottom review is finished, once our President and our military leaders know the direction we want to take and have a clear vision, I am confident he will come back to this Congress, ask for our help, and we will give him the necessary resources.

Let us not go backwards and continue to hollow our military; let us move forward and make America strong again.

Mr. KUCINICH. Mr. Chairman, the gentleman from Florida (Mr. CRENSHAW), my very good friend, would be delighted to know there is $91 million for energy assistance in our budget.

Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON). I would like the gentlewoman to know how much we appreciate her leadership on housing issues.

Ms. NORTON. Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for yielding me the time.

Mr. Chairman, as we speak, one part of the Progressive Caucus budget has already become well known in the country; that is, our American people's dividend which, as it appears, may well be introduced in the Senate. We proposed $300 per family member. The Senate looks like it is going to promote $300 per worker. I would just as soon declare victory if Senators did, because it would return us to the proud tradition of progressive taxation long associated with the Federal Tax Code.

This is allegedly a quick fix. It certainly is, because that is all this economy needs now. Witness the Consumer Confidence Index that came out yesterday, which was way up above expectations. If we need more, we can revisit the tax cut later.

One part of the Progressive budget that I would like to focus on is the forgotten stepchild of the Federal budget, that is, affordable housing. We have experienced the biggest housing boom of the century, and the worst housing bust for affordable housing since the Great Depression.

As the economy has spun up, housing costs have spun out of control. There is zero, amazingly zero, for affordable housing in the majority's budget. The Progressive Caucus budget would give $2 billion. Amazingly, the majority actually cuts public housing repairs by $1 billion. We would increase it $500 million, because at the very least, we ought to save what pitiful housing stock we already have invested in.

There is more than enough tax cut to pay for help for affordable housing for working people. We would only make a start with our budget. Surely, a start is what working people are entitled to.

The Progressive Caucus budget focuses on the documented priorities of the American people: Affordable housing, prescription drugs, money for school construction and funds to reduce class size and electoral reform, finally.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), a member of the Committee on the Budget.

Mr. PUTNAM. Mr. Chairman, I appreciate the opportunity to address this issue.

Mr. Chairman, one of the things I am reminded of as a freshman in this body is how diverse our land really is and how diverse the viewpoints are that come to Congress and stakeout their positions. The Progressive Caucus has laid out an interesting blueprint for the future of this country.

It has gutted defense allocations. It says to those young soldiers and sailors who are out there keeping the peace, defending the freedoms that we take for granted each and every day, it says to them that you are not our highest priority; that national defense is not our highest priority.

Mr. Chairman, I would submit that if that is progress, then I would rather stay put. I submit that that is regressive. We are going in the wrong direction.

Progress would be to look those soldiers and sailors in the eye and say we are behind you 100 percent. America supports the efforts and the dedication and the commitment that you display each and every day and the Congress will back up your sacrifice in a very meaningful and real way.

The Progressive Caucus budget does not address principle-based tax relief, the principle that it is wrong to tax people after they have died. It is wrong to treat people differently in the Tax Code because they choose to get married.

It does not address those bedrock foundation principles that government should not be involved in allocating how people run their lives based on the Tax Code. When it comes to education, it does not address the situation with individuals with disabilities, a very important issue that we have set aside, a tremendous trust fund in the Committee on the Budget presentation of the budget to address those needs.

It adds Federal mandates to those local school teachers, the local principals and counselors from California to Florida, from Maine to Texas who are trying day in and day out to treat the young people with respect, who inculcate in them the lessons of life instead of freeing them up to do what they do best. It adds another Federal mandate.

Mr. Chairman, I would submit that the Federal Department of DOE has never graduated a single student. They have never had the first parent-teacher conference, and for that reason, Mr. Chairman, I would urge this body to reject the regressive caucus position on the budget.

Mr. KUCINICH. Mr. Chairman, the gentleman from Florida (Mr. PUTNAM), I am sure, would be pleased to know that our budget provides $51 million for child care.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), who is a strong defender of the rights of workers.

Mr. HINCHEY. Mr. Chairman, the majority party here, the Republicans, are seeking to sell their budget principally by advancing a huge tax reduction, and they claim to justify that huge tax reduction by saying that it is the people's money and they want to give that money back to the people.

First of all, that assertion is simply false. The biggest bulk of the tax cut goes to a tiny fraction of the American people, the wealthiest people in the country get the most reduction. If you are a millionaire, you will receive a reduction of about $50,000 when their budget and their tax cut is fully implemented.

The rest of the people in the country get very little and most of them get nothing.

If we were really interested in putting the people's money back in the pockets, in the hands of people so they could go to a 7-Eleven and make the purchase that was talked about a few moments ago, we would adopt the Progressive budget; that puts more money into the hands of more people sooner than the Republican tax cut does.

Yes, it is the people's money, but it is also the people's Social Security. The Republican budget cuts Social Security. It is also the people's Medicare. The Republican budget cuts Medicare. Their budget takes fully $1 trillion out of Social Security and Medicare in a bogus attempt to fund a prescription drug program, by which they subsidize the insurance companies and would provide very little in the way of prescription drugs to the people who really need them.

If we are interested in doing something for health care, adopt the Progressive budget. If we are interested in putting money in the hands of the people who can use it and would spend it, adopt the Progressive budget. If you are interested in doing something about education improving the quality of education for all the people of this country, adopt the Progressive budget, therein lies the solution to much of our economic problems not in the Republican budget.

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Mr. NUSSLE. Mr. Chairman, I yield myself 15 seconds.

Show me where it shows Medicare or a Social Security cut in here. Show me a Medicare cut in here. Come over here and show me. It is not in our budget. My colleagues know it is not. Let us not use war of words like that. Show me the cut. We have a difference of opinion on how to get there, but do not tell me.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. Mr. Chairman, I ask the gentleman to come over here and show me the cut.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. Come here and show me the cut.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield? If the gentleman will yield and give me an opportunity, I would be happy to show it to him.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rise to strongly support the committee budget. It is a good budget. It meets our priorities. I am interested to hear my friends from the Progressive Caucus. They represent the liberal wing of their party, and I will be speaking for the conservative wing when we have the Republican Study Committee budget coming up.

But I heard the tax cut attacked in this committee budget, that it was giving the money away to the wealthiest taxpayers. It does no such thing except it does give the money back to the people who paid the taxes. Thank heavens we do not live in a socialist republic yet, although perhaps if my friends in the Progressive Caucus have their way, we may get that. But thankfully, we still believe in equality under the law, and we do not believe it is just to take from one to give to another. So this is simply giving the money back to the people who pay the tax.

On the question of taxes, Mr. Chairman, I note that our budget here lets taxpayers keep substantially more of their own earnings, $1.6 billion over 10 years versus the less than $700 million under the Progressive budget.

Every American who pays income taxes receives tax relief under the House Republican budget. Only a select few get tax relief under the Progressive Caucus plan.

The other thing I would like to focus on in my remaining time is the question of defense. While the committee budget recognizes both the immediate and long-term defense needs, the Progressive budget cuts defense deeply. It provides $753 billion less in budget authority than does ours.

Now, we all know the quality of life for armed forces personnel.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield for a misstatement of fact?

Mr. DOOLITTLE. I do not have the time.

Mr. DEFAZIO. Mr. Chairman, the gentleman will not yield for a misstatement of fact?

Mr. DOOLITTLE. Mr. Chairman, the quality of life for armed forces personnel and their families is a priority in the House Republican budget. We need to do something for our men and women in the Armed Forces, and this does it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would ask the courtesy of all Members on both sides of the aisle to only speak to the Chair when under recognition. Members apparently have great passions and great interests on all sides of this issue, but the Chair would ask that Members respect the rules of the House.

Mr. KUCINICH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I rise today in support of the Budget Proposal submitted by the Congressional Progressive Caucus.

This budget delivers what the Republican budget promises—substantial and equal tax relief for all Americans.

Over ten years, this budget would provide the American People's Dividend—$300 annually to every man, woman, and child, as long as the budget surplus exists.

Many people may think that $300 is not a lot of money. But for a working family of four with two children, the Progressive Caucus budget represents an extra $1,200 that could be applied toward basic needs like school shoes, winter coats, and groceries.

On the other hand, the Republicans have proposed giving 42 percent of the tax benefits to the wealthiest 1% of the population—essentially, a new luxury automobile. The bottom 95 percent would receive less than half of the benefit.

The Progressive Caucus has focused upon spreading relief around equally, to help people to deal with the skyrocketing costs of housing, medicine, college education and other elements that we consider part of the American dream. The American people are fair people. The Progressive Caucus budget is a fair budget.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know the gentleman from California (Mr. DOOLITTLE) would be pleased to learn that, in his State, which had a 40 percent increase in utility rates yesterday, there is a $306 million amount for energy assistance under this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think most people in this country know what is going on today. At a time when the wealthiest 1 percent of the population own more wealth than the bottom 95 percent, at a time when CEOs of major corporations now earn 500 times more than their workers, at a time when the wealthiest people in large corporations flood the United States Congress with all kinds of money, Mr. Chairman, this is payback time. That is what is going on.

The gentleman from California (Mr. DOOLITTLE), the previous speaker, made a funny remark. He said the Progressive Caucus is only providing tax relief to, I believe he said, the select few. Do my colleagues know who the select few is? It is the middle class and the working class of this country, the vast majority.

Yes, we plead guilty. We are not providing 43 percent of the tax breaks to the richest 1 percent. We are apologetic about that, but we think the middle class, the working class, the people who are working 50 and 60 hours a week, who are making $30,000, $40,000 a year, need the help and not the millionaires and the billionaires.

The issue that I want to focus on and urge people to vote for the Progressive Caucus budget on is prescription drugs. The Progressive Caucus says it is absurd that, at a time when the pharmaceutical industry is enjoying record-breaking profits, that the American people have to pay by far the highest prices in the industrialized world for prescription drugs.

We say that every American senior citizen is entitled to prescription drugs because they are a citizen in this country and because they are on Medicare, and no senior should pay more than 20 percent out-of-pocket for their prescription drugs.

We do this in a number of ways, but one of them is by doing away with the loopholes in last year's reimportation bill. We say that, if people in Europe can pay 30 or 40 or 50 percent for the same exact prescription drug that our people are paying for, then prescription drug distributors and pharmacists should be able to bring that drug into this country and sell it to the American people for the same price.

The CHAIRMAN. The Chair advises the gentleman from Iowa (Mr. NUSSLE) that he has 45 seconds remaining. The gentleman from Ohio (Mr. KUCINICH) has 5 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time to close the debate.

Mr. KUCINICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a champion of women and children's issues.

Ms. WOOLSEY. Mr. Chairman, how Congress chooses to spend our Federal funds says a great deal about who we are as leaders, who we are as people, and who we are as a Nation.

Mr. Chairman, the President may say that he supports improving education, but the Republican budget fails to reflect on that priority. It fails to reflect what he said during the campaign, that he wants to leave no child behind.

In order to truly support children, we must invest in education at every level. The progressive budget does just that by increasing funding to hire new teachers, by improving teacher compensation, by supporting school renovation, and by helping schools to invest in technology.

Rather than cutting millions of dollars from Head Start, as the Republican budget does, the Progressive Caucus budget fully funds Head Start. It adds $11.5 billion to the Head Start program. This way, we will leave no child behind.

Like my Progressive Caucus colleagues, I also believe that one of our national priorities in order to invest in our children must be to greatly increase the role of renewable energy sources, energy efficiency, and conservation measures. In that way, we will be able to meet our future energy needs. In that way, we can invest in our environment and at the same time invest in our children and in our Nation's future.

Lastly, the Republican budget increases military spending while making deep cuts in children's programs. This sends a message loud and clear to our children about what we value in this Nation. It tells them that we value weapons more than we value them. I believe that our Nation's strength is in our children. Our children are our national security, and we must support them.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OWENS), a person who in this House really works very hard for school construction.

Mr. OWENS. Mr. Chairman, I want to congratulate the gentleman from Ohio (Mr. KUCINICH) for bringing a budget to the floor which represents reality. It is very close to the reality experienced by the American people.

In the area of education, it is proposing to expend about $110 billion over the next 5 years. That is closer to what is really needed. Among those needs that will be addressed is the need for school construction, modernization, and renovation.

I want to bring my colleagues' attention to the fact that President Bush has taken a step backwards with respect to school construction and renovations. We appropriated $1.2 billion last year. Now the President refuses to expend that funding on school repairs and renovations, and he has nothing in the ongoing budget to continue any school repairs and renovations.

We made a major breakthrough, and now this President who proposes to leave no child behind is going to leave no child behind with arsenic in the water, with more carbon dioxide in the air, and unsafe schools that do not encourage learning, unsafe buildings.

So we would like to stress the fact that we have made a breakthrough. This budget continues that.

Mr. Chairman, I will submit a letter that was sent to President Bush on February 6, 2001, by 141 Members of the House asking him to appropriate the money that was put in the budget last year.

Mr. KUCINICH. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Chairman, I am concerned about the dangers to our great Nation, not from outside enemies, but from those within. These enemies are ignorance, poverty, crime, diseases, the destruction of our countryside, and most importantly, corporate greed.

I believe that the most powerful Nation in the world, this country, can cope militarily with the weaponry it has.

Rather than lining the pockets of the rich with a huge, unfair tax cut, and pumping our Nation's resources into the pockets of military contractors, we need to repair and build new schools and fund a complete medical system for everyone.

Mr. Chairman, the Progressive budget protects all the American people, and the majority budget is a danger to the health and welfare of the American people.

Mr. KUCINICH. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, our budget gives money to the troops for housing, for wage increases. Our budget takes money away from weapons systems which do not work. There has been 7.6 trillion in accounting entries in the Pentagon; and of that, 2.3 trillion were not supported by enough evidence to determine their validity.

The Department of Defense stores nearly 30 billion worth of spare parts it does not need, according to the GAO. The GAO also reports that the Navy recently wrote off as lost over $3 billion worth of intransit inventory, and the Air Force is missing over 2.3 billion in stock.

Today's defense budget is 80 percent of the amount allocated during the height of the Cold War and is 15 percent higher than in real terms than when Mr. Rumsfeld left the Pentagon in the 1970s.

We need to pay attention to housing, to education, to opportunities for all Americans and adopt this progressive budget.

Mr. KUCINICH. Mr. Chairman, I yield 45 seconds to the gentleman from Oregon (Mr. DEFAZIO) to close the debate on behalf of the Progressive Caucus.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, everything in the majority's budget revolves around a $2.6 trillion tax cut of which 43 percent will go to the people in the top 1 percent, people who average over $912,000 a year.

In order to do that, they are going to cut education, Head Start. They are going to jeopardize Medicare, Social Security. They are going to pay down the debt more slowly than the Progressive alternative.

We have offered a responsible alternative based in reality. We are not going to spend the money before it comes in. One-third for debt reduction, one-third for the priorities of the American people, and one-third for targeted tax cuts. Yes, targeted tax cuts toward middle-income families who are struggling to make ends meet, not the people at $920,000 a year. I have not noticed that they are having such a hard time.

It is time that the Federal Government began to pay attention to the needs of average Americans in this country, not just the special interests and the wealthy.

Mr. NUSSLE. Mr. Chairman, since no one has shown me the Medicare or Social Security cuts in my budget, I yield the balance of our time to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in opposition to this budget, and I really question the competence of those who wrote it. This budget pays massive prepayment penalties on the U.S. debt to wealthy bondholders. If one wants to extract hard-working taxpayers' money and give it to rich people, then vote for the Progressive budget because we would pay those penalties to wealthy Americans.

I would say for all of those who have looked at the charts of either side showing steep cuts in the Medicare fiscal viability as the baby boom generation retires, adding money to Medicare without Medicare reform is like arguing about whether we can afford dessert in the cafeteria of the Titanic.

Our budget lays the groundwork for bipartisan reform on Medicare, ensuring that Medicare will survive into the future as the baby boomers retire. This budget includes a prescription-drug benefit. This budget operates under the key principle that Medicare should offer health care coverage as good as the one offered Congressmen.

Mr. NADLER. Mr. Chairman, I rise in support of the Progressive Caucus Budget.

This budget reflects the real priorities of the American people, not big business, wealthy campaign donors, or big oil companies. Working families want us to improve education, health care, and the economy.

We respond by spending $110 billion on education—for more teachers, school renovation, and school counselors. We double Head Start and triple funding for new schools.

The Progressive Caucus Budget offers the only substantial Medicare prescription drug program—one that includes an 80/20 federal/beneficiary cost sharing. Our plan would help millions of Americans struggling to pay the high costs of prescription drugs.

Our budget is also designed to stimulate the economy. We provide for a $900 billion tax cut, by providing $300 annually to every man, woman, and child in America. Our plan would actually provide more tax relief to more people than the Administration plan. In fact, 80% of the American people would get more money from the Progressive Caucus tax cut plan.

Our tax cuts are enough to boost consumer confidence and keep the economy growing, but not so large and so unfair as to force harsh budget cuts or create new deficits. It is time to leave the Reagan/Bush deficit legacy behind once and for all.

We also stimulate the economy with funds for new housing construction and badly needed energy assistance. We increase LIHEAP by 400 percent and weatherization programs by 650 percent. We cut nuclear power research and instead direct those funds to clean alternative energy research on wind and solar power development. Lowering energy costs, stimulating the economy, and creating a cleaner environment for our children and grandchildren.

This plan may sound radical to some in Congress and especially those conservatives in the Administration, but to the American people its not radical, its common sense. Why not spend the surplus on education, health care, and the economy? Why not? Because President Bush wants to give wealthy individuals $46,000 dollars each instead. What a shame!

Ms. MCKINNEY. Mr. Chairman, the great Republican hero Ronald Reagan once said, "Trust, but verify." That is wonderful advice coming from the icon of the Republican revolution. So, I decided to verify Bush's new budget.

Of course, a major portion of Bush's proposal will include a $1.6 trillion dollar tax cut. Now we all know that the American people need and deserve a tax break. But it turns out that 50% of the tax relief is going to the richest 5% of the population. The very wealthy can expect to get back $46,000, while low income families will get zero.

Meanwhile, President Bush and the richest Cabinet in the history of this country are pushing for Estate Tax Relief. This will provide a tax kickback of over $100 million to President Bush and his cabinet.

Bush's first budget cuts Head Start, Child Care, and Public Housing repairs.

At least now we have verified who is paying for the kickbacks to Bush's rich friends. The nation's children and the poor.

It was once said that the true measure of a society is in how it treats its least fortunate. That is why we must support the Progressive Caucus Budget. In my home state of Georgia, the budget increase for Head Start would serve over 20,000 children. The brave Americans who served our country would see big increases in Veterans Medical care and construction programs. Low-income families would benefit from increases in Section 8 vouchers and the Public Housing Capital Fund.

We will pay for the Progressive Caucus budget by eliminating wasteful programs and corporate welfare, such as the tax deductibility of Tobacco advertising. We cut back on Star Wars, so that we can pay our military personnel what they deserve rather than increasing profits of defense contractors.

The Progressive Caucus budget takes care of our nation's children, seniors, veterans, military personnel, and middle and low income families.

Upon verification, the Bush plan will fill the coffers of big business at the expense of the hard working men and women of this country who created the prosperity that led to our budget surplus. Mr. Chairman, I challenge my colleagues to do what they know is right for their constituents, and support the Progressive budget.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Progressive Caucus's alternative budget resolution and in strong opposition to the Republican budget. It is clear which budget truly benefits the American people.

Let me give you just a few examples of why we should support the Progressive Caucus budget.

First, the Progressive Caucus budget places a priority on affordable housing, which is not only important in the Bay Area, including my congressional district, but also in many other parts of this country. Families are finding the American dream of homeownership harder and harder to attain and the Progressive Caucus budget takes low- and moderate-income Americans one step closer to realizing that dream. We include $2 billion for affordable housing construction. The Republican budget does not include one penny for this purpose. And in order to ensure that low-income families don't have to live in squalor in public housing, our budget includes a $500 million increase for public housing repairs while the Republican budget actually cuts this program by $1 billion! That is outrageous.

Second, my home state of California is facing an energy crisis. Just yesterday, the California Public Utilities Commission voted in favor of a rate increase for consumers, raising the rates by as much as 46 percent. I order to try to help Californians and others around the country who need help paying their increased energy bills, the Progressive Caucus budget would provide a $6.7 billion increase for LIHEAP, a low-income energy assistance program. This 400 percent increase will make it easier for many more Californians to pay their energy bills during this crisis. The Republican budget freezes LIHEAP funds next year and does not provide any funding at all in the LIHEAP emergency account. Clearly what is happening in California is an emergency and will spread throughout the Western states and the nation. We must have these funds to help the people in our state.

Finally; on a subject that is dear to me and many others in Congress—election reform—the Progressive Caucus provides $2.5 billion to ensure that what happened in Florida last year does not happen again. This funding for election reform would assist states and localities in upgrading election procedures and voting technologies. Far too many people in our country were disenfranchised by what happened in the 2000 election and we must do everything in our power to ensure that we never have another Florida. I think it is disgraceful that the Republican budget does not provide any funding for these essential reforms.

The Progressive Caucus budget also includes large increases in education, health care, veterans' programs and true tax cuts that benefit all Americans and not just primarily the very rich, all while preserving Social Security and Medicare. I urge my colleagues to vote for a budget that cuts taxes, provides for debt relief, and allows for needed spending programs. I urge my colleagues to vote for the Progressive Caucus budget.

Mr. CONYERS. Mr. Chairman, I rise today in support of the Progressive Caucus Alternative Budget. Already this Congress, our colleagues on the other side, have shown that they simply do not share the priorities of America's hard working families. They wish to gamble our savings and the surplus we have worked so hard to create, on a risky tax cut that benefits the wealthiest 1 percent of America. To pay for their tax cut, our colleagues have targeted for budget cuts important domestic programs such as child care, low income housing, and much needed environmental protections.

The Progressive Caucus Budget provides for programs that are important to all of America's families: new school construction, one hundred thousand new teachers, one hundred thousand new school counselors, a Medicare prescription drug program, and affordable housing so that every family may achieve the American dream of owning their own home. It addresses our energy concerns and the debt we owe to our veterans. It provides for our priorities of strengthening and extending Social Security and Medicare. It also provides $2.5 billion for upgrading election procedures and voting technology.

In doing so, the Progressive Caucus Budget addresses one of the most important issues to come out of the past election, assuring the American people that their elections are fair, free, and that everyone has the opportunity and ability to cast their vote. None of the other budgets we will consider today set aside any funding to address this issue, so critical to the integrity of our democracy. Antiquated voting technology in primarily minority communities casts a pall over our elections this past November. We must do everything in our power, to prove to ourselves and the world, that America is the cradle and the bastion of democracy. It is our duty as Members to foster and sustain America's faith in the very essence of democracy, the act of casting a vote. It is one of my highest priorities, to insure the integrity of the democratic process and I applaud the Progressive Caucus for making it their priority as well.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 343, not voting 10, as follows:

[Roll No. 66]

AYES—79

Ackerman
Baca
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Carson (IN)
Clay
Clayton
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Engel
Farr
Fattah
Filner
Frank
Gephardt
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
McCollum
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Moakley
Nadler
Napolitano
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Rangel
Roybal-Allard
Rush
Sanders
Schakowsky
Serrano
Slaughter
Solis
Stark
Tierney
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—343

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baldwin
Becerra
Boucher
DeLay
Lampson
Meek (FL)
Mink
Rothman
Shaw
Sisisky

☐ 1236

Messrs. GOODLATTE, DIAZ-BALART, NORWOOD, RAMSTAD, GARY MILLER of California, LIPINSKI and SAWYER changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. DELAY. Mr. Chairman, on rollcall No. 66 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 107–30.

AMENDMENT NO. 2 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 2 in the nature of a substitute offered by Mr. STENHOLM:

Strike all after resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that the concurrent resolution on the budget for fiscal year 2001 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2002 and that the appropriate budgetary levels for fiscal years 2003 through 2006 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,606,800,000,000.
Fiscal year 2002: $1,680,600,000,000.
Fiscal year 2003: $1,754,400,000,000.
Fiscal year 2004: $1,832,900,000,000.
Fiscal year 2005: $1,916,700,000,000.
Fiscal year 2006: $1,996,700,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $23,230,000,000.
Fiscal year 2002: $22,440,000,000.
Fiscal year 2003: $27,631,000,000.
Fiscal year 2004: $31,109,000,000.
Fiscal year 2005: $33,332,000,000.
Fiscal year 2006: $43,338,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,535,000,000,000.
Fiscal year 2002: $1,588,000,000,000.
Fiscal year 2003: $1,641,000,000,000.
Fiscal year 2004: $1,700,000,000,000.
Fiscal year 2005: $1,759,000,000,000.
Fiscal year 2006: $1,798,000,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,481,000,000,000.
Fiscal year 2002: $1,550,000,000,000.
Fiscal year 2003: $1,617,000,000,000.
Fiscal year 2004: $1,674,000,000,000.
Fiscal year 2005: $1,738,000,000,000.
Fiscal year 2006: $1,784,000,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $90,850,000,000.
Fiscal year 2002: $84,650,000,000.
Fiscal year 2003: $100,950,000,000.
Fiscal year 2004: $113,750,000,000.
Fiscal year 2005: $121,500,000,000.
Fiscal year 2006: $150,750,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,637,200,000,000.
Fiscal year 2002: $5,585,400,000,000.
Fiscal year 2003: $5,542,100,000,000.
Fiscal year 2004: $5,401,300,000,000.
Fiscal year 2005: $5,385,500,000,000.
Fiscal year 2006: $5,288,300,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2003 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $317,500,000,000.
(B) Outlays, $301,900,000,000.
Fiscal year 2002:
(A) New budget authority, $329,100,000,000.
(B) Outlays, $323,500,000,000.
Fiscal year 2003:
(A) New budget authority, $334,200,000,000.
(B) Outlays, $329,600,000,000.
Fiscal year 2004:
(A) New budget authority, $345,700,000,000.
(B) Outlays, $338,500,000,000.
Fiscal year 2005:
(A) New budget authority, $357,200,000,000.
(B) Outlays, $335,400,000,000.
Fiscal year 2006:
(A) New budget authority, $367,900,000,000.
(B) Outlays, $359,300,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2002:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $19,600,000,000.
Fiscal year 2003:
(A) New budget authority, $23,800,000,000.
(B) Outlays, $19,800,000,000.
Fiscal year 2004:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2005:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $20,800,000,000.
Fiscal year 2006:
(A) New budget authority, $26,100,000,000.
(B) Outlays, $21,400,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2002:
(A) New budget authority, $23,230,000,000.
(B) Outlays, $21,590,000,000.
Fiscal year 2003:
(A) New budget authority, $23,680,000,000.
(B) Outlays, $22,810,000,000.
Fiscal year 2004:
(A) New budget authority, $24,110,000,000.
(B) Outlays, $23,540,000,000.
Fiscal year 2005:
(A) New budget authority, $24,670,000,000.
(B) Outlays, $24,250,000,000.
Fiscal year 2006:
(A) New budget authority, $25,350,000,000.
(B) Outlays, $24,770,000,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2002:
(A) New budget authority, $1,400,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2003:
(A) New budget authority, $1,300,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2004:
(A) New budget authority, $1,300,000,000.
(B) Outlays, −$160,000,000.
Fiscal year 2005:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2006:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $0.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,800,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2002:
(A) New budget authority, $26,650,000,000.
(B) Outlays, $26,350,000,000.
Fiscal year 2003:
(A) New budget authority, $26,820,000,000.
(B) Outlays, $26,920,000,000.
Fiscal year 2004:
(A) New budget authority, $27,930,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2005:
(A) New budget authority, $27,830,000,000.
(B) Outlays, $27,630,000,000.
Fiscal year 2006:
(A) New budget authority, $27,930,000,000.
(B) Outlays, $27,730,000,000.

(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $31,900,000,000.
(B) Outlays, $29,290,000,000.
Fiscal year 2002:
(A) New budget authority, $29,530,000,000.
(B) Outlays, $27,560,000,000.
Fiscal year 2003:
(A) New budget authority, $29,380,000,000.
(B) Outlays, $27,780,000,000.
Fiscal year 2004:
(A) New budget authority, $28,560,000,000.
(B) Outlays, $27,090,000,000.
Fiscal year 2005:
(A) New budget authority, $27,750,000,000.
(B) Outlays, $26,230,000,000.
Fiscal year 2006:
(A) New budget authority, $27,140,000,000.
(B) Outlays, $25,510,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $200,000,000.
Fiscal year 2002:
(A) New budget authority, $8,920,000,000.
(B) Outlays, $5,800,000,000.
Fiscal year 2003:
(A) New budget authority, $8,900,000,000.
(B) Outlays, $3,500,000,000.
Fiscal year 2004:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $10,300,000,000.
Fiscal year 2005:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2006:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $8,800,000,000.

(8) Transportation (400):
Fiscal year 2001:

(A) New budget authority, $62,200,000,000.

(B) Outlays, $51,700,000,000.

Fiscal year 2002:

(A) New budget authority, $60,900,000,000.

(B) Outlays, $55,490,000,000.

Fiscal year 2003:

(A) New budget authority, $58,700,000,000.

(B) Outlays, $58,200,000,000.

Fiscal year 2004:

(A) New budget authority, $59,100,000,000.

(B) Outlays, $60,200,000,000.

Fiscal year 2005:

(A) New budget authority, $59,600,000,000.

(B) Outlays, $61,800,000,000.

Fiscal year 2006:

(A) New budget authority, $60,200,000,000.

(B) Outlays, $63,600,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $11,300,000,000.

Fiscal year 2002:

(A) New budget authority, $10,300,000,000.

(B) Outlays, $11,600,000,000.

Fiscal year 2003:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $11,200,000,000.

Fiscal year 2004:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $10,700,000,000.

Fiscal year 2005:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $10,300,000,000.

Fiscal year 2006:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $10,300,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,900,000,000.

(B) Outlays, $69,800,000,000.

Fiscal year 2002:

(A) New budget authority, $84,950,000,000.

(B) Outlays, $76,630,000,000.

Fiscal year 2003:

(A) New budget authority, $85,300,000,000.

(B) Outlays, $83,330,000,00.

Fiscal year 2004:

(A) New budget authority, $87,770,000,000.

(B) Outlays, $85,030,000,000.

Fiscal year 2005:

(A) New budget authority, $91,810,000,000.

(B) Outlays, $88,080,000,000.

Fiscal year 2006:

(A) New budget authority, $95,090,000,000.

(B) Outlays, $91,800,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $182,600,000,000.

(B) Outlays, $175,500,000,000.

Fiscal year 2002:

(A) New budget authority, $192,600,000,000.

(B) Outlays, $189,800,000,000.

Fiscal year 2003:

(A) New budget authority, $215,500,000,000.

(B) Outlays, $211,700,000,000.

Fiscal year 2004:

(A) New budget authority, $231,300,000,000.

(B) Outlays, $229,500,000,000.

Fiscal year 2005:

(A) New budget authority, $248,500,000,000.

(B) Outlays, $246,100,000,000.

Fiscal year 2006:

(A) New budget authority, $265,500,000,000.

(B) Outlays, $263,300,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,600,000,000.

(B) Outlays, $217,700,000,000.

Fiscal year 2002:

(A) New budget authority, $231,100,000,000.

(B) Outlays, $231,100,000,000.

Fiscal year 2003:

(A) New budget authority, $257,900,000,000.

(B) Outlays, $257,800,000,000.

Fiscal year 2004:

(A) New budget authority, $282,200,000,000.

(B) Outlays, $282,400,000,000.

Fiscal year 2005:

(A) New budget authority, $309,400,000,000.

(B) Outlays, $309,400,000,000.

Fiscal year 2006:

(A) New budget authority, $382,200,000,000.

(B) Outlays, $327,800,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $256,000,000,000.

(B) Outlays, $257,000,000,000.

Fiscal year 2002:

(A) New budget authority, $271,100,000,000.

(B) Outlays, $271,800,000,000.

Fiscal year 2003:

(A) New budget authority, $281,500,000,000.

(B) Outlays, $281,900,000,000.

Fiscal year 2004:

(A) New budget authority, $292,600,000,000.

(B) Outlays, $291,600,000,000.

Fiscal year 2005:

(A) New budget authority, $307,000,000,000.

(B) Outlays, $305,500,000,000.

Fiscal year 2006:

(A) New budget authority, $314,600,000,000.

(B) Outlays, $313,100,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $3,400,000,000.

(B) Outlays, $3,400,000,000.

Fiscal year 2002:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,500,000,000.

Fiscal year 2003:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $3,500,000,000.

Fiscal year 2004:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $3,600,000,000.

Fiscal year 2005:

(A) New budget authority, $3,700,000,000.

(B) Outlays, $3,600,000,000.

Fiscal year 2006:

(A) New budget authority, $3,800,000,000.

(B) Outlays, $3,800,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $46,000,000,000.

Fiscal year 2002:

(A) New budget authority, $53,850,000,000.

(B) Outlays, $53,250,000,000.

Fiscal year 2003:

(A) New budget authority, $54,460,000,000.

(B) Outlays, $54,060,000,000.

Fiscal year 2004:

(A) New budget authority, $56,540,000,000.

(B) Outlays, $56,220,000,000.

Fiscal year 2005:

(A) New budget authority, $60,680,000,000.

(B) Outlays, $60,240,000,000.

Fiscal year 2006:

(A) New budget authority, $60,260,000,000.

(B) Outlays, $59,820,000,000.

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $30,600,000,000.

(B) Outlays, $30,000,000,000.

Fiscal year 2002:

(A) New budget authority, $32,160,000,000.

(B) Outlays, $31,300,000,000.

Fiscal year 2003:

(A) New budget authority, $33,010,000,000.

(B) Outlays, $33,400,000,000.

Fiscal year 2004:

(A) New budget authority, $33,160,000,000.

(B) Outlays, $33,850,000,000.

Fiscal year 2005:

(A) New budget authority, $34,050,000,000.

(B) Outlays, $34,310,000,000.

Fiscal year 2006:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $34,690,000,000.

(17) General Government (800):

Fiscal year 2001:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $16,500,000,000.

Fiscal year 2002:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $17,400,000,000.

Fiscal year 2003:

(A) New budget authority, $16,400,000,000.

(B) Outlays, $16,400,000,000.

Fiscal year 2004:

(A) New budget authority, $16,700,000,000.

(B) Outlays, $16,600,000,000.

Fiscal year 2005:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,700,000,000.

Fiscal year 2006:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,100,000,000.

(18) Net Interest (900):

Fiscal year 2001:

(A) New budget authority, $205,200,000,000.

(B) Outlays, $205,400,000,000.

Fiscal year 2002:

(A) New budget authority, $184,600,000,000.

(B) Outlays, $182,600,000,000.

Fiscal year 2003:

(A) New budget authority, $172,300,000,000.

(B) Outlays, $171,900,000,000.

Fiscal year 2004:

(A) New budget authority, $155,800,000,000.

(B) Outlays, $154,300,000,000.

Fiscal year 2005:

(A) New budget authority, $134,300,000,000.

(B) Outlays, $133,800,000,000.

Fiscal year 2006:

(A) New budget authority, $112,600,000,000.

(B) Outlays, $112,400,000,000.

(19) Allowances (920):

Fiscal year 2001:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$300,000,000.

Fiscal year 2002:

(A) New budget authority, $3,000,000,000.

(B) Outlays, $1,000,000,000.

Fiscal year 2003:

(A) New budget authority, $3,900,000,000.

(B) Outlays, $3,500,000,000.

Fiscal year 2004:

(A) New budget authority, $4,500,000,000.

(B) Outlays, $3,000,000,000.

Fiscal year 2005:

(A) New budget authority, $4,700,000,000.

(B) Outlays, $4,150,000,000.

Fiscal year 2006:

(A) New budget authority, $4,800,000,000.

(B) Outlays, $4,600,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2001:

(A) New budget authority, −$46,170,000,000.

(B) Outlays, −$46,170,000,000.

Fiscal year 2002:

(A) New budget authority, −$47,890,000,000.

(B) Outlays, −$47,890,000,000.

Fiscal year 2003:

(A) New budget authority, −$59,020,000,000.

(B) Outlays, −$59,020,000,000.

Fiscal year 2004:

(A) New budget authority, −$66,220,000,000.

(B) Outlays, −$66,220,000,000.

Fiscal year 2005:

(A) New budget authority, −$57,600,000,000.

(B) Outlays, −$57,600,000,000.

Fiscal year 2006:

(A) New budget authority, −$62,590,000,000.

(B) Outlays, −$62,590,000,000.

SEC. 4. RECONCILIATION.

(a) SUBMISSIONS BY THE HOUSE COMMITTEE ON WAYS AND MEANS FOR TAX RELIEF.—The House Committee on Ways and Means shall submit to the Committee on the Budget recommendations pursuant to section (c)(2)(D)(ii) not later than July 24, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: $23,230,000,000 for fiscal year 2001, $22,440,000,000 for fiscal year 2002, $27,631,000,000 for fiscal year 2003, $31,109,000,000 for fiscal year 2004, $33,332,000,000 for fiscal year 2005, and $43,338,000,000 for fiscal year 2006.

(b) SUBMISSIONS BY HOUSE COMMITTEES ON ENERGY AND COMMERCE AND WAYS AND MEANS FOR MEDICARE REFORM AND PRESCRIPTION DRUGS.—(1) Not later than July 24, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget.

(2)(A) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $2,000,000,000 for fiscal year 2002, $14,000,000,000 for fiscal year 2003, $22,000,000,000 for fiscal year 2004, $26,000,000,000 for fiscal year 2005, and $31,000,000,000 for fiscal year 2006.

(c) OTHER SUBMISSIONS BY HOUSE COMMITTEES.—(1) Not later than September 11, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget.

(2)(A) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $7,500,000,000 for fiscal year 2001, $10,265,000,000 for fiscal year 2002, $10,675,000,000 for fiscal year 2003, $10,619,000,000 for fiscal year 2004, $10,022,000,000 for fiscal year 2005, and $9,848,000,000 for fiscal year 2006.

(B) The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $5,000,000 for fiscal year 2001, $5,000,000 for fiscal year 2002, $5,000,000 for fiscal year 2003, $5,000,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, and $10,000,000 for fiscal year 2006.

(C) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $180,000,000 for fiscal year 2002, $1,166,000,000 for fiscal year 2003, $1,361,000,000 for fiscal year 2004, $1,481,000,000 for fiscal year 2005, and $1,636,000,000 for fiscal year 2006.

(D) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $1,872,000,000 for fiscal year 2002, $1,951,000,000 for fiscal year 2003, $2,057,000,000 for fiscal year 2004, $2,165,000,000 for fiscal year 2005, and $2,379,000,000 for fiscal year 2006.

(d) .—After recieving the recommendations reported pursuant to subsections (a), (b) and (c), the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such reccomendations without any substantive revision.

(e) SPECIAL RULES.—In the House, if any bill reported pursuant to subsection (a) or subsection (c)(2)(D)(ii), amendment thereto or conference report thereon, has refundable tax provisions that increase outlays, the chairman of the Committee on the Budget may increase the amount of new budget authority provided by such provisions (and outlays flowing therefrom) allocated to the Committee on Ways and Means and adjust the revenue levels set forth in such subsection accordingly such that the increase in outlays and reduction in revenue resulting from such bill does not exceed the amounts specified in subsection (a) or subsection (c)(2)(D)(ii), as applicable.

(f) In carrying out reconciliation instructions under this section respecting any changes in laws within its jurisdiction to increase outlays or reduce revenues, the applicable House committees shall only recommend changes that will be fully phased-in by the close of fiscal year 2006.

SEC. 5. RESERVE FOR DEBT REDUCTION AND STRENGTHENING SOCIAL SECURITY AND MEDICARE.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any reported bill or joint resolution, or any amendment thereto or conference report thereon, that would cause a surplus for any of fiscal years 2001 through 2006 to be less than the sum of the level set forth in subsection (b) and the level of the Federal Hospital Insurance Trust Fund set forth in section 6, except as provided for in subsection (c).

(b) DEBT REDUCTION RESERVE.—

(1) The sums referred to in subsection (a) are as follows:

(A) Fiscal year 2002: $48,650,000,000.
(B) Fiscal year 2003: $61,950,000,000.
(C) Fiscal year 2004: $72,750,000,000.
(D) Fiscal year 2005: $81,500,000,000.
(E) Fiscal year 2006: $106,750,000,000.

(2) The funds in the debt reduction reserve shall be used exclusively for buying back publicly held debt, except as provided for in subsection (c).

(c) EXCEPTION FOR LEGISLATION STRENGTHENING SOCIAL SECURITY OR MEDICARE SOLVENCY.—

(1) Subsections (a) shall not apply to social security reform legislation or medicare reform legislation.

(2) For purposes of this subsection, social security reform legislation refers to legislation that the chief actuary of the Social Security Administration certifies extends the solvency of the Federal Old Age and Surivors Trust Fund and the Federal Disability Insurance Trust fund, taken together, for 75 years.

(3) For purposes of this subsection, Medicare reform legislation refers to legislation that the chief actuary of the Health Care Financing Administration certifies extends the solvency of the Federal beyond 2050.

SEC. 6. ENFORCEMENT OF MEDICARE LEVELS.

(a) It shall not be in order in the House or Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in subsection (b). This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.

(b) The amounts referred to in subsection (a) are as follows:

(1) Fiscal year 2002: $36,000,000,000.
(2) Fiscal year 2003: $39,000,000,000.
(3) Fiscal year 2004: $41,000,000,000.
(4) Fiscal year 2005: $40,000,000,000.
(5) Fiscal year 2006: $44,000,000,000.

SEC. 7. USE OF CBO ESTIMATES IN ENFORCEMENT OF RESOLUTION.

For purposes of enforcing the budgetary aggregates and allocations under this resolution, the chairman of the House Committee on the Budget shall, in advising the presiding officer on the cost of any piece of legislation, rely exclusively on estimates prepared by the Congressional Budget Office or the Joint Tax Committee, in a form certified by that agency to be consistent with its own economic and technical estimates, unless in each case he first receives the approval of the Committee on the Budget by recorded vote to use a different estimate.

SEC. 8. TAX CUTS AND NEW SPENDING CONTINGENT ON DEBT REDUCTION.

Notwithstanding any other provision of this resolution, it shall not be in order to consider a reconciliation bill pursuant to section 4 of this resolution or any legislation reducing revenues for the period of fiscal years 2002 to 2006 or increasing outlays for mandatory spending programs unless there is a certification by Director of the Congressional Budget Office that the House has approved legislation which—

(1) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the government on a path to reduce the publicly held debt below $1,700,000,000,000 by the end of fiscal year 2006 under current economic and technical projections; and

(2) legislation has been enacted which establishes points of order or other protections to ensure that funds reserved for debt retirement may not be used for any other purpose, except for adjustments to reflect economic and technical changes in budget projections.

SEC. 9. ADJUSTMENT FOR REVISION OF BUDGET SURPLUSES.

(a) ALLOCATION OF INCREASED SURPLUS PROJECTIONS.—If the Congressional Budget Office report referred to in subsection (b) projects an increase in the surplus for fiscal year 2000, fiscal year 2001, and the period of fiscal years 2002 through 2006 over the corresponding levels set forth in its economic and budget forecast for 2001 submitted pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget of the House shall make the adjustments as provided in subsection (c).

(b) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEAR 2002.—The report referred to in subsection (a) is the Congressional Budget Office updated budget forecast for fiscal year 2002.

(c) ADJUSTMENTS.—If the Committee on Ways and Means reports any reconciliation legislation or other legislation reducing revenues exceeding the revenue aggregates in section 2(1)(B), reduce the revenue aggregates in section 2(1)(A) and increase the amounts the revenues can be reduced by in section 2(1)(B) by an amount not to exceed one-quarter of the increased surplus. If the Committees on Agriculture, Appropriations, Commerce, National Security, or Ways and Means report legislation increasing spending above the allocation for that committee, increase the allocation for that committee and the aggregates set forth in sections 2(2) and 2(3) by an amount not to exceed one-quarter of the increased surplus.

(d) APPLICATION.—Any adjustments made pursuant to subsection (c) for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 10. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to section 10, 11, or 12 for any measure shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 11. SENSE OF CONGRESS REGARDING RETIREMENT TRUST FUNDS.

(a) Findings.—Congress finds that—

(1) the Congress has made commitments to balance the Federal budget without including the surpluses of trust funds dedicated to particular purposes, such as the Old-Age and Survivors Insurance Trust Fund, the Disability Insurance Trust Fund, and the Hospital Insurance Trust Fund;

(2) the assets of the Department of Defense Military Retirement Fund are used to finance the military retirement and survivor benefit programs of the Department of Defense;

(3) the Department of Defense Military Retirement Fund is facing a long-term unfunded actuarial liability which will require all of the fund's current surplus to pay the retirement and survivor benefits promised to current and future members of the Armed Forces; and

(4) the assets in the Department of Defense Military Retirement Fund are included in the calculation of the Federal budget surplus and account for approximately $100,000,000,000 of the estimated Federal budget surplus during the next 10 years.

(b) Sense of the House.—It is the sense of the House of Representatives that any portion of the Federal budget surplus attributable to the Department of Defense Military Retirement Fund should be used exclusively for the financing of the military retirement and survivor benefit programs of the Department of Defense, and not for the financing of tax policy changes, new Federal spending, or any other purpose.

SEC. 12. SENSE OF CONGRESS REGARDING SURPLUS PROJECTIONS.

(a) Findings.—Congress finds that—

(1) disagreements on objective budget surplus figures, in the annual budget and appropriations process, have led to repetitive and time-consuming budget votes, decreasing the time available for consideration and oversight of federal programs, undermining legislation to provide responsible tax relief, and delaying enactment of legislation necessary to fund the Government;

(2) Congress and the Administration want to work together to do everything possible to maintain a strong and growing economy;

(3) an agreement on baseline estimates will prevent us from undermining the fiscal discipline that has contributed to our economic strength and allow Congress and the Administration to address their collective priorities in a responsible, bipartisan manner;

(3) a bipartisan majority of the Members of the House of Representatives and the Senate have voted to protect the social security and medicare trust funds;

(4) empirical evidence and the Congressional Budget Office agree that changes in economic conditions make projections based on ten-year forecasts highly uncertain;

(5) the caps on discretionary spending are set to expire at the end of fiscal year 2002 and no formal rules will be in place to contain the growth in discretionary spending;

(6) baseline estimates typically overstate the size of available surpluses by not assuming costs of extending or changing policies that affect revenues, such as expiring tax provisions and the cost of indexing the alternative minimum tax (AMT) to protect middle-class families from the AMT; and

(7) current baseline estimates do not recognize underlying demographic pressures that will incur future obligations that may threaten projected surpluses outside the ten-year budget window.

(b) Sense of the House.—It is the sense of the House that future budget resolutions, as well as all tax and spending legislation, should maintain our commitment to fiscal responsibility by using agreed-upon surplus, tax, and spending figures derived from the following principles:

(1) The size of the available surplus should exclude social security and medicare trust funds.

(2) The uncertainty of long-term economic forecasts should be recognized.

(3) Realistic assumptions for the growth in discretionary spending should be accounted for.

(4) The projected surplus should be adjusted to recognize that scoring conventions do not incorporate the costs of policies that Congress historically reauthorizes.

(5) There should be a recognition that the Federal Government will incur sizable, future obligations due to demographic pressures set to occur upon the retirement of our baby-boom generation.

SEC. 13. SENSE OF CONGRESS REGARDING BUDGET ENFORCEMENT.

It is the sense of Congress that legislation should be enact legislation enforcing this resolution by—

(1) establishing a plan to retire half of the publicly held debt by the end of fiscal year 2006;

(2) setting discretionary spending limits for budget authority and outlays at the levels set forth in this resolution for each of the next five years;

(3) extending the pay as you go rules set forth in Section 252 of the BBEDCA for the next ten years; and

(4) establishing modified line item veto authority requiring Congressinal votes on rescissions submitted by the President and reducing the discretionary spending limits to reflect savings from any rescissions enacted into law.

SEC. 14. SENSE OF THE CONGRESS ON THE UNCERTAINTY OF BUDGET FORECASTS.

(a) Findings.—Congress finds that—

(1) the Congressional Budget Office (CBO) has not produced ten year forecasts frequently enough to produce meaningful averages of its ten-year projection errors;

(2) 71 percent of the projected surplus outside of Social Security and Medicare occurs in the second half of the ten-year projection, the period more subject to error;

(3) based on its own record, CBO concludes that the estimated surpluses could be off in one direction or the other, on average, by about $52 billion in 2001, $120 billion in 2002, and $412 billion in 2006.

(4) if this uncertainty continues to grow in years six through ten at the same rate it has proven to grow in years one through five, CBO's expected surplus in 2011, excluding Social Security and Medicare, would be expressed as $524 billion, plus or minus $800 billion; and

(5) recognizing these uncertainties, the Chairman of the Federal Reserve Board has warned that "we need to resist those policies that could readily resurrect the deficits of the past and the fiscal imbalances that followed in their wake", while the Comptroller General testified that "no one should design tax or spending policies pegged to the precise numbers in any 10-year forecast";

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) this resolution recognizes the uncertainty of 10-year budget projections; and

(2) a reserve fund, consisting of non-Social Security, non-Medicare surpluses should be created to ensure that the Social Security and Medicare trust funds are protected in the event surplus projections do not materialize; and (3) surplus funds materializing from this reserve in calendar years six through ten should be dedicated to new revenue reducing initiatives.

The CHAIRMAN. Pursuant to House Resolution 100, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Iowa (Mr. NUSSLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, a few weeks ago I read a quote from a gentleman across the aisle who wondered why some of us got so exercised about having a budget put in place first. He said everyone knows the budget does not really mean anything because Congress will do whatever we want later on anyway.

The Blue Dogs rise today to insist that the budget should mean something. It should provide the blueprint which carries enough integrity, realism and authority to force us to pound out our priorities and keep us in line through the subsequent appropriation and reconciliation steps. That is why the Blue Dogs put together a plan we can live with for the next 5 years. It prioritizes removing the taxpayers' debt off our children's shoulders. It maximizes the tax cuts we can afford while remaining fiscally conservative. It reflects the fact that taxpayers do want some of their dollars invested in things like Social Security, Medicare, veterans, education, prescription drugs, and agriculture.

Today, we offer an honest, balanced plan that we can live with, both practically and politically. Even more importantly, it is a budget our constituents can live with. We ask support for the Blue Dog budget alternative.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, all parents want their children to succeed. In today's America, success often requires a college education. It is a way out of poverty for many. Yet, for many families, particularly middle-class families, a college education is out of their reach. With rising tuition costs, rising room and board, the dream of a college education is simply that for too many people, a dream; a dream deferred for too many children of middle-class parents.

However, if we pass the budget resolution offered by the gentleman from Iowa (Mr. NUSSLE), we can help make the dream of college education a reality for more of America's children.

This budget provides significant educational help for families. Not only does it accommodate a significant increase in Pell grant programs, not only does it allow a 10-fold increase in annual contributions families can make to their educational IRAs, but, and this is why I rise, it provides for a full tax exemption for prepaid tuition savings plans.

Mr. Chairman, as a member of the Alabama State Board of Education, I was there when in 1989 we established our prepaid college tuition plan. Today, virtually all States have a prepaid tuition plan, or college savings plan. Those plans are working. Millions of middle-class American families are paying into those plans. They offer the only affordable option for many families to send their children to college. Yet our current tax law punishes those families for doing what is right.

It punishes them for planning ahead and saving for their children's college education. The IRS taxes them when the student enrolls in college and begins to draw on that investment. Surely, all of us can agree that no tax makes less sense than one that hurts middle-class students trying to earn a college degree. No tax makes less sense than this tax on families that save for their children's college education.

I commend the gentleman from Iowa (Mr. NUSSLE) and the budget resolution that he has offered for it goes a long way. It makes these plans tax exempt. It makes college more affordable. That helps more American children succeed.

So I rise in strong support and offer one more reason to support the resolution offered by the gentleman from Iowa (Mr. NUSSLE).

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE), the co-chair of the Blue Dog Budget Task Force.

Mr. MOORE. Mr. Chairman, I would like to respond to the last statement made by the gentleman and basically point out and commend them to read the Blue Dog budget, because it does more for education than the majority's proposal.

I want to talk for just a couple of minutes about 10-year budgets versus 5-year budgets. Just yesterday we filed a bill that would restore truth and integrity in budgeting called the Transparenting Budgeting Act of 2001. The first 10-year projection was made by CBO back in 1992 when they predicted a deficit for next year, 2002, of $407 billion. In January of this year, the CBO projected a fiscal year surplus of $313 billion. There was only a swing of $700 billion, three-quarters of a trillion dollars, in those projections.

I think that illustrates what we are trying to say here, and that is we need to be realistic. We need to be responsible and fiscally conservative in our projections upon which these budgets are based, on which these tax cuts come.

We have placed, Mr. Chairman, a $5.7 trillion mortgage on the future of our children and grandchildren, and now we are talking about tax cuts. All of us on both sides of the aisle are for tax cuts, but responsible tax cuts that we can afford. I suggest that if we do what we are talking about on this side, and that is look at 5-year projections as opposed to these 10-year projections, we are going to be on much steadier ground when it comes to enacting new tax cuts.

I would ask the people on both sides of the aisle to take a hard look at the Blue Dog budget. I think it is fiscally responsible. It is conservative and it recognizes the income that we are going to have in terms of revenues in the next few years, not 10 years but the next 5 years. I think if we do that we will have a much sounder basis for enacting tax cuts in the rest of our budget.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a friend and colleague from the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I just say God bless our President, George W. Bush. Finally, we have a President who wants to limit government bureaucracy so the people can have more. Compared with the Blue Dog budget, the Republican budget sets in place common sense priorities that are good for America and simple to understand.

First, the Republican plan gives the people some of their money back because the tax surplus is really theirs; not ours.

□ 1245

Second, the Republican proposal pays down the public debt by $2 trillion, and it protects defense.

Third, our plan protects Social Security and Medicare by locking away every penny of the trust fund surplus.

Fourth, it stops Federal spending at 4 percent. That means to us in America that the era of tax increases and runaway government spending has ended. It means that Washington bureaucrats better run for cover, because this President, for the first time in 8 years, is going to put people first, not a bloated Federal Government.

Furthermore, the people of America should know this: President Bush is going to be granting every American a pardon from high taxes because he will sign, not veto, elimination of the marriage penalty and the death tax.

The Republican budget is responsible, fair, and above all, good for our economy. It is not a Blue Dog budget; it is an American budget that we need to vote for, the Republican budget. Vote for a strong America. Vote for freedom. Vote for the Republican budget.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise today in support of the fiscally responsible Blue Dog budget. From what I am hearing so far, I think we need to encourage everyone in this body to read this budget and pay attention to what it actually does, because it cuts through the rhetoric and it takes a fiscally responsible approach to what we ought to be doing here today.

We agree we want to cut taxes, and we agree we want to have debt reduction. This budget commits four times the amount of tax relief in the first year, compared to the Republican budget. But beyond that, this budget represents the voice of fiscal responsibility. The Blue Dogs believe in paying down debt. In fact, this budget, over the first 5 years, pays down $400 million of additional debt compared to the Republican plan.

This is the real deal. This makes a down payment on our future. We need to take a look at our children and not place the burden of that debt that we ran up over the last 20 years on them.

My concern is that we are all talking about a surplus here when, in fact, the proper term is a projected surplus; and if the projected surplus does not actually occur and if we come in underneath that, our tax cuts and our spending are going to move forward and debt reduction is going to fall off the table. It is going to be the odd man out. This budget says, let us be aggressive; let us pay down our debt first.

Mr. Chairman, I encourage everyone to support the Blue Dog budget.

Mr. NUSSLE. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, it is my desire to enter into a colloquy with the gentleman from Iowa on an important science investment called the Spallation Neutron Source, which represents a $1.4 billion investment. It is under construction in Oak Ridge, Tennessee, in my district; but the benefits will be generational. It is a physical science investment, but we are going to have life science and physical science benefits come out of this most important science initiative. It crosses over from the previous administration to this administration. We are in our second year of funding. This current year is $278 million. The President is asking for a large number for the coming year. It is very important generationally. I think that we accede science and basic research investment for future generations for benefits that we really do not even fully realize at this time.

Mr. Chairman, the science community supports this initiative. It is a consortium of five different laboratories all across our country. It has been the subject of many technical reviews over the last couple of years. The science community really scrubbed this project clean before they fully supported it, and they do fully support it.

So my question is, Mr. Chairman, as we are considering the budget resolution, there is a 5.7 percent increase in Function 250, General Science, Space and Technology, where the SNS will be funded. Is it the committee chairman's expectation to see the SNS continue on track and on budget with this increase in Function 250?

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, I share the gentleman's belief that the President will continue his commitment for full funding, and there is room within this budget function to accommodate that request.

Mr. WAMP. I thank the chairman.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I want to thank the gentleman from Texas (Mr. STENHOLM) for yielding me this time, and I want to thank the gentleman from Iowa (Mr. NUSSLE) and the leadership team for allowing us to have this debate on the Blue Dog budget.

We have had many discussions with leaders here in Washington, including the President and the Vice President; and often the comment comes up, Mr. Chairman, that if we leave the money in Washington, they will just spend it. I think many of us in this country understand why some of us are leery of that and some of us have that feeling.

So what we have suggested, Mr. Chairman, to the President and to others is that we will work with our colleagues to put reasonable spending caps in place. This budget, Mr. Chairman, provides for an average of 3.5 percent spending growth, discretionary spending growth, 3.5 percent. That is very, very reasonable.

So, Mr. Chairman, I would encourage my colleagues strongly, all of the Members of this body, to look at this budget and the way it treats spending restraints.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from California (Mr. HUNTER), a member of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, defense does need to be rebuilt. In the wake of the outgoing administration, the CBO estimates that we are spending $30 billion just on equipment, that is on replacing the tanks, trucks, planes, ships. The army tells us we are $3.5 billion short on what they call critical ammunition supplies. The CBO estimates that we have underfunded training by about $5 billion; this is all per year. We are not giving our pilots enough time to train. We have a people-pay gap of about 10 percent. That means a difference between people wearing the uniform and people in the private sector.

If we add all of those costs up, just people, equipment, training, ammunition, we come up with a shortfall with respect to the baseline that we have been spending over the last several years of about $310 billion. Now $320 billion was the last Clinton estimate; we come up with a shortfall of about $50 billion. I agree with that. I think it is at least $50 billion short.

Now, against that background we have a new administration coming in. They got into the saddle late because of the late election. When we would call up Assistant Secretaries and Secretaries, they were just then getting into their positions in the Pentagon, and the President told us he wants to do a review before he comes up with his budget on defense. Now, that leaves us in a difficult position. But their decision has been to get the review first and then come with the numbers, and the Committee on the Budget has made an allowance for that by accessing the strategic reserve under which this administration can come in with a new request in a couple of months and increase the top line for national security.

Everybody realizes we are going to have to increase it. I want to salute the conservative Democrats for having more dollars for defense; I want to salute the Republican Study Committee who put in an additional $25 billion per year, which is a big step toward closing this gap. But the Committee on the Budget chairman and other Members of the House have been working with the administration. Our chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. STUMP), has been working, and they said help is on the way. We can expect that they are going to come in and increase the top line on defense.

In the end, Mr. Chairman, we have to rely on people. I will rely on DICK CHENEY, George Bush, and Don Rumsfeld to bring that help in a couple of months. I, therefore, strongly support the Committee on the Budget's product.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I say to the last speaker, the gentleman from California (Mr. HUNTER), my friend, that if he wants to fund defense plus-ups, as I do, he has a better chance of doing that if we enact the Blue Dog budget.

Mr. Chairman, I rise in strong support of the Blue Dog budget and urge bipartisan support for the most fiscally responsible plan we will consider in this House.

Many of us are veterans of the hard budget votes of the early and mid-1990s, votes like the 1993 Clinton budget, Penny-Kasich, a constitutional amendment for a balanced budget, a constitutional amendment for limiting tax increases, and the 1997 Balanced Budget Act. These hard votes helped produce the first budget surpluses in a generation and restored economic vitality to our Nation. Let us not squander our good fortunes.

The Blue Dog budget is a responsible and balanced plan. It pays down the national debt, the best tax cut for all Americans.

It protects Social Security and Medicare by enacting a strong lock box, and providing a cushion to ensure that missed estimates of the strength of the economy, projected surpluses, or the cost of tax cuts do not result in renewed deficit spending or borrowing from the Social Security and Medicare surpluses.

The Blue Dog budget maps out a higher level of defense spending. It funds improvements in education and respects the sacrifice of our veterans, and it funds plus-ups in agriculture, a key component of California's economy.

Unlike the GOP budget, the Blue Dog budget proposes a responsible approach to cutting taxes. It shapes what tax cuts we can afford, not the other way around.

I enthusiastically support the Blue Dog budget. It is responsible, fair, balanced, and honest. It is a framework for policy choices which will sustain our nation's economic prosperity.

Mr. NUSSLE. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a member of the committee.

Mr. GUTKNECHT. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

I do appreciate what the Blue Dogs are attempting to do. But I would remind Members that they are working off a 5-year plan. Frankly, in many respects I think we should be working off a 5-year plan. I think that is the right thing to do. Unfortunately, we are working off a 10-year plan; and it makes it very difficult for us to really do a comparison.

I do want to talk about a couple of things because I think they need to be addressed, because one of the things we have heard last night and we have heard in some of the debate so far today and I suspect we will hear again and that is that we are being reckless somehow that we cannot afford this large tax cut, that the budget numbers do not work.

When we had the Director of the Office of Management and Budget in front of the Committee on the Budget, he made a point that actually what we are using for projections in terms of revenue to the Federal Government over the next 10 years are very conservative. As a matter of fact, he told us that if revenue growth to the Federal Government simply averages what it has averaged for the last 40 years, we will not have a $5.5 trillion surplus over the next 10 years, we will have a $7.5 trillion budget. In fact, this is in response to clarify what he told us, I asked him this question: So if revenue growth just equals the 40-year average, we will actually have revenues in excess of $2 trillion more than we are currently using in our budget projections; is that correct? And the answer from Mr. Daniels was, yes, sir, that is correct.

So the numbers we are working off of here today are incredibly conservative, and they also assume that we will probably have sometime in the next 10 years an economic slowdown, at least one.

But I want to come back to another point that we have heard a lot about today and probably will hear more about and that is that somehow this budget is being unfair to farmers.

□ 1300

I really think that is unfair to us, because I want to show the Members, for their benefit, when we passed the farm bill that we are currently operating under, we were saying that by the year 2002, the amount that would be spent on the baseline for the commodity programs would be somewhere between $5 billion and $7.5 billion.

Actually, we are going to spend a whole lot more than that. What we see here in this blue line is a declining baseline for the commodity programs. The green represents the marketing loan benefits which have been created because of a weak farm economy. The red bar shows how much is available or has been available in terms of emergency payments.

I represent farm country, and I do not care whether Members come from farm country or not, this Congress Republicans or Democrats from either side are simply not going to stand idly by and allow us to lose a generation of young farmers. That is not going to happen.

Here is what we have agreed to do with agriculture this year. First of all, we have given them, I think, a very generous baseline of $19.1 billion. In addition to that, there will be available marketing loan payments as well.

But let me just show the Members what we do when we add this final bar. We have also told the agriculture community that we will make available up to $8 billion in emergency payments this year. When we add it all together, to say that we are being less than fair to agriculture is less than generous.

In fact, agriculture is the only area where we are literally giving them three bites at the apple. We are giving them a generous baseline. We are saying if they have a bill by July 11, we will increase that. Finally, we are making available up to $8 billion in emergency payments. I think that is fair, I think it is reasonable, and I think it is responsible.

Mr. STENHOLM. Mr. Chairman, I yield myself 10 seconds.

I would respond to the gentleman by saying the Blue Dog budget guarantees the numbers. The budget that is before us in the House today is very speculative, and depending on contingency funds that may or may not be there. These charts are irrelevant if the money is not there.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, the Blue Dog Democrats want the biggest tax cut we can afford, and we want it as soon as we can get it. American families need immediate tax cuts to put money into their pockets. They deserve tax cuts that fit within a responsible budget and that are paired with aggressive repayment of the national debt.

When shaping our tax cuts, we should be generous with the real surpluses that we have today, just as we should be cautious with the uncertain surplus projections that we only hope will occur 5 and 10 years from now.

The Blue Dog budget offers immediate tax relief. For every dollar in tax cuts in the Republican plan, the Blue Dog budget gives us $4. That is four times the tax relief in our plan than in the Republican plan.

The Blue Dog budget fits significant tax relief into a budget that will not send us back into deficit spending or raid Social Security or Medicare. Our budget pays down the $5.7 trillion national debt faster than any budget on the floor today.

We do more to be sure our children will not be left with a massive Federal debt. We do more to ensure that we do not continue to waste $1 billion a day in just interest payments on our debt. We do more to prepare for the looming crisis in Social Security and Medicare that arises with the retirement of the baby-boom generation when the short-term surpluses in Social Security and Medicare of today turn into the long-term deficits of tomorrow.

We urge Members to seriously consider the Blue Dog plan. It will return us to a course of fiscal responsibility, restore credibility in our financial markets, and do the right thing for the American people and for our children.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to express my appreciation to the Blue Dogs for offering this substitute. It really enhances the debate. All of the substitutes have done that.

I do believe there are a number of fatal flaws in the Blue Dog substitute. One of the flaws that catches our attention like a mosquito biting our neck in the Ozark Hills is that the Blue Dog budget reduces the amount of money going to the taxpayers and increases the amount of money going to the government. That is the bottom line that is the difference that stands out more than anything else in the distinctions between the budgets.

The Blue Dog budget grows government at 5.4 percent. The budget coming out of the committee grows it at a 4 percent rate. The 5.4 percent growth of government is a greater increase than those on Social Security receive; it is more than workers receive on average across the country. It grows government too much. So the choice is, we do not have to grow government that much, we can give more of it back to the taxpayer.

One of the gentlemen from my district told me that he does not need the government doing more for him, he needs the government taking less out of his paycheck. That is what the plan is in the budget that is presented.

The budget presented by the committee eliminates $2.3 trillion in public debt by 2011, the right amount; $64 billion in tax relief next year, and much of that will be accelerated with provisions for it to be accelerated; a 4.6 increase in defense spending; over a 7 percent increase in our Nation's veterans; an 11 percent increase in education; and it fully funds the Violence Against Women Act.

I think those are the right priorities for America. I believe they are the right priorities for my district, certainly because we increase spending only 4 percent across the board. There are areas that are not growing as much. The Department of Justice is one of those.

We have to make a balance. We have to present the right decision and the right priorities. I think the Committee on the Budget's proposal hits that right balance and sets the right priorities. I ask Members to support the committee's plan.

Mr. STENHOLM. Mr. Chairman, I yield myself 10 seconds.

I would correct the record, Mr. Chairman. I know the gentleman did not intend to misspeak, but the Blue Dog budget provides for a 5.4 percent increase in the first year, an average of 3.7 percent over the 5 years.

Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding time to me, and thank him also for his leadership in this matter and all of the hard work that he has put into the budgets over the years.

Mr. Chairman, there is no greater need in America that is unfulfilled than prescription drugs for our seniors. The Blue Dog budget provides $92 billion over 5 years for real, defined, voluntary prescription drug benefits for Medicare. The Republican budget, however, over 10 years provides $153 billion for an undefined prescription drug plan that is no more than pie in the sky, and they will take that money out of the Medicare Trust Fund to do it. This is not keeping the Medicare Trust Fund in a lockbox, as everyone loves to talk about. It is robbing Peter to pay Paul.

The Blue Dog budget also provides for more money for our hospitals, who continue to struggle. We get letters and calls every day about the difficult time our hospitals are having, particularly in rural areas.

So we have dealt honestly and fairly with these issues. We deal with health care for our seniors in an appropriate way in this budget. I am very proud to support the Blue Dog budget, and encourage my colleagues on both sides of the aisle to do so.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the Committee.

Mr. FLETCHER. Mr. Chairman, as we look at the budget that we have passed out of the Committee on the Budget, I think it is a very balanced budget. It is not a perfect budget. I do not think there is a perfect budget that comes out of this body. There is always room for improvement or tweaking here and there.

One of the first things that I think is most important out of this budget is we find that it does give a tax refund. It understands that principle that it is not the government's money, it is the people's money.

I asked some of the Blue Dogs, where were they 2 years ago when we wanted to pass a tax bill, that we would have given tax money back to citizens? Where were they when we tried to override that veto? We would have been able to give that money. It would have been in the economy now, and possibly would have really ameliorated some of the decline we have seen in the economy thus far if they would have acted then.

I say that the tax relief they are talking about, they are about 2 years late. We have a tax relief plan that takes only 25 percent of the surplus and refunds that to the taxpayers. We also provide substantially for education, not just throwing money at education, but reforming the way education is done so we can leave no child behind, and make sure that we give every child in this country an opportunity to learn and take away that barrier from economic prosperity.

It modernizes Medicare and sets aside money. We can throw more money at prescription drugs or whatever, but we certainly budget a good amount for prescription drugs. Not only that, but we have some flexibility to modernize Medicare to meet the modern needs of health care, which include disease prevention and chronic disease management, which is not part of the Medicare system now. It needs updating. Medicare spending will double over the next 10 years. If we do not reform the system, we are not really going to be able to provide the health care we need.

Our budget addresses the uninsured, and provides several programs to make sure we can cover the uninsured.

This increases the funding for community health centers to make sure those folks who fall through the cracks can get the help they need. It allows families people who are disabled or have disabled members to buy into Medicaid. It allows increased funding for NIH and research.

I encourage Members to vote for the committee's budget.

Mr. STENHOLM. Mr. Chairman, I yield myself 10 seconds to respond by saying the Blue Dogs were in exactly the same place 2 years ago that we are today; that is, we should fix Social Security and Medicare first, pay down the debt, and we should not obligate 100 percent of the projected surpluses on a yet-projected surplus into a tax cut.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Chairman, let me thank my good friend, the gentleman from Texas, for yielding this time to me.

Mr. Chairman, farmers in southern Indiana are not getting much for their corn and soybeans. It is not going to get any better any time soon. Southern Indiana farmers are the same as the farmers and ranchers across this Nation. They are experiencing tough times. Their only certainty is more uncertainty about the future.

Over the last 3 years, Congress has had to give farmers nearly $25 billion in ad hoc emergency assistance. Without these emergency payments, they would not be in business today. American farmers produce the world's finest food. Stop and think about where we would be if we did not have family farmers working hard to give us a safe, secure, and abundant food supply.

It is time for Congress to be honest. Our farmers and ranchers should not have to depend on a wink and a nod, and then hope their income support payments appear in a supplemental bill. Instead, they should know what to expect now, this month, as they prepare for planting.

Various farm organizations have testified before the Committee on Agriculture. They have told us Congress needs to increase the agricultural baseline by as much as $12 billion a year in the next farm bill. The majority's budget does not guarantee needed funding for agriculture. Instead, if agriculture is increased at all, it will have to compete with defense and other priorities for a limited amount of time in a so-called contingency fund.

Congress cannot do anything about uncertain weather conditions, but the Blue Dog budget does take some of the uncertainty out of farming. The Blue Dog budget follows the lead of farm groups and increases the mandatory spending baseline for agriculture by a total of $57.1 billion over 5 years. That is $57.1 billion more than the majority's budget. The Blue Dogs are responsible about budgeting, and they are realistic about the needs of America's farmers and ranchers.

Mr. STENHOLM. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, everybody within the sound of our voices here knows that we cannot have it all. We cannot have it both ways.

The Blue Dog budget basically says what we ought to do as a Nation is pay our debts, meet our needs in defense and other areas that have been talked about this morning, and then give the money back to the people.

The Republican outlook is to give the money back over a 5- or 6-year phased-in tax cut based on 10-year numbers, the uncertainty of which is known to all of us in a very, very vivid and real way.

Our budget is a movie; the Republican budget is a preview of coming attractions. We have a real budget. If Members want to talk about tax cuts, we do four times this year the amount of tax cuts that the Republican budget does. If we want to talk about meeting our needs in defense, this year we provide $7 billion in emergency supplemental to fully fund a pay raise, to fully fund housing allowances, to immediately address the crisis we all know we have about spare parts and maintenance.

We provide $45 billion more over the CBO baseline in the next 5 years for defense, $26 billion more than the Republican plan does; we fund the Murtha pay increase proposal; in short, all of the things that some of the folks over there talked about with regard to defense we actually do. We do not say, "Wait around a while and we will get to them when we can, but, first of all, we have to shove this money out of here, because if we do not, we are liable to spend it."

If Members look at our budget, it is truly a budget that we recommend to people.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Texas for yielding time to me.

Mr. Chairman, I want to encourage all of my defense-oriented colleagues, Republican and Democrat, to support this budget. The Blue Dog budget would provide an additional $48 billion over the President's request for the Department of Defense.

Just 1 year ago right now General Hugh Shelton appeared before the Committee on Armed Services and said that there was a $100 billion shortfall in defense spending.

□ 1315

It has been echoed by the gentleman from California, (Mr. HUNTER), my colleague, they need the money. We really do not need a study to tell us that our planes are old; that there are over 900 30-year-old Huey helicopters in the Army's fleet today; that the fleet has shrunk by 74 ships since my Republicans colleagues have taken over control of the House and the Senate.

We also do something we have never done as a Nation, and that is we have heard much about protecting Medicare and Social Security trust funds, we have not heard one word about protecting the military retiree trust funds.

Right now our Nation owes our military retiree trust fund $163 billion. The Blue Dog budget for the first time ever will protect those funds in a lockbox, much like Medicare and Social Security, so that those people who did so much for us will have their retirement check there for them when it comes due, rather than being a burden on future generations.

We have been pulling money out of the Department of Defense budget, but they have been spending it elsewhere. They have not been putting it aside for retirement pay. We protect those funds.

Lastly, as far as veterans' benefits, it is very sad to say, but statistically accurate that 1,300 World War II veterans are dying every day. We all know that about 90 percent of the health care costs for all of us will occur in the last 6 weeks of our lives.

Mr. Chairman, I am very sorry to say that those last sixes are coming for many of our World War II veterans. We would provide the funds to take care of our veterans with dignity in the last weeks of their lives, $2.1 billion more than my Republican colleagues and spend $10 billion more on the Montgomery GI bill benefit over the next 5 years than the Republican proposal.

I urge those of my colleagues who care about veterans, who care about defense, to support the Blue Dog budget.

The CHAIRMAN. The gentleman from Texas (Mr. STENHOLM) has 3 minutes remaining.

Mr. STENHOLM. Mr. Chairman, am I correct that the gentleman from Iowa (Mr. NUSSLE) is ready to close?

Mr. NUSSLE. Yes.

Mr. STENHOLM. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, if I were a constituent sitting back home in West Texas watching this budget debate, I would be mighty confused by all the assertions and counterassertions which have already been made.

Each of the budgets offered obviously has merits and political benefits, but the bottom line is how those strengths compare to the weaknesses? What was left out?

It has been interesting to hear our budget criticized on defense when we provide more funds for defense.

It has been interesting to hear speaker after speaker say our budget was weak on education when we provide more for education.

It has been interesting to see how our budget is weak on agriculture, when we budget for agricultural matters, not depend on a contingency fund.

The weakness of the Republican budget which I find the most troubling is that the promises do not match honest numbers.

First, the oft-repeated myth that we are precariously close to retiring too much debt is laughable. Trust me, Congress will find a way to swerve if we find ourselves on the brink of that precipice.

Secondly, as the ranking member on the Committee on Agriculture, I find it frightening that we are asked to bet the ranch on a contingency fund which has been promised not only to us, but to defense, prescription drugs, business groups wanting additional tax cuts, and I would point out the majority has already spent, spent the $500 billion contingency fund on additional tax cuts with the rhetoric and the votes that they are forcing on this House.

The contingency fund is gone. That already overstretched contingency fund will not even be around if the projected surpluses fail to materialize its promise.

As a real-life farmer, I know that agriculture always entails some degree of risk, but given the economic depression we have been through lately, I find no security and an oversubscribed, undefined contingency fund.

Likewise, seniors are being asked to literally bet their farm when it comes to Social Security and Medicare. The alleged protection for those two programs disappears with just the slightest change in economic growth because the tax cuts already will have consumed any cushion those programs might need.

The promise of Medicare reform will be achieved only through deficit spending. Additional cuts on already stressed hospitals and nursing homes are significantly reduced by program solvency under the scenario created by the majority budget. It will be impossible to match my friend's rhetoric on Social Security modernization. Since their budget fails to set aside any on-budget surpluses to finance the transition reform to Social Security, and that is one of my most disappointing aspects of the Republican budget.

In contrast, the Blue Dog budget does not make promises it cannot keep or rely on numbers that are unrealistic or downright deceptive. We know that even 5-year projections much less 10-year projections are no reason to bet the farm.

We know that Americans have a variety of priorities which all must be balanced. We know that they want tax cuts, but not at the expense of their children and grandchildren.

We know that our veterans deserve fulfillment of the promises made to them. Seniors need health care and retirement security. Children need a good education.

I hope Members and constituents alike will look beyond the gloss of how a budget is advertised and consider what and who gets left behind.

Mr. Chairman, I strongly urge my colleagues to support the Blue Dog budget.

Mr. Chairman, I yield back the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield myself 30 seconds to respond very briefly to the gentleman from Texas (Mr. STENHOLM).

Mr. Chairman, let me say to my friend from Texas, there is no one in this House that has put together more budgets than the gentleman from Texas. I respect the quality of his work and I respect his concerns about the priorities we have laid out.

His budget is my second favorite. However, I support the committee mark and the Committee on the Budget, and I appreciate the tenor and the quality of the debate today with regard to the Blue Dog budget.

Mr. Chairman, I yield the balance of my time to the gentleman from New Hampshire (Mr. SUNUNU), the vice chairman of the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, I think it is important to distill the facts, to clarify, to try to cut through some of this fog, as the Members from the minority have suggested, and I just want to review where we really are in this budget debate and talk about this alternative and where it falls short.

The Republican budget proposal pays down as much debt as we can over the next 10 years. I am not arguing that it pays down too much. I do not think we should spend too much time to talk about whether we should pay down $2.4 trillion or $2.5 trillion.

The fact is, we have paid down $600 billion in debt. We will keep paying down debt, and this sets aside funds to do it throughout the 10 years of this budget proposal.

Of course, we have tax relief. As the gentleman from Kentucky (Mr. FLETCHER) pointed out, we give 25 percent to 28 percent of the surplus back to the taxpayers. I will talk more about that in just a moment.

We strengthen funding for education and for national defense. Of course, we set aside funds for Social Security and Medicare. The suggestion was that creating reserve accounts for Medicare or reserve accounts for Social Security was somehow part of a conspiracy or it was risky.

I think that is ridiculous. We have never created a reserve account like this in the history of our government. I think it makes common sense. Any one that does a budget at home understands that simple fact.

Is the difference between these two budgets about agriculture? I do not think so. We could take a guess at a funding level for agriculture, but I do not think that is good policy.

We allow the budget chair to come back and make amends and address agricultural issues as they come out of committee.

Is this about defense spending? I do not think so. We make sure that once we have a review from Secretary Rumsfeld we can deal with those needs in an immediate way and treat the men and women in our Armed Services with the equipment and the resources they need.

What is the difference and the distinction really about? It is about taxes. Clearly and simple, it is about taxes. We put roughly 28 percent of the surpluses back in the pockets of working men and women across the country. We cut taxes for everyone that pay income taxes.

Twenty-eight percent of the surpluses, does this alternative give 28 percent of the surplus back? No. Does it give back 25 percent? No. Does it give back 15 percent of the surplus? No. How about 10 percent? It does not even do that. It gives back less than 10 percent of the surplus to the men and women who are being overcharged today.

Why? What is the excuse? I could not tell you exactly what the excuse is. But the minority and, in particular, those that crafted this budget today have found every reason under the sun to oppose budget resolutions that contain tax relief in them.

First, they said you cannot cut taxes. We have not balanced the budget; that was just 4 years ago when I was first elected to Congress. We balanced the budget, and we did it while cutting taxes.

Then they said we cannot support the tax cut in your budget resolution, because we have not set aside every penny of Social Security. Three years ago, we did just that. Then they suggested you have to set aside Medicare. We did that. Now, they are saying we have to pay down every penny of the debt. What is the excuse now?

Mr. Chairman, I urge my colleagues to reject this excuse for a budget alternative and support the Republican platform.

Mr. SANDLIN. Mr. Chairman, I rise to oppose the budget resolution reported by the committee and to support the Blue Dog budget alternative.

The Republican budget is completely inadequate. It is inadequate in its treatment of priorities that this House has time and time again said are important. It is inadequate in its treatment of our senior citizens. It is inadequate in its treatment of agriculture. It is inadequate in its treatment of defense. It is inadequate in its treatment of education. And it is inadequate in its treatment of the national debt.

The Republican budget is an exercise in fuzzy math. They have based their numbers on 10-year projections. These types of projections have proven time and time again to be completely inaccurate. In fact, just yesterday, we learned that the Administration now plans to spread their tax cut over 11 years instead of 10 because of the uncertainty of the numbers. The Comptroller General has testified that "no one should design tax or spending policies pegged to the precise numbers in any 10-year forecast." We simply should not gamble our parents' and our children's futures on such uncertainty. The Blue Dog budget does not. The Blue Dog budget is a five year budget and is far more reliable than the 10-year Republican budget.

The Social Security and Medicare surpluses are already committed to paying benefits we have promised our seniors. But the Republicans would raid those surpluses and shorten the solvency of both, thereby eventually requiring either severe benefit cuts or tax increases.

Not only do they not provide any additional resources for Social Security reform beyond the funds already committed to Social Security, they would privatize Social Security and invest a portion of the trust fund in the stock market—something we should all question after the performance of the stock market in the last couple of weeks. In contrast, the Blue Dog budget allocates an additional $350 billion from the on-budget surplus that would be available to finance reforms to make the Social Security system financially sound for future generations without affecting current and near retirees.

The Republican budget makes a mockery of the need to provide prescription drug coverage for our seniors. They actually propose to pay for prescription drugs out of the Hospital Insurance trust fund and take money away from hospitals and/or make the Medicare HI trust fund go broke sooner. In contrast, the Blue Dog budget saves 100% of the Medicare HI trust fund to provide benefits promised under current law. We set aside half of the surplus outside Social Security and Medicare for debt reduction, which will have the effect of protecting the Medicare trust fund from being raided even if the surplus projections deteriorate.

The Republican budget would harm the hard-working farmers in my district. They would force important agriculture programs to compete with defense, prescription drugs, and other priorities for limited funds in the strategic reserve that could be wiped out if the tax cut exceeds $1.62 trillion or surplus projections deteriorate—either or both of which seem likely under current conditions. In contrast, the Blue Dog budget would provide $9 billion in assistance payments to farmers this fiscal year and increases the agriculture baseline by $12 billion for each subsequent year. These funds would be available to improve farm income, conservation, export, rural development, and research programs as recommended by the farm and commodity organizations.

The Republican budget provides less than half of the defense funding the Blue Dog budget would provide. The Republicans have chosen to play a dangerous game with our national defense by providing minimal funding for defense programs in this budget and waiting to make the tough decisions. When they get ready to decide defense spending priorities, those priorities will have to compete with agriculture, prescription drugs, and other priorities for limited funds in the "strategic reserve." Never mind that this reserve could be wiped out if the tax cut exceeds $1.62 trillion or surplus projections deteriorate—both of which are strong possibilities.

The Republican budget does nothing to meet the President's stated goal of leaving no child behind. It barely increases education funding above inflation! It would not continue to progress we have made on smaller class sizes. It would not provide adequate funding to restore dilapidated schools and build new schools. It would not address many of the education priorities that we have identified in recent years. In contrast, the Blue Dog budget would allow for an increase in the maximum Pell Grant award and provide funding to help schools meet the increased accountability of education reform, comply with IDEA, and meet other local needs.

Furthermore, the Blue Dog budget provides funding specifically for the Hunger Relief Act, a program to increase nutritional assistance to low-income working families with children. Studies have shown that children who come to school hungry don't learn at their full capacity. By providing nutritional assistance, we help children to learn.

Finally, the Republican budget shows that they are not serious about debt reduction. They would leave too much debt for our children to pay off. They do not allocate one dime of the on-budget surplus outside of Social Security and Medicare to debt reduction in the first five years. That means that all of their debt reduction would occur in years 6–10—the time when the surplus projections are most unreliable. In contrast, the Blue Dog budget devotes half of the on-budget surplus outside of Social Security and Medicare—$370 billion over the next five years—to reducing the publicly held debt. We would reduce the publicly held debt by more than half over the next five years—from a projected $3.148 trillion at the end of FY 2001 to $1.57 trillion at the end of FY 2006.

Mr. Chairman, the priorities reflected in the Republican budget simply are not the priorities of the American people. I encourage my colleagues to join me in supporting the Blue Dog budget and rejecting the Republican budget.

Mr. DINGELL. Mr. Chairman, I rise in support of the Blue Dog budget which balances fiscal responsibility with the need to adequately fund programs addressing our national priorities and needs. The Blue Dog budget is a responsible plan that balances the budget, retires public debt, and provides modest tax cuts without tapping into the Social Security trust fund. Unlike the Republican plan, it does not foolishly drive our budget back into the red with massive and unnecessary tax cuts for the wealthy.

Mr. Chairman, I am particularly pleased the Blue Dog budget provides needed funding to expand the Montgomery G.I. Bill in accordance with H.R. 320, the Montgomery G.I. Bill Improvements Act which I, along with my colleague LANE EVANS, introduced earlier this year. It also provides funds to pay for a substantial military pay raise and improve the veterans' and military retirees' health care system.

The Armed Forces face serious recruiting problems. In order to meet our defense needs, the Armed Forces must have the tools it needs to draw men and women into uniform. The Montgomery G.I. Bill has proven to be the military's most valuable recruiting tool. Unfortunately, the combination of a substantially devalued G.I Bill and expanded federal financial assistance to college-bound students without military service has crippled the G.I. Bill's effectiveness.

Recent recruiting gimmicks such as psychedelic humvees, Spike Lee advertisements, drag racers, or desperate cash giveaways are not the answer to these problems. Nor is conscription. Congress would best help our Armed Forces by improving the G.I. Bill. Providing access to higher education in exchange for national service is the right thing to do. A strong G.I. Bill helps veterans and their families, aids our national defense, and strengthens the economy.

The Montgomery GI Bill Expansion Act (H.R. 320) will ensure that our All-Volunteer Armed Forces has the ability to attract recruits, and, at the same time, provide veterans with the skills they need to better our economy and their lives. The Blue Dog budget wisely provides funding to expand the G.I. Bill in line with H.R. 320 and will restore the MGIB's value both as a meaningful readjustment benefit and an effective recruiting incentive.

Mr. Chairman, the Blue Dog budget is good for America's veterans and soldiers and is a solid blueprint for our nation's future. Unlike the Republican budget that would foolishly squander the surplus, the responsible Blue Dog budget pays down the national debt and provides sensible tax relief. It will put the nation on a course to cut the publicly held debt in half by 2006 with a strong, immediate commitment to debt reduction rather than return us to deficit spending.

Mr. Chairman, I urge my colleagues to do the right thing for veterans, soldiers and our nation's future. Vote for the Blue Dog budget.

Mr. PHELPS. Mr. Chairman, I rise today in opposition to the Republican Budget Resolution for fiscal year 2002 and in favor of the Substitute offered by Mr. STENHOLM on behalf of the Blue Dog Coalition.

I support the Blue Dog Budget because it is based on real, not projected, surpluses and presents a balanced, honest view to meeting our many budget concerns. The Blue Dog Budget builds on the fiscal progress we have made in the past few years, but provides needed tax relief and priority funding for education, health, and agriculture.

I will not support the Republican Resolution simply because it is not credible. The majority's plan is built on thin air. It promises everything: large tax cuts, debt pay down, protection of Social Security and Medicare, and continued spending. But, the catch is it is based on surpluses that do not and may not ever exist. It relies on 10 year budget projections that even the new Secretary of the Treasury says are unreliable. If the economy slows, as it is already doing, this budget will force us to borrow from Social Security, cut spending and stop paying down national debt.

In contrast the Blue Dog Budget Resolution operates on a more conservative five year cycle and preserves the balanced budget while paying down the debt, providing for meaningful tax relief, and honestly meeting our spending priorities.

The Blue Dog Budget does not squander the progress we have made paying down the debt. In fact, it provides $375 billion more debt reduction than the Republican plan.

The Blue Dog Budget provides immediate and fair tax relief. In fact, it allows for $23 billion in immediate tax relief for 2001, four times the amount of the majority's budget.

The Blue Dog Budget does not drastically cut critical spending or use gimmicks and emergency funding to balance the budget. In fact, the Blue Dog budget establishes realistic discretionary spending caps which will restrain spending but also provide room to fund new initiatives without relying on unspecified or unrealistic spending. It also does not rely on an overly-committed contingency fund to address necessary agriculture and defense needs.

In short, the Blue Dog Budget is honest where the majority proposal is not. The Blue Dog Budget is credible, where the Republican plan is not. Most importantly, the Blue Dog budget is responsible and the other plan is not.

Mr. HILLIARD. Mr. Chairman, as Ranking Member of the House Conservation Subcommittee, I cannot remain silent in the face of the inadequacy of the funding for agriculture in the budget presented by the majority.

Conservation programs are already facing a shortfall in funding, while the precious lands which are our original heritage, are ravaged by erosion, fire, pestilence, and many other dangers.

The Conservation Reserve Program needs to grow, and the Wetlands Reserve Program is deeply underfunded by the sum of $569 million. The Environmental Quality Incentives Program needs to be nearly doubled in acreage, and the essential Farmland Protection Program needs to more than double.

These programs allow our farmers to participate in restoring our great nation's resources to a healthy state while keeping the farmers solvent. Conservation is a win/win matter, and the majority budget fails to meet the needs of the American people and our lands. I strongly support the agriculture provisions of the Blue Dogs budget and call upon all members who want to preserve and restore the health of our landmass to support them.

Mr. NUSSLE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. STENHOLM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 221, not voting 7, as follows:

[Roll No. 67]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schakowsky
Schiff
Scott
Serrano
Sherman
Shimkus
Shows
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark

Stearns
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Wamp
Watt (NC)
Waxman
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Owens
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simmons
Simpson
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Udall (NM)
Vitter
Walden
Walsh
Waters
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Baldwin
Becerra
Lampson
Mink
Rothman
Shaw
Sisisky

□ 1347

Messrs. CALLAHAN, LEWIS of California, OTTER, TOOMEY, COOKSEY, BRYANT and MORAN of Kansas changed their vote from "aye" to "no."

Messrs. BARRETT of Wisconsin, BROWN of Ohio, CONYERS, BLAGOJEVICH, CUMMINGS, DUNCAN, MOLLOHAN, WAMP and Ms. WOOLSEY and Ms. MCKINNEY changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SHAW. Mr. Chairman, on rollcall Nos. 65, 66 and 67 I was absent due to a family medical emergency. Had I been present, I would have voted "aye" on rollcall No. 65 and "no" on rollcall Nos. 66 and 67.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 107–30.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 3 in the nature of a substitute offered by Mr. FLAKE:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that the concurrent resolution on the budget for fiscal year 2001 is hereby revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2002 and that the appropriate budgetary levels for fiscal years 2003 through 2011 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,537,500,000,000
Fiscal year 2002: $1,601,500,000,000
Fiscal year 2003: $1,658,100,000,000
Fiscal year 2004: $1,726,300,000,000
Fiscal year 2005: $1,802,800,000,000
Fiscal year 2006: $1,851,600,000,000
Fiscal year 2007: $1,908,700,000,000
Fiscal year 2008: $1,988,800,000,000
Fiscal year 2009: $2,066,200,000,000
Fiscal year 2010: $2,147,300,000,000
Fiscal year 2011: $2,225,900,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $93,000,000,000
Fiscal year 2002: $102,000,000,000
Fiscal year 2003: $124,000,000,000
Fiscal year 2004: $138,000,000,000
Fiscal year 2005: $147,000,000,000
Fiscal year 2006: $188,000,000,000
Fiscal year 2007: $227,000,000,000
Fiscal year 2008: $254,000,000,000
Fiscal year 2009: $294,000,000,000
Fiscal year 2010: $342,000,000,000
Fiscal year 2011: $393,000,000,000

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,554,200,000,000
Fiscal year 2002: $1,597,400,000,000
Fiscal year 2003: $1,642,500,000,000
Fiscal year 2004: $1,701,700,000,000
Fiscal year 2005: $1,777,600,000,000
Fiscal year 2006: $1,823,000,000,000
Fiscal year 2007: $1,884,200,000,000
Fiscal year 2008: $1,963,200,000,000
Fiscal year 2009: $2,038,800,000,000
Fiscal year 2010: $2,120,600,000,000
Fiscal year 2011: $2,208,500,000,000

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,502,700,000,000
Fiscal year 2002: $1,564,400,000,000
Fiscal year 2003: $1,612,100,000,000
Fiscal year 2004: $1,672,800,000,000
Fiscal year 2005: $1,750,000,000,000
Fiscal year 2006: $1,791,200,000,000
Fiscal year 2007: $1,851,300,000,000
Fiscal year 2008: $1,934,300,000,000
Fiscal year 2009: $2,010,500,000,000
Fiscal year 2010: $2,094,800,000,000
Fiscal year 2011: $2,176,500,000,000

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $34,800,000,000
Fiscal year 2002: $37,100,000,000
Fiscal year 2003: $46,000,000,000
Fiscal year 2004: $53,500,000,000
Fiscal year 2005: $52,800,000,000
Fiscal year 2006: $59,900,000,000
Fiscal year 2007: $57,400,000,000
Fiscal year 2008: $54,500,000,000
Fiscal year 2009: $55,700,000,000
Fiscal year 2010: $52,500,000,000
Fiscal year 2011: $49,400,000,000

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,656,000,000,000
Fiscal year 2002: $5,641,900,000,000
Fiscal year 2003: $5,692,400,000,000
Fiscal year 2004: $5,736,600,000,000
Fiscal year 2005: $5,793,300,000,000
Fiscal year 2006: $5,889,600,000,000
Fiscal year 2007: $6,395,300,000,000
Fiscal year 2008: $6,985,500,000,000
Fiscal year 2009: $7,629,900,000,000
Fiscal year 2010: $8,687,200,000,000
Fiscal year 2011: $9,543,400,000,000

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2003 through 2011 for each major functional category are:

(1) National Defense (050):

Fiscal year 2001:
(A) New budget authority, $310,300,000,000.
(B) Outlays, $300,600,000,000.
Fiscal year 2002:
(A) New budget authority, $349,600,000,000.
(B) Outlays, $344,000,000,000.
Fiscal year 2003:
(A) New budget authority, $362,800,000,000.
(B) Outlays, $354,400,000,000.
Fiscal year 2004:
(A) New budget authority, $369,800,000,000.
(B) Outlays, $360,600,000,000.
Fiscal year 2005:
(A) New budget authority, $379,400,000,000.
(B) Outlays, $374,000,000,000.
Fiscal year 2006:
(A) New budget authority, $390,100,000,000.
(B) Outlays, $381,900,000,000.
Fiscal year 2007:
(A) New budget authority, $401,000,000,000.
(B) Outlays, $389,900,000,000.
Fiscal year 2008:
(A) New budget authority, $412,300,000,000.
(B) Outlays, $404,700,000,000.

Fiscal year 2009:
(A) New budget authority, $423,900,000,000.
(B) Outlays, $416,400,000,000.
Fiscal year 2010:
(A) New budget authority, $435,800,000,000.
(B) Outlays, $428,400,000,000.
Fiscal year 2010:
(A) New budget authority, $435,800,000,000.
(B) Outlays, $428,400,000,000.
(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2002:
(A) New budget authority, $20,600,000,000.
(B) Outlays, $16,400,000,000.
Fiscal year 2003:
(A) New budget authority, $20,500,000,000.
(B) Outlays, $16,500,000,000.
Fiscal year 2004:
(A) New budget authority, $21,100,000,000.
(B) Outlays, $17,100,000,000.
Fiscal year 2005:
(A) New budget authority, $21,800,000,000.
(B) Outlays, $17,300,000,000.
Fiscal year 2006:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $17,700,000,000.
Fiscal year 2007:
(A) New budget authority, $23,200,000,000.
(B) Outlays, $18,600,000,000.
Fiscal year 2008:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $19,200,000,000.
Fiscal year 2009:
(A) New budget authority, $24,100,000,000.
(B) Outlays, $19,900,000,000.
Fiscal year 2010:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $20,300,000,000.
Fiscal year 2011:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $20,600,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,000,000,000.
(B) Outlays, $19,700,000,000.
Fiscal year 2002:
(A) New budget authority, $19,600,000,000.
(B) Outlays, $18,600,000,000.
Fiscal year 2003:
(A) New budget authority, $20,000,000,000.
(B) Outlays, $19,300,000,000.
Fiscal year 2004:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $19,900,000,000.
Fiscal year 2005:
(A) New budget authority, $20,800,000,000.
(B) Outlays, $20,500,000,000.
Fiscal year 2006:
(A) New budget authority, $21,200,000,000.
(B) Outlays, $20,700,000,000.
Fiscal year 2007:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $21,600,000,000.
Fiscal year 2008:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $21,800,000,000.
Fiscal year 2009:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,300,000,000.
Fiscal year 2010:
(A) New budget authority, $23,300,000,000.
(B) Outlays, $22,800,000,000.
Fiscal year 2011:
(A) New budget authority, $23,800,000,000.
(B) Outlays, $23,000,000,000.
(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,200,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2002:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,300,000,000.
Fiscal year 2003:
(A) New budget authority, −$2,300,000,000.
(B) Outlays, −$3,600,000,000.
Fiscal year 2004:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$2,200,000,000.
Fiscal year 2005:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$2,100,000,000.
Fiscal year 2006:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$2,100,000,000.
Fiscal year 2007:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$2,000,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, −$1,600,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, −$1,300,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, −$1,300,000,000.
Fiscal year 2011:
(A) New budget authority, −$100,000,000.
(B) Outlays, −$1,400,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,800,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2002:
(A) New budget authority, $23,700,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2003:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $24,000,000,000.
Fiscal year 2004:
(A) New budget authority, $24,600,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2005:
(A) New budget authority, $24,800,000,000.
(B) Outlays, $24,600,000,000.
Fiscal year 2006:
(A) New budget authority, $24,900,000,000.
(B) Outlays, $24,700,000,000.
Fiscal year 2007:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $25,000,000,000.
Fiscal year 2008:
(A) New budget authority, $26,000,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2009:
(A) New budget authority, $26,900,000,000.
(B) Outlays, $26,300,000,000.
Fiscal year 2010:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $26,800,000,000.
Fiscal year 2011:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $27,200,000,000.
(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $26,300,000,000.
(B) Outlays, $23,200,000,000.
Fiscal year 2002:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $17,500,000,000.
Fiscal year 2003:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,000,000,000.
Fiscal year 2004:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $17,100,000,000.
Fiscal year 2005:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $16,900,000,000.
Fiscal year 2006:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $16,300,000,000.
Fiscal year 2007:
(A) New budget authority, $16,500,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2008:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $14,100,000,000.
Fiscal year 2009:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2010:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2011:
(A) New budget authority, $16,100,000,000.
(B) Outlays, $14,700,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $2,500,000,000.
(B) Outlays, −$800,000,000.
Fiscal year 2002:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $4,400,000,000.
Fiscal year 2003:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $1,700,000,000.
Fiscal year 2004:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $7,400,000,000.
Fiscal year 2005:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $7,500,000,000.
Fiscal year 2006:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $6,900,000,000.
Fiscal year 2007:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2008:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $8,600,000,000.
Fiscal year 2009:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $8,900,000,000.
Fiscal year 2010:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $10,300,000,000.
Fiscal year 2011:
(A) New budget authority, $12,300,000,000.
(B) Outlays, $3,800,000,000.
(8) Transportation (400):
Fiscal year 2001:
(A) New budget authority, $62,200,000,000.
(B) Outlays, $51,700,000,000.
Fiscal year 2002:
(A) New budget authority, $61,000,000,000.
(B) Outlays, $55,600,000,000.
Fiscal year 2003:
(A) New budget authority, $58,300,000,000.
(B) Outlays, $56,600,000,000.
Fiscal year 2004:
(A) New budget authority, $58,700,000,000.
(B) Outlays, $58,600,000,000.
Fiscal year 2005:
(A) New budget authority, $59,100,000,000.
(B) Outlays, $59,800,000,000.
Fiscal year 2006:
(A) New budget authority, $59,600,000,000.
(B) Outlays, $61,300,000,000.
Fiscal year 2007:
(A) New budget authority, $60,200,000,000.
(B) Outlays, $62,900,000,000.
Fiscal year 2008:
(A) New budget authority, $60,700,000,000.
(B) Outlays, $64,400,000,000.
Fiscal year 2009:
(A) New budget authority, $61,100,000,000.
(B) Outlays, $65,600,000,000.
Fiscal year 2010:
(A) New budget authority, $61,600,000,000.
(B) Outlays, $67,300,000,000.
Fiscal year 2011:
(A) New budget authority, $62,300,000,000.
(B) Outlays, $68,800,000,000.
(9) Community and Regional Development (450):
Fiscal year 2001:

(A) New budget authority, $11,200,000,000.

(B) Outlays, $11,300,000,000.

Fiscal year 2002:

(A) New budget authority, $9,100,000,000.

(B) Outlays, $10,200,000,000.

Fiscal year 2003:

(A) New budget authority, $9,400,000,000.

(B) Outlays, $9,900,000,000.

Fiscal year 2004:

(A) New budget authority, $9,600,000,000.

(B) Outlays, $9,700,000,000.

Fiscal year 2005:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $9,200,000,000.

Fiscal year 2006:

(A) New budget authority, $10,100,000,000.

(B) Outlays, $9,200,000,000.

Fiscal year 2007:

(A) New budget authority, $10,200,000,000.

(B) Outlays, $9,300,000,000.

Fiscal year 2008:

(A) New budget authority, $10,600,000,000.

(B) Outlays, $9,700,000,000.

Fiscal year 2009:

(A) New budget authority, $10,800,000,000.

(B) Outlays, $9,900,000,000.

Fiscal year 2010:

(A) New budget authority, $11,100,000,000.

(B) Outlays, $10,100,000,000.

Fiscal year 2011:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $10,400,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,900,000,000.

(B) Outlays, $69,800,000,000.

Fiscal year 2002:

(A) New budget authority, $77,700,000,000.

(B) Outlays, $72,500,000,000.

Fiscal year 2003:

(A) New budget authority, $77,700,000,000.

(B) Outlays, $77,400,000,000.

Fiscal year 2004:

(A) New budget authority, $79,500,000,000.

(B) Outlays, $78,000,000,000.

Fiscal year 2005:

(A) New budget authority, $82,100,000,000.

(B) Outlays, $79,700,000,000.

Fiscal year 2006:

(A) New budget authority, $84,400,000,000.

(B) Outlays, $82,000,000,000.

Fiscal year 2007:

(A) New budget authority, $86,200,000,000.

(B) Outlays, $83,900,000,000.

Fiscal year 2008:

(A) New budget authority, $88,100,000,000.

(B) Outlays, $85,500,000,000.

Fiscal year 2009:

(A) New budget authority, $90,000,000,000.

(B) Outlays, $87,600,000,000.

Fiscal year 2010:

(A) New budget authority, $92,000,000,000.

(B) Outlays, $90,100,000,000.

Fiscal year 2011:

(A) New budget authority, $94,400,000,000.

(B) Outlays, $91,400,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $180,100,000,000.

(B) Outlays, $173,000,000,000.

Fiscal year 2002:

(A) New budget authority, $189,800,000,000.

(B) Outlays, $187,100,000,000.

Fiscal year 2003:

(A) New budget authority, $208,400,000,000.

(B) Outlays, $205,000,000,000.

Fiscal year 2004:

(A) New budget authority, $223,700,000,000.

(B) Outlays, $222,200,000,000.

Fiscal year 2005:

(A) New budget authority, $240,600,000,000.

(B) Outlays, $238,600,000,000.

Fiscal year 2007:

(A) New budget authority, $276,600,000,000.

(B) Outlays, $274,100,000,000.

Fiscal year 2008:

(A) New budget authority, $297,400,000,000.

(B) Outlays, $295,300,000,000.

Fiscal year 2009:

(A) New budget authority, $318,700,000,000.

(B) Outlays, $316,800,000,000.

Fiscal year 2010:

(A) New budget authority, $343,200,000,000.

(B) Outlays, $341,800,000,000.

Fiscal year 2011:

(A) New budget authority, $370,600,000,000.

(B) Outlays, $368,800,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,600,000,000.

(B) Outlays, $214,400,000,000.

Fiscal year 2002:

(A) New budget authority, $229,100,000,000.

(B) Outlays, $225,700,000,000.

Fiscal year 2003:

(A) New budget authority, $243,900,000,000.

(B) Outlays, $240,300,000,000.

Fiscal year 2004:

(A) New budget authority, $260,200,000,000.

(B) Outlays, $256,900,000,000.

Fiscal year 2005:

(A) New budget authority, $283,400,000,000.

(B) Outlays, $279,800,000,000.

Fiscal year 2006:

(A) New budget authority, $297,200,000,000.

(B) Outlays, $293,100,000,000.

Fiscal year 2007:

(A) New budget authority, $322,800,000,000.

(B) Outlays, $319,200,000,000.

Fiscal year 2008:

(A) New budget authority, $347,400,000,000.

(B) Outlays, $343,300,000,000.

Fiscal year 2009:

(A) New budget authority, $374,500,000,000.

(B) Outlays, $370,100,000,000.

Fiscal year 2010:

(A) New budget authority, $404,100,000,000.

(B) Outlays, $400,000,000,000.

Fiscal year 2011:

(A) New budget authority, $435,900,000,000.

(B) Outlays, $431,700,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $256,000,000,000.

(B) Outlays, $257,000,000,000.

Fiscal year 2002:

(A) New budget authority, $265,500,000,000.

(B) Outlays, $265,700,000,000.

Fiscal year 2003:

(A) New budget authority, $275,400,000,000.

(B) Outlays, $275,600,000,000.

Fiscal year 2004:

(A) New budget authority, $286,300,000,000.

(B) Outlays, $285,100,000,000.

Fiscal year 2005:

(A) New budget authority, $300,500,000,000.

(B) Outlays, $298,900,000,000.

Fiscal year 2006:

(A) New budget authority, $307,600,000,000.

(B) Outlays, $306,100,000,000.

Fiscal year 2007:

(A) New budget authority, $314,100,000,000.

(B) Outlays, $312,600,000,000.

Fiscal year 2008:

(A) New budget authority, $328,200,000,000.

(B) Outlays, $326,900,000,000.

Fiscal year 2009:

(A) New budget authority, $339,300,000,000.

(B) Outlays, $337,500,000,000.

Fiscal year 2010:

(A) New budget authority, $349,700,000,000.

(B) Outlays, $348,000,000,000.

Fiscal year 2011:

(A) New budget authority, $360,500,000,000.

(B) Outlays, $358,400,000,000.

(14) Social Security (650)

Fiscal year 2001:

(A) New budget authority, $9,800,000,000.

(B) Outlays, $9,800,000,000.

Fiscal year 2002:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $11,000,000,000.

Fiscal year 2003:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $11,700,000,000.

Fiscal year 2004:

(A) New budget authority, $12,500,000,000.

(B) Outlays, $12,500,000,000.

Fiscal year 2005:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,300,000,000.

Fiscal year 2006:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,200,000,000.

Fiscal year 2007:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $15,200,000,000.

Fiscal year 2008:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $16,200,000,000.

Fiscal year 2009:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,500,000,000.

Fiscal year 2010:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,900,000,000.

Fiscal year 2011:

(A) New budget authority, $20,400,000,000.

(B) Outlays, $20,400,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $45,900,000,000.

Fiscal year 2002:

(A) New budget authority, $52,300,000,000.

(B) Outlays, $51,600,000,000.

Fiscal year 2003:

(A) New budget authority, $53,000,000,000.

(B) Outlays, $52,800,000,000.

Fiscal year 2004:

(A) New budget authority, $55,300,000,000.

(B) Outlays, $54,900,000,000.

Fiscal year 2005:

(A) New budget authority, $59,300,000,000.

(B) Outlays, $58,900,000,000.

Fiscal year 2006:

(A) New budget authority, $58,800,000,000.

(B) Outlays, $58,300,000,000.

Fiscal year 2007:

(A) New budget authority, $58,100,000,000.

(B) Outlays, $57,700,000,000.

Fiscal year 2008:

(A) New budget authority, $62,000,000,000.

(B) Outlays, $61,600,000,000.

Fiscal year 2009:

(A) New budget authority, $63,400,000,000.

(B) Outlays, $63,000,000,000.

Fiscal year 2010:

(A) New budget authority, $64,700,000,000.

(B) Outlays, $64,400,000,000.

Fiscal year 2011:

(A) New budget authority, $67,100,000,000.

(B) Outlays, $66,700,000,000

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $30,600,000,000.

(B) Outlays, $30,000,000,000.

Fiscal year 2002:

(A) New budget authority, $29,100,000,000.

(B) Outlays, $28,600,000,000.

Fiscal year 2003:

(A) New budget authority, $30,100,000,000.

(B) Outlays, $30,300,000,000.

Fiscal year 2004:

(A) New budget authority, $31,800,000,000.

(B) Outlays, $32,300,000,000.

Fiscal year 2005:

(A) New budget authority, $32,800,000,000.

(B) Outlays, $32,900,000,000.

Fiscal year 2006:

(A) New budget authority, $33,700,000,000.

(B) Outlays, $33,400,000,000.

Fiscal year 2007:

(A) New budget authority, $34,600,000,000.

(B) Outlays, $34,200,000,000.

Fiscal year 2008:

(A) New budget authority, $35,500,000,000.

(B) Outlays, $35,100,000,000.

Fiscal year 2009:

(A) New budget authority, $36,400,000,000.

(B) Outlays, $35,900,000,000.

Fiscal year 2010:

(A) New budget authority, $37,000,000,000.

(B) Outlays, $36,700,000,000.

Fiscal year 2011:

(A) New budget authority, $38,600,000,000.

(B) Outlays, $38,000,000,000.

(17) General Government (800):

Fiscal year 2001:

(A) New budget authority, $16,300,000,000.

(B) Outlays, $16,100,000,000.

Fiscal year 2002:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $14,900,000,000.

Fiscal year 2003:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,800,000,000.

Fiscal year 2004:

(A) New budget authority, $15,200,000,000.

(B) Outlays, $15,200,000,000.

Fiscal year 2005:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,100,000,000.

Fiscal year 2006:

(A) New budget authority, $15,500,000,000.

(B) Outlays, $15,100,000,000.

Fiscal year 2007:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,400,000,000.

Fiscal year 2008:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,300,000,000.

Fiscal year 2009:

(A) New budget authority, $15,700,000,000.

(B) Outlays, $15,400,000,000.

Fiscal year 2010:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $15,800,000,000.

Fiscal year 2011:

(A) New budget authority, $16,200,000,000.

(B) Outlays, $15,800,000,000.

(18) Net Interest (900):

Fiscal year 2001:

(A) New budget authority, $278,600,000,000.

(B) Outlays, $278,600,000,000.

Fiscal year 2002:

(A) New budget authority, $260,600,000,000.

(B) Outlays, $260,600,000,000.

Fiscal year 2003:

(A) New budget authority, $260,100,000,000.

(B) Outlays, 260,100,000,000.

Fiscal year 2004:

(A) New budget authority, $255,500,000,000.

(B) Outlays, $255,500,000,000.

Fiscal year 2005:

(A) New budget authority, $249,400,000,000.

(B) Outlays, $249,400,000,000.

Fiscal year 2006:

(A) New budget authority, $243,000,000,000.

(B) Outlays, $243,000,000,000.

Fiscal year 2007:

(A) New budget authority, $237,500,000,000.

(B) Outlays, $237,500,000,000.

Fiscal year 2008:

(A) New budget authority, $236,600,000,000.

(B) Outlays, $236,600,000,000.

Fiscal year 2009:

(A) New budget authority, $233,300,000,000.

(B) Outlays, $233,300,000,000.

Fiscal year 2010:

(A) New budget authority, $230,400,000,000.

(B) Outlays, $230,400,000,000.

Fiscal year 2011:

(A) New budget authority, $229,100,000,000.

(B) Outlays, $229,100,000,000.

(19) Allowances (920):

Fiscal year 2001:

(A) New budget authority, −$500,000,000.

(B) Outlays, −$300,000,000.

Fiscal year 2002:

(A) New budget authority, $400,000,000.

(B) Outlays, $100,000,000.

Fiscal year 2003:

(A) New budget authority, $800,000,000.

(B) Outlays, $600,000,000.

Fiscal year 2004:

(A) New budget authority, $1,200,000,000.

(B) Outlays, $1,000,000,000.

Fiscal year 2005:

(A) New budget authority, $1,300,000,000.

(B) Outlays, $1,200,000,000.

Fiscal year 2006:

(A) New budget authority, $1,300,000,000.

(B) Outlays, $1,200,000,000.

Fiscal year 2007:

(A) New budget authority, $1,300,000,000.

(B) Outlays, $1,200,000,000.

Fiscal year 2008:

(A) New budget authority, $1,400,000,000.

(B) Outlays, $1,300,000,000.

Fiscal year 2009:

(A) New budget authority, $1,500,000,000.

(B) Outlays, $1,400,000,000.

Fiscal year 2010:

(A) New budget authority, $1,500,000,000.

(B) Outlays, $1,400,000,000.

Fiscal year 2011:

(A) New budget authority, $1,600,000,000.

(B) Outlays, $1,500,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2001:

(A) New budget authority, −$38,300,000,000.

(B) Outlays, −$38,300,000,000.

Fiscal year 2002:

(A) New budget authority, −$42,300,000,000.

(B) Outlays, −$42,300,000,000.

Fiscal year 2003:

(A) New budget authority, −$52,300,000,000.

(B) Outlays, −$52,300,000,000.

Fiscal year 2004:

(A) New budget authority, −$53,200,000,000.

(B) Outlays, −$53,200,000,000.

Fiscal year 2005:

(A) New budget authority, −$45,500,000,000.

(B) Outlays, −$45,000,000,000.

Fiscal year 2006:

(A) New budget authority, −$46,500,000,000.

(B) Outlays, −$46,500,000,000.

Fiscal year 2007:

(A) New budget authority, −$48,200,000,000.

(B) Outlays, −$48,200,000,000.

Fiscal year 2008:

(A) New budget authority, −$49,100,000,000.

(B) Outlays, −$49,100,000,000.

Fiscal year 2009:

(A) New budget authority, −$50,200,000,000.

(B) Outlays, −$50,200,000,000.

Fiscal year 2010:

(A) New budget authority, −$51,800,000,000.

(B) Outlays, −$51,800,000,000.

Fiscal year 2011:

(A) New budget authority, −$53,300,000,000.

(B) Outlays, −$53,300,000,000.

SEC. 4. RECONCILIATION.

(a) SUBMISSIOSN BY THE HOUSE COMMITTEE ON WAYS AND MEANS FOR TAX RELIEF.—The House Committee on Ways and Means shall—

(1) report to the House a reconciliation bill—

(A) not later than May 2, 2001;

(B) not later than May 23, 2001; and

(C) not later than June 20, 2001; and

(2) submit to the Committee on the Budget recommendations pursuant to section (c)(2)(F)(ii) not later than September 11, 2001; that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than $93,000,000,000 for fiscal year 2001, $102,000,000,000 for fiscal year 2002, $124,000,000,000 for fiscal year 2003, $138,000,000,000 for fiscal year 2004, $147,000,000,000 for fiscal year 2005, $188,000,000,000 for fiscal year 2006, and $2,302,000,000,000 for the period of fiscal year 2001 through 2011.

(b) SUBMISSIOSN BY HOUSE COMMITTEES ON ENERGY AND COMMERCE AND WAYS AND MEANS FOR MEDICARE REFORM AND PRESCRIPTION DRUGS.—(1) Not later than July 24, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for the period of fiscal year 2001 through 2011.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for the period of fiscal year 2001 through 2011.

(c) OTHER SUBMISSIONS BY HOUSE COMMITTEES.—(1) Not later than September 11, 2001, the House Committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $0 for fiscal year 2002, $0 for fiscal year 2003, $0 for fiscal year 2004, $0 for fiscal year 2005, $0 for fiscal year 2006, and $0 for the period of fiscal year 2001 through 2011.

(B) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $0 for fiscal year 2002, $0 for fiscal year 2003, $0 for fiscal year 2004, $0 for fiscal year 2005, $0 for fiscal year 2006, and $0 for the period of fiscal year 2001 through 2011.

(C) The House Committee on Financial Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce revenues, as follows: $0 for fiscal year 2001, $139,000,000 for fiscal year 2002, $101,000,000 for fiscal year 2003, $92,000,000 for fiscal year 2004, $96,000,000 for fiscal year 2005, $101,000,000 for fiscal year 2006, and $1,112,000,000 for the period of fiscal year 2001 through 2011.

(D) The House Committee on Government Reform shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 for fiscal year 2001, $0 for fiscal year 2002, $0 for fiscal year 2003, $0 for fiscal year 2004, $0 for fiscal year 2005, $0 for fiscal year 2006, and $0 for the period of fiscal year 2001 through 2011.

(E) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $264,000,000 for fiscal year 2002, $479,000,000 for fiscal year 2003, $761,000,000 for fiscal year 2004, $816,000,000 for fiscal year 2005, $885,000,000 for fiscal year

2006, and $7,087,000,000 for the period of fiscal year 2001 through 2011.

(F)(i) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays, as follows: $0 for fiscal year 2001, $0 for fiscal year 2002, $0 for fiscal year 2003, $0 for fiscal year 2004, $0 for fiscal year 2005, $0 for fiscal year 2006, and $0 for the period of fiscal year 2001 through 2011.

(ii) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the total level of revenues as specified in subsection (a).

(d) Special Rules.—In the House, if any bill reported pursuant to subsection (a) or subsection (c)(2)(F)(ii), amendment thereto or conference report thereon, has refundable tax provisions that increase outlays, the chairman of the Committee on the Budget may increase the amount of new budget authority provided by such provisions (and outlays following therefrom) allocated to the Committee on Ways and Means and adjust the revenue levels set forth in such subsection accordingly such that the increase in outlays and reduction in revenue resulting from such bill does not exceed the amounts specified in subsection (a) or subsection (c)(2)(F)(ii), as applicable.

SEC. 5. RESERVE FUND FOR EMERGENCIES.

(a) Adjustments for Emergencies.—In the House, after the reporting of a bill or joint resolution by the Committee on Appropriations, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget shall increase the allocation of new budget authority and outlays under section 302(a) of the Congressional Budget Act of 1974 for fiscal year 2002 by the amount provided by that measure for an emergency that the chairman so determines and certifies. Adjustments to such allocation made under this subsection may be made only for amounts for emergencies, in excess of $1,923,000,000 in new budget authority for fiscal year 2002 and the total of any such adjustments for such fiscal year shall not exceed $5,600,000,000 in new budget authority.

(b) Definitions.—As used in this section:

(1) The term 'emergency' means a situation (other than a threat to national security) that—

(A) requires new budget authority (and outlays flowing therefrom) to prevent the imminent loss of life or property or in response to the loss of life or property; and

(B) is unanticipated.

(2) The term 'unanticipated' means that the underlying situation is—

(A) sudden, which means quickly coming into being or not building up over time;

(B) urgent, which means a pressing and compelling need requiring immediate action;

(C) unforeseen, which means not predicted or anticipated as an emerging need; and

(D) temporary, which means not of a permanent duration.

(c) Development of Guidelines.—As soon as practicable, the chairman of the Committee on the Budget of the House shall, after consulting with the chairman of the Committee on Appropriations of the House, publish in the Congressional Record guidelines for application of the definition of emergency set forth in subsection (b).

(d) Committee Explanation of Emergency Legislation.—Whenever the Committee on Appropriations of the House (including a committee of conference) reports any bill or joint resolution that provides new budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall explain the reasons such amount designated under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1974 falls within the definition of emergency set forth in subsection (b) pursuant to the guidelines published under subsection (c).

(e) CBO Report on the Budget.—The Director of the Congressional Budget Office shall include in each report submitted under section 202(e)(1) of the Congressional Budget Act of 1974 the average annual enacted levels of discretionary budget authority and the resulting outlays for emergencies for the 5 fiscal years preceding the fiscal year of the most recently agreed to concurrent resolution on the budget.

(f) Section 314(b)(1) Adjustment.—Section 314(b)(1) of the Congressional Budget Act of 1974 shall not apply in the House—

(1) for fiscal year 2001; or

(2) for fiscal year 2002 or any subsequent fiscal year, except for emergencies affecting national security.

SEC. 6. RESERVE FUND FOR RETIREMENT SECURITY.

Whenever the Committee on Ways and Means of the House reports a bill or joint resolution, or an amendment thereto is offered (in the House), or a conference report thereon is submitted that enhances retirement security through structural programmatic reform and the creation of personal retirement accounts, provided that such accounts are funded from the taxes currently collected for the purpose of the Federal Old-Age and Survivors Insurance Program, the Chairman of the Committee on the Budget may—

(1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose;

(2) reduce the revenue aggregates by the amount of the revenue loss resulting from that measure for that purpose; and

(3) make all other appropriate and conforming adjustments.

SEC. 7. RESERVE FUND FOR MEDICARE REFORM AND COMPLIANCE WITH SECTION 4(b).

Whenever the Committees on Ways and Means and Energy and Commerce report a bill in compliance with Section 4(b) of this Concurrent Resolution that achieves long-term Medicare reform and provides for an expanded prescription drug benefit, the Chairman of the Committee on the Budget may—

(1) increase the appropriate allocations and aggregates of new budget authority and outlays by the amount of new budget authority provided by such measure (and outlays flowing therefrom) for that purpose provided that:

a. for the period of fiscal year 2001 through 2011 the increase in new budget authority is $0; and

b. the increase for any one fiscal year does not exceed the amount of surplus credited in that fiscal year to the Federal Hospital Insurance Trust Fund;

(2) make all other appropriate conforming adjustments.

SEC. 8. CHANGES IN ALLOCATIONS AND AGGREGATES RESULTING FROM REALISTIC SCORING OF MEASURES AFFECTING REVENUES.

(a) Whenever the House considers a bill, joint resolution, amendment, motion or conference report, including measures filed in compliance with Section 4 of this Concurrent Resolution, that propose to change Federal revenues the impact of such measure on Federal revenues shall be calculated by the Joint Committee on Taxation in a manner that takes into account:

(1) the impact of the proposed revenue changes on:

i. Gross Domestic Product, including the growth rate for the Gross Domestic Product;

ii. total Domestic Employment;

iii. Gross Private Domestic Investment;

iv. General Price Index;

v. Interest Rates;

vi. Other economic variables; and

(2) the impact on Federal Revenue of the changes in economic variables analyzed under subpart (1) of this paragraph.

(b) The Chairman of the Committee on the Budget may make any necessary changes to allocations and aggregates in order to conform this Concurrent Resolution with the determinations made by the Joint Committee on Taxation pursuant to paragraph (a) of this Section.

SEC. 9. PROMOTION OF ECONOMIC GROWTH AND COMPLIANCE WITH SECTION 4(a) OF THIS CONCURRENT RESOLUTION.

When reporting to the House reconciliation measures in compliance with Section 4(a) of this Concurrent Resolution, the Ways and Means Committee shall not report legislation, which:

(1) proposes to provide a graduated or phased-in reduction over time in—

(a) Individual income tax rates;

(b) Corporate tax rates; or

(c) The rate of taxes collected on the proceeds from investments, including taxes collected on capital gains; or

(2) conditions any changes in tax law upon the achievement of some level of:

(a) Federal Revenue,

(b) Federal Surplus, or

(c) Level of Public Debt.

SEC. 10. RESERVE FUND FOR ADDITIONAL TAX CUTS AND DEBT REDUCTION.

If the report provided pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the budget and economic outlook: update (for fiscal years 2002 through 2011), estimates an on-budget surplus for any of fiscal years 2001 through 2011 that exceeds the estimated on-budget surplus set forth in the Congressional Budget Office's January 2001 budget and economic outlook for such fiscal year, the chairman of the Committee on the Budget of the House may, in an amount not to exceed the increase in such surplus for that fiscal year—

(1) reduce the recommended level of Federal revenues and make other appropriate adjustments (including the reconciliation instructions) for that fiscal year;

(2) reduce the appropriate level of the public debt, increase the amount of the surplus, and make other appropriate adjustments for that fiscal year; or

(3) any combination of paragraphs (1) and (2).

SEC. 11. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives; and

(2) such chairman, as applicable, may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 12. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) In General.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) Special Rule.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 13. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

For purposes of title III of the Congressional Budget Act of 1974, advance appropriations shall be scored as new budget authority for the fiscal year in which the appropriations are enacted, except that advance appropriations in excess of the levels specified in the joint explanatory statement of managers accompanying this resolution for programs, projects, activities or accounts identified in such joint statement shall continue to be scored as new budget authority in the year in which they first become available for obligation.

SEC. 14. ACTION PURSUANT TO SECTION 302(b)(1) OF THE CONGRESSIONAL BUDGET ACT.

(a) Compliance.—When complying with Section 302(b)(1) of the Congressional Budget Act of 1974, the Committee on Appropriations of each House shall consult with the Committee on Appropriations of the other House to ensure that the allocation of budget outlays and new budget authority among each Committee's subcommittees are identical.

(b) Report.—The Committee on Appropriations of each House shall report to its House when it determines that the report made by the Committee pursuant to Section 301(b) of the Congressional Budget Act of 1974 and the report made by the Committee on Appropriations of the other House pursuant to the same provision contain identical allocations of budget outlays and new budget authority among each Committee's subcommittees.

(c) Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report providing new discretionary budget authority for Fiscal Year 2002 allocated to the Committee on Appropriations unless and until the Committee on Appropriations of that House has made the report required under paragraph (b) of this Section.

SEC. 15. SENSE OF THE HOUSE REGARDING THE ENFORCEMENT OF CLAUSE 2(a)(1) OF RULE XXI OF THE RULES OF THE HOUSE

(a) Congress finds that:

(1) Each year, the House Appropriations Committee provides funding to hundreds of programs whose authorization has expired or were never authorized by an Act of Congress.

(2) For Fiscal Year 2002, there were over 200 programs funded in 112 laws totaling over $112 billion whose authorization had expired.

(3) According to the Congressional Budget Office (CBO), the largest amount for a single program is for veterans medical care, which was last authorized in 1998 and totals over $20.3 billion. Funding for the economic support and development assistance programs was last authorized in 1987 by the International Security and Development Cooperation Act of 1985 and totals just over $7.8 billion in 2001 and much of the appropriation provided for the Department of Justice in 2001, which totals over $16.8 billion, is unauthorized.

(4) Rule XXI of the Rules of the House of Representatives prohibits the funding of an appropriation, which has not been authorized by law.

(5) The House Rules Committee typically waives Rule XXI when considering general appropriation bills.

(6) The respective authorizing committees have not made reauthorization of unauthorized programs a priority.

(7) The lack of congressional oversight over the years, as far back in 1979, has led to the deterioration of the power of the respective authorizing Committees and thus the loss of congressional oversight and fiscal responsibility, which is a blow to the voters of America and their role in the process.

(8) The lack of congressional oversight over the years has led to the shift of power away from the Legislative Branch toward the Executive Branch and unelected federal bureaucrats.

(b) It is the sense of the Congress that:

(1) The House of Representatives and the Senate give priority to the authorization of expired programs, with an emphasis on federal programs which have been expired for more than five years.

(2) Congress should pass, and the President should sign into law, legislation to amend the Congressional Budget Act of 1974 to require Congress to fund programs that are currently unauthorized at 90 percent of prior fiscal year levels.

(3) Congress should pass, and the President should sign into law, legislation to require the Congressional Budget Office to prepare budget baselines based on the figures where unauthorized programs are frozen and funded at 90 percent of current levels.

SEC. 16. SENSE OF THE HOUSE REGARDING DEPARTMENT AND AGENCY AUDITS AND WASTE, FRAUD, AND ABUSE

(a) Findings.—The House finds the following:

(1) Each branch of government and every department and agency has a fiduciary responsibility to ensure that tax dollars are spent in the most efficient and effective manner possible and to eliminate mismanagement, waste, fraud, and abuse.

(2) A minimal measure of whether a department or agency is upholding its fiduciary responsibility is its ability to pass an audit.

(3) The most recent audits for Fiscal Year 1999 revealed that nine major agencies—the Departments of Agriculture, Defense, Education, Housing and Urban Development, Justice, and Treasury and the Agency for International Development, Environmental Protection Agency, and Office of Personnel Management—could not provide clean financial statements.

(4) Mismanagement, waste, fraud, and abuse cost American taxpayers billions of dollars.

(b) Sense of the House.—It is the sense of the House that no agency or department which has failed its most recent audit should receive an increase in their budget over the previous year, unless the availability of the increased funds is contingent upon the completion of a clean audit.

SEC. 17. SENSE OF CONGRESS ON THE USE OF FEDERAL SURPLUS FUNDS TO INVEST IN PRIVATE SECURITIES.

It is the Sense of Congress that Congress should pass, and the President should sign into law, legislation codifying a general prohibition on the use of Federal surplus by the Secretary of the Treasury to make investments in securities (within the meaning of the securities laws of the United States) other than government securities.

SEC. 18. SENSE OF CONGRESS ON FULLY FUNDING SPECIAL EDUCATION.

(a) Congress finds that—

(1) all children deserve a quality education, including children with disabilities;

(2) the Individuals with Disabilities Education Act provides that the Federal, State and local governments are to share in the expense of educating children with disabilities and commits the Federal Government to pay up to 40 percent of the national average per pupil expenditure for children with disabilities;

(3) the high cost of educating children with disabilities and the Federal Government's failure to fully meet its obligation under the Individuals with Disabilities Education Act stretches limited State and local education funds, creating difficulty in providing a quality education to all students, including children with disabilities;

(4) the current level of Federal funding to States and localities under the Individuals with Disabilities Education Act is contrary to the goal of ensuring that children with disabilities receive a quality education;

(5) the Federal Government has failed to fully fund the Individuals with Disabilities Education Act and appropriate 40 percent of the national average per pupil expenditure per child with a disability as required under the Act to assist States and localities to educate children with disabilities;

(6) the levels in function 500 (Education) for fiscal year 2002 assume sufficient discretionary budget authority to accommodate fiscal year 2002 appropriations for IDEA at least $10.6 billion above such funding levels 2000, thus, fully funding the Federal Government's commitment to special education;

(7) the levels in function 500 (Education) to accommodate the fiscal year 2001 appropriation for fully funding IDEA may be reached by eliminating inefficient, ineffective and unauthorized education programs.

(b) It is the sense of Congress that—

(1) Congress and the President should increase function 500 (Education) fiscal year 2002 funding for programs under the Individuals with Disabilities Education Act by at least $10.6 billion above fiscal year 2001 appropriated levels, thus fully funding the Federal Government's commitment;

(2) Congress and the President can accomplish the goal by eliminating inefficient, ineffective and unauthorized education programs.

SEC. 19. SENSE OF CONGRESS ON FISCAL YEAR 2001 SUPPLEMENTAL SPENDING.

It is the sense of Congress that—

to the extent that any additional funding is required in Fiscal Year 2001 for the Department of Defense, for assistance for producers of program crops and specialty crops, and for other critical needs, such funding should be offset through rescissions in other Federal programs.

The CHAIRMAN. Pursuant to House Resolution 100, the gentleman from Arizona (Mr. FLAKE) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE.)

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an alternative budget on behalf of the Republican Study Committee. This is a budget based on the principles of limited government, economic freedom and individual responsibility. My colleagues will address various parts of the amendment. Let me just offer a few highlights.

Mr. Chairman, on tax relief, our amendment embodies the Toomey bill which provides approximately $2.2 trillion in tax relief over 10 years. It offers $93 billion in immediate tax relief in 2001, and it stipulates that any summer bump-up in surplus estimates would go to tax relief and debt reduction. We also would beef up funding of defense to $350 billion in 2002, which is $25 billion over the Committee on the Budget. We also would provide for debt reduction. This dedicates the Social Security and Medicare surplus to public debt reduction, ensuring that the maximum level of debt reduction is achieved within 10 years.

Mr. Chairman, our amendment reins in spending. Over the past 3 years, we have had an average of 6 percent spending growth in discretionary spending. That is simply too high. If we are a party of limited government, we have to rein in spending. We would actually hold spending below the inflation rate. Ours would hold spending over 10 years at 2.9 percent.

Mr. Chairman, about 35 years ago Ronald Reagan stood and said it was a time for choosing. I believe it was the greatest speech ever delivered. He said, Now is the time we choose whether we believe in our own capacity for self-government, or whether we "confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves."

Mr. Chairman, I never thought I would be in that far-distant capital, but I am here; and I do not pretend that I have any great knowledge. I have only been here a few short months, and I have not had any epiphany about how to spend people's money better than they can spend it themselves.

This budget, better than any budget being offered on the floor, honors those principles, limited government, economic freedom and individual responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, we all know that the revenue forecast on which this budget resolution is based is simply not reliable. We simply should not risk the future of our country based on this kind of an unreliable forecast. Just 1 month ago in this Chamber, the President said that we need a contingency fund, a rainy day backup plan that will take effect if our economic forecasts do not turn out to be quite as sunny as we hope. But that rainy-day fund referred to by the President somehow got lost on the way through this Congress. The budget resolution before us leaves simply no way to adjust if our economy does not continue to perform as we hope.

Mr. Chairman, let us all hope that we have sunshine in the future and not rain for this country. But to jeopardize and to risk our country's future and the future of our children and their children based on these revenue forecasts, without any way out, is simply no way to go. I urge opposition to this underlying budget resolution.

Mr. FLAKE. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for yielding me this time, and I want to congratulate the Republican Study Committee, the staff of the Republican Study Committee, and the gentleman from Arizona for his leadership in putting together an extremely responsible, progrowth, protaxpayer budget that is something that we all ought to be able to support.

Let me step back and remind my colleagues. It was a little over a year ago, at the time he was candidate George Bush, that our now President proposed a tax relief plan of about $1.6 trillion, out of what was then expected to be about a $3 trillion surplus. Since then two big things have changed: The surpluses are obviously going to be much larger than that. The consensus estimate is now at least $5.5 trillion in surpluses. The other thing that has changed is the economy has clearly weakened.

We need to do more, we can do more, and the budget that we are talking about right now, the Republican Study Committee budget, accommodates a broader, faster, more helpful tax relief package. That is what we need to do.

This budget is very responsible. In fact, it is a modest tax relief package. It is only 7 cents of every dollar that is scheduled to come to Washington. It is less than 40 percent of the combined surpluses. It is much smaller than the tax cuts of the 1980s. It is smaller even than the tax cuts that President John F. Kennedy put through in the early 1960s.

What we do is we take President Bush's plan and phase it in faster under the Republican Study Committee's budget. We cut marginal income tax rates retroactively to January 1 of this year. We take other elements, and we introduce them into this tax relief package, like allowing families to put more money into IRAs; like repealing the 1993 tax increase on Social Security; like phasing out the alternative minimum tax and fully eliminating the marriage penalty. Those are things we need to do, and this budget would allow us to do that.

Let me address the issue of the certainty of the surplus. This has come up many times, and we just heard the previous speaker mention this. Nobody knows for sure exactly how large a surplus can be, but the fact is these are extremely conservative estimates that have been used. The fact is that for the last 3 years every revision has been an upward revision. The fact is we are not helpless victims as to whether or not there is going to be a surplus. We know how to make sure we have the funds available. We are not helpless victims waiting to see whether there is a surplus, as though it were a storm rolling up the eastern seaboard.

We know how to make sure this happens: Reduce excessive taxes so the economy can prosper, like it has done every time we have lowered taxes, and control spending. If we do that, there is more than enough money. And we can do that. This budget calls for that. It also provides the freedom and fairness that we as representatives of the working people of America ought to do.

I want to congratulate all my colleagues on the Republican Study Committee that put this budget together, and I urge my colleagues to vote in favor of this alternative budget resolution.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New York and South Carolina (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, I rise in support of the Democratic alternative and in opposition to H. Con. Res. 83.

The Democratic budget provides a prudent framework for meeting the needs of the country and responds to the priorities set by the American people. It is risky at best to base a budget and massive tax cuts on a projected surplus and expected revenues. The Republican's budget amounts to double-dipping by appropriating the same funds in different places. The Democratic alternative responds to these issues that Americans have noted as most important.

On education, the Democratic alternative provides $151 billion over the 10-year period; the Republican plan only $21.4 billion. The Democratic alternative seeks to provide a much-needed Medicare press drug benefit with realistic numbers and adequate levels of funding. We do not try to trick the American people. We provide the full $330 billion necessary to carry this program.

While Americans have signaled Congress that they want and deserve a tax cut, they have also asked for a reasonable and responsible and realistic and timely tax cut. The Democratic alternative provides that.

The Republicans plan a massive and rapid $2 trillion tax cut, while wholly ignoring process and priorities and procedures. It is clear, Mr. Chairman, that the Republican tax cut is contrary to the American people.

The Democratic alternative proposes a $730 billion tax cut, while still funding farm aid at $46 billion; the Republican budget provides nothing for America's farmers; the alternative provides $7 billion for Veteran Health care; the Republicans cut funds to our nation's veteran by $5.7 billion. The Republican plan proposes a massive and rapid $2 trillion plus tax cuts while wholly ignoring process, priorities, and procedures.

Mr. Chairman, it has become clear that the Republican budget is contrary to both the needs and the priorities of the American people. The Republican budget seeks to mortgage the Trust Fund; the needs of children and the gains of this period of prosperity for a rushed and ill-conceived tax cut.

I urge my colleagues to support the democratic alternative and vote for a fair, prudent and realistic budget.

Mr. FLAKE. Mr. Chairman, may I inquire as to the balance of my time.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The gentleman from Arizona (Mr. FLAKE) has 15 minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 18 minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from the State of Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for his leadership on this issue.

Mr. Chairman, if my colleagues are concerned about the job losses in America, if they, like me, are concerned about the thousands of layoffs that are occurring, if they are concerned about the high energy prices which are taking money right out of our economy, then they ought to vote for this budget, because this budget, in addition to protecting Medicare and Social Security, in addition to bringing back responsible spending, is the real progrowth, pro-job-creation tax bill budget resolution.

This budget cuts taxes not next year, not in the year 2006, but it cuts taxes this year, and it does it in a way that is going to be good for our economy. It is the most progrowth tax bill we have on the floor today. It is the best answer toward getting jobs back on line in this economy. It is the best answer that we can send to our constituents.

Help is on the way: More money is going back into the taxpayers' paychecks this year. We are serious about getting this economy back on its feet. I urge a "yes" vote on the Republican Study Committee budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I thank the gentleman for yielding me this time.

I will make a very quick point. For the past few days, we have been talking about education and budget and monies. The Democratic plan is a much better plan. We provide much more monies to support education.

Just a while ago it was said that before we give more money, we should have accountability, and that that is why the Republican plan is providing less money than the Democratic Party. But I have to tell my colleagues one thing about accountability. Public Law 94-142, which is a special ed bill, has mandated our local school districts to provide special education. Now, we said that we would support it by 40 percent of the cost of special education, yet over the years we have not supported special education to the local public schools at 40 percent.

□ 1400

It is somewhere between 13 and 15 percent. If we were to support public education to 40 percent, say over the next 10 years, what that does, and we do not speak about this, we do not speak about its impact at the local level, it will release the local general fund monies that have been allocated for special ed; support that. We could free that money up, have the local school districts provide the education, further the education at the local level.

We believe in local control. We believe in local direction of curriculum instruction, and yet we are not providing and not doing the very thing that we want everybody else to do, and that is to fulfill our promises.

Accountability is a two-way street. We mandate. We should support it with our funds that we said we would, and that way the local districts will not be burdened with the mandates that we give them and therefore they can use more of the local monies for the local educational projects that they have for their own kids.

We have to go all the way to support special ed at its full 40 percent. Accountability, again, is a two-way street.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that the Republican Study Committee budget actually prioritizes IDEA funding. I thank the gentleman for the opening here.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I am proud to support the Republican Study Committee budget. This budget is good for the American people, and this budget helps to rebuild the military.

Mr. Chairman, this is a very unsafe world. I want to make reference to three news articles and read the titles. In February of this past year, 2000, "China Warns U.S. of Missile Strike." The second article I want to make reference to, "Russia Sends Cruise Missiles to China for New War Ships." Mr. Chairman, just today, "Admiral Warns of Perilous Buildup of Chinese Missiles."

Mr. Chairman, this budget helps to rebuild the military.

Let me further state that China has proposed a 17.7 percent increase in defense spending for this coming year. That is the largest increase in 20 years. In addition, when all the expenditures are added up, it is generally believed that China's defense spending is three or four times the official figure. China figures defense spending as a percentage of their total government expenditure is 8.29 percent in the year 2000.

Let me talk a little bit about the American military and why this budget bill is so needed. Today, the U.S. spends less than 3 percent of its GDP on national security. We are near the lowest level of defense spending as a percentage of GDP since before the Korean War. We do not have the luxury of time, Mr. Chairman, to rebuild our Nation's military.

Let me say, in closing, this is a great bill for many reasons, but one very important reason is to help rebuild the military of this country. It is time to rebuild our military for the good of the American people.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, the Republican Party has thrown a big goodbye party for the surplus. First they brought out a pinata for all their wealthy friends and they let each one of them take a whack at it and out comes a huge tax cut with the wealthiest 1 percent getting an overwhelming 45 percent of the tax cut.

The Republicans claim it only cost $1.6 trillion but we really know it is going to cost an extra trillion more. Good-bye surplus.

Next, Mr. Chairman, the Republicans divert hundreds of billions of dollars from the Medicare and Social Security trust fund dollars from the lockbox and put it over into a sandbox for their friends to play with. That diversion will be a disaster for seniors. Seniors will get sandbagged by this budget because the Republican diversion will shave 9 years off the Social Security trust fund and 5 years off the life of the Medicare Trust Fund. Good-bye, surplus.

Plus, they are doing regulatory changes at the same time. EPA used to stand for the Environmental Protection Agency. Now EPA stands for "Eat Plenty of Arsenic." They cannot get enough of helping their friends.

This is an absolute orgy that is going on, helping the wealthiest in America and the most powerful industries.

Mr. Chairman, it is immoral to pass these huge tax cuts that explode in 2008 and 2009 and 2010, based upon dot com company projections of revenues.

The American public knows that the NASDAQ collapsed. These same revenue estimates made by CBO are just as bogus, but in order to make sure that there is no money there for senior citizens, long-term care, building schools in this country a decade from now, they are committed to having these huge tax cuts that will bankrupt this country.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind the gentleman from Massachusetts (Mr. MARKEY) that our tax cut is not $1.6 trillion. It is $2.2 trillion, if that makes him feel any better.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, above the Speaker's rostrum is the national motto, "In God We Trust," but I have always been taught that we need to do our part in order to have God do his.

One of the things that we need to do is to cut the spending and cut the taxes. I am delighted to know that the Republican Study Committee budget provides for the largest tax cut, because it is critical. Look at what is happening in this country.

U.S. News and World Report 2 weeks ago has on its cover the title, "Drowning in Debt." It was not talking about the U.S. Government. It was talking about families in this country, an unprecedented amount of debt.

It baffles me to hear some of my Democrat colleagues get up and espouse how we better not give too big a tax cut.

This is the people's own money. They are entitled to it. This gives us the greatest amount of tax relief, and we should all pull behind this and work hard to enact this substitute budget.

This is a crisis. Every time I read about school shootings, it is not the phony solution of gun control that is the problem. The fact of the matter is, we have grown this government too big. We have too much regulation, and moms and dads have been forced out of the homes and away from being with the kids.

Vote for this substitute.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise today to address the budget that President Bush and his Republican colleagues have put together. It is a disgrace. Not only will it return the country to the era of big deficits and high interest rates, President Bush does not keep the promises he made to our country's students.

Throughout his campaign then-Governor Bush promised American students he would increase funding to the Pell Grant program, and he said he would provide a maximum grant of $5,100. This would enable more students to obtain a college education. However, in the Bush budget the Republicans have laid out for us, the maximum Pell Grant will only be $3,900, an increase of only $150. Nearly $1,100 separate this budget from President Bush's campaign promise.

In addition, Bush breaks his promise to provide funding so that students can have the facilities and equipment they need. Instead of slashing by two-thirds programs to purchase computers and Internet access for poor and underserved areas, we need to increase the funding for our schools.

The Bush budget provides funding for charter schools to purchase buildings and materials at a time when our public schools are crumbling. Many schools do not have heating, air conditioning or plumbing that works properly.

The Republicans claim the Department of Education's budget is increasing 11 percent. However, after accounting for the redirecting of funds already appropriated, President Bush's budget only increases funding by 5.7 percent. In just one example, Republicans eliminate the school renovation program but redirect $1.2 billion from last year's budget. I ask for a no vote on this budget. It does not keep the promise. He is indeed leaving children behind.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Arizona (Mr. FLAKE) for yielding and commend him for offering the Republican Study Committee budget alternative.

Mr. Chairman, I rise in strong support of this substitute budget because it is the best for our Armed Forces. While President Bush and Secretary Rumsfeld have every right to conduct a review, and I support the review, it is still the constitutional responsibility, the constitutional obligation of the Congress, to provide for our Armed Forces to meet our threats.

The Republican Study Committee budget invests $350 billion, $25 billion more than the committee's budget, to eliminate some serious readiness woes, such as, one, a combat readiness rate of 41 percent for Air Force aircraft stationed in the continental United States; an acute shortage of ammunition for our Army and Marine Corps, Navy and Coast Guard aircraft, as well as ships and cutters that are grounded for lack of funding.

Remember, it was President Ronald Reagan who said, quote, "I believe it is immoral to ask the sons and daughters of America to protect this land with second-rate equipment and bargain-basement weapons," end quote.

It was immoral then. It is immoral today. It is immoral to continue to ask our men and women in uniform to do more and more with less, both in operations and maintenance and with their own compensation and benefits. This budget goes farther than any other budget alternative to do just that.

For example, it seeks to close the pay gap for our men and women in uniform, almost 11 percent at this time. According to the Congressional Budget Office, the annual amount required to cover the shortfall of modernization alone is $30 billion a year. According to CBO, the additional amount required to maintain OPTEMPO, operating tempos and current levels of readiness, is $5 billion short. Also, the amount to accelerate missile defense and enhance science- and technology-based programs is woefully inadequate.

The Republican Study Committee budget goes a long way in meeting these obvious requirements and necessary requirements for our national defense.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, Republican budgets are a blueprint for disaster. To pay for President Bush's irresponsible and fuzzy math tax cut for the rich, the Republican budget ignores the needs and priorities of the American people who have sent us to Washington to fight for their interests. This Republican budget ignores people like 73-year-old Olga Kipnis from my district. With the help of the Federal Government, Olga now lives in an apartment in a safe and quiet neighborhood but soon she may lose that apartment and be forced to move out of the neighborhood.

Does the budget address our national affordable housing crisis? Hardly. This Republican budget resolution would guarantee millionaires a down payment for a summer home and seniors like Olga their eviction notice. And because of that tax cut, our national priorities will not be met.

$800 billion is needed for a quality prescription drug benefit for seniors under Medicare. The Republican budget dedicates only a paltry amount for a meaningless benefit. The Democratic alternative budget will provide $151 billion for education needs like teacher recruitment and school construction. The Republican budget does not commit any money to school construction. The American public believes the Federal Government has a role to play to meet our Nation's education, public housing and health care needs and to ensure the health of Medicare and Social Security. The Republican budget fails that role miserably.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, I just wanted to make a couple of points about this budget that I think are very important. One of them is that this budget provides immediate retroactive income tax relief for all taxpayers to the tune of $93 billion. That is immediate tax relief. It also phases out the alternative minimum tax, which affects a lot of people in our country.

The third point that I wanted to make was it does repeal the capital gains tax, starts that repeal of capital gains. I think that is very important. These are all things that are going to do a tremendous amount to spur our economy, which we need right now.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, we have an opportunity in America today to invest in America. Sadly, the budget before us and the underlying budget does not do that.

The Democratic budget will do that. It will provide a tax cut with one-third of the budget surplus. It will also require one-third be spent for Social Security and Medicare. Why then are we now debating a budget that will put us back into deficit that took us 18 years to get out of under the former Republican administration? This budget gives no taxes, no relief, for over one-third of the families in this country with children. Over one-third of the families with children get nothing under this budget proposal.

On the other hand, the Democratic proposal gets at least $130 million more into education. We have heard a lot today, America, but the facts are clear, the Republican budget will take us back into deficit. The Republican budget will take us back into deficit. The Democratic budget, on the other hand, will invest in America, your children and our families. Vote for the Democratic budget.

□ 1415

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman for yielding me this time. Particularly, I thank him for bringing this budget to the floor, because in this budget we will have room to do two things: first, meet the President's objectives and more on controlling the growth in spending. This budget allows for growth in spending, but it does not grow spending as fast as some of the other proposals we have seen on the floor. Second, it provides for across-the-board rate relief. Third, it provides, as nobody else is proposing to do here immediately, today, for a diminution, a reduction, in the rate of tax applied to savings and investment, the penalty tax on creating jobs, the penalty tax on new investment that we call capital gains.

Throughout my service in Congress for 13 years, we have pretended that every time we raise the capital gains rate, we gain revenue for the Treasury, and every time we reduce the rate, we lose it. That is how we score revenue. But each time we have done this since 1978, we find that when we raise the rate of tax on capital gains, we lose money for the Treasury, and when we reduce the rate of tax on capital gains, we gain money.

Cap gains revenues increased 385 percent in the 5 years after we reduced the rate from 28 to 20 percent in the Economic Recovery Tax Act. In 1986 when the Congress was chasing after scored revenue and jacked the rate of tax up again because that would be more responsible, that would avoid deficits, cap gains revenues fell by a third in the first year; and they stayed in the tank for 10 years, essentially, from 1986 to 1996. Then, in the mid-1990s, in this Congress, President Clinton vetoed a cut in the capital gains tax rates because he wanted to be responsible, because keeping that rate high would somehow help. Nonetheless, in 1997, we enacted a rate cut from 28 percent to 20 percent; and today, as we stand here, cap gains revenues to the Treasury are up over a third.

Mr. Chairman, this budget will permit us to cut the cap gains rate and make money for the Treasury, as well as help the American people. I thank the gentleman for bringing it to the floor.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I have to say, I am really amazed when I listen to my Republican colleagues. They acknowledge that the economy is getting weaker, they acknowledge we are having layoffs, but then they tell us we are going to have greater surpluses. It really does not make sense.

They move on and say what we really need is a bloated tax cut for all Americans. It is not for all Americans, it is for the rich Americans, because the richest 1 percent get 43 percent of the tax benefit. Where is the fairness in that?

Let us talk about education. The Democratic alternative gives us $150 billion more for education. That means for teachers, smaller classrooms, more computers, more books, and school renovation. The Republican budget does not compare.

Let us move on and talk about debt reduction. I have not heard them talk about debt reduction. The Democratic budget gives us $915 billion more in debt reduction, which means lower interest rates for all Americans.

Finally, let us talk about law enforcement. The Democratic budget gives us $19 billion more for local law enforcement, more cops on the street; and that is a good thing. At the end of the day, the choice is very clear. The best budget for all Americans is the Democratic budget. I urge adoption of the Democratic alternative.

Mr. FLAKE. Mr. Chairman, I would like to remind the gentleman from Maryland that this budget actually gives tax relief to anybody who pays income taxes.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise today in support of the alternative budget offered by the gentleman from Arizona (Mr. FLAKE) and supported by the members of the Republican Study Committee.

Over the past 5 years, Congress has been, let us admit it, on a spending spree with the people's money. Last year's budget included an 8.7 increase in nondefense discretionary spending, and it took Congress just 5 months to consume $20 billion of the $26 billion surplus for last year.

Mr. Chairman, I believe the budget presented by the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, is an excellent start. However, Congress has demonstrated that if there is money to be spent in Washington, indeed it will be spent.

The Republican Study Commission reintroduces fiscal discipline to Washington, D.C. It recognizes that the surplus was created through the efforts of hard-working families of America by returning $2.2 trillion of the surplus to them. It does this by speeding marginal tax relief to working families, small businesses, and family farms, and by making tax cuts fully retroactive up and down the scale. At the same time, the RSC budget provides for our most important initiatives: IDEA funding, Medicare, Social Security, defense, and debt reduction.

Our friends and colleagues on the other side of the aisle would have us believe that a tax cut and a fair and responsible budget is impossible. This premise is simply false. This budget has proven that we can help families with a tax cut and have a responsible and fair budget. The proof is in the numbers. Defense spending would increase to $350 billion, $25 billion more than the proposed budget. The RSC budget would require 100 percent of Social Security and Medicare surpluses, as well as other priorities be funded. It is a responsible budget, and it helps working families.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to this alternative plan, which is actually worse than the Bush budget and tax cut plan, and I do so for several reasons. First of all, the Bush plan fails to make important investments in education, health care, law enforcement, and the digital divide. As a matter of fact, the Bush budget plan puts tax cuts first and leaves large gaps and services for millions of people who need them. In reality, the Bush plan leaves 53 percent of black and Hispanic families behind, despite claims that the tax cut would go to all taxpayers.

According to the Center on Budget and Policy Priorities, 53 percent of black and Hispanic families with children will receive no tax reduction from the Bush plan, even though 75 percent of these families include someone who is working. The 6 million black and Hispanic families that will receive the benefit from the proposal include 6.1 million black children and 6.5 million Hispanic children, or 55 percent of all black children and 56 percent of Hispanic children. Among non-Hispanic blacks, 3 million families with children, 52.8 percent of all such families, would not benefit from the Bush tax plan. The figures are the same essentially for Hispanic children.

So, Mr. Chairman, I say, cut us in or cut it out. This is not the plan; this is not the program; this is not for America.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to support the amendment.

One of the things that I find a little difficult, and perhaps some of my colleagues do as well, is to try to figure out how many zeroes go behind a trillion. We are starting to talk about quantities of money that are sometimes hard to put into perspective. My comments this afternoon try to do that, try to talk about what does it really mean in terms of a $2.2 trillion plan.

When we take a look at the chart to my immediate left, what we see is that in spite of the comments of the Democrats, that the Kennedy plan of years ago was larger in terms of tax cuts than what is being proposed either by the President or by the plan that is before us today. We are looking at $2.2 trillion, and the Kennedy plan and the Reagan plans both were bigger. In fact, the Reagan tax cut was about 3 times bigger than what we are considering here today.

This, when we consider that the economy is already struggling and we have a tax surplus, when we put those facts together, what we are doing is proposing a very reasonable and a very temperate budget. It is still a balanced budget, we are still paying down the deficit, we are still keeping the Social Security and Medicare money where they belong; but what we are doing is we are providing that stimulus to the economy to protect jobs and to move the economy forward. This plan then, when we take a look at it in context, when we take a look at all of those zeroes behind a trillion, we can understand what it means. It is less than the Kennedy or the Reagan plan.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, this budget is about making choices, and this Republican budget makes all the wrong choices for this country.

Like monkey see, monkey do. We need to look at my home State of Florida to see the devastating effect that this budget will have on our country. When Jeb Bush took over as Governor of Florida, he inherited a surplus and a booming economy from a Democratic administration. Today, as he continues to push for more tax cuts for the wealthy Floridians, the surplus is gone. There is a $1 billion hole in Medicaid, and we cannot even afford books for our students.

Also unfortunate for the citizens of Florida is that this budget does nothing to improve the voting system that kept thousands of our votes from counting.

It is a choice. We can continue the prosperity we have worked so hard for; or we can go back to the huge debts, high interest rates, and skyrocketing unemployment that followed the Ronald Reagan tax cut. Remember, the deficit, the deficit, the deficit.

Mr. FLAKE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, national defense is in trouble. We need to spend an additional $30 billion a year on equipment; we need to spend an additional $6 billion to $10 billion on people to raise their pay up to a level commensurate with the private sector; we need to spend an additional $3 billion or $4 billion per year on ammunition, and an additional $5 million or so for training so that our pilots can get the requisite number of hours per month. We have a lot of holes in defense.

This budget is one of the few budgets that recognizes the problem and, in fact, raises the defense spending to $350 billion, which is a $25 billion increase from the baseline that we have established over the last several years. It is excellent in that sense.

I want to remind my colleagues that the administration, George Bush, DICK CHENEY, Don Rumsfeld, have promised that when they have finished their review, they are going to come in with a different defense number. I hope it is upward and I think it will be; and the reason I think it will be is because of the great analysis that has been done by the Republican Study Committee and the leaders who have put these numbers together, including the defense budget. Help is on the way, and my colleagues have helped to be leaders in that area.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me, first of all, start by stating the fact that right now in Texas we are having a really serious problem with our budget, and our former Governor, now President, left us in shambles. We have a situation where we were supposed to have a major surplus and the fact is that we do not. We have teachers that do not have access to insurance because of the fact that we do not have sufficient resources. We have youngsters that are not being covered for medication because of the fact that we do not have enough money to make the match. We have families that are uninsured and kids that are uninsured because of the fact that we do not have sufficient resources to be able to get those Federal monies for the CHIPS program.

Now, the President is trying to do the same thing on the Federal level. Without proposing the exact budget that we need in terms of making priorities that we need to consider such as education, which is critical, as we move into the global economy; our national defense where we know full well that we need 40,000 additional troops out there; the testimony from Gingrich that we talked about where we need the $60 billion to $80 billion right now as a supplemental.

We are not talking about those items. What we are talking about is a tax cut that is irresponsible, not considering the fact that we have a situation before us that we are having a problem with our economy.

□ 1430

Even back home in Texas, they are not even willing to tell us now what the economy is going to look like, just like here, where any economist with any right sense would not be able to tell us what it is going to look like 5 or 6 years from now.

So it makes sense for us to look at the Democratic alternative that considers taking care of Social Security, considers taking care of our senior citizens and Medicare, and considers assuring that we continue to expend our resources where they should be.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, let me just reflect on what the overall effect on this budget does. It increases spending, but it does it responsibly, not massively, as the Democratic alternative would.

It takes all the Social Security and surpluses and puts that aside. It retires all the available debt.

Now, after we have increased spending, put all of the Social Security and

Medicare money aside, paid off all of the debt, how could we not provide tax relief with the money left over?

I have heard my colleagues suggest that the tax package is unfair. Our tax package is the relief for everyone who pays income taxes. Now, does that go back to people in proportion to the taxes they pay? No, a more than proportionate share goes to the lowest-income workers. People making $35,000 a year, a family of four, would pay no taxes at all. There is no question this disproportionately benefits the people at the lower end of the income spectrum.

Finally, the biggest and best reason we should be supporting the Republican Study Committee budget is the effect it will have on the economy, the ability it has to unleash economic growth and prosperity. That is what this is all about.

The empirical evidence is overwhelming: Every time in American history everywhere around the world when societies lower the burden that government imposes on an economy, when societies lower the tax burden, the taxation and litigation and regulation, those kinds of burdens, the result is economic growth and prosperity. That means more jobs, higher wages, greater productivity, rising standards of living.

That is what we are here for. That is what our obligation is as representatives in Congress, to provide that opportunity for the hard-working men and women across America to enjoy their dreams, enjoy the fruits of their labor. That is what our budget does better than any other budget.

I urge my colleagues to support the Republican Study Committee budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I would like to address again some of the misperceptions that I think surround the basic resolution today.

I am particularly disturbed by assertions contained in letters of support from various agricultural groups. Ostensibly their support hinges on agriculture being guaranteed priority status out of the $517 billion reserve fund.

I have examined and continue to examine the legislative language that establishes this reserve, and nowhere do I find a priority given to agriculture. The resolution provides for a strategic reserve fund for agriculture, defense, and other appropriate legislation. While the legislation does include the reference to agriculture, it is treated the same way as all other legislation that spends money from the reserve.

Indeed, the reference to "other appropriate legislation" includes any other spending increases that the chairman of the Committee on the Budget wishes to accommodate, because he alone is given the ability to increase allocations in order to meet increased spending. The chairman may increase the allocation. He is not required to do so.

In addition, the money guaranteed to agriculture in fiscal year 2001 is provided under essentially the same terms. These are not priorities. This is merely the ability to compete for funding. This is no different from what occurs every year when we consider increased spending.

It is rumored that many groups have been pointed towards this strategic reserve fund as the answer to their funding request. While $517 billion over 10 years appears to be an ample amount, in reality there is little room in some years to accommodate additional spending for agriculture.

In fiscal year 2005 and 2006, for example, the general contingency fund has only $12 billion and $15 billion available. These amounts are barely sufficient to cover the agricultural request, not to mention the additional defense and other appropriate spending that the chairman of the Committee on the Budget wishes to squeeze out of this account.

In addition, increased defense expenditures, additional funding for prescription drug coverage, or additional tax provisions severely limit funding. Unfortunately, the only budget that would have addressed this, the Blue Dog budget, it lost. This budget does even less for agriculture.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank my colleagues on the Republican Study Committee and the staff for putting together this budget. We believe it is a great budget.

First and foremost, as has been outlined, when President Bush outlined his economic plan during the campaign, times were different. The surplus was a lot smaller, and the economy was a lot more robust. We were doing a lot better.

Times are certainly different now. The times call for a larger tax cut, and also, as President Bush has said, we need to move more money out of Washington.

I would say to my colleagues across the Capitol in the Senate who are considering campaign finance reform and looking for ways to get more money out of politics, the best way to do that is to get more money out of Washington, because the reason there is so much money in politics is because there is so much money in Washington. The Tax Code is too complex and too tough to deal with.

I would simply ask that this budget be favorably considered, our alternative budget.

Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The gentleman from South Carolina (Mr. SPRATT) is recognized for 4 minutes.

Mr. SPRATT. Mr. Chairman I would emphasize once again what I have said throughout: What we do today in deciding on this budget resolution may be little noted in all of the country, but it will be long remembered, because the consequences of this budget resolution will flow on for years to come.

I have three basic problems with the resolution that the majority has brought to the floor, and the conservative alternative which is being presented now only worsens those problems.

In the first place, in making so much room for tax cuts, their budget leaves very little room for anything else. Over the last 18 years, we have deferred and denied many needs and priorities of this country. Education is one.

Now that we finally have a surplus, surely some part of it ought to be dedicated to those things that not only we want to do, but the American people clearly want us to do. Look at any poll, any opinion chart. Everybody ranks education as number one.

Between us and them, the difference on education is like night and day. We provide $130 billion more than the base Republican budget resolution. I have not done the calculus on this resolution, but I am sure we provide substantially more than that for education.

There is one other thing that makes me back off from the proposal they are making here today. That is that for years now we have been able to look into the future and see that Social Security and Medicare faced a shortfall. It is just over the horizon of this budget. The baby boomers begin to retire in the year 2008.

We will not actually see the effects sometime after the time frame of the budget we have right here, but we know it is coming, and 77 million babyboomers are marching to their retirement right now. They are not going anywhere else. They expect their benefits. We are not in a position to fully provide for them, at least in the third and fourth decades of this century.

We have not been able in the past to do anything about it. We did not have the sort of surpluses that are now projected. But now that we have those surpluses, now that we have the opportunity, we have the obligation.

I would fault this resolution and the base Republican resolution because both of them slough off that obligation, leave it to our children to pay for the baby boomers' retirement. I think that is not only a budgetary problem, I think it is a moral problem. That is why I opposed this resolution and the base Republican resolution as well.

Mr. OTTER. Mr. Chairman, I rise today to support the Republican Study Committee budget alternative. The leadership budget puts in place the framework for enacting the President's budget and tax cut plan. It is a good budget, not just for the taxpaying American, but for the parents and children of America's taxpayers. This budget will eliminate $2.3 trillion of the national debt by 2001, freeing our descendants from the crushing weight of debt. It gives tax relief to every taxpayer, and immediate tax cuts for the lowest bracket. It increases the educational IRA contribution limit from $500 to $5000, enabling families to save, not just for college, but for primary and secondary schools as well. Perhaps most importantly, this budget will eliminate the death tax. No longer will the grieving children of farmers and small businessmen have to sell their inheritance to pay off the taxman.

The leadership budget is a good bill. But in the last few weeks we have begun to see signs that our prosperity may be in jeopardy. The strain of paying for a huge surplus is beginning to drag on our economy. That is why I am voting for the Republican Study Committee alternative budget. It does everything the leadership budget does, but adds larger and more immediate tax relief. Additional tax cuts are needed now to help our economy. Just as an ounce of prevention is worth a pound of cure, larger tax relief now will generate economic growth that will save us untold amounts later. The RSC alternative will give us $600 million more in tax relief over the next 10 years, from $1.6 trillion in the leadership budget to $2.2 million.

By making more of these tax cuts retroactive, it will help taxpayers now. Thousands of people in Idaho and around the nation are delaying home ownership, college educations and starting their own businesses because they don't know when they will see the money they sent to Washington. We need people working, not worrying. Sending the surplus home will release a flood of inward investment that will improve the life of every American.

Passing the RSC budget alternative will have a tremendous impact on the financial markets and consumer confidence. It will declare to America and the world that the 107th Congress is serious about maintaining the economy. It will encourage investors and businessmen to bet on American prosperity. I urge my colleagues to join me in voting for the RSC budget and empowering the American economy. Send the surplus home, and vote for the Republican Study Committee alternative.

Mr. SPRATT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 81, noes 341, not voting 10, as follows:

[Roll No. 68]

AYES—81

Akin
Bachus
Barr
Bartlett
Barton
Blunt
Boehner
Brady (TX)
Bryant
Burton
Camp
Cannon
Cantor
Chabot
Chambliss
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Dunn
Everett

Flake
Gibbons
Goode
Goodlatte
Graham
Hall (TX)
Hansen
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Hunter
Istook
Johnson, Sam
Jones (NC)
Keller
Kingston
Largent
Lewis (KY)
Lucas (OK)
Manzullo
Miller, Gary
Myrick
Nethercutt
Norwood
Otter

Pence
Petri
Pitts
Pombo
Portman
Reynolds
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Spence
Stearns
Sununu
Tancredo
Terry
Tiahrt
Tiberi
Toomey
Vitter

NOES—341

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Baird
Baker
Baldacci
Ballenger
Barcia
Barrett
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Callahan
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings

Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hilleary
Hilliard

Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther

Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi

Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Solis
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Baldwin
Becerra
Gordon
Lampson

McKinney
Meek (FL)
Mink
Rothman

Sisisky
Souder

□ 1500

Messrs. LEWIS of California, SHAYS, CUNNINGHAM, DUNCAN, BUYER and HASTINGS of Florida changed their vote from "aye" to "no."

Messrs. BACHUS, CULBERSON and EVERETT changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 107-30.

AMENDMENT NO. 4 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part B amendment No. 4 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2002 and that the appropriate budgetary levels for fiscal years 2003 through 2011 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2002 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2002: $1,676,000,000,000.
Fiscal year 2003: $1,727,800,000,000.
Fiscal year 2004: $1,800,700,000,000.
Fiscal year 2005: $1,885,000,000,000.
Fiscal year 2006: $1,972,500,000,000.
Fiscal year 2007: $2,065,300,000,000.
Fiscal year 2008: $2,166,700,000,000.
Fiscal year 2009: $2,279,200,000,000.
Fiscal year 2010: $2,402,800,000,000.
Fiscal year 2011: $2,536,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2002: −$27,500,000,000.
Fiscal year 2003: −$54,300,000,000.
Fiscal year 2004: −$63,600,000,000.
Fiscal year 2005: −$64,800,000,000.
Fiscal year 2006: −$67,100,000,000.
Fiscal year 2007: −$70,500,000,000.
Fiscal year 2008: −$76,100,000,000.
Fiscal year 2009: −$80,900,000,000.
Fiscal year 2010: −$86,500,000,000.
Fiscal year 2011: −$91,900,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2002: $1,638,100,000,000.
Fiscal year 2003: $1,692,400,000,000.
Fiscal year 2004: $1,757,400,000,000.
Fiscal year 2005: $1,837,700,000,000.
Fiscal year 2006: $1,904,100,000,000.
Fiscal year 2007: $1,974,500,000,000.
Fiscal year 2008: $2,056,400,000,000.
Fiscal year 2009: $2,138,400,000,000.
Fiscal year 2010: $2,228,500,000,000.
Fiscal year 2011: $2,314,100,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2002: $1,590,800,000,000.
Fiscal year 2003: $1,658,400,000,000.
Fiscal year 2004: $1,727,000,000,000.
Fiscal year 2005: $1,809,300,000,000.
Fiscal year 2006: $1,872,400,000,000.
Fiscal year 2007: $1,941,200,000,000.
Fiscal year 2008: $2,022,700,000,000.
Fiscal year 2009: $2,105,500,000,000.
Fiscal year 2010: $2,197,000,000,000.
Fiscal year 2011: $2,283,200,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2002: $85,200,000,000.
Fiscal year 2003: $69,300,000,000.
Fiscal year 2004: $73,600,000,000.
Fiscal year 2005: $75,600,000,000.
Fiscal year 2006: $100,200,000,000.
Fiscal year 2007: $124,100,000,000.
Fiscal year 2008: $143,900,000,000.
Fiscal year 2009: $173,700,000,000.
Fiscal year 2010: $206,000,000,000.
Fiscal year 2011: $252,600,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2002: $2,969,900,000,000.
Fiscal year 2003: $2,732,600,000,000.
Fiscal year 2004: $2,477,200,000,000.
Fiscal year 2005: $2,197,300,000,000.
Fiscal year 2006: $1,873,400,000,000.
Fiscal year 2007: $1,504,900,000,000.
Fiscal year 2008: $1,095,400,000,000.
Fiscal year 2009: $639,000,000,000.
Fiscal year 2010: $528,000,000,000.
Fiscal year 2011: $418,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050): This function includes funding for the Department of Defense, the nuclear-weapons-related activities of the Department of Energy, and miscellaneous national security activities in various other agencies such as the Coast Guard and the Federal Bureau of Investigation. The policy of this resolution is that there shall be budget authority of $327,200,000,000 and outlays of $320,500,000,000 in fiscal year 2002, and budget authority of $3,732,100,000,000 and outlays of $3,640,200,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $2.6 billion of budget authority and $1.2 billion of outlays in fiscal year 2002, and $48.1 billion of budget authority and $28.9 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: maintaining a high level of military readiness; improving the quality of life for military personnel and their families, specifically including pay and housing, ensuring health care for active-duty members, their families, and all military retirees and their families; transforming our military to meet post-Cold-War threats; and modernizing conventional forces required to execute the national military strategy.

Fiscal year 2002:
(A) New budget authority, $327,200,000,000.
(B) Outlays, $320,500,000,000.
Fiscal year 2003:
(A) New budget authority, $334,300,000,000.
(B) Outlays, $325,100,000,000.
Fiscal year 2004:
(A) New budget authority, $345,100,000,000.
(B) Outlays, $334,600,000,000.
Fiscal year 2005:
(A) New budget authority, $356,900,000,000.
(B) Outlays, $349,200,000,000.
Fiscal year 2006:
(A) New budget authority, $368,700,000,000.
(B) Outlays, $358,100,000,000.
Fiscal year 2007:
(A) New budget authority, $379,600,000,000.
(B) Outlays, $366,400,000,000.
Fiscal year 2008:
(A) New budget authority, $390,400,000,000.
(B) Outlays, $380,400,000,000.
Fiscal year 2009:
(A) New budget authority, $400,000,000,000.
(B) Outlays, $391,400,000,000.
Fiscal year 2010:
(A) New budget authority, $409,800,000,000.
(B) Outlays, $402,000,000,000.
Fiscal year 2011:
(A) New budget authority, $420,100,000,000.
(B) Outlays, $412,500,000,000.

(2) International Affairs (150): This function includes virtually all United States international activities, such as: operating United States embassies and consulates throughout the world, military assistance to allies, aid to underdeveloped nations, economic assistance to fledgling democracies, promotion of United States exports abroad, United States payments to international organizations, and United States contributions to international peacekeeping efforts. The policy of this resolution is that there shall be budget authority of $23,900,000,000 and outlays of $19,600,000,000 in fiscal year 2002, and budget authority of $264,200,000,000 and outlays of $219,800,000,000 over fiscal years 2002 through 2011, which is $0.7 billion of discretionary budget authority and $0.7 billion of discretionary outlays greater than the CBO current services baseline in 2002, and $7.6 billion of discretionary budget authority and $6.7 billion of discretionary outlays greater than the CBO current services baseline over fiscal years 2002 through 2011, to address priorities such as but not limited to: providing greater security for foreign-service personnel and embassies, improving health care in poor countries, with particular emphasis on combating HIV/AIDS, providing a supplemental appropriation to advance the national security interests of Israel, supporting drug-interdiction efforts, and promoting the economic, environmental, political, and national security interests of the United States.

Fiscal year 2002:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2003:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $19,900,000,000.
Fiscal year 2004:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2005:
(A) New budget authority, $25,400,000,000.
(B) Outlays, $20,800,000,000.
Fiscal year 2006:
(A) New budget authority, $26,200,000,000.
(B) Outlays, $21,400,000,000.
Fiscal year 2007:
(A) New budget authority, $26,900,000,000.
(B) Outlays, $22,100,000,000.
Fiscal year 2008:
(A) New budget authority, $27,400,000,000.
(B) Outlays, $22,800,000,000.
Fiscal year 2009:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 2010:
(A) New budget authority, $28,400,000,000.
(B) Outlays, $24,200,000,000.
Fiscal year 2011:
(A) New budget authority, $29,600,000,000.
(B) Outlays, $25,000,000,000.

(3) General Science, Space, and Technology (250): This function includes funding for the National Science Foundation, the National Aeronautics and Space Administration (except air transportation programs), and general science research programs of the Department of Energy. The policy of this resolution is that there shall be budget authority of $22,500,000,000 and outlays of $21,200,000,000 in fiscal year 2002, and budget authority of $250,000,000,000 and outlays of $243,100,000,000 over fiscal years 2002 through 2011, which is $0.3 billion of budget authority and $0.2 billion of outlays greater than the Committee-passed resolution in 2002, and $3.1 billion of budget authority and $2.8 billion of outlays greater than the Committee-passed resolution over fiscal years 2002 through 2011, and will allow for substantial expansion of programs in this function to reflect the important role that scientific research plays in fostering the future prosperity and security of the Nation. These amounts will be used to address priorities including but not limited to: expanding research, and math and science educational activities, undertaken by the National Science Foundation, the National Aeronautics and Space Administration, and the Office of Science of the Department of Energy.

Fiscal year 2002:

(A) New budget authority, $22,500,000,000.
(B) Outlays, $21,200,000,000.
Fiscal year 2003:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,200,000,000.
Fiscal year 2004:
(A) New budget authority, $23,400,000,000.
(B) Outlays, $22,000,000,000.
Fiscal year 2005:
(A) New budget authority, $23,900,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2006:
(A) New budget authority, $24,000,000,000.
(B) Outlays, $24,000,000,000.
Fiscal year 2007:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,600,000,000.
Fiscal year 2008:
(A) New budget authority, $25,900,000,000.
(B) Outlays, $25,200,000,000.
Fiscal year 2009:
(A) New budget authority, $26,500,000,000.
(B) Outlays, $25,900,000,000.
Fiscal year 2010:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,400,000,000.
Fiscal year 2011:
(A) New budget authority, $28,100,000,000.
(B) Outlays, $27,200,000,000.

(4) Energy (270): This function includes funding for the nondefense programs of the Department of Energy as well as for the Tennessee Valley Authority, rural electrification loans, and the Nuclear Regulatory Commission. The programs supported by this function are intended to increase the supply of energy, encourage energy conservation, facilitate an emergency supply of energy, and safeguard energy production. The policy of this resolution is that there shall be budget authority of $1,400,000,000 and outlays of $0 in fiscal year 2002, and budget authority of $17,000,000,000 and outlays of $2,900,000,000 over fiscal years 2002 through 2011, which is $0.6 billion of budget authority and $0.2 billion of outlays greater than the Committee-passed resolution in 2002, and $2.4 billion of budget authority and $2.1 billion of outlays greater than the Committee-passed resolution over fiscal years 2002 through 2011, to maintain funding for appropriated energy programs after full adjustment for inflation, to address priorities such as but not limited to: funding energy research, stabilizing energy supplies, addressing rising energy costs, increasing energy production, conserving energy, using energy more efficiently, protecting the environment, reducing pollution through development of clean-coal technologies, and assisting low-income families who are hard-pressed by high home heating and cooling costs by protecting programs such as the Weatherization Assistance Program.

Fiscal year 2002:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $0.
Fiscal year 2003:
(A) New budget authority, $1,300,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2004:
(A) New budget authority, $1,300,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2005:
(A) New budget authority, $1,300,000,000.
(B) Outlays, −$100,000,000.
Fiscal year 2006:
(A) New budget authority, $1,300,000,000.
(B) Outlays, $0.
Fiscal year 2007:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $100,000,000.
Fiscal year 2008:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $400,000,000.
Fiscal year 2009:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $800,000,000.
Fiscal year 2010:
(A) New budget authority, $2,300,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 2011:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $900,000,000.

(5) Natural Resources and Environment (300): This function includes programs in a variety of Federal agencies concerned with the development and management of the Nation's land, water, and mineral resources, and recreation and wildlife areas; and environmental protection and enhancement. The policy of this resolution is that there shall be budget authority of $30,300,000,000 and outlays of $28,400,000,000 in fiscal year 2002, and budget authority of $348,400,000,000 and outlays of $338,300,000,000 over fiscal years 2002 through 2011, which is $3.6 billion of budget authority and $2.0 billion of outlays greater than the Committee-passed resolution in 2002, and $59.0 billion of budget authority and $53.0 billion of outlays greater than the Committee-passed resolution over fiscal years 2002 through 2011, better to address priorities such as but not limited to: full funding levels for the Land Conservation, Preservation, and Infrastructure Improvement Program, established last year as part of the Interior Appropriations Act. In establishing this program, Congress recognized land conservation and related activities as critical national priorities and provided a mechanism to guarantee significantly increased funding. Congress resolved to provide $1.76 billion for fiscal year 2002 and $12 billion from 2001–2006 for conservation, preservation, and recreation programs, and to set this funding aside in a new dedicated conservation budget category. The President's budget request would breach last year's agreement, and rewrite the funding levels of the conservation budget category, reducing the fiscal year 2002 level to $1.5 billion and reducing the six-year funding total by $2.7 billion. It is the policy of this resolution to maintain and fully fund the new budget category for conservation; to increase grants to states and local governments for improvements in our nation's safe drinking water and wastewater treatment infrastructure; to continue funding needed to reduce the threat of wildfires on Federal lands and to fight fires when they occur; to provide high-priority funding for Pacific Northwest salmon recovery; to fund grants for States and Tribes for administration of environmental programs, within the Department of Commerce; to continue current funding levels for the National Oceanic and Atmospheric Administration; to fund continued procurement of an advanced weather satellite system being developed jointly with the Department of Defense; to continue current funding levels for the Army Corps of Engineers and to increase funding to deal with the deferred maintenance backlog in the National Park system; to provide funds to protect wetlands and endangered species and their habitats on public and private lands.

Fiscal year 2002:
(A) New budget authority, $30,300,000,000.
(B) Outlays, $28,400,000,000.
Fiscal year 2003:
(A) New budget authority, $31,200,000,000.
(B) Outlays, $30,200,000,000.
Fiscal year 2004:
(A) New budget authority, $32,300,000,000.
(B) Outlays, $31,500,000,000.
Fiscal year 2005:
(A) New budget authority, $33,300,000,000.
(B) Outlays, $32,400,000,000.
Fiscal year 2006:
(A) New budget authority, $34,300,000,000.
(B) Outlays, $33,500,000,000.
Fiscal year 2007:
(A) New budget authority, $35,200,000,000.
(B) Outlays, $34,300,000,000.
Fiscal year 2008:
(A) New budget authority, $36,100,000,000.
(B) Outlays, $35,200,000,000.
Fiscal year 2009:
(A) New budget authority, $37,500,000,000.
(B) Outlays, $36,000,000,000.
Fiscal year 2010:
(A) New budget authority, $38,600,000,000.
(B) Outlays, $37,600,000,000.
Fiscal year 2011:
(A) New budget authority, $39,600,000,000.
(B) Outlays, $38,600,000,000.

(6) Agriculture (350): This function includes programs administered by the Department of Agriculture, including such activities as agricultural research and the stabilization of farm incomes through loans, subsidies, and other payments to farmers. The policy of this resolution is that there shall be budget authority of $27,300,000,000 and outlays of $25,600,000,000 in fiscal year 2002, and budget authority of $219,300,000,000 and outlays of $204,000,000,000 over fiscal years 2002 through 2011, which is $8.2 billion of budget authority and $8.1 billion of outlays greater than the Committee-passed resolution in 2002, and $46.9 billion of budget authority and $46.6 billion of outlays greater than the Committee-passed resolution over fiscal years 2002 through 2011, better to address priorities such as but not limited to: maintaining the inflation-adjusted funding for appropriated agriculture programs over ten years, including food safety protection, conservation, and vital agriculture research, which is cut in the Committee-passed resolution; increasing mandatory programs for agriculture by $8 billion in fiscal year 2002, $6 billion in fiscal year 2003, and $4 billion per year thereafter, reflecting spending levels consistent with recent needs; providing farmers with a more stable, dependable source of supplementary income assistance, rather than continued unpredictable ad-hoc assistance, minimizing the need for continued emergency assistance, and making spending assumptions more realistic, in preparation for the upcoming reauthorization of the farm program.

Fiscal year 2002:
(A) New budget authority, $27,300,000,000.
(B) Outlays, $25,600,000,000.
Fiscal year 2003:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $23,000,000,000.
Fiscal year 2004:
(A) New budget authority, $22,600,000,000.
(B) Outlays, $21,100,000,000.
Fiscal year 2005:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $20,900,000,000.
Fiscal year 2006:
(A) New budget authority, $22,000,000,000.
(B) Outlays, $20,400,000,000.
Fiscal year 2007:
(A) New budget authority, $20,000,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2008:
(A) New budget authority, $19,700,000,000.
(B) Outlays, $18,100,000,000.
Fiscal year 2009:
(A) New budget authority, $19,900,000,000.
(B) Outlays, $18,400,000,000.
Fiscal year 2010:
(A) New budget authority, $20,100,000,000.
(B) Outlays, $18,700,000,000.
Fiscal year 2011:
(A) New budget authority, $20,200,000,000.

(B) Outlays, $18,800,000,000.

(7) Commerce and Housing Credit (370): This function includes deposit insurance and financial regulatory agencies; the mortgage credit programs of the Department of Housing and Urban Development (HUD); the Department of Commerce's Census Bureau, its business promotion programs, and its technology development programs; rural housing loans; the Small Business Administration's business loans; the Postal Service; and other regulatory agencies such as the Federal Communications Commission (FCC). The policy of this resolution is that there shall be budget authority of $7,400,000,000 and outlays of $4,400,000,000 in fiscal year 2002, and budget authority of $127,900,000,000 and outlays of $84,300,000,000 over fiscal years 2002 through 2011, to address priorities such as but not limited to: an increase in the limit on the maximum loan that may be guaranteed, thereby making home ownership in high-cost housing areas more affordable, and consequent increased premium collections for the Federal Housing Administration's Mutual Mortgage Insurance (MMI) Fund, which will finance other important housing activities; increased premium collections from allowing FHA to insure hybrid adjustable-rate mortgages; continuation of the Advanced Technology Program in the Department of Commerce, and increased funding by 18 percent, or $9 million, for the collection and calculation of basic economic statistics, to improve key measures used by government and business policy makers.

Fiscal year 2002:
(A) New budget authority, $7,400,000,000.
(B) Outlays, $4,400,000,000.
Fiscal year 2003:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2004:
(A) New budget authority, $12,800,000,000.
(B) Outlays, $8,600,000,000.
Fiscal year 2005:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $9,000,000,000.
Fiscal year 2006:
(A) New budget authority, $12,700,000,000.
(B) Outlays, $8,400,000,000.
Fiscal year 2007:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $9,200,000,000.
Fiscal year 2008:
(A) New budget authority, $13,800,000,000.
(B) Outlays, $9,300,000,000.
Fiscal year 2009:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $9,600,000,000.
Fiscal year 2010:
(A) New budget authority, $18,700,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2011:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $9,800,000,000.

(8) Transportation (400): This function is comprised mostly of the programs administered by the Department of Transportation, including programs for highways, mass transit, aviation, and maritime activities. The function also includes several small transportation-related agencies, and the civilian aviation research program of the National Aeronautics and Space Administration (NASA). The policy of this resolution is that there shall be budget authority of $63,700,000,000 and outlays of $55,600,000,000 in fiscal year 2002, and budget authority of $641,200,000,000 and outlays of $647,300,000,000 over fiscal years 2002 through 2011, which is $2.7 billion of budget authority greater than the Committee-passed resolution in 2002, and $33.2 billion of budget authority and $7.7 billion of outlays greater than the Committee-passed resolution (which imposes a cut in nominal dollars) over fiscal years 2002 through 2011, better to address priorities such as but not limited to full funding of the authorized levels provided for highways and transit under the Transportation Equity Act for the 21st Century (TEA–21), full funding of the levels authorized for the Federal Aviation Administration under the Aviation Investment and Reform Act for the 21st Century (AIR–21), the funding needed to keep the Federal commitment to Amtrak, and the funding needed to meet the ongoing requirements of the Coast Guard, at a level higher than requested by the President, to improve personnel training, eliminate spare parts shortages, operate drug interdiction more effectively, and ensure maritime safety.

Fiscal year 2002:
(A) New budget authority, $63,700,000,000.
(B) Outlays, $55,600,000,000.
Fiscal year 2003:
(A) New budget authority, $61,600,000,000.
(B) Outlays, $59,800,000,000.
Fiscal year 2004:
(A) New budget authority, $62,200,000,000.
(B) Outlays, $61,900,000,000.
Fiscal year 2005:
(A) New budget authority, $62,800,000,000.
(B) Outlays, $63,400,000,000.
Fiscal year 2006:
(A) New budget authority, $63,400,000,000.
(B) Outlays, $64,800,000,000.
Fiscal year 2007:
(A) New budget authority, $64,100,000,000.
(B) Outlays, $65,700,000,000.
Fiscal year 2008:
(A) New budget authority, $64,800,000,000.
(B) Outlays, $66,900,000,000.
Fiscal year 2009:
(A) New budget authority, $65,500,000,000.
(B) Outlays, $68,300,000,000.
Fiscal year 2010:
(A) New budget authority, $66,200,000,000.
(B) Outlays, $69,700,000,000.
Fiscal year 2011:
(A) New budget authority, $66,900,000,000.
(B) Outlays, $71,200,000,000.

(9) Community and Regional Development (450): This function includes programs that support the development of physical and financial infrastructure intended to promote viable community economies. It covers certain activities of the Department of Commerce and the Department of Housing and Urban Development. This function also includes spending to help communities and families recover from natural disasters, and spending for the rural development activities of the Department of Agriculture, the Bureau of Indian Affairs, and other agencies. The policy of this resolution is that there shall be budget authority of $10,500,000,000 and outlays of $11,400,000,000 in fiscal year 2002, and budget authority of $116,300,000,000 and outlays of $110,800,000,000 over fiscal years 2002 through 2011, which is $0.4 billion of budget authority greater than the Committee-passed resolution in 2002, and $2.7 billion of budget authority and $1.8 billion of outlays greater than the Committee-passed resolution over fiscal years 2002 through 2011, better to address priorities such as but not limited to full inflation-adjusted funding of appropriations, including: the Community Development Block Grant (CDBG) program, which is frozen in the Committee-passed resolution, the Federal Emergency Management Agency (FEMA), Empowerment Zones, the Bureau of Indian Affairs (BIA), the Community Development Financial Institutions Fund (CDFI), and the Assistance to Firefighters Grant Program.

Fiscal year 2002:
(A) New budget authority, $10,500,000,000.
(B) Outlays, $11,400,000,000.
Fiscal year 2003:
(A) New budget authority, $10,600,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2004:
(A) New budget authority, $10,800,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 2005:
(A) New budget authority, $11,100,000,000.
(B) Outlays, $10,600,000,000.
Fiscal year 2006:
(A) New budget authority, $11,500,000,000.
(B) Outlays, $10,500,000,000.
Fiscal year 2007:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $10,700,000,000.
Fiscal year 2008:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2009:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $11,300,000,000.
Fiscal year 2010:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2011:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $11,900,000,000.

(10) Education, Training, Employment, and Social Services (500): This function primarily includes Federal spending within the Departments of Education, Labor, and Health and Human Services for programs that directly provide or assist states and localities in providing services to young people and adults. The activities that it covers include providing developmental services to low-income children, helping disadvantaged and other elementary and secondary school students, offering grants and loans to post-secondary students, and funding job-training and employment services for people of all ages. The policy of this resolution is that there shall be budget authority of $87,700,000,000 and outlays of $79,200,000,000 in fiscal year 2002, and budget authority of $1,050,300,000,000 and outlays of $995,800,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $5.6 billion of budget authority and $3.0 billion of outlays in fiscal year 2002, and $132.8 billion of budget authority and $104 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: reducing class sizes by recruiting and adequately compensating qualified teachers; improving teacher quality through professional development programs, especially for math and science teachers; facilitating school renovation by providing grants and subsidizing interest-free loans to local school districts; ensuring the effectiveness of all of our schools through increased funding of the title I program; enhancing the performance of our schools through investments in technology, school counselors, and after-school programs; expanding the Federal commitment to special education under the Individuals with Disabilities Education Act by no less than $1.5 billion per year, expanding access to higher education by sufficiently funding higher education programs, including an increase in the maximum Pell Grant award; sustaining the strength of the Nation's vocational rehabilitation programs, ensuring that each year more of those children eligible for Head Start are enrolled in the program and are well prepared for elementary education, sustaining the competitiveness of our economy through sufficient funding for workforce investment programs, and strengthening the safety net provided to our

nation's most vulnerable people through, for example, increased funding levels for child welfare programs and the Social Services Block Grant (title XX).

Fiscal year 2002:
(A) New budget authority, $87,700,000,000.
(B) Outlays, $79,200,000,000.
Fiscal year 2003:
(A) New budget authority, $89,200,000,000.
(B) Outlays, $86,400,000,000.
Fiscal year 2004:
(A) New budget authority, $92,700,000,000.
(B) Outlays, $89,200,000,000.
Fiscal year 2005:
(A) New budget authority, $96,800,000,000.
(B) Outlays, $93,300,000,000.
Fiscal year 2006:
(A) New budget authority, $99,500,000,000.
(B) Outlays, $96,400,000,000.
Fiscal year 2007:
(A) New budget authority, $102,500,000,000.
(B) Outlays, $99,700,000,000.
Fiscal year 2008:
(A) New budget authority, $109,000,000,000.
(B) Outlays, $102,800,000,000.
Fiscal year 2009:
(A) New budget authority, $116,600,000,000.
(B) Outlays, $108,800,000,000.
Fiscal year 2010:
(A) New budget authority, $124,300,000,000.
(B) Outlays, $116,200,000,000.
Fiscal year 2011:
(A) New budget authority, $132,000,000,000.
(B) Outlays, $123,800,000,000.

(11) Health (550): This function includes Federal spending for health care services, disease prevention, consumer and occupational safety, health-related research, and similar activities. The largest component of spending is the Federal/State Medicaid program, which pays for health services for some low-income women, children, and elderly people, as well as people with disabilities. The policy of this resolution is that there shall be budget authority of $194,300,000,000 and outlays of $190,200,000,000 in fiscal year 2002, and budget authority of $2,898,600,000,000 and outlays of $2,873,100,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $1.7 billion of discretionary budget authority and $400 million of discretionary outlays in fiscal year 2002, and $4.0 billion of discretionary budget authority and $2.6 billion of discretionary outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: doubling funding for the National Institutes of Health relative to the 1998 level by 2003, maintaining inflation-adjusted funding for other discretionary health programs, expanding access to health insurance for working families by allowing states to cover families under the Medicaid or State Children's Health Insurance Program, and allowing a buy-in to Medicaid for families with special-needs children if family income is under 300 percent of poverty, increasing funding for community health centers, providing low-income Medicare beneficiaries protection against premiums and cost-sharing requirements of a Medicare prescription drug benefit, and restoring Medicaid benefits to certain legal immigrants.

Fiscal year 2002:
(A) New budget authority, $194,300,000,000.
(B) Outlays, $190,200,000,000.
Fiscal year 2003:
(A) New budget authority, $217,700,000,000.
(B) Outlays, $213,500,000,000.
Fiscal year 2004:
(A) New budget authority, $235,600,000,000.
(B) Outlays, $233,900,000,000.
Fiscal year 2005:
(A) New budget authority, $255,400,000,000.
(B) Outlays, $253,200,000,000.
Fiscal year 2006:
(A) New budget authority, $276,600,000,000.
(B) Outlays, $274,500,000,000.
Fiscal year 2007:
(A) New budget authority, $296,600,000,000.
(B) Outlays, $293,900,000,000.
Fiscal year 2008:
(A) New budget authority, $319,200,000,000.
(B) Outlays, $316,700,000,000.
Fiscal year 2009:
(A) New budget authority, $341,000,000,000.
(B) Outlays, $338,900,000,000.
Fiscal year 2010:
(A) New budget authority, $366,800,000,000.
(B) Outlays, $365,100,000,000.
Fiscal year 2011:
(A) New budget authority, $395,400,000,000.
(B) Outlays, $393,200,000,000.

(12) Medicare (570): This function is comprised of spending for Medicare, the Federal health insurance program for elderly and eligible disabled people. Medicare consists of two parts, each tied to a trust fund. Hospital Insurance (HI, also known as Part A) reimburses providers for inpatient care that beneficiaries receive in hospitals, as well as care at skilled nursing facilities, home health care related to a hospital stay, and hospice services. Supplementary Medical Insurance (Part B) pays for physicians' services, outpatient services at hospitals, home health care, and other services. The policy of this resolution is that there shall be budget authority of $229,200,000,000 and outlays of $229,100,000,000 in fiscal year 2002, and budget authority of $3,487,100,000,000 and outlays of $3,486,800,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $100 million of budget authority in fiscal year 2002, and $179.5 billion of budget authority and $179.2 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: extending the solvency of the Medicare HI (Part A) Trust Fund, by transferring surplus funds from outside the program to the HI Trust Fund, creating a voluntary prescription drug benefit within the Medicare program for all Medicare beneficiaries, and providing $330 billion to fund it, and taking the Medicare HI (Part A) Trust Fund off-budget to ensure that it is used solely for current-law Medicare benefits.

Fiscal year 2002:
(A) New budget authority, $229,200,000,000.
(B) Outlays, $229,100,000,000.
Fiscal year 2003:
(A) New budget authority, $257,500,000,000.
(B) Outlays, $257,300,000,000.
Fiscal year 2004:
(A) New budget authority, $281,100,000,000.
(B) Outlays, $281,300,000,000.
Fiscal year 2005:
(A) New budget authority, $307,300,000,000.
(B) Outlays, $307,200,000,000.
Fiscal year 2006:
(A) New budget authority, $324,200,000,000.
(B) Outlays, $324,000,000,000.
Fiscal year 2007:
(A) New budget authority, $353,900,000,000.
(B) Outlays, $354,100,000,000.
Fiscal year 2008:
(A) New budget authority, $382,700,000,000.
(B) Outlays, $382,600,000,000.
Fiscal year 2009:
(A) New budget authority, $414,600,000,000.
(B) Outlays, $414,300,000,000.
Fiscal year 2010:
(A) New budget authority, $449,200,000,000.
(B) Outlays, $449,500,000,000.
Fiscal year 2011:
(A) New budget authority, $487,400,000,000.
(B) Outlays, $487,400,000,000.

(13) Income Security (600): This function covers Federal income-security programs that provide cash or in-kind benefits to individuals. Some of those benefits (such as food stamps, Supplemental Security Income, Temporary Assistance for Needy Families, housing, and the earned income tax credit) are means-tested, whereas others (such as unemployment compensation and Civil Service Retirement and Disability payments) do not depend on a person's income or assets. The policy of this resolution is that there shall be budget authority of $273,800,000,000 and outlays of $272,000,000,000 in fiscal year 2002, and budget authority of $3,230,300,000,000 and outlays of $3,217,300,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $2.3 billion of budget authority (but $100 million less of outlays) in fiscal year 2002, and $17.6 billion of budget authority and $15.7 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: enhancing America's nutritional safety net through improvements that facilitate access to the Food Stamp program, providing increased funding for the Low-Income Home Energy Assistance program (LIHEAP) and emergency funds in response to escalating energy prices; ensuring that Special Supplemental Nutrition Program for Women, Infants and children (WIC) funds supplying nutritional benefits and counseling for pregnant women, infants and children increase with inflation; giving states more resources to support families moving from welfare to work through child care and critical TANF assistance programs; addressing the Nation's affordable housing crisis by maintaining public housing Capital Fund and Drug Elimination programs at inflation-adjusted levels; renewing all expiring section 8 contracts, maintaining adequate section 8 reserves, and adding 84,000 new section 8 housing assistance vouchers and maintaining them for ten years, increasing housing resources for the low-income elderly in preparation for the aging of the baby boom generation, maintaining Congress' commitment to the flexible HOME Investment Partnership Program, ensuring that grants to state and local governments for affordable rental housing and home ownership activities at least keep pace with inflation, as opposed to the Committee-passed resolution which diminishes HOME program grants through new set-asides, and restoring SSI and food stamp benefits to certain legal immigrants.

Fiscal year 2002:
(A) New budget authority, $273,800,000,000.
(B) Outlays, $272,000,000,000.
Fiscal year 2003:
(A) New budget authority, $284,400,000,000.
(B) Outlays, $282,700,000,000.
Fiscal year 2004:
(A) New budget authority, $295,600,000,000.
(B) Outlays, $293,800,000,000.
Fiscal year 2005:
(A) New budget authority, $309,900,000,000.
(B) Outlays, $308,300,000,000.
Fiscal year 2006:
(A) New budget authority, $317,600,000,000.
(B) Outlays, $316,300,000,000.
Fiscal year 2007:
(A) New budget authority, $323,800,000,000.
(B) Outlays, $323,200,000,000.
Fiscal year 2008:
(A) New budget authority, $338,900,000,000.
(B) Outlays, $338,200,000,000.
Fiscal year 2009:
(A) New budget authority, $350,600,000,000.

(B) Outlays, $349,700,000,000.
Fiscal year 2010:
(A) New budget authority, $361,800,000,000.
(B) Outlays, $360,800,000,000.
Fiscal year 2011:
(A) New budget authority, $373,900,000,000.
(B) Outlays, $372,300,000,000.

(14) Social Security (650): This function is comprised of spending for the Old-Age, Survivors, and Disability Insurance programs, commonly known as Social Security. Social Security consists of two parts, each tied to a trust fund. The Old-Age and Survivors Insurance (OASI) program provides monthly benefits to eligible retired workers and their families and survivors. The Disability Insurance (DI) program provides monthly benefits to eligible disabled workers and their families. The policy of this resolution is that there shall be budget authority of $11,000,000,000 and outlays of $11,000,000,000 in fiscal year 2002, and budget authority of $150,900,000,000 and outlays of $150,900,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $100 billion of discretionary budget authority in fiscal year 2002, and $3.1 billion of discretionary budget authority and $2.7 billion of discretionary outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: protecting the Social Security Trust Fund from any diversion of its surplus, to extend the solvency of this essential program for today's retirees and for future generations, and maintaining the inflation-adjusted level of appropriations for social security administrative costs, with $3 billion more in funding than provided in the Committee-approved Republican Budget Resolution, thereby protecting the level of service for all elderly, disabled, and survivor beneficiaries.

Fiscal year 2002:
(A) New budget authority, $11,000,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2003:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $11,700,000,000.
Fiscal year 2004:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2005:
(A) New budget authority, $13,300,000,000.
(B) Outlays, $13,300,000,000.
Fiscal year 2006:
(A) New budget authority, $14,200,000,000.
(B) Outlays, $14,200,000,000.
Fiscal year 2007:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,200,000,000.
Fiscal year 2008:
(A) New budget authority, $16,200,000,000.
(B) Outlays, $16,200,000,000.
Fiscal year 2009:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $17,500,000,000.
Fiscal year 2010:
(A) New budget authority, $18,900,000,000.
(B) Outlays, $18,900,000,000.
Fiscal year 2011:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $20,400,000,000.

(15) Veterans Benefits and Services (700): This function covers programs that offer benefits to military veterans. Those programs, most of which are run by the Department of Veterans Affairs, provide health care, disability compensation, pensions, life insurance, education and training, and guaranteed loans. The policy of this resolution is that there shall be budget authority of $52,400,000,000 and outlays of $51,700,000,000 in fiscal year 2002, and budget authority of $606,400,000,000 and outlays of $602,000,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $100 million of budget authority and $100 million of outlays in fiscal year 2002, and $12.4 billion of budget authority and $11.9 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to: increasing funding for appropriated veterans programs by $100 million for 2002 over the levels in the Committee-approved Republican resolution, to meet the needs of the VHA, and to increase Department of Veterans Affairs personnel and technology for claims processing and administration, reaffirming our commitment to veterans by adequately funding the Department of Veterans Affairs; avoiding shifts from one program to another to meet current crises; ensuring that veterans are able to receive, in a timely manner, the benefits Congress intended for them; and increasing mandatory programs for veterans by raising the education benefit in the Montgomery GI bill from $650 to $1100, and enhancing certain burial benefits as provided in H.R. 801.

Fiscal year 2002:
(A) New budget authority, $52,400,000,000.
(B) Outlays, $51,700,000,000.
Fiscal year 2003:
(A) New budget authority, $53,900,000,000.
(B) Outlays, $53,500,000,000.
Fiscal year 2004:
(A) New budget authority, $56,200,000,000.
(B) Outlays, $55,100,000,000.
Fiscal year 2005:
(A) New budget authority, $60,300,000,000.
(B) Outlays, $59,900,000,000.
Fiscal year 2006:
(A) New budget authority, $59,900,000,000.
(B) Outlays, $59,400,000,000.
Fiscal year 2007:
(A) New budget authority, $59,300,000,000.
(B) Outlays, $58,900,000,000.
Fiscal year 2008:
(A) New budget authority, $63,400,000,000.
(B) Outlays, $63,000,000,000.
Fiscal year 2009:
(A) New budget authority, $65,000,000,000.
(B) Outlays, $64,600,000,000.
Fiscal year 2010:
(A) New budget authority, $67,000,000,000.
(B) Outlays, $66,600,000,000.
Fiscal year 2011:
(A) New budget authority, $69,000,000,000.
(B) Outlays, $68,600,000,000.

(16) Administration of Justice (750): This function covers programs that provide judicial services, law enforcement, and prison operation. The Federal Bureau of Investigation, the Customs Service, the Drug Enforcement Administration, and the Federal court system are all supported under this function. The policy of this resolution is that there shall be budget authority of $32,400,000,000 and outlays of $31,400,000,000 in fiscal year 2002, and budget authority of $378,400,000,000 and outlays of $374,700,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution (which cuts funding for the Justice Department in nominal dollars) by $1.5 billion of budget authority and $1.1 billion of outlays in fiscal year 2002, and $19.1 billion of budget authority and $18 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to maintaining inflation-adjusted levels of appropriations for every program, specifically including: the Community Oriented Policing Services (COPS) program, which provides funds to local communities to hire additional community police officers; all of the Department of Justice's law enforcement and legal divisions, the Treasury Department's United States Customs Service; the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms (ATF); and State and local law enforcement assistance.

Fiscal year 2002:
(A) New budget authority, $32,400,000,000.
(B) Outlays, $31,400,000,000.
Fiscal year 2003:
(A) New budget authority, $32,500,000,000.
(B) Outlays, $32,800,000,000.
Fiscal year 2004:
(A) New budget authority, $35,300,000,000.
(B) Outlays, $35,500,000,000.
Fiscal year 2005:
(A) New budget authority, $36,400,000,000.
(B) Outlays, $36,300,000,000.
Fiscal year 2006:
(A) New budget authority, $37,500,000,000.
(B) Outlays, $37,000,000,000.
Fiscal year 2007:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $38,000,000,000.
Fiscal year 2008:
(A) New budget authority, $39,700,000,000.
(B) Outlays, $39,200,000,000.
Fiscal year 2009:
(A) New budget authority, $40,800,000,000.
(B) Outlays, $40,300,000,000.
Fiscal year 2010:
(A) New budget authority, $42,000,000,000.
(B) Outlays, $41,500,000,000.
Fiscal year 2011:
(A) New budget authority, $43,300,000,000.
(B) Outlays, $42,700,000,000.

(17) General Government (800): This function covers the central management and policy responsibilities of both the legislative and executive branches of the Federal Government. Among the agencies it funds are the General Services Administration and the Internal Revenue Service. The policy of this resolution is that there shall be budget authority of $17,200,000,000 and outlays of $16,800,000,000 in fiscal year 2002, and budget authority of $177,100,000,000 and outlays of $174,600,000,000 over fiscal years 2002 through 2011. This is greater than the level of the Committee-passed resolution by $500 million of budget authority and $500 million of outlays in fiscal year 2002, and $600 million of budget authority and $1.2 billion of outlays over fiscal years 2002 through 2011, better to address priorities such as but not limited to maintaining inflation-adjusted levels of appropriations, above the level of the Committee-approved Republican Budget Resolution, and enactment of election reform legislation guaranteeing State and local election jurisdictions sufficient funds to replace outdated and outmoded voting technologies.

Fiscal year 2002:
(A) New budget authority, $17,200,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2003:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2004:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $16,800,000,000.
Fiscal year 2005:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $16,700,000,000.
Fiscal year 2006:
(A) New budget authority, $17,500,000,000.
(B) Outlays, $17,100,000,000.
Fiscal year 2007:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,500,000,000.
Fiscal year 2008:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $17,700,000,000.
Fiscal year 2009:
(A) New budget authority, $18,400,000,000.

(B) Outlays, $18,000,000,000.

Fiscal year 2010:

(A) New budget authority, $18,700,000,000.

(B) Outlays, $18,300,000,000.

Fiscal year 2011:

(A) New budget authority, $19,400,000,000.

(B) Outlays, $18,900,000,000.

(18) Net Interest (900): This function includes the debt-servicing obligation of the Federal Government for the sum of all of its past budget deficits. The policy of this resolution is that there shall be budget authority of $259,600,000,000 and outlays of $259,600,000,000 in fiscal year 2002, and budget authority of $2,311,000,000,000 and outlays of $2,311,000,000,000 over fiscal years 2002 through 2011, which is $71.6 billion of budget authority and $71.6 billion of outlays less than the Committee-passed resolution over fiscal years 2002 through 2011, to address priorities such as but not limited to: the most rapid retirement of debt possible, faster than under the President's budget, and faster still than under the Committee-approved Republican Budget Resolution, and the consequent maximum reduction in the Federal Government's net interest costs, to strengthen the budget and the economy for the demographic challenges ahead.

Fiscal year 2002:

(A) New budget authority, $259,600,000,000.

(B) Outlays, $259,600,000,000.

Fiscal year 2003:

(A) New budget authority, $254,500,000,000.

(B) Outlays, $254,500,000,000.

Fiscal year 2004:

(A) New budget authority, $249,300,000,000.

(B) Outlays, $249,300,000,000.

Fiscal year 2005:

(A) New budget authority, $241,800,000,000.

(B) Outlays, $241,800,000,000.

Fiscal year 2006:

(A) New budget authority, $236,000,000,000.

(B) Outlays, $236,000,000,000.

Fiscal year 2007:

(A) New budget authority, $230,500,000,000.

(B) Outlays, $230,500,000,000.

Fiscal year 2008:

(A) New budget authority, $223,400,000,000.

(B) Outlays, $223,400,000,000.

Fiscal year 2009:

(A) New budget authority, $215,100,000,000.

(B) Outlays, $215,100,000,000.

Fiscal year 2010:

(A) New budget authority, $205,500,000,000.

(B) Outlays, $205,500,000,000.

Fiscal year 2011:

(A) New budget authority, $195,300,000,000.

(B) Outlays, $195,300,000,000.

(19) Allowances (920): This function may include amounts to reflect proposals that would affect multiple budget functions. The policy of this resolution is that there shall be budget authority of $5,000,000,000 and outlays of $1,800,000,000 in fiscal year 2002, and budget authority of $50,000,000,000 and outlays of $45,500,000,000 over fiscal years 2002 through 2011, to address priorities such as but not limited to a reserve fund for unforeseen contingencies such as floods, earthquakes, and other natural disasters.

Fiscal year 2002:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $1,800,000,000.

Fiscal year 2003:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $4,000,000,000.

Fiscal year 2004:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $4,800,000,000.

Fiscal year 2005:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $4,900,000,000.

Fiscal year 2006:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2007:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2008:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2009:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2010:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

Fiscal year 2011:

(A) New budget authority, $5,000,000,000.

(B) Outlays, $5,000,000,000.

(20) Undistributed Offsetting Receipts (950): This function comprises major offsetting receipt items that would distort the funding levels of other functional categories if they were distributed to them. The policy of this resolution is that there shall be budget authority of −$38,700,000,000 and outlays of −$38,700,000,000 in fiscal year 2002, and budget authority of −$514,900,000,000 and outlays of −$514,900,000,000 over fiscal years 2002 through 2011, to address priorities such as but not limited to adjusting rates of compensation for civilian employees of the United States at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services. The budget resolution does not include the provision contained in the President's budget that assumes the opening of the Arctic National Wildlife Refuge (ANWR) for oil drilling. The budget resolution does not extend a provision included in the February Blueprint and the Committee-approved Republican Budget Resolution that increases agency contributions for employees covered by the civil service retirement system.

Fiscal year 2002:

(A) New budget authority, −$38,700,000,000.

(B) Outlays, −$38,700,000,000.

Fiscal year 2003:

(A) New budget authority, −$49,100,000,000.

(B) Outlays, −$49,100,000,000.

Fiscal year 2004:

(A) New budget authority, −$57,600,000,000.

(B) Outlays, −$57,600,000,000.

Fiscal year 2005:

(A) New budget authority, −$55,300,000,000.

(B) Outlays, −$55,300,000,000.

Fiscal year 2006:

(A) New budget authority, −$48,600,000,000.

(B) Outlays, −$48,600,000,000.

Fiscal year 2007:

(A) New budget authority, −$46,900,000,000.

(B) Outlays, −$46,900,000,000.

Fiscal year 2008:

(A) New budget authority, −$51,400,000,000.

(B) Outlays, −$51,400,000,000.

Fiscal year 2009:

(A) New budget authority, −$52,600,000,000.

(B) Outlays, −$52,600,000,000.

Fiscal year 2010:

(A) New budget authority, −$54,400,000,000.

(B) Outlays, −$54,400,000,000.

Fiscal year 2011:

(A) New budget authority, −$60,300,000,000.

(B) Outlays, −$60,300,000,000.

SEC. 4. RECONCILIATION.

(a) Submission by House Committee on Ways and Means for Tax Relief in Fiscal Year 2001.—Not later than May 1, 2001, the House Committee on Ways and Means shall report to the House a reconciliation bill that consists of changes in laws within its jurisdiction to reduce revenues by not more than $60 billion during fiscal year 2001.

(b) Submissions by the House Committee on Ways and Means for Enhanced Statutory Protections and Solvency Extension for Medicare and Social Security.—

(1) Taking medicare off-budget and reaffirming the off-budget status of social security.—Not later than June 8, 2001, the House Committee on Ways and Means shall report to the House Committee on the Budget a reconciliation bill that changes laws within its jurisdiction to designate the Medicare HI surplus as having the same off-budget status as the Social Security surplus, and that reaffirms the off-budget status of the Social Security surplus. Pursuant to this and without exception:

(A) 100 percent of the Social Security surplus in each fiscal year from 2002 through 2011 shall be saved by purchasing from the Treasury special non-marketable bonds, which can be redeemed only to pay for Social Security benefits stipulated in current law;

(B) 100 percent of the Medicare HI surplus in each fiscal year from 2002 through 2011 shall be saved by purchasing from the Treasury special non-marketable bonds for the Medicare HI trust fund, which can be redeemed only to pay for Medicare HI benefits stipulated in current law; and

(C) the Treasury shall use the proceeds of sales of special non-marketable bonds to the Social Security and Medicare HI trust funds exclusively for redeeming publicly held debt.

(2) Extending social security and medicare solvency.—Not later than June 8, 2001, the House Committee on Ways and Means shall submit legislation to the House Committee on the Budget providing for the annual remittance from the General Fund of the Treasury to the Hospital Insurance (Medicare Part A) Trust Fund and to the Old Age and Survivors Insurance Trust Fund of an amount equal to one-third of the projected on-budget, that is non-Social Security, non-Medicare HI, surplus, currently projected to be $910 billion from fiscal year 2002 through fiscal year 2011. Such remittances shall be equally divided between the two trust funds, with the objective of extending their solvency to at least 2040 and 2050, respectively. Such remittances shall be derived exclusively from the on-budget, that is non-Social Security, non-Medicare HI, surplus over that ten-year period.

(c) Submissions by the House Committee on Ways and Means for Responsible Tax Relief.—

(1) Submission.—Not later than June 8, 2001, the House Committee on Ways and Means shall submit legislation to the House Committee on the Budget reducing revenues in amounts which, when combined with the debt service costs of tax adjustments made in fiscal year 2001, does not exceed $34 billion in fiscal year 2002, $300 billion for fiscal years 2002 through 2006, and $737 billion for fiscal years 2002 through 2011.

(2) Policy assumptions.—Within the framework of this budget resolution, which provides for the extension of the solvency of the Social Security and Medicare trust funds, the policy of this resolution is that there shall be net tax relief, which when combined with the debt service costs of tax adjustments made in fiscal year 2001, does not exceed $34 billion in fiscal year 2002, $300 billion in fiscal years 2002 through 2006, or $737 billion in fiscal years 2002 through 2011. Such tax relief shall include but not be limited to provisions that—

(A) create a new income tax bracket, taxing income at a rate below the current 15 percent rate;

(B) mitigate the marriage penalty including that created through the earned income credit;

(C) increase the earned income credit for working families with children;

(D) eliminate estate taxes on all but the very largest estates; and

(E) grant other tax relief, such as modification of the individual alternative minimum tax and enhancement of tax incentives for retirement savings.

(3) Flexibility for the committee on ways and means.—If the reconciliation submission by the Committee on Ways and Means alters the Internal Revenue Code of 1986 in ways that are scored by the Joint Committee on Taxation as outlay changes, as through legislation affecting refundable tax credits, the submission shall be considered to meet the revenue requirements of the reconciliation directive if the net cost of the revenue and outlay changes does not exceed the revenue amount set forth for that committee in paragraph 1 of this subsection. Upon the submission of such legislation, the chairman of the House Committee on the Budget shall adjust the budget aggregates in this resolution and allocations made under this resolution accordingly.

(d) Submissions by House Committees on Energy and Commerce and Ways and Means for Medicare Prescription Drugs.—

(1) Not later than June 8, 2001, the House Committees named in paragraph (2) shall report the following changes in laws within their jurisdiction to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) The House Committee on Energy and Commerce shall increase outlays by not more than the following: $94,000,000 for fiscal year 2002, $97,865,000,000 for the period fiscal year 2002 through 2006, and $330,000,000,000 for the period of fiscal year 2002 through 2011.

(B) The House Committee on Ways and Means shall increase outlays by not more than the following: $94,000,000 for fiscal year 2002, $97,865,000,000 for the period fiscal year 2002 through 2006, and $330,000,000,000 for the period of fiscal year 2002 through 2011.

(e) Other Submissions by House Committees.—

(1) Submissions.—Not later than June 8, 2001, the House Committees named in paragraph (2) shall report the following changes in laws within their jurisdiction to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2)(A) Submission by house committee on agriculture for assistance to farmers, restoring food stamps for legal immigrants, and enhancing the nutritional safety net.—The House Committee on Agriculture shall increase outlays by not more than the following: $8,381,000,000 for fiscal year 2002, $29,158,000,000 for the period fiscal year 2002 through 2006, and $54,019,000,000 for the period of fiscal year 2002 through 2011.

(B) Submission by house committee on education and workforce for student loan forgiveness for math and science teachers.—The House Committee on Education and the Workforce shall increase outlays by not more than the following: $5,000,000 for fiscal year 2001, $5,000,000 for fiscal year 2002, $32,000,000 for the period fiscal year 2002 through 2006, and $82,000,000 for the period of fiscal year 2002 through 2011.

(C) Submission by house committee on energy and commerce for the family opportunity act and for providing access to health insurance for low-income families.—The House Committee on Energy and Commerce shall increase outlays by not more than the following: $97,000,000 for fiscal year 2002, $13,475,000,000 for the period fiscal year 2002 through 2006, and $50,021,000,000 for the period of fiscal year 2002 through 2011.

(D) Submission by house committee on veterans affairs for expansion of montgomery gi bill education benefits, burial benefits, and other benefits.—The House Committee on Veterans Affairs shall increase outlays by not more than the following: $264,000,000 for fiscal year 2002, $3,205,000,000 for the period fiscal year 2002 through 2006, and $7,087,000,000 for the period of fiscal year 2002 through 2011.

(E) Submission by house committee on ways and means for extending tanf supplemental grants, increasing title xx (social services block grant), promoting safe and stable families, providing independent living vouchers for foster children, increasing the child care and development fund, and restoring equity in ssi and medicaid benefits for certain legal immigrants.—The House Committee on Ways and Means shall increase outlays by not more than the following: $714,000,000 for fiscal year 2002, $9,411,000,000 for the period fiscal year 2002 through 2006, and $31,091,000,000 for the period of fiscal year 2002 through 2011.

SEC. 5. TREATMENT OF OASDI ADMINISTRATIVE EXPENSES.

In the House, in addition to amounts in this resolution, allocations to the Committee on Appropriations shall include the following amounts, which are assumed to be used for the Administrative expenses of the Social Security Administration, and, for purposes of section 302(f)(1) of the Congressional Budget Act of 1974, those allocations shall be considered to be allocations made under section 302(a) of that Act: $3,597,000,000 in new budget authority and $3,542,000,000 in outlays.

SEC. 6. RESERVE FUND FOR SPECIAL EDUCATION.

In the House, whenever the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for any fiscal year from 2002 through 2011 of at least the level appropriated in the previous fiscal year adjusted for inflation for programs authorized under the Individuals with Disabilities Education Act (IDEA), part B grants to States, the Committee on the Budget shall increase the appropriate allocations of new budget authority and outlays for that fiscal year by $1,500,000,000 (and adjust any other appropriate levels), an amount to be used solely for programs authorized under the Individuals with Disabilities Education Act (IDEA), part B grants to States. However, no such adjustment shall exceed the amount by which the bill exceeds the applicable allocation.

SEC. 7. FUNDS ALREADY APPROPRIATED FOR ARREARAGES TO THE UNITED NATIONS.

For purposes of enforcing the allocations in this resolution, any outlays scored from authorizing legislation releasing previously appropriated funding for the United Nations is assumed not to be new outlays.

SEC. 8. SENSE OF CONGRESS REGARDING THE STABILIZATION OF CERTAIN FEDERAL PAYMENTS TO STATES, COUNTIES, AND BOROUGHS.

It is the sense of Congress that Federal revenue-sharing payments to States, counties, and boroughs pursuant to the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.), and sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) should be stabilized and maintained for the long-term benefit of schools, roads, public services, and communities, and that providing such permanent, stable funding is a priority of the 106th Congress.

SEC. 9. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NATIONAL SCIENCE FOUNDATION.

(a) Findings.—The Congress finds that—

(1) the levels in this concurrent budget resolution for function 250 (General Science, Space, and Technology) for fiscal year 2002 are $300,000,000 above the level in the House Republican budget resolution and over ten years (fiscal years 2002 to 2011), the levels in this concurrent resolution are $3,100,000,000 above the levels in the House Republican budget resolution;

(2) the National Science Foundation is the largest supporter of basic research in the Federal Government;

(3) the National Science Foundation is the second largest supporter of university-based research;

(4) research conducted by the grantees of the National Science Foundation has led to innovations that have dramatically improved the quality of life of all Americans;

(5) because basic research funded by the National Science Foundation is high-risk, cutting edge, fundamental, and may not produce tangible benefits for over a decade, the Federal Government is uniquely suited to support such research; and

(6) the National Science Foundation's focus on peer-reviewed, merit-based grants represents a model for research agencies across the Federal Government.

(b) Sense of Congress.—It is the sense of Congress that the function 250 levels assume an increase for National Science Foundation that is sufficient for it to continue its critical role in funding basic research, cultivating America's intellectual infrastructure, and leading to innovations that assure the Nation's economic future.

SEC. 10. FEDERAL EMPLOYEE PAY.

(a) Findings.—The House of Representatives finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists—

(A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers; and

(B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2002 includes a 4.6 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that Federal agencies plan their fiscal year 2002 budgets with a 3.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past 2 decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 11. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress find the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small business.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 12. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should support the core operations of the Federal Emergency Management Agency by providing needed fire grant programs to assist our firefighters and rescue personnel as they respond to more than 17,000,000 emergency calls annually. To accomplish this task, Congress supports preservation of the Assistance to Firefighters grant program. Continued support of the Assistance to Firefighters grant program will enable local firefighters to adequately protect the lives of countless Americans put at risk by insufficient fire protection.

SEC. 13. FUNDING FOR GRADUATE MEDICAL EDUCATION AT CHILDREN'S TEACHING HOSPITALS

It is the sense of Congress that:

(1) Function 550 of the President's budget should include an appropriate level of funding for graduate medical education conducted at independent children's teaching hospitals in order to ensure access to care by millions of children nationwide.

(2) An emphasis should be placed on the role played by community health centers in underserved rural and urban communities. An increase in funding for community health centers should not come at the expense of the Community Access Program. Both programs should be funded adequately, with the intention of doubling funding for increased capacity for community health centers, in addition to keeping the Community Access Program operational.

(3) The medicare program should emphasize such preventive medical services as those provided by vision rehabilitation professionals in saving Government funds and preserving the independence of a growing number of seniors in the coming years.

(4) Funding under function 550 should also reflect the importance of the Ryan White CARE Act to persons afflicted with HIV/AIDS. Funds allocated from the CARE Act serve as the safety net for thousands of low-income people living with HIV/AIDS who reside in metropolitan areas but are ineligible for entitlement programs. Moreover, the CARE Act provides critically needed grants directly to existing community-based clinics and public health providers to develop and deliver both early and ongoing comprehensive services to persons with HIV/AIDS.

SEC. 14. SENSE OF THE CONGRESS ON PRESERVING HEALTH CARE SERVICES AND PROFESSIONAL HEALTH CARE TRAINING.

(a) FINDINGS.—The Congress finds that—

(1) it recognizes the need to maintain the national network devoted to providing health care services and supports its continuation;

(2) without adequate resources devoted to research and development of new technologies, modern medicine cannot meet the challenges of the new century; and

(3) without adequate resources devoted to the recruitment and training of skilled caregivers in all setting, the latest technologies may never benefit the American people.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that to preserve funding for vital health care services, address shortages in health care professions, such as nursing, as well as health care research, the Congress should support fully funding these programs, specifically including health care professions training, and other health-related programs, at a level sufficient to support continuation of current services.

The CHAIRMAN. Pursuant to House Resolution 100, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed each will control 25 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, the Republican budget is full of empty promises. President Bush says he is the education President, but he eliminates the commitment to modernizing our aging schools.

President Bush says he wants to protect Medicare, but his budget does not provide the resources to shore it up.

President Bush says he wants to protect the environment; but at the same time he is allowing arsenic into our water supply and preparing to drill for oil in the pristine Arctic National Wildlife Refuge. He shortchanges environmental protection by $60 billion.

President Bush says he wants to fix our broken election system to avoid another fiasco like we had in Florida, but he does not provide a dime in his budget to solve the problem.

Why all the unfulfilled promises? Because one cannot provide a $2 trillion tax cut targeted to those making a million dollars a year, and one cannot provide tax-free inheritances for the sons and daughters of billionaires without giving something up. What President Bush gives up are priorities like educating our kids, health care for our veterans, saving Social Security and Medicare for our seniors, and keeping our air and water safe and clean.

We Democrats think that is a bad deal, a poor trade-off; so we are offering America a more balanced, more responsible choice for a brighter future.

We are for a tax cut, yes, but one that gives as much of a break to the middle-manager or teacher or fire fighter as it does for the oil magnate.

With the money we save by giving a fair tax cut for all, instead of an enormous tax cut for the millionaires, we can pay down our national debt; we can provide a prescription-drug benefit for our seniors, something we all know will be there when we retire; we can make sure every child, whether from an inner city or wealthy suburb or rural community, can get an education in a modern school with up-to-date textbooks and access to the Internet; and, yes, we can provide a $60 billion stimulus package right now, immediate tax relief; and we can improve the standard of living for the soldiers who protect our freedom.

The choice is clear. Let us not give up all of these possibilities just so a multimillionaire can get a $30,000 tax cut.

We have been down that budget-busting, deficit-spending road before. It took us a decade and a half to get out of it. We had high inflation, high unemployment, high interest rates. We do not need to go back to that with the economy as it is today.

Let us win a brighter future for all of America's families. That is what the Democratic budget does. It does it responsibly. It gives tax relief. It pays down the debt at a quicker rate. Ultimately, it secures America's economic future and those of its families. Vote for the Democratic substitute.

Mr. SUNUNU. Mr. Chairman, I rise to claim the time in opposition to the amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from New Hampshire (Mr. SUNUNU) will control the 25 minutes in opposition to the Spratt amendment.

Mr. SUNUNU. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from New Hampshire for yielding me this time.

Mr. Chairman, I want to go back to some of the basic principles that undergird this basic budget. I think when people begin to understand that, they will begin to realize it is fair, it is responsible, it is reasonable, and in many respects it is overdue.

First of all, maximum debt elimination. I think every American realizes that one of the greatest gifts we can give to our kids is to pass this Nation on to our kids debt free. We pay off the maximum amount of debt possible over the next 10 years.

Tax relief for every taxpayer. For the average family of four in my district, ultimately this results in about $1,600 worth of tax relief. That is money that they will get to spend on their priorities, not Washington's.

Improve education for our children. That is one of President Bush's top priorities to make certain that our kids are getting the education they will need to compete in the world marketplace.

A stronger national defense. I think most of us realize we have shortchanged the kids who serve us in uniform around the world.

Health care reform that modernizes Medicare. We all know, if we are honest with ourselves, that something has to happen in the next several years to reform and modernize our Medicare system.

Finally, a better Social Security for seniors today and for tomorrow.

These are all big goals, these are all important principles, and they are included in this budget blueprint.

One of the things we have heard a lot about in the last couple days is, well, this is all built on pie-in-the-sky projections. Well, the truth of the matter is that is not the case at all. In fact, here is a quote from the Congressional Budget Office when they testified before the House Committee on the Budget. Let me read it:

"A recession of average size would probably not alter the 10-year outlook significantly. The reason is that the CBO's baseline 10-year assumptions allow for the likelihood of a recession of average severity will occur over the next decade."

We are assuming the economy will slow down at least once. In fact, it is even better than that. We are assuming relatively slow economic growth in this budget projection. In fact, I asked the director of the Office of Management and Budget a very serious question.

Here is my question: So if revenue growth just equals the 40-year average, we will actually have revenues in excess of $2 trillion more than we are currently using in your budget projections; is that right? The answer is: "Yes, sir, that is correct."

What that means, Mr. Chairman, is, if the economy simply grows, if revenue to the Federal Government grows at what it has grown on average for the last 40 years, we will not have a $5.5 trillion surplus, we will have a $7.5 trillion surplus. I think we are being extremely conservative in our projections.

Finally, let me just talk briefly because we have heard a lot about protecting our farmers. I said this earlier and I will say it again, no one in this Congress, no one in this Chamber is going to take for granted our farmers. No one wants to bet the farm and end up losing a generation of younger farmers. We are going to be there. We have been there in the last several years.

But when we passed this last farm bill, we all agreed that we were going to see a reduction in the baseline for agriculture. But this is what we have actually been spending.

If we include what we are agreeing to in this budget resolution in terms of emergency spending, it would be hard for anyone honestly to argue that we are not going to keep our commitment to agriculture.

We understand that things are tough on the farm, but the answer is not necessarily in more and bigger checks from the Federal Government. The answer is better access to markets both internationally and domestically.

I think this budget is fair. It is responsible. It is reasonable. It has been built on a solid foundation and important principles. I think the American people will agree with it.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from South Carolina for yielding me the time.

Mr. Chairman, I rise today to ask my fellow colleagues in Congress to support the Democratic amendment being offered by the gentleman from South Carolina (Mr. SPRATT).

This bill provides our Nation with the needed funding for education. Unlike the Republican proposal, the Democratic amendment provides an additional $130 billion over 10 years for class size reduction, for school renovation, for title I aid for the disadvantaged students, Pell grants, and for Head Start.

President Bush calls himself the education President, but falls short on adequately addressing the Hispanic education crisis facing our Nation. Just 70 percent of Hispanic students complete high school, and only 10.6 percent have a bachelor's degree.

With the Republican-proposed budget, the Hispanic community will have no hope of improving upon their current situation and raise the level of education attainment.

Mr. Chairman, President Bush has stated that his budget proposal will leave no child behind. Well, today, the Republican proposal makes sure that children are not left behind. Millions of students are forgotten altogether.

My fellow Republican colleagues have said that today's Republican proposal will take the money from Washington and return it to the people. The truth is that today's Republican bill will take America's education budget and return 43 percent of it to the wealthiest 1 percent.

The truth is that everyone in Congress wants to give America a tax cut, including me; but the real question is if we are willing to do it irresponsibly.

Finally, the Spratt Democratic plan returns $910 billion to America and provides for education, for health care, for agriculture, for Medicare and election reform. This budget plan is responsible and good for America.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the committee.

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I want to address some of the concerns that have been raised by the other side of the aisle about the budget we are voting on today. This budget does protect Social Security and Medicare actually in ways that we have never done before as a Congress. It truly takes the trust funds and protects them for the future for generations to come.

It also for the first time in our Nation's history really does do something about the debt. We pay off more national debt under this budget than Congress has ever done before. In fact, we pay down all of the available national debt.

We also, despite what we have heard from the other side and the gentleman from Texas (Mr. HINOJOSA) just talked about education, we increase funding significantly for education. We are going to improve our public schools under this budget with, again, an increase in education spending that is significantly higher than Congress had traditionally done. In fact, overall, if one looks at the spending for education and other items on the domestic discretionary side, we increase spending by 4.5 percent, well above inflation.

After we do all that, protect Social Security and Medicare, increase funding for education, pay down the national debt, strengthen our national defense significantly, there is still money left on the table.

I heard a story today about a woman in Iowa who spoke up at a town meeting and said, You know, I make cookies for my kids; and when the cookies are left on the table, something happens to them. They get eaten. We do not want to leave more cookies on the table to get eaten by a bigger and bigger Federal Government. We do not want a bigger, a more intrusive Federal Government. We want to be able to give the taxpayers some money back of the $5.6 trillion surplus we are now building up here in Washington projected over the next 10 years.

The gentleman from Minnesota (Mr. GUTKNECHT), the speaker before me on the Republican side, talked about how this projection is actually conservative. The vote today is whether we are going to let those taxpayers keep a little of that hard-earned money. We are saying, we are proposing that they ought to be able to keep a little less than 28 percent of that surplus, remember, every dime of which was created by the hard-working taxpayers of this country. That is what we are saying.

We are saying, at the end of the day, after we have taken care of all of these other priorities, we ought to let the people who are paying the bill, who are pulling the wagon, who created all this surplus keep a little of that hard-earned money for their own lives and their own decisions. We have got to do it now to help this economy.

☐ 1515

Mr. Chairman, I just want to make the point again that this is a big debate between Republicans and Democrats. It is a debate that is raging around the country, and it comes down to how big Washington is going to be, how big is our spending going to be on more and more government, or are we going to let people keep more of their money.

With job losses around the country, including in my own district, with the potential of a recession looming, we have got to not only let people keep a little more of their hard-earned money, but we have to as a Congress stimulate economic growth and get this economy back on its feet to ensure we have jobs.

Mr. Chairman, I urge my colleagues to support the budget proposal before us today and reject the Democrat alternative.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, we Democrats also care about the people that are pulling the wagon; but unlike the Republicans, we are concerned that we are going to put too much of a debt load on the people that are pulling the wagon. What this comes down to is a great deal of risk; a gambit, a "river boat gamble," as the term was used back in 1981. This is what the Congressional Budget Office says are the likelihood of whether or not we will see a $5.6 trillion surplus. It is all over the map in the outyears, and that is when the bulk of the projected surplus comes into play.

This budget before us, the Republican budget, is drafted around the maximum size of a tax cut you can get, and the problem with that is that it leaves no room for error.

Mr. Chairman, Democrats believe that we can have a tax cut, but we should be risk-averse in doing so; that we should first pay our obligations, and the first obligation is to paying down the national debt. We pay down more national debt in the Spratt substitute than the Republican budget does. My colleagues are going to say, we are paying down all of the debt that can be redeemed, that matures within the time period. Nobody in this House knows exactly how much debt can be paid down, but rather than limit ourselves at what we can do through our budget resolution, the Democrats say, let us dedicate more to paying down debt.

Mr. Chairman, we do it for a couple of reasons. We do it because it is our obligation to pay it, and also because these numbers, like the Congressional Budget Office, may be wrong. We may actually be in a deficit, not in a surplus, in 10 years. If we do not have a safety valve through paying down the debt, we will end up issuing more debt. That does not lighten the load of the people that are pulling the wagon, it increases the load. At the same time, we say, let us take Medicare and Social Security off budget. Let us lighten the load there as well. Our Republican colleagues go the other direction. In their plan they would shorten the life span of Medicare and Social Security.

Mr. Chairman, how would you make up for the shortening of that life span? Well, there are only really three ways. You can cut benefits, you can raise payroll taxes or add even more debt. To me that heavies the load for the people that are pulling the wagon.

The Democrats care as much as the Republicans. Some of us would argue the Democrats care even more about the people pulling the wagon, the Dicky Flats of the world. What we are saying here today is we are not going to take a river boat gamble on something that may or may not occur 10 years down the road that would put the burden back on the American working families that are out there.

Mr. Chairman, I urge my colleagues to vote for the Spratt substitute, defeat the Republican budget, and we will be a lot better off for it.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentleman from New Hampshire (Mr. SUNUNU), the very distinguished vice chair of the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, we are considering a Democrat alternative right now, and I think it is important to review the budget that is on the floor and to make some fair contrasts, because there are a lot of claims that are being made.

Mr. Chairman, we just heard one about retiring even more debt than is in the Republican budget proposal. We are going to retire $2.3 trillion in debt over the next 10 years. That is more debt than has ever been retired in the history of our country. We have paid down about $625 billion in public debt.

I think what we are hearing is in many ways an esoteric argument whether we can pay down $2.3 trillion or $2.5 trillion or $2.7 trillion over the next 10 years, and that fog is being sent out in order to create an argument against cutting taxes. I understand that there are some of my colleagues in this Chamber that have no interest in lowering the tax burden on the average American.

Mr. Chairman, the gentleman from Ohio (Mr. PORTMAN) made clear the tax proposal in this budget gives back 28 percent of the surplus to the American taxpayer, and there are a lot of my colleagues in this Chamber on the minority side who think that is too much money to give back to the American people. They do not want to cut income tax rates in order to encourage economic growth; they do not want to repeal the death tax or eliminate the marriage tax penalty. There are probably 150 or 180 Members of this Congress that did not vote to repeal the marriage tax penalty when it came before us last year. That is unfortunate. Ultimately those colleagues are looking for an argument to be able to continue to stand to oppose tax relief and keep that money in Washington in order to increase the size and scope of the Federal Government.

Mr. Chairman, do we set aside every penny of the Social Security surplus? Of course we do, and so does the Democrat alternative. My colleagues recognize that is the right thing to do. We also set up a reserve for Social Security and a reserve for Medicare. It has never been done in the history of our country, but it makes sense, and it is the right thing to do.

Mr. Chairman, at the end of the day we come down to a whole series of excuses why we should not cut taxes until we balance the budget.

Mr. Chairman, 4 years ago the same Democrats that are opposing this budget resolution said we cannot cut taxes until we balance the budget. Three years ago they said we cannot cut taxes until we set aside the Social Security surplus. We did both of these things. We set aside the entire Medicare surplus; and now what we see is we cannot cut taxes because we cannot predict the future, and there is some uncertainty as to what the level of economic growth will be next year or the year after that.

Mr. Chairman, of course on that reasoning we will never cut taxes, and I think for some of my colleagues on the minority side, that is the ultimate goal. Leave the money here in Washington. I think that is unfair. I think we should support what is a balanced budget proposal to pay down debt, cut taxes and fund the right priorities.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to what the gentleman from New Hampshire (Mr. SUNUNU) just said, I do not know what resolution my colleague is talking about, because the resolution now before us sets aside fully one-third of the surplus from the years 2002 through 2011 for tax reduction, and targets that tax reduction at those taxpayers that need it the most. That is a tax cut of more than $750 billion.

Mr. Chairman, in addition we say because we know there will be a substantial surplus this year, let us take two-thirds of that surplus that we can foresee coming on the end of this year, $60 billion, and give it to taxpayers now both because they deserve it, because we know that it is available, and because we believe that it will be a stimulus to this sagging economy.

Mr. Chairman, that is what is in our resolution, and what the gentleman from New Hampshire said is 180 degrees out from what is before the House at this time.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), who is the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Republican budget and in support of the Democratic substitute. The Republican budget resolution is terribly flawed. It fails to protect Social Security and Medicare and makes cuts in vital areas, such as housing, transportation and the environment, to provide a tax break to the wealthiest 1 percent of Americans.

In addition to the cuts targeted at those who can ill afford to lose any more, we are asking the hard-working men and women who run our Nation's small businesses to bear an unfair burden of this budget.

Although the Republicans continue to claim that they are providing tax relief for small businesses, the truth is that what is contained in the Republican budget resolution is not a tax break for small businesses, but a tax increase by imposing new fees for SBA loans and technical assistance.

Ask any business owner, and he or she will say that these fees are nothing more than a tax. To add insult to injury, small-business owners, who have seen their businesses destroyed in a flood, earthquake, hurricane or some other disaster, will be expected to pay almost $10,000 more for disaster assistance, effectively prohibiting many business owners from rebuilding their life's dream.

Is this what the President means when he talks about compassionate conservatism; kicking someone when they are down?

The Democratic substitute is fair and realistic. It continues to protect and fund this Nation's priorities while providing sensible tax relief to all Americans. Therefore, I will urge my colleagues to support the Democratic substitute and vote down the Republican budget.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I believe the committee's resolution is preferable to the substitute, and I want to focus on just one issue, and that is national defense. The committee budget recognizes that the President has ordered a strategic review, and that strategy should come first, and that strategy should drive decisions on resources.

We know there are some places we need to spend more money. The budget recognizes that we are going to spend more than $5 billion on people for pay raises, more housing and military health care. We know we are going to have to spend more on research and development, and we make a down payment on that. But there is a lot we do not know. So we have this contingency fund so that, after the strategic review is completed, we can draw more resources to fund the strategy that the President and the Secretary of Defense recommend.

Now, the substitute takes a different approach. They believe they know how much more resources we need for defense. They believe we need $2.6 billion more in 2002 and about $48 billion more over the next 10 years. But that is putting cart before the horse. For too long we have had a mismatch between the strategy, the programs to implement that strategy, and the funding of those programs. It is time to get it all together and to get it all aligned. This administration is trying to do that with a strategic review to see where we are in the world, what our missions should be, and what kind of force structures we need to accomplish those missions.

This administration also acknowledges that the world is changing around us, and we better do some hard thinking about what we need to spend money on so that we can be prepared for those threats coming in the future. I believe that the strategic review, followed by the contingency fund to implement that review, is a better approach to making sure that this Nation is safely defended in the years to come.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to the Republican budget plan and in strong support of the Democratic substitute offered by my good friend, the gentleman from South Carolina (Mr. SPRATT).

We need a budget. We need to be able to take the money which the American public has given us and to use it fairly and wisely. We need to save certainly on taxes, but we also need enough money left to do the other things that are important to the American public.

Now, everyone who comes before this Congress and says what they think the American public wants, they do not always know what the American public wants. But that is sort of a word that everyone uses, the American public says so-and-so. Not so, because we need to improve education, we need to provide real prescription drug relief, we need to ensure the solvency of Social Security and Medicare, and we need to pay down the national debt. There is no question about it, we cannot do it with the Republican budget.

Now, there have been many other efforts made, but the Spratt effort shows how that that can be done. We need a good balance of tax relief, debt relief and a third for new programs. The housing part of this budget is criminal. What they have said is that they are putting more money into housing. That is not correct.

When we look at it, we see we will not be able to get the affordable housing which the Republican budget has come up with, because what they have done is, they have done what they call the funny money shuffle and mixed the FHA funds in terms of regular housing funds. They have also reduced monies for public housing. Tragic.

We should look at this much more closely and not pass this particular approach to the budget resolution. And the Congress should understand that when they go back home to their districts, they are not going to be able to answer some of these crucial problems, particularly regarding affordable housing, one of our major problems.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CRENSHAW), a member of the committee.

Mr. CRENSHAW. Mr. Chairman, I rise to support the Republican budget.

It is sensible, it is responsible, and it is fair.

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I think my colleagues have done a great job of pointing out the underlying foundation of this budget. Number one, it pays down the national debt. That is good for everybody, for our children, our grandchildren. It gives tax relief to working Americans. It allows them to keep more of what they earn, and that is important.

When we look at Social Security and Medicare, it preserves those programs for our senior citizens and their kids and their grandkids as well, and it improves education by putting more money and giving more local control and flexibility.

Finally, as a new Member who comes from a district that is largely military oriented, I am proud to say that this budget begins to make America strong again. It begins to rebuild our forces which have been hollowed out for the last 8 years. It is a good budget. It is a sound budget, and I urge its adoption.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPRATT) for yielding me this time.

Mr. Chairman, a little less than a month ago, the House overwhelmingly passed a bankruptcy reform measure that while not perfect sent an unmistakable message to every household in America: Do not spend money that you do not have because if you do you will be held responsible for your choices. We are not going to give you a pass on personal responsibility just because you could not say no to all the enticing credit card offers you received in the mail.

Thus, today, I have to stand here and shake my head in amazement. Here we are, scarcely a month later, debating a Republican budget resolution that is an abdication of fiscal responsibility. The tax cuts outlined in this GOP budget document would cost more than $2 trillion over the next decade; and as a result, they would squander projected surpluses. Note the emphasis on projected. They are not in hand. As a matter of fact, 70 percent of the American public showing their wisdom do not think they will ever be in hand.

Maybe our friends on the other side of the aisle, Mr. Chairman, ought to trust the common sense and intuition and wisdom of their constituents. Instead, they insist on pushing ahead with this budget blueprint for the fortunate few. The top 1 percent get 45 percent of this tax cut.

This bill, the Democratic bill, cuts three-quarters of a trillion dollars in taxes and the gentleman from New Hampshire (Mr. SUNUNU) gets up and says we are against tax cuts. Baloney. What we are for is responsibly helping working Americans, but not adding, as we did in the 1980s under President Reagan and a Republican Senate, $4 trillion to the debt of whom? Of the American public. That is whose debt we added to. It is their money that is being put at risk. But at what cost?

Their plan would do nothing to stimulate our economy now. It threatens to invade the Social Security and Medicare trust funds and it would cut vital services, such as after-school lunch programs that improve learning and help make schools safer.

The diversified Democratic plan, on the other hand, would provide a responsible tax cut for all Americans. It would extend the solvency of Social Security and Medicare. It will allow us to invest in crucial national priorities. I am for investing in our defense and have supported every defense bill that has been signed by the Presidents, Republican and Democratic.

I urge my colleagues to do the right thing today. Vote for fiscal responsibility. Vote for a diversified budget plan that meets our Nation's needs. Vote for this Democratic alternative.

I was here in 1981 when we passed Gramm-Latta I and Gramm-Latta II. I voted against them. I was here when we passed Conable-Hance, the tax cut bill. And I was here when bright young people like the gentleman from New Hampshire (Mr. SUNUNU) got up here with their charts and said it will all work.

I was here when that bill was sent from this House, from this Senate, to the White House. And I was here in August of 1981 when President Reagan signed the bill and, like the gentleman from New Hampshire (Mr. SUNUNU) said, guess what, we are going to balance the budget by October 1, 1983.

In that time frame, we added almost a billion extra dollars to America's debt; $3 trillion was yet to come of additional debt that we added on the heads of Americans.

Let us be responsible. Vote for the Democratic alternative. It is good for America. It is good for our country and it is good policy.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the very distinguished chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Chairman. I thank my friend, the gentleman from Iowa (Mr. NUSSLE), for yielding me this time.

Mr. Chairman, I rise in strong support of H. Con. Res. 83 and against the pending substitute. I would like to begin my remarks by thanking the distinguished chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), for crafting a responsive and responsible budget in general and for being especially sensitive to the needs and the concerns of our veterans around this country.

The decision of the Committee on the Budget to increase the veterans' affairs budget by 12 percent, that is $5.6 billion over last year, including $1 billion more than even the Bush administration suggested, is a breakthrough and a very, very important plus-up for all of our veterans.

I have said all along that the Bush budget was a work in progress and that we would do more, and today our budget chairman has done so. This 12 percent increase in funding will be a serious and a very tangible expression of solidarity and support for veterans and is especially justified in light of the sacrifices that our veterans have made.

Let me just say to my friends and colleagues, that record increases in spending for medical care will compensate, one, for inflation, as well as for significant increases in spending on mental health care, long-term care, additional staff for reducing waiting times, higher pharmacy costs, spinal cord injury care, homeless veterans, transitional housing, and the list goes on and on.

Yesterday this House passed two very important pieces of legislation that I was the sponsor of—H.R. 801 passed 417 to 0 and then H.R. 811 passed overwhelmingly as well. Both of those bills are fully accommodated by this budget.

As a matter of fact, the second bill, H.R. 811, would provide $550 million for emergency repair of our hospitals. We saw what happened with the recent earthquake, the seismic damage that was done to the American League Hospital. There are many hospitals that have, unfortunately through neglect they are in grave need of upgrading and repair. This legislation would do that.

Tomorrow I will be introducing the new GI Bill of Rights, the Education GI Bill of Rights.

Mr. Chairman, I ask Members to vote in favor of H. Con. Res. 83.

Mr. Chairman, I rise in strong support of H. Con. Res. 83—and against the pending substitute.

I want to begin my remarks by thanking Chairman NUSSLE for crafting a responsible budget in general—and for being especially sensitive to the needs and concerns of veterans in particular. The decision of the Budget Committee to increase funding by 12 percent for the Department of Veterans Affairs—up $5.6 billion over last year—including $1 billion more than the Bush administration's budget proposal—is a breakthrough increase for veterans.

I have said all along that the Bush budget was a work in progress—and that we would do more. This 12-percent increase in funding in the underlying resolution is a serious and tangible expression of solidarity and support for veterans and is especially justified in light of the personal sacrifices made by the men and women who have protected our Nation, in peace and war, and whose lives have forever been changed by their experiences. This victory is a victory for all veterans, especially those who continue to suffer from the disabling effects of war wounds or from lingering mental illnesses connected to their service. They answered the call and now we must do the same.

Mr. Chairman, record increases in spending for medical care will compensate for inflation, as well as allow for significant increases in spending on mental health care, long-term care, additional staff to reduce waiting times, higher pharmacy costs, spinal cord injury care, homeless veterans transitional housing and emergency care. Additional funds will also be provided for research and construction, state nursing home and cemetery grants, the Veterans Benefits Administration and National Cemetery Administration.

For the first time in my memory, the Budget Resolution includes additional funds to cover mandatory increases which will be needed to fund H.R. 801, the Veterans Opportunities Act of 2001, and a bill I will introduce later this week to increase benefits available to veterans using the Montgomery GI bill. By providing funds in this year's budget to immediately implement H.R. 801, the Congress will be able to provide overdue increases to cover the rising costs of many urgently needed veterans' services, such as adaptive automobile and housing grants for severely disabled veterans.

H.R. 801, which passed the House yesterday by an overwhelming vote of 417–0 will also expand the Servicemembers Group Life Insurance program to include spouses and children, and make the increase in the maximum benefit from $200,000 to $250,000 retroactive to October 1, 2000, in order to provide a higher benefit to those men and women who have recently lost their lives in tragic military accidents.

The bill also increases funds for specially adopted housing grants as well as other important projects.

Under our proposal to update the Montgomery GI bill, the monthly benefit will be increased to a level that allows a qualified recipient to cover their monthly costs of attending a State college as a commuter. It would increase the monthly benefit available to a full-time student over a 3-year period beginning October 1, 2001 from $650 to $1,100 per month.

Last night, the House also approved the Veterans Hospitals Emergency Repair Act, H.R. 811, a bill that I introduced to provide immediate emergency funding to repair and rebuild dilapidated VA medical care facilities. The increase in funds for veterans contained in this resolution is based in part on the need for funds authorized in H.R. 811. This legislation authorizes $550 million over the next 2 years for the Department of Veterans Affairs to immediately address urgent construction needs, specifically in facilities identified as having patient safety hazards, requiring seismic protection, or to improve privacy or accommodations for disabled veterans.

In closing, let me again thank the Committee and advise all of my colleagues that the level for veterans authorized in this resolution is both fair and defensible. Although there are certainly advocates who are calling for even higher levels of funding, I tell my colleagues that this is a good budget and one we should take pride in.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Democratic substitute and commend our ranking member, the gentleman from South Carolina (Mr. SPRATT), for his leadership, and in opposition to the Republicans' irresponsible budget resolution.

Our national budget, Mr. Chairman, I believe, should be a statement of our national values. The Republican budget resolution makes very clear the priorities of the Republican leadership and President Bush. They value tax cuts for the wealthy above all else, above initiatives that working families rely on to care for their children.

Mr. Chairman, anyone who has studied economics or reads the business section of the paper or makes investments, or all of the above, is familiar with the term opportunity cost of money. When we use money for one purpose, we lose the opportunity to use that money for another purpose. The opportunity cost is the benefit that would have accrued to the investor.

When the House chooses to use trillions of dollars for a tax cut, it gives us a tremendous opportunity cost to American families. We lose the benefit of improving child care and education for our children. We lose the opportunity for real prescription drug benefits for our seniors. We lose the benefit of reducing interest rates on our credit cards, mortgage and car payments. We lose the benefit of fully paying down the debt, strengthening Social Security and Medicare and giving a tax cut to American working families that will stimulate the economy and be responsible.

Mr. Chairman, the opportunity cost of the Republican tax budget is an opportunity lost for America's children and their futures. President Bush has said many times that this administration will leave no child behind. Yet his budget and the budget resolution, which is based on the funding levels proposed in President Bush's budget outline, both do exactly that in order to pay for the irresponsible tax cut.

Example after example demonstrate the President's budget does leave many children behind. The Bush budget cuts the Child Care and Development Block Grant by $200 million. It cuts grants to prevent and investigate child abuse by $15.7 million. It eliminates the Early Learning Fund, which was created last year to improve the quality of child care and pre-education education.

This budget not only fails to live up to the President's rhetoric, it fails to represent the values of our country. I urge our colleagues to support the Democratic alternative, give a vote to the children of our country and to their future.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Illinois (Mr. KIRK), a new member of the Committee on the Budget.

Mr. KIRK. Mr. Chairman, Eliran Rosenberg, Natali Landsgoren, and Shelhevat Pass, just 10 months old, three Israelis killed in recent terror attacks by bombs and a sniper, a sniper, where warning was given against these Israelis.

This afternoon we have learned that Israel has taken action today against Force 17, Yassir Arafat's own personal security detail, that plants cars bombs in Israel. This budget fully funds the President's International Affairs Function 150 request of $23.8 billion and it sends a message to the Middle East and to the Arab League that we will stand by our allies, and especially Israel in her hour of need.

This is a responsible budget and fully funds America's role in the world.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I respect the position of the gentleman from Illinois (Mr. KIRK) and his knowledge of this position, but let me say we have something in our budget that the other side does not have. We have put in the 150 line for foreign aid and assistance $450 million to fund the supplemental for Israel because of the dire straits in which Israel now finds itself.

Mr. KIRK. Mr. Chairman, if the gentleman from South Carolina (Mr. SPRATT) would yield?

Mr. SPRATT. I do not have the time to yield.

It is in our budget. If the gentleman votes for it, the money will be coming.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, we have been seeing this chart now for the last 2 days, and it is a very interesting chart and I need to run through it quickly.

As we can see here, first of all I want to start out by saying that the budget we have before us is better than the budget the President submitted to us. I give him credit for that. It is a step in the right direction and I appreciate the effort, but there is more to do.

Maximum debt elimination, better budget than the President's. The Democratic alternative does more.

Tax relief for every taxpayer, the only difference is we only want to cut taxes by $800 billion. That is all we want to cut taxes by. I guess I can be criticized for that, and I will take that criticism because the question is, what do we want to do with the difference?

The difference is going to some debt elimination; do more for improving education; do more for the Defense Department, $47 billion more; do more for Medicare; do more for Social Security.

On this particular list, we do not even see things like LIHEAP, things like housing, things like election reform, things like research, things like retraining, and we can go on and on and on. They are not here. Our budget does it. The other side does not. That is why our budget is better.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I want to congratulate my friend, the gentleman from Iowa (Mr. NUSSLE), for the spectacular job he has done in crafting this with members of his committee.

Mr. Chairman, over the last 6 years, Republican majorities in both the House and the Senate have made history with budgets that stopped reckless Washington spending; paid down the debt; protected Social Security and funded our Nation's top priorities. For the first time in the now over 2 decades that I have been privileged to serve here in the United States Congress, we have a budget that has come from the President, that has not been designated "dead on arrival."

Republicans changed the culture of Washington so much that President Clinton was forced to acknowledge that the era of big government is over. Today, with President Bush at the helm, we continue to make history. The Republican budget pays down $2.3 trillion of national debt. This Republican budget provides real tax relief for every American taxpayer. This Republican budget makes our children's education a top priority. This Republican budget protects Social Security from spending raids. This Republican budget restores strength to America's military.

To sum it up, Mr. Chairman, this Republican budget is a fair and balanced American budget that fully funds our shared priorities while providing tax relief to working Americans and paying down our national debt. We should all provide strong bipartisan support for this very balanced measure.

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Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Democratic budget alternative. The Democratic budget provides a more realistic level of funding for our Nation's immediate defense needs. If we do not increase the amount of money we spend on our military now, Navy pilots will not have enough fuel to conduct flight tests, the Army will not have enough ammunition for training, and all branches of the military will face a shortage of spare parts. These shortages will have a real and lasting effect on the readiness of our Nation's military.

President Bush promised to improve the quality of life for our men and women in the military, but the Republican budget resolution fails to fund those priorities.

However, the Democratic budget alternative provides for a fiscal year 2001 supplemental appropriations bill totaling $7.8 billion to immediately address these needs.

I urge my colleagues to do the right thing for national security and vote for the Democratic budget alternative.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, once again, class warfare, rich versus poor, politics of division, politics of fear. This madness must stop in America. Tell me who hires American workers. Is it the man on welfare, or is it the men and women who take a risk. Some of them go bankrupt, but some become successful and some gain great wealth. Thank God for that.

Wealth, profit, success are not dirty words in a free enterprise society; and by God, that is what we are, and we should be proud of it.

The dream of America is that we can be all we can be. We should be promoting and incentivizing the opportunity to gain wealth, not to demean those who have gained such wealth. After all, if the wealthy lose money, they move overseas and take your people and my people's jobs along with them. I want to incentivize the opportunity in America to gain wealth for all people, thus keeping those jobs here in America.

Mr. Chairman, our capitalist phenomenon not only creates jobs and stabilizes families, it does one more important thing. It stabilizes democracy not only in America, but around the world; and in doing so, it highlights the pitfalls, the injustice, and the failure of communism, I say to my colleagues.

I support the budget of President Bush. I commend the great work of the gentleman from Iowa (Mr. NUSSLE). I want to close by saying, the President is right on. If we target some people in, you thus target people out. That is not the dream of America. This rhetoric of division can some day turn into the fuel of socialism, I say to my colleagues. What strengthens America is there is just one America, not two, not three. One people, under God, indivisible. That is the dream of America. Wealth, profit, and success are not dirty words.

The Democratic substitute is not all that bad; but it does still play to divide, and I shall oppose it and I will support the work of the gentleman from Iowa. I believe we have a fine budget. Parts of it can be refined. I applaud his efforts.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the Democratic substitute which provides substantially more funding for transportation over the next 10 years than does the budget resolution provided by the Republican majority.

Given the congestion in the Nation's transportation system, we must do better; and this Democratic substitute does better. The intent of the majority resolution is to honor the funding guarantees for highway, transit, and aviation as provided in TEA 21 and AIR 21; but the committee developed their resolution based on the administration's budget resolution, and they got it wrong.

The budget resolution brought to the floor by the majority does not include enough transportation funding under Function 400 to honor the firewalls of TEA 21 and AIR 21 and provide necessary funding for the Coast Guard.

This is not an issue of partisan politics, counting things differently. The administration admits they got it wrong. Ten days ago they admitted they got it wrong. OMB wrote to the Committee on the Budget to explain the understated transportation amounts necessary to fund the President's proposed budget.

Last night, the gentleman from Alaska (Mr. YOUNG), our Committee on Transportation and Infrastructure chairman, in a discussion on the floor with the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, got assurances that the chairman would work to restore funding to honor TEA 21 and AIR 21 in conference, and I commend our chairman for that effort. But the point is that what we are voting on does not provide enough funding for the transportation programs that it claims to fund. They have had 10 days to fix it. They even had a rule that included a self-executing amendment to the resolution; and we could have had it fixed there, but they did not do it.

In contrast, the Democratic substitute fully funds TEA 21 and AIR 21 guarantees for highway, transit, and aviation investments. The gentleman from South Carolina (Mr. SPRATT) does not say with a wink, I will take care of it later. He says, it is in here; add it up. The $33 billion additional is there to deal with these issues. Let us deal with the Democratic substitute.

Still worse than the disservice to transportation is the majority's treatment of education in this budget resolution. The Republican budget increases appropriated funding for the Department of Education by only $2.4 billion, or 5.7 percent, over the 2001 enacted levels. This is less than half the average increase Congress has granted education appropriations for the last five years.

The Democratic budget, however, provides $4.8 billion more in appropriated funding for education and related services than the Republican budget. Over the ten-year period from 2002 to 2011, the Democratic budget provides $129 billion more for education than the Republican plan. These funds allow

Democrats to boost funding for critical priorities including class size reduction, school renovation, special education, and Pell grants and other higher education programs.

This past Sunday, I met with teachers and administrators of Duluth area schools, as well as state legislators, all of whom underscored the need for significantly greater investment in education. They shared with me their views on the need for greater education partnership with and expanded investment from the federal government.

For example, Frank Wanner, a teacher from the Duluth School District, said that in 1978 he had $1700 for classroom materials; today, the allocations buy only a box of Kleenex. Similarly, Russ Berntson of Proctor, Minnesota, said that 3,000 layoffs are expected in my home state of Minnesota in the next year due to underfunding and declining enrollment.

This kind of disrespect for public education must stop. Clearly, the Democratic substitute offers a substantially greater investment in education and the future of our country than does the committee or the administration budget resolution.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Virginia (Mr. DAVIS), my friend and colleague.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise today to offer my specific thanks to the gentleman from Iowa (Mr. NUSSLE) and the rest of the Committee on the Budget on both sides for including an amendment by the gentleman from Virginia (Mr. MORAN), my good friend, that would maintain the nearly 20-year-old tradition of pay parity between military and civilian Federal employees.

As many of my colleagues already know, the pay rates for both civilian and military personnel have fallen significantly below those of their private sector counterparts. Very recently, the Bureau of Labor Statistics released a report that confirmed that even now, more than 10 years after the enactment of the Federal Employees Pay Comparability Act, FEPCA, civilian and military employees are paid 32 percent and 10 percent respectively less than their private sector counterparts.

The Committee on the Budget has taken the first important step for protecting the 20-year tradition of pay parity between military and civilian Federal employees. I would like to thank my very good friend and neighbor, the gentleman from Virginia (Mr. MORAN), for leading the cause of the committee and the gentleman from Iowa (Mr. NUSSLE) for accepting this. Without this and the help of the chairman of the Committee on the Budget we would not have had this included in the fiscal year 2002 budget.

A few words about the bigger picture, Mr. Chairman. The budget we have proposed is good for America's future. It shows a strong commitment to the fiscal responsibility that has long been lacking here in Washington. We are committed to paying down the national debt by providing $2.3 trillion for this purpose. That is the most that we can pay. The substitute pays down more of the debt that we can pay because of the long-term, non-callability of some of the government bonds, which leads me to suspect this money would lay around Washington and could be spent on other programs.

It also recognizes that the American people deserve to keep more of their hard-earned money by providing tax relief for every family that pays taxes. That, Mr. Chairman, is only fair. It does not do so at the expense of important programs such as Medicare. In fact, it incorporates the vital protections we passed overwhelmingly in H.R. 2 by keeping the Medicare part A surplus off limits for any purpose other than for Medicare itself or paying down the debt until necessary reforms are made. It recognizes the vital role the Federal Government plays in health care by providing a $2.8 billion increase for NIH.

Finally, it reflects the obligation we have to the future of our youngest citizens by increasing education spending by $47.5 billion over the next 10 years, including an 11.5 percent increase for fiscal year 2002, the largest percentage increase for any department.

Mr. Chairman, this budget is a clear reflection of our priorities. It protects our senior citizens; it teaches the young; it improves the Nation's health care economically, physically and mentally. I urge my colleagues to give it their support.

Mr. SPRATT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Spratt amendment for the children of this country.

Mr. Chairman, I rise today in strong opposition to the Republican Budget Resolution. Unfortunately, this budget is a missed opportunity and it represents misplaced priorities.

Sadly, Mr. Chairman, this budget is very much a missed opportunity. The White House and the Republican Leadership have utterly failed to deliver on the President's promise of a bipartisan process that puts accomplishment for the American people above gamesmanship by Washington politicians.

More importantly, this budget fails to provide for America's priorities. We must pay down the national debt to remove that burden from our children and grandchildren and cut interest rates for items like cars and homes. This Republican tax package will return us to the days of big deficits, high interest rates, high unemployment and a struggling economy.

I support balanced tax relief as part of a comprehensive economic plan that will restore America's prosperity so that all of our hard working families can have security in their family finances. In my state of North Carolina, last month, we registered an unemployment rate higher than the national average for the first time in nearly two decades. We must pass a strong economic plan, not a wasteful tax giveaway.

The Republican budget mortgages the future based on a guess. If the projected surpluses fail to materialize, Social Security and Medicare will be on the chopping block. The American people know that the budget projections are not real. They are an estimate. It is irresponsible to make decisions that will directly impact people's lives based on a ten-year number we know is no more reliable than a ten-year hurricane forecast.

As the only former state schools chief serving in Congress, I was very pleased by the President's promise to increase education investment. But this budget is a big disappointment because the increase is due largely to the education appropriations we passed last year. It rolls back the clock on school renovation by making those funds compete with other needs. This budget does nothing to help states build schools to relieve overcrowding and get our students out of trailers. Other areas that could be subject to cuts include child care, Head Start and job training that are vitally important to allow people to make the most of their God-given abilities.

Mr. Chairman, a great deal of attention has been paid lately to the trouble on Wall Street and signs the economic boom may well be over. One sector that hasn't been booming for some time is agriculture, and farmers in my district have been hurting in the face of production cuts, commodity price losses and natural disasters. I was appalled when the Budget Committee passed its budget that would gut important farm programs. If approved, these cuts would eliminate funds to identify solutions to the state's hog waste problems and force dozens of our Farm Service Agency offices to close their doors. These agriculture cuts are wrong, and I will fight to restore them despite the Budget Committee's action.

Mr. Chairman, this budget is a missed opportunity, but it doesn't have to be that way. I urge my colleagues to vote down this budget and come together to pass a responsible budget that honors America's values and respects the people's priorities.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have served in this House for more than 18 years; and for most of these years, the deficit has been our dominant concern. It has actually been a fixation. It has taken us almost 20 years and $4 trillion in debt to escape the fiscal mistakes we made in the 1980s and turn this big budget around, out of deficits and into surpluses.

Today I have one priority, one overriding objective, and it is simply this: to make sure that we do not backslide into the hole we just dug ourselves out of. That is my overriding objective and that is why I have a problem with the Republican resolution, because it leaves so little room for error.

I hope that these blue-sky projections that total some $5.6 trillion in surpluses over the next 10 years will materialize. It will be a great bounty for all of us. But if they do not and if we pass this resolution, we can find ourselves right back in the red again in the blink of an economist's eye. This chart says it all. That is how thin the ice is on which this budget skates for the next 10 years.

We, at least, avoid or lessen that problem, that risk, by setting aside one-third of the surplus, or $910 billion, if these projections pan out. To the extent that these projections do not pan out, that share of the surplus serves as a buffer to protect Social Security, Medicare and their trust funds from being raided again. So we have downside protection; they do not.

The next problem I have with the Republican resolution is that it gives so much room, so much room to tax reduction that it leaves almost no room for anything else. If we want to see the consequences of that, if we have not been listening to this debate up until now, just go through the major accounts of the budget. We are both committed, at least rhetorically, to providing Medicare prescription drugs, but we provide a real Medicare benefit with $330 billion in real money. They provide a meager $153 billion and take that, siphon that out of the Medicare trust fund.

We provide for education. We believe in education. We provide $130 billion more than they do, because we have a balanced budget.

We provide for the environment, parks, conservation. We had a bill out here last year where we increased the amount of money we are spending there significantly. We fully fund it; they do not.

Finally, this resolution does nothing to save or make solvent Social Security and Medicare for the long run. For years and years now, we have known that we face a shortfall in both of these programs looming in the future, just over the horizon of this budget. But we have not had until now the resources to do anything about that problem. The $2.7 trillion surplus in the general fund which we hope we now have over the next 10 years gives us that opportunity, and we dare not do anything else with it if we are going to be true to the commitments that have been made to the beneficiaries of the Social Security and Medicare program, and that includes almost all Americans.

The question is, will we uphold this great compact on which the country has stood, the intergenerational compact for 65 years, or will we slough the problem off to our children.

To keep the promises that we made, we set aside $910 billion, one-third of the surplus, and transfer it in equal shares, half to the Medicare trust fund, half to the Social Security trust fund, making Social Security solvent until 2050, and making Medicare solvent to 2030.

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By contrast, the Republican resolution siphons money out of the Medicare trust fund, shortens the solvent life of that program, and does nothing at all for Social Security.

If Members want to save Social Security, if they want to provide a real prescription drug benefit, if they want to do something for education and scientific research, for successful programs like COPS, if Members want to provide $740 billion in tax relief over 10 years and $60 billion over the next several months, if Members want to pay down the debt by $900 billion more, their choice is clear: Vote for the Democratic budget resolution.

Mr. NUSSLE. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just say to my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), I am going to oppose his budget, but I want to thank the gentleman for the way he has conducted the debate today and for the honorable partnership that we have formed in the Committee on the Budget to bring this vehicle to the floor today.

We have some shared goals, even though we do not always share the ideas on how to achieve those goals. I want to applaud the gentleman publicly.

I also want to applaud the staff on both sides who have worked so hard to bring both the gentleman's substitute and our base bill to the floor.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. I very much appreciate the gentleman yielding.

Mr. Chairman, we have had a different working relationship, more methodical, to the problem this year than in years past, and I appreciate that. I do, however, look forward to the day when the well of the House becomes a free market of ideas again, and we can hope to meet on common ground and negotiate our differences and come up with a final result that has something for the gentleman and something for us both in it.

I am sorry to see us diverge on this occasion rather than converge, but I hope some day soon, and perhaps this year before this process is all over, we will sit down and try to find common ground.

Mr. NUSSLE. We will work together to enforce the budget.

Mr. SPRATT. Let me also, Mr. Chairman, if I might, thank my staff, who have worked arduously. I am not sure about the Fair Labor Standards Act, our compliance with it, with the hours they have worked. But we could not have pulled this together or brought this to the floor or made this presentation had it not been for the diligent work of our staff.

Mr. NUSSLE. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

I, too, want to add my congratulations to the chairman of the Committee on the Budget and to the ranking member for a job well done. This is the chairman's first budget, and we are very proud of the work that he has done in bringing this budget to the floor. He has done an outstanding job in bringing a lot of people together and listening to a lot of people, and now we have a budget I think that is good for America.

Mr. Chairman, the Members need to be real careful, because the Democrat substitute budget is a beguiling mirage. It is sold as fiscal discipline, but a close inspection shows that it sustains big government and offers taxpayers little more than a patched waste of paltry relief.

The Democrat budget gives the impression that it offers significant debt reduction, but it really comes down to a false choice. Even Chairman Greenspan has reservations about paying off too much of the debt too quickly. Democrats do not take his concerns into account.

Because Democrats refuse to return the tax surplus to the people who earned it, their budget leads to two unacceptable outcomes: first, excessive bonus payments to foreign investors who now hold U.S. debt and who will not sell them back before they mature; and second, the Federal government buying up stocks and bonds once our public debt is gone.

Under the Democrat plan, the Federal government could actually eventually control up to 5 percent of the entire stock market in just 10 year's time after the Treasury has to invest the surplus dollars in an investment product other than Treasury securities. For the first time, the Federal government would own stock in the stock market.

The Democrat plan offers less than $700 billion for tax relief. After we account for their $300 billion alternative minimum tax proposal, there is not even enough room to drop the bottom tax bracket from 15 percent to 10 percent, or there is not enough room to double the per child tax credit.

That is not all that the taxpayers give up for the Democrat plan. The Democrats keep the death tax. The Democrats keep the marriage penalty. Their plan shortchanges taxpayers.

But Congress can choose real relief. That is why every Republican and open-minded Democrat Member of this House ought to support the President's budget, because it strengthens American families, it expands economic freedom, and it strikes a very fair and reasonable balance between national need and fiscal restraint.

For every hard-working family, every struggling small businessman, and for every young woman who is ready to launch her own business start-up, the

President's budget carries a note of hope and optimism.

In fact, for anyone who hopes to realize his or her American dream, this budget, our budget, brings that dream one step closer to reality. That is because our budget respects the taxpayer. The reasoning behind it begins with the supposition that tax dollars actually belong to the people who earned them.

The President wants to let America keep more of what it earns, and we ought to help him do it. So for those women and men who desire nothing but the opportunity to challenge their talents and chase their dreams, the President's budget will spur job creation, enhance economic freedom, and provide the resources to restore limited constitutional government.

Vote down and reject the Democrat substitute, and support freedom by supporting the President's budget.

Mr. McGOVERN. Mr. Chairman, I rise in opposition to the budget resolution put forward by the Republican leadership and in support of the Democratic Substitute introduced by the Ranking Member of the House Budget Committee, Mr. SPRATT. Within the framework of a balanced budget, the Democratic budget provides for a better future for all Americans.

The Republican-supported budget resolution fails our seniors, fails our children, fails our veterans, fails our cities and communities, fails our farmers and fails our small businesses. In good conscience, I cannot support it.

I cannot support a budget that shortens the solvency of Medicare by at least five years and the solvency of Social Security by nine years, bankrupting these programs by 2024 and 2029 respectively. We should be working to extend the solvency of these programs. The Democratic budget puts $910 billion over ten years into the Medicare and Social Security Trust Funds with resources coming from outside these two programs. This extends solvency to at least 2040 for Medicare and at least 2050 for Social Security.

I will not support any budget that gambles with the lives and well-being of our seniors. And I certainly will not support any budget that actually decreases the solvency of these programs, which have kept millions of elderly Americans out of poverty and provided for the majority of their health care needs.

The Democratic budget provides $1.7 billion for LIHEAP, the Low-Income Home Energy Program, which so many Massachusetts and New England families and seniors depend when faced with skyrocketing energy costs and energy emergencies. The Republican budget freezes LIHEAP and eliminates the emergency funds, in effect cutting LIHEAP funding by $300 million from FY 2001 levels.

The Republican budget breaks faith with our police and firefighters, men and women who put their lives on the line every day for our safety. The enormous cuts to overall funding for justice programs in the Republican budget threaten the Community Oriented Policing Service, the COPS program, which, since 1994, has placed over 100,000 new police officers on the street and provided new resources for state and local law enforcement. The COPS program has been the cornerstone of community crime prevention efforts, has helped reduce violent crime since 1994, and has brought the nation's crime rate to a 25-year low.

Just as troubling, the Republican budget fails to provide the $300 million approved by Congress last year to support the FIRE Act, funds for grants that help develop and provide new resources and technology to save the lives of victims and firefighters alike. Last year, hundreds of firefighters from across the nation fought for and won this new funding. The Worcester Firefighters Association, and especially Fire Chief Frank Raffa and his colleagues, spent weeks personally talking to over 250 Members of Congress about the tragic fire in Worcester that took the lives of six firefighters and that helped awaken the conscience of a nation to the special needs of these dedicated public servants. I refuse to turn my back on the men and women who serve our local communities and I will not support a Republican budget proposal that treats them so callously.

I'm very concerned that the Republican budget backtracks on last year's landmark agreement to set aside dedicated funding for land conservation, preservation and recreation programs. In contrast, the Democratic budget keeps the promise to preserve and protect our environment and helps our communities clean up contaminated lands and ensure that our families have clean water to drink and clean air to breathe. The Democratic budget provides the resources to tackle the nation's water infrastructure needs, an issue of great concern to many communities in the 3rd Congressional District of Massachusetts. It funds new grants for states to help them set up and carry out clean-up programs for brownfields. Helping Massachusetts with this problem will spur economic development in urban areas and remove one of the great causes of urban sprawl.

Even in an area where President Bush and the Republican majority increase funding, such as education, they fail our families, students and communities.

The Republican education budget increases funds by 5.9 percent over last year's level. However, this represents less than half of the average yearly increase that Congress has provided in the last five years. The Republican budget fails to keep pace with the nation's education needs.

Once again, the Republican budget fails to help schools address emergencies and repairs, eliminating the new $1.2 billion urgent school repair program. It fails to include the bipartisan Johnson-Rangel initiative to provide interest-free bonds from school construction. Our country is facing a nation-wide crisis in school facilities and this budget fails to address that crisis in any effective way.

The Republican budget diverts desperately needed Title I education program monies for low-income and poor children to private and religious school voucher programs.

The Republican education budget also fails to invest additional resources in critical education programs like the TRIO program, which funds successful programs in Worcester and Bristol Counties, and GEAR-UP. It freezes funding for Head Start, eliminates the new Early Learning Opportunities Fund, and appears to freeze funding for safe schools, after-school programs and education technology initiatives. Furthermore, the Republican budget fails to provide sufficient, let along full, funding for Pell Grants and for the federal share of special education (IDEA) programs.

The Democratic budget, in contrast, provides for $129 billion more than the Republican budget over ten years in funding for education and related services. Democrats boost funding for critical priorities, including class size reduction, school renovation, teacher recruitment, training, and development, title I aid to the disadvantaged, Pell Grants and other higher education programs, special education (IDEA), after-school programs, school counselors, instructional technology and Head Start.

Finally, the Democratic budget provides for all these programs and more, within the framework of a balanced budget, and still provides $910 billion in tax relief to America's hard-working families.

The Democratic budget cuts taxes and funds priorities like Social Security and Medicare solvency, education, community infrastructure and public services, the environment, and still has room to provide a Medicare prescription drug benefit and continues to pay down the debt. This is not a budget built on smoke and mirrors. The numbers add up, and the proposals are based on real monies and not projected funds that might fail to materialize.

The Democratic budget will better the lives of all of Massachusetts' communities and residents. The Republican budget will not.

Mr. BLUMENAUER. Mr. Chairman, today, Congress debated and voted on the President's FY 2002 Budget plan. The President's plan is both harmful to our economy and unnecessarily cuts important government programs, and I voted against it.

Today, in response, I supported three alternative budgets that better address our future needs while providing working Americans with tax relief. Each alternative plan allows for an honest estimate of future spending needs and provides tax relief that will go directly to families who most need assistance.

The Republican plan triple counts Social Security and fails to protect Medicare in order to fit the President's tax cut. Such a proposal doesn't address some of the real inequities in the tax code like the Alternative Minimum Tax, which increasingly impacts middle-income families.

I know Oregonians deserve better than the shame budget approved today, and I was pleased to support alternative plans that realistically address America's needs.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 243, not voting 6, as follows:

[Roll No. 69]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barcia
Barrett
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Baldwin
Becerra
Gordon
Lampson
Rothman
Sisisky

☐ 1629

Messrs. BRADY of Texas, PHELPS, DOOLITTLE, BOEHLERT, SHOWS, BUYER, HALL of Texas and Ms. PRYCE of Ohio changed their vote from "aye" to "no."

Messrs. HOLDEN, DICKS, RUSH, MOLLOHAN and JACKSON of Illinois changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

☐ 1630

The CHAIRMAN. It is now in order for a period of final debate on the concurrent resolution.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, today we present a budget that we have been working on for more than just a few days. We have been working on this budget for almost 20 years, a 20-year attempt to slow the rate of growth of government, provide tax relief for Americans, pay off the debt held by the public, and recognize once and for all that the important decisions happen around kitchen tables, not around committee tables.

Mr. Chairman, the most important debate today will not occur on this floor. The most important debate of today is going to happen tonight sometime after the kids are tucked into bed and mom and dad are sitting around the kitchen table, and they are trying to figure out how to pay for college, and they are trying to decide whether to buy Nike shoes or Keds, or they are trying to decide how to pay that Visa bill that just went over their limit one more time, or they are trying to figure out how to pay the mortgage, how to pay the heating bill, how to pay for the extra energy costs.

Mr. Chairman, we sometimes think that the trillion dollars and trillion dollars of debate that we have here is the most important. But sometimes it is the $10, the $20, the $100 that is debated around our kitchen tables that is the most important. That is why we have presented the budget that meets the goals that we have worked so long to achieve.

We had a priority of paying down the maximum amount of publicly held debt. We accomplish that, and there is still money left over.

We set aside in a bipartisan way, I would say to my friends on both sides, all of the Social Security trust fund, a big victory for the American people and for seniors today and seniors tomorrow; and there is still money left over.

We set aside all of the trust fund for Medicare. We provide for a prescription-drug benefit. We want to modernize Medicare in this budget, and there is still money left over.

We provide for the important priorities of defense, agriculture, education, environment, so many issues that we have come here to debate in the halls of Congress; and there is still money left over.

The question is, Who does that money belong to? It belongs to the people who debate around their kitchen table tonight. Let us give them that refund that the President asked. Let us provide for them in this budget. Let us pass the budget.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have stated the reasons that I oppose this resolution before, but I will state them in a nutshell again.

First of all, in its single-minded zeal for tax reduction, this resolution cuts so close to the bone that it leaves no margin of error. If these projections do not pan out, we are in deficit again.

Secondly, it makes so much room for tax cuts that it leaves little room for other priorities. If my colleagues want to see those other priorities, look at them, tick them off: Medicare, prescription drugs, education, conservation, down the list. It does an insufficient amount.

Finally, it does nothing at all for Social Security and Medicare, nothing at all. In fact, it actually deducts funds from the Medicare program by siphoning off money from the Medicare Hospital Insurance trust fund to pay for a meager and inadequate prescription-drug insurance.

For all of that, if the bottom line is debt reduction, it achieves less debt reduction to the tune of $915 billion than the resolution that we have just presented which covers priorities across the board.

We can do better.

Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Chairman, I ask Members to consider voting against this budget resolution and to support the Democratic budget because I think it is a better budget.

When one does a budget, one makes choices. One makes choices between size of tax cuts, how much is going to go to pay down the debt, how much goes to Medicare, prescription medicine, how much goes for education, how much goes to support the environment.

I suggest to Members that we are making a mistake with this budget. Let us think of it as two products. First, we have the Republican budget product. It is a $2 trillion-plus tax cut, most of which goes to the wealthiest Americans. If we buy this budget, this is what is contained in this plan, this program.

On the other hand, if my colleagues vote for a Democratic budget, they get much more. It is a better product. We get lower interest rates. Yes, we get a tax cut focused on middle-income Americans, but we also get debt-free by the year 2008.

We get a prescription-drug benefit for all senior citizens. It extends Social Security to 2050, Medicare to 2040. It extends both about 12 years. More quality teachers and more cops on the beat.

So the question is which box do we want for the American people. I suggest that this is a decision that will be with us for a long time.

I was here in 1981. We had a new President who came saying that he wanted a budget that included a large tax cut. We came to this floor in 1981 and debated that budget. The President said that it would not cause large deficits, that it would create jobs, that it would bring down interest rates and inflation.

After we lost our alternative to that tax bill, many of us sat on the floor and wondered what we would do, how we would vote.

I was getting calls from home, people saying give the new President a chance; and I did. I voted for the Reagan tax cut. Then the deficits began, as we worried they would. First it was $100 billion a year, then $200 billion, then $300 billion, then almost $400 billion. We went from $1 trillion in back debt to this country to almost $6 trillion in debt.

It took the budget summit of 1990 and the Budget Act of 1993 and 1997 to begin to get that deficit under control.

Now, instead of having deficits as far as the eye can see, we have surpluses for the first time in 20 years. Why? I ask my friends in this Congress, why would we want to go back and repeat that mistake again?

When I went home these last weeks, constituents came up and said where is the Medicare prescription drug program that I thought was going to be coming after the election? Where is the furthering of the solvency of Medicare and Social Security? Where are the smaller classrooms with better teachers and more classroom sizes? These are the issues that people are deciding in this budget debate.

I plead with Members, turn down this budget and let us do a budget that does not send this country back into bankruptcy, back into high deficits, back into high interest rates, back into high inflation. We still have time to avoid it.

I urge Members to vote against this misguided wrong-headed budget.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the very distinguished majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I listened very intently to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader; and, Mr. Chairman, his argument just does not wash. In fact, it promises a "Tide" of new spending for America.

Mr. Chairman, this budget is right for America. It establishes a new direction. For too many years, we have seen liberals raise our taxes and send spending into orbit.

But now we have a new President and one who wants to tell us all to come back to Earth. Our new President wants to send us in a new direction; and we should say, We are with you, Mr. President.

Mr. Chairman, I am amazed by the complaints I have heard about this budget. I hear your spending plan does not go far enough. We cannot lower taxes that much. What do these complaints mean? They mean more taxes, and they mean more spending.

Now, have we heard this before? Yes. Think about what we are hearing. That is called tax and spend, and that is the track we are trying to leave. It is the same tired vision for America. It is a vision that we reject.

We are here today trying to establish a new direction, one that we can call fiscal responsibility. Yes, we have achieved a lot already. We have had the first balanced budget in 30 years. Today again, for the fifth year in a row we will not only balance a budget, but run a surplus in our budget. Mr. Chairman, that has not happened for 70 years.

Fiscal responsibility used to be about as common in this town as Haley's comet, but we put the tax and spend century behind us. We are here today to replace it with a century of surplus.

We have to understand that this budget, Mr. Chairman, is not about numbers. It is not about pie charts. It is not about CBO or OMB or calculators or green eye shades. This budget is about people. This budget is about setting the right example. This budget is a vision for a better America, a responsible vision.

This budget is a road map for America. It is not the end of the road, Mr. Chairman; it is the beginning of the road. It points the way that reflects all the right priorities.

□ 1645

Mr. Chairman, this budget is, in fact, fiscally responsible. It will pay down all of the available public debt, and that is in addition to the half trillion dollars of public debt we have already paid down. And it makes generous provisions for the spending on the right priorities: education, public health, national defense. And after we have done all of that, yes, indeed, we will give tax relief to everybody in America who pays taxes. There is marriage penalty tax relief. There is across-the-board tax reductions in the rates. There is death tax relief. We will do as much as we can to give money back to the people who earned it.

As for spending, some of my colleagues still complain that our spending plan does not go far enough. Mr. Chairman, this budget spends an additional trillion dollars over the next 10 years. If you put a trillion dollars together end to end, it would reach to the planet Mars; and that is not enough? This budget spends $23 trillion total over the next 10 years. If you put $23 trillion together end to end, it would take you to Jupiter and back; and that is not far enough? I think my colleagues who are saying that are still out there someplace.

Mr. Chairman, I was in Congress when we passed the first $1 trillion Federal budget. It took two centuries for Congress to spend a trillion dollars in a single year, and here we are 14 years later, we are near the $2 trillion mark; and that is not far enough? And now we will add an extra trillion dollars over the next 10 years; and that is still not enough?

So the choice is very clear. The choice is between two visions: a vision of bigger and bigger government spending, a choice between larger and larger taxes, or a choice of smaller government that trusts the people to make up their own minds.

My colleagues, especially those of my colleagues on this side of the aisle, let us trust the American people as our President has led us to do. Let us say we are with you, Mr. President. We are with you, Mr. and Mrs. America. We are "yes" on this budget.

Mr. NUSSLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the very distinguished Speaker of the House.

Mr. HASTERT. Mr. Chairman, first of all, with all due respect to the minority leader, yes, we have all been sold soap before; and sometimes bigger boxes of soap do not necessarily get the job done, especially when bigger boxes of soap mean more government. I remember one time when my wife was breaking me in on just how to wash the laundry. If you put too much soap in that machine, bubbles came out, and it gushed all over. We had soap all over. Everywhere was soap and bubbles.

Mr. Chairman, that happens with government, too. If we put too big of dollars in government, what happens is spending goes up. We will never see a balanced budget again. We will never see a surplus. That is what this is all about. This is all about trying to lay out what our plans are for our children and grandchildren and our lives in the next 10 years.

Mr. Chairman, there has been a lot of work done on this bill, and there are a lot of points of view, and I appreciate what everyone did because it laid down the parameters of debate on what people really wanted to do and what their vision for the Nation is. Those are the choices that we will have to make, and the vote in a few minutes will give us the chance to make those choices.

Mr. Chairman, the choice here is a choice between government that grows too big, too much, too fast, too big a burden on the American taxpayers, or a budget that holds the growth of government down to slow growth of government and takes a little bit of that extra money, not all of it, not half of it, but just a part of it, and says, we need to take some of that money, and we need to pay it back, we need to give it back to the people that made it in the first place.

Mr. Chairman, that is what this choice is all about. So there is tax relief for the American people. So people who get married are not paying an extra $1,400 because they are married rather than being single. Or if you have a small farm or family business and you want to pass it on to the next generation, you can do that without the Federal Government coming in and confiscating 55 or 60 percent of it.

Probably everybody who pays taxes deserves a little tax relief. When we cut across the board the marginal tax rates, that means thousands and thousands of Americans in this country who pay taxes now will not even have to pay taxes. But it also means the man and wife that go to work to support their children that earn the $60,000 or $70,000 a year, or $40,000 or $50,000, are going to have more money in their own pocket so they can make decisions about their kids and families and what kind of education they are going to have; or maybe just pay the bills or the tuition to a sports camp, something special for their family. Those are the choices that we are trying to take away from government bureaucrats with too much spending and give it back to the American people who know what their priorities are, that have the right and deserve to spend more of their money the way that they see fit.

Mr. Chairman, this budget is also about children and about children in a very special way. It is about education. When you talk about education, sometimes it just kind of goes over some people's heads. But where real education takes place, and I spent 16 years in a classroom, education takes place in a classroom with good teachers and parents who care. We put more dollars not into some bureaucracy, not for some bureaucrat in Washington, D.C., to lay down more paper and more busywork, but we put dollars in the classroom so teachers can do a better job and parents can get more satisfaction sending their children to school and knowing something good is going to happen.

Mr. Chairman, we have talked about this budget a great deal. There has been a lot of debate on this floor today, but this budget, crafted by the President, worked on by the gentleman from Iowa (Mr. NUSSLE), and I thank him for his great work, really goes to the heart of what we want to do for the future of this country and for the moms and dads and children and our grandchildren.

We can make this a better place to live. We can make, through this budget, better choices for people to make because they can make their own choices and have better education for their kids.

Mr. Chairman, I would ask my colleagues on the other side of the aisle to support us today and pass this budget resolution because it is time we do it. Let us go to it.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001 and, setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011 and, pursuant to House Resolution 100, he reported the concurrent resolution, as amended by the adoption of that resolution and by the previous order of the House, back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on agreeing to the concurrent resolution, as amended.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 205, not voting 6, as follows:

[Roll No 70]

YEAS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)

Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barcia
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Baldwin
Becerra
Gordon
Lampson
Rothman
Sisisky

☐ 1715

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6, MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–31) on the resolution (H. Res. 104) providing for consideration of the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, Chairman.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NET CORPS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

Mr. HONDA. Mr. Speaker, I take this opportunity to come to the House floor to speak about legislation I introduced last week, the National Education Technology Corps Act of 2001, or better known as NET Corps.

As a former science teacher, principal and school board member, I am extraordinarily pleased that Congress is becoming more engaged in the plight of our schools. Much of the discussion centers on how the Federal Government can be more creative and how we can meet the needs of our schools. I agree that we do need to be more creative, and I am confident that the Net Corps Act is as intelligent and innovative as the backers, the high-tech industry, educators, and nonprofits.

Representatives from each of these sectors recently attended a press conference in San Jose where they voiced their support for this bill and efforts to improve our education system. I crafted this bill in the spirit of the Peace Corps and Americorps, programs that are based on the premise that American citizens of all backgrounds have something constructive to offer underfunded and underserved communities.

It is a shame that in America we must classify our schools as underfunded. As a member of the Committee on the Budget, I argue that it is a sad statement about our national values when our schools cannot offer our children the tools that will prepare them for the information economy.

I often talk about accountability. No, not just teacher accountability, but also about holding our political institutions accountable for inadequately serving our schools. I am discouraged by the Republican budgetary earmarks for education. The vote today only reinforces how necessary it is for advocates of schools to be creative.

NET Corps is creative and it is smart. The NET Corps program, an expansion of the Corporation for National Service, will recruit high-tech savvy volunteers from academic institutions and high-tech companies. I am particularly excited by the inclusion of the high-tech companies in the NET Corps.

The reality is that many high-tech companies already have organized programs and efforts to help our schools. Companies like 3Com and Silicon Graphics, Intel and Hewlett-Packard come immediately to mind. NET Corps rewards these companies for their efforts by providing them a 20 percent tax credit on the time their employees have spent in schools working directly with teachers and school administrators. But NET Corps is not about rewarding companies who are already active; it is about enticing engaged companies to lend their employees to help our children. High-tech companies are receptive to this legislation because they understand that the future of America's IT economy rests on their ability to attract qualified workers.

I am pleased to be joined in my effort by my distinguished colleague, the gentleman from California (Mr. HORN). The gentleman from California (Mr. HORN), as a former president of the California State University at Long Beach, understands the great challenges our schools and children face, and he recognizes that NET Corps better prepares teachers to address these challenges. I am proud to have him as a cosponsor, and I look forward to working with him to pass this important legislation.

Finally, let me say that since introducing this legislation, I have been contacted by countless high-tech employees, teachers, and parents who support this legislation. They are part of what I call the NET Corps movement.

Mr. Speaker, I urge my colleagues to join me in this movement. Our children's futures depend upon it.

BLACK BERETS FOR U.S. ARMY SHOULD BE MADE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I rise this afternoon to once again bring attention to the issue of the decision by the Army Chief of Staff to issue black berets as standard issue head gear to all Army personnel. Until this decision was made, the black beret had been the outward symbol of the Army Rangers, one of the most elite fighting forces within the United States armed services. While much has been said regarding the decision, I believe that even more needs to be said, particularly regarding the decision to bypass the Barry amendment and purchase the bulk of the berets totaling nearly $35 million from Communist China.

Mr. Speaker, at a time when the small businesses of our Nation are struggling for new business, it is a travesty that our own government has chosen to bypass the Buy American Rule in order to meet an arbitrary deadline. While the 225th birthday of the United States Army should be marked with great celebration, I do not believe that the men and women who so faithfully serve in the Army would want the day marked by having to wear a beret that says "Made in China."

I recently received a letter written by a small businessman from Sanford, North Carolina, and I will submit this letter for inclusion in the RECORD.

Mr. Brooks Pomeranz is president of Cascade Fibers Company, a small mill that in a matter of a few short months could convert its cutting and sewing operation into a mill that could have produced at least a part of the beret order for the United States Army. He writes, and I quote him: "With the decline of U.S. textiles and U.S. textile mills closing every month, it is unconscionable that our government is contracting foreign companies to manufacture these berets. With just a portion of this business being contracted to my company would enable us to keep 80 families from losing a vital income for their children. Our quality is outstanding and our service is superior. Eighty families, 80 moms, 80 dads and countless children whose livelihood would continue if this bill were given even a portion of the order for new berets. Instead, those berets will be made by men and women in China who work under the worst possible working conditions for merely pennies per day. The same men and women who are told that they are not allowed to worship as they please and who are told that they cannot have more than one child. And, at the center of all of this is the undeniable fact that United States tax dollars would go to a communistic government to be used for the purpose of weapons from our enemies to threaten and intimidate not only the people of the United States, but also our allies. This should concern all Americans."

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. MANZULLO) and the Committee on Small Business on the House side for holding next week's hearings on this issue, and I want to call on the House Committee on Armed Services on which I serve to seek possible remedies to this problem before it is too late. The men and women of the United States Army and small business owners around the country deserve at least that much.

Mr. Speaker, the letter I referred to earlier follows:

CASCADE FIBERS COMPANY,
Sanford, NC, March 21, 2001.

Hon. WALTER B. JONES,
House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN JONES: I am the president of Cascade Fibers, a small textile company in Sanford NC employing 80 associates. Cascade Fibers, a cut and sew textile business, makes table linens, table skirting, placemats, napkins, and aprons for the hospitality, rental laundry, and retail markets. Our quality is outstanding, and our service is superior. But with large corporations buying out smaller companies, and with the growth of overseas napery being sold at a much cheaper price, Cascade Fibers is experiencing a very difficult time competing in this market, and our time may soon be running out.

I am including articles that I have recently read regarding berets that our military will be wearing that are to be manufactured overseas so that our soldiers will have them for the US Army's 226th birthday on June 14th. With the decline of US textiles and US textiles mills closing every month, it unconscionable that our government is contracting foreign companies to manufacture these berets. With a portion of this business being contracted to Cascade Fibers, would enable us to keep 80 families from losing a vital income for their children. Our quality is outstanding and our service is superior.

I am asking for your help ASAP to help me promote my company to the right contacts to be able to receive a portion of this business. Anything that you can do will be greatly appreciated by these American families so they can continue to provide for their children.

Sincerely,

BROOKS POMERANZ,
President.

COMMUNITY, MIGRANT AND HOMELESS HEALTH CENTERS

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, Community, Migrant and Homeless Health Centers provide cost-effective, quality health care to our country's poor and medically underserved. They act as a vital safety net for our health delivery system and reduce health disparities that large portions of our populations experience.

These centers are nonprofit, community-owned and operated, and serve all 50 States. They provide health care to those who otherwise could not have access to it, serving one in 12 rural citizens, nine in 8 low-income Americans, and one in 10 uninsured Americans. Surely this is something that this House in a bipartisan manner can support.

I want to thank the gentleman from Illinois (Mr. DAVIS) who will follow and speak on this same issue.

Mr. Speaker, I represent a rural area; and much of my district has very limited access to health care. Centers in my district operating in Salem, Vandalia, and Springfield, Illinois, have made vital health services available to the community. By serving a specific area, the centers can tailor their services to the specific needs of the community and work with the schools, businesses, churches and community organizations to provide the best care possible.

Community health centers are cost-effective in a viable way to bring quality health care to underserved populations. Increasing Federal funding will enable community health centers to expand and reach more of the uninsured. That is why I support the Reach bill, which would double the budget for community health centers.

☐ 1730

But it is also an inexpensive way to get preventative and primary health care to those who have fallen through our health care delivery system.

I encourage all our colleagues to support this vital program that helps so many.

URGING SUPPORT FOR H.R. 6, THE MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

Mr. PLATTS. Mr. Speaker, tomorrow we will cast a very important vote here in the House. We will take up the second component of the President's comprehensive tax relief package, H.R. 6, the Marriage Penalty and Family Tax Relief Act.

I rise today to join my freshmen Republican colleagues in expressing my strong support for H.R. 6. Earlier this year in January my freshmen colleagues and I announced we would commit ourselves to the enactment of legislation that would eliminate the marriage penalty once and for all. I am delighted that our House leaders have embraced this number one priority of the freshman class and have scheduled this legislation for a vote tomorrow.

I want to thank the lead sponsor of H.R. 6, the gentleman from Illinois (Mr. WELLER). Over the past several years, the gentleman from Illinois has led the effort to eliminate the marriage penalty and restore fairness and equity to our Tax Code. I sincerely appreciate his hard work and dedication to this very important issue.

I also compliment the gentleman from California (Mr. THOMAS) and members of the Committee on Ways and Means for moving this legislation very quickly, and for their decision to couple the marriage penalty relief aspects with a much-needed increase in the child tax credit.

Mr. Speaker, I was proud to cosponsor the Marriage Penalty and Family Tax Relief Act as one of my first deeds as a Congressman. This important legislation will double the child tax credit. It will go significantly further than was proposed initially in President Bush's tax package to lessen the impact of the marriage penalty.

H.R. 6 is not tax relief for the rich. In fact, this legislation is designed substantially to reduce the tax burden on low- and middle-income families. It does so by raising the standard deduction for married couples to twice that for single taxpayers.

In 2000, the year 2000, the standard deduction amounted to $4,400 for single taxpayers, but just $7,350 for married couples filing jointly. That is an automatic tax penalty for married couples at every income level. H.R. 6 will eliminate this unfair and inequitable provision.

H.R. 6 will also expand the 15 percent tax bracket, the lowest tax bracket for married couples, to twice that of single taxpayers. Under current law, the 15 percent bracket covers taxpayers with taxable income up to $26,250, but only $43,850 for married couples filing jointly.

H.R. 6 will also help low-income working families by increasing the income ceiling on the earned income tax credit, making more couples eligible for this vital tax relief.

In addition, H.R. 6 will provide $100 in immediate tax relief this year to every low- and middle-class working family by increasing the child tax credit from $500 per child to $600 per child, retroactive to January 1 of this year; then, phasing that increase into $1,000 by the year 2006.

Finally, H.R. 6 will ensure this critical tax relief does not erode due to unfair consequences from the alternative minimum tax.

Mr. Speaker, there are over 28 million working couples in the United States, including more than 63,000 couples in my district. Enactment of H.R. 6 will return over $225 billion in marriage penalty relief to these hard-working American families.

When coupled with the across-the-board rate reductions the House passed earlier this month, the expanded child tax credit would provide the average family of four with an additional $560 in tax relief in the year 2001 alone.

Over the next few years, the Marriage Penalty and the Family Tax Relief Act will save the average family of four well over $1,000 a year in taxes. That is more than $1,000 to have available to spend on a mortgage payment, new clothes for the children, day care, preschool, college savings accounts, or a host of other critical priorities in a family budget.

But the Marriage Penalty and Family Tax Relief Act does more than just allow American families to keep a larger percentage of their earned money. It would also help keep families together. With nearly 50 percent of marriages ending in divorce today, we certainly should not penalize couples who stay together. Rather, we should do everything we can to alleviate the economic constraints which hinder their ability to build a family and a lasting relationship.

Mr. Speaker, let us give American families a fighting chance. I urge my colleagues to support the Marriage Penalty and Family Tax Relief Act when it comes to the floor tomorrow. I thank again the leadership for bringing this issue before us and making sure we have the full support of the leadership ranks and Members from both sides of the aisle who want to do right for the working families of our Nation.

CALLING FOR CONGRESSIONAL ACTION ON HUMAN RIGHTS VIOLATIONS IN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I have just come from a subcommittee hearing of a subcommittee of the Committee on International Relations, on which I do not serve, but the Chair and the ranking member were kind enough to afford me the courtesy of sitting at a hearing today on Sudan.

I come to the floor today as part of the effort of an increasing number of Members to draw to the attention not only of the House, but of the country the need to step forward on slavery, genocidal war, bombing of humanitarian workers, and forced conversions of Christians and animists to Islam, the worst litany of human rights violations in the world today.

The world is full of human rights violations. We have spoken up on many of these violations, and done much on many of them. We have not been able to get hold of this atrocious situation, although this House and the Senate have almost unanimously condemned these violations in Sudan.

The gentleman from New Jersey (Mr. PAYNE), the ranking member of the subcommittee, and I had a 1-hour special order last year. No Members joined us then, but just this week the multilateral, the gentleman from Texas (Mr. ARMEY), and a bipartisan group of Members held a press conference on Sudan indicating that this House, Members from both aisles, indeed, are not going to sit still for the outrage in Sudan without moving forward.

We have a new Caucus on Sudan chaired by the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF), perfectly bipartisan in nature. Soon another resolution from the House condemning the violations in Sudan will come forward.

Thus far the most dramatic response has been that schoolchildren have bought other children and women out of slavery in Sudan. As important as that is for drawing attention to the atrocities in Sudan, it is hardly a grown-up response to what is happening in southern Sudan.

At the hearing today and among all of those concerned, we hear a plethora of responses. It is important to settle in on some immediate as well as long-term responses.

Everyone knows that related to the long-term responses to stop the war in Sudan, what leads to the slavery, what leads to the genocidal bombings, is the search for oil by Khartoum, bombing its own people in the south to depopulate it so it could get to that oil without sharing it with the entire country.

But in the meantime, there are a number of things we can do. Surely we need to bypass the Khartoum Government and use religious organizations and nongovernmental organizations in order to get food aid and medical and other assistance to the people of southern Sudan.

Surely we now in this country ought to be leading the United Nations toward a condemnation of the war of the north against the south. There are some who want a no-fly zone, although I do understand that the problem there is that it could engage us in hostilities with Khartoum.

We may not be there yet, and perhaps we should not get there, but we cannot sit still for what is going on in Sudan.

Recently I signed on to a letter circulated by the gentleman from Virginia (Mr. WOLF) for a special envoy so we could begin to restart diplomatic relations. President Clinton had a high-level special envoy. President Bush says he is not partial to special envoys. Yet if this is a way to try to break into this outrageous situation, then so be it.

What we must do this session is move beyond what we did last session: a special order by the gentleman from New Jersey (Mr. PAYNE) and I on the floor, a resolution by the House and Senate condemning the bombings. This is a very complicated situation, and we cannot stop the war of the north against the south in Sudan. We cannot eliminate slavery through some emancipation proclamation from the United States. We cannot go and buy children and women out of slavery. We cannot stop the worst conversions.

But we are the strongest power in the world. We have got to find a way to use that power to stop the war in Sudan, or at least to get a cease-fire so we can begin to pull the sides apart and help restart that country toward a democracy.

COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to discuss an important component of our health care delivery system. Community health centers for 35 years have undergirded the primary health care movement in this country. They have provided access to quality, affordable primary and preventative health care, regardless of a patient's ability to pay. They have been a safety net for millions who otherwise would not have been able to afford health insurance.

Community health centers are the family doctor, the health care home for over 11 million low-income patients nationwide, including over 7 million minorities.

We talk about health care in macro terms, but when we really think about it in micro terms, day to day, it really is the vast network of more than 3,000 community-based health care center sites operating in urban and rural communities that make sure our citizens are healthy. They deliver top-rate health care with highly trained, culturally competent health professionals.

Across the Nation, health centers are staffed by more than 6,000 physicians, thousands of nurses, dentists, and other health professionals and volunteers. Health centers provide health education, community outreach, transportation, and other support programs in schools, public housing, and homeless shelters.

Community health centers have done an outstanding job of controlling costs. For the past 35 years, they have provided quality, cost-effective primary and preventive care to the hardest-to-reach populations, where they are most needed, for less than 76 cents per day for each person health centers serve. That is how they have controlled costs.

In my congressional district, there are 24 health center delivery sites. Each of them are jewels. They are cost-effective, responsive to community needs, and the patients just love them.

Unfortunately, they, along with health centers throughout the country, are facing severe challenges which jeopardize their ability to continue providing services for those most in need. For example, approximately 46 percent of Illinois health center patients are uninsured. That number is rising, while the Federal grants to address the health needs of this population remain stagnant.

The bulk of health center patients' uninsured populations are working families who, for a variety of reasons, cannot afford health care for their families. The cost to health centers of providing this care cannot be recouped by them and falls into the category of uncompensated or free care, which is quickly becoming the number one factor jeopardizing Illinois health centers.

Also, nationally there are more than 43 million who are without health insurance. That number is projected to increase to more than 50 million by 2007.

The rising number of uninsured with problems associated with welfare reform and the cutbacks in charity care mean health center budgets will be challenged to meet increased demands. Currently health centers are serving 4.4 million uninsured Americans.

While I am pleased that President Bush recognizes the importance of community health centers and has set a priority of increasing the number of health center delivery sites by 1,200 in his budget, the President's budget also provides an increase of $124 million for the health centers, and that is a good start.

□ 1745

Mr. Speaker, it falls short of providing the resources to match demand.

I, along with members of the Congressional Black and Hispanic Caucuses are urging a $250 million increase for the health center program. With an additional $250 million, health centers will be able to expand in facilities in rural and urban communities.

Additionally, they will have the needed resources to hire staff and see an additional 700,000 uninsured patients.

Mr. Speaker, our Nation is divided when it comes to health. Divided along the lines of those with and those without access to health care. We obviously suffer from this great disparity. I believe that if we are to become and to be the great Nation that we have the potential of being, then each and every one of our citizens must have access to quality, comprehensive affordable health care without regard to their ability to pay.

Since we do not have universal health insurance or universal coverage, the next best thing would be to have a community health center in every medically underserved community in this Nation.

H.R. 184, THE COLLEGE STUDENT CREDIT CARD PROTECTION ACT

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a couple of years ago, personal bankruptcies reached an all-time record of 1.4 million. Surprising to me, my own State of Tennessee led the way.

Today personal bankruptcies are still running at a rate of over 1 million a year, and all of this has been occurring at a time when the economy has been very strong, at least until the last few months.

People are drowning in a sea of debt, a sea of red ink, and most of this has come from credit card debt, people being seduced by the lure of easy credit. Easy credit and large debts have ruined millions of lives. Just think how many families are touched when you have 1.4 million personal bankruptcies. Most of these have been mature adults.

What many of us are most concerned about, though, is what is happening to young people, that is why the gentlewoman from New York (Ms. SLAUGHTER) and I have introduced H.R. 184, the College Student Credit Card Protection Act, along with approximately 40 cosponsors.

The "USA Today" on February 13th, last month, had an article that said, the headline is "Debt smothers young Americans."

Arianna Huffington, the columnist, wrote a column in "The Washington Times" recently, and she wrote this, how far credit card companies have gone was illustrated recently when a mother in Rochester, New York filled out an unsolicited application her 3-year-old daughter had received. She listed the child's occupation as preschooler. Under income, she wrote nothing.

The toddler was promptly sent a Platinum Visa card with a $5,000 limit, which Arianna Huffington said, she, no doubt, quickly maxed out on Barbies and Pokemon toys.

In the same column, Arianna Huffington said this, one study found that one in four college students carries credit card debt in excess of $3,000, and this debt is a gift that keeps on giving long after graduation. Sixty-two percent of Americans aged 22 to 33, the most of any age group, are saddled with credit-card debt, more than $2,000 worth on average.

They also suffer the greatest anxiety over such debt, with nearly half saying it concerns them a lot.

In a "USA Today" article, it said this, as a freshman at the University of Houston in 1995, Jennifer Massey signed up for a credit card and got a free T-shirt. A year later, she had piled up about $20,000 in debt on 14 credit cards.

Paige Hall, 34, returned from her honeymoon in 1997 to find herself laid off from her job at a mortgage company in Atlanta. She was out of work for 4 months. She and her husband, Kevin, soon were trying to figure out how to pay $18,200 in bills from their wedding, honeymoon and furnishings for their new home.

By the time Mistie Medendorp was 29, she had $10,000 in credit card debt and $12,000 in student loans.

Robert Samuelson, the economic columnist for "The Washington Post" and "Newsweek" wrote a column a couple years ago talking about how many colleges lured students in very excessive student loan debts, telling them not to worry about the big increase in fees that these colleges had imposed many times increasing their fees at many times the rate of inflation, just saying do not worry, we will give you a student loan. So many students have been getting out of college with $25,000 and $50,000 and $57,000 worth of student loan debts and massive credit card debts in addition.

It is just not right to start young people out or encourage young people to go so far into debt just as they are starting out.

The "USA Today" story said this, it said young people are taking advantage of all of these credit card offers they are getting. A study from Nellie Mae shows that the average credit card debt among undergraduate students increased by nearly $1,000 in just the past 2 years.

The percentage of undergraduate college students with a credit card jumped from 67 percent in 1998 to 78 percent last year, according to this, to the Nellie Mae study, and many of them are filling their wallets with credit cards.

Last year, 32 percent said they had four or more cards.

There was one cartoon I saw in the paper and it showed a young college student, a female college student in one panel showing a list of 18 credit card hours she was taking, and the next panel she is flipping out a thing that says, and she has 18 credit cards to go with it.

"The Washington Post" ran a story and said W. Dyer Vest, a senior at Virginia Tech owns two T-shirts that he said cost him $2500. The shirts were "free," actually as long as Vest signed up for two Visa cards at the table displaying in the campus center.

Credit card in hand, he proceeded to update his wardrobe, outfit his girlfriend, eat well at restaurants and give generously well at Christmas.

A year later, he owed $2500 to credit card companies and could not afford the minimum payments. He later dropped out of school for a semester.

John Simpson, an administrator at the University of Indiana said this, he said "credit cards are a terrible thing. We lose more students to credit card debt than to academic failure." Can you imagine that? An administrator at the University of Indiana saying that we lose more students to credit card debt than to academic failure?

Robert Manning, a professor of economics at Georgetown University and author of the soon-to-be published book Credit Card Nation argues that giving children credit cards without limits is like handing them the keys to the family car with no restrictions.

THE BUDGET RESOLUTION AND CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when I look at the Republican budget that was passed today, it is clear to me who is taking care of the billionaires in this Nation. But I want to know who is taking care of our children.

The Republican budget resolution passed today puts children and their needs behind a $2 trillion tax cut that gives 44 percent of the benefit to the wealthiest 1 percent of Americans. In fact, a third of our children are part of families that would receive zero benefit from the proposed tax cut.

Let me say that again, one-third of all American children live in families that would receive nothing from the Republican tax cut. Nothing.

In my State of California alone, 1.7 million middle- and low-income families would not see a single cent from the expensive Republican tax plan; that is more than a third of the families in our State.

In recent months, we have heard the Republicans talk about helping children. I think it is time the Republicans put their promises to children in their budget.

The Republican budget does not fulfill their promise to leave no child behind, instead it leaves millions of children behind, behind in terms of reduced funding for childcare, reduced in terms of cuts to juvenile justice programs and behind in terms of educational dollars.

Mr. Speaker, last week the Democratic Caucus Task Force on Children, which I chair, released a report on how the President's budget blueprint shortchanges our children. The Republican budget mirrors the President's budget and is equally negative for our kids.

In fact, the Children's Task Force found that the Republican budget proposal spends so much of their tax cut that to make ends meet, the class size reduction initiative would have to be eliminated, funding for after-school programs would have to be frozen, child care for 50,000 low-income children would be cut, and $145 million could be cut from Head Start resulting in 25,000 fewer children and their families receiving Head Start services in the year 2002. This is not acceptable.

The Republican budget could reduce funds for maternal and child health programs, as well as those that I listed before, making it harder for low-income children to have a healthy start and a healthy future.

Mr. Speaker, where is the compassion in taking money away from children and putting it into the pockets of the wealthy? Our children deserve better, Mr. Speaker.

Let us face it, in today's world, kids are lucky if they have two parents living at home with them, and if they do, chances are that both parents work outside the home. They work hard. They commute long hours, and it is our children who are being left behind. Now is the time for us to be expanding programs for children, not cutting them.

This Congress should be considering paid leave for new parents, not tax breaks for billionaires. It is time we got our priorities straight and show our children that we care about them, that we care about their future.

Our children may not vote, they may not make contributions to political campaigns, but they must be part of every single decision we make here on Capitol Hill. The Democratic Budget Alternative that I voted for would have made a smart investment in our children's future by providing reasonable tax cuts so that they are aimed at the families who needed it the most. It would have protected Social Security and Medicare, improved school and, most importantly, paid down the national debt for the future of our children.

Mr. Speaker, the Democratic Alternative would have made good on promises to leave no child behind. And our plan would also have moved all children forward, forward toward a bright future. The bottom line is that the Republican budget's math does not add up.

Once they have subtracted $2 trillion in tax cuts for the wealthy, the remainder is much too small to divide sufficiently among programs that matter to our children.

Children may only be 25 percent of our population, Mr. Speaker, but they are 100 percent of our future.

The fact is, America's children are America's future. This Republican budget places both at risk.

COMMUNITY HEALTH CENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I stand here today to show my support for the community health centers and the vital services provided to the medically underserved, rural areas and the minority communities throughout this country.

Mr. Speaker, I strongly support the $250 million budget increase for the year 2002 for the community health centers. The funding level will allow centers to expand and deliver health care services to those in need who need it most.

I would like to acknowledge the fact that President Bush pledged to provide $3.6 billion over 5 years to build an additional 1200 community health centers. The request of a $250 million increase will put us on the right track to meet the President's funding goals.

Mr. Speaker, I think that is something that is viable and something that we can continue to work on.

In 1999, these centers performed primary and preventive health care and dental services for more than 11 million children and adults. We have a total of 44 million uninsured Americans that lack access to health care services.

I want to talk to my colleagues briefly about that, because of the fact that these are working Americans. These are individuals that are up there, and families that are working hard in small businesses. I would attest to my colleagues if my colleagues have someone out there that is not working with a major corporation, that is not working for Federal Government or State or local government, most of those individuals do not have access to health care. They are in dreaded need.

□ 1800

They do not have enough resources to be able to purchase it. They are not poor enough to qualify for Medicaid, not old enough to qualify for Medicare. Yet they find themselves uninsured, yet working and trying to make things come together. The community service centers provide that access to them.

One in six or 4.6 million low-income children are served by the health centers. There are over 400,000 births that are delivered. Imagine how many kids we could reach out to by increasing the budget by $250 million. This is a small price to pay for our children to have healthy bodies and strong and clean teeth.

Community health centers are critical because they provide treatment, they provide preventive care, and they provide access.

In my district back in Texas, we have five health centers with 23 sites. Yesterday I had the opportunity to meet with some of them from the Atascosa Health Center in Pleasonton, Texas, and Centro del Barrio in the south side and east side of San Antonio, and the Barrio Clinic at the Ali Austin Center. These services are continued to be provided by these centers. I want to thank them for their services.

Nearly 70 percent of those served in community health centers are minorities. One out of every 10 rural Americans is served by these centers. I represent 13 other counties, a lot of rural area; and these centers pay a very vital role in that area. Hispanics make up also close to 68 percent of my district, and many of the benefits of these centers go to that population.

As many of my colleagues know, also, we are having a real serious problem in the area of tuberculosis. My district goes all the way to the Mexican border. Almost one-third of the cases in this country are along the border, from Texas to California, in the area of tuberculosis. We know that that is a disease that we are having some real serious problems with. These centers play a very significant role in providing that treatment in that area.

Not to mention the fact that when we look at the problems that we are encountering with other infectious diseases such as HIV, AIDS, and others, at a time when we feel we are making the gains, we still have 20 percent of the cases among Hispanics when we only represent 12.5 percent of the population. So there are still strides that need to be done.

Let me just say why we should support and reauthorize this $250 million. First of all, millions of Americans are uninsured and need that access to care. Secondly, health centers are an inexpensive way of providing access to quality affordable care to these communities. Thirdly, health centers help make the benefit of public insurance programs available to more eligible children and adults. Not to mention that the expansion will provide primary care infrastructure in this country that is needed and drastically needed for us to continue to move forward.

I want to thank the chairman and ask my colleagues to support this effort in assuring that the community health centers get an additional $250 million as we move forward and meet the President's goal.

COLLEGE STUDENT CREDIT CARD PROTECTION ACT

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I appreciate this opportunity to speak on a growing problem, the credit card debt among our college students.

Along with the gentleman from Tennessee (Mr. DUNCAN), I have introduced a bipartisan College Student Credit Card Protection Act. This legislation requires credit card companies to determine whether a student applicant can afford to pay off a credit card balance before approving the application. It looks into the amount of money the student will be making and limits the credit to a percentage of that amount.

In the event that parents are obliged to pay off the credit card debt, no increase on the amount of credit card debt can be approved without the parents' consent.

Now, what does it take for a college student to get a credit card? Well, it turns out the credit card companies are just itching to give them away by the lure of free T-shirts and mugs with little scrutiny of the student's ability to pay their debts. As a result, a lot of college students end up taking a crash course in debt management.

Credit card issuers are raining down solicitations on college students and households. Mr. Speaker, in just 1 month, just 1 month, the six members of my staff were sent this many credit card solicitations that will fill this laundry basket. Let me repeat, this is just 1 month for six staff members of the House of Representatives.

Now, sadly, one of my constituents wrote to me that her stepson had to file for bankruptcy at the age of 21 because he was $30,000 in debt; and she spoke to the bank officer, and the bank officer told my constituent that her own college-age daughter was in the same situation, but her parents were trying to help her out of the mess to avoid hurting her credit rating and thus her future financial opportunities.

The gentleman from Tennessee (Mr. DUNCAN) told us about the 3-year-old in my district who got a platinum credit card for $5,000. We also even had a cat named Bud who also lives in Rochester where they really seem to be easy to get, and that cat got a preapproved card.

Now, what about the students whose parents cannot bail them out? Unfortunately, that is not uncommon. The number of bankruptcies among individuals under the age of 25 had nearly quadrupled in the past 5 years.

John Simpson, an Indiana University administrator, said, "Credit cards are a terrible thing. We lose more students to credit card debt than to academic failure."

"60 Minutes," too, recently reported that, in 1999, a record 100,000 persons under the age of 25 filed for bankruptcy. Nellie Mae, the Nation's largest student loan agency recently found that student credit card debt rose to a national average of more than $2,700, up from an average of under $1,900 in 1998, a nearly $1,000 increase.

In addition, nearly one in every 10 undergraduates has credit card debt greater than $7,000. This is an even bigger problem if one calculates the amount of time it will take the young borrower to pay off this debt.

A student using a card with an 18 percent annual percentage rate who makes a minimum monthly payment of $75 will be paying off that credit card balance of $2,700 over 15 years, paying as much interest on the balance as he or she originally borrowed.

The Daily Texan, a newspaper of the University of Texas, recently reported that the university's legal services office sees students who are struggling with debt at the rate of one every 2 weeks.

The university counselor said "the highest voluntary credit debt I have seen was $45,000. Most students who come in with major problems are the ones whose debts range from $8,000 to $15,000." That is the common range of debt for a college student in Texas.

In addition, the nonprofit Consumer Education Center in Austin, Texas, helps about a half dozen students every week to try to deal with credit problems. But let me be clear, the problem is certainly not specific to Texas. As I pointed out, in Indiana, more students leave college because of debt than because of academics. This is the story on every college campus.

Leslie Starkey, the niece of one of my staffers, was a young successful advertising executive in New York City, but she had been burdened by thousands of dollars of credit card debt since college. It was not very long after Leslie had pulled herself out of this crushing debt with the help of a credit card counselor that she was killed in a tragic fall. She was 28 years old and had lived only a short time with the joy of being debt free.

We owe it to Leslie and other young people who have committed suicide because they could not meet their credit card debt obligations to enact this legislation so that they will not be spending what is the best time of their lives under the burden of enormous credit card debt.

Mr. Speaker, I regret to say that the bankruptcy laws that recently passed this House will do nothing to help these young people.

REGARDING THE NEED FOR A DEFENSE SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, yesterday I returned from the West Coast where I visited several naval installations and talked with numerous Navy and Marine personnel. As a result, I am all the more convinced of the need for a supplemental appropriation now. Family housing roofs are leaking, aircraft are being cannibalized, and training is being curtailed or canceled.

I am dismayed that the White House has apparently rejected the idea of a supplemental appropriation for 2001. Such a supplemental would pay for costs already incurred in operations around the world. It is not a matter subject to a strategic review of our future; it is paying for our past. Why it should be off limits to pay what we owe is a mystery to me.

Mr. Speaker, it is a disquieting truth that our military services rely on supplemental funding when making their budgets. They are allowed to budget for procurement, research, pay and training. All of these costs are largely predictable. But they are not allowed to budget in advance for most operations because the nature and tempo of the operations can never be foreseen.

In a way, the Navy includes some operations funding in its peacetime budget. Overseas rotations is part of its normal operating procedure, so deployments require little additional funding when they go into action. The Air Force is getting toward that concept as well, but even they need supplemental help to cover the cost of operations.

Even if a supplemental is proposed later in the year, it is sort of like the fire department showing up after one's house has burned down.

One reason I enjoy serving on the Committee on Armed Services, Mr. Speaker, is that I get to speak regularly with our troops and their commanders. One message that has been coming through with exact clarity, from field commanders and service chiefs alike, is the need for an immediate supplemental. They have been forced to borrow against training money to keep operations going, and that bill has come due. As a result, training is slowing to a crawl or stopping. Some ammunition supplies are exhausted. Our military is not being kept up to standard.

That is what I hear. It is not just one service; it is all of them. That, Mr. Speaker, is why we need an immediate supplemental.

By immediate supplemental, I do not mean the check in the hand by the close of business Friday, although that would not hurt. But I do mean an immediate and public commitment that there will be a supplemental, a commitment that help is on the way. If the chiefs know a supplemental is coming, even one late in the fiscal year, they can resume full activity confident that their coffers will be replenished. Absent that assurance, though, the only prudent and, in many cases, the only legal thing for them to do is to stop training.

This is a test of the new administration, Mr. Speaker, a test of their word and of their world view. If the military is to be sacrificed on the altar of a tax cut, if help is not truly on the way, then skip the supplemental. But if the Nation's commitment to our men and women in uniform is real, then they should step up and pay what is owed.

CONSOLIDATED HEALTH CENTERS BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes.

Mr. CLAY. Mr. Speaker, I rise to add my voice to those calling for a substantial increase in the fiscal year 2002 budget appropriation for the consolidated health centers program.

Community health centers provide critical primary and preventive health care services to over 11 million low-income and uninsured patients in more than 3,000 rural and urban communities throughout our country. In my own district, thousands of citizens benefit greatly from the quality health care they receive at our local community health care clinics.

The fact that this program has enjoyed strong bipartisan support throughout its 30 years' existence is itself a testament to the success they have achieved in providing needed health care services to our Nation's most vulnerable populations.

While I am encouraged by the President's call to double the level of service these health centers provide, I believe his proposed funding increase of $124 million will not adequately cover the critical demand for quality health care by the uninsured.

There are over 45 million people in our country without access to affordable health care insurance; and, sadly, that number continues to rise.

Nowhere is the problem of access to quality health care more critical than within the African American community where economic factors and limited health care options exacerbate an already disproportionate health care crisis.

Community health care centers are a vital component in addressing the health care gap that exists in minority communities across this country. But if they are to continue to meet the growing health care needs of those communities, it is imperative that we increase the consolidated health centers program funding by $250 million in fiscal year 2002.

□ 1815

Mr. Speaker, with an additional $250 million, we can expand community health care facilities in rural and urban communities and provide quality health care to an additional 70,000 uninsured individuals. I urge the Committee on Appropriations and all of my House colleagues to support a $250 million increase in funding for the consolidated health care program.

H.R. 1249, PROVIDING ASSISTANCE TO FARMERS COPING WITH CROP DISEASES AND VIRUSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced H.R. 1249, to ensure that farmers who suffer crop losses due to plant viruses and plant diseases are eligible for crop insurance and noninsured crop assistance programs and that agricultural producers who suffer such losses are eligible for emergency loans.

Pandemics of plant viruses and diseases regularly destroy the crops of entire farms and often the crops of entire geographic areas. A single plant virus or disease outbreak can send farms into bankruptcy; often, farmers are left without any means of recovering. Agriculture producers can qualify for emergency loans when adverse weather conditions and other natural phenomena damage cause farm property damage or production losses, but, under current law, crop viruses and diseases are not considered "natural disasters" and thus are not eligible for these types of loans.

For example, in Hawaii in 1999, the State ordered the eradication of all banana plants on the entire island of Kauai and in a 10 square-mile area of the island of Hawaii in an effort to eradicate the banana "bunchy top" virus. A court order required compliance, and farmers were ordered to destroy their entire farms and livelihood without any compensation. These farmers did not qualify for emergency loans or disaster assistance, and many were left with no other option but to sell their farms.

Today, Hawaii's papaya industry is faced with another outbreak of the ringspot virus. The only way to get rid of this virus is to destroy diseased plants, but farmers are reluctant to do so because of the financial loss involved. As a result, the disease spreads, with disastrous consequences to neighboring farmers and the rural economy.

The survival of our nation's farmers is largely dependent upon the unpredictable whims of mother nature. We provide our farmers with assistance when adversely affected by severe weather, but that is not enough. Emergency loans and disaster assistance must be made available to farmers for crops suffering from calamitous plant viruses and diseases.

H.R. 1249 would enable farmers to qualify for crop insurance programs, noninsured assistance programs, and low-interest emergency loans when devastated by crop losses due to plant viruses and diseases.

I invite my colleagues to cosponsor this worthy legislation, and I urge immediate consideration of H.R. 1249 in the House.

BUDGET PASSED TODAY SUPPORTS OUR SOLDIERS AROUND THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, unfortunately it sometimes takes a tragedy such as the loss of our pilots in Europe this week, or the recent deaths of the National Guard members killed in Georgia to remind us of the risks associated with military service in our country. In time of war, we realize the individual sacrifices made for the common good. But we should also recognize the efforts made every day by our soldiers around the world.

I believe the budget for our military forces which was passed by the House today is focused on our soldiers. The legislation would increase military pay by 4.6 percent and increases pay and other compensation by $1.4 billion in fiscal year 2002.

It provides $3.9 billion for the first year of an expanded health care package for over-65 military retirees. It also allows for an additional $400 million to improve the quality of housing for military personnel and their families by providing new construction, renovation of existing housing, and measures to reduce out-of-pocket housing expenses.

The budget also provides funds for research and development to help guarantee that U.S. forces will go into the field with the tools they need to ensure victory and minimize casualties. At the completion of the current review, which is occurring on the scope and role of the U.S. Armed Forces, we will have a better idea what our needs are for the next decade, and I look forward to the results of that review.

Mr. Speaker, I am from Iowa, and Iowans have a proud tradition of service in the Armed Forces. Back in the Civil War, Iowa had a population of 670,000, but we sent 78,000 soldiers to fight. Nearly 13,000 never returned home; 28 were honored with the Medal of Honor for their service. The Medal of Honor for gallant service in our country's wars since then has been awarded to another 50 Iowans and to 36 men and women who have grown up in Iowa. Exemplary of Iowa sacrifice in the armed services were the five Sullivan brothers from Waterloo, Iowa, who served on the USS Juneau. George, Francis, Joseph, Madison and Albert Sullivan had a motto. They said, "We stick together." And they all died together in the Battle of Guadalcanal.

Mr. Speaker, since the Civil War, more than 1.1 million American men and women have given their lives for our Nation. I think most Americans recognize the debt that we owe those men and women throughout history. I also believe it is important to think about the daily sacrifices made in smaller measure by our soldiers. Every day they risk their lives. Every day many of them miss loved ones who are thousands of miles away. In today's volunteer service, every man and woman does it by choice. We should be proud of the service that they give to America every day.

Mr. Speaker, we should think of our soldiers when we make decisions regarding our military and its force structure. They should be paid a fair wage. Benefits should be commensurate. They should be well equipped, well supplied, well trained and they should be deployed wisely.

Their services must be used wisely and not overused. Our military is currently stretched pretty thin. This causes problems with the quality and supply of our equipment and with our personnel retention. Today our military is deployed in 138 countries around the world. Since 1990, we have dramatically reduced our military spending while we have asked our forces to do much more. This leads to an unhappy equation. Inadequate funding for training and material plus increased deployments equals problems with morale, equipment readiness, retention and recruitment.

Mr. Speaker, the mission of the Reserves has changed over the years. During the Cold War, reservists and guardsmen were considered on call to respond to World War III or some catastrophic event. During the 1980s, they contributed less than 1 million manhours per year. Today reservists are called upon to perform day-to-day operations and to support various ongoing missions. For example, the Air National Guard and the Air Force Reserve combine to provide the U.S. Transportation Command with 52 percent of its total available aircraft, including 55 percent of the tankers and 64 percent of the tactical airlift. Air Force Reserve flight crews average 110 days of active duty a year.

Beginning last April 2000 and continuing for six rotations, the Army National Guard will be sent to Bosnia to provide combat troops and support division headquarters operations.

Why is there such an increased reliance upon our Reserves and the Guard? Well, because our Active Forces have been reduced by 35 percent since 1990, but overseas deployments have increased by 300 percent. A total of 265,000 reservists and National Guardsmen participated in Operation Desert Storm. And in other operations, since 1995, 19,000 reservists were called to duty in Bosnia, 5,600 were called to Kosovo, and 8,000 were called to Haiti.

Mr. Speaker, in calendar year 1999, the Reserves and National Guard were called to fulfill nearly 750,000 manhours in foreign campaigns. If we break it down, we see reservists and guardsmen spent in Bosnia, 334,000 hours; in Kosovo, 313,000 hours; and Iraq, 145,000 hours.

The Reserves and Guard are accounting for more of our national defense needs than ever before. This comes with some positive and some negative consequences. On the positive side, it is a testament to their abilities. It means that the Reserve and the Guard are more respected and appreciated than ever before. An increased dependence also results in some increased funding within the defense appropriations, and it forces the Reserves to improve their abilities to respond to crises quickly and efficiently; and those are all good effects.

However, increased reliance also means a lot of pressure is placed on Guard and Reserve personnel. An Air Force Reserve air crew member who works at his regular job 221 days a year and serves 110 days of active duty has only 34 days off to spend with his family, and that leads to many individuals leaving the Reserves. It also places a lot of pressure on employers who are a key element of Guard and Reserve service. Most employers patriotically accept an employee who serves 1 weekend a month and 2 weeks in the summer. They support a Desert Shield/Desert Storm type of deployment because this happens only once in a generation. But how many 6-month or 9-month peacetime rotations to Bosnia will employers put up with?

For example, starting in 1995, Iowa reservists have been called on to serve in Bosnia. In September of last year, soldiers from the Iowa National Guard Company A, 1st Battalion, 133rd Infantry were ordered to active duty. They were deployed in Southwest Asia to support U.S. forces that are enforcing the Iraqi no-fly zones. About 100 Iowans were called to service, coming from Waterloo, Charles City, Dubuque, Oelwein, Hampton and Iowa Falls, to assist with security duties at Patriot missile sites. Currently Company C, 1st Battalion, 168th Infantry, with about 100 members from Denison and western Iowa, is deployed in to Saudi Arabia and Kuwait for similar duty.

Mr. Speaker, the Iowa Air National Guard has been involved in deployments as well. The 132nd Fighter Wing was deployed to Incirlik Air Base in Turkey to support Operation Northern Watch no-fly zone operations over northern Iraq during fiscal year 1999 and fiscal year 2000. They are scheduled to return to the Persian Gulf region this summer to support Operation Southern Watch.

Each of these deployments involves approximately 200 pilots and crew members and 6 Iowa-based F–16C "Fighting Falcon" fighter aircraft. The deployments are approximately 6 weeks in duration. There is also a detachment of National Guard based in Davenport of Company F, 106th Aviation unit which has personnel in Paraguay. Over the last 2 years, Iowa National Guard units have deployed for active service and for training purposes in over 15 nations.

Mr. Speaker, often such deployments involve 9-month rotations for the troops. Nine months is a long time to be away from your families. If any of my colleagues have children, you know that nine months makes a huge difference in a person's life. It is a long time to be away from your regular job. How does absence effect promotions on the job? How does a 9-month absence affect your family? The impact it has on the recruitment and retention to the Reserves in the Iowa National Guard is significant.

Mr. Speaker, these concerns bring to mind a larger issue. If the Nation continues to accumulate missions around the world as it has over the last 10 years, we are going to have to reevaluate the size of our Active-Duty Force. The last administration's strategy of making the U.S. the guarantor of democracy around the world has involved the U.S. in a wide variety of peacekeeping missions that are of at least questionable national security, and that has had an adverse effect of our ability to fight two major theater wars simultaneously or to respond to a real national security threat. A Congressional Budget Office report in December 1999 found that, "Peace missions could be taking a toll on the military's ability to pay for routine operations, maintain the combat skills for conventional wars and keep its equipment and personnel ready and available for such wars."

In May 1999, the GAO, which is the investigative arm of Congress, found that nonwar operations have adversely affected the military capability of units deployed in Bosnia and Southwest Asia.

In addition, those units that stay in the U.S. have to pick up the work of the deployed units. These deployments are having a serious impact on our Nation's ability to defend itself. During Operation Allied Force in Kosovo, we came dangerously close to running out of certain types of cruise missiles. If North Korea had decided to attack South Korea during that period, we might not have been able to respond as effectively.

And these overseas deployments are not cakewalks. Armed conflicts continue to erupt in the Balkans. Just this week there was open warfare in Macedonia: Ethnic tensions remain high in the region, and American soldiers are stuck in the middle.

In Iraq, the situation for our Air Reserve and Air Guardsmen are equally dangerous.

□ 1830

The American public is not always aware of how often our pilots, active, Reserve, or Guard, are targeted by Iraqi air defense systems and forced to take evasive actions.

Iraq is not a secure environment. The Balkans are not a secure environment. The longer we have soldiers deployed to these theaters, the greater the risk.

So what can we do? Well, first of all, I have to commend our Reservists for their commitment and their devotion.

Second, our allies should bear more of the responsibility. Last April, I voted for an amendment that would withhold 50 percent of the funding for Kosovo operations until the President certified that our allies were complying with at least 75 percent of their commitment to the operation. Unfortunately, the amendment was defeated, but we must do things like this to make sure that our allies are picking up their share of the burden.

Third, we have to realistically understand that we cannot be everywhere at the same time. We have to regain control over the deployment of our military personnel.

Fourth, we must ensure that our spending bills provide for our main priorities. We must ask ourselves, does funding provide for our military personnel? Are they adequately paid? Do they receive medical care? Are they provided appropriate living accommodations? Does funding provide for our current equipment and weapons needs?

We just had a talk on that from the gentleman from Missouri (Mr. SKELTON).

Does funding provide for needed new weapons? The Quadrennial Defense Review is currently underway and the President has also ordered a top-to-bottom department review directed by Andrew Marshall, head of the Pentagon's Office of Net Assessment. The review of our military must also focus on how America views its role in the world. We must make sure that we build an armed force that fits with the role our Nation chooses to play in the world arena.

We must be prepared to fight the next war. Our forces have to be mobile. They have to be flexible, and they have to be well trained. They have to be able to respond to a world where the most serious threats may not always be armored divisions or fighter wings, which brings us to one threat that we must be willing and able to face.

Terrorism is a horrible fact of life today. We need to be prepared to strike swiftly and strongly in response to acts of terror. We also need to take actions to prevent terrorist attacks that view innocent civilians as acceptable targets.

Since the demise of the Soviet Union and the Warsaw Pact, the United States has been dealing in unfamiliar territory. With the fall of communism and the victory of democracy, America stands alone as the sole superpower of the world and that makes us a tempting target for terrorists and also causes the world to look to us to take a lead in dealing with terrorism.

Our military and indeed our society must be willing to make tough choices when we face threats from state-sponsored terrorism and also from groups not associated with individual countries but with broader causes or ideologies such as radical fundamentalism.

We need a clear, consistent policy, one that backs up diplomacy, international intelligence, international cooperation and clearly stated policies on reprisals, with the military readiness and forces to make them a sure and deadly deterrent.

One thing should be absolutely clear. If we make the decision to commit our troops overseas to an armed conflict, we must give them the means and support to win.

Flying over our soldiers is the American flag. Hundreds of thousands of Americans have died in battle under the Stars and Stripes. The flag is a symbol of freedom and democracy. It should be protected from desecration. I favor a constitutional amendment that would protect it from being defiled and degraded. Surely it is not too much to ask that the symbol under which so many men and women have proudly given their lives be afforded basic respect.

I was never in combat. I am a retired lieutenant colonel in the United States Army Reserve Medical Corps, but I was proud to wear the uniform and the flag is something special to me. That is why I think we should pass an amendment to protect the flag.

Let me close by saying something about our veterans. Congress today recognized their sacrifices. Today the House passed a budget which includes a 12 percent increase for the Department of Veterans Affairs. The budget calls for a $5.6 billion increase over last year's budget for the VA, including an additional $1 billion above that which was proposed by the administration. The funding increase is needed due to underfunding by the past administration.

I believe the increase will allow the Veterans Administration to begin to address a backlog in cases and to provide funding to cover unmet services for our Nation's veterans.

I also recently cosponsored legislation to improve outreach programs carried out by the Department of Veterans Affairs by more fully informing veterans of benefits available to them. The legislation would direct the Secretary of Veterans Affairs to prepare an annual plan for the conduct of outreach activities to provide veterans and dependents information concerning eligibility for Department benefits, health care services, and application requirements when they first apply for any such benefit.

It is very important that we make our veterans aware of the assistance that is available to them.

The bill is appropriately called the Veterans Right To Know Act, and I call upon my colleagues to support it.

Just this week the House passed the Veterans Opportunities Act of 2001. The legislation also seeks to inform service members of the benefits that are available. The bill requires that before an individual leaves the service, they are counseled and educated regarding the programs available to assist veterans. This program will help make servicemen and women more aware of the opportunities which are available to them in civilian life.

The legislation also expands the Veterans Administration's current work-study program and increases the maximum allowable annual ROTC award for benefits under the Montgomery GI bill. For the first time, veterans will be given financial support in pursuing education in the private sector. In today's world, the best technological training is not always in the traditional college setting.

I have also joined more than 70 of my colleagues in cosponsoring the Retired Pay Restoration Act of 2001. This is legislation that would allow retired individuals who suffer from a service-connected disability to receive their disability compensation without having it deducted from their military retirement pay. The legislation is supported by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Retired Officers Association, the Retired Enlisted Association, the Uniformed Service Disabled Retirees and the Military Order of Purple Heart; also the Non-commissioned Officers Association, the Jewish War Veterans, the National Association of Uniformed Services, AMVETS, and the Military Family Association.

For heaven's sakes, let us pass this, too. It is essential to the vitality of American democracy, the most successful experiment in self-government in the world's history, that we remain vigilant of our freedoms and that we have the proper respect for our fellow citizens in the armed services. So I take this opportunity to offer my thanks to the men and women in uniform.

ARTWORK COMMEMORATING WOMEN IN THE CAPITOL COMPLEX

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, during this women's history month, it is with great pleasure that I rise to announce that I have today introduced a resolution expressing the sense of this House of Representatives that artwork displayed in our Capitol, the upcoming Capitol Visitors' Center and the office buildings of the House of Representatives should better represent the contributions of women to American society. I am pleased to be joined by 16 of our colleagues as original cosponsors and encourage all of our other colleagues to join in this effort.

Mr. Speaker, the majority of our Nation's residents are female. The mothers and grandmothers of America have carried life forward in our Republic now for over 2 centuries. Females, in fact, outnumber males, according to the 2000 census estimates, by 6 million: 140 million women, 134 million men.

The statue of a woman called Freedom crowns the dome of our Capitol building. Sixty-four Members of the House and 13 Members of the Senate are now women. We pledge allegiance to a flag that was designed by a woman. Sojourner Truth was committed to freedom and the abolition of slavery in the mid-1800s. Rosie the Riveter symbolized the contributions of women to our victory and the victory of freedom in World War II. Rosa Parks has been a major inspiration of every American concerned about civil rights. Our own colleague, now retired Geraldine Ferraro, became the first woman to be the candidate of a major political party for the office of vice president.

One would think that given the contributions that women have made to the world and to our Nation, as mothers, scientists, educators, astronauts, political leaders, mentors of our youth, having artwork in our Capitol that commemorates their contributions would be automatic. But sadly, in this year of 2001, this simply is not the case. In fact, less than 5 percent of the artwork displayed in all of these buildings displays or honors the contributions that women have made to America. It really is a shocking figure.

In 1995, I sponsored a resolution to establish a Commission on Women's Art in the Capitol. Then in 1997, I sought to include a directive in the report on the fiscal 1998 legislative branch appropriation bill to direct the Architect of the Capitol to prepare a plan for the procurement and display of art that is more fully representative of the contributions of American women to our society. I was told by then chairman of the Committee on House Oversight, the gentleman from California (Mr. THOMAS), that he believed this language was not necessary and would usurp the authority of the Joint Committee on the Library and the Fine Arts Board, and nothing happened.

In 1998, I was successful in getting a similar statement of support included in the fiscal 1999 legislative branch appropriations bill; and then in 1999, I similarly introduced House Resolution 202, a resolution virtually identical to the one that I am now introducing in this new 107th Congress.

Mr. Speaker, our parents have taught us that those things worth having are worth fighting for. Today we renew that fight. We renew this fight with the recognition that we are planning on constructing a new Capitol Visitors' Center that has the opportunity to appropriately represent the contributions of women, as well as men, from the very beginning of that annex's construction.

So often in the past we have been told that it is difficult to find space in the Capitol or in the House buildings for additional artwork commemorating women. So adding pieces to commemorate the contributions of women has been limited. That argument will not be valid with respect to the new Capitol Visitors' Center, where we will have an opportunity to get it right from the beginning.

As our constituents, especially our young constituents, come into this Capitol they should be impressed with a sense of inclusion. America is made up of both men and women, mighty in strength and mighty in spirit, of Native Americans, of pilgrim Americans, of immigrant Americans and of recent Americans. Each and every one of these groups deserves to be recognized and celebrated for the contributions they have made to building this magnificent Republic.

Mr. Speaker, it is my sincere hope that at long last we can consider this resolution this year so we can begin to provide the level of recognition that the contributions of women to American society deserve, and I would implore my male colleagues, this is not a heavy lift. This is actually a fairly straightforward initiative that can be accomplished in regular order. Please give the women of America the recognition that they rightly deserve in these important buildings.

COMPARISON OF THE REPUBLICAN AND DEMOCRATIC BUDGETS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. BENTSEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BENTSEN. Mr. Speaker, the House today adopted a budget which is pretty much in line with the budget that President Bush sent up to Congress just a few short weeks ago.

□ 1845

This budget, while it is a budget for one year, it would set America on a fiscal policy course impacting us for 10 years and really, quite frankly, impacting us for many years beyond that as it relates to very important and successful Federal programs, the Medicare program and the Social Security program.

Now, there is a clear divergence on which path to take between the Democrats and the Republicans. While there is commonality between the two parties in terms of many of the spending priorities on the discretionary side and, I would argue, commonality between the two parties in saying that there should be a tax cut, the diversion occurs really in two areas. It occurs as it relates to how much or what we will do with respect to Medicare and Social Security; and it occurs in what we will do with respect to paying down our obligations, that is, the publicly held debt.

The Republican-passed budget is predicated in large part, if not in total, on funding a very large tax cut on the basis of 10-year economic assumptions, which I will talk about shortly. But the tax cut that the Republican budget assumes starts out at about $1.6 trillion, the figure that the President used during the 2000 Presidential campaign. We know now that that tax cut is more around $2 trillion to $2.5 trillion before we include the additional interest on the debt associated with it. Because we know the income rate tax portion which the House has already adopted exceeds what the President assumed by about $150 billion over 10 years, and we also know that the estate tax provision, the estate tax phaseout that the President proposed, is now estimated by the Joint Committee on Taxation, the nonpartisan arbiter and scorer of tax bills for the Congress, that bill is now estimated to cost about $660 billion over 10 years as opposed to the $250 billion that the President proposed. So already, we are seeing that the upper limit of the tax cut is increasing.

But what is important between the two parties is that the Republican budget not only does nothing to extend the solvency of Social Security and Medicare; in fact, we would argue that the budget proposal will hasten the insolvency of Social Security and Medicare. Let me start first with the President's and the Republicans' plan for Social Security.

The projected surplus for Social Security is about $2.5 trillion over the next 10 years. Now, the Republicans and the Democrats agree that we ought to dedicate that to pay down the national debt, but the difference occurs in that the Republicans do not believe that we can pay down as much debt as the Democrats do. In fact, nobody really knows how much debt is payable. We would argue we ought to keep paying it down until we cannot buy any more bonds in the open market at a fair price. But nonetheless, the President's budget and the Republicans' budget assumes this would take about $600 billion of the projected Social Security surplus and would use that for some form of privatization of the Social Security system.

Now, the problem is that any scheme which we have to privatize or reform Social Security is going to cost money on top of what is already projected to be spent on the program, because we have to make up for any changes that might affect current and what are called "near future" retirees, or near future beneficiaries. Those would be people who are about 50 to 55 years old who might be affected by the privatization plan. All of the proponents of privatization, as well as the opponents, have come to the conclusion that the cost of a privatization plan much like what the President proposed during the campaign of diverting 2 percent of the FICA payroll tax to private accounts would cost about $1 trillion on top of what is already obligated to the system.

Now, the President proposes in his budget that he is going to take $600 billion of the projected proceeds under the current FICA tax scheme and use it against that $1 trillion cost. The problem is, we can only spend that money once, we cannot spend it twice. So if we take the $600 billion and we use it for something else, we end up taking money out of the Social Security revenue stream, which would cause the Social Security system as we know it today to incur a shortfall as much as 10 years earlier than what was projected just last week. That is, by taking the $600 billion out of the Social Security trust fund and using it for privatization, we shorten the life span of Social Security as we know it today.

The only way that we can make up that $600 billion is through benefit cuts in the Social Security system, which I have not heard anybody saying they want to do that; through raising payroll taxes, which I have not heard anybody say that they want to do that; or incurring even additional debt on top of the debt that is already outstanding.

So this is the first problem that we have with the Republican budget.

The second problem that we have with the Republican budget is that they take about $400 billion of the projected Medicare hospital insurance trust fund, the part A portion of Medicare, the end-patient portion of Medicare for when one goes into the hospital, and they take $153 billion of that and use it for their prescription drug program. They take the remaining $240 billion of it and hold that for some form of Medicare modernization.

Now, we do not know exactly what that means, but we are told that that is some form of a privatization insolvency. Again, the same problem that would occur with the Social Security trust funds occurs with the Medicare trust funds. Because even if we take Medicare trust fund dollars and spend them on a new benefit within the Medicare system like the proposed prescription drug plan of the President, which is unworkable in any event, but if we spend it on that, we are not spending it on the benefits for which it is already obligated. As a result, we have to make up that $150 billion; and we have again hastened the insolvency of the Medicare trust fund, and we have a chart to show that.

Again, like the Social Security, where just last week the actuaries for the Medicare trust fund said that Medicare hospital insurance, part A of Medicare, would be solvent until about 2028, this proposal, the Republican proposal of carving out at least $150 billion would have the effect of shortening the life span of the Medicare trust fund by as much as about 6 to 8 years. So the only way we can make that up again is by cutting benefits, raising payroll taxes, or incurring more debt.

Now, the problem with that is that if we incur more debt, we are going in the opposite direction than we want to be going in at a time when we are achieving some surpluses in the economy. It is a misuse of the trust funds on the part of the President's and the Republicans' budget resolution.

Now, on top of that, we believe that the Republican budget resolution cuts it a little too close in trying to build around this huge tax cut, in addition to including the President's own new spending request. The President in his budget resolution requests $260 billion of new Federal spending on top of that that is already there, not including other programs that he says will come later. Defense buildup, national missile defense, which is estimated to cost from as much as $100 billion, additional educational funding that the President wants. So the President's own budget increases Federal spending and, at the same time, puts at risk the trust funds. It is all predicated on these very rosy scenario projections of what the surplus is going to be.

If we look at what CBO tells us about the surplus, we know right now the projected 10-year surplus is to be about $5.6 trillion over 10 years, with two-thirds of it occurring in the latter 5 years. But what CBO, the Congressional Budget Office, the nonpartisan budget arbiter of the Congress, tells us is that the margin of error increases dramatically the further out we go in that 10-year period. In fact, we could increase to the good, but we could also increase very much to the bad. They tell us that the margin of error on the first year is about 1 percent of GDP. The margin of error over 5 years is about 2 percent of GDP; and with respect to the margin of error over 10 years, the CBO tells us quite frankly, they do not have any confidence in giving us an estimate of what the margin of error would be.

What that means is that we have a budget which may not pay down very much debt and may, in fact, drive us back into deficits, and most certainly could end up and would end up spending Social Security and Medicare trust fund dollars today that are obligated for tomorrow.

Again, there are really only a few ways to make it up: cut benefits, raise payroll taxes, or incur more debt. What is the problem with incurring more debt? Because we know in the outyears, long beyond this 10-year window that we are looking at, when the baby boomers retire in earnest, and keep in mind that the baby boomers start retiring in just 8 short years, but in about 20 years when they are retiring in earnest, we know that the debt-to-GDP ratio will go much higher than we have seen since the Second World War. So if we do not prepare ourselves today, we will find ourselves in a much more difficult situation.

The Democrats believe that we can do better. We believe that we ought to dedicate more to debt reduction; and at the same time, we also believe, rather than cutting the solvency of Medicare and Social Security, we believe we ought to extend the solvency of Social Security and Medicare. That is what we propose in our budget resolution.

On top of that, Democrats believe that rather than taking money that is already obligated for Medicare beneficiaries and the hospital insurance trust fund that people have paid with their FICA tax every month or every week on their paycheck and taking that money and spending it on something else that if the American people really want a prescription drug program under the Medicare program, and we believe they do; in fact, both major Presidential candidates in the last election believed it, so much that they offered it, that we ought to be willing to put one up that is not only a real plan that benefits all senior citizens who want to participate in it, but also is a plan that does not shorten the life span of the Medicare trust fund.

At this point, Mr. Speaker, I would like to yield to the gentleman from Washington (Mr. McDERMOTT), my colleague on the Committee on the Budget and a member also of the Committee on Ways and Means, who has worked on this issue for many years to talk about our prescription drug plan.

□ 1900

Mr. McDERMOTT. Mr. Speaker, I think this issue of Medicare is one that I think people have a lot of interest in, and earlier today we have talked about some of the kind of shell game aspects of this whole business.

I brought this out here. The gentleman knows this, of course, is the blueprint for New Beginnings. That is what President Bush stood up here and outlined for us a few weeks ago.

On page 14, he says that we have a $645 billion shortfall over the next 10 years in Medicare. That means we are $645 billion short of paying for what we actually promised people.

I put this chart up here because he says right on page 14 of his budget that we are $645 billion short. But if we read further, and we always have to read the whole thing, if we go back to page 51, and by that time most people are asleep, but if we read it, he says, I am going to put in $156 billion.

Mr. Speaker, we do not have to be a rocket scientist or a CPA or a great investment banker or anything to see that that is not enough money to fill that hole. I do not know how they could put something together like this and have it be so obvious.

Now, that is for the program of Medicare that already exists. Now, they play another game here which is a sort of interesting one. They talk about the fact that they are going to have this surplus in the Medicare plan of $526 million. It is interesting, that is what the House says they have, but the President says they only have $392 million. So we have CBO and OMB giving different figures about all this business.

But the President says, we have this $526 billion. He is going to put it in a contingency fund. He is going to save it, use it in the future only for Medicare. Then he comes out here and proposes a $153 billion Medicare prescription drug benefit out of that $500 million.

Now, we saw that we have a $600 billion problem, which the $500 million would seem to fill, almost. But no, no, they are going to use some of that money for the drug benefit.

Last year the gentleman and I sat through on the Committee on Ways and Means when we passed a bill, or I am on the Committee on Ways and Means, and the gentleman is on the Committee on the Budget with me, but we sat in our committees and watched them propose out here a prescription drug benefit for $153 billion, for $153 billion. He says he is going to put $156 billion into it now, but the CBO has already said that that is really $200 billion that it would take to do that. They reestimated the figures. So what they are promising people is not even going to be there.

It is the most complicated shell game. I got going today in thinking about how this works. When I was a kid, we went down to central Illinois or southern Illinois, and there was a county fair. There was a guy there who had this game. We had to guess where the pea was, a little tiny pea.

He had these four walnut shells. He put the pea down, put a walnut shell over it, he had these three there, and he started moving the shells around. Our job, we would bet $1, was that we would be able to figure out where it is.

Members have all seen me put it here, so they know where it is. They have not forgotten. If I move it around over here, bring this around over here, Members would still be able to find it, right? That is what this game is. They are double-counting. They are moving the money around between a contingency fund and fixing Medicare and buying a prescription drug benefit. They are going to use the same money for three different things.

If I was sitting at home, and my mother watches this stuff, she is 91, she is sitting there wondering if she is going to get a prescription benefit or not. The answer I would have to give her is, I do not know which pea it is going to be under, which shell it is going to be under, because they are using it to buy benefits, they are using it for shoring up the whole issue, and they are still saying, we are going to give a wonderful drug benefit.

The Democrats in our budget today offered $330 billion in drug benefits, twice as much as the Republicans. It is what CBO says we would have to put into the program to actually make it work.

What the President is proposing with that $153 billion is to give little bits of money to every State; he calls it Helping Hands. What that means is he gives the Governor of Texas or the Governor of Oregon, as my colleagues are here, or the Governor of the State of Washington, gives them some money and says, "Put together a program to help the poor old people in your State."

So if one's mother is poor and has drug needs, pharmaceutical needs, she has to go down to the State and say, "I am poor, and I need some money to help me pay for my prescriptions." What kind of dignity is there in that?

The Democrats are spending $330 billion because we want it to be for all seniors. We do not want to make old people say, "I am poor, and I need help." Most of these people, they have raised us, they have put us through college, they have taken care of us, and now when they get old, we say, we will help you if you are poor enough. That is what the Helping Hands program of President Bush is. It is not a program that goes for everybody in Medicare.

The gentleman's point made earlier was absolutely correct. If we do not keep this half a trillion dollars for use between now and 2011, we are going to have a bigger hole.

It is easy to explain why that is true. If there is a diet, let us say I am going to lose 10 pounds between now and the first of the year. I am going to lose 1 pound between now and the first of September, and then by the first of November I am going to lose a second pound, and then I am going to lose 8 pounds in the last 2 months of the year, through the Christmas and Thanksgiving season. If I said that, everybody would laugh. They would say, "That is a stupid diet. You have to lose 1 pound a month and get into a rhythm of doing it."

If we do not start saving money now, when those baby boomers, those people who are right now about 55 years old, when they come to 2010 and they get on the Medicare program, the numbers in Medicare are going to go from 40 million to 80 million, double. That is what is happening to us. We know it. They are all out there living, paying taxes and so forth. They all believe that Medicare is going to be there for them.

If we do not save this money now, we are not going to have it when they get there and come to need their hospital benefits. I think that the hardest thing for those of us who are in the Congress, and the gentleman has been here almost as long as I have, people do not want to think about something 10 years out. It is kind of too far out beyond. I am only elected for 2 years. I could be gone in a year. My term ends next year. I have to get elected four more times to get down to 2010.

People tend to think, let us give them a big tax break. That is why the President has given $1.6 million. He is looking at the 2004 election. That is the only thing on his mind, is how do I give this money back to the people, and they will think I am a wonderful guy, and they will reelect me in 4 years. That is what it is all about.

As an additional benefit, though, for the Republicans who do not want to do social services, there will not be any money left. This particular thing, which says that we start with a $5.6 trillion excess and take out the $2.5 trillion for Social Security the gentleman was talking about earlier, and then we take out the half a trillion for Social Security, then we only have $2.5 trillion left. Then we take the $1.6 trillion that the President is promising as a tax break for everybody, take it and run, have a good time.

What he does not tell us is that if we do not use that money to pay off debt, we wind up paying another $400 million in interest, because the government has to borrow that money. So if we do not take the $1.6 and pay down the debt, we wind up having to borrow more money.

The second thing that happens with this new proposal of the President that he never tells anybody about is that because of the tax law, there are going to be about 28 million people who start to have to figure their income tax twice.

We have something called the AMT. That is the adjusted minimum tax. That is put into the law because we do not want rich people to some way figure out how to not pay anything, so we have said that everybody ought to pay at least a minimum tax.

All this machination is going to wind up with 25 million people, instead of 2 million today, 2 million have to figure it twice. Suddenly it is going to 25 million. If we fix that in the Congress, which I think we will, it is going to be $300 million.

Now, that leaves us $200 billion for everything else that could happen to the country in 2010, if we believe this estimate, as the gentleman showed in this chart. Who knows what is going to be in 10 years? But if we believe that there is going to be $5.6 trillion, we have $200 billion to deal with all the problem.

The President has promised this prescription drug benefit. He has promised defense. There is not anybody in this building who believes that defense is not going to get a boost up.

How about if we are going to do something about education? Everybody says we cannot leave any child behind, and we have to do educational things, so that is going to come out of that $200 billion. Conservation; shall we save land, save parks and so forth? Or dealing with crime, that all has to come out of that $200 billion over the next 10 years. That is $20 billion a year.

If we want to give tax cuts to people for long-term care, that is, buying nursing home insurance, and if someone buys their own health insurance, that is another $40 billion. And then we have the faith-based initiatives. We are going to give money to churches to do various things. That all comes out of the $200 billion.

That does not talk about crop failures. My good friend, the gentlewoman from North Carolina (Mrs. CLAYTON), is going to be here to talk about agriculture. It does not say anything about crop failures or earthquakes, like we just went through in Seattle. It does not say anything about any natural disasters or wars, or any kind of military action we get into, like Bosnia or anything else. Every bit of that has to come out of this $207 billion.

That is just reckless. This is a reckless plan because of that $1.6 trillion. It is particularly reckless for a program like Medicare.

I appreciate that the gentleman would take the time to come out here and run this special order here tonight, because I think people need to sit and think about the three shells: How much can they move this money around? Can they confuse the people? It really is based on making the people believe something is over here when, in fact, we are also using it in two other places.

People get confused. Even listening to me, I am sure people do not really understand all the technicalities. I am telling the Members that I have been doing this for 30 years. This is the biggest shell game I have ever witnessed. The people are the ones who are going to suffer.

Mr. BENTSEN. I appreciate the gentleman taking the time. I might quickly ask a question. I think there are a couple of points here.

One is, I think, as the gentleman points out, in the Democratic prescription drug plan not only do we fund a universal prescription drug plan for every senior who wants to participate in it, but in addition to that, we do not fund it out of the Medicare Trust Fund.

The other point that I think is important is we heard a lot during the debate on the budget last night and today that Democrats were just trying to scare senior citizens about this. I think I would ask the gentleman, before I yield to my colleague, the gentlewoman from Oregon, are we not trying to explain what our proposal is versus the consequences of their proposal?

Sometimes people do not like to hear consequences, but, in fact, again, the truth is the truth. If we take money out of the trust funds and spend it on something else, we are going to have to make it up. That may seem scary to some, but is that not the truth?

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman for asking. I sat on the Medicare Commission for a year listening to this whole debate. People want to talk about it, and they use the word "modernization," and use all these fancy words, but what they are talking about is trying to move senior citizens from a program where they have guaranteed benefits, hospitalization, seeing the doctor, laboratory work, X-rays, and adding the pharmaceutical benefit, that is a guaranteed benefit package; what the Republicans are trying to do when they say "modernization," what they mean is we are moving to a guaranteed contribution. That is, they give a voucher. They give a voucher to my mother and to the gentleman's mother. Everybody gets the same amount in the whole country. Every senior citizen would get about $5,500.

□ 1915

Mr. Speaker, with that $5,500, they would have to go out and buy their own plan.

My mother is 91. I do not know how old other people's mothers are, but there are not very many insurance companies who want to insure somebody who is 91. Here, instead of guaranteeing my mother gets these benefits, they say to her, here, Mrs. McDermott, here is your $5,500, you can go out and shop and find the deal you can. That is what is in their presentation.

We are not scaring anybody. That is what they said in the Medicare commission.

Mr. BENTSEN. Mr. Speaker, reclaiming my time, I might also say that one of the sponsors of that in the other body, the senior senator from Louisiana, has even said that that program alone will not achieve the savings that are proposed to modernize or privatize, but certainly to extend the solvency of Medicare, that there must be other things that have to be done.

Mr. McDERMOTT. We will have another night to talk about this issue.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentlewoman from Oregon (Ms. HOOLEY), my colleague who is also a member of the Committee on the Budget.

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman from Texas (Mr. BENTSEN), my colleague, and I am going to talk about something very specific tonight. When you do a budget, whether you do it at home or you do it for any agency, one of the things you do is you have priorities, you put money into those priorities.

For example, you just watched the gentleman from Washington (Mr. MCDERMOTT), my colleague, go through the budget. The Republican budget tax cuts are a priority, they have $1.6 trillion over a 10-year period on estimated surpluses, that is coming in over 10 years.

They also talk about a priority being education. Part of the problem with that priority is they have not put any money in that priority.

We had started a program, for example, to reduce class sizes. Well, why do you want to reduce class sizes? You want to reduce class sizes because if you do that, particularly in kindergarten through third grade, kids learn better. They do better in school and they do better in school, not only in kindergarten through third grade, but they do better in school throughout their educational career.

We started a program saying let us put 100,000 new teachers in the schools to help reduce class sizes. That program is going away.

When you talk to school districts, they say what is really important. We have across this country about $100 billion worth of school repair and modernization that needs to occur. Again, this budget diverts $1.2 billion out of that program, and then it eliminates it for the next year.

There are still things in the budget. For example, President Bush has suggested testing, vouchers and so forth, that all has to come out of their budget, but their budget is only a 5.7 percent increase, which has to take care of inflation, new programs and population increase.

Mr. Speaker, one of those programs that I am terribly concerned about is a promise that we made 26 years ago to our school districts and to our students and to the people in our districts that said those students that have disabilities are special needs students, they need an appropriate free education like every student does. And the Federal Government said, school districts, if you do this, we are going to pay 40 percent of those excess costs. Well, we have not done that.

I grew up in a family that said if you make a promise, you have to keep a promise. If you make a commitment, you have to keep a commitment. We have said we want to fund that at 40 percent and, yet, right now, we are only at 14.9 percent. So we have a long ways to go.

The Democratic budget is $129 billion over 10 years more than the Republican budget. We have put our money where our mouth is and we say education is important. Here is what we want to do for our school districts. We wanted to reduce the classroom size. We want to help with modernization for schools, because that is a perfect program for the Federal Government.

We have said we want to help with special education, with students with disability. So we put money into those programs. And you heard from the gentleman from Washington (Mr. MCDERMOTT), my colleague, talking about that money that is left over, which is $200 billion over the next 10 years.

If you funded the disability excess costs to our schools and you did it over the next 5 years, getting up to that 40 percent level, which is what the Federal Government promised, just that program alone is $3 billion a year each year for the next 5 years.

If you divide that 10 years into the $200 billion, $20 billion a year, and you are trying to in one little program take $3 billion out of it, you can see that money does not go very far.

Again, if you believe that education is a priority, then you show that it is a priority, not by just talking about it, but by putting your money there. I know that is what the Democrats have done. They have put that additional money into education. We have set it as a priority. We need to have the best education system in the world.

We are the richest Nation. We are the most powerful Nation, and that is one thing that we should do for all of our students is to give them opportunities by funding education. I would like to see us increase that education budget.

I would like to see us keep our commitment to individuals with disabilities. And, again, I think if you make it a priority, you have to put your money there.

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman from Oregon (Ms. HOOLEY) for her remarks. I think the gentlewoman made an interesting point. I think what the Democrats are saying is that we are trying to keep the promises that we made. The promises we made on special education, but also the promises we made on Social Security and Medicare.

Really, the difference we have with our Republican colleagues is we believe that they are overcommitting. They are overcommitting on the basis of overly optimistic projections. They are overcommitting on the basis of using the Medicare and Social Security trust funds while not extending the solvency of those programs.

We laid out in our budget alternative our idea for extending solvency of Social Security and Medicare and meeting the public's desire for prescription drug coverage.

We do not believe that the Republicans or the President have adequately laid that out. In fact, while they have problems mathematically, we also have concerns because they give us a lot of adjectives as to modernization and privatization, but they do not fill in the details and tell us what it is. All we are saying is mathematically, you have a problem.

If you reduce the solvency of Social Security or Medicare, the solvency time period, you have to make it up, and there are only three ways to make it up; more debt, higher payroll taxes, or reduced benefits.

All we are saying is, if that is the proposal, then lay that proposal on the table, but do not overcommit us to the point where we either drive the country back into more debt or that we have to make those choices as a last resort, without having to debate those with the American people.

We do not favor those choices. We favor paying down more debt. We favor extending the solvency of Social Security and Medicare. And we think we can do that and have a tax cut, but we do not believe you can overcommit and achieve those goals.

Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), my colleague.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Texas (Mr. BENTSEN) for yielding to me.

I also thank the gentleman for holding this important hearing and Special Order on our budget and, in particular, I want to focus again on Medicare trust funds, because we are so worried about that, and as my other colleagues said, I would be remiss if I did not talk about agriculture.

Let me say I think that the Democratic budget approach was a very simple approach; that we were at a unique opportunity where we could indeed give a tax cut. We could indeed be fiscally responsible, and apply one-third of those funds for writing down the debt, and one-third of those would be for priorities like securing Medicare and Social Security trust funds.

That is the principle, not that we should not give a tax cut, but it should be a reasonable tax cut that all working Americans could benefit from, not just the rich. When you start from the premise that only the rich get it, you, indeed, have difficulties.

We surely have to do everything to ensure the integrity of the Medicare trust fund, because this is a major health issue. There are thousands and thousands of senior citizens in my district who would get no health care whatsoever, unless they are dependent on Medicare. It is not sufficient, but indeed it is the only thing they have.

As I said, the President's proposed $1.6 trillion tax cut over the next 10 years has now been passed, and if that is the case, it is going to cost approximately $2 trillion, not $1.6 trillion when you account for the debt that is involved.

The Congressional Budget Office has reminded us that the Medicare beneficiaries are expected to pay $1.5 trillion for prescription drugs during the next 10 years. So we do not cover that. That is the costs that are coming out of senior citizens pockets or their children's pockets or they are doing without that care.

The Medicare trust fund indeed will be further encumbered by the fact, the gentleman from Texas (Mr. BENTSEN) is right, that the $153 billion they proposed, that amount comes out of the Medicare trust fund. So the trust fund which, indeed, must be there for the 77 billion new baby boomers that we know actually will be drawing on that. They will have to know now that there will be less to draw on, because we need to deal with the prescription drug.

I agree with the majority that we need to work on prescription drugs. I just think we need to fund it in a separate way rather than taking from already committed funds for another cause to do that. We agree on the need to have a prescription drug, because in my district, I can tell you the population is getting older. Because of the climate and the weather we have in our areas, a number of retirees are coming to the community; and we are going to find ourselves in a community where there are less working people and mostly senior citizens and yet they will be drawing on the resources of local government. And it would be unfortunate if they would not be able to do that.

If we do not do that, by the year 2029, when they say that we have moved the insolvency, we are going to find it not to be solvent because we, indeed, draw these extra dollars from that.

If President Bush's plan, as it has now been passed, which is unfortunate, if we act under the assumption, and this is what he says, he says that he makes the assertion that Medicare is not running a surplus. That is in his blueprint. It is not running a surplus. He is not taking the surplus from Medicare.

If he is making that assertion then, would you not think if indeed he is adding a new program of $153 billion, would he not be adding that to it, or if not that amount, be adding as much of a surplus from other resources to the Medicare surplus if his assumption is true that we do not have a surplus?

I think we do have a surplus in Medicare, because the Medicare surplus is based on Social Security and those who are paying for Social Security are paying for their Medicare. It is just a matter of how they want to describe that. I predict in 10 years, indeed, we do not have to predict, we know that the 77 million baby boomers will become and will retire by year 2010.

Let me just say a word about this ever-dependent contingency fund. We have more claims on this contingency fund than there really are dollars. Anything you asked in the Committee on the Budget, we have this reserve fund. We have this contingency fund. They say the contingency fund is larger than that, the truth of the matter is the contingency fund really has fuzzy numbers. At best, given this number to be true, we need to not only secure a Medicare trust fund, but we also need to keep the commitment that we say we are going to do about defense.

We do not know what that will cost. We also are talking about agriculture policy. We are writing a farm bill this year which means that we should anticipate putting new initiatives and new opportunities to make our farmers more competitive internationally. Yet, at the baseline, we are not even considering our last 3-year experience.

Let us not say what we will do for the next 5 years, we do not even consider the experience that has been documented, $9 billion consecutively for 3 years.

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We simply ask them just put it in at what our experience has been, $9 billion. Now, most of the agriculture sector that is coming to the Committee on Agriculture said that we need more than the $9 billion, we need $12 billion. The Blue Dogs put that in their budget.

So, indeed, if we find that this ever-shrinking contingency fund is going to meet all this need, this is really going to be a false promise. There is no way that the budget that we have passed can be the budget that will indeed secure the opportunity for having the priorities and the opportunities as we go forward.

We can give a tax cut, and we should give a tax cut, but we also ought to pay down the debt. We ought to be meeting the ever-evolving priorities and those emergencies as we know it. Education, prescription drugs, our defense, our environment, and our agriculture, those are issues we know that are evolving. The energy issues, those are evolving. They will be greater issues, not less of an issue. We see them. We do not have to wait for them.

I come from an area that was flooded 2 years ago. I can tell my colleagues I hope that does not happen to anyone else. But it is going to happen somewhere, maybe even my State. We have not planned for those contingencies. So not only Medicare and agriculture, but all of the priorities and the contingencies that are so necessary to respond to the needs of the American people.

I will say all the money belongs to the American people, not just to a select people. All of the tax revenues belong to all of the American people, not a select people. All working people pay taxes. They may not pay their taxes as income, but they pay Federal taxes in proportion to their income. Many of them pay higher proportion for payroll than some people pay for their income.

So I think it is disingenuous to suggest and to segregate and to make one taxpayer seem less honorable than another taxpayer. If we are going to have a tax break and give a tax incentive, and the President is now saying the tax incentive is to respond to the recession, well, what better way of making that tax break more affordable and accessible to those who would use the dollars and be consumers than to put it back in the economy.

By the way, most of the taxes that we just passed on the tax bill will not be retroactive, not like we passed it. So they would have to do something else to that bill in order to make it effective to stimulate the economy.

So not only is it failing to stimulate the economy, not only are we not being fiscally responsible, not paying down our debt, but, also, we are not having the opportunity to meet our priorities, and we are not making that tax cut as equitable and fair as we have. So it is a misopportunity.

I hope, indeed, that the Senate will improve upon the product that we are sending them. I thank the gentleman from Texas (Mr. BENTSEN) for giving me this opportunity.

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for giving us her views.

Let me just close, if I might, Mr. Speaker, in making a couple of brief comments. Our Republican friends like to say, "We want a tax cut. We think it is your money, not the government's money. And the Democrats really do not want a tax cut." I think that is wrong.

The Democrats have put forth a tax cut time and again. But we also say, in addition to wanting a tax cut for the American people, we also want to meet the obligations that we have made. We want to be honest about meeting those obligations, be it Social Security, be it Medicare, be it paying down the national debt.

We have had this argument of how much debt we can pay down. The President in his budget said there is $1.1 trillion, $1.2 trillion that we absolutely cannot pay down. The Congressional Budget Office said there is about $880 billion that we think we might not be able to pay down without paying a premium. The Republican budget ended up being closer to the CBO number than the President's number. But, in fact, nobody really knows.

There has been an argument that we would not want to pay any premium whatsoever in paying down the debt when, in fact, that has been our debt management policy for the last several years when we have been buying back debt and paying down debt.

Just like every American who refinances their mortgage when rates come down, sometimes it is economically efficient to pay a slight premium. We should try and pay down every dollar of debt we can as quickly as we can.

But on top of that, we are concerned that the Republicans are overcommitting on the tax side. The $1.6 trillion tax cut grows dramatically every day, not including interest on the debt. Already, as I mentioned, the income tax rate cut that the House passed a couple of weeks ago is almost $150 billion greater than what the President proposed in his budget. The estate and gift tax bill that the President proposed has now been scored by the Joint Committee on Taxation as $400 billion greater than what the President proposed. So, quickly, we are pushing harder and harder against that contingency fund.

What concerns us as Democrats is, not only that we will not meet our obligations, but because of the hard work done by the American taxpayers and the American economy over the last 18 years to dig us out of the hole of debt that quadrupled our national debt when we had deficits as high as $300 billion a year to now when we are finally seeing blue skies with surpluses and not deficits, that we might miss this window of opportunity so soon before the baby boomers retire and push us back into a much more difficult economic situation in the future.

We have our differences with the Republicans and with the President on this. We believe there can be a tax cut, but we believe we must meet our obligations equally with that tax cut. That is a very distinct difference that we have with the Republicans.

We will continue to work as we spend the rest of this year putting through this budget and trying to put through a budget that, not only gives tax relief to American families, but also ensures that American families will not be saddled with more debt today and in the future.

ANGEL OF REBUTTAL

The SPEAKER pro tempore (Mr. CRENSHAW). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, as becoming customary around these facilities, I find myself being the angel of rebuttal. I sat here for the last 30 or 40 minutes and heard my colleagues from the Democratic side of the aisle, I would add from the liberal side of the Democratic side of the aisle, because I think some of the views being espoused by the liberal side of the Democrats does not track with some of those views that are being shared or espoused by the conservative Democrats. So I think we should split that out.

I would like to rebut just a few of the comments that have been made by preceding speakers whom were not rebutted. There was no opportunity to rebut them. Those are the rules. I understand that. This is my chance, however, to explain or at least discuss what I believe are some of the liberal attacks on President Bush's policy.

Let me begin by saying that I heard repeatedly, especially from the gentleman from Texas, that the Republicans for some reason are mathematically challenged. We do not have time, we do not need to spend our time this evening making those little kind of, in my opinion, cheap shots.

If one wants to take a look at mathematics, it does not take a lot of understanding to understand and to have some kind of comprehension as to what is happening in our stock market, what is happening in our economy.

From my liberal friends from the Democratic Party, this just did not happen in the last 8 weeks since President Bush has had office. This has happened. We began to see the trend several months ago. This is exactly, frankly, what their side of the aisle has handed President Bush.

Now, President Bush has not spent his time out there expressing anger about the economy that the Democratic leadership through Bill Clinton has given to him. Instead, he has gone to their side of the aisle, he has gone to the Democratic side of the aisle and said, "All blame aside, let us keep the ship afloat. Before we decide who put the hole in the side of the ship, why do we not try and patch the hole? Before we put any more water in the bucket, why do we not patch the holes in the bucket. Let us see if we cannot resolve this as a team."

Many of my colleagues on the liberal side of the Democratic Party have been down to the White House to have discussions with President Bush. President Bush in a very professional, nonpartisan, bipartisan manner has extended his hand. He is attempting to work with them.

But night after night, they are down here at this microphone bashing President Bush. Night after night, they are down here at this microphone talking about how this will not work and that will not work and this is not going to go, and it is Mr. No on that side of the aisle, from the liberal side of the aisle.

I am telling my colleagues, this economy is in trouble. My colleagues can say what they want, they can say all the feel-good things out there, but take a look at the layoffs that have occurred just in the last 6 weeks. This is not the time to bash President Bush. This is not the time to bash his economic plan simply for the reason of being in opposition, of expressing or being in political opposition to it.

I understand that there is a difference between the Democratic and Republican Party. I understand we have to take political positions. But, look, when the ship could sink, and I am not saying it is sinking, but it has a hole in the side, and when there is a hole in the side, maybe my colleagues should do something other than for the sake of opposition and for the sake of standing at this microphone and bashing this stuff. Why do they not step forward and work in a positive fashion. I think that the President has done that with them. I think the Republican side has done that with them.

Frankly, there are many Democrats, fortunately of conservative leaning, who have accepted that kind of thing, who are working as a team.

Let me talk about a few of the comments. The gentleman from Washington says it is the biggest shell game he has ever seen. That is a quote. It is the biggest shell game he has ever seen.

The very next comment coming from the gentleman from Texas says, now, folks, we are not trying to use fear tactics. We are not trying to scare the senior citizens. We are not trying to use fear in our way to get our point across, but it is the biggest shell game we have ever seen.

Come on. Those kind of tactics are long since past, in my opinion. Again, I am not taking away from the right or the liberal to go ahead and espouse their views. That is what this floor is for. That is what this microphone is for.

But I am saying to them that it is not a big shell game. It is a very serious game out there. It is a game that a lot of people stand to lose by if we do not pretty soon sit down and in a fundamental fashion figure out what we are going to do with this economy, figure out how we are going to get this slowdown in the economy to at least slow down.

I mean, the rate of those layoffs, we have got to curb it. Go and talk to some of those people. Just today look up the business news in the newspaper. Just today, Mr. Speaker, take a look at the layoffs that were announced. Go to some of those people that have got their job layoffs and say, hey, what does a tax cut mean to you.

How much bickering should we have on the House floor? Should we try to go together under our leader and try an economic plan? President Bush is a new President in this country. He deserves, at least for a while, for my colleagues to extend their cooperativeness to move toward some kind of resolution to deal with this economy.

Now, I know that some of my colleagues will never step forward and cross this aisle from the Democrat to the Republican side. I will tell my colleagues that, unfortunately, there are some Republicans who may never cross the aisle to work with Democrats. But there is certainly enough of my colleagues on the Democratic side, combined with enough of us on the Republican side, to come together as a team and work with this President.

Let us resolve the issues of the economy, and then go ahead and go on your partisan snips and your trip that you wanted to take towards that path of partisanship.

But in the meantime, let us get together with this new President. Let us form some kind of coalition to help our economy. This economy is threatened. That is no fear tactic. Take a look at it. Unlike the statement from the gentleman from Texas who talks about fear tactics, unlike the gentleman from Washington who talks about the biggest shell game that he has ever seen, the fact that our economy is having some difficulties is not a shell game.

☐ 1945

It is not a fear tactic. All you have to do is open your daily newspaper and see what happened today. Take a look at what happened today. Take a look at what happened to the Dow Jones and Nasdaq and what happened to the S&P, and how about job layoffs that were announced today and the corporate losses today, and you will get some kind of an idea that we ought not to be bickering. And those of my colleagues who have important things to say, and many of those preceding me at the microphone, they carry some weight in these Chambers, in my opinion, they ought to push or pull or throw their weight towards assisting this President to come up with some kind of successful method to rescue our economy.

I heard the comment, it is very interesting, this came from the gentlewoman from Oregon, a priority is education, and what is the first thing that the gentlewoman from Oregon says about education? "The Republicans are putting no money into that program." That is a quote.

The gentlewoman from Oregon says the Republicans are putting no money into that program. Give me a break. Come on. My colleagues know there are billions of dollars going into education. Ironically, just a few comments later the gentlewoman talks about a 5.7 percent increase in the President's budget for the new programs, but yet two or three sentences before she says, the Republicans put no money into the program of education. No money.

Mr. Speaker, are my colleagues telling me that is not fear tactics? Are they telling me there is one Congressman or Congresswoman on this floor who does not support education?

How many Congressmen or Congresswomen can you point out, and I address my colleague from Oregon, show me one Congressperson from either side of the aisle that opposes education. I have never found them. I have been up here for 9 years. I have gone back to my district hundreds of times, and I have traveled hundreds of thousands of miles, and not only have I not found such a Congressman, I have never found a citizen out there who is opposed to education. But let me differentiate between finding someone who is opposed to education and someone who wants accountability in education.

Mr. Speaker, frankly some of the preceding speakers say the answer to educational woes is just writing a blank check. Testing is unfair. Questioning school districts is unfair. Asking for accountability is unfair. Give me a break.

Mr. Speaker, what is fair? What is fair is, number one, every citizen in this country is putting money into the education system. Every citizen in this country cares about education. Every citizen cares about education. Every citizen in this country wants better education for our young people. And yet do you not think that as a part of that formula to come up with better education you have to have accountability? That is exactly what the President's budget does. It does it with education, it does it with the military, with the Department of Agriculture. It does it with foreign affairs.

This President came into the White House and he said, Look, you are not going to get blank checks. I paraphrase that. You are not going to get blank checks. Do not just think you can come to the White House and say, we are surrounded by children or military weapons programs or farmers and ranchers; so, Mr. President, you just write the check.

Mr. Speaker, this President had the guts to step forward and say, you know what, I want to measure results. What are the results? The same kind of thing every one of my colleagues who has spoken critically of the President, every one of you, when you go to buy a car, before you turn the cash over, you say to the dealer, I want to know about the results. By the way, what does Consumer Guide say about the results of this? What do my neighbors who own this car say about this type of car? What kind of warranty work do you do, and what kind of guarantee do you have that this car is going to produce like you promise it is going to produce?

In other words, when you go to the car dealership, you ask for accountability from the dealership. When you go to the grocery store, opera or to the art museum, you expect to have something in return, and you measure it. You measure it by did you have a good time. Did you feel that there was something that you got out of going to the art museum, or did the product taste good that you got at the grocery store. You ask for accountability.

But when a Republican President takes the White House and asks for accountability, we have some of my colleagues stand up here and say, my gosh, no money for education. No money for the farmers. No money for Medicare. He is taking from Medicare. Come on. Be fair about this.

Mr. Speaker, my bet is that most of the people that I could talk to in my district and across this country would say to you, do not give a blank check to any governmental agency. Every governmental agency, whether it is education where we are surrounded by children and our future, whether it is military where you are surrounded by weapons and the future protection of this country, whether it is agriculture where you are surrounded by farmers and our food and feed and the need to sustain this country for the future, no matter who it is, every one of my constituents that I know of would say, Do not write a blank check to any Federal agency. Ask for accountability.

Mr. Speaker, you know what happens with bureaucracy and the lobbyists and the special interests, the minute you ask for accountability from a Federal program, they attack you like vultures. The minute you say on education, for example, what could be more motherhood and apple pie than education. As I said earlier, everybody to the person in these Chambers, everyone supports education. The liberal left supports education; the far right supports education. Everyone supports education.

But, Mr. Speaker, the minute you ask a question, for example, where are those 100,000 teachers going to go, or how are we going to determine where the money goes for the building of new schools, the minute you ask that question, the special interest groups pounce on you like you are a piece of raw meat for a hungry tiger. You must be against education because you will not vote for this program. What gives you the right to ask a question about what kind of results we are going to get from testing and from 100,000 new teachers?

Mr. Speaker, take a look at that program where we theoretically put 100,000 cops on the streets. Take a look at some of these things. You have a fundamental obligation. It is inherent upon every one of my colleagues to ask those questions. How do we measure results? What results are acceptable? What results will we get for the dollars we are putting in?

Now, a lot of my colleagues are afraid to discuss the results because they know that the results coming in will not match the dollars going out, and the special interest groups who are hired, by the way, interestingly enough, a lot of lobbyists are paid for by taxpayer dollars to lobby for more taxpayer dollars. Do you think they have the benefit or the interest of the taxpayer, of the working American out there in their mind? No. They are hired by taxpaying entities to come back here to a taxpayer-subsidized or fully supported entity to lobby for more taxpayer dollars. And the minute you ask for results, hey, we are putting this many dollars out; what kind of results are we getting in, oh boy, do they know how to paint a picture in your district that you are antifarming, or you are antieducation, or you are antimilitary, or you are antipeople. That is exactly the game that goes on here.

To the gentleman from Washington State, if he wants to talk about a shell game, that is the shell game. The minute you ask for accountability, the minute you want to know about results, the minute you want to see if the people of our country are benefiting from the dollars that these Federal agencies are spending, woe, woe be you, because here comes the special interest groups. Here comes the paid lobbyists to trash you in any way they can.

Why? Because they do not want those results out; because in many cases, the results do not match, match meaning in proportion to what we expect for results, they do not match. The dollars going out do not match the results coming in. They do not want to be held accountable, because you know what happens if you are held accountable? You will have to change your ways. And there are a lot of people paid a lot of money in Washington, D.C., to make sure the government does not change its ways.

Well, we now have a President who has had enough guts to step up, for example, to the American Bar Association. For 26 years nobody has had enough guts to question their ratings on judges. How dare this President question the American Bar Association? I am an attorney, by the way, so I know a little about the American Bar Association. In my opinion, a lot of the people, or those lawyers, that is the association of lawyers, in my opinion, a lot of them are prima donnas. But how dare a President question the American Bar Association? This President has enough guts to do it, and he has done it.

How dare a President come into the White House and say to the military generals, hey, I am very promilitary, I want a strong military, I want the best military in the world, but I am not going to sign a blank check for every military program out there. You better justify. You better give me accountability on these weapon systems that you are asking for in the military. You better have some answers for some pretty tough questions. Oh, my gosh, a President has enough guts to do that?

Take a look at foreign affairs. President Bush, he stands up. He says to Russia, do not spy, or we expel your people. He says to China, you have to worry about human rights. He says to North Korea, it is not going to be a giveaway on your nuclear power negotiations.

This President deserves some support. I am not saying he deserves my colleagues' rallying for him. I am not saying the Democrats have to be a cheerleader for President Bush, but I am saying that he deserves some time to try and put this economy back on its rail, because it was derailed when he got to it, and he deserves, instead of my colleagues standing up here in front of this microphone and doing everything they can to object for the sake of objecting, not for the sake of improvement, but for the sake of objection, this President deserves more. And more important than this President deserving it, the American people deserve more, and we ought to deliver it for him.

Let me address a couple of other things. First of all, this tax cut. I like the Johnny-Come-Latelies. Some of the people talking today, well, we are for a tax cut. Well, take a look at the history of those individuals. They did not support tax cuts in the past. All of a sudden the reason they are on is that seems to be the bandwagon in town, and whatever you say, do not say you are opposed to a tax cut, at least say you are for some kind of tax cut. But always say, well, a tax cut that protects all the people, et cetera, et cetera.

Then I heard someone up there saying, well, buying down the debt. By the way, for the gentleman from Texas, who talks about buying down the debt, just for a little accounting information here, when debt is issued, there are different levels of debt that can be issued. If there is no prepayment penalty, which means you can pay off that debt at any time you wish, all you have to do is call up the owner of the debt and say, I am going to pay you tomorrow. You put in what is known as a call provision. I am calling what I owe; I am going to pay it off. That carries less of a return than if you do not have that right.

So what happened with the government, it wanted to maximize its return in many cases, and so it forfeited the right to make that kind of call. So there is a penalty when you pay down that debt. That is basic economics 101. Do not pretend that it is not out there. Do not pooh-pooh the President because the President says, hey, we need to do this in such a fiscal manner that it makes economic sense. Why pay a penalty for debt that is outstanding when we do not have to? It is something we ought to consider.

Let me go on to another point. Let me talk for a couple of moments about the oldest scheme in town, and that is the scheme to come up here to this microphone, and we see it at every level of government, by the way, and talk about how their budgets are being cut. Let me talk about how that contrasts to the American families out there; how it differs.

Let me, first of all, talk about an American family who, let us say, makes $10. We will forget the percentages here and make it simplified. If an American family has in their family budget $10 for the year, and the next year the American family, and let us call them Joe and Jane Smith, our American family, and they spent $10. That is their budget. And the next year that Smith family sits down and they have $15 in their budget. What would the average American say happened to the budget? It was $10 last year; it is $15 this year. Everyone I know, with the exception of government officials and government agencies and lobbyists and special interests, everyone I know would say, hey, if you got $15 this year, and you had $10 last year, it is a $5 increase.

□ 2000

Your budget actually went up $5, and if you took the $5 and the $10, you could say that the budget went up 50 percent; our budget in our family this year increased 50 percent over what it was last year.

Well, here is the old scheme, the old tactic they use in government agencies and government programs. They put in a budget. The budget, again, same thing, $10 last year. This year that agency says we would like to have $20. So we meet here in these chambers and we decide, look, we are not going to give the agency $20. We are going to give them $15.

Do you know what happens? The agency goes out there and starts to tell its constituency, who generally that constituency are people who benefit from the Federal program, so, for example, if it is agriculture they go out to the farmers, if it is education they go out to the teachers, if it is military they go out to the military people and they say, look, we asked for $20 and that Republican Congress only gave us $15. We got cut $5. We got cut, our budget got cut.

Their budget did not get cut. The budget was increased. It went from $10 to $15. We did not give them what they asked. We gave them an increase. Last year it was $10. This year it is $15. They get a $5 increase.

They go out to their constituency, and we heard it this evening from the preceding speakers, and they say it is a $5 cut.

My colleague, the gentlewoman from Oregon, says there is no money in education, President Bush put no money in the education program, and 2 minutes later or even two sentences later she said it was only a 5.7 percent increase.

Now there it is even more extreme; no money in education because we only have a 5.7 percent increase. How many American workers out there can expect a 5.7 percent increase in their budget this year?

I will say something. There are a lot of American workers who are going to feel very lucky to have their job next year. Take a look at the layoffs. So for us up here as elected officials to stand here and say there is no money for education because it only got a 5.7 percent increase, no wonder there is deep distrust for government, especially when it comes to handling taxpayer dollars.

Now let us speak for a moment about the surplus. I know people keep bantering around the surplus. What they are trying to do, do not kid yourself, do not kid yourself, there are some of you on this floor who want the surplus kept in Washington, D.C., not to reduce the debt. Now, that is the front you put on it. That is the picture that you paint, look, we want to keep the surplus in Washington, American people. Trust us. We want to reduce the Federal debt. Trust us. That is why we want it in Washington.

You know, as well as I know, that a lot of you have the true intent that that money should be used for new programs.

Let us talk about some of the new programs that come before Congress. We very rarely, and I say this after years of service in elected office, I very rarely, in fact I cannot recall one time when somebody came into my office asking for a new program that was a bad program. In my case, every program that has been proposed to me has merits to it. Our decisions up here are never between good and bad programs. That is an easy choice. Our decisions are always between good and good programs.

Just the other day, in one day, in one day, I had requests for about $1 billion. They wanted a couple hundred million more for this increased spending. They wanted four or five hundred million here for the new space program; increased spending. They wanted another couple million here for flood control; increased spending. They wanted another couple hundred million here for a new program for children.

These demands for those dollars will continue to come in as long as there are elected officials and as long as we have constituencies.

So to come up here and say that you think you have the ability, with those kind of demands from our constituents, to hold a big pot of money in surplus is wrong.

We have a program in Colorado for the uranium miners. These people were poisoned producing uranium for this Nation to fight its wars and to have the kind of weapons that we needed. The United States conceded the claims to those people, conceded the claims to those people. That money is due and owed to those people. The United States Government has agreed, they have acknowledged that, they have admitted to the claim. They have yet to pay the claim, and the first thing that comes up is, gosh, there is a surplus. So why are these claims not being paid? Whether there is a surplus or not, those claims ought to be paid.

The fact is this: Everybody out there in education, in farming, in the military, in new highways, in new welfare programs, in new health care programs, in expansion of Medicare, in expansion of Social Security, everybody out there has got their eyes on this big surplus and they have ideas of how to increase the size of the government.

Now, in some cases we as a collective body establish priorities. For example, President Bush in his education budget decided that a 5.7 percent increase in a massive education budget was necessary, and we needed to expand the program. I am not standing here this evening saying that we should deny any expansion of Federal programs, but I am saying that do not mislead the American people by saying that if we keep a surplus in Washington it will not be spent; it will be used to reduce the debt.

The fact is, Mr. Speaker, and I think you have an obligation to tell your constituents, that any dollars left in Washington, D.C. is like putting a cookie jar in a kitchen in front of a bunch of kindergartners who have not had lunch. What are you going to expect? Of course you are going to expect those kids to go to the cookie jar. I would lead the pack.

Back here in Washington, D.C., if you leave a pile of money called a surplus, what do you think is going to happen? Every special interest group back here, a lot of lobbyists will be paid big, big dollars and a lot of agencies will go out there and gather the softest, most emotional aspect of their constituency, like children for education, or farmers in farming, or military, et cetera, and they will go after that cookie jar. That is why when you have a surplus the size of the surplus that now exists, we must make a decision, especially in light of the fact that we have very difficult economic times ahead if we do not get ahead of this train. That is why when we have that here, that is why we must decide do we leave this money here and create new programs or make additional commitments for more Federal spending, that when the economic bad times come and our surplus evaporates we will not have the money to continue them?

We tried this many years ago in the State of Colorado in the 1970s. By the way, Mr. Speaker, as a reminder, my district is Colorado. I represent the mountains of the State of Colorado, almost all the mountains, the Third Congressional District. In Colorado, in the 1970s, we had a big surplus. In 1982, they called it Black Sunday; Exxon announced its pullout of Colorado out of the oil shelf development. Colorado went into a recession. Our budget was a tough budget.

I was in the legislature at the time. We even figured out what the cost of opening a door with an electric switch was. That is what dire straits we were in economically, because in Colorado, thank goodness, somebody had the foresight to require a balanced budget years before. So in Colorado we had to have a balanced budget. We had to cut some things.

People began to say, wait a minute. In the early days of the 1970s when there was a big surplus in Colorado, the Colorado legislators returned that money to the taxpayers. Had they not returned that money to the taxpayers in the State of Colorado in the 1970s that money would have been committed for an expansion of government programs in the State of Colorado. When the recession came in the early 1980s, we would have been in more dramatic trouble because we could not meet larger commitments made because the surplus was not returned to the taxpayers.

Now all of us agree that some of the surplus here will be consumed by programs that are considered by this collective body as a necessary expansion of a Federal program. For example, we know we have a lot of baby-boomers. We know that every day more people turn 62 or 65. So we know that whether you want to expand a program or not, the fact is Social Security is going to have to expand every day because you have more people turning 62 or 65. Those programs we have to take the surplus, parts of the surplus, and fund those programs. But if we have programs that are not essentially necessary, not what people want because every constituent out there wants something out of a Federal surplus, there are a lot of good programs that people want, the fact is that we cannot fund them all. Even if we could fund them all today, we may not be able to fund them tomorrow when this economic downturn takes hold.

This surplus is coming in for a little while so we may create and spend that money at the government level today, but we may not, again to repeat we may not, tomorrow have the money to pay for it. Then people will really suffer when the government does not have the money to follow through on its commitments.

I think the gentlewoman from Oregon says when you make a promise like this, you have to keep that promise. Let me say, when you obligate those surplus dollars for expansion of Federal programs, the beneficiaries of those Federal programs considered that a promise. When you cannot fund it because your surplus is evaporating, when you cannot fund it because you do not have the dollars, the people who are the beneficiaries of those programs consider it a broken promise, and you are about to set yourself up for this. If you do not return to the taxpayer a substantial amount of those dollars that are not needed for the necessary programs, you are setting yourself up for a broken promise because this government, in my opinion, this economy, in my opinion, cannot sustain the kind of growth rate that we have experienced over the last several years, at least for a short period of time, maybe a longer period of time. So do not set yourself up for those broken promises.

By the way, I heard one of the preceding speakers say, well, the Republicans, and obviously this was one of our liberal colleagues, want to return taxpayer dollars to people that will not use it. How does a taxpayer who gets taxpayer dollars back not use the money?

There is one way, two ways, I guess. You destroy the money, you go out in your backyard, you light a match and you burn the money up; you destroy it. You are not using the money. You destroyed it. Or I guess you could go out in the backyard and dig a hole. You do not destroy the money but you put the money in the hole. Other than that, every taxpayer, or every person that gets a dollar back, but in this case it should be taxpayers because they are the ones who pay taxes, it is not a welfare program, it is a refund to the people who paid the taxes in should get the taxes back, the excess back, every one of those people will use those dollars. I do not care if they are in the 10 percent bracket. I do not care if they are one of the wealthiest families in America. Every one of those people will use those tax dollars. They will either put it in the bank, in which case the bank will turn around in the community and make loans to the community to people who are trying to make a business a success, and hire people in the community. They may go out and buy a brand new TV. They may go out and make a payment on a credit card debt to reduce their debt. They may use the money as a contribution to a charity, or as a contribution to help sponsor something at the local school district. Every taxpayer that gets a taxpayer dollar back will use those dollars. It just happens.

So to stand up here, as the preceding speaker did, and say, well, the Republicans only want to return tax dollars to those who will not use it, I cannot make sense of that kind of comment.

This evening, Mr. Speaker, I intended to speak about the death tax and its ramifications, and I also wanted to speak about water in the West, but next week I intend to return to this podium and speak about water in the West.

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It is a very critical issue. In the east, basically, the problem with water is getting rid of it. In the west, our problem is trying to store it and obtain it. Colorado, the State that I represent, is very unique. In fact, the district that I represent is especially unique. My district is the third congressional district of Colorado. That district is the highest district in elevation in the Nation. We live at the highest elevation of any of the population of any of the districts in this country. Our water all runs downhill. As you can imagine, when you are at the high point, your water runs downhill. In my particular district in my particular State, that district gets 80 percent of the water and 80 percent of the population resides outside of it. Water storage, water for power generation, water for protection of our environment, water for human consumption, water for agriculture. It takes on different particularities in the west than it does in the east. There is a clear differential between water issues of the west and water issues of the east.

Mr. Speaker, although I intended to address it this evening, next week I intend to take this podium and speak specifically about the water issues of the west and the east. But this evening, I felt it necessary to rebut some of the remarks and some of the attacks that were directed towards the President's program on economic recovery, some of the remarks that were being made about the surplus, some of the false pretenses, in my opinion, that may have been created as a result of an impression that allowing surplus money to stay in Washington means that surplus will automatically reduce the debt. I felt we had to address that.

However, there is another issue I think we need to address tonight called the death tax. I have talked about this a number of times. Some of my colleagues say, oh, boy, here it goes again, the death tax. Well, do my colleagues know why I keep coming up here about the death tax? Because I have a lot of families, and these are not the Gates, these are not the wealthiest families of America that I am speaking of. I have a lot of families in my district that are suffering because the government has taken it upon itself to go in upon the death of a family member and consider death a taxable event and take money from that family, money in the form of property from that family, despite the fact that all of the taxes have been paid on that property. It is called the death tax, and it is fundamentally unfair. I have heard repeatedly from this floor, well, it is just the rich people, and they ought to have to give back to the community. By the way, the death tax is not giving back to the community, the death tax is taking. It is forcing you to take.

By the way, my second point, when the government comes in and imposes a death tax upon the estate of a member of one's family, we should not kid ourselves that for one minute that money goes back to the community. Do my colleagues know where that money goes? It comes to Washington, D.C. for this collective body to redistribute throughout this fine country. And how many of those dollars do we think go back to the little community or even the large community under which that person was a citizen or where that person resided prior to their death. Do not let people tell us that by going and attacking a person's estate, that those dollars are given back to the community. It does not go back to the local community.

I think the best way to express it, and, by the way, Bill Gates I think has taken opposition to the death tax, but his father who spoke from a foundation headquarters, his foundation was created to get around death taxes. It was some of the wealthier families. Some of the wealthier families may not have, but some of the wealthier families in this country who said that the death tax is a good tax, keep it in place, those families have already created their foundations, they have already hired their attorneys, they have already secured their life insurance, so that they have minimal impact when they pass on. We can bet our bottom dollar that every one of those wealthy families who recently signed an ad saying keep the death tax in place, we can bet every dollar we have that they have already arranged to make sure that the next generation of their family will have a very comfortable living.

What about those people like a lot of people in my district who cannot afford the team of attorneys, who have no idea how to create a foundation, who do not have the money to do the kind of estate planning that allows one to hire and pay huge premiums for life insurance. What about those families? By the way, those families could be a family of a deceased person, a person deceased who had a dump truck, a bulldozer and a backhoe free and clear and a garage. In my district, that puts one in estate tax territory, in death tax territory.

Well, I think the best way to pass this on to my colleagues is to read some of the expressions that have been related to me through letters from people who have heard me from this microphone speak about the death tax and the inequity of death tax and how it has devastated families in this country. It is fundamentally the most unfair tax that we have in our entire system of taxation.

Let me start out, this one is from a gentleman, Mr. Marshall Frasier. "Dear Congressman McInnis. I was encouraged by President Bush's State of the Union in his outline of his proposed budget and the tax relief. I am President of the Colorado Livestock Association and elimination of the death tax is our members' number one tax priority.

"We have operated as a family partnership since the middle 1930s. My parents died about 5 years apart in the 1980s, and the estate tax on each of their one-fifth interest was 3 to 4 times more than the total cost of the ranch which was purchased in 1946."

In other words, the estate tax on one-fifth of the interest of his father and one-fifth of the interest of his mother's interest in the ranch, the estate tax on that totaled more, each of them, individually, that one-fifth, the tax on that one-fifth totaled more than the entire purchase price of the ranch in 1946, and we call that equity, we call that fairness. This is a ranch, by the way, where all of the taxes have been paid.

Let me continue. "Eliminating the death tax and marriage penalty and reducing the tax rates will go a long way towards providing jobs and bolstering the national economy. This, in turn, will enable hard-working families in the Colorado cattle industry to pass their heritage on to the next generation."

Let me stop here for a moment. A lot of this is not about passing money to the next generation; a lot of this is about passing a way of life to the next generation. In this letter Mr. Frasier says, to pass our heritage. My in-laws happen to be ranchers. They love the land. They do not make any money on the ranching operation, but they love the land. They have been on that land since the 1880s, since the 1880s. What is their goal in life? One, they are proud of their heritage, they are proud of what they do, and they want to have the opportunity to pass it on for 100 generations to come. Why should not a family be able to pass on the family farm for 100 generations to come. Why should the government have a right to come in to somebody like Mr. Frazier and his parents and say to his father who has a one-fifth interest in the ranch, the tax on your one-fifth interest in the ranch is going to be more than the total purchase price of the ranch.

Mr. Speaker, this should be a country that encourages heritage and family operations to go from one generation to the next. This should not be a country that discourages family business or farms or ranches from going from one generation to the next.

Let me continue. "I have 3 sons involved in our operation and a grandson starting college next fall and it is important that we keep agriculture viable, to keep our beef industry from becoming integrated as pork and poultry have become. We need to make it possible for our youth to be able to stay on our ranches and farms."

Mr. Frazier, you are right.

Nathan Steelman, another constituent of mine. Now, this is interesting. This is not an old-time rancher writing to me, this is not a well-polished politician writing me, this is not somebody in their 40s or 50s writing me after they have had an opportunity for a career; this is a college student, this is a letter from a college student, Nathan Steelman.

"Dear Congressman. I am a college student at the University of Southern Colorado in Pueblo which is in your district. I grew up in a family which has lived and thrived in agriculture for many years. My parents and grandparents are involved in a typical family farm, a farm that has been in the same family for more than 125 years. My grandpa is 76 years old and in the last years of his life. My parents have been discussing this situation for the last several months. My parents worry about the death tax. They worry about how they are going to be able to keep the farm running once grandpa passes away. The eventual loss of my grandpa will trigger this tax upon my family's inheritance. My parents hope that they will be able to pay this tax without having to sell part of our family operation that my family has so hard worked in maintaining over many years. The outcome, however, does not look good. Farmers and ranchers are having enough trouble keeping family operations running the way it is. Statistics show that 70 percent of all family businesses do not survive a second generation, and 87 percent do not survive a third generation. My family has worked very hard to keep the family farm running this long. We feel as if we are being penalized for the death of a family member. From what I understand, the opposition is concerned about are many individuals who are being affected by the death tax are those that are theoretically very wealthy people. Statistics show, though, that more than half of all people who pay death taxes had estates that are valued at less than $1 million. My family falls under this same category. That just does not seem fair to me.

"Mr. McInnis, my family's farm is not located within your district, but when I moved to Pueblo, I felt like I needed to express my concerns to someone who might be dedicated to abolishing this death tax. I hope that you do this."

Let me go through a couple other letters. Generally, I do not read up here. Generally I like to make my comments without reading, but these letters are very moving. These letters were not solicited by my office, by the way. These letters were sent in on their own volition.

This letter is from Chris Anderson. "Dear sir, my name is Chris Anderson. I am 24 years old and I currently run a small business. It is a mail order business. I am not a constituent. I currently reside in New Jersey. However, I listened with great interest as you spoke this evening on the topic of the death tax, as you called it. I in all likelihood will not face the problems you were outlining."

Let me point that out. This gentleman writing this letter says in all likelihood, I am not going to face the problems that you have outlined, at least not in the near future.

"I am not in line to inherit a business. However, I am soon to be married and look forward to having a family and perhaps one day my children will want to follow in my footsteps. I hope and pray they will not be faced with the additional grief caused by a death tax. A 55 percent tax is, at best, a huge burden on a family business and the loved ones of the deceased. At worst it can be a death blow that ruins what could otherwise have been the future of yet another generation."

Let me repeat that. At worst, it can be a death blow that ruins what could otherwise have been the future of yet another generation. This is a 24-year-old young man talking about trying to preserve the future of another generation and talking about what the death tax does to threaten that next generation.

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He is 24 years old and he is already thinking about the next generation. This letter is not a plea for help.

"I just want you to know that although I am not a victim of this tax, I appreciate the fight against it. I firmly believe that Congress and the government at large need to recognize that America's future is and will always be firmly rooted in the success of small business. Many of these businesses are family-owned and need the next generation to be able to continue them into the future.

"I spent a few years working for a small family-owned business. Not just myself but several workers depended on the income they derived from working for this small family business operation. I fear for those workers when the tax man comes knocking. This tax has claws that rip at many people, and many more people than the immediate family of the deceased. It also has a huge impact on the employees of the family business.

"I hope your constituents recognize this and they will continue to work to get rid of this tax."

Now, remember, what this letter focuses on is not his particular situation, but what it does to the employees of a small business who may not themselves inherit the business but who depend on that farm of another family or depend on that business of another family for their living.

Recently, we had a death in my district in a small community, and this individual was hit with the death tax, the estate was. Do Members know what it did to that community? That individual was the largest employer in the community, the largest contributor to charities, the largest contributor to his local church, the largest owner of real estate in that community.

Do Members know what happened to that community? All of those assets and those jobs, that money that supported many, that had to be accumulated in a pot. The majority of that money, the majority, this is not an exaggeration or an embellishment, the majority of that money had to be wired to Washington, D.C. for redistribution throughout this country.

Do Members think any of those dollars went back to that little community in the State of Colorado, or it could have been in the community of Missouri, or out in Michigan, or in California, New York, or Virginia? This hurts those communities. It does not just devastate families, it hurts people that are related to that small business, that work for that small business.

Again, a lot of the big businesses and wealthy people have planned around this. They have purchased premiums for life insurance.

Fundamentally, this death tax is not only unfair, it has consequences that were never intended by the drafters of our Constitution. If the people that dreamed of America, if the frontierspeople of our country, if the Founders of our country, if those people who fought in the Revolutionary War ever imagined that at some point this government, which theoretically encourages creativity, encourages small business, theoretically encourages freedom, if they could believe or if they would hear that the government itself would tax death as an event, and that the government would take that money from a community and transfer it to the Nation's capital, to a central authority for redistribution, they would turn in their grave. They would not believe it. It defies the dream of being a success in America. It defies the American dream.

That is not to say somebody should not pay taxes. I need to remind the Members that these death taxes are on property that has already had its taxes paid. It is simply a way to generate money.

When the government and the bureaucracy needs to figure out how to generate money, they have to figure out an event. If we buy a car, there is a reason to generate revenue, sales tax. If we make money, there is income tax. If we buy gasoline, there is fuel tax. So they figure, "What are we going to do? There is a pot of money out there that maybe we ought to have. Let us get our hands on it."

If we take a look at the origins of the death tax, we will see that it was a theory of people that redistribution in this country was what we should do. We should move from a capitalistic society to a socialistic society, where central authority redistributes the dollars. As a vendetta against the Fords, the Carnegies, and Rockefellers, they imposed this tax way back then.

Look, that theory failed. This country does not believe in redistribution of wealth, it believes in the capitalistic type of system. It should get rid of this tax. This tax only punishes these young people, this 24-year-old and this young man and his wife who have a mail order business. Why punish them? Let us encourage the next generation.

Let me conclude by saying we have covered two subjects this evening.

One, I spent the first part of my remarks rebutting what was being said about the surplus in the budget and so on. Mr. Speaker, I want to say to the Members, they need to say to their constituents, if we leave dollars laying around in Washington, D.C., the special interest groups and some of the highest paid professionals in this country, the lobbyists, are waiting for those dollars to be sitting here so they can put them into new programs. It is not going to go back to the taxpayers, it is going to create a larger and bigger government. Some day we will pay the price for letting the government grow too big.

So I talked about that, and rebutted some of the comments made earlier by some of my colleagues.

The second part was this death tax. We have an opportunity to reduce or eliminate or significantly alter this punishment tax. That is exactly what it is.

Do not listen to some of these wealthy families who signed an ad, like Ted Turner and some of those people, and in my opinion he is one of the most pompous people I ever met, who said, "Let us keep this in place," et cetera, et cetera. Listen to that 24-year-old who has a small operation. Listen to the young man who has no business, and he is not going to inherit anything. Listen to what he says about the next generation.

I ask Members to take their time this weekend when they go back to their districts to talk to those people that are not the billionaires, those people who just barely are getting by, but they want to pass heritage from one generation to the next generation.

I think Members have an obligation to do that. If they really do it, I think they will come back here next week ready to vote with us to eliminate or reduce the death tax and the burden it puts on the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Mr. GEPHARDT) for today on account of family illness.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HONDA, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. BALDACCI, for 5 minutes, today.

Mr. KANJORSKI, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. CLAY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, March 29, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1374. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Stock Issuances (RIN: 3052–AB91) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1375. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–1074] received March 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1376. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–B–7409] received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1377. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1378. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7750] received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1379. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Corrections of Retirement Coverage Errors under the Federal Erroneous Retirement Coverage Corrections Act (RIN: 3206–AJ38) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1380. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Catch Sharing Plans [Docket No. 010119023–1062–02; I.D. 121900A] (RIN: 0648–AO80) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1381. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure [Docket No. 000822244–1060–03; I.D. 030201B] (RIN: 0648–AO66) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1382. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; 2001 Specifications [Docket No. 001121328–1066–03; I.D. 111500CB] (RIN: 0648–AN71) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1383. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 031301E] received March 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1384. A letter from the Deputy Assistant Administrator, National Ocean Service, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of funding opportunity to Submit Proposals for the Global Ocean Ecosystems Dynamics Project [Docket No. 000127019–0323–02; I.D. No. 111500D] (RIN: 0648–ZA77) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1385. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole/Flathead sole/"Other flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 031901E] received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1386. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–8–55, DC–8–61, DC–8–61F, DC–8–62, DC–8–62F, DC–8–63, DC–8–63F, DC–8F–54, and DC–8F–55 Series Airplanes [Docket No. 2001–NM–26–AD; Amendment 39–12135; AD 2001–04–15] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1387. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 99–NE–56–AD; Amendment 39–12130; AD 2001–04–11] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1388. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AD350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No. 2000–SW–17–AD; Amendment 39–12133; AD 2001–04–14] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1389. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, –800, and –700C Series Airplanes [Docket No. 2001–NM–13–AD; Amendment 39–12127; AD 2001–04–08] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1390. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2000–NM–416–AD; Amendment 39–12128; AD 2001–04–09] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1391. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. 2000–SW–31–AD; Amendment 39–12131; AD 2001–04–12] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1392. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Model 1900D Airplanes [Docket No. 2000–CE–10–AD; Amendment 39–12123; AD 2001–04–05] (RIN: 2120–AA64) received March 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1393. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Assessment Of Liquidated Damages Regarding Imported Merchandise That Is Not Admissible Under The Food, Drug, And Cosmetic Act [T.D. 01–26] (RIN: 1515–AC45) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1394. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Foreign Repairs To American Vessels [T.D. 01–24] (RIN: 1515–AC30) received March 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1395. A letter from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting the Department's final rule—Amended Procedure For Refunds Of Harbor Maintenance Fees Paid On Exports Of Merchandise [T.D. 01–25] (RIN: 1515–AC82) received March 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 104. Resolution providing for consideration of the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability (Rept. 107-31). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Mr. Gordon, Mr. Boehlert, Mr. Barcia, Mr. Ehlers, Mr. Etheridge, and Mr. Gutknecht):

H.R. 1259. A bill to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; to the Committee on Science.

By Mr. KERNS:

H.R. 1260. A bill to prohibit the cloning of humans, and for other purposes; to the Committee on the Judiciary.

By Mr. HORN:

H.R. 1261. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to impose a limit on the Federal share of the costs of the Long Beach Desalinization Research and Development Project in Los Angeles County, California; to the Committee on Resources.

By Mr. RODRIGUEZ:

H.R. 1262. A bill to amend subchapter IV of chapter 53 of title 5, United States Code, relating to prevailing rate systems for Federal employees; to the Committee on Government Reform.

By Mr. McINNIS (for himself, Mr. Hefley, Mr. Tancredo, Mr. Schaffer, Mr. Udall of Colorado, and Ms. DeGette):

H.R. 1263. A bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. Pascrell):

H.R. 1264. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions, tax relief to families with children, marriage penalty relief, and to immediately eliminate the estate tax for two-thirds of all decedents currently subject to the estate tax; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself and Mr. Foley):

H.R. 1265. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Ways and Means.

By Mr. BONIOR (for himself, Mr. Barr of Georgia, Mr. Conyers, Mr. Tom Davis of Virginia, Ms. Jackson-Lee of Texas, Mr. Dingell, Mr. Toomey, Ms. McKinney, Mr. Hinchey, and Mr. Towns):

H.R. 1266. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Ms. Dunn, Mr. Smith of Washington, and Mr. Hastings of Washington):

H.R. 1267. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Neal of Massachusetts, Mr. Sam Johnson of Texas, Ms. Dunn, and Mrs. Johnson of Connecticut):

H.R. 1268. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mrs. Lowey, Mrs. Morella, Ms. Kilpatrick, Mr. Hinchey, Mr. Serrano, Mr. Rangel, Ms. Slaughter, Mrs. Meek of Florida, Mr. Frost, Mr. Pastor, Ms. DeLauro, Ms. McKinney, Mr. Hilliard, Mr. Wexler, Mrs. Maloney of New York, Mr. Sanders, Mr. Baca, Ms. Brown of Florida, Mr. Hall of Ohio, Mr. Delahunt, Mr. Frank, Mr. Abercrombie, Ms. Jackson-Lee of Texas, Mr. McGovern, Mr. George Miller of California, Mr. Waxman, Ms. Woolsey, Mr. Filner, Ms. Rivers, Mr. Owens, Mr. Brown of Ohio, Mr. McNulty, Mr. Engel, Mr. Rush, Ms. Lee, Mrs. McCarthy of New York, Ms. Waters, Mr. Weiner, Ms. Pelosi, Mr. Boucher, Ms. Schakowsky, Mr. Sabo, Mr. Gonzalez, Mr. McDermott, Mr. Lampson, Mr. Brady of Pennsylvania, Ms. Baldwin, Ms. Carson of Indiana, Mr. Nadler, Mr. Allen, Mr. Blumenauer, and Mr. Sherman):

H.R. 1269. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Mr. DeFAZIO:

H.R. 1270. A bill to increase accountability for Government spending and to reduce wasteful Government spending; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Armed Services, Science, Resources, Financial Services, International Relations, Veterans' Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DIAZ-BALART (for himself, Mr. Menendez, Ms. Ros-Lehtinen, Mr. Andrews, Mr. Bachus, Mr. Bartlett of Maryland, Mr. Bilirakis, Mr. Blunt, Mr. Boehner, Mr. Bonilla, Mr. Bryant, Mr. Burton of Indiana, Mr. Cannon, Mr. Chabot, Mr. Cooksey, Mr. Cox, Mr. Crenshaw, Mr. Crowley, Mr. Cunningham, Mr. Davis of Illinois, Mr. DeLay, Mr. Deutsch, Mr. Doolittle, Mr. Dreier, Mr. Duncan, Mr. Engel, Mr. Foley, Mr. Fossella, Mr. Frelinghuysen, Mr. Ganske, Mr. Gilman, Mr. Goss, Mr. Graham, Mr. Gutierrez, Mr. Gutknecht, Mr. Hansen, Mr. Hastings of Washington, Mr. Hayes, Mr. Horn, Mr. Hunter, Mr. Hutchinson, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Keller, Mr. Kennedy of Rhode Island, Mr. Kerns, Mr. King, Mr. Kingston, Mr. Kirk, Mr. Lantos, Mr. Linder, Mr. Lucas of Oklahoma, Mr. Manzullo, Mr. McInnis, Mr. McKeon, Mrs. Meek of Florida, Mr. Miller of Florida, Mrs. Myrick, Mr. Ney, Mr. Pallone, Mr. Pascrell, Mr. Pence, Mr. Peterson of Minnesota, Mr. Pombo, Ms. Pryce of Ohio, Mr. Putnam, Mr. Reynolds, Mr. Rohrabacher, Mr. Scarborough, Mr. Schrock, Mr. Sessions, Mr. Shadegg, Mr. Shaw, Mr. Sherman, Mr. Smith of New Jersey, Mr. Souder, Mr. Stearns, Mr. Sweeney, Mr. Tancredo, Mr. Traficant, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Wexler, Mr. Whitfield, Mr. Wicker, and Mr. Wolf):

H.R. 1271. A bill to assist the internal opposition in Cuba, and to further help the Cuban people to regain their freedom; to the Committee on International Relations.

By Mr. FOLEY (for himself and Mr. Becerra):

H.R. 1272. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers using the income forecast method of depreciation to treat costs contingent on income in the same manner as fixed costs to the extent determined by reference to the estimated income under such method, and for other purposes; to the Committee on Ways and Means.

By Mr. HOSTETTLER (for himself, Mr. Wicker, Mr. Bartlett of Maryland, Mr. Blunt, Mr. Radanovich, Mr. Peterson of Pennsylvania, Mr. Souder, Mr. Smith of New Jersey, Mr. Pickering, Mr. Doolittle, Mr. Sessions, Mr. Istook, Mr. Hefley, Mr. DeMint, Mr. Riley, Mr. Issa, Mr. Pitts, Mr. Schaffer, Mr. Hayworth, Mr. Jones of North Carolina, Mr. Terry, Mr. Akin, Mr. Hoekstra, Mr. Shows, Mr. Baker, Mr. Lewis of Kentucky, and Mr. Smith of Texas):

H.R. 1273. A bill to amend the Revised Statutes of the United States to eliminate the chilling effect on the constitutionally protected expression of religion by State and local officials that results from the threat that potential litigants may seek damages and attorney's fees; to the Committee on the Judiciary.

By Mr. HUNTER (for himself, Mr. Goss, Mr. Gilchrest, Ms. Ros-Lehtinen, Mr. Ramstad, Mrs. Bono, Mr. Crane, and Ms. Berkley):

H.R. 1274. A bill to amend the Internal Revenue Code of 1986 to provide that tips received for certain services shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. McNulty, Mr. Boehlert, Mr. Larson of Connecticut, Ms. Dunn, Mr. Neal of Massachusetts, Mr. Foley, Mr. Allen, Mr. Hunter, Ms. Baldwin, Mr. Walden of Oregon, Mr. Udall of Colorado, Mr. Shays, Mr. Hinchey, Mr. Simmons, Mr. Wynn, Mr. Peterson of Minnesota, Ms. DeLauro, Mr. Nethercutt, Ms. Rivers, Mr. Horn, Mr. Maloney of Connecticut, Mr. Gilchrest, Mr. Sanders, Mr. Sweeney, and Mr. Inslee):

H.R. 1275. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy-efficient property; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. Thompson of Mississippi):

H.R. 1276. A bill to expand the enforcement options under the Federal Meat Inspection Act and the Poultry Products Inspection Act to include the imposition of civil money penalties; to the Committee on Agriculture.

By Mrs. LOWEY:

H.R. 1277. A bill to amend the Internal Revenue Code of 1986 to reduce estate tax rates by 20 percent, to increase the unified credit against estate and gift taxes to the equivalent of a $2,500,000 exclusion and to provide an inflation adjustment of such amount, and for other purposes; to the Committee on Ways and Means.

By Ms. McKINNEY:

H.R. 1278. A bill to redesignate the Federal building located at 935 Pennsylvania Avenue Northwest in the District of Columbia as the "Frank F. Church Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 1279. A bill to reestablish the annual assay commission; to the Committee on Financial Services.

By Mr. SHOWS (for himself, Mr. Baldacci, Mr. Filner, and Mr. Bishop):

H.R. 1280. A bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 1281. A bill to declare the policy of the United States with respect to deployment of a National Missile Defense System; to the Committee on Armed Services.

By Mr. VITTER:

H.R. 1282. A bill to provide for a testing program for the Navy Theater-Wide system and the Theater High-Altitude Area Defense system; to the Committee on Armed Services.

By Mr. VITTER:

H.R. 1283. A bill to establish the policy of the United States with respect to deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma (for himself, Mr. Hall of Ohio, and Mr. Hastert):

H.R. 1284. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE (for himself and Mr. Holden):

H.R. 1285. A bill to amend the Internal Revenue Code of 1986 to reduce and simplify the estate tax; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. Skelton, and Mrs. Cubin):

H. Con. Res. 89. Concurrent resolution mourning the death of Ron Sander at the hands of terrorist kidnappers in Ecuador and welcoming the release from captivity of Arnie Alford, Steve Derry, Jason Weber, and David Bradley, and supporting efforts by the United States to combat such terrorism; to the Committee on International Relations.

By Mr. BACA (for himself, Mr. Abercrombie, Mr. Acevedo-Vila, Mr. Barrett, Mr. Becerra, Mr. Berman, Mr. Bonior, Mr. Brady of Pennsylvania, Mr. Clay, Ms. DeLauro, Mr. Evans, Mr. Filner, Mr. Frost, Mr. Gonzalez, Mr. Gutierrez, Mr. Hilliard, Mr. Hinojosa, Mr. Honda, Ms. Hooley of Oregon, Mr. Inslee, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kucinich, Mr. Menendez, Ms. McCarthy of Missouri, Ms. Millender-McDonald, Ms. McKinney, Mrs. Napolitano, Mr. Ortiz, Mr. Pastor, Mr. Rangel, Mr. Reyes, Mr. Rodriguez, Ms. Roybal-Allard, Ms. Sanchez, Mr. Sanders, Ms. Schakowsky, Mr. Serrano, Mr. Schiff, Ms. Solis, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Underwood, Ms. Velázquez, Mr. Waxman, Mr. Wexler, Mr. Frank, Ms. Baldwin, and Mr. Nadler):

H. Res. 105. A resolution expressing the sense of the House of Representatives regarding Cesar E. Chavez; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Ms. Carson of Indiana, Mr. Costello, Mr. Cummings, Ms. DeLauro, Ms. Eshoo, Mr. Filner, Ms. Hooley of Oregon, Ms. Kilpatrick, Mrs. Maloney of New York, Mrs. Mink of Hawaii, Mrs. Morella, Mrs. Napolitano, Ms. Rivers, Mr. Sanders, Ms. Schakowsky, and Mrs. Thurman):

H. Res. 106. A resolution expressing the sense of the House of Representatives that the artwork displayed in the Capitol, the Capitol Visitor Center, and the office buildings of the House of Representatives should represent the contributions of women to American society; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. THOMPSON of California introduced a bill (H.R. 1286) for the relief of Kuan-Fan Hsieh; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Schiff.

H.R. 13: Mr. Crowley and Mr. Petri.

H.R. 28: Ms. Berkley, Mr. Pallone, and Mr. Pascrell.

H.R. 40: Ms. McCarthy of Missouri.

H.R. 41: Mr. Lantos, Mr. Watkins, Mr. Kennedy of Rhode Island, Mr. Rothman, Mr. Udall of Colorado, and Mr. LaTourette.

H.R. 51: Mr. Foley.

H.R. 67: Mr. Foley.

H.R. 68: Mr. Langevin, Ms. Slaughter, Mr. Turner, and Mr. Weldon of Florida.

H.R. 80: Mr. Isakson and Mr. Goss.

H.R. 82: Mr. Davis of Illinois.

H.R. 144: Mr. Murtha, Mr. Bonior, and Mr. Holden.

H.R. 147: Mr. Bonior.

H.R. 162: Ms. Velázquez, Mr. Jackson of Illinois, Mr. Weiner, Mr. Walsh, Mr. Filner, Mr. Engel, Mrs. Maloney of New York, and Mr. Holden.

H.R. 179: Mr. Rehberg and Mr. Gutierrez.

H.R. 183: Ms. Pelosi, Mr. Jefferson, Ms. Solis, Mr. Langevin, and Mr. Gonzalez.

H.R. 184: Mr. Davis of Illinois, Mr. Blumenauer, and Mr. George Miller of California.

H.R. 189: Mr. Bachus, Mr. Hefley, and Mr. Goodlatte.

H.R. 190: Mr. Linder.

H.R. 199: Mr. Ehrlich, Ms. Hart, Mr. Baker, Mr. McHugh, Mr. Tancredo, and Mr. Green of Wisconsin.

H.R. 201: Mr. Tancredo.

H.R. 229: Mr. Schaffer.

H.R. 230: Mr. Hall of Ohio and Mrs. Clayton.

H.R. 231: Mr. Bonior.

H.R. 236: Mr. Kolbe.

H.R. 238: Mr. Dicks and Mr. McDermott.

H.R. 287: Mrs. Maloney of New York.

H.R. 294: Mr. Nethercutt.

H.R. 303: Mr. Tiahrt, Mr. Kennedy of Minnesota, Mr. Peterson of Pennsylvania, Mr. Deutsch, and Mr. Kingston.

H.R. 318: Mr. Kucinich, Mr. Kirk, Mr. Pallone, Mr. Engel, Ms. Millender-McDonald, Mr. Bonior, Mr. Farr of California, Mr. Pascrell, Mr. Holden, Mr. Fossella, Ms. DeLauro, Mr. Honda, Mr. Israel, and Mr. Simmons.

H.R. 340: Mr. Wu.

H.R. 380: Mr. Costello.

H.R. 389: Mr. Delahunt.

H.R. 429: Mr. Baird.

H.R. 499: Mr. George Miller of California and Mr. McGovern.

H.R. 500: Mr. Davis of Illinois and Mr. Serrano.

H.R. 503: Mr. Wamp.

H.R. 510: Mr. Schaffer and Mr. Fletcher.

H.R. 525: Mr. Blumenauer.

H.R. 526: Ms. Berkley, Mr. Gonzalez, Ms. Roybal-Allard, Mr. Udall of Colorado, and Mr. Israel.

H.R. 534: Mr. Buyer, Mr. Putnam, Mr. Hilleary, Mr. Royce, Mr. Ganske, Mr. Wamp, Mr. Hefley, Mr. Diaz-Balart Mr. Oxley, and Mr. Baca.

H.R. 599: Ms. Eshoo, Mr. Kennedy of Rhode Island, Mr. Weiner, Mr. Walsh, Mrs. Maloney of New York, Mr. Kleczka, Mr. Sessions, Mr. Holden, and Mr. George Miller of California.

H.R. 602: Mr. Wu, Mrs. Bono, Mrs. Clayton, Mr. Clement, Mr. Clyburn, Mr. Condit, Mr. Cummings, Mr. Dingell, Mr. Foley, Ms. Eddie Bernice Johnson of Texas, Mr. Neal of Massachusetts, Ms. Velázquez, Mr. Barcia, Mr. Hyde, and Mr. Hastings of Florida.

H.R. 611: Mr. Barcia, Mr. Berman, Mrs. Napolitano, Mr. Markey, Mr. Lucas of Kentucky, Mr. Horn, Ms. Dunn, Mr. Baird, Ms. Carson of Indiana, Ms. Pelosi, Mr. Honda, Mr. Dicks, Mr. Ehrlich, Mr. Neal of Massachusetts, Ms. Roybal-Allard, Mr. Kennedy of Rhode Island, Mr. McDermott, Mr. Holt, Mr. Hyde, and Mr. Capuano.

H.R. 612: Mr. Schrock, Mr. Sandlin, Mr. Taylor of Mississippi, and Mr. Bishop.

H.R. 620: Ms. Brown of Florida and Mr. Maloney of Connecticut.

H.R. 622: Mr. Hefley, Mr. Bass, and Mr. Olver.

H.R. 648: Mr. Hayworth.

H.R. 654: Ms. Sanchez.

H.R. 676: Mr. Ose.

H.R. 683: Mr. Ross, Mr. Jefferson, Mr. Engel, Mr. Sandlin, and Mr. Gonzalez.

H.R. 692: Mr. Turner, Mr. Ney, and Mr. Rehberg.

H.R. 710: Mr. McDermott, Mr. Tancredo, and Mr. Sherman.

H.R. 712: Mr. Spratt.

H.R. 730: Mr. Kucinich and Mr. Lipinski.

H.R. 737: Mr. Andrews.

H.R. 742: Mr. Peterson of Minnesota.

H.R. 758: Mr. LaFalce and Ms. Kilpatrick.

H.R. 817: Mr. Conyers.

H.R. 818: Ms. Norton, Mr. Brown of Ohio, Mr. Kucinich, Mr. Davis of Illinois, Mr. Rohrabacher, and Mr. Blagojevich.

H.R. 831: Mr. Paul, Mr. LaTourette, Mr. Crowley, Mr. Camp, Mr. Foley, and Mr. Bass.

H.R. 840: Mr. Moore, Mr. Wexler, Mr. Rangel, Mr. Coyne, Ms. Norton, Mr. Gonzalez, Mr. Waxman, Mr. Frost, Mr. Neal of Massachusetts, and Mr. Kolbe.

H.R. 853: Mr. Hall of Texas.

H.R. 875: Ms. Waters, Ms. Velázquez, Ms. Millender-McDonald, Mrs. Meek of Florida, Ms. Harman, Ms. Kilpatrick, Ms. Roybal-Allard, Ms. Eddie Bernice Johnson of Texas, Mr. Meehan, Mr. Becerra, Mr. George Miller of California, and Ms. DeLauro.

H.R. 876: Mr. Latham, Mr. Lucas of Oklahoma, and Mr. Filner.

H.R. 906: Mr. Honda, Mr. Simmons, Mr. Bonior, Mr. Towns, Mr. Meeks of New York, Ms. Norton, Mrs. Maloney of New York, and Ms. Solis.

H.R. 911: Mr. Walsh and Mr. Kolbe.

H.R. 917: Mr. Langevin.

H.R. 933: Mrs. Maloney of New York, Mr. Hinchey, and Mr. Hastings of Florida.

H.R. 936: Mrs. Thurman, Mr. Lantos, and Mr. Portman.

H.R. 968: Mr. Goode, Mr. Hansen, Mr. Kucinich, Mr. English, Mr. Vitter, Ms. Hart, Mr. McCrery, Mr. Hutchinson, and Mr. Ryun of Kansas.

H.R. 969: Mr. Blunt.

H.R. 981: Mr. Gekas.

H.R. 993: Mr. Sessions.

H.R. 1016: Mr. Holden.

H.R. 1030: Mrs. Jo Ann Davis of Virginia, Mr. Burton of Indiana, Mr. McNulty, Mr. Holden, Mr. Sherwood, and Ms. Dunn.

H.R. 1076: Mr. Stupak, Ms. Eshoo, Mr. Lampson, Mr. Farr of California, Mr. Paul, Mr. Udall of New Mexico, Mr. McGovern, Mr. Shows, Mr. Blagojevich, Mr. Kennedy of Rhode Island, Ms. Roybal-Allard, Mr. Deutsch, Mr. Inslee, Mr. Hastings of Florida, Mr. Boucher, Mr. LoBiondo, Ms. Velázquez, Mr. Nadler, Mr. Owens, and Mr. Crowley.

H.R. 1108: Mr. Evans.

H.R. 1110: Mr. Boucher.

H.R. 1111: Mr. Eshoo Mr. Meehan, Mr. Kind, Mr. Simmons, Ms. DeGette, and Ms. Roybal-Allard.

H.R. 1117: Mr. Wexler.

H.R. 1140: Mrs. Jo Ann Davis of Virginia, Mr. Gephardt, Mr. Otter, Ms. DeGette, Mr. Goodlatte, Mr. Boswell, Mr. Burr of North Carolina, Ms. Norton, Mrs. Myrick, Mr. Snyder, Mr. English, Mrs. Meek of Florida, Mr. Ganske, Mr. Dingell, Mr. Thune, Mrs. McCarthy of New York, Mr. Hastings of Washington, Mr. Traficant, Mr. Walsh, Mr. Mollohan, Mr. Ney, Mr. Reyes Mr. Kildee, Mr. Weldon of Pennsylvania, Mr. McGovern, Mr. Bonilla, Mrs. Napolitano, Mr. McHugh, and Mrs. Thurman.

H.R. 1160: Mr. Farr of California, Mr. Kleczka, Mr. McDermott, and Mr. Markey.

H.R. 1170: Mr. Waxman.

H.R. 1172: Mr. Clyburn, Mr. Lucas of Kentucky, Mr. Pallone, Mr. Kanjorski, and Mr. Sherman.

H.R. 1179: Mr. Fletcher.

H.R. 1181: Mr. Upton, Mr. Simmons, Mr. Walsh, Mrs. Morella, Mrs. Emerson, Ms. Hart, Mr. Gordon, Mr. Ose, and Mr. Kolbe.

H.R. 1187: Mr. Whitfield and Ms. Norton.

H.R. 1192: Mr. Capuano.

H.R. 1202: Mr. Foley, Mr. Saxton, and Mr. Hinchey.

H.R. 1257: Mr. Norwood.

H.J. Res. 36: Mr. Hayes and Mr. Terry.

H.J. Res. 40: Ms. Carson of Indiana and Mr. Dingell.

H. Con. Res. 4: Mr. Issa and Mr. Frelinghuysen.

H. Con. Res. 12: Mr. McGovern.

H. Con. Res. 26: Mr. Farr of California.

H. Con. Res. 54: Mr. Wamp, Mr. Allen, Mr. Crenshaw, Mr. McCrery, and Mr. Goode.

H. Con. Res. 64: Mr. Green of Texas.

H. Res. 72: Mr. LaFalce and Mr. Stearns.

SENATE—*Wednesday, March 28, 2001*

The Senate met at 9:15 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our beloved Nation, and the source of the absolutes that knit together the fabric of character, we ask You to stir up the banked embers on the hearth of the hearts of people across our land. Rekindle the American spirit.

We allow our hearts to be broken by what breaks Your heart in the American family, schools, and society. The roots of our greatness as a nation are in the character of our people. Our Founders' passion for justice, righteousness, freedom, and integrity gave birth to a unique nation. Now, at this crucial time in our history, we ask You to bless the Senators as they set an example to encourage parents, teachers, coaches, spiritual leaders, and all who impact our youth with the ethical values which transcend the divisions of race, creed, politics, gender, the rich, and the poor. You are our Adonai, our Elohim, Yahweh, our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the State of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately resume consideration of the Thompson amendment regarding the hard money limit, or individual and other contributions that are referred to as hard money. There will be up to 30 minutes of debate prior to the vote at 9:45 a.m. Following the vote, another amendment regarding hard money is expected to be offered by Senator FEINSTEIN. Senators should expect that there will be a vote, or votes, every 3 hours during the day and, hopefully, maybe some of that time will be yielded back and we won't have to use the full 3 hours on each amendment.

Hopefully, we can make real progress today. Everybody will agree that we have had full, and some would even say good, debate on this subject. I think it has been handled in a fair way. I think we are going to be tested this morning in the next 3 hours to see if that will be the way it continues. I am concerned about things I have heard regarding how the Thompson amendment and others would be considered. I urge the Senate to continue in not only the words of the unanimous consent agreement but in the spirit and make sure each Senator has an opportunity to have his or her amendment fully considered and fairly voted upon.

If that doesn't occur, then I think it could lead to other complications, and I will be prepared to become engaged in trying to make sure that this remains on an even keel.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

Thompson amendment No. 149, to modify and index contribution limits.

AMENDMENT NO. 149

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the Thompson amendment No. 149 on which there shall be 30 minutes for closing remarks.

Who yields time? The Senator from Tennessee, Mr. THOMPSON.

Mr. THOMPSON. Mr. President, as was stated, we are here to consider our amendment to modestly raise the hard money limits that can be contributed to candidates. We should keep our focus on what this whole reform debate is about; that is, the concern over large amounts of money going to one individual and the appearances that come about from that.

What we are doing today is a part of helping that. It is not enough just to get rid of soft money and leave the hard money unrealistically low limitations where they are. Everything will go to the independent groups. We see how powerful they are now, and they are getting more and more so.

Under the first amendment, they have the right to do that. It will be even more in the future when and if we do away with soft money. Therefore, we should not keep squeezing down the most legitimate, on top of the table, limited, full disclosed parts of our campaign system, which is the hard money system which is now at $1,000.

It has not been indexed for inflation since 1974. All we are asking is that we come up to limits, not even bringing it up to inflation, which would turn the $1,000 limitation into about a $3,550 limitation. We are not suggesting that. We are saying let's go to $2,500, substantially below inflation and the other numbers commensurate with that.

If those limits did not have corruption significance and appearance problems in 1974, they do not today because we are actually giving the candidate less purchasing power than we gave him in 1974, and the reason we are having to bump it up in the increments that we are is because we have not done anything for all of that time.

I think the most salutary benefit of raising the hard money limits just a little bit and to the parties just a little—let the parties have some money to do the things they are supposed to do—no corporate money, no union money, no soft money, but hard money to the parties. Let them be raised, too.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

again below inflation. The effect of that would be to benefit challengers.

I engaged in a little colloquy with my friend from New York as to how in the world somebody in New York, who wants to run as a challenger in New York, under the $1,000 limitation, or how in the world would a challenger in the State of California or the State of Texas or any other big State—or small State for that matter, but especially large States—get enough money to run as a challenger under these present-day limitations?

They will not even try anymore, and we will continue to have a system made up of nothing but multimillionaires and professional politicians who have Rolodexes big enough to barely fit in the trunk of an automobile.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. THOMPSON. I will be glad to yield.

Mr. McCONNELL. Did the Senator see the full-page ad yesterday in the Washington Post?

Mr. THOMPSON. I did not.

Mr. McCONNELL. A full-page ad paid for by an individual named Jerome Kohlberg, a billionaire, who is financing a lot of the effort on behalf of the underlying legislation, which I know the Senator from Tennessee supports.

I bring it up only to underscore the point the Senator is making. To the extent you weaken the parties, these people are going to control the game. This particular individual put a half a million dollars in against Senator JIM BUNNING in his campaign in 1998.

The point, I gather, I heard the Senator from Tennessee making, to the extent you totally weaken the parties—they already lost money. We know that 40 percent of the RNC and DNC budget is gone. What the Senator from Tennessee is doing, as I understand it, is giving the parties a chance to compete against the billionaires.

Mr. THOMPSON. Exactly, and the candidates a chance. Continue on with those full-page ads. Spend millions of dollars on those full-page ads slamming the candidate. That is free speech, that is America, but let the candidate have a fighting chance. Let him have some control over his own campaign.

I am most disturbed to read in the newspaper that the leadership on the other side, with whom I have worked on these reform measures, is saying now that we can increase it this much, but if you go one centimeter over that, they are going to be against the whole McCain-Feingold bill.

I ask how that considers those of us who have stood with McCain-Feingold, against those who say it will hurt their own party, through thick and thin over the years, to hear the other side now saying that if you go one centimeter over this level, which is still substantially below inflation, we are going to blow up the whole bill because it disadvantages our party.

Are we back to trying to figure out which party is going to get a little advantage on the other party? Is that what this is all about? That is what we have been fighting against. That is not reform.

The fact of the matter is, in all of these areas, we are in as much equilibrium from a party's standpoint as we are ever going to be. Raising these limits to a point that is far below what the writers in 1974 wanted certainly does not tinge on corruption. It does nothing to weaken McCain-Feingold. It strengthens McCain-Feingold.

If you want a bill the Senate will pass, if you want a bill the House will pass, if you want a bill the President will sign, then you will assist in raising these hard money limits up to a decent point.

We talk about a couple and treating a man and a wife as the same; the wife going to do exactly what the husband says, presumably. Raise those money limits. We are talking about $100,000. This is $100,000. Why not extend it over 4 years and say $200,000? You can get the theoretical limits up as high as you wish as long as no large amounts are going to individual candidates, as long as amounts are going to parties that under the law and under all of the learned speculation about what the law will be in terms of these cases that are pending, you are still not going to be able to coordinate between the donor and the candidate. You give to the party and the party can give to the candidate, but you cannot have that kind of coordination that was suggested on the floor. That is just not the law.

Let us remember the purpose of this effort. This will strengthen this effort if we will raise these hard money limits. Give the candidates a fighting chance, give challengers a fighting chance, and not engage in some class warfare: Because not everybody can contribute $2,500 then nobody ought to be allowed to contribute $2,500, even though it skews our system and it will ultimately result in these independent groups totally taking over.

We will be back in here with a strong effort to get rid of all limitations and total deregulation. That will be the result.

We often say do not let the perfect be the enemy of the good. If that phrase ever applied, it applies today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut, Mr. DODD.

Mr. DODD. Mr. President, I gather the opponents of this measure have 15 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct: the opponents have 15 minutes.

Mr. DODD. Will the Chair advise me when I have consumed 4 minutes?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. DODD. Mr. President, I say to my friend from Tennessee, as I said last evening, I have great respect and admiration for him as a colleague and as a Member of this body. I remind my good friend from Tennessee that the McCain-Feingold bill, of which my friend from Tennessee is a supporter and of which I am and a majority of us are, has a $1,000 per capita limitation on hard money contributions.

That is what McCain-Feingold says. McCain-Feingold does not raise the hard dollar contributions at all. It limits PAC contributions to $5,000; contributions to parties to $10,000; $20,000 to national parties; and raises the aggregate limits from $25,000 to $30,000. There are increases in hard dollar contributions in McCain-Feingold. But our colleague from Tennessee is suggesting we increase the hard dollar contribution by 150 percent, from $1,000 to $2,500. The practical realities are, it is $2,500 for the primary and $2,500 for the general, so we are talking a $5,000 base in that contribution; and as we solicit the contributions from families, a husband and wife, that is really $10,000. We are going from $4,000 to $10,000. That is a significant increase.

I realize costs have gone up in the last 24 years, but this jump from $1,000 to $2,500, the net effect of going from $4,000 to $10,000, is a rather large increase. When we take the aggregate limits from $25,000 to $50,000, that is a 100-percent increase, $50,000 per individual per calendar year. That is a large amount of money.

If you subscribe to the notion that there is too much money in politics, that we ought to try to get less or slow it down, so we don't have the chart my friend from Tennessee showed last evening where the costs have gone from $600,000 for a statewide race in 1976 to in excess of $7 million in the year 2000, 10 years from now, if you extrapolate the numbers, we are looking at $13 million for the average cost of a Senate race.

When does this stop? When do we try to reverse this trend that I don't think is a part of natural law? This is not natural law. The cost of campaigns has to go up exponentially?

There are those who believe there should be some increase—I accept that—in the hard dollar. I am not happy, but I understand there should be some increase.

My plea is the one I made last evening to my friend from Tennessee, who I know is a strong supporter of McCain-Feingold and has been for several years; he is not a Johnny Come Lately to the reform effort. We ought to be able to find some common ground between his proposal and those who agree with McCain-Feingold, who believe and understand there should be some increase, and to find some number we can support.

There are many people who support the amendment of the Senator from Tennessee who ultimately will vote against McCain-Feingold. I think they are hoping to get this number up so high that there will be people on this side who do support McCain-Feingold but can't in good conscience if the number is so high that it makes a mockery of reform. There is sort of a three-dimensional chess game going on here.

My appeal to my colleague from Tennessee is, while we will vote on his amendment in 15 minutes, I suspect there will be a tabling motion, and I suspect there is a possibility the tabling motion may prevail. If it does, that may be a time in which we can begin to sit down and see if we cannot resolve some of this issue. I don't think the differences have to be that great; There can be some common ground.

My plea would be for those who support McCain-Feingold, to try to seek that level of increase that is acceptable, although not something many of us would like to see but certainly a more moderate increase than what is proposed.

I know we have several other colleagues who want to be heard on this amendment. I will yield 5 minutes to my colleague from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, putting more big money into politics is not reform; it is deform. Saying that an individual can contribute as much as $5,000 a year to a candidate, that an individual can contribute as much as $100,000 a year in an aggregate to different political efforts, means two things. It means, first of all, that those who run for office are going to be even more dependent on the top 1 percent of the population. Is that reform?

It means the vast majority of the people in the country are now really going to believe if you pay, you play, and if you don't pay, you don't play. They will feel left out. And they should feel left out.

It is hard for me to believe that Senators want to go back home to their States and say, we have voted for reform by making it possible for those people who are the heavy hitters and the well-connected and have the money to have even more domination over politics today in our country. How are you going to explain that? Do you think it will be the schoolteachers who are going to be making $100,000 contributions per year? Do you think it will be the hospital workers? Do you think it will be the child care workers? Do you think it will be middle-income people, working-income people, low- and moderate-income people, the majority of people? One-quarter of 1 percent of the population contributes over $200. One-ninth of 1 percent of the population contributes over $1,000. Now you will take the lid off and make the people with the big money even more important, with more influence over politics? And you dare to call that reform?

This is one of the most frustrating and disappointing times for being a Senator if we pass this amendment. My colleague from Tennessee talks about class warfare. Let me put it a different way. This is fine for incumbents; I guess they get the money. I don't see myself getting these big bucks. What about whoever wants to run for office as a challenger but he or she is not connected to all these interests; they are not connected to people who are so well heeled; they represent different people? There is not one Fannie Lou Hamer in the United States. There is not one Fannie Lou Hamer. The truth of the matter is, there will not be one Senator who will be able to represent a Fannie Lou Hamer, a civil rights leader, a poor person, people without any power, and people without any money.

You are not going to get people elected any longer if you raise these limits because no one is going to have a chance unless they have a politics that appeals to people who have all of the economic clout. What kind of reform is this?

I think this amendment, if it passes, is a potential "deal breaker." And my colleague from Tennessee says we cannot let the perfect be the enemy of the good. I say to my colleague from Tennessee, the question is whether or not we have the good any longer. The question is whether or not we have the good any longer. We take the caps off; we bring more big money into politics; we now make hard money contributions essentially soft money.

One hundred thousand dollars per year? How many couples in the State of Minnesota can contribute $200,000 a year? How many people in Minnesota can contribute that? And we call this reform?

This amendment has that made-for-Congress look. This amendment has that pro-incumbent look. This amendment has that pro-money, big money look.

I ask, where are the reformers? Why aren't we making an all-out fight? Why aren't people saying this is the deal breaker? We are getting to the point where it is a very real question, if this kind of amendment passes, whether we even have the good any longer. I hope this amendment will be defeated.

Mr. THOMPSON. Does the Senator from New Jersey wish to speak?

Mr. TORRICELLI. If the Senator will yield time.

Mr. THOMPSON. I am informed we have 7½ minutes. I yield the remaining time to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Tennessee for yielding. I compliment him on his leadership on this issue.

This is a regrettable debate in the McCain-Feingold reform question because it is in some measure a distinction without a difference. This is a matter that should have been and should still be settled.

The Senator from Tennessee is offering an amendment that allows a $2,500 individual contribution per election. I believe it is the right level. Some of my colleagues have been apoplectic, that this is an extraordinary change in the system; it would destroy the campaign finance system. The only right and proper thing for the Republic is to have a $2,000 individual campaign limit.

Our Republic must be weak, indeed, if that $500 is the difference between reform and destruction for the whole national campaign finance system.

I believe Senator THOMPSON has struck an appropriate level. Indeed, the $2,500 level that he has established is less, accounting for inflation, than the reforms of 1974. Indeed, in adjusted dollars, the $1,000 limit of 1974 is now worth $300. That $1,000, if adjusted for inflation today, would be $3,400.

Let me explain to my colleagues why I feel so strongly about raising this limit. My hope and wish is we could have reached a compromise on this level. Real campaign finance reform means creating a balanced system. We cannot reform just one part of the campaign finance system. Different aspects must be adjusted for a balanced, workable system.

Can I have order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate will come to order. Senators will please take their conversations off the floor so the Senator from New Jersey can be heard and other Senators can hear the Senator from New Jersey as well.

Mr. TORRICELLI. Mr. President, a balanced system must include a reduction of costs to end this spiraling cost of campaigns that adds so much pressure on Senate and House candidates. We did that by reducing the cost of television time.

We must eliminate soft money to increase confidence on accountability of these funds, and limits so every American believes they have an appreciably equal influence on their government.

We must ensure that not only the wealthy can get access to fundraising and their own ability to dominate the system is limited.

But there is another component that perhaps only Members of Congress themselves understand, another element of reform. It is the question of time. How much time are Senators taking, raising funds rather than legislating? How much time with their constituents rather than at fundraisers? How many times do they meet ordinary Americans rather than simply being with the wealthy and privileged few.

That last element is part of what Senator THOMPSON is trying to accomplish today. Because the $1,000 limit forces people to go to hundreds and hundreds of fundraisers, putting together these contributions to fund these massive campaigns is part of the problem. Indeed, I demonstrated to the Senate a few days ago what it would take to run a $15 million campaign today at $1,000. You would raise $20,000 every day, 7 days a week for 2 years; 1,500 fundraising events at $10,000 per event. This is part of what we are addressing. If a person, indeed, contributes $2,500 per election, $5,000 a year, no one in this institution can possibly believe that either by perception or reality the integrity of a Senator is compromised.

Indeed, if our country has come to the point where the American people have their confidence in their government undermined because of a $2,500 contribution, there is no saving this Republic. Certainly, we have better people in the Senate.

Mr. THOMPSON. If the Senator will yield, I understand the Senator has about 2 minutes left. Will the Senator yield about 30 seconds of that to me?

Mr. TORRICELLI. I will yield 1 minute and I will conclude.

I believe with the Thompson amendment we will have this balanced system reducing the amount of time candidates must campaign, and sufficient hard money can be raised to be able to communicate a message. It is a workable and a balanced system. Mostly I regret we have to divide ourselves on this issue, a $500 difference between the Senator from California and the Senator from Tennessee. Even at this late moment, I wish we could bridge this gap. But I hope we can avoid coming to the conclusion that because this amendment is agreed to, somehow we have a less viable reform. This is still fundamental and comprehensive reform. It still reduces the amount of campaign expenditures and the reliance on large contributions. It is a better system under McCain-Feingold, and it is a system that now includes the support of more Members of the Senate on both sides of the aisle.

I yield to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. THOMPSON. I will save what little remaining time I have and defer to my colleagues on the other side who oppose the amendment.

Mr. DODD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Five minutes for the opposition.

Mr. DODD. I don't know if I have any other people who wish to be heard on this amendment, so I will take a couple of minutes and close.

Let me say to my friend from New Jersey that my hope is that also we will find some level that we can support. I said that last evening; I said it again this morning; I say it again this moment. There is a difference. For those of us who have long supported McCain-Feingold and variations of that and other such suggestions over the years, it would be a great tragedy, in our view, to finally close the door on soft money and then open up the barn doors on the other side for a flood of hard money.

To paraphrase Shakespeare, a rose by any other name is just as sweet. A dollar coming through one door or another door still poses the same problem.

What I reject is the idea that there is too little money in politics or there must be some inevitable, unstoppable increase in the cost of campaigns. Unsettled as I am about that, what really troubles and bothers me is who we are excluding. I said it last evening, and I will repeat it.

As we go and seek out these larger contributors, which is what we do every time we increase those amounts, we get further and further and further away from what most, the overwhelming majority of Americans, can participate in.

I think that is unhealthy in America. If we end up saying $50,000 per individual per year—$2,500—Mr. President, there are only a handful of people in this country—last year there were 1,200 people out of 280 million who made contributions of $125,000 to politicians; 1,200. And we are saying it is not enough; we have to raise those amounts even further.

As we do that, we get further away from the average citizen of Virginia, Connecticut, Tennessee, and New Jersey. As we get further away from that individual who can write the $25, $50, $100 check because we are not interested in them any longer, it is no longer valuable for our time to seek that level of support. That is dangerous when we start excluding people from the process.

My concern about this amendment is not just that it puts us on a track that we are going after bigger contributors, giving more access, but it is also whom we exclude—de facto, whom we exclude, and that is people who cannot even begin to think about this kind of level of contribution.

That is dangerous for the body politic. It is dangerous for democracy, in my view, when we or those who challenge us will only be going after those who can write these huge checks. And they are huge. Only here could we be talking about $2,000 as a modest increase.

Who are we talking about? How many Americans could sit down and write a check for that amount—for anything, for that matter, let alone for a politician? I am supposed to somehow believe this is reasonable, when we ought to be doing everything we can to engage more people in the process.

I accept the reality there is going to be some increase. My plea would be to the author of this amendment and to those who also seek increases, to see if we cannot find some agreement that will be acceptable, but please don't try to convince me there is just an inevitable path we have to go down that continues to ratchet up the cost of these campaigns, shrinks the pool of those who can seek public office, and further excludes the overwhelming majority of Americans from financially participating in the political life of this country.

That is a dangerous path. That is a very dangerous path. I suggest we will come to rue the day in the not too distant future of having traveled this road, closing the soft money door and swinging wide open the hard money door and suggesting somehow we have achieved a great accomplishment.

We have an opportunity this morning to do both, to have a modest increase in hard money and to close down that soft money door. And then we can truly say we have reformed this process after 25 years of bickering about it. And I believe the President would sign it.

With all due respect to my colleague from Tennessee, I will oppose this amendment and urge my colleagues to do likewise.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. One minute on each side remains.

Mr. DODD. I think there is going to be a tabling motion. Maybe my colleague would like to complete his argument and then have Senator FEINGOLD make his and move to table. Do you want to yield back?

Mr. THOMPSON. I will yield back part of my time.

Mr. DODD. I yield a half minute to my colleague from Michigan.

Mr. LEVIN. Mr. President, we have worked real hard to close the soft money loophole with one hand. We are hopefully going to do that after a huge amount of work. We cannot and should not with the other hand undermine public confidence by raising the hard money limits from $25,000 per year to $50,000 per year for an individual. That is too much money. It is corruptive in its appearance, and it undermines public confidence.

Mr. DODD. I yield 1 minute to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator is out of time.

Mr. DODD. I apologize to the Senator.

Mr. President, I ask unanimous consent for 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, should we achieve our dream of passing this bill, there are just four or five Senators who are said to be responsible for it. One of them is Senator FRED THOMPSON. So I regret that this amendment is too high and I have to oppose it. His attitude and his spirit on this bill has been stalwart, and I am grateful to him. It is necessary, though, that I have to move to table the amendment at the appropriate time. I will do that after his remarks.

Mr. THOMPSON. Mr. President, I simply remind my colleagues that we are here about $100,000 contributions, $200,000 contributions, and $500,000 contributions. That is what this debate is all about. There is a difference from that and raising the hard money limit from $1,000 and $2,000 or $500—whichever commentator says it—which is just and reasonable and substantially below inflation. This will help McCain-Feingold, not hurt it.

I yield the rest of my time. I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I move to table the Thompson amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the Thompson amendment. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 53 Leg.]

Yeas—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—54

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

The motion was rejected.

Mr. LOTT. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The majority leader is recognized.

Mr. LOTT. Mr. President, we are very close to a unanimous consent request that will allow us to proceed to a conclusion on this issue of the so-called hard money. I emphasize that I think what we should do at this point is go to a straight vote on the Thompson amendment. The motion to table was defeated by a considerable margin, and normally what we do, in an abundance of fairness, is go to a vote at that point on the amendment that was not tabled.

Of course, there is continuing interest in this area, and Senator FEINSTEIN has an amendment she wants to offer that will have a different level for hard money and will affect not only individual contributions but what individuals could give up and down the line, including to the parties.

The fair thing to do is have the two Senators have a chance to have a direct vote side by side and not go through procedural hoops of second degrees and motions to table. At some point, we should get to a vote, get a result, and move to either raise these limits or not.

I believe very strongly these limits need to be raised. They have not been modified in over 25 years. A lot has happened in 25 years. It is part of the fundraising chase with which Senators and Congressmen have to wrestle.

I am concerned what this is trying to do is set up a marathon or negotiating process that drags the responsible Thompson amendment down further.

Mr. McCONNELL. Will the leader yield?

Mr. LOTT. I will be glad to yield.

Mr. McCONNELL. Mr. President, this is the first time, as the leader pointed out, during the long 8 days of this debate that the will of the Senate has not prevailed on an amendment. What is happening, of course, is those who were not successful on the Thompson amendment do not want to allow the Senate to adopt the amendment.

The negotiation that the majority leader is discussing presumably will occur now over the next couple of hours, but it is important to note that 54 Members of the Senate were prepared to adopt the Thompson amendment and that apparently is going to be prevented for the first time during the course of this debate.

I thank the leader.

Mr. FEINGOLD. Mr. President, I simply note that a motion to table does not mean one is prepared to vote for the underlying amendment. It means one is not prepared to table the amendment. I know, in fact, there are some Members interested in the negotiating process and looking for alternatives.

Mr. LOTT. I understand that, but I hope we do not negotiate it into a meaningless number or right of people to participate further. Having said that, we have an agreement that I think we can accept at this point that will get us to some straight up-or-down votes and conclusion.

I ask unanimous consent that Senator FEINSTEIN now be recognized to offer a second-degree amendment; that there be 90 minutes equally divided in the usual form, to be followed by a vote in relation to the Feinstein amendment. If the amendment is tabled, a vote will immediately occur on the Thompson amendment without any intervening action or debate. If the amendment is not tabled, there will be up to 90 minutes for debate on both amendments running concurrently to be equally divided, and following that time, the Senate proceed to a vote on the Thompson amendment to be followed by a vote on the Feinstein amendment which will be modified to be a first-degree amendment. I further ask unanimous consent that Senator THOMPSON have the right to modify his amendment, with the concurrence of Senator FEINSTEIN and Senator McCONNELL, if the motion to table the Feinstein amendment fails, and the modification must be offered prior to the vote on the Thompson and the Feinstein amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I ask that following Senator McCONNELL, we insert the name of our manager, Senator DODD, in that unanimous consent request.

Mr. LOTT. I will be glad to modify it to that extent, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, as I understand it, we have to have the concurrence of the two managers of this bill before Senator FEINSTEIN and I can set forth a modification or a perfection.

Mr. LOTT. I yield to Senator REID for comment.

Mr. REID. We would be happy to eliminate Senator DODD if Senator McCONNELL were taken out so the two proponents of the two measures would be the determining individuals as to whether or not there would be a modification.

Mr. LOTT. I believe Senator THOMPSON has a further comment.

Mr. THOMPSON. I certainly want Senator McCONNELL and Senator DODD to be a part of this process and a part of the discussions and negotiations, but I did not understand that we would necessarily have to have their concurrence in order for us to agree on a motion.

I don't think it would be appropriate, frankly.

Mr. LOTT. Mr. President, this is a process that allows time to debate further the provisions of the Thompson proposal and to debate the Feinstein proposal and for those that are trying to find some third way to negotiate, too.

I think in order to keep everybody calm and everybody comfortable in going forward, everybody ought to have a part and be aware of what change might be entered into in terms of the modification. I think this is the way to guarantee that.

Senator DODD, Senator MCCONNELL, Senator FEINSTEIN, Senator Reid, everybody has been, so far, dealing with this in a fair way, protecting each other's rights. We started off by a Senator not being allowed to modify his amendment. It caused a pretty good uproar and everybody said we don't want to do that.

I think we are swatting at ghosts when it is really not necessary.

Mr. MCCAIN. Basically, what we are asking for is the concurrence of Senator MCCONNELL and Senator DODD. I hope that would be forthcoming to have a vote on something that had been agreed to by all parties.

If not, the Senator from Tennessee has the right to pull down his amendment and we would propose another amendment.

Mr. LOTT. I say to Senator MCCAIN, he is absolutely right. I could seek recognition and offer a modification, too. I am going to try to make sure nobody gets cut out. Senator MCCAIN was one of the ones who made sure when we started this whole debate that the Senator was allowed to modify his own amendment. If there is an agreement reached, we are going to find a way to get that done.

Mr. MCCONNELL. Under the consent agreement, it requires unanimous consent to modify, anyway. I don't think anybody will unreasonably deny that. But I don't think it is inappropriate for the managers of the bill to be a part of the negotiation.

Mr. REID. Everyone doesn't have to agree if this unanimous consent agreement goes forward. It is my understanding that the modification would be under the direction of the two proponents of these two amendments. The rest of us would not have to agree.

Mr. THOMPSON. My understanding is that under ordinary rules, absent overall agreement, if the Feinstein motion to table does not carry, it would leave the Thompson amendment not tabled and the Feinstein amendment not tabled. Ordinarily, I would have the right to come in at that point with a motion or perfecting amendment. I am told because we are operating within the confines of an overall agreement, that right is no longer there. So we are operating on the basis of what is fair and what is expeditious.

I don't want to complicate the issue in having more players, more and more players—as we are trying to refine this process and get a resolution, having more and more players involved. Obviously, everybody needs to be involved and would have to be in order for us to get a good resolution, but I don't want to bog it down more than necessary.

Mr. LOTT. I urge we go ahead and get this consent, get started, and start talking and continue to try to find a way to move forward in good faith, as we have done so far.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

AMENDMENT NO. 151 TO AMENDMENT NO. 149

Mrs. FEINSTEIN. Mr. President, on behalf of the senior Mississippi Senator, Mr. COCHRAN, the senior Senator from New York, and myself, I send a second-degree perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. COCHRAN, and Mr. SCHUMER, proposes an amendment numbered 151 to amendment No. 149.

Mrs. FEINSTEIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to clarify contribution limits).

Strike all after the first word and insert the following:

104. CLARITY IN CONTRIBUTION LIMITS.

(a) CONTRIBUTION LIMITS APPLIED ON ELECTION CYCLE BASIS.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

"(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds $4,000;".

(b) INDIVIDUAL AGGREGATE CONTRIBUTION LIMITS APPLIED ON ELECTION CYCLE BASIS.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by this Act, is amended to read as follows:

"(3) The aggregate contributions an individual may make—

"(A) to candidates or their authorized political committees for any House election cycle shall not exceed $30,000; or

"(B) to all political committees for any House election cycle shall not exceed $35,000. For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held.".

(c) INDEXING OF CONTRIBUTION LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsection (a)(1)(A), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) In the case of limitations under subsections (a)(1)(A) and (h), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a) and (h), calendar year 2001".

(d) ELECTION CYCLE DEFINED.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

"(25) ELECTION CYCLES.—

"(A) ELECTION CYCLE.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat.

"(B) HOUSE ELECTION CYCLE.—The term 'House election cycle' means, the period of time determined under paragraph (A) for a candidate seeking election to a seat in the House of Representatives.".

(e) SPECIAL RULES.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

"(9) For purposes of this subsection—

"(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitation under paragraph (1)(A) shall be increased by $2,000, for the number of elections in excess of 2; and

"(B) if a candidate for President or Vice President is prohibited from receiving contributions with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitation under paragraph (1)(A) shall be decreased by $2,000.".

(f) CONFORMING AMENDMENT.—Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

"(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

SEC. . TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) AVAILABILITY OF TELEVISION MEDIA RATES.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "TELEVISION.—The charges" and inserting "TELEVISION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) LIMITATIONS ON AVAILABILITY FOR NATIONAL COMMITTEES OF POLITICAL PARTIES.—

"(i) RATE CONDITIONED ON VOLUNTARY ADHERENCE TO EXPENDITURE LIMITS.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, that would apply under such section as in effect on January 1, 2001.

"(ii) RATE NOT AVAILABLE FOR INDEPENDENT EXPENDITURES.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(b) FEDERAL ELECTION COMMISSION RULEMAKING.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, adheres to the expenditure limits described in such section, complies with such certification.".

Mrs. FEINSTEIN. Mr. President, let me begin quickly by going over current law, McCain-Feingold, the Thompson amendment, and the Feinstein-Cochran-Schumer amendment.

Under current law, candidates in hard money are limited to $1,000 per election or $2,000 a cycle. PACs are limited to $5,000 a calendar year, State and local parties to $5,000, national parties to $20,000, and the aggregate limit that any individual can contribute to all of the above is $25,000 a year. That is present law.

McCain-Feingold keeps the $1,000 limit, keeps the limit on PACs at $5,000. State and local parties are doubled to $10,000 per calendar year. National parties remain the same at $20,000 per calendar year. And the aggregate limit that an individual can contribute to all of the above is $30,000 a calendar year, or $60,000 a cycle.

The Thompson amendment changes that. The limit on an individual contribution goes to $2,500 an election or $5,000 a cycle. PACs go to $7,500 per calendar year. State and local parties stay the same as McCain-Feingold at $10,000. National parties double to $40,000 a calendar year or $80,000 a cycle. The aggregate limit is a substantial change. It goes from $50,000 per calendar year to $100,000 a cycle.

What Senators COCHRAN, SCHUMER, and I propose is as follows: that a candidate limit go to $2,000. That is a doubling of the $1,000 limit of current law. The PACs remain the same as McCain-Feingold and as present law at $5,000 a calendar year. The State and local parties remain the same as McCain-Feingold, and the national party's contributions remain the same as McCain-Feingold.

We differ with McCain-Feingold, and I will make clear why. We raise the aggregate per cycle, which is $60,000, under McCain-Feingold, to $65,000 a cycle. So we are just $5,000 more than McCain-Feingold. What we do in this cycle to allow for flexibility and also to allow for party building, we say of that $65,000, it is split as follows: $30,000 per election cycle can go to candidates, and $35,000 per election cycle to party committees and PACs. We also say the $2,000 cap on individual contributions would be indexed for inflation.

So the substantial differences between McCain-Feingold and Feinstein-Cochran-Schumer are on the candidate cap, which is doubled, which is from $60,000 to $65,000 with a split to encourage both giving to candidates as well as to parties, and indexing per election to inflation, which I happen to believe is extraordinarily important.

Right now, individuals may contribute $1,000 to a House or Senate candidate for the primary and another $1,000 for the general. As I said, we double that. We believe our amendment is necessary for the simple reason the $1,000 limit was established in 1974. It hasn't been changed since then. That was 27 years ago. Ordinary inflation has reduced the value of a $1,000 contribution to about one-third of what it was in 1974. The costs of campaigning have risen much faster than inflation.

In 1996, the Congressional Research Service cites figures to the effect that $4 billion was spent on elections in 1996, up from $540 million in 1976. So that is an eightfold increase in spending; an 800-percent increase in spending between 1976 and 1996.

Let me give some examples of how the cost of campaigning has soared since that thousand dollar limit was established three decades ago. The bulk mailing permit rate in 1974 was 6 cents per piece. Today it is 25 cents per piece. If you send out mail, that is a substantial increase in cost. In 1990, when I ran a gubernatorial campaign in California, a 30-second television spot run in the Los Angeles media market at 6 o'clock at night cost $1,800, one spot. Last year, when I ran for reelection to the Senate, the same spot cost $3,000. That is a 67-percent increase in the cost of one television spot in 10 years.

In 1990, a 30-second spot run in the Los Angeles media market during prime time cost about $12,000; by 2000, it cost $22,000. That is an 83-percent increase. So bulk mail has gone up dramatically, television advertising has gone up dramatically. If you come from a large State, you cannot run a campaign without television advertising and without some bulk mail.

The hard money contribution limits have been frozen now for 27 years. What has been the result? Is that result good or bad? Candidates, incumbents, and challengers have had to spend more and more time just raising money. What gets squeezed out in the process? Time with constituents or, in the case of challengers, prospective constituents. I don't think that is good for our democracy.

Personally, in just this past election alone we have had to have over 100 fundraisers, and that took a lot of time—time to call, time to attend, time to travel, time to say thanks. That was time I could not spend doing what I was elected to do.

So the task of raising hard money in small contributions, unadjusted for inflation, is indeed increasingly daunting. Particularly in the larger States, it is not uncommon for Senators to begin fundraising for the next election right after the present one, as they often find themselves dialing for dollars instead of attending to other duties. In my book, that is bad.

I think that presents us with a problem. Let's be honest with each other and the American people. Campaigning for office will continue to get more and more expensive because television spots are getting more and more expensive. Meanwhile, one of the effects of McCain-Feingold is that as we ban soft money, which I am all for, the field is skewed because one has to say: Can you still give soft money? Some would say no. That is wrong. The answer is: Yes, you can still give soft money. But that soft money then goes toward the independent campaign; into so-called issue advocacy. I think it is a very dangerous skewing of the field.

Spending on issue advocacy, according to CRS, rose from $135 million just 5 years ago, 1996, to as much as $340 million in 1998. Then it rose again to $509 million in the year 2000. So there has been almost a 400-percent increase in unregulated, undisclosed soft money-type dollars going into independent issue advocacy campaigns. That is the danger I see.

Remember, these figures are only estimates and are probably very conservative, since issue advocacy groups do not have to disclose their spending. It is likely that spending on so-called issue advocacy, most of which is thinly disguised electioneering, probably is going to surpass all hard money spending, and very soon. It has already passed soft money spending. If we do not raise the limit on hard money contributions to individual campaigns, the pressure on the candidate and the party will grow exponentially.

Between 1992 and 2000, soft money jumped from $84 million to $487 million. In just 8 years, soft money increased sixfold.

Hard money has not. Clearly, that indicates the skewing of the playing field that I am trying to make the case against. Clearly, what that indicates is more and more people are turning to the undisclosed, unregulated, independent campaign which, increasingly, has become attack oriented.

There are some who do not want to increase hard dollars at all. To them I say if you do not increase hard dollars, you put every candidate in jeopardy. You put political parties in jeopardy.

What we have tried to do in this amendment is create an incentive for contributions to political parties for party building in the aggregate limit, for contributions to the individual within the aggregate limit, and also to give the candidates the opportunity to better use their time, to increase the hard cap, the contribution limit from $1,000 to $2,000.

Additionally, what the Feinstein-Cochran-Schumer amendment will do is move campaign contributions from under the table to over the table. Our amendment will make it easier to staunch the millions of unregulated dollars that currently flow into the coffers of our national political committees and replace a modest portion of that money with contributions fully regulated, fully disclosed under the existing provisions of the Federal Election Campaign Act. That is the value of this split, the raising from $60,000 per cycle provided for in McCain-Feingold to $65,000, providing that $30,000 per election would go to candidates and $35,000 for PACs and party committees.

McCain-Feingold is meaningful reform. I have voted for versions of it at every opportunity over the past several years. I commend both Senators MCCAIN and FEINGOLD. I support the soft money ban in S. 27. I support the Snowe-Jeffords provision in S. 27. I support the bill's ban on foreign contributions and the ban on soliciting or receiving contributions on Federal property.

Doubling the hard money contribution limit to individual candidates and creating these two new aggregate limits that are just $5,000 more than what is already in McCain-Feingold per election cycle will help level the playing field and better enable candidates to run for election with dollars that are all disclosed and regulated.

On March 20, on the floor of the Senate, Senator FEINGOLD remarked:

> We used to think that [$10,000] was a lot of money. Unfortunately, given this insane soft money system, it is starting to look as if it is spare change.

To an extent that is what has happened to the $1,000 limit.

It is very likely that candidates and their campaigns are going to have to live with what we do today for more than likely another 30 years, and costs are not going to drop in the next three decades.

Therefore, some ability to account for inflation, we believe, is both necessary and achievable.

Additionally, we believe that increasing the limit on individual contributions to Federal candidates would also reduce the need for political action committee—or PAC—funding by reducing the disparity between individual contributions and the maximum allowable PAC contribution of $5,000.

The concern about PACs almost seems unimportant now compared with the problem that soft money, independent expenditures, and issue advocacy presents. But we shouldn't dismiss the fact that PACs retain considerable influence in our system.

Again, from 1974 to 1988, PACs grew in number from 608 to a high of 4,268, and PAC contributions to House and Senate candidates from $12.5 million to $148.8 million—that is a 400-percent rise in constant dollars—and in relation to other sources, from 15.7 percent for a congressional campaign committee to 33 percent.

So, today, one-third of all congressional campaigns are fueled by PACs.

The amendment Senators COCHRAN, SCHUMER, and I are offering would also diminish the influence of PACs.

The underlying Thompson amendment would increase the PACs. And that takes us back to where we were a few years ago, which is a mistake.

The Feinstein-Cochran-Schumer amendment would reinvigorate individual giving. It would reduce the incessant need for fundraising. I believe it compliments McCain-Feingold.

Let me conclude.

As I pointed out last Monday when I spoke in support of the Domenici amendment, I just finished my 12th political campaign. For the fourth time in 10 years, I ran statewide in California, which has more people than 21 other States. These campaigns are expensive. I have had to raise more than $55 million in those four campaigns. And I can tell you from my personal experience that I am committed to campaign reform. And I am heartened to see that we are considering this bill, and I believe we will pass it on Thursday.

I believe this amendment will make that bill stronger. I believe it will help to level the playing field.

I believe if we pass a campaign spending bill without adding additional dollars of hard money to political parties and increasing the individual campaign limits, we skew the playing field so dramatically that the issue of advocacy and the independent campaign has an opportunity with unregulated large soft dollars to occupy the arena entirely.

That is a very deep concern to me.

With this amendment, a candidate has an opportunity to respond to an attack ad. With party building, a candidate has an opportunity to tell their political party they need help, that they are being attacked by the X, Y, or Z group that is putting in $5 million in attack ads against them, that they need the party's help. Individuals can respond through the party on an increasing basis with flexibility because the limit is for the election cycle and not the individual calendar year.

That gives an opportunity for parties to raise disclosed regulated hard dollars.

Without this—again, as one who has done a lot of campaigns now—the playing field becomes so skewed that the independent campaign and the attack issue advocacy effort has an opportunity to dominate the political arena.

Mr. President, I would like to yield the floor and hope that you will recognize my cosponsor, the distinguished senior Senator from the State of Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from California for yielding, and also for her leadership in helping to craft an amendment to seek to find a solution to the challenge of putting the so-called hard money or regulated contributions at an appropriate limit in this modification of the Federal Election Campaign Act.

My perspective comes from my first candidacy for Congress in 1972. It was the first year that candidates for House and Senate seats in Congress were required to operate and fund their campaigns under the Federal Election Campaign Act of 1971. It required recordkeeping. It required disclosure of contributions that candidates were receiving. It limited those contributions. It required all expenditures to be reported on periodic reports to the Federal Election Commission. It required the keeping of records of all expenditures that were made and the keeping of receipts and invoices to back up the entire financial operation of a Federal election campaign.

That was the first election year in history that such extensive recordkeeping and disclosures and limitations were required.

Many Senators have been talking about the post-Watergate limits and reforms. Frankly, this preceded Watergate. It was in that election campaign that the Watergate incident occurred in 1974. But the fact is, candidates were required to make full disclosure but not organizations who were not covered by the Federal Election Campaign Act.

Now we have seen that the amounts being raised and spent by individual candidates have diminished considerably in comparison with the total amount of money being raised and spent to influence the outcome of Federal elections. Most of that money is now not even recorded. The contributions are not limited. The expenditures are not limited. Hence, the phrase "soft money" has been used to describe those expenditures and those contributions. They are behind the scenes. They are secret. And we are trying, by this McCain-Feingold bill, to put an end to that kind of spending that is secret, undisclosed, repetitious, and expenditures which are not disclosed either.

Advertising is bought by groups. You don't know who is buying the ads. You just see the campaign ad attacking a candidate or a cause. The people are completely confused in many cases as to who is on which side and who is spending the money. We are trying now to help recreate a system where there is full disclosure.

In doing so, the McCain-Feingold original bill makes very few changes to the regulated, disclosed, and reportable political spending that goes on. Only in two instances—one involving contributions to State and local parties—does the McCain-Feingold bill increase the amount that could be contributed, from $5,000 per calendar year to $10,000 per calendar year. Then, in the aggregate limit allowed by law for regulated publicly disclosed contributions, the limit was increased from $25,000 per calendar year to $30,000 per calendar year.

Most Senators believe those modest changes aren't enough; that in order to make the campaign system fully operational so that candidates can, on their own initiative, raise and spend the moneys they need to offset opposition from organized groups, those limits must be increased. Most Senators agree with that proposition.

The issue now before the Senate is how much should the increases be. The Senator from Tennessee offered an amendment, and he discussed his views with the Senate that originally he wanted to triple the contributions in all of these categories. My personal preference was to double them. I made that comment to several Senators as we began to look closely at the provisions of McCain-Feingold.

Senator FEINSTEIN from California agreed that in most instances she thought so, too. We have been working now to craft the specifics of an amendment that would be more than McCain-Feingold provided for increases but a level that we think should pass and could pass the Senate and become a part of the McCain-Feingold bill on final passage.

That is the effort that is reflected in this amendment. It does not increase some of the categories as much as I personally think they should be. As I say, I think they should be doubled across the board.

It is easy to understand. It is substantially less than the index amounts would be if you took inflation into account from 1971 when the act was first created. Over $3,000 would be reflected if we had indexed those amounts in 1971; so that the amount of an individual contribution could be limited now, if it were indexed for inflation, at about $3,300-something instead of $1,000 as it is now.

So to strike a compromise, our suggested limit is $2,000. It is a modest increase when you think about it. The other accounts are likewise increased, except for PACs, which some Members view with some skepticism. Frankly, all of the PAC contributions that are made under the law are fully disclosed; records have to be kept, just as in the case of individual contributions. It is there for the public to scrutinize and see in every instance of contributions from political action committees to Members or to candidates.

I am hopeful the Senate will look carefully at this proposal and in the instance of a motion to table, that Senators will vote not to table the Feinstein amendment.

The PRESIDING OFFICER (Mr. BUNNING). Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time is remaining on my side?

The PRESIDING OFFICER. Sixteen and a half minutes.

Mrs. FEINSTEIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. If neither side yields time, it will be taken out equally.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could say to my friend from Kentucky, Senator SCHUMER wishes to speak for 15 minutes. He is indisposed at this time. He badly wants to speak. We only have 16 minutes left. Do you think we can work it out that he have 15 minutes?

Mr. MCCONNELL. I say to my friend from Nevada, I am sure we can work it out. He will come back sometime before the vote is scheduled?

Mr. REID. He will be back sometime within the next 5 or 6 minutes.

Mr. MCCONNELL. It shouldn't be a problem.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally, and also keeping in mind that my friend from Kentucky, if he does not have a number of speakers here when Senator SCHUMER comes back, might give him the extra time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I congratulate the Senator from California for at least moving in the right direction, recognizing that the cost of campaigns has gone up dramatically.

If the Senator from California is willing to respond to a couple questions, I do wonder, in the Senator's proposal, since the underlying bill would take away 40 percent of the budgets of the Republican National Committee and the Democratic National Committee, and 35 percent of the budgets of the Democratic Senatorial Committee and the Republican Senatorial Committee—and I know from reading the newspaper that many Senators on your side are concerned about what this proposal is going to do to the parties, regardless of how they may be voting—I was curious why the Senator made no change at all in the amount of money an individual could give to a political party in order to try to provide some opportunity to compensate, in hard dollars, for the dramatic loss of funds that this underlying bill will provide by the elimination of soft dollars?

Mrs. FEINSTEIN. I would like to try to answer the distinguished Senator from Kentucky.

Essentially, today, under current law, the aggregate limit that anyone can give in a calendar year to anything—to all of these—is $25,000 or $50,000 a cycle. McCain-Feingold, as you know, increases that to $60,000 a cycle or $30,000 a calendar year. We increase that further to $65,000 a calendar year. And we tried to create an incentive. Again, we are replacing soft dollars with hard dollars.

Mr. MCCONNELL. Right.

Mrs. FEINSTEIN. All the giving to the political parties would have to be with hard dollars. So the way we approach it is that we create these split accounts. In other words, over the cycle an individual can contribute up to $30,000 to candidates and $35,000 to PACs and party committees. So that is a specific requirement.

Mr. MCCONNELL. But the Senator is not responding to my question, which is, the category right above the one you are pointing to on your chart, which is what an individual can give to a national party committee, remains unchanged from current law. According to your own chart, which I have in front of me, that remains unchanged from current law.

Let me repeat the question. Everyone agrees that the abolition of soft money, which this bill will accomplish based upon the Hagel vote yesterday, will take away 40 percent of the budgets of the two big national committees and 35 percent of the budgets of the two senatorial committees—gone. Your bill does not change what an individual can contribute in hard dollars to a party; it does not change that from current law.

Thus my question: How does the Senator envision that her proposal would help in any way the national party committees compensate in hard dollars for the loss of soft dollars?

Mrs. FEINSTEIN. You are correct. It does not. We simply believe the amount in this for PACs and parties, which is the $35,000 out of the $70,000—$35,000 a cycle out of the $70,000—can be given to parties.

Now, of course, this is not $40,000 a calendar year, but, again, there is a limit on the individual in hard dollars. I think most of the party building today comes from soft dollars rather than hard dollars, in any event.

Mr. MCCONNELL. So the Senator from California would agree with me, while there is some relief for us candidates, there basically is no change on the hard dollar donations—

Mrs. FEINSTEIN. Yes.

Mr. MCCONNELL. To the parties.

Mrs. FEINSTEIN. I think the evidence is that very few people essentially max out to parties. So we make it easier to contribute to parties by creating a separate account. That is my answer.

Mr. MCCONNELL. I say to my friend from California, both parties, it seems to me, are going to be anxious to try to increase the number of people who are interested in giving to parties because they are both going to have a dramatic shortage of funds should this——

Mrs. FEINSTEIN. That is healthy. It is all hard dollars. It is regulated. It is all disclosed.

Mr. MCCONNELL. Of course, as the Senator knows, all party soft money contributions are disclosed. That is how everyone knows what the parties are getting in soft dollars. There is no point in having that debate again. We had it yesterday. Soft dollars are gone. Now we are looking at a hard-dollar world.

I am trying to figure out how in the world the parties can compensate for the loss of those soft dollars under the proposal of the Senator from California. The annual aggregate under her proposal actually decreases the amount national parties can receive. Currently an individual can give $50,000 to national parties in a cycle; that is, over 2 years. But under the Feinstein proposal, I gather they can only receive $35,000 over a cycle; is that correct?

Mrs. FEINSTEIN. That is correct. As I said, this really affects very few people. We believe it is a good, healthy reform.

Mr. MCCONNELL. I thank the Senator from California. I did understand her amendment correctly.

Again, we saw a picture in the Washington Post yesterday of the world to come. This is a full-page ad by a billionaire named Jerome Kohlberg which appeared in the Post yesterday. He is one of the principal funders of this reform industry, the employees of which are huddled off the floor of the Senate working on this bill. I bring up Mr. Kohlberg only to illustrate what the world is going to be increasingly like if McCain-Feingold passes.

The distinguished occupant of the Chair experienced the wrath of Mr. Kohlberg in 1998 as he spent half of $1 million trying to defeat the junior Senator from Kentucky. People such as Mr. Kohlberg are going to be the wave of the future. There is a common misconception that people of great wealth are Republicans. In fact, they are overwhelmingly liberal Democrats, people such as Mr. Kohlberg.

With the dramatic weakening of the parties not only through the loss of soft money—that decision having been made yesterday—but should the Feinstein amendment or anything close to it be approved, none of that will be compensated for in hard dollars because there is no change in what individuals can give to parties. Get used to it; this is the wave of the future. We have a picture of it right here in the Washington Post yesterday. People of great wealth who have an interest in politics and public policy are going to increasingly control the national agenda, allied, of course, with the great corporations that own the New York Times and the Washington Post that also have an unfettered right to speak. I am not trying to change that. They just have a bigger voice than all the rest of us because they have big corporations behind them.

I find this very distressing. I do think it is important for everybody to understand the world into which we are about to march.

Having said that, I commend the Senator from California for at least recognizing the need to increase the individual contribution limit set back in 1974, when a Mustang cost $2,700. She represents a State which really illustrates the heart of the problem. Imagine an unknown challenger in California who is not wealthy deciding to take on the well-known and powerful incumbent Senator from California, Mrs. DIANNE FEINSTEIN. I expect Senator FEINSTEIN would agree with me, with a $1,000 contribution limit, trying to pool enough resources together to reach 30 million people against a well-known incumbent, that challenger would probably have to spend the whole 6 years trying to pool together enough resources to be competitive. I wonder if the Senator agrees with that observation.

Mrs. FEINSTEIN. I actually agree with it strongly. Most people in California find that they can't win statewide the first time out. Money is one of the issues here. The State is so big.

I harken back to a conversation I had with Alan Simpson. He said he could go home and have lunch at the grill in Cody and he would see all 200 people in Cody. He would campaign that way.

Mr. MCCONNELL. Right.

Mrs. FEINSTEIN. In the big States, that is impossible to do. Your campaign, getting your message out, has to depend to some extent on large-scale communication, big speeches, large direct mail, television, radio, those things that reach large numbers of people. It is a fact of life. As these prices go up, the candidate can buy less and less. This is what opens the field, then, to the very wealthy candidate who can come in and spend tens of millions of his or her own money and preempt the field just because of that.

Mr. MCCONNELL. I think the Senator has it absolutely right. I am sure she also shares my opinion that the people who would benefit from a hard money contribution limit increase the most would be challengers who typically have fewer friends and not nearly the network that we incumbents have. They have a smaller group of friends and supporters to try to start with as a way to pool enough resources to get in the game. Does the Senator not think that the principal beneficiaries of an increase in the hard money contribution limits to candidates really will be challengers?

Mrs. FEINSTEIN. If the Senator will yield for a moment.

Mr. MCCONNELL. I do.

Mrs. FEINSTEIN. I heard an interesting comment by a Senator yesterday. He said: Well, at least I will only have to do half the number of fundraisers to raise the amount of money that is required. Now the question is, Is that good or bad? I happen to think it is great.

Mr. MCCONNELL. I do, too.

Mrs. FEINSTEIN. The fewer fundraisers one has to do, the better, because you can spend more time doing the things you are supposed to be doing. I have seen on both sides of the aisle the prodigious efforts dialing for dollars. People leave; they have to take time off. They go to party headquarters. They stand out on the street corner with their cell phone, and they call people and ask for contributions.

If inflation had not risen to the extent it has, that would be a different story. I know there are people on my side who believe that if you raise this contribution limit, it disadvantages Democrats. I truly do not believe that. It goes across the field. It gives a nonincumbent an advantage; it gives an incumbent the ability to do their work and concentrate less on fundraising. It gives one at least double the opportunity to meet expenses which, since this limit was put on, have actually tripled.

May I ask a question?

Mr. MCCONNELL. I believe I have the floor.

Mrs. FEINSTEIN. Is the Senator's time running?

Mr. MCCONNELL. I yield for a question.

Mrs. FEINSTEIN. I just wanted to know whose time was running.

Mr. MCCONNELL. It is my time, the Senator will be pleased to know.

Regretfully, the problem with the Feinstein amendment is it just doesn't go very far. It is certainly headed in the right direction. I don't know enough about the exact annual inflation increase over the years to know what going from $1,000 to $2,000 gets us up to. My guess is it probably gets us up to the mid-1980s in terms of purchasing power. I know my friend from California may even be in the minority on her side that want to raise the limit at all.

I have heard it said by a number of our colleagues that not many people can contribute this amount of money. That is certainly true. The fact that not many people can contribute this amount of money does not mean that no one should be able to. The cold, hard reality is that most people are not terribly interested in politics, and most people don't contribute to it. The best example of that that we talked about yesterday is the Presidential checkoff on the tax return where a taxpayer gets to check off $3 they already owe—it doesn't add to their tax bill, just $3 they already owe—into a Presidential campaign fund. Only 12 percent of Americans do that even when it doesn't cost them anything.

The real message is, people are just not terribly interested in politics and not terribly interested in contributing. I wish they were. It would certainly be great if large numbers of Americans had an interest and were willing to contribute. I wish we could get back to the $100 tax deduction we had before 1986 that at least made some effort, through the Tax Code, to encourage people to contribute. But the cold, hard reality is, a rather small number of people are going to contribute to politics.

The question is, Are the parties going to still be viable? Regretfully, it seems to me, the amendment of the Senator from California creates an incentive for contributions to the party committees for party building, she said, but how can this happen if we reduce the amount national parties can receive? With the aggregate limit to parties, the $20,000 limit, under current law, it is actually reduced to $17,500 by the amendment. I think by, in effect, pushing the $20,000 limit backward because of the aggregate provision the Senator has, we really move the party contributions back to the 1960s, not even leaving them at 1974.

I have sort of a mixed feeling about the Senator's amendment. It is great that she is moving in the right direction as far as candidates are concerned, but she has not addressed the needs of political parties, which are getting whacked by the underlying bill in a major way.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 28½ minutes.

Mr. MCCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mrs. FEINSTEIN. Mr. President, I am hopeful Senator SCHUMER will come to the floor as soon as possible. Let me make a couple of comments to the remarks the distinguished Senator from Kentucky just concluded. I very much appreciate his comment about the political parties. On our side of the aisle, when you are in public office, there is concern about asking individuals to contribute large amounts of money to a party, period, and that this uses power unwisely. What McCain-Feingold does is it eliminates the soft money aspect of that powerful use of request. You can't ask someone to contribute $500,000 to the party or $1 million to the party or $100,000 to the party. You are essentially limited to the $35,000 per election to go to the party. There are some on our side who don't like that because they say it is too big a request. I don't happen to believe that it is. I also don't happen—well, some are willing to do that and others are not willing to do it.

But in answer to the question of the Senator from Kentucky, that is really the answer. It is people in elected office requesting citizens to contribute large amounts of money. And what that request in itself conveys is the sense of that public official then giving the appearance, somehow, of indebtedness to the individual because they contribute that large amount of money.

The beauty of McCain-Feingold is that is now removed and a Senator is not in the position of having to do that anymore. I think that is very healthy for the system.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, a further provision in the Feinstein amendment, which I want to call to the attention of the Senator—and I am sure she is familiar with it, as is the rest of the Senate—is worthy of discussion. There is a current Supreme Court case, called the Colorado case, pending for decision, which, if the Court upheld the lower court, would declare that the party-coordinated contribution limits are unconstitutional. These are hard dollars spent by party committees on behalf of their candidates.

The Schumer provision says if that is struck down—the coordinated limit—and if parties take advantage of this ruling and make unlimited coordinated expenditures, then they will not get the lowest unit rate on television. They say parties will only get the lowest unit rate if they continue to abide by the coordinated party limits, even if those limits have been declared unconstitutional.

Now, I say to my friend from California—and I see the Senator from New York is back—this is clearly an unconstitutional condition. Party-coordinated expenditures are 100-percent hard dollars. There is no problem unless you believe parties can corrupt their own candidates, and it is illegal to earmark contributions to specific candidates in the amount beyond the individual contribution limit. In short, it is my understanding that the Schumer provision requires an unconstitutional condition on party spending.

So let's sum it up. If the Supreme Court strikes down the coordinated limit as unconstitutional, which might happen, then the Schumer provision will require parties to continue to abide by an unconstitutional limit, in order to get the lowest unit rate from a broadcaster. I would look forward to litigating that in court, Mr. President. Declaring an unwillingness to follow a pattern declared as unconstitutional, putting in a stipulation that to do something that is constitutionally protected costs you money is not likely to be upheld by any court in the land.

I wanted to call that to the attention of our colleagues before we vote on the Feinstein amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from California has 12½ minutes, and the Senator from New York needs 15 minutes. May I get the attention of my friend from Kentucky? Would the Senator be so kind as to allow us 2½ minutes of his time?

Mr. MCCONNELL. How much time do I have?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. MCCONNELL. I will be happy to give 2½ minutes to the Senator from New York.

Mrs. FEINSTEIN. Mr. President, I yield 14 minutes of my time to the Senator from New York and 1 minute of my time directly following that to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my friend from Kentucky for his courtesy, as well as the Senator from Nevada for arranging things on the floor with exquisite neatness and efficiency, as he always does, and most of all the Senator from California for her leadership on this issue.

I agree with everything the Senator from California was trying to do before. But I have joined this because of my concern about the 441(a)(d) amendment, which the Senator from California and the Senator from Mississippi have graciously agreed to add to their amendment. I will address that issue now.

Although I am fully supportive of the other parts of the amendment as well, the Senators from California and Mississippi have taken those up very well. Many Members come to me and say: What are you talking about with these 441(a)(d) limits?

Well, the bottom line is simple, that the very basis of McCain-Feingold, which is limiting the amount of contributions that can go to a candidate, is undermined by a removal of the 441(a)(d) limit. That limit is in the law now. It has been in the law for a long time—since the original campaign finance bill was passed.

But a Supreme Court case, called FEC v. Colorado Republican Federal Campaign Committee, has just been argued in the Court, and a decision should come down shortly, within the next month or two. And to believe most—not all, but most—of the prognosticators, they will rule that the 441(a)(d) limits are removed. If the Court rules as most observers expect, we will face a gross distortion of our campaign finance system and the return of six-figure contributions by wealthy individuals that we absolutely have to address now.

The bottom line is simple. Even if McCain-Feingold were to pass completely intact, this Court case would greatly undermine what we are trying to do. But if we were to raise the limits under which a person could give to a party and then a party could give to a candidate, it would make it so much the worse.

Part of the Feinstein-Cochran-Schumer amendment that I am referring to would at least prevent that exacerbation of the problem.

Let us take it from the beginning. The 441(a)(d) limits direct a national party, whether it be the RNC or the DNC or, as usually happens, the DSCC and the RSCC, in the amount of money they can give directly to a candidacy. Coordination between the national party and the candidacy is completely allowed by the 1996 Supreme Court decision. It may be 1998. I do not remember the year.

Until now and as of now, there are real limits as to how much a party can give. It is 2 cents per voter-age person in the State. In California, it is limited to about $2 million; in my State of New York, $1.7 million; and the rates go down accordingly.

The problem with the 441(a)(d) mechanism, from the point of view of McCain-Feingold, is very simple. Under present law, a person can give $20,000 to a national party, to the DSCC or the RSCC, and they can give it right to the candidate. What has kept that in check, of course, is the overall amount the party can give to that candidate is limited, but if the Supreme Court lifts that ruling and says there can be no limits on a constitutional first amendment basis—something we debated with Senator HOLLINGS' amendment and others; I disagree with that interpretation of the Constitution, but like everyone else, we must live with it. But if they were to lift that limit, then parties presently could raise virtually unlimited amounts of money in $20,000 chunks. Under McCain-Feingold, it would go up to $30,000 chunks per year.

If John Q. Citizen wished to fund Senate Candidate Smith in his State, he could give $20,000, $30,000 a year, each for 6 years to the national party, and that money could go right to Candidate Smith. It makes a mockery of the $1,000 and $2,000 limit. It allows people of great wealth to give huge amounts of money to the candidates.

My view is that the No. 1 thrust of McCain-Feingold in eliminating soft money was to prevent these large sums of money from going to candidates. If 441(a)(d) is lifted, those large sums of money will continue. True enough, McCain-Feingold does other things with corporate and labor union contributions, and true enough, no one can give, say, $½ million to a candidate through the party, which they can do today, but the limits would be so astoundingly high that they would almost make a mockery of the $1,000 or $2,000 limit that we are talking about on individual contributions.

What can we do about that? One thing we can do is make sure we do not raise the aggregate limits of giving to a party very high. One of the reasons—and I discussed this last night with my friend, the Senator from Tennessee—I am so opposed to his amendment is because it would not just mean you could not just give to the candidate through a party at a $20,000 clip but rather at a $60,000 clip. The Feinstein-Cochran-Schumer amendment at least limits that to $35,000 per cycle.

It is an improvement over present law and, in my judgment, an improvement over McCain-Feingold before it was adopted. I think this is a step forward, not just a compromise, that you are not stepping back as much, but on the aggregate limits on the party, it is a step forward.

The second thing we have to do is try to discourage the parties from giving unlimited amounts of money to the candidates. Parties have great functions. I am all for party building. I have no problem with money going to the parties for get-out-the-vote operations and educating the people about the process but not for TV ads for candidates, which is what happens, no matter what disclaimer is on the ad.

What we do in this amendment is say that if you go over the limits that are in this bill—because the Supreme Court may rule that you can go over those limits; if the Supreme Court rules the other way, this amendment has no effect. But if you do go over those limits, you cannot get the low-cost TV time that the Torricelli amendment now allows. It is an incentive to keep the limits low to prevent the parties from raising vast amounts of money for the candidates and obliterating the $1,000 or $2,000 limit for individual contributions that we are hoping to make a much stronger basis of campaign financing with McCain-Feingold.

Is it constitutional? We have consulted a variety of experts, and they say very simply that the constitutional requirement is that the carrot is related to the stick. In other words, it can well be a constitutional limitation that does not strike down free speech.

I understand my friend from Kentucky has a much broader interpretation, but it is a constitutional limitation if what you are sanctioning is related to the reward. Clearly, the proposal we have made in the Schumer part of this amendment is related: Go over the limit and you do not get low-cost TV time. Stay within the limit and you get low-cost TV time. There could not be a clearer relationship because most of this money is used, at least in every campaign I have seen, for television time.

We have consulted a variety of experts who all believe there is not a constitutional problem with this amendment.

If we do not adopt this amendment, if we do not include this amendment, I believe 6 months from now, and certainly 2 years from now after the next cycle of elections, people are going to scratch their heads and say: Was this bill a step forward on the road to reform or was it a step backward? Because even though some limits are placed on corporate contributions, the ease with which people will be able to give large amounts of money to candidates will probably increase or at least not decrease at all.

The ease with which somebody could, say, contribute $150,000 to a candidate through the party in an election cycle would be large.

I say to my colleagues, first, whether you are for or against the limits in Feinstein-Cochran-Schumer, this is a salutary addition. Second, I say to my colleagues who have trouble raising the limits, which I do not, I support what is in the amendment that the senior Senator from California has crafted, and I think very well, that this will ameliorate some of the greater danger and make it more palatable to those who are against raising the limits altogether.

I particularly salute the Senator from California for having the aggregate party limit be $35,000 a cycle. That is extremely important. Also, when in combination with the part of the amendment before us that I have added, it will put some brakes on a potentially runaway situation that could undo the very reform we seek to pass.

This is a complicated area but one that will become very obvious within a year or two if we do nothing about it. I urge my colleagues to adopt the Feinstein-Cochran-Schumer amendment, to not go in the direction, as much as the good Senator from Tennessee wishes to go, which, as I said, will have much greater ramifications should the Supreme Court rule against 441(a)(d) limits in the Colorado decision.

I hope we will support it.

I yield whatever time I have not consumed back to the Senator from California.

The PRESIDING OFFICER (Mr. BURNS). The Senator has 1 minute 5 seconds.

The Senator from California.

Mrs. FEINSTEIN. I yield that to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I strongly urge the body not to table this effort of Senator FEINSTEIN and Senator COCHRAN. It is much more restrained than the alternative. My personal view is we shouldn't increase the limits at all. I don't think we need to. I realize the majority of the body believes that is something that has to happen. I understand it will happen.

Senator FEINSTEIN has tried to craft a reasonable compromise between the different views, actually bring us together, and help us pass a bill. I urge my colleagues, at least on this vote for tabling, to vote no to table.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I listened carefully to the Senator from New York talk about the possibility of circumventing the individual contribution limits. Let me say under current law contributions received by a national party committee which is directed to be used on a specific candidate's behalf is considered an earmark. Thus, if a donor gives $1,000 to the Republican National Committee and directs it to a specific candidate, the $1,000 contribution is attributable to the candidate. If the donor gives $20,000 to the Democratic Senatorial Committee and directs it be spent on behalf of a specific candidate, it is a $20,000 contribution to the candidate, and the contributor is prosecuted for making an individual contribution in excess of the $1,000 limit.

What am I talking about? The Democrats understand that in the early 1990s the Democratic Senatorial Committee and the Democratic Senate candidates were raising hard money with the DSCC which tallied or earmarked these contributions to be used for individual Senators accredited with bringing them in.

Since the $20,000 earmark contributions to the party were in excess of the limits individuals can contribute to a candidate, the DSCC was prosecuted. In 1995, the prosecution resulted in the DSCC being forced to: One, pay a $70,000 fine; two, end the tally and earmark program; and, three, include specific language on all future solicitations stating the money raised into the DSCC is spent as the committee determines within its sole discretion.

Why bring that up? Only to make the point that the fear that the Senator from New York has is unwarranted because we have already learned that lesson and the party committees know they cannot receive candidate contributions in hard dollars earmarked for candidates.

The problem with the Feinstein amendment and particularly the Schumer provision is this: If the Supreme Court strikes down the coordinated limit—we are talking hard dollars, the good dollars; that is what coordinated is, hard dollar expenditures by petitioners on behalf of the candidates—if the Supreme Court strikes down the current limit coordinated as unconstitutional, Schumer requires parties to continue to abide by unconstitutional limits in order to get a broadcast discount. This is a classic unconstitutional condition.

The Feinstein-Schumer provision will increase the individual contribution limit from $1,000 to $2,000. It does not increase the amount an individual can give to political parties. The aggregate individual limit in the Feinstein amendment reduces the amount an individual can give to a party from $20,000 per year to $17,500 per year. Even if the Supreme Court declares party coordinated expenditure limits unconstitutional, the Colorado case we were just talking about, parties must still abide by them or lose the broadcast discount.

Even though the Senator from California gives the candidate a little help, it is worse than current law for parties. It is already clear from the action taken yesterday there is going to be no more non-Federal money in the party committees. That is gone. If the Feinstein amendment passes, there will be less hard dollars for the committees than we have today. We are going backwards. There may be some relief for parties, but it is a bad deal for candidates.

I see the Senator from Tennessee is on the floor. I yield 10 minutes to the Senator from Tennessee.

Mr. THOMPSON. I have had an opportunity to read or have summarized the Feinstein amendment, and I thought we were just basically dealing with dollar limits. But as we get into it, it is breathtaking in its scope and, in my opinion, clearly unconstitutional.

The Senator from Kentucky had it exactly right. Basically what the so-called Schumer provision would do—it is like the government losing a first amendment case and then conditioning a benefit upon not doing what the Supreme Court just decided he has a right to do.

There is no way we can engage in that kind of activity. As we know, there are limits now on what a party can spend in coordination with its candidates. A lot of people think that will be overturned in Colorado and the Colorado 2 case.

As I understand the Schumer amendment, if the Supreme Court strikes the coordinated expenditure limits of parties, then no broadcaster is required to give a party the lowest unit rate unless the national party certifies to the FEC that neither it nor the State committees where the television ad is run—that certifies they are adhering to what the Supreme Court just struck down.

I have never seen anything quite like that before. It is clear in a long line of cases that we cannot require private citizens to restrict their speech in order to get certain benefits. It is easier when it is the government. This is not the government. These are private governmental entities, some right-to-life case, and so forth. These are not governmental entities. You cannot require private citizens to restrict their speech in order to get certain benefits.

Velazquez v. Legal Services Corporation was decided just this year. I urge my colleagues to have someone take a look at that case and explain to me why the principles of that case don't clearly set out or establish that we just can't do this constitutionally. They held in that case that Congress can't condition legal services grants on a lawyer's inability to challenge the constitutionality of welfare reform. That is an unconstitutional restriction of the first amendment rights of that lawyer, even though it is government money and the government doesn't have to give them money to start with.

Once you have a scheme like that, you cannot condition receiving that government benefit on an agreement to not exercise your free speech rights. In this case, we are putting into law something that requires them not to exercise a free speech that the Supreme Court had just decided they had a constitutional right to.

This is clearly unconstitutional. I know I sound like a broken record. Some of these other things that we have been engaging in have similar problems, but I think this is the worst that I have seen.

As I look at the limits, I second what the Senator from Kentucky said about party committees. I have been spending a lot of time trying to do something about soft money and the kind of money that gives the wrong kind of appearances with the hundreds of thousands of dollars that are flowing into these parties and soft money, corporate money, union money, coordinated money, and we are trying to do something about that. I still am. Hopefully, we can get rid of all of that.

But we cannot emasculate the parties. Parties are not bad. Parties are weak enough as they are. The Feinstein amendment provides for $35,000 per cycle to the party committees. That is $17,500 a year when the limit today is $20,000. We are going backwards. That is $20,000 that was established in 1974, which adjusted for inflation, will be in the neighborhood of $60,000 or $70,000. Instead of recognizing that and making some inflationary adjustment in response to getting rid of soft money, which we are trying to do, we are going in the opposite direction and further clamping down on the parties.

Mr. SCHUMER. I thank the Senator and apologize that I had to be off the floor for a minute while he was addressing this amendment.

Let me say we can disagree on the policy, in terms of strengthening or weakening the parties. My view is the parties are not strengthened when they are conduits for large amounts of money, whether it be hard money or soft money. I would be all for giving the money for get-out-the-vote operations, giving the money for true educational operations—the things the parties used to do before 1985 when I think most of us would admit they were a lot stronger than they are now.

We can debate that. That is for each person. All of us here have lots of experience that way and have made up our minds.

I know in our State when these party committees are formed——

Mr. THOMPSON. Let me say to my friend, I will yield for a question.

Mr. SCHUMER. Let me ask him this question on the constitutionality. Should the Supreme Court knock down the 441(a)(d) limit, then they would be doing it, I believe—because this is the argument; I have read the arguments—on its mandatory nature. Right now that limit is mandatory.

Our amendment, as my good friend from Tennessee knows, is voluntary. It says you can go above the limit but you don't get the benefit of the low-cost TV time. But if you want the benefit of the low-cost TV time, then you do not get the benefit.

My reading of constitutional law is very simple, and that is that it is quite different, on a first amendment case, to make something mandatory, where the Court is very reluctant—at least this Court—I do not agree with it, but it is there, and we have to live with it—than when there is an option, there is a voluntary limit for which you get some kind of benefit.

I ask the Senator what his view is of that argument, so he can respond to it.

Mr. THOMPSON. I say to my friend, I do not view that argument very favorably because it flies in the face of Velazquez v. Legal Services Corporation. The people in Legal Services did not have to take that money either. They had the option to take that money or not, and the Supreme Court there said you can't require private citizens to restrict their speech in order to get those benefits.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. MCCONNELL. Will you yield for a question?

Mr. THOMPSON. I yield to the Senator from Kentucky.

Mr. MCCONNELL. I guess the Senator from New York was saying speech up to a certain amount only costs this much but if you speak above that amount, that speech costs more.

Mr. THOMPSON. Or if you exercise your speech as a party committee to coordinate with a candidate—not the donor but the party committee, coordinate with the candidate, which the Supreme Court has just decided you have a constitutional right to do—that if you exercise that right, then you do not get the benefits described.

I yield to my friend from New York.

Mr. SCHUMER. I thank my friend for yielding.

As I understand the Velazquez case, which dealt with Legal Services, the very rationale of the Supreme Court in striking that down was they said there was no relationship between the reward and the punishment. In other words, they said that this is simply an attempt to limit free speech and using an unrelated reward to do it. They said the nexus was not close enough, the nexus between government funding and the ability of a Legal Services lawyer to proceed in a certain way or say a certain thing.

It seems to me in the amendment that we have crafted there is a direct nexus. First of all, the nexus is very close. You have the ability to get more money from your party and the privilege of getting the lowest TV cost.

It does not say you can't put an ad on television. That would probably be unconstitutional. But what we have said here is that certain people, in a certain position—i.e., candidates—should be privileged.

Maybe the Senator from Tennessee might think the Torricelli amendment itself is unconstitutional. I do not recall if the Senator from Kentucky has argued that. But that would be the nub of his argument there.

Second, the attempt here is not the same as in Velazquez, as I understand the case, and that is because in Velazquez people were trying to shut down a certain type of activity they did not like, a certain type of speech, a certain type of activity. There is no such attempt here.

So I ask the Senator from Tennessee, doesn't he see a real difference in both what the Court has said in the case law, the case circumstances, that way?

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. MCCONNELL. Would the Senator like some more time?

Mr. THOMPSON. I will ask unanimous consent——

Mr. MCCONNELL. You don't need unanimous consent. I yield you 5 minutes.

Mr. THOMPSON. I respond to my friend from New York by saying, yes, in fact I do see a distinction. Here we are dealing with political speech, which makes it even more sensitive. What my friend's amendment would do is cut back and restrict clearly constitutionally protected political speech. The Supreme Court has decided on numerous occasions that there are only certain limited ways and times you can restrict political speech, such as if you are engaging in express advocacy, which this has nothing to do with.

So I think not only is Velazquez relevant and on point, the amendment before us is more egregious than the activity in Velazquez that was struck down by the Supreme Court.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I think we are close to a vote here. My understanding is the time has run on the other side. Is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Kentucky has 7 minutes 10 seconds.

Mr. MCCONNELL. Mr. President, let me just sum up prior to the vote.

The Feinstein-Schumer provision will increase individual contribution limits from $1,000 to $2,000. That certainly is helpful to candidates. It sort of catches us up, maybe, to the early 1980s in terms of purchasing power. It does not, however, increase the amount an individual can give to political parties. In fact, the aggregate individual limit also, as part of the amendment, will reduce the amount an individual can give to a party from $20,000 per year down to $17,500 per year. So we are going backwards.

We have already taken away all the non-Federal money from political parties. That is 40 percent of the budgets of the Republican National Committee and the Democratic National Committee, 35 percent of the budgets of the Republican Senatorial Committee and the Democratic Senatorial Committee. We have wiped that out with the votes yesterday.

Now if the Feinstein amendment were adopted, the parties, national parties, would be left only with hard money and we have, in effect, reduced the amount an individual could give to a party, set back in 1974, from $20,000 down to $17,500.

While the Feinstein amendment might make some marginal improvement for candidates, it is a step backwards for parties.

In addition, it has the Schumer provision in it that the Senator from Tennessee has very skillfully discussed a few moments ago, that even if the Supreme Court declares party-coordinated expenditure limits unconstitutional—which may happen in the next few months in the Colorado Republican case currently before the Supreme Court—even if that coordinated limit, that hard money limit that parties can spend on behalf of their candidates is struck down as unconstitutional, if a party chooses to spend more than the old limit just having been struck down as unconstitutional, then the party loses the lowest unit rate on ads.

So the practical effect of that is a party could spend so much on behalf of a candidate at a certain price and then, once it has spent more than that, it would have to pay more for additional speech.

The Senator from Tennessee has persuasively argued, and I would as well, that is an unconstitutional condition or surcharge, if you will, on the exercise of free speech, a tax on speech. Clearly, a tax on speech raises serious constitutional questions. I could have raised a constitutional point of order on this. I say to the Senator from Tennessee that I am not going to do that. I have done that in the past when we had campaign finance debates. I am not going to do that.

But I assure you that if this is in the final bill, and if the bill is signed by the President, it will be one of the items that, as a plaintiff in the case, I intend to be as one of the items that we will be raising in court.

Mr. President, I yield the remainder of the time on my side.

I make a motion to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—46

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wellstone
Wyden

The motion was rejected.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 151, AS MODIFIED

The amendment (No. 151), as modified, is as follows:

At the appropriate place, insert the following:

SEC. 104. CLARITY IN CONTRIBUTION LIMITS.

(a) Contribution Limits Applied on Election Cycle Basis.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

"(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds $4,000;".

(b) Individual Aggregate Contribution Limits Applied on Election Cycle Basis.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by this Act, is amended to read as follows:

"(3) The aggregate contributions an individual may make—

"(A) to candidates or their authorized political committees for any House election cycle shall not exceed $30,000; or

"(B) to all political committees for any House election cycle shall not exceed $35,000.

For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held.".

(c) Indexing of Contribution Limits.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsection (a)(1)(A), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) In the case of limitations under subsections (a)(1)(A) and (h), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a) and (h), calendar year 2001".

(d) Election Cycle Defined.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

"(25) Election cycles.—

"(A) Election cycle.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat.

"(B) House election cycle.—The term 'House election cycle' means, the period of time determined under paragraph (A) for a candidate seeking election to a seat in the House of Representatives.".

(e) Special Rules.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

"(9) For purposes of this subsection—

"(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitation under paragraph (1)(A) shall be increased by $2,000, for the number of elections in excess of 2; and

"(B) if a candidate for President or Vice President is prohibited from receiving contributions with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitation under paragraph (1)(A) shall be decreased by $2,000.".

(f) Conforming Amendment.—Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

"(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.".

(g) Effective Date.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

SEC. . TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) AVAILABILITY OF TELEVISION MEDIA RATES.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "TELEVISION.—The charges" and inserting "TELEVISION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) LIMITATIONS ON AVAILABILITY FOR NATIONAL COMMITTEES OF POLITICAL PARTIES.—

"(i) RATE CONDITIONED ON VOLUNTARY ADHERENCE TO EXPENDITURE LIMITS.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, that would apply under such section as in effect on January 1, 2001.

"(ii) RATE NOT AVAILABLE FOR INDEPENDENT EXPENDITURES.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(b) FEDERAL ELECTION COMMISSION RULEMAKING.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, complies with such certification.".

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Members to speak therein for up to 10 minutes each, and the time be considered charged against the 90 minutes provided under the unanimous consent agreement previously adopted. This period will run approximately an hour, while the negotiators work on a potential compromise between the Feinstein and Thompson amendments. We will reserve the last 30 minutes of the 90 minutes for debate on a compromise, if one develops.

Mr. DODD. Mr. President, reserving the right to object, that 30 minutes is to be equally divided between the two sides.

Mr. McCONNELL. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

(The remarks of Mr. BAUCUS pertaining to the introduction of this legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. the Senator from Missouri.

SOUTHWEST MISSOURI STATE LADY BEARS

Mr. BOND. Mr. President, while we in the Senate are working hard exploring the mysteries of campaign finance reform, many Americans are enjoying the annual tradition known as "March Madness." In Missouri, we are particularly fixated on "the March to the Arch" where St. Louis is hosting the Final Four of the Women's NCAA basketball tournament. In the Final Four are a couple of teams from somewhere in Indiana and Connecticut but in Missouri, we will be cheering for our Southwest Missouri State University Lady Bears. They started out as a low seed, but they are two upset wins away from a national championship. The Lady Bears are coached by Cheryl Burnett who, in her 14 years at Southwest Missouri, has posted a 302–122 record winning 70 percent of her games.

In recent years, the residents of my home State of Missouri have been privileged to witness many great sports legends, from George Brett and Derrick Thomas in Kansas City to Mark McGuire and Kurt Warner in St. Louis to Springfield's own Payne Stewart. Today I recognize the achievements of the Southwest Missouri State University basketball team and, Jackie Stiles—our newest sports legend.

On March 1 of this year, in front of a sell-out, standing-room-only crowd, Jackie broke the record for most career points scored by a women's basketball player in NCAA Division I, a record that has stood since 1989.

Ms. Stiles is the Nation's leading scorer at 30.6 points per game and the career total is a whopping 3,371 points. Monday night, in Spokane, Washington, Southwest Missouri State rolled over the home team Washington 104 to 87. Jackie Stiles left the game to a standing ovation from 11,000 fans rooting for the opposing team.

Fans in her hometown of Claflin, KS, enjoyed watching her compete in basketball, track, and tennis at the high school level. They watched as she scored more points in the history of Kansas prep sports than any high school basketball player—boys or girls. Her decision to play NCAA Division I basketball at SMS was made after all of the top women's college basketball programs tried to recruit her. Her choice has been applauded time after time over the last four years as fans pack into Hammons Student Center to cheer on the Lady Bears team.

Jackie Stiles has led Division I teams in average points per game the past 2 years and was nominated for the prestigious ESPY award, the Naismith Award, and was recently named to both the Associated Press and the Sports Illustrated Women's All-American First Team. The awards she has earned throughout her career are too numerous to list. Beyond the many honors she has earned we should recognize her for something more important than records and awards. Jackie Stiles has become a role model to the many young people who dream of the kind of achievements she has accomplished. The best thing about this is that she is showing them the way to achieve their goals. First, by being a role model and setting a fine example for young people everywhere. In the words of SMS Lady Bear's head coach Cheryl Burnett, "She really is the kind of role model that an athlete should be . . . Jackie is a tremendous ambassador for women's basketball and athletics in general."

Whether she is breaking records on the court or reading to elementary students, Jackie embodies a spirit of excellence. Second, Jackie Stiles has reached the pinnacle of women's college basketball by combining her talent with more hard work than most can comprehend. She is the product of a small mid-western town and reflects the values you would expect to find in a town of just over 600—hard work, friendliness, dedication, and devotion to family. She has distinguished herself from many sports heros with her humility which was evident in a recent ESPN interview where she gave credit to the team and the program rather than accepting it for herself. I agree the team deserves a lot of credit, but so does Jackie Stiles.

When Jackie broke her wrist during her sophomore year of high school she did not let it get her down. Instead, she learned to shoot left handed and still averaged 26 points per game. That is also when she began her now-famous 1,000 shots per day practices that kept her in the gym all hours of the day and night. It is that kind of work ethic that builds champions, and that I stand to honor today. She puts her team first and plays unselfishly on the court. When she scored 56 points in a game she gave the credit to her coaches and her teammates, as well as to the enthusiastic fans from Southwest Missouri that have lined up to see her play the last four years.

Her team-centered focus on winning games, not personal accolades, sets Jackie Stiles apart. And, finally, it is her focus on being a scholar-athlete, maintaining a high grade point average while dealing with the intense pressures of being in the national spotlight. Thank you, Jackie, for choosing Southwest Missouri State University, and for setting an example for young people everywhere with your hard work and humility. Those are the true things of which champions are made.

I congratulate Coach Burnett, Ms. Stiles, the entire team and University for this great achievement of making it to the Final Four. I plan on attending the game Friday night in St. Louis to see one of those Indiana teams dispatched by the Lady Bears. I say to my friends from Indiana, while Indiana may be known for men's basketball, I predict this weekend will make Missouri host to the capital of college women's basketball.

Mr. President, I see no one seeking recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the hour of morning business be extended until 2:15 and that the half hour for the proponents and opponents of the bill be maintained to follow that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

THE UPCOMING BUDGET DEBATE

Mr. THOMAS. Mr. President, we are having a little pause in the subject of campaign finance reform, thankfully. We have been at it for some time. Hopefully, we will be through this week soon. It is a very important issue, but I am anxious, as most of us are, to move on to some of the other issues before us. Probably the most important one is that of the budget.

Each session, of course, is important and vital. It is important for us to have a budget. You can argue about the details of the budget, but the fact is that a budget is more than just a piece of paper with our spending plans on it. The budget is what defines where we are going to go over the next 2 years and into the future. It defines, as well, what our priorities are, which is a very important issue. It causes us to look ahead as to where we ought to be doing things that strengthen America, things that we ought to be doing that help put this economy back in place. Hopefully, we will be working on that budget next week.

The President has put forth a budget. Our Budget Committee will come forth with a budget. I believe the Republican budget addresses the priorities of the American people. It puts us on the continued road of a balanced Federal budget which, of course, for many years we didn't have. We had deficit spending and we continued to increase the debt. We now, largely because of a strong economy, have a situation where we have not only a balanced budget, but a surplus which is, of course, in many ways a very happy thing to have. We have a priority, I hope, of continuing to save Social Security for seniors, not only for the immediate future but for a distance in the future where young people will be able to have benefits from the Social Security they pay in from the very first day on the job. We can commit ourselves to do that by assuring the dollars that come in that are designed for Social Security are used for Social Security.

We have a priority to improve and strengthen Medicare—obviously, one of the things that affects many people. We have to deal with pharmaceuticals and with many of the things that go together to strengthen the Medicare. In terms of dealing with the future and dealing with young people, we need to deal with our national debt which, of course, is very large. I believe we have a responsibility to begin to pay that down. Some people want to pay it down immediately, which is not practical in terms of the fact that the money is invested. But over a period of 10 years under this budget, we can pay that publicly held debt off. I think that is what we ought to do. We have an obligation to do that. We have spent the money and now we should not leave the debt over to the other people.

We are committed to improve educational funding, and we need to do that, to give every school an opportunity. We always get into the argument—of course, a valid argument—about which I feel strongly, and that is whether or not dollars that go from the Federal Government out to education should be used only for purposes that are defined in Washington, which I think is wrong, or should there be an opportunity given for people in local and State levels to use the money as they determine it is most needed for their particular school. And then, finally, we have an opportunity, which I hope we will take full advantage of, to return the surplus tax overcharges to the American taxpayers. Return the money to the people who have paid.

Of course, we also have a challenge with our economy weakening. It has weakened over the past year. We have an opportunity to do something more immediate on tax changes and put more money back into the economy in the short run. I am hopeful that we will do that.

The budget the President has proposed, the budget we will be talking about, does strengthen and reform education. It provides the Education Department with the largest percentage increase of any Federal department. It triples the funding for children's reading programs.

It does protect Social Security. It preserves Social Security by locking away all of the $2.6 trillion Social Security payments that will be paid in and the surplus for Social Security.

It strengthens defense, which has to necessarily be one of our priorities. We have not, over the past several years, done what we have needed to do to keep our defense the toughest in the world, or have the oversight to make an evaluation of where we are on weapons, or to do something for the volunteer service to encourage people to be in the military, or to do something about the living conditions of our military personnel.

We need to protect the environment. Right now we are faced with a challenge, a crisis in energy, and much of that will have to be resolved by more production, by, as in my State of Wyoming, producing more resources for energy.

As we do that, we must equally be concerned about protecting the environment. We are being challenged by organizations that say: If you are going to protect the environment, you cannot have access, you cannot use those lands at all. Those are not the choices. We can, indeed, have access to public land. We can, indeed, utilize those resources and allow people to hike, hunt, produce on those lands, and, at the same time, protect the environment.

Next week is going to be one of the most challenging weeks as we deal with the budget, our priorities, and what we are going to do about the surpluses. Americans are paying the highest percentage of tax of gross national product, higher than World War II. That should not be the case, and we have an opportunity to change it.

We have an opportunity to let local people and the States be involved in the decisions rather than dictating from Washington, as we have become accustomed to over the last number of years.

We have an opportunity to do some things, and I am excited about that opportunity. It is very important we pass a budget. If we do not do that, we will not be able to deal with tax reductions, which I think are terribly important, not only as a matter of fairness to the American people but as a matter of helping this economy and moving it forward as quickly as we can.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Missouri.

CAMPAIGN FINANCE REFORM

Mrs. CARNAHAN. Madam President, we will have many important debates over the coming year on this Senate floor. Debates about tax cuts, spending priorities, education and defense, health care and agriculture. But none of these debates will be more important to the future of our democratic process than the debate over campaign finance reform.

From the time I sat at our kitchen table balancing the books on my husband's earliest campaign to his race for the U.S. Senate, I have witnessed the changing face of campaigns.

Last year's U.S. Senate race in Missouri shattered all previous records. The two opposing campaigns spent almost $18 million. This figure does not include spending by the state parties or outside interest groups.

For $18 million, Missouri could have done any one of the following:

built two new elementary schools;

hired 500 new teachers;

sent 3800 students to the University of Missouri;

provided day care to an additional 5000 low-income children;

put 9,000 new computers into our schools.

There is no accounting of the hours and effort that went into raising these large sums of money. It is time and energy I am sure all Senators would rather spend discussing the issues and dealing with problems affecting their constituents.

The traditional face-to-face visits with voters at the State fair, the local diner or a town hall play a much smaller role in modern political campaigns. Instead, candidates introduce themselves with costly and skillfully packaged commercials.

According to a recent study, viewers in the Kansas City area were exposed to over 22,000 campaign commercials during the 2000 election cycle. At 30 seconds apiece, that is the equivalent of 187 straight hours of campaign ads. The same study showed that the number of ads nationwide has nearly tripled since 1998. Without reform, there is no end in sight.

Not only do candidates air ads to get their own message out, they must also respond to negative attacks. More and more, our political discourse is turning away from an honest discussion of the issues affecting the average American. Personal attacks and outrageous distortions are all too common.

What are the consequences?

Today, Americans are more cynical and more disconnected from the government than ever. They read of huge contributions from special interest groups and wonder how one small voice can possibly be heard over the shouts of large donors to political campaigns.

Election day for them is not a celebration of self-government, but a finale to months of nasty, negative messages that have invaded their homes and mailboxes.

To rejuvenate our democracy, we must change the common perception and reality that our political system is dominated by big money. To wean American politics from these excesses will be costly and painful, but we must begin.

While many reforms are necessary, purging the system of unlimited donations to campaigns through so called "soft money" is a necessary first step.

Some would argue that passing McCain-Feingold will hurt the Democratic Party, but I say if we do not pass McCain-Feingold, we will be hurting the democratic process.

This is a time when all of us, Democrats and Republicans alike, must do what is right for our country, what is right for our democracy.

The Biblical account of Joshua and the battle of Jericho shows us the strength of a united voice. We are told that "the people shouted with a great shout, so that the walls fell down."

If we speak with one voice, the wall of "soft money" that separates ordinary citizens from their government will come down. Only then can we be confident that campaigns are decided by the power of our ideas, not by the power of our pocketbooks.

I enthusiastically support campaign finance reform and hope that we can pass legislation that reduces the influence of money in politics.

WOMEN'S HISTORY MONTH AND JACKIE STILES

Mrs. CARNAHAN. Madam President, this month we celebrate Women's History Month. It is an opportunity to reflect on the successes, advances and contributions women have made and are making in American life.

Today, I have the special privilege of honoring a woman who is not only celebrating women's history this month—she is making it.

Jackie Stiles stands 5 feet 8 inches tall, but she is a giant on and off the court. Earlier this week, she led the Lady Bears of Southwest Missouri State into victory over Washington, securing her team a spot in the NCAA Final Four. It was the latest accomplishment in the life of this remarkable young woman.

In high school, she was a 14-time state track champion and once scored 71 points in a single basketball game. Her fans would show up at nine in the morning with lounge chairs to be first in line when the gym doors opened at 4:30. They just wanted to catch a glimpse of Jackie in action. She is a hero in her home town—and in towns across America where young girls dream impossible dreams. Jackie shows them dreams can happen.

At Southwest Missouri State, Jackie Stiles has scored—as of today—3,361 points, becoming the all-time leading scorer in the NCAA. She has also become the heart of the Lady Bears. Every time she plays, she thrills the sell out crowds at the Hammons Student Center—better known as the "House of Stiles."

On Friday, the team will come home to Missouri for the Final Four. And with all due respect to my colleagues from the great state of Indiana, I predict a big win over Purdue for Jackie Stiles and the Lady Bears.

Jackie Stiles didn't become a star overnight. She does it the hard way—the only way she knows how. She began training at age two with her father and has pushed herself ever since. She goes to the gym and won't leave until she makes 1,000 shots.

The story of Jackie Stiles is also the story of Title IX, the landmark civil rights legislation which set out to curtail discrimination against women and girls in education and athletics. Without Title IX, we might never have heard of heroes like Jackie Stiles. In 1971, the year before Title IX, only 25,000 women competed in college sports. Today, that figure has grown to more than 135,000 women—including one very talented player who wears the number ten jersey for Southwest Missouri State.

Jackie's success is measured in more than just rebounds, lay-ups, and jump shots. She has brought attention to women's sports, and has proven that women's basketball is exciting. Most of all, she is a role model and an inspiration for thousands of girls.

If she chooses, Jackie's next stop is probably the WNBA. I have no doubt that she will become one of the league's greatest attractions. She will help not only her team but her sport and all those who appreciate and enjoy it.

Mr. President, in honor of Women's History Month, I'd like to offer my congratulations to Jackie Stiles, the Lady Bears of Southwest Missouri State, and all the other heroes who are bringing women's sports to a new high and teaching young girls to follow their dreams. May they continue to thrill, entertain, and inspire us.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, with the consent of my friend from Kentucky, I ask unanimous consent we extend the morning hour until 2:30, and leave thereafter half an hour to be divided among the opponents and proponents of the two pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARD MONEY

Mr. WELLSTONE. Madam President, I will take a little bit of time because I think other Senators will be coming out to the floor soon to talk about where we are on the hard money changes. We had a proposal by Senator THOMPSON which basically raised the amount of money that an individual could give to a candidate from $1,000 to $2,500 per election; from $2,000 to $5,000 over a 2-year cycle; so $2,500 per election, primary, general, up to $5,000 per candidate. There are other provisions as a part of the Thompson amendment.

The other one I want to mention is raising the aggregate limit from $30,000 to $50,000, which actually per cycle means $100,000.

So what we are saying now is an individual can give up to $5,000 supporting a candidate, and in the aggregate, an individual, one individual could give as much as $100,000 to candidates.

I have recited the statistics on the floor so many times that I am boring myself. But there is the most huge disconnect between the way in which—here on the floor of the Senate and in the ante room—the way that people who come together in the lobbying coalitions are defining compromise and victory, and the way people in coffee shops think about this. One-quarter of 1 percent of the population contributes $200 or more, one-ninth of 1 percent of the population contributes $1,000 or more.

So I do not really see the benefit of injecting yet more money into politics, literally turning some of the hard money into soft money. I am sure people in the country are bewildered by hard money, soft money. Let me put it this way. I don't see how politics that becomes more dependent on big contributors, heavy hitters, people who have more money and can afford to make these contributions, is better politics. I just don't get it.

On the Thompson amendment, there was a motion to table. It was defeated. I thought, frankly, some of the moderates on the Republican side who were part of the reform camp would have voted against the Thompson amendment. They did not. Senator FEINSTEIN came out with an amendment, and her amendment basically doubles the limits. So I guess we go from $1,000 to $2,000 and then $2,000 to $4,000 and it raises the aggregate amount but not a lot.

The Feinstein amendment is certainly better than the Thompson amendment. Now there are some negotiations. Regardless of what happens in these negotiations, the point is the headlines in the newspapers in the country tomorrow for the lead story should be "U.S. Senate Votes for Reform, Votes to Put More Big Money Into Politics," because that is really what we are doing. I think this is a huge mistake. I have two children who teach.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CAMPAIGN REFORM ACT OF 2001—Continued

Mr. WELLSTONE. Madam President, I ask unanimous consent that I be allowed to keep the floor as we move on to the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam Chair, I have two children who are teachers. I can tell you right now that neither one of them can afford to make a $1,000 contribution or a $2,000 contribution or $4,000 or $5,000 in an election cycle. I can tell you right now that neither one of them can afford to make $30,000 worth of contributions. My God, that is, frankly, the salary of a good many teachers in this country. They cannot afford to make those kinds of contributions.

On the floor of the Senate we are saying, my gosh, the reality is that we have this inflation and $1,000 isn't worth $1,000. The reality is that the vast majority of the people in the country don't make these big contributions; therefore, we don't pay as much attention to them; therefore, they have become increasingly disillusioned, and now as a part of this deal we are raising the spending limits—whatever the compromise is. It seems to me that it goes exactly in the opposite direction than we should be going.

How are ordinary citizens who can't afford to make these big contributions going to feel—that this political process is now going to be better for them when we have taken the caps off and have raised the contribution level? Now people who are running for office are going to be even more dependent on the top 1 percent of the population. How is that reform?

I haven't done the analysis. I do not know how it will add up. My guess is that while, on the one hand we are taking the soft money out, we are now going to be putting a whole lot more hard money into politics. In the election year 2000, 80 percent of the money in politics was hard money.

I am not trying to denigrate taking soft money out—the prohibition on soft money that is in McCain-Feingold. But as this legislation moves along, I am, in particular, saddened and a little bit indignant that we are now defining "reform" to raise the limits so those people who can afford to make a $1,000 contribution can now make $2,000; those who can afford over 6 months—whatever cycle—to make not $2,000 but to now make $4,000 contributions will be able to do so.

The argument that some of my colleagues make is the fact that 99 percent of the population can't afford to do this doesn't mean we shouldn't let the other 1 percent.

But I tell you what is going to happen. We are going to be even more dependent on the big givers. We are going to become even more divorced from all of those people who we serve who can't afford to make those contributions. We are going to spend even less time. There will be even less of an emphasis on the small fund raisers and less of an emphasis on grassroots politics. It is a tragedy that we are doing this.

I do not know how the bill will ultimately go. I think this is a terrible mistake. It has that sort of "made for Congress" look.

This is the sort of agreement that is a victory, Minnesotans. This victory is for all you Minnesotans who now contribute $1,000 or more. You will be able to give even more money to candidates. Minnesotans, please listen. The Senate is now pretty soon about to pass a reform measure. All of you Minnesotans who contribute $1,000 and $2,000 a year and can afford to do it will now be able to double your contributions. I am sure people in Minnesota will just feel great about this. I am sure people in Minnesota will feel that this is real reform. And I am sure 99 percent of the people in Minnesota will feel it is true.

This is a game we can't play: You pay, you play. You don't pay, you don't play.

I will finish, maybe, but just to make one other point.

I am looking at this in too personal of a way by showing more indignation than I should. People can disagree. That is the way it is. You win or lose votes.

We talk about getting rid of soft money. With what we are now about to do on these individual spending limits, there is a bunch of people who will never be able to run for this Senate. They are really not. I will tell you who those people are. They are women and men who themselves don't have a lot of money and who take positions that go against a lot of the money interests in this country and people who have the economic resources.

I said earlier that the Chair would be interested in this because of her own history. I was talking about the Fannie Lou Hamer Project. Spencer Overton from the Fannie Lou Hamer Project was speaking yesterday at the press conference. Fannie Lou Hamer, as the Chair knows, was this great civil rights leader, daughter of a sharecropper family, large family, grew up poor, and became the leader of the Mississippi Democratic Party. She was a great leader, a poor person, a poor woman, and a great African-American leader.

He was saying yesterday that there are not any Senators who look like Fannie Lou Hamer. He was right. He went on to say that the truth is, this isn't an issue of corruption. This is an issue of representation—of whether there is inclusion or exclusion. The Fannie Lou Hamers of this country are going to be even less well represented when we become even more dependent on those fat cats who can make these huge contributions.

How is a woman such as Fannie Lou Hamer, a great woman, ever going to run? How about people who want to represent the Fannie Lou Hamers? How are they going to have a chance to run? They are going to be clobbered.

Democrats, don't get angry at me, but there are plenty of Democrats who will be able to raise the money. That is good. You will be able to get the two, or three, or four, or five, or six. I don't know what their final deal will be. You will be able to get those big contributions. But you will pay a price. Democrats, we will pay a price. We are paying that price. We will dilute our policy performance. We will trim down what we stand for. We will be more reluctant to take controversial positions on test economic issues. We will be less willing to challenge economic and political power in America today than we are already, and today we are not so willing to challenge that power.

This isn't just like statistics. And here is one proposal to raise the money, and here is another one, and now we have a compromise. This is about representation.

Spencer was right. Spencer Overton was right. Fannie Lou Hamers are not going to be well represented at all. I doubt whether hardly anybody who comes from those economic circumstances today and who take positions that are antithetical to economic and political power in America—I hate to argue conspiracy. I am just talking about the realities. Are they ever going to be able to run? I don't think they will be able to run. It is going to be very hard. If you are well known or an incumbent, you have a pretty good chance. That is good.

We get some great people here. We have the Presiding Officer. We have Senator KENNEDY. Senator DAYTON is here—people who have been well known for good reasons and who have accomplished a lot in their lives. The Chair has. People who have economic resources—Senator KENNEDY does, and Senator DAYTON does—care deeply about these issues. That is not my point.

My point is that as we rely more and more on the big contributors and the well oiled and the well heeled and the heavy hitters, all of us who are running are going to become more dependent on that money. The people who are going to have the most difficult time ever getting elected are going to be ordinary citizens, which I think means they are the best citizens. I mean that not in a pejorative way but in a positive way. They are not going to have a prayer. They are not going to have access to this money.

Let's not kid ourselves. If you believe the standard of a representative democracy is that each person should count as one, and no more than one, we have moved dangerously far away from that. I do not see how any kind of "compromise," defined by the pattern of power right here in the Senate today, represents a step forward, where we now are going to say that those people who are the big givers are going to be able to give more and those people running for office are going to be more dependent on them.

I bet you, Madam Chair, that after this amendment or this compromise passes, that over 50 percent of the money that will be raised in the next election cycle—the cycle I am in—over 50 percent of the money that will be raised will be in these large contributions, raised from, again, about 1 percent of the population.

Now I ask you, how does that represent reform? How does that make this a healthier representative democracy? I think it is a huge mistake. And, I, for one, am adamantly opposed and want to express my opposition.

I am not out on the floor to launch a filibuster, so I will yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we expect the group that has been working on a compromise on the hard money contribution limit to come back to the floor at some point in the next hour or so. Rather than sit around and churn, it is agreeable to both sides for Senator DEWINE, who will have the next amendment after we finish the disposition of the Thompson and Feinstein matter, to go on and lay his amendment down, which he can set aside when those involved in the discussions come back to the floor. He can lay down his amendment and begin the discussion. I believe that is all right with the Senator from Connecticut.

Mr. DODD. Yes. What I suggest is that this requires unanimous consent as we go along.

I ask unanimous consent that the Senator from Ohio be recognized for a half hour for the purpose of offering his amendment and speaking on his amendment, and that at the hour of 3:30, the Senate would revert to a quorum call.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Ohio is recognized until the hour of 3:30.

AMENDMENT NO. 152

Mr. DEWINE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself, Mr. HATCH, Mr. HUTCHINSON, Mr. BROWNBACK, and Mr. ROBERTS, proposes an amendment numbered 152.

(Purpose: To strike title II, including section 204 of such title, as added by the amendment proposed by Mr. Wellstone (Amendment No. 145))

Beginning on page 12, strike line 14 and all that follows through page 31, line 8.

Mr. DEWINE. Mr. President, this is a very simple amendment, which I will explain in just a moment. I offer it on behalf of myself, Senator HATCH, Senator HUTCHINSON from Arkansas, Senator BROWNBACK, and Senator ROBERTS.

Our amendment is very simple. It is a motion to strike title II, the Wellstone-Snowe-Jeffords provision from the underlying McCain-Feingold bill.

Mr. President, this amendment is necessary because title II draws an arbitrary and capricious and unconstitutional line—a line that abridges the first amendment rights of U.S. citizens. Under title II, citizens groups—and I emphasize that this is currently in the bill and unless our amendment is adopted, it will stay in the bill—American citizens would be prohibited from discussing on television or radio a candidate's voting records and positions within 60 days before a general election or 30 days before a primary.

That is right, Mr. President, and Members of the Senate. It would be illegal for citizens of this country, at the most crucial time, when free speech matters the most, when political speech matters the most—that is, right before an election—this Congress would be saying, and the "thought police" would be saying, the "political speech police" would be saying that you cannot mention a candidate's name; you cannot criticize that candidate by name.

It silences the voices of the people. It silences them at a time when it is most important for those voices to be heard. It restricts citizens' ability to use the broadcast media to hold incumbents accountable for their voting records. It says essentially that the only people who have a right to the most effective form of political speech, the only people allowed to use television or radio to freely express an opinion or to take a stand on an issue when it counts, when it is within days of an election, are the candidates themselves and the news media. But under the way the bill is written now, not the people—just candidates and the news media. Everyone else would be silenced by this unconstitutional, arbitrary line.

Let's suppose for a minute that title II stays in the bill and it becomes law. Under this scenario, if you are a candidate running for Federal office and it is 60 days before the election, yes, you can go on the radio or the local television station and broadcast your message. If you are lucky enough to be Dan Rather, Tom Brokaw, or Peter Jennings, or the person who anchors the 6 o'clock news or 7 o'clock news in Dayton, OH; or in Steubenville, OH; or in Cleveland, you can also talk about the issues and candidates, and you can talk about them together. You can talk about the candidate's voting record.

But if you don't fall into either one of these two categories—if you are part of a citizens group wanting to enter the political debate and engage in meaningful discourse, using the most widesweeping medium for reaching the people which is TV, under this provision you cannot do that. You simply cannot enter the debate using television or radio as a mode of communication.

Title II of this bill makes that illegal. So if you would go in to buy an ad and say you want to criticize where the ad mentions the name of a candidate who is up for election within that 60-day period, the local broadcaster would have to turn to you and say, no, he cannot accept that. It is illegal because the U.S. Congress has said it is illegal.

Title II would make it illegal for citizens groups to take to the airwaves and even mention a political candidate by name. It would make it illegal to state something as simple as to tell the voters whether or not a candidate voted yes or no on an issue. It basically just throws the rights of citizens groups out of the political ring. It throws them right out of the ring. I believe that is wrong and I think it is also unconstitutional.

It represents a direct violation of the people's right to free political speech, the right guaranteed to us by the first amendment of the Bill of Rights in the Constitution of the United States of America.

The language in this bill picks the time when political speech is the most important and restricts who can use that political speech, and who can engage in that political speech.

Let me tell you an example from the real world. It is an example that could have involved me. I have been a proponent for something in Ohio we refer to as the Darby Refuge. It would be a wildlife refuge in central Ohio. I won't trouble or bother Members of the Senate now with the reasons why I have been a strong advocate for this, but I have been. I think it is the right thing to do.

There are also citizens in the State of Ohio who live in that area of the State who don't think it is such a good idea. They have exercised their first amendment rights time after time to explain to me and to other citizens in Ohio who are driving down the highway that it is not such a good idea, and that this proposed wildlife refuge is not the thing to do. We have seen signs up—and I think they are still up—which say "No Darby, Dump DeWine." We have seen signs that say "Get Mike DeWine Out of my Backyard." That was on a T-shirt. Other signs have been around also.

Obviously, I didn't particularly like the fact that these signs were there.

What was my response to people when they said, What about those signs? I tried to explain why I was for the Darby, but I also said: The first amendment is there; it is alive and well, and people are exercising their constitutional rights.

Let us suppose this citizens group—actually there are two formal citizens groups that oppose the Darby and have been very vocal about it. Let us suppose that within 60 days prior to the last November election—I was up for reelection last November —let us suppose they had put some money together, and let us suppose they went to the Columbus TV stations and the Dayton TV stations. Let us also suppose this title II was law.

Let us suppose they took their money and went to buy an ad, and what they wanted to talk about in that ad was why the refuge was a bad idea. Let us suppose also they wanted to convey another message, and that message was: Call Senator MIKE DEWINE and tell him he is wrong. Call Senator MIKE DEWINE and tell him that you oppose the refuge and you think he should as well.

I would not have liked that. It probably would have irritated me. But they have a constitutional right to do that if they want to do it.

Under the bill as now written, they could not do that. The TV station in Dayton or the TV station in Columbus would have had to turn to them and say: Oh, no, you cannot say that; there are only certain things you can say. You can talk about the refuge being a bad idea, but you cannot mention MIKE DEWINE's name.

That is when it would become apparent to these citizens that their first amendment rights were being abridged, and the person who ran the TV station, the general manager, would have had to tell them: Congress said you cannot run this type of ad. I submit that is wrong.

As much as those of us who have been in public office and who have faced tough elections do not like criticism, as much as sometimes we think political ads that attack us are unfair, as much as we sometimes think they distort, as much as sometimes we think they only tell half the story, that is just part of the political process. That is what the first amendment is all about.

The fact is that today in a State such as Ohio, my home State, if you want to reach the people of the State, there is really only one way to effectively do it, and that is the use of television. You have to be on the air, and you have to get your message across. That is true whether you are running for office and you are the candidate or whether you are a group of citizens who decide they want to convey a message, they feel strongly about an issue and want to link that issue with a person who is running for office. Today they can do that. The way the bill is now written, they cannot.

The fact is, given today's national political discourse in the modern age of technology, television and radio play the primary, if not the key, role in the spreading of political messages. The whole reason we use the names of candidates in political speech on television is to emphasize policy positions and alternative policy options. Doing so enables people to evaluate and support or criticize incumbents' voting records and their positions on issues. That is the basis, the very essence, of political speech and debate.

Messages about the candidates, about their voting records and their positions on the issues, speak louder and have a greater impact on voters than just generic issue ads about Social Security or about Medicare, tax cuts, or whatever is the issue of the day.

Constitutionally, we cannot deny citizens groups access to the most effective means of reaching the largest number of people for the least amount of money, and that is TV and radio. We cannot deny them the ability to communicate through television and radio during the time period most vital to deciding the outcome of an election, the time when they can have the most impact. We should not deny them a voice in the political debate, but, unfortunately, title II effectively does just that.

Ultimately, political speech is directly tied to electoral speech. We cannot escape that. We cannot escape, nor should we try to escape, the fact that our Constitution protects the rights of people to support or to criticize their Government or the people running for

Federal office. The founders of this country recognized that. They knew from their own personal experience in forming this Nation that political speech is of the highest value, particularly during the election season, and it must be protected.

Given that, the last thing we should be doing is restricting 60 days before an election the people's right to get the word out to voters about the issues and about the candidates. Such a restriction is absurd. Such a restriction is wrong. Such a restriction is blatantly, certifiably unconstitutional.

I realize that criticism, very often part of political speech, makes incumbents uncomfortable. It makes us all uncomfortable. I know this. I have been there. Do I like to be criticized? No. Does anyone like to be criticized? No. Do we like to see our voting record picked apart? No.

The fact remains that no matter how much those in public office do not like to hear negative political speech, our Constitution protects that very speech. Federally elected officials are here to serve the people, and the people deserve the right to cheer us or to chastise us, particularly during an election campaign.

Are we, as Members of this body, becoming the political speech police? Are we becoming the guardians of incumbent protection? Are we so worried about tough criticism from outside groups, American citizens? Are we so concerned about what we consider to be unfairness and the potentially misleading nature of their message that we are willing to curtail their basic, constitutional, first amendment rights?

I hope not, and I hope we adopt this amendment and pull back from this infringement on people's constitutional rights. We all should be offended by the attempt to do that.

The fact is that the limits imposed by title II on political speech, limits on legitimate political discourse, debate, and discussion will hurt voters. The voters will have less opportunity to make informed choices in elections. It is the voters and the public who ultimately will lose.

Allow me to read directly from the Bill of Rights—and we are all familiar with it—amendment I:

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I repeat, "Congress shall make no law . . . abridging the freedom of speech. . . ."

These are very simple words, but they are some of the most powerful and certainly most important words in the Bill of Rights and in our Constitution.

I am certain that my colleagues in the Senate all realize our Founding Fathers, when crafting our Bill of Rights and our first amendment protections, had political speech—political speech specifically—in mind. They knew how important and vital and necessary free speech is to our political process and to the preservation of our democracy. They knew that democracy is stifled by muzzles and gags. They knew that free speech was necessary for our political system—our open, free political system—to function and, yes, to flourish. They knew that liberty without free speech is really not liberty at all.

We all understand that none of our rights is absolute. In fact, there are constitutionally acceptable limits on political speech. For example, the Supreme Court has ruled that the government has an interest in regulating political speech when there is a clear and present danger that the speech will result in the imminent likelihood of violence. Also, the Court has said that defamation laws apply to political candidates, so as to protect them from statements that are knowingly false. In such situations, the government has a compelling interest in restricting the speech. I ask my colleagues: What is the government's overriding and compelling interest in restricting core political speech 60 days or less from an election—at the time most crucial to the public's interest in hearing and learning about candidates and their positions and incumbents and their voting records? How will restricting the most important speech at the most important time further our election process and political system? It clearly will not.

The bottom line, Mr. President, is that core political speech is different from other forms of speech. It lies at the heart of the first amendment and deserves the highest—the utmost—level of protection. To that extent, I agree with Justice Thomas who said that political speech is the very speech that our founding fathers had in mind when actually drafting our Bill of Rights and our first amendment protection. Justice Thomas further argued that the key time for political speech is during campaigns. He wrote:

> The Founders sought to protect the rights of individuals to engage in political speech because a self-governing people depend upon the free exchange of political information. And that free exchange should receive the most protection when it matters the most—during campaigns for electrive office.

The Supreme Court, in Buckley v. Valeo, emphasized the importance of protecting political speech. The Court wrote:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the government, but the people—individually, as citizens and candidates, and collectively, as associations and political committees—who must retain control over the quality and range of debate on public issues in a political campaign.

The Court was telling Congress, essentially, to stay out. It was saying don't diminish the first amendment rights of citizens and organizations to participate in political debate. Don't restrict the means by which the people of this nation make informed decisions about candidates running for federal office.

The fact is, Mr. President, in order to embrace the freedoms guaranteed by the first amendment, we must allow others to exercise those freedoms. Title II runs counter to that, and in the process, violates our Constitution.

Title II hugely undercuts the McCain-Feingold campaign finance reform bill. It has turned the campaign finance debate on its head. It has turned the debate into a clear struggle over the soul of the first amendment, and ultimately, the preservation of our democracy.

If we are to protect and preserve our democracy, we must allow the people to be heard. Voters cannot make informed decisions about candidates when political speech—when ideas and information about candidates—is restricted at the most pressing time. As voters, we make better decisions when there are more voices, more information, and more ideas on the table. Ideas competing with one another. That is the essence of democracy.

That is the basis for political debate and challenges to public policy.

That is the basis for how we make changes in our society—for how we make the world a better place. With all of the complexities of today's election laws and competing campaign finance reform plans, I think that Ralph Winter, the respected judge and former law professor, said it best when he noted that the greatest election reform ever conceived was the first amendment. He was right. Unfortunately, title II strikes at the first amendment by restricting the dissemination of information to voters and the open exchange of ideas that we so much treasure.

The exchange of those ideas, Mr. President—through core political speech, whether it's two years, two months, two weeks, or two days before an election—is a prerequisite for democratic governance. That is the basis of our Constitution. We in Congress have an obligation to protect that Constitution—to protect our first amendment and the free flow of ideas. That, after all, is the spirit—the essence—the foundation of our democracy.

What all of this means is simply this: If you are a citizens group, you are an American citizen, and you don't like what I am saying today or what this amendment does, or what my vote will be on final passage of this bill, under this bill, as currently written, you could not talk about any of this if it were right before a Federal election.

You could not use the airways and the TV and radio to criticize me or to talk about this vote and to talk about this amendment. If we accept this, it will silence a citizen's ability to tell the public about our voting records.

What this language says is that we are afraid to let people tell the outside world what we do in the Senate. We can't do that. Rather, I believe we must protect the rights of the people. We must preserve our Constitution. We must not let that great Constitution, that great Bill of Rights, that first amendment be chipped away by efforts clearly aimed at protecting the self-interests of the incumbent political candidates. To do any less, as we change this, as we amend it, to do any less would fly in the face of our democracy and the American people whom we are here to serve.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent I may proceed as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 638 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I now suggest a period of, say, 15 minutes for general discussion on an agreement that has been reached between Senator THOMPSON and Senator FEINSTEIN. On the purpose of that discussion, why don't I yield to Senator THOMPSON of Tennessee to begin the discussion and then Senator FEINSTEIN as time permits, as far as this agreement, or others who may want to talk about it. My hope would then be we would have legislative language which would include this compromise which we would be able to offer as a modification of the Thompson amendment, and a vote to occur thereon shortly after the debate is concluded.

The PRESIDING OFFICER. Does the Senator have a unanimous consent request?

Mr. DODD. No. We are just going to proceed in this regard.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I think the Senator from Connecticut is correct. Senator FEINSTEIN and others and I have been meeting, talking about how we might come together for a unified modification of my amendment. As this body knows, my amendment was not tabled. Senator FEINSTEIN's amendment was not tabled. That was the basis for our discussion.

We acknowledge readily that it was certainly appropriate to increase the hard money limits in certain important categories.

We had a full discussion of those categories of concerns and desires on either side.

Pending the language and subject to comments of my distinguished colleague from California, I would like to basically outline the highlights of the crucial elements of this modification.

The individual limitation to candidates, which now stands at $1,000, will be increased to $2,000 and indexed. The PAC limitation of $5,000 under current law stays at $5,000. The State local party committees, which is now $5,000 a calendar year under current law, will go to $10,000 per year. The contribution to national parties, which under current law is limited to $20,000 a year, will go to $25,000 a year and be indexed at the base.

The aggregate limit, which is now $25,000 per calendar year under current law, will go to $37,500 a year and be similarly indexed.

We will double the amount that national party committees can give to candidates from $17,500 to $35,000 and be similarly indexed.

A part of our agreement also has to do with the amendment originally from Senator SCHUMER, that was later incorporated into the Feinstein amendment, having to do with the 441 situation he described pending the Supreme Court decision in the Colorado case; that we expect a part of our agreement with regard to this modification is that it will not be a part of this Thompson-Feinstein modification but will get a vote separately shortly after the vote on this.

I believe that basically outlines the major provisions of the agreement.

I relinquish the floor and ask my distinguished colleague from California to make any statement she cares to.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President. I thank the Senator from Tennessee, the Senator from Wisconsin, the Senator from Arizona, the Senator from Connecticut, the senior Senator from Mississippi, as well as the senior Senator from New York—all who participated in this negotiation.

Essentially the question was around whether we could bring enough people together to settle what is a question that has become a major problem: that is, how do we account for inflation in hard money because it is likely we will not address this issue for another 20 or 30 or 40 years. Therefore, this is a bill that has to stand the test of time.

Many of us are deeply concerned that once you restrict soft money in campaigns and in parties, you create an opportunity for this soft money to go into the issue of advocacy of independent campaigns. It is undisclosed. It is unregulated. So what we want to try to avoid as much as we can is a transfer of millions of dollars of soft money from campaigns into millions of dollars of soft money into independent campaigns.

The way we do this is by trying to find a modest vehicle by which we can come together and agree on how much an individual contribution limit should be raised. I am very pleased to say that contribution limit in the bipartisan agreement is $2,000. That $2,000 would be indexed, as will the other indexes I will speak about in a moment, for inflation from a baseline that is provided for in the statute.

We came to agreement on the PACs—that PACs should remain the same; they should not be increased in amounts; they should remain at $5,000 a calendar year.

We came to agreement on continuing State and local parties at the same amount as McCain-Feingold—$10,000. That was clear in the Thompson amendment, the Feinstein amendment, as well as the McCain-Feingold bill.

Also, where we had the major discussion—I say a difference of viewpoint—was on the aggregate limit and the national party committees.

The people who were negotiating are people who wanted to see a bill. And it was very difficult because each of our proposals was at the outer limits of our own political party. So it was very difficult to find a way to move forward.

We did, however, in the Thompson amendment, which had $50,000 per calendar year for the aggregate limit, and it was agreed that we would drop that to $37,500 per year for the aggregate limit and that we would drop out of that the split I had proposed earlier in my statement.

With respect to national parties, that would go from $20,000—just by $5,000 a year—to $25,000.

Additionally, there are four things in this bill that are indexed. Again, the indexing is not compounded. It goes to the baseline in the statute for the candidate, for the national party per year amount, and for the aggregate amount.

Also, there is a provision in Thompson we agreed to which would double the amount that national parties can give to candidates from $17,500 to $35,000. That would be indexed on the same baseline formula as the other items.

In my view, and I hope in Senator THOMPSON's view, this gives us an opportunity to meet the future and to see that there is a modest increase. It is not a tripling of the individual limit. It is simply increasing it from $1,000 to $2,000 and then indexing it to inflation, but that there is a the basis now, we hope, where both sides can come together and vote for this bill.

I, for one, happen to think the indexing is healthy. I think it gives us an opportunity that we don't come back again, to reopen the bill, but that we live by the bill as it is finally adopted.

I really thank the Senator from Mississippi who began this fight with me. I thank the Senator from Tennessee for our ability to sit down together and have a turkey sandwich and also come to this agreement. I think it is a very important step forward for the bill.

I thank the Senators from Wisconsin and Arizona for their persistence in moving this bill along.

I yield the floor.

May I ask if the modification is available?

Mr. DODD. As my colleague spoke, an angel brought it. The modification has arrived.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, under the provisions of the consent agreement, with the concurrence of Senator FEINSTEIN, myself, and Senator DODD, Senator THOMPSON will now send a modification to the desk.

In addition, I ask unanimous consent that the Feinstein amendment be withdrawn and there now be 30 minutes of debate equally divided in the usual form prior to the vote on the Thompson amendment, as modified, with no amendments in order to the amendment. I further ask consent that following the vote, the pending DeWine amendment be set aside, Senator SCHUMER be recognized to offer an amendment, and there be 60 minutes equally divided in the usual form. Finally, I ask consent that following the use or yielding back of the time, the Senate proceed to a vote on the Schumer amendment, with no amendments in order to the amendment.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendment (No. 151), as modified, was withdrawn.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, it is my intention to send a modification to the desk very shortly. It might take a couple moments.

Mr. DODD. To save a little time, if my colleague would yield, Mr. President, I have been looking at a couple drafting notes from legislative counsel. I have spoken on numerous occasions over the last several days of my concerns of raising the hard dollar limits that individuals may contribute on the theory that I do not think there is too little money in politics, on the contrary, I think there is too much money. We are shutting down the door of soft money. Fine, as it should be. However, my concern is that we are also banging open the back door with hard dollars amounts. To the average citizen in this country, there is no distinction between hard and soft money. We make the distinction for the reasons we are all aware of. What I believe is people are sort of disgusted with the volume and amount of money in politics. This agreement is one I am going to support. I do so reluctantly. However, I support the underlying McCain-Feingold bill. I think it is very important that we take steps forward to change the present campaign finance system. I regret we are adding to the hard dollar limits on contributions that individuals can make to candidates, national political parties, and overall aggregate annual limit.

I come from a small State. I represent a State of 3.5 million people. My colleague from California represents a State 10 times that size. I recognize that there are distinctions between these States. For example, campaigning is far more costly in California than it is in a State such as my own. I accept there needs to be some increase.

The modification Senator THOMPSON graciously worked out with Senator FEINSTEIN exceeds what I would do. It is certainly less than what was offered by our colleague from Nebraska, Senator HAGEL. It was less than what others wanted as well. It reduces substantially the aggregate amounts that were originally being offered at $75,000 per year or $150,000 a couple, down to $37,500 per calendar year. That still is too much, in my view, but it is a lot less than it otherwise could have been.

There are some other changes dealing with individual contributions to State and local party committees and the national parties. However, the PAC limits remained the same. We provided indexing for inflation. Again, this is something I have reservations about. I recognize that in any legislative body, if you are trying to put together a bill where 100 different people have something to say about it, and you have to produce 51 votes, then you are going to have to give up something if you are going to accomplish the overall goal.

My overall goal has been for years to get McCain-Feingold adopted into law. However, it was not a goal I was going to accept regardless of what was in the bill. Had we gone beyond these individual contribution limits we had agreed to in these modifications, I would have had a very difficult time supporting the McCain-Feingold bill.

I will support McCain-Feingold. I urge my colleagues to do so. We have other amendments to address on both sides. The Members have ideas they want to add to this bill. In my view, this is a worthwhile effort. I commend my colleague from Tennessee—he is a noble warrior, a good fighter and debater, and a good negotiator—and our colleague from California who likewise has championed a good cause. I thank RUSS FEINGOLD and JOHN McCAIN. I know this goes beyond even what they would like to do. We recognize we can't do everything exactly as we would like to do it. I believe this modification still is within the realm of the McCain-Feingold restrictions. For those reasons, I will support the bill.

AMENDMENT NO. 149, AS MODIFIED

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Tennessee has the floor to send the modification to the desk.

Mr. THOMPSON. Mr. President, the modification has been sent to the desk.

The PRESIDING OFFICER. Under the previous order and without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 37, after line 14, insert the following:

SEC. . MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking ``$1,000'' and inserting ``$2,000''; and

(2) in subparagraph (B), by striking ``$20,000'' and inserting ``$25,000''.

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking ``$30,000'' and inserting ``$37,500''.

(c) INCREASE IN SENATORIAL CAMPAIGN COMMITTEE LIMIT.—Section 315(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by striking ``$17,500'' and inserting ``$35,000''.

(d) INDEXING OF CONTRIBUTION LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting ``(A)'' before ``At the beginning''; and

(C) by adding at the end the following:

``(B) Except as provided in subparagraph (C), in any calendar year after 2002—

``(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) calendar year 2001".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

Mr. THOMPSON. I yield 5 minutes to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I, too, commend the Senator from Tennessee. I would love to have gone further to really provide full indexation for the limits that were established in 1974, 26 years ago, and were thought to be appropriate at that time. But any increase in hard money limits is a step in the right direction.

To give you an idea of what the world without soft money is going to look like for our national parties, we took a look at the 2000 cycle, the cycle just completed, and made an assumption that the party committees would have had to operate in 100 percent hard dollars, which is the way they will have to operate 30 days after this bill becomes law. The Republican National Committee would have had 37 million net hard dollars to spend had we converted the last cycle to 100 percent hard dollars. Under the current system, they had 75 million net hard dollars to spend. So the Republican National Committee would go from 75 million net hard dollars that it had to spend last cycle down to $37 million.

The Democratic National Committee, in a 100-percent hard money world, last cycle, would have had 20 million net hard dollars to spend on candidates. In fact, it had $48 million under the current system. So the Democratic National Committee would go from 48 million net hard dollars down to 20 million net hard dollars, if you convert the last cycle into a 100-percent hard money world.

Finally, let me take a look at the two senatorial committees. The Republican Senatorial Committee last cycle under the current system had 14 million net hard dollars to spend on behalf of candidates. In a 100-percent hard money world, they would have had about 1.2 million net hard dollars to spend for candidates. Our colleagues on the other side of the aisle, the Democratic Senatorial Committee, in the current system had 6 million net hard dollars to spend on their candidates. In a 100-percent hard money world, they would have had 800,000 hard dollars to have spent on all of their 33 candidates.

The one thing that is not in debate, there is no discussion about it, this is going to create a remarkable, a huge shortage of dollars for the party committees. At least the Senator from Tennessee is trying, through negotiating an increase in the hard money limits for parties and providing indexation, to help compensate for some of this dramatic loss of funds that all of the party committees are going to experience 30 days after this bill becomes law.

I thank the Senator from Tennessee for the effort he made. I wish we could have done more. I hear there are plenty on the other side who wish we would have done less. This is at least a step in the right direction.

We are going to have a massive shortage of funds in all of the national party committees to help our candidates. It is going to be a real scramble. Hopefully, this will help a bit make up at least a fraction of what is going to be lost on both sides that will be available for candidate support.

I intend to support the amendment of the Senator from Tennessee.

Mr. THOMPSON. Mr. President, do I control the time?

The PRESIDING OFFICER. The Senator controls 11½ minutes.

Mr. THOMPSON. I ask the Senator from Arizona if he wishes to be heard at this time.

Mr. MCCAIN. One minute.

Mr. THOMPSON. I yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to take a minute to thank Senator FEINSTEIN and Senator THOMPSON. I have been privileged to see negotiations and discussions between people of good faith and a common purpose. I was privileged to observe that in the case of Senator THOMPSON and Senator FEINSTEIN. The Senator from Oklahoma, Mr. NICKLES, was very important, as was the Senator from Michigan, Mr. LEVIN, as well as Senator HAGEL of Nebraska and others, as well as the Senator from New York, Mr. SCHUMER. I know I am forgetting someone in this depiction.

I am proud that people compromised without betraying principle to come to a common ground so we can advance the cause of this effort. I express my deep and sincere appreciation to those Senators who made this happen, as well as our loyal staffs.

Mr. THOMPSON. Mr. President, I yield 2 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senators who took the lead in the negotiations, especially the Senator from Tennessee who, again, has had so much to do with this reform, and the Senator from California. They were extremely skilled at bringing us together. I thank Senator MCCAIN, Senator COCHRAN, who was part of the effort, Senator FEINSTEIN, Senators DODD, LEVIN, SCHUMER, of course, Senators REID and DASCHLE, Senators NICKLES and HAGEL, who were all involved.

I join in the remarks of the Senator from Connecticut. This particular amendment doesn't move in the direction that fits my philosophy. I believe we should stay where the levels are, as do many of my Democratic colleagues. I very regretfully came to the conclusion that we had to do it. I realized if we are going to get at the No. 1 problem in our system today, the loophole that has swallowed the whole system, as Senator THOMPSON has said, we had to make this move.

I am grateful that we were able to keep the individual limit increase to a reasonable level. Although I would prefer that it not be indexed, I will note, at least we won't have to hear anymore that it isn't indexed for inflation because it is. So the next time Senators have to deal with this issue 20 years from now or 30 years from now, at least that very troubling and persistent argument will not be there.

I thank all my colleagues and look forward to the vote on the amendment.

Mr. THOMPSON. How much time is remaining?

The PRESIDING OFFICER. The Senator from Tennessee controls 8 minutes 45 seconds. The Senator from Connecticut controls 11 minutes 30 seconds.

Mr. DODD. Mr. President, I don't know of any other requests to speak. I think people are familiar with this issue. Does my colleague from California wish to be heard?

Mrs. FEINSTEIN. I think I have said what I needed to say. Maybe we can concede the rest of our time and have a vote.

Mr. DODD. I am prepared to yield back our time and go to a vote. We have other amendments on this side. There are several over there. We have to keep things going.

Mr. THOMPSON. I am prepared to yield back our time.

Mr. DODD. We yield back our time.

Mr. THOMPSON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, the yeas and nays have been ordered.

Mr. THOMPSON. I suggest that we proceed to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee, Mr. THOMPSON, No. 149 as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWNBACK). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—84

Akaka
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—16

Baucus
Biden
Boxer
Conrad
Dorgan
Harkin
Hollings
Johnson
Kerry
Miller
Murray
Reed
Sarbanes
Stabenow
Wellstone
Wyden

The amendment (No. 149), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, again on the wings of angels, the Senator from New York has arrived.

The PRESIDING OFFICER. The Senator from New York is recognized to offer an amendment.

AMENDMENT NO. 135

Mr. SCHUMER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 135.

Mr. SCHUMER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding the need for Congress to consider and enact legislation during the 1st session of the 107th Congress to study matters related to voting in and administering Federal elections and to provide resources to States and localities to improve their administration of elections)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the right to vote is fundamental under the United States Constitution;

(2) all Americans should be able to vote unimpeded by antiquated technology, administrative difficulties, or other undue barriers;

(3) States and localities have shown great interest in modernizing their voting and election systems, but require financial assistance from the Federal Government;

(4) more than one Standing Committee of the Senate is in the course of holding hearings on the subject of election reform; and

(5) election reform is not ready for consideration in the context of the current debate concerning campaign finance reform, but requires additional attention from committees before consideration by the full Senate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should schedule election reform legislation for floor debate not later than June 29, 2001.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. How much time do I have, Mr. President?

The PRESIDING OFFICER. Under the previous order, the two sides have 30 minutes each to debate the amendment.

Mr. SCHUMER. Mr. President, I am here to urge my colleagues to support an amendment that is of great importance to the future of McCain-Feingold and to the bill in general that we are debating, particularly in light of the fact we have just raised hard money limits. Let me explain to my colleagues what this is all about.

Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York.

Mr. SCHUMER. Mr. President, can I suspend for a minute? I believe they have read the wrong amendment at the desk.

I ask unanimous consent the previous amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 135) was withdrawn.

AMENDMENT NO. 153

Mr. SCHUMER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 153.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To condition the availability of television media rates for national committees of political parties on the adherence of those committees to existing coordinated spending limits)

On page 37, between lines 14 and 15, insert the following:

SEC. . TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) AVAILABILITY OF TELEVISION MEDIA RATES.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "TELEVISION.—The charges" and inserting "TELEVISION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) LIMITATIONS ON AVAILABILITY FOR NATIONAL COMMITTEES OF POLITICAL PARTIES.—

"(i) RATE CONDITIONED ON VOLUNTARY ADHERENCE TO EXPENDITURE LIMITS.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, that would apply under such section as in effect on January 1, 2001.

"(ii) RATE NOT AVAILABLE FOR INDEPENDENT EXPENDITURES.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(b) FEDERAL ELECTION COMMISSION RULEMAKING.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, complies with such certification.".

(c) SEVERABILITY.—If this section is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

Mr. SCHUMER. Mr. President, this amendment is vital to the effectiveness of McCain-Feingold, particularly in light of the increase in hard money limits which we have passed by a large margin in the Thompson-Feinstein amendment. It is necessary because of an impending Court decision. The Supreme Court has already heard the case and is about to issue a decision related to the 441(a)(d) limits.

Let me first explain what the 441(a)(d) limits are, what the Court case is, what it does, and why it is so important. As we all know, there are 441(a)(d) limits, whereby a national party—in this case the Democratic

Senatorial Campaign Committee or the National Republican Senatorial Committee—can contribute a certain amount of money directly to a candidate. There is complete coordination allowed between the party and the candidate by the recent Supreme Court decision. That amount of money is limited by the amount of voters in the State. It is 2 cents a voter, so it runs from a high of over $2 million in California, $1.8 million in my State of New York, down to a low in the State of Wyoming and places such as that, probably no more than a couple of hundred thousand dollars.

The case before the Supreme Court, which is called FEC v. Colorado Republican Federal Campaign Committee, has been argued. There it has been argued that those limits should be lifted, that there should be no limit as to the amount of money a national party organization can give to a candidate for the Senate or for the House.

What this would do, if the Court should rule favorably and uphold the lower court, is very simple. It would allow parties to go around and raise money in large, large amounts. After the Feinstein amendment that has passed, that would be $25,000 a year or $150,000 per 6-year Senate cycle. And then with complete coordination, the party could give that money to any particular candidate.

The consequences are obvious. The $1,000 or $2,000 limit that we now have would become much less important and large donors could contribute, through the national parties, obscenely large amounts of money to candidates. In effect, the Court decision would, if the 441(a)(d) limits were lifted, pull the rug out from under McCain-Feingold, all the more so because of the increase we have made in hard money limits.

You can call it hard, you can call it soft—it is large. The whole purpose of getting rid of soft money was not that it was soft, per se, but rather it was so large that it was unlimited. Imagine, after passing McCain-Feingold and having it signed into law—which I hope will happen—that the Supreme Court could make that ruling and then we basically go right back to the old days, where large contributions governed. That, in my judgment, would be a serious error on our part. That, in my judgment, would so undermine McCain-Feingold that we would have to be back here next year changing the law again.

I have heard colleague after colleague say we will not come back for 20 years. If the Court rules in favor of Colorado Republican Federal Campaign Committee, which most of those who have looked at the case believe they will, we will not be back here in 20 years; we may be back here in 20 months.

The amendment I have offered tries to ameliorate these conditions. In all candor, it does not eliminate them, but it does make them better. It does it very simply by saying, if a candidate should wish to go above the 441(a)(d) limit, the 2 cents per voter in his or her State, they cannot take advantage of the low-rate television time that is now offered in McCain-Feingold.

It is an incentive as many other incentives—to have candidates abide by limits. Again, could a candidate still violate those limits? Yes. They would just pay a lot more for their television advertising, which of course is the No. 1 expenditure in just about every hotly contested race.

Some have brought up the issue of constitutionality. Others have asked: Why are we legislating this at the time when we do not even know how the Court will rule? In answer to the second question, this amendment has no effect if the Court rules to keep the 441(a)(d) limits. No one can go over them and the mandatory limit will be held as constitutional. That is just fine. This amendment is designed to deal with the advent, the likely advent that the Supreme Court does rule. If we should fail to pass this amendment, which I know is subject to heated debate—the parties feel quite differently about this and I expect the vote will be very close, but if we should fail to pass it, I would say on the individual side, not on the corporate and labor side, 80 percent, 90 percent of McCain-Feingold will be undone.

It will allow a couple to give, through the party, $300,000 to a Senate candidate. It is true, of course, that the party cannot solicit them and say that we will, for sure, contractually almost, give the money to that candidate. But they can do virtually everything but. It would also allow a party to go to someone and say: Give us $100,000 over the next few years and we will give $25,000 to our four toughest races.

The whole idea of McCain-Feingold to stick to the $1,000 and the $2,000, or now the $2,000 and $4,000 limits, would be undone, again constitutionality, which seems to be the major argument against this.

In the amendment is the severability clause, and in that severability clause we say, of course, if this is thrown out, it will not affect the rest of the McCain-Feingold bill. Some say that is not necessary. But we put it in there just to deal with anyone who was not satisfied with the general language in the bill.

Second, on constitutionality, the courts have ruled repeatedly that voluntary limits may be placed on speech to further other goals.

The underlying case is Buckley v. Valeo which said that a government benefit can be conditioned on a candidate's voluntary agreement to forego other sources of funding. The $1,000 limit on Buckley v. Valeo is very simple. It has been in existence and upheld and would apply in this case.

Another case in 1979 where the Presidential limits were challenged is also applicable. It is called RNC, the Republican National Committee, versus the FEC. I believe it is a 1979 case before the Supreme Court. There again it was stated that in return for limits on campaign contributions—in this case, the Presidential limits, which every Presidential candidate until George Bush of this year abided by—the government could confer benefit, in this case money.

The only difference with what we are doing is instead of providing money to benefit, they are providing low television rates, which is in a sense money.

It is perfectly clear, and it has been repeated by the courts, that a voluntary limit on speech in exchange for another benefit that helps further that same goal is constitutional.

I know some have seen the Colorado case. If they bring it up, I will rebut it.

But I want to conclude before I yield my time by pleading with my colleagues to support this amendment. I salute all those of us who have worked on McCain-Feingold. I salute both the Senator from Arizona and the Senator from Wisconsin for their leadership, the Senator from Kentucky, and the Senator from Connecticut for conducting this debate in a fair, admirable, and open fashion, and all the others who have worked on this issue.

Everyone sort of had a vested interest in seeing that this amendment passes. I would like to see it pass. But it would be a shame if we pass the amendment only to see it undone in large part 3 months from now. It would increase the cynicism of the public. It would increase for thousands of us who believe in reform the view that nothing could be done, and it would make it harder to continue reform. It would be close to a tragedy.

After all the work done by so many, if the 441(a)(d) limits were lifted and hard money could cascade into candidacies just the way soft money does now, we would be making a major mistake.

I urge my colleagues to support this amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, last week Senator SCHUMER stated that the Supreme Court's decision in FEC v. Colorado Republican Federal Campaign Committee could deluge the system with unlimited amounts of money raised in enormous amounts through the national parties for specified campaigns.

This statement was false.

As Senator SCHUMER recognized, the Colorado case is about coordinated party expenditures by the national committees on behalf of House and Senate candidates.

The FECA has a formula to calculate these limits based on the size of the state which ranged from $135,000 in Montana to $3,200,000 in California in 2000.

Senator SCHUMER's attempt to portray these expenditures as soft dollar contributions is false. Coordinated party expenditure always have been, and always will be 100 percent hard money.

The hard money limits to the national committees which were set in 1974 are $20,000 per year for an individual and $15,000 per year from a PAC.

The coordinated party limits at issue in the Colorado case are the last vestige of spending limits in FECA.

In 1976 the Supreme Court in Buckley struck down expenditure limits on candidates and their committees and limits on independent expenditures.

In 1996 the Supreme Court in Colorado I ruled that party committee's can make independent expenditures, in addition to coordinated expenditures. (See sec. 213 of S. 27) The Court remanded the question of the coordinated limits back to the district court which became the Colorado case pending before the court today.

If the Supreme Court strikes down the coordinated party limits in the Colorado case, the only impact is that national parties will be able to spend unlimited amounts on behalf of their candidates.

However, these expenditures must still be all hard dollars, raised under the limits of FECA.

As for concern that striking these limits will lead to enormous amounts of party money going into the system, I would point out that in the 2000 cycle, Republican parties spent $28,000,000 on all coordinated expenditures and Democratic parties spent $20,000,000. This is the total for all races—Presidential, Senatorial and Congressional—470 races nation-wide.

Senator SCHUMER also presented a scenario where national parties are a mere pass-through for candidates.

This is false for soft dollars.

For hard dollars it is called earmarking.

Current law permits donors to earmark contributions through national party committees directly to be used on a specific candidate's behalf. However, it is subject to the $1,000 contribution limit.

For example, if a donor gives $1,000 to the RNC and directs it to a specific candidate, the $1,000 is a contribution to the candidate.

However, if a donor gives $20,000 to the DSCC and directs it to be spent on behalf of a specific candidate, it is a $20,000 contribution to that candidate—a violation of the contribution limits under FECA.

This has been tried before and squarely rejected.

In 1995 the DSCC paid the largest civil fine ever by a national committee for engaging in this type of activity.

In that case the DSCC and democratic Senate candidates were raising large amounts of money into the DSCC to be "tallied" for use on that candidate's behalf. These contributions were earmarks and exceeded the contribution limits to candidates.

The DSCC was fined $75,000, forced to end that tally program and was and is required to include specific language on all solicitations clarifying that money raised into the DSCC is spent "as the Committee determines within its sole discretion."

To be clear, coordinated expenditures are made with all hard dollars given to the party committees and cannot be restricted for use on specific candidates.

So there is simply no legal way to circumvent that law. The constitutional problem with the Schumer amendment is that if the Supreme Court strikes down the coordinated limit as unconstitutional, then the Schumer provision will require parties to continue to abide by an unconstitutional limit in order to get the lowest unit rate.

This is a classic unconstitutional condition and would make the whole bill further subject to problems in Court.

I hope the Schumer amendment will not be approved.

It is my understanding that there is a desire on both sides to have a quick vote. Is that correct?

Mr. DODD. Yes. If I may, Mr. President, let me respond to my colleague from Kentucky by saying that this amendment has been debated and discussed. The Senator from New York has, I know, at on least three different occasions explained this amendment and the value of it.

I think we have had a pretty good debate. I recommend to my friend and colleague from Kentucky that we have a vote on or in relationship to the Schumer amendment at 5:20.

I believe there is a meeting for some of our colleagues at the White House at around 5:30. My hope would be we might have this vote before that meeting occurred. That would give those who would like to be heard on this amendment some time to come to the floor and to express their views on this.

Mr. MCCONNELL. I say to my colleague from Connecticut, it would be helpful if it were even a little bit earlier, at 5:10 or 5:15.

Mr. DODD. We can do that. I will try to accommodate you on that. The message has gone out. Why don't I take a few minutes myself. Certainly my colleague from New York should have 5 minutes or so to respond to some of the arguments made.

Let me say in relation to this amendment, the Senator from New York, as he has done characteristically throughout his public career—certainly as long as I have known him as a Member of the other body and as a new Member of this body—has literally discovered, in a sense, what could be the new soft money loophole if we do not deal with this.

I say to my colleagues, for those who care about McCain-Feingold, care about what we are trying to do on soft money, as almost every legal expert in the country who is knowledgeable about campaign finance laws has predicted will be the Supreme Court decision in the Colorado case II. The section 441(a)(d) coordinated expenditure limits will be held unconstitutional by a majority of the Supreme Court in the Colorado II case. The practical results is that when spending limits on the national parties are removed from the hard dollar cap, then the parties can contribute to Federal candidates, directly or indirectly, with unlimited sums of money. If I have misspoken here, my colleague from New York will correct me. I believe this summarizes the sum and substance we believe is about to happen. If, of course, the Supreme Court goes the other way and rule the section 441(a)(d) limits constitutional, then this amendment has no effect. But if the coordinated spending limits are overturned, as the Senator from New York has predicted, and as others have suggested, we will not be obligated to return to this subject matter. Knowing how painful it is to spend as many days as we have already talking about campaign finance issues, it could well be another 25 years before we would come back to this subject matter.

In the meantime, we could have a Supreme Court decision that would blow open the doors for hard money, or the new soft money loophole, having spent all these days working to shut down the existing soft money loophole and limiting the hard dollar contributions in order to slow down the money chase.

Let me quickly add, again, I voted for the Thompson modified amendment. I did so reluctantly. I disagree with the notion that we had to increase these hard dollar limits of individual contributors by as much as the Thompson modification allowed.

Now to reject the Schumer amendment, and by doing so allow unlimited hard dollar contributions would fly right in the face of everything a majority of us have spent the last 10 days working to accomplish. We have improved, in my view, the McCain-Feingold bill. It is a better bill in many ways than it was when it came to the floor a week and a half ago.

If we now reject this amendment, in light of what is clearly going to happen in the court, we will undo much of what we have done, not only over this past week and a half, but what Senator MCCAIN and Senator FEINGOLD have achieved, along with those of us who have sponsored or cosponsored their efforts over the past several years.

So I urge my colleagues to take a close look at this. Try to understand what the Senator from New York is saying here. He is saying if, in fact, the coordinated party expenditure limits are ruled unconstitutional, then we need to provide a voluntary mechanism for how such limitations may be dealt with. He does it in a way that tracks the two Supreme Court decisions in the Colorado Republican cases and on first amendment issues very successfully. Having read these decisions carefully, he has now crafted a proposal that is directly in sync with these decisions, including the projected decision in Colorado II, where nexus has to occur between the activities and there is no mandatory requirement attached.

While I am not an expert in this area of the constitution, but based on what I have read, if you meet the two criteria I suggested, then your proposal can pass constitutional muster. I think it is our collective judgment to move forward in this area.

Last week we passed an amendment that would prohibit millionaires from running against us incumbents. We allowed the hard dollar contributions to immediately go up if someone out there challenges us. If the challenger suggests he or she might spend half a million dollars of their own money against us, then the trigger threshold comes into play. I voted against it because I thought it was a ludicrous amendment. But, if you felt comfortable that amendment was adopted and you are protected from the personal wealth of challengers, then don't start breathing a sigh of relief now. The millionaire amendment is here. I would pause before I would enjoy the sense of security. If this amendment is rejected, then you could face million-dollar contributions going to your opponent if, in fact, the Supreme Court does what many think it will do, and strike down the spending limits.

So, again, whether you are a proponent or opponent of McCain-Feingold, I think you ought to support this amendment. None of us here—nor any challenger—should face the possibility of watching almost unlimited contributions come through national or State parties to fund these races without any restrictions at all. Particularly after a majority of us—a significant majority of us—believe there should be some limitations, some slowing down of a process here the amount of money is getting out of hand.

With that, Mr. President, I see my colleague from Michigan who has been eloquent on this subject matter and understands it almost as well as the Senator from New York and certainly far more than the Senator from Connecticut. So I would be happy to yield to him 2 or 3 minutes to correct any mistakes I may have made in describing what this amendment does and how it works.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my good friend from Connecticut. I wish I could come close to him in terms of knowledge of this subject, or my friend from New York.

I just want to very briefly say one thing. We have been guided so far, a majority of us, by a principle; and that principle is, there should be limits. That is what this debate is all about. We have limits on individual contributions. We have now decided what those limits would be. We have limits on PAC contributions, limits to PACs, limits to State and party committees, limits on national party committees, and aggregate limits.

What this debate is about is restoring limits to campaign contributions. Without McCain-Feingold, or a variant thereof, we have the status quo: Unlimited contributions to campaigns. Despite the fact that our law—our law—says there should be limits, there has been a loophole created which has destroyed that law—destroyed the limits—and we have seen the result.

There is one potential loophole left. That is the loophole which the Senator from New York and the Senator from Connecticut have identified. That loophole is, assuming the Supreme Court finds as many think is likely they will find, the amount of money which could be contributed to a candidate by a political party would be unlimited. Without this kind of an effort to set some kind of limit on those contributions, it seems to me we would be violating the very principle that has guided the majority of us in this debate so far.

So I hope we will not give up on that principle. I hope we will be guided by that principle—the principle of the restoration of limits, the preservation of limits, the protection of some limits—because the unlimited amounts of money which have come into these campaigns, it seems to me, have degraded the process, and degraded all of us in the process.

So I commend our good friend from New York for identifying this problem. I hope this will be a bipartisan vote of support, to basically do what the law already intends to do, to set limits on the contributions of parties to candidates. That is in the current law. There is a formula that we are simply trying to protect in the event that the Supreme Court says that process does not pass constitutional muster.

We knew 25 years ago—and we know now—that limits are important, that unlimited, excessive contributions can create a problem in terms of public confidence. This is the one area left which is critical to the principle in McCain-Feingold.

I hope that the amendment of the Senator from New York is adopted, and that it is adopted with a bipartisan vote, because it is so key to this bill accomplishing what it set out to do: Restoration, preservation, protection, of some limits on contributions.

I thank the Chair.

Mr. DODD. Does my colleague from Kentucky wish to be heard?

Mr. McCONNELL. I tell my friend from Connecticut, I think we are ready to vote.

Mr. DODD. I think the Senator from New York wants 2 minutes to wrap up before the vote.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Connecticut for his leadership and his cogent explanation. With my lack of articulateness, it has taken a few days for me to convince the Chamber that this issue is important, and within 5 minutes the Senator from Connecticut and the Senator from Michigan have summed it up well.

We are here now because we realize how important this issue is. It was said exactly right, in answer to the Senator from Kentucky; some things that are unconstitutional when mandatory are perfectly constitutional when voluntary. This is the case now.

I find it interesting that my friend from Kentucky is talking about the unconstitutionality of this provision when yesterday he voted for one and said: I knew it was unconstitutional, but it will help bring the bill down. Maybe he wants to do the same on this amendment.

Mr. McCONNELL. If the Senator will yield.

Mr. SCHUMER. I am happy to yield.

Mr. McCONNELL. I will change my position, if he keeps talking.

Mr. SCHUMER. I want him to change his position. I want to reiterate to my colleagues, this is a crucial amendment. If we don't pass it, we will come back 6 months from now and say, why didn't we do it, because all the work on McCain-Feingold, much of the work on McCain-Feingold—not all of it but certainly much of it—will be undone.

As my friend from Michigan said, limits are the theme of this bill. To say that we want to limit soft money but put no limits on hard money makes no sense. They are both greenbacks. Too much of one and too much of the other is not a good thing in our political financing system. That is all our amendment seeks to undo. It is reasonable. It is completely within the theme of McCain-Feingold.

I fear that if it is not passed, we will have trouble passing the bill as a whole, and, worse than that, we will have undone a good portion of what we tried to do with McCain-Feingold.

Mr. DODD. Mr. President, the proponents of the amendment are prepared to yield back the remainder of our time.

Mr. McCONNELL. Mr. President, I yield back such time as may remain on this side.

Mr. DODD. Mr. President, I ask for the yeas and nays on the Schumer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Schumer amendment No. 153. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—48

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amemdment (No. 153) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 152

Mr. DODD. What is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Ohio, Mr. DEWINE.

Mr. DODD. On our side, I know the opponents have a request for about 20 minutes. I don't know if the Senator from Ohio is prepared to accept a time agreement so we know when the next amendment might occur.

Mr. DEWINE. I am not prepared to enter into a time agreement. I will tell my colleague that I don't anticipate it will be very long. We have a couple of speakers and we will be done. I don't want to enter into a time agreement, but I think the projection we see of votes at 6:30, I certainly think we will make that.

Mr. MCCONNELL. Mr. President, for the information of our colleagues, on this side of the aisle, I am aware of about eight amendments, some of which I hope will disappear. I hope by announcing this I do not encourage the proliferation of more. Also, it is my understanding that a discussion is underway to water down or mitigate the coordination language in the underlying bill at the request of organized labor. I assume we will see that amendment at some point during the process. I don't know whether Senator DODD has any idea how many amendments may be left on his side.

Mr. DODD. Mr. President, in response to my friends and colleague from Kentucky, I have 21 amendments. Now, we all have been down this road in the past. How many of those will actually be offered—I know around 12 at this juncture. I have asked the authors of these amendments how serious they are, and I would say around 12 or 13 feel very adamant. They may not need much time. We don't necessarily need 3 hours as the bill requires or allows.

We are constantly working, trying to see if we can't get this number down. We have a list. We are prepared to go with several amendments. I have Senator BINGAMAN with amendments ready; Senator DURBIN has amendments ready; Senator HARKIN has amendments ready. We are prepared to move along based on the schedule the leadership wants to endorse.

Mr. MCCONNELL. It is my understanding the desire of the leadership is to finish up the debate on the DeWine amendment tonight. I understand the Senator from Ohio is not interested in a time agreement at this point but to have the vote in the morning.

In the meantime, I say to my colleague from Connecticut and others, with regard to any amendment that might be offered to reduce the opposition of the AFL-CIO to the bill by massaging the coordination language, we would like to see that when it is ready. That is the amendment I have been predicting for a week and a half, that there would be at some point an effort to water down the coordination language in the underlying McCain-Feingold bill in order to placate the AFL-CIO. We are anxious to see that language. I am sure it will pass, once offered, but we are anxious to take a look and make sure all Members of the Senate are aware of the substance of it.

It looks as though I may have fewer amendments to deal with than Senator DODD. I suspect the sooner we shut up, the Senator from Ohio can continue his discussion of his amendment.

Mr. DODD. I am for that.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I have used about 30 minutes of my time and I think at this point I yield the opponents some of their time.

For the information of Members of the Senate, we have one or two speakers who will not speak very long, and we will be prepared to vote.

Mr. DODD. Mr. President, I yield 6 or 7 minutes to my colleague from Vermont in opposition to the DeWine amendment.

Mr. JEFFORDS. Mr. President, I rise today to once again discuss the Snowe-Jeffords provisions in the Bipartisan Campaign Reform Act. My focus today will be rassuring you that the Snowe-Jeffords provisions are constitutional.

We took great care in crafting our language to avoid violating the important prrinciples in the first amendment of our Constitution. In reviewing the cases, limiting corporate and union spending and requiring disclosure have been areas that the Supreme Court has been most tolerant of regulation.

Since 1907, federal law has banned corporations from engaging in electioneering. In 1947, that ban was extended to prohibit unions from electioneering as well. The Supreme Court has upheld these restrictions in order to avoid the corrupting influences on federal elections resulting from the use of money by those who exercise control over a large amount of capital. By treating both corporations and unions similarly we extend current regulation cautiously and fairly.

We also worked to make our requirements sufficiently clear and narrow to overcome unconstitutional claims of vagueness and overbreadth. This required us to review the seminal cases in this area, including Buckley v. Valeo. I have heard some of my colleagues argue that Buckley clearly shows that the Snowe-Jeffords provisions are unconstitutional. I must disagree most strongly with that reading.

In fact, the language of the case should—must be read to show that the Snowe-Jeffords provisions are constitutional. In Buckley the court limited spending that was "for the purpose of influencing an election." As I noted in my speech last Friday, 80 percent of the voters, an overwhelming majority, see these sham issue ads as trying to influence their vote and the outcome of the election.

Buckley also allowed disclosure of all spending, "in connection with an election." As I discussed last Friday, 96 percent of the public sees these ads as connected with an election. In addition, the chart my colleague Senator SNOWE presented on the Senate floor last Monday clearly demonstrates that these ads are run in lock step with the candidate's own ads. This makes sense this clearly proves that these sham issue ads are well connected with the election.

A final point concerning the Buckley decision. The Supreme Court was concerned about both deterring corruption and the appearance of corruption, plus ensuring that the voters were properly informed. The Snowe-Jeffords provision satisfies the Court's concerns. We deter the appearance of corruption by shining sunlight on the undisclosed expenditures for sham issue advertisements. Corruption will be deterred when the public and the media are able to see clearly who is trying to influence the election. In addition our provisions will inform the voting public of who is sponsoring and paying for an electioneering communication. Unlike what our opponents may say, the Supreme Court using the standards articulated in the Buckley decision would uphold the Snowe-Jeffords provision as constitutional.

Our opponents also point to the Supreme Court decision in Massachusetts Citizens For Life as demonstrating that the Snowe-Jeffords provisions are unconstitutional. I would agree with my opponents that the MCFL decision seems to reaffirm the express advocacy test articulated in Buckley, but I would argue in upholding this test that the Court actually made it even more likely that the Snowe-Jeffords provisions would be upheld as constitutional. The MCFL decision broadens the standard articulated in Buckley by analyzing the context of a communication and divining its "essential nature." As the results from the BYU Center for the Study of Elections and Democracy study I discussed earlier show, the esential nature of these sham issue-ads is to influence the outcome of an election. Presented with all of the facts provided by myself and Senator SNOWE, the Supreme Court would be consistent only in finding our provisions constitutional under the standards laid out in Buckley and MCFL. So rather than strengthening their case, the MCFL decision shows that the Court is willing to examine the issue closely and look beyond a strict interpretation of the magic words test that some have said the Buckley decision created.

A final court decision my opponents point to as supporting their position that the Snowe-Jeffords provisions are unconstitutional is the recent Vermont Right to Life decision in the second circuit. I must first point out that as a circuit court opinion it is not the law of the land. That can only come from the decisions of the Supreme Court, on which the provisions of the Snowe-Jeffords provisions are built.

Additionally, the facts that faced the second circuit in the Vermont Right to Life case are clearly distinguishable from the Snowe-Jeffords provisions. Unlike the Vermont statute that was vague and overbroad, our provisions are narrowly tailored to avoid overbreadth, and create clear standards about what is allowed or required by our provisions, thus avoiding the vagueness in the Vermont statute. In addition, the court focused much of its discussion in declaring the Vermont statute unconstitutional on the effects of the provision on modes of communication not covered by Snowe-Jeffords. As the Snowe-Jeffords provisions do not cover these types of communication, our language is distinguishable from the facts faced by the second circuit. So, don't be fooled when the opponents of our provision say that the Vermont Right to Life case clearly shows that the Snowe-Jeffords provisions are unconstitutional. They are comparing apples with oranges, and such a conclusion in inappropriate.

In conclusion, James Madison once said,

> A popular government without popular information is but a prologue to a tragedy or a farce or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

The Snowe-Jeffords provisions will give the voters the knowledge they need. I ask for my colleagues continued support in this vital effort to restore faith in our campaign finance laws.

It is time to restore the public's confidence in our political system.

It is time to increase disclosure requirements and ban soft money.

It is time to pass the McCain-Feingold campaign finance reform bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, my colleague from the State of Maine wishes 10 minutes. I am happy to yield 10 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I thank the Senator from Connecticut for yielding me some time to address some of the issues that have been raised by the amendment and the motion to strike by our colleague from Ohio, Senator DEWINE.

I urge this body to oppose that motion to strike the provisions known as the Snowe-Jeffords provision. A vote to strike these provisions is essentially a vote against comprehensive reform. A vote against this provision is a vote against balanced reform. A vote against this provision is a statement that we are only willing to tackle part—albeit a vital part—of the problem that is confronting the political system of today.

The other part of the problem that we seek to address through these provisions is the glut of advertisements in elections—close to election time, close to election day—that seek to influence the outcome of Federal elections. So there is no disclosure. We have no disclosure. We do not know who is behind those advertisements. Yet they are very definitively influencing the outcome of Federal elections.

To illustrate the amount of advertising, you only have to look at what has happened since 1995–1999, when $135 million to $150 million was spent on these types of commercials. Now in the election of 2000, over $500 million was spent.

Is everybody saying it does not matter? That we should not know who is behind these types of commercials that are run 60 days before the election, 30 days before a primary, whose donors contribute more than $1,000? Are we saying it does not matter to the election process? Are we saying we do not care?

I know the Senator from Ohio is saying these provisions are unconstitutional. I would like to make sure my colleagues understand that this provision was not developed in a vacuum. It was developed with more than 70 constitutional experts, along with Norm Ornstein, a reputable scholar associated with the American Enterprise Institute. They looked at the constitutional and judicial implications of the Buckley v. Valeo decision back in 1976. They crafted this type of approach, which carefully and deliberately avoids the constitutional questions that my colleague, the Senator from Ohio, suggests may be raised.

First of all, we designed a provision to address the concerns that were raised in the 1976 Buckley decision about overbroad, vague types of restrictions on the first amendment. So what we said was that we have a right to know who is running these ads 60 days before a general election when the group has spent more than $10,000 in a year and whose donors have contributed more than $1,000 to finance these election ads—over $550 million of which were run in the election of 2000, more than three times the amount that was spent in the election of 1996.

We also went on to say that unions and corporations would be banned from using their treasury money financing these ads when they mention a candidate 60 days before a general election or 30 days before a primary. Again, there is a basis in law extending back to 1907, when we had the Tillman Act passed by Congress that banned the participation of corporations in elections and, in 1947, the Taft-Hartley Act that prohibited unions from participating directly in Federal elections. This amendment and provision is building upon those decisions that were made by Congress that have been upheld by the Court. In fact, the most recent decision of 1990, Austin v. Chamber of Commerce, is again upholding those decisions in the prohibition of the use of corporations participating in Federal elections.

That is what we have done. That is what we sought to do when designing this amendment.

Are we saying these ads do not make a difference? We have seen and examined a number of studies over the last few years that talk about the influence of these ads on elections. What have we determined? No. 1, and I guess it is not going to come as a surprise to this audience which has participated in election after election and have seen these ads, but more than 95 percent of the ads that are run in the last 2 months, the last 60 days of the election, mention a candidate; 94 percent of those ads are seen as attempting to influence the outcome of an election. They mention a candidate's name. Virtually all the ads that are run in the last 60 days mention a candidate's name. Don't we have the right to know who is running those ads, who is supporting those ads, who is financing those ads? Yes. The Supreme Court has said it is permissible for Congress to have this requirement. It is in our interest. We have the right. It is not just the right to free speech. It is similar to other restrictions that have been incorporated in Federal election laws.

Ninety-five percent of the ads that are run for the final 2 months of an election mention a candidate. The worst thing when organizations run these types of ads is that they mention a candidate by name 60 days before an election. We have the right to know who the $1,000 donors are.

We are also saying that unions and corporations would be banned from running those types of ads using their treasury money when they are mentioning a Federal candidate the last 60 days because of preexisting law that has stood for almost a century and has been upheld by the Federal court.

The next chart shows that, again, 94 percent have spots during the 2 months before the election making a case for a candidate.

Again, we are entitled to know who is behind those types of advertisements. We have the right to know. The public has the right to know because they are playing a key role.

We had a number of studies that examined the impact of these ads.

First of all, it wouldn't come as a surprise to this audience once again that 84 percent of the ads that were aired in the last 2 months of a Federal election were attack ads. They were negative. And they mentioned a candidate's name.

Again, we are saying we have the right to know. The Supreme Court will uphold our right to know and the public's right to know. This is sunlight; it is not censorship.

In this next chart, only 1 percent of the ads were true issue advocacy ads.

In the final 2 months of an election, 99 percent identified a candidate by name. They were attack ads. Only 1 percent would be construed as being legitimate issue advocacy ads.

For example, on an ad that would say, "Call your Senator on an issue that is before Congress," they would still have that right. If they identified a candidate by name, however, they would be required to disclose.

On this chart we see the relationship between TV ads and the congressional agenda.

We are trying to make distinctions between true issue advocacy ads and election ads. That is what this Snowe-Jeffords provision does. It is carefully crafted to make sure we have a narrow provision identifying the time period of 60 days and 30 days. We ban only union and corporation money. So the entities know which provisions affect them in the election.

Then we also require disclosure of those donors who contribute more than $1,000 to organizations that run ads that mention a candidate in the 60-day window.

Again, groups or individuals will know exactly what is permissible and what is not and whether or not they would be running afoul of the law. That is what the Supreme Court said—that it not result in an overly broad or vague provision to ultimately have a chilling effect on the constitutional right of freedom of speech. That is why this provision was so narrowly and carefully drawn, with constitutional experts examining each and every provision.

Look at the relationship between TV ads and congressional agenda. In the last 60 days we do a lot here in Congress before an election. So you are going to affect organizations' abilities to talk about those issues in their ads. Guess what. All the ads, virtually speaking, run by these organizations that mention or identify a candidate in that 60-day window parallel the ads that are run by the candidates themselves.

In the lower line at the bottom, which is the line that reflects the issues being debated in Congress, you can see that there is virtually no parallel between what we are discussing in Congress and the ads that are being run by organizations in that 60-day window. They parallel the ads with a candidate's ad, which again reflects one thing—that these ads are designed to influence the outcome of an election.

There was a study of just 735 media markets in this last election. Guess what. One hundred million dollars was spent in the last 2 weeks of the election on advertisements that identified a Federal candidate by name in that 60-day period—in fact, in that 2-week period.

I think the public deserves the right to know who is financing those ads and who is attempting to affect the outcome of an election given the amount of money that has been invested in these types of commercials. As I said, it was three times the amount in the last election compared to the 1996 election. They are ultimately engulfing the political process. In some cases, these organizations, whether they exist in the State in which they are running these ads or not, are having a greater impact than the ads the candidates run themselves.

It may come as a surprise to you that in the focus group that examined the Snowe-Jeffords provision and looked at the ads that were run in that 60-day period—guess what—they didn't even see the candidate's ads being the ones that influenced the outcome of a Federal election. They saw these so-called sham ads as the ones that influenced the outcome of a Federal election.

I think we need to take this step. It is a limited step; it is not a far-reaching step.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Ms. SNOWE. May I have an additional 2 minutes?

Mr. LOTT. Mr. President, if the Senator will yield, we have a consent request with regard to how to proceed for the rest of the night and tomorrow.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I ask unanimous consent that time on the DeWine amendment be used during tonight's session and, following that time, the Senate proceed to morning business. I further ask unanimous consent that the Senate resume consideration of the bill at 9:30 a.m. and there be 15 minutes for closing remarks on the amendment, to be equally divided, and the Senate then proceed to a vote in relation to the DeWine amendment. I further ask unanimous consent that following that vote the Senate proceed to the Harkin amendment for 2 hours equally divided in the usual form, and following that time the Senate proceed to vote on or in relation to the Harkin amendment.

Let me note that I didn't get a chance to clear this with Senator REID. But I understand Senator WARNER has an amendment he wants to offer.

Mr. WARNER. Mr. President, I thank the distinguished leader. I should like to offer it, and I shall withdraw it. I will require no more than 10 minutes of time at the most convenient point this evening before we complete our work on this bill.

Mr. LOTT. I modify the request to say, as I have already read it, except that after the DeWine amendment the time be used tonight and then go to the Warner amendment at that point. Following that, we would go to morning business.

Mr. REID. Mr. President, reserving the right to object—I will not—I hope leadership will recognize the great work done today on this bill. I don't know how great it has been, but certainly it has been a lot of work. Senators DODD and MCCONNELL have done an outstanding job moving this matter along. It has been very tedious today. I would like for the leader and Senator DASCHLE to recognize what good work they have done.

Mr. LOTT. Mr. President, I certainly agree with that. These two managers of this bill have worked together very closely—Senators McCONNELL and DODD. Their job has been particularly difficult this time because they are trying to accommodate everyone on all sides of this issue on both sides of the aisle and are trying to also accommodate the wishes of the two leaders on both sides as well as the principal sponsors of this bill. They have worked hard to make good progress. Without commenting on the work product result, I think they certainly deserve a lot of credit for their yeomen efforts to try to keep it calm and moving forward.

Mr. REID. Senator WARNER will withdraw his amendment tonight?

Mr. LOTT. He will.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of this agreement; there will be no further votes tonight. The next vote will occur at approximately 9:45 a.m. Thursday. Also, the managers intend to complete this bill by the close of business tomorrow, so that is going to mean a lot more work. There are a number of amendments that are still pending. But if Senators expect to complete our work tomorrow, we are going to have to put our nose to the grindstone and just make it happen. So we should expect numerous votes tomorrow. And we would hope to finish at a reasonable hour early in the evening or late in the afternoon.

I yield the floor.

Mr. McCAIN. Could I be yielded about 4 minutes to speak on the amendment?

Mr. LOTT. Mr. President, I believe Senator SNOWE had gotten consent for 2 additional minutes.

The PRESIDING OFFICER. Does the Senator from Maine ask for additional time? The consent was not given because of the interruption of the majority leader.

Mr. LOTT. I do not believe there would be any objection.

Ms. SNOWE. The time is controlled by whom?

The PRESIDING OFFICER. The time is controlled by the Senator from Ohio and the Senator from Nevada.

Mr. REID. The Senator from Maine is given 3 minutes.

Ms. SNOWE. I will yield to the Senator from Arizona. He needs 4 minutes. Can we have 10 minutes?

Mr. REID. Following the Senator from Maine, the Senator from Arizona is yielded 5 minutes.

Mr. McCAIN. Could we have a total of 10 minutes?

Mr. REID. Yes.

Ms. SNOWE. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Nevada. Again, I thank Senator McCONNELL for the level and tenor of this debate. I understand his concerns about one additional amendment we will have tomorrow concerning coordination, and I have given him the language. We want to work with him on that particular amendment.

I also know a lot of time and attention is going to be devoted to the issue of severability. I thank the Senator from Maine for a very important presentation. I find myself between two of my dearest friends on this amendment. I, obviously, am strongly in favor of the Snowe-Jeffords amendment which the Senator from Maine and the Senator from Vermont have worked on for literally years together. This Snowe-Jeffords amendment, unlike some of the business we do around here, was not hastily thrown together. It was crafted after careful consultation with constitutional experts all over America. It clearly addresses a growing problem in American politics.

I believe that the Snowe-Jeffords amendment, if removed, would open up another huge channel for the use of soft money into so-called independent campaigns.

I also listened with great attention to my friend from Ohio, Senator DEWINE. I understand his concerns, and I appreciate them. He makes a very strong case. But I would like to say why we think Snowe-Jeffords is constitutional and why we are convinced of it.

First, it avoids the vagueness problem outlined in Buckley by instituting a bright-line test for what constitutes express advocacy versus issue advocacy. People will know if their ads are covered by this statute. They will know whether it is covered by Snowe-Jeffords.

Second, the main constitutional problem with bright-line tests is that they eliminate vagueness at a cost of overbreadth—a situation in which constitutionally protected speech such as issue advocacy is unintentionally swept in by the statute. Specifically, the Supreme Court is concerned whether there is "substantial overbreadth" as far as the statute is concerned.

Snowe-Jeffords minimizes the overbreadth concern. It only covers broadcast ads run immediately before an election that mention a specific Federal candidate. Studies show that only a minuscule number of these types of ads in this time period are strictly issue ads. Anyone who observed the last couple campaigns would attest to that.

Besides, we all know that Buckley's "magic words" are not necessary to make a campaign ad. In fact, a Brennan Center for Justice analysis of the last congressional election showed that only 1 percent of candidates' own campaign advertising used express advocacy language—in other words, magic words—to promote the candidate.

In sum, Buckley left the door open for Congress to define express advocacy. That is what Snowe-Jeffords seeks to do, in keeping with the Supreme Court's concern about protecting free speech guaranteed by the first amendment. In addition, we can demonstrate that the Court's definition of "express advocacy"—magic words—has no real bearing in today's world of campaign ads.

You never see an ad anymore that says "vote for" or "vote against." You see plenty of them that say: Call that scoundrel, that no-good Representative of yours or Senator of yours, who is guilty of every crime known to man. Call him. Tell your Senator that you want thus and such and thus and such.

We have seen it all develop to a fine art. I believe Snowe-Jeffords is a very vital part of this bill. If it were removed, it would have a very significantly damaging effect on our desire to try to enact real and meaningful campaign finance reform.

I thank my friend from Ohio for his impassioned advocacy of the other side. I believe this is really what this debate has been all about: What we have just seen between Senator DEWINE and Senator SNOWE, an open and honest and informed ventilation of a very important issue to the American people. I am very proud of the performance of both because I think the American people have learned a lot from this debate, especially on this very important amendment.

Mr. President, I yield back the remainder of my time.

Ms. SNOWE. Mr. President, I thank Senator McCAIN for his words regarding these provisions and for underscoring the importance and the significance and the meaning of the Snowe-Jeffords provision as outlined in the McCain-Feingold legislation.

The preponderance of these ads in the political process has to be disturbing to each and every one of us, not to mention the American people. That is what it is all about and what we need to address.

How can we say we are going to allow these so-called sham ads to go unchecked? How are we going to say to the American people that somehow they or we do not have a right to know who is financing these ads?

As Senator McCAIN indicated, even candidates now, who already come under the Federal election laws, do not use the magic words "vote for" or "against" because what has become most effective is not using those magic words to get the point across. That is why all of these organizations have taken to running ads because they know what is more effective and more influential.

In every focus group and study group that has been conducted over the last few months, to take the Snowe-Jeffords provisions and use them in a focus group, to see what the response was of the individuals included in that group—guess what—they were most influenced by those organizational ads that mention a candidate by name but do not use those magic words. The Supreme Court said there isn't one single permissible route to getting where we are going in terms of restrictions and changes in election laws. And the fact is, since 1976, Congress has not passed a law concerning campaign financing, has not sent any law to the Court because we have not passed anything in the last quarter of a century. So it has no guidepost. But the Court was addressing in 1976 what was happening in 1976. We well know what has changed and transpired in over a quarter century. We have seen the kind of development and evolution of these ads that has taken a very disturbing trend and change in the election process.

I hope we defeat the motion to strike by my colleague, the Senator from Ohio, because truly we are getting at a very serious problem that has characterized the political process in a way that does not engender confidence in the American people.

These ads are intended to affect an election. They are overwhelmingly negative. Ninety-nine percent mention a candidate in that 60-day window. Are we saying that we should allow them to go unchecked? I say no.

I know the Supreme Court will uphold this provision because in analyzing every decision since and in analyzing what the Court had said even previously, this is not treading on the constitutional rights of those who are willing to express themselves.

This is a monstrosity that has evolved in terms of the so-called sham ads that are having a true impact on our election process in a way that I do not think the Supreme Court could foresee back in 1976, and we, as candidates, could not possibly envision. I ran for Congress in 1978. No one heard of these ads. Independent expenditures were even rare at that moment in time. What has happened in the election process has taken place in the last few years. Those expenditures have tripled in these types of advertisements that are having a true impact on elections.

That is what we are talking about. I have a chart that shows the degree to which the ads were intended to influence your vote. The candidates' ads are less influential than these ads to which we are referring in the Snowe-Jeffords amendment. They have more influence in the overall election than the candidates' ads.

We do have a right to know. We are talking about disclosure. The Supreme Court will uphold that view that, yes, the public does have a right to know. These provisions are not chilling first amendment rights. People will have very defined guidance under these provisions that would inform any group, any individual who has an intention of running these types of advertisements.

Norman Ornstein, who was instrumental in developing this provision, along with numerous constitutional experts, spoke in a column recently. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Congress Inside Out]

LIMITS ON SO-CALLED "ISSUE ADVOCACY" WILL PASS CONSTITUTIONAL TEST

(By Norman J. Ornstein)

Is McCain-Feingold unconstitutional? When campaign finance reform is debated in the Senate this week, the answer to this question will be a key one. There will no doubt be questions raised about banning soft money, but despite the bleating of reform opponents, that proposal seems to be on sound constitutional footing. Soft money, after all, was neither a natural development nor a court-generated phenomenon; rather it was created in 1978 by a bureaucratic decision of the Federal Election Commission. If a regulatory commission could invent soft money, Congress can uninvent it.

More problematic is the campaign reform measure's provision on so-called issue advocacy, an amendment known as Snowe-Jeffords. Would it pass Supreme Court muster? No doubt some Senators opposed to reform will offer elaborate smoke screens to scare their colleagues. But there is legitimate concern about the constitutionality of the proposal, even among many sympathetic to it.

Changes in the rules surrounding anything close to issue advocacy, as opposed to express advocacy to elect or defeat candidates, are delicate and tricky. This area is at the heart of the First Amendment and cannot be reformed lightly. Still, when Senators take a careful look at Snowe-Jeffords and the reasoning behind it, their concerns should be assuaged. There is every reason to believe that this measure will withstand constitutional scrutiny.

The challenge here starts with the language of the landmark 1976 Supreme Court decision Buckley v. Valeo that accepted parts of a 1974 Congressional act reforming the campaign finance system and rejected others, and continues to govern our campaign finance rules. The court rejected as overly broad the 1974 Congressional decision to include in its regulatory net any communication "for the purpose of influencing" a federal election. Instead, the court drew a line between direct campaign activities, or "express advocacy," and other political speech. The former could be regulated, at least in terms of limits on contributions; the latter had greater First Amendment protection. How to define express advocacy? The High Court in a footnote gave some suggestions to fill the resulting vacuum and to define the difference between the two kinds of advocacy. Express advocacy, the justices said, would cover communications that included words such as "vote for," "vote against," "elect" or "defeat." The residual category included "issue" advocacy.

The court did not say that the only forms of express advocacy are those using the specific words above. Those were examples. However, political consultants and high-priced campaign lawyers are like the raptors in "Jurassic Park"—they regularly brush up against the electric fence of campaign regulation, trying to find dead spots or make the fence fall down entirely. In this case, they egged on parties and outside groups to behave unilaterally as if any communication that did not use these specific so-called "magic words"—no matter what else they did say—was by definition "issue advocacy" and thus was exempt from any campaign finance rules. By this logic, ads or messages without any issue content whatsoever that is clearly designed (usually by ripping the bark off a candidate) to directly influence the outcome of an election could use money raised in any amount from any source, with no disclosure required.

Ads of this sort have exploded in the past few elections, with outside groups and political parties exploiting a loophole to run campaign spots outside the rules that apply to candidates. In the past couple of election cycles, solid, substantial and comprehensive academic research, examining hundreds of thousands of election-related ads, has demonstration two things. One was that only a minuscule proportion of the ads run by candidates themselves—the sine qua non of express advocacy—actually used any of the so-called "magic words" that shaped the court's definition of express advocacy a quarter century ago. Secondly, hundreds of millions of dollars in political ads—nearly all viciously negative, personality-driven attacks on candidates without issue content—have blanketed the airwaves right before the elections, dominating and drowning out candidate communications. The parties and outside groups that have run them have declared that they fall under "issue advocacy," meaning no disclosure and no limits on contributions are required.

These sham issue ads have drastically altered the landscape of campaigns, reducing candidates to bit players in their own elections and erasing a major share of accountability for voters. But under Buckley, as interpreted by the campaign lawyers, this process has been unchallenged. Lower courts have routinely upheld the framework and most of the specifics of Buckley, leading reform opponents and many objective observers to question whether any change in the Buckley standards or framework could possibly pass constitutional muster in the Supreme Court.

That view ignores a fundamental reality. Since it spoke in 1974, Congress has been essentially silent on campaign finance reform. Buckley v. Valeo is in effect the law of the land because Congress has not superseded it by filling the vacuum in the quarter century that followed. If Congress acted, the Supreme Court would give it due deference. In a 1986 decision on campaign finance and the role of corporations (Federal Election Commission v. Massachusetts Citizens for Life), Chief Justice William Rehnquist, in a separate opinion joined by three other justices, noted, "We are obliged to leave the drawing of lines such as this to Congress if those lines were within constitutional bounds."

The lines Congress drew in 1974 were not within constitutional bounds. But other lines, different from the Congress in 1974 and the court's in Buckley, can be, especially if Congress makes clear that its views are based on both careful deliberation and strong emotional evidence.

Two years ago, I led a group of constitutional scholars in careful and systematic deliberation over the judicial and constitutional framework behind Buckley v. Valeo, the dramatic changes in campaign behavior that have occurred in the past several years, and the ways, within the Buckley framework, that the system can be brought back into equilibrium.

The result was a new approach, which was embraced by Sens. Olympia Snowe (R-Maine) and Jim Jeffords (R-Vt.) and several of their colleagues, and converted into legislation.

The Snowe-Jeffords provision defines "electioneering" as a category of communication that is designed to directly shape or change the outcome of federal elections. Unlike the 1974 overly broad Congressional definition, Snowe-Jeffords is much more specific, with a definition that includes substantial broadcast communications run close to an election and that specifically targets a candidate for office in that election. Research has shown that only a sliver of all issue ads meeting this definition in the last campaign (well under 1 percent) were by any standard genuine issue ads. If Senators are wary that even this definition is too broad, it is easily possible to refine the definition of targeting to reduce the number to perhaps 1/10th of 1 percent of the ads.

Snowe-Jeffords bans the use of union dues or corporate funds for broadcast electioneering communications within 60 days of an election and requires disclosure of large contributions designated for such ads. As recently as 1990, in Austin v. Michigan Chamber of Commerce, the Supreme Court reaffirmed the notion that corporations lack the same free-speech rights as individuals and some other groups; other decisions have made the same point about unions.

In Buckley itself, the court said that disclosure requirements are permissible if they provide citizens with the information they need to make informed election choices or help safeguard against corruption and reduce the appearance of corruption. As long as disclosure doesn't produce the chilling effect of requiring an organization to disclose all of its donors, which Snowe-Jeffords avoids, it clearly meets court guidelines. Sen. Mitch McConnel (R-Ky.) regularly refers to the court's 1958 decision NAACP v. Alabama to argue that disclosure requirements are unconstitutional. However, that is a misinterpretation of the decision, which said that a requirement of an organization to disclose all its contributors would be inappropriate. That is not at all what Snowe-Jeffords does.

Now add together the clear deference to Congress' views that Chief Justice Rehnquist has expressed, the clear evidence from impeccable academic research showing the fallacy behind the so-called "magic words" test in Buckley, and the restrained and carefully drawn language in Snowe-Jeffords defining a narrow category of ads and relying on past court decisions about disclosure and the roles of unions and corporations. These three factors make it reasonable to believe that the Supreme Court would rule that a reform that includes Snowe-Jeffords is within constitutional bounds.

Ms. SNOWE. He said:

The court rejected as overly broad the 1974 Congressional decision to include in its regulatory net any communication "for the purpose of influencing" a federal election. Instead, the court drew a line between direct campaign activities, or "express advocacy," and other political speech. The former could be regulated, at least in terms of limits on contributions; the latter had greater first amendment protection. How to define express advocacy? The High Court in a footnote gave some suggestions to fill the resulting vacuum and to define the difference between the two kinds of advocacy. Express advocacy, the justices said, would cover communications that included words such as "vote for," "vote against," "elect" or "defeat." The residual category included "issue" advocacy.

The court did not say that the only forms of express advocacy are those using the specific words above. Those were examples.

Now we hear the only way we can have these ads covered is if they use those magic words. As Norman Ornstein is saying in his column, the Court was citing examples back in the Buckley v. Valeo decision in 1976. He went on to say, the fundamental reality is that Congress had been essentially silent on campaign finance reform since it spoke in 1974.

Buckley v. Valeo is in effect law of the land because Congress has not superseded it by filling the vacuum in the quarter century that followed. If Congress acted, the Supreme Court would give its due deference.

The lines Congress drew in 1974 were not within constitutional bounds. But other lines, different from Congress' in 1974 and the court's in Buckley, can be, especially if Congress makes clear its views are based on both careful deliberation and strong empirical evidence.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE. Mr. President, I hope my colleagues will vote against the motion to strike that has been offered by our colleague from Ohio. It would remove a fundamental provision in the legislation before us. We cannot have comprehensive reform without addressing this egregious development that has occurred in the election process.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, in a moment I will yield to the chairman of the Judiciary Committee, Senator HATCH. I do want to briefly respond to the comments of my friend from Maine, my friend from Vermont, and my friend from Arizona. I appreciate very much their comments.

One thing they did not mention and that is important for us to remember, as we look at this amendment and as we look at how the bill is currently written, is that Snowe-Jeffords is now Snowe-Jeffords-Wellstone. It is fundamentally different than the original provision about which my colleagues have talked for the last 20 minutes or so.

Very simply, Snowe-Jeffords, as originally written, did this: Under current law express advocacy is not restricted for unions and corporations. What Snowe-Jeffords did is to say that 60 days out from an election, unions and corporations—it is usually unions who are doing it—would be prohibited from mentioning the name of a candidate. It is a major change in what is going on today, a major restriction on a union's ability to communicate, a fundamental change in the law.

Under Snowe-Jeffords, express advocacy is expanded to include any message with the candidate's name 60 days before the election and, if they do that, it is illegal.

That is not what we are talking about. Snowe-Jeffords is now Snowe-Jeffords-Wellstone, and it has been dramatically changed and expanded. I think the original language, quite candidly, you can argue either way whether it is constitutional. Frankly, no one in this Senate is going to know until the Supreme Court tells us. The Wellstone language that is now a part of Snowe-Jeffords is absolutely unconstitutional. I have talked to a number of Members on the floor who voted on both sides of the original Wellstone amendment. I haven't found one yet—I am sure someone will come to the floor in a minute; I am sure my colleague from Minnesota may come—who will tell me it is constitutional because what does it do? It takes the original Snowe-Jeffords and expands it and says, not only will labor unions not be able to do this within 60 days of an election, not only will corporations not be able to do it, but now everybody else can't do it. Any groups that want to get together and buy an ad that mentions the candidate's name will no longer be able to do that.

So within 60 days of an election, at the time when political debate should be the most respected, when political debate has its greatest impact, the Snowe-Jeffords-Wellstone amendment now says, no, you can't do it.

That is absolutely unconstitutional. That is the state of the bill today. That is what Members have to ask themselves when they vote on this amendment. Are you willing to accept a bill that in all probability is going to pass that has a provision in it that is blatantly unconstitutional? I hope on reflection my colleagues on both sides of the aisle, when they look at that, will say: I don't want to do that. I don't want to cast a vote for a bill that is blatantly unconstitutional.

The only chance Members are going to have to correct that is with the DeWine amendment.

I yield at this time to the distinguished chairman of the Senate Judiciary Committee, the Senator from Utah, Mr. HATCH.

Mr. HATCH. Mr. President, as my colleagues in this body are aware, unlike contributions to a candidate's campaign, expenditures of money to influence public opinion has been accorded nearly ironclad first amendment protection by the U.S. Supreme Court. In fact, I know those who would argue it is absolutely ironclad.

The reason for this protection is simple to understand. Freedom of speech is one of the bedrock protections guaranteed for our citizens under the Constitution of the United States. Nowhere is the role of free speech more important than in the context of the elections we hold to determine the leaders of our representative democracy. As the Supreme Court stated in Buckley:

> Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection to such political expression in order

> to assure the unfettered interchange of ideas. . . .

Obviously, we would have no democracy at all if government were allowed to silence people's voices during an election. I have spoken before more generally on some of the constitutional limits on our efforts to regulate campaigns. Today I rise to speak more specifically about the limitations on expenditures.

Under our Constitution, a person simply cannot be barred from speaking the words "vote for Joe Smith." Under our Constitution, a person simply cannot be barred by speaking the words "lower my taxes." Under our Constitution, a person cannot be simply barred from speaking the words "provide our seniors with a prescription drug benefit." The right to speak any of these phrases at any time is protected as a core fundamental right under the first amendment.

It is especially important to our democracy that we protect a person's right to speak these phrases during an electoral campaign because it is through elections that the fundamental issues of our democracy are most thoroughly defined. It is through elections that the leaders of our democracy are put in place to carry out the people's will.

Not only does a person have a right to speak out during a campaign regarding candidates and issues, a person also has a right to speak out in an effective manner. The right to speak would have little meaning if the government could place crippling controls on the means by which a person was permitted to communicate his or her message. For instance, the right to speak would have little meaning if a person was required to speak in an empty room with no one listening.

Accordingly, the Supreme Court has consistently ruled that Congress may not burden a person's constitutional right to express his or her opinion during an electoral campaign. And to effectuate these rulings, the Court has consistently held that Congress may not burden a person's right to expend money to ensure that his or her opinion reaches the broadest possible audience.

In Buckley, the Supreme Court made a fundamental distinction that has survived to this day, a distinction that must inform our discussion of campaign finance, and a distinction that continues to place significant limitations on what reforms are permissible under the strictures of the first amendment of the U.S. Constitution.

With respect to expenditures, the Court has said this:

> A restriction on the amount of money a person or group can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. . . . The expenditure limitations contained in the Act represents substantial rather than merely theoretical restraints on the quantity and diversity of political speech. The . . . ceiling on spending . . . would appear to exclude all citizens and groups . . . from any significant use of the most effective modes of communication.

As recently as last year, in the case of Nixon v. Shrink Missouri Government PAC—and that is a 2000 case—the Court reaffirmed its holding in Buckley, quoting extensively from the Buckley opinion and reiterating that expenditure restrictions must be viewed as "direct restraints on speech," irreconcilable with the first amendment.

As I said before, the McCain-Feingold legislation is well intentioned in its effort to remove the influence of big money from our electoral process. However, several provisions of the proposed legislation are simply irreconcilable with the first amendment of the U.S. Constitution. It is not Congress' role to pass unconstitutional legislation and stand by while that legislation is struck down by the courts.

The provision of the McCain-Feingold legislation that unconstitutionally burdens free speech is section 201, the so-called Snowe-Jeffords amendment. That is what the current DeWine amendment seeks to address. Snowe-Jeffords is designed to address what many have characterized as a loophole in the campaign finance laws that allows third parties prior to an election to fund advertisements which relate exclusively to an issue and refrain from the expressly urging to vote for or against a particular candidate. Recent experience has shown that such speech may effectively advance the prospects of one candidate over another, even though it refrains from express advocacy of the candidate.

I applaud my colleagues for their ingenuity in seeking to address this avenue by which money, unregulated by our electoral laws, may play a role in our elections.

You can call a dog a hog and it still remains a dog. I think trying to say their amendment and this particular clause in this bill is not violative of the first amendment free speech rights fits the description of trying to call a dog a hog. Still, it remains a dog.

The problem I have with this portion of the legislation is that issue advocacy prior to an election simply cannot be viewed as a loophole in the election laws that we must endeavor to close with appropriate legislation. Viewed through the lens of the first amendment, this issue advocacy is exactly the type of speech that must be accorded the ultimate protection of the first amendment. The Supreme Court has consistently refused to sanction disclosure requirements on issue advocacy, unless the communication in question directly advocates for or against a particular candidate.

Look, issue advocacy generally is used against us Republicans. There is not much doubt about that. That is where the money is. It is used against both from time to time, but really against us. I remember back in 1982 there was tremendous issue advocacy against me by the trade union movement. It was very difficult to put up with some of the ads used against us, both in print and otherwise. But it was a free speech right, and I would fight to my death to defend those rights of free speech.

The Snowe-Jeffords amendment seeks to redraw the line between protected issue advocacy and nonprotected express advocacy of a candidate in order to regulate a larger chunk of public speech prior to an election. Section 201 of the proposed legislation broadens the Federal Election Commission Act's regulatory scope to include any individual or group that expends at least $10,000 a year on electioneering communications. Now that is free speech.

Let's go further. Electioneering communications are defined as any communications in the electorate within 60 days before a general election that "refers to a clearly identified candidate"—regardless of whether such communication urges a vote for or against that candidate.

The problem with this line-drawing exercise is that the Supreme Court has already done it. In Buckley v. Valeo the Supreme Court defines what types of issue advocacy could, consistent with the Constitution, be made subject to FECA's regulatory requirements. The Court found that only communications that expressly advocated for or against a specific candidate were subject to regulation. The Snowe-Jeffords amendment invades the constitutionally protected territory of pure issue advocacy. In fact, that invasion is the sole purpose of the provision.

It may well be true that third parties are, in fact, able to influence the electorate for or against the candidate by running independent issue advertisements, uncoordinated with a candidate's campaign, in the weeks leading up to the election. That phenomenon does not manifest a flaw in the regulatory scheme established by our current campaign finance laws. For better or for worse, that phenomenon manifests the free interchange of ideas in an open society. Such issue advocacy is free speech, protected by the first amendment, and accordingly, the McCain-Feingold legislation is unconstitutional.

In Snowe-Jeffords, those provisions are fatally overinclusive. They try to sweep away our first amendment political speech. The Supreme Court has been more than clear on this. What the authors are attempting to do is understandable, it is well intentioned, but unfortunately it is unconstitutional. That is one reason I have to stand here today and speak out for the amendment of the distinguished Senator from Ohio.

I believe he is right in his motion to strike. I believe he is right. I believe we ought to support him, and I hope our colleagues will.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the opponents of this legislation, I yield 20 minutes to the Senator from North Carolina, 20 minutes to the Senator from Maine, and 10 minutes to the Senator from Minnesota. We have 50 minutes left. Whatever time is left we will yield back.

I recognize my friend from Ohio is controlling the time on the other side. After Senator EDWARDS, I understand it will be his time to allocate. That is the only time we have requested tonight. That is how we will allocate our time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

Mr. President, we talked at great length in this debate about the need to return this democracy to the voters and to remove the influence of big money or the appearance of influence of big money.

Tonight I want to talk about two things: First, the two critical provisions of the McCain-Feingold bill; and, second, I want to speak in opposition to the DeWine amendment.

As most people who follow this debate know, the two most critical provisions of this bill are the ban on soft money and the Snowe-Jeffords provision. I first want to speak to the constitutionality of the ban on soft money.

There has been some suggestion during the course of this debate that there is a serious question about constitutionality. In fact, there is no serious question about that. The U.S. Supreme Court in the Buckley case said that in order for the Congress to regulate these sorts of contributions, the only constitutional test that must be met is a finding of a compelling State interest.

In the Buckley case, the U.S. Supreme Court went on to find, in fact, that preventing the actuality or appearance of corruption constitutes a compelling State interest. The language of the Court is:

> Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires the opportunity of abuse inherent in the process of raising large monetary contributions be eliminated.

What the U.S. Supreme Court held in Buckley was in order to regulate these soft money contributions, there must first be a compelling State interest. They then went on to find that, in fact, there was a compelling State interest created by the appearance of impropriety associated with raising these large monetary contributions.

The Buckley case has already decided the question of whether a ban on soft money contributions is, in fact, constitutional. The U.S. Supreme Court has held that, in fact, that ban is constitutional and there is no serious or legitimate question about the constitutionality of the soft money ban.

Now I want to move to the Snowe-Jeffords provision. There has been some suggestion, including by my friend from Ohio in offering his amendment, that there are very serious questions raised by the Snowe-Jeffords provision of the McCain-Feingold bill. I will first summarize what Snowe-Jeffords does.

Snowe-Jeffords bans for the 60-day period prior to a general election or a 30-day period prior to a primary election broadcast television ads by unions or corporations paid for out of general treasury funds. It also contains certain disclosure provisions for other entities who may want to run such ads.

The suggestion is made that under the criteria established by the U.S. Supreme Court in Buckley, Snowe-Jeffords does not meet constitutional muster. In fact, it is very clear if you look at the language of the U.S. Supreme Court in Buckley and if you look at the cases that come after Buckley, Snowe-Jeffords does exactly what the U.S. Supreme Court in Buckley required in order to meet the test of constitutionality. First I will talk about that test.

The U.S. Supreme Court has established four requirements in order for the Snowe-Jeffords provision to be found to be constitutional.

The first of those requirements is that it cannot be vague. The second is that it must serve a compelling State interest. The third, it must be narrowly tailored to serve that interest. The fourth, it cannot be substantially overbroad.

The Court, in reaching that conclusion, first recognized that the first amendment in the case of electioneering—which is what we are talking about, campaign ads—is not absolute. There are certain circumstances where first amendment rights can be restricted, but only if these tests are met.

The first question, "cannot be vague." The Snowe-Jeffords provision is by any measure, a clear, easy-to-identify, bright-line test. It requires that the ad be within the 60 days before the general election or within 30 days of the primary election; second, that it contain the likeness of a candidate or the name of the candidate; and third, that it be a broadcast television ad.

No one reading that definition could have any misunderstanding. It is specific. It is clear. It is a bright-line test. By any measure, it is not vague. It would meet the first test established by the U.S. Supreme Court in Buckley.

Second, it "must serve a compelling State interest." Just as in the case of the soft money ban, the U.S. Supreme Court has already held that avoiding the appearance of impropriety is, in fact, a compelling State interest. The Court has already held that the reason for the Snowe-Jeffords provision is a compelling State interest. So that test is easily and clearly met by the language of the Court in Buckley v. Valeo.

The third, it "must be narrowly tailored to serve that interest." First of all, why did Senators SNOWE and JEFFORDS offer this provision as part of McCain-Feingold? They offered it because in order to avoid legitimate campaign election laws in this country, what has been occurring is people have been broadcasting what has been described as issue ads as opposed to campaign ads. Now there is a ban, of course, on the broadcasting of campaign ads with General Treasury funds, so instead they call these ads issue ads, not campaign ads, in an effort to avoid that legitimate legal restriction.

In fact, what we know both empirically and from our own experience, many of these so-called issue ads—not many, the vast majority—of these so-called issue ads are campaign ads, particularly when they fall within that 60-day period.

Let me stop on this test for just a moment and give a couple of pieces of evidence. First, the empirical studies show in the year 2000 election, 1 percent of the ads that fall within the test of Snowe-Jeffords—that is, within 60 days of the general election, mention the name or show the likeness of the candidate, broadcast television ads—1 percent constituted legitimate issue ads; 99 percent constituted campaign ads. We know what our gut would tell us, anyway. We know from our own experience from watching these television ads, and voters would know from their own experience, that when they see these ads on television, in fact, they are campaign ads. They are not issue ads. They are advocating for the election or defeat of a particular candidate, not for some particular issue.

We now know empirically in the case of the 2000 election, 99 percent of those ads covered by Snowe-Jeffords are campaign ads and not issue ads. They are sham issue ads. They are a fraud under the campaign election laws that exist in this country.

Snowe-Jeffords is trying to eliminate that fraud, eliminate that sham. What we now know, the ads covered by Snowe-Jeffords, 99 percent of those ads are not issue ads but are campaign ads.

I have one or two examples. This is an ad run in a congressional election in 1998:

> Announcer: The Daily reports criminals are being set free in our neighborhoods.
>
> In May, Congressman X voted to allow judges to let violent criminals out of jail, rapists, drug dealers, and even murderers.

> X's record on drugs is even worse. X voted to reduce penalties for crack cocaine. And in April, X voted to use your tax dollars to give free needles to illegal drug users.
>
> Call X. Tell him he's wrong. Dangerous criminals belong in jail.

This doesn't use the language used as illustrative by the U.S. Supreme Court in Buckley. It doesn't say "vote for;" it doesn't say "elect;" it says "call." But any rational person, including all the people who watched this ad on television, know that this ad is aimed at defeating Congressman X in the campaign. That is exactly what it is about.

That is what was demonstrated in my chart, 99 percent of the ads that fall within the test of Snowe-Jeffords are ads just like this. They are pure campaign ads, plain and simple. These ads are being paid for by contributions that otherwise would violate the legitimate election laws of this country.

What we are trying to do in Snowe-Jeffords, we have a very narrowly tailored provision that catches ads that are clearly campaign ads. We now know that 99 percent of those ads that fall within Snowe-Jeffords are campaign ads, plain and simple; not issue ads.

So what conclusion do we draw from this? If 99 percent of the ads are campaign ads, if, in fact, 99 percent of the ads are like the one I have just shown as illustrative, they "must be narrowly tailored" to pass constitutional muster.

It is not vague, a clear, bright-line test, we have compelling State interest, and now we know this provision is narrowly tailored, and that goes hand in glove, by the way, with the fourth provision, which means it "cannot be substantially overbroad."

The Court recognized that any time you have a bright-line test that is not vague, you are, by definition, going to catch some stray advertisements that are not intended to be included. They don't just require that there be no overbreadth. There has to be substantial overbreadth in order to be unconstitutional.

What we now know empirically, 99 percent of the ads that meet Snowe-Jeffords are exactly what are intended to be targeted by Snowe-Jeffords. The empirical evidence clearly supports the notion that Snowe-Jeffords is not substantially overbroad, on top of the fact that the provisions of the bill itself are not substantially overbroad. They are narrowly tailored. They do exactly what the U.S. Supreme Court has required.

I suggest that, in fact, Senators SNOWE and JEFFORDS have done a terrific job of meeting the constitutional test because they have made the provision for bright line, they have made it clear it is not vague, and at the same time it is sufficiently narrow to meet the constitutional requirements of Buckley v. Valeo.

What we now know and can see by looking at the constitutional requirements is that Snowe-Jeffords meets all those requirements. The U.S. Supreme Court has established these requirements, has defined what they mean, and Snowe-Jeffords, we know, meets those requirements. The empirical evidence shows it is not overly broad, it is not substantially overbroad, that it reaches very few ads that are, in fact, issue ads.

One argument made is that Buckley v. Valeo uses a test in order for an ad to be a campaign ad, as opposed to an issue ad: "Vote for," "elect," "support," "cast your ballot for." The people who are making that argument are not reading the U.S. Supreme Court opinion. Because what the Court said was, in order to make the existing election laws—as of the time of this opinion—constitutional, we are going to establish a test since Congress did not do it. They go on and invite us to do it, to establish the test. Instead of saying "this is language that is required," they say:

> This construction would restrict the application of section 608 . . . to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect', . . .

It is obvious from the "such as" language that the Court by no means intended this list to be exhaustive. The Court fully recognized that given the imagination of campaign managers and people who prepare these ads, that they could not even begin to do an exhaustive list. This list is nothing but illustrative, never intended to be anything but illustrative.

For those who come to the floor and say, wait a minute, Snowe-Jeffords doesn't use the magic language, doesn't use "vote for," doesn't use "elect"—what the U.S. Supreme Court made clear in their case was these are nothing but illustrations of what changes an ad from an issue ad to a campaign ad.

Sure, if they say "vote for" and "elect" they become a campaign ad, but as we have shown from the illustration a few moments ago, it is just as simple to have a pure campaign ad that never says "vote for," that never says "elect," that simply says: Call Congressman so-and-so, call Senator so-and-so. But any rational person looking at the ad would know it was calling for the election or defeat of a particular candidate and it was nothing, on its face, but a pure campaign ad.

The point is, it is not a legitimate argument that because Snowe-Jeffords does not use these magic words—the language I have heard during the course of the debate—it cannot pass constitutional muster.

The Supreme Court established four tests in Buckley v. Valeo. The Supreme Court, in fact, invited us, the Congress, to decide what language ought to be used to determine whether ads, in fact, are prohibited or not prohibited. They have left it to us to define what ads are prohibited.

The only thing they require in order to do that is that we meet the four tests they established, which we talked about before. Snowe-Jeffords clearly meets all those tests. It is not vague. It is a clear, easy to understand bright-line test. The U.S. Supreme Court already said what we are attempting to do serves a compelling State interest, it is narrowly tailored—60 days before a general election, 30 days before a primary, likeness or name of the candidate, broadcast ads. And it is not substantially overbroad. As we have already established in the last election, 99 percent of the ads that fall within the definition of Snowe-Jeffords are, in fact, campaign ads and not issue ads.

If you look carefully at the U.S. Supreme Court opinion in Buckley, and if you look at the tests that have been established by the U.S. Supreme Court, first of all, the soft money ban of McCain-Feingold is, on its face, constitutional. There is not even a legitimate argument that it is not constitutional.

Second, the Snowe-Jeffords provision of the McCain-Feingold bill, which bans broadcast ads during this defined period, paid for out of union or corporation treasury funds, also clearly meets all the constitutional tests established by the Court in Buckley v. Valeo. It is a critical component of the McCain-Feingold bill because without it we are going to continue to see these sham issue ads run solely for campaign purposes being paid for by funds that are not legitimate and are not legal.

The only way we can bring this thing to conclusion is to not only do what we have already done during this debate, which is pass the ban on soft money; but to, second, pass the Snowe-Jeffords provision. Because, number one, it is constitutional and, number two, it is absolutely critical to going about reestablishing the public faith in our campaigns and the public faith in our election system. Because not only are people worried about the flow of money, they are worried about what happens when they turn their television sets on in the 30 or 60 days before an election. They are sitting there watching television with their kids and what do they see? They see these nasty, personal attacks, in a huge percentage of the cases being paid for as issue ads, out of funds that are not intended to be used for that purpose.

That is what Snowe-Jeffords is intended to stop. Snowe-Jeffords is clearly constitutional. We should defeat the DeWine amendment as a result.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank my colleague from North Carolina for his excellent dissertation. I just loved it when he was going through these ads. I want to make it real clear that for all of these different groups and organizations—I don't want to keep my colleague from North Carolina—on the floor, but I know he will agree with this very important distinction—that all of these groups and organizations, whether they are left, right, center, lean Democratic, lean Republican, you name it, they can run all the ads in the world they want and they can finance those ads with soft money; in other words, money they get in contributions of hundreds of thousands of dollars, and it is absolutely fine as long as the focus is on the issue. As long as those are genuine issue ads and it is not electioneering, they have all of the freedom in the world to do that—period. No question about it.

Second, if they want to do the electioneering and they want to do these sorts of ads where you say "call' as opposed to "vote against candidate x," you bash the candidate, whatever party—they can run all the ads they want and they can have all of the freedom of speech in the world. The only thing is, they have to finance it out of hard money. That is all. They cannot pretend that these are "issue ads" when they are sham issue ads and we all know it is electioneering. That is the point. But they can do it. They just have to raise their money under the campaign limits that deal with hard money. That is the whole point of some of the amendments to this bill.

From my own part, one more time—and the more I talk to people, I think the people agree this is a very important strengthening amendment—what we want to make sure of is when we do the prohibition on soft money to the parties, all of a sudden that money, again, like pushing Jell-O, doesn't just shift to these sham issue ads where a variety of existing groups and organizations, much less the proliferation of all the new groups and organizations, will take advantage of a loophole and just pour all of their soft money into these sham issue ads which are really electioneering. In that case, what will we have accomplished if we have, roughly speaking, just as much soft money spent but it is just going to be spent in a different way, unaccountable big dollars?

That is what the amendment I introduced the other night was all about.

I only came to the floor because I want to make sure the RECORD is clear. My colleague from Maine was gracious enough to give me a little bit of time. Let me make three quick points.

Point No. 1. The amendment I introduced the other night—since this amendment has been mentioned several times by my colleague—uses the exact same sham issue test ad, with some additional targeting, as the Snowe-Jeffords language in the bill which is constitutional. In fact, actually the targeting language I use makes the amendment more likely to survive any constitutional challenge.

Point No. 2, the Snowe-Jeffords test is a bright-line test, as my colleague from North Carolina pointed out. It is perfectly obvious on its face, whether an ad falls under this definition. This means there will be no "chilling effect" on protected speech, which was a concern raised by the Supreme Court in the Buckley decision because every group, every organization would be uncertain if an ad they intended to run would be covered or not. We make sure everybody would be certain.

Point No. 3, the test is not overly broad. A comprehensive study conducted by the Brennan Center, which did a whole lot of work on campaign finance ads during the 1998 election, found that only two genuine issue ads, out of hundreds run, would have been inappropriately defined as a sham issue ad.

This is a really important one for the RECORD.

On February 20, 1998, a letter signed by 20 constitutional scholars, including the former director of the ACLU, which analyzed the Snowe-Jeffords provision on electioneering communications, argued that even though the provision was written to exempt certain organizations from the ban on electioneering communication, such omission was not constitutionally necessary.

I quote from these scholars, including a former director of the ACLU:

> The careful crafting of the Snowe-Jeffords amendment stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted. Congress could, if it wished, apply the basic rules that currently govern electioneering to all spending that falls within this more realistic definition of electioneering. Congress could, for example, declare that only individuals, PAC's and the most grassroots of nonprofit corporations could engage in electioneering that falls within the broad definition. It could impose fundraising restrictions prohibiting individuals from pooling large contributions towards such electioneering.

Fifth point: If you believe that the amendment that passed the other night that I introduced covers certain groups unconstitutionally—if that is what you believe—then you must also believe that the current Shays-Meehan bill—the version passed by the House of Representatives—and the 1997 version, and all previous versions of the McCain-Feingold bill are also unconstitutional because they cover the same groups.

Point No. 6: In September 1999, Don Simon, then-executive vice president and general counsel of Common Cause, argued in a memo to all House Members that the Shays-Meehan bill is fully constitutional. That is exactly the amendment we passed the other night on the floor of the Senate.

Finally, in the event of constitutional problems, the amendment passed the other night is fully severable.

I make five arguments as to why this is a very different question.

First, this amendment, and indeed the Snowe-Jeffords provision already in the bill, only covers broadcast communications. It does not cover print communications like the one at issue in Massachusetts Citizens for Life. Indeed, the group argued that the flyer should have been protected as a news "editorial." Snowe-Jeffords specifically exempts editorial communications.

Second, the court based its decision in part on the logic that regulation of election related communications was overly burdensome to small, grass roots, nonprofit organizations and so would have a chilling effect on speech. But the Snowe-Jeffords standard that the amendment would apply has a high threshold that must be met before a communication is covered. A group would have to spend $10,000 on broadcast ads that mention a federal candidate 60 days before an election before this provision would kick in. This meets the Court's requirement in the case that minor communications be protected.

Third, the federal law that the court objected to was extremely broad and the Court specifically cited that fact as one of reasons it reached the decision it did, saying "Regulation that would produce such a result demands far more precision that [current law] provides." This amendment provides that precision. The Snowe-Jeffords language is very narrowly targeted and has a very high threshold before it applies, which further protects amateur, unsophisticated, or extremely limited communications.

Fourth, the Court actually argued that the election communications of non-profit corporations—such as the ones covered by amendment—could be regulated once it reached a certain level. In fact, the Court held that, quote:

> . . . should MCFL's independent spending so extensive that the organization's major purpose may be regarded as campaign activity, the corporation would be classified as a political committee . . . As such, it would automatically be subject to the obligations and restrictions applicable to those groups whose primary objective is to influence political campaigns.

Yet since the decision, such groups have actually operated outside the law with impunity. Take for example, the organization "Republicans for Clean Air."

Despite it's innocuous name, this was an organization created for the sole purpose of promoting the candidacy of George W. Bush during the Republican primary during the last election. Another example is the Club for Growth. This was an outfit that ran attack ads against moderate Republican congressional candidates in Republican congressional primaries. Both groups, which would be covered by my amendment—but not the current Snowe-Jeffords provision—could clearly be banned from running these sham issue ads with their treasury funds under the Massachusetts Citizens for Life decision.

Fifth, the court's decision was based on a premise that may have been true in 1986, but certainly is not the case today: that non-profit groups such as the one at issue in the decision did not play a major rule in federal elections. In fact, the court held that: "the FEC maintains that the inapplicability of [current law] to MCFL would open the door to massive undisclosed spending by similar entities . . . We see no such danger." Today, it is clear that the FEC had it exactly right and the Court had it exactly wrong.

In fact, the Campaign Finance Institute at George Washington University in a February 2001 report found this to be the case and stated quote: "These undisclosed interest group communications are a major force in U.S. not little oddities or blips on a screen." Perhaps in 1986 it was a "blip on the screen" but today we are talking about tens of millions of dollars just in these sham issue adds. These groups have become major players in our elections but the law does not hold them accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I want to conclude the debate on the motion to strike that has been offered by my colleague from Ohio by making several points on the Snowe-Jeffords provision. We will conclude the debate tomorrow before the vote. But I think it is critical for my colleagues to understand that the essence of this provision, as the Senator from North Carolina so eloquently stated, the legal rationale for the underpinnings of this amendment, was drafted with an abundance of caution. It was carefully crafted to specifically address the issues that were raised in the Buckley decision in 1976 with respect to the restrictions being either too vague or too broad, and so they in effect would not have a chilling effect on the public's right to free speech.

Since that time, as I indicated earlier, in the 25 years or 26 years that have ensued, there has been no other, major campaign finance law that has been passed by this Congress or that has come before the Supreme Court because we have not acted. We have not taken any action on campaign finance reform or changes in our campaign finance laws since that time.

We have seen the evolution and the eruption of the so-called sham issue ads that supposedly were operating under the guise of being advocacy ads. But in reality, as we all well know, with the studies that have been done recently on the influence and impact they are having on the election because they mention the candidates by name, they come into that very narrow window of 60 days before an election.

That is not just happenstance; it is because the election is occurring. They design these ads to mention a candidate and to avoid using those magic words "for or against" but knowing full well that it will have an effect on the intended audience on a candidate's election.

We are very definitive. We are very specific in the Snowe-Jeffords provision in the McCain-Feingold legislation that is before us. It has to identify. It has to mention a candidate. The ad has to run 60 days before a general election and 30 days before a primary. The ad has to run in a candidate's State or district.

Those criteria are very specific, and therefore anybody who has the intention of running those ads will know exactly whether or not they are treading constitutional grounds. That is why 70 constitutional scholars and experts signed a letter in support of these provisions, because they know they don't run afoul of constitutional limitations in the first amendment because it is very specifically drafted to address those issues.

Fundamentally, it really comes down to whether or not we are truly interested in disclosure. The Supreme Court said we have a right to disclosure. It is in the public interest. It is a compelling public interest for disclosure. The Supreme Court has said clearly in a number of cases for constitutional purposes that electioneering is different from other speeches. That was handed down as one decision by the Supreme Court in 1986.

Of course, in the Buckley case, it said Congress has the power to enact campaign financing laws that extend electioneering through a variety of ways, even though spending in other forms of political speech is entitled to absolute first amendment protection. It said, as an example, to "vote for" or "vote against" are the magic words but that it was not all-inclusive.

The Supreme Court could not possibly have foreseen the evolution of the kinds of ads that are pervading the election process today. They are escaping. They are coming in under the radar of disclosure.

We are saying those major donors of $1,000 or more—that is five times the requirement for disclosure that we have to provide as candidates under Federal election laws—but we are saying five times higher before the trigger for disclosure occurs to organizations that run ads in that 60-day window, in the 30-day window in the primary, that mention a candidate because it is clear that the intent is designed to influence the outcome of an election.

In Buckley, it said Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. Disclosure rules, according to the Court, are the least restrictive means of curbing the evils of campaign ignorance and corruption.

Congress banned corporate union contributions as upheld in United States v. UAW in 1957, reaffirmed, as I said earlier, in the Austin v. Michigan Chamber of Commerce decision in 1990. It is all weighted in sound legal precedent. That is what the Snowe-Jeffords provision is all about.

I really do think we have to come to grips with the realities of what is occurring in our elections when 99 percent —99 percent is almost as high as it gets—99 percent of all of the ads that are aired during that period of time before the election mention candidates. And their intent is clear, because all the focus groups that responded to the Snowe-Jeffords provision used that as an analysis and viewed these ads, and identified these ads as being the most influential, negative, and intended to effect an outcome. So that is essentially what we are talking about.

I think the vote tomorrow to strike this provision is basically coming down to whether or not we want fundamental reform, if we are willing to take back the process, if we are willing to take back the process as candidates.

I want to control my own campaign. As I said in my previous statement, in 1978 when I first ran for the House of Representatives, these phenomena were virtually unknown. It was rare to even have an independent expenditure—and that is another story—under Federal election laws. That is a different thing. But we did not even have that.

These elections should be between and among the candidates themselves. Do we really think it is in our interest, in the public's interest, to have organizations of whom we know little, if anything, to influence, to impact, our elections—In fact, to spend more than the candidates themselves in some of these elections? Sometimes these organizations spend more than the candidates themselves who are involved in these elections. Are we saying that that is in our public interest?

They hide behind the cloak of anonymity. We do not even know who they are. I have a list here. Some of them we would probably readily identify by name, at least in terms of their interests. But while you do not know most of them, this is a list of 100 organizations. And this is not all of them. This is not all inclusive. But you have the Americans for Hope, Growth & Opportunity, Americans for Job Security, Coalition to Protect Americans Now, Coalition to Protect America's Health Care, Committee for Good Common Sense. Those all sound very appropriate, meritorious, but who are they? Who are they?

We are not saying they can't run ads. They can run ads all year long. They can do whatever they want in that sense. But what we are saying is, when they come into that narrow window, we have the right to know who are their major contributors who are financing these ads close to an election.

There are no guaranteed rights to anonymity when it comes to campaigning. Even the Supreme Court has said it is in our public interest to have disclosure. In fact, the Court has said time and time again, disclosure is in the public's interest because it gives details as to the nature and source of the information they are getting. That is why 70 constitutional scholars have endorsed the Snowe-Jeffords provision.

Mr. President, I ask unanimous consent to have this letter from the Brennan Center for Justice printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRENNAN CENTER FOR JUSTICE AT
NYU SCHOOL OF LAW,
New York, NY, March 12, 2001.
Senator JOHN MCCAIN,
Senator RUSSELL FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATORS MCCAIN AND FEINGOLD: We are scholars who have studied and written about the First Amendment to the United States Constitution. We submit this letter to respond to a series of public challenges to two components of S. 27, the McCain-Feingold Bill. Critics have argued that it is unconstitutional to close the so-called "soft money loophole" by placing restrictions on the source and amount of campaign contributions to political parties. Critics have also argued that it is unconstitutional to require disclosure of campaign ads sponsored by advocacy groups unless the ads contain explicit words of advocacy, such as "vote for" or "vote against." We reject both of those suggestions.

As constitutional scholars, we are deeply committed to the principles underlying the First Amendment and believe strongly in preserving free speech and association in our society, especially in the realm of politics. We are not all of the same mind on how best to address the problems of money and politics. However, we all agree that the nation's current campaign finance laws are on the verge of being rendered irrelevant, and that the Constitution does not erect an insurmountable hurdle to Congressional efforts to adopt reasonable campaign finance laws aimed at increasing disclosure for electioneering ads, restoring the integrity of the long-standing ban on corporate and union political expenditures, and reducing the appearance of corruption that flows from "soft money" donations to political parties.

The problems of corruption and the appearance of corruption that the McCain-Feingold Bill attempts to address are ones that inhere in any system that permits large campaign contributions to flow to elected officials and the political parties. These problems have been brought to the public's attention in a rather stark manner through the recent presidential pardon issued to fugitive financier Marc Rich. Regardless of underlying merits of that presidential decision, the public perception that flows from the publicly-reported facts is that large political contributors receive both preferred access to and preferential treatment from our elected government officials. These perceptions, regardless of their truth or falsity in any individual case, are ultimately very corrosive to our democratic institutions.

I. LIMITS ON "SOFT MONEY" CONTRIBUTIONS TO POLITICAL PARTIES FROM CORPORATIONS, LABOR UNIONS, AND WEALTHY CONTRIBUTORS ARE CONSTITUTIONAL

To prevent corruption and the appearance of corruption, federal law imposes limits on the source and amount of money that can be given to candidates and political parties "in connection with" federal elections. The money raised under these strictures is commonly referred to as "hard money." Since 1907, federal law has prohibited corporations from making hard money contributions to candidates or political parties. See 2 U.S.C 441b(a) (current codification). In 1947, that ban was extended to prohibit union contributions as well. Id. Individuals, too, are subject to restrictions in their giving of money to influence federal elections. The Federal Election Campaign Act ("FECA") limits an individual's contributions to (1) $1,000 per election to a federal candidate; (2) $20,000 per year to national political party committees; and (3) $5,000 per year to any other political committee, such as a PAC or a state political party committee. Id. §441a(a)(1). Individuals are also subject to a $25,000 annual limit on the total of all such contributions. Id. §441a(a)(3).

The soft money loophole was created not by Congress, but by a Federal Election Commission ("FEC") ruling in 1978 that opened a seemingly modest door to allow non-regulated contributions to political parties, so long as the money was used for grassroots campaign activity, such as registering voters and get-out-the-vote efforts. These unregulated contributions are known as "soft money" to distinguish them from the hard money raised under FECA's strict limits. In the years since the FEC's ruling, this modest opening has turned into an enormous loophole that threatens the integrity of the regulatory system. In the recent presidential election, soft money contributions soared to the unprecedented figure of $487 million, which represented an 85 percent increase over the previous presidential election cycle (1995–96). It is not merely the total amount of soft money contributions that raises concerns, but the size of the contributions as well, with donors being asked to give amounts of $100,000, $250,000, or more to gain preferred access to federal officials. Moreover, the soft money raised is, for the most part, not being spent to bolster party grassroots organizing. Rather, the funds are often solicited by federal candidates and used for media advertising clearly intended to influence federal elections. In sum, soft money has become an end run around the campaign contribution limits, creating a corrupt system in which monied interests appear to buy access to, and inappropriate influence with, elected officials.

The McCain-Feingold bill would ban soft money contributions to national political parties by requiring that all contributions to national parties be subject to FECA's hard money restrictions. The bill also would bar federal officeholders and candidates for such offices from soliciting, receiving, or spending soft money. Additionally, state parties that are permitted under state law to accept unregulated contributions from corporations, labor unions, and wealthy individuals would be prohibited from spending that money on activities relating to federal elections, including advertisements that support or oppose a federal candidate.

We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in federal elections. See 424 U.S. 1, 23–29 (1976). Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections. See id. at 26–29, 38. In later cases, the Court rejected the argument that corporations have a right to use their general treasury funds to influence elections. See, e.g., Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990). Under Buckley and its progeny, Congress clearly possesses power to close the soft money loophole by restricting the source and size of contributions to political parties, just as it does for contributions to candidates, for use in connection with federal elections.

Moreover, Congress has the power to regulate the source of the money used for expenditures by state and local parties during federal election years when such expenditures are used to influence federal elections. The power of Congress to regulate federal elections to prevent fraud and corruption includes the power to regulate conduct which, although directed at state or local elections, also has an impact on federal races. During a federal election year, a state or local political party's voter registration or get-out-the-vote drive will have an effect on federal elections. Accordingly, Congress may require that during a federal election year, state and local parties' expenditures for such activities be made from funds raised in compliance with FECA so as not to undermine the limits therein.

Any suggestion that the Supreme Court's decision in Colorado Republican Federal Campaign Committee v. FEC, 1518 U.S. 604 (1996), casts doubt on the constitutionality of a soft money ban is flatly wrong. Colorado Republican did not address the constitutionality of banning soft money contributions, but rather the expenditures by political parties of hard money, that is, money raised in accordance with FECA's limit. Indeed, the Court noted that it "could understand how Congress, were it to conclude that the potential for evasion of the individual contribution limits was a serious matter, might decide to change the statute's limitations on contributions to political parties." Id. at 617.

In fact, the most relevant Supreme Court decision is not Colorado Republican, but Austin v. Michigan Chamber of Commerce, in which the Supreme Court held that corporations can be walled off from the electoral process by forbidding both contributions and independent expenditures from general corporate treasuries. 494 U.S. at 657–61. Surely, the law cannot be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent them from pouring unlimited funds into a candidate's political party in order to buy preferred access to him after the election. See also Nixon v. Shrink Missouri Govt. PAC, 120 S. Ct. 897 (2000) (reaffirming Buckley's holding that legislatures may enact limits on large campaign contributions to prevent corruption and the appearance of corruption).

Accordingly, closing the loophole for soft money contributions is in line with the longstanding and constitutional ban on corporate and union contributions in federal elections and with limits on the size of individuals' contributions to amounts that are not corrupting.

II. CONGRESS MAY REQUIRE DISCLOSURE OF ELECTIONEERING COMMUNICATIONS, AND IT MAY REQUIRE CORPORATIONS AND LABOR UNIONS TO FUND ELECTIONEERING COMMUNICATIONS WITH MONEY RAISED THROUGH POLITICAL ACTION COMMITTEES

The current version of the McCain-Feingold Bill adopts the Snowe-Jeffords Amendment, which addresses the problem of thinly-disguised electioneering ads that masquerade as "issue ads." Snowe-Jeffords defines the term "electioneering communications" to include radio or television ads that refer to clearly identified candidates and are broadcast within 60 days of a general election or 30 days of a primary. A group that makes electioneering communications totaling $10,000 or more in a calendar year must disclose its identity, the cost of the communication, and the names and addresses of all its donors of $1,000 or more. If the group has a segregated fund that it uses to pay for electioneering communications, then only donors to that fund must be disclosed. Additionally, corporations and labor unions are barred from using their general treasury funds to pay for electioneering communications. Instead, they must fund electioneering communications through their political action committees.

The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. See FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986) ("MCFL"). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways, even though spending on other forms of political speech is entitled to absolute First Amendment protection. See Buckley v. Valeo, 424 U.S. 1 (1976). Congress is permitted to demand that the sponsor of a campaign and disclose the amount spent on the message and the sources of the funds. And Congress may prohibit corporations and labor unions from spending money on campaign ads. This is black letter constitutional law about which there can be no serious dispute.

There are, of course, limits to Congress's power to regulate election-related spending. But there are two contexts in which the Supreme Court has granted Congress freer reign to regulate. First, Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. See id. at 67–68. In Buckley, the Court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related speeding. Disclosure rules, the Court opined, in contrast to spending restrictions or contribution limits, enhance the information available to the voting public. Plus, the burdens on free speech rights are far less significant when Congress requires disclosure of a particular type of spending than when it prohibits the spending outright or limits the funds that support the speech. Disclosure rules, according to the Court, are "the least restrictive means of curbing the evils of campaign ignorance and corruption." Id. at 68. Thus, even if certain political advertisements cannot be prohibited or otherwise regulated, the speaker might still be required to disclose the funding sources for those ads if the governmental justification is sufficiently strong.

Second, Congress has a long record, which has been sustained by the Supreme Court, of imposing more onerous spending restrictions on corporations and labor unions than on individuals, political action committees, and associations. Congress banned corporate and union contributions in order "to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital." United States v. UAW, 352 U.S. 567, 585 (1957). As recently as 1990, the Court reaffirmed this rational. See Austin v. Michigan Chamber of Commerce, 491 U.S. 652 (1990); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). The Court emphasized that it is constitutional for the state to limit the electoral participation of corporations because "[s]tate law grants [them] special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation of and distribution of assets." Austin, 491 U.S. at 658–59. Having provided these advantages to corporations, particularly business corporations, the state has no obligation to "permit them to use 'resources amassed in the economic marketplace' to obtain 'an unfair advantage in the political marketplace.'" (quoting MCFL, 479 U.S. at 257). Snowe-Jeffords builds upon these bedrock principles, extending current regulation cautiously and only in the areas in which the First Amendment protection is at its lowest ebb.

Contrary to the suggestion of some of the critics of Snowe-Jeffords, the Supreme Court in Buckley did not promulgate a list of certain "magic words" that are regulable as "electioneering" and place all other communications beyond the reach of campaign finance law. In Buckley, the Supreme Court reviewed the constitutionality of a specific piece of legislation—FECA. One section of FECA imposed a $1,000 limit on expenditures "relative to a clearly identified candidate," and another section imposed reporting requirements for independent expenditures of over $100 "for the purpose of influencing" a federal election. The Court concluded that these specific provisions ran afoul of two constitutional doctrines—vagueness and overbreadth—that pervade First Amendment jurisprudence.

The vagueness doctrine demands clear definitions. Before the government punishes someone—especially for speech—it must articulate with sufficient clarity what conduct is legal and what is illegal. A vague definition of electioneering might "chill" some political speakers who, although they desire to engage in discussions of political issues, may fear that their speech could be punished.

Even if a regulation is articulated with great clarity, it may still be struck as overbroad. A restriction that covers regulable speech (and does so clearly) can be struck if it sweeps too broadly and covers a substantial amount of constitutionally protected speech as well. But under the overbreadth doctrine, the provision will be upheld unless its overbreadth is substantial. A challenger cannot topple a statute simply by conjuring up a handful of applications that would yield unconstitutional results.

Given these two doctrines, it is plain why FECA's clumsy provisions troubled the Court. Any communication that so much as mentions a candidate—any time and in any context—could be said to be "relative to" the candidate. And it is difficult to predict what might "influence" a federal election. The Supreme Court could have simply struck FECA, leaving it to Congress to develop a clearer and more precise definition of electioneering. Instead, the Court intervened by essentially rewriting Congress's handiwork itself. In order to avoid the vagueness and overbreadth problems, the Court interpreted FECA to reach only funds used for communications that "expressly advocate" the election or defeat of a clearly identified candidate. In an important footnote, the Court provided some guidance on how to decide whether a communication meets that description. The Court stated that its revision of FECA would limit the reach of the statute "to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject,'" Buckley, 424 U.S. at 44 n.52.

But the Court did not declare that all legislatures were stuck with these magic words, or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

Any more restrictive reading of the Supreme Court's opinion would be fundamentally at odds with the rest of the Supreme Court's First Amendment jurisprudence. Countless other contexts—including libel, obscenity, fighting words, and labor elections—call for delicate line drawing between protected speech and speech that may be regulated. In none of these cases has the Court adopted a simplistic bright-line approach. For example, in libel cases, an area of core First Amendment concern, the Court has rejected the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead the Court has prescribed an analysis that examines, among other things, whether the speaker acted with reckless disregard for the truth or falsity of the statement and whether a reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole. Similarly, in the context of union representation elections, employers are permitted to make "predictions" about the consequences of unionizing but they may not issue "threats." The courts have developed an extensive jurisprudence to distinguish between the two categories, yet the fact remains that an employer could harbor considerable uncertainty as to whether or not the words he is about to utter are sanctionable. The courts are comfortable with the uncertainty of these tests because they have provided certain concrete guidelines.

In no area of First Amendment jurisprudence has the Court mandated a mechanical test that ignores either the context of the speech at issue or the purpose underlying the regulatory scheme. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court in Buckley intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

Snowe-Jeffords presents a definition of electioneering carefully crafted to address the Supreme Court's dual concerns regarding vagueness and overbreadth. Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor of a broadcast will know, with absolute certainty, whether the ad depicts or names a candidate and how many days before an election it is being broadcast. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.

The prohibition is also narrow enough to satisfy the Supreme Court's overbreadth concerns. Advertisements that name a political candidate and are aired close to election almost invariably are electioneering ads intended to encourage voters to support or oppose the named candidate. This conclusion is supported by a comprehensive academic review conducted of television advertisements in the 1998 federal election cycle. See Buying Time: Television Advertising in the 1998 Congressional Elections (Brennan Center for Justice, 2000). This study examined more than 300,000 airings of some 2,100 separate political commercials that appeared in the nation's 75 largest media markets in 1998. The study found that there were a total of 3,100 airings of only two separate commercials that met the Snowe-Jeffords criteria of naming a specific candidate within 60 days of the general election and that were judged by academic researchers to be true issue advocacy. This, the Snowe-Jeffords general election criteria were shown to have inaccurately captured only 1 percent of the total political commercial airings, and represented an insignificant 0.1 percent of the separate political commercial airings in the 1998 election cycle. This empirical evidence demonstrates that the Snowe-Jeffords criteria are not "substantially overbroad." The careful crafting of Snowe-Jeffords stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted in FECA.

CONCLUSION

McCain-Feingold is a reasonable approach to restoring the integrity of our federal campaign finance laws. The elimination of soft money will close an unintended loophole that, over the last few election cycles, has rendered the pre-existing federal contribution limits largely irrelevant. Similarly, the incorporation of the Snowe-Jeffords Amendment into the McCain-Feingold Bill is a well-reasoned attempt to define electioneering in a more realistic manner while remaining faithful to First Amendment vagueness and overbreadth concerns. It seeks to provide the public with important information concerning which private groups and individuals are spending substantial sums on electioneering, and it prohibits corporations and labor unions from skirting the ban on using their general treasury funds for the purpose of influencing the outcome of federal elections. While no one can predict with certainty how the courts will finally rule if any of these provisions are challenged in court, we believe that the McCain-Feingold Bill, as currently drafted, is consistent with First Amendment jurisprudence.

Respectfully submitted,

ERWIN CHEMERINSKY,
Sydney M. Irmas Professor of Public Interest, Law, Legal Ethics, and Political Science, University of Southern California.
RONALD DWORKIN,
Quain Professor of Jurisprudence, University College London; Frank H. Sommer Professor of Law, New York University School of Law.
ABNER J. MIKVA,
Visiting Professor, University of Chicago School of Law.
NORMAN ORNSTEIN,
Resident Scholar, American Enterprise Institute.
NORMAN DORSEN,
Stokes Professor of Law, New York University School of Law.
FRANK MICHELMAN,
Robert Walmsey University Professor, Harvard University.
BURT NEUBORNE,
John Norton Pomeroy Professor of Law, New York University School of Law.
DANIEL R. ORTIZ,
John Allan Love Professor of Law & Joseph C. Carter, Jr. Research Professor, University of Virginia School of Law.

(All Institutional Affiliations are for Identification Purposes Only)

Ms. SNOWE. They illustrate exceptionally well the legal validity and rationale for this provision. It charts a very narrow course. That is why they have every confidence it will withstand constitutional scrutiny.

You hear some who say: Oh, no, it will create a loophole. On the other hand, it creates too many restrictions.

Well, which is it? I think we have reached the point in time where we have to stand up and be counted as to whether or not we want to hide behind the guise of anonymity, of organizational anonymity, to shape the direction and influence of these elections. I say that is the wrong direction.

The Annenberg Center did a study. It showed, as I said earlier, $100 million was spent in the final weeks of the campaign. And guess what. They mentioned a candidate by name. They mentioned a candidate by name. That is no coincidence. It had nothing to do with influencing the issue agenda because, as I showed on a chart earlier, what was happening in Congress and what was happening out in the elections was not parallel. The ads run by these organizations tracked the ads run by candidates and had nothing to do, virtually speaking, with what Congress was addressing at that point in time.

So that is why this legislation becomes so important. It is an integral part of the reform that is before us embodied in the McCain-Feingold legislation. It does represent a balanced approach.

Mr. President, I ask unanimous consent to have a statement by persons who have served the American Civil Liberties Union printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PERSONS WHO HAVE SERVED THE AMERICAN CIVIL LIBERTIES UNION IN LEADERSHIP POSITIONS SUPPORTING THE CONSTITUTIONALITY OF THE MCCAIN-FEINGOLD BILL, MARCH 22, 2001

We have served the American Civil Liberties Union in leadership positions over several decades. Norman Dorsen served as ACLU General Counsel from 1969–76 and as President of the ACLU from 1976–1991. Jack Pemberton and Aryeh Neier served as Executive Directors of the ACLU from 1962–1978. Melvin Wulf, Burt Neuborne, and John Powell served as National Legal Directors of the ACLU from 1962–1992. Charles Morgan, Jr., John Shattuck, and Morton Halperin served as National Legislative Directors of the ACLU from 1972–1992. Together we constitute every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director, with the exception of the current leadership.

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and we continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the ACLU's opposition to campaign finance reform in general, and the McCain-Feingold Bill in particular, is misplaced. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending and establish reasonable disclosure rules, such as those contained in the McCain-Feingold Bill.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

We recognize that the Supreme Court's 1976 decision in Buckley v. Valeo makes it extremely difficult for Congress to reform the current, disastrous campaign finance system, and we believe that Buckley should be overruled. However; even within the limitations of the Buckley decision, we believe that the campaign finance reform measures contained in the McCain-Feingold Bill are constitutional.

We support McCain-Feingold's elimination of the "soft money" loophole, which allows unlimited campaign contributions to political parties and undermines Congress's effort to regulate the size and source of campaign contributions to candidates. There can be little doubt that large "soft money" contributions to the political parties can corrupt, and are perceived as corrupting, our government officials.

We also support regulation of the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words "vote for" or "vote against." The McCain-Feingold Bill treats as electioneering any radio or television ad that names a federal candidate shortly before an election and is targeted to the relevant electorate. It would ban the use of corporate and labor general treasury funds for such ads, and it would require public disclosure of the sources of funding for such ads when purchased by other groups and individuals. We believe that these provisions are narrowly tailored to meet the vagueness and overbreadth concerns expressed by the Supreme

Court in Buckley, and thus are constitutional.

Finally, we believe that the current debate over campaign finance reform in the Senate and House of Representatives should center on the important policy questions raised by various efforts at reform. Opponents of reform should not be permitted to hide behind an unjustified constitutional smokescreen.

NORMAN DORSEN.
MORTON HALPERIN.
CHARLES MORGAN, Jr.
ARYEH NEIER.
BURT NEUBORNE.
JACK PEMBERTON.
JOHN POWELL.
JOHN SHATTUCK.
MELVIN WULF.

Ms. SNOWE. Mr. President, every previous president of the ACLU has endorsed this legislation. They uphold it. As we know, they are an organization apt to take either side to preserve the freedom and the right to speak. But they believe this meets the constitutional soundness as crafted in previous decisions by the Supreme Court.

The Supreme Court did not say forever and a day you could never pass any other legislation to address what might develop. As I said, the Court could not possibly foresee 25 years later the emergence and the preponderance of the kind of ads that are clearly overtaking the process.

The time has come, I say to my colleagues in the Senate, to recognize we have to stand up and be counted on this very significant issue. And it comes down to disclosure. It comes down to disclosure. I hope the Senate will stand four-square behind disclosure and sunlight and against the unchecked process of these electioneering ads that are certainly transforming the political landscape in ways that we could not possibly desire or embrace.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, may I inquire of the Chair how much time I have remaining?

The PRESIDING OFFICER. The Senator has 47½ minutes.

Mr. DEWINE. Let me inform the Chair and my colleagues, I do not intend to take that entire time. I am sure the Chair is pleased by that.

I do request of the Chair, though, in case I do get carried away, if the Chair would notify me when I have 10 minutes remaining. I don't expect to get to that point. If the Chair will do that, I would appreciate it.

I have listened to my colleagues from Vermont and Maine, Arizona and North Carolina. I agree with a lot of what they have had to say. I don't like a lot of these ads either. I have the same fear that every incumbent does; that is, that the next time I run there is going to be a group that will come in and spend a whole bunch of money on Ohio TV and tell people what a bad Senator MIKE DEWINE has been. We all live in fear of that. We all live with a lot of money coming in, and we have the fear of very tough ads that use our name, that use our picture, and tell the voters why we are not doing such a good job. We have that fear.

The problem is, the Snowe-Jeffords-Wellstone amendment is unconstitutional. There is the first amendment. Even though we may not like it when people say things about us, that is part of their rights under the first amendment.

I will respond specifically to a couple comments that have been made. My colleague from Maine and before that my colleague from Minnesota made the statement about former directors of the ACLU. Let me respond to that by referencing a letter from the current ACLU opposing this language, opposing the bill. In part, in referencing this section of the bill, they say:

> Simply put, the bill is a recipe for political repression because it egregiously violates longstanding free speech rights.

There is more to the letter, but that is the essence of it.

With the exception of my colleague from Minnesota, everyone who has come to the floor this afternoon and this evening to argue against the DeWine amendment, each one of those individuals, while I have a great deal of respect for them and while they were all very eloquent, each one of them, with the exception of Senator WELLSTONE, voted against the Wellstone amendment. I can't tell my colleagues why in each case, but each one of them did. The fact we must remember, and I ask my colleagues to remember, is we no longer are dealing with Snowe-Jeffords. We now are dealing with Snowe-Jeffords-Wellstone. That is what is in the bill, not the original Snowe-Jeffords.

Ninety percent of the debate we have heard this evening is about Snowe-Jeffords. That is not where we are. I didn't come to the floor to offer an amendment to take out Snowe-Jeffords. It has been changed. It has been fundamentally changed. Members need to think about it.

My friend from North Carolina who voted against the Wellstone amendment said this in his closing statement when he argued why he was going to vote against it:

> So the reason Senator FEINGOLD and Senator MCCAIN are opposing this amendment is the same reason that I oppose this amendment. It raises very serious constitutional problems. The U.S. Supreme Court, in fact, in 1984, specifically ruled on this question.

That is what Senator EDWARDS said on this floor a short time before we voted on the Wellstone amendment. Every person who has come to the floor, with the exception of Senator WELLSTONE, every one who opposes the DeWine amendment opposed the Wellstone amendment. There had to be a reason.

Again, what we are dealing with now is a changed bill, a changed playing field. It is a different ballgame. It is a different bill. I say to each one of you who took an oath to uphold the Constitution of the United States, it is a different bill that we now are going to be voting on tomorrow or the next day.

My amendment makes it a better bill. It makes it a constitutional bill.

Now, where are we? What does the new bill with the Wellstone amendment now say? It has the original provisions of Senator SNOWE and Senator JEFFORDS: 60 days out, corporations, unions no longer can engage in express advocacy. They no longer can run ads that are now allowed by law. That is a fundamental change. It is a gag on unions for the last 60 days during the period of time when it counts the most.

The bill now goes further. Not only does it cover unions for 60 days, not only does it cover corporations for 60 days, now it says virtually nobody can run an ad that mentions the candidate's name except the candidates. And no one can engage in discussion about candidates' voting records when they mention their names. I don't know how you discuss a candidate's voting record without mentioning their name, but you can't talk about a candidate's voting record within 60 days of an election unless you are the candidate or the other candidate, or unless you own a TV station, or unless you are the commentator for the nightly news. Everybody else, every other citizen is silenced for 60 days.

Do we really want to do that? Putting aside whether it is constitutional or not constitutional—I think it is blatantly unconstitutional, certifiably unconstitutional, but even if it wasn't—do we still want to do that in this country and say within 60 days before the election all these people can't talk anymore? I don't think we do.

Yes, speech is effective. My colleague from Maine in essence says it is too effective. She didn't use those words, but she said it is having an impact. Yes, it is having an impact. That is what political speech is all about. It is supposed to have an impact.

Everything seems to be reversed. At the crucial time when political speech matters most to the voters, those who hear it or see it, the bill as now written says: You can't do it. Sixty-one days out, you could run one of these ads, and you could talk about MIKE DEWINE's record. Fifty-nine days out from the election, you no longer can do it. And 3 days before the election, when everyone is paying attention, you can't run those ads. During the period of time when it is most effective, you can't run the ad.

Not only does it pick out the time when it is the most effective, but the bill also picks out the way candidates today communicate on TV and radio and says that is one method of communication you can't use. That is how we get our messages across. Whether we are candidates or whether we are opposing candidates or whether we are issue groups, whoever we are, we get it across through TV.

You can't compete and you cannot reach people in the State of Ohio unless you are on TV. That is a fact. Whether you are an issue group attacking MIKE DEWINE or whether you are an independent expenditure group, whoever you are, you can't reach people, or whether you are the candidate, you can't reach people unless you are on TV. So they pick the most effective way to do it and the most important time, and they have taken those off the table and said during that period of time, you can't be on TV. It is a direct, absolute attack on the first amendment.

What I have a hard time understanding is some of my colleagues and my friends who, on other days are the most vehement advocates for the first amendment, somehow don't think this violates the first amendment.

Mr. President, it is a direct attack on the first amendment.

I talked this afternoon about my own campaign, my last campaign. I want to get back to that. I emphasize, most of what my colleagues fear and have said I agree with. Each one of us lives in fear of a group putting an ad on TV that criticizes us. We don't become any less human when we get into politics or when we come to the Senate. No one likes criticism. And no one likes criticism that they think is unfair. Do you know what. That is part of what we do. That is part of what you have to accept in the United States of America if you run for office—maybe not in some other countries but here you do. That is what makes us different.

I told a story this afternoon about a group in Ohio—several groups that are mad at me over my proposal and support of a wildlife refuge in Ohio, the Darby Refuge. I happen to think it is a good idea; they don't. For some period of time, throughout the roads that I travel close to my home, and up through the different counties it takes me to go through where this refuge would be in Madison County, I see an awful lot of signs which say, "Dump DeWine." I see signs that say, "No Darby, No DeWine," and variations of that. I don't like it. But do you know what. That is part of the first amendment. If those people who put those signs up had decided to run TV ads, it seems to me they ought to have a right to do that. Again, I would not like it, but I think they have a right to do that. I think they have the right to pick the most effective way to get their message across, during the most crucial time, when people are really focused and paying attention, which is 60 days before the election, and to get their message out. If they want to put out a message on TV that basically says, "Dump DeWine, " or, "Call Mike DeWine and tell him Darby is a bad idea," or variations of that, they ought to have a right to do that—as much as I would not like it.

It is a question of the first amendment. There has been a lot of talk, not just on the floor but among my colleagues for the last at least 3 days, almost nonstop, about the issue of severability. It is an issue we are going to get and vote on tomorrow. We would not have that discussion if it weren't so abundantly clear that the Wellstone provision, which is now part of Snowe-Jeffords, is unconstitutional. Members know it. They tell you that privately. Some have said it publicly. But virtually everyone gets that it is unconstitutional and the Court is going to throw it out.

This big debate tomorrow on severability and whether or not when one part of the bill goes down, another part should go down, or whether we should fence off one part of the bill—that discussion, and a fairly close vote tomorrow, will come about because people know the Wellstone amendment is unconstitutional. If it weren't so, we would not be having that debate. That is going to be the thing that is unspoken tomorrow when we get to that debate.

I want to talk for a moment about my colleague from North Carolina, who is a very good lawyer. He and I had the opportunity, during the impeachment hearings, to work together, along with Senator LEAHY and others. I saw how good he is. My colleague came to the floor this evening and talked about the constitutionality of Snowe-Jeffords. I respect what he has to say. Again, I point out, though, that this is the same Member of the Senate—not much more than 24 hours ago—who came to the floor and basically said the Wellstone amendment was unconstitutional. I understand that his comments tonight were about Snowe-Jeffords; but the problem is that title II is no longer Snowe-Jeffords, it is Snowe-Jeffords-Wellstone, and it contains that provision which Senator EDWARDS said is unconstitutional, or certainly implied it. I read it in the CONGRESSIONAL RECORD.

My colleague from North Carolina went through the tests that have been laid down by the Supreme Court. There are tests as to whether or not you can basically infringe on the first amendment. The courts will look at any restriction on the first amendment from a strict scrutiny point of view. One of the tests is, is there a compelling State interest? In other words, the burden upon someone asserting that it is constitutional to prohibit speech. That person has to prove to a court's satisfaction that there is a compelling State interest to do that, to restrict that speech, because the presumption is you can't restrict speech. I talked this afternoon about that.

There were some areas where the courts have acknowledged that it is constitutional to restrict speech, but they are very narrow. They have held that it has to be a compelling State interest, and the burden of proof is on those who assert the constitutionality. It also has to be narrowly tailored. In other words, when the language is written to restrict speech, it has to be narrowly tailored.

I have failed to hear any discussion of any convincing nature of what the compelling State interest is. What is the compelling State interest that permits the U.S. Congress to say that within 60 days before an election we will stifle—shut off —free speech? What compelling State interest is there, and how is it narrowly drawn for Congress to say no speech within 60 days that mentions a candidate's name? How is that narrow? That is a sledgehammer that comes down on the first amendment and shatters it. It is certainly not narrowly tailored. And certainly the proponents of the constitutionality of this provision have not shown there is any compelling State interest.

Now, the Court talked, in Buckley, about the appearance of corruption. Proponents of this constitutionality provision have made the flat assumption and assertion that there is an appearance of corruption. Yet that is all they say. I don't know what the evidence is of that appearance of corruption. They made the flat out assertion that there is corruption, or there is the appearance of corruption, and that gives them authority to write this type of legislation. I think they have failed in their burden of proof. Again, I state what the law is. The law is that they have a burden of proof.

Again, in conclusion, my amendment will strike article II of the bill. Article II prohibits what I believe is constitutionally protected free speech on TV, within the last 60 days of an election, by labor unions, corporations and, most importantly, by all outside interest groups, by all groups of U.S. citizens who have come together to talk in the one way that is the most effective; that is, on television. It bans that. There is no compelling State interest to do it. It is clearly unconstitutional.

My friend and colleague from Maine also made another interesting comment. She said, "I want to control my own campaign." I am sure the Presiding Officer thinks the same way. I can tell you I think the same way. I want to run my own campaign. I have had a lot of experience doing it. I have won some and lost some. I want to run my own campaign. She also said that this debate should be between the candidates themselves. Debate goes back and forth on TV.

I sort of agree with that, too. At least I understand what she means by that. You run against someone and you want to have that debate between the two of you. You start to get nervous when someone else gets involved in the debate. They may be trying to help you or your opponent. You do not know what they are doing. Sometimes they do not know what they are doing. I understand where she is coming from.

This is not an exclusive club we are talking about. There should be no walls built up in the political arena to keep people out. This is America. This is the United States. We do have a first amendment.

One of the basic beliefs of our founders was that public discussion of issues is essential to democracy. They did not have TV in those days, obviously. They did not have radio. The main method of communication was the printed press, posters being put up, or speeches directly given and directly heard, but the principle is the same. The more people you can involve in political discussion, the better it is.

There can be no walls built around the political arena where we say no one else can enter except the candidates. No one can participate except the candidates. No one can talk about issues in relationship to candidates, except the candidates.

That is just not what we do in the United States. That is not what this country is about. That is not how our political debates should take place. In essence, in a very revealing comment, my friend and my colleague from Maine certainly implied that. That is part of the problem with the way this bill is currently crafted.

This is the United States. I know many times when our campaigns drag on and on and they get pretty messy, and they get pretty rough, a lot of people say: Gee, why don't we do it the way this country does or that country, such and such a country. They do not mess around. They call an election in 6 weeks. They were strict when you could be on TV. They have their election, and it is over. Much as we might long for that sometimes when our campaigns drag on, or when Presidential campaigns start basically a couple months after one Presidential election is over and Senate races start several years in advance and House races seem to never stop, much as we long for that tranquility and the order, if we really thought about it, I do not think we would really want it.

As long as the Wellstone amendment stays in the bill, clearly this bill is going to be held to be unconstitutional.

What is different about us and other countries is our first amendment. It is our first amendment that is at issue. Many countries do not have the equivalent of our first amendment that protects political speech, that protects free speech. We do and we are much better for it. Our political discussion is much better for it and it is more informed.

We are different. I hope when Members of the Senate think about this tonight and prepare to vote tomorrow, they will remember the importance of the first amendment. They will vote for the DeWine amendment. They will vote to make this a better bill. They will vote to give this bill a much better chance of being held to be constitutional.

It is not just a question of the Constitution; it is also a question of public policy. Putting aside the constitutional issue, I do not think we want to be in a position where this Congress says, basically as the thought police in this country, political speech police, that within 60 days of the election we are going to dramatically restrict who can speak in the only way that is effective in many States, and that is to be on TV. I do not think we want to do that, Mr. President.

I thank my colleagues, and I thank the Chair.

CAMPAIGN TAX CREDIT

Mr. WARNER. Mr. President, as chairman of the Rules Committee during the 105th Congress, I presided over numerous hearings on campaign finance reform and I filed two comprehensive bills on this subject. And, just like my colleagues over the years in the course of my four Senate races, I have gained a firsthand familiarity with campaign finance issues. The Senate can take pride in this debate, while issues regarding the first amendment have been center stage, it seems to me there is another fundamental issue we should consider.

One of our aims during this great debate should be to encourage greater citizen participation in elections. Citizens are the backbone of our democracy and should be given encouragement to participate in every way in the elective process.

What are the means by which we can encourage a greater role for the average citizen? I believe one method is a $100 tax credit for contributions made to House and Senate candidates. I propose this tax credit be available only to single persons with an adjusted gross income at or below $50,000. For married couples, in order to avoid exacting a "marriage penalty," a married couple filing jointly could claim a total of $200 in tax credits.

For various reasons, the wealthy are already involved in politics, but there has been a declining interest in campaigns for those at the other end of the spectrum. This credit would encourage broader participation by moderate and lower income voters to balance the greater ability of special interests to participate in the process.

There is precedent for such a tax credit. Until 1986, there was a $50 tax credit for contributions to political campaigns. According to IRS data, when Congress repealed the political contributions tax credit, "a significant percentage of persons claiming the credit have sufficiently high incomes to make contributions in after tax dollars, without the benefit of the tax credit."

My proposal would contrast with the previous tax credit because it would cap the eligible income levels to ensure it is not exclusively the wealthy who take advantage of it.

I think this is an issue that should be addressed in this campaign finance bill. However, because of the constitutional prerogatives of the House of Representatives, I merely bring this issue to your attention now, with the expectation I will raise it again in the context of a reconciliation bill that may be forthcoming.

Ms. CANTWELL. Mr. President, during yesterday's campaign finance debate, I referred to a number of businesses that support a campaign finance reform proposal. I meant to say that top executives or chief executive officers of those businesses support the reform proposal.

OIL EXPLORATION IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Mr. STEVENS. Mr. President, my colleague from Alaska, Senator MURKOWSKI, and I just attended a press conference concerning exploration in the coastal plain of the Arctic National Wildlife Refuge.

In attendance were: James P. Hoffa, International Brotherhood of Teamsters; Michael Sacco, Maritime Trade Department, AFL-CIO; Terry O'Sullivan, Building Trades Department; Martin J. Maddaloni, United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry; Joseph Hunt, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; Frank Hanley, International Union of Operating Engineers; Larry O'Toole, Marine Engineers' Beneficial Association; James Henry, Transportation Institute; and Michael McKay, American Maritime Officers Service.

I ask unanimous consent that the statement made by Michael Sacco of the Maritime Trades Department of the AFL-CIO be printed in the RECORD for my colleagues to read. It offers great insight into the reasons why working men and women throughout the country support oil and gas exploration in the coastal plain.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MICHAEL SACCO, MTD PRESIDENT

With increasing energy problems throughout the United States, Americans are looking for new ways to meet the growing demand for energy products and ensure the continued economic expansion we have enjoyed over the past decade.

Only one location promises to help America meet its energy needs while providing good-paying jobs to American workers—the Arctic National Widlife Refuge.

By opening ANWR, the United States can increase domestic oil production, reduce our reliance on foreign sources of oil, and create hundreds of thousands of new jobs for American workers.

ANWR will be explored and drilled by American workers—the oil transported through U.S.-built pipelines—refined and distributed by domestic facilities—and its byproducts used by U.S. energy producers and U.S. consumers.

These jobs will help keep the economic engine of this country running.

Many of our brothers and sisters in maritime labor will crew the growing fleet of environmentally safe, double-hulled, U.S.-flagged tankers that will carry the oil from Alaska.

These vessels will be American-owned—built by Americans in American shipyards—and serviced and repaired in American yards.

In times of national emergency, the U.S. Merchant Marine is the first to enter the war zone to deliver supplies. America's military depends on the ability to project its power anywhere in the world.

That means we need sealift which is capable of quickly transporting fuel and supplies across thousands of miles.

As we learned in Operation Desert Shield/Desert Storm, U.S.-flag ships, American seafarers employed on those ships, and the American shipyard workers that build the vessels, are vital parts of our sealift capability.

Opening ANWR to development also will enable our U.S.-flag Merchant Marine to grow and help expand our shipyard industrial base—both of which serve valuable military purposes.

We've shown that opening ANWR will be done in a responsible, environmentally sound way.

Since the opening of Alaska's North Slope, nature and development have safely co-existed. And today's technology makes it possible to produce oil in a less-invasive and more environmentally friendly manner.

The Maritime Trades Department stands with the Building Trades, major oil producers, the business community and all the members of JobPower in calling on Congress to open ANWR.

America will benefit for years to come.

TRIBUTE TO ROWLAND EVANS

Mr. WARNER. Mr. President, today in our Nation's Capital funeral services were held for Rowland Evans, a lifetime journalist of international acclaim. This magnificently conducted service, attend by an extraordinary gathering of family, friends, and peers, preserved forever the man's extraordinary love of family, journalism, and service to country in the uniform of the U.S. Marines in combat operations in the Pacific during World War II.

The Commandant of the Marine Corps, General Jones, officiated in presenting the American Flag to the family to conclude this deeply moving service.

Rowland Evans was an astute observer of the values of our federal system of government, but his great fascination was with the political arena—the centerpiece being those who competed for and won or lost elective offices.

His partner—his close friend—for over a quarter of a century, Robert Novak, rose to the challenge of chronicling with sensitivity, humor and insight his many lifetime achievements.

Senator KENNEDY, Senator SNOWE, and I were privileged to be in attendance at the services at Christ's Church, Georgetown. We join in asking unanimous consent to have printed in today's RECORD the proceedings of the U.S. Senate, a complex institution, which Rowland Evans keenly understood, the eulogy by Robert Novak.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY BY MR. ROBERT NOVAK

Having spent his life in journalism writing thousands of columns and literally millions of words, Rowland Evans well knew how hard it was to get things exactly right. So it was with his well-meaning obituaries last Saturday.

The AP report said he had been in poor health for years. In truth, until diagnosed with cancer last summer, it could be said he was the healthiest 79-year-old on the planet. Even for the past nine months, he was no invalid.

His oncologist said he had never quite seen a cancer patient like Rowly Evans. Two weeks before he died he was playing squash, appearing on television, climbing the mountain at his place in Culpeper, even making a deal to finally achieve his long-time desire to buy the top of the mountain and complete ownership of it. As he entered the hospital with two days of life remaining and the bleak options were laid before him, he interrupted the doctor to talk about his chances for presiding over the Evans-Novak political forum next week.

The headline in the New York Times called him a conservative columnist. I guess he did end up as pretty conservative—this friend and ardent admirer of Jack and Robert Kennedy, the son of a liberal Democratic family on the conservative Philadelphia mainline who, at the behest of his New Deal father, delivered a speech—in Marine uniform—for Franklin Roosevelt in 1944.

When Kay Winton told her liberal father she had fallen in love with Rowly, she concluded by saying: and, daddy, he's a liberal! Nearly half a century later, her husband was singing the praises of Ronald Reagan and Newt Gingrich.

Still I can think of words more descriptive of the whole man than conservative: reporter, patriot, mentor, competitor, even—and here using a description by his wife of 51 years—rascal.

He rejoiced in his rascality and loved to talk about it. About the time as Marine recruit at Parris Island, when he spotted an old buddy from the Kent School who was a Marine lieutenant. They decided to have a drink together, but where could an officer and an enlisted man go together? To go to the Officers Club, his friend dressed Rowly as an officer. All went well until Rowly spotted his own commanding officer at the bar. They tiptoed out to prevent their Marine careers from ending in court martial.

Most of us know the story of how Rowly, the lowest of the low in the Washington Bureau of the Associated Press, posted as bureau chief to interview Katherine for a job—at 8 o'clock in the evening, no less.

And Rowly said the crowning achievement of his life came just a few years ago when he and his friend Woody Redmond skated the frozen Potomac River before being halted—and nearly arrested—by police.

The skating incident also reflected one of the fiercest competitive spirits any of us have ever seen—playing competitive ice hockey until he was 40, winning squash tournament after squash tournament at the Metropolitan Club into his 70's and ranked nationally among senior squash players, playing tennis or bridge or poker, shooting dice with friends for lunch at the Metropolitan Club, just trying to drive from Georgetown to Culpeper without hitting a stoplight. He could recite nearly every shot of the semifinal match in the National Father-and Son Tennis Tournament when he was 14 years old.

He was a happy warrior, a delight at any dinner party, playing the piano, stirring up trouble. But beneath these high spirits burned the heart of a patriot—the Yale freshman who stood in line on December 8, 1941 to enlist in the Marine Corps, exchanging the privileged life he had always known for combat at Guadalcanal.

His fierce passion for the security of his country was the prism through which all his journalism passed. It guided his greatest journalistic achievements—his exposé of Soviet arms control cheating in the 1970's that the U.S. Government sought to hide, his informed forecasts of the fall of the communist empire in Czechoslovakia and Poland.

That passion embroiled Rowly in controversy when he refused to accept the Government cover-up of the bombing of the U.S.S. *Liberty* in the Six-day War. He could not let the reasons for the death of fellow Americans serving their country go unnoticed.

Rowland Evans was no deskbound columnist. In the tradition of his great friends the Alsop brothers, he went everywhere—and anywhere—for a story: China, Southeast Asia, all over Eastern Europe, the Mideast, the Indian subcontinent. He skirted death in incidents in Vietnam and the Six-day War. He could not report on the independence movement in the Baltics without actually going to Latvia, Lithuania and Estonia. When his father died, Rowly was reporting in Iraq—awaiting a rare interview with Saddam Hussein. He flew to Philadelphia for the funeral, then back to Baghdad—and that interview with the Iraqi dictator.

But the heart of his reporting was here in Washington. His sources were legion: the mighty of Washington and obscure staffers, CIA spooks and mysterious émigrés. All were interrogated in the dining room of the Metropolitan Club.

In the last week, I have been contacted by so many younger people in the news business who told me how Rowly counseled them, gave them a helping hand. His was what Stew Alsop called the reporter's trade and he sought to pass it along to a new generation.

If I may close with a strictly personal note. On the morning of Monday, December 17, 1963, returning to the Washington Bureau of the Wall Street Journal after my honeymoon, I found a batch of notes from a reporter from the New York Herald-Tribune whom I barely knew: Rowland Evans. When I called him, he asked me for lunch—not at the Metropolitan Club by the way but at Blackie's House of Beef. It was a lunch that changed my life and made my career.

The upshot was the Evans-Novak column which lasted for 30 years until his retirement and a partnership of 38 years that continued in television and our newsletter. We had a thousand shouting arguments, often at the top of our voices. We never fought about money, hardly ever about ideology but frequently about what story to tell and how to tell it.

Rowland Evans was the life of every party, but he ceased being a society boy long ago in the crucible of combat as a Marine sergeant in the Solomon Islands. He was a tough Marine, an unabashed patriot, a great journalist and a faithful friend and colleague. Rest in peace, Rowly.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 27, 2001, the Federal debt stood at $5,736,074,141,495.08, five trillion, seven hundred thirty-six billion, seventy-four million, one hundred forty-one thousand, four hundred ninety-five dollars and eight cents.

One year ago, March 27, 2000, the Federal debt stood at $5,731,796,000,000, five trillion, seven hundred thirty-one billion, seven hundred ninety-six million.

Five years ago, March 27, 1996, the Federal debt stood at $5,069,500,000,000, five trillion, sixty-nine billion, five hundred million).

Ten years ago, March 27, 1991, the Federal debt stood at $3,460,809,000,000, three trillion, four hundred sixty billion, eight hundred nine million.

Fifteen years ago, March 27, 1986, the Federal debt stood at $1,981,848,000,000, one trillion, nine hundred eighty-one billion, eight hundred forty-eight million, which reflects a debt increase of almost $4 trillion—$3,754,226,141,495.08, three trillion, seven hundred fifty-four billion, two hundred twenty-six million, one hundred forty-one thousand, four hundred ninety-five dollars and eight cents, during the past 15 years.

ADDITIONAL STATEMENTS

THE 100TH ANNIVERSARY OF THE ARMADA FREE PUBLIC LIBRARY

• Mr. LEVIN. Mr. President, I rise to congratulate the residents of Armada and the Armada Free Public Library on the occasion of its one-hundredth anniversary. Residents in my home State of Michigan will be gathering this Sunday, April 1, 2001 to celebrate this important milestone.

The Armada Free Public Library is a dynamic community institution, with a proud tradition of serving the needs of all residents of the growing community in which it is located. This commitment to community service is manifested in the library's efforts to provide access to over 25,000 books and many periodicals, as well as access the World Wide Web. In addition, the Armada Free Public Library serves as a barrier-free gathering place for community and civic groups.

The Armada Free Public Library was established on April 1, 1901. It was on this day that village residents approved a mill tax to fund the library by a resounding vote of 144 to 48. The library opened on August 10th of the same year with 87 books on its shelves.

In the ensuing years, the library grew from these humble origins to continue serving the needs of area residents. In particular, the early library emphasized its ability to serve as a meeting place for conferences, clubs and children located in this bustling farming community. Given its central role in the community, it is only natural that as Armada grew the Free Public Library needed to grow with it. Were it not for the efforts of philanthropists and concerned voters, the Armada Free Public Library may not have reached this historic anniversary. A grant provided by the Carnegie's enabled the library to move into a new facility in 1915, and subsequent efforts by local voters and philanthropists, such as the estate of the late Elizabeth Pomeroy, ensured both the growth of the library and its continued economic viability.

Mr. President, I have mentioned only a small portion of the dynamic history of the Armada Free Public Library and the many ways in which the library has remained committed to this community. I know my colleagues will join me in honoring the Armada Free Public Library for its service to the people of Armada and the State of Michigan.•

RECOGNITION OF ROSARY HIGH SCHOOL

• Mr. BOND. Mr. President, I rise to recognize Rosary High School's outstanding accomplishments and to congratulate them on their 40th anniversary and rededication which will take place on April 29, 2001.

Originally Archbishop Joseph Ritter dedicated the building for Rosary High School in St. Louis on April 29, 1962. Since its first graduating class in 1965, Rosary High school has proudly graduated 8,000 students. Over the years its students have done an outstanding job of serving the St. Louis community by completing more than 100 hours of community service per student.

Rosary High School continues to maintain an excellent academic record with average ACT scores that are above the state and national norms. Fifty percent of their graduating class has received scholarships to college.

Rosary High School has excelled in their athletic programs. Over the past 40 years they have repeatedly won the State championship in soccer, as well as championships in volleyball and basketball.

Rosary High School is an exemplary High School. The School, faculty, and students are an asset to the St. Louis community. It is my sincerest hope that the next forty years are as successful as the last.•

TRIBUTE TO PATRICIA MULROY

• Mr. REID. Mr. President, I rise today to honor a distinguished Nevadan, a good person and a good friend, Patricia Mulroy. Pat will be receiving the National Jewish Medical and Research Center's Humanitarian Award on April 28, 2001.

The Humanitarian Award honors people who have made significant civic and charitable contributions, people who have chosen to devote their lives to making their communities better places to live.

Pat first moved to Las Vegas in 1974, and began making her mark almost as soon as she arrived as a young student at the University of Nevada-Las Vegas by being admitted to Phi Kappa Phi and being listed in Who's Who in American Colleges and Universities.

After college, Pat began her career in public service by working in the Clark County Manager's Office. She was appointed the county's first Justice Court Administrator in 1984, and later was appointed General Manager of the Las Vegas Valley Water District.

Those of us who live in the southwestern United States know how important, and scarce, water is to our States. Pat took over as General Manager of the Water District during one of the most difficult periods in Southern Nevada's water history, a year when the community began growing at the rate of 3000 to 5000 resident's per month, a trend which has only increased. In response, in 1991, Pat was appointed the first General Manager for the Southern Nevada Water Authority, an agency created by the state legislature to oversee competing governmental interest in water.

Since then, Pat has become known nationally as an expert on water issues. She is a member of the American Water Works Association and currently sits on the Board of Directors of the Association of Metropolitan Water Agencies. In 1992 she helped found and was the original chairman of the Western Urban Water Coalition. She is also a member of the Colorado River Water Users Association and has served on its Board of Directors. She serves on the Desert Research Institute Research Foundation Board of Trustees and received the University and Community College System of Nevada Board of Regents' 1999 Distinguished Nevadan Award.

Those of us who have had the privilege of knowing Pat personally know her as more than a public advocate and expert on water issues. We also know her as a loving wife to her husband Robert, a devoted mother of two children, Ryan and Kelley, and a leader who is active in her church, on her school board, and in her community. Nobody deserves this award more than Pat.

I extend my congratulations to you, and the appreciation of all Nevadans for your good work on their behalf.•

DR. M. GRAHAM CLARK

• Mr. BOND. Mr. President, today I would pay tribute to Dr. M. Graham Clark, of Point Lookout, MO, who died earlier this month and will be sadly missed by his family and all of us who were privileged to be counted among his friends.

Dr. Clark was a tremendous educator, businessman and community leader. He came to what was then known as the School of the Ozarks in 1946, a high school, as vice-president and became its president in 1952.

On his watch of nearly a half century, the institution grew from a high school into a junior college and then a four-year college, and was brought into regional accreditation. Dr. Clark was proud, and deservedly so, of the fact that the College was accredited even before it issued its first full degree. The school Dr. Clark built was also nationally recognized for its adherence to Christian principles and the strong work ethic of its students. He viewed the school as his mission, and tirelessly raised funds for its improvement, even when he was well into his eighties.

During his more than 50 years of service to College of the Ozarks, and to all of Southwest Missouri, Dr. Clark touched millions of people's lives. His leadership will be remembered for generations to come. Those who knew him best know that his commitment and love of the College was second only to his dedication to his Lord and Savior, and to his family.

Our culture is quick to glorify the here and now, the "flash in the pan" celebrities, the "cause" of the day. By that measure, Clark stood apart. While he could no doubt have made a fortune in the for-profit sector, he devoted his considerable intellectual and business skills to the work of building a top-notch educational institution. He was a strong Christian who never hid nor apologized for his beliefs. He spent his entire life making life better for young people in the Ozark region, his family, his church,and his community. His love for others knew no social boundaries. We are in his debt, and remember him fondly.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive sessions the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 801. An act to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes.

H.R. 811. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers.

At 7:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 83. A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 801. An act to amend title 38, United States Code, to improve programs of educational assistance, to expand programs of transition assistance and outreach to departing servicemembers, veterans, and dependents, to increase burial benefits, to provide for family coverage under Servicemembers' Group Life Insurance, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 811. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

The following concurrent resolution was read, and referred as indicated:

H.Con. Res. 83. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1: An original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965 (Rept. No. 107–7).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 1. An original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mrs. LINCOLN (for herself and Mr. HUTCHINSON):

S. 636. A bill to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 637. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to authorize the establishment of individual fishery quota systems; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. LEAHY, and Mr. BENNETT):

S. 638. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 639. A bill to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. NICKLES, and Mr. MURKOWSKI):

S. 640. A bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment; to the Committee on Finance.

By Mr. TORRICELLI:

S. 641. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 642. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. LANDRIEU, Mr. INOUYE, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 643. A bill to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. GRAMM, Mr. KYL, Mr. INHOFE, Mr.

SHELBY, Mr. SMITH of New Hampshire, Mr. CRAPO, Mr. HAGEL, Mr. HELMS, and Mr. FITZGERALD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S.J. Res. 12. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 148

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 148, a bill to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes.

S. 170

At the request of Mr. REID, the names of the Senator from Montana (Mr. BURNS) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 271

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 271, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 319

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 319, a bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 325

At the request of Mr. FRIST, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 325, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 327

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 327, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library media resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 338

At the request of Mr. ENSIGN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 446

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 446, a bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes.

S. 447

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 447, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 486

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 500

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 549

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 549, a bill to ensure the availability of spectrum to amateur radio operators.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 635

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 635, a bill to reinstate a standard for arsenic in drinking water.

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Michigan (Mr. LEVIN), the Senator from California (Mrs. BOXER), the Senator from Wyoming (Mr. ENZI), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 41

At the request of Mr. SHELBY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Res. 41, a resolution designating April 4, 2001, as "National Murder Awareness Day."

S. RES. 44

At the request of Mr. COCHRAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month."

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 637. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to authorize the establishment of individual fishery quota systems; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, together with Senator MCCAIN, to introduce the Individual Fishing Quota Act of 2001 which will address one of the most complex policy questions in fisheries management, individual fishing quotas, IFQs. This bill will amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the establishment of new individual quota systems after October 1, 2002. Last year, I introduced legislation to reauthorize the Magnuson-Stevens Act and extend the existing moratorium on new IFQ programs for three years. Congress ultimately extended the moratorium for two years through fiscal year 2002. The combination of the moratorium extension and the IFQ Act of 2001 will provide fishermen and fisheries managers time to prepare for the possibility of using IFQs as a management option. This legislation will in no way whatsoever force IFQs upon any regional management council. This is not a mandate to use IFQs. Rather, it is intended to provide the councils with an additional conservation and management tool after the existing moratorium expires.

IFQ programs can drastically change the face of fishing communities and the fundamental principles of conservation and management. Therefore, this legislation needs to be developed in a careful and meaningful manner. Accordingly, introduction of this bill is intended to begin the dialogue on the possibility of new IFQ programs. I fully anticipate that we will hear from many stakeholders to help the Subcommittee on Oceans and Fisheries shape and reshape this bill as necessary. I look forward to participation by all impacted groups as we move this bill through the legislative process.

The IFQ Act of 2001 sets conditions under which fishery management plans, FMPs, or plan amendments may establish a new individual fishing quota system. The bill ensures that any council which establishes new IFQs will promote sustainable management of the fishery; require fair and equitable allocation of individual quotas; minimize negative social and economic impacts on local coastal communities; ensure adequate enforcement of the system; and take into account present participation and historical fishing practices of the relevant fishery. Additionally, the bill requires the Secretary of Commerce to conduct referenda to ensure that those most affected by IFQs will have the opportunity to formally approve both the initiation and adoption of any new individual fishing quota program.

This bill authorizes the potential allocation of individual quotas to fishing vessel owners, fisherman and crew members who are citizens of the United States. The legislation does not allow, however, individual quotas to be sold, transferred or leased. In addition, participation in the fishery is required for a person to hold quota. Acknowledging the possibility that undue hardship may ensure, the bill allows for the suspension of the transferability requirements by the Secretary on an individual case-by-case basis. Moreover, this bill permits councils to allocate quota shares to entry-level fisherman, small vessel owners, or crew members who may not otherwise be eligible for individual quotas.

In 1996, Congress reauthorized the Magnuson-Stevens Act through enactment of the Sustainable Fisheries Act, SFA. The SFA contained the most substantial improvements to fisheries conservation since the original passage of the Magnuson-Stevens Act in 1976. More specifically, the SFA included a five year moratorium on new IFQ programs and required the National Academy of Sciences, NAS, to study and report on the issue.

As a result, the NAS issued a report which contained a number of recommendations to Congress addressing the social, economic, and biological aspects of IFQ programs. The first recommendation was for Congress to lift the existing moratorium on new IFQ programs and authorize the councils to design and implement new IFQs. The IFQ Act of 2001 specifically incorporates certain recommendations of the NAS report and provides councils with the flexibility to adopt additional NAS or other recommendations. Mr. President, as with other components of fisheries conservation and management, there is no "one-size-fits-all" solution to IFQ programs. Therefore, this bill sets certain conditions under which IFQs may be developed, but at the same time, it clearly provides the regional councils and the affected fishermen with the ability to shape any new IFQ program to fit the needs of the fishery, if such a program is desired.

Over the past one and a half years, the Subcommittee on Oceans and Fisheries traveled across the country and held six hearings on the reauthorization of the Magnuson-Stevens Act. We began the process in Washington, DC, and then visited fishing communities in Maine, Louisiana, Alaska, Washington, and Massachusetts. During the course of those hearings, we heard official testimony from over 70 witnesses and received statements from many more fishermen during open microphone sessions at each field hearing. The Subcommittee heard the comments, views and recommendations of federal and state officials, regional council chairmen and members, other fisheries managers, commercial and recreational fishermen, members of the conservation community, and many others interested in these important issues. Additionally, the 26th annual Maine Fishermen's Forum held a very informative all-day workshop on IFQs on March 1, 2001. The IFQ Act of 2001 incorporates many of the suggestions we heard from those men and women who fish for a living and those who are most affected by the law and its regulations.

Unfortunately successful fisheries conservation and management seems to be the exception and not the rule. The decisions that fishermen, regional councils and the Department of Commerce make are complex and often depend on less than adequate information. It is incumbent upon the Congress to provide the many interested stakeholders with the ability to make practical and informed decisions. At a later date, I will introduce additional legislation to amend the Magnuson-Stevens Act to address the fundamental problems in fisheries management—a lack of funding, a lack of basic scientific information, and enhanced flexibility in the decision-making process. But today, I introduce the IFQ Act of 2001 to begin the dialogue on new individual fishing quota programs, the most significant policy question in fisheries management. Clearly, I do not presume to offer a perfect solution to a complex and emotional concept. However, it is my intent to resolve this issue after appropriate debate and consideration by the Commerce Committee and the U.S. Senate. I look forward to and expect the full participation of those Senators who have expressed interest in this issue in the past and those who may be new to the debate.

I ask unanimous consent that the test of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "IFQ Act of 2001".

SEC. 2. INDIVIDUAL QUOTA PROGRAMS.

(a) Authority To Establish Individual Quota Systems.—Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853) is amended by adding at the end the following:

"(e) Special Provisions for Individual Quota Systems.—

"(1) Conditions.—A fishery management plan which establishes an individual quota system for a fishery after September 30, 2002—

"(A) shall provide for administration of the system by the Secretary in accordance with the terms of the plan;

"(B) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested;

"(C) shall include provisions which establish procedures and requirements for each Council having authority over the fishery, for—

"(i) reviewing and revising the terms of the plan that establish the system; and

"(ii) renewing, reallocating, and reissuing individual quotas if determined appropriate by each Council;

"(D) shall include provisions to—

"(i) promote sustainable management of the fishery;

"(ii) provide for fair and equitable allocation of individual quotas under the system;

"(iii) minimize negative social and economic impacts of the system on local coastal communities;

"(iv) ensure adequate enforcement of the system, including the use of observers where appropriate at a level of coverage that should yield statistically significant results; and

"(v) take into account present participation and historical fishing practices, in the fishery; and

"(E) include provisions that prevent any person or entity from acquiring an excessive share of individual quotas issued for a fishery.

"(2) Plan characteristics.—An individual quota issued under an individual quota system established by a fishery management plan—

"(A) shall be considered a grant, to the holder of the individual quota, of permission to engage in activities permitted by the individual quota;

"(B) may be revoked or limited at any time, in accordance with the terms of the plan and regulations issued by the Secretary or the Council having authority over the fishery for which it is issued, if necessary for the conservation and management of the fishery (including as a result of a violation of this Act or any regulation prescribed under this Act);

"(C) if revoked or limited by the Secretary or a Council, shall not confer any right of compensation to the holder of the individual quota;

"(D) may be received and held in accordance with regulations prescribed by the Secretary under this Act;

"(E) shall, except in the case of an individual quota allocated under an individual quota system established before the date of enactment of the IFQ Act of 2001, expire not later than 5 years after the date it is issued, in accordance with the terms of the fishery management plan; and

"(F) upon expiration under subparagraph (E), may be renewed, reallocated, or reissued if determined appropriate by each Council having authority over the fishery.

"(3) Eligible holders.—

"(A) In general.—Except as provided in subparagraph (B), any fishery management plan that establishes an individual quota system for a fishery may authorize individual quotas to be held by or issued under the system to fishing vessel owners, fishermen, and crew members.

"(B) Non-citizens not eligible.—An individual who is not a citizen of the United States may not hold an individual quota issued under a fishery management plan.

"(4) Permitted provisions.—Any fishery management plan that establishes an individual quota system for a fishery may include provisions that—

"(A) allocate individual quotas under the system among categories of vessels; and

"(B) provide a portion of the annual harvest in the fishery for entry-level fishermen, small vessel owners, or crewmembers who do not hold or qualify for individual quotas.

"(5) Termination or limitation.—

"(A) Grounds.—An individual quota system established for a fishery may be limited or terminated at any time if necessary for the conservation and management of the fishery, by—

"(i) the Council which has authority over the fishery for which the system is established, through a fishery management plan or amendment; or

"(ii) the Secretary, in the case of any individual quota system established by a fishery management plan developed by the Secretary.

"(B) Effect on other authority.—This paragraph does not diminish the authority of the Secretary under any other provision of this Act.

"(6) Required provisions; reallocations.—Any individual quota system established for a fishery after the date of enactment of the IFQ Act of 2001—

"(A) shall not allow individual quota shares under the system to be sold, transferred, or leased;

"(B) shall prohibit a person from holding an individual quota share under the system unless the person participates in the fishery for which the individual quota share is issued; and

"(C) shall require that if any person that holds an individual quota share under the system does not engage in fishing under the individual quota share for 3 or more years in any period of 5 consecutive years, the individual quota share shall revert to the Secretary and shall be reallocated under the system to qualified participants in the fishery in a fair and equitable manner.

"(7) Exceptions.—

"(A) Hardship.—The Secretary may suspend the applicability of paragraph (6) for individuals on a case-by-case basis due to death, disablement, undue hardship, retirement, or in any case in which fishing is prohibited by the Secretary or the Council.

"(B) Transfer to family members.—Notwithstanding paragraph (6)(A), the Secretary may permit the transfer of an individual fishing quota, on a case-by-case basis, from an individual to a member of that individual's family under circumstances described in subparagraph (A) through a simple and expeditious process.

"(8) Definitions.—In this subsection:

"(A) individual quota system.—The term 'individual quota system' means a system that limits access to a fishery in order to achieve optimum yield, through the allocation and issuance of individual quotas.

"(B) individual quota.—The term 'individual quota' means a grant of permission to harvest a quantity of fish in a fishery, during each fishing season for which the permission is granted, equal to a stated percentage of the total allowable catch for the fishery.".

(b) Approval of Fishery Management Plans Establishing Individual Quota Systems.—Section 304 of that Act (16 U.S.C. 1854) is further amended by adding after subsection (h) the following:

"(i) Referendum Procedure.—

"(1) A Council may prepare and submit a fishery management plan, plan amendment, or regulation that creates an individual fishing quota or other quota-based program only if both the preparation and the submission of such plan, amendment or regulation are approved in separate referenda conducted under paragraph (2).

"(2) The Secretary, at the request of a Council, shall conduct the referenda described in paragraph (1). Each referendum shall be decided by a two-thirds majority of the votes cast by eligible permit holders. The Secretary shall develop guidelines to determine procedures and eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

"(j) Action on Limited Access Systems.—

"(1) In addition to the other requirements of this Act, the Secretary may not approve a fishery management plan that establishes a limited access system that provides for the allocation of individual quotas (in this subsection referred to as an 'individual quota system') unless the plan complies with section 303(e).

"(2) Within 1 year after receipt of recommendations from the review panel established under paragraph (3), the Secretary shall issue regulations which establish requirements for establishing an individual quota system. The regulations shall be developed in accordance with the recommendations. The regulations shall—

"(A) specify factors that shall be considered by a Council in determining whether a fishery should be managed under an individual quota system;

"(B) ensure that any individual quota system is consistent with the requirements of sections 303(b) and 303(e), and require the collection of fees in accordance with subsection (d)(2) of this section;

"(C) provide for appropriate penalties for violations of individual quotas systems, including the revocation of individual quotas for such violations;

"(D) include recommendations for potential management options related to individual quotas, including the use of leases or auctions by the Federal Government in the establishment or allocation of individual quotas; and

"(E) establish a central lien registry system for the identification, perfection, and determination of lien priorities, and nonjudicial foreclosure of encumbrances, on individual quotas.

"(3)(A) Not later than 6 months after the date of the enactment of the IFQ Act of 2001, the Secretary shall establish a review panel to evaluate fishery management plans in effect under this Act that establish a system for limiting access to a fishery, including individual quota systems, and other limited access systems, with particular attention to—

"(i) the success of the systems in conserving and managing fisheries;

"(ii) the costs of implementing and enforcing the systems;

"(iii) the economic effects of the systems on local communities; and

"(iv) the use of auctions in the establishment or allocation of individual quota shares.

"(B) The review panel shall consist of—

"(i) the Secretary or a designee of the Secretary;

"(ii) the Commandant of the Coast Guard;

"(iii) a representative of each Council, selected by the Council; and

"(iv) 5 individuals with knowledge and experience in fisheries management.

"(C) Based on the evaluation required under subparagraph (A), the review panel shall, by September 30, 2003—

"(i) submit comments to the Councils and the Secretary with respect to the revision of individual quota systems that were established prior to June 1, 1995; and

"(ii) submit recommendations to the Secretary for the development of the regulations required under paragraph (2).".

By Mr. DOMENICI (for himself, Mr. LEAHY, and Mr. BENNETT):

S. 638. A bill to amend the Internal Revenue Code of 1986 to provide the same capital gain treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. DOMENICI. Mr. President, the bill I am introducing today is designed to restore some internal consistency to the Tax Code as it applies to art and artists.

No one has ever said that the Tax Code is fair even though it has always been a theoretical objective of the code to treat similar taxpayers similarly.

The bill I am introducing today would address two areas where similarly situated taxpayers are not treated the same.

Internal inconsistency No. 1 deals with the long term capital gains tax treatment of investments in art and collectibles.

Internal inconsistency No. 2 deals with the charitable deduction for artists donating their work to a museum or other charitable cause. The unartistic person wishing to make a charitable contribution of a piece of art is entitled to a deduction equal to fair market value of the art. An artist, on the other hand, just because he/she is the creator of the art, is limited to a deduction equal to the tube of paint, the paper, or other art supplies involved. Under this tax treatment few eligible contributions exceed $19.95 even though the art may be worth hundreds or even thousands of dollars. The tax treatment is a disincentive and a blatant unfairness.

If a person invests in stocks, or bonds, holds the asset for the requisite period of time, and sells at a gain, the tax treatment is long term capital gains. The top capital gains tax rate is 20 percent, 18 percent if the asset is held for five or more years. However, if the same person invests in art or collectibles the top rate is hiked up to 28 percent.

Art for art's sake should not incur an additional 40-percent tax bill simply for revenue's sake. That is a big impact on the pocketbook of the beholder.

Art and collectibles are alternatives to financial instruments as an investment choice. To create a tax disadvantage with respect to one investment compared to another creates an artificial market and may lead to poor investment allocations. It also adversely impacts those who make their livelihood in the cultural sectors of the economy.

Santa Fe, NM, is the third largest art market in the country. We have a diverse colony of artists, collectors and gallery owners. We have fabulous Native American rug weavers, potters and carvers. Creative giants like Georgia O'Keeffe, Maria Martinez, E.L. Blumenshein, Allan Houser, R.C. Gorman, and Glenna Goodacre have all chosen New Mexico as their home and as their artistic subject.

John Nieto, Wilson Hurley, Clark Hulings, Verl Goodnight, Bill Acheff, Susan Rothenberg, Bruce Nauman, Agnes Martin, Doug Hyde, Margaret Nez, Dan Ostermiller are additional examples of living artists creating art in New Mexico.

Art, antiques and collectibles are a $12 to $20 billion annual industry nationwide. In New Mexico, it has been estimated that art and collectible sales range between $500 million and $1 billion a year.

Economists have always been interested in the economics of the arts. Adam Smith is a well-known economist. He was also a serious, but little-known essayist on painting, dancing, and poetry. Keynes was a passionate devotee of painting.

Even the artistically inclined economists found it difficult to define art within the context of economic theory.

When asked to define Jazz, Louis Armstrong replied: "If you gotta ask, you ain't never going to know." A similar conundrum has challenged Galbraith and other economists who have grappled with the definitional issues associated with bringing art within the economic calculus.

Original art objects are, as a commodity group, characterized by a set of attributes:

Every unit of output is differentiated from every other unit of output.

Art works can be copied but not reproduced.

The cultural capital of the nation has significant elements of public good.

Because art works can be resold, and their prices may rise over time, they have the characteristics of financial assets, and as such may be sought as a hedge against inflation, as a store of wealth or as a source of speculative capital gain.

As chairman of the Budget Committee I pride myself on understanding economics, so I reviewed the literature on "cultural economics" to see how the markets have treated the muses.

Numerous economists have analyzed rates of return on works of art—some studies going back as far as 1635. The more recent the study the more favorable art investments compare with the stock market.

New Mexico is not only the third largest art market but it is also the home of a unique company that manages the Metropolitan Fine Arts fund which charts the price performance of various categories of collectibles over the past five years. Recently this firm, Lyons and Hannover, compared the S&P 500 with different categories of fine art and collectibles. Had a person invested in American impressionists like Cassatt, Hassam, or Sargent he would have beat the S&P. An investment in 20th century expressionists like Klee or Nolde did not out perform the S&P. Of the other 16 categories most did almost as well as the S&P 500. Furniture, ceramics, cars, photography, wine and weapons were also worthwhile investments during the last decade.

Lyons and Hannover are not the only ones putting theory into practice. Citigroup has created in essence an art mutual fund. Deutchsche Bank recently launched its own art fund and others are raising money for an "art investment bank." Not to be outdone by the "Wall Street suits" artist Ben McNeill has gone straight to the public. He minted 800 shares in his "Art Shares" project at $5 each. Each can be redeemed for $10 in 2004, But buyers think they are worth more. They've traded on his Web site for as high as $43.

William Goetzmann when he was at the Columbia Business School constructed an art index and concluded that painting price movements and stock market fluctuations are correlated. I conclude that with art, as well as stocks, past performance is no guarantee of future returns but the gains should be taxed the same.

In 1990, the editor of Art and Auction asked the question: "Is there an 'efficient' art market?"

A well known art dealer answered: "Definitely not. That's one of the things that make the market so interesting."

For everyone who has been watching world-financial markets lately, the art market may be a welcome distraction.

Why do people invest in art and collectibles?

Art and collectibles are something you can appreciate even if the investment doesn't appreciate.

Art is less volatile. If bouncing bond prices drive you berserk and spiraling stock prices scare you silly, art may be the right investment for you.

Because art and collectibles are investments, the long term capital gains tax treatment should be the same as for stocks and bonds. This bill would accomplish that.

Artists will benefit. Gallery owners will benefit. Collectors will benefit. And museums benefit from collectors. About 90 percent of what winds up in museums like the New York's Metropolitan Museum of Art comes from collectors.

Collecting isn't just for the hoyty toity. It seems that everyone collects something. Some collections are better investments than others. Some collections are just bizarre. The internet makes collecting big business.

The flea market fanatics are also avid collectors. In fact, people collect the darndest things. Books, duck decoys, Audubon prints, chai pets, snowglobes, thimbles, handcuffs, spectacles, baseball cards, and caps, guns and dolls.

This bill could be called the "Fine art, furniture, figurines, coins and stamps, china and pottery, silver, cast iron and brass wares, beanie babies, rugs, quilts, and other textiles, architectural columns, glassware, jewelry, lamps, military memorabilia, toys, dolls, trains, entertainment memorabilia, political memorabilia, books, maps, antique hardware, clocks and watches" Capital Gains Parity Act and I still would not have accurately captured the full scope of the bill.

For most of these collections, capital gains isn't really an issue, but you never know. Antique Roadshow is one of the most popular shows on TV. Everyone knows the story about the women who bought the card table at a yard sale for $25. It turned out to be the work of a Boston cabinet maker circa 1797. It later sold at Sotheby's for $490,000.

Like the women on Antique Roadshow, you could be creating a sizeable taxable asset if you decide to sell your art or collectible collection. You may find that your collecting passion has created a tax predicament—to phrase it politely. Art and collectibles are tangible assets. When you sell them, capital gains tax is due on any appreciation over your purchase price.

The bill provides capital gains tax parity because it lowers the top capital gains rate from 28 percent to 20 percent, 18 percent if the asset has been held for five or more years.

The second area where people similarly situated are not treated similarly in the tax code deals with charitable contributions. When someone is asked to make a charitable contribution to a museum or to a fund raising auction it shouldn't, but under current law does, matter whether you are an artist or not.

Under current law an artist/creator can only take a deduction equal to the cost of the art supplies.

The bill I am introducing with Senators LEAHY and BENNETT will allow a fair market deduction for the artist. It includes certain safeguards to keep the artist from "painting himself a tax deduction."

This bill applies to literary, musical, artistic, and scholarly compositions if the work was created at least 18 months before the donation was made, has been appraised, and is related to the purpose or function of the charitable organization receiving the donation.

As with other charitable contributions it is limited to 50 percent of adjusted gross income, AGI. If it is also a capital gain, there is a 30 percent of AGI limit.

I believe these safeguards bring fairness back into the code and protect the Treasury against any potential abuse.

The revenue estimate for the capital gains provision is $2.3 billion over ten years and the estimate for the charitable deduction is approximately $48 million over ten years.

I hope my colleagues will help me put the internally consistent into the Internal Revenue Code—for art's sake.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Art and Collectibles Capital Gains Tax Treatment Parity Act".

SEC. 2. CAPITAL GAINS TREATMENT FOR ART AND COLLECTIBLES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by striking paragraphs (5) and (6) and inserting the following new paragraph:

"(5) 28-PERCENT RATE GAIN.—For purposes of this subsection, the term '28-percent rate gain' means the excess (if any) of—

"(A) section 1202 gain, over

"(B) the sum of—

"(i) the net short-term capital loss, and

"(ii) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1(h)(9) of the Internal Revenue Code of 1986 is amended by striking "collectibles gain, gain described in paragraph (7)(A)(i)," and inserting "gain described in paragraph (7)(A)(i)".

(2) Section 1(h) of such Code is amended by redesignating paragraphs (12) and (13) as paragraphs (6) and (12), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

By Mr. TORRICELLI:

S. 641. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Explosives Protection Act." I do this in memory of the tragic bombing of the federal building in Oklahoma City, because I hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

This bill, while not directly related to the circumstances in Oklahoma City, is a first step towards protecting the American people from those who would use explosives to do them harm.

Not many people realize just how few restrictions on the use and sale of explosives really exist. While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives.

For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And this same divergence applies to those who have been dishonorably discharged from the armed forces, those who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions. Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials, materials which can result in an equal or even greater loss of life. It is time to bring the explosives law into line with gun laws, and this is all my bill does. Specifically, this extends the list of persons barred from purchasing explosives so that it matched that of people barred from purchasing firearms.

This is a simple bill meant only to correct longstanding gaps and loopholes in current law. I urge my colleagues to support the bill, and I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Explosives Protection Act of 2001".

SEC. 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) Exceptions and Waiver for Certain Individuals.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) Exceptions and Waiver for Certain Individuals.—

"(1) Definitions.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) Exceptions.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) Waiver.—

"(A) In general.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) Petitions.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

By Mr. TORRICELLI:

S. 642. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Neighborhood Watch Partnership Act." This bill will broaden the eligibility of groups that may apply for essential funding for neighborhood watch activities.

Communities across the country are finding sensible ways to solve local problems. Through partnerships with local police, neighborhood watch groups are having a decisive impact on crime. There are almost 20,000 such groups creating innovative programs that promote community involvement in crime prevention techniques. They empower community members and organize them against rape, burglary, and all forms of fear on the street. They forge bonds between law enforcement and the communities they serve.

Unfortunately, many communities find it difficult to afford the often expensive equipment such as cellphones and CBs needed to start a neighborhood watch organization. While the COPS program within the Department of Justice provides funding for some neighborhood watch groups, an organization must incorporate to benefit from the current program. A mere 2000 of the nearly 20,000 groups incorporate, however, meaning that the vast majority of watch groups cannot apply for funding assistance. This makes very little sense.

The time has come to make a clear commitment to these groups. That is why I am introducing a bill to extend COPS funding to unincorporated neighborhood watch organizations. The bill would provide grants of up to $1950 to these groups. Under current law, either the local police chief or sheriff must approve grant requests by unincorporated watch groups. We would impose the same requirement on unincorporated groups, thus providing accountability for the disbursement of funds.

Neighborhood watch organizations provide an invaluable service. By extending the partnership between community policing and watch group organizations, we will boldly encourage small and large communities to preserve and create crime prevention tools. We should act now, Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) Short Title.—This Act maybe cited as the "Neighborhood Watch Partnership Act of 2001".

(b) In General.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(c) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $282,625,000 for fiscal year 2002."; and

(2) in subparagraph (B) by inserting after "(B)" the following: "Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).".

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. LANDRIEU, Mr. INOUYE, Mr. TORRICELLI, Mr. DASCHLE, Mr. LEAHY, Mr. WYDEN, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 643. A bill to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to introduce legislation to implement the United States-Jordan Free Trade Agreement.

I introduce this legislation on behalf of myself and Senators KERRY, LANDRIEU, INOUYE, TORRICELLI, DASCHLE, LEAHY, BINGAMAN, WYDEN, and LIEBERMAN. The same legislation is today being introduced by colleagues in the other body.

The United States-Jordan FTA was signed on October 26, 2000 and formally submitted to Congress on January 6.

For a variety of reasons, it is one of the most significant trade achievements in recent years.

Simply put, the United States-Jordan FTA is a strong trade agreement. It eliminates barriers to trade on goods and services across the board.

The agreement is very much on a par with the FTA with Canada and Mexico; the specific provisions of the agreement mirror the United States-Israel FTA and the related understanding with the Palestinian Authority.

Although the volume of trade involved is not likely to have much impact on the United States, it should be a significant boon to Jordan—and that does benefit the United States.

Jordan has become one of the United States' best allies in the Middle East. Demonstrating considerable courage and leadership, Jordan has made peace with Israel and cooperated with the United States on a number of diplomatic fronts.

As the majority leader Senator LOTT wrote in a letter to the President on March 8 urging approval of the agreement:

> Jordan has been a reliable partner of the United States and has played an important role in America's efforts to achieve a lasting peace in the Middle East. The United States-Jordan Free Trade Agreement is an important and timely symbol of this critical relationship.

I strongly agree with Senator LOTT. I am normally skeptical of using geopolitical rationales to change U.S.

trade policy, but in this case the right geopolitical outcome is also the right trade policy outcome.

Most of the controversy surrounding the United States-Jordan FTA focuses on provisions of the agreement regarding the environment and labor.

Without question, these are significant provisions. They address labor rights and environmental issues in the core of the agreement and make the issues subject to dispute settlement like all other provisions of the agreement.

That said, the provisions simply obligate both countries to enforce their current labor and environmental laws and not weaken their laws with the aim of distorting trade.

Any objective reading of the provisions makes it clear that critics' fears of private parties litigating under these portions of the agreement or attacking U.S. environmental laws are simply unfounded.

The agreement is clearly a government-to-government agreement; private parties cannot trigger dispute settlement proceedings. I believe there is little chance of the United States actually weakening its environmental laws, but it is certainly not going to take such a step with the aim of distorting trade with Jordan.

Given Jordan's strong position on labor rights and environmental issues and the consultative process of the dispute settlement in the agreement, it is quite unlikely these provisions will ever result in the imposition of trade sanctions—the stated fear of the critics.

In fact, in the decade and a half it has been in place, the United States-Israel FTA dispute settlement procedures, the model for the Jordan FTA, have only been invoked once and, even in that case, sanctions were never imposed.

I suspect the real fear of critics is that the Jordan agreement will set a precedent for inclusion of labor and environmental provisions in future trade agreements. I understand that. That precedent, however, has already been set. Both the world trading system—now represented by the World Trade Organization—and the North American Free Trade Agreement, NAFTA, address labor and environmental issues.

In my opinion, all future trade agreements must meaningfully address labor and environmental issues to win congressional approval.

Further, the United States-Jordan FTA has already been negotiated, and it has been signed. Even if it was not ultimately approved by the Congress, the precedent has already been set with an approved and signed agreement. The bell cannot be unrung.

There is a more serious precedent at stake.

When President Clinton took office in 1993, I urged him to support the NAFTA agreement struck by his predecessor in the White House without renegotiation. I did this not because the NAFTA was a perfect agreement, it was not. It needed improvement. But certainly there were certain areas where improvement was possible.

I supported it, and I told the President so because it is vital for there to be continuity in trade policy, I might add, also in foreign policy. Reopening negotiations on an agreement that is already signed to address what can only be called a partisan concern threatens the credibility of U.S. trade policy.

Scuttling or renegotiating the United States-Jordan FTA also sets a precedent for any new administration to undo the agreements negotiated by its predecessor. This would destroy any possibility of bipartisan trade policy and discourage our trading partners from negotiating seriously with the United States. We simply cannot afford to allow this kind of partisan chicanery to overwhelm good trade policy.

I introduce this implementing legislation for the United States-Jordan FTA in the hopes it can be rapidly passed and signed into law.

This is a good agreement. The United States-Jordan FTA advances U.S. trade policy as well as Middle East policy. It has wide support from labor and environmental groups, as well as from business leaders. The United States-Jordan FTA can go far to build a consensus on trade policy. It is very important.

Aside from the concerns over the labor and environmental provisions which I have already addressed, no one has raised serious objections to this agreement.

With Jordan's King Abdullah visiting the United States next week, the Congress and the administration should move together to approve the United States-Jordan FTA.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "United States-Jordan Free Trade Area Implementation Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to implement the agreement between the United States and Jordan establishing a free trade area;

(2) to strengthen and develop the economic relations between the United States and Jordan for their mutual benefit; and

(3) to establish free trade between the 2 nations through the removal of trade barriers.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) AGREEMENT.—The term "Agreement" means the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area, entered into on October 24, 2000.

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

TITLE I—TARIFF MODIFICATIONS; RULES OF ORIGIN

SEC. 101. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to carry out article 2.1 of the Agreement and the schedule of duty reductions with respect to Jordan set out in Annex 2.1 of the Agreement.

(b) OTHER TARIFF MODIFICATIONS.—The President may proclaim—

(1) such modifications or continuation of any duty,

(2) such continuation of duty-free or excise treatment, or

(3) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Jordan provided for by the Agreement.

SEC. 102. RULES OF ORIGIN.

(a) IN GENERAL.—

(1) ELIGIBLE ARTICLES.—

(A) IN GENERAL.—The reduction or elimination of any duty imposed on any article by the United States provided for in the Agreement shall apply only if—

(i) that article is imported directly from Jordan into the customs territory of the United States; and

(ii) that article—

(I) is wholly the growth, product, or manufacture of Jordan; or

(II) is a new or different article of commerce that has been grown, produced, or manufactured in Jordan and meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) GENERAL RULE.—The requirements of this subparagraph are that with respect to an article described in subparagraph (A)(ii)(II), the sum of—

(I) the cost or value of the materials produced in Jordan, plus

(II) the direct costs of processing operations performed in Jordan,

is not less than 35 percent of the appraised value of such article at the time it is entered.

(ii) MATERIALS PRODUCED IN UNITED STATES.—If the cost or value of materials produced in the customs territory of the United States is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributable to such United States cost or value may be applied toward determining the percentage referred to in clause (i).

(2) EXCLUSIONS.—No article may be considered to meet the requirements of paragraph (1)(A) by virtue of having merely undergone—

(A) simple combining or packaging operations; or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(b) DIRECT COSTS OF PROCESSING OPERATIONS.—

(1) IN GENERAL.—As used in this section, the term "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

(2) EXCLUDED COSTS.—The term "direct costs of processing operations" does not include costs which are not directly attributable to the merchandise concerned, or are not costs of manufacturing the product, such as—

(A) profit; and

(B) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions, or expenses.

(c) TEXTILE AND APPAREL ARTICLES.—

(1) IN GENERAL.—A textile or apparel article imported directly from Jordan into the customs territory of the United States shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) only if—

(A) the article is wholly obtained or produced in Jordan;

(B) the article is a yarn, thread, twine, cordage, rope, cable, or braiding, and—

(i) the constituent staple fibers are spun in Jordan, or

(ii) the continuous filament is extruded in Jordan;

(C) the article is a fabric, including a fabric classified under chapter 59 of the HTS, and the constituent fibers, filaments, or yarns are woven, knitted, needled, tufted, felted, entangled, or transformed by any other fabric-making process in Jordan; or

(D) the article is any other textile or apparel article that is wholly assembled in Jordan from its component pieces.

(2) DEFINITION.—For purposes of paragraph (1), an article is "wholly obtained or produced in Jordan" if it is wholly the growth, product, or manufacture of Jordan.

(3) SPECIAL RULES.—(A) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, subparagraph (A), (B), or (C) of paragraph (1), as appropriate, shall determine whether a good that is classified under one of the following headings or subheadings of the HTS shall be considered to meet the requirements of paragraph (1)(A) of subsection (a): 5609, 5807, 5811, 6209.20.50.40, 6213, 6214, 6301, 6302, 6304, 6305, 6306, 6307.10, 6307.90, 6308, and 9404.90.

(B) Notwithstanding paragraph (1)(D) and except as provided in subparagraphs (C) and (D) of this paragraph, a textile or apparel article which is knit-to-shape in Jordan shall be considered to meet the requirements of paragraph (1)(A) of subsection (a).

(C) Notwithstanding paragraph (1)(D), a good classified under heading 6117.10, 6213.00, 6214.00, 6302.22, 6302.29, 6302.52, 6302.53, 6302.59, 6302.92, 6302.93, 6302.99, 6303.92, 6303.99, 6304.19, 6304.93, 6304.99, 9404.90.85, or 9404.90.95 of the HTS, except for a good classified under any such heading as of cotton or of wool or consisting of fiber blends containing 16 percent or more by weight of cotton, shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric in the good is both dyed and printed in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(D) Notwithstanding paragraph (1)(C), a fabric classified under the HTS as of silk, cotton, man-made fiber, or vegetable fiber shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the fabric is both dyed and printed in Jordan, and such dyeing and printing is accompanied by 2 or more of the following finishing operations: bleaching, shrinking, fulling, napping, decating, permanent stiffening, weighting, permanent embossing, or moireing.

(4) MULTICOUNTRY RULE.—If the origin of a textile or apparel article cannot be determined under paragraph (1) or (3), then that article shall be considered to meet the requirements of paragraph (1)(A) of subsection (a) if—

(A) the most important assembly or manufacturing process occurs in Jordan; or

(B) if the applicability of paragraph (1)(A) of subsection (a) cannot be determined under subparagraph (A), the last important assembly or manufacturing occurs in Jordan.

(d) EXCLUSION.—A good shall not be considered to meet the requirements of paragraph (1)(A) of subsection (a) if the good—

(1) is imported into Jordan, and, at the time of importation, would be classified under heading 0805 of the HTS; and

(2) is processed in Jordan into a good classified under any of subheadings 2009.11 through 2009.30 of the HTS.

(e) REGULATIONS.—The Secretary of the Treasury, after consultation with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this section.

TITLE II—RELIEF FROM IMPORTS

Subtitle A—General Provisions

SEC. 201. DEFINITIONS.

As used in this title:

(1) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(2) JORDANIAN ARTICLE.—The term "Jordanian article" means an article that qualifies for reduction or elimination of a duty under section 102.

Subtitle B—Relief From Imports Benefiting From The Agreement

SEC. 211. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—

(1) IN GENERAL.—A petition requesting action under this part for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(2) PROVISIONAL RELIEF.—An entity filing a petition under this subsection may request that provisional relief be provided as if the petition had been filed under section 202(a) of the Trade Act of 1974.

(3) CRITICAL CIRCUMSTANCES.—Any allegation that critical circumstances exist shall be included in the petition.

(b) INVESTIGATION AND DETERMINATION.—

(1) IN GENERAL.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Jordanian article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Jordanian article alone constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) CAUSATION.—For purposes of this part, a Jordanian article is being imported into the United States in increased quantities as a result of the reduction or elimination of a duty provided for under the Agreement if the reduction or elimination is a cause that contributes significantly to the increase in imports. Such cause need not be equal to or greater than any other cause.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (d).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Jordanian article if import relief has been provided under this part with respect to that article.

SEC. 212. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—By no later than 120 days (180 days if critical circumstances have been alleged) after the date on which an investigation is initiated under section 211(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, the Commission shall find, and recommend to the President in the report required under subsection (c), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to that described in section 213(c).

(c) REPORT TO PRESIDENT.—No later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that shall include—

(1) a statement of the basis for the determination;

(2) dissenting and separate views; and

(3) any finding made under subsection (b) regarding import relief.

(d) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (c), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

(e) APPLICABLE PROVISIONS.—For purposes of this part, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

SEC. 213. PROVISION OF RELIEF.

(a) IN GENERAL.—No later than the date that is 30 days after the date on which the President receives the report of the Commission containing an affirmative determination of the Commission under section 212(a), the President shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to prevent or remedy the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition, unless the President determines that the provision of such relief is not in the national economic interest of the United States or, in extraordinary circumstances, that the provision of such relief would cause serious harm to the national security of the United States.

(b) NATIONAL ECONOMIC INTEREST.—The President may determine under subsection (a) that providing import relief is not in the national economic interest of the United States only if the President finds that taking such action would have an adverse impact on the United States economy clearly greater than the benefits of taking such action.

(c) NATURE OF RELIEF.—The import relief (including provisional relief) that the President is authorized to provide under this part with respect to imports of an article is—

(1) the suspension of any further reduction provided for under the United States Schedule to Annex 2.1 of the Agreement in the duty imposed on that article;

(2) an increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force; or

(3) in the case of a duty applied on a seasonal basis to that article, an increase in the rate of duty imposed on the article to a level that does not exceed the column 1 general rate of duty imposed under the HTS on the article for the corresponding season occurring immediately before the date on which the Agreement enters into force.

(d) PERIOD OF RELIEF.—The import relief that the President is authorized to provide under this section may not exceed 4 years.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this part is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which termination occurs shall be the rate that, according to the United States Schedule to Annex 2.1 of the Agreement for the staged elimination of the tariff, would have been in effect 1 year after the initiation of the import relief action under section 211; and

(2) the tariff treatment for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the rate of duty conforming to the applicable rate set out in the United States Schedule to Annex 2.1; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the United States Schedule to Annex 2.1 for the elimination of the tariff.

SEC. 214. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Except as provided in subsection (b), no import relief may be provided under this part after the date that is 15 years after the date on which the Agreement enters into force.

(b) EXCEPTION.—Import relief may be provided under this part in the case of a Jordanian article after the date on which such relief would, but for this subsection, terminate under subsection (a), but only if the Government of Jordan consents to such provision.

SEC. 215. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 213 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 216. SUBMISSION OF PETITIONS.

A petition for import relief may be submitted to the Commission under—

(1) this part;

(2) chapter 1 of title II of the Trade Act of 1974; or

(3) under both this part and such chapter 1 at the same time, in which case the Commission shall consider such petitions jointly.

Subtitle C—Cases Under Title II Of The Trade Act of 1974

SEC. 221. FINDINGS AND ACTION ON JORDANIAN IMPORTS.

(a) EFFECT OF IMPORTS.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article from Jordan are a substantial cause of serious injury or threat thereof.

(b) PRESIDENTIAL ACTION REGARDING JORDANIAN IMPORTS.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President shall determine whether imports from Jordan are a substantial cause of the serious injury found by the Commission and, if such determination is in the negative, may exclude from such action imports from Jordan.

SEC. 222. TECHNICAL AMENDMENT.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and part 1" and inserting ", part 1"; and

(2) by inserting before the period at the end ", and title II of the United States-Jordan Free Trade Area Implementation Act".

TITLE III—TEMPORARY ENTRY

SEC. 301. NONIMMIGRANT TRADERS AND INVESTORS.

Upon the basis of reciprocity secured by the Agreement, an alien who is a national of Jordan (and any spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) of the alien, if accompanying or following to join the alien) shall be considered as entitled to enter the United States under and in pursuance of the provisions of the Agreement as a nonimmigrant described in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), if the entrance is solely for a purpose described in clause (i) or (ii) of such section and the alien is otherwise admissible to the United States as such a nonimmigrant.

TITLE IV—GENERAL PROVISIONS

SEC. 401. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, that is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year after fiscal year 2001 to the Department of Commerce not more than $100,000 for the payment of the United States share of the expenses incurred in dispute settlement proceedings under article 17 of the Agreement.

SEC. 403. IMPLEMENTING REGULATIONS.

After the date of enactment of this Act—

(1) the President may proclaim such actions, and

(2) other appropriate officers of the United States may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

SEC. 404. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force, the provisions of this Act (other than this subsection) and the amendments made by this Act, shall cease to have effect.

By Mr. SESSIONS (for himself, Mr. GRAMM, Mr. KYL, Mr. INHOFE, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. CRAPO, Mr. HAGEL, Mr. HELMS, and Mr. FITZGERALD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce a resolution to amend the Constitution of the United States, requiring a two-thirds majority vote of both houses of Congress to levy a new tax or increase the rate of an existing tax.

I call this the tax limitation amendment, and I am proud to be joined in this effort by Senators GRAMM of Texas, KYL, INHOFE, SHELBY, SMITH of New Hampshire, FITZGERALD, CRAPO, HAGEL, and HELMS.

In 1997, Congress balanced its checkbook for the first time in 29 years, and we are now enjoying an era of unprecedented budget surpluses.

Unfortunately, the tax burden on the American people is also rising to unprecedented levels. Today, federal tax revenues make up 20.6 percent of our nation's Gross Domestic Product, GDP, up from 17.6 percent in 1993.

This has had an enormous impact on our economy, and it has placed an unfair burden on the average taxpayer.

It is also clear the American people are frustrated with the increasing amount of government spending, and they are tired of the federal government reaching further into their wallets to pay for new spending and new programs.

Today, it is far too easy for Congress to go on a spending spree and then send the bill to the taxpayers.

This amendment is important for many reasons, but most importantly, it will help restore fiscal responsibility and discipline in our budget process.

We need to make it more difficult for Congress to raise taxes, which will put more pressure on us to control spending.

This resolution has been supported by a number of taxpayer groups including the Americans for Tax Reform, the Citizens Against Government Waste, the American Conservative Union, and the U.S. Chamber of Commerce. It has enjoyed broad support in previous years, and I would like to invite other Senators to join me in this effort and cosponsor this resolution.

I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

"ARTICLE —

"SECTION 1. Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress.

"SECTION 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

"SECTION 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.".

By Mr. SMITH of New Hampshire:

S.J. Res. 12. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

"The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

"The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

"This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

"Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

"The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

"On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

"(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

"(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

"(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

"(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

"(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

"(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

"(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

"(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

"(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

"(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

"(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

"(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

"(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

"Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

"Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

"Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

"Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

"Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

"Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

"Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

"(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

"(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

"(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

"This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

"The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

"This compact may be amended by agreement of the party jurisdictions.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

AMENDMENTS SUBMITTED AND PROPOSED

SA 151. Mrs. FEINSTEIN (for herself, Mr. Cochran, and Mr. Schumer) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 152. Mr. DeWINE (for himself, Mr. Hatch, Mr. Hutchinson, Mr. Brownback, and Mr. Roberts) proposed an amendment to the bill S. 27, supra.

SA 153. Mr. SCHUMER proposed an amendment to the bill S. 27, supra.

SA 154. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 27, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 151. Mrs. FEINSTEIN (for herself, Mr. Cochran, and Mr. Schumer) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform: as follows:

Strike all after the first word and insert the following:

104. CLARITY IN CONTRIBUTION LIMITS.

(a) Contribution Limits Applied on Election Cycle Basis.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended to read as follows:

"(A) to any candidate and the candidate's authorized political committee during the election cycle with respect to any Federal office which, in the aggregate, exceeds $4,000;".

(b) Individual Aggregate Contribution Limits Applied on Election Cycle Basis.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by this Act, is amended to read as follows:

"(3) The aggregate contributions an individual may make—

"(A) to candidates or their authorized political committees for any House election cycle shall not exceed $30,000; or

"(B) to all political committees for any House election cycle shall not exceed $35,000. For purposes of this paragraph, if any contribution is made to a candidate for Federal office during a calendar year in the election cycle for the office and no election is held during that calendar year, the contribution shall be treated as made in the first succeeding calendar year in the cycle in which an election for the office is held.".

(c) Indexing of Contribution Limits.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsection (a)(1)(A), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) In the case of limitations under subsections (a)(1)(A) and (h), each amount increased under subparagraph (B) shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a) and (h), calendar year 2001".

(d) Election Cycle Defined.—Section 301 of such Act (2 U.S.C. 431), as amended by section 101, is amended by adding at the end the following:

"(25) Election cycles.—

"(A) Election cycle.—The term 'election cycle' means, with respect to a candidate, the period beginning on the day after the date of the previous general election for the specific office or seat that the candidate is seeking and ending on the date of the general election for that office or seat.

"(B) House election cycle.—The term 'House election cycle' means, the period of time determined under paragraph (A) for a candidate seeking election to a seat in the House of Representatives.".

(e) Special Rules.—Section 315(a) of such Act (2 U.S.C. 441a(a)) is amended by adding at the end the following:

"(9) For purposes of this subsection—

"(A) if there are more than 2 elections in an election cycle for a specific Federal office, the limitation under paragraph (1)(A) shall be increased by $2,000, for the number of elections in excess of 2; and

"(B) if a candidate for President or Vice President is prohibited from receiving contributions with respect to the general election by reason of receiving funds under the Internal Revenue Code of 1986, the limitation under paragraph (1)(A) shall be decreased by $2,000.".

(f) Conforming Amendment.—Paragraph (6) of section 315(a) of such Act (2 U.S.C. 441a(a)(6)) is amended to read as follows:

"(6) For purposes of paragraph (9), all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.".

(g) Effective Date.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

SEC. . TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) Availability of Television Media Rates.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "Television.—The charges" and inserting "Television.—

"(A) In general.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) Limitations on availability for national committees of political parties.—

"(i) Rate conditioned on voluntary adherence to expenditure limits.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, under such section as in effect on January 1, 2001.

"(ii) Rate not available for independent expenditures.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(b) Federal Election Commission Rulemaking.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, complies with such certification.".

SA 152. Mr. DeWINE (for himself, Mr. Hatch, Mr. Hutchinson, Mr. Brownback, and Mr. Roberts) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Beginning on page 12, strike line 14 and all that follows through page 31, line 8.

SA 153. Mr. SCHUMER proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) Availability of Television Media Rates.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "Television.—The charges" and inserting "Television.—

"(A) In general.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) Limitations on availability for national committees of political parties.—

"(i) Rate conditioned on voluntary adherence to expenditure limits.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, under such section as in effect on January 1, 2001.

"(ii) RATE NOT AVAILABLE FOR INDEPENDENT EXPENDITURES.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).".

(b) FEDERAL ELECTION COMMISSION RULEMAKING.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, complies with such certification.".

(c) SEVERABILITY.—If this section is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 154. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. ENCOURAGING SMALL CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the aggregate amount of contributions made during the taxable year by the individual to any congressional candidate.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100 ($200 in the case of a joint return).

"(2) ADJUSTED GROSS INCOME.—No credit shall be allowed under subsection (a) for a taxable year if the taxpayer's modified adjusted gross income (as defined in section 25A(d)(3)) exceeds $50,000 ($100,000 in the case of a joint return).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any contribution only if the contribution is verified in such manner as the Secretary shall prescribe by regulation.

"(c) DEFINITIONS.—In this section—

"(1) CANDIDATE.—The term 'candidate' has the meaning given the term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

"(2) CONTRIBUTION.—The term 'contribution' has the meaning given the term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).

"(3) CONGRESSIONAL CANDIDATE.—The term 'congressional candidate' means a candidate in a primary, general, runoff, or special election seeking nomination for election to, or election to the Senate or the House of Representatives.

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of the Internal Revenue Code of 1986 (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following:

"(j) CREDIT FOR CERTAIN CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 25B.".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Contributions to congressional candidates.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 28, 2001, at 9:20 a.m. on the census.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance, be authorized to meet on Wednesday, March 28, 2001 to hear testimony on Preserving and Protecting Main Street, USA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 28, 2001, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Advocating for Patients: Health Information for Consumers during the session of the Senate on Wednesday, March 28, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 28, 2001, at 10:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 210, A bill to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, and for other purposes; S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; and S. 535, the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 28, 2001, at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. THOMAS. Mr. President, I ask unanimous consent that the subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 28, 2001, at 9:30 a.m., in open session to receive testimony on Department of Defense policies pertaining to the Armed Forces Retirement Home.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–554, appoints the Senator from Tennessee (Mr. FRIST) to the Board of Trustees for the Center for Russian Leadership Development.

The Chair, on behalf of the Democratic leader, pursuant to Public Law 100–458, reappoints William F. Winter, of Mississippi, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 2000.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination reported by the Foreign Relations Committee: Calendar No. 23, Grant Green. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Grant S. Green, Jr., of Virginia, to be an Under Secretary of State (Management).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 29, 2001

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 29. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the DeWine amendment to S. 27, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, the Senate will resume consideration of the DeWine amendment regarding advocacy ads tomorrow morning. There will be up to 15 minutes of debate prior to a vote at 9:45 a.m. Following that vote, there will be up to 2 hours on a Harkin amendment on volunteer spending limits. Therefore, a second vote will occur before 12 noon on Thursday. Further amendments will be offered. Votes will occur throughout the day, and it is the intention of the managers and leaders to conclude this bill by tomorrow night. Therefore, votes could occur late into the evening tomorrow.

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, March 29, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. GRAHAM, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN T. SPOTILA, RESIGNED.

DEPARTMENT OF JUSTICE

DANIEL J. BRYANT, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ROBERT RABEN, RESIGNED.

CONFIRMATION

EXECUTIVE NOMINATION CONFIRMED BY THE SENATE MARCH 28, 2001:

DEPARTMENT OF STATE

GRANT S. GREEN, JR., OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (MANAGEMENT).

EXTENSION OF REMARKS

HONORING LABOR LEADER CESAR CHAVEZ WITH A NATIONAL HOLIDAY

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise today to commemorate the lasting contributions of a true American hero, Cesar Chavez. On April 23, 1992, Cesar Estrada Chavez ended his 66-year crusade against injustice in much the same way he began it—quietly and peacefully. More than 40,000 people participated in his funeral, honoring a hero who brought dignity to the voiceless men, women, and children laboring in America's crop lands. Now, on the March 31st anniversary of his birth, Congress is slated to consider H. Con. Res. 3, the first step in establishing a permanent federal holiday to honor Cesar Chavez.

President Clinton posthumously awarded Cesar Chavez the Medal of Freedom in recognition of his outstanding contributions to American labor. Chavez was also inducted into the U.S. Labor Department's Hall of Fame, the first Hispanic to be given this honor. This weekend, I will proudly take to the streets of San Antonio, Texas, with thousands of South Texans to honor Cesar Chavez and La Causa during San Antonio's annual March for Justice.

Though awards and commemoration are important, Cesar Chavez did not seek out recognition for himself. Instead, he fought for what he called La Causa. For the millions of exploited and vulnerable farmworkers who, from dawn till dusk, plant, plow, and pick, La Causa was a tireless commitment to improving their plight, a recognition of the injustices they suffer.

His commitment transcended the hot, dusty fields. He was a husband, father, grandfather, labor organizer, community leader, and an icon for the ongoing struggle for equal rights and equal opportunity. Beyond agrarian America, he organized community voter registration drives, pushed for safer working conditions, and stood up to those who would deny his fellow laborers their basic human rights. The migrant schools he worked so hard to establish are a testament to his exhaustive efforts and a rare opportunity for many of America's laboring children to escape poverty.

Chavez rose from a fruit and vegetable picker to the head of the United Farm Workers of America (UFW). From the beginning, he worked to instill in the UFW the principals of non-violence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr. When the UFW began striking in the 1960s to protest the treatment of farm workers, the strikers took a pledge of non-violence. The 25 day fast Chavez conducted reaffirmed the UFW's commitment to this principle.

For those of us who lived through this tumultuous era, we heard of the great odds Chavez faced as he led successful boycotts of grapes, wine, and lettuce in an attempt to pressure California growers to sign contracts with the UFW. Through his boycott, Chavez was able to forge a national support coalition of unions, church groups, students, minorities, and consumers. By the end of the boycott everyone knew the chant that unified all groups, "Si se puede."—yes we can. It remains a chant of encouragement, pride and dignity.

America has seen few leaders like Chavez. But his battle is not over. Those of us who continue his fight do so in order to give voices to the voiceless laborers no matter where they work or who they are. To honor his memory, Congress should pass H. Con. Res. 3, another step in the ongoing struggle to make his birthday a national day of remembrance.

In his own words, "I am convinced that the truest act of courage, the strongest act of humanity, is to sacrifice ourselves for others in a totally non-violent struggle for justice . . . to be human is to suffer for others . . . God help us be human." Let us take these words and move forward in our continuous struggle for justice.

IN TRIBUTE TO MIKE ROTKIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor a public servant of the highest order, a man who has given over two decades of his life to the community. Mr. Speaker, Mike Rotkin of Santa Cruz, California, has recently celebrated the milestone of twenty-one years of public service, a most commendable celebration.

After living in Santa Cruz since 1969, when he came as a graduate student to the University of California, Mr. Rotkin decided to put his activism into action. He began his civic life in 1977, when he was first elected to the Santa Cruz City Council. Since that time, he has served on various city commissions, including his time as Chairperson for the Metropolitan Transit Commission. Mike was elected Mayor of Santa Cruz in 1981, and has served two other terms as Mayor since then.

Mr. Rotkin's service extends beyond the role of politician. An active voice in the community, he regularly addresses city and national issues in letters to our local newspapers, and by enmeshing himself in a myriad of causes. His commitment to the community is demonstrated by his position as a Lecturer at the University of California, Santa Cruz, where he teaches and advises students on taking an active role in both the local and international realms. Indeed, many of his students have interned in my offices.

In a time when a lifelong career in public service is looked down upon, and activism and interest in government is declining, it is refreshing to see individuals like Mike Rotkin. I applaud his efforts over the past twenty-one years to work with and for the people of Santa Cruz, and I join his colleagues in thanking him for his tireless efforts.

INTRODUCTION OF THE "CELLULAR TELECOMMUNICATIONS DEPRECIATION CLARIFICATION ACT"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CRANE. Mr. Speaker, I am pleased to join with Representative NEAL and Ms. JOHNSON, Ms. DUNN, and Mr. JOHNSON of the Committee on Ways and Means in introducing the "Cellular Telecommunications Depreciation Clarification Act." This legislation will amend the Internal Revenue Code to clarify that cellular telecommunications equipment is "qualified technological equipment" as defined in section 168(i)(2).

When an asset used in a trade or business or for the production of income has a useful life that extends beyond the taxable year, the costs of acquiring or producing the asset generally must be capitalized and recovered through depreciation or amortization deductions over the expected useful life of the property. The cost of most tangible depreciable property placed in service after 1986 is recovered on an accelerated basis using the modified accelerated cost recovery system, or MACRS. Under MACRS, assets are grouped into classes of personal property and real property, and each class is assigned a recovery period and depreciation method.

For MACRS property, the class lives and recovery periods for various assets are prescribed by a table published by the Internal Revenue Service found in Rev. Proc. 87–56, 1987–2 C.B. 674. This table lists various Asset Classes, along with their respective class lives and recovery periods. Rev. Proc. 87–56 does not specifically address the treatment of cellular assets, but rather addresses assets used in traditional wireline telephone communications.

These wireline class lives were created in 1977 and have remained basically unchanged since that time. In 1986, Congress added a category for computer-based telephone switching equipment, but there are no asset classes specifically for cellular communications equipment in Rev. Proc. 87–56. This is largely due to the fact that the commercial cellular industry was in its infancy in 1986 and 1987. Since the cellular industry was not specifically addressed in Rev. Proc. 87–56, the cellular industry has no clear, definitive guidance regarding the class lives and recovery periods of cellular assets. Therefore, the Internal Revenue Service and cellular companies have been left to resolve depreciation treatment on an ad hoc basis for these assets as the indusy has rapidly progressed.

The result is that both cellular telecommunications companies and the Internal Revenue Service are expending significant resources in auditing and settling disputes involving the depreciation of cellular telecommunications equipment. This process is obviously costly and inefficient for taxpayers and the Service, but it also leaves affected companies with a great deal of uncertainty as to the tax treatment, and therefore expected after-tax return, they can expect on their

The Treasury Department's "Report to the Congress on Depreciation Recovery Periods and Methods" tacitly acknowledges this point. In its discussion about how to treat assets used in newly-emerging industries, such as the cellular telecommunications industry, the report states:

> [t]he IRS normally will attempt to identify those characteristics of the new activity that most nearly match the characteristics of existing asset classes. However, this practice may eventually become questionable in a system where asset classes are seldom, if ever, reviewed and revised. The cellular phone industry, which did not exist when the current asset classes were defined, is a case in point. This industry's assets differ in many respects from those used by wired telephone service, and may not fit well into the existing definitions for telephony-related classes.

Rather than force cellular telecommunications equipment into wireline telephony "transmission" or "distribution" classes, a better solution would clarify that cellular telecommunications equipment is "qualified technological equipment." The Internal Revenue Code currently defines qualified technological equipment as any computer or peripheral equipment and any high technology telephone station equipment installed on a customer's premises.

The cellular telecommunications industry has been one of the fastest growing industries in the United States since the mid-1980s, as evidenced by the following statistics:

The domestic subscriber population has grown from less than 350,000 in 1985 to 86 million by 1999, and is projected to grow to 175 million by 2007.

The industry directly provided 4,334 jobs in 1986, which grew to over 155,000 directly provided jobs and one million indirectly created jobs by 1999.

Capital expenditures on cellular assets exceeded $15 billion in 1999.

The rapid technological progress exhibited by the cellular telecommunications industry illustrates how the tax code needs to be flexible to adapt to future technologies and technological changes. Continued rapid advancement is on the horizon, including wireless fax, high-speed data, video capability, and a multitude of wireless Internet services. It is impossible in 2001 to anticipate properly the new equipment that will support this growth even two years hence. I urge my colleagues to support this important clarification to the tax law.

IN HONOR OF MS. JAZMYN SMITH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a young Mississippi student from my district who has achieved national recognition for exemplary volunteer service in her community, Jazmyn Smith of Greenville, Mississippi has just been named one of my state's top honorees in The 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico.

Ms. Smith is being recognized for the creation of a youth service club that gives teens a safe and healthy social outlet while providing valuable volunteer service to the community.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Smith are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past six years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 100,000 youngsters participating since its inception.

Ms. Smith should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Smith for her initiative in seeking to make her community a better place to live, and for the positive impact he has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

Mr. Speaker, I ask that you join me in saluting a great young role model, Ms. Jazmyn Smith.

RETIRING DEPUTY ADMINISTRATOR OF THE DRUG ENFORCEMENT ADMINISTRATION JULIO F. MERCADO

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. BARR of Georgia. Mr. Speaker, I have often said that one man can make a difference. And I will always hold on to that belief, because it goes to the very core of what America is all about. We are a free nation, fashioned out of the heroic efforts of men and women who never considered that failure was an option. Each one made a difference.

The recent retirement of Julio F. Mercado, the Deputy Administrator of the Drug Enforcement Administration, brings to a close a distinguished 28-year career in Law Enforcement. Julio Mercado served his country and he made a difference during the nearly three decades that he wore a badge and carried a gun. Special Agent Mercado is one of those American patriots who has always made a difference. Born in Puerto Rico and growing up in the South Bronx of New York City he knew why law enforcement must be a community-based effort, better than anyone else. The enforcement of the rule of law and community participation has been the hallmark of his career.

His concept of service to his country always transcended his own personal plans and desires; as you could ask his wife, Elizabeth, and his four children. His duty came first initially as a United States Marine, then as a dedicated lawman, and lastly, as a concerned and active citizen of this great nation. The men that served with him in the United States Marine Corps would have followed him anywhere . . . because he is a leader. The Policemen he served with in the 47th Precinct in the New York Police Department considered him a "cop's cop". His fellow D.E.A. agents knew that when Julio Mercado was on a case, everything would turn out alright and everyone would go home in one piece. There is no greater praise for a D.E.A. agent working the streets.

His technical and tactical competence set the standard for the men and women who followed him. His undercover work, in the most dangerous of situations, is the stuff that legends are made of. He rose to the very top of his profession in the D.E.A. by working harder than anyone else while always extending that helping hand to others at each and every opportunity. He risked his life in the line of duty on many occasions. He is

Julio Mercado has been recognized for his service by law enforcement organizations throughout the globe. Perhaps the Colombian Antinarcotics Agents said it best when last January, he was awarded the Distinguished Service Cross of the Colombian National Police, the highest award presented to an American. The citation described him as a law enforcement official of great courage, dedication and wisdom. These words came from a police force that has suffered over 5,000 policemen killed in the past decade, fighting the war on drugs. They more than anyone else, captured the essence of what Julio F. Mercado has meant to international law enforcement. His name is spoken with great respect and warmth wherever honest cops gather. He is truly a "cop's cop."

I am proud to stand in the halls of the United States Congress to recognize Julio F. Mercado for his superb service to this great nation. He is a role model for young Americans. He grew up in the D.E.A. and the D.E.A. grew with him. The success of this great law enforcement agency is the culmination of the efforts of men and women like Julio Mercado. His story is an outstanding example of how one man, who came from humble beginnings, can serve his country and his fellow man and can truly make a difference. Our country owes him and his family, a great debt of gratitude.

Julio F. Mercado, Deputy Administrator, Drug Enforcement Administration, U.S. Department of Justice

Julio F. Mercado began his law enforcement career with the New York Police Department, assigned to the 47th Precinct, in 1973. During that period, he worked with DEA as part of the Task Force. Mr. Mercado's employment with DEA commenced in 1979, with his assignment to the New York Field Division. During his tenure, he conducted nearly 700 undercover buys and had a 100% conviction rate. Mr. Mercado, who is fluent in the Spanish language, remained in New York until his assignment to San Juan, Puerto Rico, in 1984. He was promoted to Group Supervisor in 1987 and was transferred to the McAllen District Office, McAllen, Texas. In 1990, Mr. Mercado received his first Headquarters assignment and served as Staff Coordinator of the Heroin Investigations Section until 1992. Next, he was assigned to the Special Operations Division, where he served as the Deputy Chief. In 1995, Mr. Mercado was promoted to Assistant Special Agent in Charge, Caribbean Division, San Juan, Puerto Rico. During this assignment he became involved in many high-profile cases, as well as community drug education and prevention programs in Puerto Rico.

Mr. Mercado was selected as Special Agent in charge, Dallas Field Division, Dallas, Texas, on February 21, 1997, and reported on May 25, 1997. On November 2, 1999, Mr. Mercado was named Acting Deputy Administrator of the DEA and was confirmed by the U.S. Senate as Deputy Administrator on June 29, 2000. He was sworn in on September 12, 2000.

Mr. Mercado is a member of the Greater Dallas Crime Commission; the Texas Police Chiefs Association; the International Association of Chiefs of Police; the League of United Latin American Citizens, and the Texas Narcotics Officers Association. He attended John Jay College in New York, with a major in Criminal Justice.

Mr. Mercado and his wife, Elizabeth, have four children and four grandchildren.

HONORING MR. JOHN YOUNGER OF NASHVILLE, TENNESSEE ON THE OCCASION OF HIS RETIREMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. John Younger of Nashville, Tennessee, on the occasion of his retirement. John Younger's thirty-year career in education has fittingly culminated in his most recent position as headmaster at Franklin Road Academy (FRA). Younger has risen to the top of his profession both in the public and private school systems.

John Younger is well respected by his peers and former students as a master educator. In fact, Mr. Younger taught me as a student at Hillsboro High School. We've been privileged to work together over the years in many capacities. I consider him a good friend and mentor.

Younger earned a B.S. degree from Middle Tennessee State University (MTSU) and a Master's of Mathematics and Educational Administration from George Peabody College. He is the Chairman of the Board of the Tennessee Teachers Credit Union and also chairs the Personnel Committee at Christ Episcopal Church.

Mr. Younger is a familiar face to students in Nashville. Beginning at the teaching level, he spent a number of years as an educator in the Davidson County Metropolitan School System teaching mathematics at both Hillsboro and Issac Litton High Schools, as well as coaching football, basketball and track.

His move to the administrative level came in 1965, when he was named assistant principal for Highland Heights Junior High School. In 1967 he became principal at Bellevue High School overseeing more than 750 seventh through twelfth grade students.

Due to his outstanding performances, Younger was recruited for the "central office" at Metro Schools, where he initially served as Supervisor of Mathematics. In this position, he developed the math curriculum, selected textbooks, assigned teachers, and coordinated staff development for the entire Metro School System.

Continuing with Metro Schools, Younger was named Director of Employer Relations, where he negotiated for all employees in the school system, developed personnel policies, and resolved grievances. In 1978, Younger became the Assistant Superintendent for Business Services where he was responsible for all business and financial activities of Metro Schools. Again climbing in Metro Schools, he was named Assistant Superintendent for Administrative Services, accountable for school programs involving 67,000 students before retiring from the public school system.

However, Younger returned to education when approached by the Board of Trustees at FRA in 1994 to become the Director of Business and Finance. Soon after making the transition to Franklin Road Academy (FRA) he was asked to spearhead an effort to construct a new middle school and fine arts center. His time at FRA has proven extremely fruitful and produced much growth.

Further, he has been active in civic and community organizations, serving on the boards of the PENCIL Foundation, the American Heart Association, the East Nashville YMCA, and the Old Hickory Country Club. Additionally, he is past president of the Tennessee Association of School Business Officials.

John Younger has been recognized for his outstanding contributions to the educational field numerous times by his peers. These awards include: Tennessee's Outstanding Achievement Award from Governor Ned Ray McWherter in 1992; Educational Administrator of the Year for Metropolitan Nashville Schools; Distinguished Service Award and Life Membership Award from the Tennessee Association of School Business Officials; and Distinguished Member Award from the Southeastern Association of School Business Officials.

Younger's wife Jessica is a teacher with experience in both public and private schools throughout Middle Tennessee. They have one daughter, Mary Clare, of Knoxville.

Although John Younger is a man of stature in the community, he is never too busy to stop and listen to students or serve those around him. His life is a true success story—one of joy, humility, faith, friendship, and truth. I wish him the best in his retirement and all of his future endeavors.

BLUE COLLAR GOVERNMENT EMPLOYEES DESERVE BETTER

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise on behalf of the 225,000 blue-collar employees who work for the federal government. These trade, craft, and labor employees are essential to our federal government's daily operation, yet we are not treating them with respect and dignity by paying them fairly under the Federal Wage System. Today I am introducing legislation, the Federal Wage Worker Pay Fairness Act of 2001, which addresses the fundamental problems with our federal wage system.

Blue-collar federal employees, a majority of whom work for the Department of Defense (DoD) and the Department of Veterans Affairs (VA), are key to the security and defense of our nation. They perform a range of duties critical to the success of military missions and the safety of our soldiers. They maintain our tanks and fighter planes, they repair ships and they handle munitions. It is by their sweat and hard work that we show our commitment to and support of our armed forces.

Wage grade employees in the VA are the men and women who work to fulfill America's promise to our veterans. Many of these workers are veterans themselves. They are the food service employees who prepare and deliver the nourishment veterans need to heal and recover from illness. They are the housekeepers who do the dirty and often hazardous work of maintaining a safe and clean hospital. They are the carpenters, mechanics, and electricians who keep the VA hospitals operating 24 hours-a-day, seven days a week.

The pay for wage grade employees is supposed to be set according to local prevailing rates—rates which compare to the same types of jobs performed by their non-federal counterparts. But for too long, federal employees have not been compensated at prevailing rates. They are not making a living wage. Many of the wage grade workers at the lower grades cannot afford the premiums on their federal health insurance plans. Some are even eligible for food stamps and hover just above the poverty level.

The Federal Wage System for these dedicated and hardworking employees is a failure. It is time to do the right thing for these workers.

The American Federation of Government Employees, AFL–CIO, the largest federal employee union, has been vigilant in urging Congress to provide the needed redress to the injustices in the Federal Wage System. My legislation, the Federal Wage Worker Pay Fairness Act of 2001, does so and is supported by AFGE.

First, the bill would guarantee wage grade workers an annual pay raise.

Unlike their white-collar co-workers, wage grade employees are not guaranteed any annual pay raise. The nationwide General Schedule (GS) and locality pay raise we in Congress approve every year are not given to federal employees in blue-collar occupations.

It is unfair for the federal government to single out one segment of its workforce for impoverishment. A basic across the board pay adjustment each year is necessary to offset increases in their federal health care premiums as well as general increases in the cost of living. No employee of the U.S. government should see steady decreases in purchasing power from persistent wage stagnation.

Wage grade workers have seen their paychecks purchase less and less. For example, from 1984 to 1999, the pay of a General Schedule–11, step 4, employee at Warner Robins Air Force Base, in Georgia, kept pace with inflation. The pay of a Wage Grade–10, step 2, employee fell by about half. In other words, the wage grade employee's wage increases only made up for half of the increase in prices measured by the Consumer Price Index. And this loss of purchasing power doesn't even reflect the skyrocketing costs of federal health care premiums, which rose by 30 percent in the past few years.

Providing all federal blue collar workers with a minimum annual wage adjustment equal to General Schedule increases is budget neutral because of the federal government's budget assumes that wage grade workers would be awarded the GS pay raise.

Second, the legislation would lift the caps on blue-collar pay increases.

On top of not being guaranteed an annual GS pay raise, any raise blue collar workers can receive is capped at the average nationwide GS pay raise. This is unfair and wrong. If federal agencies are to remain competitive we must stop imposing an artificial and arbitrary cap on blue-collar pay raises.

Third, my legislation would end the discriminatory practice of paying Department of Defense wage grade employees less than their counterparts in VA by restoring Monroney requirements to DoD.

The "Monroney amendment" to the Federal Wage Schedule requires the government to look outside the relevant wage survey area if there is an insufficient number of analogous private sector jobs to calculate blue-collar pay. This requirement is logically necessary to ensure that the prevailing wages are based on comparable work.

In 1985, the law was amended to exclude DoD from the Monroney amendment's requirement. As a result, in San Antonio, a Wage Grade–11, step 5 blue-collar worker in the VA or other federal departments earn $18.26 an hour but his or her counterpart in DoD earns $.69 less an hour, or $17.57. On overtime, that 69 cent differential becomes $1.04 an hour in lost pay. While 69 cents an hour or $1.04 an hour more may not seem much, it adds up for individual employees who are trying to support their families.

Fourth, the legislation would simplify the data collection and administration of the Federal Wage Schedule.

The bill would consolidate the areas surveyed for wage rates from the current 133 localities in the Federal Wage Schedule to the 32 localities drawn by the federal salary council used to set the pay for virtually every other federal employee under the Federal Employees Pay Comparability Act (FEPCA). These 32 regions are a more modern and accurate reflection of contemporary labor markets and commuting patterns. Simplifying the areas of data collection used to calculate wage schedules from 32 localities rather than 133 would yield considerable savings.

The legislation would also transfer responsibility for data collection from the lead agency, the Department of Defense, to the Bureau of Labor Statistics. This federal agency collects data used for other federal pay systems, most notably the GS white collar system. It already conducts data collection in the relevant localities, matching federal and non-federal jobs. While this change would impose new costs on the BLS, the consolidation of localities means that the cost of data collection to the government will go down overall.

Mr. Speaker, the single most important measure of a pay-setting system—for either white or blue-collar workers—is whether it allows workers to earn sufficient income to support a family in a decent fashion. Does it produce at least a stable standard of living? Does it hold out the hope that in good economic times, improvements in the standard of living are possible? Our current system does not.

The Federal Wage Worker Pay Fairness Act of 2001 would correct the fundamental errors in the current pay-setting system for federal blue-collar workers to ensure that they have a chance at a decent and stable standard of living. I urge my colleagues to support this legislation on behalf of our nation's federal workforce.

IN TRIBUTE TO JADE MANSFIELD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of Jade Allison Mansfield, a woman who lived a rich and service-filled life before suddenly passing away at the age of forty-one. Uniformly described as a pillar of the community, Jade's drowning on February 19 is a very unfortunate loss to south Monterey County. Jade personified the best in civic spirit and was well-known throughout south Monterey County for the many diverse causes she undertook in order to better her community.

Jade, a lifelong resident of Monterey County, was born in Salinas on December 9, 1959. She served for four years in the United States Air Force as a crew chief and aircraft mechanic for the F4 fighting jet. While managing a successful bakery in Palo Alto, Jade earned a degree in Political Science from California State University San Francisco and a Doctor of Jurisprudence Law from Monterey College of Law.

Upon completion of her law degree, Jade embarked on an impressive career of community service, volunteering her services to low-income senior citizens at a local non-profit legal services office. She eventually became Legal Service's for Seniors' full time attorney, assisting dozens of clients a year in her work to protect seniors against elder abuse and financial scams.

In addition to her work on behalf of the elderly, Jade ran a law practice assisting low-income clients in south Monterey County, providing much-needed legal assistance to those least able to obtain it. Prior to earning her law degree, she worked in the Monterey County government, helping those who needed aid.

Her generosity of spirit and her commitment to her community are further demonstrated by the active role she undertook in her neighborhood, and the answering support she showed towards her grandmother. Jade worked hard in her role as President of her rural homeowners association, and was tireless in ensuring that her neighbors had clean water and in providing other small services. She happily took on the responsibility of managing her grandmother's affairs when her grandmother was no longer able to care for herself; in this service she donated many hours each week to visiting and caring for her grandmother.

Jade deeply touched the lives of those around her; her intelligence, wit, and absolute joy in life were truly remarkable. Her recommitment to assisting others was manifest in all aspects of her life. Jade's passing is a terrible loss throughout Monterey County, but especially to her friends and family, the legal community, the elderly, and the countless others who knew or were assisted by her. Her energy, tenacity, and kindness will be deeply missed by all who knew her.

INTRODUCTION OF "THE INTERNATIONAL COMPETITIVENESS ACT"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CRANE. Mr. Speaker, today I am introducing the International Competitiveness Act, along with my colleagues Congresswoman JENNIFER DUNN, Congressman ADAM SMITH, and Congressman RICHARD HASTINGS. This legislation would eliminate an irrational provision in our tax code that reduces the amount of foreign capital flowing into the United States, and redirects some of the capital that flows in away from U.S.-based mutual funds toward foreign-based mutual funds.

Under present law, most kinds of interest income and short-term capital gains received directly by a foreign investor or received through a foreign mutual fund are not subject to the 30 percent withholding tax on investment income. However, interest income and short-term capital gains earned by a U.S. mutual fund on its holdings are recharacterized as dividend income when distributed to a foreign investor and is therefore subject to the withholding tax.

Mutual funds are very popular tools for investors. Many foreign investors, like U.S. investors, prefer to rely on professional managers of mutual funds in choosing an appropriate portfolio, rather than having to do the research themselves. However, a foreign investor looking to invest in the U.S. currently has two options. The first option is to pay a steep withholding tax on all income and short-term capital gains earnings from a U.S. mutual fund, or invest through a foreign mutual fund. Few foreign investors are willing to bear a 30 percent withholding tax, and so they either invest through the foreign mutual fund or forego investing in the United States. Either way, the real loser is the United States.

As Chairman of the Ways and Means Subcommittee on International Trade, I also look at this issue from a trade policy perspective lens. And this lens shows me that we have in this tax provision an artificial barrier to the free flow of trade in the form of financial services and to the free flow of capital. In this respect the current income tax clearly gives foreign mutual funds as competitive advantage with no compensatory advantage gained by any American interest whatsoever.

Mr. Speaker, I believe this legislation makes good sense as tax policy, trade policy, and economic policy, and I urge my colleagues to lend it their support.

IN HONOR OF MS. QUEENEICE GANISON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to a young Mississippi student from my district who has achieved national recognition for exemplary volunteer service in her community. Queeneice Ganison of Greenville, Mississippi has just been named one of my state's top honorees in The 2001 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Ganison is being recognized for coordinating a project to combat underage drinking, which included developing and presenting workshops and slide shows to area middle school and high school students.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more abut how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Ganison are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past six years, the program has become the nation's largest young recognition effort based solely on community service, with nearly 100,000 youngsters participating since its inception.

Ms. Ganison should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Ganison for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can-and do-play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

Mr. Speaker, I ask that you join me in saluting a great young role model, Ms. Queeneice Ganison.

INTRODUCTION OF LEGISLATION SEEKING TO RESTORE THE UNITED STATES ASSAY COMMISSION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to announce my introduction of a House Resolution designed to re-authorize the creation of the United States Assay Commission, an American institution that was initiated in 1792.

The Assay Commission was authorized by the original Mint Act of April 2, 1792 and continued to meet each year (with the exception of 1815) until about 20 years ago, when it was finally abolished in 1980. During that time, it was the oldest continually operating committee in the federal government and brought in outside people to maintain oversight over the operations of the U.S. Mint.

Originally authorized as part of the nation's first Mint Act of April 2, 1792, the purpose of the Assay Commission was to examine the nation's coins on an annual basis and certify to the President, Congress, and the American people that gold and silver coins had the necessary purity, the proper weight, and necessarily, value.

Among the earliest members, statutorily, were Thomas Jefferson, James Madison, James Monroe, Alexander Hamilton, and even the Chief Justice of the Supreme Court. Starting about 140 years ago, some members of the general public were invited to participate, and at the time that the Coinage Act of 1873 was passed, it was codified that the President had the right to appoint members of the Assay Commission from the general public at large. That practice continued for more than a century, though after 1970 there were no longer silver coins to review.

By the time that the Assay Commission was abolished in the Carter Administration as part of the President's re-organization project, it no longer served any valid function because the U.S. Mint was no longer producing gold or silver coinage—whether of a circulating or of a commemorative nature.

Starting in 1982, the Mint began anew producing contemporary commemorative coinage from .900 fine silver. By 1984, gold commemorative coins for the Olympic games were added, and since then the U.S. Mint has produced hundreds of millions of dollars worth of retail sales of gold, and silver commemorative coinage. Since 1986, the Mint began producing gold, silver and platinum bullion coins which are now widely traded all over the world.

Mr. Speaker, I recall that in the mid-1980's, lacking outside oversight, a problem was discovered in one of the Mint's bullion products. It appears, from the official Mint records, that some fractional gold eagle coins (those weighing less than an ounce) did not have the proper fineness or weight in gold. Because of this, there was a serious marketing problem in the Far East, as confidence in this uniquely American product diminished.

Today, the United States Mint is a business that, were it in privately controlled hands, would constitute a Fortune-500 corporation.

It has come to my attention that an informal, ad hoc group of former Presidential appointees, all former Assay Commissioners, have suggested that it is time for the Mint to have the oversight of the Annual Assay commission. In fact, this distinguished group reiterated their concern this past summer at a reunion meeting held in the Assay Room of the Philadelphia Mint in conjunction with the American Numismatic Association's anniversary convention.

Service on the commission is essentially an honorary task, as the members of the committee have historically paid for all of their own expenses, including their transportation costs and overnight stay at Philadelphia's Mint when necessary.

There are obviously minor costs associated with it, but each of these is quite capable of being covered by the Mint's rotating Enterprise fund.

Mr. Speaker, an article advocating the restoration of the annual Assay Commission written by Fair Lawn, New Jersey Mayor, David L. Ganz, appeared in Numismatic News, a weekly coin hobby periodical. I would ask that this article be reprinted, in full, in the CONGRESSIONAL RECORD.

In the course of two centuries of existence, more than a thousand individuals served on the annual Assay Commission. During the era when the Mint was active in promoting commemorative coinage, they constituted a group who not only participated in their government first hand, but also thereafter served as goodwill ambassadors for the products of the United States Mint.

The Mint has dozens of products that it offers to collectors, and since the 50 state quarter program began, the ranks of those collecting coins has grown from three to five million Americans to more than 125 million people collecting state quarters. Some of those state quarters are made of coin silver, and having citizens retain some oversight over these coins not only keeps consumer confidence in the Mint's operations high, but affords the rare opportunity for citizens to regularly, and actively, participate in their government.

I urge my colleagues to help me re-authorize the Assay Commission by cosponsoring the legislation that I have introduced today.

[From the Numismatic News, Oct. 5, 1999]

TIME TO CONSIDER REVIVING THE ASSAY COMMISSION

(By David L. Ganz)

Let me set the stage. A quarter century ago this past February, Richard Nixon was in the final throes of his star-crossed Presidency, though no one yet suspected that Watergate was about to become his ultimate downfall and lead to probable impeachment. American coinage of 1974 was devoid of silver, and private gold ownership had been illegal since 1933, except for rare and unusual gold coin of that era or earlier, unless the Office of Domestic Gold & Silver Operations gave a rarely sought, seldom-granted license to acquire the particular specimen. As Washington hunkered down for a difficult winter storm, the White House press office was readying a press release that would surprise many for the number of Democrats and other non-supporters of President Nixon that were to be listed—not the so-called Enemy's List, but actually a designation to public service.

The weeks before had been trying for the applicants, many of whom had written letters, sent resumes, asked political contacts for a personal boost, responded to background checks that were initiated by government staff, followed up by security agencies interested in potential skeletons that could prove embarrassing to the White House if found in a presidential appointee. First inklings of what was to transpire probably came to most individuals in the form of a telephone call on Friday, Feb. 8 from Washington, asking if the prospect could be available for official travel the following week on Tuesday. Arrangements were strictly on your own, as were virtually all of the associated expenses in traveling to Philadelphia. What this preparation was for was the Trial of the Pyx, the annual Assay Commission, a tradition stretching back to 1792, and at that time, the oldest continually operating commission in the Untied States government.

First of the commissions, which were mandated by the original Coinage Act of April 2, 1792 were deemed so essential to the confidence of the public in the national money that section 18 of the legislation directed that the original inspectors were to include the chief Justice of the United States, the Secretary and Comptroller of the Currency, the Secretary of the Department of State, and the Attorney General of the United States. This was neither a casual request nor one that was considered so unimportant an aide could attend. The statute is explicit: this who's who "are hereby required to attend for that purpose", meaning that in July of 1795, chief justice John Jay, Secretary of State Edmund Randolph, Treasury Secretary Alexander Hamilton, Attorney General William Bradford may have gathered.

In the Jefferson Administration, consider this remarkable group: Chief Justice John Marshall; Secretary of State (and future president) James Madison; Secretary of the Treasury Albert Gallatin, Attorney General Caesar Rodney might all have been there. By 1801, the statute had been amended to add the United States District Judge for Pennsylvania as an officer at the Annual Assay, and by the time that the Act of January 18, 1837 was approved, the cabinet officials and the Chief Justice were omitted in favor of the U.S. District Court Judge from the Eastern District of Pennsylvania (the state having been divided in half for judicial purposes), other governmental officials, and "such other persons as the President shall, from time to time, designate for that purpose, who shall meet as commissioners, for the performance of this duty, on the second Monday in February, annually. . . . ." Flash forward to 1974. The call comes from Washington. A trek begins to Philadelphia, where it has begun to snow. Dozens of people from all across the country come to serve on the Assay Commission, all traveling at their own expense.

Starting in the midst of the Truman Administration, a serious numismatist or two had begun to be appointed. Some who assisted the government in some numismatic or related matter were similarly given the honor. Among the early appointees: Max Schwartz (1945), the New York attorney who later became ANA's legal counsel; Ted Hammer (1947), John Jay Pittman (1947), Adm. Oscar Dodson (1948), and Hans M.F. Schulman (1952). Some came by air (from California); others drove. I came by train, on Amtrak's Metroliner, leaving from New York's Penn Station and arriving an hour and a half later at Philadelphia's station by the same name. Those who came in February, 1974, gathered on Tuesday evening, Feb. 12, at the Holiday Inn off Independence Mall, and unlike years when there were only one or two hobbyists, this was a banner year. (I almost did not attend; having started law school just three or four weeks before, I had to petition the Dean of the School to permit the attendance lapse and honor the presidential appointment).

My classmates, as we have referred to ourselves over the succeeding quarter century, included some then and future hobby luminaries: Don Bailey (former officer of Arizona Numismatic Association), John Barrett (member of several local clubs), Dr. Harold Bushey, Sam Butland (Washington Numismatic Society V.P.), Charles Colver (CSNA Secretary), David Cooper (CSNS v.p.), George Crocker (S.C.N.A. president), Joe Frantz (OIN Secretary), Maurice Gould (ANA governor), Ken Hallenbeck (past president, Indiana State Numismatic Assn.). Also: Dr. Robert Harris, Jerry Hildebrand (organizer World Coin Club of Missouri), Richard Heer, Barbara Hyde (TAMS Board member, sculptor), Philip Keller (past president of the American Society for the Study of French Numismatics), Reva Kline (member of several upstate New York coin clubs), Stewart Koppel (past president, Aurora, Ill. Coin Club), Charles M. Leusner (Delaware Co. Coin Club). Rounding out the Commission: Capt. Gary Lewis (past president of Colorado-Wyoming Numismatic Association), Fred Mantei (past president Flushing Coin Club), Lt. Col. Melvin Mueller (member of many local and regional clubs), James L. Miller (COINage Magazine publisher), John Muroff (Philadelphia Coin Club member), and Harris Rusitzsky (Rochester Numismatic Association member). I was also a member (law student and former assistant editor, Numismatic news).

This rather remarkable group of men and women, the White House and Mint joint announcement announced, were appointed by the President "from across the nation . . . the 25 Commissioners, working in such varied fields as medicine, dentistry, law, engineering, forestry research and the military, share a common interest in coins and the science of numismatics." Early in its history, and indeed, into the first half of the 20th century, the appointees were either political themselves, or politically connected. Ellen (Mrs. Irving) Berlin, Commissioner 1941, was one example; Mrs. Norweb (1955) was another. So was Sen. H. Willis Robertson (1962), chairman of the

But that does not say that the description of the work done by the Assay Commission remains irrelevant. To the contrary, unlike 1974 which examined the non-precious metal coinage of 1973, today there are silver, gold and platinum bullion coins, and numerous commemorative coins, and related items that circulate the world-over. There is accountability within the Mint, but at present, the Mint's primary accountability is to Congress, and to the coinage subcommittee in the House, and the larger Senate Banking Committee on the other side of Capitol Hill. If there is a problem, it remains largely unknown to the public at large, except in case of acute embarrassment.

In April, 1987 for example, the U.S. mint was accused of having grossly underweight fractional gold coins—a move that nearly scuttled the entire effort of the program to market into the Far East. The Assay Commission having been abolished in 1980, there was no voice of authoritative reassurance, for the Mint denied that there was even a problem—when it was clear that the fractionals had not been properly assayed and were lightweight in their gold content.

Abolition of the Assay Commission came in two stages. In 1977, President Jimmy Carter declined to name any public members to the Commission, ending a practice of more than 117 years duration. Then, F.T. Davis, director of the General Government Division of the President's Reorganization Project, got into the act. "We are conducting an organizational study of the Annual Assay Commission," he wrote me on Sept. 6, 1977. "The study will focus on possible alternative methods of carrying out the functions of the Commission." I prepared a memorandum for Davis at his request, answering several specific questions, careful to take no position on its continued validity. Earlier in the year, in a major law review article proposing a "Revision of the Minting & Coinage Laws of the United States" which was published in the Cleveland Law Review, I had essentially concluded that it was a political choice to decide whether or not to continue the two-century old commission. Davis asked if the mission of the Assay Commission was essential. I replied "More aptly, the question is whether or not assaying of coins is essential. The answer is an unqualified yes to that." Indeed, that Mint regularly conducts assays of its coin product as a means of assuring quality. (The 1987 foul-up was an administrative problem; the gold coins were assayed and came up short, but a decision was made to circulate them, anyway). Davis also asked what the function of the Commission should be in the succeeding two years if it was continued. I suggested that the law be "rewritten to provide for compositional analysis of all subsidiary coinage plus the dollar coin".

The die was already cast, however, and the Carter Administration (having already declined to name public members) simply let the Assay Commission whither away until, in 1980, it expired with the passage of Public Law 96–209 (March 14, 1980). The irony is that only a short time later, the Mint was once again producing precious metal coinage. As the new millennium is on the verge of commencement, a movement initiated by former commissioners (most of whom are members of the Old Time Assay Commissioner's Society, OTACS for short), has talked about proposing revitalization of this old commission. There are reasons why it could succeed, and some why it should. There are a number of reasons why the Assay Commission ought to be reconstituted, and any proposal to do so will require a legislative initiative in Congress. Toward that goal, I was asked by an ad hoc advocacy group to try my hand at it. If you've got an interest in the Assay Commission, perhaps you'd care to send a note to your Congressman or Senator (U.S. Capitol, Washington, D.C. zip for the House 20515. Senate 20510) with a copy of this article, and the draft legislation. You can encourage them to do the rest.

TRIBUTE TO KATHLEEN ROMIG OF ROYAL OAK, MI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. LEVIN. Mr. Speaker, I rise to honor Kathleen Romig of Royal Oak, Michigan who has been selected as one of the 12 George J. Mitchell Scholars for 2001. Kathleen was identified in a nationwide competition organized by the United States-Ireland Alliance, a non-partisan, non-profit organization based in Washington, DC.

The scholarship is named in honor of Senator Mitchell's contribution to the Northern Ireland peace process. Scholarships are awarded to individuals between the ages of 18 and 30 who have demonstrated intellectual distinction, leadership potential and commitment to community service.

I first met Kathleen in 1996 in my congressional office where she was introduced to public service and social action. She was one of our youngest interns, an eager learner, a fine writer, and a compassionate young woman.

Kathleen is a Michigan State University senior and the University's first recipient of the George J. Mitchell Scholarship. During the one-year program, she will pursue a master's degree in social policy at the University College in Cork. She will have formal courses of study, seminars and independent research in her thesis area of social policy.

In her application essay, Kathleen wrote,

> There are alternative ways of viewing the problems of juvenile justice and alternative methods of solving it. Some of the most compelling are being discussed and tested in Ireland and Northern Ireland right now. One such alternative is restorative justice, a fascinating approach that seeks to balance the needs of offenders, victims and communities.

After graduation, Kathleen hopes to work in Washington, DC, and continue her interest in juvenile justice dealing with the plight of disadvantaged children.

Kathleen is also the recipient of the 2000–2001 Jeffrey Cole Excellence Award, the Walter and Pauline Adams Scholarship, the Gordon and Norma Guyer Public Policy Internship, and the Royal Oak Rotary Club and Oakland County MSU Alumni Association Scholarships. She is a member of the MSU Honors College, Phi Beta Kappa and a National Merit Scholar.

Mr. Speaker, I ask my colleagues to join me in congratulating Kathleen Romig, a exceptional young woman who has a passion for learning and a commitment to social justice. I wish her good health, happiness, and success as she embarks on new challenges as a George J. Mitchell Scholar.

75TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF BALDWIN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mrs. McCARTHY of New York. Mr. Speaker, the First Presbyterian Church of Baldwin on St. Luke's Place will celebrate its 75th anniversary on Sunday, May 20, 2001. The church's history and the congregation's contributions to Baldwin and the Long Island community are remarkable and noteworthy.

A new church became a necessity in November 1923. A development of nearly 300 homes had been built north of the railroad, but the five churches in Baldwin were located south of the railroad. The expanding community recognized the need for a new church, and they began to use the Fire Department on Baldwin Avenue for Sunday School and church worship services. On May 14th, the church was recognized by the Brooklyn-Nassau Presbytery with a charter membership of fifty-nine people.

The congregation and church building went through many changes over the years. In 1926, the congregation held its first worship service in its own portable "building," which had been moved from Queens to Baldwin. This became too crowded for the growing membership, and the cornerstone for a new church building was laid on November 30, 1930. The St. Luke's Place building was completed in 1931. Although badly damaged by a fire in 1940, it remains the central structure of the church to this day.

By 1960, membership was nearing 900. An education building had been built 10 years earlier to accommodate the growing Sunday School. Many organized groups were founded for both adults and children, and church facilities were being used by community groups. A new sanctuary was added in 1961, and considerable renovations to the original building were made. A church member opened a full-time state licensed nursery school, now in the thirty-seventh year of operation.

Today, the First Presbyterian Church of Baldwin at 717 Luke's Place is a mini-complex of buildings that serves the community not only as a Christian congregation, but as a meeting place for many non-religious groups such as the Girl and Boy Scouts, and Alcoholics and Gamblers Anonymous. The nursery school provides pre-school education for seventy-five three and four year olds.

I congratulate the entire congregation, past and present, on their remarkable achievement and contribution to Long Island.

TRIBUTE TO AUSTIN "BUSTER" AND DELORES WORKING

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. LUTHER. Mr. Speaker, I would like to take the opportunity today to recognize Austin "Buster" Working and his wife Delores for their hard work and dedication on behalf of Minnesota's veterans.

Buster and Delores were recently chosen to lead Pup Tent 11, the Honor Degree of the VFW and its Auxiliary. Their long years of proudly serving Minnesota's veterans make them uniquely qualified to hold the important positions of Commander and President. They have continuously served our veterans with dedication and commitment. For example, during the past 20 years, Buster has organized over 18,000 hospital visits to Minnesota veterans. Delores has baked and delivered over 31,000 cookies to Minnesota Veterans homes. These tireless efforts, paired with enthusiastic selfless service and a willingness to invest personal time and energy, serve as an outstanding example of the spirit of volunteerism that we should foster today.

Mr. Speaker, I am proud of my constituents. Buster and Delores are serving those who served our country. I can think of no better way to show our gratitude to those who risked their lives for our freedom. I thank them for their service.

THE BIKE COMMUTER BILL

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. BLUMENAUER. Mr. Speaker, today, Congressman MARK FOLEY and I are introducing legislation to extend commuter benefits to bicyclists. This important legislation includes bicycles in the definition of transportation covered by the qualified transportation fringe benefit.

Currently, employers may offer a Transportation Fringe Benefit to their employees for commuting to work. Employees who take advantage of this benefit may receive a tax exemption benefit totaling $175 for participating in qualified parking plans or $65 for transit or car-pool expenses. Employees may also opt to take cash compensation instead, which is subject to employment taxes. The Bike Commuter Bill would extend these same Transportation Fringe Benefits to employees who choose to commute by bicycle.

It's time to level the playing field for bicycle commuters. At a time when communities across the country are seeking to reduce traffic congestion, improve air quality, and increase the safety of their neighborhoods, bicycles offer a wonderful alternative to driving for the more than 50% of the working population who commute 5 miles or less to work. The Federal Government should do its part to support these goals by providing transportation benefits to people who choose to commute in a healthy, environmental, and neighborhood-friendly fashion.

According to the Bureau of Transportation Statistics, bicycles are second only to cars as a preferred mode of transportation, demonstrating their potential for commuter use. Many Americans own one or more bicycles, but limit their use to recreational purposes.

This legislation is an important step in making the Federal Government a better partner for more livable communities.

RECOGNIZING 75 YEARS OF COMMUNITY SERVICE BY THE ST. HELENA ROTARY CLUB

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the St. Helena Rotary Club and its members as they celebrate the 75th Anniversary of this honorable organization.

Throughout its 75-year history, the St. Helena Rotary Club has served our community with distinction. Over the last decade, the Club has raised over one million dollars for philanthropic purposes in the Napa Valley.

As a native of St. Helena, I have seen first-hand the positive contributions the Club has made, especially to the youth of our community. Their annual Winter Ball has always been a fabulous event that is indispensable in benefiting local organizations like the St. Helena Boys and Girls Club and the St. Helena Public Schools' Foundation.

Along with 29,000 clubs in 161 countries, the St. Helena Rotary Club and its members have honored the Rotary promise to develop the opportunity for service, maintain high ethical standards, apply stewardship in personal, business and community life, and to advance understanding, goodwill and peace through fellowship and the ideal of service.

Mr. Speaker, I am honored to recognize the 75 years of immeasurable contributions the St. Helena Rotary Club has made to our community.

ROY E. DISNEY CENTER FOR THE PERFORMING ARTS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mrs. WILSON. Mr. Speaker, Disney is a name that promises a special kind of magic—real magic—to the children of every generation and every age around the world. Today, the Disney Magic is finding a special home in New Mexico . . . the land of enchantment.

"It's not hard to make decisions when you know what your values are," Roy Disney says, and he put his values to work with his decision to provide substantial financial support to the National Hispanic Cultural Center in Albuquerque.

Groundbreaking ceremonies were held last week for the Roy E. Disney Center for the Performing Arts. The center will include a 700-seat proscenium theater, a 300-seat film and video theater, and a 150-seat black box theater. Edward Lujan, chairman of the National Hispanic Cultural Center, said Mr. Disney is being saluted not only for his personal financial support of the facility but for the assistance he gave in raising other funds.

With his generosity, Mr. Disney proves himself a worthy heir to the name made famous by his uncle, Walt Disney, and his father, Roy O. Disney. They would be proud to see their name on the marquee of this facility which celebrates the genius and dreams of Hispanic culture. The mission of the facility is not only to educate all Americans about the unique contributions of Hispanics to the American story, but to nurture the wide ranging talents emerging in the Hispanic community.

I'm proud, too, to stand with Mr. Disney in making this dream come alive. Several months ago, the House approved my request for $1.5 million in federal funds for the Center.

Mr. Disney began his career working as an assistant film editor on the "Dragnet" TV series, and later was assistant film editor of two classic and Oscar-winning Disney films, "The Living Desert" and "The Vanishing Prairie."

As chairman of Disney's Feature Animation Division, Mr. Disney personally produced a new golden age of Disney features, including The Little Mermaid and Beauty and the Beast. But it was with Fantasia 2000 that Mr. Disney fulfilled the long-deferred dream of his Uncle Walt and immortalized his own creative talent.

Mr. Disney's gift to the National Hispanic Cultural Center is truly a gift to the diverse community of New Mexico and a gift to the nation, and we thank him for it.

INTRODUCTION OF A BILL TO ELIMINATE TAXES ON TIPS UP TO $10,000

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. HUNTER. Mr. Speaker, today I am introducing a bill that will benefit millions of Americans directly, substantially and quickly, including most notably single mothers and students. Furthermore, this legislation will lift some of the heavy burden of government off thousands of small businesses.

My bill is very simple. It calls a tip what it is: a gift. All tips given, not to exceed $10,000 annually, would be tax free. This puts hundreds of dollars a month back where it belongs, with the individual who earned it.

Those who work in the service sector, who rely principally on tips to supplement their income, work in a system transacted largely in cash. Accounting for small amounts of cash for income tax purposes is not only unworkable, it is unenforceable, even if a paperwork scheme could somehow be conceived. Small amounts of cash, received through hundreds and hundreds of transactions, and almost never while standing behind a cash register, should not be taxable. Washington bureaucrats lack an understanding as to just how impractical the present system is to all those who labor so hard for their tips. The system simply breaks down.

Tips cannot possibly be reported accurately, and law-abiding citizens who work for tips do not wish to be labeled cheaters by people who don't understand the realities of their work. It is time to change that. My bill caps the tax-free earnings of those who make waiting on tables a career in high-end restaurants and resorts, at $10,000. But for the 95% of those in the service sector who receive tips, it's time to change the tax law covering income from tips.

Under current law, service employees who typically earn tips are assumed to have made at least 8 percent of their gross sales in tips. This tax is applied regardless of the actual level of the tip. Further, if the service personnel earns more than 8 percent in tips they are expected to report them accordingly. The end result for these employees, many of whose base salaries do not exceed minimum wage, is that they may have to pay taxes on income they didn't receive.

In addition, accounting for tips and gross sales is a burden on every restaurant, bar or other small business whose employees are regularly tipped. They are constantly under threat of an audit, where the IRS will hold their business responsible if the agency determines tip skimming to have occurred.

By putting in place a reasonable annual cap and strictly defining a tip, this tax relief bill is clearly focused on low- to middle-income households. According to the industries involved, most of the employees that will be helped are either students or single mothers. In addition, most of the employees are at the beginning of their careers.

Those in the service sector who rely on tips to supplement their income are a special breed of people. Those who work for tips see a direct relationship between effort and reward like few others. Night after night, day after day, weekend after weekend, the millions of bell hops, valet parking attendants, coat checkers, taxi drivers, hairdressers, bartenders, waiters and waitresses are on the job, working hard and providing vital services to people of every walk of life.

Let us give a break to those who labor so hard for their living. Let's show them for a change that the Federal Government is not so out of touch and understands the special needs of those at the beginning of their career. The time has come for government to get out of the way of our Nation's most prolific entrepreneurs, service personnel and their employers. I hope other Members will join with me in this common sense proposal that will help millions of hard working Americans.

CELEBRATING THE CAREER OF HARRIS COUNTY COMMISSIONER JIM FONTENO

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. GREEN of Texas. Mr. Speaker, at the end of his current term Harris County Commissioner Jim Fonteno will retire. Commissioner Fonteno is currently in his 26th year as Precinct Two Commissioner. He was first elected in 1974 and has won re-election terms in 1978, 1982, 1986, 1990, 1994, and 1998. On April 12, 2001, the South Houston Chamber of Commerce will honor him, and I am proud to join them in paying tribute to Commissioner Fonteno for his dedication and commitment to public service.

For most of his life, Commissioner Fonteno has served both his country and the residents of Harris County. He is a veteran, having served in the United States Army and in the Merchant Marine. He also served as a Municipal Court Judge for the City of Baytown from 1957 to 1958. Later, he served two terms 1970–1974, as Port Commissioner, Port of Houston Authority, but resigned the position to seek the office of County Commissioner. Jim Fonteno is also a licensed auctioneer and has used his skill to raise over $4 million for various non-profit charitable events, churches, clubs and organizations.

Commissioner Fonteno is committed to his constituents. Not only does he touch the lives of many underprivileged boys and girls, he has an unwavering commitment to our senior citizens.

He is the founder and developer of various outstanding senior citizen programs in Harris County's Precinct Two, including East Harris County Senior Citizens, a non-profit corporation. The East Harris County Senior Citizens sponsors various activities throughout the year, including, trips to sporting events and the Houston Livestock Show and Rodeo. Another popular activity is the Senior Citizen Olympics, which is held annually. These funfilled events have provided both social and physical interaction among senior citizens. In addition, 280 food baskets are provided to senior citizens during the holiday.

Commissioner Jim Fonteno also spent much time in developing the the well-being of our youth. The East Harris County Youth Program, which he founded, is dedicated to serving, the needs of Harris County Precinct Two youth. The program originated as a pilot program comprised of a summer camp at J.D. Walker Community Center and an after-school program at Cloverleaf Elementary School.

The single most important role of the East Harris County Youth Program is to serve as a vehicle that makes learning fun. Designed to be a resource, not a substitute for school systems, the program is a strong proponent of students staying in school. Although academic achievements receive top priority, the East Harris County Youth Program also puts an emphasis on physical activity.

Mr. Speaker, it is clear that we will have a tremendous void as the result of Commissioner Fonteno's retirement. I am sure that I speak for many when I say that his tireless work will not soon be forgotten, and we are all thankful to him. I would like to personally wish him and his wife JoAnn well in this new stage of their lives, and hope that he continues to be a strong presence in Harris County.

U.S.-MEXICO POULTRY TRADE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. POMBO. Mr. Speaker, I would like to call the House's attention to one of the agricultural success stories of the last decade. I refer to this nation's poultry trade with Mexico, a trade that has benefited both nations tremendously and that today finds itself charting new paths for the future.

Mexico in the late 1980s emerged as an important new market for U.S. poultry products. Mexican meat processors began buying large quantities of turkey and chicken cuts, including mechanically de-boned meat, from the United States. Much of this poultry meat was used to make the sausage, hot dogs, bologna and turkey ham products demanded by Mexican consumers.

There was for a time a concern that NAFTA might slow this progress. The agreement was written in the infancy of the U.S.-Mexican poultry trade, and NAFTA's authors did not foresee the explosion in Mexican demand for U.S. poultry. The agreement set a quota for duty-free poultry exports to Mexico that was far too small and set the over-quota tariff at a staggering initial rate of 269 percent. In fact, that over-quota tariff does not drop below 49.4 percent until it ultimately is removed in 2002.

Fortunately, the fears raised by NAFTA were not realized. The Mexican government has recognized the demand for poultry and has allowed a much higher level of duty free poultry imports than NAFTA requires. The results of this policy have been spectacular—and the primary beneficiary has been the Mexican economy and the Mexican people.

Mexico's processed meat industry has doubled during the last five years and now creates jobs—directly or indirectly—for 290,000 people. Annual sales of processed meat, including processed poultry products, have reached $1.3 billion annually and are climbing. The consumption of meat protein products in Mexico has increased significantly, and the cost to Mexican consumers has been kept low.

Obviously, this has made the Mexican market a critical one for the U.S. poultry industry. Mexico now purchases about 10 percent of all U.S. poultry, and is the third largest export market for American poultry. For the turkey industry, the market is even more significant. Mexico is by far the biggest purchaser of U.S. turkey, consuming almost 10 percent of all the turkey produced in the United States and accounting for 55 percent of all our turkey exports.

Mr. Speaker, this success story needs to be continued. Mexico is undergoing historic political changes, and indications so far are that the Fox administration is continuing to maintain a positive policy toward poultry imports. However, there is certain to be continued pressure on the new government from some who want to eliminate competition in the market for processed meat.

Mexico's meat processors cannot meet their consumers' needs or price expectations without continuing waivers on the NAFTA quotas for U.S. poultry products. The Mexican government has understood this for the last seven years, and they are to be commended for putting the broader needs of their nation's consumers and the entire economy ahead of parochial political considerations. Also, our Agriculture Department and the Office of the Trade Representative are to be congratulated for the time and attention they devote to ensuring fair and open trade between our two countries.

The U.S. and Mexican poultry and meat processing industries recognize the importance of continuing this trade relationship. The two industries are signing an agreement pledging to work with their respective governments for a policy of open and unrestricted trade of poultry products.

As we wait for that goal to become a reality, we want to express our appreciation for the hard work of the Mexican government and our own trade officials for the accomplishments to this point in promoting prosperous poultry trade between our two countries.

HONORING VINCENT COSMANO, BAND DIRECTOR OF O'FALLON TOWNSHIP HIGH SCHOOL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Vince Cosmano on his retirement and the 30 years of service he has given to O'Fallon Township High School in O'Fallon, Illinois.

The second of five children, born to James and Jean Cosmano of Chicago, Vince came from a family proud of their Italian heritage. As a youth, Vince was an achiever, performing in the high school band and attaining the rank of Eagle Scout. His passion for teamwork was shaped during his high school years where he excelled in football and swimming. Learning and an education were highly valued traits in the Cosmano household, Vince's brothers Don and Bill chose careers in education and his sister Jean Marie and youngest brother Richard succeeded in their respective fields of work.

In college, Vince followed his passion, studying history at Illinois State University and playing the french horn. Fortunately, for the future high school band students at OTHS, Vince's love for music became his calling. He graduated from ISU with a B.S. in Education in 1965, followed by a Masters in Music Education in 1971. From 1965 to 1971, Vince taught school, first in Wyoming, then Piper City and later Chillicothe. O'Fallon, Illinois would soon welcome and embrace the dynamic Vince Cosmano to their music department.

In August of 1976, the music department at OTHS was poised for change. The newly established Panther football program was open for competition and Edward A. Fulton was moving from the High School music program to his roots in the junior high music program. The Marching Panthers Band of OTHS was just 10 years old. The Panthers first were served by John Albert, then Ed Fulton and then it came to Vince Cosmano. At that time, the band consisted of 130 members with a total of 4 buses and no equipment trucks. Vince debuted with the Panthers at the 1977 U of I field show competition, winning second place in field, third in parade and a drum major caption award.

The OTHS Marching Panthers have since garnered grand championships, national parades (including appearances at the Macy's and the Tournament of Roses parades), television appearances and hundreds of other awards. Through all of the trophies, awards and citations, the OTHS Marching Panthers have gained national renown and an even stronger program under Vince's direction. Currently, the music program is comprised of 250 students, six buses, three equipment trucks, legions of OTHS alumni with support from parents, colleagues, fans and friends.

Vince always credited the students of the Marching Panthers for their diligence and hard work—only with great reluctance did he ever accept individual recognition. He was previously named "O'Fallon's Man of the Year" and served as the President of the Illinois Music Educators Association, District 6. In 1999, the Illinois High School Association honored him as the state's Outstanding Music Educator. A national honor quickly followed as Vince was chosen as the Outstanding Music Educator for a seven state area by the National High School Association. Vince exemplifies the philosophy that hard work equals good things.

As Vince retires, he will enjoy time with his fiancee Sue and his three sons, Tim, Jeff and Patrick. His favorite teaching activities—concert band, music theory and private lessons—will be replaced by fishing, swimming and gardening. Vince will always be remembered as a man of presence and a man of action. Whether getting the students up at 4 a.m. to be ready to march in the Macy's parade or helping to take tickets at a Panther Football game, Vince was there.

It has been through his direct efforts that he has instilled the qualities of music and respect into the hearts of the many students he has touched.

Mr. Speaker, I ask my colleagues to join me in honoring Vince Cosmano and to recognize his commitment to community service.

TRIBUTE TO DAMON SZYMANSKI

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, I'd like to say a few words today about one of my constituents, Damon Szymanski. Damon recently finished his 50th assignment as an ACDI/VOCA volunteer, a truly extraordinary achievement.

During Damon's missions, he has played a crucial role in helping improve agricultural development around the globe, particularly in central and eastern Europe. He has contributed dramatically to our national goal of opening global markets through an infusion of our values of democracy and economic freedom. Damon has served as a strong bridge between the United States and the rest of the world.

He is here in Washington this week to receive an award from ACDI/VOCA for his record of outstanding service. On behalf of all of us, I'd like to say "thank you" to Damon—for everything he's done to improve U.S. foreign relations and for everything he's done to improve the quality of life of people in other nations.

DR. THOMAS E. STARZL

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. MASCARA. Mr. Speaker, I would like to recognize Dr. Thomas E. Starzl for his leadership in the field of clinical medicine and his lifelong commitment to advancing the promise of organ transplantation.

Known as the "father of transplantation," Dr. Starzl performed the world's first liver transplant in 1963 at the University of Colorado. Almost 20 years later, he would join the University of Pittsburgh School of Medicine and lead a surgical team at Presbyterian University Hospital (now UPMC Presbyterian) in performing the area's first liver transplant on February 26, 1981. That was the beginning of a transplant program and research institute led by Dr. Starzl that would pave the way for organ transplantation to become an accepted practice in the medical community. The internationally renowned program has performed over 11,000 lifesaving transplants, by far the most of any single program in the world, and influenced the careers of countless surgeons and physicians. Retired from clinical and surgical service since 1991, Dr. Starzl remains active in transplant research as director emeritus of the institute that was renamed in his honor in 1996.

On April 27 and 28, 2001, the Thomas E. Starzl Transplantation Institute and the University of Pittsburgh will hold a tribute event for Dr. Starzl. This tribute is called a "Festschrift," which is a presentation of a collection of articles by colleagues, former students and others published in honor of a noted scholar. The event celebrates Dr. Starzl's 75th birthday and also marks the 20th anniversary of the first liver transplant performed in Pittsburgh. In addition to oral and visual presentations, the Festschrift will officially inaugurate the Starzl Prize in Surgery and Immunology and unveil a portrait of Dr. Starzl that will be displayed in the University of Pittsburgh School of Medicine.

Such an event is fitting for a man whose résumé includes more than 1,200 presentations; 22 editorial boards; membership in no less than 58 professional organizations; the authoring or co-authoring of more than 2,000 scientific articles and four books; 21 honorary doctorates and more than 175 awards and honors. Dr. Starzl has been a champion in advancing the science of organ transplantation, and in improving and saving the lives of countless people.

Today I ask my colleagues to join me in honoring Dr. Thomas E. Starzl, a true national hero.

TRIBUTE TO THE DELTA SIGMA THETA SORORITY

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to honor the Delta Sigma Theta Sorority, Valley Forge Alumnae Chapter on their decade of public service.

In 1913, the Delta Sigma Theta Sorority was founded at Howard University by twenty-two African American Women. Since then, over 200,000 women have joined chapters all over the world. The Valley Forge Alumnae Chapter in my district was founded on February 10, 1991 by 27 civic-minded women who saw the need for public service in the western suburbs of Philadelphia.

The Valley Forge Alumnae Chapter has been active in a number of areas such as economic and educational development, international awareness and involvement, physical and mental health and political/international awareness. Through their efforts, they have successfully produced many community programs and projects. One such program, "Patriots of African Descent," commissions artists in memory of African Americans who fought for our nation's independence.

I am pleased and honored to celebrate this outstanding occasion with the alumnae. They have played an important role in our community and for this they should be commended.

WOMEN'S CENTER OF MONMOUTH COUNTY CELEBRATES 25 YEARS OF SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Women's Center of Monmouth County's 25th Anniversary. Over the last quarter of a century, the Women's Center of Monmouth County (WCMC) has made a tremendous difference in the lives of women and their families throughout Monmouth County.

The WCMC is a New Jersey-based private, non-profit organization dedicated to ending domestic violence and sexual assault. Since its inception in 1976, the Center has helped more than 100,000 women, children and men gain control of their lives and stop the violence. Through the help of individuals, government agencies, small businesses and corporate partners, the WCMC has had an open door to a safe shelter and critical services for victims of domestic violence and sexual assault.

According to the 1999 New Jersey Crime Clock, a rape occurs every six hours in New Jersey. In Monmouth County, 70 rapes and 12 sexual assaults were reported in 1999. In fiscal Year 2000, the WCMC Rape Care program received 1,201 calls, e-mails or walk-ins from women seeking assistance. A total of 298 survivors and their family members were accompanied to medical, legal and law enforcement agencies.

Services offered by the WCMC include a hotline, emergency shelter, transitional housing, counseling, crisis intervention, advocacy, education and prevention that help end the cycle of domestic violence and abuse. The Center works to mobilize concerned individuals, organizations, and civic and religious groups to end violence and abuse against women and children through public education, public policy reforms, and training of allied professionals. The Center also provides a liaison program to family and municipal courts and an art therapy program for children and non-offending, parents.

The WCMC has received three national awards: 1998 United States Crime Victim's Rights Service Award for Karen Wengret; the 1998 United States Sunshine Peace Award for Domestic Violence Administration and the 1999 American Art Therapy Award for Outstanding Programming for their Amanda's Easel program. The Center has also received numerous accolades from New Jersey and local organizations for community service and leadership.

For the past 25 years, the Women's Center of Monmouth County has provided a much-needed service for families affected by domestic violence or sexual assault. I urge all my colleagues to join me today in recognizing WCMC's dedication to ending domestic violence and sexual assault.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE HEARING ON H.R. 1, “NO CHILD LEFT BEHIND”

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. SMITH of Texas. Mr. Speaker, I submit my testimony regarding H.R. 1 the No Child Left Behind Act. Thank you for the opportunity to testify on H.R. 1, the “No Child Left Behind” bill.

The President has made this legislation a priority because Americans are concerned about the quality of their children's education. They are also troubled about the decline in our nation's values and its effect on our children. Polls consistently reveal that virtue and ethics are issues of top concern. Parents should be the primary developers of character but educators play an increasingly important role.

Unfortunately, too many of our children are bombarded daily by negative influences. Society pays the price when we mock values. To reap the rewards of a virtuous society, we must sow the seeds of character when we educate children.

Communities across the nation recognize that character education is an integral part of a well-rounded curriculum. Our Nation's teachers are aware that character education helps to establish a set of standards for behavior, provide role models, and create caring environments. For instance, many students in Texas participate in character education programs and the lessons they learn now will serve them well in the future.

President Bush has made character education an important component of his education reform bill. By allocating $25 million to character education, States, local education agencies, parents and students will have an opportunity to promote character and values.

However, there are additional steps to be taken if we are to be

This legislation provides a grant to develop initiatives and disseminate up-to-date information about character education and also funds a study that will examine whether or not character education programs are successful and sustainable.

H.R. 1 calls for states to base their character education efforts on the findings of scientific research, yet educational experts have not been given the opportunity to develop those sound scientific conclusions. It is not even known where and how character education has found its greatest success. To support character education in its entirety, we must include research and the dissemination of useful information.

In our changing and challenging world, children need affirmation that society respects men and women of character. It is imperative that we teach our children the values that strengthen their character and make our country strong.

CONDEMNING THE RECENT ATTACKS IN ISRAEL

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. VITTER. Mr. Speaker, I rise today to condemn the violent terrorist attacks that have wracked Israel and to extend my sympathy to the victims and their families. I would like to especially extend my condolences to Yitzhak Pas, who just two days ago lost his 10-month-old daughter and was himself shot in the legs by a Palestinian sniper.

The next day, Islamic Jihad executed two terrorist bombings that rocked Jerusalem, with the clear intention of taking more innocent Israeli lives. During Jerusalem's morning commute, a booby-trapped car was detonated at the side of a busy road, injuring five Israelis. Later in the afternoon, a suicide bomber boarded a bus loaded with students on their way to Hebrew University and detonated his nail-laden bag of explosives, injuring over thirty passengers.

Only PA Chairman Yasir Arafat can stop the violence, and of this he clearly has no intention. He has organized and instigated the violence since his rejection of peace at Camp David. I urge my colleagues to sign the Hyde/Lantos letter to President Bush, which calls for a reassessment of the U.S. relations with the Palestinian Authority, and reaffirms the United States' enduring support of Israel in this time of crisis.

IDAHO GIRL SCOUT HONOREES

HON. C.L. “BUTCH” OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. OTTER. Mr. Speaker, I would like to take a moment to recognize five outstanding Idaho women who are positive role models for young girls in the Gem State. Maria Berain, Sandra Bruce, Susan Eastlake, Marjorie Findlay, and Sam Sandmire portray a lifestyle to which young girls can look for inspiration. In a time of constant change and difficulties for our youth today, statistical evidence and observations show girls have a lack of everyday role models to look to. These women are leaders that all young people can look to and learn from.

They were recently recognized by the Girl Scouts of Silver Sage Council as Women of Today and Tomorrow. Each of them excels in their individual careers and positively impacts their communities.

Maria Berain is a mentor with the Boise State University College Assistance Migrant Program. She supports Hispanic women to pursue their college education by counseling them on study habits and course selection.

Sandra Bruce is president and CEO of Saint Alphonsus Regional Medical Center. In addition to guiding the hospital in growth and success she engages in civic organizations including Boise Public Schools Education Foundation and Boise Metro Chamber of Commerce.

Susan Eastlake is the founder of the Southeast Neighborhood Association and an Ada County highway District commissioner. She also has worked on the Simplot Sports Complex and on behalf of the Les Bois Soccer Tournament.

Marjorie Findlay was chosen to be the first woman senior warden of St. Michael's Cathedral. She is a two-term president of the Idaho Botanical Garden. Her many cultural and educational contributions include fund-raising for the Discovery Center and chairing UNICEF drives.

Sam Sandmire is the head gymnastics coach at Boise State University and part-owner of the Bronco Elite Arts and Athletics Club. She was voted conference Coach of the Year of 2000 and is recognized as an advocate for women in competitive sports.

Mr. Speaker, as you can see, these women have accomplished great things and are examples of hard work, character, and leadership. I congratulate them and am delighted to have them reaching out to share their values with today's youth. They are true assets to Idaho and the nation.

WEEMS GALLERY AND FRAMING

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention a woman in my home town of Albuquerque, New Mexico who has contributed much to our community. On March 20, 2001 Mary Ann Weems along with friends and family celebrated the 20th anniversary of Weems Galleries and Framing.

Inspired by her vision of a gallery that would warmly welcome anyone who found joy in art as an expression of life, Mary Ann began this journey toward excellence in the visual arts twenty years ago. Her first gallery was in a little-noticed shopping center, opened with borrowed money and lack of business experience. She won the confidence and trust of New Mexico artists and aficionados who joined in supporting her vision of making more art accessible to more people.

That vision led 10 years ago to the first Weems Artfest, now the nationally ranked annual event which attracts thousands of families and children to see and experience New Mexico art. The Artfest also provides an affordable venue for all kinds of artists to gain exposure for their talents. The Artfest benefits the whole community of artists by increasing awareness of their work, and by expanding the community of admirers who will pay a fair price for art that touches their spirit. Additionally, the Artfest hosts a charity event to raise funds for healthcare needs in our community, particularly for children.

By making art more accessible for children, Mary Ann gives every child who participates the chance to discover something wonderful in themselves. For children who face challenges, it's a discovery gives them powerful hope for their future. Mary Ann serves as my Chairperson for the Congressional Art Competition.

Mary Ann Weems earned her success in the visual arts the hard way, by trial and error and sheer grit. She achieved excellence in the visual arts by setting new standards for what a gallery can be, and what an art show can become, and making her vision real for the whole of New Mexico's art community.

Please join me in recognizing the achievements of this business woman, Mary Ann Weems.

IN HONOR OF THE RETIREMENT OF LYNN SELMSER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CASTLE. Mr. Speaker, I wish to recognize today Ms. Lynn Selmser for over 27 years of service to Members of the House of Representatives. As Chairman of the Subcommittee on Education Reform of the Education and the Workforce Committee, I have worked with Lynn only a few years, but I can say that her reputation as a talented and knowledgeable member of the Committee staff is well deserved.

Lynn began her Capitol Hill career in the personal office of Illinois Rep. Robert McClory in 1974. She stayed with Rep. McClory for over seven years.

Next, Lynn worked in the personal office of Pennsylvania Rep. Bill Goodling, her hometown representative. She stayed in Rep. Goodling's personal office until January 1989, when she moved to the Committee on Education and Labor staff, which is now the Committee on Education and the Workforce.

During her time with the Committee, Lynn has educated me and many other Members of Congress on the intricacies of quite complex issues. She has covered issues and programs such as Child Nutrition, Impact Aid, Juvenile Justice, and child and adult literacy. I know all of the Members of the Committee will be at a disadvantage without her institutional knowledge and advice on these issues.

I believe that Lynn is most proud of her work on family literacy issues. Lynn worked on this issue on behalf of Rep. Goodling from 1988, when he originally sponsored what became the Even Start Act. She cares deeply about improving the literacy of adults as a way to improve literacy in children, and I understand that she plans to continue to promote adult literacy following her retirement from the Committee staff.

I know many Members of Congress and staffers, along with her friend and former boss, Rep. Goodling, join me in thanking Lynn for her many years of service and wishing her a relaxing and well-deserved retirement.

HONORING FAYETTEVILLE FIRE CHIEF DUKE "PETE" PINER

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. HAYES. Mr. Speaker, I rise today to honor Fayetteville Fire Chief Duke J. "Pete" Piner, who will retire on April 1, 2001, after more than 37 years of service.

Chief Piner, 63, joined the Fayetteville Fire Department in 1964, following his father into the firefighting profession after a stint in the United States Navy and working briefly as an electrician.

Almost 25 years to the day, on March 22, 1989, Piner became chief of the department. In the words of Fayetteville City Manager Roger Stancil, Chief Piner quickly established himself as a team player among city management. "His leadership extended throughout the city," said Stancil. "He was someone you could call on to accomplish a mission anywhere within the city government."

Chief Piner's vision led to many innovations for the fire department. During his tenure, the Fayetteville Fire Department built new stations to expand its service area, successfully merged with volunteer fire departments in neighborhoods annexed by the city, developed a state-of-the-art hazardous materials response team, and began to utilize more modem technology. In fact, Chief Piner played a key role in modernizing the city's communications capabilities so that various city departments, state, and county agencies could communicate with one another during a crises or disaster situation.

I ask that all my colleagues join me in honoring Chief Duke J. "Pete" Piner for 37 years of remarkable public service to the people of Fayetteville, North Carolina.

A TRIBUTE TO JORGE MAS SANTOS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure and admiration that I congratulate Jorge Mas Santos on being honored for receiving the National Community Service Award by the Simon Wiesenthal Center.

As the son of a Cuban immigrant, Jorge Mas Santos learned to appreciate the freedoms and opportunities in our country, and realized that the dreams of liberty and democracy that his father had for his native land of Cuba would never be possible under the tyrannical regime of Fidel Castro. His ambition to fulfill his father's aspirations to help the thousands of Cubans migrating from the island seeking freedom has resulted in countless programs and activities that have benefited not only Cuban-Americans but also every citizen in South Florida.

Among his illustrious accomplishments, Jorge is the founder and chairman of Neff Rental; Chairman of the Board of the Cuban American National Foundation; Chairman of MasTec Inc.; and Executive Director of the Mas Family Foundation. Through this Foundation, the Mas Family Scholarships has awarded over $500,000 to students who had little hope of obtaining higher education. He is deeply involved in community and civic activities as a member of the University of Miami President's Council and of Nova Southeastern University's Board of Trustees. Jorge's current multi-million dollar restoration project is to fulfill his late father's dream of turning The Freedom Tower, which is included in the National Registry of Historic Places, into an educational center and museum, scheduled for completion in late 2001.

Jorge has achieved a multitude of honors. His love and dedication to the cause of freedom has touched the lives of so many and has won him respect and admiration. I want to join with his family, friends and colleagues in celebration of this wonderful award and I wish him every future success.

RE-OPENING OF SPAG'S OF SHREWSBURY, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts in celebrating the Grand Re-Opening of Spag's—a store that has become one of the biggest tourist attractions in New England.

Founded in September 1934, Anthony "Spag" Borgatti set-up shop, on a 35 dollar loan from his mother, in a garage at 193 Boston Turnpike, using empty wooden crates as tables and display cases. Since that time, Spag's has become a retailing phenomenon that turned into a multi-million dollar enterprise. Spag believed in the words he spoke so often, "Business is not just about dollars and cents, it's about people. Customers are people, employees are people, suppliers are people; and we all need each other."

Spag's has stayed true to its founding basic principal of serving the working man by providing "quality goods at rock bottom prices". Today we celebrate the achievement that this retailing enterprise has accomplished and wish them well as they continue to serve their community.

Mr. Speaker, it is with tremendous pride that I recognize the employees of Spag's and the Borgatti Family for their past success and to thank them for the role they play, not only as a retail shopping enterprise, but also as a good neighbor always willing to help those in need. I congratulate them on their accomplishments and wish them well.

INTRODUCTION OF THE GLOBAL HEALTH ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CROWLEY. Mr. Speaker, I am introducing legislation to address an issue that is receiving much needed attention by the international community and the U.S. government. That issue is global health. Men, women and children all over the world are struggling with the impact of an HIV/AIDS pandemic in Africa that threatens to engulf parts of Asia over the next few years and destabilize regional security on each of these continents. The former Soviet Union has one of the most rapidly growing number of HIV/AIDS cases in the world and has already overwhelmed its already faltering health care infrastructure.

The people of these and those in other developing countries are struggling with the fact that more than ten million children die before their 5th birthday each year from preventable diseases in developing countries. They are struggling with the continued impact of global infectious diseases such as tuberculosis, malaria, other infections that threaten their lives, the lives of their children, the viability of their villages, their economies, their national security.

Epic threats to the health of people all over the world continue to challenge governments, domestic infrastructures and societies on a rapidly growing scale. Their crisis is our crises. The stability of the region is at risk and with that, our interests in the stability of governments in Africa.

Despite these daunting facts, there is something we can do. Unprecedented opportunities exist today to improve health around the world and the U.S. must maintain its leadership role on these issues. It is in our interest to do so. Our borders are not impervious to these global health threats. To address these global health threats, I am introducing the Global Health Act of 2001.

During the 106th Congress, over 75 members of Congress and 152 organizations joined me in support of the Global Health Act of 2000 and we are reintroducing this legislation this year to reaffirm our commitment to improve the health of men, women and children around the world.

Today, I am joined by 52 of my colleagues in introducing bipartisan legislation to increase the U.S. commitment to global health by $1 billion dollars over FY 2001 appropriated levels. With these additional funds, our commitment to global health will be authorized at $2.55 billion.

Mr. Speaker, I would like to thank the fifty-two cosponsors of the Global Health Act of 2001. These cosponsors represent a broad cross section of the House; Democrats and Republicans, members of the Women's Caucus, the Progressive Caucus, the Black Caucus, Appropriators and Authorizers, who recognize the need and importance of an increased commitment to global health.

I ask that a copy of the Global Health Act be printed in the RECORD following my remarks.

We are joined in this effort by over 70 international organizations and two coalitions committed to global health, such as the Global Health Council, Save the Children, the Christian Children's Fund, and the American Foundation for AIDS Research, and the list is growing every day.

I have included that list of the global health organizations, faith-based organizations and development NGOs that support this legislation and ask that it be entered into the RECORD.

What does the Global Health Act do?

The Global Health Act of 2001 provides an additional $1 billion to the global health programs of the Federal Government. This includes a $275 million increase for HIV/AIDS, a $100 million increase for maternal health, a $200 million increase for family planning, a $225 million increase for child survival, and a $200 million increase for infectious diseases.

While other legislation will seek to target specific diseases, the Global Health Act understands the interconnectedness of health and seeks an increase for all of the global health programs that play an important role in improving the health of men, women and children around the world.

It also calls for increased coordination between the different government agencies administering health programs.

The HIV/AIDS pandemic is the greatest public health disaster to face mankind since the bubonic plaque. Already, 58 million people have been infected or died as a result of HIV/AIDS and more than 95 percent of new infections occur in developing countries. Sub-Saharan Africa has been the hardest hit and in South Africa it is estimated that 10 percent of its 45 million people are infected with the virus.

But, the pandemic is not limited to Africa: Asia will soon have more new HIV infections than any other region and Russia is the new "hot spot" for the disease. The disease is ravaging families and communities and young people have been particularly devastated. Every minute, five young people contract HIV/AIDS somewhere in the world and in Southern Africa it is projected that more than half of today's teenagers will become infected and die of AIDS.

UNAIDS has estimated that it would take $3 billion to address HIV/AIDS in Africa alone (excluding access to drugs) and at this time the international community is providing less than $1 billion a year for HIV/AIDS programs in the developing world.

The world looks to the United States to be a leader and now is the time for the United States to significantly expand its support for global HIV/AIDS programs. The creation of new drugs and vaccines cannot stand alone and we must also invest in the development of public health infrastructure.

This infrastructure will be important as we continue to expand investment in treatment and care programs. In addition, 42 million children will be orphaned by HIV/AIDS by 2010 and we must be prepared to provide good health care to these children across the health spectrum.

All children of the world need our support. As we approach the 10-year anniversary of the World Summit for Children, we must make a strong commitment in their future by investing in the world's children. Ten million children die before their 5th birthday each year in developing countries from preventable diseases, such as pneumonia, diarrhea and measles. Yet, funding for the core child survival program remained fairly stable in the FY 2001 budget. Without additional funding, the successful child survival programs will not continue to provide needed services for young girls and boys in developing countries. Through its research and development programs, the United States has developed interventions that work. Clean water and sanitation prevent infections, and oral rehydration therapy (a simple salt sugar mixture taken by mouth, which costs only pennies) has been proven to be among the most effective public health interventions ever developed.

Immunization programs have also proven to be successful and almost 75 percent of children are immunized today in developing countries.

Annually, immunizations avert two million childhood deaths from measles, neonatal tetanus, and whooping cough. The success of these programs is striking and the U.S. should reaffirm its commitment to children as we meet with other world leaders at the UN Special Session for Children in September, 2001.

Another equally compelling problem that has not yet been given the recognition it deserves is the death of 600,000 women each year during pregnancy and childbirth—one woman every minute.

Over 80 percent of these deaths are due to complications that are routinely prevented in the developed world, such as obstructed labor, infections and unsafe births. 99 percent of these 600,000 deaths could be averted.

Of all the health statistics monitored by the World Health Organization, the figures on materal mortality reveal the largest discrepancy between developed and developing countries.

Women in developing countries are 18 times more likely to die during childbirth than women in developed countries. This disparity does not need to continue. The WHO has identified a package of health interventions that for a cost of $1–3 per mother, could save the lives of countless mothers and their children.

This small investment in mothers will have an enormous impact on the families of tomorrow.

Other interventions, such as family planning, also play a large role in protecting the integrity of a family.

One third of the world's population is between the ages of 10 and 24. As these young people begin to raise families, the demand for safe voluntary family planning services will increase dramatically.

Many women will choose to have children and over 200 million will become pregnant in the coming year.

But, following the birth of a healthy child, many couples prefer to delay or cease childbearing. About a quarter of a billion couples around the world find themselves in this situation and they do not have access to voluntary contraceptive methods. As a result, many pregnancies are unplanned or unwanted.

The World Bank has found family planning to be one of the best ways to improve maternal and child health and it is time for the U.S. to signficantly expand funding and support for the international family planning programs at the U.S. Agency for International Development and increase the U.S. allocation to the United Nations Population Fund.

The final important piece of the Global Health Act is the increased funding for programs that address infectious diseases.

My own district was surprised and concerned when West Nile Encephalitis entered our community during the Summer of 1999. This incident reminded us that infectious diseases know no geographic boundaries, and are crossing U.S. borders with greater frequency.

Tuberculosis has re-emerged on the world stage in deadlier and more drug resistant forms.

With the appearance of multi-drug resistant tuberculosis, and its spread to Europe and the U.S., we face the possibility that this could again become a leading killer. But, through effective collaborative projects, the United States has been able to leverage its support for infectious disease programs and rates of malaria and polio are decreasing.

In just the past ten years, the number of polio cases worldwide has fallen by almost 50 percent and the death toll from malaria has been reduced by 97 percent. These partnerships have proven to be very fruitful and are a model for future U.S. action on infectious diseases.

With the resources provided under the Global Health Act and the coordination and assistance of other nations, we can make a profound difference in the health and wellbeing of millions of the world's poorest citizens.

Without good health, a nation will be unable to support a healthy and strong economy.

It is in our national and economic interests that the U.S. support increased funding for global health so that today's healthy children can be tomorrow's healthy world partners.

Mr. Speaker, I urge my colleagues to support this important legislation.

ORGANIZATIONS ENDORSING THE GLOBAL HEALTH ACT OF 2001

1. Adventist Development and Relief Agency.
2. Advocates for Youth.
3. Africa Faith & Justice Network.
4. African Services Committee, Inc.
5. Alan Guttmacher Institute.
6. Alliance Lanka.
7. American Association for World Health.
8. American Association of University Women.
9. American Foundation for AIDS Research.
10. American International Health Alliance Organization.
11. American Society of Tropical Medicine and Hygiene.
12. AmeriCares.
13. Andean Rural Health Care.
14. Asian and Pacific Islander Wellness Center.
15. Association of Public Health Laboratories.
16. Association of Reproductive Health Professionals.
17. Association of Schools of Public Health.
18. Baertracks.
19. The Centre for Development and Population Activities—CEDPA.
20. Catholics for a Free Choice.
21. Center for Reproductive Law and Policy.
22. Center for Women Policy Studies.
23. Christian Children's Fund.
24. Concern Worldwide U.S., Inc.
25. CONRAD Program.
26. Cross-Cultural Solutions.
27. Elizabeth Glaser Pediatric AIDS Foundation Organization.
28. Family Care International.
29. Female Health Company.
30. FOCAS.
31. Global AIDS Action Network.
32. Global AIDS Alliance.
33. Global Health Council.
34. Infectious Diseases Society of America.
35. InterAction.
36. International Trachoma Initiative.
37. International Women's Health Coalition.
38. Institute for Global Health.
39. John Snow, Inc.
40. Journalists Against AIDS Nigeria.
41. Management Sciences for Health.
42. National Abortion and Reproductive Rights Action League.
43. National Association of People with AIDS.
44. National Audubon Society.
45. National Family Planning and Reproductive Health Association.
46. National Latina/o Lesbian, Gay, Bisexual, and Transgender Organization.
47. Programs for Appropriate Technology in Health.
48. Pathfinder International.
49. Physicians for Social Responsibility.
50. PLAN International.
51. Population Action International.
52. Population Institute.
53. Population Leadership Program.
54. Project Hope.
55. Religious Action Center of Reform Judaism.
56. San Francisco AIDS Foundation.
57. Save the Children.
58. United Methodist Church, General Board of Church and Society.
59. U.S. Coalition for Child Survival (see members list below).
60. U.S. Committee for UNFPA.
61. U.S. Fund For UNICEF.
62. Uganda Youth Anti-AIDS Association.
63. Union of American Hebrew Congregations.
64. Unitarian Universalist Service Committee.
65. University of North Carolina at Chapel Hill.
66. White Ribbon Alliance for Safe Motherhood (see members list below).
67. Women's EDGE.
68. World Neighbors.

MEMBERS OF THE U.S. COALITION FOR CHILD SURVIVAL

Academy for Educational Development, Adventist Development and Relief Agency, Aga Khan Foundation USA, Bread for the World, CARE Tajikistan, Children's Global Health and Education Network, Christian Children's Fund, CORE Group, Elizabeth Glaser Pediatric AIDS Foundation, Environmental Health Project, Freedom from Hunger, Global Health Council, Grantmakers in Health, Johns Hopkins University/School of Public Health; KRA Corp., Health Program, March of Dimes, Merck, PLAN International, Save the Children, US Fund for UNICEF, Voice of America, as of 3/28/01,

MEMBERS OF THE WHITE RIBBON ALLIANCE FOR SAFE MOTHERHOOD

Academy for Nursing Studies, Advance Africa, Adventist Development and Relief Agency (ADRA), Aisyiyah, Indonesia, AIWC, American Association of World Health, American College of Nurse Midwives (ACNM), American Women's Association, Indonesia, APIK, Arthik Samata Mandal, Association of Women's Health, Obstetric, & Neonatal Nurses, Association for Maternal and Child Health Concern in Nigeria, AusAID WHFW Project/OPCV.

Biodun Mat/Eye Clinic, North Tougu, The Ghana Registered Midwives Assoc., BKKBN (National Family Planning Coordinating Board), BKOW (Coordinating Body of Women's Organizations, West Java), Cambodian Midwives Association, Canadian Women's Association, Indonesia, CARE, CARE—India, CASP, Catholics for Contraception, Center for Development Control, Center for Development and Population Activities (CEDPA), Centre For Human Survival, Nigeria, Center for Reproductive Law and Policy (CRLP), CHETNA, Child Survival Collaborations and Resources (CORE) Group, Christian Association of Nigeria, CMAI, Christian Children's Fund, Community Based Health Care Women's Group, Kimilili, Kenya, CRS.

DFID, EEC, Engender Health, Equilibres et Populations, France, Family Care International, Federal Women's Association of Muslim, FK-PKMI (Collaborative Forum—for the Promotion of Community Health, Indonesia), Ford Foundation, Indonesia,

Jakarta International School, JHPIEGO, Indonesia, Johns Hopkins University—PCS, Johns Hopkins University—School of Public Health, JHU/CCP, Kalyanamitra, La Leche League International, Linkages Project/Academy for Educational Development, Local Government Service Commission, Nigeria, Loma Linda School of Public Health, Mamta Health Institute for Mother and Child—India, Market Women's Association, Nigeria, Matrika, MILES Production, Indonesia, Mitra Perempuan (Wone in Sisterhood), MNH Program Indonesia, MotherCare/John Snow International (JSI), Indonesia, National Union of Teachers, Nigeria, NGO Networks for Health, NGO Networks for Health, Armenia, Nurses Association, Nigeria, Organization For Student Health Care Services, Monrovia, Liberia.

Pacific Institute for Women's Health, PATH, Indonesia, Pathfinder International, PFI, Pita Putih-Indonesia, PLAN International, POGI (Association of Specialists in OB/GYN, Indonesia), Population Council, Population Reference Bureau, Population Services International, Prerana, PRIME/Intrah, Project Hope, PSS, Pusat Komunikaski Jender dan Kesehatan (Center for Communications in Health and Gender Issues, Indonesia), RSB, Boedi Kemuliaan (Boedi Kemuliaan Maternity Hospital).

Safe Motherhood Initiative (SMI)—USA, Safe Motherhood Action Group—Nigeria, San Bernardino Coalition for Safe Motherhood, Save the Children, Shell Nigeria (Women's Programme, Community Development Department), SIDA, Soroptimist International of Indonesia, State Ministry of Women's Empowerment, Indonesia, TNAI, U.S. Pharmacopeia, White Ribbon Alliance—India, Women's Empowerment in Politics, Indonesia, World Vision, Yayasan Melati, YMCA, Zambian Enrolled Nurses/Midwives working at the University Teaching Hospital, Zambia White Ribbon Alliance for Safe Motherhood.

LEGISLATION CLARIFYING THE INCOME FORECAST METHOD

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. FOLEY. Mr. Speaker, Congressman BECERRA and I introduced legislation today to clarify the income forecast method.

As Chairman of the House Entertainment Industry Task Force, I have understood that changes made in the Small Business Job Protection Act of 1996 that modified depreciation under the income forecast method have had unintended consequences for the movie industry. Our legislation corrects those consequences.

The "income forecast" method is a method for calculating depreciation under section 167 for certain property, including films. Under the income forecast method, the depreciation deduction for a taxable year for a property is determined by multiplying the cost of the property by a fraction, the numerator of which is the income generated by the property during the year and the denominator of which is the total forecasted or estimated income to be derived by the property during its useful life. The total forecasted income to be derived from a property is based on conditions known to exist at the end of a period for which depreciation is claimed and these could be revised upward or downward at the end of a subsequent taxable year based on additional information that becomes available since the last estimate. In the case of films, income to be taken into account means income from the film less the expense of distributing the film, including estimated income from foreign distribution or other exploitation of the film including future television exhibition.

The Small Business Job Protection Act addressed the income forecast method in order to make the formula a more appropriate method for matching the capitalized costs of certain property with the income produced by such property. While the new law modified the method by including all estimated income generated by the property, however, it made no changes to the treatment of participations.

Projected participations—such as percentages of the gross receipts due an actor—have been included as part of the total cost of a film ever since studios have been forced to forecast the total revenues of a film under the income forecast method. But the Internal Revenue Service (IRS) has indicated that it will disallow participations as part of a film. Participations were not an issue addressed by modification to the income forecast method. Studios have negotiated their complex transactions based on the clear and well-established principle that the cost of a film includes participations.

The legislation that we have introduced today will ensure that participations are a part of the total cost of a film. First, the legislation would guarantee that income-contingent costs are includible in basis, thereby accepting the conclusion of Transameric Corp. v. U.S. The legislation provides that the depreciation allowance, as so determined, will apply notwithstanding section 404 or section 419. There would be "no inference" clause with regard to films placed in service after the effective date to the 1996 amendments to section 167 (that is, films placed in service after September 13, 1995).

Second, the look-back regime is tightened in two ways: (i) a third recomputation year is added; and (ii) the 10 percent de-minimis rule is applied on an annual basis not on a cumulative basis in the recomputation year. Thus, if the taxpayer initially estimates that the film's ultimate income will be $1,000X and the estimated ultimate income in year two is increased or decreased by more than 10 percent, then the look-back computation is required for that last year. The 10 percent threshold then applies to the new estimated ultimate income.

This legislation was the result of consultations with the staff of the Committee on Ways and Means and the Joint Committee on Taxation. An analysis was done of the legislation for films in the following three situations: (1) where the film takes off late; (2) where the film falls short of expectations; and (3) where the film exceeds expectations. For each scenario, calculations were done using escalating income-contingent costs, and provided calculations on both an annual basis and a cumulative basis of accounting for adjustments to forecasted revenues. The conclusion confirmed that the legislative changes would not create distortion under the income forecast method.

We look forward to working with the Committee on Ways and Means to find the appropriate legislative vehicle to address this technical correction that will reiterate Congressional intent on changes made to the income forecast method in the Small Business Job Protection Act.

THE IMPORTANCE OF COMMUNITY HEALTH CENTERS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. BILIRAKIS. Mr. Speaker, today, I would like to discuss the importance of community health centers.

Since 1965, America's health centers have delivered comprehensive health and social support services to people who otherwise would face major financial, social, cultural and language barriers to obtaining quality, affordable health care.

Health centers serve those who are hardest to reach. They are located in America's inner cities, isolated rural areas, and migrant farmworker communities—areas with few or no physicians and other health and social services. Community health centers are not-for-profit health care providers and are required by law to make their services accessible to everyone, regardless of their ability to pay.

There are more than 1,000 community health centers located in every state, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. Collectively, these centers serve as a health care safety net for more than 11 million patients, over 4 million of whom are uninsured.

Health centers foster growth and development in their communities. Over $14 billion in annual economic activity is generated by health centers in many of America's most economically depressed communities, and they employ over 50,000 people and train thousands of health professionals and volunteers.

Community health centers offer a wide range of preventative and primary medical and dental care, as well as health education, community outreach, transportation, and support programs. Health centers focus on wellness and early prevention—the keys to cost savings in health care. Through innovative programs in outreach, education and prevention, health centers reach out and energize communities to meet urgent health needs and promote greater personal responsibility for good health.

For less than one dollar per day for each person served (less than $350 annually), health centers provide quality primary and preventive care to low-income, uninsured and under-insured individuals and families. Through reductions in hospital admissions and less frequent use of costly emergency room visits for routine services, health centers save the American health care system almost billions each year.

Health centers provide quality care to millions of Americans who lack health coverage. However, they cannot continue to expand care to the growing number of uninsured patients who seek assistance without a significant increase in their appropriations.

President Bush recognized the importance of health centers with his recent proposal to double the number of patients health centers serve over the next five years. I strongly support this proposal, and an increase in funding this year is the first step needed to reach this goal.

Today, America's health centers are the family doctor and health care provider for over 10 million people. Expanding the role of community health centers is a proven, viable, and cost effective way to bring quality health care to uninsured patients and medically underserved communities.

TRIBUTE TO LOIS PEARSALL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Lois Pearsall upon the occasion of her retirement as a rural development specialist with the United States Department of Agriculture in Caro, Michigan. Lois has given 35 years of dedicated service to her country through her employment with various governmental agencies since 1965.

Lois began her government career as a clerk stenographer with the Joint Chiefs of Staff and Department of the Army at the Pentagon in Washington, D.C. before relocating to Michigan in 1970. Since then, her unparalleled devotion to addressing the needs of Michigan residents has earned her many awards for both the quality and effectiveness of her work.

Over the years, Lois has set the standard in her service to the residents of mid-Michigan, consistently going well above and beyond the basic requirements of her job to aid those faced with financial hardship. In her role in the Rural Housing Program and Farmer Loan programs, she played an integral part in providing shelter and economic stability to some of the more vulnerable citizens of our communities. She has been a vital and tireless leader in securing decent, safe and affordable housing in rural Michigan.

Most recently, Lois has worked as a loan specialist for the Multi-Family Housing Program. Overseeing the management of more than 250 apartment projects in the Lower Peninsula of Michigan, Lois has spent countless hours and expended considerable energy in guiding innumerable communities, borrowers, tenants and management companies into housing partnerships to put roofs over the heads of a considerable number of families throughout the state.

All those who have benefitted from Lois' efforts no doubt also owe a debt of gratitude to her husband, Al, and son, Albert, for their willingness to share Lois' time and talents for the benefit of the commonwealth. Lois will be the first to acknowledge that Al's and Albert's work on the family farm gave her the time and freedom to help other farm families, friends, neighbors and strangers achieve their dreams.

I ask my colleagues to join me in extending our deep appreciation to Lois and her family for outstanding service and wishing them well in all future endeavors.

TRIBUTE TO SAL TORRES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to Gonzalo "Sal" Torres, an extraordinary city councilman and community leader from Daly City, California. Sal, who also served as Mayor of Daly City, was recently re-elected to the city council and has been honored as "one of the top 20 lawyers under 40" by the newspaper California Law Business.

Sal has demonstrated his commitment to excellence and his civic concern since he was a student of psychology at UCLA. He received the Chancellor's Marshall Honors for his academic accomplishment as well as his participation in various community service projects, including the Amigos Del Barrio Tutorial program. Sal was the Director of this excellent program which matched over 200 under privileged elementary school students with college students who offered various types of academic support. Sal's civic concern with the Hispanic community continued following his graduation from UCLA in 1983 in his work with Hispanic Consumer Advocates, the first consumer affairs radio show in Los Angeles to be broadcast entirely in Spanish.

Mr. Speaker, Sal earned awards for scholarship and advocacy on many occasions during his legal education at the University of San Francisco School of Law. These awards included the Judge Harold J. Haley Award and the Student Bar Association Award. Today Sal puts his legal education to good use as Assistant General Counsel to Tomen Agro Inc., where he handles international commerce, anti-trust and trademark matters, and public relations.

The heavy demands of his profession have in no way limited Sal's commitment to community service. If anything, the list of community activities in which Sal has been involved has grown since the beginning of his professional career. Sal has been an active participant in the State Bar Association's Human Rights Committee and the Volunteer Legal Services Program of the San Francisco Bar. He has volunteered to take San Mateo youths on probation to clean up graffiti as part of Daly City's anti-graffiti program. He is also the mentor for Unity 2000, an organization that aspires to change negative stereotypes about local teenagers.

Sal has also been the General Counsel to San Mateo County's Latino Leadership Council, a remarkable organization that strives to educate the general public on social, political, and economic issues that affect the Latino community. He worked as the Newsletter Editor and as one of the Directors of the San Francisco La Raza Lawyers Association. Sal also managed to find time to host a weekly public affairs television show that focuses on issues of concern to the Latino community. This already extensive list only begins to describe Sal's endeavors to improve the community and the lives of those around him.

Mr. Speaker, Sal's service and dedication to Daly City deserves special commendation. He was first elected to the City Council in 1996. The economic prosperity which the city has enjoyed has given him and his fellow council members an opportunity to make an important contribution to the health and vitality of the city. Daly City has been able to implement a $40 million capital improvement program that is creating new community centers, libraries, and improved parks and playgrounds.

Sal has also demonstrated the capacity to handle crisis situations. He worked to secure funds from the Federal Emergency Management Agency (FEMA) which helped to evacuate and reimburse the residents of 30 seaside homes that were dangerously close to slipping off a cliff following severe winter storms. The residents of Daly City are truly fortunate to have Sal's energy and intelligence to advocate their interests.

Mr. Speaker, I am pleased to have this opportunity to pay tribute to Sal Torres. He has been an outstanding leader whose civic concern and whose dedication to public service should be an inspiration for all of us. I think the advice that Sal gives to the teenagers whom he mentors best describes this spirit: "Never give up. Follow your heart. If you are persistent and believe in your heart that you can do it, nothing can ever stop you."

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. BOYD. Mr. Speaker, I was unavoidably delayed on Roll Call vote 50. Had I been present, I would have voted yea on Roll Call vote 50.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Ms. McCOLLUM. Mr. Speaker, on March 23, 2001, I regrettably missed a recorded vote on Roll Call 60. Had I been present, I would have voted "yea."

LET'S SUPPORT COMMUNITY HEALTH CENTERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. TOWNS. Mr. Speaker, I want to join my colleagues in stressing the importance of funding community health centers at a level of at least $175 million for FY 2002. In my home State of New York, we provide over 164,000 residents who are uninsured or Medicaid recipients with health care services. Low-income New Yorkers are dependent on these centers for important services like, immunizations, breast and cervical cancer exams as well as treatment for asthma, diabetes and heart disease.

Communities served by community health centers make a real difference in the quality of life for that community. For example, infant mortality rates have been shown to be 10 to 40 percent lower than communities not served by health centers. Health center patients have lower hospital admission rates and shorter hospital stays, and make more appropriate use of emergency room services. Moreover, centers have significantly increased the use of preventive health services like pap smears, mammograms, and glaucoma screening services among the populations they serve. The centers have also made significant strides in preventing anemia and lead poisoning. And finally, centers have been reported to make the benefits of public insurance programs available to more eligible children and adults. The HHS inspector general recently commended health centers for their successful efforts in finding thousands of children and adults who are eligible for, but not enrolled in, the Medicaid and S–Chip program and assisting them to enroll in these programs.

In addition, we need to ensure that the reauthorization of the health centers program under section 330 of the Public Health Act occurs early during the 107th Congress. I especially want to stress the need to restore authority for facility construction and renovation as well as an appropriate allocation among the community, migrant, homeless and public housing health center programs.

Mr. Speaker, I look forward to working with my colleagues on Energy and Commerce's Subcommittee on Health to fully support community health centers and I urge my colleagues to actively support this critical health care program which provides so much in the way of services to low-income Americans.

IN MEMORY OF EL PASO CITIZEN AND WWII VETERAN FRANCISCO TORRES

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. REYES. Mr. Speaker, I would like to take this opportunity to recognize a proud and distinguished individual from my district of El Paso, Texas who passed away earlier this month. Mr. Francisco Camargo Torres was a longtime resident of El Paso and was a devoted member of the Catholic Church. When the time came for our young men and women to answer the call of duty during World War II, Mr. Torres proudly offered service to his country as a member of the U.S. Army Air Corps.

Mr. Torres returned home a hero with several decorations including the American Defense Ribbon, the Asiatic Pacific Theater Ribbon, the European African Middle Eastern Theater Ribbon, the Good Conduct Medal and four Overseas Bars. Mr. Torres leaves a proud and honorable legacy for his family, friends, and for his nation to admire. The service he offered to his country is one that we, as a nation, recognize as the greatest sacrifice for the survival of freedom and liberty. Mr. Torres fought against the enemies of the United States and did so with distinction.

Upon his return home, Mr. Torres worked for and retired from the Southern Pacific Railroad. He returned to his community and worked to ensure its growth and prosperity. Mr. Torres is survived by his wife Roselia V. Torres, his sons Jose Francisco, Victor, Rosendo, Armando, and Jaime, daughter Lilia Maria Carter, 16 grandchildren and two great grandchildren.

Mr. Speaker, individuals such as Mr. Torres chose to fight for the freedom of their country and returned to help build its future. The Torres family can rest assured that posterity is well served by Mr. Torres' accomplished life. Mr. Torres was laid to rest in Fort Bliss National Cemetery and his legacy and blessings to the city of El Paso and the family survived by him will never be forgotten. I honor this veteran and citizen of my district and offer my most sincere condolences to his family.

IN SUPPORT OF H.R. 1261, ENCOURAGING ALTERNATIVE WATER SOURCES FOR SOUTHERN CALIFORNIA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. HORN. Mr. Speaker, in 1996, Congress passed the Reclamation Recycling and Water Conservation Act to help western communities conserve precious water supplies by encouraging water reuse. The Act authorized a number of new projects, including a water desalinization project proposed by the city of Long Beach and the Metropolitan Water District of Southern California. The Act limited the federal cost share requirements to 50 percent of total project costs.

At the time of the Act's passage, the projected costs for the Long Beach desalinization project were estimated to be $27 million. The expectation at the time was that the desalinization project would process roughly 5 million gallons of water each day. Given the limitations in the Act, the federal government's responsibility was limited to $13.5 million.

Since the original authorization, the project's sponsors have increased the scope of the project. Today, the plans call for processing 40 million gallons of water per day, an eightfold increase over the original projections. In turn, this has dramatically increased the total project cost, to well over $100 million.

Private resources have been identified to cover the increase in costs. However, there is concern that the federal cost share provision may be overly broad, imposing responsibility for up to $50 million on the Federal Bureau of Reclamation.

The legislation that I have introduced today would clarify and emphasize that the contribution of the federal government today is exactly the same as it was five years ago: not more than $13.5 million. It is, quite simply, a technical correction or clarification of the original authorization. And, in this day of fiscal restraint, is the type of restraining legislation that my colleagues should be eager to support. I look forward to working with my colleagues, particularly those in water-scarce communities, to enact this legislation and, ultimately, to develop alternative water resources.

H.R. 1261 is below:

H.R. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMIT ON FEDERAL COST OF THE LONG BEACH DESALINIZATION RESEARCH AND DEVELOPMENT PROJECT.

Section 1605(b)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–3(b)(2)) is amended by striking "50 percent of the total" and inserting "the lesser of 50 percent of the total or $13,500,000".

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. STEARNS. Mr. Speaker, on rollcall nos. 62, 63 and 64 I was detained to speak to the "World Sports Clinic" for the Disabled Veterans of America.

Had I been present, I would have voted yea on all three.

STANLEY B. GREENBERG HIGHLIGHTS HAIDER'S CONTINUING RACISM, ANTI-SEMITISM, AND XENOPHOBIC IN AUSTRIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. LANTOS. Mr. Speaker, in the last Congress we voted to adopt a resolution which expressed the serious concern of this house for the inclusion of the FPO political party in the government of Austria. At that time, the House expressed "its opposition to the anti-democratic, racist and xenophobic views that have been expressed by Jeorg Haider and other leaders of the FPO, and, because of these publicly expressed views, to state its opposition to the party's participation in the Austrian Government."

It was my hope in introducing that resolution and in bringing about the debate it in this house that the leaders of the FPO and the people of Austria would move away from the racist, anti-Semitic, and xenophobic rhetoric that has so tarnished and tainted the image of Austria. I regret, Mr. Speaker, that our efforts have not had their fully desired effect, but there has been some indication of progress—not with the FPO and its leader Jeorg Haider, but perhaps with the people of Vienna.

In yesterday's issue of *The New York Times*, American pollster and political analyst Stanley B. Greenberg—the husband of our distinguished colleague from Connecticut, ROSA DELAURO—wrote a particularly insightful piece about his own personal experiences in the last few weeks in Austria. His report indicates that the venomous anti-Semitism, anti-foreign rhetoric continues to pollute the speeches of Jeorg Haider and other leaders of the FPO. At the same time the people of Vienna in last Sunday's mayoral election gave the FPO 8 percent fewer votes than the party received in the previous election. I welcome that trend, but I also wish to note the one fifth—20 percent—of the voters in Vienna, a sophisticated and cosmopolitan city of international reputation, cast their ballots for the FPO and its racist and xenophobic platform.

Mr. Speaker, I submit Stan Greenberg's excellent personal essay from the March 27th issue of *The New York Times* to be placed in the RECORD, and I urge my colleagues to give thoughtful consideration to his excellent article.

[From The New York Times, March 27, 2001]

A STRANGE WALTZ IN VIENNA

(By Stanley B. Greenberg)

VIENNA.—I am an American Jew, yet found myself in Vienna under attack by Jörg Haider, one of Europe's more notorious anti-Semitic politicians. I was in Vienna doing what I normally do, conducting polls and providing advice to political leaders and their campaigns—this time for the Social Democratic candidate for mayor, the incumbent, Michael Häupl. I had provided similar services for Bill Clinton and Al Gore, Tony Blair, Nelson Mandela and Ehud Barak. As a rule, I keep to the background, offering my ideas privately and far away from the TV cameras. Vienna was to be different.

Mr. Haider led the Freedom Party to prominence by attacking foreigners and Jews, expressing admiration for some of Hitler's policies and championing some populist ideas of his own. His party got 27.9 percent of the vote here in the local election in 1996.

Speaking before his party convention, Mr. Haider declared, "Häupl has a strategist called Greenberg," eliciting giggles in the room. "He specially flew him in from the East Coast." For Mr. Haider, "East Coast" means New York City and powerful Jews, the people who brought down Austrian president Kurt Waldheim and have tried to extract reparations for the Jewish victims of Nazi aggression. Mr. Haider spoke more about the foreigner, then intoned: "Dear friends, you have the choice on 25 March between spin-doctor Greenberg from the East Coast or the Viennese hearts." This was greeted by massive applause.

I was not alone in the line of fire; Haider had singled out Ariel Muzicant, leader of the Jewish community in Vienna, for derision. He scoffed at his given name, which is also the name of a popular washing powder. And Mr. Haider wondered mockingly how "anyone with such a name can have such dirty hands," economically summoning up the "pollution" fears and class-struggle stereotypes of 1930's anti-Semitism.

Mr. Haider's candidate in Vienna, Helene Partik-Pablé, spoke of foreigners who "won't integrate." "They carry on with their own life-style," she said. "That leads to tensions involving noise, dirt and so on." She further declared, "We need to introduce zero immigration."

My first reaction was a certain pride in being attacked by Mr. Haider. But that was bravado, on the whole. The refrain of "East Coast" was unnerving.

One Saturday, after touring the city, I went to the Naschmarkt. The air carried many inviting scents—Austrain sausages on the grill, and Chinese stir-fry, the fruity tang of olives pickling in open tubs, Turkish döner rotating on a vertical skewer. So many aromas, most of which Mr. Haider would wish away. I accidentally bumped into Mayor Häupl, who was campaigning there. A few of the TV cameras turned to film me, and I did my best to disappear without seeming to pull a trench coat across my face. I was determined to avoid becoming a TV image two weeks before the election.

The notion entered my mind of other Jews hiding, seeking anonymity, in an earlier age. But I soon realized I was in a different time. I have been given the chance—denied my relatives in Eastern Europe, decades ago—to fight. With polls and focus groups, I helped develop issues and themes to deny Mr. Haider what he trives on, namely voters frustrated and alienated and looking for foreigners to blame. The Social Democrats made a new effort to harness social changes that many Austrians find frightening—by encouraging high-technology employment, investing more in schools and public transport and enhancing retirement security.

I also came to realize that I was not alone in Austria. Mr. Haider closed his campaign with a flurry of neighborhood rallies continuing the refrain about the "East Coast." The Social Democrats finished with a rally of some 2000 supporters jammed into the Museumsquartier, the Hapsburgs' former stables. Mayor Häupl concluded his last campaign address with a warning about Mr. Haider: "His attacks against the East Coast and against our consultant Greenberg, against the president of the Jewish community" make him "personally responsible" for "anti-Semitism" "This policy is against all of us," Mayor Häupl said.

On Sunday Vienna voters made their choices. Mr. Haider's Freedom Party lost almost one-third of its support, plummeting eight percentage points from the previous high. The Social Democrats made historic gains, taking up those eight points and winning an absolute majority on the city council.

I could focus on the fact that, last Sunday, one in five people in one of Europe's most tolerant and progressive cities voted for the anti-Semite. But I prefer to dwell on the fact that I had the opportunity to help drive back one of the dark forces of our time and I did not fight alone.

IN RECOGNITION OF PRESTOLITE WIRE CORPORATION RECEIVING THE GEORGIA OGLETHORPE AWARD FOR PERFORMANCE EXCELLENCE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

Mr. CHAMBLISS. Mr. Speaker, I want to recognize Prestolite Wire Corporation, the year 2000 recipient of the Georgia Oglethorpe award for performance excellence. Prestolite is the first manufacturing and small industry applicant to receive the state's highest honor.

The Georgia Oglethorpe award is open to business, industry, government, education, healthcare, and non-profit organizations and is awarded for performance excellence.

I would like to commend all the people of Prestolite Wire Corporation on their outstanding performance and operation that makes them the sole recipient of the award for the manufacturing, small industry category. This award should make everyone involved with Prestolite proud to be a part of a corporation to earn such a prestigious award.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 29, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 3

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues surrounding Alzheimer's Disease.
SH-216

Energy and Natural Resources
To hold hearings to examine national energy policy with respect to impediments to development of domestic oil and natural gas resources.
SD-628

10 a.m.
Judiciary
To hold hearings to examine online entertainment and related copyright law.
SD-226

Appropriations
Energy and Water Development Subcommittee
To hold oversight hearings to examine issues surrounding nuclear power.
SD-124

Finance
To hold hearings to examine the process of finding successful solutions relative to Medicare and Managed Care.
SD-215

10:30 a.m.
Foreign Relations
Business meeting to consider proposed legislation to amend U.S. anti-drug certification procedures; S.Res.27, to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia; S.Res.60, urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia; S.Con.Res.7, expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness; S.Con.Res.23, expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103; and the nomination of William Howard Taft, IV, of Virginia, to be Legal Adviser of the Department of State.
SD-419

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the Hart-Rudman Report, with respect to homeland defense.
SD-226

APRIL 4

9:30 a.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on shipbuilding industrial base issues and initiatives.
SR-222

Health, Education, Labor, and Pensions
To hold hearings to examine the constitutionality of employment laws, focusing on states rights and federal remedies.
SD-430

10 a.m.
Finance
To hold hearings to examine certain issues with respect to international trade and the American economy.
SD-215

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine competitive choices concerning cable and video.
SD-226

2 p.m.
Judiciary
Immigration Subcommittee
To hold hearings to review certain issues with respect to immigration policy.
SD-226

APRIL 5

10 a.m.
Judiciary
To hold hearings to examine Department of Justice nominations.
SD-226

APRIL 24

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.
SD-124

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Interior.
SD-138

APRIL 25

10 a.m.
Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD-226

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Army.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Corporation for National and Community Service.
SD-138

1:30 p.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture.
SD-138

APRIL 26

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
SD-124

MAY 1

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD-124

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.
SD-138

Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD-226

MAY 2

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans Affairs.
SD-138

MAY 3

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.
SD-138

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD-124

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD-226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.
SD-124

MAY 9

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.
SD-138

MAY 10

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD-138

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD-138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD-138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD-138

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD-138

HOUSE OF REPRESENTATIVES—*Thursday, March 29, 2001*

The House met at 10 a.m.

The Reverend Willie T. Lockett, St. Martha Missionary Baptist Church, Oak Hill, Florida, offered the following prayer:

Eternal all wise God, Thou who art from everlasting until everlasting. It is again that we come into Thy presence. We come with grateful hearts and we come thanking You first for the privilege of coming to You and You hearing our prayer. We thank You for this day. We thank You for this session and for this place in our Nation's capital where we are assembled.

We thank You for these legislators and pray that You will touch their hearts and minds so that they will be mindful of the needs of our Nation: and that, while You control their thoughts, You will give them the courage that they might play the game of life with boldness, fairness, and integrity.

Help them to stand firmly on their belief if it is within Thy sight and in Thy will. Help them to keep this Nation one that others will continue to look to for guidance and direction. Help them to propose the kind of legislation that will increase the quality of education for our children. Help them to pass the laws that will set a new standard in housing, employment, and health care.

Then, God, teach us to love one another as You have commanded us to do.

This we ask in Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from Florida (Mr. WELDON) is recognized for 1 minute. All other one minutes will be at the end of the day.

INTRODUCING THE REVEREND WILLIE T. LOCKETT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute.)

Mr. WELDON of Florida. Mr. Speaker, today I am proud to have one of my constituents, the Reverend Willie Lockett, helping us this morning by offering today's morning prayer.

The Reverend Lockett holds degrees from the University of Illinois, Atlanta University, Morehouse College, and the Interdenominational Theological Center.

In addition to being a learned minister, he is truly a man of all seasons. He has been a teacher, a salesman, a civil servant, and most importantly a pastor.

He is a leader in our community in helping organizations like the United Negro College Fund, the NAACP, the American Heart Association, South Brevard Sharing Center, and South Brevard Habitat for Humanity. He also has a long history of working with the Southern Christian Leadership Conference and Dr. King from 1955 through 1975.

His ministry over 36 years is a testament to the power of faith and commitment to one's God and community.

I thank the Reverend for his service to us today and for over three decades of service to our community and to our Nation.

PROVIDING FOR CONSIDERATION OF H.R. 6, MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 104 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 104

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BONILLA). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

MODIFICATION TO AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that the amendment recommended by the Committee on Ways and Means, now printed in the bill and proposed to be considered as adopted in the pending resolution, be modified by the amendment that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment in the nature of a substitute offered by Ms. PRYCE of Ohio:

Page 11, after line 8, insert the following:

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subparagraph (other than this section) and section 27 for the taxable year.".

The SPEAKER pro tempore. Is there objection to the modification offered by the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, as the distinguished chairman of the Committee on Ways and Means requested, House Resolution 104 is an appropriate and fair rule providing for the consideration of H.R. 6, the Marriage Tax Penalty and Family Tax Relief Act of 2001.

This rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Ways and Means.

After general debate, it will be in order to consider a substitute amendment offered by the minority which is printed in the Committee on Rules report and will be debatable for 1 hour. Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill as well as the amendment in the nature of a substitute.

Mr. Speaker, as taxpayers all across America are completing the dreaded annual ritual of filling out tax forms and writing checks to the government, thousands of newlywed couples across the Nation have had a rude awakening.

By simply saying those magic words "I do," newlyweds across our great Nation may be surprised and probably outraged to find that their tax bill has increased by hundreds and maybe thousands of dollars.

Hopefully, these couples have not cashed and spent the wedding checks they received from Grandpa Joe and Aunt Lucy, because they still have to pay Uncle Sam.

We should not really be surprised. After all, there is not much that the government does not tax. But it is hard to find a good reason to tax marriage and penalize the most fundamental institution in our society.

Still, each year, 42 million working Americans pay higher taxes, not because their incomes have gone up, but simply because they are married. This is fundamentally unfair and discriminatory.

Mr. Speaker, most families find that, to make ends meet, both spouses have to work. Under our current Tax Code, working couples are pushed into a higher tax bracket because the income of the second wage earner, often the wife, is taxed at a much higher rate.

Because of the marriage penalty, 21 million families pay an average of $1,400 more in taxes than they would if they were single and living alone or single and living together.

Mr. Speaker, if one is paying taxes today, one is paying too much; and if one is married, one is unfairly singled out to pay even more. It is simply wrong and irresponsible to increase taxes on married couples, especially when marriage is often a precursor to added financial responsibility such as owning a home or having children.

The Marriage Tax Penalty and Family Tax Relief Act will bring fairness to the Tax Code by doubling the standard deduction for married couples, expanding the 15 percent bracket so more of a couple's income is taxed at a lower rate, and increasing the amount that low-income couples can earn and still be eligible for the earned income tax credit.

But H.R. 6 does not just help out newlyweds. It also helps out our Nation's families as well by doubling the child tax credit from $500 to $1,000.

H.R. 6 provides relief to all couples suffering from the marriage penalty tax, which means lower taxes for almost 59,000 couples in my district alone.

Mr. Speaker, since earning the majority, Republicans have kept our promises and reached our goals of balancing the budget, paying down the debt, and protecting Social Security and Medicare; and there is no turning back.

The fact is the government is currently taking in more money than it needs to operate. That is the very definition of a budget surplus. The surplus is big enough that we can give some of it back to the people who earned it because, if one is paying taxes today, one is just paying too much.

What better place to start than by correcting the inequity in the Tax Code that affects 25 million married couples.

Mr. Speaker, it is time to either defend the marriage penalty or to eliminate it altogether. There should be no more excuses.

I urge all my colleagues to support this fair and appropriate rule so that we can once again pass the Marriage Tax Penalty Relief Act and send it to the President who this time is waiting to sign it. It is long overdue.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Democrats support tax relief for American families. Let me say that again so that everyone understands. Democrats want fair and meaningful tax relief for working American families.

But, Mr. Speaker, Democrats want tax relief in the context of a real budget with real numbers. The budget passed by the House yesterday is, quite frankly, bogus. It is bogus because it uses phony numbers and faulty assumptions. It is bogus because it has been written to be rewritten.

The Republican majority has used winks and wishes instead of the real numbers that would give the American public the real picture of what is really going on with the Federal budget.

Here is the bottom line: Democrats do not want to go down the same path we found ourselves on 20 years ago after the last big tax cut endorsed by a Republican President.

Mr. Speaker, my Republican colleagues have, for the past few months, waxed ever so eloquently that the surpluses now flowing into the Federal Treasury are merely signs that Americans are overtaxed. They say the money which is forecast to come rolling into the Treasury over the next 10 years belongs to taxpayers and should be returned to them.

Mr. Speaker, Democrats do not disagree that American families need tax relief, but we need to put that tax relief into context. The country ran up a $5 trillion debt because of the tax cut we passed in 1981.

The real story is that the national debt belongs to every man, woman, and child in this country. The real story is that those projected surpluses are just that, projections. We have no idea if they will ever materialize. Frankly, it seems more than a little foolhardy to base our economic security and prosperity on wishes and winks.

We passed a bankruptcy reform bill a few weeks ago that says American consumers have to own up to their debts and cannot just erase them so they can go out and spend more money they do not have. Well, it seems to me that we need a little of that reform in this Chamber.

Congress has spent the past 15 years struggling to get deficits under control; and now, finally, we are on the road to paying back those huge debts.

Those are the same debts that have forced the Congress to ignore pressing national needs like infrastructure development and replacing or modernizing sewer systems, roads and highways, and our Nation's airports.

We have been forced to put off modernizing our military, ensuring that every child has access to a good education, providing a real prescription drug benefit for our seniors, and shoring up Social Security and Medicare to prepare for the retirement of the baby boom generation.

But now the Republicans want to ignore our debt and ignore our national needs just so they can give us another tax cut like the one they gave us 20 years ago.

Yesterday, any number of times, Members on the other side of the aisle said their constituents want their money back. But, Mr. Speaker, we as a country have an obligation to pay off the debts we incurred because of a tax cut we enacted 20 years ago.

The Reagan tax cuts were supposed to give Americans their money back. But look what those tax cuts got us. They got us high unemployment, high interest rates, and an economy that only began to recover when the Congress drastically cut spending on national priorities and raised taxes.

Mr. Speaker, the tax cuts of 20 years ago were nothing more than a game of three-card monte, and the tax cuts the Republican majority is rolling through the Congress in 2001 are just another version of the same scam.

□ 1015

As I have said before, if it looks to good to be true, it probably is. And these promises are just that: too good to be true.

The Republican majority is incapable of seeing the truth in the budget numbers. Instead, they come out onto the floor day after day to say that Democrats only want to perpetuate big government, to make it grow, and fritter away the hard-earned money of American taxpayers. Where do they get this? This is not about big government, this is about responsible government. This is not about keeping anyone's money, this is about paying off the debt and investing for the future.

Mr. Speaker, Democrats want tax relief, and we want tax relief in the context of fairness and in the context of real numbers. We want to provide real relief from the unfair marriage penalty for those couples who pay more taxes just because they are married, but we do not want to provide relief for those who already get a marriage bonus under the code, as the Republicans would do. We want to increase the child care tax credit and make sure that increase is meaningful for those families who need it most.

If the Republican majority is so dedicated to returning money to the taxpayers, why is it most of the marriage penalty relief in their bill does not become available until the year 2004? Why is it their bill will not be fully effective until the year 2009? And why, Mr. Speaker, is it that the Republican bill does not make the child tax credit, something that would really help families, fully effective until 2006? One might think taxpayers, after hearing all this big talk in Washington about giving them back their money, might say, "Show me the money." But for most American families there will not be any money to show.

Mr. Speaker, it is time to take off the blinders and deal straight with the taxpayers. Families who put off facing harsh realities often find themselves in serious financial consequences. The same holds true for the Congress. We need to face up to the fact that we cannot afford a $2.4 trillion tax cut that benefits primarily the wealthiest of Americans while simultaneously trying to save Social Security and Medicare, making sure every child gets a good education, modernizing our military forces, facing the crises in foreign countries, and giving seniors a real prescription drug benefit. We should not pretend, Mr. Speaker. That is not what we were elected to do.

Mr. Speaker, I support providing relief to married couples who are penalized in the Tax Code simply because they are married. I support increasing a child tax credit and ensuring that it is available for lower-income working families. Undoubtedly many will vote for this bill today because they, too, support these changes in the Tax Code. But we continue to hope our Republican brethren will wake up and smell the coffee. They cannot have their cake and eat it, too.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 1 minute to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, as chairman of the authorizing committee, I just want to take this time to thank my colleagues in the minority, the minority leader, the Committee on Rules, and the members on the committee, for acceding to the unanimous consent request for that minor change in the legislation, because what it does do is draw to everyone's attention the fact that we have a number of professionals around here who labor long and hard, and they are almost always perfect.

Their work consists of something like this: on page 4, first paragraph B of section 1(f)6 of such code is amended by striking "other than with, and all that follows," through "shall be applied," and inserting "other than with respect to section 63(c)4 and 151(d)4(a) shall be applied."

And, Mr. Speaker, it all has to fit, and it all has to fit for hundreds of pages. They do it every time we bring a bill to the floor, with this exception. And I know they are chagrined, but I do want to thank everyone, because there are a number of professionals that allow us to appear on the floor and argue important issues such as this, but that the hard labor of making it fit is done by a number of professionals that we owe an ongoing debt of gratitude. And the fact they made a mistake, which really chagrins them, allows me to thank them for all those thousands of pages of no mistakes.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me this time.

I am flabbergasted I am getting 4 minutes on this. There should be a line of people stretching all the way down the steps asking the gentleman from Texas for 30 seconds or less so that every one of us can stand up here and say, please, let us not take another step in the direction of plunging off the cliff, in the direction of huge deficits, in the direction of invading Social Security and the Medicare Trust Funds in order to pass a series of tax cuts that we cannot afford.

I support ending the marriage penalty. Someday I might support even greater efforts than those encompassed in the Democratic alternative. But there are three important points I need to make about this bill. The first is that over half of married couples do not pay a marriage penalty, they get a marriage bonus. Those who are insulting or degrading marriage by telling people that they will pay more taxes if they say "I do" should realize that, in fact, most who say "I do" are paying less.

The second point I would make is that we do not have a budget resolution. We have one passed by the House, but not by the Senate. We ought to be making major tax decisions only after we see what Congress as a whole has adopted and what kind of tax relief we can afford.

Finally, Mr. Speaker, this tax bill that comes before us today is part of an overall plan of excessive tax cuts, tax cuts aimed at those with the greatest means. Forty-three percent of the benefits go to the top 1 percent with an average income of $900,000. This wave of tax-cutting has been the most significant event leading to the economic downturn or anemia that we have suffered since even before the President came into office and began talking down the economy in order to justify things.

Second, this program provides no economic stimulus in an effort to get us out of this malaise. Seventy-nine percent of the benefits do not arrive until more than 5 years from now. That means that the bond market and the stock market are depressed because we have locked into law economic policies that are going to hurt this country, that are going to drive deficits and inflation; but at the same time, consumers will not have any more money in their pocket.

Finally, I have to oppose this package of tax bills because of the millions of people it leaves out. The President of the United States stood up there and gave us an example of a waitress without a spouse, with two kids, and said that that was the reason to adopt his tax plan, to help that waitress supporting two kids and making $25,000. It appears as if the President's staff went through all of the restaurants and found one waitress that would benefit, because if that waitress was making $23,000 with two kids, she gets nothing under the President's plan. If that waitress had three kids, she gets nothing under the President's plan. And if that waitress is currently exactly as the President describes her, but she has some costs for child care, she gets nothing. Not even a one-cent insult tip is left on the table by the Republican series of tax bills for the very waitresses that the President of the United States asked us to think about.

It is one thing to injure America's working poor and those who are struggling to get by by having a huge tax plan that will ruin the economy and not give them a penny, but it is another thing to insult them and say that they do not pay taxes when, in fact, every waitress is paying FICA taxes and not getting any tax relief. Taxpayers deserve tax relief, and under this plan they get nothing.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), my friend, the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I am glad to speak on this proposal. I would point out that the gentleman from California (Mr. SHERMAN) suggested that the President was somehow responsible for the flattening out of the economy in the last 6 months of last year. I think 60 days into a Presidency is a little quick to do that.

Mr. Speaker, I am here to speak in favor of this rule. We have passed marriage penalty relief in the House before, and it has been passed in the Senate before, and it has come out of conference before, and it has gone to the White House before. The difference is this relief will be signed into law if we do our job well here now and in the next few weeks.

Mr. Speaker, we have a budget in the House. We will not vote on the final tax package until the Senate approves its budget next week, and this will be part of it. Government has traditionally taxed what it wanted to discourage, and subsidized what it wanted to encourage. For too long in America we have been subsidizing the wrong things and taxing the wrong things. We have been discouraging things we should have been encouraging, and encouraging things we should have been discouraging.

This change in the Tax Code once again puts a premium on marriage and families as a foundation of our society. I hope there is still a bonus left for marriage in the Tax Code, and believe there will be when we pass this bill, because families and marriage is something that should be honored. If we subsidize families, that is a good thing and not a bad thing. If we help with things like the child tax credit, where we are moving today to double the tax credit on income tax returns, that has a positive impact on American families.

Mr. Speaker, I strongly support the rule. I strongly support the bill. It will pass the House, I predict, handily today, and this time it will be signed into law by the President of the United States.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support of this rule and the work the Committee on Rules has done to structure the debate. In many ways the Federal Tax Code is illogical, immoral and unfair. This is the case with the marriage penalty, most certainly. Currently the Tax Code is structured so a married couple pays higher taxes on their income than an unmarried couple earning the same income and filing separate returns.

Mr. Speaker, under this Tax Code many couples are punished for being married, including many in my congressional district in Indiana. Cameron Gardner and his wife Lindsey are an example of over 38,000 Hoosier families in my district who suffer under the marriage penalty. Cameron works for a local company in Anderson, and Lindsey is a student at Ball State University. They have a 1-year-old daughter. Eliminating the marriage penalty would allow Cameron and Lindsey to keep about $1,400 more a year to help pay bills and take care of their daughter. It does not include the benefits that would accrue from the President's increased child tax credit.

Mr. Speaker, families should be encouraged today. I stand in strong support of this rule. I stand in strong support of this bill. It is time to end the illogical, immoral and unfair marriage penalty; and I believe in my heart Congress will do so today.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, as someone who campaigned on the platform of providing tax relief to working families in central Florida, I am especially proud today to be an original cosponsor of this important legislation to fully eliminate the marriage tax penalty.

Why do I support this legislation? Because it will make a meaningful difference in the lives of approximately 60,000 working families in central Florida, who will receive an average tax break of $1,400 per year. $1,400 per year will have a positive impact on the lives of working families back home.

□ 1030

For example, a married couple with two children, a $1,400 tax savings translates into $117 worth of groceries in the refrigerator every month that otherwise would not be there.

I urge my colleagues to support this legislation today and vote yes on H.R. 6 when it comes to the floor in a little while. This is the type of legislation that we came to Congress for.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Speaker, it has been said that the power to tax is the power to destroy. When one considers this fact, it is a travesty that married couples are taxed at a higher rate than the rest of society. We can all agree that marriage is a sacred institution. What message are we sending to young couples as they get married? Because of an unfair Tax Code, when a bride and groom walk down the aisle they lose money with each step they take.

Nearly 62,000 families in my district are adversely affected by the marriage tax penalty. I have spoken to many of them on this subject and they agree that it is wrong. They are right; it is wrong. Today I want to be able to tell them we are doing something about this. It is time to put common sense back into our Tax Code.

I urge my colleagues on both sides of the aisle to end the marriage tax penalty because saying "I do" should not mean that one is saying I do to an additional $1,400.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time.

Mr. Speaker, it is time to allow married couples to keep more of their money. The breakdown of the family has had a devastating effect on our society. Instead of having families stay together, our current Tax Code is forcing families apart.

H.R. 6 is legislation that will lighten the tax burden once and for all on all married couples. It is time to shore up family life by allowing husbands and wives to keep more of what they earn. H.R. 6 will do just that.

The marriage penalty not only punishes our most sacred institution, marriage, but it also indirectly hurts women. When the marriage penalty first appeared in the Tax Code in 1969, most families had one breadwinner and the tax provision was actually designed to give a tax cut, a so-called marriage bonus, to all of our one-income families. The tax policy failed to envision the growing number of women that would eventually go into the workforce. Today, in nearly 75 percent of all families, both the husband and wife work outside the home. When two working spouses combine their income, the wages of the secondary earner are usually taxed at a higher marginal rate.

Since it is often the wife who is the secondary earner in the family, the marriage penalty, in my view, creates an extremely unfair bias against them. The beauty of this legislation, Mr. Speaker, is that we do not penalize those families who choose to have one spouse stay at home with their families. H.R. 6 eliminates the homemaker penalty for families in which one spouse decides to work part time or not at all. In other words, Mr. Speaker, this legislation benefits all married couples.

In my district, there will be 60,392 married couples who will benefit from this legislation. In the State of Alabama, 424,956 married couples will benefit from this legislation.

Mr. Speaker, I support this rule. It is a good rule. It is high time we have done this. We have done it before. It is time to go ahead and get it signed into law.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. KERNS).

Mr. KERNS. Mr. Speaker, today the United States Congress will vote on sweeping legislation that will help preserve families and fairness in our Tax Code. This legislation will reverse a system that is currently penalizing millions of men and women simply because they have chosen to marry.

This marriage tax penalty affects persons of all races, ages, and incomes. I am fortunate to represent Indiana's Seventh Congressional District. The seventh district encompasses most of west central Indiana and is the very essence of middle America. Our residents are hard-working men and women who instill in their children the values that their parents instilled in them.

These Hoosier values include honoring the family. A recent study found that nearly 60,000 married couples in Indiana's seventh district pay a marriage penalty. Through this penalty we are telling families that it would be better for the mother and father not to be married.

Our government, in effect, is giving incentives for a split in the family. This is wrong. With taxes now at their highest in this Nation's peacetime history and many families paying more in taxes than they spend on basic essentials such as food clothing and housing, it is imperative that we allow families to keep more of their hard-earned dollars and to save and spend as they choose.

This bipartisan legislation will provide $220 billion in marriage tax penalty relief. By working with the executive branch, we have enhanced the President's proposal and will, in fact, provide twice as much in marriage tax penalty relief.

The freshman class of the 107th Congress has been very instrumental in working to make today's vote possible. All these Members represent different regions of the United States and we have come together in agreement and a change that must occur.

The marriage tax issue is not a Republican issue; it is not a Democrat issue. This is about families and fairness. I am proud to join my colleagues here today and the others who make up the 230 cosponsors of this legislation in correcting the marriage tax penalty. I am confident today that we will make good on our promise to American families.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing that the time has come once and for all to eliminate this tax on marriage. If one is paying taxes today, they are paying too much. And just because they are married, they should not have to pay more. I urge my colleagues to support this rule, pass the marriage tax penalty and Family Relief Tax Act so we can send it to the President, who is waiting to sign it. This legislation is long overdue.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which an electronic vote, if ordered, will be taken on the question of the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 249, nays 171, not voting 12, as follows:

[Roll No. 71]

YEAS—249

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NAYS—171

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barrett
Becerra
Bentsen
Berman
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank
Gephardt
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley

Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rivers

Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher

Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Baldwin
Everett
Gordon
Johnson (CT)

Lampson
Leach
Pelosi
Reynolds

Ros-Lehtinen
Rothman
Sisisky
Young (AK)

☐ 1059

Mr. BLUMENAUER and Mr. LARSEN of Washington changed their vote from "yea" to "nay."

Mr. SANDLIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 354, noes 62, not voting 16, as follows:

[Roll No. 72]

AYES—354

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop

Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)

Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom

Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly

Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn

Rahall
Rangel
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NOES—62

Baird
Baldacci
Bonior
Borski
Brady (PA)
Brown (FL)
Capuano
Clyburn
Costello
Crane
DeFazio
English
Filner
Gibbons
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Holt

Hooley
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (MN)
Kucinich
LaFalce
Lee
Lewis (GA)
LoBiondo
McDermott
McGovern
McNulty
Menendez
Miller, George
Moore
Oberstar

Obey
Pallone
Pomeroy
Ramstad
Sabo
Schaffer
Slaughter
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Wu

NOT VOTING—16

Baldwin
Blunt
Gordon
Johnson (CT)
Lampson
Leach

Meek (FL)
Nussle
Radanovich
Reynolds
Ros-Lehtinen
Rothman

Royce
Sisisky
Weller
Young (AK)

☐ 1109

So the Journal was approved.

The result of the vote was announced as above recorded.

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 104, I call up the bill (H.R. 6) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and earned income credit and to allow the nonrefundable personal credits against regular and minimum tax liability, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 104, the bill is considered read for amendment.

The text of H.R. 6 is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Marriage Tax Elimination Act of 2001".

(b) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other

than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) In General.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) Phaseout of marriage penalty in 15-percent bracket.—

"(A) In general.—With respect to taxable years beginning after December 31, 2000, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the lowest rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the lowest rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2001	170
2002	173
2003	178
2004	183
2005 and thereafter	200.

"(C) Rounding.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(b) Technical Amendments.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting "Phaseout of Marriage Penalty in 15-Percent Bracket;" before "Adjustments".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT.

(a) In General.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking "Amounts.—The earned" and inserting "Amounts.—

"(A) In general.—Subject to subparagraph (B), the earned"; and

(2) by adding at the end the following new subparagraph:

"(B) Joint returns.—In the case of a joint return, the phaseout amount determined under subparagraph (A) shall be increased by $2,000.".

(b) Inflation Adjustment.—Paragraph (1)(B) of section 32(j) of such Code (relating to inflation adjustments) is amended to read as follows:

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined—

"(i) in the case of amounts in subsections (b)(2)(A) and (i)(1), by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3), and

"(ii) in the case of the $2,000 amount in subsection (b)(2)(B), by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) of section 1(f)(3).".

(c) Rounding.—Section 32(j)(2)(A) of such Code (relating to rounding) is amended by striking "subsection (b)(2)" and inserting "subparagraph (A) of subsection (b)(2) (after being increased under subparagraph (B) thereof)".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 5. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on tax liability; definition of tax liability) is amended to read as follows:

"(a) Limitation Based on Amount of Tax.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

"(2) the tax imposed for the taxable year by section 55(a).".

(b) Conforming Amendments.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(3) Section 904 of such Code is amended by striking subsection (h) and by redesignating subsections (i), (j), and (k) as subsections (h), (i), and (j), respectively.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

The SPEAKER pro tempore. The amendment printed in the bill is adopted, as modified by the order of the House of today.

The text of H.R. 6, as amended, as modified, is as follows:

H.R. 6

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) Short Title.—This Act may be cited as the "Marriage Penalty and Family Tax Relief Act of 2001".

(b) Section 15 Not To Apply.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

SEC. 2. ELIMINATION OF MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) In General.—Paragraph (2) of section 63(c) of the Internal Revenue Code of 1986 (relating to standard deduction) is amended—

(1) by striking "$5,000" in subparagraph (A) and inserting "200 percent of the dollar amount in effect under subparagraph (C) for the taxable year";

(2) by adding "or" at the end of subparagraph (B);

(3) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case."; and

(4) by striking subparagraph (D).

(b) Technical Amendments.—

(1) Subparagraph (B) of section 1(f)(6) of such Code is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(2) Paragraph (4) of section 63(c) of such Code is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3. PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET.

(a) In General.—Subsection (f) of section 1 of the Internal Revenue Code of 1986 (relating to adjustments in tax tables so that inflation will not result in tax increases) is amended by adding at the end the following new paragraph:

"(8) Phaseout of marriage penalty in 15-percent bracket.—

"(A) In general.—With respect to taxable years beginning after December 31, 2003, in prescribing the tables under paragraph (1)—

"(i) the maximum taxable income in the lowest rate bracket in the table contained in subsection (a) (and the minimum taxable income in the next higher taxable income bracket in such table) shall be the applicable percentage of the maximum taxable income in the lowest rate bracket in the table contained in subsection (c) (after any other adjustment under this subsection), and

"(ii) the comparable taxable income amounts in the table contained in subsection (d) shall be ½ of the amounts determined under clause (i).

"(B) Applicable percentage.—For purposes of subparagraph (A), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	***The applicable percentage is—***
2004	*172*
2005	*178*
2006	*183*
2007	*189*
2008	*195*
2009 and thereafter	*200.*

"(C) Rounding.—If any amount determined under subparagraph (A)(i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(b) Repeal of Reduction of Refundable Tax Credits.—

(1) Subsection (d) of section 24 of such Code is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Section 32 of such Code is amended by striking subsection (h).

(c) Increase in Alternative Minimum Tax Exemption Amount for Joint Returns.—

(1) In general.—Subsection (d) of section 55 of such Code is amended by adding at the end the following new paragraph:

"(4) Adjustment of exemption amount for joint returns.—

"(A) In general.—The dollar amount applicable under paragraph (1)(A) for 2008 and each even-numbered calendar year thereafter—

"(i) shall be $500 greater than the dollar amount applicable under paragraph (1)(A) for the prior even-numbered calendar year, and

"(ii) shall apply to taxable years beginning in such even-numbered calendar year and in the succeeding calendar year.

In no event shall the dollar amount applicable under paragraph (1)(A) exceed twice the dollar amount applicable under paragraph (1)(B).

"(B) Exemption amounts for 2005, 2006, and 2007.—The dollar amount applicable under paragraph (1)(A) shall be—

"(i) $46,000 for taxable years beginning in 2005, and

"(ii) $46,500 for taxable years beginning in 2006 or 2007."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 55(d) of such Code is amended by striking "and" at the end of subparagraph (B), by striking subparagraph (C), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

"(D) $22,500 in the case of an estate or trust."

(B) Subparagraph (C) of section 55(d)(3) of such Code is amended by striking "paragraph (1)(C)" and inserting "subparagraph (C) or (D) of paragraph (1)".

(C) The last sentence of section 55(d)(3) of such Code is amended—

(i) by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(C)", and

(ii) by striking "$165,000 or (ii) $22,500" and inserting "the minimum amount of such income (as so determined) for which the exemption amount under paragraph (1)(C) is zero, or (ii) such exemption amount (determined without regard to this paragraph)".

(d) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 1(f)(2) of such Code is amended by inserting "except as provided in paragraph (8)," before "by increasing".

(2) The heading for subsection (f) of section 1 of such Code is amended by inserting "PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;" before "ADJUSTMENTS".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2001.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2004.

SEC. 4. MARRIAGE PENALTY RELIEF FOR EARNED INCOME CREDIT; EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 32(b) of the Internal Revenue Code of 1986 (relating to percentages and amounts) is amended—

(1) by striking "AMOUNTS.—The earned" and inserting "AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the earned"; and

(2) by adding at the end the following new subparagraph:

"(B) JOINT RETURNS.—In the case of a joint return, the earned income amount determined under subparagraph (A) shall be 110 percent of the otherwise applicable amount. If any amount determined under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10."

(b) EARNED INCOME TO INCLUDE ONLY AMOUNTS INCLUDIBLE IN GROSS INCOME.—Clause (i) of section 32(c)(2)(A) of such Code (defining earned income) is amended by inserting ", but only if such amounts are includible in gross income for the taxable year" after "other employee compensation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 5. MODIFICATIONS TO CHILD TAX CREDIT.

(a) INCREASE IN PER CHILD AMOUNT.—Subsection (a) of section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year with respect to each qualifying child of the taxpayer an amount equal to the per child amount.

"(2) PER CHILD AMOUNT.—For purposes of paragraph (1), the per child amount shall be determined as follows:

"In the case of any taxable year beginning in—	***The per child amount is—***
2001 and 2002	*$600*
2003	*700*
2004	*800*
2005	*900*
2006 or thereafter	*1,000."*

(b) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (b) of section 24 of such Code is amended by adding at the end the following new paragraph:

"(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 24(b) of such Code is amended to read as follows: "LIMITATIONS.—".

(B) The heading for section 24(b)(1) of such Code is amended to read as follows: "LIMITATION BASED ON ADJUSTED GROSS INCOME.—".

(C) Section 24(d) of such Code is amended—

(i) by striking "section 26(a)" each place it appears and inserting "subsection (b)(3)", and

(ii) in paragraph (1)(B) by striking "aggregate amount of credits allowed by this subpart" and inserting "amount of credit allowed by this section".

(D) Paragraph (1) of section 26(a) of such Code is amended by inserting "(other than section 24)" after "this subpart".

(E) Subsection (c) of section 23 of such Code is amended by striking "and section 1400C" and inserting "and sections 24 and 1400C".

(F) Subparagraph (C) of section 25(e)(1) of such Code is amended by inserting ", 24," after "sections 23".

(G) Section 904(h) of such Code is amended by inserting "(other than section 24)" after "chapter".

(H) Subsection (d) of section 1400C of such Code is amended by inserting "and section 24" after "this section".

(c) ADDITIONAL CREDIT FOR FAMILIES WITH 3 OR MORE CHILDREN AVAILABLE TO ALL FAMILIES.—Subsection (d) of section 24 of such Code is amended—

(1) in paragraph (1) by striking "In the case of a taxpayer with three or more qualifying children for any taxable year, the" and inserting "The", and

(2) in the subsection heading by striking "WITH 3 OR MORE CHILDREN" and inserting "PAYING SOCIAL SECURITY TAXES".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to taxable years beginning after December 31, 2001.

SEC. 6. PROTECTION OF SOCIAL SECURITY AND MEDICARE.

The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in House Report 107–31, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be debatable for 60 minutes, equally divided and controlled by a proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a pleasure to bring to the floor H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001, where 43 million taxpayers will receive tax relief under this measure in calendar year 2002, and more than 60 million taxpayers when it is fully phased in.

Let me also say that there are a number of people who have said that the Republicans, in moving these pieces of tax legislation to the floor, have been overly hurried, that we have not laid the groundwork in preparation for presenting these bills.

As evidence of our long-term commitment and preparation for presenting H.R. 6 on the floor today, it is a pleasure to recognize the gentleman from Iowa (Mr. LATHAM) to explain to what extent Republicans have gone to make sure that the timing of the bill on the floor today is most appropriate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman's timing is absolutely perfect today. At 6:22 this morning, I became a grandfather for the first time. Again, the gentleman's timing is impeccable for Justin and Lynnae, my son and daughter-in-law, and their new baby girl, Emerson Anne.

This is obviously a great day. But how appropriate today that we are going to pass the Marriage Penalty and Family Tax Relief Act and increase that child tax credit for Justin and Lynnae. They have a lot of challenges ahead, and this is going to mean more money in their pockets so that they can help Emerson Anne in her future, to help her grow and be prosperous and have a good education.

It is a great day. Again, Mr. Speaker, the gentleman's timing is impeccable.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me congratulate my chairman for the timing of bringing this bill on the floor for the Member's grandchild that was born. I only wish this bill was at such good timing for the baby boomers who will be eligible for Social Security and Medicare soon.

Unfortunately, at the time that they will become eligible, that is the time they expect to have their surplus. I hope it is there.

One thing they hope to have locked into place will be this enormous tax cut, and I tell the Members, this tax cut just does not fit. So they have come a long way in understanding the needs that we have in providing relief for taxpayers, especially as it relates to the child care bill.

As long as we give it in all of these doses, and at the end of the day we have a $3 trillion tax bill and will not have money to do the other things that we promised and that we want to do, I would suggest that some of the compassion that the President is talking about should be leaking down to the House floor so that we can work together.

□ 1115

We have not had an opportunity to do that, but I do hope that the time is still there for us to come together with a responsible tax cut, and I would suggest that if we can just put off the tax cut for a while and concentrate and do something now to stimulate the economy, instead of providing gifts for the wealthy, that our time would be better spent.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS), Chairman of the Committee on Ways and Means, for yielding the time to me.

Mr. Speaker, I rise today in strong support of H.R. 6. American families are working longer and harder than ever, and more and more of their money is going to Washington. In fact, today's couples spend an average of 40 percent of their income in taxes; and if there is nothing else that we do in this body, we should strengthen families.

I am pleased to stand before you today because this legislation represents an historic and long overdue step for families.

H.R. 6 provides tax relief to families. This legislation provides relief on two fronts, by eliminating the marriage penalty and doubling the child tax credit.

Last year, the House passed with strong bipartisan support the same proposal to eliminate the marriage penalty. This year I am confident we will finally be able to bring tax relief to American families.

H.R. 6 will ensure that these couples are never again penalized just for being married, and it will make a promise to future couples that they will not be punished for making the decision to get married.

H.R. 6 doubles the current child tax credit. The legislation also extends present law refundability of the tax credit. This is a huge win for families. It will allow parents to keep more of the money that they earned to invest in their future and to provide an education for their children and to spend less and less time working to send their money to Washington.

Mr. Speaker, I urge support of this bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a member of the Committee on Ways and Means.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means for yielding the time to me.

The whole basis upon which this tax cut, which is about $400 billion over the next 10 years, the whole basis of this tax cut is based upon the $5.6 trillion that the Congressional Budget Office says will be available over the next 10 years.

The Congressional Budget Office, however, said one other thing, too. They also said in the same document, when they made this prediction about the $5.6 trillion, that there is only a 50 percent accuracy or probability that the 5-year projections of the $5.6 trillion will become true, and they cannot even make a prediction on the 10-year numbers.

In other words, they are basically saying we are using the number of $5.6 trillion, but really do not rely upon the accuracy of it because we cannot really say it is going to happen. We do not know if it is going to happen. It may not happen.

So the whole basis of this tax cut is based upon conjecture, and I have to say that after this tax cut passes, and then after we pass the estate tax repeal next week, we will be at about $1.7 trillion or $1.8 trillion, and that does not even include the loss of interests on that money. So we are probably talking about $2 trillion, $2.5 trillion of the $5.7 trillion that may not exist.

What is interesting is that we have had a lot of statistical studies on this. The top 1 percent of the taxpayers in America, those people that make $370,000 a year and above, actually the average is about $1.1 million income per family, the top 1 percent, they are going to get about 40 percent of this total tax cut, this so-called phantom tax cut.

This is a bad bill. The Democrats have a tax cut bill that is modest. It is actually very large. It is about $700 billion, but it fits within a budgetary framework. It takes into consideration in the event these numbers do not come into effect and are not accurate, and it pays down the debt.

Mr. Speaker, I believe very, very strongly that if this bill passes, the estate tax bill passes next week, you are going to see a reduction in Social Security benefits over the next 3 years or 4 years.

We will not be able to do prescription drugs. All this talk the President has about education; that will not come to pass. And certainly Medicare is going to be in deep trouble, too.

This is a bad bill. We should vote for the Democratic substitute, which is more modest. It does deal with the marriage penalty. We do want a tax cut, but we want to make sure it is modest, and that, obviously, it fits within fiscal discipline, which has given us the enormous growth we had over the last 10 years under Bill Clinton.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I do want to thank the gentleman from California (Mr. MATSUI), my colleague, because if we listened to his speech carefully, he did say after this tax cut passes. I appreciate his understanding of the fact that a vast majority of the Members of this House want to support this legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, the Federal tax burden today on American families is an intolerable 34 percent of personal income, so it is especially appropriate today that we are debating a bill that would be getting rid of a tax that penalizes two pillars of our American family, and those are marriage and children.

By alleviating the impact of the marriage penalty and doubling the per child tax credit, this bill will provide nearly $400 billion in family-friendly tax relief over the next 10 years.

In my district in Washington State alone, 73,000 couples will be helped by this bill and 122,000 children by the bill that we will be passing today. The marriage penalty is a particularly strong attack on working women. Currently, the Tax Code creates a disincentive for women to go to work at all, or, if they do, to earn much above the very low threshold.

Women who make a salary on a par with their husbands are taxed at an extraordinary rate, a marginal rate that is higher when you combine incomes. It pushes that rate up.

This is not a problem for couples with a single breadwinner so much, but in today's society, where both the husband and wife work in most households, it is a huge problem. Conservative estimates put this problem at about 25 million American couples who are paying an average of $1,400 in additional taxes just because they are married. This is wrong, Mr. Speaker.

This bill represents real relief for couples in our society. As newlyweds start out on their new life, they should not face a punishing tax bill.

The incentives are wrong. The tax is unfair. Mr. Speaker, we should honor marriage, not taxes.

Mr. Speaker, I urge my colleagues to help couples and young families by supporting H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, and the winner is and the winner is. On November, the American people voted for investment in education for our children, health care for families, and prescription drugs for our seniors, but the Republicans keep coming with their tax cut for their rich friends. They have lost touch with the people and have no idea what their priorities are.

As we debate the marriage penalty act today, vital programs that serve millions of Americans are being ignored.

Tonight thousands of American war heroes will go to bed on the streets. Millions of American children will go to bed hungry, and millions of Americans will go to bed wondering how much longer their bodies can fight against AIDS, cancer, diabetes, Lupus, and hundreds of other incurable diseases.

Unfortunately for the American people, today on the House floor we are once again debating a tax bill that helps only a few and ignoring the real problem that we face as a Nation.

Support fair marriage tax relief. Vote yes on the substitute and let us get back to the work that the people sent us here to do.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds to identify some of the rich friends that are going to be helped in this particular bill.

Mr. Speaker, more than 1 million taxpayers at the lower end of the income tax brackets will find their tax liability reduced to zero in 2002. Tax relief in this bill is not just for young families. At least 6 million families, the taxpayers who are 65 or older will benefit from this bill. It is a bill that benefits all married couples with children.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the distinguished gentleman from California (Mr. THOMAS), Chairman of the Committee on Ways and Means, for yielding me the time.

Today's vote, Mr. Speaker, is one of the key votes on tax equity that this Congress will make. Whether or not an individual Member may support our efforts to provide a proportional tax cut for every taxpayer, they have to concede that this bill makes our Tax Code fairer for dual-income couples and families with children. That is why I rise to urge my colleagues on the other side of the aisle to join us in support of this legislation.

On a fundamental level, increasing the child tax credit makes our tax system more fair. It especially helps middle-income and low-income families who can use the money to meet the priorities of their family budget.

Since the 1950s, the ugly fact is we have shifted more and more of the tax burden of the Federal Government onto the backs of Americans working families.

This legislation takes an important step forward in improving tax fairness and progressivity in our Tax Code.

Here are the facts: This legislation takes 2 million working families completely off the tax rolls. This legislation provides benefits to 25 million families through doubling the child tax credit. This legislation provides relief to 5 million families within the earned income tax credit.

The tax relief debate that we have should not be a partisan debate, but rather a debate about how fairly to return a portion of our national surplus back to working families.

American taxpayers have been overcharged by their government, and it is only fair that Congress ensure that they receive a refund.

This legislation provides tax fairness, and everyone who professes to support tax fairness on the other side of the aisle should have an obligation to support it.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I want to thank the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means, for yielding the time to me.

You do the math, America. We think we will have a $5.6 trillion surplus over the next 10 years. We also think we can tell what the weather will be next week or tomorrow. That is about what it is when we talk about projections. We do not have the money.

We, Democrats, do support a tax cut. Yes, we have a surplus, but Americans also want election reform so that every vote will count, education reform, prescription drugs, health care access, and, yes, to save our Social Security and Medicare plan.

With this tax cut today that is before us and the trillion dollars we have already passed, we will not be able to address those needs that American people want.

We want to do something about the marriage penalty, and the Democrats have a plan. But do you not think, America, that we ought to take care of the needs of Americans and see what the real numbers are and then offer a tax plan that will work?

Support the Democratic alternative. The other will lead us into deficit.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a valued member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, when a couple stands at the altar and says "I do," they are not agreeing to higher taxes. Yet, 25 million American couples currently pay higher taxes simply because they are married.

Let us be clear, it is just plain wrong to place a tax penalty on marriage. The legislation before us today will provide real relief to American couples, 47,000 of which are in my district in northern California.

□ 1130

When combined with the across-the-board rate cuts already approved by this House, this legislation will mean up to $560 for the average family of four this year. These are dollars which families can use to pay off credit card debts or cope with high energy costs, especially important in my home State of California.

I urge all my colleagues to support this much-needed legislation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the ranking member on the Committee on Ways and Means for yielding me this time.

Mr. Speaker, I rise in opposition to H.R. 6 today. But I support marriage penalty relief because it does not make sense for married people to pay more taxes just because they are married.

That being said, we in Congress have a lot of tough choices we have to make. The Republican budget we passed yesterday and the tax cut we are working on today make it clear that their priorities are cutting taxes for the few instead of supporting programs that benefit the many.

In fact, opposing this today, my wife will tell me, wait a minute. You are taking away our tax cut for Members of Congress, because my wife teaches school. I said, yes, but it is still wrong. We should not have it for people who have higher incomes.

I support repealing the marriage penalty, but our Democratic proposal actually goes further than H.R. 6 to address marriage penalty corrections. But I also support a prescription drug benefit for seniors, investing in our schools, shoring up Social Security, and making sure the United States is strong as can be.

Mr. Speaker, we need to heed the warning signs of our economy. We should not charge forward with huge tax cuts, because we need to look at the current numbers and what the projections were for last year.

They say a fool and his money are soon parted. We owe the American people more than to be foolish with their money.

Americans have worked hard for the last 8 years to achieve the surpluses we are now enjoying. Instead of heeding the economic warning signs, we are charging forward with a huge tax cut that, even Alan Greenspan has argued, will do very little to spur the economy. Like a gambler who bets the farm on one hand, this Congress is risking it all—with no guarantee that they'll cash in.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the ranking member on the Committee on Ways and Means for yielding me this time.

Mr. Speaker, life has its lessons. One of the lessons I learned early on was I went to a used car salesman, and he showed me a car. That body of that car looked like it was in excellent condition. He turned on the radio, and the music of the radio, the stereo just reverberated around me; and I fell in love with the car.

But there was one thing that I forgot to do was open up the hood to the car to see the engine and drive the car to make sure that it functioned and did what it said it was to do.

I say to the American people, you have got to and we have got to look under the hood, inside the engine of what is being proposed here in these tax cuts.

We are being told that everything can happen. We can save Social Security, Medicare; that we can make these the surpluses based upon 10 years out. No, I say to my colleagues, we have to make choices. Those choices have to be based upon a discipline and well-thought-out process.

We cannot do this without a budget because we do have other priorities. Those priorities include Medicare, Medicaid. They include education. They include a prescription drug plan. We must have all of those things if we are going to have a true car.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, there is broad bipartisan support in this House for correcting the marriage tax penalty. Indeed, this is a measure that could have been approved the week after President Bush's inauguration. In fact, there is such broad bipartisan support, it could have been approved last year. Or it could have been approved back in 1995 when the gentleman from Washington (Mr. MCDERMOTT) offered it in the Committee on Ways and Means to implement the Republican contract on America by correcting the marriage tax penalty.

But our Republican colleagues at that time had higher priorities: they preferred tax relief for corporations rather than couples; and they rejected his proposal. Last year they had a higher priority than relief for married couples, which was to try and win an election by preserving this as a campaign issue instead of coming together to agree on genuine marriage tax penalty relief.

Married couples in this country should and could have had this penalty corrected years ago. Yet, today, we find ourselves together, not in bipartisan agreement, but in disagreement, because once again our Republican colleagues offer a proposal that offers more relief to those who have no marriage tax penalty than those that do.

Any Member of this body, who believes that President Bush got it right in his campaign last year with his proposal for marriage tax penalty correction, needs to vote against the Republican proposal. They brought, as their principal witness to our Committee on Ways and Means, a gentleman who testified that President Bush's proposal on marriage penalty relief was worse than doing nothing at all. Yes, that is correct, as difficult as it is to believe. The Republican witness came and said President Bush had it all wrong last year in the campaign and that we ought to reject his proposal.

I actually happen to think that the President came a lot closer to getting it right on this issue than the House Republicans with their old proposal that they have revised here, which is designed to shower benefits on those who have no penalty instead of focusing relief on those who have a legitimate complaint.

Let us be sure we understand what this bill does in that regard. Anyone in this House who believes we should not discriminate against single people ought to vote against this proposal, because that is exactly what it does by focusing more relief on those who incur no marriage penalty than those who do.

In fact, under this proposal, if someone has the misfortune to become a widow or a widower, on their income after this bill passes, that individual may well face a tax increase. I guess you might call it a "death tax" or the "single's discrimination tax". On the same amount of earnings that say a retired couple might have, a surviving spouse will face a higher rate filing individually—a single's tax discrimination. The same applies to the abused spouse who separates from her husband. The same applies to any single individual out there, who is penalized under this bill.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, lest someone be confused by the last speaker, I will place into the RECORD a Statement of Administration Policy. It says, "The Administration supports the House's action on H.R. 6 as another positive step on the way to passage of the President's tax relief plan."

The administration stands squarely in support of the legislation in the House today.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 29, 2001.

H.R. 6—Marriage Penalty and Family Tax Relief Act of 2001 (Rep. Weller (R) Illinois and 225 cosponsors)

The Administration supports the House's action on H.R. 6 as another positive step on the way to passage of the President's tax relief plan. H.R. 6 is consistent with the objectives of the President's tax plan, which lowers the tax burden on families and restores fairness by, among other things, reducing tax rates, expanding the child credit, and significantly reducing the marriage penalty. The Administration looks forward to working with Congress as the legislative process continues to achieve a result that best embodies the objectives of the President's plan.

PAY-AS-YOU-GO SCORING

Any law that would reduce receipts is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, H.R. 6 or any substitute amendment in lieu thereof, that would also reduce revenues, will be subject to the pay-as-you-go requirement. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. WELLER) and his friends. The gentleman from Illinois is a member of the committee who probably more than any Member of this House has been identified with the long and difficult process of reaching the floor today and the passage of the Marriage Penalty and Family Tax Relief Act.

Mr. WELLER. Mr. Speaker, I commend the gentleman from California (Chairman THOMAS) for his leadership in the committee in working to move this legislation quickly to the floor.

Mr. Speaker, we have an opportunity to do something bipartisan today, an opportunity for Democrats, Republicans to join together to help the American family.

What is the bottom line? We have legislation today before us that wipes out the marriage tax penalty for the vast majority of those who suffer it and also increases the child tax credit, helping families with children, two good things that deserve strong bipartisan support.

I want to invite my Democratic friends to join with House Republicans in doing this and would point out that, last year, we passed legislation which wiped out the marriage tax penalty. In fact, last year, we passed it twice. Unfortunately, it fell victim to President Clinton's veto. But I would note that 51 Democrats joined with us in our effort to eliminate the marriage tax penalty.

This year, our legislation has 230 cosponsors, 15 Democrats. The gentleman from Michigan (Mr. BARCIA) has been a leader in working to eliminate the marriage tax penalty. I want to thank him for his effort in working to build bipartisan support for effort to eliminate the marriage tax penalty.

What is the bottom line? Is it right, is it fair that, under our Tax Code, 25 million married working couples on average pay $1,400 more in higher taxes just because they are married? Is that right? Is that fair? Of course not.

While twice we have sent legislation to eliminate the marriage tax penalty, I believe the third time will be the charm because we have a President that says he will sign this legislation into law this time.

Let me introduce a couple that many in this House have gotten to know as I have discussed the marriage tax penalty over the last several years, Shad and Michelle Hallihan, two public schoolteachers from Will County, the Joliet area in Will County.

Their combined income is about $65,000. Their marriage tax penalty is a little between $900 to a $1,000 a year, a little bit less than average. But they suffer the marriage tax penalty because they chose to get married. They have two incomes. They file jointly. It pushes them into a higher tax bracket, creating the marriage tax penalty.

Our legislation will eliminate the marriage tax penalty for Shad and Michelle Hallihan. Only the bipartisan bill, H.R. 6, will eliminate the marriage tax penalty for Shad and Michelle Hallihan, because they are homeowners. They itemize their taxes. The alternative will not.

So clearly, if we want to help couples, middle-class couples like Shad and Michelle Hallihan, we should eliminate the marriage tax penalties.

Since we have been working on this legislation to eliminate the marriage tax penalty, Shad and Michelle have had a baby. They got married at the time we introduced the bill 3 years ago. They now have a child, little Ben. So they qualify for the child tax credit. It is $500 today.

Under our legislation, not only do we eliminate the marriage tax penalty for Shad and Michelle Hallihan, but they get the benefit from the child tax credit increase. This year it is $500. With the passage of this legislation into law, this year it will be a $600 increase in the child tax credit, which means Shad and Michelle will see as a result of this legislation somewhere between $1,500 and $2,000 in tax relief by eliminating the marriage tax penalty by providing for a bigger child tax credit.

Let us vote from a bipartisan way. I invite Democrats to join with us. Let us eliminate the marriage tax penalty. Let us help families with children.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. WELLER), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I just pause because I was so moved by the last presentation.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN) while I regain my composure.

Mr. MORAN of Virginia. Mr. Speaker, I am happy to give the distinguished ranking member an opportunity to gain his composure.

Mr. Speaker, I certainly respect the motivation behind the gentleman from Illinois (Mr. WELLER) for introducing this legislation, but I strongly disagree with the solution that he proposes.

Today's problem was yesterday's solution. The reason we are doing this was because, back in 1969, so many single people complained that they were getting unfairly treated by the Tax Code, and so we tried to fix it. In fact, we did fix it pretty much.

I have a Congressional Budget Office study that shows that only 37 percent of married couples actually get penalized, and their penalty is $24 billion. Sixty percent of married couples actually get a bonus for having gotten married, and that bonus totals $72 billion. So there is actually about a $50 billion net bonus going to people for having gotten married.

What we are doing to try to fix a problem is to make it worse. The cost of fixing it falls on the children of these very nice people who are getting married.

I cannot imagine somebody not getting married because of some tax penalty. What happened to love and romance, for crying out loud.

The fact is this is wrong. I do not even agree with the Democratic substitute. We ought to do the right thing and simplify the Tax Code and not do this kind of stuff.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL), the ranking member, for all the work he has done in this particular area.

I want to continue to respond. The prior speaker prior to my colleague said he wanted to help the American family. Which American family? I am talking about working families.

Do Shad and Michelle Hallihan know that they are getting no help for affordable housing? Do they know they are getting no help for child care? Do they know they are getting no help for health care? Do they know their parents will not be able to get a prescription drug benefit? Do they know how many schools we can fix with $24 billion? Do they know how many lives we can change with $24 billion if they only wait on a tax cut on the marriage tax penalty?

What else are Shad and Michelle Hallihan getting? They are teachers. They work for a school system. They get health care. What about all those other families out there who do not get health care, who do not have an opportunity to have a vacation and take their children somewhere?

This benefit may deal with a marriage tax penalty; but it deals with none of the other things like housing, child care, health care, prescription drug benefit, or Social Security. Wake up America. We do not want this.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note to the gentlewoman from Ohio (Mrs. JONES), the previous speaker, that if she votes against this bipartisan effort to eliminate the marriage tax penalty, that 88,000 taxpayers in the 11th District of Ohio will continue to suffer the marriage tax penalty, and over 71,000 children will not be eligible for the increase in the doubling tax credit.

Let us be fair. Let us eliminate the marriage tax penalty and increase the child tax credit.

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Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding me this time.

And, Mr. Speaker, in response to my two colleagues on the other side of the aisle who previously spoke, we would be very happy to ask them to join us in marginal rate reductions, because that helps every taxpayer. We have a simple disagreement: Should families control their money, or the government? And I think that addresses that.

My colleagues, I bring yet another family to the well of this House. For our purposes today, we will call them the "Taxpayer" family. They will be especially helped by this tax relief plan because this is a growing family with five children. Let us say that John and Wendy Taxpayer both work.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I do not have the time.

Mr. RANGEL. I cannot see the photo.

Mr. HAYWORTH. I am very happy to show it to the gentleman.

Mr. RANGEL. If you could just tilt it a little bit. Thank you.

Mr. HAYWORTH. Let us say John and Wendy Taxpayer both work.

Mr. RANGEL. Thank you very much.

Mr. HAYWORTH. Mr. Speaker, do I control the time?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Arizona (Mr. HAYWORTH) controls the time.

Mr. HAYWORTH. Thank you very much.

Mr. Speaker, let us say that John Taxpayer earns $30,000 a year with his teaching job at Madison Elementary School. Wendy makes $32,000 a year working to help older Americans as a home health care assistant. Together they pay a $732 marriage penalty, paying more in taxes just because they are married. That is wrong.

This bill ends that marriage tax penalty so that John and Wendy can keep that $732 of their money each year to help pay for all the clothes, food, and other items that we all know goes into raising a family. And that $732 over time is going to add up to big savings.

But then here comes the real help. This year we will also increase the child credit by $100 to the Taxpayer family. That means that John and Wendy will have an additional $500 to help all those little growing Taxpayers. And once the bill is fully phased in, the Taxpayers would get an additional $2,500 to continue to help with their growing family. The AMT relief we include in this bill will ensure that the Taxpayer family gets the full benefits of the doubling of the child credit.

My colleagues, that is what this debate is about, not budgets and not rich versus poor, not anything else. This is about families. This is real tax relief for American families who need it now more than ever. Stand up for families; stand up for reduction of the marriage tax penalty.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. McDERMOTT), a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Speaker, we are here on day three of George the Second's runaway railway train. Last week we cut taxes, and yesterday we passed a budget out of here in a big hurry, and now here is day three.

There are some attractive pieces to this bill. As somebody mentioned, I proposed it five years ago, and the Republicans in the Ways and Means turned it down because they had other things that were more important. But what is amazing about what is going on here is that last week we passed out of here $1.35 trillion tax cut packages. Therefore, out of the $1.6 trillion, we only have $300 billion left, and we have the estate tax, we have the charitable deduction, and we have the AMT fix. This train is running backwards because they are loading up the gift things in the front and not telling people what is coming in the back.

I sit on the Committee on the Budget as well as the Committee on Ways and Means, and there is no reasonable budget out there. This is a reckless train that we are on.

Now, I have been to several hearings, and the Governor from Wisconsin, who is now the head of HHS, came to testify at both those committees. He did not have one single answer to what he was going to do about Medicare. He says they are $654 billion in the hole over the next 10 years, but did not offer a single answer as to how he was going to deal with that. The last thing we ought to be doing is running a big tax train out of here.

Then we had deja vu. In comes the Secretary of the Treasury. We asked him about Medicare solvency, and he did not have any single answer. But then we had a guy from the Treasury who really made sense. His name was Weinberger. He came in last week and he told us with a straight face that families know they will get $100 in April of 2002. That will have a positive psychological effect in terms of spending and, therefore, a positive impact on the economy.

Now, if we think about that, what he is saying is this—it is acceptable to encourage people to spend what they do not have. I mean, we are saying, it is coming, they will be getting their $100, so please run out and spend it right now to gin up this economy and increase their personal debt. That at least is consistent with this administration's philosophy on this railroad; let us run it out of here and never look at what we are going to have to pay down the road.

This is based on estimates. We have talked about this and talked about this. If anyone would get CBO to reestimate where we are going to be in 10 years on the basis of what has gone on in the last 6 months, we would have a totally different figure that we would be dealing with today. But, boy, the engineer is in the cab, and he is pulling back on the throttle, and here we go, choo-choo-choo right down the road, no matter what is on the road.

I say vote for the Democratic alternative.

Mr. Speaker, I support marriage penalty relief and child credits targeted to help the working poor. I cosponsored marriage penalty relief legislation in the 105th Congress when the Republican majority unanimously voted it down. I introduced it again in the 106th Congress, and now again in the current session.

While there are some attractive components to this bill, I have serious concerns with the size of President Bush's tax cuf. Our Republican colleagues are trying to rush all the components of President Bush's tax plan through the House, and I will not support each individual component as we watch its price tag soar.

The cost of this bill and the one passed earlier on marginal rate reductions is already up to $1.35 billion, and ballooning. This amount does not include the repeal of the estate tax, charitable deduction, the AMT fix, and the list goes on. At this rate, the Republicans will continue to push up the price tag to $3 trillion. This must end. It is simply irresponsible.

I sit on the Budget Committee, and I promise you, there simply is not a responsible budget. Any tax cut must be designed within the framework of balanced priorities. There is none. The Republican Budget Resolution invades the Medicare surplus to fund the huge tax cut. They do not set aside adequate levels of funding for a meaningful drug benefit. There is no additional money left to shore up Social Security or education.

The list is endless. This is completely reckless!

I have been to several hearings, and it is the same theme over and over again: Where is the money?

I have heard testimony from Secretary Thompson at two committees—at neither could he answer a single question about how we are going to meet our financial obligations for the Medicare program.

The last thing we should be doing is a $1.6 trillion tax cut when alarms are sounding on Medicare's long-term situation. The program needs an infusion of money, but the Administration does not seem to know how to achieve that. Of course not—the administration is trying to ram another tax cut down our throats before considering the budget.

It was déjà vu all over again with testimony from Secretary O'Neill regarding Medicare's solvency. All we heard about is the "crisis" the program faces and the need to address it. When asked how, there are no answers.

Today, we are being asked to vote on a second, backloaded tax bill. Last week, Mr. Weinberger from Treasury told us with a straight face that families who know that they will get $100 next April, in 2002, will have a positive psychological effect in terms of spending, and therefore a positive impact on the economy.

I suppose Mr. Weinberger is saying that it is acceptable to encourage people to spend what they don't have, and increase their personal debt. At least that is consistent with the Administration's apparent philosophy that paying down our national debt is not a priority—not if they are trying to pass a huge tax cut without the context of a responsible framework.

Let us not forget, these tax cuts are based on projections, not guarantees. Current projections are exactly that—projections. If the Congressional Budget Office (CBO) were to recalculate their estimates in today's economy, they would slash their projections of budget surpluses.

Based on their own track record, CBO concludes that estimated surpluses could be off in one direction or the other, on average by $412 billion in 2006. Any responsible fiscal plan must anticipate inevitable errors in these projections. But the Bush proposal simply ignores these concerns.

The budget must maintain a reserve for inevitable errors in these projections. It must pay down the debt, shore up resources for Medicare and Social Security, and allow for other initiatives, such as education, prescription drugs and the uninsured.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to note for my colleague from Washington State that the two provisions of the President's tax plan that this House has already passed will provide this year for the average family of four $600 in tax relief, almost $400 from the rate reduction and, for two children, $200 in additional family tax credits.

I would also note that while my good friend takes credit for some ideas, the marriage tax penalty, his proposal, was phased in over 10 years when he offered it. I would also note that we incorporated his idea, though we do it immediately, into this bill. So I hope he will join with us and make it a bipartisan effort.

Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Michigan (Mr. Barcia), and would note in doing so that this simply reinforces the fact that this is a bipartisan proposal. I congratulate him on his good work. He has been a leader on the Democratic side of the aisle with regard to this bill.

Mr. BARCIA. Mr. Speaker, I thank the gentleman from Illinois (Mr. Weller), my good friend and colleague, who has been a champion of this tax relief for several years. It is truly an honor and a privilege for me to join with him in cosponsoring this legislation.

I want to also recognize his leadership and thank him for giving me the opportunity to do my part to ensure that one day the marriage penalty is taken out of our Federal Tax Code. It has truly been an honor to work with him.

Mr. Speaker, let me begin by saying fundamentally the marriage penalty is an issue of tax fairness. Married couples on average pay $1,400 more in taxes simply because they are married. This is an unfair burden on our Nation's married couples. Marriage is a sacred institution, and our Tax Code should not discourage it by making married couples pay more. We need to change the Tax Code so it no longer discriminates against those who are wed.

As most of my colleagues know, the marriage penalty occurs when a couple filing a joint return experiences a greater tax liability than would occur if each of the two people filed as single individuals. The Congressional Budget Office estimates that more than 25 million couples suffer under this unfair burden. The legislation that is before us will fix the grave injustice of our current Tax Code that results in married couples paying higher taxes than they would if they remained single. It also doubles the child tax credit to $1,000 over 6 years.

This bill strikes to the heart of middle-income tax relief. These are the people who are the backbone of our communities. These are the people who need tax relief the most. With a record budget surplus, the time is long overdue for Congress to remove the marriage penalty from the Tax Code.

Mr. Speaker, this bipartisan bill achieves that goal, and I know that all of us present here today who support the measure will not stop working until this legislation is signed into law. My constituents have spoken to me very overwhelmingly on this issue, and the time has arrived to act decisively to eliminate the marriage penalty.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. Lewis), a distinguished member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, like my colleagues, I strongly support marriage penalty relief and tax benefit for families. That is why I support the Democratic substitute. It provides married couples and families significant tax relief, but it does it in a way that is good for all Americans and allows us to prepare for our future. H.R. 6 may seem small today, but we cannot ignore the fact that it is only part of a $3 trillion Republican tax plan. That is a lot of money, especially when it is based on an unreliable surplus projection. There are no assurances, no guarantees. What if we are wrong?

Mr. Speaker, the Republican $3 trillion plan puts at risk our ability to prepare for our future. What we should be doing today is paying down the national debt, saving Social Security and Medicare, and taking care of all of the basic needs of all of our citizens. The Republican tax plan is not right for America. It tends to move us in the wrong direction. And I say, Mr. Speaker, this plan is not fair, and it is not just.

Mr. Speaker, I urge all of my colleagues to vote against it and vote for the Democratic substitute.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note to the gentleman from Georgia (Mr. Lewis), who spoke on behalf of the Democratic substitute, that the proposal he speaks in favor of would deny help for almost 60,000 children in his district in Georgia.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. Sam Johnson).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I know that there are a lot of married people in Georgia. As my colleagues know, I am from Texas, and I want to divorce the 1.7 million married Texans from the government-imposed, IRS-enforced marriage penalty tax. It is just plain wrong for the Federal Government to penalize people who choose to get married. When two people stand before God and exchange their vows, it should be a celebration for them, not the IRS.

Mr. Speaker, it has been said that America is the land of the free and the home of the brave, and this is true fact. Young couples have to be brave to get married because the Federal Government is going to free them from their hard-earned money when they say "I do."

I do not think any Member would disagree that we should encourage, not discourage, the greatest institution on earth, marriage. Let us vote today to give married couples a well-deserved honeymoon, the elimination of the marriage tax penalty.

Mr. RANGEL. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. Hastings of Washington). The gentleman from New York (Mr. Rangel) has 12½ minutes remaining. The gentleman from Illinois (Mr. Weller) has 11 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Neal), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very good example of where we could have found common ground with the Republicans to get marriage penalty relief for the American people. But once again, the proposal that they offer is excessive.

I would highlight to my colleagues that their proposal is more generous than the one that President Bush proposed. It is excessive in that it goes way beyond his proposal, which perhaps we even on this side of the aisle could have lived with. But when it comes to taxes these days, the Republican Party is like parents with twins who have just entered their teenage years. They know college is coming in a few years, and they should be saving to pay college expenses, but they refuse to.

Mr. Speaker, by providing excessive tax relief, the Republican Party is denying the looming problems that result from the retirement of the baby boomers in just a few years. This bill represents missed opportunities once again. It could have contained more tax simplification than it does, which we should be doing, and it could have offered far more relief on the alternative minimum tax. But AMT relief and simplification are not part of the current political agenda in this institution.

Mr. Speaker, there are some good points to this legislation: The child credit, the earned income tax credit, and they do touch upon some relief with AMT.

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The problem with this legislation is, once again, it is excessive. What we do here is we cut taxes and then we do a budget, rather than the other way around.

Let me speak specifically, if I can, for just a moment about alternative minimum tax, and I hope people are paying attention to what is about to happen.

This bill makes the alternative minimum tax worse by, listen to this, $292 billion. That is not much of a fix. There are currently 1.5 million taxpayers who are categorized according to AMT. Under the current law, that number increases to 20.7 million in 2011. With some people having incomes of only $50,000 a year, get ready, they are about to pay alternative minimum tax. Because of this entire tax proposal, 15 million more Americans are going to be forced into alternative minimum tax. If this bill goes through and is signed by the President, there is going to be no revenue left to fix alternative minimum tax.

The Democratic alternative is a sound piece of legislation. It is certainly much more fiscally responsible than the bill that we are going to vote on in a few moments. Our legislation is superior in that it addresses the looming problem of AMT. Get past sloganeering. Get down to policy. Fix alternative minimum tax.

Mr. WELLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to respond to my good friend, the gentleman from Massachusetts (Mr. NEAL), who discussed the consequences of alternative minimum tax. Of course, the alternative minimum tax was increased with the 1993 tax increase that President Clinton and the Democratic majority enacted back in 1993. I would note that their proposal provides actually less AMT relief than our proposal that we are offering today. I would note that in the marriage penalty relief that is in H.R. 6 that taxpayers are held harmless. They do not see the consequences of AMT, the alternative minimum tax, under our proposal. So that is a good thing and a step forward. Of course, I would note that in my friend's district that almost 100,000 children would be denied relief and help under the proposal which he supports.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), the dean of the Illinois Delegation and a senior member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank my distinguished colleague, the gentleman from Illinois (Mr. WELLER), for yielding me this time.

Mr. Speaker, I am pleased to support the bill brought forth today reducing the marriage tax penalty and reducing taxes on families with children. This bill is the second installment on a tax relief plan put forward by President Bush to let overtaxed Americans keep their money. We are running enormous surpluses that are more likely to grow than shrink in the coming years if we do not act.

President Bush has a responsible program of tax relief refunding these surpluses to the people who pay the bills. The marriage tax penalty should never have been allowed to creep into the Tax Code in the first place. It violates sound tax policy and runs counter to bedrock American traditions. It has a tremendous negative impact on the people of my district. More than 70,000 couples pay an average marriage tax penalty of $1,400 per year in the eighth district of Illinois. That is nearly $100 million per year that families could spend in our district on education if they chose to do so.

This bill also doubles the per child tax credit as President Bush recommends. According to the Heritage Foundation, families in my district have nearly 125,000 children that would benefit from this increased tax credit. That is equal to $62.5 million per year that families can spend on health care, clothing, and their education. This is obviously important for reducing the tax burden on families, but it also reduces marginal tax rates for affected families. Because of the various phaseouts and other provisions in the Tax Code, a relatively low-income family with children can easily find themselves paying marginal tax rates that are higher than those paid by the richest Americans. Doubling the child tax credit eliminates this terribly unfair situation.

It is urgent that we move quickly to convince taxpayers that we mean business. Consumer confidence will improve when people gain confidence that we will give them a pay hike by cutting their taxes.

I am also pleased that the Committee on Ways and Means is marking up a bill today to repeal the death tax. We still have more work to do to pass the President's charitable-giving tax reform, including two proposals I have advanced for years to allow nonitemizers to deduct their charitable contributions and to allow charitable IRA rollovers; and we must continue to work to pass fundamental pension reform.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Baltimore, Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from New York (Mr. RANGEL), for yielding me this time.

Mr. Speaker, and I would also say to my friend, the gentleman from Illinois (Mr. WELLER), who will mention, I hope, the number of people in my district who will benefit from the marriage penalty relief, I would hope that our substitute would also be supported because our substitute will provide more relief to those who have a marriage penalty problem until the year 2004. The Republican bill that is on the floor does not provide any help in regards to the rate problems until the year 2004. That is one of the problems that I have with the Republican bill, and why I am going to vote against it because it is back-loaded. That means in order to get everything to fit together, most of the relief is provided in the second 5 years, not in the first 5 years.

In the first 5 years, under the Republican bill, only 28 percent of the relief is provided. The rest is in the outyears. Because they phase it in over such a long period of time in order to provide all of their promises that cannot possibly be lived up to, they back-load the cost of the bill. In fact, when this bill is put in with the rest of the bills that are being offered, and I have a little chart here, it shows how impossible it is for everything to fit together.

We have already passed the first bill here and now we are doing the second one, and there is hardly any money left over for the estate tax relief and the health care and the debt service.

Remember yesterday we had a $1.6 trillion budget for tax relief. Well, when all of this is added up, if debt service is counted, it is going to be $3 trillion. That is why those of us, particularly on this side of the aisle, are concerned that all of this cannot be done and still protect Social Security and still protect Medicare and be able to expand Medicare to include prescription medicines and pay down our national debt, which should be our first priority, and to invest in education, which both Democrats and Republicans have been talking about.

The gentleman from Massachusetts (Mr. NEAL) is correct. We missed an opportunity today to have a bipartisan bill that could have enjoyed, I think, very broad support, to fix the marriage penalty problem, because there is a legitimate need to fix the marriage penalty problem. For those who are worried about that, as I am, and want to do something about it to the number of people that the gentleman from Illinois (Mr. WELLER) will mention in my district, I urge support for the substitute that will be offered by the gentleman from New York (Mr. RANGEL) very shortly.

Once again, that will provide more relief, more relief to those people who have a marriage penalty until the year 2004, because the Republican bill, the underlying bill, because they are trying to put, as my chairman likes to say, 15 pounds of sugar into a 10-pound bag, they had to cut back on how they implement the bill.

So let us be fiscally responsible. Let us be able to pay down the national debt. Let us be able to deal with Social Security and Medicare and the other priorities. Support the Democratic substitute. Oppose the Republican bill.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note to my good friend, the gentleman from Maryland (Mr. CARDIN), that his argument in favor of the Democrat substitute indicates that he will vote to deny over 100,000 children in his district the help that is provided in the bipartisan bill that is before us.

Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT), who is one of the key bipartisan supporters of H.R. 6 before us today.

Mr. TRAFICANT. Mr. Speaker, I would like to look at this from a different perspective. Our labor is taxed. Our savings are taxed. Our investments are taxed. Our profits are taxed in America. Our sweat, our thrift, our future, all taxed in America and being addressed, quite frankly, pretty well by the Republicans. If we think about it, even business taxes, a tax on business, is passed on to us to pay.

Now, if that is not enough to tax your lower intestinal tract at the very lowest of levels, Mr. Speaker, even our sex is taxed in America. That being marital sex. Think about it. Marital sex in America is taxed. Responsible, legally married couples' sex is taxed while casual promiscuous sex in America goes literally untaxed and is incentivized and rewarded. A family friendly Congress does not penalize married couples right to the point.

I want to commend the gentleman from California (Mr. THOMAS), commend the gentleman from Illinois (Mr. WELLER), and I want to commend the Republican Party that if we are to be family friendly we should start right at the base of it all and get down to the testosterone, Mr. Speaker.

It is time to treat married couples at least as well as we treat casual sex participants in the United States of America. I commend the chairman again, and I urge an aye vote for the bill.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), a respected member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Illinois (Mr. WELLER) for yielding me the time.

Mr. Speaker, I do not think I can be quite as erudite as our last speaker but I will attempt to at least engage in a fair debate on why this is an important bill.

I am delighted actually that the other side of the aisle is actually talking tax relief. I remember being accused last year of being reckless with the budget of the United States when we had proposed somewhere in the nature of $600 billion of tax relief and, lo and behold, this year the Democratic substitute is well over $900 billion. So at least we are heading in the right direction.

How anybody could stand on this floor and defend the current tax structure that is punitive to families is beyond me.

Now I am single, and I certainly do not want to spread the tax burden on to single people after we pass this bill and I want to make certain we do not do that, but I would suggest that 51,000 families in my district are suffering a penalty under the marriage tax as it is structured. Twenty-five million couples in America pay an average of $1,400 more in taxes simply because they file as married couples. This bill provides relief and it provides important relief.

Now, a lot of people are babbling around this place about the fact that the bills that we have passed are not front-loaded that they do not provide immediate relief. Well, I beg to differ. This bill provides immediate relief. This bill provides substantial relief and this bill finally clarifies what is an erroneous provision in the Tax Code.

It is bipartisan. It was mentioned earlier today that 51 Democrats voted for our approach last year, and I believe it will even grow this year. It is pretty hard to go home to communities, to districts around America, to the 435 districts around this country, and suggest on a Sunday at church or a temple or synagogue that one believes in keeping this kind of onerous burden.

I encourage those who feel so compelled that they can go to their communities this weekend and inform them of the fact that they chose not to relieve the burden on families.

I am delighted that the Democrats offer a substitute because at least they recognize there is a problem. I do not support the approach. I support ours, but I am delighted that they are advancing a number of proposals.

I heard once again on this floor that we are to be criticized because we did tax bills before budgets.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank my friend, the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, I have been sitting on this floor kind of listening to the debate today, and I first of all would like to bring to the attention of this body a couple of things that I think are interesting going on around the country, and particularly in my home State of Florida. This year they are facing deficits. They have some real critical issues going on there. It has been interesting, as I have read some of the comments over the last couple of weeks, that there are now those in the majority, in the Florida legislature, being Republicans, who are now concerned about a vote that they took last year, which was to do a tax cut.

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Now they are in about a $1 billion deficit and cannot meet their own expense needs. I think that is something we should be thinking about and heeding, which is I think what the Democrats are saying. We do not have to rush so quickly to do everything at the 1.6 or the $3 trillion that is looking like we are going to spend on tax cuts, but we could take it in a little bit smaller direction. We can still give the relief that we have been asked to do in a bipartisan fashion, which is what was offered last year and continues to be offered, but has never been acted upon.

I also have heard on this floor from the gentleman from Illinois (Mr. WELLER), who I know has worked very long and hard on this piece of legislation, about the families in each one of our districts that will not be helped if we do not support this. Well, there are also the numbers that are not talked about, and that is of the people that will not be helped.

Mr. Speaker, in Florida, in Florida, there are 1 million children that will not receive this tax relief. That is a lot of children. I do not know how many families might get tax relief, but I know how many children will Florida are not going to see any of these dollars. And I can say in Georgia, it is probably about 700,000 children that will not receive this tax relief, and in Maryland.

So let us be honest about this. Let us be fiscally responsible. Let us keep this country in the right direction.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE), who has been a real leader in the effort to eliminate the marriage tax penalty and help families by expanding tax credits.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, for his hard work on the subject, and for the hard work of the gentleman from California (Mr. THOMAS) in leading the effort in allowing the American families to keep more of what they earn.

The marriage penalty is not about politics. This is not a political issue. It is not about rich versus poor. The marriage penalty is about fairness to American families. There are 75,000 couples in South Dakota who pay higher taxes because they chose to get married. That is wrong.

I am going to give my colleagues a specific example in my State of how this works. I have people come into my office all the time and they bring in their tax forms. There was a young couple that came in in 1999, a two-earner couple, they have two children, they made $67,000 between them and they paid $1,953 more in Federal income taxes because they were married. The Tax Code punishes married couples in this country, and that is wrong.

Mr. Speaker, I think it is very important that we realize the impact this has, not just in the general term, and we hear the numbers thrown out, but in very specific terms, how it affects families across America. I talked to another lady in South Dakota who was talking about a young couple, they were not married, they had four kids

between them. She said, well, why do you guys not get married? She said, well, because today, when we get our taxes back, we get $4,000 back in our tax return. If we got married, we would only get $1,500 back.

Mr. Speaker, it is wrong for the Tax Code to affect people's decisions; it is wrong to penalize married couples for choosing to get married. We need to do what is right for the American family; we need to do what is right for America. We need to make the Tax Code fair again to American married couples. We need to eliminate the marriage penalty.

Mr. Speaker, I urge my colleagues to support this legislation today.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for marriage penalty tax reform. Americans should not have to pay additional taxes simply because they have made the decision to get married. Unfortunately, the marriage penalty tax relief as proposed by the President provides little relief to families with incomes under $30,000; and much of the benefit that is designed for middle-income families does not even start to take effect until after 2004.

The Democratic alternative offers relief to all married couples with an income tax liability starting next year. The Democratic plan also protects transfers that are supposed to be made to the Social Security and Medicare trust funds.

Mr. Speaker, at the beginning of the week I was with the President in my district in Kansas City as he outlined the details of his tax proposal; and as I listened, I found myself thinking that most of the workers in the small business facility where we gathered would benefit more from the provisions of the Democratic alternative tax plan, lowering payroll taxes and providing relief within the next year, rather than waiting for the complicated credit system in the President's plan.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a very important issue has been brought to the House floor this morning, and one that certainly has to be addressed by both Republicans and Democrats.

We do have an alternative, and we soon will be able to debate that, that not only provides a better way to take care of this very serious problem, but fits into an actual budget that no matter what the surplus actually turns out to be, we can have some assurances that this relief will be there.

What the majority is doing is not bringing to us the full tax bill that they are talking about, because they know that the various parts of this tax bill just does not fit into the $1.6 trillion tax cut that the President wants. It is almost like trying to get a big size 12 foot into a size 6 shoe. It just does not fit.

If we take a look at the illustration that has been shown before on the House floor and think that this pie represents $1.6 trillion, $958 billion in rate reduction has already been spent. Today we are talking about $399 billion that is going to be in the marriage penalty and child credit bill. If we really think they are sincere about $1.6 trillion, then that just leaves $243 billion to be left for the rest of the tax cut. So we are not saying that we are closing out today, that this is it, that they have done what the compassionate, conservative President wants, because we know that we soon will be discussing how we can give estate tax relief.

Now, this is going to be really a giant-sized foot getting into a size 6 shoe when this comes to the floor next week. Because even though they may estimate that it will be $2 billion or $3 billion to take care of this problem, those that are looking for estate tax relief should really take a hard look and find out when is that relief expected. I suspect it will not be for a long, long time.

The Joint Committee on Taxation was asked to give an estimate as to in the long run what would it cost. They say $663 billion over 10 years. Now, the Republicans have a tendency that when joint committees agree with them, they wave it around; but when joint committees disagree with them, they attempt to ignore it. In any event, it is going to be really educational to see how they attempt to swallow the cost of estate tax repeal as opposed to what we have attempted to do in our bill, H.R. 1264, and that is to make certain that we give relief, except for the .06 people who are extremely wealthy that should be paying some taxes on those estates.

But even if we assume that they can wedge in some kind of way relief for estate tax, we have so many other things that cannot fit into this. They talk about fixing the alternative minimum tax. Some of us that come from high-income States have been able to deduct this from our Federal taxes, and this will no longer be able to be done, and that costs us $292 billion if we tried to bring some equity to those people from high-income States.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume to say, in recognition that we have a bipartisan proposal before us today, supported by Democrats and Republicans, that it is a great opportunity to work to eliminate the marriage tax penalty for 25 million couples and help millions of children throughout America by increasing and doubling the child tax credit.

Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. RYAN), the most junior member of the Committee on Ways and Means, who, by the way, is a newlywed himself, to close on our side.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time. First of all, I would like to congratulate the gentleman from Illinois (Mr. WELLER), my friend and colleague, for taking the lead on this issue, not only through this Congress, but through the past Congresses. The American people and all married people in this country owe him a debt of gratitude once this becomes law. So our thanks to the gentleman for his effort on this.

Mr. Speaker, we are hearing all of these excuses on the floor of Congress today as to why we should not do this. What is the excuse? Well, I am hearing this excuse that it would be fiscally irresponsible for us to pass this legislation. We cannot afford to spend this money on tax cuts. That is essentially the opposition that we are hearing from the other side.

Well, it really comes down to a philosophy, a difference of opinion. It is not the Federal Government's money in the first place to afford to spend this money on tax cuts. This is a surplus which came to Washington because taxpayers overpaid their taxes. That is what a tax surplus is.

On top of it, it has fit very well within our budget, which pays down the debt, which stops the raid on Medicare and Social Security; and on top of that, as taxpayers continue to overpay their taxes, we are taking a look at the problems in the Tax Code, and we are looking at this great problem. Is it right for the American economy, for the Federal Government, to tax people because they get married? No, it is not right. We should not be doing this. It is a horrible disincentive built into our Tax Code that penalizes the greatest institution of our culture: marriage.

That is why it is important that we vote for this bill. That is why it is important that since we tried to pass this before and it was vetoed by the past President, we have an amazing opportunity, on a bipartisan basis, with Democrats and Republicans joining together, as have the authors of this bill, to pass this and tell the American people, you are no longer going to be penalized for getting married.

I urge a yes vote.

Mr. UDALL of Colorado. Mr. Speaker, I support changing the tax laws so that people will not pay higher income taxes just because they are married. And I also support increasing the child credit, to assist families who are struggling to make better lives for their children.

So, reluctantly, I am voting to pass this bill.

I do so without illusions. I recognize that the bill is very far from perfect. I wish it were better. And it would have been better if a majority of our colleagues had joined me in voting for the Rangel substitute or for the motion to recommit. But that did not happen, and I am voting for the bill because the Republican leadership has made it clear that they will not allow the House to pass a better one.

As was made clear in the debate, the bill does far more than is needed to deal with the problem of the so-called "marriage penalty"—in fact, many of the married couples covered by the bill already pay lower income taxes then they would if they were single. But it does respond to the problem faced by those people who do pay a "marriage penalty." And, the bill does not do all that should be done regarding the child credit. For starters, it is slow, so that the full increase does not take effect until 2006. And, while it does allow the credit to offset the alternative minimum tax, it does not make the credit fully refundable. That is something that we should be doing—and something that I will work to achieve in the future. But, I have concluded that the bill is enough of an improvement on the current law that I can support it.

Mr. HOLT. Mr. Speaker, I urge my colleagues to join me today in voting to eliminate the so-called marriage penalty that makes many couples pay more in taxes than they would if they were not married. I have been pushing for marriage tax relief since I was elected 2 years ago. In the last Congress, I was proud to be one of the Democrats to cross party lines and vote for this measure when it passed the House of Representatives. Unfortunately, the bill was vetoed by President Clinton and did not become law.

Today we have another chance to correct this inequity in our Tax Code. Since President Bush is likely to sign this bill, we can now solve this problem. All of us know the problem. Under present tax law, a couple may pay more taxes than they would as two single people because the rate brackets and standard deductions for joint filers are not twice as large as those for single filers. According to a study by the Treasury Department, about 48 percent of couples pay a marriage penalty.

When a couple chooses to get married, its almost as if the tax collector is joining them at the altar as they take their vows. Couples I hear from in my central New Jersey congressional district tell me all the time: The marriage penalty is unfair, and it should be corrected. This bill gets the job done. H.R. 6 provides true tax relief to New Jersey families. It increases the child tax credit and fixes the "marriage penalty" by: increasing the standard deduction, expanding the 15 percent tax bracket, doubling the earned income tax credit for low-income families and adjusting the alternative minimum tax (AMT).

It's a good proposal that all of us should support. Before voting for H.R. 6, I will first vote for the substitute amendment by Representative RANGEL, the ranking Democrat on the Ways and Means Committee. The Rangel substitute not only eliminates the marriage penalty, it makes bigger and quicker tax cuts than H.R. 6. It cuts everybody's taxes by lowering the tax rate on the first $20,000 of income (for a couple) from 15 percent to 12 percent. It expands the income eligible for the earned income tax credit (EITC) by $800, increases by $2,500 the income level at which the credit begins to phase out for a married couple with children, and simplifies the calculations to determine the earned income credit. It makes all of the tax cuts being considered by Congress more real for more people—especially in states with high income tax rates, like New Jersey—by adjusting the alternative minimum tax so it does not take away with one hand what these tax bills purport to give with the other hand. The Rangel substitute makes more of these tax cuts take effect this year, to help people hurt by the slowing economy and to rebuild consumer and investor confidence. All in all, the Rangel substitute cuts taxes by $585 billion over 10 years, compared to H.R. 6's $399 billion.

Our tax code should not penalize marriage. We must come together in a bipartisan way to address this problem. I will continue to work in a bipartisan way to see that marriage tax relief becomes law.

Mrs. CAPITO. Mr. Speaker, most of the talk on tax relief this year has focused on how cutting taxes would stimulate the economy . . . and that it would. But let's not lose focus of the other important issue here, the issue of tax fairness. The marriage tax, is most simply stated, unfair. A couple's wedding day should never be an excuse for the government to siphon off more money from taxpayers. Our tax laws should never discourage couples from marrying by making it financially undesirable.

H.R. 6 is a step in the right direction on the road to tax fairness. The bill corrects the glaring inequity in our tax code that discriminates against married couples. In my home State of West Virginia, over 137,000 married couples will no longer be burdened by the marriage tax. Now, 137,000 couples may not sound like a lot of people to my colleague from California or Texas or Florida; but in a state where the total population is 1.8 million, that's a lot of people who will now see meaningful tax relief.

Married life and raising children are never easy tasks. They require constant work, stewardship, compromise, loyalty and responsibility. Today, Congress has an opportunity to make it a little bit easier on married couples and parents. Today, we have the opportunity to remove needless financial burdens, allowing Americans to focus more on where our country's future lies: in our homes, with our children. Let's do the common sense thing. Let's do the fair thing. Let's do the right thing and end this inequity and repeal the marriage tax penalty.

Ms. BALDWIN. Mr. Speaker, unfortunately I must oppose H.R. 6, the Marriage Tax Elimination Act of 2001. The marriage penalty is an unfair burden on many working families and I strongly support legislation to eliminate it. However, the Republican bill that is on the House floor today costs far too much and does far too little for Wisconsin families.

Half of the relief from the legislation would benefit tax filers that currently pay no marriage penalty. Also concerning is that families that need relief the most . . . families making less than $27,000 . . . would not benefit from the changes to the refundable child tax credit. The relief promised by the bill will not arrive for several years, providing no stimulus to the economy. Fully 70 percent of the bill would not take effect until after 2006. Finally, this bill will cost $400 billion over the next 10 years. Combined with the tax cut passed in the House earlier this month, the total cost for these tax cuts is already at $1.8 trillion, including interest. The overall size of these tax cuts jeopardizes the fiscal health of this nation.

I was absent from the House today due to a death in my family. However, had I been in Washington, I would have supported the Democratic substitute. I believe this substitute targets immediate tax relief to average working families and individuals in Wisconsin in a fiscally responsible way. This substitute would create a 12 percent tax bracket for the first $20,000 of taxable income for married couples and $10,000 for single people. This bracket is phased in beginning in 2001 and is fully effective in 2003, offering immediate relief to those who need it most. Also, the substitute would increase the standard deduction for married couples filing jointly to twice the standard education for single filers. This provision would take effect beginning with the 2001 tax year. I urge my colleagues to vote against H.R. 6 and support responsible tax relief for working families provided in the Democratic substitute.

Mr. CUNNINGHAM. Mr. Speaker, I rise today on behalf of the hard-working families in my Congressional district to support H.R. 6, the Marriage Penalty and Tax Relief Act. I am here today to ask for fairness and common sense to protect families and secure our children's future.

The Marriage Penalty and Family Tax Relief Act of 2001 (H.R. 6) will provide roughly $400 billion over 10 years in tax relief to families by increasing the child-care tax credit and fixing the marriage penalty tax. In addition, this legislation also increases the standard deduction, expands the 15 percent tax bracket, doubles the earned income tax credit for low-income families and adjusts the alternative minimum tax.

Twenty-five million couples pay the marriage tax penalty each year to the tune of $1,400, including over 60,000 couples in my congressional district alone. It is unfair that married couples should shoulder this burden, simply because they chose to say "I do." This legislation is critical to simplifying the tax code more simple, and making it more fair.

I urge my colleagues to join me in supporting H.R. 6 and finally ending the marriage tax penalty. I am also pleased that the House will continue its work on reviewing President Bush's tax plans when we consider the repeal of the estate tax in the coming week.

Mr. CRENSHAW. Mr. Speaker, I rise in strong support of this important legislation to repeal the marriage penalty and provide greater relief through the child tax credit.

And, I want to thank my friend from Illinois, JERRY WELLER, for holding steadfast to this legislation, and Speaker HASTERT for standing firmly on the side of the American family by bringing this bill to the floor today.

As I travel around Florida's fourth district, I speak to a lot of couples who are concerned about how much they pay in taxes, in particular for the unfair marriage penalty. In fact, nearly 57,000 couples in my district pay an average of $1,400 more per year than if they were filing their taxes as single people.

A lot of attention is paid to the young couples—just married and trying to start a family—and the hardship they suffer as a result of the marriage penalty. But, I met a wonderful couple in my district last year, a widow and widower, both in their sixties, that had made a conscious decision not to marry because they were very aware of the effect it would have on their limited retirement incomes. It's just commonsense to let these people marry without concern about how their wallets would be impacted.

These couples were so pleased when Congress passed relief for married couples. And, they were outraged when President Clinton vetoed this fair legislation. That's why I am proud to be an original cosponsor of H.R. 6, which will finally give these married couples the relief they deserve. This bill not only puts married couples back on equal footing with single taxpayers by expanding the 15 percent tax bracket and doubling the standard deduction, but also doubles the child tax credit. The bill helps all families keep a little bit more of their hard-earned money in their households.

With passage of this legislation, the House is letting the average family of four keep $1,600 to pay their own bills and debts, save for a rainy day, or send their kids to the little league, ballet lessons, and tutors that they want to be able to afford. It seems the least we can do to let these families keep the dollars they earn. They've done with a little less when dollars were short in their households, due in part to the fact that they overpaid in taxes to the government. It's time we put America's families first and pay back some of the money these families have overpaid to the government.

With that, Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. STARK. Mr. Speaker, I would like to dispel any notion that the tax bill before is here to help families. The total sum of the tax package is so large—$2.5 trillion and counting—that it cuts into vital spending programs that benefit families across the Nation.

Today's bill is one more tax bill to make the American public believe that this Congress is going to right the wrongs of the Tax Code and spur the economy out of a recession, while simultaneously maintaining fiscal discipline and addressing the vital spending needs of our Nation. This tax bill is nothing more than an excuse for why Congress will be forced to privatize Social Security and Medicare when the baby boomers begin to retire; why we can't give a worthwhile Medicare prescription drug benefit to our seniors today; and why we need to cut vital child care programs.

The tax cut before us today clearly demonstrates a lack of commitment to our children when it forces cuts in other programs that directly help children. Republicans reduce funds for the Child Care Development Block Grant (CCDBG) by $200 million in 2002 and freeze funds after 2002 in order to pay for their tax package. The child care provided through the CCDBG is a critical component to assist poor families' move from welfare to work. At the moment, the block grant only has enough money to serve 12 percent of the eligible children. We need more funding in this program, not less. As Secretary of HHS Tommy Thompson said, "welfare reform does not come cheap."

The Republicans let Temporary Assistance for Needy Families Supplemental Grants expire in 2001. Even worse, the Republican budget encourages States to divert the remaining Federal funds to pay for State income tax credits for charitable contributions. These funds would otherwise provide critical welfare-to-work services. The Democrats' tax package is moderate in cost, allowing an increase to at least $2 billion in 2002 in title XX Social Services Block Grant Funding.

Families who earn less than $27,000 will not see any of the benefit from the promised increase in the child tax credit. Furthermore, many families who earn more than $27,000 may not see a benefit in the child tax credit. In fact, 31.2 million taxpayers (24 percent of taxpayers) will get no income tax cut from the GOP tax plan. The bill promises a $1,000 family credit but nobody is honest enough to tell the American people that many families won't see the child credit doubled because the child will be over 16 years old when the credit takes effect in 2006. Families with children over the age of 11 are being promised an additional $500 but won't actually see it unless they have additional children.

Let's be honest about the bill before us—it will not affect the economy anytime soon. Most of the provisions in this bill don't take effect until 2006 and some don't take full effect until 2009. The U.S. economy is facing a recession today. That being the case, why are we offering tax breaks 5, and even 8 years from now? It's quite obvious. The GOP tax plan is too expensive to fit it in today's budget. My Republican colleagues have been tasked with fitting a size 12 foot into a size 6 shoe.

This legislation is one of several that will be combined to create excessive tax cuts that will provide a disproportionate amount of benefits to the wealthiest in our society. Later today, the Ways and Means Committee will mark up a bill to repeal the estate tax that is clearly designed to help the most affluent few in the United States. .

The Rangel substitute bill on the floor today is the responsible choice for family tax relief. The bill is honest, fair, fiscally responsible, and encourages economic prosperity. The Rangel substitute spends a fraction of the comprehensive Bush tax proposal, leaving room to pay down the debt and for other critical spending needs such as education and a Medicare prescription drug benefit. A lower national debt means lower interest costs leaving us in better fiscal shape to meet the demands of a retiring baby boom generation. The Rangel substitute benefits all families by giving all families a rate reduction; doubling the standard deduction for married couples to twice that of single individuals; adjusting and simplifying the earned income credit so lower-income families will see tax relief. Finally, the substitute fixes the alternative minimum tax (AMT) so when it appears that a family will receive tax relief, they won't be denied the relief due to the AMT.

I urge my colleagues to vote for the equitable and responsible Rangel substitute and oppose the "voodoo" economics tax plan before us. It didn't work in the 80's and it won't work in the new millennium.

Mr. RAMSTAD. Mr. Speaker, I'd like to start by thanking Chairman THOMAS for moving the next installment of President Bush's tax relief plan so quickly.

Today, we are helping to fulfill a promise made to the American people and delivering $400 billion in relief to families suffering the marriage penalty and families struggling to raise children.

We need to provide urgent relief to families suffering from the unfair marriage tax penalty.

About 25 million married couples currently pay an average of $1,400 more in taxes than they would as single taxpayers. In my own congressional district alone, 80,000 married couples pay higher taxes simply because they are married. That is wrong.

Consider what $1,400 a year would mean to a family struggling to make car or mortgage payments, to buy groceries and clothes for their kids, or to save for their child's college education. If opponents of this measure don't believe marriage penalty tax relief will make a real difference in the lives of real families, then frankly—they are severely out of touch.

Mr. Speaker, I urge my colleagues to support real relief for real families, right now. Support this important measure today and put money back in the pockets of American families.

Mr. OTTER. Mr. Speaker, I rise today in strong support of H.R. 6, the "Marriage Penalty and Family Tax Relief Act of 2001." With this important legislation today we are fulfilling our pledge to finally begin easing the tax burden on every American family. H.R. 6 will eliminate the marriage penalty and raise the child tax credit. This bill is an essential part of restoring fairness to our tax system and helping Idaho families.

Many married couples today have to pay a tax penalty of more than $1,400 per year. For young people on limited incomes this is often an insurmountable barrier to marriage. The Marriage Penalty and Family Tax Relief Act will increase the deduction for a jointly filed return to twice the level of a single deduction. Millions of people who are considering marriage will no longer have to worry about paying the taxman on their wedding day.

This bill also reaffirms our commitment to families with children. We will double the child tax credit from $500 to $1,000. America's children deserve to have their parent's income spent on their welfare, not stolen by the government and grudgingly returned. This bill will give the families of more than 79,000 children in Idaho's first district the money they need to meet the rising costs of raising a family in this country.

The Marriage Penalty and Family Tax Relief Act is an important and needed first step. It will lift children out of poverty, encourage family formation, and stimulate our economy. I urge this house to send the surplus home to America's families, and pass H.R. 6.]]

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise in support of H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001.

H.R. 6 will provide $399 billion in tax relief over the next 10 years for almost 50 million American taxpayers and their families. First, H.R. 6 will increase the standard deduction and expand the lowest 15 percent income tax bracket for married couples who file a joint tax return, increasing the current basic deduction from $7,350 to $8,800. And for families, H.R. 6 increases the child tax credit from $500 to $600 this year and will increase it to $1,000 over the next 5 years.

The Marriage Penalty Tax is inherently unfair. The Federal Government should not force working couples, through an unfair, archaic Tax Code, to pay higher taxes simply because they choose to be married. And worse yet, the Marriage Penalty Tax impacts the second wage earner in a family the hardest, which in most cases, is usually a woman. This flaw in our Tax Code is wrong. By passing H.R. 6, Congress will right this wrong, once and for all.

Mr. Speaker, I want the 72,000 married couples in my District alone to know that they will no longer be forced to pay more taxes. I can think of no more unfair and ridiculous part of the current Tax Code than the marriage tax penalty.

And as I travel across New Jersey's 11th Congressional District, I am constantly reminded of the need for prompt tax relief. I hear it when I get my coffee and paper in the morning, at my local barbershop or at any one of my weekend town meetings or the pancake breakfasts I attend on Sunday mornings.

Mr. Speaker, not only do Americans want tax relief, our economy needs one. Congress is off to a terrific start in providing the kind of tax relief that will help stimulate our economy. By passing H.R. 3, the Economic Growth and Tax Relief Act of 2001, on March 8, we acted to give Americans the first across-the-board income tax cut in two decades.

So today, I urge my colleagues to build on our ongoing efforts to provide tax relief for all hard working Americans. Let's pass Marriage Penalty Tax relief for the millions of working couples who should not be penalized by the IRS just because they are married. And let's strengthen our families by making sure that parents receive a break from the IRS to help care for their children. It's difficult to make ends meet, especially when working to feed, clothe and educate a young family—let's double the child credit from $500 to $1,000 per child and make it easier for parents to provide for their children.

Mr. Speaker, let's pass the Marriage Penalty and Family Tax Relief Act of 2001 and let's help strengthen both our families and our economy.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 6, the Marriage Penalty and Family Tax Relief Act. I urge my colleagues to support this worthy, long overdue, legislation.

This bill provides approximately $400 billion of tax relief to families. It doubles the highly successful child tax credit enacted in 1997 and applies that credit to the alternative minimum tax. Moreover, it also increases both the standard deduction and the 15 percent tax bracket for married couples to double that of single filers. Finally, it increases the income amount eligible for the earned income tax credit (EITC), making additional families eligible for this credit.

The 106th Congress visited this issue last year, and passed repeal legislation by wide margins. Regrettably, the then-President vetoed our legislation because he opposed expanding the 15 percent bracket. We now have an opportunity to correct this mistake, and help those couples with combined incomes of $40,000–$60,000, who by no means are wealthy.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers.

Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without any formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working- and middle-class populations who are struggling to make ends meet. For all of these reasons, it needs to be repealed.

Mr. KIND. Mr. Speaker, I rise today in support of marriage penalty tax relief. I strongly believe that we should reduce the marriage tax penalty that couples incur and relieve millions of married couples from an unfair tax burden.

Reducing the marriage penalty is the right thing to do. It must be part of a tax plan, however, that is fair and fiscally responsible.

We must consider it as part of a responsible budget framework that would give priority to using the emerging budget surplus to address our existing obligations, such as investing in education and defense, providing a prescription drug benefit for seniors, shoring up Social Security and Medicare, and paying down the $5.7 trillion national debt.

That is why I support the measure to eliminate the marriage tax penalty offered today by Representative RANGEL. It would do a better job of fixing the marriage penalty and cost significantly less than H.R. 6.

H.R. 6, if passed, would bring the total cost of the Republican tax cut to $1.4 trillion and even though the President claims to spend only $1.6 trillion on tax cuts. The remaining Republican tax promises and the increased payment on the national debt could easily reach $2.9 trillion.

More importantly, the surplus projections on which these tax cuts are based are already outdated given the recent slowdown in the economy. Furthermore, the tax cuts are so backloaded that families will not benefit, if at all, for at least 3 years. In fact, 74 percent of the tax relief wouldn't occur until 2007 or beyond under H.R. 6, and it's based on projected budget surpluses that may not occur in that time.

The Republican numbers just don't add up, and the surplus estimates they are using are completely unreliable. There is no way the House leadership can keep all of its remaining tax cut promises without putting the Social Security and Medicare trust funds at risk.

The bulk of the tax relief provided in the Republican bill is not marriage penalty relief, but instead, is a widening of tax brackets that benefit higher income individuals. In fact, half of the relief goes to those who do not pay any marriage penalty today; instead those couples receive a marriage "bonus."

Another concern of mine is that H.R. 6 discriminates against single taxpayers. It provides tax relief for those who choose to marry, but does nothing for those who are and remain single.

I find the Rangel substitute to be more responsible and fair. The substitute, like the bill, would reduce the marriage tax penalty by increasing the basic standard deduction for a married couple filling a joint income tax return to twice the basic standard for an unmarried individual.

The substitute would also reduce the marriage penalty by modifying the Tax Code in order to make more married couples eligible for the earned income tax credit (EITC). It would increase the income level at which the credit begins to phase out by $2,500. A family with one child will get $272 and a family with two or more children will get $320 beginning in 2002.

H.R. 6 does not provide the same relief for those working families with children as the alternative does. I realize H.R. 6 proposes an increase in the current $500 per child tax credit to $1,000 per child.

This credit, however, is only refundable for a family with three of more children. Therefore, a family who has two children and income less than $27,000 would get no tax relief from the child credit at all.

Mr. Speaker, I urge my colleagues to do what is right for the American people and support marriage tax penalty relief offered by Representative RANGEL. This substitute provides genuine relief for citizens who are truly penalized by the current tax structure. I know this kind of tax relief is supported by many of my colleagues on both sides of the aisle, and I was sincerely looking forward to have the opportunity to vote today on a bipartisan tax relief bill. But given the backwarding of tax relief in H.R. 6 or the speculative notion of budget surpluses occurring 8, 9, or 10 years from now. I cannot in good conscience gamble with my two young boys' future and risk embarking on an economic course that could return us to the days of budget deficits.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the bill before us.

It is immoral to tax marriage, but that is what our current tax law does. Americans should not be forced to pay higher taxes just because they get married. For years the Republican lead Congress has struggled to repeal this immoral tax. Unfortunately, President Clinton would not allow us to repeal this tax. I am pleased that President Bush has proposed and pledged to sign into law, legislation to repeal this tax.

Some in Washington believe that the federal government is entitled to this money. I disagree. Every dollar that comes into Washington comes out of someone's pocket. This bill recognizes this and focuses on getting rid of this tax that unfairly penalizes one segment of the American people—those who get married. This bill will provide marriage tax relief to 53,000 couples in my Congressional District.

The bill before us also doubles the child tax credit to let parents keep more of what they earn. It is expensive raising children today. Unfortunately, the child deduction in the tax code has not kept pace with inflation. Today this deduction amounts to less than half of what it would be if it had kept pace with inflation since the 1950s. We begin to further address this erosion, by doubling the per child tax credit from $500 to $1,000. This will provide tax relief to the parents of 84,000 children in my Congressional District.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 6, the Marriage Penalty and Family Tax Relief Act. I would also like to commend the excellent work of Ways and Means Chairman Bill Thomas for reporting this important legislation.

The marriage penalty represents one of the more onerous aspects of our overly-complex tax code. It results in more than 21 million married couples incurring an average additional tax liability of $1400, just for being married. In the 11th District of Virginia, which I represent, it affects over 66,000 couples. It is troublesome glitches such as this that confuse taxpayers—that make them question whether the federal government is really there to help them, or whether it merely exists to exert its power in capricious and arbitrary ways. Mr. Speaker, I ask you, if we cannot afford to fix problems such as this when we are enjoying surpluses, when can we do it? When can we take the necessary steps to make our tax code fairer, to do away with the unintended consequences of past actions? I say that we can do it now.

H.R. 6 is a clear reflection of what our priorities should be. We should encourage couples however we can. We should send the message that staying at home to raise your children has real value. We should say that we realize staying married is not an easy task. There are pressures and difficulties which too frequently rend asunder what God has joined—and most often these pressures are financial. We should wisely use the power entrusted in us by the American people to reduce this financial strain that causes many families to break apart. We should use that power to give them more of their own money to help raise their children. Mr. Speaker, how do we have any hope of stemming the flow of divorce, broken homes, and childhood violence if we do not support marriage and strong families at every turn?

This bill will fix the marriage penalty. It will help more couples keep one spouse at home to help raise the children if they choose to do so. It will help with the expenses of raising a family by doubling the child tax credit to $1000 per child. In the 11th District alone, that will help the parents of over 120,000 children buy clothes for school, buy the gasoline to get them there, pay the heating bill to keep them warm, and buy the food to make them strong. It will send a message to couples, young, and old, that we support them. Mr. Speaker, it is time to divorce ourselves from this unfair tax. I urge my colleagues to support this bill.

Mr. SIMMONS. Mr. Speaker, I rise to speak in support of H.R. 6 and against an unfair tax.

The issue before us is the marriage penalty tax. But clearly the deeper issue here is fairness—and from whatever angle you view the marriage penalty tax it is unfair. It is unfair to impose different tax burdens on couples of equal income simply because one of those couples chose to get married and begin a life together.

Isn't it enough that we tax their wages, their automobile, their gasoline and nearly everything else they will purchase or acquire? Must we also ask couples to write a check simply because they say, "I do" to each other?

This tax is bad public policy and I am proud to be an original cosponsor of the bill that will once and for all eliminate the marriage penalty tax.

This bill not only benefits married couples; it benefits families with children as well. H.R. 6 doubles the child tax credit from $500 to $1,000 and expands the Earned Income Tax Credit (EITC), allowing families in Connecticut's Second District to keep more of their hard-earned income. That's more money for a mortgage payment, a new home computer, an electric bill or shoes and clothing.

When I came to Congress, I pledged to work toward the elimination of the marriage penalty tax. I made a promise. And I am proud to join my colleagues in keeping this promise and providing a long overdue element of fairness to the way that our nation taxes married families.

The institution of marriage represents important values to our culture. We need to support our values, not tax them. It's time to end this tax and support America's families.

Mr. COYNE. Mr. Speaker, I rise in reluctant opposition to this legislation.

I have consistently supported efforts to fix the marriage penalty, and I support increasing the size of the child tax credit as well. In the past, I have cosponsored legislation to fix the marriage penalty, and I voted in favor of the 1997 legislation which created the child tax credit. But I cannot support this legislation today.

The concerns that I have about this legislation are threefold.

First, I am disturbed that a bill that will cost $400 billion over ten years does little or nothing—especially in the short term—to help many low- and moderate-income couples. While the bill would provide partial refundability for the child tax credit—promising aid to lower-income families—the provision's interaction with the earned income tax credit would provide no benefit to families with, for example, two children until their income exceeds $27,000. And while the bill would provide marriage penalty relief to families that don't itemize their deductions—predominantly low- and moderate-income families—that provision doesn't take effect until 2004 and is not fully phased in until 2009.

Second, I am concerned that this bill is only one part of a series of tax cuts that, when taken as a whole, will seriously reduce the federal government's ability to carry out its existing obligations and address the pressing problems that confront our country—obligations like keeping Social Security and Medicare solvent and problems like improving education, providing affordable health insurance for the uninsured, and ensuring that prescription drug prices are affordable for all Americans. I consider the piecemeal consideration of this series of tax cuts to be a disingenuous attempt to conceal the true size of the total package—and to hide the important trade-off implicit in enacting the President's package of tax cuts and addressing other federal priorities like improving education, ensuring all Americans' access to affordable health care, and caring for our senior citizens. Moreover, the fact that so many of these tax cuts are phased in over the next 10 years tends to conceal their true cost—which will only be evident ten years from now. At that point, the government is projected—even under the most optimistic estimates—to begin running deficits again. And lest anyone paint those deficits as the result of an irresponsible, freespending Congress, I should note that those deficits will be produced almost exclusively by a doubling in Social Security and Medicare caseloads. I believe we should use most of any anticipated surpluses to prepare for that imminent challenge.

Finally, I am puzzled by the President's characterization of his $1.6 trillion package of tax cuts as essential for jump-starting the slowing national economy. Most of the $1.35 trillion in tax relief considered so far would not be phased in until after 2006. The tax relief provided by this bill in 2001 is miniscule. I don't consider that timely intervention in terms of getting the economy back on track this year.

Consequently, I must oppose this legislation, and I will support a smaller, more responsible package of tax cuts that provide more of their tax relief to low- and moderate-income families. I urge my colleagues to do the same.

Ms. HOOLEY of Oregon. Mr. Speaker, ever since coming here to Congress, enacting common-sense tax relief for the people I represent back in Oregon has been one of my biggest priorities. So, it should hardly be surprising that I am going to vote for H.R. 6 today—just as I voted for it last year—and just as I'll continue to vote for any bill that effectively ends the marriage penalty.

The sole purpose of this bill is to ease the federal income tax burden on married couples and low-income families with children. By easing this burden, we're making sure that families will have more money to save up for a mortgage down payment or additional income to set aside for college expenses.

I do want to talk about a troubling aspect of our tax code that is going to have to be addressed sooner rather than later, and that's reforming the alternative minimum tax, or AMT. Originally adopted in 1969 to ensure the wealthy pay their fare share of taxes, the AMT hasn't been indexed for inflation since the early 1990s. And as incomes and deductions have risen in recent years, middle class families are more often than not receiving a love letter from the IRS after they've filed their returns notifying them that they owe the AMT.

Now H.R. 6 does include some AMT relief—specifically, it wouldn't cancel out the gains of the bill for married couples. But the problem is that the minimum tax requires a different set of calculations and disallows many deductions—including deductions for state and local taxes paid. For Oregonians, who pay some of the highest income taxes in the nation, that means that more and more families over the next decade are going to receive a notice from the IRS saying that they own money—and not receive much of the relief we're promising to give them right now.

That's a big problem for me, and it's going to be a big problem for tens of millions of middle class Americans. For example, as of 2006, a family of four in Oregon with a combined income of $72,747 will be liable for the AMT—while the same size family in Texas, which has no income tax, will only be liable if their income exceeds $146,307.

So while I am in favor of reforming the marriage penalty here today, I strongly urge my colleagues to keep the AMT in mind when or if we conference this legislation with the Senate. I understand the Senate Finance Committee chairman has indicated that he intends to include comprehensive AMT adjustments in the tax reform legislation his Committee will write. We can work together to ensure our tax code is a fair one.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 6, the Marriage Tax Penalty and Family Tax Relief Act, of which this Member is once again an original cosponsor. This bill will have a positive effect, in particular, on middle- and lower-income married couples as H.R. 6 not only provides tax relief to married couples, but also expands the per-child tax credit.

This Member would like to thank both the main sponsor of the marriage tax penalty relief portions of H.R. 6, the distinguished gentleman from Illinois (Mr. WELLER) and the chairman of the House Ways and Means Committee, the distinguished gentleman from California (Mr. THOMAS) for their instrumental role in bringing H.R. 6 to the House Floor. This Member appreciates the efforts of these distinguished colleagues as this Member has been an enthusiastic and active proponent of reducing and eliminating the marriage tax penalty as soon as possible.

While there are many reasons to support the marriage tax penalty relief provisions of H.R. 6, this Member will specifically address the following two reasons.

First, H.R. 6 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code, as H.R. 6 would double the standard deduction, expand the 15 percent bracket so that it is equal to twice that of singles and at the same time this bill would hold down costs by phasing in that change between 2004 and 2009, and provide relief from the alternative minimum tax so that a married couple who gets the tax cut would not be hit subsequently with a tax increase.

Second, H.R. 6 takes a step toward reaching the overall goal that the Federal income tax code should be marriage neutral. Currently, many married couples pay more Federal income tax than they would as two unmarried singles. Generally, the more evenly divided the earned income of the two spouses, the more likely they are to have a structural marriage tax penalty. Hence, married couples where each spouse earns approximately 50% of the total earned income have the largest marriage tax penalties. However, the Internal Revenue Code should not be a consideration when individuals discuss their future marital status. The goal for marriage penalty tax relief is that the individual income tax should not influence the choice of individuals with regard to their marital status—that is a guiding principle for this Member in voting for marriage tax penalty relief.

Additionally, and quite importantly, H.R. 6 provides additional family tax relief by expanding the per-child tax credit. Specifically, H.R. 6 would gradually double the child tax credit to $1,000 per child under age 17 by 2006. The tax credit would be raised from $500 to $600 effective this year, which would give families a quick tax break in the current 2001 tax year (i.e., retroactive increase to January 1, 2001). Also, H.R. 6 would retain the current income eligibility limits for the child tax credit. This Member supports the expansion of the child tax credit to give more relief to lower-income couples and to those couples with a stay-at-home spouse. Finally, as in current law, the measure would continue to allow the child tax credit to be refundable to families with three or more children that receive the Earned Income Tax Credit (EITC).

Therefore, for these reasons, and many others, this Member urges his colleagues to support the Marriage Tax Penalty and Family Tax Relief Act.

Mr. ROGERS of Michigan. Mr. Speaker, every year more than 58,000 couples in Michigan's eighth district pay the federal government's penalty for saying "I do." Until we remove this tax on marriage, families across Michigan and the country will continue to pay more in taxes than they should. The elimination of the marriage penalty will allow hard-working families to keep more of their own money to provide for their needs.

The average penalty paid by Michigan families is $1,400 every year. This is real money that can make a real difference in the lives of working, two-income families. Let me share with you a few examples of what $1,400 means to families in Michigan.

Seventeen hours of college credit at Lansing Community College; nearly 10 months of electrical utility bills; 100 packages of size 2 Huggies Diapers; 3 months of child care; a well-deserved family summer vacation.

Today's vote reduces the burden on two-income families and is an important step toward our goal of removing all tax penalties on marriage and the family found in the federal tax code. I strongly support the efforts to remove this penalty and urge adoption of the Marriage Penalty and Tax Relief Act.

Mr. BLUMENAUER. Mr. Speaker, today, Congress debated further tax cuts under the guise of fixing the so-called "marriage penalty." Ultimately, like yesterday's discussions about the budget, today's debate is about priorities: more tax benefits for those who need help the least, versus tax relief for all working Americans and fixing serious flaws in our tax system.

Only a small portion of the legislation proposed today would go to taxpayers that actually pay the "marriage penalty."

It does not address the growing problem posed by the alternative minimum tax (AMT). The AMT was passed to ensure the wealthy did not avoid paying their fair share of taxes. According to the Wall Street Journal, if the Bush proposal is fully implemented, an Oregon family of four with an income of $72,747 will be forced into the AMT. I assure you that such a family is not wealthy. If we are to ensure that all Americans are able to enjoy tax relief, no matter what bill we pass, Congress must address the alternative minimum tax.

The Republican proposal puts the financial health of our country at-risk. Passing tax cuts based on dubious surplus estimates, threatening the strong fiscal health of our country by sending us back into the era of big deficits.

The Democratic alternative fixes the "marriage penalty" and provides immediate rate reductions in order to stimulate our economy. It also addresses the AMT. The cost of the Democratic proposal is consistent with our goals of protecting the nation's fiscal health. Additionally, the Democratic alternative provides relief to low income families whose tax problem is the payroll tax. I support this alternative.

I remain convinced that Congress can work together to pass reasonable tax reform without putting our fiscal health at risk. Hopefully the American public will be heard during the next phase of the legislative process.

Mr. SANDLIN. Mr. Speaker, I rise today in support of legislation designed to bring fairness to the tax code by removing the penalty many married couples now face when paying Federal income tax. Correcting the marriage penalty is a commonsense answer to a quirk in the tax code that costs American families an average of $1,100 a year in additional Federal tax. As one part of a larger tax cut proposal, I believe that eliminating the marriage penalty is perhaps the single most effective way that Congress can provide balanced and fair relief.

As an original cosponsor of this bill, I have met with many married couples throughout my district who do not understand why their tax burden is higher simply because they file jointly. By passing this bill, Congress will remove the inequity faced by many of these families and provide real tax relief to thousands of people throughout east Texas.

Our efforts to provide tax relief also reflect the values of our fellow citizens. At the very least, Congress must be neutral in our treatment of the institution of marriage and remove any obstacles that discourage marriage. Congress regularly uses legislation to discourage one kind of behavior and encourage another, all the while being careful to balance the interests of our divergent country. By passing a law that will end the practice of penalizing marriage, Congress is making a sound decision that will produce incalculable benefits.

Today, along with eliminating the marriage penalty, Congress is considering a provision to double the child tax credit from $500 to $1,000 for each child under the age of 17. Mr. Speaker, the original law providing for this credit was one of the first votes I made as a Member of this body—it is also one of my proudest. By doubling the child credit, Congress is building on the sound economic policy of the previous administration. Along with the earned income tax credit (EITC), the child tax credit is one of the best tools working families have to lower their tax burden. Designed for working and middle class families, the child credit is the counterpoint in our efforts to eliminate the marriage penalty.

I do have only one disagreement with today's effort to double the child tax credit—it is not phased-in fast enough. Although the credit will double, the phase-in is over too long a period—5 years. I believe the phase-in should be faster, particularly given indications that our economy is slowing. Enacting this provision over the next 2 years, rather than the proposed 5-year phase-in, would provide a quicker stimulus and greater infusion of tax dollars back in the pockets of taxpayers. Therefore, I also support legislation that would instruct Congress to provide more of the proposed tax benefits during this fiscal year. I support long-term tax relief, but it is a mistake for Congress to pass only long-term tax measures when the need for economic stimulus is urgent. Congress will have the opportunity to address this concern throughout the tax writing process, and I sincerely hope, that as with today's debate, a bipartisan agreement can be reached to provide substantial tax relief this year.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) SECTION 15 NOT TO APPLY.—No amendment made by this Act shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE I—INDIVIDUAL INCOME TAX RATE REDUCTIONS; EXPANSION OF EARNED INCOME CREDIT ASSISTANCE

SEC. 101. INDIVIDUAL INCOME TAX RATE REDUCTIONS.

(a) IN GENERAL.—Section 1 is amended by adding at the end the following new subsection:

"(i) 12 PERCENT RATE BRACKET.—

"(1) IN GENERAL.—In the case of taxable years beginning after December 31, 2000—

"(A) the rate of tax under subsections (a), (b), (c), and (d) on taxable income not over the initial bracket amount shall be 12 percent, and

"(B) the 15 percent rate of tax shall apply only to taxable income over the initial bracket amount.

"(2) INITIAL BRACKET AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the initial bracket amount is—

"(i) $20,000 in the case of subsection (a),

"(ii) 80 percent of the dollar amount in clause (i) in the case of subsection (b), and

"(iii) 50 percent of the dollar amount in clause (i) in the case of subsections (c) and (d).

"(B) PHASEIN.—The initial bracket amount is—

"(i) ¼ the amount otherwise applicable under subparagraph (A) in the case of taxable years beginning during 2001, and

"(ii) ½ such amount otherwise applicable under subparagraph (A) in the case of taxable years beginning during 2002.

"(3) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $20,000 amount under paragraph (2)(A)(i) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING RULES.—If any amount after adjustment under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"(4) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) carry out this subsection."

(b) ADJUSTMENT IN COMPUTATION OF ALTERNATIVE MINIMUM TAX.—Paragraph (2) of section 55(a) is amended to read as follows:

"(2) the sum of—

"(A) the regular tax for the taxable year, plus

"(B) in the case of an individual, 3 percent of so much of the individual's taxable income for the taxable year as is taxed at 12 percent."

(c) REPEAL OF REDUCTION OF REFUNDABLE TAX CREDITS.—

(1) Subsection (d) of section 24 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Section 32 is amended by striking subsection (h).

(d) CONFORMING AMENDMENT.—Subclause (II) of section 1(g)(7)(B)(ii) is amended by striking "15 percent" and inserting "12 percent".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(f) PROTECTION OF SOCIAL SECURITY AND MEDICARE.—The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

SEC. 102. MODIFICATIONS TO EARNED INCOME TAX CREDIT.

(a) INCREASES IN PERCENTAGES AND AMOUNTS USED TO DETERMINE CREDIT; MARRIAGE PENALTY RELIEF.—

(1) IN GENERAL.—Subsection (b) of section 32 is amended to read as follows:

"(b) PERCENTAGES AND AMOUNTS.—

"(1) PERCENTAGES.—The credit percentage, the initial phaseout percentage, and the final phaseout percentage shall be determined as follows:

"In the case of an eligible individual with:	The credit percentage is:	The initial phaseout percentage is:	The final phaseout percentage is:
1 qualifying child	34	15.98	18.98
2 or more qualifying children	40	21.06	24.06
No qualifying children	7.65	7.65	7.65.

"(2) AMOUNTS.—

"(A) IN GENERAL.—The earned income amount and the initial phaseout amount shall be determined as follows:

"In the case of an eligible individual with:	The earned income amount is:	The initial phaseout amount is:
1 qualifying child	$8,140	$13,470
2 or more qualifying children	$10,820	$13,470
No qualifying children	$4,900	$6,130.

In the case of a joint return where there is at least 1 qualifying child, the initial phaseout amount shall be $2,500 greater than the amount otherwise applicable under the preceding sentence.

"(B) FINAL PHASEOUT AMOUNT.—The final phaseout amount is $26,000 ($28,500 in the case of a joint return)."

(2) MODIFICATION OF COMPUTATION OF PHASEOUT.—Paragraph (2) of section 32(a) is amended to read as follows:

"(2) PHASEOUT OF CREDIT.—The amount of the credit allowable to a taxpayer under paragraph (1) for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the initial phaseout percentage of so much of the total income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the initial phaseout amount but does not exceed the final phaseout amount, plus

"(B) the final phaseout percentage of so much of the total income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the final phaseout amount."

(3) TOTAL INCOME.—Paragraph (5) of section 32(c) is amended to read as follows:

"(5) TOTAL INCOME.—The term 'total income' means adjusted gross income determined without regard to—

"(A) the deductions referred to in paragraphs (6), (7), (9), (10), (15), (16), and (17) of section 62(a),

"(B) the deduction allowed by section 162(l), and

"(C) the deduction allowed by section 164(f)."

(4) CONFORMING AMENDMENTS.—

(A) Subsection (j) of section 32 is amended to read as follows:

"(j) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning after 2002, each of the dollar amounts in subsection (b)(2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3), for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any dollar amount, after being increased under paragraph (1), is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10."

(B) Subparagraph (C) of section 32(c)(1) is amended by striking "modified adjusted gross income" and inserting "total income".

(C) Paragraph (2) of section 32(f) is amended to read as follows:

"(2) REQUIREMENTS FOR TABLES.—

"(A) IN GENERAL.—The provisions of subsection (a)(1) and the provisions of subsection (a)(2) shall be reflected in separate tables prescribed under paragraph (1).

"(B) SUBSECTION (a)(1) TABLE.—The tables prescribed under paragraph (1) to reflect the provisions of subsection (a)(1) shall have income brackets of not greater than $50 each for earned income between $0 and the earned income amount.

"(C) SUBSECTION (a)(2) TABLE.—The tables prescribed under paragraph (1) to reflect the provisions of subsection (a)(2) shall have income brackets of not greater than $50 each for total income (or, if greater, the earned income) above the initial phaseout threshold."

(b) Repeal of Denial of Credit Where Investment Income.—Section 32 is amended by striking subsection (i).

(c) Earned Income To Include Only Amounts Includible in Gross Income.—

(1) In general.—Section 32(c)(2)(A)(i) (defining earned income) is amended by inserting ", but only if such amounts are includible in gross income for the taxable year" after "other employee compensation".

(2) Conforming amendment.—Section 32(c)(2)(B) is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by adding at the end the following new clause:

"(vi) the requirement under subparagraph (A)(i) that an amount be includible in gross income shall not apply if such amount is exempt from tax under section 7873 or is derived directly from restricted and allotted land under the Act of February 8, 1887 (commonly known as the Indian General Allotment Act) (25 U.S.C. 331 et seq.) or from land held under Acts or treaties containing an exception provision similar to the Indian General Allotment Act."

(d) Modification of Joint Return Requirement.—Subsection (d) of section 32 is amended to read as follows:

"(d) Married Individuals.—

"(1) In general.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return for the taxable year.

"(2) Marital status.—For purposes of paragraph (1), an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

"(3) Certain married individuals living apart.—For purposes of paragraph (1), if—

"(A) an individual—

"(i) is married and files a separate return, and

"(ii) has a qualifying child who is a son, daughter, stepson, or stepdaughter of such individual, and

"(B) during the last 6 months of such taxable year, such individual and such individual's spouse do not have the same principal place of abode,

such individual shall not be considered as married."

(e) Expansion of Mathematical Error Authority.—Paragraph (2) of section 6213(g) is amended by striking "and" at the end of subparagraph (K), by striking the period at the end of subparagraph (L) and inserting ", and", and by inserting after subparagraph (L) the following new subparagraph:

"(M) the entry on the return claiming the credit under section 32 with respect to a child if, according to the Federal Case Registry of Child Support Orders established under section 453(h) of the Social Security Act, the taxpayer is a noncustodial parent of such child."

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—MARRIAGE PENALTY RELIEF

SEC. 201. MARRIAGE PENALTY RELIEF.

(a) Standard Deduction.—

(1) In general.—Paragraph (2) of section 63(c) (relating to standard deduction) is amended—

(A) by striking "$5,000" in subparagraph (A) and inserting "twice the dollar amount in effect under subparagraph (C) for the taxable year",

(B) by adding "or" at the end of subparagraph (B),

(C) by striking "in the case of" and all that follows in subparagraph (C) and inserting "in any other case.", and

(D) by striking subparagraph (D).

(2) Increase allowed as deduction in determining minimum tax.—Subparagraph (E) of section 56(b)(1) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the standard deduction under subparagraph (A) of section 63(c)(2) as exceeds the amount which would be such deduction but for the amendment made by section 201(a)(1) of the Tax Reduction Act of 2001.

(3) Technical Amendments.—

(A) Subparagraph (B) of section 1(f)(6) is amended by striking "(other than with" and all that follows through "shall be applied" and inserting "(other than with respect to sections 63(c)(4) and 151(d)(4)(A)) shall be applied".

(B) Paragraph (4) of section 63(c) is amended by adding at the end the following flush sentence:

"The preceding sentence shall not apply to the amount referred to in paragraph (2)(A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

The SPEAKER pro tempore. Pursuant to House Resolution 104, the gentleman from New York (Mr. Rangel) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very serious time in our Nation's economic history, because for the first time in many, many years, we expect to have a surplus; but we do not know the exact amount that surplus is going to be. Unfortunately, the Republicans have decided that they are going to have tax reductions in the budget based on the fact they expect $5.6 trillion. We all know from the Congressional Budget Office that these figures that we are relying on, 50 percent of the time they are wrong, and the question is, what happens if they are wrong this time? We hope that they will not be.

It seems as though, if this tax cut is locked into place and the surplus is not there, then the funds will not be there for Social Security, for Medicare, for prescription drugs relief, for education where the President wants to leave no child behind; and we were hoping that if we could find some kind of a trigger mechanism or some way to have a tax cut that we know that we can afford this year, or maybe for the next 5 years and then after that, take a look and see where we are in terms of our economy, where are we in terms of the programs, then not just Democrats, but even this compassionate Republican President would want to see supported.

☐ 1230

So it just seems to me that if we are concerned about education and making certain our kids are going to be productive, concerned about our old folks getting decent health care, concerned about our men and women in the military, improving the quality of their lives, the question has to be: Where will the money come from?

Of course, if we find out that we do not have the funds, there are only two things that we can do: ask for another substantial tax increase, or cut out the programs, the funding for the programs.

We do know that there are many people on the other side of the aisle that believe the Social Security System never should have been created, that Medicare is not working, that the best that we should do for education is to give them a voucher.

We know that health care to some people, they believe that there should not be a Patients' Bill of Rights. But by the same token, most Americans disagree with that theory, and we should not use reduction of taxes and an increase in spending for defense as an excuse to wipe out domestic spending.

So, Mr. Speaker, it might be that the best thing that we should be thinking about doing is instructing the Congress or the conferees to recommit this bill, and to have them come back to see whether we can do something right now to spur the economy; whether we can get $60 billion out there in the taxpayers' hands; whether we can really stimulate the economy now, instead of just letting the rich get richer 5 years from now.

We know that this tax cut has nothing to do with the stimulation of the economy, because the President thought about it in the good years. Mr. Clinton and Mr. Gore had a great economy going. Now that we are badmouthing the economy, now that it is sputtering, now that it is looking like it needs a shot in the arm, maybe what we ought to do, not as Republicans and as Democrats, but as Members of the House of Representatives, is to set aside this bill and tell the conferees, let us get something out to the taxpayers this year. Let us get it to the hard-working low-income people, the moderate-income people, and make certain that there is a vehicle out there that we can use.

I am certain that staff will have prepared at the end of this debate a vehicle that we can join together and use to get that money out there, stimulate the economy now, and then we can take a deep breath and take a look and see what an equitable tax cut might be.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. Hastings of Washington). Does the gentleman from California (Mr. Thomas) seek the time in opposition?

Mr. THOMAS. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. Thomas) is recognized for 30 minutes.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I guess I am just a little confused. My understanding is that the substitute that has been offered to this particular bill, H.R. 6, is identical to the substitute that was offered to the bill on marginal rate reductions, H.R. 3, just a short time ago.

But in listening carefully to my friend and colleague, the gentleman from New York (Mr. RANGEL) and his arguments, it sounded to me as if he really wanted a tax package; not the one offered as a substitute, but one that was, in fact, a stimulus for the economy.

It seems to me that if he would turn into paper the words that he offered, he would not have presented exactly the same substitute that had been presented 1½ weeks and 2 weeks ago; that, in fact, if he does want something that he professes, all he needs to do is offer a substitute that, in fact, does that.

At some point we begin to wonder whether that argument is rhetoric, just as the Lexus muffler is no longer in front of us. It seems as though it is an argument of the day, but we would think that if it is the argument of the day, they would offer a substitute to the motion in front of us that at least conformed to the argument of the day. But, in fact, we have in front of us that same old substitute, that same old substitute that is less generous.

The Democrats have talked about the various pieces that we have been passing. In fact, if we add them up, it is pretty obvious that the tax package that is contained in the budget that was passed yesterday is clearly more generous than what the Democrats are offering. In fact, in this substitute there really is not even any child credit, which is a major portion of the bill we are discussing and supports the President's proposal of doubling it from $500 to $1,000. And we make retroactive in this bill the first $100 increase, from $500 to $600, to occur in this year, the 2001 tax year.

Some of our friends on the other side are continuing to argue that we do not have a budget in place. We, in fact, passed a budget. All the pieces fit. That argument is no longer relevant, unless, of course, they want to argue that it is not a budget yet until the House and Senate sit down and agree. Then Members may want to move to the argument that the ink on the paper of the agreement is not yet dry. Then they may want to offer another argument.

The fact of the matter is they will offer argument after argument. That budget that was passed yesterday addresses the President's concerns about Social Security, talks about modernizing Medicare, provides dollars for modernizing Medicare with prescription drugs. And, please, President Bush has already established himself as the education President. His bold and far-reaching proposals of placing more dollars in the hands of teachers and parents to make sure that no child will be left behind clearly indicates that education is on the front burner of this Presidency.

So I guess if we are going to argue against what is offered here today, a final adjustment on the marriage penalty contained in the Tax Code and a doubling of the credit available to hard-working taxpayers with children, that at the very least, if we are going to make arguments against the bill and offer substitutes, what we ought to do is have the arguments and the substitutes match.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, the distinguished chairman has talked quite a bit about details and very little about how this all would fit together. The main reason is this: The $1.6 trillion Bush administration tax package was a risky proposition in the first place, that including debt service was going to use up 75 percent, 75 percent of the non-Social Security and Medicare surplus.

Now, with the dip in the stock market, that proposal becomes even more risky. So the decision seemed clever at first to break it up into pieces, but the public can add. When we add it all together, it is a very, very risky proposition. It is not fiscally responsible.

Now we have a second piece in front of us today, the marriage penalty provision, plus. It is much larger than Mr. Bush proposed before he became President. Half of the so-called marriage penalty provision goes to people who do not have a marriage penalty provision in their income tax returns.

Why are we doing this? I do not know. Maybe we have kind of a Pied Piper syndrome here. I am not sure who always is calling the tune, but I think if it succeeds, it would lead those following it over the cliff. The trouble is it would lead this Nation's economy over the cliff.

There has been some talk about bipartisanship. Whatever the vote is on this or any other piece, when we put them all together, there is not bipartisan support. The bipartisan support is almost zero. Indeed, it is a partisan effort.

There has been some reference to stimulus. We are going to have a stimulus provision on the motion to recommit. What is the impact of this majority proposal here this year? It is an asterisk, which means close to zero. Talk about a stimulus, there is not any real stimulus. If there is any tax proposal that can stimulate the Nation's economy, this is not it, nor is it the entire package.

So in a word, I suggest this: Add it all together, I say to the citizens of this country, and when we do, we will come to the conclusion that this proposal is one that puts the Nation's economy at risk.

We fought hard for a decade for fiscal discipline. It led to lower interest rates. Let us not put that in jeopardy. Vote yes on the substitute and no on the basic bill.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. WELLER), and I ask unanimous consent that he control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course I would note that this bipartisan bill, combined with the rate reduction that we already passed out of this House of Representatives, put almost $600 in the pockets of the average family of four this year, if we include the child tax credit, which is retroactive, plus the rate reduction.

This is a bipartisan bill. My good friend, the gentleman from Indiana (Mr. ROEMER), has been a partner in this effort to eliminate the tax penalty.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding time to me, and I rise in support of the bipartisan bill, the underlying bill reported out by the committee.

First of all, Mr. Speaker, I believe very strongly that an increased tax should not be Uncle Sam's wedding present to a newly married couple. We need to value the institution of marriage. We need to value the children. We need to recognize that doubling the tax credit for children in this country really also is sensitive to the fact of how difficult it is today in America to raise our children and to get them to schools and in braces, to make sure that we afford to raise them the proper way.

This is a value that I voted for when the Democratic President vetoed it, and I will vote for it again today. I will vote for it as the father of four children. I will vote for it because, from my farmers' market to my supermarkets, this is one of the most important tax breaks that my constituents in Indiana talk to me about all the time, the marriage penalty and helping with the tax credit to raise their children.

This bill is not perfect. It needs reform. It needs refinement. It needs modification. It needs all of this because it is higher than even what President Bush has proposed. I have said that reducing the national debt is important. I do not think we can dig a big hole and get back into the fiscally irresponsible days that we had 5 and 6 years ago there.

Excuse the pun, but we should also marry this bill up to estate tax reform; not straight-out repeal, but reform of the estate taxes. We should also help with an AMT fix, with the marriage penalty and child tax credits, which all together would not threaten our economy, which would help us pull down the debt. That would fit in about a $1 trillion tax cut.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership in putting forth a very responsible Democratic alternative this morning.

Mr. Speaker, certainly Democrats strongly support marriage penalty relief and tax benefits for families with children, but that relief should be provided within the context of an overall tax plan that is fiscally responsible and is fair.

The Democratic alternative increases the standard deduction for married couples to twice the amount for single people. It also substantially increases the earned income tax credit for married couples, and lowers the 15 percent tax bracket to 12 percent for a married couple's first $20,000 of taxable income. This helps everyone, everyone. It is fair, and it is balanced.

The Republican plan, however, uses the need for marriage penalty tax relief as an excuse, as an excuse to expand the 15 percent bracket and cut taxes for married couples in the 28 percent bracket. As a result, 80 percent of the marriage penalty relief in this bill goes to one-third of the wealthiest married couples.

If we want to change the tax rates, then we should face that issue head on and have an honest debate about that. If we are here to address the issue of concern raised by the distinguished gentleman from Indiana about the need for eliminating the marriage penalty, then we should do that, and the Democratic alternative does just precisely that.

How much is enough? When will President Bush and the Republican leadership stop asking American families who are most in need to sacrifice in order to provide a tax cut at the highest end?

□ 1245

Mr. Speaker, here we go again. We are debating yet another tax bill proposed by the Republicans that is seriously flawed.

The Republican proposal provides the most benefits to those who need them least. It gives short shrift to those who need relief the most. And as predicted, the Republican leadership is attempting to go well beyond the already huge tax cut proposed by President Bush with more tax cuts on the way.

Again, Democrats strongly support marriage tax penalty relief and tax benefits for families with children.

Mr. Speaker, I urge my colleagues to support the Democratic alternative.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note to the gentlewoman from California (Ms. PELOSI), my good friend, who spoke on behalf of the partisan Democratic alternative, that by voting for the partisan Democratic alternative against the bipartisan H.R. 6 that she would vote to deny 54,000 kids in the eighth district in California increased child tax credit relief.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. FLETCHER), a leader on behalf of families.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding me this time. What this bill does very clearly, first, is double the child tax credit from $500 to $1,000, increases standard deductions for married folks, joint filers, twice that of single filers; expands the 15 percent tax bracket for married joint filers to twice that of single filers; and increases the earned income tax credit; protects child tax credit from the alternative minimum tax.

What is this bill really about? I say it is truly about family values. I know that expression has been abused over the years, but it is about the value of the institution of marriage; something that transcends faith and transcends culture.

We are saying let us not tax that institution because there are enough pressures on that institution already. Let us make it fair. Let us give them the opportunities.

One of the leading causes of a breakdown of the family is financial pressure, and we want to relieve that. That is what this bill does.

We had from the far left a welfare system that did not recognize the value of the family and said, Dad, you are not welcome here.

We truly need to recognize the value of the institution of marriage. Because why? It is about children. It is about their future, making sure that we can do everything to recognize the importance of its institution and its impact on children. That is the reason I recommend that you oppose this partisan bill and support the bipartisan bill H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his leadership. I thank the Committee on Ways and Means.

Mr. Speaker, I am sorry that the debate is so limited that we are not able to express our concerns for the American people in longer debate. Today I will announce that I am going to vote for a marriage penalty tax relief.

Frankly, the kind of relief that if Americans were given the information that the media holds back from you, you would understand that we are trying to work in a manner that responds to the needs of working families.

In fact, I am also supportive of a $60 billion tax cut right now, this year, that keeps us in line with the fact that we cannot guarantee that we will have a $5 trillion surplus over the next 10 years.

I want you to have tax relief now, and so what we are supporting is to ensure that in my State of Texas, if you will, that we will not have 769,000 numbers of families with children who will get no tax cut.

Unlike the gentleman from Illinois (Mr. WELLER), my good friend, he is voting for a tax cut where 362,000 of his constituents in Illinois will not get a tax cut.

We want a marriage penalty that responds to the needs of the American people. One that creates a 12 percent rate bracket for the first 20,000 of taxable income, equivalent to 41,000 of total income for a couple with two children.

We want to simplify the earned income tax credit and increase it for working families. We want the dollars to go in your pocket, unlike the $128 billion tax cut that I am told we received in the State of Texas 2 years ago.

When I go throughout any district and I ask my constituents, did they receive a tax cut, did they get a refund, no one can document receiving any fungible dollars that they could utilize to support their family. Some people say that they thought they got a tax credit on their property taxes, which really does not show up.

So what the Democrats are saying with the alternative is it could actually get reported in the newspapers today SHEILA JACKSON-LEE will vote for a marriage penalty tax relief bill. I believe in this bill because it is fiscally responsible, and it answers the concerns of the American people and working families.

Mr. WELLER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, just in quick response to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend, I would say that not only will the bipartisan bill which she spoke against provide 5 million low-income working Americans receiving the earned income tax credit, significantly more relief, in fact, $400 a year, but that the proposal which the gentlewoman is in support of, the partisan Democratic substitute, that proposal would actually deny tax relief to millions of children throughout America, including her own district.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means, for his leadership on this issue.

I rise today in strong opposition to H.R. 6. As the cochair of the Congressional Caucus on Women's Issues, I begin by saying that I am not opposed to providing true marriage penalty relief for all Americans. I support responsible tax cuts for all taxpayers.

As the gentleman from New York (Mr. RANGEL) and many of my Democratic colleagues of mine who have stated so forcefully today, the Democratic alternative is the only bill on the floor that provides true relief. Americans need a tax cut, and I am in favor of that. But we must have a tax cut that is responsible, a targeted tax cut that really will provide true tax relief during these difficult economic times.

As with the bills that my Republican colleagues brought before the 105th and 106th Congress and now in the 107th Congress, H.R. 6 is poorly targeted, too broad and too expensive.

This bill will result in spending of the Social Security and Medicare trust funds and a cut in domestic spending. This plan reverses the course that we have been on for several years and does not leave adequate money to continue paying down the national debt.

H.R. 6 is a bill tilted towards the wealthy people of this country and threatens all the priorities important to hard-working families.

It raids Medicare trust funds, and it is too back-loaded that it does nothing to help our economy today.

This bill will crowd out the priorities vital to millions of seniors, military families, women and children. It cuts services like COPS on the beat and after-school programs that are so vital for the public schools and for safety of our children.

This bill provides, Mr. Speaker, no benefits to American families who need help with child care and housing. I support the Democratic alternative, and I urge my colleagues to support this bill that gives true marriage penalty relief.

Mr. WELLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would note that we have a bipartisan bill before us today that is being offered as an amendment, a partisan Democratic substitute for the bipartisan bill. I would note that the bipartisan bill will benefit 25 million married working couples who pay higher taxes just because they are married.

In fact, the bipartisan bill which received the support of every House Republican last year and 51 Democrats who broke with their leadership to support real marriage tax relief will help eliminate almost the entire marriage tax penalty for almost everyone that suffers it. That is pretty fair.

I would also note that the partisan Democratic substitute fails to help children. In fact, they fail to address the need to increase the child tax credit. And we work with the President and his proposal to double the child tax credit, doubling it to $1,000. It is currently $500. It will provide immediate relief this year, an additional $100, so it will be an additional $600 tax credit this year.

I would point out in combination with the rate reduction, as well as the child tax credit this will put an additional $600 in the average family's pockets this year.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding the time.

Mr. Speaker, I want to reiterate that if there are any Members who believe that President Bush had this marriage penalty tax solution correct last year during his campaign, they need to vote against this proposal, because this bill rejects the Bush solution to this marriage penalty problem.

Indeed, the only witness that the Republicans brought forward on this issue said President Bush's approach was worse than doing nothing. Now after I said that earlier in the debate, a piece of paper was advanced that the Administration has endorsed today's proposal. I have not seen that yet, but certainly this would not be the first campaign promise that the President has chosen to reverse himself on this year.

Mr. Speaker, I would just emphasize that the better approach is not to place an additional penalty on single individuals, whether a widow, a single mom or simply some person that chooses to live as a single individual. Our tax system ought to be based on equity and be designed so as not to discriminate based on marital status. This particular Republican proposal discriminates instead of following the approach that President Bush recommended last year.

One of the issues that has not gotten as much attention in this debate as I think it needs is the question of what stimulus, if any, comes out of this tax package.

Members will recall that the Bush tax proposal was not developed during hard times, at least not economic hard times, they were developed during campaign hard times, when he feared Steve Forbes' challenge in the Republican primary.

The economy was doing well. His campaign was faltering a little bit. So he tried to come up with an approach that would stimulate the financial statements of the wealthiest people in our society and to out-Steve Forbes, Steve Forbes. I think that that is what his overall tax proposal was designed to do last year.

Now we face more challenging economic times, and it would seem to me that we ought to focus tax relief in ways that might help with our economic slowdown.

We do not know how long or how deep this Bush economic slowdown will be, since he began talking down the economy, but we can be certain that there is no economic stimulus to turn the economy around found in today's piece of legislation.

Like their estate tax proposal, this tax package has a better chance of resurrecting the dead than of resurrecting the economy.

Mr. WELLER. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. RANGEL) has 14½ minutes remaining, and the gentleman from Illinois (Mr. WELLER) has 20 minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one might think the only thing before us today is the marriage penalty and the child credit. I think to legislators we can take a look and clearly we would see that the Democratic substitute that is before us today is more equitable. It is fairer, and it takes care of the problems that we have been talking about.

Let no one believe that by voting for the substitute that they are not voting for not only equitable relief, but they are voting for a child credit that is going to reach the kids that come from families that make less than $30,000, which is not true of the majority's program.

But even more importantly than that is the different pieces of the tax bill that is coming to the floor, not as a comprehensive tax program within a budget that we know what to expect, but each week that we come here, we are asked to vote on different pieces. It is this that we do not know how much can we digest since already before the next week is out they would have completed the $1.6 trillion and start moving towards the $2 trillion tax package that they really have.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader, who is the final speaker on our side.

□ 1300

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to vote against the Republican tax bill and for the bill sponsored by the gentleman from New York (Mr. RANGEL) and our ranking member on the Committee on Ways and Means.

I take this position for several reasons. First, I ask Members to consider the real differences between these two tax cut proposals. The Republican bill increases the child credit, but only for some families. Their child credit does not fully phase in until the year 2006, which means that some families will not see any relief because their children will turn 16 before then, and they will be too old to be eligible for the tax cut.

Millions of families of all income levels will be disappointed because Republicans give people nothing in the marriage penalty relief until the year 2004, and they will not get the full tax cut that the Republicans promise until 2009.

What does all of this delay and all of these gimmicks really say to the American people? That despite all of the rhetoric about cutting taxes to help with the immediate economic downturn, I do not think my friends on the other side are serious. They are not serious about providing relief this year when it is most needed. Their tax bill does not help people for another 3 to 5 years; in some instances, 8 years. This delayed phase-in is the direct result of a larger tax plan that spends the entire available surplus that is not even there yet that may never materialize.

Well, this is not right and it is not fair. I ask Members to consider our bill, which is responsible, balanced and fair. Our bill doubles the standard deduction for married couples so they get relief this year. Our bill recognizes that we are in a period of economic uncertainty, so we give people immediate tax relief which we think will help them get through the uncertainty of the time we are in.

But the most important reason to vote against the Republican bill is that it is part of a much larger tax plan that leaves no room for the other important priorities of the American people.

After today, this House will have already passed $1.8 trillion in tax cuts when we include the interest. If Republicans continue with their plans and put forward, as they are apparently planning, the estate tax and their other tax bills, then the additional tax breaks that they have said they will pass as part of the President's plan, which is a floor, will cost about $3 trillion once the smoke clears.

The Republican tax cut package raids the Medicare trust fund as early as 2005. It does nothing to help the economy because it is so back-loaded. It crowds out other priorities vital to millions of seniors, military families, and women and children. It results in a budget that cuts existing services like Cops on the Beat and after-school programs to make our public schools safe for our children.

Most damaging, the Republican tax plan could bring back the high deficits, high interest rates, and slow growth that we saw at the end of the last Bush administration.

We have to keep in our mind that the goal is to keep the economy moving, to keep unemployment down, to keep growth going up. One of the best ways to do that is to keep interest rates down.

So I argue to the Members, think about the effect on the economy and what the Republican tax cut does not do, what it crowds out our ability to do for the ordinary families in this country who pay interest costs on house payments and car payments and furniture payments every month.

Married families and children would be better off with our plan. We provide sensible tax relief for all taxpayers. We focus relief on those in the middle and those trying to get in the middle who need our help the most.

Plus, we give people a country free of debt by 2008; a Medicare prescription drug program for all seniors who want it; a Social Security and a Medicare trust fund extended to 2050 in the one case and 2040 respectively, at least 11 to 12 years added solvency of the Medicare and Social Security trust funds; more quality teachers; more Cops on the Beat; and school buildings in repair and enlarged and rehabilitated.

We give people lower interest rates. For an average family of four, 1 percent off interest rates means $1,500 a year in savings on a car payment and on house payments. If one adds a reasonable tax cut, about $700 a year, one is going to wind up putting more money in the pockets of a typical family than the larger tax cut that would likely keep interest rates a point higher.

So I urge Members to consider this argument when they cast their vote on these two bills. Consider the actual real-life consequences of the decision we are making on the floor today. Consider what happens if these surpluses do not materialize. Consider what happens if the projections turn out to be wrong.

What if we find ourselves in debt again, as we did in the 1980s, as far as the eye can see? We have been there. We have run this experiment. We ran it for 15 years, from 1981 to 1995. It did not work.

We should be more humble about our thoughts about economics. We should be more reticent to take this risky river boat gamble to go out into the deficits when we could keep the surpluses.

It is time to keep interest rates down, unemployment down, inflation down. This is a 20-year decision of this body. It is easy to make this decision. It is hard to correct it. It took us 15 years to 20 years to get over the last mistake. Why would we want to do that again?

I urge Members to examine their conscience, examine the facts. Vote against this Republican bill. Vote for the more sensible common sense Democratic alternative.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that the bipartisan plan before us, H.R. 6, combined with the rate reduction we passed earlier this year, will put $600 in the pockets of the average family of four this year. I also note in the minority leader's district that his partisan Democratic alternative would deny relief to 102,000 children in his own district, the Third District of Missouri.

Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATTS), the distinguished House Republican Conference Chairman.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Illinois, my friend, for yielding me this time.

Mr. Speaker, let me set something straight at the outset. I think it is important to note, Mr. Speaker, that what we are talking about today is not the government's money, but the American people's money. One of these days, it is going to register to the 535 Members of Congress that vote on these issues that it is not Washington's money, it is the people's money.

I think it is time to put partisanship aside and enact a plan that will protect families, strengthen the economy, and secure our children's future. H.R. 6 is a common sense plan to strengthen families and secure our children's future. It stops the unfair tax that simply penalizes two people for saying "I do." I think it is wrong. I think it is unfair.

The problem that we have is, and I would make the point, families are working longer and harder than ever; yet Washington continues to take more and more. The marriage penalty requires more time at work, and that means less time at home with the family and with the kids.

Should two people pay higher taxes just because they are married? Should families spend 50 percent of their income in Federal, State and local taxes? Should families pay more in taxes than for food, clothing, and shelter combined? Should not parents be allowed to spend their own money to meet the needs of their own children?

On behalf of hard-working families, what we are doing today is asking for fairness and common sense to protect families and to secure our children's future.

The average family of four will save $560 this year through our tax plan, H.R. 6, and the rate reduction plan that we have already passed. All Americans will benefit because giving people money back, that creates job security and a strong economy.

Nearly 25 million couples will save money from repeal of the marriage penalty, 53,000 couples in the Fourth District of Oklahoma, the district that I represent. More than 81 million children will qualify for the $1,000 per-child tax credit; 81,000 kids in the Fourth District of Oklahoma will qualify for that.

At least 4 million African American married couples will benefit immediately from repeal of the marriage tax penalty. This means more money for college, for groceries, for house payments, for car payments, for car insurance, maybe to buy a new washer and dryer, new appliance.

It is time that we enact common sense legislation today to strengthen families and secure our children's future and stop taxing people for simply saying "I do." That is unfair. It is wrong.

I urge a yes vote on H.R. 6.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this whole idea that Democrats do not understand that what surplus we are talking about is not the government's money, but it is the people's money, we understand that. We understand even further that whatever surpluses we are talking about is the hard-working people that pay the Social Security tax and the payroll tax that give us what is the so-called surplus.

There is no surplus there. The fact that under the Clinton-Gore administration we have been able to get a better cash flow does not mean that there is a surplus. We owe $3.4 trillion. We pay debt service on that money.

It is safe to say that, when we work together and try to reduce our national debt, that that is the true way to say that we are giving back their money by reducing the national debt.

In addition to that, it is abundantly clear that many on the other side do not believe we should have a Social Security system. I cannot argue with you if that is what you believe. You do not believe in Medicare. You do not believe in providing for affordable prescription drugs.

What we are saying is that, yes, those are the people's programs. We are here as Democrats; and hopefully we can convince some Republicans to work together and not just say it is the people's money. It is the people's country. It is the people's debt. It is the people's Social Security program. It is the people's Medicare program. It is the people's children that need education to make them productive. All of these things belong to the people.

We should not take a river boat gamble on what is going to happen 6, 7 years from now and put people in jeopardy for their kids and those people today that will soon become eligible for Social Security and Medicare benefits.

We have to agree that you are coming our way as it relates to child credits and things like that, but you are giving us a little piece at a time. Already we are up to a trillion dollars, and we have to stop you before you hurt somebody. Because we know that piece by piece you will never be able to get this off of the ground.

Even the President is against the things that you are going to come up with. Well, how do I know? Well, first of all, it is because I go over and I talk with the President from time to time. He is a very likable chap. He likes Democrats. He likes Republicans.

He told us, which I assume he shared with you, that he does not want the tax cut lower than $1.6 trillion, like Democrats want it, nor does he want it higher than $1.6 trillion like some Republicans want it. He wants it just like this. He thinks that this just fits.

I am telling the President, get your troops in order and try to get some of that compassion or conservatism on the other side of the aisle; because, Mr. President, this just does not fit.

Already we have got $950 billion that has already passed the House, $399 billion we are trying to defeat today, $267 billion they say is going to come up next week. We have health related, education related. We have got research and development, which is going to cost us $50 billion. We have the alternative minimum tax fix, $292 billion.

When we get finished with all of this and add debt service to it, $556 billion, Mr. President, the Republicans will be giving you a $3 trillion tax burden which you say is too big.

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Mr. Speaker, let the Democrats join in and say we are going to stop this majority in the House. We have a substitute that is more in line with what you are thinking about, Mr. President, and the people will have an opportunity, including Republicans, to work in a bipartisan way to vote for the substitute and to stop the majority's bill.

Mr. Speaker, then what can we do? Then we can really come together, sit down as Republicans and Democrats, and see whether we can agree to a bill that does not pass on the partisan vote, but a total bill taking in consideration all of the things.

Mr. President, in order to make it easier, we Democrats have come up with a bill that we really believe Republicans should consider. It is H.R. 1264, and it would allow for us to look at the entire budget that we have and to divide it into one-third for the tax cut, one-third in order to reduce the debt, and one-third for the programs that the American people and even the President of the United States support.

Mr. Speaker, I yield back the balance of my time.

Mr. WELLER. Mr. Speaker, we have one remaining speaker on behalf of our legislation. Has the minority concluded?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. RANGEL) has no time remaining. The gentleman from Illinois (Mr. WELLER) has 16½ minutes remaining.

Mr. WELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a bipartisan bill, H.R. 6, before us that eliminates the marriage tax penalty, as well as doubles the child tax credit.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the House majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I thank the Committee on Ways and Means and the gentleman from Illinois (Mr. WELLER) in particular for his fine work on this legislation. I also want to personally thank the gentleman from New York (Mr. RANGEL) for speaking one more time on this bill, because his having done so punctuates a fact that we oftentimes try to disguise in this body, and the gentleman from New York has made that fact profoundly clear to all of us.

Mr. Speaker, this is a partisan debate. Mr. Speaker, that is as it should be, because, indeed, this body is almost wholly divided between two very distinct and two very separate political parties, parties that do, in fact, congregate around different visions of America, and to a large extent what you see in this debate today is a conflict of visions.

My colleagues who congregate on my side of the aisle have a vision of America that is based on our profound belief that America is made great and America is built, its economy is built, by real people at home in America earning and spending their own money on behalf of their own best interests and on behalf of their families.

Mr. Speaker, the Democratic Party on the other side of the aisle tend to congregate around the belief that America is built great by big government. This is not a new debate. We have it every time we put a tax bill on the floor; and the foundation issue is do we give people part of their money back and hold taxes down so that the greatness of America can continue to be built at home by people who actually earn the money themselves, or are we going to keep it here in town so that people in Washington can spend it on their behalf and build programs.

Mr. Speaker, the fact of the matter is we have seen demonstrated time and time again that whenever Washington has the good grace to leave people more of their own money in what we call take-home pay, America does well with that.

I was a young economics student in 1961 and 1962, and this lesson was brought home to me by President Kennedy, and the Democrats do not like us to mention this fact, but he taught us this lesson in economics in the early 1960s. When President Kennedy faced an economic recession, he said, cut taxes and let America grow the economy back with their own money. And bless our hearts, we did; and he was right.

Mr. Speaker, the animosity towards growing America at home through your own money is so heartfelt on the other side of the aisle that today they even resent us citing this great lesson from this great President, because indeed the idea is bigger than the man, and this idea is not the idea around which they congregate.

And so we come again to the early 1980s, Mr. Speaker, and Ronald Reagan did the same thing, and America did grow. It is a fact that revenue to the United States Government doubled in the 1980s after the American economy began to grow again in consequence to the Reagan tax cuts.

The deficits that we experienced in the 1980s were not because the American people were not doing their part; we did our part. We sent Washington twice as much money by the end of that decade. The problem is that Washington did not do its part. It did not control its gluttony. Washington has had an addiction that we are trying to cure, and that is an addiction for other people's money. Throughout the entire decade of the 1980s, spending in this town grew by $1.56 for every $1 that we sent this town.

If you want to stop the deficits, that is where you stop it. You stop that spending growing out of control, and that is what we did when we took over in 1994, and that is why we have the surpluses we have today; because we stopped the spending gluttony of this town.

Mr. Speaker, now we come to another time where America is once again concerned about their economic stability, their future. The American people are saying that we need relief. We need encouragement in a Tax Code. Give us some more of our own money back. Take a little less away. We have good things that we want to do with it. And this bill that we bring to the floor today speaks to the heart of the American dream. The idea that we will say to our young men and women in this country, Go ahead, fall in love, get married, and you will not be penalized for it should never be an idea that is resisted by anybody.

Now, I do not have a reputation for being much of a romantic fellow around here, but I have enough romance in my soul to realize this: If young people fall in love and get married, the Federal Government should applaud them, not tax them. And once you are married, and once you retain some take-home pay that is commensurate with what you did before you were married, go ahead and have those precious babies and spend on them. I hope you spend a lot on them.

On behalf of my grandson, for example, I happen to be a big fan of Blues Clues toys. I think every baby ought to be able to play with Blues Clues toys. There are many things we can do for our babies, and we ought to have a little more take-home pay, so we increase the child tax credit so those families can enjoy those things. That should be applauded in this Chamber, especially by those of us that are at the age of myself and the gentleman from New York (Mr. RANGEL), who have the great joy of grandchildren in our lives. Far better for them than it was for our kids. And we should applaud this.

Mr. Speaker, this is an important move. This is an important change in the Tax Code. Not only does it have the ability to encourage the American family to work harder, do more, but it allows them to take a larger share of their own paycheck home and do the most important thing they will ever do in their life, raise their children.

Now, my colleagues on the other side of the aisle have been throughout this entire discussion, from the inception going back to the campaign, on shifting sand. First it was no tax reductions. We cannot afford that. I always laugh when I hear the government cannot afford that. How much will it cost the government to give tax reductions?

Then it was you have the wrong kind of tax reductions. But they continued to move on this matter. Then it was it is not your tax cuts we want, it is our tax cuts that we want. And then finally, you have got to do this on a bipartisan fashion. You cannot do it on a bipartisan fashion if one party wants no tax cut and the other party wants a tax cut.

Mr. Speaker, but even then we try to accommodate. What can be more bipartisan than a bill that was passed just a year ago with more than 50 votes from the other side of the aisle? That looks like a generous bipartisan effort.

This is an important thing that we do, and we are working hard for it. We can talk about the growth of the American economy through the efforts of the American family, and we can talk about the prosperity and happiness of the American family by having more of their own pay as take-home pay, and we can talk about resolving fundamental inequities and inanities in the Tax Code.

Mr. Speaker, I must say we should be embarrassed to have a Tax Code on our books that says to our sons and daughters, if you should fall in love, and if you should wed, we will punish you. Again, let me applaud the gentleman from Illinois and the Committee on Ways and Means. It is time to put an end to that, and we will do that with this vote.

Mr. WELLER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 104, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 196, nays 231, not voting 5, as follows:

[Roll No. 73]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—231

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis

Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Baldwin
Lampson
Ros-Lehtinen
Rothman
Sisisky

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Messrs. CALVERT, BERRY, COOKSEY and KANJORSKI changed their vote from "yea" to "nay."

Mr. SHOWS and Mrs. THURMAN changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

(Mr. BOUCHER asked and was given permission to speak out of order for 1 minute.)

EXPRESSION OF SYMPATHY AT THE PASSING OF NORMAN SISISKY, MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. BOUCHER. Mr. Speaker, I have the sad duty of reporting to the House the passing this morning of our friend and colleague, the gentleman from Virginia (Mr. SISISKY).

For 18 years, NORMAN represented Virginia's 4th Congressional District with distinction in a manner that was highly effective for the interests of his constituents, for our State of Virginia, and for the Nation. His wit and his charm and his gracious manner endeared him to the Members of the House and to the Virginians who have been well served by his representations, first as a member of the Virginia House of Delegates and more recently as a Member of this body. His many legislative contributions on matters ranging from national security policy to economic advancements to educational improvements have made his State and our Nation a better place.

I have personally known NORMAN for many years and have been glad to name him among my personal friends. We began our public service together in the Virginia General Assembly and were elected for the first time to this House in the same year.

I wish to express my deepest sympathy to his family and to his many friends. In the passing of NORMAN SISISKY, we have lost a dear friend; and this Nation has lost a valuable public servant.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I would like to offer sympathy to NORMAN's family. Everyone was NORMAN's friend on both sides of the aisle. There will be a resolution that we will offer from both sides of the aisle after the last vote for an hour, and anyone who would like to speak at that time will have the opportunity immediately after the last vote. But our hearts and prayers go out to NORMAN's family, his staff, and his friends.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill H.R. 6 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. REFUND OF 2000 INDIVIDUAL INCOME TAXES.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application) is amended by adding at the end the following new section:

"SEC. 6428. REFUND OF 2000 INDIVIDUAL INCOME TAXES.

"(a) IN GENERAL.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for such individual's first taxable year beginning in 2000 in an amount equal to 100 percent of the amount of such individual's net Federal tax liability for such taxable year.

"(b) MAXIMUM PAYMENT.—The amount treated as paid by reason of this section shall not exceed $300 ($600 in the case of a married couple filing a joint return.

"(c) NET FEDERAL TAX LIABILITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'net Federal tax liability' means the amount equal to the excess (if any) of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than the credits allowable subpart C thereof, relating to refundable credits).

"(2) FAMILIES WITH CHILDREN.—In the case of a taxpayer with 1 or more qualifying children (as defined in section 32) for the taxpayer's first taxable year beginning in 2000, such taxpayer's net Federal tax liability for such year shall be the amount determined under paragraph (1) increased by 7.65 percent of the taxpayer's taxable earned income for such year. For purposes of the preceding sentence, the term 'taxable earned income' means earned income as defined in section 32 but only to the extent includible in gross income.

"(d) DATE PAYMENT DEEMED MADE.—The payment provided by this section shall be deemed made on the later of—

"(1) the date prescribed by law (determined without extensions) for filing the return of tax imposed by chapter 1 for the taxable year, or

"(2) the date on which the taxpayer files his return of tax imposed by chapter 1 for the taxable year.

"(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

"(1) any estate or trust, and

"(2) any nonresident alien individual.

"(f) WITHHOLDING CREDIT CERTIFICATES IN LIEU OF PAYMENTS IN CERTAIN CASES.—

"(1) IN GENERAL.—To the extent that the amount treated as paid under this section would (but for this subsection) exceed the taxpayer's net income tax liability for the taxable year—

"(A) the amount of such excess shall not be treated as paid under this section, and

"(B) the Secretary shall issue to the taxpayer a withholding credit certificate in the amount of such excess.

"(2) UTILIZATION OF WITHHOLDING CREDIT CERTIFICATE.—A withholding credit certificate issued under paragraph (1) may be furnished by the individual to such individual's employer.

"(3) FURNISHED TO EMPLOYER.—If a withholding credit certificate issued under paragraph (1) is furnished by an individual to such individual's employer, the amount of the certificate shall operate as a reduction in the liability for employment taxes that would otherwise be withheld from the individual's wages.

"(4) NET INCOME TAX LIABILITY.—For purposes of this subsection, the term 'net income tax liability' means net Federal tax liability determined without regard to subsection (c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of such Code is amended by adding at the end the following new item:

"Sec. 6428. Refund of 2000 individual income taxes."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(d) PROTECTION OF SOCIAL SECURITY AND MEDICARE.—The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

(e) COMPLIANCE WITH BUDGET RULES.—The aggregate amount of refunds and withholding credit certificates provided by this Act before October 1, 2001, shall not exceed $15,000,000,000. The Secretary of the Treasury may implement the limitation of the preceding sentence by providing pro rata reductions or otherwise. The limitations of this subsection shall cease to apply at such time as the congressional budget resolution for fiscal year 2001 is adjusted to permit full payments authorized under this section.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes in support of his motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we need to put money in people's pockets today. We should not start next year or 5 years from now or 10 years from now. We need to pass a tax rebate that would give people now $300 per person, $600 per family. This would give the American economy an immediate $47 billion stimulus this year.

We have spent the last few weeks debating and passing tax bills that give more relief than is prudent and most of which will not affect the average taxpayer for 7 to 10 years. In fact, the bill before us today provides only $50 million in stimulus this year, $50 million to rebate that we want to propose would establish almost $50 billion in economic stimulus. That is almost 1,000 more economic stimulus, 1,000 times the economic power, the spending and saving power this year.

We must support a tax package that includes sensible rate reductions for everyone that will not threaten our fiscal footing and allows us to pay down all of our national debt, a tax package that will include targeted marriage penalty relief, a tax package that does not threaten Social Security and Medicare. Pass this motion to recommit. Do it today.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the early warning signs are all around us. Manufacturing has lost 230,000 jobs in the last 3 months alone. The stock market has lost about $5 trillion in value in the last year. We must act to stimulate the economy now.

The Progressive Caucus proposed a $300 dividend for every American this year. We must act now. According to economists, the $300 dividend is about enough to counteract the effect of a stock market decline. This motion would pay that dividend now and stimulate the economy. The majority's bill gives people only pennies this year. It does not stimulate the economy, because it will not give more than 80 percent of the tax cut until 2005.

The choice is clear. Americans get pennies under the majority's bill or $300 under the motion to recommit.

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They get economic slowdown under the majority's tax bill, or a stimulus and restore prosperity under the motion to recommit.

Vote yes on the motion to recommit.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from New York (Mr. RANGEL) is recognized for 3 minutes.

Mr. RANGEL. Mr. Speaker, we are not just here dealing with the child credit or removing the marriage penalty. I think that is a bipartisan issue that we all have worked on, and we could have worked on effectively had the other side seen fit to attempt to come up with something that is bipartisan.

Instead of this, they have, in a very bipartisan way, brought before this floor a $953 billion tax cut all geared toward the top 1 percent, at least half of it, of the taxpayers.

The President, who asked for this $1.6 trillion tax cut, he asked for this during the time that we had the prosperous Clinton and Gore years. Now, Mr. Speaker, we do not hear the President of the United States talking in such a compassionate way as he did during the campaign about leaving no child behind. We do not hear him talking about the viability of the Social Security System or Medicare. We do not hear him talking about prescription drugs. He is going around in different communities talking about the sputtering economy and how the stock market is falling, and how he needs this $1.6 trillion to give it a jolt in the arm.

Most of us know, who write the bills, that they have not shared with the President that he will not be getting any part of this $1.6 trillion until the next 5 years. And if he is really serious about wanting to do something now, do not depend on the high-rollers to go out and buy that refrigerator or that washing machine, but let it be to the American people who work every day and try to send their kids to school, that are struggling to pay the mortgage. Give them the money now, and they will be able to give this economy the shot in its arm to bring it back to what we did have when we had sound fiscal policy under President Clinton and under Vice President Gore.

All we are saying with this motion to recommit is do not give up on the tax cut, but take a deep breath, go back to the committee, and see whether or not we can get $60 billion in the economy now, this year, in the pockets of the people to spend.

Then let us try to come together once again as Republicans and Democrats and try to work out something that is not as extreme as the $1.6 billion; that does not totally repeal the estate tax for the rich, but really gets out there for the working poor, the moderate-income people, and give a fair tax break to everybody.

We have not given up on Republicans on this side, and we have not given up on our President. The motion to recommit really means let us go back and let us see whether we work out something now to stimulate this economy, and to make certain that the American people have confidence not only in the economy, but have confidence in this Congress.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I want to apologize to my friends on the other side of the aisle, because I have the unfortunate habit of actually reading their motions to recommit.

So, first of all, I would call the attention of my colleagues to the fact that the motion to recommit says, "Strike all after the enacting clause." That means, number one, no marriage penalty relief and no child tax credit. But what they are offering instead is the idea that we can have an immediate stimulus.

Okay, let us talk about that tradeoff. Keep reading, Mr. Speaker. By the time we get to page 5, after we go to page 4 of the motion to recommit, on which there is a kind of a homemade attempt to make this motion in order, with handwriting in the margin and the rest, but when we get through with that, we actually get to the heart of the proposal.

The gentleman from New York said we get an immediate stimulus of $50 billion. Now, remember, with the "Strike out all after the enacting clause" we have given up the marriage penalty and the child credit.

But if we read what the motion to recommit actually does, it says, "In fiscal year 2001, no more than $15 billion." No matter how impassioned they say now, $35 billion comes out of next year, 2002. Fair enough. In 2001 and in 2002, we get the $50 billion stimulus.

Hang on. This House has already passed H.R. 3, and we are going to pass H.R. 6. Let us take a look at what those two provisions do in fiscal year 2001 and 2002.

Quite ironically, when we combine H.R. 3 and H.R. 6 and look at the effect in fiscal years 2001 and 2002, we get a $54.6 billion permanent tax reduction.

Here is the choice: Vote for the motion to recommit, and we do not get marriage penalty relief, we do not get the child credit doubling, we do not get permanent marginal relief, but we do get $50 billion of one-time money.

If we vote against the motion to recommit, we get marriage penalty relief, we double the child tax credit, we get permanent marginal rate relief, and we get $54.6 billion worth of relief.

I think this motion to recommit is easy. If Members vote for them, they get $50 billion. Vote for us and Members get $54.6 billion plus marriage penalty relief, child credit, and permanent rate reduction.

This one is easy. Vote no on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. A vote on final passage, if ordered, will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 8, as follows:

[Roll No. 74]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—240

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Baldwin
Hutchinson
Lampson
Ney
Ros-Lehtinen
Rothman
Sisisky
Stupak

□ 1425

Mr. DELAY changed his vote from "aye" to "no."

Ms. KILPATRICK and Messrs. MORAN of Virginia, GEORGE MILLER of California, and MCNULTY changed their vote from "no" to "aye."

So the motion to recommit rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. STUPAK. Mr. Speaker, I was unavoidably detained on rollcall vote No. 74, the motion to recommit, because I was stuck in elevator number 7A over in the Rayburn building.

Had I been here, I would like to inform the House I would have voted "yes" on the motion to recommit.

Stated against:

Mr. NEY. Mr. Speaker, today I had an urgent matter to attend to. As a result I missed rollcall vote No. 74. Please excuse my absence from this vote. If I were present, I would have voted "no".

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes have it.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote on passage.

The vote was taken by electronic device, and there were—yeas 282, nays 144, not voting 7, as follows:

[Roll No. 75]

YEAS—282

Aderholt
Akin
Armey
Bachus
Baird
Baker

Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—144

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Becerra
Bentsen
Berman
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—7

Baldwin
Gilman
Hutchinson
Lampson
Ros-Lehtinen
Rothman
Sisisky

☐ 1438

Mr. TOWNS changed his vote from "nay" to "yea."

Stated for:

Mr. GILMAN. Mr. Speaker, earlier today, I was unavoidably delayed by official business during the vote on final passage for H.R. 6. Accordingly, I was unable to vote on rollcall No. 75. If I had been present I would have voted "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, the 15-percent rate bracket, and the earned income credit, to increase the child credit, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include any extraneous material on H.R. 6, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise for the purposes of inquiring of the schedule for the day and the remainder of the week and next week.

Before I yield to the gentleman from Ohio (Mr. PORTMAN), let me say to the gentleman from Michigan State (Mr. STUPAK), from the upper peninsula, I just wish that the Arizona Wildcats get stuck in elevator 7A and they do not make it to the ball game on Saturday.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. PORTMAN), the great home of Oscar Robertson.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Michigan. I am from Cincinnati, Ohio; therefore, not in the Final Four.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for this week.

The House will meet next for legislative business on Tuesday, April 3, at 12:30 p.m. for morning hour and 2 o'clock for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Tuesday, we expect no recorded votes before 6 o'clock p.m.

Mr. Speaker, the Committee on Ways and Means will meet this afternoon shortly to consider H.R. 8, the Death Tax Elimination Act. It is my expectation that that bill will be ready for consideration in the House on Wednesday, April 4. That being the case, the vote on the Death Tax Elimination Act in the House next Wednesday would be our last vote for the week heading into the Spring District Work Period.

I thank the gentleman from Michigan for yielding to me.

Mr. BONIOR. Mr. Speaker, if I could just inquire, does the gentleman from Ohio expect any other legislation to be offered on the floor other than that which he has mentioned in his statement?

Mr. PORTMAN. Mr. Speaker, there may be additional measures other than H.R. 8. It is my understanding that nothing else is scheduled at this point, but there may be other business before the House.

Mr. BONIOR. Mr. Speaker, the statement that the gentleman from Ohio read said that the Death Tax Elimination Act in the House next Wednesday will be our last vote for the week. So I assume that when we have finished that, we will not meet on Thursday or Friday; is that correct?

Mr. PORTMAN. That is correct, Mr. Speaker. We do not expect votes on Thursday or Friday of next week.

Mr. BONIOR. Mr. Speaker, I appreciate that.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER) for an inquiry.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I was not to my feet quickly enough to enter directly in the discussion about Michigan State and Arizona and some team from North Carolina that is playing.

But one ought to fear the turtle. I want everybody to understand that the Terrapins are coming to play, Gary Williams and his 10 starters.

This is on scheduling for Saturday night, Mr. Speaker, so I presume it is, therefore, relevant that everybody be aware that, at 8:20 p.m. on Saturday evening, they certainly ought to be watching when Maryland, who of course beat Duke worse than any other team this year at their place, will again have the opportunity of doing that.

Mr. BONIOR. Mr. Speaker, I reclaim my time.

Mr. HOYER. Michigan State wants his time back.

Mr. BONIOR. Mr. Speaker, they did beat Duke; but I might also say to the gentleman from Maryland that they blew a 10-point lead with a minute left against Duke as well.

Mr. HOYER. Mr. Speaker, the gentleman from Michigan would not bet on that happening a second time, would he?

Mr. BONIOR. Mr. Speaker, in case they do emerge victoriously against Duke, I have wagered with the gentleman from Arizona (Mr. PASTOR), a friendly wager I might say, Mr. Speaker, Michigan apples from my district in Romeo versus his tamales from Arizona if, in fact, either of us win this game.

I would say, when the Spartans go on to win, I would venture a friendly bet with the gentleman from Maryland, a bushel full of crabs versus a bushel full of Romeo apples. What does the gentleman from Maryland think?

Mr. HOYER. Mr. Speaker, the value of a bushel of crabs is so much greater than a bushel of apples that it is really not a fair bet. But Maryland's talent puts me at no risk, so I will be glad to accept that wager.

ADJOURNMENT TO TUESDAY, APRIL 3, 2001

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, March 30, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, April 3, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1445

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE NORMAN SISISKY, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. WOLF. Mr. Speaker, I offer a privileged resolution (H. Res. 107) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 107

Resolved, That the House has heard with profound sorrow of the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Virginia (Mr. WOLF) is recognized for 1 hour.

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the time be equally divided and controlled between the gentleman from Virginia (Mr. MORAN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with profound sorrow that I join my fellow members of the Virginia congressional delegation and other Members of the House today in remembering NORMAN SISISKY, a true gentleman and a real patriot.

We had learned the news earlier this week that NORMAN's recent surgery had gone well, and he had returned home to recuperate before his expected return to Washington after the upcoming recess. And today we heard the shocking news that he had passed away.

Mr. Speaker, his untimely passing reminds us all of our own mortality and how important it is to live our lives with honor and integrity, as NORMAN did, and to make the most of every opportunity to serve our fellow man, as NORMAN did. NORMAN was hard-working, friendly, honest, ethical, decent and moral. He was a Member who worked in a bipartisan way. He reached across the aisle to work for the best interests of America, and it was a privilege to serve with him for the 18 years that he was in Congress and to work with him on the congressional delegation on issues of importance to our State and Union.

NORMAN was born June 9, 1927, and graduated from John Marshall High School in Richmond, Virginia. He joined the Navy after high school and served through World War II until 1946. He graduated from Virginia Commonwealth University in 1949 with a degree in business administration. He transformed a small Pepsi bottling company in Petersburg, Virginia, into a highly successful distributor of soft drinks throughout Southside Virginia.

Mr. Speaker, he began his public service career when he was elected as a delegate to the Virginia House of Delegates in 1973 representing Petersburg. He served five terms in the Virginia General Assembly before being elected to Congress in 1982. NORMAN, like another of our late colleagues, Herb Bateman, was a senior member of the House Committee on Armed Services, and from that vantage point was the protector of our national security, and probably no man or woman in this body did more to work with regard to national security and working in a bipartisan way.

NORMAN was the ranking member of the Subcommittee on Military Procurement and also served on the Subcommittee on Readiness, and the Subcommittee on Morale, Welfare and Recreation Panel. He had recently been appointed to the House Permanent Select Committee on Intelligence. NORMAN was also a Member of the Blue Dog Coalition in the 104th through the 107th Congress, and led bipartisan efforts that worked. In 1993, he was one of six Democrats for a strong defense and worked to mobilize against military cuts.

NORMAN was instrumental in working to get funding to build the newest aircraft carrier, the USS Ronald Reagan, which was recently christened. He worked tirelessly as an advocate for production of shipbuilding and strengthening our national defense. He represented with pride Virginia's Fourth Congressional District in the southeastern corner of the Commonwealth, the home of the first permanent English settlement in North America, and today the home of one of the largest concentrations of military power in the world.

This Congress, the Commonwealth of Virginia and this Nation have lost a faithful servant and a wonderful man, but our lives are forever enriched for having had NORMAN SISISKY as a friend and colleague.

Mr. Speaker, our deepest sympathies are extended to Congressman SISISKY's family, his wife of over 50 years, Rhoda, and his four sons, Mark, Terry, Richard and Stuart, and his seven grandchildren; and also to his congressional family, his staff here on Capitol Hill and in his district offices, and all of the close friends that he had among the Members of Congress and staff. We share in that loss.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, NORMAN SISISKY was a good man. He was a hard-working colleague, and he was a dedicated public servant to the citizens of his southeast Virginia district. I think we were all struck by his unfailing consideration of his colleagues. He loved this institution. He did not need the salary that it paid, he was independently wealthy, but he lived and talked and acted without pretense.

He leaves a great legacy to the people of Virginia and to our whole Nation. He will always be remembered for standing behind our military families and our veterans.

NORMAN was one of the most effective advocates in the Congress for a strong Navy and its shipbuilding program. He knew that this Nation must always remain militarily strong, and through his public service helped in a substantial way to make our military second to none.

We will all miss NORMAN's friendship and his great leadership within the Congress and to the Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to pay tribute to my friend and colleague from Virginia, NORMAN SISISKY, who served this body with dignity, honor and extreme dedication since 1983.

I first met NORM in 1974 when I was an aide in the Virginia General Assembly. He was a freshman member at that time, and he was known at that time as one of the smartest guys in the general assembly and a gentleman and someone if he wanted to pursue public service could go a long way, and he did.

Virginia's Fourth Congressional District and the Nation has lost a first-class public servant. NORM was a true gentleman and a great patriot. I will never forget his kind and valuable tutelage when I first came to Congress, nor will I forget how he demonstrated to all of us the importance of doing good rather than getting credit. He certainly earned his reputation as a hard worker and skilled negotiator.

During his 18 years in Congress, NORM secured committee assignments that paid dividends to the residents and businesses in his district. He played a role in reforming the Department of Defense's financial management system and worked tirelessly to preserve the nuclear shipbuilding industrial base so vital to employment rates in the Hampton Roads area. His was the proper and responsible balance: protect Virginia's military facilities, but also make sure that military spending decisions are fiscally prudent and fair to taxpayers nationwide.

NORM was a businessman. Just as he transformed a small bottling company into a highly successful distributorship throughout Southside Virginia, NORM toiled in the Congress to improve procurement practices and streamline government to make it more effective and efficient. He leaves this country stronger and better for his tireless efforts.

Mr. Speaker, I mourn the loss of NORM SISISKY as a friend and colleague. More than just a Member of Congress, he will be remembered as a husband, father, businessman, State legislator and patriot.

I want to extend my deepest sympathies to his wife Rhoda and their four sons and extended family and staff. I cannot express how much I will miss this great public servant.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), NORM SISISKY's neighbor.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding me this time. It is with a heavy heart I come to the floor to speak of one of my colleagues and dear friends, NORMAN SISISKY of Virginia's Fourth Congressional District.

I have known NORMAN since we served together in the House of Delegates, over 20 years ago, and for 8 years I have had the great fortune to represent a district adjacent to his in Hampton Roads. The proximity of our districts allowed us to work together on a lot of different issues, and, as a result, we became close, and our staffs in Washington, D.C., and the district staffs became extremely close.

Hampton Roads, Virginia, indeed all of Virginia and our entire Nation, was well served by NORMAN's leadership on the House Committee on Armed Services. He was the ranking member of the Subcommittee on Military Procurement and also a member of the Subcommittee on Military Readiness, where he worked diligently to ensure our Nation's military was second to none. He took pride in that responsibility and never let anyone forget it.

He had a unique leadership style; one without fanfare, behind the scenes, and it was effective. Newport News Shipbuilding has remained a world leader in nuclear shipbuilding because of his efforts. We have been able to continue nuclear aircraft carrier and submarine construction because of NORMAN SISISKY.

When Virginia's military facilities came under threat of being closed during the base closings of the 1990s, Congressman SISISKY successfully protected Fort Lee and other bases in Virginia that have been critical to the readiness of the Armed Forces. NORMAN SISISKY was also well-respected for his understanding of fiscal responsibility.

He will be remembered as a committed husband, a good father, and a proud Virginia gentleman. He will be sorely missed by the Virginia delegation, his other House colleagues on both sides of the aisle, and others who have had the privilege of knowing and working with him.

Our condolences go out to his wife Rhoda, his four sons and other family members, his staff, and especially Jan Faircloth, who has served him and the Fourth District for almost 20 years.

Mr. Speaker, Virginia has lost an effective servant who will sorely be missed.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, today Virginia and the Nation has lost an outstanding representative.

NORMAN SISISKY has helped many citizens throughout the Fourth District of Virginia. He fought for fiscal constraint and worked tirelessly for the defense of our Nation. Through his leadership, the seas and the skies are safer for America and her Armed Forces. Our Armed Forces would not be what they are today without the steadfast support that he gave to our national defense.

NORMAN was one of the finest businessmen in Virginia, and he shared his success not only with his family, but with many charitable endeavors throughout the Fourth District, the Commonwealth of Virginia, and the Nation. His contributions to institutions of higher education in south central Virginia have helped many students gain a college degree.

It was an honor to serve in this body with NORMAN SISISKY, and also in the Virginia General Assembly, where he was a member of the house appropriations committee. He helped tremendously the Petersburg area of the Commonwealth and also all of Southside.

NORMAN was a personal friend, and I shall always remember the guidance he provided when I was first elected to the House of Representatives. I, like many others, am thankful for the opportunity to have known and worked with NORMAN SISISKY.

My deepest sympathies go to his family and his staff.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the senior Democrat of the Committee on Armed Services, on whose committee Mr. SISISKY was so proud to serve.

Mr. SKELTON. Mr. Speaker, words are difficult at a moment like this, when we are all saddened and shocked at the loss of our friend NORMAN SISISKY, the true gentleman from Virginia. We will miss him so.

I sat next to him on the Committee on Armed Services now for some 19 years and shared friendship, comments, wit, knowledge, and advice from him. And all of this will be a lingering memory not just for me, but for those of us who worked with him.

The word "great" is used so often, particularly in this body, but NORMAN SISISKY was a great friend. He was a great legislator; Member of this body. He thought greatly. He had a vision for our national security, and yet he had great fondness for the young men and women in all uniforms.

As has been spoken, he was such a champion of shipbuilding. But it was more than that. He was a champion for a strong and safe and secure America.

We will long remember NORMAN SISISKY as a great person. Longfellow once penned in his poem "Psalm of Life" the words, "Lives of great men all remind us we can make our lives sublime, and, departing, leave behind us footprints on the sands of time." Well, NORMAN SISISKY left some wonderful footprints along Virginia, here in Washington, D.C., in this Chamber, and in our country.

Our sympathy goes to Rhoda, his four sons, and the rest of his family.

□ 1500

Mr. WOLF. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to a patriot and true Virginia gentleman, our friend and colleague NORM SISISKY. The Commonwealth of Virginia lost a great American today with the passing of NORM SISISKY. I had the pleasure of getting to know him when I arrived here in Congress and soon established a friendship and a strong admiration for one of Virginia's most honorable public servants.

NORM served Virginia with great integrity and honor and consistently put the interest of Virginia ahead of politics. With NORM, it was not a Republican or a Democrat issue. It was a Virginia issue. NORM SISISKY's leadership within the Virginia delegation will be sorely missed. His unyielding support of our Armed Forces served as an inspiration for all lawmakers who embraced the dedication and sacrifices of our men and women in uniform.

Congressman NORM SISISKY will always be remembered for his service to Virginia and his devotion to the ideals that he held so dear. His family, staff and other loved ones will be in my prayers.

Mr. MORAN of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the chairman of our Policy and Steering Committee on which Mr. SISISKY served.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Virginia (Mr. MORAN), for yielding me this time.

Mr. Speaker, this body has been diminished by the loss of two very similar Americans, one early in this year, Julian Dixon. Julian was an African American. He was an American. We have now, this morning, lost NORMAN SISISKY; a Jewish American. He was an American.

Both were similar in their approach. They were not partisan nor small. They were focused on the best interests of their communities, of their State, of their Nation. They were focused on their constituents and the people who served this great land. They were examples of what has made this country great.

I was here when NORM SISISKY came to the Congress of the United States, and because Maryland and Virginia are in the same region we did a lot of work together. NORM SISISKY became my dear and close friend.

NORM SISISKY was an extraordinary individual, with a sometimes perverse sense of humor. He would berate us one time and say, oh, you cannot do that, that is the worst thing in the world, and you knew if you just waited a little bit he was going to say, but I am with you.

He loved to do that. You could go to him for advice and counsel and know that you would get the wisdom of a man who had seen life, who had seen both advantage and adversity, and who accommodated both.

NORM SISISKY, Mr. Speaker, as all of us know, had a bout with cancer a few years ago. He faced that challenge with the same kind of courage that he faced life. We believed and he believed that he had overcome that challenge, and he returned to this body to, as the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. MORAN), and his Virginia colleagues have so aptly stated, to contribute mightily to the security of this Nation and to international security.

NORM SISISKY was one of the experts in this House on national security. He was one, as I said before and others have said, who was respected on both sides of the aisle for working in a nonpartisan, nonpolitical way to ensure the strength of our armed services.

In addition to the Maryland-Virginia connection, I have two major Naval facilities in my district, Patuxent Naval Air Station and the Indian Head Naval Ordnance Station.

As we have heard, NORM SISISKY had one of the great Naval installations in the world, if not the greatest, in his district. We worked very closely together. He was a giant as an advocate for the strength of the U.S. Navy. The Navy and all its personnel have lost one of their strongest advocates and closest friends.

NORM SISISKY was not the Member who spoke most frequently on this floor. Nor was he the Member, as some have said, who tried to take the most credit for objectives accomplished. But, Mr. Speaker, there was no more effective, no more respected Member of this House, than our friend NORMAN SISISKY.

This body is a lesser place for the loss of NORMAN SISISKY. This country is a little less secure today because we have lost such a strong voice for national defense. The strength of our country is that his voice will be succeeded by others, his example will be followed by others, and his legacy will be long remembered by those who elected him time after time after time to serve them in this body, by those of us who had the honor to serve with him and by a grateful Nation.

God blesses America, Mr. Speaker. God blesses America, in my opinion, through His children. NORM SISISKY was a blessing to his family, to his State and to our Nation. May God extend His blessing to his wife, to his children, to his extended family and, yes, to that staff whom I visited just a few minutes ago, that they will be soothed in their grief, as will the family.

I thank the gentleman from Virginia (Mr. MORAN) for yielding the time and join in substantial sadness at the passing of a good and great friend.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today to honor a true Virginian and a great American, Congressman NORM SISISKY. Congressman SISISKY has served the Commonwealth of Virginia and our country with great distinction. He defended our Nation during World War II as a sailor in the United States Navy. The people of Petersburg elected NORM to represent them as a member of the Virginia House of Delegates for 10 years. Then in 1982, he was elected to the U.S. House of Representatives to represent Virginia's Fourth Congressional District, the district that abuts mine. He became a senior member of the House Committee on Armed Services where he became a champion of our military and veterans' issues.

In the House, he has worked to break bipartisan logjams on issues such as deficit reduction and campaign finance reform. Congressman SISISKY has been recognized as a hard worker and a skilled negotiator.

During his tenure, Congressman SISISKY took a lead in protecting Virginia's

Naval and military facilities while also working to ensure that military spending decisions strike the proper balance between strategic necessity and fiscal prudence.

Congressman SISISKY has been recognized for his leadership on many issues, such as national security, veterans' affairs, Social Security and Medicare, small business, protecting the environment, eliminating government waste and reducing the deficit. His record of distinguished service to our country and to the people of Virginia demonstrates to all of us his commitment to the values and principles of freedom and public service.

Mr. Speaker, Congressman SISISKY will be missed. I certainly will miss him. To NORM's wife Rhoda, his children, and his staff, I offer heartfelt condolences. Every one of them is in our prayers.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ), who serves on the Committee on Armed Services.

Mr. ORTIZ. Mr. Speaker, I thank my good friend, the gentleman from Virginia (Mr. MORAN), for yielding me this time.

Mr. Speaker, someone once said that if you want to see the future or to see what is ahead of you, you need to get on the shoulders of a giant.

NORM SISISKY was a giant of a man. I came to know him very, very well. We were elected both in 1982, sworn into office in 1983, and for 19 years NORM and I sat next to each other. There was nobody that would look out for the needs of the military, the men and women in uniform, like NORM did. We had the privilege of traveling together, working together, and he was a constant source of inspiration and humor at our hearings.

The consummate businessman, he could figure quickly what the hidden costs were to the taxpayers in any plan that came before the committee, to the point that Chairman Dellums named him the "big kahuna," and most of us remember that in the committee when something was getting a little serious, we always knew that the "big kahuna" was around.

He was dedicated to Virginia, to the Navy, and to the betterment of our fighting men and women. He was always looking after his military bases in Virginia. We are going to miss a good friend.

I would like to take this opportunity to offer condolences to all of his family and to just tell them that we are praying for them. God bless America and NORM SISISKY.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise today to pay tribute to our former colleague, NORM SISISKY. It is with great sadness that I join my colleagues in honoring one of Virginia's great public servants. While I only recently came to Congress, NORMAN has been a familiar figure in Virginia politics for many years. NORMAN spent a lifetime serving Virginia and the United States and we are all deeply indebted to this distinguished gentleman.

He was a true patriot. He enlisted in the Navy as a young man during World War II. His time spent in the Navy, though short, left a lasting impression and he never forgot that we must diligently tend to the needs of the men and women serving in our military. At the conclusion of the war, he became a successful businessman and transformed a small Pepsi bottling company in Petersburg into a highly successful distributor of soft drinks throughout Southside Virginia.

NORMAN's background in the business community proved invaluable as he later decided to enter politics. NORM served in Virginia's general assembly for several years before being elected to the House of Representatives in 1982. Here in Washington, NORMAN was known as a staunch defender of our national security and worked tirelessly on behalf of the men and women who serve our Nation in the military. His booming voice echoed in the halls of Congress, and his light-hearted personality endeared him to his colleagues on both sides of the aisle.

NORMAN was particularly effective at building coalitions in support of key programs and reaching across the aisle on matters of importance to all Virginians. From ensuring adequate funding for aircraft carriers and submarines to modernizing our weapons systems, he was an ardent voice on the Committee on Armed Services and an ally of every person who wears the uniform of the United States.

Back home, his reputation as an outstanding politician was unparalleled in the Commonwealth. His legacy of constituent service, consensus building and selfless service is a model for all Members of Congress. The people of the fourth district, the Commonwealth of Virginia, and the United States of America have truly benefited from his dedicated service; and he will be sorely missed. NORMAN was successful in every endeavor, public or private; and we rightly celebrate his memory today. At this time I send my sincerest condolences to Rhoda and the entire Sisisky family.

□ 1515

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), chairman of the Congressional Hispanic Caucus and valued member of the Committee on Armed Services.

Mr. REYES. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN), my friend and colleague, for yielding me this time this afternoon.

As we stand here this afternoon and pay tribute to a great American, I want us to reflect on what a great and good friend NORM SISISKY was to all of us. I cannot help but think that when we talk about America's greatest generation, we talk about people like NORM SISISKY.

We talk about people that were not afraid to stand up for this country, were not afraid to stand up for the things that were important to all of us as Americans. I also think about NORM's wit and his humor, which could either cut one down or brighten one's day, depending on what his mood was and what was being discussed.

I can remember one of the first things that I talked to NORM about, or he talked to me about, was early on in my first term when the gentleman from California (Mr. HUNTER), another good friend and colleague who is present today, came in and got me to commit to the B-2 bomber. Little did I know that it was a choice between the B-2 bomber and another aircraft carrier. Well, it was not too hard to determine what side NORM SISISKY was on, and he came to me and asked for support. I said, well, I am sorry, but I already committed to the gentleman from California (Mr. HUNTER). So he reminded me that there are things that we have to look at in balance, there are things that we have to do as Members of Congress that are important, and there are things and consequences if we do not support the United States Navy or certainly, if we support the Air Force at the expense of the United States Navy.

That is the kind of colleague and friend that he was. He did not hold anything against you. He always was gentle in the way that only he could be in bringing you along as a new Member of Congress.

I always enjoyed and felt reassured when I went into the hearing room and looked up on the top row and there was NORM SISISKY. There was an individual that one could go to for advice, one could go to for counsel, and the great institutional memory that he had about the things that are important as we sit as members of the Committee on Armed Services.

We never know when our time is going to be up; and certainly for us, it is a great loss. It is a situation that we hope we never have to face, but we must face as Members of this body. I am haunted by a question that I was asked here on the floor by one of the young people in the Close Up Foundation who asked, do you ever have Members of Congress die in office? All too often we do. I am just in my third term, and we have stood in this House too many times paying tribute to our colleagues, too many times giving our condolences to their families; but that is what life is about. That is what NORM SISISKY was about. He was about doing the right thing. He was about being a good friend and certainly being a great American.

We as a country, I think, can be proud to have the NORM SISISKYs. Certainly his wife and his four sons and his grandkids that I know he loved dearly, because he always talked about them, and we as a country have suffered a great loss, but the legacy of NORM SISISKY is a legacy of those that sit on that top row in the Committee on Armed Services that offer the advice and the counsel and the reassurance that things are going to be okay. I know we are going to be fine, but we are still going to have to come to terms with the realization that this is a great loss of a great American for our country.

So I thank the gentleman for yielding me this time. I thank NORM SISISKY for his counsel, his friendship and, most of all, sharing his humor with us.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me this time.

I want to remind the gentleman from Texas (Mr. REYES), my good friend, that while NORM SISISKY wanted you to go with that aircraft carrier and I wanted you to go with more B-2 bombers, that we launched the Ronald Reagan the other day, an aircraft carrier; but we have no B-2 bomber that has been launched lately under the Ronald Reagan name or any others, so NORM was pretty effective in securing the interests of the United States Navy and American naval power.

Mr. Speaker, I think one thing that NORM's passing does for us, for all of us, is to give us a sense of the value of our own service of this House. I think the value of our service is manifested in the people we serve with. Sometimes we do not appreciate our colleagues and sometimes we do. I feel good now about all the times that NORM and I would stand at the back and I would put my arm around him or he would put his arm around me and we would talk about national security and what was happening.

NORM was, as the gentleman from Texas (Mr. REYES) just said, great counsel. He had this wonderful insight, he had a businessman's common sense, and he tempered it all with a lot of wit. I think one has to have a little sense of humor in this House of Representatives when working on these national issues. So we always looked forward to serving with NORM. When he would come in and take his seat there in the Committee on Armed Services and we were going to review a major issue, one could count on NORM SISISKY to give a lot of insight, shed some very valuable light on the subject, look at the subject very seriously, but at the same time maybe reflect a little humor, and there is a lot of humor out there to reflect on.

Mr. Speaker, I used to reflect on the fact that NORM was probably the best dresser in Congress, and it always delighted him when I would tell the assembled group, wherever it was, that his tie cost more money than my pickup truck, and it did. In fact, NORM was very kind when he remarked on the fact that I had recently put a new tire on my $600 car. He was always very perceptive, and he saw I had a new tire on that a couple of months ago and he commented on that, and he made me feel very good about it.

NORM was a guy who was so valuable to this country, because he had the purest of American motives, and that was the national interest, at heart and we knew that. So whether one was talking to the Secretary of the Navy or the President of the United States, and I saw him engage with him here just a few months ago, one knew that he was going to cover an important subject. As a member of the team, if it was the Committee on Armed Services, you knew that your team was covering all the bases, because NORM was out there making the points and collecting the information and analyzing and doing the right thing.

So the question came to me, it just hit me when I heard about NORM's death today, where will we get that wisdom? It is true that we will not; we will no longer be able to avail ourselves of that great wisdom and that great insight in making these judgments that are important to the country; and that is a real tragedy.

Mr. Speaker, I think NORM would like us to go on and to remember that when we have a few harsh words for each other, which we sometimes have, and when our interests diverge; when it is necessary for us to get political, which at times we do, if we can just leaven all of that with a little smile and a little sense of humor, then we will be able to reengage and go forward and work for the national interest.

Mr. Speaker, when I think of NORM SISISKY, I think of the national interest.

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CONDIT), who has been a former Chair of the Blue Dogs of which Mr. SISISKY was a proud member.

Mr. CONDIT. Mr. Speaker, I would like to stand to pay respect to NORM SISISKY and associate myself with the remarks of these colleagues up here today, many of them who have known him longer than I have. My affection for NORM SISISKY is that he was a man from the old school who believed in the strong values of this country. He believed in service and duty, and he respected service and duty. He loved this institution, he loved the House, and he loved the Members that serve here.

The best thing about NORM SISISKY for me was his sense of humor. Even though he was a very serious man, had serious thoughts and made serious dedications to public policy here in this institution, he understood that old saying that if you take yourself too serious, no one else will take you serious. So he always, I think, put a little bit of humor and wit in about everything we did. When we had meetings, he was the guy that would always break the ice. I do not care if it was a high-level meeting, sometimes his irreverent attitude would break the ice, cut through, and we would be much better and the meeting would be much more productive because of that.

So I am going to miss NORM because of that, because he was fun to be around. I enjoyed his company. He was a precious, dear person. And he would always, when he first met you, you would think he was going to be this gruff, tough, rough guy; and all of us in the House understood that we let him think that we thought that he was the rough, tough, gruff guy; but we knew inside he was a class gentleman. He was a precious, dear person that cared and had compassion for all people. I will miss that. I will miss him dearly. Every time that I go back to that seventh row, first seat back there, I will always think of NORM SISISKY. We could find him there frequently.

So I want to take this opportunity to give my condolences to his family and just let them know, I am sure they already know this, but some of us they do not know, but he spoke of his family to all of us frequently. We know about his children; we know about his wife and his grandchildren. He loved them dearly. I am just honored that I had the opportunity to serve with NORM and consider him one of my friends.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. MORAN) for making it possible for us to speak.

I was stunned and saddened earlier this afternoon when I learned about NORM's passing. He was a good friend. We do not have assigned seats here in the House, but I think everybody in the House knows that NORM SISISKY sat in the second seat from the back on the aisle. Every time we had a series of votes, we would come here and find NORM right there. He was a true and true Democrat, but he never hesitated to reach right across that aisle and work with Republicans on not only national defense issues, but issues of all kinds. He was a man of conscience, and I enjoyed working with him on many things and, above all, he was a straight shooter. You could know exactly where you stood with NORM SISISKY right from the start. He would tell you, and if he said he was with you, he was going to stick with you and if he was not with you, he would tell you that right at the outset.

NORM was very, very proud of his family, his children and his grandchildren; and he talked of them very often. He loved life. He enjoyed every day and had a wonderful sense of humor, as the gentleman from California just indicated, and was somebody that I enjoyed stopping by the second seat from the rear back there and talking to NORM on many, many days.

I am going to miss him deeply. I give my deepest sympathy to his family, to his constituents. We have lost truly a great American and someone who will be very hard to replace.

□ 1530

Mr. MORAN of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), a member of the leadership team and a member of the Committee on Armed Services.

Mr. EDWARDS. Mr. Speaker, this is one of those moments in life where I find myself full of feelings and emotions, and yet at a lack of words to explain how I and we all feel about the loss of NORM SISISKY, our dear friend. Just yesterday I sent NORM a note in which I said, "I hope and pray you will be back soon, because I miss not being able to kid around with my friend on the floor."

As has been said by so many here, NORM SISISKY was a person who took the serious business of this Congress seriously, but yet always did so in good humor, without taking himself too seriously.

In a body where sometimes we do too many times take ourselves and our own actions seriously, it was so refreshing to have someone such as NORM SISISKY, who did have so much power and influence and respect in this body, yet handle his business within the proper perspective.

I will miss NORM SISISKY, my friend. I think America will miss the public servant NORM SISISKY. While he will not be with us here physically in this body, I can say that having served with him for 6 years on the Committee on Armed Services, my children and America's children live in a safer world today because of his contributions, and our grandchildren will live in a safer and better world tomorrow because of NORM SISISKY's contributions.

It has been said that when we leave this world, we leave all behind that we have, but we carry with us all we have given. By that standard NORM SISISKY had much to carry with him in his death, because he gave so much to each of us who were blessed to know him, and to so many Americans who would never know him by name, but who will surely, as we are here today, benefit from his public service.

To the Sisisky family I extend my prayers, thoughts, and deep gratitude for the sacrifices of not only NORM, but his entire family in the many years of public service.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for the past 2½ years I have had the privilege of serving on the Permanent Select Committee on Intelligence.

Someone mentioned that NORM sat in the back row on the Committee on Armed Services. He sat in the back row next to the gentleman from California (Mr. CONDIT) on the Permanent Select Committee on Intelligence, and he was an extraordinarily knowledgeable individual, contributed so much to the Intelligence Community, and was so well respected by all of the people in the Intelligence Community, whether it was the CIA Director or the folks from the Intelligence Community at the Department of Defense. He was, if not the most respected, one of the most respected people on that committee.

It is kind of ironic that we stand here today to honor NORM, and a few months ago we honored another member of that committee, our friend Julian Dixon from California, both outstanding individuals.

We do not really get to know somebody like NORM until one serves on a committee with him and really understands his depth of knowledge, his intelligence, and his humor.

When I think of NORM, I think of two things: probably the most dapperly-dressed Member of this House, NORM was a dapper fellow; and someone who really cared about the institution, cared about the committees that he served on, particularly the Permanent Select Committee on Intelligence; and somebody who is just a decent fellow and probably, more than anything else, a true Southern gentleman in the truest sense of the word, with respect for everyone on both sides, respect for the job, a high degree of integrity.

He will be missed greatly on both sides of the aisle for so much he has contributed to the people of his district, to the State, to the country, and to so many other things he was involved in.

So to the gentlemen from Virginia, Mr. WOLF and Mr. MORAN, I thank them for devoting this time to a wonderful Member of this institution.

Mr. MORAN of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Virginia for yielding to me, and I rise today on behalf of all Members to give our prayers and sympathy and love to NORM SISISKY's family; to say to his constituents and all of his friends that we grieve together in his passing.

It was a shock today to learn of his death. It was unexpected. It came as a bolt out of the blue this morning. It hurts all of us. We are all diminished by his loss. He was a wonderful Member of this House, a wonderful representative of his people in Virginia.

I think the thing that I most remember about him is when I would come through this door that he always sat by, he was always happy. He was always upbeat. He was always funny. He always had a wonderful way of putting things that made fun of or light of, in a way, what was serious on the floor here in the right way.

He used to kid himself in front of others about the fact that he came from some wealth, but that he voted against his own interests, and that his family would be mad at him because he did that.

He had a love of life and a love of public service that I will never forget. He was a real patriot. He loved this country, and he wanted our country to do better. He wanted us to prosper. He wanted our people to be secure.

He cared a lot about national defense. He cared a lot about our ability to have a strong defense and to have a strong intelligence effort. He asked me to be on the Permanent Select Committee on Intelligence, and I worked to get him there. He enjoyed his days there. He did a wonderful job there. He added a lot to that effort.

He was always bipartisan. I never heard him say a harsh word of anyone on either side of the aisle. He loved the House. He loved the fact that we decide things here on behalf of 250 million-plus people, and he was humble. He never saw himself as being better than anybody else anywhere in the country, anywhere in the world.

He was a son of Virginia, and he was a son of God. He believed in helping the people that he was sent here to help. Even though he was elected to the Congress, and he had greater personal wealth than probably most people in the country, he always remembered the people that had it tough and were poor and had a hard way to go.

We are going to miss NORM SISISKY. We grieve with his family, and we pray for their comfort and understanding at this time of great sorrow. We include every Member of this body in grieving the passing of a great American patriot.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, like all my colleagues, I am just saddened and shocked by the news of the death of my good friend NORM SISISKY who was one of the folks who was kind of like the glue that helped hold this place together.

The minority leader is exactly right, there was not a partisan bone in NORM

SISISKY's body. I had the pleasure of serving on the Committee on Armed Services with him, and for a short time on the Permanent Select Committee on Intelligence. Nobody cared about the men and women in every branch of the service as much as NORM SISISKY.

We were just in a hearing on the MWR panel down there, which NORM and I served on for 6½ years together. One of the Air Force generals was telling a story about NORM that is just so typical of him, in which he gave up some of his time during a break where he should have been devoting himself to his family, and he devoted himself to helping some young men and women in the United States Air Force. It just was so typical of NORM because he loved every branch of the service, and just stood for what is right about America.

NORM SISISKY stood out in this body as a man whose integrity and honesty was unparalleled. He was just a great gentleman in every respect, and I see my good friend, the gentleman from California (Mr. CONDIT), sitting over there from California. It is really going to be strange, I say to the gentleman from California, when I come in and I do not see NORM sitting back there with you and the gentleman from Mississippi (Mr. TAYLOR) and the other folks, and I do not hear that craggy old voice giving me the devil about something, like he did every time I walked in.

But we are just thankful for the time we were able to serve with NORM, and to his family we certainly extend our heartfelt sympathy. Our prayers and thoughts will continue to be with them.

He was a great American, he was a great friend, a great Member of this body. He will truly be missed.

Mr. MORAN of Virginia. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget, a man for whom Mr. SISISKY had great respect, not only for the breadth and depth of knowledge on national security affairs, but his own personal integrity.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, NORM and I came here together in 1983, and we sat beside each other for 18 years on the Committee on Armed Services and on several of its subcommittees.

He was tough-minded, tough-talking. When he asked questions, there were no punches pulled. Any witness who came before our committee with NORM on the top row had better be on his toes.

But at the same time, he was, as everyone who has spoken here today has said, gracious, generous, thoughtful, a gentleman to his very core. He was always the first to see the humor in everything, always ready with a quip, his ready wit.

He came here rather late in life for a freshman Member of Congress. He stayed. I do not think he ever thought he would be here for 18 years when I first met him in 1983, but he stayed because he loved it.

Not only that, NORM knew just what we have testified to here today, he knew he made a difference. He made a difference in this institution, he made a difference in the Armed Forces of the United States, he made a difference in this country.

He took great satisfaction in serving his country. He had great wealth, but I do not think it gave him nearly the pleasure that he got from serving here in the House of Representatives for 18 long years. He was well into his seventies, and despite a bout with colon cancer, despite his advancing age, he was in the saddle riding herd literally every day, tireless. He never quit. He virtually died with his boots on, which I am sure is the way NORM would have wanted to go.

Sitting beside him all these years, I was privy to his commentaries. When witnesses were testifying, we would get a subtext from NORM SISISKY. He would provide a commentary: where the witness was coming from, where the question was coming from. I used to listen to the witness with one ear and to NORM with the other ear, and marvel at what he knew.

He understood the big picture. He understood the institutional aspects. He understood the Pentagon, with the four military departments, but he also understood the nitty-gritty, because he was out in the field, both in his district, down in Norfolk, and Hampton Roads and Fort Monroe, out in the country and traveling all the time, and learning as he traveled.

This was not a pleasure trip for him. What he acquired from all of that was just enormous. We have lost a treasure-load of institutional memory with the passage of NORM SISISKY.

The House will go on without NORM, but it will not be quite the same without him. Certainly the top row on the Committee on Armed Services will not be quite the same. The questions will not be quite as hard, the inquiry will not be quite as searching, and the glue that holds us together, builds coalitions across the aisles on different issues, will not be quite as binding without NORM there putting the deals together.

It was my pleasure for all these years to know him as a friend. It was my privilege to serve with him as a colleague. My only regret is that I did not have a chance to say good-bye.

But my heart goes out to all his family, whom he talked about, whom he loved dearly and spoke of often. If it is any consolation to them, I hope they will know that a little of NORM lives in all of us who served with him, who admired and loved him, who emulated him, and will still continue to emulate him as what I consider a model Member of Congress.

□ 1545

They should know and the whole country should know that he served here and made this great institution of the Republic the kind of institution the framers intended for it to be. He was a great American, a great patriot, and we will all miss him dearly.

Mr. WOLF Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF) for yielding the time to me.

Mr. Speaker, I do not want to speak but for a few minutes here, because I did not know NORM SISISKY nearly as long as or nearly as well as so many Members that the gentleman from South Carolina (Mr. SPRATT) just talked about that, that long relationship from day 1 with NORM SISISKY. But it was so much of the NORM SISISKY that I have gotten to know in the last 4 years, seeing him sit back there with the gentleman from California (Mr. CONDIT) and the gentleman from Missouri (Mr. SKELTON), my good friend.

I just had an opportunity less than a month ago to be on half a dozen military bases with NORM SISISKY over several days and several days where his health never came up. He was out there with the young men and young women who put their lives on the line, who give of themselves, to our country, as everybody probably in this Chamber has seen him do it one time or another responded in a beaming sort of way when those young sailors, those young airmen and women, young service people of all kinds would come to him at a breakfast or a dinner, he knew already many of the concerns they would have, because he was working on trying to solve those problems.

He was a person who saw humor in life, and humor is one of the things that keeps this place going. In fact, whenever we fail to be able to see the human folly of some of the things that we all are a part of, we fail to enjoy life like NORM enjoyed life.

I know on sitting with him on the airplane and the gentleman from Florida (Mr. GOSS), my good friend, who is Chairman on the Permanent Select Committee on Intelligence, he was with us on that trip, but sitting with NORM on the airplane, he was telling me of a recent visit to one of the military installations in his district.

He said as he was walking through, he saw somebody and they said we knew you were coming today, we saw the message from the top brass yesterday, and the message was "daddy's coming." And he saw himself in that role for the young men and young women that defend our country.

And so for the rest of that trip after he told me the story, I would say daddy, it is time to go. Daddy it is time to do whatever it was time to do next. But he had that love for people, and there is a big bearlike reaching out to others.

He loved the service in this body. He clearly was up for every moment of it. Again, just literally less than 4 weeks ago was in a period of about 4 days and 6 far-flung military installations checking to be sure that the people who are defending our country were getting what they needed and if they were not, get what they needed, trying to figure out how he could help get it for them.

Mr. Speaker, I am honored to have served with him. I am honored to get to be here on the floor today as his good friends recognize the service of a great American, of a great patriot, of somebody who really was in so many ways the epitome of what can happen in this country.

Mr. MORAN of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ), a member of the Committee on Armed Services, another friend of Mr. SISISKY's.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. MORAN) for yielding the time to me allowing me this opportunity to speak.

Mr. Speaker, I also want to take this opportunity to express my condolences to the family and to the children. I want to share with you that I had the opportunity for the last 4 years on the Committee on Armed Services to have met NORM SISISKY.

When I first came, one of the first difficulties that I had, I had lost a base in San Antonio, and I knew that he was very strong, very supportive of depot, and I had the opportunity to make some comments. I thought that I was going to have some problems with him, because I knew that he felt very strongly on the other side. But I quickly found that he was a gentle man, very respectful, despite the fact that we disagreed on that one issue.

He recognized my situation and understood where I was coming from. I wanted to come today to say thanks to the family having allowed him to serve not only the State of Virginia and his constituency, but the Nation. He is an individual that was there for our troops, was there for our Nation, and I know that he has had a tremendous impact.

I just want to quickly just indicate, there is a poem by Robert Frost that says, "Two roads diverged in a wood, and I—I took the one less traveled by, and that has made all the difference." There is no doubt that NORM has taken that road less traveled by and has made all the difference for all of us.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF) for yielding me the time.

Mr. Speaker, I will stand here and say it has been a very tough year for the Permanent Select Committee on Intelligence. This is the second Member we have lost, as well as a staffer in the past year. Obviously, I am devastated again to lose such a valuable Member as NORM.

To say, as others have said before me, I was watching the monitors as I was coming from another meeting, members of my committee, the gentleman from Illinois (Mr. LAHOOD) I heard say that NORM was the one who asked the tough questions. It is true. NORM did ask the tough questions, but he asked them in such a pleasant way, and no matter how well I knew the subject of a hearing in the Permanent Select Committee on Intelligence, he would inevitably surprise me with some question that had not been scripted, that nobody had thought of, right out of the wild blue yonder caught everybody off guard and that was just his hallmark and his style.

You always had to laugh. I always looked forward when it was time to yield to NORM for his questions. I am going to miss that.

It is true that NORM was an inveterate traveler, did so much business looking after our troops, our equipment, our state of readiness, what was going on around the world. He really cared about the men and women. I do not know how old NORM was, I suspect a little older than I am, and I know that I find that the early mornings seemed pretty early and the late evenings seemed pretty late, but he was always there to come down in the morning for that breakfast with the troops or the group, whoever was there that we were meeting, he was always there ahead of me. It seems like he was always getting more mileage out of the evening than I was too towards the end of the day.

I asked NORM to take a number of side trips with me on committee business, and he was always game. I got him in some mighty small planes in some mighty uncomfortable places in the course of some of those trips. I never heard him complain. He was always game for the next one when we went out, and he sure did his job extremely well.

To Rhoda and the family, Mariel and I will send our deepest condolences and our sympathy. We know you are going to miss him terribly as will all his friends here. The next time I get on that plane and look in NORM's seat, I know that I am going to have the same feelings I have now. It is not fair somehow, but it is what we have to deal with.

Mr. MORAN of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM), another friend of Mr. SISISKY's, specifically a leader of the Blue Dog Coalition and generally a leader of the House as well.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Virginia for yielding me time.

Mr. Speaker, I join with all of my colleagues in expressing our sincere regret at the passing of NORM. I never had an opportunity to serve with him on a committee, but I enjoyed the replay of many of the committee sessions on the Committee on National Security and hearing what had gone on and the tremendous role that NORM played.

One thing I never heard was anything that came from the Permanent Select Committee on Intelligence. He respected that committee a great deal and respected the precedents of that committee. I never sat with him on a committee, but I sat with him on "redneck row" in this House and enjoyed many of his comments as I would sit and listen to his commentary of going on with what various Members of this body do and say on this floor, including myself.

There is no greater criticism that can come, and then come from the heart of NORM SISISKY, and you take it that way. I always appreciated his concern of the Virginia peanut farmers. He always was asking me as a member of the Committee on Agriculture, Are we taking care of my peanut farmers. He had a deep-seated interest in his constituency. He was truly a Member's Member.

There are few of us that can reach the standard that NORM did in bringing a true love for this institution and a true love for the armed services of this country. I know that words cannot truly express our feelings about NORM today.

We will miss him. This body will miss him, but this Member, too. As so many others have said, our hearts and prayers go out to the family of NORM and say we appreciate you sharing him with us. The 16 years that I have had the privilege of knowing and working with him, he has made my life richer for it, and he has made this body richer for it. And we truly, NORM, will miss you.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

We know there will be a great many Members at services for NORM, and his spirit will live on in this Chamber as well as all the great accomplishments he achieved for his constituents, for the Commonwealth of Virginia and for the Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, in closing I want to thank all the Members for coming, and every word that was said today was accurate. I listened to every word, every word, from where NORM sat, to his sense of humor, to his character, to the comment about being a Member's Member, to the comment with regard to bipartisanship, every word, I can attest and I know that Members that are listening here, and every word that was said today was accurate.

NORM made a great difference, and he will be missed.

Mr. SPENCE. Mr. Speaker, it is with great sadness that I rise today to honor my friend and colleague, NORMAN SISISKY, who served the Commonwealth of Virginia and our nation with distinction in the House of Representatives for the last 18 years of his life.

NORMAN's devotion to his country began right after graduation from high school. He enlisted in the Navy and served during World War II. After his release from active duty in 1946, he returned to his home in Richmond and entered what is known today as Virginia Commonwealth University. He graduated in 1949 with a B.S. degree in Business Administration.

All of NORMAN's House colleagues were well aware of his reputation as a businessman. He transformed a small Pepsi bottling company in Petersburg into a successful distributorship of soft drinks throughout southern Virginia. I know there are countless witnesses who have appeared before subcommittees and committees on which NORMAN sat that squirmed in their seats as they faced his probing questions concerning what struck him as the antiquated methods by which the Department of Defense acquired its equipment, services, and construction projects.

In 1973, NORMAN was first elected to public office, representing Petersburg as a Delegate in the Virginia General Assembly. He served five terms in the General Assembly before being elected to Congress in 1982. He was currently serving in his 10th consecutive term in the House.

A senior Member of the Armed Services Committee, NORMAN was Chairman of the Oversight and Investigations Subcommittee in the 103rd Congress. He was the ranking Democrat on the Procurement Subcommittee in the current Congress, as well as a member of the Readiness Subcommittee and the Panel on Morale, Welfare, and Recreation. He was also one of the Armed Services Committee's "crossover" members to the Permanent Select Committee on Intelligence.

NORMAN was a valued member of the Armed Services Committee whose commitment to the security of this country was second-to-none—Republican or Democrat. He was also a proud member of the informal "Blue Dog" Coalition and one of its tireless advocates of increased defense spending—especially for aircraft carriers! I remember vividly NORM's handing out "Your Name Here . . . CVN 76" hats in an effort to get that carrier fully funded on schedule. I think he was as pleased as I when it was recently christened the U.S.S. *Ronald Reagan*!

I traveled abroad with NORMAN on several occasions, and I greatly enjoyed his friendship. He was an exceptional politician and a patriotic American. Not only shall I miss his wise counsel but also his sense of humor. I am thankful to have known and worked alongside him for the past 18 years.

I extend my deepest sympathy to his wife, Rhoda, his four sons, and their families.

Mr. GILMAN. Mr. Speaker, I join with my colleagues in expressing our deep sense of loss on the passing of our beloved colleague, the gentleman from Virginia, Mr. SISISKY.

NORM has served in this body for nearly 20 years, and beyond any doubt is one of those Members whose presence made a true difference. NORM was a "gentleman's gentleman", who earned the respect of all of us on both sides of the aisle.

NORM, prior to his Congressional career, was a soft drink and beer distributor. From that experience, he was able to share with all of us what it means to be a small business entrepreneur during the latter part of the 20th century. He shared with us the trials and tribulations of the American small business owner, his sincere belief that the bureaucracy was stifling free enterprise and initiative, and his contention that it was our responsibility to cut through red tape and other burdens upon the average taxpayer. NORM was a natural fit on the Committee on Small Business, and served with great distinction on that body for many years.

NORM SISISKY, as a Navy veteran, was also proud of his service on the Armed Services Committee, and was a font of knowledge and experience on that Committee. He was devoted to assuring our Nation's strong defense.

We extend our deepest condolences to his devoted wife, Rhoda, their four sons, Mark, Terry, Richard and Stuart, and most especially to the people of Virginia's 4th Congressional District, whose loss of a superb representative is shared by all of us as a loss to our nation.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 107.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 29, 2001.

HON. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (P.L. 106-181), I hereby appoint the following individual to the National Commission to Ensure Consumer Information and Choice in the Airline Industry:

Mr. Thomas P. Dunne, Sr. of Maryland Heights, MO.

Yours Very Truly,
RICHARD A. GEPHARDT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute speeches.

HONORING REVEREND DR. THURMOND COLEMAN, SR.

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute.)

Mrs. NORTHUP. Mr. Speaker, today I would like to recognize someone who has devoted his time and energy to his church and his beliefs. Reverend Dr. Thurmond Coleman, Sr., pastored the First Baptist Church in Jeffersontown, Kentucky for 45 years.

Upon his retirement, he was named Pastor Emeritus. Dr. Coleman has served as the Moderator of the Central District Association for the past 6 years, and his tenure will end in July 2001.

He is a community leader serving on the Louisville League, the NAACP, and the Kentucky Human Rights Commission. Dr. Coleman is also a civil rights leader bringing about reconciliation between black and white Baptists and among all races and religion.

On Saturday, March 31, 2001, Dr. Coleman will be honored for his hard work and dedication as Moderator of the Central District Baptist Association, which has a membership of 147 churches.

Individuals such as Dr. Coleman play a vital role in reconciling the divisions in our community and in building the hope of a better future for each person. I am proud to bring your attention to Reverend Dr. Thurmond Coleman, Sr., and all of his achievements.

☐ 1600

MENTORING FOR SUCCESS

(Mr. OSBORNE asked and was given permission to address the House for 1 minute.)

Mr. OSBORNE. Mr. Speaker, if we could create a program that would reduce absenteeism from school by 53 percent, drug and alcohol abuse by nearly 50 percent, teenage violence by 30 percent, and substantially reduce teenage pregnancy, gang involvement and dropout rates, would this be a desirable program? Obviously, the answer to this question is yes.

Next week, I will introduce the Mentoring For Success Act, establishing a national mentoring program through the Department of Education. This legislation will connect children who have the greatest need with a responsible adult mentor who has received training and support in mentoring, been screened through background checks, and is interested in working with youth.

An adult mentor provides a child with support, encouragement, academic assistance, and a vision of what is possible.

Each year, we spend billions of dollars on education, yet see little improvement in dropout rates and test scores. We spend billions of dollars on incarceration and juvenile justice programs, yet have very high recidivism rates.

Through one-to-one mentoring, we have a chance to make a difference. Please join me in support of the Mentoring For Success Act.

ACHIEVEMENTS OF CESAR CHAVEZ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. BACA) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, yesterday I had introduced a resolution, H. Res. 105, recognizing the achievements of Cesar Chavez, the founder and president of the United Farm Workers of America.

It is introduced and supported by the United Farm Workers and supported by all Members of the Congressional Hispanic Caucus, and many of my fellow Members of the House of Representatives.

This resolution encourages a Federal holiday for March 31 in honor of Cesar's birthday. It encourages States to make March 31 a holiday. It encourages schools to incorporate lessons on Cesar Chavez's life and work into their curriculum and to learn about their curriculum.

Cesar Chavez is a true American hero. He carried the torch for justice and freedom. He was a hope for thousands of impoverished people. He was a beacon of light for many Latinos in the community, a giant of a man. His legacy will live on in our hearts, in our hopes, in our dreams.

Chavez was born near Yuba, Arizona, and grew up in a migrant labor camp. In 1938, the Chavez family had joined some 300,000 migrant workers who followed the crops in California.

Migrant workers had no permanent homes. They lived in overcrowded quarters, without bathrooms, electricity, or running water. Can one imagine individuals living without bathrooms, electricity, or running water? Cesar Chavez lived there as a poor individual.

Going to school was not easy for a child of a migrant worker since they are always away and on the move. Can one imagine the impact it has on many of the children who want to get a good quality of education but are moving from one camp to another?

He noticed that the labor contract and landowners exploited the workers. He tried reasoning with farm owners about higher pay and better working conditions. But most of the fellow workers would not support him for fear of losing their jobs.

Yes, people want to obtain jobs and sometimes are not willing to speak up; and sometimes we do need a leader. So we had a leader in Cesar Chavez. As a solitary voice, Chavez had no power, but was willing to stand up and speak out.

In 1944, he joined the United States Navy and served his country, a man who had fought for the same principles that many of us had fought for or served this country. For the freedoms that we enjoy, for the justice, the equality, he went in to preserve that and served in 1944.

Upon returning, he would no longer stand to see the workers being taken advantage of, watching as they worked long hours for low pay, and I state for low pay.

At the age of 35, he left his well-paid job to devote his time to organizing the farm workers into a union, a union that would help improve the quality of life for many individuals.

In the early 1960s, Chavez became cofounder and president of the United States Farm Workers. In 1968, Chavez gained attention as the leader of a nationwide boycott of California table grapes in a drive to achieve labor contracts. In fact, some of us still do not eat grapes even now today, even though that boycott is over.

He led his organization to increase protection for workers, for health and safety, to ban child labor from the fields, to win fair-wage guarantees, and to fight against discrimination in employment and the sexual harassment of female workers.

Chavez also used nonviolent tactics to bring attention to the plight of farm workers. His efforts are a shining example to young people and can provide an invaluable lesson for what he or she believes in if they work hard, perseverance, and people banding together, solidarity and in unity, that changes can come about.

He organized the farm workers to stand together and in one loud voice say, "From this day, we demand to be treated like men. We are to be respected as human beings. We are not slaves, and we are not animals, and we are not alone. We will not work for low wages.

"You live in big farm homes, but we live in boxes. You have plenty to eat while our children must work in our fields for food. You wear good clothing, but we are dressed in rags."

When one looked at Cesar Chavez and the family and many of the camposinos, farm workers, they did not have what many had. All they wanted was decent wages and good jobs.

"Your wives are free to make good homes, while our wives work in the field along pesticides. Fighting for social justice is one of the most profound ways in which a man can recognize another man's dignity."

Cesar Chavez's dedication to social justice meant great sacrifices. It was a great sacrifice for many all over the world, all over the United States. He often held hunger strikes to protest the farm workers' condition. These hunger strikes are believed to have helped contribute to his sudden death in 1993.

I attended the funeral where over 50,000 people attended. On September 2, 1994, California enacted a Cesar Chavez Holiday Bill designating March 31 as a State holiday, a measure that I voted for while I was in the State of California in the legislature. This measure is about respecto, respect.

That is why I have introduced a similar measure here in Congress, respect for a great man who has changed the world by using nonviolence. This is about justice. This is about equality. This is about human dignity and only wanting to live for a better quality of life, not only for himself, but for many others.

The slogan that we often use and have heard is: Si se puede, which means, yes, you can; viva la huelga (long live the struggle); and viva la causa (long live the cause).

Let me tell my colleagues that is why, when we look at this resolution, we say that it is going to happen, and si se puede (it can happen), and one day we will have when we recognize Cesar Chavez.

This is the beginning of the awareness of a great man who has honored our Nation, who has served our country and sacrificed himself for the betterment of others.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, let me take this opportunity, first of all, to congratulate the gentleman from California (Mr. BACA) on his efforts on this resolution. I take pride in being here with him and taking this opportunity as I rise to honor an inspired and beloved man, Cesar Estrada Chavez.

Today we honor him in anticipation of his birthday and ask the Members of the House to pay tribute and pay respect to a man who brought dignity to every man and woman and child in this country as we struggled from the fields.

Chavez was bestowed one of the greatest honors when he was introduced into the U.S. Department of Labor's Labor Hall of Fame. This honor is solely reserved for Americans whose contributions to the field of labor have enhanced the qualities of lives for millions. Not only did he enhance the lives of millions, but he touched deeply those individuals with compassion and commitment and, as we used to refer, to la causa (the cause).

Many of my colleagues may remember one particular time when he had 25 days of fast that was conducted by Chavez, which reaffirmed the United Farm Workers' commitment to nonviolence.

For those of us who lived through that period of time, we heard of the great odds that Chavez faced as he led the successful 5-year strike and boycott. Through these boycotts, Chavez was able to forge a national support of coalitions of unions, church groups, students, minorities, and consumers.

By the end of the boycotts, everyone knew the chant that unified all groups, si se puede, yes we can. It was a chant of encouragement, pride, and dignity.

Although we knew him for his advocacy on behalf of farm workers, he was influential in other areas. He helped communities mobilize by assisting them with voter registration drives and insisting that the minority communities had just as much right to have equitable access to quality education.

The migrant schools that we find today is a tribute to his work and his hard efforts in assuring that those youngsters, those children of those workers should have access to a good quality education. He helped to mobilize by continuing to move forward in these areas.

Many of us today look to Chavez for the inspiration even here in the House of Congress. Those of us who continue his fight to make sure that the voice of those voiceless is heard and that the dignity that is deserved by all laborers, no matter what their work, should continue.

America has seen few leaders like Chavez. To honor his work and deeds, I ask each Member to be supportive of these efforts and this resolution.

I want to just briefly also just talk about the fact that here was a man who organized these individuals who did not even get minimum wage, a very difficult task to do. Yet he was out there struggling.

When one got a chance to meet him, he was a quiet, very dignified, very nonviolent individual, very unassuming. Yet he was a giant of a man.

I know Art Rodriguez who has followed after him. I had the pleasure of being at St. Mary's University with him as a student. To me, Cesar Chavez meant a great deal. Because as I started trying to get my degree in pharmacy, I changed and got involved in the movement during that time, even changed my degree to political science and in other fields and got involved in politics.

My wife was also involved in the boycotts, in lettuce as well as the grapes. That is how I met my wife, Carolina.

□ 1615

Mr. Speaker, there is a great deal that he brought to us, and that was the fight and dignity that every worker should have, that every individual should be treated in an equitable manner. In terms of the struggle we see now, I know that he would be saying, if you want to bring in a bracero program or a guest worker program, you make sure that you treat those people in the same way as you treat the 300,000 that we just brought over with high-tech technology and degrees, to make sure that they get treated in the same manner.

Mr. Speaker, I thank the gentleman from California (Mr. BACA), and the gentleman from California (Mr. FILNER), who have brought forward year after year resolutions and efforts in creating a holiday for Cesar Chavez.

Mr. BACA. Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from California (Mr. BACA) for this special order and for his resolution, H. Res. 105, that will bring us toward a great national recognition for Cesar Chavez.

We call today in the strongest possible terms for Cesar Chavez's birthday on March 31 to be recognized as a Federal holiday. This great national hero should be recognized with a national holiday. This Nation, this world, lost a great civil rights leader nearly 8 years ago, when Cesar Chavez died after a tireless struggle for social change. March 31 is a State holiday in my State of California, and countless schools, roads, libraries and other public institutions have been named after Cesar Chavez. It is now time that the entire Nation honor his enduring legacy with a Federal holiday.

We will hear tonight the poignant story of Cesar Chavez's life. I want to talk about the impact of his life on my life, and on the life of my constituents, and on the life and soul of this Nation.

He brought dignity and respect to farm workers who organized themselves and became an inspiration to all people engaged in human rights struggles throughout the world. It is time we pay him the respect that he deserves.

His work was holistic, helping to empower farm workers on their basic rights. Influenced by the writings of Gandhi and other proponents of nonviolence, he began to register his fellow farm workers to vote and then to educate them about their rights to a safe workplace and a just wage.

Through the use of a grape boycott, Cesar Chavez, Delores Huerta, and others in the fledgling United Farm Workers were able to secure the first union contracts for farm workers in the United States. These contracts provided farm workers with the basic services that most workers take for granted today, services such as clean drinking water and sanitary facilities.

Because of Cesar Chavez's fight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the schools that he helped to establish. He made the world aware of the exposure to dangerous chemicals that farm workers and consumers face every day.

Cesar Chavez's influence extended far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by governmental agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many to seek further education and politics.

During a time of great social upheaval, he was sought out by people from all walks of life to help bring calm with his nonviolent practices. Our country's leaders joined Cesar Chavez literally, and often figuratively, in prayers and acts of solidarity in his many fasts for justice.

Dr. Martin Luther King, Jr., sent Cesar Chavez a message on the occasion of Chavez's first fast. Dr. King told him, "Our separate struggles are really one. A struggle for freedom, for dignity and for humanity."

There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers and other hardworking professionals who credit Cesar Chavez as the inspiring force in their lives. I count Cesar Chavez and his work and nonviolent message among his most strong early influences.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farm workers, children and the poor throughout the United States, and for the inspiration his heroic efforts gave to so many Americans.

Mr. Speaker, I have introduced legislation in every Congress since 1995 to create a Federal holiday to honor Cesar Chavez, and, along with the gentleman from California (Mr. BACA), to teach all of America about Cesar Chavez. Surely we can do this and pass such a resolution.

Mr. Speaker, I urge my colleagues to cosponsor H. Con. Res. 105 or H. Con. Res. 3. We must follow the lead of California, a State that knows the fruits of Cesar Chavez's labors firsthand, and designate March 31 as a Federal holiday to commemorate his birth. We should in Congress join all of those who have paid reverence to Cesar Chavez and to make sure that we honor him from this time forward by declaring March 31 as a Federal Holiday in honor of Cesar Chavez.

Mr. Speaker, I thank the gentleman from California (Mr. BACA) for his efforts tonight.

Mr. BACA. Mr. Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, Cesar Chavez was one of the greatest labor leaders of our time. His courage was unbelievable. Before he stood up to some of the most selfish and apparently uncaring farmers, he recognized that there were thousands, hundreds of thousands of people who were absolutely powerless, had no recourse, no redress for their grievances, were being exploited in our economy, particularly the agriculture economy.

Mr. Speaker, Cesar Chavez united them. We as a Nation, many of us, boycotted grapes and lettuce and felt that we were part of a movement greater than ourselves, and, in fact, in retrospect it was.

Many good farm workers were even worse treated. They were indentured servants. They would travel up the migrant stream, their children would have to follow with them. The children would get no education. The few children of farm workers who got an education, it would not be from bilingual teachers. They lived in hovels off the road where no one would see them. They were huts, really, that were no more than chicken coops, many of them. They would have to borrow money for their rent and food and necessities. The harder they worked, many farmers would reduce the piece rates so they would always be in debt. They would have to come back the next year to pay off their debt. This became a tradition, an institution of exploitation.

Cesar Chavez gave these families hope. He was in the American tradition. I know there are still many families who hate him today for the fact that he turned around a system that was greatly to their benefit, but this was a man that was American in all of the finest traditions. We look to him for inspiration, and I would hope that we will find ways to continue to honor him.

Many of the children and grandchildren of the families that he organized now have a good education, have broken into the middle class, and have control over their lives, and they will soon forget why it is that they have a piece of the American pie now. They have some control over their lives. But in many instances, it is because of the courage, the character, the leadership of Cesar Chavez.

So I thank the distinguished gentleman from California for being here, and his colleagues from Texas and California, and I know there are many other colleagues, if the House was still in session, who would be here, but who had to leave. This House bears a real debt of gratitude to Cesar Chavez, as does the Nation.

Mr. BACA. Mr. Speaker, I thank the gentleman from Virginia (Mr. MORAN). As the gentleman noted, there are many individuals that would have been here to speak, as many individuals have signed on as cosponsor of this particular legislation.

I think it is important for all of us to recognize the importance of why we are doing this. We are doing it for an individual who has given so much of his life for this country, for this area; his leadership, his vision, his struggle to help many of the poor and disadvantaged, his inspiration, and what it means to all of us.

For some of us, unless we worked out in the fields, we really do not understand what it is like. I happened to have picked peaches and tomatoes out in the field, and let me tell my colleagues, it is not the best job. And when you see a lot of the people out there that are suffering, and you see the working conditions of individuals, and you see the children, you can see the emotion and the feeling of many of the children that are out there that are being affected.

What Cesar Chavez wanted to do was to make sure that the children also had a better quality of life, of education. He said the children need a better education. He went through 36, 38 different schools, and so he said, I want the children to enjoy the same life that other children have. I want to make sure they have the opportunity.

When he looked in their eyes, when he looked at their clothes, and realized their opportunities, he could see the feeling of what was expressed in the dignity and the respect that he wanted for all children, for all individuals. When he looked at the campesinos and the working conditions, he wanted to make sure that they had a better opportunity not only for themselves, but for their families. He wanted to make sure they could put food on the table and they could take care of their clothes and their housing, have better conditions, so they would not have to worry about not having their health, not having to get up with pain to go back to work the next day because there was no service.

He wanted a better life, and he gave a lot of himself. He gave of himself for many individuals. Our Nation should be grateful for a great hero and a great American, a veteran, a leader, a visionary, an inspiration, a man that we all look to.

It is hard to be a leader, Mr. Speaker. It is hard to really be involved. It is easy to sit on the sidelines and say it is nice if someone does lead, but he was willing to pick up the banner. And now Arturo Rodriguez has carried that struggle and banner, carried it forth to make sure equality is there.

Another person along with him was Delores Huerta, who led in the struggle and the fight. She is ill today. Who knows why she is ill today and in the hospital. It could be because of all of the involvement she had, the struggles and the sacrifices she made; and many other individuals.

Mr. Speaker, we need to support this resolution encouraging a Federal holiday for March 31 in honor of Cesar Chavez's birthday, to encourage States to make March 31 a holiday, to encourage schools to incorporate a lesson on Cesar Chavez, because if they do not know his contributions, what he has done, then we are lost, because it is by learning each others' customs and traditions and our heritage that we know the struggle of individuals and we accept history. We need to work that into our curriculum.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to add my voice in honor of Cesar Chavez.

The son of a migrant farm worker, Cesar Chavez was not born into greatness. However, he became a great leader in our nation's continuing fight for labor and civil rights.

Cesar Chavez is best remembered as the founder and president of the United Farmworkers of America. The contributions of Cesar Chavez, however, were not limited to the fields. His voice reached the urban areas across America, particularly in the East Los Angeles neighborhoods where I was born and raised and now am proud to represent in Congress.

Cesar Chavez was part of the Latino empowerment movement of the 40's. Even today his memory inspires Latinos to be activists at the community, state and national levels.

Cesar Chavez understood that participation was the greatest tool to implement changes in our society. He once said,

> It is possible to become discouraged about the injustice we see everywhere. But God did not promise us that the world would be humane and just. He gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity.

The world is a better place because of the work of Cesar Chavez. The best tribute we can pay is to find opportunities in our own lives to continue his work in the fight for civil rights, and to encourage others to join us.

Ms. SOLIS. Mr. Speaker, Cesar Chavez is one of the most well-known and respected

Latino civil rights leader in the United States and House Resolution 105 requesting a "Cesar Chavez National Holiday" would honor his legacy.

Most importantly, we need to keep his legacy alive by encouraging schools throughout the United States to teach about who Cesar Chavez was and what he did to improve our society.

Future generations should be given the opportunity to learn about Cesar Chavez and about the migrant farm worker community's struggle to achieve better living conditions, better wages, and protection from environmental contaminants.

He was a pioneer in addressing environmental justice issues related to pesticides in food and how farm workers' health was placed at great risks due to exposure to chemicals used in the fields.

As a State Senator in California through Cesar Chavez' inspiration and Dolores Huerta's friendship, I fought to improve the working, living, and safety conditions for farm workers.

I strongly supported a ban on methyl bromide, an acutely toxic pesticide responsible for poisoning hundreds of farm workers and many have even died due to methyl bromide poisoning.

I also fought to eliminate the dangerous "short hoe" method for strawberry workers, and worked for clean housing and bathrooms for farm workers.

I am very committed to continue Cesar Chavez' legacy by supporting pro-labor and environmental legislation in Congress to help remedy some of these environmental and labor injustices.

Cesar Chavez led by example and he motivated thousands of people to become involved in the migrant farm worker struggle by joining the United Farm Workers (UFW), which he cofounded.

He led successful strikes/boycotts against the agri-business growers who exploited workers by not providing health safeguards from pesticides, deplorable housing conditions, sexual harassment towards women, and having extremely low wages.

He obtained national/international support for the United Farm Worker (UFW) movement through non-violence and using civil disobedience as an action to achieve justice.

He sacrificed his own health by fasting for extremely long periods of time to provide a voice for the migrant farm workers who were being exploited. He was humble and did not seek personal attention or glory for himself. He was passionate about helping his fellow migrant farm workers and he treated everyone with respect.

He passed away on April 23, 1993, at the age of 66 and his passion and commitment for social change, improved thousands of people's lives and inspired many others to continue the struggle.

I am one of those who is committed to keeping Cesar Chavez' struggle alive. He fought tirelessly until the end to help his fellow farm workers.

One major step in the right direction would be if the 107th Congressional session approves this House Resolution 105 to create a "Cesar Chavez National Holiday." This would officially recognize Cesar Chavez, as one of the most outstanding national Latino leaders in modern U.S. history.

Mr. BERMAN. Mr. Speaker, I rise today to pay heartfelt tribute to Cesar Chavez, a man of courage, faith and love who shared his great strength with thousands and inspired millions of Americans. As a leader in the fight for social justice, he was a hero to farmworkers, to the Latino community, to the labor movement and to me.

Cesar Estrada Chavez was born on March 31, 1927, near Yuma, Arizona. In 1962, Cesar founded the National Farm Workers Association, later to become the United Farm Workers—the UFW. With persistence, hard work and faith, Cesar Chavez built a great union that galvanized the spirit of all people through commitment to the struggle for justice through nonviolehce. He devoted his life to inspire his fellow farmworkers and to fire the conscience of the rest of us.

It was my great fortune to work with Cesar Chavez as a colleague and friend. Cesar's efforts were critical in focusing public attention on our nation's deplorable treatment of migrant farmworkers. Through his leadership and his legacy, the United Farm Workers has grown in strength in its efforts to achieve a lasting justice for farmworkers.

On this anniversary of his birthday, it is appropriate to mention that today across the nation and in this Chamber there are numerous efforts to commemorate the life and work of Cesar Chavez. I am grateful for the opportunity to express my thoughts about Cesar and to be among the many to celebrate the life of one of the most heroic figures in American history.

Cesar Chavez was a great man who exemplified justice, love and humility. I ask my colleagues to join me in recognizing Cesar, whose dedication to the plight of farmworkers has inspired us all. I salute him for his courage and commitment to La Causa (the cause).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Baldwin (at the request of Mr. Gephardt) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Rodriguez) to revise and extend their remarks and include extraneous material:)

Mr. Pallone, for 5 minutes, today.

Mr. Langevin, for 5 minutes, today.

Mr. Skelton, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. Osborne) to revise and extend their remarks and include extraneous material:)

Mr. Goss, for 5 minutes, today.

ADJOURNMENT

Mr. BACA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p.m.), pursuant to House Resolution 107, the House adjourned until tomorrow, Friday, March 30, 2001, at 10 a.m., in memory of the late Hon. Norman Sisisky of Virginia.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Aníbal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip M. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, David L. Hobson, Joseph M.

Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Betty McCollum, Jim McCrery, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1396. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald L. Kerrick, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1397. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant Jack W. Klimp, United States Marine Corps, and his advancement to the grade of lieutenant on the retired list; to the Committee on Armed Services.

1398. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Canada [Transmittal No. DTC 029–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1399. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Japan [Transmittal No. DTC 030–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1400. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Belgium [Transmittal No. DTC 031–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1401. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of an export license to Norway [Transmittal No. DTC 007–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1402. A letter from the Director of Government Affairs, Commission On International Religious Freedom, transmitting the Commission's report entitled, "Report Of The United States Commission On International Religious Freedom On Sudan"; to the Committee on International Relations.

1403. A letter from the Chief Financial Officer, Export-Import Bank, transmitting the 2000 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app; to the Committee on Government Reform.

1404. A letter from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2000, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WATTS of Oklahoma (for himself, Mr. HALL of Ohio, and Mr. HASTERT):

H.R. 7. A bill to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. NADLER, Mr. BURTON of Indiana, Mr. FRANK, Mr. SESSIONS, Mr. MCGOVERN, Mr. HORN, Ms. MCCARTHY of Missouri, and Mr. TURNER):

H.R. 1287. A bill to amend the Public Health Service Act with respect to the Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mrs. KELLY (for herself, Mr. GILMAN, Mr. SHAYS, Mrs. LOWEY, and Mr. ENGEL):

H.R. 1288. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. MCGOVERN, Ms. SOLIS, Mr. BONIOR, Mr. FRANK, Mr. HILLIARD, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. KILDEE, Ms. MCKINNEY, Mr. KUCINICH, Ms. ROYBAL-ALLARD, Ms. LEE, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. FILNER, Ms. KAPTUR, Mr. BACA, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, and Mr. BORSKI):

H.R. 1289. A bill to amend the Fair Labor Standards Act of 1938 to prohibit forced overtime hours for certain licensed health care employees; to the Committee on Education and the Workforce.

By Mr. JACKSON of Illinois (for himself, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DEFAZIO, Mr. HASTINGS of Florida, and Mr. KENNEDY of Rhode Island):

H.R. 1290. A bill to amend title VII of the Civil Rights Act of 1964 to make such title fully applicable to the judicial branch of the Federal Government; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. ARMEY, Mr. DINGELL, Mr. HAYWORTH, Mr. REYES, Mr. STUMP, Ms. BROWN of Florida, Mr. BILIRAKIS, Ms. CARSON of Indiana, Mr. SPENCE, Mr. RODRIGUEZ, Mr. BUYER, Mr. SHOWS, Mr. QUINN, Ms. BERKLEY, Mr. MCKEON, Mr. UDALL of New Mexico, Mr. SIMPSON, Mr. SIMMONS, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. PICKERING, Mr. EHRLICH, Ms. BALDWIN, Mr. GREEN of

Texas, Mr. SANDERS, Mrs. WILSON, Mr. RYUN of Kansas, Mr. SAXTON, Mr. NEAL of Massachusetts, Mr. SMITH of Texas, Mr. HOLT, Mr. DREIER, Mr. GILMAN, Mr. JENKINS, Mr. HANSEN, Mr. LUCAS of Oklahoma, Mr. LANGEVIN, Mr. WHITFIELD, Mr. MALONEY of Connecticut, Mr. PALLONE, Mr. COSTELLO, Mr. ANDREWS, Mr. BRADY of Pennsylvania, Mr. BRADY of Texas, Mr. SCHROCK, Mrs. ROUKEMA, Ms. MCKINNEY, Mr. RANGEL, Mr. TAYLOR of North Carolina, Mr. HILLEARY, Mr. JONES of North Carolina, Mr. KING, Mrs. JO ANN DAVIS of Virginia, Mr. CHAMBLISS, Mrs. TAUSCHER, Mr. LOBIONDO, and Mr. LEWIS of Kentucky):

H.R. 1291. A bill to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON:

H.R. 1292. A bill to require the President to develop and implement a strategy for homeland security; to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mrs. JONES of Ohio, Mr. GILLMOR, Mr. LATOURETTE, and Mr. JONES of North Carolina):

H.R. 1293. A bill to amend the Federal Deposit Insurance Act to ensure the continued stability of the Federal deposit insurance system with respect to banks and savings associations, and for other purposes; to the Committee on Financial Services.

By Mr. BACA (for himself, Ms. MCKINNEY, Mr. SMITH of New Jersey, Mr. CRAMER, Mr. SHERMAN, Ms. ROYBAL-ALLARD, Mr. WEXLER, Mr. TAYLOR of Mississippi, Mrs. KELLY, Mrs. THURMAN, Mr. RANGEL, and Mr. REYES):

H.R. 1294. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Armed Services.

By Mr. BACA (for himself, Mr. GONZALEZ, Mr. KILDEE, Ms. CARSON of Indiana, and Mr. GRUCCI):

H.R. 1295. A bill to authorize the Secretary of Health and Human Services to make matching grants available to the States in order to encourage the establishment of State license plate programs to provide funds for the treatment of breast cancer, for research on such cancer, and for educational activities regarding such cancer; to the Committee on Energy and Commerce.

By Mrs. BONO (for herself, Mr. GRAHAM, Mr. DELAHUNT, Mr. SENSENBRENNER, Mr. BRADY of Texas, Mr. TERRY, Mr. SHADEGG, Mr. BUYER, Mr. ABERCROMBIE, Mr. HUTCHINSON, Mr. BALDACCI, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. SHIMKUS, Ms. PRYCE of Ohio, Mr. DOOLITTLE, Mr. UDALL of New Mexico, Mr. ISAKSON, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. CUNNINGHAM, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, Mr. DIAZ-BALART, Mr. CALVERT, Mr. ALLEN, Mr. CHABOT, Mr. CHAMBLISS, Mr. GARY G. MILLER of California, Ms. NORTON, Mr. SIMPSON, Mr. SHERWOOD, Mr. MICA, and Ms. DELAURO):

H.R. 1296. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. BRADY of Texas:

H.R. 1297. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mrs. JOHNSON of Connecticut):

H.R. 1298. A bill to provide for the expansion of human clinical trials qualifying for the orphan drug credit; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. STUPAK, Mrs. THURMAN, Mr. KING, and Mr. BRADY of Pennsylvania):

H.R. 1299. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to members of the Armed Forces who serve on active duty during a taxable year; to the Committee on Ways and Means.

By Ms. CARSON of Indiana (for herself, Ms. NORTON, Mr. JEFFERSON, Mr. HASTINGS of Florida, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT of North Carolina, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. CLYBURN, Mr. TOWNS, Mr. CLAY, Ms. MCKINNEY, Mr. BISHOP, Ms. BROWN of Florida, Mr. OWENS, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. WYNN, Mr. FORD, Mr. RUSH, Mr. FATTAH, and Ms. MILLENDER-MCDONALD):

H.R. 1300. A bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 1301. A bill to amend the Internal Revenue Code of 1986 to apply the capital gains tax rates to capital gains earned by designated settlement funds; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 1302. A bill to prohibit certain foreign assistance to countries that consistently oppose the United States position in the United Nations General Assembly; to the Committee on International Relations.

By Ms. DUNN:

H.R. 1303. A bill to amend the Internal Revenue Code of 1986 to clarify the rules relating to lessee construction allowances and to contributions to the capital of retailers; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. TANNER, Mr. MCHUGH, Mrs. THURMAN, Mr. ABERCROMBIE, and Mr. FROST):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. POMEROY, Mr. ARMEY, Mr. BARCIA, Mr. BEREUTER, Mr. BOEHNER, Mr. BONILLA, Mr. BONIOR, Mrs. BONO, Mr. CHAMBLISS, Mr. COOKSEY, Mr. COX, Mr. CUNNINGHAM, Ms. DUNN, Mr. EHRLICH, Mr. FOLEY, Mr. FROST, Ms. GRANGER, Mr. HEFLEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. ISAKSON, Mr. JEFFERSON, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mr. KING, Mr. KNOLLENBERG, Mr. KOLBE, Mr. MCCRERY, Mr. MCINNIS, Mr. GARY G. MILLER of California, Mr. NETHERCUTT, Mr. NEY, Mr. OTTER, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. REYNOLDS, Mr. ROHRABACHER, Mr. SANDLIN, Mr. SAXTON, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHOWS, Mr. SCHROCK, Mr. SIMMONS, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. TANCREDO, Mr. TERRY, Mr. THORNBERRY, Mr. TOOMEY, Mr. WALSH, and Mr. QUINN):

H.R. 1305. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. EHLERS, Mr. LAFALCE, Mr. HINCHEY, Ms. BALDWIN, Mr. FARR of California, Mr. ENGEL, Ms. WOOLSEY, Mr. BONIOR, Mr. RODRIGUEZ, Ms. CARSON of Indiana, Ms. ROS-LEHTINEN, Mr. LANTOS, Ms. MCKINNEY, Ms. ROYBAL-ALLARD, Mr. BLAGOJEVICH, Mr. FRANK, Mr. ORTIZ, Mr. BARRETT, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. SANDERS, Mr. EVANS, Mr. MENENDEZ, Mr. FILNER, Mr. BERMAN, Ms. ESHOO, Mr. DAVIS of Illinois, Mrs. LOWEY, Ms. NORTON, Mrs. THURMAN, Ms. LEE, Ms. BROWN of Florida, Mrs. NAPOLITANO, Mr. WEXLER, Mr. CONYERS, Mrs. JONES of Ohio, Mr. COSTELLO, Mr. HINOJOSA, Mr. OWENS, Mr. GEORGE MILLER of California, Mr. FROST, Ms. SOLIS, Mrs. MALONEY of New York, Mr. BECERRA, Mr. REYES, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, Mr. ACEVEDO-VILA, Mr. DEUTSCH, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. SÁNCHEZ, Mr. WYNN, Mr. CAPUANO, and Ms. LOFGREN):

H.R. 1306. A bill to amend the Electronic Fund Transfer Act to require additional disclosures relating to exchange rates in transfers involving international transactions; to the Committee on Financial Services.

By Mr. HOYER (for himself and Mr. WYNN):

H.R. 1307. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Government Reform.

By Mr. HULSHOF (for himself and Mr. BISHOP):

H.R. 1308. A bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. BLUMENAUER, Mrs. WILSON, Mr. MCGOVERN, Mr. SIMMONS, Mr. GEORGE MILLER of California, Ms. MCKINNEY, Mr. FATTAH, Mr. ABERCROMBIE, and Mr. MALONEY of Connecticut):

H.R. 1309. A bill to amend the Internal Revenue Code of 1986 to encourage contributions by individuals of capital gain real property for conservation purposes, to encourage qualified conservation contributions, and to modify the rules governing the estate tax exclusion for land subject to a qualified conservation easement; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. Andrews, Ms. Baldwin, Mr. Barrett, Mr. Blumenauer, Mr. Gilchrest, Mr. Larson of Connecticut, Mr. Lewis of Georgia, Mrs. Maloney of New York, Mr. Pallone, Mr. Tancredo, Mrs. Tauscher, Mr. Udall of Colorado, and Mr. Udall of New Mexico):

H.R. 1310. A bill to reform the Army Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. LaFALCE (for himself, Mr. Towns, Mr. Kanjorski, Mr. Dingell, and Mr. Markey):

H.R. 1311. A bill to amend the Securities Exchange Act of 1934 to reduce fees on securities transactions; to the Committee on Financial Services.

By Mr. LaTOURETTE:

H.R. 1312. A bill to amend the Family and Medical Leave Act of 1993 to permit leave after the death of a spouse for widows and widowers with minor children; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 1313. A bill to provide grants to local educational agencies that agree to begin school for secondary students after 9:00 in the morning; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. Engel, Mr. Gilman, and Mrs. Kelly):

H.R. 1314. A bill to provide an enhanced penalty for threatening to kill, injure, or intimidate an individual, or to cause property damage, by means of fire or an explosive on school property; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 1315. A bill to extend the deadline for commencement of construction of certain hydroelectric projects located in the State of West Virginia; to the Committee on Energy and Commerce.

By Mr. NUSSLE (for himself, Mr. Tanner, Mr. Camp, Mr. Lewis of Georgia, Mrs. Thurman, Mr. Boehlert, Mr. Boswell, Mr. Ganske, Mr. Gillmor, Mr. Inslee, Mr. Latham, Mr. Leach, Mr. Markey, Mr. Smith of New Jersey, and Mr. Snyder):

H.R. 1316. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself and Mr. Herger):

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 1318. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. English, Ms. Hart, Mr. Olver, Mr. Towns, Ms. Brown of Florida, Mrs. Christensen, Mr. Davis of Illinois, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mrs. Jones of Ohio, Ms. Lee, Ms. McKinney, Ms. Schakowsky, Mr. Frank, Mr. Pascrell, Ms. Jackson-Lee of Texas, Mr. Luther, Mr. Hinojosa, Mr. Gutierrez, Mr. Cummings, Mrs. Meek of Florida, Ms. Norton, Mr. Gonzalez, and Mrs. Tauscher):

H.R. 1319. A bill to amend the Consumer Credit Protection Act and other banking laws to protect consumers who avail themselves of payday loans from usurious interest rates and exorbitant fees, perpetual debt, the use of criminal actions to collect debts, and other unfair practices by payday lenders, to encourage the States to license and closely regulate payday lenders, and for other purposes; to the Committee on Financial Services.

By Mr. SABO:

H.R. 1320. A bill to amend title II of the Social Security Act to establish an effective real annual rate of interest at 6 percent for special obligations issued to the Social Security trust funds; to the Committee on Ways and Means.

By Mr. THUNE (for himself, Mr. Hinchey, Ms. Kaptur, Mr. Cooksey, Mr. Wynn, and Mr. Boswell):

H.R. 1321. A bill to amend the conservation provisions of the Food Security Act of 1985 to establish a voluntary, incentive-based conservation security program; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. Andrews, Mr. Kildee, Mrs. McCarthy of New York, Mr. McGovern, Mr. Frank, Mr. Murtha, Mr. Oberstar, Mr. Hilliard, Mr. Frost, Mr. Kucinich, Mr. Hinchey, Mrs. Mink of Hawaii, Mr. George Miller of California, Mr. Conyers, Mr. Bonior, Mrs. Christensen, Mr. Sanders, Mr. Capuano, Mr. DeFazio, Mr. Borski, Mr. Olver, Mr. Lewis of Georgia, Mr. Evans, Mr. Holden, Mr. Fattah, Mr. Towns, Mr. Delahunt, Mr. Waxman, Mr. Gonzalez, Mr. Payne, Ms. Hooley of Oregon, Ms. Millender-McDonald, Mr. Hastings of Florida, Mr. Meehan, Mr. Brady of Pennsylvania, Mr. Filner, Ms. Schakowsky, Mrs. Thurman, Mr. McDermott, Ms. Sánchez, Mr. Dingell, Mr. Abercrombie, Mr. Thompson of Mississippi, Ms. Norton, Mr. Brown of Ohio, Ms. McKinney, Mr. Sherman, Ms. Kilpatrick, Mr. Davis of Illinois, Mr. Crowley, Mr. Markey, Mr. Owens, Mr. Berman, Mr. Kleczka, Mr. Underwood, Mrs. Maloney of New York, Mrs. Napolitano, and Ms. Lee):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and the Workforce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Crowley, Mr. Serrano, Mr. Owens, Ms. Brown of Florida, Mr. Baldacci, and Mr. McGovern):

H.R. 1323. A bill to narrow the digital divide; to the Committee on Education and the Workforce.

By Ms. VELÁZQUEZ (for herself, Mr. Manzullo, Mr. Hall of Ohio, Mr. Boehner, Mr. Brady of Pennsylvania, Mr. Hobson, Mr. Udall of New Mexico, Mr. Bartlett of Maryland, Mr. Gonzalez, Mrs. Jones of Ohio, Mr. Udall of Colorado, Mr. Davis of Illinois, Mrs. Napolitano, Mr. Phelps, Mrs. Christensen, Mr. Langevin, Mr. Pascrell, Ms. Millender-McDonald, Mr. Baird, and Mr. Wynn):

H R. 1324. A bill to require Federal agencies to follow certain procedures with respect to the bundling of procurement contract requirements, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD:

H.R. 1325. A bill to designate the facility of the United States Postal Service located at 3160 Irvin Cobb Drive in Paducah, Kentucky, as the "Morgan Station"; to the Committee on Government Reform.

By Mr. WHITFIELD:

H.R. 1326. A bill to designate the facility of the United States Postal Service located at 203 West Paige Street in Tompkinville, Kentucky, as the "Tim Lee Carter Post Office Building"; to the Committee on Government Reform.

By Mr. WHITFIELD:

H.R. 1327. A bill to amend the Immigration and Nationality Act to prohibit H-2A workers from bringing law suits against employers except in the State in which the employer resides or has its principal place of business; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mrs. Roukema, Mr. Traficant, Mr. Platts, Mr. Jones of North Carolina, Mr. McNulty, Mrs. Morella, Mr. Ose, Mr. McHugh, Mr. Gilman, Mr. Rodriguez, Mr. Wolf, Mr. Hoyer, Mr. McGovern, Mr. Udall of New Mexico, Ms. Lee, Mr. Engel, Mr. Ney, Mr. Blagojevich, Ms. Baldwin, Mr. Cramer, Mr. Hyde, Mr. Hilleary, Mr. Meehan, Mr. Gordon, Mr. Greenwood, Ms. Kilpatrick, Mr. King, Ms. Norton, Mr. Frank, Mr. Buyer, Mr. Kildee, Mr. Capuano, Mr. Ferguson, Mr. Stenholm, Mr. Weldon of Pennsylvania, Mr. Gonzalez, Mr. Lantos, Mr. Issa, Mr. Cantor, Ms. McKinney, Ms. McCarthy of Missouri, Mr. Tierney, Mr. Wynn, Mr. Hefley, Mr. Pastor, Mr. Walsh, Mr. Moran of Virginia, Mr. Sandlin, Mr. Boehlert, Mr. Visclosky, and Mr. Kucinich):

H.J. Res. 42. A joint resolution memorializing fallen firefighters by lowering the American flag to half-staff in honor of the National Fallen Firefighters Memorial Service in Emittsburg, Maryland; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. Reyes, Ms. Roybal-Allard, Mr. Ortiz, Ms. Ros-Lehtinen, Mr. Pastor, Mr. Becerra, Mr. Bonilla, Mr. Diaz-Balart, Mr. Gutierrez, Mr. Menendez, Mr. Underwood, Ms. Velázquez, Mr. Hinojosa, Mr. Rodriguez, Ms. Sánchez, Mr. Baca, Mr. Gonzalez, Mrs. Napolitano, Ms. Solis, Mr. Acevedo-Vila, and Mr. Hoyer):

H. Con. Res. 90. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Hispanic Americans in Congress"; to the Committee on House Administration.

By Mr. SMITH of New Jersey (for himself and Mr. Doyle):

H. Con. Res. 91. Concurrent resolution recognizing the importance of increasing awareness of the autism spectrum disorder, and supporting programs for greater research and improved treatment of autism and improved training and support for individuals with autism and those who care for them; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H. Con. Res. 92. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. WOLF:

H. Res. 107. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Norman Sisisky, a Representative from the Commonwealth of Virginia; considered and agreed to.

By Mr. BAKER (for himself, Mrs. Morella, Mr. King, Mr. Baldacci, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Blagojevich, Mr. Hinchey, Mr. Vitter, Mr. Jackson of Illinois, Mr. Spratt, Mr. Mascara, Mr. Rahall, Mr. Hostettler, Mr. Gonzalez, Mr. Goode, Mr. Wolf, Mrs. Biggert, and Mrs. Jo Ann Davis of Virginia):

H. Res. 108. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued on the subject of autism awareness; to the Committee on Government Reform.

By Mrs. THURMAN (for herself, Mr. Abercrombie, Mr. Ballenger, Mr. Blagojevich, Mr. Frost, Mr. McIntyre, and Mr. Ose):

H. Res. 109. A resolution recognizing the anniversary of the signing of the Declaration of Arbroath and supporting the establishment of a National Tartan Day to recognize the outstanding achievements and contributions made by Scottish Americans to the United States; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,.memorials were presented and referred as follows:

12. The SPEAKER presented a memorial of the Senate of the State of Nevada, relative to Resolution No. 9 memorializing the United States Congress that the men aboard the C-54 that crashed on Mt. Charleston on November 17, 1955, G.M. Pappas, P.E. Winham, C.D. Farris, G.R. Fasolas, J.H. Gains, E.J. Urolatis, J.W. Brown, W.H. Marr, J.F. Bray, R.H. Kreimendahl, T.J. O'Donnell, F.F. Hanks, H.C. Silent, and R.J. Hruda, will be long remembered for their contribution to our national security which cost them their lives; and to declare the crash site of U.S.A.F. 9068 near the summit of Mt. Charleston as the "Silent Heros of the Cold War National Monument"; jointly to the Committees on Armed Services and Resources.

13. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Resolution No. 401 memorializing the United States Congress to urge the United States Coast Guard to provide funding from the Oil Spill Liability Trust Fund to remove the oil contained in the 27 vessels of the United States Maritime Administration's James River Reserve Fleet classified as in dire need of scrapping; jointly to the Committees on Transportation and Infrastructure and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Stearns.

H.R. 17: Mrs. Kelly.

H.R. 21: Mr. Andrews.

H.R. 31: Mr. Hefley.

H.R. 36: Mr. Hinchey, Mr. Boucher, Mr. Kucinich, Mr. Bonior, Mr. Evans, Mr. Barcia, and Mr. Costello.

H.R. 37: Mr. George Miller of California, Mr. Lantos, and Mr. Graves.

H.R. 179: Mr. Graves, Mr. Ose, and Mr. Clay.

H.R. 184: Mr. Clement, Ms. Kaptur, and Mr. Sanders.

H.R. 199: Mr. Nethercutt, Mr. Sherman, Mr. Ose, and Mr. Gilman.

H.R. 208: Mr. Foley.

H.R. 220: Mr. Sensenbrenner.

H.R. 239: Mr. Holt and Mr. Andrews.

H.R. 244: Mr. Shows and Mr. McGovern.

H.R. 265: Mr. Baldacci, Ms. Brown of Florida, and Mr. Udall of Colorado.

H.R. 267: Mr. Acevedo-Vila, and Mr. Gutierrez.

H.R. 280: Mr. Goode, Mr. Weldon of Florida, Mr. Stump, and Mr. Tancredo.

H.R. 281: Mr. Vitter, Mr. Langevin, Mr. Gallegly, Mr. Udall of New Mexico, and Mr. Gordon.

H.R. 298: Mr. Schaffer and Ms. McKinney.

H.R. 303: Mr. Kirk, Mrs. Morella, Mr. Skeen, Mr. Simpson, Mr. Gonzalez, and Mr. Shaw.

H.R. 324: Mr. Barcia, Mr. Dooley of California, Mr. Deal of Georgia, Mr. Petri, Mr. Ehlers, and Mr. McGovern.

H.R. 325: Mr. Boswell and Mrs. Capito.

H.R. 336: Ms. Woolsey, Mr. Foley, Mr. Gonzalez, and Mr. Bonior.

H.R. 356: Mr. Shows and Mr. Bilirakis.

H.R. 369: Mr. Wamp.

H.R. 381: Mr. Istook and Mr. Mica.

H.R. 382: Mr. Barr of Georgia.

H.R. 397: Mr. Maloney of Connecticut, Mr. Hastings of Florida, Mr. Souder, Mr. Diaz-Balart, Mr. Gilchrest, Mr. Coyne, Mr. Wolf, Mr. Moakley, and Mr. Allen.

H.R. 415: Mr. Frost and Mr. Blagojevich.

H.R. 435: Mr. Kirk.

H.R. 436: Mr. Frost, Mr. Bachus, Mr. Hinchey, Mr. Phelps, and Mr. Matsui.

H.R. 457: Mr. Davis of Illinois.

H.R. 475: Mr. Weldon of Pennsylvania, Mr. Hilleary, Mr. Ferguson, Mr. Hayes, Mr. Isakson, Mr. Rehberg, Mr. Sessions, and Mr. Hastings of Florida.

H.R. 481: Mr. LaFalce.

H.R. 489: Mr. Cramer, Mr. Edwards, and Mr. Ney.

H.R. 490: Ms. McCollum, Mr. Farr of California, Mr. Fletcher, Mr. Andrews, Mr. Towns, Mr. Taylor of North Carolina, Mr. Ney, Mr. Lucas of Kentucky, Mr. Strickland, and Mr. Peterson of Minnesota.

H.R. 498: Mr. Tiberi, Mr. Markey, Mr. Thompson of California, Ms. Solis, Mr. Ose, Mr. Lampson, Mr. Fletcher, Mr. Udall of Colorado, Mrs. Biggert, and Mr. McIntyre.

H.R. 499: Ms. Woolsey and Ms. McKinney.

H.R. 500: Mr. McGovern and Ms. Lee.

H.R. 507: Mr. Baca and Mr. Barr of Georgia.

H.R. 510: Mr. Quinn.

H.R. 572: Ms. McCarthy of Missouri, Mr. Young of Florida, and Mr. Goode.

H.R. 582: Mr. Gary G. Miller of California.

H.R. 602: Mr. Conyers, Mr. Peterson of Minnesota, Mr. Shays, Mr. Thompson of California, Mr. Rodriguez, Ms. Granger, Mr. Kind, Mr. Shows, Mr. Upton, Mr. Bachus, Mr. Bishop, Mr. Mollohan, Mr. Ortiz, and Mr. Rahall.

H.R. 606: Ms. Baldwin and Mr. Sanders.

H.R. 612: Ms. Eshoo, Mr. Owens, Mr. Nadler, and Mr. Holden.

H.R. 622: Mr. Combest, Mr. Diaz-Balart, Mr. Goss, Mr. Houghton, Mr. McKeon, Mr. Pombo, Mr. Sununu, Mr. Young of Alaska, Mr. Upton, and Mr. Weller.

H.R. 623: Ms. Carson of Indiana.

H.R. 650: Mr. Ballenger.

H.R. 671: Mr. Olver, Ms. Norton, Mr. George Miller of California, Mr. Moakley, and Mr. Frank.

H.R. 674: Mr. Abercrombie, Mr. Ose, Ms. Carson of Indiana, and Mr. Israel.

H.R. 680: Mr. Frank.

H.R. 708: Mrs. Thurman, Mr. Kildee, Mr. Waxman, and Mr. Cramer.

H.R. 714: Ms. Brown of Ohio, Ms. Sánchez, Ms. Hooley of Oregon, Mr. Meehan, Mr. Langevin, and Ms. McCollum.

H.R. 716: Mr. Bentsen.

H.R. 717: Mr. Saxton, Mr. Pomeroy, Mr. Inslee, Mr. Pallone, Mr. Wamp, Mrs. Bono, Mr. Shimkus, Mr. Callahan, Mr. Cunningham, Mr. Rangel, Mr. Hilliard, Mr. Blagojevich, Mr. Gutierrez, Mr. Lewis of Georgia, Mrs. Napolitano, Mr. Whitfield, Mr. Graves, Mr. Thune, Mr. Moran of Kansas, Mr. English, Mr. Horn, Mr. Clement, Mr. Traficant, Mr. McNulty, Mr. Coyne, Mrs. Jones of Ohio, Mr. Brady of Pennsylvania, Mr. Nethercutt, Mr. Cardin, Mr. Crane, Mr. Hastings of Washington, Mr. Udall of New Mexico, Mr. Young of Alaska, Mr. George Miller of California, Mr. Crenshaw, Mr. Pence, Ms. Lofgren, Ms. Harman, Mr. Duncan, Ms. Hart, Mr. Hayes, Mr. Boswell, Mr. Hoyer, Mrs. Wilson, Ms. Woolsey, Mr. Moore, Mr. Hill, Mr. Kildee, Mr. Mollohan, Mr. Wynn, Mrs. Clayton, Mr. Borski, Mr. Mascara, Mr. Conyers, Mr. Kucinich, Mr. Ackerman, Mr. Hinojosa, Mr. Frost, Mr. Diaz-Balart, Mr. Menendez, Mr. Sabo, Mr. Matheson, Mr. Phelps, Mr. Evans, Mr. Taylor of Mississippi, Mr. Filner, Ms. Velázquez, Mr. McDermott, Ms. Berkley, Mrs. Tauscher, Mr. Ross, Mrs. McCarthy of New York, Mr. Markey, Mr. Barrett, Mr. Taylor of North Carolina, Mr. Ney, Mr. Barr of Georgia, Mr. Baca, Ms. Millender-McDonald, Mr. Blunt, Mr. Stupak, Mr. Largent, and Ms. Kaptur.

H.R. 718: Mr. Crenshaw and Mr. Langevin.

H.R. 737: Mr. Owens.

H.R. 738: Mr. Doyle, Ms. Granger, Mr. Turner, Mr. Burton of Indiana, and Mr. Lucas of Oklahoma.

H.R. 760: Mr. English and Mr. Honda.

H.R. 781: Mr. Meeks of New York, Mr. Lampson, Mr. Baird, Mr. Menendez, Ms. McKinney, and Mrs. Thurman.

H.R. 782: Ms. McKinney.

H.R. 804: Mr. Hefley.

H.R. 808: Mr. Shows, Mrs. Lowey, Mr. Owens, Mr. Wamp, Mr. Lucas of Kentucky, Mr. Moore, Mr. Gekas, Mr. Lantos, and Mr. Stupak.

H.R. 817: Mr. Strickland.

H.R. 835: Mr. Largent, Mr. Gallegly, Mr. Davis of Illinois, and Mr. Ose.

H.R. 848: Mr. Holden, Mr. Peterson of Minnesota, Mrs. Roukema, Mr. Jefferson, Mr. MATSUI, Mr. BAIRD, Ms. LEE, Mr. LUCAS of Oklahoma, and Mrs. MCCARTHY of New York.

H.R. 868: Mr. ANDREWS, Mr. BALDACCI, Mr. EDWARDS, Mr. SENSENBRENNER, Mr. CARSON of Oklahoma, Mr. FELINGHUYSEN, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. RAMSTAD, Mr. MANZULLO, Mr. BLUMENAUER, Mr. WATTS of Oklahoma, Mr. GIBBONS, Mr. COSTELLO, Mrs. ROUKEMA, and Mr. BALLENGER.

H.R. 876: Mr. TIERNEY.

H.R. 888: Ms. SCHAKOWSKY.

H.R. 913: Mr. BARCIA.

H.R. 918: Mr. WEXLER, Mr. FARR of California, Mr. WU, Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. KUCINICH, Mrs. NORTHUP, Mr. HOLT, Mr. UDALL of New Mexico, Mr. SANDLIN, Ms. LOFGREN, Ms. ESHOO, Mr. TIERNEY, and Mr. DAVIS of Illinois.

H.R. 938: Mr. BALDWIN.

H.R. 950: Mr. BOUCHER.

H.R. 954: Mr. UDALL of New Mexico and Mr. SMITH of Washington.

H.R. 956: Mr. ALLEN, Mr. HOLDEN, Mr. BLAGOJEVICH, Mr. CAPUANO, and Mrs. MINK of Hawaii.

H.R. 959: Mr. WALDEN of Oregon and Ms. HOOLEY of Oregon.

H.R. 970: Ms. SCHAKOWSKY, Ms. MCCOLLUM, and Mr. BLAGOJEVICH.

H.R. 984: Mr. WELLER, Mr. BACHUS, Mr. GRUCCI, Mr. HAYWORTH, Mr. CRANE, Mr. CARDIN, and Mr. YOUNG of Alaska.

H.R. 985: Mr. PICKERING.

H.R. 990: Mr. HULSHOF, Mr. DOYLE, Ms. MCKINNEY, and Mr. BOYD.

H.R. 993: Mr. DEAL of Georgia.

H.R. 1001: Mr. DEFAZIO.

H.R. 1011: Mr. BRADY of Pennsylvania, Mr. WALSH, Mr. INSLEE, Mr. OBERSTAR, Mrs. EMERSON, Mr. BOUCHER, Mr. LIPINSKI, and Ms. WOOLSEY.

H.R. 1017: Mr. WOLF.

H.R. 1020: Mr. MICA, Mr. SWEENEY, Mr. PETERSON of Pennsylvania, Mr. NEAL of Massachusetts, Mr. FERGUSON, Mr. MASCARA, and Mr. ALLEN.

H.R. 1025: Mr. SCHROCK and Mrs. JONES of Ohio.

H.R. 1035: Mr. ABERCROMBIE, Mr. GONZALEZ, Mr. EVANS, Mr. WYNN, and Mr. LANGEVIN.

H.R. 1043: Mr. PALLONE, Mr. FRANK, Ms. WOOLSEY, and Mr. CAPUANO.

H.R. 1044: Mr. PALLONE, Mr. FRANK, and Ms. WOOLSEY.

H.R. 1084: Mr. GREEN of Wisconsin.

H.R. 1088: Mr. FRELINGHUYSEN and Mr. MATSUI.

H.R. 1090: Mr. HORN, Mr. BORSKI, Mr. LANTOS, and Mr. CLEMENT.

H.R. 1093: Mr. SIMPSON, Mr. TERRY, Ms. KAPTUR, Mr. SCHAFFER, Mr. BALDACCI, Mr. MORAN of Kansas, Mr. BLAGOJEVICH, Mr. THOMPSON of Mississippi, Mr. NETHERCUTT, and Mr. RILEY.

H.R. 1094: Mr. SIMPSON, Mr. GRAVES, Ms. KAPTUR, Mr. SCHAFFER, Mr. SESSIONS, Mr. BALDACCI, Mr. MORAN of Kansas, Mr. BLAGOJEVICH, Mr. THOMPSON of Mississippi, Mr. NETHERCUTT, and Mr. RILEY.

H.R. 1097: Mr. WELDON of Florida, Mr. GILCHREST, Ms. DELAURO, and Mr. CAPUANO.

H.R. 1100: Mr. RYUN of Kansas.

H.R. 1109: Mr. GRAHAM, Mr. WATKINS, Mr. SOUDER, Mr. HALL of Texas, and Mr. SCHROCK.

H.R. 1110: Mr. HUTCHINSON and Mr. PAYNE.

H.R. 1111: Mr. PALLONE.

H.R. 1121: Mr. DEFAZIO.

H.R. 1129: Mr. FROST and Mr. KUCINICH.

H.R. 1130: Mr. FROST.

H.R. 1135: Mr. KUCINICH and Mr. MCGOVERN.

H.R. 1136: Mr. TAYLOR of Mississippi, Mr. FROST, Mr. BARR of Georgia, Mr. HOLDEN, Ms. WOOLSEY, and Mr. GANSKE.

H.R. 1140: Mr. OSBORNE, Mr. CLAY, Mr. KERNS, Mr. ETHERIDGE, Mrs. MORELLA, Mr. PALLONE, Mr. LEWIS of Kentucky, Mr. BOUCHER, Mr. WICKER, and Mr. LUCAS of Oklahoma.

H.R. 1170: Mrs. MORELLA, Mr. HINCHEY, and Mr. FRANK.

H.R. 1179: Mr. KENNEDY of Minnesota.

H.R. 1192: Mr. BORSKI and Mr. MCGOVERN.

H.R. 1193: Mr. HASTINGS of Florida and Mr. DOOLITTLE.

H.R. 1198: Mr. ISAKSON, Mrs. BONO, Mr. CHABOT, Mr. PAUL, Mr. FILNER, Mr. MEEKS of New York, Mr. BILIRAKIS, Mr. CHAMBLISS, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. UDALL of New Mexico, Mr. SCHROCK, Mr. POMBO, Mr. HEFLEY, and Mr. BACHUS.

H.R. 1201: Mr. DAVIS of Illinois, Ms. KILPATRICK, and Ms. CARSON of Indiana.

H.R. 1212: Mr. JOHNSON of Illinois.

H.R. 1215: Mr. DEAL of Georgia.

H.R. 1242: Mr. RANGEL.

H.R. 1254: Mr. MCNULTY, Mr. OBERSTAR, Mr. BALDACCI, and Mr. MCHUGH.

H.R. 1273: Mr. GUTKNECHT.

H.J. Res. 13: Mr. HONDA.

H.J. Res. 27: Mr. GOODE.

H.J. Res. 36: Mr. MCINTYRE, Mr. SHERWOOD, and Mr. RYAN of Wisconsin.

H. Con. Res. 20: Mr. ROTHMAN, Mrs. ROUKEMA, Mr. GOODLATTE, and Mr. LANGEVIN.

H. Con. Res. 23: Mr. AKIN.

H. Con. Res. 45: Ms. WOOLSEY, Mr. ENGEL, Mr. TANCREDO, and Mr. MOORE.

H. Con. Res. 49: Mr. GOODE.

H. Con. Res. 52: Mr. ROTHMAN, Mr. VISCLOSKY, Mr. MCGOVERN, and Mrs. MALONEY of New York.

H. Con. Res. 72: Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. SHOWS, and Mr. FALEOMAVAEGA.

H. Con. Res. 73: Mr. BLUMENAUER, Mr. BARR of Georgia, Mr. PLATTS, Mrs. NORTHUP, Mr. GILMAN, and Mr. LIPINSKI.

H. Con. Res. 81: Ms. MCKINNEY, Ms. BALDWIN, Mr. GEORGE MILLER of California, Mr. HOLDEN, and Mr. MCGOVERN.

H. Res. 17: Mr. STARK, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Ms. BALDWIN.

H. Res. 18: Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. KIND, Mr. MARKEY, Ms. BROWN of Florida, Mr. HINCHEY, and Mr. OWENS.

H. Res. 56: Mr. GILMAN.

H. Res. 87: Mrs. CHRISTENSEN, Mr. MOORE, Mr. ACEVEDO-VILA, and Ms. SÁNCHEZ.

H. Res. 97: Mrs. CAPPS, Mr. SERRANO, Mr. WYNN, Mr. LEWIS of Georgia, Mr. ROSS, Mr. PAYNE, Mr. CROWLEY, Ms. RIVERS, Mr. FROST, Mr. ACKERMAN, Mr. HINCHEY, Mr. OWENS, Mr. PETERSON of Minnesota, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. LANGEVIN, and Ms. WOOLSEY.

SENATE—*Thursday, March 29, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF SESSIONS, a Senator from the State of Alabama.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, help us to know what we mean when we call You our Sovereign. May this name for You, used so frequently by our Founding Fathers and Mothers, become an experienced assurance in our lives. Abigail Adams' own words written to her husband John on June 20, 1776, become our motto: "God will not forsake a people engaged in so right a cause, if we remember His loving kindness." O Divine Master, help us to be engaged in causes that You have assigned and never forget Your faithfulness.

Belief in Your sovereignty gives us a sense of dependence that leads to true independence. All that we have and are is Your gift. When we are totally dependent on You for guidance and strength, we become completely free of fear and anxiety. What You guide, You provide. Trust in Your sovereignty provides supernatural power to accomplish what You give us to do for Your glory. And acceptance of Your sovereignty gives us courage. This is Your Chamber. It is holy ground; keep this Senate sound. May Your sovereign authority abound. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF SESSIONS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 29, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF SESSIONS, a Senator from the State of Alabama, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. SESSIONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will resume consideration of the DeWine amendment regarding issue advocacy ads. There will be up to 15 minutes of debate prior to a vote at 9:45. Following the vote, Senator HARKIN will be recognized to offer an amendment regarding volunteer spending limits. By previous consent, there will be up to 2 hours of debate on the amendment. Senators should be aware that the vote on the Harkin amendment is expected to occur prior to noon today.

Further amendments will be offered throughout the day. There will be numerous votes, with the goal of completing action on the bill by this evening.

I yield the floor.

Mr. REID. Mr. President, I have been in contact with the two managers of the bill, and I have indicated that Senator DODD and I have worked to cut down the list. We have several amendments. I think there has been a civil debate in this 2-week period of time. There have been very few quorum calls in effect. We are going to do what we can.

I alert everyone, to finish this bill today is going to be extremely difficult. We had 21 amendments yesterday on this side. We are down now to about 14. We picked up two during the night. I am sure most of them will work with time limits on the amendments. But that having been said, it is going to be very difficult to finish today. I think the leadership should consider we will have to have something else either going into tomorrow or Saturday or finishing next week.

Mr. McCONNELL. I must say while the amendments seem to be multiplying on the other side, they are vanishing on this side. There are a couple of amendments, but there is really only one, I think, that has any serious drama attached to it, and that is the nonseverability amendment which we hope to vote on later today, to be offered by Senator FRIST, in coordination with a member of the Democratic Party from the other side of the aisle.

I say to my friend, the Democratic whip, we don't have many amendments left to go over here, so we may at some point just be dealing with Democratic amendments.

Mr. REID. We will do our best to cooperate with the manager of the bill.

Mr. McCAIN. Will the Senator yield?

Mr. McCONNELL. I am happy to yield.

Mr. McCAIN. Over the last 2 weeks, literally every day I have been standing on the floor with the Senator from Kentucky and the Senator from Nevada saying we are going out early, we have a lot of amendments to go, and we need to get this done, and everybody wants to get it done by the end of this week, particularly by this evening. Apparently that is going to be very difficult to do.

My suggestion to the Senator from Kentucky and the leadership on both sides is stay in tonight until we get it done or—that is my first choice. My second choice would be tomorrow and then on Saturday. I think we are all aware that the leadership wants to move to the budget debate. I think that is appropriate. We all agreed at the beginning that 2 weeks was sufficient time to address this issue.

One thing I suggest to the Senator from Kentucky and the Senator from Nevada is tabling motions, but clearly first-degree amendments have at least an hour and a half, even if all time is yielded back on the other side.

I hope most Members appreciate that there are a couple or three issues, the main one being severability, but the rest of them either have been addressed in some fashion or are not of compelling impact, even though the authors of the amendments may believe that is the case.

I urge my colleagues to be prepared to stay in very late tonight because we need to finish this legislation.

I yield the floor.

Mr. McCONNELL. Mr. President, I say to my friend from Arizona, he will notice I have not filed a cloture motion. I have said that there is only one major amendment left, the nonseverability amendment, which will be offered on a bipartisan basis, and that there are few to no amendments left on this side.

From my point of view, as someone who is certainly unenthusiastic about this bill and will vigorously oppose it, nevertheless I realize it is time to get to final passage sometime today. I say to the Senator from Arizona we will not have a problem getting to final passage because of this side. We cleared things out on our side and are ready to go to final passage. I am happy to finish it up sometime today.

Mr. McCAIN. I thank the Senator from Kentucky.

Mr. REID. Mr. President, I don't want to belabor this. I briefly say to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Senator from Arizona, the votes for this reform have been supplied by this side of the aisle. We appreciate its bipartisan nature. We are doing our very best, and we have people who believe in campaign finance reform who have amendments. They believe they strengthen the bill, and we will work with them to try to cut down their time. Some of them have waited, they haven't been off the Hill doing something else, they have been waiting to offer these amendments. We will do everything we can to protect them so they can offer these amendments for what they believe will strengthen this bill.

Mr. MCCAIN. Hopefully, we can collate the number of the amendments, perhaps work out some time agreements on each one, so we can have an idea as to when we can finish.

Mr. REID. We will do our very best.

Mr. MCCONNELL. Mr. President, one final item: I want to notify the Senate that about 4 o'clock I am planning to address the Senate on the implications of this bill on our two parties. I know we frequently don't show up to listen to each other's speeches, but I recommend that Senators who are interested in the impact of this bill on the future of the two-party system and on their own reelections might want to pay attention to what I have to say. My current plan is to deliver that speech around 4 o'clock, and I want to notify people on both sides of the aisle and the staffers who may be listening to the proceedings on the Senate floor.

I think this is one speech that maybe Senators on both sides of the aisle ought to listen to. So maybe just to give notice, I ask unanimous consent I be allowed to address the Senate for up to 30 minutes, beginning at 4 o'clock.

Mr. REID. I have no objection as long as there is 30 minutes reserved to respond to the Senator from Kentucky by someone from this side of the aisle.

The ACTING PRESIDENT pro tempore. Does the Senator so modify his request?

Mr. MCCONNELL. I say to my friend from Nevada, I don't think there will be anything to respond to. I am sure it will be a factual presentation of the impact.

Mr. REID. I am sure that will be the case, but we ask for 30 minutes.

Mr. MCCONNELL. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the DeWine amendment, No. 152, on which there shall be 15 minutes for closing remarks.

First, the clerk will report the bill.

The legislative clerk read as follows:

A bill, S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Specter amendment No. 140, to provide findings regarding the current state of campaign finance laws and to clarify the definition of electioneering communication.

DeWine amendment No. 152, to strike certain provisions relating to noncandidate campaign expenditures, including rules relating to certain targeted electioneering communications.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

AMENDMENT NO. 152

Mr. DEWINE. Mr. President, I yield myself 4 minutes.

Mr. REID. Will the Senator yield for a minute?

Mr. DEWINE. I yield.

Mr. REID. Mr. President, I yield, on behalf of the opponents of this measure, 7½ minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 4 minutes.

Mr. DEWINE. Mr. President, in a few moments the Senate will have an opportunity to vote on an amendment I have offered along with Senator HATCH, Senator HUTCHINSON from Arkansas, Senator BROWNBACK, and Senator ROBERTS. This amendment is a very simple amendment. It strikes title II from this bill.

This will be the last opportunity that Members of this Senate will have to strike what is blatantly and obviously a unconstitutional provision of this bill. We all take an oath to support and defend the Constitution. I think it is one thing to say we are not sure how a court is going to rule. That is certainly true. We are never totally sure. It is one thing to say a provision of a bill may be held unconstitutional. But I do not know how anyone can look at the amended bill, which is no longer Snowe-Jeffords—it is now Snowe-Jeffords-Wellstone; it is fundamentally different—I don't know how anyone can look at this bill and not know it is blatantly unconstitutional. I think everyone knows when it leaves here it will be held unconstitutional and that is why we will have, later today, a debate about this whole issue of severability. We would not have to have that debate if people did not believe this provision is unconstitutional.

What does it do? What does Snowe-Jeffords-Wellstone do? What will the bill say unless we amend it by striking this provision? It will draw an arbitrary, capricious, and I submit an unconstitutional line in the sand 60 days before an election, and it will say that within 60 days of an election free speech goes out the window. No longer can a corporation, no longer can a labor union, and most important and clearly the most unconstitutional part, no longer will citizen groups that come together to run ads on TV or radio be able to do that if they mention the candidate's name. That is an unbelievable restriction on free speech at a time when it is the most important, when it has the most impact—60 days before the election—and in the most effective way, on TV and radio.

This Congress will be saying in this bill, if we pass it and if we keep this provision in, that we are going to censure that speech, we are going to become the free political speech police corps and we are going to swoop in and say you cannot do that.

Groups that want to run an ad criticizing MIKE DEWINE or criticizing any other candidate will then go into a local TV station to run an ad talking about an issue and mentioning the name or putting up our picture on the screen and will no longer be able to do that. The station manager will have to say: I am sorry, you can't run that ad.

People will say: Why not?

The Congress passed a ban on your ability to do that.

That is clearly unconstitutional.

What is the criterion? What have the courts held necessary, before Congress can abridge freedom of speech? There are certain areas where clearly we can do it and the courts have held we can do it. What is the test?

There must be a compelling State interest to do it. If it is done, it must be done in the least restrictive way. Least restrictive? What could be more restrictive than to say you can't go on TV, you can't communicate to people? If this remains in the bill, we will end up with a situation in this country where the only people who can speak in the last 60 days, to the electorate, will be the Tom Brokaws of the world, the TV commentators, the radio commentators, and the candidates. This is not a closed system. It is not an exclusive club. It is something in which everyone should be able to participate. That is the essence of free speech.

The courts have held all kinds of things to be part of free speech. But the most pure form of free speech, the thing that absolutely must be protected, the thing that obviously the Framers of the Constitution had in mind when they wrote the first amendment, is political speech in the context of a campaign when we talk about issues and when we talk about candidates.

I do not like a lot of these ads. My colleagues who come to the floor—and by the way, every colleague who came to the floor to oppose the DeWine amendment, everyone except Mr. WELLSTONE—voted against the Wellstone amendment. Every single one of them did. I don't know why they did. I know why Mr. EDWARDS did. He said it was unconstitutional, and I think everybody in this Chamber knows it is unconstitutional. But that is what the restriction will be. It is blatantly unconstitutional. It does not pass the Supreme Court's test of a compelling State interest.

What is the compelling State interest to smash free speech within 60 days before an election? I will stop at this point and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Maine controls the time in opposition.

The Senator from Maine.

Ms. SNOWE. I yield 2 minutes to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. FEINGOLD. Mr. President, I rise to oppose the DeWine amendment. I believe the Senator from Ohio raises serious and legitimate issues about the Snowe-Jeffords amendment. The fact is, to put it in plain terms for the people around the country, they are being subjected to ads that about everybody knows are really campaign ads. They are what many people call phony issue ads. They know very well they are not just issue ads.

What Senators SNOWE and JEFFORDS have done is to try to come up with a formula to get at the heart of the problem, to have the Supreme Court have an opportunity for the first time in many years to look at legislative language from the Congress, to ask the question: Are these ads that are supposed to be protected under the first amendment or are they really electioneering ads that everyone would concede have to be subject to some kind of regulation in order for there to be fair elections in this country?

That is the question. The only way we can find the answer to the question is to pass a bill. We cannot call up Chief Justice Rehnquist and say: Say, if we did this, would it be constitutional? We are prohibited from asking for those kinds of advisory opinions.

I believe this is constitutional. I believe it is very carefully crafted with a very strong respect for the difficult first amendment questions that are involved. But I do think it would be held constitutional.

I expect some of the Justices might find it is not constitutional. But that is not how the Supreme Court works. It does not have to be unanimous. The question is, What do a majority of the Justices believe? I believe a majority of the Justices who see these ads on television would conclude, as I do, that they are not issue ads but that they are really campaign ads and are appropriately regulated in this manner.

For that reason, I believe this is an extremely valuable addition to the bill. It is the second big loophole in the system. No. 1 is the soft money loophole. No. 2 is the phony issue ads. And that is exactly what the distinguished Senator from Maine and the distinguished Senator from Vermont are opposed to. I thank the Senator from Maine.

The ACTING PRESIDENT pro tempore. Who yields time?

Ms. SNOWE. Mr. President, I now yield 2 minutes to the Senator from Vermont.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. President, I am disturbed at the DeWine attempt to solve a problem that is not there. I was one of those back in my last election—not the last but the one before that—who was exposed to this kind of advertising, who has had to face seeing ads on television which totally distort the facts and say terrible things. You watch a 20-percent lead keep going down and you do not know who is putting them on. You know what they are saying is totally inaccurate, but you have no way to refute it, other than to try to get people convinced that nobody knows who put it there, who is behind it.

The constitutionality of our provisions is common sense. How can you say that something which merely asks the person who put out the ad to let everybody know who they are is unconstitutional? How in the world can you say that it is unconstitutional to require somebody to disclose who they are and what they are?

That is all we are doing in Snowe-Jeffords.

The Wellstone amendment does make things a little more confusing in that regard.

Let's remember what we are doing if we vote on this bill without leaving in the very critical provisions of Snowe-Jeffords, which say that anyone who does ads and does so in a way to attack a candidate, they have to let people know who they are. What is wrong with that? I think everybody believes that is a positive addition.

The Snowe-Jeffords provisions also make sure that when the time comes down to the very end, that unions and corporations are not precluded from ads by any means. But they are required to disclose from where the money came and use individually donated hard money.

It can't be unconstitutional in the sense of the corporations or unions using individually donated funds instead of their own funds to run these ads. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me briefly respond to my colleague from Vermont.

Look, no one likes these ads. No one likes to be attacked. My friend said he is disturbed by these ads; they say terrible things, and they are inaccurate. I understand that. All of us have had that experience. All of us have been in tough campaigns. All of us have been attacked by what we consider to be unjustifiable. All of us have faced attacks where people have said things that we just shudder about and just can't believe that it is running on television. Our families do not like it. Our mothers do not like it. Our kids do not like it. But do you know something. That is part of the system. That is part of democracy. This is not some other country where we restrict campaigns and what can be said at the time campaigns take place.

It might be easier. It might be cleaner. It might be easier to look at. No one ever said democracy was easy and wasn't sometimes messy. But that is the first amendment. That is not a justification to put a clamp on freedom of speech.

My friends talk about disclosure. That is not the biggest problem with this bill. It is not a disclosure problem so much as it is a restriction on free speech within 60 days of an election.

Let me repeat what it does.

Within 60 days of an election, you can't run an ad that mentions a candidate's name or that has the candidate's image unless you are the candidate for that particular office.

That is what it says. It is wrong to make it unconstitutional.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, it is my pleasure to speak in support of the provision originally crafted by the distinguished Senators from Maine and Vermont, Senators SNOWE and JEFFORDS, and in opposition to the DeWine amendment. When the debate on campaign finance reform reached a stalemate in the fall of 1997, Senator SNOWE and Senator JEFFORDS first came together to draft this language, and it has been a vital contribution to reform effort. I thank them both for their continued dedication to closing the issue ad loophole which, next to soft money, is surely the most serious violation of the spirit of our campaign finance laws.

Snowe-Jeffords gets at the heart of the issue ad loophole. Right now wealthy interests are abusing this loophole at a record pace. They are flouting the spirit of the law, there is no question about it. They advocate for the election or defeat of a candidate, even though they don't say those "magic words," such as "vote for," "vote against," "elect" or "defeat." These ads might side-step the law, Mr. President, but they certainly don't fool the public. One recent study decided to see how the public viewed sham issue ads. They wanted to see if people thought they were really about the issues, or whether they were about candidates. The results were definitive.

Take a look at this chart, which cites the results of a study conducted by

David Magleby at Brigham Young University. Nearly 90 percent of respondents in the study thought that phony issue ads paid for by outside groups were urging them to vote for or against a candidate.

People didn't need to hear the so-called magic words to know what these ads were really all about. That was just as true for issue ads paid for by the parties as it was for ads paid for by outside groups.

Party soft money ads were just as clearly crafted to influence the voters. When respondents reviewed party soft money ads, 83 percent ranked those ads as "clearly intended to influence their vote." And this is perhaps even more interesting, more respondents thought the parties' ads were intended to influence their vote than the ads paid for by the candidates' campaigns. The party ads, the sham issue ads paid for with soft money, were more obviously advocating for or against a candidate than the ads the candidates made themselves. That is a great example of how soft money and the issue ad loophole have come together to warp the current campaign finance system.

As you can see in this next chart entitled "Political Party Soft Money Ads Overtake. . .", party spending on soft money ads has now overtaken candidate spending on ads in the presidential race. You can see on this chart how this shift has taken place between the 1996 and 2000 elections. The parties are now spending phenomenal amounts of soft money on sham issue ads.

Again, on this chart, you can see how party spending on ads has overtaken candidate spending in the race for the Presidency, and dwarfs spending by outside groups. And here is the kicker: None of these party ads mention party label, but all of them mention the candidate. They mention the candidate because they are advocating for the election or defeat of that candidate. And yet the law says that doesn't count.

This doesn't make sense. The magic words test is completely helpless to stem the tide of sham issue ads, ads from the parties, ads from unions or corporations, or ads from outside groups that are acting on behalf of those unions or corporations. We need to close the loophole, and Snowe-Jeffords does just that.

Here is how Snowe-Jeffords navigates the difficult political and constitutional terrain of this debate. Here I am talking about the original Snowe-Jeffords provision, before adoption of the Wellstone amendment. The first thing that the provision does is define a new category of communications in the law—we call them electioneering communications. These electioneering communications are communications that meet three tests: First, they are made through the broadcast media—radio and TV, including satellite and cable. Second, they refer to a clearly identified Federal candidate—in other words, they show the face, or speak the name of the candidate. And third, they appear within 60 days of a general election or 30 days of a primary in which that candidate is running.

The original Snowe-Jeffords provides that for-profit corporations and labor unions cannot make electioneering communications using their treasury funds. If they want to run TV ads mentioning candidates close to the election, they must use voluntary contributions to their political action committees. We believe that this approach will withstand constitutional scrutiny, because corporations and unions have long been barred from spending money directly on Federal elections.

The Supreme Court upheld the ban on corporate spending in the Austin v. Michigan Chamber of Commerce case. It noted that a Michigan regulation that prohibited corporations from making independent expenditures from treasury funds prevented "corruption in the political arena: the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for the corporation's political ideas." According to the Court, the Michigan regulation "ensured that the expenditures reflect actual public support for the political ideas espoused by the corporations."

We are merely saying through this provision that that actual public support, shown by voluntary contributions to a PAC, must be present when corporations and unions want to run ads mentioning candidates near in time to an election.

The Snowe-Jeffords provision goes on to permit spending on these kinds of ads by non-profit corporations that are registered as 501(c)(4) advocacy groups, by 527 organizations, and by other unincorporated groups and individuals. But it requires disclosure of the spending and of the large donors whose funds are used to place the ads once the total spending of the group on these "electioneering communications" reaches $10,000.

A few things should be noted about the disclosure requirement that entities other than unions and for-profit corporations are subject to if they engage in these kinds of electioneering communications. The disclosure is not burdensome; it simply requires a group placing an ad to report the spending to the FEC within 24 hours, and to provide the name of the group, of any other group that exercises control over its activities, and of the custodian of records of the group, and of the amount of each disbursement and the person to whom money was paid.

Second, disclosure is triggered by spending a total of $10,000 or more on these kinds of ads. So a small group that spends only a few thousand dollars on radio spots will never have to report a thing.

Third, the disclosure of contributors required is quite limited. Only large donors—those who contribute more than $1,000—must be identified, and they must be identified only by name and address. And a group that receives donations for a wide variety of purposes, including some corporate or labor treasury money, can set up a separate bank account to which only individuals can contribute, pay for the ads out of that account, and disclose only the large donors whose money is put in that account.

The net result will be that the public will learn through this amendment who the people are who are giving large contributions to groups to try to influence elections. And if a group is just a shell for a few wealthy donors, then we will know who those big money supporters are and be much better able to assess their agenda.

On the other hand, if an established group with a large membership of small contributors wishes to engage in this kind of advocacy, it need not disclose any of its contributors because it can pay for the ads from small donor money that has been raised for the special bank account for individual donors.

Mr. President, I believe that these disclosure provisions will pass constitutional muster. The Buckley case, it should be remembered, rejected limits on independent expenditures but upheld the requirement that the expenditures be disclosed. Rules that merely require disclosure are less vulnerable to constitutional attack than outright prohibitions of certain speech. The information provided by these disclosure statements will help the public find out who is behind particular candidates. This disclosure can help prevent the appearance of corruption that can come from a group secretly spending large amounts of money in support of a candidate.

Some have argued—the Senator from Kentucky among them—that even these reasonable disclosure requirements violate the Constitution. They cite the case of NAACP v. Alabama from 1958. That is a very important case, and one with which I fully agree, but the conclusion that the Senator from Kentucky draws from it, with respect to the Snowe-Jeffords provision, is simply wrong.

In the NAACP case, at the height of the civil rights struggle, the state of Alabama obtained a judicial order to the NAACP to produce its membership lists and fined it $100,000 for failing to comply. The NAACP challenged that order and argued that the first amendment rights of it members to freely associate to advance their common beliefs would be violated by the forced disclosure of its membership lists. It pointed out many instances where revealing the identities of its members exposed them to economic reprisals, loss of employment, and even threats of physical coercion. The Court held that the state had not demonstrated a sufficient interest in obtaining the lists that would justify the deterrent effect on the members of the NAACP exercising there rights of association.

Snowe-Jeffords is totally different from what the State of Alabama tried to do in the NAACP case. Snowe-Jeffords doesn't ask for membership lists, it asks for the very limited disclosure of large contributors to a specific bank account used to pay for electioneering communications. Most membership groups won't have to disclose anything if they receive sufficient small donations to cover their expenditures on these type of communications. Contributors to the groups that don't want to be identified can simply ask that their money not be used for the kind of ads that would subject them to disclosure. And finally, the disclosure requirement can be avoided altogether by crafting an ad that does not specifically refer to a candidate during the short window of time right before an election.

The Supreme Court has shown much more willingness to uphold disclosure requirements in connection with election spending than opponents of Snowe-Jeffords have been willing to recognize. In the Citizens Against Rent Control v. City of Berkeley, a 1981 case, for example, the Court struck down a limit on contributions to committees formed to support or oppose ballot measures. But the Court noted specifically, and I quote, "the integrity of the political system will be adequately protected if contributors are identified in a public filing revealing the amounts contributed; if it is thought wise, legislation can outlaw anonymous contributions." It is worth noting that the opinion in that case was by Chief Justice Warren Burger and the vote was 8–1. The dissenter, Justice White, thought the limit on contributions should be upheld.

In U.S. v. Harris, the Court upheld disclosure requirements for lobbyists, despite the alleged chilling effect that those requirements might have on the right to petition the government. And, of course, the Buckley Court upheld disclosure requirements for groups making independent expenditures.

Now it is of course true that the Court will have to analyze the disclosure requirements in Snowe-Jeffords, and the type of communications that trigger it and determine if they pass constitutional muster. I will not proclaim that there is no argument to be made that the provision is unconstitutional. But to say that there is no chance that this provision will be upheld is just not right. There is ample constitutional justification and precedent for this provision.

That conclusion is supported by a letter we have received from 70 law professors who support the constitutionality of the McCain-Feingold bill, including the Snowe-Jeffords provision. This is what they write with respect to Snowe-Jeffords:

> [T]he incorporation of the Snowe-Jeffords amendment into the McCain-Feingold Bill is a well-reasoned attempt to define electioneering in a more realistic manner while remaining faithful to First Amendment vagueness and overbreadth concerns. . . . While no one can predict with certainty how the courts will finally rule if any of the these provisions are challenged in court, we believe that the McCain-Feingold Bill, as current drafted, is consistent with First Amendment jurisprudence.

As the Brennan Center for Justice wrote in an analysis of Snowe-Jeffords:

> Disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. . . . There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputedly designed to influence their votes.

The opponents of our bill speak with great disdain of the Snowe-Jeffords provision and act as if it is certainly and indisputably unconstitutional. Now I will not pretend that there are not difficult constitutional issues raised, but I simply do not think it is accurate to say, as our opponents do, that there is no hope for this provision before the Supreme Court. And the Supreme Court is going to decide this issue, that we know for sure. All the lower court decisions in the world on state statutes that don't have a bright line approach as Snowe-Jeffords does, don't mean much of anything. The Supreme Court has not yet addressed this issue; if we enact this bill, it undoubtedly will.

It is important to note that Snowe-Jeffords contains provisions designed to prevent the laundering of corporate and union money through non-profits. Groups that wish to engage in this particular kind of advocacy must ensure that only the contributions of individual donors are used for the expenditures.

Anyone who opposes this provision must defend the rights of unions and corporations using their treasury money, not just citizen groups like the National Right to Life Committee or the Christian Coalition, or the Sierra Club, to run what are essentially campaign advertisements that dodge the federal election laws by not using the magic words "Vote For" or "Vote Against," or to finance those ads through other groups.

Second, they must argue that the public is not entitled to know, in the case of advocacy groups that run these ads so close to the election, the identities of large donors to group's election-related effort. Many opponents of McCain-Feingold have trumpeted the virtues of full disclosure. I have at times doubted how serious they were about disclosure because they would never acknowledge the important advances in disclosure already included in our bill.

I have discussed here the original Snowe-Jeffords provision. The Wellstone amendment, in effect, broadens that provision to cover ads run by corporations and unions. I voted against adding that amendment. I thought and still think that it makes Snowe-Jeffords more susceptible to a constitutional challenge, but it passed when many Senators who oppose the bill and the Snowe-Jeffords provision voted for it. In any event, the Wellstone amendment was written to be severable from the remainder of the Snowe-Jeffords provision. That gives even more significance to the vote we will have today on severability. But if we win that vote, Snowe-Jeffords will survive even if the Wellstone amendment is held to be unconstitutional.

Let me again commend Senators SNOWE and JEFFORDS for crafting a provision that treats labor unions and corporations equally. Rather than try to give one side or the other an advantage, this provision tries to bring back some sanity to our system by recognizing that both sides have played fast and loose with the spirit of the election laws by running ads that claim to be about issues, but are really candidate specific campaign ads.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Maine.

Ms. SNOWE. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. There is 1 minute 47 seconds for the Senator from Ohio, and 3 minutes for the Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I urge my colleagues to vote against the motion to strike that has been offered by my good friend from Ohio, Senator DEWINE. Make no mistake about it. A vote to strike the Snowe-Jeffords provision specifically would be a vote against disclosure.

It is interesting to hear my colleague describe the amendments and the provisions that are contained with the McCain-Feingold legislation; that it is a restriction on the first amendment right, the right to free speech. That is not only a mischaracterization, but it is false.

The Supreme Court never said you can't make distinctions in political campaigns in terms of what is express advocacy and issue advocacy. That is what we have attempted to do with the support of more than 70 constitutional experts—to design legislation that is carefully crafted that says if these organizations want to run ads, do it as the rest of us. Use the hard money that we have to raise in order to finance those ads 60 days before an election that mention a Federal candidate.

We are seeing the stealth advocacy ad phenomenon multiplying in America today—three times the amount of money that is spent on so-called sham ads in the election of 2000, and three times the amount in 1996. Why? Because of what they have done to skirt the disclosure laws because they do not use the magic words "vote for or against." They mention a candidate.

Is it no coincidence that they are mentioning the candidate's name 60 days before an election? What for? It is to impact the outcome of that election.

What we are saying is disclose who you are. Let's unveil this masquerade. Let's unveil this cloak of anonymity. Tell us who you are. Tell us who is financing these ads to the tune of $500 million in this last election. The public has the right to know. We have the right to know.

That is what this amendment is all about. It is not an infringement on free speech. It is political speech. Even my colleague from Ohio said it is political speech, political speech you have to disclose.

That is what we are talking about in this amendment.

I ask unanimous consent to have printed in the RECORD a study entitled "The Facts about Television Advertising and the McCain-Feingold Bill."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FACTS ABOUT TELEVISION ADVERTISING AND THE MCCAIN-FEINGOLD BILL

(By Jonathan Krasno and Kenneth Goldstein)

The McCain-Feingold bill and its House counterpart sponsored by Representatives Shays and Meehan are universally regarded as the most significant campaign finance legislation under serious consideration by Congress in a generation, perhaps since the 1974 amendments to the Federal Election Campaign Act (FECA). This legislation would not expand on the 1974 reforms but instead restore them by regulating the two mechanisms that have developed in the intervening decades to circumvent FECA, so-called "soft money" and "issue advocacy." Together and separately soft money and issue advocacy have become an enormous part of many federal campaigns, in some cases even eclipsing the efforts of candidates operating under FECA's rules.

That popularity, naturally, has created a powerful group of donors and recipients who have exploited these loopholes and now oppose any attempt to close them, even as some contributors have begun to complain of the relentless pressure to give money. These political forces, coupled with the putative relationship between soft money, issue advocacy and several core constitutional values, have made McCain-Feingold among the most controversial bills facing Congress.

This paper uses a unique source of data about television commercials to examine some of the most important issues raised in connection to this proposal. It is appropriate that we focus on television advertising since it is the largest—and most discussed—single category of expenditures by candidates, parties and interest groups in federal elections. McCain-Feingold's chief impact would surely be seen on the nation's airwaves, on the hundreds of thousands of issue ads paid for with soft money. Indeed, many of the arguments for and against McCain-Feingold are rooted in different interpretations of those very ads.

For its critics, the huge outlay on issue ads is a dangerous scam perpetrated on democracy, a scam predicated on twin falsehoods that issue ads promote issues and soft money builds parties. For its defenders, the spending on issue advertising is a sign of democracy's vitality and any attempt to limit issue ads or soft money is inherently hamhanded and dangerous. Fortunately, many of these claims are empirical questions; given the proper data they can be carefully dissected and weighed. That is precisely what we do here by using the most extensive data set on television advertising ever developed to explore some of the core assumptions invoked by proponents and opponents of McCain-Feingold.

MONITORING THE AIRWAVES

The sheer amount of television advertising—on approximately 1300 stations in the nation's 210 media markets over the 15 or 16 most popular hours in the broadcast day—makes commercials extremely difficult to study. Fortunately, using satellite tracking first developed by the U.S. Navy to detect Soviet submarines, a commercial ad tracking firm, the Campaign Media Analysis Group (CMAG), is able to gather information about the content, targeting and timing of each ad aired. CMAG tracks commercials by candidates, parties and interest groups in the nation's top 75 media markets. Together these markets reach approximately 80 percent of households in the U.S. CMAG's technology recognizes the seams in programming where commercials appear, creates a unique digital fingerprint of each ad aired, then downloads a version of each ad detected along with the exact time and station on which it appeared. The company later adds estimates of the average cost of an ad shown in the time period.

With funding from the Pew Charitable Trust, CMAG's data for 1998 and 2000 were purchased. These data are literally a minute-by-minute view of political advertising across the country—along with "storyboard" (a frame of video every 4–5 seconds plus full text of audio) for each ad detected during these two election cycles. The storyboards were then examined by teams of graduate and undergraduate students at the University of Wisconsin (2000) and Arizona State University (1998) who coded the content of each commercial.

Some of the questions—such as whether an ad mentioned a candidate for office by name or urged viewers to "vote for" or "defeat" a particular candidate—were objective. Others were subjective. These included items asking coders to assess the purpose (to support a particular candidate or express a view on an issue) and tone (promote, attack, or contrast) of an ad. Both types of questions elicited nearly identical responses from different students who assessed the same ad, indicating a reassuring degree of intercoder reliability. In addition, we also took special care to examine the disclaimer in each commercial, the written portion appearing usually at the end of each commercial noting its sponsor ("Paid for by . . ."), where possible. From this we were able to determine whether an ad is sponsored by a candidate, party or interest group, and, if paid for by a party or group, whether it is an issue ad or not.

Coders ended up examining approximately 2,000 different federal ads (eliminating ads referring to state and local candidates or ballot propositions) in 1998 and nearly 3,000 in 2000. As Table One shows, these ads fell into different campaign-finance categories and appeared on the air hundreds of thousands of times. Most of the astonishing growth from 1998 to 2000, of course, is attributable to the presidential election, but the number of ads in congressional elections also rose in this two-year period from 302,377 to 420,656 and expenditures nearly doubled. Most of this upsurge came from parties and interest groups.

TABLE ONE.—TELEVISION ADVERTISING IN TOP 75 MARKETS

[Estimated cost/number of spots in parentheses]

	1998	2000
Candidates:		
Total	$140,617,427 (235,791)	$334,571,178 (429,747)
Parties:		
Issue ads	20,526,340 (37,386)	163,586,235 (231,981)
Hard $ ads	5,296,318 (7,488)	29,166,653 (37,938)
Interest Groups:		
Issue ads	10,371,191 (20,431)	95,893,837 (139,577)
Hard $ ads*	421,222 (1,281)	....
Total	$177,232,508 (302,377)	$623,217,897 (839,243)

*The vast majority of commercials sponsored by interest groups were issue ads. We are continuing to examine the data to determine how much groups spent on hard money ads (independent expenditures) in 2000.

WHOSE OX IS GORED

The first question the professional politicians in Congress are asking about McCain-Feingold is who will it affect. Such questions are always perilous since advertisers will undoubtedly try to adapt to any new regulations, searching for new loopholes to exploit. Which direction their search will eventually take them is at best an educated guess. What is more than guesswork, however, is the matter of how much has been spent on issue ads by the parties and their allies over the last two cycles.

Figure One (not reproducible in the Record) breaks down the issue ads in Table One by party, showing the total number run by various Democratic and Republican party committees and their allies. While Republicans had a noticeable advantage in issue ads in 1998, Democrats claimed a small lead in 2000. This modest reversal illustrates the unpredictability of soft money. Since contributions (to either parties or interest groups) for issue ads are unlimited, the generosity of a relatively small number of well-heeled donors may shift the tide. But equally striking is the near equality between the parties. Total soft money spending for the Democrats and Republicans is separated by no more than $5,000,000 in either year, a relatively small amount among the hundreds of millions spent on political advertising in both years. That is not to say, of course, that no candidates would have been particularly helped or hurt had McCain-Feingold been in effect earlier, only that the Democrats' and Republicans' gains and losses come fairly close to balancing out across the country.

REGULATING ISSUE ADVOCACY

The working definition of issue advocacy comes from a footnote in the Supreme Court's seminal decision in Buckley v. Valeo

(1976) that limited FECA's impact by defining campaign communications as those "expressly advocating" the election or defeat of a particular candidate by using words like "elect," "defeat," or "support." The purpose behind the footnote was to protect speech about "issues"—lobbying on bills before Congress, pronouncements or debate over public policy—from the financial regulations affecting partisan electioneering. The need to distinguish the two is obvious, but whether use of specific words of express advocacy (now widely known as "magic words") is an effective way to do so is less clear.

We sought to evaluate this standard by looking at ads purchased by candidates' campaigns. Candidates are a perfect text case since the purpose of their advertising is so obviously electioneering that the magic words test does not apply to them. Thus, candidates must live with FECA whether or not they use magic words. That might lead one to assume that candidate ads unabashedly urge viewers to vote for one person or defeat another, but it turns out that such direct advocacy is exceedingly rare. In 2000 just under 10 percent of the nearly 325,000 ads paid for by federal candidates directly urged viewers to support or oppose a particular candidate or used a slogan like "Jones for Congress," the full list of magic words in Buckley. Earlier we found just 4 percent of 235,000 candidate ads in 1998 used any of the verbs of express advocacy; 96 percent did not ask viewers to vote for or against any candidate. Any device that fails to detect what it was designed to find 9 times out of 10 is clearly a flop. The magic words test simply does not work.

The failure of the magic words test does not mean, of course, that all issue ads are necessarily electioneering. But several things suggest that a great majority of them are. To begin with, the issues raised in commercials by candidates and in issue ads are virtually identical. Table Two lists the top five themes appearing in both types of ads in 1998 and 2000. While occasional variations occur, the overwhelming impression is that issue ads mimic the commercials that candidates run. This may be mere coincidence, but it is a suggestive one. At very least, it contradicts the argument that issue ads by parties and interest groups introduce policy matters into the political arena that are otherwise ignored. The truth is that candidates' agenda is generally the only thing addressed by any advertiser, particularly in the final hectic weeks of the campaign.

TABLE TWO.—COMPARING THE ISSUES IN CANDIDATE ADS AND "ISSUE ADS"

	Percent
CANDIDATE ADS	
1998:	
1. Taxes	28
2. Education	26
3. Social Security	23
4. Health Care	14
5. Crime	9
2000:	
1. Health Care	34
2. Education	31
3. Taxes	26
4. Social Security	24
5. Candidate background	24
ISSUE ADS	
1998:	
1. Taxes	31
2. Social Security	23
3. Health care	20
4. Education	14
5. Defense	10
2000:	
1. Health care	30
2. Medicare	21
3. Social Security	16
4. Education	16
5. Taxes	16

Note.—Ads may mention multiple themes so percentages do not sum to 100.

There is also the matter of timing. If issue ads were intended only to pronounce on important policy matters we would expect to see them spaced throughout the year or concentrated in periods when Congress is most active. As Figure Two (not reproducible in the RECORD) demonstrates, however, that is far from the case. While in both 1998 and 2000 members of Congress cast a steady stream of votes and a series of what Congressional Quarterly labels as "key votes" throughout the year, the greatest deluge of issue ads began appearing after Labor Day (about week 36). Indeed even the most casual inspection of the number of issue ads that appeared each week indicates that this line is much more closely related to the activity of candidates, not the activity of Congress. This relationship of issue advertisers and candidates, repeated over two years, is far too strong to be coincidental. There is no doubt that issue ads are largely inspired by the same cause that motivates candidates, the slow approach of Election Day.

Despite the overwhelming evidence that the vast majority of issue ads are a form of electioneering, there were commercials in each year that our coders took to be genuine discussion of policy matters (22 percent of issue ads in 1998, 16 percent in 2000). Would the definition of electioneering created by McCain-Feingold—any ad mentioning a federal candidate by name in his or her district within 30 days of the primary or 60 days of the general election—inadvertently capture many of these commercials? We addressed this question by comparing the issue ads that would have been classified as electioneering under McCain-Feingold to the coders' subjective assessment of the purpose of each ad. In 1998 just 7 percent of issue ads that we rated as presentations of policy matters appeared after Labor Day and mentioned a federal candidate; in that figure was lower still, 1 percent. In 2000 that number was less than one percent. Critics may argue that chance of inadvertently classifying 7 percent, or even 1 percent, of genuine issue ads as electioneering makes this bill overly broad. In contrast, these percentages strike us as fairly modest, evidence that McCain-Feingold is reasonably calibrated. In addition, our examination suggests that these errors may be reduced with some small additions to the bill.

PARTY SOFT MONEY

Just as the rules on issue advocacy are intended to safeguard free speech, soft money is also intended to achieve a worthy goal, in this case to strengthen political parties. Parties are a frequently underappreciated fact of political life in democracies. Political scientists have sought ways to buttress them for years, to augment their ability to communicate with and mobilize the public, and to magnify their impact as political symbols.

The most obvious place to start assessing the value of parties' advertising is with a simple objective question: does the ad mention either political party by name? It is hard to imagine how a commercial might strengthen a party if it neglects to praise its sponsors or at least malign the opposition. Yet, party ads are remarkably shy about saying anything about "Democrats" or "Republicans"—just 15 percent of party ads in 1998 and 7 percent in 2000 mentioned either political party by name. By contrast, 95 percent of these ads in 1998 and 99 percent in 2000 did name a particular candidate. It seems fairly clear that these ads do far more to promote the fortunes of individual candidates than the fortunes of their sponsors.

A piece of supporting evidence for this conclusion comes from the perceived negativity of each ad. Coders found ads by parties to be much more likely to be pure attack ads (60 percent in 1998, 42 percent in 2000) than ads by candidates. While we remain agnostic about whether attack advertising is somehow better or worse than other forms, we do note that there is little hope that this flood of negative commercials magically strengthens either party.

Finally, some defenders of party soft money also argue, in conflict to the claims about building parties, that these commercials help provide vital information to voters in various places and about various candidates which they would not otherwise receive. This is a complicated assertion to unravel. It is obviously debatable whether any particular ad conveys much information to viewers. If we assume—quite charitably—that all political ads help educate voters then the question becomes a matter of allocation. Do party ads appear for candidates about whom little is known or in otherwise neglected districts and media markets? If the answer is yes, then it is fair to conclude that party ads may play an important role in informing the public.

The truth, however, is that the best predictor of the number of commercials aired by parties in a particular contest and media market is the number of ads aired by candidates in the same location. There are exceptions—the RNC sponsored all of the pro-Bush advertising in California and neither party ran commercials in New York after the two Senate candidates agreed to forgo soft money—but parties overwhelmingly concentrated their efforts in swing states and districts, the very places already saturated by the candidates. One indication of how focused party advertising in congressional races is that in both years the majority of party ads appeared in just three Senate races and a dozen House contests, even though the CMAG system tracks advertising in scores of states and districts. As a result, the educational value of party ads is inevitably limited, as is any effect they might have on the competitiveness of elections.

CONCLUSION

Our examination of television commercials in 1998 and 2000 shows that the current campaign finance system is unmistakably flawed. The magic words test supposed to distinguish issue advocacy from electioneering is a complete failure. The rules allowing parties to collect unlimited amounts of soft money to build stronger parties have instead allowed parties to spend on activities unrelated to that goal, and perhaps even in conflict with it. The evidence for both of these conclusions is, in our view, overwhelming. The plain fact is that any contention that most issue ads are motivated by issues or that most soft money builds political parties must ignore a veritable mountain of conflicting evidence. We find such claims completely unsustainable.

Whether that conclusion should translate automatically into support for McCain-Feingold and Shay-Meehan is a different matter. These decisions inevitably involve a number of factors, starting with the judgment whether these bills are the best response to the manifest weaknesses of our campaign finance laws. We cannot be sure that it is, but our analysis suggests two important facts in its favor. First, the experience of the last two elections suggests that neither Democrats nor Republicans would be disproportionately harmed by a ban on soft money or a stricter definition of issue advocacy. Indeed, neither party stands to gain or lose much against their counterparts since the Democrats' relative financial weakness is proportionately smaller in soft money than in hard, and their allies outspent Republicans' in both years. Past experience suggests that neither party would gain an advantage on TV if the McCain-Feingold bill becomes law.

Second, we found no evidence that the new dividing line between issue advocacy and electioneering in McCain-Feingold is overly broad and would affect many commercials that we found to be genuine attempts to advocate issues, not candidates. Some critics will surely complain that we have no objective standards for determining which commercials are genuine issue advocacy, but that is untrue. The standards offered in McCain-Feingold are objective. The fact that they perform so well against the subjective judgment of our coders, each of whom examined hundreds of ads, is extremely reassuring. We are always eager to consider improvements, but there is no reason not to conclude that the definition of electioneering in McCain-Feingold is, at the very least, an excellent start.

Ms. SNOWE. Mr. President, ninety-nine percent of the ads that were run in that 60-day period mention Federal candidates. They tested the Snowe-Jeffords language. Guess what. Ninety-nine percent were ads that mentioned a Federal candidate. Only 1 percent were genuine issue advocacy ads. They can run all of the ads they want, but they have to disclose.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Ohio.

Mr. DEWINE. Mr. President, we will be voting in just a few minutes. Let me make a couple of comments.

First of all, the disclosure that is required in this bill is constitutionally suspect. I don't think there is any doubt about that. But that is not the worst part of this bill. My colleague from Maine keeps skipping over what is the worst part. The worst part is this.

Let's go through one more time what it does because it is so unbelievable.

It basically draws an unconstitutional line of 60 days before the election that says labor unions can't run ads, corporations can't run ads, nor can any other group run ads if a candidate's name is mentioned or if a candidate's image appears on the screen.

Yes, it is political speech. Yes, they are trying to affect an election. They are trying to affect the political discourse as the most effective way to do it right before the election when everyone is paying attention.

This bill arbitrarily says that at the most crucial time when free speech and political speech is the most important, we are going to arbitrarily say you can no longer do it. It is absolutely unbelievable.

This is the last time on this vote that Members of the Senate are going to have the opportunity to strike out what obviously the courts will later strike out. That is not Snowe-Jeffords, but it is now Snowe-Jeffords-Wellstone. It is unconstitutional.

A vote for the DeWine amendment is a vote for freedom of speech, for the first amendment, and for the Constitution..

I ask my friends when they come to the floor in just a minute to remember the oath that all of us took to support the Constitution.

It is one thing for us to vote on things that are close. This one is not close. This one is unconstitutional. It needs to come out of the bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have 40 seconds to respond to my colleague, if he would be so gracious.

Mr. DEWINE. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DEWINE. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I ask the Chair if I don't use the 40 seconds to give me 5 more.

The ACTING PRESIDENT pro tempore. The Senator asked for 40 seconds.

Mr. WELLSTONE. Ready, go.

This is not about a constitutional question. There are lots of groups and organizations—left, right, and center—that want to put soft money into these sham ads. Any group or organization can run any ad they want. They just have to finance it out of hard money. We don't want there to be a big loophole for soft money. Not constitutional? The League of Women Voters says it is. Common Cause says it is constitutional. The former legislative director of ACLU says it is constitutional. The House of Representatives passed Shays-Meehan, which includes Snowe-Jeffords-Wellstone, that says it is constitutional. In all due respect, there are many who think this is constitutional. This is all about spending groups and organizations that want to be able to use this as a loophole to run sham issue ads.

Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 152. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 72, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—28

Allard
Allen
Bennett
Bond
Brownback
Bunning
DeWine
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thurmond
Voinovich

NAYS—72

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Gramm
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

The amendment (No. 152) was rejected.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, for the information of all Senators, the next amendment will be from Senator HARKIN, who is in the Chamber and ready to go. I want to also announce that the Republican amendment after that will be offered by Senator FRIST of Tennessee, along with a Democratic cosponsor, on the subject of nonseverability, which is one of the most important, if not the most important, amendments remaining before we complete this bill at some point—the leader says—today.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. HARKIN, is recognized to offer an amendment on which there shall be 2 hours of debate.

Mr. SPECTER. Mr. President, my distinguished colleague from Iowa has consented to let me take just a few minutes at this point to introduce a bill. I have checked with the distinguished manager, Senator McCONNELL, and it is agreeable.

Mr. SPECTER. Mr. President, I ask unanimous consent to proceed for up to 10 minutes for the introduction of a bill as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I could not hear the request.

The PRESIDING OFFICER. May we have order in the Senate, please.

Mr. SPECTER. My request was to proceed for up to 10 minutes as in morning business for the introduction of a bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

I ask unanimous consent that the full text of an extensive statement be printed in the RECORD and that the RECORD reflect—sometimes the RECORD does not reflect the actual language; there is a cutoff. The statement is printed, and there is repetition and redundancy. But I ask that the RECORD show that there is a unanimous consent request made that the text be printed in the RECORD, even though there is some redundancy with what has been summarized orally.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 645 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair, and I thank my distinguished colleague from Iowa for yielding to me.

The PRESIDING OFFICER. The Senator from Iowa is recognized to offer an amendment on which, as I stated earlier, there shall be 2 hours of debate. The Senator from Iowa.

AMENDMENT NO. 155

(Purpose: To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits with respect to Senate election campaigns)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself and Mr. WELLSTONE, proposes an amendment numbered 155.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. Mr. President, I am proud to have as my cosponsor the Senator from Minnesota, Mr. WELLSTONE.

I want to recap where we are in this week-long debate on campaign finance reform. We have come a long way in the last week and a half on this campaign finance reform bill.

We have debated a wide range of amendments, accepted some, rejected others. The good ones we have adopted are: To stop the price gouging on TV ads, the Torricelli amendment; to require up-to-date inspection of all reports on the Internet, the Cochran-Landrieu-Snowe amendments; stronger disclosure rules by the Senator from Nebraska, Mr. HAGEL; bringing all organizations under the issue ad ban; the Wellstone amendment.

And we rejected some amendments. Attempts to preserve soft money were rejected; an attempt to dramatically increase hard money was rejected; provisions to silence the workers of America, paycheck protection, were rejected. I am a little disappointed that yesterday we did, unfortunately, increase the amount of hard money we can raise for campaigns. I do not believe increasing the amount of money one can raise from hard dollars is reform, but that was adopted by the Senate.

But, there is something missing in this debate. There is something that has been missing for a week and a half from this debate. It is like the crazy uncle in the basement who no one talks about. What kind of reform can we have when all we are talking about is how we raise the money and how much one can raise when we don't talk about how much we spend and what can be spent? What I am talking about is the kind of reform that includes some limits on how much we can spend.

With the increase in the amount of hard money we can raise —and we have banned soft money, which is good; I voted to ban soft money—that just means all of us now will be running our fool heads off raising more hard money. We do have the Torricelli amendment that says TV stations have to sell us their ads at the lowest unit rate based upon last year, and that is fine; I am all for that. It just means we can buy more ads. We will raise more money, and we will buy more ads.

It has gotten so that now we hire ad agencies. They write the ads and sell us like soap. We are just a bunch of bars of soap to the American people; that is all we are. They see these ads, one ad after another come election time, and it is just like selling soap. Can we be surprised when the American people treat us like soap, that we are no more important in their lives, for example; that we are irrelevant except when we annoy them by ban barding them with ads in the weeks before the election. What I hear from the American people time and time again is: When are you going to talk about the issues in your campaigns rather than having all these ads out there?

We are really missing a serious part of campaign finance reform by not talking about it and doing something about it.

I do not know about any other Senator, but one of the things I hear a lot in Iowa and other places around the country when people talk to me about campaign finance reform is: When are you going to get a control on how much money you spend?

In the last election cycle, just in Federal elections, we spent over $1 billion, I think about $1.2 billion. The American people are upset about this. Are they upset about raising soft money and corporations and special influence? Yes, they are. They are equally upset about the tremendous amount of money we are spending in these campaigns, buying these ads and flooding the airwaves.

We have to think about how we can limit how much we spend on campaigns so all of us aren't running around, weekend after weekend, week after week, month after month, to see how much hard money we can raise to hire that ad agency to buy those ads.

That is what this amendment Senator WELLSTONE and I have offered does. It is very simple and straightforward. It puts a voluntary limit on how much we can spend in our Senate campaigns.

The formula is very simple. It is $1 million plus 50 cents times the number of voting-age residents in the State. Every Senator has on his or her desk the chart that shows how much you would be limited in your own State. With that limitation, there is a low of $1.2 million in Wyoming to $12 million in California. My own State of Iowa would be limited to $2.1 million for a Senate campaign. I say to the occupant of the Chair, in Virginia the limit would be $3.6 million. I don't know how much the Senator spent this last campaign, but I know for myself in Iowa, $2.1 million runs a good grassroots campaign as long as your opponent does not spend any more than that. I bet the same is true in Virginia at $3.7 million.

The amendment also says if you have a primary, you can spend 67 percent of your general election limits. If you have a runoff, you can spend 20 percent of the general election limit.

I'd like to stress that this is a voluntary limit. Why would anyone abide by the limit? You abide by the limit because the amendment says if one candidate goes over the voluntary limits by $10,000, then the other person who abided by the limits will begin to get a public financing of 2–1. For every $1 someone would go over the limit, you get $2.

For example, in Virginia, if the limit is $3.6 million and the Senator from Virginia voluntarily agrees to abide by that limit, if the person running against the Senator from Virginia went over $3.6 million—say they spent $4 million, which would be $400,000 more—the Senator from Virginia would get $800,000. Two for one. Now, that is a great disincentive for anyone to go beyond the voluntary limits because the other person gets twice as much money as the person who went over the limits.

I point out the difference between my amendment and the one offered earlier by Senator BIDEN and Senator KERRY. Their amendment included public financing from the beginning. This amendment does not. This amendment says, raise money however we decide to let you raise money. That is the way you raise it. PACs, personal contributions, whatever limits we decide on around here, you raise that money. There are no public benefits. The only time public benefits kick in is if someone went over the voluntary limits.

My friend from Kentucky said the other day on the floor that all of the polls show the American people don't like public financing. They don't want their tax dollars going to finance Lyndon LaRouche and other such people.

First of all, the money we use here to counter what someone might spend over the limits is not raised from tax dollars; it is a voluntary checkoff and from FEC fines.

Second, if the Senator from Kentucky is right, and I think he may well be—I don't know—that the American people don't want public financing of campaigns, then that is a second hammer on discouraging someone from going over the voluntary limits. If someone goes over the voluntary limits, that person is responsible for kicking in public financing. That person is responsible for kicking in public financing, not from a tax but from a voluntary checkoff and from FEC fines.

There are two prohibitions here to keep someone from going over the voluntary limits. One, your opponent gets twice as much money as whatever you spent over those limits; second, there would be a built in public reaction against someone who did it because it would cause public financing to kick in.

Another issue was raised regarding this limit. Someone said: You have the voluntary spending limits, but what about all the independent groups out there? They are buying all the ads running against you; you are limited but they are not.

With the Snowe-Jeffords provision and the Wellstone amendment we adopted and just reaffirmed this morning, that is not the case. Those independent groups cannot raise that kind of money from the corporations and they cannot run those ads with your name in them.

Someone said: That is all well and good, but what if the Supreme Court throws out the Wellstone amendment, throws out Snowe-Jeffords, and says that is unconstitutional? Then we are left with your limits and these independent groups can go ahead and raise all this money and run those ads.

The amendment says if the Supreme Court finds the Wellstone amendment or the Snowe-Jeffords provisions unconstitutional, my amendment falls. It will not be enacted. It will not be part of the campaign finance reform law.

If the Supreme Court finds the Wellstone amendment is unconstitutional and these groups go ahead and raise that money and run those ads against you, then the limits in my amendment do not pertain. All bets are off. But as long as Wellstone is constitutional, as long as Snowe-Jeffords is constitutional, then the voluntary limits would be there and the provisions of a 2-for-1 match, if you went off, would also pertain.

Bob Rusbuldt, executive vice president of the Independent Insurance Agents of America, said recently, "campaign finance reform is like a water balloon; You push down on one side, it comes up on the other."

I think that is what will happen. We ban the soft money; we increase hard money. Push down one side, it goes up the other side. Who are we kidding? We are going to continue to raise hundreds of millions, billions of dollars for these campaigns. My amendment will burst that water balloon and make the existence of loopholes irrelevant, by creating voluntary spending limits and providing a strong incentive for candidates to comply with them. That is what this amendment is about.

Again, I am going to be very frank. The voluntary limit for my State of Iowa would be about $2.1 million. In 1996, when I ran for reelection, I spent $5.2 million. Can I abide by $2.1 million? You bet I can. As long as my opponent has to—fine. We can run our campaigns the old fashioned way—at the grassroots. Then we will not have to be buying ad after ad after ad, countering back and forth and all that stuff. Then maybe we will get down to real debates about issues and things people care about, without just hiring ad agencies to buy all these ads.

On each desk is a copy of basically what the amendment does, and a list by State of what the limits would be.

I conclude this portion of my remarks by saying, again, this is the crazy uncle in the basement no one wants to talk about. Everybody wants to talk about stopping how we raise money, getting rid of soft money, but no one wants to talk about cutting down on how much we spend. Let's start talking about it. Now is the time to do something about it. This voluntary limit is constitutional and it will answer the other side of the campaign finance reform debate that heretofore we have not addressed.

I yield whatever time the Senator from Minnesota requires. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 44 minutes remaining.

Mr. HARKIN. I yield 15 minutes to the Senator.

Mr. WELLSTONE. I may not need 15 minutes. The Senator from North Dakota is here, as are others.

First, I say to my colleague from Iowa and other Senators, I do want to talk about the amount of money we spend. I am very honored to be a cosponsor of this amendment with the Senator from Iowa. I think this is a great amendment. This amendment could very well pass in the Senate because it makes a lot of sense. It is just common sense.

My colleague from Iowa has described what this amendment is about. I do not know that I need to do that again. We are talking about voluntary limits. Then what we are saying is, if you agree to that voluntary limit but the opponent doesn't, then you get a 2-to-1 match for however many dollars your opponent goes over this limit. This amendment makes the McCain-Feingold bill, which deals with the soft money part, quite a strong reform measure.

I say to my colleague from Iowa, I believe so strongly in this amendment for a couple of different reasons. First of all, here is something else we have not talked about, and we need to, as incumbents. In all too many ways the system is wired for incumbents. This amendment probably comes as close as you can come to creating a more level playing field. It really does. Many more people would have an opportunity to run with this amendment part of the law. They really would.

I think there is quite a bit of pressure on people. It seems to me, if this is the law of the land and candidates step forward and say, absolutely we will agree to this limit because we do not want to be involved in this obscene money chase, we will agree with this limit because we want there to be more debate and fewer of these poison ads and all the rest, we will agree because we know people in Iowa and Connecticut and North Dakota and Minnesota do not like to see all this money spent, I think it is going to be much more difficult for another candidate to say, no, I won't agree with this limit; I want to buy this election. Then you have the additional disincentive of the 2-to-1 match.

This is a perfect marriage. In one stroke, it dramatically reduces the amount of money spent, dramatically reduces the power of special interest groups, dramatically reduces the cynicism and disillusionment people have about politics in the country, and dramatically increases the chances of a lot of citizens thinking they can run for the Senate, that they might be able to do this, they might be able to raise this amount of money and they would not lose because someone could just carpet bomb them with all sorts of ads and all sorts of resources. This is a great reform amendment.

I also make another point. I just finished saying the system is wired for incumbents but that I think all of us are going to want to support this amendment. The truth is, in one way it is wired—but it is so degrading. Who wants to have to constantly be on the phone asking for money? Who wants to be traveling all around the country constantly having to raise money? Who wants, every day of the week during your reelection cycle when you want to be out on the floor debating issues and doing work for people on your State, to have to be on the phone for whatever time, every single day, making these calls?

None of it is right. This amendment is just a commonsense amendment, such a modest amendment, yet it has such major, major ramifications, all in the positive and all in the good for how we finance campaigns.

This is really one of the great amendments. I thank Senator HARKIN for his work on it, and I am very proud to be a part of this effort.

I am going to finish by making two other quick points. I say this being a little facetious, but I do not think it is a bad point to make. I say to Senator HARKIN and Senator DORGAN, this should be called the good food amendment. The reason I think it should be called the good food amendment is when you no longer have to go to these hotels for the $1,000—oh, I forgot, now it is $2,000, actually $4,000—when you no longer have to go to these hotels for these $2,000 and $4,000 contributions and eat the rubber chicken meals, now you get to campaign in the neighborhoods. I get to eat Thai food and Vietnamese food and Somalian food and Ethiopian food and Latina and Latino food. You get to be at real restaurants with real people out in the neighborhoods, out in the communities. You get to stump speak. You get to debate. This is the good food amendment. We will all be healthier if we support this amendment. I am trying to get to my colleagues through their stomachs, I guess.

This is the last point I want to make because I want to end on a very serious note. The voluntary spending limit for Minnesota would be $2,604,158. Could I campaign and have a chance to "get my message out" on $2.6 million if we would have both candidates agree? Absolutely. Do I, today on the floor of the Senate, want to make a commitment that if this amendment is agreed to and becomes the law of the land that I will abide by this voluntary spending limit if my opponent would do so or—I am sorry, it doesn't matter. The answer is: Yes, I am ready to do this. This would be a gift from Heaven, from my point of view, because I am tired of all of the fundraising. And I haven't even started. I am not even doing what I am supposed to do. I am tired of it. So I am ready to say right now, if this amendment becomes the law of the land, I am going to abide by it. I want to be one of the first Senators to step forward and say I agree.

I think a lot of Senators will. I think it will be a lot better for us, whether we are Democrats or Republicans. It will be a lot better for the people we represent. It will be a lot better for Iowa and Minnesota. It will be a lot better for representative democracy. It will be a lot better for our country.

This is a great amendment. I hope it gets overwhelming support.

I yield the floor.

Mr. HARKIN. I thank my friend from Minnesota. The Senator makes a good point. I am going to have some more data on how much money was raised in the last cycle and what this might mean, but in terms of time, let's be honest about it. How much time do we spend on the phone raising money and traveling on weekends, going here and there? This would help us because now we can spend more time in our States, meet with people, spend more time, as you say, around the coffee tables in the small cafes and restaurants rather than running all over the country trying to raise money all the time. I think the Senator makes a good point on that. It will bring us closer to representative democracy.

Mr. WELLSTONE. It would bring us closer to the people we represent and bring the people closer to us, all of us, in whatever State.

Mr. HARKIN. Mr. President, so far as I see, we have done a lot of good things in the McCain-Feingold bill. We rejected a lot of bad amendments. It looks good. But all in all, the way our campaigning financing system is today, it is still an incumbent protection system. It is still incumbent protection.

For example, in the 2000 election, the average incumbent raised $4.5 million, while the average challenger raised $2.7 million. This helps to level that playing field a little bit.

I also point out the statistics that in the 2000 election cycle, Senate candidates spent $434.4 million in hard money. If we had had this voluntary limit in existence in the 2000 election, Senate candidates would have spent $113.4 million, a difference of $321 million less than Senate candidates would have had to raise in the 2000 election.

I think we would have had better campaigns, and we would have had better issue-oriented campaigns in the 2000 election cycle. That $321 million represents how many hours, how many days, and how many times Senators have to travel all over the country and have to get on the phone to raise the money, as Senator WELLSTONE said, when those Senators could be in their home State meeting with their constituents?

I yield 10 minutes to my colleague from North Dakota.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from Iowa for yielding the time.

Mr. President, there are some who continue to insist that, gosh, there is not too much money in politics. In fact, they say there is not enough. What we really ought to do is make sure that everything is reported and let anyone contribute any amount at any time they want to contribute. I think that is a fairly bankrupt argument.

I ask the American people if they think, in September or October of an election year as they turn on their television sets, that there is too little politics or too little money in politics. They understand there is far too much money in this political system. We ought to change it.

The Supreme Court, in a rather bizarre twist, which happens from time to time across the street, said Congress can limit contributions. That is constitutional. But it cannot limit expenditures of campaigns. That would be unconstitutional. The Supreme Court struck down a provision in a previous reform that had some limits and said: We are going to limit contributions, but you can't limit expenditures.

In this debate for nearly 2 weeks about campaign finance reform, there are no serious discussions about limited expenditures, except for the discussion initiated today by Senator HARKIN from Iowa. You can't get at this problem unless you begin to talk about trying to find a way to limit expenditures in campaigns. How do you do that?

Some stand up and want to test the waters. Some want to make waves. Fortunately, the Senator from Iowa wants to make waves. There is a big difference. He wants to do something that works.

There are some in this debate who want to do just enough to make the American people think they have done something but not so much that we would solve the problem.

I am for campaign finance reform, some would think, but I am really not for that which has enough grip to solve this problem.

You don't solve this problem unless you find a way to deal with this question of campaign spending.

This has become, as some of my colleagues have said, almost like auctions rather than elections, with massive quantities of money moving in every direction—hard money, soft money, $1 million here, $500,000 there, and $100,000 in this direction.

So we have McCain-Feingold. I support McCain-Feingold. But I must say it has changed in the last 6 or 8 days. I regret that yesterday the McCain-Feingold bill was changed by my colleagues who said we need to add more hard money into the political system. That is not a step forward. That is a retreat. Nonetheless, I will still vote for McCain-Feingold.

But the Harkin amendment makes this McCain-Feingold bill a better bill.

It addresses the bull's eye of the target by saying we can construct a set of voluntary spending limits with mechanisms that will persuade people to stay within those limits. Because if someone waltzes in and says they are worth a couple billion dollars, that they intend to spend $100 million on the Senate seat, if they do not like it, tough luck. We have a series of mechanisms now described by my colleague in this amendment that says that is going to cost them. They have every right to spend that money, but, by the way, their opponent is going to have the odds evened up because their opponent is going to get twice as much as they are spending over the voluntary limit through fees that are through checkoffs of income tax, from a fund that provides some balance in our political system.

The funding of politics has almost become a political e-Bay. It is kind of an auction system. If you have enough money, get involved, and the bid is yours. We bid on a Senate seat. Here is how much money we have. We have big friends and bank accounts. So this Senate seat is ours.

That is not the way democracy ought to work. That is not the way we ought to have representative government work.

Some while ago, I was in the cradle of democracy where 2,400 years ago in Athens, the Athenian state created this system of ours called democracy. This is the modern version of it. What a remarkable and wonderful thing.

But democracy works through representative government when you have the opportunity for people to seek public office and the opportunity to win in an election in which the rules are reasonably fair.

There are circumstances where that still exists.

I come from a family without substantial wealth. I come from a family without a political legacy. I come from a town of 300 people. I come from a high school class of nine students. I come from a rural ranching area in southwestern North Dakota, and I pinch myself every day thinking: What a remarkable privilege it has been for the many years that I have had the opportunity to serve in the Congress. It still happens.

But I must say that in modern elections, in cycle after cycle, it is less and less likely that someone without massive quantities of money is going to be able to be successful against other candidates who have access to barrels of money that they can pour into the television commercials, along with their partners and the independent organizations that can pour massive amounts of unlimited money into the same election and affect the result.

My colleague says we can change that. I like the mechanism that he establishes to do that. I don't think it does violence to the McCain-Feingold bill at all. In fact, this bill is reform. If you come to the Senate floor and say you support McCain-Feingold because you stand for reform of campaign finance, then you must, it seems to me, come to this floor and say you stand for this amendment because this amendment is real reform added to this bill.

I will not diminish the McCain-Feingold bill. I have great respect for Senators McCAIN and FEINGOLD. And I have long supported this legislation and have not wavered from that support. I commend them for what they have done and for establishing leadership on this issue. Were it not for them, we would not be on this floor at this time discussing this subject.

Make no mistake. While this may not lead in the polls, this subject is important to the preservation and strength of this democracy of ours.

But, I say again, I don't want people to tell me that we must oppose this amendment because we must keep this fundamental bill pure. This bill will be better, this bill will be strengthened, and this bill will move further in the direction of reform with the amendment offered by Senator HARKIN.

In the last debate some 6 or 8 years ago in the Senate on this subject, I offered an amendment that was reasonably similar to this. It said that you establish voluntary spending limits, and if someone goes over the spending limit, they pay a fee equal to 50 percent of that which they are over the spending limit, and the FEC collects the fee and transmits that fee to the opponent, which I thought was a delicious and wonderful way to penalize those who want to spend millions and millions and millions of dollars in an attempt to buy a seat in the U.S. Congress.

We ought not have advantages for incumbents. We ought to have elections that are contests of ideas between good men and women who want to offer themselves for public service. The outcome should not always be determined by who has the most money.

The amendment offered by my colleague from Iowa is a very significant step in the right direction. It is voluntary spending limits, but spending limits that are attached to a construction of a pool of money that would be available through checkoffs available to help challengers and others in circumstances where one candidate says they are going to open the bank account and spend millions and millions in pursuit of purchasing a seat in the U.S. Congress.

I am happy to come today to support this amendment. I say to my colleagues, if you have been on the floor talking about reform in the last 2 weeks, do not miss this opportunity to vote the way you talk. This is reform. This adds to and strengthens McCain-Feingold, make no mistake about it.

So I am very pleased to support this amendment. I hope my colleagues will support this amendment. I hope we can adopt this amendment because this is a significant step.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time does the Senator from Iowa have remaining on this side?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. DODD. I inquire of my friend and colleague from Kentucky, I presume if we need some additional time, as Members come over, we can let it flow. Two and a half hours, is that what we have agreed to on this amendment?

The PRESIDING OFFICER. Two hours evenly divided.

Mr. DODD. Two hours.

If we need a little time for some reason—obviously, Members may want to be heard—I presume we will follow some rule of comity.

Mr. McCONNELL. Yes. I say to my friend from Connecticut, there should not be a problem. I do not think we will be swamped with speakers on this side. We will be glad to try to work to accommodate this and have the vote before lunch.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. I ask for 10 minutes.

Mr. HARKIN. I am happy to yield it.

Mr. DODD. Mr. President, I commend my colleague from Iowa and my colleagues, as well, who have spoken today—Senator DORGAN and Senator WELLSTONE—for their support of this amendment. I, too, support this amendment.

Senator DORGAN has said it well. Senator WELLSTONE has said it well. This is true reform. If we are really interested in doing something about the money chase, both in terms of contributions and the rush to spend even more in the pursuit of political office in this country, then the Harkin amendment offers a real opportunity for those who would like to do something about this overall problem by casting their vote in favor of his amendment.

Senator HARKIN has explained this amendment very well. It is a voluntary provision. It does level the playing field. I, too, over and over again over the past week and a half have expressed my concerns and worry about the direction we are going. I made the point the other day that we are shrinking the pool of potential candidates for public office in this country.

At the founding of our Nation, back more than 200 years ago, the only people who could seek public office and could vote were white males who owned property. Pretty much those were the parameters. Of course, we abandoned those laws years ago. Nonetheless, that restricted the number of individuals, obviously, who could seek a seat in the Congress—the Senate or the House—or a gubernatorial seat.

Unfortunately, what has happened over the years, particularly in the last 25 years or so, is we have created new barriers to seeking public office. The largest of those barriers is the cost of running for public office, the cost of raising the dollars, and the cost of getting your voice heard. One of the reasons that has occurred, and one of the difficulties we have had, is because of the Supreme Court decision back in 1974 that said money is speech.

Justice Stevens, to his great credit, in a minority opinion in that decision, said money is not speech; money is property. He was exactly right. But the majority of the Court held otherwise. And because of that decision, we have been plagued with our inability to come up with a structure that would slow down and provide some ability to manage what has become a reckless system, in my view, that is only available to those who can afford to ante up and enter it.

There are those, obviously, who will be able to emerge in this process, even though they do not have the financial resources. But the problem is those are going to become more the exceptions than the rule. That is my great concern and worry; there will be fewer and fewer people, who have great ideas, great ambition, great energy, a great determination to do something, who can even think about holding or running for a seat in the Senate or the House of Representatives.

We have taken the concept that is included in the Harkin amendment and applied it to Presidential contests—not exactly, but at least the notion of public financing. Every single Presidential candidate for the last 25 years has embraced public financing for Presidential races. Even the most conservative of those candidates has taken the public moneys in order to try to keep down the cost of running for the Presidency, and that is an expensive undertaking. It has not made it inexpensive to do it, but I would suggest, in the absence of those provisions—and it is a voluntary system—President Bush, the present occupant of the White House, did not take public moneys during the primary season, but when it came to the general election, he did. There will be reasons you will hear of why he did, but the fact is, by doing so, he accepted limitations on how much would be spent in those races.

Ronald Reagan, to his great credit, one of the great heroes of the conservative movement, accepted public moneys in both the primary and the general election, as has every other candidate. But what Senator HARKIN has offered, and those of us who are supporting him—while not applying that same set of rules—is the same philosophical idea.

Mr. HARKIN. No public financing.

Mr. DODD. No public financing, but the notion that we have public controls, in a sense, limitations on how expenditures are made, if you are faced with challengers who are going to spend unlimited amounts of their own personal resources in order to be heard.

I happen to believe, as I said a moment ago, that money is not speech, anymore than I think this microphone that is attached to my lapel is speech or anymore than the speaker system in this Chamber is speech. Those are vehicles by which my voice is heard; it is amplified. You can hear me better than you would if I took this microphone off and the speakers were turned off. If I spoke loud enough, you might hear me, but in the absence of those technological assistances, my voice would be that of any other person without the ability to have it amplified.

Money allows your voice to be amplified. It is not speech. It just gives you a greater opportunity to be heard. So I fundamentally disagree with the Court's decision on the issue of money being speech.

In fact, the notion of free speech in American politics today is, as one editorial writer in my home State of Connecticut said, an oxymoron. There is nothing free about political speech in America today. It belongs to those who can afford to buy it. That is what it is. There is nothing free about it.

So this amendment really does give us an opportunity to control the expenditure side, which is tremendously valuable. As some have said repeatedly over the last several days, we may not get back to this subject matter again, considering how difficult it was to get here. It may have been Senator DORGAN who made the point we owe a debt of gratitude to our colleagues from Arizona and Wisconsin, Senator MCCAIN and Senator FEINGOLD, for insisting that this debate be part of the public agenda this year; and that if their opponents, or even some of their supporters, are accurate, it might be another quarter century before we come back to this debate again, and then the appropriateness of the Harkin amendment is even more so. Because if we do not come back to the expenditure side of this, at some future date our successors in these seats will be looking at campaigns that are double and triple and quadruple the amount we are spending today.

If you look at what we were spending 25 years ago—the Senator from Iowa and I arrived on the very same day in the Halls of Congress; both a little leaner and had a little more dark hair in those days——

Mr. HARKIN. That is true.

Mr. DODD. But we have been here together for those many years.

In those days, statewide races in Iowa and Connecticut were a fraction of what they are today. If we extrapolate those numbers and advance them 20 years or so down the road, we are doubling it, which would probably be around $10 to $13, $14 million to seek a seat in Iowa or Connecticut in a contested contest, maybe more. Imagine how difficult it would be for some young person, some young man or woman in Iowa or Connecticut today, thinking one day they might like to be a candidate for the Senate. We ought to tell them today, if they are thinking about it, in the absence of the Harkin amendment being adopted, they had better be prepared to finance themselves or have access to something in the neighborhood of $10 to $15 million.

The pool of people I know in my State and, I suggest, in Iowa—and the Senator knows his State better than I do—is a relatively small number of people who could even think about coming to the Senate under that set of circumstances.

I applaud the Senator for this amendment. I urge my colleagues to support it. I am fearful we are not going to get very far with this. I hope I am wrong on that, but I tell the Senator from Iowa, if we don't pass this today, someday we will. It will take some other outrageous set of circumstances, much as it did in 1974, to provoke this institution to do what it should have done before then. Unfortunately, it will probably take that happening again to bring this body and the other Chamber around to the point the Senator from Iowa has embraced with this amendment.

I commend him for it. I support it. I am hopeful our colleagues will join him in adopting the amendment. This will add immensely to the label "reform" on the McCain-Feingold legislation.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that an outstanding column by George Will on the subject we have been debating for the last 9 days, from this morning's Washington Post, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 29, 2001]

THE SENATE'S COMIC OPERA

(By George F. Will)

The overture for the Senate's campaign finance opera—opera bouffe, actually—was indignation about President Bush's decision against cutting carbon dioxide emissions. Reformers said the decision was a payoff for the coal industry's campaign contributions. But natural gas interests, rivals of the coal interests, suffered from Bush's decision—yet they gave Republicans more money ($4.8 million) last year then coal interests gave ($3.37 million).

The "reforming" senators began their reforming by legislating for themselves an even stronger entitlement to buy television time at a discount, and by voting themselves a right to take larger contributions (up to $6,000, rather than just $1,000) when running against a rich, self-financing opponent. The Supreme Court says the only permissible reason for limiting political speech by limiting money is to prevent corruption or the appearance thereof. The Senate did not explain why it is corrupting to take $6,000 when running against an opponent with a net worth of X but not corrupting when running against an opponent with net worth of 10 times X.

The Senate refused to ban, as nine states do, lobbyists from contributing to legislators when the legislature is in session. John McCain, at last noticing the Constitution, and this inhibition on political giving is constitutionally problematic, presumably because it restricts the rights to political expression and to petition for redress of grievances.

Constitutional scrupulousness is a sometime thing for McCain, who once voted to amend the First Amendment to empower government to do what his bill now aims to do—ration political communications. For example, his bill would restrict broadcast ads by unions and corporations and groups they support in the two months before a general election or 30 days before a primary if the ads mention a candidate.

In a cri de coeur revealing the main motive for many "reform" politicians—a motive having nothing to do with corruption or the appearance of it—Sen. Pat Roberts (R-Kan.) said: "I'm suffering an independent expenditure missile attack, and I don't have my shield." Campaign finance reform is primarily an attempt by politicians to shield themselves from free speech—from, that is, the consequences of the shield James Madison wrote to protect the people from politicians: "Congress shall make no law . . . abridging the freedom of speech."

Last Saturday McCain's partner, Wisconsin Sen. Russell Feingold, delivered the Democrats' response to President Bush's weekly radio address. With the reformer's characteristic hyperbole, Feingold attempted to reconnect reform with "corruption." He said: "Members of Congress and the leaders of both political parties routinely request and receive contributions for the parties of $100,000, $500,000, $1 million."

Well. There are 535 members of Congress. In the last two-year (1999–2000) election cycle, there were 1,564 contributions of $60,000 or more from individuals and organizations. So all those legislators supposedly "routinely" receiving such contributions for their parties receive, on average, fewer than two a year. The total value of all 1,564 was $365.2 million, a sum equal to one-fourteenth the amount Procter & Gamble spent on advertising during the same period.

The New York Times accurately and approvingly expresses McCainism: "Congress is unable to deal objectively with any issue, from a patients' bill of rights to taxes to energy policy, if its members are receiving vast open-ended donations from the industries and people affected." Oh. If only people affected by government would stop trying to affect the government—if they would just shut up and let McCain act "objectively."

If you doubt that reformers advocate reform because they believe that acting "objectively" means coming to conclusions shared by the New York Times, read "Who's Buying Campaign Finance Reform?" written by attorney Cleta Mitchell and published by the American Conservative Union Foundation. It reveals that since 1996, liberal foundations and soft money donors have contributed $73 million to the campaign for George Soros, founder of drug legalization efforts and other liberal causes, has contributed $4.7 million, including more than $600,000 to Arizonans for Clean Elections—more than 71 percent of the funding of ACE.

Soros and seven other wealthy people founded and funded the Campaign for a Progressive Future. One of those people, Steven Kirsch, contributed $500,000 to campaign "reform" groups in 2000—and $1.8 million against George W. Bush. Another reformer, Jerome Kohlberg, donated $100,000 to a group that ran ads saying "Let's get the $100,000 checks out of politics."

Let's be clear. These people have and should retain a constitutional right to behave in this way, putting the bouffe in the opera bouffe.

Mr. McCONNELL. Mr. President, a professor of law at the University of Kentucky College of Law also wrote an excellent op-ed piece in the Lexington-Herald Leader in my home State on Tuesday, essentially echoing many of the arguments a number of us have made against the underlying bill over the last 9 days. I ask unanimous consent that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Lexington-Herald Leader, Mar. 27, 2001]

CAMPAIGN FINANCE BILL TREADS ON OUR RIGHTS

(By Paul Salamanca)

I've heard it said that more than a hundred legal academics agree that the McCain-Feingold campaign finance reform bill does not violate the First Amendment. I'm not one of them.

Believe it or not, political parties are expressive associations. The First Amendment protects one's right to speak freely, to write freely, to assemble peaceably and to petition the government for redress of grievances (in other words, to complain). The first, second and fourth of these precious, hard-fought liberties are most effectively exercised through association.

That's because almost all of us—me included—are too busy, too poor or too inarticulate to speak effectively by ourselves. But when we pool our time, talent and treasure, we can move mountains, expressively speaking. And the third of these liberties, peaceable assembly, explicitly protects association.

Because political parties are dedicated to the discussion and formulation of ideas, and to the identification and promotion of people who will implement those ideas, the First Amendment protects the American Civil Liberties Union, the Sierra Club, the National Association for the Advancement of Colored People and the National Right to Life Committee. Like these associations, the Democratic and Republican parties are expressive. Thus, limitation on the amount of money people can give to political parties is constitutionally indistinguishable from a limitation on the amount of money people can give to the ACLU or the NAACP.

The upshot of this is simple: The giving of "soft money" to political parties is an exercise of First Amendment rights, and a flat ban on soft money is unconstitutional.

One argument to the contrary is that soft money is a weak form of bribery. But this argument operates from the implausible assumption that political parties are, in fact, the government. But this cannot be true. If an association formed to criticize the government is, in fact, the government, then we have a case of a shark trying to eat itself.

Another provision of McCain-Feingold would ban or sharply limit advertising by private groups that refers to a candidate by name. This too would violate the First Amendment. At its core, the First Amendment is designed to facilitate discussion of political issues and candidates by the ultimate sovereign in the United States: "We the People." So, if the First Amendment doesn't protect a group's right to say "Vote for X because of X's position on such-and-such issue," it wouldn't be worth the toner it takes to print it.

Thus, issue advertising, so much maligned these days, is an important form of advocacy. In fact, it's the most effective form of speech available to non-profit expressive associations, such as the NAACP.

To preclude such groups from running ads that refer to candidates before elections—or to impose so many regulations on their ability to do so that many would give up trying—would seriously interfere with free speech.

There are those who say that issue ads—ads that end by saying something like "Please call X and tell X that such-and-such a policy is bad" (in other words, the very ads that McCain-Feingold would limit or ban)—are nothing more than thinly veiled pieces of express advocacy.

But this couldn't be a more cruel irony because non-profits would love to expressly advocate the election of X or the rejection of Y without mincing words. The only reason they don't is fear of overly aggressive interpretation of existing federal law by the Federal Election Commission.

Indeed, this state of affairs gives rise to two distinct anomalies. First, people watching TV are annoyed by issue ads that don't come right out and express a preference, when the associations running the ads would dearly love not to mince words. Second, people, like Sens. John McCain and Russ Feingold can use this annoyance, which itself is the product of federal regulation, to justify further regulation of speech.

And make no mistake: McCain-Feingold would regulate speech. To the extent the bill would fall short of literally banning issue advertising, it would accomplish about the same thing, at least with regard to small associations and associations whose members want to remain anonymous, by imposing onerous accounting and reporting requirements on issue advertisers.

McCain-Feingold is unconstitutional. If it passes Congress, the president should veto it—with or without paycheck protection, with or without a severability clause. And Kentucky's senior senator, Mitch McConnell is right to oppose it.

Mr. McCONNELL. Mr. President, there is much not to like in the Harkin amendment and one provision that has some appeal. I will talk about the provision that has some appeal at the end.

As I understand the Harkin amendment, it is taxpayer funding with a little different twist. What the Senator from Iowa has shrewdly done is suggest that the spending limit in his amendment is voluntary.

What in fact happens is, you have candidate A and candidate B. Let's assume candidate A, who is a well-known incumbent who doesn't need to spend as much to get his message home, is up against an unknown challenger, and that unknown challenger knows he needs to spend more to have a chance to win. As soon as that unknown challenger encroaches above the Government's specified spending limit, the Treasury of the United States provides $2 out of our tax money for every $1 the noncomplying candidate gets to spend. In other words, a hammer comes down on a noncomplying candidate just as soon as they encroach above the Government-specified speech limit—hardly voluntary.

That is sort of like a robber putting a gun to your head and saying: I would like to have your wallet but you, of course, really don't have to give it to me.

If you choose to exercise your right to speak beyond the Government-prescribed limit, bad things happen to you. The Federal Treasury of the United States gives you $2 for every $1 your opponent is spending to bludgeon you into submission.

The second part of the Harkin amendment is interesting in that it relies on volunteered tax money to provide the funding. This is different from the Presidential system where, as we know, we are able, if we choose, to check off $3 of tax money we already owe and to divert it away from things such as children's nutrition and food stamps and other worthwhile activities into a fund to pay for the Presidential elections. As I understand the Harkin checkoff, the taxpayer is actually asked to volunteer an additional sum of money from his return.

I predict to my friend from Iowa, there is going to be darn little participation in that. We know what the checkoff rate has been among taxpayers when it doesn't even add to their tax bill. The high water mark was in 1980, when it was slightly under 30 percent of taxpayers. There has been a steady trend downward to the point last year there were 11.8 percent of taxpayers volunteering money they already owed—it didn't add to their tax bill; it was money they already owed—to go to pay for buttons and balloons and campaign commercials and national conventions.

My colleagues get the drift. There is not a whole lot of interest on the part of the American taxpayer to pay for our political campaigns. In fact, we have a huge poll on that every April 15. The most massive poll ever taken on any subject is taken on the subject of using tax dollars for political campaigns. That poll is taken every April 15 on our tax return. Even when it doesn't add to our tax bill, about 10 percent of Americans choose to participate; 90 percent choose not to.

I say to my friend from Iowa, I don't think this will be a very reliable source of funds if the taxpayer actually has to ante up and provide money for a candidate he doesn't know. The chances of an American taxpayer choosing to donate money to a nameless candidate is virtually nil, I suggest.

A slightly differently nuanced version of taxpayer funding than we had before us earlier, the Kerry amendment, got 30 votes. I hope this amendment will get no more than 30 votes.

We have come a long way on this subject. Earlier in the Senate careers of the Senator from Connecticut and the Senator from Iowa and myself, we were actually debating taxpayer funding of elections and spending limits for campaigns on the floor of the Senate. That kind of bill actually passed the Senate in 1993. We have come a long way.

It is noteworthy that the underlying McCain-Feingold bill does not have any PAC ban in it. It doesn't have any tax money in it. It doesn't have any spending limits on candidates in it. We have come a long way.

Now all we are debating is whether or not we are going to destroy the great national parties, which I think is a terrible idea. We will get back to that issue later.

The Senator from Iowa sort of resurrects one of the golden oldies, one of the ideas from the past that sort of moved right on out of the public debate, by offering once again an opportunity for the taxpayers to subsidize candidates. There is a serious constitutional problem in the Treasury of the United States bludgeoning a noncomplying candidate who chooses to speak as much as he wants to with a 2-for-1 match out of the Treasury, $2 out of the Treasury for every $1 the poor challenger is trying to raise to get his name out. It seems to me that has serious constitutional problems.

There is one provision in the amendment of the Senator from Iowa I do find intriguing, and I commend him for it. That is the importance of the principle of nonseverability in this kind of debate. As I think our colleagues may remember—if they don't, let me remind them—the last three campaign finance reform bills that cleared the Senate, that actually got out of this body, had nonseverability clauses in them. In fact, on this subject of campaign finance, it is more common to have nonseverability clauses in them than out of them. The norm has been to have nonseverability clauses in campaign finance reform bills.

The Senator from Iowa—I commend him for this—links his amendment to the Snowe-Jeffords language in a nonseverability clause. And I commend the Senator from Iowa for doing that because it is a clear understanding that these kinds of bills are fraught with constitutional questions—fraught with them. And it is entirely appropriate to have linkages within these bills. It doesn't necessarily have to apply to the whole bill. And the amendment that the Senator from Tennessee, Mr. FRIST, will be offering early today does not link the whole bill. But it is entirely common and appropriate to add nonseverability clauses in these kinds of bills. I commend the Senator from Iowa for recognizing that principle. Even though I don't like the substance of his amendment, I do think the recognition of the importance of that principle is worthy of commendation. I commend him for that.

Mr. President, beyond that, I find not much to like about the amendment of the Senator from Iowa. I hope it will not be approved. I don't know if we will have other speakers on this side. For the moment, I reserve the remainder of my time, which is how much?

The PRESIDING OFFICER. The Senator has 51 minutes.

Mr. DODD. Before my colleague from Iowa speaks, I wonder if we might do this. For the purpose of informing our colleagues who are inquiring as to when this vote might occur, is it a noon vote? Is that how my colleague feels about that, another half hour?

Mr. HARKIN. That is fine.

Mr. DODD. A noon vote. To let people know, why don't we do a unanimous consent request.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at noon a vote occur on the Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I want to respond and maybe get in a little colloquy with my friend from Kentucky. I appreciate the struggle he has had with the logic of his argument. But, quite frankly, I think the logic is somewhat unsound. My friend from Kentucky talks about a challenger out there, someone who wants to run for the Senate who has a message, such as Senator DODD talked about, someone who has an idea, some convictions and issues they want to bring out. They want to run for the Senate.

The Senator from Kentucky says, rightfully, that they need some money to get that message out and, by putting this limit on it, they would not be able to spend any more to get their message out than, say, an incumbent. Of course, we have access to the airwaves and the newspapers and all that kind of stuff. So a challenger might want to have more money.

Well, again, to attack the logic of that is to look at the facts. In the 2000 election, the average incumbent raised $4.5 million—the incumbent—us—to get our message out. The average challenger raised $2.7 million. So under the present system, the challenger can't get that message out. He is swamped by what we can raise.

Mr. MCCONNELL. Will the Senator yield?

Mr. HARKIN. Yes, I will, in a second.

Now in the amendment I am offering, they would be equal in terms of how much they could raise to spend. In fact, this amendment would help any of those challengers out there to get the message out.

Mr. McCONNELL. I say to my friend from Iowa, the problem is that spending is not important to the incumbent. As the Senator pointed out, the incumbent is already well known at the beginning of the campaign. If you liken this to a football field, the incumbent is down on the opponent's 40-, maybe 35- or 30-yard line at the beginning of the race, the typical challenger is back on his own 5. If they both have the same amount of money to spend, the incumbent wins. Spending beyond the Government-prescribed amount is way more important to the challenger than it is to the incumbent.

So simply adding up the figures doesn't tell you much. I mean, it is true that incumbents spend more than challengers; but it is almost irrelevant to the problem of the challenger, which is to have enough to get his message across. Having enough clearly is in the eye of the beholder. We incumbents, of course, will always set the limits low enough to make it very difficult for anybody to get at us.

For example, I believe the spending limit in Kentucky is $2.5 million under the Senator's proposal. That is about $300,000 or $400,000 more than I spent 17 years ago in a race in which I was outspent by the incumbent and won. That is about what two competitive House candidates spent last year, each, in one of our six congressional districts.

The proposal of the Senator from Iowa would be a big advantage to me, unless I happen to have been running against Jerome Kohlberg, about whom we have been talking every day. I will get back to that later today in another context. That billionaire put this full-page ad in the Post a couple days ago. These kinds of people are going to be more and more running the show—people of great wealth. This may help you guys because most rich people are liberals. We are going to have to come up with really rich conservatives, too, unless I am running against Jerome Kohlberg, in which case I am going to clearly be outspent. I don't need the Government, if I am a challenger, telling me how much I can spend, and I certainly don't need the Government giving the incumbent $2 out of the Treasury just as soon as I am beginning to get my message across and trying to catch up with that guy to head toward the end zone.

So I understand what the Senator is doing. I appreciate his recognition of the importance of nonseverability clauses. But this won't help challengers at all. In fact, it will be a great boon to incumbents.

Mr. HARKIN. Mr. President, again, the Senator's reasoning flies in the face of facts. That is why his reasoning is specious. Look at the data. In the last election cycle, incumbents had $4.5 million, challengers had $2.7 million. I will tell you what; I dare my friend from Kentucky to go out and ask any challenger who ran in the last race if they would have accepted this kind of a deal. They could spend as much money as the incumbent in the campaign. I will bet you, you would find very few who would turn that offer down, if they could keep the incumbent down, keep them at the same level. That is why I say I think the reason flies in the face of the facts.

Mr. McCONNELL. The challenger might accept it, but it would be good for second place. The point is, if in a typical race, if you are a challenger, your biggest problem, unless you are very wealthy, or a celebrity, or war hero, is that nobody knows who you are. The Senator set the spending limits at such a level that almost no incumbent would ever lose.

Mr. HARKIN. Let's take this analogy of the football field. You are right. Both of us have been on the same side. I have been a challenger running against a sitting Senator, and so have you. And we have run as incumbents. We have seen both sides of this. Now, I suppose all things being equal, I would rather be an incumbent, obviously. But there are certain advantages to not being an incumbent. As I remember, when I ran, I had an open field. I am on the 5-yard line, the incumbent Senator is on the 30-yard line. But guess what. I am out there every day. I am in that State every day getting my message out from town to town, community to community, newspaper to newspaper, radio show to radio show. The person sitting here has to be in the Senate all year long. So I had a great advantage. The challenger has a great advantage. That field is open. The Senator starting on the 30-yard line goes from one side, to the other side, to the other side before he gets down to the end of the field. That challenger is open.

So I have to tell you that even though the incumbent has some advantages of being an incumbent in the newspapers and elsewhere, a challenger has advantages from being out there all the time. You know that as well as I do. We have done that in the past.

Mr. McCONNELL. It may be an advantage to be out there all the time, but if you don't have the money to be on TV, and the Government tells you how much you can advertise, it is not much of an advantage up against the incumbent who is getting all this free coverage—the advantage that any incumbent will have no matter how you structure the deal.

Mr. HARKIN. You are getting that anyway.

Mr. McCONNELL. It is a great asset.

Mr. HARKIN. Not only are you getting all of this free press and stuff from being a Senator, you are getting the money, too.

Mr. McCONNELL. Right.

Mr. HARKIN. There is nothing I can do about you getting publicity. That comes with the territory of being a Senator. I am saying you should not have it both ways; you should not have the money and all of the protections that incumbents have. You can't do anything about all the stuff—the stuff a Senator gets. We can set voluntary limits.

I say to my friend from Kentucky I know how strongly he feels about public financing. Perhaps my friend was right the other day when he said polls show that people don't want their tax dollars used for public spending for people such as Lyndon LaRouche. My friend is probably right there. That is why I think there is another hammer—and you are right, this is a hammer—because there is no public financing in my amendment unless and until someone exceeds the limits. It is that person who triggers, then, the financing that comes from a voluntary checkoff.

Now, my friend says, well, there probably won't be enough money there because the people are not checking off as much money as they used to. Is that right? I think the Senator said that is what is happening. Well, the fact is, I have talked to a lot of people about the checkoff. Do you know why they don't want to give money to the checkoff? We just spend it.

We buy more TV ads, we hire more ad agencies, and the price keeps going up and up. They say: Why should I check off money to give to a candidate and all I do is see more of these soap ads, selling them like soap to me?

Under my amendment, a person checking off the money is putting money into a reserve fund to prevent that from happening. There is another hammer there because the person who exceeds the limits is the one who triggers the public financing.

If my friend is right, that people do not like public financing, that is another reason why someone would not exceed the limits. That is another reason why I think people would be more prone to check off the money because the money would basically be used to prevent this unregulated, unlimited spending on ads.

I say to my friend from Kentucky, I do not know if he listened to my argument on that, but this will get people to check off more money because then it would be used not to just add to the coffers of spending and buying more TV ads, but it would be put into a reserve fund as a hammer to keep us from spending more and more money.

Mr. McCONNELL. I say to my friend from Iowa, he is counting on people who do not contribute to candidates they know to contribute to candidates they do not know, to contribute their money to a nameless candidate and cause with which they might not agree.

The Senator from Iowa is correct; under his amendment there would be no taxpayer funding provided you complied with the Government speech limit. The problem is, if you do not, your complying opponent gets tax dollars from the Government to counter your excessive speech. That is the constitutional problem with the proposal of the Senator from Iowa.

I do not think that makes the spending limit voluntary if, when you encroach above the Government-prescribed speech limit, the Government subsidizes your opponent. That is more than a hammer, that is a sledgehammer.

Also, it is worthy to note that all of the challengers who won last year, as far as I can tell—and the Senator from Iowa can correct me if I am wrong—I believe all the challengers who won last year spent more than the spending limits in his amendment, further proving my point that a challenger needs the freedom to reach the audience. To the extent we are drawing the rules, crafting this in such a way that we make it very difficult for the challenger to compete, we are going to win even more of the time. Of course, incumbents do win most of the time, but we would win more of the time if we had a very low ceiling.

In any event, my view is this is clearly unconstitutional. It is taxpayer funding of elections, more unpopular than a congressional pay raise, widely voted against every April 15 by the taxpayers of this country.

We have had this vote in a slightly different way on two earlier occasions. The Wellstone amendment got 36 votes; the Kerry amendment got 30. I hope the amendment of the Senator from Iowa will be roundly defeated.

I do applaud him, however, for recognizing the importance of nonseverability clauses in campaign finance debates.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have 10 unanimous consent requests for committees to meet during today's session of the Senate. They have all have been approved by the majority and minority leaders. I ask that these requests be agreed to en bloc and printed in the RECORD.

Mr. DODD. Reserving the right to object, I ask my friend and colleague if he will withhold that request for a few minutes. I will share with him a message I am getting. I will let him know about it.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. At this juncture, at this particular moment.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

AMENDMENT NO. 155

Mr. DODD. Mr. President, I saw my colleague from Minnesota, but I guess he is not now on the floor. We have a couple minutes. My colleague from Kentucky and I talked about this the other day. He makes a very good point about the declining participation in the checkoff system. In fact, the dollar amounts have been raised. If my friend from Kentucky is correct, originally it was $1 for the checkoff. You are not paying more in taxes. It is the money you send in. The checkoff of $1 of your tax returns would be used for the public financing of Presidential races. That number then went up to $3 because there were fewer and fewer people who were actually doing the voluntary checkoff.

His numbers, I believe, are correct. We have seen a decline in the number of people who are voluntarily checking off that $3 of their Federal taxes they are sending in or that are being withheld to be used for these Presidential races.

I am worried about that because I think there is an underlying cause for this. The debate we are having about campaign finance reform, while we are not going to adopt public financing for congressional races despite the fact there is a lot of merit going that route in terms of dealing with the constitutional problems that exist in the absence of having some public financing, there is an underlying reason that I think contributes to that declining statistic, and that is the people are disgusted with the whole process.

I do not think it is people's lack of patriotism or their lack of understanding how important it is to contribute to strengthening our democracy. People are getting fed up. Witness that last year despite the overwhelming amount of attention and advertising on a national Presidential race, a race that included Ralph Nader and the Green Party, there was Pat Buchanan and the Reform Party, the Democratic candidate, Al Gore, and his running mate from my home State, JOE LIEBERMAN; President Bush and RICHARD CHENEY. Out of 200 million eligible voters in this country, only 100 million participated. One out of every two eligible voters in this country decided they were not going to make a choice for President of the United States and Vice President, not to mention the congressional races, the Senate races, and gubernatorial races that occurred.

On the Federal election for the leader of the oldest continuous democracy in the world, one out of every two adults in this country said they were not going to participate. I know some may have had legitimate excuses, but I suspect a significant majority of those who did not participate knew it was election day, did not have some overriding family matter that caused them to miss voting. I think they made a conscious decision not to vote. I think they decided they were not going to show up, and I cannot express in our native language adequately the deep, deep concern I have over that fact and what appears to be a growing number of people.

I hear it particularly among younger people. I visit a lot of high schools in my home State of Connecticut. I get a sense that too many of our younger people are embracing the notions held by one out of every two adult Americans in the last election, that they are not going to participate by showing up to choose the leader of our country. I suspect that a good part of the reason is that people are just disgusted by what they see and how elections are run when they see this mindless advertising, these 30-second spots, the attack ads that go after each other as if this was somehow an athletic contest rather than a debate of ideas where we are talking about the future of our country and what the priorities of a nation ought to be.

I, too, am very concerned with the declining statistics that my friend from Kentucky has identified, but I think it is more a poll not about public financing. I think it is a poll we ought to pay attention to, what the American people are saying, at least in the majority of cases, I believe: We think the system is not working very well. We think the system is out of control. We think there is too much money in politics; that our voices do not get heard; that we cannot afford to participate in these contests where contributions of $1,000, now $2,000 per individual, that people can write a check now for $37,500 if this McCain-Feingold bill is adopted.

Last year—I said this over and over in the past week and a half—there were only 1,200 people in this country who wrote the maximum check of $25,000; 1,200 people out of 280 million Americans. We now have raised that because this hasn't been enough. We are told you can't finance these campaigns with maximum contributions of $25,000 in Federal elections. We are raising it to $37,500. That is per individual, per year. Double that for a primary election. That gets you to $75,000. Of course, if it is a husband and wife, it is $150,000. We had to debate that. I commend my colleague from California who negotiated that number down.

Those who wanted that number higher wanted $100,000 per individual, $200,000 for a husband and wife. We are told the system is financially bankrupt. We don't have enough money in politics, we are told.

That has more to do with these declining numbers of people voluntarily checking off for some of their tax dollars to be used to publicly finance the Presidential races in America. I am hopeful the adoption of the McCain-Feingold bill, if it is adopted, will at least turn people's opinion in a direction that says at least we are beginning to do something about these elections.

For those reasons, I commend, again, the principal authors of this bill and those who are supporting it. But I don't think it is enough. People are still turned off, to put it mildly, on how the races are run and on how politics is conducted. There will always be some; I am not suggesting we will get 100-percent participation. I oppose any laws that require people to vote as some countries do. We better do a lot better job in convincing more than just one out of two adult Americans they ought to participate in choosing the leaders of our Nation than we presently are.

If those numbers continue to decline and we trail the rest of the world as we lecture them about democracy and the importance of participating, I will say again, you put this country in peril and these institutions that have survived for more than 200 years, and the public support for them will decline. That, more than anything else, is what ought to preoccupy the attention of each and every one of us, regardless of our views on the particular aspects of amendments. Every single one of us privileged to serve in this Chamber, who have a voice and vote on how we might conduct the political debate in this Nation, needs to take notice of what the American public is saying when they go to the polls or don't go to the polls on election day and exercise their right that people have spilled blood for, for over two centuries, not only in our first great revolution but in a civil war that threatened to divide and destroy this country, through two world wars, wars in the 20th century and other such contests in which Americans, in countless numbers, lost their lives to protect and defend.

We are not asked to put our lives on the line. We voluntarily seek these positions. If we are fortunate enough to be chosen by our constituents to be here, we bear a very high degree of responsibility during the brief amount of time the Good Lord gives us to represent the constituencies that have chosen us to do what is right, not only for our own time but that future generations will inherit, as we have inherited, from the sacrifices of those who came before us, the privilege of being here to see to it that this wonderful ideal and vision of democracy is perpetuated throughout this country for, hopefully, centuries to come.

For those reasons, I hope while this amendment may be rejected, we could find more common ground between Democrats and Republicans on how to restore the public's confidence in the electoral process in this country. That is at the heart of what McCain-Feingold is all about, despite all the debates about various minutiae in the bill or ideas to be added to it. Our solemn responsibility, in addition to dealing with the issues of the day, is to see to it the process by which we choose people to make those decisions enjoys the broad-based support of the American public. It is in jeopardy today. We better take it more seriously than we are.

I yield the floor, suggest the absence of a quorum, and ask that the time be charged against the bill.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I rise today in support of the amendment being offered by my friend and colleague from Iowa, Senator HARKIN. Earlier this week, Senator KERRY and I offered a similar amendment that called for voluntary spending limits and partial public financing. Senator HARKIN's amendment differs in some respects to the proposal that we offered, but it still seeks to alleviate the same problem: How can we reduce the obscene amount of special interest money that is being spent in Senate campaigns today? And while I know that Senator HARKIN's amendment will not pass, I nevertheless believe that it is truly needed to reform our campaign finance system.

Since 1976, while the general cost of living has tripled, total spending on congressional campaigns has gone up eightfold. For the winning candidates, the average House race went from $87,000 to $816,000 in 2000. And here on the Senate side, winners spent an average of $609,000 in 1976, but last year that average shot up to $7 million.

The FEC estimates that last year more than $1.8 billion in federally regulated money was spent on federal campaigns alone, and that doesn't even count the huge amount of soft money that went into attempts to influence federal elections. That has been roughly estimated to reach as high as nearly another $700 million.

I have been calling for public financing of congressional campaigns for a very long time: since 1973, my first year in this body. And, as my colleagues who have been here for a while know, I have taken to this floor again and again over the years to urge us to solve the public's crisis in confidence and do the right thing.

To be clear, I would prefer full public financing of campaigns that would reduce spending and completely eliminate the link between special interest money and candidates. I have long held that such a system is the only true, comprehensive reform that would help restore the American people's faith in our democracy and allow candidates to compete on an equal footing where the merits of their ideas outweigh the size of their pocketbook.

But as the problems in our system have escalated in recent years, so too has my despair over our failure to see real reforms enacted, not just debated. That is why I am here again to see that we take at least a step toward achieving these much needed reforms. Senator HARKIN's amendment is one such step, and urge my colleagues to support it.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 155. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. AKAKA) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—32

Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Hollings
Inouye
Kennedy
Leahy
Levin
Lieberman
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Stabenow
Torricelli
Wellstone

NAYS—67

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—1

Akaka

The amendment was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Delaware be added as a cosponsor of the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we have been prepared for 2 months now to have this full debate and votes on amendments, and to actually get to a conclusion. Senator McCAIN and I have talked, and Senator McCONNELL and I have talked, and the agreement all along was that we would have amendments, full debate for 2 weeks, and then we would go to a conclusion.

I assure the Senate that we are going to do that. We can do it tonight at a reasonable hour, we can do it at midnight, or Friday, Saturday, or Sunday. But I think we have a responsibility to complete action on this bill.

I hope the concern I have now that maybe amendments are going to start multiplying when, in fact, there are no more than one or two amendments that really are still critical that are out there to be offered and debated and voted on—maybe there are more. And I don't want to demean any Senator's amendment, but we have been on this now for the agreed-to almost 2 weeks. Anybody who thinks that by just beginning to drag this out and coming up with more amendments, we will carry it over until next week, that is not going to be the case.

Everybody has labored—sometimes with difficulty—to be fair with each other and give this thing a full airing and get some results, and you can debate about whether they are good or bad as long as you want to. At some point, we have to vote and move on.

We have very serious problems in this country. We need to address them. We have to pass a budget resolution. We have to take into consideration the needs of the country in terms of funding for programs, whether it is education, agriculture, defense, health care. We need to take whatever actions we can to provide confidence and a boost in job security and the economy. We have an energy crisis that will not go away. We need to get on to those issues.

Again, not to demean this issue at all—it is very important—but we will have done what we promised to do, and now it is time we begin to look for the conclusion and be prepared to move on to other issues next week. I just wanted to remind Senators on both sides of our discussion and my commitment to follow up with the agreement.

Mr. McCAIN. Will the majority leader yield?

Mr. LOTT. Yes.

Mr. McCAIN. I thank the majority leader, and I thank Senator McCONNELL and Senator DODD, who have managed this bill, I think, with efficiency and, I believe, in a total environment of cooperation.

But as we said all during last week, a couple times when we only had two or three amendments, we intended to be done by tonight or the end of this week. We have disposed of some. We will have an amendment that I think is very important that is about to be addressed soon. After that, there are not any major issues. We should finalize this bill so that we can move forward and none of us has to stay here over the weekend.

I want to say the majority leader is correct. We all agreed that we could get this thing done in 2 weeks if we allowed the 2 weeks. So there is no reason whatsoever that we should not enter into time agreements on specific amendments and a time for a final vote on this amendment.

Mr. LOTT. I thank Senator McCAIN. That discussion was not just between Senator McCAIN and me, but also with the Democratic leader, Senator FEINGOLD—we were all in the loop. We all had an understanding of how we would bring this to an eventual conclusion.

Mr. McCONNELL. Will the leader yield?

Mr. LOTT. I am glad to yield to Senator McCONNELL.

Mr. McCONNELL. I say to the distinguished majority leader, nobody more passionately opposes this bill than I do, but I am prepared to move to final passage today. There is one important amendment left on nonseverability, which is about to be the pending business before the Senate.

I say to my friend from Arizona, we may have a few sort of cats-and-dogs amendments, as Senator Dole used to call them, but we are basically through on this side.

Mr. LOTT. Can I inquire of Senator DODD, does he have any idea what might be outstanding and when we can move to a conclusion on this legislation?

Mr. DODD. I will be happy to, Mr. President. First of all, the past week and a half has been a rather remarkable week and a half in the Senate. We have had very few quorum calls. I do not know the total number of amendments we have considered, but they have been extensive, back and forth.

I find it somewhat amusing that someone else's amendment is a cat or a dog, but if it is your amendment, it is a profoundly significant proposal.

We dealt yesterday with the opposition's efforts to raise the hard number limits, and now a severability amendment from the opposition. Those are fundamentally important amendments but amendments that may try to enhance and strengthen the bill from those who support the legislation are a cat or a dog.

Our list has not expanded, I say to the majority leader. The list of amendments is about the same as it has been. There are about 12 or 13 amendments. There is a list of 21, which has been the consistent number for the past week. We just dealt with one of them—Senator HARKIN's—this morning. It was laid down last night. Senator BINGAMAN, Senator DURBIN, Senator DORGAN, and Senator LEVIN come to mind immediately. I think Senator CLINTON as well. These do not require much time.

We are prepared to move forward, I say to the majority leader, and if it takes going into tonight, going into tomorrow to finish it up, Saturday, or Sunday, whatever it takes, because I know we want to finish the bill, we fully respect that. I support that.

I have an obligation—if I can complete this thought. There are those on this side who support McCain-Feingold, and have for years, who have ideas they think will enhance and strengthen this legislation. While this is an important amendment we are about to consider, there are other amendments that should be heard.

I hope my colleagues will respect the rights of Members to offer amendments and be heard on them. There certainly is no effort over here to delay this at all. We will stay here however long, I am told by the leadership. Unfortunately, the Democratic leader cannot be here at this moment, but I am told he takes the position that if it takes being here all weekend, we will be here all weekend to complete it.

Mr. LOTT. I want everybody to understand that I am prepared to do that, too. Instead of that being a threat, it is a promise, No. 1, but No. 2, it is to urge Senators to work with the managers to identify the amendments we are going to have to consider, and if it can be done by voice vote, let us get time agreements on them. We should be prepared to move to table, if that is what is required, too.

We have an opportunity to make progress and complete this bill. We are going to do that. I want to make sure everybody understands it, so everybody needs to start making plans, if we are going to have to stay here Friday and Saturday, and take actions to allow that to happen.

Mr. DODD. A point, if I can, Mr. President. I am informed that we have dealt with 24 amendments about equally divided; 24 left, I am sorry, both Democratic and Republican amendments.

I know, for instance, Senator LIEBERMAN and Senator THOMPSON have an amendment, one of the outstanding amendments. Maybe it can be worked out. Senator BINGAMAN has one that has been worked out. It is important to note there is a good-faith effort obviously to complete this work, but I do not want to see us put in a position now, having considered a lot of these amendments, that we are going to start telling people who have had amendments pending—Senator DURBIN has been on me and talking to me for the past 10 days about when can he bring his amendment up; also Senator HARKIN and Senator LEVIN.

I have been trying to orchestrate this the best I can, but I do not want them put in the position of all of a sudden because we completed the amendments the opponents of the legislation care the most about, that we are going to deny or curtail in some way the rights of other Senators who care just as deeply about their proposals and not provide adequate time for them to be heard.

We are prepared to go forward. I know the next amendment is from Senator FRIST on severability. I have a number of requests, I say to the majority leader, from people who want to be heard on this amendment. I know the proponents of the amendment do as well.

Mr. REID. Before the majority leader leaves the floor——

Mr. LOTT. I will be glad to yield to Senator REID.

Mr. REID. I said this morning, I have been working trying to help Senator DODD. One of my assignments has been to work with individual Senators. We have had people, as Senator DODD indicated, who have been waiting the entire 9 days we have been on this floor to offer amendments. They come to me and Senator DODD a couple times a day.

Looking at simple mathematics, I say to the majority leader, it is going to be really hard to do this. If we cut down the time by two-thirds, it is still going to get us into sometime tomorrow. If that is the case, that is the case.

Senator BINGAMAN, Senator DURBIN—these people want to offer their amendments.

Mr. LOTT. I say to Senator REID, he always does good work, not just with Senator DODD but with this side, too. He is an ombudsman for us all. We do not want to cut off anybody, but all I am saying is we are going to complete this bill this week and everybody needs to know that. If we go into Friday, Saturday, or Sunday, I only have one commitment, and I really did not want to do it anyway, so I will be delighted to stay here.

With that, I yield the floor.

Mr. DODD. Is there some particular constituency in Mississippi the Senator wants to inform?

Mr. LOTT. Actually, it is in a State other than my home State.

Mr. DODD. I thought the majority leader might want to make that clarification. I think we are prepared now to go to the Frist amendment.

AMENDMENT NO. 156

Mr. FRIST. Mr. President, I ask for immediate consideration of my amendment, which I believe is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself and Mr. BREAUX, proposes an amendment numbered 156.

Mr. FRIST. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain provisions nonseverable, and to provide for expedited judicial review of any provision of, or amendment made by, this Act)

On page 37, strike lines 18 through 24 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—If one of the provisions of, or amendments made by, this Act that is described in paragraph (2), or if the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, then all the provisions and amendments described in paragraph (2) shall be invalid.

(2) NONSEVERABLE PROVISIONS.—A provision or amendment described in this paragraph is a provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(B) Section 102.

(C) Section 103(b).

(D) Section 201.

(E) Section 203.

(c) JUDICIAL REVIEW.—

(1) EXPEDITED REVIEW.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by any provision of, or amendment made by, this Act, or the application of such a provision or amendment to any person or circumstance, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution.

(2) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(4) APPLICABILITY.—This subsection shall apply only with respect to any action filed under paragraph (1) not later than 30 days after the effective date of this Act.

Mr. DODD. Mr. President, can I have a copy of the amendment? We have not seen the amendment.

The PRESIDING OFFICER. It is on its way. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak to the amendment which has been offered by myself and Senator BREAUX that I believe gives us the opportunity—and I encourage my colleagues to pay attention to the debate over the next 2 or 3 hours because it gives us the opportunity to assess where we are today in the bill, as amended, and to understand the implications for each of us, for people who are interested in participating in the political process both today and also for years to come.

I am going to refer back, again, to set the big picture and then update my colleagues, to a diagram that I believe is important. It is simple, but sometimes when we look at all these lines, it is confusing, and that is the nature of the whole campaign finance apparatus. This chart summarizes that when you pull or push in one area, it has effects throughout the system. It is very important because the issue we are addressing is what is called the nonseverability and the severability clause in the underlying McCain-Feingold bill.

Money flows into the system from the top of my chart down to the bottom. This is the political process. At the top of the chart is where money comes from, and it is all these blue lines. My colleagues do not need to focus on what these blue lines are right now, but I do want them to focus on the funnels, where this money is collected and where it goes.

As I said before, there are seven funnels, when one looks at all the political money that comes in and where it goes to affect free speech, political voice.

We have the individual candidate who can receive money from individuals, and we will talk about what we did yesterday in increasing what I call the contribution limits in terms of the hard dollars, the Federal dollars.

There have been changes to the underlying McCain-Feingold bill that are very positive. What angers people the most is that the individual candidate is losing his or her voice today. It might be a challenger; it might be an incumbent. Over time, because of the erosion from inflation on the one hand, without any adjustments in the Federal dollars of the hard dollars, but also the increasing influence, this is what angers the American people, the influence issue groups, special interest groups have on the system, all of which, if it grows too much, will overshadow and overwhelm the voice of the individual candidate.

They might be talking education, Medicare reform, military defense of the country, but the issue group, the unions, the corporations right now that have to disclose very little, because very little is regulated in this arena, have become increasingly powerful at the expense of the individual candidate who is out there doing his or her best, traveling across Tennessee or across any State in this country with a voice that no longer is being heard.

I say that because it is this relative balance that has gotten out of kilter. Members on both sides of the aisle have been doing their best to address this over the last 2 weeks.

Political action committees, we talked a little bit about that, as long as we understand that corporations, unions, issue groups can all channel money, political action groups, to the individual candidates.

The Democratic Party and the Republican Party are in this box on this chart, and we traditionally have been able to collect both Federal hard dollars and soft or non-Federal dollars. Again, it all has been disclosed. Everything in the green on the chart is fully disclosed. You can hold people accountable to that.

That is where the party system has worked. Our party system has traditionally worked to accentuate or amplify the voice of the individual candidate. You can see that the party hard money goes to the individual candidate, the soft money subsequently will be used to reinforce that voice of the individual candidate.

It is very important to understand this role of the party has real value in a system today which has changed radically, which, unfortunately, has pulled the power away from the individual candidate over to the corporations, unions, the special issue groups, groups created specifically around an issue used to overpower the voice of the individual candidate.

Again, this part of the chart—the party hard and party soft money, PACs, and individual candidates—has very little disclosure by corporations, unions, issue groups—very little in terms of accountability or regulation.

What have we done? This is where we are today having not passed the underlying bill as of yet. What have we done over the last 10 days of the discussion? We have had good amendments today that have been debated in a very thoughtful way. We saw the earlier chart with the funnels still on the chart.

With the underlying McCain-Feingold and the amendments that have passed, we have the following:

Yesterday, we increased the contribution limits. We already had contributions defined historically but we increased the hard dollar limits for the individual candidates. We argued yesterday. Some people were for, some were against, and a compromise was reached. We have to point out the fact that the value of the individual contributions, even in what we approved yesterday, is not the same value we gave it in 1974 because it does not meet a correction for inflation. That was increased yesterday. That helps a little bit. Again, it is not up to 1974 standards, but it helps to give more voice to the individual candidate. That is why that is important. That is why you had the people who feel strongest about reform coming forward saying, absolutely, on both sides of the aisle, we have to increase these limits that individual candidates can receive.

Second, the underlying McCain-Feingold bill does something very important. I am spending time with this because we have to see that the compromise achieved in McCain-Feingold has resulted in a balance. We have to be very careful not to disrupt. Not us in the Senate. We have spoken on it through an amendment earlier this morning, but we had the careful balance disrupted by the courts, resulting in a detrimental impact on the overall system, which does the opposite of what we as elected officials want or the American people want—making the system worse.

No. 2, McCain-Feingold, as amended today, increased contribution limits but takes out party soft money from individuals, through corporations, unions, issue groups through sponsorships. All the soft money that comes to the parties is gone. That just about wipes out 50 percent of what the Republican Party, say, of the Senate, has, along with the impact it can have. So it diminishes our voice perhaps 20 percent, perhaps 50 percent, perhaps 60 percent. Whatever our voice is now, which, again, is fully disclosed, highly regulated, where we can be held accountable, aimed at giving voice to the individual candidate, it, today, if McCain-Feingold passed, now is gone. Why? Because we have eliminated the soft party money.

The third key point applying to our amendment, you can see we are wiping out the party soft money which gives voice to the individual candidate. The balancing act achieved in the underlying McCain-Feingold bill is that, since we restricted speech, or we rationed political discourse, or we have in some way put restrictions on the use of resources that affect speech, you sure better do it out here as well. If you don't, I guarantee the money will keep coming to the system, and the money instead of coming here will all flow to the area of least resistance. That is, the special interest groups, the unions, the corporations.

It is not any more complicated than that, but I am building up to be able to answer why you have the nonseverability.

Now I have dollar signs indicated on this chart and I will come back to that. They don't mean anything in terms of overall quantity. Qualitatively, you can see the individual candidate spends money, the party spends money, the party soft money is gone under McCain-Feingold. The restrictions put in for constitutional reasons are the Snowe-Jeffords amendment; we voted on it earlier today.

Put restrictions on speech party soft money here, and you counterbalance that with restricting speech or rationing speech or basically saying 60 days before an election you can't engage fully in political speech under the Jeffords-Snowe provision.

It attempts to limit the role and influence of special interest versus candidates and parties through the electioneering provision. It doesn't take care of direct mail, phone calls, or get out the vote. That money can come over and include that, but the electioneering, the broadcast provisions are of Snowe-Jeffords. I will come back to that.

The careful balance, achieved by a compromise, no question. As we have gone through this process and as McCain-Feingold was developed in negotiation, it is a compromise, trying to achieve balance. The underlying bill tried to achieve balance and the two provisions we are talking about today are underlying provisions. They are not amendments added on, a poison pill, but two existing provisions we will link together in this narrow, highly targeted nonseverability clause. Those are linking party soft money with the Snowe-Jeffords provision.

McCain-Feingold has attempted to achieve balance by eliminating party soft money and having the Snowe-Jeffords provision. That balance has been achieved as crafted by the authors in the original bill and not altered by amendments. That is very important because people will say what about the Wellstone amendment. That is not part of this. It is the underlying provisions. McCain-Feingold is built on that basic understanding I have just outlined.

I argue that the last thing we want to do is upset that balance for the reasons I said. We have the potential for opening the floodgates if we allow party money to be eliminated and all of a sudden we remove, for constitutional reasons or a court does later, the Snowe-Jeffords amendment.

The next chart will show what would happen if all of a sudden we took the restrictions off here and said Snowe-Jeffords is unconstitutional, that is what the courts decided would happen. This is what, potentially, might happen if our amendment does not happen.

Again, this side of the chart is basically the same as McCain-Feingold. We have eliminated the party. As I have said, if you take the restriction on speech, the Snowe-Jeffords restriction on speech, off, the money is going to still come into the system and it can't go this way. It can't go to individual candidates because we have limits there, the hard money limits. It has nowhere to go but to flow to the area of least resistance, and the area of least resistance is corporations, unions, issue groups that all of a sudden have unregulated, no-limits, no-caps—for good constitutional reasons, I argue—and you can see the dollar signs. Ultimately, we do exactly what we don't want to do. We increase the interest and the role and the power of the special interests versus the individual candidates and the parties.

That is the impact. That is the big picture. I think that linkage is critically important.

As to the specifics of the amendment, first of all, it addresses this balance. Second, it is narrow, it is targeted, and it is focused. The media has been saying this is a poison pill because if you strike down one part of McCain-Feingold the whole bill falls. That is wrong. That is false. This is narrow and targeted. It does not apply to the whole bill. It links just the two provisions, the Snowe-Jeffords provision with the ban on soft money—nothing else. The linkage is for a good reason. It is because the impact on one has an impact on the other. They are complementary; they are intertwined. That is why that nonseverability is absolutely critical to prevent the possibility of this happening.

The nonseverability clause ties together just those two provisions and nothing else. When I say it is narrowly tailored, a narrowly tailored nonseverability clause, it is basically because everything else will stand. If the Snowe-Jeffords provision is ruled to be unconstitutional and therefore the cap is released, the party soft money elimination will be invalid; again, coming back to the original balance. Other provisions in the bill stand. It is just those two. The other provisions, which will not be affected by this nonseverability clause, are provisions such as the increased disclosure for party committees, the provision clarifying that the ban on foreign contributions includes soft money, the clarification of the ban on raising political money on Federal Government property. All of that stands. We are talking about just these two provisions to which I have spoken.

The provisions on independent versus coordinated expenditures by political parties are unaffected by this amendment. The coordination provisions of the bill, the portions of the bill such as tightening the definition of independent expenditures, the provisions providing increased reporting of independent expenditures—again; all of these provisions of the McCain-Feingold bill are not excluded as a part of our amendment today. It has to be one of the two provisions to which I have spoken.

Another point I want to mention, and it will probably be talked about over the next couple of hours, is the fact that this narrowly targeted nonseverability clause also provides a process for expedited judicial review of any court challenges to these two provisions. The purpose of that clearly is that challenges—we don't want to be held up in court with a lot of indecision over the years.

All this does, as part of this nonseverability clause, its purpose, is to provide that if the provisions of this legislation that restrict the ever-louder voice of the issue ads—which, again, are poorly disclosed and poorly regulated—are declared unconstitutional, just the Snowe-Jeffords provisions, then the provision that weakens the voice of the individual candidate and of the party would not be enforceable.

Simply put, sort of boiling it down: The person running for public office will not be left out here defenseless, without any voice, if our effort in McCain-Feingold as the Snowe-Jeffords provision falls, if the courts say no, we are going to take this cap off here—which clearly, just looking at the dollar signs, would put the individual candidates again at a point where they are almost helpless as they are trying to make their point.

The history of severability legislation I am sure we will go to. I will not address that.

Let me answer one question because we were talking as if this were a poison pill because people bring in editorials saying this is a poison pill. It is clear, a poison pill, to me, is if you give somebody a pill and they drop dead and they are gone. We are not adding a new entity or provision to the bill. All we are doing is linking two provisions that are already in the bill. They are in the underlying McCain-Feingold bill. They are not amendments that have been added that are trying to poison the bill.

The only thing we are doing is working with two underlying provisions that are already in the bill, saying they are inextricably linked and have an impact one on the other.

Proponents of the bill—we heard it a lot this morning—told us time and time again that this is constitutional, Snowe-Jeffords is constitutional, the ban on party soft money is constitutional. If people really believe that, I think proponents of the bill have nothing to fear by this linkage in our nonseverability proposal.

As we look at what I have presented, we should take this opportunity to look realistically at what is happening in campaigns and campaign finance reform: The sources of money, how it is being spent, whether or not it is disclosed, and where the money is going. In all this we need to make absolutely sure we do not muffle the voices and diminish that role of the individual candidates out there while increasing the role of the special interests or the unions or the corporations.

I hope all my colleagues will study this particular amendment, will carefully consider this balanced and narrowly tailored amendment that addresses what I believe is a critical, critical issue.

Mr. DODD. Mr. President, I yield 15 minutes to the senior Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 15 minutes.

Mr. THOMPSON. Mr. President, I thank my colleague from Tennessee, Senator FRIST, who has done his usual excellent job in laying out his case. I think the concern that is being expressed is a valid concern, in that we need to keep in mind the totality of the system as we are addressing this issue. That is one of the things that makes me feel good about what happened yesterday, because I think that is exactly what we were doing.

If we, for example, had lost Snowe-Jeffords somewhere along the way and just had a soft money ban without any increases in the hard money limit, I think the potential problem that my colleague expressed would really have been a significant one. I do not think that practical problem exists nearly as much as we feared, because even under a worst case scenario, if the disclosure and other provisions of the Snowe-Jeffords even were to fall and we lost soft money in the system—which I think would be a good happening—we have increases in the hard money limit. We have now doubled, under the original bill—we have doubled the amount of money the candidate can have for his own campaign, $1,000 to $2,000; $4,000 in a primary, $4,000 in a general election. We have also increased the amount of money that can go to parties.

We did not increase it as much as I would like, but we increased it. We also increased the aggregate amount. We also increased and doubled the amount that parties can give to the candidates. We indexed all of it.

It is not that we are not in the same position we were when McCain-Feingold started. We have taken some significant steps in order to get some legitimate, controlled, limited, hard money into the hands of candidates and into the hands of parties that they didn't have when this debate began.

The problem that is being addressed today is one of the very kinds of things we were trying to address yesterday. I think this body effectively and overwhelmingly addressed it in the compromise amendment that we have. The proponents of the current amendment for nonseverability, however, make the case that we shouldn't risk the situation where the soft money limitations or abolitions and the Snowe-Jeffords requirements with regard to unions, corporations, and others would be struck down; that there would be an imbalance. My first point is that we corrected and I think significantly corrected that imbalance yesterday.

My second point would be that it is not exactly as if Snowe-Jeffords were some kind of a major happening in terms of the overall picture of any given campaign. In the first place, none of it kicks in 60 days before an election. So anything goes up until 60 days. Part of Snowe-Jeffords is simply a disclosure requirement. It doesn't have anything to do with money. A part of Snowe-Jeffords has to do with corporations and unions within the last 60 days and their expenditures, and that is a money situation.

Let's say that was knocked out, hypothetically. We are all talking hypothetically because obviously none of us knows what a court will do. We have argued the constitutionality of Snowe-Jeffords in the past. For the moment, let's hypothetically say that a 60-day restriction with regard to what corporations and unions could do, and nobody else—no individuals, as Senator WELLSTONE pointed out, for example—is a part of this. I compliment my friend for narrowly tailoring this legislation so we didn't have to deal with all of that. But that is knocked out.

Then we are knocking out some corporate and union money in the last 60 days of the campaign. That is not insignificant. But I am not sure, in the total context of things, that it is all that important. It certainly doesn't justify doing what we may be doing here in terms of nonseverability.

The first thing we need to understand about nonseverability and Congress passing a bill with a nonseverability provision in this is that it is extremely rare. It is rarely done. We asked the Congressional Research Service about it. Their information is that there have been 10 bills introduced or considered in the last 12 years that have had a nonseverability provision in them. They further say that there has only been one bill in the last 12 years where we have passed legislation that contained a nonseverability clause. It is extremely rare in the thousands of bills that passed during that period of time of 12 years. I said: How many public laws were there? They said 12,962. Out of 12,962 pieces of legislation, only 1 of them contained a nonseverability clause.

That is some indication of the rarity and the significance of what we are doing here today, or what is being suggested that we do.

There was a principle established a long time ago in this country that is honored by Congress and is recognized by the judiciary—that in a piece of legislation, which more likely than not will contain several provisions, you can have some parts of it that are constitutional and maybe one part that is not. Strike the unconstitutional part, says the Court, and leave the rest intact.

That is the normal way we have handled things in this country. It is based upon a concept that I think all of us honor and adhere and we talk a lot about. That is the concept of judicial restraint. We have recognized in this country for a long time—and our courts have recognized for a long time—that they should exercise judicial restraint and make constitutional rulings only when necessary. The courts have adopted their own rulings that militate in that direction and cause them not to go off and even consider constitutional issues unless they really have to. It is for the reasons that I explained: Because of the concept of restraint and the benefit we get as a country and that the judiciary gets for adopting judicial restraint, not reaching out to take on more than it should, and look for opportunities to strike down laws when they are not even really directly presented to them, and so forth.

I think the Court said it very well in the case of Regan v. Time, Inc., with the Supreme Court plurality decision in 1984. This is a little long, but I think it is important because it gets to the heart of what I am saying.

The Court said:

> In exercising its power to review the constitutionality of a legislative act, a Federal court should act cautiously. A ruling of unconstitutionality frustrates the intent of the elected representatives of people. Therefore, a court should refrain from invalidating more of the statute than is necessary. As this court has observed, whenever an act of Congress contains unobjectionable provisions separable from those found to be unconstitutional, it is the duty of this court to so declare and maintain the act insofar as it is valid. Thus, this court has upheld the constitutionality of some provisions of a statute even though other provisions of a statute were unconstitutional. For the same reasons, we have often refused to resolve the constitutionality of a particular provision of a statute when the constitutionality of a separate controlling provision has been upheld.

I think that states it very well. In summary, I think it has been the law and the practice of the United States for many years. It is a valid one. I think we would all agree that it is a valid one.

Those are the circumstances. No. 1, the extreme rarity of the situation; No. 2, these longstanding principles that our judiciary has. Those are the foundation blocks as we approach this issue this time as a Congress.

What will be the legal effects of a nonseverability clause? Not only has Congress not legislated a nonseverability clause once in the last 12 years, but there are no cases ever in the history of the country where Federal courts have been called upon to construe a nonseverability clause.

We really are in uncharted waters here in terms of how such a clause might be interpreted. I fear we are getting into an area of unknown consequences, and potential perversive results that we don't fully appreciate.

What will be the probable result? As you think it through, you can see situations very readily that are going to produce perplexities, shall we say, that maybe we can resolve here on the floor—I don't know—and determine what intent the proponents have with regard to this amendment.

Article III of our Constitution says there must be a case in controversy before a person can bring a lawsuit, have it upheld. Any law professors out there, forgive me for my shorthand as I go through this. I want to touch on the general principles, and I hope I get them right.

If you are a litigant, someone challenging this act, you have to have standing. There is a criminal aspect to this statute; if you are a criminal and you are convicted, you have standing. As far as the civil aspects of it are concerned, in any kind of a situation, you have to have a case in controversy, and you have to have standing.

That means you have to be injured directly by the provision you are dealing with or have been convicted of. If the statute is in force, you will be injured, if you sustained injury or you face imminent injury, something like that, not just a general public kind of a potential injury. There was a case back in 1974 where some concerned citizens got together and sued the CIA because they were not disclosing their budget. The courts held that your interests are not any different from any other citizen. You have no standing in this lawsuit.

That little background has relevance because someone challenging these two provisions will refer to them as the soft money provision and the Snowe-Jeffords provision of the McCain-Feingold bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THOMPSON. I request an additional 10 minutes.

Mr. FEINGOLD. Mr. President, I yield an additional 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator is recognized for an additional 10 minutes.

Mr. THOMPSON. It has to do with how the cases would come up. If someone, let's say, was convicted under the soft money provision—in other words, somebody sent some soft money to somebody they weren't supposed to after this law was passed, and they got caught doing that and they got charged with and got convicted of it, if you had severability, then that person would clearly have standing with regard to the soft money provision they were convicted of. That is all that would be at issue.

Presumably, if you had nonseverability the way that the proponents of this amendment would suggest, that person who is affected by the soft money provision that he is convicted of, presumably he could also challenge the Snowe-Jeffords part of the bill that has no relevance to him. If so, are we telling the Court, by means of this amendment, to give standing to this person to challenge Snowe-Jeffords when they are not affected by Snowe-Jeffords? If so, we are running afoul of article III because the Congress cannot give people substantive jurisdiction or grant constitutional standing for anyone such as that. If we were trying to do that, we certainly would not be exercising judicial restraint.

During the course of this debate, I hope we can agree on what we are trying to do by means of this amendment. Do we want to be able to allow someone who is affected by one provision to be able to challenge the other provision? That is the question. If the answer to that is, yes, then we can talk about the constitutional implications of that. If the answer to that is, no, that they can only challenge the provision they are affected by, then what about a fellow who is convicted under the soft money provisions, which is held to be constitutional? He goes to jail. Another person comes along, he is sued under the Snowe-Jeffords provision. That is held to be unconstitutional, which wipes out the entire legislation, under this amendment.

So you have the first individual sitting in jail for a period of time under an act that has been declared unconstitutional. Is that what we desire to do?

It is not as easy as it seems. That is one of the reasons Congress has never passed such a law as is being suggested that would allow this particular result. There has never been a Federal case on this subject. There have been a few lower court Federal cases deciding State law. Surprisingly, in some of those cases, in interpreting nonseverability provisions, they have ignored them.

I say to my friends, even if this nonseverability provision passes, which I hope it does not, there is a good chance the Court would ignore it. And, if not a good chance, depending on how it is interpreted as to what Congress' intent is, that it will be declared unconstitutional.

For reasons set forth in Lujan v. Defenders of Wildlife, a 1992 Supreme Court case, the Court made this statement:

> Whether the courts were to act on their own or at the invitation of Congress in ignoring the concrete injury requirement described in our cases, they would be discarding a principal fundamental to the separate and distinct constitutional role of the third branch. One of the essential elements that identifies these cases in controversy is that they are the business of the courts rather than the political branches.

In other words, Congress, you can't tell us what is a case in controversy. You can't tell us that there is a case in controversy out there or that a person has standing in a case when he really doesn't. That is for us to decide. If you are attempting to intrude, you are violating the doctrine of separation of powers.

I hope my colleagues will not view this amendment favorably. It would be not only a reflection on us, but it wouldn't do the judiciary any good. We are in danger, if we pass this amendment, in one fell swoop, of doing something that would be hurtful to two branches of our Government: the legislative branch and the judicial branch—the legislative branch, us, because after all these years, after 25 years we finally get around to addressing this issue, after going through and agreeing or disagreeing, but let's say agreeing on some fundamental principles that we believe ought to be passed, at the same time, in some cases supporting amendments which, in my estimation, pretty clearly have constitutional problems. I don't think that reflects well on us in what we ought to be doing and how we ought to be doing it. It doesn't reflect well on us when we threaten judicial independence or judicial restraint.

There are some broader principles involved. Those principles are involved here. So while I appreciate the concern that has been expressed in terms of balance, in terms of the need for balance—and we saw part of that yesterday—the portion of Snowe-Jeffords that deals with money is a fairly limited segment: Never done this before; treading in uncharted waters; trying to accomplish things we probably cannot, in the end, do.

For all those reasons, I will respectfully urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will turn to my colleague from Utah in a minute. First, I will take a moment to respond on our time to at least two of the comments made. It will take just a second.

I appreciate the comments that have been made. The first statement made was about the relative importance of the Snowe-Jeffords amendment. I think it is important because my whole argument is based on this balance of the linkage, the tie between the two. How important is Snowe-Jeffords—the significance of not being able to go on the air 60 days prior to an election. We should not underestimate that because, really, it is the balance between giving the candidate voice and the special interest voice.

Our whole argument is if you are going to take voice away from one, you ought to take voice away from the other. If you are going to give one voice, give the other voice. I point out that Snowe-Jeffords is very important, and that is why we are targeting it in this narrowly targeted amendment. If you just look at special interests, which is in red on this chart, versus party ads, the issue ads, I think, disturb a lot of people. I can't say that all of these ads were in the last 60 days, but anybody who has watched campaigns knows it is really in the last 2 weeks of most of these campaigns, not 3 weeks, 4 weeks, 6 weeks, 8 weeks. The Snowe-Jeffords provision is 60 days. This is just to show that Snowe-Jeffords is critically important, and if we disrupt Snowe-Jeffords, get rid of that limitation on free speech, there will be an infusion of money even greater than today. The special interest ads—again, the ads that Snowe-Jeffords is directed at—amounted to about $347 million in the campaigns we just finished.

The party ad money, which is predominantly soft money, non-Federal money, was only $162 million. What we are basically saying is that if you are going to take off the restriction of Snowe-Jeffords and you are going to allow this money to come flowing into the system, the least we can do for the candidate out there is to allow the party to participate without unilaterally being challenged and overrun by special interests. So Snowe-Jeffords is critical.

No. 2—and other people will comment on this—nonseverability may be rare, I guess, in the big scheme of things, but it has been done a lot—in fact, three times on campaign finance reform, where you do bring people together and you have this rich interaction. Three times we voted for nonseverability clauses on this floor.

Mr. McCONNELL. Will the Senator yield for an observation?

Mr. FRIST. Yes.

Mr. McCONNELL. Not only is the Senator correct that the last three campaign finance reform bills that cleared the Senate had nonseverability clauses in them, the amendment we voted on a few moments ago—the Harkin amendment, which was supported by 31 colleagues on the other side of the aisle—had a nonseverability clause in it. In fact, the Senator from Tennessee is entirely correct.

When the subject turns to the first amendment and to the constitutional rights of Americans in these kinds of bills, it is the exception not to have a nonseverability clause in it. I am sure the other Senator from Tennessee was not suggesting that nobody would have standing to bring a case affecting so many different people's constitutional rights. I am confident, I say to my friend, the junior Senator from Tennessee, there will be some Americans who will have a standing to bring a suit against this case. I will be leading them. I thank the Senator from Tennessee.

Mr. FRIST. I thank the distinguished Senator from Kentucky for his comments.

I yield 15 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was interested to hear Senator THOMPSON say we are in uncharted waters, facing unknown results that we don't fully appreciate. That is the theme of my comments.

I go back to another philosopher, Mark Twain. I can't quote him exactly, but he has been quoted as saying something to the effect that "prophecy is a very iffy profession, particularly with respect to the future." That is where we are. We are all trying to divine what is going to happen in the future if McCain-Feingold passes, as I expect it will, and if it should be signed and upheld by the Supreme Court. What would we face?

Well, I read in the popular press that on the Democratic side, one of their leading campaign attorneys is telling them if McCain-Feingold passes, the Democrats can kiss goodbye any chance of gaining control in the Senate in the 2002 election. That should cause everybody on this side of the aisle to stampede and vote for it. However, there is an equally qualified observer who has spoken to our Members and has said if McCain-Feingold passes, the Republican Party will go into the minority and stay there for 25 years.

Now, obviously, one or the other of these has to be wrong in terms of what is going to happen at the election. But neither one of these observers is an unqualified observer. The reason they have come to these two differing conclusions is that each one is looking at this issue through the prism of his own self-interest. If the Democratic campaign lawyer sees the destruction of the Democratic Party and the Republican campaign consultant sees the destruction of the Republican Party, I submit to you, as murky as our crystal ball may be, the chances are that they are both right—that we are going to see, as a result of the passage of this bill, not the destruction of the party—I won't go to that extent, but certainly a dramatic diminution of party influence in politics in this country.

One very practical example that we can expect is the scaling down, if not the elimination, of party conventions because party conventions now are financed entirely with soft money which, under this bill, would become illegal. So we may see party conventions disappear altogether, or we may see them become very truncated affairs, which the media may decide is not worth covering. This would be good news for an incumbent President. This would be bad news for a challenger trying to prevent a President from seeking a second term. He would be denied the opportunity of exposure that comes from a party convention.

One of the things we will not see as a result of the passage of McCain-Feingold is the elimination of corruption in politics. Corruption comes from the heart of the receiver, not the wallet of the giver. If an individual is corrupt, he is going to stay corrupt, whether or not the "speech police" are watching him. He is going to find some way to remain corrupt and to game the system to his advantage. The person of integrity is going to remain a person of integrity, regardless of how many people come waving bills at him to try to get him to change his position solely on the basis of money.

Integrity and corruption does not come as a result of participation in the political process. Integrity and corruption come from the way you were raised, from the way you make your decisions, from the hard commitments you make along the way in life.

There are corrupt people in entertainment and there are people of integrity in entertainment. There are corrupt people in the media and there are people of integrity in the media. There are corrupt people in politics and there are people of integrity in politics, and they will not change on either side just because we pass a bill. So that is the one prediction of which I can be confident. On these others, we are guessing.

I let my imagination run. If the political conventions disappear or become seriously truncated as a result of the passage of this bill, and if I were a special interest group with an unlimited wallet, I would anticipate holding a major convention of my own and invite certain favored speakers. I would gear it in such a way as to get maximum media attention, and those speakers could then get media attention that would come out of attending that convention.

I do believe that we are going to see an increase in political spending of soft dollars on the part of special interest groups in different and inventive ways that we at the moment cannot anticipate. Once again, in the newspaper there is a story of a fundraiser. He signed it himself. He said: Those of us on K Street are already figuring out ways to get around McCain-Feingold and use our soft dollars in a fashion to influence the political situation.

We are going to see, I am sure, an increase in Harry and Louise kind of advertising. Those of us who were on the floor through the debate on President Clinton's health care plan know how powerful those soft dollars were. We know how many those soft dollars were, and we know how totally outside the ambit of McCain-Feingold those soft dollars were. If McCain-Feingold says you cannot give those soft dollars to a party to pay its light bill, well, OK, we will give the soft dollars to Madison Avenue to influence politics in other ways.

One of the other ways the parties are going to be seriously disadvantaged by this bill is in candidate recruitment. Senator FRIST is the chairman of the Republican Senatorial Campaign Committee. When he goes out and tries to convince a reluctant candidate to challenge a Democratic incumbent, one of the first things that candidate says is: If I do this, will you be there for me? Senator FRIST can say now: Yes, we will commit X amount of activity in your behalf. Please, come do this. Do this for the party. Do this for your country. Come do it, and we will be behind you.

Senator McCONNELL has already laid out the financial implications of McCain-Feingold in terms of the amount of money that would be available to the senatorial committee if we had nothing but hard dollars based on actual experience. As Senator FRIST goes out to recruit candidates, or as Senator MURRAY goes out to recruit candidates on the other side, she is going to find her ability to attract candidates into this situation will be severely reduced.

The ultimate answer is: We want you to run, but when it comes to financial support, you are on your own; you are not going to get any significant help from the national party in any way because we simply cannot do it. We have to use our hard dollars for things for which we used to use soft money. We simply are not going to have the resources that we would like to have to help you. We will see many outstanding candidates decide they do not want to run under those circumstances.

Make no mistake about it, those in the press gallery who have been talking about the present system being an incumbent protection act, wait until we pass McCain-Feingold and I guarantee you an incumbent will really have to foul his nest in order to lose. This virtually guarantees that no challenger of any consequence will be able to raise the money and produce the organization to take on an entrenched incumbent because the restrictions are so severe that they will not be able to do that.

What does this have to do with the amendment? Simply this: At least as a result of the Wellstone amendment for which I voted, there is a degree of equal damage to the special interest groups. With the Wellstone amendment in the bill, the bill does not unilaterally damage parties and leave special interest groups totally free. Oh, it does leave special interest groups huge loopholes, but it at least, on the advertising phase, says the special interest groups have the same kinds of problems as the parties.

People said to me: Why in the world did you vote for the Wellstone amendment when it is clearly unconstitutional? I voted for it with my eyes wide open. I believe it is unconstitutional. I believe the other parts of the bill that it seeks equality for are equally unconstitutional. But I thought if the time should come, through some dark miracle, that McCain-Feingold survives the White House, the Supreme Court, and gets into the public stream, I do not want the loophole that the Wellstone amendment closed to stay open. If they are going to find some of it unconstitutional, I want them to find all of it unconstitutional. I want that loophole plugged.

If, indeed, we have the circumstance before the Court where the Court says the Wellstone amendment is unconstitutional, so the special interest groups are off the hook, but all of the corresponding pressures on parties are constitutional so that parties are under this kind of restriction, we are going to see a distortion in the political world that none of us is going to like.

I am supporting this amendment that says if the Supreme Court says, OK, we are going to strike down the Wellstone amendment as unconstitutional, as I hope they do, then we are going to strike down all the rest of it as unconstitutional because it all goes together, it fits together; it is a legitimate pattern.

I happen to think it is a total pattern of the violation of the first amendment. I have said before I think if James Madison were alive, he would be appalled at the debate, let alone the outcome. I have been ridiculed for that by members of the press who somehow think it is kind of funny to talk about the Founding Fathers, but I still believe the Federalist Papers are the best guide we can have as to how we make public policies around here.

As we look into our crystal balls, murky as they may be, we have to try to understand what the consequences will be if this bill passes and becomes law. I think the consequences are as I have stated: Parties will be seriously disadvantaged, special interest groups will be advantaged. But I do not want that to be done by the Supreme Court. I want the Supreme Court to tell us, all or nothing.

If the Supreme Court says an intrusion on first amendment rights is legitimate when you are dealing with political parties, then that intrusion ought to be legitimate when you are dealing with special interest groups. If, on the other hand, they say, no, the first amendment is so precious that we are going to leave it alone as far as special interest groups are concerned, why should they not then be required to say, we will leave it alone with respect to political parties?

Since when did the Constitution make a difference between the way people assemble themselves in their right of assembly and their right to petition and say: If you assemble yourselves in your right of assembly and right to petition in a political party, we are going to treat you one way, but if you assemble yourselves in your right to assemble and right to petition in a special interest group, we are going to treat you a different way?

The possibility exists that might happen if this amendment is adopted. If this amendment is adopted, then the Supreme Court will have to make the fundamental decision: Are they going to amend the first amendment by upholding McCain-Feingold, or are they not?

If they decide they are not, then they are not across the board. They cannot do it selectively. To me, that is the kind of outcome with which Hamilton, Madison, and John Jay would all agree. I make no apologies for calling them to this argument because I think this argument fundamentally is about the preservation of their handiwork which all of us in this Chamber have taken an oath to uphold and defend.

I do not take that oath lightly. I know my fellow Senators do not take that oath lightly. We should talk about it in those terms. I plead with my colleagues to think in those terms and, therefore, to support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield 15 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

Mr. President, the American people have had an incredible civics lesson these past few months. No novelist, no playwright, no movie director—not even the creator of the X-Files—could have dreamed up a more intricate, a more convoluted, or more fantastic plot than the one played out in our national political arena in last year's Presidential election.

For weeks on end, it seemed there was only one topic of conversation: Who won the election? And that conversation focused on some of the most arcane aspects of constitutional law.

What if Florida cannot send a slate of electors to the electoral college? What if they send two slates? Are contested elections a State or a national issue? Or for that matter, a county by county issue? Who ultimately decides the results of a disputed election? Congress? The Florida Supreme Court? Federal district court? The Supreme Court? What about the vote of the people? Doesn't that count?

Woven through every one of these questions is a crucial feature of our American style of democracy—the separation of powers. This is perhaps our Nation's most critical feature, our backbone, if you will.

For without a clear cut separation of powers—a separation between the Federal branches of Government, and between the Federal Government and the States—our system of Government founders and fails.

Prior to the creation of the Federal courts, Alexander Hamilton envisioned in Federalist No. 78 that "the judiciary is beyond comparison the weakest of the three departments of power." Given the recent role the Supreme Court played in last November's Presidential election, Alexander Hamilton's vision was wrong.

Our delicate balance of power has tipped in favor of nine justices that have the power to legislate from the bench and have now elevated the Court as the most powerful of the three "departments of power."

Commenting on the Supreme Court's role in picking the President, Laurence Tribe noted that the Justices were "driven by something other than what was visible on the face of the opinions."

We will continue to ponder whether the Court's decision was derived from established legal and constitutional principles. Or whether the Court was "results oriented" and searched for a rationale to substantiate a decision more political than legal.

In our Government this question of the separation of powers never goes away. It is here before us today, in this bill, with this amendment, with the issue of campaign finance reform. Specifically, it confronts us with the issues of severability and nonseverability.

When the Congress of the United States creates a new law of the land, how difficult should it be for another branch of Government to strike it down?

For the executive branch of Government, the answer has always been clear. The President can veto any law we pass. Congress can override a Presidential veto with a two-thirds majority in each House. The balance of power between Congress and the executive branch is part of our national strength.

But what of the balance of power between Congress and the Judiciary?

Federal courts have the authority to decide on the constitutional legitimacy of the laws passed by Congress, and to dispose of any provisions of the law they find unconstitutional. It is an ultimate authority dating back to Marbury v. Madison. If the Supreme Court declares a provision of law to be unconstitutional, it is conclusive.

Short of changing the Constitution itself, a step we have taken only 17 times since the passage of the Bill of Rights, there are no options. A finding of unconstitutionality by the Supreme Court effectively voids congressional and Presidential action. This, too, is a vital part of the balance of powers. And I respect it.

The nonseverability amendment would alter, even if only slightly, the balance of power between the legislature and the judiciary. Is this a wise change to make?

I have been grappling with this question these past few days. And grappling, as well, with some of the profound and, I must say, unsettling changes that have occurred at the Supreme Court in recent years.

My perception and I confess this is my own, of where the Court is today, and the direction in which it is heading, will carry great weight in my ultimate decision about the nonseverability issue.

A law professor at New York University wrote an interesting article on this very topic a few weeks back in the New York Times. The author's name is Larry Kramer, and his article, which could hardly be more to the point, was titled "The Supreme Court v. Balance of Powers."

His main point, which I think he makes quite convincingly, is that:

> the current Supreme Court has a definite political agenda—one devoted chiefly to reallocating governmental power in ways that suit the views of its conservative majority. . . .
>
> For nearly a decade, the court's five conservative justices have steadily usurped the power to govern by striking down or weakening federal and state laws regulating issues as varied as gun sales, the environment and patents—as well as laws protecting women and . . . the disabled.

Many of the Supreme Court's recent decisions have indeed been made by the conservative majority. Decisions are often carried on the basis of a single vote. Age discrimination—five to four. Gay rights—five to four. Warrantless police searches—five to four. The Federal role in death penalty cases—five to four. And of course, the selection of the 43rd President of the United States—five to four.

Justice John Paul Stevens, in his dissenting opinion to this last decision, said:

> Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the law.

This is my own starting point for reflecting on the nonseverability question. I agree with Justice Stevens. My confidence in the impartiality of the Supreme Court has been shaken. The American judicial system has been increasingly politicized. Politicized by the unseemly rejection by the Senate of qualified nominees to the Federal bench. Politicized by the recent decision by the White House to end the half century involvement of the American Bar Association in reviewing the qualifications of potential nominees to the Federal bench—a tradition that dates back to the Eisenhower administration.

With that as context—recognizing that for many the impartiality of the Supreme Court is being called into question—I return to the question of nonseverability. Is this a Supreme Court to whom we want to hand over the absolute authority to rewrite whatever campaign finance reform measure ultimately is enacted by Congress?

I am not enamored by the idea of granting to the Court—particularly this Court—such authority. Maintaining severability denies them the opportunity to sink the entire law on the basis of the constitutionality of one provision.

At the same time, I am not enamored by the prospect of allowing this Supreme Court to selectively dismantle our campaign finance reform measures, picking and choosing among the different provisions to find ones that suit their visions of reform, and rejecting the rest.

The last time we tried this in Congress and sent the law across the street, it had a pretty disastrous outcome. The Supreme Court at that time decided they would limit how we raise money for campaigns. They would not limit, as Congress wanted to, the ultimate amount of money spent on campaigns, and then they came in with a decision in Buckley v. Valeo in 1976 and said, incidentally, millionaires in America, when it comes to campaign financing, are above the law. Now that preposterous outcome was rationalized by them and has been capitalized on by candidates since.

Campaign finance activist Ben Senturia compared the Buckley decision by the Court relating to campaign finance reform to that of a large tree in the middle of a ball field. The game can still be played, he says, but it has to be played around the tree.

Despite my serious misgivings about this Supreme Court, the opportunity severability will give it to move beyond the role of constitutional arbiter, to actually craft their vision of campaign finance reform, I will vote against the Frist amendment,for three reasons.

First, for the good of our Nation, the strength of our Government, and the future of the Court, I must still retain the faith and the hope that the Supreme Court will rise above any political consideration to judge this law on its constitutional merits.

Second, taking my misgivings about the distribution of the Court to their logical conclusion. Congress would have to raise this matter on every legislative issue we face. That would invite confrontation and chaos that would not serve our Nation.

Third and finally, I have supported McCain-Feingold and campaign finance reform from the start. I am prepared to set aside my heartfelt concerns over the issue of severability rather than jeopardizing this good-faith effort to clean up the tawdry campaign climate in America.

I support the severability provision in this bill and oppose the Frist amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Illinois leaves the floor, I express my personal appreciation for his speech. I say that, recognizing that he and I have been in Congress the same length of time. We came together to the House of Representatives. During that period of time, I have gotten to know him well and I recognize his history as being a real legislator, a parliamentarian as he was in the State of Illinois.

This debate has been a very good debate. During the past couple of weeks, we have had some very fine presentations made. But when we look back on the presentations made, there will not be any better than the one just made by the Senator from Illinois. Not only did he deliver it well, as he always does, the Senator from Illinois has no peer, in my estimation, as someone able to present facts. But here, not only did he do a great job in his delivery, the substance of what he said is really meaningful.

For someone such as me who struggled with this issue of severability, he certainly laid the foundation, in effect poured the cement. I have no question the Senator from Illinois is right on this issue. I am personally very grateful for having been present to listen to this brilliant presentation.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield to the Senator from Wisconsin for 15 minutes.

Mr. FEINGOLD. Mr. President, let me join in the comments the Senator from Nevada made about the presentation of the Senator from Illinois. I know he thought long and hard about this. I am grateful, not only for his decision on this but also for the rationale and presentation he made. I thank him for it.

I appreciate very much the way the Senator from Tennessee, Senator THOMPSON, kicked off the debate on our side. He made some very powerful points about how this issue of severability and nonseverability relates to the separation of powers and issues of judicial restraint. What I would like to do is use my time to talk about what this means for our effort to do something about the campaign financing system in our country.

Mr. President, the Senate is being asked to agree to an amendment that would make two provisions of this bill "nonseverable" from one another. What does "nonseverable" mean? What does it mean for this bill? And what does this vote mean for the cause of reform?

My friend JOHN MCCAIN has said that nonseverability is French for "kill campaign finance reform." That is a pretty good short definition. But in simple legal and practical terms, the addition of this kind of nonseverability clause means that the soft money and Snowe-Jeffords provision, title I and title II of the bill, would become a single integrated unit for purposes of constitutional scrutiny, that its many separate sections would all stand or fall together if any part of it is challenged in court on constitutional grounds. So, if this amendment passes, and the bill passes into law in a form that includes this amendment, and some time later a federal court finds one provision of either the soft money ban or the Snowe-Jeffords provision to be unconstitutional, then both of those provisions will be struck down, and it will be as if we had never passed a campaign finance reform bill at all.

Our bill contains an explicit severability clause, added only for emphasis. We pass hundreds of bills in each Congress, and each of them is deemed implicitly to be comprised of severable parts, unless it contains "nonseverability" language. Two weeks ago we passed a bankruptcy bill, that ran on for hundreds of pages. I thought it was a bad bill, I wish it were not about to become law. Still, I understand that if some part of its hundreds of pages is struck down on constitutional grounds, the rest will stand. The same is true of nearly every bill we have passed or will in the future pass in this body. In fact, I am informed that during the last 12 years only 10 bills have been introduced, let alone passed, that contain a nonseverability clause. It is incredibly unusual.

The Supreme Court has repeatedly held that even without a severability clause, the presumption is that Congress intends for each provision of a bill to be evaluated on its own merits and severed from the bill if it is found to be unconstitutional. In Alaska Airlines v. Brock, for example, the Court said:

> A court should refrain from invalidating more of the statute than is necessary . . . Whenever an act of Congress contains unobjectionable provisions separable from those found to be unconstitutional, it is the duty of the court to so declare, and to maintain the act in so far as it is valid.

That is the general rule. In order to overcome that presumption there has to be specific evidence that Congress would not have passed the constitutional provisions without the unconstitutional provisions.

Senator MCCAIN and I have drafted a bill that we believe is constitutionally sound. My record is not the record of a legislator who is casual about the first amendment, but some people, out of legitimate concern, and some other people, seeking strategic advantage in their effort to kill reform, have raised first amendment questions about the Snowe-Jeffords provisions of the bill, which would place restrictions on the use corporate and union treasury of phony issue ads run on radio or TV within 60 days of general election. Similar questions have been raised about the Wellstone amendment that extends the Snowe-Jeffords restrictions to issue ads run by independent groups.

We knew that our bill would face this scrutiny and we drafted the Snowe-Jeffords provision with care and respect for the right to political speech, but if we, or the author of a successful amendment to our bill, has missed the constitutional mark, there are federal courts to rule on the question. Ultimately, under our system of government, there is a Supreme Court to give the final word about the constitutionality of any part of our bill that may be challenged. And if the Supreme Court says that some piece of our bill is unconstitutional, that's the last word, and we would have to accept that.

But this amendment goes much farther. It would mean that if the Supreme Court finds a defect in the Snowe-Jeffords provision, and strikes it down, then the soft money ban will be invalidated as well. This makes no sense. It respects neither the proper rule of the Court, nor the proper role of the Congress. We have a Congress to pass laws, in this case a set of laws. We have a Supreme Court to tell us when one of those laws is unconstitutional and must cease to have effect.

I try to avoid cliches in debate, but here I must implore my colleagues, don't vote for an amendment that obliges this Senate and the Court to throw the baby out with the bathwater. In this case, the bathwater is the Snowe-Jeffords provision that we have always known will face a constitutional challenge, and while we believe there is a strong argument for it being upheld, we cannot state with any certainty that it will. But the most important provision in our bill, the baby in our metaphor, is the soft money ban. The sponsor of this amendment knows that he will never get the Court to say that the soft money ban is unconstitutional. He holds out hope that Snowe-Jeffords will be found to be constitutionally flawed, so he pins his hopes on the extraordinary, mechanistic and, in this case, cynical device of non-severability. It is his only chance, because he knows he can't beat reform in the Congress, and he knows he can't possibly beat the most important part of it in the courts, not in any analysis on the merits.

So I urge my colleagues to vote against this amendment, and I add these words of caution: If you vote for this amendment, you are voting to place in peril the most important reform measure in this bill. If you vote for this amendment, you vote for a gross departure from ordinary legislative procedure. If you vote for this amendment, you vote to distort the usual proper role of and relationship between the courts and this Congress. If you vote for this amendment, you vote, and will be seen to vote, for maximizing the chances of the enemies of reform to prevail against the decisions of this Senate and against the will of the American people.

I must also point out to those of my colleagues who have told me privately, or have stated in public that they support a ban on soft money but cannot vote for the bill because they believe the Snowe-Jeffords amendment is unconstitutional, you should vote against this amendment. If you would vote for a bill that includes a soft money ban and no provision on issue ads, you should vote here to preserve the option for the Supreme Court to uphold a soft money ban and strike down the Snowe-Jeffords amendment.

I made this clear in the last few days. I believe this is the vote. This vote is the ultimate test for the Senate in this debate on campaign finance reform. It might be called the campaign finance reform test. The American people are standing by, waiting to see whether this body will pass or fail that test. Do not let them down my colleagues. There are no makeup exams.

This is the vote that will decide if we are going to be able to get rid of this awful soft money system—to really get rid of it, not just pass a bill in the Senate, not just pass a bill in the House, not just have the President sign it, but actually have it survive a court challenge and become the law of the land.

Before yielding the floor, I ask unanimous consent a letter sent to our Democratic colleagues of the Senate by Representative MEEHAN and Representative FRANK of the other body on March 22 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 22, 2001.

DEAR SENATE DEMOCRATIC COLLEAGUE: We are writing to urge you to oppose any amendment to S. 27—the bipartisan campaign finance reform legislation introduced by Senators John McCain and Russ Feingold—that would invalidate all or other provisions of the bill were one such provision declared unconstitutional by the courts.

The House confronted amendments of this nature during debate on the similar Shays-Meehan campaign finance reform legislation in 1998 and 1999. These amendments were soundly defeated—in 1998 by a vote of 155 to 254 and in 1999 by a vote of 167 to 259. 188 of 194 House Democrats voted against a non-severability amendment in 1998, and 202 out of 210 House Democrats voted against this amendment in 1999.

The pro-reform majority in the House rightly perceived non-severability to be lacking in public policy justification and precedent. This amendment cedes enormous power to the courts to undo Congress's work in instances where that work is of unquestionable constitutionality. Under non-severability, if a court found one provision of a comprehensive bill to be unconstitutional, the entire bill would be invalidated. While we believe that judicial review is an essential part of our system of checks-and-balances, non-severability tilts the scales too far towards judicial domination. Indeed, we find it strange that some who have decided the prospect of so-called "activist judges" overriding the will of officials elected by the people apparently endorse such an assault on Congress's power and prerogatives.

The inclusion of non-severability provisions in enacted legislation is extremely rare. At the time the House considered the Shays-Meehan bill in 1999, only three bills had passed in the last decade that had non-severability clauses. Indeed, Congress has often inserted severability clauses in legislation to ensure that constitutional provisions remain in effect. For example Telecommunications Act of 1996 contained a severability clause. If Congress had instead inserted a non-severability clause in the Act, the entire Act would have been invalidated when the U.S. Supreme Court unanimously struck down its so-called "Communications Decency Act" provision. The Brady Bill was also protected by a severability clause.

Finally, non-severability is an unjustified threat to the laudable effort to clean up our campaign finance system. We believe that soft money contributions to the national political parties should be banned and that campaign ads masquerading as issue discussion should be subject to the same laws governing uncloaked campaign ads. Moreover, we believe that both of these elements of the McCain-Feingold bill pass constitutional muster. We do not believe, however, that tying the fate of one to a court's view of the other—or tying either's fate to a court's view of other provisions of McCain-Feingold—is justified. Soft money contributions at a minimum give rise to an appearance of corruption. That will be the case whether or not other provisions of McCain-Feingold ultimately survive judicial review. Accordingly, the public policy merits weigh strongly in favor of cleaning up as much of our disgraceful campaign finance system as we can. Non-severability may compromise our ability to do so, as well as create an incentive for opponents of reform to offer patently unconstitutional amendments in the hope of poisoning the prospects for reform's survival in the courts.

Thank you for you consideration.

Sincerely,

MARTY MEEHAN,
Member of Congress.
BARNEY FRANK,
Member of Congress.

Mr. FEINGOLD. Mr. President, I yield the floor.

Mr. McCONNELL. Mr. President, how much time remains on the Frist amendment?

The PRESIDING OFFICER (Mr. FITZGERALD). The proponents have 53 minutes and the opponents have 44 minutes.

Mr. McCONNELL. Mr. President, I have been listening carefully to the speeches on the other side of this issue. With all due respect, they are somewhat misleading.

The last three campaign finance reform bills that passed out of the Senate included nonseverability clauses—in 1990, 1992, and 1993. Members of the Senate who voted for that include 23 current Members who supported the bill with a nonseverability clause in it in 1990; 24 of the current Members supported the bill in 1992 with a nonseverability clause in it; and 28 of the current Members supported the bill in 1993 with a nonseverability clause in it.

It is wholly irrelevant whether most bills do or don't have nonseverability clauses. What we are talking about is campaign finance reform bills which are fraught with first amendment constitutional principles, and it has been almost always the rule rather than the exception that they include nonseverability clauses in them.

It is so common that the Harkin amendment we just voted on and was supported by 31 Members of the Senate on that side of the aisle had a nonseverability provision in it tied to Snowe-Jeffords; also, the amendment we had a couple of hours ago in which 31 Members of the Senate on the other side supported.

So this notion that somehow it is inappropriate and unwise to have a nonseverability clause in a campaign finance bill is utterly and totally baseless and without merit. In fact, that is what is typically done.

I say to my friends who support the underlying bill, what are you afraid of? There have been numerous discussions and hearings about how constitutional Snowe-Jeffords is. We have had lengthy discussion on the floor by various Members of the Senate.

Senator SNOWE, of Snowe-Jeffords fame, says it is constitutional. It is common sense. It is not speech rationing but informational, and so on. Senator SNOWE referred to 70, as she put it, constitutional experts.

Senator JEFFORDS says: My focus will be on reassuring you that Snowe-Jeffords is constitutional. He says they took great care in drafting their language.

Senator MCCAIN is, likewise, totally confident that Snowe-Jeffords is constitutional. Senator THOMPSON, the same.

Senator EDWARDS is on the floor now. He said he is totally confident that Snowe-Jeffords is carefully crafted to meet the constitutional test of Buckley v. Valeo.

Senator DEWINE offered an amendment to take Snowe-Jeffords out earlier today. That was defeated. It is a part of the bill.

Those who want to keep that in the bill are totally confident that it is constitutional.

What are they afraid of?

As the author of the amendment, Senator FRIST pointed out that there is a rationale for linking Snowe-Jeffords and the soft money ban. And it is this. I say to my friend from North Carolina: What if I am right and they are wrong, and Snowe-Jeffords is struck down, the Democratic Senatorial Committee loses 35 percent of its budget, and the Democratic National Committee loses 40 percent of its budget? If candidates are under attack by conservative groups from outside, who is going to rush to their defense?

The party is the only entity in America that will certainly support the candidates that bear its label. There is nobody else you can totally depend on to be there to defend you when you are under assault.

There is a rationale for linking Snowe-Jeffords and the party soft money ban; that is, if we eliminate it, and if all of the Senators who are confident, including the Senator from North Carolina, that it is constitutional are wrong, every group in America—conservative, liberal, vegetarian, and libertarian—will all have a right to come after our candidates and our parties will be largely defenseless.

I asked consent later this afternoon to have some time at 4 o'clock to describe to the Members of the Senate the impact of McCain-Feingold on our political parties. I am going to take the opportunity to do that at 4 o'clock. It will be chilling to learn what will happen to our parties under this underlying bill.

Let me sum up because I see the co-author of the amendment is on the floor.

I don't think this is in any way inappropriate. In fact, it is common. If the proponents of Snowe-Jeffords are confident it will be upheld, I don't know what they are afraid of. We will need the political parties to defend our candidates if Snowe-Jeffords is struck down.

I yield the floor. I see the Senator from Louisiana is here.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Who yields time to the Senator?

Mr. FRIST. Mr. President, I yield 15 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the author of the bill, the Senator from Tennessee, for yielding time to me.

We have just heard a good explanation of the situation from the Senator from Kentucky about the concern of the so-called severability. Imagine most people in America scratching their heads and asking: What in the world is the Senate talking about—nonseverability, severability, and everything else? When we talk about severability, back in Louisiana they think someone lost an arm or a finger. They get very confused when we start talking about severability in legislation as an integral part of a bill.

We have learned the mistake we make when we craft a carefully constructed compromise that people are allowed to vote for because it is carefully balanced with amendments through the legislative process and then have that legislation go to a court which says that one part of this bill we will take out and we are going to leave everything else, or the court will say they will take out half of it and leave everything else. We tried that in 1971 when we wrote the landmark Federal elections law. I was running for Congress then and was watching it very carefully, not knowing what in the world the results would be. But I looked at it at that time, as the people helped write it, as a carefully crafted compromise. It did not have a nonseverability clause in that legislation. When it left this body and it left the House, a lot of people said: This is a good balance; I got this in it; I got that in it; I got limits on contributions but we got limits on how they can spend it; therefore, I think this is a good package; it makes sense; it is reform.

Because it didn't have a nonseverability clause in it, which we are trying to add in this legislation, when it got to the Supreme Court, in its wisdom, said: Well, this can stand and this can't stand; we are going to eliminate this and we are going to keep that.

In essence, what they did was replace the role of the Congress in writing the legislation as they thought in their final words what was legitimate and what was constitutional.

Guess what. We ended up for all of these years with a bill that was totally different from what the Congress had carefully crafted. In essence, what we ended up with was a bill that limited contributions but had no limits on expenditures. What we thought we were doing was saying, all right, we are going to reduce the money in campaigns, we are going to eliminate expenditures, and limit contributions. What we ended up with was only one-half of the equation. This body, the other body, this Congress and past Congresses learned from that monumental mistake.

As the Senator from Kentucky pointed out, when we considered campaign finance legislation in subsequent Congresses, we didn't make that mistake. We considered it in the 101st Congress, the 102d Congress, and the 103d Congress. And in every one of those Congresses we did not make the same mistake that we made in 1971.

We took the position in those acts of the Congress that the carefully crafted compromise was going to have to be accepted or rejected; the Court could not piecemeal it. They could not rewrite it. They could not decide in their wisdom what they thought was legitimate and keep that and throw out what they thought was unconstitutional. We did not make the mistake in the previous Congresses that we did the first time.

I hope what we do here is to also recognize that we should say that this carefully crafted compromise, the ban on soft money to parties plus the restrictions on outside groups running sham ads 60 days before an election, are intricately tied together. They are part of the compromise. If you knock out one, you break the deal. Without this amendment, we will have perhaps only half of the deal being enacted into law and the other half disappearing because of a Court decision.

That is not what the role of legislators should be. We should be putting together comprehensive packages with intricate amendments and compromises woven together to create a package.

There are people who would not be for this legislation, I dare say, if they thought the Snowe-Jeffords legislation on money being spent on sham ads right before the election were not restricted in this bill. What do we say to those people who voted for it because of Snowe-Jeffords being part of it: That somehow it may not be there in the end? They would not have voted for the legislation.

It is so significant that we have this nonseverability clause. It is very restrictive, and I want to expand it. I will ask unanimous consent to offer an amendment to the Frist-Breaux amendment which will include the soft money ban plus the Snowe-Jeffords amendment plus the Thompson amendment which increased the hard dollar contributions, that if any one of those three would be found to be unconstitutional, all three would fall.

It makes no sense, I agree, to have the ban, for instance, on soft dollars to be declared unconstitutional, which it probably is not, but if it should be, then you would be left with a hard dollar increase. It makes no sense to say that, well, we could ban or declare unconstitutional the Snowe-Jeffords prohibition but yet still have the hard dollar increase. All three are integral parts of this compromise. I think the Frist-Breaux amendment should be amended to say that if either of those three essential ingredients is knocked down as unconstitutional, therefore, all three of them would fall. That would be the right thing to do.

That doesn't mean the whole bill falls. Everything else is still there: The millionaire's amendment, the lowest unit rate for television would still be there, the ban on foreign contributions, the ban on solicitations. Those are all still improvements in the current system.

When I try to explain nonseverability to people, it gets very confusing. I am probably as confused as anyone trying to explain it to our colleagues and to the press, and to the general public, who have to cover all of this. I try to use the analogy of ANWR which I think makes sense. The question of whether we drill for oil in the Arctic National Wildlife Refuge is a very controversial and contentious issue. Suppose we came to the floor of the Senate and someone said: All right, I am willing to allow for drilling in ANWR if you double the environmental requirements that would apply to that part of the United States. That amendment is adopted. People say: Well, with that amendment, I can support drilling for oil in ANWR because we have an amendment that doubles the environmental protections in that part of the world only.

But then that bill goes to the Supreme Court and the Supreme Court says: Oops, sorry, you are all wrong, you can't do doubling of the environmental protections in only one part of the country. That part of the bill is unconstitutional. But the drilling for oil is OK.

How would that treat all the Members of Congress who said: Well, I can vote for the carefully crafted compromise because at the same time we have doubled the environmental protections and therefore it is a comprehensive package and therefore it makes sense? To have the Court strike down the environmental protections while leaving the right to drill would be a sham on the Members of Congress who voted for the carefully crafted compromise.

The same is true with regard to this controversial, complicated, emotional issue of how we handle campaigns in this country. All of the ingredients are essential to the compromise. To allow the Court to knock out one or two and leave the rest is to put into effect through law something that was never intended by the people who voted on it to ever occur. When you vote for all of the parts of the bill, you have the right to expect that all of the parts will survive.

Someone said: Maybe we should do that for every piece of legislation. I say: Well, it may not be a bad idea, but certainly not a bad idea for things that are complicated and carefully crafted and subjected to numerous compromises that are part of the package.

I am extremely concerned that we have a situation where we are going to ban soft money to the two political parties and somehow leave all of these groups and organizations that are running ads, special interest groups, basically single-interest groups, who will be able to continue to use all of the soft money they want to attack candidates for 2 years prior to our elections. None of these groups represents, I argue, the more moderate parts of both parties; they tend to be more extreme. Not all of them, some of them are moderate, but most are single-issue, one-issue groups that generally run only negative advertising against candidates.

Addressing this with the Snowe-Jeffords amendment, saying that corporate and union contributions cannot fund any of these groups within 60 days of an election, is an important step. If we don't have the nonseverability and Snowe-Jeffords is knocked out, all of these groups could use corporate money to continue to blast candidates without us having the same ability to help our parties respond to those accusations.

I am talking about groups such as those that ran the Flo ads on Medicare. None of the people on my side liked those at all. I am talking about groups that ran the Harry and Louise ads which used corporate contributions to run negative ads all the way up to 60 days before the election, if this amendment goes down. I am talking about the National Rifle Association. To people principally on my side of the aisle, how many times do we have to see Charlton Heston talking about why Democrats should not be elected and having corporate contributions pay for those ads?

Those principally on my side who are saying we want to vote for this because it is a carefully crafted compromise ought to recognize that without the Frist-Breaux amendment, that carefully crafted compromise could cease to exist. What we have done is to abdicate our responsibility to legislate in a package, not with blinders on, and not looking at reality.

I strongly support the nonseverability amendment. I plan at the appropriate time to ask that the amendment be modified in order to add a third category in addition to the soft money prohibition to parties and the Snowe-Jeffords amendment. I would add the Thompson amendment reflecting the increase in hard dollars, that any one of those three being declared unconstitutional would bring down all three of those.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Reserving the right to object, I would like to get a copy of the modification.

Mr. BREAUX. Mr. President, if it is all right, I will hand a copy to my colleague, since he is managing the bill, and allow him the chance to review it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, if I may, Senators have the right to modify their amendments. I thank my colleague.

Mr. President, I am prepared to yield 5 minutes to my colleague from North Carolina, Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, let me speak in opposition to this amendment. I'll talk briefly about why I oppose the amendment, and respond to the comment by the Senator from Kentucky and the Senator from Louisiana, who has just modified his amendment.

First, it is very important for my colleagues who aren't on the floor, in looking at the precise language of these amendments, to recognize there are really only three provisions, with the modification, that are covered by this amendment. The soft money ban is number one; the Snowe-Jeffords ban on broadcast ads paid out of union and corporation treasury funds 60 days before the election is number two; number three is the raising of the hard money limit.

No one who has looked closely at this question would argue that either the soft money ban or the hard money limit increase is subject to serious constitutional challenge. The only thing the soft money ban has to do under the Buckley case is for the Court to find that there was a compelling State interest to support that ban. The Court, in fact, has already found in Buckley there is such an interest. So as these other Senators have recognized during the course of this debate, there is no serious question about the soft money ban. The soft money ban—if it passes from this Chamber, and is signed by the President and passed by the House—is going to become law.

The raising of the hard dollar limit also is not subject to any serious constitutional challenge. So what we are talking about is Snowe-Jeffords.

Now my friend from Kentucky points out that during the course of this debate I have argued that Snowe-Jeffords is constitutional. I don't want to repeat that argument, but I, in fact, believe that Snowe-Jeffords is constitutional. But I want my colleagues to understand, and not get caught up too much in the morass of this debate, that there is only one issue raised by this amendment as modified, and that is if Snowe-Jeffords were found to be unconstitutional by a Court at a later time, do we want the soft money ban and the raising of the hard money limits to stand? That is the simple question raised by this amendment.

Now I don't believe a Court will find Snowe-Jeffords to be unconstitutional. But the U.S. Supreme Court has done many things in the past that I didn't expect, including some things in recent times. So I have no way of predicting with certainty what the Court will do when confronted with this question. I do believe Snowe-Jeffords meets the constitutional requirements. So the argument that is made is, if Snowe-Jeffords is found to be unconstitutional, we create a strategic imbalance in our electoral process.

The difference I have with my friends from Kentucky and from Louisiana is why we are enacting campaign finance reform. I don't think that the focus of campaign finance reform, and the reason we are doing it, is to make sure the strategic balance that now exists is maintained. I think what we are trying to do is take these huge, unregulated soft money contributions out of the system. What we are trying to do is restore public faith in our campaign and election system in this country.

It is difficult for me to understand how removing these huge soft money contributions doesn't contribute to the restoring of that integrity. It obviously does. It may be that if one of these provisions—I think the only one in play is Snowe-Jeffords—is found to be unconstitutional, somewhere down the road there is a strategic imbalance. That may be true. But this debate and this law is not about us. It is not about what is good for Democrats, it is not about what is good for Republicans, and it is not about what is good for incumbent Senators; it is about the American people. It is about whether their voice is going to be heard and whether they believe they have some ownership in their Government; or, instead, whether we continue to perpetuate a system where huge amounts of money flow, unregulated, into the campaign process and ordinary people feel as if their vote makes no difference anymore. Senator DODD made an eloquent and passionate presentation yesterday, or the day before, on this very subject.

My point is this: The disagreement I have with my colleague from Kentucky—and it is a fundamental disagreement—is why we are trying to enact campaign finance reform. I don't think we ought to be focused on ourselves, or focused on how we are going to combat a particular ad that may or may not be run against us. I am as practical as anybody else. I understand the way the system works. All of us have lived with it. But the baseline for this debate, and what I hope all of my colleagues will use as their touchstone, is not what is good for us, not what is good for Republicans, not what is good for Democrats, but what is good for the American people.

I have great respect for all of my Senate colleagues, including the Senators who have authored this amendment, who I know are well intentioned, and I don't doubt that. I just think we have a fundamental difference.

Mr. BREAUX. Will my colleague yield for a question?

Mr. EDWARDS. I will yield for a question now.

Mr. BREAUX. I take it the Senator from North Carolina, who supports Snowe-Jeffords, which would prohibit all these groups on this chart from using corporate dollars to attack candidates—these single-issue special interest groups—is that not an important amendment, that if it were to be declared unconstitutional, the rest of the bill would go into effect? Does this not bother the Senator that without the Snowe-Jeffords amendment all of these groups would be able to continue to use corporate dollars to attack candidates with no ability for the parties to defend them?

Mr. EDWARDS. My answer to that question is, first, what we do, even without Snowe-Jeffords, is we prohibit candidates for political office from raising large soft dollar contributions for these very groups to which the Senator from Louisiana is referring.

If our focus is on restoring integrity to the process and the public's perception of ourselves, then getting us out of the process of raising soft money dollars, getting soft money, period, out of the system is a positive thing. And my view is that it helps restore integrity.

Mr. BREAUX. Does the Senator think that the Health Insurance Association of America, or the National Rifle Association really needs any help from Members of Congress in raising corporate money to run those types of ads? My point is that those groups don't need Members of Congress to help them raise money to do the Flo ads, and the Harry and Louise ads. Those are corporate dollars. The pharmacy industry doesn't need Members of Congress to raise money to pay for ads attacking everybody in Congress.

Mr. EDWARDS. Mr. President, reclaiming my time, my answer is the very answer I just gave the Senator from Louisiana. We can't stop these entities from running ads. What we can do, is stop Members of Congress from raising huge amounts of money and creating a public perception that we are involved in what is wrong with the system. You are absolutely right. As a matter of pure strategic balance, that there is the possibility there will be a strategic imbalance, I would not argue for a minute about that. But that is not what campaign finance reform is about.

What campaign finance reform is about is restoring integrity to the system and causing the American people to believe, once again, that the system has integrity, that it works, and this democracy belongs to them, and that it is their Government. That is the fundamental difference. Anything we do, I strongly suspect, with or without Snowe-Jeffords, or any of these other provisions, as we have learned from experience, may turn out a year, 5 years, 10 years from now to create some result that we don't expect. I think that is just realistic.

But the one thing we know for certain is that the public believes this system is awash in money. These huge, unregulated contributions that are being made to political campaigns are wrong, and we need to make a clear and unequivocal statement that we will not allow that to happen.

This debate is not about us. It is about the American people. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will take a couple of minutes, if I may. I think the Senator from North Carolina has eloquently framed what the present amendment would do and what the consequences are, should the Frist-Breaux amendment be adopted—and I am not sure it has been offered yet—even if you accept the modification that is about to be offered by our friend and colleague from Louisiana. This gets a little confusing. It is hard for people to even hear—despite the fact we live in this world—and to even understand the issues of severability, nonseverability, hard money, and soft money.

This can glaze over the eyes of even the most determined person to follow this debate. It is confusing, but it is very important.

Let me try, if I can, to frame this so people may have a clear understanding, at least as I understand it.

If Snowe-Jeffords—the union and corporate disclosure provisions; I will call that Snowe-Jeffords although they are often in different places—if that falls because it is ruled to be unconstitutional, then the ban on soft money also falls.

If the Breaux amendment modifies the Frist amendment, then so would, as I understand it, the Thompson-Feinstein amendment, which allowed for the increases in hard money.

With all due respect to my friend from Tennessee, who is also opposing this amendment—not the author of the amendment but the opponent of the amendment—and my friend from California, Senator FEINSTEIN, Thompson-Feinstein is not a reform. Thompson-Feinstein was the price we paid to have the votes together on the banning of soft money.

There is no illusion about this. That was not a reform. I know they want to call it that. I reluctantly voted for it, having spoken against the increases in hard money. My friend from Wisconsin and my friend from Arizona also took similar positions that they did not endorse or support those increases except that it was necessary to keep the votes together for the two reforms in this bill: Snowe-Jeffords, disclosure elements, and the ban on soft money. Those are the only two reforms in this bill.

Thompson-Feinstein is the price we paid for those two reforms politically. I will stand corrected if someone wants to tell me I am wrong.

Basically that is the deal. We have this increase in hard money, which I have a hard time accepting, but in exchange for that we get the two reforms of getting rid of unregulated money and the Snowe-Jeffords provisions. I believe, based on those who know far more about this than I do, Snowe-Jeffords should not fall for constitutional reasons, although my friend and colleague from North Carolina properly points out that we have been surprised lately by Supreme Court decisions where experts have told us they would rule one way and they ruled another.

I urge my colleagues to keep this in mind, that if, in fact, they have been a supporter of McCain-Feingold, understanding that this is not every reform of the process, and understanding there may be some imbalances created here—we are all very much aware of this. My colleague from Utah spoke eloquently about the fact that none of us can say with any certainty exactly where all of this is going to end up. If you took McCain-Feingold as modified up to now and it became the law of the land tomorrow, there is some uncertainty, except this: The certainty that soft money, the unregulated millions of dollars—billions of dollars now have been pouring into campaigns—is going to be stopped.

No one is suggesting the ban on soft money is unconstitutional, and that would be a major achievement. We may end up coming back at some future date, less than 30 years down the road, because we discover there have been unintended consequences in this legislation. Let's not lose sight of the fact that the ban on soft money and the Snowe-Jeffords provisions—assuming they survive—are worthy of this body's support. The issue of saying they both fall, the ban on soft money and the price we paid for it, as well, if Snowe-Jeffords falls is an unequal trade off. I urge my colleagues to reject it.

Lastly, I say to my friend from Kentucky, there are differences of opinion on how we voted on two previous campaign finance reform bills. There was tied severability in those two other bills. It was not nonseverability. We linked two provisions. We said if one fell, then the other would fall as well.

It was, if you will, a partial severability in those two bills for which 23 of us, who are still here, voted. We did not vote for nonseverability. That is a semantical game in a sense. We voted for tied severability, partial severability. That is a side question.

The basic issue is my colleagues ought to, with all due respect, reject the Frist-Breaux amendment if they believe, as I think a majority of us do, that the ban on soft money and Snowe-Jeffords are truly reforms. We fought too long and too hard not to succeed with those and to link severability is a mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, listening carefully to the Senator from Connecticut trying to explain the previous nonseverability clauses that passed in 1992 and 1993, those nonseverability clauses included the whole bill, so that if any little portion of the bill that cleared the Senate in 1990, cleared the Senate in 1992, cleared the Senate in 1993, if any little portion of that bill was unconstitutional, the whole bill fell.

As I understand the amendment of the Senator from Tennessee and the Senator from Louisiana, the whole bill does not fall. It carefully tied the two relevant parts of the amendment, the Snowe-Jeffords language and the party soft money ban. The Senator from Louisiana has pointed out why those two are relevant and important. He has his whole list of people who are going to be attacking our candidates, and our parties are going to have no funds—none, none—to protect them from attack from outside groups.

Mr. President, I yield the floor.

Mr. BREAUX. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I ask the Presiding Officer whether it would be appropriate for me now—I have two requests. First, would it be appropriate for me to now ask unanimous consent for a modification to the Frist-Breaux amendment?

The PRESIDING OFFICER. That would be appropriate.

Mr. BREAUX. Further parliamentary inquiry: If there is an objection to the unanimous consent request to modify the Frist-Breaux amendment, would it not be in order at a later date to reoffer a Frist-Breaux amendment with that modification?

The PRESIDING OFFICER. That would be in order under this agreement.

Mr. BREAUX. Mr. President, I ask unanimous consent that the modification to the Frist-Breaux amendment that is pending at the desk be offered.

Mr. THOMPSON. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMPSON. Reserving the right to object, and I do intend to object, I know my friend can bring this after—if this amendment survives a motion to table, of course, he can bring it back, or I suppose he can bring it back separately. My understanding is this amendment would cause the following result; that is, if either Snowe-Jeffords or the soft money portion of the bill were struck down, then the Thompson-Feinstein amendment language would fall also at that time. For that reason, I object.

Mr. FEINGOLD. Will the Senator withhold his objection?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana still has the floor.

Mr. FEINGOLD addressed the Chair.

Mr. BREAUX. I yield.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, was the objection finalized or did the Senator withhold?

Mr. THOMPSON. I will withhold momentarily.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. DODD. I yield to my colleague from Tennessee 1 minute.

Mr. THOMPSON. Mr. President, I withdraw my objection.

AMENDMENT NO. 156, AS MODIFIED

Mr. MCCONNELL. I renew the consent request of the Senator from Louisiana that his amendment and the amendment of Senator FRIST be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 37, strike lines 18 through 24 and insert the following:

(a) In General.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) Nonseverability of Certain Provisions.—

(1) In general.—If one of the provisions of, or amendments made by, this Act that is described in paragraph (2), or if the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, then all the provisions and amendments described in paragraph (2) shall be invalid.

(2) Nonseverable provisions.—A provision or amendment described in this paragraph is a provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(B) Section 103(b).

(C) Section 201.

(D) Section 203.

(E) Section 308.

(c) Judicial Review.—

(1) Expedited review.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by any provision of, or amendment made by, this Act, or the application of such a provision or amendment to any person or circumstance, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution.

(2) Appeal to supreme court.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) Expedited consideration.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(4) Applicability.—This subsection shall apply only with respect to any action filed under paragraph (1) not later than 30 days after the effective date of this Act.

Mr. DODD. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I yield 15 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Tennessee for yielding.

For nearly 2 weeks, the Senate has been engaged in an exhaustive but illuminating debate on reforming the campaign finance system of the Nation, the foundation of the rules by which a free people choose their government. The consequences could not be more enormous.

I believe the Senate has met the best expectations of the American people in this debate. It has been thoughtful, civil, and far reaching. Indeed, rather than simply engaging in a narrow changing of the rules, what has emerged from the Senate is genuinely comprehensive campaign finance reform. It may not have been our intention, I don't believe it was planned, but in the best traditions of the Senate, Members from both political parties, with good ideas, took some basic reform legislation and made it into a workable, comprehensive system.

That is what brings this question before the Senate. If these were simply individual changes in the campaign finance system, where some were enacted and some failed, it would be interesting but not of overriding consequence. That is not what the Senate has done. This is a series of reforms inextricably dependent on each other. If one or more is removed, the Nation will have a radically different campaign finance system and our system of choosing candidates, and even the people whom we elect, will be altered.

I understand in the rush to judgment there are some who are prone to reform for reform's sake. It is a question of pass anything, get something done, and we will live with the consequences. But the truth is, the campaign finance system of this country is changed only once in a generation. These rules will last, not simply for us but for those who follow us, not just in this decade but in decades to come.

The fact that we have seized this opportunity in these 2 weeks to write comprehensive changes, far-reaching in nature, is not only to the credit of the Senate but it is a genuine contribution to the country.

This is the last great debate of the campaign finance consideration. But in some ways it is the most profound question because ultimately the question is whether we have simply decided on a series of ideas that will be thrown out to the American people to challenge in the courts where others will make the decision or whether we have really designed a new campaign finance system in the Senate, where it is our responsibility.

It is important to look at how each of these provisions is linked because, as one Member of the Senate, I am only voting for McCain-Feingold because of the different provisions and how they are all related. We eliminate soft money for the political parties. We also eliminate it from outside interest groups. But we do not want to deny the American people political debate, so we raise the hard money limits. We want to end the monopoly on candidates' time and the growing expense of campaigns, so we lower the cost of television advertising. Those are all related and they are all important.

My colleagues, what is to happen if the Supreme Court of the United States decides the Senate has decided upon six interrelated provisions but we do not like one—or two? Then the Senate is no longer writing campaign finance reform; we simply made a few suggestions, enacted them into law, and we will let someone else write them.

This would not be so perplexing to this Member of the Senate, that we might be yielding in our responsibilities on the question of severability, if not for the fact that the Senate has been at this moment before. This is exactly what happened in 1974. If you do not like the campaign system now in the United States of America, if you object to what has happened in public confidence, the rising expense, the dominance of powerful interests, the rise of soft money expenditures, then you have a responsibility to ensure these provisions are inseparable, or the Supreme Court will write this law just as they did in 1974.

Here is the most remarkable thing about the campaign finance system in the United States: No one ever proposed it, no one ever wrote it, and no one ever voted for it. Because the Supreme Court of the United States created it, and that is exactly where we are going again.

In 1974—a year in which I did not serve in government, but I remember the debate, and some of my colleagues were here—had the Senate been presented with the following proposition: We will limit contributions to $1,000 but we will allow unlimited soft money to political parties and we will allow outside groups to spend their money and we will allow wealthy candidates to spend unlimited amounts of money—if anyone had come to the floor of the Senate with that bill, it would have received no votes. There is not a member of the Democratic or Republican Party who would have voted to limit themselves to $1,000 contributions while wealthy individuals could spend unlimited money and outside groups had no restrictions at all, with no control on expenditures. No one would vote for such a system. But that is the law of the United States of America. It has governed our country for 25 years. If we fail today, it will continue to govern our country.

That has created all this outrage, and that is the product of not having a nonseverability clause. That was an attempt to have comprehensive reform. But when the Court ruled provisions unconstitutional, rather than meeting our responsibilities, returning to the floor of the Senate to rewrite the legislation consistent with constitutional guidelines, ensuring it was comprehensive and met our national objectives, the Senate failed to meet its responsibilities and this problem was created.

By what logic do we solve this problem now by returning to the same rules, the same yielding of responsibility, to ask the same Court to write campaign reform legislation once again? I ask my colleagues to think of the system that may not evolve from McCain-Feingold as we have voted upon it but which might evolve from a reasonable action by the U.S. Supreme Court.

I believe every provision we have agreed to in this Senate, absent possibly the Wellstone amendment, is constitutional. It is noteworthy the Senator from Tennessee does not put the Wellstone amendment in his nonseverability amendment that he offers the Senate at this moment. I believe the remainder is constitutional.

But if I am wrong and the U.S. Supreme Court decides that Snowe-Jeffords amendment controlling expenditures by independent groups by the use of unlimited soft money is unconstitutional, mark my words, the system we are creating in the United States of America is a radical change in how we govern this country and, for all practical purposes, it is the end of the two-party system financing national elections as we have known them in our lifetime. That is because under a McCain-Feingold bill that no one in this Senate voted for—and I suspect no one really supports—the system enacted in the United States will be the Democratic and Republican Parties will be limited to hard money expenditures only and independent groups will spend unlimited money with no restrictions or controls. Of all the thousands of organizations in America, civic and corporate and labor, of all the thousands of organizations, we will have chosen two for these restrictions: The Democratic Party and the Republican Party.

In the practical world in which we live, let's consider what this will look like. I, as a candidate, may choose to run for office on a progressive platform, wanting to describe my own views. And good allies that I believe in, such as organized labor or environmental groups or women's rights groups or civil rights groups, may decide to support me. But they will run my ads. They will decide what I am for, describe my positions, and run my advertising.

My Republican opponent will be in a similar position. The Chamber of Commerce or a business group, a gun advocacy group, will run advertising with soft money, saying what I am against.

American politics will be fought over the heads of the candidates—aerial warfare with the Democratic and Republican Parties in the trenches simply firing at each other. The real battle will be fought by surrogates, and political candidates in the Democratic and Republican Parties will be nothing but spectators in American politics.

This is not the system anyone here wants. Were I to offer it now, no one would vote for it. It sounds like 1974, doesn't it? It is. And we can have exactly the same result.

My colleagues, the Senator from Tennessee has offered an important, in some respects the most important, amendment in campaign finance reform.

It is the difference between a few ad hoc ideas to reform the campaign finance system and ensuring that this is comprehensive and fundamentally changes the entire system. Each becomes dependent on the other.

I asked the Senator from Tennessee to change his amendment in one more respect. I do not want my intentions questioned on the Senate floor. I have voted for campaign finance reform as often as any Member of this Congress in the last 20 years—as many times as Senator MCCAIN, as many times as Senator FEINGOLD. I will keep voting for reform.

My intention to ensure that this is constitutional and comprehensive is not because I oppose reform but because I want it to be genuine and complete. It is because of that that I asked the Senator from Tennessee to adjust his amendment. He complied. Under his amendment, not only are these provisions nonseverable, but there would be immediate Federal court review.

Upon action of the district court finding any provision of this legislation unconstitutional, there would be immediate appeal to the U.S. Supreme Court to ensure that this Senate had guidance immediately so we could return to session and correct any constitutional defects.

This, my colleagues, is exactly what this Senate has done in dealing with other legislation that was of questionable constitutional compliance. It is what the Senate and House of Representatives did in dealing only a few years ago with the Religious Land Use Institutionalized Persons Act. We ensured that the provisions would have to stand together, and that there would be immediate court review if they did not return to the Senate.

So I ask the Senate to do what it did to correct what it did wrong in 1974 and did correctly on three previous occasions to ensure constitutionality and that the responsibility for writing this legislation remains here.

I do not understand, my colleagues, in fact, if we vote differently. The lessons of 1974 were learned in a very hard way. The American people lost confidence in this Government, and the campaign finance system evolved which took Members of the Congress away from their responsibilities and dispirited us and our constituents. It is not a system worthy of a good and great country—but it is the law—because we did not write it. We allowed others to write it. It evolved. It was not thought through or properly conceived.

I thought we learned that lesson in 1974 because on the last three occasions that we reviewed campaign finance legislation in this Congress, we ensured that there was a nonseverability clause.

What Senator FRIST does today, on three previous occasions this Congress assured was in campaign finance legislation. What he does is not the exception. It has been the rule, specifically because of what we learned in 1974. Now Senator FRIST brings it to the Senate again.

I urge my colleagues to act with caution. This vote has meaning, and it will last. It will change the complexity of this entire Congress as the years pass because the access to financing and how we govern this campaign finance system governs who rules, who wins, and who loses, and what issues come before their institution. It could not be more profound.

I urge my colleagues, no matter how they have viewed this question of severability in the past, to think carefully—not reform for reform sake, not a slogan, not a campaign statement, but a careful review of how this law will evolve and what it means to this Senate and to this country.

I compliment the Senator from Tennessee for offering it. I urge my colleagues to adopt it. I yield the floor.

Mr. McCONNELL. Mr. President, before the Senator from New Jersey leaves, I listened carefully to his remarks, and I also say to the Senator from New Jersey that not only were nonseverability clauses a part of the three campaign finance reform bills that left the Senate in 1990, 1992, and 1993, it is a part of the Harkin amendment that we just voted on a couple of hours ago which had the support of 32 Members of the Senate on his side of the aisle.

So the notion that somehow nonseverability is unusual or inappropriate is absurd. It is more often the case that these are part of campaign finance reform bills that we deal with in the Senate.

Mr. TORRICELLI. I am glad the Senator noted that.

I yield the floor.

Mr. DODD. Mr. President, how much time remains for the opponents?

The PRESIDING OFFICER. The opponents have 21 minutes.

Mr. DODD. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, it continues to be such an excellent debate. I am proud to be a part of it. I commend my colleagues on both sides of the issue.

I believe it is fair to say that putting nonseverability clauses into bills is not at all unusual. Congress passing a bill with a nonseverability clause in it is very usual.

Let's make sure we are not comparing apples with oranges.

Are campaign finance laws so different from anything else that it should be looked upon differently? Because in everything else, severability is the norm. Nonseverability is very unusual. So we say we continually do it in these bills that we don't ever make into law. But we continue to put them into bills because they are campaign finance bills, and they are intricately woven.

I suggest if anybody who ever sponsored a bill—especially a large bill on the floor of this Senate—thinks this bill is pretty intricate, they think their bill was pretty intricately woven, also.

I don't think there is anything that unusual about campaign finance regulations except it pertains to how we raise money. That makes it unusual.

With regard to Buckley, my colleagues, of course, are correct to say the law that was passed in 1974 changed our campaign system in this country in the aftermath of Watergate. Buckley took a look at it and basically said: Congress, you can limit contributions but you can't limit expenditures.

I have often wondered what the Congress would have done had they known that.

My friend from New Jersey talks about soft money and all of that that was not relevant back then. That was in play. Certainly the so-called billionaire exception turned out to be in play with regard to Buckley, and limiting the expenditures was certainly in play. That was stricken.

But what would they have done? Would Congress, knowing they were going to have their expenditures limited, have raised the ceiling on the contributions? I don't think so. What they were doing was in response to Watergate. Would they have lowered the contributions? Basically, that is what you are talking about—contributions and expenditures. I do not know that Congress would have done anything any differently had they known what Buckley was going to do. And, if so, why didn't they?

We have been meeting regularly now for 27 years since they did that dastardly deed to us, as it has been described to us on the floor. I don't know of any serious attempt to go back and readdress the entire issue since that time.

I think the longstanding practice we have had in this country both legislatively and in our court systems to be restrained to have severability clauses in most cases is a wise one.

I say to my friends who talk about these outside groups that both sides have groups that support them and campaign against them. As far as I am concerned, let them come on as long as I have the right to go out and be happy when groups support me or oppose my opponent, and whatnot. And there will be plenty of each. There is plenty of robust debate out there. It makes us mad sometimes. These people have a first amendment right to do that.

According to an independent study, the House of Representatives the last time had more independent money spent on them than the Democrats did with independent ads.

They also said that Senate Democrats had more independent ad money spent on them than the Republicans did. Of course, in that battle, and the Presidential race, the Republicans won. And that is one race. If you look at these soft money donors—I say to my friend from Louisiana who is concerned about this aspect, if you look at the large soft money donors, of the top 10 of them, 6 or 7 are Democrats. They will find a way to support some of these organizations otherwise. In fact, that is a concern on our side of the aisle, that they will do that. The Democrats will have more support that way than the Republicans will have.

Democrats say: Well, the hard money limits will hurt us more than it will the Republicans.

We will never be able to figure out exactly who is marginally helped or hurt with all of these. We have never been able to do that before.

Mr. President, I ask for 1 more minute from my friend.

Mr. DODD. I yield an additional minute.

Mr. THOMPSON. We are in as much equilibrium now probably as we will ever be. Behavior changes. The reason we are so soft money oriented now is because we have neglected the hard money, the small dollars, for some time. I think both parties have. If we raise the hard money limits, as we have, and do away with soft money, you will see the concentration back toward the old-time way of raising money—in smaller amounts, legitimate, limited amounts—that we had since 1974.

Don't treat the legislation that was passed that year as a total abomination. The fact is, until the mid-1990s, the 1974 law worked pretty well. We didn't have any Presidential scandals. The money spent on each side was about the same. Sometimes the challenger won. Sometimes an incumbent won. We don't like it now because some people in the 1990s showed us some ways to get some whole new money into the process.

That is what we are reacting to now. It is not that law. It is what has been done, not just by the courts but the FEC and the Justice Department and a few others.

It is a complicated issue, but it all boils down to this: Are we prepared to get rid of the multimillionaire soft dollars that are coming from corporations and unions and wealthy individuals in this country into our political process? That is what this vote is all about.

Mr. DODD. Mr. President, I commend my colleague from Tennessee. He made a very good point at the outset on the severability issue and precedence. We went back the other day and looked at legislation over the last 10 or 15 years. We are told that of the hundreds, thousands of bills that passed the Congress, there are about 10 or 11 examples where limited severability was involved, the point the Senator was making.

With that, let me turn to my colleagues who seek recognition. Senator WELLSTONE has been around all afternoon.

I yield Senator SCHUMER 7 minutes.

Mr. WELLSTONE. I ask unanimous consent that I follow Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise in adamant opposition to the nonseverability amendment. At the outset, let us be very clear about the unmistakable goal of this amendment. It has been signed, sealed, and delivered primarily by opponents of the bill for one and only one purpose: as a poison pill.

Of all the prescriptions for all of the poison pills that our friends on the other side of this issue have diligently mixed over the last 2 weeks, this one is the most lethal.

Why do I say that? Because it is aimed straight at the soft money ban, which is the heart and soul of this bill and has been at the core of cleaning up our campaigns since at least 1988. Banning soft money finally ends the practice, unhealthy in any democracy, whereby the wealthiest few pour millions and millions into our campaigns with no restriction at all and sometimes no disclosure, as long as the money is given to a State party.

The debate over how much advocacy groups can do is simply a sideshow. Only those who don't believe that banning soft money is key let it override the dominant purpose of this bill, to ban soft money once and for all. Banning soft money is the forest of this effort. It is far more important to the viability of our campaigns to ban soft money than regulate sham issue ads. There is no compelling reason to force the former to live or die based on the latter.

In medicine, it would be like killing the patient when all he has is a headache. In warfare, we would destroy the village in order to save it. In legislation, it is just plain bad policy.

The better policy, obviously, is to see what the Court does. And if we are left with an uneven system we don't like, fix it then. That is what we always do. That is why we never enact nonseverability clauses. Only once in the last 12 years has a nonseverability provision become law, though nearly 3,000 bills were passed during that time. Passing one now will just be a transparent way of saying we never wanted to ban soft money in the first place, and we found a clever way to pass the buck.

It would be particularly ironic to do this in the name of preventing the Court from writing our campaign finance laws instead of Congress. It is precisely this amendment that gives the Supreme Court too much power, not ordinary severability of the kind we always have and that is in McCain-Feingold.

If we approve this amendment, we will be asking the Court to dictate our campaign finance laws to a far greater extent than in McCain-Feingold because the soft money ban, which is constitutional, which we and the House have debated for years and which we are poised to enact right now, will disappear even if it is not considered by the Court, much less struck down.

Why would we concede that much power to the Court? Most of the time the Senators supporting this amendment talk about the danger of judicial activism, but we will be rubberstamping a peculiar and virtually unprecedented form of judicial activism with this amendment.

As the great Justice Robert Jackson once wrote of the Supreme Court's role as the final arbiter of our law:

> We are not final because we are infallible—we are infallible because we are final.

In the area of campaign finance, the Supreme Court has not been infallible, although it certainly is final. We should not tie this entire bill to the Court's final decision on any one of dozens of minor provisions.

I will close by reemphasizing what the Senators from Arizona and Wisconsin have so often and eloquently said in the course of this debate. I plead with my colleagues, we cannot let the perfect be the enemy of the good. On this side of the aisle, I say to my colleagues, even if you are unhappy with the delicate balance of 501(c)(4) organizations, even if you realize they may not be limited once the courts get hold of this, don't throw out the baby with the bath water. The good in this bill is more than just good, it is great. It is a landmark achievement, the first serious reform in a generation. And we should strive to preserve it, not kick the can across the street to the Supreme Court.

Mr. President, I yield back to the Senator from Connecticut my remaining time.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Minnesota is to be recognized.

Mr. DODD. That is right. We are down to a very limited amount of time. I have two or three people who want to be heard. I am going to ask the indulgence of my colleagues, unless the other side would like to give us a little time for people who want to be heard. How much time do the proponents have?

The PRESIDING OFFICER. Ten minutes.

Mr. DODD. May we have 5?

Mr. FRIST. I will yield 4 minutes.

Mr. WELLSTONE. I will do it in 3 minutes.

Mr. DODD. The Senator yields 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Although I don't like doing it in 3 minutes.

Mr. President, I think that some of what other Senators have said about the whole being greater than the sum of the parts is, in part, true. But I think the soft money ban, which is at the heart of the McCain-Feingold bill, is important enough that we want to protect it.

Second of all, I frankly don't know what the supremely political Court will do. You can argue different ways, but I would hate to see the supremely political Court render a decision taking on one part of the legislation and having the whole bill fall.

Third, I would like to point out to my colleagues that the amendment I introduced that was passed as a part of this legislation now was based upon the idea of severability. That was an amendment to improve this bill, not to jeopardize this legislation. And so, consistent with my commitment to severability, I will vote against nonseverability.

And then, finally, may I say this? How ironic it is that the amendment I introduced the other night is not even covered by this amendment that my colleagues introduced on the other side; that the amendment I introduced the other night that deals with these sham issue ads and the potential of all the soft money shifting here is still severable. It is so ironic. But I say, no self-righteousness intended, consistent with the principle of improving this bill, not in any way, shape, or form trying to jeopardize this bill, I don't even know how I am going to vote on final passage. But I certainly am opposed to this nonseverability.

You see why I wanted to have more time than 3 minutes? I have a lot to say.

Mr. DODD. The distinguished Senator is always eloquent.

I yield to my colleague from Massachusetts 3 minutes.

Mr. KERRY. Mr. President, it seems to me it is obvious to almost every Senator that we are sort of reaching a critical moment where we decide whether we are for campaign reform or we are not. At the bottom line, that is really what the severability issue is about, even though the severability has been limited now to a major component of the bill: Issue ads, i.e., Snowe-Jeffords, versus soft money. The soft money falls, the prohibition on it, only if the Court finds that Snowe-Jeffords is inappropriate, unconstitutional.

I say to my colleagues that the whole purpose of this reform is to get rid of the largest component of money that most taints the political process, which is soft money. One of the reasons people have doubts about their ability to be able to counter issue ads, if indeed that prohibition were to fall, is that they haven't been raising hard money, because when you can go to somebody and ask for $50,000, $100,000, $500,000, why bother going after the smaller sum of money?

So it seems to me what is ignored in this argument is, if indeed you don't have soft money, and if indeed the prohibition on issue ads, if Snowe-Jeffords were to fall, you are not defenseless at all; you still have the capacity to spend unlimited amounts of hard money in defense.

One of the reasons Senator WELLSTONE, Senator BIDEN, I, and others are so concerned about the McCain-Feingold bill in the end, though we support it, is that it ultimately only reduces a portion of the money that is in American politics. It still leaves us in a race, ever-escalating, of raising extraordinary amounts of hard money, cavorting around the country, still indebted to interests, still asking for large sums of money. We are still going to do that. I know Senators MCCAIN and FEINGOLD would love to go further if they could.

So, colleagues, this vote on severability is really a simple vote about whether or not we are prepared to take the risk of getting rid of the extraordinary amounts of soft money and taking on ourselves the burden, if indeed Snowe-Jeffords were to fall, of raising appropriate amounts of hard money with which to take our case to the American people.

I happen to believe very deeply that the bright-line test we have set up will withstand scrutiny. All you have to do is read Buckley v. Valeo and read the Nixon and Missouri case. The Court makes clear that it is prepared to limit contributions where they are clearly contributing to the advocacy of the election of a candidate. Anybody can watch those ads and tell the difference as to whether they are purely about an issue or trying to seek defeat or election of a candidate. I am confident we have drawn a line that will pass constitutional muster.

I ask my colleagues to take the risk in favor of reform and eliminate the soft money from American politics. That is what this vote is about.

Mr. DODD. Mr. President, am I out of time?

The PRESIDING OFFICER. The Senator has 4 minutes 43 seconds.

Mr. DODD. I yield 2 minutes to my colleague from Arizona.

Mr. MCCAIN. Mr. President, we are now facing one of the major hurdles, and perhaps the last major hurdle, between us and successful resolution of this issue. We had to fight back a poison pill in the form of a so-called paycheck protection. We had to speak clearly that we will not accept soft money in American politics. Then we voted in favor of a very hard-fought and carefully crafted compromise in the form of the Thompson-Feingold amendment. Now we face this issue. Have no doubt about what this vote is really about. If you vote for this amendment, you are voting for soft money. That is really what this vote is all about.

Since this may be the last major obstacle we face, I take the opportunity to thank all of my colleagues for the level of this debate, the tenor of this debate. I also thank the thousands and thousands of Americans who have been active in this debate and participated with us through e-mail, phone calls, and through all communications. Without their support, we would not be where we are today.

I urge a vote in favor of the tabling motion that will be proposed by Senator THOMPSON of Tennessee.

Mr. DODD. Mr. President, let me also commend our colleague. This has been a good debate, one we can be proud of in this body. I ask for recognition of the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator. I join with my colleague in thanking each and every Member of this body for the way this debate has been conducted. It has been a great example of the way this institution can work.

The Senator from Arizona is also right about the ultimate point. This amendment is couched in rather technical terms—severability or nonseverability. But it truly is the whole issue. I said it time and again, but it is the most important thing to point out to people, and that is that we have never allowed unlimited campaign contributions from corporate treasuries to political parties since 1907. We have never allowed unions to do the same thing from their treasury since 1947, the Taft-Hartley Act. But now, in the 1990s, the early part of this century, Members of Congress are engaged in asking for $100,000, $500,000, and $1 million contributions.

I say to you, Mr. President, if you told me even 10 years ago that such a practice could ever occur in this democracy, I would have been stunned. But it is standard procedure today. This vote on this amendment will decide whether this terribly unfortunate and corrupting system continues or not. This is the soft money vote. This is where the Senate takes its stand. This is the test.

Thank you, Mr. President.

Mr. DODD. I presume all time has expired.

The PRESIDING OFFICER. The Senator has 1 minute 22 seconds.

Mr. DODD. Mr. President, my colleague from Tennessee, the author, has been very gracious in giving us some time. I am going to return the favor and extend a minute and a half to him.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I, too, applaud my colleagues and everybody who has participated in the debate over the last 3 hours and really over the last 10 days. But over the last 3 hours, I have been quite pleased with the nature of the discussion, the debate, the issues.

It is very clear to our colleagues what this vote is about. Although some will say it is about soft money, it is about voice and it is about the freedom in our process, freedom of political speech.

Very briefly, I want to make three points in closing. No. 1, people are billing this as a poison pill. Very clearly, we are not adding anything. We are linking principally two underlying factors that are part of the underlying McCain-Feingold bill and added to the hard money the Thompson amendment. These are linked in a comprehensive, complementary, integral way. We are addressing just these three. If one falls, the other two come down; if one is unconstitutional, the others come down. Why? Because of balance.

All other provisions in this bill, whether it is increased disclosure, the provision clarifying the ban on foreign contributions, including soft money, the ban on raising money on Federal property, the millionaire amendment—all of those stand, all of those continue regardless of what happens with the Frist-Breaux amendment and constitutionality.

The second point is, the issue has been made that most bills coming out of this body do not have nonseverability clauses, but the point was made that some do. It is in times exactly such as these where we bring people together and knit together in a comprehensive way this balance that is so critical to maintain what we all cherish, and that is freedom of speech.

It is in unusual times such as these that a nonseverability clause is called for. It is this balance. If Snowe-Jeffords falls and the ban on soft money stays, then we increase, not decrease, the role of influence of the special interest groups we talked so much about over the last 3 hours. That is not the type of reform that Americans want.

Third, history. Clearly, there have been precedents, in fact, on campaign finance reform bills that have passed out of this body that have had nonseverability clauses.

In closing, I urge support of the Frist-Breaux amendment, as modified, during the course of the debate. It deals directly with the most cherished freedoms that any of us have today, and that is the freedom of speech.

If there is one thing that has been pointed out over the last several days, it is that we must be careful whenever we pass a bill that is going to ration free speech, and that is what we are doing. We must maintain that balance, and the only way to maintain that balance is to support the nonseverability clause amendment proposed by myself and Senator JOHN BREAUX.

I yield back the remainder of my time.

Mr. DODD. Mr. President, I move to table the Frist-Breaux amendment No. 156, as modified, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—57

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Thompson
Wellstone
Wyden

NAYS—43

Allard
Allen
Bunning
Burns
Campbell
Craig
Crapo
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Baucus
Bennett
Hatch
Helms
Hollings
Hutchison
Inhofe
Kyl
Lincoln
Lott
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Bond
Breaux
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner

The motion was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The previous order was to recognize the Senator from Kentucky for up to 30 minutes.

Mr. MCCONNELL. Mr. President, I assure my colleagues that I am not likely to take 30 minutes. But I thought it was an appropriate time to say that I think we have dealt with the last very significant amendment to this bill.

I think it is time for Members of the Senate on both sides of the aisle to take a good hard look at what we have done to the political parties—both yours and ours. I asked the pages to hand out this little chart.

My colleagues, we have reached a point in this debate where I think it might be a good idea to take a look at what life in a hard money world is going to look like for our two great political parties. We have taken pretty good care of ourselves in this debate.

We have raised the hard money limit for us. I am for that. I think that is a very important step in the right direction.

We lowered the broadcast discount so we can buy time cheaper. I voted for that.

We tried to protect ourselves against being criticized by outside groups through the adoption of the Wellstone amendment and the Snowe-Jeffords language.

We even adopted the Schumer amendment which would make it difficult for parties to use coordinated expenditures over and above the current limit if the Supreme Court in fact strikes down the coordinated expenditure limit as unconstitutional, which is the case currently before the Supreme Court.

We have also defeated the non-severability clause, so that now if the Court strikes down our efforts to limit the ability of outside groups to criticize us in proximity to an election, and we are unable through the charting of new turf, new ground, to convince a court that the federalization of our parties is unconstitutional—and no one really knows; there is no case law on that—the parties will not be able to support their candidates against attacks by outside groups. By the way, I want you to know that I will be the plaintiff in the case. We will be meeting with the other people who are likely to be the co-plaintiffs in this case in my office next week.

But we are left now with the possibility of being saved by the House or being saved by the President, who says he is going to sign this bill.

If none of those things happens, you are looking at the plaintiff. I have no idea what the chances are of getting a Federal district court, or the U.S. Supreme Court, for that matter, on appeal, to tell us whether parties have a right of free association and a right of speech somewhat similar to individuals. That is really uncharted turf. We do know this: What we can calculate is what happens to the parties in a 100-percent hard money world.

I hope by now some of you have gotten—I don't see that any of you have gotten—where are our pages with additional copies? I guess they thought you all wouldn't be interested in this. I don't know why. Could the pages please deliver those over to the Democratic side? This won't take long.

I took a look at the 2000 cycle, the cycle just completed. You will see in the chart before you that the chart depicts the net Federal dollars available to the three national party committees.

Under current law, on the left—if I could call your attention to the column on the left, and for those in the gallery, this column is called "Actuals." This was the last cycle, net hard dollars.

The Republican National Committee had net hard dollars to spend on candidates of 75 million; the Democratic National Committee, 48 million net hard dollars to spend on candidates.

The Republican Senatorial Committee, net hard dollars to spend on candidates, 14 million; the Democratic Senatorial Committee, net hard dollars to spend on candidates, 6 million.

The Republican Congressional Committee, $22 million; the Democratic Congressional Committee, minus 7 million in the whole cycle, net party dollars.

Now let's take a look at what the 2000 cycle would have looked like under McCain-Feingold in a 100-percent hard money world. That is the column over here on the right. You see the Republican National Committee would have gone from 75 million net hard dollars down to 37 million net hard dollars; the Democratic National Committee, from 48 million net hard dollars down to 20 million net hard dollars; the Republican Senatorial Committee, from 14 million net hard dollars down to 1 million. That wouldn't even cover the coordinated in New York. The Democratic Senatorial Committee, 6 million net hard dollars down to 800,000.

Welcome to the 100-percent hard money world. You are going to like it.

There has been a lot of discussion about who wins and who loses. We both lose. This is mutually assured destruction of the political parties.

I don't think any of you believes seriously that Jeffords, or Wellstone, or Snowe-Jeffords are going to be upheld in court. This is an area of the law I know a little bit about. So the chances are pretty good that all of those groups that Senator BREAUX was describing are going to be out there on both the right and the left pounding away.

Maybe your friends in organized labor will be able to help you, or the Sierra Club. Or maybe the NRA will come save some of our people. But under this bill, I promise you, if McCain-Feingold becomes law, there won't be one penny less spent on politics—not a penny less. In fact, a good deal more will be spent on politics. It just won't be spent by the parties. Even with the increase in hard money, which I think is a good idea and I voted for, there is no way that will ever make up for the soft dollars lost.

So what have we done? We haven't taken a penny of money out of politics. We have only taken the parties out of politics—mutual assured destruction.

What is this new world going to be like without parties? Here was a full-page ad in the paper 2 days ago by a billionaire named Jerome Kohlberg. He happens to mostly like you all, but we have some billionaires, too. They have a perfect right to spend their money any way they want to, and they will. These billionaires are the people who are underwriting the reform movement with lavish salaries for these people who are hanging around off the side of the Senate telling us that we ought to squeeze the money out of politics.

Welcome to the new world, a battle of billionaires over the political discourse in this country while we have made the political parties impotent; impotent in order to satisfy who? The New York Times, the biggest corporate soft money operation in America? The Washington Post, the second biggest corporate soft money operation in America? I know you all like them because they are sympathetic to you, but there are people on our side, too.

This is a massive transfer of speech away from the two great political parties to the press, to academia, to Hollywood, to billionaires in order to satisfy who? I have often said that this issue ranks right up there with static cling as a matter of concern to the American people.

This is a stunningly stupid thing to do, my colleagues. Don't think there is anybody out there to save us from this. I am not going to embarrass anybody, but I had a lot of frantic discussions over the course of the last 2 weeks with my friends on the other side of the aisle, hoping somebody, somewhere, somehow was going to keep this from happening. There is nobody to come to the rescue. This train is moving down the track.

This is my main point, in asking for your attention—and I thank you for being here—this is a candid appraisal. This is not a partisan observation. This is a candid and realistic appraisal of life after McCain-Feingold. I am sure there are very few of you who will believe this is going to improve the political system in America.

This bill is going to pass later tonight. If I were a betting man, I would bet it is going to be signed into law. I just wanted to welcome you, my friends, to a 100-percent hard money world.

I thank the Chair and yield the floor.

Mr. DODD. Mr. President, may I inquire, I believe there was a similar request made to respond to the unanimous consent request of the Senator from Kentucky.

The PRESIDING OFFICER. The Senator is correct. There are an additional 30 minutes under the control of the Senator from Connecticut.

Mr. DODD. The distinguished Senator from Wisconsin or the Senator from Arizona, Mr. MCCAIN, I had thought, wanted to be heard on this issue.

Mr. President, let me reserve the time for them. I will take 2 minutes and say to my friend and colleague from Kentucky, this is a new world. I accept that description. I wouldn't call it necessarily a perfect world, but I think for those of us who support McCain-Feingold, we think this is a far better world than the one we have been engaged in over the past number of years, as we have watched the explosion of unregulated soft money flow into the political process in this country.

Senator BENNETT of Utah a little while ago said no one can say for certain where this is going to go. That is true. I think we do appreciate, those of us who have supported this legislation, that a system that is devoid of unregulated soft money, and those of us who believe that the Snowe-Jeffords provisions and the price we paid by increasing modestly the hard money contributions, make this a better system than the one we presently are operating under. So, yes, it is a new world.

I happen to believe it is a vastly better world and that the American public, who have something to say about this and who have been declining, as my colleague and friend from Kentucky has pointed out, declining in their checking off on the 1040 forms of moneys to go into the public coffers to support Presidential elections is a good poll about how the public feels—he says about public financing, I think about politics—I am not certain this is going to change entirely the public mood. I think we are taking a giant step forward with the adoption of McCain-Feingold in improving the climate and improving the public's confidence and their respect for the political process in this country.

Yes, it is a new world. I think it is a better world.

I yield 5 minutes to my colleague from Massachusetts and then reserve the remainder for Senator FEINGOLD or Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the comments of the Senator from Kentucky. I respect the very direct, open way in which he has stated his opposition, and he has done so on the basis of a belief system. I respect that. I think we all do.

Let me say to my colleagues, there is an analogy that is not completely inappropriate in the sense that when you have found a way to do things and it works pretty easily and you are sort of swimming in it because it is easy, it is hard to give it up. It is not unlike an addiction in a sense. There has been an easy addiction to this flow of money.

When you look at the amounts of money, from $100 million up to $244 billion in a span of 2 years, dozens of times in excess of the rate of inflation, you have to ask: What is going on here?

I say to my colleagues, for those who fear this new world that has been defined, there are alternatives. There are other ways to do this. I am proud that I can stand as a Senator in the Senate today, having gotten elected a different way.

In 1996, the Governor of our State and I mutually agreed to limit the amount of money we would spend—he, a fervent Republican; me, an ardent Democrat. We both agreed to spend the same amount of money. We both agreed that each of us would subtract from our total the amount of money that any independent expenditure ran in favor of the other person or that our parties spent on our behalf. We ran a race that was absolutely free from soft money, from party money. We had nine 1-hour televised debates, and the public knew us both, probably better than they wanted to, and made a decision.

We can all run that way. There is adequate capacity in this new world to raise countless amounts of hard dollars.

Under McCain-Feingold, we have raised the total amounts of money up to about $75,000 over 2 years to party and to individual.

Nothing stops one Senator from going out and raising as much hard money as they can access in a 6-year term, in amounts that have now been raised to $2,000 a person, which means you can visit one couple, a husband and wife, and you can walk out with $8,000. All of us know that one-half of 1 percent of the people in America even contribute $1,000 contributions.

So this is not a dire new world, a brave new world. This is a world the American people are asking us to live by, and countless business people across this country are sick and tired of us coming to them and saying I need $150,000 or I need $500,000 for my party. They look at the committee you serve on and they feel pressured, whether they say it or not. Whether you say it or not, it is an appearance.

So I say to colleagues, this is a world we can survive in just fine. With 6 years of incumbency, with all of the power of the incumbent, with all of the times you can return home as a Senator and meet with constituents, there isn't one of us who doesn't start with the natural advantage, even under McCain-Feingold.

So I suggest respectfully that this is the right world, the world with which we ought to be living. We should not fear the outcome of this particular change. I thank the Senator from Connecticut.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky for ensuring that the Senate has a moment to reflect on the implications of this bill. I think it is very important that we pause to evaluate this legislation, and what it will mean for our parties, and for the voters.

As my colleagues might imagine, I take a drastically different view on effects of this legislation than the Senator from Kentucky. I realize that change can be difficult, and even a little scary, but I think it is a mistake to try to scare Members out of voting for this bill. This reform is about increasing the public's faith in our work. This bill doesn't destroy the political parties; it strengthens them by ending their reliance on a handful of wealthy donors.

Parties need money to operate, and under this reform, the national parties will be able to raise hard money, just as they have for many years. What they won't be able to do is raise the unlimited amounts of soft money. Just like the parties didn't have much, if any, soft money for much of the 1970s and 1980s.

Soft money isn't some magic bullet that the parties need to increase voter turnout or voter participation in the democratic process. Throughout much of the 1970s and 1980s, soft money was mostly absent from party fundraising. The parties raised hard money, and ran their parties on hard money. It is easy to forget that when we look at fundraising today, I know, but it is important to remember as we consider this bill. We didn't need soft money then, and we don't need it now; that is a myth that has been perpetuated, frankly, on both sides of the aisle, and it is time to put that myth to rest once and for all.

Neither party can thrive when they are beholden to the wealthy few. Soft money doesn't strengthen the parties, it undermines the spirit that keeps our parties strong. We all know that people, not soft money, are the heart and soul of our political parties.

With the soft money system, the parties have been operating outside the spirit of the law, and outside the public trust, for too many years. With this bill, we can return the parties to the people who built them in the first place. Our democracy demands vibrant political parties. No one believes that more than I do. But soft money has, ironically, cheapened our parties. I feel that is true in my own party, and I am deeply saddened to have to say that. Last spring the Democratic Party held a fundraiser where soft money donors in the arena sat down to dinner at lavishly decorated tables, while those who could only afford a cheaper ticket actually sat in the bleachers and watched them enjoy their meal. Is that party-building? I think we all know that to say that kind of event strengthens the parties is just absurd.

The parties aren't strengthened when people across the country, Republicans and Democrats, pick up the newspaper and read that their party is giving access and favors to the wealthy, while they struggle to pay for health care coverage, or they worry about how safe their drinking water is. They pick up the paper and see the parties take unlimited money from HMOs and big polluters, and they wonder how in the world could their party really stand up for them when they depend so completely on a wealthy few? The assumption that we can be bought, or that our parties can be bought, has completely permeated our culture. I'd guess that there are few if any Members of this body who haven't faced gone home to face the deep skepticism of their constituents on a given issue, when people felt like they or their party have been "bought off" by a wealthy interest.

Soft money, like perhaps no other abuse of our system in history, creates an appearance of corruption. To demonstrate that, I want to put in the record two items of interest. The first are the results of a poll conducted just last week by ABC News and the Washington Post. This poll found that 74 percent of the public now support stricter laws controlling the way political campaigns raise and spend money. That is an 8 percent increase from just a year ago. The poll had a margin of error of plus or minus 3 percent.

More important, however, the same poll found that 80 percent of the public thinks that politicians do special favors for people and groups who give them campaign contributions. And 67 percent consider this a big problem. Seventy-four percent of those who believe that politicians do special favors for donors said they think these favors are unethical.

This is the appearance of corruption. The assumption that politicians are on the take, and that money purchases favors. The "Coin-Operated Congress," as Pat Schroeder used to say.

I have felt so strongly over the past few years that money is setting the agenda that began to speak on the Senate floor during debates on substantive legislation about the money flowing from companies and groups interested in that legislation. I have called this the "Calling of the Bankroll," and since I started this practice in June of 1999, I have called the bankroll 30 times. I think it is important for us to acknowledge that millions of dollars are given in an attempt to influence what we do. The appearance of corruption is rampant in our system.

I have called the bankroll on mining on public lands, the gun show loophole, the defense industry's support of the Super Hornet and the F–22, the Y2 K Liability Act, the Passengers' Bill of Rights, MFN for China, PNTR for China, and the tobacco industry. I have talked about agriculture interests lobbying on an agriculture appropriations bill, telecommunications interests lobbying on a tower-siting bill, and railroad interests lobbying on a transportation appropriations bill. I've talked about contributions surrounding the Financial Services Modernization Act, nuclear waste policy, the Arctic National Wildlife Refuge, and the ergonomics issue. I have also called the bankroll on the Patients' Bill of Rights, twice, the Africa trade bill, twice, the oil royalties amendment to the fiscal year 2000 Interior Appropriations bill, twice, and I have Called the Bankroll on three tax bills, and four separate times on bankruptcy reform legislation.

I think it is safe to say that the public doesn't think much of the current system, and that soft money plays a big part in the public's lack of faith in us and the work we do.

One of the most important ways I think this bill can change the fundraising culture is not just by stopping soft money fundraising, but by stopping soft money fundraising by Members of Congress. Soft money fundraising is something that many Members of this body find deeply troubling. How many of Members of the Senate enjoy picking up the phone and asking a donor for $100,000? How many Senators feel uncomfortable exerting pressure on wealthy interests to come through with big contributions to fuel the fundraising contest between the parties?

I have said before that I have had Members tell me they felt like taking a shower after asking for a huge contribution. And I recently quoted Senator MILLER's Washington Post op-ed, where he said that after raising soft money, he felt like "a cheap prostitute who'd had a busy day." Haven't we had enough? I think we have. When this body voted 60 to 40 against the Hagel amendment, which would have put the Senate's stamp of approval on the soft money system, I think we really turned a corner in this debate. We joined the rest of the country in recognizing that this system puts our integrity at risk, and that soft money simply isn't worth that risk anymore.

This bill will reinvigorate the political process, and it will renew faith in the parties, and in each and every one of us. With the passage of this bill, we won't have to face the accusations that our parties have been bought off by soft money. We won't have to read about million dollar donations or getaways for hundred thousand dollar donors with party leaders, and neither will our constituents. And that will do something to improve the public's attitude toward us, and I think it will improve our own feeling about the work that we do. All of us take pride in our work, and in this institution. But we all face nagging accusations that unlimited money plays a role in the legislative process in which all of us play a part. Today we have a rare chance to change that, and I believe we will.

I stand here today before my colleagues to say that soft money isn't good for politics. It is time to stop protecting soft money, or defending it as something that strengthens our parties, or the political life of the nation. Soft money removes people of average means from the political process, and replaces them with a handful of wealthy interests. So to say that soft money is good for parties is to say that people, the party faithful who should be the lifeblood of a political party, don't really count anymore. That in the quest for unlimited contributions, the parties are willing to forgo the trust of the people they purport to serve. I don't accept that point of view. And I don't think that most of my colleagues do either. Soft money does a disservice to the work of this Senate, it does a disservice to our parties, and most of all, it does a grave disservice to the American people. So let us come together to end the soft money system, and dispel the tired myth that soft money is good for democracy once and for all.

I ask unanimous consent that a chart detailing the times I have called the bankroll be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CALLING OF THE BANKROLL

Date	Legislation/Issue	Bankroll of PAC and Soft Money Contributions	Forum
5/20/99	Emergency Supplemental Appropriations Conf. Rpt./Mining rider.	PACs associated with the members of the National Mining Association and other mining-related PACs contributed more than $29 million to congressional campaigns from January 1993 to December 1998. Mining soft money contributions totaled $10.6 million during the same 6-year period.	Senate floor statement given live, CR S5652.
5/20/99	Juvenile Justice (S.254)/ Gun control measures.	Gun rights groups, including the NRA, gave nearly $9 million to candidates, PACs, and parties from 1991 to 1998. The NRA gave $1.6 million in PAC contributions to federal candidates last cycle. Handgun Control, Inc. gave a total of $146,614. Those who voted against the first Lautenberg amendment to close the gun show loophole received an average of over $10,478 from gun rights groups, while those who voted for it averaged only $297.	Statement for the Record, printed in CR S5721.
5/27/99	Defense Dept. Authorization/Super Hornet amendment.	The defense industry gave more than $10 million dollars in PAC money and soft money to parties and candidates in the last election cycle alone. In the last ten years, the defense industry gave almost $40 million to candidates and the two national political parties.. Boeing, the Super Hornet's primary contractor, gave more than $3 million in PAC money and more than $1.5 million in soft money during that same 10-year period.	Senate floor statement given live, CR S6181.
6/10/99	Y2K Liability Act	The computer and electronics industry gave close to six million dollars in PAC and soft money during the last election cycle—$5,772,146 dollars to be exact. And the Association of Trial Lawyers of America gave $2,836,350 in PAC and soft money contributions to parties and candidates in 1997 and 1998.	Statement for the Record, printed in CR S6853.
6/23/99	Patients' Bill of Rights	During the last election cycle, managed care companies and their affiliated groups spent more than $3.4 million dollars in soft money, PAC, and individual contributions—roughly double what they gave during the last mid-term election cycle. The pharmaceutical and medical supplies industry gave more than $4 million dollars in PAC money contributions and more than $6.5 million dollars in soft money contributions in 1997 and 1998. The AMA made more than $2.4 million dollars in contributions in the last cycle ($2.3 million in PAC money, approximately $77,000 in soft money.) The AFL–CIO gave parties and candidates close to $2 million dollars in 1997 and 1998. ($1.1 million in PAC money, $777,059 in soft money.)	Senate floor statement given live, CR S7502.
7/14/99	Patients' Bill of Rights	During the last election cycle, managed care companies and their affiliated groups spent more than $3.4 million dollars on soft money contributions, PAC, and individual contributions—roughly double what they spent during the last mid-term elections. Managed care giant United Health Care Corporation gave $305,000 in soft money to the parties, and $65,000 in PAC money to candidates. Blue Cross/Blue Shield's national association gave more than $200,000 in soft money and nearly $350,000 in PAC money; the managed care industry's chief lobby, the American Association of Health Plans, has given nearly $60,000 in soft money in the last two years..	Senate floor statement given live, CR S8428.
7/20/99	China MFN	Members of USA Engage, a major coalition lobbying for MFN status for China were big contributors in the last election cycle. Examples include: Defense contractor TRW Inc. gave more than $195,000 in soft money and $236,000 in PAC money Financial services giant BankAmerica gave more than $347,000 in soft money and more than $430,000 in PAC money. The U.S. Chamber of Commerce gave nearly $50,000 in soft money and $10,000 in PAC money. Exxon, one of the world's largest oil companies, gave $331,000 in soft money and nearly half a million dollars in PAC money Communications giant Motorola gave more than $100,000 in both soft money and PAC money. This is just the tip of the iceberg.	Senate floor statement given live, CR S8845.
7/22/99	Commerce-Justice-State Appropriations Bill/ Report language on DOJ pursuing tobacco suit.	The nation's tobacco companies are some of the most generous political donors around today, including Philip Morris, which reigns as the largest single soft money donor of all time. During the 1997–1998 election cycle the tobacco companies, including Philip Morris, RJR Nabisco, Brown and Williamson, US Tobacco and the industry's lobbying arm, the Tobacco Institute, gave a combined $5.5 million in soft money to the parties, and another $2.3 million in PAC money contributions to candidates.	Statement for the Record, printed in CR S9068.
7/29/99	Tax Bill	Just a few examples of what these wealthy interests gave and what they got in either this bill, the House tax measure, or both. The Coalition of Service Industries, a coalition of banks and securities firms, won a provision to extend for five years a temporary tax deferral on income those industries earn abroad. The value of this tax deferral: $5 billion over ten years. During the 1997–1998 election cycle, coalition members gave the following: Ernst & Young—more than half a million dollars in soft money, and nearly $900,000 in PAC money. CIGNA Corporation—more than $335,000 in soft money, and more than $210,000 in PAC money. American Express—more than $275,000 in soft money and nearly $175,000 in PAC money. Deloitte and Touche—more than $225,000 in soft money and more than $710,000 in PAC money.	Senate floor statement given live, CR S9655.
		The utility industry got a provision affecting utility mergers in the House measure, which, if it survives, is worth more than $1 billion to the utility industry. The provision would excuse the payment of taxes on the fund that utilities set up to cover the costs of shutting down nuclear power plants. Entergy Corporation gave $228,000 in soft money and nearly $250,000 in PAC money; Commonwealth Edison gave $110,000 in soft money and more than $106,000 in PAC money; and Florida Power and Light, gave nearly $300,000 in soft money and more than $182,000 in PAC money	Senate floor statement given live, CR S9655.
8/4/99	Agriculture Appropriations bill	Agriculture interests have donated nearly $3 million $15.6 million in PAC money Examples of soft money "double givers" in the agriculture industry during the last cycle include the Archer Daniels Midland Company, which donated $263,000 to the Democrats and $255,000 to the Republicans; United States Sugar Corp. which donated $157,500 to the Democrats and almost $250,000 to the Republicans; and Ocean Spray Cranberries Incorporated, which donated $156,060 to the Democrats and $117,600 to the Republicans. Not everyone is a double giver. The top agribusiness soft money donor to the Democratic party, crop producer Connell Company, gave $435,000, all to the Democratic party committees. Dole Food Company gave more than $200,000 in soft money in 1997 and 1998, all to Republican party committees An agribusiness donor that shares my position against the extension of the Northeast Dairy Compact: The International Dairy Foods Association, which gave more than $71,000 in soft money during 1997 and 1998 all to the Republican party committees.	Statement for the Record, printed in CR S10211.
8/5/99	Introduction of Tower Siting Bill, S. 1538	During the last election cycle the following telecommunications companies with a stake in the wireless market gave millions upon millions of dollars to candidates and the political parties. Bell Atlantic gave more than $920,000 in soft money and $870,000 in PAC money. Wireless manufacturer Motorola gave $100,000 in soft money and nearly $110,000 in PAC money. The Cellular Telecommunications Industry Association, the lobbying arm of the wireless industry, gave more than $100,000 in soft money and more than $85,000 to candidates; and AT&T gave nearly $825,000 in soft money to the parties and nearly $820,000 in PAC money to candidates.	Statement for the Record, printed in CR S10460.
9/8/99	Interior., Appropriations bill/Oil royalties Amendment.	During the 1997–1998 election cycle, oil companies that favor this rider gave the following in political donations to the parties and to federal candidates. Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money; Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money; Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money; BP Oil and Amoco, two oil companies which have merged into the newly formed petroleum giant, BP Amoco, gave a combined total of more than $480,000 in soft money and nearly $295,000 in PAC money. That's more than $2.9 million just from those four corporations in the span of only two years.	Floor Colloquy with Sen. Boxer, CR S10567.

THE CALLING OF THE BANKROLL—Continued

Date	Legislation/Issue	Bankroll of PAC and Soft Money Contributions	Forum
9/15/99	Transportation Appropriations bill/Railroad consolidation.	The railroad companies are backing up their point of view with almost $4 million dollars in PAC and soft money contributions in the last election cycle alone. During 1997 and 1998, the four Class I railroads gave the following to political parties and candidates: CSX Corporation gave more than $600,000 in unregulated soft money to the parties and nearly $275,000 in PAC money to federal candidates; Union Pacific gave more than $600,000 in soft money and more than $830,000 in PAC money; Norfolk Southern gave more than $240,000 in unregulated money to the parties and almost a quarter million to candidates; Burlington Northern Santa Fe gave more than $445,000 in soft money and nearly $210,000 in PAC money.	Statement for the Record, printed in CR S10922.
9/15/99	Transportation Appropriations bill/Passengers' Bill of Rights.	The six largest airlines in the United States—American, Continental, Delta, Northwest, United and US Airways—and their lobbying association, the Air Transport Association of America, gave a total of more than $2 million dollars in soft money and more than $1 million dollars in PAC money in the last election cycle alone. Northwest was the largest soft money giver among these donors, giving well over half a million dollars to the political parties in 1997 and 1998.	Statement for the Record, printed in CR S10923.
9/23/99	Interior Appropriations bill/Oil royalties Amendment.	During the 1997–1998 election cycle, the very large oil companies that will benefit from this amendment gave the following political donations to the parties and to Federal candidates: Exxon gave more than $230,000 in soft money and more than $480,000 in PAC money; Chevron gave more than $425,000 in soft money and more than $330,000 in PAC money; Atlantic Richfield gave more than $525,000 in soft money and $150,000 in PAC money; BP Oil and Amoco, two oil companies that have merged into the newly formed petroleum giant, BP Amoco, gave a combined total of more than $480,000 in soft money and $295,000 in PAC money. That is more than $2.9 million just from those four corporations in the span of only 2 years.	Senate floor statement given live, CR S11284–88 and colloquy with Sen. Lott on germaneness of debate, S11347.
10/14/99	Defense Appropriation bill/Air Force F–22 program.	Defense contracting giant Lockheed Martin, the primary developer of the F–22, gave nearly $300,000 in soft money and more than $1 million in PAC money in the last election cycle. During that same period, Boeing, one of the chief developers and producers of the F–22's airframe, gave more than $335,000 in soft money to the parties and more than $850,000 in PAC money to candidates. Four of the most important subcontractors of the project, TRW, Raytheon, Hughes Electronics and Northrop Grumman, also happened to be major political donors in the last election cycle. Raytheon tops this list with nearly $220,000 in soft money and more than $465,000 in PAC money. Northrop Grumman gave more than $100,000 in soft money to the parties and more than $450,000 in PAC money to candidates. Hughes gave nearly $145,000 in PAC money during 1997 and 1998, and TRW gave close to $200,000 in soft money and more than $235,000 in PAC money.	Statement for the Record, printed in CR S12573.
10/27/99	Africa Growth and Opportunity Act (AGOA)	The companies that are members of the Africa Growth and Opportunity Act Coalition, Inc., a group established specifically to "demonstrate public support for AGOA, which includes Amoco, Chevron, Mobil, The Gap, Limited Inc., Enron, General Electric, SBC Communications, Bristol-Myers Squibb, Caterpillar and Motorola, to name just a few, gave a total of $5,108,735 in soft money to the political parties in the '98 election cycle. Two major U.S. retailers and coalition members, Gap Inc. and The Limited Inc., have a particularly strong interest in passing AGOA, since they can benefit from importing cheap textiles. During the 1997–1998 election cycle, Limited, Inc. gave the political parties $553,000 in soft money donations, and in just the first six months of 1999, Limited Inc. gave the parties more than $160,000 via the soft money loophole. The Gap also played the soft money game during this period, with more than $185,000 in the 1998 election cycle and nearly $54,000 already during the current election cycle. Fruit of the Loom, which is one of the primary beneficiaries of the Caribbean Basin Initiative (CBI) legislation that was added to AGOA gave nearly $440,000 in soft money during the last election cycle. On June 14 of this year, just over a month before CBI/NAFTA parity legislation was introduced in the Senate on July 16, Fruit of the Loom gave $20,000 to the Republican Senate-House Dinner Committee. On July 30, 1999, two weeks after the bill was introduced, the company gave the National Republican Senatorial Committee $50,000.	Senate floor statement given live, CR S13229.
11/4/99	Financial Services Modernization (S. 900)	The lobbying effort for so-called financial services modernization combined the clout of three industries that on their own are giants in the campaign finance system, particularly the soft money system. One of these industries, the securities and investment industry is a legendary soft money donor. Merrill Lynch, its subsidiaries and executives gave more than $310,000 in soft money during the 1998 election cycle. Morgan Stanley Dean Witter gave more than $145,000 in soft money in 1997 and 1998. The Washington Post reported that the company's chairman, along with several other corporate heads, made calls to White House officials the very night the conference hammered out an agreement on this bill. Citigroup from the banking industry was also there, and so was the presence of the more than $720,000 that Citigroup and its executives and subsidiaries gave in soft money to the political parties in the 1998 election cycle. And in the current election cycle Citigroup is off to a running start with $293,000 in soft money from Citigroup, its executives and subsidiaries. That's more than $1 million from Citigroup, it's executives and subsidiaries in just two and a half years. The powerful banking interest BankAmerica, its executives and subsidiaries also weighed in with more than $347,000 in soft money in the 1998 election cycle, and more than $40,000 already in the current election cycle. The insurance industry was also well-represented. For instance there's the Chubb Corp and its subsidiaries, which gave nearly $220,000 in soft money contributions in 1997 and 1998, and has given more than $60,000 already in 1999. And there's industry lobby group the American Council of Life Insurance, which also gave heavily to the parties with more than $315,000 in soft money contributions in 1997 and 1998, and more than $63,000 so far this year.	Statement for the Record, printed in CR S13897.
11/5/99	Bankruptcy Reform Act (S. 625)	This bill is a poster child for the 'Calling of the Bankroll.' In the last election cycle, the members of the National Consumer Bankruptcy Coalition, an industry lobbying group made up of the major credit card companies such as Visa and MasterCard and associations representing the Nation's big banks and retailers, gave nearly $4.5 million in contributions to parties and candidates. It is very hard to argue that the financial largess of this industry has nothing to do with its interest in our consideration of bankruptcy legislation. For example, on the very day that the House passed the conference report last year and sent it to the Senate, MBNA Corporation gave a $200,000 soft money contribution to the National Republican Senatorial Committee. PAC contributions from National Consumer Bankruptcy Coalition members totaled $227,000 in March of this year alone. That's a full 20 months before the next election. March 1999 was a month during which the Judiciary Committees of both the House and the Senate were considering the bill. Members of the coalition gave nearly $1.2 million in PAC and soft money contributions in the first 6 months of 1999. During that time period, MBNA Corp. gave $85,000 in soft money to the Republican Party committees, while Visa USA Inc. gave $30,000. During the first 6 months of 1999, the Democratic party committees took in more than four times the soft money from banks and lenders than they did during the first 6 months of the last presidential election cycle in 1995.	Senate floor statement given live, CR S14066.
2/9/00	Nuclear Waste Policy Amendments Act (S. 1287).	The Nuclear Energy Institute, which is the chief lobbyist on behalf of companies that operate nuclear power plants in the U.S. and has led the fight for the nuclear waste legislation, gave more than $135,000 in soft money to the parties and more than $70,000 in PAC money to candidates in the 1998 election cycle. In addition to NEI, a number of utilities which operate nuclear plants were also significant PAC and soft money donors in the '98 cycle, including: Commonwealth Edison, which gave $110,000 in soft money and more than $106,000 in PAC money, and Florida Power and Light, which gave nearly $300,000 in soft money to the parties and more than $182,000 in PAC money to candidates. NEI already reported donating more than $66,000 in soft money in 1999, and Commonwealth Edison already reported $90,000 in soft money donations in 1999. On the other side of this fight is a coalition of environmental groups, including the Sierra Club, which gave more than $236,000 in PAC money to candidates in the '98 cycle, and Friends of the Earth, which gave just under $4,000 during that same period. These groups also exercise their clout through the loophole of phony issue ads. The Sierra Club spent an estimated $1.5 million on issue ads in the '98 election cycle, and the Nuclear Energy Institute reportedly spent $600,000 on issue ads in just two Senate races in the last cycle.	Statement for the Record, printed in CR S534.
4/5/00	Arctic National Wildlife Refuge (budget resolution debate).	Oil companies with an interest in drilling in the refuge poured millions of dollars of soft money into the coffers of the political parties in 1999. Giant political donor Atlantic Richfield , its executives and subsidiaries, gave more than $880,000 in soft money to the parties. The recently merged Exxon-Mobil, its executives and subsidiaries, gave more than $340,000 in soft money in 1999. And in 1999, BP Amoco, the result of another oil megamerger, gave over $361,000 in soft money, along with its executives and subsidiaries.	Statement for the Record printed in CR S2211.
5/10/00	Africa Growth and Opportunity Act (AGOA) Conference Report.	All the figures I am about to cite are for the first 15 months of the current election cycle—all of 1999 and the first 3 months of this year. I will start with Pfizer, which is one of several pharmaceutical giants that rank among the top soft money donors in 1999, and with good reason. Pfizer and its executives gave more than $511,000 in soft money during the period, including a $100,000 contribution earlier this year. Pfizer was also a top PAC money donor in its industry during the period, with more than $242,000 to Federal candidates during the period. Then there's Bristol Myers Squibb, another top soft money donor, which, with its executives, gave nearly $529,000 in soft money to the parties, including two $100,000 contributions during the period. Bristol Myers Squibb also gave more than $146,000 in PAC money during the period Merck and Company gave more than $51,000 in soft money and nearly $168,000 in PAC money during the period And finally, Glaxo Wellcome and its executives gave more than $272,000 in soft money to the parties and gave more PAC money than any other pharmaceutical company during the period—more than $291,000	Senate floor statement given live, CR S3804.
5/16/00	Bankruptcy Reform bill	Common Cause just put out a stunning report recently on the amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million in just the last three years. One company that has been particularly generous is MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate. This year, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, right in the middle of Senate floor consideration of the bill	Senate floor statement given live CR S3969.
7/12/00	Estate Tax Bill	National Federation of Independent Business' PAC has given more than $441,000 in PAC money through June 1 of this election cycle, according to the Center for Responsive Politics. That is on top of the incredible $1.2 million in PAC contributions NFIB doled out during the 1997–1998 election cycle. NFIB has also given soft money during the first 18 months of the current election cycle—just over $30,000 so far.	Senate floor statement given live, CR S6433.

THE CALLING OF THE BANKROLL—Continued

Date	Legislation/Issue	Bankroll of PAC and Soft Money Contributions	Forum
		Then there is the Food Marketing Institute, which represents supermarkets. Through June 1st of this election cycle, the Food Marketing Institute has given more than $241,000 in PAC donations to candidates, after it made more than a half million in PAC donations during the previous cycle. FMI is also an active soft money donor, with more than $156,000 in soft money to the parties since the beginning of this cycle through June 1st of this year. On top of these wealthy associations, there are countless wealthy individuals who want to see the estate tax repealed, and a 527 group called The Committee for New American Leadership.	
9/6/00	Permanent Normal Trade Relations with China, H.R. 4444.	The Center for Responsive Politics estimates labor's overall soft money, PAC and individual contributions at roughly $31 million so far in this election cycle in a May 24th report. In particular, the AFL–CIO and its affiliates, which have campaigned hard against PNTR, have given $60,000 in soft money through the first 15 months of this election cycle. On the side of PNTR we find corporate America, which, according to a New York Times report, engaged in its 'costliest legislative campaign ever' to win this fight—including an $8 million advertising campaign The Center for Responsive Politics' May 24th report put the collective contributions of Business Roundtable members at $58 million in soft money, PAC money and individual contributions so far in the election cycle. And that is in addition to the Roundable's $10 million dollar advertising campaign to push PNTR, according to the Center. Business Roundtable members are corporations like Boeing, Philip Morris, UPS and Citigroup. Boeing has given more than $465,000 in soft money through the first 15 months of the election cycle, including 10 contributions of $25,000 or more. UPS, its subsidiaries and executives have given more than $960,000 in soft money through March 31st of the current cycle. That includes two contributions of a quarter million dollars. Citigroup, its subsidiaries and executives gave more than one million dollars in soft money through the first 15 months of this election cycle, including six contributions of $50,000 or more. Philip Morris and its subsidiaries have given more than $1.2 million in soft money through March 31st of the election cycle, including more than eight donations of $100,000 or more. China is a huge untapped market for cigarettes. So Philip Morris's soft money contributions open the doors for its lobbyists on this issue, just as they open the doors for its anti-tobacco control arguments	Senate floor statement given live. CR S8051.
09/28/00	H–1B Visa Bill	American Business for Legal Immigration, a coalition which formed to fight for an increase in H–1B visas, offers a glimpse of the financial might behind proponents of H–1Bs. Following are donation of ABLI members through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle: Price Waterhouse Coopers, the accounting and consulting firm, has given more than $297,000 in soft money to the parties and more than $606,000 in PAC money to candidates so far in this election cycle. Telecommunications giant Motorola and its executives have given more than $70,000 in soft money and more than $177,000 in PAC money during the period. The software company Oracle and its executives have given more than $536,000 in soft money during the period, and its PAC has given $45,000 to federal candidates. Executives of Cisco Systems have given more than $372,000 in soft money since the beginning of this election cycle. And Microsoft gave very generously during the period, with more than $1.7 million in soft money and more than half a million in PAC money. Many unions are lobbying against the H–1B bill, including the Communication Workers of America, which gave $1.9 million in soft money during the period, including two donations of a quarter of a million dollars last year. And CWA's PAC gave more than $960,000 to candidates during the period. The lobbying group Federation for American Immigration Reform, or 'FAIR,' has lobbied furiously against this bill with a print, radio and television campaign, which has cost somewhere between $500,000 and $1 million, according to an estimate in Roll Call.	Senate floor statement given live CR S9443.
10/29/00	Omnibus Tax Bill	These figures include contributions through the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle. Some of the biggest investment and finance firms are supporting passage of this bill. For example, Merrill Lynch, its executives and subsidiaries, have given more than $915,000 in soft money, according to the Center for Responsive Politics. American Express, its executives and subsidiaries have given more than $312,000 in soft money so far in this election cycle. And Fidelity Investments and its executives have given at least $258,000 in soft money to date. The American Benefits Council, which is strongly supporting this bill, sent around a list of supporters of provisions of the legislation. That list includes still more big donors. The American Council of Life Insurers and its executives have given more than $260,000 to the parties' soft money warchests during the period. The U.S. Chamber of Commerce and affiliated chambers of commerce have given more than $110,000 in soft money during the period. The list also included many of the nation's labor unions, which are also pushing for some of the provisions of this bill, including: American Federation of Teachers, which has given at least $820,000 so far during this election cycle, and the International Brotherhood of Electrical Workers, which has given more than $853,000 in soft money during the period." Many members of the Business Roundtable, an organization which has urged the passage of this legislation, are some of the biggest arms manufacturers in the U.S., and some of the biggest political donors. I'd like to review the contributions of some of these companies. These figures are for contributions through at least the first 15 months of the election cycle, and in some cases include contributions given more recently in the cycle. Lockheed Martin, its executives and subsidiaries have given more than $861,000 in soft money, and more than $881,000 in PAC money so far during this election cycle. United Technologies and its subsidiaries have given more than $293,000 in soft money and more than $240,000 in PAC money during the period. During that period, Raytheon has given more than $251,000 in soft money to the parties and more than $397,000 in PAC money to Federal candidates. Textron has contributed more than $173,000 in soft money and more than $205,000 in PAC money And last but not least, Boeing has given more than $583,000 in soft money since the election cycle began, and more than $593,000 in PAC contributions.	Senate floor statement given live CR S11324.
10/31/00	Embassy Security and Bankruptcy Conference Report.	Common Cause reports that the credit industry has contributed $7.5 million in 1999 alone, and $23.4 million in just the last three years, to members of Congress and the political parties. In 1998, MBNA gave a $200,000 soft money contributions to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate—not terribly subtle. In December 1999, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, Mr. President, right in the middle of Senate floor consideration of the bankruptcy bill. And just a few months ago, on June 30, 2000, Alfred Lerner, Chairman and CEO of MBNA—one person, one individual—gave $250,000 in soft money to the RNC. The following figures are from the Center for Responsive Politics, through the first 15 months of the election cycle, and in some cases include contributions given later in the election cycle. MBNA and its affiliates and executives gave a total of $710,000 in soft money to the parties. Visa and its executives gave more than $268,000 in soft money to the parties during the period. Mastercard gave nearly $46,000.	Senate floor statement given live CR S11397.
	Disapproval of Department of Labor Ergonomics Rule.	Along with its affiliates and executives, the American Trucking Association gave more than $404,000 in soft money in the 2000 cycle. They have weighed in against the ergonomics rule, and they do so with the weight of their soft money contributions behind them. The same is true for a host of other associations fighting to see the rule overturned: in the last cycle, the National Soft Drink Association and its executives gave more than $141,000 in soft money, the National Retail Federation doled out more than $101,000 in soft money, and the National Restaurant Association ponied up more than $55,000 in soft money to the parties. On the other side of the soft money coin, the unions that have lobbied to keep the rule in place. They include the AFL-CIO and its affiliates, which gave more than $827,000 in soft money in the last election cycle, and the Teamsters Union and its affiliates, which gave $161,000 during the same period.	Senate floor statement given live CR S1875.
	Floor Statement in Support of Durbin Amendment (substitute for the bankruptcy reform bill).	Most of the $1.2 million in soft money that MBNA gave to the parties in the last cycle was given in the second half of 2000, when a "shadow conference" determined what the final bankruptcy bill would look like, and the bill was brought back to the House and the Senate in an extraordinary procedural maneuver. In particular, MBNA gave $100,000 in soft money to the National Republican Senatorial Committee on October 12, 2000, the very same day that the House gave final approval to the bill. MBNA has a habit of making well-timed contributions. On the very day that the House passed a bankruptcy conference report in 1998 and sent it to the Senate, MBNA gave a $200,000 soft money contribution to the NRSC. MBNA Chairman & CEO, Alfred J. Lerner, and his wife, Norma, each made contributions of a quarter of a million dollars to the Republican National Committee in the last cycle. According to an article in the Wall Street Journal from March 6th, MBNA President Charles M. Cawley is also an active political donor and fundraiser who gave $100,000 to the Bush-Cheney Inaugural Committee. According to the Center for Responsive Politics, the nine members of the National Consumer Bankruptcy Coalition contributed more than $5 million in soft money, PAC money and individual contributions during the 2000 election cycle. The Coalition's members include Visa USA, Mastercard International and several financial industry trade groups, including the American Bankers Association and the American Financial Services Association.	Senate Floor Statement Submitted for the Record.

Mr. DODD. Mr. President, I will reserve the remainder of that time. Let me turn to our colleague from New Mexico, Senator BINGAMAN, for the purpose of offering an amendment.

Mr. MCCONNELL. Mr. President, before that, I believe Senator SPECTER's amendment is pending. He expects to have the next Republican amendment.

I ask unanimous consent that the Specter amendment be temporarily laid aside so we can go to Senator BINGAMAN. Senator SPECTER will come after that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank my colleagues very much. I have two amendments, the first of which I believe is acceptable to the managers of the bill.

Mr. DODD. That is correct.

AMENDMENT NO. 157

Mr. BINGAMAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 157.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

(Purpose: To require the Presidential Inaugural Committee to disclose donations and prohibit foreign nationals from making donations to such Committee)

On page 37, between lines 14 and 15, insert the following:

SEC. ___. DONATIONS TO PRESIDENTIAL INAUGURAL COMMITTEE.

(a) IN GENERAL.—Chapter 5 of title 36, United States Code, is amended by—

(1) redesignating section 510 as section 511; and

(2) inserting after section 509 the following:

"§ 510. Disclosure of and prohibition on certain donations.

"(a) IN GENERAL.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

"(b) DISCLOSURE.—

"(1) IN GENERAL.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200.

"(2) CONTENTS OF REPORT.—A report filed under paragraph (1) shall contain—

"(A) the amount of the donation;

"(B) the date the donation is received; and

"(C) the name and address of the person making the donation.

"(c) LIMITATION.—The committee shall not accept any donation from a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)))."

(b) REPORTS MADE AVAILABLE BY FEC.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103 and 201, is amended by adding at the end the following:

"(g) REPORTS FROM INAUGURAL COMMITTEES.—The Federal Election Committee shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.".

Mr. BINGAMAN. Mr. President, this is a noncontroversial amendment that would simply require that contributions made to a Presidential inaugural committee be publicly disclosed, and also it would require that the same rules that govern foreign contributions to our political campaigns be applied as well to inaugural events.

As I understand it, this is an acceptable amendment. At this time, I believe we are prepared to go ahead and vote on this by voice vote.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. REID. We yield back our time.

The PRESIDING OFFICER. Does the Senator from Kentucky yield back his time?

Mr. MCCONNELL. Mr. President, this amendment is acceptable to us. I yield back the time on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 157) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, the Senator from Virginia has asked that he be given permission to speak for 4 or 5 minutes before I offer this amendment. I am certainly pleased to do that. I will yield the floor to him at this point.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

(The remarks of Mr. WARNER, Mr. ALLEN, and Mrs. BOXER, are located in today's RECORD under "Morning Business.")

AMENDMENT NO. 158

Mr. BINGAMAN. Mr. President, I rise to offer another amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Specter amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 158.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide candidates for election to Federal office with the opportunity to respond to negative political advertisements sponsored by noncandidates)

On page 37, between lines 14 and 15, insert the following:

SEC. ___. OPPORTUNITY OF CANDIDATES TO RESPOND TO NEGATIVE POLITICAL ADVERTISEMENTS SPONSORED BY NONCANDIDATES.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (a) the following:

"(b) POLITICAL ADVERTISEMENTS OF NONCANDIDATES.—

"(1) IN GENERAL.—If any licensee permits a person, other than a legally qualified candidate for Federal office (or an authorized committee of that candidate), to use a broadcasting station during the period described in paragraph (2) to attack or oppose (as defined in paragraph (3)) a clearly identified candidate (as defined in section 301 of the Federal Election Campaign Act of 1971) for Federal office, the broadcasting station shall, within a reasonable period of time, make available to such candidate the opportunity to use the broadcasting station, without charge, for the same amount of time during the same period of the day and week as was used by such person.

"(2) PERIOD DESCRIBED.—The period described in this paragraph is—

"(A) with respect to a general, special, or runoff election for such Federal office, the 60-day period preceding such election; or

"(B) with respect to a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for such Federal office, the 30-day period preceding such election, convention, or caucus.

"(3) ATTACK OR OPPOSE DEFINED.—The term 'attack or oppose' means, with respect to a clearly identified candidate—

"(A) any expression of unmistakable and unambiguous opposition to the candidate; or

"(B) any communication that contains a phrase such as 'vote against', 'defeat', or 'reject', or a campaign slogan or words that, when taken as a whole, and with limited reference to external events (such as proximity to an election) can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.".

Mr. BINGAMAN. Mr. President, I am here for two reasons: First, to express my strong support for the bill we have been considering this week and last, this bipartisan campaign finance reform bill which we have come to refer to as the McCain-Feingold bill; second, I am here to offer this amendment which I believe will further improve the bill.

Our colleague from Kentucky said, as he gave his short statement a few minutes ago, now that all the important amendments have already been offered and dealt with, he wanted to go ahead with his comments. I beg to differ with him on that conclusion, that all the important amendments have been offered. This amendment I am offering today I believe is very important, and I believe it will substantially improve this legislation. It will help to address the increasingly negative nature of today's campaign advertising, and it will assist those candidates, whether they are challengers or incumbents, in responding to that negative advertising.

The debate we are engaged in is long overdue. Congress has not revised its campaign finance laws in any meaningful way since I came to the Congress in 1983. The last significant reform of campaign finance laws was in 1974. Nearly everything about campaigns has changed radically since 1974, from the tremendous amount of money that has been spent on campaigns to the technologies and methods used to communicate with voters.

I congratulate Senator MCCAIN, my colleague from Arizona, and I congratulate Senator FEINGOLD, my colleague from Wisconsin, on their determination in finally bringing this bill to the Senate floor. I can think of no two individuals in recent memory who have worked harder on a bipartisan basis in pursuit of basic reform than these two Senators.

They have traveled the country, one of them, of course, during the time he was running for President. They have taken the campaign finance reform message to every corner of this country. We all in this Senate, in my view, owe them a debt of gratitude. I hope our effort is worthy of their significant effort. It has been a true labor of genuine reform in the interest of better and cleaner democracy, and I am very pleased to cosponsor this legislation.

Mr. President, turning to the amendment I have offered, it is a relatively simple amendment. It proposes to accomplish a central goal, and that is to provide candidates for Federal office who are confronted with sham negative issue ads the opportunity to respond to those ads.

The amendment states that if a broadcast station, whether it is a television station or radio station, permits any person or group to broadcast material opposing or attacking a legally qualified candidate for Federal office, then that station, within a reasonable period of time, must provide, at no charge to the candidate who has been attacked, an equal opportunity to respond to those attacks.

This requirement would apply in this same period that is discussed in the legislation pending before us in the so-called Snowe-Jeffords language; that is, 60 days prior to a general election, 30 days prior to a primary election. It is in those two periods of time that the requirements apply.

All of us who have run for Federal office in recent years have been in the situation about which I am concerned. As a candidate, you are out on the hustings; you are conducting a campaign that you hope is addressing the issues voters care about; you are trying to give the people in your State, or the people in your congressional district, the best vision you can for where this country should go, what should be done in the State; and you turn on the television in your hotel room and see an ad attacking you for some issue on some basis that you probably did not anticipate. You ask yourself the questions: Who is paying for the ad? Who is this group? Who do they represent? Where did they get the information that they are using in this attack?

The process leaves the candidate, more often than not, unfairly accused of a position. It leaves voters increasingly cynical about the growing negative nature of our campaigns.

Unfortunately, this is the new world of campaigns in which we live. This is true whether you are Republican, whether you are Democrat, whatever your party affiliation, regardless if you are a challenger or incumbent.

Through the loopholes in our current campaign finance laws, outside interest groups and political parties are funding hundreds of thousands of dollars worth of political ads in many of our States. Most of those are very negative and have minimal issue content. Most of those ads flood our airwaves right before the election when they will have the biggest impact on the minds of the voters.

As noted, congressional authority Norm Ornstein said these ads often dominate and drown our candidate communications, particularly in the last weeks of the campaign. While the ads are often effective in a raw and practical sense, they are incredibly corrosive; they are frequently unfair; they are sometimes very personal in the attacks they make; and they breed voter cynicism and voter apathy toward the electoral process.

We know all too well the gross aspects of the advertising, but now, thanks to a number of dedicated reform-minded groups and academicians, we have some real data to back up what we have all known as a matter of common sense for some time. The Brennan Center for Justice at NYU, New York University, and the University of Wisconsin at Madison have teamed up to develop a national database of political television advertising from the 2000 election cycle. They monitored political advertising in the Nation's top 75 media markets, and researchers, through that monitoring, have documented the frequency, the content, and the costs of television ads in the 2000 election, which duplicates a similar study they conducted in 1998.

The findings are stunning. Let me give a brief summary of what they found. First, the independent groups alone spent, conservatively estimated, about $98 million on media buys for political TV commercials in the year 2000. That is roughly a sixfold increase from what they spent 2 years before. This is not an inflationary increase; this is a sixfold increase in spending by the independent groups on these ads.

Second, in the 2000 Presidential election, voters received the largest share of political advertising messages from independent groups and party committees, not from the candidates themselves or from the candidate's committees.

Third, while all of the unregulated issue ads produced by the parties and independent groups are supposed to theoretically cover issue positions, since they do not contain these so-called magic words that there has been a lot of discussion about on the Senate floor in the last 2 weeks, the words "noted by the Supreme Court in the Buckley decision," the public does not see these as issue ads. Virtually all ads sponsored by party committees are viewed as electioneering ads. Within 60 days of the election, 86 percent of the ads produced by independent groups are viewed by voters as electioneering. They are not seen as issue ads.

Fourth, the chart from the Brennan Center dramatically makes the point I am trying to make; the sham issue ads that are run by these groups become increasingly negative in tone as election day approaches. Issue ads by independent groups are far more likely than candidate ads or even party ads to attack candidates. Fully 72 percent of the issue group ads aired in Federal races last year directly attacked one of the candidates in the race in which they were run.

This chart is entitled "Growth of Negative Tone of Electioneering Issue Ads as Election Day Nears." There are three lines on this chart. One is the red line which represents the attack ads. This is according to the Brennan Center study. The green line is the contrast ads. The blue line is the ads to promote a particular candidate, positive advertising, "vote for me, I'm your best candidate," on Social Security, Medicare, or whatever issue.

Finally, the Brennan Center notes that issue ads that are targeted at candidates are decisively negative in tone and pursue the tact of attacking a candidate's character. These ads do not discuss substantive issues; they often focus on personal histories of the candidate.

The dramatic thing about the chart, which covers the period from January to the beginning of November of the year 2000, the negative ads are virtually nonexistent, very low level negative ads, until June; and then in the last couple of months of the campaign, the negative ads overwhelm the rest of the advertising. These are the negative ads that are being run almost exclusively by the independent groups—not by the candidate. The candidates do not want to be associated with negative ads, so they stay out of this and let the independent groups run the very negative ads.

I believe this study I have referred to provides the hard data to back up what we have all known for some time. That is, that sham issue ads are increasing sevenfold each election. They are casting a negative and personal tone to campaigns and are particularly effective and dominant in the last few weeks before election day. There is not a voter in any one of our States who would not validate these findings from their personal experience of watching television or listening to the radio. I heard this refrain from people in my State of New Mexico constantly during the last campaign cycle. They thought the airwaves were clogged with ads and that the majority of them were too negative. The complaint is constant by the public. It is well justified.

That brings me back to the amendment I am offering. Again, the amendment is straightforward. Let me make it very clear to people what the amendment does not do. First of all, the amendment does not in any way restrict the ability of any candidate to run any ad they want. It does not put on broadcasters, radio or television broadcasters any obligation with regard to those ads, except to run the ads, obviously. That obligation is already there. The amendment does not affect ads sponsored by the candidate or the candidate's committee.

Second, the amendment does nothing to restrict either the candidate or a party or an independent group from running any and all ads they want that are positive or that are contrast ads. On the chart, the green lines are contrast ads and the blue line is for ads that promote the candidate. We are in no way talking about those in this amendment. There is no requirement on broadcasters to take any action with regard to those. They can take those ads sponsored by anybody they want without incurring any obligation.

In the case of an independent group or a party that wants to run attack ads, which they are free to do, there is no prohibition against running attack ads, if they want to run attack ads. The broadcasters who run those ads then have an obligation to provide the candidate who is attacked with an opportunity to respond. This is a level playing field kind of amendment. We are saying to broadcasters, if you want to accept these attack ads during these short periods of time, 30 days prior to a primary, 60 days prior to a general election, you are not required to, of course; there is no obligation under the Constitution or anything else that you accept ads from noncandidates; but if you want to accept these ads, fine, just provide an opportunity for the candidate who is attacked to respond.

That is what the amendment does. I think it is a straightforward amendment. The reason I am offering it is because I believe it will help improve this bill in a very dramatic way.

It will say to all candidates, whether they are challengers or whether they are incumbents in the office, that there will be an opportunity for them to respond when they are unfairly attacked.

The Brennan Center report—let me quote from that report:

> Candidate ads are much more inclined than group sponsored ads to promote candidates or to compare and contrast candidates on issues. Conversely, issue ads that are sponsored by groups tend to attack candidates and attempt to denigrate their character. These ads tend to be very negative in tone. They do not discuss substantive issues and frequently they focus on personal histories of the candidate. As election day nears, electioneering issue ads become increasingly negative and personal in tone.

That is what this graph demonstrates. That is why this red line goes up and up and up as you get closer to the election.

I hope very much we can agree to this amendment. While McCain-Feingold's legislation goes to the very heart of the issue that plagues us today, the soft money loophole that has allowed sham issue ads to proliferate, I believe outside groups will continue to run those ads and this brand of negative issue advocacy is, unfortunately, here to stay. In that environment, I believe it is essential we provide a way to hold outside groups accountable for the content of the ads they run by providing the opportunity for candidates who are the targets of the ads to respond no matter how poorly or how well their campaigns may be funded.

That is what the amendment does. I commend it to the consideration of my colleagues. I think it will substantially improve the legislation before us. I hope it will be favorably voted on.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I reserve the remainder of my time and yield the floor.

Mr. DODD. Mr. President, let me thank our colleague from New Mexico for proposing this amendment. All of us here, and those who pay any attention at all to politics in this country and are confronted with this, as most Americans are, if you look at this chart by the Senator from New Mexico, particularly in that August, September, October period of an election year, it is hard not to be confronted with the assault—that is the only way to describe this—of ads on television from one end of the country to the next, on every imaginable radio station, television station, now cable stations—this bombardment that occurs.

What the Senator from New Mexico has graphically demonstrated with his chart is that the overwhelming majority of these ads are the so-called attack ads. Usually, they are very vicious, designed to not promote one's ideas nor one's vision, one's agenda—if they are elected to Congress or the Senate or the Presidency or some other office—but merely to try to convince the rest of us why you ought to be against someone; not why you ought to be for me but why you ought to be against my opponent.

The least enlightening part of a campaign is the proliferation of these ads. They do nothing, in my view, to contribute to the education, the awareness of the American people. We have seen an explosion of them over the past few years. I suspect this has probably been in the last 6 or 7 years, with the explosion of soft money that the McCain-Feingold bill seeks to shut down.

As I understand, we are not talking about ads where candidate X goes after candidate Y—an individual candidate making a case, although I have problems with that as well, but what the Senator from New Mexico is talking about are these issue-based ads where they get away with it by merely not putting in a line at the end—they don't say at the end "vote for," "vote against," but that is hardly a necessary tag line after they have proceeded to just destroy your reputation and probably that of your families and your neighborhood, and any pets you may have as well.

These are designed to be sort of nuclear bombs on people. We have all seen them. Some of them are almost laughable they are so bad, and I suspect the damage may be minimal because they are so bad. Unfortunately, many of them are very effective.

The theory works, again, if I can get you to hurt my opponent or hurt someone whom I think may be inimicable to my special interest, you are more likely to vote for the person you know less about or nothing about. So this has become a standard diet to which the American public is subjected every late summer and fall of an election year.

As I understand it, what the Senator from New Mexico attempts to do is address these issue-based ads, ads not from a specified opponent but, rather, from one of these amorphous organizations that, up to now, have had unlimited sources of revenue to come in and destroy a reputation without having any fingerprints. You can't find out who contributes the money; you can't find out where they come from; usually your opponent says I know nothing about them; in many cases the opponent will hold a press conference to disavow that ad and say I deplore that kind of advertising, while simultaneously winking and allowing this process to go forward, distorting the political process.

The Senator from New Mexico makes a very valid point in his amendment. It is something we are getting further and further away from, by the way. The airwaves in this country belong to the American public. We give people the privilege to utilize those air waves for the benefit of the American public. It is not a right; it is a privilege. It is a limited privilege, based on your sense of responsibility. That privilege or that license can be removed if you abuse it.

There are numerous examples, almost on a daily basis, where that happens. What the Senator from New Mexico, as I understand it, is suggesting is that if, in your discretion as a radio station or television station, you decide to tolerate this kind of political advertising, knowing full well how damaging it can be, then we have the right to say to that station you must extend to that candidate an opportunity to respond to that kind of garbage.

I think this has value. It will have the net effect of ending these issue-based ads that destroy people's reputations and destroy any sense of understanding of what that particular campaign may be about. To that extent, everyone is benefitted—not the candidate so much, in my view, but the voting public who may learn more about what people stand for, rather than what some issue group dislikes about a candidate.

I am attracted to this amendment. I think it contributes to McCain-Feingold. Obviously, there are questions that will be raised about constitutionality. My friend and colleague is a brilliant lawyer. He understands it well. He has crafted it about as tightly as you can to achieve the desired result. I think it is worthy of our support.

I look forward at the time this comes up for a vote to support it. I urge my colleagues to do so as well. We are all sick and tired of this.

I go back to the point I made earlier. We are seeing a declining level of participation too often in the political life of our country. How sad I think all of us are when we see that. There are a myriad of reasons for it, but one of the major reasons is this growing disgust people have over the low level of debate, the way campaigns are conducted. It is all done now on television and radio; most of it in negative ads, as this graph so graphically points out.

We wonder why only one out of every two eligible adult Americans participated in the national elections of this past fall. Fifty percent of adult eligible Americans stayed home. I know some may have done so for legitimate personal reasons. I suspect a significant majority of those who stayed home did so because they are fed up. They are fed up with the process. They think it is out of control, and one of the strongest pieces of evidence of that is this: a deluge of negative ads that have swamped the airwaves of this country and have the net effect of depressing turnout of the vote and disgusting the American public.

I think the Senator from New Mexico has offered a very constructive suggestion with this amendment, and I urge my colleagues on both sides of the aisles to be supportive of it.

I see my friend from Arizona is still here.

Mr. McCAIN. Mr. President, in behalf of the Senator from Kentucky, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. McCAIN. Mr. President, I rise in opposition to the amendment. I appreciate very much what the Senator from New Mexico is attempting to do. He has identified very eloquently an enormous problem that we have with these so-called attack ads which we don't know who paid for and which are clearly not identified. With passage of McCain-Feingold, I think we will make some progress in that area.

I say that also as a person who supports free television time for candidates. I agree with the Senator from New Mexico that when a broadcast station obtains a license, they sign a piece of paper that says they will act in the public interest. I think that Americans believe free television time for candidates can be very helpful.

But this amendment raises many troublesome issues that I, frankly, can't quite fathom.

First of all, who would determine if an ad was indeed a negative ad? Is there going to be a censorship board? Is there going to be a group of Americans who say, OK, watch all of these ads and see which one is negative and which one is not? Is an ad that says: Call your Senator—which I have seen many times—and ask him or her to save Social Security a negative ad or a positive ad?

I don't know who makes this determination as to what is indeed a negative ad. Is it the argument of every candidate I have ever known that says that wasn't a negative ad; I was trying to inform the people of my district or State about the fact that my challenger is a baby killer?

It is very difficult to define what a negative ad is. Suppose we had some organization that could determine that this is a negative ad. What if a broadcaster had already sold all their television time? It is the last week of the campaign. It is certainly not unusual that a broadcaster has sold all of their television time in the last 2 or 3 weeks. Do they have to pull ads off the air and replace them with the ads that are mandated by this legislation? I am not sure how you do that either, especially in a Presidential election year. That is time already sold.

So the night before the election or 3 days before the election, I say: Wait a minute. My opponent is running attack ads. Now you have to run three times that many on my behalf or against them. However, they say: I am sorry. We have sold all of our time.

What is your option then? Suppose they had some television time. What is fair ad placement? Reruns of "Gilligan's Island" at 2 a.m. or is it the evening news? I don't know exactly. One station maybe has a higher rating than the other station. You are going to give me the local channel 365 versus the CBS, ABC, NBC, or FOX Network.

This is very difficult to work out. I am a little surprised that the Senator from Connecticut didn't look at some of these problems.

I want to repeat. I am for free television time for candidates. I detest the negative advertising. I think it is one of the worst things that has ever happened in American politics, that we have these unnamed, unknown groups calling themselves by some attractive name and buy millions of dollars of advertising, and they basically viciously attack their opponents.

Who decides that?

Many years ago, I reminded the Senator from Connecticut they had a board in Hollywood that used to make decisions as to what was acceptable and not acceptable. They had problems. I don't know who is going to be doing that.

I want to work with the Senator from New Mexico. I think we have to do something about these negative ads. I tell you the best way is to dry up their money, and what you don't dry up fully disclose.

I want to work with the Senator from New Mexico. I would like to sit down and see how we could work this out. But in its present form, I am just not sure how this amendment can possibly be workable.

Finally, I want to say that we just had a major vote, as we all know. We have amendments that are still outstanding.

I know Senator MCCONNELL, the Senator from Kentucky, will be back fairly soon. I understand they have a minimal number of amendments. I still think we can get done in a relatively short period of time.

I hope all Senators who have amendments will come over so we can start putting these amendments in order and so we can get time agreements, and perhaps not just time agreements but agree to amendments that are satisfactory to both sides so we can wind up all of this.

It is not that I am getting fatigued, but it is that we are sort of at a point now where we should bring this to a closure, and I hope we can do that.

Reluctantly, at the appropriate time I will be moving to table the Bingaman amendment.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. McCAIN. Mr. President, on behalf of the Senator from Kentucky, I yield such time as the Senator from Wisconsin may consume.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Not only is this amendment well-intentioned, but it is offered by somebody who anyone in the Senate knows is not only one of the most decent but one of the best Members of this body.

Since I have been here, no one has been easier to work with and kinder to me than the Senator from New Mexico. I really appreciate the time which he had for me and Senator McCAIN. He has been a totally stalwart supporter of reform every year, and has been there on every key vote in this debate. I thank him also for the amendment which we adopted that requires disclosure of Presidential inaugural funds. That is exactly the kind of thing we are trying to accomplish in this effort so the public can be fully informed of what is going on with all of these venues where large amounts of money can have a negative impact on some of our most sacred public traditions.

That was an important addition to the bill and will result in more information being available to the public of who is giving large sums of money to the inaugural events.

Reluctantly, I will oppose this amendment.

The bill addresses a number of problems with our system which the Senator from Connecticut correctly pointed out must be addressed. It is a problem that deserves more study. I don't think this particular approach is one that I am quite ready to accept. I am willing to look at it some more.

So I will be taking the same position as the Senator from Arizona, but with a willingness and desire to continue to work on this issue and this idea in the future.

Again, I thank the Senator from New Mexico for all of his support.

Mr. DODD. Mr. President, I was going to respond to some of the things the Senator said.

Let me also in response to my good friend from Arizona say that there are a number of amendments that Members have that have been coming over with great regularity over the last 2 weeks. I have been sitting here for 2 straight weeks. We have had very few quorum calls. I have been asking the indulgence of my colleagues to postpone their offering of amendments over the past 2 weeks while we considered some of these other amendments, such as the ones that we most recently rejected dealing with severability. But these are serious amendments.

Like any other issue, I suppose, depending upon whether it is your amendment or someone else's amendment, it becomes more serious or less serious.

But I know my colleagues from Michigan, from Florida, and Illinois, also my colleague from Minnesota, among others, have some amendments, some of which will probably be agreed to. My hope is that certainly will be the case. But others may require a little debate. I apologize to them because I don't want them to think this is going to be a rush deal. If they want to be heard, they are going to be heard. I bear some responsibility for having told them to wait while we considered some of these other amendments.

I promise you, I am not going to then ask you to somehow be on a fast track here when you want your amendment considered and debated adequately. My hope is you will be able to do it in less amounts of time than we have allocated for every amendment. You get 3 hours if you want it, unless you yield back time or the opponents do. We ought to try to move along if we can. I want you to know, I think your amendments are serious and they deserve to be heard, debated, and voted upon, if you so desire.

I apologize for having asked you to wait for a week and a half and want you to know that you will have adequate consideration for your time.

I turn to my colleague from New Mexico to respond to any of the unfair accusations that have been made about his stunning amendment.

Mr. BINGAMAN. Mr. President, I greatly appreciate the courtesy of all Members, particularly the Senator from Connecticut and his statement in support of this amendment.

There were several questions raised. Let me be clear so there is no confusion about this. If an independent group or a party committee or anybody else wants to run an advertisement endorsing or supporting a candidate for office, this amendment does nothing to restrict that, prohibit it, impose obligations on broadcasters, or anything else. That is perfectly appropriate. If anybody wants to take an ad out for my opponent and run ads in favor of my opponent, they should be able to do that.

If they want to run ads that contrast my opponent's position with my position, that would be these ads that are reflected by the green line on the chart, it is entirely appropriate, no obligation on the part of broadcasters. This amendment only deals with advertisements which attack or oppose a legally qualified candidate.

The question has been raised by the Senator from Arizona, who will decide whether this is a negative ad, whether this is an ad that attacks or opposes a candidate for public office. My initial reaction is to refer to Justice Stewart's great comment when he was told that he could not define "pornography." He said: I may not be able to define it, but I know it when I see it. Government can regulate pornography because of that. The American people know a negative television ad or a negative radio ad when they see it or hear it. The answer to who will decide initially, the person who will decide is the candidate who is being attacked or the candidate's campaign who is being attacked; they would detect an advertisement that is attacking them by a group as being run by a broadcasting station and they would presumably go to that broadcasting station and say, this is an advertisement that falls within the definition of this statute and we would like our time to respond. That is how it would work.

We have been very specific about what kinds of ads they would be entitled to respond to, what kinds of ads they would reply to. The term "attacked" or "opposed" means, with respect to a clearly identified candidate, first, A, any expression of unmistakable and unambiguous opposition to the candidate. So that is pretty easy to determine. You can listen to an advertisement on radio. You can see an advertisement on television and determine whether it is, in fact, an unmistakable and unambiguous statement in opposition to the candidate. Or, B, if it does not fall within that description, it would be any communication that contains a phrase such as "vote against," "defeat" or "reject" or campaign slogan or words that when taken as a whole and with limited reference to external events, such as proximity to the election, can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.

If it could have no reasonable meaning other than to advocate the defeat of the candidate, then it is an advertisement that would entitle the candidate who is being attacked or being opposed the opportunity to respond. That is, we have given a tight definition. It would be up to the candidate or his campaign, first of all, to identify that such an ad is running, and then they would presumably go to the broadcast station and say: Look, this is what this advertisement is. I should get equal time to respond.

Of course, the broadcast station at that point has to either say yes or no. If they say no, then of course it goes, as all other matters in our society, to some judge, presumably. If the candidate wants to push the issue, the judge will decide whether the candidate should have the right to respond on that station.

A second objection that was raised is, what if the station in question has already sold all their time. If they have sold all their time, and some of it, of course, to the organization that is running the attack ads, they would have to make room for the candidate to respond during the time period between then and the election on a basis that would be considered equal. He asked: What is fair in ad placement? And we have used general language here that the candidate would be entitled to respond for the same amount of time during the same period of the day and week as was used by the person who is doing the attack.

I am sure there are details of this that will be debated and discussed, if this becomes law, as there always is in every piece of legislation we pass. It is pretty clear what we are talking about. We are talking about a limited time period, 30 days before a primary, 60 days before a general election. We are talking about ads that involve attacking or opposing a candidate for Federal office, and we are providing a pretty precise definition of what "attack" or "oppose" means for purposes of this statute applying.

I believe this would be an enforceable provision. It would be an understandable provision. I think it would add greatly to the quality of the campaigns that we run in this country. It would be fair to the candidates in the sense that they would have the opportunity to respond. That is all we are saying.

In this country, we used to have a fairness doctrine. I know that has become something of a dead letter, but there used to be an obligation on the part of broadcasters to provide equal time for people to respond when there were particularly controversial positions taken and attacks. This is not a fairness doctrine, but this is the same basic concept.

When a candidate has been qualified to run for Federal office, clearly that candidate is fair game for any attack that the candidate's opponent or opponents want to make. There is no obligation on any broadcaster who wants to take those ads by opponents of that candidate. But if the candidate is attacked or opposed by people who are not in the race, by organizations that are not part of the campaign, then that is where the candidate should, once again, be given a chance to respond.

I believe it is a good amendment. I hope very much we can get a favorable vote on it. I know my colleague from Nevada, Senator REID, had indicated earlier he might want to make some comments in reference to this amendment. I don't know if he is prepared to do that at this point or if I should yield back my time. I will withhold at this point and yield the floor so my colleague from Nevada can speak on the issue.

Mr. REID. I say to the Senator from New Mexico, everything that I could have said, he said. Anything that I wanted to say, he has said, and has done it much better than I could have. Based upon that, I think we should vote.

Mr. McCAIN. Mr. President, on behalf of the Senator from Kentucky, I yield myself such time as I may consume.

Mr. President, I want to say to the Senator from New Mexico, I am in total sympathy of what the Senator's intent is. Let's go back into the language of his amendment:

> The term "attack or oppose" means, with respect to a clearly identified candidate—
>
> (A) any expression of unmistakable and unambiguous opposition to the candidate.

Does that mean if I took out an ad and I say I am a better candidate than Mr. SMITH and I am opposed to him, is that an attack ad? That is the first definition.

> Any expression of unmistakable and unambiguous opposition to the candidate.

If I am running and I am a better candidate and I oppose him, we are not going to be able to run an ad that says I oppose Senator SMITH or Senator BINGAMAN.

Mr. BINGAMAN. Will the Senator yield?

Mr. McCAIN. Yes.

Mr. BINGAMAN. I just point out to the Senator that this legislation would not apply at all to any candidate who wanted to run an ad such as the Senator has proposed.

Mr. McCAIN. Suppose it is the Sierra Club that says we oppose Senator McCAIN. That is an attack ad? They can't say that?

Mr. BINGAMAN. Mr. President, again, if the Senator will yield, they would certainly be able to run that ad. But if they say we oppose Senator McCAIN, then Senator McCAIN should have an opportunity to come on and say, "I believe people should still vote for me" in spite of the fact that the Sierra Club, or whoever, opposes him.

Mr. McCAIN. So any organization in America that opposes me, no matter if it is in the mildest terms, and supports my opponent, therefore, I have the right to go get free television time. I don't quite understand that, frankly. I think what you are doing, probably—the effect would be, one, that the broadcast stations probably would not sell time because of the requirement to respond, which is, by the way, what happened in the fairness doctrine. What happened in the fairness doctrine, which was a good idea, was that broadcast stations decided not to air any controversial opinion because somebody was going to say, "I have another opinion and I have to have free time." That led to the demise of the fairness doctrine.

If someone runs an ad and says, "I oppose Senator McCAIN," I don't think that should necessarily trigger free television commercial time for me.

Let me just continue, if I might. The Senator said this is not unlike the ability of the State to control pornography. The reason the Court decided that we had a right, as far as child pornography was concerned, is that it was a compelling State interest. I don't think you can make the same argument in respect to television time or attack ads.

Part B says:

> Any communication that contains a phrase such as "vote against," "defeat," or "reject—

Boy, we better get out the dictionary because there is a great deal of ambiguity of words. I have "concerns" about the candidacy of Senator SMITH. Well, is that in opposition to? Words "such as," I think, are hard. Again, I get back to my fundamental point. It says in the amendment:

> (Such as proximity to an election) can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates.

Who decides that? The Senator says you go to the station and get free time and, if not, you go to a judge. Now you are asking a judge to look at every commercial, or you are asking the broadcast station to look at every commercial and make some decision as to whether it is an attack ad or not. I will tell you if I were on the station, I would say never mind; why should I take a risk when I am not sure this ad is an attack ad or not.

This is the problem we had when we have gone over and over and over this issue. How do you stop these attack ads without infringing on freedom of speech and not being so vague that it is very difficult to stand constitutional muster? The difference between Snowe-Jeffords and this amendment is that Snowe-Jeffords draws a very bright line and it says:

> Show the likeness or mention the name of a candidate.

That is a very bright line. This is a campaign slogan or words that, when taken as a whole and with limited reference to external events, such as "proximity to an election"—these words—I admit to the Senator from New Mexico, I am not a lawyer, but I have been involved so long and so engaged in these issues that words do have meaning, and this amendment is very vague.

I am sure we can make a judgment on a lot of ads we have seen and the same ads the Senator and I find disgusting and distasteful and should be rejected. But at the same time, I don't know how we can say, OK, if this station doesn't run my ads, I am going to go to a judge and have the judge make them run my ads. It just is something that would be very difficult.

I would love to work with the Senator from New Mexico. He has been a steadfast stalwart for campaign finance reform. I would love to work with him to try to achieve this goal. Frankly, after going around and around on this issue, identifying who paid for the ad, full disclosure and, frankly, not allowing corporations and unions to contribute to paying for these things in the last 60, 90 days, which is part of our legislation, is about the only constitutional way that we thought we could address the issue.

I thank the Senator from New Mexico. He is addressing an issue that has demeaned and degraded all of us because people don't think very much of you when they see the kinds of attack ads that are broadcast on a routine basis.

As the Senator pointed out, they are dramatically on the increase. I will tell you what. You cut off the soft money, you are going to see a lot less of that. Prohibit unions and corporations, and you will see a lot less of that. If you demand full disclosure for those who pay for those ads, you are going to see a lot less of that because people who can remain anonymous or organizations that can remain anonymous are obviously much more likely to be a lot looser with the facts than those whose names and identity have to be fully disclosed to the people once a certain level of investment is made.

I thank the Senator and I regret having to oppose his amendment. I yield the floor.

Mr. BINGAMAN. Mr. President, I thank the Senator from Arizona for his comments. I understand the concerns he has raised. Let me make one thing very clear. Snowe-Jeffords is a prohibition against certain acts by certain groups. Now, that is a very different kettle of fish than what I am proposing.

My amendment does not in any way prohibit anyone from running ads. All my amendment says is that if an independent group wants to run an ad that attacks or opposes a candidate, then the candidate is entitled to an opportunity to respond to the ad.

That is a very different thing than saying, during certain periods of time, groups cannot run ads. So I think the constitutional problem that people have raised with regard to Snowe-Jeffords is much less of a concern than the kind of amendment that I have proposed.

This amendment is designed to deal with a particular type of advertisement run by groups other than the candidate and the candidate's committee during certain periods of time. I think we have clearly defined what we are talking about. There are many advertisements that would not fall within the definition of attacking or opposing a candidate. Certainly, there is nothing here that would in any way obligate broadcasters, when they take those kinds of ads. But when they are running ads that do attack or oppose a candidate, then they would be under an obligation to provide an opportunity to respond. I think that is eminently fair, constitutional, and consistent with the general obligation that I believe broadcast stations ought to have to present both sides of an issue during a campaign when a candidate has become qualified for a Federal office. For that reason, I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, unless the Senator from Arizona has more time, I suggest the absence of a quorum.

Mr. McCAIN. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, again I thank the Senator from New Mexico. He has identified a very serious issue. I want to work with him on this issue. It is important because his graph dramatically illustrates the magnitude of the problem.

The Senator from New Mexico is trying to address one of the most serious issues that affects American politics today and makes us much diminished in the eyes of our constituents and the people around the country.

I really do applaud the Senator from New Mexico on this issue. At the appropriate time, I will move to table the amendment.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, if I may have the attention of my colleague from Arizona, Senator McCAIN, we are in the process of hotlining the vote. If it is all right with my friend from Arizona, the vote on or in relation to the Bingaman amendment can begin at 5 of 6. A couple of people are having meals, and this will give them a chance to get online.

I ask unanimous consent that the vote on or in relation to the Bingaman amendment commence at 5 of 6.

Mr. McCAIN. Mr. President, I move to table the amendment, to take place at 5:55 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, may we ask for the yeas and nays at this time? Is it an appropriate request?

The ACTING PRESIDENT pro tempore. It is an appropriate request.

Mr. DODD. I ask for the yeas and nays on the motion to table commencing at 5 of 6.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to make a statement and engage in a colloquy with my colleague, Senator McCAIN.

Mr. McCAIN. May we ask unanimous consent to engage in a colloquy?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I spoke about this amendment last week that I had introduced to try to correct an inequity in the law we passed last year that required State and local candidates to file with the IRS as a 527 political organization. I think the purpose of this was not to affect State and local candidates who have no involvement in a Federal election. I think we did intend to include any PAC that might have an influence on a Federal election.

I worked with Senator LIEBERMAN, Senator McCAIN, and others who were interested in trying to fix this problem. But I did give the commitment that we would not allow the bill to be blue-slipped in the House because of this amendment. The fact is, we came to an agreement among all the parties who worked together on the Senate side that would correct the problem. Senator LIEBERMAN, Senator McCONNELL, Senator DODD, Senator McCAIN, and I, all agreed that the language would do the job, but I could not get the commitment from the Ways and Means Committee on the House side not to blue-slip the bill even though I think a blue slip was not warranted. I made the commitment on the floor I would not do anything to jeopardize the bill procedurally with a blue-slip question.

This is my question to my colleague from Arizona. I will not pursue the amendment, but I think since everyone has agreed this needs to be fixed and we have the language to fix it, I ask the Senator from Arizona if he would agree to work with me to get this fixed in another bill.

Mr. McCAIN. I say to the Senator from Texas, we established a $100,000 threshold so those who went above that would be disclosed; that is the outline of the agreement. Senator LIEBERMAN agrees, I agree, and I look forward to working with the Senator from Texas.

Mrs. HUTCHISON. I would like to clarify that the $100,000 threshold is not on State and local candidate committees but on State and local PACs.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Mexico, Mr. BINGAMAN. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—72

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—28

Akaka
Biden
Bingaman
Boxer
Byrd
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Durbin
Harkin
Hollings
Inouye
Johnson
Kennedy
Leahy
Levin
Lieberman
Mikulski
Nelson (FL)
Reed
Reid
Sarbanes
Torricelli
Wellstone

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, a number of Senators are inquiring about how we will proceed for the balance of the evening and when we can expect to complete this bill, how long we will go tonight and also, of course, will it be necessary for us to go over until tomorrow and beyond.

All along, the commitment and the understanding have been, I believe by all parties, that we would spend 2 legislative weeks on this issue and we would have a full debate and votes on amendments, and that we would bring to it a conclusion at about this time so we could be prepared to move on to other very critical national issues. I am not sure exactly how many amendments are still remaining.

I know Senator REID has been working to try to identify exactly what amendments remain and to move those by consent agreement or voice vote, where it was possible. I know Senator MCCONNELL has been doing the same thing on our side, working with Senator DODD.

I think we are ready to complete action on this legislation. We have no more than four amendments on our side, and we think we could be prepared to work through those very quickly. I am not sure exactly what remains on the Democratic side, but I believe that the opponents and proponents are ready to vote. We have been through this. We have not moved toward a filibuster or cloture on either side. Although, in talking to Senator MCCAIN a moment ago, he was saying that, if it were necessary, he hopes that I would file cloture on this bill. Can you believe those words came from his mouth? If I had to, of course, the cloture would ripen on Saturday. I don't think we should end this process that way.

We do need to keep going. I know some Senators have commitments tonight they would like to go to. Some Senators have commitments they would like not to have to go to. I have heard—more of the latter, yes.

So I would like to propose a unanimous consent request. I haven't precleared this with Senator DASCHLE. He looked over it. We talked about it. I am not exactly sure what his thinking is. I would be willing to consider other ideas if somebody has a good idea about how we can complete it. This is the fairest way.

I ask unanimous consent that all remaining amendments in order to S. 27 be limited to 30 minutes equally divided and all other provisions of the consent agreement of February 6, 2001, remain in order.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I inquire of the managers, how do we wish to proceed? I yield to Senator DASCHLE.

Mr. DASCHLE. Mr. President, I have not had a chance yet to consult with our colleagues. We have 10 remaining amendments on this side. I know Senator SPECTER has been waiting patiently to offer his amendment.

Throughout the week, I have promised our colleagues that if they played by the rules and waited patiently for their opportunity to offer their amendments, we would accord them the same opportunity other Senators have had throughout the duration of this debate, as the majority leader indicated.

This has been a very good debate. No one has talked about the need to file cloture. I hope we will not have any reason to do that in the future. I believe Senators ought to have an opportunity to have their amendments considered and have a vote. So until I have had the opportunity to consult more carefully with those colleagues who still have outstanding amendments, I have to object.

Mr. LOTT. Mr. President, then, let me say to colleagues, we will continue on into the night. We will be having votes. If necessary, to have those votes in a reasonable period of time, we will move to table them. But we will continue as long as it takes to get this bill done.

When we know more about what we could agree to, we will let you know. You should expect a vote within the next couple of hours.

Mr. GRAHAM. If the majority leader will yield.

Mr. LOTT. I yield.

Mr. GRAHAM. For those who do want to make commitments, would it be possible to have a window of a couple of hours with assurance that we not vote within that window?

Mr. LOTT. I think the majority of those who had talked to me were hoping we would not have a window. I think we need to keep our nose to the grindstone and try to complete this legislation. I am not saying it won't happen. I don't think we should make a commitment of a window. My wife will be waiting for me to come home and have supper. When we complete our work, I will go home and have supper with her. She may be hungry, but she waits.

Mr. GRAHAM. That commitment is important above all.

Mr. LEAHY. If the leader will yield, will it be safe to say that in the next hour or so those who show up on the floor with a tuxedo or evening dress are those who want to fulfill their commitments, and those who are not would like to keep voting?

Mr. LOTT. Those who show up with a tuxedo, that will count as having fulfilled your commitment to the dinner because it would show intent to be there, but a higher calling prevented your presence. You might want to don your evening attire and come to the floor and wait for an opportunity to vote.

Mr. LEAHY. I will change within the hour.

Mr. LOTT. I yield the floor.

AMENDMENT NO. 140, AS MODIFIED

Mr. SPECTER. I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 7, line 24, strike "and", and insert the following:

"or

"(iv) alternatively, if (iii) is held to be constitutionally insufficient by itself to support the regulation provided herein, which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate; and"

On page 8, line 1, by striking "(iv)" and replacing with "(v)".

On page 15, line 19, strike "election, convention or caucus." and insert the following: "election, convention, or caucus; or alternatively, if subclauses (i) through (iii) of subsection (3)(A) are held to be constitutionally insufficient to support the regulation provided herein, which also

"(iv) promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

On page 2, after the matter preceding line 1, insert:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the twenty-five years since the 1976 Supreme Court decision in Buckley v. Valeo, the number and frequency of advertisements increased dramatically which clearly advocate for or against a specific candidate for Federal office without magic words such as "vote for" or "vote against" as prescribed in the Buckley decision.

(2) The absence of the magic words from the Buckley decision has allowed these advertisements to be viewed as issue advertisements, despite their clear advocacy for or against the election of a specific candidate for Federal office.

(3) By avoiding the use of such terms as "vote for" and "vote against," special interest groups promote their views and issue positions in reference to particular elected officials without triggering the disclosure and source restrictions of the Federal Election Campaign Act.

(4) In 1996, an estimated $135 million was spent on such issue advertisements; the estimate for 1998 ranged from $275–$340 million; and, for the 2000 election the estimate for spending on such advertisements exceeded $340 million.

(5) If left unchecked, the explosive growth in the number and frequency of advertisements that are clearly intended to influence the outcome of Federal elections yet are masquerading as issue advocacy has the potential to undermine the integrity of the electoral process.

(6) The Supreme Court in Buckley reviewed the legislative history and purpose of the Federal Election Campaign Act and found that the authorized or requested standard of the Federal Election Campaign Act operated to treat all expenditures placed in cooperation with or with the consent of a candidate, an agent of the candidate, or an authorized committee of the candidate as contributions subject to the limitations set forth in the Act.

(7) During the 1996 Presidential primary campaign, candidates of both major parties spent millions of dollars in excess of the overall Presidential primary spending limit that applied to each of their campaigns, and in doing so, used millions of dollars in soft money contributions that could not legally be used directly to support a Presidential campaign.

(8) These candidates made these campaign expenditures through their respective national political party committees, using these party committees as conduits to run multi-million dollar television ad campaigns to support their candidacies.

(9) These television ad campaigns were in each case prepared, directed, and controlled by the campaign committees of these candidates.

(10) The television ads by campaign committees forcefully advocated the election of their candidate and the defeat of their opponent and those television ads were suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate; however, in the absence of a specific statement to "vote for" or "vote against," those television ads were deemed issued ads and not advocacy ads under Buckley v. Valeo.

(11) Television ads were coordinated between the candidate committees and the relevant national party committees.

(12) Agents of the candidate committees raised the money used to pay for these so-called issue ads supporting their respective candidacies.

(13) These television advertising campaigns, run in the guise of being national party issue ad campaigns, were in fact Clinton and Dole ad campaigns, and accordingly should have been subject to the contribution and spending limits that apply to Presidential campaigns.

(14) After reviewing spending in the 1996 Presidential election campaign, auditors for the Federal Election Commission recommended that both the 1996 candidate committees repay millions of dollars because the national political parties had closely coordinated their soft money issue ads with the respective presidential candidates and, accordingly, the expenditures would be counted against the candidates' spending limits.

(15) On December 10, 1998, in a 6–0 vote, the Federal Election Commission rejected its auditors' recommendation that either of these campaigns repay the money.

(16) The pattern of close coordination between candidates' campaign committees and national party committees continued in the 2000 Presidential election.

(17) The television ads by the 2000 presidential campaigns forcefully advocated the election of their candidate and the defeat of their opponent and those television ads were suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate; however, in the absence of a specific statement to "vote for" or "vote against," those television ads were deemed issue ads and not advocacy ads under Buckley v. Valeo.

(18) Television ads in the 2000 presidential election were coordinated between the candidate committees and the relevant national party committees.

(19) On January 21, 2000, the Supreme Court in Nixon v. Shrink Missouri Government PAC noted, "In speaking of 'improper influence' and 'opportunities for abuse' in addition to 'quid pro quo arrangements,' we recognized a concern to the broader threat from politicians too compliant with the wishes of large contributors."

(20) The details of corruption and the public perception of the appearance of corruption have been documented in a flood of books, newspapers and public documents.

Mr. McCONNELL. It is my understanding that the Senator from Pennsylvania believes he might be able to wrap up his remarks in 15 minutes or so?

Mr. SPECTER. Mr. President, it is my hope to be able to do it within a brief period of time—perhaps as little as 15 minutes, in that range.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment, as modified, seeks to accomplish two objectives. One objective is to set forth findings to provide a factual basis to uphold the constitutionality of the statute, and the second objective is to insert a definition so that the bill will survive constitutional challenge under the Buckley v. Valeo decision, which has language that required specifically saying "vote for," "support," with ads being deemed to be issue advertisements where the obvious intent is to extol the virtues of one candidate and to comment extensively on the deficiencies of another candidate; and notwithstanding the clear purpose of these ads in the 1996 Presidential election and the Presidential election of 2000, those ads were deemed to be issue ads and, therefore, could be paid for with soft money.

The bill as presently written endeavors to provide a bright-line test with the provision of identifying a specific candidate. The reason I am able to abbreviate the argument this evening, or the contentions this evening, is that we had about 2 hours of debate last Thursday.

The critical language in the bill is the reference to a clearly identified candidate for Federal office. Now this may or may not be a sufficiently bright line to satisfy the requirements of Buckley v. Valeo, or in fact it may not be because it does not deal with the kind of specific urging of a candidate to "vote for" or "support," which Buckley has talked about.

In Buckley, in a very lengthy opinion, the Supreme Court of the United States said that in order to avoid the constitutional challenge for vagueness, those specific words of support—"vote for" or "vote against"—had to be used in order to avoid the vagueness standard of the due process clause of the fifth amendment.

What this amendment seeks to do is to provide an alternative test, which is derived from the decision of the court of appeals for the Ninth Circuit in the Furgatch case, and this definition is really Furgatch streamlined. The original amendment that was offered provided that the context of the advertisement was "unmistakable, unambiguous, and suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

In our debate last Thursday, there were arguments made that the language of "unmistakable" and "unambiguous" left latitude for a challenge.

In the amendment which has been modified, it is deemed to be sufficient to have the language be "suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

This really sharpens up Furgatch, really streamlines Furgatch in order to pass constitutional muster.

The findings which have been set forth in the modified amendment seek to characterize events which have occurred in the intervening 25 years since the decision of Buckley v. Valeo, reciting how much money has been paid, the very heavy impact of funding, the ads really, in effect, urging the election of one candidate and the defeat of another so that, by any logical definition, they would be deemed advocacy ads and not issue ads, but they do not meet the magic words test of Buckley v. Valeo.

The expanded test of having "no plausible meaning other than an exhortation to vote for or against a specific candidate" would make it plain that the kinds of ads which have been viewed as being issue ads are really advocacy ads.

We had an extended debate last Thursday about the impact of this language on the balance of what is in the bill at the present time on a clearly identified candidate. This modified amendment has been very carefully crafted to meet the concerns that if the Supreme Court of the United States determines that the language in the underlying bill is sufficient, and the language added in this modified amendment is insufficient, that one or the other will be stricken so that there is a severability clause within this amendment as modified.

We have already legislated, we have already adopted an amendment to provide for severability. So it may be this is surplusage or it may be that it is necessary, but it does not do any harm to have this language.

I believe that most, if not all, of the objections which were raised last Thursday have been satisfied in this modified amendment. I urge my colleagues to adopt it.

I am not yet asking for the yeas and nays to see if the arguments which may be presented here are suggestive of some further modification which would require consent after asking for the yeas and nays, but it is my intention, as I have notified the managers, to seek a rollcall vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if I can be yielded 5 minutes, 2½ minutes from either side, because I am not sure if I am for or against it because I don't have a copy of the final product. May I ask the Senator to yield me 2½ minutes from his side?

Mr. SPECTER. I do.

Mr. LEVIN. I yield myself 2½ minutes from our side. We are trying to determine which version of the amendment is pending. I ask the Senator from Pennsylvania, are the references in the findings to—we now have a modified amendment. Are there any references to the specific candidates in the 1996 Presidential campaign left in here?

Mr. President, I wonder if I can have the attention perhaps of all of my colleagues on this question. It may be a question in which we are all interested. It relates to the findings. For instance, one of the findings here says that both the Clinton and Dole ad campaigns should have been subject to the limits, implying that, in fact, they had somehow or other violated the limits of the campaign despite the 6–0 vote of the Federal Election Commission which rejected the recommendation that either of the campaigns repay the money.

I happen to agree with the Senator from Pennsylvania on the thrust of his amendment, by the way, because I have always liked the Furgatch test myself. I cannot speak for the floor manager on this side. I do not know where he is. But I do think these findings should be reviewed because I do not think we want to reach any conclusion that any of the expenditures of the Presidential campaigns violated that law in 1996.

The problem was the law was so full of loopholes and we need to close those loopholes.

Mr. MCCAIN. Will the Senator from Michigan perhaps call for a quorum call for 5 minutes to see if we cannot sort this out. I thought we had an agreement, but perhaps we do not.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent I be allowed to speak as if in morning business for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN are located in today's RECORD under "Morning Business.")

Mrs. LINCOLN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be allowed to speak briefly as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SMITH of Oregon are located in today's RECORD under "Morning Business.")

Mr. SMITH of Oregon. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. I thank the Senator from Oregon.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 140, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I send to the desk a further modification of amendment No. 140.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment as further modified, is as follows:

On page 7, line 24, strike "and", and insert the following:

"or

"(iv) alternatively, if subclauses (i) through (iii) are held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, which is also in the aggregate found to be suggestive of no plausible meaning other than an extortion to vote for or against a specific candidate; and".

On page 8, line 1, by striking "(iv)" and replacing with "(v)".

On page 15, line 19, strike lines 3 through 19 and insert the following:

"(A)(i) IN GENERAL.—The term 'electioneering communication means any broadcast, cable, or satellite communication which—

"(I) refers to a clearly identified candidate for Federal office;

"(II) is made within—

"(a) 60 days before a general, special, or runoff election for such Federal office; or

"(b) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for such Federal office; and

"(III) is made to an audience that includes members of the electorate for such election, convention, or caucus.

"(ii) If subclause (i) of subsection (3)(A) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term 'electioneering communication' means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

Further, nothing in the subsection shall be construed to affect the interpretation or application of 11 CFR 100.22(b).

Mr. SPECTER. Mr. President, the further modification has been made to satisfy some concerns about drafting. I believe the language had been definitive, but it was faster to make some changes than it was to debate that proposition. And where we are now—if I may have the attention of the Senator from Michigan—where we are now is to satisfy all the parties that what we are accomplishing on this amendment is that if the Snowe-Jeffords test is held to be unconstitutional by a final judicial decision, then the modified Furgatch test will be applied to define an advocacy advertisement which will satisfy Buckley v. Valeo that the advertisement "is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate."

The additional sentence has been made: "Further, nothing in this subsection shall be construed to affect the interpretation or application of 11 CFR, 100.22(b)," which is the current FEC regulation on an electioneering communication which follows Furgatch.

Then the further modified amendment strikes the findings, and they will be supplemented at a later time because to call through and satisfy all the parties as to the findings would take longer than we can accomplish it simply by full striking, which this further modification does.

I believe at this juncture that we have satisfied all the concerns of the varieties of cooks who have been added to the stew.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Texas?

Mr. GRAMM. I ask the Senator from Kentucky to yield me 20 minutes.

Mr. McCONNELL. Mr. President, I yield 20 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, we are in the process of rapidly completing this bill. I would not have come over to speak, except that it was clear to me that, for the moment, nothing was happening. I have not yet spoken on it. And while I think it is clear what the outcome will be, I at least want to go on record on this issue.

Free speech in America is a very funny thing. If a person goes out and burns the American flag and they say they are exercising free speech or they dance naked in a nightclub and say that that was personal expression, a league of defenders springs up in America to defend the first amendment of the Constitution. Yet when someone proposes that we preserve free speech about the election of our Government and the election of the men and women who serve the greatest country in the history of the world, when such a motion is made, it dies from a lack of a second.

It is astounding to me that free speech in America has come to protect flag burning and nude dancing but yet the greatest deliberative body in the history of the world feels perfectly comfortable in denying the ability of free men and women to put up their time and their talent and their money to support the candidates of their choice.

I can't help but say a little something about the protagonists in this debate. I would like to begin by saying of my dear friend Senator McCAIN, with whom I profoundly differ on this issue, I have the highest respect for him. In fact, he has reminded me in this debate of an ancient god, Antaeus, whose mother was the earth, and every time he was thrown to the ground, he became stronger than he had been when he was cast down.

Having said that, having admired his diligence and his determination, I would say that seldom has a more noble effort been made on behalf of a poorer cause in the history of the U.S. Senate.

I would like to say of our colleague from Kentucky that he has again won our admiration and our respect. He has been vilified in every media outlet in the Nation. Yet his sin is to stand up and defend freedom.

You ask yourself: Why do people want to influence the Government? Why do people want to influence the Government of the United States of America? It seems to me there are really two reasons: One, they have strong feelings about something. They love their country. They have strong passions and they want to express them. And who would want to prevent them from expressing themselves? I say nobody should.

The second reason they want to influence the Government is that the Government spends $2 trillion a year, most of it on a noncompetitive basis. The Government sets the price of milk. The Government grants numerous favors. If we were serious about campaign reform, we would try to change the things that lead people to want to influence the Government for their advantage, and we would want to leave in place a system where people could express their love and their passions. Yet there is no proposal here to end the Government setting the price of milk. There is no proposal here that would have competitive bidding on contracts. Instead, we single out one source of influence, and that source of influence is money. Our problem is not bad money corrupting good men, our problem is bad men corrupting good money.

When I listen to my colleagues talk about this corrupting influence, let me say they apparently have lived a different political life than I have lived. I have never in my 22 years in public office and in the 2 years prior to that, when I ran unsuccessfully for the Senate and lost, had anyone come up to me and say: If you will vote the way I want you to vote, I will contribute to your campaign. I am proud that 84,000 people contribute to my campaign, and I believe they contribute to me because they believe in the things I believe in. I am proud to have their support. I don't apologize for it.

Remember this, and this is what is lost in this whole debate: This is an Alice in Wonderland debate where black is white and wrong is right. It is a debate that ignores the fundamental nature of the American political system. Government has power and people want to influence it. If we limit the power of people to spend their money, we strengthen the power of people who exert influence in other ways. We don't reduce power. We don't reduce whatever corruptive influence may exist among the people who want to influence government. We simply take power away from some people and, by the very nature of the system, we give it to somebody else.

Why should the New York Times have more to say in my election than the New York Stock Exchange? Is the New York Times not a for-profit company? Why should they have the right to run editorials and write front-page articles that can have a profound impact on your election, and they are a for-profit corporation, publicly traded, and yet we say in this bill, they, but not others, have freedom of speech? They can say whatever they want to say. But yet the New York Stock Exchange is denied the same freedom. How can that be rational? How can that be just?

Who says that freedom of speech should belong only to people who own radio stations and television stations and newspapers? I reject it.

What makes this debate an Alice in Wonderland debate is that the people who support this bill are the very people who will benefit from taking the American people out of the debate by limiting the ability of people to put up their time and their talent and their money.

The very groups, the so-called public interest groups, the media, the very people who preach endlessly about this issue and about this bill being in the public interest, they are the very people who win an enhancement of their political power from this bill. What we are hearing identified as public interest is greedy, selfish, special interest. The amazing thing is that the voice of freedom and the right of people to be heard is not represented to any substantial degree on the floor of the Senate.

If I should believe, as a free person, that the Senator from Virginia is the new Thomas Jefferson and I believe the future of my children will be affected by his political success, don't I have the right to sell my house, to sell my car and to use that money to help him be elected? Why shouldn't I have that right? Who has the right to take that away from me? No one has the right to take it away from me. But this bill does take it away from me.

This distinction between soft money and hard money is a fraud. What we are seeing here is an effort to collect political power and to concentrate it. Our Founders understood special interests. The Senator from Arizona and the Senator from Wisconsin are not the first people in the history of this country who have ever been concerned about special interests. James Madison understood special interests. He understood that the way you deal with them is to allow many special interests to be created and have them compete against each other.

The editorial proponents of this bill see it as somehow corrupting when somebody contributes money to my campaign. But I wonder if really they support the bill because they know that the contributors of such money, with that participation and interest, offset the influence of their editorials and their political power. Why should some people have freedom and not others? That is the profound issue that is being debated here.

I suspect this bill is going to pass, but this is not a bright hour in American history, in my opinion. The amazing thing—I never cease to be amazed by our system—is there is no constituency for this bill.

This is a total fabrication. The constituency for this bill is a group of special interests who cloak themselves as public interest advocates and it is they who will have their power enhanced by limiting the ability of people to put up their time, talent, and money in support of candidates. The so-called public interest promotion of the bill in editorials across America is coming from the very people who will become more powerful if this bill is adopted.

So what we have is an incredible example, cloaked in great self-righteousness, of special interest triumphing over public interest through the power of the same groups that will have their power enhanced if this bill is adopted.

If editorialists in America, if Common Cause, and all these similar groups, can induce the Congress to limit freedom of speech to enhance their power, what strength will those who oppose their views have when freedom of speech has been, in fact, limited? I think that is something that should give us all pause, though I have no doubt there will be no pause tonight.

It is as if we look at the Constitution and we say that what is at stake is either protection of the first amendment of the Constitution, or whether we are going to get a good editorial in tomorrow morning's newspaper, and the judgement is made that tomorrow morning's newspaper is much more important than the first amendment of the Constitution.

Let me conclude by quoting, because I never think it hurts to read from the greatest document in history, other than the Bible—the Constitution. Let me read amendment No. 1 of the Constitution, and I will read the relevant points:

> Congress shall make no law abridging the freedom of speech.

If I believe the Senator from Virginia is the next Thomas Jefferson and I want to sell my house to support his candidacy, who has the right under the Constitution to deny me that right? No one has that right. Yet we are about to vote on the floor of the Senate to keep me from doing that.

The Constitution says that:

> The right of the people peaceably to assemble and to petition the government for a redress of grievances shall not be abridged.

If I am not permitted to spend my money to present my grievances to my Government, how am I going to be heard? In modern society, the ability to communicate depends on the ability to have funds to amplify your voice so it can be heard in a nation of 285 million people.

If I don't have the right to use my time and my talent and my money to enhance my voice, how can I be heard? Well, what the advocates of this bill are really saying is we don't want you to be heard because we might not like what you have to say.

We have a bill before us that says you can't run ads. If I wanted to run ads supporting you, or give you money to spend, I can't do it. We are all unhappy that these special interest groups run ads. It hurts my feelings. When people tell my mama that I am this terrible, bad person, that I have sold out to the special interests, my mama asks me, "Why can they say that?" How can they say it? You know why they can say it? Because they have the right to say it because of the first amendment of the Constitution. It is not true, but it doesn't have to be true.

It amazes me—and I will conclude on this remark—I hear colleagues talk about corruption, corruption, corruption. I wonder if people back home know that there has never been a Congress in American history less corrupt than this Congress. I don't agree with many of the people in this body, but I don't believe there is a person in this body who is dishonest.

I can only speak for myself, but I have never, ever felt compromised because somebody supported me. I have felt honored, I have felt grateful, but I have always believed they supported me because of what I believed. In fact, on many occasions, when people have supported me—the AMA is a perfect example. When I was a young man running for Congress, the American Medical Association supported me and just thought I was wonderful. Now they don't like me. What changed? They changed; I didn't change. I have always been for freedom. When I stood right at this desk and helped lead the effort to kill the Clinton health care bill, I did it because I believed in freedom, and they loved it. Now that they want to kill HMOs, they don't think so much of freedom anymore.

But I didn't feel corrupted by them giving me money. They supported me because of what I believed in. When they didn't believe it anymore, they changed; I didn't change. So I don't know what is in the hearts of those who feel this corruption. I do not feel it. I think corruption, as it is portrayed in the media, has increasingly become a codeword for anybody who can speak for themselves and, therefore, doesn't have to be too concerned about the commentary of some special interest group or the media.

I love the Dallas Morning News, especially when they write good things about me. When they endorse me and support me, I like it. But I have 84,000 contributors. The newspaper can go ahead and say whatever they want to say about me because my contributors and supporters have ensured that I will get to respond and tell my side of the story.

What this bill is going to do, and the terrible effect of it if it does become law, is that it is going to limit the ability of people to tell their side of the story. I think that is fundamentally wrong. I still do not understand how someone can burn a flag, and that is freedom of speech; someone can dance naked in a night club, and that is freedom of public expression; but if I want to sell my house and support somebody that I believe in with all my heart, that is fundamentally wrong; that is corrupt.

I believe there is salvation. I believe we are going to get salvation from this bill. I think the salvation is going to come from this ancient document, our Constitution, because I believe this bill is going to be struck down by the courts, and that is ultimately going to be our salvation.

I want to say to my dear colleague from Kentucky that I admire him, and I want to thank him for the great sacrifice he has made to stand up on behalf of freedom, when very few people are offering compliments, and very few pundits are applauding. I am one person who is applauding, and I will never, ever forget what you have done. It may not be in an editorial, but it will be enshrined in my heart.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I want to say to the Senator from Texas how much I appreciate what he had to say. There is no question that he gets it. It is all about the first amendment. It is all about the first amendment and the rights of Americans to have their say.

This bill, as the Senator from Texas pointed out, is simply trying to pick winners and losers. It takes the parties and it crushes them. And the irony of it all is there will be way more money spent in the next election than there was in the last one. It just won't be spent by the parties.

So we have taken resources away from the parties, which will be spent otherwise because of all of these other efforts, as the Senator from Texas pointed out. And I assure him I will be in court. I will be the plaintiff, and we will win if we have to go to court. Efforts to restrict the voices of outside groups will be struck down.

I hope we will be able to save the ability of parties to engage in speech that isn't federally regulated, which is what soft money is. It is everything that isn't hard money. I thank the Senator from Texas for always being there on so many issues, and especially for the kind things he said tonight about this struggle. It isn't a lot of fun being the national pinata. But there are some rewards.

I say to my friend from Texas my reward is that I really could not think of a group of enemies I would rather have than the ones I have made in this debate. I can't think of a single set of friends I would rather be associated with than people such as the Senator from Texas, who understand what freedom is all about and understand what this debate is all about.

I say to my colleague, we may lose tonight, but we will ultimately win this no matter how long it takes; we will win it. I thank him so much for being there when it counts.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator NELSON from Florida be allowed to proceed to offer his amendment, 5 minutes equally divided, and then there be a voice vote on that amendment, and that we lay aside the Specter amendment in order to permit that to happen; then we immediately vote on the Specter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

AMENDMENT NO. 159

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 159.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit fraudulent solicitation of funds)

On page 37, between lines 14 and 15, insert the following:

SEC. ___. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting "(a) IN GENERAL.—" before "No person";

(2) by adding at the end the following:

"(b) FRAUDULENT SOLICITATION OF FUNDS.—No person shall—

"(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

"(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).".

Mr. NELSON of Florida. Mr. President, the Federal Election Commission reports receiving a number of complaints that people have fraudulently raised donations by posing as political committees or candidates and that the current law does not allow the Commission to pursue such cases.

For example, one newspaper reported that after last November's Presidential election, both Democrats and Republicans were victims in a scam in which phony fundraising letters began popping up in mailboxes in Washington, Connecticut, Michigan, and elsewhere. Those letters urged $1,000 contributions to seemingly prestigious Pennsylvania Avenue addresses on behalf of lawyers purportedly for both George W. Bush and Al Gore. About the same time, thousands of similar letters offering coffee mugs for contributions of between $1,000 and $5,000 were sent to Democratic donors from New York to San Francisco.

Clearly, one can see the potential for harm to citizens who are targeted in such fraudulent schemes. Unfortunately, the Federal Election Campaign Act does not grant specific authority to the Federal Election Commission to investigate this type of activity, nor does it specifically prohibit persons from fraudulently soliciting contributions.

The FEC has asked Congress to remedy this, and the amendment I offer today is in response to this request. This amendment makes it illegal to fraudulently misrepresent any candidate or political party or party employee in soliciting contributions or donations.

I thank my Senate colleagues for their consideration of this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is a very important amendment. It is going to protect our citizens from fraudulent solicitation of their funds. It will give the Federal Election Commission the tools it needs to address these fraudulent acts which take advantage of our citizens. It implements an important recommendation of the Federal Election Commission. I hope our colleagues will all support this amendment.

I also congratulate the Senator from Florida. I believe this may be his first amendment. It is a very important amendment. He has made an important contribution to this Senate in many ways already. It is important for all of us to recognize the first amendment of the Senator from Florida that is being accepted, hopefully, tonight, and I congratulate him.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 159.

The amendment (No. 159) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 140, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 140, as further modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—82

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Hagel
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—17

Allen
Brownback
Bunning
DeWine
Enzi
Gramm
Grassley
Gregg
Hatch
Helms
Hutchinson
Kyl
McConnell
Nickles
Roberts
Smith (NH)
Thomas

NOT VOTING—1

Voinovich

The amendment (No. 140), as further modified, was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT OF INTENT

Mr. SPECTER. Mr. President, I concur with the statement of supporters of the Bipartisan Campaign Reform Act of 2001, with respect to the discussion of the intent of the Specter amendment.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I know Senators are interested in how we proceed for the remainder of tonight and tomorrow. I believe we have come up with the best possible arrangement of how we can complete action on this bill and be prepared to move on to other legislation.

Senator DASCHLE and I have talked about it and have talked to the managers and the proponents of the legislation. I think everybody is satisfied that this is a fair way to bring this to a conclusion.

I ask unanimous consent that all remaining amendments in order to S. 27 be limited to 30 minutes equally divided and that all provisions of the consent agreement of February 6, 2001, remain in order, except for this change:

I further ask unanimous consent that all remaining amendments must be offered either tonight or between 9 a.m. and 11 a.m. tomorrow and that any votes ordered with respect to those amendments occur in a stacked sequence beginning at 11 a.m. on Friday, with 2 minutes prior to each vote for explanation.

I further ask unanimous consent that following the stacked votes the bill be immediately read for the third time and passage occur at 5:30 p.m. on Monday, all without intervening action or debate, and that paragraph 4 of rule XII be waived.

Also, it has been suggested that we include in this consent, if necessary, a technical amendment that is agreed to by both managers may be in order.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I just covered this with the manager. I want to make sure Senator DASCHLE is aware. A technical amendment may not be necessary. But we want to make sure, if there is a need for a technical amendment, that there be a way to deal with that but that a technical amendment would have to be identified and agreed to tomorrow along with other amendments before we complete action.

The problem is, if we wait until Monday, there is a lot of opportunity for mischief to develop.

Mr. DASCHLE. Mr. President, reserving the right to object, it is suggested that perhaps having a weekend for the staff to go through whatever screening or final review may be helpful. Obviously, I think both managers would have to agree to any technical amendments. So there is that assurance. But this would give the weekend to the staff to assure that if there is any inadvertent mistake, it be caught prior to the time we vote on final passage on Monday.

I also note that it was suggested we may want to include in this unanimous consent agreement any second-degree amendments. I don't think that will be necessary because I don't anticipate second-degree amendments.

Mr. LOTT. Wouldn't that be in order under the earlier agreement? I think that would be covered by the underlying unanimous consent agreement because other than what is specified here——

Mr. DASCHLE. As long as we make it clear it includes amendments in the second degree.

Mr. DODD. The Democratic leader said it well. Any technical amendments would have to be amendments agreed to by both managers. So that the idea of something coming up late—I make it plural because the staff is apt to encounter more than one. Any technical amendments would have to have the concurrence of both managers.

Mr. LOTT. I can understand how the managers might want to obviously have that opportunity. But also we want to have a chance to review it. I also see how maybe the Senator from Arizona would want to be included in reviewing that.

But, again, there is no intent on anybody's part to try to snucker anybody. I think the way I worded it, where both managers have to agree to it, takes care of the problem. I can understand how the managers would prefer not being dragged around by our very capable staff for 2 or 3 hours on Monday, arguing over a technical amendment. However, I think this does give us a way to correct legitimate problems.

I say to Senator MCCONNELL, do you want to comment on this?

Mr. McCONNELL. Is the leader then confirming no technical amendments could be offered after tomorrow without the consent of both managers?

Mr. LOTT. Absolutely.

Mr. NICKLES. Will the leader yield further?

Mr. LOTT. Certainly, I yield to Senator NICKLES.

Mr. NICKLES. One of the remaining issues is—some people would call it technical, but I think it is major, and that deals with coordination. A lot of us recognize that the underlying bill needs some improvement on coordination or else we are going to have a lot of people who are going to be crooks who want to participate in the political process. And they should have the opportunity to participate. I have been trying to get language, and I have not seen it. But that is not insignificant and not technical; that is a major concern.

Mr. LOTT. I believe that would have to be one of the regular amendments, not a technical amendment.

Mr. DODD. Yes. That will be up tonight.

Mr. NICKLES. Will it be possible for us to see language tonight?

Mr. DODD. Probably not.

No. We will get you some.

Mr. LOTT. Senator MCCAIN.

Mr. McCAIN. I thank both leaders for their cooperation on this. I am confident after tomorrow, if there are technical amendments, they will only be allowed if we are in agreement.

On the issue of coordination, we are ready to consider amendments and votes on that issue.

Mr. LOTT. I say to Senator WELLSTONE, did you get wet?

Mr. WELLSTONE. I did.

Mr. LOTT. I mean that literally now, not figuratively. I saw you drenched.

Mr. WELLSTONE. Because of you. I tried to run all the way up to Connecticut Avenue, and I got wet on the way.

I want to ask the majority leader—I am sorry; Mike Epstein, who used to work with me, is no longer here or I would have asked him this—but on technical amendments, is the definition of that that there would not be an up-or-down vote automatically?

Mr. LOTT. After the vote tomorrow on the sequence of amendments, there would not be a vote on the technical amendment. It would have to be agreed to. So it would be handled in that way.

Mr. WELLSTONE. I think I would object to a technical amendment unless there is an understanding to this effect: If this affected the work of any one Senator, that we would be consulted before an agreement.

Mr. DODD. Yes, we would provide that.

Mr. WELLSTONE. Is that implicit?

Mr. LOTT. That is implicit. Also, it would certainly be the proper way to proceed.

Are we ready to get this consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank all Senators. I urge those of you who have amendments, stay and do them tonight, because the 2 hours tomorrow will go very fast. And if you are ready, I hope you will be prepared to offer your amendment tonight.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, we have an amendment.

AMENDMENT NO. 160

Mr. President, I send an amendment to the desk on behalf of Senator KERRY, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. KERRY, proposes an amendment numbered 160.

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a study of the effects of State laws that provide public financing of elections)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term "clean money clean elections" means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General of the United States shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).

Mr. DODD. Mr. President, this is an amendment that has been agreed to by both sides. It is one of these amendments we can move out of the way very quickly. I gather the majority has seen it and approves as well.

Mr. McCONNELL. We have no objection to it.

Mr. DODD. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 160) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the next amendment will be by Senator LEVIN and Senator ENSIGN.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 161

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration on behalf of myself and Senators ENSIGN, CLINTON, DORGAN, and BEN NELSON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. Ensign, Mrs. CLINTON, Mr. DORGAN, and Mr. NELSON of Nebraska, proposes an amendment numbered 161.

Mr. LEVIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the definition of Federal election activity as it applies to State, district, or local committees of political parties)

Beginning on page 3, strike line 12 and all that follows through page 4, line 4, and insert the following:

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an entity directly or indirectly established, financed, maintained, or controlled by or acting on behalf of 1 or more candidates for State or local office, or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection shall prevent a principal campaign committee of a candidate for State or local office from raising and spending funds permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

"(2) APPLICABILITY.—

"(A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the costs of such activity are allocated under regulations prescribed by the Commission as costs that may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) CONDITIONS.—Subparagraph (A) shall only apply if—

"(i) the activity does not refer to a clearly identified candidate for Federal office; and

"(ii) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district or local committee of a political party in a calendar year to be used for the costs described in subparagraph (A).

Mr. LEVIN. Mr. President, this amendment will allow the use of some non-Federal dollars by State parties for voter registration and get out the vote, where the contributions are allowed by State law, where there is no reference to Federal candidates, where limited to $10,000 of the contribution which is allowed by State law, and where the allocation between Federal and non-Federal dollars is set by the Federal Election Commission.

This bill that is before us is about limits. We have set limits on contributions by individuals, by PACs, by national parties to State parties. It is all about trying to restore some limits to a law where that law has really been completely subverted in terms of contribution limits by the so-called soft money loophole.

I think it is perfectly appropriate that the bill set limits. The bill has also put some restrictions which are excessive on the use of non-Federal dollars by State parties for voter registration and get out the vote.

I think in our efforts over the last couple weeks we have really done the right thing in establishing the limits that we have. We have focused on trying to restore something which was always intended, which is contribution limits, but we have also, in our review, done some fine tuning. We have done some adjustments.

This amendment provides some fine tuning in an area where State parties are using non-Federal dollars, dollars allowed by State law, for some of the most core activities that State parties are involved in; that is, voter registration and get out the vote.

Now the bill does not restrict State parties when it comes to using non-Federal dollars for things such as salaries and rent and utilities, nor should it. But it does prohibit altogether—unless this amendment is adopted—the use by State parties of non-Federal dollars. These are dollars not raised through any effort on the part of Federal officeholders, Federal candidates, or national parties. These are non-Federal dollars allowed by State law.

The bill, as it is currently written, would prohibit the use of any of those dollars for those core activities of State parties that we all know and call by get out the vote, registration activities, and voter identification.

In this regard, I believe and our cosponsors believe that the bill has gone too far, that we ought to allow State parties using non-Federal dollars, under very clear limits, where there is not an identification of a Federal candidate, where there is a limit as to how much of those contributions they can use, and where the contributions are allowed by State law—that we ought to allow, with the proper Federal match, determined by the Federal Election Commission, State parties to use these non-Federal dollars in some of the most core activities in which State parties are involved.

There is nothing much more basic to State parties than identifying voters who agree with their causes and to try to get those voters to the polls.

That is about as core an effort as you can get. Yet unless we make this modification in the bill, we would tell State parties they can't use the non-Federal dollars in any year where there is a Federal election, which is every other year, for those core activities.

This amendment, I believe, now has the support of the managers of the bill. They will speak for themselves, of course. But we have worked very hard to make sure there are still some limits. We are not eliminating the limits on this spending, nor should we, because if it is unlimited, we then have a huge loophole again where State parties would become the funnel for the Federal campaign money to be poured into. So we keep reasonable restrictions, but what we do is, we pull back from the total elimination of the use of these non-Federal dollars by State parties for their fundamental basic activity.

Mr. DORGAN. Will the Senator from Michigan yield for a question?

Mr. LEVIN. I am happy to yield.

Mr. DORGAN. I am pleased to support this with Senator LEVIN, Senator CLINTON, and others.

I ask the Senator from Michigan, isn't it the case that, as currently written, a Governor and a mayor could not use non-Federal money to conduct their own activities for get out the vote, for example, in an election in which there might have been a Federal candidate, and would that not be the case?

Mr. LEVIN. The Senator is correct.

Mr. DORGAN. Secondly, there are roughly 160 democracies in the world. I wonder if the Senator knows—I didn't know until a few minutes ago—where we rank in the democracies around the world in voter participation. Before asking whether he knows the right answer, I will say we rank 139th among the democracies in the world in voter participation. It seems to me we ought to encourage in every conceivable way activities that get out the vote, that encourage voter participation. Is it not the case, that is exactly what this amendment does?

Mr. LEVIN. This amendment is aimed at restoring the appropriate use by parties of non-Federal funds which are obtained by those parties in compliance with their own State laws in those very activities which the Senator has identified. These are the fundamental activities in a democracy. We want State parties to be involved in those activities, as the Senator pointed out. We don't want that to become the loophole, however, for unlimited Federal dollars. That is why this amendment is crafted the way it is.

Mr. DORGAN. Finally, if the Senator from Michigan will yield one additional time, let me say the proposal of the Senator from Michigan is a modest one. We could have done more, perhaps should have done more. This represents a compromise, a modest compromise, however. It does the right thing. We don't want to pass campaign finance reform and then produce impediments to those very activities that would encourage voter participation. That would be a step in the wrong direction.

I, again, say how pleased I am at the effort tonight and the sponsorship by Senator LEVIN. I am very proud to be a cosponsor. I am pleased this is going to be accepted.

Mr. LEVIN. I thank Senator DORGAN for his cosponsorship, all of our cosponsors. I acknowledge the principal cosponsorship of the Senator from Nevada. I wasn't going to yield the floor to him, but I was going to acknowledge him as my principal cosponsor. I am happy to yield to the Senator from Connecticut.

Mr. DODD. Let me say to Senator LEVIN and Senator ENSIGN and others, I want to be considered a cosponsor as well, Mr. President. I appreciate the efforts of Senator LEVIN and Senator ENSIGN to work this out. This is an important provision that is going to make a difference. It is done in a very thoughtful way, a very responsible way. I think it adds again to the value of this piece of legislation. I thank our colleagues for their efforts.

Mr. LEVIN. Before I yield the floor, I want to add as a cosponsor Senator HARRY REID and to thank him for the efforts behind the scenes, as is so often true with Senator REID, making things happen in the Senate which otherwise simply would not happen, but doing it in a very self-effacing way, a very critically important way. I thank him as we ask unanimous consent that he be added as a cosponsor, and Senator CORZINE as well.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENSIGN. Mr. President, I first thank the Senator from Michigan for the work we have done together. He started this work and I joined him in it some time ago. We had a few differences on the amendment, but we were able to work those out. I thank the managers of the bill for also working with us to make sure we would be able to include this amendment in the bill. It is a very important amendment.

We look at our turnout of voters today, and we see a continual decline each and every year. The people who have brought the underlying bill to the floor are doing it partially because of that decreasing turnout. People out there in America are increasingly turned off from elections because of negative ads. A lot of those negative ads have been funded by some of the independent expenditures as well as some of the soft money that has been run through the parties.

What this bill, I don't think, intended to do, however, was to limit the activities of actually getting people to the polls, of first signing people up to register to vote and then encouraging them to go to the polls.

When I was running against Senator HARRY REID back in 1998, the labor unions put about 300 people on the ground to get out the vote for Senator REID. It was perfectly within their right to do that. This bill would have limited, though, State parties from doing similar activities. We want to encourage more people to go to the polls, not discourage people from going to the polls. Let's face it, if more people are not interested in our government, if they are not participating in this form of government we call a Republic, then our Republic will be doomed. We have to encourage people to go to the polls, and part of that is through the State parties.

This amendment is going to allow State parties to be funded to the point where they will have the resources to be able to get people to the polls on election day because they will be allowed to spend money for voter ID, for voter registration, and then for what is called get-out-the-vote efforts, things that are very important for increasing the number of people who get to the polls.

I thank the Senator from Michigan for working together on this amendment. It is a very important amendment. I also thank Senator MCCONNELL for allowing us to bring this amendment up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I think it is a good amendment. We should move to final passage, unless there are others who want to speak on it.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I add my words of support and thank Senator LEVIN and the other cosponsors who have worked hard on this matter.

I wish to reiterate the point that, while we are working so hard to reform our campaign finance system, we cannot undermine our ability to reform the way elections are conducted. For all of the reasons Senator LEVIN and Senator ENSIGN and others have pointed out, registering voters, getting voters out to the polls is a critical role of parties. From my perspective, we need to be doing even more to try to promote what parties used to do, which was that kind of grassroots outreach activity.

In reforming the way campaigns are financed, we must not hurt out ability to reform the way elections are conducted. This amendment would ensure that State, district or local committees of a political party would be able to continue to provide vital services to our citizenry during Federal elections, from voter registration activities to assisting individuals in getting out to vote on Election Day.

The 2000 election taught us many things. One of the most important was the significance of having an informed electorate. Too many citizens in the last election were provided with too little information about where and how to vote. Too many citizens experienced unwarranted obstacles to registration and voting. As a result, fewer votes were counted, and in the next election fewer people may turn out to vote.

The solution to these problems cannot be in the province of Government alone. America's political parties must play an important role in helping people register to vote, helping them learn more about the voting process and helping them turn out at the polls on election day. It is vital to the health of our democratic process. Leading up to an election, both parties provide voters with information on how and where to register to vote. On Election Day, both parties use their resources to drive elderly voters to the polls, provide answers to questions about where and how to vote, and give voters information about where the candidates stand on issues.

In the State of New York over the past 2 years, the State Democratic Party has conducted an intensive voter education drive in predominantly African-American and Latino communities, often our most disenfranchised citizens. This education drive resulted in a surge in voter registration and voter activity in both of these communities throughout the state. Republican parties around the country are also active in voter registration and get out the vote efforts. This type of activity should continue to be supported by our State parties for all elections so that all of our citizens fully participate in our democracy.

Some will claim that this amendment will bring soft money back into federal campaigns. Let me be very clear, this amendment does not bring soft money back into campaigns. Rather, it allows State and local parties to use money that is regulated by States and is capped at $10,000 for single contributions in order to support vital election services. That represents an improvement over the status quo, because under current law there is no national cap on such contributions at the local and State level.

I ask my colleagues to rise in support of an amendment that will ensure that our political parties can continue to use State regulated funds to provide voter education, registration and get out the vote services that we know work. Because helping voters register to vote, helping them to learn how and where to vote, and helping them get out to vote are American values we should encourage, not inhibit.

It is imperative this amendment pass so we are able to make a very clear distinction between the kind of roles and activities that should be conducted by parties and that we look forward to a time when we are going to be able to take up electoral reform with the same intensity that we have taken up campaign finance reform, which will give us a chance to go into more detail as to what our parties could and should be doing in order to promote democracy.

I thank our colleague from North Dakota for pointing out where we stand when it comes to voter participation. I hope all of our colleagues will support the amendment.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. DODD. We do.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 161.

The amendment (No. 161) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 162

Mr. DURBIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. COCHRAN, proposes an amendment numbered 162.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish clarity standards for identification of sponsors in certain election-related advertising)

On page 37, between lines 14 and 15, insert the following:

SEC. . CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking 'Whenever' and inserting 'Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever';

(ii) by striking 'an expenditure' and inserting 'a disbursement'; and

(iii) by striking 'direct'; and

(iv) by inserting 'or makes a disbursement for an electioneering communication (as defined in section 304(d)(3))'' after ''public political advertising''

(B) in paragraph (3), by inserting 'and permanent street address, telephone number, or World Wide Web address'' after 'name''; and

(2) by adding at the end the following:

'(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

'(1) be of sufficient type size to be clearly readable by the recipient of the communication;

'(2) be contained in a printed box set apart from the other contents of the communication; and

'(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

'(d) ADDITIONAL REQUIREMENTS.—

'(1) AUDIO STATEMENT.—

(A) CANDIDATE.—Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

'(B) OTHER PERSONS.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: 'XXXXXXXX is responsible for the content of this advertising.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.'.

'(2) TELEVISION.—If a communication described in paragraph (1)(A) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

'(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

'(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.'.

SEC. . SEVERABILITY.

If this amendment or the application of this amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

Mr. DURBIN. I have given a copy of the amendment to Senator MCCONNELL and I will make copies available to any other Members who would like to read it. The amendment is very straightforward. If I can have just a moment or two, I will describe it for those who are interested.

It is an amendment relating to disclaimers on television and radio ads, as well as in print media. It requires of those electioneering communications—the so-called Snowe-Jeffords ads—that they abide by the same requirements for disclaimer and disclosure as ads for candidates themselves and ads authorized by candidates, and independent express advocacy ads. It requires, when it comes to these ads, that they also show on the screen, for example, not only the name of the organization that is sponsoring the ad, paying for the ad, but also either an address, phone number, or Internet Web site.

I can give a very inspired speech as to why this is necessary. But I think the concept is very basic. It is that we do not want to restrict freedom of expression, nor in fact do we restrict freedom of deception. If somebody wants to put an ad on that is categorically wrong, whether it is a candidate, a party, or any other group, I guess there is an American right to that. But we do, I hope, insist on accountability. At least identify who you are. If you are going to be part of our political process, tell us who you are. That is exactly all this does in terms of disclaimer. Whether it is a candidate, whether an ad authorized by a candidate, or so-called electioneering communication, that is what will happen. It applies to printed communications as well.

For those keeping track, this was part of McCain-Feingold in both the 105th and 106th Congress—a large portion of it was. It is something that many of us believe, and it was adopted by the House, would complement the work we have done thus far in the debate.

Mr. DODD. Mr. President, I commend our colleague from Illinois. This is a very worthwhile amendment. We can all relate to this. We have seen these ads come on and you have to freeze frame it and get a magnifying glass to even read the source, where they are coming from. Usually, it is a name that has no identification other than something that sounds very good and hardly revealing as to who is responsible for it, let alone any address or telephone number that would allow the kind of disclosure that ought to be associated with this kind of advertising.

This is a very commonsensical. I think everybody ought to appreciate the effort. I commend my colleague for offering it. I am happy to be a cosponsor of it and urge its adoption.

Mr. MCCONNELL. Mr. President, the amendment of the Senator from Illinois is a clear violation of the Supreme Court decision of McIntyre v. Ohio Elections Commission, handed down in 1995, in which the Supreme Court made it abundantly clear that you cannot require disclaimers on issue ads.

Having said that, I think everybody knows that the Senator from Kentucky would like to hang as many barnacles as possible on the hull of this bill, and I look forward to having one more argument to make before the courts. Therefore, I have no objection to this being adopted on a voice vote.

Mr. DODD. Who said politics makes strange bedfellows?

The PRESIDING OFFICER. Do all Senators yield back their time?

Mr. DURBIN. I yield back my time.

Mr. MCCONNELL. I yield back my time.

Mr. DURBIN. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 162) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 163

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. DODD), for himself, Mr. THOMPSON, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, and Mr. Jeffords, proposes an amendment numbered 163.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations and for other purposes)

On page 37, between lines 14 and 15, insert the following:

SEC. . INCREASE IN PENALTIES.

(a) IN GENERAL.—Subparagraph (A) of section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

"(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

"(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

"(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. . STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking "3" and inserting "5".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. . SENTENCING GUIDELINES.

(a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(6) Assure the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—

(1) EFFECTIVE DATE.—Notwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the date of enactment of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are appointed and holding office.

(2) EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

Mr. THOMPSON. Mr. President, I am offering this amendment on behalf of Senator LIEBERMAN, Senator COLLINS, Senator LEAHY, and Senator JEFFORDS. It is designed to strengthen the enforcement of the criminal provisions of the Federal Election Campaign Act.

Four years ago, the Governmental Affairs Committee held hearings on illegal and improper activity in the 1996 presidential campaign. As a result of that investigation, we learned about a wide-ranging effort to circumvent the federal election laws by funneling campaign contributions, sometimes from foreign sources, through American citizens to benefit presidential campaigns.

While I have voiced my concerns about the quality of the Department of Justice's investigation and prosecution of these violators, today I am addressing structural flaws in the statute that make it difficult for the more conscientious prosecutors to adequately pursue their cases. Specifically: FECA fails to provide for felony prosecutions regardless of the severity of the offense. Its three year statute of limitations is too short—for instance, only the administration that wins the election can enforce the law prior to the running of the statute of limitations. Finally, there is no sentencing guideline for FECA violations. Because of these deficiencies in the statute, our amendment would make the following changes.

First, in the 1996 presidential campaign, the Special Investigation of the

Governmental Affairs Committee identified at least $2,825,600 in illegal contributions to the DNC. Yet, regardless of the extent to which the laws were broken, all the violations under FECA were still misdemeanors. Our amendment would remedy this problem for the future by authorizing felony prosecutions of FECA violations, but only if (1) the offender committed the existing federal offense "knowingly and willfully" and (2) the offense involved more than $25,000.

Second, criminal violations of FECA are the only federal crimes outside of the Internal Revenue Code that have a statute of limitations shorter than 5 years. Our amendment conforms FECA's statute of limitations to those of virtually all other federal crimes.

Third, the Federal Sentencing Guidelines, which govern federal judges' sentencing decisions, do not currently have a guideline specifically directed at campaign finance violations. As a result, judges must use guidelines for other offenses, preventing them from considering factors which should enhance the punishment for FECA violations such as the size of a contribution or its origin. Our amendment would require the Sentencing Commission to promulgate a guideline specifically for violations of FECA and provide for enhancement of sentences if the violation involves (i) a contribution, donation or expenditure from a foreign source; (ii) a large number of illegal transactions; (iii) a large aggregate amount of illegal contributions, donations or expenditures; (iv) the receipt or disbursement of government funds; or (v) an intent to achieve a benefit from the government.

The changes made in this amendment will provide conscientious prosecutors with the tools they need to investigate and prosecute those who violate our campaign finance laws and attack the integrity of our electoral process. For that reason, I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleague from Tennessee in offering this amendment, and I am delighted to be joined by Senators LEAHY, COLLINS and JEFFORDS as cosponsors. Senators THOMPSON, COLLINS and I spent the better part of a year working on the Governmental Affairs Committee's investigation into fundraising improprieties in the 1996 federal election campaigns. That investigation sparked a lot of discussion about whether many things that happened in 1996 were illegal or just wrong—things like big soft money donations, attack ads run by tax-exempt organizations, fundraising in federal buildings and the like.

But one thing I never heard argument about is whether it was illegal to knowingly infuse foreign money into a political campaign or to use unwitting straw donors to hide the true source of money that was going to candidates or parties. I, for one, had no doubt that the people who did those things in 1996 would be prosecuted and appropriately punished.

Unfortunately, Mr. President, many of them were prosecuted, but I have grave doubts about whether they were appropriately punished. I know that there are many who blame the Justice Department for this, but when I first looked into it a couple of years ago, I was frankly surprised by what I learned—and that is that prosecutors just don't have the tools they need to effectively investigate, prosecute and punish people who egregiously violate our campaign finance laws. I think Charles LaBella, the former head of the Justice Department's Campaign Finance Task Force, put it best in a memo he wrote assessing the Department's campaign finance investigation. According to press reports, LaBella wrote that "The fact is that the so-called enforcement system is nothing more than a bad joke." Unfortunately, it's a bad joke that has real consequences for the integrity of our campaigns and our democracy.

Let me give you one example. Many people are understandably upset that Charlie Trie and John Huang didn't go to jail for what they did in '96. But the Federal Election Campaign Act, or FECA, doesn't authorize felony prosecutions. No matter how egregiously someone violates FECA, all they can be charged with is a misdemeanor. And people rarely go to jail for misdemeanors.

To get around FECA's limits, prosecutors often charge campaign finance abusers with other federal crimes that are felonies, which is what they did with Trie and Huang. But that still often doesn't solve the problem. That's because when it comes time for sentencing, judges have to turn to the Federal Sentencing Guidelines, which still often bring light sentences because there is no guideline on campaign finance violations.

The guidelines assign what's called a "base offense level" for each crime, and then they give a number of factors that, if present, tell the judge either to increase or decrease the offense level. The higher the offense level, the higher the sentence.

Because the Guidelines don't have a provision on campaign finance violations, judges have to look for the next closest offense, and they often end up using the fraud guideline. But that guideline doesn't take into account the factors that make campaign finance violations so harmful, and the factors that are there often aren't particularly relevant to campaign finance violations. For example, there is nothing in the guideline that makes judges distinguish between a campaign finance violation involving $2,000 and one involving $2,000,000. So, when judges calculate the offense level of a defendant who funneled millions of foreign dollars into a US campaign, they don't end up with a high offense level, meaning that the defendant doesn't get a lengthy sentence. The prosecutors know this and the defendants know this, and that must be one of the reasons why prosecutors accepted plea bargains from John Huang and Charlie Trie—because they knew they wouldn't do much better even if they won convictions at trial.

Our amendment would solve these problems, by putting a felony provision into FECA and by directing the Sentencing Commission to promulgate a campaign finance guideline. If those two things happen, we will have greater confidence that those who violate the law will be appropriately punished.

I understand that some may worry that we are criminalizing participating in the political process. That is neither the intent nor the effect of this amendment. Our amendment would allow felony prosecutions only if, first, the defendant knowingly and willfully violated the law, and second, if the offense involved at least $25,000. So, it would not punish the donor who inadvertently goes over his contribution limits, nor would it go after the Party Committee clerk who makes a record-keeping mistake. Instead, our amendment aims at the opportunistic hustlers who come up with broad conspiracies to violate the election laws usually for personal gain by funneling foreign money into our campaigns or using large numbers of straw donors to hide their identity or make contributions they aren't allowed to make the people everyone says should be going to jail.

Our amendment contains one other provision—one extending FECA's statute of limitations from three to five years. As of now, FECA has the only statute of limitations outside the Internal Revenue Code of less than five years. We need to change that so that prosecutors are denied the time they need to pursue complex crimes.

Mr. President, this amendment is about something that we all should be able to agree upon, which is that actions that are already criminal and that we all agree are wrong should be punished. None of our amendment's provisions should be controversial, and I hope that we can see them enacted into law, so that we can go into the next election cycle with confidence that prosecutors have the tools necessary to deter and to punish those who would violate our election laws. I thank my colleagues, and I yield the floor.

Mr. DODD. Mr. President, I understand this amendment has been cleared by both sides. The amendment enhances the criminal enforcement provisions of the FECA legislation by authorizing felony prosecutions of willful and knowing violations of that law over $25,000, directs the Sentencing Commission to promulgate guidelines on campaign finance violations, and extends the FECA statute of limitations for criminal violations from 3 to 5 years.

Mr. McCONNELL. Mr. President, I am sure this must be a wonderful idea if it was offered by Senator LIEBERMAN and Senator THOMPSON. Therefore, I am happy for the amendment to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 163) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that on the table.

The motion to table was agreed to.

Mr. DODD. While we are waiting for Senator HATCH, Senator REED from Rhode Island has an amendment he would like to have considered.

AMENDMENT NO. 164

Mr. REED. Mr. President, I send an amendment to the desk:

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 164.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

(Purpose: To make amendments regarding the enforcement authority and procedures of the Federal Election Commission)

On page 37, between line 14 and 15, insert the following:

SEC. . AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer an active candidate for the office sought by the candidate in that election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. . AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. . INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

SEC. . USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local committee of a political party, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. . EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by this Act, is amended by adding at the end the following:

"(14) EXPEDITED PROCEDURE.—

"(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

"(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by inserting "(a)" before "There";

(2) in the second sentence—

(A) by striking "and" after "1978,"; and

(B) by striking the period at the end and inserting the following: ", and $80,000,000 (as adjusted under subsection (b)) for each fiscal year beginning after September 30, 2001."; and

(3) by adding at the end the following:

"(b) The $80,000,000 under subsection (a) shall be increased with respect to each fiscal year based on the increase in the price index determined under section 315(c) for the calendar year in which such fiscal year begins, except that the base period shall be calendar year 2000.".

SEC. . EXPEDITED REFERRALS TO ATTORNEY GENERAL.

Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

Mr. REED. Mr. President, I commend Senator McCAIN and Senator FEINGOLD for their extraordinary efforts over the last several weeks, together with all of our colleagues, in trying to create a system of campaign finance reform that will be truly reflective of elections in the United States—elections about ideas and not just about money flowing in from everywhere.

Their efforts will be for naught if we don't have the adequate enforcement of the laws that we are adopting today and on succeeding days.

My amendment would specifically strengthen the Federal Election Commission, which is the organization that is charged with enforcing all the laws we have been discussing for the last 2 weeks. Observers have called the FEC "beleaguered," a "toothless watchdog," a "dithering nanny," and a "lapdog," indicating that the state of the FEC is rather moribund because they don't have the resources necessary or some of the tools necessary to do the job of effectively enforcing our campaign finance laws.

All of this effort over these several weeks and several years will amount to very little if we don't give the FEC the resources and tools to effectively enforce our campaign finance laws. If we are serious about reform, we need to be serious about giving the FEC these resources.

My amendment is based upon recommendations made by the FEC Commissioners over many years with respect to improving the performance of the FEC. As we all know, the FEC is composed of six Commissioners—three Republicans and three Democrats. These recommendations represent a bipartisan response to the observed inadequacies of the Federal Election Commission. First and foremost, my amendment would reauthorize the Federal Election Commission, which hasn't been technically reauthorized since 1980. It would also increase the authorized appropriations for this Commission. Over the past 2 weeks, we have talked about doubling and tripling money going to candidates. Again, if we are serious about campaign finance reform, we should also talk about increasing the budget of the FEC. Senator THOMPSON mentioned yesterday that the average amount spent by a winning Senate campaign went from approximately $1.2 million in 1980, to $7.2 million in the year 2000.

According to the FEC, total campaign spending has increased 1,000 percent since 1976. Total campaign finance disbursement activity was $300 million in 1976 and exploded to $3.5 billion in the year 2000 election cycle. But the agency responsible for administering these campaign finance laws, the Federal Election Commission, has seen very little increase in their operating budget over these many years. We have had an explosion of activity, we have had an explosion of contributions, but nothing to keep the FEC in league or in sync with this explosion of campaign spending.

Despite all the increased activity, the FEC staff is virtually the same as it was almost 20 years ago. In 1980, the FEC had 270 full-time equivalent staff. In 1998, the level was about 303, a very small increase, and at the same time there has been an explosion of donations, an explosion of reports, and increased in activity.

It is obvious with all of these activities, with all of these transactions that were reported that the FEC needs to do more and needs more resources to do the job it has been commissioned to do. The FEC is expected to review these financial reports. They are expected to enforce the laws, and unless we give them the resources to do that, we are going to be in a very sorry state and, indeed, we are in a very sorry state today. Because of the onslaught of cases before the FEC, it has to prioritize its enforcement work.

It turns out they give certain cases priority status. That means when there is an available attorney, they will put that attorney on the case, but there are so many cases that they eventually become stale. In fact, the FEC had to dismiss about half of its enforcement caseload in fiscal year 1998 and in fiscal year 1999 due to lack of resources. Due to the limited resources they have, they simply cannot keep up with the work. Once again, if we are serious about reform, we should be serious about giving the FEC the resources to do it.

Let me move forward and suggest other aspects of the legislation which is before us today in my amendment. In addition to increasing the resources to meet this obvious need, the amendment would also authorize the Commission to conduct random audits in order to ensure voluntary compliance with the campaign act.

It is based upon the same premise we use with the Internal Revenue Service. The idea that somebody would show up and look at your records encourages you to keep good records and to follow the law. That same principle would be effective with respect to the Federal Election Commission.

In addition to giving authority for random audits, it also would give the Commission the authority to seek an injunction from a Federal judge under specific circumstances.

First, there would have to be a substantial likelihood that a violation of campaign finance laws is occurring or is about to occur. There has to be a showing that the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation, and that expeditious action would not cause undue harm to a party affected by the potential violation, and finally, the public interest would be best served by such an injunction.

I point out that in order to seek such an injunction, the Commission would have to have a majority vote, 4 out of 6, and since there are three Republicans and three Democrats, this process of injunction would necessarily have to include votes from both Republicans and Democrats. I think it is a way to ensure fairness and not abuse this injunctive power.

In addition to providing these aspects, the amendment would do something else. It would also increase the penalties for willful violations and knowing violations of the Federal Election Campaign Act. The violations would be increased from $10,000 to $15,000 or an amount equal to 300 percent of the violation amount, the greater of those two sums.

The amendment also includes a provision that would restrict the misuse of a candidate's name. It would require that a candidate's committee include the name of the candidate, but it also would prohibit the use of that candidate's name by an unauthorized committee or any other committee except the party committee.

This would, I hope, correct a situation in which committees or organizations unrelated to the candidate use the name of the candidate and misuse the name of the candidate.

Also, the amendment would expedite procedures used by the FEC to enforce violations or investigate violations of the Federal Election Campaign Act.

It would also allow an expedited referral to the Attorney General in the case of a perceived criminal violation of the Federal Election Campaign Act. Once again, such a referral would require a majority vote of the Commissioners, so it would be inherently bipartisan and could not be abused by a partisan faction of the Federal Election Commission.

We have for the last several weeks been working diligently, creatively to fashion stronger Federal election campaign laws. But without my amendment, all of our work might be for nought because unless we strengthen the Federal Election Commission, we will not have the enforcement capability to take this legislative design which we have worked over so many days, and make it effective to regulate the campaigns for Federal office in the United States.

I urge adoption of this amendment. I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, Senator REED seeks to reverse a decision taken in 1979. Back in 1979, under pressure from House Democrats, the Democratic-controlled House and Senate passed the amendment, signed into law by a Democratic President, which eliminated random audits.

The catalyst was a large number of audits that were commenced consuming enormous amounts of time and money and done in a manner which was viewed as unfair.

This provision may present the same problem. I say to my friend from Rhode Island, we are going to need to look at it overnight. My inclination is to oppose it, in which case we will need a rollcall vote. At least we can look at it overnight.

It is unclear who authorizes the audits, the six appointed members of the Commission or the general counsel appointed by those members? The period commencing these random audits is extended from 6 months to 12 months. Campaigns will have to wait 1 year before they even know if an audit will begin and if they need to raise additional funds to cover the cost.

There is no time limit for commencing audits of PACs or party committees. The 1979 amendment allowed the Commission to continue audits for cause where the FEC reviews the reports to determine if they meet the threshold for substantial compliance.

After the review, it takes an affirmative vote of four Commissioners to conduct an audit. The only other agency I know that conducts random audits is the IRS, and even they are scaling back.

Practically speaking, an audit by the FEC takes years, costs tens, even hundreds of thousands of dollars in lawyers and accountants. For instance, the audit of the 1996 Republican Convention concluded just months before the 2000 convention.

To carry out this provision, the FEC will have to double or even triple its audit staff. This is wrong for the FEC to review the record before commencing an audit, which precisely will no longer be the case under the Reed amendment.

We will have more to say about it tomorrow. Suffice it to say, I say to my friend from Rhode Island, he gets the drift. I think this is a step in the wrong direction, and I think Members of the Senate need to be apprised of the fact that they may be subjected to these lengthy and costly audits under the Senator's amendment.

Maybe we will wake up and see the light and conclude the amendment of the Senator from Rhode Island is a good idea. In any event, we will have to carry it over until tomorrow.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Rhode Island for bringing this up. These were provisions we proposed as well over the last number of years.

There are very good concepts here. The random audit races issues can be very expensive. If there is no cause for doing it randomly, there is a legitimate concern this can be abused by those who would like to become a policing action, without any rationale for doing it, other than for the sake of doing it.

I would like to sleep on this and take a look at it and see if we can maybe get some agreement to accept it tomorrow, maybe make some modification; rather than dealing with it this evening, see if the staff can work on it, the majority and the minority, to see if we can come up with a proposal to be accepted before we can bring it up for consideration between 9 o'clock and 11 o'clock in the morning. If the Senator would agree, that would help.

Mr. REED. I have no opposition to working in a purposeful manner.

I reassure the Senator of concerns expressed. First, the random audit would have to be approved by the majority of commissioners. This is not something that would be inherently abusive, since it requires four commissioners, at least one of whom has to be from the opposing party.

In addition, the audits would be subject to strict confidentiality rules and only when the audits are completed would they be published, and not try to insinuate an audit into the newspapers for political campaign purposes.

I do believe this is a good way to reach compliance, and it is something that has been suggested by those people who look closely at the Federal Election Commission.

With respect to the lengthening of the time period for audit, the length is increased from 6 months to 12 months for those audits for cause. I think that is a reasonable amendment to the current practice. I hope it is accepted.

As the Senator from Connecticut and the Senator from Kentucky suggest, I have no opposition to thinking on this overnight and coming back.

Mr. DODD. I thank my colleague.

I have an amendment I may offer tomorrow, but we will have the staff look at it and get their thoughts on it. We have done a lot of work. There are outstanding amendments, including the amendment of Senator REED of Rhode Island, an amendment of Senator HATCH and Senator SPECTER, and one I want to offer tomorrow morning, if necessary, with half an hour equally divided. That will be between 9 o'clock and 11 o'clock and we should be able to wrap this up.

Mr. McCONNELL. Mr. President, I would like to read into the RECORD excerpts from the cogent analysis of S. 27 that was prepared by James Bopp, Jr., General Counsel of the James Madison Center for Free Speech, entitled "Analysis of S. 27, 'McCain-Feingold 2001.' " In this analysis, Mr. Bopp thoroughly demonstrates why this bill violates the free speech and associational rights of individuals, political parties, labor unions, corporations, and "issue advocacy" groups.

Mr. Bopp begins his analysis by noting whom S. 27 will hurt—the "little guy", as he puts it—and whom it will help, chiefly the wealthy and the news corporations:

> McCain-Feingold 2001 is a broad-based and pernicious attack on the rights of average citizens to participate in the democratic process, thereby enhancing the power of already powerful wealthy individuals, millionaire candidates, and large news corporations—the archetypal story of big guys enhancing their power to dominate the little guy.
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> McCain-Feingold 2001 is a major assault on the average citizen's ability to participate in the political process because it targets and imposes severe restrictions on two key citizen groups, which serve as the only effective vehicles through which average citizens may pool their money to express themselves effectively: issue advocacy groups and political parties. However, McCain-Feingold 2001 leaves wealthy individuals and candidates and powerful news corporations unscathed, thereby enhancing their relative power in the marketplace of ideas.
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> Both issue advocacy groups and political parties are private organizations that provide a vehicle for average citizens to effectively participate in the political process by pooling their resources to enhance their individual voices. These organizations participate broadly in our democratic process by advocating issues of public concern, lobbying for legislation, and directly promoting the election of candidates.
>
> Issue advocacy groups and political parties enhance individual efforts by association. One individual of average means can accomplish little alone in the public arena, but thousands of average citizens who pool their resources with like-minded individuals can accomplish great things by working together. The right to associate, therefore, is so fundamental to our democratic Republic and the ability of average citizens to affect public policy so important that the United States Supreme Court has recognized it as a fundamental right with powerful constitutional protection.
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> Furthermore, political parties are not just about electing candidates, particularly federal ones. Political parties constitute a vital way by which citizens come together around issues and values expressed in the planks of their party platforms—at all levels of government. Parties advocate these issues in the public forum in addition to lobbying for legislation and engaging in efforts to elect candidates. Parties are just as focused on the promotion of issues as are ideological corporations, such as the National Right to Life Committee or The Christian Coalition of America, and labor unions, such as the American Federation of Labor and Congress of Industrial Organizations, although with a broader spectrum of issues. McCain-Feingold 2001 ignores this reality and treats political parties as simply federal candidate election machines.
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> McCain-Feingold 2001 attacks the abilities of ordinary citizens to participate in the political process in two ways: (1) by focusing restrictive efforts on issue advocacy corporations, labor unions, and political parties—three organizations vital to the ability of average citizens to pool their resources to make their opinions heard, and (2) by imposing sweeping restrictions that reach broadly beyond direct participation in elections to restrict issue advocacy (limiting discussion of issues of public concern, the views of candidates on issues, and grassroots lobbying for favored legislation).
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> If McCain-Feingold 2001 succeeds, the influence of the average citizen would be drastically reduced because association with like-minded individuals is essential to effective participation in the public policy arena. With the little guys locked in the dungeon of nonparticipation, the rich and powerful will run politics, much as they did before the first and foremost campaign reform adopted by our Nation, the First Amendment, which protects the right of association and demands that "Congress . . . make no law . . . abridging the freedom of speech"—especially speech about those in power and on the critical issues of the day.
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> Campaign finance "reform" proposals, notably McCain-Feingold 2001, do not, and could not, eliminate the power of the giant news media corporations, which are protected by the First Amendment from regulation of editorial content and news coverage. Neither may the wealthy be prohibited from spending their own money—either to express their views on public issues and candidates or to advocate their own election. But the wealthy don't need to pool their resources to be effective, they have all the money they need to pay for communications about the issues they care about. Furthermore, millionaire candidates remain unaffected by

proposed campaign "reforms" because they need not rely on contributions from others—they can spend their own money to campaign—and officeholders of all stripes have the incredible power of incumbency to support their candidacy. Thus, campaign finance "reform," as proposed by McCain-Feingold 2001, strips power from the People and gives it to the already wealthy and powerful.

So there are winners and losers under McCain-Feingold 2001. The losers are citizens of average means, citizens groups, advocacy organizations, labor unions, and political parties. The winners are the wealthy, major news corporations, and incumbent politicians. It is small wonder then that the wealthiest foundations and individuals are prime supporters of so-called campaign finance "reform," that the mainstream media is the primary cheerleader for it, and that incumbent politicians are so attracted to it.

But in our Republic, founded by the People for the People, the right of the People to speak out on the most critical issues of the day in the political arena through issue advocacy and the right of the people to come together to pool their resources through associations may not be infringed without violating the Constitution. The United States Supreme Court and other federal courts have been stalwart in defense of the citizens' rights of free speech and association. Be assured that if these unconstitutional measures pass, we stand ready to promptly challenge them in the courts with a high probability of success.

Mr. Bopp then goes on to layout the general principles that the Supreme Court has set forth for analyzing government restrictions on political speech and political association. He states that:

"Many of the so-called reforms floating around Washington are in fact nothing more than incumbent protection acts. Many politicians feel threatened by negative advertisements and want to control what is said during campaigns." Others want to reduce spending on campaigns.

Chief among these proposals is McCain-Feingold 2001, the self-styled "Bipartisan Campaign Reform Act of 2001" (S. 27), sponsored principally by Senators John McCain and Russell Feingold. Though announced with the promise of reducing the corrupting influence of big money, McCain-Feingold 2001 is instead a broad attack on citizen participation in our democratic Republic. This bill shakes a fist at the First Amendment; if passed, it is destined for a court-ordered funeral. The most egregious provisions and their infirmities are discussed below.

As noted in the introduction, average citizens must pool their resources to have an effect in the political sphere of issue advocacy, lobbying, and electoral activity. The wealthy and powerful have no such need. So ordinary people band together in ideological corporations, labor unions, and political parties to amplify their voices. This right to associate is a bedrock principle of our democratic Republic, powerfully protected by the U.S. Constitution. McCain-Feingold 2001, however, would suppress this ability, along with the foundational constitutional right to free speech.

It should be noted at the outset of this analysis that political speech and association are at the heart of the First Amendment protections. As the United States Supreme Court has declared, "the constitutional guarantee [of the First Amendment] has its fullest and most urgent application precisely to the conduct of campaigns for political office." Free expression in connection with elections is no second-class citizen, rather political expression is "at the core of our electoral process and of the First Amendment freedoms." Thus, "there is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs, . . . of course includ[ing] discussions of candidates."

Furthermore, the fundamental right of association was well articulated by the United States Supreme Court in the case of NAACP v. Alabama, when the Court reviewed a suit against the National Association for the Advancement of Colored People brought by the State of Alabama seeking disclosure of all its members.

The unanimous U.S. Supreme Court strongly affirmed the constitutional protection for the freedom of association:

"Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly. It is beyond debate that freedom in association for the advancement of beliefs and ideas is an inseparable aspect of the "liberty" assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. Of course, it is immaterial whether the beliefs sought to be advanced by association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny."

Thus, the Court held that "[i]nviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs," and it, therefore, protected the identity of members of the NAACP form disclosure.

In Buckley v. Valeo, the Supreme Court reaffirmed the constitutional protection for association. '[E]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association. [Consequently,] the First and Fourteenth Amendments guarantee freedom to associate with others for the common advancement of political beliefs and ideas.' The Court then noted that 'action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny.' This highest level of constitutional protection, of course, flows from the essential function of associations in allowing effective participation in our democratic Republic. Organizations, from political action committees ('PACs') to ideological corporations to labor unions to political parties, exist to permit 'amplified individual speech.'

Mr. President, Mr. Bopp next explains how S. 27 unconstitutionally prohibits and restricts the abilities of outside groups to exercise their rights to freedom of speech and of association. He first discusses how the bill's "electioneering communication" standard sweeps in issue speech and then shows how that standard violates Supreme Court precedent:

McCain-Feingold 2001 prohibits political participation by citizens of average means by broadly defining 'electioneering communication' so that issue advocacy expenditures currently permitted become forbidden under federal law for corporations and labor unions.

McCain-Feingold 2001 restricts the issue advocacy of ideological, nonprofit corporations and labor unions by first defining 'electioneering communication' to include issue advocacy, i.e., 'any broadcast, cable, or satellite communication' to 'members of the electorate' that 'refers to a clearly identified [federal] candidate' 'within 60 days before a general . . . election (30 days before primaries),' and then adding it to the list of prohibited activities by corporations and labor unions.

The broad definition of 'electioneering communication' plainly sweeps in and prohibits a wide variety of issue advocacy communications traditionally engaged in by such organizations. First, Congress is often in session within 60 days before a general election and 30 days before a primary. As a result, grass-roots lobbying regarding a bill to be voted on during this 60 period would be prohibited if the broadcast communication named a candidate by referring to the bill in question ('the McCain-Feingold bill') or by asking a constituent to lobby their Congressman or Senator.

With corporations and labor unions prohibited from making such communications, McCain-Feingold 2001 then requires those that may still do so, individuals and PACs, that spend over $10,000 per year, to file reports with the FEC. Among other things, the reports must list every disbursement over $200 and to whom it was made, the candidate(s) to be identified, and the identity of all contributors aggregating $1,000 or more during the year. The $10,000 triggering expenditure occurs when a contract is made to disburse the funds, which might be months in advance—allowing ample time for incumbent politicians, who object to the general public being informed of their voting record or positions on issues, to attempt to discourage the broadcast medium, or to intimidate the person or PAC paying for the ad, from actually running the ad.

In sum, the issue advocacy communications of nonprofit corporations and labor unions, are treated like express advocacy communications and organizations doing such issue advocacy are treated like PACs. However, as seen next, there is no constitutional warrant for Congress to regulate issue advocacy or the organizations that primarily engage in it. Period.

To protect First Amendment freedom, the Supreme Court has created a bright line between permitted and proscribed regulation of political speech. Government may only regulate a communication that 'expressly advocates the election or defeat of a clearly identified candidate' ('express advocacy'), by 'explicit words' or 'in express terms,' such as 'vote for,' 'support,' or 'defeat.' Election-related speech that discusses candidates' views on issues is known by the legal term of art 'issue advocacy.' Although issue advocacy undoubtedly influences elections, it is absolutely protected from regulation—even if done by corporations, labor unions, or political parties.

Although the First Amendment says that 'Congress shall make no law . . . abridging the freedom of speech', the 'reformers,' and the incumbent politicians that their efforts would protect, have refused to take "no" as an answer. But the federal courts have consistently enforced the First Amendment against all attempts to regulate issue advocacy.

The Supreme Court has recognized that the freedom of speech is both an inherent liberty and a necessary instrument for limited

> representative government. The Court observed that '[i]n a republic where the people[, not their legislators,] are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those elected will inevitably shape the course that we follow as a nation.' As a result, 'it can hardly be doubted that the constitutional guarantee [of the freedom of speech] has its fullest and most urgent application precisely to the conduct of campaigns for political office.'
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> The seminal case is the 1976 decision of Buckley v. Valeo, where the Supreme Court was faced with constitutional questions regarding the post-Watergate amendments to the Federal Election Campaign Act ('FECA')—which was by far the most comprehensive attempt to regulate election-related communications and spending to date. One of the more nettlesome problems with which the Court struggled was the question of what speech could be constitutionally subject to government regulation. The post-Watergate FECA was written broadly, subjecting any speech to regulation that was made 'relative to a clearly identified candidate' or 'for the purpose of . . . influencing' the nomination or election of candidates for public office.
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> In considering this question, the Court recognized that the difference between issue and candidate advocacy often dissipated in the real world:
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> "[T]he distinction between discussion of issues and candidates and advocacy of the election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest."
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> Thus, the Court was faced with a dilemma whether to allow regulation of issue advocacy because it might influence an election or to protect issue advocacy because it is vital to the conduct of our representative democracy, even though it ,would influence elections.
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> The Court resolved this dilemma decisively in favor of protection of issue advocacy. First, the Court recognized that 'a major purpose of [the First Amendment] was to protect the free discussion of governmental affairs . . . of course includ[ing] discussions of candidates.' Thus, the Court concluded that issue advocacy was constitutionally sacrosanct:
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> "Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution. The First Amendment affords the broadest protection tc such political expression in order 'to assure [the] unfettered interchange of ideas for the bringing about of political and social changes desired by the people.'"
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> Second, in order to provide this broad protection to issue advocacy, the Court adopted the bright-line 'express advocacy' test which limited government regulation to only those communications which 'expressly advocate the election or defeat of a clearly identified candidate,' in 'explicit words' or by 'express terms.' In so doing, the Court narrowed the reach of the FECA's disclosure provisions to cover only 'express advocacy.' A decade later, the Court reaffirmed the express advocacy standard and applied it to the ban on corporate and labor union contributions and expenditures in connection with federal elections.
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> Finally, not even the interest in preventing actual or apparent corruption of candidates, which was found sufficiently compelling to justify contribution limits, was deemed adequate to regulate issue advocacy. The Court rejected this interest even though it recognized that issue advocacy could potentially be abused to obtain improper benefits from candidates.
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> In adopting a test that focused on the words actually spoken by the speaker, the Court expressly rejected the argument that the test should focus on the intent of the speaker or whether the effect of the message would be to influence an election:
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> "[W]hether words intended and designed to fall short of invitation [to vote for or against a candidate] would miss the mark is a question both of intent and of effect. No speaker, in such circumstances, safely could assume that anything he might say upon the general subject would not be understood by some as an invitation. In short, the supposedly clear-cut distinction between discussion, laudation, general advocacy, and solicitation puts the speaker in these circumstances wholly at the mercy of the varied understanding of his hearers and consequently of whatever inference may be drawn as to his intent and meaning.
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> "Such a distinction offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim."
>
> Some 'reformers' claim that the Court was not sufficiently farsighted to see the effect that issue advocacy would eventually have in influencing elections and, if we only bring this to their attention, then the Court will allow government regulation of it. However, the Court made clear that it was not so naive:
>
> "Public discussion of public issues which also are campaign issues readily and often unavoidably draws in candidates and their positions, their voting records and other official conduct. Discussions of those issues, as well as more positive efforts to influence public opinion on them, tend naturally and inexorably to exert some influence on voting at elections."
>
> As a result, the Court explicitly endorsed the use of issue advocacy to influence elections:
>
> "So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views."
>
> The several lower federal courts and state courts that have been faced with restrictions on issue advocacy have faithfully adhered to the 'explicit' or 'express' words of advocacy test according to its plain terms.
>
> For example, in Michigan, the Secretary of State promulgated a rule that banned corporate and labor union communications made within 45 days of an election that merely contained the 'name or likeness of a candidate.' Two traditional adversaries, Right To Life of Michigan and Planned Parenthood, challenged the rule in separate federal courts and had the rule declared unconstitutional. Consequently, if passed, McCain-Feingold 2001's materially identical 'electioneering communication' definition is dead on arrival in the federal courts.
>
> The weight of authority is indeed heavy; the express advocacy test means exactly what it says. Campaign finance statutes regulating more than explicit words of advocacy of the election or defeat of clearly identified candidates are 'impermissibly broad' under the First Amendment."

Mr. President, Mr. Bopp then notes that while S. 27 has an exception for not-for-profit corporations so that they would not be banned from engaging in core political speech, issue advocacy, the price that the bill extorts from these groups from doing so—the disclosure of confidential donor information—is unconstitutional. I will quote Mr. Bopp's analysis of this part of S. 27, Mr. President, but I should note that because this body has adopted Senator WELLSTONE's amendment to this bill, not-for-profit corporations now cannot engage in issue advocacy at all within 60 days of an election, even if they divulge to the federal government their confidential donor information. Mr. Bopp observes that:

> McCain-Feingold 2001 makes a very minor exception for nonprofits that (1) permits expenditures for "electioneering communication," (2) applies only to those organizations tax exempt under §§501(c)(4) or 527 of the Internal Revenue Code, and (3) applies only if they are made by a quasi-PAC established by the corporation, to which contributions can only be made by individuals and with respect to which all receipts and disbursements must be reported.
>
> The first thing to be noted about this minor exception is that it only applies to 501(c)(4) and 527 organizations. That means all other nonprofits are excluded from engaging in issue advocacy for a couple of months before an election, including 501(c)(3)s, veterans groups, trade associations, and labor unions.
>
> Furthermore, this quasi-PAC is required to report all of its contributors of $1,000 or more. This is a very substantial burden because it exposes contributors to harassment and intimidation by ideological foes. The United States Supreme Court in Buckley held that such burdens could not be applied to issue-oriented groups, as McCain-Feingold 2001 does, because disclosure of private associations is an unconstitutional burden."

Next, Mr. President, Mr. Bopp explains how the "coordination" provisions of McCain-Feingold effectively prohibits persons from exercising their First Amendment right to petition the government for redress of grievances, as well as their free speech and associational rights. Mr. Bopp notes that:

> McCain-Feingold 2001 also prohibits corporations and labor unions for funding any "coordinated activity." "Coordinated activity" is so broadly defined and uses such vague terms that it would ban nearly everything of any conceivable value to a candidate by converting it into a forbidden "contribution."
>
> "Coordinated activity" is "anything of value provided by a person [including corporations and labor unions] in connection with a Federal candidate's election who is or previously has been within the same election cycle acting in coordination with that candidate . . . (regardless of whether the value being provided is in the form of a communication that expressly advocates a vote for or against a candidate)." Thus, there are two key concepts to this prohibition: (1) "anything of value" and (2) "coordination."

Mr. Bopp first discusses why "anything of value" is both vague and broad, and he then explains why a "coordinated activity" is also extremely sweeping:

> A "coordinated activity" includes "anything of value provided by a person in connection with a Federal candidates' election." "Anything of value" is breathtakingly broad and vague and any such thing is subject to being coordinated. It provides no limit or notice to organizations subject to civil and criminal sanctions for coordinating it with a candidate.
>
> Furthermore, with respect to communications, it is not limited to express advocacy and thus clearly encompasses issue advocacy by an organization. While the courts are currently divided on whether a coordinated communication must contain express advocacy to be subject to regulation or prohibition, no court has suggested that any and all communications are so subject.
>
> Under current law, coordination between a candidate and a citizen group exists only when there is actually prior communication about a specific expenditure for a specific project that effectively puts the expenditure under the candidate's control or is made based on information provided by the candidate about the candidate's needs or plans. However, McCain-Feingold 2001 expands "coordination" to include, inter alia, mere discussion of a candidate's "message" any time during "the same election cycle," i.e., a two-year period or, perhaps, a four-year period, if it relates to a President, or a six-year period if it relates to a Senator.
>
> For example, if an incorporated ideological organization praised Sen. McCain for his work on campaign finance "reform" early in a session of Congress and worked with him on promoting such "reform" legislation, then "coordination" would be established and anything of value to Sen. McCain's candidacy would be deemed coordinated, would be a contribution to his campaign, and would be illegal because corporations cannot make contributions to candidates.
>
> However, the very notion that American citizens should be punished for communicating, or even working, with their elected officials on a wide range of public issues important to the official and his constituency by having any subsequent efforts to praise the candidate's issue position or to support the candidate in his or her campaign considered a coordinated activity is repugnant to our constitutional scheme of participatory government in a democratic Republic run by and answerable to the People. In a conceptually related context, in Clifton v. FEC, the First Circuit struck down the FEC's voter guide regulations which prohibited any oral communications with candidates in preparation of voter guides. The court held that this rule is "patently offensive to the First Amendment" and that it is "beyond reasonable belief that, to prevent corruption or illicit coordination, the government could prohibit voluntary discussions between citizens and their legislators and candidates on public issues."
>
> And coordination would also be presumed, under McCain-Feingold 2001, if the ideological corporation used the same vendor of "professional services," including "polling, media advice, fundraising, campaign research, political advice, or direct mail services (except for mailhouse services)" if the vendor had worked for a candidate and if the vendor is retained to do work related to that candidate's election. Under this scheme, a vendor's decision to do work for a candidate could unilaterally lock an ideological corporation out of otherwise permitted issue advocacy at election time. And even if the corporation has a connected PAC, the PAC would be prohibited from making an independent expenditures of more than $5,000, since that expenditure would also be deemed to be a contribution.
>
> This presumption is also fatally infirm as coordination must be proven. In Colorado Republican Federal Campaign Comm. v. FEC, the FEC took the position that party expenditures were presumed to be coordinated with their candidates as a matter of law. The Supreme Court rejected this view: "An agency's simply calling an independent expenditure a 'coordinated expenditure' cannot (for constitutional purposes) make it one. . . . [T]he government cannot foreclose the exercise of constitutional rights by mere labels." The Court held that there must be "actual coordination as a matter of fact." Congress, therefore, cannot merely recite some factual scenarios wherein it might be possible, or even probable, that coordination with candidates takes place and then presume as a matter of law that it has occurred in such instances. To do so, would allow the government to drastically curtail independent expenditures by mere labels, which cannot be constitutionally limited.
>
> Finally, McCain-Feingold finds "coordination" if there is any "general understanding" with the candidate about the expenditure. This general catchall goes way beyond the narrow understanding that the courts have on what "coordination" is. Consistent with other federal courts, the District Court in FEC v. Christian Coalition held that a communication
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> "becomes 'coordinated' where the candidate or her agents can exercise control over, or where there has been substantial discussion or negotiation between the campaign and the spender over a communication's: (1) Contents; (2) timing; (3) location, mode, or intended audience (e.g., choice between newspaper or radio advertisement); or (4) 'volume' (e.g., number of copies of printed materials or frequency of media spots). 'Substantial discussion' or 'negotiation' is such that the candidate and spender emerge as partners or joint venturers in the expressive expenditure, but the candidate and spender need not be equal partners."
>
> This is a far cry from a 'general understanding.'

Mr. President, at this point in Mr. Bopp's analysis, he explains that the citizenry needs a bright line not only to protect them from prosecution, but to protect them from a punitive investigation simply because they exercised their First Amendment rights.

> While it may be theoretically possible to do issue-advocacy without running afoul of it being a prohibited 'electioneering communication' or 'coordinated activity,' only the reckless, foolish, or wealthy and powerful are likely to try. Particularly in Washington, D.C., the punishment is in the process. Any organization that does something that could be deemed of value to a candidate can expect to be the subject of an FEC complaint and investigation to ferret out whether the activity was 'coordinated.' Thus, publicly praising an officeholder for her vote on a bill invites investigation by the FEC. Daring to tell constituents to get an incumbent to change his position on an upcoming vote could provoke an FEC investigation. This is the world of ubiquitous FEC investigations that all advocacy groups can expect.
>
> And these 'mere' investigations themselves violate the First Amendment. As the U.S. Supreme Court explained when Congress was busy investigating Communist influence in the 1940's and 50's, '[t]he mere summoning of a witness and compelling him to testify, against his will, about his beliefs, expressions or associations is a measure of government interference' with First Amendment freedoms.

Mr. President, Mr. Bopp then notes another major impediment to individuals and citizens' groups exercising their First Amendment rights, and that is how the bill's coordination provisions interplay with contribution limits. He notes that "[f]or any individual, and for any organization that can actually do a 'coordinate activity,' which seems to be only a federal PAC, the 'coordinated activity' would be limited by contribution limits. So a substantial amount of traditional 'independent expenditures' by PACs are now swept under the control of McCain-Feingold 2001 and limited because a multi-candidate PAC can only make a contribution of $5,000 per election to a candidate."

Of course, Mr. President, this is only part of the story. As Mr. Bopp explains, S. 27 also violates the free speech and associational rights of our political parties in its effort to regulate non-federal money. Specifically, he states that "[i]n its effort to regulate 'soft money,' McCain-Feingold 2001 has two dramatic adverse effects on political party activity: (1) it imposes federal election law limits on the state and local activities of national political parties, and (2) it dramatically limits the issue advocacy, legislative, and organizational activities of political parties. But first it is important to recall the U.S. Supreme Court's comment that '[w]e are not aware of any special dangers of corruption associated with political parties. . . .' Political parties are merely the People associating with others who share their values to advance issues, legislation, and candidates that further those values. When they do these things, they are just doing their historic job as good citizens. The notion that they are somehow corrupt for doing so is both strange and constitutionally infirm."

Mr. President, Mr. Bopp next notes that this bill federalizes state and local parties and totally federalizes national parties, which engage in a multitude of activities besides federal elections. He observes that "[a]lthough national parties care about local, state, and federal elections, they are treated by McCain-Feingold 2001 as if they only care about federal elections. As to state and local political parties, if there is a federal candidate on the ballot, they too are treated as if only the federal candidate matters. In short, McCain-Feingold 2001 federalizes the state and local election activities of national, state, and local political parties."

Mr. Bopp then explains how this federalization occurs: "As to national political parties, this happens as a result of the total ban on national political parties receiving 'soft money.' This happens to state and local political parties as a result of the definition of 'federal election activity,' which governs political party expenditures if any federal candidate is on the general election ballot, and which includes 'voter registration' during the 120 days before an election, 'voter identification, get-out-the-vote activity, or [any activity promoting a political party].' Therefore, if state and local political parties do 'federal election activity,' they must use 'hard money,' i.e., money subject to FECA restrictions, for such activity if a federal candidate is on the ballot. These activities are traditional activities that state and local parties have always done and the national political parties have supported. The fact that there is a federal candidate on the ballot, along with the state and local candidates for whom state and local parties have the greater concern, does not justify federalizing and limiting these activities."

Mr. Bopp concludes his analysis of S. 27 by explaining the constitutional problem with the bill's prohibition on the parties' use of non-federal dollars to engage in issue discussion. He first notes that under the bill "'federal election activity' includes 'a public communication that refers to a clearly identified [federal] candidate . . . and that promotes or supports a candidate or opposes a candidate . . . (regardless of whether the communication expressly advocates a vote for or against a candidate) . . .' Presently, political parties, like any other entity, may receive and spend an unlimited amount of money on issue advocacy. McCain-Feingold 2001 would virtually eliminate this basic constitutional freedom for national political parties, by prohibiting the receipt of all 'soft money,' and severely limit it for state and local political parties, by requiring only hard money to be used if a federal candidate is involved. Because McCain-Feingold 2001 prohibits the raising of 'soft money' by national political parties, they have no such money available for issue advocacy, legislative, and organizational activities. It treats political parties as if they were just federal-candidate election machines. As a result, McCain-Feingold 2001 has effectively amputated these other important, historical activities of political parties."

Mr. President, the constitutional problems with such restrictions on parties are explained in detail by Mr. Bopp as follows:

[T]hese restrictions fail constitutional muster. Political parties enjoy the same unfettered right to issue advocacy as other entities, which is especially appropriate because advancing a broad range of issues is their raison d'etre. 'Reforms' banning political parties from receiving and spending so-called 'soft money' cannot be justified as preventing corruption, since the Supreme Court has already held that interest insufficient for restricting issue advocacy in Buckley.

If individuals and narrow interest groups enjoy the basic First Amendment freedom to discuss issues and the position of candidates on those issues, how can political parties, which have wide bases of interests that are necessarily tempered and diffused, be deprived of the right to engage in such issue advocacy?

However, proponents of abolishing 'soft money' argue that this is simply a 'contribution limit.' The fallacy of that argument, of course, is that the Supreme Court has justified contribution limits only on the ground that large contributions create the reality or appearance of quid pro quo corruption, which, as discussed above, cannot justify a limit on issue advocacy.

Furthermore, the proposed ban on soft money contributions cannot be justified on the theory that political parties corrupt federal candidates, which the Supreme Court has already rejected. In Colorado Republican, the FEC took the position that independent, uncoordinated expenditures by political parties ought to be treated as contributions to the benefitted candidate. Such treatment would have resulted in allowing individuals, candidates, and political action committees to spend unlimited amounts of money on independent expenditures to advocate the election of a candidate, while limiting the amount a political party could spend for the same purpose.

The Supreme Court disagreed with the FEC, noting that '[w]e are not aware of any special dangers of corruption associated with political parties" and, after observing that individuals could contribute more money to political parties ($20,000) than to candidates ($1,000) and PACs ($5,000) and that the "FECA permits unregulated 'soft money' contributions to a party for certain activities,' the Court concluded that the 'opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated.' The Court continued in this vein with respect to the FEC's proposed ban on political party independent expenditures, which has direct application to McCain-Feingold 2001's ban on soft money contributions:

"[R]ather than indicating a special fear of the corruptive influence of political parties, the legislative history [of the Act] demonstrates Congress' general desire to enhance what was seen as an important and legitimate role for political parties in American elections. . . .

"We therefore believe that this Court's prior case law controls the outcome here. We do not see how a Constitution that grants to individuals, candidates, and ordinary political committees the right to make unlimited independent expenditures could deny the same right to political parties."

The concurring justices also found little, if any, opportunity for party corruption of candidates because of their very nature and structure.

The Supreme Court echoed the same theme with respect to the independent expenditures of political action committees:

"The fact that candidates and elected officials may alter or reaffirm their own positions on issues in response to political messages paid for by PACs can hardly be called corruption, for one of the essential features of democracy is the presentation to the electorate of varying points of view."

If this is true of PACs, then a fortiori there can be no corruption or appearance of corruption resulting from issue advocacy by political parties.

In addition, the Supreme Court in MCFL provided further guidance on whether the threat of corruption is posed by an organization such as a political party. The Court considered the ban on independent expenditures by corporations under 2 U.S.C. §441b. The MCFL Court evaluated whether there was any risk of corruption with regard to an MCFL-type organization that would justify such a ban on its political speech. While MCFL considered whether an ideological corporation was sufficiently like a business corporation to justify the ban on using corporate dollars for independent expenditures, there are several transferable concepts to evaluating the threat of corruption posed by a political party.

The concern raised by the FEC in MCFL was that §441b served to prevent corruption by 'prevent[ing] an organization from using an individual's money for purposes that the individual may not support.' The Court found that '[t]his rationale for regulation is not compelling with respect' to MCFL-type organizations because '[i]ndividuals who contribute to [an MCFL-type organization] are fully aware of its political purposes, and in fact contribute precisely because they support those purposes.' '[I]ndividuals contribute to a political organization in part because they regard such a contribution as a more effective means of advocacy than spending the money under their own personal direction.' 'Finally, a contributor dissatisfied with how funds are used can simply stop contributing.' Thus, the Court held that the prohibitions on corporate contributions and expenditures in §441b could not be constitutionally applied to non-profit ideological corporations which do not serve as a conduit for business corporation contributions.

Political parties similarly pose no risk of corruption because people give money to parties precisely because they support what the political party stands for. A contribution to a political party is for the purpose of enhancing advocacy of the issues the party represents. Any individual unhappy with the use of the money may simply quit contributing and leave the political party. In sum, the threat of corruption cannot justify a limit on issue advocacy and, even if it could, political parties pose no threat of corruption to their candidates.

Finally, the Supreme Court also found that, just as independent expenditures of interest groups pose no danger of corrupting candidates, neither do those of political parties. And while no one disputes that expenditures on express advocacy actually coordinated with candidates are properly contributions to the candidate because of the possibility of quid pro quo corruption, the Court held that coordination must be proven as a matter of fact; it cannot be presumed. 'Reforms' may not presume coordination where it does not actually exist.

Thus, there is no justification, in either policy or law, for the severe limits on national, state, and local political parties that McCain-Feingold 2001 imposes.

Thus, Mr. President, Mr. Bopp has thoroughly shown the myriad of constitutional problems from which this bill suffers, and I am confident that the Supreme Court will ultimately validate his analysis.

Mr. President, I ask unanimous consent to have printed in the Record, the letter authored by Laura Murphy, Director of the Washington, D.C. office of the American Civil Liberties Union and Professor Joel Gora of the Brooklyn Law School. In this letter, Ms. Murphy and Professor Gora analyze S. 27, "The Bipartisan Campaign Reform Act of 2001" and thoroughly discuss its many constitutional infirmities.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Civil Liberties Union,
Washington National Office,
Washington, DC, March 20, 2001.

Dear Senator: The McCain-Feingold bill, also misnamed as "The Bipartisan Campaign Finance Reform Act of 2001" (S. 27) is a destructive distraction from the serious business of meaningful campaign finance reform. Meaningful campaign finance reform would develop comprehensive programs for providing public resources, benefits and support for all qualified federal political candidates. Since 25 years of experience have shown that limits on political funding simply won't work, constitutionally or practically, it is time to seek a more First Amendment-friendly way to expand political opportunity. Public financing for all qualified candidates is an option that provides the necessary support for candidacies without the imposition of burdensome and unconstitutional limits and restraints. The ACLU has long argued for this, but instead we must use our time today to condemn the ill-conceived iterations of McCain-Feingold that are non-remedies to our national campaign finance woes and are wholly at odds with the essence of the First Amendment.

Simply put, the McCain-Feingold bill is a recipe for political repression because it egregiously violates longstanding free speech rights in several ways: It stifles issue advocacy in violation of the First Amendment; it criminalizes any constitutionally-protected contact that groups and individuals may have with candidates (through bans on so-called "coordination"); and it virtually destroys political parties in an unconstitutional fashion.

I. S. 27 ERODES ROBUST CITIZEN SPEECH PRIOR TO ELECTIONS

As Virginia Woolf stated, "If we don't believe in freedom of expression for people we despise, we don't believe in it at all." Clearly, the authors and supporters of McCain-Feingold despise any form of issue advocacy that has the audacity to mention candidates for federal office by name. The bill virtually silences issue advocacy (redefined as "electioneering communications") in three ways:

Section 201 requires accelerated and expanded disclosure of the funding of issue advocacy.

Section 202 effectively criminalizes issue advocacy as a prohibited contribution if it is "coordinated" in the loosest sense of that term with a federal candidate.

Section 203 bans issue advocacy completely if it is sponsored by a labor union, a corporation (including such non-profit corporations organized to advance a particular cause like the ACLU or the National Right to Life Committee or Planned Parenthood, unless they are willing to obey the government's stringent new rules) or other similar organized entity. Even an individual who receives financial support—from prohibited contributors such as corporations, unions or wealthy individuals—is also barred from engaging in "electioneering communications."

The bill would impose these limitations on communications about issues regardless of whether the communication "expressly advocates" the election or defeat of a particular candidate. Nor is there any requirement of even showing a partisan purpose or intent. Instead, during 60 days before a primary or 30 days before a general election, any such communication is subject to the new controls simply by identifying any person who is a federal candidate, which will usually be an incumbent politician.

These restraints and punishments are triggered by the making of any "broadcast, cable, or satellite communication" which "refers to a clearly identified candidate for Federal office" within 60 days of a general or runoff election or 30 days of a primary election or convention, "made to an audience that includes members of the electorate" for such election or convention. This distinction between broadcast, cable and satellite from those communications through other media bears no relevance to the only recognized justification for campaign finance limitations or prohibitions, namely, the concern with corruption. Suppressing speech in one medium while permitting it in another is not a lesser form of censorship, just a different form.

A. THESE ISSUE ADVOCACY RESTRICTIONS WOULD HAVE ADVERSE, REAL-LIFE CONSEQUENCES

Had these provisions been law during the 2000 elections, for example, they would have effectively silenced messages from issue organizations across the entire political spectrum. The NAACP ads—financed by a sole anonymous donor—vigorously highlighting Governor Bush's failure to endorse hate crimes legislation—is a classic example of robust and uninhibited public debate about the qualifications and actions of political officials. By the same token, last Spring, when New York Mayor Rudy Giuliani was a candidate for the United States Senate, any broadcast criticism of his record on police brutality as mayor of New York, undertaken by the New York Civil Liberties Union, would have subjected that organization to the risk of severe legal sanctions and punishment under these proposals. The Supreme Court in cases from *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964) through *Buckley* v. *Valeo*, 424 U.S. 1 (1976) to *California Democratic Party* v. *Jones*, 120 S.Ct. 2402 (2000) have repeatedly protected full and vigorous debate during an election season. The provisions of the pending bills would silence that debate.

Second, the ban on "electioneering communications" would stifle legislative advocacy on pending bills. The blackout periods coincide with crucial legislative periods, including the months of September and October as well as months during the Spring. During Presidential years, the blackout periods would include the entire Presidential primary season, conceivably right up through the August national nominating conventions. For example had this provision been law in 2000, for most of the year it would have been illegal for the ACLU or the National Right to Life Committee to criticize the "McCain-Feingold" bill as an example of unconstitutional campaign finance legislation or to urge elected officials to oppose that bill! The only time the blackout ban would be lifted would be in August, when many Americans are on vacation!

During the 104th Congress, for example, the ACLU identified at least 10 major, controversial bills that it worked on that were debated in either chamber of the Congress within 60 days prior to the November 1996 general election. This legislation includes several anti-abortion bills including so-called partial birth abortion legislation, public disclosure of the CIA budget, creation of a federal database of sex offenders, new federal penalties for methamphetamine use, prohibition on discrimination of gays and lesbians in the workplace, same-sex marriage prohibition, anti-immigration legislation and school vouchers, among others. This pattern of legislating close to primary and general elections has only been repeated in subsequent Congresses.

B. WHY THESE LIMITATIONS RUN AFOUL OF THE FIRST AMENDMENT

Under the reasoning of *Buckley* v. *Valeo* and all the cases which have followed suit, the funding of any public speech that falls short of such 'express advocacy' is wholly immune from campaign finance laws. Speech which comments on, criticizes or praises, applauds or condemns the public records and actions of public officials and political candidates—even though it mentions and discusses candidates, and even though it occurs during an election year or even an election season—is entirely protected by the First Amendment.

The Court made that crystal clear in Buckley when it fashioned the express advocacy doctrine. That doctrine holds that the FECA can constitutionally regulate only "communications that in express terms advocate the election or defeat of a clearly identified candidate," and include "explicit words of advocacy of election or defeat." 424 U.S. at 44, 45. The Court developed that doctrine because it was greatly concerned that giving a broad scope to FECA, and allowing it to control the funding of all discussion of policy and issues that even mentioned a public official or political candidate, would improperly deter and penalize vital criticism of government because speakers would fear running afoul of the FECA's prohibitions. "The distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical operation. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and government actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest." Id. at 42–43. If any reference to a candidate in the context of advocacy of an issue rendered the speech or the speaker subject to campaign finance controls, the consequences for the First Amendment would be intolerable.

Issue advocacy is freed from government control through a number of other doctrines the courts have recognized as well. First, the constitutional right to engage in unfettered issue advocacy is not limited to individuals or cause organizations. Business corporations can speak publicly and without limit on anything short of express advocacy of a candidate's election. See *First National Bank of Boston* v. *Bellotti*, 435 U.S. 765 (1978). (Of course, media corporations can speak publicly and without limitation on any subject, including editorial endorsements of the election or defeat of candidates, i.e. "express advocacy", see *Mills* v. *Alabama*, 384 U.S. 214 (1966).)

Contributions to issue advocacy campaigns cannot be limited in any way, either. See *Citizens Against Rent Control* v. *Berkeley*, 454 U.S. 290 (1981). Finally, issue advocacy may not even be subject to registration and disclosure. See *McIntyre* v. *Ohio Elections Commission*, 514 U.S. 334 (1995); *Buckley* v. *Valeo*.

519 F.2d 821, 843-44 (1975) (holding unconstitutional a portion of the FECA which required reporting and disclosure by issue organizations that publicized any voting record or other information "referring to a candidate"). The rationale for these principles is not just that these various groups have a right to speak, but also that the public has a right to know and a need to hear what they have to say. This freedom is essential to fostering an informed electorate capable of governing its own affairs.

Thus, no limits, no forced disclosure, no forms, no filings, no controls should inhibit any individual's or group's ability to support or oppose a tax cut, to argue for more or less regulation of tobacco, to support or oppose abortion, flag-burning, campaign finance reform and to discuss the stands of candidates on those issues.

That freedom must be preserved whether the speaker is a political party, an issue organization, a labor union, a corporation, a foundation, a newspaper or an individual. That is all protected "issue advocacy," and the money that funds it is all, in effect, "soft money." Those who advocate government controls on what they call "sham" or "phony" or "so-called" issue ads, and those who advocate outlawing or severely restricting "soft money" should realize how broad their proposals would sweep and how much First Amendment law they would run afoul.

Finally, it is no answer to these principled objections that this flawed bill would permit certain non-profit organizations to sponsor "electioneering communications" if they in effect created a Political Action Committee to fund those messages. Under governing constitutional case law, groups like the ACLU and others cannot be made to jump through the government's hoops in order to criticize the government's policies and those who make them. In addition, most non-profits would be unwilling to risk their tax status or incur legal expenses by engaging in what the IRS might view as partisan communications. Moreover, the groups would still be barred from using organizational or institutional resources for any such communications. They would have to rely solely on individual supporters, whose names would have to be disclosed, with the concomitant threat to the right of privacy and the right to contribute anonymously to controversial organizations that was upheld in landmark cases such as *NAACP* v. *Alabama*, 357 U.S. 449 (1958). This holding guaranteed the opportunities that donors now have to contribute anonymously—a real concern when a cause is unpopular or divisive.

II. S. 27 Assaults the Free Speech of Issue Advocates

The second systemic defect in this bill is its grossly expanded concept of coordinated activity between politicians and citizens groups. Such "coordination" then taints and disables any later commentary by that citizen group about that politician. By treating all but the most insignificant contacts between candidates and citizens as potential campaign "coordination," the bill would render any subsequent action which impacts that politician as a regulated or prohibited "contribution" or "expenditure" to that candidate's campaign. These provisions violate established principles of freedom of speech and association.

Under existing law, contact coordination between a candidate or campaign and an outside group can be regulated as coordinated activity only where the group takes some public action at the request or suggestion of the candidate or his representatives, i.e., where the candidate is the driving force behind the outside group's action. *See Federal Election Commission* v. *Christian Coalition*, 52 F. Supp. 2d 45 (D. D.C. 1999). Under the bill, however, the definition of coordination is expanded in dramatic ways with severe consequences, thereby prohibiting certain kinds of contact with candidates. A coordinated activity can be found whenever a group or individual provides "anything of value in connection with a Federal candidate's election" where that person or group has interacted with the candidate then or in the past in a number of ways. This includes, for example, instances which the outside person or group has "previously participated in discussions" with the candidate or their representative, "about the candidate's campaign strategy . . . including a discussion about . . . message. . ."

Section 214 of the bill thus imposes a year round prohibition on all communications that are deemed "of value" to a federal candidate. The bill wrongly asserts that issue groups are "coordinating" if they merely discuss elements of the lawmaker's message with the lawmaker or his or her staff anytime during a two year period. For example, if a veteran's group suggests to a candidate how best to talk about the flag amendment in order to win the hearts and minds of voters, the group then can't run ads in Senator McCain's state praising him for protecting the flag.

Once such so-called coordination is established it triggers a total ban on issuing any communication to the public deemed of value to the candidate, and it defines such communication as an illegal corporate contribution! These rules act as a continuing prior restraint, which bars the individual or group from engaging in core First Amendment speech for the lawmaker's entire term of office. Even if such an organization has a connected PAC, it can no longer engage in any independent expenditure affecting the lawmaker because by merely speaking to the candidate or his or her staff it has engaged in illegal "coordination." Here again, the bill attempts to impose another gag rule on issue advocacy organizations.

Translated into the way in which citizen advocacy groups work, this means that a group cannot urge a candidate to make a particular proposal a part of the candidate's platform if the group subsequently plans to engage in independent advocacy on that issue. Likewise, a group like the National Rifle Association could not discuss a gun control vote or position with a Representative or Senator if the NRA will subsequently produce a box score that praises or criticizes that official's stand. Similar to the ban on coordination (Section 202) discussed earlier in this letter, banning "coordination" of "electioneering activity" resulting in a long blackout period when an outside group or individual can be blocked from broadcasting information about a candidate, this ban—on coordination of "anything of value"—can operate month in and month out throughout the entire two or six year term of office of the pertinent politician. That is why the AFL–CIO, among other groups, is so concerned about the treacherous sweep of the anti-coordination rules. See "Futile Labor: Why Are The Unions Against McCain-Feingold?" The New Republic, March 12, 2001, pp. 14–16.

Thus, these coordination rules will wreak havoc on the ability of the representatives of unions, corporations, non-profits and even citizen groups to interact in important ways with elected representatives for fear that the taint of coordination will silence the voices of those groups in the future. The First Amendment is designed to encourage and foster such face-to-face discussions of government and politics, see *Buckley* v. *American Constitutional Law Foundation*, 525 U.S. 182 (1999), not to drive a wedge between the people and their elected representatives .

III. S. 27 Allows the Unconstitutional Virtual Destruction of Political Parties

In addition to its disruptive and unconstitutional effect on issue groups and issue advocacy, S. 27 also would have a disruptive if not destructive effect on political parties in America by totally shutting off the sources of funding that support so much of what American political parties do. It would cast a pall over the vital democratic work that political parties perform. These unprecedented restrictions on soft money would make parties less able to support grassroots activity, candidate recruitment and get-out-the-vote efforts.

A. THE BILL REPRESENTS A THREE-PRONGED ATTACK ON POLITICAL PARTIES

(1) Section 101 of the bill completely eliminates all "soft money" funding for all national political parties and all of their constituent committees and component parts. Under current law there are no federal restrictions on raising, spending or routing such soft money by federal state or local parties or their candidates or office holders. Under McCain-Feingold, all of the funding for all of the vital party activities described above would become illegal, unless it came only from individuals, in small dollar amounts. In other words, political parties may only raise and spend highly regulated "hard money" for virtually everything they do.

(2) Section 101 of the bill also bars any federal candidate or officeholder from having any contact whatsoever with the funding of any "federal election activity" by any organization unless that activity is funded strictly with hard money. The scope of "federal election activity" is extremely broad and encompasses the following activities if they have any connection to any federal election or candidate: (1) voter registration activity within 4 months of a federal election, (2) voter identification, get-out-the-vote activity or "generic campaign activity," (3) any significant "public communication" by broadcast, print or any other means that refers to a clearly identified federal candidate and "promotes," "supports," "attacks," or "opposes" a candidate for office (regardless of whether the communication contains "express advocacy"). Under this rule, a candidate would attend an NAACP Voters Rights benefit dinner at his or her peril, if funds were being raised for any "federal election activity" such as getting people to the polls on election day. The same might be true for one who attended an ACLU Bill of Rights Day fund raiser, when the ACLU produces a box score on civil liberties voting records during an election season.

(3) The bill also reaches and regulates all State and local political parties and bans them from raising or spending soft money for any "Federal election activity" also or any activity which has any bearing on a federal election. It basically federalizes all of the restrictions and limitations of the FECA.

B. POLITICAL PARTY ACTIVITY IS PROTECTED BY THE FIRST AMENDMENT

Political funding by political parties is strongly protected by the First Amendment no less than political funding by candidates and committees. The only political funding that can be subject to control is either contributions given directly to candidates and their campaigns (or partisan expenditures explicitly coordinated with campaigns) or communications that constitute express advocacy. These can be subject to source limitations (no corporations or unions or comparable entities) or amount restraints ($1,000, or $5,000 in the case of PACs). All other funding of political activity and communication is beyond presumptive constitutional control. That would include soft money activities by political parties.

Parties are both advocates for their candidates' electoral success and issue organizations that influence the public debate. Get-out-the-vote drives, voter registration drives, issue advocacy, policy discussion, grass-roots development and the like are all activities fundamentally protected by the First Amendment and engaged in by a wide variety of individuals and organizations. An issue ad by the ACLU criticizing an incumbent Mayor on police brutality is an example of soft money activity, in the broadest sense of that term, as is an editorial on the same subject in The New York Times. We need more of all such activity during an election season, not less, from political parties and others as well.

The right of individuals and organizations, corporate, union or otherwise, to support such issue advocacy traces back to the holding in *Buckley* that only those communications that "expressly advocate" the election or defeat of identified candidates can be subject to control. The Supreme Court in the 1996 *Colorado Republican Federal Campaign Committee* v. *FEC*, 518 U.S. 604 (1996) case noted the varying uses of soft money by political parties. In the recent case, *Nixon* v. *Shrink Missouri Governmental PAC*, 528 U.S. 377 (2000), which upheld hard money contribution limits, the Court's opinion was silent on whether soft money could be regulated at all. Although certain individual Justices invited Congress to consider doing so, the case itself had nothing to do with soft money.

To be sure, to the extent soft money funds issue advocacy and political activities by political parties, it becomes something of a hybrid: it supports protected and unregulatable issue speech and activities, but by party organizations often more closely tied to candidates and officeholders. The organizational relationship between political parties and public officials might allow greater regulatory flexibility than would be true with respect to issue advocacy by other organizations. Thus, for example, disclosure of large soft money contributions to political parties, as is currently required by regulation, might be acceptable, even though it would be impermissible if imposed on non-party issue organizations. But the total ban on soft money contributions to political parties raises serious constitutional difficulties.

Just last year, the Supreme Court reminded us once again of the vital role that political parties play in our democratic life, by serving as the primary vehicles for the political views and voices of millions and millions of Americans. "Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting the electoral candidates who espouse their political views. The formation of national political parties was almost concurrent with the formation of the Republic itself." *California Democratic Party* v. *Jones*, 530 U.S. 567 2402, 2408 (2000). As Justice Anthony M. Kennedy put it in his separate opinion in *Colorado Republican Federal Campaign Committee* v. *Federal Election Commission*, 518 U.S. 604 (1996): "The First Amendment embodies a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open. Political parties have a unique role in serving this principle; they exist to advance their members' shared political beliefs." Id. at 629.

While electing candidates is a central mission of political parties, they do so much more than that. They engage in issue formulation and advocacy on a daily basis, they mobilize their members through voter registration drives, they organize get-out-the-vote efforts, they engage in generic party communications to the public. Much of these activities are supported by what S. 27 would deem as soft money. The bill before you would dry up these significant sources of funding for those party activities. It would basically starve the parties' ability to engage in the grass roots and issue-advocacy work that makes American political parties so vital to American democracy.

C. S. 27 DIMINISHES THE ABILITY OF POLITICAL PARTIES TO COMPETE EQUITABLY WITH OTHERS WHO CHOOSE TO SPEAK DURING CAMPAIGNS.

Finally, the law unfairly bans parties, but no other organizations, from raising or spending soft money. That would mean that anyone else—corporations, foundations, media organizations, labor unions, bar associations, wealthy individuals—could use any resources without limit to attack a party and its programs, yet the party would be defenseless to respond except by using limited hard money dollars. The NRA could use unregulated funds to mount ferocious attacks on the Democratic Party's stand on gun control, and the Party would be effectively silenced and unable to respond. Conversely, NARAL could mercilessly attack the Republican Party's stand on abortion, using corporate and foundation funds galore, and that Party would likewise be stifled from responding in kind. A system which lets one side of a debate speak, while silencing the other, violates both the First Amendment and equality principles embodied in the Constitution.

The Bipartisan Campaign Finance Reform Act of 2001 is not reform at all, but is a fatally flawed assault on First Amendment rights.

Sincerely,

LAURA W. MURPHY,
Director.
JOEL GORA,
Professor of Law, Brooklyn Law School and Counsel to the ACLU.

CHANGE OF VOTE

Mr. REID. I ask unanimous consent to change my vote on rollcall vote No. 41 from yea to nay. This change will not affect the outcome of the vote. The amendment at issue was adopted by a vote of 70–30 and if enacted will require broadcasters to charge political candidates the lowest rates offered by the broadcast, satellite or cable stations throughout the year.

While I believe the goal of this amendment is laudable I am concerned that it could unsettle the balance of support for the underlying legislation. Further, I believe it could provide political candidates with an unfair economic edge in the purchasing of air time.

On the first point, it should be clear to all that the McCain-Feingold legislation was carefully crafted to ensure meaningful campaign finance reform while recognizing the rights of all Americans to continue their participation in our electoral process. This is a delicate balance and I would regret to see this bill lose the support of such important participants in the political process as our nation's broadcasters.

I believe that political candidates should not be gouged in their purchase of air time but I remain unconvinced that such is the normal and usual practice today. Other groups, be they charitable or civic oriented, should not be disadvantaged because of efforts to lower the rates for political candidates. For the reasons stated above I believe this issue should not be considered on this important legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

1996 CAMPAIGN FINANCE VIOLATIONS

Mr. THOMPSON. Mr. President, in 1997, the Governmental Affairs Committee spent a year in investigating some of the worst campaign finance abuses in our Nation's history. Despite a number of obstacles, witnesses fleeing the country, people pleading the fifth amendment, entities failing to comply with subpoenas, our Committee uncovered numerous activities that were not only improper but illegal. To date, 26 individuals and two corporations have been prosecuted or indicted for campaign finance violations arising from the 1996 Federal elections.

Specifically, what we uncovered was a pattern of abuse in which access to people in power was bought with large campaign contributions. What made that possible was unregulated, unlimited soft money. Time after time we heard about contributions of tens and hundreds of thousands of dollars in exchange for which access was granted. In fact, one of the key reasons I have fought for the McCain-Feingold bill is to eliminate this opportunity for abuse.

There is no question in my mind that the enormous soft money contributions we examined led to corruption and the appearance of corruption to the American public. The committee's findings are contained in a six volume, 10,000 page report, S. Rpt. No. 105–167, the committee's depositions, S. Prt. No. 106–30, and the committee's hearings, S. Hrg. No. 105–300). The facts and findings contained in these documents clearly provide the basis for a determination that unlimited soft money contributions lead to corruption and the appearance thereof.

Mr. LEVIN. Mr. President, the Senator from Tennessee appropriately puts in context the work we are doing on the bill before us. The record in the Senate is replete with the compelling need for this legislation. In particular, we learned during the 1997 hearings that some of the most egregious conduct we uncovered, wasn't what was illegal, but what was legal. That was the real problem.

The 1997 Senate investigation collected ampple evidence of campaign abuses, the most significant of which revolved around the soft money loophole. Soft money contributions of hundreds of thousands, even millions, of dollars, were shown to have undermined the contribution limits in Federal law and created the appearance of corruption in the public's eye. The Republican and Democratic national political parties that solicit and spend this money use explicit offers of access to the most powerful, elected officials.

Roger Tamraz, a large contributor to both parties and an unrepentant witness at our hearings, became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administrations and a Democratic Trustee in the 1990s during Democratic administrations. Tamraz's political contributions were not guided by his views on public policy or his personal support for or against the person in office: Tamraz gave to help himself. He was unabashed in admitting his political contributions were made for the purpose of getting access to people in power. Tamraz showed us in stark terms to all-too-common product of the current campaign finance system, using unlimited soft money contributions to buy access. And despite the condemnation by the committee and the press of Tamraz's activities, when asked at the hearing to reflect on his $300,000 contribution to the Democrats in 1996, Tamraz said, "I think next time, I'll give $600,000."

As I said, most of the appearances of impropriety revealed during the 1997 investigations involved legal activities. Virtually every foreign contribution of concern to the Committee involved soft money. Virtually every offer of access to the White House or to the Capitol or to the President or to the Speaker of the House involved contributions of soft money. Virtually every instance of questionable conduct in the Committee's investigation involved the solicitation or use of soft money.

The McCain-Feingold bill recognizes that the bulk of troubling campaign activity is not what is illegal, but what is legal. It takes direct aim at closing the loopholes that have swallowed the election laws. In particular, it takes aim at closing the soft money and issue advocacy loopholes, while strengthening other aspects of the Federal election laws that are too weak to do the job as they now stand.

The soft money loophole exists because we in Congress allow it. The issue advocacy loophole exists because we in Congress allow it. Congress alone writes the laws. Congress alone can shut down the loopholes and reinvigorate the Federal election laws.

Mrs. MURRAY. Mr. President, in recent days there has been much speculation regarding my position on retaining the severability of the campaign finance reform bill being considered by the Senate.

First let me start by reiterating my strong and unwavering commitment to meaningful campaign finance reform. Since I arrived in the Senate, I, along with many of my colleagues, have championed an overhaul of our campaign finance system. Our system demands more disclosure and accountability, we should reduce the amount of money in the system, we should ensure that the voice of every American can be heard, and we must require fairness.

I admire Senator McCAIN and others for their courage and persistence in pursuing this goal. Senator McCAIN has shown himself to be a real leader, and I enjoy working with him in the Senate.

I believe the McCain/Feingold bill is a carefully crafted, balanced bill. There have been a number of amendments to this bill, some of which I have supported; some I've opposed. Campaign finance reform, in addition to reforming the excesses of the current system, must be fair and not favor any one party or group over another. If the court, at some later date, finds that some part or parts of our reform effort do not pass constitutional muster, that ruling should not be allowed to tip the scales to the benefit or detriment of one class of actors with regard to their ability to engage in political debate. As strongly as I believe in reforming our campaign finance laws, I also believe we should do a better job of supporting our public schools, providing more and better access to quality healthcare, protecting our environment, and creating family wage jobs. If my, or the people who share my positions, ability to communicate those positions is altered to a greater or lesser extent than those with other opinions, then what we have left will be fundamentally unfair. The balance of this bill could change depending on the court's interpretation. The severability issue goes directly to this point.

Which leads me to why I believe this year's effort is different from previous efforts in one very significant and fundamental way. Today, we know more about the Supreme Court than we did just a few months ago. We know that the court is not beyond interpretations that would appear to favor one party over another. And that has given me pause, and, I would think, it may give my colleagues pause, when we consider the application of this law, how it will be tested in court, and what we may end up with as a result.

If the Supreme Court decided to uphold limits on the amount of soft money flowing to our parties, while allowing special interest groups to spend unlimited sums to attack or defend candidates, then we will turn the electoral process over to those same special interests who we seek to limit.

In this debate, too often, people who have differed with the sponsors have been characterized as wanting to "kill" the bill. Contrary to those assertions, this bill, with or without non-severability, is about to pass the Senate.

After careful consideration, I have decided to vote against the non-severability amendment. I have made this judgement with strong reservations about how the Court could interpret the law we pass.

I am not willing to participate in enacting a precedent for severability that could impact a wide range of bills to come before the Senate. Rather than adding a non-severability clause to this bill the Congress should act quickly to meet the challenges that may be presented by any future court action, and fashion a set of campaign finance laws that will serve to strike a balance and ensure fairness.

Mr. McCONNELL. Mr. President, reformers frequently assert that there is a great desire throughout the land for their campaign finance scheme. The truth is there is not, nor has there ever been, a groundswell of public demand for even the concept of "reform," let alone an unconstitutional assault by the Federal Government on the constitutional freedom of citizens, groups and parties to participate in America's democracy.

On that note, I would ask that a March 22, 2001 article in the Washington Times entitled "Nation Yawns at Campaign Finances," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 22, 2001]

NATION YAWNS AT CAMPAIGN FINANCES

(By Donald Lambro)

Campaign finance reform may be the No. 1 issue in the Senate right now, but outside of Washington it does not even make the top-40 list of most important problems facing the country.

Sen. John McCain, Arizona Republican, with the help of favorable national news media coverage, has managed to drive the issue to the top of the Senate agenda this week—ahead of education, health care, Medicare, Social Security, tax cuts and other issues that score much higher in poll after poll.

Polls show that Americans strongly support the overall concept of campaign reform, but it does not appear on most lists of what concerns them the most, or if it does, comes in dead last.

"We've asked people what is the most important problem facing the country and watched campaign finance reform languish at the bottom of every list of 20 to 25 issues," said Whit Ayres, a Republican pollster based in Atlanta.

Compared to other issues, campaign finance long has been in the basement of public priorities," the ABC News Web site said in an analysis earlier this week.

"Most people have more pressing concerns, and most doubt reform would effectively curb the role of money in politics," it concluded.

The Pew Research Center asked 1,513 adult Americans last month what is "the most important problem facing the country today." Campaign finance reform did not specifically appear among its list of 45 responses.

Morality/ethics/family values tops the list with 12 percent, followed by education (11 percent), the economy and jobs (13 percent), crime (8 percent), health care (6 percent), and energy costs (6 percent).

Other polls similarly place the issue at the bottom of the issue rankings. An ABC News poll taken in January ranked it 16th out of 18 issues. It was last among 16 issues in the general election.

Mr. McCain made campaign finance reform the centerpiece of his unsuccessful campaign for the Republican presidential nomination last year, but polls showed that most of those who supported him in the primaries did so for other reasons—such as his patriotism and character—not for his signature issue.

Only 9 percent of the voters in the New Hampshire primary said the issue was their biggest concern. There was even less concern on the Democratic side.

The issue all but disappeared in the general election. It was seldom raised by Al Gore, and George W. Bush, who opposes the McCain campaign finance reform bill, rarely mentioned the issue unless asked about it.

Asked how campaign finance reform was playing in Georgia, Mr. Ayres replied facetiously: "It's a burning issue. It's a topic that dominates every dinner table conversation. You can't go into a supermarket checkout line without hearing everyone talk about it."

In fact, Mr. Ayres, "It's an elite, media-driven, editorial page issue that concerns" very few people. Virtually every poll seems to confirm that view.

When a Princeton Survey poll released earlier this month asked 1,200 people what should be Mr. Bush's top priorities this year, campaign finance reform barely registered at the bottom of the list with a minuscule 3 percent.

What were the top concerns of most people? Education (29 percent), the economy (20 percent), tax cuts (15 percent), Medicare, (14 percent), and Social Security (13 percent). Even foreign policy, at 4 percent, scored higher than campaign reform.

"People care more about how the taxpayers' money is being spent than about how the politicians are raising money for their campaigns," Mr. Ayres said.

The fact that the Senate is spending so much time on an issue they rate very low, or not at all, "just feeds the suspicion that Congress spends a lot of time on issues that people don't really care much about," he said.

"It doesn't show up as a high priority issue, not because people don't want reform, but because they don't believe that they are ever going to get it," said independent pollster John Zogby.

But for most Americans, Mr. Zogby conceded, "it's just not a passionate issue."

Mr. McCONNELL. Mr. President, I have authored a number of op-eds on this subject over the years and I ask unanimous consent that the most recent, appearing March 23, 2001, in USA Today, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 23, 2001]

"REFORM" HURTS FREEDOMS

OPPOSING VIEW: BILL UNFAIRLY RESTRICTS PARTIES' ABILITY TO CHALLENGE INCUMBENTS

(By Mitch McConnell)

Next week, in its debate over changing campaign-finance laws, the Senate will consider a constitutional amendment overriding the First Amendment and thereby allowing the government to restrict all spending on communications "by, in support of, or in opposition to" candidates for public office.

So empowered, Congress could ban "soft money" and even make it illegal for corporate-owned newspapers to endorse or mention political candidates within 60 days of an election. Currently, the media is specifically exempted from federal campaign-finance law, even though these corporate conglomerates exert tremendous influence on the political system. You could call this exemption the media's "loophole."

The McCain-Feingold bill less forthrightly but just as effectively restricts the constitutional freedom of citizens groups and parties to speak out on issues, and elections. McCain-Feingold makes it illegal for citizen groups to criticize members of Congress in TV or radio ads, unless they register with the federal government and conform to a litany of restrictions. Such restrictions on political speech are sure to be declared unconstitutional, as have 22 similar efforts previously struck down in federal court.

McCain-Feingold also attack the national parties, making it illegal for them to pay for issue advocacy, voter turnout and such mundane overhead expenses as utilities, accountants, computers and lawyers (necessary to comply with existing complex campaign-finance laws) with funds outside the current strict "hard money" limits. Hard money refers to funds that can be given directly to candidates and is subject to severe contribution limits (limits not adjusted for inflation since they were created in 1974).

McCain-Feingold would starve the parties. Few are moved by the parties' plight until they consider that candidates running against incumbent congressmen have only one reliable source of support: parties.

Without party soft money, liberal news media and "special interest" groups would move closer to total domination of the American political environment. If banned, party soft money (which already is publicly disclosed and therefore accountable) will give way to the shadowy world of special-interest soft money, where there is no public disclosure and no accountability. That does not meet anyone's definition of "reform."

Mr. McCONNELL. Senator SESSIONS would like to speak on the bill at the conclusion of the session. Perhaps he could wrap it up for us tonight. We will see everyone at 9 o'clock in the morning. At the conclusion of his remarks, unless floor staff has an objection, he will put us in recess.

Mr. SESSIONS. Mr. President, as we consider this legislation, I am not sure it is possible for any of us, I certainly have not, figured out who might be the winner and loser in this legislation. Who would get the most benefits, which party, which candidates, those things are interesting and, in fact, significant. I am just not terribly worried myself.

I think about my campaigns and if they limit all contributions to just $100 per person and nobody else could contribute, nobody else could run a negative ad or positive ad about me, I would feel comfortable about that. I believe I can raise more $100's than any likely opponent I am facing. I could get my message out and it will be a good competitive race and that will be fine.

I wish it could be that simple sometimes. I faced two opponents who spent more than $1 million against me in the Republican primary. I know what it feels like to be frustrated by ads coming in against you.

I think this legislation transcends all the complexities and all the debate we have had tonight and over the last 2 weeks about soft money, hard money, issue ads, independent groups, independent expenditures, and all of that. It is a very complicated matter. I think that has caused us at some point to lose our contact with the fundamental questions with which we are dealing.

In my view, I have concluded, unfortunately, that on what is constitutional and what is good public policy, this legislation does not justify our support and should not be passed by this body.

America has always been a country of raucous debate, uncontrolled, exaggeration, negativity, at times emotional. That is the way we are. Sometimes I wish it were not so. Others complained on the floor of the Senate about negative ads against them. I had those run against me also. In my election, I raised a lot more hard money than my opponent, but he had equal time on television and it was mostly soft money. They came in from the Democratic Party or the Sierra Club and they ran ads against me. I know it wasn't a little environmentalist raising this money. It was money given to them so they could use it in certain campaigns in favor of Democratic candidates. That is the way life is. It is frustrating at times to see ads such as that pound on you.

Soft money didn't help me in this past campaign. I say that to say I resent and reject the assertion that those of us who are concerned about the serious public policy and constitutional questions involved are somehow advocating that because we have a self-interest in it, some personal agenda that will help them beat their opponent and get reelected. There may be a tendency for some, but it is not for me.

The problem is whether or not we are furthering or constraining political debate in America. Some believe, for example, that depictions of violent sex acts of all kinds, depictions of child pornography, are protected by the first amendment. Some believe that the act of burning a flag of the United States is free speech. Some of these same people, however, see things differently on this bill.

On the question of pornography and child pornography, and those questions, people can go either way. The Supreme Court has sort of split in a lot of different ways. These forms of speech and press are quasi-speech. Depictions or acts of burning a flag were never what our Founding Fathers were fundamentally concerned about. They were concerned in early America about political speech, the right to speak out on public policy issues and say what you wanted to say.

James Madison, the father of our Constitution, whose birth we celebrated earlier in the month, the 250th anniversary of his birth, in talking about our goal in America as to free elections and people you chose could be elected, said: The value and efficacy of this right to elect and vote for people for office depends on the knowledge of comparative merits and demerits of the candidates for public trust, and on the equal freedom, consequently, of examining and discussing these merits and demerits of the candidate's respectively.

That suggests this is what America was founded about, to have a full debate about candidates and their position on issues. When do you do that? You do that during the election time. Not 2 years before an election.

I believe the contributing of money to promote and broadcast or amplify speech is covered by the first amendment. I do not think that is a matter of serious debate. Some have suggested otherwise. They said money is just an inanimate object. But if you want to be able to speak out and you cannot get on television, or you cannot get on radio, or you cannot afford to publish newspapers or pamphlets, then you are constrained in your ability to speak out.

The Supreme Court dealt with this issue quite plainly in Buckley v. Valeo in 1976. A string of cases since that time have continued that view.

In Buckley they said the following:

> The first amendment denies government [that is, us] the power to determine that spending to promote one's political views is wasteful, excessive, or unwise.

They go on to say:

> In a free society, ordained by our Constitution, it is not the government, not the government but the people individually as citizens and collectively as associations and political committees who must retain control over the quantity and range of debate on public issues in a public campaign.

What is that Court saying? That Court is saying the right to decide who says what in a political environment is the right of the people and associations of people. They have that right. The Government does not have the right to restrain them and restrict that and to limit their debate, even if it is aimed at us in the form of a negative ad and it hurts our feelings and we wish it had not happened. We do not have the right to tell people they cannot produce honest ads, hard-hitting ads against us. If we ever get to that point, I submit, our country will be less free, you will have less ability to deal with incumbent politicians who may not be the kind that are best for America.

In the Buckley case the Court held that political contributions constitute protected speech under the first amendment.

I remain at this point almost stunned that earlier in this debate 40 Members of this Senate voted to amend the first amendment of the Constitution of the United States. Fortunately, 60 voted no. We had 38 vote yea in 1997 or 1998, and last year it dropped down to 33. But this year 40 voted for this amendment. It would have empowered Congress and State legislators, government, to put limits on contributions and expenditures by candidates and groups in support of and in opposition to candidates for office. Just as they outlined in Buckley.

That is a thunderous power we were saying here, that we were going to empower State legislatures and the U.S. Congress to put limits on how much a person and group could expend in support of or in opposition to a candidate. Think about that. Where are our civil libertarian groups?

I have to give the ACLU credit, they have been consistent on this issue. They have studied it. They know this is bad, and they have said so. But too many of our other groups—I don't know whether they are worried about the politics of it or what, but they have not grasped the danger to free speech and full debate we are having here.

It seems to me we are almost losing perspective and respect for the first amendment that protects us all. In this debate we have focused on what the courts have held with regard to the first amendment and to campaign finance. I remain confident that significant portions of the legislation as it is now pending before us will be struck down by Federal courts.

We ought not to vote for something that is unconstitutional. We swore to uphold the Constitution. If we believe a bill is unconstitutional, we should not be passing it on the expectation that someday a court may strike it down, even if we like the goal. If it violates the Constitution, each of us has a duty, I believe, to vote no. The idea that we can pass a law that would say that within 60 days of an election a group of union people, a group of businesspeople, a group of citizens, cannot get together and run an ad to say that JEFF SESSIONS is a no-good skunk and ought not be elected to office, offends me. Why doesn't that go to the heart of freedom in America? Where is our free speech crowd? Where are our law professors and so forth on this issue? It is very troubling to me, and I believe it goes against our fundamental American principles.

I will conclude. I make my brief remarks for the record tonight to say I believe this law is, on balance, not good. I believe its stated goal of dealing with corruption in campaigns is not going to be achieved. I believe it is the case with every politician I know, that votes trump money every time anyway. If you have a group of people in your State you know and respect, you try to help them. Just because they may give you a contribution doesn't mean that is going to be the thing that helps you the most. Most public servants whom I know try to serve the people of the State and try to keep the people happy and do the right things that are best for the future.

I believe this bill is not good, that the elimination of the corrupt aspects we are trying to deal with will not ultimately be achieved. At the same time, I believe we will have taken a historic step backwards, perhaps the most significant retrenchment of free speech and the right to assemble, and free press, that has occurred in my lifetime that I can recall. This is a major bit of legislation that undermines our free speech.

I know we have talked about all the details and all the little things. There are some things in this bill I like. I wish we could make them law. But as a whole, we ought not pass a piece of legislation that would restrict a group of people in America from coming together to raise money and speak out during an election cycle, 60 days, 90 days, 10 days, 5 days, on election day—they ought not be restricted in that effort. In doing so, we would have betrayed and undermined our commitment to free speech and free debate that has made this country so great.

Mr. President, I will proceed to see if I can close us out for the night.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE CONGRESSMAN NORMAN SISISKY

Mr. WARNER. Mr. President, I am joined by my colleague, Senator ALLEN. We would like to address the Senate for a period not to exceed 10 minutes.

Mr. President, today, just hours ago, Senator ALLEN and I were informed of the loss of one of our Members of Congress from the State of Virginia, NORMAN SISISKY. It has been my privilege to have served with him in Congress throughout his career. Our particular responsibilities related to the men and women of the Armed Forces—I serving on the Senate Committee on Armed Forces and he on the House National Security Committee.

Our Nation has lost a great patriot in this wonderful man who started his public service career in 1945 as a young sailor in the U.S. Navy. In total, he served some 30 years, including his Naval service, service in the Virginia General Assembly, and in the service of the Congress of the United States.

The men and women of the Armed Forces owe this patriot a great deal, for he carried forth his earliest training in the Navy until the last breath he drew this morning. They were always, next to his family, foremost in his mind.

Throughout his legislative career in the Congress, many pieces of legislation bear his imprint and his wisdom on behalf of the men and women in the Armed Forces.

Mr. President, it is a great loss to the Commonwealth of Virginia, this distinguished public servant. It is a great loss to me of a beloved friend, a dear friend. My heart and my prayers go to his widow—a marriage of some 50 years—and to his family.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I just thank my two colleagues for bringing this information to the Senate. I came into the House of Representatives with NORMAN SISISKY. What a terrific person he was to work with. He had a wonderful sense of humor, was very dedicated, as my friend pointed out, to his country. He was very patriotic, and he was a real fighter for his district.

I want to associate myself with the eloquent words of Senator WARNER and Senator ALLEN.

Mr. ALLEN. Mr. President, I echo the words of the senior Senator from Virginia, JOHN WARNER. NORMAN SISISKY was a man who was loved all across Virginia. As the Senator said, he started his career in the Depression and served in the armed services. He also was a very successful businessman in the private sector. While he was a strong advocate for the armed services and the strength of our Nation, he also brought forth commonsense business principles of logistics and efficiency, whether it was in the days he was in the general assembly or in his many years of service in the U.S. House of Representatives.

He clearly was one of the leaders to whom people on both sides of the aisle would look. When there was a need for getting good, bipartisan support, obviously, folks would go to Senator WARNER. On the Democrat side, they looked to NORM SISISKY. NORM SISISKY cared a great deal, as Senator WARNER said, about the men and women who wear the uniform. He wanted to make sure they had the most advanced equipment, the most technologically advanced armaments for their safety when protecting our interests and freedoms abroad.

He was a true hero to many Virginians, not just in his district but all across the Commonwealth of Virginia, always bridging the partisan divides, trying to figure out what is the best thing for the people of America and also freedom-loving people around the world.

I will always remember NORM SISISKY as a person. I will always remember that smiling face, and he had that deep voice and that deep laugh, hardy laugh.

He was one who was always exuberant, always passionate, no matter what the effort, what the cause. You could be standing on the corner waiting for the light to change, and NORM would be carrying on with great passion and vigor about whatever the issue was. He would thrive on figuring out: Here is the way we will maneuver through the bureaucracy to get this idea done.

He truly was a wonderful individual. Everyone here speaks of him as a fellow Member of the House of Representatives.

When I was Governor, this man went beyond the call of duty. We were trying to get the department of military affairs to move from Richmond to Fort Pickett to transform that base which had been closed.

NORM SISISKY spent weekends talking with members on the other side of the aisle in the Virginia General Assembly, beyond the call of duty, to make sure we could move the headquarters to Fort Pickett and that the environmental aspects were cleaned up at no expense to the taxpayers, keep the facility open, and transform it to commercial use to benefit the entire Blackstone community.

The people in Southside Virginia will be forever grateful for what NORM SISISKY did in making sure Fort Pickett is there as a military facility for guard units in the Army, as well as private enterprise efforts and helping protect the jobs and people of that community.

Mr. REID. Will the Senator yield?

Mr. ALLEN. I will yield shortly.

Congressman NORM SISISKY was a great Virginian. He was a great American. I know our thoughts and prayers are there for his wife Rhoda. I know at least two of his sons very well, Mark and Terry, as well as Richard and Stuart.

Our prayers and thoughts go out to them. We tell them: Please realize NORM still lives on in you, in your blood, and also his spirit.

We also share our grief with his very dedicated and loyal staff who shared his passion for the people of Virginia and the people of America.

Mr. WARNER. Mr. President, if I may add to what my distinguished colleague said, we shall work together to see whether or not an appropriate portion of Fort Pickett—he just loved that base—can appropriately bear his name. It would mean a great deal to the men and women of the armed forces. We will do that.

Mr. ALLEN. That is a great idea.

Mr. REID. Will the Senator from Virginia yield?

Mr. ALLEN. Yes.

Mr. REID. Mr. President, as with Senator BOXER, I came to the House of Representatives in 1982. One of the freshman House Members was NORM SISISKY. Like Senator ALLEN, I can see that smile. He had an infectious smile. He was a friend. I enjoyed my service with that class of 1982. Part of my memories will always be NORM SISISKY.

I join in the comments made by my friends from Virginia and the Senator from California in recognizing a great public servant in NORM SISISKY.

Mr. WARNER. We thank our colleague for his remarks.

Mr. NELSON of Florida. Will the Senator from Virginia yield?

Mr. WARNER. Yes.

Mr. NELSON of Florida. Mr. President, I say to the Senators, oh, the gossamer thread of life cut short so quickly for such a great servant of the State of Virginia and of the United States of America with whom I had the privilege of serving in the House. He never met a man he did not like, and he was passionate about Government service. I thank my colleagues for calling this sad news to our attention and for the opportunity to respond.

Mr. WARNER. Mr. President, we thank our colleague.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, briefly, I do not claim a close relationship with NORM SISISKY, but I have had the great privilege of serving on the Armed Services Committee with Senator WARNER for the last 18 years, and I can remember every year when we would go into conference with the House of Representatives, NORM would be there. He would be championing the positions he felt strongly about and that were important to the people of Virginia. I also mourn his loss and recognize the important loss it is to Virginia and to this Congress.

Mr. WARNER. Mr. President, we thank our colleague.

TRIBUTE TO PUNCH GREEN

Mr. SMITH of Oregon. Mr. President, the great Oliver Wendell Holmes once said, "To live fully is to be engaged in the passions of one's time." Few Oregonians—and few Americans—have lived a life as full as Alan "Punch" Green's. Alan Green was known to us who loved him as "Punch." I say that few have lived a life as full as Punch's because few have made such a positive difference in the passions of our time.

Punch passed away last Friday at the age of 75. And as his many friends—myself included—struggle to get used to the fact that we can no longer call Punch for his straightforward advice, I would like to pay tribute here on the Senate floor to this remarkable Oregonian.

Punch was a member of what has been termed "The Greatest Generation." Like so many others of that generation, Punch willingly risked his life for our country, as he served with distinction in the Pacific theater during World War II. And when he returned to Oregon following the war, Punch dedicated much of his life to making Oregon and America a better place in which to live, work, and raise a family.

He founded and ran a number of businesses, where he earned a reputation as a caring and fair manager. He became active in the Republican Party, serving as chair of campaigns for Presidents Ford, Reagan, and Bush, and serving as a trusted mentor to countless other candidates, myself included. Indeed, when I began my campaign for the Senate, one of the first people I sought out for advice and support was Punch Green, and I could not have asked for a more loyal friend.

Punch loved his home city, the city of Portland, OR, and he understood the importance of ensuring that Portland remained true to its name. As a commissioner and as President of the Port of Portland, Punch skillfully guided the port through an era of major growth and expansion. Punch's leadership on these issues came to the attention of President Reagan, who chose Punch to serve as chair of the Federal Maritime Commission, a post he filled with great skill for 4 years.

Punch was nearing what many consider "retirement age" in the 1980s, and he certainly had earned the right to take it easy and spend time with his family. But Punch was always willing to answer the call of his country, and former President Bush was calling. In 1989, Punch packed his bags and accepted President Bush's request to serve as United States Ambassador to Romania.

Punch arrived at the embassy in Bucharest just 2 weeks before the fall of the Ceausescu dictatorship. As tensions mounted in that country and explosions could be heard in the distance, Punch evacuated women and children from the embassy, and slept on his office couch for 10 days. Punch would later tell me that one of the highlights of his life was waving an American flag from the embassy window to the thunderous applause and cheers of thousands of Romanian citizens who were celebrating the end of Ceausescu's bloody reign. Punch's leadership in Romania at this critical time was recognized in 1992, when he received the State Department's Distinguished Honor Award.

When his assignment in Romania came to its conclusion, Punch returned to Portland, where he continued to provide his inimitable leadership to a variety of worthy causes. One which was especially close to his heart was that of the Oregon Humane Society, which now has a beautiful new facility in Portland, thanks, in no small part, to Punch's vision and generosity.

My thoughts today are with Punch's wife, Joan, his three daughters, and eight grandchildren. The Greek poet Sophocles once wrote that "One must wait until the evening to see how splendid the day has been." Although Punch left us much too early, it is my prayer that those who loved him will take solace in the fact that as he neared the evening of his time here on Earth, Punch could look back at a life rich with family, rich with friends, and rich with making a difference in the passions of our time, and he could say that the day has indeed been splendid.

NATIONAL WOMEN'S HISTORY MONTH—RECOGNIZING PROMINENT WOMEN OF ARKANSAS

Mrs. LINCOLN. Mr. President, as we celebrate the remaining days of National Women's History Month, I want to call attention to several extraordinary women from my home state of Arkansas who have devoted their lives to improving our communities and lending a hand to those in need.

But before I talk about them individually, I first want to say a few words about a woman who is special not only to many generations of Arkansans but to the members of this body. That woman is Hattie Caraway.

In 1932, Hattie Caraway of Arkansas became the first woman ever elected to the United States Senate after winning a special election to fill the remaining months of her husband's term. Arkansans elected Hattie Caraway to the Senate two more times, and she served in the U.S. Senate until January, 1945.

Senator Caraway became the first woman to chair a Senate Committee and the first woman to take up the gavel on the Senate floor as the Senate's presiding officer. And when she finished her term, her Senate colleagues honored her for her service with a standing ovation on the Senate floor. Quite a feat for a woman back in 1945 especially since women had just won the right to vote only 25 years earlier!

There is no doubt that Hattie Caraway's service in the Senate paved the way for women seeking elective office. Thirty-one women have followed Hattie Caraway to the Senate, and today, a record high of 13 women are serving in the Senate at the same time. Combined with the 59 women in the U.S. House of Representatives, a record total of 72 women serve in the U.S. Congress today.

Another woman who is paving the way for women in politics in Arkansas is County Judge LaVerne Grayson. Judge Grayson last November became the first female county judge to serve Boone County, Arkansas.

Before attaining her judgeship, Judge Grayson was a nurse and Public Health Investigator Supervisor at the Arkansas Department of Health who helped establish one of the first AIDS programs in northwest Arkansas. She was also an active community leader, serving with the American Red Cross, the LPN Advisory Board, the Salvation Army, and the North Arkansas College Board of Trustees. Judge Grayson is revered for her talents and her ability to balance her time effectively between a busy career and family, something which all working mothers aspire to do.

Other female leaders in Arkansas government have taken their talents to universities. Dr. Jane Gates of Jonesboro, who was a member Jonesboro Civil Service Commission, is now a Professor at Arkansas State University. Through her classes on public policy and government, Dr. Gates draws on her experience in government to encourage young women and men to seek public office.

That brings me to another woman who is making a difference in education. Dr. Trudie Reed, who is the President of Philander Smith College in Little Rock, has effectively promoted the contributions of African-Americans and has spearheaded a successful capital campaign drive to increase the college's endowment. Under Dr. Reed's leadership, the historically-black college has grown to be one of the best educational institutions in Central Arkansas. Over the past year, the college has received over $18 million dollars from various foundations and donors. With the money, the college will build a new library and a new science building.

Other women I want to mention today have made great contributions to their communities. Spurred by the tremendous love and joy she has experienced from adopting two children from Korea and Thailand, Connie Fails of Little Rock has reached out to many families throughout Arkansas and across the nation to help them adopt a child internationally.

In addition to running a successful clothing boutique in Little Rock, Connie works in her spare time as an international adoption escort, traveling to foreign countries and escorting adoptive children to new homes all across the United States. She has also served as the private sector representative to the White House for the Hague Convention. Connie has helped many children, particularly disabled children from disadvantaged countries, find safe, permanent, and loving homes.

Another woman who has reached out to help her community is Donna Holmes of El Dorado. For the past two years, Donna has been the Chairman of Interfaith Help Services, which is a seven-member church collaborative effort that provides financial assistance to underprivileged residents in the form of medical assistance, dental assistance, monthly expense assistance, and a food pantry.

I recently nominated Donna for the Mitsubishi Motors Unsung Heroine Award, which honors women who have gone beyond the call of duty to serve those in need. Mitsubishi has donated $5,000 to Interfaith Help Services, and PBS will produce a documentary about Donna this spring. I am so proud and grateful for Donna's incredible efforts. Under her leadership, Interfaith Help Services has helped over 6,900 single parents, children, and families since 1991.

As we recognize the great accomplishments women have made over the centuries, it is with great respect and admiration that I pay personal tribute to the women of Arkansas today. Their achievements in the areas of government, education, and community service have made them outstanding local role models for young women and girls who aspire to make positive differences in their communities.

As the youngest woman to ever serve in the U.S. Senate, I share their desire to make our nation a better place for our children. I am humbled by and thankful for their work and am glad to have the opportunity to recognize them today.

BILL RADIGAN OF VERMILLION, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I was deeply saddened today to learn of the passing of a dedicated public servant and a dear friend to South Dakota and to me. Bill Radigan spent his entire life serving those around him, and he will certainly be missed.

As a young man, Bill joined the Army Air Corps, so that he could serve his country during World War II. After the war, he returned to his hometown of Vermillion, SD to continue what would become a lifelong commitment to public service. He served Clay County with the U.S. Postal Service for 35 years and coordinated Vermillion's school bus system. Thousands across the State benefitted from Bill's work with the American Legion and the VFW, where he served as secretary of the South Dakota Teener Baseball program for more than 30 years, and as State Quartermaster/Adjunct for nearly 50 years. For 55 years he was a member of the Vermillion Volunteer Fire Department, where he served as secretary-treasurer. Bill was a dedicated husband to his wife Susie, the loving father of 11, and a grandfather to many.

In 1988, Bill ran for, and was elected to, the Vermillion City Council. Six years later he was elected mayor. Vermillion has been well served by its mayor, and, under his leadership, the city has embarked on a number of exciting projects that will sustain the community's prosperity well into the future.

Bill Radigan's list of accomplishments is certainly impressive. But those activities only began to scratch the surface of who Bill was and why he will be missed. Bill didn't engage in public service because he wanted to add to a list of accomplishments. He simply saw something that needed to be done, and he stepped forward to answer the call. From serving in the military, to agreeing to help drive busloads of children to school, no job was too daunting, or too insignificant, for Bill Radigan.

As a mayor, Bill was universally recognized as someone who was fair, who truly valued citizen involvement in the governing process, and who cared deeply about his community. From the business community to college students, Bill Radigan truly valued every Vermillion citizen's thoughts on the issues confronting the city. I have never heard of anyone who thought they were treated unfairly by Bill Radigan, and even those with whom he disagreed found him sincere and honest. Bill Radigan was effective because he based every decision he made as mayor on what he thought was best for the community. We could all learn a lot from Bill Radigan's commitment to his community and his approach to government.

I wish to express my sincere condolences to Bill Radigan's family and to the people of Vermillion. Mayor Radigan was a dedicated father, a model public servant, and a wonderful person. We will miss him.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2001 budget through March 26, 2001. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2001 Concurrent Resolution on the Budget (H. Con. Res. 290).

The estimates show that current level spending is above the budget resolution by $33.9 billion in budget authority and by $21.8 billion in outlays. Current level is $14.1 billion above the revenue floor in 2001.

Since my last report, dated January 30, 2001, the Congress has taken no action that has changed budget authority, outlays, or revenues.

Mr. President, I ask unanimous consent to print a letter and enclosures from the Congressional Budget Office in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 27, 2001.
Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2001 budget and are current through March 26, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001.

Since my last report, dated January 25, 2001, the Congress has taken no action that has changed budget authority, outlays, or revenues.

Sincerely,

STEVEN LIEBERMAN
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT, AS OF MARCH 23, 2001

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,534.5	1,568.4	33.9
Outlays	1,495.9	1,517.7	21.8
Revenues:			
2001	1,498.2	1,512.3	14.1
2001-2005	8,022.4	8,155.9	133.5
Debt Subject to Limit	5,663.5	5,654.3	−9.2
OFF-BUDGET			
Social Security Outlays:			
2001	336.5	337.2	0.7
2001–2005	1,765.0	1,767.3	2.3
Social Security Revenues:			
2001	501.5	501.5	([2])
2001–2005	2,740.8	2,740.8	([2])

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF MARCH 26, 2001

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED PREVIOUS SESSIONS			
Revenues	n.a.	n.a.	1,514,820
Permanents and other spending legislation	972,555	923,811	n.a.
Appropriation legislation	911,231	892,084	n.a.
Offsetting receipts	−298,597	−928,677	n.a.
Total, enacted in previous sessions	1,585,189	1,517,218	1,514,820
ENTITLEMENTS AND MANDATORIES			
Adjustments to appropriated mandatories to reflect baseline estimates	−16,743	519	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF MARCH 26, 2001—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Current Level	1,568,446	1,517,737	1,514,820
Total Budget Resolution	1,534,546	1,495,924	1,498,200
Current Level Over Budget Resolution	33,900	21,813	16,620
Current Level Under Budget Resolution	n.a.	n.a.	n.a.
MEMORANDUM			
Emergency designations for bills enacted this session	8,744	11,225	0

Note.—n.a. = not applicable.

Source: Congressional Budget Office.

SURVIVING SCHOOL VIOLENCE

Mr. LEVIN. Mr. President, earlier this week, a Today Show reporter interviewed Mr. Bob Stuber, a former police officer from California, who maintains a website called Escapeschool.com. Mr. Stuber's website gives advice to students who may one day find themselves caught in the crossfire of a shooting at school. The former police officer offers practical information in this day and age, such as what gunfire sounds like, what to do when a student hears gunfire, and what a student should look for in a hiding place.

It is simply heart breaking that this type of advice is even necessary. Yet, students in school are increasingly worried for their safety. Escapeschool.com is a valuable resource because in addition to giving advice to students, it also gives advice to schools and communities to try to prevent such shootings, and information for parents who want to communicate with their children about these events.

I encourage students and parents to look at this website and talk to each other about some of the dangers associated with guns. I also encourage my colleagues to look at the website with the hope that we in Congress can restart a dialogue about how to limit youth access to guns and reduce such shootings in American schools.

I ask consent to print in the RECORD excerpts from the transcript of the interview with Mr. Bob Stuber.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOB STUBER DISCUSSES HIS ESCAPESCHOOL.COM PROGRAM TO TEACH CHILDREN WHAT TO DO DURING A SCHOOL SHOOTING

(Soledad O'Brien, co-host)

O'BRIEN. You give very specific advice. I want to get into some of it. If there is a shooting at a school, what should a student do?

Mr. STUBER. One of the very first things a student needs to know is that it's very hard to tell the difference between firecrackers and gunfire. Lots of times when you hear about these reports, you hear people say, 'I thought it was firecrackers. I went to see, and then I saw a shooter.' If you hear a sound, and you're not sure what it is, assume it could be gunfire and begin to take that defensive posture. It doesn't mean you have to jump under a table, just start thinking that way. That's the very first thing they need to know.

O'BRIEN. If it becomes clear that it is gunfire, should a student run?

Mr. STUBER. Absolutely! There are certain policies in place in some of the schools where under the best case scenario, they want them to go to a certain room and hide, and if you can do that, that's fine. But most of the time, you can't. Then we start talking about running. You want to keep this thing logical. Kids need to know how to run. For instance. . .

O'BRIEN. Where to run.

Mr. STUBER. Right. Where you—you don't want to run in a straight line. You want to either run in a zigzag fashion or you want to turn a corner because bullets don't turn corners. If you're going to hide and you pick a car, you want to hide at the front of the car where the engine block is, because that can stop a bullet. The middle of the car, the back of the car can't. Those little tips, and they're not frightening, those little tips are the things that make a difference.

O'BRIEN. Do you think a student should hide in a—in a shooting?

Mr. STUBER. Yeah, absolutely. What we think students should do first of all is—is, know the difference between cover and concealment. What they want to find is cover. For instance, a big tree with a giant trunk, that's cover. That will hide you and protect you. A hedge is concealment. It will hide you, but it won't protect you. Students have to find a place to hide where they can be safe. So the very first thing you begin to teach them, what to look for in a hiding spot.

O'BRIEN. If students are inside the classroom, is the best advice to stay inside the classroom? Or is the best advice to leave that classroom as soon as possible?

Mr. STUBER. It really—it really depends. There is no absolutes. If you can stay in that classroom, the teacher can lock the door. You can line up against the—the opposite wall, and—and you're going to be safe, that's fine. But if this action is coming down the hall, and it's coming to your classroom, you have to get out of there. So then you have to know, how should I get out? Should I go down the hall or should I go to the window, try to escape through the window? You know, we work with kids all the time. We—we set scenarios up. In one case I remember, we had kids go to the window to make an exit and because the windows wouldn't open, they naturally said, 'Well, we have to go down the hall.' They didn't think they could break the window and make an exit. You have to tell them that.

O'BRIEN. In one recent school shooting, there was an armed officer inside the school which managed to bring the shooting to a close pretty quickly.

Mr. STUBER. Right.

O'BRIEN. Do you think then that that's an indication that that's the way to go? Schools should have armed officers in the hallways?

Mr. STUBER. Well, you know, in the last two shootings, it kind of helped out, but there is no strong evidence that says it's a preventive tool. It was good that they were there. I'm not so sure schools have to go in that direction. There's so little data right now, you can't make a conclusive observation. So right now what we're trying to center on is the techniques that the students themselves can practice while all the data is being collected to make definitive prevention prognosis.

O'BRIEN. It seems critical that students report any threats that they hear. And yet time and time again, we hear that they don't. Oh, there were threats. They didn't think it was important.

Mr. STUBER. Right.

O'BRIEN. They didn't believe them. How do you make the threats actually get to the notice of the teachers?

Mr. STUBER. That is a big deal. You know, in almost every one of these shootings there has been threats, rumors or jokes. And some students haven't reported them. One of the reasons some students give is that there was no system for reporting anonymously. Schools have to provide a system where the student can report anonymously. It—because if the person finds out that you're the one that reported him, you're—you may end up getting in more trouble. So students are reluctant to report. They're also thinking, 'Well, I'm going to get my friend in trouble.' Look, it's like being at the airport. No jokes allowed in this area. Parents and schools have to tell them, report. Even a joke, you have to report.

O'BRIEN. Some good advice.

RADIATION EXPOSURE COMPENSATION ACT

Mr. DOMENICI. Mr. President, I ask my colleagues to imagine the following nightmare:

You have spent years in the uranium mines helping to build America's nuclear programs. As a result, you have contracted a debilitating and too often deadly radiation-related disease that has caused severe emotional and physical suffering. Most of life's joys have long since ended.

Your only solace is that the government is going to pay you for this suffering. Certainly, the money will never be enough to compensate you for what you've lost, but at least your medical bills will be paid. At least, if you lose this fight your family will be left with money.

However, when you open the Justice Department letter that you have long awaited, it reads:

> I am pleased to inform you that your claim for compensation under the Radiation Exposure Compensation Act has been approved. Regretfully, because the money available to pay claims has been exhausted, we are unable to send a compensation payment to you at this time. When Congress provides additional funds, we will contact you to commence the payment process. Thank you for your understanding.

Unfortunately, my fellow Senators, this is not a bad dream, but rather the terrible reality for hundreds of uranium miners, federal workers, and downwinders who have contracted these deadly radiation-related diseases. One such individual is Bob Key.

Bob Key helped build our nation's nuclear arsenal and end the Cold War through his difficult work as a uranium miner. Little did he know at the time that the uranium was slowly ravaging his body. As a result, Mr. Key has spent many years enduring the grueling pain associated with pulmonary fibrosis, which requires him to be hooked to an oxygen tank for hours on end. Recently, Mr. Key, 61, needed a tracheotomy simply to help him breathe.

Yet, despite his enormous suffering, Mr. Key has not received the $100,000 compensation from the government for which he is entitled under the Radiation Exposure Compensation Act of 1990. Instead, he received a five-line IOU from the Justice Department stating that there was not enough money to indemnify him for his suffering. This is a disgrace.

Unfortunately, Mr. Key's horror story is a familiar one for many uranium miners, federal workers, and downwinders from New Mexico, Colorado, Arizona, and Utah. In some cases,the miners have died and their loved ones are left holding nothing but a Justice Department IOU. In 1990, when we passed the Domenici-authored Radiation Exposure Compensation Act, we never envisioned that these miners would receive IOUs. However, the fund is now bankrupt because of expansions in the program and Congress' failure to appropriate enough money.

This injustice must be rectified. I rise today to urge my colleagues to remedy this lack of funding. Those who gave so much for our nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Senator HATCH and I have introduced two bills that will provide full funding for the Radiation Exposure Compensation Trust Fund. We proposed legislation seeking $84 million in emergency supplemental appropriations to pay those claims that have already been approved as well as the projected number of approved claims for fiscal year 2001. This legislation would also make all future payments for approved claims mandatory.

With this legislation, we will ensure that those who gave so much for our nation will at least receive their deserved benefits. We must never again let their sacrifice go unanswered. I again ask my Senate colleagues to help us right this wrong and give these victims their just compensation. I ask unanimous consent that the March 27 New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, March 27, 2001]

ILL URANIUM MINERS LEFT WAITING AS PAYMENTS FOR EXPOSURE LAPSE

(By Michael Janofsky)

GRAND JUNCTION, COLO., MARCH 20.—For all the reminders of Bob Key's cold war effort, mining uranium for American nuclear weapons programs, none stands out more than the tank of oxygen tethered to his throat. Mr. Key, 61, has pulmonary fibrosis, a scarring of the lungs that is often fatal. A recent tracheotomy helps air flow to his lungs through a tube connected to the tank.

A decade ago, Congress recognized the contributions of Mr. Key and other uranium miners and passed the Radiation Exposure and Compensation Act of 1990. Signed by President George Bush, the law established one-time payments of up to $100,000 to miners or their families and to people who lived downwind from the nuclear test sites in Nevada. Last year, Congress increased the payout to $150,000, added new medical benefits and expanded the number of workers eligible.

But after years of smooth operations, the program is broke. Scrambling last year to pass President Bill Clinton's final budget, lawmakers never debated the Justice Department's request for additional money to cover the expanded program even as new applications were pouring in, and by May, nothing was left. And Congress has been reluctant to act until it decides how to apportion the federal surplus and how much to cut taxes.

As a result, for the first time, claims from hundreds of eligible applicants like Mr. Key have been held up, with many of the applicants receiving i.o.u. letters from the Justice Department, which administers the program, saying their requests will be processed only after Congress appropriates more money.

And the demand is only increasing. Claims from another 1,600 applicants under the original law are pending, and the department estimates that as many as 1,050 new applicants are expected to file for benefits this year, a number that would raise the cost of the program to more than $80 million.

"It's been a bureaucratic travesty," said Representative Scott McInnis, a republican from Grand Junction, a city in western Colorado, who introduced legislation this year seeking $84 million to restore the program. "These people are due their compensation. There is nothing to be adjudicated. The money is owed. The debt is due."

For now, Congress has not decided how or when to continue the program. Lawmakers are discussing the possibility of legislation as part of the current year's budget to provide money right away.

Meanwhile, almost 200 people who have been approved for the money are still holding the i.o.u.'s, including relatives of some miners who have died of their illnesses while waiting.

"Just since January, we've lost five clients, and I'm sure there are more we're not aware of," said Keith Killian, a lawyer here who represents former uranium miners and their families. Rebecca Rockwell, a private investigator in Durango, Colo., said she represented the families of at least 10 clients with i.o.u. letters who have died.

Senator Pete V. Domenici of New Mexico and Senator Orrin G. Hatch of Utah, both Republicans, have introduced legislation similar to Mr. McInnis's, asking for enough money to pay all claims through this year and to make the program a permanent entitlement so Congress does not have to authorize spending each year. They have urged President Bush to include money for the program in a supplemental budget proposal for the current fiscal year.

But miners and their families have been told that no new spending is likely until Congress resolves its fiscal issues, a process that could delay disbursement of the miners' money for months, even a year.

"I'm bitter about it," said Mr. Key, who worked in the mines from 1959 through 1963 and, like other mine workers, said he was never warned of the health consequences of exposure to uranium.

"I wonder how well those guys in Washington would do, see how they would like it, tied to a chain like I am 24 hours a day," Mr. Key said. "I know I owe taxes this year. I'm just going to tell them to take it out of my i.o.u."

Worried that he will not live long enough to receive a check because of his lung disease, Jack Beeson, 67, a former miner from Moab, Utah, said: "We worked in those mines, waiting for our golden years. Well, now it's our golden years, and it's done nothing but cost us gold. This is no way to live. I felt I was doing the government a service. Now, I feel they're doing me a disservice."

To many of the former miners who extracted uranium from hundreds of mines in Colorado, Utah, New Mexico and Arizona, the i.o.u.'s are insulting. From the 1940's through 1971, when mining for the nuclear weapons program ended, they regarded themselves as patriots, equal to servicemen. The relatively high wages paid by the mines were a lure, but so was the idea that uranium mining was crucial to national security.

Lorna Harvey's father, Loren Wilcox, was a cattle rancher. But he disliked Russia so much, Ms. Harvey said, that he took a mining job in 1954 and worked it for two and a half years. "He felt we needed to protect ourselves," she said. Mr. Wilcox died of lung cancer in 1969 at 62.

Most workers had no idea that the yellow ore they were mining could destroy their health. Wayne Hill, 69, who has lung cancer, said a tin cup hung at the entrance to one mine for miners and drivers to drink water dripping out of the rocks. "It was cool, clear water," he said. "I didn't know it was going to make me light up."

So little was known or revealed about the health consequences of uranium exposure that workers used uranium dust for fertilizer and uranium rocks for doorstops. "My mother made earrings out of it," Ms. Harvey said.

With deaths and illnesses mounting and ample scientific evidence to show that uranium exposure was a cause, Congress passed legislation to compensate the miners in 1990. And for nearly 10 years, the Justice Department's annual requests for financing the program were met. To date, $268.7 million has been paid to 3,595 people. About the same number were denied because they lacked proper medical records or copies of company logs that showed how long they had worked in the mines.

The financial crunch arose when Mr. Clinton expanded the program at a time Congress appropriated only $10.8 million to cover existing claims, an amount that was exhausted quickly. Efforts by Mr. Domenici and others to cover the shortfall, as well as the new applicants, failed.

Some of the i.o.u. holders have lost hope of seeing the money. Darlene Pagel's husband, Duane, died of pulmonary fibrosis in 1986 at 55. Since then, Ms. Pagel said, she has worked two jobs to pay off his medical bills, which still amount to $26,922.

"He didn't know uranium could kill him," she said. "If he'd have known he would have been dead at 55, he never would have taken the job."

25TH ANNIVERSARY OF WASHINGTON METRO

Mr. SARBANES. Mr. President, tomorrow, March 29, 2001, the Washington Metropolitan Area Transit Authority will celebrate the 25th Anniversary of passenger service on the Metrorail system. I want to take this opportunity to congratulate WMATA on this important occasion and to recognize the extraordinary contribution Metro has made to this region and to our Nation.

For the past quarter century, the Washington Metro system has served as a shining example of a public investment in the Washington Metropolitan area's future. It provides a unified and coordinated transportation system for the region, enhances mobility for the millions of residents, visitors and the federal workforce in the region, promotes orderly growth and development of the region, enhances our environment, and preserves the beauty and dignity of our Nation's Capital. It is also an example of an unparalleled partnership that spans every level of government from city to state to federal.

Since passenger service first began in 1976, Metrorail has grown from a 4.6 mile, five station, 22,000 passenger service to a comprehensive 103-mile, 83 station, and 600,000 passenger system serving the entire metropolitan region, and with even more service and stations on a fast track toward completion. Today, the Metro system is the second busiest rapid transit operation in the country, carrying nearly one-fifth of the region's daily commuters traveling to the metropolitan core and taking more than 270,000 vehicles off the roads every day. It is also one of the finest, cleanest, safest and most reliable transportation systems in the Nation.

Reaching this important milestone has not been an easy task, by any measure. It took extraordinary vision and perseverance to build the 103 mile subway system over the past twenty-five years and, as the Washington Post has recently underscored in two articles about the Metro system, it will require an equal or even greater commitment to address the challenges that lie ahead. I ask unanimous consent that the text of the first of these articles be included in the RECORD immediately following my statement.

The great communities throughout the world are the ones that have worked to preserve and enhance their historic and natural resources; provide good transportation systems for citizens to move to their places of employment and to public facilities freely; and invest in neighborhoods and local business districts. These are among the things that contribute to the livability of our communities and enrich the lives of our citizens. I submit that the Metro system and the regional cooperation which it has helped foster has helped make this region a community in which we can all be proud.

This week's celebration is a tribute to everyone involved in the continuing intergovernmental effort to provide mass transit to the people of the Washington Metropolitan area—those local, State and federal officials who had the vision to begin this project 25 years ago and who have worked so steadfastly over the years to support the system. This foresight has been well rewarded and I join in celebrating this special occasion.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 25, 2001]

REGION'S SUBWAY SYSTEM BEGINS TO SHOW ITS AGE

(By Lyndsey Layton)

As Washington's Metro trains hummed to life 25 years ago, many people didn't know what to expect. It was, after all, among the first U.S. subway systems built from scratch, rather than cobbled together from several existing railroads, as in New York and Boston.

But from its opening on March 27, 1976, Metro was a new American monument. Embraced by locals and tourists, it became a $9.4 billion model for moving people swiftly between suburbs and the city. Riders have lately flocked to Metro faster than it can buy rail cars to carry them, a fortune never anticipated by its designers.

The Metro would provide to be far more than a people mover. It shaped the region in dramatic ways, turning the village of Bethesda into a small city, reviving sagging Clarendon, pumping new life into downtown by creating mass transit access that eventually lured the MCI Center and its professional sports teams to Gallery Place.

The Metro system has become—among many other things—a gathering place, a unifier, a matchmarker, a land developer, an economic power and a community planner.

But while Metro fulfilled some dreams, it left others unrealized. Ideas that made sense when the subway was built turned out to be mistakes. Escalators open to the sky are falling apart after decades of soaking in rain and snow. The two-track design of the railroad is too simple for increasing demands for service.

Metro is lapping up tax dollars to keep its aging equipment running.

And the rail lines don't reach where most movement now takes place: suburb to suburb. Transit managers have grand visions for Metro's next 25 years: They want to connect major suburbs with rail and to use the more flexible bus system to follow the market, joining suburbs, carrying the spillover from rail lines, stepping in to fill gaps.

They dream of a transit system that forges the region's destiny for the next quarter-century as it did for the past.

MOLDING THE REGION

The transit system has sprouted restaurant rows in Bethesda and Ballston, shops and offices in Pentagon City and around Union station, affordable housing in Virginia Square, economic revival on U Street. Metro means cheap mobility for college students.

It has helped diversify the inner suburbs, encouraging immigrants from Bolivia and Peru to settle in Arlington. It made it possible for many of the 300,000 federal employees to buy single-family homes in close-in communities and work in downtown Washington. It even gave a name to the neighborhood of Friendship Heights, which most called Chevy Chase in the days before the subway station.

Metro has tied together a region fractured by state lines, race and class.

"You've got people of different races, different classes, different job descriptions, from city and from suburb, old and young, able and disabled," said Zachary Schrag, a graduate student at Columbia University who is writing his dissertation about the Metro. "And they actually treat each other pretty civilly most of the time."

MOVING PEOPLE

Alan Sussman studies Torah on the Red Line. Frank Lloyd takes his twin girls for all-day rides as a cheap diversion. Oren Hirsch, 14, always tries to claim the seat directly behind the operator so he can peer through the smoked-glass window and watch the controls and the track bed rushing under the train.

Metro is carrying about 600,000 passengers a day on its trains and 500,000 on buses, making it the nation's second-busiest transit system behind New York's.

That's a ranking that none of the original planners dreamed of when they were designing the system in the late 1960s.

"I'm a believer, and it has even outstripped my expectations," said Cleatus Barnett, 73, who was appointed to the Metro board of directors in 1971 and is the longest continually serving member.

The subway takes more than 270,000 cars off the road each day, Metro officials say. Those cars would have used more than 12 million gallons of gasoline a year and needed 30 additional highway lanes and 1,800 acres of parking.

Mary Margaret Whipple, a state senator from Arlington and a past member of the Metro board, puts it this way, "One hundred thousand people a day go underneath Arlington on the Metro system instead of through Arlington in their cars."

As highway traffic gets worse, subway ridership has soared. Ridership records are shattered regularly, thanks in part to a robust economy, strong tourism, a new transit subsidy extended to federal workers and fares that haven't increased since 1995.

AN EARLY VISION

Before it opened, Metro had trouble recruiting workers, who were wary abut toiling in the dark underground. "All people knew about subways was New York," said Christopher Scripp, a Cleveland Park Station manager, who was a Metrobus driver when he became one of the first subway employees.

The architect, Harry M. Weese, had been sent on a tour of European subways with instructions to combine the world's best designs into a new American monument.

Weese dreamed big, and a legion of engineers followed his concept to launch a transit system that would eventually cost $9.4 billion and stretch 103 miles across two rivers, two states and the District.

With their coffered concrete arches and floating mezzanines lighted dramatically from below, the stations were celebrated by everyone from architecture critics to construction workers.

DESIGN PROBLEMS

But planners can see only so far into the future. What they failed to recognize as a service area—the edge cities outside the orbit of downtown Washington—has left Metro with the challenge of trying to be useful to people who don't live or work where the subway lines run.

They plotted a hub-and-spoke pattern of five lines with 83 stations stretching from the suburbs to the center of the District to ferry federal workers from homes to offices. But development patterns have since strayed, creating suburban communities and office centers far from the subway lines in upper Montgomery, Howard, Southern Maryland, western Fairfax, Loudoun and Prince William.

Those patterns are going to intensify. In another 25 years, two-thirds of all daily trips in the region will be from suburb to suburb, according to the region's Transportation Planning Board. Transit advocates have been lobbying for several years for a Purple Line to connect Bethesda in Montgomery County with New Carrollton in Prince George's County. Advocates say the Purple Line is the best bet for a fast connection between the counties, since the proposed intercounty connector linking I–270 and I–95 has been sidelined.

Metro planners are also looking at ways to connect Prince George's County with Alexandria by running rail over the new Woodrow Wilson Bridge.

Metro has started several new suburb-to-suburb bus routes, though it acknowledges buses are a far cry from rapid rail service.

CHANGING COMMUNITIES

The original 103-mile Metro system was finished in January, when the final five stations opened on the Green Line in the District and Prince George's. While Metro is primarily a people mover, it also can change the look and feel of a community, for better or worse. Even in neighborhoods that waited many years for Metro service, people have mixed feelings about living on the subway line.

"The more accessible transportation is, the more likely developers are going to come into your neighborhood and price you out," said Brenda Richardson, a consultant who runs her firm, Women Like Us, from he rented home five blocks from the new Congress Heights Station.

"People here are worried about being displaced. We feel like we stayed here when things were awful, and now that the community is a prime place for development, we're going to be booted out.... Gentrification to a lot of black folks means the white folks are coming."

Communities like Arlington and Bethesda either require affordable housing near Metro stations or offer incentives to developers who set aside a portion of a project to affordable housing.

Richardson wants a similar protection in the District. "I don't like the idea that Metro can destabilize communities," she said. "There needs to be some sort of policy that is set so that when Metro comes into neighborhoods, developers are not at liberty to push out longtime residents, seniors and renters."

Exactly how Metro changes a community has plenty to do with the decisions made by the community's own planners and leaders.

Metro is the reason some places, like Bethesda or the stretch between Rosslyn and Ballston in Arlington, have seen thriving "urban villages" sprout up around their stations while other spots, such as Rhode Island Avenue in the District or Addison Road in Prince George's have stations that are relatively isolated and undeveloped.

ARLINGTON'S MODEL

Arlington County is widely seen as the gold standard for molding growth around Metro. Along the five-station corridor from Rosslyn to Ballston, which opened in 1979, Arlington leveraged the subway stations to attract jobs, housing and commercial development.

"There is no better success story," said Stewart Schwartz, of the Coalition for Smarter Growth.

The story starts with Arlington leaders, who recognized early on that Metro could be powerful enough to revitalize the sagging commercial corridor between Rosslyn and Ballston.

They fought to change the route of the subway, which had been planned along the median of I–66, and convinced Arlington taxpayers it would be worthwhile to pay extra to burrow the subway underground and pull it south to run between Wilson and Clarendon boulevards.

They worked with residents to establish a vision for the development they wanted and wrote zoning laws to make it happen. The plan was high-density, high-rise office, retail and residential space next to the stations, with a gradual tapering in height so that single-family homes remained untouched just two or three blocks away.

The streets around the stations welcome pedestrians, not cars. There is no Metro parking.

"We were willing to go through a major community transformation in order to maximize the value of this transit system," Whipple said. "The feeling was that people could live and work near transit, and it should have a beneficial effect. And it has. We simply don't have the kinds of traffic problems that exist elsewhere."

With offices, shops and housing near Metro, the station becomes as much destination as origin. Trains are full coming and going.

That's not the case for most suburban Metro stations. "Most of the trains leave most of the stations most of the time essentially empty," said Ed Risse, a Vienna-based consultant who has closely studied the link between urban development and public transit systems such as Metro. "In the morning, it's crowded and uncomfortable. But going in at midday and out in the morning, there are huge amounts of unused capacity. Looking ahead to the next 30 years, we need to much more efficiently use that capacity."

OTHER APPROACHES

Fairfax County, meanwhile, largely squashed attempts to develop commercial and retail property around its Orange Line Metro stations. Risse worked on five different projects to develop land around the Vienna Metro station—they all failed to win approval.

County supervisors said they recognize that some development may be healthy at some stations and have approved a new zoning category that allows higher-density projects near Metro.

But Risse said the county is far from ready to embrace "transit villages."

"If you undertake transit-related development at Vienna or any of those stations, it's a long, acrimonious process," he said. "There are vocal people who want to drive to the station, park and use it. A larger group wants others to drive to the station so they can keep driving. And the third group lives near the station and doesn't want anything built there."

By contrast, Prince George's County has struggled to lure developers to its Metro stations. Most of its larger employers near Metro stations are federal agencies. Many of its stations are hard to reach by foot and are surrounded by large parking lots or garages.

"Prince George's took a $10 billion investment and put it on the shelf," Schwartz said. "The bottom line is, today there are four spurs of the Metro system in Prince George's—more than any other jurisdiction—and very little development."

Prince George's planners forecast little additional development 25 years form now. Using projections made by local counties, the Metropolitan Washington Council of Governments created a map that predicts regional development by 2025. It shows that Prince George's offices expect few projects to be built around their Metro stations.

Metro was one of the first transit agencies in the country to sell or lease land it owns near stations. To date, Metro has approved about 40 such projects, of which 27 have been built and generate about $6 million in annual revenue for the agency. Metro has identified about 400 additional acres it wants to develop.

ROADS AND RAILS

Critics, such as the Chesapeake Bay Foundation, say Metro could be more aggressive in developing projects around its stations and that too much land is developed to parking and roads. The environmental group says Metro should instead develop shops, offices and restaurants so people would ride the trains to—as well as from—the station, to invigorate the community. But Metro General Manager Richard A. White said the system has historically stayed out of local affairs.

Meanwhile, the road network carries the load that Metro can't. The high-tech corridor of Northern Virginia, the biotech community in Montgomery County and the Navy's expanding air station in Southern Maryland are fed by congested highways or the overwhelmed Capital Beltway.

While 40 percent of the region rides mass transit into the core of Washington, the remaining 60 percent travel by automobile. And when you consider the total number of daily trips taken throughout the Washington region—including outer suburbs far from Metro—the percentage carried by transit drops to about 5 percent.

"There's just a limited number of people who can use it," said Bob Chase, of the Northern Virginia Transportation Alliance. "If you live in Ballston and work in Farragut Square, fine. But that's not a lot of people."

Still, the subway has a strong public image. In a recent poll of riders and non-riders conducted by Metro, 69 percent said they felt positively or very positively about Metro.

"Most people are for mass transit because they believe everyone else can use it," Chase said. "They're driving down the road and they're thinking, 'Gee, if we only had transit, everyone else would ride it and get out of my way.'"

Even as they celebrated the completion of the original system, Metro officials were working on three new projects—extending the Blue Line to Largo in Prince George's, building a New York Avenue station on the Red Line and extending rail to Dulles International Airport, with stops in Tysons Corner.

As Metro starts digging the rail bed for the new century, some say it should correct its mistakes.

"If they just run [rail to Dulles] out the highway median and don't focus on development at the stations, it will be a wasted investment," Schwartz said.

If Metro won't pull the rail to Dulles off the Dulles Toll Road and route it into the heart of the suburbs, it should make the most of the stations along the highway, Risse and Schwartz said. They want stations of the new millennium to be built on platforms over the highway that would also support stores, offices and housing—all of it rising into the sky over the roadway.

"While there is record ridership and we are doing a good job, it's like having a Class C basketball team beating all its opponents and saying that's good enough," Risse said. "But there's Class B and Class A and Class AA. There's no reason this transit system can't be Class AA."

FIFTH ANNIVERSARY OF RED TAPE REDUCTION ACT

Mr. BOND. Mr. President, five years ago today the Congress, without dissent in the Senate, took a historic step in reigning in the federal government's regulatory machine and protecting the interest of small businesses. My Red Tape Reduction Act, what others call the Small Business Regulatory Enforcement Fairness Act, ensured that small businesses would be given a voice in the regulatory process at the time when it could make the most difference: before the regulation is published as a proposal.

This act provides a number of provisions that have proven to make the regulatory process more attentive to the impact on small businesses, and consequently more fair, more efficient and more effective. Perhaps the best known of these provisions is the requirement that OSHA and EPA convene panels to receive comments from small businesses before their regulations are proposed. This gives these agencies the unique opportunity to learn up front what the problems with their regulation may be, and to correct these problems when it will cause the least difficulty. This has resulted in significant changes being made, and in one case, EPA abandoning a regulation because they recognized that the industry could deal with the issue more effectively on their own.

Experience with this panel process had proven to be an unequivocal success. The former chief counsel for advocacy of the Small Business Administration stated that, "Unquestionably, the SBREFA panel process has had a very salutary impact on the regulatory deliberations of OSHA and EPA, resulting in major changes to draft regulations. What is important to note is that these changes were accomplished without sacrificing the agencies public policy objectives."

Another provision of the Red Tape Reduction Act that was just exercised, was the Congressional Review Act, which gave Congress the ability to invalidate those regulations determined to be truly egregious and beyond repair. Thankfully, we had this measure available as a last resort to dispose of the Clinton OSHA ergonomics regulation, which was a monument to regulatory excess and failure to appreciate the impact on small businesses.

Finally, one other provision of the Red Tape Reduction Act is just now being invoked. The Red Tape Reduction Act corrected the Regulatory Flexibility Act's lack of enforcement by giving interested parties the opportunity to bring a legal challenge when they believed that an agency is in noncompliance. Litigation is now moving through the courts that takes advantage of this provision and will hold agencies accountable for their actions.

While the Red Tape Reduction Act has been a resounding success, it is clear that more needs to be done. Too many agencies are still trying to evade the requirements to conduct regulatory flexibility analyses that will identify the small business impacts of their regulations. We now realize that the IRS should also be required to conduct small business review panels so that their regulations will impose the least amount of burden while still achieving the mission of the agency.

These and other issues shall be addressed in future legislation that I will introduce. For now, let us all appreciate and celebrate the benefits that the Red Tape Reduction Act brought to both the agencies and small businesses.

WORK OPPORTUNITY IMPROVEMENT ACT OF 2001

Mr. BAUCUS. Mr. President, it is with great pleasure that I join my colleague and friend, Senator JEFFORDS to introduce S. 626, the Work Opportunity Improvement Act of 2001. This legislation would permanently extend the Work Opportunity Tax Credit, WOTC, and the Welfare-to-Work, W-t-W, tax credit. The measure would also modify WOTC's eligibility criteria to help those receiving food stamps qualify for the credit.

Over the past 5 years these tax credits have played an integral part in helping a million and a half of America's working poor transition into the work force. WOTC was enacted in September of 1996, and W-t-W a year later, in order to provide employers with the financial resources they would need to recruit, hire, and retain individuals who have significant barriers to work. Traditionally, employers have been resistant to hiring those coming off the welfare rolls not only because they tended to be less educated and have little work place experience, but also because welfare dependency fosters self esteem problems which need to be surmounted. But these hiring tax incentives have clearly demonstrated that employers can be enticed to overcome their natural resistance to hiring less skilled, economically dependent individuals provided they are supplied adequate financial incentives. No other hiring tax incentive or training program has been nearly as successful as WOTC and W-t-W in encouraging employers to change their hiring practices.

A vibrant public-private partnership has developed over the past 5 years where-by government has provided the incentives and program administration support required to induce employers to participate. Employers have responded by changing their hiring practices. Many employers have established outreach and recruitment programs to target eligible individuals. States have made these programs more employer-friendly by continually improving the way they are administered. But time and again, we hear from both employers and the State job services, which administer the programs, that the continued uncertainty surrounding short-term extensions impedes expanded participation and improvements in program administration. A permanent extension would induce many of the employers now participating to expand their recruitment efforts and encourage the States to commit more time and effort to perfecting their administration of the program. This in turn would mean that even more individuals would be helped to transition from welfare dependency to work. Precisely because these programs have proven to be such successes over the past 5 years that we believe they should be made permanent.

In addition to making the WOTC and W-t-W programs permanent, our legislation would improve the WOTC program by increasing the age ceiling in the food stamp category from age 21 to age 51. This would greatly improve the job prospects for many absentee fathers and other vulnerable males who are less likely to qualify under other categories. Making absentee fathers eligible for the WOTC credits would provide employers with the incentive to hire them and in so doing provide them with the sense of personal responsibility and community involvement that are essential first steps to their assuming their responsibility as parents.

We urge our colleagues to join us in cosponsoring this important legislation to permanently extend the Work Opportunity Tax Credit and Welfare-to-Work tax credit programs.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 28, 2001, the Federal debt stood at $5,734,570,704,080.99, Five trillion, seven hundred thirty-four billion, five hundred seventy million, seven hundred four thousand, eighty dollars and ninety-nine cents.

One year ago, March 28, 2000, the Federal debt stood at $5,733,742,000,000, Five trillion, seven hundred thirty-three billion, seven hundred forty-two million.

Five years ago, March 28, 1996, the Federal debt stood at $5,071,792,000,000, Five trillion, seventy-one billion, seven hundred ninety-two million.

Ten years ago, March 28, 1991, the Federal debt stood at $3,460,371,000,000, Three trillion, four hundred sixty billion, three hundred seventy-one million.

Fifteen years ago, March 28, 1986, the Federal debt stood at $1,981,783,000,000, One trillion, nine hundred eighty-one billion, seven hundred eighty-three million, which reflects a debt increase of almost $4 trillion, $3,752,787,704,080.99, Three trillion, seven hundred fifty-two billion, seven hundred eighty-seven million, seven hundred four thousand, eighty dollars and ninety-nine cents, during the past 15 years.

ADDITIONAL STATEMETNS

PURDUE UNIVERSITY AND UNIVERSITY OF NOTRE DAME WOMEN'S BASKETBALL TEAMS

• Mr. LUGAR. Mr. President, two years ago I rose to commend Purdue University's women's basketball team for winning the 1999 National Collegiate Athletic Association basketball championship. Today I again rise to honor the Lady Boilermakers for again making a trip to the NCAA Final Four. And this year, I also want to honor the women's basketball team of the University of Notre Dame as Indiana is exceptionally proud to have not one, but two women's basketball teams reaching the 2001 NCAA Final Four.

Notre Dame last represented Indiana in the women's NCAA Final Four in 1997. This year the Notre Dame women have achieved an exceptional sixth consecutive tournament appearance and eighth overall tournament appearance under Head Coach Muffet McGraw. Coach McGraw and All-American, Big East Player of the Year Ruth Riley have led the team to an outstanding 32–2 record, a school high for victories in one season.

Purdue's women have persevered through adversity to achieve success as they suffered the loss of team member Tiffany Young in a 1999 traffic accident. Team members experienced other personal losses and serious injuries, yet with skill and determination they have become the first team to reach the Final Four under three coaches: Lin Dunn in 1994, Carolyn Peck in 1999, and now current Coach Kristy Curry. Coach Curry, Big Ten Player of the Year Katie Douglas, and the rest of the Lady Boilermakers hold an impressive 30–6 record.

We celebrate the dedication of these women, their victories, and the tradition of sportsmanship and excellence present throughout Indiana. We send these two teams our best wishes as they proceed to their respective semifinal games.•

IN MEMORY OF ROWLAND EVANS

• Mr. HOLLINGS. Mr. President, the best example of the free press was Rowland Evans and the best brief on this outstanding journalist was from his partner, Robert D. Novak, in the Washington Post, Thursday, March 29. I ask consent that the brief be included in the RECORD for his friends that knew him and for the millions more that were informed by his writing.

The brief follows:

[From the Washington Post, Mar. 29, 2001]

ROWLAND EVANS, REPORTER

(By Robert D. Novak)

On Monday morning, Dec. 17, 1962, I returned from my honeymoon and found multiple phone messages from Rowly Evans on my desk in the Wall Street Journal's Washington bureau. Evans, a reporter for the New York Herald-Tribune, asked me at a subsequent lunch to collaborate with him in a daily newspaper column.

The goal was a product short on ideology, long on reporting. Our column first appeared on May 15, 1963, and ran in this space under our double byline until Evans retired from the column 30 years later. Over the years, I fear, we became more ideological. But we promised ourselves that every column would contain some information, major or minuscule, never previously reported.

We kept that promise, thanks to Evan's energies. Several obituaries noting the death of Rowland Evans from cancer on March 23 described him as a conservative. More appropriately, he should be remembered as a reporter and a patriot.

His model was the column written by the Alsop brothers—Joseph and Stewart—who combined dogged reporting with a passion for the security of the United States. Like Joe Alsop, Evans belonged to the Washington of black-tie dinner parties, still flourishing when our column began.

Rowly snagged stories on the Georgetown party circuit, including an exclusive on U.S. plans for an electronic wall to protect south Vietnam. But he relied mostly on old-fashioned reporting, featuring relentless interrogation of sources. Senators, Cabinet members and anonymous staffers lured to lunch or breakfast at the Metropolitan Club found themselves facing a questioner who insisted on answers. He traveled everywhere for stories, covering the Vietnam, Six-Day and Gulf wars, often at great physical risk.

Readers who thought they could spot the principal author of our columns would be surprised to learn that I was not responsible for "Reassessing Goldwater," published on April 9, 1964. Since at that time I had close contact with Sen. Barry Goldwater, it was assumed that I had written the column disputing the conventional wisdom that Mr. Conservative was dead for the Republican presidential nomination. After much shoeleather reporting, Evans came to the conclusion that Goldwater quite likely would be the nominee.

He flourished when reporting on national security, using a melange of sources both prominent and shadowy. He was ahead of everybody in forecasting the breakdown of Soviet satellite rule in Poland and Czechoslovakia. In 1979, one Evans column after another exposed Soviet cheating on arms control agreements that U.S. officials tried to ignore. Evans considered that work the high point of his long career.

Nothing he did ever caused more trouble than his tough reporting on Israeli intransigence. Evans was not anti-Israel and certainly not antisemitic. He went to Lebanon in 1982 to cover an Israeli invasion of Lebanon that he deployed. But he found Palestinian atrocities in Sidon, Lebanon, that suggested "the PLO has become permeated by thugs and adventurers." Although the late Yitzhak Rabin was his friend, he did not feel that the United States should be tied to the decisions of the Israeli government.

Our column encountered the most criticism when he investigated, years after the event, the Israeli attack that sank the U.S. Navy communications intelligence ship Liberty during the Six-Day War. It was not anti-Israeli bias that caused Evans to probe an incident that both governments wanted to hide. Rather, it was outrage—born of patriotic fervor—over the needless death of 34 U.S. Naval personnel that he laid at the feet of Israeli defense forces.

That same outrage had led Evans as a Yale freshman on Dec. 8, 1941, to protest the Japanese bombing of Pearl Harbor by enlisting in the Marine Corps, taking him to combat on Guadalcanal.

American security was his guiding star. It led him to support U.S. efforts to save Vietnam from communist oppression, though that stance eventually put him in opposition to his friend Robert F. Kennedy. It led him away from his family's ties with Democrats and toward the Reagan Revolution.

He was the life of every party be attended. But behind the charm of a Philadelphia society boy was a tough Marine who loved his country and never wavered in seeking the truth.•

BRYANNA HOCKING WINS MITCHELL SCHOLARSHIP

• Mr. SMITH of Oregon. Mr. President, I am delighted to congratulate an Oregon citizen and former intern in my office, Bryanna Hocking, of Eugene, OR, on her selection as a recipient of a George J. Mitchell Scholarship to study in Ireland beginning in the fall.

This competitive, national scholarship enables American university graduates to pursue a year of study at institutions of higher learning in Ireland and Northern Ireland. These scholarships are awarded to individuals between the ages of 18 and 30 who have shown academic distinction, commitment to service, and potential for leadership.

Bryanna will be an excellent student ambassador to Ireland. In May 2000, she received a Bachelor of Science in Foreign Service from Georgetown University's Walsh School of Foreign Service. An active member of her community, she was founder and co-chair of the Georgetown Women's Guild, which organized forums and discussions at the University on women's issues and served on the executive board of the Georgetown College Republicans.

Bryanna is an aspiring journalist, an ambition sparked by her concerns about how the media dealt with the Balkans, Rwanda, and other areas where ethnic strife led to genocide. Bryanna hopes that she can combine her passion for journalism and international affairs in a career in which she contributes to increased harmony among the world's peoples. I congratulate her and wish her luck in her peace and development studies at the University of Limerick.●

DR. GEORGE W. ALBEE, DISTINGUISHED VERMONTER

● Mr. LEAHY. Mr. President, on Friday April 5, a distinguished retired Vermonter, Dr. George W. Albee will receive the American Psychological Association's Presidential Citation for the work he has done in the field of psychology over the last 50 years.

Dr. Albee and his family moved to Vermont in the early 1970's, after a long and prolific career at Case Western Reserve University in Cleveland. He taught and wrote at the University of Vermont for the next 25 years, and was an active and influential member of Vermont's academic community.

Dr. Albee's career began in a small office at APA's national headquarters in Washington in the early 1950's. In the fall of 1953, he went to Finland after landing a Fulbright Professorship at Helsinki University. He returned to accept a job in the Department of Psychology at Western Reserve University, and was named George Trumbull Ladd Distinguished Professor of Psychology in 1958.

Under President Eisenhower, Albee was the Director of the Task Force on Manpower of the Joint Commission on Mental Illness and Health. The book that he wrote, coupled with the work and recommendations of the commission, helped lead to the establishment and development of community mental health centers.

He also served as a consultant to the U.S. Surgeon General, the Peace Corps, and headed President Carter's Commission on Mental Health in 1977.

Prior to moving to Vermont, Albee was elected President of the American Psychological Association where he served with distinction during a turbulent time of change in the psychological and psychiatric communities.

He was always known in Vermont as a leader also willing to wade into controversy and fight for the causes he believed in. In 1977, he began an annual conference at UVM on the Primary Prevention of Psychopathogy, which over the years have brought scholars and policy makers from around the country and around the world to discuss ways to shape local state and national policies on a range of important public policy areas.

In addition to his prolific writings, Dr. Albee taught thousands of undergraduate and graduate students at UVM. His contribution to Vermont and our nation has been profound. I am honored to consider him and his wife Margaret friends—and am proud that he has raised four children, all of whom are contributing in their own ways to making this world a better place.

A previous award Dr. Albee received articulated better than I his contribution to the field of psychology. Its says:

> Dr. Albee has had an active role in plotting the direction and independence of professional psychology. He saw and articulated early the need for an independent profession of psychology, freed from the domination of older professions and older models. His "Declaration of Independence for Psychology" has been reprinted endlessly. His argument and clinical psychology students should be trained in a service center operated by psychology was widely accepted. His study of the nation's manpower needs and resources in mental health was one of the major influences in developing the community mental health center movement. He has been a frequent critic of the mental health establishment, but he has been as sharply critical of his own field when it seemed tempted to yield principle for power and status. At times of greatest crisis, however, George W. Albee has helped find ways of compromise which have held psychology together.

I congratulate Dr. Albee for this award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6. An act to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent rate bracket, and the earned income credit, to increase the child credit, and for other purposes.

The message also announced that the House has heard with profound sorrow of the death of the Honorable NORMAN SISISKY, a Representative from the Commonwealth of Virginia. That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral. That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House. That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased. That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The message further announced that pursuant to 22 U.S.C. 276h, the Speaker appoints the following Member of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman.

The message also announced that pursuant to section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181), the Minority Leader appoints the following individual to the National Commission to Ensure Consumer Information and Choice in the Airline Industry: Mr. Thomas P. Dunne, Sr. of Maryland Heights, Missouri.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 106th Congress" (Rept. No. 107–8).

By Mr. HELMS, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations" (Rept. No. 107–9).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James D. Bankers, 2533
Brig. Gen. Marvin J. Barry, 3766
Brig. Gen. John D. Dorris, 4306
Brig. Gen. Patrick J. Gallagher, 3723
Brig. Gen. Ronald M. Sega, 0560

To be brigadier general

Col. Thomas A. Dyches, 7682
Col. John H. Grueser, 2541
Col. Bruce E. Hawley, 0110
Col. Christopher M. Joniec, 6899
Col. William P. Kane, 0212
Col. Michael K. Lynch, 7075
Col. Carlos E. Martinez, 5382
Col. Charles W. Neeley, 4691
Col. Mark A. Pillar, 9547
Col. William M. Rajczak, 8761
Col. Thomas M. Stogsdill, 7360
Col. Dale Timothy White, 2292
Col. Floyd C. Williams, 8603

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Martha T. Rainville, 6388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis A. Higdon, 1853
Brig. Gen. John A. Love, 4350
Brig. Gen. Clark W. Martin, 9609
Brig. Gen. Michael H. Tice, 0214

To be brigadier general

Col. Bobby L. Brittain, 2797
Col. Charles E. Chinnock Jr., 9442
Col. John W. Clark, 9977
Col. Roger E. Combs, 7932
Col. John R. Croft, 3140
Col. John D. Dornan, 1461
Col. Howard M. Edwards, 5648
Col. Mary A. Epps, 7781
Col. Harry W. Feucht Jr., 7876
Col. Wayne A. Green, 0588
Col. Gerald E. Harmon, 6527
Col. Clarence J. Hindman, 2029
Col. Herbert H. Hurst Jr., 9448
Col. Jeffrey P. Lyon, 8685
Col. James R. Marshall, 1126
Col. Edward A. McIlhenny, 2884
Col. Edith P. Mitchell, 5575
Col. Mark R. Ness, 6391
Col. Richard D. Radtke, 2746
Col. Albert P. Richards Jr., 7550
Col. Charles E. Savage, 4418
Col. Steven C. Speer, 0563
Col. Richard L. Testa, 1268
Col. Frank D. Tutor, 8226
Col. Joseph B. Veillon, 0348

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert M. Carrothers, 3234

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert M. Diamond, 5525

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Eugene P. Klynoot, 5848

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Paul C. Duttge III, 9920

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph M. Cosumano Jr., 4186

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Perry V. Dalby, 2649
Brig. Gen. Carlos D. Pair, 7262

To be brigadier general

Col. Jeffery L. Arnold, 2649
Col. Steven P. Best, 7173
Col. Harry J. Philips Jr., 8457
Col. Coral W. Pietsch, 5785
Col. Lewis S. Roach, 0324
Col. Robert J. Williamson, 7138
Col. David T. Zabecki, 9488

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert G.F. Lee, 0590

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Kenneth C. Belisle, 8016
Rear Adm. (lh) Mark R. Feichtinger, 3808
Rear Adm. (lh) John A. Jackson, 3255
Rear Adm. (lh) John P. McLaughlin, 4645
Rear Adm. (lh) James B. Plehal, 5145
Rear Adm. (lh) Joe S. Thompson, 2971

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson Jr., 7743

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the Records of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning LAUREN N. JOHNSON-NAUMANN and ending ERVIN LOCKLEAR, which nominations were received by. the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning EDWARD J. FALESKI and ending TYRONE R. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nomination of WILLIAM D. CARPENTER, which was received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning ANTOIN M ALEXANDER and ending TORY W WOODARD, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning PHILIP M ABSHERE and ending ROBERT P WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning WILLIAM R ACKER and ending CHRISTINA M K ZIENO, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning ROBERT C ALLEN and ending RYAN J ZUCKER, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Air Force nominations beginning FREDERICK H ABBOTT III and ending MICHAEL F ZUPAN, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning KENT W ABERNATHY and ending ROBERT E YOUNG, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nomination of Brian J.* Sterner, which was received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning WILLIAM N.C. CULBERTSON and ending ROBERT S. MORTENSON. JR., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning MARK DICKENS and ending EDWARD TIMMONS, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning JOSEPH N.* DANIEL and ending PHILLIP HOLMES, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning JOE R. BEHUNIN and ending RANDALL E. SMITH, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning ROBERT G. CARMICHAAEL JR. and ending LARRY R. JONES, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning JAMES P. CONTRERAS and ending ROBERT D. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning CHERYL E. CARROLL and ending SUSAN R.* MEILER, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning JEFFREY A * ARNOLD and ending CHARLES L YOUNG, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning CARA M * ALEXANDER and ending KRISTIN K * WOOLLEY, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nominations beginning HANSON R BONEY and ending WILLIAM D WILLETT, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Army nomination of Joe L. Price, which was received by the Senate and appeared in the Congressional Record on March 6, 2001.

Army nominations beginning JAY M. WEBB and ending SIMUEL L. JAMISON, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 2001.

Navy nomination of Edward Schaefer, which was received by the Senate and appeared in the Congressional Record on February 27, 2001.

Navy nominations beginning TERRY W. BENNETT and ending LAWRENCE R WILSON, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2001.

Navy nomination of James G. Liddy, which was received by the Senate and appeared in the Congressional Record on March 8, 2001.

Navy nomination of Anthony W. Maybrier, which was received by the Senate and appeared in the Congressional Record on March 8, 2001.

Marine Corps nominations beginning JOSEPH D. APODACA and ending CHARLES A. JOHNSON JR., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

Marine Corps nominations beginning JOHN A AHO and ending JEFFREY R ZELLER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

Marine Corps nominations beginning WILLIAM S AITKEN and ending DOUGLAS P YUROVICH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 27, 2001.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON:

S. 644. A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Fort Smith, Arkansas; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. KOHL, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. GRASSLEY, and Mrs. CLINTON):

S. 645. A bill to require individuals who lobby the President on pardon issues to register under the Lobbying Disclosure Act of 1995 and to require the President to report any gifts, pledges, or commitments of a gift to a trust fund established for purposes of establishing a Presidential library for that President after his or her term has expired; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 646. A bill to reform the Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. CHAFEE):

S. 647. A bill to amend the Foreign Assistance Act of 1961 to enable Congress to better monitor and evaluate the success of the international military education and training program in instilling democratic values and respect for internationally recognized human rights in foreign military and civilian personnel; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 648. A bill to provide signing and mastery bonuses and mentoring programs for math and science teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself and Mr. DORGAN):

S. 649. A bill to modify provisions relating to the Gun-Free Schools Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. WYDEN):

S. 650. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REED (for himself, Mr. JEFFORDS, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, and Mrs. CLINTON):

S. 651. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mr. WELLSTONE):

S. 652. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAYH (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. LUGAR, Mr. GRAHAM, Mr. VOINOVICH, Mr. CARPER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. MILLER , Ms. LANDRIEU, Mr. BREAUX, and Mr. KOHL):

S. 653. A bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI:

S. 654. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. INOUYE):

S. 655. A bill to amend the Internal Revenue Code of 1986 to exempt from income taxation income derived from natural resources-related activity by a member of an Indian tribe directly or through a qualified Indian entity; to the Committee on Finance.

By Mr. REED (for himself, Mr. BROWNBACK, and Mr. WELLSTONE):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 657. A bill to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 658. A bill to amend title 32, United States Code, to authorize units of the National Guard to conduct small arms competitions and athletic competitions, and for other purposes; to the Committee on Armed Services.

By Mr. CRAPO (for himself, Mr. CRAIG, Mr. HAGEL, Mr. COCHRAN, Mrs. LINCOLN, Mr. ROBERTS, Mr. HELMS, Mr. DAYTON, and Mr. HUTCHINSON):

S. 659. A bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. DASCHLE, and Mr. INOUYE):

S. 660. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. GRAMM, Mr. NICKLES, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

By Mr. DODD (for himself, Mr. BYRD, Mr. SANTORUM, Mr. CONRAD, Mr. FEINGOLD, Mr. KENNEDY, Mr. KOHL, Mr. LEAHY, Mr. DORGAN, and Mr. VOINOVICH):

S. 662. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans' Affairs.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 663. A bill to authorize the President to present a gold medal on behalf of Congress to Eugene McCarthy in recognition of his service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG (for himself and Mr. KOHL):

S. 664. A bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 65. A resolution honoring Neil L. Rudenstine, President of Harvard University; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 152

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 170

At the request of Mr. REID, the names of the Senator from Florida (Mr. GRAHAM), the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S . 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 203

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 203, a bill to amend the Internal Revenue Code of 1986 to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

S. 213

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 213, a bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

S. 234

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 250

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 255

At the request of Ms. SNOWE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 289

At the request of Mr. SESSIONS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 289, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 313

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes.

S. 338

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 338, a bill to protect amateur athletics and combat illegal sports gambling.

S. 349

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 410

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 410, a bill to amend the Violence Against Women Act of 2000 by expanding legal assistance for victims of violence grant program to include assistance for victims of dating violence.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 414

At the request of Mr. CLELAND, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 599

At the request of Mr. ROBERTS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 599, a bill to amend the Omnibus Trade and Competitiveness Act of 1988 to establish permanent trade negotiating and trade agreement implementing authority.

S. CON. RES. 8

At the request of Ms. SNOWE, the names of the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. SHELBY), the Senator from Washington (Ms. CANTWELL), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal

Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. RES. 41

At the request of Mr. SHELBY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. Res. 41, a resolution designating April 4, 2001, as "National Murder Awareness Day."

S. RES. 44

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Mrs. MURRAY), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month."

S. RES. 63

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. SNOWE), the Senator from New York (Mr. SCHUMER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON:

A bill to authorize the establishment of a suboffice of the Immigration and Naturalization Service in Fort Smith, Arkansas; to the Committee on the Judiciary.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the "Fort Smith INS Suboffice Act" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Smith INS Suboffice Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Immigration and Naturalization Service office in Fort Smith, Arkansas, is an office within the jurisdiction of the district office in New Orleans, Louisiana.

(2) During the past 10 years, the foreign national population has grown substantially in the jurisdictional area of the Fort Smith office.

(3) According to the 2000 census, Arkansas' Hispanic population grew by 337 percent over the Hispanic population in the 1990 census. This rate of growth is believed to be the fastest in the United States.

(4) Hispanics now comprise 3.2 percent of Arkansas' population and 5.7 percent of the Third Congressional District of Arkansas' population.

(5) This dramatic increase in immigration will continue as the growing industries and excellent quality of life of Northwest Arkansas are strong attractions.

(6) Interstates 540 and 40 intersect in Fort Smith and air transportation is readily available there.

(7) In the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, Congress directed the Immigration and Naturalization Service to review the staffing needs of the Fort Smith office.

(8) A preliminary review shows that the Fort Smith office is indeed understaffed. The office currently needs an additional adjudication officer, an additional information officer, a part-time "jack-of-all-trades" employee, 2 full-time clerks, and 1 additional enforcement officer.

(9) A suboffice designation would enable the Fort Smith, Arkansas, office to obtain additional staff as well as an Officer-in-Charge who would have the authority to sign documents and take actions related to cases which now must be forwarded to the New Orleans District Office for approval.

(10) The additional staff, authority, and autonomy that the suboffice designation would provide the Fort Smith office would result in a reduction in backlogs and waiting periods, a significant improvement in customer service, and a significant improvement in the enforcement of the immigration laws of the United States.

(11) The designation of the Fort Smith office as a suboffice would show that the Immigration and Naturalization Service is—

(A) committed to facilitating the legal immigration process for those persons acting in good faith; and

(B) likewise committed to enforcing the immigration laws of the United States.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each fiscal year to establish and operate an Immigration and Naturalization Service suboffice in Fort Smith, Arkansas.

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. HATCH, Mr. KOHL, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SESSIONS, Mr. GRASSLEY, and Mrs. CLINTON):

S. 645. A bill to require individuals who lobby the President on pardon issues to register under the Lobbying Disclosure Act of 1995 and to require the President to report any gifts, pledges, or commitments of a gift to a trust fund established for purposes of establishing a Presidential library for that President after his or her term has expired; to the Committee on Governmental Affairs.

Mr. SPECTER. Mr. President, this legislation follows consideration by the Judiciary Committee of the pardons issued by former President Clinton on January 20, the last day of his administration, and seeks to reform and correct a couple of major gaps which are present in existing procedures in two respects; stated succinctly, to require that lobbyists, such as Jack Quinn, be required to register and that contributions to Presidential libraries be subject to public disclosure.

I offer this legislation on behalf of myself, Senators LEAHY, HATCH, KOHL, BIDEN, FEINSTEIN, SESSIONS, GRASSLEY, and CLINTON.

The public record is filled with the details as to what happened with the notorious pardon of Marc Rich, who was a fugitive for some 17 years, where a pardon was granted at the very last minute without the pardon attorney at the Department of Justice being informed of the situation until 1 a.m. on January 20.

When the pardon attorney called the White House to try to get some information about Marc Rich and Pincus Green, he was told that they were "traveling abroad."

When the pardon attorney testified at the Judiciary Committee hearing under my questioning, and testified that they were "traveling abroad," he about broke up the hearing room, for that characterization to be made of someone who had been a fugitive for 17 years.

In granting the pardon, former President Clinton notified Ms. Beth Dozoretz, who was very active in lobbying for the pardon, at 11 o'clock on January 19, some 2 hours in advance of telling the pardon attorney, and there had been extensive lobbying by Ms. Denise Rich, the former wife of Marc Rich.

The legislation we are introducing will require that someone such as Jack Quinn be registered as a lobbyist.

Without going into the details—and they are set forth in the Judiciary Committee hearing—there were major efforts made to keep this activity under the so-called radar screen so that nobody would know about it.

This legislation would require someone in Jack Quinn's position to register and be known publicly, and then with the kind of public pressure which would be brought, I think it highly likely that a pardon such as that granted to Marc Rich would never have been granted.

The second provision deals with contributions for pledges or commitments to raise money for Presidential libraries. This legislation provides that there should be public disclosure of those contributions, pledges, or commitments to raise money, where those pledges or commitments are made during the term of office.

A pledge to contribute money to a Presidential library has a great many of the same characteristics as a campaign contribution. The question is raised about whether or not there is favoritism or influence sought from that kind of a monetary contribution. By having the public disclosure, then it would be within public view.

That is the essence of the legislation.

Mr. President, the Senate Judiciary Committee inquiry into the pardons and commutations issued by former President Clinton on January 20, 2001, has disclosed major gaps which can be addressed through legislation. Today I am introducing a bill to address two of these subjects.

My bill requires individuals who urge officials in the White House to grant clemency to register as lobbyists. There is currently no requirement for them to do so. This bill will also require the disclosure of donations or pledges of $5,000 or more, or commitments to raise $5,000 or more for presidential libraries while the President is still in office. Such donations, pledges or commitments are not currently subject to disclosure, creating a situation where individuals could make large contributions to the President's library foundation in the hope of influencing favorable action by the President.

The Senate investigation of the pardons matter has been forward-looking from the beginning. The objective of the inquiry was to get the facts out in the open. Once the facts were known, the question was whether legislative remedies were appropriate.

This legislation does not deal with the President's power to grant executive clemency since any changes in that power would require a constitutional amendment.

Former President Jimmy Carter called the pardon of fugitive commodities trader Marc Rich "disgraceful," and Democratic Representative HENRY WAXMAN said that "the failures in the pardon process should embarrass every Democrat and every American." The outrage over former President Clinton's last minute pardons is bi-partisan, and I expect there will be bi-partisan support for this legislation to fix the problems disclosed by the Senate Judiciary Committee inquiry.

The pardons of Marc Rich and Pincus Green have sparked the most public outrage, and rightly so. The actions of Hugh Rodham, who took more than $400,000 for his limited work on the clemency requests for Almon Glenn Braswell and Carlos Vignali, Jr., and Roger Clinton, who is reportedly under investigation for trying to peddle access to the White House in relation to pardons, are similarly outrageous. There are undoubtedly others who made money from the pardons process, or at least tried to do so. But let us at least identify them as what they are—lobbyists. When you get paid money, in some of these cases, lots of money, to argue for a pardon because you know the President of the United States, or someone like a relative who is close to the President, what you are doing is lobbying. Shining sunlight on the activities of these pardon lobbyists will further the cause of good government.

In a February 18, 2001 op-ed in the New York Times, former President Clinton said that he had decided to grant Rich and Green clemency for a number of legal and foreign policy reasons, but it's hard to see how the facts of the case add up to a pardon. Rich fled to Switzerland in 1983, shortly before he was indicted on 65 counts of racketeering, tax evasion, mail fraud, wire fraud, violation of Department of Energy regulations, and trading with the enemy. Then he tried to renounce his citizenship. Although he could afford the best lawyers in the business, Rich refused to return to the United States to plead his case in court. At the time of his pardon, he was still listed on the Justice Department's list of top international fugitives. Over the course of seventeen years and three administrations, Rich repeatedly tried to get the Justice Department to offer him a deal on favorable terms. When that failed, he orchestrated a plan last year to get a grant of executive clemency to wipe out the charges against him so he would never even have to stand trial. In the end, Mr. Rich got his pardon, but the way he got it shows the need for requiring pardon lobbyists to register.

In late 2000, after failing to get the Southern District of New York to make a deal that didn't involve any jail time for Rich and Green, the Rich legal team began seriously pursuing a pardon strategy. There is some disagreement on the timing of the decision to seek a pardon, but the important point is that, once the decision was made to take the case to the White House, the Rich legal team wanted to keep their activities out of public view so the Southern District of New York, or someone else who would oppose the pardon, wouldn't weigh in and scotch the deal.

There is some evidence that the Rich legal team was considering seeking a pardon as early as March, 1999. A log from the law firm of Arnold and Porter cites a March 12, 1999, memorandum from Carol Fischer to Robert Fink, one of Mr. Rich's lawyers. The document is titled "Legal Research re: Pardon Power." Clearly there was some consideration of seeking a pardon, or there wouldn't have been a need to do research on the pardon power.

On February 10, 2000, Robert Fink wrote an e-mail to Avner Azulay, who works for Mr. Rich in Israel. Fink told Azulay that the latest efforts to make a deal with the Southern District of New York had failed because the Department of Justice would not negotiate unless Mr. Rich returned to the United States to face the charges. Azulay replied the same day, saying that "The present impasse leaves us with only one other option: the unconventional approach which has not yet been tried and which I have been proposing all along."

There is also a March 20, 2000 e-mail from Azulay to Fink. In this e-mail, Azulay tells Fink that "We are reverting to the idea discussed with Abe which is to send DR [Denise Rich] on a "personal" mission to NO1. [undoubtedly President Clinton] with a well prepared script."

Mr. Quinn has testified that the idea of a pardon did not receive serious consideration until late in the year, but these e-mails raise questions about that assertion. Under ordinary circumstances, it would be of no interest when the Rich team made a decision to seek a pardon, but it is important in this case because there are other e-mails showing that they tried very hard to keep their efforts secret. For example, in a December 26, 2000 e-mail, Fink told Quinn that "Frankly, I think we benefit from not having the existence of the petition known, and do not want to contact people who are unlikely to really make a difference but who could create press or other exposure."

Later, in a January 9, 2001, e-mail, Quinn told Fink, "I think we've benefitted from being under the press radar. Podesta said as much." How did they benefit? They benefitted by not having the U.S. Attorney from the Southern District of New York weigh in with the White House, by not having the kind of scrutiny from the press that the case has had since January. Does anyone seriously believe that former President Clinton would have granted this pardon if the story had broken, with all the details out in the open, in early January instead of after the pardon was already a done deal? Of course not. Jack Quinn counted on being under the radar, and it worked.

This legislation will make it harder for the Jack Quinn's of the future to stay under the radar. When pardon lobbyists are required to register, they won't be able to hide their actions until it is too late for anyone to act. If Jack Quinn had been required to register as a lobbyist when he started urging officials at the White House to grant clemency to Rich and Green, the chances are good that this story would have had a different ending.

This legislation would also cover the activities of Hugh Rodham, who made more than $400,000 working to get clemency for Almon Glenn Braswell and Carlos Vignali, Jr. Mr. Braswell is the subject of an ongoing investigation related to allegations of tax evasion, and clearly should not have been granted a pardon. Mr. Vignali was one of the top members of a drug smuggling organization that shipped more than 800 pounds of cocaine from the Los Angeles area to Minnesota. He was not a likely candidate to have his sentence commuted, and the Pardon Attorney reportedly recommended that the request be denied. Several of the members of the drug ring who had smaller roles that Vignali did are still sitting in jail.

But Carlos Vignali got a pardon. Hugh Rodham's role should have been subject to public disclosure since he had close family ties to the White House, reportedly lived at the White House for the last several weeks of the Clinton Administration and had documents shipped to himself there.

Roger Clinton was also reportedly involved in several attempts to get paid for getting pardons for his friends. This matter, like several others, is reportedly being investigated by the U.S. Attorney for the Southern District of New York. It remains to be seen what she will find, but we don't have to wait for the end of her investigation to know that if an individual trades on his access to the White House to make money, that's lobbying, and he or she should be required to register as a lobbyist.

The second part of this bill requires the public disclosure of donations or pledges of $5,000 or more, or commitments to raise $5,000 or more for presidential libraries while the president is still in office. There are presently no requirements to make such donations public, and the Clinton library foundation has resisted efforts to review its donor list.

Presidential libraries are a relatively new phenomenon, with only ten of them in existence. Under current law, presidential libraries are built with private funds, then turned over to the National Archivist for operation. Amendments to the Presidential Libraries Act have mandated the establishment of an endowment to cover some of the costs of operating the library. These goals are usually met through the establishment of a charitable organization, a 501(c)(3) corporation.

Former Presidents Carter and Bush did not raise any money for their libraries while they were in office because they were concentrating on getting re-elected. Because both of these Presidents lost their re-election bids, they never faced a situation of having to raise money for a library while they were still in office.

Former Presidents Reagan and Clinton, as two-term Presidents, began raising money for their libraries during their second terms. Officials from the Reagan library have said that the library fund received several large contributions from corporate donors while former President Reagan was still in office, but the big corporate donations tailed off rapidly when the President left office.

It is not necessary to suggest that there was any wrongdoing on the part of former President Reagan or of former President Clinton to realize that a donor could make a large donation to a presidential library in the hope of receiving a favorable action from the President in exchange for the donation. The fact that these donations can be made without public disclosure makes them a matter of even greater concern.

The Rich case highlights the need for public disclosure of donations while the President is still in office. Denise Rich, Marc Rich's former wife, was deeply involved in trying to get a pardon for Rich. She also gave at least $450,000 to former President Clinton's library foundation. Beth Dozoretz, former finance chair of the Democratic National Committee who pledged to raise $1 million for the Clinton library, also worked on the Rich pardon.

Ms. Dozoretz's involvement in the Rich case is remarkable in that the former President spent far more time talking to her about it than he did talking to the prosecutors in the Southern District of New York. Ms. Dozoretz had at least three conversations with former President Clinton about the Rich pardon, including one at 11 p.m. on January 19, 2001, the night before the pardon was actually issued.

Ms. Dozoretz had been scheduled to meet with my staff, but she changed attorneys and declined to be interviewed. But we found out that she had called the President on the night of January 19, at about 11 p.m. to thank him for granting the pardon for Marc Rich. If Ms. Dozoretz knew of the Rich pardon in time to call the President at 11 p.m. on the evening of January 19, she found out about the decision at least two hours before Pardon Attorney Roger Adams, the official who was charged with actually writing up the pardon warrant. Mr. Adams testified that he had not heard that Rich and Green were being considered for clemency until almost 1 a.m. on the morning of January 20. Mr. Adams was told by the White House counsel's office that there probably wouldn't be much information available on Rich and Green because they had been "living abroad" for several years. That was a strange way of saying they were fugitives, but Mr. Adams was later able to figure that out himself. He had his staff research the Internet to see what he could learn about these two men, and he learned that they were on the Justice Department's list of most wanted international fugitives. When he relayed his concerns to the White House, he was told to prepare the pardon documents anyway.

Ms. Dozoretz has refused to say from whom she learned that the President had decided to grant Rich's clemency request, but she apparently knew before the official who was charged with overseeing the pardon process. Ms. Dozoretz has asserted her privelege against self-incrimination under the Fifth Amendment, so we have no way of knowing exactly how she learned that the decision had already been made on January 19.

But we do have other relevant information. First, Beth Dozoretz pledged to raise $1 million for the Clinton library. Former President Clinton spoke to Ms. Dozoretz on January 10, 2001, when she was with Ms. Rich in Aspen. According to a January 10, 2001, e-mail from Robert Fink to Jack Quinn, Ms. Dozoretz received a phone call from POTUS, the President, on January 10. Mr. Fink went on to quote former President Clinton as saying "that he wants to do it and is doing all possible to turn around the WH counsels." Ms. Dozoretz has denied saying that the President was trying to turn around the WH [White House] counsels, but she has not offered any explanation for what happened. It has been asserted that the message was garbled, but that explanation is inconsistent with the facts. All of former President Clinton's top advisers in the White House—including his Chief of Staff, John Podesta; his White House Counsel, Beth Nolan; and Bruce Lindsey, one of his closest political advisers who held the title of Assistant to the President—looked at the facts and recommended against a pardon. That is consistent with the former President having to turn around his White House counsels.

Former President Clinton was unable to turn around his counsels, but in the end it didn't matter. He issued the pardons anyway, and created a firestorm. When a President ignores the advice of his closest advisors, there isn't much we can do since the power of executive clemency is in the hands of the President alone. But the Congress can and should ensure that bad judgment on the part of a President does not undermine the public's confidence in government. The two provisions in this legislation will help to restore public confidence in the pardon process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISCLOSURE OF LOBBYING ACTIVITIES WITH RESPECT TO PRESIDENTIAL PARDONS.

Section 3(8) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(8)) is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking "or" after the semicolon;

(B) in clause (iv), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(v) the issuance of a grant of executive clemency in the form of a pardon, commutation of sentence, reprieve, or remission of fine."; and

(2) in subparagraph (B)(xii), by striking "made to" and inserting "except as provided in subparagraph (A)(v), made to".

SEC. 2. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.

Section 102(a) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by adding at the end the following:

"(9) If the reporting individual is the President and is currently serving as the President, the identity of the source, a brief description, and the value of all gifts, pledges, or commitments of a gift aggregating $5,000 or more for the establishment of a Presidential library for that President after his or her term has expired received from any source other than a relative of the President during the preceding calendar year. Information required to be reported under this paragraph shall be made publicly available in accordance with this Act.''.

Mr. LEAHY. Mr. President, I rise today with the senior Senator from Pennsylvania to introduce legislation aimed at making our government more open and accountable to the American people. We are pleased to be joined by six other members of the Judiciary Committee, Senators HATCH, KOHL, BIDEN, FEINSTEIN, SESSIONS, GRASSLEY, and by the new junior Senator from New York, Senator CLINTON.

Our bill closes two loopholes in the laws governing what government officials and those who lobby them must disclose. First, it amends the Ethics in Government Act of 1978 to require the President to report any gifts or pledges of $5,000 or more to a presidential library during the President's term in office. Second, it adds to the list of individuals who must register under the Lobbying Disclosure Act of 1995 those who lobby on behalf of a client for a grant of executive clemency.

This legislation builds on a hearing held by the Judiciary Committee on February 14, 2001, relating to the pardons granted by President Clinton in his last days in office. I said then that we needed to view these pardons as a whole and in their historical and constitutional context, not focus exclusively on one or two controversial cases. In this way, we could learn valuable lessons for the future.

The legislation that we introduce today is a pragmatic and forward-looking response to customs and practices that long predate the last Administration. As I have noted before, the controversies surrounding President Clinton's pardons are not unique.

Other presidents raised substantial funds for their libraries while still in office. The Ronald Reagan Presidential Foundation opened its doors and began fundraising in February 1985, nearly four years before President Reagan left office. By November 1991, the Foundation had raised between $45 and $65 million. Much of that amount came in large lump sums from big corporations, a source of funding that reportedly dried up when President Reagan returned to private life.

Fund raising for the Bush library also began while the president was still in the White House. The Arkansas Democrat-Gazette, in an article dated May 25, 1997, quoted former Bush aide Jim Cicconi as saying that fund raising for the library remained "low key" and "very discreet" until the president left office in 1993. Established in 1991, while the president was campaigning for reelection, the George Bush Presidential Library Foundation initially consisted of three people, including Mr. Cicconi and the president's son, George W. Bush.

I should add that the donor lists for the Reagan and Bush libraries were not and have never been disclosed to the public, a failure of transparency for which President Clinton, but not his predecessors, has been roundly criticized.

President Clinton was also not the first Chief Executive to grant clemency to friends or family members of major contributors. The very first pardon granted by the elder President Bush went to Armand Hammer, the late chairman of Occidental Petroleum Corporation, who pleaded guilty in 1975 to making illegal contributions to Richard Nixon's reelection campaign. Not long before he received his pardon, Hammer gave over $100,000 to the Republican party and another $100,000 to the Bush-Quayle Inaugural Committee. The team of lawyers that won Hammer his pardon included former Reagan Justice Department official, Theodore Olson. While Mr. Olson's name is well-known now, he was recently nominated to be Solicitor General, it was more important at the time that he was a close friend of C. Boyden Gray, the White House Counsel, and Richard Thornburgh, the Attorney General.

Let me note one more example from the end of the first Bush Administration: In January 1993, two days before leaving the White House, President Bush pardoned Edwin Cox, Jr., the son of a wealthy Texas oilman. The Cox pardon was lobbied for by Bill Clements, the former governor of Texas, who contacted James Baker, then White House Chief of Staff. Not surprisingly, Mr. Baker mentioned the Cox family largesse in a note to the White House Counsel, referencing Edwin Cox Sr. as a "longtime supporter of the president's." The Cox family had in fact contributed nearly $200,000 to the Bush family's political campaigns and to other Republican campaign committees. Shortly after the president pardoned his son, Cox Sr. made a generous contribution to the Bush Presidential Library. His name is now etched in gold on the exterior of the Library alongside the names of other "benefactors," those contributing between $100,000 and $250,000.

I mention these Bush-era pardons because they demonstrate that pardons which have become controversial and appear improper given the confluence of insider lobbying and financial contributions are not unique to the end of President Clinton's term in office. The bill we introduce today will bring a greater degree of transparency into the clemency process and so reduce the appearance of impropriety that may otherwise attach to a presidential pardon.

I thank Senator SPECTER for the thoughtful and even-handed manner in which he conducted the Committee's hearing last month, and commend him for seeking constructive and bipartisan solutions.

By Mr. FEINGOLD.

S. 646. A bill to reform the Army Corps of Engineers; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Corps of Engineers Reform Act of 2001. I am joined today in this effort by my colleague in the other body, Congressman RON KIND.

As I introduce this bill, I realize that it is a work in progress. Reforming the Corps of Engineers will be a difficult task for Congress. It involves restoring credibility and accountability to a federal agency rocked by recent scandals, and yet an agency that we in Wisconsin, and many states across the country, have come to rely upon. From the Great Lakes to the mighty Mississippi, the Corps is involved in providing aids to navigation, environmental remediation, water control and a variety of other services to my state. My office has strong working relationships with the Detroit, Rock Island, and St. Paul District Offices that service Wisconsin, and I want the cloud over the Corps to dissipate so that the Corps can continue to contribute to our environment and our economy.

This legislation evolved from my experience in seeking to offer an amendment last year to the Water Resources Development Act of 2000 to create independent review of Army Corps of Engineers' projects. My interest in an independent review amendment was shared by the Minority Leader, Mr. DASCHLE, and the Senator from California, Mrs. BOXER, and a number of taxpayer and environmental organizations including: the League of Conservation Voters, American Rivers, Coast Alliance, Earthjustice Legal Defense Fund, Izaak Walton League of America, Natural Resources Defense Council, Sierra Club and Taxpayers for Common Sense.

In response to my initiative, the bill's managers, Senator SMITH and Senator BAUCUS, adopted an amendment as part of their Manager's Package which should help get the Authorizing Committee, the Environment and Public Works Committee, the additional information it needs to develop and refine legislation on this issue through a one year study by the National Academy of Sciences, NAS, on peer review. As part of the discussions with the Senator from New Hampshire, Mr. SMITH, and the Senator from Montana, Mr. BAUCUS, over the amendment I intended to offer, they have agreed that as the NAS conducts its review, they will hold hearings on the issue of Corps reform and on this bill. It is my hope that through hearings the NAS study and my bill can dovetail nicely so that we have a fully vetted bill which can then be fine-tuned by the

NAS recommendations. I feel that this body should pass a serious reform bill this year.

The bill I introduce today addresses more than the issue of independent review of Corps Projects. The bill is a comprehensive revision of the project review and authorization procedures at the U.S. Army Corps of Engineers. The aim is to increase transparency and accountability, to ensure fiscal responsibility, to balance economic and environmental interests, and to allow greater stakeholder involvement.

The National Research Council recently completed a study of the Corps' analysis of a proposed extension of several locks on the Upper Mississippi River, Illinois Waterway after approximately $50 million was spent examining the feasibility of the proposed project. The National Research Council made several recommendations to revise the inland waterway and water resources system planning. And, as I mentioned, a second National Research Council study, required by the Water Resources Development Act of 2000, is now examining whether the Corps should establish a program of independent review of projects.

This bill builds on the key recommendations of the National Research Council study:

The Corps should have project review by an interdisciplinary group of experts outside the Corps of Engineers.

The Corps should include a broader range of stakeholders in the planning process,

The Corps should revise the water resources project planning framework in their internal planning documents (known as the Principles and Guidelines) so that ecological concerns are not considered secondary to economic benefits.

The bill achieves this by creating both Stakeholder Advisory Committees and Independent Review Panels. Currently, the Corps goes through a multistep process leading to project approval and construction. In the existing process, the public has limited involvement and environmental costs can be underestimated.

Stakeholder Advisory Committees—comprised of a balance of local government, other federal agencies, interest groups reflecting social, economic, and environmental interests, and interested private citizens—are authorized to provide input in the planning process. The Corps is required to form a Committee under the bill upon receipt of a written request to the Corps by any person to do so. The Committee is comprised of volunteers, and is allowed to provide input to the Corps beginning in the early project stages, such as the drafting of a feasibility study for a project, and conclude at the release of a draft environmental impact statement when the broader public is brought into the project. The Corps is also restricted so that they can spend no more than on the staffing or operations of $250,000 a Committee. In addition, Committee meetings must meet the requirements of the Federal Advisory Committee Act, FACA. Any Committee expenses are to be considered as part of the total costs of the project.

The bill also provides a comprehensive review of water resources projects by a panel with expertise in biology, engineering, and economics. The projects that will become subject to review include any projects, or significant modifications to existing projects:

> with an estimated cost of over $25 million (approximately 40 percent of the projects funded through the Water Resources Development Act),
>
> for which the Governor of an affected State requests independent review,
>
> that are determined to have significant adverse impacts on fish and wildlife after implementation of proposed mitigation plans by the US Fish and Wildlife Service,
>
> for which the head of another Federal Agency charged with reviewing the project determines that the project has a significant adverse impact on environmental, cultural, or other resources under their jurisdiction, or
>
> determined by the Corps to be "controversial" in its scope, impact, or cost-benefit analysis.

To address concerns that the Independent Review Panel needs to be truly independent, the Office of Independent Review is established within the Office of the Assistant Secretary for Civil Works. This office, located in the Pentagon, provides the greatest amount of independence for the review process since the Office of the Assistant Secretary is separate from and above the Chief of Engineers who runs the Corps. Independent reviews are required to be completed in 180 days after they start. They are able to run concurrently with the Environmental Impact Statement Process under NEPA, and, ideally, will conform to that time frame.

As with the Stakeholder Committees, the costs of these Panels are capped at no more than $500,000. Any panel expenses are to be considered as part of the total costs of the project and a Panel's product is required to be released to the public and to be submitted to Congress.

It is my hope that this legislation will increase transparency of the Corps' decision-making process through greater accessibility by the public and interested stakeholder groups. While there are heartening signs of reform in the Corps Civil Works program, Congress should be working to create an independent process to help affirm when the Corps gets it right and help to provide a means for identifying problems before taxpayer funded construction investments are made. Today we begin that work in earnest.

I feel that this bill is a practical first step down the road to a reformed Corps of Engineers. Independent review would catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, and would provide planners desperately needed support against the never ending pressure of project boosters. Those boosters, Mr. President, include Congressional interests, which is why I believe that this body needs to champion reform—to end the perception that Corps projects are all pork and no substance.

I wish it were the case, that I could argue that additional oversight were not needed, but unfortunately, I see that there is need for additional scrutiny. In the Upper Mississippi there is troubling evidence of abuse. There is troubling evidence from whistleblowers that senior Corps officials, under pressure from barge interests, ordered their subordinates to exaggerate demand for barges in order to justify new Mississippi River locks. This is a matter which is still under investigation, and I hope that no evidence of wrongdoing will ultimately be found. Adequate assessment of the environmental impacts of barges is also very important. I am also concerned that the Corps' assessment of the environmental impacts of additional barges does not adequately assess the impacts of barge movements on fish, backwaters and aquatic plants. We should not gamble with the environmental health of the river. If we allow more barges on the Mississippi, we must be sure the environmental impacts of those barges are fully mitigated.

I am raising this issue principally because I believe that Congress should act to restore trust in the Corps if we are effectively going to address navigation and environmental needs. The first step in restoring that trust is restoring the credibility of the Corps' decision-making process.

Unfortunately, Congress now finds itself having to reset the scales to make economic benefits and environmental restoration co-equal goals of project planning. Our rivers serve many masters, barge owners as well as bass fisherman, and the Corps' planning process should reflect the diverse demands we place on them. I want to make sure that future Corps projects no longer fail to produce predicted benefits, stop costing more than the Corps estimated, and do not have unanticipated environmental impacts. This bill will help us monitor the result of projects so that we can learn from our mistakes and, when possible, correct them. As a first step, I have committed myself to making Corps reform a priority in this Congress with this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Corps of Engineers Reform Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definition of Secretary.

TITLE I—PROJECT PLANNING REFORM

Sec. 101. Principles and guidelines.
Sec. 102. Stakeholder advisory committees.
Sec. 103. Independent review.
Sec. 104. Public access to information.
Sec. 105. Benefit-cost analysis.
Sec. 106. Project criteria.

TITLE II—MITIGATION

Sec. 201. Full mitigation.
Sec. 202. Concurrent mitigation.
Sec. 203. Mitigation tracking system.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Corps of Engineers is the primary Federal agency responsible for developing and managing the harbors, waterways, shorelines, and water resources of the United States;

(2) the scarcity of Federal resources requires more efficient use of Corps of Engineers funding and greater oversight of Corps of Engineers analyses;

(3) demand for recreation, clean water, and healthy wildlife habitat must be reflected in the Corps of Engineers project planning process;

(4) the social and environmental impacts of dams, levees, shoreline stabilization structures, and other projects must be adequately considered and fully mitigated; and

(5) affected interests must play a larger role in the oversight of Corps of Engineers project development.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that the water resources investments of the United States are economically justified and enhance the environment;

(2) to provide independent review of Corps of Engineers feasibility studies, general reevaluation studies, and environmental impact statements;

(3) to ensure that mitigation for Corps of Engineers projects is successful and cost-effective;

(4) to enhance the involvement of affected interests in Corps of Engineers feasibility studies, general reevaluation studies, and environmental impact statements;

(5) to revise Corps of Engineers planning principles to meet the economic and environmental needs of riverside and coastal communities;

(6) to ensure that environmental analyses are considered to be co-equal to economic analyses in the assessment of Corps of Engineers projects, recognizing the need for sound science in the evaluation of the impacts on the health of aquatic ecosystems; and

(7) to ensure that the Corps of Engineers is making appropriate, up-to-date calculations in conducting cost-benefit analyses of Corps of Engineers projects.

SEC. 3. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—PROJECT PLANNING REFORM

SEC. 101. PRINCIPLES AND GUIDELINES.

Section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) is amended to read as follows:

"SEC. 209. CONGRESSIONAL STATEMENT OF OBJECTIVES.

"(a) IN GENERAL.—It is the intent of Congress that economic development and environmental protection and restoration be coequal goals of water resources planning and development.

"(b) REVISION OF PRINCIPLES AND GUIDELINES.—Not later than 1 year after the date of enactment of the Corps of Engineers Reform Act of 2001, the Secretary shall revise the principles and guidelines of the Corps of Engineers for water resources projects—

"(1) to provide for the consideration of ecological restoration costs under Corps of Engineers economic models;

"(2) to incorporate new techniques in risk and uncertainty analysis;

"(3) to eliminate biases and disincentives for nonstructural flood damage reduction projects;

"(4) to incorporate new analytical techniques;

"(5) to encourage, to the maximum extent practicable, the restoration of aquatic ecosystems; and

"(6) to ensure that water resources projects are justified by benefits that accrue to the public at large and not only to a limited number of private businesses.

"(c) UPDATE OF GUIDANCE.—The Secretary shall update the Guidance for Conducting Civil Works Planning Studies (ER 1105–2–100) to comply with this section.".

SEC. 102. STAKEHOLDER ADVISORY COMMITTEES.

(a) IN GENERAL.—Upon receipt of a written request by any person or governmental entity, the Secretary shall establish, for each water resources project that is authorized or substantially modified after the date of enactment of this Act, a stakeholder advisory committee to assist the Secretary in the development of feasibility studies, general reevaluation studies, and environmental impact statements for the project.

(b) DURATION OF REVIEWS.—A stakeholder advisory committee established for a project under this section may provide advice to the Secretary during planning and design of the project, beginning with the initiation of the draft feasibility study for the project and ending with the issuance of the draft environmental impact statement for the project.

(c) MEMBERSHIP.—

(1) IN GENERAL.—A stakeholder advisory committee established for a project under this section shall be composed of—

(A) representatives of—

(i) State and local agencies;

(ii) tribal organizations;

(iii) public interest groups;

(iv) industry, scientific, and academic organizations; and

(v) Federal agencies; and

(B) other interested citizens.

(2) BALANCE.—The membership shall represent a balance of the social, economic, and environmental interests in the project.

(d) ROLE.—A stakeholder advisory committee established for a project under this section shall advise the Secretary but shall not be required to make a formal recommendation.

(e) COSTS.—The costs of a stakeholder advisory committee established for a project under this section—

(1) shall be a Federal expense;

(2) shall not exceed $250,000; and

(3) shall be considered to be part of the total cost of the project.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a stakeholder advisory committee established under this section.

SEC. 103. INDEPENDENT REVIEW.

(a) PROJECTS SUBJECT TO INDEPENDENT REVIEW.—

(1) IN GENERAL.—The Secretary shall ensure that feasibility studies, general reevaluation studies, and environmental impact statements for each water resources project described in paragraph (2) are subject to review by an independent panel of experts established under this section.

(2) PROJECTS SUBJECT TO REVIEW.—A project shall be subject to review under paragraph (1) if—

(A) the project has an estimated total cost of more than $25,000,000, including mitigation costs;

(B) the Governor of an affected State described in paragraph (4) requests the establishment of an independent panel of experts for the project;

(C) the Director of the United States Fish and Wildlife Service determines that the project is likely to have a significant adverse impact on fish or wildlife after implementation of proposed mitigation plans;

(D) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on environmental, cultural, or other resources under the jurisdiction of the agency after implementation of proposed mitigation plans; or

(E) the Secretary determines that the project is controversial under paragraph (3).

(3) CONTROVERSIAL PROJECTS.—

(A) DETERMINATION BY THE SECRETARY.—Upon receipt of a written request by an interested party or on the initiative of the Secretary, the Secretary shall determine whether a project is controversial for the purposes of paragraph (2)(E).

(B) CRITERIA.—The Secretary shall determine that a project is controversial if the Secretary finds that—

(i) there is a significant public dispute as to the size, nature, or effects of the project; or

(ii) there is a significant public dispute as to the economic or environmental costs or benefits of the project.

(4) AFFECTED STATE.—An affected State referred to in paragraph (2)(B) means a State that—

(A) is located at least partially within the drainage basin in which the project is located; and

(B) would be economically or environmentally affected as a consequence of the project.

(b) OFFICE OF INDEPENDENT REVIEW.—

(1) ESTABLISHMENT.—There is established in the Office of the Assistant Secretary of the Army for Civil Works an Office of Independent Review (referred to in this section as the "Office").

(2) DIRECTOR.—

(A) APPOINTMENT.—The head of the Office shall be the Director of the Office of Independent Review (referred to in this section as the "Director"), who shall be appointed by the Secretary for a term of 3 years.

(B) SELECTION.—

(i) QUALIFICATIONS.—The Secretary shall select the Director from among individuals who are distinguished scholars.

(ii) CONSIDERATION OF RECOMMENDATIONS.—In making the selection, the Secretary shall consider any recommendations made by the Inspector General of the Army.

(C) LIMITATION ON APPOINTMENTS.—The Secretary shall not appoint an individual to serve as the Director if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in an ongoing water resources project.

(D) Terms.—An individual may not serve for more than 1 term as the Director.

(3) Duties.—The Director shall establish a panel of experts to review each project subject to review under subsection (a).

(c) Establishment of Panels.—

(1) In general.—As soon as practicable after the Secretary selects a preferred alternative for a project subject to review under subsection (a), the Director shall establish a panel of experts to review the project.

(2) Membership.—A panel of experts established by the Director for a project shall be composed of not fewer than 5 nor more than 9 independent experts who represent a balance of areas of expertise, including biology, engineering, and economics.

(3) Limitation on appointments.—The Director shall not appoint an individual to serve on a panel of experts for a project if the individual has a financial or close professional association with any organization or group with a strong financial or organizational interest in the project.

(4) Consultation.—The Director shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this section.

(5) Compensation.—An individual serving on a panel of experts under this section shall be compensated at a rate of pay to be determined by the Secretary.

(6) Travel expenses.—An individual serving on a panel of experts under this section shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) Duties of Panels.—A panel of experts established for a project under this section shall—

(1) review each feasibility study, general reevaluation study, and environmental impact statement prepared for the project;

(2) assess the adequacy of the economic models used by the Secretary in reviewing the project to ensure that—

(A) multiple methods of economic analysis have been used; and

(B) any regional effects on navigation systems have been examined;

(3) assess the adequacy of the environmental models and analyses used by the Secretary in reviewing the project;

(4) receive from the public, and review, written and oral comments of a technical nature concerning the project; and

(5) submit to the Secretary a report containing the panel's economic, engineering, and environmental analysis of the project, including the panel's conclusions on the feasibility studies, general reevaluation studies, and environmental impact statements for the project, with particular emphasis on matters of public controversy.

(e) Duration of Project Reviews and Panel.—A panel of experts shall—

(1) complete review of a project under this section not later than 180 days after the date of establishment of the panel; and

(2) terminate upon submission of a report to the Secretary under subsection (d)(5).

(f) Recommendations of Panel.—

(1) Consideration by secretary.—After receiving a report on a project from a panel of experts under this section and before entering a final record of decision for the project, the Secretary shall—

(A) consider any recommendations contained in the report; and

(B) prepare a written explanation for any recommendations that are not adopted.

(2) Public review; submission to Congress.—After receiving a report on a project from a panel of experts under this section, the Secretary shall—

(A) make a copy of the report and any written explanation of the Secretary on recommendations contained in the report available for public review in accordance with section 104; and

(B) submit to Congress a copy of the report and any such written explanation.

(g) Costs.—

(1) In general.—Subject to paragraph (2), the costs of a panel of experts established for a project under this section—

(A) shall be a Federal expense;

(B) shall not exceed $500,000; and

(C) shall be considered to be part of the total cost of the project.

(2) Waiver.—The Secretary may waive the limitation specified in paragraph (1)(B) in any case in which the Secretary determines a waiver to be appropriate.

(h) Applicability of Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a panel of experts established under this section.

SEC. 104. PUBLIC ACCESS TO INFORMATION.

(a) In General.—Except as provided in subsection (c), the Secretary shall ensure that information relating to the analysis of a water resources project by the Corps of Engineers, including all supporting data, analytical documents, and information that the Corps of Engineers has considered in the analysis, is made available to any individual upon request and to the public on the Internet.

(b) Types of Information.—Information concerning a project that shall be made available under subsection (a) shall include—

(1) any information that has been made available to the non-Federal interests with respect to the project; and

(2) all data used by the Corps of Engineers in the justification and analysis of the project.

(c) Exception for Trade Secrets.—

(1) In general.—The Secretary shall not make information available under subsection (a) that the Secretary determines to be a trade secret of the person that provided the information to the Corps of Engineers.

(2) Criteria for trade secrets.—The Secretary shall consider information to be a trade secret only if—

(A) the person that provided the information to the Corps of Engineers— .

(i) has not disclosed the information to any person other than—

(I) an officer or employee of the United States or a State or local government;

(II) an employee of the person that provided the information to the Corps of Engineers; or

(III) a person that is bound by a confidentiality agreement; and

(ii) has taken reasonable measures to protect the confidentiality of the information and intends to continue to take such measures;

(B) the information is not required to be disclosed, or otherwise made available, to the public under any other Federal or State law; and

(C) disclosure of the information is likely to cause substantial harm to the competitive position of the person that provided the information to the Corps of Engineers.

SEC. 105. BENEFIT-COST ANALYSIS.

Section 308(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(a)) is amended—

(1) in paragraph (1)(B), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) any projected benefit attributable to any increase in the value of privately owned property, increase in the quantity of privately owned property, or increase in the value of privately owned services, that arises from the draining, reduction, or elimination of wetland.".

SEC. 106. PROJECT CRITERIA.

After the date of enactment of this Act, the Secretary shall not submit to Congress any proposal to authorize or substantially modify a water resources project unless the proposal contains a certification by the Secretary that the project minimizes to the maximum extent practicable adverse impacts on—

(1) the natural hydrologic patterns of aquatic ecosystems; and

(2) the value or native diversity of aquatic ecosystems.

TITLE II—MITIGATION

SEC. 201. FULL MITIGATION.

Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)(A), by inserting "fully" before "mitigate"; and

(2) by adding at the end the following:

"(3) Standards for mitigation.—

"(A) In general.—To mitigate losses to fish and wildlife resulting from a water resources project, the Secretary, at a minimum, shall acquire and restore 1 acre of habitat to replace each acre of habitat negatively affected by the project.

"(B) Monitoring plan.—The mitigation plan for a water resources project under paragraph (1) shall include a detailed and specific plan to monitor mitigation implementation and success.

"(4) Design of mitigation projects.—The Secretary shall—

"(A) design each mitigation project to reflect contemporary understanding of the importance of spatial distribution of habitat and the natural hydrology of aquatic ecosystems; and

"(B) fully mitigate the adverse hydrologic impacts of water resources projects.

"(5) Recommendation of projects.—The Secretary shall not recommend a water resources project alternative or choose a project alternative in any final record of decision, environmental impact statement, or environmental assessment completed after the date of enactment of this paragraph unless the Secretary determines that the mitigation plan for the alternative has the greatest probability of cost-effectively and successfully mitigating the adverse impacts of the project on aquatic resources and fish and wildlife.

"(6) Completion of mitigation before construction of new projects.—The Secretary shall complete all planned mitigation in a particular watershed before constructing any new water resources project in that watershed.".

SEC. 202. CONCURRENT MITIGATION.

Section 906(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)(1)) is amended by adding at the end the following: "To ensure concurrent mitigation, the Secretary shall complete 50 percent of required mitigation before beginning project construction and shall complete the remainder of required mitigation as expeditiously as practicable, but not later than the last day of project construction.".

SEC. 203. MITIGATION TRACKING SYSTEM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track—

(1) the quantity and type of wetland and other habitat types affected by the operation and maintenance of each water resources project carried out by the Secretary;

(2) the quantity and type of mitigation required for operation and maintenance of each water resources project carried out by the Secretary;

(3) the quantity and type of mitigation that has been completed for the operation and maintenance of each water resources project carried out by the Secretary; and

(4) wetland losses permitted under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and required mitigation for such losses.

(b) REQUIRED INFORMATION AND ORGANIZATION.—The recordkeeping system shall—

(1) include information on impacts and mitigation described in subsection (a) that occur after December 31, 1969; and

(2) be organized by watershed, project, permit application, and zip code.

(c) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

By Mrs. FEINSTEIN (for herself and Mr. DORGAN):

S. 649. A bill to modify provisions relating to the Gun-Free Schools Act; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, today Senator DORGAN and I are introducing a bill to make four important changes to the current Gun-Free Schools Act, GFSA.

I am a proud sponsor of the Gun-Free Schools Act, which was enacted as part of the Elementary-Secondary Education Act in 1994. The law requires states receiving federal elementary-secondary education funds to have a state law requiring local school districts to expel from school for a period of not less than one year students who bring weapons to school.

A March report (ED-OIG/S03-A0018) prepared by the Inspector General, IG, of the U.S. Department of Education, highlights several improvements needed to clarify the law. This bill makes those important clarifications.

The IG's report, called a "perspective paper," resulted from an audit that Senator DORGAN and I requested to examine the enforcement of the GFSA in seven States.

We live in a society today that is much different than when I grew up. Our nation is awash in guns and our children live in a culture of violence, bombarded by horrific images in movies, television, and video games. Combine these factors with a lack of parental supervision and this combustible mix has exploded again and again on too many school campuses.

In just the last few weeks alone, we've seen this mix erupt within just a few miles of each other in the San Diego area.

On March 5, a troubled young man named Charles "Andy" Williams brought a .22-caliber revolver to school, fired at random, killing two students and wounding 13 others at Santana High School, in Santee, California. And on March 22, an eighteen year-old shot five students at Granite Hill High School in El Cajon, California. Fortunately, in this case, no one was killed.

The Los Angeles Times summed up this epidemic aptly on March 6 and called on public officials to act, saying "Nothing of course, assures that tragedy can be prevented, but leaders from the classroom to the White House can clearly take more steps to promote school safety."

Now I know that gun laws are not the only answer to solving this problem, but they do represent part of the answer. But the fact is that even the most simple, rational, and targeted measures to deter guns from falling into the hands of our young people have been cast aside.

The fact is that there are some simple steps we can take to limit the number of guns from reaching our children. We can close the loophole on the importation of high capacity ammunition clips. We can include trigger locks on every gun purchased.

And we need to continue with measures that are working. The Gun Free Schools Act is a targeted fix that is working. And the bill we are introducing today refines this law slightly to make it work even better.

This legislation will close several loopholes in current law under which allows some students to escape punishment who bring guns to school.

Because the law effectively imposes a one-year expulsion for students who have "brought" a weapon to school, students who "have" or "possess" a weapon in school can go "scot-free."

Under current law, for example, a student could use a firearm that was technically "brought" to school by another student. The student could then possess it in his or her backpack or locker and thus potentially make it available to others and go unpunished because he or she did not technically "bring" it to school.

Another loophole that the bill addresses is the definition of school. The current prohibition on guns in schools applies to "a school." This could be interpreted to mean literally the school building.

Our bill clarifies that school means "any setting that is under the control and supervision of the local education agency", i.e., the school district. Without this change, a student could wield a firearm on the football field, on the school bus or in the parking lot and possibly evade punishment under this law.

Here are the four changes made by this bill: Under the current law, states are required to have a law requiring a one-year expulsion of students who have "brought a weapon to a school" in order to receive federal education funds.

The change our bill proposes is to add to current law, "or to have possessed a firearm." We are proposing this change because punishing only people who "bring" a weapon to school leaves a glaring loophole in the law.

Without this change, students who ask friends to bring a weapon to school or who obtain a weapon from someone who has "brought" it to school, but carry it around or use the weapon, would not be covered since current law uses the term "brought." Current law could be interpreted to mean that students can have a gun at school as long as they do not actually "bring" it into the school. I believe this change is an important clarification.

The IG's report says that without this change, states and school districts may "incorrectly implement the Act, resulting in non-compliance or the submission of erroneous information on disciplinary actions under the Act." This is because current law does not "specify expulsion as the consequence for students found in possession of a firearm."

Under current law, school districts and states are required to report expulsions. They are, however, required to report incidents. An example of this would be when students bring a weapon to or possess weapons in schools, for which no disciplinary action is taken.

Without reporting all incidents in which students have or possess weapons in schools, it is impossible to determine if school officials are in fact enforcing the law, if they are actually expelling students.

The IG's audit cites an example at one Maryland school in which a student who brought a firearm to school was not expelled. Instead, the school's administrators allowed the student to withdraw from school and the school did not inform the school district of the incident. Police arrested the student. So action was taken, but the incident itself did not appear in the annual report because technically the student was not expelled.

Similarly, the IG found that in one California district, school officials did not expel a student "involved in a firearm incident" because the student was arrested and did not return to school.

In these cases, the students did face legal consequences for their action, but the weapons incidents were not reflected in the school's report because the law requires reporting only expulsions, not incidents.

The bill would add several new reporting requirements. School districts and states would have to report, 1. all firearms incidents; 2. each modification of an expulsion, e.g., when an administrator shortens an expulsion, which is allowed under current law; and 3. the level of education in which the incident occurs, elementary, middle, high school.

Only by thorough reporting can public officials, the Department of Education, and the Congress know how well the law is working and how effectively it is being enforced.

These proposed changes should remedy that deficiency.

There are two additional changes we are proposing based on the IG's work. The Department of Education has incorporated these two changes in their guidance to states and school districts, but I believe these changes should be codified in the law so they cannot be changed administratively.

The prohibition on weapons in "school" applies "to a school," which implies that this means the building only. For many years, the U.S. Department of Education interpreted this to mean the school buildings only.

Under that approach, therefore, a student could bring a weapon to school and leave it in an unlocked car, where it would still be readily available to students throughout the school day.

Interpreted strictly to mean "school buildings," that policy also allowed guns on athletic fields, in equipment sheds, and in school yards. As one Virginia legislator put it, "you could legally come to a PTA meeting packing a weapon."

Fortunately, the Department has corrected its guidance to school districts to clarify that the prohibition on bringing guns to schools applies to the entire school campus. The guidance states, "The one-year expulsion requirement applies to students who bring weapons to any setting that is under the control and supervision of the local education agency."

Under our bill, weapons would be allowed to be kept in cars and trucks on school property only if the weapons are "lawfully stored inside a locked vehicle on school property." This provision is an effort to recognize that in some communities students may go hunting directly after school.

Under current law, the chief school administrator in a school district can modify an expulsion on a case-by-case basis.

Our bill would require that all modifications be put in writing. The IG found inconsistent reporting of modifications. This change should establish one consistent, clear policy and should provide a record of expulsions that are modified.

Guns have no place in schools. Congress made this clear in 1994 when we adopted the Gun-Free Schools Act.

This is a good law that should remain in place. The bill we introduce today makes some important clarifications in that law and strengthens it.

The latest Annual Report on School Safety reports that 3,930 students were expelled for bringing a firearm to school. One student is one too many, in my view.

The latest incidents in California are but another disturbing reminder of the "culture of violence" that so pervades our society. All of us must ask why students resort to guns to deal with their grievances or vent their frustrations. Clearly, we must take strong steps to address the underlying societal issues and to get guns out of the hands of youngsters.

This bill is one small, yet important, step to ensure that no more schoolchildren die from weapons violence. I urge my colleagues to enact this bill promptly.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GUN-FREE SCHOOLS REFINEMENT ACT—SUMMARY

Amendments to the current Gun-Free Schools Act of 1994. These changes are based on the March 2001 report of the U.S. Department of Education's Inspector General (ED-OIG/S03-A0018).

1. "BROUGHT A WEAPON"

Current law: Requires states to have a law requiring a one-year expulsion of students who have "brought a weapon to a school."

Proposed Change: Adds "or possessed a weapon."

2. ENTIRE SCHOOL CAMPUS

Current law: The prohibition on bringing a weapon to school applies "to a school."

Proposed Change: Clarifies that the prohibition on bringing guns to schools applies to entire school, specifically "any setting that is under the control and supervision of the local education agency," unless a gun is lawfully locked in a vehicle.

3. REPORT INCIDENTS, MODIFICATIONS

Current Law: Requires only reporting of expulsions.

Proposed Changes: Requires the reporting of—

1. All weapons incidents;
2. Each modification of an expulsion (e.g., when an administrator shortens an expulsion); and
3. The level of education in which the incident occurs (elementary, middle, high school).

4. MODIFICATIONS IN WRITING

Current Law: Allows states' laws to allow the chief administering officer of a school district to modify one-year expulsions on a case-by-case basis.

Proposed Change: Requires that all modifications of expulsions be put in writing.

Mr. DORGAN. Mr. President, I am pleased to join Senator FEINSTEIN in introducing the Gun-Free Schools Refinement Act. As my colleagues may remember, Senator FEINSTEIN and I were the principal authors of the Gun-Free Schools Act of 1994, and as a result of this law, more than 13,000 students have been expelled from school between 1996 and 1999 for bringing a gun to school. That is more than 13,000 potential tragedies that have been avoided because we as a nation adopted a "zero tolerance" policy toward bringing a weapon into our school classrooms and hallways.

Despite the Gun-Free Schools Act, however, school shootings still occasionally occur, and even one of these incidents is too many. That's why, nearly two years ago, Senator FEINSTEIN and I asked the Department of Education Inspector General to conduct a review of the Gun-Free Schools Act to ensure that states and local school districts are vigorously enforcing this important law.

The Inspector General completed this review and issued her final report in February, 2001. Fortunately, the IG found no evidence that states or school districts were intentionally ignoring instances where students brought weapons to schools. However, while we were glad to learn that schools are generally trying to comply with the spirit of the law, the IG did find some instances where schools and states have not complied with the letter of the law. This may result in uneven enforcement of the Gun-Free Schools Act. Therefore, the IG recommended in March that Congress consider making a number of technical changes to the Gun-Free Schools Act to clarify areas of the statute where schools were confused about what was required in the enforcement of their "zero tolerance" policies.

The Gun-Free Schools Refinement Act would make four changes to the 1994 law: First, this legislation clarifies that the law applies to students who "possess" a gun in school, not just those who "brought" a weapon to school, as the law currently reads. A common-sense interpretation of the law would compel schools to expel students who possess firearms in school, even if they were not the ones who physically brought the guns there. This change merely codifies a common-sense reading of the law so that it applies to students who either bring or possess a weapon at school.

Second, this bill clarifies that the Gun-Free Schools Act applies not just to the school buildings but to the grounds and any other setting under the jurisdiction of the school. What is meant by a "school" is not currently defined by the statute, but the Department of Education has already determined in its implementation guidance that a "school" means any area under the supervision of the school, such as buses or off-campus athletic events or field trips. This change codifies the Department's reasonable definition. I do want to mention, however, that this change would still allow schools the flexibility to permit rifle clubs, hunter safety education, or other sanctioned school activities, as long as these limited purposes provide reasonable safeguards to ensure student safety and are otherwise consistent with the intent of the Gun-Free Schools Act.

This bill also requires that schools report all incidents of students bringing a gun to school, even if a student's expulsion is ultimately shortened using the case-by-case exception provided for in the Gun-Free Schools Act. Technically the law requires schools to report only expulsions, and the IG found that this has led to considerable confusion among schools about whether they also need to report shortened expulsions. The Department of Education has already taken a step in the right direction toward addressing this issue by revising the reporting form that schools use when reporting firearm incidents. This will further clarify for states and schools the data they need to report.

Finally, this legislation requires that modifications to one-year expulsions, which are made on a case-by-case basis by the chief school officer, be made in writing. This will simply ensure that school officials, parents or other appropriate individuals will have access to a written record explaining why the expulsion was shortened.

In summary, I think these are simple, straightforward, and sensible changes to the Gun-Free Schools Act. I urge my colleagues to join me and Senator FEINSTEIN in making these technical changes when the Senate debates upcoming legislation reauthorizing the Elementary and Secondary Education Act.

By Mrs. BOXER (for herself and Mr. WYDEN):

S. 650. A bill to amend the Mineral Leasing Act to prohibit the exportation of Alaska North Slope crude oil; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. BOXER. Mr. President, this year the spotlight on energy policy has increased. One issue that is key for this country is our oil supply. Americans are very dependent on gasoline, and it is imperative that we address this problem.

First on the demand side of the equation, we should increase the Corporate Average Fuel Economy standard for SUVs and light trucks so that it equals the standard for cars. That would save 1 million barrels of oil per day. By becoming more energy efficient, the amount of our dependence on oil will decrease.

Second, we also need to focus on the supply side of the picture. For example, we should protect the American supply by banning the exportation of crude oil from Alaska's North Slope. And, today, I am introducing, along with Senator WYDEN, legislation to do just that.

For 22 years, from 1973 to 1995, the export of Alaska North Slope oil was banned. We banned it to reduce our dependence on imported oil and to keep gasoline prices down.

Unfortunately, at the behest of oil producers, the ban was lifted in 1995. The General Accounting Office has stated that lifting the export ban resulted in an increase in the price of crude oil by about $1 per barrel. In fact, some oil companies used their ability to export this oil to artificially increase the price of gasoline on the West Coast.

With the spotlight on energy policy, President Bush and others have called for drilling in the Arctic National Wildlife Refuge, (ANWR). It makes no sense to destroy a beautiful, pristine sanctuary, one of the most remarkable wildlife habitats in the world, for oil that will only last six months. And this call to destroy ANWR comes even in the face of the possible export of American oil that is being drilled in areas already open to drilling.

For a little under a year now, no North Slope oil has been exported. But this has been done voluntarily—and in one case mainly to ensure that a proposed merger was approved by the FTC. Although there are no exports now, the threat exists and given our current situation, this ban is necessary to preclude any chance of exporting this oil.

This is oil that is on public lands, and that is transported along a federal right-of-way. Taxpayers own this product. We need to ensure that American consumers and industry will remain first. I encourage my colleagues to support the Oil Supply Improvement Act.

By Mr. REED (for himself, Mr. JEFFORDS, Ms. MIKULSKI, Ms. COLLINS, Mr. WELLSTONE, and Mrs. CLINTON):

S. 651. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to join with my distinguished colleagues, Senators JEFFORDS, COLLINS, MIKULSKI, WELLSTONE and CLINTON, in introducing bipartisan legislation that we believe can make a real difference in the lives of health care consumers in this nation. The Health Care Consumer Assistance Act provides grants to States to create, or expand upon, health care consumer assistance, or health ombudsman programs.

In 1997, the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry noted that consumers have the right to accurate information and assistance in making decisions about health plans. One model program, the Administration on Aging's Long Term Care Ombudsman Program, has been highly successful for twenty five years in promoting quality living and health care for nursing home residents nationwide.

Now more than ever, people need this kind of assistance to navigate the health care system. The Health Care Consumer Assistance Act would create a grant program for states to establish private, non-profit, independent entities to operate statewide ombudsman programs. Each state ombudsman program would be a "one-stop" source for information, counseling and referral services for health care consumers.

Last summer, the Henry J. Kaiser Family Foundation and Consumer Reports magazine released the results of a survey on consumer satisfaction with health plans. This survey is part of a larger project examining ways to improve how consumers resolve problems with their health insurance plans. The survey found that while most people who experienced a problem with their plan were able to resolve them, the majority of those surveyed were confused about where to go for information and help.

Over the past few years, a growing number of states have taken steps to give patients new rights in dealing with their health insurance plans. For example, more than 30 states now have an external review process for residents to appeal adverse decisions by their health plans. While the majority of those surveyed thought the ability to appeal a decision to an independent medical expert would be helpful, only one percent had actually used the process available in many states. In fact, most consumers were unaware this option even existed, much less how to use it.

The legislation we introduce today seeks to remedy this information gap by providing grants to states that wish to establish health care consumer assistance programs. These programs are designed to help make health care consumers more educated and effective as they seek to understand and exercise their health care choices, rights, and responsibilities.

I believe that the Health Care Consumer Assistance Act would compliment a Patient's Bill of Rights that includes a strong appeals process and access to legal remedies. It may, in fact, actually serve to ease the ongoing debate about litigation. By empowering health care consumers with information and effective strategies for making sure they get the care they have paid for when they need it most, the chances that a health-related dispute will end up in court are drastically minimized. When a person is sick and in need of medical care, the last thing they want is to have a protracted legal battle, they simply want the care that will make them better.

Under this bill, the Secretary of Health and Human Services will provide funds to eligible states to create or contract with an independent, nonprofit agency, to provide a variety of information and support services for health care consumers, including the following: educational materials about strategies for health care consumers to resolve problems and grievances; operate a 1-800 telephone hotline for consumer inquiries; coordinate and make referrals to other private and public health care entities when appropriate; and conduct education and outreach in the community.

The concept of a health care consumer assistance program has gained considerable support over the past several years as states have contemplated the patient protection issue and several states have taken steps to create these programs. Governors and state legislatures in many states including, Florida, Georgia, Massachusetts, Maryland, Nebraska, Nevada, Rhode Island, Texas, Vermont, Virginia and Wisconsin have introduced or enacted health care ombudsman legislation. However, a Families USA survey of existing programs has found that while some states have successfully launched their programs, other state initiatives have faltered due to a lack of sufficient funding.

I believe that Americans deserve access to the information and assistance they need to be empowered and informed health care consumers. As the health insurance system becomes more confusing and complex, it becomes critically important that consumers have a place where they can go for counseling and assistance. As health plan options become more complicated, people need a reliable, accessible source of information. State health care consumer assistance programs have proven their ability to meet this challenge. I look forward to working with my colleagues in advancing this important and timely legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Consumers Assistance Fund Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) All consumers need information and assistance to understand their health insurance choices and to facilitate effective and efficient access to needed health services. Many do not understand their health care coverage despite the current efforts of both the public and private sectors.

(2) Federally initiated health care consumer assistance and information programs targeted to consumers of long-term care and to medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are effective, as are a number of State and local consumer assistance initiatives.

(3) The principles, policies, and practices of health plans for providing safe, effective, and accessible health care can be enriched by State-based collaborative, independent education, problem resolution, and feedback programs. Health care consumer assistance programs have proven their ability to meet this challenge.

(4) Many states have created health care consumer assistance programs. The Federal Government can assist the States in developing and maintaining effective health care consumer assistance programs.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall establish a fund, to be known as the "Health Care Consumer Assistance Fund", to be used to award grants to eligible States to enable such States to carry out consumer assistance activities (including programs established by States prior to the enactment of this Act) designed to provide information, assistance, and referrals to consumers of health insurance products.

(b) STATE ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will ensure that the health care consumer assistance office (established under subsection (d)) will assist health care consumers in accessing needed care by educating and assisting health insurance enrollees to be responsible and informed consumers;

(2) the manner in which the State will coordinate and distinguish the services provided by the health care consumer assistance office with the services provided by the long-term care ombudsman authorized by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the State health insurance information program authorized under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4), the protection and advocacy program authorized under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and any other programs that provide information and assistance to health care consumers;

(3) the manner in which the State will coordinate and distinguish the health care consumer assistance office and its services from enrollment services provided under the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), and medicare and medicaid health care fraud and abuse activities including those authorized by Federal law under title 11 of the Social Security Act (42 U.S.C. 1301 et seq.), and State health insurance departments and health plan programs that perform similar functions;

(4) the manner in which the State will provide services to underserved and minority populations and populations residing in rural areas;

(5) the manner in which the State will establish and implement procedures and protocols, consistent with applicable Federal and State confidentiality laws, to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office established under subsection (d)(1) and to ensure that no such information is used, released or referred without the express prior permission of the consumer in accordance with section 4(b), except to the extent that the office collects or uses aggregate information;

(6) the manner in which the State will oversee the health care consumer assistance office, its activities and product materials, and evaluate program effectiveness;

(7) the manner in which the State will provide for the collection of non-Federal contributions for the operations of the office in an amount that is not less than 25 percent of the amount of Federal funds provided under this Act; and

(8) the manner in which the State will ensure that funds made available under this Act will be used to supplement, and not supplant, any other Federal, State, or local funds expended to provide services for programs described under this Act and those described in paragraphs (3) and (4).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 4 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

(d) PROVISION OF FUNDS FOR ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—From amounts provided under a grant under this section, a State shall, directly or through a contract with an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers, provide for the establishment and operation of a State health care consumer assistance office.

(2) ELIGIBILITY OF ENTITY.—To be eligible to enter into a contract under paragraph (1), an entity shall demonstrate that the entity has the technical, organizational, and professional capacity to deliver the services described in section 4 throughout the State to all public and private health insurance consumers.

SEC. 4. USE OF FUNDS.

(a) BY STATE.—A State shall use amounts provided under a grant awarded under this Act to carry out consumer assistance activities directly or by contract with an independent, non-profit organization. The State shall ensure the adequate training of personnel carrying out such activities. Such activities shall include—

(1) the operation of a toll-free telephone hotline to respond to consumer requests for assistance;

(2) the dissemination of appropriate educational materials on how best to access health care and the rights and responsibilities of health care consumers;

(3) the provision of education to health care consumers on effective methods to promptly and efficiently resolve their questions, problems, and grievances;

(4) referrals to appropriate private and public entities to resolve questions, problems and grievances;

(5) the coordination of educational and outreach efforts with consumers, health plans, health care providers, payers, and governmental agencies; and

(6) the provision of information and assistance to consumers regarding internal, external, or administrative grievances or appeals

procedures in nonlitigative settings to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan.

(b) CONFIDENTIALITY AND ACCESS TO INFORMATION.—The health care consumer assistance office of a State shall establish and implement procedures and protocols, consistent with applicable Federal and State confidentiality laws, to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no such information is used, released, or referred to State agencies or outside entities without the expressed prior permission of the consumer, except to the extent that the office collects or uses aggregate information that is not individually identifiable. Such procedures and protocols shall ensure that the health care consumer is provided with a description of the policies and procedures of the office with respect to the manner in which health information may be used to carry out consumer assistance activities.

(c) AVAILABILITY OF SERVICES.—The health care consumer assistance office of a State shall not discriminate in the provision of information and referrals regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(d) DESIGNATION OF RESPONSIBILITIES.—

(1) WITHIN EXISTING STATE ENTITY.—If the health care consumer assistance office of a State is located within an existing State regulatory agency or office of an elected State official, the State shall ensure that—

(A) there is a separate delineation of the funding, activities, and responsibilities of the office as compared to the other funding, activities, and responsibilities of the agency; and

(B) the office establishes and implements procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no information is transferred or released to the State agency or office without the expressed prior permission of the consumer in accordance with subsection (b).

(2) CONTRACT ENTITY.—In the case of an entity that enters into a contract with a State under section 3(d), the entity shall provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care.

(e) SUBCONTRACTS.—The health care consumer assistance office of a State may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are complied with by the office.

(f) TERM.—A contract entered into under this section shall be for a term of 3 years.

SEC. 5. FUNDING.

There are authorized to be appropriated $100,000,000 to carry out this Act.

SEC. 6. REPORT OF THE SECRETARY.

Not later than 1 year after the Secretary first awards grants under this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the activities funded under section 4 and the effectiveness of such activities in resolving health care-related problems and grievances.

By Mr. EDWARDS (for himself, Mr. JEFFORDS, Mr. LEAHY, and Mr. WELLSTONE):

S. 652. A bill to promote the development of affordable, quality rental housing in rural areas for low-income households; to the Committee on Banking, Housing, and Urban Affairs.

Mr. EDWARDS. Mr. President, I rise to reintroduce legislation I offered last year to promote the development of affordable, quality rental housing for low-income households in rural areas. I am pleased, along with Senator JEFFORDS, Senator LEAHY, and Senator WELLSTONE, to introduce the "Rural Rental Housing Act of 2001."

There is a pressing and worsening need for quality rental housing for rural families and senior citizens. As a group, residents of rural communities are the worst housed of all our citizens. Rural areas contain approximately 20 percent of the nation's population as compared to suburbs with 50 percent. Yet, twice as many rural American families live in bad housing than in the suburbs. An estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

Substandard housing is a particularly grave problem in the rural areas of my home state of North Carolina. Ten percent or more of the population in five of North Carolina's rural counties live in substandard housing. Rural housing units, in fact, comprise 60 percent of all substandard units in the state.

Even as millions of rural Americans live in wretched rental housing, millions more are paying an extraordinarily high price for their housing. One out of every three renters in rural America pays more than 30 percent of his or her income for housing; 20 percent of rural renters pay more than 50 percent of their income for housing.

Most distressing is when people living in housing that does not have heat or indoor plumbing pay an extraordinary amount of their income in rent. More than 90 percent of people living in housing in the worst conditions pay more than 50 percent of their income for housing costs.

Unfortunately, our rural communities are not in a position to address these problems alone. They are disproportionately poor and have fewer resources to bring to bear on the issue. Poverty is a crushing, persistent problem in rural America. One-third of the non-metropolitan counties in North Carolina have 20 percent or more of their population living below the poverty line. In contrast, not a single metropolitan county in North Carolina has 20 percent or more of its population living below the poverty line. Not surprisingly, the economies of rural areas are generally less diverse, limiting jobs and economic opportunity. Rural areas have limited access to many forces driving the economy, such as technology, lending, and investment, because they are remote and have low population density. Banks and other investors, looking for larger projects with lower risk, seek metropolitan areas for loans and investment. Credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

Given the magnitude of this problem, it is startling to find that the federal government is turning its back on the situation. In the face of this challenge, the federal government's investment in rural rental housing is at its lowest level in more than 25 years. Federal spending for rural rental housing has been cut by 73 percent since 1994. Rural rental housing unit production financed by the federal government has been reduced by 88 percent since 1990. Moreover, poor rural renters do not fair as well as poor urban renters in accessing existing programs. Only 17 percent of very low-income rural renters receive housing subsidies, compared with 28 percent of urban poor. Rural counties fared worse with Federal Housing Authority assistance on a per capita basis, as well, getting only $25 per capita versus $264 in metro areas. Our veterans in rural areas are no better off: Veterans Affairs housing dollars are spent disproportionately in metropolitan areas.

To address the scarcity of rural rental housing, I believe that the federal government must come up with new solutions. We cannot simply throw money at the problem and expect the situation to improve. Instead, we must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private and nonprofit sectors to make headway. We must leverage our resources wisely to increase the supply and quality of rural rental housing for low-income households and the elderly.

Senator JEFFORDS, Senator LEAHY, Senator WELLSTONE, and I are proposing a new solution. Today, we introduce the Rural Rental Housing Act of 2001 to create a flexible source of financing to allow project sponsors to build, acquire or rehabilitate rental housing based on local needs. We demand that the federal dollars to be stretched by requiring State matching funds and by requiring the sponsor to find additional sources of funding for the project. We are pleased that more than 70 housing groups from 26 states have already indicated their support for this legislation.

Let me briefly describe what the measure would do. We propose a $250 million fund to be administered by the United States Department of Agriculture, USDA. The funds will be allotted to states based on their share of rural substandard units and of the rural population living in poverty, with smaller states guaranteed a minimum of $2 million. We will leverage federal funding by requiring states or other non-profit intermediaries to provide a dollar-for-dollar match of project funds. The funds will be used for the acquisition, rehabilitation, and construction of low-income rural rental housing.

The USDA will make rental housing available for low-income populations in rural communities. The population served must earn less than 80 percent area median income. Housing must be in rural areas with populations not exceeding 25,000. Priority for assistance will be given to very low income households, those earning less than 50 percent of area median income, and in very low-income communities or in communities with a severe lack of affordable housing. To ensure that housing continues to serve low-income populations, the legislation specifies that housing financed under the legislation must have a low-income use restriction of not less than 30 years.

The Act promotes public-private partnerships to foster flexible, local solutions. The USDA will make assistance available to public bodies, Native American tribes, for-profit corporations, and private nonprofit corporations with a record of accomplishment in housing or community development. Again, it stretches federal assistance by limiting most projects from financing more than 50 percent of a project cost with this funding. The assistance may be made available in the form of capital grants, direct, subsidized loans, guarantees, and other forms of financing for rental housing and related facilities.

Finally, the Act will be administered at the state level by organizations familiar with the unique needs of each state rather than creating a new federal bureaucracy. The USDA will be encouraged to identify intermediary organizations based in the state to administer the funding provided that it complies with the provisions of the Act. These intermediary organizations can be states or state agencies, private nonprofit community development corporations, nonprofit housing corporations, community development loan funds, or community development credit unions.

This Act is not meant to replace, but to supplement the Section 515 Rural Rental Housing program, which has been the primary source of federal funding for affordable rental housing in rural America from its inception in 1963. Section 515, which is administered by the USDA's Rural Housing Service, makes direct loans to non-profit and for-profit developers to build rural rental housing for very low income tenants. Our support for 515 has decreased in recent years—there has been a 73 percent reduction since 1994—which has had two effects. It is practically impossible to build new rental housing, and our ability to preserve and maintain the current stock of Section 515 units is hobbled. Fully three-quarters of the Section 515 portfolio is more than 20 years old.

The time has come for us to take a new look at a critical problem facing rural America. How can we best work to promote the development of quality rental housing for low-income people in rural America? My colleagues and I believe that to answer this question, we must comply with certain basic principles. We do not want to create yet another program with a large federal bureaucracy. We want a program that is flexible, that fosters public-private partnerships, that leverages federal funding, and that is locally controlled. We believe that the Rural Rental Housing Act of 2001 satisfies these principles and will help move us in the direction of ensuring that everyone in America, including those in rural areas, have access to affordable, quality housing options.

I request that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There is a pressing and increasing need for rental housing for rural families and senior citizens, as evidenced by the fact that—

(A) two-thirds of extremely low-income and very low-income rural households do not have access to affordable rental housing units;

(B) more than 900,000 rural rental households (10.4 percent) live in either severely or moderately inadequate housing; and

(C) substandard housing is a problem for 547,000 rural renters, and approximately 165,000 rural rental units are overcrowded.

(2) Many rural United States households live with serious housing problems, including a lack of basic water and wastewater services, structural insufficiencies, and overcrowding, as shown by the fact that—

(A) 28 percent, or 10,400,000, rural households in the United States live with some kind of serious housing problem;

(B) approximately 1,000,000 rural renters have multiple housing problems; and

(C) an estimated 2,600,000 rural households live in substandard housing with severe structural damage or without indoor plumbing, heat, or electricity.

(3) In rural America—

(A) one-third of all renters pay more than 30 percent of their income for housing;

(B) 20 percent of rural renters pay more than 50 percent of their income for housing; and

(C) 92 percent of all rural renters with significant housing problems pay more than 50 percent of their income for housing costs, and 60 percent pay more than 70 percent of their income for housing.

(4) Rural economies are often less diverse, and therefore, jobs and economic opportunity are limited because—

(A) factors that exist in rural environments, such as remoteness and low population density, lead to limited access to many forces driving the economy, such as technology, lending, and investment; and

(B) local expertise is often limited in rural areas where the economies are focused on farming or natural resource-based industries.

(5) Rural areas have less access to credit than metropolitan areas since—

(A) banks and other investors that look for larger projects with lower risk seek metropolitan areas for loans and investment;

(B) credit that is available is often insufficient, leading to the need for interim or bridge financing; and

(C) credit in rural areas is often more expensive and available at less favorable terms than in metropolitan areas.

(6) The Federal Government investment in rural rental housing has dropped during the last 10 years, as evidenced by the fact that—

(A) Federal spending for rural rental housing has been cut by 73 percent since 1994; and

(B) rural rental housing unit production financed by the Federal Government has been reduced by 88 percent since 1990.

(7) To address the scarcity of rural rental housing, the Federal Government must work in partnership with State and local governments, private financial institutions, private philanthropic institutions, and the private sector, including nonprofit organizations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE PROJECT.—The term "eligible project" means a project for the acquisition, rehabilitation, or construction of rental housing and related facilities in an eligible rural area for occupancy by low-income families.

(2) ELIGIBLE RURAL AREA.—The term "eligible rural area" means a rural area with a population of not more than 25,000, as determined by the most recent decennial census of the United States, and that is located outside an urbanized area.

(3) ELIGIBLE SPONSOR.—The term "eligible sponsor" means a public agency, an Indian tribe, a for-profit corporation, or a private nonprofit corporation—

(A) a purpose of which is planning, developing, or managing housing or community development projects in rural areas; and

(B) that has a record of accomplishment in housing or community development and meets other criteria established by the Secretary by regulation.

(4) LOW-INCOME FAMILIES.—The term "low-income families" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(5) QUALIFIED INTERMEDIARY.—The term "qualified intermediary" means a State, a State agency designated by the Governor of the State, a public instrumentality of the State, a private nonprofit community development corporation, a nonprofit housing corporation, a community development loan fund, or a community development credit union, that—

(A) has a record of providing technical and financial assistance for housing and community development activities in rural areas; and

(B) has a demonstrated technical and financial capacity to administer assistance made available under this Act.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) STATE.—The term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, and any other possession of the United States.

SEC. 4. RURAL RENTAL HOUSING ASSISTANCE.

(a) IN GENERAL.—The Secretary may, directly or through 1 or more qualified intermediaries in accordance with section 5, make assistance available to eligible sponsors in the form of loans, grants, interest subsidies, annuities, and other forms of financing assistance, to finance the eligible projects.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive assistance under this section, an eligible sponsor shall submit to the Secretary, or a qualified intermediary, an application in such form and containing such information as the Secretary shall require by regulation.

(2) AFFORDABILITY RESTRICTION.—Each application under this subsection shall include a certification by the applicant that the housing to be acquired, rehabilitated, or constructed with assistance under this section will remain affordable for low-income families for not less than 30 years.

(c) PRIORITY FOR ASSISTANCE.—In selecting among applicants for assistance under this section, the Secretary, or a qualified intermediary, shall give priority to providing assistance to eligible projects—

(1) for very low-income families (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)); and

(2) in low-income communities or in communities with a severe lack of affordable rental housing, in eligible rural areas, as determined by the Secretary; or

(3) if the applications are submitted by public agencies, Indian tribes, private nonprofit corporations or limited dividend corporations in which the general partner is a non-profit entity whose principal purposes include planning, developing and managing low-income housing and community development projects.

(d) ALLOCATION OF ASSISTANCE.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall allocate assistance among the States, taking into account the incidence of rural substandard housing and rural poverty in each State and the share of that State of the national total of such incidence.

(2) SMALL STATE MINIMUM.—In making an allocation under paragraph (1), the Secretary shall provide each state an amount not less than $2,000,000.

(e) LIMITATIONS ON AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—Except as provided in paragraph (2), assistance made available under this Act may not exceed 50 percent of the total cost of the eligible project.

(2) EXCEPTION.—Assistance authorized under this Act shall not exceed 75 percent of the total cost of the eligible project, if the project is for the acquisition, rehabilitation, or construction of not more than 20 rental housing units for use by very low-income families.

SEC. 5. DELEGATION OF AUTHORITY.

(a) IN GENERAL.—The Secretary may delegate authority for distribution of assistance—

(1) to one or more qualified intermediaries in the State; and

(2) for a period of not more than 3 years, at which time that delegation of authority shall be subject to renewal, in the discretion of the Secretary, for 1 or more additional periods of not more than 3 years.

(b) SOLICITATION.—

(1) IN GENERAL.—The Secretary may, in the discretion of the Secretary, solicit applications from qualified intermediaries for a delegation of authority under this section.

(2) CONTENTS OF APPLICATION.—Each application under this subsection shall include—

(A) a certification that the applicant will—

(i) provide matching funds from sources other than this Act in an amount that is not less than the amount of assistance provided to the applicant under this section; and

(ii) distribute assistance to eligible sponsors in the State in accordance with section 4; and

(B) a description of—

(i) the State or the area within a State to be served;

(ii) the incidence of poverty and substandard housing in the State or area to be served;

(iii) the technical and financial qualifications of the applicant; and

(iv) the assistance sought and a proposed plan for the distribution of such assistance in accordance with section 4.

(3) MULTISTATE APPLICATIONS.—The Secretary may, in the discretion of the Secretary, seek application by qualified intermediaries for more than 1 State.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000,000 for each of fiscal years 2002 through 2006.

Mr. LEAHY. Mr. President, I am proud, once again, to rise and offer my support for the Rural Rental Housing Act. This important legislation will help reaffirm the federal government's commitment to provide quality affordable housing in rural areas. I joined Senator EDWARDS in introducing this bill last year, and look forward to the opportunity to debate this issue in the 107th Congress.

The need for a new federal program to encourage production, rehabilitation and acquisition of rural rental housing has never been more evident than it is today. Families in small towns across the country find themselves with fewer and fewer options for a safe and affordable place to live. In my home state of Vermont, like many other states across the country, housing costs have soared out of reach of most low-income families and rental vacancy rates have fallen to alarmingly low levels. For those people fortunate enough to find an available apartment it is increasingly difficult to afford the rent the market demands.

Despite this trend, the federal government has continued to scale back their commitment to rural housing programs over the last decade. Money for production has dropped nearly 88 percent since 1990, and funding for subsidized housing has fallen by 73 percent since 1994. This decline has made it incredibly difficult to maintain the existing housing stock, little less produce the number of units need to meet demand. In Vermont four thousand rental units were built with federal assistance between 1976 and 1985, but during the next ten years this number fell to under two thousand—nearly half of what was produced the decade before, despite the rising need. Nationwide it is estimated that nearly 2.6 million households live in substandard conditions, often without proper plumbing, heat or electricity.

The Rural Rental Housing Act will provide $250 million dollars for a new matching federal grant program to address this situation. These funds will complement existing programs run by the Rural Housing Service at Department of Agriculture and will be used in a variety of ways to increase the supply, the affordability, and the quality of housing for the most needy residents, the lowest income families and our elderly citizens. Most importantly, this program is designed to be administered at the state and local level and to encourage public-private partnerships to best address the unique needs of each state.

I think it is time for the Senate to take action to address the needs of our country's most rural populations. I am proud to be a cosponsor of this bill and I encourage my colleagues to add their support.

Mr. WELLSTONE. Mr. President, today I offer my support for the Rural Rental Housing Act of 2001. Communities in every state in this country are suffering from a critical lack of affordable housing. Many rural areas have been particularly hard hit. This bill takes an important step toward re-establishing the production and preservation of affordable housing as a National priority. It assures that the needs of rural communities are not forgotten. I am pleased to be a co-sponsor of this bill, and urge all of my colleagues similarly to support this legislation.

The time has come for the federal government to get back in the business of producing affordable housing. Until we do, we will not get at the issue underlying the current affordable housing crisis: the rapid erosion of affordable housing stock. Every year, in fact, every day, we see the demolition of old affordable housing units without seeing the creation of an equivalent number of new affordable housing units. And while there can be no question that some of our existing affordable housing units should be demolished, we have yet to meet our responsibility to replace the old units that are lost with new, better, affordable units. Our current policy simply results in too many displaced families, families who are forced to sometimes double-up or even become homeless in worst-case scenarios, overburdening otherwise already fragile communities.

The housing needs of rural communities are particularly pronounced.

Rural households pay more of their income for housing than do urban households. They are less likely to receive government-assisted mortgages; they tend to be poorer than urban households. They have limited access to mortgage credit, and they are often targeted by predatory lenders. Rural communities have a disproportionate share of the nation's substandard housing. They often have an inadequate supply of affordable housing. Development costs are higher in rural communities than in urban areas, and rural communities have a limited secondary mortgage market. Many low-income rural families have only limited experience with credit and lending institutions, and they often lack an understanding of what it takes to get a home loan. Compounding this problem is a lack of pre- and post-purchase counseling for rural homeowners.

Despite the critical housing needs of rural communities, direct lending for new or improved rural rental housing is currently at its lowest funding level in more than 25 years. The Department of Agriculture, USDA, has oversight of most of the federal rural housing assistance programs. The primary sources of funding for rural housing assistance, the Section 515 Rural Rental Housing Loan Program, which makes direct loans to developers and cooperatives to build rural rental housing and the Section 521 Rental Assistance Program (which provides rent subsidies to low-income rural renters), have seen their funding levels steadily eroded since the mid-eighties. As a consequence, right now the rate of housing assistance to non-metro areas is only about half that to metro areas.

Unfortunately, while funding levels for rural housing assistance programs have been decreasing, the need for affordable rural housing has been increasing. According to an analysis of 1995 American Housing Survey, AHS, data, 10.4 million rural households, 28 percent, have housing problems. When considering only rural renters, the problem becomes even more pronounced. Thirty-three percent of all rural renters are "cost burdened," paying more than 30 percent of their income for housing costs. Almost one million rural renter households suffer from multiple housing problems. Of these households, 90 percent are severely cost burdened, paying more than 50 percent of their income for rent. Sixty percent pay more than 70 percent of their income for housing. Nearly 60 percent of tenants in Section 515 housing are elderly, disabled or handicapped. The average tenant income is less than $8,000 a year, and the average income of tenants who receive Section 521 housing assistance is $7,300 per year. Ninety-eight percent of them are either low-income, 88 percent, or very-low income, 10 percent, and 75 percent are single female or female-headed households.

The "Rural Rental Housing Act of 2001" is intended to promote the development of affordable, quality rental housing in rural areas for low income households. The bill would authorize the Secretary of Agriculture, directly or through specified intermediaries, to provide rural rental housing assistance in the form of loans, grants, interest subsidies, annuities, and other forms of assistance to finance eligible projects. It would require that no state receives less that $2 million. It would limit the amount of assistance to 50 percent of the total cost of eligible projects, unless the project is smaller than 20 units and is targeted to very-low income tenants, then assistance can total up to 75 percent of the total cost. It would require that properties acquired, rehabbed, or constructed with these funds remain affordable for low-income families for at least 30 years, and it would give priority to low-income families, low-income communities, or communities lacking affordable rental housing. Finally, it would authorize $250,000,000 in appropriations for each fiscal year 2002 through 2006.

I am pleased to be a co-sponsor of this important legislation, and look forward to working with Senators EDWARDS, JEFFORDS, and LEAHY to ensure its passage.

By Mr. BAYH (for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. LUGAR, Mr. GRAHAM, Mr. VOINOVICH, Mr. CARPER, Mr. LIEBERMAN, Mr. JOHNSON, Mr. MILLER, Ms. LANDRIEU, Mr. BREAUX, and Mr. KOHL):

S. 653. A bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I rise today to introduce The Responsible Fatherhood Act of 2001 with Senator PETE DOMENICI. Our bill aims to encourage fathers to take both emotional and financial responsibility for their children.

Many of America's mothers, including single moms, are heroic in their efforts to make ends meet while raising good, responsible children. Many dads are too. But an increasing number of men are not doing their part, or are absent entirely. The decline in the involvement of fathers in the lives of their children over the last forty years is a troubling trend that affects us all. Fathers can help teach their children about respect, honor, duty and so many of the values that make our communities strong.

The number of children living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Today, the United States leads the world in fatherless families, and too many children spend their lives without any contact with their fathers. The consequences are severe, A study by the Journal of Research in Crime and Delinquency found that the best predictor of violent crime and burglary in a community is not the rate of poverty, but the rate of fatherless homes.

When fathers are absent from their lives, children are: 5 times more likely to live in poverty; twice as likely to commit crimes; more likely to bring weapons and drugs into the classroom; twice as likely to drop out of school; twice as likely to be abused; more likely to commit suicide; over twice as likely to abuse alcohol or drugs; and more likely to become pregnant as teenagers.

I have had the opportunity to work with and visit local fatherhood programs in Indiana. I have talked to fathers as they work to re-engage with their children, learn how to be better parents, and gradually build the trust that allows them to be involved emotionally, as well as financially, with their children. I visited the Father Resource Program, run by Dr. Wallace McLaughlin in Indianapolis. This program is a wonderful example of a local, private/public partnership that delivers results. It has served more than 500 fathers, primarily young men between the ages of 15 and 25, by providing father peer support meetings, pre-marital counseling, family development forums and family support services, as well as co-parenting, employment, job training, education, and life skills classes.

The fathers there were eager to tell me about the profound impact these programs have made in their lives, and the lives of their children. One said to me, "After the six week fatherhood training program, the support doesn't stop . . . I was wild before. The program taught me self-discipline, parenting skills, and responsibility." Another said, "As fathers, we would like to interact with our kids. When they grow into something, we want to feel proud and say that we were a part of that." And yet another, "The program showed me how to have a better relationship with my child's mother, and a better relationship with my child. Before those relationships were just financial." While the program's emotional benefits to families are difficult to measure, we do know it is helping fathers enter the workforce. Over eighty percent of the men who have graduated from the program are currently employed.

This type of investment is a fiscally responsible one, it helps get to the root cause of many of the social problems that cost our society and our government a great deal of money: The cost to society of drug and alcohol abuse is more than $110 billion per year. The social and economic costs of teenage pregnancy, abortion and STDs has been estimated at over $21 billion per year. The federal government spends $8 billion a year on dropout prevention programs. Last year, the federal government spent more than $105 billion on poverty relief programs for families and children.

All this adds up to a staggering price. My legislation, The Responsible Fatherhood Act of 2001, does three primary things to help combat fatherlessness in America. First, it creates a grant program for state media campaigns to encourage fathers to act responsibly. Second, it funds community efforts that provide fathers with the tools necessary to be responsible fathers. Finally, the bill creates a National Clearinghouse to assist states with their media campaigns and with the dissemination of materials to promote responsible fatherhood.

Senators VOINOVICH, LINCOLN, LUGAR, JOHNSON, MILLER, LANDRIEU, BREAUX, GRAHAM, LIEBERMAN, KOHL, and CARPER also join me in the introduction of The Responsible Fatherhood Act of 2001. This legislation has been introduced in the House of Representatives by Congresswoman JULIA CARSON, and has the endorsement of the Congressional Black Caucus.

President Bush has included funding for responsible fatherhood in his budget blueprint and I encourage him to continue to make this initiative a priority. Collectively, I hope we are able to pass responsible fatherhood legislation prior to Father's Day this year.

I know that government cannot be the lone answer to this problem. We cannot legislate parental responsibility. But government can encourage fathers to behave responsibly, inform the public about the consequences of father absence, and remove barriers to responsible fatherhood.

I urge my colleagues to support this important initiative.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 657. A bill to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise to introduce legislation authorizing funding for the National 4-H Program Centennial Initiative.

In 2002 we will celebrate the centennial of the founding of the 4-H program. This important youth development program operates in each of the 50 states and more than 3,000 counties. The program is carried out through the cooperative efforts of: youth; volunteer leaders; land grant universities; federal, state and local governments; and the U.S. Department of Agriculture.

Last year over 6.8 million youth ages 5 to 19 participated in the 4-H program. Over 600,000 volunteer leaders work directly or indirectly with youth through the 4-H program.

The legislation I am introducing today recognizes the important role of 4-H in youth development. I am pleased that Senator Harkin has joined with me as a cosponsor.

In celebration of its centennial, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century. The funding authorized in this bill will allow the National 4-H Council to convene meetings and hold discussions at the national, state, and local levels to form strategies for youth development. From input provided through these sessions, a final report will be prepared that summarizes the discussions, makes specific recommendations of strategies for youth development, and proposes a plan of action for carrying out those strategies.

Because 4-H is an important program for youth in each of our states, I am hopeful that there will be strong support for this initiative from my colleagues. I urge my colleagues to cosponsor this legislation.

I ask unanimous consent that the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS.—Congress finds that—

(1) the 4-H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4-H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4-H Program is supported by public and private resources, including the National 4-H Council; and

(4) in celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Agriculture shall make a grant to the National 4-H Council to be used to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(d) REPORT.—The National 4-H Council shall submit the report prepared under subsection (c) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2002.

Mr. HARKIN. Mr. President, I am pleased to join Senator Lugar, the chairman of the Committee on Agriculture, Nutrition and Forestry, to introduce this legislation to authorize a national effort to strengthen 4-H's youth development program. With the 4-H program set to observe its centennial year in 2002, this legislation is a fitting tribute to the tremendous contributions 4-H has made over the years to youth development in both rural and urban communities.

The 4-H program is uniquely positioned to continue and expand upon its record of service to our youth all across America and across our many diverse communities, from farms to inner cities. 4-H is federally authorized, carried out through state land-grant universities and supported with public and private resources, including from the National 4-H Council. However, the key to 4-H's success is the multitude of volunteers who make the 4-H program work at the local community level.

This legislation will authorize a new initiative for developing and carrying out strategies for strengthening 4-H youth development in its second century. Working through public-private partnerships, the National 4-H Council will start at the grassroots level with a program of discussions around the country involving meetings, seminars and listening sessions to address the future of 4-H youth development. Based on the information and ideas gathered, a report will be prepared that summarizes and analyzes the discussions, makes specific recommendations of strategies for youth development and proposes a plan of action for carrying out those strategies.

The objective, of course, is to build on the tradition and success of 4-H to develop new approaches for youth development that are appropriate and effective in the 21st Century. Youth today face ever-growing pressures, demands and challenges far different from those of the past. 4-H has a great deal to offer them, but to be fully successful 4-H must adapt to the realities of an increasingly complex and rapidly changing world. 4-H must also be responsive to the widening diversity of the local communities where its contributions really make a difference.

In short, 4-H can expand its fine record of service and accomplish even more in its second century by developing new strategies for youth development. That is exactly what this legislation is designed to help achieve. I urge my colleagues to support it.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 658. A bill to amend title 32, United States Code, to authorize units of the National Guard to conduct small arms competitions and athletic competitions, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, I am pleased to rise today with Senator JEFFORDS to introduce legislation that will allow the National Guard to participate fully in international sports competitions. Currently, members of the National Guard are involved in a myriad of athletic and small arms competitions, but their authority for such activities is unclear. This legislation will make it easier for the Guard to support the competitions and allow them to use their funds and facilities for such events. This is basic but necessary legislation.

The National Guard is already participating in these events. The Vermont National Guard hosted the 2001 Conseil International du Sport Militaire, CISM, World Military Ski Championships at the Stowe ski area this month. This military ski event united military personnel from more than 30 countries, promoting friendship and mutual understanding through sports. More than 350 international athletes competed in such events as the biathlon, giant slalom, cross country, and military patrol race. They tested their skill and mettle in the beautiful Green Mountains, where the recent nor'easter added to the already bountiful snow cover there.

But it takes a lot more than a 3-foot base of powder to carry off these competitions. It takes clear authorities, regulations, and resources. This legislation will allows these important events to continue with full participation of the National Guard. I urge the Senate to join Senator JEFFORDS and me in sponsoring this legislation and moving it quickly through the legislative process.

I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONDUCT OF SMALL ARMS COMPETITIONS AND ATHLETIC COMPETITIONS BY THE NATIONAL GUARD.

(a) PREPARATION AND PARTICIPATION GENERALLY.—Section 504 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking paragraph (3) and inserting:

"(3) prepare for and participate in small arms competition; or"; and

(C) by adding at the end the following new paragraph:

"(4) prepare for and participate in qualifying athletic competitions."; and

(2) by adding at the end the following new subsections:

"(c)(1) Units of the National Guard may conduct a small arms competition or qualifying athletic competition in conjunction with training required under this chapter if such activity (treating the activity as of it were a provision of services) meets the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title.

"(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities carried out under paragraph (1).

"(3) Except as otherwise provided in an applicable provision of an appropriations Act, amounts appropriated for the National Guard may be used to pay the costs of activities carried out under this subsection and expenses incurred by members of the National Guard in engaging in activities under paragraph (3) or (4) of subsection (a), including participation fees, costs of attendance, costs of travel, per diem, costs of clothing, costs of equipment, and related expenses.

"(d) In this section, the term 'qualifying athletic competition' means a competition in an athletic event that necessarily involves demonstrations by the competitors of—

"(1) skills relevant to the performance of military duties; or

"(2) physical fitness consistent with the standards that are applicable to members of the National Guard in evaluations of the physical readiness of members for military duty in the members' armed force.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 504. National Guard schools; small arms competitions; athletic competitions".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of title 32, United States Code, is amended to read as follows:

"504. National Guard schools; small arms competitions; athletic competitions.".

SECTIONAL ANALYSIS

Section XXX amends 32 U.S.C. § 504 to allow the National Guard to use appropriated funds to support certain costs of members of the National Guard involved with small arms and other athletic training and competitions to promote morale and military readiness. Although the Department of Defense (DOD), Air Force (USAF), and Army (DA) regulations allow use of appropriated funds to support sports programs, there are some things under general fiscal law principles for which appropriated funds can not be used, unless specifically authorized by law. The Active Components cover these costs with non-appropriated funds. Unlike the Air Force and the Army, the National Guard receives no non-appropriated funds for Morale, Welfare, Recreation (MWR) sports activities and, therefore, can not cover costs associated with sports programs with such funds. Section XXX addresses this inconsistency and provides authority for NGB to spend appropriated funds on items the Active Components generally cover with non-appropriated funds.

Departmental, national, and international sports competition programs are run by the Army and the Air Force. AR 215–1 and AFI 34–107 outline the requirements for soldier/airmen athletes to apply to compete at this higher level as individuals or as part of departmental teams. 10 U.S.C. § 717 provides specific statutory authority to use appropriated funds to purchase personal furnishings for soldier/airmen competitors at this level. This authority, however, can not be used to support the NG sports program because implementing regulations require control and approval at the departmental level. DODD 1330.4, AR 215–1, chap. 8, AFI 34–107. The NG competitive sports program, as with other MACOM level and below sports programs within the Active Components, maintains intramural level sports programs to support athletes who will train to compete for positions on the departmental teams authorized by 10 U.S.C. § 717. Section XXX authorizes the NG to use appropriated funds to support a MACOM level sports program on par with Active Component MACOMs.

Section XXX places two limits on NGB sports activities to ensure any training, participation, or holding of sports events enhances military readiness. First, the amendment allows preparation for and participation in sports events that "require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty." Second, the amendment requires the National Guard hold only sports events that "meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a)" of title 32, United States Code. This limitation allows the National Guard Bureau to hold sporting events only if: (1) such event "does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit; (2) "National Guard personnel will enhance their military skills as a result of" participation in the sports event; and (3) the event "will not result in a significant increase in the cost of the training." 32 U.S.C. 508(a)(1), (3), (4). These limitations safeguard one of the purposes of competitive sporting events within DOD, namely to enhance military readiness.

Mr. JEFFORDS. Mr. President, It is with great pleasure that Senator LEAHY and I today to introduce the National Guard Competitive Sports Equity Act.

Passage of this bill will allow the National Guard to utilize appropriated funds in support of National Guard Sports Programs, National Guard Bureau sanctioned competitive events and associated training programs.

The National Guard Competitive Events and Sports program adds value to the National Guard by enhancing the National Guard's competitive training programs through participation in military, national and international sports competitions. The National Guard Competitive Sports Program trains, coordinates and participates in events such as the Pan Am Games, World Championships and Olympic Games, Competition International Sports Militaire, CISM, and manages the World Class Athlete Program.

The National Guard Sports Office manages four core programs that include marksmanship, biathlon, parachute competition and marathon programs.

This legislation is important because it will allow these programs to continue to flourish and provide the National Guard training resource equity on par with similar programs available to active duty soldiers.

Under current law, active component services are able to utilize Morale, Welfare and Recreation, MWR funds for training, allowances, entry fees, personal clothing and specialized equipment in support of training and competitive events. The Guard does not receive or have access to similar funding sources. The Guard is forced to use training funds potentially earmarked for other events or not participate.

This important legislation will allow this program to continue and provide the National Guard with the funding flexibility it requires to maintain this highly successful program.

By Mr. CRAPO (for himself, Mr. CRAIG, Mr. HAGEL, Mr. COCHRAN, Mrs. LINCOLN, Mr. ROBERTS, Mr. HELMS, Mr. DAYTON, and Mr. HUTCHINSON):

S. 659. A bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the medicare program is provided on a prospective basis; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise today to introduce the Medicare Geographic Adjustment Fairness Act of 2001. I am pleased to have the support of several of my colleagues including Senators CRAIG, HAGEL, COCHRAN, LINCOLN, ROBERTS, HELMS, DAYTON, and HUTCHINSON. These members recognize the need for adequate reimbursements for rural health facilities. I am also grateful to Representative BART STUPAK who will be introducing this legislation in the House.

The Medicare Geographic Adjustment Fairness Act will amend the Social Security Act to redirect additional Medicare reimbursements to rural hospitals. Currently, hospitals throughout the country are losing Medicare reimbursements, which results in severe implications for surrounding communities.

As you know, in an attempt to keep Medicare from consuming its limited reserves, Congress enacted the Balanced Budget Act of 1997, BBA, which made sweeping changes in the manner that health care providers are reimbursed for services rendered to Medicare beneficiaries. These were the most significant modifications in the history of the program.

All of the problems with the BBA, whether hospitals, nursing facilities, home health agencies, or skilled nursing facilities, are especially acute in rural states, where Medicare payments are a bigger percentage of hospital revenues and profit margins are generally much lower. These facilities were already managed at a highly efficient level and had "cut the fat out of the system." Therefore, the cuts implemented in the BBA hit the rural communities in Idaho and throughout the United States in a very significant and serious way.

In the 106th Congress, the Senate did a tremendous job of bringing forth legislation that adjusted Medicare payments to health care providers hurt by cuts ordered in the BBA. While this was a meaningful step, the Senate must continue to address the inequities in the system.

My bill would expand wage-index reclassification by requiring the Secretary of Health and Human Services to deem a hospital that has been reclassified for purposes of its inpatient wage-index to also reclassify for purposes of other services which are provider-based and for which payments are adjusted using a wage-index. In other words, this legislation would require the Secretary to use a hospital's reclassification wage-index to adjust payments for hospital outpatient, skilled nursing facility, home health, and other services, providing those entities are provider-based. This change should have been made in BBA when Congress required that prospective payment systems be established for these and other services. As such, this change would address an issue that has been left unaddressed for several years.

It makes sense that, if a hospital has been granted reclassification by the Medicare Geographic Classification Review Board for certain inpatient services, it also be granted wage-index reclassification for outpatient and other services. It is estimated that this provision would help approximately 400 hospitals, 90 percent which are rural. Furthermore, this provision would be budget neutral.

I know my colleagues in the Senate share my commitment of promoting access to health care services in rural areas. Expanding wage-index geographic reclassification will allow hospitals to recoup lost funds and use those funds to address patients' needs in an appropriate, effective, and meaningful way. I encourage my colleagues to cosponsor the Medicare Geographic Adjustment Fairness Act.

By Mr. THOMPSON (for himself, Mr. BREAUX, Mr. MURKOWSKI, Mr. JEFFORDS, Mr. GRAMM, Mr. NICKLES, and Mrs. LINCOLN):

S. 661. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury; to the Committee on Finance.

Mr. THOMPSON. Mr. President, today I am introducing legislation to repeal the 4.3-cent federal excise tax on railroad and inland waterway transportation fuels. This tax was signed into law by President Clinton in 1993 in order to help reduce the federal budget deficit. Now that the budget is in surplus, however, the tax is no longer needed. Railroad and barges should not continue to be the only forms of transportation that must pay this tax for purposes of deficit reduction, particularly during this time of high fuel prices. I am pleased to be joined in my efforts by the Senator from Louisiana, Mr. BREAUX, the Senator from Alaska, Mr. MURKOWSKI, the Senator from Vermont, Mr. JEFFORDS, the Senator from Oklahoma, Mr. NICKLES, the Senator from Texas, Mr. GRAMM, and the Senator from Arkansas, Mrs. LINCOLN.

The Omnibus Budget Reconciliation Act of 1993 imposed a Federal excise tax of 4.3 cents per gallon on all transportation fuels. The revenue raised from the tax was dedicated to deficit reduction, so tax revenue was deposited in the general fund instead of into any of the transportation trust funds. Prior to the 1993 act, the gasoline, aviation and diesel fuel excise taxes had been considered to be "user fees." The revenue raised from these taxes was deposited into the transportation trust funds and was dedicated to improving highways, airports and waterways. There is no railroad trust fund. Therefore, the 1993 act was a significant departure from previous treatment of transportation fuel taxes.

In 1997, Congress redirected the 4.3-cent gasoline excise tax back into the highway trust fund and the 4.3-cent aviation fuel excise tax back into the airport and airway trust fund as a part of the surface transportation reauthorization bill, TEA–21. The 1997 law restored the gasoline and aviation taxes to their previous status as true user fees. The revenue collected from these taxes are once again used for the benefit of our highways and airports. However, the final version of TEA–21 did not touch the tax on inland waterway barge fuel or railroad fuel, so that tax revenue is still being deposited in the general fund.

Last Congress, the Senator from Rhode Island, John Chafee, led the effort to repeal the 4.3-cent excise tax on railroad and barge fuel. The 106th Congress actually voted to repeal the tax as part of the Taxpayer Refund and Relief Act of 1999. Unfortunately, the bill was vetoed by President Clinton.

I am pleased to carry on the work of our former colleague by introducing this bill to repeal the 4.3-cent tax on railroad and barge fuel effective this year. I believe the time has come to repeal the 4.3-cent tax, since it provides no benefit to the railroad and barge systems, and it only imposes a burden on these two industries that are important to my home state of Tennessee. I look forward to working with my colleagues to repeal this outdated tax.

By Mr. DODD (for himself, Mr. BYRD, Mr. SANTORUM, Mr. CONRAD, Mr. FEINGOLD, Mr. KENNEDY, Mr. KOHL, Mr. LEAHY, Mr. DORGAN, and Mr. VOINOVICH):

S. 662. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, according to the Department of Veterans Affairs, today some 1,500 American World War II-era veterans, members of the so-called Greatest Generation, will pass away. Tomorrow about the same number will pass away. That daily number will gradually rise in the weeks, months, and years to come. Most of them were not career soldiers, but they answered the call to serve our country. Many bravely confronted our enemies in distant lands, in battles that we regard as history, but that they remember as their personal stories. Midway Island, Omaha Beach, and Iwo Jima are just a few of the places hallowed by their deeds. Through their strength and dedication these veterans have earned the respect and gratitude of all Americans to follow.

As these veterans pass away, their families are rightfully seeking to preserve the record of their loved ones' service to our nation. One way in which they are seeking to record that service is to secure official burial recognition. But, because of a provision of current law, the Department of Veterans Affairs is prohibited from providing an official headstone or grave marker to as many as 20,000 of these families each year.

The law I am referring to dates back to the Civil War era, when our nation wanted to ensure that our fallen soldiers were not buried in unmarked graves. Thus, the law instructs the VA to provide a grave marker for veterans who would otherwise lie in unmarked graves. Of course, in this day and age, a grave rarely goes unmarked. Today, virtually every deceased veteran is buried in a marked grave, or in some other way duly memorialized by surviving family members. Until 1990, the surviving family members of a deceased veterans could receive from the VA, after a burial or cremation, a partial reimbursement for the cost of a private headstone, a VA headstone, or a VA marker. The choice was solely up to the vet's surviving family members. However, budgetary belt tightening measures enacted in 1990 eliminated the reimbursement component and precluded the VA from providing a headstone or a marker where the family had already done so privately. That measure has left the VA without any recourse when dealing with veterans families who have made private burial arrangements, other than denying their request for official headstones or grave markers.

The inequity created by the current law is not difficult to understand. A family who is aware of this peculiarity in the law can simply request the official headstone, or in most cases grave marker, prior to making private arrangements for a headstone or marker. The VA will examine the request, find that the veterans grave has not been marked, and provide the marker, bestowing the appropriate recognition for service to the Nation. The family is then able to incorporate the VA marker into its private arrangements as the family deems fit.

However, many, if not most, families do not know about the peculiarities of the law in this area. Most families are unaware of the current law and act as any family would in a time of loss and grief: they make private and appropriate arrangements to commemorate the deceased. For most, the idea of checking with the VA at this most difficult time is the farthest thing from their minds, but the effect of not doing so is absolute and final. When families purchase a private headstone, as nearly every family does these days, they unknowingly forfeit the opportunity to receive a government headstone or marker.

The Guzzo family of West Hartford, CT is one of the countless families who have found out about this law the hard way. Thomas Guzzo first brought this matter to my attention several years ago. His late father, Agostino Guzzo, served in the Phillippines and was honorably discharged from the Army in 1947. Today, Agostino Guzzo is interred in a mausoleum at the Cedar Hill Cemetery in Hartford, CT, but the mausoleum bears no reference to his service because of the current law. Like so many families, the Guzzo family provided its own marker and subsequently found that it was not eligible for an official VA marker.

When I was first contacted by the Guzzo family, I attempted to straighten out what I thought to be a bureaucratic mixup. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself. In the end, I wrote to the former Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law. Furthermore, the Secretary's response indicated that, even if a grave marker could be provided for Agostino Guzzo, that marker could not be placed on a cemetery bench or tree dedicated in his name. The law prevented the Department from providing a marker for placement anywhere but the grave site and thus prevents families from recognizing their veteran's service as they wish.

I rise today to introduce a bill that will appropriately address these issues and ensure our deceased veterans are treated equitably. The bill will allow the families of deceased veterans to receive an official headstone or grave marker in recognition of their veteran's contribution to our nation, regardless of whether their grave is privately marked.

What I propose today is a modest means of solving a massive problem. The VA has described this issue as one of its greatest public affairs challenges, but the cost of fixing it is relatively small. Last Congress, the idea was scored by the Congressional Budget Office at less than $3 million dollars per year, over the first 5 years. This bill will put at ease countless families who are disillusioned by the current system. Moreover, it gives those families the appropriate flexibility, with respect to common cemetery restrictions, to commemorate deceased veterans by dedicating a tree or bench or other suitable site in the veteran's honor.

America is different today than it was when we changed the burial benefits in 1990. Our fiscal house is in order; disciplined spending has produced budget surpluses for the first time in many years. We know that the VA is forced to reject as many as 20,000 headstone and grave marker requests each year under the current law. These are meritorious requests by deserving applicants whose families unknowingly forfeit their right to this modest memorial in a time of stress and loss. The cost of fixing this inequity is minor. It is appropriate, I feel, to make sure that all our veterans receive the recognition they have earned.

The policy is simple. We should provide these markers or headstones to the families when they request them, and we should allow these families to recognize their deceased veterans in a manner deemed fitting by each family.

Time is of the essence. One thousand five hundred veterans pass away each day, and each day there are 1,500 new families who may be denied a modest recognition of the service their loved one gave to our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE HEADSTONES OR MARKERS FOR MARKED GRAVES OR OTHERWISE COMMEMORATE CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) in subsections (a) and (e)(1), by striking "the unmarked graves of"; and

(2) by adding at the end the following:

"(f) A headstone or marker furnished under subsection (a) shall be furnished, upon request, for the marked grave or unmarked grave of the individual or at another area appropriate for the purpose of commemorating the individual.".

(b) APPLICABILITY.—The amendment to subsection (a) of section 2306 of title 38, United States Code, made by subsection (a) of this section, and subsection (f) of such section 2306, as added by subsection (a) of this section, shall apply with respect to burials occurring on or after November 1, 1990.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 663. A bill to authorize the President to present a gold medal on behalf of Congress to Eugene McCarthy in recognition of his service to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WELLSTONE. Mr. President, in recognition of his distinguished record of service to the United States, I am introducing a bill today to award a Congressional Gold Medal to Eugene McCarthy.

The Congressional Gold Medal is considered to the most distinguished recognition that Congress bestows. I believe, and I hope my colleagues will agree, that the Congressional Gold Medal is a fitting tribute to the dedicated service Eugene McCarthy has given to our Nation.

Eugene McCarthy graduated from St. Johns University in Minnesota in 1935, and from the University of Minnesota in 1939. He taught economics and sociology at public and Catholic high schools and colleges in Minnesota and North Dakota, including at St. Thomas College in St. Paul, and at his own alma mater, St. Johns University. McCarthy served in the military intelligence division of the U.S. War Department in 1944. In 1948, he was elected to Congress to represent the State of Minnesota. For Eugene McCarthy, this was merely a first step, revealing that his long-time interest in politics would be even more a calling than it would be a career. He has pursued his political vocation and mission for more than 40 years. This span covers Eugene McCarthy's service in the House of Representatives and in the Senate during the years 1948 to 1971, his anti-war presidential campaign of 1968, his Independent candidacy of 1976, and the many books, essays and speeches that always spoke out for reform of the political process and the limitation of executive power.

Eugene McCarthy exemplified the highest standards of public service and dedication to Constitutional principles as a member of the House of Representatives for five terms, from 1948 to 1958, and as a Member of this body, the Senate, for two terms, from 1959 to 1971. Through his shaping of legislation on civil rights, tax policy, Social Security and Medicare, the minimum wage, unemployment compensation, government reform, foreign policy and Congressional oversight of the Central Intelligence Agency, McCarthy upheld the finest principles of politics and policy. As Chairman of the Senate Special Committee on Unemployment Problems in 1959–60, McCarthy held hearings which led to the Committee's outlining of many of the economic development and social welfare programs later enacted during the Kennedy and Johnson administration. On the Ways and Means and Finance Committees of the House and Senate, respectively, McCarthy pushed for additional benefits and minimum wage coverage for migrant workers. In the early 1960s, he led the fight to give Medicare coverage to the mentally ill. He was a leader throughout the 1960s in efforts to extend unemployment compensation. Beginning in 1954, and subsequently for more than 15 years in both the House and the Senate, McCarthy called for Congressional oversight of the CIA.

Eugene McCarthy's principled campaign for the Democratic Presidential nomination in 1968 and his courageous stand regarding U.S. withdrawal from the Vietnam War inspired countless young people to believe they could make a difference in public life. He always emphasized the role of Congress in foreign policy, and his actions helped hasten the end of the most controversial war in American history. Eugene McCarthy deplored cynicism and any tendency to look upon all politicians as corrupt. He said:

> Truth will prove the best antidote to cynicism which is an especially dangerous attitude when it prevails among young people . . . Not only does it destroy confidence and hope, some of the most precious assets of youth, but it also eats away the will to attack difficult political problems, as it does problems in other fields.

As a distinguished author, poet and lecturer, Eugene McCarthy has elevated the language of public dialogue in a way that epitomizes the deepest and most cherished values of American political life. "What the country needs," McCarthy said in 1968, "is a freeing of our moral energy, a freeing of our resolution, a freeing of our strength." He added that, "in a free country the potential for leadership must exist in every man and ever woman." McCarthy has authored numerous books on American politics and institutions, including "A Liberal Answer to the Conservative Challenge," 1964; "America Revisited: 150 Years After Tocqueville," 1976; "the Ultimate Tyranny: The Majority over the Majority," 1980; and "Up Till Now: A Memoir," 1988.

Eugene McCarthy has dedicated much of his life to our Nation. His leadership and service have extended far beyond his tenure in the United States Congress. It is an honor for me to ask that we award the Congressional Gold Medal to this deserving scholar and gentleman. This bill offers us here in the Senate finally to recognize Eugene McCarthy's extraordinary contributions to the United States and to say: Eugene McCarthy, we thank you.

By Mr. GREGG (for himself and Mr. KOHL):

S. 664. A bill to provide jurisdictional standards for the imposition of State and local tax obligations on interstate commerce, and for other puroses; to the Committee on Finance.

Mr. GREGG. Mr. President, today I introduce with Senator KOHL the New Economy Tax Fairness Act, or NET FAIR. As we all know, the Internet and electronic commerce have reshaped our society over the last decade. Much of the success that our Nation's economy has enjoyed has been a result of innovative companies making use of Internet technology to conduct commerce online. E-commerce has created new jobs, increased productivity, lowered business costs, generated a higher level of convenience for consumers, and sparked overall growth in the U.S. economy.

With this in mind, there remain those that would like to tax interstate commerce over the Internet even while this budding technology has yet to meet its full potential. The NET FAIR Act addresses the issue of taxing remote sellers that conduct interstate commerce electronically.

In 1992, the Supreme Court ruled in Quill Corp. v. North Dakota that States cannot force out-of-State retail firms to collect sales taxes. The Court held that Congress alone has the authority to impose such requirements under the interstate commerce clause of the Constitution. NET FAIR builds upon the Quill decision by extending the same approach that currently governs catalogue sales to the Internet. This legislation would allow States to require a company to collect sales and use tax, or to pay business activity taxes, only if their goods or services are sold to individuals living in states where the company has a substantial physical presence, or "nexus."

Today, there are over 7,600 taxing jurisdictions nationwide. NET FAIR provides clear rules of the road for all parties involved, establishing sound nexus standards for the 21st Century. This legislation allows the Internet to continue as an engine of economic growth while respecting the sovereign right of States to determine their own tax policy for commerce conducted within their borders. A failure to address this issue will subject small and large businesses alike to thousands of different tax standards and rules, making it difficult to ensure compliance. In fact, it will be the small and medium sized businesses—using the Internet to remain competitive in the new economy—that will be hit the hardest, as they lack the resources to comply with the thousands of jurisdictional tax standards that exist across the country.

At my urging, the bipartisan Advisory Commission on Electronic Commerce was established in 1998. The Commission was established to examine all aspects of the Internet taxation issue. In April 2000, the Commission issued its report to Congress. With majority support, the ACEC recommended that the Internet tax moratorium be extended, which I support, and that Congress clarify nexus rules for e-commerce and establish clear guidelines for when state and local governments could levy taxes on vendors of interstate commerce. Our legislation goes to the very heart of this issue, and establishes clear nexus rules for e-commerce. Since the ACEC issued its report, it has become apparent that reform in this area is necessary; however, Congress should not allow a "tax first, reform later" approach to prevail. Rather, Congress should address the nexus issue head on.

NET FAIR provides legal certainty for companies and consumers that engage in interstate commerce via the Internet, telephone, or mail order. This bill adheres to our Founding Fathers' tenet of "no taxation without representation" by codifying fair taxation principles. We cannot stand idly by and allow this new economic avenue to be hampered with new taxes. This legislation does not preempt a State's right to tax commerce; however, it does protect businesses and consumers from unfair taxation on interstate commerce and from what could be a crippling effect on the growth of the new 21st Century economy.

Senator KOHL and I firmly believe that the New Economy Tax Fairness Act accomplishes this task. It is vital that Congress address Internet taxation and clarify nexus standards so that interstate commerce, especially online, electronic commerce, can continue to thrive and positively impact our Nation's overall economic success. I would ask that our Senate colleagues join us in this effort.

I ask that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Economy Tax Fairness Act or NET FAIR Act".

SEC. 2. JURISDICTIONAL STANDARDS FOR THE IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

Title I of the Act entitled "An Act relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by congressional committees of matters pertaining thereto", approved on September 14, 1959 (15 U.S.C. 381 et seq.), is amended to read as follows:

"TITLE I—JURISDICTIONAL STANDARDS

"SEC. 101. IMPOSITION OF STATE AND LOCAL BUSINESS ACTIVITY, SALES, AND USE TAX OBLIGATIONS ON INTERSTATE COMMERCE.

"(a) IN GENERAL.—No State shall have power to impose, for any taxable year ending after the date of enactment of this title, a business activity tax or a duty to collect and remit a sales or use tax on the income derived within such State by any person from interstate commerce, unless such person has a substantial physical presence in such State. A substantial physical presence is not established if the only business activities within such State by or on behalf of such person during such taxable year are any or all of the following:

"(1) The solicitation of orders or contracts by such person or such person's representative in such State for sales of tangible or intangible personal property or services, which orders or contracts are approved or rejected outside the State, and, if approved, are fulfilled by shipment or delivery of such property from a point outside the State or the performance of such services outside the State.

"(2) The solicitation of orders or contracts by such person or such person's representative in such State in the name of or for the benefit of a prospective customer of such person, if orders or contracts by such customer to such person to enable such customer to fill orders or contracts resulting from such solicitation are orders or contracts described in paragraph (1).

"(3) The presence or use of intangible personal property in such State, including patents, copyrights, trademarks, logos, securities, contracts, money, deposits, loans, electronic or digital signals, and web pages, whether or not subject to licenses, franchises, or other agreements.

"(4) The use of the Internet to create or maintain a World Wide Web site accessible by persons in such State.

"(5) The use of an Internet service provider, on-line service provider, internetwork communication service provider, or other Internet access service provider, or World Wide Web hosting services to maintain or take and process orders via a web page or site on a computer that is physically located in such State.

"(6) The use of any service provider for transmission of communications, whether by cable, satellite, radio, telecommunications, or other similar system.

"(7) The affiliation with a person located in the State, unless—

"(A) the person located in the State is the person's agent under the terms and conditions of subsection (d); and

"(B) the activity of the agent in the State constitutes substantial physical presence under this subsection.

"(8) The use of an unaffiliated representative or independent contractor in such State for the purpose of performing warranty or repair services with respect to tangible or intangible personal property sold by a person located outside the State.

"(b) DOMESTIC CORPORATIONS; PERSONS DOMICILED IN OR RESIDENTS OF A STATE.—The provisions of subsection (a) shall not apply to the imposition of a business activity tax or a duty to collect and remit a sales or use tax by any State with respect to—

"(1) any corporation which is incorporated under the laws of such State; or

"(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

"(c) SALES OR SOLICITATION OF ORDERS OR CONTRACTS FOR SALES BY INDEPENDENT CONTRACTORS.—For purposes of subsection (a), a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales of tangible or intangible personal property or services in such State, or the solicitation of orders or contracts for such sales in such State, on behalf of such person by one or more independent contractors, or by reason of the maintenance of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making such sales, or soliciting orders or contracts for such sales.

"(d) ATTRIBUTION OF ACTIVITIES AND PRESENCE.—For purposes of this section, the substantial physical presence of any person shall not be attributed to any other person absent the establishment of an agency relationship between such persons that—

"(1) results from the consent by both persons that one person act on behalf and subject to the control of the other; and

"(2) relates to the activities of the person within the State.

"(e) DEFINITIONS.—For purposes of this title—

"(1) BUSINESS ACTIVITY TAX.—The term 'business activity tax' means a tax imposed on, or measured by, net income, a business license tax, a business and occupation tax, a franchise tax, a single business tax or a capital stock tax, or any similar tax or fee imposed by a State.

"(2) INDEPENDENT CONTRACTOR.—The term 'independent contractor' means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders or contracts for the sale of, tangible or intangible personal property or services for more than one principal and who holds himself or herself out as such in the regular course of his or her business activities.

"(3) INTERNET.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such Protocol.

"(4) INTERNET ACCESS.—The term 'Internet access' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as a part of a package of services offered to users.

"(5) REPRESENTATIVE.—The term 'representative' does not include an independent contractor.

"(6) SALES TAX.—The term 'sales tax' means a tax that is—

"(A) imposed on or incident to the sale of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

"(B) measured by the amount of the sales price, cost, charge, or other value of or for such property or services.

"(7) SOLICITATION OF ORDERS OR CONTRACTS.—The term 'solicitation of orders or contracts' includes activities normally ancillary to such solicitation.

"(8) STATE.—The term 'State' means any of the several States, the District of Columbia, or any territory or possession of the United States, or any political subdivision thereof.

"(9) USE TAX.—The term 'use tax' means a tax that is—

"(A) imposed on the purchase, storage, consumption, distribution, or other use of tangible or intangible personal property or services as may be defined or specified under the laws imposing such tax; and

"(B) measured by the purchase price of such property or services.

"(10) WORLD WIDE WEB.—The term 'World Wide Web' means a computer server-based file archive accessible, over the Internet, using a hypertext transfer protocol, file transfer protocol, or other similar protocols.

"(f) APPLICATION OF SECTION.—This section shall not be construed to limit, in any way, constitutional restrictions otherwise existing on State taxing authority.

"SEC. 102. ASSESSMENT OF BUSINESS ACTIVITY TAXES.

"(a) LIMITATIONS.—No State shall have power to assess after the date of enactment of this title any business activity tax which was imposed by such State or political subdivision for any taxable year ending on or before such date, on the income derived for activities within such State that affect interstate commerce, if the imposition of such tax for a taxable year ending after such date is prohibited by section 101.

"(b) COLLECTIONS.—The provisions of subsection (a) shall not be construed—

"(1) to invalidate the collection on or before the date of enactment of this title of any business activity tax imposed for a taxable year ending on or before such date; or

"(2) to prohibit the collection after such date of any business activity tax which was assessed on or before such date for a taxable year ending on or before such date.

"SEC. 103. TERMINATION OF SUBSTANTIAL PHYSICAL PRESENCE.

"If a State has imposed a business activity tax or a duty to collect and remit a sales or use tax on a person as described in section 101, and the person so obligated no longer has a substantial physical presence in that State, the obligation to pay a business activity tax or to collect and remit a sales or use tax on behalf of that State applies only for the period in which the person has a substantial physical presence.

"SEC. 104. SEPARABILITY.

"If any provision of this title or the application of such provision to any person or circumstance is held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.".

Mr. KOHL. Mr. President, today I introduce with my good friend from New Hampshire NET FAIR, the New Economy Fairness Act. This bill is identical to a bill we introduced last Congress. It would clarify the tax situation of companies that sell and ship products out of the state in which they are located.

NET FAIR codifies current legal decisions defining when a business can be subject to state and local business taxes and be required to collect State and local sales taxes. Currently, a business falls into a state or local taxing jurisdiction when it has a "substantial physical presence" or "nexus" there.

And that makes sense. If a business is located in a State—uses the roads there, impacts the environment there, employs local workers there it should pay taxes and business fees there, and it should collect sales taxes on products sold there.

But if a business is located out of State, and simply ships products to consumers there, it is not part of the local economy. It does not use local services or infrastructure. And it should not be subject to the taxes and tax collection burdens that support a community not its own.

That seems simple. But as with anything that happens in tax law, it is not. Cases have been brought in courts across the country trying to clarify exactly what is a "substantial physical presence." Is it maintaining a Web site? Sending employees to training conferences? Taking orders over the Internet? Our bill codifies the decisions already established by the courts and restates the principle on which they are all based: State and local taxing authorities do not have jurisdiction over businesses that are not physically located in their borders.

Because this area of the law is as arcane as it is important, it is important to describe what our bill does not do.

It does not exempt e-businesses or any other mail order businesses from taxation. The businesses our bill cover pay plenty of taxes—Federal taxes and State and local taxes and fees in every state in which they maintain a physical presence.

Our bill does not offer special breaks for e-businesses. Though the struggling e-economy will certainly benefit from having its tax situation clarified, nothing we state in this bill goes beyond current established case law.

Our bill does not take away any revenue States and localities are currently collecting. Only Congress has the right to regulate the flow of commerce between the States. State and local tax collectors have never been able to reach into other States and collect revenues from businesses outside their borders.

Our bill does not threaten "main street businesses." In fact, it is just the opposite. The small stores of Main Street are threatened by malls and mega-stores—not by the Internet or catalogue companies. In fact, many Main Street speciality stores are staying alive by offering their products over the Internet.

In Wisconsin, for example, we have many cheese makers who have run small family businesses for years. A quick search on the World Wide Web yields 20 Wisconsin cheese makers selling over the Internet. They are from Wisconsin towns like Plain, Durand, Fennimore, Tribe Lake, Thorp, and Prairie Ridge. Could these small towns support speciality cheese makers with walk-in traffic only? Would these small businesses continue to sell over the Internet if they had to figure and remit sales taxes and business fees to the over 7000 taxing jurisdictions into which they might ship? Of course not.

What our bill does do is protect businesses, big and small, and consumers from facing a plethora of new taxes and tax compliance burdens. What it does do is keep the life-line of Internet sales available for countless small businesses and entrepreneurs. What it does do is clarify the tax law and eliminate the need for State-by-State litigation—that governs the developing world of e-commerce. What it does do is provide predictability to the mail order business sector an industry that employs 300,000 in the State of Wisconsin.

I urge my colleagues to support NETFAIR and protect thousands of businesses and millions of consumers from new and onerous tax burdens.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 65—HONORING NEIL L. RUDENSTINE, PRESIDENT OF HARVARD UNIVERSITY

Mr. KERRY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 65

Whereas Neil L. Rudenstine is retiring as the 26th President of Harvard University in Cambridge, Massachusetts, on June 30, 2001, after 10 years of service in the position;

Whereas Harvard University, founded in 1636, is the oldest university in the United States and 1 of the preeminent academic institutions in the world;

Whereas throughout the history of the United States, graduates of Harvard University have served the United States as leaders in public service, including 7 Presidents and many distinguished members of the United States Senate and the House of Representatives;

Whereas in recognition of his belief in, and Harvard University's continued commitment to, public service as a value of higher education, Neil L. Rudenstine worked to establish the Center for Public Leadership at Harvard University's Kennedy School of Government to prepare individuals for public service and leadership in an ever-changing world;

Whereas in order to make a Harvard University education available to as many qualified young people as possible, during Neil L. Rudenstine's tenure, the University expanded its financial aid budget by

$8,300,000 to help students graduate with less debt;

Whereas Neil L. Rudenstine has made Harvard University a good neighbor in the community of Cambridge and greater Boston by launching a $21,000,000 affordable housing program and by creating more than 700 jobs; and

Whereas Neil Rudenstine built an academic career of great distinction, including 2 bachelor's degrees, 1 from Princeton University and the other from Oxford University, a Rhodes Scholarship, a Harvard Ph.D. in English, recognition as a scholar and authority on Renaissance literature, and preeminent positions in higher education: Now, therefore, be it

Resolved,

SECTION 1. HONORING NEIL L. RUDENSTINE.

The Senate—

(1) expresses deep appreciation to President Neil L. Rudenstine of Harvard University for his contributions to higher education, for the spirit of public service that characterized his decade as Harvard University's President, for his many years of academic leadership at other universities, and for the grace and elegance that he brought to all he has done; and

(2) wishes him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

SEC. 2. TRANSMITTAL.

The Secretary of the Senate shall transmit a copy of this resolution to Neil L. Rudenstine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 155. Mr. HARKIN (for himself, Mr. Wellstone, and Mr. Biden) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

SA 156. Mr. FRIST (for himself and Mr. Breaux) proposed an amendment to the bill S. 27, supra.

SA 157. Mr. BINGAMAN proposed an amendment to the bill S. 27, supra.

SA 158. Mr. BINGAMAN proposed an amendment to the bill S. 27, supra.

SA 159. Mr. NELSON, of Florida proposed an amendment to the bill S. 27, supra.

SA 160. Mr. KERRY proposed an amendment to the bill S. 27, supra.

SA 161. Mr. LEVIN (for himself, Mr. Ensign, Mrs. Clinton, Mr. Dorgan, Mr. Nelson, of Nebraska, and Mr. Reid) proposed an amendment to the bill S. 27, supra.

SA 162. Mr. DURBIN (for himself and Mr. Cochran) proposed an amendment to the bill S. 27, supra.

SA 163. Mr. THOMPSON (for himself, Mr. Lieberman, Ms. Collins, Mr. Leahy, Mr. Jeffords, and Mr. Dodd) proposed an amendment to the bill S. 27, supra.

SA 164. Mr. REED proposed an amendment to the bill S. 27, supra.

TEXT OF AMENDMENTS

SA 155. Mr. HARKIN (for himself, Mr. Wellstone, and Mr. Biden) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, after line 3, add the following:

TITLE V—VOLUNTARY SENATE CANDIDATE SPENDING LIMITS AND BENEFITS

SEC. 501. VOLUNTARY SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) In General.—The Federal Election Campaign Act of 1971 is amended by adding at the end the following:

"TITLE V—VOLUNTARY SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) In General.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c); and

"(2) meets the primary and runoff election expenditure limits of subsection (d).

"(b) Primary Filing Requirements.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration as to whether—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits; and

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(a).

"(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

"(c) General Election Filing Requirement.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(C) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(a);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the amount of the general election expenditure limit under section 502(a);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties; and

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(D) the candidate intends to make use of the benefits provided under section 503.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) Primary and Runoff Expenditure Limits.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of an amount equal to 67 percent of the general election expenditure limit under section 502(a).

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(a).

"(2)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(C)(iii).

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) General Election Expenditure Limit.—Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the sum of—

"(1) $1,000,000; and

"(2) 50 cents multiplied by the voting age population of the candidate's State.

"(b) Payment of Taxes.—The limitation under subsection (a) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) Payments.—An eligible candidate shall be entitled to payments from the Senate Election Campaign Fund with respect to an election in an amount equal to 2 times the excess expenditure amount determined under subsection (b) with respect to the election, beginning on the date on which an opponent in the same election as the eligible candidate makes an aggregate amount of expenditures, or accepts an aggregate amount of contributions, in excess of an amount equal to the sum of—

"(1) the excess expenditure amount; and

"(2) $10,000.

"(b) Excess Expenditure Amount.—For purposes of subsection (a), except as provided in section 505(c), the excess expenditure amount determined under this subsection with respect to an election is the greatest aggregate amount of expenditures made (or obligated to be made), or contributions received, by any opponent of the eligible candidate with respect to such election in excess of the primary or runoff expenditure limits under section 501(d) or general election expenditure limit under section 502(a) of the eligible candidate (as applicable).

“(c) Waiver of Expenditure and Contribution Limits.—An eligible candidate who receives payments under subsection (a) that are allocable to the excess expenditure amounts described in subsection (b) may make expenditures from such payments to defray expenditures for the primary, runoff, or general election without regard to the applicable expenditure limits under section 501(d) or 502(a).

“(d) Use of Payments From Fund.—Payments received by a candidate under subsection (a) shall be used to defray expenditures incurred with respect to the election for which the amounts were made available. Such payments shall not be used—

“(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

“(2) to make any expenditure other than expenditures to further the applicable election of such candidate;

“(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

“(4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

“(e) Unexpended Funds.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary of the Treasury.

“SEC. 504. CERTIFICATION BY COMMISSION.

“(a) In General.—(1) The Commission shall certify to any candidate meeting the requirements of section 501 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

“(2) Not later than 48 hours after an eligible candidate files a request with the Secretary of the Senate to receive benefits under section 505, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund and the amount of such payments to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

“(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

“(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

“(b) Determinations by Commission.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive.

“SEC. 505. PAYMENTS RELATING TO ELIGIBLE CANDIDATES.

“(a) Establishment of Campaign Fund.—(1) There is hereby established in the Treasury of the United States a special fund to be known as the ‘Senate Election Campaign Fund’.

“(2)(A) There are appropriated to the Fund for each fiscal year, out of amounts in the general fund of the Treasury not otherwise appropriated, amounts equal to—

“(i) any contributions by persons which are specifically designated as being made to the Fund; and

“(ii) any other amounts which may be deposited into the Fund under this title.

“(B) It is the sense of the Senate that a contribution to the Fund under subparagraph (A)(i) shall exclusively consist of amounts derived from income tax refunds due the person or additional amounts included with the person's return and not from any income tax liability owed by the person to the Treasury.

“(C) The Secretary of the Treasury (referred to in this section as the ‘Secretary’) shall, from time to time, transfer to the Fund an amount not in excess of the amounts described in subparagraph (A).

“(D) Amounts in the Fund shall remain available without fiscal year limitation.

“(3) Amounts in the Fund shall be available only for the purposes of—

“(A) making payments required under this title; and

“(B) making disbursements in connection with the administration of the Fund.

“(4) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

“(b) Payments Upon Certification.—Upon receipt of a certification from the Commission under section 504, except as provided in subsection (c), the Secretary shall promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

“(c) Reductions in Payments if Funds Insufficient.—(1) If, at the time of a certification by the Commission under section 504 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

“(2) Amounts withheld under subparagraph (A) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

“(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

“(i) the amount of monies in the Fund which will be available to make payments required by this title in the succeeding calendar year; and

“(ii) the amount of payments which will be required under this title in such calendar year.

“(B) If the Secretary determines that there will be insufficient monies in the Fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments under this subsection. Such notice shall be by registered mail.

“(C) The amount of the eligible candidate's contribution limit under section 501(c)(1)(C)(iii) shall be increased by the amount of the estimated pro rata reduction.

“(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 501(c)(1)(C)(iii) shall be increased by the amount of such excess.

“(d) Excess Payments; Revocation of Status.—(1) If the Commission determines that payments were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

“(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to 200 percent of the amount of any benefit made available to the candidate under this title.

“(e) Deposits.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

“(f) Appropriations.—Any fees collected or fines imposed by the Commission under this Act are hereby appropriated for deposit in the Fund for use in carrying out the purposes of this title.

“SEC. 506. DEFINITIONS.

“In this title—

“(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of Senator;

“(2) the term ‘eligible candidate’ means a candidate who is eligible under section 501 to receive benefits under this title;

“(3) the terms ‘Senate Election Campaign Fund’ and ‘Fund’ mean the Senate Election Campaign Fund established under section 505;

“(4) the term ‘general election’ means any election which will directly result in the election of a person to the office of Senator, but does not include an open primary election;

“(5) the term ‘general election period’ means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

“(A) the date of such general election; or

“(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

“(6) the term ‘immediate family’ means—

“(A) a candidate's spouse;

“(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

“(C) the spouse of any person described in subparagraph (B);

“(7) the term ‘major party’ has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.".

(b) Effective Dates.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 2001.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 2002, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 2002, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 2002, to pay for expenditures which were incurred (but unpaid) before such date.

(c) Effect of Invalidity on Other Provisions of Act.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this title shall be treated as invalid.

SEC. 502. NOTIFICATION REQUIREMENTS.

The Federal Election Commission shall promulgate such regulations as necessary to allow the Federal Election Commission to notify eligible candidates (as defined in section 506 of the Federal Election Campaign Act of 1971, as added by section 501) of the expenditures and contributions of an opposing candidate in the same election in a timely manner for purposes of determining the payment amount under section 503 of such Act, as so added.

SEC. 503. NONSEVERABILITY.

(a) In General.—If any provision of, or amendment made by, this Act that is described in subsection (b), or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the provisions of, and amendments made by, this title, and the application of such provisions and amendments to any person or circumstance, shall be invalid.

(b) Provisions.—A provision or amendment described in this subsection is a provision or amendment contained in any of the following sections:

(1) Section 201.

(2) Section 202.

(3) Section 203.

(4) Section 204.

SA 156. Mr. FRIST (for himself and Mr. Breaux) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 18 through 24 and insert the following:

(a) In General.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) Nonseverability of Certain Provisions.—

(1) In general.—If one of the provisions of, or amendments made by, this Act that is described in paragraph (2), or if the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, then all the provisions and amendments described in paragraph (2) shall be invalid.

(2) Nonseverable provisions.—A provision or amendment described in this paragraph is a provision or amendment contained in any of the following sections:

(A) Section 101, except for section 323(d) of the Federal Election Campaign Act of 1971, as added by such section.

(B) Section 103(b).

(C) Section 201.

(D) Section 203.

(c) Judicial Review.—

(1) Expedited review.—Any Member of Congress, candidate, national committee of a political party, or any person adversely affected by any provision of, or amendment made by, this Act, or the application of such a provision or amendment to any person or circumstance, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution.

(2) Appeal to supreme court.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia granting or denying an injunction regarding, or finally disposing of, an action brought under paragraph (1) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order is entered.

(3) Expedited consideration.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under paragraph (1).

(4) Applicability.—This subsection shall apply only with respect to any action filed under paragraph (1) not later than 30 days after the effective date of this Act.

SA 157. Mr. BINGAMAN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . DONATIONS TO PRESIDENTIAL INAUGURAL COMMITTEE.

(a) In General.—Chapter 5 of title 36, United States Code, is amended by—

(1) redesignating section 510 as section 511; and

(2) inserting after section 509 the following:

"§ 510. Disclosure of and prohibition on certain donations.

"(a) In general.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

"(b) Disclosure.—

"(1) In general.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200.

"(2) Contents of report.—A report filed under paragraph (1) shall contain—

"(A) the amount of the donation;

"(B) the date the donation is received; and

"(C) the name and address of the person making the donation.

"(c) Limitation.—The committee shall not accept any donation from a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))).".

(b) Reports Made Available by FEC.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103 and 201, is amended by adding at the end the following:

"(g) Reports From Inaugural Committees.—The Federal Election Committee shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.".

SA 158. Mr. BINGAMAN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. ___. OPPORTUNITY OF CANDIDATES TO RESPOND TO NEGATIVE POLITICAL ADVERTISEMENTS SPONSORED BY NONCANDIDATES.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (a) the following:

"(b) POLITICAL ADVERTISEMENTS OF NONCANDIDATES.—

"(1) IN GENERAL.—If any licensee permits a person, other than a legally qualified candidate for Federal office (or an authorized committee of that candidate), to use a broadcasting station during the period described in paragraph (2) to attack or oppose (as defined in paragraph (3)) a clearly identified candidate (as defined in section 301 of the Federal Election Campaign Act of 1971) for Federal office, the broadcasting station shall, within a reasonable period of time, make available to such candidate the opportunity to use the broadcasting station, without charge, for the same amount of time during the same period of the day and week as was used by such person.

"(2) PERIOD DESCRIBED.—The period described in this paragraph is—

"(A) with respect to a general, special, or runoff election for such Federal office, the 60-day period preceding such election; or

"(B) with respect to a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate for such Federal office, the 30-day period preceding such election, convention, or caucus.

"(3) ATTACK OR OPPOSE DEFINED.—The term 'attack or oppose' means, with respect to a clearly identified candidate—

"(A) any expression of unmistakable and unambiguous opposition to the candidate; or

"(B) any communication that contains a phrase such as 'vote against', 'defeat', or 'reject', or a campaign slogan or words that, when taken as a whole, and with limited reference to external events (such as proximity to an election) can have no reasonable meaning other than to advocate the defeat of one or more clearly identified candidates, regardless of whether or not the communication expressly advocates a vote against the candidate.".

SA 159. Mr. NELSON of Florida proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. ___. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting "(a) IN GENERAL.—" before "No person";

(2) by adding at the end the following:

"(b) FRAUDULENT SOLICITATION OF FUNDS.—No person shall—

"(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

"(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).".

SA 160. Mr. KERRY proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

(a) CLEAN MONEY CLEAN ELECTIONS DEFINED.—In this section, the term "clean money clean elections" means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) MATTERS STUDIED.—

(A) STATISTICS ON CLEAN MONEY CLEAN ELECTIONS CANDIDATES.—The Comptroller General of the United States shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) EFFECTS OF CLEAN MONEY CLEAN ELECTIONS.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).

SA 161: Mr. LEVIN (for himself, Mr. ENSIGN, Mrs. CLINTON, Mr. DORGAN, Mr. NELSON of Nebraska, and Mr. REID) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

Beginning on page 3, strike line 12 and all that follows through page 4, line 4, and insert the following:

"(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an entity directly or indirectly established, financed, maintained, or controlled by or acting on behalf of 1 or more candidates for State or local office, or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this subsection shall prevent a principal campaign committee of a candidate for State or local office from raising and spending funds permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

"(2) APPLICABILITY.—

"(A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the costs of such activity are allocated under regulations prescribed by the Commission as costs that may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) CONDITIONS.—Subparagraph (A) shall only apply if—

"(i) the activity does not refer to a clearly identified candidate for Federal office; and

"(ii) the costs described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district or local committee of a political party in a calendar year to be used for the costs described in subparagraph (A).

SA 162. Mr. DURBIN (for himself and Mr. COCHRAN) proposed an amendment to the bill S. 27. to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking 'Whenever' and inserting 'Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever';

(ii) by striking 'an expenditure' and inserting 'a disbursement'; and

(iii) by striking 'direct'; and

(iv) by inserting 'or makes a disbursement for an electioneering communication (as defined in section 304(d)(3))" after "public political advertising"

(B) in paragraph (3), by inserting 'and permanent street address, telephone number, or World Wide Web address" after 'name"; and

(2) by adding at the end the following:

'(c) SPECIFICATION.—Any printed communication described in subsection (a) shall—

'(1) be of sufficient type size to be clearly readable by the recipient of the communication;

'(2) be contained in a printed box set apart from the other contents of the communication; and

'(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

'(d) ADDITIONAL REQUIREMENTS.—

'(1) AUDIO STATEMENT.—

(A) CANDIDATE.—Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

'(B) OTHER PERSONS.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: 'XXXXXXXX is responsible for the content of this advertising.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.'.

'(2) TELEVISION.—If a communication described in paragraph (1)(A) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

'(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

'(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.'.

SEC. . SEVERABILITY.

If this amendment or the application of this amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 163. Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEAHY, Mr. JEFFORDS, and Mr. DODD) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . INCREASE IN PENALTIES.

(a) IN GENERAL.—Subparagraph (A) of section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

"(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

"(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

"(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. . STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking "3" and inserting "5".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. . SENTENCING GUIDELINES.

(a) IN GENERAL.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) CONSIDERATIONS.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(6) Assure the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EFFECTIVE DATE; EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—

(1) EFFECTIVE DATE.—Notwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the date of enactment of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are appointed and holding office.

(2) EMERGENCY AUTHORITY TO PROMULGATE GUIDELINES.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

SA 164. Mr. REED proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between line 14 and 15, insert the following:

SEC. . AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) RANDOM AUDITS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), the Commission may conduct random audits and investigations to ensure voluntary compliance with this Act.

"(B) LIMITATION.—The Commission shall not institute an audit or investigation of a candidate's authorized committee under subparagraph (A) until the candidate is no longer an active candidate for the office sought by the candidate in that election cycle.

"(C) APPLICABILITY.—This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under section 9007 or 9038 of the Internal Revenue Code of 1986.".

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. . AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. . INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

SEC. . USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local committee of a political party, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.''.

SEC. ___. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by this Act, is amended by adding at the end the following:

''(14) EXPEDITED PROCEDURE.—

''(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

''(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

''(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

''(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

''(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.''.

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by inserting ''(a)'' before ''There'';

(2) in the second sentence—

(A) by striking ''and'' after ''1978,''; and

(B) by striking the period at the end and inserting the following: '', and $80,000,000 (as adjusted under subsection (b)) for each fiscal year beginning after September 30, 2001.''; and

(3) by adding at the end the following:

''(b) The $80,000,000 under subsection (a) shall be increased with respect to each fiscal year based on the increase in the price index determined under section 315(c) for the calendar year in which such fiscal year begins, except that the base period shall be calendar year 2000.''.

SEC. ___. EXPEDITED REFERRALS TO ATTORNEY GENERAL.

Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

''(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 29, 2001. The purpose of this hearing will be to review environmental trading opportunities for agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 29, 2001 to hear testimony on Debt Reduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, March 29, 2001, to consider the nominations of Kenneth W. Dam of Illinois to be Deputy Secretary of the Treasury; David D. Aufhauser to be General Counsel of the Department of the Treasury; Michele A. Davis, of Virginia to be an Assistant Secretary of the Treasury; and, Faryar Shirzad to be an Assistant Secretary of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 29, 2001 at 10:30 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, March 29, 2001 from 9:30 a.m.–12:00 p.m in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 29, 2001, at 10:00 a.m. on Aviation Delay Prevention Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the Administration's National Fire Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 29 at 10:00 a.m. to conduct an oversight hearing. The subcommittee will review the National Park Service's implementation of management policies and procedures to comply with the provisions of Title I, II, III, V, VI, VII, and VIII of the National Parks Omnibus Management Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Committee on Government Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Thursday, March 29, at 10:00 a.m. for a hearing entitled, ''The National Security Implications of the Human Capital Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES AND INVESTMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Securities and Investment of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 29, 2001, to conduct a hearing on ''S. 206, The Public Utility Holding Company Act of 2001.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent that William Lyons, a legislative assistant in my office, be afforded privileges of the floor during the proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Illinois (Mr. FITZGERALD), Committee on Commerce, Science, and Transportation.

ORDERS FOR FRIDAY, MARCH 30, 2001

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, March 30. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 27, the campaign finance reform bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will resume consideration of the campaign finance reform bill at 9 a.m. Amendments will be offered throughout the morning, with stacked votes to begin at 11 a.m. All amendments to the bill will be disposed of during tomorrow's session, with a vote on final passage to occur at 5:30 p.m. on Monday.

ADJOURNMENT UNTIL TOMORROW AT 9 A.M.

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Friday, March 30, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 2001:

DEPARTMENT OF DEFENSE

CHARLES S. ABELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ALPHONSO MALDON, JR.

DEPARTMENT OF COMMERCE

GRANT D. ALDONAS, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, VICE ROBERT S. LARUSSA.

BRENDA L. BECKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DEBORAH K. KILMER, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To Be Vice Admiral

REAR ADM. KEITH W. LIPPERT, 1581

EXTENSIONS OF REMARKS

A TRIBUTE TO MARY MACK BLOUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Mary Mack Blount of Brooklyn, New York for her hard work, dedication and commitment to caring for others.

Ms. Mack Blount was born in Macon, Georgia, the third of seven children born to Robert and Myrdis Mack. Mary's family moved to Shelby, North Carolina where she graduated from high school. Shortly after graduation she moved to Brooklyn where she earned her Bachelors of Science degree in Accounting from Tuoro College. After graduation she married Harry Blount. Mary and Harry have four children.

Mary has always been a committed civic activist. She was an active member of the Crown Heights Community Council as well as the Stuyvesant Action Council. Mary is also a member of the Christ Fellowship Baptist Church where she teaches Sunday School and is a member of the church-based group, Women of Words. In addition, to Mary's civic work she continues to work fulltime for the New York City Board of Education as an Education Analyst.

Mr. Speaker, Ms. Mary Mack Blount is a hard working dedicated parent and civic activist with a deep commitment to her church and her community. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

INTRODUCTION OF THE MILITARY TAX CREDIT ACT OF 2001

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CAPUANO. Mr. Speaker, today, in honor of the thousands of men and women who proudly serve in our nation's armed forces, I take great pride in rising to formally introduce the Military Tax Credit Act of 2001.

Without question, our most valuable national security assets are the men and women who have voluntarily stepped forward to protect and defend our freedoms. Time and again, these individuals have risen to the challenge of protecting our national interests, and they have done so with a sense of honor and duty. Truly, the nation owes each and every person serving in our nation's armed forces a debt of gratitude for the sacrifices that they make every day.

Yet, there is one particularly troublesome sacrifice that many in our armed services are forced to make. This sacrifice has less to do with national security and more to do with financial security. When it comes to providing our military personnel with an adequate system of pay we have, very simply, missed the mark. As a result, today we have a cadre of personnel, enlisted and officers, married and single, who are in a constant struggle to make their financial ends meet.

Mr. Speaker, we've all heard the horror stories of military families forced on to public assistance and personnel that have had to seek part-time jobs to supplement their military pay. It seems incredible that over the past several years, as the cost of living has grown due to the expanding economy, we have been unable to provide a military pay structure that falls in line with this growth. I am well aware of numerous well-intentioned efforts in Congress to address the situation and I have supported many of these initiatives. The various pay increases enacted over the last several years have been a tremendous help. However, they clearly have not been enough and I believe that more can and must be done to improve the financial situation of our men and women in uniform.

Since President Bush took office in January, one of the central tenets of his Administration has been to return some of the surplus back to the American people. While I may disagree with his plans to accomplish this goal, I do believe a portion of the surplus should be used to address certain issues like the military pay situation. The Military Tax Credit Act of 2001 would use funds from the budget surplus to provide a refundable tax credit to all active duty military personnel.

Under this legislation, single personnel would be eligible for a $2800 refundable credit; while married personnel would receive a $4000 refundable credit. In addition to those active duty personnel in the Army, Navy, Marines and Air Force, the credit would extend to active duty Coast Guard and National Guard personnel. Moreover, a portion of it would be made available to any reserve personnel serving thirty or more days on active duty.

The beauty of this proposal is that even though every person; regardless of rank or grade would receive this credit, it would provide the biggest bang for the buck to those personnel that need it the most: the junior enlisted men and women and the junior officers. For single personnel at the E–6 level and below, the credit on average would be the equivalent of a 10.3 percent bonus. For married personnel in the same category the bonus would average 14.1 percent. The single junior officer would receive an average of 6.4 percent pay bonus while their married counterparts would average an 8.9 percent bonus.

All of the money that military personnel receive as a result of this credit would be tax-free. In addition, since the funds used to pay for the tax credit would come from the surplus, it would not adversely affect the overall defense budget. In fact, it barely puts a dent in the surplus. The amount of surplus funds used to support this legislation represents only 3.1% of the total surplus available—a small price to pay for such a large benefit.

Mr. Speaker, I am not a member of the Armed Services Committee, nor am I a member of the Defense Appropriations Subcommittee. And although the USS Constitution is homeported at the Charlestown Navy Yard, I have no major military installation in my district. Some might ask why then am I introducing tax credit legislation for military personnel. The answer is simple: because they deserve it. And while I don't believe that my legislation is the answer to all of the problems associated with the military's pay structure, I do believe that this is a great way to provide financial relief that is real and substantial. It is my hope that Congress agrees with me and will move to pass the Military Tax Credit of 2001.

IN TRIBUTE TO FREDRICK NELSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. FARR of California Mr. Speaker, I rise today to honor a dear friend of mine, Mr. Fred Nelson, who passed away unexpectedly on February 5, 2001. Fred was an integral part of the community of Carmel, California, and will be missed by us all.

Fred and I went to school together in Carmel, and he graduated from Carmel High School in 1958. He was a great athlete. Every football team he played on lost not a single game and won all the league's championships. After graduation, he joined the U.S. Army, and served his country in uniform until 1961. After serving in the Army, he worked as a banker in the San Francisco Bay Area until finally returning to Carmel seven years ago.

For those of my colleagues who know the community of Carmel, you are first struck by the beauty of the town and the area around it. But you are equally drawn to the notion that Carmel is a town of neighbors, not occupants, and we are a tight-knit community. Many people knew and loved Fred, and I am thankful to be one of them. Fred's passing has affected many people, and he will be sorely missed by his wife, Lynne; his son, Rodrick of Los Altos, California; his mother, Winifred Haag of Carmel; his sister, Lynn Rivera of Aptos, California; and his two grandsons.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF THE PULMONARY HYPERTENSION ACT OF 2001

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. BRADY of Texas. Mr. Speaker, today I am introducing the Pulmonary Hypertension Act of 2001. In short, this legislation will ensure greater federal resources are devoted to Pulmonary Hypertension research at the National Heart, Lung, and Blood Institute (NHLBI) and complement the private efforts of the PH Community.

Pulmonary Hypertension (PH) is a rare lung disorder in which the pressure in the pulmonary artery rises above normal levels and may become life threatening. When pulmonary hypertension occurs in the absence of a known cause, it is referred to as primary pulmonary hypertension (PPH). PPH is extremely rare, occurring in about two persons per million population. As of 1998, approximately 5–10 thousand individuals suffered from this disease—the greatest number reported in women between the ages of 21 and 40. Nonetheless we now know that men and women in all age ranges, from very young children to elderly people, can develop PPH. It also affects people of all racial and ethnic origins equally.

I first became aware of this illness a couple of years ago when one of my constituents and close friend came to speak to me about a disease his now eight year-old daughter, Emily, had just recently been diagnosed with. At that time, the family was informed that there was no cure for PPH, and that Emily could not be expected to live beyond 3–5 years. I began to think that in order to get Emily and other PH sufferers a chance to really experience life, the federal investment in Pulmonary Hypertension must be expanded to take full advantage of the tremendous potential for finding a cure or effective treatment.

Why does the federal government have a role in our fight against Pulmonary Hypertension? Pulmonary hypertension is frequently misdiagnosed and has often progressed to late stage by the time it is accurately diagnosed. More importantly, PH has been historically chronic and incurable. This unpredictable survival rate has not been encouraging to patients, their families or physicians. Furthermore, in 1996–97 almost six million, Americans took anorexic drugs which can cause PPH in some people. Thousands now have PPH and are in terminal stages or have already succumbed to the disease. It is anticipated that many more cases of PPH from diet drugs will be diagnosed within the coming years.

I also believe that federal resources will complement the dollars and efforts the Pulmonary Hypertension community is doing on their own. This public-private partnership will also help ensure that everyone is working together so that we get the most "bang for the buck."

However, thanks to efforts Congress has taken in the past, the efforts of the pulmonary hypertension community, and the National Heart, Lung, and Blood Institute (NHLBI), that is beginning to change. New treatments are available that now allow some patients to manage the disorder for 15 to 20 years or longer, although most Pulmonary Hypertension sufferers are not that fortunate.

I am pleased that in 1981, NHLBI established the first PPH-patient registry in the world. The registry followed 194 people with PPH over a period of at least 1 year and, in some cases, for as long as 7.5 years. Much of what we know about the illness today stems from this study. But, we still do not understand the cause or have a cure for PPH.

Mr. Speaker, we are at a fork in the road. We can either take the road that becomes a dead-end, or with the Committee's help, we can take the road that provides a future for the individuals and families of Pulmonary Hypertension.

TRIBUTE TO BERYL HAMPTON KILGORE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. LOFGREN. Mr. Speaker, today I rise to congratulate Beryl Hampton Kilgore, a 75-year resident of San Jose. Beryl Kilgore will be celebrating her 100th birthday on March 31, 2001.

Beryl Hampton was born on March 31, 1901 in Forbestown in northern California. She married Charles Kilgore in 1920 and they had two daughters, Martha Miller and Norma Mencacci. The Kilgore family moved to San Jose in 1926 and Mrs. Kilgore has resided there since that time.

Beryl Hampton Kilgore has been a treasured resident of the Chai House since 1996 and is beloved by all who know her. I join my voice to the many others offering congratulations to this wonderful woman on her 100th birthday. I wish her nothing but happiness on this joyous occasion and the best to her and her family in the coming year.

HONORING SUNRISE HOUSE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise to commend and honor the important work being done by the Sunrise House Foundation and to congratulate the dedicated community leaders being honored on the occasion of the 10th anniversary of Sunrise House's Halfway Home.

The anniversary of the halfway Home will be celebrated at a gala "Year of the Child" dinner this week. Honorees at the dinner include my good friends state Senator Robert E. Littell and his wife, former New Jersey GOP State Chairwoman Virginia Newman Littell. Senator Littell has been a major supporter of Sunrise House's Teen and Clean Program for addicted adolescents while Mrs. Littell has been a leading advocate of a safe haven for abused children and active in the Year of the Child celebration.

Also being honored is Lorraine Hale, daughter of the legendary Clara "Mother" Hale, with whom she founded the Hale House center for children of drug-abusing women in New York. Hale House has served as a model for the Sunrise House Halfway Home. In addition, Sussex County Prosecutor Dolores Blackburn will receive the John P. Diskin Memorial Award for her work addressing the need for addiction treatment services.

Sunrise House is a non-profit drug and alcohol treatment center in Lafayette, New Jersey. The 90-bed residential treatment facility includes intensive inpatient rehabilitation programs, an adolescent unit and outpatient programs for both adolescents and adults. Treatment includes both group and individual therapy performed by psychiatrists, psychologists, physicians, and certified counselors.

The Sunrise Halfway Home is an extended treatment program for pregnant women and new mothers at risk of relapse into drug or alcohol addiction, particularly homeless women. Participants typically enter the program during their pregnancy and receive prenatal treatment at Morristown Memorial Hospital. Following delivery, the women and their infants share a room at the Halfway Home and undergo education in parenting skills. In addition to substance abuse therapy, the women are encouraged to complete their high school diplomas if they have not already done so, and can be placed in vocational training or job placement through Sussex County Community College and the Private Industry Council.

The Halfway Home opened its doors in 1990 in Franklin, with a capacity of four women and their infants. The facility moved to Lafayette in 1997 and now has a capacity of 12 women and infants. Since its inception, the home has treated 119 women and 125 children.

Mr. Speaker, we must rehabilitate those who have made the unfortunate choice of ruining their lives and those of their children by abusing drugs or alcohol. We cannot allow innocent children to be forced to bear the burden of disastrous choices made by their parents. Programs such as the Halfway Home are vital to ensuring that the children of addicted mothers get another chance at a "normal" life. The fact that it is a public-private partnership—it receives state funding in addition to private funds from generous donors—makes it all the much better an example that should be copied across our nation.

I ask my colleagues in the United States House of Representatives to join me in congratulating Sunrise House, its staff, volunteers and dedicated community leaders being honored on this celebrated 10th anniversary. May God bless all those who have been so dedicated.

A TRIBUTE TO MR. DOUGLAS X. ALEXANDER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today in honor of Douglas X. Alexander for his many contributions to his East New York community.

Douglas was born and raised in Brooklyn. He attended New York City Community College and received a degree in marketing from Baruch College. He has been a business leader for many years, recently completing a successful career as a Vice President at Chase Manhattan Bank. Douglas's professional career, while challenging, did not fulfill his need to serve his community. As a result, he continues to be a dedicated community leader, serving as chairman of the Brooklyn Advisory Board of the New York Urban League, a board member of the Bedford Stuyvesant Restoration Revolving Loan Fund, on the board of the St. Francis De Sales School for the Deaf and the New York Chapter of Habitat for Humanity. Douglas has also served as a Zone Chairman, a Region Chairman, Cabinet Secretary Treasurer, a Vice District Governor and a District Governor of the Lions Club. There is no doubt that while Douglas will be retired from his professional job, he will continue to work very hard on behalf of his community.

His work has not gone without recognition. He has received the Black Achievers in Industry Award for the Harlem YMCA, the Man of the Year Award from the Brooklyn Branch of the NAACP, and a Melvin Jones Fellowship from the Lions Club.

Mr. Speaker, Douglas X. Alexander has been a role model for youth, a community leader and a business leader who firmly believes that if he can help someone along life's way then his living shall not be in vain. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly outstanding man.

RETIREMENT OF NEIL L. RUDENSTINE, PRESIDENT OF HARVARD UNIVERSITY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CAPUANO. Mr. Speaker, I join with my Massachusetts colleagues—JOHN JOSEPH MOAKLEY, EDWARD J. MARKEY, RICHARD NEAL, BARNEY FRANK, JOHN OLVER, JAMES P. MCGOVERN, MARTY MEEHAN, JOHN F. TIERNEY, and WILLIAM DELAHUNT—in honoring Neil L. Rudenstine on his retirement as the twenty-sixth President of Harvard University in Cambridge, Massachusetts. Harvard, founded in 1636, is the oldest university in the United States and one of the premier academic institutions in the world. Many of Harvard's distinguished graduates have become leading public servants throughout our nation's history, including seven Presidents, as well as many members of the United States House and Senate.

Neil Rudenstine began his service as President of Harvard in 1991. He brought to the post the benefit of a distinguished career both in and out of academe. Prior to becoming Harvard's President, Mr. Rudenstine served three years as Executive Vice President of the Andrew W. Mellon Foundation. Before that, he was a Professor of English at Princeton University, his undergraduate alma mater, a member of the Class of 1956. While at Princeton, Mr. Rudenstine held a series of administrative posts, including Dean of Students (1968–72), Dean of the College (1972–77), and Provost (1977–88).

He is a renowned scholar of Renaissance literature, having published works on the poetic development of Sir Phillip Sidney and he is the co-editor of English Poetic Satire: Wyatt to Byron. His academic achievements are quite notable. He was a Rhodes Scholar, receiving a second bachelor's degree and a master's degree while studying at New College at Oxford University. In 1964, Mr. Rudenstine earned his Ph.D in English from Harvard. While there, he served as an instructor and then an assistant professor in the Department of English and American Literature and Language before leaving for Princeton in 1968. Mr. Rudenstine is an honorary fellow of New College, Oxford, and Emmanuel College, Cambridge University, as well as Provost Emeritus of Princeton University. He is also a Fellow of the American Academy of Arts and Sciences, and a member of the Council on Foreign Relations, the American Philosophical Society, and the Committee for Economic Development.

Mr. Speaker, as Harvard's last president of the 20th century, Neil Rudenstine has many accomplishments that will sustain Harvard's academic leadership as the university moves into the new millennium. He oversaw the establishment of the Center for Public Leadership at the Kennedy School of Government and the creation of the Barker Center for the Humanities. Under his guidance, the university began a new doctoral program aimed at the intersection of business management and information technology. The medical facility has made great strides in cancer research and a new Harvard Biomedical Community has facilitated collaboration with industry on important research in that field.

Neil Rudenstine also understood that a university will not achieve greatness if its doors are only open to the few. Just as our country gains its great strength from the contributions of our hard working and diverse people, a university's greatness depends upon giving educational opportunities to a wide variety of people. He expanded opportunities for Harvard undergraduates by increasing the financial aid budget by $8.3 million. This initiative has meant that students on financial aid can finish school with less debt so that they can concentrate on their educations instead of worrying about how they will pay for it. He also expanded Harvard Law School's Low Income Protection Plan so that law students can pursue the law-related career of their choice regardless of salary.

Under his leadership, not only has Harvard maintained its standing as one of the premier universities of the world, but Mr. Rudenstine saw to it that Harvard was also a good neighbor to the community around it. Through his leadership, Harvard launched a $21 million affordable housing program in the Cambridge area. The University created more than 700 new jobs in Greater Boston and achieved the largest operating surplus in Harvard's history—$120 million—during President Rudenstine's tenure. In addition, he led Harvard's most successful endowment campaign, raising an unprecedented $2.6 billion.

Mr. Speaker, President Rudenstine will visit Washington on April 22, 2001 for his last official journey from Cambridge to appear before Washington-area alumni and friends prior to his retirement on June 30, 2001. The members of the Massachusetts delegation in the House of Representatives wish to express our deep appreciation for the contributions of Neil Rudenstine to higher education, for the spirit of public service which characterized his decade as Harvard's president, his many years of academic leadership in other universities, and for the grace and elegance that he brought to all he has done. We wish him well in every future endeavor, anticipating the continuing benefit of his thoughtful expertise to American higher education.

THE HONORABLE REV. CALVIN C. TURPIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. FARR of California. Mr. Speaker, not long ago a most impressive man gave the invocation to the House. On March 14, The Reverend Calvin Turpin opened our session with a prayer of humility and spiritualism. Dr. Turpin comes from my district from the city of Hollister.

On that morning I had the pleasure of introducing to you and our other colleagues Dr. Turpin and I inserted into the RECORD some of his personal backgroup. But I wanted to expand on that information so you could all be aware of the contributions of Dr. Turpin, not only to this body, but to persons across the United States.

Mr. Speaker, I submit Dr. Turpin's biography to be reprinted for the House.

BIOGRAPHY

GENERAL

Name: Calvin C. Turpin
Address: 188 Elm Drive, Hollister, CA 95023
Phone: (831) 637-6362
Birth: November 8, 1924 (Granite City, Illinois)
Married: Eudell Coody
Children: Susan Turpin Jones, 1956; John Thomas Turpin, 1958
Hobbies: Camping, Reading, Authentic Cowboy Cooking

EDUCATION

B.A.—Baylor University, 1949
B.D.—Southern Baptist Theological Seminary, 1955
M.A.—Baylor University, 1952
M.R.E.—Southern Baptist Theological Seminary, 1958
M.A.(L.S.)—Vanderbilt University (Peabody College), 1962
M.Div.—Southern Baptist Theological Seminary, 1975
S.T.D.—Golden Gate Baptist Theological Seminary, 1967 (Doctor of Science in Theology)

Other Education

University of Arkansas, 1945–47 (Law, Business)
Texas Tech University, 1950 (Graduate Study in History)
Vanderbilt University Divinity School, 1955–56 (Ph.D Study)

Judson College (Computer Science, History)
San Bernardino State University (Special Study)

PROFESSIONAL EXPERIENCE

Ordained Southern Baptist Minister
Minister of Churches: California, Texas, Kentucky, Tennessee
Jacksonville College, 1950–52 (Professor of History, English, Greek)
Belmont College, 1955–56 (Professor of Religion)
Austin-Peay State University, 1956–57 (Professor of Bible)
Golden Gate Baptist Theological Seminary, 1961–66 (Assoc. Librarian, Acting Librarian, Instructor: Old Testament, Research)
Graduate Theological Union, 1965 (Library Consultant)
Minot State University, 1966–67 (Director of Libraries, Prof. of Library Science)
Judson College, 1967–70 (Director of the Library, Prof. of Religion and Library Science, Chairman: Dept of Library Science)
North Texas State University (Visiting Professor)
Hardin-Simmons University, 1970–77 (Director of Libraries and Prof. of Religion. Early retirement due to health)

FRATERNITIES, ORGANIZATIONS, HONORS, ETC.

Beta Phi Mu (International Library Science Honor Fraternity)
Gamma Iota
Phi Delta Kappa
American Library Association (past member)
American Theological Library Association (past member)
Western Theological Library Association (President, past member)
Alabama Library Association (past member)
Texas Library Association (past member)
American Association of University Professor (past member)
Rotary Club (past member)
Lions Club (past member)
The American Legion: Post #69: National Chaplain, 2000-2001; California Department Chaplain, 1990–92, 94–95; District 28 Chaplain; Commander and Chaplain, Post #69; Boys State: Attended Arkansas first session, 1940; 40 et 8, Voiture 621
Lilly Endowment Scholar
Who's Who in America—2000
Who's Who in the World (selected for inclusion)
Who's Who in Religion (various years)
Who's Who in the West (various years)
Who's Who in American Education (various years)
Who's Who in American College and University Administration (various years)
Who's Who in Library Science (various years)
Who's Who in Community Service (various years)
Who's Who in Alabama (various years)
Who's Who in Texas (various years)
Directory of American Scholars (various years)
Men of Achievement (various years)
Two Thousand Men and Achievement (various years)
Personalities of the South (various years)
Distinguished Service Award (Hardin-Simmons University)
Member: Lighthouse Baptist Church, Seaside, California
Congressional Senior Citizen Intern—Washington D.C.—1989
Veterans Memorial Park Commission, San Benito County, California
Rent Control Commission, Hollister, California

PUBLICATIONS

Beyond My Dreams: Memories . . . Interpretations, Romance Publishers
50 Years of Ministry: Challenges and Changes, C.T.C. Publishing Co.
Selected Writings and a Limited Bibliography of Calvin C. Turpin. Romance Pub.
Rupert N. Richardson: The Man and His Works, Hardin-Simmons University
History of the First Baptist Church, Gilroy, CA, Romance Publishers
"The Rock Church": A Brief History of the Macedonia Missionary Baptist Church Gravel Hill (White County), Arkansas, C.T.C. Publishing Co.
Contributions To A Romanian History Symposium, Hardin-Simmons University
Writings and Research of the Faculty at Hardin-Simmons University
Encyclopedia of Southern Baptists (Historical articles)
Over 100 articles in various publications

MILITARY SERVICE

U.S. Army, 1943–45 (Field Artillery, Coast Artillery, Military Police—worked with Prisoners of War)

U.S. AIR FORCE AUXILIARY—CIVIL AIR PATROL

Rank: Lieutenant Colonel (Retired)
Chaplain:
Deputy Chief of Chaplains (National)—Retired
Pacific Region Chaplains: Alaska, California, Hawaii, Nevada, Oregon, Washington—ranked No. 1 in Nation
Pacific Region Deputy Chaplain
California Wing Chaplain—Ranked No. 1 in Nation
Group 18, CA. Wing
Group 10, CA. Wing
Founder and Director: Pacific Region Chaplains' Staff College
Texas Assistant Wing Chaplain
Abilene Composite Squadron, Texas
Aerospace Instructor
Observer Rated

Awards:

Exceptional Service Award
National Commander's Commendation
Commander's Commendation (4)
Unit Citation
Gil Robb Wilson—No. 384
Paul E. Garber (with star)
Grover Loening
Leadership
Membership
Charles E. "Chuck" Yeager Aerospace Achievement
Aerospace Education
Red Service Ribbon
Search and Rescue
Encampment
Senior Recruitment Ribbon
Certificate of Proficiency
California Wing Chaplains Award (First to be named by peers)
Pacific Region Chaplain of the Year, 1989

Schools, Study, etc.

Level I Orientation
ECI 7C
Squadron Officer's School
Squadron Learning Course
Region Staff College
National Staff College
Pacific Region Chaplains' Staff College (several)

UNITED STATES SERVICE COMMAND

Rank: Brigadier General
Chaplain: Professional Development Committee, Chair

"THE ORPHAN DRUG TAX CREDIT ACT OF 2001"

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. BRADY of Texas. Mr. Speaker, I am pleased to introduce the "Orphan Drug Tax Credit Act of 2001". The purpose of this legislation is to remedy a problem that has arisen with regard to the Orphan Drug Tax Credit.

This credit, which Congress made permanent in 1996, was enacted in order to encourage biotechnology and pharmaceutical companies to develop therapies for rare diseases and conditions. The credit applies to 50% of qualified clinical trial expenses incurred with respect to drugs that are designated as "orphan" by the Food and Drug Administration (FDA).

The designation process requires a finding by the FDA that the drug under development meets the statutory definition of an "orphan", that it is intended for treatment of a patient population of less than 200,000. Unfortunately, this process can take from two months to longer than a year. The end result, is that in some cases, companies find themselves in the difficult position of either having to: (1) postpone the start of their clinical trials until the designation is received, thereby delaying important research and patient access; (2) or beginning the research before designation, thereby increasing the cost of the product's development. Neither choice is in the interest of the patient.

The "Orphan Drug Tax Credit of 2001" would solve this dilemma by providing that the credit will cover the costs of qualified clinical trial expenses of a designated orphan drug, regardless of whether such expenses were incurred before or after the designation was granted, provided the designation was actually received. This legislation would go into effect upon the date of enactment.

This bill passed both the House and Senate twice in the last Congress. It was included in H.R. 2488, the "Financial Freedom Act of 1999" which was vetoed by President Clinton for unrelated reasons. The provision was also included in H.R. 2990, which passed the House on October 6, 1999, and in H.R. 4577, the "Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations, 2001," which passed the Senate on July 10, 2000. The time has arrived for us to move this legislation in final form and I am hopeful that it can be included in a tax package this year.

VACCINE INJURED CHILDREN'S COMPENSATION ACT OF 2001 (VICCA)

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. WELDON of Florida. Mr. Speaker, today, I am pleased to join Representative JERROLD NADLER and several other Members of Congress in introducing Vaccine Injured Children's Compensation Act of 2001 (VICCA). Over the past year, the Vaccine Injury Compensation Program (VICP) has been subject to several congressional hearings. I have met with parents, doctors, and attorneys who have been involved in the current program seeking compensation for injuries that resulted from vaccines.

Serious vaccine injuries are, thankfully, very rare. However, some children suffer serious adverse reactions to vaccines. In a small number of cases these are very debilitating reactions. We must work aggressively to understand why some children suffer adverse reactions so that we may develop precautionary measures to reduce adverse reactions. I am a strong proponent of vaccination. I believe it is important that children be vaccinated against these devastating diseases. Widespread vaccination has and will continue to spare our nation from the scourge of epidemics. Our nation benefits from widespread vaccination. Those of us who are healthy are the beneficiaries of national vaccination efforts. As such, I believe very strongly that we as a nation have an obligation to meet the needs of those children who suffer adverse reactions.

I also believe that our federal public health officials should do more to ensure that we are doing all that we can to reduce the number of children who have adverse reactions. We must work aggressively to understand why some children suffer adverse reactions so that we may develop precautionary measures to reduce adverse reactions. I will continue to pursue this effort with the Centers for Disease Control (CDC) and the National Institutes of Health (NIH).

I was pleased when a Democrat controlled Congress and Republican President Reagan worked together in bipartisan fashion in 1986 to establish the VICP. VICP was established to ensure that our nation continues to have a strong vaccination program while compensating those families when a child suffers a serious adverse reaction to a vaccine. Back in the mid-1980s there was a real concern that due to lawsuits brought against vaccine manufacturers, some manufacturers would stop making their vaccines available leaving the American public without important vaccines.

The Vaccine Injured Children's Compensation Act of 2001 (VICCA) would make a number of substantive and administrative changes to the VICP, in an attempt to restore the program so that it fulfills the promises that were intended. A broad coalition of Members of Congress from across the political spectrum has joined together to address these concerns.

The bill clarifies that this program is to be a remedial, compensation program, which is consistent with the original intent expressed by Congress in the House Report accompanying the National Childhood Vaccine Injury Act of 1986. Today, the program is too litigious and adversarial. VICCA makes changes regarding burden of proof. Currently, the burden of proof is such that some children may not be receiving compensation that is due them. I believe we should bend over backwards to ensure that every child who was injured receives compensation. The intent of the program was to provide compensation for all claimants whose injuries may very well have been caused by the vaccine. The program needs to fully recognize that strict scientific proof is not always available. Serious side effects of vaccines are rare and as such, it is often difficult to prove causal relationships with the certainty that science and medicine often expect. Indeed there may be multiple factors that lead to an adverse reaction in some children and the program should recognize this. VICCA ensures that this is taken into account and it ensures that when the weight of the evidence is balanced, we err on the side of the injured child.

Our bill will also make it easier to ensure that the costs associated with setting up a trust for the compensation award are a permitted use of the funds. This is important in ensuring that these funds are available to provide a lifetime of care for the injured child. The bill also stops the practice of discounting to ensure that the value of an award for pain and suffering is fully met.

We also recognize the important need for counseling in helping parents and siblings of a profoundly injured child cope with these new challenges. The impact of these injuries go well beyond the child who is injured. This bill will ensure coverage of counseling services.

The bill also ensures the payment of interim fees and costs to claimants attorneys. Under the current program, families and attorneys are often forced to bear these expenses for years while a claim is heard. Attorneys for the claimants are going to be paid for their fees and costs at the end of a claim, regardless of whether or not they prevail. Thus there is no logical reason why they should not be allowed to petition for interim fees and costs. This provision simply ensures a more fair process for the claimants, by ensuring that the injured child can have good representation while pursuing his or her claim. It ensures that they are able to put their best case forward. The current practice hinders the ability of many claimants to put their best case forward. This should not be the case in a program that was established to ensure provisions for children who have been injured.

Finally, the bill makes a number of changes to statutes of limitation. The program should serve the purpose of compensating those who were harmed. Thus, it is important to ensure that it is as inclusive as possible to ensure that injured children are compensated and fully cared for.

THE COMMUNITY SOLUTIONS ACT

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, I am proud to introduce, along with my good friend and colleague, TONY HALL, the Community Solutions Act of 2001, legislation that will strengthen our ability to serve the poor and the homeless, the addicted and the hungry, the unemployed, victims of violence, and all those that we are called on to reach out to, both as public servants and as individual citizens.

The Community Solutions Act is a comprehensive approach that will enhance the power of communities and individuals to solve the difficult problems that grow from poverty and destitution in our wealthy nation.

Our Nation is blessed with tens of thousands of devoted people who work with the poor on a daily basis, in the neighborhoods, on the street corners, in the shelters and the soup kitchens, shirtsleeves rolled up, literally extending a helping hand to those who have lost hope. These are the people who touch the poor.

They operate thousands of centers throughout the country that provide services to the underprivileged. In many neighborhoods these centers are centers of hope and often the only source of hope in an otherwise desolate landscape.

Through our legislation we invite these courageous and selfless men and women to help us as a society to find those in need and deliver to them needed services. Those services include hunger relief, drug counseling, protection from violence, housing and other assistance to help them become fully invested in their rights as Americans.

For too long we have excluded these individuals from helping us help others. In the effort to wipe out poverty and hopelessness, we need all the soldiers we can muster.

In addition to increasing our outreach to the poor by increasing the number of hands that are reaching out, the Community Solutions Act provides a number of tax incentives to encourage Americans in their generous giving to these causes.

A charitable deduction for taxpayers who do not itemize seems not only good public policy but also a matter of simple fairness for more moderate income Americans who use the standard deduction but contribute to charities and receive no tax relief for doing so. This initiative will give them equal standing with wealthier contributors. We also allow tax free contributions to charity from IRAs, and we expand the charitable deduction for food products.

Finally, we provide the opportunity for personal empowerment for the poor through the establishment of Individual Development Accounts or DIAs. One of the great challenges in the escape from poverty is how to build assets and capital to start a business, to buy a home or to pay tuition, and how to manage money.

The IDAs we set up will provide to eligible individuals a government match of up to $500 a year tax-free and will serve as a repository for other tax-free private giving. Recipients will be trained in the skills of money management and will learn how to invest for the future for themselves and for their families.

Last year we passed the Community Renewal and New Markets Initiative to reach out to impoverished communities in this land of plenty. The Community Solutions Act goes one more step, reaches out a little farther, to get government services to every one who needs them. With the help of these thousands of dedicated individuals, we can accomplish that goal.

HONORING REVEREND DR. THURMOND COLEMAN, SR.

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mrs. NORTHUP. Mr. Speaker, today I would like to recognize someone who has devoted his time and energy to his church and beliefs. Rev. Dr. Thurmond Coleman, Sr., pastored the First Baptist Church in Jeffersontown, Kentucky for 45 years. Upon his retirement he was named Pastor Emeritus. Dr. Coleman has served as the Moderator of the Central District Association for the past six years, and his tenure will end in July 2001. He is a community leader serving on the Louisville Urban League, NAACP, and Kentucky Human Rights Commission. Dr. Coleman is also a civil rights leader bringing about reconciliation between black and white Baptists and among all races and religions.

On Saturday, March 31, 2001, Dr. Coleman will be honored for his hard work and dedication as Moderator of the Central District Baptist Association, which has a membership of 147 churches.

Individuals such as Dr. Coleman play a vital role in reconciling the divisions in our community and in building the hope of a better future for each person. I am proud to bring your attention to Rev. Dr. Thurmond Coleman, and all of his achievements.

HARRIET TUBMAN, FREEDOM FIGHTER, UNION SPY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to recognize Harriet Tubman and her hard work and dedication to social justice. Harriet Tubman is credited with freeing many African-Americans from slavery. She is remembered for her work with the Underground Railroad, her life and commitment to helping others gain their freedom.

Mrs. Tubman was born a slave, in Bucktown, Maryland. The date of her birth is unsure, but it is believed to be March 10, 1820. She was born Araminta, but decided later to take on her mother's first name instead. Starting life on a plantation, she grew up doing hard labor in the fields and suffered repeated beatings. At the age of 13, she was struck in the head by an overseer with a heavy weight that fractured her skull and subjected her to continuous blackouts.

After her owner died in 1849, Mrs. Tubman was able to escape to Philadelphia on the Underground Railroad. In 1850, the Fugitive Slave Law was passed. The law criminalized providing assistance to runaway slaves. This new law did not stop Mrs. Tubman, however, from repeatedly making trips back into the southern states where she eventually freed about 3,000 slaves, including her elderly parents using the Underground Railroad. Since she freed so many people from slavery, Harriet Tubman became known as the "Moses of her people".

Despite these achievements, Harriet Tubman's role as a member of the Union Army's forces, during the Civil War, is not widely recognized. She later reported to General David Hunter at Hilton Head, South Carolina in 1863 where she worked as a nurse, scout, spy and cook for the Union Army. During the War, Harriet led a bold raid in South Carolina that freed over 800 slaves.

In 1884, after the Civil War, Harriet Tubman married John Tubman a freed slave. Four years later, her husband died leaving her to live the latter portion of her life in poverty. Nevertheless, Mrs. Tubman campaigned to raise funds for black schools. She also created the Harriet Tubman Home for Indignant Aged Negroes in her own home.

As we end our celebration of Women's History Month, I ask my colleagues to join me in honoring Mrs. Harriet Tubman for her hard work, extraordinarily contributions toward social justice and her service with the Union forces by supporting my legislation to posthumously award her veteran status.

"FALLEN FIREFIGHTERS ACT OF 2001"

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Fallen Firefighters Act of 2001." This legislation serves as a remembrance to the heroic men and women who have died in the line of duty by requiring the American flag on all federal buildings be lowered to half-staff one day each year on the observance of the National Fallen Firefighters Memorial Service.

Nearly 1.2 million men and women serve our country as fire and emergency services personnel. Approximately one-third suffer debilitating injuries each year making it one of the most dangerous jobs in America. Furthermore approximately 100 men and women die in the line of duty every year—many are volunteers. Since 1981 every state in America, as well as the District of Columbia and Puerto Rico, have lost firefighters serving in the line of duty.

In 1990, Congress designated the national monument in Emmitsburg, Maryland to serve as the official memorial to all fallen firefighters. Since 1981, the names of 2,077 fallen fire heroes have been added to the Roll of Honor. This year, the name of Arnold Blakenship, Jr., of Greenwood Delaware, will be placed on the 2000 memorial plaque along with 85 other firefighters. Sadly Mr. Blakenship is not the first firefighter in Delaware to be memorialized.

Lowering the flag on federal buildings one day a year will remind all Americans of the patriotic service and dedicated efforts of our fire and emergency services personnel. These men and women work tirelessly to protect and preserve the lives and property of their fellow citizens. Through this legislation, we can show our support and respect for America's fire heroes and those who carry on the noble tradition of service.

We must always remember the contributions of all of our public safety officers. In 1962, Congress passed a Joint Resolution honoring America's peace officers who died in the line of duty in recognition of their dedicated service to their communities. Today, we take the first step in bestowing the same respect on the 1.2 million fire and emergency services personnel who also serve as public safety officers. I urge my colleagues to cosponsor this legislation and recognize these heroic men and women.

IN HONOR OF THE 30TH ANNIVERSARY OF HARD ROCK CAFÉ INTERNATIONAL

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. SCARBOROUGH. Mr. Speaker, I rise today in tribute to Hard Rock Café International. June 14th will mark the 30th anniversary of the Hard Rock Café's service to numerous communities throughout the United States. Chartered in 1971, the popular theme restaurant has remained a stronghold in the community throughout the cultural and economic changes that have occurred since it opened its doors.

For the past 30 years, Hard Rock Café has embodied the spirit of rock music; and as the originator of theme-restaurant dining, it continues to be a rock connection for music enthusiasts worldwide. Hard Rock Café is one of the most globally recognized brands known for rock music memorabilia as showcased throughout its many ventures. Hard Rock Café has provided a venue for new and legendary performers through their live café performances and concerts.

Another top priority for Hard Rock Café is a dedication to a wide variety of philanthropic causes around the world. Their pioneering mission to give something back to the community has not only served as a catalyst to raise funds, but it has enhanced the very profile of corporate charity work and served as an example of the good that can be done when local businesses become community partners. Hard Rock Café has also used their visibility to increase awareness of world issues including AIDS, homelessness, environmental conservation, and the care and nurturing of children.

Mr. Speaker, I ask you to join me in celebrating the 30th Anniversary of Hard Rock Café International. As a musician and music enthusiast, I thank them for their outstanding support of the musical art form and the many artists across the world. As a father and a public official, I commend their service to communities throughout the United States and the world.

COAST GUARDSMEN FROM STATION NIAGARA

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LoBIONDO. Mr. Speaker, it is with great sadness and profound regret that I rise today. I rise to address the House about two heroes who died on Saturday morning.

While patrolling the waters of Lake Ontario on Friday night, four Coast Guardsmen from Station Niagara were hit by a wave that capsized their boat. All the men were thrown into the frigid water of the Great Lakes where, even in their survival suits, they could not last longer than a few hours. Their fellow Coast Guardsmen, joined by members of the Lewiston Fire Department, Erie County Sheriffs office, and Canadian Coast Guard, searched for these men during the night and all four were eventually recovered. However, despite hours of intensive medical care, Boatswain's Mate Second Class Scott Chism of Lakeside, California and Seaman Chris Ferreby of Morristown New Jersey, both passed away on Saturday morning. The remaining two crewmen are recovering from their ordeal.

Petty Officer Chism is survived by his wife Attalissa, his five-year old daughter Kelsey and his one-year old son Caleb. Seaman Ferreby is survived by his wife Amy and their seven-month-old son Tyler.

As the chairman of the Subcommittee on Coast Guard and Maritime Transportation, I want to extend our sympathies to these men's families, their "shipmates" at Station Niagara who sought them so valiantly through the dark night and to the entire Coast Guard community who shares our grief at their loss. Our thoughts and our prayers are with them at this difficult time.

This tragedy underscores the hazardous nature of even routine operations of the Coast Guard and should serve as a stark reminder to all of us here in Congress that the watch our brave Coast Guard men and women stand each day in service to our nation is a dangerous one.

Mr. Speaker, two heroes died Saturday morning but their lives exemplified the Coast Guard's core values of Honor, Respect and Devotion to Duty and their example lives on in the works of their fellow Guardsmen who risk their lives each day to protect each of us.

* * *

A TRIBUTE TO BETTY COLEMAN-LONG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Betty Coleman-Long of Brooklyn, New York for her commitment to her community and her joy of life.

Mrs. Coleman-Long is one of four siblings, two brothers, Michael and Charles Coleman and one sister, Mozelle Wickham. She is married and the proud mother of two, Paige L. Long, MD, and Courtney Long, a published author.

Mrs. Coleman-Long owns and operates Gospel Den in Bedford Stuyvesant and is an active member and worshiper of Brown Memorial Baptist Church. She is also the former president of the Floral Club.

Betty takes advantage of the many opportunities to celebrate the culture of New York as she is an avid theater and moviegoer, jazz aficionado, and she enjoys dining out. There is no greater joy in Betty's life than her religious beliefs.

Mr. Speaker, Betty Coleman-Long is a parent, a business owner, and a strong believer in living life to its fullest, yet she never loses sight of her deep religious convictions and the importance of her community. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

* * *

HONORING VIRGINIA "GINNY" EUBANKS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mrs. WILSON. Mr. Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

I received twenty-eight worthy nominations describing sacrifices and contributions these women have made for our community. I was particularly moved by the more than 100 nominations received for Mrs. Virginia "Ginny" Eubanks, Principal of Eisenhower Middle School in Albuquerque, New Mexico. The nominations came from current students, former students, teachers and parents all describing Mrs. Eubanks' caring, professional, and enthusiastic style of leadership.

I would like to share with you quotes from the people who appreciate the job she has done at Eisenhower Middle School and love her for the contributions she has made to the thousands of lives she has touched.

Teachers and parents say:

> I am thoroughly impressed with the dedication, professionalism and enthusiasm of Mrs. Eubanks. She consistently commends the students, stating that they impressed and inspired her daily.
>
> I believe she is the driving force at Eisenhower which has resulted in the school being rated exemplary status—one of only two middle schools in New Mexico to receive this ranking. She has high standards and has assembled an excellent team.
>
> Mrs. Eubanks is a good example of what it takes to live an honest and productive life. She has proven to be of great benefit for our children. Her door was always open to everyone.
>
> She is the reason I continue to teach. She created an environment that had high expectations for students and staff, while at the same time allowing all to experience the joy of learning and the safety of belonging.

In their nominations, students told me:

> I think Mrs. Eubanks is really cool. She is nice and doesn't get me in trouble. She supports kids, she is very involved in her school and does not sit around when something happens, she acts on it.
>
> Mrs. Eubanks will always try things that will stand out. Like if we sold a lot of magazine orders she would do something crazy like have a pie thrown at her or she would offer to be in the dunk tank. Just an all around great person.
>
> She is very helpful in time of need. She would talk it through and find away to make it better. If a student came to her with an idea she would help make it work. She's always been there for the students.
>
> Mrs. Eubanks is always there for people. She is open-minded and never turned anyone away from their goals. I find that my middle school experience has well prepared me for high school, and Mrs. Eubanks as the head principal of the school set the tone for that good experience.
>
> She always has something positive to say to the students and has inspired me to do my best. Mrs. Eubanks has led us to have better test scores. She turned the school into a better place.
>
> Mrs. Eubanks is very sweet and considerate. I remember once in 6th grade that she let me put my purse in her office. It was at a dance and I couldn't fit it in my locker. So I was just carrying it around when she said "Would you like me to put your purse in my office." She is so nice.
>
> Mrs. Eubanks has changed my life for the best. She has taught me how to let people feel good about the best of their abilities. She taught us how to care for each other.
>
> This school is nice and at times fun. She gives a zest to the school. She helps keep the school in line and keeps it at the top of its rank. She keeps us motivated.

Ginny Eubanks has made a positive impact on the people she has taught—young and old alike. She is a role model for education and leadership. Mrs. Eubanks is on a leave of absence due to illness and as one student said, "she is always there for students when we are in need, so it's now our turn to help her."

Virginia Eubanks is a woman of courage and vision, an exemplar of what an educator should be. She knows it takes the best education to give children the tools they need to build wings for their dreams. She inspires students, by her own example, to care for one another and be supportive, values that would benefit every classroom in America.

Please join me in thanking a distinguished educator, Virginia Eubanks, for her faithful service to our children and the nation.

* * *

HONORING THE UNIVERSITY OF COLORADO—125 YEARS OF EDUCATING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today in honor of an institution that has improved the lives of thousands of people, the University of Colorado. The university is celebrating 125 years of providing a superior education to the people of Colorado, the Nation, and individuals from around the world.

The university, which was established in 1876, opened its doors on September 5, 1877, with just one building, 2 instructors, and 44 students. Since its founding, the University of Colorado has grown from one building in Boulder to four different campuses throughout the State. The Boulder campus alone has nearly 200 buildings and includes 10 colleges and schools. Over the course of the university's proud history, more than 200,000 degrees have been earned. It is this continued commitment to education and improving people's lives that we celebrate today.

America has been built on the ideas and intellect of an educated society. CU has played an important role as a catalyst—helping minds grow and providing students with opportunities to learn about subjects as diverse as space flight dynamics and African-American history. The inspiration and knowledge that CU's students gain today will change the way we all will live tomorrow.

CU has helped countless students find their paths in life. Many of them went on to make important contributions to our country. Although it's not possible to name them all, I'd like to acknowledge a few of CU's most outstanding alumni:

Byron White—Not only was he CU's first all-American football player, but after an outstanding career at the Justice Department, he was appointed as a Supreme Court Justice.

Scott Carpenter—As one of just thirteen CU graduates to travel to outer space, Scott was one of the original seven Mercury Astronauts and flew the second American manned orbital flight.

Cynthia Lawrence Calkins—the world-renowned opera star.

Three-term Colorado Governor Roy Romer and former U.S. Senator Hank Brown.

CU played a significant role in helping these alumni become leaders in their fields.

In addition to training young minds, the University of Colorado is also a leading research institution. As one of just 34 public research universities invited to join the prestigious Association of American Universities, CU has more than 900 separate research investigations in progress—in such areas as biotechnology, superconductivity, information technologies, telecommunications,. and environmental and space sciences. The University of Colorado also ranks eleventh among public universities in the country in Federal research support.

CU's research programs are at the cutting edge of scientific inquiry, producing award-winning science that is transforming the way we live. The discoveries of CU biochemistry professor Thomas Cech, for instance, have helped us understand the catalytic properties of RNA. Prof. Cech was awarded the 1989 Nobel Prize in Chemistry for his efforts.

I am very proud of CU and its accomplishments, and expect to hear about amazing new contributions that future CU graduates will make to our economy, to our knowledge base, to our society, and to our world. The continued excellence of CU's teachers, faculty, and students guarantees another successful 125 years for the University of Colorado.

PAYDAY BORROWER PROTECTION ACT OF 2001

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. RUSH. Mr. Speaker, I rise today to introduce the Payday Borrower Protection Act of 2001.

With a slowing economy, payday loan companies are springing up in storefronts all across America. Payday lenders provide short-term loans with minimum credit checks to consumers who are in need of ready cash, but these predatory businesses exist to exploit the financial situation many low- and middle-income families face. To the financially strapped consumer, these loans may seem like the answer to a prayer. However, with exorbitant interest rates ranging from 261% to 913% annually, these transactions are a recipe for disaster.

Payday lenders often utilize "loanshark" tactics, such as threatening civil or criminal action against the borrower to pressure them into more expensive roll over loans. Fearing reprisal, borrowers sink further into debt. Similar to the Greek mythological character, Sisyphus, who was condemned to an eternity of rolling a boulder uphill, payday borrowers become trapped in a perpetual cycle of fees and payments which serve only to line the pockets of the payday lender. A 1999 Indiana Department of Financial Institutions audit revealed that, on average over a twelve-month period, consumers renewed their loans ten times; one consumer renewed sixty-six times.

Mr. Speaker, my bill would bring fairness to the payday loan industry. Specifically, it would:

Require payday lenders to be licensed under state law;

Place a ceiling of 36 percent on the annual interest rate a payday lender can charge;

Limit the period of maturity of any loan to two weeks for each $50 of loan principal;

Limit the principal amount of a payday loan to less than $300;

Prohibit threatening criminal or civil action in order to force a borrower into rolling over a payday loan;

Prohibit rolling over any deferred deposit loan unless 30 days has elapsed from the termination of any prior payday loan; and

Provide a private cause of action, criminal and civil penalties for violation of this act.

Mr. Speaker, I urge my colleagues to join me in ensuring that consumers are protected from the predatory practices of payday lenders by supporting the Payday Borrower Protection Act of 2001.

A TRIBUTE TO GUS McIVER SANDERS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TOWNS. Mr. Speaker, today it gives me great pleasure to rise in honor of Gus McIver Sanders on the occasion of his retirement from the New York City Police Department.

Mr. Sanders was born on January 19, 1942 in Darlington, South Carolina. He graduated with honors from high school and received a two-year basketball scholarship from the Friendship Junior College in Rockhill, South Carolina. He decided early on that he needed bigger challenges than his small town in South Carolina had to offer so he moved to New York City where he worked for Fairchild Publications. He worked at Fairchild for a few years before he joined the Army. He was stationed in Germany and worked in communications. When his tour of duty ended, he returned to the United States and used his military experience to get a job with the phone company. After several years with the phone company, Gus decided to shift his focus to his true love, helping people. He applied for a job as a police officer with the New York City Police Department. He was sworn in to protect the citizens of New York City on October 29, 1973. He went to the police academy and from there was assigned to the 83rd Precinct in Bushwick, NY where he would stay until his retirement this year.

Gus was an active police officer. He has made numerous arrests and made a point of helping as many people as he could in the Bushwick community. He had a variety of assignments during his tenure on the force including foot patrol, mobile patrol, warrants, plain clothes anti-crime and community affairs. Over the past ten years he has been assigned to the community affairs division of the 83rd Precinct. As a Community Affairs Officer, P.O. Sanders has placed the people of Bushwick first. He has helped organize a variety of special events for children and the community including an annual children's Halloween party, a Christmas party, a community picnic, and the Precinct's National Night Out Against Crime. He also volunteers for Meals on Wheels, delivering meals to the homebound elderly. In addition, he has helped the homeless and victims of fires find housing in their hour of need.

Mr. Speaker, Gus McIver Sanders is a dedicated community and public servant who has served the people of Bushwick and the New York City Police Department with honor and dignity. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

TRIBUTE TO BRYAN PAUL RICHMOND AND BRENDAN JAMES ALLAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember two of my young constituents, Bryan Paul Richmond and Brendan James Allan, whose lives were recently cut short in a tragic accident. On February 21, 2001, both seventeen-year-olds were killed by an avalanche while skiing between Squaw Valley and Alpine Meadows. Although my words cannot fill the void that their passing has left in the lives of many people, I hope that I can bring a degree of comfort to their families in honoring them today.

Bryan Paul Richmond and Brendan James Allan shared much in terms of common experience. Bryan was a senior at Truckee High School, while Brendan was in his last year at Prosser Creek Charter School, in Truckee. Both excelled academically and planned to attend college upon graduating. They also had a mutual love of skiing and were nationally ranked competitors with the Squaw Valley Ski Team. In fact, they were both named to the Far West Ski Team, an honor given to the top skiers in the Far West Division. They shared the dream of becoming members of the U.S. Ski Team one day.

In a sad, but perhaps fitting twist of fate, these two friends who were born only one day apart, and who shared a talent and passion for skiing, left this world on the same day doing what they loved most. Their lives were claimed by the very mountains that had given them so much joy.

Bryan is survived by his mother, Patti Robbins-Nicols, his father, Don Richmond, and his younger sister, Diane.

Brendan leaves behind his mother, Shelly Allan Boone, his father Gary Allan, and his younger sister, Heather.

May both families remember these young men with fondness whenever they gaze up at the majestic, snow-covered peaks of the Sierra Nevada Mountain Range. May they hear the exuberant laughter of two boys when the gusty mountain winds blow. May they sense great calm when the first snow of a new season blankets the world in silence. And may Bryan and Brendan rest in peace while their memory bums bright in the hearts of their loved ones.

TRIBUTE TO RETIRING PROFESSOR DOCTOR E. EDWARD SEE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career in the field of education is coming to an end. Dr. E. Edward See, of Warrensburg, Missouri, will retire from Central Missouri State University on June 30, 2001.

Dr. See has been a popular and highly respected educator in the state of Missouri for nearly forty years. A graduate of Central Missouri State University and Missouri University, Dr. See has specialized in theater and speech. Throughout his career he taught junior and senior high school in the Raytown, Missouri, school district, as a graduate assistant at Central Missouri State University and Missouri University, and as a professor and chair of the theater department at Central Missouri State University.

In addition to his commitment in the classroom, Dr. See has directed approximately 45 plays at Central Missouri State University and served as president and on the board of directors for the Speech and Theatre Association of Missouri. He has been honored for endeavors in teaching and drama. He was nominated for the Outstanding Teacher Award by the Speech and Theatre Association of Missouri, directed a play which received commendation from the Kennedy Center/American College Theatre Festival, and saw the establishment of seven different scholarships.

Mr. Speaker, Dr. See deserves the thanks and praises of the many students that he has served for so long. I know the Members of the House will join me in paying tribute to this exceptional teacher.

LET'S MAKE SOCIAL SECURITY SOLVENT FOR 75 YEARS AND BEYOND

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. SABO. Mr. Speaker, we all want to ensure Social Security's long-term solvency. So, the only remaining question is how we get it done.

Congress could reduce benefits or increase the retirement age like the Social Security reform measures enacted in 1977 and 1983. During these past efforts, Congress phased in an increase in the normal retirement age from 65 to 67 and reduced benefit levels. I haven't heard a lot of support lately for further increasing the retirement age or cutting benefits for future retirees.

Some believe we should create individual accounts to invest funds in the private market. This proposal would accelerate the Social Security solvency problem by taking funds out of the system that have already been counted when estimating long-term solvency.

Further, concerns have been raised that using individual accounts would jeopardize the progressive nature of the system, which helps ensure low-income workers a basic benefit level. Social Security was established as a guaranteed minimum retirement package. Individuals already have the option of supplementing this plan with private savings and investments.

Others suggest investing Social Security funds in equity markets, while also retaining guaranteed benefits. This approach might increase the earnings of the trust funds, but would also involve greater risk.

I recommend another option—increase the interest rate we pay to Social Security. Over the past 10 years, the Social Security trust funds have received interest of about 4.5 percent over inflation. I propose that we raise that rate—or "refinance"—at 6 percent over inflation, making Social Security solvent indefinitely.

Under my approach, funds to ensure Social Security solvency must come from the General Treasury. This plan keeps our commitment to extend Social Security for future retirees, and provides for a straight-forward accounting of the cost of these obligations within the budget framework that we use to fund our national priorities. It is not an instant solution, but an honest path to address the Social Security solvency problem for the coming wave of Baby Boom retirees.

IN MEMORY OF JUSTICE EARL STOVER

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TURNER. Mr. Speaker, I rise in memory of Justice Earl Stover, a pillar in the community of Silsbee, Texas, whose passing last month shook so many of us who have been touched by his passion for life and his compassion for his fellow Texans.

As a college football player, Earl Stover became known as "Smokey" Stover—and the name stuck. Smokey's life touched every corner of his community in Silsbee.

If you ask former Silsbee School District Superintendent Herbert Muckleroy what he thought of Smokey, he'll tell you about Justice Stover's respect for education: "He believed in education. His boys got a good education and he wanted everybody else to get the same. And he supported whatever it took to do that."

Eddie Doggett, who worked for Smokey almost half a century ago in 1957, will tell you about Justice Stover's work ethic: "He believed in loyalty. He set goals and accomplished them."

And Chief Justice Ronald Walker, who served with Smokey Stover on the Ninth Court of Appeals, will tell you tales about Smokey's sharp legal mind: "Many of his opinions are now recorded for the posterity and benefit of this state's jurisprudence."

Justice Stover served his community as president of the Silsbee Chamber of Commerce, president of the Silsbee Kiwanis Club, as a trustee of the Silsbee School District, as a strong supporter of the Silsbee Doctors Hospital, and as an active member of his church.

His contributions to the Texas legal community were equally memorable. Justice Stover served as the Hardin County Attorney, as presiding judge of the 88th Judicial District Court for nine years, and a Justice on the Ninth Court of Appeals for seven years.

Along with his other friends, my life was enriched by knowing Smokey. He always brought a smile to your face and he always offered an encouraging word. He understood the important role government could play in the lives of ordinary people. Justice Stover was firmly committed to the proposition that in the courtroom before the bar of justice, the powerful and the powerless stood as equals. He knew that in the halls of Congress and the Legislature, the workings of the democratic process can guarantee every citizen an equal opportunity to share in the American dream. Smokey always reminded me to "watch out for his Social Security." I knew he didn't just mean for him, but for every American who deserves to live their latter years with independence and dignity.

On December 9, 2000, Smokey Stover's battle with cancer took his life, leaving a void in our community that cannot be replaced. The words of his Silsbee neighbor Mitch Hickman best expressed the admiration we all held for Justice Stover.

"You could go home and dust off your Bible, read it cover to cover, and not find enough good words to say about Smokey Stover."

CANFIELD HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TRAFICANT. Mr. Speaker, today I want to congratulate the Canfield High School Girls Basketball Team and Coach Patrick Pavlansky on their incredible season. The Lady Cardinals finished with a 21–7 record en route to a second place finish in the Division 11 State Championship.

I would like to extend my congratulations to the members of the Canfield Girls Baketball Team: Nicole Vlajkovich, Harmony Ramunno, Tee Lisotto, Kelly Williams, Jenny Miller, Erin Fening, Jessica Gifford, Erin Martin, Jill Vertanen, Julie Playforth, Megan Turocy, Mara Boak, Corey Hoffman, Kera Yelkin, Coach Patrick Pavlansky, Principal Abby Barone, and the students of Canfield High School as they celebrate this memorable season.

HONORING GEORGE E. CODY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to honor George E. Cody for his commitment to the Franklin Fire Department in Massachusetts.

George E. Cody began his career with the Franklin Fire Department on November 1, 1966. On November 4, 1983, he was added as a permanent firefighter, and was later promoted to Department Lieutenant on July 3, 1986. He retires today as the Captain of the Franklin Fire Department, a position he achieved on September 9, 1999, after over 30 years of dedicated service to the Franklin community.

George Cody is a lifelong resident of Franklin, Massachusetts, and a long time member of the Franklin Democratic Town Committee. George is a past member of the Franklin Charter Commission, and a present member of the Franklin Elks Organization. Throughout his life, George has been an extremely active member of the Franklin community. I would like to express my gratitude and admiration for the commitment that he has shown to the town and people of Franklin, Massachusetts.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. BECERRA. Mr. Speaker, on March 20, 21, 22, 27, and 28, I was unable to cast my votes on rollcall votes: No. 51 on motion to suspend the rules and agree to H. Res. 67 as amended; No. 52 on motion to suspend the rules and agree on H. Con. Res. 41; No. 53 on motion to suspend the rules and agree on H. Con. Res. 43; No. 54 on motion to suspend the rules and pass H.R. 1042 as amended; No. 55 on motion to suspend the rules and pass H.R. 1098; No. 56 on motion to adjourn; No. 57 on agreeing to the resolution H. Res. 93; No. 58 on motion to suspend the rules and pass H.R. 1099; No. 59 on motion to suspend the rules and pass H.R. 802 as amended; No. 60 on agreeing to the amendment to H.R. 247 offered by Mr. TRAFICANT of Ohio; No. 61 on passage of H.R. 247; No. 62 on agreeing to the resolution H. Res 84; No. 63 on motion to suspend the rules and pass H.R. 801 as amended; No. 64 on motion to suspend the rules and pass H.R. 811 as amended; No. 65 on agreeing to the resolution H. Res. 100; No. 66 on agreeing to the substitute amendment to H. Con. Res. 83 offered by Mr. KUCINICH; No. 67 on agreeing to the substitute amendment to H. Con. Res. 83 offered by Mr. STENHOLM; No. 68 on agreeing to the substitute amendment to H. Con. Res. 83 offered by Mr. FLAKE; No. 69 on agreeing to the substitute amendment to H. Con. Res. 83 offered by Mr. SPRATT; and No. 70 on agreeing to the resolution H. Con. Res. 83. Had I been present for the votes, I would have voted "yea" on rollcall votes 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 67; 69; and "nay" on rollcall votes 56, 57, 65, 68, and 70.

TRIBUTE TO JERRY CLEVELAND WHITMIRE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Jerry Cleveland Whitmire who passed away on December 19, 2000. Mr. Whitmire was a loyal servant of his community and of his country as an infantry officer in Korea and Vietnam. I believe the eulogy given by Reverend Charles M. Blackmon gives the most appropriate praise to this wonderful South Carolinian. Mr. Speaker, I ask you to join me today in honoring Mr. Whitmire.

EULOGY FOR JERRY CLEVELAND WHITMIRE

DECEMBER 19, 2000

We are gathered, this afternoon, for a soldier's funeral. On his last journey in this world, Jerry Cleveland Whitmire—"Trigger"—will be draped in the flag of the United States of America, the flag for which he fought. And he will be escorted at each step by an Honor Guard, fellow soldiers of the United States Army.

Ladies and gentlemen, I have presided at more military funerals than I can possibly count. I am always impressed by the dignity and precision of the Honor Guard. I am also impressed by something else: These superbly trained soldiers are here for a specific purpose. They are here to remind us that it is not only family and friends who have come here to say farewell to Jerry. A grateful nation has also come here to say farewell. America is here to say farewell to a son, a dutiful servant, a hero.

It strikes me that to truly understand and appreciate this man, we need to look at his roots. We need to go back two generations to Jerry's grandfather and namesake, Jeremiah Cleveland Whitmire. Jeremiah was born in 1838. He was a blacksmith and yeoman farmer in the foothills of upper Greenville County. He did not own slaves—no Whitmire ever owned slaves. And when the legislature here in Columbia voted to secede from the Union, Jeremiah might not have agreed with all the reasons.

But Jeremiah was a man of duty and loyalty. When the war came, he hiked north to Ashville, where he mustered with the 14th North Carolina. In the ensuing years, he fought with gallantry in the Army of Northern Virginia: at Richmond, Spotsylvania Courthouse, Sharpsburg, Gettysburg, to the bitter end at Appomattox. At the conclusion of the war, his duty done, Jeremiah walked the hundreds of miles back to his beloved farm in Greenville.

Let me say this: Jeremiah would have been very, very proud of his grandson Jerry. He would have been proud that Jerry chose to go to The Citadel. He would have been proud of Jerry's decision to go into the infantry. He would have been proud that in the bitterest, coldest engagements in Korea, Jerry stood and fought at the point of maximum danger—as commander of rifle company on the front line. He would have understood Jerry's agony when a comrade fighting at his side, an African-American, sustained a terrible wound in the chest. Jerry cradled that man in his arms as he died.

Likewise, Jeremiah would have been proud of Jerry's combat service in Vietnam. He would have been proud that when the rest of America had become divided and uncertain—Jerry remained resolute and dutiful. Jerry was a soldier—he volunteered for a second combat tour in Vietnam.

And finally, Jeremiah would have been proud that at the end of the fighting, Jerry always returned to that same farm in upper Greenville County—land that Whitmires have farmed for more than two centuries. Jerry worked that land as a dairyman and cattleman throughout his adult life. He loved it with all his heart. Right up to the last, Jerry was happiest when he was tending his cattle, walking the bottomlands, jumping over creeks, climbing the highest hills. On that farm, Jerry Whitmire was at home.

Of course, for family and friends gathered here, we do not remember Jerry as a fierce warrior. We remember him as the gentlest of gentlemen—a man who was always full of laughter, a man who loved to make other people laugh. I'm told that, at the golf clubhouse at Fort Jackson, they serve a brew called "Trigger Beer" in recognition of his good spirits.

Jerry Whitmire was not a man of extraordinary virtues. He was a man of ordinary virtues possessed in extraordinary abundance. Kindness. Generosity. Charity. Honesty. Decency.

It's ironic. Jerry was a soldier who knew war intimately. But if the world did a better job of practicing those virtues that Jerry lived by, there would be no need for soldiers because there would be no war.

His brothers, James and Charles, will always remember him as an alter boy at Christ Episcopal in Greenville. Countless times they watched their baby brother Jerry carrying the tall silver cross down the center aisle. Jerry was—to the core—a Christian man. If he had one role model from the Gospels, it surely must have been the Good Samaritan. When it came to helping people and animals in need, Jerry knew no boundaries. He would always stop and help.

In the Gospels, Christ admonishes his followers to give away their possessions, including the shirts on their backs. On so many occasions, Jerry followed that command almost literally. He was constantly giving his time and money to other people. He was quick to forgive debts.

This same generosity applied to the dogs, cats, and cattle that had the good fortune to have him as their master. For several decades, now, Jerry has spent more money on hay and upkeep for his cows than he ever made by selling them at market. Truth is, Jerry never owned the cows—the cows owned him. And that was just fine with him.

The result of this lifetime of generosity and giving is that Jerry did not die a rich man. Money was not what drove him. Jerry understood that we make a living by what we make, but we make a life by what we give. He was forever giving: himself, his labor, his money. As a result he takes to the grave the only wealth that really matters: the wealth of a life well lived . . . the wealth of our respect and admiration and love.

Of course, for Jerry, his greatest wealth was his family, especially Tweetie, his beloved wife and partner of nearly a half century. Yes, Jerry had a powerful love for his daughters Laura and Marguerite. And yes, he loved his grandchildren. But truth be told, in his last years, he had a very, very special place in his heart for the youngest: his greatgrandson Daniel.

And as Danny grows up to be a teenager and then a man, he will have the enormous privilege to learn more about Trigger, the great-grandfather he loves so much. Daniel will do well to live by his great-grandfather's example.

There is an old expression: Sometimes life is not as simple as it seems—it is even simpler. And so it is with people. Sometimes their lives can be captured best in the fewest, simplest words. To capture the essence of Jerry's life, I once again go back to his great-grandfather, Jeremiah. Jeremiah is buried at Ebeneezer Baptist church not far from the Greenville farm. And on the gravestone, his epitaph is exactly eight words long. It says: "Confederate Soldier, Christian Citizen, Faithful to Every Trust."

With one necessary amendment, those same words can now sum up Jerry Cleveland Whitmire's life: American soldier, Christian citizen, faithful to every trust.

We will remember him with love.

May he rest in peace.

IN RECOGNITION OF THE KNIGHTS OF COLUMBUS ANNUAL HONOREES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Police Officer Edward Ryan, Firefighter Brian O'Sullivan, and EMT Lt. Raymond Branagan, all of whom will be honored by the Knights of Columbus on March 31, 2001.

For the past eight years, The Fourth Degree Assembly 675 Knights of Columbus of Bayonne, New Jersey has honored officers from the city's three branches of service. The award honors both individuals who go above and beyond the call of duty and the departments that employ these brave men and women.

Police Officer Edward Ryan is being honored for evacuating the occupants of two burning buildings. On January 22, 2000, Officer Ryan was dispatched to a call regarding a fire at 86 W. 16th Street. Upon arrival, Officer Ryan found the building engulfed in flames with the fire spreading to the adjoining residence. Despite a rapidly spreading fire and severe smoke conditions, Officer Ryan heroically evacuated all residents from both buildings, allowing the fire department to immediately concentrate on fighting the fire, rather than on performing a search for trapped residents.

Firefighter Brian O'Sullivan is being honored for recently saving a life. He is a member of Bayonne's Engine Company 6. In December 2000, Engine Company 6 was dispatched to Marist High School in response to a call about an unconscious female. Upon arrival, Firefighter O'Sullivan recognized that she was not breathing, so he used an automatic external defibrillator and a bag valve mask to save her life. Brian O'Sullivan became a firefighter in 1999, and was a member of the first class trained as both a firefighter and an EMT.

Lieutenant Raymond Branagan is an EMT, and is being honored for his administrative and instructional work with McCabe Ambulance. He is currently the lead instructor and administrative assistant to the Director of the McCabe Institute of Emergency Preparedness. Lt. Branagan is in charge of arranging courses on CPR for the American Heart Association, on First Aid for the National Safety Council, and on OSHA/PEOSHA blood and airborne pathogens for the Bayonne Police and Fire Departments, the Bayonne Board of Education, and Bayonne Head Start.

Today, I ask my colleagues to join me in recognizing Officer Ryan, Firefighter O'Sullivan, and Lt. Branagan for their courageous contributions to their community.

SHAVER RETIRES AS CHIEF DEPUTY CORONER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Joe Shaver, who is retiring after 32 years as chief deputy coroner of Luzerne County, Pennsylvania.

Joe was born in 1934 in Wyoming, Pennsylvania, graduated from Wyoming Memorial High School in 1952, and graduated from the McAllister School of Mortuary Science in 1953. He began his long career by helping out parking cars and handling other chores at Metcalfe's Funeral Home in Wyoming while he was still in high school, and he served an apprenticeship at the Luther M. Kniffen Funeral Home in Wilkes-Barre from 1954 to 1957.

From 1957 to 1963, he served in the U.S. Army Reserve Medical Corps, including active duty in West Germany from 1957 to 1959. In 1959, Joe became a partner in the business that was renamed the Metcalfe & Shaver Funeral Home, and he became the owner in 1986. He was recalled to active duty with the Army from 1960 to 1961 due to the Berlin crisis and served an additional year at Fort Chaffee, Arkansas.

In 1969, Dr. George Hudock Jr. was appointed coroner following the death of the previous coroner, and his first act was to appoint Joe as his chief deputy. At that point, Joe had already served as a deputy coroner for six years and had been assisting Dr. Hudock with autopsies for three years. In Joe's 32 years as chief deputy coroner, he has assisted in more than 2,800 autopsies.

While Joe's memberships and affiliations are too numerous to list them in full, a few examples will serve to show his long history of community involvement. He is a member of Holy Trinity Lutheran Church in Kingston and has served on its council for several years, in addition to having served in the choir. He is a member and past president of the Rotary Club of Wyoming and a Paul Harris Fellow, a member and past president of the Wyoming Business Club, a life member of Wyoming Hose Company No. 1, and a member of VFW Post 396 in Wyoming, Irem Temple in Wilkes-Barre and Mountain Grange 567 in Carverton.

Joe and his wife, the former Janice Ludwig, were married in 1962. They have two children and three grandchildren.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long history of Joe Shaver's service to the community, and I wish him and his wife the best in his retirement.

2001 WOMEN'S HISTORY MONTH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. NORTON. Mr. Speaker, during the month of March 2001 we celebrate Women's National History Month. This year's theme is "Celebrating Women of Courage and Vision."

All across this country, Americans are promoting community, school and workplace celebrations honoring women's accomplishments, contributions, courage and vision.

In the Nation's Capital, the District of Columbia Commission for Women will participate in the national observance of Women's History Month to recognize the courage and vision exhibited by women of the District of Columbia.

Mr. Speaker, women of every race, creed, color and economic background have contributed to the growth and strength of our community. For more than three decades, programs of the District of Columbia Commission for Women have provided all our citizens with opportunities to bring attention to the creative, civic and professional accomplishments of women.

This year as part of its Women's History Month observance, the District of Columbia Commission for Women will establish a scholarship at the University of the District of Columbia to support women in pursuit of their academic and career endeavors.

Mr. Speaker, I urge you and all our colleagues to join with me in commending the District of Columbia Commission for Women and its members for their dedication, courage and vision.

IN RECOGNITION OF ERNEST PEPPLES AND HIS SERVICE TO THE U.S. TOBACCO INDUSTRY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. CHAMBLISS. Mr. Speaker, I would like to take a moment to recognize an individual, Ernest Pepples, for his significant efforts on behalf of a valuable yet ever more challenged industry. Ernie has had a distinguished and honorable career within the global and U.S. tobacco industry and deserves the recognition of Congress at the time of his retirement.

Mr. Ernest Pepples joined Brown & Williamson Tobacco Corporation in 1972 and was appointed vice president and general counsel and became a member of the company's board of directors in 1975. He was named senior vice president in 1980. At the time of his retirement, he was responsible for the company's legislative representation and government affairs efforts including its relations with Congress.

Prior to joining Brown & Williamson, he was partner in the Louisville, Kentucky, law firm of Wyatt, Tarrant & Combs. A native of Louisville, Mr. Pepples is a graduate of Yale University and the University of Virginia Law School. He also is a member of the American, Kentucky, and Louisville Bar Associations.

Throughout his career, Ernie has served in leadership positions for a variety of boards and councils including the board of directors of the Tobacco Merchants Association of Princeton, New Jersey, and the Kentucky Tobacco Research Board of Lexington, Kentucky.

Now, in recognition of his retirement from Brown & Williamson and the tobacco industry after 30 years of service, I believe he should be duly recognized by this body for his integrity and personal efforts to find common ground on many difficult issues. Indeed, Ernie developed a reputation as a leading expert on regulatory and business issues involving not only tobacco manufacturers but also tobacco growers, suppliers, consumers, wholesalers and retailers. My district in Georgia has been a direct beneficiary of Ernie's talent.

It is with this background that I say thank you Ernie for his dedication and service over the years and congratulate him on an outstanding career. He has worked hard for his home state of Kentucky, Georgia and the entire tobacco community within our country. Those of us who have been privileged to work with Ernie will miss his hard work, honesty, and dedication. We will also miss his great smile.

Congratulations Ernie on an outstanding career and best wishes to you and your family upon retirement.

HONORING OSCAR FELDENKREIS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, it is my very great pleasure to warmly congratulate Oscar Feldenkreis on being honored for receiving the National Community Service Award by the Simon Wiesenthal Center.

Oscar Feldenkreis has become a successful entrepreneur and civic leader in the South Florida community. Following the wonderful example of success established by his father, Simon Wiesenthal Center Trustee and Miami leader, George Feldenkreis, Oscar diligently worked to build his empire in the apparel field. He began his career while still a student in high school, first in retail sales and then working at the headquarters of Supreme International, the company his father started. He has been President and Chief Operating Officer of Perry Ellis International since 1992.

Oscar is actively involved with the State of Israel Bonds for which he has served as president of the Cuban Hebrew Division. He has devoted his time and attention to the Greater Miami Jewish Federation, Temple Menorah and the Lehrman Day School and is currently the chairman of the Florida Israel Chamber of Commerce.

First and foremost of all his accomplishments, he is the proud and loving father of three beautiful daughters (Jennifer, Erica and Stephanie) and is deeply devoted to his wife, Ellen. I want to join with his family, friends, and colleagues in celebrating this outstanding honor and I wish him every future success.

TRIBUTE TO DOMINIK HASEK

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. QUINN. Mr. Speaker, I rise today to thank the greatest goaltender of all time, Dominik Hasek, for his most generous gift to the city of Buffalo, NY. Yesterday, the Dominator provided $1 million—the largest single donation ever by a Buffalo athlete—to establish his own charitable foundation called Hasek's Heroes. The money will be used to create a hockey and skating program for underprivileged Buffalo youth.

The program, to go into effect in September, will be overseen by a board of directors and operated by the Community Foundation for Greater Buffalo. The program will include a USA Hockey-certified coaching staff, and will initially be open to children ages 6–14.

The plan is to expand the program to those 18 and younger and establish teams that will play a competitive schedule throughout the region.

In closing, I want to once again thank the Dominator for becoming a Donator, and as a loyal Sabres fan I look forward to watching him shutdown the rest of the Eastern Conference in the upcoming NHL playoffs.

A TRIBUTE TO PHILIP COYLE, PENTAGON TESTING CHIEF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Mr. Philip E. Coyle III, who recently left government service after six years as Director of Operational Test and Evaluation in the Department of Defense. Since he was confirmed in 1994, Mr. Coyle provided the leadership that sought to ensure that our men and women in uniform can feel confident in their safety while using the increasingly complex and deadly weapons systems being developed for the 21st Century.

Before joining the Pentagon in 1994, Mr. Coyle spent 33 years in service at the Lawrence Livermore National Laboratory in California, where he was involved in the nuclear weapons testing program. From 1981 to 1984, he was named Associate Director for Test, and from 1987–93 he served as Laboratory Associate Director and Deputy to the Laboratory Director. He was also Principal Deputy Assistant Secretary for Defense Programs in the Department of Energy under President Carter.

Since taking over the chief tester job, Mr. Coyle made a reputation for being pragmatic, balanced, knowledgeable, and candid. He has been called upon to effectively test jet fighters that can turn tighter, fly faster and be more stealthy than anything produced by this nation in the past. He has worked with the designers of our National Missile Defense program to devise tests that can gauge the success rate of a system that is often referred to as "hitting a bullet with a bullet." And he has helped ensure that a myriad of other planes, ships and land vehicles operate as effectively and safely as possible, both during training and in actual engagements.

The American military is the most advanced, strongest and best trained in history. Our soldiers, sailors, Marines and pilots are always ready to put their lives on the line to defend our nation and to protect freedom around the world. Their dedication and professionalism is respected and emulated by friend and foe alike. To a very great degree, their confidence in taking up the cause of freedom is based on their faith in the equipment we have provided them. And that faith is based on the knowledge that Mr. Coyle and his testers have done everything in their power to ensure that this equipment will respond when it is most needed.

Mr. Speaker, Philip Coyle has been named the recipient of the "Beyond the Headlines" award by the Project on Government Oversight public interest group, honoring his years of public service behind the scenes. His dedication to the safety and success of those who defend our nation surely makes him deserving of such an award. I ask my colleagues to join me in similarly recognizing him as a valuable public servant, and wish him well in his future endeavors.

BUCKEYES

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate the Ohio State University Women's Basketball program, which on Wednesday night concluded in dramatic fashion its 2001 season by winning the Women's National Invitation Tournament.

The Buckeyes have displayed extraordinary mettle and determination throughout the course of their season, overcoming incredible odds just to reach the postseason. A string of injuries, including the loss of last season's Big Ten Freshman of the Year LaToya Turner, would cause most teams to fold their tents. With a depleted roster, the Buckeyes were forced mid-season to recruit a soccer goalie and a volleyball player just to field enough players to practice.

However, last night in Albuquerque, in front of the largest—and perhaps most hostile—crowd in WNIT history, the Buckeyes indomitable spirit prevailed. Ohio State came back from a twelve-point deficit to capture the WNIT crown, as well as the hearts and imaginations of Buckeye fans nationwide.

While it is important to recognize the achievement of Coach Beth Burns, and the performances of Tournament MVP Jamie Lewis and All-Tournament Selection Courtney Coleman, the Buckeye's victory is best viewed as a celebration of teamwork and camaraderie, and reminds us all of the purity inherent in college athletic competition.

Again, congratulations to the Ohio State Women's Basketball team, and thank you for your inspiring and extraordinary season.

TRIBUTE TO OFFICER TERRY FOSTER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to mourn the loss of a dedicated police officer, loving husband, father and hero to our community. Only three weeks away from retirement with the Independence, Missouri Police Department, Police Officer Terry Foster gave his life on March 18 while in the line of duty.

Officer Foster was a life long resident of the Greater Kansas City Area and a 32 year veteran of the Independence Police Department. Officer Foster began his service to the Department in 1968, and worked his way up through the ranks to become a detective. Ten years ago he decided he would return to patrol duty, where he felt the community needed him the most. Terry Foster is best remembered by his peers as a people person who always took time to listen. His fellow officers describe him as a genuinely nice guy whose strong work ethic and friendly smile made him a mentor to many of the department's younger officers. "He was a man that did his job well," said Independence Detective Carl Perry, "He's going to be sorely missed."

Terry Foster is the fifth Independence police officer and the first since 1966 to lose his life in the line of duty. This past Thursday, March 22, family, friends, and police officers from across the nation and my community came together to recognize the valor and courage of Officer Terry Foster, and lay his body to rest. "The hundreds of officers who attended the funeral did so out of respect for a man who honored their profession," said Sidney Whitfield of the Jackson County Sheriff's Department. For the first time in 25 years, the Independence Police Department posthumously awarded Officer Terry Foster the department's medal of valor, which is the highest honor the department can bestow upon an officer.

In the days following this tragic event, our community and the national law enforcement community joined together to mourn the loss of this outstanding man. Officer Terry Foster sacrificed his life for the greater good. Independence Mayor Ron Stewart, a former Independence police officer, described Terry Foster as an officer on the front lines of public service. "As police officers we are charged with providing that first line of defense. He laid his life on the line for his fellow man," said Mayor Stewart. The commitment of Officer Foster leaves a lasting legacy that will further our genuine appreciation and deep gratitude to those who have dedicated their lives to protect and serve. Terry Foster's service to our community will never be forgotten. He made a difference in our lives. May we learn from his tragic death that every day police officers and firefighters risk their lives, and their families may sacrifice a loved one for the safety of all of us. Mr. Speaker, I ask the House to join me in saluting this heroic man and extending our condolences and gratitude to his wife Debbie, son, Christopher, daughter, Lori, step-son, Bryan, father, Albert, his beloved dog, Cassie Earlene, and the Independence Police Department.

TRIBUTE TO ROY F. NARD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Roy F. Nard.

Roy F. Nard was born on May 28, 1923 to James A. and Mary E. Parrish Nard. Besides his wife, formerly Virginia A. Smith, whom he married in 1948, he is survived by two sons, Roy F. Jr. and Kenneth Sr.; a daughter, Barbara Sepesy; and five grandchildren. Mr. Nard's two brothers, Michael and James, are deceased.

Roy worked for 35 years as a roll turner for Youngstown Sheet & Tube and LTV Steel prior to his retirement in 1979. Not only was he a contributing member of the Youngstown community, but also a loyal servant to his country. A veteran of World War II, he served in the elite Ranger Division and fought for our nation's freedom.

He had a tremendous love for America's pastime, baseball. He devoted much of his time to coaching and managing teams in the Kiwanis Little League and Youngstown Pony League. A man with vision, Roy co-founded the Youngstown Babe Ruth Baseball League. In addition to this accomplishment, he was a member of Ohio Football High School Officials Association for 22 years.

His passion for sports drove him to volunteer as an assistant baseball coach and equipment manager for the football team at Cardinal Mooney for 16 years. His remarkable contributions to the school's athletic programs were rewarded in 1996 with his induction into the Cardinal Mooney Hall of Fame.

The lives of many were enriched by Mr. Nard's life. He always took the time to make people feel extra special with a kind word or a warm smile. He was a wonderful friend and all who knew him looked up to him. Roy F. Nard will be sorely missed by the Youngstown community. I extend my deepest sympathy to his family.

HONORING KENNETH CARPENTER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. DEUTSCH. Mr. Speaker, I rise to honor the lifetime achievements of one of Florida's most active nature enthusiasts. Kenneth Carpenter, a retired Air Force lieutenant colonel and businessman, died Monday, February 5, 2001 at his home in Oakland Park at the age of 88. Mr. Carpenter was a lifelong outdoorsman and devoted countless hours to developing a 65 mile section of the Florida National Scenic Trail. He will be dearly missed by his community.

Mr. Carpenter was born on September 14, 1912 in Synder, Illinois and married Thelma Danner on September 11, 1935. He graduated from the University of Illinois in 1936 with a degree in education and then obtained his master's of arts degree from Ohio State University in 1937. He was a dedicated teacher whose career was interrupted twice so he could serve his country in World War II and the Korean War.

After retiring from the armed forces in 1961, Mr. Carpenter moved to Ft. Lauderdale and opened an auto supply store and later became a residential realtor. However, he gave up all of his business affairs to devote the rest of his life to canoeing and hiking the Florida and Appalachian Trails, a feat he accomplished at 78. Mr. Carpenter was a trail coordinator for the Broward County chapter of the Florida Trail Association and even during his struggle with cancer continued to make plans and attend meetings concerning the Florida Trail. Further treks have lead him to Peru, Colorado, Minnesota, Utah, and the Yukon. Mr. Speaker, Broward County will be forever grateful for the trails blazed by Mr. Carpenter, and will dearly miss his community leadership.

INTRODUCTION OF H.R. 1289: THE REGISTERED NURSES AND PATIENTS PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LANTOS. Mr. Speaker, today with my distinguished colleagues, JAMES MCGOVERN of Massachusetts and HILDA SOLIS of California, I introduced H.R. 1289—legislation that would restrict the ability of hospitals, including hospitals operated by the Veterans' Administration, to require registered nurses to work mandatory overtime hours as a normal course of business. Increasingly, hospitals and other employers in the health care field are requiring their employees to work overtime. Our legislation—the Registered Nurses and Patients Protection Act—would stop that unsafe and exploitative practice.

The Fair Labor Standards Act grants nurses the right to receive overtime compensation even though they are licensed professionals, but it does not limit the amount of overtime that nurses can work, nor does it permit them to refuse mandatory overtime. Our legislation would change that inequity. Under our bill, mandatory overtime for licensed health care employees (excluding physicians) would be prohibited. The bill amends the Fair Labor Standards Act to prohibit mandatory overtime beyond 8 hours in a single work day or 80 hours in any 14 day work period. The legislation provides an exception in cases of a natural disaster or a declaration of emergency by federal, state or local government officials. Voluntary overtime is also exempted.

Mr. Speaker, no employer should be allowed to force an employee to work overtime or face termination, unless there is a situation that requires immediate emergency action. In other cases, employees should have the right to refuse overtime. If workers are physically and psychologically able to work additional hours, that should be their choice; it should not be the decision of a supervisor or hospital administrator.

In the health care field, the issue is not just employees' rights. More importantly, it is an issue of patient safety. When nurses are forced to put in long overtime hours on a regular basis against their own better judgment, it puts patents at risk. A nurse should not be on the job after the 15th or 16th consecutive hour, especially after he or she has told a supervisor "I can't do this, I've been on the job too many hours today."

Mr. Speaker, nursing is a physically and mentally demanding occupation. By the end of a regular shift a nurse is exhausted. Health care experts and common sense tell us that long hours take a toll on mental alertness, and mandatory overtime under such conditions can result in inadvertent and unintentional medical mistakes—medication errors, transcription errors, and judgment errors. When a nurse is tired, it is much more difficult to deliver quality, professional care to patients. Increasingly, however, nurses are being forced to work 16, 18, or even 20 consecutive hours in hospitals all across our nation.

Studies have shown that when a worker (especially a health care worker) exceeds 12 hours of work, and is fatigued, the likelihood that he or she will make an error increases. A report of the Institute of Medicine on medication errors substantiates these common sense assumptions. The report states that safe staffing and limits on mandatory overtime are essential components to prevent medication errors.

An investigative report by The Chicago Tribune found that patient safety was sacrificed when reductions in hospital staff resulted in registered nurses working long hours of overtime because they were more likely to make serious medical errors. The report found that nursing services were deliberately cut in order to preserve historic profit levels.

Mr. Speaker, I am delighted to report that this legislation has broad support from the individuals most involved in this matter and the associations and organizations that represent them. These include the American Nurses Association (ANA), the California Nurses Association (CNA), Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME), the Black Nurses Association and others. It is also supported by the American Federation of Government Employees (AFGE), which represents nurses and health care workers at our nation's veterans' hospitals.

Mr. Speaker, we need to give nurses more power to decide when overtime hours hurt their job performance. A nurse knows better than anyone—better than his or her supervisor and certainly better than a profit-driven hospital administrator—when he or she is so exhausted that continuing to work could jeopardize the safety of patients. You don't have to be a brain surgeon to know that forcing nurses to work 12 or 16 hours at a time is a prescription for bad health care.

Mr. Speaker, we cannot continue to allow hospitals to force nurses to work so many hours that the health and safety of patients are put at risk. I urge my colleagues to join me as a cosponsor and support the Registered Nurses' and Patient's Protection Act.

TRIBUTE TO THE LATE BRUCE F. VENTO

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Ms. McCOLLUM. Mr. Speaker, I submit to the RECORD my tribute to a wonderful man; an outstanding Member of this body for 24 years; my Congressman, my teacher, my mentor, and my dear friend—the late Bruce F. Vento.

Because of his leadership the working families of Minnesota—of America—are stronger. Our land and our lakes, our rivers and our streams are cleaner; our air is better. He gave us, our children, and future generations the Boundary Waters Canoe Area, and the Minnesota National Wildlife Refuge—thousands and thousands of acres of pristine environment that will fill our lives with weekends where the only sounds we hear will be "the sounds of the canoe paddle dipping, the winds wafting, and the birds singing . . ."

Bruce Vento gave a voice to those without one; a shelter for those without a home, at a time when it was not the popular thing to do so—homeless people, after all, rarely vote. But because of the McKinney-Vento Homeless Assistance Act, families down on their luck, are given a second chance.

Bruce welcomed and worked tenaciously to bring our newest neighbors fully into our community—the Lao-Hmong. Because he did so, St. Paul and our State is a richer, more tolerant, and more prosperous community.

Bruce Vento was the very embodiment of public service; a civics lesson personified. Each day he rose without fanfare, "to make people's lives better, to provide opportunity—to give them hope."

When I first met Bruce, he was my Congressman. He quickly became a friend and a mentor to a young Mom who sought to make a difference in her community. Bruce taught by example, and his example was always to do the right thing. We shared a belief that strong communities begin with our families. The essence of Bruce Vento began with his family. His parents, Frank and Anne, to this day speak to their children, grandchildren, and the great grandchildren with the boundless love, caring, and compassion—of their Minnesota family values. Values that helped them raise their eight children to work hard and care deeply.

Bruce always put our families, children, and seniors first. Those of us he represented weren't his constituents—we were his friends and neighbors. A weekend couldn't pass that you didn't run into him having morning coffee at Serlin's, or getting his hair cut at Falzone's—or maybe join him for lunch at Yarusso's. He always had time to listen, and—if you had the time—he would offer some friendly advice, or give some historical perspective. He was, always first, the teacher.

As our career paths crossed, Bruce continued to teach and to mentor all he came in contact with. Even as his days grew shorter, he still chose to teach. He taught all of us what it means to be a truly good and decent man. It would have been so easy, and so understandable, for Bruce to turn inward and treasure his remaining time with his family. Bruce would have none of it. Instead, he recognized his challenge was but another lesson to be taught—this time in the lessons in living his final days with dignity and grace.

As the accolades poured in for a life committed to public service, you could see the pride his son's, Michael, Peter, and John took in the adulation an appreciative community and country had for their father. The renaming of his boyhood Eastside school to the Bruce F. Vento Elementary School teaches our newest Eastsiders the value of public service. The Vento Trail, which meanders through the natural creekbed of a St. Paul gone by, affords all of us from the city and the suburbs a respite from our everyday lives. A scholarship fund established by Bruce, himself, will enable our young aspiring science teachers to realize their dreams—and share their knowledge with our future: our children.

Perhaps the most meaningful tribute to this "great man," who "being a true Eastsider never told us he was," were the phone calls to the radio call-in shows that brought wishes of good health from his former students of thirty years ago. Each began, "Mr. Vento, you may not remember me—but I was a student of yours, and I just want to tell you what a difference you made in my life . . ." Those touched his heart, and told him to teach one more time the joys, the value, the necessity of giving of one's self—the essence of Bruce Vento, the public servant.

I am deeply honored and humbled to stand here today as Bruce's successor. I am committed to represent as ably as this great man did the constituents of Minnesota's Fourth Congressional District. As I cast my votes here in this august Chamber, I do so with a clear and present knowledge that I do indeed have a guardian angel always and forever guiding me with his compassion, his wisdom and his strength. Forever teaching. Thank you, Bruce.

I submit to you, Mr. Speaker, four items that capture the essence of Congressman Bruce F. Vento; a man who represented all of us from the Eastside of life who believe that hard work, family values, educational opportunity, and a commitment to a greater community are the keys to a happy and successful life.

[From the Saint Paul Pioneer Press, June 30, 2000]

BRUCE VENTO JUST ANOTHER GUY FROM THE EAST SIDE WHO WENT ON TO DO GREAT THINGS

(By Garrison Kellor)

There was a dinner in Washington, D.C., Tuesday night to honor a guy from St. Paul's East Side.

The president dropped by and dozens of U.S. representatives, Republicans and Democrats. And at the end, when the guy from the East Side stood up to say his piece, he got a long, long standing ovation. You could have gone around the room and stolen everyone's dessert, they were so busy applauding him.

U.S. Rep. Bruce Vento, a modest man and a hard worker, is stepping down after 24 years representing the 4th Congressional District, and I must admit I voted for him all these years because I'm a yellow-dog Democrat and he's a Democrat. So now I'm a little taken aback to see what a good man he is who I unthinkingly supported all these years.

This isn't how our civics teachers taught us to exercise the franchise, but a person doesn't have oceans of time to study up on candidates. I sure don't. I heard Mr. Vento speak once years ago, speak very movingly about the problem of homelessness and about the importance of wilderness, and that was good enough for me. But if he had stood on his hind legs and barked, I still would have voted for him.

Wilderness preservation and the plight of the homeless are not issues that pay a big political bonus. You become a wilderness advocate and you're going to be hung in effigy and yelled at by large men in plaid shirts. Homeless people tend not to turn out in numbers at the polls.

But Mr. Vento applied himself to the issues he cared about, did his homework, made the round of his colleagues, carried the water, dug the ditches, fought the good fights, made the compromises, and wrote landmark legislation that became law and that made a real difference in the world. And I'm not sure how many of us in St. Paul are aware of this.

There have been only three congressmen from St. Paul in my memory, and that covers 50 years. Gene McCarthy, Joe Karth, Bruce Vento—all DFLers, all good men and all of them got to Congress on the strength of yellow-dog Democrats like me. They got re-elected simply by doing their job, representing working people, speaking the conscience of the Democratic Party, and applying themselves to the nuts and bolts of Congress.

A political party serves a big function that TV or newspapers can't. It pulls in idealistic young people, puts them to work in the cause, trains them, seasons them, and gives the talented and the diligent a chance to rise. If it can produce a Bruce Vento, then a party has reason to exist, and if it can't, then it doesn't. Simple as that. Then it fades, as the DFL has.

People say it's inevitable for political parties to fade, part of the loss of the sense of community, blah blah blah, that people are cynical about politics and more interested in lifestyle and media and so forth, but we are poorer for the loss of parties and the devaluation of endorsement.

Bruce Vento never could've gotten elected in a media-driven campaign, the sort in which high-priced consultants and media buyers spend 15 million bucks to make the candidate into a beautiful illusion.

Mr. Vento is the wrong man for that kind of politics. His eyebrows are too big; he isn't cool enough. He is a modest and principled and hard-working guy, but you couldn't put this over in a 30-second commercial. He managed to get to Congress because there was a strong DFL Party that endorsed him, and so voters like me pulled the lever and gave Mr. Vento the wherewithal to be a great congressman. Which he, being a true East Sider, never told us he was. But which I now think he was.

Unknowingly, we did something great in sending him there. And our partisan loyalty gave him the freedom to take on thankless tasks, like protecting wilderness and dealing with the homeless.

I sat in the back at Mr. Vento's dinner and thought what a shock it is when you realize that the country is in the hands of people your own age. You go along for years thinking it's being run by jowly old guys in baggy suits and then you see that the jowly old guys are people you went to school with.

Mr. Vento is about my age, and I feel for him. He is fighting lung cancer and it has taken its toll on him. He looks haggard but game. His three boys were at the dinner in Washington, and their wives, and the event felt like a real valedictory. If Mr. Vento had wanted to make us all cry into our pudding, it wouldn't have taken much.

But he was upbeat and talking about the future and about national parks and the decoding of the human genome and saying, "All we need to do is take this new knowledge and apply it to public policy," and thanking everybody and grinning, and you had to admire him for his command of the occasion.

A man who is desperately ill and on his way out of public life stages a dinner that raises money for a scholarship fund for teachers. Bruce Vento is a man of great bravery and devotion and foresight who represented us nobly in Congress, whether we knew it or not.

[From the Saint Paul Pioneer Press, Oct. 11, 2000]

HE WORE A BLUE COLLAR AND A WHITE HAT

Rep. Bruce F. Vento's last Christmas card pictures a smiling, healthy appearing grandfather at a baseball outing with the little folks. There's no hint of his lofty position as a member of Congress from Minnesota's 4th District. The card is an ordinary photo holiday greeting hand-signed simply with "Bruce." The image is a wonderful one for remembering Vento, who died Tuesday at age 60 of lung cancer.

Vento was a straightforward man, rooted in St. Paul from first to last. He was a talker and a fighter, a partisan and a patriot, a union man and sophisticated scientist. Vento was the only congressman a generation of 4th District residents has ever known. He was first elected in 1976 and served 12 terms.

In the majority and as a powerful chair of the Natural Resources Subcommittee on National Parks, Forests and Public Lands for more than 10 years, Vento reached the peak of his national influence on the future of the country's wild places. His work there resulted in protection of hundreds of thousands of acres of public land—ranging from the Boundary Waters Canoe Area Wilderness to the Minnesota National Wildlife Refuge—and the enactment of more than 300 laws preserving the environment.

He served as chair of the House Task Force during the savings and loan crisis of the 1980s. Vento was a champion for programs to shelter the homeless, for human stewardship in the natural world. Vento's last major legislative accomplishment was the special Hmong citizenship law signed by President Clinton this year.

When Vento announced in February that he was ill with mesothelioma, the bread he had cast on the waters started coming back. The cards and prayers, the honors and affection, Vento said, were at first surprising and overwhelming. From personal cards, much like his simple Christmas greetings, to the renaming of East Consolidated as Bruce F. Vento Elementary School, the community Vento served hoped to express respect and gratitude. That respect will live on through a scholarship fund established in Vento's honor for college students who intend to become science teachers. It also will live on in a trail named for him in recognition of his enthusiasm for bicycling.

He accepted the affection with grace and dignity, while never losing the trace of whimsy that accompanied Vento the Substantial Man. He was given to dark business suits lightened by ties that said not all of life is serious. During the height of the Snoopy on Parade frenzy in St. Paul this summer, for instance, the congressman appeared at the Minnesota AFL–CIO Convention wearing a Snoopy tie.

Vento's public career began as a teacher, extended into service in the Minnesota Legislature and then nearly 24 years in Congress.

Although Vento was a technical master of the art of lawmaking in such arcane specialities as banking reform, he remained deeply committed to the kind of public service where working for ordinary families' dreams and hopes was more than a biennial campaign slogan. It was a high calling, well-answered by Bruce Vento.,

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[From the Saint Paul Pioneer Press, Feb. 3, 2000]

A MAN OF THE PEOPLE—BRUCE VENTO'S LEGACY ETCHED BY SERVICE

As U.S. Rep. Bruce Vento of St. Paul takes on the challenges of treatment for lung cancer caused by asbestos, the affection of the people he has served in the East Metro area is sure to be returned. Ours included.

May the best of medical care and the best of wishes from the many people he has supported in tough times help Vento prevail in this campaign to regain his health.

Vento, who has been commuting to work in Washington since 1977, announced Wednesday he will retire at year's end and is undergoing cancer treatment.

Vento has served the Fourth Congressional District of Minnesota, the natural world, the hard-pressed communities of the homeless, the young and the needy with a personal passion to improve the quality of life. He has gone about his work always with great heart and mastery of the arcane art of legislating.

Vento is an Old Democrat in a New Democrat era. His reliable fidelity to ideals and to people who get their hands dirty at work will be missed. To this day, his resume always notes that he worked as a laborer, a mailroom clerk for this newspaper, a shop steward and a teacher before getting a job that put him in charge of more vast stewardships. Those include oversight of all America's public lands and helping to rescue the financial system from the ruin of the savings and loan debacles.

Vento's career in Congress, and before that in the Minnesota Legislature, represent an old-fashioned sense of public service in a new-fashioned and too-slick political era. He knew what private-public partnerships were before the concept became a sound bite for the ambitious. And he has never been afraid of a fight when the issue and the people matter deeply.

The Reagan and Bush administrations were the source of frustration for the man from the Fourth. When the Democrats were thrown into the congressional minority in 1994, Vento found new rules but always kept his eye on the prize of Democrats retaking the reins. He noted with each election how much the Republican majority had narrowed. This year, Vento will not be in the equation for a Democratic House. Larger things have taken over. But his mark will stand fast.

An afternoon with only the sounds of the paddle dipping, the wind wafting and the birds singing in the Boundary Waters Canoe Area is the melody Bruce Vento makes in the woods of a public policy. So is the animated, personal Vento chatting with all comers at the Labor Day picnic.

Godspeed, Congressman Vento.

[From the Hill, Feb. 8, 2000]

Godspeed, Congressman Vento

The premature departure from Congress of Rep. Bruce Vento (D-Minn.) because he has been diagnosed with lung cancer will deprive the House of Representatives of one of its most dedicated, effective and popular members.

Vento, who is retiring in December after 24 years in Congress, stunned and saddended his colleagues and his St. Paul district when he disclosed last week that he has a type of cancer caused by exposure to asbestos. His doctors at Minnesota's famed Mayo Clinic have recommended an aggressive course of treatment that will make it impossible for him to run for a 13th term.

The 59-year-old St. Paul lawmaker's announcement that he will end a 30-year public service career, which began when he was elected to the Minnesota Legislature in 1971, triggered an outpouring of tributes and prayerful concern from lawmakers on both sides of the aisle. President Clinton and Vice President Gore, who came to Congress the same year as Vento, also issued statements of praise and concern.

None was more poignant than that from his fellow Minnesota Democrat, Jim Oberstar, who noted, "I lost my wife, Jo, to breast cancer, so Bruce's disclosure that he too is fighting cancer hits close to home. Bruce has spent the past 24 years in Congress fighting for working people, and now he is in a fight for his life."

Even though they often clashed over the issue of federal control of northern Minnesota's pristine Boundary Waters Canoe Area Wilderness, Oberstar called Vento "a dear friend of mine" and "an exceptional public servant."

Rep. Jim Leach (R-Iowa), chairman of the Banking and Financial Services Committee on which Vento serves, praised him for his leadership on federal banking policy. He called the former high school science teacher and union shop steward "a citizen/legislator: an educator who came to Capitol Hill and gave Congress a civics lesson."

But Vento's greatest legislative achievements have been those he made as chairman and later ranking member of the Resources Committee's Parks and Public Lands Subcommittee. "I cannot think of another person who has done more to protect America's national parks," said the Sierra Club's executive director, Carl Pope. "Protecting our nation's natural heritage is a passionate love for him."

Vento's hometown newspaper, the St. Paul Pioneer Press-Dispatch—where he once worked as a mailroom clerk—called him "an Old Democrat in a New Democrat era" who exemplified "an old-fashioned sense of public service in a new-fashioned and too-slick political era."

Noting that Vento will not be part of the Democrats' fight to regain the House, the newspaper added a poetic tribute: "Larger things have taken over. But his mark will stand fast. An afternoon with only the sounds of the paddle dipping, the wind wafting, and the birds singing in the Boundary Waters Canoe Area is the melody Bruce Vento makes in the woods of public policy. . . . Godspeed, Congressman Vento."

CORRUPTION SCANDAL ENGULFS INDIAN GOVERNMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. BURTON of Indiana. Mr. Speaker, the world has been shocked by the recent news stories about a corruption scandal that has engulfed the Indian government. Already, the president of the ruling BJP and the Defense Minister have been forced to resign after they were caught taking bribes from two internet news reporters posing as arms dealers in regard to a fake defense contract. The opposition is calling for the government to resign.

The resignation of Defense Minister George Fernandes is no loss for friends of democracy. Mr. Fernandes is the man who led a meeting in 1999 with the Ambassadors from China, Cuba, Russia, Libya, Serbia, and Iraq aimed at putting together a security alliance "to stop the U.S." This meeting was reported in the May 18, 1999 issue of the Indian Express.

Those of us who have been following Indian and South Asian issues are not surprised. The Indian Government has demonstrated many times before how deeply it is infected with corruption. In India, people have come up with a new word for bribery. They call it "fee for service." It has become necessary to pay a fee to get government workers of any kind to deliver the services that they are mandated to provide. In November 1994, the newspaper Hitavada reported that the Indian government paid Surendra Nath, the late governor of Punjab, $1.5 billion to generate terrorist activity in Punjab, Khalistan, and in Kashmir as well. This is in a country where half the population lives below the international poverty line. Forty-two percent of the people live on less than a dollar a day and another forty-two percent live on less than $2 per day.

In India, corruption is endemic as is tyranny against minorities. Christians, Muslims, Sikhs, and others have been subjected to violence, tyranny, and massive human-rights violations for many years. Christian churches have been burned. Priests have been killed, nuns have been raped, and many other atrocities have been committed with impunity. Muslims have been killed in massive numbers and the ruling party has destroyed mosques. The Indian government has killed Sikhs. Religious pilgrims have been attacked with lathis and tear gas. This is just a recent sample of the atrocities against minorities in India.

Mr. Speaker, India is a significant recipient of American aid. Why should the taxpayers of this country pay taxes to support the corruption and tyranny of the Indian Government? There is, however, something that America, as the world's only superpower, can do about it. America can stop sending aid to India and support self-determination for the people of Khalistan, Kashmir, and Nagalim. Let us take these steps to free the people of the subcontinent from corruption and brutality.

Mr. Speaker, I insert into the RECORD an article from the current issue of The Economist about the latest Indian Government bribery scandal. I commend it to all my congressional colleagues who care about spending our foreign aid dollars wisely.

[From The Economist, Mar. 24, 2001]

India's Corruption Blues

THOUGH IT MAY WELL SURVIVE THE LATEST CORRUPTION SCANDAL, THE AUTHORITY OF THE LEADING PARTY IN THE GOVERNMENT IS BADLY DENTED

Fatalism is ever present in India, and the government in Delhi seems to be hoping that a popular belief in the inevitability of corruption will help it survive the biggest scandal of recent times. That hope seems well founded. But whether the government will regain the authority it needs to pursue its two main initiatives—economic reform and peace in Kashmir—is much more doubtful.

The uproar over the release of videotapes last week showing top politicians and officials taking bribes from two Internet news reporters posing as arms dealers has reached a noisy impasse. The defence minister, George Fernandes, has resigned, though he remains "covener" of the 18-party ruling National Democratic Alliance. The NDA has lost one member, the Trinamul Congress party of West Bengal, but remains sure enough of its majority to dare the opposition to bring a no-confidence vote in Parliament. The opposition, equally sure of its minority, has declined. Instead, it has blocked parliamentary proceedings for a week, relenting long enough only to allow money to be voted for the state to continue functioning.

Both sides have converted an occasion for shame into one for self-righteousness. Sonia Gandhi, leader of a suddenly alert Congress party, vowed at its plenary meeting in Bangalore to "wage every war" to "ensure that this country is liberated from the shackles of this corrupt, shameful and communal government". But she herself was wounded when her own personal assistant came under investigation in a separate scandal. The prime minister, Atal Bihari Vajpayee, has blended penitence with defensiveness. He has promised a judicial probe into the allegations, and a clean-up. But, in a television address on March 16th, Mr. Vajpayee reserved the word "criminal" to describe the hurling of allegations, not the behaviour alleged.

It is true that tehelka.com, the enterprising website that armed its reporters with cash and spy cameras, used surreptitious means to persuade a variety of officials, generals and politicians to accept a total of 1.1m rupees (about $24,000) in bribes and gifts. It is also true that some of the most serious allegations made against Mr. Fernandes and Brajesh Mishra, the prime minister's top aide, among others, are unsubstantiated gossip. But they have concentrated discussion on how many more heads will roll and when.

The real import of the tapes is the evidence they give that corruption is the norm, not the exception, at every level of public life. This does not surprise Indians, who are expected to bribe everyone, starting with traffic policemen. India is beset by what some call a crisis of governance, which compromises nearly every public service, from defence to the distribution of subsidised food to the generation of electricity. Tehelka.com has simply rubbed Indians' faces in it.

Politicians, in honest moments, admit this. Kapil Sibal, a prominent member of Congress, says "the system is thoroughly corrupt." Pramod Mahajan, the minister of information-technology and a member of Mr. Vajpayee's Bhraratiya Janata Party (BJP), thinks the voters face a choice "not between good and bad. It is between bad and worse."

With turpitude so common, removing one group of parties from power would not solve the problem. Given a chance to fight political corruption, Parliament usually ducks it. It now wants to shear the Central Vigilance Commission, the main body implementing anti-corruption law, of its role overseeing investigations of politicians.

The problem begins, says N. Vittal, the central vigilance commissioner, with the 40% of the economy that is unaccounted for. Indian democracy runs on this murky money. The total cost of a campaign for a parliamentary election has been estimated at 20 billion rupees (around $430m), which is often paid for by undeclared donations of the sort proffered by tehelka.com. Reformers such as Mr. Vittal want such donations to be declared and made tax deductible. Some also want the Election Commission to give the voters information about candidates' criminal backgrounds, as Delhi's High Court has directed. But that reform may also be stopped: the government has appealed against the decision. No one in power seems to back the promised cleaning.

Mr. Vajpayee's immediate concern is the fate of his closest advisers, widely resented for accumulating power in the prime minister's office at the expense of other ministries. On March 19th, Mr. Mishra and N.K. Singh, his top economic adviser, called a press conference to defend themselves against claims that they had improperly influenced decisions on deals in telecoms, power and, in Mr. Mishra's case, defence equipment. Pressure for their dismissal, from some of Mr. Vajpayee's best friends, is mounting. A fiercely right-wing ally of the BJP, the Shiv Sena, is calling for their heads. And although the Rashtriya Swayamsevak Sangh (Association of National Volunteers), ideological big brother to the BJP, has withdrawn its calls for their removal, it has done so only for fear of destablishing the government.

The departure of Mr. Mishra and Mr. Singh would probably blunt the government's drive for economic reform. Even if they stay, Mr. Vajpayee will have trouble enacting the most controversial but valuable elements of the reforms announced along with the budget last month. These include privatisation and making labour law more flexible. The labour reform requires the approval of Parliament's upper house, where the government lacks a majority. The crisis may also strengthen the home ministry, thought to be more reluctant than the prime minister's advisers to make gestures to separatists in Kashmir. If Mr. Vajpayee survives the tehelka scandal, he may begin to ask himself what, exactly, he is in power for.

COMMEMORATING DOCTOR'S DAY AND THE IMPORTANCE OF COUNTRY DOCTORS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise today to commemorate March 30, Doctor's Day, and the essential role that the medical profession plays in our country. Although we all visit doctors regularly, many times we fail to properly recognize their dedication to keeping us healthy.

I grew up in rural northwest Arkansas, where small-town doctors have historically played an especially important role in health care. In fact, the community of Lincoln, Arkansas, is home to one of only two museums in the United States dedicated to the country doctor. The Arkansas Country Doctor Museum educates the public about the heroism of country doctors in Arkansas and preserves the history of medical practice in the Ozarks.

On this day when we remember the importance of the medical profession, I would like to salute the role that these country doctors have played in the well-being of our nation. We often remember these country doctors for their warm bedside manner and their home visits, but we cannot forget that they were involved in the welfare of entire communities and often sought higher medical education to better serve their patients.

Mr. Speaker, I ask my colleagues to join with me today in honoring the great tradition of country doctors throughout our country. I submit into the CONGRESSIONAL RECORD a copy of Dr. Anthony DePalma's article "Y2K: A Legacy of the Country Doctors," which appeared in the December 1999 Journal of the Arkansas Medical Society.

[From the Journal of the Arkansas Medical Society, Dec. 1999]

Y2K: A LEGACY OF THE COUNTRY DOCTORS

(By Anthony T. DePalma, MD)

On Friday, May 14, 1999, a memorable millennium medical moment celebrating the Y2K legacy of the country doctors occurred in Lincoln. Physician Emeritus of Washington Regional Medical Center of Fayetteville met at the Arkansas Country Doctor Museum. The museum, founded in 1994 by Dr. Harold Boyer, of Las Vegas, is one of two country doctor museums in the United States. Dr. Boyer honored his dad, Dr. Herbert Boyer, who was a country doctor in Lincoln.

The museum's mission is eloquently stated: "The Arkansas Country Doctor Museum is committed to honoring, preserving and educating the public about the history and heroism of the country doctor in Arkansas, the unique history and culture of the Ozark area and the history of medical theory and practice." It is in this spirit that Dr. Joe B. Hall "organized a special event for his colleagues in the Physician Emeritus group." The outcome, a symposium, "Lessons for the New Millennium From the Legacy of the Country Doctors," was presented by Physician Emeritus, Washington Regional Medical Foundation and the Arkansas Country Doctor Museum at the Lincoln Community Building.

Drs. Herbert Boyer, Edward Forrest Ellis, William Hugh Mock and P.L. Hathcock practiced in Washington County, and were honored at this historic event. Dr. Jack Wood spoke of recollections of his honored dad, Dr. Jesse Wood of Ashley County. The honored country doctors reflect a common concern of a noble, medical profession: commitment, care, conviction and compassion in alleviating mankind's ills and sufferings. Their dedication to patients and profession has been told in years of community service.

Dr. Herbert Boyer (Nov. 13, 1886–June 12, 1978) practiced for more than 60 years.

Dr. Edward Forrest Ellis (Aug. 18, 1863–Aug. 7, 1957) first practiced in Hindsville. He practiced there for 10 years and in 1896 moved to Springdale where he practiced until 1904 when he moved to Fayetteville. He practiced there until the time of his death.

Dr. William Hugh Mock (July 24, 1874–July 18, 1971) practiced a life-time in Prairie Grove.

Dr. P.L. Hathcock (Dec. 31, 1878–Aug. 27, 1969) practiced in Harrison in 1901 and moved to Lincoln April 10, 1902. He moved to Fayetteville in 1921 and practiced until he was 83 years old.

Dr. Jesse Thomas Wood (Dec. 25, 1878–Sept. 8, 1969) practiced in his hometown of Fountain Hill about 10 years and in Crossett for about 10 years before returning to Fountain Hill in 1943 to resume practice until three years before his death.

Additional "Lessons for the New Millennium From the Legacy of Country Doctors" are related in the following biographical excerpts:

The Lincoln Clinic started by Dr. Lacy Bean in 1936 evolved first as a maternity clinic and later an emergency center. Dr. Bean practiced here 10 years. Dr. Herbert Boyer, who practiced there until the early 1970s, followed him. Through the generosity of Dr. Boyer's son, Dr. Harold Boyer, a dermatologist, his Las Vegas colleagues and others, the Arkansas Country Doctor Museum came to fruition. Thus, the museum establishes continuity with the past, which is so important to the future of medical practice.

Dr. P.L. Hathcock followed the advice of his physician father, Dr. Alfred Monroe Hathcock, to settle in a small town and "work up." He practiced a short time with him in Harrison (U.S. Census 1900 population 1,517) after graduating from Vanderbilt University Medical School in 1901. As previously noted, he opened an office to practice in Lincoln (U.S. Census Star township [sic] population 728).

Long before continuing medical education became mandatory, the country doctor attended postgraduate sessions at metropolitan medical meccas. They knew the value of education for themselves, family and community. Apropos of medical education for men and women, "Women finally were accepted as full fledged medical practitioners in the nineteenth and twentieth centuries, but not without a struggle."

Dr. Ellis faced this discriminatory medical dilemma when a daughter declared an interest in becoming a doctor.

"Despite his love of medicine he did not see it as a proper occupation for women and absolutely forbid an older daughter, Martha, to enter medical school. However, by the time Dr. Ruth was ready to decide on a career, the world had changed and he encouraged her." She graduated in 1933 from The Women's Medical College of Pennsylvania, formerly The Female Medical College of Pennsylvania. Legally organized in 1850, the medical school was the first one approved for women in the world.

PARALLEL LIVES

Two of the honored country doctors, P.L. Hathcock and Jesse Thomas Wood, have significantly parallel lives reflecting the important legacy of family and education. Both were born the same year, 1878, six days apart and were raised in small towns. Both became country doctors and each had two sons who became physicians. Dr. P.L. Hathcock's sons, Preston Loyce and Alfred Hiram, became general practitioners with their father in Fayetteville. A son-in-law, Dr. Ralph E. Weddington, also practiced with them at the Hathcock Clinic. In 1957, Dr. Alfred H. Hathcock moved to Batesville, his wife Mary Louise Barnett Hathcock's hometown, to practice medicine. His son, Alfred Barnett, was an orthopedic surgeon specializing in hand surgery at the Holt-Krock Clinic in Fort Smith. Dr. Alfred Barnett Hathcock's son, Stephen, "Sixth Generation M.D. Blends Conventional Medicine with Alternative Remedies," practices in Little Rock.

Dr. Jesse Thomas Wood's sons, Julian Deal and Jack Augustus, became general practitioners in Seminole, Okla. Jack left for a general surgery residency. Upon completion of his training, he joined Dr. J. Warren Murry in Fayetteville. Currently, Dr. Jack Wood's son, Stephen Thomas, a third-generation M.D., is following his father's footsteps as a general surgeon in Fayetteville. Dr. P.L. Hathcock and Dr. Jesse Thomas Wood died 12 days apart in the same year, 1969.

EDUCATORS AMONG US

Educational and leadership threads were woven in the country doctor's legacy to us. Among those contributing to their profession and community were Drs. Ellis, Mock and P.L. Hathcock. Drs. Ellis and Mock were both members of the Arkansas Board of Medical Examiners and presidents of the Arkansas Medical Society. Drs. Ellis, Mock and P.L. Hathcock were active on school boards. Dr. Ellis served 15 years on Fayetteville's school board and four years as chairman. Dr. Mock was president of the school board that built the first important school structure in the Prairie Grove district. Dr. P.L. Hathcock, at 18, was superintendent and taught at the Silver Rock school he attended as a child. When Dr. P.L. Hathcock practiced in Lincoln, he was a member of the county school board.

The venerable country doctor is remembered as having a one-on-one relationship with patients. However, he was also interested in community health and welfare. Dr. Harvey Doak Wood (Jan. 8, 1847–May 13, 1938) organized the Washington County Health Office in 1913 and was public health officer in 1913–1917. The importance of public health can be appreciated in a statement he made.

"May I mention but one instance of the progress in medical practice in the 62 years that has given more comfort and a higher appreciation of the greatest of all professions is the perfection of a diphtheria antitoxin that has saved the lives of millions of human beings."

Incidentally, Dr. Wood was the 50th president of the Arkansas Medical Society; his patents included the Wood splint, a modification of the Hodgen splint with myodermic traction; and he coined more medical words than anyone else in his time. Dr. P.L. Hathcock also served as Washington County health officer for several years. With respect and deference to Dr. P.L. Hathcock, who did not like his initials spelled out, this author has refrained from doing so.

Fayetteville Ordinance 181 established a city board of health in 1906. Dr. Andrew S. Gregg (1857–1938), a country doctor and two term city alderman, was a two-term city health officer at the time of his death. He also served on the Arkansas State Board of Health. Because of a national emergency in 1944 and being without a health officer, Ordinance 877 was passed and approved April 3, 1944, designating the mayor as health officer. Ordinance 881, recreating the separate office of city health officer and repealing Ordinance 877, was passed Aug. 21, 1944. The importance of a public health officer at the city and/or county jurisdictional level cannot be underestimated. "Continued economic and population growth in Northwest Arkansas is related to the pattern and standards of existing public health practice."

"Lessons for the New Millennium From the Legacy of Country Doctors" fortunately have been recorded in literature, painting, poetry, radio and TV. Examples are: "Horse and Buggy Doctor," a historical account of the times, author Arthur E. Hertzler, M.D. (1870–1946), is the embodiment of a country doctor's life. The story was written in 1938. Milburn Stone, an actor who portrayed Doc Adams in the TV show "Gunsmoke," was asked to write the preface to the edition commemorating the author's 100th birthday:

". . . For I feel certain that Dr. Hertzler was invited into heaven, where he can spend his time watching baseball games and sharpening his championship skill with a target pistol. Yet, he may have been offered an option. Perhaps, having conquered Kansas winters, he may have challenged hell. Possibly he is riding around that region in a battered old buggy drawn by an unpredictable horse, soothing the fevered inhabitants and calling the attention of Satan and his staff to the stupidity of attempting to standardize everything."

Sir Samuel Luke Fildes' (1844–1927) painting, "The Doctor," exhibited in 1891 depicts a doctor seated near a sick child lying across two chairs at home. He is attentively observing her while the parents look on. "The Doctor" also captures a "house call" scene, which ultimately blossomed as a "home health care" perennial.

"The Healer," a poem by John Greenleaf Whittler (1807–1892) to a young physician, with Dore's picture of Christ healing the sick, elicits a comment from Sir William Osler (1849–1919): "A well-trained sensible family doctor is one of the most valuable assets of a community, worth to-day, as in Homer's time, many another man. . . ." "Few men, live lives of more devoted self-sacrifice than the family physician."

"Dr. Christian," airing 1937–1953, was the first radio medical soap later adapted to TV. Actor Jean Hersholt (1886–1956) played Dr. Christian, a humanitarian. "The good doctor was aided by his loyal nurse, Judy Price (Rosemary De Camp), who opened each show by picking up her phone with a perky, 'Dr. Christian's Office!' "

SUMMARY

Succinctly, lessons for the new millennium from the country doctors are embodied in their spirit.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

Mr. GILMAN. Mr. Chairman, I rise today in support of H. Con. Res. 83, the budget resolution for fiscal year 2002. I urge my colleagues to join in its adoption.

Our Nation now stands at a historic crossroads. After two decades of growing deficits and rising debt, the Congressional Budget Office has now projected rapidly growing surpluses for at least the next decade. The fiscal discipline enforced by the Republican Congresses since 1995 has now borne fruit.

The primary challenge now facing Congress is preventing a return to the days of deficit spending and rising debt. The FY 02 budget resolution accomplishes this and sets high but reachable goals in the areas of debt repayment and tax reduction.

In terms of debt reduction, this resolution provides for the unprecedented amount of $2.3 trillion over the next ten years, representing the maximum amount that can be retired without incurring penalties. The retirement of this substantial amount of debt will result in lower interest payment each year over the coming decade. The interest savings can then be redirected towards pressing needs or unforeseen emergencies. Moreover, the retirement of public debt will also lead to lower interest rates as it becomes "cheaper" for the Government to borrow money.

The resolution also provides for some much needed tax relief for American families. It allows taxpayers to keep roughly one-fourth of projected budget surpluses over the next ten years (28.9 percent of $5.61 trillion) through lower tax bills for all taxpayers.

Overall, taxpayers will keep at least $1.62 trillion of their earnings over the next ten years. This will be achieved primarily through four separate pieces of legislation, each accomplishing the following: retroactive marginal rate reductions, doubling the child tax credit, providing relief from the marriage penalty, and eliminating the death tax.

In terms of funding requirements, the resolution provides for many Government programs that have critical underfunded needs. Education, Medicare, Social Security, defense, and veterans. For example, it provides a 4 percent (over $5.7 billion) increase in defense spending to increase military pay, improve troop housing and extend additional health benefits to military retirees.

The budget provides a historic 12 percent increase in veterans spending for FY 2002 to address the underfunded needs, especially in the field of veterans health care, of those who served our Nation. This is a refreshing change from the veterans budgets of years past, which were often flatlined or contained only minimal increases.

The budget contains new spending authority of $153 billion for Medicare modernization, including the addition of a prescription drug benefit, and provides a reserve fund if additional Medicare modernization funds are needed. The Medicare program is in need of a major overhaul, both to reign in overall costs, and bring its benefits package more in line with 21st century health care. This budget resolution starts that process.

I am encouraged to see that this budget includes significant increases for the Department of Education, specifically, an increase for program spending of 11.5 percent for FY 2002. The budget calls for a number of increases to programs including an increase of $1 billion for Pell grants, a "reading first" initiative to strengthen early reading education, annual math and reading testing for grades 3 through 8 and a tax deduction to help teachers defray the costs associated with out of pocket classroom expenses. Although I support the majority of the budget's proposals, I am concerned with the school choice option, that will funnel Federal funds from public schools to private and religious schools and the streamlining and consolidation of a number of Federal education programs that may be lost in the shuffle.

Finally, Mr. Chairman, the budget is consistent with the provisions of H.R. 2, the Social Security and Medicare Lock-Box Act of 2001, which passed the House earlier this year. This act creates a point of order against legislation that reduces the total unified surplus below the combined total of the Social Security Trust Fund surplus and the Medicare Hospital Insurance (HI) Trust Fund surplus. Consequently, the measure creates a procedural "lock-box" protecting the Social Security and Medicare surpluses from being used for any purpose other than debt reduction until the enactment of Social Security and Medicare reform legislation.

This is a responsible budget resolution. It preserves the integrity of the Social Security and Medicare systems, makes necessary investments in Medicare, education, national security and veterans health care, provides for appropriate tax relief, pays down an unprecedented level of public debt, and sets aside a prudent reserve fund for unforeseen emergencies. For these reasons, I intend to support it, and urge my colleagues to do the same.

HOUSE OF REPRESENTATIVES—*Friday, March 30, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 30, 2001.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Roger D. Willmore, First Baptist Church, Weaver, Alabama, offered the following prayer:

Heavenly Father, we enter into Your presence with praise and adoration and thanksgiving in our hearts for who You are. We acknowledge You as our creator and sustainer. We are dependent upon You in every area of life.

Today I am asking that You would impart wisdom and guidance to the officers and Members of this body. May their decisions today and every day be in Your will. May they find in You the spiritual resources for all that is required of them.

Father, I pray for our President and Vice President and all Members of Congress as they work together to lead our country in a manner that would be pleasing to You.

Lord, I thank You for our great country. I thank You for every blessing You have bestowed upon us. I ask You to forgive us where we have failed You and enable us to live in a manner that would be pleasing to You.

Now to Him who is able to do exceedingly abundantly above all that we ask or think according to the power that works in us, to Him be the glory in the Church by Christ Jesus to all generations, forever and ever.

In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. RILEY) come forward and lead the House in the Pledge of Allegiance.

Mr. RILEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DR. ROGER D. WILLMORE

(Mr. RILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RILEY. Mr. Speaker, I would like to welcome Dr. Roger Willmore from Calhoun County, Alabama, to our Nation's Capitol to perform a sacred and time-honored tradition. Congress begins each day with a prayer, and to have a fellow Alabamian deliver it this morning makes everyone back home very proud, especially the members of the First Baptist Church in Weaver, Alabama.

He has been pastor there since 1995. He is a graduate of Samford University in Birmingham and Jacksonville State University in Jacksonville, Alabama.

Dr. Willmore also holds masters and doctorate degrees from Luther Rice Seminary in Jacksonville, Florida.

Since becoming a Southern Baptist pastor in 1971, Dr. Willmore has served both at home and abroad, performing missionary work in South America and Africa. He has taught at Kiev Christian University in the Ukraine. Dr. Willmore is married to Sandra Carroll of Arab, Alabama; and together they are the proud parents of one son, Steven Andrew.

In his prayer, Dr. Willmore asked God to give Congress wisdom and guidance so it can lead our Nation to a bright and blessed future. Mr. Speaker, I encourage all of us to work together today and every day so that the hopes and aspirations in that prayer will become a reality.

APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE NORMAN SISISKY

The SPEAKER pro tempore. Pursuant to House Resolution 107, the Chair announces the Speaker's appointment of the following Members of the House to the Committee to attend the funeral of the late NORMAN SISISKY:

Mr. WOLF of Virginia;
Mr. GEPHARDT of Missouri;
Mr. BOUCHER of Virginia;
Mr. MORAN of Virginia;
Mr. GOODLATTE of Virginia;
Mr. SCOTT of Virginia;
Mr. TOM DAVIS of Virginia;
Mr. GOODE of Virginia;
Mr. CANTOR of Virginia;
Mrs. JO ANN DAVIS of Virginia;
Mr. SCHROCK of Virginia;
Mr. SKELTON of Missouri.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STOP THE TIDE OF SUBSIDIZED CANADIAN LUMBER FROM FLOODING SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this weekend is notable in that Sunday is April Fool's Day, and the Government of Canada, the Province of British Columbia in particular, is about to play a very sick April Fool's joke on the American people and particularly those in rural communities in the western United States.

On Saturday night at midnight, the U.S.-Canadian Softwood Lumber Agreement expires, and nothing has been put in its place to stop a tide of subsidized Canadian lumber from flooding south beginning on April Fool's Day.

Since the administration of Ronald Reagan, Presidents have recognized and strongly fought against the unfair competition of the wholly subsidized Canadian lumber and sawmill industry. This administration must act strongly to perpetuate those controls and protections against unfair competition.

Mr. Speaker, in Canada the Crown owns 95 percent of the timber; and in Canada the Crown gives away that precious resource. They have a bizarre bidding process. Well, it is not a bidding process; they just contract with companies, no bidding process, and then they say we will look at the logs on the first truck you bring out and we will grade them and set a price. So the companies go in and find the rattiest trees and bring out a truckload of ratty trees, and the government scalers look at them and say we are going to charge you $10 for that truckload. Then the lumbermen go back in and gather up precious old growth and other priceless

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

timber, and they begin trucking it out. They pay virtually nothing for the resource. They observe no environmental constraints; there are no riparian protections. They are devastating their salmon and our salmon by these harvest practices, and now they want to take those subsidies and supplant our much more responsible industry here in the United States.

Mr. Speaker, they are sounding pretty tough, too. Here is Gordon Wilson, minister of forests from British Columbia: "Why should we turn the energy tap on going south at the same time we cannot export our lumber to the biggest market we have?" He is talking about cutting off natural gas supplies to the western United States which is already staggering under extortionately high natural gas prices. One Canadian timber executive said the United States better "learn to speak Arabic and read by candlelight." Pretty tough words.

Mr. Speaker, I would hope that the Bush administration could be tougher in their response. If we retaliate against Canada for bringing in these subsidized lumber imports, the Canadians will fold in a second. Nationally they are running a huge trade surplus with the United States. They cannot afford irresponsible actions or words like this on the part of one province to undermine their trade relationship with the United States.

Mr. Speaker, I am asking and I have asked the Bush administration, along with a large number of Members of the House and Senate, to continue restrictions on the import of subsidized Canadian lumber. Just a 5 percent increase in this subsidized, unfairly produced, irresponsibly environmentally produced lumber coming across our border will cost 8,000 jobs in the Pacific Northwest. Just a 5 percent increase. And they have got it piled up because part of their sweet deals with these companies, they not only give the timber away, they require them to harvest it whether or not there is a market. So they have piles and piles of processed lumber waiting to come south from Canada.

Mr. Speaker, it is not free and fair trade by any measure of the imagination. Now, there are some special interests in the U.S. who would like to wipe out our lumber and sawmill industry and get that cheaper Canadian lumber. They have taken a shortsighted view. After the U.S. industry is gone, the Canadians will probably jack up the price. They will probably still give it away to their companies; but they will jack up the price, just like they have done to us on natural gas.

Mr. Speaker, I would ask the home builders and others who are pushing the Bush administration to back off. It is not in the long-term interest of the United States to not have a healthy and robust industry in this country, and it is also going to cost some customers because those customers will not be buying houses, they will be abandoning houses when those communities close down.

Mr. Speaker, let us not let a bunch of hardliners in British Columbia play an April Fool's joke on the American people in the Bush administration. Let us retaliate against unfair trade practices and continue the restrictions that have been in place, that were first put in place under the Reagan administration, continued under the first Bush administration, continued under the Clinton administration, and they must be continued under the Bush administration. Nothing has changed. They are still competing unfairly, and they are still going to destroy American communities and jobs if the administration does not act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

ADJOURNMENT

Mr. DEFAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 3, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1405. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV01-959-1 IFR] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1406. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program [Docket No. FV01-989-1 FIRA] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1407. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. FV01-955-1 FR] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1408. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Coniothyrium minitans Strain CON/M/91-08; Exemption from the Requirement of a Tolerance [OPP-301107; FRL-6772-1] (RIN: 2070-AB78) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1409. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 179-0275; FRL-6954-9] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1410. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the State of South Carolina [SC-AT-2001-01; FRL-6956-1] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1411. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Approval of Several NOx Emission Trading Orders as Single Source SIP Revisions [CT064-7222A; A-1-FRL-6942-6] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1412. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule—NARA Freedom of Information Act Regulations (RIN: 3095-AA72) received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001-28] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1414. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 2001-18] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOBSON (for himself, Mrs. CAPITO, Mrs. JONES of Ohio, and Mr. TANNER):

H.R. 1328. A bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for mammography services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1329. A bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 500: Mr. TOWNS.

H.R. 612: Mr. LEWIS of Kentucky and Mr. MCINTYRE.

H.R. 690: Ms. SLAUGHTER, Mr. LAFALCE, and Mr. NEAL of Massachusetts.

H.R. 824: Mr. WAMP and Mr. SCHROCK.

H.R. 911: Mr. SAWYER.

H.R. 964: Ms. CARSON of Indiana and Mr. STARK.

H.R. 1184: Mrs. MEEK of Florida, Mr. BLUMENAUER, Mr. BOUCHER, and Mr. DEUTSCH.

H. Res. 86: Mr. HASTINGS of Florida, Mr. FILNER, Mr. EVANS, Mr. WYNN, Mr. WEXLER, Mr. GEORGE MILLER of California, Mr. FROST, Mr. HINCHEY, Mr. LANGEVIN, and Mr. LEVIN.

SENATE—*Friday, March 30, 2001*

The Senate met at 9 a.m. and was called to order by the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, as this workweek comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and the presence of Your Spirit that fills us and gives us strength and endurance.

Help the Senators to remember that debate and voting in the Senate is like members of a family playing on opposite teams in scrub football. After the wins and losses, they still are all brothers and sisters in the same family.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators and all of us who are privileged to work with them a perfect blend of humility and hope so we will know that You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 30, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today the Senate will resume consideration of the campaign finance reform legislation.

There will be numerous amendments offered with a time limitation of 30 minutes. Senators should be aware that all amendments must be offered prior to 11 a.m. By previous consent, any votes ordered will be stacked to occur at 11 o'clock this morning.

A vote on final passage, as everyone I think now knows, will occur on Monday at 5:30.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under a previous order, leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 27, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 27) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Pending:

Reed amendment No. 164, to make amendments regarding the enforcement authority and procedures of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, was any time reserved for any closing discussion of the subject prior to the final vote prior to the 5:30 vote on Monday?

The ACTING PRESIDENT pro tempore. No time was reserved.

Mr. McCONNELL. It seems to me, Mr. President, that both the proponents and the opponents might want maybe 10 minutes or so each. I will discuss that with Senator DODD and proponents of the legislation and come back to that later.

Mr. DODD. Mr. President, we may want to allocate an hour, I suspect, between the two authors of the bill and others who would want to use 5 minutes or so to put in final statements.

Mr. McCONNELL. Mr. President, we will discuss that off the floor because we will be running time on the budget resolution. That will be the main business next week. We certainly are not going to enter into an agreement that interrupts that in any major way. We will discuss that off the floor of the Senate.

We are open for business, and we will be processing amendments throughout the morning.

Mr. DODD. Mr. President, I ask unanimous consent to be added as a cosponsor of S. 27.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, the pending amendment will be set aside.

AMENDMENT NO. 165

Mr. McCAIN. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 165.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment reads as follows:

On page 25, beginning with line 23, strike through line 2 on page 31 and insert the following:

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) IN GENERAL.—

(1) COORDINATED EXPENDITURE OR DISBURSEMENT TREATED AS CONTRIBUTION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (8)) is amended—

(A) by striking "or" at the end of subparagraph (A)(i)—

(B) by striking "purpose." in subparagraph (A)(ii) and inserting "purpose;";

(C) by adding at the end of subparagraph (A) the following:

"(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate's election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;

"(iv) any expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate's authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.''.

(2) CONFORMING AMENDMENT.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

''(B) a coordinated expenditure or disbursement described in—

''(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

''(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and''.

(b) DEFINITION OF COORDINATION.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

''(C) For purposes of subparagraph (A)(iii), the term 'coordinated expenditure or other disbursement' means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.''

(c) REGULATIONS BY THE FEDERAL ELECTION COMMISSION.—

(1) Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address:

(a) payments for the republication of campaign materials;

(b) payments for the use of a common vendor;

(c) payments for Communications directed or made by persons who previously served as an employee of a candidate or a political party;

(d) payments for Communications made by a person after substantial discussion about the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class has on any subsequent ''Federal Election Activity'' as defined in Section 301 of the Federal Election Campaign Act of 1971.

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at 65 Fed. Reg. 76138 on December 6, 2000, are repealed as of 90 days after the effective date of this regulation

Mr. McCAIN. Mr. President, this is an amendment on coordination. We have been trying now for 2 weeks to reach an agreement. We have come a long way with the hard work of both staffs and a lot of other people involved. We have narrowed the gap from our original language, which all agreed was not satisfactory to what we believe is a reasonable compromise.

Basically, we are talking about any coordinated expenditure or other disbursement, means of payment made in concert or in cooperation with, at the request or suggestion of or pursuant to any general or particular understanding with such candidate, candidate's authorized political committee, or their agents or political party or its agents.

We are talking about how we can prevent what is really in major circumvention of the intent—in fact, in my view, the letter of the law—and that is to coordinate soft money, which means that additional funds are funneled into political campaigns on behalf of candidates.

Mr. President, the amendment states:

Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standards set by this provision. The regulation shall not require collaboration or agreement to establish coordination.

That is an important point in this amendment.

In addition to any subject determined by the Commission, the regulation shall address (a) payment for the republication of campaign materials, (b) payment for the use of common vendor, (c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party, (d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party.

The impact of coordinating internal communications by any person to its restricted class has any subsequent ''Federal election activity'' as defined in section 301 of the Federal Election Campaign Act of 1971.

What we are trying to do is allow legitimate communication within organizations, whether they be unions or whether they be organizations such as the National Rifle Association, National Right to Life, or any other organization—protect their legitimate right to communicate and, at the same time, prevent the so-called coordination which has been the explosion and exploitation of the loophole which has allowed huge amounts, hundreds of millions of dollars, literally, of funds to flow into a political campaign.

I think it is a very legitimate compromise. It favors neither one side nor the other. Again, I would like to emphasize, the present language in the bill is not satisfactory, as viewed by both sides. I hope that this is far more satisfactory, if not totally satisfactory, language so we can enforce the law and at the same time not prevent any organization from legitimate communication within that organization.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am pleased to support this amendment. It would replace section 214 of the McCain-Feingold bill concerning coordination. Section 214 was designed to override an FEC regulation issued in December 2000 and scheduled to become effective soon that many observers of campaigns who are concerned about evasions of the law think is far too narrow to cover what really goes on in campaigns.

Senators McCAIN, LEVIN, DURBIN, and I wrote the FEC during the rulemaking and expressed our concern about the overly narrow interpretation of the law that the FEC had accepted. But almost from the very first day we introduced the bill, we have heard from people about this provision, and what we have heard has not been pretty. It is clear that the provision was not well drafted. It caught what we wanted to catch—groups coordinating activities with candidates without a specific agreement concerning a specific ad or other communication, but it also caught much more, including perhaps legitimate conversations between Members of Congress and groups about legislation without touching on a campaign.

I committed to these groups and to my colleagues who expressed concern we would address the problems with 214, and we have with this amendment. But this amendment simply defines ''coordination'' in a general way, using language from current law and language from the Supreme Court opinion in the Colorado Republican case that came down in 1996.

Then the amendment instructs the FEC to do a new rulemaking, to interpret and enforce this new and admittedly general statutory provision. The amendment, therefore, gives some guidance to the FEC as to what issues it should address, without actually dictating the result.

I think this is a reasonable solution to a difficult problem. I thank all the Senators and staff who have been involved in working out this amendment.

There is one thing I want to make very clear and reiterate: While this amendment instructs the FEC to consider certain issues in the new rulemaking, it doesn't require the FEC to come out any certain way or come to any definite conclusion one way or another.

Of course, I also want to note that the Senator from Kentucky has repeatedly said this change is being made at the behest of organized labor. That is not true. It is true that labor didn't like the original 214, but neither did a lot of other groups, including the Christian Coalition and the National Right to Life Committee.

I ask unanimous consent that the letters from these groups that contacted us and criticized section 214 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[E-mail from National Right-to-Life]

Here are some of the key ways in which the McCain-Feingold bill (S. 27) violates First Amendment protections for groups that engage in free speech about politicians and communicate with elected officials and their staffs:

Coordination Traps: Under current law, "coordination" between a "candidate" and a group is established only when there is an actual prior communication about a specific expenditure for a specific project which results in the expenditure being under the direction or control of a candidate, or which causes the expenditure to be made based upon information about the candidate's needs or plans provided by the candidate. But S. 27 (Section 214) would redefine "coordination" in extremely expansive terms, to include (for example) mere discussion of elements of a candidate's "message" (whatever that is) any time during a two-year period. Thus, if early on Congress representatives of six groups met with Senator Doe to discuss what language they, and he, will use to collectively promote Doe's landmark bill to ban widgets, and Doe subsequently campaigns in part on his leadership on the widget-ban issue, all six groups arguably are "coordinated" with Doe.

Once such so-called "coordination" is established, the "coordinated" organizations are flatly prohibited from spending money on any public communications deemed to be "of value" to Senator Doe—by any media, at any time of the year. For example, a group's literature promoting the widget-ban bill could be considered to be "of value" to Doe, even if Doe's name is not mentioned, if it is disseminated to his constituents. Moreover, even if these organizations have connected PACs, those PACs would be prohibited from engaging in independent expenditures on Doe's behalf of more than $5,000.

Under Section 214, "coordination" is also triggered by the mere sharing (by a "candidate" and a group or person) of certain vendors of "professional services" during a two-year period, including "polling, media advice, fundraising, campaign research, political advice, or direct mail services (except for mailhouse services)."

"Electioneering Communications": Section 201 applies additional restrictions to so-called "electioneering communications," defined to cover TV and radio communications that merely mention the name of a federal politician, during "pre-election" periods, which include 30-day pre-primary periods that begin as early as February of each even-numbered year, as well as a 60-day period before a general election. For example, under the bill, an organization would engage in an "electioneering communication" if it purchased a radio ad within 30 days of a primary that said no more than, "Urge [Congressman X] to vote against [or "in favor of"] the McCain-Feingold bill." The bill flatly prohibits such "electioneering communications" by unions and by corporations, including for-profit business corporations, trade associations, veterans' groups, and organizations that hold 501(c)(3) status from the IRS. There is a narrow "exception" to the ban: corporations that hold 501(c)(4) or 527 status from the IRS would be permitted to pay for "electioneering communications," but only by setting up a "segregated fund," sort of a quasi-PAC, which could include no corporate or union contributions or business proceeds. The names of donors of over $1,000 to this quasi-PAC would be reported to the government and placed in the public domain.

Advance Notice Requirements: The "disclosure" provisions (for example, Section 202 and Section 212) include requirements that "electioneering communications" and independent expenditures be reported as soon as any contract is signed for the communication—which would be, in many cases, weeks in advance of the actual broadcasting of an ad. Such an advance notice requirement might be a boon to some powerful officeholders—an incumbent governor seeking a Senate seat, for example—who could then bring pressure to bear on broadcasters to refuse to sell airtime for the ads, or to back out. But under the First Amendment, Congress lacks authority to demand that NRLC declare in advance when and where we intend to utter a politician's name to the public, just as it lacks authority to utter a politician's name to the public, just as it lacks authority to impose such a burden on newspaper editorial boards.

Endorsements by Members of Congress: Section 101 of S. 27 would prohibit members of Congress from endorsing the fundraising efforts of advocacy groups that use any part of the money for any communication to the public—by any medium, at any time of the year—that "promotes," "supports," "attacks" or "opposes" a member of Congress (or other "candidate"). This obviously would cover many of the routine communications that issue-oriented groups use to promote pending legislation. The following statement, for example, would certainly be considered an "attack" by some: "Senator McCain has introduced an awful bill that would restrict the right of pro-life groups to communicate with the public about the voting records of members of Congress. Please write to Senator Jones and urge him to oppose the bill." Likewise, "Senator Baucus has voted to keep the brutal partial-birth abortion method legal, but the bill is coming up again soon. Please call Senator Baucus and urge him to support the bill this time."

[From the Christian Coalition of America]

PROTECT FREE SPEECH—OPPOSE H.R. 380, THE SHAYS-MEEHAN CAMPAIGN FINANCE BILL

FEBRUARY 27, 2001.

DEAR REPRESENTATIVE: The Christian Coalition of America strongly opposes H.R. 30, the Shays-Meehan campaign finance bill. H.R. 380 contains numerous unconstitutional provisions which are in direct opposition to Supreme Court rulings which have repeatedly upheld the First Amendment right of citizen groups, like the Christian Coalition of America, to educate the public on where officeholders and candidates stand on the issues. Because this legislation could effectively put our voter guides, as well as other voter education and issue advocacy activities at serious risk, we urge you to vote against the Shays-Meehan bill, as well as to actively oppose it on the House floor.

One of the most egregious of the unconstitutional provisions contained in H.R. 380 applies year-round during the entire two-year election cycle (or six-year cycle with respect to Senators). Section 206 contains a broad definition of "coordination" between a candidate and an outside group—so broad that if a representative or an organization were to discuss with an officeholder his "message" on a legislative issue, such as partial-birth abortion, anytime during the two-year election cycle, and the officeholder were to later campaign in the issue, the organization would be viewed as having "coordinated" with the officeholder. The organization could then be accused of violating the federal election laws if it were to disseminate a communication to the public that is deemed to be "of value" to the officeholder in his reelection campaign, even if it did not mention the officeholder by name.

Section 206 also broadens the definition of "coordination" to the point where if an incorporated organization making a voter education expenditure and a campaign were to merely use the services of the same fundraiser or media advisor—without having consulted or coordinated in any way—the expenditure would be considered an illegal contribution to the candidate's campaign if it were deemed to be "of value" to the campaign. This is what some have called, a form of "guilt by association."

And, as a catchall definition of "coordination," the bill contains a vaguely worded restriction on payments "made by a person in cooperation, consultation, or concert with, . . . or pursuant to any general or particular understanding with a candidate" or candidate's agent.

Another section of the bill, Section 201, would prohibit incorporated organizations from funding television or radio communications to the public which mention the name of a candidate within 30 days of a primary or 60 days of a general election. This proposed restriction is blatantly unconstitutional. The Supreme Court has repeatedly protected the First Amendment right of like-minded citizens to educate the public on issues and where the officeholders and candidates stand on the issues. In Buckley v. Valeo (1976) and its progeny, the Supreme Court has made clear that issue advocacy (discussion on an issue in the public realm without expressly advocating the election or defeat of a candidate) is protected under the First Amendment from government regulation. Yet, under Section 201 of the Shays-Meehan bill, an organization such as the Christian Coalition of America, would be prohibited from disseminating a broadcast communication regarding an upcoming congressional vote within 60 days of an election, if the communication merely advised constituents of the name of their elected representative who would be casting that vote. The communication would also be banned if it merely mentioned the names of the sponsors of the bill, such as a reference to the "Shays-Meehan" bill.

But the Shays-Meehan bill goes even further in bringing issue advocacy by private citizen organizations under federal government regulation. The United States Supreme Court and numerous other federal courts, have repeatedly protected issue advocacy and voter education from government regulation unless it "expressly advocates" the election or defeat of a clearly-identified candidate (i.e., "vote for," "defeat," etc.). This clear test ensures that the speaker will know whether they are complying with the law. As the Supreme Court explained in Buckley v. Valeo, the lack of such a clear distinction "offers no security for free discussion. In these conditions it blankets with uncertainty whatever may be said. It compels the speaker to hedge and trim." Yet the Shays-Meehan bill would do just that.

Section 201 would eliminate this bright-line protection set forth by the Supreme Court and redefine "express advocacy" to mean "expressing unmistakable and unambiguous support for or opposition in one or more clearly identified candidates when taken as a whole and with limited reference to external events." This would take the determination beyond words of support or opposition (which is currently the standard in order to protect issue advocacy), to instead move to an examination of the overall context of a communication with respect to a candidate or type of candidate (such as pro-life candidates). Under this vague definition, a communication that contains any negative or positive commentary about an officeholder/candidate's positions or voting record, might become the subject of a complaint to the Federal Election Commission (FEC). This vague definition (in similar language) has been put forth by the Federal Election Commission in regulations and been rejected in court. Congress should reject it as well.

Lastly, the Shays-Meehan bill purports to contain an "exception" for voter guides. But under this exception, an organization could not verbally clarify the voting record or position of an officeholder or candidate for purposes of compiling the voter guide. Moreover, the "exception" prohibits the voter guide from containing "words that in context can have no reasonable meaning other than to urge the election or defeat of one or more clearly identified candidates," as well as requiring that the voter guide "when taken as a whole . . . not express unmistakable and unambiguous support for or opposition" to a candidate—vague wording that would leave organizations that issue voter guides constantly at risk of being the subject of an FEC complaint and investigation. Furthermore, organizations that wish to issue voter guides would still have to fear violating the broad "coordination" prohibitions elaborated on at the beginning of this letter.

In light of the serious First Amendment ramifications that this bill would have on the week of the Christian Coalition of America, as well as on our nation's ability to discuss and debate issues, we urge you to vote against H.R. 380, the Shays-Meehan campaign finance bill.

Sincerely,

SUSAN T. MUSKETT, J.D.,
Director, Legislative Affairs.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I rise in support of this amendment as well. I think this has been worked out carefully. I commend the Members and staffs who worked on this amendment. This is in very sound shape. It avoids the potential problems of being overly broad or too vague with respect to the language, which would expose too many honest and good people who want to be involved in the political process from allegations of criminality. None of us want that to occur. This amendment is worthwhile.

Mr. President, if I might, since we are going to be a few minutes before we vote on this, I want to take a couple minutes and address another matter that may come up this morning which deserves some attention. That is what I see as one of the glaring problems still with the bill as a result of an amendment we adopted last week dealing with the so-called millionaires loophole. I voted against that amendment because I thought it was unnecessary. But it is even more so by the events over the past week, as we have adopted amendments now which have increased the hard dollar limits by 100 percent. Thus, the need for providing some additional resources to so-called less wealthy candidates is certainly far less than it was a week ago.

As we all recall, last Tuesday the Senate adopted amendment No. 115 offered by Senators DOMENICI, DEWINE, DURBIN, MCCONNELL, and others. I opposed the amendment because it did not appear to me to be reform. It added more money to the system and did so in a way to protect nonwealthy incumbents with substantial campaign treasuries. The amendment that may be offered later this morning would intend to close what I think is an unintended loophole in this language.

The Domenici amendment addressed the situation of a wealthy candidate financing his or her own election with personal resources. It granted more generous contribution limits to nonwealthy opponents. It sounds reasonable enough, but in the case of a nonwealthy incumbent, the amendment ignored the substantial resource that such an incumbent may have at his or her disposal in their campaign committees' accounts or treasuries.

The amendment that may be offered provides that the amount of such campaign balances must be taken into account before a wealthy candidate's contributions to his or her own campaign trigger the higher contribution limits for the incumbent.

Last Tuesday, the authors of this amendment described the situation of a wealthy candidate financing his or her own election as a constitutionally protected loophole. But my colleagues' solution, as adopted last week, unwittingly opens a more insidious loophole. One that protects incumbents and, more precisely, incumbents' campaign treasuries, from a wealthy candidate.

In describing the purpose of their amendment, which I opposed, my colleague contended that the Buckley decision created a substantial disadvantage for opposing candidates who must raise campaign funds under the current fundraising limitations.

That was last Tuesday. This week we adopted the Thompson-Feinstein amendment which doubled the individual hard money contribution limits and indexed those limits for future inflation.

The Thompson-Feinstein amendment also doubled the contribution amount a Senate campaign committee can make directly to candidate to $35,000 per election cycle and indexed it for inflation also.

In a period of 1 short week, we potentially gave an incumbent facing a wealthy challenger an additional $17,500, plus an additional $4,000 per couple per election. So the substantial disadvantage that incumbents supposedly faced last Tuesday has been substantially eliminated by the actions we took during this week on the bill.

Even so, the entire premise of the Domenici amendment that somehow incumbents need protection from wealthy opponents ignores one simple fact: Many nonwealthy opponents are actually incumbents sitting on healthy campaign accounts. Those campaign war chests can be equal to or greater than the personal funds being used by a so-called wealthy opponent.

For example, based on FEC disclosures, some of my colleagues facing reelection next year are sitting on campaign accounts with cash balances ranging from $100,000 to in excess of $3 million.

Surely my colleagues cannot be serious that with $1 or $2 million sitting in their treasuries, and the advantages of incumbency we have automatically, including increased hard money limits, that they somehow need protection from a candidate who decides to put $600,000 into their own race.

For example, take a State the size of mine, a State with a little over 3 million people. The threshold amount would be $270,000. A wealthy candidate who contributed or spent $600,000 of his or her own money in that race would trigger contribution limits three times the normal for that incumbent, or $12,000 per individual per election, or $24,000 per couple. If you double that for primaries, as well as an election, you actually get $48,000. That is a substantial increase from where we were a week ago.

If that same incumbent has a war chest of $1 million, he actually has a cash balance of $400,000 more than the wealthy challenger.

Are we really serious that the incumbent in that situation is somehow disadvantaged—should he or she be able to raise $24,000 from a couple until the difference in the balances are reached? Yet that is exactly what the Domenici amendment, which I opposed, will provide.

Although my colleagues have argued that the tiered trigger system of the Domenici amendment is proportional, and that proportionality levels the playing field, that is simply not the case when a nonwealthy candidate is an incumbent.

In the case of a nonwealthy incumbent, the provision does anything but level the playing field. It becomes essentially an incumbent protection provision.

The amendment that was adopted last week simply goes too far under the present circumstances.

The amendment that may be offered by Senator DURBIN, myself, and others restores some balance between the incumbents with healthy campaign treasuries and individuals with personal wealth. It requires that the personal wealth of an opponent be offset by the amount of campaign treasury funds of a nonwealthy incumbent before any trigger of benefits to that incumbent occurs.

This amendment effectively adds the amount of the cash-on-hand balance reserves of an incumbent's war chest into the calculation of the opposition personal funds amount. So in my example, until the "wealthy" challenger spent $1 million in personal funds, that "poor" incumbent with the war chest would not get the advantage of the increased limits.

Just as my colleague's amendment last week was an attempt to correct the unintended effects of the Buckley decision, this amendment, which I believe will be offered, corrects the unintended effects of the amendment adopted last week; namely, protecting incumbents from wealthy opponents.

When that amendment is offered, I urge my colleagues to support it.

AMENDMENT NO. 165

Mr. McCONNELL. Mr. President, is the pending amendment the McCain amendment on coordination?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. McCONNELL. Mr. President, unfortunately, the McCain amendment coordination provision lets big labor continue to coordinate its ground game with the Democrats. As you know, I have been predicting for 2 weeks that there would be an effort to water down provisions in the bill that were offensive to big labor.

With all due respect to the author of the amendment, the intent is quite clear: to mitigate the damage that has caused concern among those in organized labor about this bill. I note there is apparently not enough concern to get many Democratic votes against on final passage Monday, but they are very upset about the coordination provisions of this bill, thus the reason for the amendment that has been sent to the desk.

Let me make it clear, the coordination provision lets big labor continue to coordinate its ground game with the Democratic Party. It does this by changing the "concept of coordinated activity" that includes the union in-kind activity to "coordinated expenditures or disbursements" which are legal terms of art that do not encompass in-kind contributions. This new coordination provision is still unconstitutional and will result in Government witch hunts because it does not require actual collaboration or agreement to have a finding of coordination. This is in direct contravention to Colorado 1 and will result in a lengthy onerous investigation of citizens groups.

Mr. President, there will be a need to have a rollcall vote on the McCain amendment at 11 a.m. I do not know whether this is the appropriate time to request that rollcall vote or not.

The ACTING PRESIDENT pro tempore. If the Senator wishes to request a vote.

Mr. McCONNELL. Mr. President, I request the yeas and nays on the McCain amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 166

Mr. BOND. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 166.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements)

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) Increase in Civil Money Penalty for Knowing and Willful Violations.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) Increase in Criminal Penalty.—

(1) In general.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.".

(2) Conforming amendment.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting "(other than section 320)" after "this Act".

(c) Mandatory Referral to Attorney General.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting "(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)" after "United States".

(d) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

Mr. BOND. Mr. President, we talked about imposing a lot of new laws and new provisions in some areas where I think we may not be doing what we wish to achieve. We are in this bill proposing to take political parties out of the campaign process which inevitably is going to shift money into other channels. One of the things I don't think we have adequately considered is what we do about people who have violated existing laws. Certainly, to the extent I have heard concerns about campaign finance, it has been about the failure to provide adequate penalties for those who violate the laws that are already on the books.

Under current campaign finance laws, there is no meaningful punishment of campaign violators. Over the last several years, we have had hearings, investigations and read about key figures in campaign scandals only to learn later that they walk. It is small wonder that abuse occurs on the scale that we have recently witnessed. It is a misdemeanor offense to make a campaign contribution in the name of another person, knowingly permit your name to be used for a contribution or knowingly accept a contribution made in the name of another, in other words make an illegal contribution through a conduit (2 U.S.C. 441f).

Despite this clear prohibition, it came to light that during the 1996 presidential campaign millions of dollars in illegal donations from foreign nations were funneled into party and campaign coffers through conduit contributors, some as outrageous as nuns and other people of worship. Despite these outrageous abuses, illegal contributions totaling hundreds of thousands of dollars in some cases flowed with impunity. Under the circumstances, the punishments handed out to those caught red-handed can barely be considered slaps on the wrist.

As simply a misdemeanor offense, those intent on corrupting the process do not fear the consequences. Despite the scale of some of the abuses, the offense is rarely prosecuted. When it is, the offenders are handed minimal fines and no jail time. The message from the so-called prosecutions is that there is no threat of jail time for those who break campaign finance laws. If it feels good, do it.

As the gross abuses of the 1996 presidential campaign came to light, we heard from the perpetrators of the abuses themselves that what was needed was not enforcement of the law but new laws and reform of the campaign finance system. Despite their gross indifference to the law, it appears they got their wish. We are here debating more laws with no discussion about increasing penalties and cracking down on law breakers.

If we are truly serious about reforming the system, we must crack down on the lawbreakers. Abusers must be punished accordingly or no new law is going to make a difference in cleaning up the system.

Violators have to fear punishment or they will continue to violate the law as they have abused existing law. There is no reason to think that yesterday's lawbreakers will not break tomorrow's laws unless they understand there are consequences. New laws cannot be effective if "teeth" are not put in the law. Without this change, "reform" talk is cheap and just talk.

My amendment would make it a felony to knowingly make conduit contributions, knowingly permit your name to be used for such a contribution or knowingly accept a contribution made in the name of another. The amendment does not change the conditions of the underlying offense, but by making it a felony, it adds some "teeth" to the law. Maybe the Johnny Chungs and the Charlie Tries of this world will understand there are consequences for their actions and no longer violate campaign finance laws with impunity.

As a felony offense, violators will be subject to either jail time or a stiff fine, or perhaps both. Fines will be increased dramatically to a minimum of not less than 300 percent of the amount involved. The amendment requires, not suggests, that the FEC refer these cases to the Justice Department. Finally, it broadens the prohibition on donations from foreign nationals, ensuring that clever lawyers won't be able to move funds to accounts like "redistricting" or others. There is a prohibition on donations from foreign nationals. This takes away an exploitable loophole.

By taking this step, Congress will be sending a clear message that it considers the funneling of illegal campaign contributions a serious offense to be punished accordingly.

It becomes an offense that prosecutors can use in pursuing a case. Currently there is little incentive for a suspect to cooperate if they are threatened only with a misdemeanor. There is less incentive for busy prosecutors to dedicate the time and resources to prosecute this offense if it remains a misdemeanor. This amendment gives prosecutors something they can use.

This amendment goes after lawbreaking contributors to any candidate of any party. Contributors to all parties are required by law to disclose their donations properly. Concealing the source of a donation is illegal. If you do it, you can expect punishment. Similar legislation has been introduced on the House side and has strong bipartisan support.

We in Congress should be very concerned about the growing willingness we have seen in recent cycles for people to break the law apparently with impunity. We should be further concerned with the meaningless punishments handed down and the signal it sends that we will tolerate corruption.

According to news accounts, what has become of these notorious abusers of our campaign finance laws?

Yah Lin "Charlie" Trie was convicted of funneling over $1 million in conduit contributions during the 1996 cycle, a large percentage of the money was traced to Macau. For this, Mr. Trie was sentenced on November 1, 1999 to 3 years probation and 4 months home detention and fined $5,000—but he received no jail time.

Mr. Johnny Chung funneled $300,000 he received from a general in the Chinese Military Intelligence Agency and made another $350,000 in conduit contributions. This individual who brazenly said "the White House is like a subway, you have to put in coins to open the gate," was sentenced to 3,000 hours of community service for bank fraud, tax evasion, and his role in aiding donations to the Clinton campaign, but he received no jail time.

Mr. President, 3,000 hours of community service—if they make enough, that ought to be a good year's work for anybody. They ought to be willing to do community service not as a punishment but as their contribution.

Next, John Huang pleaded guilty on August 12, 1999, to arranging illegal political contributions from overseas. It was found that he arranged over $1 million in illegal contributions, primarily with money from Indonesia. He was fined $10,000 and sentenced to 1 year probation and 500 hours of community service but no jail time.

I suspect that whatever source provided him the million dollars probably helped him cover the amount of that fine. And 500 hours of community service, well, that would be a nice year's work.

Maria Hsia, who funneled over $100,000 through nuns and monks at a temple was tried and convicted of five counts. She was sentenced on February 6 of this year to a whopping 90 days—90 days—of home confinement—that is really tough; you have to stay home for 90 days—250 hours of community service, 3 years of probation and she was fined a whopping $5,000. The "home confinement," of course, permits Ms. Hsai to work each day, care for her elderly parents and attend religious services—but no jail time. So you can't really say this is an onerous penalty.

Billionaire James Riady agreed on January 11 of this year to pay an $8.6 million fine and plead guilty to unlawfully reimbursing donors to the 1992 campaign of President Bill Clinton—but he will serve no jail time.

But for a billionaire, $6 million is like me reaching in my wallet to buy lunch at the sandwich shop. Do you think that hurt him very much? I do not believe so. For $8.6 million, he has every incentive to come back and do his trick again. That is a small price to pay for being able to exercise inappropriate, unwarranted, and illegal influence on a campaign.

Until this point, this body has focused exclusively on making it more difficult for candidates to raise money legally while remaining silent on blatant abuses. If we are to get serious about reform, at least we should go after those who are willing to break the law. If campaign violators refuse to respect the law, then maybe they will respect the threat of real, not meaningless, punishment. Congress needs to get tough and send a clear message that the days of tolerance for these illegal, unlawful, and improper practices are coming to an end. I urge my colleagues to adopt this very simple amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields the time?

Mr. McCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Missouri.

There is a great deal of redundancy in his amendment. We already bar foreign contributions and increase penalties in some areas. But I think the Senator from Missouri makes very valid points. I think his amendment probably addresses some very helpful areas. I am prepared to accept the amendment. I do not know about all Members yet, but we would like to run it by them and see if we can't get some agreement on the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Would the Senator from Iowa withhold for just a moment? We have an amendment that is cleared. I would just like to process it if I could.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the pending amendment is the Bond amendment?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. I ask unanimous consent it be temporarily set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 167

Mr. McCONNELL. Mr. President, there is an amendment by Senator HATCH with regard to expedited review that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. HATCH, proposes an amendment numbered 167.

Mr. MCCONNELL. I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide expedited review)

On page 38, after line 3, add the following:

SEC. 403. EXPEDITED REVIEW.

(a) EXPEDITED REVIEW.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Mr. HATCH. Mr. President, I am offering an amendment that will provide for expedited judicial review of the provisions of the McCain-Feingold Bipartisan Campaign Finance Reform Act of 2001. Without this amendment, American citizens and public interest groups, among others, will be subject to controversial, unworkable, and in my mind, likely unconstitutional provisions that infringe free speech rights protected by the first amendment.

Supporters of the bill should welcome this amendment as well. All of us, supporters and opponents alike, stand to gain by a prompt and definite determination of the constitutionality of many of the bill's controversial provisions.

For those who oppose the bill, these controversial provisions pose imminent danger not only to individuals' rights to free speech, but also to our cherished two party system. Because the harm these provisions will cause is serious and irreparable, it is imperative that we afford the Supreme Court the opportunity to pass on the constitutionality of this legislation as soon as possible.

The way the amendment works is simple, and I believe it should be noncontroversial. Those who challenge the constitutionality of the legislation must bring their case in the district court of the District of Columbia. Furthermore, only those who can show cognizable harm under the legislation will be permitted to bring a case. The district court, of course, has the authority to consolidate all the challenges brought against the legislation. To make certain that the district court considers the case promptly, my amendment directs the court to "expedite to the greatest possible extent the disposition of [the] matter."

My amendment also provides for an expedited appeal of the district court's ruling to the Supreme Court. The hearing of this appeal by the Supreme Court, however, follows the customary procedures for a writ of certiorari—that is, the Supreme Court has the discretion whether or not to review the case. If the Supreme Court declines to review the ruling, then the district court's ruling would stand.

Now some may complain that with this approach we are bypassing the Circuit Courts of Appeal. To them I say this: Such a procedure is not unprecedented. Indeed, the Supreme Court's own rules allow for such a procedure when it is authorized by law or when the case is of such imperative public importance as to justify deviation from normal appellate practice. I think we can all agree that the issues presented by this legislation meet that threshold.

I hope that my colleagues—whether they support or oppose the underlying legislation—will support my amendment. It is in all of our interests to have the prompt, authoritative, and final resolution of these issues that an expedited appeal will provide.

Mr. FEINGOLD. Mr. President, this amendment is acceptable to those who support this bill because we agree with the Senator from Utah that questions about its constitutionality should be resolved promptly. A procedure similar to the one set up in this amendment was used when the 1974 act was challenged, and although not all of us agree with everything that the Supreme Court decided in the Buckley case, the process served the country relatively well.

Let me make just a few points of clarification. First, the amendment makes no change in what would otherwise be the law on the issue of who has legal standing to sue. The text of the amendment is absolutely clear on that point. Second, as the Senator from Utah notes, the venue for actions challenging the constitutionality of the bill will be in the United States District Court for the District of Columbia, with direct appeal to the United States Supreme Court. The district court will have the power to consolidate related challenges into a single case.

Finally, and most importantly, although the amendment provides for the expedition of these cases to the greatest possible extent, we do not intend to suggest that the courts should not take the time necessary to develop the factual record and hear relevant testimony if necessary. And we do believe that the Court should allow interested parties to intervene, or become amici curiae as was done in the litigation that led to the Buckley decision. This case will be one of the most important that the Court has heard in decades, with ramifications for the future of our political system for years to come. By expediting the case, we in no way want to rush the Court into making its decision without the benefit of a full and adequate record and the opportunity for all interested parties to participate.

With that understanding, I support the amendment and I commend the Senator from Utah for thinking ahead to the inevitable legal challenges that await this bill and coming up with a fair and expeditious procedure to handle them.

Mr. DODD. Mr. President, we have been able to work out the amendment offered by my colleague from Utah, Senator HATCH, with regard to an expedited review of the McCain-Feingold measure.

While I strongly disagree with my colleague's conclusion that absent review, the citizens of this Nation will be subjected to unconstitutional provisions that infringe on speech, I do support the intent of this amendment. I believe that this measure, S. 27, is a balanced attempt to follow the requirements laid down in Buckley and the Shrink Missouri PAC cases. The Court has essentially invited Congress to express our will in this area, and the McCain-Feingold legislation does just that.

My support for the Senator's amendment should in no way be read to suggest that I think there are provisions of this measure that are unconstitutional. To the contrary, I believe it will pass constitutional review. However, I understand the Senator's desire to put this question to the test in an expedited manner.

This is not an unusual request for such far-reaching and important legislation. The purpose of this amendment is to provide expedited judicial review of this legislation. In this Senator's mind, this is a good idea. I am confident that the Supreme Court will ultimately uphold this legislation and it is in everyone's best interest to know that as soon as possible.

But by saying that, however, I do not want to suggest that the Court should not take adequate time to review any such challenge. Furthermore, I am not suggesting that such an expedited review be conducted at the expense of allowing all interested parties to intervene in this matter in order to provide assistance to the Court in its decision. This may be the first major effort to reform this Nation's campaign finance laws in nearly 25 years that becomes law, and there is a wealth of expertise on this issue in both Congress and the private sector which can be of immense assistance to the Court in its review.

Finally, I express my appreciation to the Senator from Utah for his willingness to clarify that any such expedited challenge to this measure must be brought exclusively in the District Court for the District of Columbia.

I urge the adoption of the amendment.

Mr. MCCONNELL. Mr. President, I believe we are ready to adopt it.

Mr. DODD. Mr. President, there is no objection to the amendment on this side.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 167) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. I yield the floor.

AMENDMENT NO. 168

The PRESIDING OFFICER (Mr. KYL). The Senator from Iowa.

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 168.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add a nonseverability provision with respect to the ban on soft money and the increase in hard money limits)

On page 37, strike lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

Mr. HARKIN. Mr. President, this is a very simple amendment. All it does is provide that if the soft money ban is struck down in the courts, then the hard money increases now included in the bill will also be taken out.

During the debate on raising the hard money limits, we heard a lot of discussion about, if we are going to ban all the soft money, then we at least ought to raise the hard money limits. I happened to personally oppose that, but obviously I was on the losing side of that issue. So the hard money limits were raised. There is some question as to whether or not the ban on soft money is going to be upheld in the courts. There are those who say that it can withstand constitutional scrutiny; there are others who say it won't. I don't know. It is sort of a tossup on that one.

All my amendment says is that if the courts strike down the ban on soft money, then the increase in hard money that we included will go back to the limits we now have in law. It is very simple. I don't know that I need to describe it any more than that.

We would be a laughing stock if, in fact, the courts struck down the soft money ban so that now we have soft money and an increase in hard money. What kind of reform is that? Obviously, if the soft money ban is found to be constitutionally secure, then we have the increases in the hard money.

That is all this amendment does. There is more I could say about how much people give in hard money, but that has already been discussed. I don't need to go through that. It would cast a bad light on reform if in fact the courts struck down the soft money ban so now we have soft money and more hard money. That would be the total antithesis of what we are trying to do here.

That is what the amendment is. It is very simple. It is straightforward. Again, my amendment says, if the courts strike down the ban on soft money, then the increases we have put in here on hard money will go back to the levels we have had for the last 25 years.

Mr. DODD. Will my colleague yield for a question?

Mr. HARKIN. I am glad to yield.

Mr. DODD. I think this is an amendment that makes some sense. He is absolutely correct. There is some question about the soft money constitutionality. If that ban is found to be unconstitutional, then the door is wide open again. As my colleague knows, while I supported the Thompson-Feinstein compromise, I did so reluctantly, having spoken out against the increases. I agree with my colleague on that point. I have some concerns over the so-called millionaires amendment as well which allows for an exponential increase in contributions if someone challenges us with personal wealth. I know that makes Members uneasy, but it allows for a factor as high as presently six times the hard dollar limits.

Mr. HARKIN. That is correct.

Mr. DODD. I don't know if his amendment includes reaching that provision. Even if we go back to the original hard dollar limits, we still include the millionaires which would allow those numbers to go up. I was curious as to whether or not the amendment touched on that provision.

Mr. HARKIN. I don't think it touches that. No, we did not touch on that provision with the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the Senator from Iowa voted against nonseverability yesterday. After Senator MCCAIN and Senator THOMPSON and others went through this painful compromise of working out an appropriate hard money increase that only had 16 votes against it, the Senator from Iowa wants to come in here at the last minute and unravel that compromise. I thought we were past that on this bill, I say to the Senator from Arizona. I thought we were down to a few wrap-up items. This amendment ought to be defeated overwhelmingly, and we should stick with the compromise that was so painstakingly worked out the other day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Senator from Kentucky is exactly right. This whole thing has been a series of fragile compromises. This would unravel the whole effort. Although the Senator from Kentucky and I are not in agreement on the amount, there is no doubt that we have to increase hard money. To say that we would not increase hard money at all and do away with all the soft money is just not a viable proposal. I hope the Senator from Iowa will recognize that there is overwhelming opposition to this amendment, and we could voice vote it at this time.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. I join in the opposition to the Harkin amendment. There was a very good discussion yesterday about the rarity and lack of wisdom of the nonseverability provisions. To head in that direction, given the rarity of it, given the clear intention of the Senate yesterday, is unwise. We oppose this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, it is my understanding that the pending amendment is one I had sent up earlier. To summarize the amendment, which is now under consideration, it is simple and straightforward. It says if the courts strike down the ban on soft money, then the increases in the hard money limits we put in this bill would also go back to the levels we have right now. So we would not be faced with a situation later on that. If the court struck down the soft money ban, we get to raise soft money and also get the increases in the hard money limit.

Senator DODD pointed out that my amendment does not reach to the millionaire amendment that we adopted. It doesn't. I did not include that. These are the things I understand that are going to have to be worked out in conference with the House. I am hopeful that as we go into conference, the problem I just pointed out would also be addressed. We certainly don't want to wind up having both the soft money and the increases in hard money—at least I don't think.

In talking with colleagues on this side, that is why I decided to offer this amendment. But I understand that it would not be adopted; I understand the lay of the land.

I ask that we just proceed to a voice vote on the amendment and, hopefully, the managers would consider this when they get into conference.

Mr. McCONNELL. Mr. President, there is bipartisan opposition to the amendment of the Senator from Iowa. We will be voting no on the voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 168) was rejected.

Mr. McCONNELL. I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum to be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Bond amendment No. 166.

AMENDMENT NO. 166, AS MODIFIED

Mr. McCONNELL. Mr. President, on behalf of Senator BOND, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) INCREASE IN CIVIL MONEY PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) INCREASE IN CRIMINAL PENALTY.—

(1) IN GENERAL.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.".

(2) CONFORMING AMENDMENT.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting "(other than section 320)" after "this Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

Mr. DODD. Mr. President, while I will not object to the adoption of the amendment by my colleague from Missouri, Mr. BOND, I do not believe that it presents the best approach for ensuring comprehensive enforcement of this new law. In particular, I disagree with the method of appearing to single out one type of violation for enhanced enforcement or prosecution, namely conduit contributions in the name of another.

My lack of objection should not be read to infer that either this Senator, or this body, believe that conduit contributions represent the most serious abuse of campaign finance laws nor that such an abuse requires selective enforcement and prosecution apart from other violations of the Act.

I also want to be clear that I do not completely agree with the characterizations of the Senator from Missouri of the alleged campaign finance abuses in the 1996 Presidential and Congressional elections. Let me also be clear, campaign finance violations are already subject to civil enforcement and prosecution as both misdemeanor and felony offenses. The remedies Senator BOND is proposing appear to already be available in law if the facts or evidence in such cases include aggrevated circumstances.

An unintended result of the amendment of Senator BOND may be the appearance and reality of selective prosecution. Such a result is avoided by the approach of my colleagues from Tennessee, Senator THOMPSON, and Connecticut, Senator LIEBERMAN. Theirs is the preferred approach which provides for comprehensive enforcement of all violations of the new law. I am pleased that their provision has also been included in S. 27, the McCain-Feingold legislation, and believe that it should be applied across the act to all violations.

We all agree that existing civil and criminal laws must be vigorously and uniformly enforced. I believe that this will be the case.

Mr. McCONNELL. Mr. President, this has been worked out now and is acceptable to both sides.

Mr. DODD. The Senator from Kentucky is correct.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 166), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I am very cognizant of the very short period of time remaining under the UC agreement on amendments. We have been working on a modification of the so-called millionaires amendment. I believe we are very close in trying to equalize this situation so that when a person contributes a certain amount of money, then the incumbent or the candidate without the money will be able to have not an unfair advantage.

We have been in consultation, and I hope we can reach an agreement under the UC, if all sides agree, to have an amendment adopted after the vote. That is up to Senator McCONNELL. I want to hear from him on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I missed the first part of the comment of the Senator from Arizona. I gather it was whether this amendment can be offered after 11 o'clock.

We have been on this bill 2 weeks. This was adopted the first day of the 2-week debate, and here we are at 2 minutes to 11 still trying to fix it. With all due respect to the Senator from Michigan, I am not going to agree to a modification of the consent agreement so it can be offered after 11 o'clock. I will be happy to work with him on whether it can be included as a technical amendment at the end on Monday. I am not going to agree to change the consent under which we are currently operating.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I understand Senator MCCONNELL's position. It has been long debated. I had hoped we would reach agreement that by unanimous consent we could offer an amendment after 11 o'clock because we are still working on some of the technical aspects of this amendment. But if the Senator from Kentucky believes he has to object to that unanimous consent request, then I will offer this amendment at this time. I ask the Senator if that is his position.

Mr. MCCONNELL. I think the Senator should offer the amendment because this, at the risk of repeating myself, is the first amendment we dealt with 2 weeks ago, and here we are 1 minute to 11 trying to modify it. My colleague had plenty of time to do that. The Senator can go ahead and do that if he wants.

Mr. DURBIN. I thank the Senator.

AMENDMENT NO. 169

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 169.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the increase in contribution limits in response to expenditures from personal funds by taking into consideration a candidate's available funds)

On Page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(i)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

"(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term 'net cash-on-hand advantage' means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 30 of the year preceding the year in which a general election is held.

Mr. DURBIN. Let me explain.

Mr. DODD. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

The PRESIDING OFFICER. The hour of 11 o'clock has arrived, and there are 2 minutes equally divided.

Mr. DODD. Parliamentary inquiry: Is it permissible for a modification to be sent to the desk and considered prior to the vote of an amendment that has already been submitted?

The PRESIDING OFFICER. By unanimous consent.

Mr. DURBIN. Could I ask for clarification? I have 2 minutes to explain the amendment?

The PRESIDING OFFICER. Two minutes, equally divided.

Mr. DURBIN. This was one of the first amendments, the Domenici-DeWine-Durbin amendment, related to the millionaire candidates who are showing up more and more.

Since this amendment was originally adopted, some people have noted the fact that some incumbents may have cash on hand and that ought to be taken into consideration when you consider the triggers as to millionaires' expenditures. That is what this amendment addresses.

We also had changed the hard money contributions. We have raised the level of the contributions, which affects the same amendment, the Domenici amendment. I am only addressing the cash on hand aspect. I hope my colleagues would agree with me that we want to get as close to possible to a level playing field but not create incumbent advantage. That is what this amendment seeks to do.

Mr. DODD. I thank my colleague for doing this. I opposed the millionaires amendment for the very reason that the Senator from Illinois outlined this morning. The reason he has offered this amendment is to correct it; it creates a giant loophole.

Talk about incumbent protection, we allow now six times the new levels of hard money. It allows literally someone to receive a check from one couple of $48,000, vastly in excess of what Members intended when they adopted this amendment a week ago.

Under the Feinstein-Thompson increase in hard dollars, we need to come back to this. The Senator from Illinois offered a reasonable, sensible amendment to correct this problem. I urge its adoption.

Mr. DURBIN. I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I make the record clear. We asked for unanimous consent so we could continue to work on this amendment. I only addressed the cash on hand.

I agree completely with the Senator from Connecticut when it comes to the increased hard money contribution. I hope to address that in my technical amendment, if not in conference. I agree with him completely on the point. We have not had the time this morning to include that.

Mr. MCCONNELL. If ever that were a faulty excuse, this is the time. This was the first amendment adopted 2 weeks ago and the Senator from Illinois is here at the last minute trying to unravel an amendment that got 70 votes. A Domenici amendment was passed 70-30 2 weeks ago and here at the last minute we are trying to unravel it.

It is no surprise that there is some confusion about what is going on. My conclusion is that a vote that got 70 Members of the Senate maybe ought to stand. I think the Durbin amendment should be opposed.

AMENDMENT NO. 164, AS MODIFIED

Mr. DODD. Is it permissible to move to a second amendment? I want to send a modification on behalf of the Senator to the desk on the Reed amendment.

Mr. MCCONNELL. Reserving the right to object—I do not object.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The amendment will be so modified.

The amendment, as modified, is as follows:

On page 37, between line 14 and 15, insert the following:

SEC. . AUDITS.

(a) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended by striking "6 months" and inserting "12 months".

SEC. . AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following:

"(13) AUTHORITY TO SEEK INJUNCTION.—

"(A) IN GENERAL.—If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction;

the Commission may initiate a civil action for a temporary restraining order or a preliminary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) VENUE.—An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.";

(2) in paragraph (7), by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(3) in paragraph (11), by striking "(6)" and inserting "(6) or (13)".

SEC. ___. INCREASE IN PENALTY FOR KNOWING AND WILLFUL VIOLATIONS.

Section 309(a)(5)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(B)) is amended by striking "the greater of $10,000 or an amount equal to 200 percent" and inserting "the greater of $15,000 or an amount equal to 300 percent".

SEC. ___. USE OF CANDIDATES' NAMES.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) is amended by striking paragraph (4) and inserting the following:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not—

"(i) include the name of any candidate in its name, or

"(ii) except in the case of a national, State, or local committee of a political party, or with the express authorization of the candidate, use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. ___. EXPEDITED PROCEDURES.

Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)), as amended by this Act, is amended by adding at the end the following:

"(14) EXPEDITED PROCEDURE.—

"(A) 60 DAYS PRECEDING AN ELECTION.—If the complaint in a proceeding is filed within 60 days immediately preceding a general election, the Commission may take action described in this paragraph.

"(B) RESOLUTION BEFORE ELECTION.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that there is clear and convincing evidence that a violation of this Act has occurred, is occurring, or is about to occur and it appears that the requirements for relief stated in clauses (ii), (iii), and (iv) of paragraph (13)(A) are met, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, immediately seek relief under paragraph (13)(A).

"(C) COMPLAINT WITHOUT MERIT.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

"(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

"(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.".

SEC. ___. AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION.

Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended—

(1) by inserting "(a)" before "There";

(2) in the second sentence—

(A) by striking "and" after "1978,"; and

(B) by striking the period at the end and inserting the following: ", and $80,000,000 (as adjusted under subsection (b)) for each fiscal year beginning after September 30, 2001."; and

(3) by adding at the end the following:

"(b) The $80,000,000 under subsection (a) shall be increased with respect to each fiscal year based on the increase in the price index determined under section 315(c) for the calendar year in which such fiscal year begins, except that the base period shall be calendar year 2000.".

SEC. ___. EXPEDITED REFERRALS TO ATTORNEY GENERAL.

Section 309(a)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)) is amended by striking subparagraph (C) and inserting the following:

"(C) The Commission may at any time, by an affirmative vote of at least 4 of its members, refer a possible violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986, to the Attorney General of the United States, without regard to any limitation set forth in this section.".

The PRESIDING OFFICER. There are 2 minutes equally divided. All time on the Reed amendment has expired.

Mr. REED. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The question is on agreeing to the Reed amendment numbered 164, as modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 50, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—41

Akaka
Bayh
Biden
Byrd
Cantwell
Carnahan
Carper
Cleland
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—50

Allard
Allen
Baucus
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Chafee
Clinton
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—9

Bingaman
Breaux
Dayton
Ensign
Gramm
Helms
Miller
Murkowski
Thomas

The amendment (No. 164), as modified, was rejected.

Mr. McCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, let me report to the Members of the Senate that there may only be one more rollcall vote. I ask unanimous consent—there could be more than one but maybe only one—that the next vote in the series be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has 1 minute.

AMENDMENT NO. 165

Mr. McCAIN. Mr. President, I urge adoption of this amendment. It basically codifies regulation. It requires the Federal Election Commission to promulgate new regulations to enforce the statutory standards. It shall not require collaboration or agreement to establish coordination, in addition to any subject determined by the Commission. In other words, we are asking the FEC to promulgate regulations to crack down on the abuses of coordination. I think it is legitimate. It neither favors unions nor business and corporations.

It may not be the answer that we both wanted, but it is a far significant improvement from the present language. I look forward to working with the Senator from Kentucky in trying to improve it even further.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I urge that the amendment be opposed. I particularly want to get the attention of the Republican Senators. I have been predicting for 2 weeks that at the end there would be an effort to water down offending language that big labor did not like that was inadvertently included, or maybe on purpose included, in the original McCain-Feingold. This is that effort. What it does is let big labor continue to coordinate its ground game with the Democratic Party.

This is a modification of the original language in McCain-Feingold which the AFL-CIO thought was offensive. It is now being modified in a way that makes it bite less. So this will complete the job.

You noticed, all the amendments during the course of the last 2 weeks that had any impact on labor at all were defeated. Now the provision that was in the bill that was offensive to labor is being watered down. I urge that this amendment be opposed.

Mr. DODD. Mr. President, is there any time remaining?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent for 20 seconds, if I can.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I ask unanimous consent for 20 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. This amendment covers every organization. If you are for McCain-Feingold, you don't want to put people in the situation where you are potentially becoming a criminal because you had a conversation. So this covers the NRA, pro-life groups, every organization. Without the adoption of this amendment, you have a situation that is inviting criminality. I do not think any of us want to see that be the case. Senator MCCAIN and others have worked this out. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 20 seconds.

Mr. McCONNELL. Let me sum this up. This is the last gift to the AFL-CIO right here at the end of the bill. It will allow them to continue to coordinate their ground game with the Democrats. I urge opposition of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 165. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—34

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Inhofe
Kyl
Lott
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thurmond
Voinovich

NOT VOTING—9

Bingaman
Breaux
Dayton
Ensign
Gramm
Helms
Miller
Murkowski
Thomas

The amendment (No. 165) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, there is one amendment remaining, and I believe it has been worked out. I believe Senator DURBIN has to modify it.

AMENDMENT NO. 169, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent that the modification I have delivered to the desk be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 169), as modified, was agreed to, as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(i)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

"(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

(ii) GROSS RECEIPTS ADVANTAGE.—For purposes of clause (i), the term "gross receipts advantage" means the excess, if any, of

(I) the aggregate amount of 50% of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators DOMENICI, DEWINE, and LEVIN be shown as cosponsors of the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am going to oppose the modified Durbin amendment. Quite simply, it preserves all of the incumbency protection provisions of the original Domenici amendment.

I compliment my colleague from Illinois on his attempt to correct his amendment of last week, but this modification does not get the job done.

Let me review for my colleagues what happened last Tuesday and which provisions of the Domenici amendment are most objectionable to this Senator.

Last Tuesday the Senate adopted amendment number 115 offered by Senators DOMENICI, DEWINE, DURBIN, MCCONNELL and others regarding wealthy candidates. The proponents of this amendment claimed that it addressed an unintended effect of the Buckley decision—namely, that wealthy candidates have a constitutional right to use their own resources to finance a campaign. My colleagues argued at the time that the Buckley decision created a substantial disadvantage for opposing candidates who must raise campaign funds under the current fund-raising limitations.

That is an outrageous statement. Who among us really believe that we are disadvantaged by hard money contribution limits? The benefits of incumbency are well known and are recognized obstacles for challengers to overcome.

The contention of my colleagues, who supported the Domenici amendment last week, is that the current limits are simply too low for incumbents to overcome challengers who have independent wealth. Consequently, their amendment establishes threshold amounts, based on the voting population of the state, which if exceeded by contributions of personal wealth by a candidate, would trigger outlandish benefits to an incumbent. Benefits of 4 to 6 times the contribution limits of current law.

I opposed that amendment because it clearly created yet another advantage of incumbency—that of ignoring the significant wealth that incumbents also have in the form of campaign treasuries.

Moreover, the benefits afforded to an incumbent with a war chest were way out of line with the threshold limits that triggered these benefits.

For example, in my State of Connecticut, the voting age population is roughly 2.5 million. Under the Domenici amendment, a wealthy candidate would only have to expend $250,000 of his or her own resources to trigger benefits to an incumbent. And what are those benefits? Well, it depends upon how much the wealthy candidate spends.

If the wealthy candidate spends $500,000 of his or her own money—not an insignificant sum, but not huge either—the amendment would triple the contribution rates for the incumbent. That means that the incumbent could raise funds, equal to 110% of the $500,000, in amounts three times as large as current law. The incumbent facing this moderately wealthy challenger in the State of Connecticut would be able to solicit $6,000 per individual, per election for a total of $12,000, or $24,000 per couple. That is hardly reform.

But what if that moderately wealthy challenger expends twice that amount in personal resources, or $1 million? In that case, the so-called disadvantaged incumbent can raise contributions from individuals at 6 times the current rate. In that instance, the incumbent could legally solicit funds from an individual in the amount of $12,000, or $24,000 per election cycle, or $48,000 per couple.

Is there anyone who believes that asking a couple to write a check in the amount of $48,000 is reform or in the best interest of this Democracy? I think not.

But let me add another twist. Suppose this same incumbent, facing the wealthy challenger, has a campaign account—as almost all incumbents do. And in that campaign account there is a balance of $1,000,000, not an unrealistic amount for many incumbents. And yet, even though that incumbent has $1 million in the bank, and the wealthy candidate spends only $500,000 of their personal funds, the incumbent still gets 3 times the benefits. What is fair about that?

Some of my colleagues suggest that their campaign accounts are not the same as a challenger's personal wealth—that they have worked hard to raise those campaign dollars, living within the current limits of only $1,000 per individual per election. Before my colleagues feel too sorry for themselves, let me point out that I am sure that wealthy candidate believes he has worked equally hard for his personal wealth. And like the wealthy candidate who, alone, controls whether to spend those resources, the incumbent is similarly in charge of his or her campaign account.

There is simply no way to justify treating an incumbent's war chest differently than a challenger's personal wealth. And yet, both the original Domenici amendment and this so-called fix offered today do.

The amendment by the Senator from Illinois also ignores what has transpired since last Tuesday and the adoption of the original amendment. Since that time, the Senate has adopted the Thompson-Feinstein amendment which doubled the hard money contribution limits for individuals and indexed them for future inflation, so we are now up to $2,000 per year, or $4,000 per election, $8,000 per couple. That amendment also doubled the amount that a Senate campaign committee can give such a candidate to $35,000 and indexed it for inflation also.

In the period of a short week, we potentially gave an incumbent facing a wealthy challenger an additional $17,500, plus an additional $4,000 per couple per election. To address these increased limits would require additional reform which Senator DURBIN's amendment does not address—that is, whether the benefits of this provision providing for a triple or 6 times current rates, are now too great. When the original amendment was drafted, the contributions limits were one-half of what they are today. Consequently, any benefits offered by this amendment should recognize that fact.

Moreover, this so-called fix is not a fix at all. To fairly level the playing field, an incumbent's campaign treasury should be matched dollar-for-dollar by a wealthy candidate's spending of personal funds before any benefits accrue to the incumbent. But that is not what the amendment before us does. Rather, it allows an incumbent to disregard 50% of the funds in his or her war chest before matching such balances against the personal spending of a challenger.

So again, in the example of a race in Connecticut, the incumbent has a war chest of $1,000,000, but only $500,000 of that is considered. So when the wealthy candidate spends $500,000 of his or her own money, no benefits are triggered. But as soon as that wealthy candidate spends $1,000,000, the triple limits apply. That simply does not make sense. The entire balance of the incumbent's campaign treasury should be counted.

I opposed the original amendment because it did not appear to me to be reform, and I oppose this so-called fix as well. I urge my colleagues in the House to take a close look at this provision and either completely eliminate the Domenici provision from the bill—which would be preferable—or amend it to eliminate the substantial loophole for incumbents.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. MCCONNELL. Mr. President, that essentially completes the underlying bill, upon which final passage will occur at 5:30 on Monday. There will be no more rollcall votes.

Mr. DODD. Mr. President, I know the leaders were discussing this.

I ask unanimous consent that there be 1 hour on Monday, off the budget resolution, prior to the vote at 5:30 for Members to come over to make final comments about the adoption of this important piece of legislation.

Mr. MCCONNELL. Reserving the right to object, we need to check with our leader in terms of how that might impact the running of the clock on the budget resolution, which is the most important item for next week, obviously. I will have to object, until I get some word from the leader.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. Mr. President, I think it is appropriate to have at least a brief discussion before final passage—very brief because we have been on this 2 weeks. People do have a sense of what this issue is about.

One possibility, of course, would be to let that time we use on this subject count on the budget resolution. That would probably smooth the passage to approving this. We will get a report from our leader shortly.

Mr. DODD. Mr. President, I point out we are not on the budget resolution yet. I was just looking for time for Members to speak on the bill, to get a little time to be heard prior to final passage.

It seems to me that is not an unreasonable request. Given the 2 weeks we have spent on this bill, I think Members would like to spend a few minutes expressing their thoughts on this legislation. Rather than take the time of the Senate today, I thought prior to the vote on Monday was the time to do that.

Mr. MCCONNELL. The perfect time to do it is right now. We are basically finished with business for today, and anybody who believes they need to express themselves on this matter further after 2 weeks of robust debate might want to take advantage of morning business, or something along those lines, today.

Mr. DODD. Mr. President, I suggest the absence of a quorum until we come to some understanding.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, Stuart Taylor, Jr. of the National Journal, has been among the more insightful and persuasive voices emerging against the so-called reformers' campaign finance effort.

In the January 1, 2000 edition of that publication, in a piece entitled The Media Should Beware of What it Embraces, Mr. Taylor cautions the media to reconsider its hypocrisy in so zealously attacking the first amendment freedom of every other participant in the political process.

This is especially significant because at one point not long ago, Mr. Taylor had advocated banning party soft money.

I ask unanimous consent that this article by Mr. Taylor and an article by Michael Barone, which ran in U.S. News, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the National Journal, Jan. 1, 2000]

THE MEDIA SHOULD BEWARE OF WHAT IT EMBRACES

(By Stuart Taylor, Jr.)

The uncritical enthusiasm of most media organizations for abolishing "soft money" and restricting issue advertising by "special interests" prompts this thought: How would the networks and The New York Times like a law imposing strict limits on their own rights to editorialize about candidates? After all, if some of their favored proposals were to be enacted, the media would be the only major interest still enjoying unrestricted freedom of political speech.

A few liberal legal scholars have proposed such laws as a long-term component of any "reform" aimed at purging the influence of private money and promoting true political equality. Associate Professor Richard L. Hasen of Loyola University Law School (Los Angeles) put it this way in the June issue of the Texas Law Review:

"If we are truly committed to equalizing the influence of money on elections, how do we treat the press? Principles of political equality could dictate that a Bill Gates should not be permitted to spend unlimited sums in support of a candidate. But different rules [now] apply to Rupert Murdoch just because he has channeled his money through media outlets that he owns. . . . The principle of political equality means that the press too should be regulated when it editorializes for or against candidates."

Far-fetched? Politically impossible? Blatantly unconstitutional?

Perhaps. But I'm not the only one worried about the lack of a stopping point on the slippery slope that runs from such seemingly modest proposals as the McCain-Feingold bill to the notion of censoring New York Times editorials. Listen to former acting Solicitor General (and former Deputy White House Counsel) Walter Dellinger, the most widely respected constitutional expert to come out of the Clinton Administration:

"I've been struck by how shallow the thought has been about whether McCain-Feingold is a good idea. There's a credible argument that political parties may be the least bad place for monies to be funneled, and yet that's where money would be limited.

"[And] it's odd to see the press clamoring for restricting independent spending on campaigns by everybody other than the media. Even assuming that it would be desirable to say to one individual or group that you may not spend more than X dollars for television ads—while allowing another individual to buy a television network and spend as much as he wishes promoting a candidate or a party—it may be impossible under the First Amendment to restrict the 'media,' and it may be technically impossible in the age of the Internet to draw lines between the 'media' and everyone else."

Part of Dellinger's point is what more-conservative critics of campaign finance restrictions stress: that each incremental step advocated by us reformers would create new problems and new inequities, fueling demands for more and more sweeping restrictions on political speech.

I say "us reformers" because I have been among the advocates of banning unlimited gifts of soft money to the political parties. (See NJ, 9/11/99, p. 2535.) But while John McCain and Bill Bradley have been riding a wave of media acclaim for pushing various reforms, I've been having second thoughts.

Banning soft money has considerable attraction because it would stop corporations, unions, and wealthy individuals from giving political parties the huge gifts that emit such a strong stench of corruption, or at least of influence-peddling.

But unless accompanied by a major increase in the caps on individual contributions of "hard money"—which most campaign finance reformers vehemently oppose—a soft-money ban could muffle the voices of the parties and their candidates while magnifying the influence of the independent groups ("special interests") that have already come to dominate some election campaigns. These include ideologically based groups ranging from the National Right to Life Committee on the right to the Sierra Club on the left.

Would it make sense to shift power from broad-based political parties to ideologically driven interest groups that are relatively unknown to the electorate? Dellinger thinks not. "It wasn't a political party that did the Willie Horton ad. It was an independent expenditure group. . . . They are free to do drive-by political character assassinations without political accountability."

In part for this reason—and in part because of the simple urge to quiet their critics—many members of Congress insist that any soft-money ban be coupled with restrictions on fund raising by independent groups that use issue ads to influence elections.

The House-passed Shays-Meehan bill would restrict fund raising by such independent groups. And while those restrictions have been stripped from the Senate bill (McCain-Feingold) in order to pick up more votes for the effort to abolish soft money, most reformers see that move as only a temporary, tactical concession.

A further complication is the likelihood that the current Supreme Court majority would strike down the Shays-Meehan restrictions on independent groups, even it if upheld the provision abolishing soft money. The reason is that the danger of corruption that has persuaded the Justices to uphold caps on hard-money contributions to candidates (and that might persuade them to uphold a ban on soft-money contributions to parties) seems far more remote when independent groups are raising and spending the money.

Indeed, the urge of many reformers to restrict independent groups has less to do with preventing corruption than with equalizing the political clout of all citizens by reducing that of people (and groups) with money. And that goal clashes with the Court's crucial holding in 1976, in Buckley vs. Valeo, that "the concept that government may restrict the speech of some elements of our society in order to enhance the relative voices of others is wholly foreign to the First Amendment."

Suppose, however, that Congress does eventually abolish soft money and tightly restrict issue ads and that the Supreme Court goes along—and thereby abandons its First Amendment ruling in Buckley. One result would be to weaken the political parties and the independent groups alike by restricting their fund raising.

Another result, liberal and conservative scholars agree, would be to enlarge greatly the power of the big media companies, because they would be the only major organizations still free to raise and spend unlimited amounts of money to amplify their speech about political campaigns. A.J. Liebling's line—"freedom of the press is guaranteed only to those who own one"—would become truer than he ever imagined. In such an environment, what justification would remain for continuing to exempt the institutional media from the pervasive regulation of everyone else?

Would the media be protected by their image of themselves as disinterested, politically neutral guardians of democracy? Hardly. The public is already properly skeptical of the accuracy and fairness of the big media companies. Many of them are already owned by commercial conglomerates, such as General Electric (which owns NBC and half of MSNBC), Disney (which owns ABC), and Rupert Murdoch's empire (which owns the Fox network, The New York Post, The Weekly Standard, and more). Many are even big soft-money donors.

And a media monopoly on freedom of political speech would enhance the already considerable incentives for monied interests seeking political clout to go into the media business.

Could the media count on the Supreme Court to strike down any congressional restrictions on their rights to editorialize? Dellinger believes so. I'm a bit less confident. For if we ever reach that point, Buckley vs. Valeo will already be dead, the First Amendment will be unrecognizable, and political speech will no longer be deemed a fundamental freedom, but rather a privilege to be rationed.

In such a "post-Buckley era," Hasen enthuses, "op-ed pieces or commentaries expressly advocating the election or defeat of a candidate for federal office could no longer be directly paid for by the media corporation's funds. Instead, they would have to be paid for either by an individual (such as the CEO of the media corporation) or by a PAC set up by the media corporation for this purpose. The media corporation should be required to charge the CEO or the PAC the same rates that other advertising customers pay for space on the op-ed page."

This scenario seems very remote now. But it suggests some questions that we should ask ourselves before jumping aboard the campaign finance reform bandwagon: How far do we want to go? Is there a good place to stop? Who will be at the controls? And will we be any happier in the end that the campaign finance reformers of 1974 have been with the system they helped create?

[From U.S. News, Nov. 15, 1999]

Money Talks, as It Should

(By Michael Barone)

"How a company lets its cash talk," read the headline in the New York Times last month. The article tells of the success of Samuel Heyman, chairman of GAF Corp., in lobbying for a bill to change rules for asbestos lawsuits. The article sets out how much money Heyman, his wife, and GAF's political action committee have contributed to politicians and both parties, and the reader is invited to conclude that this billionaire and his company are purchasing legislation that will benefit them. Money buys legislation, which equals corruption: It is the theme articulated by John McCain in the Senate last month and on the campaign trail; it was the premise of questions asked at the Hanover, N.H., candidates' forum and taken for granted by Al Gore and Bill Bradley in their responses; it is the mantra of countless editorial writers and of Elizabeth Drew in her book The Corruption of American Politics.

But is it true? Careful readers of the Times's "cash talks" story can find plenty of support for another conclusion: "Strong arguments talk." For 25 years, asbestos lawsuits have transferred billions of dollars from companies that once manufactured asbestos (it was banned in the 1970s) to workers exposed to asbestos and their lawyers. Asbestos causes sickness in some but by no means all workers many years after exposure. But most claimants who have recovered money are not sick and may never be, while those who are sick must often wait years for claims to be settled. The biggest winners in the current system are a handful of trial lawyers who take contingent fees of up to 40 percent and have made literally billions of dollars.

Heyman's proposal, altered somewhat by a proposed House compromise, would stop nonsick plaintiffs from getting any money, while setting up an administrative system to determine which plaintiffs are sick and to offer them quick settlements based on previous recoveries. The statute of limitations would be tolled, which means that nonsick plaintiffs could recover whenever signs of sickness appear. Sick plaintiffs would get more money more quickly, while companies would be less likely to go bankrupt; 15 asbestos firms are bankrupt now, and the largest pays only 10 cents on the dollar on asbestos claims. The two groups who lose, according to Christopher Edley, a former Clinton White House aide and Harvard Law professor who has worked on the legislation, would be nonsick plaintiffs who might get some (usually small) settlements under the current system and the trial lawyers who have been taking huge contingent fees.

These are strong arguments, strong enough to win bipartisan support for the bill, from Democratic Sens. Charles Schumer and Robert Torricelli as well as House Judiciary Chairman Henry Hyde and Senate Majority Leader Trent Lott. You would expect Hyde and Lott to support such a law, but for Schumer and, especially, Torricelli, it goes against political interest: Torricelli chairs the Senate Democrats' campaign committee, and Democrats depend heavily on trial lawyer money. One can only conclude that Schumer and Torricelli were convinced by strong arguments, which was certainly the case for Democrat Edley, who was writing about cases long before Heyman's bill was proposed. When McCain charged that the current campaign finance system was corrupt, Republican Mitch McConnell challenged him to name one senator who had voted corruptly. Certainly no one who knows the issues and the senators involved would have cited this case.

Air pollution? And not just this case. When a government affects the economy, when it sets rules that channel vast sums of capital, people in the market economy are going to try to affect government. They will contribute to candidates and exercise their First Amendment right to "petition the government for a redress of grievances," i.e., lobby. Both things will continue to be true even if one of McCain's various campaign finance bills is passed. There is no prospect for full public financing of campaigns (Gore says he's for it, but he has never really pushed for it); one reason is that it leaves no way to prevent frivolous candidates from receiving public funds. (Look at the zoo of candidates competing for the Reform Party's $13 million pot of federal money). Reformers speak of campaign advertisements as if they were a form of pollution and try to suppress issue ads as if no one but a candidate (or newspaper editorialist) had a First Amendment right to comment on politicians' fitness for office. And to communicate political ideas in a country of 270 million people you have to spend money.

The idea that the general public interest goes unrepresented is nonsense. There is no single public interest; reasonable people can and do disagree about every issue, from asbestos lawsuits to zoo deacquisitions. This country is rich with voluntary associations ready to represent almost anyone on anything; any interest without representation can quickly get some. Even when the deck seems stacked, as it has for trial lawyers on asbestos regulation, there will be a Samuel Heyman with, as Edley puts it, "the moxie to act on his convictions." Money talks, as it always will in a free society. But in America, and on Capitol Hill, strong arguments can talk louder, and do.

Mr. McCONNELL. Mr. President, it has been encouraging to see the evolution of this debate over the years. While the New York Times and Washington Post are a broken record, repeating ad nauseam the tired and disproven cliches of the reform industry, there has been a marked increase in dissents put forth op-eds and scholarly works.

Among the leading columnists who has weighed in on behalf of the first amendment perspective is Charles Krauthammer.

I ask unanimous consent that Mr. Krauthammer's column of March 23, 2001 in the Washington Post be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD as follows:

[From the Washington Post, Mar. 23, 2001]

McCain's Costly Crusade

(By Charles Krauthammer)

Pharmaceutical companies live on patent protection. They make their profits in the few years they enjoy a monopoly on the drugs they have discovered. They fight fiercely to protect their turf, and given generously to politicians to make sure they protect that turf too.

Who, then, do you think has just issued a report showing that changes in law and regulation have effectively doubled the drug companies' patent protection time? Some tiny, Naderite public interest group? Some other representative of the little guy?

No. A nonprofit institute founded and largely funded by the insurance companies. Insurance companies, you see, pay the bill for patent protection by drug companies. And they don't like it. There is more than one 800-pound gorilla in this room.

You wouldn't know that from hearing John McCain talk about how special interests buy their way in Washington. They try to, but they run up against the classic Madisonian structure of American democracy. Madison saw "factions," what we now call interests, not only as natural, but as beneficial to democracy because they inevitably check and balance each other.

His solution to the undue power of factions? More factions. Multiply them—and watch them mutually dilute each other. For two centuries we followed the Madisonian model. But now McCain's crusade calls for restriction rather than multiplication: curtailing the power—and inevitably the right to petition and the right to free speech—of special interests.

True, money in politics in corrupting; opponents of McCain should admit as much. Generally one can't prove quid pro quos. But it is obvious that legislators are more attentive to the views of those who give money. Otherwise, they wouldn't give it. The problem, however, is that like all attempts to banish sin from public life—Prohibition, for example—campaign reform comes at a fearful price.

There are three basic ways to conduct effective political speech: own a printing press; buy a small piece of space (or time) in a medium owned by others, say, 30 seconds on TV or a page in a newspaper; or bypass the media and directly support a political actor—candidate, leader, party—whose views reflect yours.

McCain-Feingold would drastically restrict the third, by banning "soft money" contributions to parties. The Snowe-Jeffords amendment would drastically restrict the second by curtailing political ads by outside groups.

This is bad policy, first of all, on principle. Free speech is the first of all the amendments not by accident. It is the most important. Which is why we regulate it with the most extreme circumspection. It borders on the comic that the First Amendment should be (correctly) interpreted as protecting nude dancing and flag-burning but not political speech. And there are few more effective ways for someone who does not own a printing press to express and promote his political views than by contributing to a party that reflects them.

Hence, the second problem with McCain-Feingold. It purports to eliminate the influence of money and power in politics. In fact, it eliminates only some influence. It does not end influence peddling. It only skews it.

By restricting Madison's multiple factions, McCain-Feingold radically tilts the playing field toward (a) incumbent politicians, who enjoy the megaphone of public office; (b) the very rich, who can buy unlimited megaphone time (which is why so many now populate the Senate); and (c) media moguls, who own the megaphones.

The conceit of McCain-Feingold is that politicians prostitute themselves only for big corporate or individual contributors. But they give far more care and feeding, flattery and deference to the lords of the media. It stands to reason.

They can be helped or hurt infinitely more by the New York Times or network news shows than by any lobbyist. By restricting the power of contributors, McCain-Feingold magnifies the vast power of those already entrenched in control of information.

How to mitigate the effects of money? By demanding absolute transparency, say, full disclosure on the Internet within 48 hours of a contribution, so that contributions can be the subject of debate during, not after, the campaign. And by requiring TV stations, in return for the public licenses that allow them to print money, to give candidates a substantial amount of free air time.

Far better to reduce the demand for political money rather than the supply. For the Robespierre of American politics, however, such modest steps are almost contemptible. McCain's mission is not the mitigation of sin but its eradication. Yet like all avengers in search of political purity, McCain would leave only wreckage behind: a merely different configuration of influence-peddling—and far less freedom.

Mr. McCONNELL. Mr. President, William Raspberry has also made some astute observations on this issue over the years. In the March 23, 2001 Washington Post, in a column entitled "Campaign Finance Frenzy," Mr. Raspberry makes a refreshing observation, conceding that while he is drawn to "reform" he is not sure just what "reform" means. What is it? A fair question.

"I don't quite get it," Mr. Raspberry writes. He's for it but confesses to not being sure what it is.

I venture to guess Mr. Raspberry speaks for a lot of people who are not intimately familiar with the McCain-Feingold bill and the jurisprudence which governs this arena.

I ask unanimous consent that Mr. Raspberry's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 2001]

CAMPAIGN FINANCE FRENZY

(By William Raspberry)

When it comes to campaign finance reform, now being debated in the Senate, I don't quite get it.

I know what the problem is, of course: People and organizations with big money (usually people and organizations whose interests are inimical to mine) are buying up our politics—and our politicians. It is disgraceful, and I'd like it to stop.

What I don't get is how the reform proposals being debated can stop it.

Up to now, I've been too embarrassed to say so. I think I'm for McCain-Feingold, but that's largely because all the people whose politics I admire seem to be for it. Besides, John McCain looks so sincere (I don't really have a picture of Russ Feingold in my mind) and the Arizonan has made campaign finance reform such an important matter that he was willing to risk offending a president of his own party. I'm attracted to people of principle.

Similarly, I've been denouncing the substitute lately put forward by Sen. Chuck Hagel (R-Neb.) because my colleagues who know about these things say it is a sham—even a step backward. I don't like shams.

The problem is (boy, this is humiliating!) I don't know what I want.

Do I want to keep rich people from using their money to support political issues? Political parties? Political candidates? No, that doesn't seem right.

Didn't the Supreme Court say money is speech, thereby bringing political contributions under the protection of the First Amendment? That pronouncement, unlike much that flows out of the court, makes sense to me. If you have a First Amendment right to use your time and shoe leather to harvest votes for your candidate, why shouldn't Mr. Plutocrat use his money in support of his candidate? If it's constitutional for you to campaign for gun control, why shouldn't it be constitutional for Charlton Heston and the people who send him money to campaign against it?

If money is speech—and it certainly has been speaking loudly of late—how reasonable is it to put arbitrary limits on the amount of permissible speech? Is that any different from saying I can make only X number of speeches or stage only Y number of rallies for my favorite politician or cause?

But if limits on money-speech strike me as illogical, the idea that there should be no limits is positively alarming. Politicians—and policies—shouldn't be bought and sold, as is happening far too much these days.

The present debate accepts the distinction between "hard" and "soft" contributions—hard meaning money given in support of candidates and soft referring to money contributed to political parties or on behalf of issues.

McCain-Feingold would put limits on hard money contributions and, as I read it, pretty much ban soft money contributions to political parties. Hagel would be happy with no limits on contributions to parties but has said he might, in the interest of expediency, accept a cap of, say, $60,000 per contribution.

Hagel's view is that the soft money given to parties is not the problem, since we at least know where the money is coming from. More worrisome, he says, are the "issues" contributions that can be made through nonpublic channels and thus protect the identity of the donors.

Why has money—hard or soft—come to be such a big issue? Because it takes a lot of money to buy the TV ads without which major campaigns cannot be mounted. Politicians jump through all sorts of unseemly hoops for money because they're dead without it.

So why aren't we debating free television ads for political campaigns? Take away the politician's need for obscene sums of money and maybe you reduce the likelihood of his being bought. We'd be arguing about how much free TV to make available or the thresholds for qualifying for it, but at least that is a debate I could understand.

All I can make of the present one is that I'm for campaign finance reform, and I'm against people who are against campaign finance reform. I just don't know what it is.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Senator is correct.

SENATE'S FINEST HOUR

Mr. TORRICELLI. Mr. President, in my brief tenure in the Senate, I have never witnessed the Senate perform better or meet the expectations of the American people so unequivocally. The Senate is particularly indebted to the Senator from Kentucky, Mr. McCONNELL, and the Senator from Connecticut, Mr. DODD, for presiding over this debate and dealing with difficult moments. They have led the Senate to what is, in my experience, its finest hour.

I will confess, when this debate began on McCain-Feingold, I had real reservations as to whether, indeed, an attempt at narrow reform could genuinely result in comprehensive campaign finance reform. This legislation has exceeded my expectations. The public may have expected simply an elimination of soft money, but many of us who have lived in this process know that the rise of soft money contributions was only one element in a much broader problem.

This legislation is genuine comprehensive campaign finance reform. We have dealt with the need to control or eliminate soft money, but also reduce the cost of campaigns themselves, allowed a more realistic participation through hard money contributions, and dealt with the rising specter of eliminating the class of middle-class candidates in this country by opening this only to become the province of the very wealthy.

The burden may soon go from this Congress to the Supreme Court. I only hope that the Supreme Court meets its responsibility to protect the first amendment, assuring that in our enthusiasm to deal with campaign finance abuses we have not trespassed upon other fundamental rights of the American people. I understand that is their responsibility. I know they will meet it.

I hope they also balance that this Congress felt motivated to deal with the problem of public confidence, assuring the integrity of the process; that, indeed, the Court is mindful that we have attempted to meet that responsibility.

I have never felt better about being a Member of this institution. I am proud of my colleagues. I believe we can feel good about this product. It is not partisan in nature. It does not deal with one part of this problem. It is broad. It is deep reform. It has been a good moment for the Senate.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in a period of morning business with Senators allowed to speak for up to 10 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order without a limitation on time. I do not expect to speak at great length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. BYRD. Mr. President, the Senate will debate, beginning next week, legislation that will be remembered by Americans for decades to come.

The budget resolution that the Senate will debate will set the Nation on a course that will change, that will affect, and that will impact upon people's lives for a generation or more.

How long is a generation? One might think in terms, in speaking of a generation, of 25, 30 years. We are at a unique moment—hear me—we are at a unique moment in the history of this Nation when we must decide what is the most appropriate way to allocate a projected surplus when we know that just over the horizon we are facing the staggering costs of the retirement of the baby boom generation.

What do we mean in terms of the calendar when we speak of the baby boom generation? I started out in politics in 1946. The baby boom generation began then and there, for the most part, in 1946. That was a good starting point. Ten years from now, when 53 million Americans are expecting Social Security—hear me—10 years from now, when 53 million Americans will be expecting Social Security to be there for them in their retirement, they will remember—they will remember—whether we voted for a budget resolution that failed to address the long-term financing crisis that faces the Social Security program. They will remember, and so will we.

Ten years from now, when 43 million Americans—hear me, again—10 years from now, when 43 million Americans are expecting to rely on the Medicare program for their health care, they will remember whether we voted for a budget resolution that failed to address the long-term problem—they will remember whether we failed to address the long-term problem—the financing crisis that faces the Medicare program. Forty-three million Americans will remember us, whether we addressed the financing crisis that faces the Medicare program.

Ten years from now our elderly citizens will remember if we, in our day in time, voted for a resolution that failed to provide a fair prescription drug benefit.

Ten years from now our children—our children—will remember if we voted for a budget resolution that resulted in a nation with a failed infrastructure—broken roads, dilapidated bridges, polluted water, water that is not safe to drink. They will remember if we voted for a budget resolution that forced them to go to crumbling schools. What will we say, when they say: Where were you?

When God walked through the Garden of Eden—in the cool of the day, when the shadows were falling, when the rays from the Sun were dying out in the west—Adam was hiding. God said, "Adam, Adam, where art thou?"

Ten years from today, the people of America will look at today's legislators, on both sides of the aisle—they will look at the mighty men and women who were given the awesome honor and the profound duty to serve this country in this hour—and they will say to us: Where were you? Where were you? You were there at a time when you could have acted to preserve this system, this Social Security system, Medicare, our infrastructure, our Nation's schools, its forests, its parks. You were there. You had the chance. You had the duty. Where were you?

This is a critical debate. I have been through lots of them. This is as critical a debate, you mind me—hear me, listen to me—this is as critical a debate as you will ever participate in or witness or hear or see in your lifetime, this debate that is coming up on the resolution next week. And yet as we approach this critical debate, we are being asked to do so without a detailed President's budget, without a markup in the Senate Budget Committee, and based on highly, highly questionable 10-year surplus projections—projections. Guesswork—that is what it is, these projections.

When Alexander was being importuned by the Chaldeans upon his return from India not to enter the city of Babylon, Alexander said: "He is the best prophet who can guess right."

That is what we have here. He is the best prophet who can guess right. And who knows? Who knows? When one looks at these 10-year projections that tell us there will be these huge surpluses, $5.6 trillion—that is the projection for 10 years—it isn't worth the paper it is written on. What is the weather tomorrow? What is the weather this coming weekend? What is the weather the middle of next week? They can't tell us. With all of our marvelous techniques, they can't tell us. What will the stock market do on Monday? They can't tell us. They didn't know in advance that it was going to drop 436 points in one day.

Yet we are told that we have massive surpluses down the road and, on that basis, on the basis of those projections, we are going to have a $1.6 trillion tax cut. And it is growing. All in all, it is already well over $2 trillion, and still growing. Some are saying we ought to have a bigger one based on these projections.

We are operating without a detailed President's budget, without a markup in the Senate committee, and based on these highly questionable 10-year surplus projections. We do not have a detailed proposal from the President of the United States on how to address the Social Security crisis. We do not have a detailed explanation from the President on how to fix the Medicare program. We do not know the details of his proposed budget cuts that are supposed to help pay for his proposed $2 trillion tax cut. We don't have it.

Yet we are not only being importuned but we are virtually being forced to take up this budget resolution next week with a beartrap restriction on time that militates against the Senate's working its will. We are being forced into this situation, and we can't even see through a glass darkly, as the Apostle Paul said. We are flying blind. You know the old saying: It is your money.

I hear a lot of talk about bipartisanship. I think that is what the people want—bipartisanship. Let us hope we can give it to them. But they want something else, too. They want us to do our work, and they want us to do our work well. That is what they are paying us to do. That is why they gave every Senator here the votes that placed upon our shoulders the toga of senatorial honor. With that honor goes the duty.

They want us to do our work. They want us to do it well. They want us to represent their views and their interests well. Doing that—representing their views and their interests well—should be a bipartisan concern, a concern of every Member of this body regardless of party.

It is our sworn duty, especially now, now when we are debating a budget that will set the course of this Nation for the next decade. And the ramifications of this budget will go far beyond the next decade. We owe our people our very best judgment.

How can we exercise that judgment, if we don't know the details of the

President's budget? How can any of us go back to our people at home and claim that we knew what we were doing on this critical matter—a budget that will largely set our course for the next 10 years and beyond—when we only had just a little, teeny-weeny glimpse of the picture on which to base our judgments and to base our votes? Conscience should pain us very deeply if we dare make that claim.

The Members of this Senate do not at this time—not one Senator in this body—know the details of the President's budget. Yet we are beginning to consider the budget in 2 days—Saturday, Sunday, Monday. Members have no committee report from the Budget Committee—none. Having no committee report, Members therefore have no majority views. Members have no minority views. We don't have any committee report. We are denied a committee markup of a resolution.

On that point, let me say, I have been told—I want to make this clear—I have been told by one of my colleagues in the Senate—it may be a Republican, it may be a Democrat; I am on good speaking terms with both sides—I was told that one of our Republican colleagues told this colleague, whom I am now quoting, that the reason the Budget Committee did not vote on a budget resolution was that ROBERT BYRD in some way had precluded it or prevented it.

Do you see what is going on here? There is an effort apparently to demonize ROBERT BYRD, along with some other Senators. But I am the demon, understand, according to that rumor, and that is all it is. Apparently, the reason we don't have a measure that has been reported out of the Budget Committee, called a markup, is that ROBERT BYRD somehow prevented it.

I am waiting on any member of that Budget Committee to come to the floor and say that to me, right here and before other Senators. That is the kind of old wives' tale, the kind of rumor, that has no basis whatsoever. Yet it is being used to create fiction here in the minds of the Republicans that the reason we don't have that markup is because of Senator BYRD. It is what he did in the committee. He prevented it. He prevented it. Senator BYRD prevented it.

There isn't a scintilla of truth in that. I have seen that happen before. I have been a victim of demonizing before in the Senate.

I am the one who asked the question at the last meeting, "Is this the last meeting of the committee? If it is, why don't we have a markup?"

Well, Members have no committee report, Members have no majority views, and Members have no minority views because we have no committee report. We are flying as blind as if we were flying in a blizzard with our eyes sewn shut. It should be of no comfort at all to the American people, who are watching through those electronic eyes above the Presiding Officer's chair, that the blindness is completely bipartisan.

Now that is truly bipartisan. The blindness is completely bipartisan. No Member of this Senate, regardless of party, has a complete picture of what is contained in this 10-year budget. Further exacerbating our common difficulties here is that there is no clear mandate for the President's budget.

I respect this President. I have an admiration for this President. I like what he said in his inaugural speech. I like the fact that he referred to the Scripture, to the Good Samaritan. I like the fact that when I sat down with him at dinner in the White House last week, at his invitation—he was kind enough to invite me, my colleague TED, the chairman and ranking member of the Appropriations Committee, and our wives to dinner at the White House. I like the fact that he said grace. He asked God's blessing upon the food. In many circles in this town and across this land, the word "God," except in a profane use, is taboo. Don't mention God. On TV, I noticed the other day a Member of the other body swore in a witness and said, "Do you solemnly swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth." I said to my wife, "Why did that Member not also say 'so help you God' "?

So you can use God's name all you want to in profanity. That is the "in" thing, but don't use it otherwise. But this President used God's name. He had us all bow our heads. He didn't call on me and he didn't call on Senator STEVENS. He, himself, thanked God for the food.

So what I am saying is, I have a great respect for this President, but this President has no clear mandate for this budget. Look at the Senate. It is 50/50; half the people on one side, half on the other. So there is no clear mandate for this President's budget. The election was a virtual dead heat. Who would know that better than the distinguished Senator from Florida, Mr. NELSON, who is on this floor. The election was a virtual dead heat. The Senate is split 50/50. We have no clear direction from the people on what they think of this budget plan. They don't know about it.

I say to Senators, as they said in the days of the revolution, "Keep your powder dry. Don't fire until you see the whites of their eyes." I think we ought to wait to see what is in this budget before we buy into it. Let's wait and see before we have this concurrent resolution on the budget before this Senate.

We have no clear direction from the people on what they think of this budget plan because they don't know what is in it. All they know is what they heard in a campaign that maybe started up in the snows of winter in New Hampshire. Maybe that is where this idea came from, the $1.6 trillion, or whatever it is. Maybe it is where some of the other things came from. But we have no clear direction from the people today on what they think of this budget plan because they have not seen it, and neither have any of our colleagues on the right or on the left, on the Republican side, on the Democratic side. We are all like the blind leading the blind, in which case we all fall into the ditch.

Such a situation underscores every Senator's responsibility to understand the details before he casts his vote in the name of the people he or she represents.

(Ms. STABENOW assumed the chair.)

Mr. BYRD. Madam President, what I am saying is nonpartisan, I am saying on behalf of my colleagues on the Republican side of the aisle, who are in the majority, in a 50/50 Senate: You have a right to know the details of the President's budget. And I say that to my colleagues on the Democratic side: You have a right to know. And I say to the people out yonder in the hills, in the mountains, on the Plains, on the stormy deep: You have a right to know what is in that budget. And we won't know because, apparently, the die is cast and the concurrent resolution on the budget will be called up next week under the restrictions of the Budget Act.

So here we have it. It is the product of hearings and the product of the chairman's work—the chairman and his staff. And I have a very high respect for the chairman. He has been kind enough, upon occasion, to come to my office and talk with me about matters. There is a bond between us. It will not be broken, but what we are going to be voting on next week, the concurrent budget resolution—will be the handiwork, for the most part, at this moment, of the chairman of the Senate Budget Committee.

The House has passed a concurrent resolution on the budget. I have not seen it. It may very well be that the leader will call that up. That will be the basic measure on which we begin to work our will.

There are reconciliation instructions in that measure. If there were reconciliation instructions in the Senate measure that had come out of the Budget Committee, I would like, under the circumstances, to move to strike those instructions. There may not be any reconciliation instructions in the Senate Budget chairman's proposal which may be offered as a substitute for the House resolution. Then perhaps there will be an alternative by the ranking member of the Senate Budget Committee.

Who knows how this will work itself out? But let us say just for the moment that when the product leaves the Senate, it leaves without reconciliation instructions. It still has to go to conference, and there Senate conferees will be faced with the reconciliation instructions of the House. They will be in conference.

I know my colleague from Florida wants to speak or wants me to yield. Let me say before I yield, Senators simply do not know. It is a stacked deck. We do not know what the cards are in that deck. We do not know on what we will be voting. I say wait and see what is in that President's budget before you make up your mind to support, for example, a massive tax cut of $1.6 or $2 trillion, which is what it will amount to certainly by the time the other matters are taken into consideration. Wait until you see. Do not jump, do not leap, do not start across that railroad crossing. The red lights are flashing. Do not start across it. Do not launch out into that unknown. Do not sign up. Do not sign up here. Let us wait and see what is in the President's budget. I think you are in for some surprises.

A short time ago, we received an outline of the President's budget. I have it right here—this so-called blueprint: "A Blueprint for New Beginnings." Now that is just a little peek, a little peek; let's see what this does; a little peek, just a little peek. We get to see just a little peek of what will be in the President's budget. Yet, we are expected to sign on at this juncture and say: Sign me up; I am for that; I will be for that; I am for a $1.6 trillion tax cut, or whatever it may be. Sign me up.

How are you going to pay for it? Out of what domestic programs is the cost going to come? You cannot count on those. It is really a laughing matter, to count on those projected surpluses out there.

What are some of the programs that are going to help pay for that tax cut? I am going to sign up for tax cuts; put me down; put my name down; I am going to sign up for that.

What are you prepared to give for that tax cut? Look at your children out there in those crowded classrooms. Look at the broken windows in the schools. Look at the broken plumbing in the schools. Look at our housing developments where the people live. Look at our parks and our forests. What about Medicare? What are we going to do about Medicare? What are we going to do about Social Security? What about our highways? What about our airports? What about safety in the air? What about safety in drinking the water in this country that comes out of the faucet? Are you willing to suffer huge cuts in those programs? What about energy? We are facing an energy crisis in this country. What are you willing to give there? And I can go on and on and on.

Why do we want to get on board something blindfolded—blindfolded? So I say wait and see, wait and see. We should have the budget before us. We are the people's elected representatives. We have no king in this country. People decided that over 200 years ago. The people's representatives—you, the Presiding Officer, you, the Senator, my friends on the Republican side—they are as entitled to know what is in this budget as we, the Democrats, are. Their duties are as deep, their responsibilities are as demanding as are ours.

So I am making a bipartisan, or nonpartisan, speech this afternoon, and I am saying: Let us have the President's budget. No one can tell me that, this late in the game, the executive branch cannot share with us the budget details. Why won't they share the budget details with us? They can do it. Why don't our friends on the Republican side tell the people in the Republican administration: Share with us; we have as much a responsibility as the Democrats have to know where we are going; share with us; what is in this budget?

Even if I had to wait on the document itself, why shouldn't the administration at this point in time be willing, and why should not Members on both sides feel the need for, the desire for, the necessity for the details that are in that budget? They are available somewhere. Surely they are not going to fall from the skies on the first day after recess. They are around. Why can't we have them before we vote?

I thank the distinguished Senator from Florida, Mr. NELSON. He is on the floor. He has been sitting here and listening, and he is now standing. I am prepared to yield the floor or I can yield to him, whichever he desires.

I ask unanimous consent, Madam President, that I be allowed to yield to the Senator for a statement if he wishes or for questions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I thought it might be instructive in the course of this debate if the distinguished Senator from West Virginia might explain the gravity of the situation contained within the budget resolution having to do with reconciliation instructions; how several months from now it would bring back to this body a tax bill that would be able to be debated only under very confined circumstances, throwing out the history, the tradition, and the rules of the Senate which have caused it to be recognized as the greatest deliberative body in the world.

Would the Senator please explain for purposes of this debate the threat to the institution that is known as the greatest deliberative body in the world?

Mr. BYRD. Madam President, I thank the very distinguished Senator. William Ewart Gladstone, who was Prime Minister of England four times referred to the U.S. Senate as "that remarkable body, the most remarkable of all the inventions of modern politics."

Why did he do that? Because this Senate is so unique there is nothing else in the world like it. There has never been anything in the world like it. It is the forum of the States, and as a result of the Great Compromise of 1787, July 16, the States are equal in the Senate. The States are equal. Every State is equal to every other state when it comes to voting.

Here, if anywhere, the people's representatives may debate freely and may amend at length.

From 1806 until 1917, there was no limitation on debate in this body. Since 1917, of course, debate can be limited in this body by the invocation of the cloture rule. Other than that, the only way, as the Supreme Court has said, we can have debate limited in this Senate is if we limit it ourselves; if we agree by unanimous consent agreement that we will limit debate, then it will be limited.

Now comes the Budget and Impoundment Control Act of 1974. From that day to this we have had, by virtue of that act, a Congressional Budget Office, we have had congressional Budget Committees in the two Houses, and we have agreed by that act to bind our hands and to restrict ourselves in regard to debate and to amendments on concurrent budget resolutions, reconciliation bills, and conference reports thereon.

The purpose of that act was to set up a framework of fiscal discipline which would allow us to oversee the whole budget, its revenues, its expenditures, and certain other elements of the fiscal equation, and exercise discipline and reduce the deficits.

Prior to that time, we passed 13 appropriations bills. Each little subcommittee, being a little legislature of its own, adopted its appropriation bill without knowledge of what the other dozen subcommittees were including in the appropriation bills they were reporting out. We had no control over the global fiscal situation, but the Budget Reform Act enabled us to unify the actions of all of these subcommittees and to have better control of the overall fiscal picture and to exercise fiscal discipline.

It came with a price, as I say. It came with very severe restrictions on debate time and on amendments.

Now, to answer the distinguished Senator's specific question, in the concurrent resolution on the budget we will lay out the blueprint for the year, and the impact will be for many years into the beyond. In that blueprint, there will likely be reconciliation instructions. The Concurrent Resolution on the budget, which will be coming up next week, has a time limitation of 50 hours: 2 hours on amendments in the first degree; 1 hour each on debatable motions, or appeals or amendments in the second degree.

But this measure will say to the Finance Committee in the Senate, or the Ways and Means Committee in the House, to report a bill providing up to x amount of money for tax cut purposes. It may say up to $1.6 trillion. It will instruct that Finance Committee here or the Ways and Means Committee in the House to bring back a reconciliation measure with x amount for tax cuts.

The Finance Committee eventually will bring back its tax bill. That is where the vote will come on cutting the taxes—not here. This concurrent resolution on the budget will never become law. It will never even get to the President's desk. He will never sign it. That Finance Committee will report back a tax bill. That is the reconciliation bill about which the Senator is asking. On that measure, there will be 20 hours of debate—20 hours, half to the majority and half to the minority. That means we on our side of the aisle will have 10 hours, my Republican friends on the other side of the aisle will have 10 hours.

Under the act, the majority party can yield all of its time back if it wishes at any point. Let's say just for the purpose of having an understanding, the majority party could yield all of its time back, yield its 10 hours back; that would leave 10 hours on our side—the minority.

Suppose then, the minority wishes to offer an amendment, which under the act is 2 hours. Guess what? The majority, let's say, has already yielded all its time back on the resolution. Guess what? The majority gets half the time on the amendment that we, the minority, offer on our side. So, in effect, the majority could, in a certain scenario, end up with 5 of the minority's remaining 10 hours.

Let's go a bit further. The majority could move to cut remaining time on the measure to 2 hours or to 1 hour or to 30 minutes or to zero minutes. It is not a debatable motion, and it carries by a majority vote.

If we were to follow the thesis that might makes right, a party could make us go to a vote without any time left for debate. It is a beartrap. It is a gag rule. Who is being gagged? The people, our constituents, because their elected representatives are being gagged.

Enough said, in response to the question.

Mr. NELSON of Florida. Madam President, will the Senator further yield?

Mr. BYRD. Yes, I yield.

I ask unanimous consent, Madam President, I retain the floor and I may yield to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. I thank the Senator for yielding.

He started telling us the story about one of the great Prime Ministers of England, Gladstone—four times Prime Minister—who made reference to the Senate as a great deliberative body. The scenario the distinguished Senator from West Virginia has just outlined is a description that could occur on this floor, in the greatest deliberative body in the world, that would foreclose debate, would stop amendments, would ram down the throats of Senators a piece of legislation that would have far-reaching economic and fiscal consequences for this Nation, without the opportunity for debate and amendment.

As we contemplate this prospect happening as a result of our passing this budget resolution next week, will the Senator further contemplate and reflect upon the history of the Founding Fathers in crafting this Constitution in the protection of the minority and how those rights of the minority might be trampled next week?

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

Mr. BYRD. Madam President, I want to yield the floor soon. There are other Senators here, including the Senator from Florida, who want to speak. I do not want to maintain the floor.

Let me answer the Senator like this. One of the reasons for the Senate's being is for the protection of the minority. The minority can be right. With respect to the upcoming Budget Resolution, the minority is being gagged by the events that are bringing us up to the point of action on the concurrent resolution on the budget. And a part of that gagging, if I may use the word this way—a part of that gagging is that we are being forced to act on the President's budget without seeing the President's budget. That is a kind of gagging, as I see it. Senators are not going to be able to speak on what is truly in the President's budget.

It is a fast-track operation that takes away the rights of the minority. In this instance, it is also going to take away the rights of the majority Senators. They won't see the budget either.

Let me leave it at that for the moment. I hope I will have another opportunity one day to speak on this. But let me close by saying this. The Senator from Florida, the Senator from New York, Mrs. CLINTON, the Senator from Delaware here—these Senators, and the Senators on the other side of the aisle, come here wanting to work for the people, wanting to be a part of a productive process, and wanting to fulfill their commitments to the people who send them here. That is what they want to do.

They must understand, however, that they cannot do that and achieve the full potential if the minority—and in this instance it is also the majority, meaning both sides, Republican and Democrats—are forced to debate a matter which is a revolving target. We can't see it: It is here—no. It is here—no. It is there. It is here. It is there. We can't see it. It is a budget we shall have to read in the dark.

A Senator cannot fulfill his high ideals. He comes here with the highest, most noble purpose. "I do not want to be a part of the bickering. I want to be a part of making things happen. I want to serve my people. It is time to get on with the business of the people. I don't want to be a part of this bitter partisanship."

But how can you do what you want to do if you have this resolution crammed down your gullet because of a time constriction here that is going to be enforced and because you don't know what is in that budget? Believe me, if you did know what is in that budget, it might change your mind on many things in that budget, one of which could be a $1.6 trillion tax cut.

It may not change your mind. Senators shouldn't have to vote in the dark. Senators shouldn't have to wear blinders in making this decision. This decision isn't just for you, or for me, or for my children today. It is not just for my grandchildren today, not just for my great-granddaughter, Caroline. It is beyond all these, because we will be laying down a baseline here. We are going to be laying down a baseline. We are going to be making decisions here without knowing what we are really voting on really, and that decision is going to affect our children and their children.

We know it is going out there 10 years, but that is not the whole picture. It is a fateful decision that we are embarking upon, and we are being forced to make these judgments sight unseen in many instances—a pig in a poke.

That is not right. That is wrong. That is not just. That is an injustice to our people.

Madam President, I am going to yield the floor. I thank the Senators who are here on this nice afternoon. We have finished our voting for the day but these Senators are still working.

I yield the floor.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I may proceed for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I want to add to the comments of the very distinguished Senator who has taught us freshmen Senators so much in the few short days that we have been here.

If I may dare to expound upon the lesson that he has already taught us today by just underscoring the fact of this wonderful experiment we sometimes call a democracy is really a republic. The rights of the minority were one of the most cherished rights to be protected under the Constitution. That is why a body such as this was developed, crafted, and created by those political geniuses who, at a moment in history, happened to come together and create this government.

For the protection of the rights of the minority, they clearly intended that whenever a piece of legislation would come in front of this body—which would be so important that it would have an economic consequence over years and years—that it ought to have the right of debate for more than 10 hours.

You heard the Senator describe how this tax bill may come back to this body and only have 10 hours of debate. And through the process of amendment it could have even less than 10 hours of debate.

No one ever contemplated that a $1.6 trillion tax bill—which all the economists are starting to tell us is really a $2.5 trillion tax cut, and maybe even more—would ever be discussed, debated and amended in less than 10 hours.

That is a travesty; and, that is what the American people need to understand is about to happen, if we don't clean up this budget resolution next week.

I echo the sentiments already expressed by the distinguished Senator from West Virginia that we should have, as a priority—and I can tell you my people in Florida have clearly indicated to me in no uncertain terms that their No. 1 priority is to pay down the national debt, out of this surplus, if it continues to exist, and if the projections are right. One projection is $5.6 trillion. But recently that was lowered to $4.5 trillion. With the economy seemingly going in a downward trend, who knows what that projection of the surplus is going to be?

It is incumbent upon us, as we all have agreed, that we enact a substantial tax cut. It is incumbent upon us to make reasoned judgments, with fiscal restraint, on how we can pay down the national debt; enact a tax cut; and, provide for certain other priorities in this nation that my people have also told me that they want very much:

A prescription drug benefit that will modernize Medicare;

A substantial investment in education, so we can bring down class size; so we can pay teachers more; and, so we can have safer schools and have those schools be accountable.

My people have also instructed me about their concern for the environment. They want investment there. They clearly are concerned about health care; and, they want investment there. They are concerned about providing for the common defense. They want an additional investment there—to pay our young men and women in the armed services adequate wages to keep the quality we need in the defense of this country, instead of losing it to the private sector.

I have mentioned a few things. All of those are high priorities for the people of this nation, and I know they are high priorities for the people of Florida.

They sent me up here to exercise judgment about how to pay down the national debt, and how within the resources we have, to enact a substantial tax cut, take care of those other needs, and to be fiscally disciplined in the process of exercising that judgment—so we don't run ourselves into the economic ditch like we did in the 1980s, when we were deficit financing.

I will conclude. I have been through this before because I was one of the people who voted for the 1981 tax cut. It was an excessively large tax cut. It was well intended, but it was overdone. It was overdone so much so that we had to undo it—not once, but three times—in the decade of the 1980s, while I was in the House of Representatives.

As a result of that, and a lack of fiscal restraint by the Congress, the annual deficit spending—that is spending more than you have coming in in tax revenue—in the late 1970s went from approximately $22 billion to close to $300 billion by the end of the decade—that's spending $300 billion more in that one year than we had in tax revenue. You see what the result was in the economy in the 1980s. You see how painful it was to have to turn that around.

Thus, it is our responsibility in the government of the United States to wisely spend the surplus. And I can tell you, this one Member of the Senate wants to be able to exercise his judgment for the people who sent me here to be as fiscally disciplined and fiscally restrained as I can—so we don't go back into that economic ditch.

I am grateful, beyond measure, to the Senator from West Virginia for the history lessons he has provided for us, for the perspective he has provided for us, for the knowledge he has provided about what can happen to the economy of this Nation. It is my intention, with every ounce of energy I have, to continue to speak out on the issue of fiscal discipline.

There is a very crucial vote that is coming up next week on how we dispose of this budget resolution, and how we dispose of the reconciliation instructions, which will ultimately determine how we handle the tax bill when it comes back to the Senate for debate.

Again, let me say, in closing, what a tremendous privilege it is for me to be a part of this deliberative body. I want to be a good Senator. I want to be a Senator who reaches across the aisle to forge bipartisan consensus. And that opportunity is either going to be there or not, in great measure, next week. I hope it is going to be a bipartisan consensus.

Thank you, Madam President. I yield the floor.

Mrs. CLINTON addressed the Chair.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from New York.

Mrs. CLINTON. Madam President, I yield myself 10 minutes.

The PRESIDING OFFICER. We are in morning business with Senators permitted to speak for 10 minutes each.

The Senator is recognized.

Mr. BYRD. Will the Senator yield to me?

Mrs. CLINTON. Yes.

Mr. BYRD. Madam President, I ask unanimous consent that the distinguished Senator from New York speak out of order and that she may speak for up to 20 minutes.

Mrs. CLINTON. Thank you.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, and I will not object if the Senator chooses to speak for 20 minutes, but I would like to get in the queue, if I might. Since the distinguished Senator from West Virginia has been speaking now or has had the floor at least for over an hour, I would like, after the Senator from New York has concluded—for however long she takes—to have the right to speak or be yielded time for up to 1 hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Madam President, I come to the floor today to speak out and join the distinguished Senator from West Virginia and the distinguished Senator from Florida to express our concerns about the upcoming budget debate.

First, I thank Senator BYRD for his extraordinary commitment to this institution, which is really unprecedented in history and is such a blessing for not only the institution and those who have been privileged to serve with him but for our country. And I heed his words seriously because he has taken the long view about what is in the best interests of a deliberative body, of this Senate, of a nation, that should rely upon the careful, thoughtful analysis of the issues that come before us and the people we represent.

I am personally grateful to him for the time he has taken as my good friend, the distinguished Senator from Florida, referred to, to help mentor us freshmen Senators, to give us the guidance we need to be able to do the best possible job for the people who sent us here. And it is such an honor to stand on the floor of this Senate, a place I have long revered, on behalf of New Yorkers.

But I come today with somewhat of a heavy heart because I believe in the principles and values this Senate represents. I want to see them fulfilled. I want to be a part of perpetuating them into our future.

I find myself, as a new Member, struck by how difficult it will be to discharge my responsibilities in the upcoming week without having seen the budget, without having the opportunity to debate its priorities, and even more than its priorities, the values which it seeks to implement. I do not know that the people I represent, or the people any of us represent, will get the benefit of our best judgment, that the decisions we make will be grounded in our careful, thoughtful analysis.

There will certainly be differences among us. That is what makes this a great deliberative body and makes our country so great. We come with different experiences. We come with different viewpoints. I come as the daughter of a small businessman who did not believe in mortgages, did not have a house until he could pay for it with cash, did not believe in credit, and who believed it was his responsibility to always make sure our family's books were balanced.

I come with the belief that we had to go to extraordinary efforts to make sure our economy enjoyed these last 8 years of prosperity and progress and that we could not have done so had we not reversed the decade of deficits and debt that really did undermine America's capacity at home and abroad.

So when we talk about the important debate in which we will engage next week, I think it is the most important debate in which I may engage in my entire term as Senator. It is certainly one of the most important debates for our country, and everyone who is following it, to understand what is at stake.

This debate will set our priorities as a nation for the foreseeable future and could determine whether or not we have surpluses, whether or not we will be prepared for the impending retirement of the baby boomers that starts in just 11 years. It is a debate that will certainly be about numbers, deficit projections, surplus projections, and spending.

But I think underlying it is a debate about who we are as a people. It is not only about our prosperity, not only about our Federal budget—it is certainly about that—it is about who we are as Americans.

I come to this body determined to represent the people of my State and our country, as all of us do. But will we be able to do that? We are going to be deciding, in the votes we cast—starting with procedural votes—whether or not our seniors will have prescription drug benefits. We are going to be deciding whether or not our children will have the teachers they need and the schools they deserve to have. We are going to be deciding whether we have the sewer systems and the clean drinking water that every American deserves and should be able to count on. We are going to be deciding whether or not we do have the resources to maintain America's strength around the world, whether we will combat terrorism, whether we will stand firm with our allies. We are going to be determining whether we make the investments in research and development that will make us a stronger, richer, smarter nation in the decades ahead.

I am deeply concerned that we enter this debate without the benefit of the administration's budget.

I am privileged to serve on the Budget Committee under the extraordinary leadership of the Senator from North Dakota and my colleagues, the Senators from West Virginia and Florida. We sat through fascinating hearings. We listened as our defense priorities were discussed, as our education priorities were discussed, as our health care priorities were discussed. We listened to experts from all across the spectrum of economic opinion and analysis. I found it an extraordinarily enlightening experience. But we are not going to get a chance to debate with our colleagues what it is we as a committee should be deciding to recommend to this body with respect to the budget we will be debating. So we are flying blind. We are looking through a glass darkly. We are in the dark.

Will this budget have the investments we need to protect child care and child abuse programs? The early information is it will not; that we will be turning our backs on working parents, cutting tens of millions of dollars from child care. Will we protect our most vulnerable children, those who are abused? The information we have, without a budget but kind of leaking out of the administration, suggests that we are going to be asked to cut child abuse prevention programs.

We also are being told that we are going to be asked in this budget to cut training programs for the pediatricians who take care of the sickest of our children in our children's hospitals. These are very difficult issues in any circumstance, but not to have the chance to be able to analyze what is being proposed is troubling to me. Will this budget ensure our children will grow up in a safe environment with clean water and clean air, with access to quality, affordable health care? Will it adequately protect our food supply? Every day we see a new article in the paper about what is happening with our food supply in Europe, in the United States, around the world. Will we be able to protect ourselves so we have the kind of reliable food supply that Americans deserve?

What are we doing in this time of surplus to ensure a safety net for all Americans, young and old? The prescription drug benefit that we hear about from the administration would leave over 25 million of our seniors without prescription drugs. I don't want to choose between some of our seniors and others in New York, those who may be just a penny over the limit that they, therefore, won't get the prescription drugs they need. I want to make sure that everyone on Medicare—and that is what most Americans want—has access to those prescription drugs.

To pay for the tax cut, the administration includes the Medicare surpluses. Those are resources that should be ensuring the solvency of Medicare for all Americans, totally in a reserve that is set off, never to be used for any other obligations. I believe other obligations that we have should be paid for in the context of a balanced budget and not put Medicare at risk.

The administration has correctly committed to doubling the number of people served through community health centers. I support that. It is a worthy goal. But then on the other hand, I understand they are doing it by completely eliminating the community access program that ensures that community health providers work together to create an infrastructure for care so no patient falls through the cracks. New York is filled with wonderful religiously based hospitals, privately based hospitals that are part of this infrastructure of care that would be left out completely. We also have the finest teaching hospitals in the world. There are no resources that will continue to make sure that they are the finest in the world. New York trains 50 percent of all the doctors in America. What are the plans for making sure that continues and that our teaching hospitals are given the resources they need?

We are also hearing that the administration's budget will provide more security guards for our Nation's schools. That, too, is a worthy goal. In fact, I was heart broken to hear today of yet another school shooting in another school in another part of our country. That is an issue we must address. If security guards would help, I will support that. But I am troubled and my heart goes out to the families who are suffering these terrible tragedies in school shootings.

I will do whatever I can on all fronts to try to deal with that problem. But I understand from the President's budget that they are shifting funds from the very successful COPS Program that has really helped us drive down the crime rate in order to pay for the security guards at the schools. We are robbing Peter to pay Paul. Why would we take resources away from the COPS Program, where so many brave men and women put on the uniform and walk those streets, that has become so effective in driving crime out of neighborhoods? Why would we take money away from our police officers and put it in our security guards at schools, if we need to do both? I argue strenuously we do.

Are we being confronted with such a Hobson's choice because of a genuine shortage of resources or are we making these choices and cutting needed investments simply to allow for an enormously expensive tax cut that leaves millions of Americans out, leaves millions of America's working families again behind where they need to be in order to make the decisions that are best for their families because we are favoring others?

The kinds of priorities I speak of today, for which I have fought for so many years, going back to the days when we tried to bring fiscal responsibility to our budget, when we tried to lower the crime rate, when we tried to improve health care and education and protect the environment, are bipartisan priorities. These are genuinely American priorities. Child care, child abuse prevention, police on our streets, we don't stop and ask: Are you for it or against that based on party? We say: Isn't this something we should do together in America?

Madam President, I hope we will come together once again, Republicans and Democrats, Americans, to fashion a budget that pays down the debt, which is still the best tax cut we can give the vast majority of Americans. That is what puts money in your pocket when you have to have a mortgage, when you do have a credit card, when you do have a car payment. Let's keep those interest rates down.

We have learned from the last 8 years that the best way to do that is to be fiscally responsible and pay down our debt.

We need to provide sensible tax relief. Everybody in this Chamber is for that—sensible, affordable, fiscally responsible tax relief that says to every American, we are going to make it possible for everybody to share in these surpluses. We are not going to favor one group over another. That is the kind of tax relief I would be proud to be part of and for which I will speak out.

Finally, we need a budget that invests in our Nation's most pressing needs, not just what we see right before us. The fact that we should continue to lower class size in the early grades, that we should continue to modernize our schools, those are needs I see every day. I go in and out of schools. I talk with teachers and parents and students. I know how much better our education system can be if we have both increased accountability and increased investments. I know we have needs that are staring us right in the face that we may be turning our back on if we are not careful.

I also want to be looking to the horizon, looking around the corner. It is not just enough to take care of today. We have to be thinking about next year and the next 10 years and the next 25 and 50 years, if we are to fulfill our obligations as stewards for our people. That means we cannot turn our backs on the demands of Social Security and Medicare.

As a member of the so-called baby boomer generation, I do not want to be part of a generation that is not responsible. The World War II generation is often rightly called the greatest generation. I am proud of the service of my father. I am proud of the service of all who came before. But they also understood the investment that needed to be made. It was in those years after that war when we started investing in our Nation's schools, started building the Interstate Highway System, started making the investment that we, frankly, have been living on for the last 50 years in this country. How on Earth can we keep faith with those who came before us, let alone our children and grandchildren and great grandchildren, if we don't have the same level of responsibility?

I think we have a rendezvous with responsibility, and it is now. If we turn our backs on that responsibility, we are going to have a great price to pay. Maybe the bill won't become due until 5 years, 10 years, maybe 15 or 25 years. But like my colleagues who have spoken, I want to be able to say to the young children I meet that we tried to be responsible, we tried to do the right thing that will make us a stronger, richer, smarter nation.

The American people—and I certainly know that people in New York who sent me—send us here to Washington to work together across party lines, to make the tough choices necessary to move our country forward. That is exactly what I want to do. It is not necessarily going to mean that Democrats will support all Republican proposals, or vice versa. But what it does mean is that we will reason together and work together to do what is right for our Nation. I hope when that process begins next week we will have a chance to really sit down and look at the President's budget, have a good, honest, open debate, as we just had these last few weeks about another very important matter before this body, and that we will honestly say what the priorities are we are setting, the values we stand for, the vision we have for America.

I believe there won't be a more important issue that I will face. I want to make my decisions in a deliberative, thoughtful manner. I want to look for ways I can work with my friends across the aisle, as well as my colleagues on this side, because I want to be sure that at the end of the day we have done the right thing for the children of America. If we are not going to leave any child behind, then let's make sure we know what we are voting on that will affect every child.

If we can make that determination to work together, I am confident we can come up with a bipartisan, sensible policy that leads to a budget we can support. In the absence of that, it will be very difficult to do so, and I hope that certainly the people of New York and America understand we are trying to stand firmly in favor of a process that may sound arcane and difficult from time to time to understand but which goes back, as Senator BYRD so rightly points out, to people who were very thoughtful about how to design a process that protected the rights of everybody. It is not just about that, as important as that is; it is fundamentally about the choices we will make for the children and families of America.

I know that people of good faith will find a way to come to a resolution about how we proceed next week. I am looking forward to that. But I do have to say that, in the absence of such an agreement, I for one will have to be asking the hard questions the people of New York sent me here to ask about what specifically will be done to affect the hopes and aspirations and needs and interests of the people I represent.

So I will be guided by three principles:

Will this budget pay down the debt to continue us on a path of fiscal responsibility that protects Social Security and Medicare?

Will we be in a position to recognize that the investments we need to make are important investments that are not going to disappear overnight?

And, at the end of the day, will we have made decisions that will protect America's long-term interests at home and abroad?

Madam President, I hope I will be able to answer affirmatively every one of those questions.

I yield back the remainder of my time.

Mr. BYRD. Madam President, will the distinguished Senator from Arizona yield me just a couple of minutes?

Mr. KYL. Certainly.

Mr. BYRD. Without the time being charged to the Senator from Arizona.

Madam President, I merely want to take this moment to thank both of the Senators on my side of the aisle who have spoken this afternoon—the Senator from Florida, Mr. NELSON, and the distinguished Senator from New York, Mrs. CLINTON—in support of the need for having the President's budget in the Senate before the Senate debates and amends the concurrent resolution on the budget.

They have spoken from their hearts. I have sat and listened to every word, and I am personally grateful for the insights they brought here, their dedication, their perception of the necessity for our having the President's budget, or at least knowing what is in the budget before the Senate proceeds to it.

Let me also thank them for their desire to work with other Senators on both sides of the aisle, their desire for bipartisanship, their desire to work with our Republican leadership and our Republican Senators. Both of these Senators who have spoken have manifested that very clearly, stated it clearly, and it comes from their heart because they came here to do the work of the people, and they know that the work of the people and of the Nation and our children cries out for bipartisanship, cries out for us working together to meet the needs of this country.

That is what they are here for. That is what they are here to do. I thank them for such a clear enunciation of the need to serve our people and, in so serving, the need to have before us all of the facts and details that we can so we can exercise judgment on both sides of the aisle. I thank them from the bottom of my heart.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

THE BUDGET

Mr. KYL. Madam President, while the distinguished Senator from West Virginia is still here, let me thank him for the remarks he has just made. I, too, listened very carefully to his remarks, as well as to the Senator from Florida and the Senator from New York.

But I must say that I find this rather bemusing—if I am using that term correctly. People around the country might wonder why there is such an emphasis on, or such a concern for, taking up the budget. After all, isn't it time to take up the budget? Indeed, in the normal course of events in the Senate, we would be taking up the budget about right now. So why is there all this expression about concern about taking up the budget? I suggest it has to do with the old phrase, "You follow the money."

While I came here to speak about another subject, I want to speak for a few minutes about this subject because I think people across this country deserve to know what is really behind all of this talk about taking up the budget. You see, the truth is, until we take up the budget and pass a budget, we can't take up tax relief. Until we take up and pass tax relief, the money that is available here in Washington to be spent by the politicians will be spent by the politicians. So you follow the money. If we never take up the budget, then we can't pass the tax relief. If we don't pass the tax relief, the money that the hard-working families of this country have sent to Washington, DC, will be available for this Congress to spend.

People who like to spend other people's money don't want to see tax relief. They can't stand in the way of tax relief, which is too popular. It is going to pass. But they might be able to stop the budget from being considered, based upon some parliamentary procedures. That, Madam President, is what I think this is all about.

Let me take the four points that have been raised by my friends across the aisle in order:

First of all, that we can't possibly take up the budget yet because we don't have the details of the President's budget. I have in my hand a copy of something called "A Vision of Change For America." The Senator from West Virginia will remember this. It is dated February 17, 1993.

This is what the Democratically controlled Senate had before it when it considered the budget resolution in that year. We did not have the Clinton budget. There was no Clinton budget.

Like the first year of President Bush, that was the first year of President Clinton. It takes a new President's team a little while to put together the budget, but that has never stopped the Congress from passing a budget in the ordinary timeframe because that is the first thing we have to do. We are pretty well stymied in all of the other things we have to do in terms of reconciliation, in terms of appropriations, until we have adopted the budget.

What is this "Vision for Change for America" that President Clinton sent up? It was not a budget, as he acknowledges here; it was a blueprint, a vision, as he called it, pretty similar to the document the Senator from West Virginia has been referring to that President Bush sent up to Capitol Hill.

It is a blueprint. It is a vision for what he would like to do. There is a lot of information in it. It is not as detailed as the usual budget, to be sure, but there is plenty of information about the general direction he would like to take.

What happened to this "Vision for Change for America"? Did Republicans say: We cannot possibly take this budget resolution up; we have to wait for a detailed budget by President Clinton? Actually, I think some Republicans did say that, but the Democratic leadership said: Forget it; we are going to take up the budget resolution, and this body passed a budget resolution in a number of days—we are trying to determine whether it was 12 or 13. It was a number of days, close to 2 weeks, before the real Clinton budget was sent up here. The Senate acted upon its budget resolution before it ever had the detailed Clinton budget before it.

I do think it is a bit much to argue that it is unprecedented, that it is improper for the Senate to take up a budget resolution when it has not yet got the exact, complete, detailed budget from the President. We know full well the general direction this President's budget is going to take.

The second point is that there are questionable forecasts. I have heard the phrase twice used here, "looking through a glass darkly." My goodness, we have to make decisions every day based upon what we think is going to happen. We cannot know for certain. As the fine Senator from West Virginia pointed out, we can hardly forecast the weather tomorrow, and that is true.

Yet we make decisions in the Congress, in the Government, in business, for our own families every day based upon imperfect and uncertain knowledge of what is going to happen in the future. We have to do that; otherwise, we would be frozen into inaction. We would never be able to do anything. We do the best we can.

We have been using very conservative budget estimates. The congressional budget estimates are that over the next 10 years, we would have about a $5.6 trillion surplus and in that President Bush has decided to ask for $1.6 trillion over a 10-year period to be returned to American taxpayers. That is the size of his tax cut.

That tax cut was proposed during the campaign when the estimated budget surplus was far less. That budget surplus has grown virtually every quarter since then. It is now up to $5.6 trillion, $5.8 trillion.

Given the fact that these are conservative estimates, given the fact that we all have to make decisions on imperfect information, it certainly seems to me we ought to at least proceed to take up the budget. My goodness, we will be here all year waiting for exactitude, and nobody, of course, expects that.

The third point I have heard is there is not going to be room for debt relief if we are not careful. That, of course, is not true. I was in a hearing yesterday of the Finance Committee in which we had experts talk about how much debt we could pay down and over what period of time.

Everybody agrees that the debt can be paid down within the 10-year period as far as we can possibly pay it. The only difference is, can we pay it down to about $500 billion or down to $1 trillion, somewhere in between there? The experts are in disagreement as to where exactly we can pay it down. It is virtually impossible to pay off more debt than that because it is held by people in long-term obligations and obligations that would cost too much to buy back.

We are going to pay down the debt all we can, and there is just over $1 trillion left, after we have done the tax cuts, after we have paid off the debt, and after we have paid for everything on which the Government has to spend money, plus a 4-percent rate of growth, more than the rate of inflation. And that is on top of record huge historical increases in spending over the last 2 years, all of which are built into the baseline.

We have the historic spending, greater even than—well, literally any other period in our history, including all but the largest year of spending in World War II. We have historic spending levels. We are increasing that spending; we are paying off the national debt; we are providing $1.6 trillion over 10 years in tax relief; and we still have another billion dollars left over. That does not sound to me to be a very risky proposition.

Finally, the fourth point that has been raised by our friends on the other side is we have to come together in a bipartisan spirit, and that, I gather, is why the Democratic leadership has worked so hard to get every single Democrat to oppose the budget resolution in an absolute 100-percent partisan vote. That is bipartisanship?

Every Democrat can decide to oppose this budget resolution on the basis that they do not like it. That is totally fair. They will probably all conclude that is why they are not going to vote for it, and I certainly respect that. But I think it is a bit much to talk about a spirit of bipartisanship when we already know that for several days this week, the Democratic leadership has been working very hard to get an absolute, 100-percent partisan vote against the Republican budget resolution. That is not bipartisanship.

That is the condition we are faced with right now. Why wouldn't Senators want to take up the budget? What is really behind this? As I said, follow the money. We cannot cut taxes until we take up the budget, and that, in fact, is why some Senators do not wish us to take up the budget.

Paul Harvey has a saying at the end of his broadcast in which he says: "And that's the rest of the story." If we are direct and clear-eyed about this, this is the rest of the story. It has nothing to do with whether we should take up the budget, whether we have enough information to take up the budget, whether it is time to take up the budget, whether we will have all week long to debate the budget, to offer amendments to the budget. All of that will be quite possible.

It all has to do with partisan politics to delay taking up the budget so that we delay taking up the issue of tax relief because there are a lot of folks who do not want the degree of tax relief for which President Bush has called.

I see my distinguished friend from West Virginia wants to intercede with a comment which he will pose in the form of a question, and I will be happy to yield.

Mr. BYRD. Mr. President, I am struck with amazement, if I might say. I thank the distinguished Senator for yielding. But when he charges the Democratic leadership with having spent all these days trying to get a solid vote against this resolution, I ask the question: What on Earth has the Republican leadership been doing this past week?

I am sorry that this discussion is taking a very partisan turn.

I say that with all due respect to the very distinguished Senator. I didn't come here to speak in politically partisan terms. I have been talking about the need for both sides of the aisle to have the President's budget in front of us before we vote.

May I say to the distinguished Senator, I don't determine my vote on what the leadership on this side says or what the leadership on that side says. So let me debunk his mind with respect to that.

Let me get to the earlier point of the distinguished Senator when he spoke of the "Vision of Change," when he was reacting to my comments regarding "A Blueprint for New Beginnings," this outline of what the Bush administration is proposing. It is a mere outline. The distinguished Senator from Arizona reminded the Senate that in 1993 the Senate operated on the basis of this document entitled "A Vision of Change for America."

The difference, may I say to my friend, and he probably already knows this, the difference in 1993 and now is that this document in 1993 contained more detail than does this document on which we are going to have to base our judgment, apparently, in the forthcoming debate next week.

Furthermore, in that instance, the Budget Committee had a markup and reported to the Senate a concurrent resolution on the budget. That is not the case here. The Budget Committee of the Senate has not had any markup this year. In 1993 the Budget Committee had a markup. It sent to the Senate a document, a resolution, that came out of that committee and was the result of that committee's deliberations, both Democrats and Republicans. Further, in that instance, CBO had enough information to provide an analysis of Clinton's 1993 budget.

We need a CBO analysis for this budget. We don't have it here. We had it then. We had a markup by the Budget Committee that year; we were denied a markup in the Budget Committee this year. We were denied that opportunity. We had a CBO analysis in 1993; in this instance we don't have. Furthermore, in that instance we were following the true purposes of the Budget Reform Act in that we were seeking to reduce the deficits; in this case we are going to increase the deficits in all likelihood if we enact a huge tax cut purely on the basis of projected surpluses.

And finally, in that instance, not a single Republican in the Senate, not a single Republican in the House of Representatives, voted for the budget. So, if my friends on the Republican side are going to hold this document up and say, look what we did back then, the Senate went ahead and acted on the basis of that document. That is the role model, I assume they are saying. Look at what you did, you Democrats; you did it without the President's budget in 1993.

But they fail to remind listeners that not a single Republican voted for that document, and that that document is the basis for the surge of surpluses that we now enjoy. The budget in 1993 took us out of the deficit ditch and made possible the surpluses of today, and yet not a single Republican in either House voted for that document. And here we are today, the Republicans are extolling the 1993 budget.

Mr. KYL. I think the Senator from West Virginia would concede I have been quite liberal in yielding to him to answer that question.

Mr. BYRD. The Senator has. I wanted to help set the record straight.

Mr. KYL. I know that, and I appreciate the Senator helping to set the record straight. Let me set it exactly straight, however.

Mr. BYRD. I am waiting.

Mr. KYL. President Clinton's vision of America was transmitted on February 17, 1993, 145 pages long, outlining the details of the fiscal 1993 spending stimulus package and tax increase plan, plus the other visions of President Clinton.

President Bush's "Blueprint for New Beginnings," of which the Senator from West Virginia has a copy, was transmitted on February 28, 2001. The document is 207 pages long and outlines a 10-year budget plan with $1.6 trillion in tax cuts.

The Senator from West Virginia might say my document is more detailed than your document. I think that is a matter of judgment. My document is longer than your document. It covers a longer period of time.

The fact is, neither are budgets in the pure traditional sense, the Senator from West Virginia would acknowledge. Both are the best the administration could do within the short period of time they had, and in both cases the majority party in the Senate sought to take up a budget resolution prior to the submission of the budget by the President.

The Democratic-controlled Congress in 1993 not only reported a budget resolution on a party-line vote—and I will stop for a moment and say the Senator from West Virginia is exactly correct, not a single Republican supported it but every Democrat did support it. So I don't know which side you blame for being partisan.

Mr. BYRD. I am not blaming either side.

Mr. KYL. It was a partisan vote.

Mr. BYRD. I am not blaming either side.

Mr. KYL. Thank you. I thought for a moment you were suggesting Republicans were partisan for sticking together but Democrats were not partisan for sticking together. The fact is, at that time the Democrats were in charge of the Senate. It passed Senate and House floors on party-line votes—budget resolutions based on the document, completed conference on the two budget-passed resolutions, completed and passed on party-line votes, budget resolution conference based upon this "Vision of Change" document and, most importantly, Congress did all of this by April 1, 1993, a full week before President Clinton submitted his detailed budget plan.

The 107th Congress now is working to adopt a budget resolution in the Senate following the submission of President Bush's blueprint, and that is no different than what was done in the 1993 Democratically-controlled Congress.

The point I am trying to make is that all of this debate about procedures—is it the real budget? Is it just a blueprint? Have we ever done this before? Is it partisan? All of that is a smokescreen. It is a smokescreen to hide the fact that my friends on the other side of the aisle are trying to delay the consideration of the budget in order to delay the consideration of tax relief so that possibly something will come up so the tax relief won't pass to the degree that President Bush wants it to pass.

Just to make it crystal clear, I would never suggest that the Senator from West Virginia would feel himself bound to follow his party leadership. I suggest that it is the Senator from West Virginia who is helping to lead his party. I know in this case he believes strongly about this. We believe just as strongly. I do not think that it is too much to ask the Congress to take up the budget at the time it does every year, pursuant to the budget resolution, and consider that budget so we can get on with the other business of the Congress and the other business of the nation, to take up the questions of appropriations for all of the spending programs we need to fund, to take up the question of tax relief for hard-working Americans, and to do all the other things the American people sent us back here to do.

To try to get bogged down in a bunch of parliamentary or procedural wrangling, I suggest, doesn't do the people's business.

Mr. BYRD. Will the Senator yield?

Mr. KYL. Madam President, I had asked for an hour to present to the Senate another very interesting set of comments.

However, given the fact that we have begun an actual conversation on the Senate floor, something somewhat rare, I am delighted to continue to use the time that was allocated to me under the unanimous consent agreement to continue this debate and, under it, not only have Republicans speaking, but also to have Democrats speaking, with the stipulation that when we are all done with this I have an opportunity to present my other remarks in full, which really will not take a full hour but at least I ask I have that opportunity at the time.

Mr. BYRD. Madam President, what we are seeing here is not a very illuminating discussion between two Senators. This is precisely what the President, I think, had in mind when he said he would like to see an end to the quibbling and to the bickering and the partisanship in Washington.

I came to the floor today suggesting that the Senate would be much better off if we had the President's budget in front of us before we vote. Then I said even if we can't have the President's budget, surely the administration has the details, the information it can submit to the Senate. Let us see what is in it. I did not come here with any intent to engage in quibbling, or partisanship.

Mr. KYL. I hope the Senator from West Virginia doesn't mind if anyone disagrees with his assessment that we shouldn't take up the budget. May I ask the Senator a question?

Mr. NICKLES. Regular order, Madam President.

Mr. KYL. The regular order is I have the time, I believe.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. BYRD. May I say I came here hoping I could speak out for the rights of both sides of the aisle; the rights of Republican Senators, the rights of Democrats; the rights of the majority, the rights of the minority, to have before us the President's budget, which we need in order to exercise a reasoned judgment. That is what I came here for. I am not interested in bickering, arguing about partisanship.

I will be just as happy if we concentrate on the need for the President's budget for the edification of both sides. I want to stand up for our rights, for the Senator's rights—the Senator from Arizona.

Mr. KYL. I ask the Senator from West Virginia, were you willing to stand up for the——

Mr. NICKLES. Regular order, Senators are having discussion. They are supposed to go through the Chair. I believe the Senator from Arizona has the floor. I believe he can only yield for a question.

Mr. KYL. I would like to yield to the Senator for a question if he would care to answer it.

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. BYRD. I will be glad to ask a question.

Mr. KYL. When Republicans, in 1993, objected to the consideration of the budget resolution on the grounds that President Clinton's "Vision of Change" was not a real budget, did the Senator from West Virginia stand up for their rights to wait until the President submitted a complete budget? Or did the Senator from West Virginia vote with the majority on a purely partisan vote to pass the budget resolution and, in fact, to pass the final budget resolution, all prior to the time President Clinton submitted a budget?

Mr. BYRD. Madam President, I was thinking of Cicero's statement when he said, "Let us not go over the old ground."

Mr. KYL. That was then; this is now.

Mr. BYRD. Wait. Let's just wait. I like your smile, but I don't like the interruption of Cicero's quotation. But the Senator is being very liberal to me in letting me speak on his time.

Cicero said:

> Let us not go over the old ground. Let us, rather, prepare for what is to come.

The Senator wants me to ask him a question? I will ask that question.

Mr. KYL. No, I want the Senator to answer the question.

Mr. BYRD. I answered the question, didn't I?

Mr. KYL. Was the answer yes?

Mr. BYRD. Yes. Yes, I voted for that budget.

Mr. KYL. Thank you.

Mr. BYRD. I was one of—I don't remember the precise number, but I was one Senator who voted for that budget in 1993, and not a single Republican voted for it in the Senate or in the House. Yet, it was that budget that put this country on the course of having surpluses rather than deficits.

Now, did the Senator want me to ask a question or answer a question?

Mr. KYL. No, I think the Senator answered the question. The Senator was willing to vote for a budget resolution prior to the submission of the complete budget by the President in 1993, but he criticizes Republicans for doing precisely the same thing in the year 2001.

Mr. CONRAD. Will the Senator from Arizona just yield for a question?

Mr. KYL. If I might, since the Senator from Oklahoma was here earlier and had sought recognition, I would like to yield to him first.

Mr. NICKLES. The Senator has an hour under his control. I wish to make a speech on campaign finance.

Mr. KYL. Then, Madam President, perhaps what I should do is ask how much time we have remaining so I can give the remarks I was originally prepared to give and then yield to those others.

The PRESIDING OFFICER. The Senator has 30 and one-half minutes remaining.

Mr. KYL. I think that will be sufficient to give the other remarks I have, unless the Senator from North Dakota wishes to engage me in a lengthy colloquy, in which case I would want to ask for a little bit more time.

Mr. CONRAD. No, I will be very brief. Was the Senator aware that in 1993 there was sufficient detail from the President to have the Joint Tax Committee and the Congressional Budget Office estimate the cost of the President's tax proposals? That is totally different from this year. In this year, we have insufficient detail from the President for the Joint Tax Committee and the Congressional Budget Office to give us an independent estimate of the cost of the President's proposals.

Mr. KYL. That is a question. Let me answer by saying apparently the Joint Tax Committee believes it has enough information, because it has given us an estimate of the cost, both to the House and the Senate. In fact, it gave a very uncomplimentary estimate of the part of the tax relief which I am putting forward. I might argue with what they have come up with, but apparently they believed they had enough information to do it.

We do have an estimate this year, whether it is right or wrong. We had an estimate back in 1993. We have an estimate this year. We are going to have to live with it one way or the other. But I don't think that should be a basis for suggesting it is improper at this point to take up the budget resolution. I think what we have established is that just as with the change of President in 1993, when you have a President in the year 2001, it is unrealistic to expect there would be the same degree of detail in the budget they send up in their very first year as there is for the remainder of their term.

But the fact has not stopped Congress from acting on a budget resolution at the time of year when it should do so, that we will be doing that, and that hopefully we will have an entire week next week for a continuation of this debate for proposals of amendments. I suspect we will be going very late at night next week as we consider all the different ideas different Senators have before we finally act on the budget.

I hope, to conclude the remarks here, this could be done in a bipartisan fashion and it will not be a purely partisan vote. One would hope that. We will see how it develops.

Mr. CONRAD. Will the Senator further yield just for a brief question?

Mr. KYL. I would like to get on with what I started a half hour ago, if I may.

Mr. CONRAD. May I be permitted a brief question?

Mr. KYL. I think, as the Senator from West Virginia has said, I have been more than liberal in yielding to my colleagues. I really would like to get on to what I came here to talk about.

Mr. CONRAD. Madam President, we have not seen an estimate from the Congressional Budget Office nor the Joint Tax Committee of the cost of the President's plan, except for pieces of it, the estate tax provision of the Senator from Arizona, and two pieces of it from the House. But we don't have an estimate of the President's full plan.

Mr. KYL. What we have, of course, is the estimate of those portions of the President's tax plan that have been put forward by Members of the House and Senate, and that is ordinarily what is reviewed and what we get estimates of. That is plenty enough for us to move forward on it at this point.

I know the Senator from North Dakota appreciates that we in the Senate operate on that basis as a routine matter.

I appreciate the opportunity to have this exchange. I think it may illustrate some of the tough sledding that we have to do as we move forward with the consideration of the President's budget, with the Senate budget resolution, with our tax relief legislation, and the other business that we have.

CHINA'S MILITARY POLICY

Mr. KYL. Madam President, I rise today to express concern about the direction of Chinese military policy vis-a-vis the United States.

America's relationship with China is one of the key foreign policy challenges facing our nation in the 21st Century. It is hard to understate the importance of our relationship with China. It is the world's most populous nation, has the world's largest armed forces, and is a permanent member of the U.N. Security Council. Its economic and military strength has grown a great deal in recent years, and is projected to continue to grow significantly in the coming decades. And most significantly, it is intent on gaining control over Taiwan, even by military force if necessary.

For some time now, I have been concerned that, out of a desire to avoid short-term controversies in our relationship with China that could prove disruptive to trade, we have overlooked serious potential national security problems.

As Bill Gertz noted in his book, The China Threat, the former administration believed that China could be reformed solely by the civilizing influence of the West. Unfortunately, this theory hasn't proven out—the embrace of western capitalism has not been accompanied by respect for human rights, the rule of law, the embrace of democracy, or a less belligerent attitude toward its neighbors. Indeed, serious problems with China have grown worse. And continuing to gloss over these problems for fear of disrupting the fragile U.S.-China relationship, primarily for trade reasons, only exacerbates the problems.

We must be more, realistic in our dealings with China and more cognizant of potential threats. As Secretary of State Colin Powell said in his confirmation hearing:

> A strategic partner China is not, but neither is it our inevitable and implacable foe. China is a competitor, a potential rival, but also a trading partner willing to cooperate in areas where our strategic interests overlap . . . Our challenge with China is to do what we can do that is constructive, that is helpful, and that is in our interest.

I believe it is in our best interest to seriously evaluate China's military strategy, plans for modernization of its People's Liberation Army, including the expansion of its ICBM capability, and buildup of forces opposite Taiwan. Let us not risk underestimating either China's intentions or capabilities, possibly finding ourselves in the midst of a conflict we could have prevented.

I would like to begin by answering a seemingly obvious question: Why isn't China a strategic partner? Among other things, China is being led by a communist regime with a deplorable human rights record and a history of irresponsible technology sales to rogue states. Furthermore, Beijing's threatening rhetoric aimed at the United States and Taiwan, as well as its military modernization and buildup of forces opposite Taiwan, should lead us to the conclusion that China potentially poses a growing threat to our national security. While it is true that China is one of the United States' largest trading partners, we must not let this blind us to strategic concerns. Strategically, we must consider China a competitor—not an enemy, but certainly a cause for concern that should prompt us to take appropriate steps to safeguard our security.

Chinese government officials and state-run media have repeatedly threatened to use force against Taiwan to reunite it with the mainland; and further, have warned the United States against involvement in a conflict in the Taiwan Strait. For example, in February 2000, the People's Liberation Army Daily, a state-owned newspaper, carried an article which stated, "On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself." The article went on to issue a veiled threat to attack the U.S. with long-range missiles, stating, "China is neither Iraq or Yugoslavia . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also."

This treat, and countless others like it, have been backed by China's rapid movement to modernize its army. The immediate focus of the modernization is to build a military force capable of subduing Taiwan, and capable of defeating it swiftly enough to prevent American intervention. According to the Department of Defense's Annual Report on the Military Power of the People's Republic of China, released in last June, "A cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army's] force planning, military, training, and war preparation."

We should also be concerned with China's desire to project power in other parts of the Far East. According to a recent Washington Post article, China announced that it will increase its defense spending this year by 17.7 percent—its biggest increase in the last 20 years. China's publicly-acknowledged defense budget of over $17 billion for next year is higher than the defense budgets of neighboring countries like India, Taiwan, and South Korea. Most analysts estimate China's real spending on defense is at least three times as great as the publicly disclosed figure. For example, according to the Secretary of Defense's January 2001 report, Proliferation: Threat and Response, China's military funding levels are expected to average between $44 and $70 billion annually between 2000 and 2004. Chinese Finance Minister Xiang Huaicheng, in a speech to China's National People's Congress, stated that the increase would go, in part ". . . to meet the drastic changes in the military situation around the world and prepare for defense and combat given the conditions of modern technology, especially high technology." This is consistent with the Department of Defense's assessment in the Annual Report on the Military Power of the People's Republic of China, that "China's military planners are working to incorporate the concepts of modern warfare . . . and have placed a priority on developing the technologies and tactics necessary to conduct rapid tempo, high technology warfare . . ." Defense Department assessment, an invasion of the island would likely be preceded by "a naval blockade, air assaults and missile attacks on Taiwan." Furthermore, it states:

> Airborne, airmobile, and special operations forces likely would conduct simultaneous attacks to the rear of Taiwan's coastal defenses to seize a port, preferably in close proximity to an airfield. Seizing a beachhead would likely constitute a support attack. An airborne envelopment would facilitate amphibious operations by cutting off Taiwan's coastal defenders from supply lines and forcing them to fight to two directions. China would likely seek to suppress Taiwan's air defenses and establish air superiority over an invasion corridor in the Taiwan Strait . . .

To solidify is ability to launch such an attack. China is expected to continue to increase its force of short-range ballistic missiles. According to an article in the Far Eastern Economic Review, Taiwan estimates that the Chinese Army currently has 400 short-range missiles deployed opposite that island. More recently, the Washington Times reported that a U.S. satellite detected a new shipment of short-range missiles to Yongan, in Fujian province, opposite Taiwan. The Washington Times had previously reported "that China had deployed nearly 100 short-range ballistic missiles and mobile launchers" at this particular base. Bill Gertz's book, the China Threat, cites a 1999 internal Pentagon report that indicates China plans to increase its force of short-range M–9 and M–11 missiles to 650 by 2005. In addition, China has also deployed medium-range CSS–5 missiles, with a range of 1,800 kilometers, which cannot be stopped by Taiwan's Patriot missile defense batteries.

China's continued development of its ICBM force, which directly threatens U.S. cities, is also troubling. The Defense Department's report, Proliferation: Threat and Response, states:

> China currently has over 100 nuclear warheads . . . While the ultimate extent of China's strategic modernization is unknown, it is clear that the number, reliability, survivability, and accuracy of Chinese strategic missiles capable of hitting the United States will increase during the next two decades.
>
> China currently has about 20 CSS–4 ICBMs with a range of over 13,000 kilometers, which can reach the United States. Some of its ongoing missile modernization programs likely will increase the number of Chinese warheads aimed at the United States. For example, Beijing is developing two new road-mobile solid-propellant ICBMs. China has conducted successful flight tests of the DF–31 ICBM in 1999 and 2000; this missile is estimated to have a range of about 8,000 kilometers. Another longer-range mobile ICBM also is under development and likely will be tested within the next several years. It will be targeted primarily against the United States.

Another study completed by the National Intelligence Council, presenting the consensus views of all U.S. intelligence agencies, echoed these concerns stating, Beijing "will have deployed tens to several tens of missiles with nuclear warheads targeted against the United States" in the not too distant future. The intent of this deployment is obvious—to preclude the United States from intervening in any Chinese military actions against Taiwan.

China's advances in its air and naval forces are also weighing upon the growing imbalance in the Taiwan Strait. Russian transfers of military equipment and technology are accelerating China's efforts in these areas. According to a February article in Jane's Intelligence Review,

> Between 1991 and 1996 Russia sold China an estimated $1 billion worth of military weapons and related technologies each year. That figure doubled by 1997. In 1999 the two governments increased the military assistance package for a second time. There is now a five-year program (until 2004) planning $20 billion worth of technology transfers.

China's Air Force is continuing its acquisition of Russian fighters and fighter bombers. For example, China now has at least 50 Russian Su–27 fighters, and has started co-producing up to 200 more. Furthermore, according to a 1999 Defense News article, Russia and China signed a preliminary agreement in 1999 calling for the transfer to China of approximately 40 Su–30MKK fighter-bombers, which are comparable to the U.S. F–15E Strike Eagle. According to a 1999 article in the Russian publication Air Fleet (Moscow), these aircraft will be equipped with precision-guided bombs and missiles, as well as an anti-radar missile. Delivery has not yet occurred, but is expected within the next three years.

The June 2000 Defense Department report predicted that by 2020, the ". . . readiness rates, the distances over which China can project air power, and the variety of missions which China's air forces can perform also can be expected to improve." Furthermore, it states that after 2005, ". . . if projected trends continue, the balance of air power across the Taiwan Strait could begin to shift in China's favor." This shift will undoubtedly be accelerated by Russia's assistance.

Additionally, the report estimates that, by 2005, China will have developed the capability for aerial refueling and airborne early warning. Also, the development of a new Chinese active-radar air-to-air missile similar to the U.S. AMRAAM for China's fourth-generation fighters is likely to be complete.

In an effort to increase its ability to place a naval blockade around Taiwan, the Chinese Navy is in the process of acquiring new submarines, anti-ship missiles, and mines. According to the Defense Department's June 2000 report, "China's submarine fleet could constitute a substantial force capable of controlling sea lanes and mining approaches around Taiwan, as well as a growing threat to submarines in the East and South China Seas." Furthermore, a January 2001 Jane's Defense Weekly article states that the core of China's future naval plans calls for the acquisition of an aircraft carrier capability and the incorporation of nuclear-powered attack submarines into its fleet. According to this article, the Chinese Navy recently acquired two Russian Sovremenny-class destroyers armed with Sunburn anti-ship missiles that were developed by Russia to attack U.S. carrier battle groups. It is also continuing to buy Kilo-class submarines from Russia, and has discussed purchasing an aircraft carrier from Russia.

Faced with China's moves to increase its ability to blockade Taiwan or to disrupt sea lanes near the island, its steps to develop the ability to establish air superiority over the Taiwan Strait, and its moves to increase its missile force facing the United States and Taiwan, we must contend with the question of how to deter an attack on Taiwan, and how to defend our forces which would be deployed in the area.

The obvious answer is to supply Taiwan with the defensive weaponry it has sought to buy from the United States and to be able to defend the United States against missile attack threatened by China. Taiwan has submitted its official defense request list to the

United States, and next month, the Administration will make its final decision as to which items will be sold.

According to the Washington Times, Taiwan has requested approximately 30 different weapons systems from the United States this year. Though the official list is classified, a recently released Senate Foreign Relations Committee staff report discussed Taiwan's current defense needs, mentioning some of the items that it is interested in acquiring. I would like to highlight just a few of these items.

According to this Senate report, Taiwan has, once again, expressed its need for four Aegis destroyers—a request that was repeatedly denied by the Clinton Administration. These destroyers would, according to the Foreign Relations Committee report, provide Taiwan "with an adequate sea-based air defense and C4I system to deal with rapidly developing [Chinese] air and naval threats." Because final delivery will take 8 to 10 years, however, Taiwan will need an interim solution to deal with these threats. Thus, it may be necessary to sell Taiwan four used Kidd-class destroyers, which do not have a radar system as capable as Aegis, but are more advanced than what Taiwan currently possesses.

Additionally, the report indicates that Taiwan has stated its need for submarines. It currently has only four, while China has sixty-five. They could prove particularly important should Taiwan need to defend itself against a Chinese blockade of the island.

Taiwan also needs our help to deal with the growing imbalance of air power across the Taiwan Strait. According to the report, Taiwan's Air Force has indicated its need to be able to counter China's long-range surface-to-air missiles, and to counterattack its aircraft and naval vessels from long distances. In order to counter China's surface-to-air missile sites that can threaten aircraft over the Taiwan Strait, Taiwan has expressed interest in obtaining High-Speed Anti-Radiation Missiles (HARM). Taiwan reportedly would also like to purchase Joint Direct Attack Munitions (JDAM), and longer-range, infra-red guided missiles capable of attacking land targets.

The United States should approve all of Taiwan's requests, provided they are necessary for Taiwan to defend itself, and provided they do not violate technology transfer restrictions. Section 3(b) of the Taiwan Relations Act states, "The President and Congress shall determine the nature and quantity of such defense articles and services *based solely upon their judgment of the needs of Taiwan* . . ." (Emphasis added) Taiwan clearly needs to upgrade its capabilities in several key areas and should act to address these shortfalls.

We must also deal with a broader question. Since the approach adopted by the Clinton Administration clearly did not move China in the right direction, how can we positively influence China to act responsibly and eschew military action against Taiwan?

One way is to be unambiguous in our dealings with China. During the cold war, Ronald Reagan and Margaret Thatcher took a principled stand against the Soviet Union, which contributed to one of the greatest accomplishments in history: the West's victory without war over the Soviet empire. The time has come for the United States to take a similarly principled, firm approach to our dealings with China. We should hold China to the same standards of proper behavior we have defined for other nations, and we should work for political change in Beijing, unapologetically standing up for freedom and democracy.

We should begin by assuring that the United States is not susceptible to blackmail by China—to freeze the United States into inaction by threat of missile attack against the United States. In this regard, we need to work toward the development and deployment of a national missile defense system. The United States currently has no defense against a ballistic missile attack from China, or any of the countries that it has assisted in developing a long-range missile capability. Missile defense will allow us to abandon the cold war policy of mutually assured destruction.

China has threatened that NMD deployment will lead to destabilization and to an arms race with that country. I disagree. As former Secretary of Defense William Cohen testified to the Senate in July of last year, "I think it's fair to say that China, irrespective of what we do on NMD, will in fact, modernize and increase its ICBM capability."

And this is why president George W. Bush is correct to remain firm in his decision to deploy an NMD system as soon as possible.

Secondly, we need to maintain strong U.S. military capabilities in Asia and improve ties to our allies in the region. As Secretary of State Colin Powell recently said about these relationships, particularly with Japan, "Weaken those relationships and we weaken ourselves. All else in the Pacific and East Asia flows from those strong relationships."

The United States can promote democracy, free-markets, and the rule of law by standing by our democratic allies in Asia, like Japan and Taiwan. The preparedness of Taiwan's defense forces is questionable. Increasing this preparedness will decrease the chances that the United States will need to become involved in a conflict in the Taiwan Strait, or that such a conflict will occur in the first place. As I mentioned earlier, not only do we need to sell Taiwan the necessary military equipment for defense against China, our defense officials and military personnel need to be able to work with their Taiwanese counterparts to ensure that they know how to use the equipment. Without this training, the equipment we provide will be far less useful.

As stated in the Defense Department's report:

> The change in the dynamic equilibrium of forces over the long term will depend largely on whether Taiwan is able to meet or exceed developments on the mainland with programs of its own. Its success in deterring potential Chinese aggression will be dependent on its continued acquisition of modern arms, technology and equipment, and its ability to integrate and operate these systems effectively . . .

President Bush recently stated that China, our "strategic competitor" needs to be "faced without ill will and without illusions." Our long-term goal is to live in peace and prosperity with the Chinese people, as well as to promote democratic transition in that country. China's far-reaching ambitions in Asia, coupled with efforts to modernize and strengthen its military force, however, require the United States to exercise leadership. There is no doubt that China will and should play a larger role on the world stage in the coming years. The challenge before us is to deal with this emerging power in a way that enhances our security by dealing candidly and strongly with some of the troubling facts and trends. It is time to take a more clear-eyed approach to dealing with China.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. KYL. Madam President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: Nos. 24 through 30, 32 through 35, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James D. Bankers, 2533
Brig. Gen. Marvin J. Barry, 3766
Brig. Gen. John D. Dorris, 4306
Brig. Gen. Patrick J. Gallagher, 3723
Brig. Gen. Ronald M. Sega, 0560

To be brigadier general

Col. Thomas A. Dyches, 7682
Col. John H. Grueser, 2541
Col. Bruce E. Hawley, 0110
Col. Christopher M. Joniec, 6899
Col. William P. Kane, 0212
Col. Michael K. Lynch, 7075
Col. Carlos E. Martinez, 5382
Col. Charles W. Neeley, 4691
Col. Mark A. Pillar, 9547
Col. William M. Rajczak, 8761
Col. Thomas M. Stogsdill, 7360
Col. Dale Timothy White, 2292
Col. Floyd C. Williams, 8603

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Martha T. Rainville, 6388

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis A. Higdon, 1853
Brig. Gen. John A. Love, 4350
Brig. Gen. Clark W. Martin, 9609
Brig. Gen. Michael H. Tice, 0214

To be brigadier general

Col. Bobby L. Brittain, 2797
Col. Charles E. Chinnock, Jr, 9442
Col. John W. Clark, 9977
Col. Roger E. Combs, 7932
Col. John R. Croft, 3140
Col. John D. Dornan, 1461
Col. Howard M. Edwards, 5648
Col. Mary A. Epps, 7781
Col. Harry W. Feucht, Jr, 7876
Col. Wayne A. Green, 0588
Col. Gerald E. Harmon, 6527
Col. Clarence J. Hindman, 2029
Col. Herbert H. Hurst, Jr, 9448
Col. Jeffrey P. Lyon, 8685
Col. James R. Marshall, 1126
Col. Edward A. McIlhenny, 2884
Col. Edith P. Mitchell, 5575
Col. Mark R. Ness, 6391
Col. Richard D. Radtke, 2746
Col. Albert P. Richards, Jr, 7550
Col. Charles E. Savage, 4418
Col. Steven C. Speer, 0563
Col. Richard L. Testa, 1268
Col. Frank D. Tutor, 8226
Col. Joseph B. Veillon, 0348

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert M. Carrothers, 3234

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert M. Diamond, 5525

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Eugene P. Klynoot, 5848

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10. U.S.C., section 12203:

To be brigadier general

Col. Paul C. Duttge, III, 9920

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Perry V. Dalby, 2649
Brig. Gen. Carlos D. Pair, 7262

To be brigadier general

Col. Jeffery L. Arnold, 2649
Col. Steven P. Best, 7173
Col. Harry J. Philips, Jr., 8457
Col. Coral W. Pietsch, 5785
Col. Lewis S. Roach, 0324
Col. Robert J. Williamson, 7138
Col. David T. Zabecki, 9488

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Robert G.F. Lee, 0590

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Kenneth C. Belisle, 8016
Rear Adm. (lh) Mark R. Feichtinger, 3808
Rear Adm. (lh) John A. Jackson, 3255
Rear Adm. (lh) John P. McLaughlin, 4645
Rear Adm. (lh) James B. Plehal, 5145
Rear Adm. (lh) Joe S. Thompson, 2971

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson, Jr., 7743

Nominations Placed on the Secretary's Desk

IN THE AIR FORCE

Air Force nominations (5) beginning LAUREN N. JOHNSON-NAUMANN, and ending ERVIN LOCKLEAR, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nominations (2) beginning EDWARD J. FALESKI, and ending TYRONE R. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nomination of WILLIAM D. CARPENTER, which was received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nominations (48) beginning ANTOIN M. ALEXANDER, and ending TORY W. WOODARD, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nominations (82) beginning PHILIP M. ABSHERE, and ending ROBERT P. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nominations (208) beginning WILLIAM R. ACKER, and ending CHRISTINA M. K. ZIENO, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force nominations (599) beginning ROBERT C. ALLEN, and ending RYAN J. ZUCKER, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Air Force Nominations (1511) beginning FREDERICK H. ABBOTT, III, and ending MICHAEL F. ZUPAN, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

IN THE ARMY

Army nominations (550) beginning KENT W. ABERNATHY, and ending ROBERT E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nomination of BRIAN J.* STERNER, which was received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (3) beginning WILLIAM N.C. CULBERTSON, and ending ROBERT S. MORTENSON, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (2) beginning MARK DICKENS, and ending EDWARD TIMMONS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (4) beginning JOSEPH N.* DANIEL, and ending PHILLIP HOLMES, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (7) beginning JOE R. BEHUNIN, and ending RANDALL E. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (3) beginning ROBERT G. CARMICHAAEL, JR., and ending LARRY R. JONES, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (4) beginning JAMES P. CONTREARAS, and ending ROBERT D. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (2) beginning CHERYL E. CARROLL, and ending SUSAN R.* MEILER, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (66) beginning JEFFREY A.* ARNOLD, and ending CHARLES L. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (309) beginning CARA M.* ALEXANDER, and ending KRISTIN K.* WOOLLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nominations (12) beginning HANSON R. BONEY, and ending WILLIAM D. WILLETT, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Army nomination of Joel L. Price, which was received by the Senate and appeared in the Congressional Record of March 6, 2001.

Army nominations (3) beginning JAY M. WEBB, and ending SIMUEL L. JAMISON, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 2001.

IN THE MARINE CORPS

Marine Corps nominations (2) beginning JOSEPH D. APODACA, and ending CHARLES A. JOHNSON, JR., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Marine Corps nominations (293) beginning JOHN A. AHO, and ending JEFFREY R. ZELLER, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2001.

Marine Corps nominations (117) beginning WILLIAM A. AITKEN, and ending DOUGLAS P. YUROVICH, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

IN THE NAVY

Navy nomination of Edward Schaefer, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Navy nominations (12) beginning ANTHONY C. CREGO, and ending TERRY W. BENNETT, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 27, 2001.

Navy nominations of James G. Libby, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

Navy nomination of Anthony W. Maybrier, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of March 8, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

PEACE TALKS ON NAGORNO KARABAGH

Mr. JOHNSON. Mr. President, I want to offer my hope for the continued success of the Nagorno Karabagh negotiations. On April 3, the presidents of Azerbaijan and Armenia will meet in Key West, FL, to continue their dialogue on the Nagorno Karabagh region, an area that is essential for the continued stability of the Caucasus.

President Heidar Aliyev of Azerbaijan and President Robert Kocharian of Armenia started a direct dialogue in 1999 and have met over a dozen times in an attempt to bring peace and stability to the South Caucasus. Their upcoming talks in Key West are a continuation of the most recent set of meetings that included French President Jacques Chirac. My hope is that the United States, France, and Russia—working directly with the two presidents—can increase the potential for resolving the conflict over Nagorno Karabagh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 29, 2001, the Federal debt stood at $5,770,774,722,962.15, Five trillion, seven hundred seventy billion, seven hundred seventy-four million, seven hundred twenty-two thousand, nine hundred sixty-two dollars and fifteen cents.

One year ago, March 29, 2000, the Federal debt stood at $5,733,452,000,000, Five trillion, seven hundred thirty-three billion, four hundred fifty-two million.

Five years ago, March 29, 1996, the Federal debt stood at $5,117,786,000,000, Five trillion, one hundred seventeen billion, seven hundred eighty-six million.

Ten years ago, March 29, 1991, the Federal debt stood at $3,465,189,000,000, Three trillion, four hundred sixty-five billion, one hundred eighty-nine million.

Twenty-five years ago, March 29, 1976, the Federal debt stood at $600,421,000,000, Six hundred billion, four hundred twenty-one million, which reflects a debt increase of more than $5 trillion, $5,170,353,722,962.15, Five trillion, one hundred seventy billion, three hundred fifty-three million, seven hundred twenty-two thousand, nine hundred sixty-two dollars and fifteen cents during the past 25 years.

ADDITIONAL STATEMENTS

THE UNIVERSITY OF MINNESOTA WRESTLING TEAM'S NATIONAL CHAMPIONSHIP

• Mr. WELLSTONE. Mr. President, I rise today in celebration of a wonderful victory by the 2001 NCAA Wrestling Champions, The University of Minnesota. Because this is the Golden Gophers' first national championship in wrestling, this team victory is worthy of special note.

As colleagues may know, I follow college wrestling closely. Having seen a good deal of wrestling in my life, I can say that the performance by this year's Golden Gopher team was nothing short of spectacular. Throughout this season, members of the team showed a level of determination and skill that became the pride of the people of my state and captured the respect of college wrestling fans across the country. In gaining the national championship on March 19, the team scored 138.5 points and earned an NCAA-record 10 All-Americans.

College wrestling is a consummate American sport. It centers around matches in which individuals face off and are recognized for their strength, speed, and versatility, just as we celebrate individual achievement in other aspects of American life. However, wrestling championships are not won by individuals, they are won by teams. Just as this country thrives based on the contributions of all its citizens, college wrestling teams rely upon teammates of all weights for points if they are to gain a championship.

I do want to take this opportunity to make the point to my colleagues that we should be concerned about recent problems of amateur wrestling in the United States. According to a recent report from the Government Accounting Office, 40 percent of the nation's college wrestling programs have disappeared in the past two decades. As someone who was given the opportunity to develop personally through the challenge of wrestling and as a former student-athlete who gained access to a first-rate education thanks to a wrestling scholarship, I am concerned about those who, increasingly, are not able to pursue wrestling during their college years. It is important to many Americans that the United States be competitive in all Olympic sports such as wrestling. Furthermore, amateur athletics has provided a way up and a way out for many young Americans. We have a responsibility to do what we can to revitalize a wonderful sport at the college level.

That can be a discussion for a later day, Mr. President. Today is a day to celebrate the accomplishment of a superb team, The University of Minnesota Golden Gopher wrestlers.•

THE 80TH BIRTHDAY OF HAROLD BURSON, FOUNDING CHAIRMAN, BURSON-MARSTELLER

• Mr. THOMPSON. Mr. President, last month marked the 80th birthday of Harold Burson, the founding chairman of one of the world's leading public relations firms, Burson-Marsteller. This milestone, celebrated with good health and good humor by Mr. Burson along with his family and many friends, is especially noteworthy to the people of Tennessee because he is one of our most distinguished native sons. Harold Burson was born in Memphis on February 15, 1921. Despite a lifetime of accomplishment and honors on a global scale, he has never forgotten his Tennessee roots. Likewise, Mr. Burson's lifetime of professional achievement has earned him the deep respect of his fellow Tennesseans.

I ask that a series of letters written in tribute to Mr. Burson on the occasion of his 80th birthday be printed in the RECORD.

These letters from President Bush and others demonstrate that Harold Burson's contributions have meaning not just to folks in Tennessee, but to all Americans.

Thanks to the legacy of Harold Burson, public relations is a more respected and honored profession. Those of us who have the privilege of holding public office know that public opinion is at the heart of our democratic process. Harold Burson has helped create a profession that has brought credibility and integrity to the practice of influencing public opinion. People who have worked with Mr. Burson and have had him as a mentor are leading the public relations industry today and will do so in the future. Thanks to Mr. Burson's good health and robust spirit at the age of 80, his legacy is still being written.

When the last century was coming to a close, PRWeek, an industry publication, named Harold Burson the most influential figure in public relations in the twentieth century. The publication cited Mr. Burson's career as a counselor, advisor and mentor, and described him as "the most complete PR professional in history."

I know other Americans join me in wishing Harold Burson many more years of health, happiness and fulfillment.

The letters follow.

U.S. SENATE,
Washington, DC, March 9, 2001.

Mr. HAROLD BURSON,
Founding Chairman, Burson-Marsteller,
New York, NY.

DEAR MR. BURSON: It is a privilege for me to join your friends and relatives in saluting you on your eightieth birthday.

For half a century, you have been a pioneer in the public relations profession. The respected firm you founded has set a high standard as a result of your close attention to integrating integrity and credibility. Your lifetime of good works and professional achievement has earned you the respect of your native state of Tennessee.

Please accept my personal best wishes and warmest regards.

Sincerely,

FRED THOMPSON,
U.S. Senator.

THE WHITE HOUSE,
Washington, March 19, 2001.

Mr. HAROLD BURSON,
Founding Chairman, Burson-Marsteller,
New York, NY.

DEAR MR. BURSON: Congratulations as you celebrate your 80th birthday surrounded by family and friends.

This special occasion is an excellent opportunity for all who know you to salute your many contributions to the field of public relations and to public service. I hope the future brings you good health and continued success. Laura joins me in sending best wishes.

Sincerely,

GEORGE W. BUSH.

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, March 21, 2001.

DEAR MR. BURSON: My best wishes to you on the wonderful occasion of your 80th birthday.

May this be a truly joyous and special day as family and friends gather to celebrate this moment with you. I also wish to take this opportunity to commend you for your countless contributions to the public relations industry and the New York City community as well. You are a true pioneer in your field.

Congratulations. On behalf of the residents of New York City, I wish you continued health and happiness.

Sincerely,

RUDOLPH W. GIULIANI,
Mayor.●

HONORING GLENN E. SLUCTER AND THE 551ST PARACHUTE INFANTRY BATTALION

● Ms. STABENOW. Mr. President, I rise today to recognize the heroic efforts of Mr. Glenn Slucter, a Michigan veteran of the 551st Parachute Infantry Battalion. He and approximately 50 other veterans who served with him received a Presidential Unit Citation on February 23, 2001, at the Pentagon for their heroism during World War II.

It is certainly fitting that Mr. Slucter and his fellow veterans are now being recognized for their brave and exemplary service. Although it has been more than fifty years since the war ended, it is important that their heroic role in the invasion of Southern France and the Battle of the Bulge is finally being acknowledged and honored. This ceremony was a wonderful reminder of the critical part our veterans have played in protecting and preserving our life of freedom.

Mr. Slucter and four of his children traveled to Washington, DC to attend the ceremony. How thrilling it must have been for him and the other members of his unit to renew old friendships and receive the recognition in front of their families and friends that they so richly deserve. I am sure this was an opportunity to reminisce as well as express sorrow for the many members of their battalion who did not make it home.

It is my privilege to join the United States Army in paying tribute to a man who has given so much to his country. I applaud Glenn Slucter for his bravery and his selfless acts during World War II. We should all be proud and grateful for the efforts of Glenn Slucter and the members of the 551st Parachute Infantry Battalion.●

WE THE PEOPLE

● Mr. CRAPO. Mr. President, I rise today to commend fifteen students from Orofino High School in Orofino, ID: Zach Annen, Hannah Brandt, Joshua Corry, Diana Dangman, Nathan Dobyns, Emily Hall, Harmony Haveman, Jessica Hill, Piper Hope, Stacy Ray, Sarah Spaulding, Heather Veeder, Jessica Weeks, Brian Wilks; and Sam Young.

These students will be in Washington, DC, April 21–23, 2001 to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I also like to recognize their teacher, Cindy Wilson, for helping prepare these young students.

"We the People . . . The Citizen and the Constitution" is one of the most extensive educational programs in the country. It has been developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress and consist of oral presentations by high school students before a panel of adult judges. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges evaluate students on their depth of understanding and ability to apply their constitutional knowledge.

The 250th anniversary of James Madison's birth in 1751 offers an appropriate opportunity to examine his contributions to American constitutionalism and politics. To this end, the Center for Civic Education has collaborated with James Madison's home, Montpelier, to produce a supplement to "We the People . . . The Citizen and the Constitution." The national finals will include questions on Madison and his legacy.

Administered by the Center for Civic Education, the "We the People . . ." program has provided curricula materials at upper elementary, middle, and high school levels for more than twenty-six and a half million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The class from Orofino High School is currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish these young "constitutional experts" the best of luck at the "We the People" national finals.●

UNIVERSITY OF NEW MEXICO LADY LOBOS BASKETBALL TEAM

● Mr. DOMENICI. Mr. President, I rise today to salute a team of special women who are champions in the eyes of the residents of my home State of New Mexico. I am paying tribute to the University of New Mexico's Lobo Women's Basketball team, which came up one point short of winning the Women's National Invitation Tournament last night.

The Ohio State Buckeyes women's team battled the Lady Lobos on their home court, at "the Pit" in Albuquerque, one of the most phenomenal basketball sites in the country. There, the Lady Lobos and the Buckeyes wowed the fans with an exciting 62–61 game. Despite the heartbreaking end, the Lobo women had a fantastic year worthy of any trophy and our admiration.

This team has helped to move women in this sport forward by leaps and bounds, providing an outstanding example of dedication, talent and hard work for young girls in my State. Their hard work in the NIT tournament builds on a distinguished history of collegiate women's basketball. Back in 1972 President Richard Nixon signed into law title IX, which stated that no person in the United States shall, on the basis of sex, be excluded from participation in any educational program or activity that receives federal assistance. That same year, the

Association for Intercollegiate Athletics for Women held its first women's collegiate basketball championship.

Fast forward to the year 2001, where today unprecedented numbers of young girls and women are playing basketball as part of their overall education. I believe it is outstanding that the UNM Lady Lobos are able to repeatedly played before a sold out audience of more than 18,000 screaming fans.

Wednesday night's title game should not be viewed as a disappointment, because I believe the excitement the Lady Lobos generated across New Mexico can only serve as motivation for next year. The Lobo women, who finished the season 22–13, are also an inspiration for the elementary, middle and high school girls who watched their successful season. They can believe, like the UNM Ladies basketball team's future, that the sky is the limit.

I believe the Lady Lobos have embarked on a tradition of greatness, which is no small feat considering their newness on the scene. Despite the discontinuation of the program from 1987 to 1991, the players have since shown us their determination and delivered games of pure excitement. In the last four years, the average game attendance for the UNM women has skyrocketed and kept pace with the best teams across the nation. This is testimony to the interest that this women's team has brought to the game.

On behalf of thousands of admiring fans, I extend my congratulations and thanks to the University of New Mexico Lobo Women's Basketball team for their successful year. I salute Coach Don Flanagan and his team: Jordan Adams, Susan Babcock, Jasmine Ewing, Melissa Forest, Cristal Garcia, Chelsea Grear, Nikki Heckroth, Molly McKinnon, Lauren McLeod, Miranda Sánchez, Jennifer Williams, and Brittany Wolfgang. We are proud of the team and its accomplishments.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1255. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant law, a report entitled "Congressional Justification Budget Request for Fiscal Year 2002"; to the Committee on Rules and Administration.

EC–1256. A communication from the Program Manager of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Country of Origin Statements on Distilled Spirits Labels" received on March 26, 2001; to the Committee on Finance.

EC–1257. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2001–28) received on March 27, 2001; to the Committee on Finance.

EC–1258. A communication from the Secretary of State, transmitting, pursuant to law, the annual report concerning voting practices at the United Nations for 2000; to the Committee on Foreign Relations.

EC–1259. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS: Nonimmigrant Visa Fees—Fee Reduction for Border Crossing Cards for Mexicans Under Age 15" (RIN1400–AA97) received on March 27, 2001; to the Committee on Foreign Relations.

EC–1260. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, as amended, a report on nuclear nonproliferation in South Asia for the period October 1, 2000 through March 31, 2001; to the Committee on Foreign Relations.

EC–1261. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Decreased Assessment Rate" (Doc. No. FV01–959–1 IFR) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1262. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2001 Diversion Program" (Doc. No. FV01–989–1 FIRA) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1263. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Increased Assessment Rate" (Doc. No. FV01–955–1 FR) received on March 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1264. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethametsulfuron Methyl; Pesticide Tolerance" (FRL6773–7) received on March 29, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1265. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Telemedicine for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1266. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on March 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1267. A communication from the Acting Assistant Secretary for the Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Diesel Particulate Matter Exposure of Underground Coal Miners" (RIN1219–AA74) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1268. A communication from the Acting Assistant Secretary for the Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Diesel Particulate Exposure of Underground Metal and Nonmetal Miners" (RIN1219–AB11) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1269. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report regarding the Department of Defense's failure to provide records that relate to the decision to support the United Nations peacekeeping operations in East Timor, Sierra Leone and the Democratic Republic of the Congo; to the Committee on Armed Services.

EC–1270. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, the delay of a report regarding the evaluation of benefits of the Uniformed Services Family Health Plan Open Enrollment Demonstration Program; to the Committee on Armed Services.

EC–1271. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1272. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report concerning the single-function cost comparison of the Air Combat Command Communications Group; to the Committee on Armed Services.

EC–1273. A communication from Deputy Associate Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Washington" (FRL6952–3) received on March 28, 2001; to the Committee on Environment and Public Works.

EC–1274. A communication from Deputy Associate Administration of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan and 1990 VOC Emission Inventory for the Pittsburgh-Beaver Valley Ozone Nonattainment Area to Full Approval" (FRL6961–4) received on March 28, 2001; to the Committee on Environment and Public Works.

EC–1275. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL6961–9) received on March 29, 2001; to the Committee on Environment and Public Works.

EC–1276. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polychlorinated Biphenyls (PCB's); Return of PCB Waste from U.S. Territories Outside the Customs Territory of the United States" (FRL6764–9) received on March 29, 2001; to the Committee on Environment and Public Works.

EC–1277. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "NARA Freedom of Information Act Regulations" (RIN3095–AA72) received on March 26, 2001; to the Committee on Governmental Affairs.

EC–1278. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of the annual performance plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1279. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1280. A communication from the Secretary of Labor, transmitting , pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1281. A communication from the Director, and the Inspector General of the National Science Foundation, transmitting jointly, the National Science Foundation's Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1282. A communication from the Chairman of the Federal Prison Industries, Inc., Department of Justice, transmitting, pursuant to law, a report entitled "UNICOR: Of Service to Others" for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1283. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1284. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Pelagic Longline Area Closure; Emergency Interim Rule" (RIN0648–AO66) received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/"Other Flatfish" Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands" received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fisheries; 2001 Specifications" (RIN0648–AN71) received on March 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the Assistant Bureau Chief of Management, International Bureau/Telecommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order in the Matter of 2000 Biennial Regulatory Review, Policy and Rules Concerning the International, Interexchange Marketplace" (Doc. No. 00–202, FCC01–93) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations (Reno, NV)" (Doc. No. 00–234, RM–9999) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key West, FL)" (Doc. No. 00–70, RM–9843) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lowry City, Missouri)" (Doc. No. 00–145, RM–9845) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bowling Green, Bardstown, Lebanon Junction, and Auburn, Kentucky; and Byrdstown, Tennessee)" (Doc. No. 99–326) received on March 28, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation M: Electronic Delivery of Federally Mandated Disclosures" (R–1042) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1293. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z: Electronic Delivery of Federally Mandated Disclosures" (R–1043) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1294. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation B: Electronic Delivery of Federally Mandated Disclosures" (R–1040) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1295. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation DD: Electronic Delivery of Federally Mandated Disclosures" (R–1044) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1296. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation E: Electronic Delivery of Federally Mandated Disclosures" (R–1041) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. DeWine, Mr. Leahy, Mr. Thurmond, Mr. Feingold, Mr. Grassley, Mr. Schumer, and Mr. Specter):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. Lott, Mr. Warner, Ms. Collins, Mr. Cochran, Ms. Landrieu, Mr. Breaux , and Mr. Torricelli):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. INHOFE:

S. 667. A bill to impose a condition for the conveyance, previously required, of certain real property of the United States on the Island of Vieques to Puerto Rico; to the Committee on Armed Services.

By Mr. AKAKA (for himself and Mr. Smith of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARPER (for himself, Mr. Gregg, Mr. Frist, Mr. Lieberman, Mr. Bayh, Mr. Breaux, Mr. Bingaman, Mr. Santorum, Mr. Biden, Ms. Landrieu, Mr. Smith of Oregon, Mr. Ensign, Mr. DeWine, Mr. Kerry, and Mr. Specter):

S. 669. A bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself and Mr. Lugar):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. Kerry, and Mr. Wellstone):

S. Con. Res. 30. A concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. Dodd, his name was added as a cosponsor of S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 38

At the request of Mr. Inouye, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 170

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 255

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 256

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 288

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 288, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 566

At the request of Mr. HOLLINGS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 566, a bill to amend the Internal Revenue Code of 1986 to provide a 10 percent individual income tax rate for taxable years beginning in 2001 and a payroll tax credit for those taxpayers who have no income tax liability in 2001.

S. 570

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 635

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to reinstate a standard for arsenic in drinking water.

S. 648

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to provide signing and mastery bonuses and mentoring programs for math and science teachers.

S. RES. 41

At the request of Mr. SHELBY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 41, a resolution designating April 4, 2001, as "National Murder Awareness Day".

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years.

AMENDMENT NO. 161

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 161 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 161 proposed to S. 27, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. DEWINE, Mr. LEAHY, Mr. THURMOND, Mr. FEINGOLD, Mr. GRASSLEY, Mr. SCHUMER, and Mr. SPECTER):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, in the last year, consumers all across the nation have watched gas prices rise, seemingly without any end in sight. And, if consumers weren't paying enough already, just a few days ago the OPEC nations agreed to cut production by a million barrels a day, an action sure to drive up prices even higher. Such blatantly anti-competitive action by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, FEINGOLD, THURMOND, and GRASSLEY, to reintroduce the "No Oil Producing and Exporting Cartels Act", "NOPEC". This legislation is identical to our NOPEC bill introduced last year, which passed the Judiciary Committee unanimously.

Real people suffer real consequences every day in our nation because of OPEC's actions. Rising gas prices—prices that averaged above $2 per gallon in many places last summer, are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter or a deep South summer can tell you about the tremendous personal costs associated with higher home heating or cooling bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to EPA requirement mandating use of a new and more expensive type of "reformulated" gas in the Midwest. After last spring's gas price spike, which dove prices above $2 per gallon for a time in the Midwest, some even claimed that refiners and distributors were illegally fixing prices. At the request of the Wisconsin delegation and Senator DEWINE, the Federal Trade Commission launched an investigation last year to figure out if those allegations were true. After an exhaustive, nearly year-long investigation, they found no evidence of illegal price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, until now no one has tried to take any action. NOPEC will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. It will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of "Sovereign Immunity" or "Act of State" to escape the reach of American justice.

In recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to hold General Augusto Pinochet accountable for human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. In this era of globalization, we truly need to open international markets to ensure the prosperity of all. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. Just last year, in fact, the Justice Department secured a record $500 million criminal fine against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. The mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

There is also nothing remarkable about suing a foreign government about its commercial activity. There are many recent cases in which foreign governments have been held answerable for their commercial activities in U.S. courts, including a case against Iran for failure to pay for aircraft parts, a case against Argentina for breach of its obligations arising out of issuance of bonds, and a case against Costa Rica for violating the terms of a lease. Our NOPEC legislation falls squarely within this tradition.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of "sovereign immunity" to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the "commercial" activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court decision and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

In the last few weeks, I have grown more certain than ever that this legislation is necessary. Between OPEC's decision last week to cut oil production and the FTC's conclusion that American companies do not bear primary responsibility for last summer's gas price spike, I am convinced that we need to take action, and take action now, before the damage spreads too far.

For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Oil Producing and Exporting Cartels Act of 2001" or "NOPEC".

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICELLI):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation to simplify and restore fairness to the naval shipyard accounting statutes under which our six major U.S. naval shipyards pay taxes on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits. The legislation being proposed would simply allow naval shipbuilders to use a method of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy.

Prior to 1982, federal law permitted shipbuilders to use this method, but the law was changed due to abuses by federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders used to employ. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act of 2001. Senator BOB SMITH joins me in sponsoring this bill that will close a serious loophole in the Animal Welfare Act.

Over 30 years ago, Congress passed the Animal Welfare Act to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the well-meaning intentions of the Animal Welfare Act and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. I am not here to argue whether animals should or should not be used in research. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities.

There are less than 40 "random source" animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. "Random source" dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called "bunchers" who sometimes resort to theft and deception as they collect animals to sell them to Class B dealers. "Bunchers," posing as someone interested in adopting a dog or cat, usually respond to advertisements such as "free pet to a good home," and trick animal owners into giving them their pets. Some random source dealers are known to keep hundreds of animals at a time in squalid conditions, providing them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory.

While I am not suggesting that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that many of these animals end up in research laboratories, and little is being done to stop it. It is clear to most observers, including animal welfare organizations around the country, that this problem persists because of random source animal dealers.

The Pet Safety and Protection Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, the Pet Safety and Protection Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. Legitimate sources are USDA-licensed Class A dealers or breeders, municipal pounds that choose to release dogs and cats for research purposes, legitimate pet owners who want to donate their animals to research, and private and federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand. Furthermore, at least in the case of using municipal pounds, research laboratories could save money since pound animals cost only a few dollars compared to the high fees charged by random source animal dealers. The National Institutes of Health, in an effort to curb abuse and deception, has already adopted policies against the acquisition of dogs and cats from random source dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, hundreds of thousands of dollars are spent on regulating 40 random source dealers. To combat any future violation of the Animal Welfare Act, the Pet Safety and Protection Act increases the penalties under the Act to a minimum of $1,000 per violation.

As I stated before, this bill in no way impairs or impedes research, but will end the fraudulent practices of some Class B dealers. The history of disregard for the provisions of the Animal Welfare Act by some animal dealers makes the Pet Safety and Protection Act necessary and I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pet Safety and Protection Act of 2001".

SEC. 2. PROTECTION OF PETS.

(a) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

"SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

"(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

"(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

"(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person,, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

"(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

"(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

"(2) a publicly owned and operated pound or shelter that—

"(A) is registered with the Department of Agriculture;

"(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

"(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

"(3) a person that is donating the dog or cat and that—

"(A) bred and raised the dog or cat; or

"(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

"(4) a research facility licensed by the Department of Agriculture; and

"(5) a Federal research facility licensed by the Department of Agriculture.

"(e) PENALTIES.—

"(1) IN GENERAL.—A person that violates this section shall pay $1000 for each violation.

"(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty and shall be imposed whether or not the Secretary imposes any other penalty.

"(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.".

(b) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking "No department" and inserting "Except as provided in section 7, no department";

(2) by striking "research or experimentation or"; and

(3) by striking "such purposes" and inserting "that purpose".

(c) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking "individual or entity" and inserting "research facility or Federal research facility".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 take effect 90 days after the date of enactment of this Act.

By Mr. CARPER (for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BAYH, Mr. BREAUX, Mr. BINGAMAN, Mr. SANTORUM, Mr. BIDEN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. ENSIGN, Mr. DEWINE, Mr. KERRY, and Mr. SPECTER):

S. 669. A bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from New Hampshire and a broad, bipartisan group of cosponsors to introduce the Empowering Parents Act of 2001. Senator JUDD GREGG has been a consistent champion of charter schools and a passionate advocate of competition and choice in public education. I cannot imagine a better colleague to partner with on my first legislative initiative in the U.S. Senate.

Like the Senator from New Hampshire, I come from a small State. Also like my friend from New Hampshire, I was once the governor of my small State. I think it is appropriate, that Senator GREGG and I have seen fit to team up so early in my tenure here in the Senate. During the fall campaign, I was fond of saying that we need more people in Washington who think and act like Governors. My years in the National Governors' Association taught me that Governors tend to be results-oriented and tend to have a healthy impatience for partisan bickering.

We in this Chamber will always have our disagreements. Next week, for example, we are scheduled to begin debate on the budget and every expectation is that it will be a very partisan debate. That makes it all the more important, that we push forward in those areas where we're able to reach bipartisan agreement. The issue of vouchers is one on which we are unlikely to come to a consensus. Expanding the number of charter schools and broadening public school choice, however, is something that we can agree on, and we should.

Charter schools and public school choice inject market forces into our schools. They empower parents to make choices to send their children to a variety of different schools. That means that schools which offer what students and parents want, be it foreign languages, more math and science, higher test scores, better discipline, those schools will be full. Schools which fail to listen to their customers, to parents and students, may see their student populations diminish until those schools change. At the same time, charter schools are public schools, held to high standards of public accountability. And unlike vouchers, public school choice preserves indeed, it helps to fulfill the promise of equal access upon which public education and the common school tradition have always been premised.

In my State, we've enthusiastically embraced both the charter movement and public school choice. We introduced charter schools and statewide public school choice almost 5 years ago. A greater percentage of families exercise public school choice in Delaware today than in any other State in the Nation, and in the last year alone the number of Delaware students in charter schools has more than doubled. The evidence is that these reforms, together with high standards and broad-based educator accountability, are working to raise student achievement and to narrow the achievement gap between students of different racial and ethnic backgrounds. Students tested last spring, at every grade level tested and in each of our counties, made significant progress when measured against their peers throughout the country, as well as against Delaware's own academic standards.

Let me tell you briefly, about one of the schools in my State that is helping to accomplish both of these goals, raising student achievement and closing the achievement gap. In Delaware, we have close to 200 public schools. Students in all of these schools take Delaware's State tests measuring what students know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my State is the East Side Charter School in Wilmington, DE. The incidence of poverty there is over 80 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened its doors, almost none of its students met our State standards in math. Last spring, there was only one school in our State where every third grader who took our math test met or exceeded our standards. That school was the East Side Charter School.

It's a remarkable story, and it has been possible because the East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They wear school uniforms. Parents have to sign something akin to a contract of mutual responsibility. Educators are given greater authority to innovate and initiate. With highly qualified and highly motivated teachers and with strong leadership from active citizens who want to make a positive difference for their community, the East Side Charter School has become a beacon of hope to parents and students in a neighborhood where you can no longer have a pizza or newspaper delivered to your door. It has provided parents in that community with an option for their children they might not otherwise have had.

The legislation that Senator GREGG and I are introducing today aims to make similar options available in communities all across our country, particularly in low-income communities and communities with low-performing schools, just like Wilmington's East Side. It encourages States and local districts with low-performing schools to expand public school choice. It also eliminates many of the artificial barriers to charter school financing that have prevented the supply of new charter schools from keeping pace with the growing demand among parents and students.

Language was inserted in the FY 2001 Labor-HHS appropriations bill giving students the right to transfer out of failing schools. Some similar provision will likely be included in any legislation we pass this year reauthorizing the Elementary and Secondary Education Act. Unfortunately, the right to transfer out of a failing school will not by itself translate into a meaningful array of alternatives for parents. Nor, as far as I am concerned, will a $1,500 voucher, though I know there is some disagreement on this point even among supporters of this bill. In some high poverty school districts, there are no higher performing schools for students to transfer into. In other districts, administrative barriers or capacity constraints could well limit the choice provided to parents to a single alternative, which may or may not be the school that parents believe best meets their child's needs. Moreover, at least in my State—and I don't pretend to know the circumstances in other

States—you can't get your kid in to get an education at the private or parochial schools for $1,500.

Unless we help to establish new charter schools in communities with low-performing schools, and unless we provide encouragement to the States and local school districts that serve these communities to create broad and meaningful choice at the intra-district level and ideally at the inter-district level, the right to "choice out" of a failing school will be little more than an empty promise. The Empowering Parents Act aims to keep the promise by helping to ensure that parents are empowered with real choices for their children within the public school system.

The Empowering Parents Act does three things. First, it provides $200 million in competitive grants to States and local districts with low-performing schools for the purpose of expanding public school choice. This will help to make the right to public school choice that we intend to make part of title I a meaningful right for parents with children trapped in failing schools.

Second, the Empowering Parents Act expands the credit enhancement demonstration for charter schools that passed last year and also exempts all interest on charter school loans from federal taxes. This will leverage private financing to help charter schools finance start-up costs, as well as the costs associated with the acquisition and renovation of facilities, the most commonly cited barriers to the establishment of new charter schools.

Third and finally, the Empowering Parents Act creates incentives for States to provide per pupil facilities funding programs for charter schools. According to a recent GAO report, "Charter Schools; Limited Access to Facility Financing," the per pupil allocations that charter schools receive as public schools to educate public school students are frequently just a fraction of the amount that is provided annually to traditional public schools for operating expenses and thus provide none of the funding that traditional public schools receive for facility costs. Additionally, GAO reports that school districts that are allowed to share local facility financing with charter schools often do not. The result is that charter schools are forced to literally take money out of the classroom, dipping into funds meant to pay teachers and purchase textbooks, just so they can secure a roof over their students' heads. The Empowering Parents Act would provide matching grants to states to encourage them to level the playing field between charters and traditional public schools with respect to facility financing.

Mr. President, the call for competition and choice among accountable public schools can be heard all across America. Just 7 years ago, there was only one charter school in existence in the entire nation. Today, 36 States and the District of Columbia have charter school laws, and there are over 350,000 students attending nearly 1,700 charter schools. As fast as the movement for charters and choice has grown, the reality is that the ideal of involved and empowered parents choosing a child's school from among a range of diverse but accountable public schools remains the exception rather than the rule in America. In fact, 7 out of 10 charter schools around the country have a waiting list of students they can't accommodate. The charters and choice movement is a grassroots movement, and thus, appropriately, most of action is taking place at the state and local level. There is an old saying, however, that you must lead, follow, or get out of the way. Charters and choice are sparking innovation in schools around the country, and there is a role for the Federal Government to play in spreading the synergy.

A key role of the Federal Government in the area of education is to level the playing field for children that come from tough, disadvantaged backgrounds. We are committed in America to the principle that every child deserves a real chance to reach high standards of achievement. I have said often that we need to start our efforts to level the playing field by ensuring that every child enters kindergarten ready to learn, which means promoting early childhood education, beginning with full funding for Head Start. However, charter schools and public school choice should also play an integral part in our efforts to close the achievement gap, because whenever a child is left trapped in a failing school, it means that we have failed as a nation to fulfill the promise of equal opportunity for all and special privileges for none.

Passing the Empowering Parents Act would represent a landmark federal commitment to parental involvement and parental empowerment in public education. It would send a clear message from coast to coast that we will no longer settle in America for a public education system that traps students in schools that fail to meet high standards. That's not a Democrat message. That's not a Republican message. That's a message of hope and opportunity, a message I believe Republicans and Democrats can embrace together.

When Lynne Cheney visited Delaware in the heat of last fall's Presidential campaign to shine a national spotlight on the East Side Charter School, it was a great tribute to the tremendous accomplishments of the parents, teachers, and administrators who have poured their energy and creativity into that remarkable school. It was also a tribute, I believe, to our bipartisan spirit of cooperation in Delaware and to the progress that we can achieve when we work together—Republicans and Democrats, legislators and business leaders, parents and teachers. Our charters and choice legislation passed on consecutive days back in 1995. One bill was sponsored by a Republican, one by a Democrat. It was truly a bipartisan effort.

That's the way we do things in Delaware. We work together. We get things done. It is this uncommon tradition of putting aside partisan differences and doing what is right for Delaware that has enabled our State to shine. And it is this same spirit of common-sense bipartisan that is needed in Washington if America is to embrace a new century strong and confident in our future.

We will have plenty to fight about in this Chamber, this year and in the years to come. I suggest to my colleagues, let's take the opportunities we have to find common ground and to show the American people that we can work together to make a difference for communities and families across this country. As the broad bipartisan support for this legislation attests, the Empowering Parents Act provides us with an opportunity to govern in a positive, progressive, and bipartisan fashion. I ask my colleagues to join with Senator GREGG and myself to help pass the Empowering Parents Act, and thereby to register a win for bipartisanship and more importantly, a win for children trapped in schools that are failing to meet their potential or allow their students to reach their own potential.

Mr. President, I yield the floor.

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am joining with my good friend, the distinguished chairman of the Senate Agriculture, Nutrition, and Forestry Committee, Senator RICHARD LUGAR, to introduce the "Renewable Fuels Act of 2001." Over the years, Senator LUGAR has been one of the nation's leading champions of American agriculture and energy independence, and I am pleased to work with him on this effort to encourage the use of ethanol in our nation's fuel supply in a way that improves air quality and strengthens the nation's energy security.

The bill Senator LUGAR and I are introducing today is a refinement of a proposal we introduced in the last Congress. Many of the provisions of that bill were included in legislation reported by the Senate Environment and Public Works Committee in September 2000. Unfortunately, time ran out on the 106th Congress before final action could be taken on that committee bill.

The Renewable Fuels Act of 2001 allows states to address a serious groundwater contamination problem by phasing out MTBE and establishes a nationwide renewable fuels standard that encourages the environmentally sound use of ethanol. The effect of this measure will be to get MTBE out of groundwater, reduce emissions of greenhouse gases, diversify our domestic liquid fuels production base, and promote investment and job creation in rural communities. The bill will also result in substantial reductions in taxpayer outlays by enabling farmers to value-add their products into renewable liquid fuels and reduce oil imports that are exacerbating our trade deficit.

The genesis of this legislation is found in the compelling need to resolve the problem of MTBE contamination of groundwater in states such as California. As we discovered in the 106th Congress, the solution to this problem, whose roots go back over a decade to the congressional debate on the merits of RFG with oxygenates, is extremely complex.

A review of the CONGRESSIONAL RECORD debate shows that the Congress had several major objectives in enacting the RFG with oxygenates program, including: to improve the environment by reducing mobile source vehicle emissions (VOC ozone precursors; toxics; NO_x; and CO_2); to improve energy security by reducing oil imports; to stimulate the economy, especially in rural areas; and to provide regulatory relief to the automobile industry, small businesses/stationary sources, and state and local authorities.

While the detection of MTBE in drinking water supplies in some areas of the country has encouraged criticism of the RFG program, the record shows that most of the Congress' original goals for the RFG program have been met and, in many cases, even surpassed. The RFG program has, in fact, provided refiners with environmentally clean, high performance additives that have substantially extended gasoline supplies. Due to the increased demand for oxygenated fuels like ethanol, capital has been invested in farmer-owned cooperative ethanol plants throughout the Midwest, and rural communities have benefited from quality jobs and expanded tax bases. Harmful emissions in our major cities, from California to the Northeast, have fallen dramatically. Our trade deficit has been substantially reduced, and taxpayers have saved hundreds of millions of dollars in farm program costs.

In short, the RFG program has been one of the most successful private/public sector programs in recent memory.

Some of our colleagues from areas that have experienced MTBE water contamination problems believe the entire RFG program should be dismantled. They argue that the RFG program has run its course and that states should be allowed to waive its oxygenate requirement.

I do not accept this argument and will strongly resist any effort to grant state petitions to opt out of the 1990 RFG minimum oxygen standard requirements. That option is not supported by the science and would simply encourage multinational oil companies to import more crude oil and to use energy-intensive methods to refine it into toxic aromatics that combust into highly carcinogenic benzene.

I am sympathetic, however, to concern about the existence of MTBE in groundwater, and Senator LUGAR and I offer an alternative response to the states' struggle to deal with this issue. We believe the Renewable Fuels Act addresses this challenge swiftly and effectively without abandoning the documented benefits of the RFG program.

Consider the agricultural, energy and environmental benefits of our approach. A September 6, 2000, United States Department of Agriculture analysis concluded that the Renewable Fuels Standard, RFS, provision in our bill would increase ethanol demand from baseline projections of 2.0 billion gallons, to a minimum of 4.6 billion gallons, over the next 10 years. This is a substantial increase when compared with sales last year, which reached approximately 1.5 billion gallons. USDA found that, under this renewable fuels standard, farm incomes would increase by an average of $1.3 billion per year each year from 2000 to 2010. That totals to more than $13 billion for hard hit rural communities. Taxpayer outlays would drop dramatically due to the improved, market-based terms of trade in basic farm commodities. Some experts calculate that the nation's taxpayers would directly benefit from billions of dollars per year in farm program savings.

At today's price for imported oil, our bill's RFS provision would save the country over $4 billion annually in current dollars. The "Renewable Fuels Act of 2001" will triple the use of renewable fuels in the United States over the next 10 years. This tripling represents less than 4 percent of the nation's total motor fuels consumption, which is well less than the oil industry's projected demand growth over the next 10 years. However, while small in relationship to the market share of multinational oil companies, it would account for the lion's share of the stated goal of Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI when he recently announced his Committee's goal to reduce the Nation's oil import dependence over that same period.

As for the environment, the Renewable Fuels Act of 2001 provides states like California with a way to get MTBE out of groundwater without sacrificing ethanol's contribution to the reduction of emissions of the greenhouses gases linked to global climate change.

Finally, as impressive as its record has been, I believe the RFG minimum oxygen standard program has more to offer the country. And I am pleased to report that President Bush agrees with that analysis.

In a visit to Sioux Falls, SD, earlier this month, the President has some encouraging words to say about the role of renewable fuels like ethanol. He emphasized his commitment "to value-added processing, to make sure that ethanol is an integral part of the gasoline mixes in the United States."

I applaud President Bush's vision for ethanol. We agree that it is time to make ethanol an integral part of this country's fuel mix, in a manner that is predictable, sustainable, cost effective, and environmentally responsible. The "Renewable Fuels Act of 2001" meets all of these criteria.

What Senator LUGAR and I are suggesting is a truly national program that addresses geographically diverse needs in a synergistic manner. This comprehensive approach has encountered skepticism from well meaning interests that are, understandably, focused on their own priorities: state officials who are intent on cleaning up their groundwater; elected officials who are philosophically troubled by the perception of federal mandates; and farm groups whose fear of the vagaries of the legislative process make them reluctant to lock arms with traditional foes.

Senator LUGAR and I present the Renewable Fuels Act of 2001 as a new paradigm for reconciling historically competitive interests in a manner that will promote a broad range of national benefits. It is my hope that our colleagues on both sides of the aisle, as well as representatives of state and local governments, the environmental community, the oil industry and farm groups, will take an open minded look at this approach.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in reintroducing the Renewable Fuels Act of 2001. This bill is intended to form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation.

In July 1999, an independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and whether that legislation will be based on consideration of all of the environmental and energy security issues involved.

The Renewable Fuels Act of 2001 will be good for our economy and our environment. Most important of all, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

The security of our whole economy revolves around our over-dependence on energy sources from the unstable nations of the Middle East. We must be able to address this challenge. Finding an environmentally sensitive way to promote the use of renewable fuels is an important part of this challenge. That is what I believe our bill will accomplish.

The Renewable Fuels Act of 2001 will lead to at least four billion seven hundred million gallons of ethanol being produced in 2011 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner has met the Renewable Fuels Standard in a particular year. This will greatly accelerate the development of renewable fuels made from cellulosic biomass. These fuels produce no net greenhouse gas emissions.

The Renewable Fuels Act of 2001 will establish a nationwide Renewable Fuels Standard, RFS, that would increase the current use of renewable fuels from 0.6 percent of all motor fuel sold in the United States in 2000 to 1.5 percent by 2011. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would require the EPA Administrator to end the use of MTBE within four years in order to protect the public health and the environment. And it would establish strict "anti backsliding provisions" to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Unlike last year's bill, this bill retains the Minimum Oxygen Standard in the Clean Air Act Amendments. However, the Clean Air Act is amended to ensure that, after MTBE is removed from gasoline, there will be no backsliding in clean air provisions related to ground level ozone and toxic air pollution and also that there will be strict limitations on the aromatic content of reformulated gasoline and of all gasoline in order to further safeguard clean air.

I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials, while maintaining strict clean air requirements.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME

Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas many of the oldest and most significant Buddhist statues in the world have been located in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, Central Asia, and the Roman Empire;

Whereas such statues have been part of the common heritage of mankind, and such cultural treasures must be preserved for future generations;

Whereas on February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, reversed his regime's previous policy and ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old 175-foot-tall and 120-foot-tall statues carved out of a mountainside at Bamiyan, one of which is believed to have been the world's largest statue of a standing Buddha;

Whereas the religion of Islam and Buddhist statues have co-existed in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years;

Whereas the destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic faith that other religions should be treated with respect, a tenet encapsulated in the Qur'anic verses, "There is no compulsion in religion" and "Unto you your religion, and unto me my religion";

Whereas people of many faiths and nationalities have condemned the destruction of the statues in Afghanistan, including many Muslim theologians, communities, and governments around the world;

Whereas the Taliban regime has previously demonstrated its lack of respect for international norms by its brutal repression of women, its widespread violation of human rights, its hindrance of humanitarian relief efforts, and its support for terrorist groups throughout the world; and

Whereas the destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant the United Nations Educational, Scientific and Cultural Organization and other international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

Mr. AKAKA. Mr. President, I rise today to introduce a concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime. A similar resolution has been introduced in the House of Representatives. This resolution expresses the grave concern of the Congress over the recent destruction of religious treasures in Afghanistan by the Taliban and over the treatment of the Afghani people by their Taliban rulers.

Afghanistan is home to a rich cultural heritage, steeped in Buddhist history and ancient artifacts. More than 1,500 years ago, a pair of Buddha statues, each standing over 100 feet tall, was carved out of a mountainside in Bamiyan. Since their creation, these statues have been visited by many people. They were both religious and cultural treasures—they become one of the most important models for the depiction elsewhere of Buddha. Significant relics such as these should have been preserved for the edification and enlightenment of future generations.

Islam and Buddhism have peacefully coexisted in Afghanistan for more than 1,000 years. Two years ago, Mullah Mohammed Omar, the leader of the Taliban regime, called for the preservation of Buddhist cultural heritage in Afghanistan. The Islamic faith supports religious tolerance and coexistence, evidenced in the Qur'anic verse "Unto you your religion, and unto me my religion."

In spite of this edict, several times within the last year the leaders of the Taliban regime have ordered the military to disfigure these and other Buddhist statues. On February 26, 2001, Taliban leader Mullah Mohammed Omar ordered the utter destruction of these irreplaceable cultural treasures, along with all other pre-Islamic statues in the nation, calling them "shrines of infidels." Mohammed Omar claimed that statues of the human form are in contradiction with Shari'ah and the tenets of Islam. Shari'ah refers to the laws and way of life prescribed by Allah in the Qur'an, and dictates ideology of faith, behavior, manners, and practical daily life. Destruction of the statues clearly contradicts a basic tenet of the Islamic faith which is tolerance.

The the recent destruction of Buddhist statuary is the latest action by the Taliban demonstrating an open disregard for international opinion and basic norms of human behavior which include respect for individuals and their beliefs. Tales of horrific human rights violations continue to be told. Confirmed reports tell of men, imprisoned for political reasons, being held in windowless cells without food and hung by their legs while being beaten with cables. In January of this year, Taliban troops massacred several hundred Hazaras, members of a Muslim ethnic group in the Bamiyan province. This was just the latest in a series of such slaughters. Such executions are not uncommon.

The regime has a history of showing support for terrorist groups and violating human rights. Women are a frequent target of abuse. Facing the threat of public beatings. women cannot leave their homes unless accompanied by a male relative and are forbidden from participating in activities in which they may interact with men. For this reason. women were banned from work and school under the Taliban. although some were allowed to work on projects sponsored by foreign charities until that right was revoked last summer. This further restriction of women under the Taliban is exacerbated by the increasing occurrence of the rape and abduction of Afghani women. The State Department recently reported that the Taliban sold women from the Shomali plains areas to Pakistan and the Arab Gulf states. The State Department in its human rights reports also describes the risk of rape and abduction and tells of young women forced to marry local commanders who kidnap them. This is a sad situation with no apparent end. Afghanistan appears to be a bottomless pit of human misery. a misery afflicted by the few on the many.

Afghanistan has suffered its share of human and natural disasters. While prolonged civil war continues to wreak havoc among the population, agricultural productivity has been reduced by the worst drought in 30 years. This setback reduced crop yields by 50 percent and resulted in a 80 percent loss of livestock, affecting half the population. But the Taliban government has demonstrated greater interest in opium production than in growing food for their starving people. They seem to want history to remember them as the destroyers of both the Afghani people and Afghanistan's heritage.

I urge my colleagues' support for this resolution. denouncing the actions of the Taliban regime in destroying a vital part of the history of humankind and of their treatment of the Afghnani people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 165. Mr. McCAIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reforms.

SA 166. Mr. BOND proposed an amendment to the bill S. 27, supra.

SA 167. Mr. McCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 27, supra.

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, supra.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) proposed an amendment to the bill S. 27, supra.

TEXT OF AMENDMENTS

SA 165. Mr. McCAIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 25, beginning with line 23, strike through line 2 on page 31 and insert the following:

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) In General.—

(1) Coordinated Expenditure or Disbursement Treated as Contribution.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (8)) is amended—

(A) by striking "or" at the end of subparagraph (A)(i)—

(B) by striking "purpose." in subparagraph (A)(ii) and inserting "purpose;";

(C) by adding at the end of subparagraph (A) the following:

"(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate's election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy;

"(iv) any expenditure or other disbursement made in coordination with a National committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate's authorized committee) in connection with a Federal election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.".

(2) Conforming Amendment.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a coordinated expenditure or disbursement described in—

"(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

"(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and".

(b) Definition of Coordination.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

"(C) For purposes of subparagraph (A)(iii), the term 'coordinated expenditure or other disbursement' means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents."

(c) Regulations by the Federal Election Commission.—

(1) Within 90 days of the effective date of the legislation, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address:

(a) payments for the republication of campaign materials;

(b) payments for the use of a common vendor;

(c) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party;

(d) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party;

(e) the impact of coordinating internal communications by any person to its restricted class has on any subsequent "Federal Election Activity" as defined in Section 301 of the Federal Election Campaign Act of 1971;

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at 65 Fed. Reg. 76138 on December 6, 2000, are repealed as of 90 days after the effective date of this regulation

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SA 166. Mr. BOND proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. 305. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) Increase in Civil Money Penalty for Knowing and Willful Violations.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) Increase in Criminal Penalty.—

(1) In general.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating $10,000 or more during a calendar year shall be fined, or imprisoned for not more than 2 years, or both. The amount of the fine shall not be less than 300 percent of the amount involved in the violation and shall not be more than the greater of $50,000 or 1000 percent of the amount involved in the violation.".

(2) Conforming amendment.—Section 309(d)(1)(A) of such Act (2 U.S.C. 437g(d)(1)(A)) is amended by inserting "(other than section 320)" after "this Act".

(c) Mandatory Referral to Attorney General.—Section 309(a)(5)(C) of such Act (2 U.S.C. 437(a)(5)(C)) is amended by inserting "(or, in the case of a violation of section 320, shall refer such apparent violation to the Attorney General of the United States)" after "United States".

(d) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

SA 167. Mr. McCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 38, after line 3, add the following:

SEC. 403. EXPEDITED REVIEW.

(a) Expedited Review.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review, provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 168. Mr. HARKIN proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, strike lines 15 through 24 and insert the following:

TITLE IV—NONSEVERABILITY OF CERTAIN PROVISIONS; EFFECTIVE DATE

SEC. 401. NONSEVERABILITY OF CERTAIN PROVISIONS

(a) IN GENERAL.—Except as provided in subsection (b), if any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

(b) NONSEVERABILITY OF PROHIBITION ON SOFT MONEY OF POLITICAL PARTIES AND INCREASED CONTRIBUTION LIMITS.—If any amendment made by section 101, or the application of the amendment to any person or circumstance, is held to be unconstitutional, each amendment made by sections 101 or 308 (relating to modification of contribution limits), and the application of each such amendment to any person or circumstance, shall be invalid.

SA 169. Mr. DURBIN (for himself, Mr. DOMENICI, Mr. DEWINE, and Mr. LEVIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 37, between lines 14 and 15, insert the following:

SEC. . RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(k)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

(E) SPECIAL RULE FOR CANDIDATE'S CAMPAIGN FUNDS.—

(i) IN GENERAL.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the net cash-on-hand advantage of the candidate.

(ii) NET CASH-ON-HAND ADVANTAGE.—For purposes of clause (i), the term "net cash-on-hand advantage" means the excess, if any, of

(I) the aggregate amount of 50% of the contributions received by a candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held, over

(II) the aggregate amount of 50% of the contributions received by an opposing candidate during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and Dec. 30 of the year preceding the year in which a general election is held.

PRIVILEGE OF THE FLOOR

Mr. McCAIN. Mr. President, I ask unanimous consent that Stephen Bell of Senator DOMENICI's staff be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 2, 2001

Mr. KYL. Madam President, again, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 5 p.m. on Monday, April 2, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I further ask unanimous consent that at 5 p.m. there be 30 minutes for closing remarks on S. 27, to be equally divided between the chairman and the ranking member of the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Madam President, again, on behalf of the leader, for the information of all Senators, the Senate will reconvene on Monday and resume the campaign reform bill for 30 minutes for closing remarks. Under the previous order, the Senate will conduct a rollcall vote on passage of S. 27, as amended, at 5:30 p.m. Following that vote, Senators should expect additional votes to occur immediately. Therefore, a late session can be expected with votes. Also, Members should expect votes to be limited to 20 minutes only; therefore, Members will have to be prompt for these votes and all votes during the week of the budget resolution.

ORDER FOR RECESS

Mr. KYL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senators CONRAD, KENNEDY, and NICKLES.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, thank you very much.

I say to my friend and colleague, we both have been here a long time. It is my intention to speak on campaign finance for probably 10 or 15 minutes. Does my colleague want to make a few remarks? His patience is wearing about as thin as mine.

Madam President, I will be happy to yield to my colleague a few minutes if that would accommodate his schedule.

If the Senator from North Dakota is seeking a few minutes, I am happy to accommodate his schedule.

Mr. CONRAD. I thank the Senator from Oklahoma. I will be very brief.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. BYRD). The Senator from North Dakota is recognized.

CONSIDERATION OF THE BUDGET RESOLUTION

Mr. CONRAD. I thank the Chair and the Senator from Oklahoma.

Mr. President, I wanted to further engage the Senator from Arizona because the Senator from Arizona asserted that we have received the estimates of the cost of the President's tax package, and that is simply not the case. It is not true. If he has received it, I would like him to give me a copy because we haven't received it.

We haven't received it because the Joint Tax Committee has said they don't have sufficient detail about the President's package to do such a reestimate, and so we are being asked to go to a budget resolution without having the President's budget, without having the estimates from an independent source of the cost of the President's budget proposal, and with no markup in the Senate Budget Committee, which is unprecedented, not even an attempt to mark up in the Senate Budget Committee, and all under a reconciliation which denies Senators their fundamental rights to engage in extended debate and amendment.

There were remarks made on the floor that are just not true. It is one thing to have a disagreement, and we can disagree. We can even disagree on the facts. The facts are clear and direct. The differences between the present and 1993 are sharp. In 1993, we did not have the full President's budget. We did have sufficient detail for an independent, objective review of the cost of the President's tax proposals.

We do not have that now. We do not have the reestimate. We do not have an objective independent review of the cost of this President's tax plan.

What has been reestimated is part of the plan. And what has been reestimated is the estate tax plan of the Senator from Arizona, not the President's estate tax plan, because the Joint Tax Committee has made clear they don't have sufficient detail to make such a reestimate. This body is being asked to write a budget resolution without the budget from the President, without sufficient detail from this President to have an objective, independent analysis of the cost of his proposal, without markup in the committee.

That is another difference. In 1993, we had a full and complete markup in the Budget Committee. This time there is none. It has never happened before.

Some on their side will say, well, in 1983, we went to the floor with a budget resolution without having completed a markup in the committee. That is true. But at least we tried to mark up in the Budget Committee each and every year. Virtually every year we have succeeded, except this year. There wasn't even an attempt to mark up the budget resolution in the committee.

As I say, we are now being asked to go to the budget resolution with no budget from the President, without even sufficient detail to have an independent analysis of the cost of his proposal, which is a massive $1.6 trillion tax cut that threatens to put us back into deficit, that threatens to raid the trust funds of Medicare and Social Security, and we have had no markup in the committee.

The majority is proposing to use reconciliation, which was designed for deficit reduction, for a tax cut. That is an abuse of reconciliation. It would be an abuse if it was for spending; it is an abuse if it is for a tax cut. That was not the purpose of special procedures in which Senators give up their rights, their rights to debate and amend legislation. That is wrong. That turns this body into the House of Representatives.

I say to my colleagues on the other side, in 1993, when our leadership came to some of us and asked to use reconciliation for a spending program, we said no. This Senator said no. That is an abuse of reconciliation because reconciliation is for deficit reduction, not for spending increases, not for tax cuts. We are not to short-circuit the process of the Senate—extended debate, the right to amend—because those are the fundamental rights of every Senator. That is the basis the Founding Fathers gave to this institution. The House of Representatives was to act in a way that responded to the instant demands of the moment. The Senate was to be the cooling saucer where extended debate and discussion could occur, where Senators could offer amendments so that mistakes could be avoided.

All of that is being short-circuited. All of that is being thrown aside. All of that is being put in a position in which the fundamental constitutional structure of this body is being altered.

Because the Senator from Oklahoma was so gracious, I am going to stop for the moment so he can make his remarks. Then I will resume at a later point in time. I wanted to do this as a thank-you to the Senator from Oklahoma for his good manners and graciousness. I appreciate it.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CAMPAIGN FINANCE REFORM

Mr. NICKLES. Mr. President, I thank my friend and colleague from North Dakota. Sometimes when we are here, we get a little impatient since we all have places we want to go. I appreciate his comments, and I very much look forward to debating the budget and tax bills on the floor of the Senate next week and, frankly, over the next couple of months, as we do our appropriations bills.

I enjoy those issues, and I would have preferred doing those instead of campaign finance for the last 2 weeks. I would have preferred doing the education bill. I, for one, was urging our caucus, and Senator MCCAIN and others, to defer on campaign finance so we could take up some of the higher priorities which, in my opinion, are education, tax reduction, and the budget. I didn't win that debate.

We have been on the campaign finance bill for the last couple weeks because of the tenacity, persistence, and stubbornness of our good friends, the Senator from Arizona, Mr. MCCAIN, and the Senator from Wisconsin, Mr. FEINGOLD. I compliment them. They have been persistent and tenacious in pushing this bill. I also compliment them for their efforts in working with many of us who tried to make the bill better. We had some successes and we had some failures. In some ways this bill is a lot better than it was when it was introduced and in some areas it got a lot worse. I will touch on a few of those.

I had hoped we would be able to improve the bill. I could not support the bill when it was originally introduced before the Senate. I had hoped we could make some improvements so that this Senator could support final passage. I was committed to try to do that. We had some success in a couple of areas, but we had some important failures as well.

I also compliment others who worked hard on this bill including Senator THOMPSON and Senator HAGEL. Senator HAGEL came up with a good substitute. Senator THOMPSON had a good amendment dealing with hard money, and I worked with him on that amendment.

I also compliment Senator MCCONNELL and Senator GRAMM, who were fierce, articulate opponents and spoke very well. Senator GRAMM's speech last night was one of the best speeches I have heard in my entire Senate career. He spoke very forcefully about freedom of speech and the fact that even though the editorial boards and public opinion polls say, let's vote for this, that we should abide by the Constitution.

The Presiding Officer, Senator BYRD, reads the Constitution as frequently, maybe more frequently than anybody in this body. When we are sworn into office, we put up our hand and we swear to abide by the Constitution.

The first amendment to the Constitution, one of the most respected and important provisions in the Constitution, states very clearly that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances."

"Congress shall make no law . . ." Mr. President, that includes the McCain-Feingold bill. In my opinion, this bill restricts our freedom of speech, not only in the original version, but especially in the version that we have now.

Some of the different sections of this bill go by different names based on their sponsors. I have great respect for my colleagues, and I know Senators SNOWE and JEFFORDS worked on a section restricting speech before elections by unions, corporations, and by other interest groups. This bill restricts their ability to speak, to run ads. This bill prohibits them, in many cases, from being able to run ads less than 60 days prior to an election that mention a candidate's name. There are a lot of groups, some on the left, such as the Sierra Club, and some on the right, such as National Right To Life, for example, that may want to run ads about a bill before Congress. We may be debating partial birth abortion or ANWR, and we might be having this debate in September on an appropriations bill, less than 60 days before the election. This bill will say they cannot run an ad with an individual's name saying vote this way or that way, or don't support this person, because he is wrong on ANWR, or he is correct on the right to life issue. Their free speech would be prohibited. I find that to be unconstitutional.

I have heard a lot of debate on the floor saying they did not think that Snowe-Jeffords is unconstitutional, and other people saying that it was. Then Senator WELLSTONE came up with an amendment that said, let's expand that to all interest groups—the same restrictions we had on unions and businesses on running ads within 60 days. Let's make that apply to them as well. Senators MCCAIN and FEINGOLD said the Wellstone amendment was unconstitutional. If that was unconstitutional, then the underlying bill was unconstitutional because, basically, Senator WELLSTONE copied it.

Why would we pass a bill we know is going to be unconstitutional? And that relates to the nonseverability amendment, described as a killer amendment. Why? Because they know some of the bill is going to be declared unconstitutional. Why would we pass legislation we know is going to be unconstitutional? Yet, some of the proponents are basically admitting it is going to be unconstitutional.

The big fight was on severability. The sponsors had to have that because we more than suspect that parts of this bill will be declared unconstitutional. I think they are right, because the people sitting at the Supreme Court are going to say: does this bill restrict an organization's ability to communicate and mention a Member's name, or mention an issue that is before Congress? It will restrict that right. So it will restrict their ability to have freedom of speech.

I think parts of this bill—not all of it, but certainly parts of it—will be determined unconstitutional. I think we should not be passing unconstitutional bills. I think we should not say, let's just pass it and let the courts do the homework on it. I guess you can do that, but I think we have the responsibility to uphold the Constitution, respect the Constitution, and not to be passing things we know are unconstitutional, that won't uphold a constitutionality test.

In addition, I mentioned that we had some victories and some defeats. One of the victories, in my opinion, was when we increased the hard money limits, which have been frozen at the 1974 levels. I compliment Senators HAGEL and THOMPSON because they pushed that amendment. I helped them negotiate the compromise. We increased what individuals can do. They were frozen, since 1974, at $1,000, and we doubled that amount and indexed that for inflation. So we improved that section. Individuals can now participate more fully and extensively. That was a good amendment. Not everything in this proposal is bad. There are good things and bad things. I came to this debate thinking I might be willing to ban so-called soft money, if it could be done constitutionally, if we could increase hard money, the money that is completely reported and that everybody says is legitimate. I wanted to stop the practice that both parties have used, used quite well on the Democrat side, with the so-called joint committees, where individuals exceed the individual amount, and contribute thousands and thousands of dollars more through a special committee, through either the Republican Senatorial Campaign Committee or the Democratic Senate Campaign Committee.

The Democrats did it to the tune of $21 million last year, and the Republicans did it to the tune of $5 million last year. In one race in New York, there was $13 million of soft money directed toward one candidate. How can you have limits and then have other people contributing millions of dollars outside those limits? Everybody has heard about that Denise Rich contribution. She contributed over $100,000 to one Senate candidate, and I thought the law was only $1,000 for a primary and $1,000 for a general election. But Denise Rich contributed over $100,000 through the use of a joint committee. That was an abuse. It needed to be stopped.

Now, let me turn to the issue of coordination. I mentioned this last night on the floor. The coordination section in the underlying McCain-Feingold bill was grossly inadequate in its respect for free speech. The sponsors of the bill, Senators MCCAIN and FEINGOLD, admitted as much and said we needed to fix it. The bill had a several-page definition of coordination, saying if a union or interest group coordinated with a campaign, they would have to report everything they did and consider it as a contribution. And if you didn't do so, there could be fines and penalties against that organization and against the candidate. You could make them criminal violations because they would be violating the law. We didn't want to make people criminals and put them in jail because, basically, they were exercising their constitutional rights.

Senators MCCAIN and FEINGOLD said they would fix that. I looked at the fix, and they fixed it for the unions, but not for everybody else. For the unions, they excluded the in-kind contributions. Unions don't have to report those, disclose them, and they are not considered coordination. That affects a lot of money, maybe to the tune of in excess of $100 or $200 million. That in-kind contribution is excluded from the coordination fix we just adopted earlier today. But we didn't fix the expenditures side of that.

So if you have other groups, such as National Right To Life or the Sierra Club, and so on, that make expenditures and are working on campaigns and handing out leaflets and so on, that may well be considered a coordinated activity that has to be reported and disclosed both by the candidate and by the organization. Right now, they don't have to do that. We are going to say that could be illegal activity. What I am saying is that they took care of the unions, but not of these groups.

I don't like this coordinated section because I think it goes way too far. We are risking telling people who are exercising their constitutional rights engaging in campaigns, they better not do that or the heavy hand of the Federal Government might come in and say they violated the law. The people accused will say, what law? These are people that might be trying to convince people not to drill in ANWR, or maybe that we should. Maybe we want to change the mining laws, or maybe we should not change the mining laws. They should have a right to petition Congress. That is what the First Amendment says. We should not abridge anybody's right to petition the Government for a redress of grievances. But we do under this bill if it is during a campaign or within 60 days of an election. You are certainly going to be handicapping their ability to redress a grievance to the Government—their right to petition the Government.

Again, we have the Constitution, and we have this bill. I find this bill to be in violation of the Constitution. Under my reading of the Constitution—and I am not a constitutional scholar—I believe we are eliminating or reducing an individual's ability to be able to petition the Government, and an individual's ability to have freedom of speech to say, "I agree with them," or "I disagree with them," or "I disagree with Senator so-and-so," or "I agree with Senator so-and-so," right before the election. This bill says, no, you can't do it. If you do it, you might well be in trouble.

But, oh, we have a little fix for the unions. We will just run it through on the last amendment of the day, which is what happened.

Do you know what else concerning the unions is missing in this bill? You would think in the year 2001 we would say that all campaigns contributions would be voluntary. Guess what? They are not in America today. There are millions of Americans who are compelled to contribute to campaigns they don't support. They would rather not. Some people say these people don't have to contribute because they don't have to join the union. In some States, they have to join, or if they don't, they have to join under an agency fee arrangement, and they have to pay dues. They may not want to, but they have to. They have to pay the dues or the agency fee. A lot of that money—maybe in excess of $10, or $15, or $20 a month—is used for political activity. That individual may not want it to be used for that.

He might disagree with the leadership of the union that money is going to candidates to whom he or she is totally opposed. We wanted to have a provision that says no one should be compelled to contribute to a campaign; they would have to give their permission before money can be taken out of their paycheck every month.

Oh, no, that amendment could not be accepted. To be fair, the amendment that was offered was not a good amendment, in my opinion, because it also included shareholders, and there is no way in the world you can include a shareholders provision, in my opinion. But the voices were clear: You are not going to win on that Paycheck Protection amendment.

Senator HATCH offered another amendment that said at least let's have disclosure on businesses and unions on how much money they are putting into campaigns. I thought surely that amendment was going to be adopted. That amendment was not adopted.

I will say right now that I believe organized labor put hundreds of millions of dollars into the campaigns last cycle, and we do not know and we will not know because this bill does not require that they tell us. Everybody else has to disclose contributions; organized labor does not. They do not have to disclose their independent activities. They do not have to disclose their indirect, in-kind contributions to campaigns. They have thousands of people making phone calls day after day that are paid full salaries, benefits, at a station set up for political activity, and most of that is not disclosed. We do not know and this bill does not help us know. Is this a balanced package? It looks to me more and more that it is not.

Originally, this bill had language supposedly to codify Beck, Beck being a decision that if a union person did not want their money used for political purposes, they could file notice and get a refund. I never thought that case was satisfactory because their money would be used in ways with which they still would not agree, but it was better than nothing. They could get a refund.

If somebody does not want money used for political purposes, they should say no and not have to contribute.

The underlying bill purported to codify Beck, but it did not do that. I raised that issue with Senator MCCAIN and Senator FEINGOLD, and they concurred with me. We struck the language that weakened Beck, in my opinion, significantly. That made the bill a little better.

I want to give credit when credit is deserved. Certainly this bill is improved by the hard money increase. I think it was improved by striking the language, what I would call the false Beck. That language was taken out of the bill. That made it a little bit better.

Then there was another provision this Senator fought very strongly against, but only at the last minute because I just found out about it at the last minute, and that was the amendment by our friend and colleague from New Jersey, Senator TORRICELLI, that dealt with lower advertising rates for politicians.

I fought it, but we only had 30 votes against it. Under that amendment, broadcasters have to offer the lowest unit rate to candidates for each type of time over a 365-day period. That is an outlandish, enormously expensive subsidy for politicians. And while people say, this is great, we are limiting money in politics, and so on, what we have given politicians is an enormous multimillion-dollar gift through this amendment, a multimillion-dollar gift. We defeated a couple amendments that dealt with public financing of campaigns, but this amendment is indirect public financing of campaigns because it is going to allow politicians to get the rates cheaper than anybody else in America. It also has a little provision that says the politicians's ads cannot be preempted.

To give an example, prior to the election in October, it gets expensive because a lot of people are trying to buy time. There is a lot of competition. A lot people watch "Monday Night Football." I like to watch it. I am sure commercial ads get expensive on Monday night or any night of high visibility.

We said: Politician, you get the cheapest rate of the year, and you can use that time on Monday night, you can use it on any great night. You get to have the cheapest time of the year. You get your time, and it may be one-tenth as expensive as normal rates for "Monday Night Football" or some other program. You get the lowest rate of anybody throughout the entire year, and they cannot preempt you. You buy the time, you've got it.

Maybe the broadcaster is in rural West Virginia or Oklahoma and has a radio station or a TV station and is scraping to get by. They are going to get paid the lowest rate they charge on a hot summer night. The broadcaster may think: This is good, we have the new "ER" or some other new show that is really popular, so we can make some money. But they are going to have politicians swamping them saying: Give that time to me.

We passed an enormous subsidy for politicians. It is an enormous advantage for incumbents because incumbents usually outraise their challengers most of the time. We just increased the advantage incumbents have by millions of dollars. Thank you very much. We should pat ourselves on the back: Hey, this is good, and we were able to slide this through. People don't know—they think we are reforming campaigns, and we are giving politicians enormous subsidies and acting as if it is reform, and being proud of it. We are going to slap everybody on the back about our great reform. We did a little nice thing to which nobody paid attention. Politicians, you get the lowest rate of anybody all year long, and you get to use it the night before an election. That is our little gift to ourselves to which nobody paid attention. It is another good reason, in my opinion, that this bill should be defeated.

I look at groups who are active in campaigns, and they will say: You are infringing on our ability to get our message out, to communicate, to run ads, to mention names, vote for, vote against. We are making it very difficult, in some cases illegal, under this bill. It is wrong and unconstitutional. We also greatly increase subsidies for politicians. I think that is absolutely shameful. We should not have done it, but we did it.

While this bill may be an improvement over present law on the whole, it is unconstitutional and it includes an egregious subsidy for politicians. It should be defeated, and I will vote no on this measure when we vote on Monday.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

THE BUDGET

Mr. KENNEDY. Mr. President, it is midway through Friday afternoon. We know most Americans are heading home from a busy day working and providing for their families. They may be looking forward over the weekend to some of the basketball championships that are going to be played on Saturday and again on Monday evening. They are looking forward to attending services on Sunday and then spending some time with their families.

Then perhaps on Monday, when they go to work, they may hear on the radio or on television that the Senate is involved in what they broadly term "a resolution on the budget." By and large, many are going to wonder exactly what that means and what is its relationship to their lives. They are going to wonder, what is it going to mean to my children's education, what is it going to mean to my parents' prescription drugs, what is it going to mean as far as investing in housing or in law enforcement, or any of the areas of national priority, or what is it going to mean in terms of the security of Medicare and Social Security? They are going to wonder about this.

I heard over the last several months the President of the United States talk about the fact that he is going to urge the Congress to pass a very sizable tax cut. He talks about $1.6 trillion tax cut. We know the real figures are far in excess of that because they do not include other factors, as others have pointed out in earlier debates. Senator CONRAD has done such a wonderful job not only in educating the Members of the Senate but also in helping the American people understand what is at stake with the President's tax reductions and the real economic impact it will have on the economic stability of our Nation.

People are hearing our President say we can have a very sizable tax cut, and even with that tax cut, still be able to preserve Social Security and Medicare and fulfill the kinds of commitments that were made in the course of the campaign on prescription drugs, on education, on national security and defense.

Citizens will wonder when they hear others speak in the Senate, principally from this side, when the Democrats say we cannot afford it all. They are going to hear those voices and wonder how do we really put all of this into some perspective. They are hard working and this doesn't make a great deal of sense. Maybe there is some sense that the budget resolution will result in an outcome that perhaps, over the course of this week, citizens will think, if I pay careful attention I will better understand.

There are two very obvious conflicting statements we are receiving. One says we can afford the tax cuts. I think the American people are somewhat skeptical of that. They should be.

I remember being here in 1981. I was one of 11 who voted against the Reagan tax cut that had similar kinds of support. As a matter of fact, many of those individuals who have been working on this current tax reduction are the same people who worked on President Reagan's tax reduction. At that time, we heard it all. It is the same record. I almost believe it's the same speech.

I can hear it then: We can afford to have these major tax cuts. We can afford that and still provide billions and tens of billions in defense, and we are going to meet our national security, and we are going to be able to afford all of this and still see an expanding and growing economy.

Of course, that was not the case. We saw the direct result of those tax cuts when this country went into a deficit of $4.6 trillion. People's eyes kind of glaze over when we talk about those figures. For the average family, it means they will pay several hundred dollars a year more on their student loan programs because it will be higher interest rates. They will pay several hundred dollars more on their car payments when buying a new car. They will spend several thousand dollars more, if fortunate enough, in purchasing a new home.

That is what happened with the Reagan tax cut. That is the hidden cost that every working family and middle-income family is paying for every single year when we have those very sizable deficits. Those are the facts.

I think they understand it. They understood over the period of the last 8 years that we had the longest period of economic growth and price stability. In my part of the country, in New England, in 1992, we were close to 8 percent unemployment, and we were looking at the future with a great sense of trepidation. There was reduction in types of defense, the real estate market was flat. Many of the innovative and creative computer companies had not worked out. We were wondering what the future would hold.

Then we put in place an economic program, fiscal policy, monetary policy, investment incentives for the private sector, investments in people, and we saw economic progress.

We shouldn't lose track of the fact that the proposal of 1981 was characterized by our current President's father as being voodoo economics. The American people were warned it was voodoo economics. Those are not my words, they were the characterization of President Bush, father of our current President.

Now we have a very similar program. The American people are torn, with all these surpluses they keep reading and hearing about, 80 percent of which are estimated to be coming 3½ to 4 years from now. What family would be betting their own kind of future on what may happen 3½ years from now in terms of their income? But here we are talking about the future of our nation with all of its implications in terms of the economic policy, with what that means, whether we will have jobs, can you afford a home, or student loans. That is what we talk about in terms of economic policy.

We have to ask, as any family would, what does this really mean? We have on the one hand a President who says we can have all of that tax cut and everything is going to be fine. We will be able to invest in education, we can give you that prescription drug program. Don't worry, we will be able to meet our national security even though it is a changing time in national security. We will be able to meet the other kinds of requirements for our country. We can do all of this and preserve Social Security and Medicare, too.

Take a deep breath, Mr. Citizen. I think most Americans will say: Yes, let's take a deep breath.

What does all that have to do with where we are today? This proposal now that is being advanced by the same party, and in many ways, the same leadership—not the President but in the Republican leadership that we will have this next week—is supposedly the blueprint that gives the assurance to the American people that they are going to be able to afford the tax cut and also that they are going to have sufficient resources to do what this President and what the Republican Party have stated is their commitment to do in enhancing education, providing a prescription drug program, and saving Social Security and Medicare. That blueprint is in what we call the budget. That makes sense. People ought to be able to understand that. If we are going to have those very large surpluses and do everything else, we can draw one conclusion; if we are not, we ought to be somewhat more cautious about where we are going in terms of the sizable tax reduction.

I am for a tax reduction, one that is affordable and fair. But that isn't what we are talking about now. We are talking about an excessive one that is unfair. Nonetheless, we are talking about a major tax reduction.

So it is fair for the American people to ask their representatives, as has been asked by a number of our colleagues today, and particularly effectively by my very good friend, the Senator from West Virginia who is presiding, where is the meat in this package? Where are we going to find out what is in this proposal that should be on everybody's desk on a Friday afternoon, when we will be starting debate on it on Monday; where is the budget that will say, OK, if we do the President's tax program, this is what the budget is going to be in every one of these programs—in education, prescription drugs, and Medicare. Where is that piece of paper? Where is it?

It doesn't exist, Mr. President. Therefore, this kind of debate that we are being asked to conduct by the Republican leaders is basically a sham. Do we understand? It is a sham. Why? Because we have no figures. We have the general comments. We have been able to learn a figure here and a figure there, but we have the broadest kinds of figures. Being able to try and understand what is being talked about, we don't have it. We can't represent in the debate, which is supposed to be about the future of the economic condition of this country, the proposal of the President of the United States—a proposal of billions of dollars, a document that we are unable to have, which is going to give the assurance to the American people what we will be spending to educate their children, or what we will be providing to preserve Social Security or what we will be spending for a prescription drug program. It doesn't exist. It doesn't exist. And, if it did exist, it would have been talked about and referenced by our good Republicans this afternoon when it was challenged by the Senator from West Virginia and a number of our colleagues. It does not exist, Mr. President, in spite of the requests.

There is not a family who would follow these kinds of procedures. I mean if we were looking at an American family and a family budget, could we say any family would say that all we care about is the cost of a new car. We only have to care about that. We have sufficient money to buy a new car. We do not know how we will provide for the other necessities—education for our kids, payments on the house, food on the table. But what we are going to do is, since we know we have the money here to buy the car, that is what we are going to do.

That is what, effectively, is being done with this phony debate on the budget. You are saying you have the downpayment on the tax cut. But you are not saying what you are going to do about your children's education. You are not saying what you are going to do about your children's health. You are not saying what you are going to do about food. Those are the other elements. They do not exist. What family would do that?

If there is not an American family who would do it, why should we? Why should we? Why should we, as representatives of the American family, do it with the Federal budget? That is what we are asking.

Is there an American business that would say: We have the money to buy the furniture. We have it right in our cash account. Let's go out and buy the furniture, even though we are going to have to do something in terms of new machinery, even though we are going to have to do something in terms of research in the future. We don't know what that is going to be, but let's go ahead and spend the money anyways. We don't know, we can't tell you how much of that is going to be for research. We can't even tell you what the rent is going to be for our business. We can't even tell you what advertising is going to be. But we have that money for the furniture. Is there an American business that would do that? No. There is not an American business that would do it. That is what we are being asked to do with this budget. That is why this whole process is so badly flawed.

Members who are interested in preparing amendments are having difficulty drafting the amendments because we don't know how they fit, this is the core issue. The principal responsibilities that we have on budgetary matters reflect the national priorities for this country. That is what Members of Congress and the Senate are all about, when it comes to budgetary matters: allocating resources on national priorities, that is what it is all about.

We have other responsibilities, as we have seen, trying to deal with the proliferation of money in campaign financing, or we have other functions in terms of educating our constituents. We have other important responsibilities with regard to the judiciary. Yes. But when we are talking about the finances, we are talking about the nation's priorities, and we are talking about allocating resources to reflect the nation's priorities.

The fact is not that money in and of itself is going to solve our problems. We know that is not the case too often. But it is a reflection of what our national priorities are if we allocate resources. If we, for example, fully fund the IDEA, the program to help local communities educate disabled children, which is being funded now at 17 percent—many of us believe that ought to be up to the 40 percent which we represented. We didn't guarantee it to the States, but we represented was going to be our best effort to try to provide the resources to do that. We really made a commitment to the States—more important, to the families—that we were going to do that. And we have left them short.

Is there anyone here this afternoon, anyone left of our Republican colleagues, who will be able to tell us what is going to be in that budget for the IDEA over the next 5 years? How about over the length of this tax cut? That would be pretty interesting, wouldn't it? So families could say: Do we really want to have that much of a tax break, or should we save some of those resources to make sure we are going to provide help and assistance to local communities, local school districts, to provide some relief when they have a particular need with a child who has developmental disabilities, through no fault of their own, and because of those needs and a community's attempt to provide for and mainstream these children?

Mr. President, 15 years ago, over 4.5 million of them were tucked away in closets. Now they are out in the schools. We are trying to meet those needs. We don't know what all those needs are going to be. We cannot say. In some areas, they may have very severe kinds of challenges and have scarce resources, and in other communities they may have fewer challenges and lots of resources. We are trying to see if we cannot provide some minimum to help. Isn't that more important than the tax cut?

Where in the document is it, how much we are going to expend to help and assist those parents? Where is it? Someone show us, someone show not just Members of the Senate but someone explain it to the people of Massachusetts who think they have a Senator who ought to know that, just like every other State expects their Senators to know it.

But, no, no, we are not going to do that. No, we are not going to. One, we either do not have it, or if we have it, we are not going to give it to you—no. No.

What was the request that was made? What was the request that was made on our side of the aisle by those who are part of the Budget Committee and our Democratic leadership and our representatives on Appropriations, the committees that are going to have important responsibilities on this? Why don't we just wait, wait for just another week, wait for just another 2 weeks or another 3 weeks until we get that budget so the American people will understand and have a full picture of what is going out and what we are going to commit ourselves to and what is going to be left there for tax relief, tax reduction.

What is the answer to that? What is the reason they refuse to do so?

None of us want to be making judgments in terms of motivations. But it seems to me, if I was on the other side and believed deeply that this tax reduction of a monumental and growing size—not just as stated by the Senator from Massachusetts, but every publication says it who has been over there, watching the Ways and Means Committee. If they believed in it, they ought to be able to justify it and come out on the floor of the Senate and justify why they believe that is a fair program, and why providing X amount of money is sufficient for the IDEA. They ought to be able to come out here. We ought to be able to debate it.

Will that debate take place? No. No. Why not? If they believed in the program as much as they indicated in their speeches, you would think they would relish that opportunity. Let's educate the American people. Let's take it to the American people and convince them we have the right on our side.

But, no, they are not willing to do that. They are not willing to do it. Instead, we are left completely in the dark, which is not just a disservice to any single Member of the Senate, but is just an absolutely contemptible attitude to the people we represent, a contemptible, arrogant attitude—contemptible, arrogant attitude to the people we represent.

Fairness—supposedly. We are supposed to have a new mood in Washington. We are going to change the rhetoric in Washington. We are going to change the whole parameters of debate and discussion in Washington. It is going to be a new time.

This is the worst of the old times. As a member of the Senate, I cannot think back to a time that there has been a conscious attempt to keep the Members of this body in the dark on a major kind of policy issue that affects the nation's future in such a basic and tangible way, not a single incident. Maybe it comes to others, maybe it will come to others, but it certainly did not to me.

This is something. I can see people saying: Why are people getting all worked up about this on Friday afternoon?

Why didn't we know this earlier? We didn't know this earlier because we didn't know that was going to be the posture and the position of the Republican leadership earlier. We at least thought we might have the opportunity for just a few days to go through and examine it. But no. We are denied that. That has only become more certain and definite in the most recent hours.

The American people ought to be very wary of what will be happening in this Senate with this debate next week because we are basically failing to meet our responsibilities to them in an extraordinary and important way. Let me give a very brief concrete example of what I am talking about.

As we have seen, there have been bits and pieces of the budget which have been put out. The President has indicated that his budget for prescription drugs will be $153 billion. We have that figure. If the Congressional Budget Office, joint task, and OMB had taken what the President guaranteed in the Presidential campaign, that would be $220 billion. This is $153 billion. With the $220 billion, they were only going to get to less than a third of all the seniors. What are we going to expect with this lesser figure?

Let me go on to give some concrete examples with the limited information that we have.

The Congressional Budget Office reports that to maintain current Government services—that is effectively to maintain those services that are in effect today—for discretionary spending primarily in education, NIH—it doesn't include Social Security or Medicare—but let's take basic education programs; there would be the prescription drug program—it reports that to maintain those Government services, in the year 2002 it would cost $665 billion. But the administration proposes only $660.7 billion, which falls short $4.3 billion of the CBO's current services figure.

In addition, the administration's discretionary budget includes $5.6 billion in emergency reserve and $12 billion in new defense spending. As a result, under the Bush budget, spending on all the nondefense discretionary programs would actually decrease by an average of 4 percent next year, or $13 billion.

Cuts to individual programs will substantially exceed the 34 percent next year because President Bush finds the dollars to fund proposed increases for some programs—education, NIH, and community health centers—by cutting other existing programs.

Accounting for these proposed discretionary increases means that the administration proposes a 7 percent average cut to unprotected nondefense discretionary programs next year.

What does that mean? Seven percent means: 12 million fewer meals delivered to ill and disabled seniors; 550,000 fewer babies receiving nutritional supplements; 300,000 fewer families assisted with heating costs under LIHEAP, with all of the problems we have had not only in the Northeast, Midwest, and the far West; LIHEAP also helps in the South as well; 300,000 fewer families will be assisted under LIHEAP; 45,000 fewer job opportunities for youth at a time when we need greater skills for young people in order to be a part of the job market.

When I entered the Senate, you worked down at the Quincy Shipyard. Your father and grandfather worked there. You had a high school diploma, a small house, and 3 or 4 weeks off in the summertime. You had a pretty good life at that time. Now everyone who enters the job market has eight jobs. And young people have to have continuing training and education to make sure they have the skills in order to be able to compete. And with close to 400,000 of them dropping out of high school every year, we are cutting back on training and job opportunities for youth; 45,000 fewer people treated for mental illness and substance abuse at a time when we are facing, for example, the kinds of challenges we have seen in our high schools in recent times.

Sure, it is a complex problem and a complex issue. But all you have to do is read that most recent report put out by the Mental Health Institute, and look at the number of troubled young girls in their teens and the challenges they are facing with the explosion that is taking place with their needs; the increasing numbers of suicides by teenagers in our society; the challenges of mental health.

In my own city of Boston, a third of the children who go to school every day come home where there is physical and substance abuse or violence in terms of guns. And they are dropped in the schools. We are trying to provide some help and assistance to them. We don't do a very good job. We have eight behavioral professionals in our Boston school system. They are new and are very good, but eight is not enough. Talk to our superintendent who is making a real difference trying to reach out to these children who are facing some extraordinary pressures.

Just in this current proposal that we know about, there will be 45,000 fewer people receiving help for mental illness; 30,000 fewer homes prepared for low-income families.

Tell that to most of the urban areas. We see in my part of the country the need for help and assistance on home ownership; 25,000 fewer children immunized; 10,000 fewer National Science Foundation researchers, educators, and students; 3,000 fewer Federal law enforcement officials; 1,500 fewer air traffic controllers; 30 fewer toxic waste sites cleaned.

That is just a brief snapshot of a number of programs that are targeted to youth or children, or in terms of some of the services that people are expecting that could be reduced or cut under that budget proposal. That is one of the figures that we have.

Because President Bush's budget fails to specify what he would cut, it is impossible to determine which programs would be cut less deeply and which would be cut more severely than this. For each program held harmless, the cuts in remaining programs will exceed 7 percent by that much more.

Are we entitled to know the whole range? Isn't it only responsible, though, that we are able to say, well, we are willing to accept that, or how many hundreds of billions of dollars in terms of tax? Shouldn't that be the nature of the debate? Why do we have to scrounge around and try to get these kinds of figures that are being kept away from us? They are not in any document here. These are the extrapolations based on the Congressional Budget Office of programs in our particular committee jurisdiction, for the most part. And we see what the impact would be. Should or shouldn't we have that debate, whether it is in these areas here or the whole range of different areas of need we have seen in recent times in the areas of education?

I will just take a few more minutes, Mr. President, to look again at the Federal share of education funding. Referring to this chart, funding for early and secondary education has declined since 1980 from 11.9 percent to 8.3 percent in the year 2000. Higher education has seen these reductions. We are going down in terms of the participation. Again, it isn't just money solving all the problems, but there has been a partnership among the Federal, State, and local communities, and our primary responsibility is for those children who are economically disadvantaged.

We said in the early 1960s that for children who were particularly economically disadvantaged, we ought to, as a nation, help local communities. That is basically the Federal involvement in terms of helping local communities. That was what we accepted as part of a national commitment, that we were going to try to provide some help and assistance. And we have seen that go down.

Yet what is happening on the other side of this? We see that in the year 2000 we have 53 million children going to school, and the total number of children going to school is going to effectively double in future years. The number of children who are going to school will double. Are we going to have this kind of a debate on the budget in relation to that?

This chart shows the flow lines, with the growth to 94 million children going to school as compared to the 53 million children going to school in 2000.

Shouldn't we, if we are going to at least begin to recognize that there is this partnership, say that in those outyears perhaps we ought to—if we are going to have those surpluses; and certainly no one can guarantee it—look at not just what the needs are today, but we ought to be looking down the road in terms of what we are going to do in terms of a national priority?

The chart I was just showing was in relation to elementary and secondary education. What we see with this chart is the corresponding escalation in terms of the total number of children who are going to higher education. That is enormously important in terms of acquiring different kinds of skills so that they are going to be able to be important players in a modern economy. Everyone has understood that for the longest period of time.

We ought to have that debate—whether this budget that we should have next week is going to take into consideration the long-range interests, not just the problem that we have $130 billion of needs currently in terms of bringing our elementary and secondary schools up to par, in terms of safety and security, and in terms of their ventilation and electronics so that they will be able to have the modern computers. That is $130 billion and is not even talking about current needs but about future needs.

Shouldn't we have that out here alongside of what is going to be allocated and expended in terms of this tax cut? But, oh, no, we can't have that. We can't have that. We can't wait 2 weeks. We can't wait 2 weeks, 3 weeks, 4 weeks, to be able to get that information out so we can have that informed debate. No, we are not going to do that.

So I join those who have expressed their concern about this process. I had a good opportunity of listening, with great interest, to my friend and colleague from West Virginia this afternoon back in my office. I hope other Members listened to his excellent presentation in outlining the challenges of this moment because he brings to this debate and discussion not only the sweep of history with his own extraordinary career in public service, but he brings to it, in addition, the most exhaustive understanding and awareness in the history of this institution and its development, and even more than all of that—on top of that, his own experience and his understanding of the history—is his love of the institution and his deep commitment to it.

So, Mr. President, when he warns about the real implications for this institution as a servant of the people, it needs to be a warning that is well heeded. And it is not being well heeded. If we are to move ahead the way it has been outlined that we will by the majority leader and the Republican leadership, at the end of next week this will be a lesser institution in terms of representing the people of this country, and that I hope to be able to avoid.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold his suggestion?

Mr. KENNEDY. I withhold, Mr. President.

The PRESIDING OFFICER. The Chair thanks the Senator.

RECESS UNTIL MONDAY, APRIL 2, 2001, AT 5 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 5 o'clock p.m. on Monday, April 2, in the year of our Lord, 2001.

Thereupon, the Senate, at 4:16 p.m., recessed until Monday, April 2, 2001, at 5 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 2001:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES D. BANKERS, 2533
BRIG. GEN. MARVIN J. BARRY, 3766
BRIG. GEN. JOHN D. DORRIS, 4306
BRIG. GEN. PATRICK J. GALLAGHER, 3723
BRIG. GEN. RONALD M. SEGA, 0560
COL. THOMAS A. DYCHES, 7682
COL. JOHN H. GRUESER, 2541
COL. BRUCE E. HAWLEY, 0110
COL. CHRISTOPHER M. JONIEC, 6899
COL. WILLIAM P. KANE, 0212
COL. MICHAEL K. LYNCH, 7075
COL. CARLOS E. MARTINEZ, 5382
COL. CHARLES W. NEELEY, 4691
COL. MARK A. PILLAR, 9547
COL. WILLIAM M. RAJCZAK, 8761
COL. THOMAS M. STOGSDILL, 7360
COL. DALE TIMOTHY WHITE, 2292
COL. FLOYD C. WILLIAMS, 8603

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MARTHA T. RAINVILLE, 6388

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS A. HIGDON, 1853
BRIG. GEN. JOHN A. LOVE, 4350
BRIG. GEN. CLARK W. MARTIN, 9609
BRIG. GEN. MICHAEL H. TICE, 0214
COL. BOBBY L. BRITTAIN, 2797
COL. CHARLES E. CHINNOCK JR., 9442
COL. JOHN W. CLARK, 9977
COL. ROGER E. COMBS, 7932
COL. JOHN R. CROFT, 3140
COL. JOHN D. DORNAN, 1461
COL. HOWARD M. EDWARDS, 5648
COL. MARY A. EPPS, 7781
COL. HARRY W. FEUCHT JR., 7876
COL. WAYNE A. GREEN, 0588
COL. GERALD E. HARMON, 6527
COL. CLARENCE J. HINDMAN, 2029
COL. HERBERT H. HURST JR., 9448
COL. JEFFREY P. LYON, 8685
COL. JAMES R. MARSHALL, 1126
COL. EDWARD A. MCILHENNY, 2884
COL. EDITH P. MITCHELL, 5575
COL. MARK R. NESS, 6391
COL. RICHARD D. RADTKE, 2746
COL. ALBERT P. RICHARDS JR., 7550
COL. CHARLES E. SAVAGE, 4418
COL. STEVEN C. SPEER, 0563
COL. RICHARD L. TESTA, 1268
COL. FRANK D. TUTOR, 8226
COL. JOSEPH B. VEILLON, 0348

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT M. CARROTHERS, 3234

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT M. DIAMOND, 5525

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EUGENE P. KLYNOOT, 5848

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL C. DUTTGE III, 9920

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PERRY V. DALBY, 2649
BRIG. GEN. CARLOS D. PAIR, 7262
COL. JEFFERY L. ARNOLD, 2649
COL. STEVEN P. BEST, 7173
COL. HARRY J. PHILIPS JR., 8457
COL. CORAL W. PIETSCH, 5785
COL. LEWIS S. ROACH, 0324
COL. ROBERT J. WILLIAMSON, 7138
COL. DAVID T. ZABECKI, 9188

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ROBERT G.F. LEE, 0590

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) KENNETH C. BELISLE, 8016
REAR ADM. (LH) MARK R. FEICHTINGER, 3808
REAR ADM. (LH) JOHN A. JACKSON, 3255
REAR ADM. (LH) JOHN P. MCLAUGHLIN, 4645
REAR ADM. (LH) JAMES B. PLEHAL, 5145
REAR ADM. (LH) JOE S. THOMPSON, 2971

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES C. DAWSON JR., 7743

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING LAUREN N. JOHNSON-NAUMANN, AND ENDING ERVIN LOCKLEAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING EDWARD J. FALESKI, AND ENDING TYRONE R. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(C).

To be colonel

WILLIAM D. CARPENTER, 2390

AIR FORCE NOMINATIONS BEGINNING ANTOIN M. ALEXANDER, AND ENDING TORY W. WOODARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING PHILIP M. ABSHERE, AND ENDING ROBERT P. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING WILLIAM R. ACKER, AND ENDING CHRISTINA M.K. ZIENO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING ROBERT C. ALLEN, AND ENDING RYAN J. ZUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

AIR FORCE NOMINATIONS BEGINNING FREDERICK H. ABBOTT III, AND ENDING MICHAEL F. ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

IN THE ARMY

ARMY NOMINATIONS BEGINNING KENT W. ABERNATHY, AND ENDING ROBERT E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be major

BRIAN J.* STERNER, 3989

ARMY NOMINATIONS BEGINNING WILLIAM N.C. CULBERTSON, AND ENDING ROBERT S. MORTENSON JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING MARK DICKENS, AND ENDING EDWARD TIMMONS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JOSEPH N.* DANIEL, AND ENDING PHILLIP HOLMES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JOE R. BEHUNIN, AND ENDING RANDALL E. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING ROBERT G. CARMICHAAEL JR., AND ENDING LARRY R. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JAMES P. CONTRERAS, AND ENDING ROBERT D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING CHERYL E. CARROLL, AND ENDING SUSAN R.* MEILER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING JEFFREY A. * ARNOLD, AND ENDING CHARLES L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING CARA M. * ALEXANDER, AND ENDING KRISTIN K. * WOOLLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

ARMY NOMINATIONS BEGINNING HANSON R. BONEY, AND ENDING WILLIAM D. WILLETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. PRICE, 1342

ARMY NOMINATIONS BEGINNING JAY M. WEBB, AND ENDING SIMUEL L. JAMISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 2001.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JOSEPH D. APODACA, AND ENDING CHARLES A. JOHNSON JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

MARINE CORPS NOMINATIONS BEGINNING JOHN A. AHO, AND ENDING JEFFREY R. ZELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

MARINE CORPS NOMINATIONS BEGINNING WILLIAM S. AITKEN, AND ENDING DOUGLAS P. YUROVICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD SCHAEFER, 9810

NAVY NOMINATIONS BEGINNING TERRY W. BENNETT, AND ENDING LAWRENCE R. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2001.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JAMES G. LIDDY, 0285

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANTHONY W. MAYBRIER, 9696

EXTENSION OF REMARKS

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 6, the Marriage Penalty and Family Tax Relief Act, because I firmly believe that Congress should provide meaningful relief from the tax burden on Rhode Island's married couples.

However, we can and should improve upon this measure as it makes its way through the legislative process. In particular, the benefits of the bill must be targeted more directly to lower- and middle-income families who are currently penalized for being married. Further, the underlying bill does little to adequately adjust the Alternative Minimum Tax (AMT), which increasingly affects the middle class. As a result, too many middle-income families remain unprotected from having most of the promised benefits of the bill taken away.

I have additional concerns that this Congress has yet to finalize its work on a budget framework this year. We also have little perspective on how this legislation will fit into our other collective commitments to extend the solvency of Social Security and Medicare and reduce our national debt. Congress needs to enact a budget that honors our commitments and our continued need to invest in education, law enforcement, the environment, health care and national defense, before enacting a large tax cut.

For these reasons, I will support both the Democratic alternative and the motion to recommit. The substitute not only takes a large step toward eliminating the marriage penalty, but also would provide substantial tax cuts to all working families in a responsible budget framework. Specifically, this measure would create a new bracket for married couples, increase the standard deduction for married couples and adjust the AMT. Finally, the motion to recommit seeks to provide an immediate tax cut to boost our economy and help those families who need assistance now.

Again, while I support final passage of this legislation because I believe hardworking Americans deserve some relief from the marriage penalty, I hope that this flawed bill will be improved in the Senate to ensure lower- and middle-income couples benefit as well. And more than anything, I urge my colleagues to focus on crafting a budget and tax cut framework that rewards hard-working taxpayers, while ensuring that our debt is paid down, Social Security and Medicare remain strong, and our national priorities like education and health care are not shortchanged.

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday March 29, 2001

Mr. BOEHLERT. Mr. Speaker, I rise in strong support for H.R. 6, the Marriage Penalty and Family Tax Relief Act of 2001. This bill will not only do away with the unfair tax burden on married couples, but it will also double the per-child tax credit from $500 to $1,000. For the 25 million married couples saddled with the marriage penalty, for low and middle income parents, and for their children, this relief will not come a minute too soon.

No one should be penalized for being married. No family should be penalized for having a stay at home parent. Yet without this critical legislation we would miss an opportunity to do right by the people who sacrifice everyday to not only make a home for their family but also to pay their share of taxes. Following up on our passage of H.R. 3, this bill is another big step in the right direction.

Relief from the marriage penalty, a greater child tax credit and lowered marginal tax rates, will mean real help for real families. When fully phased in, a married couple with 2 children earning $35,000 filing jointly will save over $1,800 dollars a year. That's real money to invest in their children's education, pay the bills, and save for the future.

This bill is pro-marriage, pro-child, and pro-family. Not just young married couples and families, but older ones, too. The numbers don't lie. H.R. 6 would give 6 million seniors marriage tax penalty relief in 2002 and increase to 9 million seniors in 2010.

I urge my colleagues to vote for the Marriage Penalty and Family Tax Relief Act of 2001. Vote to support our nation's families.

IN RECOGNITION OF CAROLYN CRAYTON, THE FOUNDER AND EXECUTIVE DIRECTOR OF BOTH THE KEEP MACON-BIBB BEAUTIFUL COMMISSION AND THE MACON, GEORGIA INTERNATIONAL CHERRY BLOSSOM FESTIVAL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. CHAMBLISS. Mr. Speaker, I want to recognize Mrs. Carolyn Crayton, the founder and executive director of both the Keep Macon-Bibb Beautiful Commission and the Macon, Georgia International Cherry Blossom Festival. She has dedicated herself to community service, ensuring that our communities stay clean and beautiful.

She has worked tirelessly since 1964 as the Founder and Executive Director of Keep Macon-Bibb Beautiful Commission. Carolyn has been the recipient of the Keep America Beautiful's Leadership Award and the Mrs. Lyndon B. Johnson Award. She was also awarded the Queen Mother's Award, which was presented by the Keep Britain Tidy Group, this being the only time this honor was awarded outside the United Kingdom. Carolyn was invited to appear on Good Morning America in 1984, as one of several people who have made a difference in their community. In 1988, she received the Georgia Clean and Beautiful Woman of the Year Award, which is now named the Carolyn Crayton Award.

Carolyn is also responsible for founding the Georgia International Cherry Blossom Festival. Carolyn's dedication and hard work are the reason we are able to enjoy the Cherry Blossom Festival and all the beautiful cherry blossom trees. She and her organization are responsible for their presence in the State of Georgia. She has received a Certificate of Merit from the Georgia Garden Clubs of Georgia and the Ladies Home Journal Heroine Award. Carolyn has done such a wonderful job with the production and management of the Georgia International Cherry Blossom Festival, she was named the Festival Director of the Year in Georgia in 1995. One year later she was inducted into the International Festivals and Events Association's Hall of Fame. In 1999, she received the Deen Day Smith Award.

Unfortunately, Carolyn is retiring this year. I would like to recognize and commend her for all the hard work she has done for the State of Georgia, more specifically Macon. She has selflessly given her time and effort as an active community leader and should be an example to all of us.

Carolyn and her husband Lee are dear friends and I am very proud of the great contribution they have both made to the State of Georgia.

CONGRATULATING CLOUD COUNTY COMMUNITY COLLEGE

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. MORAN of Kansas. Mr. Speaker, March Madness means many things to many people. In the quest for college basketball's holy grail, March represents the time when champions are crowned in all divisions. This week, I am proud to congratulate the Cloud County Community College women's basketball team from Concordia, Kansas. This past Saturday, the lady Thunderbirds won the National Junior College Athletic Association national title.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For this team, this program, and this community, the championship is indeed a great honor. At times, it is easy to get wrapped up in all of the hype surrounding college athletics, but I think Cloud County coach, Brett Erkenbrack, said it best: "Great team, a tremendous bunch of young ladies, and a great crowd."

Cloud County is the first Kansas team to win the women's title in the 27 year history of the NJCAA tournament. The team includes three players selected to the All-Tournament Team, including Paulette Valentine, N'Keisa Richardson, and the tournament Most Valuable Player, Miklannet Tennal.

The talented players on Coach Erkenbrack's team fought a difficult road on the way to earning the National title, defeating the number 5 and number 1 seeds, as well as enduring an overtime victory in the semifinals.

The Concordia community also rallied around their home team. Attendance at the championship game was the biggest of the tournament and beat last year's mark by over 25%. This is a story of teamwork, preparation, and hard work, combined with a supportive community and families all pulling together for a championship run. It is a great story to tell and a story worth repeating.

Congratulations again to the Cloud County Women's Basketball team. They truly are champions.

RECOGNIZING EVAN DOBELLE'S CONTRIBUTIONS TO THE HARTFORD COMMUNITY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to bring to my colleagues' attention a true leader in the First Congressional District of Connecticut, and a good friend of mine, Dr. Evan Dobelle. For the past six years, Dr. Dobelle has served as the President of Trinity College in Hartford, Connecticut. In those six years, he has expanded that role of president of the private college to that of an effective leader in the surrounding urban community—transforming the outlook and prosperity of both the school and the community. It is now with bittersweet enthusiasm that I must wish Dr. Dobelle well as he embarks on his newest endeavor to become the President of the University of Hawaii.

Never one to shy away from a challenge, Evan Dobelle began his commitment to the community in his twenties, serving two terms as the Mayor of Pittsfield, MA. At age 31, Dr. Dobelle was selected United States Chief of Protocol for the White House and Assistant Secretary of State with the rank of Ambassador under the Carter Administration. Before assuming his position at Trinity College, he served as Chancellor and President of City College of San Francisco, and president of Middlesex Community College in Lowell, MA. He holds a bachelor's, master's, and doctoral degrees in education and public policy from the University of Massachusetts at Amherst and a master's in public administration at Harvard University.

In 1995, Evan Dobelle came to Hartford to serve as the eighteenth president of Trinity College; a school synonymous with rigorous academics, but also known for its location in economically depressed area of Frog Hollow. It is a picture of pristine academia located within the heart of one of Hartford's forgotten neighborhoods. With Trinity, Evan faced one of his toughest challenges. Not only did he have to enhance the quantity and quality of applicants, and increase Trinity's endowment, Evan was responsible for improving relations with the neighborhood surrounding the gates of Trinity. Recognizing the benefits that both the community and the school had to offer one another, Evan embraced the surrounding neighborhood and called upon both the community and the college to work in partnership for mutual improvement. While successfully achieving the goals outlined for enrollment and endowments, Dobelle also used his innovation and leadership to play a vital role in orchestrating and executing the Learning Corridor, a $250 million neighborhood redevelopment project, consisting of four public elementary schools, a boys and a girls club, a center for family services, a limited housing renovation, and effectively satisfying the third requirement of his presidency and creating a national model. It is for this accomplishment he will be remembered so fondly for by the people of the city of Hartford.

The Learning Corridor redevelopment project has been one of the most celebrated and successful ventures the City of Hartford has seen. It is due largely in part to the dedication and leadership of Dr. Evan Dobelle. In his six years as president of Trinity College and a resident of the City of Hartford, Evan Dobelle has become an inspiration to his adopted community in Hartford.

Dr. Dobelle has gone beyond the call of duty and done a tremendous job not only for Trinity College, but the entire city of Hartford. I commend him for his excellent work, and wish him the best, as I know he will give nothing less than that to the students of the University of Hawaii and its surrounding communities.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2002

SPEECH OF

HON. JIM LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011:

Mr. LANGEVIN. Mr. Chairman, I rise today in strong opposition to this budget resolution. In particular, I object to its cornerstone: an enormous tax cut that is skewed towards the wealthy and based on unreliable ten-year surplus projections. Furthermore, it usurps funds that should go to other critical priorities—including long-term debt reduction, creating a stable defense, improving education, providing affordable health care and strengthening Social Security and Medicare.

What is most important to me and many of my colleagues is that we enact a budget based on principles, not politics. I believe we should start by honoring our promises, and I remain committed to paying down the national debt, while providing responsible tax relief and ensuring our most pressing needs are met.

The Administration's budget calls for a $2 trillion tax cut (including the resulting increased interest costs) that disproportionately benefits the wealthiest one percent of our society. However, the budget fails to explain how our other national needs can be funded. When properly accounted for, the $1.4 trillion "reserve," which the budget resolution delineates as available for "additional needs," would not even cover the costs of maintaining current programs, let alone support the initiatives the President himself proposed during his campaign.

We would all like to reward hard-working Americans by returning some of their tax dollars, but we also have an obligation to pay down as much of our publicly held debt as we possibly can. We ought not pass these bills onto our children, as the Bush Administration and this budget resolution propose.

Further, we should use our current prosperity to enhance those federal programs relied upon by some of the most vulnerable members of society. Our senior citizens, as well as younger generations, deserve to know that the Social Security system will be strong and viable, whether they need it now or in twenty years. We must reform and strengthen Medicare, without slashing benefits or increasing costs for seniors. And we must provide an affordable prescription drug component for all seniors.

This budget resolution would cut appropriated federal programs that are absolutely vital to our nation's small business, worker, health, environmental protection, and housing needs. The Bush budget also shortchanges our vast transportation and infrastructure needs, decreases funding for critical law enforcement programs, and cuts budget authority for the benefits our veterans need and deserve. And at a time when an energy crisis is threatening large portions of our country, why would the Administration propose to cut our energy budget below current levels?

Furthermore, the Small Business Administration (SBA) would receive a cut of over 46 percent in its overall budget. Small businesses are the backbone of Rhode Island's economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the market place and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance and technical training programs offered by the SBA. These cuts could severely impact Rhode Island's small business community, just when we need their contributions the most.

I support a more balanced approach to our federal budget that allows for a significant tax cut, but also takes into consideration a wide range of short and long-term budgetary needs. It is for these reasons that I will support the Democratic and Blue Dog alternatives.

Under the Democratic alternative, we could extend the solvency of Social Security and Medicare and have a sizable tax cut that would benefit every family. This measure would also allow us to adequately fund our top priorities, including education, prescription drugs, defense and small business, and still retire all redeemable public debt by 2008.

The Blue Dog Budget Alternative would set forth a five-year budget framework to account for the uncertainties in long-term budget forecasts. The plan provides for retiring over half the publicly held debt by 2006 and eliminating back-loaded tax cuts and unnecessary spending increases. By reserving half of the on-budget surplus for the next five years, we could continue to pay down the debt and strengthen Social Security and preserve Medicare. Finally, like the Democratic alternative, the Blue Dog budget sets aside a pool of money to help states and localities improve their voting systems in time for the next federal elections. The Bush framework completely ignores this urgent need.

The Bush Administration's budget threatens the quality of life of millions of Americans. There are many tough choices ahead, but I firmly believe that with cooperation and an eye towards operating within a responsible framework, this Administration and Congress can and should develop a budget that will ensure that everyone's needs are met. I encourage my colleagues to join me in rejecting this ill-conceived Republican proposal and supporting instead a sensible, well-balanced budget resolution that speaks to the needs of every American family.

MAGGIE LENA WALKER

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2001

Mr. SCOTT. Mr. Speaker, in celebration of Women's History Month, I rise to honor the contributions of a distinguished woman. I would like to share with the House the remarkable life of Maggie Lena Walker, a Richmond, Virginia native and a business and community leader in the early part of the 20th Century. Maggie Walker is well known for her efforts on behalf of the African American community in Richmond and in the development and success of Richmond's historic Jackson Ward community, among the oldest African American communities in the country.

Maggie Walker was born on July 15, 1867. She spent her childhood at the Van Lew Mansion in Richmond, Virginia, where her mother, a former slave, worked as a cook's helper. As an abolitionist, Miss Van Lew made sure that all of her servants received a good education. It was here that Maggie Walker began to learn the value and importance of education.

Like many educated African American women during that time, Maggie Walker's first contribution was in the field of education where she taught in the public school system after her graduation from Armstrong Normal School in Richmond. She was required to leave the teaching profession after her marriage and soon recognized the limited availability of job opportunities for African American women. Further, it was Walker's belief that African American women had an instrumental part to play in the economic and political success of the African American community. This belief was manifested in Walker's founding of the Woman's Union, an insurance company, and the Saint Luke Penny Savings Bank, where in 1903 she was the first woman bank president in the United States.

The Saint Luke Penny Savings Bank, as its name suggests, was established as an institution whose interest was the small investors, literally the pennies of the African American washerwomen—ultimately proving that even with pennies, the African American community had economic power. Maggie Walker's Saint Luke Penny Savings Bank merged with two other banks to become Consolidated Bank and Trust, the oldest existing African American owned and operated bank in the U.S., with several branches today in Richmond and Hampton, Virginia.

This Saint Luke Emporium, a department store located in the Jackson Ward section of Richmond, was started by Walker and is yet another example of her promotion of African American economic empowerment. It employed scores of African American women and provided the African American community the opportunity to purchase goods from its own businesses. The Jackson Ward community in Richmond benefited greatly from Walker's influence and keen sense of business acumen; today, the Jackson Ward is known historically as the center of Richmond's African American business and social life.

Maggie Walker's leadership was not confined to the business community. She set the groundwork for the local women's suffrage movement and voter registration efforts after the passage of the 19th Amendment. The evidence of her success is in the fact that close to 80 percent of eligible black voters in Richmond in the 1920s were women. Maggie Walker boldly challenged the political establishment in 1921 when she ran for State Superintendent of Public Instruction on the "Lily Black" Republican ticket. Although her campaign for public office was unsuccessful, it confirmed African American women's important role in the political arena and it also further invigorated the interest of the African American community in the political process.

On April 26, 2001, the Junior Achievement National Hall of Fame will recognize Maggie Walker's accomplishments as the country's first African American female bank president. The mission of Junior Achievement is to ensure that every child in America has a fundamental understanding of the free enterprise system. Ms. Walker is a prime example in making that goal a reality. During her days at the St. Luke Penny Savings Bank, the bank provided small cardboard boxes to children to encourage them to save their pennies. When the children had one dollar saved, they could open a savings account with the bank. This tradition continues today at the Consolidated Bank & Trust Company. Maggie Walker's work as a political leader and business entrepreneur is a reminder to us all that the success of the African American community depends on both economic and political development.

ACHIEVEMENTS OF CESAR CHAVEZ

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in commemoration of the life of a great leader, Cesar E. Chavez. His memory serves as a constant reminder of the hardships facing working families every day and an inspiration to those who strive to speak up for people whose voices go unheard.

The teachings of Cesar Chavez have inspired millions of people in our country. One might argue that the practices of our country's labor community can be attributed to the lessons that were taught by the late Cesar Chavez. In carrying out his mission, Chavez developed and lived with a unique blend of values, philosophies, and styles. Although he organized predominantly Hispanic workers, Chavez' commitment to non-violence, volunteerism, egalitarianism, and respect for all cultures, religions and lifestyles, has served as the guiding principle of the U.S. labor movement for the past fifty years.

In 1989, Chavez conducted a 36-day fast to protest the pesticide poisoning of migrant workers in California. For years, workers were coming into contact with harmful pesticides that had led to, in many cases, cancer. Farm owners had ignored the problem and Chavez was infuriated. During a speech on the 36th day of his fast, Chavez declared, "If we ignored pesticide poisoning, if we looked on as farm workers and their children are stricken, then all the other injustices our people face would be compounded by an even more deadly tyranny. But ignore that final injustice is what our opponents would have us do."

Unfortunately, Mr. Speaker, the injustices that Cesar Chavez fought against for fifty years, and the living conditions he spoke out against, still exist today. We have a responsibility in Congress to continue the fight where Cesar Chavez left off. We have a responsibility to speak for those who cannot speak, and to fight for those who cannot fight. Improving working conditions, increasing the minimum wage, and providing quality benefits for all workers remain at the forefront of our challenges on behalf of working families. We should use today's commemoration of Cesar Chavez' life to renew our commitment not to "ignore that final injustice," and protect the rights of working families. If we do ignore them, then we are forgetting the great lessons taught to us by this great hero. That would be an injustice in itself.

SENATE—*Monday, April 2, 2001*

(Legislative day of Friday, March 30, 2001)

The Senate met at 5 p.m., on the expiration of the recess, and was called to order by the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who has promised strength for each day, we ask You for a special provision for this busy week ahead. As the week stretches out before us, we realize that there is more to do than it seems there is time to accomplish it. However, our security is that we are here to do Your work, and therefore You will provide for what You will guide.

You have taught us that the secret of strength is thanksgiving: If we will give thanks for the very things that cause pressure, You will open the floodgates for a flow of Your energy into our souls, our minds, and bodies. So thank You, Father, for the long days of work ahead; thank You for the relationships that may be difficult, for the times when stress will mount and our bodies will tire. But most of all, thank You for the fresh supply of power to face each hour. You are our refuge and strength, a very present help when we need it most of all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PETER G. FITZGERALD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. FITZGERALD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, the Senate this evening will have 30 minutes for debate on the campaign finance reform bill. At approximately 5:30 p.m. the Senate will vote on final passage of the bill. Following the vote, the Senate is expected to begin consideration of the budget resolution. Votes in relation to the budget resolution are expected to occur this evening. Senators should be prepared for late nights and votes throughout the week. It is the intention of the majority leader to complete action on the resolution prior to the Easter recess.

That is the agenda for the coming week.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, the order calls for votes at 5:30, and I am going to request the vote be at 5:30. So there is not 30 minutes of debate. I ask the Chair if that is true.

The ACTING PRESIDENT pro tempore. The Senator is correct.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Resumed

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, this has been a long and interesting debate, and before I begin my final remarks I would like to thank my superb staff, the senior member of which is Tam Somerville. Now staff director of the Rules Committee, she is a long-time veteran of these wars going back to the filibusters of 1988—a good friend and a great colleague. I thank her for her outstanding work over the years on this subject. And Hunter Bates, my chief of staff, has done superb work on this and a great many other matters over the years, and an old friend going back well over a decade. And new members of the team: Andrew Siff, the general counsel of the Rules Committee, who Senator MCCAIN and I would have to agree sort of staffed both sides at times during this debate and did an outstanding job; Brian Lewis, also of the Rules Committee, and John Abegg of my staff, who have been marvelous in this whole debate.

Now, Mr. President, the theory of this bill, the underlying theory, is that there is too much money in politics, in spite of the fact that last year Americans spent more on potato chips than they did on politics.

Then the other theory of the bill is, well, if we can't squeeze all the money out of politics, at least we can get at that odious soft money. Well, I think it is important for our colleagues to know that the average soft money contribution to the Republican Senatorial Committee last year was $520. That is about one-tenth of 1 percent of the total amount of money we raised. The largest contribution to either the Republican National Committee or the Republican Senatorial Committee was $250,000. Admittedly, that is a lot of money, but any one of those donations would only have amounted to one-half of 1 percent of what was raised by the committees.

Now if we were concerned about the appearance of a large contribution, we had an opportunity to address that when we had a vote on the Hagel amendment which would have capped non-Federal money, just as for many years we have capped Federal money. But, no, the Senate opted for prohibition, not moderation. Now we know what has happened when we have gone down that path before with prohibition. Of course, nothing would be prohibited.

We had an opportunity to recognize that there is nothing inherently evil about non-Federal money and that the only issue really the Senate was trying to address was the size of the contributions; we could have dealt with that in the Hagel amendment, but that was defeated.

Now other countries, many of them allies of ours, unburdened by the First Amendment, have squeezed the money all the way out of politics. A good example of that is the Japanese. The Japanese have gotten all the money out of politics.

Let me tell you what it is like to run for office in Japan. The Government determines how many days you can campaign, the number of speeches you can give, the places you can speak, the number of handbills or bumper stickers you can hand out, and the number of megaphones you get—one, one megaphone per candidate. This was all in response to the need, it was widely perceived, to get money out of politics so people's view of the Parliament would go up.

Well, after passing all of these draconian measures, now 70 percent of the

Japanese people have no confidence in the legislature and turnout continues to decline. So it is obvious that had no impact whatsoever.

What we have done here, in an effort to get money out of politics, is to take the parties out of politics, as I pointed out last week, and let me briefly touch again on what we have done.

In a 100-percent hard money world, this would be the impact on the party committees. Looking at the last cycle, last year, if you just applied the current system, the Republican National Committee had $75 million in net hard money to spend on its candidates; under McCain-Feingold, it would have had $37 million. The Democratic National Committee under the current system had $48 million net hard money for candidate efforts; under McCain-Feingold, it would have had $20 million. The Republican Senatorial Committee had net hard money to spend on candidates of $14 million; under McCain-Feingold, it would have had $1 million. The Democratic Senatorial Committee had $6 million hard money; under McCain-Feingold, it would have had $800,000. And over on the House side—a real disaster. Under the current law, the Republican Congressional Committee had $22 million net hard money; the Democratic committee over in the House, minus $7 million. Under McCain-Feingold both of them would have been substantially below water: $13 million in the case of the congressional committee on the Republican side and $20 million on the Democratic side.

In a 100-percent hard money world, as defined by McCain-Feingold, what we will do is take none of the money out of politics; we will just take the parties out of politics. And when we take the parties out of politics, what is the impact of that? Parties are the one entity in America that will support a challenger. Parties are filters. They will support a Republican whether he is a liberal Republican or a conservative Republican. Interest groups won't always do that. Parties will go to bat for their members no matter what.

If we look at the upcoming 2002 cycle, the coordinated expenditure limit for Senate campaigns will be $15 million. Applying the new McCain-Feingold standard, the Republican Senatorial Committee and Democratic Senatorial Committee will be able to fund the coordinated expenditures in North Carolina. That is about it.

In addition to that, in this new world with substantially fewer Federal hard dollars, the national committees will have to do a lot more. To provide some examples: All the redistricting efforts by both national parties will have to be paid for with 100-percent hard dollars; new responsibilities paid for with 100-percent hard dollars. All national party get out the vote, voter registration and voter identification efforts will have to be paid for with 100-percent hard dollars. Any support from national party committees to State and local candidates will have to be 100-percent hard dollars. I would venture to say that the national conventions, which the press has declared boring for some time now, are probably a thing of the past.

Host committees for national conventions are abolished. Last year it took each party $80 million to put on their national conventions. They got $15 million from the Treasury. All the rest of it was this odious soft money which is going to be abolished. In order to continue to put on the national conventions in hard dollars, the two committees will have to come up with about $60 million each in hard dollars to put on the national conventions.

My guess is they will decide they might as well let the national conventions become a relic of the past because they will not be able to afford to put on the conventions and also help the candidates. Given that choice, they clearly will want to help the candidates. The conventions may or may not happen again or they may be very short, maybe a half-day convention. I recommend they come to Louisville, KY. I think we could handle the size of the convention now. We haven't been able to apply for it in the past.

In addition to that, McCain-Feingold is so sweeping it is likely to preclude Senators from raising money for churches and charities because there is written into the bill an effort to restrict the ability to raise money for 501(c)s. A query: Will Senator McCain or myself be able to raise money for the International Republican Institute or Senator Kennedy raise money for the Special Olympics? I doubt it.

In addition to that, there is a very serious question of what to do with the soft money already raised. Both parties are having their dinners this year as if everything is pretty much the same. Typically at these party dinners, about 80 percent of the dollars raised are soft. Under McCain-Feingold, not one penny of soft money in any account controlled by either a Member of Congress or a national party committee can be directed to, donated to, transferred to, or spent. Let me say this again: All the non-Federal money already collected is going to be dead money. You can't do anything with it. You can't direct it. You can't donate it. You can't transfer it. You can't spend it. As I read that, it couldn't be transferred to a State party, donated to a charity, or even directed to the U.S. Treasury. So it is going to sit there, frozen, useless assets.

Who wins?

As I said the other day, who wins are people such as Jerome Kohlberg. This is the billionaire who has decided this is going to be his legacy. This is the full page ad he ran in the Washington Post the other day on behalf of this legislation. I suspect a lot of the lobbyists out in the hall right off the Senate floor are either on his payroll directly or indirectly. People such as Jerome Kohlberg and the big charitable foundations are underwriting the reform movement, hand in hand with the editorial pages of the Washington Post and the New York Times, which have editorialized on this subject an average of once every 6 days over the last 27 months.

At least in the Senate, they are going to get their way shortly, but this new world won't take a penny out of politics, not a penny. It will all be spent. It just won't be spent by the parties. It will be spent by the Jerome Kohlbergs of the world and all of the interest groups out there. As everyone knows, the restrictions on those interest groups will be struck down in court, if we get that far.

Welcome to the brave new world where the voices of parties are quieted, the voices of billionaires are enhanced, the voices of newspapers are enhanced, and the one entity out there in America, the core of the two-party system, that influence is dramatically reduced.

I strongly urge our colleagues to vote against this legislation. It clearly moves in the wrong direction.

Mr. REID. Mr. President, I ask unanimous consent that each side be extended an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, today the Senate took long awaited action to approve legislation to address what the American people believe is the single most egregious abuse of our campaign finance system—that is the unlimited flow of soft money permeating our elections system. If the McCain-Feingold legislation did nothing else but close the soft money loophole, it would still be reform.

But my colleagues have accomplished much more in this legislation. I congratulate Senators McCain and Feingold for their vision in recognizing the powerfully negative influence of the money chase on our political system and their dogged persistence and patience in striving to craft a consensus on reform legislation that seeks to address the worst aspects of the current system.

But the Senate would not be here today if not for the equally determined leadership of Tom Daschle and the Democratic caucus. No member has been more consistent in support of reform than our leader, and no member has worked harder behind the scenes to hold the Democratic caucus together in support of this measure.

At the same time, I must also acknowledge the powerful influence of my colleague, the chairman of the Rules Committee, for his unstinting devotion to the principles of free speech and his unyielding belief that most, if not all, proposed campaign finance reforms are not only unwise, but unconstitutional.

While a majority of this body clearly do not share Senator McCONNELL's views, I appreciate his willingness to allow the debate to continue unhindered, unlike debates in the past, by repeated cloture votes.

This debate has exemplified the Senate at its best. The free flow of debate, the unrestricted offering of well reasoned amendments, and the opportunity for all members to be heard are the hallmarks of this, the world's greatest deliberative body.

Finally, I must express my great respect to my colleagues in the Democratic caucus, under the very able leadership of Senator DASCHLE, who, along with a small group of courageous Senators across the aisle, have put aside their own short-term political interests and voted time and again in favor of comprehensive, commonsense, and badly-needed campaign finance reform.

I predict that this debate will find its place in history as one of the greatest Senate debates in the last decade, both in terms of its content and its impact on our system of democracy.

I have been privileged and honored to serve as floor manager of this measure, along with the Senator from Kentucky. As my colleague from Kentucky has alluded, the stakes in this debate were considerable for many interested parties.

And although members disagreed over the need for this measure, and amendments to it, Senators were not disagreeable in their debate. I thank my colleagues for their patience and cooperation throughout this debate.

I also compliment my good friend, the Majority Leader, for his willingness to allow the Senate to have a free-flowing debate. This issue is of paramount importance to the continued health of this democracy, and his willingness to provide for free and open debate on the McCain-Feingold measure has produced, in this Senator's mind, an even better bill than was originally brought to the Senate floor.

I am hopeful there will be an opportunity to make further improvements in this measure in the House. Although I am supporting the McCain-Feingold legislation, there are two provisions, in particular, that cause me concern.

First is the so-called millionaire's provision which purports to level the playing field for candidates who face wealthy challengers. While that may be a laudable goal, the amendment ignores the fact that many incumbents who face wealthy challengers are sitting on healthy campaign treasuries, sometimes amounting to several million dollars. In those instances, this amendment serves as an incumbent protection provision.

As I stated on Friday before passage of the Durbin-Domenici-DeWine amendment to fix this inequity, I am not satisfied that the Durbin amendment went far enough to recognize the considerable war chests that some incumbents have. I urge my colleagues in the House to carefully consider this provision with an eye to improving it.

Seconds, although I reluctantly supported the Thompson-Feingold amendment to increase the individual hard money contribution limits, I did so only in the context of achieving broader reform. Quite simply, the increase in the hard money limits was the price to be paid to gain sufficient support from our Republican colleagues for banning soft money and reining in so-called sham issue ads.

Of particular concern to me is the indexing of these increases which only ensures the continuing upward spiral of money into our political system. While I understand the desire of some to avoid a future debate on reform, the fact that the hard money limits had not been increased since 1974 is what created both the pressure and the opportunity for this reform.

Again, I urge my colleagues in the House to consider these limits and avoid the temptation to increase them ever higher; otherwise, there may come a time when the price for reform becomes too great for this Senator.

I am hopeful that the House will act expeditiously on this measure. While I do not suggest that House members forego their responsibility and right to thoroughly debate and amend this legislation, I encourage them to do so in a manner that will allow this bill to reach the President's desk before the end of this year.

I also thank the numerous staff who have assisted in facilitating consideration of this measure, not the least of which are our Democratic floor staff, including Marty Paone, Lula Davis, and Gary Myrick, along with the outstanding Democratic cloakroom staff.

I also extend my special appreciation to Andrea LaRue of Senator DASCHLE's staff. She, along with Mark Childress and Mark Patterson, were invaluable in offering much needed expertise and guidance on this legislation.

Of equal assistance were the staffs of Senators FEINGOLD and McCAIN, including Bob Schiff, Ann Choiniere and Mark Buse, as well as Laurie Rubenstein of Senator LIEBERMAN's staff and Linda Gustitus of Senator LEVIN's staff.

I also wish to acknowledge the contributions of Senator McCONNELL's staff, including Hunter Davis of his personal staff, and Tam Somerville and Andrew Siff of the Rules Committee staff.

Finally, I thank Shawn Maher of my personal office staff, and Veronica Gillespie, my Elections counsel on the Rules Committee staff, as well as Kennie Gill, the Democratic staff director and chief counsel of the Rules Committee.

One final point, Mr. President. The great justice, Learned Hand, once spoke of liberty as the great equalizer among men. In his words, "the spirit of liberty is the . . . lesson . . . (mankind) has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

That, my colleagues, should be the ultimate test of whether any matter considered by this body is worthy of support. The McCain-Feingold legislation passes that test.

I urge my colleagues to support this measure.

Mr. GRASSLEY. Mr. President, improving the campaign finance system is an important priority. Without a doubt constructive criticism works to help cleanse the system. More importantly, good debate helps reduce public cynicism. That is why I would like to commend my colleagues for the good discussions we have had in the past 2 weeks.

My goals for campaign finance reform have long included improved citizen participation, enhanced public discourse, full public disclosure and safeguarding the right of Americans to organize and petition their government. To accomplish these objectives, I want reform to give individuals a bigger role in the political process, increase upfront participation of political parties, protect corporate shareholders and union members from being forced to bankroll candidates they oppose, discourage misconduct by political campaigns with swift and sure punishment, and require full public disclosure of contribution sources.

Therefore, in evaluating any campaign finance legislation I ask myself, does this bill accomplish these goals?

I believe that we made progress with the McCain-Feingold bill by providing for greater disclosure such as requiring all television and radio stations to include in their "public file" all media buys for all political advertising, by requiring additional disclosure for Federal candidates and national political parties, and requiring the Federal Election Commission to provide the information on the Internet within a reasonable amount of time. I also believe that it was prudent of us to increase the individual hard money contribution limit set back in 1974. Furthermore, we increased the penalties for election law violators.

On the other hand, I was disappointed that the Senate failed to agree to several amendments that I feel would have been good reform. Such amendments were those to provide disclosure and consent to corporate shareholders and union members regarding the use of their funds for political activities and the effort to limit soft money, instead of a complete ban which will likely be thrown out by the Courts.

However, there is a more egregious problem with this legislation. This bill fails to protect an individual's right to organize and petition their government and engage in full public disclosure.

Virtually every American has a "special interest," whether its lower taxes, endangered species, education, or international trade agreements. To get individual voices heard above the din of American politics, individuals organize to exercise their first amendment rights of free speech. However, this McCain-Feingold bill severely restricts the groups which average citizens join to express themselves: issue advocacy groups and political parties. Therefore, wealthy individuals and the media have a larger role in the political process and the individual role is diminished.

I would like to point out three specific ways the McCain-Feingold bill violates our first amendments rights: 1. Issue Advocacy—This bill imposes limits on communications about issues regardless of whether the communication "expressly advocates" the election or defeat of a particular candidate and restricts the time that issue advocacy communications can be distributed. 2. Coordination—This legislation grossly expands the concept of coordinated activity between candidates and citizen groups. This regulates and prohibits all but the most insignificant contacts and actions from citizen groups as a "contribution" or "expenditure" to a specific campaign. 3. Political Parties—This reform measure limits the role of political parties to simply electing politicians. The restrictions on soft money restrict political parties in their ability to support grassroots activity, candidate recruitment and get-out-the-vote efforts.

In the 21st Century, it's easy to forget that America's Founding Fathers sacrificed all to give Americans political freedom. These patriots fought and risked their lives and everything they had to secure and protect free political speech, dissent or assent, of all kinds. Free political speech protects us from tyranny.

The first amendment forbids Congress to make any law "abridging the freedom of speech," especially political speech. I swore to uphold the Constitution. Therefore, I cannot vote for a bill that I believe violates our first amendments rights.

Mr. KERRY. Mr. President, yesterday, at long last, the United States Senate voted to take a first step toward reforming our campaign finance system. This long awaited vote comes after years of partisan delay tactics which have long prevented us from taking an up-or-down vote on this bill. It also comes after an election in which $3 billion was spent in an effort to elect or defeat candidates. Today we have the chance to pass reform which at the very least demonstrates that we've learned a lesson from years of scandal and year upon year of runaway spending.

But let me be clear about something: despite the rhetoric we have heard on the Senate floor, the bill we vote on today is not sweeping reform that will give one party or the other the edge when it comes to funding campaigns. Instead, this bill simply restores, to a certain degree, the campaign finance reform laws that we enacted more than 25 years ago. Back then, in the post-Watergate era, we recognized that it was time to prevent secret stashes of cash from infiltrating our political system. We succeeded in that effort, and I believe the system worked reasonably well for some time, until the recent phenomena of soft money and sham issue advocacy overtook the real limits we had established for our campaign system.

I want to take a minute, to talk about how we got to this point in which our system so desperately needs this modest reform bill. Federal law has prohibited corporations from contributing to federal candidates since 1907. This nearly hundred-year-old ban was enacted in recognition of the fact that corporations accumulate great wealth that could be used to distort electoral outcomes. Labor unions likewise have been barred from contributing to candidates since 1943. In addition, the post-Watergate campaign finance law capped individual contributions to candidates, parties and PACs. These limits were put in place after the country learned a hard lesson about the corrupting influence of money in politics.

Unfortunately, the Federal Election Commission and the courts opened the loopholes that ultimately eviscerated our reform efforts. Soft money first came into play in 1978 when the FEC, the toothless watchdog of our campaign finance laws, opened the door to the cascade of soft money by giving the Kansas Republican State Committee permission to use corporate and union funds to pay for a voter drive benefitting federal as well as state candidates. The costs of the drive were to be split between hard money raised under federal law and soft money raised under Kansas law. The FEC's decision in the Kansas case gave parties the option to spend soft money any time a federal election coincides with a state or local race.

Sham issue advocacy too, has a history that defies the intent of campaign finance laws. In what remains the seminal case on campaign finance, *Buckley* v. *Valeo*, the Supreme Court held that campaign finance limitations applied only to "communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office." A footnote to the opinion says that the limits apply when communications include terms "such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" The phrases in the footnote have become known as the "magic words" without which a communication, no matter what its purpose or impact, is often classified as issue advocacy, thus falling outside the reach of the campaign finance laws.

Until the 1992 election cycle, most for-profit, not-for-profit, and labor organizations did not attempt to get into electoral politics via issue advocacy. However, that year a group called the Christian Action Network ran an ad that stretched the distinction between express advocacy and issue advocacy to its limits. The ad, which was broadcast at least 250 times just before the presidential election, was described by a court as giving candidate Bill Clinton a "sinister and threatening appearance" before finally wiping his image from the screen. The 30-second spot, entitled "Clinton's Vision for a Better America," denounced what the Christian Action Network labeled Clinton's "homosexual agenda." The ad never used Buckley's "magic words" and the Court of Appeals decided that the ad was a discussion of issues related to "family values" rather than an exhortation to vote against Clinton in the upcoming presidential election.

The ad by the Christian Action Network and others like it opened the flood gates to more so-called issue advocacy in later elections, resulting in the half-a-billion dollars in sham issue ads that influenced the 2000 elections.

Soft money and sham issue advocacy became predominant features of our campaign finance system even though neither was intended to play a role in our campaigns when the post-Watergate reform laws were written. The result? Last year approximately $1 billion in soft money contributions and sham issue ad expenditures influenced our federal elections. Many who oppose reform will argue that both soft money and sham issue ads are constitutionally protected and should be allowed to continue unfettered. I would like to take just a moment to address those arguments.

We have been told that the ability to donate hundreds of thousands of dollars in soft money is constitutionally protected. The truth is, banning soft money contributions does not violate the Constitution. The Supreme Court in Buckley held that limits on individual campaign contributions do not violate the First Amendment. If a limit of $1000 on contributions by individuals was upheld as constitutional, then a ban of contributions of $10,000, $100,000 or $1 million is also going to be upheld. It simply cannot be said that the First Amendment provides an absolute prohibition of any and all restrictions on speech. When state interests are more important than unfettered free speech, speech can be narrowly limited. Speech is limited in cases of false advertising and obscenity. In addition, we are not, as the saying goes, free to yell "fire" in a crowded movie theater. In those cases, there is a compelling reason to limit speech. Buckley, too, said that the risk of corruption or the appearance of corruption warranted limits on individual campaign contributions. Soft money contributions to political parties can be limited for the same reason.

In addition, in Nixon v. Shrink Missouri PAC, the Supreme Court recently justified its decision to uphold a $1050 contribution limit for elections in Missouri, stating that it was concerned with "the broader threat from politicians too compliant with the wishes of large contributors." It went on to say: "Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance." I think the Supreme Court's language bodes well for the likelihood that a soft money ban will be upheld.

Likewise, I believe that the electioneering provisions of the bill will be upheld. It's a trickier case, but I would submit that the bright line test in McCain-Feingold satisfies the Supreme Court's holding in Buckley. The so-called "magic words" test of express advocacy has come to provide what is a wholly unworkable test that I believe was never the intention of the Court. The magic words test elevates form over substance, and in practice has proven meaningless. The proof of that is in the half-a-billion dollars in sham issue ads that were aired last year.

I would add that the test in this bill does not stop any advertisements. Advertisements that simply discuss issues, without naming candidates are always permissible. Advertisements that air within 30 days of a primary or 60 days of a general election can discuss issues, as long as the ads do not depict a particular candidate. And any advertisement can be aired at any time, as long as it is paid for with hard money.

A final argument opponents of reform like to make is that we spend less on campaigns than we do on potato chips or laundry detergent. But I would ask the proponents of this argument whether what we are seeking in our democracy is electioneering that has no more depth or substance than a snack food commercial. Because, despite the ever-increasing sums spent on campaigns, we have not seen an improvement in campaign discourse, issue discussion or voter education. More money does not mean more ideas, more substance or more depth. Instead, it means more of what voters complain about most. More thirty-second spots, more negativity and an increasingly longer campaign period. Less money might actually improve the quality of discourse, requiring candidates to more cautiously spend their resources. It might encourage more debates, as was the case in my own race against Bill Weld in 1996, and it would certainly focus the candidates' voter education efforts during the period shortly before the election, when most voters are tuned in, instead of starting the campaign 18 months before election day.

The American people don't buy the arguments made by opponents of reform. The American people want us to forge a better system. A national survey conducted by the Mellman Group in April of last year found that by a margin of 68 percent to 19 percent, voters favored a proposal that eliminates private contributions, sets spending limits and gives qualifying candidates a grant from a publicly financed election fund. That same survey also found that 59 percent of voters agree that we need to make major changes to the way we finance elections. But perhaps the most telling statistic from this survey is that overwhelming majorities think that special interest contributions affect the voting behavior of Members of Congress. Eighty-seven percent of voters believe that money impacts Members of Congress, with 56 percent expressing the belief that it affects the members "a lot." Even when asked about their own representatives, the survey again found that voters overwhelmingly believed that money influenced their behavior. Eighty-two percent believe campaign contributions affect their own members, and 47 percent thought their representatives were affected "a lot."

McCain-Feingold is an important piece of legislation that begins to tackle the problems of soft money and issue advocacy I have outlined. I support this legislation, but I would note one serious shortcoming of the bill. It won't curb the rampant spending that drives the quest for money. Unfortunately, we all recognize that creating spending limits is not a simple proposition. In the 1996 Buckley case, the Supreme Court struck spending limits as an unconstitutional restriction of political speech. An important caveat to its decision is that spending limits could be imposed in exchange for a public benefit. I wish we had at our disposal a number of bargaining chips, public benefits that we could trade in exchange for spending limits. However, unless the Supreme Court reverses itself, something I am certainly not expecting in the near future, we must accept that if we want to limit the amounts spent on campaigns, we must provide candidates with some sort of public grant.

The votes we have taken on various amendments addressing public funding make it clear that a lot of my colleagues aren't ready to embrace public funding as a way to finance our campaigns. But it is, in my opinion, the best constitutional means to the important end of limiting campaign spending and the contributions that go with it. Ultimately, I believe in the potential of a system that provides full public funding for political candidates. I would also support a partial public funding system, such as the one I offered in an amendment to this legislation. That amendment would have freed candidates from the need to raise unlimited amounts of money by providing with "liberty dollars" in the form of a two-for-one match for small contributions, in exchange for the candidates agreeing to abide by spending limits. I believe that any system that reduces candidates' reliance on private money and encourages them to abide by spending limits will ultimately be the best way to truly and completely purge our system of the negative influence of corporate money.

Many of our states are already engaging in a grand experiment to see if full or partial public funding of campaigns serves the goals of reform. At the state level, politicians are learning that the cost of campaigns can be capped without reducing the effectiveness of a campaign. Challengers are becoming more competitive as their campaigns are infused with public money. Incumbents are learning that they can spend less time fundraising and more time governing if they avail themselves to public campaign funds. And our citizens are learning that their faith in the political process can be restored as money no longer appears to influence the political process.

I am pleased that my home state of Massachusetts is one of the states that is experimenting with a Clean Money, Clean Elections law. The law, which voters adopted by referendum in 1998, will go into effect this year and will provide candidates for state office with full public funding if they agree to abide by spending limits. A recent survey of voters across the state found that three-fourths support the law. I am optimistic that the majority will grow after the law is put to its first test during the upcoming elections.

It seems that Clean Money, Clean Elections laws are off to a good start in the states. But we need to know more about how well these programs work. That is why I am pleased that the managers of this bill accepted an amendment I offered that will require the GAO to examine the impact of Clean Money, Clean Elections laws in states where they have been enacted. Specifically, my amendment will require the GAO to determine more about the candidates who have chosen to run for public office using Clean Money, Clean Elections funds. It will provide us with concrete figures on which offices attract Clean Money, Clean Elections candidates, whether incumbents choose to use clean money, and the success rate of Clean Money candidates.

In addition, the GAO will be able to determine whether Clean Money, Clean Elections programs reduced the cost of campaigns, increased candidate participation or created more competitive primary or general elections.

We should encourage states to experiment with reform. I believe an objective study as required by this amendment will better enable leaders at the state level to evaluate the Clean Money, Clean Elections option. In the end, we may all learn that there is an important role for public financing in state and ultimately federal elections.

As I said before, this bill, which bans soft money, regulates sham issue ads, and provides a study for public funding systems provides a good first start to reform, and I will therefore support it. I have one serious reservation about the bill, however, and that is its increase in the hard money limits. Although I fully understand the argument that the limits have not kept up with inflation, I am concerned that the increases in individual limits and, most especially, aggregate limits, do not take us in the right direction of decreasing the amount of money in elections. Moreover, this increase simply enables the tiniest percentage of the population that currently contributes large contributions to contribute even more. This increase does nothing at all to increase the role the average voter plays in our election process.

Nevertheless, the vote yesterday is a victory for reform—but it needs to be the first vote, not the last. I want to offer my congratulations to my friends RUSSELL FEINGOLD and JOHN MCCAIN on this victory for reform, passage of a bill that breaks free from the status quo and will help us restore the dwindling faith the average American has in our political system. For too long we've known that we can't go on leaving our citizens with the impression that the only kind of influence left in American politics is the kind you wield with a checkbook. This bill reduces the power of the checkbook and I am proud to support it.

Mr. KOHL. Mr. President, I rise today to support S. 27, the Bipartisan Campaign Reform Act of 2001. I have been a consistent supporter and cosponsor of campaign finance reform because I believe we must do everything we can to ensure that there is not even a perception of undue influence in Federal elections.

The debate of the last 2 weeks has provided us with a unique opportunity to examine a wide range of issues related to the financing of political campaigns. The result is a bill with strong bipartisan support. This landmark legislation, if signed into law, will succeed in banning soft or unregulated money in Federal elections. The unlimited flow of money into party coffers creates the greatest opportunity for special interests to seek favor with politicians. The reality that businesses or organizations can be tapped for such vast sums has dramatically changed the atmosphere surrounding the work of our legislative and executive branches of Government.

With this legislation, we are also finally getting at one of the most troublesome areas of unregulated and unreported spending in Federal elections, so-called sham issue ads. This legislation does not ban issue advocacy or limit the right of groups to air their views. Rather, the disclosure provisions in the bill require that these groups step up and identify themselves when they run issue ads which are clearly targeted for or against candidates.

The Supreme Court's decision in *Buckley* v. *Valeo* in 1976 has left us with the difficult task of devising a system of financing campaigns without suppressing free speech. Our Founding Fathers were resolute in their defense of speech and we must continue to protect the first amendment right. We do so, however, with the understanding that we must reconcile free speech with a competing public interest. This interest, as articulated in Buckley v. Valeo, is preventing corruption of Federal elected officials or even the appearance of corruption. Let me be clear, I do not believe that our system is corrupt or that elected officials are corrupted by campaign contributions. However, I agree that we must combat the perception of corruption.

It isn't difficult to understand why a majority of American citizens are convinced that the presence of special interest money in politics buys influence. The vast majority of those citizens do not participate in contributing to political candidates—in a recent survey, 6 percent of the electorate said they gave any money to a political candidate and less than one-tenth of one percent even contribute at the current $1,000 contribution limit—so it is no wonder that most Americans believe that they can't compete with the few who do give and who often gain access as a result. Many Americans believe that their voices are not heard.

Whether the presence of unlimited political contributions is corrupting or whether it just creates the appearance of corruption, the damage is done. Americans are disaffected with politics and political campaigns and have voted against the current system with their feet: For decades we've seen a gradual decline in voter turnout. In 1952, about 63 percent of eligible voters came out to vote. That number dropped to 49 percent in the 1996 election. We saw a minor increase in this past election with voter turnout at 51 percent of eligible voters, however, not a significant increase given the closeness of the election. Non-Presidential year voter turnout is even more abysmal.

Our representative democracy is harmed by eroding participation. As elected officials, we have a responsibility to try to address the sources of voter disaffection. And, that is ultimately what campaign finance reform is all about, restoring the confidence of the American people in our elected government.

I am keenly aware of how fortunate I am to be able to finance my own campaigns. I do not accept contributions from political action committees and I am not burdened with the task of raising vast amounts of money to run for office. However, during debate on this bill I was willing to support amendments which would help level the playing field for all candidates. That is why I supported the DeWine amendment which raised the contribution limits for candidates whose opponents spend their own money to fund their campaigns. That is also why I was willing to support the Thompson-Feinstein amendment to increase contribution limits in a reasonable way, beyond the limits set back in the seventies. And that is why I supported the Torricelli amendment to give political candidates the opportunity to buy advertising time at the lowest unit cost, as originally intended in the Federal Election Campaign Act.

It is my hope that this legislation is signed into law. I fear if this bill becomes bogged down in a conference or if the President vetoes it, we will have missed a rare opportunity to achieve meaningful campaign finance reform. The unprecedented time we have spent debating this issue—and a wonderful debate it has been, fast-paced and unscripted—will not be repeated any time soon.

Finally, I want to commend my colleague from Wisconsin, Senator RUSS FEINGOLD. He has been dogged in his pursuit of campaign finance reform. For 5 years now, he has championed this issue, even when it was not always popular with his colleagues. He has forged a potent partnership with Senator MCCAIN and they have waged a campaign across the country and in the Senate to rally the American people for the reforms we are adopting today. While he has been unbending in his desire to move this forward, he has also compromised and adjusted so that we could address the worst abuses of the system. He has earned the respect of all Wisconsinites for his leadership on campaign finance reform.

Mrs. MURRAY. Mr. President, today I am pleased to vote to overhaul our nation's campaign finance system. The McCain-Feingold legislation represents a step forward that is long overdue. In recent years, it has become clear that our campaign finance system is broken. There's too much money in elections. It's too hard for average citizens to be heard. Their voices are being drowned out by big-money special interests and wealthy contributors. It's getting harder for citizens of average means to run for office. The system is too secretive. There are undisclosed groups giving money and trying to influence elections with no sunshine and no public disclosure. And especially after this last election, many people are wondering if their vote will count. As a result, Americans are cynical about elections and aren't participating. We need to turn that around.

Ever since I came to the Senate, I've fought for campaign finance reform. I've consistently voted to get the Senate to debate campaign finance reform. In 1997, I served on the Leadership Task Force on Campaign Reform. In 1998, I offered an amendment for full disclosure. And in my own reelection campaign in 1998, I went above and beyond the legal requirements, and I disclosed everyone who supported me, whether they contributed $5 or $500.

Given the problems in the system, I developed a set of principles for reform that have guided my decisions throughout this debate. My principles for reform are: First, there should be less money in politics. Second, I want to make sure that average voters aren't drowned-out by special interests or the wealthy. Third, we must demand far more disclosure from those who work to influence elections. When voters see an ad on TV or get a flyer in the mail, they should know who paid for it. There must be disclosure for telephone calls and voter guides. Citizens have a right to know who's trying to influence them. We've seen a disturbing increase in the number of issue ads, which are often negative attack ads. Too often, voters have no idea who's bankrolling these ads. Voters deserve to know and that is why I have called for far greater disclosure. Fourth, we need to keep elections open to all Americans. We need to ensure that average citizens not just millionaires can run for office. When I ran for the Senate in 1992, the most I'd ever earned was $23,000 a year. I wasn't a millionaire. I wasn't a celebrity, but I was able to run for office and win a seat in the Senate because the system was open to anyone. That's getting more difficult today. Finally, we need to make it easier, not harder, for people to vote. We need to make sure that when citizens vote their votes are counted.

The bill now before the Senate makes some progress toward the principles I've outlined. I am disappointed this legislation does not go further. Some amendments have strengthened the bill. Other amendments, including raising the limits on hard money, have weakened the bill. The hard money limit in particular will inject more money into politics at a time when I, and most Americans, want to reduce the amount of money in politics. This bill also has the potential to give a disproportionately larger role in elections to third party organizations. I'd rather see citizens and candidates have a stronger voice than third party organizations.

I know my colleagues recognize that this is a carefully balanced bill. If, at some point in the future, the courts invalidate some portion of this bill, Congress should return to the legislation to restore the balance of fairness in our nation's elections laws. Campaign finance reform should not be a gift to either party, but should instead return our democracy to its rightful owners, the American people.

Before I close I would like to remind my colleagues that our work on election reform is far from completed. Unfortunately, this legislation does nothing to ensure that every citizen's vote counts in an election, something that is sorely needed in the wake of the Presidential election. If Congress is to truly restore the people's faith in our election system, we must ensure that every vote counts. On that matter, this legislation stands silent.

On the whole, however, this bill is a significant step forward. It should help restore citizens' faith in our electoral process. It also illustrates the Senate's ability to address issues of concern to the American people.

I cast my vote in favor of this much-needed reform.

Mr. KYL. Mr. President, I rise to take a few moments to explain why I will oppose S. 27 on final passage. At the outset, however, I want to congratulate my colleague JOHN MCCAIN for bringing this matter to a successful conclusion in the Senate. He has fought long and hard to get to this point.

If this bill becomes law, we know that the Supreme Court will have the final say as to its constitutionality. Few doubt that the bill at least raises issues about the fundamental liberties guaranteed in the First Amendment. Having taken an oath to uphold the Constitution, I cannot vote for a bill I believe the courts are almost certain to strike down. Both the restrictions on issue advocacy contained in Title II of this bill, and the bill's total ban on soft money contributions to parties are, in my opinion, likely to be declared unconstitutional.

Like the proponents of the bill before us, I believe that it is too difficult to mount a viable challenge to an incumbent Member of Congress; that Members of Congress spend too much of their time raising funds for their campaigns; that voter turnout is lower than it ought to be; and that advertisements by outside groups often drown out the voices of candidates. Worst of all, there is the lingering concern that fundraising considerations can affect Members' decisions.

But, whereas the proponents of the bill before us contend that their reforms will promote participation, competition, and disinterested deliberation within our politics, I am concerned that passing this bill, if anything, will have the opposite effect. I am especially concerned about the bill's adverse effect on our two great political parties, which are the primary targets of S. 27.

It is political parties that help challengers to overcome the significant advantages incumbents enjoy, and help candidates, incumbent and non-incumbent alike to fight back against attacks from outside groups.

It is political parties that do much of the voter registration and get-out-the-vote organizing that bring new voters to the polls.

And because a party will provide support to any credible candidate who will run on its line, it provides a counterweight to single-issue committees which can spend large sums of money defining the candidate.

As has been widely reported, the bill before us targets political parties by prohibiting them from receiving so-called "soft money" donations. It imposes particularly severe restrictions on party organizations in the 50 states, preventing them from using funds, other than federally-regulated "hard dollars", even under state law for party-building activities and constitutionally protected issue advocacy during any time-frame that coincides with a federal election. To realize that most state and local contests are conducted concurrently with federal campaigns is to realize how stifling such restrictions are going to be.

To the extent that there is credible evidence of corruption of officeholders by unlimited soft money contributions, it might be constitutional to limit the amount of such contributions, as opposed to banning them altogether. For that reason, I supported Senator HAGEL's proposal to cap soft money contributions to parties at $60,000. Imposing such a cap would achieve the objective of preventing a donor from potentially corrupting those to whom he donates while heeding the Supreme Court's warning that any such limitation be tailored as narrowly as possible to meet that objective.

Senator HAGEL's alternative, which I supported and the Senate rejected, would arguably also have weakened political parties, but it would not have marginalized them, the way S. 27 is likely to do. The Hagel bill, by combining its restrictions on parties with a hard-money limit increase, offered a reasonable bargain: moderate the influence of parties, while increasing the ability of candidates to get their own message out.

The bill before us imposes much more stringent limits on parties, while providing much more modest relief to candidates in the form of a hard-money limit increase.

By causing a contraction of the supply of money available to parties and candidates, this arrangement will lead to either an attenuation of political debate or the movement of funds into the coffers of outside single-issue groups. They and the media will take the place of the parties and the candidates in carrying the messages of the campaign.

Again, this is assuming that the Supreme Court upholds a soft money ban. There are several legal precedents that make this assumption difficult to sustain.

In 1976, in the landmark case of *Buckley* v. *Valeo*, the Supreme Court held that restrictions on political donations and expenditures impinge on the rights of speech and association protected by the First Amendment, and, therefore, are subject to the most stringent level of constitutional scrutiny.

In a 1996 case, *Colorado Republican Party* v. *FEC*, the Court made it clear that these guarantees extend to political parties, as well as to independent citizens and groups, noting that, as Justice Thomas wrote in a concurring opinion, "political associations allow citizens to pool their resources and make their advocacy more effective, and such efforts are fully protected by the First Amendment."

It is true that a common manifestation of that protected advocacy is the type of communication that has, not altogether inaccurately, been described as the "sham issue ad." But the Buckley court anticipated that "the distinction between discussion of issues and candidates and advocacy of the election or defeat of candidates may often dissolve in practical application," yet insisted that "discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution." "The First Amendment," said the Court, "affords the broadest protection to such political expression in order to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people."

In light of these holdings, it is difficult to imagine that the courts could find a prohibition aimed at preventing the parties from engaging in this type of advocacy to be anything but an infringement on the free speech rights of those organizations. If, as I believe they will, courts strike down these provisions of the bill, and unions, corporations, and other entities are allowed to use unregulated funds for issue advocacy, S. 27's soft money ban on contributions to parties could give rise to a very plausible equal protection claim.

Of course, activity by independent entities does not fall outside the scope of the bill before us. The proponents of the bill suggest that we who worry about its impact on parties and non-incumbents should be consoled by the restrictions it places on the ability of such citizen groups to advance their views and coordinate their activities with political parties.

These provisions provide me with no consolation. As I noted, these restrictions will not likely survive judicial scrutiny. That outcome is one that we should welcome, because these restrictions are misguided.

I have great respect for my colleagues who confronted the issue of constitutionality and tried to craft a way to permit "genuine" issue ads while cracking down on "phony" ones. They attempt to identify a permissible subcategory of issue advertisements that constitute "electioneering" without expressly advocating the election or defeat of a candidate.

But I believe that using the threat of mandatory disclosure of donor information or outright bans on advocacy as a lever to regulate the quantity, timing, and content of issue advocacy communications is fundamentally at odds with the First Amendment's injunction to Congress to "make no law . . . abridging the freedom of speech . . . or of the right of the people . . . to petition the Government for a redress of grievances."

Congress cannot be in the business of outlawing criticism of itself. Of course, I do not appreciate the unfair attacks that are all too frequently presented in single-issue advertisements. But I think that we would do well to resist the urge to silence those who would criticize us, even those who criticize us when we are most sensitive to criticism—at election time.

Unfortunately, passage of this bill leaves us with three unappetizing possibilities: that our work may be struck down *in toto;* that it might be refashioned by the courts into something altogether different than what was intended; or that it might be left as it is, which would leave us with a democracy less vital than the admittedly imperfect one it is our privilege to be a part of.

It is my hope that this bill will be modified in the House of Representatives to avoid those three results.

Mrs. FEINSTEIN. Mr. President, the Senate is poised to pass S. 27, the McCain-Feingold bipartisan campaign reform bill. The momentum for the bill is building. The President has announced that he is disinclined to veto this bill. We could be on the brink of enacting the first significant campaign reforms in a generation.

I would like to make a few observations.

First, I want to salute the bill's sponsors, Senators McCAIN and FEINGOLD. We are considering this bill only because of the sheer force of their collective will. They have suffered innumerable set-backs pushing for this legislation over the past several years. But they never got discouraged: they never let up. Their dedication to this cause has been extraordinary.

I also want to commend the majority and minority leaders and the bill's managers, Senators McCONNELL and DODD, for crafting a way to consider the bill that has been a breath of fresh air here in the Senate. For the past 2 weeks, we have operated in a way the Senate was meant to operate. We have been the deliberative body the Founding Fathers meant for us to be. I hope the spirit in which we have conducted debate on this bill continues long after we vote on its final passage.

Numerous public opinion polls have indicated that the American people overwhelmingly support campaign reform, but don't rank the issue as a priority. I think that's because they have grown discouraged about the likelihood of Congress passing such reform. Maybe—just maybe—we will show the American people that we are capable of beating the odds, of coming together and doing something difficult.

With regard to the bill, we have beaten back several amendments designed to cripple it or drive away its supporters.

We have defeated the so-called "paycheck protection" amendments that were aimed right at the heart of organized labor.

We have voted to ban soft money, convincingly. That is key.

We have defeated an attempt to strip the bill of the Snowe-Jeffords provisions regarding sham "issue advocacy" by independent, often anonymous, groups that face no donor contribution limits or disclosure requirements.

We have defeated an attempt to make the bill nonseverable.

Most important, we have come to a reasonable compromise with regard to raising some of the existing hard money contribution limits for individuals by modest amounts, and indexing those limits for inflation.

I am proud that I helped to negotiate that compromise, along with the senior Senator from Tennessee and several other Members from both sides of the aisle.

The Senate voted 84–16 to approve the compromise we worked out.

Our compromise: doubles the limit on hard money contributions to individual candidates from $1,000 per election to $2,000 per election; increases the annual limit on hard money contributions to the national party committees by $5,000, to $25,000; increases the annual aggregate limit on all hard money contributions by $12,500, to $37,500; doubles the amount that the national party committees can contribute to candidates, from $17,500 to $35,000; and; indexes these new limits for inflation.

The Thompson-Feinstein amendment will reinvigorate individual giving. It will reduce the incessant need for fundraising. It will give candidates and parties the resources they need to respond to independent campaigns. It will reduce the relative influence of PACs.

I know that some campaign reform advocates are uncomfortable raising any hard money contribution limits by any amount.

I would argue that modest increases are imperative for the simple reason that the current limits were established under the Federal Election Campaign Act, FECA, amendments of 1974, Public Law 93-443, and haven't been changed since. That was 27 years ago.

I have spoken previously about how the costs of campaigning have risen much faster than ordinary inflation over the past 27 years these limits have been frozen.

The advantage of modestly lifting some of the limits is that doing so will reduce the time candidates have to spend fund-raising, time better spent with, prospective, constituents.

During this past election, my campaign had over 100 fundraisers. That took time. Time to call. Time to attend. Time to say thanks. And that was time I couldn't spend doing what my constituents want me to do.

The task of raising hard money in small contributions unadjusted for inflation is just too daunting, for incumbents and challengers alike.

Particularly in the larger States like California, where extensive television and radio advertising is imperative, it is not uncommon for Senators to begin fundraising for the next election right after the present one ends and they often find themselves "dialing for dollars" instead of attending to other duties.

Let's be honest with each other and the American people: campaigning for office will continue to get more and more expensive because television spots are getting more and more expensive.

Meanwhile, independent campaigns conducted by groups that are accountable to no one threaten to drown out any attempt by candidates or the parties to communicate with voters.

Spending on issue advocacy by these groups, according to the Congressional Research Service, rose from $135 million in 1996 to as much as $340 million in 1998. Then it rose again, to $509 million in 2000. Most of this money is used for attack ads that the American people have come to loathe.

It is likely that spending on so-called issue advocacy, most of which is thinly disguised electioneering, probably will surpass hard money spending, and very soon. It has already surpassed soft money spending.

Clearly, the playing field is being skewed. More and more people are turning to the undisclosed, unregulated independent campaign.

The attacks come and no one knows who is actually paying for them. I believe this is unethical. I believe it is unjust. I believe it is unreasonable and it must end.

We have to raise the limit on hard money contributions to individual candidates and the parties. The pressure on them has grown exponentially, especially now that we are about to ban soft money.

The Thompson-Feinstein amendment the Senate adopted last Wednesday makes S. 27 possible. It becomes easier for us now to staunch the millions of unregulated soft dollars that currently flow into the coffers of our political parties, and replace a modest portion of that money with contributions that are fully regulated and disclosed under the existing provisions of the Federal Election Campaign Act.

People aren't concerned about individual contributions of $1,000, and I don't think they will be concerned about donations of $2,000.

No, what concerns people the most about the current system are the checks for $250,000, or $500,000, or even $1 million flowing into political parties.

These gigantic contributions are what warp our politics and cause people to lose faith in our Government and they must be halted. They give the appearance of corruption.

The Thompson-Feinstein amendment, by increasing the limit on individual and national party committee contributions to federal candidates, will reduce the need for raising campaign funds from political action committees, PACs.

Our amendment, therefore, will reduce the relative influence of PACs, making it easier to replace PAC monies with funds raised from individual donors.

The concern about PACs seems unimportant now, compared with the problems that soft money, independent expenditures, and issue advocacy present. But we shouldn't dismiss the fact that PACs retain considerable influence in our system.

I represent California, which has more people—34 million—than 21 other States combined. I just finished my twelfth political campaign. For the fourth time in 10 years, I ran statewide. Running for office in California is expensive: I have had to raise more than $55 million in those four campaigns.

I can tell you from my experiences over the years that I am committed to campaign reform, and I am heartened that we are close to passing S. 27.

Is it a perfect bill? No. Will it be subject to challenges in court? Undoubtedly. But I think S. 27 is a strong bill and I am optimistic that it will withstand the Courts' scrutiny. And as I said earlier, it is our best chance at reform in a generation.

We have an electricity crisis in California and much of the West. Our economy shows serious signs of weakening. We definitely have to address these issues, and others.

But the last 2 weeks that we have spent considering S. 27 have been time well-spent. Campaign reform goes to the heart of our democracy.

The way we currently finance and conduct our campaigns is a cancer metastasizing throughout the body politic.

It discourages people from running for office and it disgusts voters. So they simply tune out, in larger and larger numbers.

Discouragement, disgust, frustration, apathy—these feelings don't bolster our democracy, they weaken it.

We have an opportunity here, a rare opportunity, to do the right thing here with S. 27. I hope we don't squander such a precious opportunity.

Mr. BAUCUS. Mr. President, I have long been a supporter of campaign finance reform. I appreciate the Leadership's willingness to so fully take up this issue. It is a debate that has been a long time in coming. And the need has never been more urgent. Money has a stranglehold on democracy under our current system. It is clear that we must take action now to restore the public's faith in our political system.

Every year we talk and talk about reforming the system. We bemoan the role of special interests. We're forced to spend an inordinate amount of time raising money. We have to worry about financing the next race the day after we get elected.

That's not why we're here and it's not what we were elected to do.

Ideally, I would like to wipe the slate clean. Start over with a clean campaign finance system and a level playing field. For now, let's start by addressing soft money and the abuse of issue advocacy advertising. Exactly what McCain-Feingold, as amended, does.

Soft money only serves to further taint the image Americans have about politics. As soft money contributions increase, so does the perception that special interests own us. As a result, cynicism towards Congress and its activities continues to grow.

The use of unregulated soft money contributions must be curbed in Federal campaigns. Soft money, as a percent of total funding, has more than doubled since 1992. This is not a partisan issue. Soft money has more than doubled for both parties.

My entire State of Montana could fit through the soft money loopholes. The last time Congress considered such a thorough overhaul of campaign finance law was 1974. We thought then that regulations placed on hard money would straighten up the system. Instead, the use of soft money to the parties and groups has exploded. We've all heard this number over these days of debate, but I think it warrants being mentioned again: Last year's election parties collected a record $490 million dollars in soft money. That's obscene.

With $490 million, school construction projects could be completed so our kids aren't learning in overcrowded classrooms. With $490 million, we could move towards implementing a prescription drug benefit. Let's straighten out our priorities and have folks contribute instead to the projects that really need it.

The problem we're really facing is how grey the campaign finance laws have become. McCain-Feingold, as amended, would make them black and white. Just take issue advocacy advertising as an example. In the last couple campaigns, the lines have been blurred between express advocacy, which requires federal disclosures, and issue advocacy.

We can all recall advertisements in our own state that just barely skirted the lines. In Montana, the unregulated soft money ads started early. Close to a year before the election, groups started attacking candidates with mud-slinging ads. Groups with benign sounding names that hid their partisan bent. Ads that attacked candidates, and even told people where to call, but somehow fell under the "issue advocacy" definition. And were exempt from campaign finance laws.

Aren't we missing the point? The spirit of the ad is what's important. By attacking only one candidate, that leads to the obvious conclusion that the ad is supporting the opposition. And that should subject the money used to pay for the ad to regulation and disclosure.

A new, clear definition of issue advocacy is necessary—one that closes the loopholes. I supported the original bill language that would ban "grey" issue advocacy ads that fall within 60 days of the general election or 30 days of a primary and was specific to corporate and Union treasury funds. However, I believe the Wellstone amendment, extending coverage to all third-party expenditures, makes McCain-Feingold a better and more balanced bill.

Now, there is one area where I differ with McCain-Feingold, and that is in my support for a non-severability clause. The bill, as it now stands, is fair and balanced legislation. Non-severability is the only tool available to guarantee that the balance and fairness of McCain-Feingold stands. By allowing the Court to strike down individual parts of the bill, we run the serious risk of a final bill that is very different than what was voted on. I am hopeful that the final bill will not encounter opposition by the Supreme Court and that severability will become a non-issue.

I applaud Senators McCain and Feingold for continuing to raise this issue. I believe that we can pass a comprehensive bill and achieve true, bipartisan campaign finance reform.

Mr. NELSON of Florida. Mr. President, I rise today to express my belief that the campaign-finance reform legislation we have before us addresses one of the most important issues facing America today. The influence of special interests and the enormous amount of money required to effectively run a modern political campaign have created a rift between the Congress and the American people.

The fact is our political system today is dominated by huge contributions to the national parties of "soft money." Sometimes, these donations circumvent the parties and flow through other avenues that lack public disclosure under the guise of issue advertisements. These large donations and suspect advertisements have cast a cloud of doubt over the entire political process. And this doubt has caused many Americans to lose faith in the system.

Is the McCain-Feingold bill the answer? It's not the total answer, but it's a step in the right direction. What we need to do is take our best hold and step forward and reform the law, right now.

Banning "soft money" from the system will go a long way toward removing the appearance of corruption that plagues the system today; and, the legislation's new disclosure requirements will add much-needed sunshine to the process.

Candidates, and the American people have a right to know the identities of the groups and people behind the so-called issue ads that increasingly dominate the airways during campaign time.

Although I favor public financing, we're not at the point that we can pass public financing. So what are we going to do? My preference is, we change the system with the legislation we have before us. The people want reform; the country needs it; we should do it.

Mr. NELSON of Nebraska. Mr. President, I rise today to express my opposition to the McCain-Feingold bill. To be clear, I am not opposed to the impetus behind this legislation, which is to reform our current campaign finance system. I concur with my colleagues—who support this bill—that the present system is inadequate and inherently flawed. But, unfortunately, this is where our parallel viewpoints diverge.

While I agree that the present campaign finance system is imperfect, I believe that the McCain-Feingold alternative to that system is even more so. This legislation, once enacted, likely will hurt the status quo more than it will help. And, ultimately, I predict it will foster campaign finance regression, rather than institute campaign finance reform.

From the beginning, I have worked with my colleagues to negotiate a more fair and balanced package that, I believe, would have achieved thorough reform. Key parts such as the Hagel amendment on soft money contributions and the amendment on non-severability are not included in this final bill. Had they been included, these amendments would have made the legislation much more effective and comprehensive, and consequently, much more likely to receive my support.

To be fair and consistent, certain aspects of this final bill are laudable and do have my support. I am pleased that the Snowe-Jeffords provision and the Hagel amendment regarding disclosure are included. Increased accountability and transparency for special interest groups are important to the overall reform effort. Moreover, the Wellstone amendment, which extends the Snowe-Jeffords provision to independent advocacy groups, will help remove the facades behind which these groups hide. For too long, special interest groups have funded so-called issue ads whose main objective is to distort the facts. It is encouraging that this bill, as amended, confronts that issue.

The ability of state parties to carry-out traditional activities such as voter registration, is another issue addressed by the Levin amendment, which I was pleased to join as an original co-sponsor. State and local candidates rely on get-out-the-vote efforts and voter registration activities which are usually funded by the state party. Since this campaign finance reform bill, prior to the Levin amendment, would have severely limited state parties, it became apparent that we needed to ensure that such crucial activities are not abolished as well. Without question, I am encouraged by the inclusion of this amendment. It, and the ones regarding increased disclosure, are definitive steps in the direction of genuine campaign finance reform.

That being said, any ground gained by these steps is lost through the ban on soft money and the defeat of the non-severability clause. McCain-Feingold bans soft money contributions only to the national parties. As I have said before, this measure is ineffective, an ultimately unproductive. The soft money ban in this bill will likely be more of a temporary road block than a true dead end. I believe that eventually soft money will find a detour, and it will flow into federal elections from another direction.

A more realistic approach to the unfettered flow of soft money that pollutes our current campaign finance system, would have been to include the Hagel amendment, which would have capped soft money contributions at $60,000. The Hagel measure was pragmatic and essential to real reform. With the absence of this language in the final bill, we are left with a plan than falls short on efficacy and long on futility.

Without the inclusion of a cap, instead of a ban on soft money to national parties, my support for this bill declined, but the nail on the coffin, so to speak, was the defeat of the severability clause. The non-severability amendment was characterized by its opponents as the "poison pill" of campaign finance reform. Quite frankly, I thing the total package before us today would have been easier to swallow if it had been included.

The non-severability amendment would have prevented the courts from striking down some provisions and leaving others. Once the courts act, it is possible that the McCain-Feingold campaign finance reform law as passed by Congress will look nothing like the McCain-Feingold finance reform law tweaked by the courts. For this reason, the severability provision only weakens the bill and extends the inequalities fostered by the present system.

My conviction that the current campaign finance system is flawed remains unchanged. Comprehensive reform is undoubtedly needed; however, I do not believe this legislation will achieve that goal. It's often been said that something is better than nothing. Well, in this instance, the reverse rings true. Nothing is better than something. Therefore, I will vote accordingly and reserve my support for a more comprehensive and equitable campaign finance reform package.

Mr. HOLLINGS. Mr. President, the thrust of McCain-Feingold was to eliminate soft money. Now, the final bill doesn't eliminate soft money but, rather, redirects it. Soft money has been taken away from the political parties and redirected to the special interests. The thrust of McCain-Feingold was to minimize the influence of the special interests. It has now become maximized. And finally, the thrust of McCain-Feingold was to eliminate the obscenity of the outrageous amounts of money that it takes in politics to be elected. The final bill now doubles this obscenity. But Senator MCCAIN has become such a symbol. McCain-Feingold has become such a message that Senators, in disregard of the substance but totally on message, will vote for it. I said at the beginning that there was no doubt that under *Buckley* v. *Valeo*, the Supreme Court would find McCain-Feingold unconstitutional. While the Court hurt us in Buckley, perhaps this time the Court will save us by finding McCain-Feingold unconstitutional. At least I am sober enough to vote no.

Mr. HATCH. Mr. President, after two weeks of floor consideration, we are now approaching the final vote on the campaign finance reform legislation. I have taken the floor on several occasions over the past two weeks to express my serious concerns with the various provisions of the bill. Given my concerns, and the failure of this body to vote to correct some of the problems, I will be voting against final passage of this well-intended, but seriously flawed legislation.

The one silver lining in the legislation that will likely pass this evening is a provision I authored that passed, which will give expedited judicial review by the Supreme Court of challenges to the constitutionality of the legislation. All of us, supporters and opponents alike, stand to gain by a prompt and definite determination of the constitutionality of many of the bill's controversial provisions. Because the harm these provisions will cause is serious and irreparable, it is imperative that we afford the Supreme Court the opportunity to pass on the constitutionality of this legislation as soon as possible.

Let me say again that I commend and respect the authors of this legislation for their attempts to address a troubling and unfortunate public perception about our political system. However, we also must respect the freedom of speech granted to every American by our Constitution. While the bill may alter or change our system of campaign finance, I think it will do little in actually reform it or making it better. In fact, McCain-Feingold, if passed and enacted into law, will, in my opinion, exacerbate the very problems that it seeks to solve.

The primary provision of McCain-Feingold essentially bans soft money by making it unlawful for national political party committees and federal candidates to solicit or receive any funds not subject to the hard money limitations of the Federal Election Campaign Act. It also nationalizes the state party structure by subjecting state parties to the regulations of the Federal Election Commission when candidates for federal office appear on the general ballot. The net result of this soft money restriction on parties will be to emasculate the present two-party system and to increase the powerand influence of the special interests. Ironically, special interest power and influence is exactly what the bill's sponsors purport is wrong with American politics today.

Even more importantly, the party soft money ban is an infringement on the rights of free speech and free association protected by the Constitution's First Amendment. It appears to violate several decisions of the U.S. Supreme Court, particularly the holding of the seminal case of *Buckley* v. *Valeo*. The ban will severely weaken the ability of parties to engage in electoral advocacy.

Yet, political parties have the same First Amendment rights as any other group. The restrictions on political party speech, without any specific showing of a potential for corruption or other necessity for doing so, and not on the speech of other associations and individuals not only infringes the First Amendment, but it also violates the principle of equal protection of the laws that the Due Process Clause of the Fifth Amendment guarantees.

The other main provision of the bill is the so-called Snowe-Jeffords provision. Under current law the only electoral speech that may constitutionally be regulated is so-called "express" advocacy, that is, speech that expressly advocates the election or defeat of a candidate. All other political speech is termed "issue" advocacy, which the government can almost never abridge.

Snowe-Jeffords blurs the distinction between the two categories of speech by creating a catch-all third termed "electioneering communications." Merely "referring to a clearly identified candidate" magically turns heretofore protected issue advocacy into regulated electioneering communication. This part of the McCain-Feingold would coerce disclosure of donors' identities, and this disclosure would destroy the right to free association recognized in various Supreme Court cases.

Snowe-Jeffords also completely bans corporate and union political "electioneering communication" speech. Again, this term sweeps in issue advocacy, which Congress may not ban, unless they meet the strict scrutiny standards prescribed by the Supreme Court, which in my opinion Congress has failed to do. Government has no business and no interest in banning the opinions of business or labor. They are already prohibited, and I bet most Americans do not know this, from directly contributing to candidates. This is important because the possibility of bribery, and even the appearance of a quid pro quo, is already ameliorated by law. Therefore, no justification exists for censoring the opinions of corporations and labor unions that this provision mandates. It too violates the Constitution's free speech requirements.

I believe there is also an equal protection problem in that the media is exempted from Snowe-Jeffords. Now, let me say that I love the media, as I do any institution that brings knowledge to the American people. But the media should not have more rights to free speech than any other group, and McCain-Feingold gives the media a monopoly. Some Americans feel that the media is already all-powerful. Personally, I think this is an exaggeration. But if this bill passes, they very well might be.

I have often said that I am an advocate of Oliver Wendell Holmes' view of free speech as a competition in the market place of ideas. The remedy of the wealthy and powerful buying speech is not censorship. This is not the American way. The remedy is more speech. We Americans have always banded together and pooled our money to compete. Joining is the American way. Banning is not. Let's have competition, no censorship.

I do admit that a problem exists within our system of government. That problem, the real problem, is that people feel detached and disassociated from their government. They feel that others, whomever they are, the rich, the special interests, labor, business, just not them—have more access to their leaders and more influence with them. The American people want more. They want more access, more accountability, more of a say in the decisions that effect their daily lives.

I suggest that the solution is not making it more difficult for people to get involved in politics. It's not shutting down the parties, which represent the most accessible means for most people to engage in political activity.

Real finance reform will only come when the size of the federal is reduced. Until that happens, there will be a powerful incentive for special interests to seek a piece of the federal pie. Real campaign finance reform is passing a tax cut so that the people will be able to spend their own money instead of big government spending their money on behalf of special interests. That is what I have fought for in my 25 years of public service in the Senate.

My esteemed colleagues from Arizona and Wisconsin have spent countless hours doing what they believe is the right thing. their efforts are laudable. I sincerely applaud them for the work that they have put into this debate. However, I must vigorously disagree with their solution. More speech—not less—is the answer. I believe that the correct way to solve the problem is to lift the limits on contributions; increase disclosure, and stiffen the penalties.

Unfortunately, my attempts to increase disclosures by corporations and labor unions were defeated, probably because of the pressures by the same special interest labor unions, that the authors of this legislation wanted to address. But today, instead of advocating these policies, I must oppose the McCain-Feingold bill. I must attempt to turn the so-called "reform movement" away from the very dangerous path down which it is now proceeding. Hopefully, at some point, we can discuss some real, and I must say Constitutional alternatives.

Let me focus on Title I of McCain-Feingold and describe why I believe the bill is likely to have constitutional challenges. Title I of the McCain-Feingold is labeled "Reduction of Special Interest Influence." Indeed, this is the primary intent of the entire bill—to diminish the "influence" of so-called "special interest groups." While I cannot fault the bill's supporters for their genuine efforts, I do not believe that the bill effectively solves the problem that it seeks to. Indeed, passage of McCain-Feingold will increase the influence of special interests, and it will do so by effectively ruining the political parties. I will not support McCain-Feingold, in part, because it, in my opinion, unconstitutionally suppresses the voices of the political parties.

In its effort to regulate "soft money," McCain-Feingold has two dramatic adverse effects on political party activity. First, it dramatically limits the issue advocacy, legislative, and organizational activities of political parties. Second, it imposes federal election law limits on the state and local activities of national political parties.

It is important to recall the U.S. Supreme Court's comment in Colorado Republican Party that "[w]e are not aware of any special dangers of corruption associated with political parties. . . ." Political parties are merely the People associating with others who share their values to advance issues, legislation, and candidates that further those values. When they do these things, they are just doing their historic job as good citizens. The notion that they are somehow corrupt for doing so is both strange and constitutionally infirm.

Let me first describe the beneficial role of political parties in American democracy. I don't need to tell any of my fellow Senators what political parties do or how they do it. Nor do I need to tell them that the focus of political parties is to win elections. They also already know how the parties go about winning elections. For the most part the parties do it by spending money. They spend their money—their own money—to promote their views and convince others of them. They fund activities like voter registration drives, get out the vote activities, and advertising.

Political parties have many beneficial effects on American democracy. The Senate recognized their importance when it passed the FECA in the mid-1970s and expressed its desire to strengthen political parties. The Committee Report accompanying FECA observed then that "a vigorous party system is vital to American politics." It was true then, and it remains true today. The Committee Report noted that parties perform "crucial functions in the election apart from fund-raising."

In our country, while one man has one vote, inevitably citizens will gather to pool their votes into blocks. It has always been this way, and it will continue to be so regardless of whatever legislation we pass. The problem with these interest groups or voting blocks is that they focus on their own very narrow issues and not on what is best for the country at large.

James Madison identified these groups as "factions." He noted in The Federalist 10 that there are no means of controlling the "evils of faction that are consistent with liberty. The only way to eliminate faction is to eliminate liberty, which is worse than the disease" of faction.

Madison's celebrated solution to the problem presented by factions—embodied in the Constitution—was to create a system that pitted interest groups against each other and so as to bring the best ideas to the top. The sheer size of the new republic—and its subsequent growth—expanded the number of participants in public debate. As a result, regional and other interest groups balance each other out to an extent. Political parties continue this process of moderation.

Parties moderate special interests because they must appeal to the entire nation. You will recall that the goal of parties is to win elections. They can only do this by laying out broad policy platforms that will appeal to wide groups of people. They offer a broad and encompassing vision of governance. Party leadership has to craft a message that will allow its candidates to win election in all 50 states. Contrast the role of parties to special-interest groups, which only want to pursue their specific goals. Their leadership is not seeking to win elections in states throughout the union, but typically only the passage of a narrow set of legislation.

Allow me to add that I am not disparaging these special interest groups. They play an extremely crucial role in our democracy as well. They are not the problem, as they are essential to our democracy. They heighten the public's and Congress' awareness of key issues. They have a role to play, but so do the political parties. I do not want to favor one over the other, and that is what McCain-Feingold will do. No soft money for political parties, but unlimited amounts to special interest groups.

However, political parties are not just about electing candidates, particularly federal ones. Political parties constitute a vital way by which citizens come together around issues and values expressed in the planks of their party platforms—at all levels of government. Parties advocate these issues in the public forum in addition to lobbying for legislation and engaging in efforts to elect candidates. Parties are just as focused on the promotion of issues as are ideological corporations, such as the National Right to Life Committee or The Christian Coalition of America, and labor unions, such as the American Federation of Labor and Congress of Industrial Organizations, although with a broader spectrum of issues. McCain-Feingold ignores this reality and treats political parties as simply federal candidate election machines.

Now, the big point the supporters of McCain-Feingold make in support of the soft money party ban is that large contributions to political parties create undue influence or an appearance of impropriety. This is not even a gross exaggeration. It is simply wrong.

Philip Morris, the largest donor to the Republican National Committee during the 1998 cycle, gave approximately $2 million in soft money, but this represented less than 1 percent of the total that the Republican National Committee raised. Similarly, the Communication Workers of America, the Democrat's largest soft money donor, gave $1.5 million to the Democratic National Committee, but this too represented less than 1 percent of its total.

It doesn't make sense to conclude that an entity that contributes less than 1 percent of a party's funding could have any significant effect on the party's policies. The parties must keep in mind the goals of the other interests to which they also have to appeal. A more likely explanation for the largesse is that the donors to both parties support the policies they already espouse.

I would also like to note that whatever influence a large donation made to a political party gives the donor, and, yes, I am pragmatic enough to realize that it does grant the donor a certain amount of access, the effect of donations is diluted among all of the party's elected officials, the 200 plus Senators and Representatives in either party. Also, because soft money donors cannot direct to which candidate or race their money should flow, they sometimes support losers. I make these points to demonstrate that soft money donations are greatly diluted and do not pose the same "appearance of corruption" that direct contributions to candidates do. Importantly, the Supreme Court has clearly stated that First Amendment rights can only be regulated where there is corruption or an appearance of corruption.

As is apparent, McCain-Feingold will dramatically weaken political parties. In the last election cycle, the Democratic Party raised $243 million in soft money—fully 47 percent of its total. The Republican Party raised $244, 35 percent of its total. Under McCain-Feingold, the parties would lose this important source of funding, and this shortfall could not be filled by simply wishing into existence more hard money. It doesn't take a Fields Award winner in math to determine that this kind of reduction will dramatically hinder the parties' ability to effectively deliver their messages. Such a ban would accordingly weaken the ability of parties to participate in the public debate, while simultaneously enhancing the relative power of special interest to dominate that debate. I believe that McCain-Feingold will effectively end the system of two-party government that we now know. And this system has brought remarkable stability to the United States.

Political parties already complain that interest group spending threatens to marginalize parties as interest groups increasingly control the agenda, crowd out political party commentary, and confuse the electorate. A ban on political party soft money would exacerbate this situation. Voters would have a less clear idea of the party agenda, and parties would find it more difficult to translate election returns into public mandate. Effective government would suffer.

Parties fill a vital role in our political system. In the Information Age, narrow, specialized interest groups have an easier time of forming and organizing themselves. In times like these, we need to maintain the party system rather than weaken it, as McCain-Feingold will do.

Let me highlight why McCain-Feingold is unconstitutional as it relates to political parties. Let me begin by asking a question, "if individuals and narrow interest groups enjoy the basic First Amendment freedom to discuss issues and the position of candidates on those issues, how can political parties, which have wide bases of interests that are necessarily tempered and diffused, be deprived of the right to engage in such issue advocacy?" My answer is simply that they should not be deprived of their rights.

I note at the outset of this analysis that political speech and association are at the heart of the First Amendment protections. As the United States Supreme Court declared in Buckley, "the constitutional guarantee, of the First Amendment, has its fullest and most urgent application precisely to the conduct of campaigns for political office. The Court has also stated that free expression in connection with elections is "at the core of our electoral process and of the First Amendment freedoms. "[*Williams* v. *Rhodes*, 393 U.S. 23, 32 (1968).] Thus, as the Supreme Court noted, "there is practically universal agreement that a major purpose of [the First] Amendment was to protect the free discussion of governmental affairs,.'. .of course includ[ing] discussions of candidates." [*Mills* v. *Alabama*, 384 U.S. 214, 218 (1966).]

Efforts by Congress, the FEC, and state election commissions to regulate issue advocacy have been repeatedly and consistently rebuffed by the Federal courts as violations of the First Amendment right to free speech. No fewer the two dozen court decisions have made clear that interest-group advertising or pamphleteering that does not expressly advocate the election or defeat of a candidate cannot, consistent with the First Amendment, be subject to contribution or expenditure limits, or even reporting limits. Yet this is exactly what McCain-Feingold seeks to do.

In *Buckley* v. *Valeo*, the Supreme Court ruled that restrictions on political giving and spending interfere with political debate. Such restrictions survive under the First Amendment only if justified by a compelling government interest in preventing corruption or the appearance of corruption. Those restrictions must also be narrowly drawn to achieve that interest. Soft money cannot, under current law, be used by political parties to expressly advocate the election or defeat of a candidate. Rather, it is used in large part for issue advocacy, which the Supreme Court and numerous lower courts have helped may not be regulated. Thus, McCain-Feingold inhibits the ability of political parties to engage in issue advocacy by restricting the resources available to them. Thus, it infringes on the political parties' right to free speech.

However, proponents of abolishing "soft money" argue that this is simply a "contribution limit." The fallacy of that argument, of course, is that the Supreme Court has justified contribution limits only on the ground that large contributions directly to candidates create the reality or appearance of quid pro quo corruption. Soft money contributions are not contributions to candidates:

Indeed, the proposed ban on soft money contributions cannot be justified on the theory that political parties corrupt federal candidates, which the Supreme Court has already rejected. In *Colorado Republican* v. *FEC*, *Fed. Election Comm*, the FEC took the position that independent, uncoordinated expenditures by political parties ought to be treated as contributions to the benefitted candidate. Such treatment would have resulted in allowing individuals, candidates, and political action committees to spend unlimited amounts of money on independent expenditures to advocate the election of a candidate, while limiting the amount a political party could spend for the same purpose.

The Supreme Court disagreed with the FEC, noting that "[w]e are not aware of any special dangers of corruption associated with political parties" and, after observing that individuals could contribute more money to political parties, $20,000, than to candidates, $1,000, and PACs $5,000, and that the "FECA permits unregulated 'soft money' contributions to a party for certain activities," the Court concluded that the "opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated." The Court continued in this vein with respect to the FEC's proposed ban on political party independent expenditures, which has direct application to McCain-Feingold ban on soft money contributions.

> [R]ather than indicating a special fear of the corruptive influence of political parties, the legislative history [of the Act] demonstrates Congress' general desire to enhance what was seen as an important and legitimate role for political parties in American elections. . . .
>
> We therefore believe that this Court's prior case law controls the outcome here. We donot see how a Constitution that grants to individuals, candidates, and ordinary political committees the right to make unlimited independent expenditures could deny the same right to political parties.

The concurring justices also found little, if any, opportunity for party corruption of candidates because of their very nature and structure.

The Supreme Court found in the MCFL case that the prohibitions on corporate contributions and expenditures could not be constitutionally applied to non-profit ideological corporations which do not serve as a conduit for business purposes. Fed. Election Comm. v. Mass. Citizens for Life, Inc., 479 U.S. 238 (1986) Similarly, political parties similarly pose no risk of corruption because people give money to parties precisely because they support what the political party stands for.

A contribution to a political party is for the purpose of enhancing advocacy of the issues the party represents. Any individual unhappy with the use of the money may simply quit contributing and leave the political party. In sum, the threat of corruption cannot justify a limit on issue advocacy and, even if it could, political parties pose no threat of corruption to their candidates.

In sum, in Colorado Republican Fed. Election Comm., the Supreme Court found that, just as independent expenditures of interest groups pose no danger of corrupting candidates, neither do those of political parties.

A second constitutional infirmity with McCain-Feingold results from the proposed unequal treatment of political party speech in relation to speech of other entities. Whereas non-party group may use funds that it collects from its members to engage in issue advocacy, McCain-Feingold would extensively regulate and burden political party issue advocacy.

The final constitutional defect of McCain-Feingold's soft money ban on political parties is its insult to the federalist system. Under a provision of the bill, state and local parties are directly affected by the party soft money ban as a result of the bill's exceedingly broad definition of "federal election activity", which governs political party expenditures if even a single federal candidate appears on the general election ballot, no matter how many state and local candidates also appear on the ballot.

In simpler terms, under McCain-Feingold, in those even numbered years in which typically federal congressional elections occur, state and local parties may only use federally regulated hard money for: Any voter registration within 120 days of the election; All voter identification, get-out-the-vote or "generic campaign activity" before the election. The bill defines "generic campaign activity" as "an activity that promotes a political party and does not promote a candidate." Thus, it would even include yard signs that say "vote Democrat" or "support the GOP." Any TV, radio, newspaper, magazine, billboard, mass mailing, telephone bank, leafleting or other "public communication" that mentions a candidate for federal office—whether or not it also mentions a candidate for state or local office. The entire salary of any state, district or local party employee who spends 25% or more of the employer's compensated time in a single month on any of the above activities or any "activities in connection with a Federal election":

This constitutes an unprecedented federalization of the most basic party-building functions engaged in by state and local party committees.

Forty-five states hold elections for state and local candidates only during the even numbered years that federal elections occur. The only states that do not are Virginia, Kentucky, Louisiana, New Jersey, and Mississippi. Consequently, for these 45 States, State and local party mechanisms become entirely federalized and subject to federal regulatory authority. Imposition of federal contribution limits on national parties would improperly arrogate authority over state campaign financing decisions to the federal government.

Again, recognizing that a prohibition of soft money donations to national party committees alone would be wholly ineffective, McCain-Feingold seeks to impose soft money restrictions on state parties as well, even though state party activity is thoroughly regulated by state campaign finance laws.

The money spent on elections has consistently increased over the years, and no one believes that McCain-Feingold is going to reverse this trend. Rather than stop soft money, the bill will simply divert it into other channels, ones that are more opaque, less accountable, and represent narrower interests than do the national parties.

What do you suppose the result of this bill will be? In a recent New York Times article, entitled, "Big Donors Unfazed by Prospect of Soft Money Limits," dated March 24, it was reported that if Congress banned party soft money, most big donors would evade the ban by writing big checks to advocacy groups allied with candidates and the national parties as a way to get their pet projects and issues before the public.

The problem with such a result is that these non-party groups are completely unregulated, as they should be. We cannot constitutionally compel them to disclose their activities, and so citizens will have no way of knowing who is actually behind the efforts. This is a perverse and unintended effect of McCain-Feingold. Money will be more hidden, and people will feel less responsible for their democracy, as they have no control over these groups as they do over the parties. Despite the fact that it is unintended, it is nevertheless practically inevitable.

It is important to remember, that soft money donations to political parties do not go unregulated, as Bobby Birtchfield noted in the Senate Rules Committee hearings on Campaign Finance last year. First, both receipts and disbursements of soft money by political parties are currently reported to the FEC, and are available on the Internet. Second, much of the activity financed by soft money is regulated by state election law. Finally, political parties cannot use the soft money they raise—nor can candidates—to advocate the election or defeat of a candidate for federal office.

Let me conclude with wholeheartedly agreeing with these observations of Alan Reynolds of the Manhattan Institute. I quote.

> On the face of it, the McCain-Feingold obsession with "soft money" looks fishy. Soft money accounts for less than 16 percent of federal campaign expenditures according to Common Cause. And campaign expenditures do not even include some of the most important ways of influencing policy, such as lobbying and issue ads. Lobbying cost $2.7 billion in 1997–98, according to the Center for Respective Politics (CRP), while Common Cause counted soft money collections of merely $193 million during those years. Lobbyists would be wise to lobby for a ban on soft money, because they would then have even more clout and more money.
>
> Everyone in Washington knows who the most politically influential interest groups are, and most of them do not even appear on lists of top soft money donors. Fortune asks lawmakers and congressional staffers to name the most politically powerful organizations. In 1999, the top 10 were the AARP (American Association of Retired Persons), the NRA (National Rifle Association), the National Federation of Independent Business, the American Israel Public Affairs Committee, the AFL–CIO, the Association of Trial Lawyers, the Chamber of Commerce, the National Right to Life Committee, the National Education Association and the National Restaurant Association. What gives most of these groups political clout is not contributions to political parties, but old-fashioned lobbying, public policy advertising, and in some cases (such as AARP, the NRA and the AFL–CIO) the ability to influence a large number of members' votes.—Alan Reynolds, "The Economics of Campaign Finance Reform," The Washington Times, March 22, 2001.

I believe, no, I know, that we are not a corrupt body. The United States Senate is made up of fine and exemplary men and women, with whom I am proud to associate. I also know that Americans are able to discern the truth of political matters, and that more speech, not less, will allow them to make the most informed decision. Finally, I know that the American people should be able to give money in support of whatever cause they choose. Whether it's a group of 10,000 or a single person, their right to speak should be unfettered. I urge my colleagues to vote against this bill.

Mr. DASCHLE. Mr. President, Mark Twain once noted that politicians' biggest objection to "tainted" money is, "tain't mine."

My colleagues, today we stand on the verge of proving that saying wrong.

In the last two weeks, we've achieved some things in this Senate that few people thought, going into this debate, were possible.

We have had a real debate. We have reached bipartisan agreements. We have stood together, Republicans and Democrats, and rejected amendments that would have made this bill unworkable.

And we have accepted amendments that improve the bill.

Thanks to the hard work of Senator WELLSTONE, we broadened the Snowe-Jeffords provision to bar sham issue ads so that all outside groups are treated equally.

Thanks to the hard work of Senators TORRICELLI, CORZINE, DURBIN and DORGAN, we lowered the cost of campaigns by ensuring that the stations that enjoy the benefit of federally licensed airwaves give candidates the lowest unit cost for their political advertisements.

Thanks to the hard work of Senator SCHUMER, we put new teeth into the limits on the vast sums of money national parties may spend on coordinated expenditures for candidates.

Moreover, we turned back destructive amendments aimed at silencing the voices of working people.

I will be honest, this bill is not perfect.

It now includes increases in the amount of hard money that may be contributed to candidates and parties. I believe we must reduce the amount of money in politcs—no matter the form. Still, I supported this amendment reluctantly, and only because it allowed this bill to move forward, and to reach this important vote.

The bill also includes an unworkable scheme for financing opponents of wealthy candidates that, in my view, favors incumbents and unwisely multiples the amount wealthy individuals can contribute to candidates.

These flaws are not insubstantial, but the benefits of this bill far outweigh them. And when it comes to an issue as central to our democracy as the trust people place in their elected officials, we cannot let the perfect be the enemy of the good.

And make no mistake this is a good bill.

We owe that to the stewardship and commitment of Senators McCAIN and FEINGOLD.

Throughout these last two weeks, Senators McCAIN and FEINGOLD have shown the same steadfast leadership that brought us to this point.

They have refused to compromise the essential components of their bill in face of incredible pressure from all sides.

And they have acted in the national interest rather than their respective partisan interests.

I thank them for their service to our republic and to this Senate.

I also want to thank Senator DODD for his management of this bill for our side.

Senator DODD has managed to ensure that every viewpoint within our caucus is heard and accommodated. We would not be on the verge of passing this bill without Senator DODD's commitment to our caucus, to our nation, and to reform.

I also want to thank Senator McCONNELL, who has been honest in his disagreement with this bill, and fair in his handling of it.

This is indeed the way the Senate should work. A Senate that brings up bill, gives members an opportunity to legislate, and entertains deep and meaningful debate—is a tribute to us all.

It is also a Senate that gets things done.

The McCain-Feingold bill does not address every flaw in our campaign system. But, as Senator FEINGOLD has said so often: "It does show the public that we understand that the current system doesn't do our democracy justice." And it curbs some of the most egregious injustices in that system.

There are those who have argued, and will continue to argue, that in an attempt to make things better, we will only make things worse.

Since its founding, the goal of America has been to strive for that "more perfect union" our founders envisioned. To say that we shouldn't attempt to make things better begs the question, "Is what we have now good enough?"

I believe that if you look at the rising tide of money in politics, the influence that money buys, and the corrosive effect it has on people's faith in government, the answer is clearly no.

Ours is a government "of the people, by the people, and for the people." It is not a government of, by, and for some of the people.

This bill will help put the reins of government back into the hands of all of the people.

I hope that we pass it, I hope that our colleagues in the House will follow suit, and I hope the President will sign it.

It has taken us a long time to get to this point.

The last time Congress tried to strengthen our political system by loosening the grip of special interest money was 1974, more than a generation ago.

Congress may not have another chance to pass real campaign reform for another generation, long after most of us will have left here.

The decision we make today, whether to pass this bill or not, will likely have a profound impact on each of us for the rest of our time here.

More importantly, this decision will have a profound impact —for better or worse—on the kind of system, and the kind of America, we leave to our children.

As a wise man once said on another occasion: "We cannot escape history." This is a critical moment in our nation's history.

What we do will be remembered for years to come.

Success is within our reach.

Let us remain united. Let us pass this final test. Let us take the power away from the special interests and give it back to the American people, where it belongs.

We can do it. The time is now.

Mr. THURMOND. Mr. President, I rise today to express my opposition to S. 27, the so-called Campaign Finance Reform bill. My opposition is based on three conclusions I have reached regarding this measure. First, the legislation is unconstitutional; second, the legislation will hinder rather than encourage citizens from participating in the political process; and third the legislation will push more political money into the shadows of undisclosed special interest spending.

This bill, on its face is unconstitutional on at least three counts. The measure restricts free speech, the right of association, and the right of persons to petition their government for redress of grievances.

The underlying premise of their campaign finance reform legislation is the proponents claim that there is too much in political campaigns, and the increasing reliance on and influence of third-party interests groups. While there is a legitimate concern regarding the fairness of elections and the need to eliminate the actual or perceived buying and selling of elections, this bill take the wrong approach.

To address concerns of the reality or appearance of improper influence stemming from candidates dependence on larger campaign contributions, a number of campaign and election reforms were enacted during the 1970s. These reforms imposed limits on contributions, required disclosure of campaign receipts and expenditures, and set up the Federal Election Commission, FEC, as a central administrative and enforcement agency. This framework has been upheld by the Courts and works well. Campaign contributions and expenditures are fully reported, giving all voters the opportunity to know the basis of support of a particular candidate.

I supported the amendment to raise the limit of campaign contributions. The increase in the limit was appropriate, given the limit was established in 1974, and inflation has lessened the value of the 1974 dollar to about 35 cents. More importantly, regulated and disclosed contributions of a reasonable amount assist candidates in publicizing their message. Democracy can only be improved by more political discussion and participation. Yet, supporters of this bill apparently seek to reduce political funding and associated political discourse.

The bill's limitations on political expenditures are similar to prior expenditure limits struck down by the Supreme Court's landmark *Buckley* v. *Valeo* ruling [424 U.S. 1 (1976)]. In that case, the Supreme Court invalidated limitations on independent expenditures, on candidate expenditures from personal funds, and on overall campaign expenditures. These provisions, the Court ruled, placed direct and substantial restrictions on the ability of candidates, citizens, and associations to engage in protected First Amendment rights.

The legislation that will likely be adopted by the Senate includes limitations on independent groups who wish to publicize and advocate their positions on matters of public policy. Attempts to regulate political speech, even the requirement for limited disclosure, will have a chilling effect on issue oriented speech.

The bill restricts the right of citizens to associate and coordinate their activities of the group as a political party. The limitations on party funding and activities extend to voter registration drives, get-out-the-vote drives, and public communications, including advertising, mass mailings and phone banks.

The purpose of political parties is to identify and elect candidates who support policy choices shared by members of the party. Members of political parties have a constitutional right to gather together and to petition their government for the redress of grievances. The pending legislation restricts the ability to associate, to raise needed funds for legitimate party activities, and to adequately publish the message of the party. Again, this impedes political participation and only helps incumbents maintain their advantage in the electoral process.

The bill will have the consequence of pushing political spending from the regulated and disclosed "hard money" side into the unregulated, undisclosed world of third-party independent expenditures. I do not believe this measure will reduce the amount of money spent on campaigns. But I do fear it will result in candidates losing control of their own campaigns. As direct candidate and party support are limited, I believe there will be a move by independent groups to exercise their constitutional right to speak on political matters. Candidates and parties will be left defenseless against the onslaught of such advertising. This will likely result in less open political discourse, and an increase in the "noise" level of attack ads and unsubstantiated political claims.

My campaign days are over. I have no personal interest in the manner in which campaigns will be financed or run in the future. But I do have an interest in defending the liberty and constitutional rights of my constituents. This legislation restricts those rights and will discourage their participation in the political process.

For these reasons I will not support final passage of S. 27. I express my appreciation to the Senate, for the manner in which the debate has been conducted. In particular, I thank the Chairman of the Rules Committee, Mr. MCCONNELL, for his leadership in protecting the Constitution and defending the rights and liberties of all Americans.

Mr. DODD. Mr. President, I yield for the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, we have had a full two week debate on the Bipartisan Campaign Reform Act of 2001. It has been a good debate, and the bill has been improved and perfected in many respects. Thirty-eight amendments were offered, and 17 were adopted. Our vote this evening will be the 27th roll call vote of the debate. All Senators have had an opportunity to make a mark on the bill, and I think the Senate and the country have benefitted from this full and fair debate.

The sponsors and supporters of the bill have done everything we can to address legitimate concerns about its provisions. In some cases, amendments were offered and adopted, in others, sections of the bill were dropped. Still, this is a complex area of the law, and we know that questions remain about how certain provisions are intended to work. We want to try to answer as many of those questions as we can.

Mr. MCCAIN. Mr. President, two weeks is a long debate in the Senate. I want to thank all my colleagues for their participation and their cooperation. We hope that many of the questions that might arise about the intent of our bill have been answered in this extraordinary exchange in which so many Senators have taken part. But other questions will undoubtedly come up. To the extent we can anticipate those questions, we want to make sure that our intent is clear.

I therefore ask unanimous consent on behalf of myself, Senators THOMPSON, LIEBERMAN, JEFFORDS, LEVIN, SNOWE, SCHUMER, COCHRAN, COLLINS, CANTWELL, EDWARDS, and DURBIN, that a document entitled Statement of Supporters of the Bipartisan Campaign Reform Act of 2001 Concerning Intent of Certain Provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement of Supporters of the Bipartisan Campaign Reform Act of 2001 Concerning Intent of Certain Provisions

As supporters of S. 27, the Bipartisan Campaign Reform Act of 2001, we want to make clear our intent with respect to certain questions that have been raised concerning the effect and operation of the bill. We intend this statement to be guidance for our colleagues in the House, the Federal Election Commission, and the courts should there be any misunderstanding about these provisions in the bill.

New section 323(c)—We intend that this restriction on the use of non-federal money for fundraising costs should not apply to an authorized campaign committee of a candidate for state or local office.

New section 323(d)—We intend that this restriction on the raising of non-federal money by the parties, their officials, or entities controlled by parties or their officials for tax exempt organizations should only apply to 501(c) organizations that have made or intend to make disbursements in connection with a federal election, including Federal election activities as defined by the bill. Thus, charitable contributions to groups like the Red Cross are not restricted as long as those groups do not use money donated by the party for Federal election activities. Furthermore, the 527 organizations referred to in new section 323(d)(2) are not intended to include state or local party committees or authorized campaign committees of state or local candidates. Finally, nothing in this provision is intended to affect the prohibition of national parties and federal candidates and officeholders raising or spending non-federal money.

The definition of "Federal election activity" in section 101(b) was modified by the Specter amendment. That amendment is intended to provide that if subclause (iii), which describes a certain type of public communication, is held to be unconstitutional, then an additional limitation on that type of public communication is to be added, narrowing the reach of the definition.

The reporting requirements in the new section 304(d) added by section 103(a) of the bill are not intended to apply to authorized campaign committees of state and local candidates whose only expenditures on Federal election activities do not refer to a Federal candidate.

Only the direct costs of producing and airing electioneering communications is intended to be included in determining whether a person reaches the $10,000 aggregate amount of disbursements that triggers the reporting requirements of Snowe-Jeffords.

The reference to a clearly identified candidate is intended to mean a candidate who is up for election in that two-year cycle. Therefore, if one Senator is up for election in a cycle, an ad that appears within 60 days of an election and mentions only the second Senator for that state is not an electioneering communication, even though the second Senator is also technically a candidate for election some years hence.

With respect to the requirement that an advertisement be targeted to the electorate of the candidate who is mentioned in the ad for it to be an electioneering communication, if the ad reaches only an incidental number of members of the electorate for that race, the ad would not be an electioneering communication. (This might theoretically happen, for example, because the station on which a true issue ad is broadcast happens to reach a small number of households in another state, or because a few people from the candidate's state happens to be traveling in the state where a true issue ad is run.)

A communication that mentions candidates' names only in the context of announcing or promoting a non-partisan candidate debate or forum is not intended to be considered an electioneering communication.

The Snowe-Jeffords provision is intended to have no effect on the determination by the Internal Revenue Service of what kinds of activities tax-exempt organizations are permitted to engage in under the Internal Revenue Code.

> John McCain; Russ Feingold; Thad Cochran; Carl Levin; Fred Thompson; Joe Lieberman; Susan Collins; Chuck Schumer; Olympia Snowe; John Edwards; Jim Jeffords; Maria Cantwell; Dick Durbin.

Mr. FEINGOLD. Mr. President, I rise to reflect on the road this legislation has traveled, and thank the many Members of this body, past and present, who have helped to bring us to this moment.

It has been a long road to this moment, and we wouldn't even have begun this journey without the tenacity, dedication and the courage of my good friend from Arizona. He is a great legislator, a great leader, and, above all, a great friend. He and I have been in this fight for many years, and my respect for him has grown with every challenge we have faced together.

We have gotten to this moment because of his leadership first and foremost, but also because of the leadership of so many distinguished colleagues who have given this bill their support along the way. I want to take a few moments to recognize some of the Members who have contributed to this legislation.

I want to thank our earliest supporters, who gave their support to the McCain-Feingold bill when it was first introduced in the 104th Congress, Senators such as John Glenn, Paul Simon, Nancy Kassebaum-Baker, and Alan Simpson, who gave us crucial bipartisan support when this effort was just getting off the ground. This kind of bipartisan bill wasn't totally unprecedented but it was pretty unusual, and the support of those distinguished Senators lent important credibility to our effort in its early days.

I thank Senator LIEBERMAN, who has been a steadfast supporter of reform, and who helped to build crucial momentum for this legislation with his leadership on the 527 disclosure bill in the last Congress. The success of that legislation was a great breakthrough after so many years when any reform effort was stonewalled by our opponents. The day that that bill passed the Senate, I remember thinking that enactment of the McCain-Feingold bill was not going to be far behind.

And of course the great breakthrough at the beginning of this Congress was the day when Senator THAD COCHRAN joined us in introducing this bill. I have great respect for Senator COCHRAN, and his support on this issue has been invaluable. I cannot thank him enough for his commitment to this legislation. Once he joined our effort, he was with us with every ounce of determination and grace that he brings to all of his work here in the Senate.

One of our newest Members, Senator MARIA CANTWELL also gave us important momentum when she made campaign finance reform a central issue in her campaign, and gave this bill her strong support. After her victory, the oft-repeated claim that no Senator has ever lost an election over this issue could simply no longer be made.

Senator JOHN EDWARDS and Senator CHUCK SCHUMER have both been a terrific asset on this issue, especially right here on the Senate floor. Both of them have devoted a great deal of their time, and their skill as debaters, to this bill, and I am very grateful for their efforts.

The efforts of Senator OLYMPIA SNOWE and Senator JIM JEFFORDS to craft the phony issue ad provision have been essential to this legislation. They worked tirelessly to put together a balanced provision that gets at the root of the issue ad problem, and I thank them for their tremendous contribution. The Snowe-Jeffords provision is an integral part of our bill, and their mastery of this topic was invaluable to us.

I want to particularly thank Senator CARL LEVIN for his leadership and support, during the last 2 weeks, indeed during every debate we have had on this bill since 1996. His insight on the substance of the issue, and on the workings of this body have been absolutely crucial to the advancement of this legislation. Senator LEVIN is as tenacious and committed as any Member of this body. We truly would not be here today if he were not on this team.

I am deeply grateful to Senator FRED THOMPSON for this longstanding and steadfast support of this bill, and for his great skill and fairness in negotiating an agreement on hard money limits that the vast majority of this body could support. Without that agreement, we would not be poised to pass this bill. I also want to pay special tribute to Senator THOMPSON for the work he did investigating the 1996 campaign finance scandals.

I also thank our distinguished colleague Senator SUSAN COLLINS for her invaluable contributions to this effort. She came on board our bill as a freshman Senator in 1997, in spite of tremendous pressure from her caucus. Over the years, we have met together with many of our colleagues. She has been a tireless advocate for reform, a terrific ally in this fight, and I'm proud to call her a friend and a colleague.

I thank Senator CHRIS DODD for his tremendous work as floor manager on the Democratic side. He led us through these past 2 weeks with grace and humor and a fierce passion for reform that I deeply respect and for which I am deeply grateful.

And finally, I thank the Democratic Leader, Senator TOM DASCHLE, for everything he has done to bring about the success of this legislation. In the fall of 1997, the entire Democratic Caucus united behind this legislation, and that unity has been crucial to our success.

But when this debate began 2 weeks ago, a skeptical press corps wondered whether Democrats really wanted to pass reform. We are about to cast this vote on final passage because TOM DASCHLE was true to the principles of this party and led our caucus to follow through on the commitment we made to reform 3½ years ago. I am proud of the bipartisan effort we have made, but I am also proud to be a Democrat, and I deeply appreciate the solid support of my caucus on many crucial votes over the past two weeks.

That is a long list of thank you's, but they are all well deserved.

In closing, Mr. President, five and a half years after Senator MCCAIN and I first introduced this bill, we are about to have the first up-or-down vote on final passage of this legislation. I have been so proud to be part of a bipartisan coalition of Senators who have brought this bill to this moment and, of course, I am especially proud to be associated with JOHN MCCAIN. I say to the Senator, this has been a heartening experience.

With every test over the last 2 weeks, our coalition has grown stronger and more determined to end sham issue ads, improve disclosure, and, most of all, ban soft money which makes this Senate so vulnerable to the appearance of corruption. I urge each and every Member of this body to support this bill. It isn't comprehensive reform. It is a modest beginning, and I hope in the future we can do much more to improve the way we finance campaigns.

But this bill, however modest, is also monumental. This is the best chance we have had in more than two decades to rebuild the election laws that have been nearly washed away by the influx of soft money. The system that came from the Federal Election Campaign Act, and was altered by the Buckley decision, has never been perfect, and I am sure it never will be. But the system once served the Nation well, and it can be reformed to serve the Nation well again if we pass the legislation before us.

When we stand in this Chamber, we all know that what we say here, and how we choose to cast our votes, becomes a part of the record. All of us have that privilege, to be a part of that history, to add our own words to that indelible record of democracy. We have that privilege because the American people sent us here to be stewards of this system of government. The record is the testament to how well we fulfill that duty, and today I think the record will reflect that we served the people.

In this moment, we can show the American people that we are the Senate they want us to be. We can pass this legislation and put our lasting mark on the record of democracy, for ourselves and, most of all, for the people we serve.

Mr. President, this is a rare moment. I hope this body will seize this opportunity to enact real reform. My colleagues, I thank you for your support and for your work, and I especially thank the people of Wisconsin for supporting me throughout this effort. I thank my very able staff for their work.

My colleagues, I ask all of you now to vote in favor of this bill, S. 27, on final passage.

I yield the floor.

Mr. DODD. Mr. President, I yield for the Senator from Michigan, Mr. LEVIN.

Mr. LEVIN. Mr. President, it is now time for the Senate to step up to the plate, as we open this baseball season, to do what needs to be done—to bring an end to the soft money loophole that has destroyed the law that is supposed to place limits on campaign contributions.

Passage of McCain-Feingold will bring an end to solicitations and contributions of hundreds of thousands of dollars in exchange for access to people in power—"lunch with the committee chairman of our choice for $50,000," "time with the President for $100,000," "participation in a foreign trade mission with Government officials for $50,000."

The moment of truth is now—with this vote—because this is the first time we are voting with the real possibility that what we do here can become law.

Mr. President, I also want to talk about two concerns about the impact of this legislation that I have heard from some of my colleagues—that the parties will be weakened and that the soft money will now flow to the outside groups. It is true, of course, that no one can predict with certainty just what will happen once the soft money loophole is closed and provisions with respect to issue ads are in place. There is some of the unknown to what we are doing here today. But I'd like to remind those concerned about the parties and the increased strength of outside groups that there are provisions in the bill to ameliorate those concerns.

First, with respect to the parties, while the bill eliminates soft money, it also increases the hard money limits to the parties and makes those limits subject to indexing. The bill also contains an amendment I sponsored along with Senator ENSIGN, that will allow State parties to raise and spend non-Federal money subject to the State contribution limits for voter registration and get-out-the-vote activities in a Federal election year. The bill as introduced prohibited any money not subject to the federal limits from being used even by State parties for voter registration or get-out-the-vote activities in a Federal election year. Many of us thought that provision went too far, since these activities are often the heart of what State parties do. The provision we added by amendment has a number of limits. Federal candidates and National Party Officials can't be involved in soliciting the State party money, the State party can't refer to a Federal candidate in conducting these activities, and a State, district or local committee can't raise more than $10,000 from any one person for these activities in a calendar year and the activities must be paid for with a formula of federal and non-federal money established by the Federal Election Commission. This provision will enable State parties to engage in important voter registration and get-out-the-vote activities.

With respect to the flow of money to outside groups, the bill contains several brakes on that happening. First, Federal candidates are barred from soliciting non-federal money not only for the parties but also for these outside groups. Many people who make large contributions do so because we personally ask them to do so. Without that personal involvement, most large contributors will not contribute, and the large sums of soft money that are now being given to the parties, will simply not be raised or spent anymore. The bill also prohibits unions and corporations from running issue ads in the last 30 days of a primary election and the last 60 days of a general election. That will significantly reduce the amount of sham issue ads run in the days before an election. Finally, the national parties which in the past have contributed significant sums of money to these outside groups will not be in a position to do that with the absence of soft money.

So, Mr. President, while I understand these concerns, and realize to some extent we are all stepping into unknown territory with the enactment of this legislation, there are a number of moderating influences in the bill that should avoid the draconian effects suggested by some of our colleagues.

I would also, Mr. President, like to address a statement made by my colleague from Texas, Senator GRAMM, the other night. He said in his statement opposing this legislation on the Senate floor, that this legislation would prohibit him from selling his house and using all of the money from that house to support a candidate of his choice. The Senator was passionate about how wrong such an outcome could be. But, Mr. President, the legislation would not create such a prohibition. Senator GRAMM and any other individual in the United States could sell everything he or she owns and use it to promote such a candidacy. This bill would not prevent that. The Supreme Court has said that is a right guaranteed to everyone under the Constitution. What this legislation does and what the Supreme Court says is permitted under the Constitution, is prohibit Senator GRAMM from using the proceeds of the sale of his house to contribute to a candidate or a political party in amounts that exceed the limits established by the Federal Election Campaign Act. An individual can spend an unlimited amount of money in support of a candidate, so long as those expenditures are not coordinated with a candidate. But an individual cannot contribute an unlimited amount of money to a candidate, because, as Congress has determined and the Supreme Court has affirmed, unlimited or large contributions can create the appearance of corruption which can damage the institution of democracy.

Mr. President, I also want to say a few words about the so-called Millionaire's amendment we adopted that was sponsored by Senators DOMENICI, DEWINE and DURBIN. It is a complicated proposal and one with which we had insufficient time to work. It needed more consideration in order to achieve the fair result that I believe we intended. I am afraid that the amendment as drafted, although improved by the Durbin Amendment, is still too advantageous to incumbents and too cumbersome to administer. I hope this can be addressed at a later stage or even in subsequent legislation, and I hope the Federal Election Commission proceeds carefully and with extensive public comment when implementing the statutory language. The intent of the Durbin amendment was to reduce the incumbency advantage that the original amendment created when it allowed a well-funded incumbent to use the increased contribution limits even though the incumbent's expenditures and cash on hand far exceeded the millionaire challenger's. The Durbin amendment tried to reduce the effect of the original amendment by requiring the millionaire to reach one-half of the amount of expenditures plus cash on hand that the incumbent has before the higher limits are triggered. While this is an improvement, I think we need to work with the numbers to see if another approach would be preferable.

Mr. President, 25 years ago this Congress passed a pretty decent campaign finance law.

Individuals aren't supposed to give more than $1,000 to a candidate per election, or $5,000 to a political action committee, or more than $20,000 a year to a national party committee or $25,000 total in any one year for all contributions combined.

Corporations and unions are prohibited from contributing anything to a candidate except through carefully prescribed political action committees. The limit of a corporate or union PAC contribution is $5,000 per candidate.

Presidential campaigns are supposed to be financed just with public funds.

That's the law on the books today.

The Supreme Court upheld those contribution limits in the case of *Buckley* v. *Valeo* and reasserted that position in the recent case of Nixon v. Missouri Government Shrink PAC. In those cases the Supreme Court held that limits on contributions in campaigns do not violate free speech guarantees in the First Amendment.

In *Buckley* v. *Valeo*, the Supreme Court upheld contribution limits as a reasonable and constitutional approach to deterring actual and apparent corruption of federal elections in the Buckley case. Let me read what the Court said:

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. . . . To the extent that large contributions are given to secure political quid *pro quo's* from current and potential office holders, the integrity of our system of representative democracy is undermined. . . . Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. . . . Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

The Court went on to say:

> And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court at several points in the opinion endorses the concept that unlimited contributions are enough, by themselves, to create the appearance of corruption and to justify the imposition of limits.

In *Nixon* v. *Missouri Government Shrink PAC*, decided in January of last year, the Supreme Court was presented with a challenge to campaign contribution limits established by the State of Missouri. In that case, Justice Souter, speaking for a majority of the Court clearly upheld the Buckley decision.

But the soft money loophole that has evolved over the past 15 years or so has effectively destroyed the contribution limits. The loophole is huge—since you can't give more than a limited amount to a candidate, give all you want to his or her party—and of course the party uses the money to elect that same candidate.

Soft money has blown the lid off the contribution limits of our campaign finance system.

Look at the most recent data with respect to soft money contributions. In the 1996 election—a Presidential election year—Republicans raised $140 million in soft money contributions; Democrats raised $120 million. In 1998, even without a Presidential election—Republicans raised $131 million in soft money contributions and Democrats raised $91 million. The 1997–98 combined soft money total was 115% more than the 1993–1994 total. And in the 1999–2000 campaign cycle, the Congressional Research Service reports that Republicans and Democrats both raised about $240 million. That's money from corporations and unions—who are not supposed to be giving any money at all. Approximately $280 million of the almost half billion in soft money to the parties came from corporations and unions and $175 million from individuals. And that's money from individual contributors in sums often in six figures—hundreds of thousands of dollars. According to the Center for Responsive Politics, in the 1999–2000 campaign 365 individuals gave the parties $120,000 or more for a total amount of over $98 million—when the limit on individual contributions is supposed to be $1,000 per election. The soft money loophole has eaten the law.

As many commentators, colleagues and constituents have said, practically speaking, there are no limits. And the truth is, Mr. President, the public is offended and disgusted by this spectacle of huge contributions and well they should be. We should be, too. Because in order to get these large contributions, access to us is often openly and blatantly sold. We sell lunch or dinner with the Committee Chairman of your choice for $100,000 bucks. We sell pictures with the President, access to insiders meetings and strategy sessions, participation in a Congressional advisory group or a trade mission. The open solicitation of campaign contributions in exchange for access to people with the power to affect the life or livelihood of the person being solicited creates an appearance of impropriety and a misuse of power. People who are in power are asking for large sums of money for access to them.

This is done openly. Marlin Fitzwater, Press Secretary to former President Bush said it clearly in 1992 when he said, "It's buying access to the system, yes. That's what the political parties and the political operation is all about." Former Senator Paul Simon made a similar observation a number of years ago on the Senate floor. That's why over 25 persons—corporations and individuals gave over $100,000 each to both parties. They didn't contribute because of shared values, obviously. They contributed to cover their bets—to make sure they had access to the winner. They had enough money to do that. That's how far this system has fallen. The parties advertise access. It's blatant. Both parties do it. Openly.

Invitation after invitation sells access for large contributions. From 1996: For a $50,000 contribution or for raising $100,000 a contributor gets:

Two events with the President.

Two events with the Vice President.

Invitations to join "Party leadership as they travel abroad to examine current and developing political and economic issues in other countries.

Monthly policy briefings with "key administration officials and members of Congress.

An invitation to the 1997 RNC Annual Gala says a contributor who raises $250,000 will be entitled to have lunch with the Republican Senate and House Committee Chairman of the contributor's choice.

That's what we're openly offering for sale for large contributors and that's what contributors are often buying. Both parties do it, and there are dozens of examples.

One invitation in 1997 to a Senatorial Campaign Committee event promised that large contributors would be offered "plenty of opportunities to share [their] personal ideas and vision with" some of the top leaders and senators. Failure to attend, the invitation said, means that "you could lose a unique chance to be included in current legislative policy debates—debates that will affect your family and your business for many years to come."

One letter from a Senatorial Campaign Committee invited the recipient to be a life member of the party's Inner Circle. It said that $10,000 will "bring you face-to-face with dozens of our Senators, including many of the Senate's most powerful Committee Chairmen."

Another solicitation offered, for a contribution of $10,000, the choice of "attending one of 60 small dinner parties, limited in attendance to 20 to 25 people, at the home of a Senator, Cabinet Officer, or senior White House Staff member."

One offer for membership in a Senatorial Trust said, "Trust members can expect a close working relationship with all [of the party's] Senators, top Administration officials and other national leaders. Personal relationships are fostered at informal meetings throughout the year in Washington, D.C. and abroad."

Another solicitation offers lunch at the White House with the President and his wife. It also goes so far as to say that "Attendance at all events is limited. Benefits based on receipts." That means you don't get the benefit until the cash is in hand. Pledges of contributions are not enough. That's how blatant these offers to purchase access have become.

The sale of access to small, private meetings is the product of the soft money loophole. The amounts we see on these solicitations aren't $1,000 and $2,000 contributions. They're large—

$50,000 or $100,000 contributions in soft money. The soft money loophole has increased and intensified the sale of access. The soft money loophole is swallowing our political system whole.

Do these large money contributions create an appearance of personal access and improper influence by big contributors? Yes. Look at the kinds of articles that are being written about the ups and downs of pending legislation. Many of them draw links—in my mind unfairly—between large soft money contributions and legislative activity. Here's one from the Wall Street Journal on the bankruptcy legislation. It even has a chart of all the organizations in the Coalition for Responsible Bankruptcy Laws and the amount each contributed to the Democrats and Republicans. Here's a similar one from the New York Times. The opening paragraph reads: "A lobbying campaign led by credit card companies and banks that gave millions of dollars in political donations to members of Congress and contributed generously to President Bush's 200 campaign is close to its long sought goal of overhauling the nation's bankruptcy system."

Here's another recent article from the New York Times linking large soft money contributions to ambassadorships. Here's another Wall Street Journal article from last year talking about the so-called "wish list" of large contributors to the Bush campaign. And, of course, we are all well aware of the stories linking President Clinton's pardons to campaign contributions.

These articles are the evidence of the appearance of impropriety created with large soft money contributions.

In *Buckley* v. *Valeo*, the Supreme Court also answered "yes" to the question whether large contributions create the appearance of impropriety. It found an appearance of corruption created from the size of the contribution alone, without even looking at the sale of access.

It noted, "Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated."

Add to the equation the actual sale of access for large contributions, and you have an even greater "opportunity for abuse" and the appearance of corruption.

These soft money contributions are not used just for get out the vote or voter registration activities, which is how the loophole got started in the first place. The truth is they are most often used for television ads that appear in thousands of spots in support of and against individual candidates. The truth is, while the parties claim these ads are issue ads, they clearly have one purpose—to help elect or defeat a particular candidate.

The Brennan Center analyzed all of the ads from the 1998 election ads paid for with hard money (candidate ads), and ads paid for with soft money (sham issue ads) and they found practically no difference. Although the Supreme Court in Buckley attempted to define a candidate ad as one actually promoting the election or defeat of a candidate through the use of words such as "vote for" or "vote against," the Brennan Center found that over 90% of the candidate ads, didn't do that—they didn't say "elect" or "defeat" or "vote for" or "vote against" a particular candidate. They were, it appears, virtually indistinguishable from the sham issue ads directed at a particular candidate and paid for with soft money.

In the 1996 Presidential campaign, the Democratic National Committee ran ads on welfare and crime and the budget which were basically designed to support President Clinton's reelection. At our hearings on the campaign finance system, Harold Ickes was asked about these DNC ads and the extent to which the people looking at the ads would walk away with the message to vote for President Clinton. "I would certainly hope so," he said. "If not, we ought to fire the ad agencies."

Listen to this ad from the Republican National Committee on behalf of then Presidential candidate Bob Dole.

> Mr. Dole: We have a moral obligation to give our children an America with the opportunity and values of the nation we grew up in.
>
> Voice Over: Bob Dole grew up in Russell, Kansas. From his parents he learned the value of hard work, honesty and responsibility. So when his country called, he answered. He was seriously wounded in combat. Paralyzed, he underwent nine operations.
>
> Mr. Dole: I went around looking for a miracle that would make me whole again.
>
> Voice Over: The doctors said he'd never walk again. But after 39 months, he proved them wrong.
>
> A Man Named Ed: He persevered, he never gave up. He fought his way back from total paralysis.
>
> Voice Over: Like many Americans, his life experience and values serve as a strong moral compass. The principle of work to replace welfare. The principle of accountability to strengthen our criminal justice system. The principle of discipline to end wasteful Washington spending.
>
> Mr. Dole: It all comes down to values. What you believe in. What you sacrifice for. And what you stand for.

That ad was paid for with soft money contributed to the Republican National Committee. And that's argued as permissible under current law, because that ad doesn't explicitly ask the viewer to vote for Bob Dole. It spends its whole time talking positively about him just before the election. If it added 4 words at the end that say what the ad is all about, "Vote for Bob Dole," it would be treated as a candidate ad, not an issue ad, and would be subject to the hard money limits. Well, any reasonable person who hears that ad knows it is an ad supporting the candidacy of Bob Dole. It is not an ad about welfare or wasteful government spending. And in my book, it should have to be paid for with regulated or hard money contributions. That isn't the case today.

So, Mr. President, the truth is that this kind of candidate advertising, which should clearly be subject to contribution limits, escapes those limits through the soft money loophole. And it's that soft money loophole that the bill before us would close. It would ban the solicitation or receipt of soft money by the national parties; it would ban the solicitation or receipt of soft money by the candidates or their representatives.

Mr. President, the large majority of the American people want campaign finance reform. The large majority of the American people want us to clean up our act. We're the only ones who can do it.

As the Supreme Court said in Buckley, an appearance of corruption is "inherent in a system permitting unlimited financial contributions." And permitting the appearance of corruption undermines the very foundation of our democracy—the trust of the people in the system. We have the right to protect our democratic institutions from being undermined by the open sale of access for large contributions which people believe reasonably translates into influence. It's time to step up to the plate.

Mr. President, I want to extend my deepest thanks and appreciation to the two Senators who made this moment possible Senator JOHN MCCAIN and Senator RUSS FEINGOLD. They have been warriors in this fight for campaign finance reform. They have pushed this when it wasn't popular to do so, and they have made what many thought impossible a reality. It took guts and savvy, and I commend and congratulate them. I also commend our Democratic Leader, TOM DASCHLE. Without his strength and vision, this legislation would not have happened. Senator DASCHLE steered a course for our side that kept us on the road to reform. I don't know if anyone else could have done what he did—and, as always, he does it with grace and wit and charm. I commend Senator MCCONNELL for his very strong and fair fight. He is as dedicated to his position as we are to ours. He is an intimidating opponent and has our respect for his dedication and perseverence. I know he is not happy with the outcome, but I believe his dire predictions will be unrealized. I also want to congratulate Senator DODD on his tireless and brilliant service as the Democratic floor manager. His ability to capture the essence of an issue and related it to real life so we can all understand it is impressive. He served the Senate well in this open-ended and somewhat unpredictable debate.

I also want to thank the staff who worked so hard and so diligently on this effort. Bob Schiff and Mark Busse did a terrific job serving at the center of this great spinning wheel of legislation; they combined both excellent legal and political skills to keep the bill on track. Kennie Gill served everyone well as the staff floor manager. Laurie Rubenstein provided excellent legal advice, and Andrea LaRue did a great job keeping the Democratic Leadership represented and informed. I also want to thank Linda Gustitus and Ken Saccoccia of my staff for their endless time and truly extraordinary effort. It is certainly rewarding that this good work has paid off with the passage of this bill.

LOAN PAYBACK PROVISION

Two weeks ago the Senate passed an amendment to this bill that allows an increase in the individual contribution limits when a candidate is challenging a "so-called" millionaire candidate. Included in that amendment was a provision that prohibits candidates from repaying personal loans over $250,000 with contributions from other persons. This provision was enacted on a prospective basis; in other words, this provision would not apply to any candidate loans incurred before the enactment of this legislation.

I want to ask my good friend from Arizona, Senator McCAIN, whether it is his understanding that the underlying intent in making this provision prospective is because this is the only fair and reasonable approach in this situation. Does the Senator from Arizona agree that it would be unreasonable and unfair to expect a candidate who conducted a campaign according to one set of rules to have to retroactively attempt to apply new rules? Isn't applying this provision on a prospective basis the only fair and reasonable approach?

Mr. McCAIN. The Senator's understanding is correct on the interpretation of the loan payback provision. It is intentionally prospective because it would be unfair to do otherwise.

Mr. LEVIN. This vote counts. It is real, it is not a signal or a message.

I thank the Chair and commend our good friends, Senators McCAIN and FEINGOLD.

Mr. DODD. Mr. President, I yield 1 minute to the Senator from Mississippi, Mr. COCHRAN.

Mr. COCHRAN. Mr. President, while many Senators have had a very active and effective role in bringing us to this point on this legislation, I think we should not forget that there are two Senators who really deserve real credit—Senators McCAIN and FEINGOLD. Because of their perseverance, determination, and effective leadership, they have brought us to the point where we are nearing passage of this legislative reform effort of the Federal Election Campaign Act.

While nobody can be really certain exactly what the implications of all of the provisions will be, I am convinced we are going to see this effort as a major step toward improving the Federal election campaign system and restoring the confidence of the American people in the integrity of the political process. That is very important, and I am very glad to have been a part of it.

Mr. DODD. Mr. President, I yield 1 minute to the Senator from New York, Mr. SCHUMER.

Mr. SCHUMER. Mr. President, at the beginning of this debate I pleaded with my colleagues to not let the perfect be the enemy of the good, and praise God they have. We have. Is this bill perfect? No, far from it. Is it good? A heck of a lot better than the present system, you bet it is.

I thank our leader, Senator McCAIN, particularly for his courage, and Senator FEINGOLD, particularly for his integrity and leadership, and Senator DASCHLE and Senator DODD for keeping our party together.

I also thank all my colleagues in the Senate. Today and these past 2 weeks represent the Senate at its best. Every time a crippling amendment came up, we rose to the occasion and defeated it. This is the Senate the Founding Fathers envisioned.

Mr. President, my guess is, if Jefferson or Madison or Washington were looking down on this Chamber today, they would smile.

Mr. DODD. Mr. President, I yield for the Senator from Tennessee, Mr. THOMPSON.

Mr. THOMPSON. Mr. President, this is a good day for the Senate. It demonstrates once again that this body can respond to its public's needs. Even the casual observer must agree that our change from a system of the small contributor to the huge contributor is not good for this country. To those who say we are launching off into uncharted waters, that we are unsure how this might affect us as politicians or our political committees in Washington, I say that we as elected officials can never be harmed if our country is benefited. We as elected officials can never be harmed if we are doing something that increases the public trust. And if we are, Mr. President, so be it, because we must know that we are doing the right thing.

Mr. President, twenty-seven years ago Congress decided to fix a campaign finance system that was clearly broken. The American public was scandal-weary and increasingly cynical about the integrity of the political process. In 1974, the President signed into law the Federal Election Campaign Act. Unions and corporations had long been prohibited from contributing to campaigns, and that year Congress decided to limit the amount of money an individual could give to candidates and parties to avoid corruption, and just as important, the appearance of corruption, in our system. Those limits on contributions were upheld by the Supreme Court in *Buckley* v. *Valeo*. The Court stated, "[T]he Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—[provides] a constitutionally sufficient justification for the $1,000 contribution limitation." The Court also upheld the constitutionality of limits on contributions to political parties. The Court found such limits serve to prevent evasion of the $1,000 limitation on contributions to candidates by an individual "who might otherwise contribute massive amounts to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or huge contributions to the candidate's political party."

Just last year, the Supreme Court reaffirmed the position it took in Buckley. In *Nixon* v. *Shrink Missouri PAC*, the Court upheld an individual contribution limit of $1,050 under Missouri law and found, "[T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters."

In the years following the passage of FECA, amendments to the Act and certain FEC regulations and rulings attempted to clarify the law, particularly as it related to state parties. Mr. President, I ask unanimous consent that the statement by campaign finance expert and scholar Tony Corrado, a professor at Colby College, that explains thoroughly the origin and rise of soft money, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. THOMPSON. Mr. President, in short, in the late 1970s, Congress and the FEC attempted to address concerns by state parties regarding their use of non-Federally regulated funds in elections involving both state and federal candidates. The Commission determined that state parties could use non-Federal money, also known as soft money, to fund a portion of activities related to federal elections. The national parties soon argued that those rules applied to them as well since they also participated in state and local elections. By the mid-1980s, both parties were actively raising soft money in the millions of dollars, primarily for voter registration drives and turnout programs conducted by state party committees. By 1992, the national party committees raised about $80 million in soft money and were spending the funds on activities that were designed to influence both federal and non-federal elections such as generic television advertising that did not mention a specific candidate. I ask unanimous consent that a November 5, 1984 letter from Fred Wertheimer to the FEC regarding soft money be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. THOMPSON. Mr. President, in 1995, the Clinton-Gore campaign began using soft money to fund candidate specific issue ads. They argued that because these ads did not use "magic words" such as "vote for" or "vote against" that they were not campaign ads and thus could be funded with soft money. The Republican Party soon followed suit, and the demand for soft money increased exponentially. Soft money receipts by the two major parties exceeded $260 million in 1996.

There was little doubt at that point that the soft money raised by the parties was being used for campaign purposes. While addressing a group of DNC donors in 1996, President Clinton made clear that their contributions were helping his campaign.

> [W]e even gave up one or two of our fundraisers at the end of the year to try to get more money to the Democratic Party rather than my campaigns. My original strategy had been to raise all the money for my campaign this year, so I could spend all my money next year being president, running for president, and raising money for the Senate and House Committees and for the Democratic Party. And then we realized we could run these ads through the Democratic Party, which meant that we could raise money in twenty and fifty and hundred thousand dollar lots, and we didn't have to do it all in thousand dollars, and run down—you know what I can spend which is limited by law. So that's what we've done. But I do have to tell you I'm very grateful to you. The contributions you have made in this have made a huge difference.

In addition, the President participated in strategy meetings, helping to develop ads that were funded both by his campaign and the DNC. The Final Report of the Special Investigation of the Governmental Affairs Committee contains examples of some of the sham issue ads which were clearly intended to influence the presidential campaign.

The ability to use soft money to fund sham issue ads created a money chase that resulted in contributions of tens and hundreds of thousands of dollars being exchanged for access to the highest levels of government. The Final Report of the Senate Governmental Affairs Committee's year-long Special Investigation documents numerous examples of actual and apparent corruption resulting from the solicitation and contribution of soft money. I also refer my colleagues to a September 21, 2000 memorandum written by Lawrence Noble, then-General Counsel for the FEC Agenda Document No. 00-95, recommending new rules prohibiting the receipt and use of soft money by national party committees and explaining the reasons for such a proposal, including an explanation of the real and apparent corruption resulting from soft money.

Revelation of the campaign finance scandals did nothing to stem the tide of soft money and its use for electioneering. In the 2000 election cycle, the parties raised nearly half-a-billion-dollars in soft money. One study by the Brennan Center for Justice revealed that only four per cent of hard money, candidate ads in 2000 used the "magic words" outlined in Buckley. So the sham issue ads purchased with party soft money became virtually indistinguishable from the campaign ads paid for by hard money. In fact, according to one study, soft money has become the primary source of funding for party ads that promote the election or defeat of federal candidates. In addition, soft money was used for get-out-the-vote, voter registration, and virtually every aspect of the parties' campaign efforts in connection with federal campaigns.

In short, soft money is now such an integral part of federal elections that it has effectively subverted the hard money limits in the Federal Election Campaign Act. Mr. President, I refer my colleagues to a study entitled "The End of Limits on Money in Politics: Soft Money Now Comprises the Largest Share of Party Spending on Television Ads in Federal Elections" by Craig Holman for the Brennan Center for Justice which further emphasizes this point.

As in 1974, Congress is about to fix a campaign system that is clearly broken. The McCain-Feingold bill will restore a campaign finance system that has been completely thwarted by loopholes created in the late 1970s. Once again, Congress will prohibit union and corporate money from being used to fund campaigns. Once again, Congress will require individual contributions to be capped at reasonable levels and require disclosure. We as a Congress will once again ensure that unlimited corporate, union and individual funds will not compromise the integrity of the political process. In short, we are about to restore the campaign finance system to what was intended prior to the appearance and exploitation of the soft money loophole.

In order to fix this problem, this bill contains three essential components in establishing an effective soft money ban. First, national parties are banned from soliciting, receiving, directing, transferring or spending soft money. Second, state parties are prohibited from spending soft money on federal election activities, such as "issue ads" that promote or attack a federal candidate and get-out-the-vote activities on behalf of a federal candidate. Third, Federal officeholders and candidates are prohibited from raising or spending soft money, or directing soft money to a party or other entity.

These three provisions work together: each of them is an essential part of closing the soft money loophole and ensuing that national parties, federal officeholders and federal candidates use only funds permitted in federal elections to influence federal elections, and that state parties stop serving as vehicles for channeling soft money into federal races to help federal candidates.

In the last election, for example, Republican and Democratic Senate candidates set up joint fundraising committees, joining with party committees, to raise unlimited soft money donations. The joint committees then transferred the soft money funds to their Senate party committees, which transferred the money to their state parties, which spent the soft money on "issue ads," targeted get-out-the-vote and other activities promoting the federal candidates who had raised the money. As a result, soft money is currently raised by federal officeholders and candidates for political parties and then used by these parties on expenditures to help elect the candidates to federal office.

In order to prevent corruption and the appearance of corruption, the bill breaks the nexus between soft money donors and federal officeholders and candidates by banning these federal officeholders and candidates, and their national party committees, from raising these funds.

Under this bill, there are no restrictions on state parties raising funds under state law and using them solely to effect state elections. The only restrictions apply to circumstances where money is being used to affect federal elections and where absent those restrictions soft money would continue to pour into federal races through the state parties.

In addition, McCain-Feingold includes a provision colloquially known as Snowe-Jeffords which requires disclosure for some groups running ads which mention a candidate within a certain number of days of an election. In addition, it prohibits such ads from being funded from the general treasury funds of corporations and unions. As has been pointed out by Senators SNOWE and JEFFORDS, these sham issue ads are clearly intended as election ads and just as clearly have that effect. I refer my colleagues to the following studies which demonstrate that sham issue ads have the effect of express advocacy and should be regulated by Congress: "Dictum Without Data: The Myth of Issue Advocacy and Party Building" by David Magleby of the Center for the Study of Elections and Democracy at Brigham Young University; and "A Narrow and Appropriate Response to Cloaked Electioneering: Measuring the Impact of the 60-Day Bright-Line Test on Issue Advocacy" by Craig B. Holman for the Brennan Center for Justice.

EXHIBIT 1

THE ORIGINS AND GROWTH OF PARTY SOFT MONEY FINANCE

(By Anthony Corrado, Associate Professor, Department of Government, Colby College, Waterville, Maine, Mar. 30, 2001)

The financing of political parties has been a source of controversy for the better part of the last two decades. As major party revenues have grown from $60 million in 1976 to more than $1.2 billion in 2000, advocates of reform have issued increasingly sharp and well-grounded critiques of party fundraising practices. Most of this criticism has been directed toward party soft money finance, a specific form of funding that was not anticipated by the Federal Election Campaign Act, but emerged in the 1980s in response to a series of regulatory decisions. In recent years, soft money contributions have become a staple of national party fundraising, reaching a total of more than $487 million in 2000, or ten times more than the amount received in 1988. This type of fundraising occurs outside of the scope of federal laws, so it provides national party organizations with a means of soliciting unlimited contributions from individuals, or gifts from sources such as corporations and labor unions that have long been banned from giving money in federal elections. In recent elections, federal elected officials and national party leaders have aggressively solicited large contributions of $100,000 or more from such sources, including more than 100 gifts of more than $1 million in 2000 alone. These large sums have fueled the growth of soft money and its importance in national elections. They have also encouraged party committees to find new ways of spending soft money, including methods that Congress has not sanctioned.

The flow of money in the 1996 and 2000 elections demonstrates how dramatically the world of party fundraising has changed since the amendment of the Federal Election Campaign Act (FECA) in 1974. Regulatory changes have created a new legal environment in which parties once again have access to the types of unlimited contributions that were supposed to be eliminated after Watergate. Innovations in party campaign strategies have created new approaches to spending that have encouraged national party organizations to spend unlimited amounts on election-related activities. Most important, parties have moved beyond the kinds of "party-building" activities specified in the FECA to place greater reliance on television and radio advertising, especially candidate-specific issue advocacy electioneering, that is financed in large part with soft money that is channeled through state party committees. Parties have thus adapted to the act's regulatory approach in unanticipated ways. These innovations and the success party committees have had in avoiding financial restraint is best understood by reviewing the evolution of the law and the ways national party committees have reacted to the new regulatory regime.

THE RISE OF SOFT MONEY

FECA limits on party funding were first put into effect in the 1976 elections, and questions about the legal status of different types of party financing immediately arose. Traditionally, party organizations had spent significant sums on activities such as voter identification efforts, get-out-the-vote programs, generic party advertising (messages like "Vote Democratic" or "Support Republican Candidates"), and the production of bumper stickers, buttons, and slate cards, that might indirectly benefit federal candidates but did not constitute direct assistance to a particular candidate. Were these expenditures governed by the new spending ceilings?

Under the act's original guidelines, the costs of many of these activities, especially grass-roots campaign materials such as bumper stickers, lawn signs, and slate cards that mentioned particular federal candidates, could be considered in-kind campaign contributions subject to the law. This became a particular concern in the 1976 presidential race, because the public funding program established by the FECA prevented the party nominees from accepting campaign contributions in the general election period. As a result, party leaders had to rely on presidential campaign funds for election-related paraphernalia. Yet both presidential campaigns chose to concentrate their limited resources on media advertising rather than gross-roots political activities. As a result, party leaders complained after the election that the FECA had indirectly limited traditional grass-roots and party-building activities, thus reducing the role of party organizations in national elections.

The 1979 FECA amendments: Expanding hard money spending

Congress responded to these concerns by accepting a recommendation made by the Federal Election Commission to ease the restrictions placed on party contributions and expenditures. The new rules, which were included in the 1979 FECA amendments, changed the legal definition of "contributions" and "expenditure" to exclude the amounts spent on certain "grass-roots" political activities, provided that the funds for those activities were raised in compliance with FECA. This change was designed to allow state and local party organizations to pay for certain specified activities that might indirectly benefit a federal candidate without having to count this spending as a contribution or expenditure under the act. Its purpose was to encourage state and local parties to engage in supplemental campaign activity in hopes of promoting civic participation in the elections process.

In changing the law in 1979, Congress sought to allow party committees to spend unlimited amounts of hard money on certain, limited types of election-related activity, which were clearly specified in the law. It did not allow national party organizations to receive unlimited contributions or to accept corporate or labor funds. It did not allow "soft money." Any gifts received by a national party committee were still subject to the limits established in 1974. The 1979 revision thus did not create "soft money"; it simply exempted any federal monies ("hard dollars") a party committee might spend on certain political activities from being considered a contribution to a candidate under the law. Furthermore, the activities that were to be considered exempt under this provision were narrowly defined. Basically, the 1979 law specified three types of state and local party activity that committees may undertake and noted certain restrictions that govern the conduct of these activities. These activities did not include the use of mass public political advertising.

First, state and local party committees were allowed to pay for grass-roots campaign materials, such as pins, bumper stickers, brochures, posters, yard signs, and party newspapers. These may be used only in connection with volunteer activities and may not be distributed by direct mail or through any other general public advertising. These materials may not be purchased by national party committees and delivered to the local committees or paid for by funds donated by national committees for this purpose. Nor may a donor designate funds for this purpose to be used to purchase materials for a particular federal candidate.

Second, state and local party committees were allowed to prepare and distribute slate cards, sample ballots, palm cards or other printed listings of three or more candidates for any public office for which an election is held in the state.

Third, state and local party committees were allowed to conduct voter registration and turnout drives on behalf of their parties' presidential and vice-presidential nominees, including the use of telephone banks operated by volunteers, even if they are developed and trained by paid professionals. However, if a party's House or Senate candidates are mentioned in such drives in a more than incidental way, the costs of the drives allocable to those candidates must be counted as contributions to them.

Congress clearly noted that this exemption did not extend to broadcast advertising. In permitting the production of certain types of campaign materials and in sanctioning expenditures on voter drives, the act specifically noted in Section 431 that these activities could not involve the use of any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. In other words, the Congress specifically did not allow the use of mass public political advertising under the exemption established in 1979.

Congress thus gave party organizations broader leeway to spend federal funds with respect to election-related activities. In addition to direct contributions and coordinated expenditures, party organizations could spend unlimited amounts on voter registration and identification, certain types of campaign material, and voter turnout programs. Congress supported this revision because these tasks were considered important "party-building" activities that would help develop organizational support for party candidates and promote citizen participation in electoral politics.

FEC Regulatory decisions: Opening the door to soft money

So in 1979 Congress authorized a circumscribed realm of unlimited party expenditures. But it did not sanction unlimited spending on activities designed to assist a particular candidate for federal office. Nor did it open the door to unrestricted fundraising or party committee receipt of corporate or labor donations. Instead, it was the Federal Election Commission, the agency empowered to enforce the law, that changed the rules governing party fundraising and gave birth to a new form of funding: soft money.

The provisions of the act had raised another major issue with respect to party financing: how to accommodate the federal and nonfederal roles of party organizations. The act imposed limits on party financing for all activities conducted in connection with federal elections. But party organizations also play a significant role in nonfederal elections—gubernatorial races, state contests, legislative elections, and campaigns for major local offices. Their financial efforts in these races are governed by state campaign finance laws,which are generally much more permissive than federal law. For example, most states allow parties to accept corporate and labor union contributions, and, as of 1992, sixteen states had placed no limit on individual gifts, while nineteen had no limits for PAC giving. National party organizations could thus receive contributions for nonfederal purposes that are not allowed in federal elections.

The issue of nonfederal party funding first arose in 1976. The Illinois Republican State Central Committee asked the FEC for guidance on how to allocate nonfederal and federally regulated funds in paying some of their general overhead and operating expenses, as well as the expenses of voter registration and get-out-the-vote drives that would benefit both federal and nonfederal candidates. The party sought the FEC's opinion in part because Illinois allowed corporate and labor contributions that were not permissible under federal law.

In its Advisory Opinion 1976-72, the FEC clearly stated that corporate or labor union money could not be used to finance such federal election—related activities as a voter registration drive: "Even though the Illinois law apparently permits corporate contributions for State elections, corporate/union treasury funds may not be used to fund any portion of a registration or get-out-the-vote drive conducted by a political party." However, the Commission did approve the use of nonfederal funds to finance a portion of the party's overhead and administrative costs, since these costs—for example, rent, utilities, office supplies, salaries—supported the administration of activities related to both federal and nonfederal politics. The agency approved an allocation formula based on the proportion of federal to state elections being held that year, with greater weight given to federal races. To pay these costs, the Illinois party had to establish separate federal and nonfederal accounts; the federal account could be used only to accept contributions permissible under the act, and the nonfederal account solely for monies allowed under state laws. The proportionate share of administrative costs would be paid from the relevant account; that is, the federal election—related share of the costs would be paid from the federal account, and vice versa.

The FEC's attempt to hold the line on corporate contributions was short-lived. Less than two years after their 1976 advisory opinion, the Commission again faced the issue of corporate and labor funding of party voter mobilization efforts. This time the Republican State Committee of Kansas sought the Commission's approval to use corporate and union funds, which were legal under Kansas law, in a voter drive that would benefit both federal and state candidates. Specifically, the Kansans asked the Commission how tney should allocate funds between federal and nonfederal funds for their voter registration and get-out-the-vote efforts. In a surprising ruling, two Republican commissioners switched their earliest positions and joined two Democrats in approving Advisory Opinion 1978-10, which reversed the 1976 decision. Instead of prohibiting the use of corporate and union money, the agency declared that the Kansas party could use these funds to finance a share of their voter drives, so long as they allocated their costs to reflect the federal and nonfederal shares of any costs incurred. The decision thus opened the door to the use of nonfederal money on election-related activity conducted in connection with a federal election.

Commissioner Thomas E. Harris, a Democrat, believed so strongly that the ruling violated both the letter of the law and Congress's intent in framing the act that he took the unusual step of filing a written dissent. In it, he noted that there would normally be more state and local races than federal races taking place in a state, so most of the costs of voter drives could be financed from monies not permissible under federal law. His point was not lost on party leaders, who quickly began to adapt their financial strategies to take advantage of the new opportunities inherent in the FEC's decision.

The FEC's 1978 ruling was issued in response to a state party request. The idea was to recognize the role of state party committees in federal elections and the different contribution rules that might apply to state parties under state laws. But the national party committees argued that the ruling should apply to their activities also, since, like state party committees, they were involved in both federal and nonfederal politics. National parties serve as umbrella organizations that work with party leaders and elected officials at all levels of government. They make contributions and provide campaign assistance to federal, state, and local candidates. They work with state and local party organizations on a variety of party-building and election-related activities. National party leaders therefore argued that they too could allocate administrative costs and other expenses between federal and nonfederal funds, so long as they maintained federal and nonfederal accounts to handle the different types of money. In this way, they could use nonfederal funds for their nonfederal election activity.

So just at the time that Congress was allowing party organizations to spend unlimited amounts of money raised under federal rules on voter programs and other activities, the FEC was allowing them to pay a share of such costs with funds not subject to federal limits. These two streams of regulatory change converged in the 1980 election, leading to widespread use of nonfederal money at the federal level.

THE GROWTH OF SOFT MONEY

During the 1980 election cycle, national party organizations began to raise soft money from corporations, labor unions, and individuals who had already given the maximum amount allowed under federal law. A share of these funds were used to defray a portion of the national party committees' administrative costs, as well as the expenses incurred in raising nonfederal monies. They were also used to pay a proportionate share of the costs of voter targeting and turnout programs designed to assist the presidential ticket or federal candidates engaged in strategically important state contests. In many instances, the national party organizations raised the funds needed to pay for these programs and transferred the amounts to state party committees that actually conducted the voter drives, sometimes with assistance from organizers recruited by the national party committees.

This nonfederal funding quickly became known as "soft money," because it was not subject to the "hard" limits of federal law. National committees could solicit unlimited amounts from donors throughout the country, and then use the money to pay their own costs or redistribute these funds to those states where they were considered most necessary. As long as the contributions were legal under state law, the gifts were permissible. So a national party fundraiser could solicit $1 million from a donor and use the monies for a variety of purposes, or even transfer the entire amount to a state that had no limits on political contributions. In essence, the new rules gave party organizations a green light to engage in unrestricted fundraising.

National party committees quickly took advantage of the relaxed regulatory environment. The only question remaining for party officials was how to allocate soft money with respect to different activities. The FEC took the position that party committees could allocate funds on any reasonable basis. By 1982, when the DNC requested the FEC's guidance on how to pay for a party midterm conference, the agency had approved at least four methods of allocation and afforded party committees notable leeway in selecting their approach. Party committees could thus increase their use of soft money by selecting the allocation method that permitted the greatest nonfederal share.

As a result, soft money became a substantial component of national party finance in the 1980s. How substantial a component is difficult to determine, because these funds were not subject to federal disclosure laws. National party committees were only required to report their soft money receipts and expenditures in the states where the money was spent, where disclosure requirements were often either nonexistent or wholly ineffective. It is therefore impossible to determine the exact amounts raised and spent by the national party organizations. The best available estimates suggest that the two major parties spent $19.1 million in soft money during the 1980 election cycle, with the Republicans spending $15.1 million and the Democrats $4 million. In 1984, they received an estimated $21.6 million, with the Republicans once again outpacing the Democrats by a margin of $15.6 million to $6 million. Most of this money was spent on voter registration drives and turnout programs conducted by state party committees. These efforts were targeted to focus on key battlegrounds in the presidential race.

By 1988, soft money had become a focal point of public attention, as both parties escalated their soft money fundraising. The two national parties raised a total of $45 million in soft money, more than twice the amount raised in 1988. The Democrats raised $23 million and the Republicans $22 million. This success was largely due to the emphasis both parties placed on donors of $100,000 or more. In voluntary disclosures made after the election, the Republicans claimed to have received $100,000 gifts from 267 donors, while the Democrats counted 130 donors who gave $100,000 or more.

In 1992, both parties generally followed the approaches established in 1988. They continued to raise soft money funds aggressively and sought contributions of $200,000 or more from their top donors. They also placed substantial emphasis on the solicitation of corporate gifts, with the largest corporate donors often giving money to both parties. As a result, the amount of soft money continued to grow at a dramatic rate. In all, the national party committees raised about $80 million in soft money. This included substantial amounts of soft money that were raised by the national senate and congressional campaign committees. While the Democratic Senate Campaign Committee continued to raise soft money only for its building fund, the other committees began to mount extensive soft money operations. In all, these committees raised more than $20 million in soft money, including $4.7 million by the Democratic Congressional Campaign Committee, $6.3 million by the National Republican Congressional Committee, and $9 million by the National Republican Senatorial Committee.

Both national committees adopted strongly centralized approaches in administering these funds in an effort to maintain control over the ways soft money was spent. Even in the case of monies transferred to state and local party organizations, the national committees allowed little autonomy with respect to how the funds were to be spent. In most instances, transferred funds were to be used on projects approved by the national organization.

Most of the soft money spent in 1992 was spent in ways designed to support the election of federal candidates. The major share of the soft money raised in both parties was devoted to joint activity, that is, to activities that were designed to influence federal and nonfederal elections. Examples of such activities include the costs of fundraising efforts designed to raise soft and hard money; the administrative expenses associated with soft money operations; the monies paid for generic campaign materials and advertisements that say "Vote Democratic" or "Vote Republican"; and expenses for phone banks and other voter identification and turnout projects that assist party candidates at all levels.

The most prominent form of joint activity was generic advertising, especially television advertising. While voter turnout programs remained the most important component of the party activities, both parties invested heavily in generic television ads that were designed to bolster the prospects of their candidates. These ads were financed with a combination of hard and soft money. Overall, the Democrats spent about $14.2 million on ads and the Republicans spent about $10 million. The Republicans basically followed the strategy employed in previous elections, since they had previously spent substantial sums on generic advertising. For the Democrats, however, this emphasis on party advertising represented a new approach to general election campaigning. While the party did broadcast some ads in 1988, the total amount spent was only $1 million.

Many of the ads broadcast by the party committees were designed to reinforce the message of the party's presidential nominee. The Democrats, for example, used soft money to finance ads that did not mention Bill Clinton directly (since this was thought at the time to be a violation of federal law) but did hammer home the message on the economy that was the foundation of Clinton's campaign. These ads also helped to free up resources that the Clinton campaign could use for other purposes. During the last week of the campaign, for instance, the Clinton campaign was running tight on money and thus decided to use campaign resources to buy a half-hour of national television time as opposed to additional broadcast time in the highly competitive state of Texas. The campaign, however, did not leave Texas unattended; instead, the national committee broadcast generic ads in the state to spread the party's message. The Bush campaign adopted a similar strategy, relying on party ads to shore up support in traditional Republican strongholds and in crucial battleground states like Texas and Florida.

Parties also raised soft money as a vehicle for providing direct financial assistance to state and local committees. In 1992, about a quarter of the funds raised nationally by the two major parties were transferred to state and local party committees. These funds provided state and local party organizations with the resources needed to conduct activities that they would otherwise not be able to afford. These funds are often used to purchase, update, and computerize voter lists; to develop targeting programs; to pay fundraising expenses; and to hire party workers and poll watchers on election day. While both parties spent money on these types of activities in 1992, the bulk of the funds transferred to state parties were used for generic phone bank programs designed to identify party supporters and turn out the vote.

According to FEC disclosure reports, most of the state party organizations received a share of the soft money funds raised by their respective national party committees. The Democrats transferred almost $9.5 million in nonfederal funds to 47 states. Federal funds were sent to all 50 states. With this hard money added, the total amount sent to state committees was $14.3 million. The Republicans sent about $5.3 million in nonfederal monies to 42 states and about $3.5 million in federal funding to 43 states, for a total of about $8.8 million.

Most of the soft money sent to state committees was focused on a small group of targeted states that were considered essential to a presidential victory. The Democrats disbursed two-thirds of the nonfederal funds sent to states in ten key electoral battlegrounds. These ten states, which contained 219 electoral college votes or 81 percent of the total needed to win, included most of the large electoral states and three crucial Southern states that the Democrats thought they could win—Georgia, Louisiana, and North Carolina. The Republicans also disbursed two-thirds of their transfer funds in ten states. These states, which contained 190 electoral votes or 70 percent of the number needed to win, also included a number of large states and three key Southern contests. The Republican senate and congressional committees transferred about $3.2 million to state party committees, as compared to less than $34,000 transferred by the Democratic senate and congressional committees, most of which was sent to states with open Senate races.

THE FEDERALIZATION OF SOFT MONEY FINANCING

By the end of the 1992 election cycle, both national parties had become adept at raising soft money and using these funds to assist federal candidates. While some comparatively minor sums of soft money were used to make contributions to state and local candidates or assist state parties in their efforts to mobilize voters for nonfederal contests, the vast majority of these monies were being raised and coordinated by the national party committees and spent in ways that would influence the outcome of federal elections in targeted states. The parties had learned to use soft money as a central component of their federal campaign efforts. They relied on these funds to supplement the public funding in presidential races and the hard monies solicited by Senate and House candidates. For all intents and purposes, soft money primarily had become part of asystem of federal election financing that included a state and local component, rather than a method of state and local political finance that also influenced federal elections.

In 1996, the importance of soft money in the financing of federal elections became even more important as parties changed their strategies and began to place great emphasis on the use of candidate-specific issue ads. This type of advertising provided parties with a way of using soft money to pay for broadcast advertisements that featured specific federal candidates. The parties claimed that such ads are not federal campaign expenditures and thus may be paid for with a combination of hard and soft money funds. In 1996, the use of such ads, which was spurred by the efforts of the Democratic Party to bolster President Clinton's prospects for reelection, was a bold innovation. It represented an aggressive effort to push the limits of the FECA restrictions and circumvent the contribution and spending limits established by the law. In the intervening four years, this innovation has become the standard practice, the new norm for how party committees conduct their federal election campaigns, and a major factor in the continued growth in soft money fundraising.

While the national party organizations had engaged in issue advocacy advertising before the 1996 election cycle (most notably during the debate over Clinton's health care proposal in 1993 and 1994), they had never before used such advertising in a significant way to promote a presidential candidate in an election year. But the Democrats quickly recognized the potential benefits of this tactic. The ads could be used to deliver the President's basic message, policy proposals, and accomplishments, and criticize Dole's views and record. As long as they avoided the "magic words" that would trigger the definition of express advocacy, none of the monies spent in this way would be considered "campaign spending" under the law. It was a loophole in the federal regulatory scheme that the Democrats aggressively exploited.

For a year, July 1995 to June 1996, the Democratic National Committee (DNC) and state Democratic party organizations spent millions of dollars on ads designed to promote Clinton's reelection. These spots were mostly aired in smaller media markets where broadcast time is less expensive. The party avoided states where Clinton had won by large margins in 1992, and also stayed away from those states where they felt Clinton had no chance—Texas, the Great Plains states, and Southern Republican strongholds like South Carolina and Virginia. In the fall of 1995, the Democrats ran ads attacking the Republican budget that covered 30 percent of the media markets in the country. By the end of December, they had run ads presenting Clinton as a leader seeking tax cuts, welfare reform, a balanced budget, and protection for Medicare and education programs. In all, the Democrats had aired pro-Clinton ads in 42 percent of the nation's media markets by January 1, 1996, at a cost of $18 million, none of which was drawn from Clinton's campaign committee accounts.

According to estimates by Common Cause, the Democrats spent $34 million on pro-Clinton ads during this period. This included $12 million in federally regulated "hard money" and $22 million in soft money. The DNC managed to spend such a large proportion of soft money by transferring funds to state party committees and having these communities purchase the ad time. In other words, they were able to pay for the ads mostly with soft money because the FEC has different payment regulations for national and state party organizations. This perfectly legal act of subterfuge allowed the party to conserve its hard money, which is particularly valuable because it is more difficult to raise than soft money.

The Democrats focused their ad campaign on twelve key general election battleground states. The party spent over $1 million in each of these states, including over $4 million in California. Combined, these twelve states represented a total of 221 electoral college votes. Clinton eventually won all of them except for Colorado.

The DNC's spending and Clinton's financial advantage entering the final months of the campaign encouraged the Republican National Committee (RNC) to adopt a similar strategy as soon as its presidential nominee was determined. In May, one day after Dole decided to resign from the Senate to devote himself to full-time campaigning, RNC Chair Haley Barbour announced a $20 million issue advocacy advertising campaign that would be conducted during the period leading up to the Republican national convention in August. The purpose of this campaign, said the chairman, would be "to show the differences between Dole and Clinton and between Republicans and Democrats on the issues facing our country, so we can engage full-time in one of the most consequential elections in our history." In essence, the campaign was designed to assist Dole, who had basically reached the public funding spending limit, by providing the additional resources needed to match Clinton's anticipated spending inthe remaining months before the nominating conventions.

By the end of June, the RNC had already spent at least $14 million on ads promoting Dole's candidacy, including an estimated $9 million in soft money. Like the Democrats, the Republicans focused their spending on key electoral college battlegrounds. Indeed, the "target" list looked very similar to that of the Democrats; eight of the top twelve states were the same for both parties.

This innovative form of party spending essentially rendered the contribution and spending limits of the FECA, at least as far as the party nominees were concerned, meaningless. So long as the party committees did not coordinate their efforts with the candidate or his staff, and did not use any of the "magic words" that would cause their spending to qualify as candidate support, they were free to spend as much as they wanted from monies received from unlimited sources on activities essentially geared towards influencing the outcome of the presidential race. Given the availability of polling data and other sources of political information, it was simple for the parties to develop ads that reflected their respective candidates' major themes and positions or presented the most effective attacks against the opponent.

Moreover, this use of soft money gave the party organizations a strong incentive to solicit greater and greater amounts of soft money. Instead of spending one dollar in hard money for a dollar in advertising done as a coordinated expenditure, a national party committee could spend one dollar in hard money to trigger, on average, an additional two dollars in soft money spending. So they were able to get more advertising out of their hard money by relying more heavily on soft money. The tactic thus placed a premium on soft money fundraising. A party could into spend as much soft money as it could raise because these funds could be used for television advertising that featured the candidate and essentially advocated his election.

In 1996, the national party committees raised over $260 million in soft money, more than three times the sum amassed in 1992. Yet this substantial sum paled in comparison to the $487 million garnered in 2000. The parties raised such large sums because the bold innovation undertaken in 1996 was essentially sanctioned by the events following that election. Although the FEC audit division and general counsel's office found that the party issue advertising campaigns should be considered campaign expenses and counted against the presidential campaign's spending and contribution limits, the FEC failed to accept their recommendations and did not take action against the parties or the presidential candidates for their acts of subterfuge. Consequently, the parties had even greater incentive to engage in issue advertising efforts financed with soft money. And they made the most of this opportunity.

Exactly how much soft money was spent to assist federal candidates through advertising or other means is difficult to determine due to the inadequacy of the disclosure requirements applicable to national party committee soft money finances. But it is certainly true that the vast majority of the soft monies raised in 2000 were used to assist federal candidates and that the largest expenditures took the form of issue advertisements that featured federal candidates and were broadcast in close proximity to Election Day.

The national party committees together spent $79.1 million on television advertising in the presidential campaign in the top 75 of the nation's 210 media markets, as compared to $67.1 million spent by the candidate themselves. According to an analysis by the Brennan Center for Justice of these top 75 media markets during the period from June 1 to November 7, the Bush campaign devoted $39.2 million to television advertising, while the Republican National Committee spent $44.7 million. On the Democratic side, the Gore campaign spent $27.9 million on television advertising,, while the Democratic National Committee expended $35.1 million. As in 1996, most of the funding came from soft money that the national party transferred to state parties, since under FEC guidelines, state parties were able to use a greater percentage of soft money when buying television time if it was purchased by state party committees. This was in accord with FEC rules, which place different allocation requirements on state party committees. These expenditures, therefore, were not designed to strengthen state and local parties; they were simply made through state or local party financial accounts to take advantage of the opportunity to spend soft money.

The Democrats were the first to resort to issue advocacy spending, airing their first ad in early June, despite the fact that Gore had earlier said the Democrats would not run soft-money financed advertising unless the Republicans did so first. In announcing the advertising strategy, the Democrats cited what they estimated to be $2 million in anti-Gore advertising by political groups that favored Bush, including a group called Shape the Debate and a missile defense organization called the Coalition to Protect America Now. The ad, which touted Gore's commitment to fight for a prescription drug benefit for seniors, ran in 15 states and was financed with a combination of hard and soft money.

Once the Democrats had begun their assault, the Republicans were quick to follow. Onlya few days after the Democrats launched their ads, the Republicans announced a campaign of their own. On June 10, the Republican National Committee unveiled a $2 million ad campaign targeted mainly in the same presidential battlegrounds as the Democratic television buy. The only difference was that the Republicans also purchased time in Maine and Arkansas. This first commercial presented Bush's proposal to allow workers to invest part of their Social Security payroll taxes in the stock market.

What was most notable in 2000, however, was the significant rise in the use of soft money by the national senate and congressional campaign committees. Almost half of the soft money raised in this election, almost $214 million, was raised by the congressional committees. This sum is ten times greater than the $20 million in soft money raised by these committees in 1992. The Democratic Senatorial Campaign Committee raised $63 million in soft money, while the Democratic Congressional Campaign Committee raised almost $57 million. The National Republican Senatorial Committee solicited $43 million in soft money and the National Republican Congressional Committee, about $51 million.

About half of the soft money raised by the senatorial and congressional committees, $108 million, was transferred to state and local party committees to pay for issue advocacy advertising and voter turnout programs conducted in connection with targeted House and Senate races. According to the Brennan Center analysis, in the top 75 media markets, the parties spent nearly $40 million on advertising in House races, with the Democrats spending $22.7 million and the Republicans, $16.8 million. In connection with Senate races, the parties spent an additional $39 million, including $21.4 million by the Democrats and $17.7 million by the Republicans. Tens of millions more was spent on voter identification and turnout efforts. Most of the money spent on these activities was in the form of soft money. So even the national party committees formed for the purpose of electing candidates to the House and Senate have become soft money operations.

CONCLUSION

By the election of 2000, national party soft money was being used to finance every aspect of a party's campaign efforts in connection with federal contests. It is being used to produce candidate-specific ads and broadcast them on television and radio. It is being used to produce campaign materials such as posters and slate cards that feature federal candidates. It is being used to register, identify, and mobilize voters who support federal candidates. It is therefore not surprising that the party committees have made soft money fundraising a major component of their financial efforts. In every election cycle since its advent, the majority of soft money has been allocated to finance activities that are primarily designed to influence the outcome of federal elections.

EXHIBIT 2

COMMON CAUSE,
Washington, DC, November 5, 1984.

LEE ANN ELLIOTT,
Chair, Federal Election Commission,
Washington, DC.

DEAR COMMISSIONER ELLIOTT: I am writing on behalf of Common Cause to express our deep concern about the improper role that "soft money" has been playing in federal campaigns and about the Federal Election Commission's inattention to this very serious problem.

It appears that "soft money" is being used in federal elections in a manner that violates and severely undermines the contribution limits and prohibitions contained in the federal campaign finance laws. While these practices and abuses have received considerable public attention, the Federal Election Commission to our knowledge has failed to take any formal action in this area.

In using the term "soft money" we are referring to funds that are raised by Presidential campaigns and national and congressional political party organizations purportedly for use by state and local party organizations in nonfederal elections, from sources who would be barred from making such contributions in connection with a federal election, *e.g.* from corporations and labor unions and from individuals who have reached their federal contribution limits.

According to various press reports and public statements, including statements by campaign and party officials, it appears clear that "soft money" in fact is not being raised or spent solely for nonfederal election purposes. Such funds are being channeled to state parties with the clear goal of influencing the outcome of federal elections. [The complaint filed by the Center for Responsive Politics, for example, sets forth a clear example of the use of "soft money" for federal purposes in the 1983 special Senate election in the State of Washington.]

Under the federal campaign finance laws "soft money" is prohibited from being spent "in connection with" federal elections. There is no question that "soft money" currently is being spent "in connection with" federal elections, if that term as used in the federal campaign laws is to be given any realistic meaning. If the Commission leaves such "soft money" practices unchecked it will be implicitly sanctioning potentially widespread violation of the current federal campaign finance laws.

Soft money practices are facilitating the reemergence in national political fundraising of campaign contributions from sources such as corporations and unions that have been prohibited for decades from providing such funds for federal elections. They are similarly facilitating the reemergence of large individual campaign contributions that have been prohibited since 1975.

These contributions are highly visible to national campaign and party officials notwithstanding their purported use by state party organizations for nonfederal election purposes. When national campaign and party officials who work with federal candidates raise and coordinate or channel the distribution of "soft money" to state organizations, the potential for corruption is exactly the same as it was when those national campaign and party officials directly received that kind of money. If the Commission leaves soft money practices unchecked, it will directly undermine a core protection against corruption in the federal campaign finance laws.

Soft money practices are also undermining the disclosure provisions of federal campaign finance laws. Very substantial sums of money are being channeled to and through state parties in order to influence federal elections without these sums being disclosed as contributions or expenditures under the federal law. A primary purpose of the federal campaign finance laws is to open the political financing process to public scrutiny. If the Commission leaves soft money practices unchecked, it will allow the national campaigns and political parties to potentially hide millions of dollars in federally related campaign funds from public view, thereby creating widespread opportunities for actual and apparent corruption.

Furthermore, in presidential campaigns, "soft money" returns private funds to a potentially prominent role and thereby subverts the purpose of the presidential public financing system. In 1979, Congress amended the federal campaign finance laws to permit state parties to spend money in connection with presidential campaigns, but only for certain limited purposes and only with funds subject to the limitations and prohibitions of the federal law. Congress did not intend to authorize centralized national fundraising of private funds from proscribed sources to supplement the presidential public financing system. If the Commission leaves soft money practices unchecked, just that will continue to occur.

Common Cause believes that it is essential for the Commission to make the "soft money" problem a top priority in carrying out its statutory responsibility to enforce the federal campaign finance laws. The Commission's current approach, which appears to be limited to sporadic policing of political committee account allocation rules, is totally inadequate.

We therefore strongly urge that the Commission promptly take the following steps:

(1) initiate on a priority basis its own broad-ranging factual investigation into soft money practices, with a view toward prosecuting actual past violations;

(2) initiate a rulemaking proceeding to establish what broader administrative tools, such as additional disclosure requirements, are needed to facilitate the Commission's effective enforcement of the current laws; and

(3) undertake a review of the current laws to determine what additional statutory remedies may be required to assure that soft money abuses are most effectively curtailed.

"Soft money" is a very serious problem. The Commission must address it aggressively. It is not sufficient for the Commission, in this or other key areas, to sit back and wait for the private parties to bring these matters of enforcement responsibility to its attention. The Commission must be out in front of, not forced into, these issues.

Sincerely,

FRED WERTHEIMER,
President.

Mr. WELLSTONE. Mr. President, the Senate today takes a historic step toward fairer elections, and I rise to join many of my colleagues in urging a vote for final passage of the McCain-Feingold legislation. The bill that will be passed by the Senate is in some ways better, and in other ways weaker, than the legislation we started the debate on two weeks ago. In two instances I believe the Senate took a step backward. Still, on balance, this is a positive reform bill and I support it.

Debates about campaign finance reform should be debates about who is at the table. Looking back at the last two weeks from this perspective highlights not only the importance of the bill that we will vote on today, but also it's severe limitations. I say importance, because if you believe that reform of our federal elections is essential for the reasons I believe, restoring the centrality of one person, one vote, then you need to get soft money out of the system because it allows too much political power to flow from too few. But I also say sever limitations because even if we ban soft money, even if we ban sham issue ads, we will still have too much money in politics in America. The investors, the heavy hitters, the players will still have an all too prominent role in our elections.

It is unfortunate that the Senate voted to raise the hard-money contribution limits. Nearly 80 percent of the money in our elections is hard money, more and more of which is being raised in checks of $1000. During the last election, only 4 out of every 10,000 Americans made a contribution greater than $200. Only 232,000 Americans gave contributions of $1000 or more to federal candidates—one ninth of one percent of the voting age population. By raising the hard money limits, the Senate voted to increase the amount of special interest money in politics and entrench candidates' dependence on a narrow, political, elite made up of wealthy individuals. That is not reform.

The Senate also adopted an amendment to allow candidates facing self-financing opponents to raise even more big money. Again, this is a step backward and is blatant incumbent protection.

I am pleased that the Senate twice voted to include, the second time overwhelmingly, a reform amendment I offered, which significantly strengthens the McCain-Feingold bill. The amendment ensures that the sham issue ads run by nonprofit special interest groups fall under the same rules and prohibitions that the legislation rightly imposed on corporate and union soft money sham issue ads. Previous versions of McCain-Feingold had covered such ads as did the Shays-Meehan bill passed by the House.

Limiting the ban only to corporate and union soft money practically invited a shift in spending to private special interest groups in future elections, suggesting that in future years, even with enactment of this bill, Congress will be predestined to revisit sham issue ad regulation to close yet another loophole in federal election law.

These often virtually unaccountable groups engage regularly in electioneering communications. Make no mistake, we are not talking about ads that are legitimately trying to influence policy debates. This amendment targets those ads that we all know are trying to skew elections but till now have been able to skirt the law.

At the same time, this amendment does not prohibit these groups from running electioneering ads. It merely requires that they comply with the same rules that unions and corporations must comply with under the bill. Groups covered by my amendment can set up PACs, solicit contributions and run electioneering ads. This amendment simply prevents them from using their regular treasury money to run such ads in a secret and unaccountable way. Spending on genuine issue ads is completely unaffected, as it should be.

The amendment directly addresses constitutional concerns. A February 20, 1998 letter signed by 20 constitutional scholars, including a former legislative director of the ACLU, which analyzed underlying bill's sham issue ad provision, argued that even though that provision was written to exempt certain organizations from the ban on electioneering communication, such omission was not constitutionally necessary. In other words, the restrictions on corporations and unions need not have been limited to corporations and unions. In any case, the amendment is severable. If courts find it to be unconstitutional, it will not jeopardize the rest of this bill.

This is what was at stake in the last two weeks: a government where the people are the priority, not the powerful. The anti-reform crowd has tried to cast this debate in terms of regulating political speech and limiting political freedom. I reject the argument that freedom, freedom of speech, freedom to participate in the election of one's government is served by the current system or that it is undermined by efforts to reform that system. On the contrary, freedom is on the side of reform, and indeed the more comprehensive the campaign finance reform we enact, the more we empower every American to capture control of his or her own destiny.

While I will vote in favor of McCain-Feingold, I do so with my eyes open. Fundamentally, this legislation seeks to patch a badly broken system, one that is likely past saving through minor repair, and stops far short of the complete overhaul of the financing of elections that are required. Ultimately, an approach that seeks to stop a leak here, and block a loophole there but does not meaningfully remove the demand for private, special interest money form candidates and parties—either through reducing costs to campaigns, providing public sources of funds, or a combination of the two—will be doomed to failure.

It is for this reason that I am a supporter of comprehensive public financing of federal campaigns, what is known as the Clean Money, Clean Elections approach. The McCain-Feingold bill includes important reforms. It would get some of the money out of politics. Not all of the money, but the under-the-table money, the largest contributions, the grossest examples of favor currying and access buying. With my amendment, it will ban most sham issue ads. Such unregulated funds have made a mockery of the current campaign finance reform system. However, there is no question that we should go much further, that most Americans would like to see us go further and that it is not truly comprehensive campaign finance reform. During debate on this bill, 36 senators supported an amendment I offered which would have allowed states to establish voluntary spending limits in exchange for full or partial public financing for federal candidates. I am hopeful that the numbers here in the Senate in favor of public financing of federal elections will increase.

Now that the Senate will finally go on record in favor of the modest reform that McCain-Feingold represents, I believe the time is right to begin the fight for fundamental reform: public financing of elections. This week I will reintroduce, my Clean Money, Clean Elections legislation. This legislation attacks the root cause of a system founded on private special interest money, curing the disease rather than treating the symptoms. I look forward to working with my colleagues on this new phase. Again, passage of this bill is not the end of the reform debate but merely the beginning.

I ask unanimous consent that the text of an editorial in last Friday's Boston Globe be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A STEP TOWARD REFORM

By rejecting a malignant non severability amendment, the US Senate has moved the nation significantly closer to real political reform.' "This is where the Senate takes a stand," Senator Russell Feingold said near the end of a dramatic two-week debate. And the Senate stood for reform, 57-43.

If a solid version of the McCain-Feingold bill is agreed to by the House and signed by President Bush, as now seems more likely than ever, Americans will receive something as valuable as any proposed tax rebate—the return of a portion of the democracy that has been snatched away by the growing influence of big money in the political system.

McCain-Feingold does not offer the sweeping reform that the system desperately needs, but it is a large step forward and a prerequisite to more basic changes. The bill's targets are the major abuses that have grown since the Watergate reforms of 1974. Largely unregulated "soft money" donations, ostensibly for party-building but often used to advance specific candidates, would be eliminated. And "independent" expenditures, by groups supposedly not linked to campaigns, would be restricted close to voting dates.

The key vote yesterday means that if a constitutional flaw is found in one part of the law the remainder will survive. Several opponents of reform last week helped pass an amendment offered by liberal Senator Paul Wellstone of Minnesota that would further curtail independent expenditures, in the obvious hope that the provision would be found unconstitutional and scuttle the whole effort.

We support the Wellstone amendment and believe it is constitutional. If not, yesterday's vote will keep the rest of the law intact.

The road for campaign reform has been long. The House has approved similar measures, but must now take the bill up again, this time playing with live ammunition—the increased likelihood that it will become law. Bush added to the momentum this week by indicating for the first time he might sign it.

On this bill and other political reforms, Congress should give primacy to the rights and needs of voters. Reform should not have to wait for a tangled election like the one just concluded—or a Watergate.

Mr. WELLSTONE. Mr. President, I don't agree with my colleague from Kentucky, though I have great respect for him. I think our parties will be stronger not dependent on soft money, to get away from the obscene money chase, and we will be more connected to the people. I also think the provisions on the sham issue ads across the board will make a huge difference, with less poison politics and bringing people back.

I hated the increase in the hard money limits. I think it is a mistake. But this bill is a step forward. I am proud to vote for it. This is all about representative democracy. This will be a great vote, and I hope it whets the appetite of people in the country for even more. I thank Senators McCAIN, FEINGOLD, DODD, DASCHLE, and a lot of other Senators as well.

Mr. DODD. I yield 1 minute to Senator EDWARDS of North Carolina.

Mr. EDWARDS. Mr. President, I will first thank my friends Senator McCAIN and Senator FEINGOLD for their extraordinary leadership. It has been a wonderful honor for me to participate in this very important debate in our history. The American people deserve a democracy where their voice is heard above the megaphone of big money and powerful interests. That is what this debate has confronted. It is not about Members of Congress; it is not about Senators or Members of the House. It is about the American people. It is not about Democrats or Republicans and who is advantaged by this bill. It is about the American people—once again, restoring their faith in the integrity of their Government, once again making the American people believe that their voice is what matters. When they go to the polls and vote, it is their vote that matters.

Mr. President, I urge my colleagues to support this legislation. It is a huge step in the right direction.

Mr. DODD. I yield 1 minute to the Senator from Washington, Ms. CANTWELL.

Ms. CANTWELL. Mr. President, rarely in life—and even more rarely in politics—can you say after fewer than 90 days in a new job that you are able to see one of your primary goals accomplished.

My hat is off to Senators McCAIN and FEINGOLD for their many years of working on this legislation.

I ran for the Senate because I wanted to see meaningful campaign finance reform, to reduce the influence of special interests in our political process, and to amplify the voices of individual ordinary citizens. Final passage of McCain-Feingold will be a dream come true for me and a major first step. That is what is most significant about this reform—the first reform we have really had in almost a quarter century. Watching my colleagues, Senators McCAIN and FEINGOLD, and also Senators LEVIN, THOMPSON, SNOWE, SCHUMER, DODD, and WELLSTONE, bring such force of will to ensuring that this bill passed. And that it not only emerged from the amendment process, but that it was improved in that process. Finally, we will be able to slow the virtual arms race that campaign fundraising has become.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, each of us at one point in the well of the Senate raised our right hand and swore to uphold the Constitution of the United States. On 21 occasions in the last 26 years, efforts to restrict issue advocacy by outside groups have been struck down, including just last summer when the second circuit struck down the precise language in Snowe-Jeffords.

This bill is fatally unconstitutional. I hope Senators will uphold the oaths they have taken and oppose this unconstitutional bill.

I yield the floor.

Mr. DODD. Mr. President, I yield the remaining minutes on the proponents' side to the principal author of this bill, the person who deserves enormous credit, JOHN McCAIN of Arizona.

Mr. McCAIN. Mr. President, in a few moments the Senate will vote on final passage of the Campaign Finance Reform Act, and I respectfully ask all Senators for their support. I want to speak very briefly, mainly to express my appreciation to my colleagues, on all sides of this issue, for the quality of our debate.

I thank first two men who were as good as their word: The majority leader, for the commitment to an open debate and for keeping the amendment process both fair and expeditious, and the Democratic leader for so effectively safeguarding his party support for genuine campaign finance reform.

I also show my respect for the skill, grit, and honesty of the formidable Senator from Kentucky and his able staff. There are few things more daunting in politics than the determined opposition of Senator McCONNELL. I hope to avoid the experience more often in the future.

I thank Senator DODD, the Democratic manager of the bill, and his staff. His leadership was as critical to our success as his unfailing good humor was to our morale.

The majority and minority whips, Senators NICKLES and REID, worked hard to ensure a fair and complete debate and to encourage both sides to reach for good-faith compromises whenever it was possible.

Words cannot express how grateful I am to the cosponsors of our legislation. But for the willingness of Senators THOMPSON and FEINSTEIN to find common ground on the issue of increasing hard money limits, I fear our efforts would have proved as futile as they have in the past.

I cannot exaggerate how big a boost Senator THAD COCHRAN's support was to our cause and how important his wise and courteous guidance was to our success.

I appreciate the wise and experienced leadership of Senator CARL LEVIN.

Senators SNOWE, JEFFORDS, COLLINS, SPECTER, SCHUMER, EDWARDS, KERRY, and all the sponsors worked tirelessly and effectively to reach this moment and more than compensated for my own deficiencies as an advocate.

I am also much indebted and inspired by the community of activists for campaign finance reform. The faith, energy, and never-say-die spirit they have shown in a fight they have waged for so many years are the best attributes of patriots. Although we have a few more miles to travel, they have given good service to our country, and my admiration for them is only surpassed by my gratitude.

I owe a special thanks to the many thousands of Americans who lent their voice to our cause this year, many who supported my campaign last year and many who did not but who believe that reforming the way we finance Federal election campaigns is a necessary first step to reforming the practices and institutions of our great democracy.

I also thank my staff for their extraordinary support, particularly Mark Buse who has worked by my side on this issue for many years and whose industry and creativity will never fail to impress me.

Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. What is the request?

The ACTING PRESIDENT pro tempore. For 2 additional minutes. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to print in the RECORD a list of the staffers of the Senators who were very helpful and critical to our success.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Cochran—Brad Prewitt;

Senator Collins—Michael Bopp;

Senator Daschle—Andrea LaRue;

Senator Dodd—Kennie Gill, Veronica Gillespie;

Senator Feingold—Mary Murphy, Bob Schiff, Bill Dauster;

Senator Feinstein—Gray Maxwell, Mark Kadesh;

Senator Hagel—Lou Ann Linehan;

Senator Jeffords—Eric Buehlmann;

Senator Levin—Linda Gustitus, Ken Saccoccia;

Senator Lieberman—Laurie Rubenstein;

Senator Lott—Sharon Soderstrom;

Senator McCain—Mark Buse, Ann Choiniere, Lloyd Ator, Ken LaSala;

Senator McConnell—Tamara Somerville, Hunter Bates, Andrew Siff, Brian Lewis;

Senator Schumer—Martin Siegel;

Senator Snowe—Jane Calderwood, John Richter;

Senator Thompson—Bill Outhier, Hannah Sistare, Fred Ansell.

Mr. McCAIN. Mr. President, were I limited to thanking one individual, it would be Senator RUSS FEINGOLD of Wisconsin, a man of great courage and conviction. His partnership in this effort is one of the greatest privileges I have ever had in public life. He is in every respect the better half of McCain-Feingold. I want him to know, Mr. President, that I will never forget it. I might also add that he is well served by his staff as I am by mine.

Lastly, I thank every one of my colleagues, those who supported our bill and those who did not, particularly my friend Senator HAGEL, for the good faith and fairmindedness that all have brought to this debate.

I believe the events of the last 2 weeks have been a great credit to this body, and that is tribute to every Senator. Indeed, as we approach what I believe will be a successful outcome for the proponents of this legislation, I can say I have never been prouder to be a Member of the Senate. Because of my failings, I might not always show it, but I consider myself blessed to serve in the company of so many capable leaders of our fair country.

I asked at the start of this debate for my colleagues to take a risk for America. In a few moments, I believe we will do just that. I will go to my grave deeply grateful for the honor of being part of it.

I yield the floor.

Mr. DODD. Mr. President, have the yeas and nays been ordered?

The ACTING PRESIDENT pro tempore. They have not been ordered.

Mr. DODD. I ask for the yeas and nays on the McCain-Feingold bill.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill pass? The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—59

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Thompson
Torricelli
Wellstone
Wyden

NAYS—41

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison

Inhofe
Kyl
Lott
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thurmond
Voinovich
Warner

The bill (S. 27), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LOTT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I support the effort by Senators McCAIN and FEINGOLD to try to rein in some of the rampant spending that takes place in political campaigns. Today I voted for S. 27, the Bipartisan Campaign Reform Act of 2001.

While I voted for final passage of S. 27, I do not feel that it goes far enough. The only way that we will ever get control over the money in politics is if we put limits on campaign spending, and the only way to achieve that goal is to address the Constitutional hurdles raised by the Supreme Court. Unfortunately, by equating free speech with campaign spending, the Supreme Court placed a substantial roadblock in the path to campaign finance reform. We will not have true campaign finance reform until Congress and the States approve a Constitutional Amendment which clearly articulates that Congress can regulate fundraising and expenditures for campaigns. That is why I supported the constitutional amendment offered by Senator HOLLINGS.

I understand that the sponsors of this bill worked to craft legislation that would maintain the support of a majority of Senators, and, at the same time, would also stand up to the certain Court challenges it will face. I hope that this bill will make some progress in limiting the power and influence of money in our elections, but I believe that we still have a long way to go.

Mr. McCONNELL. Mr. President, occasionally, that massive soft money machine, the New York Times, runs something accurate about campaign finance. Such as the op-ed I authored which appeared in the April 1 edition. The focus of the piece is the tremendous harm enactment of the McCain-Feingold bill would do to our democracy, by severely weakening the two great political parties.

I ask unanimous consent that my op-ed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Time, Apr. 1, 2001]

IN DEFENSE OF SOFT MONEY

(By Mitch McConnell)

WASHINGTON—It now appears that among the legacies of the Bill Clinton presidency will be a "reform" of a campaign financing that devastate the national political parties. The 1996 Clinton campaign's courting of illegal foreign contributions for the Democratic National Committee and the Clintons' use of the Lincoln Bedroom to entertain contributors, followed by Mr. Clinton's pardons for criminals championed by big donors to the Democrats, have cast a pall over national party committees. And all of this propelled the prohibition of soft money—donations made to political parties and not subject to federal contributions limits—to the top of the reform agenda.

Earlier, the centerpiece of reform efforts had been limits on candidates' own spending. In 1997 Senators JOHN McCAIN and RUSS FEINGOLD dropped these spending limits from their reform bill, along with bans on political action committees and on "bunding"—when individuals and groups collect multiple contributions.

Hard money, in Washington parlance, is the funds and activities targeted to electing specific candidates to federal office. These funds are already subject to severe contribution limits, set in 1974 and never adjusted for inflation, and to requirements for disclosing the names of donors and the amounts they gave. The national parties themselves also raise money, which they need for issue advocacy, for helping state and local candidates, for paying overhead expenses like the costs of computers and lawyers (to comply with the array of election laws), and for get-out-the-vote efforts that benefit all of a party's nominees on Election Day. This "nonfederal" money is subject to regulations in the States. But because it has often been used in ways that do help federal candidates, it has come to be called "soft money."

The Republican and Democratic National Committees, and the Republican and Democratic senatorial and congressional committees, are national in scope. Gubernational and state legislative elections are among the highest priorities of the national parties, so they help candidates in those races accordingly—with funds governed under the relevant state laws and spent in consultation with state party committees. But federal candidates are a focus of the national committees, too. And with campaigns for federal offices starved for hard money by the antiquated 1974 limits, the national parties have become increasingly resourceful in utilizing soft money to fill the void in federal elections.

In recent years, the parties have used soft money to run ads defending their nominees from attacks by special interest groups and to help challengers compete against well-financed incumbents. Help from the parties often provides the only chance nonincumbent and nonmillionaire candidates have to be competitive in Congressional elections.

The McCain-Feingold bill now working its way through Congress would prohibit the national committees from raising or spending any soft money—that is, any money not covered by federal contribution limits—at any time for any purpose. It would also federalize campaign-related spending by state parties in even-numbered years, thus forcing even the state parties to rely on far more scarce hard money, with results that are likely to be devastating.

Even if only one federal candidate were on the ballot in a state where the chief voter interest was in the governor's race, a mayoral contest or control of the state legislature, all party voter registration and turnout activities in that state within 120 days of the election would be subject to the severe limits on contributions set by Congress—and therefore underfunded and diminished. Special-interest group issue ads would go unanswered by the parties. Challengers, historically shunned by political action committees but boosted by parties, would be on their own. Incumbents and selffunded millionaire candidates would flourish.

Speculation rages over which party would get the greater advantage from the ban on soft money. Many Republicans, believing that liberal-leaning news outlets will favor Democrats and noting that much of the political activity of the biggest Democratic ally, the A.F.L.-C.I.O., is largely unimpeded by McCain-Feingold's provisions, fear Democrats may be the greatest beneficiary. Conversely, there is concern among some Democrats that forcing the parties to rely solely on the limited and relatively puny hard-money contributions may benefit Republicans.

One result of McCain-Feingold is certain: America loses. The parties are vital institutions in our democracy, smoothing ideological edges and promoting citizen participation. The two major parties are the big tents where multitudes of individuals and groups with narrow agendas converge to promote candidates and broad philosophies about the role of government in our society.

If special interests cannot give to parties as they have, they will use their money to influence elections in other ways: placing unlimited, unregulated and undisclosed issue advertisements; ;mounting their own get-out-the-vote efforts; forming their own action groups. Unrestrained by the balancing effect of parties, which bring multiple interests together, America's politics are likely to fragment. "Virtual" parties will be able to proliferate—shadowy groups with innocuous-sounding names like the Group in Favor of Republican Majorities or the Citizens for Democratics in 2012 that will hold potentially enormous sway in a post-McCain-Feingold world where the parties are diminished for lack of money.

Under McCain-Feingold, the power of special interests will not be deterred or diminished. Their speech, political activity and right to "petition the government for a redress of grievances" (that is, to lobby) are protected by the First Amendment. Political spending will not reduced; it just will not flow through the parties.

Do we really want the two-party system, which has served us so well, to be weakened in favor of greater power for wealthy candidates and single-issue group? McCain-Feingold will not take any money out of politics. It just takes the parties out of politics.

Mr. McCONNELL. Mr. President, it's a little late, but hopefully not too late, that the Washington Post runs a page one story exploring the McCain-Feingold's destructive impact on vital democratic institutions: the two great political parties.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 1, 2001]

CAMPAIGN BILL COULD SHIFT POWER AWAY FROM PARTIES

(By Ruth Marcus and Juliet Eilperin)

If the campaign finance bill nearing final passage by the Senate becomes law, it could dramatically alter the practice of modern politics, curtailing the influence of political parties and potentially enhancing the power of outside groups that would not be subject to strict contribution and disclosure rules.

Campaign consultants and senior lawmakers said the biggest immediate impact would be the slashing of the budgets of the Democratic and Republican parties, which together raised nearly half a billion dollars in the last election in "soft money," the unlimited contributions from corporations, unions and wealthy individuals that would be banned under the Senate bill.

That money, accounting for one-third of Republican Party committees' funds and nearly half the budget of Democratic Party committees, financed get-out-the-vote drives, television ads praising or attacking specific candidates, and basic administrative costs.

Although the parties would suffer under the new system, political experts say, the beneficiaries could be independent groups that have proliferated in recent years to press their agendas on gun control, the environment, abortion and other issues.

The bill, sponsored by Senators John McCain (R-Ariz.) and Russell Feingold (D-Wis.), puts significant new restrictions on such groups. Corporations, labor and ideological groups on the left and right would not be able to use their own soft money to run issue advertisements that name candidates within 60 days of a general election or 30 days of a primary. The use of such advertising, often indistinguishable from ordinary campaign commercials, has skyrocketed in recent elections.

However, unlike the political parties, outside groups could still collect unlimited checks from any source. They could also run whatever ads they wanted up to the deadline and after that could engage in other forms of political activity, such as telephone banks and mailings.

In addition, the legislation would not end all issue advertising, even close to an election. For example, wealthy individual donors—who cannot constitutionally be stopped from spending their own money—are not covered. Moreover, the restrictions on outside groups are the part of the legislation most likely to be thrown out by a court.

"The world under McCain-Feingold is a world where the loudest voices in the process are third-party groups." Republican election lawyer Benjamin Ginsberg Said. "My fear is that the parties will just wither and essentially people will be motivated to get out to vote by the groups which champion the issues they care about."

A top democratic operative offered a similar assessment. "The fear here is all you're doing is opening up a very large, underground flow of money in national politics," said David Plouffe, who headed the House Democrats' campaign operation in the last election.

But Fred Wertheimer of Democracy 21, which is lobbying for the bill, said there would be "far less leakage" of soft money to outside groups than some anticipate, especially from corporations. "People are missing the fact that a large number of soft-money donors are tired of being hit up and tired of facing the equivalent of political extortion," he said.

If the Senate approves it Monday, the McCain-Feingold bill will still have numerous hurdles to surmount. It must pass the House, which has voted for similar measures, but now—with campaign overhaul far closer to reality—Republican leaders are vowing opposition. It must also be signed by President Bush, who disagrees with a number of provisions but has indicated that he cannot be counted on to veto the bill. And perhaps most important, it must survive the constitutional challenge that, will immediately be mounted in the courts.

Nonetheless, the prospect of Senate approval brings the bill a huge step closer to reality. As its most ardent foe, Sen. Mitch McConnell (R-Ky.), said last week: "There is nobody to come to the rescue. This train is moving down the track."

That momentum has left elected officials, political strategists and election lawyers of both parties trying to predict what life would be like under the new regime—and whether Republicans or Democrats would be better off. Both sides insisted that the measure would benefit their opponents but also acknowledged that the ultimate winners and losers would not be clear for some time.

Experts disagreed about whether the measure would help challengers or incumbents. Many said the bill would help incumbents because parties would not have the same ability to mount extensive advertising campaigns on behalf of challengers and because it allows incumbents to raise additional money against challenges by millionaire candidates. But others said challengers would be helped by the increase in the limits on direct contributions to candidates and parties known as "hard money." The limit on how much an individual can give to a single candidate would double to $2,000.

Some effects of the bill were not disputed. Because it raises the overall amount of hard money that individuals can contribute in an election cycle from $25,000 to $37,500, Washington lobbyists are already wincing at the effect on their bank accounts. Because many lobbyists give the maximum allowed for a married couple, that would mean the total amount they and a spouse could give would grow $25,000, to $75,000 an election.

In addition, parties would have to dramatically change their operations, which have become dependent on using a combination of soft and hard dollars to do everything from paying the light bill to running ads.

"What we are doing is destroying the party system in America," said House Democratic Caucus Chairman Martin Frost (Tex.). "The political parties would be neutered, and third-party groups would run the show."

"We both lose," McConnell said. "This is mutual assured destruction of the political parties."

Some campaign finance experts said such concerns were overstated, nothing that the parties took in nearly $720 million in hard money in the last election and would be able to raise even more under McCain-Feingold, which slightly increases the individual contribution limits to political parties, from $20,000 to $25,000.

"I do not think that a ban on soft money will cripple the parties," said Colby College political scientist Anthony Corrado. "The parties now raise twice as much hard money as they were raising 10 years ago, and the parties were very active in the late '80 and early '90 in election campaigns without really any reliance on soft money."

Because Republicans have built up a larger base of small donors and therefore vastly out raise Democrats in hard-money contributions operatives on both sides agreed that, at least in the short term, the Democrats would be at a significant disadvantage. During the last campaign, Republicans and Democrats raised equivalent amounts of soft money, but Republicans took in $447 million in hard money to the Democrats' $270 million.

"The best example of why Republicans will do better than Democrats is to look at the Bush campaign last year," Democratic National Committee spokeswoman Jerry Backus said, citing the more than $100 million the Bush primary campaign raised in hard money.

Democrats also voiced concern that they would be targeted in the waning days of the campaign by well-funded independent Republican groups.

"We have established interest groups that have been very effective on our behalf," a Democratic strategist said. "What we have never had are the instant groups that spring up for the specific immediate purposes of influencing elections and that are encouraged to form under this bill. . . . Democrats are going to be shuffling around dramatically more limited resources and not able to provide air cover for their members against those attacks."

Yet Republicans say democrats would be helped because they would benefit from continued heavy union spending and because wealthy Democrats would simply write checks to outside groups.

Two academics who are sympathetic to McCain-Feingold said the Democrats' shortfall in hard money would be offset by the greater number of advocacy group ads supporting Democrats. "The experience of the last two elections suggest that neither Democrats nor Republicans would be disproportionately harmed," said Kenneth Goldstein and Jonathan Krasno. "Indeed, neither party stands to gain or lose much against their counterparts."

Michael S. Berman, a veteran Democratic political strategist, said any predictions are foolhardy. "Of one thing I'm certain," Berman said. "Whatever we think the effect will be, whoever we think it will help, we will be wrong, because we've always been wrong."

Mr. McCONNELL. Mr. President, the courts have repeatedly struck down issue advocacy restrictions.

I also ask unanimous consent that this list of cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

See Buckley v. Valeo, 424 U.S. 1, 44, n. 52 80 (1976), FEC v. Massachusetts Citizens for Life, Inc., 479 U.S. 238, 249 (1986); Vermont Right to Life Comm. v. Sorrell, 221 F.3d 376, 386 (2d Cir. 2000); North Carolina Right to Life, Inc. v. Bartlett, 168 F.3d 705 (4th Cir. 1999); Iowa Right to Life Comm., Inc. v. Williams, 187 F.3d 963, 969–70 (8th Cir. 1999); Virginia Society for Human Life v. Caldwell, 152 F.3d 268, 274 (4th Cir. 1998); Brownsburg Area Patrons Affecting Change v. Baldwin, 137 F.3d 503, 506 (7th Cir. 1998); FEC v. Christian Action Network, 110 F.3d 1049 (4th Cir. 1997); Maine Right To Life Comm., Inc. v. FEC, 914 F. Supp. 8, 12 (D. Me. 1996), aff'd per curiam, 98 F.3d 1 (1st Cir. 1996); Faucher v. FEC, 928 F.2d 468, 472 (1st Cir. 1991); FEC v. Central Long Island Tax Reform Immediately Comm., 616 F.2d 45, 53 (2d Cir. 1980) (en banc); Kansans for Life, Inc. v. Gaede, 38 F. Supp.2d 928, 935–37 (D. Kan. 1999); Right to Life of Mich., Inc. v. Miller, 23 F. Supp.2d 766 (W.D. Mich. 1998); Planned Parenthood Affiliates of

Mich., Inc. v. Miller, 21 F. Supp.2d 740 (E.D. Mich. 1998)(same); Right to Life of Duchess County, Inc. v. FEC, 6 F. Supp.2d 248 (S.D. N.Y. 1998); Clifton v. FEC, 927 F. Supp. 493, 496 (D. Me. 1996), aff'd on other grounds, 114 F.3d 1309 (1st Cir. 1997); West Virginians for Life, Inc. v. Smith, 919 F. Supp. 954, 959 (S.D. W. Va. 1996); FEC v. Christian Action Network, 894 F. Supp. 946, 958 (W.D. Va. 1995), aff'd per curiam, 92 F.3d 1178 (4th Cir. 1996); FEC v. Survival Educ. Fund Inc., 1994 WL 9658, at *3 (S.D. N.Y. Jan. 12, 1994), aff'd in part and rec'd. in part on other grounds, 65 F.3d 285 (2d Cir. 1995); FEC v. Colorado Republican Fed. Campaign Comm., 839 F. Supp. 1448, 1456 (D. Colo. 1993), rec'd., 59 F.3d 1015 (10th Cir. 1995), vacated and remanded on other grounds, 116 S. Ct. 2309 (1996); FEC v. NOW, 713 F. Supp. 428 (D. D.C. 1989); FEC v. AFSCME, 471 F. Supp. 315, 317 (D. D.C. 1979); Elections Bd. of State of Wis. v. Wisconsin Mfrs. & Commerce, 597 N.W.2d 721, 731 (Wis. 1999).

AMENDMENT NO. 171

Mr. DOMENICI. Mr. President, I ask unanimous consent that a series of technical amendments to S. 27, which are at the desk, be agreed to and the motion to reconsider be laid upon the table. These technical changes have been agreed to by the chairman and ranking member of the Rules Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 171) was agreed to, as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DAYTON. Mr. President, I spent the past three days with a number of my colleagues on a fact-finding trip to the Artic National Wildlife Refuge. I took this trip to help prepare myself for one of the most important environmental and energy issues before us: whether or not to permit drilling for oil in the 1002 Area of ANWR. I wish to thank my distinguished colleague, Senator MURKOWSKI, for arranging and hosting our tour.

This trip was reportedly scheduled several weeks ago in consultation with the Majority Leader, who at that time did not expect the trip to conflict with votes in the Senate. Unfortunately, two votes did occur last Friday on amendments to S. 27, the campaign finance bill, and I was not present for them. Last Thursday evening, after reviewing the nature of these two amendments, I was advised by Democratic leaders to keep my commitment to undertake the trip.

Had I not been necessarily absent last Friday, I would have cast my vote in support of the Reed Amendment Number 164, as modified, because it would improve the ability of the Federal Election Commission to enforce the law. I would also have voted in favor of the McCain Amendment Number 165, because it would make more workable the bill's restrictions on the coordination of independent expenditures. Both of these amendments would have strengthened the underlying bill, which I strongly support.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011—MOTION TO PROCEED

Mr. LOTT. Mr. President, I now move to proceed to H. Con. Res. 83, the House budget resolution, and my motion to proceed be limited to 10 minutes—5 minutes under the control of Senator CONRAD and 5 minutes under the control of Senator DOMENICI—and, following that debate, the Senate proceed to the adoption of the motion and that the motion to reconsider then be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. In light of this agreement, then, Mr. President, there will be no further votes today. However, votes will occur throughout the day and into the evening tomorrow and probably Wednesday and Thursday also.

I thank my colleagues for helping work out this agreement.

I yield the floor.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of the ranking member of the Budget Committee, Senator KENT CONRAD. What we have agreed to in the unanimous consent is that he and I will each speak for 5 minutes, after which we will adopt the House-passed budget resolution, after which the Senator from New Mexico will send a substitute to the desk which will be the Bush-Domenici amendment. We will get that much done tonight.

For Senators who might want to speak, we should be there rather quickly, do what I have just described, and we will be here if Senators want to come down and speak. I understand there is at least one Senator on our side who would like to make a speech tonight, and we have talked with Senator CONRAD, if there are any on his side who would like to speak.

It looks as though the magic hour tonight is certainly somewhere around 9 o'clock because it seems like it would be very uncomfortable after 9 o'clock for Senators to be around here, and we will not be doing any voting until tomorrow. So that looks like a nice time to shoot for, as far as how much time we will use. I will certainly save for tomorrow a more detailed analysis of why we are here.

I will say tonight that it is very important to most Republicans—I think I speak for almost every Republican Senator; I am not overstating the case, almost every Republican Senator—that this President, George W. Bush, deserves to have his budget and his tax plan considered by the Senate. That is what the arguments have been about thus far. Should he have a chance? What I am saying tonight is, yes, he should and, yes, I am grateful now that, after a lot of back and forth, the other side of the aisle has agreed that we can call up the budget that we heretofore talked about, the Bush-Domenici budget.

Everyone should know that budget has a couple of things different than the one I proposed maybe a week ago. Those things are that the reconciliation instruction on the taxes is not in the budget resolution. The reason for that is simple and does not require much finger pointing or much time.

Essentially, it was determined, parliamentary-wise, that would not work, putting the reconciliation instruction on a budget resolution at this time. We intend to offer it at a later time in an up-or-down vote on the floor of the Senate, and I am certain that while some might want to delay that—I haven't heard that from my friend, Senator KENT CONRAD—we will have that vote. We are hopeful by then we will have 51 votes for that, and we will be back where we were originally. It will be in our budget resolution as it goes on its way to the House for conference.

Having said that, in the few minutes I have, I will say that the President of the United States and a very brand new staff, who did not have very much time, put together a rather good budget, which the Senator from New Mexico has looked at—at least the profile of it, the plan for it. I have looked at that, and I have modeled the budget after that.

Let me tick off what our new President wanted us to do that we are going to try to do in the next few days: One, save Social Security; two, save Medicare; three, provide, in the opinion of the President, adequate defense until and unless he gets his top-down review; and to provide new and increased spending for education. And he did that, and we proposed that within the discretionary funding in this budget resolution.

In addition, the President of the United States proposed that we should have a major tax bill. Frankly, in due course, the tax-writing committee will work their will. This is not a Senator putting something off; it is just stating the facts and the law. In a budget resolution, you just use dollar numbers. So you tell the Finance Committee where they have latitude to cut taxes. They will determine how, what kind, and we will be saying in this budget resolution you have permission to do up to $1.6 trillion over a decade.

Before we are finished—since some of my friends have gone on television and talked about how big this $1.6 trillion is—I want to use a whole series of numbers as to what that looks like over 10 years to eventually convince people that it is not a very big number—whether you consider the total gross domestic product, total tax take—whatever you want to look at—it is a pretty modest number. The President would like us to consider that. We want to give him the right to consider that in this budget resolution.

My last comments have to do with what else is in this budget of a high priority and a big substance; that is, we reduce the national debt by $2 trillion over the decade. We think that is the right amount. We think that is a fair amount. We also think, considering the size of the surpluses, that probably is what we ought to do. We prescribe that in this budget resolution.

I have given a summary tonight, as brief as it was. We will ultimately talk about more detail. We have done this budget with this kind of spending in it. The President has a 4-percent increase, year upon year, over the last year's budget for discretionary spending. In my opinion, that is a pretty good amount.

Mr. President, we won't adopt the House measure. We will make it pending, after which we will offer a substitute. I note that the Parliamentarian was nodding his head.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair and I thank the Senator from New Mexico. I thank all of my colleagues who have worked hard to bring us to this position today.

However, we don't believe we ought to be on the budget resolution tonight. We don't believe we ought to be on the budget resolution because we don't have a budget from the President. Not only do we not have a budget from the President, because he has not even provided sufficient detail for the Joint Committee on Taxation or the Congressional Budget Office to give us an independent review of what his tax proposal costs, but we believe we should have waited until that analysis was available.

Third, there has been no markup in the Budget Committee. Always before, with one exception, we have had a markup in the Budget Committee. And always we have at least tried in the Budget Committee to mark up a budget resolution for our colleagues on the floor. This year, there was not even an attempt.

Fourth, there will be an attempt in the budget resolution to use reconciliation for a $1.6 trillion tax cut, which we believe threatens the constitutional role of the Senate.

Now "reconciliation" is a word that I am certain many of our listeners really have no idea of its meaning. I must confess I didn't fully understand reconciliation until a detailed review of that process. What it provides is that the typical operation of the Senate was to provide a "cooling saucer" in our constitutional construct, so that the House of Representatives reacted immediately and responded to the will of the people at the moment. The Senate was designed to be the cooling saucer, where calmer and cooler reflection could permit a further analysis, unlimited debate, with every Senator having the right to amend. Those are the fundamental constructs of this institution. All of that is short-circuited under reconciliation. All of that is out the window, and the Senate becomes a second House of Representatives.

We believe the Bush budget puts this country in the hole because if you start with the projected surplus of $5.6 trillion and subtract out the trust funds of Medicare and Social Security, that leaves you with an available surplus of $2.5 trillion. When we look at the cost of the Bush tax cut as partially reestimated, and the alternative minimum tax that will have to be reformed because of the Bush tax cut, which costs another $300 billion, and the associated interest costs of $500 billion, and the spending proposals in this budget of $200 billion, you have a total cost of the Bush plan at $2.7 trillion. That tells us this President's plan puts us right into the trust fund and puts us in the hole by $200 billion.

On our side, we will offer an alternative that does the following:

We will protect the Social Security and Medicare trust funds in every year. We will pay down the maximum amount of the publicly held debt. We will provide for an immediate fiscal stimulus of $60 billion.

I might add, that is what we think we should be doing this week. We think we should be passing on the floor of the Senate an immediate fiscal stimulus. That is what we think should be done.

Fourth, we will provide significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform.

Finally, we will reserve resources for the high priority domestic needs, including improving education, a prescription drug benefit, strengthening our national defense, and funding agriculture.

Finally, we will provide $750 billion to strengthen Social Security and address our long-term debt.

So this is a fundamental debate about the economic future of our country. We look forward to it on our side. We look forward to a healthy and vigorous and polite debate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed is agreed to.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) establishing the congressional budget of the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 170

(Purpose: In the nature of a substitute)

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 170.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, we have an agreement and understanding that there will be no amendments offered tonight. Incidentally, for those who wonder what that amendment I sent to the desk is, that amendment is the budget I submitted on Thursday of last week to the other side of the aisle. When my friend got it—maybe he got it the next day. It was there for circulation. It is the same budget.

Senator GRAMM from Texas asked if he could speak tonight. I want it to go out to his office and others that we would like for him to come down. I do not intend to speak until 9 o'clock, considering however long my friend wants to speak. That would be an awful long time for each of us to listen to ourselves, although we both probably have a lot to say. It probably would be fun to listen.

I yield myself, for purposes of making sure we keep ourselves under control, 10 minutes and ask that I be reminded when I have used that time.

I hope we do not spend an awful lot of time talking about whether or not we have sufficient information from the President of the United States to proceed on this budget. I do not want to spend a long time on it, but I remind everyone—those Senators in their offices who are listening, or those who give Senators information about what is happening on the floor.

I spoke earlier of trying to give a new President an opportunity to have his budget considered and his tax proposal considered. I want everyone to know the other side of the aisle, when they had the majority, when they had a brand new President named William Jefferson Clinton—he did not have the luxury of being in office for very long to write up a budget—the other side of the aisle, in its majority status with their President, proceeded to bring up a budget resolution, and the President of the United States, Bill Clinton, had not sent a budget to the Congress.

In fact, the budget resolution was adopted by the Senate on a party-line vote. The other side of the aisle had the majority. It was adopted, and the President had not sent us a budget in its totality.

It went to conference with the House. They conferred upon it and brought it back and passed a final version of a budget resolution which, incidentally, included not tax cuts but tax increases, tax increases that if you looked at them in today's gross domestic product numbers would be equivalent to almost a trillion dollars in tax increases.

Various committees—10, I think—were instructed to make changes in matters that they could make changes in to effect a budget—some of them up, some of them down. The important point is all of that was done by the other side of the aisle when they had a new President without a final budget document. They had a 100-page document, more or less, called "A Vision for America."

Our new President, who was elected—and even though some want to contest that election, I believe President Bush got a higher percentage of votes than did Bill Clinton because there were three people running. I do not think we ought to be hearkening back as to who had the moral authority to give us a budget. We have a President. He sent us his vision document, and it was used by the Budget Committee, including this Senator and the staff on this side. It was used to develop the budget that I sent to the desk.

Frankly, I repeat, I hope we do not have an argument now from every Senator on the other side of the aisle that we should delay this because we do not have the President's detailed budget. Summarizing, neither did the other side of the aisle, the then-majority, have the budget of the new Democratic President, Bill Clinton, when they produced a budget resolution and the entire finality of a 5-year game plan for America's fiscal policy and tax policy.

If we get the budget next week and this budget resolution is still around, I remind everyone that the details in the President's budget may enlighten some people, but it will not necessarily have an impact on this budget resolution because we do not have the authority to determine small itemized programs. That all goes to the Appropriations Committee, as the Chair now recognizes, and they make the final decisions.

Mr. President, have I used my 10 minutes yet?

The ACTING PRESIDENT pro tempore. The Senator has only used 4 minutes.

Mr. DOMENICI. Mr. President, Senator GRAMM will return after we have used some time, and I welcome that.

I want to speak a little bit and then tomorrow will give more detailed statements, or tonight, when we have more time.

This budget does not include the dollars in tax receipts that would be forthcoming if we had ANWR in this budget, as prescribed by the President. That would be an expectation of $1.2 trillion in the third year of this budget. We did not put that in. That does not preclude, nor does it enhance, the passage of ANWR. It just means that in a budget resolution at this point in time, which is very close in votes, we chose not to put it in, and it will be taken up at a later time.

Also, President Bush had a 10-year budget that covers 2002, and it is over a 10-year period. He proposed that a portion of the projected $5.6 trillion budget surplus be returned to the American taxpayers in tax relief. We still have that in this budget, but we also have prescribed something he did not have, which is that in this year, 2001, there be made available up to $60 billion of this year's surplus—$60 billion. Tomorrow we will talk in more detail from where that comes. Essentially, believe it or not, it is a surplus that exists right now in the budget of the United States, and we decided that we ought to give some of it to the tax-writing committee to prescribe this year's stimulus of their prescription. We cannot write a tax bill, so the tax-writing committee will determine how.

I was very thrilled when I presented this budget to the Republicans in a caucus and almost all were there. For the first time, they saw this budget, and they also saw from me a proposal that we ought to use $60 billion to "stimulate" the economy now. They said, to a man and to a woman: Let's do it.

Nobody should misunderstand. We did not suggest that day, nor are we suggesting today, that we should adopt a $60 billion stimulus without providing permanent changes in the Tax Code that enhance growth and prosperity.

We have said what our President said. He agrees with us on the $60 billion stimulus this year, almost the same day we talked about it, but he said, as we said then and as we say today, it would be foolhardy to adopt a current 1-year stimulus package without reforming the Tax Code so as to provide for more prosperity over a longer period of time.

I understand there is a difference between our side and their side on what the tax changes should look like, but I hope even in their proposal on tax reduction, they would cause an improvement in the economy over time by cutting marginal rates; that is, cutting the current point at which you go to the next bracket and pay the next highest amount of the Tax Code.

We propose that every bracket, every margin, be given a cut. When the time comes to debate that more fully, we can talk about who is right about what it ought to look like. For now, it does not matter too much what we think because the tax-writing committee is going to end up determining that.

I could get up here and tell the taxpayers: Here is a list of the things we want out of the budget resolution, but I want everybody to know, on the tax side, if we said that, all that is binding on the committees of the Congress is the total, $1.6 trillion and the $60 billion surplus for stimulus. They can provide what kind of stimulus.

The other side of the aisle will talk about what they like. We will talk about what we like. That is just debate because the Finance Committee, under Senator GRASSLEY's chairmanship in the Senate, will decide what kind of stimulus. They will also decide what kind of tax changes are going to accrue, what can the American taxpayers really get by way of a return of their money. Essentially, that is where we are.

I will spend a few minutes on a very interesting word. The word is "reconciliation." My friend, Senator BYRD, is not on the floor. He pronounces it differently. It doesn't matter whether we pronounce it reconciliation as the Senator from New Mexico does or as the Senator from West Virginia does; it is the same animal.

So everybody will understand, we decided 25 years ago to change the procedures of the Senate. What do I mean? When we adopted the Budget Act, with the help of a lot of experts, including the best Parliamentarians they could muster to help write it, that Budget Act said if you are going to do a reconciliation instruction, by definition, here is what it means. It means if you do that, you have held that the Senate no longer is bound by a filibuster rule on that bill that comes from reconciliation. You cannot filibuster it.

That is a dramatic change in the rules of the Senate. For those who complain about it, when we get a chance to vote on it, what we say to them is, go back and amend the bill that created it. It is already 25 years old. Anybody who wanted to amend it, to take out this authority could have.

but it is there. It is there to be used by Republicans and Democrats.

How efficient is it and does it work? Yes, indeed. The other side of the aisle adopted the entire Clinton plan on taxes and budget changes in a reconciliation bill to the committees.

What else does it do about Senate rules? The Senate rules are very important to this Senator. I understand the institution. It is cherished that we can amend to our heart's content. There is no real limit on amendments—except under the Budget Act. And 25 years ago, we agreed if you have a budget that orders reconciliation, and a bill that comes forth from that, it is not amendable in the ordinary manner. As a matter of fact, it is very narrowly amended. It has been used to increase taxes, obviously. President Clinton increased taxes. It has been used to reduce taxes. In 1997, there was a tax decrease, tax cuts. We used this now famous process of "reconciliation."

It is a very important change in the rules of the Senate. It says those reconciliation bills no longer are treated as other bills in the Senate. Just remember, this isn't the first time. We have been using it for 25 years. It changed forever until we repeal that act.

We think it is appropriate here. We will have at least an hour's debate on whether it is or is not.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from New Mexico has talked further about reconciliation. Let me make it clear this will be one of the most consequential votes in the Senate in any of our memories. If this precedent is adopted that says you can totally take away the safeguards of the Senate, change the constitutional structure of this body by using that methodology for a $1.6 trillion tax cut, then the door is wide open for every kind of abuse.

The Senator from New Mexico says reconciliation can be used by either side. That is true. It is also true it can be abused by either side.

I remember very well in 1993 and 1994 when we had massive health care legislation being considered and a group of Senators were approached and asked if we would support the use of reconciliation that short-circuits Senators' rights to debate and amend, to pass that legislation. A group of Senators said, no; that would be an abuse of the process to pass a $138 billion spending initiative based on limited debate and limited amendment. That is not what the Senate was designed for; that is not what the Founding Fathers intended for this body.

The Founding Fathers intended for this body to be, as I described before, the cooling saucer, where we could have extended debate and unlimited amendment to determine the outcome to protect the American people, to protect the rights of a minority.

We are on the brink of sweeping all of that aside in the name of a tax cut, to take away those protections for a minority, to take away those protections for an individual Senator to represent his or her constituents, to take away those protections for this institution. It is wrong; it is dead wrong. It was wrong in 1993 and 1994 to use it for a spending provision. It would be wrong, dead wrong, to use it now for a tax cut. The whole purpose of reconciliation was for deficit reduction.

The Senator from New Mexico quite correctly says in 1993 reconciliation was used by our side—he is exactly right—for deficit reduction. That was a package that cut spending and raised taxes to reduce deficits.

This package is the opposite of that. This package is the opposite.

When the Senator talks about previous precedents, he cites 1997. Yes, reconciliation was used. But, again, that was part of an overall package of deficit reduction.

We have gone over the precedents with respect to budget reconciliation. We find only one case, back in 1976, where reconciliation was used for a tax cut, absent other deficit reduction provisions. That was a $6 billion item. It was vetoed.

In 1993, reconciliation was used. It was used for deficit reduction. In 1997, reconciliation was used. It was used for deficit reduction. That is the reason we have those provisions.

I cite Senator DOMENICI himself in a letter I wrote to the Parliamentarian. Senator DOMENICI said:

> Frankly, as the chairman of the Budget Committee I am aware of how beneficial reconciliation can be to deficit reduction. But I'm also totally aware of what can happen when we choose to use this kind of process to basically get around the rules of the Senate as to limiting debate. Clearly, unlimited debate is the prerogative of the Senate that is greatly modified under this process.
>
> I have grown to understand this institution. While it has a lot of shortcomings, it has some qualities that are rather exceptional. One of those is the fact that it is an extremely free institution, that we are free to offer amendments, that we are free to take as much time as this Senate will let us, to debate and have those issues thoroughly understood both here and across the country.

That was Senator DOMENICI, on October 24, 1985.

The Senator was right then. He is wrong now.

He said later, on October 13, 1989:

> There are a few things about the U.S. Senate that people understand to be very, very significant. One is that you have the right, the rather broad right, the most significant right among all parliamentary bodies in the world, to amend freely on the floor. The other is the right to debate and to filibuster. When the Budget Act was drafted, the reconciliation procedure was crafted very carefully. It was intended to be used rather carefully because, in essence, Mr. President, it vitiated those two significant characteristics of this place that many have grown to respect and admire. Some think it is a marvelous institution of democracy. And if you lose those two qualities you just about turn this U.S. Senate into the U.S. House of Representatives or other parliamentary body.

The Senator was right then. He is wrong now. It is an absolute abuse of reconciliation to use it for purposes other than deficit reduction. If we allow it here, we are going to open the floodgates. Someday it may be used or abused for spending, as was attempted back in 1993–1994, when a group of us on our side stood up and said: No, don't you dare. Because we will not be any part of damaging this institution or undermining the constitutional role of the Senate.

It is as wrong to have used reconciliation for a $138 billion spending initiative as it is to propose it for a $1.6 trillion tax cut. Both of them are dead wrong. Reconciliation was designed, not for spending, not for tax cuts, but for deficit reduction. Senators agreed to restrict their fundamental rights to amend and debate in the interest of deficit reduction. Now we are talking about Senators giving up their fundamental rights to debate and to amend—for what? For the opposite of deficit reduction. That would be a profound mistake. As Senator DOMENICI himself observed in 1989, that could change for all time this Chamber and its role in the United States and the Congress of the United States.

I hope very much we do not go down that road. I hope very much that wiser and cooler and calmer heads will prevail. We can address the President's tax cut under the regular order. We can use the normal procedures of the Senate just as was done in 1981 with the big Reagan tax cut. They didn't use reconciliation; they used the normal procedures of the Senate that permitted debate and amendment and not a short circuiting of the process or an abuse of the process.

Mr. President, How much time have I used?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. CONRAD. Will the Chair notify me when I have used another 10 minutes?

The PRESIDING OFFICER. The Chair will.

Mr. CONRAD. Mr. President, I would like to run through a number of charts and use those for a broader discussion of the budget resolution as we embark on its consideration.

Mr. DOMENICI. Did the Senator ask for an additional 10 minutes? Sure.

Mr. CONRAD. I just asked the Chair to notify me when I consumed another 10 minutes.

Mr. DOMENICI. OK.

Mr. CONRAD. I think one of the most important things about this debate is the question of whether or not we learn anything from history.

The chart I have put up behind me talks a little about history. It talks a little about history in this country from 1960 through 1999 and the increase in the gross Federal debt of the United States. You can see after 1990, the gross Federal debt of our country absolutely exploded. It exploded because we adopted a fiscal policy that was fatally flawed. That fiscal policy included a massive tax cut, a dramatic increase in defense spending, and was based on a rosy scenario economic forecast. All of those things conspired to put us in a deficit ditch that exploded the debt of the United States, and it took us 15 years to recover.

I believe we are in danger of repeating that series of mistakes in a way that will take us back into deficit, back into the bad old days of raiding trust funds, and put us on a course that is not fiscally sustainable. The debt of our Nation quadrupled because of those failed economic policies.

Curiously enough, many of the very same voices who were the architects of that failed plan are back today, advocating this one, the Bush budget plan. Many of the same people who were there at the birthing of the dramatic increase in the deficits and debt of this country are back again. You have to ask the question, Did we learn nothing in the 1980s?

Let's first deal with the economic forecast that underlies this proposed budget. I indicated in the 1980s, when we saw the explosion of deficits and debt, one of the key reasons was a flawed forecast, an overly rosy set of economic assumptions. Once again I believe we face an uncertain forecast. This time it is a 10-year forecast. This time, the forecasting agency itself warns us of its uncertainty. We are told they have gone back and looked over their previous forecasts to see the variance between what they predicted and what actually occurred. What they have found is this chart that they have provided to us. I call it the fan chart. It is from the Congressional Budget Office.

What it tells us is in the fifth year of this 10-year forecast we could have anywhere from a $50 billion deficit to more than a $1 trillion surplus based on the variances in their previous forecasts. That is how uncertain this forecast is.

The Congressional Budget Office, which did the projection, tells us that this number of $5.6 trillion surplus that the Senator from New Mexico discussed has a 10-percent chance of coming true—10 percent. There is a 45-percent chance there will be more money, 45-percent chance there will be less money. This forecast was done 8 weeks ago.

What has happened in the economy? Do you think it makes it more likely or less likely that the number will be greater or less than the $5.6 trillion the Congressional Budget Office tells us has a 10-percent chance of coming true?

It seems pretty clear to me that this is a river boat gamble. This is betting the farm on a 10-year forecast that has very little chance of ever coming true.

We are offering an alternative that we think is more cautious, more conservative, and more balanced. We take the forecast surplus of $5.6 trillion, and then we reserve every penny of the Social Security and Medicare trust funds for the purposes intended. That leaves us with $2.7 trillion remaining.

We separate that amount into equal thirds: A third for a tax cut; a third for the high-priority domestic needs of a prescription drug benefit, strengthening our national defense, improving education, and funding agriculture; and, with the final third, we set that money aside for strengthening Social Security and dealing with our long-term debt because just as we have surpluses now in this 10-year period, we know that when the baby boomers start to retire these surpluses turn to massive deficits.

We think it is only prudent and wise that we begin to prepare for that future—that we have a downpayment on this long-term liability that is building.

As I indicated, we believe the top priority ought to be to aggressively pay down our publicly held debt.

When we look at a comparison between the Republican plan and our plan, we see that they are leaving a greater share of the publicly held debt than are we. They leave $818 billion of publicly held debt at the end of this 10-year period. We leave less than $500 billion because we are more aggressively paying down the publicly-held debt than their plan.

In addition, as I have indicated, we are reserving $750 billion to strengthen Social Security for the long term; they provide nothing for this purpose—a clear difference, and one that we think is a compelling argument for our alternative plan.

We agree that we can afford a significant tax reduction. But our tax reduction is about half as big as the President's proposal. That is because, as I have indicated, we reserve more resources for debt reduction and we reserve more resources to strengthen Social Security for the long term. We still have a tax reduction of $750 billion over the next 10 years in comparison to the President's $1.6 trillion.

We have other differences in priorities as well. As I have indicated, we reserve more resources for the high-priority domestic needs of prescription drugs, national defense, and education, as well as others.

On prescription drugs, the President's proposal has $153 billion for a prescription drug benefit; we have $311 billion. Unfortunately, the President's proposal will only provide benefits to about 25 percent of those eligible. That is an inadequate prescription drug benefit.

We believe if we are going to have a prescription drug benefit, it ought to be universally available, it ought to be voluntary, but it ought to have enough money behind it to do the job, and not just be limited to low-income people in this country.

The same is true in education. While the Republican budget dedicates $21 billion over the 10-year period over the baseline, we have provided $151 billion. We believe this is America's top priority. And it is our top priority. We believe that ought to be reflected in the budget resolution. If we are going to meaningfully improve education for our kids, it is going to take resources. That is not the only thing it is going to take, but it is certainly going to take that. We provide those resources in this budget resolution.

We also have provided more resources for our national defense. We believe it is very clear that we are going to require more dollars for defense. We provide them. The Republican budget resolution provides $68 billion in additional funding for defense over the 10-year period. We provide an additional $100 billion in our budget resolution.

Our budget also provides environmental protection. While the Republican budget dramatically slashes those provisions of the law—the Republican budget, $53 billion—our budget provides a $19 billion increase over the 10-year period.

Our budget protects the Nation's veterans. At the same time that the Republican budget slashes funding for veterans by $19 billion, we provide a $15 billion increase over the 10-year period.

But it doesn't stop there. We have also provided additional resources for the energy crisis that is hitting our country. We had testimony before the Budget Committee that indicated there will be an additional need for Federal resources to deal with the energy shortfall sweeping the country. We have provided an increase of nearly $10 billion while the Republican budget has cut $1.4 billion over the same period.

Our budget responds to the farm crisis by providing $88 billion over the 10-year period to level the playing field between our country and our major competitors, the Europeans. The Europeans currently are spending 10 times as much to support their producers as we spend supporting ours. They are spending over $300 an acre in support for their producers while we spend $30.

On the question of export support, the Europeans are providing 84 percent of all the world's agricultural export assistance while we provide one-thirtieth as much. No wonder we have a crisis in American agriculture. No wonder our producers are faced with financial ruin.

Our budget addresses the crisis in agriculture. The Republican budget absolutely fails it.

These are the different priorities of the two budgets.

If I were to briefly recap, it would be simply this: While we support a significant tax reduction for all amounts, we have a smaller tax cut than they have provided, so that we can have more resources to pay down our publicly held debt; more resources to strengthen Social Security for the long term; so that we can reserve additional resources to improve education and strengthen national defense; and, yes, to provide a prescription drug benefit.

Even within that context, our overall spending as a share of the gross domestic product has the Federal role shrinking. We have seen the Federal Government's role go from 22 percent of gross domestic product in 1993 to 18 percent today. Under our plan, the Federal role would continue to shrink to 16.4 percent of gross domestic product, the smallest role for the Federal Government—the smallest role for the Federal Government—in 50 years. That is a conservative plan. It is a balanced plan. It is one that is in line with the priorities of the American people.

I hope very much that we can take the budget that has been laid down by my colleague from New Mexico and improve it; that we can add to the debt reduction; that we can set aside funds to strengthen Social Security for the long term; that we can reserve additional resources to improve education and strengthen our national defense and provide a meaningful prescription drug benefit.

That is what the American people want us to do, all within the context of continuing to shrink the role of the Federal Government, all within the context of paying off this publicly held debt, all within the context of preparing for the baby boom generation, and strengthening Social Security so that when those liabilities come due, the American system of Government is prepared to respond.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I am going to yield shortly to Senator GRAMM. I thank him very much for waiting. But I want to first say to my good friend, I really do appreciate his advocacy. Frankly, it has been a rather exciting year because the Senator is a very good adversary. But I wish we all could strike a word from our vocabulary—"right" and "wrong"—because I think we can do better.

I say to the Senator, I think you can do better than to say that what we propose is wrong and what you propose is right. Frankly, I do not know that we are talking in absolutes on any of this. We just think we have a better idea than they do. As a matter of fact, I just want to make two points and then I will yield to my friend.

This is budget language, but since my friend spoke of, What do you use this Budget Act for? I want to hold it up. This is the act that changed—until it is repealed—the rules of the Senate. This law did that.

I defy anyone to read this law and find within it where it says what is major policy and what is minor policy, what size tax cut is OK and what size tax cut is not OK. I do not believe that is what this law says in any page of it.

Somebody might interpret something differently than I would interpret it, but I do not believe there is anything in here that justifies saying a policy that our President has suggested, of reducing our taxes by $1.6 trillion over a decade, when total revenues America will receive during that period of time is $27 trillion; when the gross domestic product is about $25 or $26 trillion—who would determine under this law what is appropriate policy and what isn't?

We decide. We vote. And if we have the votes, we use reconciliation because this law permits it. We are not violating anything. If we do not have the votes, we do not use it. But I do not choose to brag about the Senate's great institutional prowess of total debate forever, debate until you kill something, and amendments until you run out of breath offering them. That is not what this law says is the prerogative of the Senators anymore; and it has not been for 25 years, as long as we have had this act. It changed that, if you follow it right. And we will decide in the next 3 or 4 days what is following it right and what isn't in terms of interpreting that statute by the votes of this Senate—each and every Member voting the way he or she chooses.

Now, finally, I was not able to do the arithmetic of this cursory summary of their budget, but let me say to Americans, if you want to spend more money, that is the budget. From what I can figure, including interest, this is a "little" budget; it only adds $500 billion in expenditures to the President's; and with interest it is $700 billion more than the President's.

For starters, so everybody will know, what did the President provide? He provided a 4-percent increase each and every year—4 percent. I heard some of the people in the White House say: Who in America would not be satisfied with a 4-percent increase? I was wondering about whether we should do more. I brought a budget down that starts with a 4-percent increase each time. What they are offering in terms of these quick summaries is over and above 4 percent.

Of course, we can say each and every neat thing about our Government should double or triple or should be 30 percent more, or who knows what. But I just added up a few in theirs: Defense, 100 percent; education, 80-some percent; agriculture, 80-some percent; Medicare, 160 percent more; energy, 10 percent, veterans, 15 percent. Remember, almost all these programs were increased by the President. And this is more than that. So what does it yield as a final product?

Fellow Americans, do you want us to spend the surplus or do you want tax relief where we send you back some of your money? And how much is the right ratio of what we should spend anew on top of the President's budget of 4 percent? How much is enough? And how much should we put there for those who write taxes to say to the American people, we have this surplus because of you? We didn't get it from the sky or manna. We thank the Lord for giving manna once under biblical terms. We didn't get it. We worked hard. That is what happened. That is where this money came from, all this surplus: innovation, change, hard work.

So the question is very simple: What do you want to provide for the future out of that surplus? We will take each item one by one later, including the national debt. But for now I yield the floor to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee. I thank him for his work not only on this budget but on budgets for America going all the way back to 1981. If there is any person here who has had a permanent impact on this process, it is Senator DOMENICI. I congratulate him.

Let me say to Senator CONRAD, I congratulate him on being the new ranking member. He does an excellent job in making his case. The fact that the case will not hold water is not a reflection on him. He does as good a job with a bad hand as you can possibly do.

But the problem is, facts are stubborn things. Facts are very stubborn things. And our Democrat colleagues now have become conservatives. They are concerned about this big tax cut. They are concerned about debt. They are concerned about deficits. They are concerned about protecting Social Security.

But fortunately we do have some memory. I would like to say, and I am sure the same must strike Senator DOMENICI as well, it takes a sense of humor in this business. It amazes me how people who killed our Social Security lockbox in 1999—we tried one, two, three, four, five times to set up a procedure to prevent Congress from spending the Social Security surplus: On April 22; on April 30; on June 15; on June 16; and on July 16. In each case, we were successful in that we got a majority vote, but we could not get 60 votes we needed to pass the bill. And we did not get 60 votes because the Democrats opposed the Social Security lockbox in 1999.

Today they are worried about tax cuts. They are worried about debt reduction. They are concerned that this massive tax cut is going to take away Social Security money. But 2 years ago, on five different occasions, they used the necessity of our getting 60 votes to pass Senator DOMENICI's proposal to not let Congress spend Social Security and, on virtually a straight party-line vote, that effort was killed.

It never ceases to amaze me that people who voted against the balanced budget amendment to the Constitution, who voted against a prohibition that would have stopped the spending of the Social Security surplus, who voted against Gramm-Rudman, which, with all of its problems and failings, was the only effort we have made to try to control spending, now are very concerned about debt. But they are not concerned when you are spending money.

This concern they have about deficits and debt is very narrowly defined. They are concerned about deficits and debt only when you want to give money back to the taxpayer. They are not concerned when you are spending.

As all of my colleagues know, in January, the Congressional Budget Office—this is the nonpartisan budgeting arm of the Congress—came out with their estimate as to how much we had added to Government spending over 10 years during the last 6 months of the Clinton administration. How much money did we commit to spend out of the surplus over the next 10 years in the last 6 months of the Clinton administration? Many people were stunned to find that in those 6 months, we added $561 billion to Government spending. No 6-month period in American history ever added that much money to Government spending.

I ask my colleagues: Where was all this concern about debt and deficits when we were spending $561 billion in the last 6 months of last year? Where was this concern? It didn't exist. It was silence. All the people who are now telling us that they are worried about this giant tax cut are the same people who stood by while in 6 months $561 billion was spent on new Government programs. At that rate, in 12 more months, they will have spent the entire Bush tax cut. I don't understand. Where was this concern about deficits and debt when they were voting down the balanced budget amendment to the Constitution? Where was it when they weren't willing to protect Social Security from having its funds plundered and spent? Where was it when they were spending $561 billion? What produced this change of heart?

What produced the change of heart is, they weren't concerned when they were spending money. They are only concerned when we give it back to the taxpayer. That is what this debate is about.

Our colleagues want to make the point this week that they have this idea to divide the surplus into a third, a third, and a third. There is only one problem. They have already spent their third. Since we achieved a surplus, since the economy started running a budget surplus, we have added some $800 billion to new spending on programs. So having already spent their third over the last 2½ years, now they want to spend another third, which is why they can't afford to let the American people have more of their money back in tax relief.

Let me make the points I want to make. First, what is a budget about? I am sure people think this is dull business, but actually of all the votes we cast every year, it is the most important because it is the one time we define our vision for the future of America. Each year our two great political parties on the floor of the Senate and in the House try to define through their budget what kind of vision they have for the future of America.

I believe if you listen very carefully, you ultimately reach the conclusion that there are two competing visions and that the two visions really come down to the following: Do we want more Government, or do we want more opportunity? Do we want to tighten the belt on the family, or do we want to tighten the belt on the Government? Given that we have this surplus because people have paid more in taxes than we need to fund the Government, should we use this money to let the Government grow? Or should we give some of this money back to the people who have earned it?

That is what this debate is about. Don't be confused. Despite all the talk about debt and deficits, this debate is not about debt and it is not about deficits. It is about spending versus tax cuts. We want to give a substantial amount of money but a responsible amount of money, as I will show, back to the people who paid the taxes to begin with, and the Democrats want to spend it. That is a perfectly legitimate view. You can make a case for it. You will hear it over the next 50 hours.

But it really boils down to a simple question—and Americans will ask it, hopefully, and answer it—that is: Do you believe the Government can take this surplus of tax revenues and spend it better than you could spend it if you got to keep it?

Under the President's tax cut, the average family in my State making $51,000 a year, two-wage earners with two children, will get about $1,600 in tax relief. At some point in the debate, I am sure our colleagues will say: Look, that is not a whole lot of money.

In my State, $1,600 is a lot of money. It is the difference between owning your own home and living in somebody else's house. It is the difference between your children going to college or going to work. It is the difference between having a retirement program and not having one. The real question is, if Government kept the money and spent it, could they spend it better than you could spend the $1,600 if you got to keep it?

That is the question about which I am willing to let the American people make a decision. In fact, I would be willing to submit that to the public. There will be all kinds of efforts to confuse the issue and talk about debt and deficits instead of about spending, but anybody who is listening is going to understand.

Let me begin talking about the President's tax cut. Every time that anybody mentions the President's tax cut, they talk about how big it is, huge.

Mr. DOMENICI. May I interrupt?

Mr. GRAMM. I am happy to yield.

Mr. DOMENICI. I forgot when I yielded, I should have asked how much time was needed. I should establish an amount of time. Does the Senator need 10 more minutes?

Mr. GRAMM. How much have I used?

The PRESIDING OFFICER. The Senator has used 11 minutes.

Mr. GRAMM. I would like 20 more minutes, if I may have it.

Mr. DOMENICI. The Senator used 15 more than I. I yield him that. Then we will yield back to the Senator.

Mr. GRAMM. Every time we hear the President's tax cut discussed, we hear the term "huge" or "massive." Why not? It is $1.6 trillion. I have a few constituents who know what $1 million is. I have two constituents who know what a billion dollars is—Mr. Perot and Mr. Dell. Mr. Dell used to know what a billion dollars is. I suspect he will again, knowing Mr. Dell.

Nobody knows what a trillion dollars is, so obviously it is huge. What I would like to do is, using some figures from the National Taxpayers Union that are very relevant to the debate, let's convert it into English. Out of every dollar we are going to send to Washington in the next 10 years, how much would the Bush tax cut give you back, how many pennies for every dollar we are going to send to Washington in the next 10 years? The answer, 6.2 cents. So this tax cut, basically, will give back 6.2 cents out of every dollar that taxpayers are going to send to Washington in the next 10 years. Six point two cents out of every dollar sounds like a fairly modest tax cut, and it is.

Compare it to the Kennedy tax cut—the proposal that John Kennedy, as President, sent to Congress—a tax cut, by the way, that cut rates across the board. We now hear from our colleagues that when we cut the bottom rate twice as much as the top rate, then it is skewed to the rich. But John Kennedy, when he submitted his tax plan, had an across-the-board rate cut.

In fact, when the question was raised, he said, "A rising tide lifts all boats."

When you look at his tax cut and ask how many pennies out of every dollar in revenue were collected in the 10 years after it was adopted, you find that it gave back 12.6 cents out of every dollar. It was over twice as big as the Bush tax cut. The Reagan tax cut, in 1981, gave back 18.7 cents out of every dollar collected. It was three times as big as the Bush tax cut. So the first point I want to make is, when you look at the tax cut in terms of how much taxes people are paying, the Bush tax cut is actually a quite modest and responsible tax cut. It is half as big as what President Kennedy proposed in 1961, and it is one-third the size that Reagan proposed in 1981. And it is 2001 and it is time for another tax cut.

Many of my colleagues are saying it is not big enough. My response to that is, let's do it, and if the economy gets stronger, we can cut taxes again next year. This doesn't have to be the last tax cut of the first Bush term. But this, by historic standards, is a modest tax cut. That is the first point I want to be sure everybody understands.

The second point is, this is a tax cut that America not only needs, but that we can afford. Let me remind everybody—it is a point Senator DOMENICI made, but it is a point worth making—last year, in the last 6 months, we increased spending by $561 billion over 10 years. This surplus has literally been burning a hole in our pockets. Even the Chairman of the Federal Reserve Bank, Alan Greenspan, who is very loathe to criticize Congress, in testimony before the Banking Committee, raised the issue about what has happened to spending in the last 2 years and expressed alarm and concern about it. If you listen to our Democrat colleagues, you would get the idea that President Bush is just slashing spending, and they have all these charts about how he is not doing enough and they are going to do more and more—trillions, billions of dollars more.

The plain truth is, the Bush budget takes every penny we have spent in the last 6 months in the biggest spending spree in American history and uses that as the beginning point and raises spending by 4 percent. How, based on that, can anybody argue that the President is cutting spending? In fact, he adds $1 trillion of new spending in the next 10 years over the current level.

Now, he adds a 4-percent increase that adds $1 trillion to Government spending over the next 10 years. But even after you spend that $1 trillion, we are looking at a $5.6 trillion surplus over the next 10 years, according to the Congressional Budget Office. If we take out the amount of money that is committed to Social Security and Medicare, we have $3.1 trillion left in what we call on-budget surplus, and then President Bush has proposed that roughly half of that money, that surplus, go to his tax cut. This is a modest tax cut by historic standards—half the size of the Kennedy proposal, a third of the size of the Reagan proposal, and it is also a tax cut that we can afford. Now, we cannot afford it if you are going to let the Democrats spend this money. That is true. You can't spend it and give it back. You can spend $1 trillion on top of what we have already spent in the last 2 years and you can afford this tax cut. But if you are not going to say no to any special interest group in America, if you are going to take this opportunity to spend even more money, you can't do both.

We choose to give it back; they choose to spend it.

Now, let me talk a minute about debt reduction. Under our current situation, we are literally able to pay down the debt quicker than the bonds become due. And everybody has said, since one-third of the Federal debt of this country is held by foreign governments, foreign central banks, that we don't want to pay a premium in order to buy this debt back.

But this is the plain truth. Let me show you the following chart. We currently owe $3.4 trillion in debt that is held by the public. If we didn't do the tax cut, we would have enough surplus to pay this off by 2009. Doing the tax cut, we would have enough to pay it off in 2011. But the plain truth is that we can't physically buy the debt back as quick as we are capable of doing it under either scenario. What we can do, as this chart shows, is we can dramatically reduce the size of the public debt, but we are going to reach a point out here in 2009 where we would have to pay these foreign bondholders these big premiums in order to reduce the debt. And it doesn't make any sense to do that. We are going to get the interest on the debt down very low. So our colleagues talk about interest costs to the tax cut. The plain truth is that we are going to get interest costs down to as low as it can be gotten down, so there are hardly any interest costs to the tax cut once we get past 2005 and 2006.

Here is the point. We are paying down debt as quickly as we can pay it down. If we control spending, if we are prudent about what we do, we can increase Government spending by 4 percent, which is more than the average family budget is going up this year, and we can have the Bush tax cut, and we can pay down debt as much as we will be capable of doing, given the bonds that are available.

So let me conclude by simply making the following points.

This is a choice in the end between letting people spend this tax surplus or having the Government spend it. I am sure there are many Americans, not a majority, but many Americans who are not paying taxes and would rather the Government spend it because they might get some of it. I think most Americans who work for a living and who pay taxes would believe they can spend $1,600, which is the average tax cut in my State, better than the Government could spend it if the Government got to keep it.

That ultimately is what this debate comes down to. We have put together a very responsible budget. In fact, I have been involved, one way or another, in every budget debate since 1979. I have seen a lot of budget proposals that were rosy scenarios or had magic asterisks and had all kinds of gimmicks. I have never seen a budget that is more realistic and more achievable than the Bush budget.

The Bush budget has no gimmicks in it. The reason it has no gimmicks in it is because it has a modest tax cut, it has an achievable proposal in debt reduction, and it has a modest increase in Government spending. But if you believe Government spending should keep growing the way it did in the last 6 months, and you believe we cannot afford a tax cut, then you are right.

The question is, Should Government spending grow that fast? Should we literally spend this surplus instead of giving part of it back? I do not think we should.

I urge my colleagues to vote for this budget. I want to pay down the Government debt, and I am in favor of setting out a program to pay it down as quickly as it is physically possible as the bonds become due. Any bond that comes due ought to be paid off, and we should not borrow more money.

There is another kind of debt, private debt. Twenty million families are carrying debt on credit cards. There are a lot of families who would like to engage in debt reduction. This tax cut will let families reduce their debt as our Government reduces its debt.

Finally, in terms of the tax cut itself—and we are going to have plenty of time to debate it, but ultimately it is going to be part of this debate—we do three simple things in the tax cut: One, we cut everybody's rate. Everybody who pays income taxes will get a tax cut.

We will hear some say there are some people who do not get a tax cut. Yes, but they do not pay income taxes. This is an income tax cut. You do not get an income tax cut if you do not pay taxes.

Said another way, we will give you a 100-percent cut if you do not pay taxes. Of course, you do not get anything because you do not pay taxes. We have a surplus of taxes so we are giving taxes back to the people who pay it. We cut the top rate half as much as the bottom rate.

The second part is repealing the marriage penalty and doubling the child tax credit. We think families should keep more of what they earn to invest in the one institution we know works.

Government does not always work, but the family will work if it has the resources to work.

The third part is repealing the death tax, believing that when people build up a family business or family farm and they pay taxes on every dollar they earn, we ought not to force their children to sell off their business or sell off their farm to give another tax to the Government.

Ultimately, we are going to hear in this debate that Bill Gates will be able to buy a Lexus. Bill Gates already has a Lexus. Can anybody who believes that a man who pays 1,000 times as much income tax as I do does not deserve a bigger tax cut than I get? The fact he could buy a Lexus is irrelevant. He already has a Lexus.

We are going to hear other people say: Yes, but low-income people who don't pay much in taxes will only get enough to buy a tailpipe system and muffler. Have you bought a tailpipe system and muffler lately? Obviously, you have not, but if you had, you know it costs a lot of money, and if you need a tailpipe system and a muffler, having the money to pay for it makes a big difference.

This is going to be an important debate. Often we talk about things that do not matter. We spend endless hours talking about issues that somebody thinks is important and that often do not end up being important. This issue is important. What America will look like 10 years from now and 100 years from now will be determined, in part, significantly by the outcome of this debate.

If we adopt the President's budget, if we enforce it, and if we cut taxes, I believe America will be richer, freer, and happier 10 years from now and 100 years from now than it would be if we do not.

I believe Government will be bigger if we do not. I think Government will be spending more money if we do not. I think the tax burden will be heavier if we do not.

If you think you can make America greater by making Government bigger, then you would want to vote against this budget, but if you believe, as I do, that letting working families invest more money in their children, in their community, and in their family makes for a better America, then making it so people who work hard for a living get to keep more of what they earn and not end up working a third of the year just to pay for Government, if you believe that makes for a better America, you have to believe this debate is important.

Whatever happens, one thing is clear: We are not going to waste this week. This week we are going to make very important decisions that will affect the well-being of everybody who will call themselves Americans for a very long time. That is why this debate is so critically important.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator from Texas began by saying I was a good advocate but I was playing a weak hand. I say to him, he is an outstanding advocate. I do not agree with him. I think his prescription for America really is not the priorities of the American people.

Most of all, I always enjoy listening to him, but I must say, the words he speaks bears almost no relationship to the facts and certainly no relationship to the budget I have offered. What I find most enjoyable is that the Senator from Texas has been giving this same speech for 20 years, and it does not matter if the facts have changed completely, he sticks with his speech. So I applaud him for his consistency.

When he says this is a question of more and bigger Government or smaller Government, that is not what this is about. No, no, no. That is the old debate. That is the old, tired debate, but that is not what this budget resolution is about.

The budget resolution I have offered today would shrink the role of Government and would dedicate more of the money to debt reduction. The truth is, the fundamental difference between our budget proposals is we have dedicated about 70 percent of this projected surplus to short-term and long-term debt reduction. The President's plan devotes about 35 percent to short-term and long-term debt reduction. That is the big difference. They have a much bigger tax cut. We have much more money for short-term and long-term debt reduction. That is the real difference.

When the Senator from Texas says there has just been this explosion of Federal spending, come on. We know better than that. That is not what has been happening. There has not been any big explosion of Federal spending. Let us deal with the facts.

This is what has happened to Federal spending from 1962 to 2002. This is what has happened to Federal spending as a share of our gross domestic product, which is the best way to compare so we are not just looking at inflated dollars.

We see that the Federal spending is now at the lowest level since 1966. We are down to 18 percent of gross domestic product being consumed by the Federal Government. Of course, where does most of the money go?

Most of the money goes for Social Security, direct payments to the American people; Medicare, direct payment of the health bills of the American people; interest on the debt, the debt of the American people. Another big expenditure this year is paying down the debt, the debt of the American people.

The President has said very often, this is the people's money; we ought to give it back to the people. First of all, I agree with the first part of his formulation. This money is the people's money. Absolutely. We should give some of it back to the American people. Absolutely.

But this debt is the debt of the American people. Social Security goes to the American people. Medicare goes to the American people. National defense is for the American people. A prescription drug benefit goes to the American people. Improving education is the education of the American people. All of these are the people's needs and the people's priorities. This is not a case where the money goes to the Government, the Government sticks it in a sock somewhere. This is a question of how we best use our resources to provide a significant tax cut to protect Social Security and Medicare, to improve education and defense, and the rest.

When the Senator from Texas says we have been on a spending binge, it is just not true. As I indicated, we have been seeing the Federal Government spending share come down each and every year since 1992. We were at 22 percent of gross domestic product in 1992; we will be at 18 percent of gross domestic product this year. The Federal share of the national income has been going down steadily.

Under the Democrat alternative that we have offered and are proposing to our colleagues, we continue to bring down the share of the Federal income going to the Federal Government. We continue to shrink the size of the Federal Government from 18 percent of gross domestic product to 16.4 percent at the end of this period, the smallest part of national income going to the Federal Government since 1951.

This dog won't hunt. This tired old debate that it is tax cuts versus spending and those are the only options—those are not the only options. Those are false choices for the American people. The truth is, the choices are more complicated than that. It is not just a question of spending or tax cuts; it is a question of spending or tax cuts or debt reduction, short term and long term.

On our side, we have said the highest priority is additional debt reduction. Why? Because we know where we are headed when the baby boomers start to retire and this long-term debt takes off like a scalded cat.

It is interesting: the Republicans claim that this is just a question of our spending versus their spending. Under their plan, they may well be spending more money next year than our plan provides. Our plan provides a 5-percent increase in overall spending next year. The Republican plan may be as little as 4.9 percent, slightly less than ours, but if they use their contingency fund they have set aside, they could have as much as a 10-percent increase in Federal spending. Our Republican friends are trying to have it both ways. They are claiming they are against spending. Yet they have created a contingency.

By the way, you have to wonder where else it will be used because the President has said very clearly, his tax cut is $1.6 trillion and no bigger. He has said he will pay down $2 trillion of national debt and no more. Yet they have established a contingency fund. If it is not going to go for a tax cut, if it is not going to go for paying down more debt, the only place it can go is more spending, in which case our friends on the other side of the aisle have more spending than we do.

What a surprise. This is the same old shell game they have engaged in for years, to try to suggest this is a question of tax cuts versus spending. That is not the choice.

We are saying, devote most of these resources, 70 percent of this projected surplus, to paying down short-term and long-term debt. We are dedicating nearly twice as much to that—$1.8 trillion more—to paying down short-term and long-term debt. They are dedicating more to a tax cut.

That is the fundamental choice. It is not a choice of spending versus tax cut; it is a choice of tax cut versus paying down the debt. That is the fundamental choice before the American people in the budget resolution we offer versus the budget resolution they offer.

There are other choices as well. We have provided $750 billion to start to address our long-term debt that will be created by the retirement of the baby boom generation. We have put aside $750 billion to strengthen Social Security. They have a big goose egg for that purpose; they have nothing.

We talk about who is being fiscally responsible. I will vote for our side. I am happy to take our budget and defend it anywhere because we have devoted twice as much money to short-term and long-term debt reduction as the other side.

Now my colleague from Texas says: The Democrats didn't support the Social Security/Medicare lockbox we proposed last year or in 1999. No, we didn't support their lockbox. Certainly, we did not. It was a leaky lockbox. It didn't lock up anything. In fact, the Treasury Secretary said it endangered our ability to pay the debt of the United States. That was the lockbox they offered.

The lockbox we voted for, to protect Social Security and Medicare, was a lockbox I offered on the floor of this Senate last year. It got 60 votes, including, I think, 14 Republicans. When the Senator suggests Democrats didn't support protection for Social Security and Medicare, it is just false. He knows it is false. He knows it is absolutely false. We supported protection for Social Security and Medicare, and it is the proposal that passed here with the highest number of votes in the Senate, 60 votes.

The Senator from Texas says: They didn't vote for my constitutional amendment to balance the budget. He is exactly right; we didn't vote for his constitutional amendment to balance the budget because it defined "balancing the budget" as one that looted the Social Security trust fund to achieve balance. He is darn right we didn't vote for that. We have been able to balance the budget subsequent to that without raiding the Social Security trust fund.

Who is right and who is wrong about that dispute? He came out here with a constitutional amendment and said we had to pass it; it was the only way to balance the budget, and he defined "balancing the budget" as raiding the Social Security trust fund to achieve balance. What a fraud. What an absolute fraud that would be for balancing the budget. No, we didn't vote for it. We voted against it because we wanted to balance the budget without counting Social Security. That was the right thing to do.

The Senator from Texas said we increased spending last year by $561 billion. No, we didn't. There was no $560 billion increase in spending last year.

Let's go back to the record. Here is what has happened with spending. As a share of the economy, Federal spending has gone down each and every year, including last year. Under the plan we are proposing, it will continue to go down as a share of our national income, as a percentage of our gross domestic production. That is the way economists say is the best way to measure changes in spending over time because that is adjusting for inflation.

The Senator from Texas says this is a question of more Government or more opportunity. Those are not the choices before us. That is a good speech line, but it has almost no relevance to the choices before us in this budget resolution. The fact is before us are a series of choices, not just one or the other; it is a series of choices.

The first choice is do we reduce the size of the President's proposed tax cut in order to have more short-term and long-term debt reduction? We say yes. We say we ought to reduce the size of his tax cut so we have more short-term and long-term debt reduction. We also say we ought to reduce the size of his tax cut to set aside money to strengthen Social Security for the long term.

We also believe we ought to reduce the size of his tax cut to improve education and to provide a prescription drug benefit and to strengthen national defense because those are also priorities of the American people.

But we only endorse those spending initiatives in the context of maximum paydown of our publicly held debt, of putting aside money to deal with our long-term liabilities, and also within the context of continuing to shrink the role of the Federal Government.

Let's go back to that chart that shows, under the plan we are proposing, we would continue to shrink the role of the Federal Government from 18 percent of gross domestic product today, down to 16.4 percent at the end of this period, the lowest level since 1951. That is the lowest level in 50 years.

The Senator from Texas also said we are paying down all the debt we can pay down. No we are not. That is not true. We had very clear testimony before the committee on how much debt can be paid down. I thought the most compelling testimony was by the man who has managed the successful debt paydown of the previous administration. The President is saying we can only pay down $2 trillion of the publicly held debt over this period. That is not the case. We have $2.6 trillion of debt coming due during this period. We can certainly pay down all of that. If we reserve all the Social Security and Medicare trust funds, and those moneys are used to pay down publicly held debt, we have no cash buildup problem until the year 2010. That is what a detailed cashflow analysis demonstrates.

It is a red herring to suggest we are going to have to pay these big premiums to foreign bondholders. That is all nonsense. We are not going to have to pay any big premiums to anybody. We are just going to retire the debt of the United States as it comes due, not renew it, not issue new debt. They want to issue new debt to pay for their tax cut. We do not. We think we ought to dump this debt while we have the chance because we know what happens when you get past this 10-year period and the debt of the United States takes off like a scalded cat.

This is a fundamental choice. The thing the Senator from Texas and I do agree on is that this debate is important. It is going to shape the economic future of our country. I say to those who are listening, the President's plan is fatally flawed. The President's plan is fatally flawed because he uses virtually all of the non-trust-fund money for his tax cut.

In fact, here is the projected surplus: $5.6 trillion, as uncertain as it is. If you take out the Social Security trust fund, $2.6 trillion. Then you take out the Medicare trust fund, $500 billion. That leaves you with an available surplus of $2.5 trillion.

Then the President proposes a tax cut of $1.7 trillion. His tax cut plan requires additional adjustments in what is called the alternative minimum tax.

Today there are 2 million people affected by the alternative minimum tax, but if we pass the President's plan, 30 million are going to get caught up in the alternative minimum tax. It costs $300 billion to fix that problem.

The interest costs associated with the first two are $500 billion, the President's spending initiatives over the so-called baseline are $200 billion, for a total cost of his plan of $2.7 trillion—

when there is only $2.5 trillion available, if you safeguard the Social Security and Medicare trust funds.

The numbers do not add up. The President's plan is $200 billion in the hole and that is before any defense initiative that he might propose, that is before any of the other things that may be suggested by this administration in terms of additional tax cuts, as we have seen come over from the House—$300 billion over and above what the President has proposed; and before additional funds for education or a prescription drug benefit. That is before any adjustment in the forecast because of the economic downturn.

We have a President's budget that is eating into the trust funds already and it is headed for much worse. Many of us believe it would be a very serious mistake to make a decision that locks in for the next 10 years a tax cut that is so big that it threatens the Social Security and Medicare trust funds. Let's remember, when we get past this 10-year period we are faced with a totally different situation: The retirement of the baby boom generation, the explosion of demands on Social Security and Medicare.

The truth is, the choices in this budget resolution are critically important to the country's economic future. The question is, Do we have more of a tax cut or do we have more debt reduction? Do we reserve resources to improve education, national defense, and provide for a prescription drug benefit or do we go on the cheap on education? Do we go on the cheap on the health care of the American people?

I hope very much, as this debate continues, we will have a chance to really inform the American people of what the choices are. I believe the choices we made on our side are the choices they would make in their own families. If they had a windfall I do not believe they would go blow it all on a vacation or fancy car. I think they might take a vacation, but I think they would also pay down that mortgage. I think they would also use those resources to invest for the future.

Those are the principles and the values that have formed the budget we are offering on our side. It is a budget that protects every penny of the Social Security and Medicare trust funds, a budget that takes what is left and provides a third for a significant tax cut for all Americans, including addressing the marriage penalty and reforming the estate tax; and with an additional third addressing those high-priority domestic needs of improving education, strengthening national defense, and providing a prescription drug benefit; and with the final third, taking that money to strengthen Social Security for the long term, to address this long-term debt that is building.

We think that is a pretty good set of priorities, and we hope our colleagues will endorse it before this week ends.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, again, I want to ask if there are any Senators who want to speak. I don't want anyone to think our schedule is going to be in any way influenced by the NCAA finals. But it does seem as though, if we got out of here by 9 o'clock, we could all participate in the game someplace. I think it is 15 minutes after that it starts. We are going to shoot for that anyway. If Senators come down later than that, we will let them close down. We wouldn't want you, Mr. President, to occupy the chair that late. We have a volunteer, I think, willing to do that.

First, I want to say to everybody listening that in an effort to try to see where we were with this big surplus, we invited a lot of people to testify. At the suggestion of the other side, we invited the Comptroller General. He is a former CPA of some significant firm—one of the big firms. He loves to inject himself in the budget issues. And he does that with a great deal of enthusiasm. Sometimes I wonder if that is in his charter. Nonetheless, we hear from him.

I want everybody to listen carefully to what he said. He was talking about the debt in the future. He was not talking about 10 years from now. He wasn't talking about 20 years from now. He was talking about the debt 25, 35, and 50 years from now; that is, we don't have all of these programs paid for during that period of time.

So I asked him: We have been hearing words of caution about this surplus. But, Mr. Comptroller, does the $1.6 trillion the President is talking about in a tax cut have any negative impact on that debt? He answered, Absolutely not.

So you see that you can come to the floor and do what my friend has done, and talk about having all of this money in for future debt.

To tell you the truth, the President's number on a tax cut will have no negative impact on that. I conclude that it will have a positive impact because I will tell you right now what will have the biggest positive effect on assuring every single senior that they will get their Social Security for as long as we have the ability to project that, and, for everybody who is worried about Medicare and its solvency, I tell you the best way to make sure that it works. It has nothing whatsoever to do with what we plug into this budget for Medicare. Do you know what it is? Will the $1.6 trillion tax cut promote longer prosperity at higher rates of growth than if we don't do it?

Americans, if you are wondering what is going to make Social Security more and more solvent, it is, the sooner we get out of this dip in the economy and the sooner we go for 8 or 9 more years with sustained growth at a modest rate as predicted in this budget, the better off everyone will be.

Frankly, I believe that I have been listening. I have gotten a great education, I tell my New Mexicans all the time, by listening to the greatest economists—those who have more to do with the future of the American economy year by year—by listening to them. The one to whom I have listened tentatively is Dr. Alan Greenspan.

Let me say about our new President, President George W. Bush, whether you talk to him or not, he listens. You get some waves from him as to what you should do with a surplus. I can't quote him, but let me paraphrase him accurately.

He said: If you have a very large surplus—and he was amazed that it was as big as $5.6 trillion, but he concurs that it is, under current projections—which he also concurs is a modest projection and not some blue-sky projection. But he says: If you have a surplus and it is big, pay the debt down. And then, when you have done as much of that as you consider the next priority for government, you cut marginal rates.

Why was he saying that? Was he saying that because he just wants to cut marginal rates? And Alan Greenspan doesn't think that every rate should get a cut, as our good friend from Texas explained. Of course not. It is because that is the very best thing for the American economy. That is the best thing for the future of our senior citizens and for Medicare. Yes. Even for that long-term debt that is out there, and even for some of that gross national debt, which our friend puts up on a map on one of his charts as if we were busy paying off that gross debt. It isn't even considered in the unified budget when the economists look at America for the next 10, 15, 20 years.

The point is: The recommendation is that you pay debt as the first priority, and the second highest priority with the surplus is to cut marginal rates. Guess what. The third and least priority is to spend the surplus.

That is not Senator PETE DOMENICI. That is what I have learned from experts, including the expert who tells us what is best for America. That means Americans; that means families; that means everybody who is concerned about paying their mortgage or adding on to their house—all of these things—plus businesspeople who are making money at their businesses. They are highly motivated by what they get to keep.

That is why all the experts say the second highest priority with the surplus is to cut marginal rates.

I am not going to spend tonight talking about how much is the right amount to pay on the debt. I will just tell you that for those who worry about what portion of our budget is interest on the national debt, let me guess with you. I have it on the chart up there. But currently it is about 13.5 to 14 percent. So every budget has a big slice of it—13 to 14 percent to pay down the debt as a percentage of the total budget.

It is as if we don't plan to do anything about it, if you listen to the other side.

Do you know what it will be after 10 years of paying down the debt as we contemplate it percentage-wise? Three. It will be 14 percent of the Federal budget down to 3 or 3½.

When people say we are not paying down the debt and you show them that chart, is this paying down the debt fast enough? Everybody says, of course, that is paying it down fast enough.

If you want to be technical, bring in two experts and ask if we could pay it down faster. You will find two who will say we can.

But to tell you the truth, I have almost become convinced that it is not the right thing for me to say as a noneconomist—or maybe it is for a noneconomist. I almost believe the surplus can get too big. I think it can be a drag on the growth in the economy. I believe to pay it down any faster than we propose is very risky. I really believe that is plenty of debt payment for this generation and this little timeframe to be paying on a debt which has accumulated over 25 years or maybe 40 years. It is just a lot to take out of the economy.

So everyone will know how much debt we should pay down, we had a witness. He is a very excellent economist. He said none. He didn't say they are right or you are right. He said you are both wrong. Don't pay any of it down. Because he is very worried about a slowing of the economy and paying the debt down and what happens. I am not saying that. I am just giving you parameters of what we heard.

We had another prominent witness from the Treasury Department of Bill Clinton saying we should cut it down more. Guess what. He was in the Treasury Department. They produced a budget. President Clinton produced a budget and didn't even ask him. They put in their budget precisely the numbers that George W. Bush is using in his budget for debt payment.

All the talk we hear: Is it enough? Is it too small? Should it be bigger? We are talking about the end of this 10 years, and we are talking about $300 billion to $400 billion at the tail end of this entire process.

I want to close by saying again to my fellow Republicans and to anyone on the other side who wants to treat George W. Bush fairly, to treat him as the Democrats treated President Clinton, why don't you let the President have a trial, have an opportunity, have a chance at taking his budget to the next level? Let's work on tax cuts, and see where the American people are when we get down to the details of tax cuts. I believe he deserves that.

If this Senator were frightened about this budget bringing us back to deficit spending, I would be here saying we just should not do it. I have been fighting too long to get where we are. But I honestly believe there is a higher chance that we will have a bigger surplus than is reported than we will have a lower amount. I think the highest probability is that it will be about right.

When you see that funnel up there on that graph that my good friend offered—it came from the Congressional Budget Office, so I can speak to it also; it looked like a big wave of bees—if you look at it carefully, right down the middle is where it is all dark, and that is where it is turning up most of the time, and that is this surplus of $5.6 trillion. On the edges it is showing a lot less and a lot more. I ask, which one should you use? The huge amount less or the huge amount more? No. I think you should use what the Congressional Budget Office recommended, and you should apply the President's number to that, and I believe you will have something very significant happen when the American people understand that over a decade we are giving them back their money. They will begin to ask, If we don't do that, what is going to happen to that surplus?

Do you know what I think is going to happen to it? I think it is going to get spent. I think it is going to get spent. I do not know how yet, but it will get spent. Every year we will have an excuse, just about like the amendments that are going to be offered to the Bush budget tomorrow and the next day, where there will be some new purpose that we should add to it well beyond what he recommended. But in the end, fellow Senators and those listening, those are all using the surplus to spend more money instead of giving the taxpayer a break. If we want to spend money, spend what is left over. There is still a lot left over.

I ask my friend, what is your desire regarding the rest of the evening?

Mr. CONRAD. I would just like a few more minutes.

Mr. DOMENICI. OK. I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have been reading the book by David Stockman, "The Triumph of Politics." It is about what happened in the 1980s, when, through a series of disastrous fiscal miscalculations, we plunged this country into deep, deep debt. I was not here at the time, but in that book he outlines very clearly what happened when the President advocated a massive tax cut, combined with a big increase in defense spending, all under a rosy economic forecast. The results were a tripling and quadrupling of deficits, a quadrupling of debt. The same voices who were advocating then to give the President a chance are advocating to give this President a chance with the same kind of fiscal scheme.

It is amazing how much credence a 10-year forecast has been given in this body, this notion that there is really going to be $5.6 trillion of surpluses over the next 10 years. It is almost mystical, the confidence people have in that kind of forecast.

I used to be responsible for forecasting the revenue for my State. I had to do it for 30 months—not a 10-year forecast, a 2½ year forecast. I can tell you, it is a crapshoot to forecast the revenue for 2½ years, much less the revenue for the United States for 10 years.

Let me say to my colleagues, if one assumption were changed in that forecast, $2.5 trillion of the $5.6 trillion would be right out the window. If the productivity gains assumed for the next 10 years were the same productivity increases we had in the United States between 1982 and 1995, that $5.6 trillion surplus would turn into a $3.2 trillion surplus—one estimate, one part of the projection, and 40 percent of the surplus goes right out the window.

It is not wise to bet the farm on a 10-year forecast, a 10-year forecast made after 5 of the strongest economic years in the history of the United States, at a time a downturn has started.

Sometimes one wonders if we have all gotten caught up in the giddiness of markets. We saw the NASDAQ go from 1,500 to 5,000 and fall back to 1,800. Isn't there a warning there someplace? Do we really believe that things that just go up, up, up, just keep going up, up, up? Is there no caution here? I believe we can all hope that things keep going up, up, up. I certainly do. That would be good for the economy, good for the country, and make our jobs a lot easier. But I do not think we ought to bet the farm on it.

This whole thing about it is the people's money and we ought to give it back to the people—if you examine our proposal, we are giving as much back as they are. We are just doing it in a different way. We have a tax cut that is half as big as theirs. But we have another $800 billion that we are proposing to use for strengthening Social Security for the long term, to, for example, put in investment accounts for people that they could then match or they could add to, so we would increase the pool of savings and investments for our society so we would have a stronger economy in the years ahead. That money is going right to the American people just as would a tax cut, only it is for savings and investment.

The differences between us are important differences, but it is not a question of we want to take the money and just spend it on Government programs and they want a tax cut. Those are not the choices. They are just not the choices.

The choices are, No. 1, that we would take $800 billion and use it to strengthen Social Security for the long term by establishing something like the thrift savings plan accounts that every Federal employee has. That is not money that is going to be spent on Government programs. That is money that is going to be available for savings and investment by the American people. On top of that, we advocate another $750 billion of tax cuts.

So if you compare their tax cut to our proposal of tax cuts and money that is available for individual accounts, to strengthen Social Security, and provide a pool of savings and investment for the strengthening of the economic future of America, we both have about the same amount of money going directly back to the American people. But in addition to that, we have reserved a lot more of this projected surplus for paying down the people's debt. Yes, it is the people's money, absolutely. It is also the people's debt. It is also the people's education and the people's defense, and the people's Social Security.

This is not a question of spending versus tax cuts. I know the other side always loves to use that formulation. That is not our budget plan. Our budget plan is fundamentally a question of more debt reduction, both short term and long term, versus more for tax cuts. That is a fundamental choice before us.

We believe, yes, there ought to be a significant tax cut, but we also believe we ought to use more of this projected surplus for paying down both short-term and long-term debt. We devote about twice as much as their budget resolution for those purposes.

We think it is a better use of the people's money to dump the people's debt while we have this opportunity because it is a fleeting opportunity. In 11 years, those baby boomers start to retire, and then the obligations of the Federal Government are going to skyrocket. Those obligations are going to be the obligations of the American taxpayer. I hope very much that as we continue this debate, the choices will become clear.

I will end as I began, by saying our budget plan seeks to put aside every penny of Social Security and Medicare trust funds, reserving it for those purposes, and then to have a significant tax cut, a tax cut of $900 billion, including interest, $900 billion for high-priority domestic needs such as improving education, a prescription drug benefit, strengthening our national defense, and then that final $900 billion, or roughly that, to strengthen Social Security for the long term—resources reserved so we can strengthen the Social Security system.

Every single proposal that is serious about strengthening Social Security for the long term has a cost associated with it, has a need for resources. We provide them. They don't. That is a very fundamental difference between these plans.

Again, I look forward to continuing this debate tomorrow and thank my colleagues and others who have been listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Budget Committee staff named on the following list be permitted to remain on the floor during consideration of S. Con. Res. 101 and that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

STAFF LIST: SENATE COMMITTEE ON THE BUDGET

MAJORITY STAFF

Daniel P. Brandt III, Amy Call, Allen R. Cutler, Beth Felder, Rachel Forward, Jennifer Hilton, Jim Hearn, W. Walter Hearne, Bill Hoagland, Sabre Mayhugh, Carole Mcguire, Mieko Nakabayashi, James O'Keeffe, Maureen O'Neill, David A. Ortega, Cheri Reidy, Andrew Siracuse, Robert Stein, Bob Stevenson, Margaret Bonynge Stewart, Kathleen M. Weldon, Winslow Wheeler, Jennifer Winkler, Sandra Wiseman.

MINORITY STAFF

Rochelle Amdur, Stephen Bailey, Scott Carlson, Rock E. Cheung, Jim Esquea, Bonnie Galvin, Timothy Galvin, James Horney, Lisa Konwinski, Sarah Kuehl, Karin Kullman, Stuart Nagurka, Mary Naylor, Sue Nelson, Steven Posner, Dakota Rudesill, Charles Stone, Barry Strumpf.

ADMINISTRATIVE STAFF

Michael Berkholtz, Jeffrey Eaby, Alex Green, Sahand Sarshar, Lynne Seymour, George Woodall.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be the presence and use of small calculators, which we don't normally permit but which might be needed, during consideration of the fiscal year 2001 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, when my friend gets up and puts up a chart that says the President is going to have to spend all these things on taxes, even though he didn't ask for them—he put up a number and said: They are going to have to spend money on the alternative minimum tax. Frankly, he put a big dollar number there. I want everybody to know, that is a very wonderful thought on his part, but the truth is, the budget resolution does not say that you do whatever you want on taxes. It says $1.6 trillion. If he wants to surmise that they are going to break this budget and have more tax cuts than that, then he ought to clearly say that because if there is going to be an alternative minimum change, they are going to make it within this $1.6 trillion because that is all that is allowed in this budget resolution.

Frankly, a very large chunk of that is estimated to be for one of the three purposes; that is, either the marriage tax penalty or doubling the child care credit or the death tax repeal.

Those could all be adjusted, any of the three could be adjusted, in terms of how much they are going to cost. We are using a number. Actually, the Finance Committee can decide how to change those, and there may be money left over when they have finished doing that. Just so the people understand, we are looking at 1.6, not 1.9, not 2.2 trillion. We are looking at 1.6.

My last observation is, my good friend says there is going to be more investment under their plan, and then he says there is $700 billion that is going to be used for investment purposes on individual accounts under Social Security. I don't know what we are going to do with it between now and the time that such a plan evolves. I am not sure it is in the wings that we are going to change Social Security to do that. Just wait until we talk here about investing it in the stock market, which is probably the only way we are going to do it. Are we going to do that in the next 6 months or the next 2 years? In the meantime, what is all that money going to be used for under their budget? I don't know. I assume it is going to be sitting around. And then what? We are going to buy up private securities with it? What are we going to do with it in the meantime?

Maybe my friend can answer that, and maybe it is truly invested. I don't know how it gets invested.

My last observation, one more time, is that President Bush deserves an opportunity. To those watching tonight, he has proposed a very reasonable and responsible budget plan. We are only asking that it be permitted to take one step forward and see if the next committees will choose to adopt it and whether the Senate will adopt those bills later. I believe he deserves that. He is the President. He has made a very important proposal. He is telling us precisely why he is doing it. He wants the American people to get a refund now in some way of $60 billion, but he wants to fix the Tax Code where it is more advantageous to investment and growth and prosperity. He is entitled to just that one break on this budget resolution. We will keep working for it, and we will have a lot of Senators on our side.

I hope in the end, if they want to make amendments, they will end up voting for the critical essence of this President's approach; that is, the tax plan. If you want to do some other things in this budget, leave his tax plan intact and let's see how it comes out in the end for the American people.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LIBRARY WEEK

Mr. SARBANES. Mr. President, this week, from April 1–7, we are celebrating the 43rd anniversary of "National Library Week." As a strong and vigorous supporter of Federal initiatives to strengthen and protect libraries, I am pleased to take this opportunity to draw my colleagues' attention to this important occasion and to take a few moments to reflect on the significance of libraries to our nation.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the same principle of free and open exchange of ideas as the Constitution itself. Libraries have always been an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society. They are the only public agencies in which the services rendered are intended for, and available to, every segment of our society.

It has been my longstanding view that libraries play an indispensable role in our communities. From modest beginnings in the mid-19th century, today's libraries provide well-stocked reference centers and wide-ranging loan services based on a system of branches, often further supplemented by traveling libraries serving outlying districts. Libraries promote the reading of books among adults, adolescents, and children and provide the access and resources to allow citizens to obtain reliable information on a vast array of topics.

Libraries gain even further significance in this age of rapid technological advancement where they are called upon to provide not only books and periodicals, but many other valuable resources as well. In today's society, libraries provide audio-visual materials, computer services, internet access terminals, facilities for community lectures and performances, tapes, records, videocassettes, and works of art for exhibit and loan to the public. In addition, special facilities libraries provide services for older Americans, people with disabilities, and hospitalized citizens.

Of course, libraries are not merely passive repositories of materials. They are engines of learning—the place where a spark is often struck for disadvantaged citizens who for whatever reason have not had exposure to the vast stores of knowledge available. I have the greatest respect for those individuals who are members of the library community and work so hard to ensure that our citizens and communities continue to enjoy the tremendous rewards available through our library system and work to provide additional funding to help keep libraries open.

My own State of Maryland has 24 public library systems providing a full range of library services to all Maryland citizens and a long tradition of open and unrestricted sharing of resources. This policy has been enhanced by the State Library Network which provides interlibrary loans to the State's public, academic, special libraries and school library media centers. The Network receives strong support from the State Library Resource Center at the Enoch Pratt Free Library, the Regional Library Resource Centers in Western, Southern, and Eastern Shore counties, and a Statewide database of holdings totaling 178 libraries.

The State Library Resource Center alone gives Marylanders free access to approximately 2 million books and bound magazines, over 1 million U.S. Government documents, 600,000 documents in microform, 11,000 periodicals, 90,000 maps, 20,000 Maryland State documents, and over 19,000 videos and films.

The result of this unique joint State-County resource sharing is an extraordinary level of library services available to the citizens of Maryland. Marylanders have responded to this outstanding service with 54.7 percent of the State's population registered as library patrons. Additionally, the total holdings of catalogued and uncatalogued book volumes, video and audio recordings, periodicals, electronic formats, and serial volumes have increased by 1 million from 1998 to 2000 to total over 16.5 million in library resources.

I have had a close working relationship with members of the Maryland Library Association and others involved in the library community throughout the State, and I am very pleased to join with them and citizens throughout the nation in this week's celebration of "National Library Week." I look forward to a continued close association with those who enable libraries to provide the unique and vital services available to all Americans.

ADDITIONAL STATEMENTS

MAGAZINE PRAISES RJR AS A BEST PLACE TO WORK

• Mr. HELMS. Mr. President, a great many of us who live in tobacco-producing states, and particularly North Carolina, whose tobacco farmers for years have produced quality tobacco mainly flue-cured but some burley, are proud of our fine farmers many of whom harvest an enormous amount of excellent food and fiber products.

We are grateful for North Carolina's tobacco companies which paved the way for our State's becoming national leaders in business, banking, and manufacturing of many kinds.

Charlotte is the second largest banking center in America. The Bank of America is headquartered there.

Some time ago Fortune Magazine announced that its annual survey had confirmed that R.J. Reynolds Tobacco Company of Winston-Salem is one of the 100 best companies in America to work for. The Chairman and CEO of RJR, Andrew J. Schindler, states that the key reason why Reynolds Tobacco won the award is, "It's our people. Without the hard work, creative energy, pride and dedication of our employees, RJR could not be successful."

Then Mr. Schindler added: "The real secret to Reynolds Tobacco's success is that our employees stand together as a close corporate family, and that's what makes our company stand apart from the crowd. This company is filled with extraordinary people, making Reynolds Tobacco an extraordinarily good place to work," Schindler stressed.

There's a point in all of this that ought not to go unnoticed like a ship passing in the night: Some of the trial lawyers, seeking to line their pockets with hundreds of thousands of dollars in court-awarded cash, have portrayed tobacco companies as villains and the corporate leaders of those companies as crooks. Contrived lawsuits have fluttered from the offices of intellectually dishonest trial lawyers portraying the company leaders as dishonest men and women with evil intent. This is simply not so, and those trial lawyers know it's not so.

Nobody in my family smokes, but one of them was indignant several months ago at some of the false declarations of some of the trial lawyers. She said: "I'm sorry for anyone whose health has declined because of smoking or whatever cause, but I've never heard of an instance where anybody started smoking because a gun was pointed at his head."•

MEASURES PLACED ON THE CALENDAR

The following concurrent resolutions were discharged pursuant to Public Law 93–344, and placed on the Calendar:

S. Con. Res. 20. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2002.

H. Con. Res. 83. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 149: A bill to provide authority to control exports, and for other purposes (Rept. No. 107–10).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 671. A bill to provide for public library construction and technology enhancement; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 672. A bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. BIDEN, and Mr. LUGAR):

S. 673. A bill to establish within the executive branch of the Government an interagency committee to review and coordinate United States nonproliferation efforts in the independent states of the former Soviet Union; to the Committee on Governmental Affairs.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 674. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 675. A bill to ensure the orderly development of coal, coalbed methane, natural gas, and oil in "common areas" of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. ENSIGN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. SCHUMER, and Mr. BREAUX):

S. 676. A bill to amend the Internal Revenue Code of 1986 to extend permanently the subpart F exemption for active financing income; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. JEFFORDS, Ms. SNOWE, Mrs. LINCOLN, and Mr. ALLARD):

S. 677. A bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 127

At the request of Mr. MCCAIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 225

At the request of Mr. WARNER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 225, a bill to amend the Internal Revenue Code of 1986 to provide incentives to public elementary and secondary school teachers by providing a tax credit for teaching expenses, professional development expenses, and student education loans.

S. 250

At the request of Mr. BIDEN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 250, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 458

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 458, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 476

At the request of Mrs. CLINTON, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 476, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for a National Teacher Corps and principal recruitment, and for other purposes.

S. 500

At the request of Mr. BURNS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from New York (Mrs. CLINTON), the Senator from West Virginia (Mr. BYRD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 570

At the request of Mr. BIDEN, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 630

At the request of Mr. BURNS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes.

S. 670

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 670, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes.

S. RES. 41

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 41, a resolution designating April 4, 2001, as "National Murder Awareness Day".

S. RES. 44

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month".

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years.

S. RES. 57

At the request of Mr. BOND, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 57, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under-served areas be increased in order to double access to care over the next 5 years.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN.

S. 672. A bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes, to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Child Status Protection Act of 2001. This legislation would protect children who are in danger of losing their eligibility for an immigration visa because of the inability of the Immigration and Naturalization Service INS to process their petitions or applications in a timely fashion.

Children caught in the INS backlogs often face the problem of "aging out" of eligibility for family-based visas on their 21st birthday. One case recently brought to my attention was that of a couple who were lawful permanent residents. In 1993, they filed family-based petitions for their three children. Although the INS approved the petitions, as of March 2000, none of the children had become permanent residents. When they turned 21, the two oldest children were switched into another visa category because they no longer qualify as "minor children." Now, they are in another backlog in which they have to wait another eight years to get a green card.

The legislation I have introduced today would provide a child, whose timely filed application for a family-based, employment-based, or diversity visa was submitted before the child reached his or her 21st birthday, the opportunity to remain eligible for that visa until the visa becomes available. The legislation also would protect the child of an asylum seeker whose application was submitted prior to the child's 21st birthday.

In recent years, the INS has faced a dramatic increase in the number of immigration benefit petitions and applications filed. This combined with the agency's slow service, and antiquated filing and computer data systems, has caused millions of our constituents to endure long waits of three to five years before getting their cases adjudicated.

The INS backlogs have carried a heavy price: children who are the beneficiaries of petitions and applications are "aging out" of eligibility for their visas, even though they were fully eligible at the time their applications were filed. This has occurred because some immigration benefits are only available to the "child" of a United States citizen or lawful permanent resident, and the Immigration and Nationality Act defines a "child" as an unmarried person under the age of 21.

As a consequence, a family whose child's application for admission to the United States has been pending for years may be forced to leave that child behind either because the INS was unable to adjudicate the application before the child's 21st birthday, or because growing immigration backlogs in the immigration visa category caused the visa to be unavailable before the child reached his 21st birthday. As a result, the child loses the right to admission to the United States. This is what is commonly known as "aging out."

Situations like these leave both the family and the child in a difficult dilemma. Under current law, lawful permanent residents who are outside of the United States face a difficult choice when their child "ages-out" of eligibility for a first preference visa. Emigrating parents must decide to either come to the United States and leave their child behind, or remain in their country of origin and lose out on their American dream in the United States. In the end, we as a country stand to lose when we are deprived of their cultural gifts, talents and many contributions.

For lawful permanent residents who already live in the United States, their dilemma is different. They must make the difficult choice of either sending their child who has "aged-out" of visa eligibility back to their country of origin, or have the child stay in the United States out-of-status, in violation of our immigration laws, and thus, vulnerable to deportation. No law should encourage this course of action.

One compelling example is that of 17-year-old Juan, a youngster born in Guatemala, who applied for adjustment of status under the Nicaraguan and Central American Relief Act in 1999. He is a junior in high school with a 4.0 grade point average. His mother came to the United States in 1986, fleeing life-threatening conditions in Guatemala. Juan, who was six years old at the time, joined her four years later. Today, Juan has yet to have an interview with the INS. Given the expected three- to five-year wait for the INS to adjudicate adjustment of status applications, this high achieving student may not only miss out on his dream of becoming an engineer, his home state of California stands to lose out on the contributions he undoubtedly will make.

The aging out problem also extends to those who have fled persecution and are granted asylum in the U.S. Current law permits persons granted asylum to have their child join them in the United States. However, if the child ages out while the parent's application for asylum is being adjudicated, the child is no longer automatically entitled to remain with his parent.

As Members of Congress we, too, have been confronted with this issue. Because the Attorney General does not have the discretion to protect the status of these children, we often are called upon to introduce private bills to grant them the status they deserve. Unfortunately, these bills are limited in number and not all deserving children are able get private bills introduced on their behalf.

The Child Status Protection Act of 2001 would correct these inequities and help protect a number of children who, through no fault of their own, face the consequence of being separated from their immediate family. It is a modest but urgently needed reform of our immigration laws, and I urge my colleagues to support this legislation. I ask unanimous consent that the text of the Child Status Protection Act of 2001 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. CHILD STATUS PROTECTION.

(a) IMMEDIATE RELATIVES.—Section 201(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)) is amended by adding at the end the following:

"(iii) Notwithstanding section 101(b)(1), an unmarried alien 21 years of age or older on whose behalf a petition was filed under section 204 to classify the alien as an immediate relative under clause (i) shall be classified as a child of a citizen of the United States for purposes of that clause, and the petition shall be considered a petition for classification under that clause, if the alien attained 21 years of age after the date on which the petition was filed but while the petition is pending before the Attorney General.

"(iv) An unmarried alien under 21 years of age on whose behalf a petition was filed under section 204 to classify the alien as an immigrant under section 203(a)(2)(A) shall be classified as a child of a citizen of the United States for purposes of clause (i), and the petition shall be considered a petition for classification under that clause, if a petitioning parent became a naturalized citizen of the United States after the petition was filed but while the petition is pending before the Attorney General..

"(v) An unmarried alien who was in a marriage on the date a petition was filed under section 204 to classify the alien as an immigrant under section 203(a)(3) shall be classified as a child of a citizen of the United States for purposes of clause (i), and the petition shall be considered a petition for classification under the clause, if—

"(I) the alien's marriage was legally terminated while the petition is pending before the Attorney General; and

"(II) the alien was under 21 years of age on the date of legal termination of the marriage.".

(b) FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.—Section 203(d) of the Immigration and Nationality Act (8 U.S.C. 1153(d)) is amended to read as follows:

"(d) TREATMENT OF FAMILY MEMBERS.—

"(1) IN GENERAL.—A spouse or child (as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1)) shall, if not otherwise entitled to immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c), be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, the spouse or parent.

"(2) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien 21 years of age or older on whose behalf a petition was filed under section 204 to classify the alien as an immigrant under subsection (a), (b), or (c), who is accompanying or following to join his or her parent under this section shall be classified as a child for purposes of entitlement to the same immigrant status of the parent, and the petition shall be considered a petition for classification for such purposes, if the alien attained 21 years of age after the date on which the petition was filed but while the petition is pending before the Attorney General.".

(c) ASYLEES.—Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended—

(1) by striking "A spouse" and inserting "(A) IN GENERAL.—A spouse"; and

(2) by adding at the end the following:

"(B) CONTINUED CLASSIFICATION OF CERTAIN ALIEN AS CHILDREN FOR ASYLUM ELIGIBILITY.—A unmarried alien who is accompanying or seeking to join a parent granted asylum under this subsection, who is seeking to be granted asylum under this paragraph, and who was under 21 years of age on the date on which the alien's parent applied for asylum under this section shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after the application was filed but while the application is pending before the Attorney General.".

SEC. 3. EFFECTIVE DATE.

Section 2, and the amendments made by section 2 shall apply to—

(1) all applications and petitions filed before the date of enactment of this Act and pending on such date; and

(2) all applications and petitions filed on or after such date.

By Mr. HAGEL (for himself, Mr. BIDEN, and Mr. LUGAR):

S. 673. A bill to establish within the executive branch of the Government an interagency committee to review and coordinate United States nonproliferation efforts in the independent states of the former Soviet Union; to the Committee on Government Affairs.

Mr. HAGEL. Mr. President, today I am introducing a bill to address the coordination of spending, both public and private, on U.S. non-proliferation efforts in Russia. I am pleased to be joined in introducing this bill by my colleagues Senators BIDEN and LUGAR.

In 1991, the world faced the very real specter of nuclear chaos erupting from the disintegration of the Soviet Union. Largely through the foresight and leadership of Senators Nunn and LUGAR, Congress established a fledging program that year authorizing the use of Defense Department funds to assist with the safe and secure transportation, storage, and dismantlement of nuclear, chemical and other weapons in the former Soviet Union. The world is a much safer place because of these efforts. I commend my friend and cosponsor, Senator LUGAR, for the important contribution he has made to the national security of this nation.

In the past ten years the Nunn-Lugar initiative has grown into a multi-pronged attack by the Departments of Defense, State and Energy to ensure that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge in Russia and the Newly Independent States remain beyond the reach of terrorist and weapons-proliferating states. This investment has yielded an impressive return. Over the past decade, important gains have been made in securing weapons, technology and knowledge in the former Soviet Union. By assisting Russia we have enhanced our own national security. But this success has come with problems of coordination,

U.S. public spending on non-proliferation programs in the Russian Federation suffers from a lack of coordination within and among United States Government agencies and departments. As recently as last January, a bipartisan task force led by former Senator Howard Baker and former White House Counsel Lloyd Cutler released a report calling for improved coordination within the U.S. government on non-proliferation assistance to Russia. The importance of these programs to the national security of this nation demands that we address this issue. We must coordinate U.S. government non-proliferation efforts in Russia to ensure that our overall spending on these efforts is both efficient and maximized to further the national security interests of the United States.

Ensuring the efficiency of our public spending also requires that we take into account the increased spending and investment by the United States private sector on non-proliferation efforts in Russia. This private spending, still small but registering positive results, will continue to increase. We must ensure that public spending on Russian non-proliferation programs is not in conflict with this important contribution from the U.S. private sector.

The Non-Proliferation Assistance Coordination Act of 2001 calls on the President to create an interagency committee that will monitor and coordinate the implementation of United States non-proliferation efforts in Russia. Under the direction of the President's National Security Assistant, representatives from the Departments of State, Defense, Energy and Commerce would provide guidance on coordinating, de-conflicting and maximizing the utility of United States public spending on our important non-proliferation efforts in Russia. I believe U.S. non-proliferation efforts in Russia, first initiated a decade ago under the leadership of Senators Lugar and Nunn, have made lasting contributions to the national security of the United States. This bill will ensure that future non-proliferation assistance to Russia is well spent.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonproliferation Assistance Coordination Action of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states;

(2) although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies;

(3) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, is making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states; and

(4) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union requires the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

SEC. 3. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this Act, the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

SEC. 4. ESTABLISHMENT OF COMMITTEE ON NON-PROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) Establishment.—There is established within the executive branch of the Government an interagency committee known as the "Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union" (In this Act referred to as the "Committee").

(b) Membership.—

(1) In general.—The Committee shall be composed of five members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(2) Level of representation.—The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) Chair.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

SEC. 5. DUTIES OF COMMITTEE.

(a) In General.—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union; and

(2) coordinating the implementation of United States policy with respect to such efforts.

(b) Duties Specified.—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5)(A) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(B) provide guidance and arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

SEC. 6. ADMINISTRATIVE SUPPORT.

All United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee or the Secretary of State in carrying out their functions and activities under this Act.

SEC. 7. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this Act.

SEC. 8. STATUTORY CONSTRUCTION.

Nothing in this Act—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing United States department or agency over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

By Ms. COLLINS (for herself and Ms. Landrieu):

S. 674. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator Landrieu, in introducing bipartisan legislation, the Access to Affordable Health Care Act, that is designed to make health insurance more affordable both for individuals and for small businesses that provide health care coverage for their employees.

In the past few years, Congress has taken some major steps to expand access to affordable health insurance for all Americans. One of the first bills I sponsored on coming to the Senate was legislation to establish the State Children's Health Insurance Program, which was enacted as part of the Balanced Budget Act. States have enthusiastically responded to this program, which now provides affordable health insurance coverage to over two million children nationwide, including nearly 10,000 in Maine's expanded Medicaid and CubCare programs.

Thanks to these efforts, coupled with an increase in employer coverage fueled by our strong economy, we are making some progress. For the first time in twelve years, the number of Americans without health insurance actually dropped from about 44 million to 42.6 million. While this is good news, it by no means minimizes the problem. There are still far too many Americans without health insurance. Clearly, we must make health insurance more available and affordable.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker: 85 percent of the Americans who do not have health insurance are in a family with a worker.

Uninsured, working Americans are most often employees of small businesses, the backbone of the economy in Maine. Some 60 percent of uninsured workers are employed by small firms. If we want to reduce the number of uninsured Americans, we need to consider how we can help more small businesses afford health insurance for their employees.

According to a recent National Federation of Independent Businesses survey, the cost of health insurance is the number one problem facing small businesses. And it has been since 1986. It is time for us to listen and to lend a hand to these small businesses.

Small employers generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed costs of a health benefits plan. Moreover, they are not as able to spread risks of medical claims over as many employees as can large firms.

As a consequence, only 42 percent of small businesses with fewer than 50 employees offer health insurance to their employees. By way of contrast, more than 95 percent of businesses with 100 or more employees offer insurance.

Moreover, the smaller the business, the less likely it is to offer health insurance to its employees. Small businesses want to provide health insurance for their employees, but the cost is often just too high.

Simply put, the biggest obstacle to health care coverage in the United States today is cost. While American employers everywhere, from giant multinational corporations to the small corner store, are facing huge hikes in their health insurance costs, these rising costs are particularly problematic for small businesses and their employees. Many small employers are facing premium increases of 15 to 30 percent or more. This can cause them either to drop their health benefits or to pass the additional costs on to their employees through increased deductibles, higher copays or premium hikes. This, too, is troubling and will likely add to the ranks of the uninsured since it will cause some employees, particularly lower-wage workers who are disproportionately affected by increased costs, to drop or turn down coverage when it is offered to them.

According to another survey of small businesses, two-thirds of small business owners said that they would seriously consider offering health benefits if they were provided with some assistance with premiums. Almost one-half would consider doing so if their costs fell 10 percent.

To respond to these findings, we are introducing the Access to Affordable Health Care Act, which will help small employers cope with these rising costs. Our bill will provide new tax credits for small businesses to help make health insurance more affordable. It will encourage those small businesses that do not currently offer health insurance to do so and will help businesses that currently do offer insurance to continue coverage even in the face of rising costs.

Under our proposal, employers with fewer than ten employees will receive a tax credit of 50 percent of the employer contribution to the cost of employee health insurance. Employers with ten to 25 employees will receive a 30 percent credit. Under the bill, the credit would be based on an employer's yearly qualified health insurance expenses of up to $2,000 for individual coverage and $4,000 for family coverage.

The legislation we are introducing will also make health insurance more affordable for individuals and families who must purchase health insurance on their own. The Access to Affordable Health Care Act will provide an above-the-line tax deduction for individuals who pay at least 50 percent of the cost of their own health and long-term care insurance. Regardless of whether an individual takes the standard deduction or itemizes, he or she will be provided relief by the new above-the-line deduction.

The bill also will allow self-employed Americans to deduct the full amount of their health care premiums. Some 25 million Americans are in families headed by a self-employed individual, of these, five million are uninsured. Establishing parity in the tax treatment of health insurance costs between the self-employed and those working for large businesses is not just a matter of equity. It will also help to reduce the number of uninsured, but working Americans. Our bill will make health insurance more affordable for the 82,000 people in Maine who are self-employed. They include our lobstermen, our hairdressers, our electricians, our plumbers, and the many owners of mom-and-pop stores that dot communities throughout the state.

The Access to Affordable Health Care Act, which has been endorsed by the National Federation of Independent Business, will help small businesses afford health insurance for their employees, and it will also make coverage more affordable for working Americans who must purchase it on their own. I urge my colleagues to join us as cosponsors of this important legislation.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 675. A bill to ensure the orderly development of coal, coalbed methane, natural gas, and oil in "common areas" of the Powder River Basin, Wyoming and Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I rise today to introduce the "Powder River Basin Resource Development Act of 2001." This legislation will provide a procedure for the orderly and timely resolution of disputes between coal producers and oil and gas operators in the Powder River Basin in north-central Wyoming and southern Montana. This legislation is cosponsored by my colleague from Wyoming, Senator THOMAS.

The Powder River Basin in Wyoming and southern Montana is one of the richest energy resource regions in the world. This area contains the largest coal reserves in the United States, providing nearly thirty percent of America's total coal production. This region also contains rich reserves of oil and gas, including coalbed methane. Wyoming is the fifth largest producer of natural gas in the county and the sixth largest producer of crude oil. The Powder River Basin plays an ever-increasing role in the development of coalbed methane as Wyoming continues to help meet the growing needs for natural gas in the Rocky Mountain region and the country as a whole. The Powder River Basin and the State of Wyoming as a whole provide many of the resources that heat our homes, fuel our cars, generate electricity for our computers, microwaves, and televisions. In short, there is very little that any one of us does in a day that is not affected by the resources of coal, oil, and natural gas.

The production of these natural resources represents a vital part of the economy of my home state of Wyoming. The coal and oil and gas industries employ more than 21,000 people in Wyoming. We in Wyoming educate our students, build our roads, and provide our citizens with many of their social services through property taxes, severance taxes, and mineral royalties collected from the development of these energy resources. Since Wyoming has no state income tax, our State relies very heavily on revenues from the minerals extraction industries for our tax base.

Given the great importance both the coal and oil and gas industries have to Wyoming's economy, the State of Wyoming and the federal government have tried to encourage concurrent development in areas where it is feasible and safe to do so. Unfortunately, this is not always possible. This legislation provides a procedure for the fair and expeditious resolution of conflicts between oil and gas producers and coal producers who have conflicting mineral interests on land in the Powder River Basin in Wyoming and southern Montana.

This legislation establishes a specific procedure to resolve conflicts between coal producers and oil and gas producers when their mineral development rights come into conflict because of overlapping leases. First, this proposal requires that once a potential conflict is identified, the affected parties must attempt to negotiate an agreement between themselves to resolve this conflict. Second, if the parties are unable to come to an agreement between themselves, either of the parties may file a petition for relief in U.S. district court in the district in which the conflict is located. Third, after receiving a petition, the court would determine whether an actual conflict exists. Fourth, if the court determines that a conflict does in fact exist, the court would determine whether the public interest, as determined by the greater economic benefit of each mineral, is best served by suspension of the federal coal lease or suspension or termination of all or part of the oil and gas lease. Fifth, a panel of three experts would be assembled to determine the value of the mineral of lesser economic value. Each of the parties in conflict would appoint one of the three experts. The third expert would be chosen jointly from the two parties. Finally, after the panel issues its final valuation report, the court would enter an order setting the compensation that is due the developer who had to temporarily or permanently forgo his development rights. This compensation would be paid by the owner of the mineral of greater economic value. A credit against federal royalties would also be available for this compensation price for limited number of situations where neither the existence of the conflict nor compensation to the conflicting mineral owner was foreseen in the original federal lease bid.

The "Powder River Basin Resource Development Act of 2001" has several benefits over the present system. First, it requires parties whose mineral interests come into conflict to attempt to negotiate an agreement among themselves before either one of them avails himself of the expedited resolution mechanism. No such requirement exists today. Second, it directs the Secretary of the Interior to encourage expedited development of federal minerals that (1) are leased pursuant to the federal Mineral Leasing Act; (2) exist in conflict areas; and (3) which may otherwise be lost or bypassed. As such, this legislation encourages full and expeditious development of federally leased resources in this narrow conflict area where it is economically feasible and safe to do so. Third and finally, this bill provides a fair and expeditious procedure to resolve conflicts which cannot be resolved between the two parties themselves and it does so by ensuring that any mineral owner will be fully compensated for any suspension or loss of his mineral rights. In turn, this proposal will prevent the serious economic hardship to thousands of families and the State treasury that could occur if mineral development is stalled for an indefinite amount of time due to protracted litigation under the current system.

This legislation is the result of over two years of work and represents the input of all the stakeholders: coalbed methane producers, deep oil and gas developers, the coal industry, landowners, the State of Wyoming, and the Department of the Interior. It is nearly identical to legislation that was favorably reported out of the Senate Energy Committee last summer by a voice vote. By providing a fair, expeditious, cost-effective and certain method to resolve conflicts between mineral producers in one of the most bountiful energy regions in the world, the "Powder River Basin Resource Development Act of 2001" represents an important chapter in the continuing effort to develop a comprehensive national energy policy for the 21st century.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. ENSIGN, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. SCHUMER, and Mr. BREAUX):

S. 676. A bill to amend the Internal Revenue Code of 1986 to extend permanently the subpart F exemption for active financing income; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today on behalf of myself and Senators BAUCUS, ENSIGN, TORRICELLI, SCHUMER, MURKOWSKI, and BREAUX, to introduce legislation to permanently extend the exclusion from Subpart F for active financing income earned on business operations overseas. This legislation permits American financial services firms doing business abroad to continue to defer U.S. tax on their earnings from their foreign financial services operations until such earnings are returned to the U.S. parent company.

The permanent extension of this provision is particularly important in today's global marketplace. Over the last few years the financial services industry has seen technological and global changes that have altered the very nature of the way these corporations do business, both here and abroad. The U.S. financial industry is a worldwide leader and plays a pivotal role in maintaining confidence in the international marketplace. It is essential that our tax laws adapt to the fast-paced and ever-changing business environment of today.

Let me outline exactly why this bill is needed. Regulated U.S. financial institutions with operations overseas need to retain earnings in foreign subsidiaries in order to meet ever-expanding capital requirements. Unfortunately, if the tax provision this bill seeks to permanently extend is allowed to expire at the end of this year, as is scheduled under the current law, those earnings will be subject to current U.S. taxation. Obviously, current taxation makes it more costly for a growing overseas business to meet those capital requirements, an impediment that is not in place for most foreign-based competitors.

Congress recognized this fact as long ago as the early 1960s, when the Kennedy Administration proposed the imposition of current taxation for all overseas income of U.S.-based corporations. Counsel for the Joint Committee on Taxation testified at that time that Congress could not constitutionally tax shareholders on the unremitted earnings of foreign subsidiaries except in cases where such tax was necessary to prevent the evasion or avoidance of tax. In cutting back the scope of the President's proposal, the House Ways and Means Committee stated, in part, "to impose the U.S. tax currently on U.S. shareholders of American-owned businesses operating abroad would put such firms at a disadvantage with other firms located in the same areas not subject to U.S. tax."

Forty years later, those words still ring true. The competition abroad for U.S. banks, for example, is no longer the Chases, Bankers Trusts, and Bank of Americas of the world. They are now Deutschebank, ABN Amro, HSBC, and Societe Generale. These foreign-based financial institutions are big players in the worldwide arena operating, usually, under home-country tax regimes that generally do not tax currently their active financial income earned outside their home countries.

The bill we are introducing today would provide a consistent, equitable, and stable international tax regime for this important component of our economy. A permanent extension of this provision would provide American companies much-needed stability. Our current "on-again, off-again" habit of annual extension limits the ability of U.S.-based firms to compete fully in the marketplace and interferes with their decision making and long-term planning. The activities that give rise to this income are long-range in nature, not easily or inexpensively stopped and started on a year-to-year basis. Permanency is the only thing that makes sense when it comes to this kind of tax policy.

This legislation will give U.S.-based financial services companies consistency and stability. The permanent extension of this exclusion from Subpart F provides tax rules that will ensure that the U.S. financial services industry is on an equal competitive footing with their foreign-based competitors and, just as importantly, provides tax treatment that is consistent with the tax treatment accorded most other U.S. companies.

The world has changed rapidly over the past few years. Like it or not, we live and compete in a global economy. In many respects, our Tax Code is outdated and represents the world as it was in the 1960s or 1970s, or in some cases, even before. If we close our eyes to these facts, we risk losing our worldwide leadership. The legislation we are introducing today will not solve all of our tax problems, nor even all of the tax problems of U.S. companies trying to compete internationally. It will, however, solve one very important problem. And this would be a start from which we can build.

I urge my colleagues to support this important bill and ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.

(a) BANKING, FINANCING, OR SIMILAR BUSINESSES.—Section 954(h) of the Internal Revenue Code of 1986 (relating to special rule for income derived in the active conduct of banking, financing, or similar businesses) is amended by striking paragraph (9).

(b) INSURANCE BUSINESSES.—Section 953(e) of the Internal Revenue Code of 1986 (defining exempt insurance income) is amended by striking paragraph (10) and by redesignating paragraph (11) as paragraph (10).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of a foreign corporation beginning after December 31, 2001, and to taxable years of United States shareholders with or within which such taxable years of such foreign corporation end.

Mr. BAUCUS. Mr. President, today I am pleased to join my colleague Senator HATCH in introducing legislation to permanently extend the exception from Subpart F for active financing income.

Current law contains a temporary provision, expiring at the end of this year, that makes sure that the active financial services income that a U.S. financial services company earns abroad is not subjected to U.S. tax until that income is distributed back to the U.S. parent company. Our legislation is intended to keep the U.S. financial services industry on an equal footing with foreign-based competitors by making this provision permanent.

The growing interdependence of world financial markets has highlighted the need to rationalize U.S. tax rules that undermine the ability of American financial services industries to compete in the international arena. At the same time, it is important to ensure that the U.S. tax treatment of worldwide income does not encourage avoidance of U.S. tax through the sheltering of income in foreign tax havens. However, I believe it is possible to adequately protect the federal fisc without jeopardizing the international expansion and competitiveness of U.S.-based financial services companies, including finance and credit entities, commercial banks, securities firms, and insurance companies.

The active financing provision is particularly important today. The U.S. financial services industry is second to none and plays a pivotal role in maintaining confidence in the international marketplace. Through our network of tax treaties, we have made tremendous progress in gaining access to new foreign markets for this industry in recent years. Our tax laws should complement, rather than undermine, this effort.

As is the case with other tax provisions such as the research and development tax credit, the temporary nature of the U.S. active financing exception denies U.S. companies the certainty enjoyed by their foreign competitors. The economic growth of American's financial sector is impaired by the uncertainty under the current system created by continually extending the exception on a temporary basis. The activities that are affected by this provision are long-range in nature and therefore those entering into these activities need to know the long-range tax consequences of their actions. A permanent extension of the active financing exception is needed to allow our financial services industry to compete internationally.

I ask my colleagues to join me in supporting this legislation, and provide a consistent, equitable, and stable international tax regime for the U.S. financial services industry.

By Mr. HATCH (for himself, Mr. BREAUX, Mr. JEFFORDS, Ms. SNOWE, Mrs. LINCOLN, and Mr. ALLARD):

S. 677. A bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Housing Bond and Credit Modernization and Fairness Act of 2001. I am joined in this effort by Senators BREAUX, JEFFORDS, ALLARD, LINCOLN, and SNOWE. This legislation will bring about important adjustments in two of the most important and popular federal affordable housing programs that have been enacted, Housing Bonds, or single family Mortgage Revenue Bonds, MRBs, as they are commonly known, and the Low Income Housing Tax Credit. Identical legislation was recently introduced in the House by Congressmen AMO HOUGHTON and RICHARD NEAL.

These programs are popular because they are state-administered, federal tax incentives to encourage private investment in first-time homebuyer mortgages for low and moderate-income families and privately developed and owned apartments for low-income renters. The changes proposed by this legislation were endorsed by the National Governors Association at its recent meeting. The Governors know how important the Housing Bond and Housing Tax Credit programs are in efforts to meet the housing needs of low and moderate-income families. The bill is also supported by the National Council of State Housing Agencies.

Last year more than 80 members of this Body cosponsored legislation that was included in last year's Community Renewal Tax Relief Act of 2000, which was signed into law by President Clinton. That legislation adjusted for past inflation in the operating levels of the Housing Tax Credit and MRB programs. Specifically, the Act increased the per capita low-income housing tax credit cap as well as the State-volume limits on tax-exempt private activity bonds, under which the MRB program falls. However, even with these long overdue changes, many people who are qualified to receive housing assistance under these programs cannot get it. The reason is that a few obsolete provisions in the programs stand in the way. The legislation we are introducing today will modernize these programs and remove these barriers. Specifically, the bill includes three changes.

First, the bill would repeal the so-called Ten-Year Rule. This rule, which was enacted in 1988, prevents states from using mortgage payments received ten years after the original Mortgage Revenue Bond was issued to make new mortgage loans to additional qualified purchasers. A recent report by Merrill Lynch states, "The Ten-

Year Rule, to a large extent, offsets gains from the volume cap increase." Between 1998 and 2002, this rule will result in the loss of over $8.5 billion in mortgage authority, denying over 100,000 qualified lower income homebuyers affordable MRB-financed mortgages. Each year, the Ten-Year Rule will keep tens of thousands of additional qualified lower income homebuyers from getting an affordable MRB-financed mortgage, including many in my home State of Utah.

Second, the bill would replace the current-law unworkable limit on the price of the homes these MRB mortgages can finance with a simple limit that works. Let me explain. Current law limits the price of homes purchased with MRB-financed mortgages to 90 percent of the average area home price. States have the option of determining their own purchase price limits or of relying on Treasury-published safe harbor limits. Most states rely on the Treasury limits because it is costly, burdensome, and often impossible to collect accurate and comprehensive sales price data.

The problem is that, like many states, the Treasury Department does not have access to reliable and comprehensive sales price data. This has especially been a problem for states, such as Utah, with many rural areas. In fact, Treasury last issued safe harbor limits in 1994, based on 1993 data. Home prices have risen approximately 30 percent in the past eight years, and in some areas of the country by a much higher percentage. This means that the MRB program simply cannot work in many parts of many states because qualified buyers cannot find homes priced below the outdated limits. To have an outdated and unworkable requirement that holds back the families that this program is designed to help is poor public policy that cries out for remedy.

The bill we are introducing today would allow States to determine purchase price limits without reliance on nonexisting sales price data. It does this by limiting the purchase price to three and a half times the MRB qualifying income limit. In the 106th Congress, I joined my friend and colleague from Arkansas, Senator LINCOLN, in introducing this provision as a standalone bill.

Finally, the bill would make Housing Tax Credit apartment production more viable in many very low income, and especially rural, areas by allowing the use of the greater of area or statewide median incomes for determining qualifying income and rent levels. This is how income and rent levels are determined under the very successful multifamily bond program. Current law requires States to use area median income to determine eligible incomes of Housing Tax Credit tenants. In many very low income areas, median incomes are simply too low to generate sufficient rents to make these housing projects feasible. Data from HUD show that current income limits inhibit Housing Tax Credit development in as many as 1,700 of the 2,364 non-metropolitan counties across the country.

The Housing Tax Credit and the MRB programs work and they are important to each State. The Congress recognized this last year by making the important adjustments in the operating levels of these programs to compensate for past inflation. More than 80 senators joined us in this effort by cosponsoring the legislation. This was a vital first step in improving the ability of these programs to meet the affordable housing needs of millions of Americans. Now, we must finish the job by correcting the problems in the programs that limit their effectiveness in delivering this affordable housing. For those of you that cosponsored these bills last year, and those of our colleagues who are new to the Senate, I am asking you to join this bipartisan effort of Senators from both rural and urban States to see that these important provisions are enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Housing Bond and Credit Modernization and Fairness Act of 2001".

SEC. 2. REPEAL OF REQUIRED USE OF CERTAIN PRINCIPAL REPAYMENTS ON MORTGAGE SUBSIDY BOND FINANCINGS TO REDEEM BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 143(a)(2) of the Internal Revenue Code of 1986 (defining qualified mortgage issue) is amended by adding "and" at the end of clause (ii), by striking ", and" at the end of clause (iii) and inserting a period, and by striking clause (iv) and the last sentence.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 143(a)(2)(D) of such Code is amended by striking "(and clause (iv) of subparagraph (A))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments received after the date of the enactment of this Act.

SEC. 3. MODIFICATION OF PURCHASE PRICE LIMITATION UNDER MORTGAGE SUBSIDY BOND RULES BASED ON MEDIAN FAMILY INCOME.

(a) IN GENERAL.—Paragraph (1) of section 143(e) of the Internal Revenue Code of 1986 (relating to purchase price requirement) is amended to read as follows:

"(1) IN GENERAL.—An issue meets the requirements of this subsection only if the acquisition cost of each residence the owner-financing of which is provided under the issue does not exceed the greater of—

"(A) 90 percent of the average area purchase price applicable to the residence, or

"(B) 3.5 times the applicable median family income (as defined in subsection (f))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to financing provided, and mortgage credit certificates issued, after the date of the enactment of this Act.

SEC. 4. DETERMINATION OF AREA MEDIAN GROSS INCOME FOR LOW-INCOME HOUSING CREDIT PROJECTS.

(a) IN GENERAL.—Paragraph (4) of section 42(g) of the Internal Revenue Code of 1986 (relating to certain rules made applicable) is amended by striking the period at the end and inserting "and the term 'area median gross income' means the amount equal to the greater of—

"(A) the area median gross income determined under section 142(d)(2)(B), or

"(B) the statewide median gross income for the State in which the project is located."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to—

(1) housing credit dollar amounts allocated after the date of the enactment of this Act, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

AMENDMENTS SUBMITTED AND PROPOSED

SA 170. Mr. DOMENICI proposed an amendment to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

SA 171. Mr. DOMENICI (for Mr. MCCAIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

TEXT OF AMENDMENTS

SA 170. Mr. DOMENICI proposed an amendment to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

(a) DECLARATION.—Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2002.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Sec. 201. Restrictions on advance appropriations.

Sec. 202. Mechanism for implementing increase of fiscal year 2002 discretionary spending limits.

Sec. 203. Reserve fund for prescription drugs and medicare reform in the senate.

Sec. 204. Application and effect of changes in allocations and aggregates.

Sec. 205. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2011:

(1) Federal revenues.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,630,290,000,000.

Fiscal year 2002: $1,674,228,000,000.

Fiscal year 2003: $1,716,017,000,000.

Fiscal year 2004: $1,765,435,000,000.

Fiscal year 2005: $1,818,193,000,000.

Fiscal year 2006: $1,870,639,000,000.

Fiscal year 2007: $1,943,134,000,000.

Fiscal year 2008: $2,034,496,000,000.

Fiscal year 2009: $2,138,797,000,000.

Fiscal year 2010: $2,246,021,000,000.

Fiscal year 2011: $2,377,168,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2001: $172,000,000.

Fiscal year 2002: $29,260,000,000.

Fiscal year 2003: $66,094,000,000.

Fiscal year 2004: $98,900,000,000.

Fiscal year 2005: $131,577,000,000.

Fiscal year 2006: $168,944,000,000.

Fiscal year 2007: $192,621,000,000.

Fiscal year 2008: $208,314,000,000.

Fiscal year 2009: $221,319,000,000.

Fiscal year 2010: $243,281,000,000.

Fiscal year 2011: $250,725,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,618,406,000,000.

Fiscal year 2002: $1,524,818,000,000.

Fiscal year 2003: $1,660,247,000,000.

Fiscal year 2004: $1,715,969,000,000.

Fiscal year 2005: $1,794,111,000,000.

Fiscal year 2006: $1,842,068,000,000.

Fiscal year 2007: $1,912,499,000,000.

Fiscal year 2008: $1,993,029,000,000.

Fiscal year 2009: $2,072,024,000,000.

Fiscal year 2010: $2,156,650,000,000.

Fiscal year 2011: $2,248,518,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,570,024,000,000.

Fiscal year 2002: $1,468,430,000,000.

Fiscal year 2003: $1,628,792,000,000.

Fiscal year 2004: $1,684,613,000,000.

Fiscal year 2005: $1,764,112,000,000.

Fiscal year 2006: $1,807,539,000,000.

Fiscal year 2007: $1,874,262,000,000.

Fiscal year 2008: $1,957,154,000,000.

Fiscal year 2009: $2,036,359,000,000.

Fiscal year 2010: $2,121,936,000,000.

Fiscal year 2011: $2,211,676,000,000.

(4) Surpluses.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $60,266,000,000.

Fiscal year 2002: $205,798,000,000.

Fiscal year 2003: $87,225,000,000.

Fiscal year 2004: $80,822,000,000.

Fiscal year 2005: $54,081,000,000.

Fiscal year 2006: $63,100,000,000.

Fiscal year 2007: $68,872,000,000.

Fiscal year 2008: $77,342,000,000.

Fiscal year 2009: $102,438,000,000.

Fiscal year 2010: $124,085,000,000.

Fiscal year 2011: $165,492,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,630,366,000,000.

Fiscal year 2002: $5,529,082,000,000.

Fiscal year 2003: $5,558,185,000,000.

Fiscal year 2004: $5,594,293,000,000.

Fiscal year 2005: $5,654,694,000,000.

Fiscal year 2006: $5,707,561,000,000.

Fiscal year 2007: $5,570,958,000,000.

Fiscal year 2008: $5,784,424,000,000.

Fiscal year 2009: $5,988,043,000,000.

Fiscal year 2010: $6,343,298,000,000.

Fiscal year 2011: $6,720,541,000,000.

(6) Debt held by the public.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,212,878,000,000.

Fiscal year 2002: $2,849,535,000,000.

Fiscal year 2003: $2,594,022,000,000.

Fiscal year 2004: $2,331,289,000,000.

Fiscal year 2005: $2,072,931,000,000.

Fiscal year 2006: $1,786,421,000,000.

Fiscal year 2007: $1,473,645,000,000.

Fiscal year 2008: $1,131,366,000,000.

Fiscal year 2009: $939,000,000,000.

Fiscal year 2010: $878,000,000,000.

Fiscal year 2011: $818,000,000,000.

(7) Social security.—

(A) Social security revenues.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $504,109,000,000.

Fiscal year 2002: $532,308,000,000.

Fiscal year 2003: $560,938,000,000.

Fiscal year 2004: $588,674,000,000.

Fiscal year 2005: $620,060,000,000.

Fiscal year 2006: $649,221,000,000.

Fiscal year 2007: $679,935,000,000.

Fiscal year 2008: $712,454,000,000.

Fiscal year 2009: $746,439,000,000.

Fiscal year 2010: $782,029,000,000.

Fiscal year 2011: $819,185,000,000.

(B) Social security outlays.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642), the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $343,562,000,000.

Fiscal year 2002: $356,786,000,000,

Fiscal year 2003: $369,939,000,000.

Fiscal year 2004: $383,133,000,000.

Fiscal year 2005: $395,765,000,000.

Fiscal year 2006: $408,189,000,000.

Fiscal year 2007: $420,714,000,000.

Fiscal year 2008: $433,784,000,000.

Fiscal year 2009: $449,872,000,000.

Fiscal year 2010: $467,368,000,000.

Fiscal year 2011: $485,551,000,000.

(C) Social security administrative expenses.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:

(A) New budget authority, $3,431,000,000.

(B) Outlays, $3,371,000,000.

Fiscal year 2002:

(A) New budget authority, $3,501,000,000.

(B) Outlays, $3,456,000,000.

Fiscal year 2003:

(A) New budget authority, $3,499,000,000.

(B) Outlays, $3,478,000,000.

Fiscal year 2004:

(A) New budget authority, $3,599,000,000.

(B) Outlays, $3,554,000,000.

Fiscal year 2005:

(A) New budget authority, $3,699,000,000.

(B) Outlays, $3,647,000,000.

Fiscal year 2006:

(A) New budget authority, $3,808,000,000.

(B) Outlays, $3,753,000,000.

Fiscal year 2007:

(A) New budget authority, $3,909,000,000.

(B) Outlays, $3,854,000,000.

Fiscal year 2008:

(A) New budget authority, $4,011,000,000.

(B) Outlays, $3,955,000,000.

Fiscal year 2009:

(A) New budget authority, $4,113,000,000.

(B) Outlays, $4,057,000,000.

Fiscal year 2010:

(A) New budget authority, $4,178,000,000.

(B) Outlays, $4,125,000,000.

Fiscal year 2011:

(A) New budget authority, $4,349,000,000.

(B) Outlays, $4,285,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):

Fiscal year 2001:

(A) New budget authority, $310,328,000,000.

(B) Outlays, $300,591,000,000.

Fiscal year 2002:

(A) New budget authority, $324,660,000,000.

(B) Outlays, $319,349,000,000.

Fiscal year 2003:

(A) New budget authority, $333,428,000,000.

(B) Outlays, $325,703,000,000.

Fiscal year 2004:

(A) New budget authority, $342,728,000,000.

(B) Outlays, $334,198,000,000.

Fiscal year 2005:

(A) New budget authority, $352,292,000,000.

(B) Outlays, $347,283,000,000.

Fiscal year 2006:

(A) New budget authority, $362,163,000,000.

(B) Outlays, $354,639,000,000.

Fiscal year 2007:

(A) New budget authority, $372,279,000,000.

(B) Outlays, $361,964,000,000.

Fiscal year 2008:

(A) New budget authority, $382,774,000,000.

(B) Outlays, $375,662,000,000.

Fiscal year 2009:

(A) New budget authority, $393,559,000,000.

(B) Outlays, $386,546,000,000.

Fiscal year 2010:

(A) New budget authority, $404,537,000,000.

(B) Outlays, $397,628,000,000.

Fiscal year 2011:

(A) New budget authority, $416,308,000,000.

(B) Outlays, $409,251,000,000.

(2) International Affairs (150):

Fiscal year 2001:

(A) New budget authority, $22,424,000,000.

(B) Outlays, $19,670,000,000.

Fiscal year 2002:

(A) New budget authority, $23,866,000,000.

(B) Outlays, $19,560,000,000.

Fiscal year 2003:

(A) New budget authority, $23,855,000,000.

(B) Outlays, $19,864,000,000.

Fiscal year 2004:

(A) New budget authority, $24,493,000,000.

(B) Outlays, $20,419,000,000.

Fiscal year 2005:

(A) New budget authority, $25,367,000,000.

(B) Outlays, $20,780,000,000.

Fiscal year 2006:

(A) New budget authority, $26,165,000,000.

(B) Outlays, $21,395,000,000.

Fiscal year 2007:

(A) New budget authority, $26,932,000,000.

(B) Outlays, $22,141,000,000.

Fiscal year 2008:

(A) New budget authority, $27,447,000,000.

(B) Outlays, $22,826,000,000.

Fiscal year 2009:

(A) New budget authority, $28,036,000,000.

(B) Outlays, $23,583,000,000.

Fiscal year 2010:

(A) New budget authority, $28,422,000,000.

(B) Outlays, $24,161,000,000.

Fiscal year 2011:

(A) New budget authority, $29,595,000,000.

(B) Outlays, $24,997,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2001:

(A) New budget authority, $21,043,000,000.

(B) Outlays, $19,612,000,000.

Fiscal year 2002:

(A) New budget authority, $21,307,000,000.

(B) Outlays, $20,626,000,000.

Fiscal year 2003:

(A) New budget authority, $21,802,000,000.

(B) Outlays, $21,009,000,000.

Fiscal year 2004:

(A) New budget authority, $22,257,000,000.

(B) Outlays, $21,775,000,000.

Fiscal year 2005:

(A) New budget authority, $22,809,000,000.

(B) Outlays, $22,330,000,000.

Fiscal year 2006:

(A) New budget authority, $23,443,000,000.

(B) Outlays, $22,875,000,000.

Fiscal year 2007:

(A) New budget authority, $24,072,000,000.

(B) Outlays, $23,446,000,000.

Fiscal year 2008:

(A) New budget authority, $24,691,000,000.

(B) Outlays, $24,041,000,000.

Fiscal year 2009:

(A) New budget authority, $25,320,000,000.

(B) Outlays, $24,657,000,000.

Fiscal year 2010:

(A) New budget authority, $25,719,000,000.

(B) Outlays, $25,161,000,000.

Fiscal year 2011:

(A) New budget authority, $26,779,000,000.

(B) Outlays, $25,916,000,000.

(4) Energy (270):

Fiscal year 2001:

(A) New budget authority, $1,225,000,000.

(B) Outlays, $−115,000,000.

Fiscal year 2002:

(A) New budget authority, $871,000,000.

(B) Outlays, $−234,000,000.

Fiscal year 2003:

(A) New budget authority, $760,000,000.

(B) Outlays, $−531,000,000.

Fiscal year 2004:

(A) New budget authority, $912,000,000.

(B) Outlays, $−590,000,000.

Fiscal year 2005:

(A) New budget authority, $899,000,000.

(B) Outlays, $−496,000,000.

Fiscal year 2006:

(A) New budget authority, $1,023,000,000.

(B) Outlays, $−354,000,000.

Fiscal year 2007:

(A) New budget authority, $1,103,000,000.

(B) Outlays, $−248,000,000.

Fiscal year 2008:

(A) New budget authority, $2,196,000,000.

(B) Outlays, $385,000,000.

Fiscal year 2009:

(A) New budget authority, $2,290,000,000.

(B) Outlays, $784,000,000.

Fiscal year 2010:

(A) New budget authority, $2,267,000,000.

(B) Outlays, $955,000,000.

Fiscal year 2011:

(A) New budget authority, $2,191,000,000.

(B) Outlays, $927,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2001:

(A) New budget authority, $28,833,000,000.

(B) Outlays, $26,361,000,000.

Fiscal year 2002:

(A) New budget authority, $26,700,000,000.

(B) Outlays, $26,400,000,000.

Fiscal year 2003:

(A) New budget authority, $26,840,000,000.

(B) Outlays, $26,930,000,000.

Fiscal year 2004:

(A) New budget authority, $27,719,000,000.

(B) Outlays, $27,463,000,000.

Fiscal year 2005:

(A) New budget authority, $27,942,000,000.

(B) Outlays, $27,668,000,000.

Fiscal year 2006:

(A) New budget authority, $27,958,000,000.

(B) Outlays, $27,818,000,000.

Fiscal year 2007:

(A) New budget authority, $28,624,000,000.

(B) Outlays, $28,285,000,000.

Fiscal year 2008:

(A) New budget authority, $29,349,000,000.

(B) Outlays, $28,781,000,000.

Fiscal year 2009:

(A) New budget authority, $30,620,000,000.

(B) Outlays, $29,888,000,000.

Fiscal year 2010:

(A) New budget authority, $31,173,000,000.

(B) Outlays, $30,525,000,000.

Fiscal year 2011:

(A) New budget authority, $32,417,000,000.

(B) Outlays, $31,508,000,000.

(6) Agriculture (350):

Fiscal year 2001:

(A) New budget authority, $26,290,000,000.

(B) Outlays, $23,654,000,000.

Fiscal year 2002:

(A) New budget authority, $19,144,000,000.

(B) Outlays, $17,500,000,000.

Fiscal year 2003:

(A) New budget authority, $18,610,000,000

(B) Outlays, $16,981,000,000.

Fiscal year 2004:

(A) New budget authority, $18,482,000,000.

(B) Outlays, $17,072,000,000.

Fiscal year 2005:

(A) New budget authority, $18,337,000,000.

(B) Outlays, $16,852,000,000.

Fiscal year 2006:

(A) New budget authority, $17,888,000,000.

(B) Outlays, $16,288,000,000.

Fiscal year 2007:

(A) New budget authority, $16,520,000,000.

(B) Outlays, $14,946,000,000.

Fiscal year 2008:

(A) New budget authority, $15,648,000,000.

(B) Outlays, $14,062,000,000.

Fiscal year 2009:

(A) New budget authority, $15,836,000,000.

(B) Outlays, $14,359,000,000.

Fiscal year 2010:

(A) New budget authority, $15,894,000,000.

(B) Outlays, $14,533,000,000.

Fiscal year 2011:

(A) New budget authority, $16,123,000,000.

(B) Outlays, $14,725,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2001:

(A) New budget authority, $2,516,000,000.

(B) Outlays, $−771,000,000.

Fiscal year 2002:

(A) New budget authority, $7,390,000,000.

(B) Outlays, $4,170,000,000.

Fiscal year 2003:

(A) New budget authority, $8,548,000,000.

(B) Outlays, $3,070,000,000.

Fiscal year 2004:

(A) New budget authority, $12,819,000,000.

(B) Outlays, $8,468,000,000.

Fiscal year 2005:

(A) New budget authority, $12,730,000,000.

(B) Outlays, $9,330,000,000.

Fiscal year 2006:

(A) New budget authority, $12,659,000,000.

(B) Outlays, $8,364,000,000.

Fiscal year 2007:

(A) New budget authority, $13,528,000,000.

(B) Outlays, $9,218,000,000.

Fiscal year 2008:

(A) New budget authority, $13,848,000,000.

(B) Outlays, $9,305,000,000.

Fiscal year 2009:

(A) New budget authority, $14,262,000,000.

(B) Outlays, $9,604,000,000.

Fiscal year 2010:

(A) New budget authority, $18,723,000,000.

(B) Outlays, $12,833,000,000.

Fiscal year 2011:

(A) New budget authority, $13,517,000,000.

(B) Outlays, $9,805,000,000.

(8) Transportation (400):

Fiscal year 2001:

(A) New budget authority, $62,130,000,000.

(B) Outlays, $51,681,000,000.

Fiscal year 2002:

(A) New budget authority, $61,906,000,000.

(B) Outlays, $55,832,000,000.

Fiscal year 2003:

(A) New budget authority, $64,751,000,000.

(B) Outlays, $58,952,000,000.

Fiscal year 2004:

(A) New budget authority, $66,248,000,000.

(B) Outlays, $60,797,000,000.

Fiscal year 2005:

(A) New budget authority, $67,741,000,000.

(B) Outlays, $62,549,000,000.

Fiscal year 2006:

(A) New budget authority, $69,347,000,000.

(B) Outlays, $64,303,000,000.

Fiscal year 2007:

(A) New budget authority, $70,953,000,000.

(B) Outlays, $65,535,000,000.

Fiscal year 2008:

(A) New budget authority, $72,578,000,000.

(B) Outlays, $67,008,000,000.

Fiscal year 2009:

(A) New budget authority, $74,248,000,000.

(B) Outlays, $68,664,000,000.

Fiscal year 2010:

(A) New budget authority, $75,759,000,000.

(B) Outlays, $69,976,000,000.

Fiscal year 2011:

(A) New budget authority, $77,835,000,000.

(B) Outlays, $71,900,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $11,225,000,000.

(B) Outlays, $11,366,000,000.

Fiscal year 2002:

(A) New budget authority, $10,120,000,000.

(B) Outlays, $11,422,000,000.

Fiscal year 2003:

(A) New budget authority, $10,318,000,000.

(B) Outlays, $10,908,000,000.

Fiscal year 2004:

(A) New budget authority, $10,567,000,000.

(B) Outlays, $10,510,000,000.

Fiscal year 2005:

(A) New budget authority, $10,920,000,000.

(B) Outlays, $10,158,000,000.

Fiscal year 2006:

(A) New budget authority, $11,243,000,000.

(B) Outlays, $10,019,000,000.

Fiscal year 2007:

(A) New budget authority, $11,545,000,000.

(B) Outlays, $10,215,000,000.

Fiscal year 2008:

(A) New budget authority, $11,844,000,000.

(B) Outlays, $10,507,000,000.

Fiscal year 2009:

(A) New budget authority, $12,146,000,000.

(B) Outlays, $10,783,000,000.

Fiscal year 2010:

(A) New budget authority, $12,338,000,000.

(B) Outlays, $11,048,000,000.

Fiscal year 2011:

(A) New budget authority, $12,844,000,000.

(B) Outlays, $11,345,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,886,000,000.

(B) Outlays, $69,790,000,000.

Fiscal year 2002:

(A) New budget authority, $100,578,000,000.

(B) Outlays, $76,220,000,000.

Fiscal year 2003:

(A) New budget authority, $82,013,000,000.

(B) Outlays, $81,671,000,000.

Fiscal year 2004:

(A) New budget authority, $83,888,000,000.

(B) Outlays, $82,281,000,000.

Fiscal year 2005:

(A) New budget authority, $87,345,000,000.

(B) Outlays, $84,831,000,000.

Fiscal year 2006:

(A) New budget authority, $90,205,000,000.

(B) Outlays, $87,685,000,000.

Fiscal year 2007:

(A) New budget authority, $92,846,000,000.

(B) Outlays, $90,364,000,000.

Fiscal year 2008:

(A) New budget authority, $95,701,000,000.

(B) Outlays, $92,962,000,000.

Fiscal year 2009:

(A) New budget authority, $98,444,000,000.

(B) Outlays, $95,910,000,000.

Fiscal year 2010:

(A) New budget authority, $100,510,000,000.

(B) Outlays, $98,366,000,000.

Fiscal year 2011:

(A) New budget authority, $104,626,000,000.

(B) Outlays, $101,360,000,000.

(11) Health (550)

Fiscal year 2001:

(A) New budget authority, $182,604,000,000.

(B) Outlays, $175,512,000,000.

Fiscal year 2002:

(A) New budget authority, $202,926,000,000.

(B) Outlays, $200,124,000,000.

Fiscal year 2003:

(A) New budget authority, $228,286,000,000.

(B) Outlays, $224,506,000,000.

Fiscal year 2004:

(A) New budget authority, $244,979,000,000.

(B) Outlays, $243,184,000,000.

Fiscal year 2005:

(A) New budget authority, $252,029,000,000.

(B) Outlays, $249,761,000,000.

Fiscal year 2006:

(A) New budget authority, $264,794,000,000.

(B) Outlays, $262,644,000,000.

Fiscal year 2007:

(A) New budget authority, $284,828,000,000.

(B) Outlays, $282,117,000,000.

Fiscal year 2008:

(A) New budget authority, $305,375,000,000.

(B) Outlays, $302,927,000,000.

Fiscal year 2009:

(A) New budget authority, $327,271,000,000.

(B) Outlays, $325,159,000,000.

Fiscal year 2010:

(A) New budget authority, $351,614,000,000.

(B) Outlays, $349,971,000,000.

Fiscal year 2011:

(A) New budget authority, $379,618,000,000.

(B) Outlays, $377,484,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,531,000,000.

(B) Outlays, $217,708,000,000.

Fiscal year 2002:

(A) New budget authority, $229,128,000,000.

(B) Outlays, $229,075,000,000.

Fiscal year 2003:

(A) New budget authority, $243,946,000,000.

(B) Outlays, $243,718,000,000.

Fiscal year 2004:

(A) New budget authority, $260,240,000,000.

(B) Outlays, $260,446,000,000.

Fiscal year 2005:

(A) New budget authority, $291,770,000,000.

(B) Outlays, $291,696,000,000.

Fiscal year 2006:

(A) New budget authority, $309,921,000,000.

(B) Outlays, $309,660,000,000.

Fiscal year 2007:

(A) New budget authority, $336,143,000,000.

(B) Outlays, $336,366,000,000.

Fiscal year 2008:

(A) New budget authority, $362,842,000,000.

(B) Outlays, $362,744,000,000.

Fiscal year 2009:

(A) New budget authority, $391,122,000,000.

(B) Outlays, $390,848,000,000.

Fiscal year 2010:

(A) New budget authority, $423,445,000,000.

(B) Outlays, $423,698,000,000.

Fiscal year 2011:

(A) New budget authority, $459,396,000,000.

(B) Outlays, $459,390,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $255,942,000,000.

(B) Outlays, $256,932,000,000.

Fiscal year 2002:

(A) New budget authority, $275,012,000,000.

(B) Outlays, $271,393,000,000.

Fiscal year 2003:

(A) New budget authority, $281,124,000,000.

(B) Outlays, $281,635,000,000.

Fiscal year 2004:

(A) New budget authority, $292,431,000,000.

(B) Outlays, $291,561,000,000.

Fiscal year 2005:

(A) New budget authority, $307,066,000,000.

(B) Outlays, $305,673,000,000.

Fiscal year 2006:

(A) New budget authority, $314,915,000,000.

(B) Outlays, $313,382,000,000.

Fiscal year 2007:

(A) New budget authority, $322,128,000,000.

(B) Outlays, $320,595,000,000.

Fiscal year 2008:

(A) New budget authority, $336,555,000,000.

(B) Outlays, $335,173,000,000.

Fiscal year 2009:

(A) New budget authority, $348,003,000,000.

(B) Outlays, $346,318,000,000.

Fiscal year 2010:

(A) New budget authority, $358,590,000,000.

(B) Outlays, $356,917,000,000.

Fiscal year 2011:

(A) New budget authority, $370,342,000,000.

(B) Outlays, $368,124,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $9,805,000,000.

(B) Outlays, $9,805,000,000.

Fiscal year 2002:

(A) New budget authority, $10,865,000,000.

(B) Outlays, $10,864,000,000.

Fiscal year 2003:

(A) New budget authority, $11,315,000,000.

(B) Outlays, $11,315,000,000.

Fiscal year 2004:

(A) New budget authority, $11,852,000,000.

(B) Outlays, $11,852,000,000.

Fiscal year 2005:

(A) New budget authority, $12,387,000,000.

(B) Outlays, $12,387,000,000.

Fiscal year 2006:

(A) New budget authority, $13,038,000,000.

(B) Outlays, $13,038,000,000.

Fiscal year 2007:

(A) New budget authority, $13,739,000,000.

(B) Outlays, $13,739,000,000.

Fiscal year 2008:

(A) New budget authority, $14,750,000,000.

(B) Outlays, $14,750,000,000.

Fiscal year 2009:

(A) New budget authority, $15,927,000,000.

(B) Outlays, $15,927,000,000.

Fiscal year 2010:

(A) New budget authority, $17,289,000,000.

(B) Outlays, $17,289,000,000.

Fiscal year 2011:

(A) New budget authority, $18,799,000,000.

(B) Outlays, $18,799,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2001:

(A) New budget authority, $46,675,000,000.

(B) Outlays, $45,926,000,000.

Fiscal year 2002:

(A) New budget authority, $51,104,000,000.

(B) Outlays, $50,547,000,000.

Fiscal year 2003:

(A) New budget authority, $52,370,000,000.

(B) Outlays, $52,082,000,000.

Fiscal year 2004:

(A) New budget authority, $54,306,000,000.

(B) Outlays, $53,938,000,000.

Fiscal year 2005:

(A) New budget authority, $58,289,000,000.

(B) Outlays, $57,858,000,000.

Fiscal year 2006:

(A) New budget authority, $57,677,000,000.

(B) Outlays, $57,211,000,000.

Fiscal year 2007:

(A) New budget authority, $56,919,000,000.

(B) Outlays, $56,462,000,000.

Fiscal year 2008:

(A) New budget authority, $60,700,000,000.

(B) Outlays, $60,302,000,000.

Fiscal year 2009:

(A) New budget authority, $62,049,000,000.

(B) Outlays, $61,678,000,000.

Fiscal year 2010:

(A) New budget authority, $63,357,000,000.

(B) Outlays, $63,018,000,000.

Fiscal year 2011:

(A) New budget authority, $65,648,000,000.

(B) Outlays, $65,213,000,000.

(16) Administration of Justice (750):

Fiscal year 2001:

(A) New budget authority, $30,577,000,000.

(B) Outlays, $30,003,000,000.

Fiscal year 2002:

(A) New budget authority, $30,870,000,000.

(B) Outlays, $30,328,000,000.

Fiscal year 2003:

(A) New budget authority, $31,899,000,000.

(B) Outlays, $32,116,000,000.

Fiscal year 2004:

(A) New budget authority, $33,592,000,000.

(B) Outlays, $34,056,000,000.

Fiscal year 2005:

(A) New budget authority, $34,629,000,000.

(B) Outlays, $34,688,000,000.

Fiscal year 2006:

(A) New budget authority, $35,651,000,000.

(B) Outlays, $35,279,000,000.

Fiscal year 2007:

(A) New budget authority, $36,609,000,000.

(B) Outlays, $36,119,000,000.

Fiscal year 2008:

(A) New budget authority, $37,563,000,000.

(B) Outlays, $37,116,000,000.

Fiscal year 2009:

(A) New budget authority, $38,539,000,000.

(B) Outlays, $38,090,000,000.

Fiscal year 2010:

(A) New budget authority, $39,189,000,000.

(B) Outlays, $38,842,000,000.

Fiscal year 2011:

(A) New budget authority, $40,767,000,000.

(B) Outlays, $40,204,000,000.

(17) General Government (800):

Fiscal year 2001:

(A) New budget authority, $16,307,000,000.

(B) Outlays, $16,065,000,000.

Fiscal year 2002:

(A) New budget authority, $16,671,000,000.

(B) Outlays, $16,326,000,000.

Fiscal year 2003:

(A) New budget authority, $16,313,000,000.

(B) Outlays, $16,263,000,000.

Fiscal Year 2004:

(A) New budget authority, $16,680,000,000.

(B) Outlays, $16,627,000,000.

Fiscal Year 2005:

(A) New budget authority, $17,035,000,000.

(B) Outlays, $16,726,000,000.

Fiscal Year 2006:

(A) New budget authority, $17,492,000,000.

(B) Outlays, $17,100,000,000.

Fiscal Year 2007:

(A) New budget authority, $17,921,000,000.

(B) Outlays, $17,504,000,000.

Fiscal Year 2008:

(A) New budget authority, $17,981,000,000.

(B) Outlays, $17,691,000,000.

Fiscal Year 2009:

(A) New budget authority, $18,426,000,000.

(B) Outlays, $17,995,000,000.

Fiscal Year 2010:

(A) New budget authority, $18,706,000,000.

(B) Outlays, $18,285,000,000.

Fiscal Year 2011:

(A) New budget authority, $19,430,000,000.

(B) Outlays, $18,911,000,000.

(18) Net Interest (900):

Fiscal Year 2001:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $274,802,000,000.

Fiscal Year 2002:

(A) New budget authority, $256,490,000,000.

(B) Outlays, $256,490,000,000.

Fiscal Year 2003:

(A) New budget authority, $248,016,000,000.

(B) Outlays, $248,016,000,000.

Fiscal Year 2004:

(A) New budget authority, $242,024,000,000.

(B) Outlays, $242,024,000,000.

Fiscal year 2005:

(A) New budget authority, $234,747,000,000.

(B) Outlays, $234,747,000,000.

Fiscal year 2006:

(A) New budget authority, $230,531,000,000.

(B) Outlays, $230,531,000,000.

Fiscal year 2007:

(A) New budget authority, $227,346,000,000.

(B) Outlays, $227,346,000,000.

Fiscal year 2008:

(A) New budget authority, $223,538,000,000.

(B) Outlays, $223,538,000,000.

Fiscal year 2009:

(A) New budget authority, $219,053,000,000.

(B) Outlays, $219,053,000,000.

Fiscal year 2010:

(A) New budget authority, $213,625,000,000.

(B) Outlays, $213,625,000,000.

Fiscal year 2011:

(A) New budget authority, $207,978,000,000.

(B) Outlays, $207,978,000,000.

(19) Allowances (920):

Fiscal year 2001:

(A) New budget authority, $59,528,000,000.

(B) Outlays, $59,697,000,000.

Fiscal year 2002:

(A) New budget authority, −$105,987,000,000.

(B) Outlays, −$108,759,000,000.

Fiscal year 2003:

(A) New budget authority, $5,731,000,000.

(B) Outlays, $4,292,000,000.

Fiscal year 2004:

(A) New budget authority, $6,267,000,000.

(B) Outlays, $5,047,000,000.

Fiscal year 2005:

(A) New budget authority, $6,440,000,000.

(B) Outlays, $5,954,000,000.

Fiscal year 2006:

(A) New budget authority, $6,616,000,000.

(B) Outlays, $6,323,000,000.

Fiscal year 2007:

(A) New budget authority, $6,833,000,000.

(B) Outlays, $6,517,000,000.

Fiscal year 2008:

(A) New budget authority, $6,970,000,000.

(B) Outlays, $6,695,000,000.

Fiscal year 2009:

(A) New budget authority, $7,236,000,000.

(B) Outlays, $6,876,000,000.

Fiscal year 2010:

(A) New budget authority, $7,401,000,000.

(B) Outlays, $7,023,000,000.

Fiscal year 2011:

(A) New budget authority, $7,702,000,000.

(B) Outlays, $7,236,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2001:

(A) New budget authority, −$38,265,000,000.

(B) Outlays, −$38,265,000,000.

Fiscal year 2002:

(A) New budget authority, −$38,803,000,000.

(B) Outlays, −$38,803,000,000.

Fiscal year 2003:

(A) New budget authority, −$49,708,000,000.

(B) Outlays, −$49,708,000,000.

Fiscal year 2004:

(A) New budget authority, −$56,515,000,000.

(B) Outlays, −$56,515,000,000.

Fiscal year 2005:

(A) New budget authority, −$46,663,000,000.

(B) Outlays, −$46,663,000,000.

Fiscal year 2006:

(A) New budget authority, −$50,661,000,000.

(B) Outlays, −$50,661,000,000.

Fiscal year 2007:

(A) New budget authority, −$48,369,000,000.

(B) Outlays, −$48,369,000,000.

Fiscal year 2008:

(A) New budget authority, −$49,321,000,000.

(B) Outlays, −$49,321,000,000.

Fiscal; year 2009:

(A) New budget authority, −$50,363,000,000.

(B) Outlays, −$50,363,000,000.

Fiscal year 2010:

(A) New budget authority, −$51,918,000,000.

(B) Outlays, −$51,918,000,000.

Fiscal year 2011:

(A) New budget authority, −$531,397,000,000.

(B) Outlays, −$53,397,000,000.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

SEC. 201. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) In General.—In the Senate and except as provided in subsection (b), an advance appropriations shall be scored as new budget authority in the fiscal year in which the advance appropriation is enacted and not the fiscal year in which funds become available for obligation.

(b) Exceptions.—An advance appropriation that, together with funding in the current year, provides full funding of a capital project shall be scored as new budget authority in the year in which the funds become available for obligation.

SEC. 202. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2002 DISCRETIONARY SPENDING LIMITS.

(a) Findings.—The Sente find the following:

(1) Unless and until the discretionary spending limit for fiscal year 2002 (as set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is increased, aggregate appropriations which exceed the currently law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) Except for a necessary adjustment included in function 920 (to comply with section 312(b) of the Congressional Budget Act of 1974), the functional totals contained in this concurrent resolution envision a level of discretionary spending for fiscal year 2002 as follows:

(A) For the discretionary category: $659,186,000,000 in new budget authority and $648,620,000,000 in outlays.

(B) For the highway category: $28,489,000,000 in outlays.

(C) For the mass transit category: $5,275,000,000 in outlays.

(D) For the conservation category: $1,510,000,000 in new budget authority and $1,179,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities for the 1st Session of the 107th Congress in a timely fashion, it is imperative that the Senate consider legislation which establishes appropriate discretionary spending limits for fiscal year 2002 through 2006 as soon as possible.

(b) Adjustment to Allocations and Other Budgetary Aggregates and Levels.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2002 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the Senate shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) Limitation on Adjustment.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(2).

SEC. 203. RESERVE FUND FOR PRESCRIPTION DRUGS AND MEDICARE REFORM IN THE SENATE.

If the Committee on Finance of the Senate reports a bill or joint resolution or a conference report thereon is submitted which improves the solvency of the medicare programs without the use of new subsidies from the general fund and which improves access to prescription drugs for medicare beneficiaries, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $11,200,000,000 in new budget authority and outlays for fiscal year 2002 and $153,000,000,000 in net budget authority and outlays for the period of fiscal years 2002 through 2011.

SEC. 204. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Budget Committee Determinations.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate; and

(2) the chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 205. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional-right of either House to change those rules (so far as they relate to the House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 171. Mr. DOMENICI (for Mr. MCCAIN) proposed an amendment to the bill S. 27, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

On page 3, before line 1, strike the item relating to section 504 and redesignate the item relating to section 505 as relating to section 504.

On page 4, line 5, insert "(A)" before "Except".

On page 4, line 19, insert "(B)" before "Nothing".

On page 4, beginning in line 19, strike "a principal" and insert "the authorized".

On page 5, line 7, strike "costs of" and insert "expenditures or disbursements for".

On page 5, line 9, strike "costs" and insert "expenditures or disbursements".

On page 5, line 17, strike "costs" and insert "expenditures or disbursements".

On page 6, line 1, strike "costs" and insert "expenditures or disbursements".

On page 6, line 18, insert opening quotation marks before "(1)".

On page 8, line 12, strike "another" and insert "A".

On page 9, beginning with line 23, strike through line 5 on page 10.

On page 10, line 6, strike "(v)" and insert "(iv)".

On page 10, between lines 6 and 7, insert the following:

"(B) ALTERNATE DEFINITION IF SUBPARAGRAPH (A)(iii) HELD UNCONSTITUTIONAL.—If clause (iii) of subparagraph (A) is held to be unconstitutional in a final decision by a court of competent jurisdiction, then in lieu of the provisions of that clause, subparagraph (A) shall be applied as if it contained a clause (iii) that read 'a broadcast, cable, or satellite communication that—

'(I) promotes or supports a candidate or Federal office, or attacks or opposes a candidate for Federal office, without regard to whether the communication advocates a vote for or against a candidate; and

'(II) is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.'.

On page 10, line 13, strike "(B)" and insert "(C)".

On page 12, beginning in line 4, strike "within any 30-day period".

On page 12, line 6, strike "nature." and insert "nature within any 30-day period.".

On page 13, line 11, strike "(d)" and insert "(e)".

On page 13, line 22, insert "(A)" after "323(b)(1)".

On page 13, line 24, strike "301(20)(A)." and insert "301(20)(A), other than activities described in section 323(b)(1)(B).".

On page 14, line 11, strike "(a)." and insert "(a)(4)(B)."

On page 14, line 17, strike "(xiv)" and insert "(xv)".

On page 14, line 18, strike "(xiii)" and insert "(xiv".

On page 15, line 8, strike "434)" and insert "434), as amended by section 103.".

On page 15, line 10, strike "(d)" and insert "(f)".

On page 16, line 24, strike "section" and insert "subparagraph".

On page 18, line 4, strike "subclause" and insert "clause".

On page 18, line 16, strike "Further, nothing" and insert "Nothing".

On page 20, line 13, strike "304(d)(3));" and insert "304(f)(3));".

On page 20, strike lines 22 and 23 and insert: "by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and".

On page 21; line 17, strike "304(d)(3))" and insert "304(f)(3))".

On page 22, line 1, strike "304(d)(2)" and insert "304(f)(2)".

On page 22, line 3, strike "individuals." and insert "individuals who are United States citizens or lawfully admittted for permanent residence as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2)).

On page 23, line 3, strike "304(d)(2)(E)." and insert "304(f)(2)(E).".

On page 23, line 12, strike "304(d)(2)(E)." and insert "304(f)(2)(E).".

On page 24, line 8, strike "from carrying" and "to carry".

On page 24, line 25, strike "304(d)(3))" and insert "304(f)(3))".

On page 26, line 9, strike "(e)" and insert "(g)".

On page 26, beginning in line 18, strike "hours after that amount of independent expenditures has been made." and insert "hours.".

On page 27, beginning in line 10, strike "hours after that amount of independent expenditures has been made." and insert "hours.".

On page 30, line 23, strike "a Federal" and insert "an".

On page 32, line 7, strike "legislation," and insert "Act,".

On page 33, line 7, strike "regulation." and insert "Act.".

On page 33, line 23, strike "amount" and insert "donation".

On page 34, line 3, after "for" insert "otherwise authorized".

On page 34, line 15, strike "amount" and insert "donation".

On page 34, line 19, strike "amount" and insert "donation".

On page 36, line 7, after "solicit" insert "or received".

On page 37, line 4, after "a" insert "contribution or".

On page 37, line 6, after "a" insert "contribution or".

On page 39, strike lines 18 through 20, and insert the following:

but not over 10 times that amount—

"(I) the increased limit shall be 6 times the applicable limit; and

"(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

On page 41, beginning in line 5, strike "contribution" and insert "contribution, and a party committee shall not make an expenditure.".

On page 41, line 14, after "accepted" insert "and party expenditures previously made".

On page 41, line 19, after "candidate" insert "and a candidate's authorized committee".

On page 41, line 20, after "contribution" insert "and a party shall not make an expenditure".

On page 42, lines 14 through 25, redesignate subparagraph (C) as subsection (j) and adjust margins accordingly.

On page 42, lines 15 and 16, strike "With respect to loans incurred after the date of enactment of this Act any" and insert "Any".

On page 44, line 15, strike "(iii)" and insert "(iii),".

On page 48, line 3, after "or" insert "by".

On page 48, line 4, strike "by" and insert "to".

On page 48, line 21, strike "(f) and (g)," and insert "(e) and (f),".

On page 51, line 23, insert "or (2)" after "(1)(A)".

On page 52, line 14, insert "or (2)" after "(1)(A)".

On page 55, line 17, strike "to be filed".

On page 57, line 18, insert a comma after "(h)".

On page 60, line 11, strike the closing quotation marks and the second period.

On page 60, between lines 11 and 12, insert the following:

"(iii) COORDINATION WITH OTHER PROVISIONS.—Clauses (i) and (ii) shall not apply if section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) does not apply with respect to an expenditure by a State or national committee of a political party by reason of section 315(i)(1)(C)(iii)(III) of that Act.

On page 61, strike lines 1 through 5.

On page 62, line 15, strike "and 201" and insert ", 201, and 212".

On page 62, line 17, strike "(g)" and insert "(h)".

On page 62, line 18, strike "Committee" and insert "Commission".

On page 65, line 11, strike "(a) IN GENERAL.—".

On page 66, line 4, strike "304(d)(3)" and insert "304(f)(3)".

On page 68, strike lines 9 through 14.

On page 70, line 25, insert "Federal" before "Government".

On page 73, line 1, strike "(1) IN GENERAL.—", run the matter beginning with "Section" back to follow "PENALTY.—" on page 72, line 24, and reset lines 1 through 3 on page 73 flush with the lefthand margin.

On page 73, strike lines 4 through 13, and insert the following:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than $10,000 during a calendar year shall be—

"(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more); or

"(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

"(I) $50,000; or

"(II) 1,000 percent of the amount involved in the violation; or

"(iii) both imprisoned under clause (i) and fined under clause (ii)."

On page 73, strike lines 14 through 17.

On page 76, line 2, strike "This" and insert "Except as otherwise provided in this Act, this".

On page 80, beginning with line 13, strike through line 11 on page 81.

On page 81, line 12, strike "**SEC. 505.**" and insert "**SEC. 504.**".

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Richard Greenough, a detailee from the Department of Justice working with the staff of the Budget Committee during consideration of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Jenny Winkler and Cheri Reidy be granted the privilege of the floor, as well as Jim Horney and Sue Nelson from the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 3, 2001

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Tuesday, April 3. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of House Concurrent Resolution 83, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, the Senate will resume the budget resolution tomorrow morning. Amendments will be offered during tomorrow's session. Therefore, votes are expected throughout the day and into the evening. Senators are reminded of the time constraints on debate under the Budget Act and encouraged to work with the managers if they intend to offer amendments.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

Mr. CONRAD. Mr. President, reserving the right to object, I would like to speak for 2½ minutes.

Mr. DOMENICI. Will the time be charged against the resolution, 2½ minutes?

The PRESIDING OFFICER. We are in morning business. The time will be charged against the 10-minute limit.

THE BUDGET

Mr. CONRAD. Mr. President, maybe we can have an exchange here so that we really understand the proposals on the two sides. The Senator asked the question, When we reserve $750, $800 billion to strengthen Social Security, where is that money going to go? The situation we face as a Nation is right here.

This is from the General Accounting Office. This is the long-term budget outlook for the United States. It shows that while we are enjoying surpluses now, even if we save all the Social Security trust fund money, the deficits for the country are going to mushroom when the baby boomers start to retire.

We have a very strange accounting system in the Federal Government. We don't account for our long-term liabilities that are growing. In fact, there is a lot of talk about the publicly held debt, and the Senator said the President is paying down the publicly held debt. What he hasn't talked about is the gross Federal debt. The gross Federal debt, during this period, is actually going to grow from $5.6 trillion today to nearly $7 trillion at the end of this period.

What I am saying is, we should do two things: We should make a maximum effort on paying down our publicly held debt, pay down more of it than the President proposes, but we also ought to reserve money to deal with this long-term problem that is confronting us, which we all know is there. There have been a series of proposals as to how to do that. One is to establish individual accounts. Senators on the other side, by and large, support that approach. They support privatization, which I don't support, but they say that would be a way to go.

I just say to my colleague, if you are going to do that, you have to get the money from somewhere. If you are going to do other things to strengthen Social Security and address this long-term debt problem, you have to get the money from somewhere. Every proposal to reform Social Security that has been proposed—the Archer-Shaw proposal, former chairman of the Ways and Means Committee in the House; Senator GRAMM's proposal; the Aaron-Reischauer proposal, Kolbe-Stenholm proposal, the leaders in the House of Representatives; the Gregg-Breaux proposal, one of the key alternatives in the Senate; and the Clinton-Gore proposal of the last administration—every one of them requires money.

Our budget plan sets aside $750 billion for that purpose. Their plan sets aside nothing. That is a fundamental difference. That is not some plan that is out there in the ether. That is a plan that is necessary if we are going to begin to cope with our long-term debt bomb that is facing this country as a result of the baby boom generation.

We can either say the problem doesn't exist and not do anything about it, which is what their budget plan proposes, or we can reserve resources now to begin to cope with our long-term imbalances that everyone knows is right beyond this 10-year period. I am saying let's reserve money now to deal with this long-term debt crisis; in addition to aggressively paying down our publicly held debt, doing it more aggressively than they propose, I am also proposing dealing with our long-term debt, something for which they have not reserved a dime.

That is the reason for that part of the plan, and we will be happy to discuss this more tomorrow and say we look forward to additional debate in the morning.

Mr. DOMENICI. Mr. President, I have just been informed the pages would like us to spend a few more minutes. Somebody is blushing, but that is the truth. Something very nice happens to them in 5 minutes that won't happen to them if we close up now.

Mr. CONRAD. Let's not give up then.

Mr. DOMENICI. I want to speak for 2½ minutes of it and the Senator from North Dakota can speak for 2½ minutes of it, or we can have a quorum call. People have heard enough of us.

First, those listening, stay tuned tomorrow and we will tell you how President Clinton figured out that he could say he was saving Social Security but then had a long time to pay for it. Just think. You remember, he had a 15-year budget once. Tomorrow, we will tell you what he was up to when he did that. It is most interesting. He can spend more and still claim Social Security is being taken care of because he did it in 15-year intervals instead of 10.

That is all I am going to say. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 9 p.m., adjourned until Tuesday, April 3, 2001, at 9 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 3, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 4

9:30 a.m.

Veterans' Affairs

To hold hearings on the nomination of Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.

SR–418

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on shipbuilding industrial base issues and initiatives.

SR–222

Health, Education, Labor, and Pensions

To hold hearings to examine the constitutionality of employment laws, focusing on states rights and federal remedies.

SD–430

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine specific measures that have been taken in the United States to prevent bovine spongiform encephalopathy (BSE) "Mad Cow Disease" and assess their adequacy.

SR–253

10 a.m.

Finance

To hold hearings to examine certain issues with respect to international trade and the American economy.

SD–215

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine competitive choices concerning cable and video.

SD–226

2 p.m.

Judiciary

Immigration Subcommittee

To hold hearings to review certain issues with respect to immigration policy.

SD–226

Governmental Affairs

To hold hearings on the state of the Presidential appointments process.

SD–342

Intelligence

To hold closed hearings on intelligence matters.

SH–219

Intelligence

To hold closed hearings on intelligence matters.

SH–219

APRIL 5

9 a.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To resume hearings to examine the interaction between United States environmental regulations and energy policy.

SD–406

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine the goals and priorities of the United South and Eastern Tribes (USET) for the 107th Congress.

SR–485

10 a.m.

Judiciary

To hold hearings on the nominations of Larry D. Thompson, of Georgia, to be Deputy Attorney General and Theodore B. Olson, of the District of Columbia, to be Solicitor General of the United States, both of the Department of Justice.

SD–226

Governmental Affairs

To continue hearings on the state of the Presidential appointments process.

SD–342

Finance

To hold hearings to examine the impact of certain scams on taxpayers.

SD–215

APRIL 24

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.

SD–124

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Interior.

SD–138

APRIL 25

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Corporation for National and Community Service.

SD–138

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Army.

SD–192

1:30 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture.

SD–138

APRIL 26

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.

SD–124

MAY 1

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.

SD–124

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.

SD–138

Judiciary

To hold hearings to examine the legal issues surrounding faith based solutions.

SD–226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MAY 2

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans' Affairs.
SD–138

MAY 3

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.
SD–138

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD–124

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD–226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.
SD–124

MAY 9

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.
SD–138

MAY 10

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD–138

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

SENATE—*Tuesday, April 3, 2001*

The Senate met at 9 a.m. and was called to order by the Honorable BOB SMITH, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Edward J. Arsenault, Diocese of Manchester, Manchester, NH.

PRAYER

The guest Chaplain, Rev. Edward J. Arsenault of the Diocese of Manchester, Manchester, NH, offered the following prayer:

Gracious God, You give without measure. We offer You praise and honor for the gifts which You have bestowed upon our Nation: natural splendor, freedom from all forms of oppression, a national spirit of enterprise and achievement, and a desire to serve the less fortunate in whom we see Your face.

We ask that You bless those who serve our Nation in this hallowed Chamber. It is here that bold ideas are scrutinized, important decisions are reached, and the lofty vision of a nation is made new. May the exchange among our Senators be imbued with a profound sense of the responsibility which they bear to You, to one another, and to those whom they serve: the people of this great Nation.

Lord, when our faith is weak, make us strong. When our hope is dampened, make us bold. When our charity is measured, make us mindful that Your love knows no bounds. May all that is done here today have its origin in You and, by You, be brought to fulfillment. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BOB SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 3, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BOB SMITH, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SMITH of New Hampshire thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, the leader has asked me to announce that today the Senate will immediately resume consideration of the budget resolution. Senators who have amendments and opening statements should work with the bill managers on obtaining floor time. A few hours were used up during last night's session, and therefore there are under 50 hours remaining. Senators should be prepared for votes throughout each and every day this week in an effort to complete the budget resolution prior to the end of this week.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to speak as in morning business for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GUEST CHAPLAIN

Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Father Ed Arsenault for the moving prayer we just heard. Father Ed is a cabinet secretary for administration and chancellor of the Diocese of Manchester, NH. The Diocese of Manchester, of course, encompasses the entire State of New Hampshire. He is also the pastor of St. Pius X parish in Manchester where he shows great compassion for the poor and the needy.

As secretary for administration, Father Ed is responsible for the daily operation of the diocesan administration, and as chancellor he oversees the maintenance of all records in the diocesan archives and serves as executive assistant to Bishop John B. McCormack in the daily operations of the bishop's office.

Father Ed holds a masters in divinity from St. Mary's Seminary in nearby Emmitsburg, MD. He was ordained a priest by Bishop Leo O'Neil on June 1, 1991.

Father Ed is very special to me and my family because he is our spiritual adviser and has been for many years. He sponsored my wife Mary Jo as she actually converted to Catholicism. Father Ed also presided over the marriage of my daughter Jenny to her husband Eric in New Hampshire in 1998.

It is a privilege to have Father Ed join us in the Senate to share his words of prayer with our Nation. Father Ed's friendship and spiritual guidance have been a blessing to me and my family for many, many years. I am proud and honored to sponsor Father Ed as guest Chaplain.

I thank my friend, the Chaplain of the Senate, Lloyd Ogilvie, for allowing Father Ed to be here.

Also, I recognize Father Ed's brother, Michael, his aunt Jeri, and mother Ann who are here today to witness this wonderful occasion.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001-2011

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

Pending:

Amendment No. 170, in the nature of a substitute.

Mr. DOMENICI. Mr. President, I am working with the ranking member on a startup schedule this morning. I suggest the absence of a quorum to be charged to our side.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have begun debate on the budget resolution, the budget resolution for the country for the next year. Under the rules of the Senate, we are also required to put it in the context and the framework of a 10-year budget, and so begins what is in many ways perhaps the single most important debate that we will have this year. It is the question of choices we make with respect to the priorities of the Nation.

Our President has said on many occasions that it is the people's money; we ought to give the money back to the people. I think all agree that the President is exactly right when he says it is the people's money. Of course it is. That is exactly right. But I think we also understand that there are more choices than just giving the money back to the people by way of a tax cut. There are certain things that we do collectively as the people of a nation which we cannot do individually: for example, providing for our national defense.

There are other things that we do as a society to make it a better nation. We have a Social Security system to safeguard our elderly. We have a Medicare program to provide for the health of our senior citizens. We have support for education because we all understand that is the Nation's future.

We also have a national debt, a publicly held debt that, as we meet here today, is $3.4 trillion. But there is another debt that we don't talk very much about. That is the gross debt of the United States. That gross debt is $5.6 trillion. While we say many times we are paying down the publicly held debt, and that is true, it is also true that the gross debt of the United States is actually increasing. I think that confuses many people.

The publicly held debt is that debt which is held by people outside of the Government. It is debt held by the public. And the public is not just the public here in America; the debt is also held abroad. It is held by Japan, by Germany, and by other countries. That is the publicly held debt, $3.4 trillion as we meet here today.

But the gross debt of the United States is the debt not only owed to the public but the debt that is owed to other government entities. For example, the trust funds of the United States—the general fund of the United States owes the Social Security trust fund hundreds of billions of dollars. Under the President's proposal and under all other proposals, the way we are going to be paying down the publicly held debt is to take the surpluses that are in Social Security and use those to pay down the publicly held debt. Because the money is not needed by Social Security at the moment, and will not be needed for the next decade, that money is in surplus. It is those surpluses—the surpluses that are in the trust funds—that are being used to pay down the publicly held debt.

While we pay down that publicly held debt, obviously we are creating another debt. The debt we are creating as we pay down the publicly held debt with trust fund moneys is a debt to the trust funds from the general fund of the United States. That debt is increasing.

While we talk about surpluses, I think we should be ever mindful that these surpluses are temporary. When we get past this 10-year period, we are going to face, instead of surpluses, deficits. We know that. The Comptroller General of the United States has warned that we will face a demographic tidal wave when the baby boom generation retires. And then these surpluses turn to substantial deficits.

With that in mind, the Democratic alternative to the budget proposed by our colleagues on the other side has adopted these fundamental principles. First, we protect the Social Security and Medicare trust funds in every year. Second, we pay down a maximum amount of the publicly held debt. Third, we provide for an immediate fiscal stimulus of $60 billion to give some lift to this economy. In fact, we believe that is what we ought to be debating on the floor of the Senate this week. We think we ought to be talking about the fiscal stimulus package. Instead of a budget resolution talking about the next 10 years, we ought to be talking about a fiscal stimulus package for this year. Fourth, we believe we should provide significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform.

In addition, our budget reserves resources for high-priority domestic needs, including improving education, a prescription drug benefit, strengthening of our national defense, and funding agriculture. Those are very clear priorities of the American people.

The American people tell us in meeting after meeting: We want you to improve education. We want you to invest in our kids. And they are right. Our budget responds to that call. They also say: We want a meaningful prescription drug benefit. We know that the pattern and practice of medicine have changed since Medicare was enacted and we ought to have a modernized Medicare, one that includes a prescription drug benefit. That is costly. But we have provided for it in our budget. And strengthening our national defense; there is broad bipartisan consensus that our defense must be strengthened. Additional resources must be provided. If they are going to be provided, they have to be in the budget. That is what we have done with our budget. Finally, we have provided $750 billion to strengthen Social Security and to begin to address our long-term debt. We think that is critically important.

The budget on the other side provides nothing for this purpose—no dollars to strengthen Social Security for the long term. Not any investment in dealing with our long-term debt which is coming as certainly as night follows day.

We believe these are the priorities of the American people that ought to be included in any budget. I will go to the specifics that demonstrate we have kept faith with those principles.

We start with the projected surplus of $5.6 trillion. As I said last night, it is important that we remember this is just a projection. It may not come true. In fact, if there is one thing of which we are certain, it is the uncertainty of this forecast. Even the agency that made the forecast says it is highly uncertain. The people who made the forecast say to us there is only a 10-percent chance that number is going to come true—10 percent. They say there is a 45-percent chance there will be more money. They say there is a 45-percent chance there will be less money. Which way would you bet, after the events of the last 8 weeks since this forecast was made? Is the economy strengthening or weakening? Is it more likely the money will be less than forecast or more than forecast? I feel safe in predicting it is likely to be less than was forecast.

Whether that is right or that is wrong, the reality is we know $5.6 trillion over 10 years is a very uncertain projection. When the forecasting agency made the estimate, they informed us, looking at their previous forecasts and the variance from what they projected and what actually came true, they said this could be anywhere from a $50 billion deficit to over a $1 trillion surplus in the 5th year alone, based on the previous variances in their forecasts. So it is highly uncertain.

Then we take out the Social Security trust fund. We protect it. We protect the Medicare trust fund. That leaves us with a non-Social Security non-Medicare remainder of $2.7 trillion that is left.

The Senator from Texas, Mr. GRAMM, put up a very interesting chart last night. He started with the same projection of surplus, but when he subtracted out trust funds, he only subtracted out the Social Security trust fund. There was not any mention of the Medicare trust fund in his presentation. There was no mention at all. I guess that should not be surprising because he has argued there is no Medicare trust fund. He said there is no surplus in the Medicare trust fund.

That is not what the law says. That is not what the actuaries say. That is not what the reports of the Congressional Budget Office say. That is not what the President's own budget document says. All of them make very clear there is a trust fund surplus in Social Security and there is a trust fund surplus in Medicare. Medicare Part A has a surplus of anywhere from $400 billion to $500 billion. The Congressional Budget Office says it is $400 billion. The President's budget document says it is over $500 billion. Medicare Part B is in rough balance over the 10-year period.

The Senator from Texas says: Oh, no, Part B is in deficit. It is not in deficit. That is just not so. He tries to make the case by saying only 25 percent of the funding for Medicare Part B comes from premiums; 75 percent comes from the general fund. That has nothing to do with being in deficit. That has to do with the law that we have passed in the Congress. We have said 25 percent of the funding of Part B will come from premiums and 75 percent will come from the general fund. It has nothing to do with being in deficit.

So the reality is there is a trust fund surplus in Medicare of $400 billion, according to the Congressional Budget Office—$500 billion according to the President's own budget documents. We believe every penny of it ought to be protected. It should not be raided for any other purpose. That is a fundamental difference between the budget offering on this side and the budget offering that we make. We believe this money should not be shuffled off to some contingency fund available for other uses. We believe it ought to be protected in each and every year.

Of what is left, we believe a third ought to go for a tax cut. That would be a net tax cut excluding the interest cost of $745 billion over the next 10 years. We believe that is affordable.

Then we believe about a third ought to go for these high-priority domestic needs. We have made very clear and very specific what those needs are: $311 billion for a prescription drug benefit. That funds a prescription drug benefit that would be available to all who are Medicare eligible. It would be on a voluntary basis. It would be a significant benefit—not the most generous, by any means, of those that have been offered on the floor of the Senate in various proposals but nonetheless a significant benefit. The President's proposal is half as much. But of course 75 percent of people who are on Medicare will get no benefit under the President's plan. We do not think that is a serious prescription drug benefit plan.

We provide $193 billion for infrastructure and education. It is not enough to just talk about these as priorities. If they are priorities, they need to be funded, and no one is more important than education.

Third, we provide $100 billion over the 10-year period for additional resources for our national defense because we think that is critically important as we go forward and, fourth, we provide another $140 billion for other mandatory and health care expenditures. A very big chunk of this is for health care expansion so more people can be covered. We do not make the specific decision in the budget resolution about how that should be done, but we provide the resources so it can be done.

Then we take a third of the non-trust-fund money and use it to address our long-term debt: $750 billion to strengthen Social Security because that is the source of most of our long-term debt. This $750 billion is also available as a strategic reserve in case these projections aren't ready.

Then the interest costs associated with the other elements of the plan, because anytime you cut taxes, anytime you spend money, that increases your interest cost because the money is not paying down debt. If we are not providing a tax cut, if we are not spending money, then we are using it to pay down debt. To the extent we pay down debt, we reduce interest costs. So if we use the money for other purposes, if we provide a tax cut as we do, or if we spend money on high-priority domestic needs as we do, then there is less money going to pay down debt and that means additional interest costs.

Let me make the point that we are doing far more dedicating of resources to paying down debt than our friends on the other side of the aisle. The President has said he would dedicate $2 trillion to paying down debt and his $2 trillion comes from the Social Security trust fund. We have reserved all of that money from the trust funds for paying down publicly held debt, $2.5 trillion plus $400 billion for the Medicare trust fund. So we are dedicating more money to paying down the publicly held debt than is the plan on the other side. In addition, we have reserved $750 billion for the long-term debt.

We have tried not only to emphasize the short-term debt and the publicly held debt but to also focus on the long-term debt facing our Nation. If you add the one-third of what remains after we protect the trust funds with the trust funds money which will go to paying down debt, we have a combined total of nearly $3.7 trillion out of the $5.6 trillion for paying down short-term and long-term debt.

That is the fundamental difference between our plan and their plan. They have a much bigger tax cut. We have much more for paying down short-term and long-term debt.

The Senator from Texas tried to say last night that the real difference is spending. No, it isn't. There are some differences in spending because we make more of a commitment to these high-priority domestic needs—education, prescription drugs, national defense, health care, and expansion. We spend more money in those high-priority areas. But that isn't the biggest difference between us. The biggest difference between us is that we have reserved over two-thirds of these projected surpluses for paying down short-term and long-term debt. The President has reserved about 35 percent of the money for that purpose.

I have done this comparison chart to try to get at the heart of the differences between our proposal and their proposal.

You can see from the GOP budget that while the President says he will only use $2 trillion to pay down publicly held debt, his budget numbers actually show that he is using all of the Social Security money for paying down publicly held debt. We do the same.

On the Medicare trust fund, we have reserved all $400 billion. The President's proposal has taken that money and put it in an unallocated category. We will get to that as we go through this comparison.

On tax cuts, the President proposes $1.6 trillion; we propose $745 billion.

On spending, the President proposes $713 billion over the 10 years above the so-called baseline. We are at $743 billion because of the high-priority domestic needs of education, health care, prescription drugs, and national defense.

Here is the place where there is a major difference. We have the strategic reserve to strengthen Social Security and deal with our long-term debt. They have nothing for that purpose in their budget. We have $750 billion.

As I indicated before, the interest cost on the Republican budget is $472 billion; $490 billion in our plan.

If you add up the totals in the Republican plan, it comes to $4.8 trillion, ours is $5.6 trillion, and they have left unallocated $846 billion. Let's remember that $400 billion of that is from the Medicare trust funds. They call it unallocated. It is fully allocated. It is fully committed. It is committed to the trust fund.

By saying it is unallocated, by saying it is available for a contingency, they are opening up the Medicare trust fund for the raid—the raid that has gone on in the past, the raid we have been able to stop the last 3 years. They are getting ready to raid the Medicare trust fund all over again.

If we take that out of their contingency fund, we are left with just under $500 billion. That is not enough to cover education, prescription drugs, national defense, and the alternative minimum tax reform that is made necessary by the President's tax cut plan because the President's tax cut plan which he advertises as costing $1.6 trillion actually will cost a great deal more than that because it will require us to change the alternative minimum tax.

Currently, about 2 million people are caught up in the alternative minimum tax. The President's plan will put over 30 million people under the alternative minimum tax. Boy, are they in for a big surprise. They thought they were going to get a tax cut. They thought they were going to get a reduction. What they are going to get is caught up in the alternative minimum tax.

Thirty-million taxpayers—nearly one in four taxpayers in our country—are going to be caught up in the alternative minimum tax under the President's plan. It costs $300 billion to fix. On top of his $1.6 trillion tax cut, it will cost another $300 billion to fix the alternative minimum tax.

Then, of course, you have the interest cost associated with the President's tax cut and fixing the alternative minimum tax. That is another $500 billion. Now we are talking real money.

The reported cost of $1.6 trillion, of course, is reestimated by the budget experts of the Congress. I can tell you that they reestimated just part of his plan and they found it costs much more than $1.6 trillion. Over in the House, they reestimated just part of his plan and it went up in cost by $126 billion.

The $1.6 trillion plan, the $1.7 billion plan, then you have to fix the alternative minimum tax, which is another $300 billion, and then you have the associated interest costs, which is another $500 billion. Now you are talking real money—$2.5 trillion from their supposed projected 10-year surplus of $5.6 trillion.

Unfortunately, $3.1 trillion of that, according to the President's numbers—because his is slightly different from the Congressional Budget Office number—$3.1 trillion of that $5.67 trillion is trust fund money. It is trust fund money—$3.1 trillion of $5.6 trillion is trust fund money.

Then you take the President's tax plan; it costs $2.5 trillion when you include all of the costs. You can see he has used all the non-trust-fund money for his tax cut plan. That is the fundamental problem with the President's plan. That is the fundamental problem with trying to find a way to get his plan to add up.

For just a moment I would like to talk about the question of reconciliation. Very soon we may face the vote on reconciliation. I think it may be one of the most important votes not just in this debate but it may be one of the most important votes in all of our service time in the Senate. It may be one of the most important votes that affects the role of this institution. Why do I say that?

Reconciliation was created for deficit reduction. It was created to short-circuit the normal way of doing Senate business, giving Senators the right to extend debate and giving Senators the right to amend legislation. The reason Senators were given those rights was that our Founding Fathers believed it was critical to the constitutional functioning of the U.S. Congress.

They created the House of Representatives with Members serving 2-year terms to respond to the heat of the moment, to respond to the public passion. They created the Senate to be the cooling saucer, to be the place where debate and amendment could prevent serious mistakes. That is the constitutional role of the Senate. It is absolutely critically important to the functioning of our democracy.

Reconciliation sweeps all of that away. Reconciliation has special procedures that allow only 20 hours of consideration of legislation on the floor of the Senate—no extended debate, no right by every Senator to amendment. That is all out the window. That reconciliation process was put in place for a purpose. The purpose was the deficit crisis that was facing the country. It was designed to be a way to raise taxes and cut spending to reduce deficits. That is why reconciliation was put in place. It was not designed for programs to increase spending or to cut taxes. That is just the opposite of for what reconciliation was created. I repeat, reconciliation was created for deficit reduction.

It would be a perversion of the reconciliation process to use it for spending or for tax cuts. That is not deficit reduction. That is the opposite of deficit reduction. That is for what reconciliation ought to be reserved. Everything else ought to be under the regular order of the Senate, permitting Senators the right to extended debate, permitting Senators the right to amend because that is the constitutional role for this body. To change that role is a fundamental threat to the constitutional structure of the Senate.

Nothing could be more important in this debate because if we fundamentally make the Senate of the United States into the House of Representatives, we have fundamentally changed the nature of this institution. We have fundamentally—and perhaps for all time—altered what our Founding Fathers intended for the Senate.

I remember so well back in 1993–1994, there was a different administration, there was a different hot issue of the moment; it was health care. A group of us, including the father of the distinguished occupant of the chair who was part of a group, a bipartisan group, were given the primary responsibility to write a health care reform bill. That administration very much wanted that legislation. It was their highest priority. But they knew they could not get it through the regular order. They could not get it through the regular Senate process. They could not get 60 votes to stop a filibuster.

So they came to a group of us and asked us if we would support the use of the reconciliation process for a massive new spending program, a $138 billion spending program to expand health care coverage. And that group of us said: No. As much as we wanted to reform the health care system, as much as we wanted to expand coverage, we said that would be an abuse of the reconciliation process because it was not for deficit reduction, it was for new spending, and we could not go along with that request. We could not support it because it went beyond a procedural question.

That was a fundamental question of the operation of this institution, a fundamental question of the operation of the Senate and its constitutional role. We could no more support the use of reconciliation for a spending program as we could for a tax-cutting program because neither were intended to be used under the special rules of reconciliation that reduced the rights of each and every Senator to extended debate and the right to amendment.

In fact, under reconciliation we are limited to 20 hours on the floor of the Senate, and one side or the other can give back all of its time. They can give back 10 hours. Then you are down to 10 hours, 10 hours of debate and amendment on a bill that would provide a $2 trillion tax cut.

Is that what our Founding Fathers intended? Is that what the Founding Fathers intended for the Senate, that there would be a limitation and a restriction on debate, on something that would provide a $2 trillion tax cut, that that should be limited to 10 hours of debate and amendment? I do not think so. I do not think that is what they intended.

I do not think that is what they intended for a spending measure either. I do not think they ever intended you could only have 10 hours of debate and discussion on something that could spend hundreds of billions of dollars. No, no. That was not the role of the Senate. That fundamentally threatens the role of the Senate. That undermines the role of the Senate. That neuters this Senate. And if we neuter that role, we have fundamentally altered what our Founding Fathers intended.

This goes way beyond the question of a tax cut. This goes to everyone's vision of what this Chamber should be about. I believe, as our Founding Fathers did, that the role of the Senate is to be the cooling saucer. This is where we should have extended debate. This is where Senators should have the right to offer amendments, and to have them voted on, and to have our colleagues ultimately held accountable as to their votes. There should be no rush to judgment. There should be no process that short-circuits all of the protections that are given to individual Senators so they can represent their individual States and protect the rights of a minority. When I am asked what the fundamental problem is with the budget plan that has been offered by the other side, I go back to this chart because, to me, the numbers tell the story. We start with a projected surplus of $5.6 trillion. But $2.6 trillion of that is Social Security; $500 billion is Medicare. Now, these numbers are slightly different than the numbers I used on my chart because I was using CBO numbers. We are required to do that in the Budget Committee. These are the President's numbers. Instead of a Social Security trust fund that the Congressional Budget Office says amounts to $2.5 trillion, the President says it is $2.6 trillion. The Congressional Budget Office says the Medicare trust fund is $400 billion; the President's office says $500 billion. This is the President's budget. So I am using the President's numbers.

That leaves us with $2.5 trillion of non-trust-fund money. We take out the Bush tax cut—$1.7 trillion, as reestimated by the House—we take out the cost of the alternative minimum tax reform that will be required by his plan—it is not part of his plan, but it is required by it—that costs another $300 billion, the interest cost—$500 billion—of the tax cut and the alternative minimum tax fix and the Bush spending proposals above the baseline of $200 billion. That adds up to $2.7 trillion, and the President is "in the hole" by $200 billion.

Where does it come from? There is only one place I can find it can come from, and that is the trust funds. That is the problem with the President's plan. It does not add up. It is right into the trust funds before we ever get started.

Mr. President, I see there are Members waiting to offer amendments. By prior agreement, I am going to stop talking for the moment, and we will have remarks from the other side of the aisle, and then we will go to the first amendment, which will be an amendment from our side on prescription drugs. With that, I thank the Chair and yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the kindness of my colleague and good friend from North Dakota.

We have a lot of work to do this week. I know we are going to be getting to amendments, but I thought it would be important to talk a little bit about the "Blueprint for New Beginnings" submitted by the President on February 28 and how we intend to implement our agenda in this congressional budget resolution offered by the chairman of the Budget Committee.

As we all know, the Congressional Budget Act puts a deadline on adoption of the budget resolution. It must be signed, sealed, and delivered by April 15. That is an important deadline for a couple of reasons. It is the tax filing deadline. As Americans put together their tax returns, they see newspaper stories about how their tax money is being spent. We certainly have their attention then, and taxpayers who calculate the tax burden say: What am I getting in return? Then they see the details of the budget in their newspapers and they get to decide whether it is worth it or not. Are they getting all the Government they deserve, or are they paying for too much Government?

Second, April 15, an early deadline, is important to keep us on track for the rest of the year. As a member of the Appropriations Committee as well as the Budget Committee, I know that the two committees have to work together to figure out how much we are going to spend for the coming year, and then the subcommittees need to work up the 13 individual bills to meet these targets. We should pass them and sign them into law by October 1.

We have had trouble getting the appropriations bills passed on time in recent years and I guess even before then. Last year the complete package was not signed into law until December 21. By that time, several of us had already written our letters to Santa Claus. We would have rather gotten a lump of coal in our stocking than to be still dealing with appropriations bills at that late date.

If we were to miss the budget deadline now, it would make our timeframe even more of a problem, and we could lag further and further behind the rest of the year.

There was a very interesting exchange last Friday about that between the distinguished Senator from West Virginia and the Senator from Arizona. I say this is one of the central issues that often gets overlooked in this discussion. If we miss the deadline now, we are set up for missing deadlines all year long, deadlines we have enough trouble meeting as it is.

These are not simply arbitrary dates that do not matter. When we fail to have a budget in place by the start of the fiscal year, the agencies are severely affected. They do not know how to plan, they are put in limbo, and we pass short-term continuing resolutions. That just keeps the doors open and keeps us busy with make-work, passing of the short-term continuing resolutions.

One cannot develop a consistent year's plan for the operation of an agency with a stop-and-start, stop-and-start continuing resolution agenda. This causes agencies and the programs to be less effective in serving our citizens. In turn, we get further behind in our preparations as well.

I am unwilling to say that we can afford to miss the April 15 deadline facing us knowing that to do so will put us even further behind. We must move forward using the best information we have, and the information we have turns out to be pretty good.

We expect a $5.6 trillion surplus over the next 10 years. Out of that, we set aside $2.5 trillion of Social Security money. A bipartisan consensus has already developed that this money should be used for Social Security. It is not used for additional spending. It goes to pay down the debt held by the public, and that is the only way we can put money in the bank.

We gave ourselves a little extra leeway, a little extra breathing room so we can borrow again down the road when we need to pay benefits to retiring baby boomers. That is $2.5 billion in debt reduction, putting that money, again, to use for Social Security later.

Some have said we do not do much debt reduction under the President's proposal. Mr. President, $2.5 trillion is not enough? That is out of a total of $3.4 trillion in debt held by the public.

At the end of the 10 years covered by this budget resolution, less than $1 trillion will be left of the debt. We know that under this formula we will retire all the debt that is actually possible to retire. The only question is when we will reach that point.

Federal debt is used as an investment for many Americans and other people around the world. Pension plans use it as a safe place to put their funds. They will not want to part with it unless we pay a big premium to make it worth their while to give up that investment. It makes no sense for us to pay down debt to the point that we would have to pay a premium to buy back the obligations that people hold.

I do not know about the occupant of the chair, but certainly in our family when my son was growing up, we bought savings bonds. We expected over a period of time the Federal Government would pay the interest on that debt and that he would have a long-term investment in a federally guaranteed, federally safe investment. To buy all those savings bonds back, as well as the bonds held by funds, not only disrupts the planning in the private sector, but probably cannot be done without paying a premium.

When I say there is only so much debt we can pay down, I believe any economist will tell you the price to buy some of that debt down is exorbitant. There is no reason for us to pay down debt before it is due if we are going to have to pay a premium.

After we set aside Social Security money and pay pretty much all the debt we can, we still have $3.1 trillion left. That is a lot of money to meet critical priorities.

One of the priorities, obviously, is Medicare. Since this program was set up in the sixties, medicine has made tremendous progress. Problems that required expensive hospital stays now can be treated with prescription drugs. It is cheaper for the taxpayer and better for the patient. It makes sense to have a reformed Medicare plan that includes prescription drug coverage.

Clearly, one of the things we must do in this Congress is reform Medicare.

Fortunately, we have bipartisan work going on with the Senator from Louisiana and the Senator from Tennessee coming up with a plan that makes some sense instead of the current plan where we have the Government trying to control the costs merely by setting prices when the patients and the providers control the usage.

As I have said before, that system does not make sense. The Health Care Financing Administration, which is right in the middle of the system, has made it even worse. They have imposed arbitrary cuts. For example, they have put more than one-third of the home health care agencies in the Nation out of business by demanding too great a cut in their reimbursement. We need to put Medicare on a sound footing. We need to blow up the current function of HCFA and move into a system that has some rational being, some commonsense approach to ensuring that we provide the services and that we do so in a cost-effective manner.

I hope we will get to the Medicare reform proposal because people in the health care field tell us that Medicare and HCFA are the biggest problems. Over the last 8 to 10 years, the problems we have seen with HCFA administering Medicare under the Balanced Budget Act have been huge. They are probably the most unresponsive agency in the Federal Government. If our experience in small business is anything like the experience other committees have had, we can assure our colleagues this is a system that is not working.

We will have the money in Medicare for reform. There is surplus in one of the Medicare trust funds. The hospital insurance trust funds will be nearly $400 billion over the next 10 years. This budget resolution ensures all that money can be used for Medicare purposes, and it allows us to pay, at least in part, for prescription drug coverage.

I believe my colleague on the other side of the aisle rounded that figure up to $500 billion, but the figures we have are about $392 billion. That is a little bit of a rounding up error.

Mr. CONRAD. Will the Senator yield?

Mr. BOND. Of course.

Mr. CONRAD. I tried to make clear in my presentation, and I know the Senator wasn't here, there are two different sets of numbers. One is the President's number from the Office of Management and Budget. He says there is $500 billion in the Medicare trust fund Part A. The CBO says $400 billion or the specific amount of $392. That is the difference.

I have tried to be clear throughout on those differences, that it is a difference between the agencies. The CBO that we must use says $400 billion, and the President's Office of Management and Budget says $526 billion. That is the difference.

Mr. BOND. I thank my colleague. As he said, we do use Congressional Budget Office numbers in the congressional budget resolution.

In any event, we will round that up to $400 billion. I think we found a basis of agreement. We have already overcome one of the big hurdles, and we now, at least for this side, agree it is $400 billion.

However, one of the fundamental issues that separates our side of the aisle from our Democratic friends is what we do with that money. It is set aside for Medicare. I agree with Senator DOMENICI and voted on March 13 for his version of the lockbox that allows Medicare money to be spent on Medicare. It sounds like common sense to me. That is what we have a trust fund for, to provide for Medicare. So let's use it. That is how we make prescription drugs affordable. That is how we make Medicare reforms and make the programs stronger, solvent for the long term, and ensure our senior citizens will continue to have not only Medicare coverage but, if they have prescription drug coverage, they will continue that. If they don't, they will have a prescription drug option and low-income seniors will get assistance for their prescription drug payments.

Our friends on the other side of the aisle want to lock the money away completely with a flawed so-called lockbox that would not allow Medicare money to be used for Medicare. We don't think that makes sense. That approach would have jeopardized the growing consensus that we need to provide prescription drug coverage. The Democratic approach would have made it unaffordable. Medicare money should be spent for Medicare. I am committed to that. But the so-called lockbox that wouldn't allow Medicare money to be spent even on Medicare is counterproductive and unrealistic.

Finally, after setting aside Social Security money, after paying down as much debt as we can, and after making prescription drug coverage available in a reform Medicare program, we have money left over to return to the hardworking folks who earned it in the first place—or, better yet, not really returning it; we are leaving it in their pockets.

I don't know how many of you have the workout T-shirt that I have from the small business community. It says it is the money that we sent to Washington; it is not the IRS. It is not theirs; it is ours. We are sending it to Washington because they need it. If Washington doesn't need it, we need to leave it in their pockets. We need to leave it in the pockets of the hardworking American families who have debts they have to pay. They have needs they have to secure for their families. Our proposal would leave more of that money in their pockets.

We have $1.6 trillion in tax relief. Leaving that money in the pockets of families, farmers, and small businesses will have a tremendous impact.

As chairman of the Small Business Committee, I listen to small businesses every day, 21.2 million of whom are taxed at personal rates. In other words, the taxes from the businesses flow to them. They are either proprietorships or partnerships or limited liability corporations, subchapter S. corporations, and instead of being taxed in the corporate entity, they are taxed at the personal level. Mr. President, 21.2 million pay income taxes based on personal rates.

When we lower marginal rates as proposed by the President, No. 1, we are giving the greatest tax relief to the low-income people. Six million people at the bottom of the income-tax-paying ladder are taken off the income tax rolls. If you are a family of four making $35,000 a year, you get knocked off the income tax rolls altogether. A family of four making $50,000 a year receives a 50-percent tax reduction: $1,600 will be the reduction. Up the scale, a farmer or businessman will have reductions in income taxes that will allow them to save, to invest in equipment, to invest in technology, to hire more workers, and to pay more to the workers.

We have had a tremendous explosion in the productivity of our workforce in recent years because we have invested in information technology. Where did that come from? No. 1, from the reductions in capital gains rates. It encouraged more money to go into the productivity-enhancing work of each business. Chairman Alan Greenspan and other reputable economists agree that if you want to give a boost to the economy, which is sagging, which was not rescued by the last 50 percentage bases point rate reduction by the Federal Reserve, the best thing to do is tax relief, tax reduction. The best kind of tax reduction is the marginal rate reduction.

A few years ago, we agreed 28 percent ought to be the top marginal rate. I think most people, if surveyed over what is the maximum the Federal Government ought to take from anybody's income that they worked to earn, would answer maybe 30 percent. We are not going to come anywhere near that. We will lower that 39-percent bracket, which because of the cockamamie scheme of phaseout of deductions, becomes as high as 44 percent in some areas. We will lower that rate to 36 percent but still leave the top 1 percent of the taxpayers paying more of the total tax burden than they do today. That is very important for our economy. That is very important for the healthy growth of small businesses, improving the balance sheet of families, and strengthening our communities.

Second, we will fix the marriage penalty. It is ridiculous to punish citizens for getting married. We ought to encourage stable households and relieve the burden that comes when two working married partners move into a higher tax bracket than they would if they were single.

Second, we need to fix the death tax by getting rid of it. It is ridiculous for the tax collector to show up at people's weddings. It is even more ridiculous for the tax collector to show up at a funeral.

There was a recent movie, "Four Weddings and a Funeral." For the IRS, four weddings and a funeral makes five taxable events. We fix that unfairness in the budget resolution. We get rid of the death tax that erases an entire lifetime of work and productivity by making small businesses sell out just to pay taxes. We also eliminated the costly burden of inheritance tax planning and insurance costs that put unnecessary drags on small businesses while the owner is still alive and trying to plan around the death tax.

One of the best arguments for getting rid of the death tax is the complexity of the code. Many have had an opportunity to listen to Larry Lindsey. We know the death tax only brings in about 1 percent of the revenue. But think of the significant number of pages in the Tax Code that were put in there to try to shore up the death tax to make sure people could not get around the death tax. Add to that the tens of thousands of dollars that farmers and small businesses have to pay just to figure out how to get around the death tax and you see why it is such a nonproductive burden on the economy.

A farm friend of mine was telling that in his father's final illness they had to spend $97,000 on legal and accounting fees just to try to figure out how to keep the farm together to make it a viable agricultural productivity unit. They wasted $97,000 that could have gone a long way towards a downpayment on a new tractor or other equipment they needed on the farm.

Speaking about the death tax, there is an article in yesterday's Washington Post from four African American leaders calling for the repeal of the death tax. Many fellow citizens have been able to participate in our economy for a long time and have accumulated assets across several generations. For African Americans who are often getting into the economic life for the first time thanks to the civil rights movement and others, the death tax is holding them back. A generation that has finally gotten to enjoy some level of opportunity is finding that the death tax can undo decades of progress.

For example, Robert L. Johnson, chief executive of Black Entertainment Television and an organizer of the campaign, said the group was influenced by recent efforts by very wealthy white Americans such as William Gates, Senior, and members of the Rockefeller family to fight repeal with similar ads. Johnson said although it might be easier for people who have accumulated assets for generations to support the tax, many African Americans have built up wealth only since the passage of the Civil Rights Act. He goes on to say on behalf of the group that repealing the tax will help close a wealth gap that has left the net worth of an average black family one-tenth of that of the average white family. He also said the group believes the estate tax is a form of double taxation because businesses have already paid taxes on earnings.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 2, 2001]

Black Group Seeks Repeal of Estate Tax

BUSINESSMEN SAY LEVY INCREASES DISPARITY IN WEALTH AMONG RACES

(By Glenn Kessler)

Opening a new front in the battle over the estate tax, more than three dozen African American business leaders this week plan to support repeal of the tax because they say it helps widen the wealth gap between whites and blacks.

President Bush has made repeal of the tax levied on the assets of wealthy Americans when they die a key part of his $1.6 trillion, 10-year tax plan. The House is scheduled to vote Wednesday on a bill that would repeal the estate tax by 2011, and that day the group will run full-page advertisements in major newspapers to make clear its support for repeal. Bush fared poorly among African American voters in the presidential election.

Robert L. Johnson, chief executive of Black Entertainment Television and organizer of the campaign, said yesterday the group was influenced by recent efforts by "very wealthy white Americans," such as William Gates Sr. and members of the Rockefeller family, to fight repeal with similar ads.

Johnson, who said he is worth more than $1.5 billion, said although it might be easy for people who have accumulated assets for generations to support the tax, many African Americans have built up wealth only since the passage of the Civil Rights Act in 1964.

Even then, he said, African Americans often face subtle forms of discrimination, such as difficulty in getting bank loans, and have had to build up businesses by catering mostly to black customers.

Now, Johnson said, this first generation of significant black wealth is threatened by the estate tax. Not only might the tax force the sale of businesses with few liquid assets to pay it, but it also prevents passing on wealth to the next generation, he said.

"Many members of a white family may be wealthy in their own right," he said. In the black community, where a business executive may have been the first in a family to go to college, "all that wealth is in one person's hand, but others are living hand to hand."

Repealing the tax, he said, will help close a wealth gap that has left the net worth of the average black family one-tenth that of the average white family. He also said that the group believes the estate tax is a form of double taxation, because businesses have already paid taxes on earnings.

About 98 percent of all descendants do not pay estate tax because the first $675,000 of an estate is exempt for taxation, an exemption that is due to rise to $1 million by 2006 under current law. Only 47,500 estates paid estate tax in 1998, the most recent year for which figures are available. Businesses that oppose the tax say preparations for it, such as buying insurance, are costly and a drain on capital.

Johnson estimates he pays about $200,000 to $300,000 in annual insurance premiums, and said insurance costs were akin to "transferring wealth out of the black community to the majority community."

Other members of the group include Earl Graves, publisher of Black Enterprise magazine; Ernie Green, managing director of Lehman Brothers Inc.; Ed Lewis, chief executive of Essence Communications; and Dave Bing, chairman of the Big Group of automotive suppliers.

Johnson said the black community's support for repealing the estate tax might give Bush an opening.

"If he's smart, he'd take the opportunity to reach out to these African American business leaders and say, 'We agree on at least one thing. What else can we talk about?' "

Mr. BOND. I have lots more to say about this budget resolution, and regrettably I will have a chance to say it. But at this point I think it appears that people are here and ready to move on. So I will thank the Chair and yield the floor.

The PRESIDING OFFICER. (Mr. ALLEN). The Senator from North Dakota.

Mr. CONRAD. Mr. President, there were a couple of statements made by my colleague from Missouri that I think require a response.

First, with respect to how much debt can be retired, the President has said only $2 trillion of publicly held debt can be retired. But when we examined the budget offering by my colleagues on the other side, we saw they have reduced the debt by $400 billion over that. Perhaps at some point we could get a clarification on how much debt they intend to pay down because while the President has repeatedly said there is $1.2 trillion that can't be retired, when we examined the budget documents from our colleagues on the other side, we saw they have paid all but $800 billion of publicly held debt.

So there seems to be some conflict within the troops on the other side. Which is it? Is it, as the President says, that there is $1.2 trillion you cannot pay down, or is it as the budget document that has come from our colleagues on the other side says, which is, no, it is not $1.2 trillion, it is $800 billion?

I think the $800 billion comes closer to the truth, by the way, than the President's assertion that you can only pay down $2 trillion of the publicly held debt and that there is $1.2 trillion that can't be retired. Again, the budget document that has been provided by the other side says they are prepared to pay publicly held debt down to the level of $800 billion.

The second point: When we do an analysis, a detailed cashflow analysis on paydown of debt, we find that if you save all of Social Security and Medicare trust funds, you have no cash buildup problem until 2010. There is no cash buildup problem until 2010. So all this talk about you are going to be paying premiums and you are going to be paying foreign debtholders more than they should be paid, that just does not match the facts.

That whole scenario arose out of the notion that we do not have a tax cut, that we do not have any additional spending initiative. But under both plans, under the Republican plan and our plan, there are significant tax cuts and there are spending initiatives. The fact is you have no cash buildup problem until the year 2010, and you may well not have it then because this 10-year forecast may not come true.

So I hope we are not debating kind of in the fog with respect to paying down debt and that some are trying to pay down more debt than is available to pay down. Certainly that is not the case based on the testimony received in the Senate Budget Committee.

Finally, on the estate tax, a point that my colleague made on the other side, we do have a difference on the estate tax. We believe it ought to be fundamentally changed, that it bites at much too low a level on estates. We believe that ought to be substantially changed. We believe a couple ought to be able to preserve $4 or $5 million without having any estate tax; a small business or a farm, $8 or $10 million without paying any estate tax; and we think we ought to phase in those dramatic increases very quickly.

It is interesting; the proposal on the other side does not relieve a single estate of taxation in the next 10 years. Their proposal cuts the tax rates on the wealthiest estates first. I call it the upside down approach. Instead of expanding those estates that are not subject to taxation, our Republican friends have a proposal that cuts the rates on the wealthiest estates first, does not relieve a single estate of taxation over the next 10 years, and makes this promise out there: Well, just be patient; at the end of 10 years we will eliminate it. We will eliminate it. We will eliminate it in the second 10 years right when the baby boomers start to retire and the cost of elimination is $750 billion for that second 10-year period.

I say to my colleagues I do not think it will ever happen. What will happen is, if we go that route, they will come up with another name for another tax and they will put it on and people will have lost the opportunity in this 10-year period to have our plan pass.

Our plan, which would dramatically increase the exemptions for estates, our plan, which would shield $4 or $5 million for a couple, $8 or $10 million for a small business or farm so that they do not pay any estate tax, is significant. It would relieve 40 percent of estates from taxation in the first year. Forty percent of currently taxable estates would be relieved of taxation in the first year. We would relieve two-thirds of all taxable estates from any taxation over the 10 years of this budget plan.

Contrast that to what the Republicans have. They do not relieve a single estate of taxation in the next 10 years. They cut the rates on the wealthiest estates first. I don't know where they came up with that plan, but I don't think that plan is going to enjoy much popular support. It certainly does not in my State.

We are now ready to turn to amendments.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield myself time off the budget resolution. I yield myself up to 10 minute, Mr. President.

First I want everybody to know that while my friend who is managing on the Democrat side might choose to answer every detail of research given on this side, I am not going to do that in reference to what he talks about in the Chamber. I will every now and then indicate why I think it is wrong.

I want to make sure we start with everybody understanding what the Republican budget proposal is. I am pleased to have the other side say they would do it differently. But I want to make sure everybody in the country understands that based upon the regular budget concepts that we have been using now for a long time with reference to what is within a budget, what is not within a budget: This is the budget. It is very simple. I don't want to say it is right because I have just asked that perhaps the other side not be so dogmatic and say right and wrong. But I would say it is what the President asks us to do, with a few changes.

Frankly, it is a very good budget, if you want to give the American people, the average family, a substantial portion of this surplus; if you want to give that back to them so they can spend it for themselves as they see fit, perhaps sitting around a table saying we are going to get $1,600 back, we are going to get $1,200 back, which is the average in my State; $1,600 is the average in Texas. They are going to say every year we are going to get that much; what can we do with it? Frankly, I will trust any choice they make sitting around that table rather than us keeping it up here in the Federal Government and making that choice for them.

This is a very basic budget. I am sorry it was prepared when we were still meeting in small rooms. So next time we have it, it will be very big so people will not have to strain. I told them order it twice as big so it will not be so tough for me to explain it.

Everyone agrees if you use the Congressional Budget Office estimates, which we are bound to do—and incidentally, to my friend, the ranking member, when he asked about the debt service and how do we get at these numbers, there is a simple answer: We use the Congressional Budget Office estimates. So that question of us, How do we get the debt service paid like we are? The Congressional Budget Office estimates, which we are supposed to use.

The Congressional Budget Office has estimated a $5.6 trillion surplus. Everybody starts with that over 10 years. I want to editorially comment on it.

There has been some talk about should we use that number. Let me make sure everybody knows what I think. I think absolutely we should use that number because, if you look at what they tell us, what the CBO tells us, the Congressional Budget Office, they say using modest economics, modest productivity, modest growth, and assume a couple of downturns over the next decade, that is the number they recommend.

All the other business about it could be four times higher and it could be three times lower—they are telling us that might happen. But then you ask them: But what do you recommend? That is what they recommend. That number. That means in the next decade that is going to be sitting around up here, not being needed to pay for the ordinary operations of Government—unless we choose it as an opportunity for spending and we say we are going to spend a bunch of money. Then that will come down. We will not have that much. We will tell you what we think we ought to spend because we think it is right.

Next, take out all the Social Security money, everything that is supposed to go toward the debt on Social Security. I don't think there is any argument there, that is $2.5 trillion. Then what we call the rest of the Government surplus, $3.1 trillion—the rest of the Government surplus.

Then the President of the United States has asked us to approve a budget resolution that says the committees that write the taxes can lower taxes up to $1.6 trillion. Interestingly enough, my friends in the Senate, and anybody else who is interested, this budget resolution does not tell us which tax cuts are going to take place. So when we get up and say we know what the Republicans' tax proposal will be, we know what the Democrat's tax proposal will be—not so. We don't know because the tax-writing committee will write whatever they want with reference to tax cuts, and make sure they do not exceed $1.6 trillion. That is all we are doing in this budget.

If you want to talk about whose estate tax is better, you have to work on that in the Finance Committee when you write up the bill. When you talk about which kind of marginal rate cuts you are going to have, they will continue to say Republicans want to cut the taxes for the rich. We say we want to cut everybody's marginal rates and, in fact, for those in the middle-income area, they get a rather substantial tax cut, each and every one of them, because their marginal rates are going to be cut. But that may not happen because the tax-writing committee will write what they can work out among themselves.

The next amendment will be offered by the ranking member of that Finance Committee. He cannot stand up here and say this is what the Republicans say they are going to do in the Finance Committee and I know they are going to do it. He is probably going to say, whatever you say to him, we are going to work our will and he is going to be part of that working our will.

Next, available for other priorities—$1.5 trillion. Identified priorities: Medicare, prescription drugs $200 billion, the surplus for Medicare, for Part A, is $400 billion, and the debt service that it causes is $400 billion.

The important thing is, no matter what is said on the other side, under our budget there is $1/2 trillion—$500 billion—that is not spent. It goes nowhere. It is there to be used as a contingency fund over the next 10 years. That is it, plain and simple.

The other side may choose to put in some other numbers. They have another place they want to say we are going to put $700 billion because we are waiting around for somebody to draft up a program that will let people, independently, invest in investment accounts.

The point of it is last time I saw that it was part of Social Security reform. The last time I heard about it, it disappeared from the horizon, it seems to me, until the stock market comes back. A lot of other things are not dependent on that stock market, but you come down here to try to sell an overhaul of the Social Security system that includes investing money now in independent accounts that involve the common stocks of America, I think it would be a logical thing going through everybody's head, why don't we wait a year or two? I think that is what is going to happen. I wish it was not. So this is what we normally put in a budget. We believe it is a good budget for the American people.

Having said that, I want to make sure everybody knows that, plain and simple, as this Senator sees it, every time we get close to giving the American people a large sum of the surplus back so they can use it, a new project, program, or activity is invented by the other side to spend it. It is presented with great, great ardor, with great effectiveness. All of a sudden, something that was never used before in a budget, never thought necessary, as soon as we get close to giving those American people a big tax break up pops another one: Here is $700 billion you ought to set aside for something else. Here is $500 billion more you should spend on Medicare plus agriculture.

Just remember, those who are listening, you will hear many things. But for the most part, it will be: We have found some way to use more of this surplus for Government purposes rather than for individual purposes. Up pops the spending, up pops the new idea that will restrain what we can give the taxpayers of America.

I have been at it a long time. I was one who stuck with it to get balanced budgets. I believe this is fair. I believe we are going to have a balanced budget, we are going to keep a balanced budget, we are going to pay down the debt as much as you can, and we are going to end up giving the American people back some of their money. That is a very simple plan. The President offered it and it was pretty good.

I yield myself 2 more minutes.

Remember that all of these proposals build on a budget that the President sent that has a 4-percent increase built into it, and for the decade almost has 4-percent growth every year. All of that is taken for granted. Everybody should understand that. Then whatever people are offering on top of that means more than 4 percent which means less tax reform and less tax rebates, less tax cuts.

The budget before us does one other good thing. It says, tax-writing committees, you can use $60 billion out of this year's surplus as this year's stimulus so long as you fix the marginal rates so that you get a double whammy: current stimulus and a permanent fix for the American economy and its performance over time for the American people who are sitting around about now paying their taxes. We are saying to them: We want your taxes to be less; we want to give you some back. In addition to the stimulus, we want to prepare the economy for long-term growth.

I yield the floor. I understand the other side has an amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I listened to my colleague.

First of all, let me say that I have enormous respect for the chairman of the committee. He is a good chairman. He is a fair chairman. But we do have a significant difference of opinion with respect to the budget that is before the country.

The chairman believes that the size of this tax cut is the appropriate way to go. He tries to poster it as a question of spending versus tax cuts. But that is the old debate. That is the tired debate. It doesn't relate to the facts of their budget.

It is not the proposal that we have made. The fundamental difference is we have reserved 70 percent of the money for short-term and long-term debt reduction. They reserve, under the President's plan, about 35 percent of the money for debt reduction.

The fundamental difference is not a difference between taxing and spending. The fundamental difference is a question of do we do more debt reduction as we advocate or more of a tax cut as they advocate?

We have a substantial tax cut but one that is half as big as theirs because we reserve the difference for money to deal with our long-term debt that is primarily Social Security. We say: Look, we have had the Comptroller General of the United States come and tell us the situation we face.

The Social Security and Medicare trust funds face cash deficits as the baby boomers retire. Yes, we are in surplus today, but we are headed for deficits tomorrow. We say in our plan that we ought to set aside some of their money they want to use for a tax cut to deal with the long-term debt crisis facing our country.

That is the difference. That is the big difference between their plan and our plan. They want it all for a tax cut. We want half of it for a tax cut, and we want half of it to begin to deal with our long-term debt crisis that is facing this country.

If we want to strengthen Social Security for the future, we have to have resources to do it, whether it is individual accounts as many on their side advocate, and some on our side, or whether it is the Social Security Plus plan advocated by Vice President Gore in the Presidential campaign or whether it is the privatization plan that their President advocates. From where is the money going to come?

The chairman of the committee puts up a chart. You can't find a single dime set aside to strengthen Social Security for the long term—not one thin dime. You can't find a penny to deal with this long-term debt problem, not a penny.

That is the difference between us.

We reduce the size of the tax cut so that we have resources to strengthen Social Security for the long term to deal with this long-term debt crisis.

Look at what we are told. The Social Security and Medicare trust funds start to run into massive deficits in this second 10-year period.

Let me conclude. When they say this is a question of the Democrats just wanting to increase spending, no, this isn't a question of Democrats just wanting to increase spending.

Let's go to the facts. The facts are under our plan the Federal role will continue to shrink. Last night the Senator from Texas said facts are stubborn things. Indeed they are.

Here is our spending proposal. The role of the Federal Government would continue to decline. In fact, it would go to the lowest level since 1951 under our proposal. This is not increased spending. This is reducing the role of the Federal Government so more resources can be dedicated to debt reduction—both short-term and long-term under our plan.

That is the fundamental difference between these plans.

Our friends on the other side want to take all of the non-trust-fund money and put it out for a tax cut. We say, no, that is not wise. Yes, half of it could be used for a tax cut, but half of it ought to be used to deal with our long-term debt crisis; that we ought to strengthen Social Security for the long term.

That is the fundamental difference between these plans. And it is a profound difference. It recognizes, No. 1, the uncertainty of the forecast. Any 10-year projection is uncertain.

More than that, it recognizes that at the end of this 10-year period, the baby boomers start to retire. These surpluses turn to deficits, and we have an obligation to deal with that long-term debt. We have reserved $750 billion for that purpose. That money could go into individual accounts.

When they talk about money going back to the people, you add up our tax cut and the money that is available to deal with long-term debt, which happens to be the people's debt—we talk a lot about the people's money; it is also the people's debt—you have the people's short-term debt and the people's long-term debt. We say let's reserve 70 percent of the money to deal with the people's short-term and long-term debt.

Our friends on the other side want to take all the non-trust-fund money and use it for a tax cut. They don't want to reserve one single dime to deal with this long-term debt crisis facing the country, not a penny. There is no money reserved for the long-term debt situation of the country.

They will say we reserve the Social Security trust fund money. Good. That is a good start. But what do you do next? What do you do after you reserve the money for the Social Security trust fund and the Medicare trust fund? Do you provide a single dime? Is there a single penny in there to deal with the long-term crunch that we all know is coming? No, not a penny.

They are getting ready to take it out of the Social Security trust fund, which, of course, will just move up the date of insolvency for the Social Security trust fund.

We say reserve every penny of the Social Security trust fund for Social Security, every penny of the Medicare trust fund for Medicare, and out of what is left take $750 billion to strengthen Social Security for the long-term to deal with the long-term debt that is facing this country.

This isn't a question between taxes and spending. No. It is part of it because there are places where we think more resources could be reserved for a prescription drug benefit, to improve education, and to strengthen national defense. But we also believe most of this projected surplus ought to be dedicated to debt reduction, short term and long term. And we do twice as much as they do.

That is a simple truth. That is the simple difference. It is a big difference for the future of this country.

We are going to go to our first amendment and Senator BAUCUS.

The PRESIDING OFFICER (Mr. BOND). The Chair recognizes the Senator from Montana.

AMENDMENT NO. 172 TO AMENDMENT NO. 170

(Purpose: It is the purpose of this amendment to establish a prescription drug benefit under Title XVIII of the Social Security Act, without using funds generated from either the Medicare or Social Security surpluses, that is voluntary; accessible to all beneficiaries; designed to assist beneficiaries with the high cost of prescription drugs, protect them from excessive out of pocket costs, and give them bargaining power in the marketplace; affordable to all beneficiaries and the program; administered using private sector entities and competitive purchasing techniques; and consistent with broader Medicare reform)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Montana [Mr. BAUCUS], for himself, Mr. ROCKEFELLER, Ms. STABENOW, Ms. MIKULSKI, Mrs. MURRAY, Mr. DAYTON, Mr. WYDEN, Mrs. CLINTON, Mr. REED, and Mrs. CARNAHAN, proposes an amendment numbered 172 to amendment No. 170.

Mr. BAUCUS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BAUCUS. Mr. President, this amendment is very simple. It provides the funds necessary to establish a good, solid prescription drug benefit in the Medicare program for our seniors and disabled. That is what it does. It is not excessive. It is not gold plated. It is not, frankly, the total benefit that some of our seniors would like. But it is a good, solid benefit—coverage that would meet the commitment that so many of us have made so many times to our seniors.

To offset the cost of the new benefit, the amendment would make a very modest reduction in the size of the proposed $1.6 trillion tax cut. It would be very modest.

Let me put this amendment in perspective. Medicare was enacted in 1965. Since then, the practice of medicine has changed dramatically. No one doubts that. Today, more often than not, medicine involves not only a trip to the doctor, but a trip to the pharmacy to pick up a prescription drug as part of therapy.

At the same time, we all know that drug prices are rising very fast. In the year 2000, drug prices rose by 11 percent. Since 1990, prescription drug spending has more than tripled.

Let's go beyond the statistics and look at the effect on real people. Take the drug Prilosec. It is used to treat ulcers and digestive problems. If you don't have health insurance, it might cost you $1,400 a year. If you are a senior citizen living on Social Security payments of about $10,000 a year—and many seniors are—that is more than 10 percent of your income on one prescription. I ask you, how many seniors have only one prescription? Virtually none. They have several. They have to.

Or take Lipitor, which is used for diabetes. It costs $680 a year. For Procardia, which is for hypertension, it costs $900 a year. And the list goes on.

The result is that Americans who do not have drug insurance coverage pay the highest prices for prescription drugs of anyone in the industrialized world. Let me repeat that statement. It is startling. Americans who do not have insurance coverage pay the highest prices for prescription drugs of anyone in the industrialized world. I think that is something we do not want to continue.

We are not talking about relatively a handful of people. Over the years, as the importance and expense of prescription drugs has grown, more and more seniors have been affected. Today, about 35 percent of Medicare beneficiaries lack direct coverage for outpatient prescription drugs—35 percent. And that probably understates the problem.

For example, one study has shown that only about 50 percent of seniors have drug coverage throughout the year, and for many who do have coverage, it is often limited, inadequate.

In rural areas, it is even worse. There the problem is particularly severe. In my State of Montana, 76 percent of Medicare beneficiaries live in rural areas. A National Economic Council study of last year showed that rural beneficiaries are 50 percent less likely than their urban counterparts to have drug coverage.

Here is another way to look at it. Rural Medicare beneficiaries use 10 percent more prescriptions than the people in the cities, but they pay 25 percent more out of pocket for their drugs. They are more likely to use drugs but pay more than 25 percent out of pocket than people who live in cities.

This lack of coverage is reflected in the letters I receive every day. And I am sure you, Mr. President, and every senator in this body receives letters very similar to what I am going to read. For example, a woman from Columbus, MT, a rural part of my State wrote:

> Senator Baucus, it is so vital to me and thousands of other senior citizens that prescription drugs be put entirely under Medicare. I drew $5,890 in Social Security in the Year 2000, and my prescription drugs cost me $7,514. . .so you can see it is a struggle to keep things paid.

She paid a lot more in drugs than she got in Social Security benefits—a lot more, almost a couple thousand dollars more.

And I heard this from a senior citizen in Havre, MT. She wrote:

> Senator Baucus, I am a senior citizen on a fixed income. I take medication to deal with anxiety. That medicine used to cost me $20; now it costs me almost $60. Something should be done about this.

How right she is. In fact, I will bet virtually everyone in this Chamber agrees, something should be done about this.

That is where the budget resolution comes in. Simply put, the budget resolution proposed by the Senator from New Mexico does not go far enough. It does not set aside funds that are needed, funds to support a solid prescription drug program. In other words, it sells our seniors short.

I will be more specific. The budget resolution sets aside about $153 billion over 10 years for a new prescription drug program. That tracks with the President's proposal, the so-called "immediate helping hand."

I am not critical of the President, nor am I critical of the senator from New Mexico. Their proposal is a start. It acknowledges the need to expand prescription drug coverage. It makes a good-faith effort to get there. But even though it is a start, it has two very significant problems that have to be remedied. First of all, the budget resolution does not even cover the cost of the President's proposal. CBO now estimates the President's proposal would cost $207 billion over 10 years. So the budget resolution is more than $50 billion short. The chart behind me shows that; that is, the budget proposal offered by the Senator from New Mexico falls short and does not even do what the President's helping hand suggestion purports to cover. So it fails in that regard.

Second, we probably all know that the President's proposal in and of itself isn't going anywhere. Even it is too short. It is not enough. When Secretary Thompson had his nomination hearing before the Finance Committee, there was a lot of talk about prescription drug proposals. But not a single member of the committee spoke up to support the President's proposal. Why? Because it was so inadequate.

That is not surprising. The proposal has several defects. One, it requires States to implement a new program they do not want. It also delays many tough decisions on Medicare reform.

Most significantly, it leaves half of all seniors behind, without coverage. Anyone with an income above $20,000, for example, if they do not have prescription drug coverage now—as I mentioned, about 35 percent of American seniors do not have a plan. They will not have it under the President's proposal.

This chart behind me shows in the circle all of the seniors now not getting prescription drug coverage. On the left, is the helping hand provision. About half the seniors will be covered under the helping hand proposal. The black on the far right shows about half of the seniors would not get coverage under the proposal.

Now, it could be argued that the budget resolution does not lock in the President's proposal. After all, it does not mandate any particular approach. It just establishes the overall funding. True. At the same time, it is clear that if we set aside only $153 billion over 10 years, we will not be able to write a prescription drug coverage bill that goes far enough to provide universal coverage to all our seniors.

Here is what the head of the CBO told our committee two weeks ago:

> [A] universal benefit would be a pretty thin benefit . . . . If you're going to spread $150 to $160 billion over the entire population, it won't provide a great deal for any one person.

He is commenting on the helping hand proposal offered by the President. So whether you focus only on the President's proposal or more broadly on what you could accomplish for $153 billion , the budget resolution is obviously much too short.

The amendment that Senators GRAHAM, KENNEDY, and I have offered is designed to address this shortfall. How do we do it? We do it by providing more resources from the budget surplus for prescription drug coverage. It basically doubles the amount that is available from $153 billion to $311 billion. By doing so, the amendment gives us room to design a good, solid prescription drug program, something that is going to work. We don't want to pass something so inadequate that not only is it paltry, but it just won't work. It would be disingenuous. It would be a false promise to our seniors. We have to do enough that works. Not a gold-plated program, but a solid one.

To offset the cost, our amendment reduces the size of the tax cut by $158 billion, or about 10 percent. Since $153 billion is already provided for in the budget, we take $158 billion out of the tax cut, totaling about $311 billion. That is our amendment. That still allows us plenty of room to cut tax rates, reform the estate tax, the marriage penalty, and other necessary changes to the code.

Some will argue that a $1.6 trillion tax cut is the Holy Grail. It is sacrosanct. We can't touch it. It is locked in stone. It is almost in the Constitution. That is what we hear, that we must pass a tax cut that large at all costs, regardless of the consequences, regardless of the other important priorities that would have to be shunted aside. I disagree.

The process of writing a budget resolution is a process of setting priorities. A large tax cut is an important priority, but so is the health and welfare of our senior citizens. So I ask the Senate to strike a balance, and that is precisely what our amendment does.

Mr. President, we may hear a counterproposal, a second-degree amendment to accomplish some of the same objectives by taking the money out of the so-called contingency fund, rather than by reducing the proposed tax cut by $158 billion. This is an honest debate. Where do we get the money? Do we take it out of the contingency funds, or do we take it out of the tax cut? That is the question with which this body is confronted.

We know that the contingency fund has been accounted for by as many times as there are Senators in this body and more than that, because each Senator has different ideas how to use that contingency fund.

That contingency fund is not going to be there. Let me indicate why. If you take the final amendment in the contingency fund presented by the Senator from New Mexico, he said it is about $450 or $500 billion—I am not sure exactly which—here are some of the claims against the contingency fund in various ways: uninsured benefits, people want to start providing a benefit for the 43 million Americans who are uninsured; the alternative minimum tax, what is that going to cost us? That is going to cost us $200 to $300 billion. We all know we are going to fix the alternative minimum tax defect. Extenders, tax extenders, not in the budget, another $200 billion. Already that is close to $600 billion.

Business tax breaks, does anybody here think there are not going to be some business tax breaks in this bill, say $200 to $300 billion? Agriculture, that is not in here. Disaster assistance, that is not in here. That is about $100 billion over 10 years. Education, $150 billion; missile defense, possibly another $200 billion. There is just so much in here or not in here that if we honestly look at the tradeoffs, either reducing the tax cut by $158 billion or using the contingency fund for a prescription drug benefit, it is clear where the money is going to be and where the money is not going to be.

I know many Senators in this body think they can't touch the $1.6 trillion tax cut. That it is just a given. But nothing is a given around here. We are here to make choices. We are here to represent our people. I will bet dollars to doughnuts that if you were to ask all of the people in your State, and if every senator were to ask all the people in their own States, what do you prefer, a $1.6 trillion tax cut with no prescription drug benefit, except a very modest one that won't work, or a tax cut reduced by $158 billion for a real honest-to-goodness prescription drug benefit that will work, we all know what the answer to that will be. People will say: Of course. That is such a modest nick in the tax reduction for something so good and so needed. There are so many seniors destitute and down and out who need prescription drug help. That is a no-brainer.

Compare that with asking: Should we try to get the benefit out of the contingency fund? We all know, we are adults, we have been around here a while, that is kind of a phony issue, that contingency fund, because everybody knows the claims on it are more than the number of senators in this body.

Let's do what is right. It is a very modest reduction in the President's proposed tax cut, a modest reduction that clearly makes sense. I ask senators to forget what the party ideology says for a moment. Maybe just for a nanosecond, someone might say: Gee, that is a good thing to do.

In so saying, I urge senators to support the amendment offered by myself and Senators GRAHAM and KENNEDY, reserve the remainder of my time, and yield to the senator from Florida.

Mr. REID. The time would be off the bill, Mr. President.

Mr. CONRAD. Mr. President, may I indicate that Senator GRAHAM's time will come off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, before I turn to the specific issues raised by the amendment offered by my friend and colleague from Montana, myself, and others, I will make a couple of general comments about the context of this discussion of the budget resolution.

We are looking at the world as if it ended exactly 10 years from the end of this fiscal year. That is a very artificial restraint.

At a meeting of the Senate Finance Committee on March 29, a former Director of the budget office during the administration of the first President Bush made this statement in response to a question about the artificiality of the 10-year limit. Dr. James Miller stated:

> I think the timeframe does matter. We sort of lull ourselves into, when I was budget director, in 5-year timeframes, and now you are looking at 10-year timeframes, and it is appropriate to look beyond that. And what we know, of course, is that they'll be running big surpluses until about 2020, whatever. And then we will be running deficits again.

During that hearing, I used the important historical fact that on March 30, my daughter Suzanne's triplet daughters had their sixth birthday. I can report it was a happy celebratory occasion. If my daughter and her husband were to view the economic consequences relative to their triplets as we are about to do with this budget, they would stop the clock 10 years from now when their triplets had their 16th birthday. That would give a very false impression of what the true cost of raising triplets in the 21st century is going to be because 2 years after their 16th birthday will be their 18th birthday, the year in which, hopefully, they will all be entering college. Any family who has some idea of what college costs for one child in the year 2001 can calculate what the costs are going to be for three children and project what they are likely to be in another 12 years from now.

In many ways our Nation is similar to my daughter's family. We have some very big expenses that are coming just beyond this 10-year timeframe. What is driving those big expenses is a contract. Actually, it is a series of contracts between the American people and their Federal Government.

Those contracts provide that when Americans reach retirement age, they will become eligible for economic assistance in the form of Social Security, a contract they have been paying for throughout their working life through a payroll deduction plan, and they will also become eligible for Federal assistance in paying their health care costs, a contract which in part, through the Part A hospital trust fund, they have also been paying for throughout their working life.

The numbers of Americans today who are cashing in that contract are relatively modest. I happen to be 64. In November of this year, I will become fully eligible for Social Security and Medicare. When I become eligible, I will place a relatively modest burden on the trust funds because, frankly, there were not a lot of people born in 1936. It was the depth of the Depression and most people did not see that as a propitious time to be adding to the size of their family.

Right after World War II, Americans started having babies in record numbers. It is those babies who will begin to become eligible for Social Security and Medicare in about the year 2011, just after this 10-year window shuts down, and they will rapidly increase in numbers. As Dr. Miller said, by the time of 2020, whatever, then we will be running deficits again.

In my judgment, the context in which we need to look at all of the issues we are discussing is not the 10-year context but the generational context of the next 25 years so that we will be taking into account this enormous number of Americans who will be eligible for the contract rights they have been paying for in Social Security and Medicare.

Another thing is going to be happening to that population. Not only will it be reaching retirement age, but that generation is going to start living longer. The average life expectancy of an American when Social Security was established in the mid-1930s, after one reached 65, was about 7 years. Today, the average age for an American female who reaches 65 is almost 20 years, and it is almost 16 years for an American male.

During this century, those ages beyond 65 will continue to grow. So we are going to have a much larger population over 65 and that population will live substantially longer, placing additional economic challenges to the Federal Government.

In my judgment, the key step we should be taking now to prepare for that is to save every dollar of the trust funds of Social Security and Medicare for their intended purposes. We should do this to the maximum extent possible by paying down the national debt, and then we need to be creative after we have reached the point that we have paid off the national debt fully or to the extent feasible, as to how we can continue to reserve those funds so that they will be available when this tidal wave of retirement comes in the next decade.

Those are some of the contexts for the discussion on the issue that will dramatically affect this generation that will soon be retiring, and that is the quality of the Medicare program they will become eligible to receive.

I strongly support the addition of a prescription drug benefit to Medicare. Frankly, if anyone were to suggest that a Medicare program be fashioned today and not include prescription drugs, they would be considered to be a dinosaur in terms of what is a modern health care system.

This belief that Medicare should include prescription drugs is now widely accepted by the American people. Both the candidates for President in the year 2000 committed to work for a prescription drug benefit for older Americans.

I have been conducting a poll on my Senate Web site for over a year on the question of Medicare prescription drugs. The first question we ask is, Should Medicare coverage include a prescription drug benefit?

I have no professions as to the statistical appropriateness of this poll. It is just anybody who logs on to our site and takes advantage of the opportunity to express their opinion. But of those who have done that—this, as I said, represents over a year of citizens who have taken advantage of this poll—88 percent have answered the question: Yes; Medicare coverage should include prescription drugs. I think that is close to representative of what the American people believe about this issue.

The challenge is before us this week to make a determination: Are we going to provide in this budget resolution a sufficient amount of funds to provide an affordable, comprehensive, realistic prescription drug benefit within Medicare?

I submit the proposal which is contained in the budget resolution as submitted is not an adequate proposal to provide that comprehensive benefit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. I ask for an additional 10 minutes.

Mr. CONRAD. We will be happy to provide the Senator an additional 10 minutes off the resolution.

Mrs. HUTCHISON. Mr. President, the Senator intends to take 10 more minutes; is that correct? May I ask, then, that following the Senator from Florida, I be able to speak for 15 minutes.

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, but I have a similar request; that I follow the Senator from Texas.

Ms. STABENOW. I also ask to follow the esteemed Senator from Massachusetts.

Mr. CONRAD. Perhaps we can propound a unanimous consent request. Mr. President, I ask unanimous consent that the Senator from Florida, Mr. GRAHAM, continue for 10 minutes; then turn to the Senator from Texas, Mrs. HUTCHISON, for 15 minutes; then go to the Senator from Massachusetts, Mr. KENNEDY, for 15 minutes; and then go to the Senator from Michigan, Ms. STABENOW, for 10 minutes.

The PRESIDING OFFICER (Mr. ENZI). Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, my understanding is there are 7 minutes remaining on the amendment. I want to reserve 5 minutes on the amendment.

Mr. FRIST. Mr. President, reserving the right to object, are we alternating back and forth on the sides? I did not hear the unanimous consent request.

Mr. CONRAD. There were no requests on the Senator's side. We can certainly do that.

Mr. FRIST. If not, I want to be inserted wherever convenient following Senator HUTCHISON, if we are alternating back and forth.

Mr. CONRAD. I amend the unanimous consent request to 10 minutes for the Senator from Florida, then 15 minutes for the Senator from Texas, then back to our side for 15 minutes to the Senator from Massachusetts. How much time does the Senator from Tennessee want?

Mr. FRIST. Twelve minutes.

Mr. CONRAD. Twelve minutes to the Senator from Tennessee, and then come back to the Senator from Michigan for 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I have 5 minutes.

Mr. CONRAD. The Senator from Montana had previously requested and, as I understood it, reserved 5 minutes off the amendment. All of these other times are off the resolution on our side. On the Republican side, I am assuming they will be off the amendment.

Mrs. HUTCHISON. Off the resolution.

Mr. CONRAD. Off the resolution.

Mr. BAUCUS. I suggest, frankly, under the rules, each side has 30 minutes. This side has virtually used up 30 minutes, and none of the time has been used on the other side. My suggestion is during this debate we also use time off the amendment as well as time off the resolution, but we start first with the amendment and then the resolution so that is taken care of.

Mrs. HUTCHISON. That is not my intention. My intention is to take time off the resolution.

Mr. CONRAD. I repeat my unanimous consent request and we reserve 5 minutes off the amendment for the Senator from Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. GRAHAM. The amendment on which we are debating provides $153 billion in new budget authority in outlays for a prescription drug benefit for the period 2002 through 2011. As my colleague, Senator BAUCUS, has already indicated, the assessment of the plan that President Bush has submitted would be that it would have a cost over that 10-year time period of $207 billion. So the amount of money requested in the budget resolution would not even be adequate to finance the barebones, available only to low-income elderly, high-deductible plan that President Bush has recommended.

If we were to try to take his plan and stretch it as he states he will attempt to do during the last 6 years of this 10-year period to cover all Medicare beneficiaries, the effect of that would be to provide a plan which could require as much as a $1,750 deductible before any beneficiary was eligible for payment under the prescription drug benefit.

As Senator BAUCUS has already demonstrated, the Director of the CBO has described the attempt to stretch a universal benefit under the amount of dollars available as not providing a great deal for any one person.

There is a second defect in this plan in addition to its inadequacy. That is the fact that it purports to use Part A funds as the means of paying for this prescription drug benefit. That is quite directly stated in the plan which has been passed by the House, where their budget resolution specifically says prescription drugs will be paid through the Part A trust fund.

The Senate resolution is not that explicit, but as you go through the analysis provided by the Senator from North Dakota and the Senator from Montana, you inevitably come to the conclusion that the proposal is to switch the Part A trust fund surpluses to a contingency fund and then use that contingency fund for a variety of purposes, including the payment of prescription drug costs to the Federal Government.

The Part A trust fund is one of those contracts between the American people and their Federal Government. That Part A is intended to pay for hospital costs, not for other costs. If we are intending to add to the Part A trust fund a new obligation to pay for prescription drugs, then we are going to have to ask ourselves how are we going to provide the additional dollars that will be required for the Part A to be able to meet its current obligations of paying hospital costs and take on this new, nonactuarially balanced responsibility for prescription drugs.

I believe this amendment being offered presents the opportunity to tell the American people we are serious about providing a prescription drug benefit and that we recognize the urgency of doing so.

Today, prescription drug benefits for older Americans, which have traditionally been provided from other sources, are rapidly declining. There are four areas in which, traditionally, Medicare beneficiaries have received some prescription benefit. Medigap, which is the purchased insurance, is becoming so expensive that fewer than 5 percent of the Medicare beneficiaries today are purchasing it. Managed care has been dramatically reducing prescription drug benefits. In my State of Florida, it is common for there to be a $500 per year maximum of prescription drug benefits. Many elderly use that in less than 2 months.

Retiree plans are becoming less prevalent and less generous, and Medicaid—my State of Florida is an example has restricted prescription drug benefits to just three medications.

In every area, the places that the elderly have looked to in the past for benefits are declining. At the same time, the cost of drugs is rapidly increasing. The average yearly drug spending per Medicare enrollee today is $1,756. This is projected to increase to $4,412 by the year 2010.

The time is urgent. We face this issue of the necessity of providing a meaningful prescription drug benefit for older Americans, and to do so through the Medicare program. What would be the outline of an appropriate plan? I think an appropriate plan would have the following characteristics: It would be voluntary in the same way the physician benefits which are currently provided through Part B of Medicare are voluntary. It would be comprehensive. It would be available to all Medicare beneficiaries. It would be adequate.

Today, the physician component of Medicare is paid 75 percent by the Federal Government, 25 percent by monthly premiums. I propose for this prescription drug benefit it be an equal, a

50/50, division of responsibility between the Federal Government and the Medicare beneficiary.

Projections have been that at that level of support we could anticipate substantial voluntary participation in this plan, sufficient participation to maintain its actuarial soundness and to avoid the cherry-picking or adverse selection of only those who were the most in need. This would be within Medicaid—hopefully, a reformed Medicare. It would use an insurance model. It would emphasize to people that this is not just a dollar-for-dollar exchange for products you know you will purchase. It also represents a transfer of the risks that you might become seriously ill and your prescription drug costs dramatically increase.

We would provide for a deductible at the beginning of the process, but also very important, a stop loss, once you have expended $4,000. At that point, the Federal Government would pay the full cost of your prescription drugs.

We believe this is an affordable plan. Last year, a plan with these characteristics was costed as $245 billion for a 10-year period. Today, it is estimated that the same plan will cost $311 billion for 10 years, which is some indication of how rapidly prescription drug costs, particularly those drugs that are most used by older Americans, have been increasing.

The American people want and expect this Congress will provide a prescription drug benefit. They have a right to expect that benefit will not be a sham, that it will provide meaningful, comprehensive, adequate coverage for all seniors who elect to participate in this program. They have a right to expect it will not be done at the sacrifice of their current contractual expectations in terms of hospital benefits. Those hospital benefits have been paid for over the years in their payroll taxes. This is not the time to raid that fund to try to finance a prescription drug benefit. It should be done through a combination of general revenue Federal funds and the premiums paid monthly by the beneficiaries on an equally shared basis.

That is what our amendment will finance. I urge my colleagues who are serious about telling their constituents they voted for a prescription drug benefit to vote for this amendment.

The PRESIDING OFFICER. The Senator from Texas.

ORDER FOR RECESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate recess from 12:30 to 2:15 for weekly party conferences to meet and the time be counted equally with respect to the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today on the resolution itself. I am very proud of the budget resolution that has been produced. I commend Senator DOMENICI for his leadership in making sure we address all the needs of our country in the most responsible way. I want to address the basics of this resolution: debt reduction, tax relief, protecting Social Security and Medicare, and increasing spending in our priority areas.

Every household and every business in America increases spending in some areas and decreases spending in some areas because you set your priorities and you decide what you want to spend more money for and what you care less about and would not increase for the following year. That is what has been done in this budget resolution.

First, let's talk about debt reduction. This budget resolution provides for the largest and fastest debt reduction in the history of our country. We will pay off $2.3 trillion of our $3.2 trillion in publicly held debt over the next 10 years. Not only is this an aggressive schedule, but it is the maximum debt reduction possible unless we want to pay a penalty, which would not make economic sense. So without penalties, we are paying down this debt to the maximum extent possible.

Under this budget resolution, the Government's publicly held debt will decline from 35 percent of the gross domestic product to 7 percent in 2011, the lowest level in 80 years. By comparison, the publicly held debt was 80 percent of the gross domestic product in 1950, following World War II; it was 42 percent of gross domestic product in 1990, following the cold war; and by 2011, under this budget track, it will be 7 percent. That is a healthy debt ratio and most certainly a healthy reduction.

Tax relief. We are going to have $5.6 trillion in surplus over the next 10 years. We are proposing to divide that right down the middle and set aside all of the Social Security and Medicare surplus so that those items will only be spent for those two very important programs. But of the other half, which is the income tax withholding surplus, which means that people are sending $2.5 trillion more to Washington than we need to fund the current programs, we want to return $1.6 trillion, leaving approximately $1 trillion for added spending because we are going to add spending in our priority areas.

The overall budget increase is 4 percent. There will be more in some areas such as public education—11.5 percent—and there will be less in some areas. There will be dead even expenditures 1 year to the next in some areas. In some cases, projects have already been finished and they do not need more funding.

So we are taking the responsible approach of saying $1.6 trillion goes back into the pocketbooks of the people who earned it. What is going to happen with that $1.6 trillion? That money will go back into the economy, either through spending, savings, or investment, all of which is better than having it sit in Washington doing nothing for the economy. In fact, some economists say it is a drag on our economy to have this big a surplus sitting in Washington, doing nothing. It is better to be in the pocketbooks of the people who earned it so it will go back into the economy and create the jobs and the prosperity that will keep the economy strong.

We are talking about a $5.6 trillion tax relief package. But Senator DOMENICI, to his great credit, came up with the idea that we are watching the economy stagnate right now. So why don't we take $60 billion, which is the surplus we have available right now, and give it back to the people right now. So $60 billion is set aside.

The Democrats and the Republicans have agreed on that figure. Senator CONRAD has agreed on the $60 billion figure. That is in the budget we will pass today. How that $60 billion is returned to taxpayers I do not know. We will talk about that later. We will hammer it out. But now that we have the number in the budget, the people of our country will know they are going to get some relief immediately.

No. 3, protecting Social Security and Medicare. We want to make sure that Social Security is secure. That is our No. 1 priority. That is exactly what we do in this budget resolution. The Social Security surplus will be used for Social Security, and it will also reduce the debt because we have the surplus that is there for Social Security. The same is true for Medicare. The budget resolution ensures that every dime of Medicare Part A will be used for Medicare, for paying down the debt. It also provides—and this is important; Senator GRAMM was talking about this before I spoke—$153 billion over the next 10 years will go for prescription drug benefits and options in Medicare because all of us know that people are having a harder time paying for their prescription drugs.

Prescription drugs have taken the place of surgery. They have taken the place of hospital stays. They have lessened the cost of health care in general. But the drugs are expensive so we need to accommodate that added expense as we are reforming Medicare. This budget provides the means to do that.

So what is left? Our funding priorities. We are increasing our priority areas 11.5 percent for education. That is our No. 1 priority area and it is the biggest expenditure in the budget. A 4-percent overall annual increase is going to be higher than the rate of inflation. So I think that is quite responsible.

In addition, we are going to double the spending at the National Institutes of Health for the research so we can, hopefully, find the cure for breast cancer and colon cancer and all of the diseases, heart disease—we are pouring the money into the research because we want to try to cure these diseases.

We have treatments for these diseases but in many instances we don't have the cure. That is what doubling the NIH budget does.

We are going to increase national defense spending. That is our first responsibility. Curing Social Security and providing for the national defense is our first-line responsibility. We are going to make sure that the men and women who give their lives to protect our freedom will have the support they need to do the job. We are going to give them higher pay. We are going to give them education benefits. We are going to give them health care benefits, and we are going to give them better health. We owe them that. They are doing a job for our country that no one else can do.

We are going to have the next generation of technology so that we keep our superiority in national security; so that we keep the air superiority we have seen just in the last year absolutely perform in the way we had hoped it would.

We are going to keep the superiority of our defenses because we know that the best defense is a good defense. We know that peace will come through strength. Knowing that we have the best is the best deterrent that we can have for any country that might choose to fool around with America.

I am proud of this budget resolution. I am proud of the President of the United States.

There is a new era in Washington. I hope we can keep the promises we made to the American people and pass a responsible budget resolution with responsible spending and responsible tax relief for every hard-working American.

I yield the remainder of my time to Senator FRIST.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Massachusetts was to follow the Senator from Texas. The Senator from Texas has 4 minutes remaining. Does she intend to allow the Senator to use her time?

Mrs. HUTCHISON. Mr. President, I had 15 minutes, and it is my intention to yield the remainder to Senator FRIST.

Mr. CONRAD. Mr. President, reserving the right to object, we have a unanimous consent agreement in place. The unanimous consent agreement provided for time for the Senator from Texas, and then we were to go to the Senator from Massachusetts, and then back to the Senator from Tennessee. I think what has been suggested would be out of order.

The PRESIDING OFFICER. The Senator from Massachusetts was next to be recognized.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, I have 15 minutes. I ask the Chair to let me know when I have 12 minutes left.

Mr. President, first of all, I commend Senator CONRAD, the ranking member of the Budget Committee, for his excellent presentation both last evening and this morning. I also commend him for his deep and profound and thoughtful analysis of the whole budget that is before the Senate at this time in the rather unusual form because, as I think every Member understands, we don't have the President's budget.

I think all of us believe we should have the actual budget of the President so we can find out the President's priorities and the cuts that are going to be made in the various programs rather than predicting or surmising what might be in that particular proposal.

I commend Senator CONRAD for the very strong analysis he has made of this. From any fair reading of the debate, to date, one would have to find that the presentation made has been clear and convincing—that we are not going to be able to do all things for all people. We are not going to be able to afford these very dramatic tax cuts, which I believe are too large, too unfair, and too unpredictable, and still deal with the many challenges that we are facing.

I commend the Senators from Montana and Florida, Mr. BAUCUS and Mr. GRAHAM, for their leadership on this issue of prescription drugs. They have made a very effective case. It is one which I strongly support. I thank them.

It is a clear indication of the priorities on this side of the aisle that our first amendment is on the issue of prescription drugs. This amendment recognizes the enormous need for giving assurances for prescription drugs to our seniors. I want to underline that fact. Today, as was pointed out in the presentation of Senator BAUCUS of Montana and the presentation of the Senator from Florida, this is really a life and death issue.

Our debate on the budget is really a question of priorities, and it is also a question of values. What we are saying with this amendment is that we put a high priority on the issue of prescription drugs—guaranteeing an affordable, dependable, reliable, and effective prescription drug program for our seniors in this country, and for others in desperate need.

There is a critical failure to make that commitment in the underlying budget proposal. As has been debated on the floor of the Senate on a number of different occasions, the issue of prescription drugs is a life and death issue.

This budget is about priorities. We are talking about life and death issues. For senior citizens, prescription drugs are as important as going to the hospital today. They are as important as the physician's care.

If you can, imagine what would happen in this country if the Senate of the United States decided to take away all guarantees of hospitalization under Medicare. The country would be in an uproar. If we decided to take all guarantees of the physician's care away, the country would not tolerate it. Yet for our senior citizens, make no mistake about it, prescription drugs are life and death to them.

I listened to my good friend—she is my good friend—from Texas talking about investing in the NIH and producing these new miracle drugs. That will be meaningless unless we are going to set up a system to get the magnificent new drugs out to the people who need them. That is what this amendment is all about.

What we see before the Senate—in terms of choice and in terms of priority—is a Republican budget that effectively provides for a $1.6 trillion tax cut for the wealthiest individuals, and only $153 billion for the Medicare program.

For the over 1 million individuals who are making more than $1 million, they will get $729 billion. Those seniors who are on Medicare and need prescription drugs get $153 billion. These tax breaks are for the millionaires who benefited very well over the last several years. We are going to give them $729 billion and $153 billion for the 39 million senior citizens and others who depend on Medicare.

Who are these senior citizens who depend on Medicare? The average senior citizen who depends on prescription drugs and Medicare is 73 years old, a widow, about $14,000 in income, with multiple ailments.

Do we understand that? A senior citizen making about $14,000 gets one-fifth in this budget what we are going to give the wealthiest 1 percent. This is the question of priorities.

This chart shows very clearly that about 80 percent of all seniors have incomes under $25,000. Those are the people about whom we are talking.

This issue is about priorities. Are we going to give tax breaks to the wealthiest individuals or are we going to say—as a matter of national priority—our senior citizens are a priority? They are in desperate need for a prescription drug program.

With all due respect to the proponents of the administration's budget, in the proposal that is before us, just look at what they say in justifying their position on prescription drugs: "If the Committee on Finance of the Senate reports"—if. Do you think the word "if" is in there for the tax cut? This is what the words for the tax cut are: "the amount by which the aggregate levels of Federal revenues should be reduced." It is mandated here. It is mandated for the tax cut but not with regard to prescription drugs.

It says: "If the Committee on Finance of the Senate reports a bill . . . which improves the solvency of the Medicare programs"—what does that mean, "improves the solvency of the Medicare programs"? That is "wordspeak" for if they are going to cut out benefits, because here it says: "without the use of new subsidies from the general fund." Those words "which improves the solvency" mean if we report out of the Finance Committee—if they are going to report a bill—it is going to improve the solvency of the Medicare program by cutting out other benefits, because it says here "without the use of new subsidies from the general fund."

Therefore, the only way you are going to get prescription drugs is if they decide to do it, and it is only going to happen if they make cuts in the Medicare program and if the bill "improves the access to prescription drugs."

Wouldn't you think they would at least put the words in there that would guarantee prescription drugs? No. It is "access to prescription drugs."

What in the world is happening? "Access to prescription drugs"—is that the President's old program, a "helping hand" for prescription drugs? Is it a welfare benefit program? What is it? All it says is "access to prescription drugs." It is no guarantee that there will be an effective prescription drug program that will be universal, that will be comprehensive, that will have basic and comprehensive coverage, and that will be affordable, like in the Baucus proposal. It also says: if there is ". . . access to prescription drugs for the Medicare beneficiaries, the chairman of the Budget Committee of the Senate may"—may—"revise the allocations, but not to exceed the . . . $153 billion."

We know what is going on here. The Budget Committee on the one hand mandates tax cuts for the wealthiest individuals. There is no contingency in this budget proposal with regard to taxes. There are no ifs, ands, or buts; there is a mandate for the Finance Committee on taxes, but not for prescription drugs. You would think if they were going to put this completely inadequate amount of money into the budget for prescription drugs, they would actually say: "When the Committee on Finance does report a prescription drug program." But, oh, no.

So make no mistake about it, this is phony. It is made up. No senior citizen in this country can take any—any—satisfaction whatsoever from what has been included in the budget proposal.

The proposal that is before the Senate at this time by the Senators from Montana and Florida remedies that. It puts us on record to say that this is a national priority, this is a reflection of our budget priorities, this is a reflection of our values. We are going to insist that we have an opportunity to express it in this budget, and we shall.

Now I think for those who are watching this debate, there are four major criteria by which we should evaluate the budget plan:

Is it a fiscally responsible and balanced program? As has been pointed out by the Senator from North Dakota and others, it does not meet that test.

Does it protect Social Security and Medicare for future generation retirees? It flunks that test.

Does it adequately address the urgent needs, such as the prescription drug program and the real enhancement which is necessary if we are going to make education a priority in this country? We will have an amendment that will be offered by our colleague and friend, the Senator from Iowa, Mr. HARKIN, on that issue.

And does it distribute the benefits of the surplus fairly amongst all Americans? It fails that test.

If the American people care about prescription drugs, this amendment is the way to go. It is well thought out. It is responsive to the challenge. It is absolutely essential to meet the health care needs of our senior citizens, at a time when their prescription drug coverage is dropping right through the bottom.

A third of our seniors have no coverage. A third of our seniors have no coverage. Another third have employer-sponsored retiree coverage, but it is in rapid decline. We have seen how that has fallen off 40 percent in the last few years.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Then we have seen what has happened in Medicare HMOs. Last year, 325,000 Medicare beneficiaries were dropped from their Medicare HMOs. This year it is 934,000—three times as many in 2001 as were dropped in 2000. People have to be asking: Business as usual? I hear from the other side: Business as usual. Business as usual.

We are challenging that theory with this amendment. We believe this is a reflection of the true values of the American people and the true priorities of American families. I hope the amendment will be adopted.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. FRIST. I thank the Chair and ask that the Chair notify me when I have 2 minutes remaining.

The PRESIDING OFFICER. Yes. The Senator has the 12 minutes of his time plus the 4 minutes yielded to him earlier. The Chair will notify the Senator when there are 2 minutes remaining.

Mr. FRIST. Thank you, Mr. President.

I rise to continue our dialog and debate this morning on Medicare, how we improve Medicare, how to strengthen Medicare for our seniors, as well as for our individuals with disabilities.

We are in the middle of the budget debate which sets the framework for our policies over the coming days and weeks and months of this year.

I am a little more optimistic than the Members I heard this morning because I think we have a unique opportunity, an opportunity that is reflected in the budget put forth by both President Bush and Senator DOMENICI, as reflected in the budget resolution that is before this body—a body that aims at what I think is most important when we look to our seniors or our individuals with disabilities because what they really want is health care security; that if they need care at a certain time, it will be available for them and include the hospital bed, the surgeon's knife, the operation, the outpatient unit, the doctor's visit, and prescription drugs. That is where the opportunity comes in. So I would like to speak to that shortly.

We are talking about the budget today, so let me begin with what the President's budget is, what is reflected in the budget resolution before us, and what are the numbers.

If we look at Medicare, and we look at fiscal year 2002, the Medicare outlays would be $229 billion. It is a large number, but until you start looking at other numbers, how large is it? And what happens to it?

In that first year, it is $229 billion. Our budget, the budget we are talking about on the floor, goes out, year by year, to year 5 and year 10. In year 10, that $229 billion in the budget resolution put forth by Senator DOMENICI is up to $459 billion. That is in the budget. That is about an 111-percent increase, if you compare the first year on out to 11 years. And that is the resolution. If you look at year 5, just to give you the overall numbers, there is a year-5 number of $291 billion, which represents a 42-percent increase, an increase of about $92 billion. Thus, we are talking about marked increases in the Medicare budget as we go forward.

In addition to that, there is $153 billion in addition to that—the increases I just talked about—which is placed on top of it, to be directed to modernization, to strengthening Medicare, to give our seniors more security by including prescription drugs. And I hope, as we modernize Medicare, and as we strengthen Medicare, we do other things—in fact, I would say we absolutely have to do that if we want to have a program that is going to be sustained over time—such as more preventive care, more chronic care, better care for heart disease, for lung disease, and for cancers.

That is where it comes back to the great opportunity we find before us that is laid out in the policy behind this budget; that is, that we have the opportunity to strengthen Medicare, to improve Medicare, to modernize Medicare, to bring it up to the sort of standards today that we see so broadly distributed in the private sector.

I should add, what Senators and Members of the Congress get, what the President of the United States gets, what Federal employees get—our seniors deserve it, and individuals with disabilities deserve it.

When I say strengthen Medicare, which this budget allows us to do, I am talking about improving it, making it stronger, injecting energy into the program to make it more responsive to the individual needs of seniors or individuals with disabilities.

When I say improve Medicare, which this budget allows, and the policy behind it almost assures, I am talking about adding a benefit, such as prescription drugs, which will be universally available, adding more elements of preventive care and chronic care, disease management, the sort of disease management that is routine in the non-Medicare world but which cannot, because of this rigid stratification and micromanagement, be included in Medicare today.

I am talking about strengthening, improving, and modernizing Medicare. One has to be careful when saying "modernize Medicare." People ask, What does that mean? Does it mean laying off people? It is just the opposite: to have more value from Medicare. We need to bring it up to speed, to make sure our seniors get the same options, opportunities, and choices that we have as Federal employees. That is the opportunity we have.

The problem we must address as we increase this budget from $229 billion this year under the Bush proposal, the Domenici proposal, to $309 billion in year 6, to $459 billion in year 11 in this budget, is Medicare today is based on a 1965 health delivery system. Think of the cars you were driving in 1965. Some of them are pretty nice on the road today if they have been buffed, polished, and kept tuned. There are not many people who would want to be driving today the same car they drove in 1965. We must continue to invest in Medicare because of outdated benefits.

We have to add $153 billion, which we have done in the underlying bill because right now we do not have prescription drugs. As a physician who has prescribed and written tens of thousands of prescriptions, I know the value of those prescription drugs. They absolutely have to be a part of the toolbox, the tools, the armamentarium that physicians and nurses, recipients, beneficiaries, individuals with disabilities, and seniors can use to maximize quality care, and that is health care security.

There are no outpatient prescription drugs as a part of Medicare today, and that is the challenge this body has, especially as we develop policy, and that will come, in part, in this budget debate, but really after the budget debate by the Finance Committee and elsewhere.

Limited access to new technologies: Most people know it takes not just weeks and months but years and sometimes an act of Congress to get new technology considered in Medicare today. Our seniors deserve better.

Little preventative care today in Medicare: A lot of our seniors, as I travel around the country at hometown meetings say: I like my Medicare, and it is good. Medicare has been a hugely successful program over the last 35 years, and I, as a physician, have seen it day in and day out, and it has been hugely successful.

What a lot of people do not realize—and it was clearly apparent in the hearings we had in the Subcommittee on Public Health of the Finance Committee—is that the benefits that are in the private sector have continued to improve, where the benefits in Medicare have been stagnant; they have not changed or changed slowly. That is why it is outdated. We absolutely must strengthen, improve, and modernize it.

Right now Medicare only covers 53 percent of a senior's health costs. Ask a senior: Of health care costs over the next 10 years, how much will be covered by Medicare? Many think 80 percent or 85 percent but in truth it is 53 percent.

Micromanagement: Again, that is a product of us being well intended, passing laws year after year, and giving it to an organization called the Health Care Financing Administration which has layered regulation on regulation to the point the regulations, rules, and explanations that cover that simple doctor-patient relationship amount to 135,000 pages of regulations. The Internal Revenue Service has about 40,000 pages of regulations.

Those regulations governing the relationship between the doctor and patient are not 45,000, 50,000, 60,000, 80,000; it is 135,000 pages of micromanaging regulations. We have to simplify it. We have to streamline and modernize so we can meet the individual needs of our seniors.

In this whole idea of micromanagement, improving Medicare, there are 10,000 different prices coded for everything you do in that doctor-patient relationship. As you talk to a patient, you treat them, diagnose them, send off their tests, and there are 10,000 different prices. Even on top of that, they are different in 3,000 different communities.

The inefficiencies, the lack of value in Medicare today, have to be improved as we go forward.

I listed the baby boomers. There is going to be a huge increase in the number of seniors. We have to prepare for the future.

We just had the Medicare report from the Medicare trustees. It is strange. One reads the newspapers and sees this optimism about Medicare; that it is on sound footing right now. Medicare, one could argue, is on sound footing, I guess, although I will show it certainly is not as sound as we think. The rate at which we are depleting the HI trust fund—I will show my colleagues shortly—is depleted rapidly as we go forward.

This is the budget, so I am going to talk a little bit about the numbers as we go forward, again, to show the background.

There are two trust funds, Part A and Part B, in Medicare. We need to look at health care security—Part A is hospitals and Part B is physicians and prescription drugs, which we as a body will add and hopefully integrate into Medicare—we need to look at it as a whole.

As a physician, when I am treating a patient with a particular problem and I diagnose that problem, I do not start thinking of all these different programs. I like to integrate that: Should that patient go in the hospital? Should we treat that patient as an outpatient? Should we try a newly effective drug? Should we use a generic drug? One needs to think in an integrated fashion.

If we look at just the Part A trust fund and Part B—roughly the Part A trust fund is about half; Part B is the other half—the Part A trust fund is what we talk about when we talk about solvency.

On this chart, if we look at just the HI trust fund, Part A, hospitals, green is what we actually spend and red is income. The important point is, in 15 years, in the hospital trust fund, we will be spending more than we will be taking in. We are deficit spending.

A lot of people say: We do not have to worry about Medicare modernization now: why worry? That is 15 years from now; we will have new technology; costs will come down; we will have prescription drugs. What they do not think about is although the Part A trust fund does not begin deficit spending until 2016, look how quickly the blue line diminishes over time to 2029.

When we look at the Medicare program as a whole, today we are deficit spending. Right now Medicare as a whole—Part A and Part B—is spending more than it is taking in. I just showed the HI trust fund for hospitals, which is about half the overall program; in 2002, indeed, there is a surplus. So people feel pretty good: Let's not worry about modernizing Medicare.

Part B, which people around here for some reason do not pay much attention to but is a significant part, we have a draw on the General Treasury. We are basically taking money out of the General Treasury and putting it into Medicare to the tune in 2002 of $93 billion.

Therefore, if one looks at the entire Medicare program A and B together, we are deficit spending to the tune of $58 billion this year, and from 2002 to 2011 it will be $980 billion of deficit spending.

I go through this explanation to set the backdrop because we have a huge challenge as we go forward. We have to, I believe, inextricably link new benefits, such as prescription drugs, which absolutely have to be a part of Medicare—to A and B, hospitalization and physician care—and make it an integral part. There are lots of reasons. One I just showed: We are deficit spending now. If we add on top of that further deficit spending, or put a program which could potentially just explode, all of a sudden our seniors lose their health care security. All of a sudden a program which is in deficit spending now has a potential for increasing deficit spending. We have to do it the right way.

Adding a new benefit such as prescription drugs has to be part of modernization and improving a program, an integral part of the program. We will hear a call for including prescription drugs. The challenge before this body is how, given these numbers, this degree of deficit spending, we put in a new benefit that, I argue, has the most powerful internal drive to explode, to be out of control—larger than any social program we have seen in this body.

That is a pretty big statement, but that is how strong this internal demand is for prescription drugs.

Think about a mother who is dying. You want the very best drug available to reverse that course. You will demand it. You will try to pay for it in any way possible. You will ask the Government for it, the taxpayer for it; you will take it out of your pocket. That is the money we are seeing with prescription drugs because they are revolutionary today. Isn't it great they are, the fact you can have crippling arthritis and for the first time you can get up and get around.

Look at what we are getting ready to add on Medicare, rightfully so, but we have to do it the right way. This chart illustrates prescription drug expenditures in the United States of America from 1965 to 1999. You see the huge growth in total prescription drug expenditures. For seniors alone, it is probably about a third of that. If we project to the future, what we are getting ready to add to Medicare—again, appropriately so—this is what we just saw, in red, and this chart shows, in 2001, 2003, 2005, and 2007, explosive growth. We need to come back and do it right. We have to integrate prescription drugs in overall modernization.

I strongly support the proposal put forth by Senator DOMENICI and President Bush. It increases Medicare spending to $459 billion over the next 10 years and increases it by $153 billion for prescription drugs.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today as a proud cosponsor of this very important amendment to the budget resolution. I thank the Senator from Montana for his leadership on this issue and on the Finance Committee, as well as the Senator from Florida and my leader on the Budget Committee, the Senator from North Dakota. I very much appreciate his ongoing leadership on 'this important issue.

As a personal aside before speaking about this amendment, I come from the great State of Michigan with Michigan State University. If I might say to the Senator from North Dakota, we are looking forward to beating you in hockey on Thursday evening.

Now to the serious issue before the Senate. This is an issue of priorities for the American people as we look at the next 10 years. We all agree it is difficult to look into the crystal ball 10 years from now. We are being asked to do that, and many Members are cautious and concerned about locking in the next 10 years on revenues since it is not possible to be accurate. We know that. Chairman Greenspan called it educated guesses.

We do know when we are debating this list of priorities that the President has laid out a plan that says if you were to put Medicare and Social Security surpluses aside—and he does choose to spend part of those, which we will debate later—if you put that aside, the President has said the only priority for the American people for 10 years is a tax cut geared to the wealthiest Americans that we hope will trickle down to everyone else.

Now, in Michigan, the people I represent want a tax cut as one of the priorities for the future. I support an across-the-board tax cut that gives as much as possible to middle-income families working hard every day, sending kids to college, to help moms and dads and seniors with their prescriptions, and put money in their pockets, and family farmers and small businesses, as one of the priorities of the country. I support that. I don't think it is the only priority for the next 10 years.

What we are talking about today in this amendment is another very important priority; that is, updating Medicare to cover the costs of prescription drugs to assure our seniors, who have been promised that Medicare would be there, that health care would be there when they retire, that those who were disabled and were promised Medicare would be there, that in fact, it really is.

We all know that the only way to guarantee Medicare is to cover prescription drugs. That is what this amendment does. It makes it real. It says when you look at this budget and you look at the real costs over 10 years of about $2.5 trillion that is put aside for one priority, a tax cut, we are asking for a very small amount, just a little amount, to come from that $2.5 trillion over into prescription drug coverage for seniors to modernize Medicare—$158 billion. I believe that is a very small change with a very big impact for our seniors and our families.

I am concerned for most of our seniors. Most of the seniors in Michigan, most of the seniors in America, will not receive any of the tax cut being proposed. But if we want to put money back in their pockets, we have a chance to do that through this amendment by lowering the costs of their medicine. We all know it is the right thing to do. I bet there is not a person in this esteemed body who did not talk about the importance of prescription drugs and how seniors shouldn't have to choose between their medicine and their meals when they were out campaigning.

Now is the time when the rubber meets the road, the time when we have a chance to vote what we have talked about and the real priorities of the country. I can't explain, when a senior citizen comes to me and says he has been told by his doctor there is a pill he can take that will stop him from having open-heart surgery, why the pill costs $400—one pill a month, $400. Medicare will pay for the operation. It won't pay for the pill. He asks me how that makes any sense. I have to say it doesn't make any sense.

Now is the time to correct that. Today, right now, as we are on the floor, there are seniors sitting down at the kitchen table deciding: Do I eat today or do I take my medicine? Do I pay my utility bill or do I take my medicine? Do I cut my pills in half? Do I take them every other day?

I have doctors coming to me expressing grave concerns about seniors who put themselves in serious health jeopardy by trying to self-regulate their medication—every other week, every other day, doing something they shouldn't to make the pills last longer. We all know the stories. This amendment says we are serious about fixing it.

This is not an issue we have made up. I heard our esteemed budget chairman say that every time we talk about tax cuts, we Democrats make up an issue and it just pops up because we want to spend money. I know the issue of prescription drug coverage is not made up. Everybody in my State, young or old, knows the need to cover prescription drugs and make them available for our seniors is not made up. It is very serious and it is very real. It is very unfair, as we found in a statewide study throughout my State. There we looked at the costs that uninsured seniors pay when they walk into the pharmacy versus somebody with insurance. We found on average they pay twice as much. That is not fair.

If you have insurance and they can negotiate a good discount, you get a better deal. Medicare needs to be there to give our seniors a better deal. That is what this is about: updating Medicare to cover the way health care is provided today, having Medicare out there getting our seniors a better deal so they can live in dignity and respect and have the promise kept that was made in 1965 when Medicare was enacted.

This is an important amendment. I commend my colleagues, again, for their leadership in this area. With just a small change, we can begin to get some balance back in this debate about the budget. We have a number of important priorities facing our country. I believe a tax cut is one of those, as is paying down the debt to keep money in people's pockets, with lower interest rates, as are jobs. I also believe lowering the cost of prescription drugs is a critical part of this pie.

I ask my colleagues, if not now, when? We are not going to do it if we are running deficits. We are not going to be able to do it if we move into a serious recession. If we cannot update Medicare now and keep the promise to our seniors and the disabled when we have surpluses, we never will. We should admit it and stop talking about it, stop using it as a campaign issue.

This is the opportunity for us to do what everybody is talking about: provide a substantial Medicare prescription drug benefit and make sure that, in fact, it does something real for our seniors to allow them to live in dignity and have the quality of life they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I commend the Senator from Michigan who is a valued member of the Senate Budget Committee. She is new to this body, but she is certainly not new to the issues because she served with distinction in the House of Representatives and was a leader on many of these issues in the House of Representatives. She brought that knowledge and that commitment to the issues to the Senate.

There has been, really, no new member of the Budget Committee who has been any more responsive in terms of commitment to the work of the Budget Committee than the Senator from Michigan. She cares deeply about getting our fiscal house in order and keeping it there. She cares deeply about the right priorities for the country, including improving education and providing a prescription drug benefit. She has made a very valuable contribution to the work of the committee.

I think she was disappointed, as I was, that we did not have a markup in the Budget Committee. We did not even attempt to mark up a budget for our colleagues, which is unprecedented. But I want to say she has made a valuable contribution during the deliberations of the committee and the set of hearings we had and in producing the Democratic alternative. I thank her very much for those contributions.

Senator DORGAN from North Dakota is in the queue for time to speak, and I yield him 10 minutes off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am here to talk about this amendment, but I say to my colleague, Senator CONRAD, I also am interested in coming over at some point soon and spending a little time talking about this budget resolution and especially the issue of the increase in public debt. I want to go through with the chairman of the Budget Committee, the issue of the increase in public debt over a 10-year period, which seems to me incompatible with this notion that we have such large surpluses that we can provide a 10-year tax cut costing trillions of dollars. If that is the case, why is the public debt increasing in this very budget resolution? I will do that at a later time, but I am here now to talk about the issue of prescription drugs.

We know there are a large number of citizens, especially senior citizens, in this country who cannot afford the prescription medicines they must take, the prescription medicines prescribed by their doctors necessary to continue a healthy lifestyle. All of us have an opportunity day to day and week to week, as we are in our respective States, to talk to older Americans who are taking increasing amounts of prescription drugs and paying more for them.

Senior citizens represent 12 percent of our country's population. Yet they consume one-third of this country's prescription drugs. Why is that the case? In one century, we have increased the life expectancy in our country by nearly 30 years—from 48 to nearly 78. I know some wring their hands and gnash their teeth and mop their brow because of all the problems we have with Medicare and also with Social Security. All of those problems are born of success: people are living longer and have better lives. Let us not gnash our teeth too much about the success of having people living much longer in this country. We can and should address the financing issues in Social Security and Medicare, and we can do that without, in my judgment, great difficulty.

One of the issues with people living longer, and one of the issues with the substantial amount of new medicines available to prolong life in this country is, how do we pay the bill? Especially if you are consuming prescription drugs whose cost is increasing substantially at a time when you have reached that retirement age, the time in life when your income is decreasing a great deal, how do you address that?

The proposal by members of my caucus in the Senate, the Democrats, as well as a proposal now by the Bush administration, is to provide a prescription drug benefit for senior citizens. We proposed to put it in the Medicare program. The prescription drug proposal, as a part of this budget, needs to be sufficient so the prescription drug benefit will work for senior citizens.

We all know the cost of prescription drugs is going up dramatically, 15 to 16 percent a year in increased costs for prescription drugs. Part of that is increased utilization and part is price inflation. But we all understand the consequences of these increased prices to senior citizens.

I have told my colleagues of a woman who came to me one evening at a meeting I had in the northern part of North Dakota. She was perhaps 75 years old. At the end of the meeting, she approached me and said: Senator DORGAN, I am retired. I am getting up in age. I have to take several medicines to treat diabetes and heart trouble. But I don't have any money. I am left without any assets or income of any sort and I can't afford to take these medicines. Yet my doctor says I really must take these medicines.

As she began to talk to me, her chin began to quiver and her eyes welled with tears and it was clear she was on the edge of crying because she knew what she had to do. She needed to take this medicine to prolong her life and treat her illnesses and she didn't have the money to do so. This goes on across this country all the time.

I was at a hearing in Dickerson, ND, one day and a doctor said he had a senior citizen as a patient who had breast cancer. After the patient had surgery, the doctor prescribed a medicine and said this medicine is something you must take because it will reduce your chances of recurrence of cancer. The woman looked at the doctor and said: Doctor, there isn't any way I can take that medicine. I can't possibly afford that medicine. I will just have to take my chances with breast cancer.

I was at a hearing in New York with my colleague, Senator SCHUMER, when one of the witnesses talked about going to the grocery store but always going to the back of the store first where the pharmacy was because first she had to buy her prescription drugs. Only then would she know how much money she would have left to purchase food. I have heard that a dozen times, if I have heard it once.

Should we do something about this? The answer is clearly yes.

The Senate budget resolution provides a certain amount of money for a prescription drug benefit. But let me quote the Congressional Budget Office Director, Dan Crippen, who said in testimony before the Senate Finance Committee:

> If you are going to provide $150 billion over the entire Medicare population—again for 10 years—it won't provide a great deal for any one person.

The money provided in the Republican budget resolution does not even cover the cost of the President's own Healthy Hand prescription drug proposal. About 25 million of the nearly 40 million Medicare beneficiaries would be ineligible for the President's plan.

If the amount proposed by the President in his budget were used to provide a universal drug benefit in Medicare—which is really what we ought to do—it would provide about $200 coverage for a beneficiary for the first year.

This debate is about choices. The budget debate is always about choices. The most significant choice is the front end of this debate, and according to the President, is the tax cut.

I believe we are going to enact a tax cut. I will support a tax cut. But I don't believe we ought to have a tax cut to the tune of trillions of dollars—and, yes—that is more than $1.6 trillion as proposed by the President. Everyone scores it at well over $2 trillion.

To do that when we don't know what the future will bring with respect to this economy, to do that at a time when we have the public debt increasing and not decreasing, and to do that when we don't have sufficient resources to improve our schools, or, yes, in this circumstance on this amendment, to provide enough resources so that we have a prescription drug benefit under the Medicare plan, in my judgment, shortchanges all Americans.

It means we will have an increasing Federal debt—not decreasing. It means we are short of doing what we ought to do to make this a better country—improving our schools, providing for the family farmers during tough times, and in this amendment providing for a prescription drug benefit for Medicare.

My colleagues have offered the amendment today in the hope that we could reach agreement in this Senate. At least between the two political parties, doing this makes sense. Adding a prescription drug benefit to the Medicare program makes sense.

I think everyone agrees that if the prescription drugs had been available when Medicare was created that are available now, clearly we would have had a prescription drug benefit in the program.

Said differently, if we had no Medicare program but we were going to create one in the year 2001, just as clearly it would include a prescription drug benefit, because we are moving away from acute care hospital stays, we are moving towards outpatient procedures in medical facilities, and especially we are moving towards prescription drugs that allow people to live without having acute-care health. That is much less expensive in many ways.

These new medicines that are available are breathtaking, lifesaving medicines. They are good for researchers on the public payroll—at NIH and elsewhere—those in private prescription drug companies, and others. It is good for them. We are developing wonder drugs that allow people to do things they wouldn't have before thought possible.

But it is very expensive. We ought to find a way to say to those who have reached their declining income years in life: We want to help you be able to afford the prescription drugs you need to continue to live your life.

This isn't some luxury. This isn't some optional expenditure. The prescription drugs are necessary for senior citizens who are in many cases required to take 2, 5, 10 or even 12 different kinds of prescription drugs a day. It is very expensive to do so.

We must pass this amendment to make room in this budget for a prescription drug benefit in the Medicare program. That is why I support this amendment.

Let describe a couple of other different priorities, if I might.

Mr. President, 100 years from now everyone in this Chamber will be dead. It is an ominous thought, but it is true. The only historical reference about who we were and what we did here will be to look at this budget and see what we did that was considered valuable: What were our priorities? What did we think was important for this country?

This budget represents the framework by which future generations can judge us. Every time in this country we have tried to do something new, there have been those who have said no. They opposed everything for the first time. It didn't matter what it was—Social Security, Medicare, minimum wage—you name it; they opposed it.

This budget resolution establishes our priorities.

Let me describe a few priorities.

First, a tax cut. Yes, let's so do that, and let's make it fair. Is it fair that the top 1 percent of the taxpayers pay about 21 percent of all income taxes and payroll taxes but would get 43 percent of the tax cut? Absolutely not. Let's do a tax cut. Let's make it fair.

Second, let's pay down the Federal debt. I want to ask the chairman of the committee and others why the public debt is increasing on page 6 of this budget resolution over 10 years.

Third, what about other priorities? I mentioned schools. Does anybody think our future doesn't depend on improving our schools? Of course it does. Should we and could we improve our schools? Of course. But we must have the resources to do that as well.

In addition to improving our schools, we know we need to pass an amendment such as this to provide a prescription drug benefit in the Medicare program.

We need to have room in this budget resolution to help family farmers given these price valuations. If this country believes that we are a better country because of families living on and operating America's farms all across this country, then when family farmers face collapsing commodity prices, they have a right to expect that we will help them during tough times.

There are so many other priorities to which we must pay some attention, such as the issue of agricultural research. I come from a State with a significant livestock industry. And we face the scourge of foot and mouth disease—some call it hoof and mouth disease—and the prospect of mad cow disease, the prospect of a disease that could devastate our livestock industry. This ought to persuade all of us to address more quickly this issue of increases in basic research in agricultural areas and research in dealing with a safe food supply.

All of these areas require our attention.

Let me say again that if we are going to have a tax cut in this year, we will, I hope, agree between Republicans and Democrats to a thoughtful and fair tax cut that says to the American people: Yes, this is your money. Yes, we want to give it back, and we want to do that in a fair way.

But I think the American people want us to invest in the future of this country as well, even as we provide tax cuts for the benefit of our children and pay down the Federal debt. If you run up a Federal debt during tough times, it seems to me that during better economic times you ought to be able to pay it down. This country has not had a period that has been any better in general for the American economy than the last 7 or 8 years. We ought not end this period with substantial increases in Federal indebtedness.

We have a lot of priorities. My hope is when we look back at the work of this Budget Committee and decisions by this Congress, we will have said: Yes, this Congress reflected the right priorities for this country; yes, we made the right investments; yes, we voted for a tax cut that was a fair tax cut; and, yes, we decided to commit ourselves not just to talk about paying down the Federal debt but to really paying down the Federal debt even as we have experienced the surpluses that come from better economic times.

I believe the hour of 12:30 has arisen. I yield my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I do not come to the floor to try to answer all the various arguments made. I would just like to say to the American taxpayers: It ought to be interesting to you. Mr. and Mrs. America who are paying taxes, because, in fact, what is happening here is, instead of the opportunity to give the taxpayers back some of this $5.6 trillion surplus—a number we cannot hardly understand—instead of putting that right up at the top of the priority list, we are speaking about priorities. But isn't it interesting, every single priority is to spend more of the taxpayers' money. All the priorities that are being stated here are spending a part of this surplus to spend on something for Americans.

The whole difference is that we suggest you put the taxpayer at the top of that list, not at the bottom of the list—at the top of the list—and that instead of using their money for new programs and add-ons, whatever it is, that we ought to consider them first. Included in that is the President's tax plan which is good for the economy.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I say to my colleague, who not only do I respect but for whom I have genuine affection, when he says this is just a question of spending versus tax cut, he knows better. Those are not the choices. They really are not. The choices are tax cuts, spending, and addressing debt.

The real difference between our two plans—the biggest difference—is they have twice as much for tax cuts and we have twice as much for debt reduction. That is the real difference. Yes, we also have some additional spending for prescription drugs, education, agriculture, and a prescription drug benefit because we think those are the priorities of the American people.

But let there be no doubt, the fundamental difference between us is we are for more debt reduction; they are for more of a tax cut. That is where it lies.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Maryland.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011—Continued

Ms. MIKULSKI. Mr. President, I yield myself 10 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 172

Ms. MIKULSKI. Mr. President, I rise in strong support of the Baucus-Graham amendment. This amendment reserves $311 billion for a Medicare prescription drug benefit that will be reliable for seniors, affordable for the taxpayers, and will be undeniable when it comes to being able to buy a prescription drug. It will put us on a road to a benefit that meets patient needs, can be sustained by our U.S. Government, and yet is affordable with seniors.

Honor your father and mother is not only a good commandment by which to live, but it is a very good policy by which to govern. We believe we ought to put it in the Federal law books. We should honor our fathers and our mothers by adopting the Baucus-Graham amendment to create a prescription drug benefit that does mean something for America's seniors.

Regrettably, the Bush plan is rather spartan and skimpy. It includes only $153 billion for a prescription drug benefit. That seems to be a lot of money, and it is, but when one estimates what it would take to provide a real prescription drug benefit, the cost is much more. That comes from reliable experts in the field.

First of all, I am concerned about how the President's plan would work. It would provide block grants to States to develop programs, but these programs would only be for the very low-income seniors, despite the fact that half of the seniors who need help are in the middle-income bracket.

What do I mean by low income? I mean $11,000 a year or less. If you are a senior and you have an income of $11,000 or less, you might be eligible for President Bush's plan. However, as we have all gone throughout our communities, what is one of the issues we hear the most? We need a prescription drug benefit, say the seniors.

The "sandwich" generation is caught in the middle of providing tuition for their children's education and looking out for their moms and dads. They are saving for their own retirement, helping mom and dad pay for their prescription drugs, and trying to afford the rising costs of college tuition for their children.

The middle class is, once again, caught in the vice. If you are in the middle class, you cannot afford it. If you are very wealthy, you can buy your own prescription drugs. Under the Bush plan, if you are very poor, your Government will help you.

I want to be on the side of all senior citizens, and that is why we are for the Baucus-Graham approach.

Under the Bush plan, coverage will vary—where you live; what kind of plan your State set up. If my colleagues think we have had problems with the Patients' Bill of Rights, wait until we get into the Bush plan on prescription drugs. This means that a senior in Maryland might have generous coverage, but if that senior visits a sister in Virginia, just over the Potomac bridge, they might not have as good of a benefit.

We cannot have a prescription drug benefit for seniors based on the zip code of where they live. We are "one nation under God, indivisible . . . ." How about having one Medicare prescription drug program that is also indivisible. President Bush is choosing a lavish tax cut over creating a real Medicare prescription drug benefit.

Let me give you a hypothetical constituent: A 75-year-old widow, on an income of $20,000 a year, has a stroke. Her prescription drugs will cost about $4,200 a year. That comes out to $350 a month. The Democratic drug benefit would save her her about $150 a month or $1,700 a year. Remember, under Graham-Baucus, the Democratic plan would save her $1,700. That is almost a $1,600 difference from what she would get in the Bush tax cut. That is what she could get in a Bush tax cut. Remember, at $20,000 a year, with a tax break based on income, she would get $141 a year. I think if you would ask the American people what they want, they would want a prescription drug benefit that would help pay the bills as well as keep the money in the senior's pocketbook.

Another example. An elderly couple with an income of $30,000 a year. Their combined drug costs, say, are $6,000 a year. Their daughter is helping pay drug bills, taking money from the kids' college fund. Under the Democratic plan we could save them $2,000 a year. The Bush tax cut would save them practically nothing.

These examples show that the Democrats have their priorities in order. First, we must make good on the promises we have made to our seniors. Second, we must make sure we balance the books not only today but into tomorrow. The Democratic alternative is making a down payment on that balloon payment that is coming due on Social Security and Medicare. The constituents who have written and called me to ask why they or their parents cannot get the medicines they need do not want to hear about a lavish tax cut. They want to hear about Medicare, about a Medicare prescription drug benefit that will be reliable, affordable, and undeniable.

America is the nation that invented most of the miracle drugs. This was done through the brilliance of American science and really public investments. They came through the Tax Code, the way we work with NIH. No one should have to choose between lifesaving medication or putting food on the table. No one should have to cut their pills in half to make them last longer. No one should have to spend half of their pension on drugs. That is why we need to pass Baucus-Graham, because we have really a compelling need. Anywhere I go in Silver Spring, MD the senior citizens would rather have a prescription drug benefit that will save $1,700 a year and, more importantly, save a life than a $141-a-year tax credit.

I hope we can get our priorities in order, our books balanced, help get some money into the pocketbooks of our citizens, but let's also make sure we meet the compelling needs of our constituents.

Mr. President, I yield the floor.

Mr. CONRAD. Mr. President, I ask that we go into a quorum call and the time be charged equally.

Mr. REID. Will the Senator yield for a question before we go into a quorum call.

Mr. CONRAD. I am happy to yield.

Mr. REID. I say to my friend who is manager of this legislation, are we arriving at a point shortly where we will be able to vote on this amendment?

Mr. CONRAD. We certainly are on this side. We have used virtually all time off the amendment, and we would be prepared to go to a vote very quickly. I put a call into two offices of Senators who are vitally interested in the prescription drug amendment, and I have asked them to come to the floor immediately. So we are awaiting their appearance, and then we would prepare to go to a vote.

Mr. REID. Will the Senator allow me to ask another question. I think it would be good for the Senate, good for the country, if we voted on as many of these amendments as possible, so that the people of the country know how we stand on these issues. It is my understanding that the Senator has a number of issues he wants to bring up in an effort to amend this vehicle we have before us.

Would the Senator indicate, first of all, if he agrees we should have a vote, and then will the Senator tell us some of the things he hopes we can vote on in the next few days?

Mr. CONRAD. I agree with the Senator from Nevada. I think it would be very useful for us to use our time in a way that is disciplined so that we have a debate and a discussion and that we are able to have votes on a series of amendments after a reasonable debate. As the Senator knows, under the rules, if we have not debated the amendments until the time runs out, we will still vote. We will do it without time for debate. So it is critically important that we be disciplined.

We believe we ought to have amendments on education, on strengthening national defense, on additional paydown of debt, and, of course, we will be having an important amendment on the question of whether or not reconciliation will be used in this process.

So those are just a few of the amendments that will be considered before we are done. It is very important that there be time for debate and discussion so that Members can be informed before they cast their votes.

Mr. REID. If the Senator will yield for one additional question, I think the people in North Dakota believe the same way as the people in the State of Nevada. They believe there should be a reasonable tax cut, but the number-one priority of the people in Nevada is to do something about the extraordinary debt that has piled up. Will the Senator from North Dakota agree that his constituents believe the same as mine?

Mr. CONRAD. I think people in North Dakota have a great deal of common sense. They know that we have piled up an extraordinary Federal debt. As we visit here today, we have a $5.6 trillion gross Federal debt. Under the President's plan, that will increase to over $7 trillion. So I think we have an obligation to the taxpayers of this country, to the fiscal future of our families, to do everything we can to put pressure on this debt, to keep it from continuing to grow. And that is really the focus of the Democrat alternative.

Mr. REID. If the Senator will yield for one more question, is the Senator going to have an amendment offered by someone on this side of the aisle to have a discussion as to whether or not we should pay down the debt more or that all the money should go to tax cuts?

Mr. CONRAD. We will have, in fact, a series of amendments on the question of what the priorities really are for the country. We believe we should have a significant tax cut, but we do not believe we can afford one of the President's size without threatening to said us back into deficit and without threatening to raid the trust funds of Social Security and Medicare. For that reason, we will be proposing a series of amendments to further pay down this national debt.

I notice that one of the Senators is here who has been very active on the question of the prescription drug benefit and somebody who has really been a leader on the Senate Budget Committee in trying to get a prescription drug benefit under the Medicare program, one that would really have the resources to provide a meaningful prescription drug benefit. That would be the Senator from Oregon.

I yield the floor.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. CONRAD. I yield 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank the Chair.

First, I thank the Senator from North Dakota. If there is one change that the Democratic Party has tried to transmit over the last decade, it has been the question of emphasizing fiscal responsibility. I want to make it clear to the Senator from North Dakota how appreciative I am that he has pounded away again and again in the committee and on this floor how important it is to reduce the national debt.

In my view, that is the single most important message the Democrats have tried to communicate over the last decade. I am so pleased he has emphasized it again today.

I will speak briefly on this question of prescription drugs because in the last year I have come to the floor of this Senate more than 25 times to talk about the need for a bipartisan initiative in this area. The fact is, the Baucus amendment, the amendment on prescription drugs, will allow Members to bring together legislators of both political parties to come up with a sensible prescription drug benefit that will contain the spiraling costs that our seniors face.

It would be built around the proposition that there would be defined benefits that senior citizens in every community would be entitled to. It would be a benefit that would be part of the Medicare program. Finally, it would be a benefit that allows containment of costs by offering senior citizens choices and alternatives in the marketplace.

What pleases me about both the Baucus amendment and the alternative that the ranking member, Senator CONRAD, has put before this body, is that it goes right to the heart of the question; that is, ensuring that we have resources to do the job right. The fact is, America can't afford not to do this job right. I hear from physicians in my home State, for example, that they have actually put senior citizens in the hospital in order to get prescription drug coverage because those older people could not afford their medicine on an outpatient basis.

Colleagues, think about the insanity of such a system that can rack up $40,000 or $50,000 worth of costs for medicines in a hospital rather than spending perhaps $500 or $600 on an outpatient prescription drug benefit so a senior citizen can, for example, have a leg ulcer treated on an outpatient basis.

Under the Baucus amendment, it will be possible to have those resources, to bring together Democrats and Republicans in this body, and get the job done right. We all understand the extraordinary revolution we have seen in the medicine field over the last few decades. Everybody acknowledges if we were to design Medicare today, not a Republican nor a Democrat would advocate leaving out a prescription drug benefit. It is going to take the resources to do the job right. It seems to me the Baucus-Graham amendment makes those resources available. By the way, it is an approach that would be consistent with what we did in the Senate Budget Committee last year on a bipartisan basis—Senator SNOWE, Senator SMITH, and I—and is consistent with a variety of other approaches.

I hope my colleagues will recognize what we are trying to focus on today is, first, the single most important message of Democrats in the last decade, which is we have to have fiscal responsibility. That is why we emphasize today the question of paying down the debt. Second, we do want this country to make a handful of well-targeted investments in our future. In my view, one of those key areas would be prescription drug coverage. When it comes to paying for this benefit, this country can't afford not to do prescription drug coverage right.

I yield the floor.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum, and I ask that the time be charged equally to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I will comment for a moment on the role of the Senator from Oregon in the Senate Budget Committee. He has been among the most innovative Members in trying to find ways to extend a prescription drug benefit and to do it with bipartisan support. In the Senate Budget Committee last year, he worked with one of our colleagues on the other side of the aisle, the Senator from Maine, Ms. SNOWE. They offered the amendment that opened the door to a prescription drug benefit last year. It is that model that again is being pursued this year in an attempt to reach across the aisle to find bipartisan consensus on a prescription drug benefit that would be meaningful for the American people.

I wanted to take a moment while he was here to thank the Senator. He has spent countless hours working to come up with prescription drug proposals that would have bipartisan support. I thank and commend him publicly.

Mr. WYDEN. If the Senator will yield briefly, I thank him for that.

What the Baucus amendment does is allow Members to put together that bipartisan effort that would encourage an approach that is within Medicare, with defined benefits, based on real marketplace choices, so there would be cost containment. I thank Senator CONRAD and Senator BAUCUS for emphasizing the two key messages of this party.

First, our message of the last decade, which is that fiscal responsibility is paramount. One does that with the focus on debt reduction. Second, that we can have a handful of well-targeted investments in our country's future. That is what the Baucus amendment does. I am very pleased to be associated with both Senators' efforts.

Mr. CONRAD. I thank the Senator from Oregon for his contribution on the committee.

To give the Senator from Montana a little backdrop, the Senator from Montana reserved 5 minutes off the amendment. That time is still available. It is up to the Senator from Montana whether he wishes to use that time or I am happy to give him time off the resolution. We don't have a Member on the other side of the aisle present, but hopefully there are people watching and listening. We are prepared to go to a vote on the prescription drug amendment. We hope the manager on the other side of the aisle appears in short order and tells us what the plan is on their side. We are prepared to go to a vote in very short order.

I yield 5 minutes off the resolution to the Senator from Montana.

Mr. BAUCUS. Mr. President, I don't want to overdramatize this point, but I think it is accurate. If this amendment doesn't pass, an extremely modest amendment—and I mean extremely—there is a very good chance, more than a 50-percent probability, that this Congress will not pass a prescription drug benefit bill this year.

Why do I say that? I say that because the amount in the resolution is so small that seniors won't use it. Why do I say that? I say that roughly the $153 billion in the budget resolution under earlier estimates would require a deductible of about $2,000. How many seniors are going to want to participate in a prescription drug program with a deductible of $2,000? This is voluntary. This is not a mandatory program under this amendment. It is all voluntary. Contrast that with catastrophic, years ago, which was mandatory; this is voluntary. Seniors will not use it. It is not worth it.

We will be making a false promise if we attempt to pass something such as that. We won't pass it because too many seniors will already have exposed it for what it is.

Instead, we are suggesting, by our amendment, take a very small sliver out of the $1.6, $2.6 trillion tax bill, however you want to categorize it. We know for sure it is a lot more than $1.6 trillion by definition. Frankly, $2.6 trillion is conservative. Take out a small sliver—$158 billion, that is all—and add it on to the $153 billion that is contained in the budget resolution. That adds up to $311 billion over 10 years for prescription drugs. That will be the beginning for a modest drug prescription benefit provision for seniors who now do not have prescription drug coverage because of where they live in the country because they are poor or because no plan offers it.

Do not forget, health benefit plans today providing prescription drug coverage to seniors are every year dropping more and more people from their plans. Medicare+Choice last year dropped 900,000 seniors. The year before, 400,000. Why? Because costs are going up. So they are dropping people out, which forces them back to nothing or any Medicare we may have.

I suggest taking a small sliver—it is small compared to the huge tax cut the President is proposing as contained in this budget resolution—and giving it to the literally millions of seniors who do not have any prescription drug coverage, with the cost of drugs rising as fast as they are and utilization rising as fast as it is. Who is going to be hurt if we cut down one-sixth, two-sixths? It will probably come out of the most wealthy, maybe a sliver out of the estate tax, maybe a sliver out of the top rate. Who knows?

Certainly, according to America's values, our country's priorities, who we think we are as Americans, this only makes sense. There are seniors who are so wonderful—our mothers, our fathers, our grandmothers, our grandfathers, many of whom gave so much to this country through the Depression. Why in the world can't we at least say to them, we will take a sliver out of this tax cut and give it to you, a senior citizen who today has no prescription drug coverage? Because that is what is right.

Let me just say this as a reminder. Senior citizens in America who are not now covered under a prescription drug benefit plan, some company or whatnot, pay the highest prescription drug costs in the industrialized world. That is a fact. That is about 35 percent of American seniors. Up to 50 percent are just inadequately covered or intermittently covered. But 35 percent of American seniors, at least, pay more for prescription drug benefits today than do seniors in any other country in the industrialized world. Where is the United States of America? Where are we? Who do we think we are? We brag about ourselves and our values. Let's step up to the plate. It is a very modest amendment. I urge its adoption.

Mr. CONRAD. I yield 5 minutes off the resolution to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from North Dakota.

As the able Senator from Montana has indicated, we desperately need a prescription drug benefit. The question is, What form is it going to take? Are we going to fund it fully enough so it really has any meaning?

If we go with a prescription drug benefit of about $153 billion, the fact is we are going to end up with deductibles that could be anywhere between $2,000 and $15,000 for people who are sick.

You cannot do that. If you are going to do a prescription drug benefit, you have do it properly, fund it adequately, so all people are able to take advantage of it.

That is done in the Baucus amendment because he, the Senator from Montana, puts it at $311 billion over a period of 10 years. It does the job. It means you are not going to have people paying so much out-of-pocket expense that they simply cannot afford to go down and get prescription drugs at all.

I would say, in the panoply of things that are needed by Americans, a prescription drug benefit, the prospect thereof, the psychological benefit thereof, the medical benefit thereof, is virtually at the top of the list.

We very recently passed something called a Coal Miners' Health Benefit Fund Program. It was approved by OMB, which never does that kind of thing, because they believe that a prescription drug benefit used on people of average age 80 years will in fact save money for Medicare, keep people out of hospitals, and keep people from having to use other parts of Medicare, thus saving money overall for Medicare. We are never going to find out what we can do with prescription drugs, how much cost we can either save or not, until we do something and do it fully. The Baucus amendment does that, and I hope it is successful.

I yield the floor.

Mr. CONRAD. Mr. President, I yield myself 2 minutes off the resolution.

I thank the Senator from West Virginia for his comments on the prescription drug benefit. There is perhaps no senior member of the Senate Finance Committee who is more knowledgeable about health care issues than the Senator from West Virginia. The Senator from West Virginia has led the fight to expand health care coverage, including a prescription drug benefit, on the Senate Finance Committee. We very much appreciate his leadership.

With that, Mr. President, I yield the floor. I suggest the absence of a quorum, and I ask we charge the time equally on the resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to ask the Senator from North Dakota to yield me some time.

Mr. CONRAD. I am happy to yield 10 minutes to the Senator from Nevada.

Mr. REID. I appreciate that very much.

I am very concerned. We talked very briefly a little while ago about this. We keep talking about a tax cut. People in Nevada realize, if we pay down this huge debt in any way, it will be a tax cut for everybody. It will be a tax cut for everyone because we know if this burden is taken away from the American people, they will pay less for their car and their boat—if they are fortunate enough to have one—certainly their house, and the debt they have on their credit cards every month.

Does the Senator agree, one of the biggest tax cuts we could give the American people is to pay down the debt?

Mr. CONRAD. I think, if we have learned nothing else from the 1980s, the one thing we should have learned is that the best strategy is one that puts our fiscal house in order and keeps it there. It is eliminating deficits and beginning the process of paying down debt that has helped us trigger the longest economic expansion in our Nation's history.

When I look at the proposal on the other side, I see they talk about paying down the maximum amount of publicly held debt. But if you look on page 5 of their proposal, the amendment that was offered here by the chairman of the Senate Budget Committee, the public debt, which is currently listed at $5.6 trillion, rises under that proposal to $6.7 trillion. That is under the headline of public debt.

They have talked a lot about reducing the publicly held debt, but here is the chart. Here is what has happened to the gross Federal debt from 1980 where, you can see, it was $909 billion. In 1999 it has gone up to $5.6 trillion. Under their proposal on page 5, they would take this debt up to $6.7 trillion. That is the proposal they have before this body.

Mr. REID. Mr. President, will the Senator yield? I think I have the floor. I would like to develop this colloquy a little bit.

What I heard the Senator say, as I have said on the floor before—I believe there is no one in Congress who knows numbers better than the Senator from North Dakota on the Budget Committee—is if we pass the budget that is now before this body, as it is written, the public debt will go up and not down. Is he saying that?

Mr. CONRAD. I am saying what this document says. This is not my calculation. This is their calculation. This is their document. This is their amendment.

Mr. REID. Will the Senator repeat how much it goes up?

Mr. CONRAD. It goes from $5.6 trillion today—that is where this chart leaves off. And under their proposal the public debt goes up every year until it reaches $6.7 trillion.

Mr. REID. My friend has talked a lot the last month about an idea that I hope is going to be in the form of an amendment to this budget. As I understand what the Senator from North Dakota has been advocating, if, in fact, we have a surplus—and thank goodness we do have a surplus—one-third of that should be applied toward reducing the debt, one-third should be used to give the American people a much deserved tax cut, and one-third should be left so that we can do something about the huge class sizes—reduce class size, build some new schools, fund IDEA, the program for the physically and emotionally disadvantaged children.

Hasn't the Senator talked about the need to have one-third for tax reduction, one-third for deficit reduction, and one-third to make sure we can fund some of the programs that even President Bush says we need? Is the Senator going to do that in the form of an amendment to this package?

Mr. CONRAD. Yes, we will. I think part of the confusion comes from the language that we use. Our friends on the other side of the aisle are talking about reducing the publicly held debt. That is not the full debt of our country. The gross Federal debt is the full debt.

They talk about having the maximum amount of reduction in the publicly held debt. At the very time they are doing that, we are seeing the gross Federal debt of the country continuing to climb.

Their budget does not do anything about this long-term debt expansion.

That is the difference between us. We not only are dedicating more of the projected surplus to paying down the publicly held debt, which is really the short-term debt—that is the debt that is outstanding in the public—but we are also offering for the first time that anybody has had a budget proposal before this Congress to do something about this gross debt, this long-term debt, this debt that is building in Social Security and Medicare. It is a liability out there that is growing geometrically.

This has already happened to the gross debt of the United States. It has skyrocketed and it will continue to grow under the proposal that our friends on the other side of the aisle have made. Their own budget document says they are going to take the gross debt of the United States, which is $5.6 trillion today, and increase it to $6.7 trillion all the while they talk about a massive tax cut. It really makes you wonder if there is not confusion about language here.

Mr. REID. When we talk about saving one-third of the surplus for programs, one of those programs is something that President Bush talked about wanting. And that is now the subject matter of the first amendment before this body; is it not? That is a prescription drug benefit for Medicare.

My first elective job was as a member of a hospital board—at that time the largest hospital in Nevada, Southern Nevada Hospital. It was in 1965 that Medicare came into being. Medicare is a wonderful program. It has been proven to be a great program even since then—imperfect but it is a good program. But in 1965, when Medicare came into being, there was no need for prescription drug benefits because there were not a lot of prescriptions that met the needs of the senior population at that time. It has only been in the last 35 years that prescription drugs have come out that now keep people alive. They can make people more comfortable, and they heal people.

How can we as the only superpower left in the world have a program for senior citizens to take care of their medical problems and we don't have prescription drug benefits? It is my understanding that in the Senator's amendment, one-third is going to be reserved for programs. Part of that money will be used for a prescription drug benefits for seniors. Is that not right? And in the program that the Republicans have offered, there is no money in their prescription drug benefit.

Is that fair?

Mr. CONRAD. As we have said, this program provides half as much for prescription drugs. The budget proposal that they have made provides $153 billion. But everybody acknowledges that is not sufficient and that there is simply not enough money there to provide a meaningful prescription drug benefit.

They are engaged in a little bit of what I would call fiscal sleight of hand.

If you look at our proposal, we take this projected surplus, and we are quick to acknowledge that this is a 10-year projection. It is highly unlikely to ever come true.

We believe the prudent thing to do is to be cautious in light of the basis of all we are doing being a 10-year forecast. We save all of the money for the Social Security trust fund, all of the money for the Medicare trust fund, and with what is left we talk about one-third for a tax cut, one-third for these high-priority domestic needs, including prescription drugs and infrastructure and education.

Anyone who has flown or driven on a highway knows that we need additional funds for infrastructure in America. And education is the highest priority of the American people for additional resources.

We also believe we need to strengthen our national defense and then provide additional resources especially for health care and disasters. Because we know we are going to have a certain number of disasters every year, we believe we ought to provide funding for it.

Finally, the last one-third would be for long-term debt and to strengthen Social Security and provide a strategic reserve in case these forecasts are wrong; then, of course, the interest costs associated with all three of those.

We believe we have a cautious, conservative program—one that dedicates the vast majority of the money for debt reduction.

Here is why: The Social Security trust fund money is not needed for Social Security at the moment. That goes to pay down the publicly held debt. The President uses $2 trillion of that money for the same purpose—to pay down the publicly held debt.

We also reserve all the Medicare trust fund money. That will go for paying down the publicly held debt. We have $2.9 trillion reserved for debt paydown.

In addition to that, we have another $750 billion for our long-term debt. This is where our friends on the other side don't have a nickel for this purpose. They don't have any money to deal with the long-term debt.

In our proposal, of the $36.5 trillion forecasted surplus, we are reserving $3.65 trillion for the paydown of short-term and long-term debt. That is in comparison to the President's plan that only has $2 trillion. We have nearly twice as much to pay down long-term debt and short-term debt.

Mr. REID. Will the Senator yield 5 more minutes?

Mr. CONRAD. If you do not mind, we should ask the Senator from Minnesota who is next on our list.

Mr. REID. If I could just ask one more question.

Mr. CONRAD. I yield an additional minute to the Senator.

Mr. REID. Will the Senator indicate why he put his $2.7 trillion across from non-Social Security and non-Medicare? Why is that in red?

Mr. CONRAD. That is in red because we believe it would be profoundly wrong to use any of the Social Security trust fund money or any of the Medicare trust fund money for other purposes. That has been done in the past. We have just stopped doing it in the last 3 years. We believe we shouldn't go back to the bad old days of raiding the trust funds and using the money for other purposes. We have reserved all of the Social Security money and all of the Medicare trust fund money for the purposes intended.

I thank the Senator from Nevada for his questions. I ask the Senator from Minnesota how much time he would like.

Mr. WELLSTONE. I say to my colleague, I am actually speaking on the amendment. I can do this in under 5 minutes.

Mr. CONRAD. I yield the Senator from Minnesota 5 minutes off the resolution itself.

The PRESIDING OFFICER (Mr. BOND). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, later on I will have a chance to come out here, with my colleague, Senator HARKIN, with an amendment that deals with funding for education and children. That is the heart and soul to me. I guess if there is any one issue that I am more emotionally connected to than any other, it would be anything and everything that deals with children and education.

But I have listened carefully to this debate. I want to say this: We have all the numbers. The Republicans have $153 billion. I think we have $311 billion or thereabouts. I want to get away from the numbers and just simply say this about this debate. For a good period of time that I have been a Senator, we were running deficits. The goal was deficit reduction. Then I had hoped that when the economy began to do better, and we began to see surpluses—I hope we will continue to do so; who knows what will happen over the next few years—but I had this hope that now, with an economy that was doing better, and with some surpluses, that finally—finally—as a Senator from Minnesota, I would be able to do really well for people. It would not just be stopping the worst, it would be doing the better.

I mentioned children and education, but I want to mention elderly people and prescription drug coverage. I can tell you, in the State of Minnesota, 65 percent of the elderly people, senior citizens, have no prescription drug coverage whatsoever. They have no coverage at all. I can also tell you all of the stories about people who cut the pills in half—and you have heard them all—or the stories about people during the cold winter where it is either they are going to be able to afford a prescription drug or have heat because if they get their prescription drug, they can't afford their heating bill and they go cold.

I want to do this a different way. I want to say to my colleagues on the other side of the aisle, I had two parents with Parkinson's disease—two parents. That is rare. Both of them took the drug selegiline. It is not an inexpensive proposition. When I think about my own parents, and my mother Mencha Daneshevsky, who was a cafeteria worker, she didn't make much money. My parents did not make much money. I think they made something over $20,000 a year. I don't know what their income was; they didn't really tell me. But believe me, it was a moderate income.

What we have out here is a choice. Either you are in favor of Robin-Hood-in-reverse tax cuts, with maybe 40-plus percent of the benefits going to the top 1 percent, or you are in favor of making an investment above and beyond reducing the debt and protecting Social Security and Medicare that everybody is talking about on our side of the aisle—and I say good—and you are also for making some investments in people, you are for making sure that senior citizens—our parents and our grandparents, who built this country on their backs—are able to afford prescription drugs.

The benefit offered by the other side would not have helped my parents much, and it does not help most of the people in Minnesota who are senior citizens. I do not know why we can't do this.

Any day of the year, I am comfortable saying to people in Minnesota I did not go for the $2.5 trillion in tax cuts. I wanted to go for some tax cuts. I wanted to go for tax cuts that would be a stimulus. I wanted to go for tax cuts that would in the main help working families, but I did not go for the $2.5 trillion. Too much of it was Robin Hood in reverse.

Most important of all, I did not go for it because I felt if we had a surplus, we could live up to our commitment to making sure that we could afford prescription drugs. I don't know why we can't do that. I don't know why we can't get real. And I don't know why we can't spend the amount of money that we need to spend to make sure that people in our States—elderly people, senior citizens—can afford prescription drugs. I just don't understand that.

So we will have a vote. I think the vote is on a basic value question. It is a matter of priorities. I want to come out on the floor and indicate my strong support for this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Minnesota. I appreciate his contribution to the debate.

Let me just say to colleagues, very soon we will be going off this amendment. The other side has announced their intention to provide an amendment in the second degree to our amendment. I wish they would not do that. I wish they would permit a straight consideration of our amendment by the body. But they have announced their intention to amend our proposal in the second degree, and then we will have a debate on the amendment that they offer. That is being drafted.

So if there are colleagues who are listening, if they would like to come to the floor to give their opening remarks on the budget resolution, this would be a good time to do that. We have called a number of offices for those who are in line in terms of the informal queue we have here to speak on the resolution. But if you would notify your Members, those who are in the queue, to come, this would be a good time to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, please.

The PRESIDING OFFICER. Please state the parliamentary inquiry.

Mr. DOMENICI. What is the status in terms of time on the amendment from the other side, the Democrat amendment?

The PRESIDING OFFICER. There is 30 minutes remaining on the Baucus amendment for the Senator from New Mexico and 7 minutes for the Senator from Montana.

Mr. DOMENICI. OK. Mr. President, I yield myself 10 minutes. I say to my good friend, the ranking member, and Senator REID, we clearly do not intend to take a long time before we are ready to vote on this amendment except we will offer a second-degree amendment. It is just being written up. And it is moving a lot of numbers around, which is not easy, as you all know. But that is being done as expeditiously as possible.

Let me suggest that in the basic budget that we bring to the floor, we have a number in it that is proposed to be used for prescription drugs, along with reform of Medicare; that number is $156 billion.

I understand what the Democrats would like to do now, and everyone should just understand it is probably the beginning of a few more like this. They would take $156 billion of what our President proposes that we consider the tax cut for the average American—and the marriage tax penalty, and a solid death reform measure, and, indeed, making sure that the American families with children get a doubling up of their child credit—that all of that might fit in this $1.6 trillion, but we do not know what parts of it. But we are saying, let's give it a chance.

This amendment says, let's take $156 billion of that, and let's take it out of the tax relief measure and put it into a fund for Medicare prescription drugs or into the Medicare Part A trust fund. We do not think that is necessary. We do not think you have to take anything out of the tax cut that is planned in order to make sure we have sufficient revenues, sufficient resources to take care of prescription drugs. We can do that.

As a matter of fact, we will propose an amendment that will be a second-degree amendment to that one. We will propose one that will, indeed, take care of and make sure that our senior citizens know that there is going to be ample money for them and their prescription drug program. In fact, it could be perhaps as big as the one being recommended. It is just that none of us knows. None of us knows precisely what that program is going to cost because it involves reforming Medicare, and a prescription drug program. If you listen to the voices, they are all over myriad programs in terms of what prescription drugs might look like.

So essentially, in due course, we will say, here is our proposal. And just so everyone understands, we will not use any of the President's tax relief program that is for average Americans, for married couples, for those others who might be considered as part of the tax relief effort.

Again I remind everyone that Senators can come to the floor from either side and tell us what, indeed, this tax plan is going to look like because they choose to pick a part of the President's proposal—understand it is a proposal—or they choose a part of what somebody else is going to propose that is going to be part of this tax plan and talk as if we are doing that in this budget resolution.

I am sure that before we are finished, a few people listening who did not want to learn about budget resolutions will learn a little bit because we have to talk a little bit of budget language but not very much.

Essentially, no one knows what the tax bill is going to look like. In fact, I am sure the Presiding Officer in his home state of Missouri has talked to his people as to what he thinks it is going to look like. I am quite sure he did not say that it is exactly, in every respect, what the President has proposed because we do not know that.

What we know is that $1.6 trillion out of a $5.6 trillion estimated surplus can be used for tax reduction for the American people. That is what we know—$1.6 trillion, not $1.6 trillion minus a whole bunch of things, such as the $156 billion we would take out of that tax reform proposal. We take it out and make it $156 billion less.

When that Medicare prescription drug plan comes up—and we will talk about our amendment—we will talk about what it ought to be, and it will be related to something very practical on which everybody can count. Then it will say that we do not need to take it out of the tax relief package if, indeed, it costs the maximum amount we are going to allow, which I do not believe it will. We would not be taking that money from the taxpayers. They would be getting their full tax cut. We would take it out of the contingency fund in this budget.

As I understand it, when I started, there were 20 minutes remaining on the amendment—10 minutes on the Democratic side on the amendment.

The PRESIDING OFFICER. Seven.

Mr. DOMENICI. That does not mean if someone wants to talk with the time coming off the budget resolution they cannot.

I want to finish our discussion on the amendment and offer our second-degree amendment and have a vote on it. It would be a very good thing for us to explain to the American people how we are going to take care of Medicare without reducing the tax cut Americans can look forward to in various forms. The committee that writes tax laws will write that particular bill.

If my friend is willing to move ahead so we can offer the amendment, I am willing to yield back——

The PRESIDING OFFICER. The Chair advises the Senator from New Mexico, there are 7 minutes under the control of the Senator from Montana and 23 minutes under the control of the Senator from New Mexico.

Mr. DOMENICI. I reserve the remainder of my time. I am finished for now, if the Senator from Oklahoma wants to speak.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I hope our Republican friends are not going to propose that we have a magic asterisk for a prescription drug benefit. I hope they are not going to come in with a second-degree amendment that says: We are just going to have this money come out of thin air somewhere, and we are going to provide an unspecified amount of money for a prescription drug benefit and not identify precisely from where that money is coming.

On our side, we have reserved the Social Security and Medicare trust funds in total for the purposes intended. We have not permitted a raid on those funds for any other purpose.

With what is left, we provided a third for a tax cut, a third for these high-priority domestic needs, including a prescription drug benefit fully funded, fully identified, and the final third to deal with long-term debt, strengthening Social Security so that when the baby boomers retire, that promise can be kept.

What I am hearing is that the Republicans may propose to open up the Medicare trust fund to provide a Medicare prescription drug benefit. That, to me, would be classic double counting. That trust fund for Medicare is needed to keep the promises that have already been made. If they are now going to make a new set of promises and fund it out of that same trust fund, that is the kind of double counting that will get this country into financial trouble. That is exactly what happened in the 1980s that plunged this country into dramatic deficits and a vastly expanded debt.

Let's put up the chart about what happened back in the eighties. I hope we do not forget the lesson we learned then. Let's go back to 1980 when we had the proposal for massive tax cuts combined with a big buildup in national defense. We can see what it did to the debt and deficits of the United States. The debt skyrocketed in the decade of the eighties.

If now we are going to hear this same old siren song—massive tax cut—and then we are going to also have big new spending priorities that are supposed to come out of trust funds that are already committed, that is exactly the kind of fiscal folly that did such damage back then. The difference is we had time to recover in the 1980s. There is no time to recover in this decade because, at the end of this decade, the baby boomers start to retire, and then we will see the full results of fiscal missteps, of fiscal mistakes. If we have oversubscribed this projected surplus, we will pay a terrible price as a nation.

I hope very much we do not go back to the bad old days of debt, deficits, and decline. That is not the way to proceed. Instead, we ought to be cautious; we ought to be prudent; we ought to reserve the trust funds for the purposes intended and not use them for any other purposes.

Mr. President, if I can inquire as to the time remaining on the budget resolution.

The PRESIDING OFFICER. The Republican side has 21 hours 53 minutes; the Democratic side has 20 hours 5 minutes.

Mr. CONRAD. I thank the Chair.

Mr. DOMENICI. How much was there on the Republican side?

The PRESIDING OFFICER. Twenty-one hours 53 minutes.

Mr. DOMENICI. Plenty of time. I suggest the absence of a quorum and ask it be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent the time I speak be charged to the Senate resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to make a couple of comments in regard to Medicare, Medicaid, and prescription drugs, and to speak in opposition to the amendment pending before the Senate now, offered by my friend and colleague from Montana, Senator BAUCUS. This amendment purports to say we will do something positive on prescription drugs. It actually takes drugs away from low-income people next year, in the year 2002 and the year 2003.

The underlying budget that Senator DOMENICI proposed in the President's budget put in significant dollars, $11.2 billion in 2002, $12.9 billion in 2003, and $14.8 billion in 2004, for low-income people, to get immediate assistance to help them buy expensive drugs. It employs medicaid to help those who can't help themselves; let's get that money to them, through the States, and make it effective now.

Unfortunately, the amendment before the Senate strikes that language. It eliminates the $40-some-odd billion of the President's Helping Hand Program and increases Medicare, raising taxes and spending, without Medicare reform.

I happen to be on the Finance Committee. I am in favor of Medicare reform. I want to improve Medicare and to provide prescription drug benefits. I think we can do that. To say we don't want to do anything for low-income people in the first 3 or 4 years, and to create a new entitlement for Medicare without reforming and saving Medicare simultaneously, in my opinion, is a serious mistake.

This amendment, while very well intended, would do damage to the system. It would not get prescription drugs to the people who desperately need help, and need help now.

Everyone in this body knows that Medicare is a ticking time bomb. We need to save it. We need to expand benefits—including prescription drugs—but it cannot all be done simultaneously. We can do it the right way, this Congress and in a bipartisan fashion.

Elimination of the Helping Hand Program, where we give assistance to those who need it the most, would be devastating. I urge my colleagues to work together, see if we can't do both, see if we can't get assistance to the States to help those who really need it, immediately, so we can have some assistance in the year 2002.

For an example, under the President's proposal there is $11.2 billion in the year 2002 for drug assistance for low-income people; under the Baucus amendment, there is only a $100 million expenditure for prescription drugs.

Certainly the Domenici proposal, the President's proposal, does a lot more in the year 2002.

I compliment my colleague from New Mexico. I urge our colleagues not to support the underlying Baucus amendment and see if we cannot come up with something to provide a prescription drug benefit in Medicare, as well as reforming Medicare. I disagree with those who say we shouldn't use Medicare trust funds to do that, to help pay for prescription drugs.

Medicare is financed by a payroll tax, on all wages, at 1.45 percent. That is matched by the employer, with another 1.45 percent. If my math is correct, that is 2.9 percent on all payroll. There was an enormous tax increase for Medicare that was enacted as a result of President Clinton's tax increase in 1993. This was when they increased the base for Medicare taxation away from the Social Security base, which right now I believe is $80,000. The Democrats put a tax on all wages, even if wages equal $1 million or $2 million or $10 million. A tax of 2.9 percent on all wages to help pay for Medicare.

The reason there is a surplus in Medicare funds is because of an enormous tax increase. Basically, it is a payroll tax. It is not a Medicare tax as we know it. It is a payroll tax increase passed by the Clinton administration in 1993.

This is a new tax for anybody who makes over the Social Security base amount, which used to be 70-some-thousand dollars and is now climbing up. Why not let those people help pay for Medicare prescription drugs? I heard the argument, we can't use Medicare tax to pay for Medicare benefit. I disagree with that. I don't think that makes sense.

I urge my colleagues to use common sense, to use Medicare funds to pay for Medicare benefits. That includes prescription drugs. Do it in context with overall Medicare reform. Increasing benefits, without fixing the system, when we know demographically we have some challenges ahead—is only doing a small part of the job. Unless we take every step necessary to reform and provide benefits we are making a mistake.

Mr. CONRAD. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. CONRAD. What happens, if you take a prescription drug benefit out of the Medicare trust fund, to the solvency of the Medicare trust fund?

Mr. NICKLES. Mr. President, I think my colleague raises an interesting point. What my colleagues have tried to do on the Democrat side is to institute a new Medicare benefit without financing it by Medicare. In other words, use general revenues to finance anything.

I think if it is Medicare, it ought to be financed under the Medicare system. Maybe that is old fashioned. But if we are going to give it the Medicare designation, that is what it should be. A lot of people want to move a lot of different funds and have general revenues subsidize Medicare, but Medicare taxation is growing, and growing substantially.

Let me give a couple of examples. Maximum taxation right now for a person who makes $76,000, paying Social Security and paying Medicare: Social Security tax equals $9,000; Medicare tax equals over $2,000. I remind my colleagues they have to pay for those taxes with aftertax dollars. They already have to pay income tax on those dollars to pay Social Security and Medicare tax. I am not sure everybody is aware of that. I think it is grossly unfair. Maybe one of these days we will be able to fix that. Right now, we haven't fixed it.

So people can understand this dilemma, a person who makes $80,000 has to pay $9,000 Social Security tax, $2,000 in Medicare tax, and they have to do it with aftertax dollars. So to pay that $11,000, in reality they have to make about $14,000 or $15,000. That is the present system.

Now our colleagues are saying: That is not enough; we want to have a whole lot of general taxation—in other words money coming out of your income tax to also pump into the system because we are increasing benefits faster than you can pay for them. That is the argument that is being made on the other side. I disagree with that.

I think to just say let's increase new benefits and to have it outside of any Medicare reform is grossly irresponsible. I tell my friend and colleague, I do not think that makes sense.

I have a couple of other comments on the exploding cost of Medicare. You can almost take whatever estimate is out there and multiply it by two or three and it is still not going to be enough. Many people are proposing prescription drug benefit. If you have a prescription drug benefit that some people are advocating and you do not have proper cost controls and so on, this cost can explode.

Last year in the budget resolution we had a couple of Medicare provisions. We said, let's have $20 billion we can put in immediately and another $20 billion contingent on Medicare reform, for a total of $40 billion over 5 years.

Then, if I remember, the Senator from Virginia, Mr. Robb, came up with an amendment on the floor that said that is not enough. Let's come up with another proposal, let's do it to the tune, if I remember, of $248 billion. That was his proposal. We voted on that proposal. We defeated that proposal. That proposal had enormous cost impacts and an enormous cost share of up to $80 copays, a huge expense. Yet it still was not enough for the Democrats.

Now we have a proposal that is not 100 and not 40 over 5, not 138—that is the President's proposal—over 10. Somehow that is still not enough, even though it is a lot more than we passed last year. The Democrats want to double the President's figure.

They have not calculated a program and they do not have an estimate of what the copays are going to be. They don't have anything. They say whatever you have, we are going to double it and you cannot use Medicare funds to pay for it. That simply does not make sense.

If somebody makes $1 million, 2.9 percent of that is $29,000. There are a fair number of people who make that amount. There is a lot going into Medicare, and we are not going to let them use some of that money for prescription drugs? That is the argument being made on the other side. It just does not make sense.

I urge my colleagues to go about dealing with prescription drug benefits in a fiscally responsible way, not just to try to score points. It is not responsible to double the figure just because there is political capital in doing so. Let's work together to come up with something that is financially responsible, that is solvent, that will not be putting our kids at a disadvantage.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I was very interested to hear the lack of response to the question that the Senator from North Dakota posed to the Senator from Oklahoma. The Senator from Oklahoma answered every question except the one that was posed to him. The simple question that was asked was what happens to the solvency of the Medicare trust fund if you use money out of that trust fund to provide a prescription drug benefit?

The correct answer to that question is, you reduce the solvency of the Medicare trust fund. You make the trust fund go broke even sooner. That is what this chart shows.

If you raid the Medicare trust fund to provide a prescription drug benefit, you make Medicare go broke sooner. That is why we on our side have taken the fiscally responsible course. The fiscally responsible course is to pay for a prescription drug benefit but not to touch one dime of the Social Security trust fund or the Medicare trust fund because that only endangers the solvency of those trust funds.

So we have proposed a fiscally responsible plan, one that protects every penny of the Social Security trust fund, every penny of the Medicare trust fund, and then, with what remains, provides a tax cut with one-third of the money; with one-third of the money provides for the high-priority domestic needs including a specific program for prescription drugs. No, no, this is not just a matter of putting up a number. This is based on policy. This is based on a plan that is a prescription drug plan that is universal. Everybody who is eligible for Medicare can sign up. It is voluntary. If you do not want to belong, you do not have to belong. It provides enough support so people would actually be in the program, so you are not just getting the sickest people in and have a program that will not stand scrutiny over time. Then, with the final third, to fund this long-term debt that is growing because of our Social Security liability.

That is a fiscally responsible plan. We do not rob Peter to pay Paul. We do not raid the Medicare trust fund to provide a new set of benefits when you need the money in that trust fund to keep the promises already made.

The correct answer to the question I posed to the Senator from Oklahoma is, if you take money out of the Medicare trust fund to fund a prescription drug benefit, you hasten the insolvency of the Medicare trust fund. It goes broke sooner. We should not do that. That is a mistake.

I thank the Chair.

The Senator from Montana wants time off the resolution?

Mr. BAUCUS. Five minutes?

Mr. CONRAD. I yield to the Senator from Montana for 5 minutes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I listened closely to my good friend, the Senator from Oklahoma, and his basic arguments against the pending amendment. As I heard him, he had a basic argument that the pending amendment would not provide benefits fast enough. I take it that he would rather follow the provisions contained in the budget resolution, which he believes will get benefits to seniors more quickly.

I do not know if my good friend knows, whenever we have tried that in the past—that is, block grant programs like CHIP—it takes States a couple of years at least to implement the program. It is never something that comes up and is implemented right away.

Second, a lot of States do not want the provision that is contemplated in the budget resolution. Why don't they want it? Because they cannot afford it. They do not have the matching funds.

Furthermore, some State legislatures like Montana's meet every other year. Consequently, it would take a couple of years for those States to enact the measure that is contemplated by the ideas of the Senator from Oklahoma.

I might also add, for those States that already do have a plan in place, they will just use the Federal money to substitute for the State money. It is a zero sum game. We are not adding anything. The evidence and testimony before our committee are clearly along those lines.

I might also say that if the majority is thinking of getting a prescription drug benefit out of the contingency fund we hear so much about, they should just work out the numbers. I know these are the numbers the Senator from Oklahoma is working off of. They show that in the years 2005 to 2006, the contingency fund for those years will be in deficit by about $5 or $6 billion. That means that if there is any kind of meaningful prescription drug benefit program, it has to come out of the hospital insurance trust fund. There are only two places it can come from.

We need to provide help for our States—particularly rural States—and rural hospitals. It is difficult for them to makes ends meet under Medicare. It is important for all of us to remember that more than half of the income for some rural hospitals is from Medicare receipts. Raiding the hospital trust fund would hurt those rural hospitals, and that's not something we want to do.

I also want to lay to rest a misconception that might exist. The amendment I am offering contemplates Medicare reform. It does not preclude Medicare reform. In fact, the chairman of the committee and I, my staff and the staff of the chairman of the committee, have been talking about different Medicare reform options to go with a prescription drug benefit. It is true that there are all kinds of different Medicare reform provisions. Obviously, the most extreme are not going to be passed this year.

My amendment basically says, OK, there is probably not going to be enough money in the contingency fund.

And if our only other option is the hospital insurance trust fund, we certainly don't want to do that. I suggest taking a very small sliver out of the President's tax cut proposal—about $158 billion—to fund a prescription drug benefit for our seniors. That $158 billion would supplement the $153 billion that is already contained in the budget resolution, providing $311 billion total for a prescription drug benefit that is going to work and that is paid for.

I believe that when you do something, you should do it now, and do it right the first time. "Right the first time" for me is enough to come out to get the program started.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. CONRAD. Mr. President, how much time will the Senator from North Carolina need? I will provide 10 minutes off the budget resolution.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 minutes.

Mr. EDWARDS. Thank you, Mr. President.

We are at a unique time in our country's history. We have an opportunity to do things that we haven't had the chance to do before. But in order to take advantage of this unique moment in our country's history, we must make the right decisions and make the right choices. I think we have to begin by being straight with the American people.

First, we need to be honest about the fact that none of us know what is going to happen 5, 6, or 7 years from now. For us to suggest otherwise is nonsense. The American people do not know what is going to happen, and we don't know what is going to happen. Any reputable economist in the country will say that there is no way to predict what is going to be happening 5 or 6 years from now in our economy.

Second, in being straight with the American people, we need to stop suggesting that we can have it all. There is a suggestion being made by some people in Washington that, in fact, we can have it all. We can have a huge tax cut. We can do everything we need to do for our public school system. We can give you prescription drugs. We can do everything we need to do to help our military men and women. We can have everything. Well, that is not the truth. That is not being straight with the American people. And I think the American people know this.

There are two basic principles around which I hope this debate will revolve. First, we don't know what is going to occur 5 or 6 years from now; second, no American family can have everything and we as a nation can't have everything.

First, on the issue of what is going to happen 5 or 6 years from now, what we know from experience is that when budget surplus projections were made—actually, they were talking about the deficit at the time in the Reagan administration—the projections were off by hundreds of billions of dollars. When George Herbert Walker Bush was President of the United States, exactly the same thing occurred. The projections were off by hundreds of billions of dollars. The same occurred in the Clinton administration. Common sense would tell us that the current projections are just as speculative. The Secretary of the Treasury and Chairman Greenspan have all suggested exactly the same thing.

So what we know with certainty is that we cannot predict where we will be 5 or 6 years from today.

The President's tax cut is loaded to the last 5 years of their 10-year period. The bulk of the costs and the bulk of the benefits fall in that last 5 years. It is also during that last 5 years that most of the projected surplus falls.

We have two things occurring simultaneously. The bulk of the costs of the tax cut and the benefits occur at exactly the same time that the bulk of the surplus projection occurs, and also at the same time that those surplus projections are riskiest, when they are least reliable.

Does it make common sense for us to have a huge tax cut, the bulk of which coincides with the time when the surplus projections are at greatest risk for being wrong? We know these projections are going to be wrong. That is the one thing we don't have any doubt about. We just do not know how wrong. And we need to be straight with the American people about that.

So knowing these projections are going to be wrong, what is the sensible thing to do? The sensible thing to do is to have a more moderate tax cut that protects Social Security, that protects Medicare, and make sure the tax cut is fair to all the American people.

If 5 or 6 years from now—and we can't predict right now what is going to occur—the surpluses actually exist, and we have enacted a moderate tax cut, we have done everything we can to pay down the debt, and if we have protected Social Security and Medicare, we can do something else. We can do another tax cut.

In the alternative, or even in addition, we can also do something about what we know is coming in the next decade—the retirement of the baby boomers. No one is talking about that, but this is going to put a tremendous strain on the Social Security system. But we know it is coming.

One suggestion which has been made by the Concord Coalition is that we have mandatory IRAs; that we use some part of the surplus at that point to provide mandatory IRAs to the people around the country, which helps deal with the demographic shift that we know is coming in the next decade. This is something we can talk more about, but we need to start focusing on this before it is too late.

What I am suggesting is the common sense thing to do, knowing the unreliability of the surplus projections, knowing that we need to pay down our debt, knowing that we need to protect Social Security and Medicare, is to have a more moderate tax cut now and to pay down the debt to the extent we are able to pay it down.

No one in this body wants to saddle our kids with these huge interest payments that are being made now on our national debt. And we don't want to pass the debt itself on to our kids either. The best thing we can do for them is make sure we pay down this debt.

In addition to that, we don't want to make our kids take care of us because Social Security is insolvent. They shouldn't have to take care of us because we failed to protect Social Security.

We have an extraordinary opportunity to address these problems right now. The key is that we not squander it.

Second, I want to emphasize that we must be straight with the American people and not suggest to them that they can have everything. It is just not the truth.

We can have a tax cut, and we should have a tax cut. But we can't have a tax cut of the size the President is proposing and do all the other things that are being talked about—education, for example.

Having been to schools all over my State in North Carolina, I know how desperately we need to make a real effort to improve our education system in this country.

We have actually done some great things in North Carolina. Some of what the President is proposing is patterned after North Carolina—tough accountability, measurement, identification of the schools that are not performing, that are low performing, and making an intense effort to turn those schools around.

This is what we did in North Carolina when we went through that process and identified the schools that were low performing, in addition to having tough accountability, we sent real experts in to turn the schools around. In those schools that are in poor school districts that did not have the resources, we helped them; we gave them the resources they needed to turn the schools around.

We know that needs to be done. Unfortunately, under this budget resolution, that is probably impossible. We cannot expect to have effective education reform if we don't commit ourselves to do what is needed. We have to have a balanced, thoughtful approach to this issue.

Secondly, I want to mention our military men and women. We have military bases that are very important to us in North Carolina. I have been there. I have talked to our military men and women. These are people who are devoting their lives to protect us, to defend us. They have, in many cases, inadequate housing. Some of them are having to live on food stamps. This is an embarrassment to us as a nation.

We have to do something for our military men and women. The problem is, we can't do everything. We can't have a huge tax cut and still do what needs to be done in these other areas. But what we can do is have a more moderate tax cut that doesn't jeopardize our commitment to important national interests and that doesn't jeopardize Social Security and Medicare. And most importantly, we can pay down the debt, not saddle our kids with it.

What we ought to do is not spend money we do not have, to not spend money if we have no idea whether it will ever come into existence. Why is that not the responsible thing to do?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator has expired.

Mr. EDWARDS. Mr. President, I ask unanimous consent for an additional 5 minutes off the resolution.

The PRESIDING OFFICER. Does the Senator from North Dakota yield an additional 5 minutes?

Mr. CONRAD. I am glad to give 5 minutes off the resolution.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 5 additional minutes.

Mr. EDWARDS. I thank the Chair.

Mr. President, the key to this—in this debate, and in our discussion, our dialog with the American people—is that we tell them the truth. We do not know what is going to happen 5 or 6 years from now. In addition to that, we have to be responsible when we decide what to do about this budget resolution. They can't have everything. They know it. American families can't have everything they want, and they know as a nation that we can't have everything we want.

We also have to make absolutely sure that this tax cut we enact is fair; that it is fair to everybody; that the benefits are not directed at a particular part of our society. We need to make sure that everybody gets a benefit—including those people who work but only pay payroll taxes and don't pay income taxes; those people need to be included in any tax cut.

We need to make sure it is balanced so that middle-income people all across this country get a substantial benefit, so that working families get a substantial benefit.

So the principles we should be guided by are: No. 1, having a moderate, fiscally responsible tax cut; No. 2, making sure Social Security and Medicare are protected; and, No. 3, making sure this tax cut is fair—fair to all Americans, not unfairly benefitting one part of our society.

In conclusion, we are at a remarkable moment in our country's history. We have a chance to have a real impact not only over the course of the next decade but over the course of the next century. But we can only do it if we make the right decisions, if we are careful and deliberate and thoughtful, and if we are straight with the American people. We can have a balanced, moderate tax cut, giving real tax relief to the American people. We can pay down our debt, which is the responsible thing to do. We can preserve and shore up Medicare and Social Security. And we can have a tax cut plan that is fair to all Americans. But in order to do that, we have to begin by telling the American people the truth. And the truth is, we don't know what is going to happen 5 or 6 years from now, and they can't have everything.

We as a nation have important decisions to make. We have important choices to make. Those choices are going to have consequences for our country, and for our children.

Mr. President, I yield the floor.

Mr. NELSON of Florida. Mr. President, will the Senator from North Carolina yield for a question?

The PRESIDING OFFICER. The Senator from North Dakota controls the time.

Mr. CONRAD. I am happy to yield time off the resolution to the Senator from Florida for the purposes of a question or for any other purpose.

Mr. NELSON of Florida. The Senator from North Carolina has made such a compelling argument. I just want to question him about his people in North Carolina and their feelings about paying down the national debt. Would he further expound on that?

Mr. EDWARDS. I have town hall meetings all the time with people in North Carolina, I say to Senator Nelson. Over and over people tell me exactly the same thing, which is, they know that we need to pay off the national debt. They know it is really important to them that their kids not be saddled with this debt and the interest payments on the debt. They know that what has happened over the course of the last 8 or 9 years is we have taken a course of real responsibility. It is one of the reasons we have had such extraordinary economic growth, such extraordinary productivity. They know that in their gut. They do not need an economist to tell them. They know it. They know when they owe money they pay it back. That is what they expect our government to do. They do not want their kids saddled with this debt. So they think it is critically important. I agree with that.

Mr. NELSON of Florida. I suspect the people in North Carolina know, as do the people in Florida, that if there is an available surplus out there over the next 10 years, we ought to use it wisely, be fiscally disciplined; and one of the first priorities should be that we pay down the national debt—that we leave some, after we enact a tax cut, in order to be able to pay down the national debt.

Mr. EDWARDS. I say to the Senator, I think that is the only responsible thing to do under the circumstances. That is what I hear from folks in North Carolina. The truth of the matter is, they do not need some fancy projection or some economist to come tell them. It is just common sense. It is the sensible thing to do. And they know it is the sensible thing to do.

Mr. NELSON of Florida. I thank the Senator for yielding.

Mr. EDWARDS. I thank the Senator for the question.

Mr. NELSON of Florida. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, when Senator DOMENICI wants the floor to do something, I will yield. But I want to yield myself such time as I might consume off the resolution to speak about the issue that has been discussed on the other side of the aisle.

I do not question the sincerity of the people who have been speaking to the point that we need to know what is down the road before we give tax cuts. The only thing that is strange about that argument is, they use that argument now, at a time when we have an opportunity to let the people keep some of their own money, at a time when we can have tax relief for every taxpayer who pays income tax.

This somehow is a little bit unjust, to bring up the argument that maybe we can't quite see what the future holds down the road, so we shouldn't give a tax cut. For decades, I have served in Congress, listening to issues of spending—whether or not we should spend more money. I never heard these arguments back in the days of deficits. No one ever said that we could not see down the road far enough, so we should spend a little bit less.

It seems to me that it's very inconsistent to use this argument. I am not questioning the legitimacy of it; I am questioning the fact that it is used when we are talking about tax relief for working men and women, while at the same time, they don't use it when talking about whether we ought to spend more money. Spending more money, without consideration of what is down the road, got us into 28 years of unbalanced budgets and driving up the big budget deficit that we had. So we ought to be as concerned about it on one side of the ledger as we are on the other. I think it is very important—when we are talking about tax relief and the priorities in the budget—that we always keep in mind that the American people are suffering from the highest level of taxation, as a percentage of the gross domestic product, since World War II.

Right now, the rate of tax is 20.6 percent of GDP.

What does 20.6 percent of GDP mean? Compare it to a 40-year average of around 19 percent. Does 19 percent going up to 26.6 percent mean much? Yes, it means a lot, because that money is run through the Federal Treasury. This means political decisions are made on how it is going to be spent. This process does not create new wealth. If it is in the pockets of the taxpayers, whether it is spent or invested, it is going to create new wealth. Money in the taxpayers' pockets turns over many more times in the economy than if government spends it. Wealth is created only in the private sector. Government does not create wealth, it expends wealth.

This situation is as if you had a 7-percent mortgage and you received more income than originally intended. Would you pay down your mortgage at 7 percent or would you invest it in something that was going to pay 9 or 10 percent? If you are a good business person, you are going to invest it in something that pays a higher rate of return.

Returning this money to the taxpayers is going to give us a higher rate of return. It will keep us in line with the 19 percent of the gross domestic product which has been paid to the Federal Treasury as taxes from the American people. Hopefully, it will keep us at a level of expenditures around the same amount or a little bit less than we have spent in the past. This way, we will not build up artificially high levels of expenditures. If taxes grow to 21 percent, we could have a downturn in the economy. Our spending never goes down. We would keep our spending at the high level and then return to the days of deficit spending.

From a standpoint of consistent policy, the level of taxation ought to be the policy which we have had for a long period of time. Taxpayers consider our historical level a legitimate level of taxation, and no economic harm has come from it because the last 20 years have been the best economic years this country has ever had.

From the early days of Reagan through President George W. Bush, these are the best 20 economic years this country has ever had. It is because we have had a fairly consistent policy of taxation that has rewarded productivity and not overtaxed people. Taxes that come to Washington are inefficiently expended.

Also, if we do not do something about that 20.6 percent, at the end of this decade it is going to go up to 22.7 percent. It will continue to grow. The reason it will continue to grow is that we have real bracket creep which increases taxation. You go from one bracket to a higher bracket. We have indexation of taxes, but that is to offset inflation. We have real bracket creep when money is earned at higher levels by individuals, that is how we get this high level of taxation.

Look at the individual income tax. The income tax 4 or 5 years ago was coming in at about 7.2 percent of gross domestic product. I am talking just about the individual income tax. Of all the taxes that come into the Federal Treasury, individual income taxes were a little over 7 percent of GDP. They are now over 10 percent of GDP. This is a very dramatic increase in the money coming into the Federal Treasury from income taxes. From that standpoint, it seems to me this is another reason the people deserve income tax relief.

The individual income tax burden has doubled since President Clinton's tax increase in 1993. That was the biggest tax increase in the history of the country. Reducing the biggest tax increase in the history of our country is where the Bush plan focuses its relief.

For the nervous nellies of the Senate who are concerned about whether we can see down the road far enough when it comes to tax decreases but are not so concerned about seeing down the road of the future when it comes to expenditures, they ought to have some confidence in Alan Greenspan. Mr Greenspan says that over the long term, if the Federal Government continues to collect tax revenue at this record rate, the Federal Government will either spend the money or become a significant holder of private assets.

The Federal Government becomes a significant holder of private assets when it has paid down every penny of the national debt that has come due and it cannot pay down any more without paying tremendous premiums for calling in the bonds. There are some savings bonds we would not want to call in, whether it is young kids saving money through savings bonds or older people who have their money in savings bonds. They think it is very safe.

There may be some of those instruments that we will want to allow people to have for their own well-being. We can pay down every cent on the national debt that can be paid down. But when we get too much money coming in, it burns a hole in our pocket, it will be spent. We do not want that to happen. Suppose it does not burn a hole in our pocket and we do not spend it. What are we going to do with it? We are not going to put it in a mattress at the Treasury Department. We are going to go into the market and buy things that will produce a return on that money. We do not want the Federal Government upsetting the financial markets by buying things on Wall Street or even certificates of deposit. When the Federal Government goes into the market, it goes in a big way that distorts the market. We should not have the Government doing that.

Everybody seems to be hung up on this $1.6 trillion tax cut. The $1.6 trillion tax cut is my personal preference, not that there is anything magic about it, but it is something we have talked about in an election. A person who is elected ought to perform in office commensurate with the rhetoric of that campaign. Consequently, if anybody is surprised about President Bush suggesting $1.6 trillion as tax relief for working men and women, the only shock they should have is that there is now somebody in office who ran on a platform and is presenting the program on which he ran.

That is unusual in politics at all levels in America. This President is determined to help reduce the cynicism towards Government, so most of the ideas he has suggested to Congress in his first 100 days in office are those ideas on which he ran for office, and he wants to perform in office according to that.

I am fortunate as chairman of the Senate Finance Committee to be able to work with the President who has goals I have been trying to accomplish before he ever decided to run for President. I am glad to be able to work through some pieces of legislation that are on his program, which is legislation I have wanted to accomplish.

It is quite easy for me to work for this program, and work for the tax relief for working men and women. Some of these parts of the tax package are parts on which I voted to support. Pieces of program have passed the Senate and House and were vetoed by the previous President. We now have a chance to get these through the Congress, have them signed by the President, and give working men and women tax relief. I hope we move forward on these tax issues.

Most importantly, for people on the other side who are nervous about a tax cut based on 10-year projections, remember, these are nonpolitical people making these projections. They don't have a 1,000-percent batting average. I have noticed them getting much better in the years I have been in the Senate. They seek outside advice and outside predictors of the economic future may be, and compare that information to their own results. They take a fairly intermediate course, not one that projects the most rosy scenarios for the future or the least rosy scenarios for the future, but intermediate scenarios. That is a fairly responsible approach.

For those concerned about taxes, I hope those Members are as consistent and concerned when it comes to expenditures as well. I hope you are just as cautious in making expenditures, not knowing what the future holds, as you want everybody else to be when it comes to tax reductions.

I wonder whether or not the people who are concerned about whether we can look 10 years into the future to make budget policy have any concerns about the fact that Jack Kennedy had a tax cut in 1963, bigger than the tax cut we are talking about, and it only looked ahead 1 year. When the second biggest tax cut of this half century was in 1981 under President Reagan, I don't know that there was any concern that we only looked ahead 5 years at that time. We are trying to look further ahead because it is a wiser way to make public policy.

On the other hand, I wonder how the very same people, raising the very same concerns about not being able to look down the road far enough to make a decision, ever got nerve enough to take out a 30-year mortgage. Surely they had to go to their banker. They had to ask the banker, can I get a 30-year mortgage? They had to show the banker they had the ability to repay that loan over the next 30 years. They had to think for the next 30 years, what is my income going to be? Will I ever be fired? They got a loan, I bet, based upon having some sort of confidence in the future.

That is how we go about making a decision on handling the $28 trillion that is coming into the Federal Treasury over the next 10 years. We decided that a lot of it will be spent and we had to accommodate for inflation during that period of time. We built in 4-percent increases just for inflation and some growth each of the next 10 years. That is all figured into the $28 trillion that is coming in before we figured that we had a $5.6 trillion surplus. Out of the $5.6 trillion surplus, we take all of that money that is in trust funds and put it off the table. We take $1.6 trillion off the table for a tax cut, and what we have left for emergencies is $900 billion. This can be used of prescription drug programs for senior citizens, and unanticipated expenditures.

We have been very cautious as we approach the future. We use the same tools at hand that any citizen has in looking into the future as they borrow or make plans on what they will spend down the road. Two trillion dollars is a lot of money. My guess is this growth of the economy has been figured conservatively enough that we will have much more than that over the next 10 years. We just have to wait. I think this is doable.

Some of my Republican friends said this tax cut ought to be a lot more than $1.6 trillion. I think it is important to build confidence. I think intellectually we can show it is doable. We can pay down every cent on the national debt that can be paid down over the next 10 years. We can have prescription drugs, fund our priorities, and still keep money for working men and women to be further rewarded for the fruits of their labor and the fruits of their minds that have given us this great economy and the great economic growth we have had.

Mr. DOMENICI. Will the Senator yield?

Mr. GRASSLEY. I yield the floor.

Mr. DOMENICI. We are ready to ask for a unanimous consent.

I ask unanimous consent Senator GRASSLEY be recognized to offer an amendment on behalf of himself, Senator SNOWE, Senator DOMENICI, Senator COLLINS, Senator FRIST, and others who want to join on our side. That is an amendment in the first degree regarding Medicare and prescription drugs. I ask that the time between now and 5 o'clock be equally divided for debate on both amendments, and following the use or yielding back of that time, the Senate proceed on two consecutive votes, the first on or in relation to the Grassley amendment, which I have just described as to its cosponsorship, to be followed by a vote on or in relation to the Baucus amendment, without any intervening action or debate, and that no second-degree amendments be in order to either amendment.

Mr. REID. Reserving the right to object, would the Senator from New Mexico agree, prior to the second vote, there be 2 minutes equally divided.

Mr. DOMENICI. Two minutes equally divided, of course.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, seniors' ability to afford prescription drugs is a very serious problem. Too many seniors have to make a painful choice between paying for medicine or paying for rent and food. I have heard from many Missouri constituents on this issue. It is time that Congress enacts a comprehensive prescription drug benefit for all seniors. This is why I am cosponsoring and supporting the amendment to the Senate budget resolution that would create a voluntary prescription drug benefit for all seniors through the Medicare program.

The Democratic amendment makes an investment in an affordable, accessible, and meaningful prescription drug benefit for all beneficiaries. Instead of making a real investment in a Medicare prescription drug benefit, the Republican budget resolution invests only $153 billion over 10 years in this critical initiative. This investment is nowhere near sufficient to meet the need.

The size of the Republican leadership's tax cut would make it impossible to provide the additional investment needed to meet the demand of this important national priority. The Democratic amendment would reduce the tax cut by $158 billion over 10 years and invest a total of $311 billion over 10 years in a Medicare prescription drug benefit for all beneficiaries.

The Democratic amendment to the budget resolution proposes a prescription drug benefit for all Medicare beneficiaries that does not use funds from the Medicare or Social Security surpluses. The amendment will provide a benefit that is voluntary, gives beneficiaries meaningful protection, is affordable to all beneficiaries and the program, and ensures access to the drugs seniors and people with disabilities need at the pharmacies they trust. In addition, it is consistent with broader Medicare reform.

It is time that Congress act on this important matter.

Mr. REED. Mr. President, I rise today to offer my support for the Baucus-Graham Medicare prescription drug amendment. The amendment sets a total of $311 billion for the creation of a Medicare prescription drug benefit. The need for a prescription drug benefit under Medicare grows each and every year. Unfortunately, the budget resolution currently before us fails to meet our seniors tremendous need in this area.

Advances in medical science have revolutionized the practice of medicine. And the proliferation of pharmaceuticals has radically altered the way acute illness and chronic disease are treated and managed. Further fueling these advancements have been annual increases in the budget of the National Institutes of Health, NIH. This year, the NIH is slated to receive an increase of $2.8 billion, which not coincidentally just happens to be equal to the total increase in the entire Department of Health and Human Services, HHS, budget.

While the allocation of $153 billion for both Medicare reform and the creation of a prescription drug benefit is probably the most blatant example of how our most vulnerable citizens are being shortchanged by the budget resolution, the overall budget for HHS is laden with vital programs that are being decimated so the Administration can fund an ever-growing and misguided tax cut. However, we will not know exactly which programs have been sacrificed until after the budget resolution has already passed.

With regard to pharmaceuticals, I am deeply concerned that we are creating a situation like the classic story of Rapunzel, except in this case, scientists and remarkable new medical treatments are in the ivory tower and the people who would most benefit from these lifesaving advancements are on the other side of the moat with no bridge.

Thanks to the years we held the course of fiscal discipline, we now have a historic opportunity to fund our nation's priorities, prepare for future expenditures and return some of the remaining surplus back to the American taxpayer. Later this week, an alternative budget resolution will be offered which I believe strikes the right balance of fiscal discipline and investing in our priorities. It includes adequate funding for a universal Medicare prescription drug benefit for every senior in America.

We are already painfully aware of the fact that remarkable advances in medical science, particularly in the area of pharmaceuticals, do not come without a cost. Since 1980, prescription drug expenditures have grown at double digit rates and today prescription drugs constitute the largest out-of-pocket cost for seniors. For millions of seniors, many of whom are living on a fixed income and do not have a drug benefit as part of their health insurance coverage, access to these new medicines is simply beyond reach.

Even more alarming, it is estimated that 38 percent of seniors pay $1,000 or more for prescription drugs annually, while 3 in 5 Medicare beneficiaries lack a dependable source of drug coverage. This lack of reliable drug coverage for today's seniors is reminiscent of the lack of hospital coverage for the elderly prior to the creation of Medicare. Back in 1963, an estimated 56 percent of seniors lacked hospital insurance coverage. Today, after all our investments in health care and prevention, 53 percent of seniors still lack a prescription drug benefit. This is unacceptable.

The need for a Medicare prescription drug benefit is a top concern for the elderly and disabled in my home state of Rhode Island. Many seniors continue to be squeezed by declines in retiree health insurance coverage, increasing Medigap premiums and the capitation of annual prescription drug benefits at $500 or $1000 under Medicare managed care plans. Seniors in my state are frustrated and burdened both financially and emotionally by the lack of a reliable prescription drug benefit. As their Senator, I am committed to doing all I can to relieve them of this tremendous burden.

While the need for a prescription drug benefit is clear and the desire on the part of some members of Congress is there, action on Medicare prescription drug legislation has been slow. I sincerely hope that this chamber can have the courage to fulfill the promise we made over 30 years ago to provide for seniors' health care needs. Clearly, in today's world that means the provision of prescription drug coverage. The time is now to make the step from rhetoric to action on a Medicare prescription drug benefit. We should all feel compelled to seize this opportunity to strengthen and enhance Medicare for the new millennium.

Mr. DOMENICI. I believe Senator GRASSLEY has the proposed amendment.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

AMENDMENT NO. 173 TO AMENDMENT NO. 170

Mr. GRASSLEY. I send an amendment to the desk and ask for its immediate consideration. This is for Senator GRASSLEY, Senator SNOWE, Senator DOMENICI, Senator COLLINS, and Senator Frist.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Ms. SNOWE, Mr. DOMENICI, Ms. COLLINS, and Mr. FRIST, proposes an amendment No. 173 to amendment numbered 170.

Mr. GRASSLEY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49 strike lines 15 through line 6 on page 50 and insert the following:

SEC. 203. RESERVE FUND FOR PRESCRIPTIONS DRUGS AND MEDICARE REFORM IN THE SENATE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or a conference report thereon is submitted, which reforms the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by the bill, joint resolution, or conference report but not to exceed $300,000,000,000 for the period of fiscal years 2002 through 2011. The total adjustment made under this section for any fiscal year may not exceed the Congressional Budget Office's estimate of the President's medicare reform and prescription drug plan (or, if such a plan is not submitted in a timely manner, the Congressional Budget Office's estimate of a comparable plan submitted by the Chairman of the Committee on Finance).

SENATOR GRASSLEY'S TALKING POINTS ON HIS MEDICARE AMENDMENT TO THE BUDGET APRIL 2001

Mr. GRASSLEY. Mr. President, the amendment I am offering with Senators SNOWE, DOMENICI, COLLINS, and FRIST this afternoon represents Senate Republicans following through on our commitments. We joined President Bush in committing to strengthen and improve Medicare to meet the needs of older Americans. And the amendment I am offering demonstrates that we will keep that promise.

This amendment provides the flexibility necessary for the Finance Committee to craft legislation that not only provides necessary reforms and improves access to prescription drugs, but does so in a responsible fashion—so we're not left with uncontrollable spending.

I hear from constituents all the time about things in Medicare that need to be updated. And while prescription drugs is the most visible improvement, it is surely not the only one.

Medicare is operating on a system that is almost a half-century old. There is little doubt in anyone's mind that this system is not only out-of-date, but that it cannot support the surge of baby boomers that will enter the program over the next decade.

We owe it to our beneficiaries to provide high-quality 21st century medicine, we owe it to our providers to let them deliver the care they were trained to provide instead of spending all of their time on paperwork and regulations, and we owe it to our taxpayers to make sure we're spending every dollar wisely—and not wastefully.

I think we have a real opportunity to get Medicare legislation done this year and the amendment I am offering today allows us an opportunity to do just that.

I look forward to working with the President and my colleagues here in the Senate to craft a Medicare proposal that makes sense for beneficiaries and that is fiscally responsible for our taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, my good friend from Iowa, my chairman, is attempting, in a good-faith way, to figure out how we are going to get a greater prescription drug benefit to our seniors. It is clear our seniors need it. The only question that is facing this body is simple: which of the two alternatives, the one offered by the chairman or the one offered by myself, is more likely to get them the benefit?

The circumstance is a bit awkward, a bit difficult. My chairman and myself are offering competing amendments. In a real sense, they are very similar. It is about the same thing. We are both trying to get a prescription drug benefit, and in each case the amount is roughly the same, $300 billion. The amendment of the Senator says up to $300 billion over 10 years. The amendment I am offering says we will add $158 billion to the current $153 billion. That comes out to $311 billion. So we are both talking about $300 billion total in prescription drug benefits for the next 10 years for our senior citizens who, essentially, are currently not covered.

The question really is, Why are we here? We are both talking about $300 billion. What is the big deal? Why don't we just agree and get on with the other amendments?

The point is there is an honest, good-faith difference of opinion as to which of the two is more likely to provide the actual prescription drug benefits. The amendment I have offered very simply states we will take $158 billion out of the $1.6 trillion tax bill and add that to the budget resolution of $153 billion, which means a specific $311 billion for prescription drug benefits which includes reform.

My amendment does not in any way preclude Medicare reform. Certainly, Medicare reform has to be addressed, and I think we should begin to address it this year in the Finance Committee.

The amendment offered by my chairman—he is a great guy, I might add. He is a great Senator and great chairman of the committee. But I think we have a little bit of an honest difference of opinion as to which approach is more likely to get the result. His amendment, if I might read it, is very simple. I will cut out the useless words and just state the pertinent words: If the Committee on Finance of the Senate reports a bill or a joint resolution which reforms the Medicare program and improves the access of beneficiaries, the chairman of the Budget Committee may—underline the word "may"—revise committee allocations that are appropriate.

It goes on to say the total adjustment made may not exceed the Congressional Budget Office estimate of the President's Medicare reform and prescription drug plan.

Basically, there are several soft phrases and soft words which raise questions as to the degree to which this is going to come to pass. The first soft word is "if" the Committee on Finance. It doesn't direct the Committee on Finance to report out a prescription drug bill. It just says "if." Of course, who knows what the Committee on Finance is going to do if it is not mandatory.

Second, it provides even if the Committee on Finance reports out this bill, the committee on budget "may" revise committee allocations. Not that it shall revise committee allocations, only that it may.

I think there is probably a pretty good reason why the word is "may" and not "shall." That is, to be honest, because we do not have the dollars. The contingency fund—everybody has a claim to it. It most likely will not be there. The only other alternative is to go into the hospital insurance trust fund. We certainly do not want to do that.

The practical result of this amendment, it seems to me, from any fair reading, is that most likely—even though we intend to have the dollars there, intention is not enough—as a practical matter, the dollars are not going to be there so we will not have a meaningful prescription drug benefit.

It also provides the chairman of the Budget Committee "may" provide this allocation only "if" it does not exceed the estimate of the President's plan in Medicare reform. So it really precludes us in the Senate from adopting any prescription drug plan or Medicare reform plan other than the President's. I think we should have a little leeway on what we are doing.

So the alternative we face is very simple. It is a very simple alternative and Senators will differ about it. Clearly some Senators do not want to touch the tax cut. They think it is what it should be. Other Senators think it is maybe too much. But the choice is very simple. I think this is a fair statement and it is pretty hard for anybody to come up with anything very different than what I am going to say.

The choice is to reduce the President's tax cut—or the Budget Committee tax plan—by about $158 billion over 10 years and add that to the prescription drug benefit called for in the budget resolution for a total of $300 billion, and specify that—which means roughly $311 billion for a prescription drug benefit along with reform—that is option 1—or option 2 is no reduction in the President's tax plan but hope that maybe the Finance Committee will report out a bill, the hope that maybe the chairman of the Budget Committee will come up with the reallocation, and that basically it must conform with the President's number.

I love to think we have the money there under the contingency fund for Medicare prescription drugs that is not out of the hospital insurance trust fund but somewhere else. But this is all so simple. I do not have the list in front of me, but all of the claims on the contingency fund are just innumerable. Alternative minimum tax, it is the tax extenders, it is some business tax cuts, it is pension reform, it is emergency assistance, it is defense.

Does anybody here think in the next 10 years the President of the United States is not going to, under NMD, offer a big significant boost in defense spending, say, next year or the following year? We know it is coming. There is nothing left in this contingency fund. It is just not there.

I do not want to get too technical about this, but even under the budget resolution provided for on the floor, in years 5, 6, and 7, the amount of the contingency trust fund is negative, is $6 billion or $7 billion during that period. That means any plan has to come out of the hospital insurance trust fund.

I made my point. It is a simple alternative. One is definite. It tells the Finance Committee to come up with $300 billion. The other is a big maybe. And the maybe is based on very shifting sands. It is just not solid enough to support the conclusion that the money is going to be there.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time do we have remaining?

The PRESIDING OFFICER. The Senator has 81 minutes 22 seconds.

Mr. DOMENICI. On the other side?

The PRESIDING OFFICER. They have 13 minutes 43 seconds.

Mr. DOMENICI. I yield myself 2 minutes and then I will ask Senator FRIST to manage on my side. I have to leave the floor. He and Senator GRASSLEY will finish up the debate.

I say to everybody listening, the plain and simple fact is we propose we not reduce the President's $1.6 trillion tax cut as a means of paying for prescription drug reform because we believe that is exactly what the contingency fund of $500 billion was intended for. We provide a mechanism to make sure that if the President poses a permanent fix to Medicare, or the Finance Committee writes one, in each event they will be funded not to exceed $300 billion.

The Senator says there is a lot of "ifs" and "maybes." I want to close by saying: Whatever happens to their amendment, there is no prescription drug bill until the committee writes one, right? So you are saying you are putting the money in and it is all full of ifs and ands and buts and maybes; to wit, you have to write a bill.

Nobody knows when the bill will be written. Why do we put the money in? We are not sure what it is going to be. We have estimates from $346 billion to $500 billion, if necessary.

We think we are doing the judicious thing leaving the tax cut intact and providing for prescription drug reform that is significant that can be up to but not exceeding $300 billion. And we will assign it to the committee on the happening of either of two events: the President submits one which the Congressional Budget Office estimates or the distinguished chairman of the Finance Committee produces one that is costed out. And then we give them the money but not to exceed $300 billion.

That is the summary underneath our proposal. Unless and until we write a bill, there will be no money spent on Medicare prescription drugs because we still have to write the reform measure.

I yield the floor at this point. I yield it to my two friends.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, what a difference a few hours makes. What a dramatic transformation. When we proposed this morning a prescription drug benefit and the funding for it of $311 billion, the other side said: There the Democrats go again. All they want to do is spend money.

But here we are at 4:30 in the afternoon and the Republicans are back. And what do they want to do? They want to spend almost the identical amount of money.

What has occurred here is absolutely fascinating. There has been a transformation. It has been really quite remarkable. All of this morning the Republican line was, Oh, the Democrats just want to spend money. But by 4:30 in the afternoon the Republicans want to spend the same money. The difference is they want to raid the Medicare trust fund, and we want to protect the Medicare trust fund. We want a prescription drug benefit directly and clearly out of surpluses outside of the trust funds.

Let me show you why the proposal of our friends on the other side will put us right into the trust funds. This chart shows the surpluses available under the Republican budget proposal year by year. As you can see, in the year 2005, there is only $7 billion available before they are into the Medicare trust fund. They are here proposing $300 billion of expenditures for a prescription drug benefit. When you divide $300 billion by the 10 years covered, that is about $30 billion a year. If they use $30 billion in the year 2005 for a prescription drug benefit, guess what. They are using Medicare trust fund money to fund a prescription drug benefit. What is wrong with that? That way leads to bankruptcy of the Medicare trust fund at an earlier date. That leads to insolvency of the Medicare trust fund at an earlier date.

That is why our amendment is superior. It is better fiscally. It is better for a prescription drug benefit because we will not permit raiding the Medicare trust fund to fund a prescription drug benefit. We protect every penny of the Social Security trust fund, every penny of the Medicare trust fund, and we fund a prescription drug benefit—the $300 billion they are talking about—out of what is remaining. They are funding the Medicare prescription drug benefit out of the trust fund.

It is just as clear as it can be. This amendment ought to be relabeled the "Grassley Raid the Medicare Trust Fund Amendment." That is what we ought to call it because that is what it does.

I yield the floor.

Does the Senator from Michigan seek time? I yield the Senator from Michigan 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise to share the concern expressed by my colleagues who have been providing leadership on this budget resolution. I respect the chairman of the Finance Committee, the distinguished Senator from Iowa.

I must rise to indicate that I could not be more concerned about the approach that is being taken on this amendment. I am proud to be a cosponsor of the underlying Baucus amendment that provides a real prescription drug plan for our seniors. No ifs, ands, or buts. It is real. It is there, and it will not come out of the Medicare trust fund.

As to what was said by our distinguished Senator from North Dakota talking about the Medicare trust fund, this budget resolution, unfortunately, is a big shell game. It starts by saying, except for Medicare and Social Security, every penny-plus will go to a tax cut to wealthiest Americans; every penny projected for 10 years of any possible surplus. Then, to pay for funding, it moves Medicare trust funds of $500 billion-plus over into something called the contingency fund.

We have been spending a lot of time trying to shore up Medicare and Social Security and protect it for the future. We know the baby boomers are going to be retiring within the next 11 years. The last thing we need to do is be spending those trust funds.

But because of the way this budget resolution is put together, the entire Medicare trust fund goes from about being protected over to being spent.

This proposal, unfortunately, spends Medicare in order to provide some possible prescription drug coverage. It is an amendment that goes against itself.

We need to be protecting the current Medicare trust fund, modernizing Medicare, and adding dollars so we are strengthening it in terms of prescription drug coverage.

Earlier this afternoon I heard comments on the other side of the aisle talking about how we don't know how we are going to pay for this proposal, that seniors are going to have to wait, and that we can't afford to do this. How long do the seniors of this country have to wait? How long do they have to wait?

I have been in the Congress only 4 years-plus—four in the House and now in this distinguished body in which I am so honored to serve on behalf of the people of Michigan. But in the entire time I have been here, we have been talking about updating Medicare to cover prescription drugs. And every day we wait there are thousands or millions of seniors who are sitting down at the kitchen table in the morning saying: Do I eat today or do I get my medicine? Do I pay the utilities today or do I get my medicine?

We don't have that same sense of urgency that I hear from the families in Michigan. We need to have that. Our seniors can't wait.

We don't need smoke and mirrors. We don't need a shell game. We don't need to spend the current Medicare trust fund. We need to be honest and upfront and say that we are willing to take just a small part—less than 7 percent of the tax cut being proposed—to be moved over and provide the seniors of our country help with prescription drug coverage.

The majority of seniors will not benefit from this tax cut. They won't receive the tax cut. The tax cut that we can provide for them, and the money we can put back in their pockets, is by giving them help with their medicine and giving them help with the cost of prescription drugs. That is money back in the pockets of the senior citizens and those with disabilities in our country. I think they deserve something in their pockets as well.

While I support a tax cut that is across the board and geared to middle-class taxpayers, small businesses, and family farmers, I think we can also, if we do this right and we are honest about it and if we put together the right priorities, make sure we keep the promise. If we do not do it now, when will we?

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 12 minutes.

Mr. FRIST. How much time do I have?

The PRESIDING OFFICER. The Senator from Tennessee controls 16 minutes 15 seconds.

Mr. FRIST. Mr. President, I yield myself 12 minutes. Please notify me when 2 minutes are remaining.

Mr. President, as I mentioned earlier this morning, we have a tremendous opportunity, I believe. It is reflected by amendments on both sides of the aisle. That opportunity is to expand Medicare in terms of its benefit coverage; that is, adding prescription drugs, which is critically important. It is vital if we want to be able to look seniors and individuals with disabilities in the eye and say: We are going to give you health care security.

That is what Medicare is all about. Why? Because prescription drugs, I believe, has to be a part of Medicare, just as the hospital bed or inpatient hospitalization or outpatient care, to fulfill that responsibility. But to have health care security, it requires us, I believe, to do more than just add a benefit which none of us really know how to add on. None of us have developed the policy through which we can deliver these services as of yet. But adding that benefit alone on to a structure which has, as good as it is, real problems, problems in terms of solvency—and what that means really is sustainability—is irresponsible. When you look at a 40-year-old, or a 50-year-old, or a 60-year-old, they want to know that the Medicare program is going to be there 20 years later. Today we cannot say that in good conscience, unless we modernize the system, improve the system, and strengthen the system.

The way the debate has evolved over the course of the day, now we have two very clear choices. One adds prescription drugs in a right way and one does so in a wrong way. The right way, I believe, is Senator GRASSLEY's amendment. The wrong way is Senator BAUCUS's amendment. I want to explain why.

We link the Grassley amendment to modernization, to strengthening the system, to improving the Medicare system, including prescription drugs—something their amendment does not do. Theirs addresses only the prescription drug concept and does not, as was just said, link to that improvement, that strengthening, that modernization. We want to be able to respond to that individual's needs. That is what Medicare reform is all about.

We believe strongly that reform must be a part of our response—and that is why it is spelled out in the Grassley amendment—where, yes, we are committed to spending an additional $150 billion. That is what the amendment does. But it says on top of that we will spend up to another $150 billion after the policy is formulated. Right now we do not have the policy.

The reason why it is so important to at least think about the policy—to make policy before we fund it—is because of this figure shown right here in relation to prescription drugs. This chart shows the prescription drug demand and the response to that demand from 1965 to 1999. This shows how much has been expended overall. The whole point of this chart is that you can look at what has happened over the last 4 to 5 years. There has been explosive growth of prescription drugs. And we are talking about trying to fund this in some way for seniors, but we do not have the policy yet. So the Grassley amendment says, if we develop that policy—when we develop that policy—either by the President of the United States or the Finance Committee, then let's figure out how much it costs and place that into the budget for up to $300 billion; and only after that has been costed out, so we will know what that policy is going to cost the taxpayers.

Why? If you look ahead on this chart—and on the red chart I showed you to 1999 how much we have been spending; I showed you the explosive growth here—if we do not do it right, with the right policy, if we do not include prescription drugs in Medicare, and integrate it in such a way that we have the tools that in some way can control the cost, constrain the cost, look at what is going to happen. This chart shows what is projected to happen if we do not do anything: explosive growth.

So what we are layering—again, for all people, not just seniors; seniors are about a third of this—if we superimpose and place this, without Medicare reform, on our Medicare system, we cannot look seniors in the eye and say this program is going to be around in 10 years or 15 years. It simply cannot be sustained.

I showed earlier today why that is the case. It is because we are deficit spending. We are spending more in Medicare today. If you look at Part A and Part B, Medicare in the whole, we are spending more today than we are taking in. We are deficit spending even in the Part A. The hospital trust fund will be deficit spending in 2016, but today we are running a deficit. If we superimpose, without the policy, a program of prescription drugs on Medicare without reform, I believe we are behaving irresponsibly, if we are looking at the sustainability of Medicare long-term.

Medicare's problem today: Just look at Part A. It is going bankrupt by 2029. Deficit spending in just 15 years. It only covers 53 percent today of beneficiaries' health care costs. That is right now. And that is going to get worse over time unless we modernize the system.

There is no coverage for prescription drugs. It is a generational timebomb. We are going to be doubling the number of seniors coming into the system over the next 30 years.

Congressional mandates right now through HCFA have resulted in 135,000 pages of regulations governing that doctor-patient relationship. Medicare has simply not kept pace, in terms of quality, access, and the delivery of health care, with our private systems.

So in about 15 minutes we are going to have a choice. The choice is between two amendments, both of which address prescription drugs on the part of the Senate, in the effort, the commitment to include prescription drugs as a part of Medicare. Something, I think just about everybody agrees on. But, again, there is a right way and a wrong way.

I support Senator GRASSLEY's amendment because it says, yes, let's spend the $153 billion that is in the underlying bill, and once we come up with the policy, which we do not have—nobody in this body has it—through the Finance Committee or from the President of the United States, if it is going to cost up to $300 billion, we will be willing, through Senator DOMENICI and the Budget Committee, to add another $150 billion, for a total of $300 billion; but it has to be tied to reform, to modernization, to strengthening the system.

I oppose the Baucus amendment in large part because it does not tie it to reform in any way. It does not basically say, to engage prescription drugs responsibly and integrate it into the system, you have to modernize the system itself.

Secondly, it unnecessarily takes money out of the taxpayers' pocket. Basically, the way they have theirs worded versus the Grassley amendment, the Grassley amendment comes out of the contingency fund. The Baucus amendment takes the money away from the taxpayer by cutting the tax relief which every hard-working tax-paying American deserves today.

I believe this is a very important issue. I believe it does demonstrate the overall commitment on behalf of the Senate that prescription drugs are important, that we have an opportunity to strengthen, to improve, and to modernize the health care system for seniors, for individuals with disabilities; and we ought to seize that opportunity, but we should not behave irresponsibly and throw additional money at a problem that we have not even fully developed the policy to solve.

With that, I urge my colleagues to support the Grassley amendment and to defeat the Baucus amendment when that comes forward.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield 2 minutes to Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Montana is recognized for up to 2 minutes.

Mr. BAUCUS. Mr. President, I listened very closely to my good friend from Tennessee. I, first, want to make it very clear that the amendment I am offering does contemplate reform, because I do believe we need to move this year to begin Medicare reform at the same time we are providing prescription drug benefits. I want to clear the air on that.

Second, I do not want to belabor this argument. We will be voting very soon. But just to remind Senators, there is a big difference between my amendment and the amendment on the other side. We have the same number of dollars $300 billion for a prescription drug benefit. But the amendment offered by Senator GRAHAM and I is definite. It prescribes a prescription drug benefit. The other amendment says "maybe," and maybe out of a contingency fund.

I want to make this point because it is so glaringly true. We all know there "ain't" no money in the contingency fund. There just "ain't." And the reason is because it has been called for so many times—whether for such reasonable things as agricultural provisions, disaster assistance or other provisions in the Tax Code. There isn't going to be a contingency fund by any stretch of the imagination. It is just a hope and a prayer at best. Or else it comes out of the hospital insurance trust fund. And, of course, that is not a great option.

So essentially what it comes down to is this: You have a choice, Senators: You vote for a prescription for prescription drugs or you say: Call me in the morning. That is the choice.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. I think I have 8 minutes left. I yield myself 4, and then Senator FRIST wants to speak again.

I will address some of the things the Senator from North Dakota and the Senator from Montana have touched on. The first is to express the philosophy behind the way we have handled this amendment, saying that the Senate budget chairman can plug in a figure after the Senate Finance Committee has produced a bill. The basis of this is that we ought to develop the policy and then put in the amount of money it takes to carry out the policy.

I have no crystal ball to tell me what amount might be necessary for a bill. My friends on the other side have this crystal ball telling them we must have $311 billion for Medicare. They are going to develop a policy around a certain amount of money. I don't think that is the way to do business.

Another difference between these approaches is that they are going to reduce the amount of tax relief that goes to working men and women by some $158 billion. We will use the reserve fund, meaning the money that is left over. After we take out $153 billion of the surplus for Medicare and $1.6 trillion for tax cuts, there is still $900 billion left. Ever since the President proposed his budget, we all understood that some of this left over money would be used for prescription drugs. We are not going to deny the working men and women of this country a tax break that they deserve. We have the money to fund this, but we don't know how much money we need just yet.

We think it is wise to develop the policy first and then pay for the policy you develop, rather than putting up X number of dollars, such as our opposition does, and then building some policy around it.

Now, reading my amendment, my opponents came up with the idea that this amendment is too flexible. Well, flexibility does not mean inaction. Our Senate Finance Committee is going to produce a prescription drug program for senior citizens and at the same time make incremental improvements and changes to Medicare. So he may speak about flexibility. The insinuation is that that is an excuse for no action. The last election was all about prescription drugs. The last election was a mandate to deliver on that. This President is committed to delivering on that, and we are going to.

I yield myself 1 more minute. I point out to my friend from Montana that his amendment doesn't guarantee a Medicare prescription drug benefit any more than mine. We leave opportunities to develop Medicare policy just as they do. Now, let me just chime in for a second and thank Senator SMITH of Oregon for joining me on this amendment.

Now let me address the accusation by my colleague from North Dakota that the amendment I offer today raids the Medicare trust fund. This is absolutely ludicrous. I want to make clear that under my amendment the Medicare surplus will continue to go into the Medicare trust fund. The Medicare trust fund is just like a bank account. When you make a deposit, it increases the balance in your account, and only you can take that money out. But this does not mean that the bank can't use that money to make loans and pay expenses. In fact, that is exactly what any good bank does. At the end of the day, when you go to take your money out of the bank, it is there, because the bank has to make good. When it comes to the Medicare trust fund, the Government has to make good too. My amendment does nothing to change that.

I yield the remainder of the time we have to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 40 seconds.

Mr. FRIST. On the other side?

The PRESIDING OFFICER. Three minutes 12 seconds.

Mr. FRIST. Mr. President, I very briefly will summarize again my support for the Grassley amendment and my opposition to the amendment offered by the Senator from Montana.

Very quickly: What does the Domenici substitute have in it? It is very important because this reflects the commitment of President Bush and the Senate budget proposal that is before us.

No. 1, in year 1, fiscal year 2002, for Medicare, we will be spending $229 billion. In year 10, when we march out 10 years, that will be increased to $459 billion. That is an increase of 111 percent, an average annual increase of over 7½ percent. That means over the next 5 years in Medicare, in hopefully a modernized, strengthened, improved program, we will be spending $1.3 trillion and, over the next 10 years, $3.3 trillion.

What the Grassley amendment does is basically this. It says in this process of modernization—it is carefully linked to modernization—we can have up to another $150 billion over that period of time after the policy is formulated by the President of the United States or by the Senate Finance Committee. That is acting responsibly. It recognizes that policy has not been discussed to the degree it needs to for us to in any way project what coverage for prescription drugs will be.

I support the Grassley amendment because it allows a total of $300 billion if we modernize, and it says it right in the amendment. I oppose Senator BAUCUS's approach because it takes the money from the taxpayers unnecessarily—that same $300 billion. And No. 2, it does not link it to modernization. We just heard that it does, but if you read it, nowhere in the Baucus amendment does it say anything about modernizing, strengthening or improving the program.

I am very pleased, very proud of the amendment before us. I urge the support of all of our colleagues for the

Grassley amendment, with opposition to the Baucus amendment.

I reserve the remainder of our time.

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. GRAHAM. Mr. President, in my 60 seconds let me say there are two areas of agreement. Apparently we have now agreed that it is going to take in the range of $300 billion over 10 years to have a credible prescription drug benefit. That is a significant advance. No. 2, frankly, there is no disagreement with the fact that we should strive to reform Medicare. We all start with exactly the same language, which is on page 49 of the amendment, which talks about the Finance Committee reporting reforms in Medicare.

What we also heard in our most recent hearing on this subject is that the most anybody has ever suggested that reform could amount to would be approximately $50 billion in a $3 trillion Medicare program over the next 10 years. Let's not exaggerate what kind of savings we are going to get.

Where we disagree is how we are going to finance this.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. I yield an additional 30 seconds to the Senator from Florida.

Mr. GRAHAM. Where we disagree is how we should finance this. What the Republicans are saying is we should do this by essentially using the Part A trust fund. That is the trust fund which people have paid in through their payroll tax and from which they have an expectation of receiving—to read from the Medicare benefits booklet—hospital stays, skilled nursing facilities, home health care, hospice care, and blood care—all the things which are financed out of the Part A trust fund. That is what is going to be raided as we try to now finance a major prescription drug benefit.

We should stay with the proposal of the Senator from Montana to finance this responsibly by reducing by less than 10 percent the projected tax reduction.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Maine.

Ms. SNOWE. Mr. President, I am delighted to co-sponsor this amendment with Senator DOMENICI, the distinguished chairman of the Budget Committee, and Senator GRASSLEY, chairman of the Finance Committee. This amendment has a simple but critical purpose: to increase by $147 billion the reserve fund in this resolution for a Medicare prescription drug benefit and Medicare reform. That is, this amendment would nearly double the reserve fund to $300 billion, with monies coming from the on-budget surplus.

Let me note that nothing in this amendment commits Congress to spend the entire reserve fund. Indeed, in truth we do not yet know what additional resources will be needed. We will know better when the Congressional Budget Office reports estimates several weeks from now on a variety of Medicare reform and prescription drug proposals.

In short, this additional reserve amount will help ensure that the President and Congress will have sufficient resources to enact both a prescription drug benefit and other badly needed Medicare improvements this year.

I am sure my colleagues are very aware of the need for prescription drug coverage, I think the facts underlying this national problem for our nation's senior citizens bear repeating.

When Medicare was created in 1965, it emphasized the private health insurance model of the time, inpatient health care. In fact, the original Johnson Administration Medicare proposal was only for hospital care. Doctor's services, and other outpatient care, was added by Congress as a voluntary program.

Today, thirty-six years later, Medicare, although a great blessing to our nation's seniors, is sadly out of date. It is past time to bring Medicare "back to the future" by providing our seniors with prescription drug coverage. Indeed, hardly a day goes by without some announcement of a new and exciting breakthrough in drug therapy, breakthroughs that promise better care for millions of Americans.

The lack of a prescription drug coverage benefit is the biggest hole, a black hole really, in the Medicare system. HCFA will tell you that up to 65 percent of Medicare beneficiaries have drug coverage from other sources. But that number simply doesn't tell the whole story.

Specifically, fourteen percent of Medicare beneficiaries get drug coverage from one of the three Medigap policies that cover drugs. Two of these policies require a $250 deductible and then only cover 50 percent of the cost of the drug with a $1,250 cap. Needless to say, you can reach that cap awfully fast with today's drug prices.

The third policy provides a cap of $3,000 but the premium ranges anywhere from $1,699 to $3,171 depending on where you live. That is a lot of money for someone living on a fixed income.

About 15 percent of seniors get drug coverage from participating in Medicare HMOs. However, we know the Medicare+Choice program has been under great pressure over the last few years, making this source of prescription drugs less reliable.

And another 16 percent receive coverage from Medicaid. Of course to do that, they must be very low-income to begin with and may have to spend a great deal out of pocket for their drugs, what we commonly refer to as "spending down", before they are eligible in a given year for coverage.

Finally, there are those lucky enough, 29 percent, to have employer sponsored drug coverage through their retiree program.

Medicare fails today's elderly patients in other ways. The preventive care services offered under Medicare, while greatly expanded, are still insufficient to help seniors remain healthy, and therefore avoid more expensive care later. And routine services such as annual physicals, vision tests and hearing aids are not covered.

Medicare also only provides limited financial protection. Indeed, we must always remember that Medicare is not just about health care, but protection against potentially high costs of health care. The program has a fee-for-service cost-sharing structure that still leaves seniors vulnerable to high costs. Indeed, the traditional fee-for-service Medicare program covers only 53 percent of the average senior's annual medical expenses.

Moreover, management of the Medicare program is burdened by vast bureaucratic complexity and operates in a non-competitive, inefficient manner. It lacks the flexibility to operate differently.

Medicare's financing and accounting is confusing. Medicare currently maintains separate trust funds, one for inpatient hospital and post-acute care, and one for physician fees and other outpatient costs. This separation leads to misleading assessments of Medicare's financial status and again reflects a different era of medicine. There is irrefutable evidence that Medicare's finances are not sustainable or affordable in the long-term.

I daresay that no one in this chamber would disagree that Medicare needs improvements. This amendment will make reform possible.

I also want to take this opportunity to acknowledge the leadership of the President on Medicare reform. The President has laid down six principles, which in my view are the starting point for our efforts. The President is preserving committed Medicare's guarantee of access to seniors. Every Medicare recipient must have a choice of health plans, including the option of purchasing a plan that covers prescription drugs. Medicare must cover expenses for low-income seniors. Reform must provide streamlined access to the latest medical technologies. Medicare payroll taxes must not be increased. And reform must establish an accurate measure of the solvency of Medicare.

The funding for this amendment would come from the on-budget surplus. I know that is a particular problem for some Members across the aisle, because that surplus represents cash from HI payroll tax. Of course, HI taxes are credited first to the HI trust fund, so there is no solvency impact.

But for those Members who believe that this source of funds is a problem, let me simply point out that in 1972, when the Finance Committee first reported Medicare outpatient drug provisions, those provisions would have been funded directly from the HI payroll tax.

I urge all Senators who believe as I do that we must add a Medicare prescription drug plan and improve Medicare in other ways to vote for this amendment.

Mr. CONRAD. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. One minute 15 seconds.

Mr. CONRAD. Mr. President, it has come down to this: We both agree roughly on the amount of money necessary to fund a meaningful prescription drug benefit.

Our friends on the other side of the aisle are $300 billion; we are at $311 billion. There is not much difference there.

There is a profound difference on how to fund that amount of money. We say do not use the trust funds of Social Security or Medicare. Our friends on the other side of the aisle say raid the Medicare trust fund, which we believe is a profound mistake. We ought to fund this proposal, but we ought to do it the right way. We ought to do it the fiscally responsible way. We ought to do it without raiding a dime of trust fund money.

That is our proposal. That, I believe, deserves the support of our colleagues. I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, how much time does the Senator have remaining?

The PRESIDING OFFICER. Eighteen seconds. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself the rest of the 18 seconds.

Remember, our amendment uses Medicare money for Medicare. Part A Medicare money is going to be used for Medicare. Part B Medicare money is going to be used for Medicare. We are even going to put general fund money in there to use for Medicare.

How much more do you want? We're putting medicare money aside for Medicare and we're putting extra money aside for Medicare. How much plainer can it be?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. It could be clearer if you did not raid the Medicare trust fund for a new benefit, a new promise, when you need the Medicare trust fund money to keep the previous promises. That is how clear it is.

Mr. GRASSLEY. Have you ever heard money is fungible?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 173. The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—50

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The VICE PRESIDENT. On this vote, the yeas are 50 and the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the amendment is agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 172

The VICE PRESIDENT. Under the previous order, there will now be 2 minutes of debate on the Baucus amendment.

The Senator from Montana is recognized.

Mr. DOMENICI. I ask unanimous consent that the next vote be 10 minutes.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. CONRAD. Mr. President, I think at this point it would be appropriate to welcome the Vice President to the Chamber. We are glad you are here. We hope you will stick around to break the next tie.

The VICE PRESIDENT. I say to the Senator from North Dakota that is my intention.

Mr. DOMENICI. Mr. President, don't say that. The next time we want you in the Chair, we will spread the word to you.

The VICE PRESIDENT. Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, I congratulate those who voted for this amendment, because we have now established that we want a $300 billion prescription drug benefit plan over 10 years. Several hours ago, we were at $153 billion. According to the budget resolution, we are now at $300 billion. So there is agreement.

The amendment now pending basically says, OK. Since we have agreement in theory on what the amount should be, let's now lock it in and make sure that the money is, in fact, there. The amendment offered by Senator GRAHAM and I does that. It locks in the money by telling the Finance Committee to come up with a prescription drug bill, by taking just a small sliver $158 billion out of the $1.6 trillion tax bill for prescription drugs. That, with the $153 billion already in the budget resolution, provides $311 billion to give seniors what they need—a meaningful prescription drug benefit.

Now that we have established $300 billion, let's make sure that we put our money where our mouth is. Let's lock the money away instead of providing a hope and prayer that the dollars are going to be there for the prescription drug benefit.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just say this is a typical amendment from that side of the aisle. They would say to our President that we don't like your tax cut, and we want to take $156 billion of it and we want to spend it. They would say they are spending it for some very special purpose. But we can accomplish the same without diminishing what our taxpayers should be getting. They should be getting the President's $11.6 trillion over the next 10 years.

It is plain and simple. This amendment reduces that by $156 billion and puts it in an account to be spent. Whatever they are going to spend it for, it is the beginning of a tax-and-spend approach on the floor for the remaining 2½ or 3 days.

I hope on our side we stay fast. We all voted. We ought to vote the same way. In this instance, it is a "no" vote on our side, and they will not prevail, if you will just do what you did. Do it one more time.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 172) was rejected.

Mr. LOTT. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, we are finishing reading a unanimous consent request I will make, but I want to let the ranking member finish reading it. I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, on behalf of the leader and after conferring with the minority, I ask unanimous consent that Senator GRASSLEY be recognized to offer an amendment relative to agriculture and, following the reporting by the clerk, the amendment be laid aside and Senator JOHNSON be recognized to offer an amendment regarding agriculture.

I further ask unanimous consent that the debate tonight run concurrently on both first-degree amendments and the Senate resume debate at 9 a.m. on Wednesday, and the time between 9 a.m. and 10:30 a.m. be equally divided for closing remarks on the agriculture issue.

I further ask unanimous consent that no amendments be in order prior to the votes just described, the votes occur in a stacked sequence beginning at 10:30 a.m., with 2 minutes prior to each vote for explanation, and the first vote occur in relation to the Grassley amendment, to be followed by a vote in relation to the Johnson amendment.

I also ask unanimous consent that following those votes, Senator HARKIN be recognized to offer an amendment relative to education.

Finally, I ask unanimous consent that when the Senate resumes consideration of the concurrent resolution on Wednesday, there be 35 hours remaining for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, on behalf of the leader, I make the following statement for the information of all Senators. In light of this agreement, there will be no further votes this evening. Any Senator with an interest in agriculture and agricultural issues is urged to remain tonight to debate the issue. The next votes will occur in a stacked sequence at 10:30 a.m. tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman of the Budget Committee for working through this procedure in a fair way and an efficient way. We have used the time relatively well today.

We now have scheduled the next two amendments, or really three amendments because there will be two first-degree amendments on agriculture and then we will go to an education amendment. We also are scheduled to vote on agriculture with time to debate that both this evening and tomorrow.

I want to send a clear message to those colleagues who are concerned about agriculture, as the chairman described. My colleagues need to be here tonight to discuss this issue because there will be limited time tomorrow morning. We will have only an hour and a half when we come back in tomorrow morning to conclude debate on this important set of amendments.

If there are colleagues on either side of the aisle who are concerned about agriculture and want to participate in that debate, they need to know tonight affords the best opportunity because there will be limited time tomorrow.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I am going to yield to my overused colleague who was asked to offer the last amendment because it came within the jurisdiction of his Finance Committee. Tonight we ask that he offer the Republican amendment, the bipartisan amendment on behalf of agriculture, because he is an expert on agriculture and a lot of people listen attentively to what he has to say.

I yield the floor to Senator GRASSLEY, and he can offer the amendment we have been discussing.

AMENDMENT NO. 174

Mr. GRASSLEY. Mr. President, I send an amendment to the desk for myself, Senator MILLER, and Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa, [Mr. GRASSLEY], for himself, Mr. MILLER, and Mr. DOMENICI, proposes an amendment numbered 174.

Mr. GRASSLEY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 1, increase the amount by $5,112,000,000.

On page 4, line 2, increase the amount by $7,810,000,000.

On page 4, line 3, increase the amount by $8,202,000,000.

On page 4, line 4, increase the amount by $8,658,000,000.

On page 4, line 5, increase the amount by $9,129,000,000.

On page 4, line 6, increase the amount by $8,611,000,000.

On page 4, line 7, increase the amount by $9,101,000,000.

On page 4, line 8, increase the amount by $8,591,000,000.

On page 4, line 9, increase the amount by $8,047,000,000.

On page 4, line 10, increase the amount by $7,470,000,000.

On page 4, line 11, increase the amount by $7,885,000,000.

On page 4, line 15, increase the amount by $5,112,000,000.

On page 4, line 16, increase the amount by $7,810,000,000.

On page 4, line 17, increase the amount by $8,202,000,000.

On page 4, line 18, increase the amount by $8,658,000,000.

On page 4, line 19, increase the amount by $9,129,000,000.

On page 4, line 20, increase the amount by $8,611,000,000.

On page 4, line 21, increase the amount by $9,101,000,000.

On page 4, line 22, increase the amount by $8,591,000,000.

On page 4, line 23, increase the amount by $8,047,000,000.

On page 5, line 1, increase the amount by $7,470,000,000.

On page 5, line 2, increase the amount by $7,885,000,000.

On page 5, line 6, decrease the amount by $5,112,000,000.

On page 5, line 7, decrease the amount by $7,810,000,000.

On page 5, line 8, decrease the amount by $8,202,,000,000.

On page 5, line, 9, decrease the amount by $8,685,,000,000.

On page 5, line 10, decrease the amount by $9,129,000,000.

On page 5, line 11, decrease the amount by $8,611,000,000.

On page 5, line 12, decrease the amount by $9,101,000,000.

On page 5, line 13, decrease the amount by $8,591,000,000.

On page 5, line 14, decrease the amount by $8,047,000,000.

On page 5, line 15, decrease the amount by $7,470,000,000.

On page 5, line 16, decrease the amount by $7,885,000,000.

On page 5, line 19, increase the amount by $5,112,000,000.

On page 5, line 20, increase the amount by $12,922,000,000.

On page 5, line 21, increase the amount by $21,124,000,000.

On page 5, line 22, increase the amount by $29,782,000,000.

On page 5, line 23, increase the amount by $38,911,000,000.

On page 5, line 24, increase the amount by $47,522,000,000.

On page 5, line 25, increase the amount by $56,623,000,000.

On page 6, line 1, increase the amount by $65,213,000,000.

On page 6, line 7, increase the amount by $5,112,000,000.

On page 6, line 8, increase the amount by $12,922,000,000.

On page 6, line 9, increase the amount by $21,124,000,000.

On page 5, line 10, increase the amount by $29,782,000,000.

On page 6, line 11, increase the amount by $38,911,000,000.

On page 6, line 12, increase the amount by $47,522,000,000.

On page 6, line 13, increase the amount by $56,623,000,000.

On page 6, line 14, increase the amount by $65,213,000,000.

On page 17, line 23 increase the amount by $350,000,000.

On page 17, line 24 increase the amount by $350,000,000.

On page 18, line 24, increase the amount by $350,000,000.

On page 18, line 2, increase the amount by $350,000,000.

On page 18, line 3, increase the amount by $350,000,000.

On page 18, line 6, increase the amount by $350,000,000.

On page 18, line 7, increase the amount by $350,000,000.

On page 18, line 10, increase the amount by $350,000,000.

On page 18, line 11, increase the amount by $350,000,000.

On page 18, line 14, increase the amount by $350,000,000.

On page 18, line 15, increase the amount by $350,000,000.

On page 18, line 18, increase the amount by $350,000,000.

On page 18, line 19, increase the amount by $350,000,000.

On page 18, line 19, increase the amount by $350,000,000.

On page 18, line 22, increase the amount by $350,000,000.

On page 18, line 23, increase the amount by $350,000,000.

On page 19, line 2, increase the amount by $350,000,000.

On page 19, line 3, increase the amount by $350,000,000.

On page 19, line 6, increase the amount by $350,000,000.

On page 19, line 7, increase the amount by $350,000,000.

On page 19, line 10, increase the amount by $350,000,000.

On page 19, line 11, increase the amount by $350,000,000.

On page 19, line 15, increase the amount by $5,000,000,000.

On page 19, line 16, increase the amount by $5,000,000,000.

On page 19, line 19, increase the amount by $7,000,000,000.

On page 19, line 20, increase the amount by $7,000,000,000.

On page 19, line 23, increase the amount by $7,000,000,000.

On page 19, line 24, increase the amount by $7,000,000,000.

On page 20, line 2, increase the amount by $7,000,000,000.

On page 20, line 3, increase the amount by $7,000,000,000.

On page 20, line 6, increase the amount by $7,000,000,000.

On page 20, line 7, increase the amount by $7,000,000,000.

On page 20, line 10, increase the amount by $6,000,000,000

On page 20, line 11, increase the amount by $56,000,000,000

On page 20, line 14, increase the amount by $6,000,000,000

On page 20, line 15, increase the amount by $6,000,000,000

On page 20, line 18, increase the amount by $5,000,000,000

On page 20, line 19, increase the amount by $5,000,000,000

On page 20, line 22, increase the amount by $4,000,000,000

On page 20, line 23, increase the amount by $4,000,000,000

On page 21, line 2, increase the amount by $3,000,000,000

On page 21, line 3, increase the amount by $3,000,000,000

On page 21, line 6, increase the amount by $3,000,000,000

On page 21, line 7, increase the amount by $3,000,000,000

On page 41, line 15, increase the amount by $112,000,000

On page 41, line 16, increase the amount by $112,000,000

On page 41, line 19, increase the amount by $460,000,000

On page 41, line 20, increase the amount by $460,000,000

On page 41, line 23, increase the amount by $852,000,000

On page 41, line 24, increase the amount by $852,000,000

On page 42, line 2, increase the amount by $1,308,000,000

On page 42, line 3, increase the amount by $1,308,000,000

On page 42, line 6, increase the amount by $1,779,000,000

On page 42, line 7, increase the amount by $1,779,000,000

On page 42, line 10, increase the amount by $2,261,000,000

On page 42, line 11, increase the amount by $2,261,000,000

On page 42, line 14, increase the amount by $2,751,000,000

On page 42, line 15, increase the amount by $2,751,000,000

On page 42, line 18, increase the amount by $3,241,000,000

On page 42, line 19, increase the amount by $3,241,000,000

On page 42, line 22, increase the amount by $3,697,000,000

On page 42, line 23, increase the amount by $3,697,000,000

On page 43, line 2, increase the amount by $4,120,000,000

On page 43, line 3, increase the amount by $4,120,000,000

On page 43, line 6, increase the amount by $4,535,000,000

On page 43, line 7, increase the amount by $4,535,000,000

Mr. GRASSLEY. Mr. President, I rise to offer a fair and very generous bipartisan agricultural amendment. I am a family farmer. To be fair to my son, my son makes most of the decisions and does most of the work; I try to help him on weekends. I see my role on weekends as being a hired man for my son because I don't live with it every day as he does and I want to rely upon his expertise. But I do have that background and I bring that background to my colleagues to show some understanding and sensitivity that we all ought to have toward the family farmer and agriculture in general.

I know what the agricultural community is currently going through. I think the plan in this amendment will address the immediate needs to stabilize net income, provide enough funding to significantly strengthen a future counter-cyclical program, offer additional money for regulatory relief, enhance conservation efforts, and is fiscally responsible.

Some Members might wonder why it is tough to be a farmer in our current agricultural community. Why, without Government assistance, net income, cash income for the farm is projected to fall to $50.7 billion, which is $4.1 billion below the 1990 to 2000 average of $54.8 billion.

I will lay out some factors. First, input cost. Natural gas prices have recently hit record highs, directly impacting farm fertilizer prices and availability. Almost all of the nitrogen we get for the record corn crops we raise in our State comes from anhydrous ammonia, made from natural gas. The cost is passed through to the farmer.

Due to the past administration's inability to enact a workable energy policy, farmers were left to cope with significant fluctuations in price and demand. These fluctuations have dramatically increased the cost of hydrogen fertilizers and these increased input costs will certainly have a substantial impact on corn producers across the Nation during the coming growing season.

After input costs, it is legitimate to bring up the issue of regulations and their increase in costs. We have the Environmental Protection Agency preparing to implement new rules for concentrated animal feeding operations which will impact an estimated 376,000 confined livestock operations in our country. For example, the costs incurred for compliance for cattlemen could average well over $100,000 per farm. The costs would involve structural measures, engineering fees, and the development of a comprehensive nutrient management plan.

After regulations comes low commodity prices. These are probably the most obvious of all things that people in the city read about regarding the farm income situation. Today in my hometown of New Hartford, IA, where we deliver our corn and soybeans, the cash price for corn is $1.78 and $4.03 for soybeans. These are not lucrative margins. The lack of profitability and production hurts. Three years in a row of low prices—except for soybeans—are lower now than ever before. These low prices have been the rule for the last 3 years. These low prices can actually take some of the best farmers to the breaking point.

After low commodity prices, we have the frustration with the international trade of agricultural products. The European Union still spends a huge amount on agricultural export subsidies. These subsidies of the European Community are the most trade distorting, even trade disruptive, of all agricultural policies. They depress the prices that would otherwise apply to commercial trade. In so doing, they harm the ability of our farmer to compete with European farmers in third country markets. They also reduce the incentive to engage in more efficient production.

The truth is, until we get the European Union to agree to reduce its excessive spending on export subsidies, we will not be as competitive as we could be and should be in world agricultural markets. As a result, our farmers will continue to get lower prices in world agricultural products as long as the American farmer is competing against the German treasury, as opposed to competing against the German farmer. We can compete against that farmer, but it is very difficult to compete against the German treasury.

The best way we can address this problem is to launch a comprehensive new round of multilateral trade negotiations at the World Trade Organization ministerial meeting in Qatar and engage the Europeans directly on this issue. Successfully launching a new round of global trade talks is hardly a sure thing. We have a lot of work to do before we can make this happen. I am not certain we have the necessary international political consensus on this point. Even if we were to advance that new round right now, it would still be a few years before we would see the economic impact, assuming—and you cannot always assume—that American agriculture will win at the bargaining table the way we hope we will win.

We do get victories. Over a period of time we have seen trade distorting practices on agriculture and tariffs on agriculture come down—quite frankly, not as much in the agricultural area as they have come down in almost every other area of manufactured products and services.

We have another trade frustration, and that is the country of China. Currently, negotiations on China's access to the World Trade Organization are stalled in Geneva because China is insisting on claiming developing country status with respect to their agriculture. This would mean that China would be entitled to exempt a higher proportion of trader distorting domestic support spending from the agreed upon caps on such spending than it would be if China is considered to be a developed nation.

Higher domestic support for agriculture and China would mean less excess for American farm products to China. Although this is of prospective harm, not one we are facing immediately, it certainly will not help our farmers if we don't get China to change its position. This isn't something for which we have to wait 5 years. These sorts of negotiations of China's success to the World Trade Organization are going on at various times now or in certain periods of the near months we are in and the months that have passed. This is something that China is going to have to agree to if they expect to get in the World Trade Organization, that they are coming in as a developed nation to meet fully their responsibilities in the World Trade Organization, not begging for some special treatment.

The list of factors affecting the agricultural economy does not detail all of the reasons that our agricultural economy is failing. But it does lay out a number of good reasons why we should be concerned about the strength of the family farms. Our amendment adds $63.5 billion to agriculture's mandatory Commodity Credit Corporation price supports, related programs, and conservation.

Adding this $63.5 billion to the existing $94.2 billion already in the baseline will add up to $150.7 billion in the support for the agricultural economy over the next 10 years of this budget resolution. I believe the additional budget authority provided in the baseline will allow the Agriculture Committee to begin the process of establishing the parameters for our next farm bill. In the interim, the $5 billion provided in fiscal year 2001, the year we are in now, and the $7.35 billion provided for economic assistance, will help farmers survive.

I know my friends and neighbors of Iowa need assistance and a better counter-cyclical program; that is, improvements in the farm program. When we use the word "counter-cyclical," that implies that there will not have to be a dependence upon Congress from year to year voting additional money, but there would be a program that would kick in under circumstances of lower prices.

I also know we need to provide this assistance in a fashion that improves our fiscal responsibility. Massive cash infusions are not the long-term answer to the challenges facing the American farmer. The 1996 farm bill was not created under the assumption that it was the only tire on the wagon. When we passed the 1996 bill, it was supposed to be supported by tax relief and assistance, like the farmers savings accounts legislation that I have continuously introduced and was in a bill the President vetoed last year, and hopefully will be in a bill the new President will sign.

In addition to that, we promised in 1996 increased trade opportunities but, in the period of time since then, we failed to pass trade promotion authority for the President. We also took too long to give farmers new and improved risk management options which, just last year, 4 years late, after it was promised, we finally passed a new crop insurance program.

Due to partisan opposition regarding free trade and tax relief, the only additional wheel that has been placed on this wagon is this crop insurance reform I talked about, and the Government was a long time getting that passed. Any farmer knows if you only have two wheels on a four-wheeled wagon, it does not roll along very well. So if there is, during this debate, criticism of the 1996 farm bill—and there can be some legitimate criticism of the 1996 farm bill—remember, it should not be judged as the total product we promised the farmers in 1996 because what we provided for was a safety net. We found out 3 years later that safety net had some holes in it. We had to pass in 1998, 1999, and 2000, as we are doing now for the year 2001, some patching of that safety net, not because that is something we knew needed to be done in 1996, but because it was a promise that we made in 1996 that there would be a safety net there for farmers, and the money that was provided in 1996 for each of the next 7 years was not enough money. Keeping our promise to the family farmers, we enhanced that in 1998, 1999, 2000, and we will do it again in 2001.

So if there is criticism of the 1996 farm bill, remember that we have, in fashioning past farm bills, when there was a crisis we didn't anticipate when the bill was passed, we supplemented. Go back to 1985, 1984, 1986, in that period of time when we put the "payment in kind" program in place. We did not anticipate using that, but because of the low prices, we did.

We did not anticipate using paid diversions to take land out of production, but we used those. They were additional supplemental payments that were not anticipated.

So it does not matter whether it is the 1996 farm bill or the 1990 farm bill or the 1985 farm bill or the 1981 farm bill. When you look ahead 5 years, or as we did in 1996, 7 years, nobody expects you to anticipate all the problems farmers are going to have and write a bill that is going to anticipate it all. But somehow I think people want to leave the impression that is what was intended in 1996. There isn't anybody who has that sort of clairvoyance. So, consequently, we have to act from time to time. That is exactly what we are doing here with this amendment.

The other thing I do not want to hear criticism of is that we did not include the farmers savings account as was promised in 1996. We did not give other trade opportunities as was promised in 1996. We did not provide crop insurance in 1996 as we promised in 1996. We delivered on that in the year 2000. And there are other issues as well. So we have to keep this in perspective.

We have to get those four wheels on the wagon so it rolls along well. As chairman of the Senate Finance Committee, I am committed to providing the much needed tax relief and expand the opportunities our farmers need. But the Congress also made a pledge to family farmers that they would experience this transition throughout the 1996 farm bill. The fact we could not get the wheels on the wagon, coupled with the disastrous recession experienced by our eastern Asian trading partners, which triggered significant slumps in demand for our agricultural commodities has forced the Congress to provide assistance.

If during this period of time the Federal Reserve Board had been a little bit more concerned about liquidity as opposed to inflation, we would have had a little easier and better time as well.

In addition, this amendment works hand in hand then with the $1.6 trillion tax relief package we hope to pass through the Senate Finance Committee. This tax cut package will help American farmers in several ways. First and foremost, farmers generally do business as proprietors, partners, and in subchapter S corporations.

That means marginal rate cuts through this tax bill will help farmers.

Second, many family farmers cannot pass on the farm to their children because of the death tax. The Bush tax cut would rid us of this death tax.

Finally, there are tax cuts such as the farmer savings accounts, to which I have already alluded three times, that will help farmers weather the downside of the cyclical business patterns of farming.

The assistance we provide should not lead to more problems for the family farmers. If government spending is fiscally irresponsible, we will continue to witness artificial land prices and inflated cash rents. This doesn't serve the family farmer. It only makes it more difficult for farmers who rent ground to make a profit.

I ask my colleagues to support this amendment. I particularly thank Senator MILLER of Georgia for his co-sponsorship of this amendment so that it is in fact a bipartisan amendment.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I will be offering an amendment to the budget resolution pertaining to agriculture to follow on the amendment of the Senator from Iowa discussing the changes needed relative to agriculture itself. This amendment is cosponsored by my colleague, Senator CONRAD of North Dakota.

This amendment will provide permanency of farm aid for this crop year and will increase the budget for the next 10 years so that Congress can begin to fashion a new farm bill.

This amendment includes $9 billion in emergency farm assistance for fiscal year 2001 and $88 billion in additional agricultural assistance above the Congressional Budget Office baseline over the years 2002 to 2011, including a minimum of $9.4 billion for farm conservation programs. This is roughly a 50-percent increase over the baseline funding for conservation.

Finally, of the $88 billion in additional funds provided to agriculture during fiscal years 2002 through 2011, $58 billion is provided for the fiscal years 2003 through 2007, assumed to be the first 5 years of the new farm bill and also the period when the need for additional assistance, frankly, will be greatest.

We have found an immense shortcoming in the existing farm legislation, and we have augmented that funding in recent years—3 years in a row now—with ad hoc disaster legislation. We seek to make room in this year's budget debate for the eventuality of the need for an additional augmentation to address this year's disaster in the same manner as we have in the past years.

Frankly, the budget numbers contained in this amendment will be less than what many of the farm organizations are coming to Washington contending they will need. Nonetheless, it will assure the ability of Congress to address these issues both for the coming fiscal year and during the duration of the coming farm bill.

I know there are those who will suggest that there is a contingency fund, and we can turn to that in the event those funds are needed. But the contingency fund, as outlined by the President, consists largely of Medicare trust fund dollars. And secondly, the predictable demands on those dollars—the need for increased spending for defense, for tax extenders, for alternative minimum tax reform, for pension reform, for any number of other issues which we know very well will need to be brought up during this Congress—will more than overwhelm the contingency fund. The responsible approach is, instead, to provide explicitly for agriculture in the course of working up this budget resolution.

I believe there will be a significant tax cut. My constituents want a tax cut. I support a significant level of tax relief. But we need to make sure, as we approach this budget resolution, that while on the one hand we do secure the funding necessary for significant tax cut relief, particularly for middle-class and working families, at the same time we balance it in a thoughtful fashion so that we are allowed to pay down debt, strengthen Medicare, strengthen education, and, among other things, take care of our needs in rural America.

Rural America has not prospered over this past decade in the way that most of the rest of our Nation has. These have been growing times, prosperous times across much of America. Much of the rural side of our Nation has struggled under population loss, under low incomes, under staggeringly low agricultural prices, all at the same time input costs—from fertilizer to fuel—have gone through the roof.

Farmers and ranchers all across our Nation have been caught in a terrible bind these last several years, and we need, in the course of putting together this budget resolution, to make sure we have provided the necessary resources so that the Ag Committee can go on with the construction of a new farm bill and so we can avoid the uncertainty of disaster relief in the coming year.

Since 1997, our Nation's family farmers have experienced a price crisis of simply enormous proportions, perpetuated by a series of weather-related disasters in certain regions. Surplus crop production both here and abroad, weak global demand—exports are down—agribusiness consolidation resulting in a loss of market access, and an inadequate farm safety net, all of these coming together are prime reasons, in my opinion, for what is a price crisis both in the grain sector and the livestock sector of our ag economy.

Moreover, given the input-intensive nature of production agriculture, many farmers and ranchers are having to pay more each year for their critical inputs. This situation has put them in a price-cost squeeze, making it nearly impossible to earn returns that cover their expenses.

As a result of woefully inadequate farm bill price protection, Congress has enacted multibillion-dollar disaster programs over the last 3 years—in fact, a record $28 billion in fiscal year 2000. It should be noted that direct Government payments accounted for around three-fourths of net cash income from major field crops in 1999 and for about two-thirds in the year 2000.

USDA predicts 2001 may be the worst year ever. Without supplemental income or emergency aid, USDA estimates that net farm income in 2001 could reach its lowest level since 1984—the absolute depth of the farm crisis in this Nation in recent generations.

That said, I am disappointed that the underlying budget resolution does not include funding for a new farm bill that will ensure economic security for family farmers, ranchers, and rural communities now and into the future. It is clear that the 1996 farm bill's promise to create a bridge to prosperity and less dependence upon Government assistance for farmers has been broken. Three years of costly ad hoc disaster and economic aid programs illustrate the need to revise our farm policy now and to do it in a financially responsible way.

I believe Congress can and should amend current farm policy immediately to provide a more predictable and secure safety net for family farmers. Our amendment also will provide for that opportunity.

I am pleased to join the ranking member of the Budget Committee, Senator CONRAD, to include funding in the fiscal year 2002 budget resolution so that Congress can, in fact, enact changes to the underlying farm bill and provide a more predictable and responsible safety net for our farmers and ranchers throughout this Nation.

There will be tax relief, and there will be significant tax relief. But while the President is correct that the budget surplus, to the extent that it exists, is the American people's money, it is also the American people's farm problem, the American people's education problem, the American people's debt reduction problem, the American people's crisis in any number of other areas which must be addressed in a thoughtful and responsible manner in the course of putting together this budget resolution.

It is my hope, rather than this unending partisan head knocking that has gone on here for far too long, that in fact we can reach some bipartisanship in the creation of this budget resolution which will set the framework then for the budget and tax discussions for the remainder of this 107th Congress.

It makes no sense to me that there has been such a lack of willingness to negotiate, such a lack of willingness to bring both sides together in a bipartisan fashion. What we have here is the people's budget problem. It is one that is solvable if people of good faith will work together in a constructive fashion, understanding there is give-and-take that will be necessary on both sides.

It seems to me what is not constructive, what is not helpful, is where either side takes a "my way or the highway," "nothing is negotiable," "one side has all the wisdom in the world" kind of approach, either to agricultural policy or to any other aspect, any other component of the budget issues facing us in America today.

So I look forward to offering this amendment and to continuing debate in the future on the financial aspects of what will be required to bring rural America into the level of prosperity and opportunity that the rest of America has enjoyed and experienced over this past decade.

Mr. President, I suggest the absence of a quorum.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold the suggestion of the absence of a quorum?

Mr. JOHNSON. Yes, I withdraw my suggestion.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, the underlying amendment offered by Senator GRASSLEY from Iowa and the amendment that will be offered as a counter to it is exactly what needs to be discussed when we talk about the Federal budget. What are our priorities? What do we think is important in this country? What do we as Senators and Members of the House believe ought to be done? What ranks near the top?

We come, those of us from farm country, to the Congress saying family farming is important to this country. We believe that family farming contributes something very substantial to America; it always has. There was an author who died some years ago named Critchfield who described what family farming provides to our country. He described the origin of family values coming from family farms, and rolling from family farms to small towns, to big cities, refreshing and nourishing the family values of our country. I believe that to be the case. I believe a network of food producers across this country is important to this country's strength and its security.

Some take the position that it does not matter whether we have family farmers. They say: Corporations will farm America. We don't need people living out on the land. We have dairy operations in California that milk 3,500 cows three times a day.

Those are agrifactories, not family farms. We have corporations that will buy land and have tractors big enough to plow as far as you can see. And, yes, they will produce America's food. But this country will have lost something if we decide that family farming is not important in our future. It will have lost part of its culture and its heritage.

Europe has taken a different tack, a different road.

Europe has already decided family farms are important. They want people to be able to live out on the land, to produce their food, and to be able to make a decent living producing their food. The result is, in rural Europe, farmers are doing well and small towns are thriving, as compared to this country where small towns are dying and family farmers are struggling and rural economies are shrinking like prunes.

We have an opportunity in this country to decide what kind of future we want, what kind of an economy we want.

In speaking about farming and its culture for a moment, I come from a town of nearly 300 people. I graduated from a high school class of nine. In my hometown and towns similar to it all across the rural State of North Dakota, wonderful things result from a culture that is important to this country.

Let me give an example. In one community in North Dakota, a man and his wife run a gas station, according to news reports. But they don't want to work all day because they are of retirement age. So at about 1 o'clock in the afternoon, they close their gas station, hang the key to the gas pump on a nail by the door to their gas station, and also have a pad there so if when they are closed you need gas, you take the key, unlock the pump, fill your car, and make a note that you have taken gas. Yes, that happens in America, in rural America, in a very small town in North Dakota.

Another small town in North Dakota, as part of our rural culture, can't keep a cafe open, a town restaurant. So they have all members of the community who are able-bodied sign a sheet to say when they will work for nothing to keep the restaurant open. That is the way they have a restaurant in their town.

Another community had a grocery store close up, and so the city council decided the town would build a grocery store. I was there the day they opened it with a high school band playing on Main Street in this little town of Tuttle, ND, proud as the dickens at the new grocery store they had built for themselves. Some would call it socialism because it is not a private grocery store. The town decided to put together a little nonprofit group, and they built their own grocery store because they lost the store they had. Wonderful things happen in rural cultures where family farms support small towns.

In my home county, some long while ago, there was a robbery. In my little town a robbery is almost unheard of. It prompted the county sheriff, after investigating, to say that there had been no sign of forced entry for the cash that was stolen because the people had gone on vacation for 2 weeks and had not locked their home. Let me repeat that. The people had gone on vacation for 2 weeks and had not locked their home. Why? Because they didn't have a key for their home in any event.

The county sheriff of my home county put out a missive to all the folks in the county saying, if you are going to vacation, you should consider locking your home. And a good many people in my hometown said that was a real problem because they didn't have locks. Then he said something very radical. He said: When you park your vehicle on the main street in Hettinger County, you should consider taking the keys out of the vehicle. A couple of ranchers observed to the county newspaper that they wondered what if people needed to use their pickup trucks. That happens in rural America. That is a rural culture. That is something that is important. That comes from family farms dotting the landscape, providing the economic blood vessels by which small towns survive and thrive.

In this country all too often family farmers are hanging on by their fingertips, struggling during tough times with collapsed commodity prices. Small towns are shrinking and dying all across this country.

I have a map that I haven't brought to the floor. I will bring it to the floor when I offer an amendment in a couple of days that shows the counties in this country that have lost 10 percent of their population in the last 25 years. It is blocked out in red. It is a big egg-shaped area from North Dakota down to Texas. We are depopulating rural America. The middle part of America is losing its population, a century after we homesteaded rural America, a century after we told people: You go out and if you take 160 acres of land and improve that land and build a farm, we will give you the 160 acres. That was under the Homestead Act. That is how people went to the Dakotas at that time. That is how my great-grandmother went there with four kids after her husband had a heart attack. She went to Hettinger County, ND, and pitched a tent, built a home, and created a farm, and the Government gave her 160 acres of land under the Homestead Act. That is the way we populated rural America.

Now that county, as virtually every other county in America, is shrinking like a prune because farmers can't make a living when prices collapse and prices have gone down and down and stayed down.

Now the question is, Does this Congress care? Does this country care? Are we going to, in public policy, decide that family farmers matter, that we want our food produced with a broad network of food producers, families living out there with the yard light shining on a yard and contributing to a culture of the type I have just described that is something unique and wonderful in this country or are we going to take the position that some take that the family farm is similar to the little old diner that got left behind when the interstate came through and we have fond memories of it—but so long.

I hope this Congress decides that family farmers matter to this country. The space between New York and Los Angeles is not just air time. It is a lot of good country. When you get to the middle of America, you find a lot of good people. They struggle to produce crops against all the odds.

Some say: Why do you need something special for farmers? Farmers are no different than the hardware store in town. But farmers are very different. A farmer borrows money to put a seed in the ground in the spring, borrows money to fuel the tractor to put that seed in the ground, and then fertilizes that seed and hope it grows. If it grows, it is good luck, that crop. If it grows, it is good luck for the farmer. But it might get eaten by insects, it might be destroyed by hail, disease, all number of elements over which farmers have no control can affect that crop. And perhaps if the farmer is lucky enough to take that crop off in the fall and haul it to an elevator, in a world in which nearly half the people are hungry, the grain trade now tells that farmer the food you struggled to raise has no value.

Think of that. In a world in which 500 million people go to bed with a severe ache in their belly every night because it hurts to be hungry and in a world in which half the people don't have enough to eat, our farmers are told their food has no value. It somehow is not a national asset. There is something fundamentally bankrupt about that kind of thought.

My point on this amendment and on this bill is this: Are we going to keep skipping around here, just sort of doing enough to avoid the charge that we are not doing anything or is this Congress going to decide that one of its priorities is to do something to help family farmers so we have family farmers in our future? Does agriculture or family farming matter? We will see.

We know what matters to some. We know to some the only thing that matters is a $1.6 trillion tax cut. I am for tax cuts. It is not exactly political heavy lifting to be for tax cuts. That is zero gravity in politics. You want to go out and say you are for tax cuts. That is not exactly heavy lifting. I am for tax cuts. I am not for $1.6 trillion. I am not for taking money out of the Medicare trust fund in order to do it. I am not for tax cuts at the expense of education or family farming. I am not for tax cuts at the expense of paying down the debt. I am for tax cuts that make sense for our country, that allow us also to pay down the Federal debt, to improve our schools, to help our farmers, and to do the other things we need to do in this country to make this a good place in which to live.

This is all about priorities and balance. We are going to have a couple of amendments offered on the issue of funding agriculture. One is going to be short. The other, shorter than I would like, will address this issue in a much more robust way. We can choose what is our priority.

Look in the rear-view mirror a few years and dig out the debate in the CONGRESSIONAL RECORD that preceded the most recent debate on Freedom to Farm. See who said what. Those who said they were friends of family farmers said we were headed towards nirvana; I see a day in the golden sunset in which farmers will no longer be dependent on the Government and we will have robust, aggressive, decent prices for family farm products all across the country; farmers will be able to make a good living.

They said that when wheat was $5.50 a bushel. And they put in place a farm program that said: We have a new theory. Our theory is, we don't need countercyclical help for farmers. When we have a price valley, let farmers fall into the valley. We don't need a bridge across that price valley.

So Congress passed that legislation. I didn't vote for it. Congress passed that legislation. The price of wheat collapsed, from $5 right off the table. It just flat collapsed.

Every single year since that time, the so-called Freedom to Farm bill has been demonstrated a failure. It doesn't work. We are going to transition for 7 years with transition payments or so-called AMTA payments out of any kind of support for family farmers. That never made sense. If a country says family farming doesn't matter, then that is the route to take. But I expect most in this country believe family farming matters a great deal. Certainly most in this Chamber profess they believe that.

If that is the case, let us finally put together a farm program that works. Let's stop shadowboxing. This is all political shadowboxing. Let's decide this is a priority. And on this day and in this way, we will put together a program that works, something that says to family farmers: You matter, too. You are part of our future. We care about family farming.

I am not going to be apologetic for saying this is important to my State and to our region of the country. This is important to our entire Nation.

As I indicated when I began, Europe has already made this decision, and good for them. This country ought to as well. Europe long ago decided they were hungry once and they will not be again.

How do you make certain you are not hungry? You make certain you have a network of food producers dotting the land, family farms producing America's food—in this case, producing Europe's food. You decide you are going to pay people who work hard on family farms a decent return on that which they produce.

As I said earlier, it is inconceivable to me that which we produce in such great abundance and that which the world needs so desperately—food, coming from our family farms—is deemed to have so little value by the grain trade.

Part of this is an issue some of us will work on together as well, and that is all the monopolies in every direction farmers face. Do you want to put your grain on a railroad? Guess what. The railroads are in monopoly or near monopoly. They are very few. They will tell you where you are going to be and what they are going to charge.

Do you want to sell your grain? It does not matter what kind of milling you are talking about selling it into. The top three or four firms are going to control almost all of them.

Do you have some animals you want to sell—fat steers or hogs? Sell them into the production cycle, and guess what. Two, three, or four firms are going to control 70 or 80 percent of all of the processing.

In every direction farmers face monopolies. They have their fist around the neck of the marketing bottle in a way that chokes family farmers every single way. We need to do something about that. It is time for this country to stand up for some antitrust enforcement and bust some trusts and break some monopolies.

Today we are talking about the priorities. With this budget, what are we committing to decide we are going to have a nation of family farmers in our future? I hope we will make the decision to do enough.

The amendment offered by my colleague from Iowa is short. It is not enough. It does not meet the needs. In any case, it comes from, in large part, the so-called contingency fund. David Copperfield is on television with his special, talking about illusions. He has his match in this Chamber with respect to illusions. We have been hearing about this mythical contingency fund for hours and hours, and we will hear about it all week. It is an illusion.

To the extent any part of it is real, a significant part comes from the Medicare trust fund which was supposed to have been in a lockbox. So now we are talking about Houdini, not David Copperfield, because somebody opened the lockbox and put it in the so-called contingency fund.

We can do a lot better than that. Let us decide this is a priority, that family farmers matter, that family farmers are a priority for this country, and fund it the way it should be funded. We should reject the amendment offered by the Senator from Iowa and accept the amendment to be offered by my colleague from South Dakota and my colleague from North Dakota tonight or tomorrow morning.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a place where we have some fundamental agreement and yet some disagreement on how to accomplish the goal.

We face a crisis in American agriculture. It is deep, it is abiding, and it is devastating.

Let me put up a chart that shows what USDA tells us will happen to net farm income in the period from 2000 to 2002, the last 2 years on this chart. One can see that net farm income is going to plunge unless we take action.

Senator GRASSLEY is to be commended for taking action by offering his amendment. I disagree with some of the specifics, but I commend him for standing up for American agriculture at a time of extreme need.

The next chart shows what our major competitors are doing in comparison to what we are doing to support our producers.

The European Union, our biggest competitors in world agriculture, is providing $313 an acre of support per year to their producers. By comparison, we are providing $38 an acre for our producers. Europe is doing nearly 10 to 1 over and above what we are doing—nearly 10 to 1. Those are the very difficult circumstances our farmers face.

We are telling our farmers: You go out there and compete against the French farmer and the German farmer, and while you are at it, take on the French Government and the German Government as well.

That is not a fair fight.

That is just the first part of the equation. Let us go to export assistance. This chart shows that the European Union is flooding the world with agricultural export subsidies. The blue part of this chart is the European share of world agricultural export assistance. One can see the Europeans account for 83.5 percent of all the world's agricultural export subsidies. The U.S. share is that little red piece of the pie, 2.7 percent.

The Europeans are outgunning us on export assistance 30 to 1—10 to 1 on domestic support, internal support, and 30 to 1 on export assistance. We wonder why American agriculture is in trouble. We worry why Europe is gaining world market share. It is very clear if one does an analysis of why that is occurring. It is because they are providing much greater assistance to their producers than we are to ours.

Let us go to the next chart. Here is the history from 1991 to the year 2000. The green line is the prices farmers pay for inputs. That line goes up, up, and away. The red line is the prices farmers have received.

One can see that the peak of what farmers received was in 1996, right before we enacted the last farm bill. Since then, prices farmers have received have gone down, almost straight down.

The gap between the prices farmers pay and the prices on what they sell is growing, is dramatic, and is devastating. That is what has led to the crisis in American agriculture. That is what requires a response. That is why the Senator from Iowa is proposing this amendment. That is why we will propose an alternative that we think is superior, that is better, that has more funding because, very frankly, what the Senator from Iowa has offered is inadequate: $63.5 billion over 11 years will not come close to matching what the Europeans are doing. It will not come close.

Our amendment provides $97 billion over that 11-year period. We fund it in the first year, in the current budget year, out of the surplus and in the succeeding years out of the President's proposed tax cut. We would reduce the size of his tax cut slightly to provide additional support to agriculture.

Why don't we adopt the proposal of Senator GRASSLEY? Very simply because once again the proposal he is offering goes right into the Medicare trust fund to provide support for agriculture.

This next chart shows year by year. This is the problem I addressed on prescription drugs. It repeats itself. These are the year-by-year numbers in the Republican budget. In the year 2005, they only have $7 billion available without going into the Medicare trust fund. The next year they only have $12 billion available.

Senator GRASSLEY's proposal spends $9 billion in the year 2005 for this package. He is going into the Medicare trust fund to provide the resources for agriculture. We say, no. We want to provide the resources for agriculture. We have an amendment at the desk to do it. We provide 50 percent more so we can come close to matching our major competitors, the Europeans. We say, no, we are not going to tap the Medicare trust fund to do it. We are not going to tap the Social Security trust fund or the Medicare trust fund for any other purpose, we don't care how laudatory. We think it is wrong.

If any company in America tried to tap the retirement funds of their employees or the health care trust funds of their employees, they would be headed to a Federal institution, but it would not be the U.S. Congress. They would be headed to a Federal institution. They would be headed for a stretch. It is illegal. You can't raid the trust funds if you run a company. You can't raid the retirement funds of your employees. You can't raid the health care trust funds of your employees, and we shouldn't either. We have stopped this practice the last 3 years and we shouldn't take it back up. We ought to draw a bright line and say no raiding of the Social Security trust fund, no raiding of the Medicare trust fund, not in any year.

That is why we have a different proposal. Our proposal says very clearly, yes, additional assistance to agriculture and substantially more than is in the Grassley plan. We have $97 billion over 11 years; he has $64 billion over 11 years. I think the more important difference is we will not raid the Medicare trust fund to do it. In the first year, this current fiscal year, we take it out of the $96 billion of nontrust fund surplus that is available, and in the succeeding years, we take it by reducing slightly the President's proposed tax cut.

AMENDMENT NO. 176

(Purpose: To provide emergency assistance to producers of agricultural commodities in fiscal year 2001, and additional funds for farm and conservation programs during fiscal years 2002 through 2011)

Mr. CONRAD. Mr. President, I call up the Johnson amendment.

The PRESIDING OFFICER. The Grassley amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD], for Mr. JOHNSON, for himself, Mr. DASCHLE, Mr. HARKIN, Mr. DORGAN, and Mrs. LINCOLN, proposes an amendment numbered 176.

Mr. CONRAD. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CONRAD. I ask unanimous consent Senator JOHNSON be shown as the prime sponsor, that I be shown as a cosponsor, along with Senators DASCHLE, HARKIN, DORGAN, and LINCOLN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I yield the floor.

Mr. DOMENICI. Mr. President, I don't have anything further to say. I will have a chance tomorrow to speak again. I think we have a unanimous consent agreement that takes over.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN CHINESE-AMERICAN RELATIONS ON HAINAN ISLAND

Mr. AKAKA. Mr. President, the only way to resolve the current crisis in American-Chinese relations is the prompt and safe return of the 24 American airmen now being detained by the Chinese military on Hainan Island and by the swift return of the U.S. Navy's plane. Only after their return can we begin to discuss other issues with China over this and other incidents affecting our relations.

I am deeply disturbed by the delay in allowing American embassy personnel to meet with our service personnel, and I am concerned about press reports that they are being detained in separate areas. I understand our bilateral consular agreement requires the Chinese to provide full access to American citizens within four days but nothing precludes them from giving such access sooner. Indeed our consular agreement with China requires consular access to all American citizens within 48 hours of receipt of official notification of their detention. As Chinese officials issued statements concerning their detention on April 1, China may already be in violation of its consular agreement with us. The fact that American consular officials are already present on Hainan Island and the extraordinary circumstances surrounding our plane's emergency landing on Hainan provide the Chinese authorities with an opportunity to demonstrate their good will.

Press reports that Chinese personnel have entered our plane and removed equipment are also deeply disturbing. Under international law, the plane enjoys sovereign immune status as the incident took place in international air space and the plane should not have been entered or tampered with. There is no doubt about the location of the incident as even the Chinese Foreign Ministry press spokesman, Mr. Zhu Bang Zao, acknowledged that it took place 104 kilometers, or 65 miles, at sea.

This incident is the most recent in a series of serious episodes in American-Chinese relations since the establishment of diplomatic relations between our two countries. When the Chinese embassy was mistakenly bombed in Belgrade, we moved quickly to assume responsibility and to make appropriate amends. I hope that the Chinese are now willing to take similar steps to defuse the situation and restore the trust necessary between two great nations. It behooves both countries to exercise restraint and respect for each other. The first step towards resolution is for China to release our detained personnel and equipment. Perhaps they do not realize how profoundly affected Americans are by the perception that their fellow citizens are being mistreated or misused as tools of political propaganda. The seizure of the U.S.S. *Pueblo* by North Korea and the takeover of the American Embassy in Iran, as examples, remain sores in the American psyche. We deeply resent the mistreatment of Americans for simply being Americans doing their duty under the protection of international law and agreements. We can also understand China's concern over the loss of its pilot and plane. We regret their loss but prolonging this crisis can benefit neither country nor lead to a reconciliation between us.

A first step needs to be taken. I hope the leaders of our two countries do so soon by opening a direct dialogue. May God bless our servicemen and women who are now suffering this time of trial. Our thoughts and prayers are with them constantly.

EQUAL PAY

Mr. KENNEDY. Mr. President, today, Equal Pay Day, marks the day this year when women's median earnings for 2000 and 2001 to date, catch up with what men earned last year.

It is disgraceful that hard-working women and people of color are still battling wage disparities and pay discrimination on the job. There is a wealth of evidence that shows that the wage gap still continues to plague American families, and that wage discrimination continues to be a serious and pervasive problem in workplaces across the country. In spite of the progress we have made, women still earn only 76 cents for every dollar earned by men. African American women earn just 64 cents, and Latinos earn only 54 cents for every dollar earned by white men.

I have long supported the Equal Pay Act, which was signed into law 37 years ago by President Kennedy, and believe that the wage gap in the United States is unconscionable. Women and people of color should not be treated as second class citizens when it comes to pay. But not everyone shares my view. I was deeply troubled to learn this week that Diana Furchtgott-Roth, one of the strongest and most vigorous opponents to equal pay, was newly named as Chief of Staff to the Council for Economic Advisors.

These pay disparities translate into large costs in lost wages and lost opportunity. The average working woman loses $4,200 in earnings annually, and suffers a loss of $420,000 over her career. This gender gap has a long-term impact, since lower wages and lower lifetime earnings lead to lower pension benefits in retirement. The median pension benefit received by new female retirees is less than half that of the benefits received by men.

While some critics argue that the differences in pay are based on different levels of education, years in the workforce, occupational differences and similar factors, these factors alone do not explain away the wage gap. Studies have found substantial pay differences between men and women even when these factors are held constant. In fact, women now surpass men in the percentage of those earning a college or advanced degree, but college-educated women working full-time earn almost $28,000 less annually than college-educated men. An African American woman with a master's degree earns $29,000 less annually than a college-educated white male. An Hispanic female with a bachelor's degree makes only $872 more than a white male with only a high school degree.

Pay discrimination is not just a women's problem, it's a family problem. The wage gap costs America's families $200 billion a year. Nearly two-thirds of working women report that they provide half or more of their family income. In addition, nearly one in five U.S. families is headed by a single woman, yet these women continue to earn the lowest average rate of pay. Women are entitled to the same paychecks as their male colleagues who are performing the same or comparable work. Without pay equality, women are less able to provide an economic safety net for themselves and their families.

If married women were paid fairly, their family incomes would rise by nearly six percent, and their families' poverty rates would fall from 2.1 percent to 0.8 percent. If single working mothers were paid fairly, their incomes would rise by 17 percent, and their poverty rates would be reduced from 25.3 percent to 12.6 percent. These figures demonstrate the staggering effects of these unfair pay disparities on the lives of women and their families.

The equal pay provisions of the Democratic leadership bill would toughen the Equal Pay Act by providing more effective remedies for women denied equal pay for equal work, allowing prevailing plaintiffs to recover compensatory and punitive damages. It also eliminates loopholes that employers use to evade the law, authorizes additional training for enforcement agencies to better handle wage disputes, and provides for the study of pay dynamics in the U.S. labor market to better understand the pay inequity problem. Finally, the bill forbids employers from prohibiting employees from disclosing their wages to co-workers, thereby making it easier for workers to evaluate whether their rights are being violated.

Congress should pass these equal pay provisions. It is unacceptable for women and people of color to work hard and yet be denied fair compensation. These disparities are particularly alarming, because they persist 37 years after the Equal Pay Act was first enacted and at a time when our nation has been enjoying unprecedented prosperity. It's the right thing to do, and the fair thing to do, for working families.

VIOLENCE AND SUBSTANCE ABUSE

Mr. LEVIN. Mr. President, the Josephson Institute of Ethics, a nonpartisan, nonprofit organization, recently released its survey on violence and substance abuse in the United States. The survey finds that a disturbing number of young people have easy access to guns and have brought those guns and other weapons to school in the past year.

According to those surveyed, 47 percent of all high school students and 22 percent of all middle school students reported having easy access to guns. Of those students who reported drinking at school in the past 12 months, those with easy access to guns jumped to an astonishing 71 percent for high school students and 59 percent for middle school students.

Furthermore, 14 percent of high school students and 11 percent of middle school students admitted that they brought weapons to school in the past 12 months. Again, those numbers increased dramatically among students who also reported drinking at school at some point in the last year to 48 percent for high school students and 57 percent for middle school students.

Easy access to guns among our young people is dangerous, but access to guns paired with access to alcohol or drugs is recipe for disaster. And while the vast majority of students will be safe in their classrooms, our youth's easy access to firearms makes 36 percent of high school students and 39 percent of middle school students feel unsafe at school. Unfortunately, unless Congress and acts to curb youth access to guns, in some cases, that fear may become a reality for more and more students.

CONGRESSMAN NORMAN SISISKY

Mr. LIEBERMAN. Mr. President, I rise today to pay my respects to the memory of my dear friend, Congressman Norman Sisisky. Like many of my colleagues, I was shocked and saddened at hearing the news of his sudden passing last Friday. We have lost a respected and treasured colleague; the people of Virginia have lost one of the most committed and effective men ever to serve in the U.S. House of Representatives; and America has lost a distinguished member of what Tom Brokaw has called "the greatest generation."

Norm Sisisky was a classic example of the devoted public official our founders envisioned serving in "the people's house." For Norm was a man of the people, someone who worked hard, played by the rules and maintained a steadfast commitment to his family and community.

That he excelled in politics is no surprise to those of us who knew him. He genuinely liked and respected people and they returned that with the trust and affection. His trademark grin and infectious laugh drew people to him. Norm never took himself too seriously, and always took great delight in good-natured banter.

But he did take his job seriously. He was an aggressive advocate for his constituents in Virginia's 4th Congressional district for the past 18 years. He never forgot his roots, and never wavered in his commitment to fighting for the little guy, and he never lost sight of his role as their voice in our great system.

But of all his many and important public accomplishments, Norm Sisisky was probably proudest of his service in the U.S. Navy, and of his advocacy in Congress for our servicemen and women. Those of us who have had the privilege of watching Norm battle on behalf of our armed services from his position on the House Armed Services Committee were always impressed by his extensive knowledge and his keen insight. And we were inspired by his determination to keep our defenses strong, even if we in the Senate occasionally had to face his formidable presence in disagreement in conference.

I will forever remember Norm Sisisky as a man of considerable skill, devotion, humor, and honor. He leaves behind a loving family, devoted friends, and a strong nation. That is his proud legacy.

CHILD ABUSE PREVENTION MONTH

Mr. FEINGOLD. Mr President, as we welcome the blooms of spring this April, we should also take a moment to focus on the well-being of our most precious resource, our children. Since 1983, April has been nationally recognized as Child Abuse Prevention Month. Since then, organizations like Prevent Child Abuse America have been passionate advocates for our children and have raised awareness of this egregious problem. In my own state of Wisconsin, the local chapter of Prevent Child Abuse America in Madison has been an effective leader in the fight against child abuse.

Child abuse is an urgent national problem. According to Prevent Child Abuse America, more than three million children were reported to child protective service agencies as alleged victims of child abuse or neglect in 1998, and about one million of these reports were confirmed. And these numbers just reflect those cases that were reported. Undoubtedly, many more cases go unreported.

Child abuse is not only physical harm, but it can also include emotional abuse and mental damage resulting from physical abuse. The documented physical and emotional harm to children includes chronic health problems, low self-esteem, physical disabilities, and the inability to form healthy relationships with others.

Protecting our children should be a national priority. I urge my colleagues and others to support child abuse prevention efforts to protect our nation's greatest resource, our children. Working together, we can help end child abuse.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 2, 2001, the Federal debt stood at $5,745,399,258,826.83, Five trillion, seven hundred forty-five billion, three hundred ninety-nine million, two hundred fifty-eight thousand, eight hundred twenty-six dollars and eighty-three cents.

Five years ago, April 2, 1996, the Federal debt stood at $5,120,563,000,000, Five trillion, one hundred twenty billion, five hundred sixty-three million.

Ten years ago, April 2, 1991, the Federal debt stood at $3,464,021,000,000, Three trillion, four hundred sixty-four billion, twenty-one million.

Fifteen years ago, April 2, 1986, the Federal debt stood at $2,005,753,000,000, Two trillion, five billion, seven hundred fifty-three million.

Twenty-five years ago, April 2, 1976, the Federal debt stood at $599,291,000,000, Five hundred ninety-nine billion, two hundred ninety-one million, which reflects a debt increase of more than $5 trillion, $5,146,108,258,826.83, Five trillion, one hundred forty-six billion, one hundred eight million, two hundred fifty-eight thousand, eight hundred twenty-six dollars and eighty-three cents during the past 25 years.

ADDITIONAL STATEMENTS

THE GRAND OPENING OF THE ABERDEEN COMMUNITY BASED OUTPATIENT CLINIC

• Mr. JOHNSON. Mr. President, I would like to congratulate the veterans community of Aberdeen on the opening, on April 11, 2001, of their new Aberdeen Community Based Outpatient Clinic. This important event brings the health benefits that our veterans so richly deserve closer to home.

I would like to commend Ron Porzio, the chief operating officer of the Veterans Administration Medical and Regional Office Center in Sioux Falls, the area veterans service officers, Brown County Veterans Service Officer Tom Gohn, veterans service organizations and the Aberdeen area veterans who have done such an outstanding job of making this project a reality.

I was pleased to hear that Avera United Clinic was named the provider for the new VA outpatient clinic in Aberdeen. Avera has made a solid investment in the community and the state, and it was only logical that the clinic should provide quality health care services to our veterans in the Aberdeen area. This is good news for veterans in northeastern South Dakota because they will be able to receive many medical services at the clinic without having to drive several hours to the Sioux Falls veterans hospital.

Congratulations also need to go to Avera St. Luke's Hospital, Dr. Steve Redmond, Physician's Assistant Kevin Vaughan, Clinic Administrator Leonard Severson, the clinic's support staff, and CR Associates on their new partnership with the VA.

Veterans are our country's heroes, and their selfless actions will inspire generations of Americans yet to come. Our country must honor its commitments to veterans, not only because it is the right thing to do, but also because it is the smart thing to do.

I will continue to lead efforts to ensure that our nation's military retirees and veterans receive the benefits they were promised years ago. While I am pleased with some improvements in military health care funding passed into law last year, I am concerned that more needs to be done. Assuredly, I will continue to fight for military retirees and veterans programs throughout this session of Congress.•

HONORING THE CENTRAL BUCKS EAST CHOIR OF BUCKS COUNTY, PENNSYLVANIA

• Mr. SANTORUM. Mr. President, I would like to take a few moments to recognize an outstanding group of young people from Bucks County, PA. The Central Bucks East High School Choirs, under the direction of E. Scott Teschner and the String Orchestra, under the direction of Eileen Telly, traveled to Washington, DC and Virginia to be adjudicated in Music Festivals throughout the weekend of March 30, 2001.

The 25-member String Orchestra performed at Lanier Middle School in Fairfax, VA on Saturday, March 31, and the choirs sang at W.T. Woodson High School, also in Fairfax. These choirs include a 165-voice Concert Choir, 16-voice Varsity Singers, 16-voice Men's Ensemble and 27-voice Women's Ensemble. Later that evening, these talented students celebrated at an awards banquet and dance, and on Sunday, April 1, 2001, they traveled to the West Terrace of the United States Capitol for a public performance.

This group of students has been recognized for their outstanding choral abilities in Washington, Williamsburg, Orlando, Boston, and Montreal. In addition, they have been recognized since 1991 as the "Outstanding Choral Program" in every festival in which they have participated. Performances are judged according to National Standards of Excellence by college choral professors, and the Central Bucks East Choirs consistently earn "Superior" ratings. In addition, they are frequently honored with the "Special Adjudicators Award for Distinguished Performance," presented only to the elite choirs in the nation. These singers have also received the "Spirit of the Festival Award" for the last 2 years, which is awarded to the organization that bests represents their community and school, and that is the most cooperative and enthusiastic during the festival.

It is without a doubt that this group is an outstanding representation of young people in Pennsylvania and across the country. They have demonstrated tremendous talent both musically and through their leadership and maturity. I enthusiastically congratulate the Choirs and String Orchestra from Central Bucks High School-East, and I extend my best wishes for their future success.•

IN RECOGNITION OF MRS. ARBELIA GREER PENNINGTON WOOD

• Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge and congratulate Mrs. Arbelia Greer Pennington Wood, a resident from my home State of Michigan, who will be celebrating her 116th birthday on Friday, April 6, 2001.

The child of a sharecropper, Mrs. Wood, who is affectionately called "Ma" by her nephews and nieces, was born in Caledonia, MS in 1885. Raised in Alabama, she moved to Detroit in 1934. Throughout her life, she has been guided by devotion to her family and a deep and abiding faith. Though widowed twice, Mrs. Wood has never been alone. She has been actively involved in the lives of her extended family, which includes not only her nieces and nephews, but also children in her neighborhood. Family members and friends have all commented on her cooking abilities and her ability to teach families about cooking, grammar and even carpentry.

In addition to a multitude of nephews and nieces, Mrs. Wood has been blessed to be part of a family noted for its longevity. Her mother lived to be ninety-three years old. A brother of hers lived to be eighty-nine, and many of her younger siblings are currently in their eighties and nineties. One of her nieces has designed a website dedicated to her beloved "Ma." On that website is posted a verse from the Book of Genesis: "Sarah lived to be 127 years old." I cannot help but think that this verse has not only been an inspiration but also a challenge to Ardelia's family.

Mrs. Wood has seen the turn of two centuries. She has also displayed immense courage throughout her life. Twice she has successfully battled breast cancer. In addition, she has participated as a civil rights activist. As a child, Mrs. Woods refused to take the advice of her white doctors to identify herself as being Caucasian. Later in life, she demanded that a Mt. Clemens, MI restaurant serve herself and her darker skinned husband whom they were denying service. The restaurant eventually relented. Arbelia has witnessed the many changes that have affected our society. By caring for her family, actively participating in her church and serving as a midwife, Arbelia Greer Pennington Wood has quietly worked to make this country a better place. Such daily acts of commitment and civic duty are the foundation upon which this nation is built.

Mrs. Arbelia Greer Pennington Wood can take pride on the occasion of her 116th birthday. I am honored to join her family in wishing her a blessed and happy birthday. I hope my Senate colleagues will join me in congratulating Mrs. Arbelia Greer Pennington Wood.●

TRIBUTE TO AMERICAN RED CROSS, MID-RIO GRANDE CHAPTER

● Mr. DOMENICI. Mr. President, I rise to pay tribute to an organization that celebrates a special anniversary in New Mexico this month. The Red Cross, Mid-Rio Grande Chapter this April celebrates its 85th anniversary of being a humanitarian presence in my home state.

Last May, the devastating Cerro Grande wildfire destroyed hundreds of homes in Los Alamos and caused the evacuation of more than 25,000 people in the region. New Mexico residents, business leaders and numerous agencies generously responded to support a relief effort. But one agency stood out as a leader in the swift response to meet emergency needs of the thousands of families affected: the American Red Cross.

The Albuquerque-based Mid-Rio Grande Chapter serves as the Red Cross' lead unit for disaster services in New Mexico. As such, the Mid-Rio Grande Chapter, working with sister chapters in Los Alamos and Santa Fe, coordinated more than 2,000 volunteers to help ensure that shelters were opened, meals were served, and mental health counselors, nurses, caseworkers and others were available to work with families faced with rebuilding their homes and their lives.

This relief effort, while one of the largest in the state's history, is only one example of the services this Red Cross Chapter provides to disaster victims.

Over the decades, the agency's services have evolved to continue to meet the needs of the communities it serves. The Red Cross was founded in 1881 by Clara Barton. During WWI and WWII, the Red Cross provided extensive services to the members of the U.S. military, supplying more than 80 percent of the bandages used on the battlefields and in the military hospitals. Red Cross nurses and volunteers served in those overseas hospitals, as well as the VA hospitals back home.

Following the wars, new services were formed to meet the needs of veterans. The Red Cross began to expand into home and workplace first aid programs. Swimming lessons and lifeguard training, once unheard of, became a part of hundreds of thousands of children's lives and continues today. CPR and first aid are still taught every week at the Mid-Rio Grande Chapter and around the state and country. In Albuquerque and central New Mexico alone, more than 13,000 people are trained every year.

In New Mexico, the Red Cross also runs a bone and tissue transplantation program. They work closely with United Blood Services to help ensure an adequate blood supply.

In addition to the Albuquerque chapter, the Red Cross also operates chapters in Clovis, Farmington, Hobbs, Las Cruces, Los Alamos, Roswell and Santa Fe.

Throughout program's lifetime, one service has remained constant: disaster relief. Response to fires, floods, windstorms, winter storms, hazardous material spills, transportation accidents, and search and rescue operations has all been part of the everyday work of the American Red Cross, Mid-Rio Grande Chapter. Just last year, they responded to 229 disasters and assisted 285 families, not including the aid given to victims of the Cerro Grande Fire. The Chapter also trains thousands a year in disaster education in an effort to help people prevent, prepare for, and respond to emergencies.

This year, as the Chapter celebrates its 85th anniversary of service, we honor years of commitment and the contributions volunteers have made to our communities by improving and saving lives. These services are made possible only through the generous donations of the people of New Mexico and the nation.

I commend the efforts of the Mid-Rio Grande Chapter of the American Red Cross. I encourage everyone to learn more about the Red Cross and its support services. It is a great organization that relies on public support to ensure that it remains strong and ready to respond to emergency and public safety needs in Albuquerque, the state, the nation, and the world. It is hard to imagine what this country might have been like without the great contributions of one of the world's oldest and largest humanitarian organizations—the American Red Cross.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1297. A communication from the Regulatory Contact of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Official Commodity and Rice Inspection Service" (RIN0580–AA74) received on March 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1298. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Norway; to the Committee on Foreign Relations.

EC–1299. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Russia; to the Committee on Foreign Relations.

EC–1300. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (FEMA Doc. 77750) received on March 29, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1301. A communication from the Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Allocation of Operating Subsidies Under the Operating Fund Formula" ((RIN2577–AB88) (FR–4425–I–12)) received on March 30, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1302. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report concerning the financial statements and schedules for 1999 and 2000; to the Committee on the Judiciary.

EC–1303. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, a report on the financial statements for 1999 and 2000; to the Committee on the Judiciary.

EC–1304. A communication from the Executive Secretary of the Office of Human Research Protection, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Protection of Human Subjects; Delay of Effective Date" (RIN0925–AA14) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1305. A communication from the Executive Secretary of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction" (RIN0910–AA52) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1306. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device; Exemption From Premarket Notification; Class II Devices; Pharmacy Compounding Systems" (Doc. No. 00P–1554) received on March 29, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1307. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1308. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1309. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1310. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report on the appropriated funds for recruiting functions; to the Committee on Armed Services.

EC–1311. A communication from the Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Use of Restraint and Seclusion in Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21: Delay of Effective Date" (RIN0938–AJ96) received on March 29, 2001; to the Committee on Finance.

EC–1312. A communication from the Executive Secretary to the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date" (RIN0938–AK08) received on March 29, 2001; to the Committee on Finance.

EC–1313. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "BLS-LIFO Department Store Indexes—February 2001" (Rev. Rul. 2001–18) received on March 29, 2001; to the Committee on Finance.

EC–1314. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" received on March 29, 2001; to the Committee on Finance.

EC–1315. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner" (RIN1018–AG12) received on March 29, 2001; to the Committee on Environment and Public Works.

EC–1316. A communication from the Acting Vice President of Communications, Tennessee Valley Authority, transmitting, pursuant to law, a report on statistical studies for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC–1317. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report concerning the emergency funding for the State of Michigan; to the Committee on Environment and Public Works.

EC–1318. A communication from the Senior Trial Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extension of Computer Reservations Systems Regulations" (RIN2105–AD00) received on March 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1319. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report concerning the alternative power sources for flight data recorders and cockpit voice recorders; to the Committee on Commerce, Science, and Transportation.

EC–1320. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Inseason Adjustment (opens B season pollock fishery in Statistical Area 610, Gulf of Alaska, for 12 hours)" received on March 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1321. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (opens pollock fishery in the West Yakutat District, Gulf of Alaska)" received on March 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1322. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Cod Fishing by Vessels 60 ft. Length Overall and Greater Using Pot Gear in the Bering Sea and Aleutian Islands Area" received on March 29, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1323. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Cod Fishing by Catcher Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Area" received on March 29. 2001; to the Committee on Commerce, Science, and Transportation.

EC–1324. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Annual Report concerning the Commission's Activities for Fiscal Year 2000; to the Committee on Commerce, Science, and Transportation.

EC–1325. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Amendments to an Emergency Interim Rule Implementing 2001 Steller Sea Lion Protection Measures and Harvest Specifications for the Groundfish Fisheries Off Alaska (provides exemption for fixed gear vessels)" (RIN0648–AO82) received on April 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1326. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule; Adjusting the Seasonal Apportionment of the 2001 Pacific Halibut by Catch Limits for the Trawl and Hook-and-Line Groundfish Fisheries of the Gulf of Alaska" received on April 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of Fishery for Pacific Mackerel" received on April 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1328. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 feet Length Overall and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands" received on April 2, 2001; to the Committee on Commerce, Science, and Transportation.

EC–1329. A communication from the Secretary of State, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1330. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, a report relating to the Government National Mortgage Association for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1331. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1332. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1333. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1334. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1335. A communication from the Acting Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the Annual Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1336. A communication from the Acting Assistant Secretary of Policy, Management and Budget, and Chief Financial Officer of the Department of the Interior, transmitting, pursuant to law, the Annual Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1337. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Annual Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1338. A communication from the President of the African Development Foundation, transmitting, pursuant to law, the Annual Report concerning the Foundation's Financial Statements, Internal Controls, and Compliance for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1339. A communication from the Secretary of Labor and Chairman of the Board, and the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting jointly, pursuant to law, the Program Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1340. A communication from the Executive Director of the District of Columbia Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report concerning the Financial Responsibility and Management Assistance for Fiscal Year 2000; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 27: A resolution to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes.

S. Res. 60: A resolution urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia, and for other purposes.

S. Con. Res. 23: A concurrent resolution expressing the sense of Congress with respect to the involvement of the Government in Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

William Howard Taft, IV, of Virginia, to be Legal Adviser of the Department of State.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably in the Foreign Service the nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning E. Cecile Adams and ending William G. L. Gaskill, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 13, 2001.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 678. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CLELAND:

S. 679. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 680. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAPO (for himself, Mr. BAUCUS, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BENNETT, Mr. ENZI, Mr. STEVENS, and Mr. BURNS):

S. 681. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself, Mr. DODD, Mr. JOHNSON, Mr. WARNER, Mr. DEWINE, Ms. LANDRIEU, Mr. EDWARDS, Mr. BREAUX, Mr. HELMS, Mrs. MURRAY, Mr. REID, Mr. SARBANES, Mr. WELLSTONE, Mr. HOLLINGS, Mr. ROBERTS, Mr. HAGEL, Mr. SMITH of Oregon, Mr. COCHRAN, Mr. REED, Ms. MIKULSKI, Mr. SCHUMER, Mr. THURMOND, Ms. SNOWE, Mrs. LINCOLN, Mr. FITZGERALD, Mr. SHELBY, Mr. CLELAND, Mr. BROWNBACK, and Ms. COLLINS):

S. 682. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. TORRICELLI, and Mr. SMITH of New Hampshire):

S. 683. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 684. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH (for himself, Ms. SNOWE, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. KOHL, Mr. JOHNSON, Mr. BREAUX, Mr. ROCKEFELLER, Mrs. CLINTON, and Mr. CARPER):

S. 685. A bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 149

At the request of Mr. ENZI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 149, a bill to provide authority to control exports, and for other purposes.

S. 311

At the request of Mr. DOMENICI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 361

At the request of Mr. MURKOWSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 361, a bill to establish age limitations for airmen.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 414

At the request of Mr. CLELAND, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 448

At the request of Mr. DOMENICI, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 448, a bill to provide permanent appropriations to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

S. 449

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 449, a bill to ensure the timely payment of benefits to eligible persons under the Radiation Exposure Compensation Act (42 U.S.C. 2210).

S. 466

At the request of Mr. HAGEL, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 472

At the request of Mr. DOMENICI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 472, a bill to ensure that nuclear energy continues to contribute to the supply of electricity in the United States.

S. 500

At the request of Mr. BURNS, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 534

At the request of Mr. CAMPBELL, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 534, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 581

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 581, a bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances.

S. 587

At the request of Mr. CONRAD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 587, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to sustain access to vital emergency medical services in rural areas.

S. 612

At the request of Mr. FEINGOLD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 612, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to develop and implement an annual plan for outreach regarding veterans benefits, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 643

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 643, a bill to implement the agreement establishing a United States-Jordan free trade area.

S. 677

At the request of Mr. BREAUX, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 8

At the request of Mr. CORZINE, his name was withdrawn as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. MILLER), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 an all future years.

S. RES. 63

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. Res. 63, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 65

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. Res. 65, a resolution honoring Neil L. Rudenstine, President of Harvard University.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 678. A bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce the Fishable Waters Act with my colleague from Arkansas, Senator LINCOLN. I ask unanimous consent that Senator LINCOLN be listed as a cosponsor. This is consensus legislation from a uniquely diverse spectrum of interests to establish a comprehensive, voluntary, incentive-based, locally-led program to improve and restore our fisheries.

Put simply, this legislation enables local stakeholders to get together to design water quality projects in their own areas that will be eligible for some $350 million in federal assistance to implement for the benefit of our fisheries and water quality. It does not change any existing provisions, regulatory or otherwise, of the Clean Water Act.

The Fishable Waters Act complements existing clean water programs that are designed to encourage, rather than coerce the participation of landowners. This legislation will work because it will empower people at the local level who have a stake in its success and who will have hands-on involvement in its implementation.

It is supported by members of the Fishable Waters Coalition which includes the American Sportfishing Association, Trout Unlimited, the Izaak Walton League of America, the National Corn Growers Association, the National Council of Farmer Cooperatives, the Bass Anglers Sportsman Society, the American Fisheries Society, the International Association of Fish and Wildlife Agencies, and the Pacific Rivers Council. These groups have labored quietly but with great determination for several years to produce this consensus proposal to build on the success of the Clean Water Act.

As my colleagues understand, it is at great peril that anyone in this town undertakes to address clean water-related issues but the need is too great and this approach too practical to not embrace it, introduce it, and work to achieve the wide-spread support it merits.

A companion bill, H.R. 325, has been introduced by Congressman JOHN TANNER in the House. That bipartisan measure is cosponsored by Representatives ABERCROMBIE, BLUNT, BOEHLERT, ALLEN, CLEMENT, NATHAN, DINGELL, ENGLISH, CHRISTOPHER, JOHNSON, LEACH, PALLONE, SAXTON, STENHOLM, and WHITFIELD.

Joining us last year for the kickoff were representatives of the Fishable Waters Coalition and a special guest, a fishing enthusiast who some may know otherwise as a top-ranked U.S. golfer, David Duval. "Why am I here? I like to fish. I've done it as long as I can remember," Duval said. "I want my kids to be able to have healthy habitats for fish. I want my grandkids and my great-grandkids to be able to do what I enjoy so much, and I think this could make a big difference."

This bipartisan and consensus legislation is intended to capture opportunities to build on the success of the Clean Water Act. It enables local stakeholders to get together with farmers who own 70 percent of our nation's land to design local water quality projects that will be eligible for some $350 million in federal assistance for the benefit of our fisheries and water quality.

Instead of Washington saying, "you do this and you pay for it" and instead of Washington saying, "you do this but we'll help you pay for it", this legislation lets local citizens design projects that can be eligible for federal assistance. For farmers, the idea of protecting land for future generations is not an abstract notion because the farmers in my State know that good stewardship is good for them and their families. Their challenge is that while they feed this nation and provide some $50 billion in exports, they do not have the ability to pass additional costs onto consumers like corporations do. For the 2 million people who farm to provide environmental benefits for themselves and the rest of the nation's 270 million people, they need partners because they cannot afford to do it by themselves. This legislation recognizes that reality.

While one can expect a great deal of controversy surrounding any comprehensive Clean Water effort, the consensus that has built around this approach is cause for great optimism that this legislation will be the vehicle to make significant additional progress in improving water quality.

I am pleased to continue work on the Fishable Waters Act with the broad coalition to move the legislation forward to passage and I thank my colleagues Senator LINCOLN and Congressman TANNER. This new generation approach empowers people at the local level who have the greatest understanding and the most at stake in the success of environmental protection. I will be working with new members of the Bush Administration aggressively because I believe that this is philosophically consistent with their modern approach to environmental protection.

I congratulate members of the Coalition for producing and supporting this consensus legislation and I look forward to working with Senator LINCOLN and my other Senate colleagues to move this legislation forward.

I ask unanimous consent to print the text of a one-page summary of the bill in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISHABLE WATERS ACT BILL SUMMARY IN BRIEF

PURPOSE

This legislation begins with the premise the while great progress has been made in improving water quality under the Clean Water Act, more opportunities remain. The particular emphasis on this legislation is on opportunities to address fisheries habitat and water quality needs.

The findings include that it shall be the policy of the United States to protect, restore, and enhance fisheries habitat and related uses through voluntary watershed planning at the state and local level that leads to sound fisheries conservation on an overall watershed basis.

To carry out this objective, a new section is added to the Clean Water Act.

PROGRAM

The legislation authorizes the establishment of voluntary and local Watershed Councils to consider the best available science to plan and implement a program to protect and restore fisheries habitat with the consent of affected landowners.

Each comprehensive plan must consider the following elements: characterization of the watershed in terms of fisheries habitat; objectives both near- and long-term; ongoing factors affecting habitat and access; specific projects that need to be undertaken to improve fisheries habitat; and any necessary incentives, financial or otherwise, to facilitate implementation of best management practices to better deal with non-point source pollution including sediments impairing waterways.

Projects and measures that can be implemented or strengthened with the consent of affected landowners to improve fisheries habitat including stream side vegetation, instream modifications and structures, modifications to flood control measures and structures that would improve the connection of rivers to low-lying backwaters, oxbows, and tributary mouths.

With the consent of affected landowners, those projects, initiatives, and restoration measures identified in the approved plan become eligible for funding through a Fisheries Habitat Account.

Funds from the Fisheries Habitat Account may be used to provide up to 15 percent for the non-federal matching requirement under including the following conservation programs:-The Wetlands Reserve Program; The Environmental Quality Incentives Program; The National Estuary Program; The Emergency Conservation Program; The Farmland Protection Program; The Conservation Reserve Program; The Wildlife Habitat Incentives Program; The North American Wetlands Conservation Program; The Federal Aid in Sportfish Restoration Program; The Flood Hazard Mitigation and Riverine Ecosystem Restoration Program; The Environmental Management Program; and The Missouri and Middle Mississippi Enhancement Project.

The Secretary of the Interior is authorized to develop an urban waters revitalization program ($25m/yr) to improve fisheries and related recreational activities in urban waters with priority given to funding projects located in and benefitting low-income or economically depressed areas

$250 million is authorized annually through Agriculture for the planning and implementation of projects contained in approved plans.

States with approved programs may, if they choose, transfer up to 20 percent of the funds provided to each state through the Clean Water Act's $200 million Section 319 non-point source program to implement planned projects.

Up to $25 million is authorized annually through Interior for measures to restrict livestock access to streams and provide alternative watering opportunities and $50 million is authorized annually to provide, with the cooperation of landowners, minimum instream flows and water quantities.

Mrs. LINCOLN. Mr. President, I rise today to join my neighbor and colleague from Missouri, KIT BOND, in introducing the Fishable Waters Act. This bill is aimed at restoring and maintaining clean water in our Nation's rivers, lakes, and streams. This bill will provide much needed funding for programs with a proven track record of conserving land, cleaning up the environment, and promoting clean and fishable waters. This legislation takes the right approach to reducing non-point source pollution. It's voluntary. Its incentive-based. And it encourages public-private partnerships.

Our State Motto, "The Natural State," reflects our dedication to preserving the unique natural landscape that we cherish in Arkansas. We have towering mountains, rolling foothills, an expansive Delta, countless pristine rivers and lakes, and a multitude of timber varieties across our state. From expansive evergreen forests in the South, to the nation's largest bottomland hardwood forest in the East, as well as one of this nation's largest remaining hardwood forests across the Northern one-half of the state, Arkansas has one of the most diverse ecosystems in the Untied States. Most streams and rivers in Arkansas originate or run through our timberlands and are sources for water supplies, prime recreation, and countless other sues. We also have numerous outdoor recreational opportunities and it is vital that we take steps to protect the environment.

This bill utilizes current programs within the U.S. Department of Agriculture that have a proven track record of reducing non-point sources of pollution and promoting clean and fishable waters through voluntary conservation measures. Existing USDA programs like the Wetlands Reserve Program, the Environmental Quality Incentives Program, Conservation Reserve Program, and Wildlife Habitat Incentives Program, assist farmers in taking steps towards preserving a quality environment.

CRP and WRP are so popular with farmers that they will likely reach their authorized enrollment cap by the end of 2001. Farmers wouldn't flock to these programs unless there was an inherent desire to ensure that they conserved and preserved our Nation's water resources.

Arkansas ranks second in the number of enrolled acres in USDA's Wetlands Reserve Program because our farmers have recognized the vital role that wetlands play in preserving a sound ecology and efficient production.

WRP is so popular in AR that we have over 200 currently pending applications that we cannot fill because of lack of funding. That's over 200 farmers that want to voluntarily conserve wetland areas around rivers, lakes, and streams. We need to fill that void in funding for these beneficial programs. This bill will help farmers in Arkansas and across the nation to voluntarily conserve sensitive land areas and provide buffer strips for runoff areas.

Farmers makes their living from the soil and water. They have a vested interest in ensuring that these resources are protected. I don't believe that our nation's farmer shave been given enough credit for their dedicated efforts to preserve a sound environment for future generations.

As many of you know, farming has a special place in my heart because I was raised on a seventh generation farm family. I know first hand that farmers want to protect the viability of their land so they can pass it on to the next generation. This bill is about more than agriculture through. It strikes the right balance between our agricultural industry and another pastime that I feel very strongly about, hunting and fishing.

Over the years many people have been surprised when they learn that I am an avid outdoorsman. I grew up in the South where hunting and fishing are not just hobbies, they're a way of life. My father never differentiated between taking his son or daughters hunting or fishing, it was just assumed that we would all take part. For this, I will be forever grateful because I truly enjoy the outdoors, and the time I spent hunting and fishing is a big part of who I am today. We are blessed in Arkansas to have such bountiful outdoor opportunities. For these opportunities to continue to exist we must take steps to ensure that our nation's waters are protected. Trout in Arkansas' Little Red River and mallards in the riverbottoms of the Mississippi Delta both share a common need of clean water. And that is what we are ultimately striving for with this legislation: an effective, voluntary, incentive based plan to provide funding for programs that promote clean water.

I want to again stress the importance of voluntary programs.

We cannot expect to have success by using a heavy-handed, top-down approach to regulate our farmers, ranchers, and foresters into environmental compliance. Trying to force people into a permitting program to reduce the potential for non-point runoff may actually discourage responsible environmental practices.

I agree with the EPA's objective of cleaning up our nation's impaired rivers, lakes, and streams, but firmly believe that a permitting program is not the best solution to the problem of maintaining clean water. Placing another unnecessary layer of regulation upon our nation's local foresters will only slow down the process of responsible farming and forestry and implementation of voluntary Best Management Practices.

This legislation takes the right approach to clean and fishable waters. It's voluntary. It's incentive-based. And it encourages public-private partnerships to clean up our Nation's rivers, lakes, and streams.

I encourage my colleagues to join us in the fight for clean and fishable waters.

By Mr. CLELAND:

S. 679. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CLELAND. Mr. President, today I am introducing legislation to establish the Arabia Mountain National heritage Area in the State of Georgia. The significance of this area and the need to act now is underscored by Metro Atlanta's unprecedented rate of growth. In fact, it has been said that Atlanta is the fastest growing city in civilization.

The area surrounding Arabia Mountain is located only 20 minutes east of Atlanta, near my home town of Lithonia. I speak from personal experience when I say that this area has seen the effects of Metro Atlanta's unbridled expansion, particularly in the past decade. As a result, vital open spaces and farmlands have all but disappeared.

I believe it is essential to preserve what remains of significant natural, cultural, and historic resources in this region. The terrain surrounding Arabia Mountain contains a diverse ecosystem consisting of rare plant species, wetlands, pine and oak forests, streams and a lake. Additionally, this area is home to many historic sites, structure, and cultural landscapes, including the last remaining farm in DeKalb County. On a personal note, I can remember when this town was known as the dairy belt of Georgia. Now, we are down to a single working farm.

My legislation reflects what has been a real grass roots effort to preserve this vital landscape. Over the past several years, local citizens have been working in conjunction with city, county, and State officials to move forward with plans to preserve these resources. In fact, this project has already benefited from significant private contributions of land, money, and professional services which have enabled the Arabia Mountain Heritage Area Alliance to produce a detailed feasibility study which was released on February 28, 2001. However, local efforts to protect and preserve the resources of the area will not fully materialize without the technical assistance of Federal agencies.

Under my bill, the National Park Service, NPS, will be authorized to provide essential technical support in order to develop and implement a plan to manage the natural, cultural, historical, scenic, and recreational resources of the heritage area. Taking into account the diverse interests of the governmental, business, and nonprofit groups within the area, the management plan will assist the local governments in adopting land use policies which maximize the many resources of the region.

I have personally visited this area, and I must reiterate my strong interest in this important preservation effort. I ask unanimous consent that the text of the bill be printed in the RECORD, and urge my colleagues to join me in enacting this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arabia Mountain National Heritage Area Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use;

(2) the best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities;

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species;

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop;

(5) the archeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity;

(6) the city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States;

(7) the community of Klondike is eligible for designation as a National Historic District; and

(8) the city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities; and

(2) to assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "heritage area" means the Arabia Mountain National Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term "management entity" means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the heritage area developed under section 6.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Georgia.

SEC. 4. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Arabia Mountain National Heritage Area in the State.

(b) BOUNDARIES.—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled "The Preferred Concept" contained in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) MANAGEMENT ENTITY.—The Arabia Mountain Heritage Area Alliance shall be the management entity for the heritage area.

SEC. 5. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES.—For purposes of developing and implementing the management plan, the management entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The management entity shall develop and submit to the Secretary the management plan.

(B) CONSIDERATIONS.—In developing and implementing the management plan, the management entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) PRIORITIES.—The management entity shall give priority to implementing actions described in the management plan, including—

(A) assisting units of government and nonprofit organizations in preserving resources within the heritage area; and

(B) encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) ANNUAL REPORT.—For any year in which Federal funds have been made available under this Act, the management entity shall submit to the Secretary an annual report that describes—

(A) the accomplishments of the management entity; and

(B) the expenses and income of the management entity.

(5) AUDIT.—The management entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds made available under this Act to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include—

(1) an inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this Act;

(3) an interpretation plan for the heritage area;

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan; and

(5) a description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) Revision of Management Plan.—

(1) In general.—After approval by the Secretary of a management plan, the management entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) Expenditure of funds.—No funds made available under this Act shall be used to implement any revision proposed by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) In General.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) Priority.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.— There is authorized to be appropriated to carry out this Act $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year; and

(b) Federal Share.—The Federal share of the cost of any project or activity carried out using funds made available under this Act shall not exceed 50 percent.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to make any grant or provide any assistance under this Act terminates on September 30, 2016.

By Mr. HUTCHINSON:

S. 680. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that a copy of the Tornado Shelters Act be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tornado Shelters Act".

SEC. 2. CDBG ELIGIBLE ACTIVITIES.

(a) In General.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (23) the following:

"(24) the construction or improvement of tornado- or storm-safe shelters for manufactured housing parks and residents of other manufactured housing, the acquisition of real property for sites for such shelters, and the provision of assistance (including loans and grants) to nonprofit or for-profit entities (including owners of such parks) for such construction, improvement, or acquisition, except that a shelter assisted with amounts made available pursuant to this paragraph—

"(A) shall be located in a neighborhood consisting predominantly of persons of low- and moderate-income; and

"(B) may not be made available exclusively for use of the residents of a particular manufactured housing park or of other manufactured housing, but shall generally serve the residents of the area in which it is located; and".

(b) Authorization of Appropriations.—In addition to any amounts otherwise made available for grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), there is authorized to be appropriated for assistance only for activities pursuant to section 105(a)(24) of that Act, $50,000,000 for fiscal year 2002.

SEC. 3. USE OF AMERICAN PRODUCTS.

(a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available for the activities authorized under the amendments made by this Act should be American-made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available for the activities authorized under the amendments made by this Act, the Secretary of Housing and Urban Development, to the greatest extent practicable, shall provide to that entity a notice describing the statement made in subsection (a) by the Congress.

By Mr. CRAPO (for himself, Mr. Baucus, Mr. Craig, Mr. Inhofe, Mr. Murkowski, Mr. Bennett, Mr. Enzi, Mr. Stevens, and Mr. Burns):

S. 681. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I am pleased to introduce today the Backcountry Landing Strip Access Act of 2001. Last year, Senators Craig and Burns, and I introduced similar legislation. Although the legislation did not pass, we were able to successfully attach a modified one-year version of our bill to the Interior Appropriations Conference Report for FY 2001, prohibiting federal funds from being used to close any airstrips on lands administered by the Department of the Interior. The legislation I introduce today represents a comprehensive, long-term solution to the problem of backcountry airstrips being temporarily or permanently closed. This bill will preserve our nation's backcountry airstrips and require a public review and comment period before closure of these airstrips.

Idaho is home to more than fifty backcountry airstrips and the state is known nationwide for its air access to wilderness and primitive areas. Unfortunately, many backcountry airstrips have been closed or rendered unserviceable through neglect by federal agencies responsible for land management. These closures occur without providing the public with a justification for such action or an opportunity to comment on them.

Our bill would address this situation by preventing the Secretary of Interior and the Secretary of Agriculture from permanently closing airstrips without first consulting with state aviation agencies and users. The legislation would also require that proposed closures would be published in the Federal Register with a ninety-day public comment period. The bill directs the Secretary of Interior and the Secretary of Agriculture, after consultation with the FAA, to adopt a nationwide policy governing backcountry aviation. I would like to mention that Congressmen C.L. "Butch" Otter and Jim Hansen are also promoting backcountry aviation access in the other body.

This bill and its House companion include a finding of fact that acknowledges the role of backcountry airstrips in supporting aerial firefighters. This finding was not included in the versions introduced last year but it pays tribute to those who joined in last summer's firefighting and disaster relief efforts.

For aerial firefighters backcountry airstrips are analogous to fire engines in a firehouse. In addition, other general aviation craft depend on backcountry strips to provide a safe haven in the case of emergency. Without the airstrips, these pilots would have little chance of survival while attempting an emergency landing. Furthermore, access to the strips ensures a fundamental American service—universal postal delivery. Without access to backcountry airstrips, citizens who live and work in remote areas would not receive their mail.

Pilots often discover that an airstrip has been closed only when they attempt to use it. This represents a grave danger to those who have not been made aware of an airstrip's closure. This bill would ensure that everyone with an interest in backcountry aviation remains informed of a proposed closure and is allowed to comment on it.

This bill is simply about safety and general aviation access. It does not reopen airstrips that have already been closed, nor does it burden federal officials with the responsibility to operate and maintain these sites. In fact, pilots themselves regularly maintain backcountry strips.

The Backcountry Landing Strip Access Act does not harm our forests or our wilderness areas. In fact, backcountry airstrips are regularly used by forest officials to maintain forests and trails, conduct ecological management projects, and produce aerial mapping. Airstrips are located in remote, rugged areas of the west where there are few visitors. Many landing strips have no more than 3–6 takeoffs and landings in a year, and are mainly used for emergency landings.

When the Frank Church Wilderness Act was established in Idaho, it incorporated a provision that existing landing strips cannot be closed permanently or rendered unserviceable without the written consent of the State of Idaho. This bill extends the success of the Frank Church Wilderness Act provision nationwide to preserve airstrips in Idaho as well as other states. In Idaho, we have evolved into a cooperative relationship with federal land managers. I believe the rest of the country can benefit from this philosophy of cooperation.

I urge my colleagues to join with us in our efforts to preserve the remaining backcountry strips.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Backcountry Landing Strip Access Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Aircraft landing strips serve an essential safety role as emergency landing areas.

(2) Aircraft landing strips provide access to people who would otherwise be physically unable to enjoy national parks, national forests, and other Federal lands.

(3) Aircraft landing strips serve an essential purpose in search and rescue, forest and ecological management, research, and aerial mapping.

(4) Aircraft landing strips serve an essential role in firefighting and disaster relief.

(5) The Secretary of the Interior and the Secretary of Agriculture should adopt a nationwide policy for governing backcountry aviation issues related to the management of Federal land under the jurisdiction of those Secretaries and should require regional managers to adhere to that policy.

SEC. 3. PROCEDURE FOR CONSIDERATION OF ACTIONS AFFECTING AIRCRAFT LANDING STRIPS.

(a) IN GENERAL.—Neither the Secretary of the Interior nor the Secretary of Agriculture shall take any action which would permanently close or render or declare as unserviceable any aircraft landing strip located on Federal land under the administrative jurisdiction of either Secretary unless—

(1) the head of the aviation department of each State in which the aircraft landing strip is located has approved the action;

(2) notice of the proposed action and the fact that the action would permanently close or render or declare as unserviceable the aircraft landing strip has been published in the Federal Register;

(3) a 90-day public comment period on the action has been provided after the publication under paragraph (2); and

(4) any comments received during the comment period provided under paragraph (3) have been taken into consideration by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, and the head of the aviation department of each State in which the affected aircraft landing strip is located.

(b) NATIONAL POLICY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall—

(1) adopt a nationwide policy that is in accordance with this Act for governing backcountry aviation issues related to the management of Federal land under the jurisdiction of those Secretaries; and

(2) require regional managers to adhere to that policy.

(c) REQUIREMENTS FOR POLICIES.—A policy affecting air access to an aircraft landing strip located on Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, including the policy required by subsection (b), shall not take effect unless the policy—

(1) states that the Federal Aviation Administration has the sole authority to control aviation and airspace over the United States; and

(2) seeks and considers comments from State governments and the public.

(d) MAINTENANCE OF AIRSTRIPS.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall consult with—

(A) the head of the aviation department of each State in which an aircraft landing strip on Federal land under the jurisdiction of that Secretary is located; and

(B) other interested parties,

to ensure that such aircraft landing strips are maintained in a manner that is consistent with the resource values of the adjacent area.

(2) COOPERATIVE AGREEMENTS.—The Secretary of the Interior and the Secretary of Agriculture may enter into cooperative agreements with interested parties for the maintenance of aircraft landing strips located on Federal land.

(e) EXCHANGES OR ACQUISITIONS.—Closure or purposeful neglect of any aircraft landing strip, or any other action which would render any aircraft landing strip unserviceable, shall not be a condition of any Federal acquisition of or exchange involving private property upon which the aircraft landing strip is located.

(f) NEW AIRCRAFT LANDING STRIPS NOT CREATED.—Nothing in this Act shall be construed to create or authorize additional aircraft landing strips.

(g) PERMANENTLY CLOSE.—For the purposes of this Act, the term "permanently close" means any closure the duration of which is more than 180 days in any calendar year.

(h) APPLICABILITY.—

(1) AIRCRAFT LANDING STRIPS.—This Act shall apply only to established aircraft landing strips on Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture that are commonly known and have been or are consistently used for aircraft landing and departure activities.

(2) ACTIONS, POLICIES, EXCHANGES, AND ACQUISITIONS.—Subsections (a), (c), and (e) shall apply to any action, policy, exchange, or acquisition, respectively, that is not final on the date of the enactment of this Act.

(i) FAA AUTHORITY NOT AFFECTED.—Nothing in this Act shall be construed to affect the authority of the Federal Aviation Administration over aviation or airspace.

By Mr. McCAIN (for himself, Mr. DODD, Mr. JOHNSON, Mr. WARNER, Mr. DEWINE, Ms. LANDRIEU, Mr. EDWARDS, Mr. BREAUX, Mr. HELMS, Mrs. MURRAY, Mr. REID, Mr. SARBANES, Mr. WELLSTONE, Mr. HOLLINGS, Mr. ROBERTS, Mr. HAGEL, Mr. SMITH, of Oregon, Mr. COCHRAN, Mr. REED, Ms. MIKULSKI, Mr. SCHUMER, Mr. THURMOND, Ms. SNOWE, Mrs. LINCOLN, Mr. FITZGERALD, Mr. SHELBY, Mr. CLELAND, Mr. BROWNBACK, and Mrs. COLLINS):

S. 682. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Finance.

Mr. McCAIN. Mr. President, I rise today to introduce an important piece of legislation which would have a tremendous impact on the lives of many blind people. This bill restores the 20-year link between blind people and senior citizens in regards to the Social Security earnings limit which has helped many blind people become self-sufficient and productive.

When the Congress passed the Senior Citizens Freedom to Work Act in 1996, we unfortunately broke the long-standing linkage in the treatment of blind people and seniors under Social Security, which resulted in allowing the earnings limit to be raised for seniors only and did not give blind people the same opportunity to increase their earnings without penalizing their Social Security benefits.

My intent when I sponsored the Senior Citizens Freedom to Work Act was not to break the link between blind people and the senior population. In 1996, time constraints and fiscal considerations forced me to focus solely on raising the unfair and burdensome earnings limit for seniors. I am pleased that H.R. 5, the Social Security Earnings Test Elimination bill, finally eliminated this unfair tax on earnings for seniors 65 to 69 years of age. This law is allowing millions of seniors to continue contributing to society as productive workers.

Now we should work together in the spirit of fairness to ensure that this same opportunity is given to the blind population. We should provide blind people the opportunity to be productive and "make it" on their own. We should not continue policies which discourage these individuals from working and contributing to society.

The bill I am introducing today is identical to one I sponsored in the last two Congresses. If we do not reinstate the link between the blind and the seniors, blind people will be restricted to earning $14,800 in the year 2002 in order to protect their Social Security benefits.

There are very strong and convincing arguments in favor of reestablishing the link between these two groups and increasing the earnings limit for blind people.

First, the earnings test treatment of our blind and senior populations has historically been identical. Since 1977, blind people and senior citizens have shared the identical earnings exemption threshold under Title II of the Social Security Act.

Now, senior citizens will be given greater opportunity to increase their earnings without losing a portion of their Social Security benefits; the blind, however, will not have the same opportunity.

The Social Security earnings test imposes a work disincentive for blind people. In fact, the earnings test probably provides a greater aggregate disincentive for blind individuals since many blind beneficiaries are of working age, 18-65, and are capable of productive work.

Blindness is often associated with adverse social and economic consequences. It is often tremendously difficult for blind individuals to find sustained employment or any employment at all, but they do want to work. They take great pride in being able to work and becoming productive members of society. By linking the blind with seniors in 1977, Congress provided a great deal of hope and incentive for blind people in this country to enter the work force. Now, we are taking that hope away from them by not allowing them the same opportunity to increase their earnings as senior citizens.

Blind people are likely to respond favorably to an increase in the earnings test by working more, which will increase their tax payments and their purchasing power and allow the blind to make a greater contribution to the general economy. In addition, encouraging the blind to work and allowing them to work more without being penalized would bring additional revenue into the Social Security trust funds as well as the Federal Treasury. In short, restoring the link between blind people and senior citizens for treatment of Social Security benefits would help many blind people become self-sufficient, productive members of society.

I am pleased that this Congress will be focusing on the overall structure of the Social Security system and working together for solutions which would strengthen the system for seniors of today and tomorrow without placing an unfair burden on working Americans. It is absolutely crucial that we include raising the earnings test for blind individuals as a part of any Social Security bill we enact this year.

I urge each of my colleagues to join me in sponsoring this important measure to restore fair and equitable treatment for our blind citizens and to give the blind community increased financial independence. Our nation would be better served if we restore equality for the blind and provide them with the same freedom, opportunities and fairness as our nation's seniors.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blind Persons Earnings Equity Act of 2001".

SEC. 2. RESTORATION OF LINK BETWEEN RULES RELATING TO SUBSTANTIAL GAINFUL ACTIVITY FOR BLIND INDIVIDUALS AND RULES RELATING TO EXCESS EARNINGS UNDER THE EARNINGS TEST.

Section 223(d)(4) of the Social Security Act (42 U.S.C. 432(d)(4)) is amended, in the second sentence, by striking ", if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted".

SEC. 3. EFFECTIVE DATE.

The amendment made by section 2 shall apply to determinations of an ability to engage in substantial gainful activity made on or after the date of enactment of this Act.

By Mr. SANTORUM (for himself, Mr. TORRICELLI, and Mr. SMITH of New Hampshire):

S. 683. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to join my colleagues, Senators BOB TORRICELLI of New Jersey and BOB SMITH of New Hampshire, in introducing the bipartisan Fair Care for the Uninsured Act of 2001, legislation aimed at ensuring that all Americans, regardless of income, have a basic level of resources to purchase health insurance. I am pleased that House Majority Leader DICK ARMEY of Texas and Representative BILL LIPINSKI of Illinois have joined in introducing companion legislation in the House of Representatives.

As we all know, the growing ranks of uninsured Americans, currently 43 million, remains a major national problem that must be addressed as Congress considers improvements to our healthcare delivery system. The uninsured are three times as likely not to receive needed medical care, at least twice as more likely to need hospitalization for avoidable conditions like pneumonia and diabetes, and four times more likely to rely on an emergency room or have no regular source of care as compared to Americans who are privately insured.

The Fair Care for the Uninsured Act represents a major step toward helping the uninsured obtain health insurance coverage through the creation of a new refundable tax credit for the purchase of private health insurance, a concept which enjoys bipartisan support.

This legislation directly addresses one of the main barriers which now inhibits access to health insurance for millions of Americans: discrimination in the tax code. Most Americans obtain health insurance through their place of work, and for good reason: workers receive their employer's contribution toward health insurance completely free from federal taxation, including payroll taxes. This is effectively a $120 billion per year federal subsidy for employer-provided health insurance. By contrast, individuals who purchase their own health insurance get virtually no tax relief. They must buy insurance with after-tax dollars, forcing many to earn twice as much income before taxes in order to purchase the same insurance. This hidden health tax penalty effectively punishes people who try to buy their insurance outside the workplace.

The Fair Care for the Uninsured Act would remedy this situation by creating a parallel system for working families who do not have access to health insurance through the workplace. Specifically, this legislation creates a refundable tax credit of $1,000 per adult and up to $3,000 per family, indexed for inflation, for the purchase of private health insurance; would be available to individuals and families who don't have access to coverage through the workplace or a federal government program; enables individuals to use their credit to shop for a basic plan that best suits their needs which would be portable from job to job; and allows individuals to buy more generous coverage with after-tax dollars. And of course the states could supplement the credit.

This legislation complements a bipartisan consensus which is emerging around this means for addressing the serious problem of uninsured Americans: Instead of creating new government entitlements to medical services, tax credits provide public financing to help uninsured Americans buy private health insurance. President Bush has proposed a similar tax credit for health insurance coverage, and Senators JEFFORDS and BREAUX have introduced their own health insurance tax credit proposal here in the Senate. I applaud their efforts for advancing this important public policy initiative, and look forward to working with them to develop a clear mandate for helping America's uninsured.

I would like to apprize our colleagues of a couple of improvements which we have added to last session's bill that I believe will help bring about an even more positive impact on America's uninsured population. First, in an effort to keep premiums affordable for older, sicker Americans, our Fair Care legislation calls for the creation of safety-net arrangements administered at the state level and funded by assessments on insurers. Often called high-risk pools, such arrangements currently exist in 28 states and would be expanded to all 50. In addition, our Fair Care legislation this session would further reduce premiums by permitting the creation of Individual Membership Associations, through which individuals can obtain basic coverage free of costly state benefit mandates.

In reducing the amount of uncompensated care that is offset through cost shifting to private insurance plans, and in substantially increasing the insurance base, a health insurance tax credit will help relieve some of the spiraling costs of our health care delivery system. It would also encourage insurance companies to write policies geared to the size of the credit, thus offering more options and making it possible for low income families to obtain coverage without paying much more than the available credits.

It is time that we reduced the tax bias against families who do not have access to coverage through their place of work or existing government programs, and to encourage the creation of an effective market for family-selected and family-owned plans, where Americans have more choice and control over their health care dollars. The Fair Care for the Uninsured Act would create tax fairness where currently none exists by requiring that all Americans receive the same tax encouragement to purchase health insurance, regardless of employment.

It is my hope that our colleagues will join Senators TORRICELLI, SMITH and me in endorsing this bipartisan legislation to provide people who purchase health insurance on their own similar tax treatment as those who have access to insurance through their employer.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fair Care for the Uninsured Act of 2001”.

TITLE I—REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE

SEC. 101. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

“SEC. 35. HEALTH INSURANCE COSTS.

“(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the amount paid during the taxable year for qualified health insurance for the taxpayer, his spouse, and dependents.

“(b) Limitations.—

“(1) In general.—The amount allowed as a credit under subsection (a) to the taxpayer for the taxable year shall not exceed the sum of the monthly limitations for coverage months during such taxable year for each individual referred to in subsection (a) for whom the taxpayer paid during the taxable year any amount for coverage under qualified health insurance.

“(2) Monthly limitation.—

“(A) In general.—The monthly limitation for an individual for each coverage month of such individual during the taxable year is the amount equal to 1/12 of—

“(i) $1,000 if such individual is the taxpayer,

“(ii) $1,000 if—

“(I) such individual is the spouse of the taxpayer,

“(II) the taxpayer and such spouse are married as of the first day of such month, and

“(III) the taxpayer files a joint return for the taxable year, and

“(iii) $500 if such individual is an individual for whom a deduction under section 151(c) is allowable to the taxpayer for such taxable year.

“(B) Limitation to 2 dependents.—Not more than 2 individuals may be taken into account by the taxpayer under subparagraph (A)(iii).

“(C) Special rule for married individuals.—In the case of an individual—

“(i) who is married (within the meaning of section 7703) as of the close of the taxable year but does not file a joint return for such year, and

“(ii) who does not live apart from such individual's spouse at all times during the taxable year,

the limitation imposed by subparagraph (B) shall be divided equally between the individual and the individual's spouse unless they agree on a different division.

“(3) Coverage month.—For purposes of this subsection—

“(A) In general.—The term ‘coverage month’ means, with respect to an individual, any month if—

“(i) as of the first day of such month such individual is covered by qualified health insurance, and

“(ii) the premium for coverage under such insurance for such month is paid by the taxpayer.

“(B) Employer-subsidized coverage.—

“(i) In general.—Such term shall not include any month for which such individual is eligible to participate in any subsidized health plan (within the meaning of section 162(l)(2)) maintained by any employer of the taxpayer or of the spouse of the taxpayer.

“(ii) Premiums to nonsubsidized plans.—If an employer of the taxpayer or the spouse of the taxpayer maintains a health plan which is not a subsidized health plan (as so defined) and which constitutes qualified health insurance, employee contributions to the plan shall be treated as amounts paid for qualified health insurance.

“(C) Cafeteria plan and flexible spending account beneficiaries.—Such term shall not include any month during a taxable year if any amount is not includible in the gross income of the taxpayer for such year under section 106 with respect to—

“(i) a benefit chosen under a cafeteria plan (as defined in section 125(d)), or

“(ii) a benefit provided under a flexible spending or similar arrangement.

“(D) Medicare and medicaid.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual—

“(i) is entitled to any benefits under title XVIII of the Social Security Act, or

“(ii) is a participant in the program under title XIX or XXI of such Act.

“(E) Certain other coverage.—Such term shall not include any month during a taxable year with respect to an individual if, at any time during such year, any benefit is provided to such individual under—

“(i) chapter 89 of title 5, United States Code,

“(ii) chapter 55 of title 10, United States Code,

“(iii) chapter 17 of title 38, United States Code, or

“(iv) any medical care program under the Indian Health Care Improvement Act.

“(F) Prisoners.—Such term shall not include any month with respect to an individual if, as of the first day of such month, such individual is imprisoned under Federal, State, or local authority.

“(G) Insufficient presence in United States.—Such term shall not include any month during a taxable year with respect to an individual if such individual is present in the United States on fewer than 183 days during such year (determined in accordance with section 7701(b)(7)).

“(4) Coordination with deduction for health insurance costs of self-employed individuals.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

“(c) Qualified Health Insurance.—For purposes of this section—

“(1) In general.—The term ‘qualified health insurance’ means insurance which constitutes medical care as defined in section 213(d) without regard to—

“(A) paragraph (1)(C) thereof, and

“(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

“(2) Exclusion of certain other contracts.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

“(d) Medical Savings Account Contributions.—

“(1) In general.—If a deduction would (but for paragraph (2)) be allowed under section 220 to the taxpayer for a payment for the taxable year to the medical savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

“(2) Denial of double benefit.—No deduction shall be allowed under section 220 for that portion of the payments otherwise allowable as a deduction under section 220 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

“(e) Special Rules.—

“(1) Coordination with medical expense deduction.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

“(2) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount contained in subsection (b)(2)(A) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($25 in the case of the dollar amount in subsection (b)(2)(A)(iii))."

(b) MAINTENANCE OF EFFORT REQUIREMENT.—Section 162 of such Code (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) GROUP HEALTH PLAN MAINTENANCE OF EFFORT.—No deduction shall be allowed under this chapter to an employer for any amount paid or incurred in connection with a group health plan (as defined in subsection (n)(3)) for any taxable year in which occurs the date of introduction of the Fair Care for the Uninsured Act of 2001 unless such plan remains in effect for at least 60 months after the date of the enactment of such Act.".

(c) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

"(a) IN GENERAL.—Any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

"(B) the name, address, and TIN of each individual who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

"(C) such other information as the Secretary may reasonably prescribe.

"(c) CREDITABLE HEALTH INSURANCE.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 35(c)) other than—

"(1) insurance under a subsidized group health plan maintained by an employer, or

"(2) to the extent provided in regulations prescribed by the Secretary, any other insurance covering an individual if no credit is allowable under section 35 with respect to such coverage.

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

"(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

"(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(e) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to payments for qualified health insurance),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting ", or", and by adding at the end the following new subparagraph:

"(BB) section 6050T(d) (relating to returns relating to payments for qualified health insurance).".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to payments for qualified health insurance.".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 35. Health insurance costs.

"Sec. 36. Overpayments of tax.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. ADVANCE PAYMENT OF CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF HEALTH INSURANCE CREDIT FOR PURCHASERS OF QUALIFIED HEALTH INSURANCE.

"(a) GENERAL RULE.—In the case of an eligible individual, the Secretary shall make payments to the provider of such individual's qualified health insurance equal to such individual's qualified health insurance credit advance amount with respect to such provider.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual—

"(1) who purchases qualified health insurance (as defined in section 35(c)), and

"(2) for whom a qualified health insurance credit eligibility certificate is in effect.

"(c) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement furnished by an individual to the Secretary which—

"(1) certifies that the individual will be eligible to receive the credit provided by section 35 for the taxable year,

"(2) estimates the amount of such credit for such taxable year, and

"(3) provides such other information as the Secretary may require for purposes of this section.

"(d) QUALIFIED HEALTH INSURANCE CREDIT ADVANCE AMOUNT.—For purposes of this section, the term 'qualified health insurance credit advance amount' means, with respect to any provider of qualified health insurance, the Secretary's estimate of the amount of credit allowable under section 35 to the individual for the taxable year which is attributable to the insurance provided to the individual by such provider.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of such Code is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of health insurance credit for purchasers of qualified health insurance.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

TITLE II—ASSURING HEALTH INSURANCE COVERAGE FOR UNINSURABLE INDIVIDUALS

SEC. 201. ESTABLISHMENT OF HEALTH INSURANCE SAFETY NETS.

(a) IN GENERAL.—

(1) REQUIREMENT.—For years beginning with 2002, each health insurer, health maintenance organization, and health service organization shall be a participant in a health insurance safety net (in this title referred to as a "safety net") established by the State in which it operates.

(2) FUNCTIONS.—Any safety net shall assure, in accordance with this title, the availability of qualified health insurance coverage to uninsurable individuals.

(3) FUNDING.—Any safety net shall be funded by an assessment against health insurers, health service organizations, and health maintenance organizations on a pro rata basis of premiums collected in the State in which the safety net operates. The costs of the assessment may be added by a health insurer, health service organization, or health maintenance organization to the costs of its health insurance or health coverage provided in the State.

(4) GUARANTEED RENEWABLE.—Coverage under a safety net shall be guaranteed renewable except for nonpayment of premiums, material misrepresentation, fraud, medicare eligibility under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), loss of dependent status, or eligibility for other health insurance coverage.

(5) COMPLIANCE WITH NAIC MODEL ACT.—In the case of a State that has not established, as of the date of the enactment of this Act, a high risk pool or other comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State, a safety net shall be established in accordance with the requirements of the "Model Health Plan For Uninsurable Individuals Act" (or the successor model Act), as adopted by the National Association of Insurance Commissioners and as in effect on the date of the safety net's establishment.

(b) DEADLINE.—Safety nets required under subsection (a) shall be established not later than January 1, 2002.

(c) WAIVER.—This title shall not apply in the case of insurers and organizations operating in a State if the State has established a similar comprehensive health insurance program that assures the availability of qualified health insurance coverage to all eligible individuals residing in the State.

(d) RECOMMENDATION FOR COMPLIANCE REQUIREMENT.—Not later than January 1, 2003, the Secretary of Health and Human Services shall submit to Congress a recommendation on appropriate sanctions for States that fail to meet the requirement of subsection (a).

SEC. 202. UNINSURABLE INDIVIDUALS ELIGIBLE FOR COVERAGE.

(a) UNINSURABLE AND ELIGIBLE INDIVIDUAL DEFINED.—In this title:

(1) UNINSURABLE INDIVIDUAL.—The term "uninsurable individual" means, with respect to a State, an eligible individual who presents proof of uninsurability by a private insurer in accordance with subsection (b) or proof of a condition previously recognized as uninsurable by the State.

(2) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means, with respect to a State, a citizen or national of the United States (or an alien lawfully admitted for permanent residence) who is a resident of the State for at least 90 days and includes any dependent (as defined for purposes of the Internal Revenue Code of 1986) of such a citizen, national, or alien who also is such a resident.

(B) EXCEPTION.—An individual is not an "eligible individual" if the individual—

(i) is covered by or eligible for benefits under a State medicaid plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.),

(ii) has voluntarily terminated safety net coverage within the past 6 months,

(iii) has received the maximum benefit payable under the safety net,

(iv) is an inmate in a public institution, or

(v) is eligible for other public or private health care programs (including programs that pay for directly, or reimburse, otherwise eligible individuals with premiums charged for safety net coverage).

(b) PROOF OF UNINSURABILITY.—

(1) IN GENERAL.—The proof of uninsurability for an individual shall be in the form of—

(A) a notice of rejection or refusal to issue substantially similar health insurance for health reasons by one insurer; or

(B) a notice of refusal by an insurer to issue substantially similar health insurance except at a rate in excess of the rate applicable to the individual under the safety net plan.

For purposes of this paragraph, the term "health insurance" does not include insurance consisting only of stoploss, excess of loss, or reinsurance coverage.

(2) EXCEPTION FOR INDIVIDUALS WITH UNINSURABLE CONDITIONS.—The State shall promulgate a list of medical or health conditions for which an individual shall be eligible for safety net plan coverage without applying for health insurance or establishing proof of uninsurability under paragraph (1). Individuals who can demonstrate the existence or history of any medical or health conditions on such list shall not be required to provide the proof described in paragraph (1). The list shall be effective on the first day of the operation of the safety net plan and may be amended from time to time as may be appropriate.

SEC. 203. QUALIFIED HEALTH INSURANCE COVERAGE UNDER SAFETY NET.

In this title, the term "qualified health insurance coverage" means, with respect to a State, health insurance coverage that provides benefits typical of major medical insurance available in the individual health insurance market in such State.

SEC. 204. FUNDING OF SAFETY NET.

(a) LIMITATIONS ON PREMIUMS.—

(1) IN GENERAL.—The premium established under a safety net may not exceed 125 percent of the applicable standard risk rate, except as provided in paragraph (2).

(2) SURCHARGE FOR AVOIDABLE HEALTH RISKS.—A safety net may impose a surcharge on premiums for individuals with avoidable high risks, such as smoking.

(b) ADDITIONAL FUNDING.—A safety net shall provide for additional funding through an assessment on all health insurers, health service organizations, and health maintenance organizations in the State through a nonprofit association consisting of all such insurers and organizations doing business in the State on an equitable and pro rata basis consistent with section 201.

SEC. 205. ADMINISTRATION.

A safety net in a State shall be administered through a contract with 1 or more insurers or third party administrators operating in the State.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to reimburse States for their costs in administering this title.

TITLE III—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

SEC. 301. EXPANSION OF ACCESS AND CHOICE THROUGH INDIVIDUAL MEMBERSHIP ASSOCIATIONS (IMAs).

The Public Health Service Act is amended by adding at the end the following new title:

"TITLE XXVIII—INDIVIDUAL MEMBERSHIP ASSOCIATIONS

"SEC. 2801. DEFINITION OF INDIVIDUAL MEMBERSHIP ASSOCIATION (IMA).

"(a) IN GENERAL.—For purposes of this title, the terms 'individual membership association' and 'IMA' mean a legal entity that meets the following requirements:

"(1) ORGANIZATION.—The IMA is an organization operated under the direction of an association (as defined in section 2804(1)).

"(2) OFFERING HEALTH BENEFITS COVERAGE.—

"(A) DIFFERENT GROUPS.—The IMA, in conjunction with those health insurance issuers that offer health benefits coverage through the IMA, makes available health benefits coverage in the manner described in subsection (b) to all members of the IMA and the dependents of such members in the manner described in subsection (c)(2) at rates that are established by the health insurance issuer on a policy or product specific basis and that may vary only as permissible under State law.

"(B) NONDISCRIMINATION IN COVERAGE OFFERED.—

"(i) IN GENERAL.—Subject to clause (ii), the IMA may not offer health benefits coverage to a member of an IMA unless the same coverage is offered to all such members of the IMA.

"(ii) CONSTRUCTION.—Nothing in this title shall be construed as requiring or permitting a health insurance issuer to provide coverage outside the service area of the issuer, as approved under State law, or preventing a health insurance issuer from excluding or limiting the coverage on any individual, subject to the requirement of section 2741.

"(C) NO FINANCIAL UNDERWRITING.—The IMA provides health benefits coverage only through contracts with health insurance issuers and does not assume insurance risk with respect to such coverage.

"(3) GEOGRAPHIC AREAS.—Nothing in this title shall be construed as preventing the establishment and operation of more than one IMA in a geographic area or as limiting the number of IMAs that may operate in any area.

"(4) PROVISION OF ADMINISTRATIVE SERVICES TO PURCHASERS.—

"(A) IN GENERAL.—The IMA may provide administrative services for members. Such services may include accounting, billing, and enrollment information.

"(B) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing an IMA from serving as an administrative service organization to any entity.

"(5) FILING INFORMATION.—The IMA files with the Secretary information that demonstrates the IMA's compliance with the applicable requirements of this title.

"(b) HEALTH BENEFITS COVERAGE REQUIREMENTS.—

"(1) COMPLIANCE WITH CONSUMER PROTECTION REQUIREMENTS.—Any health benefits coverage offered through an IMA shall—

"(A) be underwritten by a health insurance issuer that—

"(i) is licensed (or otherwise regulated) under State law,

"(ii) meets all applicable State standards relating to consumer protection, subject to section 2802(2), and

"(iii) offers the coverage under a contract with the IMA; and

"(B) subject to paragraph (2) and section 2902(2), be approved or otherwise permitted to be offered under State law.

"(2) EXAMPLES OF TYPES OF COVERAGE.—The benefits coverage made available through an IMA may include, but is not limited to, any of the following if it meets the other applicable requirements of this title:

"(A) Coverage through a health maintenance organization.

"(B) Coverage in connection with a preferred provider organization.

"(C) Coverage in connection with a licensed provider-sponsored organization.

"(D) Indemnity coverage through an insurance company.

"(E) Coverage offered in connection with a contribution into a medical savings account or flexible spending account.

"(F) Coverage that includes a point-of-service option.

"(G) Any combination of such types of coverage.

"(3) HEALTH INSURANCE COVERAGE OPTIONS.—An IMA shall include a minimum of 2 health insurance coverage options. At least 1 option shall meet all applicable State benefit mandates.

"(4) WELLNESS BONUSES FOR HEALTH PROMOTION.—Nothing in this title shall be construed as precluding a health insurance issuer offering health benefits coverage through an IMA from establishing premium discounts or rebates for members or from modifying otherwise applicable copayments or deductibles in return for adherence to programs of health promotion and disease prevention so long as such programs are agreed to in advance by the IMA and comply with all other provisions of this title and do not discriminate among similarly situated members.

"(c) MEMBERS; HEALTH INSURANCE ISSUERS.—

"(1) MEMBERS.—

"(A) IN GENERAL.—Under rules established to carry out this title, with respect to an individual who is a member of an IMA, the individual may apply for health benefits coverage (including coverage for dependents of such individual) offered by a health insurance issuer through the IMA.

"(B) RULES FOR ENROLLMENT.—Nothing in this paragraph shall preclude an IMA from establishing rules of enrollment and reenrollment of members. Such rules shall be applied consistently to all members within the IMA and shall not be based in any manner on health status-related factors.

"(2) HEALTH INSURANCE ISSUERS.—The contract between an IMA and a health insurance issuer shall provide, with respect to a member enrolled with health benefits coverage offered by the issuer through the IMA, for the payment of the premiums collected by the issuer.

"SEC. 2802. APPLICATION OF CERTAIN LAWS AND REQUIREMENTS.

"State laws insofar as they relate to any of the following are superseded and shall not apply to health benefits coverage made available through an IMA:

"(1) Benefit requirements for health benefits coverage offered through an IMA, including (but not limited to) requirements relating to coverage of specific providers, specific services or conditions, or the amount, duration, or scope of benefits, but not including requirements to the extent required to implement title XXVII or other Federal law and to the extent the requirement prohibits an exclusion of a specific disease from such coverage.

"(2) Any other requirements (including limitations on compensation arrangements) that, directly or indirectly, preclude (or have the effect of precluding) the offering of such coverage through an IMA, if the IMA meets the requirements of this title.

Any State law or regulation relating to the composition or organization of an IMA is preempted to the extent the law or regulation is inconsistent with the provisions of this title.

"SEC. 2803. ADMINISTRATION.

"(a) IN GENERAL.—The Secretary shall administer this title and is authorized to issue such regulations as may be required to carry out this title. Such regulations shall be subject to Congressional review under the provisions of chapter 8 of title 5, United States Code. The Secretary shall incorporate the process of 'deemed file and use' with respect to the information filed under section 2801(a)(5)(A) and shall determine whether information filed by an IMA demonstrates compliance with the applicable requirements of this title. The Secretary shall exercise authority under this title in a manner that fosters and promotes the development of IMAs in order to improve access to health care coverage and services.

"(b) PERIODIC REPORTS.—The Secretary shall submit to Congress a report every 30 months, during the 10-year period beginning on the effective date of the rules promulgated by the Secretary to carry out this title, on the effectiveness of this title in promoting coverage of uninsured individuals. The Secretary may provide for the production of such reports through one or more contracts with appropriate private entities.

"SEC. 2804. DEFINITIONS.

"For purposes of this title:

"(1) ASSOCIATION.—The term 'association' means, with respect to health insurance coverage offered in a State, an association which—

"(A) has been actively in existence for at least 5 years;

"(B) has been formed and maintained in good faith for purposes other than obtaining insurance;

"(C) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee); and

"(D) does not make health insurance coverage offered through the association available other than in connection with a member of the association.

"(2) DEPENDENT.—The term 'dependent', as applied to health insurance coverage offered by a health insurance issuer licensed (or otherwise regulated) in a State, shall have the meaning applied to such term with respect to such coverage under the laws of the State relating to such coverage and such an issuer. Such term may include the spouse and children of the individual involved.

"(3) HEALTH BENEFITS COVERAGE.—The term 'health benefits coverage' has the meaning given the term health insurance coverage in section 2791(b)(1).

"(4) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term in section 2791(b)(2).

"(5) HEALTH STATUS-RELATED FACTOR.—The term 'health status-related factor' has the meaning given such term in section 2791(d)(9).

"(6) IMA; INDIVIDUAL MEMBERSHIP ASSOCIATION.—The terms 'IMA' and 'individual membership association' are defined in section 2801(a).

"(7) MEMBER.—The term 'member' means, with respect to an IMA, an individual who is a member of the association to which the IMA is offering coverage.".

By Mr. HARKIN (for himself, Mr. AKAKA, Mrs. BOXER, Mr. DURBIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. FEINGOLD):

S. 684. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national original, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to be joined today by Senators MURRAY, MIKULSKI, BOXER, STABENOW, KENNEDY, DURBIN, TORRICELLI, LEAHY, INOUYE, AKAKA, KERRY, WELLSTONE and FEINGOLD to reintroduce the Fair Pay Act, a bill to combat pay discrimination against women.

You might think since Congress passed the Equal Pay Act in 1963, the wage gap wouldn't exist. Unfortunately, however, women continue to be paid only 76-cents for every dollar a white man earns according to the Bureau of Labor Statistics. Women of color experience the most severe pay inequities: African American women earn only 62-cents on the dollar, Hispanic women only 54 cents.

Earlier today, I released a draft report by the Department of Labor's Women's Bureau that helps to explain the wage gap and gives us insight into fixing it.

This report was done based on my request in the FY 2000 Labor-HHS Appropriations bill. I asked the Women's Bureau to analyze wage data from federal contractors collected over the last two years, focusing on the causes of the wage gap between men and women. This is the first time in at least a decade that such a comprehensive review and analysis of wage data was conducted.

This three-part draft report, finalized by the Department of Labor in January, used updated wage data, including detailed data gathered from a sample of nearly 5,000 of our nation's federal contractors.

This report confirms that the wage gap is real, it's caused in large part by discrimination and women in female-dominated jobs suffer the most. Specifically, the report found that at least one-third, or about 11 cents on the dollar, of the pay gap is caused by pay discrimination against women.

How'd we get there? The study found if you compare women and men, in the same jobs, in the same firm, with the same experience and skills, they are still only paid 89 cents for every dollar a man earns. That 11-cent gap is unexplained, and is what we believe is pay discrimination.

But if you look at women's overall pay against men, when you take into account all of the women who are segregated into what's considered "women's work" and receive lower wages, the pay gap becomes 28 cents.

If this kind of occupational segregation were eliminated, the wage gap would close between 10 and 40 percent, according to this report.

It doesn't have to be this way. We can start closing the pay gap right now by simply paying women what they're worth. That's where the Fair Pay Act comes in.

The Fair Pay Act would require that employers pay their workers based on skills, effort, responsibility and effort, regardless if the job is considered so-called "women's work."

Millions of women today work in so-called "women's jobs," as secretaries, child care workers, social workers and nurses. These jobs are often "equivalent" in skills, effort, responsibility and working conditions to similar jobs dominated by men. But these women aren't paid the same as the men. Work that women have traditionally done continues to be undervalued and underpaid.

That's what the Fair Pay Act would address.

Our bill says that pay discrimination based on the number of women in a job is not only un-American, but it is also illegal.

It doesn't make sense that a nurse practitioner earns less than a physician's assistant. Or that a lead administrative assistant makes less than a city bus driver. Or that a social worker earns less than a parole officer.

I've heard the argument that we don't need the Fair Pay Act, that "market forces" will eventually take care of it. The market can't and isn't supposed to take care of everything. You can't fix discrimination with the "invisible hand."

Take a look at this chart of the wage gap over the last 20 years. If we continue to rely on "market forces," it will be another century before there's true pay equity for women.

In fact, this study accounts for market forces, and it says that pay in women's jobs has increased, but not nearly enough.

If we had relied on market forces in the past, our country never would have set a minimum wage and we wouldn't be taking Family Medical Leave to care for our newborns or loved ones. We never would have had the Equal Pay Act or the Americans with Disabilities Act.

Some argue that its impossible to compare the wages of different jobs. But, it's done all the time by labor consultants who use "point systems" based on skills, responsibility and effort required to determine the value of a job. Jobs that are different may still receive the same total score, meaning, the jobs should be paid about the same. Companies would also develop their own evaluation systems and set their own wages.

My state and 19 others have "fair pay" laws and policies in place for their public employees, and my state has never been stronger.

Fair pay is not just a women's issue. It's a working family issue. It's a retirement issue. When women aren't paid what they're worth, we all get cheated. And national polls show that fair pay is a top priority for women.

So I urge my colleagues to support the Fair Pay Act, we owe it to America's working women and their families.

Mr. WELLSTONE. Mr. President, I am pleased to join as a cosponsor of the Fair Pay Act. I hope that this is the Congress that will see this important piece of legislation enacted. I fear the consequences if we do not.

For thirty-eight years, since enactment of the Equal Pay Act in 1963, we have been striving to close the pay gap between men and women. We have made some progress, but not nearly enough.

Today, despite all efforts, women on average earn only 77 cents for each dollar that men earn. That's simply not acceptable. As Susan Dailey, U.S. President of the National Business and Professional Women said, "Is it acceptable then for women to leave at 1:48 on Thursday afternoon because that's three quarters of a work week?" No, these differentials are simply not acceptable.

Due to the wage gap, it is estimated that the average 25-year-old woman will lose approximately $500,000 over her working lifetime.

That's unfair, it's unjust. And for that reason alone, we need to support legislation that will address the root causes of this pay inequity.

But not only is it unjust to women, it's unfair to the whole family. It is estimated that the wage gap annually costs America's working families $200 billion. Over ten years that's $2 trillion in lost income to families as a result of wage disparities. That's more than the entire tax cut the Bush Administration is anxious to give back to the wealthiest 1 percent of the population!

This bill can lift families out of poverty. If married women were paid the same as men, their families' rate of poverty would fall by more than 60 percent. If single working mothers earned as much as their male counterparts, their poverty rates would be cut in half.

That's what this bill is about, paying everyone a decent wage, the wage they deserve, so that they can support their families with dignity.

I'm proud that my home state of Minnesota is a leader on this issue. Our state comparable worth law is one of the strongest on the books and serves as a model for other states. In Minnesota, under our law, both state and municipal employees get the benefits of this important protection.

I hope we can follow suit on the federal level. I urge my colleagues to act swiftly on this important measure.

By Mr. BAYH (for himself, Ms. SNOWE, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. KOHL, Mr. JOHNSON, Mr. BREAUX, Mr. ROCKEFELLER, Mrs. CLINTON, and Mr. CARPER):

S. 685. A bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes; to the Committee on Finance.

Mr. BAYH. Mr. President, I rise today to introduce legislation that will increase a working family's chances to remain self-sufficient and off of Welfare. Given the dramatic decline in the welfare caseload since 1996, the question remains whether individuals leaving welfare will remain off welfare. In order to fortify the successful welfare reform efforts of the last five years, I along with a bipartisan group of Senators have brought together a legislative package designed to honor work, personal responsibility and strengthen a family's chance to stay self-sufficient.

The Strengthening Working Families Act includes six initiatives designed to support the efforts of families who have made it off welfare, but are at risk of falling backward—especially in a weak economy. The provisions of the package include: (1) Promotion of Responsible Fatherhood; (2) Distribution of Child Support Directly to Families; (3) Expansion of the EITC for Larger Families; (4) Restoration of the Social Services Block Grant; (5) Encouragement of Employer-sponsored Child Care; and (6) Reauthorization of The Safe and Stable Families Act.

The Strengthening Working Families Act provides those who are trying to be responsible with a hand-up, not a handout. It honors our values, in this case the values of work and self-sufficiency, and strengthens families who take responsibility for their children emotionally and financially.

This proposal to support continued personal responsibility comes as the first stage of welfare reform ends and Congress prepares to tackle welfare's hardest cases in the 2002 reauthorization of Temporary Aid to Needy Families, TANF. Since the welfare system was reformed to require that individuals take responsibility for themselves and their families, caseloads have declined. After peaking at 5.1 million families in March of 1994, the number of families on welfare has declined by more than half, to 2.2 million families in June of 2000. The employment rate for single mothers has increased from 57 percent in 1992 to almost 73 percent in 2000. Even among those remaining on the welfare rolls, work has increased sharply, from about 8 percent of adults in 1994 to 28 percent in 1999.

This is a fiscally responsible approach that will be good for families and good for American taxpayers. As Governor, I reformed welfare in Indiana. In 1994, we spent $247.8 million in Indiana on direct welfare payments to families. By the year 2000, we reduced that number by sixty-six percent, to $83.8 million. If you help people find work and dignity, they become self-sufficient.

A number of recent studies show that between 18 percent and 35 percent of those who leave welfare return to the rolls, however. While these rates are reflective of a good economy with ample employment opportunities, the next few months will indicate what will happen to the welfare rolls during a slowing economy. Many of those who left the rolls are in jobs sensitive to economic downturns: 46 percent are in the service industry and 24 percent work in retail.

The total cost of the package is estimated at $11.5 billion: 80 percent or $8.5 billion of which is directed in tax cuts for working families and small businesses. The administration's budget blueprint includes funding for two titles of this bill: Title I, the fatherhood programs, were included at $64 million a year, $315 million over five years; as well as Title VI, the child welfare program, in its entirety.

In particular, Title I of the bill which promotes responsible fatherhood mirrors S. 653, The Responsible Fatherhood Act of 2001, a bill I introduced earlier this Congress with Senator DOMENICI. Many of America's mothers, including single moms, are heroic in their efforts to make ends meet while raising good, responsible children. Many dads are too. But an increasing number of men are not doing their part, or are absent entirely. The decline in the involvement of fathers in the lives of their children over the last forty years is a troubling trend that affects us all. Fathers can help teach their children about respect, honor, duty and so many of the values that make our communities strong.

The number of children living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Today, the United States leads the world in fatherless families, and too many children spend their lives without any contact with their fathers. The consequences are severe, a study by the Journal of Research in Crime and Delinquency found that the best predictor of violent crime and burglary in a community is not the rate of poverty, but the rate of fatherless homes.

The Responsible Fatherhood Act of 2001, does three primary things to help combat fatherlessness in America. First, it creates a grant program for state media campaigns to encourage fathers to act responsibly. Second, it funds community efforts that provide fathers with the tools necessary to be responsible fathers. Finally, the bill creates a National Clearinghouse to assist states with their media campaigns and with the dissemination of materials to promote responsible fatherhood.

I want to thank Senator SNOWE for her leadership on this bill. With her support not only does each individual piece of this legislation enjoy bipartisan support, the entire package is bipartisan. In addition, I want to thank Senators BOB GRAHAM, JOSEPH LIEBERMAN, BLANCHE LINCOLN, MARY LANDRIEU, HERB KOHL, TIM JOHNSON, JOHN BREAUX, HILLARY CLINTON, JOHN ROCKEFELLER and THOMAS CARPER for their support.

This bipartisan package to promote personal responsibility will allow us to continue to discuss the successes of welfare reform. I urge my colleagues to support this important legislation.

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of the Strengthening Working Families Act of 2001. I would like to thank Senators BAYH and SNOWE for working so diligently to put this package together. I am pleased that my Child Care Infrastructure Act is included, and I believe it will go a long way towards providing working families the tools they need to succeed.

That's because this bill is based on a simple premise: that working couples who decide to have a family should not be penalized because they both must keep working.

Unfortunately today, many working parents today do not have access to an essential tool for success at work: quality child care. According to the Children's Defense Fund, the average annual cost of child care can be more than the average annual cost of public college tuition. And nothing adds more to these high costs than the dramatic shortage of quality child care in this country.

Increasing the supply of child care has clear benefits, for children, their parents and businesses. Research on the brain has proven the importance of early childhood programs to a child's chances of long-term success in school and in adult life. I have visited many employer-sponsored child care centers in Wisconsin, and they are so often state-of-the-art facilities that significantly enhance early childhood education. And just as importantly, parents are more productive at work when they know that their children have safe, reliable child care.

This bill is aimed at increasing the supply of child care for working families. We provide a 25 percent tax credit to businesses who are willing to take actions to increase the supply of quality child care, including the construction and operation of an on-site or near-site child care center, or providing child care subsidies for their employees.

Increasing the supply of affordable child care is just one part of the fight to help working families succeed, and this bill makes businesses a true partner in that effort.

I am also pleased that the Strengthening Working Families bill also includes "The Child Support Distribution Act," which is similar to legislation I've been working on since 1998, the "Children First Child Support Reform Act".

This bill takes significant steps toward ensuring that children receive the child support money they are owed and deserve. In Fiscal Year 1999, the public child support system collected child support payments for only 37 percent of its caseload, up from 23 percent in 1998. Obviously, we still need to improve, but States are making real progress. It's time for Congress to take the next step and help States overcome a major obstacle to collecting child support for families.

There are many reasons why non-custodial parents may not be paying support for their children. Some are not able to pay because they don't have jobs or have fallen on hard times. Others may not pay because they are unfairly prevented from spending time with their children.

But other fathers don't pay because the public system actually discourages them from paying. Under current law, over $2 billion in child support is retained every year by the State and Federal governments as repayment for welfare benefits, rather than delivered to the children to whom it is owed. Since the money doesn't benefit their kids, fathers are discouraged from paying support. And mothers have no incentive to push for payment since the support doesn't go to them.

It's time for Congress to change this system and encourage States to distribute more child support to families. My home State of Wisconsin has already been doing this for several years and is seeing great results. In 1997, I worked with my State to institute an innovative program of passing through child support payments directly to families. Preliminary results show that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that overall, this policy does not increase government costs. That makes sense because "passing through" support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

We now have a key opportunity to encourage all States to follow Wisconsin's example. Title II of the Strengthening Working Families bill gives States options and strong incentives to send more child support directly to families who are working their way off, or are already off, public assistance. Not only will this create the right incentives for non-custodial parents to pay, but it will also simplify the job for States, who currently face an administrative nightmare in following the complicated rules of the current system.

We know that creating the right incentives for non-custodial parents to pay support and increasing collections has long-term benefits. People who can count on child support are more likely to stay in jobs and stay off public assistance.

This legislation finally brings the Child Support Enforcement program into the post-welfare reform era, shifting its focus from recovering welfare costs to increasing child support to families so they can sustain work and maintain self-sufficiency. After all, it's only fair that if we are asking parents to move off welfare and take financial responsibility for their families, then we in Congress must make sure that child support payments actually go to the families to whom they are owed and who are working so hard to succeed.

Last year, a House version of this bill passed by an overwhelming bipartisan vote for 405 to 18. We must keep the momentum going in this Congress, and finally make child support meaningful for families. Again, I want to thank Senators SNOWE and BAYH for working with me on this issue and for including it in this package.

Mr. ROCKEFELLER. Mr. President, I am proud to join my colleagues in supporting the Working Families package to invest in a series of bipartisan initiatives to support and encourage families that are "playing by the rules," but struggling to make ends meet as they raise their children.

This legislation combines key legislative proposals to help working families, including a targeted expansion of the Earned Income Tax Credit, EITC, for families with three or more children. It is simple common sense that parents with more children need more help in making ends meet. This bill would give the most needy families up to $496 more in the EITC to help working families live with dignity. Our legislation also includes key provisions to streamline and improve the EITC, which is one of our most effective programs to combat child poverty.

Another key component of this package would reauthorize and expand the Safe and Stable Families Act with an additional $200 million a year, as proposed by President Bush. I helped to create this program in 1993 with Senator BOND, and it was expanded and improved in 1997 as part of the Adoption and Safe Families Act. Since this act became law, we have dramatically increased the number of adoptions from foster care. Therefore, we need to increase funding for adoption services and to help the children and their new families overcome the years of abuse and neglect. Further, the bill would improve the Chafee Independent Living program by offering a $5000 scholarship to teens from foster care to encourage them to attend college or pursue vocational training. Abused and neglected children are among the most vulnerable in our society and they deserve our support and care.

For many years, I have worked closely with Senator GRAHAM and a bipartisan coalition to restore funding to the Social Service Block Grant, a flexible program to enable states to provide support for needy children, families, seniors and the disabled. During the welfare reform debates, we promised flexibility to the states and full funding of the Social Services Block Grant at $2.38 billion, and we should keep that promise and restore funding.

Providing provisions to improve our child support system to get payments to the families first has been a longstanding priority for me. Fatherhood is a major issue for our families, and from my work on the National Commission on Children over a decade ago, I know that children do best in families with committed, caring parents. Investing in quality child care is an obvious concern as we continue our efforts on welfare reform and face the challenges of our new economy in which most mothers work.

We should be working together to help our children and our families, so I hope that we will be able to promote this package of bipartisan initiatives that are targeted to some of our most vulnerable families, who are working hard but need help to raise their children with dignity.

AMENDMENTS SUBMITTED AND PROPOSED

SA 172. Mr. BAUCUS (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. STABENOW, Ms. MIKULSKI, Mrs. MURRAY, Mr. DAYTON, Mr. WYDEN, Mrs. CLINTON, Mr. REED, Mrs. CARNAHAN, Mr. NELSON of Florida, Mr. SARBANES, and Mr. LEVIN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

SA 173. Mr. GRASSLEY (for himself, Ms. SNOWE, Mr. DOMENICI, Ms. COLLINS, Mr. FRIST, Mr. SMITH of Oregon, and Mr. GRAMM) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 174. Mr. GRASSLEY (for himself, Mr. MILLER, Mr. DOMENICI, Mr. HUTCHINSON, and Mr. HAGEL) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 175. Mr. WARNER (for himself, Mr. HUTCHINSON, Mr. ROBERTS, Mr. INHOFE, Ms. COLLINS, Mr. MILLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 176. Mr. JOHNSON (for himself, Mr. CONRAD, Mr. DASCHLE, Mr. HARKIN, Mr. DORGAN, and Mrs. LINCOLN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 177. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years.

SA 178. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, supra.

TEXT OF AMENDMENTS

SA 172. Mr. BAUCUS (for himself, Mr. GRAHAM, Mr. KENNEDY, Mr. ROCKEFELLER, Ms. STABENOW, Ms. MIKULSKI, Mrs. MURRAY, Mr. DAYTON, Mr. WYDEN, Mrs. CLINTON, Mr. REED, Mrs. CARNAHAN, Mr. NELSON of Florida, Mr. SARBANES, and Mr. LEVIN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 16, decrease the amount by $2,500,000,000.

On page 2, line 17, decrease the amount by $11,073,000,000.

On page 2, line 18, decrease the amount by $7,900,000,000.

On page 3, line 1, increase the amount by $2,418,000,000.

On page 3, line 2, increase the amount by $13,339,000,000.

On page 3, line 3, increase the amount by $18,863,000,000.

On page 3, line 4, increase the amount by $22,694,000,000.

On page 3, line 5, increase the amount by $24,898,000,000.

On page 3, line 6, increase the amount by $29,509,000,000.

On page 3, line 7, increase the amount by $30,953,000,000.

On page 3, line 8, increase the amount by $34,483,000,000.

On page 3, line 12, decrease the amount by $2,500,000,000.

On page 3, line 13, decrease the amount by $11,073,000,000.

On page 3, line 14, decrease the amount by $7,900,000,000.

On page 3, line 15, increase the amount by $2,418,000,000.

On page 3, line 16, increase the amount by $13,339,000,000.

On page 3, line 17, increase the amount by $18,863,000,000.

On page 3, line 18, increase the amount by $22,694,000,000.

On page 3, line 19, increase the amount by $24,898,000,000.

On page 3, line 20, increase the amount by $29,509,000,000.

On page 3, line 21, increase the amount by $30,953,000,000.

On page 3, line 22, increase the amount by $34,483,000,000.

On page 28, line 19, decrease the amount by $2,500,000,000.

On page 28, line 20, decrease the amount by $2,500,000,000.

On page 28, line 23, decrease the amount by $11,200,000,000.

On page 28, line 24, decrease the amount by $11,200,000,000.

On page 29, line 2, decrease the amount by $12,900,000,000.

On page 29, line 3, decrease the amount by $12,900,000,000.

On page 29, line 6, decrease the amount by $14,800,000,000.

On page 29, line 7, decrease the amount by $14,800,000,000.

On page 29, line 10, decrease the amount by $4,200,000,000.

On page 29, line 11, decrease the amount by $4,200,000,000.

On page 30, line 19, increase the amount by $127,000,000.

On page 30, line 20, increase the amount by $127,000,000.

On page 30, line 23, increase the amount by $5,000,000,000.

On page 30, line 24, increase the amount by $5,000,000,000.

On page 31, line 2, increase the amount by $17,218,000,000.

On page 31, line 3, increase the amount by $17,218,000,000.

On page 31, line 6, increase the amount by $17,539,000,000.

On page 31, line 7, increase the amount by $17,539,000,000.

On page 31, line 10, increase the amount by $18,863,000,000.

On page 31, line 11, increase the amount by $18,863,000,000.

On page 31, line 14, increase the amount by $22,694,000,000.

On page 31, line 15, increase the amount by $22,694,000,000.

On page 31, line 18, increase the amount by $24,898,000,000.

On page 31, line 19, increase the amount by $24,898,000,000.

On page 31, line 22, increase the amount by $29,509,000,000.

On page 31, line 23, increase the amount by $29,509,000,000.

On page 32, line 2, increase the amount by $30,953,000,000.

On page 32, line 3, increase the amount by $30,953,000,000.

On page 32, line 6, increase the amount by $34,483,000,000.

On page 32, line 7, increase the amount by $34,483,000,000.

On page 4, line 15, decrease the amount by $2,500,000,000.

On page 4, line 16, decrease the amount by $11,073,000,000.

On page 4, line 17, decrease the amount by $7,900,000,000.

On page 4, line 18, increase the amount by $2,418,000,000.

On page 4, line 19, increase the amount by $13,339,000,000.

On page 4, line 20, increase the amount by $18,863,000,000.

On page 4, line 21, increase the amount by $22,694,000,000.

On page 4, line 22, increase the amount by $24,898,000,000.

On page 4, line 23, increase the amount by $29,509,000,000.

On page 5, line 1, increase the amount by $30,953,000,000.

On page 5, line 2, increase the amount by $34,483,000,000.

On page 4, line 1, decrease the amount by $2,500,000,000.

On page 4, line 2, decrease the amount by $11,073,000,000.

On page 4, line 3, decrease the amount by $7,900,000,000.

On page 4, line 4, increase the amount by $2,418,000,000.

On page 4, line 5, increase the amount by $13,339,000,000.

On page 4, line 6, increase the amount by $18,863,000,000.

On page 4, line 7, increase the amount by $22,694,000,000.

On page 4, line 8, increase the amount by $24,898,000,000.

On page 4, line 9, increase the amount by $29,509,000,000.

On page 4, line 10, increase the amount by $30,953,000,000.

On page 4, line 11, increase the amount by $34,483,000,000.

On page 50, line 3, decrease the amount by $11,073,000,000.

On page 50, line 5, increase the amount by $158,183,000,000.

SA 173. Mr. GRASSLEY (for himself, Ms. Snowe, Mr. Domenici, Ms. Collins, Mr. Frist, Mr. Smith of Oregon, and Mr. Gramm) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 49 strike lines 15 through line 6 on page 50 and insert the following:

SEC. 203. RESERVE FUND FOR PRESCRIPTIONS DRUGS AND MEDICARE REFORM IN THE SENATE.

If the Committee on Finance of the Senate reports a bill or joint resolution, or a conference report thereon is submitted, which reforms the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and improves the access of beneficiaries under that program to prescription drugs, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that bill, joint resolution, or conference report but not to exceed $300,000,000,000 for the period of fiscal years 2002 through 2011. The total adjustment made under this section for any fiscal year may not exceed the Congressional Budget Office's estimate of the President's Medicare reform and prescription drug plan (or, if such a plan is not submitted in a timely manner, the Congressional Budget Office's estimate of a comparable plan submitted by the Chairman of the Committee on Finance).

SA 174. Mr. GRASSLEY (for himself, Mr. Miller, Mr. Domenici, Mr. Hutchinson, and Mr. Hagel) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 4, line 1, increase the amount by $5,112,000,000.

On page 4, line 2, increase the amount by $7,810,000,000.

On page 4, line 3, increase the amount by $8,202,000,000.

On page 4, line 4, increase the amount by $8,658,000,000.

On page 4, line 5, increase the amount by $9,129,000,000.

On page 4, line 6, increase the amount by $8,611,000,000.

On page 4, line 7, increase the amount by $9,101,000,000.

On page 4, line 8, increase the amount by $8,591,000,000.

On page 4, line 9, increase the amount by $8,047,000,000.

On page 4, line 10, increase the amount by $7,470,000,000.

On page 4, line 11, increase the amount by $7,885,000,000.

On page 4, line 15, increase the amount by $5,112,000,000.

On page 4, line 16, increase the amount by $7,810,000,000.

On page 4, line 17, increase the amount by $8,202,000,000.

On page 4, line 18, increase the amount by $8,658,000,000.

On page 4, line 19, increase the amount by $9,129,000,000.

On page 4, line 20, increase the amount by $8,611,000,000.

On page 4, line 21, increase the amount by $9,101,000,000.

On page 4, line 22, increase the amount by $8,591,000,000.

On page 4, line 23, increase the amount by $8,047,000,000.

On page 5, line 1, increase the amount by $7,470,000,000.

On page 5, line 2, increase the amount by $7,885,000,000.

On page 5, line 6, decrease the amount by $5,112,000,000.

On page 5, line 7, decrease the amount by $7,810,000,000.

On page 5, line 8, decrease the amount by $8,202,000,000.

On page 5, line, 9, decrease the amount by $8,685,000,000.

On page 5, line 10, decrease the amount by $9,129,000,000.

On page 5, line 11, decrease the amount by $8,611,000,000.

On page 5, line 12, decrease the amount by $9,101,000,000.

On page 5, line 13, decrease the amount by $8,591,000,000.

On page 5, line 14, decrease the amount by $8,047,000,000.

On page 5, line 15, decrease the amount by $7,470,000,000.

On page 5, line 16, decrease the amount by $7,885,000,000.

On page 5, line 19, increase the amount by $5,112,000,000.

On page 5, line 20, increase the amount by $12,922,000,000.

On page 5, line 21, increase the amount by $21,124,000,000.

On page 5, line 22, increase the amount by $29,782,000,000.

On page 5, line 23, increase the amount by $38,911,000,000.

On page 5, line 24, increase the amount by $47,522,000,000.

On page 5, line 25, increase the amount by $56,623,000,000.

On page 6, line 1, increase the amount by $65,213,000,000.

On page 6, line 7, increase the amount by $5,112,000,000.

On page 6, line 8, increase the amount by $12,922,000,000.

On page 6, line 9, increase the amount by $21,124,000,000.

On page 6, line 10, increase the amount by $29,782,000,000.

On page 6, line 11, increase the amount by $38,911,000,000.

On page 6, line 12, increase the amount by $47,522,000,000.

On page 6, line 13, increase the amount by $56,623,000,000.

On page 6, line 14, increase the amount by $65,213,000,000.

On page 17, line 23 increase the amount by $350,000,000.

On page 17, line 24, increase the amount by $350,000,000.

On page 18, line 2, increase the amount by $350,000,000.

On page 18, line 3, increase the amount by $350,000,000.

On page 18, line 6, increase the amount by $350,000,000.

On page 18, line 7, increase the amount by $350,000,000.

On page 18, line 10, increase the amount by $350,000,000.

On page 18, line 11, increase the amount by $350,000,000.

On page 18, line 14, increase the amount by $350,000,000.

On page 18, line 15, increase the amount by $350,000,000.

On page 18, line 18, increase the amount by $350,000,000.

On page 18, line 19, increase the amount by $350,000,000.

On page 18, line 22, increase the amount by $350,000,000.

On page 18, line 23, increase the amount by $350,000,000.

On page 19, line 2, increase the amount by $350,000,000.

On page 19, line 3, increase the amount by $350,000,000.

On page 19, line 6, increase the amount by $350,000,000.

On page 19, line 7, increase the amount by $350,000,000.

On page 19, line 10, increase the amount by $350,000,000.

On page 19, line 11, increase the amount by $350,000,000.

On page 19, line 15, increase the amount by $5,000,000,000.

On page 19, line 16, increase the amount by $5,000,000,000.

On page 19, line 19, increase the amount by $7,000,000,000.

On page 19, line 20, increase the amount by $7,000,000,000.

On page 19, line 23, increase the amount by $7,000,000,000.

On page 19, line 24, increase the amount by $7,000,000,000.

On page 20, line 2, increase the amount by $7,000,000,000.

On page 20, line 3, increase the amount by $7,000,000,000.

On page 20, line 6, increase the amount by $7,000,000,000.

On page 20, line 7, increase the amount by $7,000,000,000.

On page 20, line 10, increase the amount by $6,000,000,000.

On page 20, line 11, increase the amount by $6,000,000,000.

On page 20, line 14, increase the amount by $6,000,000,000.

On page 20, line 15, increase the amount by $6,000,000,000.

On page 20, line 18, increase the amount by $5,000,000,000.

On page 20, line 19, increase the amount by $5,000,000,000.

On page 20, line 22, increase the amount by $4,000,000,000.

On page 20, line 23, increase the amount by $4,000,000,000.

On page 21, line 2, increase the amount by $3,000,000,000.

On page 21, line 3, increase the amount by $3,000,000,000.

On page 21, line 6, increase the amount by $3,000,000,000.

On page 21, line 7, increase the amount by $3,000,000,000.

On page 41, line 15, increase the amount by $112,000,000.

On page 41, line 16, increase the amount by $112,000,000.

On page 41, line 19, increase the amount by $460,000,000.

On page 41, line 20, increase the amount by $460,000,000.

On page 41, line 23, increase the amount by $852,000,000.

On page 41, line 24, increase the amount by $852,000,000.

On page 42, line 2, increase the amount by $1,308,000,000.

On page 42, line 3, increase the amount by $1,308,000,000.

On page 42, line 6, increase the amount by $1,779,000,000.

On page 42, line 7, increase the amount by $1,779,000,000.

On page 42, line 10, increase the amount by $2,261,000,000.

On page 42, line 11, increase the amount by $2,261,000,000.

On page 42, line 14, increase the amount by $2,751,000,000.

On page 42, line 15, increase the amount by $2,751,000,000.

On page 42, line 18, increase the amount by $3,241,000,000.

On page 42, line 19, increase the amount by $3,241,000,000.

On page 42, line 22, increase the amount by $3,697,000,000.

On page 42, line 23, increase the amount by $3,697,000,000.

On page 43, line 2, increase the amount by $4,120,000,000.

On page 43, line 3, increase the amount by $4,120,000,000.

On page 43, line 6, increase the amount by $4,535,000,000.

On page 43, line 7, increase the amount by $4,535,000,000.

SA 175. Mr. WARNER (for himself, Mr. HUTCHINSON, Mr. ROBERTS, Mr. INHOFE, Ms. COLLINS, Mr. MILLER, and Mr. KYL) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 2, increase the amount by $8,500,000,000.

On page 4, line 16, increase the amount by $6,460,000,000.

On page 10, line 21, increase the amount by $8,500,000,000.

On page 10, line 22, increase the amount by $6,460,000,000.

On page 43, line 15, increase the amount by $8,500,000,000.

On page 43, line 16, increase the amount by $6,460,000,000.

On page 48, line 6, increase the amount by $8,500,000,000.

On page 48, line 7, increase the amount by $6,460,000,000.

SA 176. Mr. JOHNSON (for himself, Mr. CONRAD, Mr. DASCHLE, Mr. HARKIN, Mr. DORGAN, and Mrs. LINCOLN) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

(New Budget Authority)

On page 4, line 1, increase the amount by $9,000,000,000.

On page 4, line 2, decrease the amount by $4,400,000,000.

On page 4, line 3, increase the amount by $12,000,000,000.

On page 4, line 4, increase the amount by $12,000,000,000.

On page 4, line 5, increase the amount by $12,000,000,000.

On page 4, line 6, increase the amount by $11,000,000,000.

On page 4, line 7, increase the amount by $11,000,000,000.

On page 4, line 8, increase the amount by $7,000,000,000.

On page 4, line 9, increase the amount by $6,600,000,000.

On page 4, line 10, increase the amount by $6,000,000,000.

On page 4, line 11, increase the amount by $6,000,000,000.

(New outlays)

On page 4, line 15, increase the amount by $9,000,000,000.

On page 4, line 16, decrease the amount by $4,400,000,000.

On page 4, line 17, increase the amount by $12,000,000,000.

On page 4, line 18, increase the amount by $12,000,000,000.

On page 4, line 19, increase the amount by $12,000,000,000.

On page 4, line 20, increase the amount by $11,000,000,000.

On page 4, line 21, increase the amount by $11,000,000,000.

On page 4, line 22, increase the amount by $7,000,000,000.

On page 4, line 23, increase the amount by $6,600,000,000.

On page 5, line 1, increase the amount by $6,000,000,000.

On page 5, line 2, increase the amount by $6,000,000,000.

(Surpluses)

On page 5, line 6, decrease the amount by $9,000,000,000.

(Revenues)

On page 2, line 17, increase the amount by $4,400,000,000.

On page 2, line 18, increase the amount by $12,000,000,000.

On page 3, line 1, increase the amount by $12,000,000,000.

On page 3, line 2, increase the amount by $12,000,000,000.

On page 3, line 3, increase the amount by $11,000,000,000.

On page 3, line 4, increase the amount by $11,000,000,000.

On page 3, line 5, increase the amount by $7,000,000,000.

On page 3, line 6, increase the amount by $6,600,000,000.

On page 3, line 7, increase the amount by $6,000,000,000.

On page 3, line 8, increase the amount by $6,000,000,000.

(Revenue Reductions)

On page 3, line 13, decrease the amount by $4,400,000,000.

On page 3, line 14, decrease the amount by $12,000,000,000.

On page 3, line 15, decrease the amount by $12,000,000,000.

On page 3, line 16, decrease the amount by $12,000,000,000.

On page 3, line 17, decrease the amount by $11,000,000,000.

On page 3, line 18, decrease the amount by $11,000,000,000.

On page 3, line 19, decrease the amount by $7,000,000,000.

On page 3, line 20, decrease the amount by $6,600,000,000.

On page 3, line 21, decrease the amount by $6,000,000,000.

On page 3, line 22, decrease the amount by $6,000,000,000.

(Debt Held by the Public)

On page 6, line 7, increase the amount by $9,000,000,000.

On page 6, line 8, increase the amount by $18,000,000,000.

On page 6, line 9, increase the amount by $27,000,000,000.

On page 6, line 10, increase the amount by $36,000,000,000.

On page 6, line 11, increase the amount by $45,000,000,000.

On page 6, line 12, increase the amount by $54,000,000,000.

On page 6, line 13, increase the amount by $63,000,000,000.

On page 6, line 14, increase the amount by $72,000,000,000.

On page 6, line 15, increase the amount by $81,000,000,000.

On page 6, line 16, increase the amount by $90,000,000,000.

On page 6, line 17, increase the amount by $99,000,000,000.

(Function 300)

On page 17, line 23, increase the amount by $400,000,000.

On page 17, line 24, increase the amount by $400,000,000.

On page 18, line 2, increase the amount by $1,000,000,000.

On page 18, line 3, increase the amount by $1,000,000,000.

On page 18, line 6, increase the amount by $1,000,000,000.

On page 18, line 7, increase the amount by $1,000,000,000.

On page 18, line 10, increase the amount by $1,000,000,000.

On page 18, line 11, increase the amount by $1,000,000,000.

On page 18, line 14, increase the amount by $1,000,000,000.

On page 18, line 15, increase the amount by $1,000,000,000.

On page 18, line 18, increase the amount by $1,000,000,000.

On page 18, line 19, increase the amount by $1,000,000,000.

On page 18, line 22, increase the amount by $1,000,000,000.

On page 18, line 23, increase the amount by $1,000,000,000.

On page 19, line 2, increase the amount by $1,000,000,000.

On page 19, line 3, increase the amount by $1,000,000,000.

On page 19, line 6, increase the amount by $1,000,000,000.

On page 19, line 7, increase the amount by $1,000,000,000.

On page 19, line 10, increase the amount by $1,000,000,000.

On page 19, line 11, increase the amount by $1,000,000,000.

(Function 350)

On page 19, line 15, increase the amount by $9,000,000,000.

On page 19, line 16, increase the amount by $9,000,000,000.

On page 19, line 19, increase the amount by $4,000,000,000.

On page 19, line 20, increase the amount by $4,000,000,000.

On page 19, line 23, increase the amount by $11,000,000,000.

On page 19, line 24, increase the amount by $11,000,000,000.

On page 20, line 2, increase the amount by $11,000,000,000.

On page 20, line 3, increase the amount by $11,000,000,000.

On page 20, line 6, increase the amount by $11,000,000,000.

On page 20, line 7, increase the amount by $11,000,000,000.

On page 20, line 10, increase the amount by $10,000,000,000.

On page 20, line 11, increase the amount by $10,000,000,000.

On page 20, line 14, increase the amount by $10,000,000,000.

On page 20, line 15, increase the amount by $10,000,000,000.

On page 20, line 18, increase the amount by $6,000,000,000.

On page 20, line 18, increase the amount by $6,000,000,000.

On page 20, line 22, increase the amount by $5,600,000,000.

On page 20, line 23, increase the amount by $5,600,000,000.

On page 21, line 2, increase the amount by $5,000,000,000.

On page 21, line 3, increase the amount by $5,000,000,000.

On page 21, line 6, increase the amount by $5,000,000,000.

On page 21, line 7, increase the amount by $5,000,000,000.

On page 5, line 19, increase the amount by $9,000,000,000.

On page 5, line 20, increase the amount by $18,000,000,000.

On page 5, line 21, increase the amount by $27,000,000,000.

On page 5, line 22, increase the amount by $36,000,000,000.

On page 5, line 23, increase the amount by $45,000,000,000.

On page 5, line 24, increase the amount by $54,000,000,000.

On page 5, line 25, increase the amount by $63,000,000,000.

On page 6, line 1, increase the amount by $72,000,000,000.

On page 6, line 2, increase the amount by $81,000,000,000.

On page 6, line 3, increase the amount by $90,000,000,000.

On page 6, line 4, increase the amount by $99,000,000,000.

SA 177. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years; as follows:

On page 4, line 4 strike "and all future years".

SA 178. Mr. DOMENICI (for Mr. WELLSTONE) proposed an amendment to the bill S. Res. 55, designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years; as follows:

Amend the title so as to read: Designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the year 2001.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 3 at 9:30 a.m. to conduct an overnight hearing. The committee will consider national energy policy with respect to impediments to development of domestic oil and natural gas components.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, April 3, 2001 to hear testimony on Medicare and Managed Care: Finding Successful Solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 3, 2001 at 10:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, April 3, 2001 at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 3, 2001 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Tuesday, April 3, 2001, at 2:00 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 3, 2001, at 2:30

p.m., in open session to receive testimony on the report of the national commission for the review of the National Reconnaissance Office and the report of the Independent Commission on the National Imagery and Mapping Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. I ask unanimous consent that Lindsay Crawford, Carlo Moreno, Annabelle Bartsch, and Chris Levy, interns on the Democratic staff of the Senate Finance Committee, be granted floor privileges throughout the Senate debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 106–310, announces the appointment of the following individuals to serve as members of the Commission on Indian and Native Alaskan Health Care: Sara DeCoteau, of South Dakota and Carole Anne Heart, of South Dakota.

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 106–533, announces the appointment of the following Senators to serve as members of the Congressional Recognition for Excellence in Arts Education Awards Board: The Senator from Hawaii (Mr. AKAKA) and the Senator from South Dakota (Mr. JOHNSON).

NATIONAL MURDER AWARENESS DAY

Mr. DOMENICI. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 41, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A Resolution (S. Res. 41) designating April 4, 2001, as "National Murder Awareness Day."

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. SHELBY. Mr. President, S. Res. 41 designates April 4, 2001 as "National Murder Awareness Day." In 1999 alone, 15,533 people were murdered in the United States according to FBI statistics. Murder affects not only the victims themselves, but it affects the lives of countless other family members and friends of victims. While murder rates have decreased from their record highs in the 1980s, further improvement is needed as the murder rate in 1999 was still 5.7 per 100,000 inhabitants—24 percent higher than the 1950 murder rate.

To help address the glaring murder problem in our country, I introduced the National Murder Awareness Day resolution with my colleague Senator SESSIONS. This resolution will raise awareness of the devastating impact murder has on our country. In addition, it recognizes the important role local communities can play in combating the thousands of senseless murders that occur each year.

The idea of devoting a day to raising murder awareness originated with Citizens Against Crime, a grassroots victim's rights organization located in Selma, Alabama. This group was successful in having the Alabama state legislature designate April 4, 2000 as Alabama's "Murder Awareness Day." According to Citizens against Crime, this designation was overwhelmingly successful in mobilizing community resources to address the problem of violent crime in Alabama.

Mr. President, the murder problem in America is complex and will require concerted efforts by people and communities throughout our great country. The National Murder Awareness Day resolution reflects the importance of these efforts. I am pleased my colleagues joined me in passing this important resolution.

Mr. DOMENICI. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 41) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 41

Whereas murder needlessly claims the lives of thousands of Americans each year;

Whereas murder has a devastating effect on the families of victims throughout the United States; and

Whereas local community awareness and involvement can help eliminate the incidences of murder: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2001 as "National Murder Awareness Day"; and

(2) requests that the President issue a proclamation urging local communities throughout the United States to remember the victims of murder and carry out programs and activities to help eliminate the incidences of murder.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. DOMENICI. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from consideration of S. Res. 55, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 55) designating the third week in April as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 177

Mr. DOMENICI. Senator WELLSTONE has an amendment at the desk. I ask for its consideration and that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 177) was agreed to, as follows:

On page 4, line 4 strike "and all future years".

Mr. DOMENICI. I ask unanimous consent the resolution, as amended, and the preamble be agreed to, the motion to reconsider be laid on the table, the amendment to the title which is at the desk be agreed to, and the motion to reconsider be laid on the table, all without intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 55), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

The amendment (No. 178) was agreed to, as follows:

Amend the title as to read: Designating the third week of April as "National Shaken Baby Syndrome Awareness Week" for the Year 2001.

ORDERS FOR WEDNESDAY, APRIL 4, 2001

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Wednesday, April 4. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use at a later time in the day, and the Senate then resume consideration of H. Con. Res. 83, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, I say on behalf of the leader, the Senate will resume consideration of the Grassley amendment No.

174, and the Johnson amendment No. 176, both regarding agriculture. By previous consent, the time between 9 and 10:30 a.m. will be equally divided with back-to-back votes to occur at 10:30 a.m. Following those votes, Senator HARKIN will be recognized to offer an amendment regarding education. Other amendments will be offered and therefore Senators should expect votes throughout the day.

I ask the ranking member, when will we be able to see the Harkin education amendment?

Mr. CONRAD. First thing in the morning.

Mr. DOMENICI. Just so we get to look at it during the debate in the morning.

Mr. CONRAD. We will be happy to provide it. We do not have a copy at this point ourselves.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:22 p.m., adjourned until Wednesday, April 4, 2001, at 9 a.m.

NOMINATIONS

Executive Nominations Received by the Senate April 3, 2001:

DEPARTMENT OF TRANSPORTATION

DONNA R. MCLEAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE PETER J. BASSO, JR., RESIGNED.

DEPARTMENT OF STATE

JAMES ANDREW KELLY, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS), VICE STANLEY O. ROTH.

RICHARD NATHAN HAASS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DIRECTOR, POLICY PLANNING STAFF, DEPARTMENT OF STATE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

STEPHEN GOLDSMITH, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2005, VICE VICTOR H. ASHE, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

PAULINE F COOK, 4972
PAUL A TITCOMBE, 8636

To be lieutenant

BENES Z ALDANA, 8566
JEFFREY M BROCKUS, 7731
ISMAEL CURET, 0608
MAUREEN R KALLGREN, 2244
STEVEN R KEEL, 2521
MICHAEL T MCGRATH, 8411
MARCEL L MUISE, 0318
FELICIA K RAYBON, 4172
KIN P SZETO, 4696
NAKEISHA B THOMAS, 5135

To be lieutenant (junior grade)

MARIA C ABUZEID, 3179
RICARDO M ALONSO, 0977
MARCUS J AKINS, 7725
DIRK N AMES, 2370
THOMAS B BAILEY, 8046
MICHAEL G BARTON, 9256
CHARLES E BASS, 0879
MICHAEL E BENNETT, 0986
KAILIE J BENSON, 6896
ELIZABETH A BOOKER, 2298
ANDREW T CAMPEN, 7453
MICHAEL S CAVALLARO, 2326
TEALI G COLEY, 2386
KATHERINE M COOCH, 4552
STEPHEN J CORY, 5409
GREGORY L CRETTOL, 3129
MARK A CUNNINGHAM, 1601
MELBURN R DAYTON, 3707
WILLIAM N DELUCA, 8729
JON A DIGIORGIO, 8733
BRIAN K DIVEN, 0405
PHYLLICIA L DIXON, 4134
TROY A DIXON, 7567
STEVEN J DOHMAN, 7874
CHRISTOPHER E DOUGHERTY, 3599
BRENT N DURBIN, 6622
REINO G ECKLORD, 4249
RICHARD C ENGELSTAD, 3715
PATRICK M FLYNN, 0714
CALVIN T FREELAND JR., 2863
GINA L FREEMAN, 2635
CHRISTOPHER R FRIESE, 9550
JEFFREY R FRYE, 6224
TYRON V GADSDEN, 8818
STEVEN M GARCIA, 9611
RILEY O GATEWOOD, 0905
TANYA L GILES, 3526
PETRE S GILLIAM, 4985
RICHARD GONZALEZ, 9291
KELSEY L GORMAN, 5156
MELISSA J HARPER, 1901
HEATH A HARTLEY, 1453
CHRISTOPHER P HOCHSCHILD, 3152
LINDA M HOERSTER, 7251
TANGELA F HUMMONS, 9911
THOMAS A JACOBSON, 1622
KAREN S JOHNSON, 5212
PETER B JONES, 5545
ANDREA KATSENES, 9375
BRIAN R KHEY, 0133
LONNIE T KISHIYAMA, 1843
JAMES B KNAPP, 1530
KURT R KUPERSMITH, 9232
ANDREW H LIGHT, 9682
SIMON A MAPLE, 7366
JOSEPH S MASTERSON, 2508
ELIZABETH A MCNAMARA, 7105
RANDY F MEADOR, 2907
DWAYNE L MEEKINS, 3111
MICHAEL B MENDOZA, 1819
MATTHEW W MERRIMAN, 0668
SANDRA J MIRACLE, 7542
DONALD P MONTORO JR., 4764
MARTIN J MUELLER, 0984
DAVID R NEEL, 7246
CRAIG D NEUBECKER, 6974
PETER S NILES II, 3453
KATHERINE M NILES, 4768
MICHELLE S OBRIENRIPLEY, 6910
MALCOLM L ORR, 4331
DIANE D PERRY, 9045
PETER A PIETRA, 7439
EDWARD H PORNER, 4411
CARMEN A PURTELL, 1173
JACOB J RAMOS, 0412
JASON H RAMSDELL, 8170
KEVIN B REED, 1588
ERIC A REETER, 7221
JAMES P REID, 2641
NICOLE R ROBERTSON, 3516
SEAN P ROCHE, 4900
BRENDA M RODERIG, 3503
CHRISTOPHER A ROSE, 4774
KATHRYN D RUCKER, 9633
CONSTANCE F RUCKSTUHL, 4640
ROSARIO M RUSSO, 6959
RUDOLPH D RUSSO, 2114
DAWN M SEWADE, 0220
DAN T SOMMA, 3331
EDWARD L SONGER, 0545
ALEXIS L TUNE, 0364
MICHAEL L TURNER, 1738
DANIEL W VANBUSKIRK JR., 6539
PAUL G VOGEL, 6617
STEVEN P WALSH, 1689
WILBORNE E WATSON, 2285
MOLLY A WIKE, 0719
SOLOMON J WILLIAMS, 6643
TERENCE J WILLIAMS, 5264
TARIK L WILLIAMS, 1698

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

STEVEN D. CAREY, 5375
LANCE E. ELLIOTT, 5972

To be lieutenant colonel

THOMAS E. LAMBERT, 0455

To be major

RICHARD R. LEMIEUX, 2015

In the army

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOE L. SMOTHERS, 1738

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

LOUIS A. ABBENANTE, 7478
JAMES R. ANDERSON, 6666
STEVEN M. BALMER, 0401
MARGARET M. CAMERON, 1124
RANDALL L. CANTER, 0442
DAVID A. CARRIONBARALT, 4704
TIBOR J. LANCZY, 6935
FLOYD P. ROEHRICH JR., 9031
JAMES M. WILLIAMS, 3654

In the marine corps

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DENNIS G ADAMS, 7014
JACK V BUTLER JR., 5259
RICHARD W BYNO JR., 0503
JOSEPH A COPPOLA, 4547
NELLO E DACHMAN, 0732
DAVID W FISHER, 4887
PAUL P HARRIS, 5080
JERALD D HOLM, 0631
MICHAEL J LEWIS, 1238
JAMES R LOGAN, 0186
THOMAS P MCCABE, 1507
WILLIAM A MEZNARICH JR., 1646
THEODORE W MUELLER, 8726
MARVIN L RAHMAN, 2256
LAWRENCE R WOOLLEY, 7683

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CHARLES E BROWN, 3064
JACKIE O BYRD, 5529
BRIAN K COLBY, 9425
JAMES A CROFFIE, 3664
JOHN T CURRAN, 0981
EGBERT N DAWKINS, 9841
STEPHEN J DUBOIS, 8530
BRIAN A FISHER, 5103
ROBERT W GROSS, 8690
GREGORY B HARAHAN, 9236
RALPH P HARRIS III, 6987
JIMMY F HEGGINS JR., 8628
MARC C HOWELL, 7622
RANDALL D JOHNSON, 6651
THOMAS J JOHNSON, 9464
RICHARD D KULP, 6459
ARTHUR H LABREE, 3298
CARNELL LUCKETT, 6547
JORGE L MEDINA, 8975
RORY F MEEHAN, 6453
ALFRED G MOORE, 9976
WALTER C MURPHY JR., 9744
CHARLES T PARTON, 9739
STEPHEN V PENNINGTON, 8688
DAVID S PHILLIPS, 5830
ROBERT P ROBERSON II, 7465
ELLIOTT J ROWE, 9597
RONALD W SABLAN, 8021
KENNETH A STROUD, 6343
STEVEN C TAYLOR, 4214
PHILLIP R WAHLE, 4529
MICHAEL J WEBB, 8918
DANIEL R WESTPHAL, 7352

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID C. BARTON, 2088

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JAMES W. HUDSON, 6298

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SHEILA C. HECHT, 1427

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL R. FANEUF, 4456

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DANIEL L. BOWER, 7443
TEDMAN L. VANCE, 8456

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S. CODE, SECTION 531:

To be lieutenant

KYLE P. DURAND, 4500
JOSEPH J. ELDRED, 3254
PATRICK J. GIBBONS, 3802
SCOTT G. JOHNSON, 6394
JAMES E. LANDIS, 9455
SALVATORE M. MAIDA, 3667
JAMES A. OUELLETTE, 8805
MICHELLE M. PETTIT, 6363
JEFFREY J. TRUITT, 1418

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

EDUARDO C CUISON, 5248
PAUL S DROHAN, 8692
HAROLD A FRAZIER II, 5889
IGOR A JERCINOVICH, 0243
DOUGLAS H MCNEILL, 4079
JESUS A OLCESE, 0195
MARY E WASHBURN, 4142
RICHARD C YAGESH, 5626

To be commander

JOHN J LEE, 1882
LEE R MANDEL, 7972

To be lieutenant commander

GREGORY L ATCHASON, 5549
ANTHONY J CLAPP, 4467
JEFFREY J GRAY, 7283
DAVID E JONES, 1891
RICHELLE L KAY, 7871
LENORA C LANGLAIS, 1586
ROBERT K MCGAHA, 0556

HOUSE OF REPRESENTATIVES—*Tuesday, April 3, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ADERHOLT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 2001.

I hereby appoint the Honorable ROBERT B. ADERHOLT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

UNEXPLODED ORDNANCES ARE SERIOUS PROBLEM

Mr. BLUMENAUER. Mr. Speaker, I have just returned from the campus of American University in the exclusive Spring Valley residential community here in Washington, D.C.

From a distance one could not imagine, but it is actually one of over a thousand sites around the country where war is being continued; 26 years after the Vietnam War, 56 years after the conclusion of World War II, 83 years after World War I, there is still a battle taking place right here on American soil. It involves mines, nerve gases, and toxics and explosive shells. It has claimed at least 65 lives, and has maimed and injured many more. Sadly, it continues every day, and if we are not careful, it will continue for another thousand years.

Toxic explosive waste of our military activities in the United States, unexploded ordnances on formerly used defense installations probably contaminates 20 to 25 million acres in the United States, and the number could be as high as 50 million acres. Sadly, no one can give us an accurate appraisal of the problem. What we do know is at the current rate of spending, it will take centuries, maybe even a thousand years or more, to return this land to safe and productive use. Some may be so damaged, we may not attempt to clean it up.

Unexploded ordnances are a serious problem today. Human activity and wildlife are encroaching on more and more of these sites as our neighborhoods grow and sprawl. At the same time, the natural rhythms of nature, flooding, earthquakes, and landslides, aided and abetted by human activity, exposes these dangers. Today, across America, we are finding lost and forgotten unexploded ordnance that was intentionally buried in a feeble attempt to dispose of it, or a shell that missed its mark and did not explode as intended.

There are many targets toward which citizens can direct their frustrations and in some cases anger: the Department of Defense, the Army Corps of Engineers or EPA. People have some legitimate concerns about what these and other agencies have done in the past and what they are doing now. But there is one participant that is missing in action, and that is the United States Congress. Only we in Congress can set adequate funding levels, budget clearly, and then make sure that enough money is appropriated to do the job right. Congress can pinpoint managerial responsibility and establish the rules of the game.

It is not acceptable to me for Congress to occasionally step in from the sidelines, complain, protest, and then shift inadequate funding from one high-priority project to another high-priority project. This ability to find an unexploded ordnance, decontaminate sites and have the infrastructure is going to be a zero-sum game if we do not properly advance the goal of protection.

Mr. Speaker, Congress needs to report for duty, and needs to provide the administrative and financial tools that are necessary. What I am talking about will not affect active ranges and readiness. That is a separate topic with its own set of issues. My concern is the closed, transferred and transferring ranges where the public is exposed or soon will be.

More than 1,000 years to clean up these sites is not an appropriate timetable when people are at risk every day. In the 1980s, three boys in San Diego were playing in a field next to a subdivision that they lived in, and they found a shell. It exploded and killed two of them. American University campus that I just left has a child care center that is now closed down because of high levels of arsenic contamination because this area during World War I was a test ground for poison and chemical warfare.

Mr. Speaker, we must make sure that whether it is in suburban Washington, D.C., on Martha's Vineyard or in Camp Bonneville in my community that we get the job done, and it is not appropriate to take a millennium or even a century to do it. We need to step up and do the job.

Mr. Speaker, my goal in Congress is to make sure that every Member understands what is going on in their State because there are these toxic waste dumps, chemical and weapons disposal in every State. We can make sure that somebody is in charge, that there is enough funding, and we get the job done so that no child will be at risk for death, dismemberment or serious illness as a result of the United States Government not cleaning up after itself.

CHINA: FRIEND OR FOE?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, in the last Congress and many before, many of us have heard predictions that have been made regarding China. Advocates last year stated that granting permanent normal trade relations to China would help bring reform to this Communist government, and establish a real friendship between our nations.

Reading the papers last year and this year, this week particularly, I see nothing to support that statement. I think relationships are pretty shaky as they are.

On February 11 of this year, Chinese officials detained an American family. In doing so, they separated the couple's 5-year-old son from his parents for 26 days. After 26 days, little Andrew was reunited with his father and expelled; but his mother is still being held.

President Bush is demanding the release of this Washington-based sociologist. Her family claims that the alleged spying charges are trumped up. The State Department has announced this woman was not even an agent of the American intelligence service.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Now China has detained a second American scholar. This hardly seems like a nation that is becoming cooperative after receiving permanent normal trade relations with the United States. China's already poor human rights record sadly worsened last year. I am pleased that the new administration has recognized that fact and has urged the United Nations to address the widespread oppression in China. The United States U.N. Ambassador stated that the U.S. "should not be silent when those who call for democratic government or more cultural preservation and religious freedom in Tibet and elsewhere in China are suppressed or when advocates of labor rights are thrown in jail." But sadly, this may never take place.

Mr. Speaker, every year since the 1989 killing of student protestors in and around Tiananmen Square, China's delegation has introduced a "no-action motion," therefore successfully stopping all attempts to examine its human rights record. It would seem naive to ask why.

All of this would seem troublesome enough, but now we face even larger concerns. On Sunday of this week, a U.S. Navy plane and a Chinese fighter jet collided over the South China Sea causing the American craft to make an emergency landing in China and the Chinese plane to crash. Officials from China are claiming that the bulkier, clumsier American plane that is roughly the size of a Boeing 737 rammed the light, agile Chinese fighter jet. This would again seem to contradict our view of common sense. Many U.S. experts agree that the incident was most likely caused by an accident on the part of the Chinese.

Sensitivity to the situation will ultimately result from the Chinese handling of the American EP–3 and its crew of 24. It is a reconnaissance aircraft, so it would seem likely that the Chinese military experts would want to board the aircraft to assess what is there, and I understand this morning that diplomats are meeting with the crew.

U.S. officials state that the Chinese generally intercept one out of every three U.S. patrol flights. Recently, concern has been raised with the Chinese Government regarding the fact that Chinese pilots have "become more aggressive." Now, according to Admiral Dennis Blair, Chief of the U.S. Pacific Command, the U.S. has protested the "pattern of increasingly unsafe behavior," but "did not get a satisfactory response." It is presumed that all 24 crew members are safe, but there is yet to be a direct contact between the crew and American officials. American officials are there and are hoping to get in to talk to the crew.

Navy officials also claim that last week a confrontation occurred between a Chinese warship and a Navy surveillance ship in international waters. The officials describe the incident as threatening.

Other examples showing cracks within our forged relationship with China also bear noting, such as China's involvement with Pakistan's nuclear bomb program and their recent questionable involvement in Iraq, to name just a few.

Mr. Speaker, it is clear that our relationship with China needs to be carefully reevaluated. Since PNTR, we have seen aggressive behavior on their part. Our prayers are with the 24 crew members, and I am hopeful that a speedy resolution will occur. I look to the Bush administration to move forward appropriately with China.

CONGRESS NEEDS TO FUND PROGRAMS TO HELP AT-RISK JUVENILES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I have a long list here, and I am not going to read all of it, but we could start in 1994, Union, Kentucky.

1995, Redlands, California; Richmond, Virginia.

1997, Bethel, Alaska; Pearl, Mississippi.

1998, Jonesboro, Arkansas; Edinboro, Pennsylvania; Fayetteville, Tennessee; and Springfield, Oregon, my hometown.

1999, Deming, New Mexico.

2001, Santee, California; Williamsport, Pennsylvania; and El Cajon, California, all in 1 month.

This is, unfortunately, only a partial list of school shootings in the United States over the last decade.

Mr. Speaker, we have got to ask what has been the coordinated and thoughtful response of our policymakers here in Washington, D.C., and I think we would find it lacking. Now, there is certainly no easy answer. There is no one-size-fits-all solution to these problems. But, Mr. Speaker, there are proven programs that are underfunded that could be better funded that might help prevent future tragedies, that might get to one disturbed youth, one at-risk family, that might bring forward some other students before the fact, and we should be doing all we can to encourage and fund those programs.

Mr. Speaker, we often expect that somebody somewhere is going to take care of the violence, is going to make things better, but really who is the somebody here? We all have to take some responsibility, every one of us. In my own hometown of Springfield, there was an incredible community response and a response from other communities, and statewide, and people from other States who came to help us, and even some help from the Federal Government in working through the immediate aftermath. But I fear some some of that urgency is gone now, as the violence has gone elsewhere, and now those communities are in a crisis.

Mr. Speaker, we need a more coordinated approach. I am reintroducing legislation today that has a number of parts. It is not comprehensive, but it is a good start at helping to address these problems.

First and foremost, increased funding for Head Start and other early intervention prevention programs, a program for Federal funding for community programs, like the Birth to 3 in my State that intervenes with young, at-risk women and helps them before they become a problem or get into a situation that is a problem with their children. More money for child abuse programs that focus on community-based family preservation and crisis intervention, a funding increase for the Juvenile Justice Delinquency Prevention programs, including court schools.

I visited court schools. It is a tremendous program. We take a kid today who threatens violence or has been expelled from school, and what do we do? There they are, they are out on the street for the most part. Those kids need a more structured environment. For many of them, it does not even seem like punishment to be thrown out of school. They should be removed and placed in a court school, which is a more rigid environment, which brings in community resources and counseling resources to help them deal with their problems in the hope that we can get them back into the public school environment, and that they can become productive citizens. Do not just send them down to the mall or out in the streets with an expulsion order. Court schools work, and we need some more Federal assistance for those programs.

The National Guard has a very, very successful program, the Youth Challenge Program. It is underfunded. There is a long waiting list of States that want to have programs. We have one in Oregon that has been inadequately funded. The rate of recidivism of the kids that get in that program is minuscule. It works. It is not for every kid. That is not the solution for every kid, but it is a part of the puzzle, and it works, and why not put more money there. We can afford that. If we can afford to give tax breaks to billionaires, we can afford a few more dollars for the National Guard Youth Challenge program, assistance to schools and local police departments to combat juvenile crime, including funds for placing police officers in schools.

Mr. Speaker, let us help the communities who want to engage in prevention and intervention. We can institute a 72-hour hold, a mandate for a 72-hour hold for juveniles caught with a firearm on school grounds. The list goes on and on. These are simple things. They are things we could be doing, I say to my colleagues.

Mr. Speaker, I urge my colleagues to support my wide-reaching package as a beginning of an indication that the Federal Government cares and will work in partnership with communities and concerned citizens and parents and kids to resolve this problem.

COMMENDING THE UNIVERSITY OF NOTRE DAME WOMEN'S BASKETBALL TEAM FOR WINNING THE 2001 NCAA WOMEN'S BASKETBALL CHAMPIONSHIP

The SPEAKER pro tempore (Mr. ADERHOLT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. ROEMER) is recognized during morning hour debates for 5 minutes.

Mr. ROEMER. Mr. Speaker, the famous sports writer Grantland Rice once wrote these words: "Outlined against a blue-gray October sky, the four horsemen rode again. In dramatic lore they are known as famine, pestilence, destruction and death."

These famous words name the four horsemen with the University of Notre Dame football team. With the women's national championship win, with the Notre Dame basketball program Sunday night, we have at least four new names in Irish legend and in "Hoosier Hysteria." They are Ratay and Ivey, Riley and Siemon, players that fought with tenacity and heart to come back from a 16-point deficit against the defending champs, the University of Connecticut, in a semifinal game and win by 15 points. They are the team that came back from 12 points down in the national championship game against the respected intrastate rivals, the Purdue Boilermakers with all-American Katie Douglas, and won the national championship by 2 points Sunday night.

I have to say to my colleagues in the House of Representatives, this was a flat-out exciting game that was one of the best national championships fought between men or women's games in the history of national basketball tournaments. This was a game that was exciting to watch in person or in one's living rooms for men and women and boys and girls across the country, to see Ruth Riley, the all-American star for the University of Notre Dame, score 28 points, rip down 13 rebounds and block 7 shots, all-American standards by any definition.

When we talk about high-caliber standards, nobody sets them better than the coach, Muffet McGraw, who has been at the helm of the University of Notre Dame for 14 years. This past year, she won three coach of the year awards, the Naismith Award, the Associated Press Award, and the WBCA National Coach of the Year Award, for her stellar coaching performance, in a 34 wins and 2 losses season. She did not do it by herself. Coach Owens, Coach McGruff, Coach Washington all helped her and these great teammates to win the national championship.

They had a lot of talent on this stellar team, not just the four names that I mentioned that go down in Irish lore, but the entire team dedicated to high academic standards and playing their hearts out on the floor.

Mr. Speaker, I want to conclude by recognizing their outstanding season. I was privileged enough to attend their very first practice on October 15 and talk to the team and try to encourage them on to have a successful season. Those are high standards that we live up to in Indiana, where we have the legend of Larry Bird, where we have high school gyms that see 10,000 and 12,000 people for great games at the high-school level, and where tiny, small, little Milan High School won the State championship in 1954, creating the legendary Hoosiers movie. We now have the University of Notre Dame Fighting Irish 2001 national champions to enter into the lore, the legend, and the "Hoosier Hysteria." Congratulations. We are proud of you. Congratulations to the continuing ascendancy of women's basketball in America.

Mr. Speaker, I rise today to honor the University of Notre Dame Women's Basketball Team. The Fighting Irish claimed the 2001 NCAA Women's Basketball National Championship on April 1 in St. Louis, Missouri against intrastate rival, the Purdue University Boilermakers, in a classic Hoosier contest that will be long remembered as one of the best championship games in history.

By winning the national championship on Sunday, the Fighting Irish provided a fitting end to an extraordinary season. Their record was an outstanding thirty-four wins and only two defeats. This team embodied the true spirit of college athletics and the two hard fought games in the Final Four serve as a testament to their heart. In the semifinal game against the defending national champion and Big East Conference rival, University of Connecticut, the Irish staged a remarkable come from behind victory thanks to the dominant play of Naismith National Player of the Year, Ruth Riley, and the Frances Pomeroy Naismith Award winner, Niele Ivey. As the second half commenced, the Irish trailed the Connecticut Huskies by as many as sixteen points. The Irish refused to quit, however. Riley, Ivey, sharp shooter Alicia Ratay and the rest of the Irish scored on 15 of their next 20 possessions. Thanks to a 14–0 run, the Irish avenged a heart-breaking loss to the Huskies in the Big East Conference Tournament Final and ended up with a triumphant 90–75 victory. The comeback was the biggest in NCAA Final Four history. The Irish also made eight of their 11 three-point attempts, a national semifinal record.

The Irish saved more heroics for the National Championship game against intrastate rival Purdue. Trailing by as many as twelve points, the Irish responded with grit and determination. Notre Dame relied on balanced scoring. Junior Ericka Haney contributed thirteen points, Ivey had twelve points, and senior Kelley Siemon tallied ten points. Ratay tied the game at 62 with a three point shot with four minutes to play in the game. But it was Riley who provided the heroics fitting of a champion. Riley erased Purdue's final lead of the game with a layup off a pass from Ratay. The game was tied at 66 with less than one minute to play. With 5.8 seconds to play, Riley was fouled and headed to the foul line with the national championship literally on the line. Riley made both free throws to seal the victory and the championship for the Fighting Irish. Riley finished the game with 28 points, 13 rebounds, and 7 blocked shots and was awarded the distinction of Most Outstanding Player.

In Muffet McGraw's fourteen years as head coach of the Women's Basketball team at Notre Dame, fans have grown accustomed to watching the Irish win with class. Coach McGraw has elevated the program to the pinnacle of college basketball while demanding academic excellence and exemplary sportsmanship from her players. McGraw's savvy coaching skills and dedication to playing with class are shining examples of why she was honored with three National Coach of the Year awards (Naismith, Associated Press, and the WBCA National Coach of the Year) this season. In winning her first national championship and reaching her second Final Four, Coach McGraw has proven that you can win with class and with the highest of academic standards. Coach McGraw's assistant coaches, Carol Owens, Kevin McGuff, and Coquese Washington (Notre Dame '92) must also be honored for their dedication to the team and to Notre Dame.

Coach McGraw's expectation to win with class was put into practice by this year's seniors. The strong character and the fierce determination of Riley, Ivey, Kelley Siemon, Meaghan Leahy, and Imani Dunbar set the tone for this season. They were able to end their illustrious collegiate careers with a victory and a championship.

Ruth Riley excelled as a student-athlete. She became Notre Dame's first player to win the Naismith Women's College Player of the Year and she was a unanimous Associated Press first team All-American. Riley became the first person in Big East Conference history to sweep all three of the major awards: Big East Player of the Year, Big East Defensive Player of the Year, and the Big East Scholar Athlete of the Year. The Macy, Indiana native has certainly found a place in Indiana's rich basketball lore, known as "Hoosier Hysteria."

Niele Ivey was considered the heart and soul of the team. In her determination to lead the Irish to the Final Four in her hometown of St. Louis, Missouri, Ivey provided valuable focus during the Midwest Regional games against Alcorn State, Michigan, Utah, and Vanderbilt. A consummate champion, Ivey earned Associated Press All-American honors. She was also the recipient of the Frances Pomeroy Naismith Award presented to the nation's outstanding female collegian 5-feet-8 and under who excelled athletically and academically.

Kelley Siemon teamed with Riley to make a formidable front court. Siemon won the Big

East Most Improved Player award and she was also voted to the honorable mention all-Big East team.

Junior Ericka Haney served as valuable and versatile starter for the Irish. Haney helped spark the Irish comeback against Connecticut in the semifinal game. Sophomore Alicia Ratay proved to be one of the nation's top perimeter shooters and she was a candidate for All-American honors. Ratay led the nation in three point shooting percentage and was honored with a third-team all-Big East distinction.

Sophomore reserve players, Amanda Barksdale, Monique Hernandez, and Karen Swanson, and freshmen Jeneka Joyce and Le'Tania Severe provided valuable minutes throughout the season. With such young talent, the Irish basketball program has a promising future.

Mr. Speaker, in conclusion, the 2001 Notre Dame Women's Basketball Team deserves to be recognized for their Championship caliber play, their tenacity and their exemplary sportsmanship. I am proud and deeply honored to recognize this magnificent achievement. Go Irish!

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Reverend Dr. Ronald F. Christian, Lutheran Social Services, Fairfax, Virginia, offered the following prayer:

God of all mercy and grace, look kindly upon all Your people this day in both the celebrations and the sufferings of life. Shield the joyous from pride and relieve the grieving of their sorrow.

Where health of body and mind is in jeopardy, grant a full measure of Your healing and hope. Where conflict and distrust between people are present, provide a quiet and calm refrain in the clamor of their strife. And where hunger and thirst are Your children's basic needs, challenge all those with an abundance of this world's possessions the desire to be good stewards and to share with others from their own storehouses of wealth.

Wherever hate outranks love, wherever sadness is more common than joy, wherever retaliation is the first acceptable alternative to mercy, then and there, Oh God, we pray, give to all of Your people a sense of what Your justice for our world might mean, and let Your peace ever rule in our lives. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam (Mr. UNDERWOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

IN MEMORY OF JAKE SINIAWSKI

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Madam Speaker, Jim and Carol Siniawski lost their little boy last month. Their son Justin lost his brother. I lost a special friend. It was an honor and a privilege to have gotten to know Jake Siniawski. Jake suffered from a rare blood disorder called Fanconi anemia, which ultimately claimed his life. He was only 10 years old.

While he was quite ill for much of his short life, his obituary in the Cincinnati Post noted that Jake was an inspiration to everyone and lived life to the fullest every day.

The medical community worked hard to provide a cure for Jake. The good people of St. Bernard's Church sponsored a marrow-typing blood drive in an effort to find a compatible bone marrow donor. His family and friends and neighbors always remembered him in their prayers. Those who loved him did all that they could.

I have talked about Jake on this floor in the past, and I know my colleagues in the United States Congress join me in expressing our condolences to Jake's loving family.

Madam Speaker, we can help boys and girls like Jake by participating in the National Marrow Donor Program. All it takes is a simple blood test. It could save a life. God bless you, Jake.

UNITED STATES SHOULD INVESTIGATE JANET RENO AND CONTRIBUTORS TO THE DNC

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, while John Huang and James Riady are partying in Hawaii, 24 Americans are being held against their will in China. Think about it, China is taking $100 billion a year out of America, buying missiles with our money, pointing them at us, and now they are holding Americans against their will.

What is next, Madam Speaker? Will they return the 24 Americans when they deliver to the Pentagon the black berets they bought for millions and millions of dollars?

Beam me up. Has Uncle Sam become Uncle Sucker here? I yield back the fact that we should investigate the treason, the treason of Janet Reno and those campaign contributions to the Democrat National Committee.

TRIBUTE TO MIKE MARINER

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, today I rise to pay tribute to a good friend, Mike Mariner, who passed away last week, and whose funeral service is being held today in Snowflake, Arizona. Each of us will face challenges in life, but few of us will be called to face for a moment what Mike endured for most of a lifetime.

Those who grew up with Mike will remember his good humor, his playful spirit, and fortunately for those of us who often displayed the insensitivity of youth, his boundless ability to forgive and forget.

Those who have kept in touch with Mike over the past several years have been softened, touched, and are inspired by his tireless effort to keep his frail body in step with his keen mind. The world is a better place because Mike lived in it, and we are a better people for having known him.

Mike is now home, and because of the difficult road he has traveled, we can find special meaning in the poet's phrase "He has slipped the surly bonds of Earth and touched the face of God." God bless you, Mike.

SINO-AMERICAN RELATIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, China is holding two dozen American citizens who were forced to make an emergency landing after an air collision that appears to be the fault of the Chinese Air Force. They are not just holding American citizens, they are also holding very sensitive American technology.

Causing this collision and holding the plane and its crew are flagrant violations of international agreements China is party to. What other agreements will they violate? It may be

China is saber-rattling to try to keep us from protecting our national interests. Maybe they are trying to keep us from assisting our friends in Taiwan. Perhaps China is testing our new President to see what he is made of.

President Bush should make it clear, we will defend our national interests. We will make sure Taiwan can defend itself: we should sell Taiwan the Aegis cruisers and the Patriot missiles they need to defend themselves.

Madam Speaker, China should not test America. It is in China's interest to return that plane and its crew to us immediately.

ELIMINATING RED TAPE AND OFFERING FULL HEALTH CARE CHOICES FOR MILITARY DEPENDENTS

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Madam Speaker, the dedication of our military spouses is invaluable, and I want to ensure that they are treated right with respect to health care.

Currently, military dependents who use one of the military's choice-related health plans do so believing that they can choose their doctor. But when they become pregnant, they can be forced to change from a civilian provider to an on-base doctor even for delivery.

It is essential that a woman be comfortable with her doctor for this experience. To force a woman to change doctors at a time as critical as pregnancy is unacceptable.

That is why I am introducing legislation to eliminate burdensome red tape and to put women back in charge of their pregnancy-related health care plans.

If we want to continue to attract the high-quality people for our armed services, the people who defend this country and are defending us now, we must make sure they have all the health care provisions they should be entitled to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

CHESAPEAKE BAY OFFICE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 642) to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHESAPEAKE BAY OFFICE.

(a) REAUTHORIZATION OF OFFICE.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended to read as follows:

"SEC. 307. CHESAPEAKE BAY OFFICE.

"(a) ESTABLISHMENT.—(1) The Secretary of Commerce shall establish, within the National Oceanic and Atmospheric Administration, an office to be known as the Chesapeake Bay Office (in this section referred to as the 'Office').

"(2) The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce, in consultation with the Chesapeake Executive Council. Any individual appointed as Director shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

"(3) The Director may appoint such additional personnel for the Office as the Director determines necessary to carry out this section.

"(b) FUNCTIONS.—The Office, in consultation with the Chesapeake Executive Council, shall—

"(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

"(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

"(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

"(C) monitoring the implementation and effectiveness of management plans;

"(2) develop and implement a strategy for the National Oceanic and Atmospheric Administration that integrates the science, research, monitoring, data collection, regulatory, and management responsibilities of the Secretary of Commerce in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement;

"(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration, the Chesapeake Bay Regional Sea Grant Programs, and the Chesapeake Bay units of the National Estuarine Research Reserve System, including—

"(A) programs and activities in—

"(i) coastal and estuarine research, monitoring, and assessment;

"(ii) fisheries research and stock assessments;

"(iii) data management;

"(iv) remote sensing;

"(v) coastal management;

"(vi) habitat conservation and restoration; and

"(vii) atmospheric deposition; and

"(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

"(i) nonindigenous species;

"(ii) estuarine and marine species pathology;

"(iii) human pathogens in estuarine and marine environments; and

"(iv) ecosystem health;

"(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

"(5) establish an effective mechanism which shall ensure that projects have undergone appropriate peer review and provide other appropriate means to determine that projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area;

"(6) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

"(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office and on the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay, which report shall include an action plan consisting of—

"(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

"(B) proposals for—

"(i) continuing any new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

"(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.

"(c) CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL WATERSHED GRANTS PROGRAM.—

"(1) IN GENERAL.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (in this section referred to as the 'Director'), in cooperation with the Chesapeake Executive Council, shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

"(2) PROJECTS.—

"(A) SUPPORT.—The Director shall make grants under this subsection to pay the Federal share of the cost of projects that are carried out by entities eligible under paragraph (3) for the restoration of fisheries and habitats in the Chesapeake Bay.

"(B) FEDERAL SHARE.—The Federal share under subparagraph (A) shall not exceed 75 percent.

"(C) TYPES OF PROJECTS.—Projects for which grants may be made under this subsection include—

"(i) the improvement of fish passageways;

"(ii) the creation of natural or artificial reefs or substrata for habitats;

"(iii) the restoration of wetland or sea grass;

"(iv) the production of oysters for restoration projects; and

"(v) the prevention, identification, and control of nonindigenous species.

"(3) ELIGIBLE ENTITIES.—The following entities are eligible to receive grants under this subsection:

"(A) The government of a political subdivision of a State in the Chesapeake Bay watershed, and the government of the District of Columbia.

"(B) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization)—

"(i) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code; and

"(ii) that will administer such grants in coordination with a government referred to in subparagraph (A).

"(4) ADDITIONAL REQUIREMENTS.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this subsection.

"(d) BUDGET LINE ITEM.—The Secretary of Commerce shall identify, in the President's annual budget to the Congress, the funding request for the Office.

"(e) CHESAPEAKE EXECUTIVE COUNCIL.—For purposes of this section, 'Chesapeake Executive Council' means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $6,000,000 for each of fiscal years 2002 through 2006.".

(b) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended by striking subsection (e).

(c) MULTIPLE SPECIES MANAGEMENT STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall begin a 5-year study, in cooperation with the scientific community of the Chesapeake Bay, appropriate State and interstate resource management entities, and appropriate Federal agencies—

(A) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

(B) to develop a multiple species management strategy for the Chesapeake Bay.

(2) REQUIRED ELEMENTS OF STUDY.—In order to improve the understanding necessary for the development of the strategy under paragraph (1)(B), the study shall—

(A) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay and its tributaries and are selected for study;

(B) evaluate and assess interactions among the fish and shellfish referred to in subparagraph (A) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

(C) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to say up front that the staff on both sides of the aisle, the Democrat and Republican staff, both in our personal offices and the committee, have done excellent work on this bill to make it a bipartisan bill supported by everybody. It is also an excellent piece of legislation.

I also want to thank the ranking member, the gentleman from Guam (Mr. UNDERWOOD), for his support of the legislation and for working with us to make sure that this bill passed the committee and will now pass the House and eventually become law.

I know the bill does not deal with Guam exclusively, it deals with the Chesapeake Bay region and the China watershed, but his tireless efforts to support this legislation bodes well for his professionalism.

Madam Speaker, H.R. 642 reauthorizes the National Oceanic and Atmospheric Administration's Chesapeake Bay Office and clarifies its role in coordinating NOAA's bay activities. This legislation is similar to a measure we introduced last year. It is also similar to separate legislation introduced last year by my colleague, the gentleman from Maryland (Mr. CARDIN). Those bills were the subject of a committee hearing last fall. H.R. 642 is a result of that hearing and is supported by the entire Maryland delegation.

In addition to reauthorizing the NOAA Chesapeake Bay Office, H.R. 642 would create two new very interesting requirements. The first would be a 5-year study leading to the development of a multiple-species living marine resources management strategy for the Chesapeake Bay.

I do not want to go over that too fast. It is a multiple-species living marine resources management strategy. What exactly does that mean? Let me give just a small example.

In the Chesapeake Bay, we have sunlight and we have nutrients. The sunlight is the engine behind what gives the Chesapeake Bay life. So to a certain extent, the sunlight and nutrients generate a microorganism, something called phytoplankton, a little tiny microorganism, which is then eaten by another tiny microorganism called zooplankton. The zooplankton is then eaten by a little fish called menhaden. The menhaden is eaten by a bigger fish called rockfish, or striped bass.

Now, to a small extent, that is an example of a food web, or something we refer to today as an ecosystem. In the bill, it talks about a multiple-species management strategy.

What has happened in the Chesapeake Bay, and the reason there is a need for this legislation, is that we have sunlight and nutrients now, but now we have too many nutrients. That means we have too much of the first microorganism, or phytoplankton. When we have too much of that phytoplankton, the zooplankton cannot eat enough of it, so a lot of the phytoplankton, that microorganism, falls to the bottom after it dies. It uses a lot of oxygen as it decays.

As a result of that loss of oxygen, we do not have a good-quality environment for the phytoplankton anymore, and we come up with another microorganism called the dynoflagellate. Because the dynoflagellate can prosper in low oxygen, it is not nearly as good a quality food for the zooplankton. Then the zooplankton are not as nutritious. Then the menhaden that eat the zooplankton, they begin to fail, not only because the quality of their environment is reduced, but because they are overharvested by way too many times.

So what does that do to the rockfish at the top of the food web? The rockfish do not have enough menhaden to eat. So what do the rockfish do? They go after the crabs.

What I am trying to explain here is as soon as human activity, which causes too many nutrients in the Chesapeake Bay, interrupts or disrupts the ecosystem or the food web, we need to employ some quality legislation to understand the mechanics of the natural processes. That is what this bill does.

The second requirement of this bill would be to establish a community-based fishery and habitat restoration small grant program for the Chesapeake Bay watershed, a small grant program for activities to understand the nature of the food web that we have disrupted.

How do we get back into bringing that food web back into what it was originally designed for? It was designed; it has a design to it. Sometimes we refer to it in the Chesapeake Bay region as the mechanics of creation. If we can understand that, we can fix these problems.

☐ 1415

So the small watershed grants will plant grass to improve the quality of the water; build oyster reefs to filter out some of those nutrients; stabilize shore lines, I think the way they are supposed to be stabilized so they can be habitat for other wildlife; and spawning areas for fish.

As a representative of the district that surrounds the Chesapeake Bay, I am well aware of and appreciate the quality of the work done by the Chesapeake Bay office. I commend Judith Freeman, director of the Chesapeake Bay Office, for her efforts to improve the environmental quality and public stewardship of the bay.

The Chesapeake Bay is vitally important to our district and the mid-Atlantic States. Every corner of Maryland's first district is dependent in one way or other on the health of the Chesapeake Bay. From the State capital in Annapolis, home of constituents as diverse as the United States Naval Academy, recreational boaters, to the Eastern Shore, where thousands of watermen rely on the health of the bay to sustain their families, the Chesapeake Bay is a focal point of life for my constituents; therefore, the success of the Chesapeake Bay Office is of critical concern to them and myself.

Madam Speaker, I want to quote one more person in this dialogue we are having here, and that is Rachael Carson, the author of the book that exploded the idea that the environment is important in her book "Silent Spring." Rachael Carson always found it a strange phenomenon that individual people when you talk to them about science consider the only people concerned with the details and the mechanics of natural processes or science were scientists locked away in some obscure laboratory, and they very rarely ever left that scientific perspective.

Madam Speaker, science is a wonderful form of dialogue and conversation not only for us, but certainly for young children in school. To understand what keeps life on this planet alive is an extraordinary thing that all of us should talk about a little bit more.

Madam Speaker, I urge an aye vote on this important legislation.

Madam Speaker, I also want to thank my colleagues from Maryland and the gentleman from Guam (Mr. UNDERWOOD) for their support.

Madam Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I support H.R. 642, a noncontroversial bill, which would reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and as indicated by the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, who has aptly demonstrated not only his commitment to this particular piece of legislation, but certainly his knowledge about the mechanics of it and the necessity for it.

Since 1992, the Chesapeake Bay Office has functioned effectively to incorporate NOAA's impressive scientific research and marine resource management programs into the comprehensive Federal and multi-state effort to restore the Chesapeake Bay ecosytem. It is one of the best examples I know of that demonstrates how NOAA brings science and service together.

H.R. 642 would provide a much-deserved increase in funding for this office. The bill would also authorize some new activities, many of which have been outlined already by the gentleman from Maryland (Mr. GILCHREST), most notably a local fishery and habitat restoration grant program, which will promote new opportunities for NOAA to contribute throughout the bay.

The legislation has received strong bipartisan support from the entire Maryland Congressional delegation. The administration also supports H.R. 642, and I urge an aye vote on this common sense good piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I, first of all, want to thank the gentleman from Maryland (Mr. GILCHREST), the sponsor of this legislation for yielding the time to me and obviously for sponsoring the legislation.

Madam Speaker, I rise in strong support of H.R. 642, the NOAA Chesapeake Bay Office Reauthorization. The gentleman from Maryland (Mr. GILCHREST), my good friend, should be commended for this fine legislation. In addition, I offer my congratulations to the gentleman as he embarks as the chairman of the Subcommittee on Fisheries Conservation, Wildlife and Oceans.

It is only appropriate that the first legislation considered by his subcommittee is this bill, which will benefit and improve the Chesapeake Bay.

I want to also thank my colleagues from Maryland, I see the gentleman from Maryland (Mr. CARDIN) over there and I see the gentleman from Guam (Mr. UNDERWOOD), and I want to thank the others who have supported this legislation.

The Chesapeake Bay, our Nation's largest estuary, is an incredibly complex ecosytem. The bay is one of our Nation's most valuable natural resources. Its rich ecosytem, with rivers, wetlands, trees, and the bay, itself, supports and provides a natural habitat for over 3,600 species of plants, fish, and animals.

We know that about 15 million people now live in the bay watershed, which include parts of six States and the entire District of Columbia. These persons are at all times just a few steps from one or more of the 100,000 stream and river tributaries ultimately draining into the bay.

Every person, plant and animal within this watershed depends on each other to help the Chesapeake Bay system thrive and function properly. These complex relationships are countless.

NOAA's Chesapeake Bay Office was first created in 1992 to coordinate NOAA's efforts under the Chesapeake Bay Program, which was a unique regional partnership of State and Federal Government agencies that has been encouraging and directing the restoration of the bay since 1983.

I am pleased that important progress has been made in renewing the bay since the Chesapeake Bay Agreement was signed in 1983. Restoration efforts, led in part by the dedicated sciences at NOAA, have had a profound impact on the health and vitality of the bay. Scientific research has led to a better understanding of the bay, including how it works, and what must be done to continue its restoration.

The NOAA's Chesapeake Bay Office brings incredible scientific knowledge and expertise. They are involved in protecting and preserving the Chesapeake Bay in many ways, from rebuilding oyster reefs to restoring critically important subaquatic vegetation.

However, we still have a long way to go before we reach our goals for a completely restored Chesapeake Bay. Many questions about the future of the bay remain unanswered. For example, blue crabs, perhaps the best-known and most important resource of the bay, have been below the long-term average level for several years.

The oyster harvest has declined dramatically. Further efforts to reduce nutrient and sediment pollution are needed.

Madam Speaker, I am pleased that this legislation today will help us address these concerns. It will allow us to move towards the goal of a restored Chesapeake Bay. H.R. 642 will provide the NOAA's Chesapeake Bay Office with the necessary resources and authorization to continue to lead the way towards long-lasting environmental restoration of the bay.

Madam Speaker, we must preserve and protect the Chesapeake Bay, and I do support H.R. 642. I urge its swift passage.

Mr. UNDERWOOD. Madam Speaker, to prove this is not simply a Maryland State concern, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD) for yielding the time.

Madam Speaker, I want to thank also the gentleman from Maryland (Mr. GILCHREST), because he and I cochair the Chesapeake Bay Watershed Task Force, and I want to thank him and the gentleman from Guam (Mr. UNDERWOOD) for their dedication to protecting the Chesapeake Bay.

The bill before us today reauthorizes the National Oceanic and Atmospheric Administration Chesapeake Bay Office through 2006. The Chesapeake Bay Office was established in 1992 to provide a focal point for NOAA's efforts and those efforts undertaken by partners of the Chesapeake Bay Program.

For nearly 10 years now, the Chesapeake Bay Office has played a vital role in coordinating efforts between NOAA and Federal and State governments in the Chesapeake Bay watershed. It has acted as a positive force in managing and preserving this unique natural treasure.

This legislation before us not only authorizes the appropriations for the Chesapeake Bay Office, but it also begins a new small grant program. Local governments and organizations, such as educational institutions or community organizations within the Chesapeake Bay watershed would be eligible for grants which may make improvements to fish passageways, create natural or artificial reefs for habitats, restore wetlands or sea grass or produce oysters for restoration projects.

These projects could advance the essential knowledge and information that is necessary in order for us to restore our Nation's most cherished waterway, the Chesapeake Bay, which not only has significant environmental impact on Virginia and many other States, but also contributes enormously to our recreational activities and to our economy. I, therefore, Madam Speaker, urge my colleagues to support the bill.

Mr. UNDERWOOD. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD), my friend, for yielding this time to me and for his leadership in moving this legislation, and also the gentleman from Maryland (Mr. GILCHREST), my colleague, in working together to bring forward this very important reauthorization legislation that will help continue the Federal partnership in restoring the Chesapeake Bay, the largest estuary in our Nation.

In 1991, original authorizations for NOAA's participation was passed by this Congress, and since that time, NOAA has been an instrumental partner in our efforts that involve not only the State of Maryland, but our surrounding States; not just State government, but local governments; not just government, but the private sector. We have worked together in partnership and have made tremendous progress in restoring the Chesapeake Bay.

This legislation not only reauthorizes NOAA's participation, but establishes small grant programs to local governments, community organizations, educational institutions to restore fisheries and habitats.

Madam Speaker, I say personally I know the groups that qualify for these funds. They are out there every day helping us restoring the waters and stirring the banks, cleaning up the waters, helping us in a major way. This legislation will mean that there will be additional resources available to these local groups to help them.

The legislation also provides for a 5-year study, which I think is extremely important on the multispecies management plan. For too long, we have been looking at individual species. This legislation will allow us to look at all the species within the bay as to how they interact with each other.

We increase the authorization to $6 million through fiscal year 2006; and in combination, this legislation will increase NOAA's participation in partnership to restore the bay.

Madam Speaker, I congratulate all for moving this legislation so early. It will help us in our efforts not only in Maryland, not only in the communities that surround the Chesapeake Bay, but as a model for our Nation as to the right way to clean up a major body, a multijurisdictional body of water.

Madam Speaker, I urge my colleagues to support the legislation.

Mr. UNDERWOOD. Madam Speaker, I yield myself such time as I may consume to urge everyone to vote aye on this, and also to congratulate the gentleman from Maryland (Mr. GILCHREST) for this very fine piece of legislation.

Madam Speaker, I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Guam (Mr. UNDERWOOD) once again, and certainly the gentleman from Maryland (Mr. CARDIN) for helping us with this legislation.

One last very brief comment on the Chesapeake Bay watershed. The Chesapeake Bay itself, about 100 years ago, at the turn of the century, we took out of the bay on an annual basis up to 15 million bushels of oysters, 15 million. It was the engine that drove the economy of the State of Maryland and Virginia and, to some extent, Pennsylvania, for the commercial harvest, for the recreational activities, for all the spin-off economic resources that depended on the Chesapeake Bay, 15 million bushels of oysters. We are, in a good year now, in a very good year, down to 300,000 bushels of oysters.

With this legislation, we can understand the nature of the mechanics of the ecosytem, how the food web works. Human activity degraded the bay; human ingenuity will restore it.

I urge an aye vote on H.R. 642.

Mr. GILCHREST. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 642, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILCHREST. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL FRIDAY, APRIL 20, 2001, TO FILE LEGISLATIVE REPORTS ON H.R. 392, H.R. 503, H.R. 863, H.R. 1209, AND H.J. RES. 41

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary have until Friday, April 20, to file legislation reports on the following: H.R. 392, Private Relief Bill for Nancy Wilson; H.R. 503, Unborn Victims of Violence Act of 2001; H.R. 863, Consequence for Juvenile Offenders Act of 2001; H.R. 1209, Child Status Protection Act of 2001; and H.J. Res. 41, Tax Limitation Constitutional Amendment.

This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1430

NEED-BASED EDUCATIONAL AID ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 768) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read as follows:

H.R. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Need-Based Educational Aid Act of 2001".

SEC. 2. AMENDMENTS.

Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is repealed.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 768, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House considers H.R. 768, the Need-Based Educational Aid Act of 2001. This bill was introduced by the gentleman from Texas (Mr. SMITH), and the gentleman from Massachusetts (Mr. FRANK). It makes permanent an antitrust exemption that allows universities to agree on common standards of need when awarding financial aid.

This exemption has been passed on a temporary basis several times without controversy, and the current version is set to expire at the end of September. It appears to be working well, and I am hopeful that it now can be made permanent.

In a moment the sponsors of the bill, the gentleman from Texas (Mr. SMITH) and the gentleman from Massachusetts (Mr. FRANK), will seek time for a further explanation. I appreciate their work on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume. I wanted to thank the author of the bill, the gentleman from Massachusetts (Mr. FRANK), who was last seen leaving the floor, and I want to yield him some time because I do not think this is going to take long.

What we were doing for many years on need-based educational aid assistance was passing temporary exemptions to the antitrust act. It worked fine. And now we have decided to permanentize it, thanks to the efforts of the gentleman from Massachusetts and as well as the gentleman from Texas.

It is a great piece of legislation, and it represented probably the most vigorous high point of antitrust enforcement during the Bush, Senior, administration on record.

I rise in support of H.R. 768, the "Need-Based Educational Aid Act of 2001." This bipartisan bill would make permanent an exemption in the antitrust laws that permits schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations.

The exemption also allows for agreement on the use of a common aid application form and the exchange of the student's financial information through a third party.

In 1992, Congress passed a similar temporary exemption, which was extended in 1994, and again extended in 1997. The exemption passed in 1997 expires later this year. During the almost ten years of its operation, we have been able to witness and evaluate the exemption, and we have found that it has worked well.

The need-based financial aid system serves important social goals that the antitrust laws do not adequately address—such as making financial aid available to the broadest number of students solely on the basis of demonstrated need. Without it, the schools would be required to compete, through financial aid awards, for the very top students.

The result would be that the very top students would get all of the aid available, which would be more than they need. The rest of the applicant pool would get less or none at all. Ultimately, such a system would undermine the principles of need-based aid and need-blind admissions which are so important to achieving educational equality.

No student who is otherwise qualified ought to be denied the opportunity to go to one of the Nation's most prestigious schools because of the financial situation of his or her family. H.R. 768 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK) for any comments he would like to make.

Mr. FRANK. Madam Speaker, I thank the ranking member for yielding me this time. I want to express my appreciation to the gentleman from Texas (Mr. SMITH) for moving on this so expeditiously and to the chairman of the committee.

For people to understand this, briefly, we had a situation in which the Ivy League schools, MIT and a few others, formed what they called the overlap group. The purpose was, given that they have limited resources to give out in scholarships, and obviously there is not an infinite amount of money for universities, even wealthy ones, to give out scholarships, they wanted to avoid the situation where they competed for desirable students who were not financially in great distress, because that would have taken money away from the pool available to help young people go to school who might not otherwise be able to.

Many of these schools strive to achieve what they call a needs-blind admission policy, or at least they used to the last time I talked. Maybe there is a new euphemism. But what it meant was that they strove to admit young men and women based on their ability to do the work of that school, and then, having admitted them, endeavored to make sure they could afford it financially by some package of financial aid from the university itself, loans, work study, Federal aid, et cetera.

The overlap group was an effort to maximize the resources that could go to the students in need, and I regard that as one of the most socially responsible things universities did. The Justice Department challenged it. Particular credit, in my judgment, goes to Massachusetts Institute of Technology, which declined to go along. Some of the other colleges thought, oh, well, the Justice Department is coming after us, we better just drop this. MIT, to its credit, said, no, we will go to court and litigate this.

During the litigation all parties then agreed to a settlement, and essentially this is the legislation that embodies the settlement, which allows some of what they used to do. It does not allow it all. If it were up to me, I would have restored totally what they were able to do. This is not a complete restoration of the overlap group, but it is a substantial restoration of their legal authority to be socially responsible.

We are not talking now about government money, now, but their private funds. What this does is allow them to try better to target the private scholarship money available to them so that it goes to help bright students who are capable of doing the work at these first-rate universities, but unable to finance it and attend the universities.

I think that is a goal all of us in this Chamber agree with, and I am, therefore, glad to be in support of this legislation.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume to add that the previous speaker went to Harvard, and the cosponsor of the bill went to Yale, and so their contributions are very important, and they did not participate in any of this funding.

Mr. FRANK. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK. It was MIT that was the real hero of this, and to whom I think credit should be given.

Mr. CONYERS. Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, as one who went to the University of Wisconsin, Madison, that has much better football and basketball teams than either Harvard or Yale, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I thank the chairman of the full committee for yielding me this time, and, Madam Speaker, I am going to go in a little more detail about the history of this bill and the necessity for it.

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of that group of schools. From the 1950s to the late 1980s, the practice continued undisturbed.

In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges involved that engaged in this practice. After extensive litigation, the parties reached a settlement in 1993. In 1994, and again in 1997, Congress passed a temporary exemption from the antitrust laws that codified that settlement. It allowed agreements to provide aid on the basis of need only, to use common criteria, to use a common financial aid application form, and to allow the exchange of the student's financial information through a third party. It also prohibited agreements on awards to specific students. This exemption expires on September 30, 2001.

Common treatment of these types of issues makes sense, and to my knowledge there are no complaints about the existing exemption. H.R. 768 would make the exemption passed in 1994 and 1997 permanent. It would not make any change to the substance of the exemption.

The need-based financial aid system serves worthy goals that the antitrust laws do not adequately address; namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of his or her family. H.R. 768 would help protect need-based aid and need-blind admissions.

Madam Speaker, this legislation passed the Committee on the Judiciary with no opposition, and I urge my colleagues to support this bill as well.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 768.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS REGARDING ESTABLISHMENT OF NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. PLATTS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 59) expressing the sense of Congress regarding the establishment of National Shaken Baby Syndrome Awareness Week, as amended.

The Clerk read as follows:

H. CON. RES. 59

Whereas more than 1,000,000 children were abused or neglected in the United States during the most recent year for which Government data is available regarding child abuse and neglect;

Whereas more than 3 children die from abuse or neglect each day in the United States;

Whereas, in 1998, 37.9 percent of all fatalities of children under the age of 1 were caused by child abuse or neglect, and 77.5 percent of all fatalities of children under the age of 5 were caused by child abuse or neglect;

Whereas head trauma, including the trauma known as shaken baby syndrome, is the leading cause of death of abused children;

Whereas shaken baby syndrome is the loss of vision, brain damage, paralysis, seizures, or death that is caused by severely or violently shaking a baby;

Whereas an estimated 3,000 babies, usually younger than 1 year of age, are diagnosed with shaken baby syndrome every year, with thousands more misdiagnosed or undetected;

Whereas shaken baby syndrome often results in permanent, irreparable brain damage or death;

Whereas the medical costs associated with caring for a baby suffering from shaken baby syndrome often exceed $1,000,000 in the first few years of the life of the baby;

Whereas the most effective method for ending the occurrence of shaken baby syndrome is to prevent the abuse which causes it;

Whereas educational and prevention programs regarding shaken baby syndrome may prevent enormous medical costs and unquantifiable grief at minimal cost;

Whereas programs to prevent shaken baby syndrome have been shown to raise awareness and provide critically important information about shaken baby syndrome to parents, caregivers, day care workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas programs and techniques to prevent child abuse and shaken baby syndrome are supported by the Shaken Baby Alliance, Children's Defense Fund, National Children's Alliance, American Humane Association, Prevent Child Abuse America, National Exchange Club Foundation, Child Welfare League of America, National Association of Children's Hospitals and Related Institutions, Center for Child Protection and Family Support, Inc., American Academy of Pediatrics, and American Medical Association; and

Whereas increased awareness of shaken baby syndrome and of the techniques to prevent it would help end the abuse that causes shaken baby syndrome: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly supports efforts to protect children from abuse and neglect; and

(2) encourages the people of the United States to educate themselves regarding shaken baby syndrome and the techniques to prevent it.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PLATTS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PLATTS).

GENERAL LEAVE

Mr. PLATTS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 59, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to have the House consider House Concurrent Resolution 59, legislation introduced by the gentleman from California (Mr. MCKEON), my esteemed colleague. This resolution expresses the sense of Congress regarding the prevention of shaken baby syndrome. Shaken baby syndrome is a medical term used to describe the violent shaking and resulting injury sustained from shaking a young child. Often there are no external signs of injury to a baby or young child's body, but there is injury inside, particularly in the head or behind the eyes. The term was first discussed in medical literature in 1972, but knowledge about the syndrome continues to develop today.

Shaken baby syndrome can occur when children are violently shaken, either as part of a pattern of abuse, or simply because an adult or young caretaker has momentarily succumbed to the challenges of responding to a crying baby. Violent shaking is especially dangerous to infants and young children because their neck muscles are underdeveloped, and their brain tissue is exceptionally fragile. Their small size further adds to the risk of injury. Vigorous shaking repeatedly pitches the brain in different directions.

Shaken baby syndrome can have disastrous consequences for the victim, the family, and society in total. If the child survives the syndrome, medical bills can be enormous. The victim may require lifelong care for injuries such as mental retardation and cerebral palsy. The child may even require institutionalization or other types of long-term care.

Madam Speaker, this resolution expresses Congress' support to protect children from abuse and neglect. I encourage all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to rise in support of this resolution, a very important resolution which seeks to protect the most innocent among us, children; children who are a few days to 5 years old. These children often need protection from parents and caregivers who shake their babies beyond control. Shaken baby syndrome is caused by vigorous shaking of an infant or young child by the arms, legs, chest or shoulders. Forceful shaking will result in brain damage, leading to mental retardation, speech and learning disabilities, paralysis, seizures, hearing loss and even deafness. It may cause bleeding around the brain and eyes, resulting in blindness.

An estimated 50,000 cases of shaken baby syndrome occur each year. One shaken baby in four dies as a result of this abuse. Some studies estimate that 15 percent of children's deaths are due to battering or shaking. The average victim is 6 to 8 months old.

Madam Speaker, we ask ourselves why babies are being shaken, and how can this resolution help. Crying is the most common trigger for shaking a baby. The normal crying infant spends 2 to 3 hours each day crying. Crying becomes particularly problematic during the 6-week to 4-month age bracket, an age period that coincides with the peak incidence of shaken baby syndrome.

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The shaking of the infant is often repeated because the infant stops crying but only because the infant has been injured by the shaking. Shaking often occurs when a frustrated caregiver loses control with an inconsolable crying baby. Parents and caregivers must be made aware of how to deal with a crying infant and that shaking an infant is abusive and criminal. By making Americans more aware of shaken baby syndrome, we can save more of America's children. I urge my colleagues to support this resolution and help save the babies.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Speaker, I rise today as the proud sponsor of this legislation. This bill expresses the sense that Congress strongly supports shaken baby syndrome prevention and urges all Americans to educate themselves about shaken baby syndrome and the techniques to prevent it.

First I would like to thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for his assistance in bringing this bill to the floor and the gentleman from Pennsylvania (Mr. PLATTS) for managing the bill on the floor. I would also like to thank the gentleman from Texas (Mr. DELAY), the majority whip, for his cosponsorship and his dedication to child advocacy. Also supporting this cause are the Shaken Baby Alliance, the Childrens Defense Fund, the National Childrens Alliance as well as many other children and family organizations.

This cause was presented to me by one of my constituents, Joyce Edson. Joyce's son, James, was shaken by his licensed child care provider between March and April of 1998. As a result, James was sent to the emergency room with a skull fracture, subdural hematoma, bilateral retinal hemorrhages and a broken right femur. All of this and he was only 5 months old. While James survived this tragic period, he unfortunately has experienced periodic seizures up to 1 year after the abuse. James is still currently under the continual care of a pediatric neurologist and an ophthalmologist. The Edson family will not know about learning disabilities or behavioral problems until he enters a more structured environment such as kindergarten or the first grade.

Madam Speaker, many other children are not as lucky as James. Each day, more than three children in the United States die from abuse and neglect. Furthermore, over 3,000 babies under the age of 1 are diagnosed with shaken baby syndrome annually while thousands more are misdiagnosed or go completely undetected. Madam Speaker, it saddens me that this situation even exists. However, I am hopeful with this resolution, Congress can increase the knowledge of and ultimately prevent this dreadful occurrence.

Therefore, I urge all my colleagues to support H. Con. Res. 59.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Madam Speaker, I rise today to support this resolution which demonstrates the importance of National Shaken Baby Syndrome Awareness Week. I also want to thank the gentleman from California (Mr. MCKEON) for bringing this issue to the House's attention during the month that President Bush has proclaimed as National Child Abuse Prevention Month and also thank the gentleman from Pennsylvania (Mr. PLATTS) for bringing it to the floor. It is my hope that the facts and consequences of abuse will create a national consensus that underscores the importance of prevention.

This issue requires that we answer several fundamental questions. First, what do we know about children who are abused? Second, who are the abusers? Third, what do we know about the way abuse hurts children and its attendant costs to society? And, finally, what have we learned about preventing child abuse?

Let us begin with abused children. The years before a child's 5th birthday are the most dangerous age for children in the United States. That is because more than three-quarters of the children who die from abuse are preschoolers. We know that the leading cause of death among infants is head trauma. It most often happens when abusers violently shake a baby.

Now, let us talk about the perpetrators. Nearly 9 out of every 10 perpetrators are parents. Sadly, the most dangerous place for a child to be is in a home with parents or those entrusted with their care when those people intend to abuse children.

Next, we need to consider how abuse impacts children and ponder the associated costs to society. The victims of child abuse suffer in many ways. Some die. Other kids suffer brain damage. Many are haunted through life by a familiar pattern of debilitating injuries. For the young victims of shaken baby syndrome, approximately 15 to 30 percent die while the rest of these children suffer from disabilities that last their whole lives. Of the few SBS victims who escape without physical injuries, many are destined to suffer more abuse from the people who care for them. We find a consistent pattern of symptoms among abused children: school failure, feelings of worthlessness, and the aggressive behavior that too often culminates in criminal activity.

It is estimated that each child abuse case costs society $2,500 initially. And that expense only covers the short-term costs of abuse, including the initial investigation and the short-term placement of the child in a safe home. All told, this costs $3 billion every year. When a child is hospitalized or placed in foster care, the costs soar higher.

Finally, let us talk about our ability to prevent child abuse. We know that it is very difficult to prevent very young children from being abused by their parents. Half of the children killed by abusers are from families who have never been investigated. Even among cases that are under active investigation, abused children are left at risk in dangerous homes. An unpopular body of evidence warns us that every abusive family cannot be sufficiently changed to protect every child. But that does not mean that we ought to abandon the goal of protecting every child. Prevention is worth the risk. It is worth it even if some programs fail. Prevention is worth it because we may still be able to save additional lives through education, counseling, and home visits by specially trained nurses.

Preventing child abuse is a pro-life policy. Some programs do cut child abuse rates. These programs should be supported across our society by Federal, State and local governments as well as private and faith-based organizations. Only by combining our prayers and efforts will we protect every possible young life. That goal is worthy of our full commitment.

Mr. DAVIS of Illinois. Madam Speaker, I reiterate my strong support for this resolution.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself the balance of my time.

As the parent of two young children, I especially commend and appreciate the efforts of the gentleman from California (Mr. MCKEON) for introducing this important resolution and for his efforts to bring it to the floor to raise the awareness of the public of the need to protect our children.

Most of the time, shaken baby syndrome occurs because a parent or caretaker is frustrated or angry with the child. Other times children become victims when a parent or caretaker, not realizing how seriously this behavior can harm, throws a child into the air vigorously or plays too roughly or hits an infant too hard on the back. Anyone who takes care of a baby or small child, parents, older siblings, baby-sitters, child care professionals, grandparents and others, should be reminded to never shake babies or small children. There are organizations in each of our communities that can provide help to parents whose patience has been strained by the burden of caring for an infant who cries continually or who might need more help with parenting or coping skills.

I want to add my words of thanks to the gentleman from Indiana (Mr. BURTON), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS), the committee and subcommittee chairmen, and ranking members for working expeditiously to bring this important resolution to the floor. I urge all Members to lend their support to this resolution which seeks to protect our Nation's most precious resource and our Nation's most innocent citizens, our children.

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H. Con. Res. 59, which expresses the sense of Congress that a National Shaken Baby Syndrome Awareness Week should be established.

As a cosponsor of this resolution, I want to bring attention to a problem that is often overlooked: Shaken Baby Syndrome (SBS). This issue was brought to my attention by one of my constituents, Janet Goree of Clearwater, Florida, whose granddaughter Kimberlin lost her life as a result of SBS. While nothing can be done for Kimberlin, it is my sincere hope that bringing the public's attention to this important issue will prevent further tragedies.

Shaken Baby Syndrome (SBS) is a serious acquired traumatic brain injury caused by "shaking" a child in order to stop them from crying. SBS frequently occurs in children less than one year of age, although there have been documented cases of SBS in children as old as five years of age.

Madam Speaker, most individuals with experience dealing with small children can relate to the frustration of not knowing how to meet the needs of a consistently crying child. However, it is important that everyone understands that infants cannot and should never be shaken as a remedy to stop them from crying.

The typical causes of SBS is an adult holding a child by the arms or trunk and shaking him or her back and forth with a repeated force. When a child is shaken, delicate veins between the brain and skull are ruptured and begin to bleed. Naturally, the pooling of blood between the skull and the dura—a fibrous membrane that lies next to the brain—causes the formation of subdural hematomas, which produces pressure that, along with the natural swelling of the bruised brain, causes damage to brain cells. Once brain cells are damaged, they can never be regenerated or replaced.

The swelling and pressure associated with SBS also causes the brain to push and squeeze down on the brainstem, which controls vital functions such as breathing and heartbeat. If the swelling and pressure are not alleviated, vital functions will cease and the child will die. Previous studies have suggested that 15–30% of the children die, and it is estimated that only 15% escape SBS without any type of permanent damage.

Medications may be administered to reduce the swelling and surgical methods may be used to relieve pressure on the brain, but an ounce of prevention is always worth a pound of cure. Parents, child care workers, and anyone who deals with small children should remember that much less force is required to cause significant damage to a child's brain than an adult's. Although no scientific studies have documented the exact amount of force needed to cause SBS in humans, most medical professionals recognize that shaking is often so violent that any reasonable person would know it to be dangerous to a child.

I am pleased that individuals such as Janet Goree are taking action to educate the public about the dangers of Shaken Baby Syndrome. The Shaken Baby Alliance maintains a database of victim families willing to offer support, as well as provides volunteers to run an electronic mail support group for families as well as professionals. Information on the Alliance can be found on their website at www.shakenbaby.com.

On Saturday, April 28, the Shaken Baby Alliance is sponsoring a candlelight vigil on the West Front steps of the Capitol to remember the lives of those children lost to SBS and shine a light on this problem so that future tragedies can be prevented.

Madam Speaker, Shaken Baby Syndrome is a form of child abuse. Like any other form of abuse against children, it cannot be tolerated. I hope that my colleagues will support H. Con. Res. 59, and join us in efforts to educate the public about SBS, reminding our constituents to "never, never, never shake a baby."

Mr. PLATTS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PLATTS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 59, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of Congress regarding the prevention of shaken baby syndrome."

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING HUMAN RIGHTS IN CUBA

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 91) expressing the sense of the House of Representatives regarding the human rights situation in Cuba.

The Clerk read as follows:

H. RES. 91

Whereas, according to the Department of State and international human rights organizations, the Government of Cuba continues to commit widespread and well-documented human rights violations against the Cuban people and to detain hundreds more as political prisoners;

Whereas the Castro regime systematically violates all of the fundamental civil and political rights of the Cuban people, denying freedoms of speech, press, assembly, movement, religion, and association, the right to change their government, and the right to due process and fair trials;

Whereas, in law and in practice, the Government of Cuba restricts the freedom of religion of the Cuban people and engages in efforts to control and monitor religious institutions through surveillance, infiltration, evictions, restrictions on access to computer and communication equipment, and harassment of religious professionals and lay persons;

Whereas the totalitarian regime of Fidel Castro actively suppresses all peaceful opposition and dissent by the Cuban people using undercover agents, informers, rapid response brigades, Committees for the Defense of the Revolution, surveillance, phone tapping, intimidation, defamation, arbitrary detention, house arrest, arbitrary searches, evictions, travel restrictions, politically-motivated dismissals from employment, and forced exile;

Whereas workers' rights are effectively denied by a system in which foreign investors are forced to contract labor from the Government of Cuba and to pay the regime in hard currency knowing that the regime will pay less than 5 percent of these wages in local currency to the workers themselves;

Whereas these abuses by the Government of Cuba violate internationally accepted norms of conduct;

Whereas the House of Representatives is mindful of the admonishment of former Mexican President Ernesto Zedillo during the last Ibero-American Summit in Havana, Cuba, that "[t]here can be no sovereign nations without free men and women [. . . m]en and women who can freely exercise their essential freedoms: freedom of thought and opinion, freedom of participation, freedom of dissent, freedom of decision";

Whereas President Vaclav Havel, an essential figure in the Czech Republic's transition to democracy, has counseled that "[w]e thus know that by voicing open criticism of undemocratic conditions in Cuba, we encourage all the brave Cubans who endure persecution and years of prison for their loyalty to the ideals of freedom and human dignity";

Whereas former President Lech Walesa, leader of the Polish solidarity movement, has urged the world to "mobilize its resources, just as was done in support of Polish Solidarnosc and the Polish workers, to express their support for Cuban workers and to monitor labor rights" in Cuba;

Whereas efforts to document, expose, and address human rights abuses in Cuba are complicated by the fact that the Government of Cuba continues to deny international human rights and humanitarian monitors access to the country;

Whereas Pax Christi further reports that these efforts are complicated because "a conspiracy of silence has fallen over Cuba" in which diplomats and entrepreneurs refuse even to discuss labor rights and other human rights issues in Cuba, some "for fear of endangering the relations with the Cuban government", and businessmen investing in Cuba "openly declare that the theme of human rights was not of their concern";

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva provides an excellent forum to spotlight human rights and expressing international support for improved human rights performance in Cuba and elsewhere;

Whereas the goal of United States policy in Cuba is to promote a peaceful transition to democracy through an active policy of assisting the forces of change on the island;

Whereas the United States may provide assistance through appropriate nongovernmental organizations to help individuals and organizations to promote nonviolent democratic change and promote respect for human rights in Cuba; and

Whereas the President is authorized to engage in democracy-building efforts in Cuba, including the provision of (1) publications and other informational materials on transitions to democracy, human rights, and market economies to independent groups in Cuba, (2) humanitarian assistance to victims of political repression and their families, (3) support for democratic and human rights groups in Cuba, and (4) support for visits and permanent deployment of democratic and international human rights monitors in Cuba: Now, therefore, be it

Resolved, That—

(1) the House of Representatives condemns the repressive and totalitarian actions of the Government of Cuba against the Cuban people; and

(2) it is the sense of the House of Representatives that the President—

(A) should have an action-oriented policy of directly assisting the Cuban people and independent organizations, modeled on United States support under former President Ronald Reagan, including support by United States trade unions, for Poland's Solidarity movement ("Solidarnosc"), to strengthen the forces of change and to improve human rights within Cuba; and

(B) should make all efforts necessary at the meeting of the United Nations Human Rights Commission in Geneva in 2001 to obtain the passage by the Commission of a resolution condemning the Government of Cuba for its human rights abuses, and to secure the appointment of a Special Rapporteur for Cuba.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise to render my strong support for House Resolution 91, a resolution which documents and condemns the systematic repression of the Cuban people by Cuba's totalitarian regime and urges the member countries of the United Nations Commission on Human Rights to do the same. This resolution was passed with bipartisan support by the Committee on International Relations last Wednesday, March 29. We thank the leadership on both sides of the aisle for understanding the importance of moving this measure quickly through the House.

H. Res. 91 gives the Cuban people a voice that has been denied to them by the tyrannical regime that represses them. It serves to empower those who are struggling to bring democracy to their island nation of Cuba. It also sends a clear signal to the world and specifically to the member countries of the U.N. Commission on Human Rights that the United States Congress stands firm in our commitment to human rights and freedom, that the U.S. supports the Cuban people and condemns the abhorrent behavior of the Cuban regime. It calls on the member countries of the U.N. Commission on Human Rights to adhere to the Geneva Convention which stipulates that the observance of human rights cannot be conditioned, that no external action can justify violations of the fundamental rights of every human being.

As Mexico's foreign minister, Dr. Jorge Castaneda, stated on March 20 during his address to the commission in Geneva: "The status of human rights in any nation is a legitimate concern of consequence to the international community as a whole. The task of promoting their enforcement and respect is an undertaking incumbent to all governments and to all peoples."

My dear colleagues, how much we wish that there were no need for this resolution. How we wish that the Cuban people were free from the shackles of tyranny, able to exercise their rights endowed to them by our Creator. Unfortunately, that is still a dream. The crackdown on dissidents, the detentions, the harassments, intimidation, physical and psychological torture have intensified, not decreased. Pax Christi, Freedom House, the Committee to Protect Journalists, the Inter-American Commission on Human Rights, and our own State Department all provide ample evidence of this grim reality. The intensification of abuses prompted Amnesty International to send a letter in February of this year to the Cuban authorities expressing its concerns at the serious escalation in the arrests and the harassment of political opponents inside the island.

Amnesty's letter stated: "The increasing number of people jailed for peacefully exercising their rights to freedom of expression clearly demonstrates the level to which the government will go in order to weaken the political opposition and suppress dissidents."

In just the first week of November of 2000, 27 independent journalists and dissident leaders were arrested. Over the weekend of December 8, 100 dissidents were arrested by Cuban state security to block activities coinciding with World Human Rights Day and with the anniversary of the Universal Declaration of Human Rights. Thousands of others continue to languish in squalid jail cells, devoid of light, of food, and of medical attention. Jorge Luis Garcia Perez Antunez, an Afro-Cuban dissident and Amnesty International prisoner of conscience, has been in prison since March 1990. He has been beaten, tortured, his hands and feet bound to each other and attacked by dogs who have clawed into his flesh.

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He continues to protest the regime's human rights abuses from within his jail cell, conducting hunger strikes and writing testimonials which document the atrocities committed inside Cuba's prisons.

Then there is the case of Maritza Lugo Fernandez, vice president of the democratic movement, "30 de Noviembre-Frank Pais," and Dr. Oscar Elias Biscet of the Lawton Foundation of Human Rights, who continue to suffer "tapiados" in a small, humid cell, without windows, a solid steel door with excrement and urine on the floor.

The recently released State Department Human Rights report underscores that prison conditions continue to be harsh and, indeed, life threatening.

Prison guards and state security officials subject human rights and pro-democracy activists to beatings and threats of physical violence; to systematic and psychological intimidation; to lengthy periods of isolation, as well as to detention and imprisonment in cells with common and violent criminals; to sexually aggressive inmates and state security agents who are posing as prisoners.

Religious persecution has intensified with the Ministry of Interior engaging in active efforts to control and monitor the country's religious institutions, including surveillance, raids, evictions, and harassment of religious worshipers. The regime maintained the strict censorship of news and information, both domestic and foreign, with accredited foreign media facing possible sentences up to 20 years in prison if the information is not acceptable to Castro's regime.

Cuba's dictatorship has made it a priority to prevent the contact between Cuban pro-democracy advocates and the outside world.

In the last year, it arrested and interrogated Latvian pro-democracy activists, Romanian, Polish, Swedish and French journalists, a Czech member of parliament, and a former finance minister, and countless others because they met with dissidents and opposition leaders. These foreign visitors did not allow themselves or their actions to be controlled by the dictatorship. They chose to shine the light of truth on Cuba, and today, Madam Speaker, we in Congress can do the same.

I urge our colleagues to vote for this important measure and to do it for them. As the posters show on the wall, the families of Cuba's political prisoners, do it for their sons, for their daughters, for their mothers, for their fathers, husbands and wives; for Cuba's dissidents and for their opposition. Vote for House Resolution 91 because it is right and because it is just.

As the global leader, the United States has as our duty and obligation the responsibility to carry forth our message of freedom; and let us begin by voting yes on House Resolution 91.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me first congratulate my good friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her leadership on this matter.

Madam Speaker, I rise in strong support of this resolution. The United Nations Human Rights Commission is meeting as we speak, and it will soon be considering country-specific resolutions, including a resolution on Cuba and the appalling human rights situation there.

The Cuban government, Madam Speaker, remains the last dark stain of totalitarianism in the Western Hemisphere, which is otherwise marching forward towards increasingly democratic and open societies.

Our State Department Country Report on Human Rights for the year just ended, again describes the Government of Cuba as having continued to violate systematically the fundamental civil and political rights of its citizens. The State Department report states the Cuban government severely restricts worker rights, including the right to form independent unions.

One of the most significant aspects of this resolution is providing assistance to independent nongovernmental organizations and independent trade unions that can make an enormous contribution to the improvement of human rights in Cuba, and I strongly welcome the resolution's focus on this issue.

I also want to recognize the ranking Democratic member of the Subcommittee on Western Hemisphere, the gentleman from New Jersey (Mr. MENENDEZ), for his extraordinary leadership in this important arena. He was one of the first to propose directing assistance to these kinds of activities.

We all hope that the U.N. Commission on Human Rights will provide for the appointment of a special rapporteur for Cuba, who could give an independent and objective view of the human rights conditions on the island. I urge all of my colleagues to support H. Res. 91.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our committee.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for yielding me this time.

Madam Speaker, I am very proud to be the principal sponsor of this resolution on human rights in Cuba and especially grateful to the chairwoman of the Subcommittee of International Relations and Human Rights, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her courage, for her consistency in promoting human rights in Cuba and all around the world. That consistency, I think, is very much needed in politics and in statesmanship, and I applaud her for it.

I also want to thank the gentleman from Florida (Mr. DIAZ-BALART), who has been outstanding in his defense of those who labor against all odds time and time again. Mr. DIAZ-BALART is a powerful voice in Congress on behalf of the persecuted and opposed. It is an honor to be his friend and colleague.

We had the only hearing last year on Elian Gonzalez when he was abducted and sent back to Cuba. We heard from a number of people who dealt with children's rights—or the lack of children's rights—in Cuba, who talked about how the child is molded by Marxist ideology and that the parents have little or no rights with regard to their own offspring. We heard testimony from Reverend Walker who cited Matthew 25, one of my favorite teachings in the Bible, which talks about our Lord saying, "When I was hungry did you feed me, when I was naked did you clothe me?" And he was defending the Cuban dictatorship. Amazingly, he said that he saw the fulfillment of Matthew 25 in Cuba, which was an astounding and patently untrue statement to be made by a clergyman.

Then I asked him about a portion of Matthew 25 which he somehow left out. Jesus said: "When I was in prison, did you visit me?" So we asked him—I asked him and the gentleman from Florida (Mr. DIAZ-BALART) jumped in right after me—did you Rev. Walker ever visit any of the 400, maybe as many as 1,200, political dissidents who have languished in Castro's gulags day in and day out? Did you ever visit any of those?

He said, oh, yes. Then the gentleman from Florida (Mr. DIAZ-BALART) asked if I would yield and he jumped in and said, "Name them."

Not one single person was named because apparently he had never visited, to the best of our knowledge, any specific dissident; never spoke to power the dictatorship that is to say to Castro, in Havana of the needs and the daily degradations that are suffered and endured by those who labor for democracy.

As this resolution attests, and other speakers will surely amplify, the Castro regime is a totalitarian government that routinely employs torture, extrajudicial killings, forced abortion, and other gross abuses against its own citizens.

In my remarks, I would like to concentrate some of my time on the particularly grave situation of human rights defenders, the brave men and women inside of Cuba who dare to criticize the actions of the regime or who simply advocate compliance with the minimum standards of civility and decency set forth in the Universal Declaration of Human Rights.

One thing that frequently happens to human rights defenders in Cuba is that they are subjected to what the government calls "acts of repudiation." Here is what the most recent Country Report on Human Rights Practices issued by our State Department had to say about these acts. At government instigation, and I quote,

> "Members of state-controlled mass organizations, fellow workers or neighbors of intended victims are obliged to stage public protests against those who dissent from the government policies, shouting obscenities and often causing damage to the homes and property of those targeted. Physical attacks on the victims sometimes occur. Police and state security agents are often present but take no action to prevent or to end the attacks. Those who refuse to participate in these actions face disciplinary action, including loss of employment."

If a human rights defender persists in disagreeing with the government, he or she may be committed to a psychiatric institution. Like its former ally and protector, the Soviet Union, the Cuban government abuses psychiatry to imprison religious and political dissenters under the rubric of such diagnoses as, quote, "apathy towards socialism, or," and I quote, "delusions of defending human rights."

Last year, Dr. Oscar Biscet criticized the government for a wide range of human rights violations, including its policy of forcing women and girls to have abortions. Fidel Castro called Biscet a "little crazy man." The police then took Dr. Biscet to a psychiatric hospital for testing.

Dr. Biscet is now serving a 3-year sentence for the crime of what they call "dangerousness". Recently for fasting in remembrance of the murder of the men and women on the 13th of March, the boat that was deliberately cleared of its occupants and who were drowned by Castro's thugs, Dr. Biscet got over a month of solitary confinement simply because he fasted in protest.

Madam Speaker, political and religious prisoners are often subjected to torture and a number have died in prison due to the effects of such mistreatment and denial of proper medical care.

Madam Speaker, reasonable people may have some disagreement about what we should do from time to time with regard to U.S. policy for these brutal acts. Some believe in a policy of so-called constructive engagement. I strongly believe that our policy of isolating the regime subject to carefully defined humanitarian exceptions for food and medicine that are already a part of U.S. law with respect to Cuba is the right policy.

The one thing we should all agree on, whatever our differences on other aspects of U.S. policy, is that the United States should tell the truth. Indeed, the whole purpose of the U.N. Human Rights Commission now meeting in Geneva is to provide a forum in which representatives of sovereign nations will speak to each other openly and honestly about human rights. This is not always as easy as it sounds, because the Commission's membership includes such world-class human rights violators as the People's Republic of China, Vietnam, Libya, Iraq, and Saudi Arabia; and it also includes Cuba, whose delegate stood up in Geneva last week and proudly reported that, and I quote, "there are no human rights violations in Cuba."

Give me a break, Madam Speaker. What utter nonsense.

Madam Speaker, a strong bipartisan vote for today's resolution will send a signal to Havana, to the community of nations assembled in Geneva, and to the victims themselves, that we Americans remain united in our commitment to tell the truth, and our commitment to the well being of those who suffer daily for democracy and human rights; and it is our hope that the truth, with the help of God, will set the Cuban people free.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to strongly commend my good friend and colleague, the gentleman from New Jersey (Mr. SMITH), for his powerful and eloquent statement.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of our Committee on International Relations.

Mr. GILMAN. Madam Speaker, I am pleased to rise in strong support of the adoption of H. Res. 91, which expresses the sense of the House regarding the human rights situation in Cuba.

I commend the gentleman from New Jersey (Mr. SMITH), our distinguished vice chairman of the Subcommittee on International Operations and Human Rights, for introducing this resolution, and my colleagues on both sides of the aisle for joining us in cosponsoring this resolution, particularly the gentlewoman from Florida (Ms. ROS-LEHTINEN); and the ranking minority member of our Committee on International Relations, the gentleman from California (Mr. LANTOS); and the gentleman from Florida (Mr. DIAZ-BALART); and the gentleman from New Jersey (Mr. MENENDEZ).

With the rise of democratic dissent in Cuba, Fidel Castro has been forced to increase his efforts to isolate courageous dissidents from their international supporters, but this has become increasingly awkward for one of the world's last surviving Communist dictatorships.

When Germany's foreign minister, Joschka Fischer, made an issue of this case and announced his intention to meet with dissidents in Cuba, his visit to Havana was abruptly cancelled by the Cuban government.

Foreign journalists in Cuba have come under increasing pressure in recent months, and Mr. Castro has lashed out at several foreign leaders for criticizing his outrageous conduct. It would appear that Mr. Castro is willing to sacrifice his carefully packaged international image in order to prevent fellow Cubans who are opposed to his regime from receiving moral support or even having contact with citizens of democratic nations.

□ 1515

Next month, the U.N. Commission on Human Rights will be considering a resolution regarding the human rights situation in Cuba. It is extremely important that this resolution be approved. Moreover, we must not accept any attempts to insert language in that resolution seeking to draw moral equivalency between the Castro regime's systematic repression of the Cuban people and our embargo, which is intended to pressure that very same regime to free the Cuban people.

Accordingly, Madam Speaker, I urge my colleagues to fully support this bipartisan resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the remainder of my time to the gentleman from Florida (Mr. DIAZ-BALART), with whom I am proud to be going to Geneva for the human rights convention next week, but before doing so, I would ask that the gentleman from California (Mr. LANTOS) yield to us the remainder of his time so that I may yield it to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. LANTOS. Madam Speaker, I yield the remainder of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Speaker, I would inquire, then, as to the remaining time.

The SPEAKER pro tempore (Mrs. EMERSON). The total time remaining is 20 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the remaining time to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Speaker, late last night I was walking through what I consider these hallowed halls, and I came across near the Rotunda two monuments, statues, of two universal men who I am thinking about at this time. One is Kossuth, the apostle of Hungarian freedom. The other is Raoul Wallenberg, a Swedish diplomat who saved tens of thousands of lives during the Holocaust. I know the gentleman from California (Mr. LANTOS) has had much to do with the fact that in these hallowed halls we have those reminders of those universal statesmen.

I realized once again last night, first, what an extraordinary honor and privilege it is to be able to serve in this Congress. In addition to that, I realized once again last night that this Congress of the United States of America is the center of dignity and democracy for the entire world, for the entire world.

The gentleman from California (Mr. LANTOS), for whom I have ultimate admiration, was born in a land that saw much suffering in the 20th century and now, fortunately, is free. The gentlewoman from Florida (Ms. ROS-LEHTINEN) and I were born in a land that has seen much suffering for the last 42 years and, unfortunately, is still not free, though it will be.

But the gentleman from California, knowing as he knows what totalitarianism, that scourge of the 20th century that unfortunately still remains in a few places, is all about, totalitarianism, he, perhaps more than anyone else in this hall, understands the extraordinary courage that it takes for someone who at this moment is languishing is a dungeon and whose husband is as well in another dungeon, because they are leaders of a political party in Cuba that is illegal called the 30th of November Democratic Political Party, and they ask, and they believe, and they advocate for free elections. They have two small daughters that they cannot take care of, and they are at the total mercy of the totalitarian regime, those two small daughters, because father and mother are both political prisoners.

Despite that, a few days ago Maritza Lugo, that leader of democratic Cuba, of the Cuba of the future, managed to sneak out of prison a statement. I would like to read just a part of it: From this horrible place, I come before you, the international organizations who defend human rights, defenders of democracy, justice and peace, the religious organizations, the whole world and its people, to denounce the Government of Cuba.

I accuse the dictatorial government imposed on Cuba and its repressive arm, the State Security, of all the injustices and abuses they commit against the Cuban people, the penal population, and especially against the political prisoners of conscience. I accuse those miserable and cowardly men and women who, through the use of force, commit all types of human rights violations, while nothing stops them as they attempt to defend a false "revolution" built and maintained upon a foundation of lies and infamies.

To the dictatorial government I say, stop denying that you torture people. Stop denying international organizations access to our prisons with the pretext that you don't accept others meddling in your internal affairs.

Maritza Lugo continues, I accuse the Castro government of separating the Cuban family who, in desperation, flee Cuba for political reasons, and it goes on and on.

I ask the addressees of these lines, she states, this young woman, soon to convene in Geneva at the Human Rights Commission, to discuss Cuba, to consider the ill treatment of the Cuban people by its own government. I know that no delegation, Madam Speaker, I know that no delegation will be permitted to come visit me, Maritza Lugo says, so that they can see and corroborate this raw truth. If justice exists, however, this government, the Cuban Government, should be sanctioned for this and so many other violations that they are constantly inflicting upon the Cuban population as they deceive and laugh at the world.

And another brave woman, an economist, Martha Beatriz Roque, has just published an article, and the gentleman from California (Mr. LANTOS) again knows the kind of ultimate courage that that takes: From within the totalitarian State, Castro's government maintains a system of economic apartheid that favors foreigners and denies Cubans basic opportunities. There exists an economic apartheid where no Cuban can invest in his country. He would have to leave and return as a foreigner. We cannot hope for development of social progress or an improvement in the standard of living while the economic repression weighs on our people and our country.

Now, despite, as Pax Christi, the organization, states and is quoted in this resolution that I commend the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for, and the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) so much more, despite the conspiracy of silence that has fallen over the reality of Cuba, and despite the tourists that constantly have a good time, and the economic apartheid system, not even mentioning one word of the thousands of political prisoners in the repression against the entire Nation, despite that, this Congress today is making a statement. And those people in prison in Cuba will receive this, maybe not tomorrow, maybe not next month, but they will receive this news, and it will be extraordinarily important for them to receive the news that the American Congress, this beacon of hope for the entire world, has spoken once again. Why? Because this again, as I said, Madam Speaker, is the center of dignity and honor and of democracy for the entire world.

Yesterday at a conference going on in Havana right now, the President of something called the Inter-Parliamentary Union, approximately 1,000 members of Parliament from around the world, elected, have gone to Cuba to celebrate their conference while they party. The President of that conference was asked, is there democracy in Cuba? Her name, Najma Heptulla from India. Her answer was, The answer is yes. If we do not believe in it, then we would not have come back. Obviously, the parties, while they are being filmed must be very good. They certainly outweigh the conscience.

But the conscience of this Congress will outweigh other interests today. I am certain that the message will go out very clearly that this Congress in sovereign representation of this Nation once again stands with the oppressed Cuban people.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the remaining time.

In closing, I would like to quote directly from House Resolution 91 to indicate the importance of speaking out against these practices, and I am going to quote from two important figures from the Czech Republic and the Polish movement, two of the Republics that are helping us in passing the resolution and promoting it in Geneva next week. It reads, "President Havel, an essential figure in the Czech Republic's transition to democracy, has counseled that we thus know that by voicing open criticism of undemocratic conditions in Cuba, we encourage all the brave Cubans who endure persecution and years of prison for their loyalty to the ideals of freedom and human dignity"; and "former President Lech Walesa, leader of the Polish solidarity movement," who has urged the world to "mobilize its resources, just as was done in support of the Polish solidarity movement and the Polish workers to express their support for Cuban workers and to monitor Cuban labor rights" in Cuba.

We thank these leaders for the human rights agenda in Geneva, and we hope that our colleagues will help us in passing House Resolution 91 today.

Mr. MENENDEZ. Madam Speaker, Cuba is a totalitarian state controlled by Fidel Castro. The Government's human rights record remains a poor one. It continues to violate systematically the fundamental civil and political rights of its citizens, who do not have the right to change their government peacefully.

The Government retaliates systematically against those who seek political change. Members of the State security forces and prison officials continue to beat and otherwise abuse detainees and prisoners, neglecting them, isolating them and denying them medical treatment.

The authorities routinely threaten, arbitrarily arrest, detain, imprison and defame human rights advocates and members of independent professional associations, often with the goal of coercing them into leaving the country. The government severely restricts worker rights, including the right to form independent trade unions. It requires children to do farm work without compensation during their summer vacation.

Political prisoners are estimated at between 300 and 400 persons. Charges of disseminating enemy propaganda can bring sentences of up to 14 years. The Universal Declaration of Human Rights, international reports of human rights violations and mainstream foreign newspapers and magazines constitute enemy propaganda. The Government controls all access to the Internet, and all email messages are subject to censorship.

All media must operate under party guidelines and reflect government views. The Government attempts to shape media coverage to such a degree that it exerts pressure on domestic journalists and on foreign correspondents.

The law punishes any unauthorized assembly of more than three persons, including those for private religious services in a private home. The authorities have never approved a public meeting by a human rights group. The Government continues to restrict freedom of religion. The Government prohibits, with occasional exceptions, the construction of new churches.

Madam Speaker, these are not my words. They are not the words of the Cuban American National Foundation. They are the dispassionate words of the State Department Human Rights Report.

I'll close with two specific accounts of Cubans who suffer under Castro.

Dr. Oscar Elias Biscet, a doctor and human rights leader, was imprisoned for hanging a Cuban flag upside down. He has been beaten and, during several prolonged periods placed in punishment cells in isolation, prohibited from receiving visitors, food, clothes and books—including the Bible. This is worse even than the treatment given to Nelson Mandela as a prisoner.

Dorca Cespedes, a reporter for independent Havana Press, was told by the director of her daughter's daycare center, that the toddler could no longer attend, due to the mother's "counterrevolutionary" activities.

Dr. Biscet has been called the Martin Luther King, Jr. of Cuba.

Ms. Cespedes could be any one of us—a parent trying to make a living and raise her child in a life of truth and justice.

Madam Speaker, any even cursory reading of what's going on in Cuba today tells us that we've seen this totalitarianism before. We've seen it for decades in Cuba, just as we saw it for decades in the former Soviet bloc.

Madam Speaker, let us today recall our support for human rights and democracy in the former Soviet Union and Eastern Europe, and let us pledge, by agreeing to this resolution, the same support for Cubans endeavoring to seek truth and break free.

Whatever a member feels about our policy towards Cuba with regard to the economic sanctions, there is no excuse for not agreeing to this resolution condemning the human rights practices of Cuba's government.

I thank the gentleman from New Jersey for bringing it before us; I am proud to be an original cosponsor of the resolution; and I urge its unanimous adoption today by the House.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, House Resolution 91.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING INTRODUCTION OF U.N. RESOLUTION CALLING UPON THE PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the People's Republic of China to end its human rights violations in China and Tibet, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 56

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of the People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious congregations and spiritual movements, including Falun Gong, and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism, have detained scores of citizens associated with attempts to organize a peaceful opposition, to expose corruption, to preserve their ethnic minority identity, or to use the Internet for the free exchange of ideas, and have sentenced many citizens so detained to harsh prison terms;

Whereas Chinese authorities continue to exert control over religious and cultural institutions in Tibet, abusing human rights through instances of torture, arbitrary arrest, and detention of Tibetans without public trial for peacefully expressing their political or religious views;

Whereas bilateral human rights dialogues between several nations and the People's Republic of China have yet to produce substantial adherence to international norms; and

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the treaty legally binding: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly supports the decision of the United States Government to offer and solicit cosponsorship for a resolution at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, calling upon the Government of the People's Republic of China to end its human rights abuses in China and Tibet, in compliance with its international obligations; and

(2) urges the United States Government to take the lead in organizing multilateral support to obtain passage by the Commission of such resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as a cosponsor of House Resolution 56, I rise in support of the manager's amendment and urge my colleagues to vote in favor of this important resolution, which urges the passage of a U.S.-sponsored resolution at the U.N. Commission on Human Rights which calls upon the Chinese Government to end its human rights violations in China and Tibet.

During committee consideration, the chairman requested unanimous consent that the Chair be authorized to seek consideration of House Resolution 56 on the House suspension calendar.

□ 1530

No objection was heard. The manager's amendment includes an amendment by the gentleman from California (Mr. LANTOS) updating the resolution to reflect the fact that the Bush administration has introduced a resolution at the Human Rights Commission in Geneva concerning the deplorable human rights condition in the People's Republic of China. The title will be amended to reflect the modifications made by the manager's amendment.

This resolution is a statement of fact outlining that China is an authoritarian state which continues to systematically violate the human rights of everyone, and the civil and political liberties of all of its citizens. State security personnel are responsible for numerous abuses, such as political and other extrajudicial killings, lengthy incommunicado detentions, and the use of torture.

National, racial, and ethnic minorities remain subject to intense persecution and discrimination. The authorities frequently launch campaigns to crack down on opposition and pro-democracy groups. Freedom of movement, speech, assembly, and association are severely restricted. The controls on religious worship have intensified, with harassment of church leaders and other faithful, including fines, detentions, physical abuse, and torture. Many houses of worship have been destroyed.

Trafficking in persons, mainly women and children, for forced prostitution or illegal forced labor continues, placing this segment of the population in constant risk of slavery.

Recently, we have seen how their blatant disregard for the universal rights and liberties of human beings extends to foreign visitors, as reflected by the detention of academics by the Chinese regime. Dr. Xu Zerong, a Ph.D. from Oxford University, was detained last fall; and to date the Chinese authorities have not offered any explanation for his continued detention. His family still does not know where he is being held.

Professor Li Shaomin, a U.S. citizen who teaches business at the City University of Hong Kong, was arrested on February 25. The Chinese have yet to present any information regarding charges against him.

There is the case of Dr. Gao Zhan, a research scholar based at American University, detained last month by Chinese authorities.

Just today, Human Rights Watch's Academic Freedom Committee sent the letter to the Chinese leader to protest these detentions, and calling on the Chinese leadership to follow internationally recognized standards of due process to protect the lives and the rights of these scholars.

Further, there is the grim situation that the U.S. is facing of protecting and securing the safe return of 25 Americans being held hostage by the PRC. This picture paints a profound and widespread violation of internationally recognized human rights norms.

The People's Republic of China must be held accountable for its action. Constant pressure from the U.S. and the international community is vital if any improvements are to take place in China. The resolutions before us are an important part of that strategy.

I am proud that the Bush administration has rejected the view that Beijing is our strategic partner and considers passage of the China human rights resolution one of its top priorities in Geneva.

As the U.S. delegation works to ensure debate on human rights conditions in China and to secure the votes for a resolution calling on China to end its terrible human rights practices, let us show them our full support by voting in favor of the manager's amendment to House Resolution 56.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution. It was with sincere sadness that I introduced this resolution a month ago, and that I now ask my colleagues to strongly support this resolution.

When I introduced this resolution, Madam Speaker, 24 American airmen were not held captive on a Chinese island, contrary to all provisions of international law, and it is a sheer coincidence that we are considering this resolution at the very time when the attention of the United States and, indeed, much of the world is directed at Beijing to see how they will function in this self-induced and self-created crisis.

When I introduced my resolution a month ago, as all Americans, I also was hoping optimistically that the Chinese government would take at least a few minimal steps to improve the abominable human rights record of the People's Republic of China. Unfortunately, the State Department's Human Rights Report indicates that the human rights situation in China this past year has become worse.

As the report demonstrates, the government of China continues to use torture, forced confessions, arbitrary arrest and detention, and the general denial of due process. The government of China restricts freedom of speech. It restricts the freedom of the press. It denies freedom of religion, including the most brutal crackdown on the Falun Gong spiritual movement, Tibetan Buddhists, Muslims, and, of course, Christians.

The Chinese government continues to subject vast numbers of political prisoners to forced labor, and it prevents the formation of independent trade unions or independent nongovernmental organizations.

The resolution before the House today indicates strong support for the decision of our administration to offer a resolution at the Human Rights Commission in Geneva calling on the Chinese government to end its human rights abuses, both in China and in Tibet.

In the past, Congress has passed similar resolutions, but unfortunately, the Chinese government usually prevails in Geneva on a so-called no-action motion. Under this devious parliamentary tactic, the Chinese government successfully prevents even the consideration of our resolution.

The Chinese prevail in this vote not because the international community recognizes its performance in the human rights field, but because the Chinese government systematically threatens commercial contracts with the developed world and threatens to deny foreign aid to poor nations.

I am under no illusion, Madam Speaker, that it will be anything but an uphill battle to prevail in Geneva this year and to win passage of the China human rights resolution.

I commend the President and the Secretary of State, Colin Powell, for moving forward with this effort. I will do whatever I can to urge other governments to support our effort.

In all candor, let me state, Madam Speaker, that I am particularly disappointed in the countries of the European Union as they continue to shirk their responsibilities to promote internationally recognized human rights. The European Union ministers have already announced that they will not cosponsor the American resolution.

Ultimately, some of them will vote with us, but it is a shame that the Europeans continue to bury their heads in the sand, desperately hoping that trade with China will magically bring about the creation of a Chinese civil society based on internationally recognized human rights.

I would like to take just one specific example of the intensity and flavor of human rights violations in China. Recently, Madam Speaker, as we know, the Chinese government imprisoned an American University researcher, Gao Zhan, and her family on the phony charge of espionage. Now, Gao Zhan is an academic who has conducted research related to the status of women. She and her husband are permanent residents of the United States, and their son, Andrew, 5 years old, is an American citizen.

Gao and her family had gone to China to visit her family. They were standing in line at the Beijing airport preparing to get on the plane to come back to their home in the United States. Out of nowhere, Chinese officials emerged and pulled all three family members out of line and hustled them into separate cars.

Gao was put in prison, we do not know where. As of today, her whereabouts are unknown. Her husband was blindfolded and driven 2 hours to an unknown location, and their 5-year-old son was taken to a government facility, even though his grandparents live in the city, where they happened to be.

One of my grandchildren is 5 years old. I can imagine the fear and the horror and the pain and the nightmare a 5-year-old must go through as out of the blue his mother and father are arrested, taken to separate government police cars, and taken away. This little boy for 26 days, 26 consecutive days, did not see his mother, his father, or his grandparents.

This degree of insensitivity to fundamental human rights of a little 5-year-old child is an index of the degree to which the Chinese government respects human rights today.

I strongly urge my colleagues to support this resolution. There is nothing I would like to see more than good relations with China. I have the highest regard for the Chinese people. They represent one of the great civilizations on the face of this planet. They have all the opportunity of building an advanced, civilized society, but they must not do it by trampling on the human rights of their citizens, or on the fundamental human rights of a little 5-year-old American citizen who was deprived for 26 days from contact with his family.

Madam Speaker, I ask my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of our committee.

Mr. GILMAN. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I am pleased to rise in strong support of this resolution, House Resolution 56, a resolution urging our Nation's representative to the U.N. Commission on Human Rights to move ahead with this resolution at the annual meeting of the Commission in Geneva, a resolution calling upon the People's Republic of China to end its human rights violations in China and in Tibet.

I commend our ranking minority member, the gentleman from California (Mr. LANTOS), for crafting this resolution. I thank our chairwoman, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for swiftly bringing it to the floor at this time.

Recently, Madam Speaker, our State Department announced it is going to introduce such a resolution. On February 26, the same day its Human Rights Report was released, the State Department spokesman, Phillip Reeker, said the U.S. decision to go forward with the resolution is based upon the fact that the Chinese government's abysmal human rights record has continued to deteriorate over the past year.

We commend the administration for this decision. Regrettably, Beijing has managed year after year to muzzle the Human Rights Commission by passing a no-action motion on similar resolutions. Accordingly, there is usually no debate on the resolution, and as a result, it almost never comes up for a vote before the Commission.

Unless the international community, our Nation included, finally manages to take a strong stand against Beijing's abuses of human rights, then its leaders will only become more emboldened to take further repressive action against Christians, against Buddhists, Muslims, and other religious groups within that Nation.

Past failure to condemn China has undoubtedly led to the severe crackdown against Christian house churches, against Buddhists in Tibet, Muslims in east Turkistan, and millions of Chinese Falun Gong followers.

□ 1545

Madam Speaker, I am particularly concerned that Beijing has continued to stonewall any possible meeting with His Holiness, the Dalai Lama; and unless they reach out and grasp the olive branch that His Holiness offers, the regional instability will continue to grow worse.

Accordingly, I urge my colleagues to fully support this resolution, and I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding the time to me.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. MCDERMOTT), my good friend.

Mr. MCDERMOTT. Madam Speaker, I have great respect for my colleagues here on the floor who have put this resolution forward. However, I seriously question the decision to bring this bill to the House for debate today.

I know the decision was made last week. It was made before the events of the weekend have occurred, and it seems to me that in choosing to bring such a resolution to the floor at a time when the Chinese Government is holding 24 American servicemen in Hainan incommunicado even after repeated requests by our embassy to visit with them is an unnecessary step for us to be taking.

Madam Speaker, I called the White House today and asked them what position they had on this resolution; they do not have one. I do not know what that says about the 24 people from the State of Washington who are being held in Hainan Island.

It is not that I am unsympathetic with this bill. I have traveled to Dharmasala. I talked to the Dalai Lama in his own place. I have discussed with him at length the Tibetan problems. I visited Nepal and talked with refugees from Chinese rule there. I have many of them living in my own city. And I do not come frivolously to this floor to discuss this issue, but I do believe that we could easily postpone it until we have resolved whatever is happening on Hainan.

I think we have American diplomats even at this moment negotiating for the release of the crew of the EP-3 and trying to get negotiations started for the freedom of those servicemen; and either we believe this resolution means something and therefore will have an impact, and I think most of us who have traveled abroad have seen the impact of resolutions on the floor of the House in the newspapers and on television of other countries, or you do not believe this resolution has any impact at all, and I think we must consider very carefully what the impact of this kind of a resolution is when we are going to be back here in a couple of weeks and we could deal with it.

Madam Speaker, I understand the conference is on now, but I really think that we have to think long and hard about timing. The timing was not one we made, and I am not blaming anybody here for choosing to put it up today. I would be supporting it wholeheartedly if I did not know what had gone on this weekend.

I think for that reason we ought to consider seriously whether or not we want to go forward with this.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN), my good friend, for yielding the time to me.

Madam Speaker, I want to congratulate the gentleman from California (Mr. LANTOS) on his sponsorship of this very important resolution.

I am very proud to be one of the cosponsors, and I want to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) the distinguished and effective chair of the International Operations and Human Rights Committee for her work and the gentleman from Illinois (Mr. HYDE) the Chairman of the Full Committee for moving this legislation to the floor.

I would just say to the previous speaker, the gentleman from Washington (Mr. MCDERMOTT), that this resolution simply tells the truth, and it seems to me that truth-telling should always be in season; but there is also the timeliness issue. The U.N. Human Rights Commission is currently meeting in Geneva, and Members should be aware that decisions are being made by various delegations and by various diplomats right now.

A postponement of this resolution could mean the loss of a vote or two from delegates who might think that we are ducking the issue or having second thoughts that perhaps we are not as serious as we have said we are. Of course nothing could be further from the truth. We are indeed very, very serious.

Time is not on our side. There is only a few weeks left for deliberations by the U.N. Commission on human rights.

Madam Speaker, I have been there. I lobbied delegations on behalf of human rights in the past. We need to send this message right now that we are very serious about human rights in China. No if, ands or buts, about it!

Madam Speaker, just let me say that the new tension created by the holding of 24 American servicemen by the People's Republic of China—a crisis situation that all of us want to see resolved immediately—only underscores anew how the policies of the Beijing dictatorship are harsh and unreasonable and how those policies have continued to worsen and to deteriorate with each and every passing year.

Sadly, universally recognized norms and international laws have no meaningful application to the dictatorship. The dictatorship in Beijing mocks the rule of law.

Madam Speaker, any honest assessment of China's record on human rights makes it abundantly clear that the leaders who rule China with an iron fist have no respect whatsoever for human life, especially the lives of their own citizens, especially the lives of women and children.

Madam Speaker, forced abortion is an unspeakable cruelty to women and babies, and was properly construed to be a crime against humanity at the Nuremberg War Crimes tribunals when the Nazis were held to account. Today, the crime of forced abortion in China is pervasive, it is systematic, and it is common place.

Forced abortion in China is state-sponsored violence against women and children. As I think many Members know, as a means of enforcing what they call their one-child-per-couple policy, first announced back in 1979, the Chinese Government routinely coerces mothers in China, to have abortions often late in pregnancy or to undergo forced sterilization or mandatory birth control.

Over the past decade, Madam Speaker, I have led three human rights trips to China. I have met with Li Peng. The gentleman from Virginia (Mr. WOLF) and I raised human rights issues; face to face he just dismissed it out of hand as if it was all exaggerated and fabricated. There was no engagement—constructive or otherwise.

I have chaired over 18 hearings and markups on legislation pertaining to Chinese human rights abuses; and in the 1980s and the 1990s, I and many others in this Chamber have repeatedly spoken out against forced abortion and forced sterilization in China as well as other egregious abuses.

To my shock and to my dismay, many family planning organizations like Planned Parenthood have decided to either look the other way, as millions of Chinese women are cruelly forced to undergo abortion, or in the case of the U.N. Population Fund to aggressively defend it, to whitewash these abuses as "nonexistent" or as the "exception", rather than the rule.

Madam Speaker, at one of my hearings we heard from a woman by the name of Mrs. Gao. Mrs. Gao ran one of the family planning programs in Fukien Province. She made the point that during the course of the decade that she ran the program, they literally would take women and put them or their relatives behind bars until they acceded to the so-called "voluntary" abortion.

She finally summed up her testimony by saying, by day, I was a monster; by night, a wife and mother.

It seems to me, Madam Speaker, that the Chinese Population Control Program is a "monster"—a monstrous abuse of women; and the indifference of both the East and the West makes us, however unwittingly, complicit in these crimes.

Madam Speaker, just let me say that I encourage Members to read the country reports on human rights practices, all 59 pages dedicated to what is going on in the People's Republic of China. That report is very accurate; and it makes the point in the declarative sentence near the beginning and I quote,

> The government's poor human rights record worsened, and it continued to commit numerous serious abuses. The government intensified crackdowns on religion and in Tibet, intensified its harsh treatment of political dissent and suppressed any person or group perceived to be a threat to the government.

The State Department report goes on to say that by the end of the year 2000, and I quote,

> Thousands of unregistered religious institutions have either been closed or destroyed, and hundreds of Falun Gong leaders have been imprisoned, thousands have been sent to the lao gai, or mental institutions.

The report notes, and I think Members need to take note of this, that more than 100 Falun Gong practitioners were tortured to death in Chinese prisons. Death by torture is often a long, exceedingly painful ordeal. It does not happen overnight. After daily beatings and deprivations of food and sleep, finally the victum succumbs to death as a result of those beatings and abuse.

Madam Speaker, the United Nations has documented and numerous human rights groups like Human Rights Watch and Amnesty and, of course, our own Country Reports on Human Rights Practices that torture is endemic in China. If you are arrested as a political prisoner, a religious dissenter or even a common criminal, they beat you black and blue, sometimes to death. That is the reality of what is going on in the People's Republic of China.

Let me just finally say something about truth-telling. Some years back, President Clinton invited Chu Haotien to the United States—the Butcher of Beijing, the man who literally ordered the crackdown on the students at Tiananmen Square, and said, go and bayonet and kill and maim and hunt down those individuals.

After he was invited here, he was at the U.S. War College and gave a speech and made the outrageous claim—a big lie—that no one died at Tiananmen Square.

My staff and I quickly put together a hearing and invited eyewitnesses to that massacre; and we invited Chu Haotien to come and testify, or anyone else from the Chinese Government, including Ambassador Li. We had an empty chair because nobody showed up.

We heard from an editor from the People's Daily in China, who accurately reported on the killing—and paid a big price—and we heard from a Time Magazine correspondent and a host of others, others who gave witness to the big lie uttered by General Chu.

I see I'm out of time—I have so much more to say. Suffice to say, this resolution puts us on record in favor of the oppressed, and the persecuted, and encourages the Bush administration to continue its work on behalf of human rights.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank all of my colleagues on the other side for their eloquent and strong support.

I would like to comment briefly on the observation of the gentleman from Washington (Mr. MCDERMOTT) about timing. I have the highest regard for my colleague from Washington, and his statement was a carefully thought through and serious one.

Upon reflection, it seems to me that it would be unconscionable for this body not to deal with the issue of human rights violations in China as the U.N. Commission is dealing with the question of whether or not to support this resolution.

It will be interesting to see whether the Chinese Government will add to the human rights violations of its own people, human rights violations of 26 American servicemen. I hope and pray that they will not, but it would be singularly unacceptable to be intimidated by the current situation on that island.

The Chinese are illegally holding 26 American servicemen. This is a fact. It is also a fact that millions of Chinese are deprived day in and day out of their fundamental human rights, and this body will have to speak out on that subject.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), one of the strongest champions of human rights in this body.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from California (Mr. LANTOS) for his unending commitment and as well to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the other speakers that have spoken here.

This is a time, Madam Speaker, that one might pause and offer to tread lightly. We do know that there are American citizens, military personnel, our men and women, who have offered themselves for our freedom now held incognito, without opportunity to speak in China. I respect that and would want to be cautious in saying to this body that we are respectful of the negotiations, and we want our loved ones, our Americans, the Americans that are held illegally and against all international agreements, back immediately.

At the same time, I thank the gentleman from California (Mr. LANTOS) for recognizing that as we speak, the U.N. conference is being held, and we would be shamed if our voices were silent.

I come wearing a particularly difficult hat, because I was convinced about 6 months ago to vote for the PNTR. I spoke with President Carter who spoke about the energy and democracy that was occurring in the villages. I was excited about that.

I spoke with many others who felt that if you opened the doors of dialogue and communication that we would bring to China the sense of the world ownership or membership, if you will, owning into the world's desire for opportunities for all of the world's people.

Madam Speaker, I was very troubled by the debate in PNTR, because the human rights issues were of great concern. At that time the Falun Gong attacks were continuing. Suicides in the squares were going on. People were mutilating themselves or burning themselves out of protest.

□ 1600

But yet there was this discussion that religion was rising in enthusiasm and that we should give China the opportunity.

I am somewhat saddened that we now speak in the month of April 2001 and that we can list a litany of infractions or violations, more so for people who are incarcerated, it is their life, that we see ongoing in China.

During the debate, it was said that China does not move as fast as the world does; that we do not understand its culture; that we have to understand what its place is in the world. And, frankly, some of that was appealing or attractive. Yet we find ourselves today longing for China to have made the commitment that we wished it had made and had turned the corner on some of the acceptance of the various religious groups and as well the right to be free.

As the gentleman from California (Mr. LANTOS) knows, because I spoke to him earlier today, I am so struck by the words of Gao Zhan's husband, the professor who is now held in China, along with many other academicians. It is well known that she has gone to China on many occasions visiting her family. It is well known that her lawyer says she is not a spy. Her husband just received his citizenship. She was separated from her husband some 26 or so days. She is being held.

How can any one of us not be frightened and appalled and outraged about the family separation, even while they were in China, to the extent that the 5-year-old boy was separated from his father and his mother, and still today remains without a mother. This seems to be an incident that was not provoked, that China did not have to engage in. The family was on their way out of the country; not in the country, trying to get in.

What merciful reason, what reason can they give to explain the stopping of this family at that time? What reason can they give for not stopping them and questioning them and releasing them? Absolutely none.

So I rise to support this resolution because I hope as the proceedings are going on, there will be a vote that expresses the United States' outrage of China's behavior.

Madam Speaker, we will offer a bill tomorrow to give Gao the citizenship that she deserves, because we believe that the voices of reason are not being heard in China, and that they continuously renounce, reject the hand of friendship, the hand of peace, the hand of understanding that many of us have tried to give in the United States Congress.

I applaud the gentleman from California (Mr. LANTOS) for his leadership on this legislation, and my prayers go out to the men and women that are detained, both Chinese and American, and to their families I say that we will work every day to secure their safe return.

Madam Speaker, I rise in very strong support of H. Res. 96, Direct U.S. To Condemn Chinese Human Rights Violations. This resolution says that China cannot suppress religious and cultural institutions and expect to pursue the economic reforms it must pursue for its development and prosperity. As Victor Hugo wrote in 1887, "An invasion of armies can be resisted; an invasion of ideas cannot be resisted."

According to the U.S. State Department and international human rights organizations, the Chinese government continues to commit widespread and well-documented human rights abuses in China and Tibet. They also say China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws that restrict those freedoms. Finally, China continues to ban and criminalize groups that it labels as cults or heretical organizations, such as Falon Gong. Practitioners of Falon Gong are persecuted for no reason other than being well organized as a religious group in China.

This resolution expresses the sense of the House that at the upcoming annual session of the U.N. Human Rights Commission in Geneva, the United States should solicit cosponsorship for a resolution calling upon the Chinese government to end its human rights abuse in Cuba and Tibet, in compliance with its international organization; and that the U.S. government should take the lead in organizing multilateral support to obtain passage by the commission of such a resolution.

This measure states that Chinese authorities have committed to suppress protest criticism. The Chinese leadership is plainly uncomfortable with organized dissent. Furthermore, H. Res. 56 states that Chinese citizens have been detained for peaceful opposition, attempting to expose corruption, trying to preserve ethnic minorities and using the Internet.

H. Res. 56 makes clear that China continues—with impunity—to exert control over religious and cultural institutions in Tibet, abusing human rights through instances of torture, arbitrary arrests and detentions of Tibetans, without public trials, for peacefully expressing their political or religious views; that bilateral talks with several nations and China have yet to produce substantial adherence to international norms; and that China has signed the International Covenant on Civil and Political Rights but has yet to take the steps necessary to make the treaty legally binding.

Despite the recent crackdown against religious and cultural institutions in China, some progress has been made through a commitment to normalize relations between our nations. But we must be vigilant, nevertheless, in speaking out for those who cannot speak. Madam Speaker, I urge my colleagues to vote in favor of the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), who will be in Geneva carrying forth the message of the United States for freedom for the Chinese people.

Mr. DIAZ-BALART. Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding me this time.

With regard to some confusion that may have arisen based on some comments made previously from the other side of the aisle, I wish to say that it is the Bush administration, Madam Speaker, which has demonstrated their possession of the dignity as well as the vision to introduce precisely the resolution in Geneva that this resolution before us today is in support of.

The regime in mainland China is a brutal, totalitarian, cowardly, rogue regime that tortures men and women due to their religious and political beliefs. It is a regime that brutally forces abortion on its women once they have met Orwellian quotas of birth control. The least that we can do in this Congress today to be true to the values, beliefs, and aspirations that gave birth to these United States of America is to support this resolution.

Mr. LANTOS. Madam Speaker, I do not believe we have any additional speakers, but I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a longtime staffer of the Committee on International Relations and now a Member of our institution.

Mr. KIRK. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, China is a powerful nation, but not yet a great nation. Powerful nations muster armies and command territory, but great nations lead mankind and advance human values. China stands on the brink of being either powerful or great, and the events of the recent days disappoint us all and keep China from her own potential.

With regard to the Hainan incident, I speak as a Naval Reserve officer and call on China to return our servicemen and women. Our aircraft was in international waters, unarmed and a danger to no one. China is a party to the Incidents-at-Sea Treaty, an agreement she signed but does not appear to abide by. China must return our servicemen and women and the aircraft and end this incident now.

A nation like China is measured by how its treats people of different languages and religions. China's record on Tibet is disappointingly clear, and in human rights in general one of abuse and imprisonment for prisoners of conscience. Li Shaomin, recognized in China as a key leader, was jailed for sending e-news to her husband; Gao Zhan was detained February 11, along with her 5-year-old American son; Xu Zerong, an academician, was jailed last fall and still is held incommunicado; and Rabiya Kadir was jailed March 10 for giving her husband newspaper articles.

Children in Tibet today are taught that religion is backward behavior. Nuns and monks make up 74 percent of China's political prisoners, and China regularly jams Radio Free Asia broadcasts designed to keep people informed. We must speak out.

Chun-gua, China, and Mai-gua, the United States, can live in peace and become friends, but this depends on China adhering to international agreements like the Universal Declaration of Human Rights and the Incidents-at-Sea agreements, both agreements China signed, and shared values.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

This was an eloquent debate, Madam Speaker, and I want to thank all my colleagues. The American people stand united in demanding that our servicemen be released unconditionally and immediately, and we are calling on China to improve its human rights record.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

To close, Madam Speaker, I would like to remind my colleagues that the State Department has given us vote counts and cost sheets. They have come up to the Hill to ensure congressional support and help for the Bush administration's priorities in Geneva. When we talk to the State Department officials, they tell us what their directives have been from the President and the White House. We have been meeting with them for the last 3 months, and they clearly stated that the Secretary of State and the White House ask for daily briefings on the status of the China resolution in Geneva.

Madam Speaker, if Congress does not speak today by voting in favor of the resolution before us, House Resolution 56, the Chinese regime will be able to prevent any discussion on its human rights record in Geneva. Year after year they intimidate members of the Human Rights Commission for a vote of no action on China, silencing the dissidents and the opposition further, removing one critical vehicle for the voices of the oppressed to be tortured in China, and they must be heard.

Again, without U.S. leadership and the full weight of our U.S. Congress behind this resolution and behind the democratic forces in China, the PRC will once again manipulate the U.N. Commission on Human Rights in Geneva to continue its reign of subjugation and terror over the Chinese people.

Let us force the PRC to abide by the covenants and the declarations it has signed. We must stand firm in the face of Chinese aggression against its own people, against foreign visitors and against American citizens.

Madam Speaker, I ask my colleagues to please vote "yes" on the resolution before us.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in strong support of House Resolution 56, urging the appropriate representative of the United States to the United Nations Commission on Human Rights to introduce at the annual meeting of the Commission a resolution calling upon the People's Republic of China to end its human rights violations in China and Tibet.

Tibet is a country and culture that has garnered international attention in the past several decades. Since 1959, China has implemented a relentless policy and program to erase Tibet from history and existence. The former religious leader of Tibet, the Dalai Lama, was forced to leave Tibet, and now lives in exile in India. There are many other Tibetans who chose to follow him and thus, remain in exile today.

I am particularly concerned with China's human rights record with respect to Tibet, such as repression of freedom of speech, religion, and expression. The Chinese government's policy of suppressing religious, political, and cultural freedom in Tibet in highly disturbing.

I am deeply troubled that monks and nuns make up seventy-four percent of over 250 political prisoners incarcerated in Tibet. While there has been a slight decline in new detentions since 1997 in Tibet, this may be attributed to the implementation and intensification of the Patriotic Education campaign, which requires monks, nuns, and lay persons to denounce the Dalai Lama. However, the number of monks and nuns known to have been detained as a result of opposing the Patriotic Education campaign is a small fraction of those who have been expelled from their monasteries or who have fled from Tibet.

Recently, it has come to my attention that Chinese authorities have increased the jamming of foreign radio broadcasts in Tibet following the allocation of increased resources by Beijing in an attempt to prevent "infiltration" of the airwaves by "foreign hostile forces." It is my understanding that Voice of America, Radio Free Asia and Voice of Tibet, which all cover both international news and news of the activities of the Dalai Lama and the Tibetan community in exile, have encountered intensified jamming of their broadcasts into Tibetan areas over the past four to six months. The Chinese authorities have also announced an expansion of state-run Tibetan language broadcasting, including the training of more Tibetan journalists and new programs in Kham and Amdo dialects, in order to counter foreign radio broadcasters. It is my belief that this intensified focus to jam such broadcasts is a result of the Chinese government's recent emphasis on propaganda work in Tibet, an important element of Beijing's campaign to develop the western regions of China.

The United States has a moral obligation to pursue strong diplomatic pressures which assert an end to civil persecutions not only in Tibet but all countries where individual liberties are routinely repressed. I join by colleagues in voicing every American's opposition to these atrocities and acts of repression.

I commend Congressman FRANK WOLF from Virginia for his leadership in bringing attention to the plight of the Tibetan people and Tibetan culture, and I urge my colleagues from both sides of the aisle to support this important resolution.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SMALL BUSINESS INTEREST CHECKING ACT OF 2001

Mr. OXLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 974) to increase the number of interaccount transfers which may be made from business accounts at depository institutions, to authorize the Board of Governors of the Federal Reserve System to pay interest on reserves, and for other purposes, as amended.

The Clerk read as follows:

H.R. 974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Interest Checking Act of 2001".

SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

"(i) [Repealed]".

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any" and inserting "savings association may not permit any".

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) [Repealed]".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 3. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) EXCEPTION FROM PARAGRAPH (2) LIMITATION.—Paragraph (2) shall not apply to any depository institution which is prohibited by the applicable law of its chartering State from offering demand deposits and either—

"(A) does not engage in any lending activities; or

"(B) is not an affiliate of any company or companies with assets that, in the aggregate, represent more than 10 percent of the total assets of the depository institution.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board may determine by rule or order), for any purpose, to another account of the owner in the same institution. Nothing in this subsection shall be construed to prevent an account offered pursuant to this subsection from being considered a transaction account (as defined in section 19(b) of the Federal Reserve Act for purposes of such Act).".

SEC. 4. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) In General.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

"(12) Earnings on reserves.—

"(A) In general.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

"(B) Regulations relating to payments and distribution.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(B), in a Federal reserve bank by any such entity on behalf of depository institutions.".

(b) Authorization for Pass Through Reserves for Member Banks.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

(c) Survey of Bank Fees and Services.—Section 19 of the Federal Reserve Act (as amended by subsections (a) and (b) of this section) is amended by adding at the end the following new subsection:

"(n) Survey of Bank Fees and Services.—

"(1) Annual survey required.—The Board shall obtain annually a sample, which is representative by type and size of the institution and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

"(A) Checking and other transaction accounts.

"(B) Negotiable order of withdrawal and savings accounts.

"(C) Automated teller machine transactions.

"(D) Other electronic transactions.

"(E) Credit Cards.

"(2) Minimum survey requirement.—The annual survey described in paragraph (1) shall meet the following minimum requirements:

"(A) Checking and other transaction accounts.—Data on checking and transaction accounts shall include, at a minimum, the following:

"(i) Monthly and annual fees and minimum balances to avoid such fees.

"(ii) Minimum opening balances.

"(iii) Check processing fees.

"(iv) Check printing fees.

"(v) Balance inquiry fees.

"(vi) Fees imposed for using a teller or other institution employee.

"(vii) Stop payment order fees.

"(viii) Nonsufficient fund fees.

"(ix) Overdraft fees.

"(x) Deposit items returned fees.

"(xi) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(B) Negotiable order of withdrawal accounts and savings accounts.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

"(i) Monthly and annual fees and minimum balances to avoid such fees.

"(ii) Minimum opening balances.

"(iii) Rate at which interest is paid to consumers.

"(iv) Check processing fees for negotiable order of withdrawal accounts.

"(v) Check printing fees for negotiable order of withdrawal accounts.

"(vi) Balance inquiry fees.

"(vii) Fees imposed for using a teller or other institution employee.

"(viii) Stop payment order fees for negotiable order of withdrawal accounts.

"(ix) Nonsufficient fund fees for negotiable order of withdrawal accounts.

"(x) Overdraft fees for negotiable order of withdrawal accounts.

"(xi) Deposit items returned fees.

"(xii) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(C) Automated teller transactions.—Data on automated teller machine transactions shall include, at a minimum, the following:

"(i) Annual and monthly fees.

"(ii) Card fees.

"(iii) Fees charged to customers for withdrawals, deposits, transfers between accounts, balance inquiries through institution-owned machines.

"(iv) Fees charged to customers for withdrawals, deposits, transfers between accounts, balance inquiries through machines owned by others.

"(v) Fees charged to noncustomers for withdrawals, deposits, transfers between accounts, balance inquiries through institution-owned machines.

"(vi) Point-of-sale transaction fees.

"(vii) Surcharges.

"(D) Other electronic transactions.—Data on other electronic transactions shall include, at a minimum, the following:

"(i) Wire transfer fees.

"(ii) Fees related to payments made over the Internet or through other electronic means.

"(E) Credit card charges and fees.—Data related to credit cards shall include, at a minimum, the following:

"(i) Application fees.

"(ii) Annual and monthly fees.

"(iii) Rates of interest charged for purchases and cash advances, when an account is not in default.

"(iv) Rates of interest charged for purchases and cash advances, when an account is in default.

"(v) Average annual finance charges paid by customers.

"(vi) Late payment fees.

"(vii) Cash advance and convenience check fees.

"(viii) Balance transfer fees.

"(ix) Over-the-credit-limit fees.

"(x) Foreign currency conversion fees.

"(F) Other fees and charges.—Data on any other fees and charges that the Board determines to be appropriate to meet the purposes of this section.

"(3) Annual Report to Congress Required.—

"(A) Preparation.—The Board shall prepare a report of the results of each survey conducted pursuant to paragraph (1) and (2).

"(B) Contents of the report.—In addition to the data required to be collected pursuant to paragraphs (1) and (2), each report prepared pursuant to subparagraph (A) shall include a description of any discernible trend, in the Nation as a whole, in each of the 50 States, and in each metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in paragraphs (1) and (2) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution, the size of the institution and any engagement of the institution in multistate activity.

"(C) Submission to congress.—The Board shall submit an annual report to the Congress under this paragraph not later than June 1, 2002, and not later than June 1 of each subsequent year.

"(4) Definitions.—For purposes of this subsection, the terms 'insured depository institution' and 'insured credit union' mean any depository institution (as defined in subsection (b)(1)(A)) the deposits or shares in which are insured under the Federal Deposit Insurance Act or the Federal Credit Union Act.".

(d) Technical and Conforming Amendments.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 5. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking "the ratio of 3 per centum" and inserting "a ratio not greater than 3 percent (and which may be zero)"; and

(2) in clause (ii), by striking "and not less than 8 per centum," and inserting "(and which may be zero),".

SEC. 6. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) In General.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

"(4) Additional transfers to cover interest payments for fiscal years 2002 through 2006.—

"(A) In general.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12), as estimated by the Office of Management and Budget, in each of the fiscal years 2002 through 2006.

"(B) Allocation by Federal reserve board.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2002 through

2006, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

"(C) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal years 2002 through 2006, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

"(3) PAYMENT TO TREASURY.—During fiscal years 2002 through 2006, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.".

SEC. 7. RULE OF CONSTRUCTION.

No provision of this Act, or any amendment made by this Act, shall be construed as creating any presumption or implication that, in the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking function with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in paragraph (1) or (2),

may be treated as the payment or receipt of interest for purposes of any provision of Public Law 93-100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 974, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Madam Speaker, I yield myself 5 minutes, and I rise today in support of H.R. 974, the Small Business Interest Checking Act. H.R. 974 lifts the ban on the payment of interest on checking accounts, increases the number of transfers which may be made from business accounts to depository institutions, authorizes the Federal Reserve to pay interest on sterile reserves, and gives the Fed flexibility in setting reserve limits.

The changes in current law made by H.R. 974 are long overdue and represent our continued efforts to update outdated laws that ultimately limit the choices of small businesses and consumers.

The legislation provides that after 2 years banks will be able to offer interest-bearing checking accounts to all customers. Because of a quirk in current law, America's small businesses are the only entities that currently have little choice but to allow their money to sit idly in banks. This legislation will allow those small businesses to put their money to work.

The bill will also allow banks to earn interest on the money they are required by law to hold with the Federal Reserve. Like small businesses, America's banks currently must hold money in accounts which give them no return. This has created an incentive for banks to put their money elsewhere, which in turn can damage the Federal Reserve's ability to conduct monetary policy. The Federal Reserve supports us in this long-overdue change.

The bill will also give the Federal Reserve flexibility in setting reserve requirements, so that the market can respond to changing economic conditions.

The amendment will allow certain depository institutions to offer NOW accounts to all of their customers and clarify that certain transactions in connection with real estate escrow accounts are not to be treated as "interest" for any purpose under the legislation that we are considering.

The only difference between H.R. 974 that we consider today and the reported bill is an amendment requested by the Fed that describes the types of depository institutions which will be able to offer business NOW accounts.

Madam Speaker, I thank the gentlewoman from New York Mrs. KELLY) and the gentleman from Pennsylvania Mr. TOOMEY) for their leadership that they have shown on this issue. I also thank the gentleman from New York Mr. LAFALCE), the ranking member, for his cooperation in moving this important bill.

Madam Speaker, the legislation we consider today advances the work begun by Congress with the passage of the Gramm-Leach-Bliley Act to make America's financial services industry more efficient, and to provide consumers with more options.

Madam Speaker, I urge my colleagues to support passage of H.R. 974.

Madam Speaker, I reserve the balance of my time.

Mr. LAFALCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with the overall thrust of H.R. 974, the Small Business Interest Checking Act, which permits banks and thrifts to offer interest-bearing business checking accounts; and I, therefore, support its adoption.

The repeal of the ban on interest-bearing business checking accounts represents another important step in the modernization of our financial services industry. The ban was adopted in the Great Depression out of fear that banks seeking business accounts would bid against each other with higher interest rates and thus contribute to bank insolvencies. The Federal banking agencies have all concluded, however, that the ban no longer serves any useful public purpose; that it is outdated in the modern financial services environment, and I concur.

Madam Speaker, this legislation promotes healthy competition within the financial services community for commercial checking accounts, which can only benefit the business community, and most especially the small business community, with more efficient, cost-effective financial services.

□ 1615

The current law and market conditions prevent many small businesses from obtaining easy access to interest-bearing checking accounts. For this reason, it is important that repeal of the ban be accomplished with a minimum of delay. The 2-year phase-in provided for in the bill, with 24 sweeps per month for money market demand accounts in the meantime, represents a fair compromise of the competing interests, although I personally would have preferred a shorter phase-in period.

However, I do have some reservations about the policy priorities represented by other provisions in the bill, provisions permitting the Federal Reserve Banks to pay interest on reserves. It is estimated that the sterile reserve provision will use $1.1 billion of the projected surplus over the next 10 years. I am conscious of the view of many in the banking industry that the combination of required reserves and the inability to receive interest on those reserves is a burden on the industry.

I understand that. However, I believe that there are other priorities that should take precedence over interest on sterile reserves, priorities that provide funding for homes for the homeless, adequate funding for food for our hungry, adequate funding for medicine and health care for our sick. These and other governmental corporal works should be given far greater precedence and priority by this body on this floor of the House.

Nevertheless, I support the bill, not only because it provides access to financial services for small businesses but also because it will improve Congress' ability to monitor the problem posed by ever-increasing bank fees. This was a very important amendment that we offered to the bill during markup which requires an annual assessment of the fees charged to retail bank customers. With fees representing an ever-growing share of bank earnings, an annual survey of retail bank fees becomes much more important than ever.

Mr. Speaker, I believe that H.R. 974 accomplishes two sound policy objectives. It provides small business easy access to interest-bearing checking accounts and it provides a much needed survey of retail banking fees. For those particular reasons, I support its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, I rise in strong support for this legislation. I want to commend the chairman of the Committee on Financial Services for bringing this common sense measure to the floor today, for doing it promptly.

What does this legislation mean? What will it do? I have a letter here from the National Association of Federal Credit Unions which says that it will mean two things. It will mean that their customers, small businesses and their members of the credit unions will receive interest on their accounts, and it also means that their loan rates will be lower.

So I think anything we can do to lower the cost of loans for consumers is good. I think anything we can do to allow small businesses, whether they bank at a bank or a thrift or they are members of a credit union to be able to draw interest on those. It really is legislation that is going to benefit small businesses, whether they are the small banks, the thrifts or the credit unions or the small businesses that put deposits in those institutions. Large corporations already get implicit interest because large financial institutions have complex programs such as sweeps which allow the payment of something very akin to interest. But it is the small businesses today that have been denied the right to draw interest. That is why the NFIB and the Chamber of Commerce totally supports this legislation and has endorsed it.

It will also allow small banks, thrifts and credit unions in our hometowns to compete against large international financial conglomerates and large financial banks because it will make them more competitive and will allow them to keep more of their deposits. That is why the associations representing our small banks and our thrifts have endorsed this legislation.

Finally, I want to praise the gentleman from Pennsylvania and the gentlewoman from New York who authored this legislation. We will hear from the gentlewoman from New York (Mrs. KELLY) in a minute. I also want to praise a freshman member, the gentlewoman from Pennsylvania (Ms. HART), for her active work on this bill.

Finally, I would like to address what the gentleman from New York said about paying interest on regulation D reserves at the Federal Reserve. The Federal Reserve and the Treasury both came before us; and the Federal Reserve said if we are to maintain a solid monetary policy, a sound dollar, we need this legislation. That is reason enough to pass this.

Mr. Speaker, I include for the RECORD the following letter from the National Association of Federal Credit Unions that I referred to in my remarks:

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Washington, DC, April 2, 2001.

Hon. SPENCER BACHUS,
Chairman, Subcommittee on Financial Institutions .& Consumer Credit, House of Representatives, Washington, DC.

DEAR CHAIRMAN BACHUS: I am writing on behalf of the National Association of Federal Credit Unions (NAFCU), the only national trade association that exclusively represents the interests of our nation's federal credit unions, to express our support for H.R. 974 as approved by the Financial Services Committee. NAFCU supports this effort to allow payment of interest on Regulation D reserve requirements of depository institutions, to increase the number of allowed transfers of non-interest-bearing accounts into those paying interest, and to include credit unions in a regular bank fee study by the Federal Reserve. NAFCU thanks you for your leadership on this issue and urges passage of H.R. 974.

Regulation D imposes costly burdens on regulated financial institutions such as federal credit unions. As member-owned cooperatives, credit unions have no choice but to pass the opportunity cost resulting from the posting of sterile reserves along to their members either in the form of lower dividend rates on savings, higher rates on loans, or some combination of the two. Under Regulation D Federal credit unions are required to structure accounts to meet regulatory definitions, limit transactions to required types and numbers, and must forego interest on sterile reserves. The cost of Regulation D contributes to the continuing exodus of savings from regulated financial institutions to the stock market, mutual funds, and other products of largely unregulated financial service providers.

The current Regulation D reserve ratios are 3% for transaction balances between $0 and $42.8 million with an exemption for balances below $5.5 million. For institutions with reservable balances in excess of $42.8 million, the reserve requirement is $1,329,000 plus 10% of the deposits above $42.8 million. Based on NAFCU year-end 2000 data and utilizing the current Regulation D tranches and ratios, 866 federally-chartered credit unions are currently required to post $1,276,386,000 in required reserves. If legislation were enacted into law today and the Federal Reserve were to pay interest at the current Federal Funds rate of 5.5%, then these credit unions and their member owners would collectively receive $70,201,230 in interest.

As of December 2000, 121 credit unions had $12.95 billion in reservable balances in excess of $42.8 million and required reserves of $938.7 million. Another 745 credit unions, with $11.12 billion in reservable balances, had to hold $337.6 million in required reserves.

With its non-payment of interest on sterile reserves, Regulation D gives an unfair advantage to non-regulated financial institutions that offer checking accounts but do not have to maintain sterile reserves with the Fed.

Furthermore, NAFCU supports the language sought by Representative John LaFalce (D–NY) and included by the Financial Services Committee to make permanent the bank fee study by the Federal Reserve Board and to include credit union fees as part of that study.

NAFCU appreciates your leadership on this issue and thanks you for pursuing this legislation. We urge the House to pass this important legislation. If I or my staff may be of assistance to you or if you have any questions or desire further information please do not hesitate to contact me or NAFCU's Director of Legislative and Political Affairs, Charlie Frohman, at (703) 522–4770.

Sincerely,

WILLIAM J. DONOVAN,
Senior Vice President/General Counsel.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Oversight and Investigations.

Mrs. KELLY. Mr. Speaker, I want to thank the gentleman from Ohio for both yielding me the time and for his considerable efforts to move this legislation forward. I also want to thank my fellow New Yorker, ranking member, the gentleman from New York (Mr. LAFALCE), for his work on this issue and for allowing us to bring this legislation to the floor under suspension today.

My legislation today can be passed in such a way in which everyone wins. This has been an issue which has been pending before the Congress for the past 6 years. Last year, our committee passed everything before us now by a voice vote; and the full House also passed these provisions by a voice vote. It is my hope we can do that again today.

The Small Business Interest Checking Act contains four initiatives. First, to repeal the prohibition on allowing banks to pay interest on business checking accounts after a transition period. This prohibition has been in place since the 1930s.

While I believe it should be repealed, I believe a proper transition period is critical. The 2-year transition contained in this bill is not adequate in my estimation. However, I believe it is time that this legislation does move forward.

Second, this legislation allows banks to increase money market deposits and savings accounts sweeps from the current 6 to 24 times a month. This gives banks an increase in their sweep activities, enabling them to sweep every night, increasing the interest which businesses can make on their accounts.

Third, the bill gives the Federal Reserve the authority to pay interest on reserves banks keep in the Federal Reserve system. This is good economically since it will bring stability to the

Federal funds rate which is subject to volatility when the reserves become too low. It is also good public policy since these reserves have functioned as an implicit tax on our banks and would partially offset the costs of a repeal of the prohibition on business checking.

Fourth and finally, my bill gives the Federal Reserve the additional flexibility to lower the reserve requirements. This will give the Federal Reserve greater control at maintaining reserves at a specific and consistent level.

My goal in this legislation is to best help our main street banks which are so essential to our small communities. Without their support, our communities would struggle where they are now thriving and stall where they now move. Quite simply, this legislation is about creating new and broader market options. We allow banks to pay interest on business checking accounts. We allow banks to increase sweep activities. And we allow the Fed to pay interest on the reserves all banks are required to keep with them. We also allow the Fed to lower reserve requirements. We do not require or mandate anything. This way we can allow the market to create change, not the government.

Mr. Speaker, I have much, much more to say on this legislation but in the interest of time, I will place the rest of my comments in the RECORD. I again thank the gentleman from Ohio for his strong leadership on this issue and for the swift consideration of this legislation. I ask my colleagues on both sides of the aisle to join me in strong support for this common sense bipartisan legislation.

Mr. Speaker, I want to thank the gentleman from Ohio [Mr. OXLEY] for both yielding me the time and for his considerable efforts to move this legislation forward. I also want to thank my fellow New Yorker, Ranking Member LAFALCE, for his work on this issue and for allowing us to bring this legislation to the floor under suspension today. In addition, I want to thank the gentleman from Alabama [Mr. BACHUS] for his work as well as the gentleman from Pennsylvania [Mr. TOOMEY] for the very significant contribution he made to this legislation with his bill, H.R. 1009, which was merged into my bill during committee consideration.

My legislation today can be passed in such a way in which everyone wins. This has been an issue which has been pending before Congress for the past six years. Last year our committee passed everything now before us by voice vote and the full House also passed these provisions by a voice vote.

Provisions of this legislation enjoy strong support from a diverse group of associations. The list of these groups includes the American Bankers Association, America's Community Bankers, The National Federation of Small Businesses, The Financial Services Roundtable, The National Association of Federal Credit Unions, The National Chamber of Commerce, The Credit Union National Association, and The National Farm Bureau.

Mr. Speaker, one issue which has held this legislation up in past years has been the issue of the transition period from the bill's enactment to when banks are allowed to pay interest on business checking accounts. Currently, the bill contains a two year transition period. This is a shorter transition period than was contained in Congresswomen ROUKEMA's bill, H.R. 1585, the Depository Institutions Regulatory Streamlining Act, in the 105th which passed the House on October 8, 1998 by voice vote. How many years was the delay in H.R. 1585? Six years. Again last year the House passed Congressman Metcalf's bill, H.R. 4067, which again contained this issue, but this time contained a three year transition period. I supported that deal last year and continue to support a three or four year transition period. This transition period are not arbitrary and have been contained in laws that have made changes to interest payments in the past. When Congress enacted legislation to gradually remove interest rate controls on consumer checking accounts in the 1980s (Reg Q), it did so with a six-year transition period.

We have listened to testimony before the Financial Services committee about why banks need this transition period to unravel the agreements they currently have with their business customers. Those groups advocating for shorter transition periods unfortunately seek to create instability in the banking sector. For some this is intentional. The Thrifts, until recently, were prohibited from business checking activities. They would like this authority in attempt to attract business clients from the banks. I don't blame them for this, but the small community banks with assets under $2 billion will suffer under this scenario without a transition.

Those who argue that since there is no transition period in the bill for the Fed to pay interest on reserves ignore the innumerable differences between banks and the Fed and the very different reasons we are changing these laws. One has to do with effective monetary policy of the Fed and the other about the more efficient operation of our banks.

Let me also clear the air on another point. The Federal Reserve is opposed to a transition period of this length. They see this in a purely economic perspective. They believe that the disruptions this policy presents will work themselves out.

Well I stand in strong disagreement with the Fed's read of this issue. Banks have long established relationships with the business customers they serve. These banks, while being prohibited in paying interest on reserves provide other tangible benefits to their business customers, such as doing the payroll for the business.

These banks need time to properly prepare for this change we are proposing to the law. They need to be able to sit down with their commercial accounts when their loans turn over, which is every few years.

Some may speak about wasteful sweep activities. Sweeps may be more complicated but they do not hurt the small banks that way. The repeal of the prohibition will. Sweeps are temporally invested outside of the bank typically in safe repurchase agreements involving T-bills. This imposes zero cost to the bank and the commercial accounts can earn interest. I also refer to an article from the American Banker I inserted into the record during a hearing last May. It stated that the majority of small banks operate sweep accounts. The computer programs are becoming much simpler and less costly to handle these activities. Additionally, if banks can do this every day they are not limited to commercial customers that keep large balances in the accounts.

Some will say that this bill does not require the payment of interest on commercial accounts, it just allows it. That's true but the market place will require it in order to remain competitive.

Let me sum this up with one final observation. The banks that will be hardest hit with this new cost will be the smaller banks. This will make them more liable to takeovers and jeopardize the best friend of the small businesses—Small banks. We must do everything we can to preserve small banks. They need time to prepare, and should at least give them more time to do so.

Again, I want to thank the Gentleman from Ohio, [Mr. OXLEY] for his strong support and leadership on this issue. I also want to thank all of the others I have worked with on this issue that deserve some of the credit, this list includes former Congressman Jack Metcalf, for whom these issues were one of his highest priorities; Congressman JIM LEACH, whose leadership on these issues ensured a fair debate; Congresswoman MARGE ROUKEMA, whose attention to these issues has been both helpful and thoughtful; Congressman SPENCER BACHUS, whose insights and encouragement have helped drive this debate; Congressman PAT TOOMEY, who brought his first hand experience and considerable knowledge to this issue; Senator CHARLES SCHUMER, for his strong support for our priorities on this legislation in the Senate; I also need to thank the staff, especially Terry Haines, Bob Foster, Hugh Halpern, Gregg Zerzan, Jim Clinger, Garry Parker, Laurie Schaffer, and Alison Watson.

Without the assistance of these good folks we would not have been able to bring such a strong bill to the floor this year. We have before us the best opportunity to move this legislative package through the process. I hope we are able to take advantage of this opportunity. I stand ready to work with all interested parties to ensure that this legislation truly benefits all concerned.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY) who has been a leader and one of the original sponsors of this legislation.

Mr. TOOMEY. Mr. Speaker, I want to thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to pass H.R. 974. This is a bill that contains a number of very good, sensible provisions. As we have heard, it will allow the Federal Reserve to pay interest on sterile reserves; and we have heard that it will give flexibility to the Federal Reserve in setting reserve requirements which in turn will help in maintaining our monetary policy.

This bill also includes language from H.R. 1009 which I introduced to allow banks to pay interest on commercial checking accounts. Now, as we all know and we recall from last year, we passed sweeping modernization legislation, modernizing the legal framework within which the financial services industry is regulated. It was historic legislation. We repealed antiquated laws that dated back to the Depression. But we missed one, we might have missed more than one, but one that we missed was repeal of the prohibition on interest on corporate checking accounts. So today we are going to take that up, among other things.

Let me address that specifically as a part of the bill that I had focused mostly on. First of all, repealing the prohibition on interest on business checking is not really for big banks. Oh, it will apply to big banks but as a practical matter, big banks, large, sophisticated financial institutions have the means to circumvent this prohibition and they have done so for years, quite legally, quite appropriately. Through a very sophisticated series of transactions, they can offer implicit interest if not explicit interest.

This really is also not for large corporations. As the gentleman from Alabama mentioned earlier, large corporations have ways around this as well. They have sophisticated Treasury operations. They have the ability with extensive full-time staff to make sure they do not have idle cash sitting there not earning interest.

What this legislation is really for is small banks and small business. It is for small banks that do not have the means to develop ways to circumvent the prohibition. It will allow them simply to directly pay the interest that they want to pay so that they can compete with the larger institutions and can attract deposits.

And it is for small businesses, small businesses that do not have the resources to have a Treasury operation. They do not have the manpower to devote countless hours to making sure there are no idle reserves. What this bill is going to do is it is going to allow those small businesses which struggle so much to provide so many jobs and so much of the vigorous growth in our economy in recent years, it is going to allow them to be a little more competitive and give them a little bit more of a break by allowing them to earn interest on the deposits that they own.

It is quite appropriate also as the gentlewoman from New York pointed out that there is no mandate in this bill. This simply allows business and banking institutions to decide amongst themselves without the prohibition of government to decide how much if any interest will be paid on these accounts. But I am confident that market pressures being what they are will develop an habitual interest for these balances as ought to be the case.

It is long overdue. I think we are getting to the point where we are going to pass this legislation. I am hopeful that the other Chamber will do likewise. I just want to thank the chairman, the gentleman from Ohio (Mr. OXLEY). I would also like to thank the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Alabama (Mr. BACHUS) for their leadership in this effort as well as the ranking member, the gentleman from New York (Mr. LAFALCE). I urge my colleagues to pass this legislation.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the chairwoman of the Subcommittee on Housing and Community Opportunity.

Mrs. ROUKEMA. Mr. Speaker, I certainly want to express my strong support for this legislation and urge that it be passed. I want to particularly commend the gentlewoman from New York (Mrs. KELLY) and certainly the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, for what they have outlined in their opening statements and associate myself with their remarks.

I do want to also make the observation that this was passed, at least in the House, in the 105th and the 106th Congress. I am hopeful that this time, the third time "will be the charm" and that we are going to get this passed. It makes absolute, complete sense. Although I was one that originally wanted the 3-year phase-in, I believe that this bill strikes the proper, good compromise, using the 2-year phase-in.

□ 1630

Of course, the NFIB and the U.S. Chamber, as has already been reported, strongly support the repeal; and we have a large segment of the banking industry and the thrift industries that are supportive. I guess I just have to say that this is long overdue. It is a compromise with the 2-year phase-in which will be included in this bill, and I trust that we will finally be successful this year. Again, long overdue and we must do our job here today.

The controversy in past Congresses and during consideration in the Financial Services Committee this year has been the appropriate time frame for repeal.

While I support a 3-year phase-in, I believe the bill before us today strikes a good compromise between the one year and three year alternatives. The one year transition period in the original bill is just too short. Removing the prohibition against the payment on commercial Demand Deposit Accounts raises a variety of difficult transition issues, especially for smaller financial institutions.

Banks currently assume a stable deposit base with stable costs when they enter commercial checking account relationships with small businesses. These contractual relations frequently include a number of other products—such as loans for periods ranging from 5–25 years—at a price and for a period of time that takes into account that the bank is not paying interest on the underlying business checking account.

The immediate implementation of paying interest on those accounts would disrupt the cost/profit assumption under which those loans were made and would require a renegotiation of the overall relationship. If banks are required to pay interest immediately, they would be required to adjust investment portfolios at a time of high market volatility.

Banks will be required to review all current customer contracts; determine steps necessary to honor existing commitments for both public and private sectors. Many contracts, particularly those with state, local and federal governments have time periods from 12–36 months and would require substantial adjustments.

Mr. Speaker, this legislation is long overdue and with the compromise of a two year phase in which is included in this bill, I trust that we can finally enact this legislation this year. I urge my colleagues' support.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would point out that this was a brilliant maneuver on the part of the committee. There were arguments whether it should be an extension of 3 years or 1 year, and after great deliberation and a lot of hard work we decided to compromise on 2 years.

They said it could not be done, but we were able to do that; and I want to thank everybody for their participation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a new member of our committee and a very valuable member.

Ms. HART. Mr. Speaker, I also rise in support of H.R. 974. I am a big fan of giving flexibility to people in their own businesses. Understanding that banks are heavily regulated and understanding also that there was a concern when this initial law was instituted back in the 1930s, that was a long time ago, Mr. Speaker, and it is no longer reasonable for us to be concerned that these banks will put themselves out of business by paying interest to their business customers.

Mr. Speaker, this legislation abolishes a ban that is long overdue, preventing banks from offering interest on their business checking accounts. I do not think it is time for us anymore to be worried that these banks would fail because they would pay interest to their business customers. In fact, as a result of Graham-Leach-Bliley, this is just the natural next step.

We tried to give the financial services industries more flexibility. We succeeded with Graham-Leach-Bliley, and I think this is simply the next step. I believe that the men and women who run our financial institutions certainly have the training and are much more competent than we are to make those business decisions for them.

This policy actually prevented a lot of those financial institutions, those small banks, from being competitive; and like many other districts across the country, my district is heavily populated with some very strong, very successful financial institutions, the Main Street banks that keep a lot of people employed and that provide a very good resource for a lot of small businesspeople.

This will certainly allow them to provide even more of a resource for small businesspeople, those who are building up their businesses and want to support the other industries within their own hometown. Now, that hometown bank will be able to provide them with an additional incentive to invest with them.

Mr. Speaker, it promotes competition. It promotes consumer convenience. It will repeal, as I said, an outdated and I believe anticompetitive impediment to attracting these interest-bearing accounts to these smaller financial institutions, but also to give the larger financial institutions an opportunity to offer interest.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on International Monetary Policy and Trade.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for yielding me time to speak on this legislation.

Mr. Speaker, I commend the gentleman and the ranking member, particularly the gentlewoman from New York (Mrs. KELLY), for her effort; the gentleman from Alabama (Mr. BACHUS.) This has been, as was mentioned, 3 years in the making.

Much has been said, and I would extend my remarks to cover some of the details that have been covered in part by others or perhaps wholly; but I want to say that the emphasis should be here on the positive effect that this will have on small businesses nationwide, not just banks but their small business customers. I think that is the most important thing for us to consider. Yes, it affects sterile reserves that the Fed holds, and it permits those sterile reserves to bring interest to the banks involved. I think that is only a matter of equity.

The most important part, I think, is the fact that the banking laws implemented during the Great Depression are changed. They have prohibited banks and thrifts from paying interest on business checking accounts. What I expect to happen now is that we are going to have a competition among financial institutions to take advantage of this opportunity to pay interest on these checking accounts.

This has, in effect, been done, as mentioned, by large banks in a different way. Small banks have not had the technical expertise or the capacity to offer this service by sweeps to small customers, small business customers. This will now be possible. It deserves our support. I urge my colleagues of the whole House to vote yes on this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 974, Small Business Interest Checking Act. This bill is a step in the right direction because it aims at diminishing the comparative disadvantage that certainly exists for small banks and small businesses.

Banking laws implemented during the Great Depression currently prohibit banks and thrifts from paying interests on business checking accounts. Large banks often get around this restriction, however, by periodically transferring a company's checking account to an interest-bearing account—with the money transferred back after it has earned interest. But banks are only allowed to make such transfers six times per month, and small banks often cannot offer these "sweep" accounts because of legal constraints or because they lack the technical expertise to do so. Consequently, smaller banks and the small businesses that bank at those institutions are often left at a competitive disadvantage.

H.R. 974 allows banks and thrifts to pay interest on balances held in business checking accounts, and it permits the Federal Reserve to pay interest on the Fed-held "sterile" reserves of bank. At the moment, they obtain no interest. This bill is intended to eliminate the competitive disadvantage that currently exists for both small banks and small businesses concerning business-checking accounts. It is also aimed at encouraging banks to leave funds in those accounts for which they must post cash reserves with the Federal Reserve—which would boast reserves held by the Federal Reserve and thereby enhance its ability to conduct national monetary policy.

For example, the bill allows—but does not require—the Federal Reserve to pay interest on the cash reserves that banks are required to maintain at Federal Reserve banks. The rate of interest to be paid would be paid by the Federal Reserve, but could not exceed the general level of short-term interest rates.

Any mechanisms that may facilitate the growth of small businesses in the banking industry are very important. For this reason, I support this measure. Under the proposed legislation, small business may now obtain an interest on their banking accounts. We must do our best to assist our small businesses in eliminating barriers to economic growth.

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to support legislation that would abolish a Depression-era ban that prevents banks from offering interest on business checking accounts. Small businesses are hit particularly hard by the current prohibition, because they are typically unable to help larger depositors circumvent the prohibition. While larger businesses have the financial resources to use sweep arrangements, these products are not offered to small businesses because they cannot make the minimum investment necessary to participate in "sweeps."

As part of a small, family-owned home building business in Michigan, I know firsthand how slim the margins of operating a small business can be. This is why the Small Business Interest Checking Act is so important to our hometown retailers and businesses because it would give these smaller operations the opportunity to finally earn a much-needed market rate of return on their deposits. And any businessman or women in the country will tell you what a difference an extra percentage or two can make to their bottom line.

As approved by the Committee on Financial Services, the Small Business Interest Checking Act contains language completely repealing the prohibition two years after enactment. The phase-in is included to assist institutions that currently offer sweep account arrangements, which are often based on multi-year contractual agreements. While I am personally of the preference that small business would benefit the most from legislation providing banks the voluntary option to pay interest on business checking accounts without a delay, I strongly support H.R. 974 and encourage my House colleagues do the same.

Mr. ROYCE. Mr. Speaker, I rise in support of H.R. 974 and I would like to take just a moment to address a provision affecting the twenty-two industrial banks in my State of California.

Chairman OXLEY was good enough to include in the Committee reported version of H.R. 974 a provision I requested offering a measure of equity and fairness to these twenty-two industrial banks as we implement a national policy permitting interest on business checking accounts. I want to thank him and his staff for their assistance in this matter.

This provision, in Section 3 of H.R. 974, has now been amended to reflect comments offered by the Federal Reserve. The provision amends the Federal Deposit Insurance Act by adding a new paragraph (3) to Section 2 of that Act (PL–93–100).

H.R. 974 would therefore permit a California industrial bank to offer to any account holder, including a business entity, interest bearing negotiable orders of withdrawal—commonly called NOW accounts—so long as applicable California law continues to prohibit industrial banks from offering demand deposit accounts—which it does, and so long as the California industrial bank is not an affiliate of any company or companies whose aggregate assets are more than ten percent of the total assets of that particular industrial bank.

As a practical matter, I believe this provision would enable all of California's twenty-two industrial banks to offer NOW accounts to business entities, if they so choose.

California industrial bank law has been—and remains in its most recent reform—explicit in its prohibition against industrial banks accepting demand deposit (checking) accounts. Also, for the most part, California's industrial banks are small depository institutions and few have operating subsidiaries or own other companies. It is also apparently the case that no California industrial bank currently has operating subsidiaries or owns a company or companies whose aggregate assets exceed 10% of that bank's total assets. While this later limitation may be somewhat restrictive with respect to the growth of any existing operating subsidy, or the addition of operating subsidies in the future, California's industrial banks have indicated they are prepared to work within this particular limitation.

Finally, it is important to note that those few California industrial banks currently choosing to offer NOW accounts to individuals and charitable organizations are subject to regulations, including standard reserve requirements, promulgated by the Federal Reserve System. In permitting these industrial banks to also offer NOW accounts to business entities, H.R. 974 changes none of these requirements.

I thank the distinguished Manager for permitting me to make this clarification and for his support of fairness and equity for California's industrial banks.

Ms. WATERS. Mr. Speaker, I strongly oppose H.R. 974, the Small Business Checking Act of 2001, which represents an example of mixed-up budget priorities. It is particularly inappropriate to consider this extraordinarily unbalanced legislation under suspension of the rules, denying my colleagues who are not members of the Financial Services Committee an opportunity to have their concerns addressed.

I agree that the Depression-era ban on interest-bearing business checking accounts serves no public policy purpose, and I would have supported repeal of the prohibition, provided it had been accomplished in a clean bill. However, I cannot in good conscience support this bill because it contains a provision that results in a transfer of taxpayer money to a very small segment of the country's largest and most powerful depository institutions, while other budget priorities are left unfunded or underfunded.

The provision permitting the Federal Reserve banks to pay interest on the sterile reserves maintained by depository institutions in Federal Reserve Banks will result in the annual transfer of about $100 million in real taxpayer dollars to about 1700 of the approximately 21,000 depository institutions in this country. Thirty of the largest, most powerful financial institutions will receive one-third of the interest that the Federal Reserve Banks will pay out each year.

The Administration has proposed a broad-based tax cut proposal that will consume $2 trillion of the budget surplus. We do not know how we will pay for the President's tax cut, while meeting the other budget priorities of the Administration, addressing critical needs of the American public, paying down the debt and protecting Social Security and Medicare. Yet, the Small Business Checking Act will make the job harder by using $1.1 billion of the surplus over ten years to provide a benefit to a very small subset of the American taxpayers. The $1.1 billion could be put to better use by providing adequate funding for combating AIDS in Africa or restoring part of the $2 billion in housing cuts the Administration has proposed or, even, tax relief for the average taxpayer.

Mr. LaFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 974, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

Amend the title so as to read "A bill to repeal the prohibition on the payment of interest on demand deposits, to increase the number of interaccount transfers which may be made from business accounts at depository institutions, to authorize the Board of Governors of the Federal Reserve System to pay interest on reserves, and for other purposes.".

A motion to reconsider was laid on the table.

PRINTING OF REVISED AND UPDATED VERSION OF "WOMEN IN CONGRESS, 1917–1990"

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 66) authorizing the printing of a revised and updated version of the House document entitled "Women in Congress, 1917–1990".

The Clerk read as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PRINTING OF REVISED VERSION OF "WOMEN IN CONGRESS, 1917–1990".

(a) IN GENERAL.—An updated version of House Document 101–238, entitled "Women in Congress, 1917–1990" (as revised by the Library of Congress), shall be printed as a House document by the Public Printer, with illustrations and suitable binding, under the direction of the Committee on House Administration of the House of Representatives.

(b) NUMBER OF COPIES.—In addition to the usual number, there shall be printed 30,700 copies of the document referred to in subsection (a), of which—

(1) 25,000 shall be for the use of the Committee on House Administration of the House of Representatives; and

(2) 5,700 shall be for the use of the Committee on Rules and Administration of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before us today we have House Concurrent Resolution 66. It is my pleasure to be here today to speak on behalf of this bill authorizing the printing of this rich history of women in Congress. It is also timely, as we now have a record number of 74 women serving in both the House and the Senate in the 107th Congress. Sixty-one women, including two delegates, currently serve as Members of the House of Representatives, and 13 women serve as Members of the U.S. Senate.

The first woman elected to Congress was Jeanette Rankin, a Republican from Montana. It is not that I planned it that way, Mr. Speaker, but a Republican from Montana who served in the House. She was elected on November 9, 1916. Amazingly, this was almost 4 years before American women won the right to vote in 1920. Since that time, a total of 208 women have served in Congress with distinction.

Mr. Speaker, I ask unanimous consent to yield the balance of my time for purposes of control to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to join the chairman of the committee as an original cosponsor of House Concurrent Resolution 66, and I am proud to speak in favor of its passage. This resolution authorizes the printing of a document which chronicles the contributions of women serving in this great body. It provides interesting facts about their backgrounds and their careers, which have inspired many, including me, to run for Congress and serve the American people.

It talks about women, such as my predecessor, Ruth Bryan Owen. She was the first woman Member from Florida. I am proud to be the second woman Member from Florida. She served from 1929 to 1933; and she was, as this book points out, the daughter of the peerless leader, three-time Presidential nominee William Jennings Bryan.

We have had women such as Corrine Clairborne Lindy Boggs, for which the Ladies' Reading Room is named, from the district of Louisiana, elected in March 1973, and honored this body with her presence for many years.

When she was first elected to fill the seat of her late husband, she was thoroughly familiar with the world of Capitol Hill and Louisiana issues because she had worked side by side with her husband, a 14-term representative and a majority leader.

Lindy Boggs used this experience to serve the people of Louisiana, and we are proud that the Ladies' Reading Room is under her name and that the administrator of that room, Susan Dean, very proudly is part of that women's history in Congress.

There have also been trail blazers, Mr. Speaker, such as Edith Rogers. She was a representative from Massachusetts who served on the Committee of Veterans' Affairs in the 80th and 83rd Congress. She served with the American Red Cross in the care of disabled World War I veterans and served as the personal representative of President Harding and President Coolidge before disabled veterans; and interestingly, she checked herself into a Boston hospital under an assumed name to avoid the publicity of bad health, and she died while serving in this Chamber. She was actually reelected during that time on September 10, 1960.

She remains to this day the longest serving woman Member in Congress, 17 terms after replacing her husband.

Then there is the story that the gentleman from Ohio (Mr. NEY) talked about of Jeanette Rankin, Republican of Montana, the first woman Member of the House, who voted against U.S. involvement in World War I, was defeated after that vote, and then she came back, voted against U.S. involvement in World War II and was defeated again.

Now, there is a very interesting history of women in Congress, Mr. Speaker, and without us having the authority to reprint "The Women in Congress, 1917–1990," we will be missing a piece of our Nation's history.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to support this concurrent resolution introduced during Women's History Month by my distinguished friend, the gentlewoman from Ohio (Ms. KAPTUR). The gentlewoman has consistently led this House on issues related to women. I want to thank her for introducing this resolution, highlighting the need to revise and reprint this important volume to which the gentlewoman from Florida (Ms. ROS-LEHTINEN) has already referred.

I also want to thank the chairman for his strong support and for bringing the measure to the floor so quickly. Since the publication of "Women in Congress," the number of women who have served has risen by more than 61 percent, from 129 in 1990 to 208 today. That is a remarkable rise in just 11 years.

It demonstrates, Mr. Speaker, the profound contribution that American women are now able to make to the public life of our great country, and indeed that they have made throughout the history of this Nation. We must remember that it was not always so.

There is an extraordinary woman whose name is Margaret Brent. Margaret Brent was one of the first women lawyers in the colony, one of the first women landholders. She comes from Maryland, St. Mary's County, and she was the adviser to our governor back in the 17th century.

She was made a member of the Governor's Council; added to the legislature, but they would not give her a vote. They would not give her a vote, of course, because she was a woman. She is not in this book; but if she lived today, she clearly would be.

We must remember that for too long we discriminated against women in this Nation. It is almost hard to believe that it was not until the third decade of the last century that women were given the vote in America by constitutional amendment.

Although the 107th Congress includes a record 74 women, Mr. Speaker, there were no women, not one, in the 1st Congress or the 14th or the 24th, or the 44th, or even the 64th Congress, 128 years into the history of the Congress of the United States.

Not until, Mr. Speaker, the 65th Congress, that met in 1917, during the 129th year, did a woman, Jeanette Rankin of Montana, take the oath of office as a Representative. It was not until 1922, during the 67th Congress, that a woman, Rebecca Felton of Georgia, took the oath as a Senator.

Of the more than 11,600 individuals who have served in the two Houses since 1789, fewer than 2 percent have been women.

Ironically, when Representative Rankin first took her seat in this House, women had not yet secured the right to vote nationwide.

□ 1645

This most cherished right of citizenship was not guaranteed for all American women until the ratification of the 19th Amendment in 1920. How stark a fact, Mr. Speaker, that is. We quote, and I do as well, Jefferson's historic observation that all men are created equal and endowed by their Creator with certain inalienable rights. What a lesson it is for us that even in stirring rhetoric, our vision can be limited. Even at a time when we think we are reaching out to all, our rhetoric may exclude many. It is a lesson for us, because clearly Thomas Jefferson was one of the great democrats with a small "D" in the history of the world. But even Jefferson was blind to the discrimination that existed, not only against women, but against African Americans, most of whom when he intoned those words were still perceived as chattels, not human beings. How sad, but how instructive, that is.

Mr. Speaker, during the first 128 years under our present Constitution, no woman's voice could be heard in debate here. The experiences, perspectives, hopes and dreams of America's women were not voiced in this body by a woman. However, hopefully, and I believe they were expressed by men, but imperfectly so, because it is very difficult for us to walk in one another's shoes if we have a gender difference or a color difference, or even a religious or national difference. It is impossible to know how the absence of women may have affected the deliberations of the first 64 Congresses of the United States. Common sense, however, suggests the effect was not beneficial.

Fortunately, today, women not only can, but do, contribute in a direct, vital and historic way to the deliberations of this Congress and other policymaking bodies throughout the Federal, State and local governments. This is as it should be and as it should have been from the beginning.

As we move forward, Mr. Speaker, more women will have the opportunity to serve in Congress and other public offices throughout the land, strengthening and enriching our democracy. This, too, is as it should be. If I know anything about women in Congress, it is that there are not enough.

Mr. Speaker, a new edition of "Women in Congress" will gather in one updated volume useful, historical information for teachers, students and others, chronicling the careers of the 208 women who have served in either House to date. I am proud to support this resolution which is cosponsored by all of the women of this House. As we enter the 21st Century, we must continue to mark the progress and substantial contribution that women are making in this, the most democratic legislative body on Earth, but, I might observe, not the body that has the highest percentage of women. I am confident the new volume will quickly become, like the previous edition, a tremendous historical resource, inspiring young women across America to seek careers in public service that may one day bring them all, or many of them, to this hallowed hall.

Mr. Speaker, I urge the Members of the House to support this concurrent resolution unanimously.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have another speaker before I close, so I reserve the balance of my time because she has not arrived yet.

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR). I use "gentleman" and "gentlewoman" as a term of endearment that we use to speak of one another, but no one ought to misread that phrase. She is strong, she is courageous, she is tough, she is focused, and she is effective. She has added to this institution, as so many of the women in this book have. Mr. Speaker, she is the dean, the senior, not the oldest, he stresses, but the dean of the Democratic women in the House of Representatives.

Ms. KAPTUR. Mr. Speaker, I thank my good friend from Maryland for those overly generous introductory remarks. I will read them in my lower moments.

Mr. Speaker, I rise in strong support of Concurrent Resolution 66 and offer my deep appreciation to the gentleman from Maryland (Mr. HOYER), who is the ranking member of the subcommittee that is moving this legislation to the floor. I thank him for his consistent and strong and forceful support of women's issues here in this Congress, including the publication of the History of Women's Service to our Nation at the Federal level.

I would also like to thank the gentleman from Ohio (Mr. NEY). Ohio is the first State in the Union through Oberlin College to admit women to higher education. We thank both of these really wonderful men for allowing us—the women of America—to walk alongside them as we move onward in this 21st century. If other matters in this institution flowed through such capable hands as the gentleman's from Maryland (Mr. HOYER) and the gentleman's from Ohio (Mr. NEY), I think we could move other bills through this Congress in a more expeditious fashion. The entire Nation would be more properly served.

Mr. Speaker, let me point out that 11 years ago when the 101st Congress marked the bicentenary of this institution, the volume that the gentleman from Maryland (Mr. HOYER) referenced, *Women in Congress, 1917 to 1990*, was published. The second most senior Congresswoman in the House then, Congresswoman Lindy Boggs of Louisiana, who later was appointed as the first woman Ambassador to the Vatican, took responsibility for the printing of that document.

Since that time, another 79 women have served. Thus a new edition of *Women of Congress* will gather in one updated volume information for teachers, students and future Members of this body, information about the 208 women out of the nearly 12,000 Americans that have served in this institution to date, throughout all of America's history, including the 61 who now serve here in the House.

Mr. Speaker, I see that the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from Florida, (Ms. ROS-LEHTINEN) and the gentlewoman from Maryland (Mrs. MORELLA) are here with us this afternoon. They really are a part of a very new, but growing and important part of American history.

We currently have 74 women serving in both the House and the Senate. Mr. Speaker, this would actually be a reprint of that original version, and the resolution for this was entered this past March during Women's History Month.

Let me say it is a particular privilege to remind our colleagues that this resolution is cosponsored by every single woman serving in the House, as well as every other single Member of the House Committee on Administration. I deeply thank every one of them, especially the gentleman from Maryland (Mr. HOYER), who has been a force inside this institution for equal voices for women, and the gentleman from Ohio (Mr. NEY) for allowing us to participate in this introduction and passage today.

During the first 128 years of America's history, no woman served in either House of this Congress for nearly a century and a quarter. Finally, in the early years of this past century, the 20th century, after decades of struggle for women's political and social equality, we began to see some fruit be born. In 1917, Jeanette Rankin of Montana became the first woman to serve in this House of Representatives, and then 5 years later, Rebecca Felton of Georgia became the first woman Senator. So, for our entire history, the written word and the spoken word of women in political environments is still very fresh and very new.

Since Representatives Rankin and Felton broke the congressional gender barrier, dozens of women have followed in their footsteps. We wait for the day when it will be thousands.

Mr. Speaker, as we enter the 21st century, the time has come to update and reprint "Women in Congress." With it America marks the progress and substantial contribution that women are making in this most democratic legislative body on Earth.

I am confident that a revised volume will quickly become, like the previous edition, a tremendous historical resource and serve to inspire readers across America to seek careers in public service. I hope my colleagues in the House support this resolution. It is important especially that we do this and thus introduced this resolution during Women's History Month in March; and thus the concurrent resolution that I have introduced would provide for the reprinting of that revised edition of the House document.

Mr. Speaker, I would ask my colleagues to support this resolution to reprint and update the edition of Women in Congress, 1917 to 1990, to make it current for this new 21st century, when all opportunities are available to young women and men across our country, and, indeed, America is an ideal for so much of the world to follow.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman from Ohio (Ms. KAPTUR) for her remarks. She does credit to this Congress, credit to Ohio, credit to her district, and certainly credit to her gender. It is a privilege to be her colleague in the Congress of the United States.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), cochair of the Congressional Caucus for Womens' Issues, who herself does an extraordinary job.

Ms. MILLENDER-McDONALD. Mr. Speaker, I, too, would like to lend my support and thanks to the chairman and the ranking member, those two men who have seen the need and who have been very sensitive to the women of this House and past women by bringing this H. Con. Res. 66 to the House today.

I rise, Mr. Speaker, to support this resolution concerning the revision of the document, Women in Congress, 1917 to 1990. This book chronicles the biographies of the 129 women who served in the House and Senate during that period, but since that printing, another 79 women have served in Congress. The contributions of these women need to be recorded for present-day significance and posterity.

The outstanding women who served and are serving in the House and Senate come from different walks of life. They are lawyers, teachers, social workers, mothers, doctors, veterans, child care providers, grandmothers, all serving in various roles and serving in this House. Their stories need to be told.

We will begin with Jeanette Rankin, the first woman to be elected to the U.S. House of Representatives in March of 1917, 3 years before the ratification of the 19th amendment, which gave women the right to vote. Another pioneer was Edith Nourse Rogers, who served in Congress from 1925 to 1960 for a total of 35 years until her death. Shirley Chisholm broke the color barrier in 1969 when she became the first African American woman elected to the House, and Carol Moseley-Braun was the first African American woman in the Senate. These women and all women serve in Congress as role models for current and future generations of girls and women.

We want and need women to pursue public service in all segments of government, especially in the House and Senate. We are 61 strong in the House and 13 in the Senate, which makes up 74, and we want to see those numbers grow. As the cochair of the Congressional Caucus on Women's Issues, we are certainly the voice of American women, monitoring legislation that addresses their health, education, children, child care and family needs.

□ 1700

Women have come to appreciate the advocacy of our work. While we have achieved many victories since 1917, Mr. Speaker, we still have a long way to go, especially in the area of pay equity and health research and delivery.

Today being Pay Equity Day, Congress has not been able to successfully pass legislation to make sure that women receive equal pay for comparable work. So our job is not over. We will not rest until our daughters and granddaughters obtain the right to be paid equally for comparable work.

Mr. Speaker, we thank all of the outstanding men who have brought this to the floor today.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. It is a pleasure for me to appear, Mr. Speaker, to express my support for this concurrent resolution.

I want to thank my colleague, the gentlewoman from Ohio (Ms. KAPTUR), for bringing the issue to the floor. I want to thank our ranking member, the gentleman from Maryland (Mr. HOYER), who is handling the bill, and certainly the gentlewoman from Florida (Ms. ROS-LEHTINEN) for handling the bill on the majority side.

One hundred years ago, the 101st Congress printed "Women in Congress, 1917–1990," a collection of photographs and biographies of the 129 women who had served in the House and Senate.

Since 1989, 79 women have been elected to Congress. Printing a new edition of "Women in Congress" makes sense. It would update this historical information for teachers, students, and others about the 208 women who have served to date, including the 61 now in the House and 13 in the Senate.

Mention has been made by my colleague about the first woman who was elected to Congress, who, incidentally, was a Republican, Jeannette Rankin from the State of Montana, who was elected before women had the right to vote. They could vote in her State, but they could not vote nationally until 1920. Incidentally, she voted against two world wars, so she was an historic figure.

There was Edith Nourse Rogers, who holds the record for length of service by a woman in Congress, 35 years in the House.

But Mr. Speaker, we need to also do some correcting in the new edition. For instance, my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), was actually elected in 1989, and she is the first Hispanic woman elected to the U.S. House of Representatives.

Equally necessary as recognizing trailblazers is recognizing the women who, in 2001, fill only 13 percent of the elected Federal positions. So even though we think that we have added a lot of women, we still only have 13 percent of elected Federal positions.

I really believe that despite this disparity in representation, these women in Congress also serve as role models. I think it is very important that they have that opportunity to demonstrate to other young women that they, too, can serve their country in public service. By updating the "Women in Congress" publication and sharing our stories with schools, libraries, and constituents, we help to open doors for those who will follow and lead.

I urge my colleagues to support this House concurrent resolution. Again, I thank the gentlewoman from Ohio (Ms. KAPTUR) for introducing it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

As has been pointed out time and time again in our conversations, in 1989, the first time that this book was authorized to be printed as a House document, there were only 31 women serving in the Congress; 29 in the House, two in the Senate. Since that time, the number of women serving in each body has steadily increased, although not fast enough.

As the gentlewoman from Maryland (Mrs. MORELLA) pointed out, 70 women have served in Congress throughout just the last 10 years, the last time that this book was published.

But numbers alone do not adequately tell the story. That is why the printing of this book and this history is so important. It memorializes in detail and with illustrations the invaluable contributions women have made for many years as Members of Congress. Each in different and invaluable ways has made and continues to make a tremendous contribution to our country, and particularly to the constituents whom we serve.

There is no question that each has made an everlasting difference to Congress as an institution, and to the many issues which they have advocated, and indeed, have arisen before this body and our Nation.

I want to thank in particular the sponsors of the bill, including the gentlewoman from Ohio (Ms. KAPTUR), and additionally I would like to thank all of the cosponsors, including the members of the Committee on the House Administration, both on the majority, the gentleman from Ohio (Mr. NEY), and the minority, the gentleman from Maryland (Mr. HOYER), and their staffs, who have worked so hard to bring this bill to the floor today.

Although I love and respect the gentlewoman from Ohio (Ms. KAPTUR), I would like to point out that the dean of the women in Congress is in fact the gentlewoman from New Jersey (Mrs. ROUKEMA), a Republican.

I hope that soon one of our newest members of the United States Congress is the one sitting right behind me, Patricia Lehtinen, my daughter, who I hope will serve in my district, and I hope that my constituents bring me back many years to come.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it looks to me like the young Ms. Lehtinen is probably 10, 11, 12 years old?

Ms. ROS-LEHTINEN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I would tell the gentleman from Maryland, she is 13.

Mr. HOYER. Mr. Speaker, I apologize. I am a long way away.

That means that apparently our distinguished acting chair intends to serve at least another 12 years.

Ms. ROS-LEHTINEN. If the gentleman will continue to yield, Mr. Speaker, perhaps we could add a little amendment to the United States Constitution and make that change. I thank the gentleman.

Mr. HOYER. I thank the gentlewoman.

Mr. Speaker, last week we passed a resolution which would update the book which includes African Americans; or actually, 2 weeks ago. This week we will appropriately recognize the women who have served.

As the father of three daughters, all adults, and a grandfather of two young women as well as two young men, those who have said that the women who serve are role models I think are absolutely correct, not only for young women who may want to go into public service, but for young women who aspire to reach the heights that their talents will allow them to. It is important that we nurture in these extraordinary American women the ability to succeed; the ability to make a very significant contribution; the ability to be equal, as Jefferson surely would have said today.

So I am pleased to rise in support of this resolution. It is appropriate, it is timely, and it is important for all Americans.

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 66.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of H. Con. Res. 66, the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 8 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 p.m.

APPOINTMENT OF ADDITIONAL MEMBERS TO ATTEND FUNERAL OF THE LATE HONORABLE NORMAN SISISKY

The SPEAKER pro tempore. Pursuant to House Resolution 107, the Chair announces the additional appointment of the following Members of the House to the committee to attend the funeral of the late Norman Sisisky:

Mr. WAXMAN of California;
Mr. FROST of Texas;
Mr. SENSENBRENNER of Wisconsin;
Mr. HOYER of Maryland;
Mr. LEVIN of Michigan;
Mr. SPRATT of South Carolina;
Mr. CONDIT of California;
Mr. EDWARDS of Texas;
Mr. REYES of Texas; and
Mr. TURNER of Texas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 768, by the yeas and nays;
H. Res. 91, by the yeas and nays; and
H. Res. 56, by the yeas and nays.

Votes on motions to suspend the rules on each the following measures will be taken tomorrow:

H.R. 642, by the yeas and nays; and
House Concurrent Resolution 66, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NEED-BASED EDUCATIONAL AID ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 768.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 768, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 76]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Becerra
Collins
Culberson
Cunningham
Hulshof
Istook
Kingston
Latham
Maloney (NY)
McKinney
Moakley
Mollohan
Rush
Scarborough
Walden
Wolf
Woolsey

□ 1824

Mr. GUTIERREZ changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CULBERSON. Mr. Speaker, on rollcall No. 76, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING HUMAN RIGHTS IN CUBA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 91.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 91, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 347, nays 44, answered "present" 22, not voting 18, as follows:

[Roll No. 77]

YEAS—347

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wu
Young (AK)
Young (FL)

NAYS—44

Baird
Baldwin
Barrett
Clay
Clyburn
Conyers
Coyne
Cummings
Dooley
Fattah
Filner
Gonzalez
Hilliard
Hinchey
Inslee
Jackson (IL)
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Kucinich
Lampson
Lee
Lewis (GA)
McDermott
McGovern
Meeks (NY)
Miller, George
Nadler
Oberstar
Olver
Paul
Payne
Rangel
Sabo
Sanders
Schakowsky
Serrano
Stark
Thompson (MS)
Towns
Velázquez
Waters
Wynn

ANSWERED "PRESENT"—22

Barcia
Bishop
Blumenauer
Brown (FL)
Capuano
Clayton
Davis (IL)
DeFazio
Delahunt
Farr
Larson (CT)
Lowey
McCollum
Moran (VA)
Napolitano
Owens
Pelosi
Peterson (MN)
Rodriguez
Slaughter
Tierney
Watt (NC)

NOT VOTING—18

Becerra
Castle
Cunningham
Hulshof
Istook
Jackson-Lee (TX)
Kingston
Latham
Maloney (NY)
McKinney
Moakley
Mollohan
Obey
Rush
Scarborough
Walden
Wolf
Woolsey

□ 1835

Ms. KILPATRICK, Mr. JACKSON of Illinois, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

Mr. PASTOR changed his vote from "nay" to "yea."

Messrs. LARSON of Connecticut, MORAN of Virginia, and DEFAZIO changed their vote from "yea" to "present."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING INTRODUCTION OF U.N. RESOLUTION CALLING UPON PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 56, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 6, answered "present" 6, not voting 13, as follows:

[Roll No. 78]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Clyburn
Hastings (FL)
Hilliard
Paul
Smith (MI)
Waters

ANSWERED "PRESENT"—6

Crane
Hinchey
Kucinich
Ortiz
Thurman
Watt (NC)

NOT VOTING—13

Becerra
Hulshof
Kingston
Latham
Moakley
Mollohan
Riley
Rush
Scarborough
Schakowsky
Walden
Wolf
Woolsey

□ 1844

Mr. KUCINICH changed his vote from "yea" to "present."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read:

"A resolution strongly supporting the decision of the United States Government to offer and solicit cosponsorship for a resolution at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, calling upon the People's Republic of China to end its human rights abuses in China and Tibet, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1845

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL MIDNIGHT, TUESDAY, APRIL 17, 2001, TO FILE REPORT TO ACCOMPANY H.R. 1088

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be permitted to file the report to accompany H.R. 1088 no later than midnight, Tuesday, April 17, 2001.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OF THE HOUSE AND RECESS OR ADJOURNMENT OF THE SENATE

Mr. OXLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 93), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 93

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 4, 2001, or Thursday, April 5, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 24, 2001, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, April 6, 2001, Saturday, April 7, 2001, Sunday, April 8, 2001, or Monday, April 9, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 23, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1193

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1193.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 933

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 933.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes.

ODE TO DUKE UNIVERSITY BLUE DEVILS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, last night, Duke University from the 4th Congressional District of North Carolina was crowned the national champion after the victory over the Arizona Wildcats 82–72 in the Final Four, the king of the NCAA.

This is the first national championship for Duke since 1992. It is the third in their history, and we are as proud as we can be. But tonight, Mr. Speaker, we are not going to be hearing from me.

We are going to be hearing from a couple of fine colleagues with whom I had an agreement going into this Final Four and who will be all too happy, I am sure, to don the Duke jersey and the Duke cap, and to read a script which they have agreed to deliver in homage to the Duke Blue Devils and their national championship.

Let me say, before I yield to the gentleman from Maryland (Mr. HOYER), that Duke in this path to the national championship met not just Arizona, but the University of Maryland in the semifinal, University of Southern California, UCLA, University of Missouri, and Monmouth.

Worthy adversaries all. We are as proud as we can be.

Mr. Speaker, I am very proud to yield to the gentleman from College Park, Maryland (Mr. HOYER), my friend and colleague.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that my remarks be expunged from the record as soon as they are made.

Mr. Speaker, but for the fact that the rules prohibit it, I would wear this jersey during the course of my remarks; but our Parliamentarian would have a heart attack and think that I had stepped egregiously on the rules. So only because the Parliamentarian wants me to take off the Duke shirt do I do so. But I will hold it up.

The SPEAKER pro tempore. The Chair appreciates the gentleman's cooperation.

Mr. HOYER. I thank you, Mr. Speaker. I will put my jacket back on. I cannot be totally inoffensive.

The SPEAKER pro tempore. The gentleman will put his jacket back on.

Mr. HOYER. I will put the jacket back on. The gentleman from North Carolina (Mr. HAYES), my friend, is helping me with my jacket, who is a graduate of Duke. All the Dukes are pretty gracious tonight. They were not very gracious last Saturday night I noticed.

Mr. Speaker, I humbly rise to deliver an ode to the Duke Blue Devils, college basketball 2001 national champions.

Only one team during the course of the season beat Duke by more than 10 points, the mighty Maryland Terrapins. Unfortunately, it was not Saturday night.

The Duke Blue Devils are champions worthy of the name. They proved it again and again in game after game. But before they could play for the title last night, the Dukies had to get through a Saturday night fright.

The Maryland Terrapins, new to the Final Four, came out of the blocks like they wanted much more. Determined not to fall short to the Blue Devils again, my Terps were as ferocious as a lion guarding her den.

Duke was down 22 points and flat on their backs, 11 at the half, but lo and behold, a comeback was hatched. As the game wore on, the Blue Devils would not quit, and for Maryland's Cinderella season, the slipper no longer fit. But the Blue Devils were not finished; they had not cleared the field.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Arizona.

Mr. KOLBE. By Monday night, Duke had beaten Monmouth and Mizzou. They had sent home the Bruins, the Trojans and the Terrapins, too. The time had come to battle our beloved 'Cats. The final game would determine to whom we would tip our hats.

Duke came from the East and Arizona rode in from the West for a final Minneapolis shoot-out to answer who is best. The Devils showed that they were up for the fight, and the question of who is best was answered last night.

We watched the joyous Blue Devils cut down the net, and I thought to myself why did I make this bet?

Arizona, Maryland, and the rest of our teams are left thinking of next year and dreaming championship dreams. For now, the Blue Devils wear the crown, they can celebrate a great victory as the toast of the town.

Mr. HOYER. Here, here.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Arizona (Mr. KOLBE) and congratulate all of these teams. These were wonderful games, hard fought; and we are very proud to have survived this Final Four.

Mr. Speaker, I yield to the gentleman from the Eighth District of North Carolina (Mr. HAYES), a Duke alumnus.

Mr. HAYES. Mr. Speaker, the gentleman from North Carolina (Mr. PRICE) lives in Chapel Hill. We defeated the dreaded Tar Heels several times on the way to this victory.

I say to the gentleman from Maryland (Mr. HOYER), we are not gloating here. We are just here saying how proud we are of those young men, the coaching staff, the students and others.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to rise a little bit in seriousness and say how proud we are, those of us who were in the ACC, of Duke's magnificent victory, not in derogation of Arizona, a great team itself, but my, my, my, how Duke plays, how Coach Krzyzewski coaches, and the fire that they showed.

I said during the ditty that I was forced to go through, that they were down by 22, and it is because of the character, the heart, the courage and, yes, the extraordinary ability of the Duke players that they came back and prevailed in that game on Saturday night.

I know the gentleman from Arizona (Mr. KOLBE) joins me in congratulating the Duke players, the Duke coach, and Duke itself for a magnificent and winning effort.

Mr. HAYES. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Arizona (Mr. KOLBE) and to our Duke Blue Devils who exhibited team work, sportsmanship, scholarship and a family of young men and women working together that achieved remarkable things.

Congratulations to the Blue Devils.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REGARDING THE RE-REGULATION OF THE AIRLINE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, before I get into my Special Order, since the gentleman from Maryland (Mr. HOYER) is still here, I simply want to say that the reason the Duke Blue Devils won the NCAA championship is because the referees managed to foul out almost every Big 10 player that was in the tournament, and the second reason is the fact that the coach of the Blue Devils happens to be of Polish-American heritage from the city of Chicago.

American Airlines' acquisition of TWA, which declared bankruptcy in January, is nearly complete. The American-TWA transaction was approved in March by a U.S. bankruptcy court judge. The Department of Justice issued a statement declaring that the agency would not challenge the merger, in essence, approving it.

The Department of Transportation is currently working on the transfer of TWA's certificates and international routes to American Airlines. Although American Airlines must still survive some legal challenges during the bankruptcy appeals process, and, more importantly, gain approval from its unions, it will, by the end of this month, acquire 190 TWA planes, 175 TWA gates at airports throughout the Nation, 173 TWA slots at the four slot-controlled airports, TWA's hub in St. Louis, and 20,000 TWA employees.

As a result, American Airlines will now enjoy the title of the world's largest airline with a 20 percent share of the U.S. domestic market.

Unfortunately, American Airlines' quest to become bigger does not end there. American Airlines has also joined in the fray of the proposed United-USAirways merger.

Last summer, United Airlines announced plans to purchase USAirways for a total of $11.6 billion. Now American Airlines plans to pay United Airlines $1.2 billion for 20 percent of the

USAirways' assets, which includes 86 jets and 14 gates at six East Coast airports.

□ 1900

As part of the deal, American and United would join together to operate the highly lucrative shuttle routes between Washington, D.C., New York, and Boston, which are now operated by US Airways. In addition, American Airlines is willing to pay $82 million for a 49 percent stake in DCAir, the airline created to allay antitrust concerns about the proposed United-US Airways merger. DCAir plans to take over most of US Airways' operation at Reagan Washington National Airport.

If approved, United Airlines and its arch rival, American Airlines, will control half of the U.S. air travel market. Delta Airlines, United and America's next biggest competitor, will be left behind with only 18 percent of the domestic U.S. market.

In response to this unprecedented consolidation of the airline industry, the CEO of the low-fare airline AirTran called the proposed merger one of the most brazen attempts by any two dominant businesses in any industry to simply accomplish together what they so vigorously resisted in recent years, the reregulation of the airline industry. However, instead of the Federal Government doling out routes and dividing up airport assets, it is the airlines themselves that are gobbling up their weaker rivals and carving up the Nation.

With new hubs in Charlotte, Pittsburgh and Philadelphia to complement the existing operation at Washington-Dulles, United will rule the eastern seaboard in a proposed merger era. American will dominate the Midwest with the addition of St. Louis to its hubs at Dallas-Fort Worth and Chicago O'Hare. American will also have a significant presence at Reagan Washington National and New York's Kennedy airports.

Faced with this tremendous market power possessed by a combined United-US Airways and a combined American-TWA-US Airways, the remaining network carriers, namely Delta Airlines, Northwest Airlines and Continental, will have to merge in some fashion to survive. This is the only way that they can acquire the size and scale necessary to compete in a rapidly consolidating industry. Therefore, in a postmerger era, it will not be two megacarriers dividing up half of the U.S. market, but, rather, three or four megacarriers controlling 80 percent of the U.S. market.

Low-fare carriers will have to compete vigorously for the remaining 20 percent. This is, of course, if the megacarriers allow them to survive. Even today, when competition supposedly is alive and well, major carriers use their power to frustrate new entrant carriers and drive smaller competitors out of their established hubs.

The major carriers use everything in their power, including airplane capacity, airport assets, and frequent flier programs, to squash competition from low-fare, new entrant airlines. Yet, the major carriers do not vigorously compete with one another. The U.S. Department of Transportation (DOT) found that major network airlines have raised fares the most in markets where they compete only with one another. When they are forced to compete against a low-fare carrier, prices have not risen nearly as much. In fact, according to the DOT, in a market lacking a discount competitor, 24.7 million passengers per day pay on average 41 percent more than their counterparts in a hub market with a low-fare competitor.

Three mega-carriers will have mega-market power and even more tools to drive out and keep out new competition. And, if six major carriers do not compete against each other today, why would three mega-carriers compete against each other in a post-merger tomorrow? Therefore, if the U.S. airline industry is allowed to consolidate, we will be left with essentially a re-regulated airline industry where the airlines call the shots and set the fares. With so few choices, airlines would have a captive consumer. Customer service would decline—if that is even possible given the level it is at today—and fares would increase. It's a lose-lose situation for customers. In that case, the federal government will have no choice but to step in and, in the public interest, assume its role as regulator. That's right. I firmly believe that if there are only three or four mega-carriers serving the U.S. market, the federal government will once again have to regulate the airline industry—overseeing fares, routes, and access to airports—in order to ensure a healthy state of competition.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–39) on the resolution (H. Res. 111) providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EQUAL PAY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, just a few minutes ago I was here in jest and in honoring the Duke team. I want to speak on a very serious subject at this point in time.

It is just days after the end of Women's History Month and just weeks before millions of Americans will collectively honor their mothers on Mother's Day. Both events are borne out of the great respect and admiration we have for the women who have so strengthened our Nation, our society, and our families. Yet even today, Mr. Speaker, we must face up to this reality: American women earned only 72 cents for every dollar that men earned in 1999 for equal and comparable work, according to the latest report from the Bureau of Labor Statistics. And that, Mr. Speaker, is a drop of 1 cent from 1998. Put another way, that 72-cent figure means that today, Tuesday, April 3, is the day on which women's wages catch up to men's wages from the previous week. It takes women 7 working days to earn what men earn in 5.

This gender wage gap exists even when men and women have the same occupation, race, and experience; are employed in the same industry, in the same region, and are working for firms of equal size. But here, Mr. Speaker, is what it means in real terms. Each week it means that women, on average, have $28 less to spend on groceries, housing, child care, and other expenses for every $100 of work they do. Each month it means that women, on average, work 1 week for free. And over the course of a lifetime, it means that the average 25-year-old woman will lose more than $.5 million due to the wage gap. Let me repeat that: During their working lives, women will, on average, lose $.5 million because of the unfair wage gap.

The wage gap is even larger for women of color. African American women are paid only 65 cents for every dollar earned by a man, and Hispanic women make only 52 cents for every dollar earned by a man.

Yes, our Nation has made great strides in gender equality. In 1979, for example, women earned only 63 cents for every dollar men earned. But the wage disparity that exists in our society continues, and it is simply unacceptable. It is wrong.

I speak not only as a legislator, but as the father of three daughters and the grandfather of two granddaughters. Bella Abzug, a leader in the fight for women's equality and a former Member of this House, once remarked, and I quote, "The test for whether or not you can hold a job should not be the arrangement of your chromosomes." We must apply that same test with equal vigor on the issue of fair pay. If you can do your job, there must be no question that you will receive fair pay for your labor.

This issue, after all, is not strictly a woman's issue. It is an issue that strikes at the heart of family finances and fairness. Unequal pay robs entire families of economic security. More women than ever are in the work force today, and their wages are essential in supporting their families. Sixty-four percent of working women provide half or more of their family's income, according to a 1997 study by the AFL-CIO. And the wage gap costs the average American family approximately $4,000 each year.

Mr. Speaker, we talked about giving their money back to them, the taxpayers. That is an appropriate subject for us to discuss. But it is also clear that paying equal wages to our women workers would be a better benefit for them. So despite the fact that equal pay has been the law since the passage of the Equal Pay Act of 1963 and the Civil Rights Act of 1964, we still have a long way to go.

That is why I have cosponsored, Mr. Speaker, and urge my colleagues to support, H.R. 781, the bipartisan Paycheck Fairness Act. This legislation would toughen the Equal Pay Act, and I urge my colleagues to support it.

ENVIRONMENTALISTS ARE HURTING POOR AND WORKING PEOPLE OF THIS COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a few days ago it was announced that California utility rates were going up 50 percent on top of an earlier 10 percent increase. Is this a sign of things to come for the rest of the Nation? Already people all over the country have seen their utility bills go up significantly in recent months.

Also, a few days ago it was reported that OPEC has voted to cut oil production by a million barrels a day, and that our gas prices are going to greatly increase this summer. The Air Transport Association told me a few months ago that each 1 cent increase in jet fuel costs the aviation industry $200 million. Thus, if oil goes up even just a little more, airline tickets will have to go up, forcing huge numbers more onto our highways, which are hundreds of times more dangerous than flying.

Who is responsible for all this? We can thank environmental extremists, who almost always seem to come from wealthy families, and who are not really hurt if prices go up on everything. In California they have protested and have kept any new power plants from being built for many years despite greatly increased demand produced by the Internet and population growth.

All over this country, though, we have groups of environmentalists protesting any time anyone wants to dig for any coal, drill for any oil, cut any trees, or produce any natural gas. This has driven up prices for everything and has destroyed jobs and has hurt the poor and those on fixed incomes the most. It has hurt truckers and farmers, and has driven many of our manufacturing jobs to other countries.

The current issue of Consumers' Research Magazine has an article entitled, "Why Natural Gas Problems Loom," by an editorial writer for USA Today. Listen to parts of this article. "The problem is that the same government pushing natural gas demand is also keeping vast stocks of it essentially bottled up underground through tight and sometimes absolute restrictions on what can be done on the land and sea above. Two hundred thirteen trillion cubic feet of natural gas are off limits to drillers, thanks to a vast web of regulations and moratoria on drilling. The reason for all this is simple," the article says. It says, "Environmentalists and preservationists have long pressured government to restrict or ban drillers. President Clinton, shortly before leaving office, took still more supplies away through his national monument declarations."

Some of these environmental groups, Sierra Club, Earth First, and others, have gone so far to the left that they make even Socialists look conservative. They are really hurting the working people by destroying so many good jobs and driving up prices at the same time. They tell former loggers and coal miners and others not to worry, that they can retrain them for jobs in the tourist industry; ecotourism. But who in his right mind wants to give up a $15- or $20-an-hour job for one paying barely above minimum wage, which is what most tourism jobs pay.

These radicals hurt most the very people they claim to help, and help most the big corporations they claim to be against. In the late 1970s, we had 157 small coal companies in east Tennessee. Now we have five. What happened? Well, we had an office of the Federal Government, OSM, open up in Knoxville. First, they drove all the small companies out, then the medium-sized companies were next. Federal rules, regulations, and red tape hurt small businesses and small farms the most. Big government really helps only extremely big business and the bureaucrats who work for the government.

Mr. Speaker, I chaired the Subcommittee on Aviation for 6 years. Environmental rules and regulations have caused runway and other airport projects to take sometimes 10 or even 20 years to complete, projects that could have been done in 2 or 3 years. This has caused the cost of air travel to be much higher than it would have been, and has caused many of the delayed flights we have today.

When I talk about the higher utility bills and all the lost jobs that environmental extremists have caused, nothing could potentially cause more harm to working people and lower-income families than the Kyoto agreement. There are not words adequate enough to thank President Bush for his courage in stopping this economic disaster from hitting this Nation. Our economy started slowing dramatically last June, according to the Christian Science Monitor, a liberal newspaper. This was 7 months before President Bush took office. To enforce this Kyoto agreement at a time of economic slowdown would run the risk of putting us in near depression conditions.

Yes, Mr. Speaker, when people see their utility bills shoot up, when gas prices go higher, when homes and every other product made from trees cost twice what they should, they can thank the environmentalists.

☐ 1915

We have made great progress over the last 25 or 30 years with our air and water, but some of these groups do not want people to hear good things about the environment because their contributions would dry up.

The really sad thing, Mr. Speaker, is that this is all about big money. Poor and working people are being hurt so environmentalists can scare people and get more contributions. And companies which benefit if we import more oil, OPEC countries, shipping companies and others, contribute to these groups so we will have to import more products which are made from natural resources. It is really sad what environmentalists are doing to the poor and working people in this country.

A NEW DECLARATION OF ECONOMIC INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, America needs a new declaration of economic independence: Freedom, justice, opportunity. These are the values that our parents, grandparents, and forebears lived and died for. These are the values that prompt young men and women to give themselves to military and public service. These are the values that reflect the highest ideals of our country and what America has historically offered to the world.

Thus, last week's debate on taxes, the first major economic debate of the 21st century and of the new Presidency, disappointed me greatly. The debate should have centered on what is the wisest economic course of action for the sustenance of our republic. But the debate basically boiled down to what every American can take for himself or herself. The President went around the country divisively and derisively saying, "It's not the government's money; it's your money." Except for one thing: We, the American people, are the government. His rhetoric appealed to the most selfish instincts imaginable; and his proposals are proving he is headed towards government of the rich, by the rich, and for the rich.

Contrast his base appeal with that of President John F. Kennedy who once summoned Americans to ask not what your country can do for you but what you can do for your country, and what we together can do for the freedom of humankind.

Mr. Speaker, I urge our colleagues in the other body to choose a wiser economic course than the House and the President, a prudent course, a responsible course for our Nation's future. We should not imperil our Nation's economic growth through reckless tax cuts. America should first pay its bills.

The facts are that the interest payments alone on America's $5.5 trillion debt account for an ever-increasing percentage of the annual budget.

Look at this chart. This shows since 1975, interest payments on our national debt have grown every year. This is the year 2000 right here, highest ever, and projected this year, over $434 billion of interest payments alone on the debt. So what is all this talk about this magic surplus? And think about how these interest payments crowd out other important national investments we could be making, in Social Security and Medicare, where we must pay those bills, in defense and education, in veterans benefits, in transportation, in the environment and certainly in agriculture.

In the 1990s, due to unparalleled economic growth and strong budget discipline by Members of this House, we began to turn our ship of state around in the proper direction by finally beginning to get our bills paid. But I urge anyone to go to the U.S. Department of Treasury Web site and see for yourselves what America still owes. Here is the Web site number right up here, http://publicdebt.treas.gov.

Let me point out also that the percentage of foreign holders of the Federal debt has tripled since I was a freshman on the Banking Committee, going from 12 percent of what is being bought by others today to a resounding 41 percent. The largest investor in the U.S. Federal debt is now Japan, holding over $340 billion. Do you have any question in your mind why our products cannot gain fair access to Japan's markets when she is holding the purse strings?

Something has gone terribly, terribly wrong with our economic policies. In fact, interest on our debt now exceeds more than we pay in an annual year for the defense of this Nation. It is double what we spend annually on Medicaid and Medicare. And it dwarfs critical spending in other nondefense areas like education, transportation, veterans, agriculture, all put together into one.

I wanted to add to that our trade deficit. Every single year over the last 20 years, America's trade deficit with the world has deepened to historically all-time levels. Almost $500 billion more imports coming into this country on an annual basis than our exports going out. And you ask yourself who is now the largest holder of these private dollars related to goods trade with America? I can tell you it is the People's Republic of China, which is far from my definition of a republic, with over $80 billion of holdings in U.S. dollar reserves.

So what is wrong with the Bush plan? Tomorrow night I am going to continue on that, but let me first say that the President's tax and budget plan ought to lead to paying down our debt and ushering in a new era of economic independence for our country.

IN MEMORIAM: MRS. NOLA BRIGHT, IMMEDIATE PAST PRESIDENT, WESTSIDE BRANCH NAACP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, today is equal pay day for women. I take this time to stop and pay tribute to a woman who spent practically all of her adult life fighting in behalf of women, minorities and any others whom she felt may have been oppressed and at the bottom of the socioeconomic ladder, Mrs. Nola Bright, immediate past president of the Westside Branch NAACP.

Nola Bright was born and reared in the city of Chicago and spent the major portion of her life living in, defending and working to improve what is commonly and affectionately known as the West Side of Chicago, in the Lawndale community.

Nola Bright was a family-oriented person. She grew up in a warm family, married John Bright at an early age, and had four children. She was a fiercely dedicated mother and grandmother and was indeed a surrogate mother, mentor and role model for many younger men, women and children who looked to her for guidance and direction.

Nola Bright became a school and community activist at an early age. As she saw her children off to school, she started to work with the Chicago Youth Centers as a way of making sure that children had after-school recreation and leisure-time activities. Mrs. Bright came into her own during the mid-1960s which was a period of great civil unrest, social change and the establishment of new structures. She was intimately immersed in all of these activities and often rose to leadership status within the groups with whom she worked.

She worked most directly with the Chicago Youth Centers, Better Boys Foundation, District 8 Education Council, Greater Lawndale Conservation Commission, Sears, YMCA, Martin Luther King Neighborhood Health Center, Lawndale Urban Progress Center and the Model Cities Program.

Nola Bright was a champion of the underdog and spent much of her life working with and on behalf of individuals and causes often considered to be the least popular. Rarely did Nola Bright separate her compensated work from her causes. You generally could not distinguish between her job and her volunteer activity. Over the years, she held a variety of jobs, Chicago Youth Centers, Martin Luther King Neighborhood Health Center, Westside Association for Community Action's Sickle Cell Project. She even worked for me when I was a member of the Chicago City Council and president pro tem. Finally, she worked for Habilitative Systems Social Service Agency from which she retired.

For the past 20 years or more of her life, Nola Bright was totally committed to keeping the Westside Branch of the NAACP alive and functioning. She served as president, secretary, treasurer, membership chairman and held every other office. She performed any and all tasks that she could not get someone else to do. Nola Bright was stubbornly principled and would much rather give out than give in. In actuality, she gave her life to the service of others.

She will be memorialized at the Carey Tercentenary AME Church on Saturday, April 6, 2001, 10 a.m., still looking for equal pay, for equal justice and equal opportunity.

REGARDING THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I make my formal remarks, let me indicate that today I filed H.R. 1336, to give citizenship to the held Chinese citizen, legal resident of the United States, professor in the United States, mother of a 5-year-old and now husband to a United States citizen held in China for now almost 2 months.

I am very pleased that this private citizenship bill is cosponsored by myself, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from New Jersey (Mr. PALLONE), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentlewoman from California (Ms. LEE), the gentleman from Rhode Island (Mr. KENNEDY), and the gentleman from Virginia (Mr. WOLF).

It is a tragedy when families are separated. If we can do anything to enhance the role of the United States of America to promote peace and democracy and to ease the pain of a family that has now been separated, distressed and in great frustration, this House should move on this legislation immediately. I call on my colleagues to sign this legislation to create this citizenship for this imprisoned member of this country and as well to provide solace to her family, her husband and her child.

Mr. Speaker, however, I rise today to speak on the Mideast conflict. Peace is never easy to broker. Prime Minister Sharon of Israel has a formidable task ahead of him. We need to forge ahead as an international community to help bring further stability to the Middle East. As Winston Churchill once said, "We shall not escape our dangers by recoiling from them."

Since the Middle East conflict began anew last fall, 457 people have been killed, including 375 Palestinians, 63 Israeli Jews, and 19 others. With both sides accusing each other of unjustified attacks, there sometimes appears to be no end in sight for the terror affecting the children of the Middle East. It remains a fact, Mr. Speaker, that nongovernmental organizations like Save the Children have begun distribution of emergency medical supplies to five hospitals in the territories. Save the Children has worked to bring medical supplies to the Union of Palestinian Medical Relief Committees and the Medical Services, the operation of ambulance services with the Palestinian Red Crescent, the rehabilitation of schools and teacher training so that children have a creative, productive way to channel their energies. This is necessary to respond quickly to the special needs of children caught in the current uprising. And America must do more to assist such ongoing efforts and more to assist in the brokering of peace.

Whatever happens, there can be little doubt that relations between Israelis and Palestinians will have a profound impact on United States strategic interests in the Middle East. And because of that, the United States must remain an interested party in the region. It is absolutely imperative.

As the President of Egypt now visits America, the Bush administration must work to explore new opportunities for peace and reconciliation in the Middle East. We cannot recoil, we cannot be a turtle, we cannot stick our heads in the sand. America must become more engaged regarding negotiations between the Israelis and the Palestinians. Unfortunately, America has been silent since the departure of the former administration concerning a dangerous situation that cannot be resolved without its constructive participation.

□ 1930

Am I suggesting that we engage in war, Mr. Speaker? No, I am not. I am simply asking us to help.

Too many children stand to lose their lives and stand to lose without our help. I believe that it is critical that both parties need to make every effort to end the current cycle of provocation and reaction. Each side bears a special responsibility to seek an end for the riots, the terror, the bombings and the shootings. There must be a time-out on violence before the situation degenerates into war that we cannot stop.

We can all remember the images from last fall of the Palestinian child hiding behind his father caught in the crossfire shot to death; and then the images a few days later, the pictures of an Israeli soldier who was beaten while in custody and thrown out of a second floor window of a police station to be beaten to death by the mob below. We must stop this travesty.

It is easy to understand how passions can run high and frustration and fear can drive violence, but it is also easy to see how these feelings, even these feelings that are based in legitimate aspiration, can get out of control and lead to ever-deeper and never-ending cycles of violence. When will it end?

The children, Israeli and Palestinians, are the targets of increasing hatred that they simply do not understand. We must have respect, Mr. Speaker, for the peace and the necessity of moving forward.

In conclusion, Mr. Speaker, let me just say that it is important to follow the words of Robert F. Kennedy: "It is when expectations replace submission, when despair is touched with the awareness of possibility, that the forces of human desire and the passion for justice are unloosed."

We must unloose it in the Mideast. We must fight for peace.

Mr. Speaker, peace is never easy to broker. Prime Minister Sharon of Israel has a formidable task ahead of him, and we need to forge ahead as an international community to help bring further stability to the Middle East. As Winston Churchill once said, "We shall not escape our dangers by recoiling from them."

Since the Mideast conflict began last fall, 457 people have been killed, including 375 Palestinians, 63 Israeli Jews and 19 others. With both sides accusing each other of unjustified attacks, there sometimes appears to be no end in sight for the terror affecting the children of the Middle East. It remains a fact, Mr. Speaker, that nongovernmental organizations like Save the Children have begun distribution of emergency medical supplies to five hospitals in the territories. Save the Children has worked to bring medical supplies for the Union of Palestinian Medical Relief Committees and the Medical Services, the operation of ambulance services with the Palestinian Red Crescent, the rehabilitation of schools and teacher training so children have creative, productive ways to channel their energies. This is necessary to respond quickly to the special needs of children caught in the current uprising, and America must do more to assist such ongoing efforts.

Whatever happens, there can be little doubt that relations between Israelis and Palestinians will have a profound impact on United States strategic interests in the Middle East. And because of that, the United States must remain an interested party in the region.

As President Hosni Mubarak now visits America from Egypt, the Bush administration must work to explore new opportunities for peace and reconciliation in the Middle East. America must become more engaged regarding negotiations between the Israelis and the Palestinians. Unfortunately, America has been silent since the departure of the former administration concerning a dangerous situation that cannot be resolved without its constructive participation. Too many children stand to lose without our help, Mr. Speaker.

I believe that it is critical that both parties need to make every effort to end the current cycle of provocation and reaction. Each side bears a special responsibility to seek an end to the riots, the terror, the bombings, and the shootings. There must be a "time out" on violence before the situation degenerates further into war. We can all remember the images, from last fall, of the Palestinian child hiding behind his father, caught in the cross-fire, shot to death, and then the images, a few days later, the pictures of the Israeli soldier who was beaten while in custody and thrown out of a second floor window of the police station, to be beaten to death by the mob below.

It is easy to understand how passions can run high, and frustration and fear can drive violence. But it is also easy to see how these feelings—even these feelings, that are based in legitimate aspiration—can get out of control and lead to ever deeper, and never-ending, cycles of violence. The children, especially the young, are targets of increasing hatred that they simply do not understand.

If both Israel and the Palestinians can make progress in curbing or ending the violence, the United States can play an important role in helping to shape intermediate confidence-building measures between Israel and the Palestinians. The current environment makes a comprehensive agreement very difficult indeed, but proximity gives the Israelis and the Palestinians no choice but to learn to live together. The alternative is clearly war.

The children of Israel and the Palestinian Authority are not expendable; they are the casualties of intolerable violence. The United States must continue to work together with both Israel and the Palestinian Authority to enhance security in the region.

America can play a decisive role in fostering peace and stability in the Middle East. The Bush administration must respond more effectively in the peace process. We should not take sides in this lengthy conflict. However, the United States bears an unquestionable obligation to maintain a constructive role in the Middle East peace process.

The larger question of a lasting peace in the region is, of course, predicated on facilitating continued negotiations with the Palestinians. I will always be a strong supporter of the Middle east peace process because we can never stop trying. We struggle for peace, Mr. Speaker, because the current wave of violence is unacceptable. It undermines the very basis for peace, the notion that Palestinians and Israelis can trust each other and live together.

Last year, we edged a little closer to establishing a permanent blueprint for peace between the Israelis and Palestinians at Wye River. While a peace agreement did not come to fruition, the Israelis and Palestinians conducted an unprecedented level of negotiations in the pursuit of a permanent peace. They discussed issues and exchanged viewpoints on pivotal matters of dire meaning to the Israeli people and the Palestinian people.

Mr. Speaker, we don't really know when all parties to this ongoing conflict will find everlasting peace and reconciliation. We do know, however, that Chairman Yasser Arafat of the Palestinian Liberation Organization and Prime Minister Sharon of Israel have an acute sense of the high stakes involved.

Mr. Speaker, let me close with an admonition by Robert F. Kennedy in a 1966 speech made at the University of California. "Men without hope, resigned to despair and oppression, do not have to make revolutions. It is when expectations replaces submission, when despair is touched with the awareness of possibility, that the forces of human desire and the passion for justice are unloosed." The recent violence in the Middle East only underscores the need to get the peace process back on track. We must do so expeditiously for the sake of the children.

REMEMBERING ROBERT B. GANLEY, CITY MANAGER OF PORTLAND, MAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I rise to remember Robert B. Ganley, for 14 years the city manager of Portland, Maine, who died suddenly from a heart attack on Saturday, December 23, 2000. He was 51.

Bob Ganley preached substance over style, and that is how he lived. As city manager first of South Portland and then of Portland, he revitalized our communities. A master of the budgetary process, he made local government more efficient, improved services, held down taxes, and made Portland a better place to live.

His sometimes blunt demeanor could not hide a passionate commitment to his city, his family, the Portland Sea Dogs and Boston sports teams.

Bob might have become a journalist, but as he told a friend who was one, "I loved government." Not many today understand the depth of his kind of commitment to public service.

For 6 years, from 1989 to 1995, I served on the Portland City Council, including one year as mayor. I learned from Bob the importance of fighting for the long-term interests of a community against the negative passions of the moment.

Bob Ganley knew that his job was to strengthen the community he served. He wanted Portland to be a place where people cared about each other and could work effectively together toward goals that transcended their individual interests. Portland today is that kind of community.

When homeless people were sleeping in city parks in the late 1980s, Bob pushed the shelter program to meet his declared goal that no one would be without a bed in Portland. He succeeded.

When the local economy stalled in the early 1990s, Bob helped create a downtown improvement district, pushed through tax increment financing packages, and established a business advisory committee to connect city hall with downtown businesses. He worked closely with our employee unions to cope with unusual budgetary pressures.

Bob seized opportunities. When Portland was offered the chance to host the AA baseball team, Bob made it happen and became one of the biggest fans of the Portland Sea Dogs. He understood what the team would do to lift the spirit of the city, even though the economic impact could never be calculated.

Bob Ganley's management style was defined by his unwavering public support of the men and women who worked for the city. He had high expectations for his staff and they knew it. He nudged and pushed and challenged them; but in public he always defended them, even if he thought they were mistaken. Critiques were reserved for private meetings. Above all, Bob could make decisions. We can do this, he would say, about some difficult undertaking, and his staff and the council went out and did it.

When Bob died on December 23, he left behind three children. His pride in them was evident to all who knew him because if he was not talking about the city or sports, he was telling friends about his kids. He had reason to be proud of his children, Amy, Jillian, and Robert, Jr., all now young adults. Their mother, Susan, is helping them adjust to their loss.

At Bob's memorial service in the Merrill Auditorium at city hall, his son Bobby said, "Thank you, Dad, for teaching me that life is all about substance and not about style." He captured his father's character, as well as his passion for public service.

Bob's own life was about to change. He had proposed to Tracy Sullivan less than 24 hours before he died. Tracy's sadness after so much joy is profoundly felt by all who know her. Her young son, Dimitri, loved Bob, too. His friends, family, and colleagues all miss Bob Ganley; but we take heart from his example, for he showed us how to brush aside cynics and lead the citizens of Portland to build together a better place to live.

Thank you, Bob, for all you taught us.

WOMEN DESERVE EQUAL PAY FOR EQUAL WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, when President John Kennedy signed the Equal Pay Act into law on June 10, 1963, women on the average earned 61 cents for each dollar earned by a man.

Today, working women earn 73 cents for every dollar earned by a man, according to the Bureau of Labor Statistics.

President Kennedy told his fellow citizens that he was taking the first step in addressing the unconscionable practice of paying female employees less wages than male employees for the same job.

While progress has been made, still more needs to be done. If Congress acts this year, more can be achieved; and I say more can be achieved and will be achieved if we come together.

In my State of California, families lose a staggering $21 billion of income annually to the wage gap. If women in California received equal pay, poverty and single-mom households would go from 19.2 percent to 9.2 percent.

Women in the Inland Empire, for example, lose an average of $4,000 every year because of unequal pay, and I state because of unequal pay they lose that much; that is $4,000. This is money that cannot buy groceries, housing, child care, clothing for their families, and we must realize how important and critical it is when someone has to budget their dollars based on the amount of monies that they get paid.

I ask my colleagues to support H.R. 781, the Paycheck Fairness Act, and the Fair Pay Act legislation currently pending in Congress that is designed to help eliminate the wage gap that still exists between men and women.

Many working women lack the basic benefits they need in order to care for their families. They are our grandmothers, our mothers, our wives, our sisters, our daughters, and our colleagues. They are doctors, lawyers, teachers, caregivers, and leaders.

Women lawyers earn $3,000 less than a male attorney, and a lot of people are surprised and they think that they earn an equal amount of pay and they do not.

Female doctors make $5,000 less than male colleagues.

Wages for female nurses, where 95 percent are women, earn $30 less each week than male nurses who make up 5 percent. Can one imagine, only 5 percent are male and the majority, which is 95 percent female, earn less money. That is not fair.

Waitresses' weekly earnings are $50 less than waiters' earnings.

The situation is even worse for women of color. African American women earn only 67 cents and Latinos

56 cents for every dollar that men earn. This continues to be a disparity, and a lot of times when we look at our Nation and we look at the diversity that we have, all we are asking for is for equal pay for equal work; that African American women and Latinos should earn the same amount of dollars that anybody else should earn because they are willing to work and they are not asking for any special privileges. They are saying pay me for the same work that somebody else earns.

The wage gap impacts women's retirement also. Women have less to save for the future and will earn smaller pensions than men; and when we look at today's society, it is no longer a man that is providing but a woman a lot of times is providing for the family.

It is important that they also have that security for retirement when they are looking towards retirement.

On the job, working women are looking for higher pay, better benefits and, most of all, the three Rs, and I state the three Rs: respect, recognition, and reward for a job well done. We all need a pat on the back, and we all need to be respected when it comes to that recognition.

Half of all older women receiving a pension in 1998 got less than $3,486 per year compared to $7,020 per year for older men.

Before the end of the year, let us pass this legislation to finally make the work of America's women valued, fair, equitable, and just. Let us work to bring equal pay to every woman in America, to every working person. They deserve it. Their families deserve it. Let us get the job done.

PAY EQUITY DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today to recognize Pay Equity Day and to focus attention on the need for pay equity.

Mr. Speaker, women across this country are speaking out on the importance of Pay Equity Day as data has shown that women must work almost 7 working days to earn what men earn in only 5 days. Appropriately, I am introducing legislation that will require Federal agencies to undertake studies that examine pay inequities and identify institutional barriers that can be lifted in order to diminish this disparity.

Women make up more than half of this Nation's workforce. Yet, 38 years after passage of the Equal Pay Act, women still receive about 76 cents to each dollar paid to men. That means that women have to work 15 extra weeks in 2001 to earn what men earned in the year 2000.

For women of color, the gap is even wider. Black women earn 65 percent and Hispanic women 52 percent of white men's weekly earnings. The wage gap widens as women mature and has significant implications for life-long savings, Social Security, and retirement earnings. Thus, lower pay is not the only source of difficulty. A higher percentage of women than men work in service, nonunion jobs, and part-time jobs, where pensions are less likely to be offered.

Additionally, while women no longer routinely drop out of the labor force for child-bearing and child-rearing, more women than men leave work to care for children, elderly parents, or spouses. All of these factors take their toll.

In the private sector, only 31 percent of retired women age 65 or older have a pension, and the median benefit received by women who have pensions is only 38 percent of the median amount received by men. Financial worries are exacerbated by the fact that women tend to live longer than men so their retirement assets must spread over a longer period of time. Clearly, there is something seriously wrong when women age 65 and older are twice as likely to live in poverty as their male counterparts.

Today, there are nearly 6 million women business owners. They are the fastest growing segment of small business development in this Nation. Between 1987 and 1999, the National Foundation for Women Business Owners estimated that the number of women-owned firms increased by 82 percent nationwide. However, women still have less access to credit and are less likely to receive financing than men. This is a severe barrier to business growth, Mr. Speaker, and ultimately prosperity. We must recognize that when women thrive, our Nation prospers and families are strengthened.

Women comprise more than half the world's population. We account for the majority of new workers in both industrialized and developing countries. When women are guaranteed basic human and labor rights, whole families and communities benefit. When women gain knowledge, power, and equal resources to make their own choices, the chains of poverty will be broken.

□ 1945

This is how progress is generated. This is how lasting prosperity is built and measured.

Mr. Speaker, I will end with the words of Supreme Court Justice Ruth Bader Ginsberg who said, "Bias, both conscious and unconscious, reflecting traditional and unexamined patterns of thought, keeps up barriers that must come down if equal opportunity and nondiscrimination are ever genuinely to become this Nation's law and practice."

Fighting for pay equity and advancing the status of women is not just a social and moral issue, Mr. Speaker, it is an economic imperative, and it is long overdue.

DECONTAMINATION EFFORTS REQUIRE IMMEDIATE ACTION BY CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. BLUMENAUER. Mr. Speaker, it is time at this juncture appropriate to step back and take stock of recent actions. We have had some commentary here on the floor this evening dealing with the environment and dealing with the recent activities of this Congress and the administration. I think it is appropriate for us to do this, as I have fresh in my mind very vivid memories of a tour that I organized today to visit the exclusive residential area of Spring Valley here in the District of Columbia around the American University campus. It was a tour to be able to understand clearly one of the key environmental issues that deals with 1,000 sites around the country.

Twenty-six years after the Vietnam War, 56 years after the conclusion of World War II, 83 years after World War I, there is still a battle taking place, and it is taking place right here on the soil of America. It involves mines, nerve gases, toxics and explosive shells. This battle has claimed 69 lives and has maimed and injured far more. Sadly, this battle continues every day. If we are not careful in this country, it may continue for another 100 years, 500 years. There are some estimates that the areas of contamination by military hazardous waste are such that at the current rate, it may take over 1,000 years.

Toxic explosive wastes of our military activities here in the United States, unexploded ordnance on formerly-used defense installations, probably contaminates at least 25 million acres in the United States, and, indeed, that number could be as much as twice as high, approaching 50 million acres or more. Sadly, nobody can even give an accurate appraisal of this problem, but we do know that at the current rate of spending, which is less than $300 million a year, this problem of many billion dollars of magnitude will take centuries to return the land to safe and productive uses. Sadly, some areas of this country are so damaged that we cannot even attempt to clean them up at all.

Mr. Speaker, unexploded ordnance is a serious problem today. Human activity and wildlife is encroaching on more and more of these sites as our neighborhoods grow, as our cities sprawl, and, at the same time, the natural rhythm of nature, flooding, earthquakes, landslides, aided and abetted by human activity, exposes these dangers as the land mines, as the unexploded bombs and shells work their way to the surface. Today across America we are finding lost and forgotten unexploded ordnance that in some cases was intentionally buried in a feeble attempt just to get rid of it, or we find shells that were fired and missed their mark and did not explode as intended. These are acute dangers.

I recall one example that occurred in San Diego where two children, actually there were three, who were playing on a vacant lot in a subdivision that was formerly military territory. This had been used as a bombing ring, as a target. These children found an unexploded shell, started playing with it. It detonated. It killed two of them and seriously injured a third.

At the sites that I visited today, there is a child care center on the campus of American University that has been closed because the level of toxicity from arsenic is so high that it poses a threat to human health. Across the road there is a grand home that belongs to the Korean Ambassador, and the whole backyard has been excavated away, as they are dealing there again with high levels of soil contamination. There are acres and acres of this site next to the American University campus and some that is on the campus itself that was used to test chemical weapons during World War I. At the height of the activity, there were almost 2,000 people working on this area. There were over 100 buildings. They were testing things like mustard gas, arsenic. There were circles where they tied animals and subjected them to the gas. There were areas where they manufactured these chemical weapons.

When the war was over, we were pretty haphazard about what happened there. In some cases, the buildings were so contaminated, they just burned them, and then covered them up. There was no careful accounting of the materials, and we have found over the years that some of the shells and explosives and toxics have been exposed.

There was some construction there of late, in the last decades, in the 1990s, and as they were bulldozing away, they found shells that contained toxic explosives. There was a glass container that was broken in the late 1990s during construction that sent workers to the hospital. There was phosphorus that was encountered that when the container was broken open and the phosphorus was exposed to the air, it exploded into flame. Now, this is an area that is developed with homes and a university campus less than a 30-minute bike ride from where I am speaking this evening. We were done with it by 1919, and yet we have yet to thoroughly decontaminate the area.

Now, there are many targets of frustration that citizens can have to direct their anger and concern. They can be frustrated and angry with the Department of Defense or the Corps of Engineers or the EPA or local authorities. People have legitimate concerns about these and other agencies about what they have done in the past and what they are doing now. But sadly, there is one participant in this battle that is missing in action: the United States Congress.

Only we in Congress can set adequate funding levels, can budget clearly, make sure enough money is appropriated to do the job right. Congress can pinpoint managerial responsibility and establish the rules of the game. It is not acceptable to me, and I hope not acceptable to the American public, for Congress to occasionally step in from the sidelines, complain, protest, perhaps shift already inadequate budget resources from one high-priority project to another. This is worse than a zero-sum game and does not advance the goal of protecting the public. Congress needs to report for duty and needs to provide the administrative and financial tools that are necessary.

Now, I am not talking about the active ranges and military readiness. There are issues there, but that is a separate topic for another time. My concern is for the closed, the transferred or the transferring properties where the public is exposed, soon will be exposed, or unsuspecting children and members of the public could potentially be exposed in the future. More than 1,000 years to clean up these sites is not an appropriate timetable when people are at risk, and they are, in fact, at risk every day.

Mr. Speaker, we need to provide the resources to solve this problem, not in 1,000 years or 300 years, but in the lifetime of our children. If we do this, provide the momentum, the energy, there will be improvement in technology, the development of appropriate partnerships that will mean we can make a quantum improvement in our ability to find these hazards, the unexploded ordnance, to decontaminate the sites, to have the infrastructure companies train personnel to do it right.

I do believe that if we in this Chamber made a commitment that we would get the job done, say, in the next 75 years, it could create such a burst of enthusiasm and energy, that, in fact, we could get the job done far sooner.

Our goal in Congress should be to make sure that the administration and that every Member in the House and the Senate understands what is going on; what is going on in their State, what is going on from border to border, coast to coast, because this is a problem in every single State in the Union. Our goal is to make sure that there is somebody, one person, who is in charge. Our goal is to make sure that there is enough funding so that we can at least get the cleanup done this century, hopefully sooner, and that no child will be at risk for death, dismemberment, or serious illness as a result of the United States Government not cleaning up after itself.

I come here tonight with serious concern about the environment and with initially a plea for bipartisan cooperation in Congress, in the House and in the Senate, and with the administration to solve this problem. That is, in fact, what should be our approach to protecting our environment, to making our communities more livable and our families safe, healthy and more economically secure.

□ 2000

It should be in a bipartisan, objective, thoughtful approach.

Mr. Speaker, I will tell the Members that I have been deeply concerned by the events that have occurred with this new administration. There was in fact an opportunity to take the rhetoric of Governor Bush on the campaign trail, and the rhetoric that we heard from President Bush as he was installed in office, to reach out, to be a compassionate conservative, to work together to solve America's problems. That was what we heard on the campaign trail.

But, as some of us were concerned about on the floor of this Chamber, as we spoke out during the last campaign, it is important to look at a candidate's performance, not just the words.

Frankly, I was concerned that this administration that we have now with President Bush, because of its past record, would not measure up to the rhetoric, the soft and fuzzy language we were hearing on the campaign trail.

Sadly, my worst fears have in fact been confirmed. I will tell the Members candidly, even though I was a strong opponent of the President on the campaign trail, and I had no illusions based on his record as Governor of Texas that he was going to be particularly environmentally sensitive, frankly, I was shocked at what we have been visited with as a nation in the first hours of this administration.

We have heard them push ahead with proposals to solve our energy crisis, not with the summoning of a call to arms to use our energy more thoughtfully, more carefully, more constructively to conserve. Instead, they are pushing ahead with their proposal to drill for oil in the Arctic National Wildlife Refuge, even though this will take perhaps a decade, even though this is opposed by the majority of the American public, even though this will be a false proposal to provide energy security for the United States.

The Secretary of Energy managed to make an entire speech about the so-called energy crisis that we are in right now, and there was profound concern expressed in calling for building 1,600 new generation plants, and virtually no word about conservation. I believe there was one line about energy conservation.

There was no word about the opportunity to conserve oil by improving the mileage of American vehicles, even though this is the area in which it would be easiest for us to take aggressive action.

Indeed, this administration is proposing a budget that will cut the budget of the Department of Energy 7 percent and cut money for energy conservation 10 percent, an absolute wrong-headed approach for energy conservation.

This administration took action to reverse the cleanup regulation for hardrock mining, returning to regulations from 1980 that do not require mining companies to pay for their own cleanup and restoration when mining for silver, gold, and other metals. That is absolutely outrageous, and completely out of sync with where the American public is.

This administration is failing to regulate CO2 emissions from power plants. This is despite explicit campaign promises from candidate Bush that he was going to introduce mandatory legislation to deal with a reduction of CO2 emissions. This was a formal presentation of the most highly-scripted campaign perhaps in our Nation's history. They knew exactly what they were doing.

Indeed, President Bush as a candidate attacked, during the debate with Vice President Gore, attacked the Vice President, who has a lifetime of working to protect the environment, because he was too soft; because he, Gore, was not willing to embrace what candidate Bush was promising, but what President Bush turned his back on, changed his mind on, conveniently, after the election when he was facing a little pressure to follow through on his campaign promise.

They are taking action in this administration to delay implementation of the roadless areas protection policy until May, and most people feel that they are simply embracing delays and catering to the special interests that want to open these areas more to timber companies, to off-road vehicles, and that this is just the first step to repeal this important protection.

This administration, with its about-face on the campaign pledge for the CO2 emissions, is not just breaking a pledge that was made to the American voters. This is having a destabilizing effect on our efforts to work with other national governments to follow through on the Kyoto accords, on the greenhouse emissions treaty. It is angering important allies, and dodging the United States' responsibility to reduce greenhouse gas emissions.

It seems to me disingenuous to point a finger at developing countries like China and India and say that they have to solve the problem when the United States, as the greatest polluter of greenhouse gases, emitting six times the world average per capita, twice as much as our allies in developed countries like Japan and Germany, when the United States fails to step forward and to provide leadership in this global concern.

The administration, the President, suggests that we need more time to study whether or not we have a problem with greenhouse gases and global warming, despite the overwhelming consensus of the environmental and scientific community since having 8 of the last 10 years be the highest temperatures on record; as we are seeing the ice caps shrink, as we see glaciers shrink.

The rest of the world knows that we have a problem, and that it is time for the United States to assume leadership.

In fact, President Bush could just simply listen to members of his own cabinet. The Secretary of the Treasury, Paul O'Neill, in his previous life as chairman and CEO of Alcoa Aluminum, likened global warming to a potential disaster on the par of a nuclear holocaust. This was 2 years ago that Secretary of the Treasury, in his prior life as a respected business leader, was saying, we need to get serious. Now President Bush and this administration are falling back from our global responsibility.

I had an eye-opening experience on the campus of American University on the hazards of arsenic. As I was looking at that site of the former military test ground for chemical weapons at American University in the Northwest part of the District of Columbia, I thought about this administration and wondered if we could get them excited about it, because this, after all, is the administration that has now recently revoked the arsenic rule, dismantling a rule that was mandated by Congress to reduce the level of carcinogenic arsenic in water from 50 parts per billion to 10 parts per billion and provide healthier drinking water for the American public.

This is not some crazy standard that is being proposed by the rabid environmentalists in the Clinton administration, this is the standard of the European Union, of the World Health Organization. This was the standard that was recommended for the American public for its protection. Yet, this administration has now revoked that rule.

It is hard to imagine what would have happened if candidate Bush had spoken what was in his mind and his heart on the campaign trail. I think if he had proposed revoking the arsenic rule as a candidate, I do not think we would have had to worry about hanging chads in Florida. I do not think the election would have even been close, the election where Vice President Gore got the majority of votes of the American public.

This administration has proposed eliminating Project Impact, a creative project with the Federal Emergency Management Administration that is working with over 2,500 partners in the private sector around the country, and dozens and dozens of governments are working to eliminate hazards before they occur from flooding, hurricane, and earthquake.

This administration is ignoring the energy crisis in ways that could have the most impact now. If we ask any of the experts in the energy field, there is only one thing that is going to make a difference in the short term to provide more energy for those of us in the West who are having a serious problem, particularly in the Pacific Northwest. Because of the drought, we have been supplying energy that we cannot afford to share, actually, with our friends in California. We are paying far higher prices for the privilege. Yet, if we ask the experts in industry, in the environmental community, in business, in the neighborhoods and local government, the only thing that is going to make a difference now is energy conservation: making do with what we have in a more creative way.

There are simple things we can do. Painting the roofs in California a light color that is reflective could cut the energy requirement for air conditioning by 30 percent. But where are we hearing a call to arms from this administration for people to do something right now that is going to make a difference in cutting down on the waste of energy? We listen in vain. It is not on their radar screen.

We have seen this administration move forward threatening the designation of important national monuments. One of the areas that the last administration will be known for for generations in a positive way is moving to protect critical designations of national monuments, the most designations since the Antiquities Act was first used by President Teddy Roosevelt almost a century ago.

Now this administration has signaled its intention to revisit these national monument designations. They want to have more comment to see if there is more that could be done for vehicle use, grazing, extracting more water, and mining that could alter or threaten these national treasures.

We have seen the budget that has been submitted by this administration that was going to be more compassionate, kinder, gentler. They are, in their rush to have a tax cut that was supposed to only be $1.6 trillion, and now is over $2 trillion and counting in terms of the proposal they want, they are, in order to be able to carve out money in the budget to do this, they are reducing funding for everything from child care assistance for low-income families, programs to combat child abuse, cutting funding for the Interior Department, the EPA, and important bipartisan conservation agreements.

As I mentioned, this budget proposes a 7 percent reduction in the budget of the Department of Energy when allegedly some people in this administration think we have an energy crisis, and a 10 percent reduction in energy conservation when this is the only approach that is going to make a difference this year.

I recently had lunch with the retiring superintendent of Yellowstone Park, Michael Finley, a creative, brilliant public servant who has served us, and served us well, for over 30 years.

Mr. Finley, and I think it is no coincidence that he is an Oregonian and has this reverence for the treasure that he was able to have stewardship for, he called forth the critical requirement to control the use of snowmobiles in our national parks, like Yellowstone.

□ 2015

Mr. Speaker, it is a tragedy and a travesty to have people roaring through at 60 miles an hour, 80 miles an hour, spewing forth pollution, the noise, the hazard to wildlife, the hazard to the air, the hazard to the tranquility that other park-goers treasure and, indeed, a risk to each other in terms of the death that results from the reckless operation.

This administration is now reviewing the important Yellowstone-Grand Tetons rule and possibly settling lawsuits with snowmobile groups in order to reverse the rulemaking, an outrage for these national treasures. Again, candidate Bush gave no hint that he would be involved in such reckless antienvironmental activity.

Another area that is going to have significant environmental inconveniences has to do with the judicial process. One of the things that concerned a number of us when candidate Bush was running for office was his identification of people like Justice Scalia and Justice Thomas as his role models for judicial candidates that he was going to nominate for our highest courts.

Given the environmental record of those two justices, it did not give much comfort to people who care about protecting the environment, because increasingly given the gridlock in Congress, citizens have to resort to our courts for the enforcement of environmental laws; and sometimes if there is an administration that is recalcitrant and bent on doing things like we are talking about with this administration, sometimes recourse to the courts is the only avenue open to citizens to protect the environment.

Mr. Speaker, I found it extraordinarily disconcerting that this administration has chosen to reverse a policy implemented by President Eisenhower over 50 years ago to provide the American Bar Association as a nonpartisan impartial body that would review the qualifications of judicial nominees.

This has served us well, Republican, Democrat, conservative and liberal. Every President since Eisenhower has relied on this screening process to help ensure, regardless of the philosophy of the candidates in question, to ensure the highest quality in terms of their standards, their qualifications.

This administration has decided to not have that impartial professional review from the bar association. They have removed the ABA from this role of interviewing the peers of the nominees and other people in the legal community about their competence, their integrity, and their judicial temperament; and instead it is all going to be done in the White House with the aid and assistance of organizations that are by no stretch of the imagination impartial.

In fact, you have seen in the newspapers of this country the expressions of glee on the part of the most reactionary elements that they have been able to push the ABA, making it easier to be able to have the most extreme people nominated and make it easier to confirm.

Finally, I would reference the repeal of the ergonomic standards for repetitive stress. This was important in terms of the work that is done. And I am not concerned frankly by the majority of the American employers. The vast majority of the people that I represent in Oregon, in areas that I have worked around the country, I am confident that these rules would have been easy for the vast majority of the business community to comply with; but in fact, the majority of them probably did not even need these rules in the first place. That did not mean that those rules were not important.

I wonder if representatives of this administration had talked, as I had, to a woman who was a chicken-thigh deboner, a woman who worked 8 hours, 10 hours, 12 hours a day in a cold workplace dealing with semifrozen chicken carcasses that speed past her, the same repetitive motion time and time again, talking about what happened to her, to her hands, to the amazing stress and the mind-numbing activity. It was for a woman like that that we needed to have that ergonomic rule.

There was a gentleman within an hour's drive from where we are, on Capitol Hill this evening, who is a chicken catcher, who catches chickens at the factory farms hour after hour after hour in the sweltering heat gathering them up, the feathers, the dust for hours at a time and carrying them to be loaded to go off for slaughter.

This is back-breaking, mind-numbing work; and these people need the benefit of the ergonomics rule. It is estimated that the stress and strain of repetitive-stress injury costs the economy over $50 billion a year, but it is the largest single workplace safety and health problem in the United States today.

It is not just cost. It is the toll on workers who do not have the benefit in many cases of enlightened employers, the protection of unions for whom this rule promulgated by OSHA would have made all the difference in the world.

This President signed in to law legislation to overturn these standards and is going to have a serious effect on the health and welfare of tens of thousands of American workers who need this help the most.

Mr. Speaker, this is a summary of some of the most depressing actions on the part of this administration in just the first 3 months. These are not the actions of candidate Governor George Bush. These are activities that in some cases violate explicit campaign promises, misleading the American public about its intentions. There are things that are going to have serious consequences for decades to come.

Mr. Speaker, I am hopeful that we will have an opportunity to review in greater detail these activities on the floor of this Chamber. I am hopeful that the American public is going to push back to hold this administration accountable for the specifics and the rhetoric that was embodied on the campaign trail.

It is important for us to take several of these items to be able to focus on them, to make sure that the American public is, in fact, heard.

I think there is no area that perhaps there is a greater difference between where the American public is and where this administration is pushing than drilling in the Arctic National Wildlife Refuge. This is one of the premier approaches to this administration for solving the energy crisis that they are talking about.

Bear in mind, as I mentioned, this administration is not proposing an increase in conservation. In fact, they are proposing to cut conservation dollars. They are proposing to cut the budget for the Department of Energy. Yet they are proposing to solve the problem by drilling in the Arctic Wildlife Refuge.

This refuge is a more sensitive area than Prudoe Bay. It is a resting, nesting and breeding area for over 160 species of birds, including species that visit each of the lower 48 States.

It is known as America's Sarengetti because of the huge herds of caribou, 130,000 of them that calf and rear their young on the coastal plane. These are the herds that provide subsistence for native Alaskans in an area whose way of life would be destroyed by a disruption of the herd.

We could talk about the disruption of the habitat of significant polar bear denning habitat, but the time this evening actually does not permit me to go into the detail that I would; but suffice it to say that this is an area of deep, deep concern for many in the environmental community, because 95 percent of Alaska North Slope is already available for oil and gas exploitation and leasing.

This Wildlife Refuge is only the remaining 5 percent and it is the most sensitive. It is an area first and foremost that makes no sense in terms of a timely reaction to the energy problems that we have now.

First of all, only about 1 percent of the State that is having the most difficulty, California, comes from petroleum-based sources. Of that 1 percent, the Arctic Wildlife Refuge is not going to help at all. It will take conservatively 10 years before this oil is going to flow and be available.

But reflect for a moment the total amount of oil that would be available, according to reasonable projections, is only about a 6-month supply for the American public. It is an amount, to put it in perspective, that we could save if we simply increase the miles per gallon of SUVs in this country 3 miles a gallon. Three miles a gallon, we would not have to drill at all.

Okay. Maybe that is a radical notion to take SUVs and have a 3-mile per gallon improvement. Forgive me, but let us suggest a less radical proposal, because the mileage fleet numbers for the United States this year are tied for a 20-year low. Just taking that 20-year low and improving it ½ mile per gallon across the board for the fleet, we would not have to drill in the Arctic.

But what about energy security some of my colleagues suggest? This is an area that will improve America's energy independence and security by being able to exploit our own resources. This is perhaps the most bizarre notion that we are going to take an aging pipeline, 800 miles long that already has problems, and we are going to rely for our energy security for protecting this 800-mile length of the pipeline.

Everybody that I have talked to acknowledges that this 800-mile aging pipeline is already subjected to any deranged person, to hostile powers, to accident. If this is what we are relying on, we are potentially in big trouble in the future, because this 800-mile pipeline is a sitting duck for a terrorist, a foreign threat, or simply a deranged person in this country. We have seen them act.

It is far more appropriate, I would suggest, rather than drilling in the Arctic Wildlife Refuge, for us to get serious about improving fuel efficiency, improving how we utilize energy in this country, if we were only to listen to the American public.

□ 2030

The vast majority of the American public says nothing, and something that I have found intriguing, even citizens of Alaska are conflicted on this issue. A slight majority in the most recent poll I have seen oppose development: 46.7 percent to 45.7 percent.

Now, these are people for whom the permanent fund in Alaska State with no sales tax, no income tax, that runs on revenue from oil, and every man, woman and child who has resided in Alaska for more than a year gets a payment, I believe last year it was $2,000, these people with a financial stake in drilling, a slight majority oppose drilling in the ANWR. But this is not the limit of where the administration has reversed its direction and moved in the wrong way relating to the environment.

Mr. Speaker, we look at hardrock mining. One of the things that I was pleased the last administration did was to deal with proposing the regulations under which the Bureau of Land Management dealt with hardrock mining. The Clinton administration, after 4 years of work listening to the public, listening to the experts, looking at the impact, issued new regulations. These 3809 hardrock mining regulations required that the companies that mine for silver, for gold, copper, lead and zinc, that they have to administer and pay for cleaning and restoration efforts on the land once the mine closes to reduce the risk of water pollution. Reversing these regulations will open legal loopholes for the mining industry and allow them to evade cleanup costs after they finish mining.

From Pennsylvania to Montana to my State of Oregon, we have seen the devastation from the mining industry, often on public lands owned by the public. The mining companies are able to extract these minerals for a pittance, and bear in mind that the Mining Act of 1872 is exactly as it appeared when it was signed into law by President Ulysses S. Grant. It is not adequate to protect the American public. The American public does not get adequate value for the minerals that are extracted under it, unless you think $250 an acre, in some cases $5 an acre, is adequate payment to the American public for the ability to exploit, extract, and then leave ravished land.

These standards have aggravated the mining industry. They have prompted numerous lawsuits, and now the Bush administration has requested the return to the inadequate, inferior regulations of 1980.

Mr. Speaker, I am frankly shocked that we have seen this reversal. I am disappointed at a time when I would hope that there would be some areas that would be exempt from this extreme activity. According to Taxpayers for Common Sense, a watchdog agency that has helped us a great deal to sort of focus a spotlight on this, a nonpartisan group that is looking over our shoulders, the return to the old rule would allow mining practices to continue that will cost taxpayers more than $1 billion to clean up.

I think it is another example where we cannot afford these type of reversals of the hard, painstaking activity of the previous administration.

Mr. Speaker, I referenced earlier in my opening summary that the administration has turned its back on the arsenic rules. I mentioned that this was something that was heavy on my mind because I had visited polluted sites here in the District of Columbia where arsenic contamination is something that we are spending millions of dollars to try to eliminate, yet last week the Environmental Protection Agency, and it is not just EPA, it is the Environmental Protection Agency, the same agency that was caught flat-footed when President Bush reversed himself on his explicit campaign promise to reverse CO2 emissions, the EPA has announced its intention to withdraw a new drinking water regulation on arsenic that was approved by the Clinton administration.

Administrator Whitman announced that the EPA will propose to withdraw the pending standard that was issued on January 22 that would have reduced the acceptable level of arsenic in water from 50 parts per billion to 10 parts per billion.

Mr. Speaker, this is a reduction in a standard of a known carcinogen, and it is not some wild-eyed environmental proposal. And forgive me at times for being a wild-eyed environmentalist, which is something, given the alternative, is not that bad. This 10-parts-per-billion standard is already the standard in place to protect the people in the European Union. This is the World Health Organization standard that is already in place. At least 11 million Americans rely on drinking water with arsenic standards higher than the proposed standard, and one that I think should give pause to Americans across the country.

This 55-parts-per-billion standard was adopted in 1942 by the Public Health Service. This was before we had proven the causal connection between arsenic and cancer. The National Academy of Sciences found that the EPA's old standard was not protective of health and should be reduced as promptly as possible. We do not need to study this anymore. It should be reduced as promptly as possible.

The National Academy of Sciences found in its unanimous 1999 report, Arsenic in Drinking Water, that the prior standard that the Bush administration proposes that we go back to "does not," and I am quoting, "achieve EPA's goal for public health protection; and, therefore, requires downward revision as promptly as possible."

The Academy found that drinking water at the current standard that the Bush administration now wants to go back to could easily result in a fatal cancer risk of 1 in 100. That is a cancer risk 1,000 times higher than the EPA allows for food, and 100 times higher than the EPA has ever allowed for tap water contaminants. Why in the name of all that is holy does this administration plan to go back, to reverse that standard, to study it further?

Arsenic is found in the tap water of millions of American homes. Over 26 million American homes have levels averaging over 5 parts per billion. Scientists point out that not everybody is equally susceptible. It is the children and pregnant women who are especially susceptible. A wider margin of safety might be needed when conducting risk assessments, the National Academy found, because of variations of the sensitivity of these individuals. But the Bush administration has proposed that we go back to the standard that was good enough for 1942.

Mr. Speaker, I am deeply concerned that this Congress, in its rush to focus on a very narrow agenda from the administration where they do not want to talk about these inconvenient proposals, these inconvenient reminders of their campaign pledges, they want to narrow the discussion to their economic agenda, and actually I do not have any qualms about the American public turning a searchlight on that proposal, on the $1.6 trillion tax cut that was conjured up by Presidential candidate Bush 2 years ago because it was just right. We did not need it. The economy was rolling along and, therefore, we needed to return the surplus. Now the same proposal is needed when the economy is going down because that is somehow magically going to stimulate the economy. But of course that was not going to stimulate the economy 2 years ago.

There is a certain discontinuity, I find, in terms of that argument, and I would wish that the American public would focus on it. I would wish that the American public would focus on the illusory $5.6 trillion surplus that the administration is claiming, except if they use the same budget assumptions that the recent commission reporting on Social Security and Medicare reported on, that the budget surplus evaporates. They assume that we are going to spend at a lower rate than even the revolution of Mr. Gingrich when they were riding high, and we never achieved the 4 percent reduction. They are assuming that tax breaks that we know are going to be reinstituted somehow are magically going to go away. And the fact that millions of Americans are going to be subjected to the alternative minimum tax, and we know that we are going to fix that at a cost of probably $400 billion, all of these are ignored.

Mr. Speaker, I am happy to debate these on the floor of the Chamber. It would be nice to have debate time rather than rushing it through. At least our colleagues in the Senate are going to take some time and deliberate on it. I think it is ironic that this tax cut my colleagues think is so important, they have permitted 1 hour debate. At a time when we were standing around waiting, for my colleagues to come back from meetings across the country, we could have had an opportunity to discuss it, if not amend it.

While we have that debate, it is important that every American reflect on what is going on in the back rooms here in Washington, D.C., what is going on in the agencies as we are having campaign pledges reversed, as we are having campaign promises ignored, and we are having vital protections for the American public put at risk.

I came to Congress committed to work in a bipartisan, cooperative way for the Federal Government to be a better partner working with communities to make them more livable, to make our families safe, healthy and more economically secure.

Mr. Speaker, I fear that reversing the arsenic standard, drilling in the Arctic Wildlife Refuge, ignoring energy conservation, and turning our back on our leadership in global climate change is not in keeping with that goal.

Mr. Speaker, I am hopeful that there will be time for Congress to give voice to what the American public is concerned about in protecting the environment, and urge the Bush administration to reconsider these ill-advised policies. Mr. Speaker, I appreciate the opportunity to discuss these issues this evening.

Ms. LEE. Mr. Speaker, I would like to thank the gentleman from Oregon, Mr. BLUMENAUER, for his leadership in the fight to build livable communities in a livable world.

I rise tonight to speak out against the pollution of our waters, our atmosphere, our wilderness, and our children.

Arsenic causes cancer. Global temperatures are climbing every year.

These are not wild theories, they are established science.

Nonetheless, the Bush Administration is turning back the clock to 1942 on arsenic regulations, is seeking to plunder the Arctic Wildlife Refuge, and is declaring that the Kyoto Protocol on Global Climate Change is dead on arrival.

As a candidate, George W. Bush declared, "We will require all power plants to meet clean air standards in order to reduce emissions of sulfur dioxide, nitrogen oxide, mercury and carbon dioxide within a reasonable period of time."

He also states that voluntary reductions were insufficient: "in Texas, we've done better with mandatory reductions, and I believe the nation can do better."

I agree. We can do better.

However, as President, Mr. Bush has reversed himself on carbon dioxide, claiming that the nation cannot afford to reduce emissions.

The fact is, we can't afford not to.

We cannot erase decades of progress.

We cannot wipe out the accomplishments of such wild eyed radicals as Richard Nixon who signed the Endangered Species and Clean Air Acts.

We have to move forward, not backward.

We have to set drinking water standards that will safeguard human health.

We need to establish protections for the Arctic National Wildlife Refuge, and other irreplaceable wilderness areas.

And we need to live up to our commitments to reduce greenhouse gas emissions because global warming threatens the well-being of the entire planet.

Tomorrow, as a first step in restoring our national and international commitments to a cleaner environment, I will be introducing the Carbon Dioxide Emissions and Global Climate Change Act.

This resolution will send a strong message to the President and the country that Congress will hold Mr. Bush to his campaign promises, that it recognizes that global warming poses grave dangers to our environment, our economy, and our national security, and that this country must seek to reduce its CO_2 emissions.

As a member of the International Relations Committee, I am fully aware of the impact that abandoning our commitment to reduce greenhouse gas emissions will have on our allies in Europe and throughout the world.

As a member of the human race, I am aware of the impact that it will have on our planet.

We must uphold our commitments and responsibilities to the rest of the world.

We are the biggest contributor to global warming, and we must also take the lead in reducing pollution.

Clean air and clean water are the most basic of human rights.

However, we have a President who apparently feels that arsenic is good for kids, that oil spills are good for caribou, and that excessive carbon dioxide is good for all of us.

The American people disagree.

They overwhelmingly oppose weakening arsenic standards, drilling in the Arctic Wildlife Refuge, and abandoning CO_2 reductions.

We cannot turn back the clock, we cannot abandon our commitments, and we cannot give up this fight for our future.

□ 2045

ELIMINATING THE ESTATE TAX

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr.

THUNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, when I came to Congress a little over 4 years ago, I came here with some very specific objectives in mind as well. And since coming to Congress, we have achieved a lot of the things that I sought to do in working with the House and our brethren in the Senate and the administration. For the 4th year in row we have balanced the Federal budget. We are actually paying down the publicly held debt. We have done that. This year it will be over $600 billion.

We have protected Social Security and Medicare. We cut taxes back in 1997, something that had not happened in a very long time. In fact, the truth is the budget being balanced for the first time 4 years ago was the first time since 1969 when I was 8 years old. All my formative years all I heard about was deficits, deficits, deficits. And so finally we have gotten the fiscal house in order here in the United States Congress.

It is sort of ironic that our colleagues on the other side under whose stewardship the debt ballooned and spending ballooned now have this new-found sense of fiscal responsibility which in the previous 40 years as these things were going on, they did not seem to abide that same compulsion toward constraint.

As a result, we spent and spent and spent to the point to where our children's future was very much in jeopardy and we piled up more and more debt. We are in a position now, Mr. Speaker, where we actually have gotten to the point that the Federal Government is taking in more money than it takes to run the cost of government. That means that the people in this country are overtaxed.

I would like to read for my colleagues something that a newspaper in my home State of South Dakota wrote recently. It says,

> For the first time in recent memory, someone in Washington is looking the American people in the eye and stating the obvious. The Federal Government taxes too much and spends too much. It is refreshing to hear someone in Washington, D.C. state candidly that reducing the growth of spending is not a cut and that the source of deficits is unrestrained growth in spending. For Bush's budget plan to work as advertised, Members of Congress, the people who actually write the spending bills, have to listen to Bush's message. We hope they heard what the rest of us heard: "You're taxing us too much and spending too much of our money."

That is from the Rapid City Journal dated February 28, 2001.

Tomorrow, Mr. Speaker, we take up yet another piece of the tax plan that will allow the American people to keep more of their hard-earned dollars. We have for several weeks now been working in a systematic way here in the House to lessen the tax burden on working families in this country, to put some fairness and equity back into the Tax Code as it pertains to married couples who are penalized in the form of higher taxes because they chose to get married.

We are trying to bring some much needed tax relief to people who are raising families by increasing the per child tax credit and a number of other things, marginal rate reductions which affects everybody contrary to what our colleagues and our opponents of this legislation are suggesting, actually benefits everybody who pays income taxes in this country by lowering of rates.

The other thing is, Mr. Speaker, it actually brings tax reform to the Tax Code. Not only are we talking about tax relief, but about making the Tax Code more fair and reforming it in a way that makes it more equitable for the American people who pay all the taxes.

Tomorrow we pick up another piece. We start a debate, a debate which is long overdue, a debate which we have held here before this in this body. And on previous occasions have actually passed legislation that would eliminate the death tax, but unfortunately it ran into a veto pen at the other end of Pennsylvania Avenue.

Tomorrow we will take that legislation up again, very important legislation, and what I would like to visit about here in just a moment, and that is the death tax. It impacts farmers and ranchers and small businesspeople, the people who are the heart and soul of South Dakota's economy and I daresay of economies all over this country, particularly in rural areas of America.

We have some gentlemen on the floor this evening who are going to join in this discussion, one of whom is a Member of the Committee on Ways and Means and who had the privilege last week, I believe, of actually reporting out of that committee the legislation that we will be acting on tomorrow. I think it is important to note as we get into this debate again that this is a tax which is fundamentally unfair because after the Federal Government taxes and taxes and taxes people throughout the course of their lifetime on their earnings, on their work, on their accumulation of wealth and everything else, when it comes time to actually pass on to the next generation some of that hard work, the Federal Government comes in again and says, "I'm sorry, you can't do that. We want our fair share." It just so happens the Federal Government and their fair share takes in some cases about 55 percent of that estate. Now, that hits farmers and ranchers and small businesspeople right between the eyes because in many cases if you do not have the cash flow that is necessary to pay the tax, you have to liquidate the very assets that are producing in this country, adding to our economic growth and creating jobs.

Mr. Speaker, this evening I would first like to yield to the gentleman from Arizona, a distinguished member of the Committee on Ways and Means who was instrumental and had a hand in writing that legislation that we will be acting upon tomorrow.

Mr. HAYWORTH. I thank my colleague from South Dakota for taking this time, Mr. Speaker. We are joined by our colleague from Pennsylvania. Again we give thanks for the opportunity to come to this Chamber as a free people, holding opinions and living out notions that may be diametrically opposed.

Mr. Speaker, I could not help but notice the vision of America proffered by my friend from Oregon in the preceding hour. It seems we have a fundamental difference of opinion. He believes the highest and best use of a citizen's money is by the Washington bureaucracy. There is an element of thought here that everyday Americans should surrender more and more and more and more of their hard-earned money to the Federal Government through taxation because Washington can somehow do a better job with that money. Mr. Speaker, I would simply say to those who join us tonight, I think we have come to understand certainly in the last half of the preceding century that that notion is exactly backwards.

Mr. Speaker, I would suggest that for years my friends on the other side have offered that outmoded notion that your family should sacrifice more so that Washington can do more, when instead we embrace the fundamental notion that Washington should make some sacrifices and be a good steward of the people's money so that families across America can have more. That is the crux of what we are discussing tonight.

Indeed, when you look throughout our history, and I am so glad we are joined by a friend from the Commonwealth of Pennsylvania. Seeing him here on the floor, I am reminded of another great Pennsylvanian who one biographer calls really the First American, Dr. Benjamin Franklin, a noted scientist, statesman and a humorist. As a publisher in Poor Richard's Almanac, it was Dr. Franklin who observed there were only two certainties in life, death and taxes. But even with his prescience, even with his foresight, I doubt very seriously, Mr. Speaker, that Dr. Franklin could envision the day that the constitutional republic which he helped to found would literally tax Americans on the day of their death. Yet that is the spectacle we see today.

My colleague from South Dakota stated the problem accurately. For so many family-held businesses, for so many family farms and ranches, for indeed, Mr. Speaker, virtually the bulk of American commerce in rural areas, this death tax is especially egregious.

And we stand united tonight, Mr. Speaker, to reassure the American people that we offer a variation, a departure that rings out with echoes of the past. Our new slogan might be, "No taxation without respiration." It is fundamentally unfair to ask an American family to visit the undertaker and the tax collector on the same day. We have seen time after time small businesses, Mr. Speaker, what I would instead suggest are more accurately described as essential business because we know they employ more Americans than the major corporations in our society, but we see small businesses, essential businesses, family-owned enterprises snatched away by the hand of government and this excessive tax. We see ranches and farms, the proverbial land rich but cash poor circumstance because so many of those who literally make their livings off the land, pump their energy and their hearts and their very being not to mention what liquidity, what cash they have, back into the land, back into the farm, back into the ranch and when the holder of the estate dies, to liquidate, to come up with the cash to pay an extensive and expensive tax bill, the farm or the ranch is sold or divided up, subdivided, what some might suggest is the plague of urban sprawl.

So we come to this Chamber with a respectfully different approach than those on the other side who believe the highest and best use of your money is by Washington bureaucrats. We believe every American family should hang on to more of their hard-earned money and send less of it here to Washington. That is why our colleague from South Dakota outlined the fact that just last week, we decided to say good-bye to the marriage penalty. We decided to raise the per child tax credit an extra $100 this year to $600 retroactive, eventually up to double what it was, to a full $1,000.

We went back earlier as my colleague outlined and reduced the tax rates, the margins for every American paying income tax because we realized to reduce the tax bill, that is an important step. And now we come to this juncture, where last week the Committee on Ways and Means on the same day when on this floor we voted to get rid of the marriage penalty, we voted to increase the per child tax credit, we voted for common sense, family-friendly policies. We went back last week into committee and passed out of committee and will bring to the floor here tomorrow another common sense piece of legislation to put the death tax to death, because it is fundamentally unfair.

It is a job killer. It is a business killer. It drives a stake through the heart of family-owned enterprises. And it is patently wrong. How wrong? Simply stated, for all the headaches, for all the hassles, for all the heartaches, for all the turmoil, when you take a look at the vast expanse of Federal revenues, Mr. Speaker, the death tax brings into our Treasury about 1 percent of the total take from American citizens in terms of taxation. Yet three-quarters of that 1 percent is spent in hot pursuit of those families who are grieving, of those families who are trying to deal with the estates, of those families who are trying to come to grips with a fundamental change in circumstance, and that leads to the unfairness.

Mr. Speaker, for these reasons and several others, the death tax deserves to be put to death. We will take a very important step here tomorrow in that action.

Mr. THUNE. Mr. Speaker, I recognize my colleague from Pennsylvania, someone who came to this Chamber at the same time I did and a distinguished member of the Committee on Appropriations and someone who also has been a leader on this issue and someone who I believe probably has a good number of people in his fine State just like in my fine State who are impacted day in and day out, the people who are creating the jobs and helping create economic activity in this country and who are feeling the penalty of this very punitive tax.

And it is costing not only in terms of the tax itself and the people that it affects directly but the people day in and day out who take steps and spend dollars and spend time trying to figure out ways to avoid the tax, planning for the estate. It has become a cottage industry.

Frankly, it is hard to factor in and to quantify in specific terms all of the dollars that are affected here, all the dollars that are taken, soaked out of the economy, not just by the death tax and the loss of jobs it has created when a small business or a family farm has to sell assets in order to pay that tax but also in the cost of avoiding the tax. That, too, I think robs our economy in a big way of much of the productivity that it could otherwise generate.

I yield to the gentleman from Pennsylvania for his observations as well about this important legislation and what we can do to further improve the plight of small businesses and farmers and ranchers in this country, many of which I know live in his district.

Mr. PETERSON of Pennsylvania. I am pleased to follow the gentleman from Arizona and my friend from South Dakota. I bring a background of being a small businessman myself. I owned and operated a supermarket for 26 years. I built it from scratch. I right now find that those who say this is about taxes for the rich do not have any idea what they are talking about. Because real rich people do not pay this tax. They use the complications of the tax system and the way they shield their resources, they are not the ones that pay it. Let me tell you who does. In the next 2 weeks, most of our small businesses that employ the vast majority of Americans are paying their income tax. They pay a lot of that, too, because they are the ones that pay the high rate. If you have a local business that has 100 employees and makes a decent profit, they are paying a lot of taxes and they are creating a lot of growth and wealth for our communities.

☐ 2100

If you are building a community, what kind of a business do you want? Would you choose some global corporation that would put 500 jobs in your community or would you take five local companies that would put 100 jobs in your community where the families live there and work in the communities and serve on local governments and serve on boards and agencies and do all of those things that make communities good places to live?

I think we would all choose those five employers that have 100 people, because they are not going to be moving to Mexico; they are not going to move the plant to another State because this is their community.

If you want to talk about growing your community, I have come from a part of Pennsylvania that has been hit hard with companies closing. We have been hit hard for a lot of things that are no fault of the workforce and no fault of our area.

When you lose the local ownership of a company, the large global corporations may take a look at one of the businesses that have been in your community for years and has grown to 400 or 500 jobs and has a good workforce and a good product line, and let a death in the family come and that is the chance to buy that business and make it part of their global corporation.

Now, I am not against global corporations but when you lose that local ownership to the global corporation, it is never the same, because 5 years from now that business could be on a little bit of a hard time and it is very easy to take those machines and move them down the road or another country, and those jobs are gone.

The backbone of our communities is independent business, and this tax hits them really hard. This is the tax that forces them to make that decision, because they cannot borrow that much money and still make the business profitable, and the only economic choice they have is to sell it.

I think that is the part that people must realize. This is the backbone of our communities, independent businesses that are growing and prospering. They pay that tax on January the 15th, this year, next year, the year after. They build this nest egg. They do not have huge Keoghs and huge IRAs. They have their resources in the business, in the building, in the inventory, in the machines. That is their family nest egg, and maybe the funds have helped grow the business and they have worked like troopers to grow this business and create more jobs in the community; and the father or the parent dies and the business has to be sold because there is not enough equity left after you pay the estate taxes.

Whether it is farmers, whether it is a local supermarket, whether it is a local manufacturer, a local processor, whatever, it is local employers that make our communities good places in which to live, and the estate tax is the greatest threat to local jobs of any part of our tax package. That accumulation of wealth by buying more machines and adding on to the building and all of that, that is out of profits that they have paid their taxes on. This is not through some cheating or somehow taking money out of the business. This is taking the profits, paying their taxes, taking what is left and putting it back into the business and hiring 5 more people. That is what America is all about. That is where we are better than most any part of the world. The free market system allowed someone like me, when I started my business, to borrow against my father's home. Now, today banks will not do that.

I knew one thing, though. I knew that I could not fail, I could not jeopardize my mother's and father's home. I had to pay that loan back, but that is how I got started in business because I didn't have any cash of my own. My father mortgaged his home and some land he owned so I could go into a little small, corner grocery store and I grew it into a supermarket that served the community for more than 2 decades.

That is the future of America, the ability of individuals with a new idea, a new concept, to grow business, and the estate tax or the death tax is one of the greatest threats for that business staying in your community, staying in the next generation.

There are very few businesses, because of the estate tax, that last to the third generation, a small fraction. There is a myth, a Federal estate tax is an efficient way to distribute wealth. Well, the reality is, and the gentleman said it very similarly, the Joint Economic Committee found that the cost of collection and compliance, and that includes the litigation and disputes between the IRS and taxpayers, makes it a wash. So the government really does not benefit from all the money they spend collecting the estate taxes. It is a wash. But at the same time those 500 jobs, those 300 jobs, those 50 jobs, those 40 jobs from our communities are gone forever.

It is the second and third tax on the same income, and it just should not be.

Mr. THUNE. If the gentleman would yield back, I could not agree more. I think, unfortunately, the gentleman hit it exactly on the head. If you are talking about a small town environment, a rural area like the one I come from, oftentimes it is. I mean, the only economic activity, the only hope for jobs and that sort of thing in some of those small communities, really is those small independent businesses. If those people cannot stay in business because the Federal Government insists on taxing them, as you said, over and over and over again and then when it comes time to expire they get taxed again, there is only so much that those small businesses can abide and still continue to do what they do, and that is provide the jobs and provide not only the jobs but the benefits to their employees.

What the gentleman is talking about here again is the cost of compliance with the estate tax and everything else. It robs dollars that otherwise could be put into things like providing health care for their employers.

Now we have a gentleman with us here this evening, and I would note that there is a famous gentleman from Illinois, from his home State, who once said, and I quote Abraham Lincoln, "It is not the years in your life that count. It is the life in your years."

Unfortunately, there are thousands of hard working business owners and family farmers who have a difficult time enjoying the life in the years with the shadow of the estate tax looming over them.

The gentleman from Illinois (Mr. SHIMKUS) is with us this evening on the floor. He is someone who as a member of the Committee on Commerce and someone who as well also has a number of small businesses and people in his district who are affected by the death tax, and someone who I might add whose in-laws live in South Dakota so he has an extra special reason to be interested in this because my constituents care very deeply about this. I would be happy to yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I came over on this side because I know tomorrow we will have a lot of our friends on the Democrat side of the aisle who are going to come and join us in support. I am speaking on behalf of my constituents and also for all my friends on this side who again I know will join us.

I will try to be brief. I cannot match the eloquence of the folks down here.

Yesterday, some interest groups took opposition with my support of the death tax. One of the comments was made, well, only one in 20 farms actually have to be sold. And my point to them was, well, obviously it is not your farm. If there is one in 20 farms, which we know is not a good measure, it is definitely not their farm that has to get sold, and we can give countless cases in the 20th District of Illinois of farms being sold.

I have one in Christian County that was just devastating, but I would like to talk especially about the agricultural economy as was addressed by my colleague from Pennsylvania, the compliance costs, because we know that we are in one of the lowest periods of commodity prices since the Depression.

Part of farm income, income on the balance and income statement, you have revenue and you have expenses. Well, people fail to understand the compliance cost to save the farm from the death tax is an added cost of doing business, which in these low commodity prices makes it very, very difficult to make ends meet. So in eliminating the death penalty, what you do is you are going to help the farm income of the family farm in the 20th District and throughout the country.

The second thing I want to mention, I have two cases both in Quincy, Illinois. One was back in 1969, Rich Neimann, who when his father passed away, and he is the chairman and CEO of Neimann Foods, Incorporated, of Quincy, Illinois, when Richard's father passed away suddenly in 1969 the family was faced with an estate tax bill of several hundred thousand dollars which was due, by law, within 9 months. The Neimann family had to use all the resources from the sale of the company's wholesale operations to pay the estate tax bill. In essence, they sold the wholesale operation of their business to provide funds to pay the death tax. That was in 1969.

More recently, 17 months ago, a good friend of mine, a small business owner from Quincy, Illinois, Mike Nobis, his brothers and sisters lost their parents 17 months ago when there was a travel accident involving their motor home, and both the mother and his father passed away.

The parents left behind a family printing business and estate tax bill of more than $370,000. To prevent this tax burden from destroying the family business, listen to what they did, the company put off buying capital expenses, which you would expect. They also got the 45 employees to agree, so they could keep their jobs, to double as much as they pay in health insurance. The employees agreed to double the amount that they paid in health insurance to keep the business in operation.

This is not just a burden on the small business. This is a burden on the working men and women who are employed by these small businesses. I just think it is a compelling story that in small town USA that these employees would go to bat for the employer and suck it up to keep the business in operation.

Two last points I want to make to the super wealthy who think this is unnecessary, there is a simple solution; and I challenge them. All they have to do is gift it to the Federal Government, just get out their checkbook. We will take it. We will put it in the Treasury. We will use it to pay down debt. If they want to turn over that money, I think we would welcome it.

The last point I want to talk about is just ideology. I think ideology is so important, and as a former government teacher sometimes we get lost in the view of government. The death tax really speaks to the debate on ideology, conservative versus liberal. It really addresses a point of who controls after-taxed wealth in America. And that is what, for me, this debate is all about. It is very simple. Who controls after-taxed wealth that has already been created after it has already been taxed?

My friends, the liberals, would say, well, government ought to control it because government has plans to redistribute that wealth throughout the country.

We would say that is an award and a benefit for taking the capital risk and creating jobs and keeping our economy going and if you want other people to go back to small town America to create five to 10 to 15 jobs, you ought to make sure that they can pass on their after-taxed wealth, after-taxed wealth, to their family.

So I appreciate the gentleman scheduling this hour to talk about this. It is very timely with our vote tomorrow. I know I have a lot of friends on this side that are going to be very supportive. I look forward to the debate and I look forward to casting the votes. It is a pleasure to join my colleagues down on the floor.

Mr. THUNE. Mr. Speaker, I would simply say in echoing the remarks of the gentleman that if we think about the way that this impacts people, okay, yes, obviously they are going to talk about and we are going to hear a lot of rhetoric on the floor tomorrow and a lot of propaganda and demagoguery about how this is going to help the really mega rich in this country, but the reality is it affects people, average people, who are investing, who are taking that risk, who are using the market system that we have in this country, to create a better life for themselves and their families, but also to create jobs and a better quality of life for the people who are working for them and to build their communities.

There is not a small businessperson in a small town who is not the one who gets asked to support every single charity, every single activity that is going on, whether it is the local baseball team or whatever, and they are there to step up and to support those many activities, and it is part of our community life.

I am going to give an example. I want to read a short letter here that I received from a constituent in South Dakota. This is a family farmer and this is again a direct impact not on the super rich but on the family farmer. "Eleven years after my mother died and 7 years after my father passed away, I still cannot be sure that the estate is settled. We sold off 480 acres of the family farm to pay the taxes, but I do not have a final signed letter from the IRS stating that the estate and the audit are officially closed. My wife and I have to meet with an estate planning team on a regular basis to try to keep our children from experiencing the same estate tax problems we have had."

Those are the words of a South Dakota farmer who has been hit hard by this death tax. Surprisingly enough, he considers himself one of the lucky ones. He actually survived the death tax and he can still farm after selling a quarter of his land, land that has been in his family for generations.

□ 2115

His family farm narrowly survived, even though he was hit 3 times. Not only did he and his family pay the Federal estate tax, he paid nearly $71,000 in State inheritance taxes and he had to shell out at least $30,000 in legal fees to settle the estate. Now, his children, of course, stand to face the same problem if we do not do something about repealing this tax.

Unfortunately, this farmer's story is all too common in rural America. The death tax literally can destroy family-owned farms and ranches by forcing farmers and ranchers to sell off land, buildings and equipment just so that they can pay Uncle Sam.

Make no mistake about it. Despite the rhetoric we are going to hear here tomorrow, when farms and ranches disappear, the rural economy suffers. We are seeing people move out of rural areas into more populated areas of this country. If we want to preserve the fabric and the bedrock values of this country and make it strong by allowing family farming to survive, we have to do something about this death tax.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from South Dakota, and I would say to the gentleman from Illinois, he sells himself short, Mr. Speaker, when he supposed a lack of eloquence on his part, because nothing is more eloquent than the real-life experiences of fellow citizens that he outlined for us. The gentleman from South Dakota has followed suit. Then, of course, we have the gentleman from Pennsylvania here who built a business, a grocery store in his hometown, employing local folks. Talking about the local perspective is so vital.

Mr. Speaker, I would note that the gentleman in the chair, the Speaker pro tempore, from the first district of Arizona, we can claim a unique vantage point because the Speaker pro tempore hails really from the 6th congressional district, the town of Snowflake, named for the founding families, the Snow family and the eponymously named Flake family. Yes, Mr. Speaker, we understand how this affects rural and small town America. But as we have seen in Arizona, with the incredible growth and, indeed, over the last 10 years, the equivalent of the State of Nebraska has moved to Arizona; we have growing urban areas, we have people coming in from all over the United States.

One lady stopped me in one of our cities the other day and she talked of the experience of her father who was a milkman in post-World War II America. He got up every day very early, ran his route, saved what he could, invested wisely, and built what some would call a nest egg, but what the Federal Government calls a substantial estate in the millions of dollars. The lady who stopped me, Mr. Speaker, said, you would never have thought that. My father was a hard-working man, but even he said about his profession that he was blessed to live in America and to have those opportunities, but in much the same way our colleague from Illinois outlined the problems, in much the same way our colleague from South Dakota read of the plight of a farmer in his home State, so this was this suburban housewife, the beneficiary, if you will, of her father's estate, having to grapple with this incredible problem. She and her siblings were bearing the brunt of liquidating their father's estate. His hard work, the wages on which he had been taxed, his very success was being penalized.

My colleague from Illinois had it right when he talked about a grand debate, a fundamental difference of vision. When it comes to the notion of wealth, there are those in this chamber who honestly believe, as difficult as it is for most Americans to grasp this, they honestly believe that the Federal Government, that the Washington bureaucracy should have first dibbs on your money, and that death is a watershed event, and that the family should pay up, oftentimes in excess of 50 percent.

My friend from Illinois brought up another topic that bears amplification because, Mr. Speaker, in this town, there is the punditocracy. There are special interest groups who step forward with the most curious ideas, and the irony we have seen of the mega rich stepping forward to say that this death tax should be enforced deserves some comment. The gentleman from Illinois, Mr. Speaker, was exactly right. If our friends who are mega rich, billionaires and in some slang gazillionaires, if they believe that their progeny would receive the fruit of their labors as some ill-gotten gains, if they honestly believe that sending their wealth to the Federal Government is the highest and best use of their funds, then by all means, Mr. Speaker, they should find their attorneys, they should prepare their estates or perhaps have the check ready right now to hand over the bulk and entirety of their estates to the Federal Government. But for the milkman who passed away, whose daughter, the proverbial soccer mom is having to deal with this real problem, to the family rancher in the 6th district of Arizona, to the small business owner in the town of Snowflake, I respectfully say, let us restore some fairness. Is it fair to expect those people who survive to liquidate assets and send over 50 percent to the Federal Government? No, that is wrong.

Mr. Speaker, the fact is, tomorrow we will take steps to address this fundamental issue of fairness when we take the steps to eventually put this death tax to death.

Mr. THUNE. Mr. Speaker, I would just say that many opponents of the Federal estate tax, including me, I criticized it as being a death tax; it is a death tax, there is no question about it, and I believe it is fundamentally unfair, as the gentleman just noted, to tax death. But again, characterizing the death tax as only taking effect when someone dies does not paint the full picture of this thing, and it is a misguided policy. Because the estate tax does not just rear its ugly head when someone dies; as Abraham Lincoln said, it is not just the years of your life that count, it is the life of your years. It is present through the life of our years, and this fact can be plainly demonstrated by looking at the arguments being made by those who are opposed to its repeal, because they talk a lot about targeting tax relief by increasing the small business and family farm exemption already found in the Tax Code. This is, again, of how the IRS, how much paperwork it takes to maintain this Tax Code, the exemption consumes nearly 13 pages in the Tax Code. Now, ironically, it is so narrow and so complex that it only applies to roughly 3 percent of small businesses and family farms. So in order to qualify for that exemption, taxpayers have to start planning while they are alive in order to meet the rigorous adjusted gross estate value and material participation requirements that are in that Tax Code. We talk about it as a death tax, and it is that, but it is also a tax during people's lives that they have to plan for over and over, again and again, depriving the resources, the time, the investment that could be put to much more productive use.

Incidentally, I just want to mention too, because I think the gentleman from Pennsylvania noted earlier how often it is that actually a family farm or small business or operation gets passed on to the next generation, and the numbers I have here in front of me say that 80 percent of small employers spend the costly resources to protect their families from the death tax and in spite of that, in spite of that, they still often fail, because 70 percent of small and family-owned businesses do not survive through the second generation, and 87 percent do not make it to the third generation. So 9 out of every 10 successors whose family business failed within 3 years of the owner's death said death taxes played a major role in that company's demise.

So if we think about the impact this has on the transfer of the economic engine in this economy for the next generation and what we are doing, which is, in effect, making it even more difficult than it is, and it is difficult enough to make that happen. So again, this is a tax on death, it is a tax on life; it is something that is so costly to comply with and something which literally deprives one generation of Americans who have worked very, very hard for the benefit of passing that hard work on to the next generation.

So I just think again, we have an opportunity to do something about this and we have tried and tried and tried, as the gentleman from Arizona always says, to get this done, and yet despite our best efforts in the last couple of years, because again we met the veto pen at the other end of Pennsylvania Avenue; this year it is different. There is a new sheriff in town and we have an opportunity to do what is right by family farmers and ranchers and small business people, not just in the rural areas of the country, but in the more populated areas, like the gentleman from Arizona where he lives.

I might add that a lot of people from my State like to go down there because it is a little warmer climate than what we have had to deal with, but there are a lot of us who like to live in South Dakota in spite of the climate because of the quality of life, and part of the quality of life hinges upon having an active economy and making sure that the government is not making more out of that economy than is necessary and allowing it to continue to grow and provide jobs. So there are a lot of young people who want to live in South Dakota when they grow up to have that opportunity.

Mr. Speaker, this is important work that we are doing. I yield to the gentleman from Pennsylvania who again spoke so eloquently earlier about his personal experience with this issue.

Mr. PETERSON of Pennsylvania. Mr. Speaker, if you want less of something, tax it another way, another time; if you want more of something, do not tax it. Any time we can remove an impediment from businesses succeeding, we ought to be about it.

I am going to diverse just for a moment, because Bill Gates has said this 3 or 4 times in my presence and it has made a big impact on me. He said, as he travels around the world, because he is one of the leaders of the technology revolution that has brought about the strong economy in this country, he says, everywhere he goes, he will go to Japan and he said, why did it not happen here first? Why did it happen in the States? He will go to Germany and Europe and other countries, and he will say, why did it not happen here? We are smart people. And he said the reason it did not happen there and that it happened here is we have the most economic freedom. We have the least bureaucracy. We have the least power in the bureaucracy to control and regulate.

Now, a lot of us think we have too much, but we do not have as much as they do. He said, they could not have brought about the changes that were necessary to implement this. This technology was around a while before it took off, before it became this spur to our economy. I just want to say that, because it is that economic freedom of this country that we must defend.

The difference in America from anywhere else in the world, and our future, in my opinion, depends on the ability of any individual that has a process, a manufacturing process or a commodity to market that process or that commodity or manufacture that product and compete against the big boys. Now, when I was in the food business, I was an independent supermarket. I had to fight the chains. Now, I do not dislike the chains. They are large, they are powerful, they have hundreds of stores and the power of buying, and I had to compete with them. But that is what America is about, allowing little people with big ideas and lots of intense hard work to build a business. We never know when we have an employer of 50 people that can suddenly bust out and be 500 people, 5,000 people. I have seen it happen, where somebody started in a garage and then moved into a vacant building and the next thing we know, they are building new factories and they are employing hundreds, if not thousands, of people.

□ 2130

We do not want to do anything to trip those people up on their way, because that is what makes America different: It is a land of opportunity. It is a land of economic freedom. When we tax two and three times and take that power of earnings away from people and cause families to lose that whole thrust, they may salvage the business, but for the next 5 to 10 years they are paying interest on this debt that they have accumulated to pay the taxes.

If we add up the money that is spent in this country avoiding this tax, I would not be surprised if this tax, what it costs people and businesses and what it costs the government to collect it, that it is an absolute loser. It is not time to tinker with it, it is time to get it out of the way as an impediment to growing successful businesses in this country. It is one less impediment for families and hard-working people.

Most people who own a business do not work 8 hours a day, they work double shift, triple shift, whatever it takes to make the business work, to pay the bills. Those people should not be threatened and have the problem of spending all their resources and time trying to salvage the family business.

It is time to put the death tax to bed. It is time to just remove it and get it out of the way as something that really is not in the best interests of our economic future.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania.

I also recognize on the floor right now a new addition to the Congress, the gentleman from Missouri (Mr. AKIN), who has joined us this year. He also, I think, represents a good number of people who probably care very deeply about this issue.

He has come to this Congress I think intent, like many of us have, on making a change for the better to try and create an environment in this country where the American people get to keep more of what they earn, and where we are distributing power out of Washington, getting more power back into the economy and back into the hands of individuals and families and less in the hands of Washington bureaucrats.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I thank the gentleman for yielding to me.

One of the things we could comment on here is the timeliness of this measure that is before us. One of the things we are aware of is that the economy has not been as strong as it might be. There is no coincidence that we are dealing with the repeal of the death tax.

I think people sometimes do not understand the connection, though. I think that the connection is rather straightforward when we consider where is it that people are employed in America. What we find is, and it is not intuitively obvious, I do not think, is that about 80 percent of our jobs are in small businesses. Those small businesses, many of them are started either by some individual or the parent of some individual.

Those small businesses, with the death tax the way it is now, stand at risk. Because if we take a lot of those businesses and all of a sudden we have to tax that asset at a 55 percent rate, we basically close the business down and send those jobs somewhere else. I do not think that is what we want to be doing with this economy.

Mr. Speaker, the whole point of getting rid of the death tax really has a lot to do with keeping jobs in this country and really helping, because if we take a look, all of our big corporations which we consider to be national assets, they all started at one time as a small business somewhere. So protecting those small businesses, allowing them to remain solvent, allowing those jobs to remain in this country and not closing down the family farm, those are the kinds of things that affect our economy.

So this I would say, gentlemen, is a particularly timely measure, and it is well past due that we get rid of the tax on widows and orphans known as the death tax.

Mr. THUNE. Mr. Speaker, I thank the gentleman for his comments.

I think just as a matter of fundamental tax policy and principle in this country, we have said this before and it is true, when a family member dies the family should not have to deal with the undertaker and the IRS at the same time. That is in effect what we have created with the Tax Code in this country.

As we again move into this debate tomorrow, we are going to hear a lot of arguments from the other side which will range in all kinds of ways. I cannot even envision, imagine, and contemplate at this point what we might hear in terms of opposition to this, but I can imagine a lot of it will center on the fact that this is going to help those who are particularly affluent and wealthy in this country.

The fact of the matter is they will use examples like Bill Gates and others. Those are people who have done well in this country. Yet, the people that I represent in the State of South Dakota are not the Bill Gateses, Steve Forbeses, Donald Trumps, they are hard-working American men and women who are trying to make ends meet, and who are trying to raise their kids and educate them, and create a better quality of life for themselves and their families and their communities.

Someone said earlier, I think the gentleman from Illinois when he was here on the floor, that only one in 20 farms is lost in this country or has to be sold to pay the death tax.

If we think about that, in my State of South Dakota there are 32,000, in round numbers, family farmers. If we lose one in 20, that is 5 percent. That is 1,600 farms.

Mr. Speaker, one does not have to be a real serious mathematician over time to look at what happens as far as a trend line. We will see in a very short order that what is the backbone of the economy in rural areas, and that is our family farmers, are very much at risk, very much imperiled, and very much in jeopardy if we do not take the steps that are necessary, not only to increase prices and to reduce the cost of production, two issues that are separate issues, but also to lessen the tax and regulatory burden on many of these people.

So again, I think this is a timely debate. I hope this is an issue that we will see broad bipartisan support for.

I am happy to yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman, and welcome my friend, the gentleman from Missouri, to this Chamber and to service in the United States House.

My friends from Missouri often say, Show me. Sadly, the Federal government has taken a slogan that Hollywood popularized a few years ago, show me the money, and taken it from family enterprises.

It has been noted before, Mr. Speaker, that the power to tax is the power to destroy. Mr. Speaker, nowhere have we seen it with a more egregious impact, with a more unfair specter, with a fundamental departure from our values and ethics, than we have seen with this death tax.

Yes, for years it was called an estate tax, offering this type of placid, pastoral recognition. But what it is in reality is the death tax: the destroyer of jobs, the destroyer of economic opportunity, the destroyer of communities and a way of life.

Some have come to service on this Hill offering a slogan and a written word. It takes a village. Well, Mr. Speaker, I think it is fair to ask, what happens when we tax the businesses and farms and ranchers in said village literally to death? What happens when we abandon the notion of basic fairness and penalize people whose only offense is to succeed?

Why punish those who have worked to establish a growing business, an agricultural or economic enterprise creating jobs, generating wealth, and not coincidentally, Mr. Speaker, paying taxes on those funds even as they are accumulated? Why then turn around and tax the survivors, and destroy the businesses or drive them into arcane policies where time and money is drained from job creation in the conventional sense, instead to go to lawyers and accountants, and to drain the productivity of the economic enterprise?

Now, Mr. Speaker, we will have those who come to the floor, and we should acknowledge the fact, as my colleague from Illinois and now Missouri has done standing on that side of the aisle, there will be those who will join with us in a bipartisan way tomorrow, but there will be others who say, "Yes, this tax is unfair, but we cannot vote to do this now;" or, "not this way;" or maybe, "There is a cheaper way to do this," for political advantage or partisan embarrassment.

Mr. Speaker, I would simply say to the American people on the eve of this historic debate, accept no cheap substitutions. Join with us to put this death tax to death, because the power to tax has in this instance for too many families, for too many farms and ranches and small towns and essential businesses, become the destroyer of their worlds and their vision and their very livelihoods.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Arizona for stating in very eloquent and concise terms really what this debate is about, because on a fundamental level, inasmuch as we talk sometimes about these issues in abstract terms, this really is another issue, and we have discussed many of them as we have talked about the President's agenda, that affects very real people in a very real and personal way.

As we move through trying to implement an agenda which, because of these good economic times and because of the hard work of the American people, has generated more money in the Federal Treasury than is necessary to run the cost of government, the American people, I believe, and the President, asked for it when he spoke right here behind us in this Chamber, the American people want and deserve a refund.

I think that if we look at the marriage penalty, which in my State affects 75,000 couples, if we talk about the per child tax credit which we acted on last week, which affects 119,000 children in South Dakota and their parents, it is about taking the dollars thata are coming in here that are more than necessary to run the cost of government, protecting and walling off Social Security, addressing the long-term needs to reform Medicare, paying down the Federal debt in historic levels, levels never before seen; certainly not seen in the last 40 years, when our colleagues on the other side ran this Chamber. I do not know when the last time is when we have had substantial paydown of the Federal debt.

But we have had an opportunity to allow the American people to keep some of this surplus which is theirs in the first place. The President has said it, it is the people's money. We need not forget that.

So whether it is the marriage penalty or the per child tax credit, the death tax, reducing marginal rates, it is important that the American people understand that they have overpaid the cost of government, very simply, very fundamentally. When that happens, just in the same way as when they go into the store to buy a pair of shoes and they hand the clerk a $100 bill for an $80 pair of shoes, they don't say, "Keep the change." They have overpaid the cost of the Federal government.

This is where the American people I think really need to be tuned into this debate, because it is their money we are talking about. We all know that if it stays here in Washington, it is going to get spent on more and bigger government programs.

It all comes back to the basic question, somebody talked about ideology earlier of who has the power: Does Washington, D.C. have the power, or does the American family have the power?

We happen to believe as a matter of principle that when we have an opportunity to allow the American people in this country to keep more of their hard-earned dollars, they have more power and more control over their lives to make decisions that are in the best interests of themselves, their families and their communities. That really is what this debate is all about.

Tomorrow is another chapter in that debate. We take up the death tax. Again, I hope that we can successfully piece together a tax relief package that incorporates principles that not only provide tax relief, but tax reform and tax fairness to the American people.

The interesting thing about this is that our friends on the other side, they will complain and holler, but they are coming along. They have already agreed to more tax relief than this President vetoed last year when we acted upon it.

They are now rolling out alternatives, all kinds of alternatives. They may not like exactly the way we are doing it, but they understand what the American people understand. That is that this is their money, the Americans' money, and we need to make sure they are able to keep it.

I appreciate the gentleman from Arizona joining us this evening, and the gentleman from Missouri, for their thoughtful comments and observations. I expect the gentleman will be engaged in that debate tomorrow as it gets under way as a member of the Committee on Ways and Means. We thank the gentleman for his efforts to lead the charge to eliminate not only the death tax but a lot of the other inequities in the Tax Code.

I would say to the gentleman from Missouri, again, I appreciate the chance to conduct this discussion this evening. Hopefully we will get the debate under way. The debate is joined.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

Mr. LATHAM (at the request of Mr. ARMEY) for today and April 4 on account of the death of his father.

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. WOLF (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DELAHUNT) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PRICE of North Carolina, for 5 minutes, today.

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, April 4.

Mr. BILIRAKIS, for 5 minutes, today and April 4.

Mr. GRUCCI, for 5 minutes, today.

Mr. LINDER, for 5 minutes, April 4.

Mrs. MORELLA, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. KELLER, for 5 minutes, April 4.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 4, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1415. A letter from the Regulatory Contact, Grain Inspection, Packers, and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Fees for Commodity and Rice Inspection Services (RIN: 0580–AA74) received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1416. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Combat Command (ACC) is initiating a single-function cost comparison of the ACC Communications Group to include functions such as configuration and interoperability management, data-link, desktop software development, and Ground Tactical Air Control System at Langley Air Force Base, Virginia, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

1417. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Joseph W. Mobley, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

1418. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Edward Moore, Jr., United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

1419. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Equal Credit Opportunity [Regulation B; Docket No. R–1040] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1420. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Savings [Regulation DD; Docket No. R–1044] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1421. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–1042] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1422. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1043] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1423. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Affairs, transmitting the Department's final rule—Assessments (RIN: 2550–AA15) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1424. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Rules of Practice and Procedure (RIN: 2550–AA16) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1425. A letter from the Assistant General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Allocation of Operating Subsidies Under the Operating Fund Formula [Docket No. FR–4425–I–12] (RIN: 2577–AB88) received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1426. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporaton's final rule—Rescission of Deposit Broker Notification, Recordkeeping and Reporting Requirements (RIN: 3064–AC48) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1427. A letter from the Acting Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Diesel Particulate Matter Exposure of Underground Coal Miners; Delay of Effective Dates (RIN: 1219–AA74) received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1428. A letter from the Acting Assistant Secretary for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners; Delay of Effective Dates (RIN: 1219–AB11) received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1429. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1430. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Device; Exemption From Premarket Notification; Class II Devices; Pharmacy Compounding Systems [Docket No. 00P–1554] received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1431. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 01–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1432. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title VIII of Publc Law 101–246, the Foreign Relations Authorization Act for Fiscal Year 1990–91, as amended; to the Committee on International Relations.

1433. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13–597, "21st Century Financial Modernization Act of 2000" received April 03, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

1434. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Fiscal Year 2000 Annual Program Performance Report; to the Committee on Government Reform.

1435. A letter from the Acting Assistant Secretary, Policy, Management and Budget and Chief Financial Officer, Department of the Interior, transmitting the Department's Annual Accountability Report for Fiscal Year 2000; to the Committee on Government Reform.

1436. A letter from the Secretary, Department of Labor, transmitting an Annual Report on Performance and Accountability for FY 2000; to the Committee on Government Reform.

1437. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2000 Performance Report; to the Committee on Government Reform.

1438. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's Fiscal Year 2000 Annual Program Performance Report and the Fiscal Year 2002 Performance Plan; to the Committee on Government Reform.

1439. A letter from the Director, Office of Government Ethics, transmitting the Annual Program Performance Report for FY 2000; to the Committee on Government Reform.

1440. A letter from the Chair, Railroad Retirement Board, transmitting an Annual Program Performance Report for Fiscal Year 2000; to the Committee on Government Reform.

1441. A letter from the Acting Administrator, U.S. Agency for International Development, transmitting a report on FY 2000 Accountability; to the Committee on Government Reform.

1442. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Arkansas River Basin Population of the Arkansas River Shiner (RIN: 1018–AG12) received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1443. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska [Docket No. 010112012–1070–02; I.D. 011101B] (RIN: 0648–A082) received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1444. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 Feet Length Overall and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands [Docket No. 010112013–1013–01; I.D. 032601B] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1445. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of Fishery for Pacific Mackerel [Docket No. 000831250–0250–01; 031901D] received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1446. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's "Major" final rule—Disaster Assistance; Cerro Grande Fire Assistance (RIN: 3067–AD12) received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1447. A letter from the Secretary, Judicial Conference of the United States, transmitting the Biennial Survey of Article III Judgeship Needs in the U.S. courts of appeals and the U.S. district courts; to the Committee on the Judiciary.

1448. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden, as of December 31, 2000 and 1999, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

1449. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's "Major" final rule—Assistance to Firefighters Grant Program (RIN: 3067–AD21) received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

1450. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Claims Based on the Effects of Tobacco Products (RIN: 2900–AJ59) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1451. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting the Department's final rule—Signature by Mark (RIN: 2900–AK07) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1452. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision: Farmland Industries, Inc. v. Commissioner—received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 768. A bill to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws (Rept. 107–32). Referred to the Committee on the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 642. A bill to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 107–33). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 601. A bill to ensure the continued access of hunters to those Federal lands included within the boundaries of the Craters of the Moon National Monument in the State of Idaho pursuant to Presidential Proclamation 7373 of November 9, 2000, and to continue the applicability of the Taylor Grazing Act to the disposition of grazing fees arising from the use of such lands, and for other purposes; with amendments (Rept. 107–34). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 581. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to use funds appropriated for wildland fire management in the Department of the Interior and Related Agencies Appropriations Act, 2001, to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management (Rept. 107–35). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 182. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Eight Mile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; with amendments (Rept. 107–36). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 8. A bill to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes; with an amendment (Rept. 107–37). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 974. A bill to increase the number of interaccount transfers which may be made from business accounts at depository institutions, to authorize the Board of Governors of the Federal Reserve System to pay interest on reserves, and for other purposes, with amendments (Rept. 107–38). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 111. Resolution providing for consideration of the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes. (Rept. 107–39). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FERGUSON (for himself, Mr. Kennedy of Rhode Island, Mr. Smith of New Jersey, Mr. Schrock, Mr. Saxton, Mr. Quinn, Mr. LaTourette, Mr. Rogers of Michigan, Mr. Platts, Mrs. Kelly, Mr. Sweeney, Mr. Gilman, Mrs. Johnson of Connecticut, Mrs. Roukema, Mr. Gilchrest, Mr. Oxley, Mr. Grucci, Mr. Burton of Indiana, Mr. Ney, Mr. Boehlert, Mr. Reynolds, Mr. Weldon of Pennsylvania, Mr. McHugh, Mr. Walsh, Mrs. Biggert, Mr. Davis of Illinois, Mr. Hinchey, Mrs. Jones of Ohio, Mr. McDermott, Mr. Conyers, Mr. Owens, Mr. Oberstar, Mr. Kucinich, Mr. McGovern, Mr. Udall of Colorado, Mr. Baldacci, Mr. Frank, Ms. Brown of Florida, Mr. Thompson of Mississippi, Mr. Langevin, Mr. Shimkus, Mr. Ehlers, Mr. Sherwood, Mr. LoBiondo, Mrs. Capito, Mr. English, Mr. Lantos, and Mr. Houghton):

H.R. 1330. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act; to the Committee on Education and the Workforce.

By Mr. ARMEY (for himself, Mr. Lipinski, Mr. Cannon, Mr. Ford, Mr. Bonilla, Mr. Blagojevich, Mr. Ballenger, Mrs. Bono, Mr. Buyer, Mr. Cantor, Mrs. Jo Ann Davis of Virginia, Mr. Tom Davis of Virginia, Mr. Fossella, Mr. Gillmor, Ms. Hart, Mr. Hostettler, Mr. Isakson, Mr. Kolbe, Mr. McHugh, Ms. Pryce of Ohio, Mr. Rehberg, Mr. Rogers of Michigan, Mr. Sensenbrenner, Mr. Smith of New Jersey, and Mr. Tancredo):

H.R. 1331. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. Boucher):

H.R. 1332. A bill to amend title 35, United States Code, to provide for improvements in the quality of patents on certain inventions; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. Boucher):

H.R. 1333. A bill to amend title 35, United States Code, to provide for improvements in the quality of patents on certain inventions; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. Nadler, and Mrs. Maloney of New York):

H.R. 1334. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. Saxton, Mr. Baldacci, Mrs. Maloney of New York, Ms. Baldwin, Mr. Blumenauer, Ms. DeGette, Mr. Delahunt, Mr. Hinchey, Mrs. Jones of Ohio, Mr. Kucinich, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Olver, Mr. Sanders, Mr. Thompson of Mississippi, Mr. Tierney, and Ms. Woolsey):

H.R. 1335. A bill to reduce emissions of mercury, carbon dioxide, nitrogen oxides, and sulfur dioxide from fossil fuel-fired electric utility generating units operating in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Financial Services, Transportation and Infrastructure, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. Udall of Colorado, Mr. Foley, Mr. Vitter, Mrs. Thurman, Mr. Tauzin, Mr. Tancredo, Mr. McCrery, Mr. Shows, Mr. Sessions, Mr. DeLay, and Mr. Herger):

H.R. 1336. A bill to amend the Internal Revenue Code of 1986 to extend the period for filing for a credit or refund of individual income taxes to 7 years; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii (for herself, Mr. Abercrombie, and Mr. Kennedy of Rhode Island):

H.R. 1337. A bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BENTSEN:

H.R. 1338. A bill to provide for the designation of an Assistant Secretary of State for Victims of International Terrorism; to the Committee on International Relations.

By Mr. BERRY:

H.R. 1339. A bill to provide market loss assistance during fiscal year 2001 to owners and producers on farms who are eligible for a final payment for fiscal year 2001 under production flexibility contracts entered into under the Agricultural Market Transition Act; to the Committee on Agriculture.

By Mr. BILIRAKIS (for himself, Mr. Brown of Ohio, Mr. Upton, Mr. Lantos, Ms. Hart, Mr. Green of Texas, Mr. Baldacci, and Ms. McKinney):

H.R. 1340. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in biomedical research conducted through the National Institutes of Health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 1341. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1342. A bill to amend the Internal Revenue Code of 1986, to reduce individual captial gains rates; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mrs. Morella, Ms. Baldwin, Mr. Frank, Mr. Gephardt, Mr. Skelton, Mr. Kolbe, Mr. Foley, Mr. Shays, Mrs. Kelly, Mr. Berman, Mr. Boucher, Mr. Nadler, Ms. Lofgren, Ms. Jackson-Lee of Texas, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Mr. Weiner, Mr. Schiff, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Baird, Mr. Baldacci, Mr. Barrett, Mr. Becerra, Mr. Bentsen, Ms. Berkley, Mrs. Biggert, Mr. Bishop, Mr. Blagojevich, Mr. Blumenauer, Mr. Boehlert, Mr. Bonior, Mr. Borski, Mr. Boswell, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mr. Brown of Ohio, Mrs. Capps, Mr. Capuano, Mr. Cardin, Ms. Carson of Indiana, Mrs. Christensen, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Coyne, Mr. Crowley, Mr. Cummings, Mrs. Davis of California, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeGette, Ms. DeLauro, Mr. Deutsch, Mr. Dicks, Mr. Dingell, Mr. Doggett, Mr. Dooley of California, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Faleomavaega, Mr. Farr of California, Mr. Filner, Mr. Ford, Mr. Frelinghuysen, Mr. Frost, Mr. Gilman, Mr. Gonzalez, Mr. Greenwood, Mr. Gutierrez, Mr. hall of Ohio, Ms. Harman, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Hinojosa, Mr. Hoeffel, Mr. Holt, Mr. Honda, Ms. Hooley of Oregon, Mr. Horn, Mr. Hoyer, Mr. Inslee, Mr. Israel, Mr. Jackson of Illinois, Mr. Jefferson, Mrs. Johnson of Connecticut, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Ms. Kilpatrick, Mr. Kind, Mr. Kirk, Mr. Kleczka, Mr. Kucinich, Mr. Lampson, Mr. Langevin, Mr. Lantos, Mr. Larsen of Washington, Mr. Larson of Connecticut, Mr. Leach, Ms. Lee, Mr. Levin, Mr. Lewis of Georgia, Mrs. Lowey, Mr. Luther, Mr. Maloney of Connecticut, Mrs. Maloney of New York, Mr. Markey, Mr. Matsui, Ms. McCarthy of Missouri, Mrs. McCarthy of New York, Ms. McCollum, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Ms. Millender-McDonald, Mr. George-Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Moore, Mr. Moran of Virginia, Mrs. Napolitano, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Price of North Carolina, Ms. Pryce of Ohio, Mr. Quinn, Mr. Rangel, Mr. Reyes, Ms. Rivers, Mr. Rodriguez, Mr. Rothman, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Ms. Sánchez, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Serrano, Mr. Sherman, Mr. Simmons, Ms. Slaughter, Mr. Smith of Washington, Mr. Snyder, Ms. Solis, Mr. Stark, Mr. Strickland, Mrs. Tauscher, Mr. Thompson of California, Mr. Thompson of Mississippi, Mrs. Thurman, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Underwood, Ms. Velázquez, Mr. Visclosky, Mr. Walsh, Mr. Waxman, Ms. Woolsey, Mr. Wu, and Mr. Wynn):

H.R. 1343. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK (for himself, Ms. Baldwin, Mr. Blumenauer, Mr. Conyers, Mr. DeFazio, Mr. Nadler, Mr. Olver, Ms. Pelosi, Mr. Stark, and Ms. Woolsey):

H.R. 1344. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 1345. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations, and cancellations; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 1346. A bill to amend title 18, United States Code, to eliminate the prohibitions on the transmission of abortion related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Ms. Berkley):

H.R. 1347. A bill to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the "Joseph E. Dini, Jr. Post Office"; to the Committee on Government Reform.

By Mr. HUTCHINSON (for himself and Ms. Hooley of Oregon):

H.R. 1348. A bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON:

H.R. 1349. A bill to repeal the 50 percent limitation on courses offered through telecommunications for student financial assistance programs; to the Committee on Education and the Workforce.

By Ms. SÁNCHEZ (for herself, Mr. Abercrombie, Mr. Allen, Mr. Baca, Mr. Baldacci, Ms. Baldwin, Mr. Bentsen, Mr. Berman, Mr. Blagojevich, Mr. Blumenauer, Mr. Brown of Ohio, Mr. Capuano, Ms. Carson of Indiana, Mr. Cummings, Mr. Davis of Florida, Mrs. Davis of California, Mr. DeFazio, Mr. Delahunt, Ms. DeLauro, Mr. Dooley of California, Mr. Evans, Mr. Farr of California, Mr. Filner, Mr. Frank, Mr. Frost, Ms. Harman, Mr. Hinchey, Ms. Norton, Mr. Holt, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mrs. Johnson of Connecticut, Ms. Kilpatrick, Mr. Lantos, Mrs. Lowey, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Matsui, Ms. McCollum, Mr. McDermott, Mr. McGovern, Ms. McKinney, Mr. Meehan, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Nadler, Mrs. Napolitano, Mr. Pallone, Mr. Payne, Ms. Rivers, Mr. Rodriguez, Mr. Sanders, Ms. Schakowsky, Mr. Serrano, Mr. Shays, Mr. Simmons, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mrs. Thurman, Mrs. Jones of Ohio, Mr. Tierney, Mr. Towns, Ms. Velázquez, Ms. Waters, Mr. Waxman, Mr. Wexler, Ms. Woolsey, Mr. Wynn, and Mr. Sherman):

H.R. 1350. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on Armed Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Quinn, Mr. Filner, Mr. Simmons, Mr. Shows, Mr. Hilleary, Mr. Hill, Mr. Petri, Mr. Luther, Mr. Foley, Mr. Hall of Ohio, Mr. Barcia, Mr. Shays, Mr. Olver, Mr. Horn, Mr. Strickland, Mr. Barr of Georgia, Ms. Woolsey, Mr. Fossella, Mrs. Meek of Florida, Mr. Johnson of Illinois, Mr. Mascara, Mr. Boehlert, Ms. DeLauro, Mr. Bartlett of Maryland, Mr. LaFalce, Mr. Goodlatte, Mr. Davis of Florida, Mr. LaHood, Mr. Lampson, Mr. English, Mr. Levin, Mr. Camp, Mr. Baldacci, Mr. Shimkus, Mr. Maloney of Connecticut, Mr. Wynn, Ms. Hooley of Oregon, Mr. Frank, Mr. Faleomavaega, Mr. Jefferson, Mr. Davis of Illinois, Mr. Coyne, Ms. McKinney, Ms. Carson of Indiana, Mr. Larson of Connecticut, Mrs. Thurman, Mrs. Jones of Ohio, Mr. McNulty, Mr. Doyle, Mr. Skelton, Mr. Payne, and Mr. Deal of Georgia):

H.R. 1351. A bill to amend title 38, United States Code, to provide for Government furnished headstones or markers for the marked graves of veterans; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 1352. A bill to amend title 10, United States Code, to codify and make modifications to certain provisions relating to "Buy American" requirements; to the Committee on Armed Services.

By Mr. KENNEDY of Minnesota:

H.R. 1353. A bill to amend the Public Health Service Act and titles XVIII and XIX of the Social Security Act to sustain access to vital emergency medical services in rural areas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself, Mr. Graham, Mr. Weiner, Ms. Slaughter, Mr. Blagojevich, Mrs. McCarthy of New York, Mrs. Myrick, Mrs. Maloney of New York, Mr. Shows, Ms. Eshoo, Mr. Thompson of Mississippi, Mr. Langevin, Mr. Traficant, Mr. Israel, Mr. Serrano, Mr. Andrews, Ms. Hooley of Oregon, Mr. Nadler, Mrs. Roukema, Ms. Jackson-Lee of Texas, Mr. Brady of Pennsylvania, Mrs. Thurman, Mr. McNulty, and Mrs. Kelly):

H.R. 1354. A bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and

Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself and Ms. WATERS):

H.R. 1355. A bill to merge the deposit insurance funds at the Federal Deposit Insurance Corporation; to the Committee on Financial Services.

By Mrs. LOWEY:

H.R. 1356. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that foods containing spices, flavoring, or coloring derived from meat, poultry, other animal products (including insects), or known allergens bear labeling stating that fact and their names; to the Committee on Energy and Commerce.

By Mr. MCCRERY (for himself, Mr. NEAL of Massachusetts, Mr. BRADY of Pennsylvania, Mr. CAMP, Mr. CRANE, Ms. DUNN, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HERGER, Mr. HOUGHTON, Mr. HULSHOF, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. KLECZKA, Mr. LEWIS of Kentucky, Mr. MATSUI, Mr. MCDERMOTT, Mr. MCNULTY, Mr. POMEROY, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. SHAW, Mr. TANNER, Mr. WATKINS, and Mr. WELLER):

H.R. 1357. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. ROYCE):

H.R. 1358. A bill to remove the sanctions imposed on India and Pakistan as a result of the detonation by those countries of nuclear explosive devices in 1998, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 1359. A bill to amend the Internal Revenue Code of 1986 to expand and extend the ability of certain exempt organizations to avoid recognizing a gain on the sale of property used directly in the performance of an exempt function; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Mr. KING, Mr. ABERCROMBIE, Ms. LEE, Ms. SLAUGHTER, and Mr. QUINN):

H.R. 1360. A bill to ensure project labor agreements are permitted in certain circumstances; to the Committee on Education and the Workforce.

By Mr. NETHERCUTT (for himself, Mr. LAFALCE, and Mrs. CAPPS):

H.R. 1361. A bill to provide for coverage of all medically necessary pancreas transplantation procedures under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself and Mr. ABERCROMBIE):

H.R. 1362. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and the Workforce.

By Mr. OTTER (for himself, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. MICA, Mr. RADANOVICH, Mr. SIMPSON, Mr. GIBBONS, Mr. BASS, Mr. JONES of North Carolina, Mr. CANNON, Mr. NETHERCUTT, Mr. MCINNIS, Mr. SCHAFFER, Mr. COOKSEY, Mr. HEFLEY, Mr. HERGER, Mr. STUMP, Mr. GILCHREST, Mr. HASTINGS of Washington, Mr. ISAKSON, Mr. HAYES, Mr. WALDEN of Oregon, Mr. REHBERG, Mr. FLAKE, and Mr. BOSWELL):

H.R. 1363. A bill to help ensure general aviation aircraft access to Federal land and to the airspace over that land; to the Committee on Resources, and in addition to the Committees on Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1364. A bill to restore to taxpayers awareness of the true cost of government by eliminating the withholding of income taxes by employers and requiring individuals to pay income taxes in monthly installments, and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mr. FLETCHER, Mr. WU, Mr. CALLAHAN, Mr. GILMAN, Mrs. MORELLA, Mr. CONYERS, and Mr. BOEHLERT):

H.R. 1365. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Education and the Workforce.

By Ms. SÁNCHEZ (for herself, Mr. LEWIS of California, Mrs. TAUSCHER, Mr. CONDIT, Mr. FARR of California, Mr. BACA, Mrs. CAPPS, Mr. COX, Mr. WAXMAN, Mr. GARY G. MILLER of California, Mr. BERMAN, Mr. FILNER, Ms. SOLIS, Mr. LANTOS, Mr. MATSUI, and Mr. HONDA):

H.R. 1366. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. SIMMONS):

H.R. 1367. A bill to provide for the conservation and rebuilding of overfished stocks of Atlantic highly migratory species of fish, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1368. A bill to amend the Internal Revenue Code of 1986 to remove the requirement of a mandatory beginning date for distributions from individual retirement plans; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. STENHOLM, Mr. MOORE, Mr. HILL, Mr. JOHN, Mr. BOYD, Ms. HARMAN, Mr. THOMPSON of California, Mr. TURNER, Mr. ROSS, Mr. TAYLOR of Mississippi, and Mr. BISHOP):

H.R. 1369. A bill to amend the Congressional Budget Act of 1974 to require a three-fifths majority vote in the House of Representatives or Senate to waive the point of order against considering spending or revenue legislation for a fiscal year before a concurrent resolution on the budget is in place for that fiscal year, and for other purposes; to the Committee on Rules.

By Mr. SOUDER:

H.R. 1370. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to authorize the Secretary of the Interior to provide for maintenance and repair of buildings and properties located on lands in the National Wildlife Refuge System by lessees of such facilities, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. MATSUI, Mr. FILNER, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. FRANK, Ms. SOLIS, Ms. MCCARTHY of Missouri, Mr. GEORGE MILLER of California, Mr. CRAMER, Mr. LEVIN, Mr. ALLEN, Mr. DOGGETT, Mr. KENNEDY of Rhode Island, Mr. CONYERS, and Ms. CARSON of Indiana):

H.R. 1371. A bill to provide for grants to State child welfare systems to improve quality standards and outcomes, and to authorize the forgiveness of loans made to certain students who become child welfare workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 1372. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1373. A bill to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Robert W. Davis Post Office Building"; to the Committee on Government Reform.

By Mr. STUPAK:

H.R. 1374. A bill to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building"; to the Committee on Government Reform.

By Mr. STUPAK (for himself, Mr. WATKINS, Mr. FROST, Mr. PAUL, Mr. COSTELLO, Mrs. EMERSON, Mr. FARR of California, and Mr. OSBORNE):

H.R. 1375. A bill to amend title XVIII of the Social Security Act to adjust the labor costs relating to items and services furnished in a geographically reclassified hospital for which reimbursement under the Medicare Program is provided on a prospective basis; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. BLUMENAUER, Mr. MATSUI, Mr. FARR of California, Mr. OSE, Mr. RADANOVICH, and Mr. DOOLEY of California):

H.R. 1376. A bill to amend the Internal Revenue Code of 1986 to provide that transfers of family-owned business interests shall be exempt from estate taxation; to the Committee on Ways and Means.

By Mr. THORNBERRY (for himself, Mr. CUNNINGHAM, Mr. SAM JOHNSON of Texas, and Mrs. TAUSCHER):

H.R. 1377. A bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Veterans' Affairs, the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1378. A bill to authorize grants for certain water and waste disposal facility projects in rural areas; to the Committee on Agriculture.

By Mr. UDALL of Colorado:

H.R. 1379. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Ms. DEGETTE):

H.R. 1380. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1381. A bill to direct the Secretary of the Interior to establish the Cooperative Landscape Conservation Program; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1382. A bill to authorize increased fines for improper use of vehicles that results in damage to public lands or national forests, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. HAYWORTH, Mr. KILDEE, Mr. WATTS of Oklahoma, Mr. CAMP, Mr. KENNEDY of Rhode Island, Ms. DELAURO, and Mr. BROWN of Ohio):

H.R. 1383. A bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional Medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself and Mr. CANNON):

H.R. 1384. A bill to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; to the Committee on Resources.

By Mr. OXLEY:

H. Con. Res. 93. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. ABERCROMBIE (for himself, Mrs. MORELLA, Ms. BALDWIN, Mr. BLUMENAUER, Mr. BALDACCI, Ms. BROWN of Florida, Mr. CONYERS, Ms. DELAURO, Mr. ENGEL, Mr. FILNER, Mr. HONDA, Ms. MCCARTHY of Missouri, Mr. MCNULTY, Mrs. MINK of Hawaii, Ms. NORTON, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Ms. SLAUGHTER, Ms. SOLIS, Mrs. TAUSCHER, Mr. WYNN, Mr. PASTOR, Mr. BACA, Ms. CARSON of Indiana, Mr. LANTOS, and Mr. GUTIERREZ):

H. Con. Res. 94. Concurrent resolution recognizing the significance of Equal Pay Day to demonstrate the disparity between wages paid to men and women; to the Committee on Government Reform.

By Mr. TANCREDO:

H. Con. Res. 95. Concurrent resolution supporting a National Charter Schools Week; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H. Con. Res. 96. Concurrent resolution expressing the sense of Congress that the People's Republic of China should release immediately the crew members of the United States Navy EP-3E Aries II reconnaissance aircraft that made an emergency landing on the Chinese island of Hainan on April 1, 2001, and should release immediately and intact that aircraft in accordance with international law; to the Committee on International Relations.

By Mr. BERMAN (for himself and Mr. BOUCHER):

H. Res. 110. A resolution providing that it shall not be in order in the House of Representatives to consider certain funding measures for the United States Patent and Trademark Office; to the Committee on Rules.

By Mr. FOLEY (for himself, Mr. STENHOLM, Mr. SIMMONS, Mr. KOLBE, Mr. SWEENEY, Mr. MILLER of Florida, Mr. KELLER, Mrs. THURMAN, Mr. SHERWOOD, Mr. MOORE, Ms. HART, Mrs. JO ANN DAVIS of Virginia, Mrs. WILSON, Mrs. MINK of Hawaii, Mr. THUNE, and Mr. BUYER):

H. Res. 112. A resolution recognizing the upcoming 100th anniversary of the 4-H Youth Development Program and commending such program for service to the youth of the world; to the Committee on Education and the Workforce.

By Mr. MCKEON:

H. Res. 113. A resolution urging the House of Representatives to support events such as the "Increase the Peace Day"; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII,

14. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to Resolution H.P. 958 memorializing the United States Congress to either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow states more flexibility in implementing its mandates; to the Committee on Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas:

H.R. 1385. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

By Mr. ROTHMAN:

H.R. 1386. A bill for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. THOMAS and Mr. HASTERT.

H.R. 10: Mr. GEKAS, Ms. BALDWIN, Mr. ISRAEL, Mr. GUTIERREZ, Mr. DOOLITTLE, and Ms. CARSON of Indiana.

H.R. 17: Mr. OSBORNE and Mr. BOSWELL.

H.R. 21: Mr. CLEMENT and Mr. WAMP.

H.R. 25: Mrs. MINK of Hawaii, Mr. SIMMONS, and Ms. SLAUGHTER.

H.R. 28: Mr. HULSHOF, Mrs. WILSON, and Mr. WEXLER.

H.R. 31: Mr. SPENCE.

H.R. 51: Mr. MCINTYRE, Mrs. BIGGERT, and Ms. SÁNCHEZ.

H.R. 61: Mr. PETRI.

H.R. 126: Mr. BONIOR and Mr. KUCINICH.

H.R. 128: Mr. BONIOR, Ms. LEE, and Mr. NADLER.

H.R. 134: Mr. FOLEY.

H.R. 144: Mr. GONZALEZ.

H.R. 162: Mr. LAFALCE, Ms. SOLIS, Mr. DELAHUNT, Mr. CLYBURN, Mr. DOYLE, and Ms. SLAUGHTER.

H.R. 168: Mr. GILLMOR and Mr. TOM DAVIS of Virginia.

H.R. 179: Mrs. DAVIS of California, Mrs. BIGGERT, Mr. UNDERWOOD, Mr. HAYES, and Ms. SÁNCHEZ.

H.R. 183: Mr. PALLONE.

H.R. 184: Mr. TOWNS.

H.R. 214: Mr. BALLENGER and Mr. KENNEDY of Minnesota.

H.R. 236: Mr. FERGUSON, Ms. SOLIS, Mr. GIBBONS, and Mr. LEWIS of Kentucky.

H.R. 280: Mr. LAHOOD, Mr. LATOURETTE, Mr. DUNCAN, Mr. TAYLOR of North Carolina, Mrs. BONO, Mr. TAYLOR of Mississippi, Mr. NORWOOD, Mr. RILEY, Mr. TRAFICANT, Mr. WATKINS, Mr. ROHRABACHER, Mr. SPENCE, and Mr. PETRI.

H.R. 281: Ms. HART, Mrs. LOWEY, Mr. CRAMER, and Mr. RUSH.

H.R. 285: Mr. GONZALEZ, Mr. NADLER, Mr. CAPUANO, and Mr. GUTIERREZ.

H.R. 288: Mrs. BIGGERT.

H.R. 290: Mr. FOLEY.

H.R. 298: Mr. CRANE and Mr. PLATTS.

H.R. 303: Mr. SCOTT and Mr. CLAY.

H.R. 320: Mr. FOLEY.

H.R. 326: Mr. LANGEVIN and Mr. SHERMAN.

H.R. 336: Mr. ENGLISH and Mr. RUSH.

H.R. 340: Mr. CAPUANO, Mr. CROWLEY, Mr. FRANK, and Mrs. JONES of Ohio.

H.R. 347: Mr. CLEMENT.

H.R. 356: Ms. MCCARTHY of Missouri.

H.R. 374: Mr. HEFLEY and Mr. ISSA.

H.R. 380: Ms. JACKSON-LEE of Texas and Mr. KILDEE.

H.R. 382: Mr. GOODE.

H.R. 385: Mr. CALVERT.

H.R. 394: Mr. STUPAK, Mr. GILLMOR, Mr. BARR of Georgia, Mr. MORAN of Kansas, Mr. PETERSON of Minnesota, Mr. FROST, Mr. HANSEN, Mr. DICKS, Mr. MCGOVERN, Mr. MCINTYRE, and Mr. PLATTS.

H.R. 396: Mr. BARR of Georgia, Mr. WOLF, Mrs. CAPITO, and Mr. PETERSON of Minnesota.

H.R. 400: Mr. GRUCCI, Mr. GILMAN, Mr. PHELPS, Mr. RYUN of Kansas, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. COSTELLO, Mr. BLAGOJEVICH, Mr. RUSH, Mr. JACKSON of Illinois, Mrs. CUBIN, Mr. BUYER, and Mr. OSE.

H.R. 432: Mr. KUCINICH and Ms. KAPTUR.

H.R. 433: Mr. KUCINICH and Ms. KAPTUR.

H.R. 458: Ms. HART.

H.R. 466: Ms. SLAUGHTER.

H.R. 475: Mr. SIMMONS and Mr. SCHROCK.

H.R. 476: Mr. ENGLISH and Mr. BARTON of Texas.

H.R. 478: Mr. HINCHEY.

H.R. 482: Mr. CANTOR, Mr. PENCE, Mr. HILLEARY, and Mr. HAYES.

H.R. 499: Mr. WAXMAN, Mr. LANTOS, Mrs. LOWEY, Mr. EVANS, Ms. SOLIS, Mr. PASCRELL, Mr. NADLER, Mr. GUTIERREZ and Mr. WEXLER.

H.R. 500: Mr. RUSH and Mr. RANGEL.

H.R. 512: Mr. ISRAEL, Mr. OLVER, Mr. FOLEY, Mr. STENHOLM, Mr. BLAGOJEVICH, Mr. CAPUANO, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KLECZKA, Mr. UDALL of New Mexico, and Mr. LAHOOD.

H.R. 513: Mr. ISRAEL, Mr. OLVER, Mr. FOLEY, Mr. SHOWS, Mr. CAPUANO, Mr. KLECZKA, Ms. BALDWIN, Mr. UDALL of New Mexico, Ms. HART, and Ms. VELÁZQUEZ.

H.R. 514: Mr. FOLEY.

H.R. 521: Mr. FRANK.

H.R. 525: Mr. KENNEDY of Rhode Island and Mr. GRAHAM.

H.R. 527: Mr. FOLEY, Mr. SHAW, and Ms. HART.

H.R. 537: Mr. ROYCE, Mrs. BIGGERT, Mr. HASTINGS of Florida, and Mr. PASCRELL.

H.R. 544: Mr. LANGEVIN, Mr. NADLER, and Ms. SLAUGHTER.

H.R. 548: Mrs. ROUKEMA, Mr. MICA, Mr. BALDACCI, and Mr. SKEEN.

H.R. 571: Mr. JONES of North Carolina, Ms. CARSON of Indiana, and Ms. MCKINNEY.

H.R. 572: Mr. KING, Mr. MCNULTY, Mrs. KELLY, Mr. DEFAZIO, Mr. COYNE, Mr. HYDE, Mr. STEARNS, Mr. CLEMENT, Ms. CARSON of Indiana, and Ms. HOOLEY of Oregon.

H.R. 577: Mr. CLEMENT.

H.R. 579: Mr. GUTIERREZ.

H.R. 596: Mr. MATSUI.

H.R. 599: Mr. LAFALCE, Ms. SOLIS, Mr. SANDERS, Mr. DELAHUNT, Ms. CARSON OF INDIANA, AND MR. RUSH.

H.R. 602: Mr. CLAY, Mr. GORDON, and Mr. HONDA.

H.R. 606: Mr. CRENSHAW, Mr. DAVIS of Florida, and Mr. RANGEL.

H.R. 611: Mr. BENTSEN, Mr. UDALL of Colorado, Ms. SOLIS, Mr. BALDACCI, Mr. LANTOS, Mr. PENCE, Mr. DELAHUNT, and Mr. PETRI.

H.R. 612: Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, Mrs. MALONEY of New York, and Mr. BORSKI.

H.R. 619: Mr. ABERCROMBIE, Mr. CONYERS, and Mr. POMEROY.

H.R. 630: Mr. SKELTON.

H.R. 634: Mrs. BIGGERT, Mr. COX, Mr. KINGSTON, Mr. RYAN of Wisconsin, and Mr. BASS.

H.R. 638: Mr. ENGEL.

H.R. 659: Mrs. MALONEY of New York, Mr. DEFAZIO, Ms. DELAURO, and Ms. BALDWIN.

H.R. 662: Mr. BUYER, Mr. BONILLA, Mr. COMBEST, Mr. MCHUGH, Mr. WYNN, Mr. MOORE, Mr. UDALL of Colorado, Mr. DEAL of Georgia, Mr. WELDON of Pennsylvania, Mr. SESSIONS, Mr. MCCRERY, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. RYUN of Kansas, Mr. BALDACCI, Mr. UPTON, Mr. BOYD, Ms. HART, Ms. DELAURO, Mr. JOHNSON of Illinois, Mr. WATKINS, Mr. SCARBOROUGH, and Mr. TRAFICANT.

H.R. 663: Mr. WYNN, Mr. SANDERS, Mr. FILNER, and Mr. REYES.

H.R. 664: Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Ms. CARSON of Indiana, Mr. KILDEE, Mr. MATSUI, Mr. MOORE, Mr. HILL, Mr. FLETCHER, Mr. BLUNT, Mr. LUCAS of Oklahoma, Mr. RODRIGUEZ, Mr. OWENS, and Mr. ISRAEL.

H.R. 665: Mr. CARSON of Oklahoma.

H.R. 672: Mr. FARR of California.

H.R. 683: Ms. JACKSON-LEE of Texas and Mr. HONDA.

H.R. 686: Mr. HASTINGS of Florida, Mr. BOUCHER, Mr. KIND, Mr. CLEMENT, Mr. BALDACCI, and Mrs. JONES of Ohio.

H.R. 687: Mr. BOUCHER, Mr. BALDACCI, Mr. MCGOVERN, and Mr. CAPUANO.

H.R. 696: Mrs. CHRISTENSEN, Mr. MCNULTY, Mr. CAPUANO, Mr. FRANK, Mr. PAYNE, and Mr. FILNER.

H.R. 699: Ms. WOOLSEY.

H.R. 717: Ms. DELAURO, Mr. SMITH of Washington, Mr. BONILLA, Mr. TERRY, Mr. FERGUSON, Mr. PAYNE, Mr. MEEHAN, Mr. CARSON of Oklahoma, Ms. SCHAKOWSKY, and Mr. SWEENEY.

H.R. 737: Mr. MCGOVERN, Mr. SHIMKUS, and Mr. SANDLIN.

H.R. 770: Mr. HONDA.

H.R. 774: Mrs. JOHNSON of Connecticut and Mr. LAHOOD.

H.R. 776: Mr. LAHOOD.

H.R. 777: Mr. LAHOOD.

H.R. 781: Mr. STARK, Mr. SABO, Ms. HARMAN, Mr. OBERSTAR, and Mr. DAVIS of Illinois.

H.R. 782: Mr. FROST.

H.R. 786: Ms. MCKINNEY.

H.R. 790: Mrs. MALONEY of New York.

H.R. 804: Mr. LEWIS of Kentucky.

H.R. 808: Mrs. MALONEY of New York, Ms. DEGETTE, Mr. GILLMOR, Mr. ROTHMAN, Mr. JENKINS, Mr. LEWIS of Georgia, Mr. GREENWOOD, Mr. WU, Mr. REYES, Ms. SLAUGHTER, Mr. GILCHREST, and Mr. MALONEY of Connecticut.

H.R. 817: Mr. GOODE.

H.R. 818: Mr. WELDON of Pennsylvania, Mr. WEXLER, and Mr. MCCARTHY of Missouri.

H.R. 822: Ms. WOOLSEY.

H.R. 823: Mr. CUNNINGHAM.

H.R. 826: Mr. LEWIS of Kentucky.

H.R. 827: Mr. OSE, Mr. PASCRELL, and Mr. MENENDEZ.

H.R. 870: Mrs. CAPPS, Mr. LATOURETTE, Mr. CLAY, and Ms. SÁNCHEZ.

H.R. 876: Mr. BOUCHER and Mr. THORNBERRY.

H.R. 883: Mr. PETERSON of Minnesota, Mr. DELAY, Mr. SHOWS, Mr. HILLEARY, Mr. GREEN of Wisconsin, Mr. OTTER, Mr. GIBBONS, Mr. STUMP, Mr. MANZULLO, Mr. DOOLITTLE, Mr. HUTCHINSON, Mr. CUNNINGHAM, Mr. STEARNS, Ms. EMERSON, Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. SESSIONS, Mr. BERRY, Mr. SKEEN, Mr. SIMPSON, Mr. NETHERCUTT, Mr. CALVERT, Mr. SAM JOHNSON of Texas, Mr. SCHAFFER, Mr. BUYER, Mr. AKIN, Mr. REHBERG, Mr. TANCREDO, and Mr. DUNCAN.

H.R. 899: Mr. SHIMKUS.

H.R. 907: Mr. LARSON of Connecticut.

H.R. 909: Mr. POMEROY.

H.R. 911: Mr. LANTOS and Mr. MATSUI.

H.R. 912: Mr. SOUDER, Mr. MURTHA, Mr. CRANE, Mr. LEVIN, and Mr. BRADY of Pennsylvania.

H.R. 913: Mr. DAVIS of Illinois.

H.R. 914: Mr. SAM JOHNSON of Texas.

H.R. 917: Ms. ESHOO.

H.R. 919: Mr. MCGOVERN and Ms. HART.

H.R. 949: Mr. KOLBE, Ms. HART, and Mr. HASTINGS of Washington.

H.R. 951: Mr. BEREUTER, Mr. CONYERS, Ms. MCCARTHY of Missouri, Mr. GOODE, Mr. UDALL of New Mexico, Ms. BALDWIN, Mr. CLAY, Mr. OSBORNE, and Mr. HINCHEY.

H.R. 959: Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. GONZALEZ, and Mr. DEFAZIO.

H.R. 969: Mr. BROWN of South Carolina, Mr. PLATTS, Mr. HYDE, and Mr. WELDON of Florida.

H.R. 974: Mr. SHERMAN.

H.R. 993: Mr. HYDE.

H.R. 1004: Ms. BROWN of Florida.

H.R. 1008: Mr. OSE, Mr. LATHAM, and Mr. SOUDER.

H.R. 1014: Mr. MOORE, Mr. HASTINGS of Florida, Ms. NORTON, Mrs. MALONEY of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, Mr. FILNER, Mr. EVANS, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, and Ms. BROWN of Florida.

H.R. 1016: Mr. TRAFICANT and Mr. SHOWS.

H.R. 1019: Mr. GUTKNECHT, Mr. SENSENBRENNER, Mr. SESSIONS, Mrs. MYRICK, and Mr. SPENCE.

H.R. 1024: Mr. CRANE, Mr. BACHUS, Mr. MATSUI, Mr. CRENSHAW, Mr. SHAW, Mr. PETRI, Mrs. JOHNSON of Connecticut, Mr. ENGLISH, and Mr. LEWIS of Georgia.

H.R. 1051: Ms. CARSON of Indiana, and Mr. DAVIS of Illinois.

H.R. 1052: Mr. DINGELL, Mr. ISRAEL, and Mr. DAVIS of Illinois.

H.R. 1053: Mr. DAVIS of Illinois.

H.R. 1054: Mr. DAVIS of Illinois.

H.R. 1055: Mr. DAVIS of Illinois.

H.R. 1056: Mr. DAVIS of Illinois.

H.R. 1057: Mr. DAVIS of Illinois.

H.R. 1058: Mr. DAVIS of Illinois.

H.R. 1059: Mr. DAVIS of Illinois.

H.R. 1060: Mr. FRANK, Mr. LANTOS, and Mr. DAVIS of Illinois.

H.R. 1061: Mr. DAVIS of Illinois.

H.R. 1072: Mr. HASTINGS of Washington, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. BALDACCI, and Mr. PAUL.

H.R. 1073: Mr. ROTHMAN, Mr. HILL, Mr. MATSUI, Ms. WOOLSEY, Mr. SHERMAN, Mr. KANJORSKI, Ms. HOOLEY of Oregon, Ms. LEE, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mrs. JONES of Ohio, Mr. BACA, Mr. BLUMENAUER, Mr. TOM DAVIS of Virginia, Mr. GORDON, Mr. DOYLE, Mr. HILLIARD, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. LIPINSKI, Mr. HOLT, Mr. HASTINGS of Florida, Mr. MENENDEZ, Ms. NORTON, Mrs. ROUKEMA, Mr. SANDERS, Mrs. EMERSON, Mr. ISRAEL, Mr. MALONEY of Connecticut, Mr. DICKS, Ms. PELOSI, Mr. OWENS, Mr. ENGEL, Ms. MCCARTHY of Missouri, Mr. BAIRD, Mr. GOODE, Mr. KENNEDY of Rhode Island, Mr. TOWNS, Mr. WELLER, Mr. STRICKLAND, Mr. WYNN, and Mr. CAPUANO.

H.R. 1075: Mr. CONDIT.

H.R. 1078: Mr. OBERSTAR.

H.R. 1082: Mr. BARCIA, Mr. GUTKNECHT, Mr. CLEMENT, and Ms. SÁNCHEZ.

H.R. 1086: Mr. BLAGOJEVICH.

H.R. 1088: Mr. LATOURETTE.

H.R. 1089: Mr. LATOURETTE and Mr. RUSH.

H.R. 1100: Mr. HOSTETTLER.

H.R. 1117: Mr. BLAGOJEVICH, Mr. SIMMONS, Mrs. LOWEY, Mr. RANGEL, Mr. HONDA, Mr. KENNEDY of Rhode Island, and Mr. DELAHUNT.

H.R. 1119: Mr. MCGOVERN.

H.R. 1127: Mr. SESSIONS.

H.R. 1129: Mr. MCGOVERN and Mr. CLEMENT.

H.R. 1130: Mr. MCGOVERN and Mr. GEORGE MILLER of California.

H.R. 1135: Mr. CLEMENT and Mr. PICKERING.

H.R. 1136: Mr. DAVIS of Illinois and Mr. CLEMENT.

H.R. 1137: Mr. HINCHEY and Mr. FROST.

H.R. 1144: Mr. RUSH.

H.R. 1150: Mr. PICKERING.

H.R. 1155: Mr. CAMP, MR. FRELINGHUYSEN, Mr. BILIRAKIS, Ms. PRYCE of Ohio, Mrs. THURMAN, Mr. BAIRD, Ms. BERKLEY, and Mr. SCHIFF.

H.R. 1162: Mr. DEFAZIO, Mr. SERRANO, and Mr. FATTAH.

H.R. 1170: Mr. LANTOS, Mr. OBERSTAR, Mr. NADLER, and Mr. UNDERWOOD.

H.R. 1180: Ms. BALDWIN, Ms. ROYBAL-ALLARD, Mr. HAYWORTH, and Mr. HASTINGS of Florida.

H.R. 1195: Mr. GUTIERREZ and Mr. KING.

H.R. 1203; Mr. NETHERCUTT and Mr. OTTER.

H.R. 1227: Mr. ENGLISH.

H.R. 1230: Ms. KILPATRICK, Mr. BROWN of Ohio, Ms. RIVERS, Mr. PETERSON of Minnesota, Mrs. MINK of Hawaii, Mr. LEVIN, Mr. CONYERS, and Mr. RANGEL.

H.R. 1234: Mr. GEORGE MILLER of California, Mr. CLAY, and Mrs. MEEK of Florida.

H.R. 1238: Mrs. JOHNSON of Connecticut, Mr. FOLEY, and Ms. NORTON.

H.R. 1242: Ms. ROS-LEHTINEN.

H.R. 1252: Mr. BLUMENAUER, Mr. BERMAN, Mr. REYES, Ms. WOOLSEY, Ms. KILPATRICK, Ms. VELÁZQUEZ, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Mr. CONYERS, and Mr. RUSH.

H.R. 1271: Mr. BURR of North Carolina, Mr. HASTINGS of Florida, Mrs. NORTHUP, Mr. VITTER, and Ms. BERKLEY.

H.R. 1274: Mr. WAMP.

H.R. 1280: Mr. CRANE, Ms. McKINNEY, Mr. FROST, and Mr. BORSKI.

H.R. 1291: Mr. ROGERS of Michigan and Mr. SKELTON.

H.R. 1300: Mrs. MEEK of Florida and Mr. LEWIS of Georgia.

H.R. 1306: Mr. McGOVERN, Mr. GONZALEZ, Ms. DELAURO, Mr. PASCRELL, Mr. CLAY, and Mr. RUSH.

H.R. 1307: Mr. WAXMAN, Mr. WOLF and Mr. DAVIS of Illinois.

H.R. 1308: Mr. HASTERT, Mr. BRADY of Texas, Mr. DOOLITTLE, and Mr. SESSIONS.

H.R. 1311: Mr. FRANK.

H.R. 1323: Mr. RANGEL, Mr. HASTINGS of Washington, Mr. UNDERWOOD, and Mrs. NAPOLITANO.

H.J. Res. 15: Mr. RAHALL and Mr. LEACH.

H.J. Res. 20: Mr. RYUN of Kansas and Mr. BARTON of Texas.

H.J. Res. 36: Mr. GEKAS, Mr. PETERSON of Pennsylvania, Mr. GRAVES, Mr. LINDER, and Mr. TIBERI.

H.J. Res. 40: Mr. KOLBE.

H. Con. Res. 17: Mr. TIERNEY, Mr. THOMPSON of California, Ms. DELAURO, Mr. KOLBE, Mr. BENTSEN and Mrs. JOHNSON of Connecticut.

H. Con. Res. 26: Mr. FRANK.

H. Con. Res. 42: Mr. PASCRELL and Mr. LEVIN.

H. Con. Res. 58: Mr. HORN.

H. Con. Res. 59: Mrs. ROUKEMA, and Mr. BILIRAKIS.

H. Con. Res. 72: Mr. McGOVERN, Ms. HART, and Mr. PICKERING.

H. Con. Res. 89: Ms. HOOLEY of Oregon, Mr. SIMPSON, and Mr. ROHRABACHER.

H. Res. 56: Ms. SCHAKOWSKY, Mr. DEFAZIO, Ms. DELAURO, Mrs. LOWEY and Mr. PAYNE.

H. Res. 91: Mr. HOEFFEL.

H. Res. 97: Mr. BORSKI, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. OLVER, Mrs. NAPOLITANO, Mr. MEEKS of New York, Mrs. BIGGERT, Ms. CARSON of Indiana, Mr. KLECZKA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT, Mr. FOLEY, Mr. SCOTT, Mr. KUCINICH, Mr. SANDERS, Mr. FILNER, Ms. VELÁZQUEZ, and Ms. DELAURO.

H. Res. 109: Mr. EVANS, Mr. RANGEL, and Mr. SPRATT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 933: Mr. TOWNS.

H.R. 1193: Mr. DOOLITTLE.

EXTENSIONS OF REMARKS

JUSTICE FOR VICTIMS OF INTERNATIONAL TERRORISM ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BENTSEN. Mr. Speaker, today I am introducing legislation to better coordinate the Federal Government's response to terrorism. Each year, hundreds of thousands of U.S. citizens work and travel overseas, including a growing number of U.S. employees who work on behalf of the energy industry. Regrettably, as we have seen in recent years, U.S. citizens are increasingly at risk by terrorist organizations who hope to exact revenge for U.S. policies, or in the name of greed. Because of a confusing maze of differing of diplomatic and law enforcement concerns, the U.S. victims of such acts are often unable to attain justice, even when the whereabouts of the perpetrators are known by federal authorities.

While the Department of State and the Justice Department can work effectively with nations sharing an extradition treaty with the U.S., too often the lack of such treaties or diplomatic barriers have allowed terrorists to hide from justice behind layers of bureaucracy. Worse still, there is little effective coordination between State and Justice to provide updated information to victims and their families, and neither agency compiles a complete report accounting the federal government's efforts to bring terrorists to justice.

Under this legislation, the Secretary of State would be required to designate an existing Assistant Secretary of State to monitor efforts to bring justice to U.S. victims of terrorism abroad. I believe this provision provides the Department of State with the necessary flexibility to designate the tasks required under this bill without dictating the creation of a new post, or elevating the Office of Counterterrorism with duties most appropriately performed at the level of the Assistant Secretary.

Under this bill, the Assistant Secretary would be required to work directly with the Justice Department and other applicable Federal agencies to identify and track terrorists living abroad who have killed Americans, or engaged in acts of terrorism that have directly affected American citizens. In addition, the Assistant Secretary would provide an annual report to Congress on the number of Americans kidnapped, killed or otherwise directly affected by the actions of international terrorists. Also included in the Annual Report to Congress would be a thorough detailing of what actions State and Justice are undertaking to obtain justice for U.S. victims of international terrorism, and a current list of terrorists living abroad.

One of the most important components of this legislation is the direct assistance of State and Justice in defining outdated or ineffective laws that prevent the aggressive pursuit of international terrorist by the Federal Government. To that end, as part of the Annual Report, the Assistant Secretary would work with the Justice Department to make specific recommendations to Congress on legal remedies needed to bring individual terrorists to justice in the U.S. Should enforcement problems exist, the Assistant Secretary would provide Congress with proposed changes to U.S. law that would allow Justice and State to bring terrorists to justice in the U.S. Further, the Annual Report would work with State to detail known international terrorists, and make recommendations to Congress on best methods of pressuring host governments—such as cutting off of aid, or imposing sanctions. To maintain adequate safeguards, the President would be provided with a national security interest waiver, which must be accompanied with an explanation to Congress when executed.

As Members of Congress, we have a profound duty to provide an effective response when our constituents have been the victims of international terrorists while traveling or working abroad. Through passage of this legislation, we can take important steps in coordinating the Federal Government's response, and ensuring that we have the information necessary to address our laws or diplomatic policies to provide for the aggressive pursuit of terrorists. We can not stand back while our citizens are victimized, or let the lack of coordination between agencies dictate a denial of justice.

I urge my colleagues to better safeguard our citizens by supporting this legislation.

TRIBUTE TO SUSAN TRESKY TOERGE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to salute the American Mothers, Inc., 2001 Maryland Mother of the Year, Susan Tresky Toerge. A resident of Potomac, MD, Mrs. Toerge is an example of a truly altruistic individual as shown through her efforts to her family and to her students.

As an English as a Second Language (ESL) teacher, Mrs. Toerge has impacted the lives of many children across the country educating them on the ways of our country during a point in time when many of these children are most likely frightened and uncertain of their new surroundings. Through her comforting and valuable life lessons, Mrs. Toerge helps these children overcome the challenges faced with being in a new country. In her work and home life, Mrs. Toerge demonstrates that it is possible for women to balance the role of a devoted parent with a full time job and still participate actively in her community. She is truly a role model for women everywhere.

The Maryland Mother of The Year program is sponsored by American Mothers, Inc. (AMI) which was founded on the objective to "develop and strengthen the moral and spiritual foundation of the home, the community, the nation and the world." AMI is also the official sponsor of Mother's Day and has developed outreach programs that include parenting workshops, tutoring and literacy programs.

Mr. Speaker, please join me in saluting Susan Tresky Toerge, whose contributions to her family, state and community have made her truly deserving of the title of Maryland Mother of the Year.

CONGRATULATIONS TO YOKUM CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate the Yokum Chapel African Methodist Episcopal Church, of Malta Bend, Missouri, which will be celebrating its 120th anniversary on May 20, 2001.

Yokum Chapel Church may not have the largest membership but it has continued to serve the people of Malta Bend for the last twelve decades. Malta Bend is a small town with an African-American population of less than five percent. This church and its dedicated congregation have become an integral part of the community that it calls home.

Mr. Speaker, I wish to extend my congratulations to the congregation of Yokum Chapel African Methodist Episcopal Church for their outstanding accomplishment. It is with great pride that I honor their achievement on their one hundred and twentieth anniversary.

CAPITAL GAINS TAX RATE REDUCTION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. COLLINS. Mr. Speaker, today I rise to introduce the Capital Gains Tax Rate Reduction Act. If enacted, this legislation will reduce the top capital gains tax rate from 20% to 10%. Additionally, the lower rate of 10% would be reduced to 5%. The measure would also repeal the 5-year holding rule.

This legislation is needed to spur today's ailing economy. From past rate reductions, we know that the economy responds to the lowering of rates. The impact of reducing the tax

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

burden on investments is to increase activity in the markets. When the tax is reduced, individuals have an incentive to sell assets. These sales spur economic growth, as well as generate revenue for the federal coffers.

Please join me in cosponsoring this important tax rate reduction bill.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE NORMAN SISISKY, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

SPEECH OF

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. ROEMER. Mr. Speaker, the death last week of our friend and colleague NORM SISISKY claimed one of our great leaders, and took away one of my respected and personal friends in Congress.

NORM symbolized the very best there is in public service. A good family man, NORM was widely respected for his honesty and integrity. He was also one of the most wonderful, witty and funny people I have known.

On the Intelligence Committee, where I had the privilege to serve with NORM, you could always count on him to give everyone a hard time. Whether he was grilling the director of the FBI, or just kidding around with staff, NORM was relentless when it came to dispensing good humor and well-intentioned grief. But he always did so in the most embracing and engaging way. With a sparkle in his eye, NORM always had the unique ability to say the right thing to break the tension and put a human face on our work.

But there was so much more to NORM SISISKY than just his great sense of humor. When it comes to military and national defense matters, there was no one more knowledgeable or more committed than NORM. His expertise in military affairs enabled him to serve both his district and our nation well.

As a member of the Armed Services Committee and the Intelligence Committee, NORM led the fight to improve our nation's military readiness, enhance our national security, and ensure America's leadership in the world. We owe a great debt of gratitude to NORM for his persistent and visionary leadership on defense matters. Clearly, our military and intelligence communities have lost a great friend.

NORM came to Congress after a long and successful career in the private sector. He put his business skills and knowledge to work in many productive ways, especially helping lead the fight for a balanced budget and smaller government. NORM epitomized the kind of public servant our founding fathers had in mind when they wrote the Constitution: a skilled and successful businessman giving back to his community, and leading Congress with his thoughtful and pragmatic advice.

We will miss NORM's knowledge, his leadership and his wonderful sense of humor. Our friend from Virginia made a huge impact in Congress, both as a leader and as a friend. My sympathies go out to NORM's wife Rhoda, their four sons Richard, Mark, Stuart and Terry, and their entire extended family.

COMMENDING THE 3M FOUNDATION FOR ITS PRESERVATION EFFORTS

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. LUTHER. Mr. Speaker, I would like to take this opportunity to mention a recent action by a corporation based in my home State of Minnesota that will go a long way toward improving the quality of life of our residents.

On March 20, 2001, the 3M Foundation gave the Nature Conservancy of Minnesota a gift of $3.2 million to preserve and restore two areas of grassland in the State. Appropriately, it was also the first day of spring. This is the largest gift ever given to the state chapter. The gift will be used to purchase prairie and forest land and to promote community-based conservation efforts. This effort will have a significant and long-lasting impact on Minnesota's wildlife and vegetation. 3M's gift is one that will truly keep giving, offering current and future generations access to some of Minnesota's finest natural treasures.

I commend 3M for its commitment to preserving Minnesota and it is my hope that the good work 3M does will serve as a national example to increase corporate giving and involvement in communities across the country.

THE 15TH NATIONAL DISABLED VETERANS WINTER SPORTS CLINIC

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. STEARNS. Mr. Speaker, I recently had the privilege to participate in an extraordinary event, the 15th National Disabled Veterans Winter Sports Clinic. This year it was held at Snowmass Village at Aspen, CO. Sponsored by the Disabled American Veterans, the Department of Veterans Affairs, and others, this event provides disabled veterans the chance to engage in various outdoor and indoor sports activities.

More than 300 severely disabled veterans took to the ski slopes, tackled rock climbing, went scuba diving, or played sledge hockey. This wonderful program is much more than a source of fun and athletic challenges; it is designed to assist in the rehabilitation of veterans with severe disabilities. Physical activities are essential to improving physical fitness, refining motor skills, and building self-confidence.

Many of these men and women at one time thought that their disability ended hopes for an active, vibrant life. Instead of viewing their physical condition as a barrier to recreation, these individuals saw the opportunity to overcome the obstacle posed by their disability.

The men and women at the clinic did not dwell on adversity; rather they eagerly engaged in the physical trial of sports. This event demonstrated the courage and abilities of these veterans. It also serves as an inspiration to others to be bold in redefining what the disabled can do.

I had the privilege of being Chairman of the Veterans' Health Subcommittee and I now serve as its Vice Chairman. I worked with the VA, the DAV, and other wonderful groups in strengthening the services provided to veterans and I look forward to continuing this cooperation. The Veterans are the only group of Americans that have earned their benefits, they didn't just happen to be here, they earned it on the battlefield, they earned it in service to America.

Serving America's veterans mean exploring new options for enhancing their quality of life. The Winter Sports Clinic exemplifies an innovative approach to honoring the men and women who served in uniform.

CONGRATULATIONS STANLEY GWIAZDOWSKI—2001 PAL JOEY AWARD WINNER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to fellow Milwaukeean Stanley Gwiazdowski, the St. Joseph Foundation, Inc. 2001 Pal Joey Award winner. Stan will be honored April 23rd at the annual Pal Joey dinner.

Stan is a worthy recipient of the prestigious Pal Joey Award as he has served his country, church, community and family faithfully for many years. He graduated from St. Hyacinth School and South Division High School. Drafted into the Army in 1941, Stan was chosen to attend infantry officers school at Fort Benning, Georgia. Sent overseas for the first time, Stan joined the 34th Infantry Division in Africa. His later Army assignments led him to units in Italy, North Africa and France. Stan received numerous military honors, including the Purple Heart with two Oak Leaf Clusters. Upon his return to the United States, Stan transferred to the Army Reserves. He retired from the Reserves in 1980, after nearly 35 years of military service to his country.

In 1946, Stan was sworn in as a City of Milwaukee police officer. He proudly served in all of the southside Milwaukee districts and was promoted to patrol sergeant and desk sergeant positions. He retired in may of 1980.

Throughout the years, Stan also found time to serve his community. He is the current secretary of the South Side Business Club, a member of the Milwaukee Society, the St. Josephat Foundation, the secret International Mushroom Pickers Society (IMPS), the Reserve Officers Association and Retired Officers Association.

Stan married Rose Kalinowski in 1946. The couple has been blessed with seven children and 12 grandchildren. An avid sheepshead player, Stan is quick with a joke and to volunteer whenever and wherever he may be needed.

It is my distinct pleasure to join Stan's many friends and family members to saluting his many years of service to the Milwaukee community and especially the St. Joseph Foundation, Inc. May God continue to bless you and your family, Stan. Sto lat!

KENT A. "BO" COTTRELL

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. TANCREDO. Mr. Speaker, today I want to tell you about a great American who resides in Colorado's 6th Congressional District. Mr. Kent A. "Bo" Cottrell has one of the most diverse and unique histories of any individual that I can think of. He has been, and still is, a fine musician, he has been a police officer, a fund raiser for charities, he has run for elected office and has been elected for multiple terms as the chairman of the Arapahoe County Grand Old Party. Bo has worked for the governor of our great State in a wide variety of positions and ultimately came to rest as part of a unique business venture.

He attended Indiana State University and was promptly drafted to serve his country in 1963 where he served in Europe with the Military Police for two years. Bo went on to serve in the Jefferson County sheriffs office as an investigator in the late 1960s and worked in law enforcement for six years. During that time, he formed and wrote for a musical group known then and now as "The Lawmen," made up of law officers. They toured and even has a hit single called "Darn Good Country" in the DC area which was so popular that the group went to the White House for a visit with President Nixon.

In 1970, a leading local paper in Jefferson County named Bo Cottrell as their pick for the "Man of the Year." His connections in the entertainment industry were leveraged to help Easter Seals in their battle to raise funding and awareness of childrens' health issues and eventually vaulted him to the Board of Directors for the Make A Wish Foundation where he served as its special events director. He worked together with prominent members of the business and entertainment community to raise hundreds of thousands of dollars for charity. He formed Kops and Kids, the Easter Seals Golf Tournament, the Make A Wish Golf Tournament and always strives to better the communities around him.

Due to all of his charitable efforts, in 1990, Bo was presented the "Point of Light" Award by President Bush, Sr., in a White House presentation. In 1996 he was a candidate to the Colorado State House in Arapahoe County and, although he did not prevail, he was soon elected to the position of Chairman to the Arapahoe County Grand Old Party from 1997 until 2001.

Another one of my consitutents, Colorado Governor Bill Owens, selected Bo to become a representative on the Parole Board where he presided as Chairman. Bo was soon asked to work with the Colorado Office of Economic Development. In a true expression of his belief in the free-market, Bo gathered his experience dealing with people, both parolees and members of the business community, and began a new and unique business venture. He is now the marketing director of Pure Colorado, a company that bottles our wonderful, and very clean, Rocky Mountain Spring water, and packages it in a unique and innovative way for distribution nationwide.

Bo Cottrell's travels from Military Police officer, to musician, to Marketing Director are diverse and amazing examples in pursuit of the American Dream. He was a compassionate conservative before anyone had even heard of such a thing, he is a great individual and I consider him a good friend.

Mr. Speaker, I am honored to join the Arapahoe County GOP in extending my appreciation to the kindness and good deeds of Mr. Bo Cottrell.

FORTY-FIFTH ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to acknowledge the anniversary of the 45th year of independence for the Republic of Tunisia. It was 45 years ago that the Republic of Tunisia was formally established as an independent country. Over the years, Tunisia has forged a strong and solid relationship with the United States that spans beyond bilateral ties to cover issues related to world peace and economic partnership.

The U.S. relationship with Tunisia has survived civil, regional and global conflict. During World War II, Tunisia supported the United States and allied forces as they landed in Northern Africa. During the cold war years, Tunisia established itself as a steadfast ally in the strategically important Mediterranean Sea. As we moved into the post-cold-war years, the Republic of Tunisia has remained a friend and ally of the U.S. and taken steps to develop closer military and economic ties with European allies and NATO.

Today, the Republic of Tunisia continues to make important progress toward democracy by broadening political debate, advancing social programs, developing economic programs encouraging privatization of the banking and financial sectors, and improving the quality of life for its people. Tunisian citizens enjoy universal suffrage, and the nation is considered to be a leader among Muslim nations in safeguarding the rights of women and children. Further, Tunisia has acted as leader and catalyst for peacekeeping missions in suffering countries, contributing military contingents to operations in Cambodia, Somalia, the Western Sahara and Rwanda. Tunisia has also been a voice of moderation in the Arab-Israeli peace process and has called for greater international efforts to fight terrorism.

Tunisia has been a model for developing countries. It has sustained remarkable economic growth, and undertaken reforms toward political pluralism. It has been a steadfast ally of the United States and has consistently fought for democratic goals and ideals.

In commemoration of 45 years of independence for Tunisia, I urge my colleagues to reflect on our strong commitment to Tunisian people, our friends and partners in North Africa.

HONORING ROBERT F. DOLAN, JR.

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mrs. MORELLA. Mr. Speaker, I rise to honor and congratulate Robert F. Dolan, a lifelong resident of Montgomery County, Maryland and the Head Golf Professional at Columbia Country Club in Chevy Chase, Maryland. On November 10, 2000, he was named the 2000 PGA of American Junior Golf Leader, one of the organization's highest service awards.

Mr. Dolan is a longtime advocate of junior golf and a co-founder of several inner-city youth golf programs. He has always viewed golf as a vehicle for teaching young people the values of discipline, determination, honesty, patience, and good sportsmanship.

The award was given for Mr. Dolan's ongoing work with our nation's youth. Through this dedication, he provides opportunities and experiences for children of all ages and abilities to learn, to play, and to enjoy the game of golf. Mr. Dolan is distinguished by his strength of character, his devotion to service, and his outstanding leadership in junior golf.

Bob's devotion to junior golf programs is reflected in his long history of service. He has worked for many years with the Paul Berry Neediest Kids Get Hooked on Golf Program as an advisory board member, organizer, promoter, and instructor. Since 1996, Bob has been involved as a "Coach the Coaches" instructor, a program he created to work with Washington, D.C. public school coaches on the proper techniques for teaching golf. He has been the Kemper Open Junior Golf Clinic lead instructor since 1991. Bob is also cofounder and instructor for the "Summer in the City" inner-city youth golf program, a four-week instructional program for the youth of Washington, D.C. Bob also serves on the advisory board of the Washington, D.C. First Tee program.

Perhaps his most rewarding contribution, however, is his role as lead instructor at the Special Love/Camp Fantastic Junior Golf Clinic. This is a one-day clinic for children who suffer from cancer, with the golf clinic being the highlight of their retreat weekend.

I congratulate Mr. Robert F. Dolan on this award and his ongoing contributions to junior golf in Montgomery County and the nation. He is a wonderful role model for junior golfers and a true ambassador for the game of golf.

TRIBUTE TO REAR ADMIRAL JAMES CUTLER DAWSON, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Rear Admiral James Cutler Dawson, Jr., who performed in an outstanding manner as Chief of Legislative Affairs from October 1999 to March 2001.

Rear Admiral Dawson did a fine job during his time in Legislative Affairs. Under his leadership, numerous events and actions surrounding the Navy were expertly managed including ship commissioning, christening, and naming ceremonies; Congressional travel; and official receptions on Capitol Hill. During his tenure, Rear Admiral Dawson also played a key role in working with the Secretary of the Navy and the Chief of Naval Operations to positively affect the future size, readiness, and capabilities of the Navy.

Rear Admiral Dawson worked well with Congressional offices and created widespread opportunities to promote the Navy's message. He executed an outreach plan allowing senior Naval leaders to visit over sixty percent of the Members of Congress. He effectively managed a workshop, allowing district staff members to more efficiently perform casework, and he also managed difficult public relations issues and provided advice and counsel during more than 50 Congressional hearings.

Recently it was announced that Rear Admiral Dawson has been nominated and will be appointed to vice admiral. He will be assigned as commander, United States Naval Forces, Central Command and command the Fifth Fleet in Bahrain.

Mr. Speaker, I wish to expand my congratulations to Rear Admiral James Cutler Dawson, Jr., for achieving such success during his time as Chief of Legislative Affairs. I wish him continued success with his new assignment as Commander of the Fifth Fleet. I know that my colleagues in the House will join me in saluting this fine sailor.

TIMBER TAX SIMPLIFICATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. COLLINS. Mr. Speaker, I rise to introduce legislation which corrects an inequity in the Internal Revenue Code which affects the sale of certain assets.

Under current law, landowners who are occasional sellers of timber are often classified by the Internal Revenue Service as "dealers." As a result, the seller is forced to choose between a "lump sum" payment method or a pay-as-cut contract which often results in an under-realization of the fair value of the contract. While electing the pay-as-cut contract option provides access to capital gains treatment, the seller must comply with special rules in Section 631(b) of the Internal Revenue code. The provisions of Sec. 631 (b) require these sellers to "retain an economic interest" in their timber until it is harvested. Under the retained economic interest requirement, the seller bears all the risk and is only paid for timber that is harvested, regardless of whether the terms of the contract are violated. Additionally, since the *buyer* pays for only the timber that is removed or "scaled" there is an incentive to waste poor quality timber, to under scale the timber, or to remove the timber without scaling.

The legislation I am introducing will provide greater consistency by removing the exclusive "retained economic interest" requirement in IRC Section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including the Internal Revenue Service. I urge my colleagues to join in this tax simplification effort and strongly urge its passage.

LAVELLE RETIRING AFTER 23 YEARS AS JUDGE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to John P. Lavelle, who is retiring after 23 years as a judge of Carbon County, Pennsylvania, including 15 years when he served as the county's only judge.

Judge Lavelle, the son of Irish immigrants, was born in 1931, grew up in Philadelphia and earned his bachelor of arts degree from Niagara University in 1953. He went on to get his law degree from Villanova University in 1958, holding the distinction of being a member of the first class held at the Villanova School of Law in 1953. He interrupted his law studies for two years to serve his country in the Army in Italy and Austria. The same year he graduated from law school, he married Marianne Shutack of Nesquehoning, who can claim a "first" in her own right as the first woman admitted to the Carbon County bar.

He began his career in the Philadelphia law offices of renowned criminal lawyer Morton Witkin and also worked briefly for the firm of Bennett & Bricklin. He also indulged his love of classical language by teaching Latin as a part-time professor at Villanova.

In 1959, he moved to Carbon County and began an active general law practice with his wife and his father-in-law, George Shutack. His roots and upbringing gave him a natural empathy for the underdog, and many of his legal battles were fought for average people overwhelmed by big business or big government. Inspired by President John F. Kennedy, whom he deeply admired, he was active in Democratic politics throughout the 1960s and 1970s.

In 1965, he and his wife built a home in Lehighton, where they have lived ever since. He has often assumed a leadership role in improving his adopted community. For example, he helped to obtain the funding for the Carbon County Airport and spearheaded that project in 1961. He was also the first solicitor for the county airport authority and served in that role for 10 years. In 1966, he organized and obtained the charter for the First Federal Savings and Loan Association of Carbon County, helping to bring the county its first federally insured savings and loan association. He also arranged for the financing and construction of the first professional building in Lehighton, as well as Park View House, the first modern commercial apartment building in the town.

The future judge served as county solicitor from 1971 to 1978. He was elected judge in the shortest election campaign in Pennsylvania history, when the state Supreme Court ruled just weeks before the November 1977 election that the governor could not fill the vacant judgeship by appointment because the state election board should have known the judge who was retiring was approaching the mandatory retirement age.

Judge Lavelle assumed his duties with his typical energy and enthusiasm. After a year of study and evaluation, he began to bring the court system into the computer age, automating the antiquated manual record-keeping system, streamlining office procedures and writing new rules of court and manuals to train court personnel in the new system.

In 1979, he initiated a one-day, one-trial system and developed and produced a unique audiovisual orientation program for jurors that is still used today. He also reorganized and restructured all court offices and appointed women to key positions in the court system. In 1980, he worked to obtain federal funding to cover half the cost of converting the old arbitration room on the courthouse's third floor into a modern wood-paneled courtroom.

His courtroom was the focal point for several highly publicized cases during his first term. In November 1979, he made the unprecedented decision to call off and nullify the general election in Carbon County because the voting machines used throughout the county would not permit cross-voting. He also presided at the 1982 murder trial of Robert "Mudman" Simon, a motorcycle gang member who was convicted of killing an 18-year-old girl whose body was not found until seven years after her death. He also presided over a 1985 murder trial, which was the first time the battered-wife syndrome defense was used, resulting in an acquittal by the jury.

The Pennsylvania Supreme Court recognized his abilities by appointing him to preside over the two long and complex 1991 civil libel trials of a state Supreme Court justice against the Philadelphia Inquirer. He did not hesitate to file suit against the county commissioners in 1989 when they had refused raises for court employees and removed funds from the court budget. He successfully lobbied the state Legislature the following year to add a second judgeship for the county to handle the court system's heavy workload.

In 1991, he completely revised and adopted new rules of civil procedure, and in 1992 and 1993, he launched new case management systems to expedite the handling of both civil and criminal cases.

On occasion, Judge Lavelle has issued unusual and creative orders to see that justice is done, including sentencing a woman with a long record of calling in false fire alarms to the Lehighton Fire Company to clean the fire trucks for six months. In 1984, he became one of the first trial judges in the state to order a school board and striking teachers to negotiate daily to end a contract impasse.

Judge Lavelle and his wife have four children, who have every reason to be proud of their father's distinguished career.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long history of Judge John Lavelle's service to the people of Carbon County and all of Pennsylvania, and I wish him all the best in retirement.

TRIBUTE TO CHRISTIAN JOS. BECKER, LIFETIME VOLUNTEER FIREMAN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. ENGEL. Mr. Speaker, today I recognize one of my constituents, Mr. Christian Jos. Becker, for his lifetime of dedicated service to the Westchester County Volunteer Firemen's Association. Mr. Becker began his volunteer work at the age of 42, when he moved from the city of Yonkers to the village of Ardsley. Over his 33 years of service, Chris has achieved numerous accomplishments, all of which have greatly improved the Westchester area. In 1971, Mr. Becker received the Ardsley Fire Department Fire Fighter of the Year Award for his unwavering dedication in responding to nearly every alarm within his village. Also, he served as the Department's first Secretary for five years.

Though Mr. Becker's firefighting days were caused to come to a close in 1975 due to an illness, his volunteer activities continued on. As Ardsley Fire Department's Delegate to the Firemen's Association in the State of New York and the Westchester County Volunteer Firemen's Association, Chris's services persevered. One of his greatest accomplishments occurred in 1970 when he founded "The Westchester Volunteer," a bimonthly newsletter which supplies relevant news to firefighters throughout the county.

Mr. Becker also sits on both the Public Relations Committee and the Legislative Committee for the Firemen's Association in the state of New York, where he championed notable legislation such as the Cigarette Fire Safety Act and the Requiring of Adoption of the Fire and Building Codes. For all of the good he has brought to their community, the people of Westchester County will forever be indebted to this selfless volunteer.

I am certain that all of my colleagues in the House of Representatives will join me in extending a sincere offer of congratulations, as well as gratitude, to Mr. Christian Jos. Becker. It is a pleasure to recognize such a dedicated man who has used his life to benefit those around him.

BACK COUNTRY LANDING STRIP ACCESS ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. OTTER. Mr. Speaker, today I introduced the "Back Country Landing Strip Access Act." This bill, which was introduced in the last Congress by Chairman Hansen of the Resources Committee, will prohibit the federal government from closing airstrips on public lands without the consent of the state aviation authority. I am grateful to Chairman Hansen for letting me re-introduce this bill this year, and would like to thank him and the 23 other original co-sponsors of this bi-partisan bill. I would also like to thank my fellow Idahoan, Senator CRAPO, for introducing this legislation in the other body.

Last year, Idaho and the other western states were threatened by some of the largest firestorms in the history of this country, in which more than 7 million acres of forest lands burned. People around the nation watched transfixed as brave firefighters battled on the ground and in the sky to protect lives and property. Most of those watching may not have been aware that the firefighters on the ground in these wilderness areas were supplied from airstrips on public land. Or that the aerial firefighting efforts depended on back country airstrips as safe havens in the case of emergency. Had back country landing strips not existed, firefighting efforts would have been crippled.

Incredibly, for eight years before the fires the federal government had sought to remove these airstrips. Amazingly, the Departments of Agriculture and Interior had removed numerous airstrips on public lands without even consulting with pilots, land users or state aviation authorities. This heavy handed land management by unelected federal bureaucrats has placed innumerable lives in danger. Imagine if you were a pilot and attempted a dead-stick landing onto an airstrip on your chart, only to find a grove of trees planted in your path. Or, if you evacuated a camper with a medical emergency, and the runway you need had been destroyed by government inaction, the results would be devastating. The Back Country Landing Strip Access Act is a common sense measure that will prevent the closure of landing strips, and will require public notice and state approval for any such proposal.

When this bill was introduced in the last Congress, many federal officials complained that it would place an unreasonable burden upon land management agencies. But how is it unreasonable for the federal government to seek the permission of a state before closing a field that a local community depends upon? Why is it unreasonable for rural communities to fly in the supplies and equipment they need to survive in winter?

Mr. Speaker, I know this bill will work if enacted because we in Idaho have been working with this system for years. When Congress established the Frank Church River of No Return Wilderness Area in 1980, a provision was added that prohibited the federal government from closing any airstrip in the wilderness without the express written concurrence of the State of Idaho. This provision has not ruined the wilderness area. To the contrary, it has allowed the elderly, the handicapped and children to enjoy wilderness areas they would otherwise be unable to reach. It has preserved the ability of outfitters to bring sportsmen to the heart of the wilderness with a minimum of disruption. In short, it is a model for what we seek to accomplish in this bill.

This bill is a common sense measure to restore cooperation between federal and state governments. It does not force the reopening of closed airfields. It does not require the federal government to spend extra money to maintain back country strips. In fact, this bill authorizes the Departments of Agriculture and Interior to enter into cooperative agreements with local groups to maintain back country strips.

America's public lands should not be allowed to become "no-fly zones." I urge my colleagues to join me in supporting this vital legislation, and I am pleased to introduce it today.

HONORING CARLY FITZSIMONS BAKER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mrs. CAPPS. Mr. Speaker, recently I published a speech in the CONGRESSIONAL RECORD celebrating the centennial of California Polytechnic State University in San Luis Obispo. Today I rise to recognize an extraordinary leader of the Cal Poly community, Carly Fitzsimons Baker.

A graduate of St. Mary's College, Notre Dame, Indiana in 1961 and Cal Poly in 1985, Carly Baker has made countless contributions to the university and to the community of San Luis Obispo County for the past 22 years. While raising 4 children, Mrs. Baker has served as an unsung, yet remarkable partner to her husband, Warren, President of Cal Poly since 1979.

During the past decades of exceptional growth and achievement of the university, Carly Baker has played a central role in the university's efforts to strengthen external relations. Carly's grace, good humor and attention to detail have been evident in every event for visiting dignitaries, university board members, community leaders, donors and the President's Cabinet. The welcoming environment she has created has nourished an expanding circle of university friendships, critical to Cal Poly's future.

Carly Baker has made an enormous difference in our community's quality of life. She has distinguished herself with her contributions to the League of Women's Voters, the Juvenile Justice & Delinquency Prevention Commission, the Women's Shelter, Children's Protective Services, the Children's Center Task Force, the Atascadero State Hospital Advisory Board, the Organization of State Hospital Advisory Boards, and the Performing Arts Center.

Mr. Speaker, Carly Baker has admirers more numerous than she could ever imagine.

Today, I speak for all of them to proudly recognize someone whose accomplishments and charm has affected so many in such a positive way. Cal Poly's centennial slogan is "A Century of Achievement, A Tradition for the Future." Let the record show that Carly has played such a significant role in Cal Poly's remarkable achievements and will remain as one of the university's crown jewels well into the future.

Mr. Speaker, I hope my colleagues will join me in congratulating Carly Baker on more than two decades of notable achievements.

TRIBUTE TO PETTY OFFICER 2ND CLASS SCOTT CHISM & SEAMAN CHRIS FERREBY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. QUINN. Mr. Speaker, I am very saddened to rise today in memory of Petty Officer 2nd Class Scott Chism and Seaman Chris Ferreby.

As seamen assigned to the Coast Guard Station of Niagara, these two young men tragically lost their lives serving their community and their nation. This tragedy happened on a routine patrol voyage in which Scott Chism and Chris Ferreby, along with fellow crewmembers Michael Moss and William Simpson, were tossed into the frigid waters of Lake Ontario when their boat was overturned by a large wave.

Scott Chism had served three years and seven months in the Coast Guard. With the upcoming completion of his enlistment, he and his wife had planned to return to California. He leaves behind his wife, Lissa, a daughter, Kelsey, and a son, Caleb.

Chris Ferreby was raised outside of Rochester, in Fairport. He is survived by a wife, Amy and a newborn child, Tyler. Amy recalls her husband as being able to "always make you laugh" and willing to "do anything for his friends."

Our thoughts and prayers are with the families of these two men. Their heroism, bravery and selfless dedication to our country will not be forgotten.

COMMENDING THE ACADEMIC ACHIEVEMENTS OF STUDENTS FROM WILLISTON NORTHAMPTON SCHOOL IN EASTHAMPTON, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. OLVER. Mr. Speaker, I rise to congratulate the students of Williston Northampton School in Easthampton, MA for their excellence in academic competition. Under the tutelage of Mr. Peter Gun, these young people have shown an acute knowledge of the Constitution and its Amendments, in particular the Bill of Rights.

On April 21–23, 2001 more than 1200 students from across the country will be in Washington, DC to demonstrate their expertise in American government and represent their home states as part of the "We the People . . . The Citizen and the Constitution" program, sponsored in part by the U.S. Department of Education. I am pleased to announce the class from Williston Northampton School will participate on behalf of the Commonwealth of Massachusetts.

Mr. Gun's students have taken a strong interest in the principles that govern our nation. Through their studies, they have become aware of the founders' efforts to fashion an enduring republic. Through their accomplishments, they have shown a keen understanding of the political process, its participants and the laws that will ensure America's continued vitality.

It is an honor to recognize such a meritorious group.

SHED LIGHT ON HIDDEN FEES

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. GUTIERREZ. Mr. Speaker, on March 29 I introduced the "Wire Transfer Fairness and Disclosure Act of 2001," a bill to require additional disclosures relating to exchange rates in transfers involving international transactions. Sixty-two representatives currently support this important legislation.

Immigrants throughout the United States work hard, save money and send billions of dollars to relatives living in foreign countries. The money sent home helps finance basic needs ranging from food and medicine to education to new homes. Unfortunately, customers wiring money to Mexico are often losing millions of dollars to undisclosed "currency conversion fees" charged by giant firms such as Western Union and MoneyGram.

Wire Transfer companies aggressively target audiences in immigrant communities with ads promising low rates for international transfers. However, such promises are grossly misleading particularly for those with ties to Mexico or other Latin American countries, since companies do not always clearly disclose extra fees charged for converting dollars into Mexican pesos. While large wire service companies typically obtain pesos at bulk bargain rates, they charge a significant currency conversion fee to their U.S. customers. The exchange rate charged to customers sending U.S. dollars to Mexico routinely varies from the benchmark rates by as much as 15 percent. The profits from these hidden currency conversion fees are staggering, allowing companies to reap millions of dollars more than they make from service fees.

To address these problems, this Act requires full disclosure of all fees involved in all money-wiring transactions. More specifically, the bill requires that any financial institution or money transmitting business which initiates an international money transfer on behalf of a consumer (whether or not the consumer maintains an account at such institution or business) shall provide the following disclosures:

The exchange rate used by the financial institution or money transmitting business in connection with such transaction.

The exchange rate prevailing at a major financial center of the foreign country whose currency is involved in the transaction, as of the close of business on the business day immediately preceding the date of the transaction (or the official exchange rate, if any, of the government or central bank of such foreign country).

All commissions and fees charged by the financial institution or money transmitting business in connection with such transaction.

The exact amount of foreign currency to be received by the recipient in the foreign country, which shall be disclosed to the consumer before the transaction is consummated and printed on the receipt given to the consumer.

Mr. Speaker, I submit the full text of this pro-consumer legislation for the record and I urge my colleagues to support this important legislation.

H.R. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wire Transfer Fairness and Disclosure Act of 2001".

SEC. 2. DISCLOSURE OF EXCHANGE RATES IN CONNECTION WITH INTERNATIONAL MONEY TRANSFERS.

(a) IN GENERAL.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(2) by inserting after section 917 the following new section:

"SEC. 918. DISCLOSURE OF EXCHANGE RATES IN CONNECTION WITH INTERNATIONAL MONEY TRANSFERS.

"(a) DEFINITIONS.—

"(1) INTERNATIONAL MONEY TRANSFER.—The term 'international money transfer' means any money transmitting service involving an international transaction which is provided by a financial institution or a money transmitting business.

"(2) MONEY TRANSMITTING SERVICE.—The term 'money transmitting service' has the meaning given to such term in section 5330(d)(2) of title 31, United States Code.

"(3) MONEY TRANSMITTING BUSINESS.—The term 'money transmitting business' means any business which—

(A) provides check cashing, currency exchange, or money transmitting or remittance services, or issues or redeems money orders, travelers' checks, and other similar instruments; and

(B) is not a depository institution (as defined in section 5313(g) of title 31, United States Code).

"(b) EXCHANGE RATE AND FEES DISCLOSURES REQUIRED.—

"(1) IN GENERAL.—Any financial institution or money transmitting business which initiates an international money transfer on behalf of a consumer (whether or not the consumer maintains an account at such institution or business) shall; provide the following disclosures in the manner required under this section:

"(A) The exchange rate used by the financial institution or money transmitting business in connection with such transaction.

"(B) The exchange rate prevailing at a major financial center of the foreign country

"(C) All commissions and fees charged by the financial institution or money transmitting business in connection with such transaction.

"(D) The exact amount of foreign currency to be received by the recipient in the foreign country, which shall be disclosed to the consumer before the transaction is consummated and printed on the receipt referred to in paragraph (3).

"(2) PROMINENT DISCLOSURE INSIDE AND OUTSIDE THE PLACE OF BUSINESS WHERE AN INTERNATIONAL MONEY TRANSFER IS INITIATED.—The information required to be disclosed under subparagraphs (A), (B) and (C) of paragraph (1) shall be prominently displayed on the premises of the financial institution or money transmitting business both at the interior location to which the public is admitted for purposes of initiating an international money transfer and on the exterior of any such premises.

"(3) PROMINENT DISCLOSURE IN ALL RECEIPTS AND FORMS USED IN THE PLACE OF BUSINESS WHERE AN INTERNATIONAL MONEY TRANSFER IS INITIATED.—The information required to be disclosed under paragraph (1) shall be prominently displayed on all forms and receipts used by the financial institution or money transmitting business when initiating an international money transfer in such premises.

"(c) ADVERTISEMENTS IN PRINT, BROADCAST, AND ELECTRONIC MEDIA AND OUTDOOR ADVERTISING.—The information required to be disclosed under subparagraphs (A) and (C) of subsection (b)(1) shall be included—

"(1) in any advertisement, announcements, or solicitation which is mailed by the financial institution or money transmitting business and pertains to international money transfer; or

"(2) in any print, broadcast, or electronic medium or outdoor advertising display not on the premises of the financial institution or money transmitting business and pertaining to international money transfer.

"(d) DISCLOSURES IN LANGUAGES OTHER THAN ENGLISH.—The disclosures required under this section shall be in English and in the same language as that principally used by the financial institution or money transmitting business, or any of its agents, to advertise, solicit, or negotiate, either orally or in writing, at that office if other than English.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 3-month period beginning on the date of the enactment of this Act.

TRIBUTE TO SAINT PATRICK'S PARISH IN SAN FRANCISCO, CA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join today to pay tribute to a Saint Patrick's Parish in San Francisco, California, which is celebrating its 150th Anniversary. From its humble beginnings the Parish has blossomed into a San Francisco institution that has weathered wars, troubled times, and the occasional earthquake. Despite those hardships, for the last 150 years Saint Patrick's Parish has remained a structure of faith for its parishioners.

Shortly after Fr. John Maginnis celebrated the first mass in a rented hall on June 9, 1851, a temporary Church was constructed, and Saint Patrick's had established a foot hold in San Francisco. During this time, California was experiencing the Gold Rush, which brought the proliferation of industry and commerce to the area, and resulted in the population of San Francisco growing rapidly. The Parish responded to this expansion by purchasing a lot on Mission Street, between Third and Fourth Streets and started construction of a magnificent new Church. After two years, construction was completed, and the new Church was dedicated on March 17, 1872 at which time the Catholic population of the parish was estimated at 30,000 parishioners.

Having overseen the construction of the Church, Fr. Maginnis now set his sights on new projects, and soon founded both the St. Vincent School for Girls and the St. Patrick's School for Boys. Both schools were taught by the Daughters of Charity from Emmitsburg, Maryland, and served the Parish until 1964. After the schools closed, the site was later transformed into the Alexis Apartments for the elderly.

Mr. Speaker, for the first fifty-four years after its founding, Saint Patrick's Parish knew only one pastor, Father John Maginnis. Fr. Maginnis was succeeded by the Reverend Monsignor John Rogers in 1905. Shortly thereafter, the San Francisco earthquake and fire of 1906 struck, and the Church was reduced to rubble. This catastrophe of biblical proportions was met head on by Msgr. Rogers and the parishioners of St. Patrick's. After establishing a men's shelter named Tir-na-Nog, which is Gaelic for Land of Youth, Msgr. Rogers began the reconstruction of the Church. The reconstruction was completed and the Church was rededicated in 1914. An impressive brick structure, Saint Patrick's Church still stands majestic as a living memorial to the undaunted faith and endurance of people who gave of themselves in times of personal hardship to build this institution.

Mr. Speaker, for the last century and a half years Saint Patrick's Parish has provided for the spiritual needs of the community, as well as run programs to aid the elderly, youth, and the marginalized. I ask all my colleagues to join me in honoring Saint Patrick's Parish in marking their sesquicentennial.

TRIBUTE TO DAVE McELHATTON

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to a most beloved and enduring San Francisco Bay Area icon—Dave McElhatton of KPIX Channel 5 television and KCBS radio. His distinguished 50-year career in broadcast journalism is being celebrated at an extraordinary tribute dinner at the Palace Hotel in San Francisco on April 21, 2001, for the benefit of his alma mater, San Francisco State University.

David McElhatton, who was born and raised in Oakland, California, enrolled at San Francisco on the G.I. bill in 1948, following service in the U.S. Army. Only two weeks after graduating with a degree in Broadcast & Electronic Communication Arts, Dave was employed at KCBS radio. He quickly became a prominent radio personality in the Bay Area. His first introduction to Bay Area radio listeners was as the host of KCBS's "Music 'Til Dawn" and "Masters of Melody"—the last live network music program to originate from San Francisco. He hosted the Bay Area's first call-in talk show, "Viewpoint" and the last local audience-participation radio program, "McElhatton in the Morning." As KCBS' morning anchor for a quarter century, Dave became one of the Bay Area's best known and best regarded radio personalities, and he was instrumental in developing the KCBS News/Radio format.

For the second quarter century of his career in broadcast journalism, Dave McElhatton was at the helm of Channel 5 Eyewitness News, where his credibility and affability made it easy for him to move seamlessly from radio to television. His superior journalistic skills and his excellent delivery led to a distinguished television news career marked by a multitude of journalistic awards and a multitude of faithful viewers.

Dave McElhatton is the recipient of the rarely-bestowed "Governor's Award" from the Board of Governors of the Northern California Emmy Awards, which is given in recognition of truly outstanding and unique individual achievements of long duration. He has also received numerous awards from the Associated Press, United Press International, the Press Club of San Francisco, the Peninsula Press Club, the Northern California Television and Radio News Directors Association, the 19th Annual Radio Fellow Award of the University of San Francisco, the James J. Strebing Memorial Award, a Special Award for Excellence from the American Society of Anesthesiologists, and the highest honor of the Aviation Writers' Association. In 1997, Dave McElhatton was inducted into the San Francisco State University Hall of Fame. For many years, Dave taught broadcasting at his alma mater, San Francisco State University, where I was a professor of economics for three decades.

Since retiring from broadcasting, Mr. McElhatton continues to contribute to our community by serving as master of ceremonies and keynote speaker at fund-raising events for Bay Area non-profit and charitable organizations. He also can be seen in California's skies, where he enjoys piloting his own plane.

Mr. Speaker, I urge my colleagues to join me today in paying tribute to Dave McElhatton for a distinguished 50-year career in journalism. We wish Dave and his wife, Karen, a retirement replete with richly deserved good health and happiness.

HONORING KELVIN TORBERT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. KILDEE. Mr. Speaker, I rise today to congratulate and acknowledge the accomplishments of Kelvin Torbert, a senior at Flint Northwestern High School. Kelvin was chosen out of more than 542,000 high school boys basketball players to be named the 2001 Gatorade National High School Boys Basketball Player of the Year. This is one of the highest awards conferred upon a high school student athlete. In addition to both academic and athletic excellence, recipients must also maintain high moral character. Kelvin is an outstanding young man who personifies the criteria, and I am proud to be honoring him here today.

Kelvin has a strong sense of teamwork and can play any position on the court. His remarkable athletic skills have made him the highest scorer in Northwestern's history, with a record 1,978 points. As a four year starter on the varsity team, he has been the recipient of numerous honors and awards including McDonalds All-American, Parade Magazine All-American, three time 1st team All-State player, and most recently, the Mr. Basketball award, given to the state's best player by the Basketball Coaches Association of Michigan.

Not only is Kelvin an exceptional athlete, but he has also maintained 3.1 GPA. He is an active member of student government, demonstrating positive leadership qualities in his school extending well into the Flint community. Successfully balancing academics with athletics, he will be an asset to the student body at Michigan State University next fall. He is an outstanding example of the teamwork and high moral character stressed in Flint public schools.

Constantly maintaining high standards for himself, Kelvin has become a role model for younger students, working with young people at the local Boys and Girls Club and at summer basketball camp. He teaches them the importance of teamwork and dedication on the court and its implications throughout life.

Mr. Speaker, I am happy to honor an exemplary individual like Kelvin Torbert, and the contributions he has made to his team. He is an example of what can be accomplished by encouragement and reinforcement of a student's talents, and belief in his or her ability to excel.

THE HERO OF CHESTNUT HILL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. FRANK. Mr. Speaker, on April 17, one of the leading educational institutions in America, Boston College, will honor Dr. Francis B. Campanella as he prepares to retire this year from his job as Executive Vice President. Dr. Campanella has been an extraordinary asset not just to Boston College, but to the Greater Boston community, and to higher education in America through his extraordinarily creative and diligent work at Boston College. Last September, David Warsh appropriately described Dr. Campanella's work in an excellent article in the Boston Globe. I am delighted to have this chance to join in honoring this very distinguished educational leader on the occasion of his well earned second retirement, and I ask that Mr. Warsh's column about him be printed here as an example of what commitment at its best means to our broader community.

[From the Boston Globe, Sept. 12, 2000]

THE HERO OF CHESTNUT HILL

(By David Warsh)

Anyone strolling across the densely built and sparkling campus of Boston College would find it hard to believe that there was a time when the school was nearly bankrupt.

Yet in the early 1970s, Boston College came very close to failing. The school had run major deficits for five years in a row. Its net worth was negative. Its endowment was a paltry $5 million.

BC had a sympathetic banker in Waltham, Giles Mosher. But only by temporarily dipping into the pension fund for Jesuit professors was the administration able to keep doors open from year to year. In a memorable report, economist Edward Kane warned the faculty that BC soon might find that its (then) spacious campus had become the University of Massachusetts at Chestnut Hill.

It was about that time that the trustees hired Donald Monan, S.J. Within a year Monan persuaded professor Frank B. Campanella to leave the faculty where he had been teaching finance and take over the school's internal management instead. The rest is history.

Boston College took off like a rocket and the University of Massachusetts built its new campus at Columbia Point.

Last week Campanella, 64, said he would return to teaching at the end of the current academic year. That $5 million endowment has grown to $1.1 billion, the 35th largest in the country. (In contrast, Boston University says the market value of its endowment currently is about $980 million.)

Faculty salaries, which in 1973 had been at the 50th percentile of category I institutions, are in the 90th percentile. Undergraduate applications, which had totaled 8,400, last year were 21,000 for 2,100 places—making BC the fifth most heavily applied-to university in the country.

And on the 1991 list of BC's top 12 application overlaps—meaning those schools to which a prospective BC student also had applied—the names of Fairfield University, Providence University, and UMass had been elbowed off by 1997 by Harvard, Penn, and Brown.

Campanella was a logical, if not an obvious choice for executive vice president. He had been raised in Jamaica Plain, then graduated from Boston College High School in 1954. After earning an engineering degree at Rensselaer Polytechnic Institute and serving three years as a Marine Corps lieutenant he worked for five years in the construction industry.

Low margins and chronic uncertainty led him to retool as a finance professor, beginning as a night school MBA at Babson College, then as a doctor of business administration at Harvard Business School. (He tested Harry Markowitz's portfolio theory for his dissertation; Rober Glauber was his supervisor). He had been teaching for three years when Monan took him by the arm in 1973. He had the confidence of the faculty.

Campanella's strategy from the first was to run a surplus. He established a depreciation account—a standard business practice but among the first in the nation at a university—which freed up cash for investment. Then he set out to build the college's balance sheet.

He borrowed as much money as possible, taking advantage of the bargain rates available to tax-exempt institutions. He used it for bricks and mortar, budgeting debt service as an expense. With the physical plant growing, he lobbied the faculty to increase enrollment, and plowed the growing surpluses into endowment. He invested aggressively as well.

Then came "enrollment management," a set of yield management practices more or less invented in education at BC. The offices of admissions and financial aid were combined, making it possible to purposefully compete with other institutions on price. BC's applications pool broadened to include Texas, California, the Midwest. Retention became part of the picture as well.

Campanella gradually attracted national attention.

Campanella retired for the first time in 1991. It didn't take. In 1994, the trustees asked him to come back. He stayed long enough to get new BC president William Leahy, S.J. settled in his job. "He's a man who understood the world of higher education, the world of business too," Leahy said. "He'll be a very difficult man to replace."

A TRIBUTE TO CARMELA C. RODRIGUEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Carmela C. Rodriguez of Brooklyn, New York. Ms. Rodriguez is a deeply religious person who has dedicated herself to serving her church, her community and her native culture.

Ms. Rodriguez was born and raised in Panama City, Panama. She migrated to the United States in 1963. Nevertheless, she remains proud of her Panamanian roots. She has expressed this pride through service. She is the President of the Day of Independence Committee of Panamanians in New York and she organized the first Panamanian Independence Day Parade.

Ms. Rodriguez is also committed to her religion and her community. She is a Eucharistic Minister of Service at Our Lady of Charity Church; she is the First African American woman to be inducted as a Franciscan Friar in the Immaculate Conception Province, and she is the Grand Lady of the Knights of Peter Claver Ladies Auxiliary. In addition, she serves her community by conducting AIDS education workshops and donating food as well as clothing for needy children.

Mr. Speaker, Ms. Carmela C. Rodriguez is a woman of deep conviction whose religious and community involvement illustrate that she does not believe it is enough simply to live in a community, but rather one must serve that community as well. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

MAKE SUBPART F LAW PERMANENT

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. McCRERY. Mr. Speaker, today I am pleased to introduce a bill on behalf of myself, Mr. Neal of Massachusetts, and 24 of our colleagues from the Ways and Means Committee. Current law contains a temporary active financial services provision in Subpart F. This provision makes sure that active business income of a U.S. financial services company operating overseas is not subjected to U.S. tax until that income is distributed to the U.S. parent. If this temporary provision were allowed to expire at the end of 2001, American financial services companies would be placed on an unequal footing with their foreign competitors.

Our legislation would make the active financial services provision permanent, securing international parity for our financial services industry and providing it with treatment comparable to that afforded other segments of the U.S. economy.

This legislation is important not only to U.S. financial services companies but also to the U.S. businesses that they service internationally. As just one example, U.S. banks and finance companies support the international sales growth of U.S. manufacturers and distributors. Additionally, Mr. Speaker, because U.S. employees provide support services for the overseas operations of our financial services companies, this legislation will also enhance the creation and preservation of U.S. jobs that depend on these international operations.

The growth of American finance and credit companies, banks, securities firms, and insurance companies is impaired by the uncertainty of an "on-again, off-again" practice of annual extensions of the active financial services provision. Making this provision a permanent part of the law will allow our financial services companies to make long-term plans for their continued international growth. Without this legislation, American financial services companies will be deprived of the certainty that their foreign-based competitors enjoy when operating outside of their home countries.

Mr. Speaker, this legislation will ensure U.S. tax policy does not hamper the ability of our financial services companies to compete in the international marketplace. The permanent extension of the active financial services provision is particularly important today, if the U.S. financial services industry is to continue as a global leader in international markets. The highly competitive and global nature of many of the businesses that will benefit from this legislation highlights the need to ensure greater parity between U.S. tax laws and those of most other industrialized nations. Any disparity enhances the ability of foreign competitors to engage in a wider range of financial activities than U.S. companies.

In closing, making this provision a permanent part of the law would provide for an equitable and stable international tax regime for the U.S. financial services industry. We hope that this legislation will receive every possible consideration.

MAKE SUBPART F LAW PERMANENT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. NEAL. Mr. Speaker, I am very pleased to join Representative JIM MCCRERY and a majority of the Ways and Means Committee in introducing legislation to make permanent the exclusion from Subpart F of the Internal Revenue Code for active financial services income of U.S. businesses operating in foreign markets. This provision permits American financial services firms doing business abroad to pay U.S. tax on their foreign earnings only when those earnings are returned to the U.S. parent. The provision expires at the end of this year.

This rule for active financial services is the same rule that applies to most other types of U.S. companies, and is the general rule in most of the industrialized world. Most competitors of U.S. financial institutions operate under tax regimes that generally do not tax currently active financial income earned outside their home countries. Making the Subpart F rule for active financial services permanent means that U.S. financial services companies will be on a level playing field throughout the life of the contract for which they are competing when they seek to compete in overseas markets with foreign-based financial services companies. While taxes are clearly not the only factor in determining the competitiveness of U.S. financial companies abroad, they do make a difference. In an increasingly global world with increasingly sophisticated competition, we cannot afford to put our financial services companies at such a disadvantage any longer.

Mr. Speaker, my colleagues and I believe it is vital to make the active financing provisions of current law permanent, to provide stability to our American service industries and all who work for them.

A TRIBUTE TO SHERYL BOYCE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Sheryl Boyce of Canarsie, for her many years of leadership in the civic and religious communities.

Ms. Boyce believes that to live in the community it is important to serve your community as well. For this reason she has spent nearly two decades as an active community resident. She has been an active member of the Bay View Tenants Association, serving as the financial secretary, recording secretary, and editor of the Association Newsletter. In addition, she organized the Association's first clean up day. Ms. Boyce has taken a particular interest as a mentor, serving as a Girl and Boy Scout Leader and a chaperon on numerous youth outings.

Sheryl is also an active member of St. Albans' Episcopal Church. She is on the Altar Guild and serves as a treasurer of the Episcopal Church Women. She has been elected to the Vestry for the third time and serves as a mentor to the altar girls and boys.

Mr. Speaker, Ms. Sheryl Boyce is a woman of deep religious conviction who has served her community and her church with the same level of dedication. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

FREEDOM OF THE MEDIA IN RUSSIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. HOYER. Mr. Speaker, I participated recently in a Congressional delegation to Russia, led by my friend CURT WELDON, where we met with government officials and others to assess the economic and political situation in that country and the state of U.S.-Russian relations. As Co-Chairman of the Duma-Congress Study Group on which I serve with Mr. WELDON, and as former Chairman and Ranking Member of the Helsinki Commission, I have traveled to Russia and the former Soviet Union frequently since the early 1980s.

We are encouraged by Russia's continued progress, however tentative it may appear at times, towards becoming a democratic state that guarantees the inalienable rights, including religious freedom and respect for human rights and the rule of law, of all its citizens. That is why it is disturbing to see an important tenet of democracy—freedom of the media—being threatened by federal government actions and by local officials as well.

The seriousness of this problem has been addressed by both the Clinton and Bush Administrations and has received widespread attention in the Western press, including recent editorials in The Wall Street Journal and The Washington Post. In Moscow, we were briefed by Ambassador Jim Collins, who told us about the threats to the media, particularly NTV and its holding company, Media Most, and we also met with Evgeny Kiselev, head of NTV—the only independently operated television station in Russia—who described incidents of harassment and intimidation directed against himself and other NTV personnel.

Moreover, as we have seen in the past, journalists in Russia are under threat of physical attacks, even murder, at the hands of unknown assailants if they offend the wrong people with their reporting.

Mr. Speaker, I would like to bring to the attention of my colleagues the State Department's Country Report on Human Rights Practices—2000, just sent to the Congress by the Bureau of Democracy, Human Rights, and Labor, as required by law. It is a valuable document that assesses human rights conditions, country by country, around the world and has proven a reliable source of information for Members to better understand how individual governments treat their own citizens.

The section on Russia, which covers 45 pages, states that the government "generally respected the human rights of its citizens in many areas," but that "serious problems remain, including independence and freedom of the media. . . ." The report goes on to state "Federal, regional, and local governments continued to exert pressure on journalists by: initiating investigations by the federal tax police, FSB, and MVD of media companies such as independent Media-Most. . . ."

The report also provides an account of the government harassment of and threats to Mr. Vladimir Goussinsky, founder and chairman of Media-Most, which owns NTV, and his arrest and detention in a Moscow prison. Today, Mr. Goussinsky is confined in Spain, awaiting the disposition of a Russian prosecutor's request for extradition, as Kremlin authorities have been engaged in a series of actions to shut down the country's only privately owned television station, or have it taken over by a government-controlled company.

Sadly, Mr. Speaker, these efforts have come to fruition today. Press reports indicate that, in an apparent boardroom coup, the current NTV board, including Mr. Goussinsky, was ousted by the Russian gas firm Gazprom, which says it owns a controlling stake of the station. Mr. Kiselev has been replaced by an associate of the Gazprom directors. Russia's only two other nationwide television stations, ORT and RTR, are already controlled by the government.

Mr. Speaker, I urge the government of the Russian Federation to strengthen democratic institutions and the rule of law by guaranteeing and supporting media pluralism and independence in Russia. Clearly, the foundation of a free and democratic society is a well informed citizenry. That foundation crumbles when freedom of speech and freedom of the media are suppressed. I also urge my colleagues to review the State Department's report on human rights conditions, particularly the section on Russia.

INTRODUCTION OF THE DEPOSIT INSURANCE FUNDS MERGER ACT OF 2001

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. LAFALCE. Mr. Speaker, today I introduce legislation that merges the FDIC's Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF) on January 1, 2002. I am joined by Representative MAXINE WATERS as an original cosponsor. A merger of the BIF and SAIF would clearly benefit the deposit insurance system by creating a single, more diversified fund that is less vulnerable to regional economic problems.

In addition, a merger of the funds would more accurately reflect the reality of today's financial services industry, in which over 40 percent of the SAIF deposits are held by commercial banks and FDIC-regulated state savings banks. In fact, the funds have lost their independent identities, and we should rationalize their structure.

Today, BIF members and SAIF members pay deposit insurance premiums at the same rate. However, until the SAIF was recapitalized in 1996, the FDIC was required to charge different premiums to BIF and SAIF members for what is essentially the same product. A difference in premiums could emerge once again, if the reserves of one fund drop below the statutory reserve ratio of 1.25% (that is, a fund's reserves must have at least $1.25 for every $100 of deposits insured by the fund), and the reserves of the other fund do not. A merger would prevent the re-emergence of a rate disparity between BIF members and SAIF members and the market inefficiencies the disparity creates as institutions waste time and money in order to purchase deposit insurance at the lowest price possible.

This is an optimal time for merging the two funds. The ratio of the SAIF fund balance to insured deposits is at a healthy 1.44%. The BIF also remains strong at a healthy 1.35% ratio of reserves to insured deposits. A combined fund would have a reserve ratio of 1.37%. Under these conditions, industry concerns over competitive disadvantages caused by a merger should be minimal. Both the banking and thrift industries should support the change as bringing needed rationality and stability to the deposit insurance funds.

Other deposit insurance reform proposals have been introduced that address other issues, such as the proper level of deposit insurance coverage and automatic industrywide assessments, when either the BIF or SAIF falls below the 1.25% reserve ratio. While these other proposals merit serious consideration, Congress may not yet be prepared to resolve the issues they address. However, the case for legislation merging the BIF and SAIF is clear and should not get bogged down in the more general debate on deposit insurance reform. Mr. Speaker, the merger of the BIF and SAIF is a matter of substantial public policy importance that should be addressed on its independent merits, and without delay.

A TRIBUTE TO NIKKI ANTOINETTE BETHEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Nikki Antoinette Bethel of Brooklyn, New York. Ms. Bethel has been a leader throughout her young life both in her academic as well as her professional careers.

Ms. Bethel is a product of the New York City Public School System, having attended St. Mark's Day School, PS 383—Philipa Schuyler Middle School and Edward R. Murrow High School. While in high school, Nikki was elected into Who's Who in American High Schools for three consecutive years, she represented New York as a Congressional scholar and she received the "Progress through Justice" Award from the District Attorney of Kings County. After high school Nikki went to college at the University of Maryland where she again exhibited her leadership abilities: serving as a resident assistant for each of her four years, the Vice-President of the Black Women's Student Council, a teaching assistant, a section leader of the Honors 100 Colloquium, a delegate of the Black Student Union, and a member of the University's honor program. After graduating with honors, Nikki went on to receive her Master of Education at Harvard University.

Once her education was complete, Nikki brought her leadership skills and penchant for achievement to Merrill Lynch's Human Resources Management Training Program. After becoming an Assistant Vice-President, Nikki went in search of new challenges as an MBA Recruiter for Investment Banking Sales and Trading at Morgan Stanley Dean Witter.

Mr. Speaker, Nikki Antoinette Bethel is a dedicated young woman of tremendous achievement. As such she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

INTRODUCTION OF H.R. 1332: THE BUSINESS METHOD PATENT IMPROVEMENT ACT OF 2001, H. R. 1333: THE PATENT IMPROVEMENT ACT OF 2001, AND H. RES. 110: THE PTO FUNDING RESOLUTION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BERMAN. Mr. Speaker, I rise to discuss three pieces of legislation I have introduced today.

Last fall, Representative RICK BOUCHER and I introduced H.R. 5364, the Business Method Patent Improvement Act of 2000. Upon introduction of that bill, I made it clear that my primary motivation was protection of intellectual property. I believe the protection of intellectual property is critical both to innovation and to the economy, and will be advanced by assuring the highest level of quality for U.S. patents.

With these same goals in mind, today Representative BOUCHER and I introduce three new bills. The Business Method Patent Improvement Act of 2001 is very similar to last year's version, but includes several significant changes in response to legitimate criticisms of last year's bill. The Patent Improvement Act of 2001 responds to suggestions by many parties that certain provisions in last year's bill should apply broadly to all patentable inventions. Finally, the PTO funding Resolution ensures that all PTO fees will be used to fund the PTO and the vital services it provides.

These bills represent a starting point, not an end point, for discussion of legislative solutions to patent quality concerns. The multitude of comments received on last year's bill demonstrate that these problems are difficult and, as yet, present no clear-cut answers. Indeed, reactions to last year's bill exhibited few consistent patterns, with members of the same industries often expressing diametrically opposed viewpoints. What was clear, however, was that introduction of specific legislation proved helpful at focusing the discussion. Thus, we introduce these bills to initiate that discussion anew in the 107th Congress.

The Business Method Patent Improvement Act of 2001 requires the PTO to publish all business method patent applications after 18 months. In conjunction with the publication provision, it creates opportunities for the public to present prior art or public use information before a business method patent issues. It establishes an administrative "Opposition" process where parties can challenge a granted business method patent in an expeditious, less costly alternative to litigation. The bill lowers the burden of proof for challenging business method patents, requires an applicant to disclose its prior art search, and finally, creates a rebuttable presumption that a business method invention constituting a non-novel computer implementation of a pre-existing invention is obvious, and thus, not patentable.

The Patent Improvement Act of 2001 would establish an administrative "Opposition" process where parties can challenge any granted patent in an expeditious, less costly alternative to litigation. The bill creates a rebuttable presumption that any invention constituting a non-novel computer implementation of a existing invention is obvius, and thus, not patentable. Finally, the bill requires an applican to disclose its prior art search.

The PTO funding Resolution creates a point of order regarding any legislation that does not allow the PTO to spend all fees collected in the year in which they are collected.

Some may consider the coordinated introduction of these three bills an unusual approach. Indeed, it will be noted that the first two bills overlap—that is, they contain many of the same provisions applied to different, but overlapping types of patents. We have chosen this approach because we consider all the bills to be improvements over current law, but are not sure which bills will generate sufficient support to be enacted this Congress. Further, we consider the PTO funding Resolution to be a necessary element of any plan to improve patent quality, but recognize that such legislation will generate its own debate.

I have decided to forge ahead through these thorny issues because my concerns about the quality and effects of business method patents have not dissipated or diminished during the past year. The pace of business method patenting has picked up dramatically. While in FY 1999, the PTO received approximately 2650 business method patent applications, in FY 2000 it received 7800 such applications. The PTO reports that the first quarter of FY 2001 has seen business method applications running 18–20% higher than in Q1 of FY 2000. I commend the PTO for reducing the proportion of business method patents granted through its Business Method patent Initiative, but there is some concern that this Initiative will extend patent pendancies further.

We will not know what business methods are claimed in these applications for at least eighteen months after filing, and in all probability for at least twenty-six months. Some consider this a problem in itself, as technology businesses attempting to move at Internet speed may invest enormous sums of ever-dwindling venture capital only to find important elements of their business plan covered by a patent. This is an unfortunate by-product of the patent system, but I do not believe we should address it by prohibiting patents on business methods or requiring publication upon filing.

Of greater concern to me is assuring the highest quality of business method patents being issued. Unfortunately, those business methods patents of which we are aware do not give us much confidence about the quality of those yet to be published. Last year, I cited as examples of concern a patent granted for a method of allowing automobile purchasers to select options for cars ordered over the Internet, and a patent that purportedly covered the selling of music and movies in electronic form over the internet. This year I add to that list a patent for a method of operating a fantasy football league over the Internet, a patent covering incentive programs using the Internet, a patent covering the use of targeted banner advertising over the internet, and a patent covering a system for previewing music samples over the internet.

I do not pretend to know whether any of these patents are valid or invalid. However, many respectable parties, including patent lawyers, patent-holding technology companies, and academics, have expressed serious concerns about the quality of such patents.

I would like to see a patent system that subjects these patents to more rigorous review, and thus provide greater assurance that they are valid when issued. If there may be ways to improve the prior art available to patent examiners before they issue a patent, we should explore them. If there are ways to decrease the costs of challenging bad patents, we should enact them into law. And if retention of fees will result in better trained, more experienced examiners with access to better resources, we should let the PTO keep the fees.

As I said last Congress: "The bottom line in this: there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system in this very new, and rapidly growing area of patenting."

A TRIBUTE TO DIANA B. WOOTEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. TOWNS. Mr. Speaker, I rise today to bring special recognition to one of Brooklyn's shining stars, Diana B. Wooten.

Diana is the daughter of Joseph and Councilwoman Priscilla Wooten and a life long resident of the East New York community of Brooklyn. She is a prominent part of the Wooten extended family that consists of herself, her brother Donald, sister Deborah and three nephews. Her nephews are also her "godsons" and she takes this responsibility seriously. Diana is committed to being totally involved in guiding their development.

After obtaining a Bachelor of Arts in Psychology/Sociology from the State University of New York at Albany, she returned to her roots better known as Brooklyn, New York and began an outstanding career in the health service community. On the record and off the record, Diana is always involved in assisting others. She currently serves as Chief Executive Officer of the Greater Bright Light Home Care Services in East New York. She has worked for the Health Science Center of New York, LaGuardia Hospital and Cumberland Diagnostic and Treatment Center.

Diana is well known but is still a very private person. She does so many good deeds anonymously to better the lives of others. One among the many is currently serving as President of Single Working Parents, a group that gives respite care to single working parents of children from ages 5 to 13. She is a life-long member of the Grace Baptist Church where the current pastor is the Rev. Jacob N. Underwood. She is an active member of Grace Baptist where she also sings in the choir.

Because of her contributions to Brooklyn, Diana is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

IN HONOR OF MS. FRANCIS D. ALLEMAN-LUCE (1924–2001)

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Francis D. Alleman-Luce, a civil rights advocate and lifelong community leader. Ms. Alleman-Luce, who suddenly passed away last week, was a civil rights organizer, an educator, and a member of numerous community and philanthropic groups. Her son, Mr. Jim Tendean Luce, has arranged the service to be held at the Madison Avenue Baptist Church in my district, where he serves as the moderator.

Ms. Alleman-Luce was an extraordinary woman far ahead of her time. Born in 1924 in Hingham, Massachusetts, Ms. Alleman-Luce graduated from Hingham High School and Wheelock College. During World War II, she worked as an entertainer for troops on leave. After the War, she married Stanford Luce and the family moved to New Haven, Connecticut until 1952, when they again moved to Oxford, Ohio. In 1964, the family moved to Paris, returning to Ohio the next year.

Ms. Alleman-Luce played an active role in the American Civil Rights Movement during the 1960s, training Freedom Riders as they gathered in Oxford, Ohio before driving to Mississippi. In 1969, Ms. Alleman-Luce completed her masters' degree in Educational Psychology at Miami University in Oxford. In 1972, following her divorce, Ms. Alleman-Luce moved to Marietta, Ohio with her then 12-year-old son Jim to begin a career as a school psychologist.

Following her retirement, Ms. Alleman-Luce moved back to her college town of Brookline, Massachusetts, where she became involved with the P.E.O. Sisterhood, an organization for women that stresses the value of educational achievement and philanthropic community service.

Ms. Alleman-Luce was an exceptional individual and a caring mother. She is survived by her brother Dudley Alleman, Jr., her sister Irene Alleman Beale, and her four children, Stan, Molly, Rick, and Jim.

Ms. Alleman-Luce's life was one of adventure, ambition, and a willingness to strive for a better world. A proud lifelong Democrat, a friend of the disenfranchised, and a caring educator, Ms. Alleman-Luce will be sorely missed.

INTRODUCTION OF THE ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to designate as wilderness most of the lands within the Rocky Mountain National Park, in Colorado. This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System.

The bill is essentially identical to one previously introduced by my predecessor, Representative DAVID SKAGGS, and one I introduced in the 106th Congress. Those bills in turn were based on similar measures proposed, including some by former Senator Bill Armstrong and others.

Over a number of years my predecessor and I have worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of the provisions of the bill I am introducing today, particularly regarding the status of existing water facilities.

Covering some 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in the wilderness that would be designated by this bill.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate. The wilderness boundaries are carefully located to assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared more than 25 years ago and presented to Congress by President Richard Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, and the Black Ridge portion of the Colorado Canyons National Conservation Area. We now need to continue making progress regarding wilderness disignations for deserving lands, including other public lands in our state that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt within the bill I am introducing today.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler. To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park. In December, 1993, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to claim. This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions.

As for the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there, although it has affirmed that the park does have such rights. With all other rights to water arising in the park and flowing west already claimed, as a practical matter under Colorado water law, this wilderness designation will not restrict any new water claims. And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation. Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park.

Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condtion. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. So, I think the bill deserves prompt enactment.

I am attaching a fact sheet that outlines the main provisions of this bill:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT APRIL, 2001

ROCKY MOUNTAIN NATIONAL PARK

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

THE BILL

The bill is based on one introduced by Rep. Udall in the 106th Congress and similar legislation proposed by former Congressman David Skaggs and others in previous years. It would:

designate about 249, 562 acres within Rocky Mountain National Park, or about 94 percent of the Park, as wilderness, including Longs Peak—the areas included is based on the recommendations prepared over 25 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted

designate about 1,000-acres as potential wilderness until non-conforming structures are removed

provide that if non-federal inholdings within the wilderness boundaries are acquired by the United States, they will become part of the wilderness and managed accordingly

The bill would NOT:

create a new federal reserve water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, some private inholdings.

EXISTING WATER FACILITIES

Boundaries for the wilderness are drawn to exclude existing storage and conveyance structures assuring continued use of the Grand River Ditch and its right-of-way, the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project, Long Draw Reservoir, and lands owned by the St. Vrain & Left Hand Water Conservancy District—including Copeland Reservior.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill) or other Colorado-Big Thompson Project facilities, and that additional activities for these purposes will be allowed should they be necessary to respond to emergencies and subject to reasonable restrictions.

IN MEMORY OF CHIEF RONALD "REDBONE" VAN DUNK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. GILMAN. Mr. Speaker, I rise today to memorialize Chief Ronald "Redbone" Van Dunk, grand chief of the Ramapough Mountain Tribe, from Hillburn, New York, in my congressional district.

In his role as the grand chief of the 3,000 member Ramapough Mountain Tribe, Chief Redbone served his people with distinction and dignity, and honorably led his tribe in their long sought campaign for Federal recognition. Although the Ramapough Tribe has been recognized by both the states of New York and New Jersey, the Federal government, to date, has denied their request for recognition of their heritage.

Chief Redbone was a dedicated champion of the tribe's efforts to acquire such native tribal recognition.

Chief Redbone organized his tribal members to incorporate themselves, and in 1979, after he was elected chief, the Ramapough Tribe filed their petition for federal recognition, which is now pending before the U.S. Appellate Court.

Chief Redbone wanted the best for his people, especially for their children, believing that recognition of their native American heritage would offer the tribe's children the opportunity to have an identity, a history, and a true pride in themselves as a people.

Moreover, the service of Chief Redbone was not limited to his people. He was a veteran, having served the United States in Germany from 1953 to 1955.

Grand Chief Ronald "Redbone" Van Dunk was a hero, a gentleman, a soldier, a distinguished leader, and a friend. His passing is not only a loss to his family, but to his tribe and to our Hudson Valley region. His legacy is his hope and dedication for the pride of a people, known as the Ramapoughs.

Our prayers and condolences go out to his family and friends, during their time of mourning.

IN TRIBUTE TO YOSHI HONKAWA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BERMAN. Mr. Speaker, I rise today to congratulate an extraordinary individual, Yoshi Honkawa, who will be honored on April 17th as the recipient of the Allen and Weta Mathies Award for Vision and Excellence in HealthCare Leadership. This prestigious award is presented by the Partner in Care Foundation, an organization dedicated to creating new methods of dealing with long term health care needs.

This innovative foundation could never have found a more perfect individual to honor for leadership in health care policy. Yoshi's career in this extremely important field—as an advocate, administrator, and mentor—spans decades and has been recognized by most of the leading health care organizations in California and in the nation.

In 1964, Yoshi joined the staff of the Los Angeles County/University of Southern California Medical Center. Many years later, he and his wife, May, endowed a fellowship fund in health policy and management at the University of Southern California. This act is typical of Yoshi's generosity with all of his resources, including his precious time, with young people entering the health care field. As mentor and teacher, there is no greater friend of graduate medical education than Yoshi Honkawa.

He took special note of the need to increase diversity in health care professionals, serving as a founding member of the Board of the Institute for Diversity in Health Care Management. He is also a member of the Board of Directors of the Japanese American Cultural and Community Center, and works with that organization to preserve and promote an appreciation for Japanese and Japanese-American heritage and cultural arts.

Yoshi's expertise in health care policy led to his appointment as a Commissioner on California's Health Policy and Data Advisory Commission. From this post, where he served from 1987 to 1997, he helped shape California's health policy.

It was while he served at Cedars-Sinai that I really came to know Yoshi well and to appreciate his integrity, his knowledge, his ability and his humanity. As the vice-president for government and industry relations, and then as consultant for health care advocacy, I was privileged to visit with Yoshi both in Los Angeles and during his trips to Washington, where he was a tireless advocate for this prestigious medical center.

Yoshi is, to put it simply, a wonderful person and I am honored to express the gratitude of the community for his tireless service and to congratulate him on this recognition of his outstanding leadership.

RECOGNIZING EQUAL PAY DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Ms. SCHAKOWSKY. Mr. Speaker, while I am not proud about the gender disparity of wages in the United States, I am proud today to join with my colleagues as a co-sponsor of the Paycheck Fairness Act.

It is unbelievable that women still earn only a percentage of what men earn for comparable work. In the 21st century, women earn 72 cents for every dollar a man earns. In communities of color, the gap is wider: black women earn 64 cents for each dollar and Latinas earn only 55 cents for each dollar a man earns.

According to these numbers, the average woman must work an additional 12 weeks a year to make up the disparity in income. The pay gap has a significant impact on entire families; it is estimated that American families lose $200 billion each year. Both the AFL–CIO and the Institute for Women's Policy Research report that, if women were paid the same as comparable men, their family incomes would rise by nearly 6 percent. Poverty rates would drop by more than 50 percent.

Unequal pay is unjustified for equal work. It hurts individuals, families, and communities. We must do better to support hard working women and their families. We must pass the Paycheck Fairness Act; it is the only right and fair thing to do.

LEGISLATION TO PROVIDE FOR A COOPERATIVE LANDSCAPE CONSERVATION PROGRAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing a bill to authorize a program to help states, local governments, and private groups protect open space while enabling ranchers and other private landowners to continue to use their lands for agriculture and other traditional uses.

The bill, entitled the "Cooperative Landscape Conservation Act," is based on provisions that were passed by the House last year as part of the Conservation and Reinvestment Act ("CARA") but on which the Senate did not complete action.

I think the program that this bill would establish would be good for the entire country—and it would be particularly important for Colorado.

In Colorado, as in some other states, we are experiencing rapid population growth. That brings with it rising land values and property taxes. This combination is putting ranchers and other landowners under increasing pressure to sell lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes.

That's why conservation easements are so important for our state. It's why the state and many local governments are interested in acquiring conservation easements on undeveloped lands. It is also why non-profit organizations like the Colorado Cattlemen's Agricultural Land Trust and the Nature Conservancy—to name just two of many—work to help ranchers and other property owners to make these arrangements and so avoid the need to sell agricultural lands to developers.

I strongly support this approach. Of course, by itself it is not enough—it is still important for government at all levels to acquire full ownership of land in appropriate cases. But in many other instances acquiring a conservation easement is more appropriate for conservation and other public purposes, more cost-effective for the taxpayers, and better for ranchers and other landowners who want to keep their lands in private ownership.

But while it is usually less costly to acquire a conservation easement than to acquire full ownership, it is often not cheap—and in some critical cases can be more than a community or a nonprofit group can raise without some help. That is where my bill would come in.

Under the bill, the Secretary of the Interior would be authorized to provide funds, on a 50 percent match basis, to supplement local resources available for acquiring a conservation easement. For that purpose, the bill would authorize appropriation of $100 million per year for each of the next 6 fiscal years—similar to the amount that would have been authorized by the CARA legislation that the House passed last year.

The bill provides that the Secretary would give priority to helping acquire easements in areas—such as Colorado—that are experiencing rapid population growth and where increasing land values are creating development pressures that threaten the traditional uses of private lands and the ability to maintain open space. Within those high-growth areas, priority would go to acquiring easements that would provide the greatest conservation benefits while maintaining the traditional uses—whether agricultural or some other uses—of the lands involved.

The bill would not involve any federal land acquisitions, and it would not involve any federal regulation of land uses—conservation easements acquired using these funds would be governed solely under state law.

Mr. Speaker, the national government has primary responsibility for protecting the special parts of the federal lands and for managing those lands in ways that will maintain their resources and values—including their undeveloped character—as a legacy for future generations. Regarding other lands, the challenge of responding to growth and sprawl is primarily the responsibility of the siates and tribes, the local governments, and private organizations and groups—but the federal government can help.

This bill would provide help, in a practical and cost-effective way. For the information of our colleagues, I am attaching a summary of its main provisions.

I also am attaching a recent article from the DENVER POST about how the Larimer Land Trust has helped ranchers near Buckeye, Colorado to assure that their lands, with their resources of habitat for a wide variety of wildlife and many geographic and cultural treasures, will remain undeveloped and will continued to be used for grazing and other agricultural uses. I think this article shows the importance of the program that would be established by the bill.

DIGEST OF "COOPERATIVE LANDSCAPE CONSERVATION ACT"

The bill is based on provision included in the House-passed Conservation and Reinvestment Act (CARA) legislation of the 106th Congress. It would provide federal financial assistance to states, local government, Indian tribes, and private groups working to preserve open space by acquiring conservation easements.

BACKGROUND: In Colorado and other rapidly-growing states, rising land values and property taxes are putting farmers and ranchers (and other landowners) under increasing pressure to sell their lands for development. By selling conservation easements instead, they can lessen that pressure, capture much of the increased value of the land, and allow the land to continue to be used for traditional purposes. The party acquiring the conservation easement would have an enforceable property right to prevent development.

WHAT THE BILL WOULD DO:

Program—The bill would establish the "Cooperative Landscape Conservation Program," to be administered by the Department of the Interior. The program would provide grants to assist qualified recipients to acquire conservation easements.

Funding—Bill would authorize appropriations of $100 million/year for fiscal years 2002 through 2007. Funds would be used for grants, would be on a 50 percent-50 percent matching basis, for purchase of conservation easements on private lands in order to provide wildlife, fisheries, open space, recreation, or other public benefits consistent with the continuation of traditional uses by the private landowners. Up to 10 percent of annual funds could be used by Interior Department to provide technical assistance.

Priority—(1) Priority for grants would be to help acquire easements in areas where rapid population growth and increasing land values are creating development pressures that threaten traditional uses of land and the ability to maintain open space; (2) within those areas, priority would go for acquiring easements that would provide the greatest conservation benefits while maintaining traditional uses of lands.

Eligibility Recipients—would be agencies of state or local government, tribes, and tax-exempt organizations operated principally for conservation.

Enforcement—Only an entity eligible for a grant could hold and enforce an easement acquired with program funds; at time of application, state Attorney General would have to certify that an easement would meet the requirements of state law.

WHAT THE BILL WOULD NOT DO—

Bill would NOT involve any federal land acquisition.

Bill would NOT involve any federal regulation of land use.

[From the Denver Post, April 2, 2001]

RANCHER'S LEGACY TO STAY WIDE OPEN

(By Coleman Cornelius)

April 1, 2001—BUCKEYE—Chuck Miller gazed at his ranch from under the brim of a battered felt cowboy hat. His cows and their new calves lolled nearby, soaking in the sun. A spring breeze swept over a rocky ridgeline, open grazing land, an irrigated alfalfa field, a glittering lake.

"I never knew a day when I didn't want to ranch on my own," Miller said as he recently surveyed his land in the Buckeye community, 20 miles north of Fort Collins. "I don't ever remember when that wasn't my goal in life."

Miller, whose Sunnybrook Cattle Co., includes about 450 acres and about 100 Angus and Longhorn cattle, soon will mark his 80th birthday. So he has pondered the future of his land and has wondered whether his ranching lifestyle will continue in fast-growing Larimer County, where the population swelled by 35 percent in the past decade.

Miller's gaze switched east. He nodded to a cluster of big, new houses topping a distant hillside—a sign of development bearing down on this ranchland that once seemed remote.

"If growth continues as it is now, this whole country will be houses," he said.

Earlier this year, the specter of development persuaded Miller and the owners of two neighboring ranches to preserve some of their ranchland in northern Larimer County. Working with the Larimer Land Trust, the Buckeye ranchers have protected 500 acres through conservation easements, meaning the land can never be developed.

It's not a lot of land in this rugged and breathtaking territory, which is home to the county's largest cattle ranches. In several cases, ranches in the area encompass more than 10,000 acres, according to county records.

Yet the newly protected acreage is significant, conservationists said.

That's in part because it represents a growing alliance between ranchers and conservationists. These camps, often at odds in the past, want to save open land and a way of life that has waned as encroaching development has spawned tensions and has ratcheted up land prices.

"It's really clear that if you want to protect Colorado's open space, you've got to help ranchers and farmers stay on the ground," said Alisa Wade, executive director of Larimer Land Trust. "If we don't start working together now it's going to be too late."

The Buckeye ranchland is in the foothills of the Laramie Mountains and is part of an ecological hinge between the mountains and plains.

It hosts a rich variety of plants and wildlife, including deer, elk, pronghorns, bears, mountain lions, bobcats, coyotes, raptors and rattlesnakes. The land also holds geographic and cultural treasures, including fossilized dinosaur tracks and American Indian artifacts. Some of the West's first white settlers came through the area on the Cherokee and Overland trails; Miller once found an oxen shoe dropped by an animal pulling a pioneer's wagon.

The conservation project is significant, too, because it is a first step in what could become a vast stretch of protected ranchland.

"The Buckeye is one of the last remaining regions of large, contiguous ranchlands in Larimer County, so it's an important piece of long-term ranching viability in the county," Wade said.

The Nature Conservancy of Colorado, which owns a 2,000-acre preserve in the foothills of the Laramie Mountains, has identified northern Larimer County as a priority area for land conservation and contributed most of the money for the Buckeye project. The organization's leaders hope other ranchers will decide to preserve their land.

"We'd love to see some of those big ranches up there in some kind of conservative program," said John Stokes, the Nature Conservancy's northeast Colorado program manager.

Conservation easements increasingly are used to preserve valuable open lands, and the provisions vary from deal to deal. But most of these legal agreements have one thing in common: Acreage in a conservation easement has been stripped of development rights and must remain open space forever.

As part of the Buckeye project, the Larimer Land Trust paid participating ranchers for the development rights on their property. But because the ranchers believe in land conservation, they accepted about 30 percent of the value of those development rights and donated the remaining value, Wade said.

"The value of their donation is about $400,000. It's a significant donation," she said.

The Larimer Land Trust, which negotiated the easements, spent $234,000 on the Buckeye project, Wade said.

The ranchers still own their property, and its agricultural use—primarily for cattle grazing—will not change.

Like other private landowners, the participating ranchers may sell or bequeath their property. But the conservation easements remain even when the land changes hands; new owners cannot develop the protected property.

That means the land's eventual sale price would be reduced. And it assures the protected acreage, if used at all, would be used for farming and ranching, Wade said.

While the value of protected land drops, the ranchers have pocketed some cash and will reap tax benefits from the conservation easements. That's a satisfying financial trade-off, they said.

But more satisfying for these ranchers is knowing their land will remain undeveloped for the enjoyment of heirs or other future owners, they said.

"I'm sure we could make much more money if we sold the land for development, but we didn't want to do that," said Kathy DeSmith, 60, who raises hay and cattle. She and her ranching partner put 179 acres in an easement as part of the conservation project.

Miller, who protected 105 acres, said it pleases him to watch his 8-year-old granddaughter ride horses, climb apple trees, fish and wade in the creek on his ranch. He hopes others will someday find the same carefree joys on his land.

The rancher said he's been offered more than $1 million for his property. But the money did not entice him or his three children, especially because they knew development would almost certainly follow, Miller said.

"What would I do with a big pile of money, living in town with nothing to do? That doesn't suit me at all," he said. "I don't make a great deal of money—cash—but look at what I've got."

Edie Yates, 53, who with her husband owns the 530-acre Park Creek Ranch, agreed that she has found many rewards living on land that has been unchanged over time. The Yateses put 215 acres in an easement.

The couple knew they could profit from their land, but they "couldn't swallow the idea of houses built all over it," Yates said. "Your conscience falls in somewhere."

As she led a tour of her ranch, Yates stood on a ridgeline and gazed at the striking landscape of canyons, meadows and towering rock formations.

"To me, to stand out here right now, it's good for your soul," she said.

EQUAL PAY DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I rise to recognize Equal Pay Day. A woman would have to work until today, April 3, 2001 in order to earn the same salary of her male counterparts through December 31, 2000. Regrettably, the gap is even wider for Black and Hispanic women.

Perhaps even more troubling than the actual disparities are the poor explanations used to justify the situation.

Some blame pay inequity on women because they enter less lucrative professions. This assertion ignores the fact that traditionally female professions are purposely very underpaid. Professions such as teaching and nursing are undervalued and low-paying because they are traditionally female. Furthermore, the inequity exists within traditionally female fields. For example, female elementary school teachers still make 70 dollars a week less than men in the same position. Clearly, this reason is not a sound one.

Another popular justification assumes that equal pay for women translates into financial disaster and instability for the American family. This persistent myth states that equality will rob men of their jobs, lure women from their children, and is unnecessary for married women who benefit form their husband's salary.

Despite the calamity theories, equal pay is essential for working families. When we end pay discrimination against women, family incomes will rise. Working parents will have more to spend on household needs and more to save for their children's education and their own retirement security. Working parents may be able to spend less time at work and more time with their families, a very positive change for parents and children.

Many excuses and theories abound, but the truth overpowers every last excuse. There is no justification for pay discrimination against women. Let's rectify pay inequity this year, and render Equal Pay Day 2002 obsolete.

REINTRODUCTION OF HATE CRIMES BILL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Local Law Enforcement Hate Crimes Prevention Act of 2001, along with Representatives GEPHARDT, SKELTON, FRANK, BALDWIN, MORELLA, KOLBE, FOLEY, SHAYS and KELLY. As of today there are 180 orginal cosponsors.

In the year 2001, there are still too many messages to African-Americans and other minorities that we are not full participants in American democracy. Decrepit voting machinery in African-American communities disenfranchises our voters. Racial profiling continues unabated. Discrimination continues.

There have been over 50,000 hate crimes reported in the last five years, and nearly 8,000 reported last year alone. The gruesome, hateful murders of James Byrd and Matthew Shepard stand as symbols of the incidence of hate violence that has worsened since their deaths. Hate crimes don't only visit unspeakable violence on the immediate victims, but also send a message of a desired apartheid that its sponsors want to violently enforce. Today, organized hate and supremacist groups operate with greater sophistication, and across state lines.

While many of these crimes do and should get prosecuted at the state and local levels, many do not. Some local governments lack the resources to track interstate hate groups that perpetrate them. In other places, there may even be a lack of will. Ten states, for example, have no hate crime laws on the books, and another 21 have anemic hate crime laws.

If enacted, this legislation would give the federal government the jurisdictional tools necessary to assist local law enforcement in fighting the scourge of hate violence.

In instances where state and local governments do not have the capacity to prosecute such crimes, the legislation creates a federal backstop—the ability for the local U.S. attorney to ensure that justice will be done, deterring hate violence regardless of whether the victim happens to be engaged in a "federally protected" activity. And even in those cases, federal prosecution can only proceed if approved by the Attorney General.

Our primary desire is to see these crimes prosecuted by state and local governments more effectively. That's why the bill authorizes funds to support state investigative and prosecutorial efforts.

The bill is not and should not be partisan. There should be unanimous agreement that there will be "zero-tolerance" for the hate. This bill takes the first step in that direction.

HONORING RICO GIRON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor one of my constituents who has demonstrated great heroism. This extraordinary individual is Mr. Rico Giron, of San Miguel County, who risked his own life to save the lives of two young drowning children. Upon hearing the cries of the drowning children at a lake, Mr. Giron raced his boat toward the younger brother and sister and dived into the water after them. After pulling the girl ashore, Mr. Giron plunged back into the water to rescue the other boy. Using every last ounce of strength and energy, Mr. Giron was able to pull the boy ashore before collapsing from exhaustion. Mr. Giron's valiant efforts saved the lives of these two young children. For this exceptional bravery, the Andrew Carnegie Hero Fund Foundation has awarded Mr. Giron the prestigious Carnegie Medal which recognizes those individuals who risks his or her own life to save or attempt to save the life of another person. Very few individuals are awarded the Carnegie Medal, hence this is a grand achievement and Mr. Giron deserves a hero's welcome. The quotation that adorns the Carnegie Medal truly describes Mr. Giron's act of bravery: Greater love hath no man than that a man lay down his life for his friends. Please join me in recognizing the generous actions of Mr. Giron.

BUY AMERICA LEGISLATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce legislation drafted to help preserve the U.S. textile industry. This legislation would seek to clarify the existing "Buy-America" provision for the Department of Defense, commonly known as the Berry Amendment.

The Berry Amendment currently requires the Department to purchase clothing, specialty steel, textiles, and food that is produced in the United States by U.S. companies. The intent behind the legislation is to guarantee the U.S. military a ready mobilization base of U.S. apparel manufacturers—a critical component for rapid military mobilizations. The language has been a feature of defense procurement for over 50 years.

However, as my colleagues may know, the Berry Amendment has recently resurfaced in the media following the decision by the Department of the Army to make the black beret a standard issue item for all Army personnel. The decision was controversial and shortsighted in its own right, but became further troubling when the Defense Logistics Agency decided to waive the Berry Amendment and allow the procurement of the berets from foreign sources—including a substantial number made in Communist China.

The decision was not made because of a lack of existing U.S. suppliers to provide the berets. Nor was it made because of a lack of other textile manufacturers who might be willing to tool up to meet the demand. Instead, it was made because the Army wanted all of its personnel to have the berets by its next birthday. A date important to the Army and the Nation as it relates to the founding of that branch of service, but otherwise arbitrary as it relates to the purchase of berets.

That decision was not just a slap in the face to the men and women who will be wearing the berets made by a potential enemy, but also to the U.S. textile industry who have long supported our men and women in uniform.

This controversial waiver highlighted the need to review the current law and look for ways to improve its effectiveness. The legislation I am introducing today seeks to do just that. Specifically, the bill would add a requirement that for any waiver of the Buy American provision, the Secretary of Defense must notify the House and Senate committees on Appropriations, Armed Services, and Small Business. The legislation also requires that after Congress is notified, 30 days must pass before the contract can be let. Finally, the legislation clarifies and recodifies the Berry Amendment under the permanent section of U.S. code relating to defense procurement.

Although the legislation does not eliminate the possibility of procuring this category of items overseas, it will improve congressional oversight of any Berry Amendment waivers. By raising the visibility of these waiver decisions, it is my hope that the Department of Defense will increase their level of scrutiny and prevent them from making such poor decisions in the future.

GOVERNORS ISLAND PRESERVATION ACT, H.R. 1334

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. GILMAN. Mr. Speaker, today I rise to introduce H.R. 1334, the Governors Island Preservation Act. This legislation is a historic opportunity to preserve and protect the third and final jewel of New York Harbor, Governors Island.

Governors Island was owned and operated as a military facility by the British and American Armed Forces for more than 200 years. This national treasure has played an important role in the Revolutionary War, the War of 1812, the American Civil War, World Wars I and II, as well as hosting the site of the 1988 Reagan-Gorbachev summit, during the Cold War.

In 1800, in order to provide for the national defense, the people of the state of New York ceded control of Governors Island to the Federal government, then, in 1958, transferred the island outright for only $1.00.

The U.S. Coast Guard has now vacated Governors Island because of the high costs involved in maintaining its base there. This now vacated island is being maintained by General Services Administration with an annual appropriation and, by law, which must be disposed of by 2002.

At the end of last year, the first important step to preserving this national treasure was taken when Castle William and For Jay were designated national monuments.

Now, both New York State and New York City need our help to preserve and protect one of our nation's most important and beautiful landmarks, and to be able to turn Governors Island into a destination with significant open and educational spaces for public use.

The State and the City of New York have worked out a detailed plan which will protect the historic nature of the island while transforming the southern tip into a 50-acre public park, complete with recreation facilities and stunning views of the Statue of Liberty and the New York Harbor. New interactive educational facilities, including an aquarium and a historical village, are being planned, as is moderately-priced family lodging and a health center. The awe-inspiring opportunity we have to establish this new public space to complement both Liberty and Ellis Islands is unprecedented and mandates decisive action.

Accordingly, this Governors Island Preservation Act will open the doors to this opportunity by transferring the island back from the Federal Government to the citizens of New York for the same nominal price the Federal Government paid.

Mr. Speaker, I would like to take this opportunity to call upon all my colleagues in the House of Representatives, in asking their support for the Governors Island Preservation Act, H.R. 1334. Governor Pataki, our Senators, and Representatives NADLER, MALONEY, and myself, have all worked diligently to address every concern and to develop bipartisan legislation which will open Governors Island up not only to the people of New York, but to our entire Nation.

50TH ANNIVERSARY OF THE SOUTH SHORE ASSOCIATION FOR RETARDED CITIZENS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. DELAHUNT. Mr. Speaker, it gives me great pleasure to join today with people throughout Southeastern Massachusetts in celebrating the 50th Anniversary of the South Shore Association for Retarded Citizens.

What began in 1950 with a small group of parents in Weymouth seeking options for their children, has since grown into a distinguished and highly successful effort to provide services to more than one thousand people with special needs on the South Shore each year. From summer day camps to transitional employment programs; from early intervention services to residential and workshop facilities; from individual to family support programs—South Shore ARC has given all of us opportunities to realize and meet our full potential.

Throughout its history, South Shore ARC has been a leader in the community, utilizing public and private partnerships in its twofold mission of advocacy and the delivery of quality services. The organization has fought tirelessly for the rights of individuals with disabilities, and has been instrumental in the passage of legislation improving and expanding special needs education.

Mr. Speaker, I invite you and our colleagues to join with me in congratulating the South Shore Association for Retarded Citizens for fifty years of service to the people of Massachusetts. This organization has fostered positive working relationships with our community, and has improved the lives of thousands of adults and children with special needs. I commend them for their decades of hard work, and wish them many more years of success.

INTRODUCTION OF THE RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado Mr. Speaker, I am today introducing a bill to improve the ability of the Bureau of Land Management and the Forest Service to respond to a serious problem affecting federal lands in Colorado and other states.

Throughout the west, and especially in Colorado, increased growth and development has resulted in an increase in recreational use of our public lands. These recreational uses have, in some cases, stressed the capacity of the public land agencies to adequately control and manage such use. As a result, areas of our public lands are being damaged.

One of the uses that cause the greatest impacts are recreational off-road vehicles. The results can include: damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts on the landscape; loss of quiet and secluded areas of the public lands; and adverse effects on wildlife.

Recreational off-road vehicle use on our public lands should be allowed to continue, but it must be managed to minimize or avoid these problems, by appropriate restrictions and putting some sensitive areas off-limits to vehicle use.

Most vehicle users are responsible—they stay on designated roads and trails, they are respectful of the landscape and they endeavor to tread lightly. However, there are a number of such users who do not obey the rules. Given the nature of this use (large, powerful motorized vehicles that are able to penetrate deeper and deeper into previously secluded areas), even a relatively few who violate management requirements can create serious damage to public land resources.

Yet, in some cases, recreational off-road vehicle users ignore these closures and management requirements. Often times, when these activities occur, the federal public land agencies do not have the authority to charge fines commensurate with the damage that results. For example, under BLM's basic law, the Federal Land Policy and Management Act of 1976, fines for violations of regulations—including regulations governing ORV uses—are limited to $1,000. That figure has remained unchanged for a quarter of a century, and does not reflect the fact that in many cases the damage from violations will cost thousands more to repair.

The bill I am introducing today would provide for increased fines for such violations—to $10,000 or the costs of restoring damaged lands, whichever would be greater.

The need for this legislation is well shown by a recent article in the Denver Post by Penelope Purdy that outlines problems in New Mexico, Utah, and Idaho as well as some recent events in Colorado. As she reports, last August, two recreational off-road vehicle users ignored closure signs while four-wheel driving on Bureau of Land Management land high above Silverton, Colorado. As a result, they got stuck for five days on a 70 percent slope at 12,500 feet along the flanks of Houghton Mountain.

At first, they abandoned their vehicles. Then, they returned with other vehicles to pull their vehicles out of the mud and off the mountain. The result was significant damage to the high alpine tundra, a delicate ecosystem that may take thousands of years to recover. As noted in a Denver Post story about this incident, "Alpine plant life has evolved to withstand freezing temperatures, nearly year-round frost, drought, high winds and intense solar radiation, but it's helpless against big tires."

Despite the extent of the damage, the violators were only fined $600 apiece—hardly adequate to restore the area, or to deter others.

Another example was an event that occurred last year above Boulder, Colorado, that has become popularly known as the "mudfest."

Two Denver radio personalities announced that they were going to take their off-road four-wheel-drive vehicles for a weekend's outing on an area of private property along an existing access road used by recreational off-road-vehicle users. Their on-air announcement resulted in hundreds of people showing up and driving their vehicles in a sensitive wetland area, an area that is prime habitat of the endangered boreal toad. As a result, seven acres of wetland were destroyed and another 18 acres were seriously damaged. Estimates of the costs to repair the damage ranged from $66,000 to hundreds of thousands of dollars.

Most of the "mudfest" damage occurred on private property. However, to get to those lands the off-road vehicle users had to cross a portion of the Arapaho-Roosevelt National Forest—but the Forest Service only assessed a $50 fine to the two radio disc jockeys for not securing a special use permit to cross the lands.

Again, this fine is not commensurate to the seriousness of the violation or the damage that ensued, or stands as much of a deterrent for future similar behavior.

These are but two examples. Regrettably, there are many more such examples not only in Colorado but also throughout the west. These examples underscore the nature of the problem that this bill would address. If we are to deter such activity and recover the damaged lands, we need to increase the authorities of the federal public land agencies.

My bill would do just that. Specifically, my bill would amend the Federal Lands Policy and Management Act and relevant laws governing the Forest Service to authorize these agencies to assess greater fines on recreational off-road vehicles for violations of management, use and protection requirements. The bil would authorize the Secretary of the Interior and Secretary of Agriculture to assess up to $10,000 in fines, or 12 months in jail, or both, for violations of road and trail closures and other management regulations by recreational off-road vehicles. The bill also would authorize the Secretary of the Interior and the Secretary of Agriculture, in lieu of a specific dollar fine, to assess fines equal to the costs required to rehabililate federal public lands from damage caused by recreational off-road vehicle violations.

In addition, the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the area that was damaged or affected by such violations, and to increase public awareness of the need for proper use of vehicles on federal lands.

This would give these agencies additional resources to recover damaged lands and areas that may be exposed to repeated violations.

The bill does not put any lands "off limits" to recreational off-road vehicle use. It does not affect any specific lands in any way. The bill also does not provide for increased fines for other activities that can damage federal lands. There may or may not be a need for legislation along those lines, but in the meantime I am seeking only to address this one problem.

Mr. Speaker, I fear that that improper use of recreational vehicles is a problem of growing seriousness throughout the west. My intention with this bill is to help address this problem so that all recreational users of our public lands can have a rewarding, safe and enjoyable experience. Everyone's experience is diminished when a few bad actors spoil the resources and the beauty of our lands. I think this bill can help provide the BLM and the Forest Service with better tools to respond tools to response by allowing appropriate recreational use of our public lands while also protecting the resources and values of these lands that belong to all the American people.

For the information of our colleagues, I am attaching a fact sheet about the bill as well as an editorial and other material from the Denver Post:

RESPONSIBLE OFF-ROAD VEHICLE ENFORCEMENT AND RESPONSE ("ROVER") ACT

Background: In Colorado and throughout the west increased population growth has brought increased recreational use of federal lands. This has made it harder for land-managing agencies to adequately control and manage such use.

Recreational and other use of off-road vehicles (ORVs) can present serious problems. This use should be allowed to continue, but must be managed and controlled to minimize or avoid adverse effects. That involves closing-off some sensitive areas and other regulations.

Improper use of vehicles can result in serious damage to the national forests and the public lands managed by the Bureau of Land Management (BLM). This can involve damage to wildlife habitat; increased run-off and sediment pollution in rivers and streams; damage to sensitive high-altitude tundra, desert soils, and wetlands; creation of ruts and other visual impacts to the landscape; loss of quiet areas due to the deeper penetration of off-road vehicles into previously secluded areas of the public lands; and impacts to wildlife from noise and effects on migration corridors.

Currently, the Forest Service and BLM do not always have clear authority to assess fines commensurate with the costs of enforcement and the damage that often results. For example, under the law governing BLM lands, federal officials can only impose up to $1,000 in fines while the damage that results could cost thousands more to address. The Forest Service's authority also needs clarifying and strengthening.

The bill would provide new authority, in order to increase public awareness, deter violations, and help cover the costs of enforcement and damages to affected lands.

WHAT THE BILL WOULD DO

Allow Increased Fines: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to assess fines of up to $10,000 or the costs of restoration, whichever is greater, for violation of ORV regulations. The current provisions for imprisonment of 12 months in jail is retained.

Apply Fines to Enforcement and the Area Damaged: The bill would authorize the Secretary of the Interior and the Secretary of Agriculture to apply any funds acquired from recreational off-road vehicle violations to the costs of enforcing off-road violations, increasing public awareness of the problem, and to repair damages to lands affected by such violations.

WHAT THE BILL WOULD NOT DO

Increase Closures of Public Lands: The bill would not require that any particular lands be "off limits" to recreational off-road vehicle use. Decisions about which roads or trails will remain open to such use would continue to be made by the land-management agency.

Apply to Other Uses: The bill would not impose increased fines for violation of any regulations other than those applicable to use of vehicles.

Eliminate Fines for Other Violations: The bill would not affect the current ability of the federal public land agencies from assessing existing fines and penalties for other activities that violate management, use and protection requirements. Such fines would continue to apply to violations of other regulations.

[From the Denver Post, Feb. 11, 2001]

CURBING THE TRAFFIC

It's obscene that motorized vehicles can legally drive wherever they please on so much public land, disrupting wildlife habitat and scarring fragile terrain. Some U.S. Bureau of Land Management districts and national forests require all motor vehicles to stay on marked roads or four-wheel-drive tracks—but many do not. The federal government must start requiring off-road vehicles to stay on roads and four-wheel-drive trails in all BLM and U.S. Forest Service holdings.

Most people who drive on BLM land and national forests already stay on designated routes. So the extensive, increasing damage to taxpayer property is being inflicted by a small percentage of off-road drivers. But because the raw numbers of ORVs has soared, the ecological damage also has increased.

Paradoxically, the government requires extensive environmental studies before it lets oil drillers, timber companies or ski areas build roads on public lands. Yet it continues to let ORVs carve unofficial trails with no environmental assessment at all.

When the agencies do crack down on the worst abuses, some off-road drivers complain that the rules close citizens off the public lands. Unfortunately, Congress gives too much credence to this vocal minority and remains ill-informed about the real damage happening on the ground.

It's thus commendable that the Colorado BLM office is considering an interim order making all motor vehicles stay on existing roads and trails. But the bureau also must make good on its promise to get public input.

Meantime, the Forest Service has worked with local citizens' groups to draft plans regulating ORV use in several national forests in Colorado.

Nationwide, other steps are needed:

The BLM and Forest Service must better map and sign which routes they want ORVs to use. The agencies should work with recreation groups and wildlife experts to plan what routes should stay open or be closed. This effort must be conducted at the grassroots level.

Congress must properly fund BLM and the Forest Service to do this work. And lawmakers should increase penalties for serious ORV violations.

Woody Guthrie once sang that "this land is your land." But that doesn't give anyone the right to rip it up.

[From the Denver Post, Oct. 3, 2000]

MUDFEST UNPUNISHED

(By Penelope Purdy)

Official reaction has been appallingly weak to the off-road-vehicle "mudfest." Federal and state agencies mostly point fingers at each other and claim the law doesn't let them do diddlysquat in the matter. To quote Charles Dickens: "If that's the law, sir, then the law is an ass."

In late September, disc jockeys for Denver radio station KBPI talked on the air about going four-wheeling and named the day and place. Several hundred people showed up in their SUVs, monster trucks and off-road vehicles. They crossed federal land to get to the site, Caribou Flats. The property's owner, Tom Hendricks—a good guy, known for environmentally proper gold mining—asked the drivers to leave. They ignored both his pleas and orders from law enforcement officers. And they left one heck of a mess in the high-altitude wetland. The area is a potential habitat for

For example, when the Vail ski area accidentally built part of a temporary road through a seasonal wetland, not only did the U.S. Environmental Protection Agency insist that Vail fix the damage, but it's also contemplating a substantial fine against the resort. The Vail wetland involved only a fraction of one acre. Yet faced with a case involving 25 acres near Boulder, the EPA says federal law doesn't protect wetlands on private property from this vehicle-caused damage.

When building its new airport, Denver delayed construction of one runway because a pair of burrowing owls had nested in its path. Interfering with a migratory bird is a federal offense. But confronting the destruction of habitat for 13 migratory bird species at Caribou Flats, the U.S. Fish and Wildlife Service says its hands are tied.

Many of the mudfest yahoos later excused their juvenile behavior by claiming they "didn't know" they were on private property. But that statement indicates they thought that if they were on public land, it'd be OK to spin their big wheels in the mud. It's not OK.

The Arapahoe-Roosevelt National Forest is implementing a policy, already posted in many places, that drivers must stay on designated routes. Yet the U.S. Forest Service, across whose land the scofflaws at Caribou Flats had to travel to reach the scene, only imposed a minimum $50 fine on the disc jockeys for holding a large gathering without a permit. Even the Colorado Division of Wildlife says it likely can do nothing in the matter.

A criminal inquiry is under way by the Boulder sheriff, with help from the Colorado attorney general. But they're mostly looking at non-environmental questions such as trespass.

Sadly, despite claims by four-wheel-drive clubs that they teach members to drive responsibly, what happened at Caribou Flats isn't an isolated incident:

During the Buffalo Peaks Hill Climb near Buena Vista, someone illegally bulldozed a half mile of road in part of the Pike-San Isabel National Forest.

Last summer, local dirt bikers unlawfully built a racetrack across two miles of the White River National Forest.

The White River forest wants all drivers to stay on designated roads and four-wheel-drive tracks, not run across public land. But Colorado politicians, including U.S. Sen. BEN CAMPBELL oppose the plan.

Near Boulder, off-roaders reopened a private road that the landowners had closed to prevent environmental harm.

The problem is getting worse, because some SUV and ORV drivers cling to an archaic, arrogant mentality that they have a God-given right to drive anywhere, anytime, regardless of whose land they're on or what destruction they cause. This faction howls whenever the Forest Service or other land management agency even suggests restricting vehicle travel to designated roads and tracks.

Now, the meek official reaction to the Caribou Flats mudfest effectively has told these irresponsible jerks: Go ahead and turn every precious alpine wetland in Colorado into a mud flat, because we're not going to do a darn thing to punish you.

PAYCHECK EQUITY EQUAL PAY DAY

HON. MIKE HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. HONDA. Mr. Speaker, today is a significant day for American families. On one hand, it represents injustice, marking the amount of time required for a women to earn the same pay as a man: an additional three months into the next year. On the other hand, this day marks the continuation of an ongoing struggle, the battle for an American ideal: Equality.

Today, I stand in support of working women and the American family. Today, I stand in support of equal pay for equal work.

On Equal Pay Day, we are reminded of the facts in the contemporary American workplace:

The average working woman working full time earns about 76 cents for each dollar earned by the average man;

The median wages of female college graduates fall behind those of male college graduates by $14,665;

This pay disparity applies for all age groups. For example, women ages 35–44 earned about 72 cents per dollar and women ages 45–54 earned about 70 cents per dollar, compared to men.

The inequality in pay is not just morally wrong; it renders real harm on American families and our national economy. This gender wage gap means $4,000 less per American family and over $200 billion less in the American economy.

We need to act now, and that is why I support H.R. 781, "The Paycheck Fairness Act," authored by my distinguished colleague, the distinguished gentle lady from Connecticut, ROSA DELAURO. This bill creates stronger enforcement, greater measurement, and better incentives against discrimination in wages based on gender.

These are the facts, and they challenge our national integrity. They challenge our commitment to equal rights and equal treatment. They challenge us to action. The majority of Americans support equal pay for equal work. It is time for Congress and the President to finally hold our nation accountable to the promise and ideals embedded in our Constitution.

EQUAL PAY PROTECTION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BACA. Mr. Speaker, when President John F. Kennedy signed the Equal Pay Act into law on June 10, 1963, women on average earned 61 cents for each dollar earned by a man.

Today, working women only earn 73 cents for every dollar earned by men, according to the Bureau of Labor Statistics.

President Kennedy told his fellow citizens that he was taking the first step in addressing 'the unconscionable practice of paying female employees less wages than male employees for the same job.'

While progress has been made, still more needs to be done and, if Congress acts this year, more can be achieved.

In my state of California, families lose a staggering 21 billion dollars of income annually to the wage gap.

If women in California received equal pay, poverty in single mom households would go from 19.2 percent to 9.2 percent.

Women in the Inland empire for example loss on average 4 thousand dollars every year because of unequal pay.

This is money that can't buy groceries, housing, child care, clothing for their families.

I ask my colleagues to support H.R. 781, The Paycheck Fairness Act and the Fair Pay Act, legislation currently pending in Congress that is designed to help eliminate the wage gap that still exists between men and women.

Many working women lack the basic benefits they need in order to care for their families.

They are our grandmothers, mothers, wives, sisters, daughters, and colleagues.

They are our doctors, lawyers, teachers, caregivers, and leaders.

Women lawyers earn $300 less than male attorneys.

Female doctors make $500 less than their male colleagues.

Wages for female nurses, where 95 percent are women, are $30 less each week than male nurses who only make up 5 percent.

Waitresses weekly earnings are $50 less than waiters' earnings.

The situation is even worse for women of color. African American women earn only 67 cents and Latinas 58 cents for every dollar that men earn.

The wage gap impacts women's retirement also. Women have less to save for their futures and will earn smaller pensions than men.

We need to recognize working women and we need to pay them equally.

On the job, working women are looking for higher pay, better benefits and, most of all, the three "Rs": Respect, Recognition and Reward for a job well done.

Half of all older women receive a private pension in 1998 got less than $3,486 per year, compared with $7,020 per year for older men.

Before the end of this year, let's pass this legislation to finally make the work of America's women valued, fair, equitable and just.

Let's work to bring equal pay to every woman in America.

They deserve it and their families deserve it. Let's get the job done.

TRIBUTE TO JASON WILLIAMS

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. FERGUSON. Mr. Speaker, I rise today to congratulate Plainfield, New Jersey's own star, Jason Williams. Jason, who is an All-American basketball player for Duke University, lead his team in their 82–72 NCAA National Championship victory over Arizona on Monday night, April 2, 2001.

All of Plainfield and New Jersey are proud of our hometown hero, Jason Williams. As a student athlete, he has shown tremendous leadership and dedication while playing at an incredible level—all while under the pressure of the national spotlight.

The top-ranked Duke Blue Devils won the national title Monday night under the leadership of Jason Williams. The 6′2″ point guard has been one of the Duke's biggest offensive weapons all season. After scoring 16 points in the win over the University of Arizona Wildcats, the All-American guard has scored 154 points in six tournament games (ninth of all-time). A pass from Williams enabled Shane Battier to score a slam-dunk, making the score 77–72 with 2:31 left on the clock. Then Williams clinched the Blue Devils' victory with a 3 point shot with 1:45 left, giving the Blue Devils an eight-point lead.

Williams has been a leader all season long in the Atlantic Coast Conference (ACC), registering 21 points and 6.3 assists a game and earning the All–ACC First Team nod as well as the East Regional's Most Outstanding Player. Williams spent this past summer helping to train the U.S. Olympic basketball team as a member of the U.S. Select Team that scrimmaged against the Dream Team.

As a graduate of St. Joseph's High School in Metuchen, New Jersey, Williams lettered in basketball all four years. Among the awards he won: the Morgan Wooten Award given annually to the nation's top prep school player, first team All-America selection as a high school senior by USA Today, Street & Smith, and Hoop Scoop, two-time all-state selection, first team all-county, all-area, and all-Parochial accolades during his career. As a two-time team captain, he set school records for most points scored in one game with 43 and the most total points with 1,993 high school career points, averaging 24.0 points, 8.0 assists, 4.0 rebounds, and 3.0 steals.

I commend Jason Williams for his leadership and congratulate the Blue Devils on their victory.

ACHIEVEMENTS OF CESAR CHAVEZ

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor one of the great American heroes of our time, Cesar E. Chavez. Throughout his life, Cesar embraced nonviolent tactics to lift up the lives and spirits of millions of people and to advance the cause of equality and social change, particularly for migrant farm workers.

At an early age, young Cesar and his family were forced from their ranch because of an unscrupulous land deal. They went to work in the fields. Cesar traveled throughout California and followed the seasonal work and attended 37 schools before dropping out after the Eighth grade in a great sacrifice to his father, who was injured in an accident, and his mother, whom he didn't want to work in the fields.

He joined the U.S. Navy at Seventeen and returned to the San Joaquin Valley in California and became involved in community action programs.

Even though his own formal education was limited, later in life education became his passion. He was inspired by the teachings of a Catholic priest and by the writings of St. Francis, Gandhi and Dr. Martin Luther King, Jr., and once said that, "The end of all education should surely be service to others." Cesar put that belief into practice and formed the National Farm Workers of America, which later became the United Farm Workers, and began a great social movement to fight for safe and fair working conditions, reasonable wages, decent housing and outlawing child labor.

Chavez used fasting, marching rallying picketing and boycotting to call attention to the plight of the farm workers who endured great pain and exploitation to put food on tables of millions of American families.

In 1965, he led the Delano grape strike and a 340-mile march across California, which gained national attention and ended in an agreement to improve wages for farm workers. Chavez's work did not end there. He led another boycott to protest the use of dangerous pesticides in the fields, and in 1973, he led another strike against lettuce growers for higher wages.

"La Causa" had broad-based support not only from farm workers and Latinos, but from labor unions, religious groups, minorities and students. The UFW became a symbol of empowerment and pride for many workers throughout the nation for over three decades. Throughout the movement, Cesar Chavez never lost his direction or his soul. Although he had won national and international fame, he continued to live a simple life based on sharing and frugality. Chavez even engaged in life threathening fasts to keep the movement alive and rededicate it to the principles of non-violence.

Cesar Chavez died in his sleep on April 23, 1993. He died while he was defending the UFW against a lawsuit brought by a California lettuce and vegetable producer, which demanded that the farm workers pay millions of dollars in damages resulting from a UFW boycott of its lettuce during the 1980's.

Cesar Chavez received many honors for his commitment to social change. They included an honorary degree from Arizona State University West in 1992, induction into the LIFE Hall of Heroes in 1997, and the Medal of Freedom, the United States' highest civilian honor, bestowed upon him posthumously by President Clinton in 1995.

In addition, several states honor him and his work with a state holiday—and, just last week, our own State of Colorado joined that number when the legislature passed a law creating a state holiday to commemorate the birthday of Cesar Chavez.

The successful effort to pass this legislation was led by my friends, Colorado State Senator Rob Hernandez and Colorado State Representative Frana Mace. I think all Coloradans owe them a debt of gratitude—and I especially want to thank them for raising my own consciousness and inspiring me to support federal legislation that would create a national Cesar Chavez holiday.

So, Mr. Speaker, it's with great pride and humility that I stand here today on the floor of the House of Representatives and pay tribute to Cesar E. Chavez, a national hero and one of the giants of the civil rights movement in America.

I honor him for his leadership, his vision, his bravery, and his unselfish commitment to the principles of social justice and respect for human dignity. He is an inspiration to those of use who seek to create a better world, and his legacy is one which serves to remind us that "Together all things are possible." ¡Si se puede!

TRIBUTE TO THE ARMADA FREE PUBLIC LIBRARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BONIOR. Mr. Speaker, today I would like to recognize an institution whose outstanding dedication and commitment to the service of its community has led to a great accomplishment. On Sunday, April 1, 2001, the Armada Free Public Library will celebrate its Centennial Anniversary, commemorating 100 years of civic excellence.

Located in Armada, Michigan, the Armada Free Public Library has always been a flourishing center of education and resources for families and friends of the community. With a great emphasis on community service, the Armada Library has opened its doors throughout the years to welcome patrons to civic gatherings, conferences, club meetings, and children's hours.

Literature and books will always serve as the cornerstone of the Armada Library. But the library is expanding, by bringing in new levels of technology and resources. The community of Armada has dedicated its time and talents to bring the public library into the 21st Century with online databases, World Wide Web access, and an automated card catalog system. Because of this community's unwavering support, the Armada Free Public library has become a center that will continue to cultivate its historic roots as well as reach out to younger generations.

The Armada Free Public Library is a true testament to the hard work and dedication of community members and their families. I applaud the Armada Free Public Library for its leadership, commitment, service, and I urge my colleagues to join me in congratulating them on this landmark occasion.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE MIKE PRUSI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. STUPAK. Mr. Speaker, I would like to pay tribute to Mike Prusi, a former representative to the Michigan House of Representatives from the 109th Representative District, which is made up of two counties, Marquette and Alger, in my congressional district.

Mike was first elected to the House in a special election in May 1995, following the death of one of Michigan's great legislators and great spokesman for northern Michigan, Dominic J. Jacobetti. Mike has just concluded his service in the Michigan House because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned an excellent public servant out of office.

Mr. Speaker, the Upper Peninsula of Michigan, where Mike and I are from, is an area rich in natural wealth and scenic beauty. It is also an area that, because of its sheer size, offers a wealth of diverse social and political issues. Because its population is sparse, however, its representation in Lansing is meager in numbers.

Spokesmen for this region must stand taller and speak more eloquently than their downstate counterparts. Mike served on the important Appropriations Committee in the Michigan House and, like Dominic J. Jacobetti before him, was an outstanding spokesman for the region.

Mike brought a profound understanding of the region with him when he went to Lansing. He was born in his district, was schooled there, and became an iron mine worker, eventually becoming president of a Steelworkers local. Like the red dust that coats the clothing of miners, Mike carried the innate strength, pride and independence of Upper Michigan residents to his job as a state representative.

There have been many important issues affording us an opportunity to work together. The round of military base closures under the BRAC Commission in the early 1990s affected a base in the Upper Peninsula, in the heart of what would become Mike's district. Fighting to revive this economic heart of the Upper Peninsula has been one of our major efforts and concerns.

Today, we face the problem of illegal imports of steel—raw materials and finished projects—which have jeopardized the health of the U.S. steel industry. These illegally dumped products affect the entire industry, beginning with the very mines where Mike has worked. We are again joined in an important economic battle, this time to protect jobs and our vital national steel industry, from mining to final rolling of finished steel.

I wish Mike and his wife Sandra the best in his post-legislative career. He has my deep respect and friendship. The people of Michigan were well-served by Mike Prusi. They will miss him. I will miss him.

RECOGNIZING THE CONTRIBUTIONS OF DR. THOMAS E. STARZL IN THE FIELD OF ORGAN TRANSPLANTATION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. DOYLE. Mr. Speaker, I rise today to recognize the extraordinary career of Dr.

Thomas E. Starzl, the pioneer in the field of organ transplantation, who turned seventy-five years old on March 11, 2001.

This year marks the 20th Anniversary of Dr. Starzl's first liver transplant in Pittsburgh, Pennsylvania. Thirty transplants were performed in that year in 1981, which provided for the foundation for a liver transplant program at the University of Pittsburgh and the University of Pittsburgh Medical Center Health System (UPMC) that would become the largest in the world.

Dr. Starzl earned his bachelor's degree in biology at Westminster College in Missouri and his medical degree at Northwestern University. Following postgraduate work at Johns Hopkins University, surgical fellowships, and residencies, Dr. Starzl served on the faculty at Northwestern University for four years before transferring to the University of Colorado School of Medicine. It was there that Dr. Starzl made history by performing the world's first human liver transplant in 1963 and the first successful liver transplant in 1967.

While continuing to perform kidney and liver transplants, Dr. Starzl focused his work to develop ways to suppress the body's immune system to prevent organ rejection. In 1981, Dr. Starzl joined the University of Pittsburgh's School of Medicine as a professor of surgery. It was there that he utilized his new anti-rejection drug cyclosporine, which propelled transplantation from an experimental procedure to an accepted form of treatment.

Under Dr. Starzl's unmatched leadership, the transplant program at the University of Pittsburgh grew into the largest and most active program in the world. To date, more than 11,300 total transplants have been performed through this program with approximately 6,000 of those being liver transplants.

Dr. Starzl retired from clinical and surgical service in 1991 but continues to make important strides in the field of transplantation and transplant immunology. In addition, Dr. Starzl continues to share his knowledge of expertise in this field by remaining active as a professor.

Dr. Starzl has had a tremendous impact and influence in the field of transplantation. He has received 21 honorary doctorates and more than 175 awards and honors, including most recently the 2001 King Faisal International Prize for Medicine.

Mr. Speaker, I ask my colleagues to join me in saluting Dr. Thomas E. Starzl, the Father of Transplantation. Through his commitment to furthering the capabilities of modern medical science, Dr. Starzl has not only saved countless lives, but he has helped establish the world-class reputations that western Pennsylvania, the University of Pittsburgh, and the UPMC Health System all share in the field of medicine.

INTRODUCING THE CHILD PROTECTION SERVICES IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. STARK. Mr. Speaker, I rise today to introduce the Child Protection Services Improvement Act.

This bill provides education loan forgiveness for child welfare workers who have been with an agency for at least 2 years. In addition, the bill provides States with $500 million in matching grants over 5 years to improve the quality of their child welfare workers. States can use these matching grants: to improve child welfare workers' wages, increase the number of child welfare workers, reduce the turnover and vacancy rate of child welfare agencies, increase education and training of child welfare workers, attract and retain qualified candidates and coordinate services with other agencies. These dollars can also go to private welfare agencies at the States' discretion.

The timing of this bill could not be better for 568,000 children in our foster care system, who have suffered from abuse and neglect. A recent joint survey by the Child Welfare League of America, the American Public Human Services Association and the Alliance for Children and Families reported that Child Welfare agencies are facing a workforce crisis. The study reported that: The average staff turnover for child welfare caseworkers in public agencies is 19.9 percent and 40 percent for private child welfare agencies in a year. The average percentage of vacant positions in public agencies is 7.4 percent and 27 percent for private agencies in a year. 46.2 percent of State child welfare workers left their job because of low salaries and 82.1 percent reported that they left their job because the workload was too high or demanding. 47.9 percent of private child welfare workers left their job because salaries were too low and 38.6 percent that they left their job because the workload was to high or demanding. Almost half of these agencies, both public and private, report difficulty in finding and retaining qualified candidates.

These problems can have horrific consequences for the children who are the most vulnerable in our society. Going beyond the numbers, I am sure that many of my fellow members have looked in their local newspapers and heard of a case where a child was killed because of abuse and neglect. After suffering from abuse and neglect, Child Protection Services in States is the last line of defense in protecting these children. If these agencies falter, many of these children pay the price and sometimes that price is their life.

The Child Welfare League of America, Alliance for children and Families, the National Association of Social Workers and the Catholic Charities of America have endorsed this bill.

Please join with us in supporting the Child Protection Services Improvement Act and provide much needed financial resources to our child welfare workforce to protect the most vulnerable children in our society.

TRIBUTE TO STEVE GIBBS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Steve Gibbs, a dear friend and community leader who will be recognized on April 21, 2001 by the FreeStore/FoodBank for 26 years of service with the organization.

The FreeStore/FoodBank was founded in Cincinnati in 1971. Steve has been a vital part of the organization as President and CEO nearly since its inception 30 years ago. Thanks to his dedication and hard work, the FreeStore/FoodBank has blossomed from a small, one-man operation into a thriving enterprise that literally has helped millions of people throughout Cincinnati, northern Kentucky and southeastern Indiana.

The mission of the FreeStore/FoodBank is "to provide food, products and services for those in need, and to further their self-reliance." As one of the largest foodbanks in Ohio, it helps to feed nearly 300,000 people in our area each year. It also provides clothes and housing and employment assistance to the needy, and fills the pantry shelves of over 550 agencies, soup kitchens and shelters with donated food. Last year, it distributed close to 9 million pounds of donated and salvaged food, valued at more than $22 million.

Also serving as President of the Ohio Association of Second Harvest Foodbanks, Steve's vision and ability to link sometimes unlikely partners also has helped to launch a number of innovative programs that continue to serve the needs of our community. One such partnership includes a joint venture between the FreeStore/FoodBank and the University of Cincinnati's Health Resource Center to provide medical care to those who cannot afford it. Among other initiatives, he also established a relationship with Goodwill Industries to help increase donations.

Thanks to Steve's efforts, the FreeStore/FoodBank is often recognized as one of Cincinnati's most outstanding charitable organizations. All of us in the Cincinnati area thank Steve for his dedication to improving the lives of others.

TRIBUTE TO MILLERSBURG, MICHIGAN ON THE OCCASION OF ITS COMMUNITY CENTENNIAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Millersburg, a small community in my congressional district, the 1st District of Michigan. On Labor Day this year the people of Millersburg will celebrate the centennial of their village. The history of their community is rich and complex, a story of growth and decline and several major changes in the core industry of the community. Like other centennials, however, this date marks more than a chronology of events. It is a history of family unity and old-fashioned values, and the centennial is a wish and prayer for the future of this small village, a hope that it will endure another 100 years.

Village president Bruce Doran and his wife Jo are assembling a book on the community as a reference for this historic event. Their account of the community's beginning tells how on the morning of September 23, 1897, a party of land owners and railway men assembled near the spot where a primitive highway crossed the Ocqueoc River in Presque Isle County, Michigan, for the purpose of laying out a new town. Except for the openings along the river and along the highway, the unbroken forest extended for miles on every side. The line of the D&M Railroad was blazed on the trees, and in a few days the noise of railway trains would be heard for the first time in this primeval forest.

Many towns have been laid out like this in Michigan, Mr. Speaker, but, according to the Dorans' research, Millersburg was probably one of the last Michigan communities deliberately planned in the forest. By noon the actual site was selected, and a gang of 35 choppers went to work. Axes flashed, and the mighty hemlocks, the giant elms, the majestic maples and the lofty basswoods were laid low, giving birth to the town of Millersburg.

The community took its name from Mr. Charles R. Miller of Adrian, Michigan, president of the commercial Savings Bank there. Mr. Miller had traveled through the area on business and had become interested in this area of the state through business contacts. He watched the progress of the D&M Railroad with keen interest and decided to purchase a tract of land. With several logging branches planned, it was expected that the town of Millersburg would be the hub of activity.

In 1901 Millersburg became incorporated as a village. It grew and developed, with a variety of important local businesses, including four sawmills, one stave mill, five general stores and a newspaper.

But a town built in the forest and dependent on the forest can also be threatened by the forest. The decline of Millersburg as a lumbering town began with fires that swept the greater part of Presque Isle County in October 1908, inflicting a tremendous amount of damage. One fire threatened the village at the sawmills, and every available man fought to keep it from entering the town. Their efforts were rewarded, and the town was saved. But thousands of acres of timber were lost.

By 1911 the population had dwindled to 850 from a high of more than 1,000, and in July a fire burned the community's business section, the schoolhouse, the post office and numerous homes. Two sawmills and 26 boxcars were destroyed. The business section was never rebuilt and many of the merchants and dealers, realizing that the era of large-scale lumbering was over, chose to leave to try their fortunes elsewhere. By 1916 the town's population leveled off at 300, a figure which has remained relatively unchanged to this day. Agriculture became the chief industry in the township until the 1950s, when many of the farmers where forced out of business due to rising prices.

Today tourism is becoming the mainstay of the community, marking the community's willingness to adapt to new economic opportunities. Many people have come to the area to enjoy its lakes, streams and snowmobile trails.

One can look back over the community's history, Mr. Speaker, and acknowledge that, yes, the town once had more local industry and a greater population. But one can also say that Millersburg, strengthened by its trails by fire, is as vigorous and forward-looking a community today as it once was, ready to utilize its local assets for the advancement of its citizens.

I ask my colleagues to join me in saluting the people of Millersburg and wishing them great joy in their celebration of 100 years as a community.

TRIBUTE TO THE ROMEO LODGE #41 FREE AND ACCEPTED MASONS OF THE STATE OF MICHIGAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. BONIOR. Mr. Speaker, today I would like to recognize an organization whose outstanding dedication and commitment to the bond of brotherhood and community has led to a great accomplishment. On Saturday, March 31, 2001, the Romeo Lodge #41 Free and Accepted Masons of the State of Michigan will celebrate their 150th anniversary, a milestone occasion that heralds the lifelong Masonic creed of Love of God, Love of Country, and Love of Freedom.

Since the Grand Lodge of Free and Accepted Masons recognized the start of the Romeo charter on January 9, 1851, the Romeo Lodge #41 has been a thriving center of social, religious, and political life to its members. Dedicated to education, morality, brotherly love, and non-sectarianism in religion and politics, the Romeo Masons have worked tirelessly to improve the community through their contributions in medical research, charity, and scholarship.

As the organization began to grow and expand, its ideas and vision for the future began to grow with it. Dedicating their time and talents to new construction efforts and remodeling, the Romeo Masons have worked hard to ensure their organization will continue to cultivate its roots as well as reach out to its younger generations. Preserving their tenets of Masonry, Brotherly Love, Relief, and Truth, this organization will assuredly succeed in their crusade to improve the lives of people through faith, morality and God.

The Romeo Lodge #41 is a true testament to the hard work and dedication of its members and its community. I applaud the Romeo Free Masons for their leadership, fraternity, and commitment, and I urge my colleagues to join me in congratulating them on this landmark occasion.

TRIBUTE TO THE UNIVERSITY OF NOTRE DAME WOMEN'S BASKETBALL TEAM

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. FERGUSON. Mr. Speaker, on Sunday night, April 1, 2001, the University of Notre Dame Women's Basketball Team won the national championship. As a proud alumnus, I stand before you today to offer my congratulations and to highlight this incredible accomplishment.

It was a storybook ending to a storybook season. In order to defeat a tough Purdue team and win their first national championship, the Notre Dame team rallied and overcame a double-digit deficit. Only four games have been decided by two points or less since the inception of the women's national championship tournament in 1982.

I wish to congratulate the entire team for all their hard-work, dedication, and perseverance. This season truly was a team effort, beginning with this year's coach of the year, Notre Dame's coach Muffett McGraw.

I also wish to congratulate Notre Dame center, Ruth Riley, who was so reliable in the clutch at the end of the championship game and all season long. Accordingly, she has been honored as both the consensus National Player of the Year and the tournament's most outstanding player.

From the gritty play of guard Niele Ivey to the long range sharp-shooting of Alicia Ratay, this year Notre Dame had what it took to be the best. The other team members, including Amanda Barksdale, Imani Dunbar, Ericka Haney, Monique Hernandez, Jeneka Joyce, Meaghan Leahy, Le'Tania Severe, Kelley Siemon and Karen Swanson, made this the most well-rounded team in the nation. Our hats are off to them as the 2001 National Champions.

TRIBUTE TO GINA THOMPSON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an amazing girl, my friend and neighbor Gina Thompson, who has overcome obstacles to become a starting point guard for the Hale School basketball team.

What makes Gina's accomplishment so momentous is that she is the only girl in a league of boys. Hale School doesn't have a girl's basketball team, but Gina, who just turned 14, is just too good a player to let that stand in the way. While other girls tried out this year, Gina was the only one to make the cut. As a starting point guard, she averages six points a game and has had no problem gaining her teammates' respect.

Most importantly, Gina has accomplished all this despite being diagnosed with juvenile diabetes at age nine. Just as she never let her gender become an obstacle in playing the game she loves, neither has Gina allowed diabetes to get in the way. She does have to give herself three insulin shots a day and continuously monitor herself to see that her sugar count remains normal, but Gina claims it is no big deal.

Gina has even extended her basketball activities beyond Hale School. She plays for the girls' team at St. Symphorsa (where she attends CCD) and the eighth-grade Windy City AAU club basketball team. After graduation, she plans on taking her game to Maria High School.

Gina is an incredible girl who has faced her challenges head-on to become a success at the game she loves. I whole-heartedly congratulate Gina and wish her all the best in the future.

DORENE LOWERY—TENNESSEE TEACHER OF THE YEAR

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. WAMP. Mr. Speaker, Dorene Lowery has been an employee of the Bradley County Schools for 17 years. During her tenure she has taught grades four, five and six at McDonald School, Prospect School and Black Fox School. She is currently serving as principal at Michigan Avenue Elementary School.

Ms. Lowery has been recognized as a Black Fox Elementary Teacher of the Year 2000, Bradley County Teacher of the Year 2000, District Teacher of the Year 2001 and most recently Tennessee Teacher of the Year 2001.

She indicates there are many reasons she decided to become a teacher—primarily heritage. Her parents were major influences in her life. Her mother, Mary Harris, instilled in her a love for books. Her father, Ron Harris, who has been a professor at Lee University for 35 years is responsible for instilling in her a love for teaching. He tells Dorene her favorite phrases were always, "Why?", "How does it work?", and "Show me." Another reason she became a teacher was her love of school. She would love to come home from kindergarten and teach her younger brother the things she had learned that day.

"For me, there was never a career choice to make. I always knew I was a teacher. I have found through the years that the quest to be the agent of academic growth in students and to witness their successes has not diminished. To help a child step out into the uncharted frontiers of their mind and experiences spurs me on and provides me with boundless joy. I affect eternity. No one can tell where my influence will stop. For this reason, I TEACH." Her husband is Steve Lowery. They have no children.

HONORING TOM STRICKLAND

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise to acknowledge and commend the work of Tom Strickland, who has served the federal government and Colorado with distinction as United States Attorney.

Tom Strickland was nominated by President Clinton and confirmed by the United States Senate to serve as U.S. Attorney for Colorado a little over two years ago. Before that time he was a successful attorney with the law firm of Brownstein, Hyatt, Farber & Strickland, and prior to that was a senior advisor to Colorado Governor Dick Lamm.

Tom and his wife, Beth, have been good friends to my father and me. I have enjoyed his association and believe that his service as U.S. Attorney will be remembered for a high degree of professionalism and a commitment to the welfare of Colorado and the nation.

I believe Tom's service as U.S. Attorney ought to be recognized in this House and I submit for the RECORD the following words from the March 28, 2001 addition of the Denver Post, which say better than I can how his service will be remembered.

GOOD WORK, TOM STRICKLAND

We'd like to tip our hats to U.S. Attorney Tom Strickland, who will be leaving office Saturday, for a job well done during the nearly two years he's been in office.

Strickland was sworn in April 21, 1999—the day after the Columbine massacre—but in a relatively short period of time acquired a reputation as a tough, effective law-and-order prosecutor.

Strickland took the initiative in establishing Colorado's version of Project Exile, a Virginia program aimed at keeping guns out of the hands of felons. Federal, state and local law enforcement agencies cooperated in prosecuting the often-overlooked federal violation when felons busted for other crimes were found to possess firearms.

Colorado Project Exile enforces existing gun laws, prosecuting criminals in the jurisdiction with the toughest penalties. During Strickland's tenure, the number of federal firearms prosecutions tripled from 54 defendants in 1999 to 147 in 2000. The successful program is a rare bit of common ground where such diverse factions as the National Rifle Association, Handgun Control Inc. and SAFE Colorado can agree.

But Strickland also targeted other criminal groups, from the Sons of Silence outlaw motorcycle gang to big-time drug traffickers, and even a group of federal prison guards who were brutalizing inmates.

The University of Texas Law School graduate was an effective administrator and well-respected by veteran lawyers in his office.

Strickland is a Democrat who was asked for his resignation by President Bush, a Republican, John Suthers, former El Paso County district attorney, is considered the front-runner for Strickland's post.

One of the unfortunate aspects of the spoils system is that positions such as U.S. Attorney are presidential appointments, and whenever the party in power in the White House changes, many able public servants are asked to leave. Strickland is a recent example; an earlier one is Richard Stacy, who as U.S. Attorney for Wyoming, had to resign when the Clinton administration took office, despite being an aggressive, effective prosecutor.

It's a shame that well-qualified public servants like Strickland and Stacy are asked to resign instead of being given a second look, party affiliation notwithstanding.

THE INCREASE THE PEACE RESOLUTION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. MCKEON. Mr. Speaker, I rise today to introduce an important resolution which urges the House of Representatives to support "Increase the Peace Day" events throughout the country.

On April 20, 2000, on the one-year anniversary of the tragedy at Columbine High School, students, teachers, parents, and community leaders from Challenger Middle School in Lake Los Angeles, California hosted an "Increase the Peace Day".

The program featured the formation of a human peace sign and a presentation by a former skinhead who turned his life around and now works with the Simon Wiesenthal Center's Museum of Tolerance.

The highlight of the day was when the 650 students of Challenger signed an "Increase the Peace Pledge" in order to avoid any similar acts of school violence. Among the promises in the Pledge were to find a peaceful solution to conflicts, to not hit another person, to not threaten another person, to report all rumors of violence to an adult, to celebrate diversity, and to seek help when feeling lonely or confused.

I was proud to join the other supporters of "Increase the Peace Day" and be a part of this incredible event.

In fact, the event was so successful Challenger is having their "Second Annual Increase the Peace Day" on April 20, 2001. They are expecting over 2,000 participants this year. Additionally, they are sponsoring an essay-writing contest in which the winner will be flown to Washington, D.C. to share their ideas on ensuring school safety with national leaders.

I would like to take a moment to recognize the outstanding efforts of teacher Bruce Galler, who came up with the original idea for "Increase the Peace Day" because he believes that something can be done. Through his efforts, Challenger Middle School students have promoted the ideals of peace in their school and throughout the community.

As such, I urge all my colleagues to support this resolution and to encourage their local communities to institute a similar program.

INTRODUCTION OF THE FAIR PAY ACT OF 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Ms. NORTON. Mr. Speaker, today Senator TOM HARKIN and I are introducing the Fair Pay Act of 2001, a bill that would require employers to pay equal wages to women and men performing equivalent work but not the same work in an effort to remedy the pay inequities that women continue to endure. We introduce this bill simultaneously in both Houses as an indication of the preeminent importance many American families attach to equal pay today.

A recent Labor Department study, requested by Senator HARKIN and voted by Congress last term bolsters the goals of the Fair Pay Act (FPA). The Labor Department studied wage trends among federal contractors. Its conclusions are far more important than the perhaps predictable finding that the gender gap for federal contractors is about the same as it is for U.S. employers as a whole. The most important Labor Department finding is that the major cause of the pay gap is the segregation of women into female-gender occupations. The Department makes the startling finding that, "Since 1979, the contribution of occupational segregation to the pay gap has jumped from explaining 18 to 46 percent of the gap." This finding virtually demonstrates our Fair Pay Act claim that the only way to combat pay discrimination today is to attack directly the practice of paying women less because they are doing "women's work." We cannot come to grips with the pay problems of the average American family without confronting the reality that the average woman works in an occupation that is 70 percent female, while the average man works in an occupation that is 29 percent female. Pay tracks gender.

Today, many more women have equivalent pay problems than traditional equal pay problems, thanks to the 1963 Equal Pay Act. Important as it is to update the EPA, it has been clear, at least since I chaired the EEOC in the Carter Administration, that the EPA needs major revision to cope with the stubborn pay problems that trap most women and their families. The Fair Pay Act accomplishes the necessary revision without tampering with the market system. A woman would file a discrimination claim but, as in all discrimination cases, she would have to prove that the reason for the gap between herself and a male co-worker doing equivalent work in the same workplace is discrimination and not other reasons, such as legitimate market factors. Gender, of course, is not a legitimate market factor.

The good news from the Labor Department study is that gender segregation has fallen since 1970 because women with greater opportunities have moved into traditionally male occupations. The bad news is that there is a limit to how much we want to encourage teachers, nurses, factory workers, librarians, and other indispensable workers to abandon these vital occupations in order to be paid a decent wage. The frightening flight of women from vital work and occupations has left children without teachers, hospitals without nurses, and communities and employers without other vital workers.

The Fair Pay Act recognizes that if men and women are doing comparable work, they should be paid a comparable wage. If a woman is an emergency services operator, a female-dominated profession, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should not earn less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the Equal Pay Act (EPA), will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. She must show that the reason for the disparity is sex or race discrimination, not legitimate market factors.

As women's employment has become an increasingly significant factor in the real dollar income of American families, fair pay between the sexes has escalated in importance. There are remaining Equal Pay Act problems in our society, but the greatest barrier to pay fairness for women and their families today is a line drawn in the workplace between men and women doing work of comparable value. I ask for your support of the Fair Pay Act to pay women what they are worth so that their families may get what they need and deserve.

INTRODUCTION OF THE COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Colorado Northern Front Range Mountain Backdrop Protection Study Act.

The bill intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern sections of the Denver-metro area, especially the region just west of the Rocky Flats Environmental Technology site. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation.

The open-space character of this mountain backdrop is an important esthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also placing increased pressure for development of other lands within and adjacent to that national forest.

We can see this throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling up valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountain tops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities to preserve open spaces along the backdrop and aims to assist further efforts along the same lines.

The bill does not interfere with the authority of local authorities regarding land use planning. It also does not infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service be involved with federal lands, it will work in collaboration with local communities, the state and private parties.

Mr. Speaker, I strongly believe it is in the national interest for the federal government to assist local communities to identify ways to protect the mountain backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come. God may forgive us for our failure to do so, but our children won't.

For the information of our colleagues, I am attaching a fact sheet about this bill.

COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP PROTECTION STUDY ACT

Generally: The bill would help local communities preserve the Front Range Mountain Backdrop in the northern sections of the Denver-metro area in a region generally west of the Rocky Flats Environmental Technology site.

Front Range Mountain Backdrop: The backdrop consists of the mountainous foothills, the Continental Divide and the peaks in between that create the striking visual backdrop of the Denver-metro area and throughout Colorado. Development in the Denver-metro area is encroaching in the Front Range backdrop area, and thus adversely affecting the esthetic, wildlife, open space and recreational qualities of this geographic feature. Now is the time to shape the future of this part of the Front Range. There is a real but fleeting opportunity to protect both Rocky Flats—a "crown jewel" of open space and wildlife habitat—and to assist local communities to protect the scenic, wildlife, and other values of the mountain backdrop.

WHAT THE BILL DOES

Study and Report: The bill requires the Forest Service to study the ownership patters of the lands comprising the Front Range Mountain Backdrop in a region generally west of Rocky Flats, identify areas that are open and may be at risk of development, and recommend to Congress how these lands might be protected and how the federal government could help local communities and residents to achieve that goal.

Lands Covered: The bill identifies the lands in southern Boulder, northern Jefferson and eastern Gilpin Counties in the Second Congressional District, specifically, an area west of Rocky Flats and west of Highway 93, south of Boulder Canyon, east of the Peak-to-Peak Highway, and north of the Golden Gate Canyon State Park road.

WHAT THE BILL WOULD NOT DO

Affect Local Planning: The bill is designed to complement existing local efforts to preserve open lands in this region west of Rocky Flats. It will not take the place of—nor disrupt—these existing local efforts.

Affect Private Property Rights: The bill merely authorizes a study. It will not affect any existing private property rights.

Affect the Cleanup of Rocky Flats: The bill would not affect the ongoing cleanup and closure of Rocky Flats nor detract from funding for that effort, and will not affect existing efforts to preserve the options for wildlife and open space protection of Rocky Flats itself.

HOUSE OF REPRESENTATIVES—*Wednesday, April 4, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SUNUNU).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 4, 2001.

I hereby appoint the Honorable JOHN E. SUNUNU to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Jimmy Kessler, Congregation B'nai Israel, Galveston, Texas, offered the following prayer:

When my grandparents Sol Aron, Pincus Kessler, Fred Nussenblatt, and Ralph Hoffman fled inhuman treatment in Europe, I wonder what their prayers would be this day. Surely, standing in this hallowed place inspires my deepest gratitude for their courage and faith and for the freedom and strength of our great Nation. Moreover, though it may be routine for some of you in this room today, it is truly an awesome moment for me to realize those who have stood here before me and to be privileged to occupy that same space.

Cognizant of this precious moment, I have chosen words that I believe echo feelings shared by many of my fellow citizens that in this Chamber are 435 of the choicest blessings our country possesses. In each of you are our dearest wishes, our choicest hopes, and our sincerest aspirations for today and all the tomorrows. Please know that you carry in your words and in your hands our special trust, and by your actions and words you bless us.

Our God and God of our Ancestors:

Watch over those who stand in this House. Keep them ever mindful of our expectations and the trust we place in them. Give them wisdom for their actions and grant to each of them when they leave this Chamber daily the joy of being able to say that the words of their mouths and the meditations of their hearts are acceptable in Your sight, and, therefore, truly know that they are a blessing to those of us for whom they stand here. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Texas (Ms. GRANGER) come forward and lead the House in the Pledge of Allegiance.

Ms. GRANGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO RABBI JIMMY KESSLER

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, it is a real pleasure for me today to welcome Rabbi Jimmy Kessler to Washington and to thank him for his inspirational invocation. Rabbi Kessler, a native Houstonian, is rabbi of Congregation B'nai Israel of Galveston, the oldest Reform congregation in Texas. I am proud that he is a part of my congressional district and proud that he can be here today.

Rabbi Kessler is not only a spiritual leader in Galveston County and throughout Texas, but he is a civic leader as well. People of all faiths turn to him for his counsel and his wisdom. He and his wife, Shelley Nussenblatt Kessler, are personal friends of my wife Susan and me. They are people who we count on for guidance and support.

Rabbi Kessler is a leader throughout Texas when it comes to speaking out against discrimination and bigotry. He is a shining example of the diversity that makes the 9th Congressional District the beautiful mosaic that it is. Some of my colleagues may not know this, but the word "rabbi" in Hebrew means teacher, and that Rabbi Kessler truly is.

Mr. Speaker, I urge my colleagues, regardless of their faith, to reflect on the words that the rabbi said today when he addressed this body. I think my colleagues will see the wisdom in this teacher's words.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 1-minute speeches on each side.

CHINA IS AT FAULT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, China's President should apologize to the United States for its aggression in the accident with one of our airplanes over international waters. This is not the first time Chinese Air Force fighter pilots have recklessly and aggressively flown by our slower-moving planes over international waters well outside of China's boundaries to harass our Air Force planes. They have done this repeatedly and have been warned of the danger. Unfortunately, this time, the Chinese fighter caused an accident.

This reckless aggression, the forced landing of our disabled plane, and now the holding of our crew and plane as hostages, and now China's belligerence is outrageous. It violates international agreements that China has signed; it damages U.S.-China relations.

President Bush should stand firm and strong and demand an apology from the dictators in Beijing, the immediate return of the American crew and plane. China is at fault on this one.

CHINA TESTING AMERICAN RESOLVE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after holding 24 Americans as prisoners, China now demands an apology, an apology for spying on a country who has missiles pointed at us. Beam me up. China is now testing American resolve, piece by piece, incident by incident.

Mr. Speaker, we need to tell it like it is. China is trying to determine what Congress and Uncle Sam will do when China attacks Taiwan. That is the way it is, folks. I say the dragon is going too far.

I yield back the fact that an attack on Taiwan is an attack on democracy, and, by God, that should be considered an attack on the United States of America.

SUPPORT CRUCIAL FUNDING FOR RYAN WHITE CARE ACT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. ROS-LEHTINEN. Mr. Speaker, my home State of Florida ranks third in people reporting full-blown AIDS and, in my district of Miami, fourth in the top 10 cities. The lifetime medical cost of one AIDS case is estimated at $69,000, which means that uninsured or underinsured patients would have little or no recourse for affording treatment if it were not for the Ryan White Care Act.

These programs have been a critical source of care and services for people living and dealing with HIV/AIDS. The Ryan White Care Act provides funding to support a range of HIV care and services, from HIV testing and counseling to prescription drugs and home hospice care. It is founded on a strong partnership between the Federal Government, States and local communities, and it emphasizes less costly outpatient and primary care to prevent expensive emergency room visits and hospitalizations.

The Ryan White Care Act serves approximately 500,000 individuals with HIV and AIDS every year. The reauthorization of this act last October was a great victory for the AIDS community. It was a victory for America's 400,000 plus families who will lose a loved one this year to AIDS. On their behalf, we ask our colleagues to support crucial funding for the Ryan White Care Act this year.

COMPLETED COUNTING REAFFIRMS BUSH VICTORY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, even before Vice President Gore conceded the Presidential election, the Democrats talked about counting all of the ballots to see who really won. Well, that task has been accomplished.

The Miami Herald, Knight Ridder and USA Today conducted a comprehensive review of more than 64,000 ballots in all 67 Florida counties. What did this review find? Bush's margin of 537 votes would have increased to 1,665 if all the ballots were counted. This number was reached using the standard of counting every dimple, pinprick or hanging chad as a valid vote.

Under different scenarios, counting chads with two corners detached, or counting dimples for the Presidential election, the verdict was the same: Governor Bush still would have won.

This election was decided conclusively last year. For those who could not accept this fact, there was this fantasy, "What if all the votes had been counted?" The answer remains the same: President George W. Bush.

HANDS ARE NOT FOR HURTING

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, hands are not for hurting. It is a simple phrase and a simple concept, but one that too many never learn.

I rise today to spread the word about the Hands Are Not For Hurting Project started by Ann Kelley, a woman in Salem, Oregon, who is dedicating her life to violence prevention. Ann got the idea that if all children took a pledge that they would not use their hands for hurting and signed that pledge on a purple paper cut-out of their hand, then that simple idea may penetrate. She reasoned that because violence is a learned response, it could be unlearned, and we could teach more peaceful and constructive methods of showing anger or resolving disputes.

Hands Are Not for Hurting is now being used by schools, churches, civic groups and government agencies in more than 20 States. Thousands of young people and adults across this country have taken the pledge to refrain from violence.

Today marks one of the saddest anniversaries in America's recent history. To commemorate the life and goals of Martin Luther King, Jr., I would like to urge all of my colleagues to spread the word. Hands are instruments that can paint a masterpiece, sculpt a classic, or wipe a tear from a child's face, but hands are not for hurting.

APRIL IS CHILD ABUSE AWARENESS MONTH

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, April is Child Abuse Prevention Month, and, unfortunately, child abuse is a very real problem in the United States.

In 1999, 825,000 children were victims of abuse or neglect, a sad and preventable statistic, Mr. Speaker, 825,000 children we cannot afford to turn our backs on. Violence toward one child affects everyone.

Keeping our children safe is a community responsibility because ultimately all of us pay the price for those who grow up in abusive homes by way of increased law enforcement, medical and drug treatment, remedial education, foster care and public assistance.

Child abuse is preventable, and everyone must be involved: neighborhoods, schools, churches, the local government, and the media. Each of us can start by participating in the blue ribbon campaign. It is a tangible way to demonstrate one's concern about child abuse and neglect. So let us wear a ribbon and when someone asks, as I do, what is that ribbon for, instead of just saying that it signifies Child Abuse Prevention Month, let us say, this represents the children who were abused in my community last year. Would you wear one, too, so we will not forget?

Let us remember that children are only 20 percent of our population today, but 100 percent of our future.

RETIREMENT SAVINGS ACCOUNTS

(Mr. NEAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL. Mr. Speaker, today I am introducing legislation to expand and improve pension coverage for low- and moderate-income workers.

My legislation will provide an incentive for these workers to participate in the current pension system and to hopefully stay in the system once the benefits of compounded interest can be clearly seen. For those who believe that we must really do something to encourage savings, this is an ideal piece of legislation.

This bill will allow individuals to receive up to a 50 percent tax credit on voluntary contributions to an individual retirement account or an employer-sponsored pension plan. The maximum credit would be $1,000 on a $2,000 contribution and would be refundable so that this incentive to save would be attractive to some who otherwise might not be in a pension system due to low incomes.

The bill also allows small businesses to receive two tax credits, one for start-up administrative costs associated with a new pension plan and another for contributions made to a pension plan for non-highly-compensated employees covered under the plan.

Mr. Speaker, I believe this bill would make significant progress in encouraging employees to participate in a pension system and, most importantly, to keep them participating. I hope this year we will move this legislation and attach it to any piece of major pension legislation that moves or sails through this Congress.

□ 1015

PAYING TRIBUTE TO DAN KROLL

(Mr. ROGERS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to share with this body an uncommon act of my constituents, Dan and Lisa Kroll of Marion Township, Michigan.

Kelly, Ray and Collin Shuler are neighbors of Dan Kroll. Collin, the Shuler's 2-year-old son, suffers from a serious brain injury which causes him to have partial blindness and stunted development. The Shulers have traveled throughout this Nation and to Canada in order to learn physical therapy procedures that they can perform themselves on their son. The family also pays upwards of $30,000 per year in out-of-pocket medical expenses for Collin.

When Dan Kroll and his wife Lisa learned of their young neighbor's condition, they decided to help. By calling contacts on Dan's United Parcel Service route, Dan and his wife Lisa put together a fundraiser for Collin. Dan and Lisa Kroll hosted a major benefit dinner for Collin Shuler. The event was a tremendous success, gathering friends and neighbors, nearly 500 individuals who attended, and more than $20,000 was raised.

Mr. Speaker, we are quick sometimes to condemn the acts of aggression, and not so quick sometimes to celebrate the acts of kindness that happen in America. Dan and Lisa Kroll have shown this kind of kindness by bringing the entire community of Howell, Michigan, together to make a difference in the lives of their neighbors.

This act of kindness must not go without recognition. Therefore, Mr. Speaker, I respectfully, ask my colleagues to join me in paying tribute to Dan Kroll for being an inspiration to us all, and for reminding us that community service is an important part of American life.

PRINTING OF REVISED AND UPDATED VERSION OF "WOMEN IN CONGRESS, 1917–1990"

The SPEAKER pro tempore (Mr. SUNUNU). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 66.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 66, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 16, as follows:

[Roll No. 79]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Wu
Wynn
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Becerra
Bereuter
Fattah
Fossella
Gordon
Johnson, Sam
Kennedy (RI)
Latham
Matsui
McKinney
Meek (FL)
Rush
Tierney
Whitfield
Woolsey
Young (AK)

□ 1039

Mr. HOUGHTON, Mr. EHLERS, and Ms. BERKLEY changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BEREUTER. Mr. Speaker, today, I was off the Hill on official business and missed rollcall vote 79 (H. Con. Res. 66, Revising and Updating "Women in Congress, 1917–1990"). Had I been present I would have voted "yea."

PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 8 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 111

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 111 is a modified closed rule providing for consideration of H.R. 8, a bill to phase out the estate tax over 10 years.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking member of the Committee on Ways and Means. Additionally, the rule waives all point of order against consideration of the bill.

The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted.

The rule also provides consideration of the amendment in the nature of a substitute, printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour equally divided and controlled between a proponent and an opponent.

Furthermore, the rule waives all points of order against the amendment in the nature of a substitute.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, I speak in strong support of this rule and its underlying bill, H.R. 8, the Death Tax Elimination Act of 2001.

Mr. Speaker, the issue before us today is not a new one; the 106th session of Congress voted three times in a bipartisan fashion to eliminate the death tax. In fact, this Congress fell only a handful of votes shy of overturning the Presidential veto.

Once again, we have the opportunity to bury the death tax once and for all. And this time I believe we can do it free from the threat of a Presidential veto.

This tax was initially imposed to prevent the very wealthy from passing on their wealth from one generation to the next. At the time, this well-intentioned tax eased concerns about the growing concentration of money and power among a small number of wealthy families. Later, it was used to fund national emergencies, and it became necessary to maintain these tax rates at high war-time levels during the 1930s and 1940s. But they remained relatively unchanged until the Tax Reform Act of 1976.

Ironically, the death tax today serves little of the purpose for which it was intended. Rather than prevent the concentrated accumulation of vast wealth, the death tax punishes savings, thrift and hard work among American families.

Small businesses and farmers are penalized for their blood and sweat and tears, paying taxes on already-taxed assets. Instead of investing money on productive measures such as business expansion or new equipment, businesses and farms are forced to divert their earnings to tax accountants and lawyers just to prepare their estates.

□ 1045

As has been pointed out by the American Farm Bureau, families own 99 percent of our Nation's farms and ranches, and those farmers and ranchers pay taxes at a rate much higher than the population at large.

Not long ago, over 100 of some of the richest people in the world, including Bill Gates, Sr., Warren Buffett, Paul Newman, and members of the Rockefeller family, took out a full page ad in The New York Times urging Congress not to eliminate the death tax. It is not, however, these few megamillionaires who most suffer from the punitive effects of the death tax. Had they spent their lives milking herds or plowing fields, they might understand why the Farm Bureau has made elimination of the death tax its number one legislative priority.

The victims of the death tax are typically hard-working Americans with medium-sized estates; farmers and small business owners. Their enterprises create jobs, growth, and opportunity in our hometown communities, but every year thousands of heirs are literally forced to sell the family farm or business just to pay off their death taxes.

As Farm Bureau president Bob Stallman said during testimony before the Committee on Ways and Means, and I quote, "Farm operations are capital-intensive businesses whose assets are not easily converted into cash. In order to generate the funds that are needed to pay hefty death taxes, heirs often have to sell parts of their businesses. When parts are sold, the economic viability of the business is destroyed."

Indeed, with penalties reaching as high as 55 percent, these farmers and ranchers are often forced to sell off land, buildings or equipment otherwise needed to operate those businesses. The death tax is turning the American Dream into the "Nightmare On Elm Street."

Equally disturbing is the fact that the death tax actually raises relatively little revenue for the Federal Government. Some studies have found that it may cost the government and taxpayers more in administrative and compliance fees than it raises in revenues.

Of course, farmers and ranchers are not the only ones facing an unfair and unnecessary burden from the death tax. Not long ago, the Public Policy Institute of New York State conducted a survey on the impact of the Federal estate tax on upstate New York. The findings were alarming. The study found that in a 5-year period, family-owned and operated businesses on the average spent $125,000 per company on tax planning alone. These are costs incurred prior to any actual payment of the Federal estate taxes. They reported that an estimated 14 jobs per business have already been lost as a result of the Federal estate tax planning. For just the 365 businesses surveyed, the total number of jobs already lost to the Federal estate tax is over 5,100, and that is just in upstate New York.

According to the National Federation of Independent Businesses, nearly 60 percent of business owners say they would add more jobs over the coming years if death taxes were eliminated, more jobs and greater opportunities for our citizens.

As William Beach, director for the Center for Data Analysis at the Heritage Foundation, recently wrote, the death tax cuts across all racial and community lines. "Take the Chicago Defender newspaper, an important voice for the black community for nearly a century," Beach wrote. "When Defender owner John Sengstacke died recently, his granddaughter was forced to seek outside investors and even considered selling the paper to pay off the death taxes, which totaled $4 million.

"More blacks can expect the same experience," he continued. "Income levels in black households have tripled over the last 24 years, and the number of black-owned businesses more than doubled from 1987 to 1997. According to a recent survey, the death tax is the most feared Federal tax" among these business owners.

My rural and suburban district in New York is laden with small businesses and farms. They are owned by hard-working families who pay their taxes, create jobs, and contribute not only to the quality of life of their community, but to this Nation's rich heritage. Is it so much to ask that they be able to pass on their industry and hard work, their small business or their farm to their children? Must Uncle Sam continue to play the Grim Reaper?

The fact is they paid their taxes in life on every acre sewn, on every product sold, and every dollar earned. They should not be taxed in death, too.

Mr. Speaker, I would like to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS); and the ranking member and my colleague, the gentleman from New York (Mr. RANGEL), for their hard work on this measure. I would also like to extend my gratitude to the gentlewoman from Washington (Ms. DUNN) and the gentleman from Tennessee (Mr. TANNER) for their tireless efforts to once again bring this important measure to the House floor.

Mr. Speaker, I urge my colleagues to bury this unfair tax once and for all by approving both the rule and its underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend, the gentleman from New York (Mr. REYNOLDS), for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, to listen to my Republican colleagues singing the praises of this bill, one would think it was going to change the lives of millions of Americans the minute the ink was dry. But before anybody starts spending the inheritance, they should read the fine print, Mr. Speaker. This bill is full of it.

For starters, this bill does not actually repeal the estate tax until the year 2011. To listen to the other side, Mr. Speaker, one would think that repeal was waiting just around the corner; that it was something everyone could plan on. The fact is my Republican colleagues wait another 10 years, just beyond the reach of any budget enforcement, to repeal this estate tax.

Do my colleagues know what 10 years means, Mr. Speaker? It means five new Congresses, and it means at least one, and possibly two, new Presidents. If this bill were signed into law today, all those new political forces would have to agree to stay the course for the estate tax to actually be repealed. I, for one, would not bet the family farm on the many politicians keeping someone else's promise to reduce taxes.

Mr. Speaker, it is not as if this Republican bill would even help most Americans. This bill will not even help the richest of Americans. Under existing laws, fully phased in, the first $1 million of an estate is completely excluded from taxation. For a couple who does the bare minimum estate planning, the first $2 million are completely tax free. Or to put it another way, only the richest 2 percent of all Americans pay any estate tax now. In fact, one-half of all of the estate tax revenue collected in 1998 was paid by only 3,000 families. Most ordinary, hard-working families have absolutely no stake in this bill.

However, the President's Cabinet has a stake in it. President Bush and his Cabinet stand to gain $5 million to $19 million each if this repeal happens. The 50 wealthiest Members of Congress stand to gain, together, about $1 billion if this repeal happens. But for the other 98 percent of us, this bill would provide not 1 cent of tax relief. Nothing. Not one penny.

Mr. Speaker, not all millionaires are treated alike under this bill. Leave it to my Republican colleagues to make distinctions among millionaires and to make sure that the wealthiest go to the head of the relief line. This Republican bill would immediately repeal the 10 percent surtax that applies only to estates valued above $10 million. The Committee on Way and Means Republicans added that provision for the richest of the rich in place of a provision in the introduced bill. The provision they struck would have immediately increased the amounts excluded from the estate tax. That provision would have helped the merely moderately wealthy, family farms, and small businesses.

But Republicans would only let tax relief trickle down to the less wealthy millionaires after a few more years. Your ordinary millionaire, whose estate is worth $3 million, will not see any relief under the Republican bill until 2004, and then these rates would be reduced to 1 or 2 percentage points until the year 2011.

The problem is that my Republican friends believe in budgetary magic. Last week House Republicans passed their "three-card monte" budget. Just when it looks like you can tell how huge their tax cuts are, they throw a little hocus-pocus at you, and they give the Committee on the Budget chairman authority to increase, but not to reduce, the size of any tax cuts.

Mr. Speaker, do you know why? Because House Republicans believe that $1.6 trillion is just the starting point. They believe that $1.6 trillion may cover President Bush's proposals, but they have a few proposals of their own to throw into the mix. How will they pay for their trillions of dollars in tax relief for the rich? In the budget they propose deep cuts in low-income heating assistance. They slash the growth in education funding; they decimate prescription drug benefits; endanger Medicare, Social Security, defense and agriculture. But then Mr. Speaker, abracadabra, in July, the Committee on the Budget chairman can change all of those spending numbers.

The only thing that they do not say is how all of this would add up. Unfortunately, that is what a budget is supposed to do. This budget illusion is just a variation of an old trick: Make big problems disappear by ignoring them. Republicans believe that they can make the huge cost of repeal disappear if they hold off until the end of the 10-year budget horizon. This is just hoping the big bully will disappear if you do not look at him until the end of recess. Ignoring problems do not work in the playground, and they will not work in the world of public finance. When fully phased in, repealing the estate tax will directly cost Americans $50 billion each year. It will cost States about $6 billion each year, and all of that revenue will be made up in fees and taxes, or cuts in services.

Who will pay it? Mr. Speaker, the other 98 percent of Americans. Repeal will simply shift the burden from the shoulders of the very richest Americans to everyone else's shoulders.

Estate tax repeal encourages inequality. It promotes huge disparity in wealth over many generations. Repeal of the estate tax will remove one of the last remnants of progressivity in the Tax Code. The wealthiest Americans report relatively little of their income during their lifetime because most of it is in the form of accrued but unrealized capital gains, or other tax-preferred investments. The estate tax liability for the wealthiest of Americans is, on average, seven times their income tax liability. By removing the estate tax, we will further increase the inequality of treatment between income derived from capital and income derived from a good day's work.

Mr. Speaker, if we repeal the estate tax, we will be left raising all of the government's revenue with only payroll taxes, taxes on wages, taxes on salaries, taxes on cigarettes, liquor and gasoline, and that is just not fair.

Too many family farms and small businesses still pay the estate tax, but that is a small part of the picture. Family farms and small businesses actually represent only 3 percent of the 2 percent, or 0.0006 percent, of all estates subject to the estate tax. The Republican bill switches from step-up basis under the current law, and retained in the Democratic substitute, to carry-over basis.

Mr. Speaker, that is a tremendous price the inheritors will have to pay down the line. Mr. Speaker, they do not need the promise of a repeal in 10 years, they need immediate relief through expanded exemptions and adjustments for inflation as provided in the Democratic substitute. The Democratic substitute would immediately, and I use the word "immediately," exempt 99.4 percent of all family farms and all small businesses.

The President is fond of saying that he trusts the people. Mr. Speaker, when the people learn that this bill will help only the wealthiest few, when the people learn about the delay and budget gimmickry, I doubt if that trust will be reciprocated. The Republican tax policy is too high-ended to help ordinary, hard-working American families, and it is too back-loaded to be of any help to our sputtering economy today.

Mr. Speaker, I urge my colleagues to defeat the Republican bill and pass the Democratic substitute.

Mr. Speaker, I reserve the balance of my time.

□ 1100

PARLIAMENTARY INQUIRY

Mr. CALLAHAN. Mr. Speaker, I request a point of inquiry. I have a question I need to direct to the Chair and to the ranking member and chairman. It may require them to yield to me 30 seconds each so they can respond.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman will state his point of inquiry.

Mr. CALLAHAN. My point of inquiry is where can I offer an amendment and where would it be appropriate and would each side support it? As you may know, Mr. Speaker, Warren Buffet, Ted Turner, and Bill Gates, Sr. have all come out against this package. I think that we ought to facilitate them to whatever extent that we can.

The SPEAKER pro tempore. The gentleman does not appear to be making a parliamentary inquiry.

Mr. CALLAHAN. I would respectfully ask that each side yield me 30 seconds so they can respond.

The SPEAKER pro tempore. The gentleman may seek time from either side.

Mr. REYNOLDS. Mr. Speaker, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. CALLAHAN. My question is, to facilitate these multibillionaires who are against this bill, Mr. Speaker, I want an opportunity to offer an amendment which limits the reductions in this tax to the first billion dollars. I think that this will satisfy them, because they will be able to pay taxes on anything over a billion dollars. Therefore, those that need relief, the poor Americans, would have the opportunity for some relief. It is an honest request. I would respectfully ask the chairman and the ranking member if they would support such an amendment, if they can answer that and the appropriate time, Mr. Speaker, as to when I can introduce it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I was just going to answer my dear friend from Alabama. If the Democratic substitute fails, I would gladly back his proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from New York for yielding me this time, and I rise in strong support of this rule and the bill to repeal the death tax.

Mr. Speaker, the American dream is about the opportunity of every American to build a better future for themselves and their children through hard work and personal initiative. It could mean building your own business, pouring your own sweat into a small farm just to turn out a profit and saving each day so that you can leave something to your family. Yet it is these Americans who are working hard, playing by the rules and paying taxes all the while who upon their death become victims of an onerous and unfair tax that discounts their dedication, punishes their entrepreneurship, and denies their dying wishes.

Think of the young man who 50 years ago was the first in his family to go to college. He worked hard, he pulled himself up, and he made a better life. Should he not be able to provide a better life for his family, for his children as a result of his lifetime of work and savings? Rewarding hard work and initiative is part of the promise of our Nation. But, no. Instead, the government taxes this initiative, this promise, not once but twice.

Think of the small businesswoman or family farmer. Their money is used to run their businesses, pay their hardworking employees and invest in needed equipment, all the while paying their taxes. To pay the death tax, families must sell off assets, lay off these workers and even sometimes close their doors completely. This is not right. There is no logic or fairness in this tax. Small, family-owned businesses, farms and ranches are integrally connected to our communities and represent the American values that are at the core of our country. Yet many small businesses and family farms and ranches are not passed on and continued after the first generation because of the death tax.

Let us not talk about carve-outs or exceptions that help only some but not all families. It is time to completely eliminate the death tax and reinvest in America so that business owners, farmers and all dedicated individuals can pass on their dreams and ensure that their values live on.

Mr. Speaker, last year I was joined by every single one of my Republican colleagues and 65 of my friends from across the aisle in voting to eliminate the death tax. We again have a chance to do the right thing and end this tax on the American dream.

Let us bury the death tax.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I thank the gentleman for yielding me this time.

There are just a couple of points that I want to make. I want to make it clear to the people at home that the Democratic proposal almost immediately exempts $4 million and below of estates. Now, I know that to some people in this Chamber that does not mean a lot, but it means a lot in my district. I know a handful of people, and I come from a pretty wealthy district, that have estates worth more than $4 million. As a fact, there are only approximately 6,300 estates in the entire United States of America on average in a year that are above the $4 million mark. That is all. Six thousand three hundred estates. If the Democratic proposal is adopted, all but the richest 6,300 people will be exempt from taxation. Period. That is really the bottom line in this debate.

On the Republican proposal, it is just the opposite. We go from the bottom up and they come from the top down. Now, it is funny over the last several years even I from one of the most Democratic districts in the country get questioned, "What's the difference between Democrats and Republicans?" This is it. This is it. When it comes to who is going to get the tax relief, we go from the bottom up. They come from the top down. Now, there is nothing wrong with that. It is just a significant different philosophy, one that I am proud to share.

There are a couple of other questions. There were some points made about the administrative costs of the estate tax. Agreed. If you cut out 85 percent of the people subject to taxation, which is what the Democratic bill does, you cut out the cost of administration. You are now only administering 15 percent of the tax bills. The other point I guess I want to make and I do not think it has been made yet this morning but we will hear it all day long about the rates of taxes paid. The actual tax paid on the richest estate, not the rate, not this, not that, after all the loopholes, after all the deductions, after all the exemptions, the actual tax paid is roughly 20 percent.

In the example we heard earlier about a potential $4 million tax bill, guess what? Unless that person had no estate plan which of course if they didn't, their family should sue them. Unless that person had no estate plan, that means that person's estate was probably worth on average $20 million. You do not have a $4 million tax bill unless your estate is worth $20 million which means that person walked away, without doing anything, just by the luck of genetics, with $16 million. Guess what? I think they will be able to survive on $16 million. My district is very expensive, but I think I could do okay on $16 million for the rest of my life, my kids' lives, their kids' lives, and their kids' lives.

This whole concept of coming from the top down is about as anti-American, I guess that is the only way I can think of it, as I can think. I thought America was built from the bottom up. That is all I ever hear about around here. Nobody ever comes and says, "Let's help the rich guys." They say, "Let's help the average American."

The average American does not have an estate worth over $4 million in today's world.

That is why the Democratic proposal is better, that is why it should be adopted, and that is why we should vote yes when the time comes.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the rule and of the bill. It is time to eliminate this tax.

I heard my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), earlier today say that 2 percent of the estates in the country are taxed. I think that is an accurate figure. I think we will hear that a lot today. But it is not the 2 percent that most Americans would immediately think it is. It is not the 2 percent that are the wealthiest families in America. In fact, half of all the estates that are taxed, I guess that would be 1 percent of all estates, half of all the estates that are taxed have values of under $1 million.

Now, we all know there is an exemption for up to $675,000. I do not know what that tells my colleagues. What it tells me is that half of the people who pay this tax are people who never expected to pay it. Half of the people who pay this tax are people who would be shocked if they were still alive as their families are shocked to find out that their small business, their family farm, is worth more than $675,000. When that happens, 55 cents out of every dollar goes to the Federal Government. If your estate is worth $100,000 over $675,000, $55,000 of that goes to the Federal Government. That is just wrong.

We just heard, I think, an accurate example, that the average estate pays a 20 percent tax. That is because many estates do not pay any tax at all and many other estates are barely over the exempted amount. If you took that $900,000 estate and figured out they were losing 55 cents on every dollar worth over $675,000, you would get a relatively low rate but you are taking their business and their livelihood.

I do a farm tour every year in my district. Last year we stopped at a farm supply store because we talk to people who own farming businesses. We talk to people in agricultural businesses. I asked the people who ran the farm supply store first of all about the efforts they have made over the years to pass that business on to both of their sons who work in the business with them every day. He is not going to pay an estate tax, but he spent a lot of money to figure out how not to do it with all kinds of insurance and trusts and things like that. He said we have met lots of farmers who never have a problem financially paying their bill until somebody dies and when somebody dies, they have a big problem because they cannot figure out how to keep that asset together and pay that 55 cents on the dollar for everything that is suddenly worth a lot more than they thought it was going to be.

People do not deserve to have everything they paid taxes on all their life taxed when they die. We need to pass this rule. We need to pass this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose H.R. 8, the third installment of President Bush's fiscally questionable tax package. For nearly a month, this body has discussed and voted on bills that provide tax relief to people least in need while ignoring our Nation's serious needs for education, health care, and the environment and, most important, the fiscal prudence, paying down the debt and meeting our existing responsibilities.

Virtually every Member of Congress agrees that the current estate tax needs to be reformed. I have supported increases in exemptions, adjustment for inflation, reduction in rate and protections for closely held family farms and small businesses which are only 9 percent of the total inheritance tax program. I fundamentally believe that reforming the estate tax will allow for more farmland, wood lots and green spaces to be preserved and small business to be protected. Estate tax reform is an essential part of making our communities more livable.

That being said, it is frustrating that despite near unanimity on this issue, my Republican colleagues insist on legislation that provides vast benefits for people who need it the least while stalling on relief for people who need help now, not 10 or 11 years from now but now. The legislation we are debating today costs $662 billion. That is why the repeal does not take place until 2011.

This is an accounting gimmick that puts the full cost of the bill outside the budgeting window, preventing the Joint Committee on Taxation from scoring the true cost of the bill. Despite the overwhelming cost, this bill does not substantially benefit the small business or the family farm for more than a decade. The Democratic alternative provides far more help for those who need it most in the next 10 years and does so now.

Since coming to Washington over 4 years ago, I have worked to make our world a more livable place, improve bipartisan cooperation and maintain our hard-earned fiscal discipline. Unfortunately, H.R. 8 manages to violate all three of those principles. It should be rejected and meaningful reform enacted.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time. I want to congratulate him on the great job that he is doing managing this very important rule, this very important component in the tax package which I know has been authored by our friend the gentlewoman from Washington (Ms. DUNN) and others who understand fully that we are all in this together.

I have listened to my friends on the other side of the aisle engage in that classic class warfare argument, us versus them. "This is from the top down, not from the bottom up. That is the difference between the Republicans and the Democrats."

□ 1115

The real difference is, the Republicans believe that if we are going to bring about fairness, we should be fair to everyone. Now, I know that some have quipped that Warren Buffett and Ted Turner and Bill Gates, Sr., are not proponents of this. The fact is, whether they are proponents of this or not has nothing to do with it because there may be a few other people who have been successful in this economy of ours who believe that they should have some fairness.

So we are going to provide Warren Buffett and Bill Gates and Ted Turner relief whether they want it or not, and it is the right thing to do. But it is also very important for us to note, it is very important for us to note that if we look at the impact that this death tax has had on so many small businesses and family farms in this country, it is the right thing to do for people regardless of where they are on the economic spectrum.

African Americans in this country are the group that is hit hardest by the death tax. Seventy-five percent of businesses, small businesses in this country, fail following the death of the owner. So let us make sure that we understand the difference that exists.

The Republicans want very much to make sure that we provide fairness for every single American. We are not going to pick who is a winner and who is a loser. We want to create an opportunity for everyone to succeed; and that is why we should support this rule, defeat the Democratic substitute, which the rule has made in order, because it again engages in the old class warfare argument, and then pass this very important component, which is pro-growth and will help the working men and women of this country.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I wanted to take a minute or two to offer a truce to the gentleman from California (Mr.

DREIER) on this class warfare and would agree that we could find some meeting of the mind if we could get into the Republican rhetoric some talk about preserving the Social Security system, talking about the Medicare system, talking about prescription drugs, talking about improving education.

We have here a bill offered by the majority that talks about repealing the estate tax 10 years from today. When I asked the Joint Taxation Committee how much would it cost if we took last year's bill and put it into effect immediately, they said $662 billion. So I said there is no way in the world for the Republican leadership to maintain the ceiling of $1.6 trillion that the President has put on the bill. If they have already spent $953 billion for the marginal rate changes, another $400 billion for child credits and for removing the marriage penalty, there is $200 billion left. How are they going to get this $662 billion foot into this $200 billion shoe? And they did it; they really did it. They did it by saying if one wants to protect their estate, do not die for 10 years.

What we are saying is that the Republican bill might make some sense if that was the only thing we had before us, but we have an alternative that everybody that can read the bill would know that it makes more sense to get instant relief from the Democratic bill for more people and right away.

It excludes $4 million estates starting with 2002 and that moves up to $5 million estates at the end of 10 years. The Republican plan would cost us $60 billion a year.

It is not class warfare to say how is that money going to be made up; how do we know that the surplus is going to be there; how are we going to protect the entitlement programs that one may not like but they are on the books. We have to protect those people who are going to become eligible in 10 years.

In 10 years, the $1.6 billion tax cut goes into effect. The $60 billion that we lose a year on the estate repeal goes into effect. Eighty million people will be eligible for Social Security and Medicare, and this is the time that we expect to get a $5.6 trillion surplus because the CBO says that might happen. They say that 90 percent of the time it might not happen.

So let us not say that this is class warfare. I do not have that many people running around my district with $5 million estates; but wherever they are, I would want them protected. I would not want farms lost and small businesses lost because we are taxing the estate. That is why we exclude them instead of opening some of these farms to even more of a tax exposure when we find that the appreciation in some of the property under the Republican plan is taken into consideration with the taxes that they are going to have, and that is the taxes they are going to have and will continue to have until 10 years passes.

So, Mr. Speaker, I am suggesting this: forget the class warfare and see what makes common sense in terms of 99.04 percent of the United States. Only 2 percent have any liability at all, and we take care of 75 percent of those people, and I ask them to consider the Democrat alternative.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the sponsor of this legislation.

Ms. DUNN. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I think it is very good that the Democrats want to be bipartisan on this, and I expect in our final legislation we will see that. My great friend and colleague, the gentleman from New York (Mr. RANGEL), has talked about the death tax and why he believes a repeal is not the way to go.

Let me just respond that I think it is very important to be very truthful on what we are dealing with. In the bill that the ranking member discussed, he said that repealing the death tax today would cost $660 billion. That is accurate, but that is not the bill we are talking about. The bill we are talking about today is H.R. 8. The reason we phased it in is because we want to make it easier to accept the loss in revenue over a period of 10 years.

Obviously, at $200 billion over 10 years we are not repealing the tax as rapidly as the gentleman from New York (Mr. RANGEL) has suggested. I mean, if we were and we were doing it today, it would be a lot more expensive because each year some of that revenue is lost that is coming in. That is not the bill we are talking about.

The bill we are talking about today is a phase-out of the death tax over 10 years. It will eventually repeal the death tax. Repeal is where we want to go because we all know that if we leave any portion of this tax intact and we are not on the train toward repeal, this tax will grow back. This tax began in 1916, the fourth time in our Nation's history.

At that time, if one were calculating in today's dollars, the exemption amount that the gentleman from New York (Mr. RANGEL) is putting at $2 million in his bill, his substitute today, the exemption in 1916 is worth $9 million in today's dollars. So I think his bill is a very lethargic way to go at eliminating this burden, and certainly his description of his other bill does not reflect what we are considering today.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from Massachusetts (Mr. MOAKLEY), for yielding me this time.

Mr. Speaker, I rise today in strong support for estate tax relief. The estate tax should be modified to protect family-owned small businesses and family farms from the threat of having to be sold just to pay the tax. It should also be updated to reflect the economic growth many Americans experienced in recent years, but any reform of the estate tax should be fair and fiscally responsible, taking into consideration the impending baby boom generation early next decade and their retirement and not based on highly speculative budget surpluses 11 years from now.

Mr. Speaker, H.R. 8, however, is a weather forecast. I do not believe, it is a fair or fiscally responsible way to go. It is asking the American people to plan their picnics 10 years from now because the economic skies are going to be clear, sunny and bright. Yet in order to pay for it, it is based on projected budget surpluses that may or may not be there 8, 9, 10 years from now.

It has been said that God created economists in order to make weather forecasters look good, and if any family would bet their economic prosperity on surpluses or what will be happening 8, 9 years from now, I would like to meet them. The other thing that it does not take into consideration is something that we do know today, and that is the majority of the surpluses over the next 10 years are coming out of the Social Security and Medicare trust funds. But no one is talking about the second decade, when the baby boom generation starts to retire.

What this graph illustrates is what happens in that second decade. Over the next 10 years, we are running some surpluses in the Social Security and Medicare trust funds, but in the second 10 years we have unfunded liabilities that are going to come due; and by backloading these tax cuts as we are doing with the estate tax, which will not be fully repealed for 10 more years, as we did with the marriage penalty relief, as we did with marginal tax rate relief, we are setting up the next generation of leadership in this body, and we are setting up our children for failure, because they will not be able to have the fiscal resources in order to deal with an aging population and their retirement in the next decade.

The point is this: we could afford as a Nation in 1981 to take the chance with large tax cuts that led to annual structural deficits because back then we only had a trillion dollars worth of debt instead of $5.7 trillion today, and we also back then were not faced with a crisis with the aging population and the impending retirement of baby boomers in the second decade. I am afraid if we embark upon this course of action today with the overall tax plan in this body, we are setting up the next generation of leadership for failure and taking a huge gamble with our children's future by making it impossible for them to deal with the fiscal realities that we know today we have to contend with tomorrow.

Mr. Speaker, H.R. 8 would fully repeal the estate tax and that I believe is simply unaffordable given the need for debt reduction and all of the competing tax relief and investment priorities that exist and the uncertain surpluses available to pay for them. It is fiscally irresponsible and is so back-loaded that its full repeal cost would not show up until after 2011. It reduces the rates on the largest estates first, while providing no tax relief to the smaller estates, so that estates of less than $2.5 million get no relief until 2004. And once the estate tax is fully repealed, more than half of the benefits would go to the largest 5 percent of estates.

Furthermore, H.R. 8 would cost $192 billion over 10 years. Combined with the first two tax cuts passed by the House this bill raises the total tax cut to $1.55 trillion over 10 years. And including debt service costs, the total budget cost is nearly $2 trillion.

I am concerned, however, that the alternative offered by Representative RANGEL does not go far enough. The alternative would increase the current exclusion to $4 million per couple as of January 1, 2002 and gradually increase the exclusion to reach $5 million at a lower cost of $40 billion over 10 years. While I strongly support the increased exemption effective immediately, I believe that we must go further and lower the estate tax rates, which the alternative bill does not address. This would restore fairness to this area of the tax code in a fiscally responsible manner and it would ensure that those who are most affected by the estate tax are given immediate relief and do not have to wait for a phase-in of benefits that is lengthy and complicated.

While, I am in favor of addressing negative effects of the estate tax, as evidenced by my past votes, I believe that we should also concentrate on using the emerging budget surplus to address our existing obligations, such as investing in education and defense, providing a prescription drug benefit for seniors, shoring up Social Security and Medicare, and paying down the $5.7 trillion national debt.

In January, Federal Reserve Chairman Greenspan testified before the Senate Budget Committee and confirmed that the rosy budget projections are "subject to a wide range of error." He also noted that when considering the emerging budget surplus, "debt reduction is the best use for the added revenue." Nonetheless, the administration and House leadership are still pushing large tax cuts above debt reduction.

Mr. Speaker, reform of the estate tax is a bipartisan issue. My colleagues on both sides of the aisle recognize that the estate tax needs to be reformed and updated. H.R. 8, unfortunately, is not the result of bipartisanship. It is my sincere hope that we will be able to reach a compromise in the conference report that will better address estate tax reform by increasing the exemption to at least $5 million and decreasing the estate tax rates.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise today in strong support of this important legislation to completely repeal the death tax once and for all. The death tax is itself the leading cause of death for over one-third of small family-owned businesses. Similarly, heart attacks are the leading cause of death among individuals.

It would not surprise me at all if there are some small business owners back in my hometown of Orlando who have almost had heart attacks when they found out that they would have to pay a death tax of 55 percent in order to keep the family business alive.

This is an unfair tax because the money has already been taxed once on the income level. Let me just give one example of the devastating impact the death tax would have on one of my constituents back in Central Florida. Mr. Bruce O'Donohue is the owner of a small family-owned business called Control Specialists in Winter Park, Florida. His company sells and installs traffic lights, and he happens to employ 25 people in his small company.

The company has been in the O'Donohue family for 35 years. If by some unfortunate and tragic accident Mr. O'Donohue and his lovely wife were taken away from us today, his business would collapse under the tax load that he estimates to be nearly half of the business' worth, and Control Specialists would have no choice but to lay off all of its two dozen employees.

It is important for my House colleagues to realize that the death tax does not just affect small business owners. It impacts the families that are employed by small business owners as well.

Now, those who say they like the death tax say that it is needed to bring in money to the Federal Treasury. The truth of the matter is that the Federal Government spends more money to administer the death tax than it brings in.

Repealing the death tax will bring some fairness and common sense into the system and will create an additional 200,000 extra jobs per year, according to the Wall Street Journal. I urge my colleagues to vote yes to completely repeal the death tax once and for all.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Speaker, this is truly one of the most bizarre debates that we have had here in the House. We are at a time of economic slow down, an economic slow down that began about the time that President Bush began talking down our economy, and so Republicans tell us they want to stimulate the economy. Well, they have about the same chance of reviving the economy with this bill as they do reviving the dead.

□ 1130

This bill is not designed to stimulate the economy; it is designed to stimulate the financial statements of America's billionaires.

Then they parade out the horribles of all the people across America that are subject to the estate tax—all 2 percent of them—the family farms being shut down, the small businesses unable to continue. We Democrats come forward and say, let us get together now to resolve that problem. Let us proceed 8 months from now, in January, to repeal the estate tax for 77 percent of the small number of people that are even subject to the estate tax ,in this country. Let us eliminate it for small businesses and family farms and eliminate it promptly.

The Republicans say, no, we do not want to do that. We want to "repeal" the death tax, and in order to repeal the death tax for the billionaires, we must impose upon and hold hostage every one of these small businesses and family farms that we are so concerned about, we will hold them hostage and make them subject to tax for the next 10 years. We will continue to assess them a 53 percent tax next year and still a 39 percent tax in the year 2010. Republicans are continuing to impose that tax and refusing to exempt one family farm, refusing to save one family business for the next decade here in America, because they are so committed to reducing taxes for the billionaires of this country.

Mr. Speaker, this bill does not have to do with the millions, it has to do with the billions, and the billionaires. They talk about class warfare, they are winning the class warfare. They are saying to the small businesses, to the family farms across this country, we will not do anything about your estate taxes and repeal them all for you next January, as Democrats are ready and eager to do. We are so intent on protecting the billionaires in this society, and we do not care if it wrecks the budget, we do not care if it jeopardizes Social Security and Medicare, we do not care if it undermines our ability to assure educational opportunity for young people in this country; we do not even care if it means imposing the so-called death tax on small businesses and family farms for the next decade, because we will not actually repeal it for anyone until the year 2011. And even though you Democrats, even according to today's Wall Street Journal, offer small businesses and family farms a better way, a better, speedier form of estate tax relief than Republicans, we have to do it the Republican way or no way to assure full benefit and protection for the billionaires. And that is wrong, and that is why the Democratic substitute must be adopted.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. KERNS).

Mr. KERNS. Mr. Speaker, I rise in support of the repeal of one of the most unfair taxes in our country. This tax is known throughout the State of Indiana as the "death tax."

I am fortunate to represent Indiana's Seventh Congressional District, and I am pleased to be a cosponsor of this important piece of legislation that will help farmers and business owners throughout Indiana and across the United States.

Currently the Internal Revenue Service can impose high rates on the value of Hoosier family businesses or farms when the owner dies. In order to pay these unfair tax bills, Indiana families are forced to sell their property that has been in families for generations.

The death tax is a form of double taxation. A farmer or small business owner pays taxes throughout his lifetime and is assessed another tax on the value of his property upon his or her death. This is wrong.

Studies indicate a very high likelihood that family businesses do not survive a second generation and have an even smaller chance to make it through a third generation. Now is the time to reverse this trend.

Mr. Speaker, I came to Congress with the intent of working for family-friendly legislation. I believe this bill is a step in the right direction and will help families achieve the American dream. I join the cosponsors in urging my colleagues to support this important piece of legislation.

I can tell my colleagues that back in my district in a little town of Clinton, Indiana, there was an Irish-American family that came to this country and built a business, the Randici family. The entire family has worked their entire life to build that business, and they are not rich, but they have an infrastructure they have built. If we do not repeal this unfair tax, their family will pay the consequences and suffer the consequences.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, remember the old song, the rich get richer and the poor get poorer? Well, we are about to take a giant step to make that a truism today. People come to the floor today and will say that it is time to eliminate this tax. I ask them, why? It is part of our progressive tax system. Those who are worth the most and make the most pay a little more than the rest of us.

The fact remains that the Republicans have manipulated this issue to the point where not only do they change the name of the tax, for there is no death tax, it is an estate tax, but they have also convinced every American that they are going to pay it, and that's false. The fact is 2 percent of the wealthiest Americans ever are subjected to the estate tax. In the State of Wisconsin, in 1998, there were 45,000 deaths, 45,000 deaths. Of all of those estates, 828 paid a tax. If, in fact, our proposal to raise the exemption to $5 million would pass in the State of Wisconsin, only 51 estates would pay this tax.

Mr. Speaker, I agree with Bill Gates, Sr. He says, do not do this. There is a reason for this tax. And the reason, and I quote him from Senate testimony when he said, "Without the estate tax," Gates told the Senators, "there would be an aristocracy of wealth that has nothing to do with merit." He argued that "paying the tax is the price of being a U.S. citizen."

What do we do with the money? We help people like the students that were just in the gallery get to college with Pell grants. But we are told this year we do not have enough money, we cannot provide a sizable increase. We are told for the seniors we cannot afford a drug benefit, but we can spend in this bill today $200 billion for the wealthiest of the wealthy people in this country.

Wealthy people have come forward to us and said, do not do this. This is sheer nonsense. This is not for the working men and women in my district in Milwaukee; this is for the Republican contributors, and it is payback time today, my friends, payback time.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from New York (Mr. REYNOLDS), my good friend, how many speakers he has remaining?

Mr. REYNOLDS. Mr. Speaker, I think the minority debate might prompt how many speakers would remain. At this point we could close if the gentleman from Massachusetts is prepared to close.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader.

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to vote against this estate tax bill, and I ask Members to vote for the Democratic alternative that will be sponsored by the gentleman from New York.

I firmly believe that we should cut estate taxes for family farms, for small businesses, and for very wealthy individuals. I think we have the only bill that achieves this goal in a sensible and responsible and evenhanded way. Our bill eliminates taxes for individuals with estates worth more than $2 million, and couples worth more than $4 million. We exempt 99 percent of all farms. As the Wall Street Journal reported today, we give more relief, relief to estates valued at less than $10 million through the year 2008. I quote from the article: "An estate tax plan by Democrats offers speedier relief than the Republican proposal."

The Republican bill does not repeal the estate tax for another 10 years and hides the true cost of this tax cut. It is a gimmick. This is not an honest tax cut. It is an attempt to white out the cost and keep the numbers down so they can continue to argue that their tax cut is reasonable when the exact opposite is true.

This bill creates loopholes that people will use to evade income taxes. It is tilted to the top 374 estates in America, and it is so unreasonable, given the other needs in our country and our budget, that many Americans who stand to make the most from the Republican bill do not even support it. The best off in our society have formed a coalition against this Republican proposal. Bill Gates, Sr., Warren Buffett, George Soros and many others have said, do not give us this big tax cut. We do not want a huge windfall. We can afford to pay a reasonable estate tax. We recognize that America is a community, and people who have profited the most, in their view, have a responsibility to give something back.

This is a message of fiscal responsibility, discipline, moderation, and we support it. Today we hit the $2 trillion mark. In less than 3 months, the House of Representatives has passed $2 trillion in tax cuts, including interest. It is so much money, it makes one's head spin. It busts the budget. It gobbles up the available surplus, raids Medicare and Social Security, crowds out all kinds of other priorities.

We will not be able to make the necessary investment in education if we want to give all of our children a first-rate, excellent public education, if we really want to leave no child behind. We will not have the resources to hire more teachers, build more classrooms, create more preschool and after-school programs. We will not have an affordable Medicare prescription drug program. We will not be able to extend the solvency of Medicare and Social Security so it will be there 9 years from now when the baby boomers start coming to ask legitimately for their benefits that they have been paying taxes for years to support.

Now, let me finally say that when we add up these three, we are at $2 trillion. I am told there are more coming, and we are going to get to $3 trillion. I will say one more time for anybody that will listen that what we are doing here is something we did in 1981, and it took us 15 years to correct the problem.

At the time, in the early 1980s, there was a book written by a man by the name of David Stockman called The Triumph of Politics. He was the OMB Director for Ronald Reagan. He served in this body. And the gist of this book is that the mistakes that were made in the early 1980s were very hard to correct and caused immeasurable economic difficulty in this country.

I read from the end of his conclusion in this book at page 394. He is arguing at the end of the book for a tax increase to solve the fiscal problems that we faced. He said, "In a way, the big tax increase we need will confirm the triumph of politics. But in a democracy, politicians must have the last word once it is clear their course is consistent with the preferences of the electorate." He said, "The abortive Reagan revolution proved that the American electorate wants a moderate social democracy to shield it from capitalism's rougher edges. Recognition of this in the Oval Office," he said, "is all that stands between a tolerable economic future and one fraught with unprecedented perils."

I quote David Stockman to this House of Representatives. If we do not learn from history, we are forced to repeat it. This is a mistake that we will pay for for years to come. One can break the tax cut into parts, but one cannot break its effect on the overall deficit and the overall economic policy of this country. We should not make this mistake. We made it before. We do not need to do it again.

We talk about responsibility. We need every citizen in this country to be responsible. But if we expect the people of this country to be responsible, we as the leaders of this country need to be responsible.

Mr. Speaker, enacting this tax cut, along with all the others, is totally irresponsible and should not stand. I beg Members to vote against this proposal and vote for the Democratic proposal, which is responsible, is fair, and is consistent with a low deficit, fiscally responsible policy for this country.

☐ 1145

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. GOSS), the distinguished vice-chairman of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I wanted to bring us back to the reality of the vote that is immediately before us, which I presume will be a vote on the rule. I would like to urge support for the rule. I think the Committee on Rules has crafted a very fair and good rule for a matter of this type.

As we did with the budget process, as I recall, we had three Democratic substitutes. In this case, we have two bites at the apple for the Democrats, their substitute and the motion to recommit, so I do not think anybody can say that this is not an extremely fair rule.

I would urge Members' support for the rule, in case there is any confusion about that.

As for the substance of the bill and so forth, I think that the gentleman from Missouri made a very good statement about responsibility. I think that every American craves responsibility to make our country better and look out for our fellow citizens. I think that is an individual responsibility.

I certainly welcome that Mr. Soros and Mr. Buffett and Mr. Gates have the capability and the desire to look out for their citizens and others in the community as their responsibility, not as a mandate from the Federal government.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

As we now have the rule shortly for a vote, I rarely make a prediction of what this House will do, but I see bipartisan support for the rule, and hope we would achieve that. We see some minority members talk about no repeal, some talk about repealing with their plan, and some cosponsors of H.R. 8 as it comes before us.

This rule is fair, and the underlying legislation as it comes out for further debate today will allow an opportunity for America to judge that. It is no longer a debate of whether there will or will not be a death tax passed out of here and likely signed into law by the President, but how much and how it plays out, based on versions.

That is an important step, because America watched Democratic control with 40 years of big spending, big government. Maybe Mr. Stockman, as quoted by the minority leader, might have spent too much time in the majority-driven Congress of big spending, versus the amount of time seeing the result from 1981 to the year 2000, where we are going to pay down that debt, where we are going to invest in America's future, and we can still give money back to the American people in their pockets, rather than having a big government spender, whether it comes out of Congress or out of the White House, that would drive up spending and taxes for the American people.

This plan is part of the overall plan that puts money back in America's pockets and takes the number one issue of NFIB and the American Farm Bureau and puts it to rest, where it is buried once and for all, and that is elimination of the tax bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 111 will be followed by a 5-minute vote on H.R. 642.

The vote was taken by electronic device, and there were—yeas 413, nays 12, not voting 6, as follows:

[Roll No. 80]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty

Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich

Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder

Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—12

Baird
DeFazio
Filner
Hilliard

Kleczka
Lee
McKinney
Nadler

Owens
Thompson (MS)
Udall (CO)
Wu

NOT VOTING—6

Becerra
Kennedy (RI)

Kirk
Latham

Rush
Woolsey

☐ 1208

Mr. STRICKLAND and Ms. SCHAKOWSKY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHESAPEAKE BAY OFFICE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION

The SPEAKER pro tempore (Mr. SUNUNU). The unfinished business is the question of suspending the rules and passing the bill, H.R. 642, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 642, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 13, not voting 12, as follows:

[Roll No. 81]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann

Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden

Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre

McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman

Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Akin
Coble
English
Flake
Jones (NC)

Paul
Royce
Scarborough
Schaffer
Sensenbrenner

Stearns
Tancredo
Toomey

NOT VOTING—12

Armey
Becerra
Boehner
Borski

Cannon
Davis (CA)
Kennedy (RI)
Latham

Leach
Rush
Sweeney
Woolsey

☐ 1221

Mr. HILLIARD changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KIRK. Mr. Speaker, on rollcall No. 81, I voted "yea." The voting machine recorded the vote but I was later informed that it was not recorded. I was present and I voted "yea."

DEATH TAX ELIMINATION ACT OF 2001

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 111, I call up the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 111, the bill is considered read for amendment.

The text of H.R. 8 is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Death Tax Elimination Act”.

TITLE I—REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES.

SEC. 101. PHASEOUT OF ESTATE AND GIFT TAXES.

(a) REPEAL OF ESTATE AND GIFT TAXES.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate and gift taxes) is repealed effective with respect to estates of decedents dying, and gifts made, after December 31, 2010.

(b) PHASEOUT OF TAX.—Subsection (c) of section 2001 of such Code (relating to imposition and rate of tax) is amended by adding at the end the following new paragraph:

“(3) PHASEOUT OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2000 and before 2011—

“(A) IN GENERAL.—The tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

“(i) each of the rates of tax shall be reduced (but not below zero) by the number of percentage points determined under subparagraph (B), and

“(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

“(B) PERCENTAGE POINTS OF REDUCTION.—

“For calendar year:	**The number of percentage points is:**
2001	5
2002	10
2003	15
2004	20
2005	25
2006	30
2007	35
2008	40
2009	45
2010	50.

“(C) COORDINATION WITH PARAGRAPH (2).—Paragraph (2) shall be applied by reducing the 55 percent percentage contained therein by the number of percentage points determined for such calendar year under subparagraph (B).

“(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the number of percentage points referred to in subparagraph (A)(i) shall be determined under the following table:

“For calendar year:	**The number of percentage points is:**
2001	1½
2002	3
2003	4½
2004	6
2005	7½
2006	9
2007	10½
2008	12
2009	13½
2010	15.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

TITLE II—INCREASE IN UNIFIED ESTATE AND GIFT TAX CREDIT

SEC. 201. INCREASE IN UNIFIED ESTATE AND GIFT TAX CREDIT.

(a) IN GENERAL.—The table in subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to applicable credit amount) is amended to read as follows:

“In the case of estates of decedents dying, and gifts made, during:	**The applicable exclusion amount is:**
2001 or thereafter	$1,300,000

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

SEC. 202. REPEAL OF ESTATE TAX BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) IN GENERAL.—Section 2057 of the Internal Revenue Code of 1986 (relating to family-owned business interests) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (10) of section 2031(c) of such Code is amended by inserting “(as in effect on the day before the date of the enactment of the Death Tax Elimination Act)” before the period.

(2) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

TITLE III—MODIFICATIONS OF GENERATION-SKIPPING TRANSFER TAX

SEC. 301. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

“(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

“(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

“(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

“(A) allocated by such individual,

“(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

“(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

“(3) DEFINITIONS.—

“(A) INDIRECT SKIP.—For purposes of this subsection, the term ‘indirect skip’ means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

“(B) GST TRUST.—The term ‘GST trust’ means a trust that could have a generation-skipping transfer with respect to the transferor unless—

“(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

“(I) before the date that the individual attains age 46,

“(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

“(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

“(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

“(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

“(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

“(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

“(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

“(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

“(5) APPLICABILITY AND EFFECT.—

"(A) IN GENERAL.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) ELECTIONS.—

"(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) of such Code is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 1999.

SEC. 302. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 1999.

SEC. 303. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of such Code (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) of such Code is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999.

SEC. 304. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of such Code is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 1999.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

TITLE IV—EXTENSION OF TIME FOR PAYMENT OF ESTATE TAX

SEC. 401. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) of the Internal Revenue Code of 1986 (relating to definitions and special rules) are each amended by striking "15" and inserting "75".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 8, as amended, is as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Death Tax Elimination Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES

Sec. 101. Repeal of estate, gift, and generation-skipping taxes.

TITLE II—REDUCTIONS OF ESTATE AND GIFT TAX RATES PRIOR TO REPEAL

Sec. 201. Additional reductions of estate and gift tax rates.

TITLE III—UNIFIED CREDIT REPLACED WITH UNIFIED EXEMPTION AMOUNT

Sec. 301. Unified credit against estate and gift taxes replaced with unified exemption amount.

TITLE IV—CARRYOVER BASIS AT DEATH; OTHER CHANGES TAKING EFFECT WITH REPEAL

Sec. 401. Termination of step-up in basis at death.

Sec. 402. Treatment of property acquired from a decedent dying after December 31, 2010.

TITLE V—CONSERVATION EASEMENTS

Sec. 501. Expansion of estate tax rule for conservation easements.

TITLE VI—MODIFICATIONS OF GENERATION-SKIPPING TRANSFER TAX

Sec. 601. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.

Sec. 602. Severing of trusts.

Sec. 603. Modification of certain valuation rules.

Sec. 604. Relief provisions.

TITLE VII—EXTENSION OF TIME FOR PAYMENT OF ESTATE TAX

Sec. 701. Increase in number of allowable partners and shareholders in closely held businesses.

TITLE I—REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES

SEC. 101. REPEAL OF ESTATE, GIFT, AND GENERATION-SKIPPING TAXES.

(a) IN GENERAL.—Subtitle B is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after December 31, 2010.

TITLE II—REDUCTIONS OF ESTATE AND GIFT TAX RATES PRIOR TO REPEAL

SEC. 201. ADDITIONAL REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) MAXIMUM RATE OF TAX REDUCED TO 50 PERCENT.—

(1) IN GENERAL.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000 .... $1,025,800, plus 50% of the excess over $2,500,000.".

(2) PHASE-IN OF REDUCED RATE.—Subsection (c) of section 2001 is amended by adding at the end the following new paragraph:

"(3) PHASE-IN OF REDUCED RATE.—In the case of decedents dying, and gifts made, during 2002, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.".

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) ADDITIONAL REDUCTIONS OF RATES OF TAX.—Subsection (c) of section 2001, as so amended, is amended by adding at the end the following new paragraph:

"(3) PHASEDOWN OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2003 and before 2011—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) PERCENTAGE POINTS OF REDUCTION.—

"For calendar year:	**The number of percentage points is:**
2004	1.0
2005	2.0
2006	3.0
2007	5.0
2008	7.0
2009	9.0
2010	11.0.

"(C) COORDINATION WITH INCOME TAX RATES.—The reductions under subparagraph (A)—

"(i) shall not reduce any rate under paragraph (1) below the lowest rate in section 1(c) applicable to the taxable year which includes the date of death (or, in the case of a gift, the date of the gift), and

"(ii) shall not reduce the highest rate under paragraph (1) below the highest rate in section 1(c) for such taxable year.

"(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).".

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2003.

TITLE III—UNIFIED CREDIT REPLACED WITH UNIFIED EXEMPTION AMOUNT

SEC. 301. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) IN GENERAL.—

(1) ESTATE TAX.—Subsection (b) of section 2001 (relating to computation of tax) is amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under subsection (c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) EXEMPTION AMOUNT.—For purposes of paragraph (2), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	**The exemption amount is:**
2002 and 2003	$700,000
2004	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.

"(4) ADJUSTED TAXABLE GIFTS.—For purposes of paragraph (2), the term 'adjusted taxable gifts' means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent.".

(2) GIFT TAX.—Subsection (a) of section 2502 (relating to computation of tax) is amended to read as follows:

"(a) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2) for such calendar year, over

"(B) the aggregate amount of tax that would have been payable under this chapter with respect to gifts made by the donor in preceding calendar periods if the tax had been computed under the provisions of section 2001(c) as in effect for such calendar year.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph for a calendar year is a tax computed under section 2001(c) on the excess of—

"(A) the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) the exemption amount under section 2001(b)(3) for such calendar year.".

(b) REPEAL OF UNIFIED CREDITS.—

(1) Section 2010 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 (relating to unified credit against gift tax) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1)(A) Subsection (b) of section 2011 is amended—

(i) by striking "adjusted" in the table; and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 is amended by striking ", reduced by the amount of the unified credit provided by section 2010".

(2) Subsection (a) of section 2012 is amended by striking "and the unified credit provided by section 2010".

(3) Subparagraph (A) of section 2013(c)(1) is amended by striking "2010,".

(4) Paragraph (2) of section 2014(b) is amended by striking "2010, 2011," and inserting "2011".

(5) Clause (ii) of section 2056A(b)(12)(C) is amended to read as follows:

"(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the *day before the date of the enactment of the Death Tax Elimination Act of 2001) or the exemption amount allowable under section 2001(b) with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2501 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2501 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year,".*

(6) Subsection (a) of section 2057 is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) MAXIMUM DEDUCTION.—The deduction allowed by this section shall not exceed the excess of $1,300,000 over the exemption amount (as defined in section 2001(b)(3)).".

(7) Subsection (b) of section 2101 is amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) a tentative tax computed under section 2001(c) on the amount of the adjusted taxable gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under section 2001(c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) EXEMPTION AMOUNT.—

"(A) IN GENERAL.—The term 'exemption amount' means $60,000.

"(B) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption amount under this paragraph shall be the greater of—

"(i) $60,000, or

"(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

"(C) SPECIAL RULES.—

"(i) COORDINATION WITH TREATIES.—To the extent required under any treaty obligation of the United States, the exemption amount allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2001(b)(3) (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

"(ii) COORDINATION WITH GIFT TAX EXEMPTION AND UNIFIED CREDIT.—If an exemption has been allowed under section 2501 (or a credit has been allowed under section 2505 as in effect on the day before the date of the enactment of the Death Tax Elimination Act of 2001) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under section 2501 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).".

(8) Section 2102 is amended by striking subsection (c).

(9)(A) Paragraph (1) of section 2107(a) is amended by striking "the table contained in".

(B) Paragraph (1) of section 2107(c) is amended to read as follows:

"(1) EXEMPTION AMOUNT.—For purposes of subsection (a), the exemption amount under section 2001 shall be $60,000."

(C) Paragraph (3) of section 2107(c) is amended by striking the second sentence.

(D) The heading of subsection (c) of section 2107 is amended to read as follows:

"(c) EXEMPTION AMOUNT AND CREDITS.—".

(10) Paragraph (1) of section 6018(a) is amended by striking "the applicable exclusion amount in effect under section 2010(c)" and inserting "the exemption amount under section 2001(b)(3)".

(11) Subparagraph (A) of section 6601(j)(2) is amended to read as follows:

"(A) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $1,000,000, or".

(12) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2010.

(13) The table of sections for subchapter A of chapter 12 is amended by striking the item relating to section 2505.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2001.

TITLE IV—CARRYOVER BASIS AT DEATH; OTHER CHANGES TAKING EFFECT WITH REPEAL

SEC. 401. TERMINATION OF STEP-UP IN BASIS AT DEATH.

Section 1014 (relating to basis of property acquired from a decedent) is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply with respect to decedents dying after December 31, 2010.".

SEC. 402. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

(a) GENERAL RULE.—Part II of subchapter O of chapter 1 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. TREATMENT OF PROPERTY ACQUIRED FROM A DECEDENT DYING AFTER DECEMBER 31, 2010.

"(a) IN GENERAL.—Except as otherwise provided in this section—

"(1) property acquired from a decedent dying after December 31, 2010, shall be treated for purposes of this subtitle as transferred by gift, and

"(2) the basis of the person acquiring property from such a decedent shall be the lesser of—

"(A) the adjusted basis of the decedent, or

"(B) the fair market value of the property at the date of the decedent's death.

"(b) BASIS INCREASE FOR CERTAIN PROPERTY.—

"(1) IN GENERAL.—In the case of property to which this subsection applies, the basis of such property under subsection (a) shall be increased by its basis increase under this subsection.

"(2) BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The basis increase under this subsection for any property is the portion of the aggregate basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE BASIS INCREASE.—In the case of any estate, the aggregate basis increase under this subsection is $1,300,000.

"(C) LIMIT INCREASED BY UNUSED BUILT-IN LOSSES AND LOSS CARRYOVERS.—The limitation under subparagraph (B) shall be increased by—

"(i) the sum of the amount of any capital loss carryover under section 1212(b), and the amount of any net operating loss carryover under section 172, which would (but for the decedent's death) be carried from the decedent's last taxable year to a later taxable year of the decedent, plus

"(ii) the sum of the amount of any losses that would have been allowable under section 165 if the property acquired from the decedent had been sold at fair market value immediately before the decedent's death.

"(3) DECEDENT NONRESIDENTS WHO ARE NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent nonresident not a citizen of the United States—

"(A) paragraph (2)(B) shall be applied by substituting '$60,000' for '$1,300,000', and

"(B) paragraph (2)(C) shall not apply.

"(c) ADDITIONAL BASIS INCREASE FOR PROPERTY ACQUIRED BY SURVIVING SPOUSE.—

"(1) IN GENERAL.—In the case of property to which this subsection applies and which is qualified spousal property, the basis of such property under subsection (a) (as increased, if any, under subsection (b)) shall be increased by its spousal property basis increase.

"(2) SPOUSAL PROPERTY BASIS INCREASE.—For purposes of this subsection—

"(A) IN GENERAL.—The spousal property basis increase for property referred to in paragraph (1) is the portion of the aggregate spousal property basis increase which is allocated to the property pursuant to this section.

"(B) AGGREGATE SPOUSAL PROPERTY BASIS INCREASE.—In the case of any estate, the aggregate spousal property basis increase is $3,000,000.

"(3) QUALIFIED SPOUSAL PROPERTY.—For purposes of this subsection, the term 'qualified spousal property' means—

"(A) outright transfer property, and

"(B) qualified terminable interest property.

"(4) OUTRIGHT TRANSFER PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'outright transfer property' means any interest in property acquired from the decedent by the decedent's surviving spouse.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, an interest passing to the surviving spouse will terminate or fail—

"(i)(I) if an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse), and

"(II) if by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse, or

"(ii) if such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For purposes of this subparagraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

"(C) INTEREST OF SPOUSE CONDITIONAL ON SURVIVAL FOR LIMITED PERIOD.—For purposes of this paragraph, an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail on the death of such spouse if—

"(i) such death will cause a termination or failure of such interest only if it occurs within a period not exceeding 6 months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event; and

"(ii) such termination or failure does not in fact occur.

"(5) QUALIFIED TERMINABLE INTEREST PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified terminable interest property' means property—

"(i) which passes from the decedent, and

"(ii) in which the surviving spouse has a qualifying income interest for life.

"(B) QUALIFYING INCOME INTEREST FOR LIFE.—The surviving spouse has a qualifying income interest for life if—

"(i) the surviving spouse is entitled to all the income from the property, payable annually or at more frequent intervals, or has a usufruct interest for life in the property, and

"(ii) no person has a power to appoint any part of the property to any person other than the surviving spouse.

Clause (ii) shall not apply to a power exercisable only at or after the death of the surviving spouse. To the extent provided in regulations, an annuity shall be treated in a manner similar to an income interest in property (regardless of whether the property from which the annuity is payable can be separately identified).

"(C) PROPERTY INCLUDES INTEREST THEREIN.—The term 'property' includes an interest in property.

"(D) SPECIFIC PORTION TREATED AS SEPARATE PROPERTY.—A specific portion of property shall be treated as separate property. For purposes of the preceding sentence, the term 'specific portion' only includes a portion determined on a fractional or percentage basis.

"(d) DEFINITIONS AND SPECIAL RULES FOR APPLICATION OF SUBSECTIONS (b) AND (c).—

"(1) PROPERTY TO WHICH SUBSECTIONS (b) AND (c) APPLY.—

"(A) IN GENERAL.—The basis of property acquired from a decedent may be increased under subsection (b) or (c) only if the property was owned by the decedent at the time of death.

"(B) RULES RELATING TO OWNERSHIP.—

"(i) JOINTLY HELD PROPERTY.—In the case of property which was owned by the decedent and another person as joint tenants with right of survivorship or tenants by the entirety—

"(I) if the only such other person is the surviving spouse, the decedent shall be treated as the owner of only 50 percent of the property,

"(II) in any case (to which subclause (I) does not apply) in which the decedent furnished consideration for the acquisition of the property, the decedent shall be treated as the owner to the extent of the portion of the property which is proportionate to such consideration, and

"(III) in any case (to which subclause (I) does not apply) in which the property has been acquired by gift, bequest, devise, or inheritance by the decedent and any other person as joint tenants with right of survivorship and their interests are not otherwise specified or fixed by law, the decedent shall be treated as the owner to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants with right of survivorship.

"(ii) REVOCABLE TRUSTS.—The decedent shall be treated as owning property transferred by the decedent during life to a revocable trust to pay all of the income during the decedent's life to the decedent or at the direction of the decedent.

"(iii) POWERS OF APPOINTMENT.—The decedent shall not be treated as owning any property by reason of holding a power of appointment with respect to such property.

"(iv) COMMUNITY PROPERTY.—Property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State or possession of the United States or any foreign country shall be treated for purposes of this section as owned by, and acquired from, the decedent if at least one-half of the whole of the community interest in such property is treated as owned by, and acquired from, the decedent without regard to this clause.

"(C) PROPERTY ACQUIRED BY DECEDENT BY GIFT WITHIN 3 YEARS OF DEATH.—

"(i) IN GENERAL.—Subsections (b) and (c) shall not apply to property acquired by the decedent by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth during the 3-year period ending on the date of the decedent's death.

"(ii) EXCEPTION FOR CERTAIN GIFTS FROM SPOUSE.—Clause (i) shall not apply to property acquired by the decedent from the decedent's spouse unless, during such 3-year period, such spouse acquired the property in whole or in part by gift or by inter vivos transfer for less than adequate and full consideration in money or money's worth.

"(D) STOCK OF CERTAIN ENTITIES.—Subsections (b) and (c) shall not apply to—

"(i) stock or securities a foreign personal holding company,

"(ii) stock of a DISC or former DISC,

"(iii) stock of a foreign investment company, or

"(iv) stock of a passive foreign investment company unless such company is a qualified electing fund (as defined in section 1295) with respect to the decedent.

"(2) FAIR MARKET VALUE LIMITATION.—The adjustments under subsection (b) and (c) shall not increase the basis of any interest in property acquired from the decedent above its fair market value in the hands of the decedent as of the date of the decedent's death.

"(3) ALLOCATION RULES.—

"(A) IN GENERAL.—The executor shall allocate the adjustments under subsections (b) and (c) on the return required by section 6018.

"(B) CHANGES IN ALLOCATION.—Any allocation made pursuant to subparagraph (A) may be changed only as provided by the Secretary.

"(4) INFLATION ADJUSTMENT OF BASIS ADJUSTMENT AMOUNTS.—

"(A) IN GENERAL.—In the case of decedents dying in a calendar year after 2011, the $1,300,000, $60,000, and $3,000,000 dollar amounts in subsections (b) and (c)(2)(B) shall each be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2010' for '1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of—

"(i) $100,000 in the case of the $1,300,000 amount,

"(ii) $5,000 in the case of the $60,000 amount, and

"(iii) $250,000 in the case of the $3,000,000 amount,

such increase shall be rounded to the next lowest multiple thereof.

"(e) PROPERTY ACQUIRED FROM THE DECEDENT.—For purposes of this section, the following property shall be considered to have been acquired from the decedent:

"(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent.

"(2) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death—

"(A) to revoke the trust, or

"(B) to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

"(3) Any other property passing from the decedent by reason of death to the extent that such property passed without consideration.

"(f) COORDINATION WITH SECTION 691.—This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

"(g) CERTAIN LIABILITIES DISREGARDED.—In determining whether gain is recognized on the acquisition of property—

"(1) from a decedent by a decedent's estate or any beneficiary, and

"(2) from the decedent's estate by any beneficiary,

and in determining the adjusted basis of such property, liabilities in excess of basis shall be disregarded.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) INFORMATION RETURNS, ETC.—

(1) IN GENERAL.—Subpart C of part II of subchapter A of chapter 61 is amended to read as follows:

"Subpart C—Returns Relating to Transfers During Life or at Death

"Sec. 6018. Returns relating to large transfers at death.
"Sec. 6019. Returns relating to large lifetime gifts.

"SEC. 6018. RETURNS RELATING TO LARGE TRANSFERS AT DEATH.

"(a) IN GENERAL.—If this section applies to property acquired from a decedent, the executor of the estate of such decedent shall make a return containing the information specified in subsection (c) with respect to such property.

"(b) PROPERTY TO WHICH SECTION APPLIES.—

"(1) LARGE TRANSFERS.—This section shall apply to all property (other than cash) acquired from a decedent if the fair market value of such property acquired from the decedent exceeds the dollar amount applicable under section 1022(b)(2)(B) (without regard to section 1022(b)(2)(C)).

"(2) TRANSFERS OF CERTAIN GIFTS RECEIVED BY DECEDENT WITHIN 3 YEARS OF DEATH.—This section shall apply to any appreciated property acquired from the decedent if—

"(A) subsections (b) and (c) of section 1022 do not apply to such property by reason of section 1022(d)(1)(C), and

"(B) such property was required to be included on a return required to be filed under section 6019.

"(3) NONRESIDENTS NOT CITIZENS OF THE UNITED STATES.—In the case of a decedent who is a nonresident not a citizen of the United States, paragraphs (1) and (2) shall be applied—

"(A) by taking into account only—

"(i) tangible property situated in the United States, and

"(ii) other property acquired from the decedent by a United States person, and

"(B) by substituting the dollar amount applicable under section 1022(b)(3) for the dollar amount referred to in paragraph (1).

"(4) RETURNS BY TRUSTEES OR BENEFICIARIES.—If the executor is unable to make a complete return as to any property acquired from or passing from the decedent, the executor shall include in the return a description of such property and the name of every person holding a legal or beneficial interest therein. Upon notice from the Secretary such person shall in like manner make a return as to such property.

"(c) INFORMATION REQUIRED TO BE FURNISHED.—The information specified in this subsection with respect to any property acquired from the decedent is—

"(1) the name and TIN of the recipient of such property,

"(2) an accurate description of such property,

"(3) the adjusted basis of such property in the hands of the decedent and its fair market value at the time of death,

"(4) the decedent's holding period for such property,

"(5) sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income,

"(6) the amount of basis increase allocated to the property under subsection (b) or (c) of section 1022, and

"(7) such other information as the Secretary may by regulations prescribe.

"(d) PROPERTY ACQUIRED FROM DECEDENT.—For purposes of this section, section 1022 shall apply for purposes of determining the property acquired from a decedent.

"(e) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return (other than the person required to make such return) a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in subsection (c) with respect to property acquired from, or passing from, the decedent to the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished not later than 30 days after the date that the return required by subsection (a) is filed.

"SEC. 6019. RETURNS RELATING TO LARGE LIFETIME GIFTS.

"(a) IN GENERAL.—If the value of the aggregate gifts of property made by an individual to any United States person during a calendar year exceeds $25,000, such individual shall make a return for such year setting forth—

"(1) the name and TIN of the donee,

"(2) an accurate description of such property,

"(3) the adjusted basis of such property in the hands of the donor at the time of the gift,

"(4) the donor's holding period for such property,

"(5) sufficient information to determine whether any gain on the sale of the property would be treated as ordinary income, and

"(6) such other information as the Secretary may by regulations prescribe.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) CASH.—Any gift of cash.

"(2) GIFTS TO CHARITY.—Any gift to an organization described in section 501(c) and exempt from tax under section 501(a) but only if no interest in the property is held for the benefit of any person other than such an organization.

"(3) WAIVER OF CERTAIN PENSION RIGHTS individual waives, before the death of a participant, any survivor benefit, or right to such benefit, under section 401(a)(11) or 417, subsection (a) shall not apply to such waiver.

"(4) REPORTING ELSEWHERE.—Any gift required to be reported to the Secretary under any other provision of this title.

"(c) STATEMENTS TO BE FURNISHED TO CERTAIN PERSONS.—Every person required to make a return under subsection (a) shall furnish to each person whose name is required to be set forth in such return a written statement showing—

"(1) the name, address, and phone number of the person required to make such return, and

"(2) the information specified in subsection (a) with respect to property received by the person required to receive such statement.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made."

(2) TIME FOR FILING SECTION 6018 RETURNS.—

(A) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—Subsection (a) of section 6075 is amended to read as follows:

"(a) RETURNS RELATING TO LARGE TRANSFERS AT DEATH.—The return required by section 6018 with respect to a decedent shall be filed with the return of the tax imposed by chapter 1 for the decedent's last taxable year, or such later date specified in regulations prescribed by the Secretary."

(B) RETURNS RELATING TO LARGE LIFETIME GIFTS.—

(i) The heading for section 6075(b) is amended to read as follows:

"(b) RETURNS RELATING TO LARGE LIFETIME GIFTS.—".

(ii) Paragraph (1) of section 6075(b) is amended by striking "(relating to gift taxes)" and inserting "(relating to returns relating to large lifetime gifts)".

(iii) Paragraph (3) of section 6075(b) is amended—

(I) by striking "ESTATE TAX RETURN" and inserting "SECTION 6018 RETURN", and

(II) by striking "(relating to estate tax returns)" and inserting "(relating to returns relating to large transfers at death)".

(3) PENALTIES.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6716. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN TRANSFERS AT DEATH AND GIFTS.

"(a) INFORMATION REQUIRED TO BE FURNISHED TO THE SECRETARY.—Any person required to furnish any information under section 6018 or 6019 who fails to furnish such information on the date prescribed therefor (determined with regard to any extension of time for filing) shall pay a penalty of $10,000 ($500 in the case of information required to be furnished under section 6018(b)(2) or 6019) for each such failure.

"(b) INFORMATION REQUIRED TO BE FURNISHED TO BENEFICIARIES.—Any person required to furnish in writing to each person described in section 6018(e) or 6019(c) the information required under such section who fails to furnish such information shall pay a penalty of $50 for each such failure.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) or (b) with respect to any failure if it is shown that such failure is due to reasonable cause.

"(d) INTENTIONAL DISREGARD.—If any failure under subsection (a) or (b) is due to intentional disregard of the requirements under sections 6018 and 6019, the penalty under such subsection shall be 5 percent of the fair market value (as of the date of death or, in the case of section 6019, the date of the gift) of the property with respect to which the information is required.

"(e) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section."

(4) CLERICAL AMENDMENTS.—

(A) The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6716. Failure to file information with respect to certain transfers at death and gifts."

(B) The item relating to subpart C in the table of subparts for part II of subchapter A of chapter 61 is amended to read as follows:

"Subpart C. Returns relating to transfers during life or at death."

(c) EXCLUSION OF GAIN ON SALE OF PRINCIPAL RESIDENCE MADE AVAILABLE TO HEIR OF DECEDENT IN CERTAIN CASES.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(9) PROPERTY ACQUIRED FROM A DECEDENT.—The exclusion under this section shall apply to property sold by—

"(A) the estate of a decedent, and

"(B) any individual who acquired such property from the decedent (within the meaning of section 1022),

determined by taking into account the ownership and use by the decedent."

(d) TRANSFERS OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.—

(1) IN GENERAL.—Section 1040 (relating to transfer of certain farm, etc., real property) is amended to read as follows:

"SEC. 1040. USE OF APPRECIATED CARRYOVER BASIS PROPERTY TO SATISFY PECUNIARY BEQUEST.

"(a) IN GENERAL.—If the executor of the estate of any decedent satisfies the right of any person to receive a pecuniary bequest with appreciated property, then gain on such exchange shall be recognized to the estate only to the extent that, on the date of such exchange, the fair market value of such property exceeds such value on the date of death.

"(b) SIMILAR RULE FOR CERTAIN TRUSTS.—To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where—

"(1) by reason of the death of the decedent, a person has a right to receive from a trust a specific dollar amount which is the equivalent of a pecuniary bequest, and

"(2) the trustee of a trust satisfies such right with property.

"(c) BASIS OF PROPERTY ACQUIRED IN EXCHANGE DESCRIBED IN SUBSECTION (a) OR (b).—The basis of property acquired in an exchange with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the exchange increased by the amount of the gain recognized to the estate or trust on the exchange."

(2) The item relating to section 1040 in the table of sections for part III of subchapter O of chapter 1 is amended to read as follows:

"Sec. 1040. Use of appreciated carryover basis property to satisfy pecuniary bequest."

(e) ANTI-ABUSE RULES.—Section 7701 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) PURPORTED GIFTS MAY BE DISREGARDED.—For purposes of subtitle A, the Secretary may treat a transfer which purports to be a gift as having never been transferred if, in connection with such transfer—

"(1)(A) the transferor (or any person related to or designated by the transferor or such person) has received anything of value in connection with such transfer from the transferee directly or indirectly, or

"(B) there is an understanding or expectation that the transferor (or such person) will receive anything of value in connection with such transfer from the transferee directly or indirectly, and

"(2) the Secretary determines that such treatment is appropriate to prevent avoidance of tax imposed by subtitle A."

(f) MISCELLANEOUS AMENDMENTS RELATED TO CARRYOVER BASIS.—

(1) RECOGNITION OF GAIN ON TRANSFERS TO NONRESIDENTS.—

(A) Subsection (a) of section 684 is amended by inserting "or to a nonresident not a citizen of the United States" after "or trust".

"(B) Subsection (b) of section 684 is amended by striking "any person" and inserting "any United States person".

(C) The section heading for section 684 is amended by inserting "**AND NONRESIDENT ALIENS**" after "**ESTATES**".

(D) The item relating to section 684 in the table of sections for subpart F of part I of subchapter J of chapter 1 is amended by inserting "and nonresident aliens" after "estates".

(2) CAPITAL GAIN TREATMENT FOR INHERITED ART WORK OR SIMILAR PROPERTY.—

(A) IN GENERAL.—Subparagraph (C) of section 1221(a)(3) (defining capital asset) is amended by inserting "(other than by reason of section 1022)" after "is determined".

(B) COORDINATION WITH SECTION 170.—Paragraph (1) of section 170(e) (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following: "For purposes of this paragraph, the determination of whether property is a capital asset shall be made without regard to the exception contained in section 1221(a)(3)(C) for basis determined under section 1022.".

(3) DEFINITION OF EXECUTOR.—Section 7701(a) (relating to definitions) is amended by adding at the end the following:

"(47) EXECUTOR.—The term 'executor' means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent.".

(4) CERTAIN TRUSTS.—Subparagraph (A) of section 4947(a)(2) is amended by inserting "642(c)," after "170(f)(2)(B),".

(5) OTHER AMENDMENTS.—

(A) Section 1246 is amended by striking subsection (e).

(B) Subsection (e) of section 1291 is amended—

(i) by striking "(e),", and

(ii) by striking "; except that" and all that follows and inserting a period.

(C) Section 1296 is amended by striking subsection (i).

(6) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Treatment of property acquired from a decedent dying after December 31, 2010.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying after December 31, 2010.

(2) PURPORTED GIFTS, ETC.—The amendments made by subsections (e) and (f)(1) shall apply to transfers after December 31, 2010.

(3) SECTION 4947.—The amendment made by subsection (f)(4) shall apply to deductions for taxable years beginning after December 31, 2010.

(h) STUDY.—The Secretary of the Treasury or the Secretary's delegate shall conduct a study of—

(1) opportunities for avoidance of the income tax, if any, and

(2) potential increases in income tax revenues, by reason of the enactment of this Act. The study shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than December 31, 2002.

TITLE V—CONSERVATION EASEMENTS

SEC. 501. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a conservation easement) is amended—

(1) by striking "25 miles" each place it appears and inserting "50 miles"; and

(2) striking "10 miles" and inserting "25 miles".

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

TITLE VI—MODIFICATIONS OF GENERATION-SKIPPING TRANSFER TAX

SEC. 601. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

"(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) DEFINITIONS.—

"(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) APPLICABILITY AND EFFECT.—

"(A) IN GENERAL.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) ELECTIONS.—

"(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) RETROACTIVE ALLOCATIONS.—

"(1) IN GENERAL.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a prior direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 2000, and to estate tax inclusion periods ending after December 31, 2000.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 2000.

SEC. 602. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 2000.

SEC. 603. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000.

SEC. 604. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FROM LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FROM LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 2000.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 2000. No implication is intended with respect to the availability of relief from late elections or the application of a rule of substantial compliance on or before such date.

TITLE VII—EXTENSION OF TIME FOR PAYMENT OF ESTATE TAX

SEC. 701. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) (relating to definitions and special rules) are each amended by striking "15" and inserting "45".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2001.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in House Report 107–39, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read, and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleagues and I get into this discussion of H.R. 8 and the Democratic substitute, we ought not to lose sight of the fundamentals in this debate. H.R. 8 repeals the estate or death tax; and the Democratic substitute does not.

I was interested in the minority leader's discussion under the rule in which he quoted David Stockman, a former Member, Chief of the Office of Management and Budget under President Reagan, in his book Triumph of Politics. I found it interesting because I was in the minority at the time, and the minority leader was in the majority. I was mentioned in Mr. Stockman's book, and so I am very familiar with the context and the times in which that took place. The one point that I think needs to be referenced was the fact that it was a Democratically-controlled House and a Republican Presidency. Mr. Speaker, that is entirely different than the situation that we find here today with a Republican House and a Republican President.

Mr. Speaker, then-Speaker Tip O'Neill ordered his lieutenants, chairman of the Committee on Ways and Means Danny Rostenkowski and others, to win at any cost was the approach to legislating. It was to make sure that you are not second in spending or in tax cuts.

Mr. Speaker, when you have that kind of a climate of win at any cost, it is no wonder that we had an enormous increase in spending and significant tax cuts at the same time. That was the problem from the early 1980s. And the reason I say that historical reference is absolutely useless today is because we have a Republican House and a Republican President.

Contrast the win-at-any-cost strategy of then-Speaker O'Neill to the current strategy under the gentleman from Illinois (Speaker HASTERT), and that is orderly movement of the President's program through the Committee on Ways and Means, that I am privileged to chair, onto the floor and off the floor, at the same time that we just passed the budget, which was prudent in the way in which it allowed discretionary spending to increase at about 4 percent a year.

Mr. Speaker, we are now at the stage of presenting to you a piece of legislation which passed the House with significant bipartisan support last year. The argument will continue to be we cannot do it, it is too much, the future is not clear, do not do it.

Not once did the majority use that argument when they were in the majority, enormously increasing spending and increasing tax cuts, when, in fact, we were in a deficit structure. Now that we are in a surplus, those words ring rather hollow, unless, of course, your argument is defeat at any cost, which apparently appears to be the approach the Democrats are taking today.

What we saw last week on the floor with the marriage penalty reduction and child credit is that it just does not work because, I am pleased to say, most of the Members look at the content of the legislation and make up their minds.

Mr. Speaker, that is the way that decisions ought to be made in the House of Representatives, and I hope that is going to be the case on this piece of legislation. If Members look at the fact that H.R. 8 repeals the estate or death tax, and the Democrat substitute does not, at the end of the day what you will see is a bipartisan vote, a majority bipartisan vote, in favor of H.R. 8.

Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington (Ms. DUNN) control the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I understand the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means' explanation of the bill, it is somehow that he was forced to sit in the back of the plane during the time that Speaker O'Neill was here and Dan Rostenkowski was chairman, and now he is going to get even.

As relates to the legislation before us, my colleague says just read it, because he certainly did not attempt to explain it. The gentleman did say, however, that this is basically the same bill that passed the House in the last session. That is very, very, very strange, because the Joint Committee on Taxation said if the same bill was to go into effect this year, it would cost us in revenue $662 billion. Now, I looked at the President's $1.6 trillion tax cut, and already they have spent $958 billion for rate reductions, another $400 billion for marriage penalty and child credit, so I wondered how they were going to fit $662 billion tax cut and estate repeal into the last wedge that only left $200 billion; and they did it. By God, they did it.

Mr. Speaker, the only thing is that they are saying that their legislation does not take effect for another 10 years. When you are 70 years old like I am, those other 10 years, that is a long way away; but I think it is the Republican health plan. Do not die in the next 10 years if you want to protect your kids and your estate.

Mr. Speaker, why do you not do this; why do you not support the Democratic plan today? We bring about instant relief, at least for most of the people who have estates less than $5 million. And then maybe in 10 years you can come back again and see who is it that you left behind. In other words, we cannot have legislation for estates that leave no billionaire behind; we cover everybody, darn near, except about 6,300 people. So why do you not do the right thing by farmers and business people?

If they read the legislation like the gentleman from California (Mr. THOMAS) suggested, you will see that we are on the right side. Read the editorials and tax analysis. They know this is the right thing to do. Do not hold hostage all of the smaller estates only because you want to get everybody instant relief 10 years from now. Give them relief today and vote for the Democratic substitute.

□ 1230

Mr. Speaker, I hope we do have a bipartisan solution to this real problem that we face. I hope that this is not a continuation of what the Republicans call class warfare. I hope we are able to say that we are going to be responsible with a tax cut that fits into at least some type of a budgetary restraint. I reserve the balance of my time to just sit back and listen as to how they are going to get this size 12 foot into a size 6 shoe.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, only in America are we confronted with a certificate at birth, a license at marriage, and a bill at death. I rise today in support of H.R. 8, the Death Tax Elimination Act. Americans spend most of their adult lives paying taxes in various forms. We have an opportunity today to do something good for American businesses and families by ending the practice of paying a tax that is triggered only by death.

Why do we talk about repeal instead of about the exemption level that the gentleman from New York (Mr. RANGEL) has suggested? The reason is that if you do not repeal this tax, it will grow back. This tax began in 1916. A Democrat President, Woodrow Wilson, started this tax. It was the fourth time in history this tax existed. Before, always for fewer than 8 years to fund a war and then it was phased out. This time, the government got its hand in the people's pocket and it never took it out. I will tell you one other thing, Mr. Speaker. From 1916 to now if you calculated today's dollars and the exemption level in 1916, you would come out at $9 million in 1916. So our substitute is very, very unfair to people who are trying to do the right thing by providing for their retirement.

Critics of repeal often ask, why not just increase the exemption? The Democratic bill raises the exemption to $2 million. This is an arbitrary number. It rewards winners and losers arbitrarily. It is especially harmful to businesses that are capital rich and cash poor. Trucking companies, grocery stores, hardware stores, family-held newspapers and family farms would all easily exceed the $2 million exemption. In fact, a recent study of black-owned businesses found that 60 percent of black-owned firms are valued at over $2 million. The opposition claims that only 2 percent of Americans who die pay this tax. It does not begin to take into consideration the cost of compliance during the lives of those people, the cost of paying for life insurance policies and estate plans, or it does not take into consideration how many of those businesses sell off before the owner dies because they cannot afford to pay the death tax.

What about providing a special exemption for small businesses and farms? Our experience with the current exemption proves this to be a very poor choice. It is too complicated. It is too onerous. In fact, we tried with the best of intentions in 1997 to provide such an exemption. It was so complicated to be able to reflect family relationships in legislative language that only 3 to 5 percent of family businesses were able to qualify for this exemption.

Not only is this a repeal that we can afford, it is a repeal that will boost economic growth. A recent study by economist Allen Sinai shows that if the death tax were repealed, GDP could increase by $150 billion over 10 years and lead to 165,000 new jobs.

And it makes sense. The dollars that are being used to pay estate taxes and pay for compliance could be used to hire more people or provide health benefits. The assumption is confirmed by a recent survey of women business owners where 60 percent of the respondents indicated that the death tax will hurt expansion plans. Minority business owners recognize the death tax as a bad tax. It is a threat to their legacy. They say, and this is why it is endorsed by the Black Chamber of Commerce, that it takes about three generations to build a family business, to allow them to have a standing and a foothold in their community. They say that the death tax is an enemy, an obstacle that will keep these fledgling businesses from being able to survive. That is why the Black Chamber of Commerce and the Hispanic Chamber of Commerce supports our bill on the floor today.

People who oppose repeal like to claim that it will only benefit the rich. We know this is untrue. This is a tax that punishes good behavior and savings. It is a tax on virtue. It is a tax on the people who work hard, pay attention to their savings, provide for themselves so they do not have to lean on the government during their retirement and in most cases have already paid taxes once, maybe two times.

We need to promote business growth and not limit it. We need to encourage savings. I ask my colleagues to support the repeal of this tax.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK), a senior member of the Committee on Ways and Means.

Mr. STARK. I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I would like to point out, to my children and to anybody who is paying attention to this debate, that the Republican leadership is doing it once again. They would rather give a substantial tax break to America's wealthiest than provide a Medicare drug benefit for all seniors. This is a package of irresponsible, excessive tax breaks. Worse than that, it is a hoax. Little happens for 10 years.

Actually, we gave the Republicans on the Committee on Ways and Means a chance to put their votes where their mouths are and vote to make this effective this year. The gentlewoman from Washington (Ms. DUNN), the gentleman from California (Mr. THOMAS), the gentleman from Florida (Mr. SHAW), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Pennsylvania (Mr. ENGLISH), and all of the Republicans voted no. They had a chance to make this effective right now. Instead, they wait for 10 years and then the cost clocks in just at a time when we will have baby boomers needing Medicare and Social Security and just at a time when that money will not be available.

It is interesting, and I have got to warn those who expect that next year their estates will be exempted, because they are in for a big surprise. Forty-three thousand Americans, less than 1 percent of all the taxpayers, will benefit from this Republican hoax. Forty million elderly and disabled are not going to get a drug benefit under Medicare because of this wasteful bill. Ninety percent of the beneficiaries of the estate tax cut make over $190,000 a year and our typical Medicare beneficiary has an annual income of less than $15,000 a year. A thousand times more people would be helped under this plan if Members vote for the Democratic alternative.

Ms. DUNN. Mr. Speaker, I yield myself 15 seconds. In response to the gentleman, I think it is important that we hear people talking about this is going to decimate the future of the children. We are talking about a tax that will phase out over 10 years and will hardly at the very end be more than 1 percent of the budget.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to be able to support the bill put forward today to reduce and eventually repeal the estate tax. As many people know, I believe the estate tax is a tax that is one of the most unfair, obscene and immoral of all taxes. The estate tax, or the commonly referred to death tax since it is triggered solely by death, has outlived any worthwhile purpose and the time has come for us to put an end to it. No American, no matter his or her income, should be forced to pay 55 percent of his or her savings, business, or farm in taxes when he or she dies. Clearly, no American should have the IRS follow him or her to the funeral home. The last thing that a family grieving over the loss of a loved one should have to worry about is losing the family business or farm to the Internal Revenue Service because of an archaic law intended to raise money for wars that have long since ended. But when a person dies in this country, an outrageous tax of 37 to 55 percent kicks in on the poor soul's estate.

I am pleased that the House of Representatives is taking up the issue to repeal this unfair tax so that family businesses can be passed on to children and grandchildren and family farms can continue to exist. Less than half of all the family-owned businesses survive the death of a founder and only about 5 percent survive to the third generation. Under the tax laws that we currently have, it is cheaper for someone to sell a business before dying and pay the capital gains tax than it is to pass it on to his children. This is a grave injustice that must be corrected.

It has been said that only in America can one be given a certificate at birth, a license at marriage and a bill at death. The death tax is contrary to the freedom and free market principles on which this Nation was founded. We should be encouraging businesses, especially small businesses, not creating obstacles for their existence.

The Republican Congress has a track record of being pro-family and pro-business. We take family businesses very seriously. When mom-and-pop shops are closing up because of an outdated tax policy, it requires leadership and determination to remedy the situation. I am pleased to be a part of this effort.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I rise in opposition to the Republican bill which actually raises estate taxes on many family farms and businesses with capital gains and maintains a 40 percent death tax until the year 2009.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), a senior member of the Committee on Ways and Means.

Mr. MATSUI. I thank the ranking Democrat, the gentleman from New York (Mr. RANGEL), for yielding me this time.

Mr. Speaker, I have to say that this bill here that is on the floor today that my Republican colleagues have offered, it really will not become effective until the year 2011, 10 years from now. The Democratic substitute which will be offered in a little while provides immediate relief, up to $2 million per person, $4 million per couple. This would give almost 99 percent of the farmers, 99 percent of the small businesses in America immediate relief. We do also provide a continuation of the stepped-up basis.

What is very interesting is that you do not hit $2 million on the Republican bill until the year 2011. In fact, you do not even get a million dollars' worth of relief until the year 2006 in the Republican bill. Why is it that it phases in? It phases in because they cannot be sure of these surpluses.

The fact of the matter is that the Congressional Budget Office has said that there will be $5.6 trillion worth of surpluses over the next 10 years. They also say in that same document that for a 5-year projection, they are only 50 percent accurate and for the 10-year projection they are basically saying it is not yet possible to assess its accuracy. We are really playing with speculation at this particular point in time. The reality is that we do not know what these surpluses will be.

At the other side of the table, if you add up every bill that the Republicans have passed since January of this year till now, it totals about $2 trillion with the loss of interest. At the same time, and this is the astonishing number, this is absolutely astonishing, the top 1 percent of the taxpayers that average $1.1 million a year will get 43 percent of these benefits. I have to say that a good part, about 50 percent, believe it or not, 50 percent of this $5.7 trillion speculative surplus is payroll taxes, payroll taxes that the average American wage earner pays.

□ 1245

So we are going to have middle-income people pay essentially for the tax cut for those people that make over $1 million a year. That is not fair. That is not equitable. Actually, that is absolutely unconscionable.

As a result of that, I hope my colleagues come to their senses and realize that what we are seeing here right now is not a whole issue of fairness. This is a whole issue of unfairness to the average American at a time when the market is failing, when unemployment will probably go up because the President is not paying attention to the economy of the United States.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to commend the gentlewoman from Washington (Ms. DUNN) for her work, and the gentleman from Tennessee (Mr. TANNER).

Mr. Speaker, once again, it is rich versus poor, the class warfare that continues to divide America. It is ridiculous, and I would like to put this in another perspective. Two men buy a $20,000 annuity program. One man becomes rich and successful. The other man just barely survives. Are there those that say because the man was successful and rich he now, even though he paid the premiums, does not need the $20,000 so he should not get it, but the man who just survived should get it?

Mr. Speaker, this sounds like socialism to me. This is socialism. This Tax Code reeks of socialism. It is my philosophy that Americans that feather their nests should not be discriminated against; they should be rewarded and incentivized in the United States of America.

This whole tax business is out of control. We are taxed from the womb to the tomb, the stork to the undertaker. The tax man is Roto-Rootering our assets daily, year after year, picking our pockets; and we here in Congress are continuing to support them and give them more money. Beam me up.

I finally figured it out. Count Dracula still lives. Dracula lives in the form of the IRS sucking our very blood year after year, making American taxpayers undead because if they are dead they are going to pay, if they are successful, a huge tax.

I want all the money people to stay in America, not to move to Switzerland; and I think it is time to abolish this tax. I think the Republicans do it in a manner of time that makes it compatible with an economic policy.

I want to commend the chairwoman and say that I support the bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, the gentleman from California (Mr. THOMAS) referred to "at any cost," and the truth of the matter is the Republicans here in the House have determined to pass tax legislation at any cost, even if it costs fiscal discipline; even if it costs the future of Medicare and potentially Social Security; and even if it costs the chance for meaningful prescription drug programs.

In a word, the House Republicans are on automatic pilot, and no warning signal apparently will deter them. The fact that the repeal does not fit into a 10-year projection, so what do they do? They just push a good portion of it out to the year eleven. And we are talking then about a proposal that could cost over $600 billion?

It does not matter apparently that the Democrats proposed an alternative that provides more relief sooner and relieves essentially the estate tax for all farm families and individual businesses. The talk of bipartisanship really has such a hollow ring under those circumstances. For those of us on the Committee on Ways and Means, when it comes to tax legislation, the amount of bipartisanship, zilch.

The only redeeming factor here is that the Senate will not follow suit. This bill does not fit. We should do better. The Senate hopefully will slow down this plane before it crashes, and we will have another look at it.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, we are being asked today to approve a tax cut so blatantly irresponsible that the authors have had, in effect, to white out the costs. Those are not my words. That is the words of the Washington Post in their lead editorial today, and I agree with the editors of the Washington Post.

As the gentleman from New York (Mr. RANGEL) pointed out, if this bill was fully implemented immediately, the cost would be much, much higher than the $200 billion that has been put on this bill by the Joint Committee on Taxation. In fact, when it is fully phased in, it is about $70 billion of loss of revenue under the estate tax revenues, plus additional losses under the income tax; for when the estate tax is repealed, it is very difficult to figure out the base of property that is later sold, and there is transfer of property during life under the gift tax exclusions that would also lose revenue.

We have a choice, Mr. Speaker. We can have the Republican bill that tells our constituents in 2011 that we will not have an estate tax, or we can support the Democratic substitute which tells our constituents immediately that they can have a $4 million exclusion per family. That will take care of 99.4 percent of all of the estates that will be exempt from Federal estate tax. Then we can take care of almost all of the problems of family farmers or family-owned businesses. We can do that by supporting the Democratic substitute.

It is interesting, Mr. Speaker. I have had a large number of my constituents lobbying me on this issue. They came to my office to ask my support for the Republican bill. I showed them the Republican bill, and I told them they have a choice. They can believe that in the next five elections of Congress we will allow a repeal bill to take effect through three more administrations, or we can give them an immediate $4 million exemption. What would they prefer, $4 million today or take a bet on what is going to happen 10 years from now when the repeal would go into effect?

By the way, during the next 10 years, if they fall into the estate tax, they still need their life insurance; they still need their estate planning.

I must say the people who have come to my office to support the repeal tell me, give me the $4 million; I will take that. I will take the Democratic substitute because it is fairer; it is immediate and we know that we can count on that relief as we plan how to deal with our family business or we plan how to deal with our personal estates.

Let us reform the estate tax. We can do that in a bipartisan way. We can do that in a fiscally responsible way. By the way, we can also pay down the national debt. We can protect Social Security and Medicare. We can deal with high-priority programs, such as education, because it fits within the revenues that are available.

We do not try to do more than we promise. I urge my colleagues to support the Democratic substitute, reject the Republican bill.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, today we will repeal the death tax. We will send it to the President for the third time, but this time to a President who will sign it.

We hear arguments about why punitive confiscatory taxes on the after-tax life savings of hard-working Americans are somehow justifiable or somehow wise. The death tax is perhaps the most complicated part of the Internal Revenue Code, 88 pages. If one has ever seen a death tax return or, worse yet, if their family has had to fill one out, they know how extraordinarily complex and complicated it is. It is unfair and it is inefficient.

Even if one accepts the revenue analyses of the minority, which posit that there are no compliance costs and no collateral effects associated with this very damaging tax, it raises but 1 percent of our total revenues. In fact, according to the Joint Economic Committee, the costs that the death tax imposes on the economy more than offset its collections, so that this tax is actually costing not only our economy and workers money but the United States Treasury, and income taxes, income tax collections, are depressed as a result of maintaining the death tax on the books.

The death tax falls heaviest on people who have no money, because even though it is included in the income tax, one does not have to have any income in order to own it. All they have to have is property. It is really a property-tax levy and these property-tax levies are placed on the shoulders of people who have accumulated assets over their entire lives. When they sell the property, usually a small business, to pay the tax man, the workers who used to have jobs at that small business, at that ranch or that farm, are laid off. The death tax imposed on an unemployed worker is 100 percent.

The Democrat substitute would maintain a 55 percent highly-confiscatory rate punishing small businesses, ranches, and farms. The bill on the floor will repeal the death tax. It is time for the death tax to die.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say one can search the Internal Revenue Code all they want and they will find no provision labeled the "death tax."

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), my friend on the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, the previous speaker indicated today we are going to repeal the estate tax. Did everyone hear that? Today we are going to repeal the estate tax. That is not accurate.

In fact, the bill before us, Mr. Speaker, is a fraud. It is a fraud on the American public. First of all, we are told, or it is indicated, that it is going to be paid. Only the wealthiest 2 percent in the country ever pay an estate tax.

Republicans say this is for the family farm and for the small businesspeople. That is not accurate, either. This bill is for the billionaires. Just last week, Wednesday, the Republicans had a little dinner in town knowing this bill would come up; and at that dinner, Mr. Speaker, they raised $7 million. Who does one think was there? The people who are going to benefit from this so-called bill that repeals the estate tax.

Let us look and see what the bill does. Here is the current estate tax. The bill before us takes the rate down to this point, costing $200 billion, and then five Congresses from now and three Republican, or three Presidents, and God forbid Republican Presidents, the rate falls from here to zero. This costs $200 billion for 10 years. This in 1 year costs $90 to $100 billion.

Does one think the sitting Congress at that point will be able to take that shock to the Treasury? Clearly not. So what will the Congress do? That Congress will then further extend it; and we are going to see at that point, over the next 10 years, the rate go down some more and then finally in the year 2031 the death tax or the estate tax will maybe be repealed.

So my advice to the Bill Gateses of the world and those who think this relief is on the way, do not die until the year 2031.

What does our bill do? Our bill raises the exemption immediately to $4 million. How many folks in the gallery are worth more than $4 million? I do not see any hands go up.

That is the relief that small business and farmers need today. That relief costs about $40 billion, not $200 billion.

☐ 1300

So this bill is not for the Ma and Pa business people or the farmers; it is for those who were there at that dinner last Wednesday when my Republican colleagues raised $7 million in one 2- to 3-hour period. That is what this debate is all about, make no mistake about it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Members are reminded that during debate, persons in the gallery are not to be referred to or engaged.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), the chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time. I want to congratulate her on the wonderful job and effort that she has been doing year after year in order to bring about the realization of the elimination of the death tax.

My colleagues on the other side of the aisle will argue that all we need is targeted reform to fix any hardships caused by the current death tax. History shows, however, that they are wrong. They are dead wrong.

Originally enacted in 1916, the death tax was used as a sporadic and temporary way to finance the First World War. The original death tax provided an exemption of $50,000. That is about $11 million in terms of today's dollars. The top rate was 10 percent, and it was applied to estates over $5 million, which in today's terms would be $1 billion, or in excess of $1 billion.

From the 1920s through the 1950s, death tax became a weapon in the liberal arsenal to redistribute wealth. Estates were taxed at rates up to 77 percent. Congress then tried to address the hardship imposed by the death tax on farmers and small businesses, as we are today.

In 1976 and in 1981, the exemptions were increased and the rates were reduced to remove smaller estates from the tax rolls. But after that, the search for revenue to close budget deficits led to a decade of bills that largely increased the estate taxes.

The truth of the matter is that the existence of any death tax infrastructure would make it easier for future Congresses to expand the impact of the death tax system should, for example, revenue pressures demand such a course of action.

However, Mr. Speaker, we no longer have a deficit. Compliance and tax planning costs the taxpayers more than the revenue that the estate tax raises. Let me repeat that. Compliance and tax planning costs taxpayers more than the revenue that the estate tax raises. That is simply wrong.

Because the death tax falls on assets, it reduces incentives to save and invest, and, therefore, it hampers growth. Is that fairness? An individual works, pays taxes on his or her earnings, invests their earnings and again pays taxes on the income from the investments. Double taxation. When a person dies, the assets are then taxed again. I say to my colleagues, that is triple taxation.

With a maximum income rate of 39.6 percent and a maximum death tax rate of 55 percent, the combined rate can be readily seen as 73 percent. I ask again, is that fairness? But the most important reason to repeal the death tax is simply that Americans should not be taxed when they die. Imposing a tax on some Americans but not on others merely because of their death is wrong, and it is time now to put this tax to death.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to note that it is so unfair to talk about repealing the estate tax when we do not even intend to do it for 10 years. It is really misleading.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

The gentleman from Ohio (Mr. TRAFICANT) indicated earlier that this was a debate about the rich versus the poor. That is simply not true. The debate today is about doing something for the living as opposed to doing something for the dead.

We could well afford in this institution today to provide a prescription drug benefit that was fixed for Medicare recipients. Instead, we are coming to this floor today to assist those who really do not need it.

Let me, if I can, quote again the editorial from the Washington Post that appeared this morning. "The House will be asked today to approve a tax cut so blatantly irresponsible that the authors have, in effect, had to white out the cost." In other words, the phase-in of the estate tax repeal is so slow that the $660 billion cost of immediate repeal has been reduced to $185 billion. That was the point of an amendment offered last week in the Committee on Ways and Means.

But there is even a more fundamental point here. It is that the committee majority could not figure out how to handle the true cost of repeal, given their other priorities, so they manipulated the budget rules to make it fit the 10-year window. Under the rules here, it is perfectly legitimate, but it is very questionable in terms of governance. There are tax proposals that should be phased in over a few years for policy reasons; others are phased in over a few years to save costs. But moving the bulk of the revenue loss out into the 11th year because we cannot figure out how to pay for this repeal is, as they say, a horse of a different color.

This is what it means. We cannot deal with it now. We cannot deal with it now because nobody knows what the real revenue estimate is. We do not know how to repeal the estate tax and make it affordable, but we intend to hold out and hold on to the notion that the estate tax will be repealed because we have a political commitment out there that we intend to honor, at least for the moment.

Mr. Speaker, I think that we missed a grand opportunity today. What a missed moment when we could have offered a solid compromise that would have taken care of 1 percent of the 2 percent who pay the estate tax in America. The Democratic substitute is preferable today. Vote for our alternative.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, we are hearing a lot of rhetoric in here today, but the key is our bill is to repeal, and the Democrat substitute is not. There are 65 Democrats and 213 Republicans who supported the death tax repeal last June. I wonder if those people will stand up today. Last year 65 Democrats crossed party lines, ending one of the most unfair taxes today, the death tax, and those 65 Democrats, I wonder if they will vote to end this onerous tax now that they know the President will sign the bill?

For those who do not know, the death tax confiscates up to 55 percent of a family farm or business when a loved one passes away. It is just plain wrong for Uncle Sam to start taking up a collection while families are still grieving at the funeral home.

Furthermore, according to the National Federation of Independent Business, one-third of small business owners today will have to sell outright or liquidate part of their business just to pay death taxes, and half of those that liquidate to pay the IRS will have to eliminate 30 or more jobs. In today's chilling economy, that statistic is horrifying. Couple that with the fact that 60 percent of small business owners report that they would create new jobs in this year if the death taxes were eliminated.

J.C. Penney, which is headquartered in my district, has laid off more than 5,000 employees. If this death tax repeal goes through, those folks without jobs could go to work for small businesses who want to hire more people.

Mr. Speaker, this Congress has got to stop the IRS from taxing families to death, and we need to do it now. The death tax is just plain wrong. Let us vote for death tax repeal.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume just to note that the gentleman did not mean we need to do it now; the gentleman from Texas means he means to do it 10 years from now.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, I would like to thank the gentlewoman from Washington (Ms. DUNN), whom I have worked with on this issue, as well as the gentleman from New York (Mr. RANGEL) for his, I think, outstanding work in fashioning a substitute.

Look, I came to this issue from the standpoint of agriculture and small business. The Democratic substitute is very attractive from the standpoint of immediate, substantial relief to those sorts of individuals, small businesses and family farms. The Democratic substitute, in my judgment, is weak in terms of addressing what I consider to be rates that are exorbitant, 55 percent. I do not believe in taking over half of anything by the government from the people. So we have that situation, but we have immediate and substantial relief.

We have in the Republican bill almost no immediacy, but we have an addressing of the exorbitant rate I spoke about.

I may be like many Members here in that I want something to happen this year. Nothing happened last year. I want it to happen not just in legislation, but to people, real people who have small businesses and family farms. That is the shortcoming of the underlying bill that I am a sponsor of.

So I do not believe that the two ideas are necessarily mutually exclusive. I think this is a work in progress, and I think we can fashion something if we could somehow figure out how to work together here to do something both on an immediate relief from the current code of $675,000 credit, and also something on the rate. We have not been able to put those two together. I was not consulted on the chairman's mark in the committee, but nonetheless, I think we have an opportunity somewhere down the line, a window of opportunity, to actually make something good happen in this area of tax law.

Ms. DUNN. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (MR. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Let me also commend the gentleman from California (Mr. THOMAS), the Chairman of the Committee on Ways and Means, and the gentleman from New York (MR. RANGEL), the ranking member, along with the gentlewoman from Washington (MS. DUNN) and the gentleman from Tennessee (MR. TANNER) for an extraordinary job in working this issue.

When America's families lose a loved one, their grief is often compounded by the loss of a farm or business, or other assets that have been held and nurtured for many generations and were expected to be passed along to future generations. For many families, this is what the unfair, confiscatory death tax does; it robs them of investments of a lifetime and their hopes and their dreams for the future.

Studies show that one in every three family businesses and farms lack the liquid capital to pay the death taxes, which can amount to 55 percent of the estate's value. It will either have to be sold or liquidated, even more loss in an area like mine where family farms and small businesses are such a big part of the economic base. It is not only the families that suffer, but it is the employees of those businesses that suffer.

I can cite many examples from my area of southwest Georgia, and in Georgia, the mom-and-pop service station that a couple struggled 40 years to establish and their three sons would run after they died, or the Atlanta Daily World newspaper, or the southwest Georgia newspaper, or countless funeral homes that have been passed down for one and two and three generations that could be threatened if this tax stays in effect.

All segments of society are hit by the death tax, but none harder than minorities. More than 1 million minority-owned businesses are believe to be jeopardized by the tax.

I have listened to both sides of the debate, and no one has explained what is fair about it; a tax that is levied on income that has already been taxed, that penalizes hard work and success, that encourages compliance costs that almost wipe out the relatively small amount of revenue it raises, and that robs families of their heritage.

Mr. Speaker, I urge my colleagues today to vote to eliminate this burden on America's families.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

I believe that the question that our Republican friends joined by one of my colleagues from Georgia just now need to answer, is if they are so much against the so-called death tax, why is it that this morning they are so modest, so timid, indeed so fearful of providing relief now to the small businesses and the family farms? The real problem with their "repeal" is that it does not actually repeal anything any time soon.

I heard just now my colleague refer to service stations and funeral homes. How much relief do all of these supporters of the repeal of the death tax provide for such enterprises? Well, I heard the 55 percent tax described as confiscatory, and under their repeal, what relief do all of those people get next year that have been coming around, that have been stirred up by all of these Republican lobby groups to repeal the death tax?

Well, they certainly do not get repeal. Anyone who dies next year, they are going to get an amazing amount of relief. The confiscatory 55 percent tax will be lowered all the way down to 53 percent. That is the amount of relief that these timid supporters of "repeal" of the death tax are offering for next year. How about carrying it on down a few years to 2006. Well, by that time, these timid supporters of the "repeal" of the death tax are still not repealing any tax for anybody, instead, they are only lowering it for all to 46 percent.

Mr. Speaker, they do not repeal the death tax for a single American next year.

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Indeed, they do not repeal the death tax during the entire decade, for a single American.

All these groups, these service stations, funeral homes, family farms, family enterprises that have been so concerned, that have been stirred up by all the Republican rhetoric, they do not get any repeal of the death tax next year or during the next decade.

The only hope that family enterprises have for repeal under the Republican proposal occurs a decade from now, in 2011, at the very time that the baby boomers are placing the greatest demands on Social Security and Medicare. If at that time we have, and it seems inconceivable, but if, at that time, we have a Congress that is as fiscally irresponsible as the current one, and it remains willing to repeal the tax from the billionaires, from the super rich in this country, then, and only then, perhaps relief will trickle down to family enterprises.

Today House Republicans say that Teddy Roosevelt, a great Republican who first advocated the inheritance tax, that he was all wrong and that inherited wealth is no longer a problem, inherited economic power that concentrates more and more of the wealth in this country in the hands of a few super-rich billionaires; that that is okay, that we do not need to worry about it, that it does not threaten our democracy.

But in the meantime, the small businesses and the family farms, and all of the tearful stories that we have heard here this morning, those people are being held hostage. They will have to pay a tax for the next decade because the Republicans are fearful of repealing it for them.

Our Democratic substitute repeals that tax for the first $2 million for an individual, $4 million for a couple. It repeals it for 77 percent of the estates that pay taxes today and does so promptly, in January, not in future decades.

Ms. DUNN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman fails to mention that his proposal to increase the exemption does not tell the story that on the first dollar after that exemption, taxpayers will be paying at a rate of 49 percent, as opposed to the 18 percent in the bill that we propose.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague, the gentlewoman from Washington, for yielding time to me.

Mr. Speaker, it is very interesting, and part of the necessity, I guess, of those who say no in every circumstance, to embellish remarks. In the interest of making a valid point here, to my friend, the gentleman from Texas, one point he assiduously ignored in his litany of alleged shortcomings was this: Under the plan of my friends, the minority, the death tax is never eliminated.

That points up a basic disagreement. Our friends on the other side, with the exception of some folks who understand the commonsense reality of trying to get rid of this tax and put it to death within the current budgetary constraints we face, a lot of my friends over there believe no how, no way should we rid ourselves of this confiscatory tax.

Simultaneously, they argue every side of the issue, and suggest that we can relieve it to a certain point, but if one makes one dollar more, that is too much success and therefore that person exists to be punished.

It is a simple question, really, one of fairness: Is it fairness to eventually put this death tax to death for every American, and say it is wrong to punish those who succeed, or is it better to drive a wedge in the American people; to play upon the politics of envy, rather than the realities of fairness?

Today we stand, in a bipartisan way, which may add to the consternation on the other side, and say, no taxation without respiration. The policy may not be achieved in a day, but as my constituents tell me in Arizona, it will be achieved, and we invite our friends to put aside this mindless class envy and to join with us; to say to every American, no family should have to visit the undertaker and the tax collector on the same day. Support the legislation.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), a member of the committee.

Mr. McDERMOTT. Mr. Speaker, we are here for act III of the tax follies of the year 2001. It is interesting. We have heard everyone say, and I do not need to repeat the fact, that there is no tax relief for 10 years. It is simply that they want the headline—they want the commercial with the line in it that says, "I voted to repeal the estate tax." What they will not put in there is, "I voted to repeal the estate tax in 2011."

We are setting up commercials here today. No one seriously believes on either side of the aisle that the Senate is as crazy as to adopt this particular law. The reasons are very obvious. If we take a serious look at what laughingly is called the President's budget or the House's budget, there is no money in there to stabilize Social Security. There is no money in there to deal with what everybody admits is going to be the problem in 2010, when the baby boomers come into the Medicare system.

Everybody out there listening to this who is 55 years old now and in 10 years will be 65, and is counting on that Social Security, and is counting on Medicare for the security it gives one economically ought to be listening to this debate and wondering, where are these people going to get $660 billion in 2010 to deal with those issues?

I think the people on the other side must think the Americans are asleep or stupid or something. I do not know how one could think that the American people cannot see that in 10 years, when they count on Medicare, that they are suddenly going to be shovelling out the door $660 billion having done nothing in the intervening 10 years to prepare for what is undoubtedly going to be a catastrophe.

We all know that. Everybody approaches it. Everybody waves their arms and talks about it, but we do not do anything about.

What we are being subjected to here today is what I call a perfect example of the big lie. If people say a lie enough times, people start to believe it. People actually believe there is a death tax. I have people call me up on the phone who have not got two nickels to rub together telling me that I have to repeal this death tax, like when one dies they come and tax one right in the funeral parlor. My father died 2 years ago. Nobody came to collect any death tax, and it is not going to happen. It is a lie.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the author of the lockbox that sets aside all dollars for Social Security and Medicare.

Mr. HERGER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, Americans are taxed all their lives: when they get a job; when they are married; and yes, even when they die.

Today we are considering legislation to end the destructive death tax once and for all. The death tax is wrong and it is bad policy.

First, the death tax is double taxation. Every dollar invested in a family farm and small business or a household has already been taxed or will be taxed in the future.

Secondly, the death tax has its hardest impact on middle-income Americans, not the super wealthy, but individuals and families who have invested their life's savings into small businesses and are often asset-rich but cash-poor.

For this reason, the death tax is the leading cause of dissolution of most small businesses. One-third of small business owners today will have to sell or liquidate their small business to pay the estate tax. Half of those who do liquidate will have to eliminate 30 or more jobs. Is it any wonder that 70 percent of all businesses never make it past the first generation and 87 percent do not make it to the third?

Finally, the death tax collects only a small percentage of Federal revenues. The death tax actually comprises just 1½ percent of total Federal revenues. With as much as $2.5 trillion in non-Social Security surpluses being projected over the next 10 years, surely Washington can afford to return a penny on the dollar of the surplus to the American taxpayers who created it.

Mr. Speaker, it is time to do the right thing. It is time to end the unfair and destructive death tax.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I rise in favor of total repeal of the estate tax now for 99.5 percent of all estates; all Americans who may die, 99.5 percent. This means repeal today, not 10 years from now.

That means the family businessmen, the family farmer for whom they profess so much concern, they bring them forth when they present their case, will be exonerated, sheltered from estate tax; and not only that, he or she will get stepped-up basis on all of the assets. The heirs will take the assets with an investment basis equal to the value at date of death, which means when they settle that value, there will be no capital gains. Under the Republicans' bill, all assets over $1.3 million will have a carryover basis; not a stepped-up basis, a carryover basis.

On both scores, this bill, this substitute, is manifestly, unquestionably better for the people they are professing so much concern for, small business people and family farmers. This is the way to vote: Total repeal for 99.5 percent of all decedents.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a distinguished Member.

Mr. WAXMAN. Mr. Speaker, last week I gave out the first of what will be a series of Golden Jackpot Awards to the mining industry and the EPA, the Environmental Protection Agency, and administrator Christine Todd Whitman, for the incomprehensible decision to allow more arsenic in drinking water.

We are going to be giving this award whenever we are confronted with decisions that exemplify amazing feats of lobbying that result in outrageous windfalls to special interests.

Today we have a new winner. I am awarding this week's award to President Bush and Vice President CHENEY on behalf of the entire Bush cabinet for their plan to completely repeal the estate tax. By insisting on total repeal and by passing today's Republican bill, the President and Vice President would share in as much as $50 million in benefits. Let me repeat that, they will share in $50 million in benefits. That is just for the Bush and Cheney families.

This is not a bill that just helps the President and Vice President. Repealing the estate tax would provide as much as an average of $19 million for members of the Bush cabinet. Of course, Members of Congress are not being left behind, because under the Republican bill we will soon vote on the richest 50 Members of Congress getting $1 billion in benefits. That is $1 billion with a "B." That is better than any pay raise I have seen proposed for Members of Congress.

The breathtaking self-interest and enrichment in the Bush proposal is the very essence of the Golden Jackpot Award, and this award I am going to bestow on this administration for the jackpot that many of the members of the cabinet are going to hit if this repeal of the estate tax becomes law. It seems to me that we ought to recognize the enormous windfall that this special interest provision, this special interest bill, would have.

I urge that we vote against the Republican proposal.

Ms. DUNN. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Speaker, I thank the gentlewoman for yielding time to me, and for her leadership on this measure.

The arguments are very interesting, particularly when we hear them in context. I have tried to document the arguments that our friends on the other side have made about our budget and about our taxes. It really puts it in perspective for me, because what we have come forward with today is a tax bill that fits. It fits within our tax priorities, but it also fits within the overall priorities of our budget, which is an important thing for us to consider here today. Their bill does not fit within that budget. It does not meet those commitments.

But this is not a new argument for our friends on the other side. They have been making arguments about our budget and about our tax relief for Americans for quite a few years. Let me just highlight a few of them, because I think they are interesting.

First, they said we cannot have tax relief for Americans because we do not have a balanced budget.

□ 1330

My colleagues said we cannot do both. We did both. We balanced the budget. We provided a tax relief. Now my colleagues say, or then my colleagues said, we cannot do it unless we put Social Security in a lock box. So we put Social Security in a lock box. Then my colleagues said we cannot do it unless we put Medicare in a lock box. So we put Medicare in a lock box. We balanced the budget and put Social Security in a lock box.

Then my colleagues said we cannot do it unless we fund some very important priorities. So we funded priorities, such as education, the environment, health care, health research, a number of very important priorities, plus added defense and agriculture to them.

They said we still cannot have tax relief, because it is the wrong process. It is too fast. So we slowed things down, passed a budget; and still my colleagues said it is the wrong time, because now the tax bill is actually too big.

Okay. Then we have proven that this tax bill fits within the budget that we just passed, that the Senate is working on. Now, believe it or not, all of those arguments have been refuted, and now they come to the floor with a bill that they say is not big enough. They say our tax bill is not big enough, that it is not fast enough.

First, they said it was too slow; now it is too fast. Now it is too big; now it is too small. When are my colleagues going to understand you have run out of excuses? We are able to balance the budget, fund our priorities, provide the needed tax relief for our American families and small businesses and farms, do it in a responsible way that fits within the budget that we just voted on and passed, and do it at the same time we pay down our national debt and fund all of the priorities of our government.

I think it is important for us to remember these arguments in context. H.R. 8 is a good bill that fits within the budget, and it deserves our support.

Mr. BLAGOJEVICH. Mr. Speaker, I rise in opposition to H.R. 8, an effort to phase-out the estate and gift taxes over a 10-year period. I support eliminating the burden that the estate tax imposes on family farms and small businesses, and I have voted in the past to remove that burden. I have joined with many of my Republican colleagues to support legislation to end the estate tax. However, the bill before us today, as amended by the House Ways & Means Committee, would prevent the vast majority of family farms and businesses from seeing any significant relief for ten years.

Had the Ways & Means Committee been content with the bill as introduced, I could confidently cast my vote for a bill which would reduce rates substantially for people who truly need estate tax relief. But the Committee has chosen to present the House with a very different bill—a bill which provides immediate relief for billionaires, and makes family farms and businesses wait ten years.

The Democratic alternative shows there is a different way. By immediately raising the estate tax exclusion to $4 million, the alternative offered by my Democratic colleagues immediately repeals the estate tax for the vast majority of families faced with this burden. This effort alone would make sure that 99.4 percent of all small businesses and farms will never have to worry about the estate tax. Instead, the Ways & Means Committee has decided to delay relief for small business and farmers in order to immediately provide a tax cut for the wealthiest Americans.

As the growth of our economy slows, we here in Congress need to be absolutely sure that we are doing the job our constituents sent us to do—to make sure that the federal budget stays balanced. No one wants to return to the days when budget deficits forced interest rates through the roof, making it harder for businesses and families to balance their own budgets. I will continue to work for meaningful tax relief within the context of a balanced budget. But I cannot vote for a deeply flawed bill that will immediately benefit billionaires and make small business owners and farmers wait a decade for real relief.

The Senate still needs to add its voice to this debate, and I am hopeful that when the two Houses meet in conference, they can produce a bill that provides genuine estate tax relief. I look forward to voting for a conference report that will free family businesses from estate taxes—not a decade from now, but immediately.

Mr. SANDLIN. Mr. Speaker, today the House of Representatives votes to loosen the noose of estate taxes that choke many small-businesses, family farms, and ranches. As a nation of entrepreneurs and small businessmen, where multigenerational businesses form the backbone of many communities, the estate tax is too often an insurmountable obstacle to those who wish to carry on their families' way of life. As an original cosponsor of legislation designed to repeal the estate tax, I understand the despair of families faced with selling portions of a farm or business to settle the estate of a deceased family member. By voting to phase out this tax, Congress is removing an obstacle faced by thousands of East Texas businesses, farmers, and families.

Eliminating the federal estate tax is a top priority, because this tax is a burden on small businesses, family farmers, and growing families who can least afford the sting of additional taxes. Back in 1997, during my first term in Congress, I introduced legislation intended to eliminate the estate tax. My desire to eliminate the estate tax was sparked during my travels throughout East Texas and the conversations I had with the family farmers and small businesses facing ruin at the hands of this measure. Two years later, after the people of the First District of Texas decided I deserved a second term, I again introduced legislation that would completely repeal this tax. Today, as I begin my third term in Congress, we are prepared to phase-out the estate tax and protect multigenerational businesses and families from unfair taxation.

Today's action, however, is only a partial victory for those subjected to this tax. In a perfect world, Congress would vote to repeal the estate tax effective this year. Instead we are passing a modified, multi-year phase-out plan that won't be fully effective until 2011. Earlier this year, Congress had an opportunity to speed up the pace of estate tax repeal. However, the Republican leadership muscled through an irresponsible tax rate cut plan that drains a substantial portion of the predicted surplus. By pushing through a tax cut skewed largely to the rich, the Republican leadership is now forced to offer an estate tax bill that does not provide for complete repeal until 2011. Therefore, I will also support the Democratic alternative. This alternative provides substantial tax relief by raising the effective exclusion to $2 million per person effective in 2002. Although the Democratic alternative does not completely repeal the estate tax, the legislation does provide relief from the estate tax faster than the Republican alternative. By joining several of my colleagues in voting for both bills, I hope to send the message that both sides must work together in crafting a bipartisan product that completely and quickly eliminates the estate tax.

Mr. Speaker, today Congress is taking the first step in removing barriers to multigenerational businesses and farms that are an important part of my community. I sincerely hope that in the coming months, Congress can work together in a bipartisan manner to pass fair and effective tax relief that benefits working families, small businesses, and family farmers. By repealing the estate tax, Congress is taking an important first step to carry out this goal.

Mr. MOORE. Mr. Speaker, I rise in support of H.R. 8, legislation that would provide for the eventual repeal of the estate and gift tax. I have long been a supporter of providing estate tax relief to American families, small business owners, and farmers who have worked their entire lives to transfer a portion of their estates upon their death.

While H.R. 8 is the vehicle that the House leadership wishes to pursue to achieve this goal, I believe there is a better way to provide relief and maintain our commitments to paying down the national debt, protecting Social Security and Medicare, and providing for our other priorities. This is why I will also be supporting the substitute to H.R. 8.

The alternative will increase the estate tax exclusion for all estates to $4 million, exempting two-thirds of all estates that would have to pay tax under current law and 99.4 percent of all farms that would otherwise have to pay the estate tax. All of these changes will be made immediately, instead of delaying relief to the small businesses and family farmers who truly need relief for several years as H.R. 8 would do, giving more estate tax relief to estates of less than $10 million than H.R. 8 through 2008.

H.R. 8 does not repeal the estate tax for 10 years; rather, it slowly phases-down the marginal tax rates and provides no increase in the exclusion. This will delay estate tax relief to the small businesses and farms that truly need it. H.R. 8 uses a phase-in period to hide its real effects. While the first 10 years cost only $192 billion, I have deep concerns about the fact that the true costs of this legislation fall outside the 10-year budget window, when they explode to above $100 billion in year 11 and up to $1.3 trillion in the second 10 years.

Mr. Speaker, I serve on the Budget Committee and offered an amendment before both the Budget and Rules Committees to require the effects of revenue-reducing bills to be fully phased-in within the 10 year budget window. The bill before us today does not meet this criterion and I believe that is a serious mistake.

We've heard time and time again about the uncertainty of long-term budget forecasts and the necessity to urge caution in using projected surpluses. Indeed, most of the surpluses we're talking about—two-thirds to be exact—will not be realized until years 6 through 10. This also happens to be the time period in which the bulk of relief under H.R. 8 is phased-in, a time period that produces less reliable budget projections. I believe that the fiscally responsible thing to do is to develop policy under a framework where forecast figures are more reliable—if these surpluses do indeed materialize in the out years, then we can and should contemplate larger tax cuts.

I believe the practice of hiding the true costs of the legislation we pass is deceitful and irresponsible and we should put it to a stop. The President and many members of this Congress have indicated that they want tax cuts of $1.6 trillion—no more, no less. While we can argue the merits of this number, what we cannot and should not argue is the fact that those tax cuts, all $1.6 trillion should be accounted for within the 10-year budget window.

I am concerned about recent comments by Chairman of the Ways and Means Committee Mr. THOMAS that this Congress will somehow fit "1½ pounds of sugar into a 1 pound bag."

I infer from his comments that this House intends to pass tax cuts larger than $1.6 trillion—at least beyond the 10-year window. Make no mistake, this bill today achieves that goal by pushing its true costs beyond our agreed upon budget window.

Simply, H.R. 8 would have the American people believe that they will receive immediate and substantial estate tax relief. This bill delays a full repeal, which will have budget implications that this country simply cannot afford. With over one trillion dollars in lost revenue, this has the potential to put this country back on the wrong fiscal track of increased deficit spending and an exploding national debt.

Although the majority claims to support retiring the publicly held debt, they have begun the session by scheduling several tax bills funded by the projected budget surplus without giving any consideration to the impact that the bills will have on our ability to retire our $5.7 trillion national debt. These tax cuts have been predicated on the notion that the projected budget surpluses of $5.6 trillion over the next 10 years will somehow materialize.

Mr. Speaker, I submit that the likelihood of these projections actually materializing is extremely slim. We are all aware of the recent $3.7 trillion loss in the equity market. This slowdown will undoubtedly have a negative effect on revenues and produce lower overall budget projections—how much lower is anybody's guess and we should not bet the farm on tax or spending programs that are based on circumstances that no one can accurately predict.

I am concerned, that the total costs of this bill, fully phased-in, could exceed not only the $1.6 trillion number that "fits" within current projections, but may actually result in Congress returning to deficit spending. This is why I intend to support the fiscally responsible substitute which provides immediate estate tax relief targeted to farmers and small businesses while protecting other urgent priorities such as paying down the debt and shoring up the long-term future of Social Security and Medicare.

I will also support, however, final passage of H.R. 8 because it is the only vehicle the leadership will allow to provide estate tax relief. I will not obstruct that vehicle; however, I hope the Senate and the conference committee consider carefully compromise language that provides substantial, immediate relief, and that is fiscally responsible.

Mr. HOLT. Mr. Speaker, the estate tax. It is unfair and punitive and hurts family-owned small businesses and farms.

Last year, I visited the DePalma Farm, 85 beautiful acres in Holmdel, New Jersey. This property is one of the largest parcels of undeveloped land in my central New Jersey Congressional District. The DePalma farm survived two World Wars . . . the Great Depression . . . and the advent of the technological revolution and the factory farm. But today, because of the estate tax, family members had to make difficult decisions about whether to sell the property to developers just to pay the estate tax. This is true even though some wanted to keep the land in the family or preserve it as open space.

When a government policy robs families of their heritage and forces communities to develop land instead of preserving it, something needs to be changed.

Some people say that the estate tax is something that only affects the wealthy. But any community that has lost a lumber yard, a jewelry store or a family grocery to the estate tax knows better. These losses can forever change the character of a town. In boroughs and townships across New Jersey, businesses and families are going through financial gymnastics to avoid being bankrupted by this punitive tax.

I am proud to be a cosponsor of bipartisan legislation introduced by Representatives TANNER and DUNN to phase out the estate tax.

The legislation before us today provides $186 billion in tax relief by phasing in a repeal of estate, gift, and generation-skipping taxes. Beginning next year, the unified credit, currently applied to the first $675,000 of property, will be converted to an exemption so that the lowest statutory rates will apply to the value of an estate exceeding the exemption amount.

The bill expands conservation easements by modifying the distance requirements from metropolitan areas. Under the bill, maximum distance of eligible land from a metropolitan area, national park, or wilderness area is doubled. In an area like central New Jersey, where land values are skyrocketing, these provisions are important.

It is clear that simply raising the size of an estate exempted from the tax won't truly solve the problem. In central New Jersey, where the price of an acre of land runs into many, many of dollars, simply increasing the exemption would only help a minority, not a majority, of farms. Because wages, equipment, and the cost of living is higher in New Jersey than in other states, such a change would be unlikely to help most small businesses, too.

As an environmentalist and a fiscal conservative, I believe that Federal tax policy should not make it more difficult for families to retain the businesses or farms on which they have worked for their lifetimes.

And it should not give wealthy developers an unfair advantage over those who want to preserve open space for their community.

Central New Jersey supports eliminating the estate tax for family-owned farms and business. I urge my colleagues to pass responsible estate tax relief.

Mrs. MINK of Hawaii. Mr. Speaker, last year I voted to override the President's veto of the estate tax bill. I said at that time that it was necessary for both parties to develop an effective and sensible estate tax reform bill. The Democrats accepted my advice. Unfortunately, the Republicans did not.

On February 27, 2001, I introduced H.R. 759, immediately raising the estate tax exemption to all estates up to $5 million. That exemption would exempt virtually all estates from any estate tax. Consider estates in Hawaii, for example. In 1998 there were about 8,000 deaths in Hawaii. Only 196 estates had any estate tax liability. With a $5 million exemption, 184 of those estates, 94 percent of those that were taxed, would pay no tax. Only 12 estates would have had any tax liability.

The Democratic alternative contains a $5 million per couple exemption. I support the Democratic substitute because it exempts 75 percent of all estates and provides immediate relief. That is far better than the Republican plan which does not fully go into effect until after 2011.

The Republican estate tax bill is part of the excessive Republican tax plan. It offers no margin of error to avoid plunging the budget into deficit and leaves no amounts of any substance for education, Medicare or prescription drugs.

I urge support for the Democratic estate tax substitute.

Ms. KILPATRICK. Mr. Speaker, today I rise in strong opposition to H.R. 8, the Estate Tax Elimination Act. I say this with reservation, because I am not against tax relief for our nations small farmers and small businesses. In fact, our Democratic leadership on the Ways and Means Committee has drafted a more sensible estate tax relief bill. I am, however against the measure offered here on the floor. The Republican bill is simply too costly, it fails to stimulate a fragile economy and it fails to address the priorities of the America people.

This bill would cost the American people $662 billion if the estate tax was immediately repealed. However, in order to hide this fact, the Republican majority has stretched the measure out over 11 years. This bill finally repeals the estate tax in 2011. When added to the two other tax measures passed earlier in this house, the price tag of the President's tax cut will skyrocket to $2.9 trillion.

Once again, we are dealing with a tax measure directed at the very few. Today we are dealing with a tax that, according to the Joint Committee on Taxation, applied to only 2 percent of all estates based on IRS data from 1998. So America, we now operate in a time where 2 percent of estate control the legislative agenda of the U.S. House of Representatives. The first thing this measure does—I repeat, the first thing done in this measure . . . is the removal of the current surtax for estates larger than $10 million. It appears that while the President and some members of his Cabinet will receive significant benefits, our Nation's family-farms and small businesses are instructed to hold for tax relief until an unspecified future date.

On the other hand, our Democratic leadership on the Ways and Means Committee has crafted an estate tax relief measure that goes to those estates that need it most. The Democratic substitute, once fully phased in, provides a $2.5 million exclusion per individual and a $5 million exclusion per couple. Most significantly, the bill, effective January 1, 2002, would increase the current estate tax exclusion from $675,000 to $2 million providing immediate relief to our farmers and small businesses.

I have said it before, and I will say it again. Why are we here debating this massive tax cut? If my memory serves me correctly, the President, during the campaign, stated over and over again, that his first priority in office was the issue of education reform. We have been in session for 4 months now and we have yet to consider any substantive education measure. As Democrats, and at least half of the American public that voted for Al Gore feared, the President does not seem to be able to, or simply has chosen not to use his position of influence to move education in the Congress.

America, I challenge you to keep an eye on this President. If there were any doubts as to where his loyalties are, if there were any doubts about his sincerity about being bipartisan, if there are any doubts on whether or not he would represent all Americans—those doubts should be no more. His loyalties are to business and the wealthy, his policy has been extremely partisan, and he has chosen not to represent the least in our society.

To my colleagues, I urge you to vote against H.R. 8 and support the Democratic alternative.

Mrs. CLAYTON. Mr. Speaker, I rise today in support of estate tax relief for farmers and working Americans. I come from a rural district where a great many of my constituents make their livelihoods from farming. On paper, they look wealthy. In reality, they may not have $50 in their pocket or $1,000 in the bank. It is time for Congress to fix the estate tax so that it doesn't affect the livelihoods of these hard-working people. However, while the estate tax should not affect farmers and small businesspeople, it must be considered within the context of a larger tax debate. Only the larger debate can answer the question of basic fairness.

I want to see farmers, small business people, and working Americans treated fairly. That is why I will vote for the Democratic alternative. The Democratic alternative provides estate tax relief for those who need it, and sooner. It also exempts 99 percent of farms. The alternative allows for fiscal prudence and recognizes that America has other pressing needs. Fairness means providing sensible tax relief for working Americans. Fairness means giving our Nation's farmers the same support that they have given to us.

Because I seek fairness, I must continue to question the entire package of tax plans that the majority has sent to the floor. Taken as a whole the package is unfair, regressive, and unwise. Let us consider tax relief guided by the principle of fairness, rather than by no principles at all.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this bill—but not because I oppose estate-tax relief, and not because I am sticking with my party leadership on a partisan basis.

First, I do not think taxes should be a simple partisan issue. For example, last week, I joined in supporting a Republican-authored proposal to eliminate the marriage penalty and increase the child credit.

And, I do support reducing estate taxes for everyone, and especially for family-owned ranches and farms as well as other small businesses.

I definitely think we should act to make it easier for everyone to pass their estates—including lands and businesses—on to future generations. This is important for the whole country, of course, but it is particularly important for Coloradans who want to help keep ranch lands in open, undeveloped condition by reducing the pressure to sell them to pay estate taxes.

Since I have been in Congress, I have been working toward that goal. I am convinced that it is something that can be achieved—but it should be done in a reasonable, fiscally responsible way and in a way that deserves broad bipartisan support.

That means it should be done in a better way than by enacting this Republican bill—a bill that is even less balanced, even less responsible than the one that President Clinton vetoed last year.

That is why I voted for the Democratic alternative.

That alternative bill would have provided real, effective relief without the excesses of the Republican bill. It would have raised the estate tax's special exclusion to $2 million for each and every person's estate—meaning to $4 million for a couple—and would have done so immediately.

So, under that alternative, a married couple—including but not limited to the owners of a ranch or small business—could pass on an estate worth up to $4 million could pass it on intact with no estate tax whatsoever.

Once you look closely at the Republican leadership's bill, you can see that the Democratic alternative actually would be much more helpful to everyone who might be affected by the estate tax.

That's because the Democratic alternative would have taken effect immediately—it would not have been phased in over a decade, like the Republican leadership's bill.

Further, the Democratic alternative would immediately apply equally to every estate—unlike the Republican bill, which would start by reducing estate tax rates for the very largest estates, and only fully apply to all estates 10 years from now.

In other words, under the Republican bill a couple passing on their estate in the near future would avoid more tax under the Democratic plan than under the Republican bill. They would not have to hope to live long enough to see the benefits of the Republican bill.

Further, the Republican bill actually has the potential to greatly increase taxes for many people, because it revises the rules for valuing assets that people inherit. Should that become law, it will mean, first, a great increase in the record-keeping and paperwork burden for many people and, second, higher capital-gains taxes for many heirs.

Evidently, those provisions—like the bill's very slow phase in—were included to make the bill appear to fit within the overall size of the President's tax plan.

But the result is that this bill's name—estate tax "repeal"—is an empty slogan, a pretty label that disguises the reality.

The Democratic alternative was much more substantive—real reform, not just rhetoric.

And, the Democratic alternative was much more fiscally responsible. It would not run the same risks of weakening our ability to do what is needed to maintain and strengthen Social Security and Medicare, provide a prescription drug benefit for seniors, invest in our schools and communities, and pay down the public debt.

The net cost of the Democratic bill would be $40 billion over 10 years. In contrast, the Republican bill's 10-year revenue reduction will be $193 billion, with 45 percent of that coming in just the last 2 years. But that is far from the whole story. Because of the way the bill is phased in, its true cost is cleverly hidden and does not show up until after the 10-year budget window.

That means the full effects of the Republican bill will come just at the time when we will have to face budget pressures because my own "baby boom" generation is starting to retire. And if we feel we need to "phase in" H.R. 8 because we cannot afford the full repeal now, how are we ever going to afford it 10 years from now?

We do not need to engage in this fiscal overkill.

According to the Treasury Department, under current law only 2 percent of all decedents have enough wealth to be subject to the estate tax at all.

To be more specific, Treasury Department data show that in 1998 the estates of only 743 Coloradans were subject to paying federal estate taxes.

Under the Democratic alternative, that number would have been even smaller. That's because the average Colorado gross estate for which an estate tax return was filed was $1.87 million—an amount that would be completely exempted by the Democratic bill for which I voted.

And I would support going even further. I have joined in sponsoring a bill—H.R. 759, introduced by Representative PATSY MINK from Hawaii—that would fully exempt estates of $5 million or less from estate taxes. Based on Treasury Department data, in 1998 that would have exempted all but 45 Colorado estates from paying any federal estate tax at all.

Of course, all these numbers only relate to the cases in which an estate tax was actually paid. Clearly, in many other cases families have taken actions to forestall the estate tax. But just as clearly, the Democratic bill would have greatly reduced the pressure that prompted some of those actions.

Mr. Speaker, I am very disappointed with the evident determination of the Republican leadership to insist on bringing this bill forward and to reject any attempt to shape a bill that could be supported by all Members.

Since I was first elected, I have sought to work with our colleagues on both sides of the aisle on this issue to achieve realistic and responsible reform of the estate tax.

I initially voted for an estate-tax bill in the last Congress, although it was far from what I would have preferred, hoping that as the legislative process continued it would be improved to the point that it deserved enactment. Unfortunately, that did not occur and the final bill was vetoed, as it should have been. And now the Republican leadership is insisting on going forward with this bill, which is even less balanced and responsible than that vetoed bill of the last Congress.

I cannot support that, and I cannot vote for this bill.

Mr. OTTER. Mr. Speaker, I rise today to urge my colleagues to join me in voting for H.R. 8, the "Death Tax Elimination Act of 2001." As a cosponsor of this bill, I fully support eliminating the death tax. This bill keeps our promise to pass death tax relief as part of President Bush's budget plan.

The Death Tax Elimination Act of 2001 will eliminate the death tax over 10 years, without harming the surplus or raiding Social Security. In fact, the Heritage Foundation estimates that repealing the death tax will create 145,000 additional jobs in the 9 years after the tax is repealed. These employment gains will come, not just from the additional businesses that stay open because they don't have to be liquidated to pay tax, but also from the effect repealing the estate tax will have on keeping interest rates low.

The death tax is an egregious and punitive part of our Tax Code for every American, but it is especially hurtful to rural areas. The death tax forces farmers to sell land that has been in their families since pioneer days, and forces small businessmen to sell the companies that are often the only providers of their service in a community. Often these services are then filled, not from within the same community, but from providers in cities literally hundreds of miles away. To make matters worse, the capital generated from these sales flows out of the rural communities into large city banks and markets. In short, every dime wrenched out of rural Idaho by the estate tax causes many dollars worth of suffering.

I am glad that we will pass the death tax repeal today. It will provide a much needed stimulus for our economy, encourage family farming and small business formation, and restore much needed fairness to our Tax Code. I urge my colleagues to join me in voting for H.R. 8.

Mr. CRENSHAW. Mr. Speaker, as an original cosponsor of H.R. 8, I rise in strong support of this full repeal of the estate tax.

It has been discouraging, Mr. Speaker, to see this debate degenerate into a sort of class warfare. This is not about rich and poor. It is not about whether rich people deserve a tax break. It is not even about who pays the most in taxes. It is about fairness, plain and simple.

It is just unfair that any one should pay a 55-percent tax on their business, their home, or their farm. It is still more unfair that this enormous burden be placed on families just at the moment a loved one passes on. There is no time for bereavement, no time for grief. The taxman comes to the door of the funeral home and, as my local paper sees it, steals the pennies off a dead man's eyes.

We ought to be able to pass along more than just memories to our children. We work a lifetime to build a home, a business, a legacy that we can leave for our children. With the death tax, our children are forced to sell a part of that inheritance just to be able to afford the other part. And, Mr. Speaker, inheritance should not be a dirty word.

This is not for the wealthy few, as some would have us believe. According to the Treasury Department, 45,000 families paid estate taxes in 1999, and it is estimated that twice as many sold off their legacy before they died so that their families would not be saddled with this burden. That is just too much time and effort put into keeping our family businesses in the family.

I have spoken to many constituents who own small businesses in my district and want their children to carry on those enterprises in the future. These are the mom and pop shops that form the backbone of Main Street, America. What right have we to stand in their way with this unfair tax?

I urge my colleagues to support these businesses and to vote for this bill. Today, we will once and for all fully repeal the death tax.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 8, the Death Tax Elimination Act of 2001 and I urge my colleagues to lend this measure their support.

The estate tax is an outmoded policy that has long outlived its usefulness. Alternatively known as the death tax, this tax was instituted in 1916 to prevent too much wealth from congregating with the wealthy capitalist families in early 20th century America. Regrettably, the law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys which the middle-class cannot afford.

It has been estimated that the estate tax has been responsible for the demise of 85 percent of American small business by the third generation. Furthermore, countless number of farms have had to be sold in order to pay an outrageously high estate tax, ranging as high as 55 percent of the farms assessed value.

By forcing the sale of such farmland to outside buyers, often commercial developers, the estate tax has been a substantial contributor to suburban sprawl and unchecked growth in many parts of the country.

The most indefensible point about the estate tax, however, is the cost associated with enforcing and collecting it. Estimates cited in a Joint Committee on Taxation report issued last year placed the cost of collecting estate taxes at 65 cents out of every dollar taken in.

Considering this cost, as well as the fact that the assets taxed under the estate tax have often already been taxed several times, it makes no sense to continue this nonsensical practice. Family-owned small business certainly would do better without the estate tax, as would family farms that still operate from generation to generation.

Accordingly, I urge my colleagues to join in supporting this legislation.

Ms. BALDWIN. Mr. Speaker, I oppose H.R. 8, the Death Tax Elimination Act. While I support reform of the estate tax, full repeal provides benefits only to the wealthiest in our society. The vast majority of the people I represent will receive no benefit from this tax cut at all. According to the bi-partisan congressional Joint Tax Committee, fewer than two percent of all estates (about 48,000) pay the estate tax. In Wisconsin, only 828 estates had any estate tax liability in 1998.

I strongly believe it is time to deliver estate tax relief to Wisconsin family farms and small businesses. However, H.R. 8 isn't the way to do it. H.R. 8 would repeal the estate tax gradually over ten years at a cost of $192 billion. This legislation reduces the rates on the largest estates first while providing no tax relief to the majority of smaller estates. Estates of less than $2.5 million get no relief until 2004.

I support the Democratic alternative that provides estate tax relief targeted to family farms and small businesses. This alternative would cost a reasonable $40 billion over ten years, and includes an immediate $2 million exclusion from estate taxes ($4 million per couple) increasing to $2.5 million by 2010 ($5 million per couple). Two-thirds of all estates that pay tax under current law would be exempt, and 99.4 percent of all farms would also be exempt. H.R. 8 makes small businesses and family farmers wait for ten years.

I support this fiscally sensible alternative that targets relief to farmers and small businesspeople while protecting our ability to pay down the debt and shore up the long-term solvency of Social Security and Medicare.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his conditional support for H.R. 8, the "Estate Tax Elimination Act." This Member's vote today for H.R. 8 is based only on his desire to move the inheritance tax reform process forward, for the current legislation is at worst a faulty product and at best only a shadow of what could be beneficially done to reduce the inheritance tax burden on most Americans who now and in the future are actually subject to such taxes. Don't be confused, in its current form H.R. 8 is not the Bush tax cut plan! Supporters will argue it is, but that is emphatically not the case. Many of this Member's small business, farm, and ranch families would be better off with no bill, as if H.R. 8, in its current form, is passed into law, then they would end-up paying more taxes than if H.R. 8 had not been passed into law at all.

However, this Member does not support the complete repeal of the Federal inheritance tax. Nor does this Member support the focus of H.R. 8, as amended by the Ways and Means Committee, which is now concentrated initially on eliminating the top estate tax rates above 50 percent and only subsequently on lowering the marginal tax rates by only a few percentage points each year. Rather this Member believes that the only way to ensure that his Nebraska and all American small business, farm and ranch families benefit from estate tax reform is to dramatically and immediately increase the Federal inheritance tax exemption level.

This Member is a long-term advocate of inheritance tax reduction, especially in regard to protecting small businesses and family farms and ranches. This Member believes that inheritance taxes unfortunately do adversely and inappropriately affect Nebraskan small business and family farmers and ranchers when they attempt to pass this estate from one generation to the next.

Accordingly, to demonstrate this Member's very real support for inheritance tax reform, this Member on January 3, 2001, the first day of the 107th Congress, introduced the Estate Tax Relief Act (H.R. 42). This Member introduced this legislation, which currently has 28 cosponsors, after consulting with different Nebraska farm and business groups. This measure would provide immediate, essential Federal estate tax relief by immediately increasing the Federal estate tax exclusion to $10 million effective upon enactment. (With some estate planning, a married couple could double the value of this exclusion to $20 million. As a comparison, under the current law for year 2001, the estate tax exclusion is only $675,000.) In addition, H.R. 42 would adjust this $10 million exclusion for inflation thereafter. The legislation would decrease the highest Federal estate tax rate from 55 percent to 39.6 percent effective upon enactment, as 39.6 percent is currently the highest Federal income tax rate. Under the bill, the value of an estate over $10 million would be taxed at the 39.6 percent rate. Under current law, the 55 percent estate tax bracket begins for estates over $3 million. Finally, H.R. 42 would continue to apply the stepped-up capital gains basis to the estate, which is provided in current law.

Since this Member believes that H.R. 42 or similar legislation is the only way to provide true estate tax reduction for our nation's small business, farm and ranch families, this Member is also voting in support of the Rangel Substitute. This Member is supporting the Substitute for the following two reasons:

First, the Substitute provides an immediate increase in the exclusion from $675,000 to $2 million, or $4 million per couple with a modicum of estate planning, and phases-in a $2.5 million exclusion by 2002 (in $100,000 increments every other year);

Second, and very important, the Substitute retains current law which provides for a "stepped-up basis," whereby the value of property transferred to an heir is based on its fair-market value at the time of the deceased's death, not at the time the deceased acquired the property. This allows an individual who inherits property to avoid paying capital gains taxes on the increased value of inherited property that occurred during the lifetime of the decedent.

At this point it should be noted that under H.R. 8, beginning in 2011, the "stepped-up basis" is eliminated (with two exceptions) such that the value of inherited assets would be "carried-over" from the deceased. Therefore, H.R. 8 could result in unfortunate tax consequences for some heirs as the heirs would have to pay capitals gains taxes on any increase in the value of the property from the time the asset was acquired by the deceased until it was sold by the heirs—resulting in a higher capital gain and larger tax liability for the heirs than under the current "stepped-up" basis law.

This Member also believes it would be a great political error and controversy to eliminate the inheritance tax on billionaires or mega-millionaires. Also, the very negative impact on the largest of the charitable contributions and the establishment of charitable foundations cannot be underestimated. The benefits of these foundations to American society are invaluable. Our universities and colleges, too, would see a very marked reduction in the gifts they receive if the inheritance tax on the wealthiest Americans was totally eliminated.

In a recent Congressional Research Service (CRS) Report to Congress, entitled, Estate and Gift Taxes: Economic Issues, it is noted that "One group that benefits from the presence of an estate and gift tax is the non-profit sector, since charitable contributions can be given or bequeathed without paying tax." Furthermore, the CRS report notes that "over 6 percent of assets of those filing estate tax returns are left to charities; 15 percent of the assets of the highest wealth class are left to charity." The CRS report also cites the results of a study by David Joulfaian, Estate Taxes and Charitable Bequests by the Wealth, National Bureau of Economic Research Working Paper 7663, April 2000, which found that charitable bequests are very responsive to the estate tax, and indeed that the charitable deduction is "target efficient" in the sense that it induces more charitable contributions than it loses in revenue.

Despite the legal talents the super-rich can afford, such an inheritance tax change would have major consequences. The total elimination of the inheritance tax is a bad idea.

Again, this Member's vote today for this legislation should be regarded only as a demonstration of his desire to move the inheritance tax reform process forward and of this Member's strong conviction that only by increasing dramatically and immediately the exemption level to the Federal inheritance tax will real estate tax reform be realized for middle class Americans.

Finally, Mr. Speaker, if H.R. 8 passes the House today, it goes to an uncertain future in the Senate. However, if the Senate does indeed pass H.R. 8 in its current form or similarly defective and damaging legislation and subsequently a conference report comes back to the House in that form, my responsibilities to represent my constituents and my moral responsibility will cause this Member to vote against it.

Ms. HARMAN. Mr. Speaker, today I am voting for two bills to revise the estate tax. Neither is a perfect answer, and my votes signify my eagerness to work with both parties to craft a bipartisan solution.

I support tax relief in the context of a responsible budget that "spends" our surplus wisely. Estate tax relief should be part of this budget.

The present estate tax system hurts small businesses and hard-working families in the South Bay and elsewhere and it needs to change.

We need immediate relief—not the promise of relief in 11 years, which is the essence of H.R. 8. We need a higher exemption—up to $4 million—which is the subject of a bipartisan letter I signed to President Bush. We should also consider the notion in H.R. 8 to subject appreciated property to capital gains tax—but we should do it in a way that does not impose new burdens on those presently exempt from estate tax.

This is a work in progress. I reserve judgment on the final product. Today, my votes signify my willingness to engage the conversation.

Mr. CASTLE. Mr. Speaker, I strongly support tax relief for all Americans. Broad based-tax relief this year should include significantly reducing the estate tax. Today, I am voting for immediate reform of the estate tax to protect families, small businesses and family farms. This plan would cut the estate tax by immediately increasing the exemption from $675,000 to $2 million for an individual and $4 million per couple in 2002 and increasing it to $2.5 million for an individual and $5 million per couple by 2010. I am voting for immediate relief from estates taxes to all those affected by it. This reform would exempt most Americans from any estate taxes.

We must act to continue to reduce the estate tax to protect small businesses and family farms. Yet, today's proposal to completely repeal the tax is not the best approach. First, we can provide immediate and broad relief from the estate tax to more Americans affected by exempting more families without completely repeal. Second, attempting to enact complete repeal at this time makes it more difficult to provide other tax relief for more Americans, including small businesses. The President's plan calls for $1.62 trillion in tax cuts in the next 10 years. This estate repeal proposal could jeopardize the entire tax relief and balanced budget plan.

This year I have voted with strong majorities in this House to reduce income tax rates for all Americans, provide marriage penalty relief, and increase the child tax credit. I want to provide more tax relief to Americans by allowing them to save more in IRA's, 401(k)a and other pensions. In addition, there are worthwhile proposals to reduce taxes by allowing more Americans to deduct their charitable contributions, increase education IRAs, expand deductibility of health care costs, and provide businesses with permanent credit for investing in research and development. It will be much more difficult to address these issues within our balanced budget plan if we insist on total repeal of the estate tax now. The current approach to estate tax repeal leaves far too little—only $70 billion over ten years—to cut taxes for millions of other Americans.

We should provide tax relief as soon as possible. As currently constructed, H.R. 8 would not repeal the estate tax until 2011. Until that time, the top estate tax rate will still be over 50 percent. We would help more families right away by increasing the estate tax exemption to $2.5 million for individuals and $5 million for a couple. We should also reduce the top rate. Unfortunately, today, we have a weaker proposal that delays repeal for ten years. Instead of a weak repeal proposal, we could have a plan that provides immediate relief within our budget limits.

All tax relief should help as many Americans as possible while maintaining our ability to pay down the debt and balance the budget. Today's proposal for complete repeal does not meet this test. It makes it more difficult to provide other tax relief and it would have a tremendous negative impact on the budget in 2011, just at the time we will need additional resources for the retiring Baby Boom generation.

Fortunately, today's debate is just one step in the legislative process. We can reduce the estate tax this year. I hope the political jockeying will end soon so we get down to negotiating a balanced tax relief plan that cuts the estate tax and that can pass Congress and be signed into law.

Mr. COYNE. Mr. Speaker, I support—and have voted in support of—estate tax relief, but I cannot support repeal of the estate tax. Moreover, even if my colleagues favor repeal of the estate tax, they should oppose H.R. 8. This is an irresponsible, inequitable, and misleading piece of legislation.

This bill is irresponsible because of the impact it will have on the federal budget. This legislation repeals the estate tax over time—over a long time. The repeal of the estate tax provided for in H.R. 8 doesn't fully phase in until 2011—about the time that the federal government's non-Social Security surpluses are projected to end. Does it make sense to cut federal receipts by over $60 billion a year just when the government is expected to run massive deficits—as the number of senior citizens on Social Security, Medicare, and Medicaid is expected to double and expenditures on those programs explode?

Obviously, it goes without saying that a tax cut that is not fully phased in for ten years will do little to stimulate the economy in the short term. The Democratic alternative—which I support, but which was rejected on a party-line vote in the Ways and Means Committee—would, in contrast, provide immediate relief to farmers and small family businesses.

And that brings me to another important point. H.R. 8, by phasing in repeal of the estate tax over such a long period of time, conceals the actual cost of repealing the estate tax. I consider this to be a fairly dishonest tactic, but it is of a piece with the Republican plan for enacting President Bush's tax cut plan. By breaking the larger package of tax cuts into smaller, less threatening bills, and passing them before we ever see the spending cuts that President Bush will propose to pay for them, the Administration and Congressional Republicans are, in my opinion, being deceptive, dishonest, and irresponsible. As I have mentioned in my previous floor statements on H.R. 3 and H.R. 6, I support fair and responsible reductions in marginal tax rates, as well as legislation to fix the marriage penalty. And I support estate tax relief for family farms and small businesses. But I believe that such major changes in tax law should not be considered piecemeal, but rather in the context of thoughtful, comprehensive, and honest debate on federal spending and tax policy in the coming decades. I believe that the intent behind the long phase-in of the estate tax repeal—like the phase-ins in the other Republican tax cut bills—is to conceal the true cost of these tax cuts and obscure the trade-offs that enactment of these tax cuts will require.

Finally, I want to explain why I oppose repeal of the estate tax. As it is currently structured, the estate tax affects only the most affluent 2 percent of households—and when the changes in the estate tax that Congress passed with my support in 1997 are fully phased in, the estate tax will only affect taxpayers with more than $1 million in assets and married couples with more than $2 million in assets. Repeal of the estate tax would seriously reduce the progressivity of the federal tax code, which already places as much of a burden on middle class families as it does on the wealthiest families in America. I see such an outcome as fundamentally unfair. I believe that if Congress is going to pass a $200 billion tax relief bill today, it should provide tax relief to the families that are most in need of tax relief—families with incomes of $15,000, $25,000, or $40,000—not millionaires.

Consequently, I must oppose this legislation, and I will support the Democratic alternative for estate tax relief—a smaller, more responsible package of tax cuts that would help the small family farms and businesses that the Republicans always mention when arguing for estate tax relief. The Democratic alternative does more to help farmers and family businesses over the next 5 years than the Republican bill. I urge my colleagues to support this alternative.

Mr. MANZULLO. Mr. Speaker, I rise in strong support of today's bill, the "Death Tax Elimination Act", H.R. 8.

This bill would end one of the most burdensome taxes in the federal tax code-the death tax, by repealing estate and gift taxes over the next ten years. The death tax stifles growth, kills jobs, discourages savings, drains resources, and ruins small and family businesses and farms.

In effect, the death tax punishes small entrepreneurs for their hard work. Millions of Americans spend a lifetime working and investing in a small business or family farm for their families and for their communities—only to have the IRS confiscate more than half of it away at their death. This is a terrible injustice. Unreasonably steep death taxes force families to sell or break up small ventures and farms or to liquidate assets.

Two examples in my district alone include the Beuth and Hall families. Richard and Judy Beuth of Seward, Illinois almost lost the family farm three years ago when Richard's father died and the IRS hit them with a huge $185,000 death tax bill. Similarly, the Hall family in Ogle County had to sell equipment, sell part of their land, and take out huge loans to pay a whopping $2.7 million death tax bill they received shortly after their father died in 1996.

Unambiguously, the death tax is hurting middle-class Americans. The great irony of this tax is that it encourages frivolous, selfish spending and discourages savings and investment. Over 80% of small businesses must spend costly resources to protect against the death tax so they can pass something on to their children. This hurts women-owned and minority-owned small businesses the hardest.

According to the Center for the Study of Taxation, 70% of family businesses don't survive through the second generation and nearly 90% do not make it through the third. Worse, 9 out of 10 successors whose family business failed within three years of the death of the original owner said difficulty paying the death tax played a major role in that failure. It's time to end this immoral and counterproductive tax.

I urge all my colleagues to support small business by supporting this common sense, bipartisan legislation.

Mr. GRAVES. Mr. Speaker it is time that we kill the death tax. Many of my colleagues and many in the media have argued that this tax is justified because it only affects the wealthy—well, Mr. Speaker, that is wrong. The victims who are hit the hardest by this tax are the family members of middle-class, hard-working Americans—small business owners and employees, family farmers and ranchers. The Death tax penalizes the sons and daughters of the local hardware store owners, farmers, and grocers the most. The Death Tax punishes those who spend their lifetime building a small business or running a farm in the sincere hope that they will be able to leave the fruits of that labor to their children and grandchildren.

When a small business owner of farmer passes, too often the business or farm must be divided, sold, or shut down, because the tax penalty is so great. The loss of that small business is devastating to the employees and to the local community.

For the small businesses and family farmers in the 6th District of Missouri, I am proud to support the Death Tax Elimination Act. The Death Tax is not an issue of politics or partisanship, but rather, it is an issue of fairness, family, community and keeping the American Dream alive for the children and grandchildren of this nation.

Mr. LANGEVIN. Mr. Speaker, I rise today in strong opposition to H.R. 8, the Death Tax Elimination Act. However, as a member of the Small Business Committee, I am aware of the tax burden under which many entrepreneurs and working families must operate, which is why I plan to vote for the Democratic substitute. I support efforts to protect small business owners and will work to ensure that they are not forced to sell businesses that have remained in their families for generations in order to pay estate taxes.

Unfortunately, H.R. 8 does not effectively target the small businesses and family farms that are in greatest need of assistance. It would allow the wealthiest two percent of our population to pass wealth to their heirs without taxation, while hard working families would continue to be taxed on every dollar earned. It would also have a devastating impact on charities, foundations, universities and other philanthropic organizations. This legislation would cause enormous revenue losses and threaten our ability to address national priorities like extending the solvency of Social Security and Medicare, reducing our national debt, implementing a prescription drug benefit for seniors and improving education and health care.

As the third installment of President Bush's $1.6 trillion tax cut package, H.R. 8 would gradually reduce and then fully repeal the estate tax over a 10-year period. The Joint Committee on Taxation has estimated that this measure would reduce revenues by more than $192 billion over the next decade. Moreover, repealing the estate tax will cost states about $6 billion annually, possibly forcing them to make up the revenue through other tax or fee increases. Perhaps most important of all, the benefit of H.R. 8 to my constituents would be minimal.

Based on Internal Revenue Service data for 1998, estimates show that of 10,000 deaths in my home state, only 361 Rhode Island decedents filed estate tax returns and only 187 returns resulted in an estate tax liability. In a similar study that same year, the IRS also found that only two percent of decedents nationwide—or 47,483 estates—were impacted by the federal estate tax. In fact, 3,000 of the most affluent individuals in the country paid more than half of all the estate taxes that year.

If we are truly concerned about the small business owners and family farmers who are adversely affected by the estate tax, we should pass the Democratic substitute. This sensible reform would immediately exclude over 75 percent of estates by increasing the exemption to $2 million per individual and $4 million per couple. As a result, only ½ of one percent of all decedents would pay the estate tax. Additionally, 99 percent of all farms would be exempt. Under our proposal, those eligible middle-income families, small business owners and family farmers truly in need would receive estate tax relief. Furthermore, they would receive the benefit now, rather than waiting years for relief, as required under the Republican plan.

This measure, included with the tax cut plan and budget resolution already passed by the House, would exceed the projected budget surplus and require deep cuts in non-defense discretionary funding. Therefore, I urge my colleagues to vote against this fiscally irresponsible measure and support the Democratic substitute. It ensures that small businesses and family farms can be preserved from one generation to the next, while retaining some of our budget surplus to pay down the debt, ensure the solvency of Social Security and Medicare, and allocate critical funding for our national priorities.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. INCREASE IN EXEMPTION EQUIVALENT OF UNIFIED CREDIT.

(a) IN GENERAL.—Subsection (c) of section 2010 (relating to applicable credit amount) is amended by striking the table and inserting the following new table:

"In the case of estates of decedents dying, and gifts made, during:	The applicable exclusion amount is:
2002	$2,000,000
2003 and 2004	$2,100,000
2005 and 2006	$2,200,000
2007 and 2008	$2,300,000
2009	$2,400,000
2010 or thereafter	$2,500,000."

(b) REPEAL OF SPECIAL BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.—

(1) Section 2057 is hereby repealed.

(2) Paragraph (10) of section 2031(c) is amended by inserting "(as in effect on the day before the date of the enactment of this parenthetical)" before the period.

(3) The table of sections for part IV of subchapter A of chapter 11 is amended by striking the item relating to section 2057.

(c) CORRECTION OF TECHNICAL ERROR AFFECTING LARGEST ESTATES.—Paragraph (2) of section 2001(c) is amended by striking "$10,000,000" and all that follows and inserting "$10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) and $359,200."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2001.

SEC. 3. CREDIT FOR STATE DEATH TAXES REPLACED WITH DEDUCTION FOR SUCH TAXES.

(a) REPEAL OF CREDIT.—Section 2011 (relating to credit for State death taxes) is hereby repealed.

(b) DEDUCTION FOR STATE DEATH TAXES.—Part IV of subchapter A of chapter 11 is amended by adding at the end the following new section:

"SEC. 2058. STATE DEATH TAXES.

"(a) ALLOWANCE OF DEDUCTION.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent).

"(b) PERIOD OF LIMITATIONS.—The deduction allowed by this section shall include only such taxes as were actually paid and deduction therefor claimed within 4 years after the filing of the return required by section 6018, except that—

"(1) If a petition for redetermination of a deficiency has been filed with the Tax Court within the time prescribed in section 6213(a), then within such 4-year period or before the expiration of 60 days after the decision of the Tax Court becomes final.

"(2) If, under section 6161 or 6166, an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such 4-year period or before the date of the expiration of the period of the extension.

"(3) If a claim for refund or credit of an overpayment of tax imposed by this chapter has been filed within the time prescribed in section 6511, then within such 4-year period or before the expiration of 60 days from the date of mailing by certified mail or registered mail by the Secretary to the taxpayer of a notice of the disallowance of any part of such claim, or before the expiration of 60 days after a decision by any court of competent jurisdiction becomes final with respect to a timely suit instituted upon such claim, whichever is later.

Refund based on the deduction may (despite the provisions of sections 6511 and 6512) be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 2012 is amended by striking "the credit for State death taxes provided by section 2011 and".

(2) Subparagraph (A) of section 2013(c)(1) is amended by striking "2011,".

(3) Paragraph (2) of section 2014(b) is amended by striking ", 2011,".

(4) Sections 2015 and 2016 are each amended by striking "2011 or".

(5) Subsection (d) of section 2053 is amended to read as follows:

"(d) CERTAIN FOREIGN DEATH TAXES.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (c)(1)(B) of this section, for purposes of the tax imposed by section 2001, the value of the taxable estate may be determined, if the executor so elects before the expiration of the period of limitation for assessment provided in section 6501, by deducting from the value of the gross estate the amount (as determined in accordance with regulations prescribed by the Secretary) of any estate, succession, legacy, or inheritance tax imposed by and actually paid to any foreign country, in respect of any property situated within such foreign country and included in the gross estate of a citizen or resident of the United States, upon a transfer by the decedent for public, charitable, or religious uses described in section 2055. The determination under this paragraph of the country within which property is situated shall be made in accordance with the rules applicable under subchapter B (sec. 2101 and following) in determining whether property is situated within or without the United States. Any election under this paragraph shall be exercised in accordance with regulations prescribed by the Secretary.

"(2) CONDITION FOR ALLOWANCE OF DEDUCTION.—No deduction shall be allowed under paragraph (1) for a foreign death tax specified therein unless the decrease in the tax imposed by section 2001 which results from the deduction provided in paragraph (1) will inure solely for the benefit of the public, charitable, or religious transferees described in section 2055 or section 2106(a)(2). In any case where the tax imposed by section 2001 is equitably apportioned among all the transferees of property included in the gross estate, including those described in sections 2055 and 2106(a)(2) (taking into account any exemptions, credits, or deductions allowed by this chapter), in determining such decrease, there shall be disregarded any decrease in the Federal estate tax which any transferees other than those described in sections 2055 and 2106(a)(2) are required to pay.

"(3) EFFECT ON CREDIT FOR FOREIGN DEATH TAXES OF DEDUCTION UNDER THIS SUBSECTION.—

"(A) ELECTION.—An election under this subsection shall be deemed a waiver of the right to claim a credit, against the Federal estate tax, under a death tax convention with any foreign country for any tax or portion thereof in respect of which a deduction is taken under this subsection.

"(B) CROSS REFERENCE.—

"See section 2014(f) for the effect of a deduction taken under this paragraph on the credit for foreign death taxes."

(6) Subparagraph (A) of section 2056A(b)(10) is amended—

(A) by striking "2011,", and

(B) by inserting "2058," after "2056,".

(7)(A) Subsection (a) of section 2102 is amended to read as follows:

"(a) IN GENERAL.—The tax imposed by section 2101 shall be credited with the amounts determined in accordance with sections 2012 and 2013 (relating to gift tax and tax on prior transfers)."

(B) Section 2102 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(C) Section 2102(b)(5) (as redesignated by subparagraph (B)) and section 2107(c)(3) are each amended by striking "2011 to 2013, inclusive," and inserting "2012 and 2013".

(8) Subsection (a) of section 2106 is amended by adding at the end the following new paragraph:

"(4) STATE DEATH TAXES.—The amount which bears the same ratio to the State death taxes as the value of the property, as determined for purposes of this chapter, upon which State death taxes were paid and which is included in the gross estate under section 2103 bears to the value of the total gross estate under section 2103. For purposes of this paragraph, the term 'State death taxes' means the taxes described in section 2011(a)."

(9) Section 2201 is amended—

(A) by striking "as defined in section 2011(d)", and

(B) by adding at the end the following new flush sentence:

"For purposes of this section, the additional estate tax is the difference between the tax imposed by section 2001 or 2101 and the amount equal to 125 percent of the maximum credit provided by section 2011(b), as in effect before its repeal by the Tax Reduction Act of 2001."

(10) Paragraph (2) of section 6511(i) is amended by striking "2011(c), 2014(b)," and inserting "2014(b)".

(11) Subsection (c) of section 6612 is amended by striking "section 2011(c) (relating to refunds due to credit for State taxes),".

(12) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2011.

(13) The table of sections for part IV of subchapter A of chapter 11 is amended by adding at the end the following new item:

"Sec. 2058. State death taxes."

(d) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2001.

SEC. 4. VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS; LIMITATION ON MINORITY DISCOUNTS.

(a) In General.—Section 2031 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (f) and by inserting after subsection (c) the following new subsections:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this chapter and chapter 12—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092)—

"(A) the value of any nonbusiness assets held by the entity shall be determined as if the transferor had transferred such assets directly to the transferee (and no valuation discount shall be allowed with respect to such nonbusiness assets), and

"(B) the nonbusiness assets shall not be taken into account in determining the value of the interest in the entity.

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection.

"(e) Limitation on Minority Discounts.—For purposes of this chapter and chapter 12, in the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), no discount shall be allowed by reason of the fact that the transferee does not have control of such entity if the transferee and members of the family (as defined in section 2032A(e)(2)) of the transferee have control of such entity."

(c) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 5. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) Repeal of Location Requirement.—Subparagraph (A) of section 2031(c)(8) (defining land subject to a conservation easement) is amended by striking clause (i) and redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(b) Clarification of Date for Determining Value of Land and Easement.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(c) Effective Date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1986 to provide estate tax relief.".

The SPEAKER pro tempore. Pursuant to House Resolution 111, the gentleman from New York (Mr. Rangel) and the gentleman from California (Mr. Thomas) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Green).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. Rangel) for yielding the time to me.

Mr. Speaker, I thought it was appropriate that our colleague from California (Mr. Waxman) talked about this, that what we are talking about today is the people's money, and it is the gold.

Mr. Speaker, I rise in opposition to H.R. 8 and in support of the substitute. And like my colleagues, I am troubled by the stories that families have to sell their farms and businesses because they cannot afford the estate tax; but we must reform it now, and not 10 years from now. We must continue the long-standing American tradition of families passing their businesses on from generation to generation.

We can do this in a financially responsible manner that alleviates the burden for most of those small businesses and farms now instead of 10 years from now. Again, my Republican colleagues would have us repeal the estate tax 10 years from now.

They support this bill we are talking about today. There is an east Texas saying that says it is called a wink, a prayer and a promise that is 10 years from now. That is all this is, Mr. Speaker.

In 10 years, this bill would provide tax relief for still less than 2 percent of the people. Let us have a tax cut for the other 98 percent of Americans not 10 years from now.

Mr. THOMAS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I listened carefully to my colleague from California (Mr. Waxman), who has come up with a clever idea of awarding a pot painted gold, for whatever particular reason, that he believes serves his particular purposes.

However, what I did hear the gentleman say, though, was that he rose in opposition to the Republican measure. I am sure the gentleman, who is not on the floor now, was probably not on the floor earlier when the cosponsor of H.R. 8, a Democrat, spoke in opposition to that.

There are a number of other Democrats who are interested in the repeal of the estate or death tax, not in some modification.

Mr. Speaker, to make sure that Members understand that this is a bipartisan proposal, I yield 2½ minutes to the gentleman from Hawaii (Mr. Abercrombie).

Mr. ABERCROMBIE. Mr. Speaker, for those who do not think about this every day when they get up, this debate may seem rather esoteric and a bit almost beside the point; but for those of our constituents who are concerned about this issue, let me tell my colleagues, they think about it every day. They think about it all the time. They think about it in terms that are very, very personal to them.

I do not think that I have ever involved myself with a domestic issue that has had the same kind of impact personally, psychologically, and emotionally as this issue has had with my constituents. People that I have known personally in the islands for the better part of four decades, many of whom have not agreed with me philosophically, ideologically in terms of politics are united around this issue. And the fact that it may not provide every aspect, every element that they would like to see in terms of immediacy; the fact that they will have to come to grips with capital gains taxation that they might not otherwise have anticipated; and the fact that they understand that this bill is in a process of becoming that what passes today is unlikely to be the final answer, that some of the immediacy that is involved in the substitute that the gentleman from New York (Mr. RANGEL) and others have put together in good faith may become part of the equation.

Those facts, yes, enter into it; but fundamentally, what they want is the passage of this bill, and they want to be able to see and say who is on their side on this. And I am afraid that our substitute, the amendment, as such, despite its good intentions, will not measure in that regard.

The other aspect of this that is very, very important and what hit me so hard is that this is a jobs bill. We tend not to look at that aspect of it. Businesses which have to be sold in order to meet the estate tax burden involve dozens, sometimes hundreds of people whose jobs, whose welfare, whose obligations, whose responsibilities are put in jeopardy. I do not think we can do that.

This is involved with families. This is involved in a way that people have a tremendous emotional commitment to, and I think as Democrats and Republicans we need to respond to it with an overwhelming vote in favor of the estate tax repeal.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman from California (Mr. THOMAS), chairman of my Committee on Ways and Means, is right. There are some Republicans, some Democrats that are emotionally involved with the concept of repeal, even if it does take place a decade from now, but the gentleman should know that a handful of donkeys running with a herd of elephants does not make a bipartisan bill.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I want to thank the gentleman from New York (Mr. RANGEL), our distinguished ranking member, for yielding the time to me.

Mr. Speaker, I support estate tax relief, and I think the American people deserve it, and they deserve it now.

The substitute is practical. It is immediate, and it is fiscally responsible at $40 billion over 10 years. It includes a $4 million exclusion for couples; and in California this eliminates the estate tax on all but 7 percent of California estates.

The Republican plan does not provide any real tax relief for 10 years, and I do not think people want to wait. Forty-five percent of the estate tax cut will not arrive until 2010 and 2011. At $200 billion, it is outrageously expensive.

When combined with the tax cuts already rammed through the House, we are already over $2 trillion in spending just on tax cuts alone. Where is the money to pay down the national debt, shore up our responsibilities for Social Security and Medicare and improve our Nation's schools?

Finally, and perhaps the biggest poison in the Republican plan, is that it will actually increase taxes for many families by adding a capital gains tax upon the inheritance of assets. This is the wrong way to go.

We should have it today. We should have it now. It should be affordable. That is exactly what this plan is.

Mr. THOMAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means, who wants to have repeal of the estate tax rather than something less.

Mr. BRADY of Texas. Mr. Speaker, I want to thank the gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, for yielding the time to me.

My Democratic colleagues are right, we do not immediately start repeal of the death tax. This repeal is very graduated. It starts fairly slow, and it grows as we pay down more and more of the debt and as our surpluses grow; that is the responsible way to provide tax relief, while keeping our budget in order and keeping our economy growing.

The fact of the matter is there are a lot of reasons to support repeal of the death tax. Let me tell my colleagues one of mine. In my district, I had a local nursery come to me here in my office in Washington; they traveled all the way up here from Texas. They have three children. In the nursery, two of them have worked there ever since their parents founded it.

They sat down just at a desk around a table, just worked through the numbers on how the death tax and how the tax affected them; and as we worked through it, it became clear what happens with this tax and how it affects our small businesses and our family farms. Basically, when the numbers were finished, they showed that if they could afford enough life insurance on their parents and if they could get a bank loan, they might be able to keep their own family business.

Mr. Speaker, think about what they are saying. If we can make enough money off of our parents' death and if we can go back in to debt, which they had worked their whole life to get out of, they might be able to keep their own family business.

The death tax is wrong. It has been ruining lives for four generations in America, and it is time to stop it. There is a difference, though, between the Democratic proposal and the Republicans. Ours goes with the principles that it is flat wrong. Theirs keeps it and keeps it for another principle, that Washington should pick winners and losers in our Tax Code.

In their bill, we say to some family farms, you are our type, you win; but to others and to the family grocery store in the same community, you lose.

They say to the print shop in the community that is family owned, you win; but to the family newspaper right next to it, you lose. You are not our type.

Washington has been picking winners and losers for far too long. We need to be at the least fair, and that is why complete responsible repeal of the death tax is the right thing to do.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in support of the Rangel substitute and opposition to the underlying bill. We have heard a lot of rhetoric on both sides about this and about the repeal.

The bottom line is we can make a decision today that is a practical public policy decision, or we can make a political decision. The political decision would be to pass H.R. 8 and hope that in 10 years or 11 years that the estate tax will be repealed; and the reason that is being put forth is because the repeal of the estate tax costs far more than the President thought it would, far more than our Republicans colleagues thought it would; and to make their budget work, they had to shoehorn this bill in.

Mr. Speaker, on the other hand, we can pass immediate relief today, raise the exemption to $4 million for most families going up by 2010 to $5 million, but $4 million beginning January 1, that will exempt down to 1 percent of all estates subject to any estate tax as opposed to the 2 percent of all estates that are subject to any estate tax.

I have to say to my colleague from Hawaii (Mr. ABERCROMBIE), I appreciate the fact of what family businesses have to go through; but there are 98 percent of other Americans who wake up every day trying to figure out how they are going to pay the bills, and we ought to think about them as well.

Mr. Speaker, I rise in strong opposition to H.R. 8, an ill-conceived, extraordinarily back-loaded measure that sacrifices fiscal prudence for political gains. We can fix the estate and gift tax while maintaining fiscal responsibility, and we should. But H.R. 8 is not the way to do it.

First of all, I would note that the proponents of H.R. 8 have been incredibly successful at convincing a great number of Americans that their estates will be taxed upon their death. Actually, as a result of existing exemptions, the estate tax only applies to fewer than 2% of all estates annually, according to the Joint Committee on Taxation (JCT). Current law exempts from federal tax all estates valued up to $675,000 in 2000. This exemption will rise to $1,000,000 by 2006, with any federal estate tax applying only to the current value in excess of this amount. For closely-held businesses and farms, this exemption is $2.6 million. Additionally, family farms are exempt from any tax for ten years if the heirs continue to operate the farm. Estates passed onto a spouse are not subject to tax.

Even with the small number of estates subjected to the estate tax, I agree and have consistently voted to significantly raise the exemption and eliminate the estate tax against most estates currently subject to such taxes. And, today the House can do just that by supporting not H.R. 8, but rather the Rangel substitute. In fact, by adopting the Rangel substitute the House could provide more relief to more estates, more quickly and more fairly than H.R. 8. Unlike H.R. 8, which is more of a charade than a solution, the Rangel substitute would immediately increase the exemption for all estates to $4 million in January 1, 2002 and raise the exemption to $5 million in 2010. Furthermore, unlike H.R. 8, the Rangel alternative would maintain the "step up" basis to preclude capital gains taxes from being applied.

Alternatively, H.R. 8 would do little, if anything, for estate tax relief until 2012. This bill is part of an elaborate charade supporting the Majority's budget folly which is driven by politics rather than policy. Between 2001 and 2011, H.R. 8 does not increase the exemption more than current law and only modestly cuts rates. When repeal is finally achieved in 2012, the bill would also repeal the "step up" basis, subjecting many estates, particularly non-liquid estates such as farms and small businesses, to large capital gains taxes and, in some cases, more than the estate tax owed under current law.

Mr. Speaker, H.R. 8 not only falsely-promises relief but its back-loaded nature camouflages the true costs of repealing the estate tax. As a result of its delayed repeal, the cost of the bill would jump from zero in 2002 and $13 billion in 2006 to $35 billion in 2010 and $52 billion in 2011, which is still well below the full cost. Further, because under the H.R. 8, the cost of repeal would not occur until the very end of the initial ten-year period, the $193 billion revenue loss resulting from the bill over the first ten years includes little of the revenue loss resulting from income tax avoidance that would ultimately occur.

During the second ten years (2012 to 2021), H.R. 8 would result in revenue losses totaling approximately $1.3 trillion, six times greater than the $193 billion cost in the first ten years. Looked at another way, the cost of H.R. 8 would nearly triple between the fifth and ninth years, jump another 50 percent between the ninth and tenth years, and continue growing after the tenth year. It is interesting to note that if H.R. 8 was to take effect this year, the JCT projects that the ten-year cost of the bill would be a whopping $662 billion. Thus, over twenty years, the total cost of H.R. 8, including extra interest, will be more than $1.5 trillion. Where does the Majority propose to make up the difference? How do they propose to pay for other priorities like Medicare, Social Security and improvements to education? It is fiscally irresponsible to enact this measure without identifying how these lost revenues will be recouped.

Mr. Speaker, I, therefore, urge those of my colleagues who are committed to providing immediate estate tax relief, particularly for small businesses and farms, to reject H.R. 8 and support the Rangel alternative. By supporting the Rangel substitute, you will be voting to not only double the exemption to $4 million now, not in 2012. You will be voting to maintain the "step up" basis and protect decedents from high capital gains taxes. And you will be voting for tax relief which is both fair and prudent without endangering our commitment to fiscal responsibility.

Mr. THOMAS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, no bill is perfect; and we always have ways of trying to change legislation. I hate to be an "agimner," and I do not mean to be a nitpicker, but every so often something just does not feel right, so I tend to vote not only against H.R. 8, but also against the Democratic substitute; and what I would like to do is explain why.

I think the eradication of the estate tax is wrong. I am sort of the camp of mend it, do not end it. And by ending it, what we do is we bring down upon ourselves, I think, a lot of unseen conveniences.

Let me give you an example. What are the incentives to giving to churches? What are the incentives of giving to educational institutions? What are the incentives of our total giving that is so intertwined with the concept of our taxation system the way we have it now?

Also when you buy a life insurance policy, you are looking for certainty; you are looking for predictability. The changes in that could be really horrendous.

Also, I really feel that it is not within the spirit of the Founding Fathers to develop sort of a leisure class, people with little incentive to work because you pass money down from one generation to the other to another, absolutely whole cloth.

While H.R. 8 is overkill, I feel a Democratic substitute is not right because it does not take into account the reduction in rates.

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If we are really going to help the small farmers or the small businessmen or the people who are working, we have to reduce those rates. So I reluctantly oppose both bills.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER), an outstanding Member of the House of Representatives.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentleman from New York, for yielding me this time.

Mr. Speaker, I think the death tax is unwise, it is unfair, and really it is un-American. We need to reform it, but we need to do it now, and we need to do it fairly.

Under the proposal by the Republicans, the death tax would be phased out in the year 2011. Now, that means President Bush would have to finish out this term, his next term, get a constitutional amendment, and in the third year of his third term, the death tax might be gone. Members of Congress will have to run five times in order to tell their constituents by the year 2011 the death tax is finally gone.

Secondly, I voted last week for a bipartisan repeal of the marriage penalty and for a doubling of the child tax credit. I am for tax cuts that will fit in the package of responsible tax relief. We need to do it by giving relief to our farmers and small businesses, not to Ted Turner and Bill Gates.

I encourage my colleagues as a start to vote for the Rangel bill that, though not perfect, is a step in the right direction toward reform of the death tax.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds. I wish to tell my friend from Indiana that I ran 10 times before I was given the ability to vote on a measure to repeal the death tax. So it took us a long time to get here. I might say it also required a change in the majority in the House of Representatives to reach this point.

I also want to note for the record that the Chronicle of Philanthropy found that the elimination of the death tax would result in a 63 percent increase in charitable giving because people would be willing to donate more if the tax man took less.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I appreciate the opportunity to speak on this very important measure. We have two quite diverse views here. We have a side that presents here a substitute bill, and while we are glad to see that they are finally coming around to realize that the death tax is wrong, unfortunately they have not quite seen the fact that our bill is based not just on how much money are we going to be able to keep in Washington, but, rather, on the principle that taxing someone twice, and their families after they have passed away, is wrong.

What we see on the other side is not a sincere interest, I believe, in whole of relieving this problem that we have, this unfairness in the Tax Code, but rather posturing themselves politically. Unfortunately, there is a lot of that done here. But, Mr. Speaker, though it is not a perfect bill that we have, H.R. 8, I would like to phase it in more quickly, we are working on a responsible way of phasing it in.

What is it about? It is, as the gentleman said, about jobs, and it is also about green space. We have a lot of beautiful farms in Kentucky, and every time one generation passes it on to the next, there is a large tax that requires them often to sell that farm for development.

There is a small family in a county that is a small county, a poor county, Nicholas County in Kentucky, where the community has lost half their industrial jobs this last year. A small Democratic family started a small business a few years ago with computerized lathe technology and machinists and has developed quite a company. What will happen to that company, if we keep the death tax the way it is, is that when he tries to pass that on to his children Lynn and Lee, they will have to sell the assets of that company. That company will then probably be moved to where most of the machinist work is done, in Cincinnati or Cleveland.

Please, vote down this substitute. Vote for H.R. 8 so we are able to keep the jobs, the green space, and to promote the politics of fairness.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I would agree with my good friend from Kentucky that that bill is not a perfect bill. It is not even close to being a perfect bill.

I would ask the American people, or I would ask my constituents if they want tax relief now or they want tax relief 10 years from now? My guess is the constituents in my district would want that estate tax relief now.

Now, there are not many multimillionaires in my district in southern Indiana, but there are many family farmers and small business owners who have enough land and equipment and buildings to make them liable for the estate tax, and they want estate tax relief now, not like the Republican Party wants to give 10 years from now.

The Republicans give Indiana farmers and small business owners very little help if they die between now and the year 2011, but by raising the tax exemption to $4 million, like we want to do, my constituents and the American people get estate tax relief now. And I think that is what they want.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

I note that the gentleman, in his exuberance, might have left a false impression that under the Democrat substitute every American has a $4 million exemption in their bill. That is not the case. In fact, it is far from it.

In addition to that, the gentleman apparently left the impression that we do not do anything about easing the relief of the death tax during the 10-year phase-down period. The gentleman knows full well that is not the case either. So as we carry on our discussions, I do hope that, to the best of our ability, we stick to the facts.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in opposition to this substitute and in strong support of the underlying bill.

Mr. Speaker, I want to tell you about a family in my congressional district in Kissimmee, the Sextons. They had a floral shop. Their uncle had a busy floral shop. He passed away and willed his shop to them. They had 17 employees, and the IRS came calling. They sold off as many assets as they could, but ultimately they had to take out a bank loan of $100,000 to pay off the IRS. What did they do to handle that? They had 17 employees, they laid off 5 permanently. They went to the 12 remaining employees and said, you will have to take up the slack for the other five employees that have left, which those 12 people did do. Then they completely ended all of their programs of donating money to local charities in the community. With that, they have been able to get through.

Now, the substitute, I will point out, might provide some more immediate relief, but in 10 years with inflation, we are going to be back where we are today. This is a very punitive tax, the inheritance tax. It is morally wrong to tax somebody at death after they have paid taxes their whole lifetime. The money in those estates has been generated after tax, and it is a double taxation at the time of death, and that is morally wrong. It costs jobs. It costs jobs in Kissimmee, Florida. It causes ranches and family farms to be cut up and sold off for development. That is why we have the environmentalists supporting our bill.

Mr. Speaker, I encourage all of my colleagues to vote no on the substitute, and vote for the underlying bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I would ask the gentleman from Florida (Mr. WELDON), based on the story he just told us, to support our substitute. Otherwise, in fact, my colleague is going to have many more of those same stories ahead of him between now and 2011, because the fact of the matter is that flower shop, based upon the liability talked about, was about $1 million. If my colleague joined us today, they would have relief immediately, not in 2011, which is important.

Mr. Speaker, let me just give some statistics about Florida that I think my colleagues will find very interesting.

In 1998, there were 155,000 deaths in Florida. Of that, there were 8,886 estate tax returns that were filed. Of that, only 4,144 had an estate tax liability. Had this bill been in place, and it would have been signed by President Clinton last year, that flower shop owner would not be having that problem, because the fact of the matter is only 657 Florida estates would have even owed an estate tax.

What I find so amusing about this debate today, this debate started with the idea we have got to do something about the family farmers. We have got to do something about the small businesses. Well, you know what, the only bill that is going to take care of that today, right now, is the Rangel bill that is before us.

Mr. WELDON of Florida. Mr. Speaker, will the gentlewoman yield for a question?

Mrs. THURMAN. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker why is the Rangel bill not indexed for inflation?

Mrs. THURMAN. Because we go up by 2.5, which is more than we have ever done in estate tax over the last several years.

Mr. RANGEL. Mr. Speaker, I yield 5 seconds to the gentleman from Florida (Mr. WELDON), if he has another question.

Mr. WELDON of Florida. Mr. Speaker, my concern is if my colleagues on the other side of the aisle do not eliminate the death tax, that this is just going to be another problem in 10 years; that is all.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my colleagues on the other side of the aisle, if they are concerned about young people, they have 10 years to wait for relief.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it might be useful to put on the record that in a single year alone, in 1998, the people of Florida lost $2.7 billion to the death tax. Multiply by 10, it goes away. Under the Democratic proposal, it does not.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I want to say to my colleagues on the other side of the aisle, they cannot come up to the podium and say that they think that the death tax is unfair, they think that the death tax is un-American, let us reform it. If it is un-American, let us get rid of it. Mr. Speaker, that is exactly what H.R. 8 does. Otherwise it is a disingenuous argument that my colleagues make.

Mr. Speaker, it has been said there are two things that are certain in life: death and taxes. And with the estate tax, Washington has figured out a way to marry these two certainties. The government taxes Americans when they work, when they save, when they get married; and in case we miss something, we tax them when they die. There is no tax more offensive or immoral than that levied on the deceased and their families.

Mr. Speaker, the estate tax does not need to be modified or tinkered with; it needs to be repealed. Dying should never be a taxable event. It is a horrible social policy, and even worse economic policy. The effects of the death tax results in nothing less than the killing of the American dream. So many people in America wake up every morning and work hard with the hope that one day their children will have a better quality of life than they did. These folks are not the Rockefellers or the Gates, they just want to pass something on to their children.

Estate tax prevents grandparents and parents from passing on the family business or farms to their children. Families should be allowed to keep what they have earned throughout their lives. Generational transfer of wealth is a good thing and has helped make this such a prosperous Nation.

Mr. Speaker, I urge my colleagues to support H.R. 8 and end the tyranny of the death tax.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the gentleman from California (Mr. THOMAS) has 15 minutes remaining. The gentleman from New York (Mr. RANGEL) has 22½ minutes remaining.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), my distinguished colleague.

Mr. HOYER. Mr. Speaker, with this estate tax bill, the Republican leadership would light the fuse of a fiscal time bomb that would go off in 2011.

As The Washington Post said this morning, the slow fuse makes the proposal seem affordable; nearly cost-free, in fact, because only the cost of the first 10 years of any legislation is estimated.

□ 1400

But we all know the real costs of this bill do not start showing up until 2011. There is no need for us to jeopardize our fiscal future, Mr. Speaker. A great majority of Members on both sides of the aisle support a reduction in the estate tax. Bill Clinton would have signed a compromise estate tax bill covering 99.5 percent of all the estates in America. The tone may have changed but the substance has not. "Do it my way or no way."

The Democratic alternative would give us relief now. It immediately would raise the estate tax exclusion to $4 million for couples and would gradually raise that to $5 million. In 1999, that would have exempted more than three-quarters of all the estates that incurred any tax liability. I am not talking about all the estates. Of any estate that incurred a tax liability. And it would cost a fiscally responsible $40 billion. But the Republican leadership has rejected bipartisan compromise once again.

It is at least consistent. Instead, the GOP's great tax gurus have proposed a bill that would cost $193 billion over the next decade while concealing its true cost. The Joint Committee on Taxation estimates that if complete repeal took effect today, the real cost of this legislation would be $660 billion over the next 10 years. The majority will not admit that, of course. It would be an explicit admission that the President's $1.6 trillion tax plan actually will cost closer to $3 trillion. The real danger to our country and to our people is that the cost of the legislation will be borne at the worst possible time, just as the baby boomers begin to retire and become eligible for Social Security and Medicare. With our uncertain projected budget surpluses, is that fiscally responsible to do? I think not.

Let us provide immediate relief for small business owners, for farmers, and let us defuse the fiscal time bomb before it threatens to blow a hole in our budget.

Mr. Speaker, we can do something real for 99.5 percent of the taxpayers. Yes, their bill will continue the old song, "The rich get richer and the poor get poorer, but in the meantime don't we Congressmen and Congresswomen have fun?"

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, the gentleman from California criticizes the numbers saying we do not provide $4 million of immediate tax relief. We do, to every couple. $2 million to every individual.

If Members are concerned about the 98 percent of Americans that do not pay the estate tax at all, they need to vote for the Democratic substitute because it is far more fiscally responsible. It will assure that we are able to pay down the national debt, provide for low interest costs and allow for people who are barely able to make their car payments to make them at a lower interest rate.

But say you happen to represent Malibu, as I do, and you are concerned with those who are the richest 2 percent as is my obligation. Well, the vast majority of the folks in Malibu will actually do better under the Democratic alternative.

First, we provide immediate tax relief. Their plan provides that if you cannot manage to live to 2011 and you have an estate of several million dollars, you are going to pay a big tax. Ours says $4 million a couple: no tax. And if you are able to make it to 2011: $5 million a couple, no tax.

In the long term, their plan provides no estate tax but a higher capital gains tax on the upper-upper middle class. Estates of $3, $4, $5, and $6 million will be virtually tax exempt under the Democratic plan and the heirs will get relief from capital gains tax. Under their plan, those estates do not get relief from capital gains tax.

The result is this: Unless you are focused on the wealthiest two-tenths of 1 percent, unless you are focused not just on the ordinary people of Malibu but on those with $10 million to $100 million estates, the Democratic plan means lower taxes. If you believe in lower taxes for those with under $10 million in assets, vote for the Democratic alternative.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I tell the gentleman from the State that we shared in 1998, $4.1 billion those families did not get because of the failure to repeal the death tax.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today to oppose the Democrat substitute and in strong support of the underlying bill, the Death Tax Elimination Act. This unfair tax has long outlived its usefulness.

We are here in Congress to make things better for the American people. When more than 70 percent of small businesses do not make it to the second generation, something is wrong and must be made better. I know that my colleagues on the other side of the aisle feel that their proposal will make things better, but the fact is that the Democrat substitute does not go far enough. Here is why. I met with representatives from the Illinois Lumbermen's Association yesterday. They are owners and operators of independently owned retail lumber stores. I asked them whether they would be affected by the death tax if the Democrat substitute passed. After thinking for a minute or two, they said that while a $2 million exemption or a $5 million exemption sounds like a lot of money, they would still be subject to the tax. Lumber dealers need land and they need a lot of it. It is a simple fact of their business. Because they own land in the Chicago area, it will appreciate and push the value of their estate above that exemption and they are right back to where we started from. These lumber dealers are the very definition of small businessmen. They put their hearts and souls into their businesses, making a living, creating jobs and hoping to pass something on to their children. But a larger exemption is still not enough. They need a full phase-out. They need the Death Tax Elimination Act.

I urge all my colleagues to oppose the Democrat substitute and to support the Death Tax Elimination Act. The time is now to once and for all put an end to the death tax.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

It just seems to me under that last example that appreciated property under the Republican bill will be exposed to capital gains tax for the next 10 years.

Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the committee.

Mr. POMEROY. I thank the gentleman for yielding me this time.

Mr. Speaker, this is about very real tax relief now to deal with those 2 percent of American households that may have estate tax issues to deal with versus a promise of tax relief 10 years to come.

This chart shows what happens under the majority bill: Very substantial estate tax collection for a decade, then nothing. Are the American people really to believe that the next 2½ presidential terms, the next five Congresses will not revisit this issue? We cannot commit what will happen one decade from now. We are best off dealing with the substitute, real relief now.

This chart shows the significant difference in providing meaningful estate tax relief by moving to the substitute, effectively $4 million estate tax exclusion for a couple phased in to $5 million after 5 years. Estates with a value below $10 million do better under the minority substitute than the majority plan. In addition, there is a very insidious feature to the majority bill which will actually cause taxes to rise for a substantial number of households. By repealing the step-up basis and moving in the carryover basis, they hurt exactly some of the same people they talk so much about helping, farmers and small businesses. An estate that presently is not taxable because of a significant level of debt that passes at the time of the estate could become very definitely taxable for capital gains under the majority proposal. The specific application of the capital gains carryover change advanced in the majority bill would hurt farmers, is very bad public policy, and damage small businesses.

I represent more production acres than any other Member of this House. The family farms that I see are much more threatened, and I have seen a lot more farms lost to the ruinous cost of nursing homes than I have had application of Federal estate tax liability. The majority on the other hand does nothing to address the cost of nursing homes, nothing to address the very real present cost to these estates. Instead, they offer a plan that does not take meaningful effect for a full decade and then takes effect in such a way as to raise capital gains tax exposure for family farms, for small businesses, for literally thousands of families that today have no estate tax difficulties.

This is the kind of proposal that should be defeated. Support the minority substitute.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend from North Dakota for clarifying the issue for us. It is now very clear. They want reduction. We want repeal.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time and I thank the gentleman for bringing this bill to the floor. The gentleman from California is absolutely right. The other difference is we have credibility. They have no credibility. The last time they were in the majority and offered a tax cut was when Jack Kennedy was President of the United States.

Mr. Speaker, Members should oppose the Democrat substitute amendment because it denies the across-the-board tax relief that the American people want and demand. The Democrats dangle partial relief but we repeal the death tax. Let us set aside those specific dates and figures that confuse Members to examine the very underlying dispute in this debate. And we should look beneath the surface, because the reason our parties disagree on this proposal stems from our core convictions. Republicans support the repeal of the death tax because we believe that the Federal Government has no legitimate right to tax income twice. We believe that families are entitled to keep what they earn over the years. Those families have already paid taxes on their assets and taxing them twice is wrong. All the Democrat objections flow from one single motivation, the desperate desire to preserve taxes for a stream of revenue. Democrats oppose the death tax repeal because it would cut off a source of revenue so they can have big government.

The Democrat substitute is compromised by a flawed understanding that stubbornly refuses to accept this fundamental point: Tax dollars belong to the people who earn them, not the Federal Government. The Democrats are terrified by the prospect of foreclosing any source of taxation. We want to let people keep more of what they earn. The bottom line is this: Without full repeal, any death tax relief measure is no more than a placebo. To cure the death tax, you have got to kill it by ending it once and for all.

The only plausible reason for opposing death tax repeal is the unstated ambition to one day restore the death tax in its current aggressive form. We want to let American families keep what they have earned but the Democrat leadership has designs for those tax dollars. That is why they do not and will not support death tax repeal.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

You may want to repeal it but it is taking you 10 years to get there.

Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the ranking member for yielding me this time. I also thank him for crafting a very intelligent substitute.

Last year, I was one of those Democrats who joined with my colleagues across the aisle to support legislation to repeal the Federal estate tax. I did so because I believed that the tax unfairly burdened small businesses and family farms which often had to be sold at below-market values because of liquidity issues.

□ 1415

In other words, the heirs did not have the cash to pay the tax.

Well, I still believe that; and that is why I am going to vote for the Rangel substitute rather than the committee bill, because if we adopt the substitute, many of those who are now required to pay the estate tax will have the cash under the Rangel bill.

Secondly, and others have addressed this issue, under the committee bill many Americans would never reap the promised benefits even upon full repeal in 10 years. As others have suggested, currently, inherited property is assessed for valuation purposes at the time of death; but the committee bill, the Republican bill, would carry over for tax purposes a property's original value from the date of acquisition, from the date of purchase.

It will undoubtedly increase capital gains tax upon sale and disposition; again, forcing heirs to experience the same liquidity issues upon sale that we are trying to address now. So I think for these reasons and for so many others that have already been articulated, it makes sense to support the Rangel substitute and to defeat the bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time. I especially thank him for the thoughtful substitute he has put forward because what he has done is to listen to the people who have estate tax problems and responded directly to them.

Mr. Speaker, the substitute has relief for small businesses, for farmers, and for people who have worked hard to accumulate modest wealth. In other words, for those who need it.

Mr. Speaker, I never thought I would hear Americans argue for heredity wealth. That, I thought, was the major difference between the Old World and the new, between Europe and America. I am bemused by the notion of a dead man paying twice. People who inherit wealth have not paid once. The children of the rich, who get the lion's share of the benefits from this bill, have not paid a dime of money they have worked for.

This bill, the majority bill, turns progressive taxation, the hallmark of the Federal Tax Code, on its head. We hear about transferring wealth from the rich to the poor. The majority's bill transfers funds from the poor to the rich. The majority has tried to get away with having Americans believe that they are or could be helped by estate tax repeal.

The whistle has been blown on the majority bill, thanks to some very principled rich folks who got up and told the truth about who would get the benefits and said that it should not be them but people far poorer than them. They exploded the leading myth behind this bill.

The fact is, Mr. Speaker, almost no one would benefit from the majority bill. That is a lot of money to give to no one.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS), the conference chairman of the Republican Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, this is a common sense plan to strengthen family-owned businesses and farms and to secure our children's future. Furthermore, nobody should be forced to visit the undertaker and the IRS in the same day.

Let me explain the problem with this death tax situation. Families are working longer and harder than they ever have, and Washington continues to take more and more. The death tax deprives many hard-working Americans of opportunities to pass along the business or the farm to the children. Upon death, the IRS can seize up to 55 percent of one's farm or business. This means a mom-and-pop shop one hopes for their children to take will be more than half gone before their funeral is over.

The death tax was enacted four times in our history to fund military buildups in times of war. In all but the fourth time, it was repealed within 8 years. The fourth time, however, it was enacted to fund World War I in 1916 and has never been repealed.

News flash: the war is over. We won. Let us get rid of the death tax.

What is the solution? Let us eliminate it on behalf of family farmers and small business owners who want to leave a legacy for their children, for their grandchildren. I ask for fairness and common sense in our Tax Code.

The benefits we get out of eliminating the death tax, more than six of 10 small businesses report that they would create new jobs in the next 12 months if the death tax were to be repealed. That means food on the table and college tuition for many American families.

In the black community, sometimes it takes four or five generations for the African American community to create wealth; and then, when that proprietor dies, over 50 percent of that business is wiped out overnight. This tax is wrong. It is unfair. We need to eliminate it.

We got the IRS out of the sanctuary last week by eliminating the unfair marriage tax. Now we must vote to get rid of the IRS, get it out of the funeral parlor. Uncle Sam should not raise revenue from somebody's coffin.

Mr. Speaker, the death tax needs to die.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member, for yielding me this time and for his leadership in bringing this very wise Democratic estate tax-relief bill to the floor.

Mr. Speaker, I rise in strong support of it because Democrats have repeatedly stated that we do support responsible tax cuts, but only ones that we can afford.

Yet again, the Republican leadership has brought a tax cut to the floor that we cannot afford. I come from a part of the country where real estate values have skyrocketed. I understand the need for estate tax relief for homeowners, for business owners, for farmers. The Democratic substitute increases the estate tax exclusion to $2.5 million for individuals and $5 million for married couples. Under our plan, 75 percent of the estates that are currently taxed would no longer pay any estate taxes. I repeat, 75 percent of those who currently paying estate taxes would pay no estate taxes under the Democratic plan.

Our plan, the Democratic plan, costs $40 billion over 10 years. We can afford that. The Republicans, on the other hand, have an irresponsible proposal that will add to the already $1.8 trillion, including interest, that has come to date to this floor that they have voted; and their plan, one probably will not believe this, but listen carefully, their plan will cost $662 billion. It is so staggering, $662 billion. $40 billion on the Democratic side, 75 percent of the people will pay no estate tax who pay estate tax now. Theirs, $662 billion. But if one is in that category where they would benefit from the Republican plan, listen up. Their benefit does not even come for 10 years.

So listen up. If they are in the category that would benefit at the highest end of the Republican estate tax plan, they do not see that benefit for 10 years down the road. The Republicans are asking this Congress to commit five Congresses from now, five budgets away, to spend up to $662 billion in tax relief for the wealthiest people in our country.

What is the opportunity cost of that money? We have an infrastructure deficit in our country; bridges, roads, that need repair; building of mass transit to move people and keep the air clean. We have deficits in our education that we need school modernization, where these billions of dollars could be spent there. Or first and foremost, we could pay down the debt, keep interest rates down for our mortgages, for our car payments, for our credit cards.

So when they give this tax break at the highest end, guess who is paying for it? The average working American, with higher interest rates.

I urge our colleagues to support the Democratic plan.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, just in case anybody believes any of those figures that were mentioned by the gentlewoman from California (Ms. PELOSI), the Joint Committee on Taxation places a $185 billion price tag on the bipartisan H.R. 8 proposal. The Democrat substitute costs $160 billion over 10 years to just reduce the death tax. They do immediately repeal the State estate tax credit, an immediate hit on the States of $122 billion, which produces the net that the gentlewoman mentioned.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. Not on my time. If the gentleman from New York (Mr. RANGEL) wants to yield some time, he can.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI) to respond to the gentleman from California (Mr. THOMAS).

Ms. PELOSI. Mr. Speaker, in fact, the Joint Committee on Taxation has estimated that the Republican plan would cost $662 billion over 10 years.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, notwithstanding what the gentlewoman from California (Ms. PELOSI), my colleague and friend, said, she is just flat out wrong. The joint tax on our plan is $185 billion.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I would like today to take my 2 minutes and use it a little differently than the other Members. I would like to put a face on the nobody that was talked about here earlier.

I am one of those nobodies who will pay the tax. I came to this body, after 20 successful years in business, just 90 days ago. I am not particularly concerned about how much money the government takes from me, because I have sold my business in order to come to this body; but I am concerned about businesses like the one that my wife and I built over 20 years.

Twenty years ago, I left the Army with a 1967 Karmann Ghia and a couple thousand dollars. Over those 20 years, with incredibly hard work and luck and the participation of nearly 200 men and women in our company, we built our business to $100 million in sales. It took 4 years to structure a termination of that business from ownership of my wife and myself. People within my company now own stock, and a leverage group came in and helped; but it took a long time, and I have 5 years of obligation to make sure that my company goes on.

Had I died on December 31, instead of leaving as a CEO to come join this body, they would have taken an immediate tax hit of over $55 million on the company just at a time at which its value would have plummeted, its marketability would have been terminated.

In the America that I grew up in, one's dreams, in fact, are rewarded by government, not punished. Most importantly, in the America I grew up in we do not determine what size business is good, what size business is good to be public, what size business is good to be private.

In the America I grew up in, we reward people who build businesses because they create the jobs that Americans work at. Please vote down the substitute. Vote for the bill itself, because in fact it supports the ability for companies like my wife and I built to be able to support American jobs.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

☐ 1430

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me this time.

The one thing that apparently is not being talked about today is that as of the end of last month, our Nation was $5.735 trillion in debt. Just since September, our Nation's debt has increased by $61 billion. I guess many of my colleagues would like to ignore that, but they cannot ignore the fact that we owe the Social Security Trust Fund $1 trillion of unfunded liability. We owe our Nation's military retirees, including the gentleman who just spoke, $163 billion. We owe the Medicare Trust Fund $229 billion, and we owe our own public servants over half of $1 trillion.

When folks ask me on the street to cut out the wasteful spending, they are pretty shocked to discover that the most wasteful thing our Nation does that costs $1 billion a day is interest on the national debt.

Now, the gentleman from New York (Mr. RANGEL) and his proposed plan to try to solve the problem for most of those Americans who do pay an estate tax would allow people to keep $4 million of their parents', or whoever left them the money or estate, tax-free, and we can do that for less than $30 billion. The alternative costs five times more.

Now, as someone who spends my time looking out for the defense interests of our Nation, that difference would build 20 aircraft carriers or 100 destroyers, or no telling how many 30-year-old UH–1 Hueys could be replaced. Right now we have 20 young Americans in captivity in China because the pilot was afraid to ditch that ancient aircraft he was flying for fear that the lives of the crew would have been lost.

Mr. Speaker, why do we continually underfund the things that our Nation should be doing the best it can for the sake of tax breaks, in many instances justified tax breaks, but in many instances tax breaks whose people are only deserving because they can write big checks to political parties?

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY) to tell another one of those very real-world stories.

Mrs. KELLY. Mr. Speaker, I rise in opposition to the Rangel substitute because partial repeal of the death tax is just that: partial. Full repeal is what is needed to benefit all of the workers on family farms and in small businesses. Many of the testimonials we have heard regarding the repeal of the death tax have centered around the plight of the family farmers. Farm families are not the only ones affected by the estate tax.

Family-owned manufacturing and construction businesses are also affected. How? Because they put the bulk of their assets into the equipment by which they do business. For instance, if one is a road contractor, the very bulldozers and clam shells and backhoes that one owns cost in the millions of dollars, and this is what one has to pass on to one's children, one's good name and equipment, that is it. So when the inheritor of a small business has to liquidate the company's assets and equipment to cover the cost of paying the government, it marks the tragic end to an entity that may have gone on for several generations.

When a business closes its doors for the last time, it is forced to sacrifice the jobs of the employees. All of the workers, many of whom have long tenures with the business and deep roots in the community, are faced with unemployment and the sudden need to find another job in order to feed their families. Please note, these could be union or nonunion jobs. It is just plain jobs.

Mr. Speaker, it is clear that the long arms of the estate tax reach deep. The death tax touches every aspect of small businesses from the inheritor to the employees to the families to the local community. If we vote to repeal the estate tax, we are not only assuring a promising future for family farmers, but we are ensuring a promising future for the small business owners of America and the small manufacturers of America. All American workers will do better and all of America will be better if we pass this bill.

Mr. Speaker, I urge my colleagues to vote no on the Rangel substitute to H.R. 8.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the Democratic alternative by the gentleman from New York (Mr. RANGEL) to simply emphasize that only 50,000 estates are even impacted by this estate tax at all, 2 percent of Americans, whereas the Democratic substitute ensures that the tax will exclude the $2 million per person, $4 million per couple as of January 1, 2002, and gradually increase to $2.5 million and $5 million per couple.

But the real issue is what the estate tax does. I am gratified that individuals like Bill Gates really talk to America about what the estate tax is all about. We are interested in helping the car dealer and the small business, and the Democratic alternative does that. But do we realize that in many instances, many Americans provide sources of opportunity and contribution to hospitals and institutions of higher learning, to our arts institutions by donating murals and pictures, by protecting our national parks, by their wonderful largesse and their charitable attitude. These Americans do not want the estate tax repealed, they want to continue to do this and continue to be able to give, and they want to be able to give to America to protect its very precious resources.

Mr. Speaker, I say to my colleagues, support the Democratic alternative.

Mr. Speaker, I rise in opposition of H.R. 8, Estate Tax Repeal Act. This legislation is simply another reflection of poorly placed priorities that could jeopardize funds that would otherwise be used for next year's budget. The bill is so back-loaded that it does not even fully repeal the estate tax until 2011, beyond the 10-year budget window.

We all know that reform of the estate tax is a bipartisan issue—both Democrats and Republicans have long recognized the need to reform estate tax. I have often heard of the need to update the estate tax from constituents to reflect the increase in home prices, stock prices as they are reflected in individual savings for retirement, and the value of family-owned businesses. But the Republican response embodied in H.R. 8 has been to help the wealthiest first and foremost by repealing the tax altogether, squandering the surplus and creating the potential for tax evasion. The Democratic response has been to provide the tax relief quickly and to those who need it the most—family farms and small businesses.

The current estate tax applies to estates larger than $675,000. There are special provisions for farms and family-owned small businesses that increase the amount excluded from the tax. According to the Joint Tax Committee, the estate and gift tax will raise $410 billion between 2002 and 2011. Each year only 50,000 estates owe estate tax at all; less than 2 percent of Americans have to worry about the tax. Of these 50 estates, there are fewer than 3,000 farms and fewer than 3,000 that have non-corporate business assets. In fact, in 1998, there were only 642 which were made up mainly of farm assets.

Most of the revenues come from the largest estates—the ones that the Republicans have chosen to get the first and largest benefits from their bill. The Joint Tax Committee estimated that the cost of H.R. 8 as introduced would have been $370 billion. The long phase-in period in H.R. 8 kept the cost down; $192 billion over 10 years. Combined with the first two tax cut bills passed by the House—H.R. 3 and H.R. 6—this bill raises the total cut to $1.55 trillion over ten ears. The total budget cost is nearly $2 trillion. That is just an unacceptable price.

Mr. Speaker, we cannot afford this costly approach. H.R. 8 would reduce the rates on the largest estates first, giving the greatest benefit to only a few wealthy estates while providing no tax relief to the great majority of smaller estates while providing no tax relief to the great majority of smaller estates. When fully repealed, more than half of the tax cuts would go to the largest 5 percent of the estates—2,900 estates valued at more than $5 million each.

Mr. Speaker, we can reform the estate tax and target a larger segment of America at the same time. For this reason, I look forward to supporting the Democratic Estate Tax Reform Proposal as an alternative to the proposed bill. The Democratic substitute raises the exclusion from the tax to $2 million per person and $4 million per couple as of January 1, 2002 and gradually increases the exclusion so that it reaches $2.5 million per person and $5 million per couple. The net cost is $40 billion over ten years. Accordingly, the substitute would not cause enormous drains on the Treasury and it takes care of the problem for the vast majority of estates. The Republican proposal will cost Americans $662 billion over 10 years creating a fiscal crisis.

The Democratic alternative is simple and cost-effective. It maintains the progressive features of the current estate and gift tax system while effectively exempting two-thirds of all estate that would have to pay the estate tax under current law. It would exempt 99.4 percent of all farms that would otherwise have to pay the estate tax and would give more estate tax relief to estates of less than $10 million than the Republican bill through 2008. In short, the Democratic alternative exempts many more estates, more quickly.

Mr. Speaker, I urge my colleagues to oppose H.R. 8. Instead, I urge my colleagues to support the Democratic substitute.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today in support of the Democratic alternative and in opposition to H.R. 8.

Mr. Speaker, I am not opposed to estate tax relief, but this tax bill, H.R. 8, does not speak to providing estate tax relief to small businesses and family farmers. The Democratic substitute targets tax relief to small businesses and farms, as well as those estates that have increased in value over time. The Democratic bill will not result in an enormous drain on the Treasury, and it takes care of the problems of the vast majority of estates. I will support the Democratic alternative bill today.

Mr. Speaker, I am opposed to H.R. 8. I want to urge all of my colleagues to support the only tax plan that gives true relief from estate taxes.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of my Republican friends brought to me an ad which ran in The Washington Post where African American businesspeople were calling for an end to the estate tax. I was moved by their concern for these African Americans. I thought it was the beginning of the new Republican civil rights movement. But I told them that I had shared my concerns about this with some of these people, and they agreed with me that only in a country as great as America can someone be born in poverty and be able to achieve the great economic success that they have been able to achieve.

But in doing this, we also had an obligation to America, to those people who are less fortunate. Whether they be black or white or Jew or gentile, there has to be a basic understanding that we have to secure for ourselves a sound economic system that allows all of the people to hope and aspire to achieve economically, a sound public school system that gives us the tools to be able to negotiate one's way through success; a Nation that would not only allow us to move forward, but have a concern about the Social Security System, the Medicare System, to be concerned about one whose parents who are dependent on Social Security and dependent on prescription drugs. In other words, yes, we have to be prepared to give something back to this great Republic that has given so much to so few.

So it seems to me as we conclude this argument, if people are talking and debating about repealing the estate taxes now, we have the wrong debate. Yes, that figure, $662 billion, no longer applies because the Republicans do not want repeal; not now, not next year, not the year after. They are talking about a decade from now. So call it the Republican I-Hope-You-Live-For-10-Years bill, but do not say relief is being given now, because the relief is in the Democratic substitute and the relief is when? The relief is now.

The Republicans would expose those who hold property that have appreciated in value to additional capital gains taxes after they die. We do not do that.

So what I am suggesting to my colleagues is that we have to live with some framework of what we are going to do in the future, and I can tell my colleagues this. The Republicans are talking about $1.6 trillion today, but tomorrow they will be talking about $2 trillion, the next day they will be talking about $2.5 trillion, and before we leave this House, they will be talking about a $3 trillion bill. Am I making it up? No.

The thing is that there is nothing left for them to cut after this bill. If this bill passes, they would have taken a $662 billion budget bill and squeezed it into a wedge that is left for $200 billion. But that is the last wedge, and this is our last chance.

Mr. THOMAS. Mr. Speaker, folks have heard a lot of numbers here today in the debate. The one that is real, 1998, in the States of the last 3 speakers, Texas, California and New York, those families had $7.9 billion taken from them in the death tax.

Mr. Speaker, I yield the balance of my time on this measure to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the committee and the committee for bringing this bill to the floor.

Mr. Speaker, I do not often feel a need to answer the arguments made by my Democrat colleagues and, Mr. Speaker, I do not often argue by analogy, but for just a moment, Mr. Speaker, I would like to use an analogy to answer one of the arguments that they have made from the other side of the aisle.

We have brought here before the American people an effort to end the death tax. We choose to do that because we think it fundamentally wrong to tax a family's legacy. We have had testimony here about the fact that a handful of very, very rich people in America, most of whom on that list have more money than their families could ever spend in several lifetimes, have signed a letter saying, please do not end the death tax. My Democrat colleagues have seized upon that as testimony to the virtue of continuing the death tax. They are wrong to do so, and let me give my colleagues the analogy.

We have laws, Mr. Speaker, against battery, because we believe it is wrong to beat on a person. Now, Mr. Speaker, if a handful of masochists were to write a letter saying, oh, lift the ban on battery, beat us, beat us. I am sure the gentleman from New York (Mr. RANGEL) would not say, oh, by all means, we will not only beat the masochists, but we will beat everyone else who happens to have similar socioeconomic, demographic characteristics. No, he would immediately say, well, that is wrong. If it is wrong, it is wrong, and we cannot allow the sadists to beat the masochists just because the masochist says, beat me.

But if we follow the logic that they have applied to this effort to end this wrongful taxation, that is precisely the logic we would find them applying to the whole question of battery.

□ 1445

So we see they are wrong because they missed the point. We have here come today to end the death tax because it is wrong, and just as a compassionate man would end the battery even for the masochist, we would choose to end the death tax for the tax masochist that signed that letter. Because a conservative that is compassionate and understands recognizes that when one is taxed one's entire life, it is unfair, it is wrong, to be taxed again after one is dead.

Just consider, Mr. Speaker, what all we are taxed on today. Our wages are taxed, our property is taxed, our spending is taxed, our savings is taxed, our investment is taxed, and even our marriage is taxed, although we are trying to end that.

But for some of my colleagues, that is still not enough taxation. For them, as we draw our last breath, they want the tax man to pay us one final visit.

No, Mr. Speaker, it is just not right. It is not only unfair, it is not only immoral, but the death tax strikes at the very heart of the American dream.

What do I mean by that? Mr. Speaker, this is a nation that has drawn people from all over the world. They have come to this country with a dream. Their dream has been to work hard, obey the laws, and build a better life for themselves and their families. They have pulled themselves up by their bootstraps. They want to leave the fruits of their life's labor to their children.

At the very moment when our final dream in life is to be realized, where we can pass on to our children all our life's work and its benefits, they have the government step in and pull the rug right out from underneath us. With that death tax, the government says to the family, "Your small business is destroyed. To your loyal friends and employees, your jobs are lost. Another farm is put up for auction."

It is not enough. It is not, in fact, a tax on big business. The death tax is not a tax on just rich people. It is a tax on a family's legacy, and that is why it is wrong. It taxes the family's capital, it taxes the small business, and it attacks the American dream, so we have come here today to put an end to it.

I say to my colleagues, look only at this one question: Is it right or is it wrong for the Federal government of the United States to be the largest grave robber in the world?

It is time for us to put an end to this immoral tax; not compromise, not end it for just a few, not continue to tax the masochistic rich because they do not feel the pain of the tax, but put an end to it for one very simple reason: It is wrong, and it should stop.

Ms. DUNN. Mr. Speaker, the Democratic substitute is short term fix masquerading as real tax relief. It will not solve the problem. Here is why:

First, it does not address the high death tax rates. On the first after their $2 million dollar credit, the family is forced to pay taxes starting at a 49 percent rate on every dollar over the credit. For businesses valued at $6 million, this could mean a tax bill approaching 2 million. Under the substitute the U.S. will still have the second-highest death tax rates in the world—behind bastions of free market capitalism such as France and Sweden.

Second, every attempt to provide relief from the death tax has been a failure. In 1997, with the best intentions, we fashioned the Qualified Family-Owned Business Exemption as a way of addressing the concerns of small businesses and farmers, but it has not been the solution we envisioned. It is so complicated and onerous that the American Bar Association has called for its repeal. It also has a limited reach. According to Treasury estimates, only between 3 and 5 percent of estates qualify. In short, our experience shows that reform will only prolong the problem.

Finally, and perhaps most importantly, the substitute affirms the flawed notion that it is fair and reasonable to tax people at the end of their life. Instead of rewarding them for saving or for building a business, we punish them by assessing a burdensome tax. I urge my colleagues to reject the substitute and eliminate the death tax once and for all.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Pursuant to House Resolution 111, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 201, nays 227, not voting 3, as follows:

[Roll No. 82]

YEAS—201

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—227

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Becerra
Kennedy (RI)
Latham

☐ 1508

Messrs. SIMMONS, CRANE, TERRY, BAKER, NETHERCUTT, and GILMAN changed their vote from "yea" to "nay."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. POMEROY. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. POMEROY moves to recommit the bill, H.R. 8, to the Committee on Ways and Means with instructions that the Committee report the same back to the House promptly with an amendment in the nature of a substitute that—

1. provides immediate relief from estate and gift taxes by increasing the estate and gift tax exemption with a goal of providing an exemption level that eliminates estate and gift tax liability for over two-thirds of those currently subject to the tax and exempts at least 99% of all farms from estate and gift taxes;

2. in no event increases the exemption to a level less than the increased exemption provided in H.R. 8 as introduced;

3. does not have growing budgetary costs like those shown in the Committee report that begin at $4 million in fiscal year 2002 and grow to $49.2 billion in fiscal year 2011, the last fiscal year beginning before the bill is fully effective; and

4. in no event includes provisions that would result in net tax increases (through additional capital gains tax levies) on the estates of certain decedents (such as farmers with average debt levels) with net assets below current law estate tax exemption levels.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes in support of his motion to recommit.

Mr. POMEROY. Mr. Speaker, I offer this motion on behalf of myself and the gentleman from Texas (Mr. TURNER).

The majority would have us believe that estate taxes collected by the Federal Government are the single greatest obstacle interrupting the passage of a family farm, a small business from one generation to the next.

To place the issue in perspective, 2 percent of all estates in this country were subject to the estate tax at present levels. Of those 2 percent, a single percent had assets that were at least half involved in farming. Ninety-nine percent of the 2 percent had not had operations involved in farming.

Mr. Speaker, I represent more production acres than any other Member of this body, and I will tell my colleagues there are an awful lot more farms lost to the ruinous cost of long-term care than ever lost to estate taxes collected by the Federal Government, but the majority has nothing in this bill to address that issue. By passing this bill, it will deprive this body of the resources to ever address the long-term care cost issue threatening the passage of farms and small businesses.

The motion to recommit has three fundamental principles: first, we should provide relief now, as opposed to relief later. The bulk of the majority bill takes effect 10 years from now. Mr. Speaker, we cannot bind future Congresses. There will be no fewer than four additional Congresses past this one that would have the opportunity to tinker with the majority's bill. Let us put relief in place now.

The second point, this should not explode in the outyears. It should take a relatively level hit on the Federal budget so we know what we are dealing with. The explosion of the majority bill just at the time the baby boomers move into retirement, escalating the costs of Social Security and Medicare will wreck the Federal budget. Why would we want to pass this on? Let us deal with it now.

The third, and very important, point, the majority bill exposes farms and small businesses to a level of capital gains that they do not have presently. Today, we have farms and small businesses that will pass under the estate tax but be fully protected against capital gains in a subsequent sale because of this stepped-up basis ultimately used to calculate capital gains.

☐ 1515

Mr. Speaker, the majority bill does away with that, puts back in carryover basis. The effect is to tax farms and small businesses that do not have a capital gains exposure and gives them capital gains exposure. That is not the kind of tax relief our farmers are looking for.

Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, many Members on both sides of the aisle know that we can do better than the version of H.R. 8 that is before us today. The average number of estates each year subject to taxation in a congressional district in this country is 115. Just 115.

Now some of my colleagues come from more affluent areas, and that number is higher. Some of us come from areas that are of less affluence, and it is far lower. But whether my colleagues have 50 or 350 estates a year that are subject to the estate tax, these families would like to see significant estate tax relief now, not 10 years from now.

Mr. Speaker, this motion states that the exemption shall be no less than provided in H.R. 8 as originally introduced, which was $1.3 million, rather than the $700,000 under the current Thomas bill. This motion provides that it should be our goal to provide immediate repeal of the estate and gift tax for two-thirds of those currently covered by the tax, including 99 percent of all family farms. As the gentleman from North Dakota noted, the bill should guarantee that no family should pay more tax because of what is done here today.

Under H.R. 8, a $2 million estate would pay approximately $450,000 in 2002. With an affordable tax cut we can do better. We can make that family's estate tax zero in 2002. It all comes down to one's sense of fairness. Shall we start by giving the largest tax cuts to the wealthiest families in America, and no significant relief for the next 10 years to the smaller estates; or should we repeal the tax at the lower end immediately while granting gradual rate reductions for the upper end?

Mr. Speaker, I hope a majority of the House will support the latter approach and support this motion. This motion says we should start by repealing the tax for two-thirds of the taxable estates at the lower end rather than continuing to subject these families to 10 years of taxation.

I talked to a prominent senior citizen in my district who has a sizable estate to pass on the other day about these alternatives. He told me, whatever you do, do it now. I do not have 10 years.

Mr. Speaker, to pass a shell of a bill with a 10-year fuse is not tax relief. It is an empty promise to all who will lose loved ones over the next decade, and who may be forced to sell their family farm or family business to pay the estate tax. We will not be able to tell these families that we cannot afford to help them, because we can afford it, and we should do it now.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. THOMAS) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. THOMAS. Mr. Speaker, I think the debate today has been very good. H.R. 8 seeks repeal of the death tax, and the substitute by my friend and colleague on the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL), sought relief.

If one listens to my two colleagues discussing this motion to recommit, one would have thought that that debate was continuing; their motion to recommit is for relief, and the underlying bill is for repeal. I want my colleagues to be very, very careful. I apologize to my colleagues; once again, I read their motion to recommit.

Mr. Speaker, in looking at the particulars, in the first particular it says it provides immediate relief. There is no repeal in any of the four items. One would think we are continuing the debate that we have had all afternoon, relief versus repeal. If my colleagues wanted to support our friends on the other side of the aisle, like the gentleman from Hawaii (Mr. ABERCROMBIE) or the gentleman from Georgia (Mr. BISHOP), my colleagues would have voted no on the gentleman from New York's substitute because it was only relief. H.R. 8 is repeal.

But under the rules of the House, my colleagues ought to read the first paragraph, because what the first paragraph says is: Mr. Speaker, I move to recommit the bill, H.R. 8, to the Committee on Ways and Means with instructions that the Committee report the same back to the House promptly.

Normally when we see these motions to recommit, the word that is normally used is "forthwith." A motion to recommit forthwith is immediate. It has a time certain to it. For those of us who have been around awhile, we have had a motion to recommit when, forthwith, it is brought right back to the floor, and we discuss the change that is in the motion to recommit.

Mr. Speaker, this is a motion to recommit promptly. When is promptly? No one knows. It is not a time certain. It is uncertain. The motion to recommit kills the bill. What does that mean? It is not an argument between relief and repeal. It is between killing this bill, having no change whatsoever, or repeal.

Mr. Speaker, I think the choice is clear. Vote no on the motion to recommit so my colleagues can vote yes on H.R. 8, and repeal the death tax.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. POMEROY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 4, as follows:

[Roll No. 83]

AYES—192

Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Abercrombie
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Becerra
Green (TX)
Kennedy (RI)
Latham

□ 1540

Mr. HUTCHINSON changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. GREEN of Texas. Mr. Speaker, I was unavoidably detained just a few minutes ago on Rollcall No. 83. If I had been present, I would have voted "aye."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 274, nays 154, not voting 3, as follows:

[Roll No. 84]

YEAS—274

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sánchez
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—154

Ackerman
Allen
Baldacci
Baldwin
Barrett
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—3

Becerra
Kennedy (RI)
Latham

□ 1548

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 8, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR THE HOUSE NOT WITHSTANDING ADJOURNMENT

Mr. WAMP. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 24, 2001, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 25, 2001

Mr. WAMP. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 25, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. WAMP. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1076

Mrs. JOHNSON of Connecticut. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Texas (Mr. PAUL) from H.R. 1076, to which it was added mistakenly.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 24, 2001

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 4, 2001.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 24, 2001.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

MEMBERS OF THE HOUSE TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Without objection, and pursuant to clause 5(a)(4)(A) of rule X, the Chair announces that the Speaker named the following Members of the House to be available to serve on investigation subcommittees of the Committee on Standards of Official Conduct for the 107th Congress:

Mr. GEKAS of Pennsylvania;
Mr. CHABOT of Ohio;
Mr. LATOURETTE of Ohio;
Mr. SHADEGG of Arizona;
Mr. WICKER of Mississippi;
Mr. MORAN of Kansas;
Mr. FOSSELLA of New York;
Mr. GREEN of Wisconsin; and
Mr. TERRY of Nebraska.

There was no objection.

NEWSPAPERS' RECOUNT SHOWS GEORGE W. BUSH WON ELECTION

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KINGSTON. Mr. Speaker, there has been much said about the Florida election returns, and we hear over and over again from people that, well, Bush really did not win the election; that he stole it.

I would invite Members of the House to pick up a copy of the USA Today newspaper. It says, "Newspapers' Recount Shows Bush Prevailed in Florida Vote."

I am going to read the first paragraph, and keep in mind newspapers are not exactly known for being conservative instruments.

The first paragraph says, "George W. Bush would have won a hand count of Florida's disputed ballots if the standard advocated by Al Gore had been used, the first full study of the ballot reveals."

My, my, my. Where are all the accusers, where are all the finger-pointers to say, well, gee whiz, I was wrong, it looks like Mr. Bush is the legitimate President of the United States?

Mr. Speaker, I am going to submit this full article for the RECORD because I am sure Members in their hurry to get out of town will not have time to read this paper; but out of my concern for these Members, I want this to be in the CONGRESSIONAL RECORD and maybe they could share it with some of their friends in academia and the unions and the other great liberal institutions throughout the land.

[From USA Today, Apr. 4, 2001]

NEWSPAPERS' RECOUNT SHOWS BUSH PREVAILED IN FLORIDA VOTE

(By Dennis Cauchon)

George W. Bush would have won a hand count of Florida's disputed ballots if the standard advocated by Al Gore had been used, the first full study of the ballots reveals.

Bush would have won by 1,665 votes—more than triple his official 537-vote margin—if every dimple, hanging chad and mark on the ballots had been counted as votes, a USA TODAY/Maimi Herald/Knight Ridder study shows.

The study is the first comprehensive review of the 61,195 "undervote" ballots that were at the center of Florida's disputed presidential election. The Florida Supreme Court ordered Dec. 8 that each of these ballots, which registered no presidential vote when run through counting machines, be examined by hand to determine whether a voter's intent could be discerned. On Dec. 9, the U.S. Supreme Court stopped the hand count before it was completed. That gave Bush Florida's 25 electoral votes, one more than he needed to win the presidency.

USA TODAY, The Miami Herald and Knight Ridder newspapers hired the national accounting firm BDO Seidman to examine undervote ballots in Florida's 67 counties. The accountants provided a report on what they found on each of the ballots.

The newspapers then applied the accounting firm's findings to four standards used in Florida and elsewhere to determine when an undervote ballot becomes a legal vote. By three of the standards, Bush holds the lead. The fourth standard gives Gore a razor-thin win.

The results reveal a stunning irony. The way Gore wanted the ballots recounted helped Bush, and the standard that Gore felt offered him the least hope may have given him an extremely narrow victory. The vote totals vary depending on the standard used:

Lenient standard. This standard, which was advocated by Gore, would count any alteration in a chad—the small perforated box that is punched to cast a vote—as evidence of a voter's intent. The alteration can range from a mere dimple, or indentation, in a chad to its removal. Contrary to Gore's hopes, the USA TODAY study reveals that this standard favors Bush and gives the Republican his biggest margin: 1,665 votes.

Palm Beach standard. Palm Beach County election officials considered dimples as votes only if dimples were found in other races on the same ballot. They reasoned that a voter would demonstrate similar voting patterns on the ballot. This standard—attacked by Republicans as arbitrary—also gives Bush a win, by 884 votes, according to the USA TODAY review.

Two-corner standard. Most states with well-defined rules say that a chad with two or more corners removed is a legal vote. Under this standard, Bush wins by 363.

Strict standard. This "clean punch" standard would only count fully removed chads as legal votes. The USA TODAY study shows that Gore would have won Florida by 3 votes if this standard were applied to undervotes.

Because of the possibility of mistakes in the study, a three-vote margin is too small to conclude that Gore might have prevailed in an official count using this standard. But the overall results show that both campaigns had a misperception of what the ballots would show. The prevailing view of both was that minority or less-educated Democratic voters were more likely to undervote because of confusion.

Gore's main strategy throughout the post-election dispute was to secure a recount of any kind in the hope of reversing the certified result. Bush's strategy was to stop the recount while he was ahead. But his views on how recounts should be done, in the counties where they were underway, would have been potentially disastrous for him if used statewide.

Bush and Gore were informed Tuesday of the new study's results. Both declined comment. But White House spokesman Ari Fleischer said, "The President believes, just as the American people do, that this election was settled months ago. The voters spoke, and George W. Bush won."

The newspapers' study took three months to complete and cost more than $500,000. It involved 27 accountants who examined and categorized ballots as they were held up by county election officials.

The study has limitations. There is variability in what different observers see on ballots. Election officials, who sorted the undervotes for examination and then handled them for the accountants' inspection, often did not provide exactly the same number of undervotes recorded on election night.

Even so, the outcome shows a consistent and decisive pattern: the more lenient the standard, the better Bush does. Because Gore fought for the lenient standard, it may be more difficult now for Democrats to argue that the election was lost in the chambers of the U.S. Supreme Court rather than the voting booths of Florida.

The study helps answer the question: What would have happened if the U.S. Supreme Court had not stopped the hand count of undervotes? .

However, it does not answer all the questions surrounding another set of Florida ballots: the 110,000 "overvotes," which machines recorded as having more than one presidential vote. These ballots were rejected by the machines and were considered invalid. Some Democrats say if all of Florida's overvote ballots were examined by hand to learn voters' intent, Gore would have prevailed.

USA TODAY, The Miami Herald and Gannett and Knight Ridder newspapers also are examining Florida's overvotes for a study to be published later this spring. Overvotes contain some valid votes, mostly instances when a voter marked the oval next to a candidate's name and then wrote in the name of the same candidate.

No candidate requested a hand count of overvotes and no court—federal or state—ordered one. The U.S. Supreme Court cited the state court's failure to include the overvotes in its recount order as an example of arbitrariness.

Immediately after Gore. conceded the election to Bush, The Miami Herald began to evaluate what might have happened if the U.S. Supreme Court had not stopped the recount of undervotes.

Florida is one of the few states that permit members of the public to examine ballots after they've been cast. The Miami Herald and the BDO Seidman accounting firm began examining ballots on Dec. 18. USA TODAY joined the project in January. The last undervote ballot was examined March 13.

Florida law requires that political parties be notified of ballot inspections. The Republican and Democratic parties took different approaches to the three months of ballot inspections.

The Democrats took a hands-off approach. They rarely showed up at election offices during the evaluation. "We want to see what you find. It's not our role to be at the table with you," Tony Welch spokesman for the Florida Democratic Party, said during the newspapers' study. "If we're spinning and the Republicans are spinning, people won't believe the result."

He said at the time that the party expected the outcome would show that Gore receive more votes than Bush.

By contrast, the Republicans attended every ballot inspection. They devoted hundreds of days of staff and volunteer time. The party delayed cutting its post-election staff of field directors from 12 to 6 so it could staff the ballot inspections. Some Republicans took meticulous notes on the contents of the ballots. Others just watched. The Republican Party of Florida published a daily internal memo called "Reality Check," which critiqued the media efforts to examine ballots.

In an interview before the results were released, Mark Wallace, a Republican lawyer assigned to critique the media inspections, said, "The media appear ready to offer unprecedented liberal standards for judging what is a vote. The appropriate legal standard is what was in place on Election Day: cleanly punched cards only."

Before this election, almost nothing was known by the public and by political parties about what types of marks appear on undervotes and overvotes, which make up about 2% of ballots cast nationally. The newspapers' study shows both parties predicted incorrectly which of these ballots would help them.

Democrats and Republicans noted that voter errors on punch-card voting machines were most frequent in low-income and predominantly minority precincts. Because these voters tend to vote Democratic, the disputed votes were assumed to be a rich trove of support for Gore.

Likewise, both parties noted that the 41 Florida counties that used optical-scan ballots, a system similar to standardized school tests, tended to vote Republican.

Bush supporters attacked Gore for asking for hand counts in three Democratic-leaning counties. If any hand count occurred, it should include the Republican-leaning optical-scan counties, too, the Bush supporters said.

The USA TODAY/Miami Herald/Knight Ridder study shows that the Democratic and Republican assumptions were largely wrong. The under-vote ballots actually break down into two distinct categories:

Undervotes in punch-card counties. In the 22 punch-card counties in which BDO Seidman examined undervotes, 56% of the 35,761 ballots had some kind of mark on them.

The study found that punch-card undervotes correlated less to race of party affiliation than to machine maintenance and election management. Counties that maintain machines poorly—not cleaning out chads frequently, for example—have plentiful undervotes. The study shows that when undervotes are had counted, they produce new votes for the candidates in proportions similar to the county's official vote.

For example, in Duval County, where Jacksonville is the county seat, Bush defeated Gore 58%-41%. Among the undervotes, Bush defeated Gore 60%-32% under the lenient standard and by similarly comfortable numbers under all standards. Bush picked up a net of 930 votes, including 602 dimples.

Likewise, in Miami-Dade, where Gore hoped to score big gains, he received 51% of the marked undervotes, about the same as the 52%,that he got in the official count.

Undervotes in optical-scan counties. In the 37 optical-scan counties in which BDO Seidman examined undervotes, one third of 5,623 ballots had discernible votes.

The most common was when a voter made an X or check mark, rather than filling in the oval properly. Other common errors included circling the candidate's name or using a personal pencil or pen that couldn't be read by the machine. Black ink that contains even a trace of red will not register on many vote-counting machines, even when the mark appears pure black to the human eye.

The study shows that these errors were disproportionately common among Democratic voters. For example, in Orange County, home of Orlando, Gore edged Bush 50%-48% in the election. But Gore won the undervotes by 64%-33%, giving him a net gain of 137 votes. That accounted for half of the 261 votes Gore gained in optical-scan counties, which Bush won overall by 53%-44%.

The study found that optical-scan counties are the only places where Gore actually picked up more votes than Bush: 1,036 to 775 for Bush.

In the punch-card counties, where Gore had placed his hopes, his chances of winning a hand count were washed away. On dimples alone, Bush gained 1,188 votes. When all the possibilities are combined—dimples, hanging chads, clean punches—Bush outdid Gore by 8,302 to 6,559.

USA TODAY's analysis is based on accepting Bush's official 537-vote margin. This figure includes hand counts completed in Broward and Volusia counties before the U.S. Supreme Court intervened.

The newspaper also accepted hand counts completed in Palm Beach, Manatee, Escambia, Hamilton and Madison counties, plus 139 precincts in Miami-Dade.

These hand counts, which were never certified, reduced Bush's lead to 188—the starting point for USA TODAY's analysis.

The newspaper excluded these counties from its analysis. However, BDO Seidman collected data in these counties, and they are available on USATODAY.com.

In the end, Florida's presidential election remains remarkably close by any standard: 2,912,790 to 2,912,253 in the official count.

In an election this close, the winner often depends on the rules and how they are enforced.

BATAAN IS SYNONYMOUS FOR BRAVERY

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise today close to the 59th anniversary of Bataan Day, April 9, 1942, to recognize the brave soldiers who were captured on this day and forced into the infamous Bataan Death March.

I was honored to travel to the Philippines a few years ago to commemorate this day with then-President Ramos.

The fall of Bataan in World War II involved the surrender of 70,000 soldiers, 12,000 of whom were Americans and 58,000 Filipinos. Many died on the death march, and those who survived were imprisoned under inhumane conditions where countless more died.

These soldiers and their comrades foiled plans for a quick takeover of the region and allowed the United States the time needed to prepare for victory in the Pacific. We can recognize their courage and bravery by passing H.R. 491, the Filipino Veterans Equity Act, which would recognize the great courage and bravery of the Filipino veterans in World War II and specifically on Bataan Day April 9, 1942.

WE MUST MAKE SURE THAT THE FUTURE IS ONE IN WHICH ALL THE PEOPLE OF THE WORLD CAN SURVIVE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, recently the administration made the decision to set aside years of work of people from all over the world to deal with the problem of global climate change. All over the United States we have seen the evidence of change in a global climate. We have seen conditions of excessive heat in the South. We have seen tornados occur where they never occurred before. We have seen floods occur, 100-year floods occurring, every few decades and even more frequent than anyone could ever imagine.

We need to come together as a Nation and as a world to address the issue of global climate change. Man-made activities are forming and affecting our global climate, and we owe it to ourselves and to our children and to future generations to start now to do something about bringing down CO_2 levels and to do something about addressing global climate change.

It is a reality. We have to start preparing for the future, and we must make sure that the future is one in which all the people of the world can survive. America has a responsibility to the world to begin the work of cleaning up our environment.

IT IS TIME THAT CHINA LET THE CREW OF THE DOWNED EP-3 COME HOME

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I would like to cover real quickly the EP-3 incident with China. Some of my colleagues had questions. From the time the aircraft was hit, the EP lost 8,000 feet. I am sure the crew inside thought that those were their last minutes. They had 20 minutes to make a determination with a single-engine gone, another engine damaged and the entire front of the airplane off.

Some of my colleagues say, why did they not fly to other places? The chances for fire and explosion on that airplane were very high.

Secondly, we are in a non-Cold War situation. The rules of engagement dictated that they fly and land that airplane to save the crew.

Why not ditch the airplane? The EP-3 has probably got a minute and a half from the time it hits the water. It is not like pulling over to the side of the road and changing a tire. Half the crew is going to be lost.

Why not bail out? The closest rescuer or destroyer was over 12 hours away, which would have put them there about 11:00 at night. It was not an option.

Our crew did a good job. They had 20 minutes to get rid of all the classified material, which we think that they were able to do. I think they did a good job. I think we owe them a lot of our appreciation, and it is time that China let them come home.

NAMES OF SURVEILLANCE EP-3 CREW MEMBERS DOWNED IN CHINA

Mr. KIRK. Mr. Speaker, continuing on that theme, I want to read the names of the crew: Richard Bensing, Steven Blocher, Bradford Borland, David Cecka, John Comerford, Shawn Coursen, Jeremy Crandall, Josef Edmunds, Brandon Funk, Scott Guidry, Jason Hanser, Patrick Honeck, Regina Kauffman, Nicholas Mellos, Ramon Mercado, Shane Osborn, Richard Payne, Kenneth Richter, Marcia Sonon, Jeffrey Vignery, Wendy Westbrook, Rodney Young, Richard Pray and Curtis Towne. Twenty-four Americans, day four of their being held in China. It is time to bring them home, Mr. Speaker.

SALUTE TO SCOTT GUIDRY BEING HELD IN CHINA AGAINST HIS WILL

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise to salute Scott Guidry of Satellite Beach. He is a constituent of mine who is being held in China against his will.

The EP-3 military aircraft is sovereign U.S. territory. Under the 1944 Chicago Convention signed by China, that is considered sovereign U.S. territory and should be returned to the United States. China has chosen to ignore that agreement, along with many others over the years.

I would encourage every American who is going to go shopping over the next few days to look at the labels on the products they are going to purchase and see if it is made in the U.S.A. or it is made in China. I would encourage every American to stand in solidarity with all those servicemen being held against their will and send a message to our friends in China that they are doing something they should not be doing. We certainly join with all the families of all those airmen, naval officers, naval enlisted, who are being held overseas with our thoughts and prayers that we are with them. It is time that they be sent back.

☐ 1600

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MENTORING FOR SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, a few years ago I ran across a study which was done on the Fullerton, California, public schools in 1940. It was kind of interesting, the number of the concerns that the teachers in the Fullerton, California, public schools had at that time. Number one was talking in class, number two was chewing gum in class, number three was not putting waste paper in the waste paper basket, and number four was getting out of turn in line when going from one class to another.

More recently I saw this study replicated when they went back to the Fullerton, California, public schools and asked the teachers what their main concerns were, and this is what the list read like. The number one concern was drug abuse, weapons in school, gangs, teenage pregnancy, teenage suicide, alcohol abuse, violence and so on.

So, in the last 50 to 60 years, we have seen an amazing shift in our culture. I guess over 36 years of coaching, I saw some of the same changes, the same dynamics in some of the young people I was dealing with.

So I guess I have asked myself from time to time, what has caused this shift? I think really two basic elements that I can point to. One is family disintegration. Currently one-half of our children grow up without both biological parents, and back in the 1940s and the 1950s, this percentage was probably no more than 5 or 10 percent. We have 18 million fatherless children in our country today. When your dad does not care enough to stick around to see what you look like, it leaves a vacuum in your life, it leaves a hole that you are oftentimes trying to fill with all the wrong things. So fatherlessness is a huge problem. The out-of-wedlock birth rate has gone from 5 percent in 1960 to 33 percent today. So the family structure has definitely changed.

Secondly, I think there have been some things that I would refer to as the unraveling of the culture. I think almost everyone is aware of the fact that we are living in the most violent Nation in the world for young people. We have the highest homicide rate, the highest suicide rate for young people of any civilized nation or any nation anywhere.

Thirdly, drug and alcohol abuse has certainly become rampant and a very virulent problem in our society, and, of course, there has been a media influence that I think at times some of the music, some of the television, some of the movies that young people are exposed to has been a problem.

So, we may say that I have outlined a lot of problems. What are the solutions? We need some answers. I guess one of the things that I would point to that has proven to be effective is mentoring. A mentor is someone who supports, affirms, provides stability, provides a vision of what is possible for a young person. I guess in athletics I saw this very graphically borne out, because if you told an athlete or a player that he was not very good, that he did not have a future, that he was limited in talent, it would not be long before he would begin to play down to that expectation, and usually he would leave the team before very long. But on the other hand, if you said, I see a great deal of potential, I see some talent, I see some things where you could be a great player, many times that player will begin to perform in a way that he himself did not even begin to expect. So affirmation is critical.

Basically, that is what mentoring is. It is affirming. It is supporting. It is telling somebody they can do it.

So mentoring actually works. There are studies that have shown realistically that people who are mentored, who are in good mentoring programs, young people will be 52 percent less likely to skip school, 50 percent less likely to begin using drugs, 36 percent less likely to lie to a parent, 30 percent less likely to commit a violent act of any kind, and they are less likely to drop out of school, and have better relationships with friends and family.

So for that reason I am introducing today a bill called Mentoring for Success. What this bill does is it provides grants to expand mentoring through new programs and existing programs throughout the country that supposedly, I believe, would probably reach about 200,000 young people in our country. It also would provide for training of mentors, background checks on mentors; and it would study the long-term effects of different types of mentoring programs. Right now there are a lot of them out there. We do not know exactly what is most effective, and this would provide for a study that would provide more data and more information.

Currently we spend billions of dollars on incarceration, on juvenile justice programs, and once someone is caught up in the juvenile justice system or the criminal justice system, oftentimes they just do not get out of it. So we need to spend more time on the front end of the process, and mentoring is certainly a very viable alternative and something that I hope that all people would certainly consider.

Mr. Speaker, this bill is very important. I think it is something that we really cannot afford not at this time to address.

THE TIME IS RIGHT FOR TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LINDER) is recognized for 5 minutes.

Mr. LINDER. Mr. Speaker, today the House of Representatives completed the third piece of President Bush's promised tax relief agenda. I have been proud to support President Bush with my vote in favor of all three of the components of this proposal.

But now that we have succeeded in the House with tax relief legislation, we must begin to turn our attention toward tax reform legislation. For that reason, I have come to the well of the House today to tell my colleagues that soon I will introduce in the 107th Congress my fair tax proposal. This proposal, which will be introduced as H.R. 2525, as it was in the 106th Congress, is bipartisan, cosponsored by the gentleman from Minnesota (Mr. PETERSON), my Democrat colleague.

This is a serious proposal supported by academic research from Harvard, Stanford, Boston University, MIT, and more, and it is a popular proposal being supported by the over 400,000 members of Americans for Fair Taxation, and having had nearly $20 million privately raised and spent on economic and market research to support this effort.

Mr. Speaker, let me tell my colleagues what we discovered. There is not a mechanism for a business to pay a tax. I have had several businesses in my life, and I never had that secret drawer where money piled up behind me to pay the corporate share of the payroll tax, the corporate income tax, or the accountants and attorneys to avoid the tax. It all gets embedded in the value of the product that is purchased by consumers, and the only taxpayers in the world are consumers who finally consume the product and all of the taxes embedded in it. Research we have had done at Harvard's economics department suggests that 22 percent of what one pays for at retail for personal consumption is the embedded cost of the IRS.

My friends, a fair tax is a national retail sales tax with a rate of 23 percent. You will pay 1 percent more for your cost of living, but you will get to keep your whole check, the whole check, including the payroll tax will no longer be taken out.

By authorizing this one sales tax, we will eliminate the personal income tax, the business income tax, the payroll tax, the death tax, the capital gains tax, the self-employment tax, and the gift tax. And, in doing so, we eliminate the IRS and all of its associated problems.

If anyone read this morning's Washington Post, Treasury Department employees, acting as citizens, making phone calls to the IRS helpline to get help with tax returns, tell us that 47 percent of the responses they received from the IRS people were in error. That is up from 25 percent 4 years ago. But our Treasury Department in which the Social Security resides tells us that 47 percent of their responses are wrong. They do not understand the system. It is time for it to go away.

I believe that the time for tax reform has come. While I certainly believe that the fair tax is the best change, I believe we should have an open debate on others. I am willing to talk about the flat tax. It is better than the current system. I also believe that we virtually passed the flat tax in 1986 with only two levels of taxation and eliminating many of the deductions, and we have amended it 6,000 times since then. For as long as we know something about you and where you make your income and how much you make and how you spend it and invest it, we can find ways to tax it. America deserves this debate so we can totally revamp the system.

Mr. Speaker, it has been said that the sales tax is regressive and hits most heavily on the poor. I want to say that the poor are paying it. Everything that anyone, rich or poor, buys has a 22 percent burden of the embedded cost of the IRS. Getting rid of the IRS will undo that burden. We also provide a rebate at the beginning of every month, for every household, rich or poor, to offset the entire tax consequences of spending up to the poverty line. The Federal Department of Health and Human Services tells us that poverty-level spending, which is $8,500 for a household of one or $25,000 for a household of 5, will be enough spending to provide the necessities, the essentials of living, food, clothing, health care, housing. We believe that anyone should be able to buy those essentials with no tax consequences, and our rebate will cover those.

Mr. Speaker, if anyone is interested in becoming a part of this effort, contact me or the gentleman from Minnesota (Mr. PETERSON). We cannot change this world alone, but with the help of our colleagues and the enthusiasm of America, we will.

SUPPORT THE MENTORING FOR SUCCESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER. Mr. Speaker, I rise today in support of the Mentoring for Success Act which we filed earlier today. This bill authorizes $100 million for competitive grants to be allocated by local school districts and nonprofit community-based organizations for the purpose of starting up mentoring programs for high school students, to encourage them not to drop out of high school, to reduce their involvement in gangs, and also to improve the performance for children, elementary and middle schools.

The chief sponsor of the Mentoring for Success Act is the gentleman from Nebraska (Mr. OSBORNE). I am proud to be the original cosponsor of this important legislation.

I would like to address just three points today. First, I would like to talk a little bit about the background of the sponsors of this bill and why it is so important to us. Second, I would like to talk about the educational benefits of this bill. Third, I would like to talk about the crime prevention benefits of this bill.

First, with respect to the sponsor of this legislation, there is probably no Member of Congress who has had more success with mentoring young people than the gentleman from Nebraska (Mr. OSBORNE), a former coach.

□ 1615

Coach Osborne led the Nebraska Cornhuskers football team to three national championships, and he has the winningest coaching record in the history of college football.

As for me, my background in this area is far more humble than Coach Osborne's. However, I did have the privilege of serving as the volunteer Chairman of the Board of the Orlando-

Orange County Compact Program, the largest mentoring program in the State of Florida. I also had the privilege of serving as a mentor myself to two students at Boone High School in Orlando, where I attended.

I have been a big believer in mentoring programs since I was a small child. Back when I was in elementary school, my mom, who was a single parent, thought it would be a good idea for me to have a mentor. She went down to the Big Brothers Big Sisters organization and arranged for me to have a mentor.

My mentor throughout my childhood was a man named Tom Luke. Tom has worked for the Orlando Sentinel, which is a local paper in Orlando, Florida, for the past 28 years as their manager of the computer services department.

Tom, along with my mom, played a very key role in mentoring me as a child. They are, in large part, responsible for whatever success I may have today.

Mr. Speaker, I would now like to address the educational benefits of the Mentoring for Success Act, particularly as it relates to preventing children from dropping out of high school.

In my home State of Florida, we had a big problem: Only 53 percent of our children were graduating from high school. So we in the Orlando area decided to do something about it. We created what is known as the Orlando/Orange County Compact Program. That is a mentoring program that matches up students who are at risk of dropping out of public high schools with mentors from the business community who work with these young people 1 hour a week. It is sort of like a Big Brothers Big Sisters program.

The results from this mentoring program have been dramatic. Over the past 10 years, 98 percent of the children in the Compact Program in Orlando have graduated from high school, the number one graduation rate in the United States. Let me give just one example of how this program is successful, because this is exactly the type of program that the Mentoring for Success Act seeks to create.

There was a young 18-year-old African American man named Lenard who was attending Jones High School, which is an inner city school in Orlando. Lenard was struggling in school. He was making Ds and Fs. He was skipping school. He had been arrested for selling drugs. He announced that he was intending to drop out of school.

Lenard agreed to be in the Compact Program on one condition. He said, Just do not give me a white mentor. Naturally, we assigned Lenard a white mentor, an AT&T executive named Paul Hurley. To make a long story short, Lenard's mentor developed a friendship with him, and met with him every week. By Lenard's senior year, he went on to become Orange County's student of the year.

In his senior year, Lenard won a raffle at Jones High School. The winner got two tickets to the Orlando Magic basketball game, great seats. He called his mentor and said, "Hey, I just won two tickets to the Orlando Magic game tonight." His mentor replied, "That is great. Why don't you ask your best friend?" Lenard said, "That is why I called you." Mentoring makes a difference, one child at a time.

Finally, I would like to discuss the crime prevention benefits of this important legislation. In Florida, 70 percent of the inmates in our jails and prisons are high school dropouts. It costs the taxpayers $25,000 a year for each of these prisoners in our Federal prisons, compared to only $5,000 a year to educate a child in the public schools.

Clearly, making this small investment in mentoring now will save us hundreds of millions of dollars down the road in reduced prison and welfare costs.

In summary, the Mentoring for Success Act sponsored by Coach Osborne and myself will make a meaningful difference in the lives of young people, will improve education, will prevent crime, will save us money, and I urge my colleagues to cosponsor this legislation and vote yes on this important bill.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore (Mr. GRAVES). Without objection, and pursuant to clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. PETERSON of Minnesota.

There was no objection.

SHIPBUILDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, events are once again turning the world's eyes to the Pacific. Indonesia continues to be unsettled. North Korea is abandoning its move towards conciliation. And every American is aware of the provocative actions recently undertaken by China in holding 24 Americans captive.

Secretary Rumsfeld has stated that this administration will put a new emphasis on the Pacific. That is wise. But to carry out that intention across such a broad expanse of water will require ships.

Demand for naval forces has not gone away with the Cold War; it has increased. Yet, at current build rates, the overall fleet will sink below 300 ships before the decade is out, on a course for Davy Jones' locker. We are already missing missions today. How dire will the situation be with a 200-ship fleet?

I am not much given to dramatic statements, Mr. Speaker, but let me say this clearly: America should rebuild its Navy, and we should begin now.

To rebuild requires far more than simply stabilizing the size of the fleet. The Navy does not get anywhere by treading water. Instead, we have to reverse the trend in shipbuilding. A wise man used to say that the Navy is moving to a smaller fleet to meet its worldwide commitments, but the world is just as wide. That man's name was Norman Sisisky, and nobody in this House, nobody was more dedicated to reversing the trend in shipbuilding than our good friend from Virginia.

By the way, I believe that "Norman Sisisky" would make an excellent name for a capital ship.

Why build more ships? Because it is presence, American presence, that helps avoid war: presence in peacetime, at pierside, showing our allies tangible proof of American support; and presence in the theater, exercising, working with allied navies, and serving notice to all that America is not thousands of miles away, it is just over the horizon. Naval presence is an open hand that can quickly become an iron fist should the need arise.

We can focus on the Pacific all we like, but maintaining a strong naval presence there requires more ships than we have now. Then, what of our commitment to Europe, the Atlantic, the Mediterranean, the Middle East?

Ships require sailors. Sea duty is hard and challenging. It can be heartbreaking. The sailor is the backbone of the Navy. While some question whether sea duty is still that service's highest calling, there is no doubt in the mind of this son of a sailor that it should be.

It is not just the duties at sea that make the sailors so valuable, it is their presence in foreign ports, showing citizens around the world that Americans are open, friendly, and interested in their country. That is as much a benefit of naval presence as the speedy response to crises that may emerge.

A rebuilt Navy should be able to operate from shoreline to shoreline, on the surface, above, and below. That will require a range of ships: small ships, to operate in close; medium ships, to provide cover for the smaller ships in shore, but able to keep station with battle groups as needed; submarines, capable of operation in all waters and able to carry land attack missiles and support special operations forces; and heavy capital ships, to maintain freedom of the seas.

Ships do not just happen, we must build them. We must equip them. We must provide a trained and ready crew. That all takes resources and commitment, resources from Capitol Hill and a commitment, beginning with the CNO and including every sailor in the fleet.

That is why a larger Navy must be in the budget from the start, particularly this year. The Navy cannot rely on Congress to add money above the top line to make up for its own budget shortcomings. For years, we in Congress added money to the administration's defense budget. I do not believe that we will so readily revise the new administration's plans.

But I do not doubt that with support in the administration budget, Congress will follow. As Members of Congress, the purse is our responsibility. Without a doubt, ships are expensive. Building more ships is more expensive, but not being where we are needed when we are needed there is the most costly of all.

I believe in my heart that one ship flying the American flag alongside one foreign pier makes friends, warns enemies, and ultimately reduces the need to send many more ships out on the high seas.

To provide presence, we need hulls. To engage in littoral, we need hulls. To do the job we ask the Navy to do, we need hulls.

URGING MEMBERS TO SUPPORT LEGISLATION TO CLARIFY LAW REGARDING FUNDRAISING BY NONPROFIT ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I rise today to announce the introduction of legislation that would help clarify the law regarding fund-raising by nonprofit organizations.

I want to first recognize and thank the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, who is sponsoring this bill with me for his leadership on this important issue.

Congress recognized the many important and worthwhile activities of nonprofits by establishing a nonprofit mail rate for charities, churches, educational advocacy, and other nonprofit organizations. These are enumerated in the Postal Reorganization Act of 1970.

One of Congress's objectives was to make it more affordable for nonprofits to collect donations to fund their activities. For a mail piece to be eligible for the lower rate, Congress prescribed two requirements: First, the organization or mailer must be qualified to mail at the nonprofit rate; and second, the qualified organization must own the mail piece.

Over the last several years, Mr. Speaker, the United States Postal Service, which has made great strides under Postmasters Runyon and Henderson, has increasingly applied the statutory standard of "ownership" in a way that may have a chilling effect on the use of nonprofit mail rates to obtain donations for charity, education, and advocacy.

The purpose of the bill that the gentleman from Indiana (Chairman BURTON) and I are sponsoring is to clarify ambiguities existing in both law and postal service regulations with respect to fund-raising.

The bill clarifies the law so the postal service does not read the statutory "ownership" test so literally as to disqualify fund-raising mail sent by otherwise eligible nonprofit organizations that negotiate a risk-sharing agreement with respect to their fund-raising mail.

In my view, Mr. Speaker, it is imperative that otherwise qualified nonprofit organizations be able to secure donations at the lowest possible cost. When nonprofits conduct activities that further purposes enumerated in the statute, for example, to provide safety net social services, they ease the burden on taxpayers and deliver high quality services to all Americans.

This Congress is asking nonprofits to provide services the government has traditionally been ineffective and inefficient in providing. Given this purpose, it would be irrational for Congress to limit use of the nonprofit bill rate only to fund-raising campaigns that raise donations sufficient to pay mailing costs.

It is important to point out that our bill is not a back door to allow unauthorized parties to mail at the nonprofit rate. Current law restricts an otherwise qualified organization from utilizing the nonprofit rate to sell goods or services. Seeking a donation, however, is different from promoting the sale of a product or service.

Furthermore, Mr. Speaker, Congress has instituted reforms limiting a nonprofit's use of the special mail rate to sell products and services. This bill does not affect the reforms Alaska Senator Ted Stevens set in motion in the 1980s in that regard.

This bill also recognizes the subsequent reform Congress enacted to require sales promoted at the nonprofit rate to be substantially related to the purpose for which the nonprofit qualified for the nonprofit rate.

More importantly, Mr. Speaker, this bill does not limit the postal service's authority to enforce any other section of the Federal postal statutes. Accordingly, the postal service retains all of its tools to discover and prosecute fraud, a mission I strongly support.

The problem addressed by this bill is the postal service's present interpretation of the statutory "ownership" standard, which is causing litigation and inconsistent application in nonprofit fund-raising cases.

Respectfully, I ask my colleagues to join me in supporting this important legislative measure.

□ 1630

MANAGED CARE REFORM, PATIENT ACCESS TO SPECIALTY CARE

The SPEAKER pro tempore (Mr. GRAVES). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise today to continue what is a series of speeches or Special Orders on the need to reform our Nation's managed care industry. In the past I have discussed external and internal appeals processes, medical necessity, and the need for accountability. Today I would like to discuss patient access to specialty care.

Specialists fill an invaluable role in our Nation's health care system. And many of us have sought the services of a specialist because of high blood pressure, a broken arm, or migraine headaches. But oftentimes, HMOs refuse patients access to specialists because they do not have such specialists in their network or they are across town or literally unavailable.

Such is the case of Sarah Peterson from San Mateo, California. She was born with a brain tumor that required her to see a physician who specialized in brain tumors. But her HMO, which was obtained through her father's employer, told her mother that she would not be able to see a pediatric specialist. She was told, what difference does it make, cancer is cancer.

Well, it does make a difference if you are the parent of a child with a potentially deadly tumor. While Sarah was fighting for her life, her parents were fighting an HMO to get her the quality health care they were paying for. This situation could have had dire consequences; but fortunately for Sarah, her parents changed plans during the middle of this medical crisis. Sarah is now 8 years old and is doing well. But she still has a tumor and will still need to see a specialist. Hopefully, her health insurance will let her continue to see that specialist.

The prognosis is not as promising for young Kyle of Bakersfield, California. Kyle began having ear problems when he was 6 months old. After months of corrective measures, antibiotics, infections, and finally a ruptured eardrum, Kyle's HMO referred him to an ENT. The ENT performed surgery to put tubes in Kyle's ears which would allow for the drainage of the infected fluids, but that surgery was too little too late. After 10 days, Kyle's ears began to bleed. Had the HMO followed the advice of the ENT, they would have given Kyle a CAT scan to provide evidence of cholosteatoma, a severe infection that destroys the bone in the inner ear. But again, the HMO denied this vital test, and Kyle's ear problems continued along, undiagnosed.

Finally, after losing all patience with the HMO, his parents changed plans and were advised that their son needed this exploratory surgery. It was then that they learned of the severe nature of the cholosteatoma and that Kyle would need another surgery. After all of the waiting, surgeons had to remove all of the bones in Kyle's middle ear. Because of the delay in specialty care, combined with the HMO's denial of a simple test, Kyle's doctors anticipate he will suffer significant hearing loss as he reaches his adolescence.

A denial of specialty care was deadly for Glenn Neally, who lost his life because an HMO denied him direct access to specialty care. When Glenn's employer changed plans in March 1992, he made sure that the managed care plan would continue to cover treatment of his cardiac condition, unstable angina. His cardiologist had prescribed a strict regime of nitrates, calcium blockers, and beta blockers. He was assured that he would be able to see his cardiologist. But his HMO required him to obtain a referral for follow-up treatment by his cardiologist. Bureaucratic paperwork problems gave Glenn the run-around for 2 months, while he tried to get the proper ID cards, referrals and pharmacy cards. Even after obtaining all of this paperwork, his HMO formally denied his request that he receive follow-up visits with his previous cardiologist and instead was forced to see their participating cardiologist in May of that year.

That turned out to be one day too late for Glenn. He died of a massive heart attack on May 18, leaving behind his wife and two sons.

Mr. Speaker, I stand here today and tell story after story of the damage that occurs when people are denied access to specialty care. But what this really tells us, we need managed care reform on a national basis like the Bipartisan Patient Protection Act, H.R. 526.

This legislation ensures that patients who need specialty care can reach that specialist. It would ensure that children like Kyle and Sarah have direct access to their pediatrician.

This plan could have helped Glenn Neally because it would have ensured that plans cover specialists even outside the network. It ensures that patient care is continuous, and if provider networks change, a patient is not forced to change doctors in midstream.

These provisions are not abstract, legal, or political. These are real protections that make a real difference in saving people's lives. I hope my colleagues will consider how vital specialist care is for those who do not have access and join me in supporting H.R. 526, the Bipartisan Patient Protection Act.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1187

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 1187.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

DETENTION OF 24 CREW MEMBERS IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 5 minutes.

Mrs. WILSON. Mr. Speaker, 24 Americans are currently being detained in China under circumstances that are unacceptable. Today, the Chinese ambassador has said that the crew members are in China because the investigation is going on, and China's foreign minister has asked for an apology. The Chinese news agency, Xinhua, reports that the American ambassador was admonished and told that the U.S. has displayed an arrogant air, used lame arguments, confused right and wrong, and made groundless acquisitions against China.

America has nothing to apologize for. Our aircraft was operating in international air space when Chinese interceptors came close to investigate it. They came too close and caused a midair collision.

Mr. Speaker, we all know that sometimes in international politics, statements are made for internal consumption rather than for the ears of other powers. But the Chinese government needs to understand that here in Congress we are listening and watching. Their action or failure to act has consequences. This is an unusual situation in which an American military aircraft had to make an emergency landing on Chinese soil. I am supportive of the President's desire to keep this accident from becoming an international incident, but every hour that goes by without the return of our crew makes the likelihood of continued good relations between our two nations less achievable.

I have supported free trade with China and engagement with China's people. That and more is at risk, and not all of it is under the control of the President and his administration. In the coming months this House may consider China's access to the WTO, arms sales to Taiwan, military to military, cultural and scientific exchanges, as well as an array of other issues important to China.

We have allowed the Chinese government time to do the right thing. We know the difference between right and wrong. Now it is time for our servicemen and women to be returned home.

CRITICAL ISSUES FACING AMERICA'S NURSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, today I would like to address critical issues facing America's nurses, which have a tremendous impact on the quality of this Nation's health care system.

As many of my colleagues know, we face an unprecedented, dangerous shortage in the number of nurses in our hospitals, extended care facilities, community health centers, nursing education, and ambulatory care settings. This shortage is due in large part to the aging nursing population, which is not being replaced by younger entrants into this field.

Moreover, data on the nursing workforce shows that staffing shortages are already occurring and recruiting new registered nurses is becoming a looming obstacle which we will not be able to overcome without swift congressional action. The current shortage will soon be compounded by the lack of young people entering the nursing profession, the rapid aging of the nursing workforce, and the impending health needs of the baby boom generation.

That is why I am proud to be an original cosponsor of legislation to improve access to nursing education, to create partnerships between health care providers and educational institutions, to support nurses as they seek more training, and to improve the collection and analysis of data about the nursing workforce.

I congratulate my colleagues in both Chambers for their hard work in crafting this comprehensive legislation, and I urge both Chambers to bring this legislation to the floor as expeditiously as possible.

An equally vexing issue concerning our hard-working nurses is mandatory overtime. Last week I joined the gentleman from California (Mr. LANTOS), the gentleman from Massachusetts (Mr. MCGOVERN), and the gentlewoman from California (Ms. SOLIS) in introducing legislation to prohibit mandatory overtime for all licensed health care employees beyond 8 hours in a single workday or 80 hours in any 14 day work period except in cases of natural disaster or declaration of an emergency by Federal, State, or local government officials, or when it is voluntary.

The practice of mandatory overtime tears at the fiber of many hard-working families. Instead of punching out at the end of an already lengthy shift and traveling home to their families, many nurses are forced to remain at work. But more than a family or labor issue, this is a fundamental public health problem with far-reaching consequences. Exhausted health care workers can inadvertently or unintentionally put patient safety at risk. A report by the Institute of Medicine on medication errors found that safe staffing and limits on mandatory overtime are essential components to preventing medication errors. An investigative report by the Chicago Tribune also found that patient safety was sacrificed when reductions in hospital staff resulted in registered nurses working long overtime hours and being more likely to make serious medical errors.

Mr. Speaker, these studies confirm the grim stories I hear from my constituents on a regular basis. In fact, last October 1,900 people participated in a 1-day strike at Rhode Island Hospital which illustrated the magnitude of this problem facing Rhode Island nurses, hospitals and patients.

I understand that hospitals need an ample supply of nurses to safely administer patient needs, and they are not to blame for our Nation's nursing shortages. But with nurses within the Lifespan Hospital network in my State working 180,000 hours of overtime, the equivalent of 22,500 extra 8-hour shifts last year, I cannot understand why Congress does not act now to stop this injustice which risks the lives of thousands of Americans each and every day.

Mr. Speaker, what happened in Rhode Island is happening across America. That is why I urge my colleagues to join the gentlewoman from California (Mrs. CAPPS), the gentleman from California (Mr. LANTOS), and me in ensuring expedient passage of both of these bills to help our hard-working nurses and to improve the kind of quality of health care that Americans expect and deserve.

ESTATE TAX RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I come to the floor today as a strong supporter of reforming estate tax. In the past 2½ years, I have voted for estate tax reform almost every time it was offered on this floor. I even voted to override President Clinton's veto of the bill.

But since then there have been significant changes in our economy and in the tax proposals before this body. This administration, the Bush administration, has put all of its political muscle behind a $1.6 trillion tax cut. The House has already used $958 billion of this amount by approving income tax rate cuts, and we have used an additional $399 billion to fix the marriage penalty and phase in an increase in the child tax credit. Together, these bills have chewed up more than $1.36 trillion, 84 percent of the total tax cut proposed by the President.

Mr. Speaker, I will say right now that I think the administration's overall proposal is too large. It is too large because we do not know whether today's surpluses will be there tomorrow, and there are other tax changes which are sure to come before this body which will cost billions more.

What are we going to do to correct the problems associated with the alternative minimum tax? What are we going to do about making permanent the R&D tax credit? What do we do about fixing other unfair aspects of the Tax Code, like reinstating the sales tax deduction?

If we want to talk about real unfairness, let us reinstate sales tax deductibility to establish fairness for Washington State residents and the residents of six other States who have no income tax but pay sales taxes and cannot deduct them from their Federal return.

Today's bill should also be about fairness. The estate tax should not burden small business, small farms and individuals who have accumulated sizable assets through years of hard work. I am frustrated that some in Congress are playing numbers games because this bill that we passed today does not solve the problem quickly enough for many folks in my district. The bulk of the estate tax bill that we passed today will not be felt for 10 years. Then what happens in 10 years? The baby boom generation retires, and we have increases in our needs for Social Security and Medicare.

□ 1645

It is unclear to me why the majority has not and will not look at other legislative proposals to solve the estate tax problems. I am frustrated with the "my way or the highway" approach that they have taken. That is why earlier today I voted against the rule on this bill. We should have had more and better options to choose from. It should not just be a coin toss.

The Democrats put forward a bill that would take care of the estate problem today for more than 99 percent of all Americans. I do not think that bill was perfect, but I think it contained some good ideas. And I do think if we took the best parts of the Republican bill, the best parts of the Democratic bill, cleaned up some problems, we could have had something we all supported. But that does not seem to be the way we do business around here these days.

When I came to this body, we elected a Speaker who pledged bipartisan; we elected a President recently who pledged bipartisanship, but we are not seeing it. Here was an opportunity for true bipartisanship, to get together, draw the best of both bills from both parties and come up with a real solution.

Mr. Speaker, this takes a personal note for me. A month and a half ago my father passed away. One of the last things he said to me, quite literally one of the last things, was, "Son, I'm concerned about repealing the estate tax. I worry that we risk concentrating wealth too heavily in this country."

Two days ago I met with the owners of a Toyota dealership who told me, "Congressman, we are concerned that if we have too exorbitant an estate tax, we won't be able to pass our dealership on to our kids and their families." I met with George and Peggy Thoeni, family farmers in my district, who have worked their whole life to build a family farm, and they want to pass that on to their children.

Mr. Speaker, my father was right. So are George and Peggy Thoeni, and so are Marvin and Shirley McChord. We desperately need to reform the estate tax, but we must not do so in a way that concentrates wealth inordinately in our country and jeopardizes our financial future.

Today, I voted for both the Democratic alternative and for final passage on the final bill, but we could have done better, Mr. Speaker. In true bipartisanship we could have come together, before the bills came here, and we could have crafted something that protects family businesses and small farms today, not 10 years down the road; that does not add new burdensome regulatory complications to the Tax Code; that does not allow the very, very wealthiest people in this country to pass their estates on with no tax burden whatsoever. We could have done that, but we did not.

I would hope that before this bill finally becomes law, we do come together in genuine bipartisanship. In so doing we would honor the wishes of both my father, of George and Peggy Thoeni and the McChords. Let us do this together, and let us do it right. The people deserve our doing so.

SPY PLANE STANDOFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, the South China Sea has always been an area of constant stress for our men and women in military uniforms, especially the cat-and-dog fights that have gone on, really for many of the past years. That is why an accident was bound to happen.

China believes the U.S. plane caused the collision by making an abrupt turn while two Chinese fighter pilots shadowed it. Give me a break. The EP-3 is a lumbering turtle, while the Chinese J8s respond like nimble jackrabbits. Colin Powell has stated, "A tragic accident took place. We regret that the Chinese plane did not get down safely. We regret the loss of life of the Chinese pilot, but now we need to move on. We need to bring this to a resolution."

Make no mistake, the planes were operating in international airspace. By international law, the EP-3 is sovereign U.S. territory.

Earlier today two U.S. diplomats were allowed to visit 24 U.S. crew members. The detained Americans looked healthy, but China has given no indication as to when they may be released. Among these are two Illinoisans, Seaman Jeremy Crandall of Poplar Grove, Illinois, and Sergeant Mitchell Pray of Geneseo, Illinois.

The Chinese Government is treating this like we are still in the Cold War, and we are not. Our concern is we do not want this to turn into another period of constant tension and struggle and a return back to the Cold War era. But make no mistake, the United States is not a Nation to be trifled with, and our patience will only last so long. We need our crew back, we need our plane back, and we need to return to normalized relations with China. The best way to do that is for the peaceful return of both our crew members and our plane.

BRANDON FUNK OF SHOW LOW, ARIZONA, BEING HELD BY PRC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I come to the well of this House this afternoon to invoke the name of Brandon Funk of Show Low, Arizona, and 23 others, our men and women in uniform, being detained by the People's Republic of China.

Mr. Speaker, our President has been clear and unequivocal. In addressing the Communist Chinese regime, he has said simply, "Let our people go now and return our plane." I support the President, as does this House, united with one voice, not a voice of Republicans or of Democrats, but one voice as Americans.

Mr. Speaker, I would appeal to the Chinese Government to understand what is at stake. They should not underestimate the resolve of the American people, and they should not mistake the genial nature of our new Commander-in-Chief or the gentility he brings to his job as a lack of resolve.

With each passing day, the People's Republic of China is placing in jeopardy its place among the community of nations, its status as an economic power, its opportunity to highlight and showcase some of the world's great events. There is a clear choice to be made.

There are a number of options available to our Nation. Mr. Speaker, I do not come here to try to abridge or in any way describe the actions our Commander-in-Chief can take, but they are numerous, with serious repercussions for the Chinese regime in Beijing.

Mr. Speaker, again I would ask the Chinese Government not to underestimate the United States of America. Secretary of State Powell struck the proper note yesterday when he offered regret over the loss of life.

The preceding speaker, the gentleman from Illinois, made it quite clear that the EP-3 surveillance plane is not a readily maneuverable craft. It does not reach supersonic speeds, with its propeller drive. Sadly, the Chinese Government chose to scramble fighters, supersonic aircraft, in pursuit of this sovereign American plane over international airspace.

As our commander-in-chief in the Pacific noted over the weekend, it is dangerous to try and play bumper cars aloft. We should commend the skill of the American pilot, who, with a severely damaged aircraft and, in what we understand now was a rapid descent, a fall of close to 8,000 feet, had the wherewithal to be able to land the aircraft, albeit in Chinese territory.

Mr. Speaker, I would suggest that the Sino-American dictionary that is employed here should be content with the expression of regret. But, Mr. Speaker, I would say to the People's Republic of China that there is nothing in this incident that the United States of America should even begin to apologize for. Are we to throw out rules of international conduct? Are we to ignore the law of sovereignty regarding open airspace? Are we to sit by with muted complaint based on the damage to our aircraft?

Mr. Speaker, I think America speaks with one voice. I am concerned about my constituent. Brandon Funk of Show Low completed his high school degree in 3½ years; such was his desire to serve America in the military. Mr. Speaker, to Brandon and the 23 others, I say, remain strong, because the Nation you serve will do likewise.

OUR SERVICEMEN AND WOMEN IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to address the situation developing in the People's Republic of China with respect to our servicemen and women.

On April 1, one of our Navy's EP-3s was involved in a midair collision with a Chinese fighter craft. Tragically, it seems that the life of the Chinese pilot was lost when his fighter crashed into the sea. Our plane was forced to make an emergency landing in the People's Republic of China. What could simply have been an accident has now spiraled into an international incident because of the PRC's unreasonableness.

Mr. Speaker, international law dictates that the PRC should not have entered our plane as it constitutes sovereign territory. This was ignored. Even after offering our regrets for the loss of their pilot and explicitly offering our assistance in the search, the PRC demands an apology.

Mr. Speaker, we have offered our regrets. We have continually, over the past 8 years, time and again, shown patience with unreasonable demands put forth by the PRC. The time has come when we, as a House, should stand firm with the President and support his actions with respect to the PRC. No longer should we shrink at the prospect of standing for what is right.

Mr. Speaker, the Chinese still are in possession of our pilots. It is time that they must do what is right. The PRC must release our servicemen now, before they are perceived as hostages of a foreign nation, for that is what they will be if they are not returned in a timely manner. Should the PRC wish to engage in a timely dialogue in the future, it must take constructive actions now. It must return our plane and return our servicemen and women.

Mr. Speaker, politics should stop at the water's edge. We need to support our President.

□ 1700

A TRIBUTE TO GEORGE MIKAN: MR. BASKETBALL

The SPEAKER pro tempore (Mr. GRAVES). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to a true Minnesota legend. George Mikan, who was acclaimed Mr. Basketball in 1950 for his remarkable performances at DePaul University and with the former Minneapolis Lakers of the National Basketball Association has reached legendary status in the game of basketball and in life because of his hard work, integrity, leadership and character.

George Mikan will be honored at a nationally televised halftime ceremony during next Sunday's NBA game between the Los Angeles Lakers and the Minnesota Timberwolves. A life-sized bronze statue of George Mikan will be unveiled at the Target Center in Minneapolis. It will be a special moment for a truly special man who is most deserving of this recognition.

At 6 feet 10 inches tall, George Mikan was the first big man to display the agility, touch and skill to dominate basketball games. He was called the trunk of the NBA family tree and he helped the fledgling league draw record crowds in every city. Mikan's mere presence changed the rules of the game because he was so dominant. In fact, in an effort to stop George Mikan, the Mikan rule was invented which widened the lane underneath the basket.

With Mikan in the middle, the Minneapolis Lakers won six NBA championships in the late 1940s and early

1950s, including five of the first eight titles in the history of the NBA. On five separate occasions, George Mikan led the NBA in scoring. George Mikan is a charter member of the Naismith Memorial Basketball Hall of Fame and the Professional Basketball Hall of Fame. He was chosen one of the NBA's 50 greatest players.

But, Mr. Speaker, George Mikan's accomplishments outside basketball are just as impressive and reflect perhaps even greater determination. A successful attorney, business owner and civic leader, George Mikan was the first commissioner of the American Basketball Association. In that position, he once again helped revolutionize the game of basketball by implementing the three-point shot and other exciting changes. George Mikan has also overcome a great deal of difficulty in his lifetime. Today, George is taking on a very imposing opponent, the disease of diabetes. Again, George Mikan is showing great courage and determination and is a true inspiration to us all.

The original Mr. Basketball continues to make us proud. Today we salute him for his public service, leadership, inspiration and courage. Mr. Speaker, George Mikan is a great American and a legendary basketball player. Please join me in honoring this outstanding Minnesotan for his many contributions to the game of basketball and his many accomplishments off the court as well. George Mikan is truly deserving of this special congressional recognition.

TRIBUTE TO LU PALMER, CELEBRATED RADIO AND PRINT JOURNALIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I would just add my voice to the accolades being given to George Mikan. He did his college basketball playing and attended DePaul University, which is in my congressional district. I can tell my friends from Minnesota that all of Chicago and Illinois are indeed proud of the accomplishments of George Mikan and the people at DePaul University salivate every time they hear his name. I join your comments.

Mr. Speaker, I come to the floor this evening to pay tribute to one of our country's most celebrated and most effective print and radio journalists, Mr. Latrell "Lu" Palmer who is retiring and will be featured at a retirement celebration on April 14 at the Reverend Johnnie Coleman Complex, 119th and Loomis in Chicago.

Lu Palmer was born in 1922 in Newport News, Virginia, and attended its schools there. He then went on to Virginia University and earned a bachelor's degree in 1942. Later on, in 1947, he earned a master's degree from Syracuse University and later on went to Iowa State University in 1955 where he completed the course work for a doctorate's degree. Lu never wrote his dissertation so he ended up with what people called an ABCD, that is, all but the dissertation degree.

Lu Palmer then went on to have an outstanding career at the Chicago Daily Defender newspaper, the Chicago Courier, the Chicago American, the Chicago Daily News, and then established his own paper, the Black X Express, which he ran for several years. He also taught for 20 years, from 1970 to 1990 for the Association of American Colleges and Universities of the Midwest where he trained a large number of students to really understand urban life. Of course, Lu also worked at WBEE Radio and WVON Radio, was the editorial director for Congressman Ralph Metcalfe's communication vehicles and served as a public relations person for Michael Reese Hospital. He established the Black Business Network, Chicago Black United Communities, CBUC, which he operated for several years, and BIPO, the Black Independent Political Organization. He established Menhelco, a mental health program for boys who were suffering from mental retardation which continues to operate.

As much of a journalist as Lu was, he was really noted more for his community action, community involvement, and was called upon to speak in colleges and universities and banquets all over the country, as a matter of fact. He generally could not keep up. Plus he was very selective and did not just accept any speaking engagement. It had to be something that he called relevant and meaningful if he was to go. Lu was very actively involved in generating outrage when Mark Clark and Fred Hampton were killed by the Chicago police, and later on was probably the single most effective voice in the election of Harold Washington for mayor of the city of Chicago because Lu had a slogan and the slogan sort of said, "We shall see in '83," meaning that that is when the election was going to take place. Lu was called the drumbeat of the African American community. Everybody listened to his radio and everybody pretty much waited for WVON to come on in the evenings from 10 to 12 so that they could listen to "On Target" and Lu Palmer.

Lu finally decided that it was time to hang them up. He is about 80 years old with diabetes and all the other things that would afflict one. But we would hope that he would put his memoirs together and that he would spend the rest of his life writing and putting in voice some renditions of that "We shall see in '83."

ON BEHALF OF THE 24 CREW MEMBERS HELD BY THE CHINESE GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. LARSEN) is recognized for 5 minutes.

Mr. LARSEN of Washington. Mr. Speaker, today I rise on behalf of the 24 crew members held by the Chinese government. These brave men and women are based at the Naval Air Station Whidbey on Whidbey Island in Oak Harbor in my district in Washington State.

I first want to call on Beijing to return our honorable service men and women home. Four days is long enough. No, 4 days is too long. Our service members need to be released immediately.

Second, I want to honor the families of these crew members, both around the country and in the Whidbey Island community of Oak Harbor where the Naval Air Station is based. Their concern over the crew members is matched only by their strength and their bravery.

So not for my sake and not for the sake of anyone in this Chamber, Mr. Speaker, but for the sake of the mothers and the fathers, the sisters and the brothers, the sons and the daughters and the wives, it is time for the Chinese government to return the crew members to their families. It is time for the Chinese government to return the plane to the United States.

CONGRATULATING UNIVERSITY OF ARIZONA WILDCATS ON THEIR OUTSTANDING BASKETBALL SEASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I rise to commend and pay tribute to the University of Arizona Wildcats on their outstanding basketball season. This is truly a special team which should be lauded for their courage and for their effort in the face of very, very difficult circumstances, both on and off the court.

As a U of A alum, I closely followed their amazing story. The Wildcats' victory in entering the Final Four perfectly captured their great season. In a rough and tumble fight, in a contest that the Wall Street Journal described as "equal parts rugby and hoops, with a little WWF thrown in," the Wildcats triumphed over a physically gifted University of Illinois squad. After the game, Illinois point guard Frank Williams said, "We gave them our best punch and they survived it."

Indeed, the University of Arizona Wildcat basketball team this year suffered a lot of punches, many thrown in their direction. Toughest of all, head coach Lute Olson suffered a blow on New Year's Day, losing his beloved wife Bobbi to ovarian cancer. Known affectionately by players and coaches and students at the U of A alike as Mrs. O, Bobbi Olson was a special person. In fact, many considered her to be the Wildcats' sixth player. Famous for her efforts on behalf of the team and the university, her efforts in recruiting and her famous apple pancakes, Bobbi Olson provided encouragement to the players and perspective to her husband. She will be dearly missed by the Olson family and by all fans of U of A basketball. I would like to express my personal condolences to Coach Olson.

Cancer is a terrible disease that affects thousands of families each year. In fact, Mr. Speaker, cancer has reared its ugly head in my family. It took the life of my mother, and my oldest sister is today thankfully a breast cancer survivor. I share Coach Olson's grief and greatly admire his strength to overcome this tragedy as he did this year and lead his team to such a wonderful and stunning season.

The individual members of the Wildcats basketball team also deserve mention. Arizona arrived in Minneapolis this past weekend with a star-studded line-up that boasted five preseason nominees for the John Wooden Award which goes to the sport's top individual collegian. Led by junior forwards Richard Jefferson and Michael Wright, center Loren Woods and a back court of Jason Gardner and Gilbert Arenas, the Cats overcame a disappointing 8–5 start to finish the season with a 20–2 run into the final game this past Monday night. Individually, these men are exceptional athletes but, more importantly, under the coaching of Lute Olson, when they played together, they formed an exceptional team. It was this unselfish teamwork that led this talented squad to the Final Four and indeed to the final game.

In an era where the best prospects see college basketball as a 1- or 2-year stopover on their way to the next level, the NBA, I would be remiss if I did not mention a rare exception, an athlete that recognizes that an education and a contribution to society are noble pursuits. The University of Arizona had such an individual in the person of Eugene Edgerson. As a freshman reserve, he played on Arizona's 1997 national championship team. However, he was also a member of this year's gifted Wildcat team because he took a break last year to complete the student teaching requirement in a kindergarten for his degree in elementary education. Then he stayed to take graduate courses when he finished his fourth year of eligibility. Eugene says he came to school both for the books and for the hoops and could not see leaving without getting the most out of both of them. Mr. Edgerson serves as a model on and off the court.

Unfortunately on Monday night, the Wildcats came up short in their quest for a second national championship. But even in defeat, they displayed the talent and grace of a championship team.

□ 1715

I want to congratulate Lute Olson. I want to congratulate all of the assistant coaches. I want to congratulate the team for its great season, for its unselfish play. You have made University of Arizona alumni like me, the student body of the U of A, the State of Arizona and fans of basketball, particularly college basketball, all across the country extremely proud. Thank you very much for a great year. I commend you all.

Our hearts and sympathies go with you, Lute. And to the team, bear down.

ARIZONA WILDCATS 2000 BASKETBALL ROSTER

No—Name, Position, Ht., Wt., Class, Hometown:

0—Gilbert Arenas, G, 6-3, 188, So, North Hollywood, CA.

2—Michael Wright, F, 6-7, 238, Jr, Chicago, IL.

3—Loren Woods, C, 7-1, 244, Sr, St. Louis, MO.

4—Luke Walton, F, 6-8, 233, So, San Diego, CA.

5—Travis Hanour, G, 6-6, 189, Fr, Laguna Beach, CA.

11—Jason Ranne, G, 6-4, 200, Fr, Tulsa, OK.

13—Andrew Zahn, F, 6-9, 254, Fr, Redondo Beach, CA.

14—Mike Schwertley, F, 6-5, 224, Fr, Phoenix, AZ.

15—John Ash, G, 5-11, 179, Sr, Tucson, AZ.

22—Jason Gardner, G, 5-10, 181, So, Indianapolis, IN.

23—Lamont Frazier, G, 6-3, 182, Sr, Los Angeles, CA.

24—Russell Harris, G, 5-11, 165, So, Mundelein, IL.

30—Justin Wessel, F, 6-8, 240, Sr, Cedar Rapids, IA.

33—Eugene Edgerson, F, 6-6, 237, Sr, New Orleans, LA.

35—Rich Anderson, F, 6-9, 213, Jr, Long Beach, CA.

44—Richard Jefferson, F, 6-7, 222, Jr, Phoneix, AZ.

Head Coach: Lute Olson.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 93. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to Public Law 106–554, the Chair, on behalf of the President pro tempore, appoints the Senator from Tennessee (Mr. FRIST) to the Board of Trustees for the Center for Russian Leadership Development.

The message also announced that pursuant to Public Law 100–458, the Chair, on behalf of the Democratic Leader, reappoints William F. Winter, of Mississippi, to the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 2000.

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy—

The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and

The Senator from Illinois (Mr. FITZGERALD), Committee on Commerce, Science, and Transportation.

The message also announced that pursuant to section 1295(b) of title 46, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science, and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Merchant Marine Academy—

The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and

The Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The message also announced that pursuant to Public Law 106–310, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to serve as members of the Commission on Indian and Native Alaskan Health Care:

Sara DeCoteau, of South Dakota.

Carole Anne Heart, of South Dakota.

The message also announced that pursuant to Public Law 106–533, the Chair, on behalf of the Democratic Leader, announces the appointment of the following Senators to serve as members of the Congressional Recognition for Excellence in Arts Education Awards Board:

The Senator from Hawaii (Mr. AKAKA).

The Senator from South Dakota (Mr. JOHNSON).

OVERALL TAX RELIEF

The SPEAKER pro tempore (Mr. GRAVES). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. GRUCCI) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRUCCI. Mr. Speaker, I rise today to join my colleagues to express my tremendous support for providing America's working families with much needed, reasonable and equitable tax relief. This legislative body needed to act comprehensively and quickly to implement a reasonable and fair tax relief package that will benefit our middle-class families, small businesses, and farmers.

In New York's First Congressional District, where the cost of living is higher than in many regions of our Nation, the tax relief package we have approved will help jump start our local economy and put the money back where it belongs, in the pockets of the hard-working families.

We have helped our families through the Marriage Penalty and Family Tax Relief Act, and the Economic Growth and Tax Relief Act, and our small family businesses and farmers will benefit from our efforts here today to repeal the death tax. Through all of the components of this tax relief package, we are providing the reasonable and meaningful tax relief that our farmers, our small businesses, and our families have been calling for.

For far too long, hard-working married couples have been unfairly taxed by an average of $1,400 a year simply for the privilege of living inside the institution of marriage. In New York's First District alone, an estimated 56,134 families will receive significant tax relief under this measure. These 56,134 families could potentially put their savings towards their children's education, home improvements, a new computer, investments in their future, or a down payment on their first car.

According to the CBO, most marriage penalties occur when the higher-earning spouse makes between $20,000 to $75,000. The current Tax Code punishes working married couples by placing them in a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a higher rate than if the wage earner were taxed as a single individual. This is just simply unfair.

The death tax currently taxes up to 60 percent of a family's farm or business, killing the small family-owned businesses and the stores that line the Main Streets of our downtown communities throughout this great land. These families who own farms on the east end of Long Island and the small businesses that compromise the very fabric of Long Island's economy have worked hard all of their lives. Working together with their families, they reached for the American dream, paying their taxes all the way along the way and made positive contributions to our society. They should not be penalized by being taxed again in death. That is just simply immoral, unfair, and wrong.

The Economic Growth and Tax Relief Act will give hard-working middle-class families more of their hard-earned money to be used better to offset rising costs for each and every family, costs like a college education for our young people, a mortgage payment, or they will support our small businesses and local economy. These middle-class working families earning $50,000 will see a $1,600 reduction in their taxes. That is a 50 percent cut. A family of four earning $35,000 would see a 100 percent cut. That is fair and that is reasonable.

Mr. Speaker, that is real tax relief for our middle-class working families. This package of reasonable tax relief incentives will leave more money in New York State. New York already contributes about $17 billion more in taxes to Washington than it gets back.

The Economic Growth and Tax Relief Act of 2001 alone will cut that deficit by $9.7 billion.

Now, as a former town supervisor, Mr. Speaker, I know firsthand how reasonable tax relief can help families and our local economy create thousands of new jobs and create millions of dollars of surplus. The hard-working middle-class families of the First District of New York and throughout our Nation should have their tax dollars back. We have accomplished this while we protected and locked away Social Security and Medicare funds and reduced our national debt at historic rates and set aside a trillion dollar contingency fund.

Last of all, Mr. Speaker, I would like to thank my colleagues on both sides of the aisle for working together on these critical initiatives, and I urge my colleagues in the Senate to take swift action.

MEDICARE PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for the remainder of the majority leader's hour, approximately 30 minutes.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. GANSKE. I yield to the gentlewoman from Ohio.

THE U.S. ECONOMY

Ms. KAPTUR. Mr. Speaker, I am very grateful to the gentleman from Iowa (Mr. GANSKE) for yielding to me to continue a Special Order that I began last night during this 5-minute segment on the condition of the U.S. economy. I am very grateful for these few minutes just to continue, as I will every evening where I have a chance.

Mr. Speaker, this relates to America's great need for a new declaration of economic independence and my great disappointment at the debate that occurred in the Congress here in the House last week concerning the tax measures that were before us and then again today, where if we count up the cumulative total of all of these measures we are talking about $3 trillion over the so-called 10-year window. This is an enormous amount of money for a country that currently has over $5.6 trillion worth of debt that we have to pay back, and every year we are paying more and more in the way of interest on that debt.

This year alone we are projected to spend well over $450 billion just on the debt alone.

In addition to that, the United States has the worst-ever current account trade deficit amounting to over $500 billion last year, that essentially requires that we sell our assets or borrow $1.5 billion a day net from foreign interests. Now, the trade deficit is basically about more goods coming into our country than our goods going out. This essentially results from flawed trade agreements that have enabled countries like the People's Republic of China, that is now holding 24 of our military personnel, to gain perhaps a $100 billion advantageous this year from their net exports to this country versus our ability to export into that economy.

So what is wrong with the Bush tax and budget plan? First, the President's tax and budget plan does not pay down the overall debt. In fact, his budget is based on what I would call wildly optimistic, 10-year projections that, in fact, cause the debt to spiral, particularly when over $3 trillion is being returned in that period to a country that still owes $5.6 trillion.

Now, it is interesting that the 10-year window is used for projections when, in fact, the President is only elected for 4 years and we here in Congress only budget one year at a time. So we cannot use a 10-year window. If experience is a good teacher, as it surely should be, we know that projections in the past have been off by vast magnitudes, sometimes as much as 75 percent in one year.

Now major revenue hemorrhages are going to occur after the year 2005 because Social Security and medical care bills will rise as more people from the baby boom generation begin retiring. The administration budget risks ratcheting up what is already a spiraling debt burden, particularly after 2005. So his proposals threaten long-term economic growth and the long-term solvency of both Social Security and Medicare.

Moreover, the administration's budget is inherently unfair, because nearly half of the tax benefits go to people earning over $900,000 a year, only the top 1 percent of earners in this country. It is no question in my mind that the President's powerful allies are setting their own table for slashing corporate income tax rates from 35 to 25 percent, as most corporations, many of them, do not pay taxes even now; none at all. I will be reading into the RECORD, when we return later in the month, the names of many of the corporations in our country that pay absolutely no taxes at all.

Many of these same interests want to cut the corporate capital gains tax, repeal the corporate alternative minimum tax and other technical changes like faster depreciation for faster write-offs. These corporate titans, the ones that are pushing us to make these changes here, saw their pay increases at over 535 percent over the last 10 years. Imagine that. Imagine your salary quintupling over the last 10 years. And now they want that to double again in the next decade.

Now, is there any doubt whatsoever that the measures that have been before us are truly lopsided? The shower of tax cuts for the wealthy and corporations will dramatically increase the tax burden on millions of people in the middle class. All one has to do is look at the fine print of the bill. It does nothing for low-wage workers and literally leaves out over 12½ million families with children.

The President claims that the typical family of four would get a $1,600 tax cut. However, more than 85 percent of taxpayers will get tax cuts less than that amount and many will get nothing at all. One-third of families with children in our country will get nothing from the entire package. The basic tax grab for those at the top end, along with lowering rates for only some, does absolutely nothing to lift those in our society burdened by low wages and high taxes, largely payroll taxes.

We know that the regressive payroll tax has to be adjusted, but the plan that came before us did absolutely nothing about that.

So while the rich get richer, thanks to the Bush plan, the impact of his tax schemes will cut funding for the environment in half over the next 10 years; spending on veterans will be slashed; Justice programs such as the COPS program and in-schools and community policing programs all will be cut; agriculture will be cut; transportation will be cut by nearly one-fifth with our roads jammed and our air control towers not being the most modern in the world.

We are going to see cuts in Medicare and cuts in Social Security if that program is adopted by the other body.

Not only is the administration doing nothing to ease the California energy crisis, their budget cuts certain critical Department of Energy programs as much as 30 percent.

So America really does need a new declaration of economic independence because rising interest payments on the Federal debt are at a post-World War II record high, as American family savings rates move downward.

□ 1730

U.S. trade deficits are at record levels, with China now being the largest holder of U.S. dollar reserves, $100 billion more this year alone. The number of Americans who believe Social Security will be there for them when they retire is down, at the same time as we see so many families losing their 401(k) assets because of what has been happening in the stock market. The relative portion of taxes being paid by the middle class and poor Americans is going up. At the same time, the relative portion of taxes paid by American and foreign corporations making record profits in the United States as they ship jobs to the Third World is going down. Enforcement of antitrust laws is down.

So, Mr. Speaker, let me just say that the administration and its powerful allies will be back for more bites of our Republic's apple. I really do think that we need a responsible budget. We expect the President of our country to lead us to a higher calling. The future of our country and its stability should be our primary goal, not the gratification of powerful special interests that was so evident here during last week and, in fact, today.

Mr. Speaker, I want to thank the gentleman from Iowa, who has been such a voice for attention to the problems of agricultural America, for yielding to me.

Mr. GANSKE. Mr. Speaker, how much time is remaining on my time?

The SPEAKER pro tempore (Mr. GRAVES). The gentleman from Iowa (Mr. GANSKE) has 46 minutes.

Mr. GANSKE. Mr. Speaker, prescription drugs have been a health blessing for Americans. Millions of lives have been saved, prolonged, and enhanced by prescription drugs. But those same drugs have also been an economic burden for American consumers and taxpayers. The problem of rising drug costs is too important to ignore any longer, and I will tell my colleagues, this is not just a problem for the elderly.

Mr. Speaker, this is a photo of William Newton. He is 74 years old. He is from Altoona, Iowa. He is a constituent in my district. His savings vanished when his late wife Wanita, whose picture he is holding, needed prescription drugs that cost as much as $600 per month. Mr. Newton said, "She had to have them. There was no choice." And then, in speaking about the whole problem of high prescription drug costs, he said, "It's a very serious situation, and it isn't getting any better, because drugs keep going up and up."

How about Mr. James Weinman of Indianola, Iowa, and his wife Maxine. When they make their annual trip to Texas, the two take a side trip as well. They cross the border to Mexico, and they load up on prescription drugs, which are not covered under their Medigap policies. Their prescription drugs cost less than half as much in Mexico as they do in Iowa.

That problem is not localized to Iowa; it is everywhere. The problem that Dot Lamb, an 86-year-old woman from Portland, Maine, who has hypertension, asthma, arthritis and osteoporosis, was paying for her prescription drugs is all too common. She takes 5 prescription drugs that cost over $200 total each month, and that is over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, about a year ago I received this letter from a computer-savvy senior citizen who volunteers at a hospital I worked in before coming to Congress:

"Dear Congressman GANSKE: After completing a University of Iowa study on Celebrex, 200 milligrams for arthritis, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was $2.43 per pill with a volunteer discount."

He goes on, "Later on the Internet I found the following: I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada, or my doctor can order it on my behalf through his office for 96 cents per pill, plus shipping. I can order these drugs through Pharma World in Geneva, Switzerland, after paying either of two American doctors $70 for a phone consultation, at a price of $1.05 per pill, plus handling and shipping. I can send $15 to a Texan and get a phone number at a Mexican pharmacy, which will sell it without a prescription at a price of 52 cents per pill."

Well, this constituent closes his letter to me by saying, "I urge you, Dr. GANSKE, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies."

Well, Mr. Speaker, I want to make it very clear. I am in favor of prescription drugs being more affordable not just for senior citizens, but for all Americans. Let us look at the facts of the problem and then talk about a commonsense solution.

There is no question that the prices for drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of those 50 drugs that are most frequently used by seniors rose in price at least 1½ times as fast as inflation; half of the drugs rose at least twice as fast as inflation; 16 drugs rose at at least 3 times inflation; and 20 percent of the top 50 drugs that are used by senior citizens rose at least 4 times the rate of inflation.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50 percent in 1999. Klor-con 10, a brand-name drug, rose 43.8 percent. That is not just a 1-year phenomenon; 39 of those 50 drugs have been on the market for at least 6 years. The prices of three-fourths of that group rose at least 1.5 times inflation;

over half rose at twice inflation; more than 25 percent increased at 3 times inflation; and 6 drugs at over 5 times inflation. Lorazepam rose at 27 times inflation, and furosemide, a diuretic, rose at 14 times inflation.

Prilosec is one of the two top-selling drugs prescribed for senior citizens. The annual cost for this 20-milligram gastrointestinal drug, unless one has some type of drug discount, is $1,455 a year. For a widow at 150 percent of poverty, so that is an income of $12,500 a year, the annual cost of that one drug, Prilosec alone, would consume more than 1 in $9 of her total budget.

My friend from Des Moines, the Iowa Lutheran Hospital volunteer senior citizen, as do the Weinmans from Indianola with their shopping trips to Mexico for prescription drugs, know that drug prices are much higher in the United States than they are in other countries.

A story in USA Today last year, towards the end of last year, compared U.S. drug prices to prices in Canada, Great Britain and Australia for the 10 best-selling drugs, and it verifies that drug prices are higher here in the United States than overseas. For example, Prilosec is two to two-and-a-half times as expensive in the United States. Prozac was two to two-and-three-quarters times as expensive. Lipitor was 50 to 92 percent more expensive. Prevacid was as much as four times more expensive. Only one drug, Epogen, was cheaper in the U.S. than in other countries.

Look at some of the comparison of prices between the United States and Europe. Here we have Premarin, 280 .6-milligram tablets, in the U.S., $14.98; in Europe, $4.25. How about Coumadin; that is the blood thinner. For 25 10-milligram pills in the United States, you would have to pay $30.25, but in Europe it would cost $2.85. How about Claritin? Claritin is one of the most commonly used antihistamines, very popular drug in the United States. Twenty 10-milligram tablets in the United States will cost $44; in Europe it will cost $8.75. That just gives us an example of some of the disparity between the drug costs in the United States and in other countries.

Mr. Speaker, this has been a problem for the past decade. Two GAO studies in 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the United States and Canada, prices for 98 of the drugs were higher in the U.S. Comparing 77 drugs in the U.S. to the United Kingdom, 86 percent of the drugs were priced higher in the United States, and 3 out of 5 were more than twice as high.

Now, the drug companies claim that drug prices are so high because of research and development costs. I want to be clear. I think there is a lot of need for research. For example, around the world, we are seeing an explosion in antibiotic-resistant bacteria like tuberculosis, and we are going to need research and development for new drugs to take care of these antibiotic-resistant bacterias, as well as other types of drugs.

The industry has spent a lot of money. They spent an estimated $26 billion in research and development last year. That is up from $15 billion 5 years earlier. According to PhRMA, an industry trade group, only 1 in 5,000 compounds tested in the laboratory becomes a new drug, and it takes quite a while to get a new drug, anywhere from 12 to 15 years to bring it to market. It may cost as much as $500 million, although some suggest that that is a somewhat higher number than is actual cost, because some of those costs are actually borne by U.S. taxpayers who are involved with doing some of the basic research.

But, I would say this: Even with the cost and the risk of drug development, the industry is doing pretty good. Data from PhRMA that I saw presented in Chicago last year showed actual little increase in the last couple of years in research and development, especially in comparison to significant increases in advertising and marketing expenses. Since the 1997 FDA reform bill, advertising by drug companies has gotten so frequent that Healthline reported that consumers watch on average nine prescription drug commercials every day. Just the other night I was watching the NCAA championship game. Anyone who was watching that would know how many drug commercials were on during that game.

Take 1998 figures for the big drug companies. Marketing, advertising, sales and administrative costs exceed research and development costs. In 1999, four of the five companies with the highest revenue spent at least twice as much on marketing, advertising, and administration as they spent on research and development. Only 1 of the top 10 drug companies spent more on research and development than on marketing, advertising and administration. The real increase has been in advertising expenses.

For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of other Fortune 500 companies. The drug manufacturers have a profit rate of 18 percent, compared to approximately 5 percent for other Fortune 500 companies. Furthermore, as recently cited in The New York Times, of the 14 most medically significant drugs developed in the past 25 years, 11 had significant government-financed research. For example, Taxol is a drug developed from government research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

As I said at the start of this Special Order, I think the high cost of drugs is a problem for all Americans, not just the elderly, but many nonseniors are in employer plans, and they get a prescription drug discount. In addition, there is no doubt that the older one is, the more likely one is to need prescription drugs.

□ 1745

So let us look at what type of drug coverage is available to senior citizens today.

Mr. Speaker, Medicare pays for drugs that are part of treatment when the senior citizen is in the hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients; i.e., drugs that require intramuscular or intravenous administration.

Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ, transplants, medicine to prevent anemia in dialysis patients, and anti-cancer drugs that are taken by mouth.

The program also covers pneumonia, hepatitis, influenza vaccines. The beneficiary is responsible for 20 percent of the co-insurance of those drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare, but many with supplemental coverage have either limited or no protection for prescription drug costs, those drugs that we buy in a pharmacy with a prescription from our doctor.

Since the early 1980s, Medicare beneficiaries in some part of this country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee. Some areas, like Iowa, my home State, have had such low payment rates that no HMOs with drug coverage are available. This is typically a rural problem, but some metro areas have unfairly low reimbursements, as well.

Employers may offer their retirees health benefits that include prescription drugs, but fewer employees are doing that. From 1993 to 1997, prescription drug coverage of Medicare-eligible retirees dropped from 63 percent to 48 percent.

Beneficiaries with MediGap insurance typically have coverage for Medicare's deductibles and co-insurance, but only three of the 10 standard plans offer drug coverage. All three impose a $250 deductible.

Plans H and I cover 50 percent of the charges, up to a maximum benefit of $1,250. Plan J covers 50 percent of the charges, up to a maximum benefit of $3,000. Premiums for those plans are significantly higher than the other seven MediGap plans because of the high cost of the drug benefit.

So let me repeat, there are three MediGap plans that currently do offer prescription drug benefits, but the premiums are significantly higher for those plans.

This chart shows the difference in annual costs to a 65-year-old woman for a MediGap policy with or without a drug benefit. For a MediGap policy of moderate coverage, she pays $1,320 for a plan that does not have a drug benefit, but she pays $1,917 for a policy with a drug benefit. If she wants more extensive coverage, she can buy a MediGap policy without drug coverage for $1,524, but it would cost her $3,252 for insurance with drug coverage.

So why is there such a price gap between the plans that offer drug coverage and those that do not? Well, it is because the drug benefit is voluntary. One has a choice whether to sign up for that, and usually only those people who expect to actually use a significant quantity of prescription drugs will sign up for a MediGap policy that has drug coverage. But because only those with high costs choose that option, the premiums have to be higher because there is a higher average expenditure.

So what is the lesson we can learn from the current plan? The lesson is, adverse selection tends to drive up the per capita cost of coverage, unless the Federal Treasury simply subsidizes lower premiums.

The very low-income elderly and disabled Medicare beneficiaries are also eligible for payments of their deductibles and co-insurance by their State's Medicaid program. These are called dual eligibles. They are eligible for Medicare, and they are also eligible for Medicaid.

The most important service paid for entirely by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans. There are several groups of Medicare beneficiaries who have more limited Medicaid protection. Qualified Medicare Beneficiaries, QMBs, otherwise known as QMBS here in Washington parlance, have incomes below the poverty line, $8,240 for a single and $11,060 for a couple, and assets below $4,000 for a single person and $6,000 for a couple. Medicaid pays their deductibles and their premiums.

Specifically Low-Income Medicare Beneficiaries, known as SLIMBs, have incomes up to 20 percent of the poverty line, and Medicaid pays their Medicare Part B premium.

Qualifying Individuals, Q1s, have income between 120 percent and 130 percent of poverty. Medicaid pays only their Part B premium, but not deductibles. Qualifying Individuals, Q2s, have incomes from 135 percent to 175 percent of poverty, and Medicaid pays part of their Part B premium.

But the QMBs and the SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible for full Medicaid coverage under their State's Medicaid program. Q1s and 2s are never entitled to Medicaid drug coverage.

A 1999 HCFA report, that is Health Care Financing Administration, the agency that runs Medicare, showed that despite a variety of potential sources of coverage for prescription drug costs, beneficiaries still pay a significant proportion of drug costs out-of-pocket, and about one-third of Medicare beneficiaries have no coverage at all.

It is also important to look at the distribution of Medicare enrollees by total annual prescription drug expenditure. This information will determine, based on the cost of the benefit, how many Medicare beneficiaries would consider the premium cost of a "voluntary" drug benefit insurance policy to be "worth it."

This chart from the Medicare Payment Advisory Commission, known as MEDPAC, report to Congress, shows that in 1999, 14 percent of Medicare recipients had no drug expenditures, 36 percent had from $100 to $500, 19 percent had from $500 to $999. We had 12 percent with expenses from $1,000 to $1,499; 14 percent from $1,500 to just about $3,000, and 6 percent above $3,000.

I want Members to note something here. Some of these figures are a little different today. These are about 2 years old now, but they will not be that much changed.

If we add up senior citizens who have no drug expenditures, that is 14 percent, plus those that have less than $500, that is 36 percent, so we now have 50 percent of Medicare beneficiaries, plus another 19 percent that have less than $1,000, and we have a pretty high percentage of senior citizens that have less than, say, $1,000 of expenses.

As we look at plans to change Medicare to better cover the cost of prescription drugs, we are going to have to face some difficult choices for which there is not public consensus, and for that matter, there has not been consensus among policy-makers. There are many questions to answer. Here are a few.

First, should coverage be extended to the entire Medicare population, or should we target the elderly widow who is not so poor that she is in Medicaid, but is having to choose between paying her home heating bill and her prescription drugs?

Should the benefit be comprehensive or catastrophic?

Should the drug benefit be defined?

What is the right level of beneficiary cost-sharing?

Should the subsidies be given to the beneficiaries, or directly to the insurers?

How much money can the Federal Treasury devote to this subsidy?

Can we really predict the future cost of this benefit?

I think we need to go back and look at what Congress has done in the past on this, so let us look at the fact that the desire to add a prescription drug benefit is not a new idea. It was actually discussed back in 1965, when Medicare was started. It has been discussed many times since then.

The reason why adding a prescription drug benefit is such a hot issue now is because there has been an explosion in the new drugs available; huge increases in the demand for those new drugs, fueled in large part by all the advertising that we see on TV; and there has been a significant increase in the cost of these drugs in just the past few years.

Many of these drugs are life-preserving, as those that my dad takes. They are important. That is why this issue is on the table for this Congress, and I think we need to do something about this.

Before I discuss previous Democratic and Republican proposals, I think it is instructive to look at what happened the last time that Congress tried to do something about prescription drugs in Medicare. That is because the outcome of the reform bill that became law in 1988 has seared itself into the minds of the policymakers who were in Congress then and are committee chairs now.

The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements. Under the Medicare Catastrophic Coverage Act, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs, subject to a $600 deductible and 50 percent co-insurance.

The benefit was to be financed through a mandatory combination of an increase in the Part B premium and a portion of the new supplemental premium which was to be imposed on higher-income enrollees.

It is also important to note that the Congressional Budget Office estimated the cost back then at $5.7 billion. Only 6 months after the bill became law the cost estimates had more than doubled, because both the average number of prescriptions used by the enrollees and the average price had risen more than estimated.

The plan passed the House by a margin of 328 to 72, passed the Senate, and President Ronald Reagan enthusiastically signed that law into place as the largest expansion of Medicare in history.

The only problem was that once seniors learned that their premiums were going up, they did not like the bill very much. They even started demonstrating against it. We had scenes of the Gray Panthers hurtling themselves onto the car of the chairman of the Committee on Ways and Means, Dan Rostenkowski. Those scenes were then broadcast across the Nation on the nightly news programs.

Talk to some of the Congressmen who were here in 1988 and 1989. The switchboards here at the Capitol were flooded with phone calls from angry senior citizens. So what happened? The very next year, the House voted 360 to 66 to repeal the Medicare Catastrophic Coverage Act of 1988, and President Bush, then President, signed the largest cut in Medicare benefits in history, 1 year after President Reagan had signed the largest increase in Medicare benefits in history.

That experience has left scars on the political process ever since, and it is evident in both the Republican and the Democratic proposals that we debated here on the floor last year.

□ 1800

What was the lesson? Last year former Ways and Means Chairman Don Rostenkowski wrote an article for the Wall Street Journal that I think should still be required reading for every Member of this Congress. His most important point was this, the 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosty said in his op-ed piece in the Wall Street Journal: "We adopted a principle universally accepted in the private insurance industry. People pay premiums today for benefits they may receive tomorrow."

Apparently, the voters did not agree with those principles. And by the way, the title of his op-ed piece was "Seniors Won't Swallow Medicare Drug Benefits." He does not think that seniors have changed much since 1988.

Last year we voted on two comprehensive Medicare prescription drug benefit bills whose drafters apparently agreed with him, because the key point the spokesmen for each of those bills made was that their plans were voluntary.

There were shortcomings in both of those bills. The insurance model plan that passed was estimated to cost seniors $35 to $40 a month in 2003 with possible projected increases of 15 percent a year. Premiums could vary among the plans. There would be no defined benefit package; the insurers could offer alternatives of "equivalent value." There would be a $250 deductible and the plan would then pay half of the next $2,100 in drug costs. After that, patients were on their own until they had out-of-pocket expenses reaching $6,000 a year, when the government would pay the rest.

This insurance plan would pay subsidies to insurance companies for people with high drug costs. If subscribers did not have a choice of at least two private plans, then a "government" plan would have been available. A new bureaucracy called the Medical Benefits Administration would oversee these private drug insurance plans.

Under the insurance plan, the government would pay for all the premium and nearly all of the beneficiary's share of covered drug costs with people with incomes under 135 percent. For people with incomes from 135 percent to 150 percent, the premium support would have been phased out. It was assumed that drug insurers would use generic drugs to control costs.

The costs of that plan was estimated to be $37.5 billion over 5 years and about $150 billion over 10 years, but the Congressional Budget Office had a pretty hard time predicting the costs because there was not a standard benefit definition.

The premiums under the Democrat bill, the second plan that was debated, were estimated to cost those seniors who signed up. Remember, it was a voluntary plan like the first plan, $24 a month in 2003 rising to $51 a month in 2010, but the bill's sponsors later added a $35 billion expense for a catastrophic component, and that would have increased the premiums more.

Under their plan, Medicare would pay half of the costs of each prescription, and there would be no deductible. The maximum Federal payment would be a $1,000 for $2,000 worth of drugs in 2003, and it would rise to $2,500 for $5,000 worth of drugs in 2009.

And under the Democratic plan debated last year, the government would assume the financial risk for prescription drug insurance; but it would hire private companies to administer benefits and negotiate discounts, similar to what HMOs do today. They are called pharmaceutical benefit managers. It would have aided the poor similarly to the Republican bill that passed the House.

But here is the crucial point on both of those bills. In order to cushion the costs of the sicker with premiums from the healthier, both plans calculated that their premiums based on an 80 percent participation rate for all of those in Medicare. They both thought that 80 percent of seniors would sign up. The attacks on both plans began immediately. The supporters of the Democratic bill basically said that the supporters of the insurance plan were putting seniors in HMOs; that HMOs provide terrible care; and that it was not fair to seniors.

Supporters of the Republican bill said that the Democratic bill was "a one-size-fits all plan, that it was too restrictive and puts politicians and Washington bureaucrats in control."

I could criticize both plans in some depth, but I do not have that much time remaining. Suffice it to say that the details of each of those plans was very important on how they would work or, for that matter, if they would work.

I believe that if you let plans design all sorts of benefit packages, as did the Republican bill, it would be very difficult for seniors to be able to compare plans from one to another.

I also think that plans could tailor benefits to try to get the healthier into their plans and leave the sicker seniors out. And it was interesting, because representatives of the insurance industry seemed to share that opinion in a hearing before my committee. In my opinion, a defined benefit package would have been better.

I have concerns about the financial incentives that the bill that passed the House would have offered to insurers to offer and enter markets where there were not any drug plans available. Would those incentives encourage insurers to hold out for more money?

I have doubts that private insurance industry would have ever offered drug-only plans. In testimony before my committee, Chip Kahn, the president of the Health Insurance Association of America, testified that drug-only plans simply would not work.

In testimony before the Committee on Commerce on June 13 of last year, Mr. Kahn said "private drug-only coverage would have to clear insurmountable financial, regulatory and administrative hurdles, simply to get to market. Assuming that it did, the pressures of ever-increasing drug costs, the predictability of drug expenses, and the likelihood that the people most likely to purchase this coverage will be the people anticipating the highest drug claims would make drug-only coverage virtually impossible for insurers to offer a plan to seniors at an affordable premium."

And Mr. Kahn predicted that few, if any, insurers would have offered the product.

I could similarly criticize several particulars of the Democrat bill that was offered as a substitute, but I think there was a fundamental flaw to both bills, and that is what is called adverse-risk selection.

Under those bills, let us just look at the Democratic bill that was offered last year. If the Democratic bill had comparable costs for a stop-loss provision for the catastrophic expenses like the Republican bill did, the premium costs would have been comparable in both bills; and under those bills, a person who signed up for drug insurance would pay about $40 a month or roughly about $500 per year.

After the first $250 out-of-pocket drug costs, that is the deductible, the enrollee would have needed to have twice $500 in drug costs or $1,000 in order to be getting a benefit that was worth more than the costs of the premiums for that year.

If you put it another way, the enrollee basically in both of the plans that we debated last year would have had to have somewhere between $1,000 to $1,200 in drug costs a year to make it worthwhile for them to sign up for the bill; otherwise, they would have been paying more for their insurance premium than they were getting a benefit for.

Who would sign up for those plans? Would it be the people who had Medicare who do not have any drug costs now? Would it be the people in Medicare who today have less than $500 a year? I do not think so. Why do I not think so? Because we already have a drug benefit bill and Medigap policies. A senior citizen today already can choose a Medigap policy that has a drug benefit, but only the people who have high prescription drug costs sign up for those bills.

Mr. Speaker, I just think that it is highly doubtful that anywhere near 80 percent of seniors would have signed up for either of those plans; and if only those with high drug costs signed up for those plans, then we know what would happen by looking at the current Medigap policies. Only 7.4 percent of beneficiaries enrolled in standard Medigap plans were in the drug coverage plans, H, I, and J.

One way to avoid adverse-risk selection would be to offer the drug benefit for one time only. Another way to do it would be to require all to be in it.

You could try to set up some ways to estimate the sickness of enrollees. We have tried that in the past. Those are called risk-adjustment programs systems. They are very hard to design and implement. It remains to be seen whether our risk-adjustment systems already on the books are going to work.

You could have a similar benefit package, and I think that would help. And as I said, one sure way would be to mandate enrollment, but that was the approach that legislators here took in 1988, and we saw what happened to that law.

To say that mandatory enrollment has little appeal to policymakers today, I would say is an understatement. That gets me to what can we do to fix this, this problem. I introduced a bill today, it is called the Drug Availability and Health Access Improvement Act of 2001. We have bipartisan cosponsors all across the ideologic spectrum on this bill.

It does three things. Here is a modest three-step proposal for helping seniors and others with their drug costs.

Number one, we could allow those qualified Medicare beneficiaries, those select low-income Medicare beneficiaries and qualifying individuals, one and two, up to 175 percent of poverty to qualify for the State Medicaid drug programs. States could continue to use their current administrative structures. This could be implemented almost immediately. About a third of Medicare beneficiaries would be eligible, especially those most in need.

The drug benefit would encourage them to sign up, and a key feature of that is that the program is already in the States. State programs are entitled to the best price that the manufacturer offers to any purchaser in the United States.

Judging from estimates from the Bipartisan Medicare Commission, that expansion of benefits would probably cost somewhere between $60 and $80 billion over 10 years.

Second, we could fix the funding formula, what is called the Annual Adjusted Per Capita Cost, that puts rural States and certain low-reimbursement urban areas at such a disadvantage in attracting Medicare+ plans, because those Medicare+ plans offer a prescription drug benefit. My plan would increase the floor to $600 per beneficiary per month. That would be an enticement for the Medicare+ Choice plans to actually go to States like Iowa. That way senior citizens and rural States would have the same opportunities to sign up for an HMO that offers a prescription drug benefit that those in New York, Miami, Los Angeles now can get.

Third, in response to my constituents who want to purchase their drugs in Canada, Mexico or Europe, we should stop the Food and Drug Administration from intimidating seniors and others with threats of confiscation of their purchases when they try to buy their drugs from overseas.

At the end of last year, we attempted to solve that problem; however, there were some loopholes in the bill that we passed last year, and we need to clarify current law to allow importers to use FDA-approved labeling without charge. Current law explicitly allows labeling to be used for "testing purposes" only and does not prevent drug companies from charging very, very high fees for using the label.

FDA approval for labeling provides safety and efficacy. We can allow importers to obtain the best price available on the market. There are a number of things that we need to do to make sure that our retailers in this country are able to purchase from wholesalers overseas at lower rates so that they can pass on the savings to everyone.

□ 1815

Mr. Speaker, I think that would go a long ways to reducing prescription drug prices in this country vis-a-vis where it is, significantly lower in the foreign countries around the world that I talked about earlier in this talk.

The bill that I introduced today meets those goals and ensures that we provide prescription drug coverage to those who need it most. It gives them access to health insurance and the drugs that they cannot now afford. I hope that we end up with a comprehensive prescription drug bill, something that covers all senior citizens. But when I look at that, I think we ought to do that in the context of a comprehensive Medicare reform bill, something that will help make sure that Medicare is financially sound for when the baby boomers come into retirement.

But I also recognize that today we have some senior citizens who are just barely getting by. They are not so poor that they are in Medicaid, but they are just above that, and they are having to make choices today whether to pay their heating bills or food bills or rent, or whether to fill their prescriptions. These individuals are already getting a discount on their Medigap premiums, the qualified Medicare beneficiaries, the select low-income Medicare beneficiaries, the qualifying individuals one and two.

We could implement that benefit for them immediately. We could give them a Medicaid drug card. They could go to any pharmacy in their State, get their prescription drugs filled at no cost, and we would pay for that from the Federal side. We would not ask for a State match on that, so the Governors and State legislators do not need to worry that we will be adding additional costs to their budgets.

I think we can do that for a reasonable amount of money, and it would not require reinventing the wheel. Every State has this program now. It would be easy to administer. All of those State Medicaid programs are overseen to help prevent fraud and abuse. I think this is the commonsense answer if, Mr. Speaker, later this year or next year we find that we are not moving to a comprehensive Medicare reform bill and we are not moving to a bill that covers a prescription drug benefit for everyone.

I just think that it would be a shame if this Congress does not address high prescription drug costs for the seniors that need it most and try to do something to lower the high cost for everyone. And that is where the reimportation issue comes into play.

So, Mr. Speaker, we have a solution. I encourage my colleagues to look at the bill that I introduced today, the Drug Availability and Health Care Access Improvement Act of 2001. It does not mean that you cannot be for a more comprehensive bill. It simply means at the end of the day, if we are not getting that more comprehensive bill, then we should not leave town before the next election without at least providing help to those who need it the most.

DOMESTIC AND FOREIGN POLICY ISSUES

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I want to thank the House for giving me the last hour before our adjournment for the Easter and Passover recess. I want to cover four issues, and hopefully I can do so in less than the 1 hour allotted: first, taxation and the energy crisis in California; and then two foreign policy issues, our airmen being held in China, and our sanctions policy and our use of economic tools in order to achieve our national security purposes.

Mr. Speaker, 2 months ago the President of the United States stood where you sit now and asked us to pass his tax program for a particular waitress. He described this waitress as having an income of $25,000, two kids, no spouse, and said that is the reason that we need his program. And he was compassionate in that description; unfortunately, not compassionate to that waitress or the other waitresses that work with her. You see, under the President's tax program, that waitress with two kids does get a little bit of tax relief, perhaps 2 percent of her income, perhaps a cheap 25-cent tip left under the table or under the plate. But he carefully selected the one waitress in the entire restaurant that gets anything at all.

You see, under the President's plan as passed by this House, if that waitress had had an income of $23,000, she gets not 1 penny, not even a 1-cent insult tip. If the waitress, the exact waitress he described with two kids and $25,000, spends anything for child care, then she gets no additional benefit at all, not 1 penny from the President's program. And if that waitress has an income of $23,000, $25,000 or $26,000 and has 3 kids instead of 2 kids, not 1 penny.

So we were told to pass a tax program to help hard-working waitresses supporting kids, and virtually every waitress in the restaurant goes home without even a 1-cent tip.

This House has added, this President's rhetoric has added an insult on top of that injury. There is injury to those waitresses from a tax program that this House adopted that the President asked us to adopt, because we are going to see higher interest rates, and every waitress in that restaurant is going to be having a harder time buying an automobile, or if she is very fortunate and can almost afford a house, perhaps will not be able to do so. A worse economy and fewer patrons of that restaurant, all of this will injure those waitresses that get not one penny of tax relief from the plan.

Added to the injury is the insult. The President has again and again before audiences across the country said that his plan provides tax relief to every taxpayer, and his overwhelming implication is if you do not get anything from his plan, it is because you are not a taxpayer. If he does not give you anything, it is because you do not deserve anything.

I ask the waitresses of this country to look at their paycheck stubs and see if there is a deduction for FICA. Then at that point, realize either your employer is lying to you when they take the money out of our paycheck for FICA, or the President is lying when he says that the waitresses of this country do not pay taxes because they do pay taxes to the Federal Government, and they get in almost every case not one penny of tax relief, but just a slap across the face with the insult that they are not taxpayers and do not deserve any relief from the Republican plan.

Mr. Speaker, never was this illustrated quite so clearly as today when we took up another piece of the President's tax plan, and that was a complete abolition of the estate tax. Mr. Speaker, most people of this country pay income tax, but the working poor generally pay only FICA tax. And there are some who are very wealthy who, because of the way that they have structured their investments, pay no income tax, but they pay estate tax. Three major taxes for the Federal Government: one, a burden on the poor; another a burden on most of us; and the third affects only those at the top 2 percent.

The President has decided if you do not pay income tax, but you pay estate tax, you deserve tax relief because you are in the richest 2 percent, and he wants to help you. But if you pay no income tax, and you pay only FICA tax, you get not one penny, as I have said several times.

So what is this estate tax package? It is a package passed today, which, if we made it immediately effective, would cost $663 billion over a 10-year period. With all of the rhetoric on this floor, you would think that we would have made it effective immediately. Speaker after speaker talked about how this tax is terrible, and yet the bill we adopted does almost nothing to reduce the tax on those with assets of 2-, 3- or $5 million, almost nothing for the next several years.

Why is that? Because, Mr. Speaker, in order to sneak this tax cut in, it is passed today, but does not become effective really for over 10 years. So a tax cut which is bad economic policy for today, which is such bad economic policy that no one would stand here in the well and say it ought to be effective today for today's economy, becomes effective in the year 2011 economy at a time when it is going to do the economy even more harm.

You see, Mr. Speaker, right now we have a surplus. It is not as big as some would say. It is certainly not permanent, but we have a surplus. Eleven years from now we do not know whether we have a surplus or not. But we do know that 11 years from now is about the beginning of the baby-boomer retirement that will put whole new strains on the Federal budget as a huge number of people sign up for Social Security. So a policy that is so fiscally irresponsible that no one will speak in favor of its immediate adoption will become locked in 11 years from now when we are more vulnerable to fiscal irresponsibility.

Why this tax cut in the estate tax? Well, the estate tax affects only the wealthiest 2 percent of Americans. If you care about the other 98 percent, then we should have voted that down so that we could pay off the national debt, resume economic growth at a reasonable rate, and reduce interest rates without causing inflation.

Now, one thing I want to clarify in how I discuss an estate of 4- or $5 million is that we are talking about the net estate. So if you have a $10 million farm, assets of land and equipment worth $10 million, you in most cases do not have a $4 million estate because most farmers in that situation owe at least $6 million to the bank. You look only at the estate net of, of course, funeral and health costs of the deceased, but also net of all the liabilities. So a lot of people out there think, "Oh, I have got assets of $10 million, I am going to be subject of the estate tax," have got to first subtract the liabilities. So only the wealthiest 2 percent of families in this country will pay any estate tax at all.

But we on the Democratic side put forward an alternative, an alternative that would turn to 1.8 out of that 2 percent and say, no tax at all; immediate tax relief. And you continue to enjoy the income tax reductions caused by a "step-up in basis" so that the heirs to assets are able to value those assets on the date that they acquired them or the date of the decedent's death, so higher depreciation deductions are available to someone who inherits an apartment building or inherits farm equipment. Lower capital gains tax is paid by those who inherit stocks and bonds, or those who sell off part of the land that they inherit.

□ 1830

So a Democratic proposal that provided immediate relief for every family with $4 million in net assets and provided all taxpayers permanently with that reduction in their income tax from a step-up in basis, that was all voted down. Why? Because instead the Republican side demanded that we embrace something that would exempt the as of yet unborn Bill Gates, Jr. from any tax at all on what we would hope would be billions of dollars of inheritance. In order to provide that those with assets of $100, $200, $300 million will pay not a penny in tax, the interests of those with $2, $3, $4 and $5 million were sacrificed by a Republican Party that talks the talk of small business but walks the walk of huge fortunes.

The Democratic alternative provided immediate tax relief, immediate complete insulation on taxes for the first $4 million that a family owns, racheting that up to $5 million over the next 10 years. The Republican plan provided virtually no tax relief to a family with 2 or 3 or $4 million in assets if a death occurs next year or the year after that or the year after that. They have decided to ignore those who die soon or die in the next few years and their heirs. They have decided to ignore those who need the reduced income taxes of that step-up in basis because their running business is worth 2 or $3 million and need the higher tax deductions, income tax deductions, all to embrace the needs of those with assets of over $10 million, over $20 million. What is amazing is that they were able to sell some of the small business groups on it. They have talked the talk of tax relief for those with a few million dollars. They have walked the walk of the huge fortunes.

We are well on our way to a series of tax bills that we cannot afford, that will probably add up to $3 trillion in tax cuts over the next 10 years, and much of the cost of those bills is going to be hidden by the fact that many of their provisions do not even become effective until more than 10 years from now. What we ought to do if we are fiscally responsible is simply pass those tax provisions that become effective this year or next year.

If the Republican side were to come down to this floor and say, here is what we want the tax law to look like for 2001, here is what we want it to look like for 2002, pass that, and then wait a year and see where the economy is, they could probably get almost total support in the House. It is their insistence on locking this country in to an economic plan that it cannot afford, an economic plan that guarantees slow growth or recession, that virtually guarantees higher interest rates. It is that insistence that is causing dissension both here in the House and fortunately greater dissension in the Senate. Keep in mind that under the tax plan the Republicans have put before us, 79 percent of the package does not even become effective until more than 5 years from now. Instead of providing the tax relief we can afford and the stimulus that some say we need, it simply locks in the greatest cuts for the wealthiest people many, many years from now.

Mr. Speaker, I would now like to focus on what some regard as a regional problem, perhaps just the problem of one State, but it is actually the problem of the entire country, and, that is, the electrical energy crisis and related natural gas crisis in my home State of California. First, let me dispel the idea that it was all the fault of the extreme environmentalists, tree huggers in California, who would not allow any plants to be built and now we are reaping what we have sown. Nothing could be more clearly disproven in so many different ways.

First, no Federal agency was issuing a loud warning 2 or 3 years ago. No experts from the private sector, no experts from the utility sector were saying that we were headed for a particular problem. There are geniuses on Wall Street that could have quintupled and requintupled and made tenfold and twentyfold on their money by selling short the stock of California utilities.

Yet none of them saw this coming. Now, we are told that no plants were sited in California. Keep in mind, many have been approved in the last 2 years. But during the 8 years in which Republican Pete Wilson was governor of our State, not a single plant was sited.

But let us say that you come here with an extreme prejudice against California and you think both Republicans and Democrats in California have somehow brought this upon our State. Electricity can be transported for a few hundred miles. If you want to serve the California market, you cannot do so from a plant in Pennsylvania. But you can do so from a plant in Nevada or Arizona.

If anybody foresaw an extreme shortage of electricity and even a modest increase in the price of electricity in California and the other western States, they did not have to build a plant in California. They could have built one in Arizona, Nevada, Oregon or Washington. So you would have to believe that the environmental extremists are in control not only of California but of Nevada and Arizona, Oregon and Washington, Nevada and Arizona being two of the most pro-business States, two of the most Republican-voting States in this country.

The fact is no one wanted to build a plant in California, and no one wanted to build a plant in those other western States I mentioned. No one foresaw this problem until quite recently, with the exception of perhaps a few academics whose voice was not loud enough for anyone to hear. So it is obvious that this is not a problem we brought upon ourselves. We embraced the free market. The free market operated not only in California but in adjoining States as well, and the free market let us down. It did not cause those plants to be sited in California or the other adjoining States.

So California did not cause this problem. But we are told it is California's problem and it is up to California to solve it. Let us analyze the problem and let us see whether California should be called upon to, quote, "solve its own problem," or whether instead the Federal Government has handcuffed California so that it cannot solve this problem without a change of Federal policy.

Let us look first at natural gas. Now, the price of natural gas in North America has more than doubled in the last couple of years. That is supply and demand, and that is a relatively competitive market with lots of producers and lots of consumers. Still, the doubling of that commodity and more in the last couple of years has put a strain on consumers and utilities around this country. But imagine, if you will, that on top of that doubling, there was a tenfold increase in the cost of moving natural gas from Texas and New Mexico where it is produced into California. The cost went from less than 50 cents to over $5. The cost of natural gas in California is double what it is in the rest of the country.

Why did that happen? Why that doubling? Because FERC partially deregulated, actually deregulated enough for smart lawyers to find a way to totally deregulate the price of moving natural gas from Texas to California. And now natural gas costs more to move from Texas to California than it costs to buy it in Texas. The transportation cost exceeds the commodity cost. Why? FERC.

Mr. Speaker, it has been said that California has been shafted. Mr. Speaker, California has been FERCed. That is F-E-R-C-e-d, hopefully not to be confused with any term of similar sound.

The next focus has got to be on the cost of generating electricity. In the spot market, the wholesale price has gone up ten and twentyfold. We are told that this is somehow California's fault. I have disproved that. But the question is, can California solve this problem? As it happens, Federal law prohibits California from imposing even temporary cost-based controls on the cost of electricity at the wholesale level. So here we are with plants in our own State capable of generating most or all of the electricity we need in most or all of the months of the year and California has been told, "It's your problem. Solve the problem. Oh, by the way here is a Federal law that says you can't solve the problem by regulating the wholesale price of electricity," which by the way is about the only way to solve it in the short term.

Take off the Federal handcuffs or stop laughing at California and saying it is our problem and up to us to solve it. California could save 1 or 2 percent of its electricity needs simply by adjusting the way we use Daylight Savings Time. But the Federal Government will not even let us adjust our own clocks. The handcuffs are on. The Federal Government puts the handcuffs on California and then says, "It's your problem. Go solve it. Just don't try to do anything that might be effective because it will be prohibited by Federal law."

Federal law must reregulate the price of moving natural gas from New Mexico to California. And if the Federal Government does not want to do it, then perhaps that right could be granted to the State of California. I realize the pipelines that I am talking about do not run through the State, but a Federal grant of that power to California would probably be constitutional. The Federal Government does not want to regulate the wholesale price of electricity generated by plants in California. Fine. Let California do it. Let Oregon do it for its plants. Let Washington do it for plants in the

State of Washington. Take off the handcuffs. Better yet, lend a hand. FERC should regulate the price of pipeline usage and the cost at the wholesale level of electricity.

I do want to comment a little bit about the shortage of electricity in California in one respect and, that is, the term "closed for maintenance." I thought closed for maintenance meant, "We got to fix the plant. We got guys working on it." I have come to learn closed for maintenance means closed to maintain an incredibly high price for each kilowatt.

Last summer, without any shortages that came to anyone's notice, or with the notice of very many, California demanded and needed and got from its existing plants 45,000 megawatts of electricity. This last winter and spring when we needed 33,000 megawatts, the plants are closed for maintenance. The electricity cannot be generated. What changed was not the plants. The plants were adequate to give us 45,000 megawatts of electricity last summer. What changed was the law, the incentives. The incentives went to closed for maintenance, the lights went out, the prices went up.

Mr. Speaker, I hesitate to phrase it this way, but this administration is waging war on California. Maybe it is because we did not vote for them. Maybe it is because they see our governor as a challenger in 2004. I think it is a war being waged for the same reason the ancients waged war and that was to get war booty. In this case incredibly high profits for certain companies based in Texas, both the pipeline companies that own the natural gas pipelines and the companies that own the generation facilities that sell that electricity to the utilities in California.

The question, though, is not why is the Bush administration waging war on California but why does this Congress allow for that war to be waged? All Americans are going to suffer from this war. If we do not regulate natural gas pipelines, the wholesale value of electricity, and allow California to adjust its clocks, then it will not just be my district or my State that suffers. This entire economy is wired together. The markets drop in Tokyo and all of a sudden the markets drop on Wall Street and people's 401(k)s are down. If you think you live outside of California and you are not tied to our State, imagine how much more tied you are to California than you are to Tokyo.

□ 1845

If California is going down, it is not going to be good for any part of this country.

I want to add a footnote or two here. The first footnote is that many of the bad decisions the Federal Government made were made in the waning days of the last administration, but I am confident that an administration that cared about California would have reversed those decisions and this administration should reverse those decisions right now.

Back in October, it was not obvious to many that California was going to be suffering just a few months later, but when that suffering began it is time to adopt revised Federal policies.

The second myth I want to dispel is the idea put forward by those who worship, do not just understand and usually practice but worship, the free market system. The free market system works rather well for most things, but if one had to pick something it was not going to work for, well think of a good that cannot be stored, cannot be transported but a few hundred miles, has no substitutes, is a necessity, to put it in economic terms, has a price elasticity of roughly point one, which is to say it is a necessity where you need the amount you need and if they sell it for less you are not going to use more, and if they charge you more it is incredibly difficult to use less. It is a necessity. It cannot be stored.

It is not subject to the regular market forces. If there was ever a good that did not fit the absolute worshipping of a free market, this is it.

We are told that the free market must be allowed to run unfettered and that California's problem is that we deregulated the wholesale price of electricity but we maintained regulation on the retail price. So the amount SoCal Edison has to pay the generator companies, most of them based in Texas coincidentally, the plants may be in California but they are owned by some particular business interests, that the amount that SoCal Edison has to pay for the electricity has been deregulated but the amount that they sell it to the consumer for has been regulated and that that is the problem; that if only we deregulated both sides of the equation everything would be fine.

I ask people to look at San Diego. In San Diego County, we did exactly what the worshippers of the free market, and I include myself among those who usually want to go with free enterprise and free markets, but those who are so blinded by the benefits of free markets that they cannot see the exceptions, we are told that if you only deregulated the wholesale and the retail that everything would be fine.

What has happened in San Diego when we did just what they suggest, the retail consumer price of electricity went up by four-fold. So you are used to paying a $100 electric bill and you get one for $400, the price goes four-fold in a couple of months. I ask my colleagues, what would happen in their districts if everyone who is used to getting a $100 electric bill got a $400 electric bill like that? How many people would be sitting in their office and how many of them would say, well, thank God, we did what those who are so extreme that they worship the free markets have suggested, thank God we went for the most pristine possible deregulation?

How many of them would be thrilled to get that $400 electric bill?

AMERICANS HELD HOSTAGE, DAY FOUR

Mr. SHERMAN. Mr. Speaker, I would now like to shift to a discussion of foreign policy, starting with the Americans being held on the Chinese island of Hainan; America held hostage, day four.

Let us go through a few of the facts that have been uncontroverted. Our plane was in international air space. The Chinese have admitted that. Our plane was flying slow, clumsy, large, Turboprop, not looking for any trouble; not trying to approach any Chinese planes. Chinese fighter planes that are fast and maneuverable deliberately came as close as possible to the American plane, and then there was a collision.

I ask us to think about this in our own lives. If one car is just proceeding about its business and another one, a hot rod, tries to squirm as close as possible, some teenager trying to get just as close as possible to an old driver and then there is a collision, who do we blame?

This was not the first time, Mr. Speaker. Again and again and again, through formal and informal channels, the United States has, for a period of many months, told the Chinese side that their repeated unsafe and reckless flying, their interception of our planes and coming not just as close as safe but closer than safe, buzzing those planes, reckless disregard for the safety of both aircraft, gross negligence, would some day lead to an accident; and then it did.

I do not know why the Chinese instructed their pilots to engage in this game, or whether they were so instructed at all. Was it teenage hormones? Was it an attempt to intimidate an American plane over international waters? Or was it some effort to try to cause a collision but one that would kill Americans instead of Chinese airmen?

I do not know, but there is no moral reason for this intentionally dangerous flying, even after repeat warnings. Yet, the Chinese are asking us for an apology.

Mr. Speaker, my people have a word for that. It is called chutzpah. Chutzpah is when a young man convicted of brutally killing both of his parents goes before the judge and asks for mercy on the basis that he is an orphan, and the request for this apology fits in that same category of chutzpah.

International law is clear. That plane cannot be touched. News reports are clear. The Chinese side is all over that plane looking for every secret, dismantling equipment, in violation of international law.

International law is clear. Our people are to be back here. They retain their sovereign immunity when they land in desperation and emergency, which I might add in this case was caused by the incredible gross negligence, repeated gross negligence, of Chinese fliers. Yet, we are being asked for an apology. Reckless flying, ignoring international law as to our plane when it is on the ground, holding our Naval airmen hostage, and they are asking us for an apology.

Perhaps the only thing that is more outrageous than all that is that, as I speak here, imports from China are being unloaded at American harbors in part of the most lopsided pro-Chinese trade relationship that any economist could ever imagine. They are allowed access to our markets where they sell over $80 billion of goods and we are lucky if we can sell $12 billion of goods into China.

What ought to happen is that we ought to make it clear, we ought to today stop the importation of Chinese goods until our Naval airmen are back on their ships or in American hands. Oh, but that would mean perhaps a few hours or a day of delay in bringing in tennis shoes or plastic toys, and the commercial interests that flex their muscle so strongly when we dealt with providing China with permanent Most Favored Nation status will be back here, or are already back here flexing their muscles, and their message is clear. Do not interrupt a single package, a single container of tennis shoes, no matter how lopsided the trade arrangement is, no matter how absolutely dependent China is, and they are utterly dependent on the American market, roughly half, very roughly half their exports go to the United States. We are the only country that lets them run a huge trade surplus with us and we are the only country willing to run a huge trade deficit with them.

Yet in spite of the fact that we are strong and they are weak, they are unified and we are looking only at the commercial interests of a few companies.

So, Mr. Speaker, what I fear is that corporate interests, and just a few corporate interests, engaged in this importation frenzy will demand that we apologize, demand that we pay the Chinese money. They will demand that we be weak because sniveling preserves profits.

I hope that this administration and this Congress reject that kind of thinking.

Mr. Speaker, I would like to go into my fourth topic but I see it is getting late. So I will come back to this floor to deliver a speech dealing with the fourth topic I wanted to cover, and that was our use of economic sanctions, economic carrots and sticks, in order to achieve our international objectives.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. SHADEGG, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mrs. WILSON, for 5 minutes, today.

Mr. HYDE, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. SAM JOHNSON of Texas, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LARSEN of Washington, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mr. WOLF):

H.R. 132. An act to designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building".

H.R. 395. An act to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W Reagan Post Office of West Melbourne, Florida".

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, pursuant to House Concurrent Resolution 93 of the 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PENCE). Pursuant to House Concurrent Resolution 93 of the 107th Congress, the House stands adjourned until 2 p.m. on Tuesday, April 24, 2001.

Thereupon (at 6 o'clock and 58 minutes p.m.), pursuant to House Concurrent Resolution 93, the House adjourned until Tuesday, April 24, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1453. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethametsulfuron Methyl; Pesticide Tolerance [OPP-301111; FRL-6773-7] (RIN: 2070-AB78) received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1454. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a letter requesting that Section 361 of the National Defense Authorization Act for Fiscal Year 1997 which authorized the Services to expend appropriated funds for recruiting functions be continued beyond the September 30, 2001, deadline as a permanent authorization, pursuant to Public Law 104—201, section 361(a) (110 Stat. 2491); to the Committee on Armed Services.

1455. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R-1041] received March 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1456. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA-7750] received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1457. A letter from the Acting Chair, National Credit Union Administration, transmitting an Annual Report for FY 2000 entitled, "Entering the 21st Century"; to the Committee on Financial Services.

1458. A letter from the Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Use of Restraint and Seclusion in Residential Treatment Facilities Providing Inpatient Psychiatric Services to Individuals Under Age 21: Delay of Effective Date [HCFA-2065-F] (RIN: 0938-AJ96) received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1459. A letter from the Executive Secretary, Department of Health and Human

Services, transmitting the Department's final rule—Protection of Human Research Subjects: Delay of Effective Date (RIN: 0925–AA14) received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1460. A letter from the Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction: Repeal of Current Regulations and Issuance of New Regulations: Delay of Effective Date and Resultant Amendments to the Final Rule (RIN: 0910–AA52) received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1461. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Food Starch-Modified by Amylolytic Enzymes [Docket No. 99F–2082] received April 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1462. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Polychlorinated Biphenyls (PCB's); Return of PCB Waste from .U.S. Territories Outside the Customs Territory of the United States [OPPTS–66020A; FRL–6764–9] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1463. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 115–1115a; FRL–6961–9] received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1464. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Operating Permits Program in Washington [FRL–6952–3] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1465. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan and 1990 VOC Emission Inventory for the Pittsburgh-Beaver Valley Ozone Nonattainment Area to a Full Approval [PA 120–4110a; FRL–6961–4] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1466. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 114–1114a; FRL–6964–1] received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1467. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendements to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check [FRL–6962–9] (RIN: 2060–AJ03) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1468. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Key West, Florida) [MM Docket No. 00–70; RM–9843] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1469. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Reno, Nevada) [MM Docket No. 00–234 ; RM–9999] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1470. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Weston, West Virginia) [MM Docket No. 00–242; RM–9998] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1471. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Orono, Maine) [MM Docket No. 00–243; RM–9981] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1472. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (La Crosse, Wisconsin) [MM Docket No. 00–236; RM–10000] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1473. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lead, South Dakota) [MM Docket No. 00–235; RM–9992] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1474. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (New Orleans, Louisiana) [MM Docket No. 00–188; RM–9969] received March 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1475. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Station (Lowry City, Missouri) [MM Docket No. 00–145; RM–9845] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1476. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bowling Green, Bardstown, Lebanon Junction, and Auburn, Kentucky and Byrdstown, Tennessee) [MM Docket No. 99–326; RM–9755; RM–9910] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1477. A letter from the Assistant to the Chief, International Bureau/Telecommunications Division, Federal Communications Commission, transmitting the Commission's final rule—2000 Biennial Regulatory Review [IB Docket No. 00–202] Policy and Rules Concerning the International, Interexchange Marketplace—received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1478. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 046–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1479. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 2000, through March 31, 2000, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1480. A letter from the Acting Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 2000 to January 31, 2001, pursuant to 22 U.S.C. 5606; to the Committee on International Relations.

1481. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1482. A letter from the Senior Vice President, CFO, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2000, pursuant to D.C. Code section 43—513; to the Committee on Government Reform.

1483. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in February 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

1484. A letter from the President, African Development Foundation, transmitting a Report on African Development Foundation's Financial Statements, Internal Controls, and Compliance For Fiscal Year 2000; to the Committee on Government Reform.

1485. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Commttee's final rule—Additions to and Deletions from the Procurement List—received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1486. A letter from the Acting Chief Executive Officer, Corporation For National Service, transmitting the Corporation's Performance Report for FY 2000; to the Committee on Government Reform.

1487. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2000; to the Committee on Government Reform.

1488. A letter from the Secretary, Department of the Treasury, transmitting a Program Performance Report for FY 2000; to the Committee on Government Reform.

1489. A letter from the Secretary, Department of Commerce, transmitting the Department's Accountability Report for FY 2000; to the Committee on Government Reform.

1490. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of the Government National Mortgage Association management report for the fiscal year ended September 30, 2000, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

1491. A letter from the Secretary, Department of State, transmitting an Annual Program Performance Report of FY 2000; to the Committee on Government Reform.

1492. A letter from the Secretary, Department of Veterans' Affairs, transmitting an Annual Performance Report for FY 2000; to the Committee on Government Reform.

1493. A letter from the Secretary, Department of Veterans' Affairs, transmitting the Department's Annual Accountability Report for FY 2000; to the Committee on Government Reform.

1494. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's Annual Performance Report for FY 2000, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

1495. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's Annual Performance Report for FY 2000; to the Committee on Government Reform.

1496. A letter from the Acting Congressional Liaison, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1497. A letter from the Director and Inspector General, National Science Foundation, transmitting the Foundation's Accountability Report for FY 2000; to the Committee on Government Reform.

1498. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance Report for FY 2000; to the Committee on Government Reform.

1499. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a Performance and Accountability Report of FY 2000 and our Inspector General FY2000 Performance Report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1500. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report on the Fiscal Year 2001 Revised Final Annual Performance Plan; to the Committee on Government Reform.

1501. A letter from the Chairman, Occupational Safety And Health Review Commission, transmitting the Commission's Annual Program Performance Report for Fiscal Year 2000; to the Committee on Government Reform.

1502. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting an Program Performance Report for FY 2000; to the Committee on Government Reform.

1503. A letter from the Deputy Director, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1504. A letter from the Acting Director, Trade and Development Agency, transmitting the Agency's Performance Report for FY 2000; to the Committee on Government Reform.

1505. A letter from the Acting Executive Secretary, U.S. Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1506. A letter from the Chairman, United States International Trade Commission, transmitting a Program Performance Report for FY 2000; to the Committee on Government Reform.

1507. A letter from the Assistant to the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Federal Aid in Sports Fish Restoration Program; Participation by the District of Columbia and U.S. Insular Territories and Commonwealths (RIN: 1018–AD83) received April 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1508. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels 60 Feet Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 010112013–1013–01; I.D. 032301B] received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1509. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 010112013–1013–01; I.D. 032301A] received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1510. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 010112013–1013–01; I.D. 032001D] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1511. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District in the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 032001B] received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1512. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2000, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

1513. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program [INS No. 2129–AG16] (RIN: 1115–01) received April 4, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1514. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Nonimmigrant Visa Fees—Fee Reduction for Border Crossing Cards for Mexicans Under Age 15 (RIN: 1400–AA97) received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1515. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on the navigation improvements for the Port Jersey Channel, Bayonne, New Jersey; to the Committee on Transportation and Infrastructure.

1516. A letter from the Acting Secretary of the Army, Department of Defense, transmitting a report on the Success Dam, Tule River Basin, California; to the Committee on Transportation and Infrastructure.

1517. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on Alternative Power Sources For Flight Data Recorders And Cockpit Voice Recorders; to the Committee on Transportation and Infrastructure.

1518. A letter from the Senior Trial Attorney, Office of the Secretary, Department of Transportation, transmitting the Department's final rule—Extension of Computer Reservations Systems (CRS) Regulations [Docket No. OST–2001–9054] (RIN: 2105–AD00) received April 2, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1519. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Great Lakes Ecosystem in the years 1998–2000; to the Committee on Transportation and Infrastructure.

1520. A letter from the Chairman, Federal Maritime Commission, transmitting the 39th Annual Report of the Federal Maritime Commission for fiscal year 2000, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

1521. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Announcement and Report Concerning Advance Pricing Agreements—received March 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1522. A letter from the Director, Defense Security Cooperation Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104—107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

1523. A letter from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting the 2000 Annual Report of the Federal Prison Industries, Inc. (FPI), pursuant to 18 U.S.C. 4127; jointly to the Committees on the Judiciary and Government Reform.

1524. A letter from the Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services: Delay of Effective Date [HCFA–3049–F2] (RIN: 0938–AK08) received March 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1525. A letter from the Chairman of the Board and the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's 2000 Annual Report, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce, Ways and Means, and Government Reform.

1526. A letter from the Chairman, Federal Election Commission, transmitting the Comission's FY 2002 Budget Request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. House Concurrent Resolution 73. Resolution expressing the sense of Congress that the 2008 Olympic Games should not be held in Beijing unless the Government of the People's Republic of China releases all political prisoners, ratifies the International Covenant on Civil and Political Rights, and observes internationally recognized human rights; with amendments (Rept. 107–40). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 718. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 107–41 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 718. Referral to the Committee on the Judiciary extended for a period ending not later than June 5, 2001.

H.R. 981. Referral to the Committee on the Budget extended for a period ending not later than September 5, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GANSKE (for himself, Mrs. Emerson, Mr. Frank, Mr. Wynn, Mr. Horn, Mr. Gilchrest, Mr. Traficant, Mr. Leach, Mr. Jones of North Carolina, Mr. Johnson of Illinois, Mr. Sanders, Mr. Gutknecht, and Mr. Terry):

H.R. 1387. A bill to amend the Social Security Act to improve access to prescription drugs for low-income Medicare beneficiaries, the Internal Revenue Code and other Acts to improve access to health care coverage for seniors, the self-employed, and children, and to amend the Federal Food, Drug, and Cosemetic Act to improve meaningful access to reasonably priced prescription drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GANSKE:

H.R. 1388. A bill to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture.

By Mr. DeFAZIO:

H.R. 1389. A bill to amend the Head Start Act to authorize the appropriation of $11,500,000,000 for fiscal year 2002; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1390. A bill to establish a child care provider scholarship program; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1391. A bill to amend the Child Abuse Prevention and Treatment Act to provide for an increase in the authorization of appropriations for community-based family resource and support grants under that Act; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1392. A bill to amend the Incentive Grants for Local Delinquency Prevention Program Act to authorize appropriations for fiscal year 2002 through 2006; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1393. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide financial assistance for the prevention of juvenile crime; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1394. A bill to increase the maximum amount of defense funds that may be obligated to carry out the National Guard civilian youth opportunities program; to the Committee on Armed Services.

By Mr. DeFAZIO:

H.R. 1395. A bill to increase discretionary funding for certain grant programs established under the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs"; to the Committee on the Judiciary.

By Mr. DeFAZIO:

H.R. 1396. A bill to encourage States to require a holding period for any student expelled for bringing a gun to school; to the Committee on Education and the Workforce.

By Mr. DeFAZIO:

H.R. 1397. A bill to allow States to develop or expand instant gun checking capabilities, to allow a tax credit for the purchase of safe storage devices for firearms, to promote the fitting of handguns with child safety locks, and to prevent children from injuring themselves and others with firearms; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. Bonior, Mrs. Mink of Hawaii, Mr. Pastor, Mr. Sawyer, Mr. McNulty, Mr. Pascrell, Mr. Matsui, Mr. Barrett, and Mr. Levin):

H.R. 1398. A bill to amend the Internal Revenue Code of 1986 to provide individual income tax rate reductions, tax relief to families with children, marriage penalty relief, and to immediately eliminate the estate tax for two-thirds of all decedents currently subject to the estate tax; to the Committee on Ways and Means.

By Mr. VISCLOSKY:

H.R. 1399. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself, Mr. Waxman, Mr. Stark, Mr. Berry, Mr. Bonior, Mr. Frost, Mr. Obey, Mrs. Thurman, Mr. Doggett, Mr. Brown of Ohio, Mr. Green of Texas, Ms. DeLauro, Mr. Pallone, Mr. Shows, Mr. Sanders, Ms. Schakowsky, Mr. Crowley, Mr. Hinchey, Mr. Baldacci, Mr. Abercrombie, Mr. Andrews, Mr. Baca, Mr. Baird, Ms. Baldwin, Mr. Barrett, Ms. Berkley, Mr. Blagojevich, Mr. Blumenauer, Mr. Borski, Mr. Boyd, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. Clayton, Mr. Clement, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeGette, Mr. Delahunt, Mr. Evans, Mr. Faleomavaega, Mr. Filner, Mr. Hastings of Florida, Ms. Hooley of Oregon, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Kleczka, Mr. Kucinich, Mr. Lampson, Mr. Lantos, Mr. Larson of Connecticut, Ms. Lee, Mr. Lewis of Georgia, Mrs. Lowey, Mrs. McCarthy of New York, Ms. McCollum, Mr. McGovern, Ms. McKinney, Mr. McNulty, Mrs. Maloney of New York, Mr. Markey, Mr. Mascara, Mr. Meehan, Mrs. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moakley, Mr. Nadler, Mrs. Napolitano, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Owens, Mr. Pastor, Mr. Payne, Ms. Pelosi, Mr. Phelps, Mr. Pomeroy, Mr. Rahall, Mr. Reyes, Ms. Rivers, Ms. Roybal-Allard, Mr. Sandlin, Mr. Sawyer, Mr. Serrano, Ms. Slaughter, Mr. Strickland, Mr. Stupak, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Udall of New Mexico, Mr. Underwood, Ms. Velázquez, Ms. Waters, Mr. Weiner, Mr. Wexler, Ms. Woolsey, and Mr. Wynn):

H.R. 1400. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PHELPS (for himself, Mr. Nethercutt, and Mr. Rush):

H.R. 1401. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 1402. A bill to amend the Endangered Species Act of 1973 to reform the regulatory process under that Act; to the Committee on Resources.

By Mr. THOMAS:

H.R. 1403. A bill to reform Federal land management activities relating to endangered species conservation; to the Committee on Resources.

By Mr. THOMAS:

H.R. 1404. A bill to amend the Endangered Species Act of 1973 to reform provisions relating to liability for civil and criminal penalties under that Act; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. Lantos):

H.R. 1405. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture; to the Committee on Energy and Commerce.

By Mr. EVANS (for himself, Mr. Reyes, Mrs. Capps, and Mr. Doyle):

H.R. 1406. A bill to amend title 38, United States Code, to improve presumptive compensation benefits for veterans with ill-defined illnesses resulting from the Persian Gulf War, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Mica, Mr. Lipinski, Mr. Hutchinson, Mr. DeFazio, Mr. Horn, Ms. Millender-McDonald, Mr. Quinn, Ms. Norton, Mr. Ehlers, Mr. Bachus, Mr. Baker, Mr. Cooksey, Mr. LoBiondo, Mr. Isakson, Mr. Hayes, Mr. Johnson of Illinois, Mr. Kennedy of Minnesota, and Mr. Kirk):

H.R. 1407. A bill to amend title 49, United States Code, to permit air carriers to meet and discuss their schedules in order to reduce flight delays, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROGERS of Michigan (for himself, Mr. Oxley, Mrs. Kelly, Mr. Bachus, and Mr. Tiberi):

H.R. 1408. A bill to safeguard the public from fraud in the financial services industry, to streamline and facilitate the antifraud information-sharing efforts of Federal and State regulators, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 1409. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK (for himself, Mr. Delahunt, Mr. Bachus, Mr. Capuano, Mr. Conyers, Mr. Hutchinson, Mr. Foley, Mr. Frost, Mr. Isakson, Mr. Gordon, Mr. LaHood, and Mr. Matsui):

H.R. 1410. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. Neal of Massachusetts, Mrs. Kelly, Mr. Tauzin, Mr. Goodlatte, Mr. Cox, Mr. Cunningham, Mr. Issa, Mrs. Wilson, and Mr. Ehrlich):

H.R. 1411. A bill to amend the Internal Revenue Code of 1986 to allow qualified technological equipment and computer software to be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Lewis of Georgia, Mr. Hyde, Mr. Conyers, Mr. Sensenbrenner, Mr. Bachus, Mr. Barr of Georgia, Mr. Becerra, Mr. Berman, Mr. Blunt, Mr. Boehner, Mr. Boucher, Mr. Camp, Mr. Cardin, Mr. Combest, Mr. Condit, Mr. Crane, Mr. Davis of Illinois, Mr. Deal of Georgia, Mr. Doolittle, Ms. Dunn, Mr. Edwards, Mr. Farr of California, Mr. Foley, Mr. Frank, Mr. Gillmor, Mr. Goode, Mr. Goodlatte, Mr. Gonzalez, Mr. Graham, Mr. Hall of Texas, Mr. Hall of Ohio, Mr. Hayworth, Mr. Herger, Mr. Hobson, Mr. Houghton, Mr. Hutchinson, Mr. Isakson, Mr. Jefferson, Mr. Sam Johnson of Texas, Mrs. Jones of Ohio, Mr. Kanjorski, Ms. Kaptur, Mr. King, Mr. Kleczka, Mr. LaTourette, Ms. Lee, Mr. Lewis of Kentucky, Mr. Matsui, Ms. McKinney, Mr. McNulty, Mr. Oxley, Mr. Phelps, Mr. Portman, Ms. Pryce of Ohio, Mr. Reyes, Ms. Roybal-Allard, Mr. Sawyer, Mr. Scarborough, Mr. Scott, Mr. Sessions, Mr. Shimkus, Mr. Spence, Mr. Strickland, Mr. Tanner, Mr. Tiberi, Mr. Thompson of California, Mr. Thornberry, Mrs. Thurman, Mr. Vitter, Mr. Watkins, Mr. Weldon of Florida, Mr. Weller, Mr. Pitts, and Mr. Regula):

H.R. 1412. A bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. Gephardt, Mr. Bonior, Mr. Dingell, Mr. Pallone, Mr. Brown of Ohio, Ms. DeLauro, Mr. Frost, Mr. Conyers, Mr. Evans, Mr. Lantos, Mr. Oberstar, Mr. Obey, Mrs. Capps, Mr. Markey, Mr. Matsui, Mr. Sanders, Ms. Schakowsky, Mr. Inslee, Mr. Farr of California, Mr. Davis of Illinois, Mr. Abercrombie, Mr. McGovern, Mr. Jefferson, Ms. Jackson-Lee of Texas, Mr. Hinchey, Mr. Rush, Mrs. Jones of Ohio, Mr. George Miller of California, Mr. McDermott, Mr. Meeks of New York, Mrs. Mink of Hawaii, Mr. Owens, Mr. Payne, Ms. Pelosi, Mr. Honda, Mr. Moran of Virginia, Mr. Kildee, Mr. Hilliard, Mr. Holt, Mr. Allen, Mr. Berman, Mr. McNulty, Mr. Crowley, Mr. Gutierrez, Mr. Pascrell, Mr. Kennedy of Rhode Island, Mr. Thompson of California, Mr. Levin, Mrs. Maloney of New York, Mr. Strickland, Mr. Weiner, Ms. Lee, Mr. Serrano, Mr. Capuano, Ms. Solis, Mr. Hastings of Florida, Ms. Woolsey, Mr. Wexler, Mr. Hoyer, Mrs. Davis of California, Ms. Eshoo, Mr. Filner, Ms. Harman, Ms. Lofgren, Ms. Millender-McDonald, Ms. Roybal-Allard, Ms. Sánchez, Mr. Schiff, Mr. Sherman, Mr. Stark, Mrs. Tauscher, Ms. Waters, Ms. DeGette, Mr. Udall of Colorado, Mr. DeFazio, Ms. Hooley of Oregon, Mr. Wu, Ms. Rivers, Mr. Carson of Oklahoma, Ms. Eddie Bernice Johnson of Texas, Mrs. Clayton, Mr. Doggett, Mr. Larson of Connecticut, Mr. Baldacci, Mr. Delahunt, Mr. Frank, Mr. Meehan, Mr. Neal of Massachusetts, Mr. Olver, Mr. Tierney, Mr. Langevin, Ms. Baldwin, Mr. Barrett, Mr. Blagojevich, Mr. Costello, Mr. Jackson of Illinois, Ms. Kaptur, Mr. Kucinich, Mr. Sawyer, Mr. Spratt, Ms. Kilpatrick, Mr. Luther, Mr. Deutsch, Mr. Maloney of Connecticut, Mr. Lampson, Mr. Bentsen, Mr. Green of Texas, Mr. Gonzalez, Ms. McCollum, Mr. Clay, Mr. Nadler, Mr. Stupak, Mr. Scott, Mr. Price of North Carolina, Mr. Becerra, Mr. Rothman, Mr. Blumenauer, Mr. Lewis of Georgia, Ms. McCarthy of Missouri, Ms. McKinney, Mr. Edwards, Mr. Engel, Mr. Kleczka, Mr. Menendez, Mr. Pomeroy, Mrs. Meek of Florida, Ms. Velázquez, Mr. Visclosky, Mr. Wynn, Mr. Towns, Mr. Davis of Florida, Mr. Andrews, Mr. Hoeffel, Mr. Etheridge, Mr. Kanjorski, Mr. Ackerman, Mr. Borski, Mr. Boswell, Mr. Brady of Pennsylvania, Mr. Cardin, Mr. Clement, Mr. Fattah, Mr. Hall of Ohio, Mr. Hinojosa, Mr. Israel, Mr. LaFalce, Mr. Lipinski, Mr. Mascara, Mrs. McCarthy of New York, Mr. Moakley, Mr. Murtha, Mrs. Napolitano, Mr. Rangel, Mr. Skelton, Ms. Slaughter, Mrs. Thurman, Mr. Watt of North Carolina, Mr. Holden, Mr. Kind, and Mr. Baird):

H.R. 1413. A bill to codify the rule establishing a maximum contaminant level for arsenic published in the Federal Register by the Environmental Protection Agency on January 22, 2001, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. McNulty, Mr. Towns, Mr. LaFalce, Ms. Slaughter, Mr. Hinchey, Mr. Crowley, Mrs. Maloney of New York, Mr. Serrano, and Mr. Gilman):

H.R. 1414. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit for small business jobs creation; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. McNulty, Mr. Towns, Mr. LaFalce, Ms. Slaughter, Mr. Hinchey, Mr. Crowley, Mrs. Maloney of New York, and Mr. Serrano):

H.R. 1415. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes; to the Committee on Ways and Means.

By Mr. LaFALCE (for himself, Mr. Hinchey, Mr. Rangel, Mrs. Maloney of New York, Mr. McNulty, Ms. Slaughter, and Mr. Boehlert):

H.R. 1416. A bill to provide grants and other incentives to promote new communications technologies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HINCHEY (for himself, Mr. Quinn, Mr. LaFalce, Mr. McNulty, Ms. Slaughter, Mrs. Maloney of New York, Mr. Rangel, Mr. Serrano, and Mr. Towns):

H.R. 1417. A bill to expand the Manufacturing Extension Program to bring the new economy to small and medium-sized businesses; to the Committee on Financial Services.

By Mr. QUINN (for himself, Mr. Hinchey, Mr. LaFalce, Mr. McNulty, Ms. Slaughter, and Mrs. Maloney of New York):

H.R. 1418. A bill to provide for business incubator activities, and for other purposes; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mr. LaFalce, Mr. McNulty, Ms. Slaughter, Mrs. Maloney of New York, Mr. Serrano, Mr. Rangel, and Mr. Towns):

H.R. 1419. A bill to establish regional skills alliances, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HALL of Ohio (for himself, Mr. Wolf, Mrs. Emerson, Mrs. Clayton, and Mr. Goodlatte):

H.R. 1420. A bill to establish the Bill Emerson and Mickey Leland memorial fellowship programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. Allen, Ms. Baldwin, Mr. Bass, Mr. Berman, Mr. Blumenauer, Mr. Borski, Mr. Clyburn, Mr. Conyers, Mr. Crowley, Mr. Delahunt, Mr. Deutsch, Mr. Doyle, Mr. Engel, Mr. Evans, Mr. Filner, Mr. Foley, Mr. Frank, Mr. Frelinghuysen, Mr. Gilman, Mr. Goss, Mr. Hinchey, Mr. Holt, Mr. Horn, Mr. Inslee, Mrs. Kelly, Mr. Kildee, Mr. Kleczka, Mr. Kucinich, Mr. Lantos, Mr. Lewis of Georgia, Mr. Lipinski, Mrs. Lowey, Mr. McDermott, Mr. McGovern, Mr. Meehan, Mr. George Miller of California, Mr. Moore, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Pallone, Mr. Pascrell, Ms. Pelosi, Mr. Phelps, Ms. Rivers, Mrs. Roukema, Mr. Sabo, Mr. Smith of Washington, Mr. Smith of New Jersey, Mr. Tierney, Mr. Towns, Mr. Udall of Colorado, Mr. Weiner, Ms. Woolsey, Mrs. Maloney of New York, Ms. McKinney, Mrs. Morella, Mr. Stark, Mr. Rangel, Ms. Jackson-Lee of Texas, Mr. Maloney of Connecticut, Mrs. McCarthy of New York, Mr. Wexler, Mr. Shays, Mrs. Tauscher, Mr. Abercrombie, Ms. Slaughter, Ms. Kilpatrick, Mr. Gallegly, Ms. Carson of Indiana, Mr. Barcia, Ms. Schakowsky, Mr. DeFazio, Mr. Andrews, Ms. DeLauro, Mr. Rush, Mrs. Johnson of Connecticut, Mr. Wolf, Mr. Bonior, Mr. Hyde, Ms. Roybal-Allard, and Mrs. Clayton):

H.R. 1421. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture.

By Mr. ANDREWS:

H.R. 1422. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and the Workforce.

By Mr. BACA:

H.R. 1423. A bill to provide for quality remedial education by encouraging increased partnerships between middle and high schools with community and technical colleges which have experience in remedial education services; to the Committee on Education and the Workforce.

By Mr. BACA:

H.R. 1424. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to direct the Federal Trade Commission to prescribe rules that prohibit certain deceptive and abusive recovery practices in connection with telemarketing; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Mr. Fattah, Ms. McCarthy of Missouri, Mr. Sabo, Ms. Millender-McDonald, Mr. Boyd, Mr. Moore, Mr. Faleomavaega, Ms. Solis, Mr. Jackson of Illinois, Mr. Filner, Mr. Rahall, and Mr. Rangel):

H.R. 1425. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. BASS:

H.R. 1426. A bill to amend the Consumer Product Safety Act to provide that low-speed electric personal assistive mobility devices are consumer products subject to that Act; to the Committee on Energy and Commerce.

By Mr. BENTSEN (for himself and Mr. Brady of Texas):

H.R. 1427. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for certain air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. Blumenauer, and Mr. Costello):

H.R. 1428. A bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. Udall of Colorado, Mr. Frost, Ms. Slaughter, Mr. Serrano, Mrs. Thurman, Mr. Sandlin, Mr. Wexler, Mr. Lantos, Mr. Baird, Ms. Lee, Ms. Carson of Indiana, Mr. Acevedo-Vila, Mr. Gutierrez, and Mr. McGovern):

H.R. 1429. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Education and the Workforce.

By Mrs. BIGGERT:

H.R. 1430. A bill to provide States with funds to support State, regional, and local school construction; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS (for himself, Mr. Otter, Mr. Norwood, Mr. Sawyer, Mr. Scarborough, Mr. Shimkus, Mrs. Thurman, and Mr. Traficant):

H.R. 1431. A bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. BISHOP (for himself, Mr. Kingston, Mr. Lewis of Georgia, Mr. Deal of Georgia, Mr. Norwood, and Mr. Collins):

H.R. 1432. A bill to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the "Major Lyn McIntosh Post Office Building"; to the Committee on Government Reform.

By Mr. BLUMENAUER (for himself, Mr. Abercrombie, Mr. Farr of California, Mr. Gilchrest, Mr. Gillmor, Mr. Hoeffel, Mr. Isakson, Mrs. Jones of Ohio, Mr. Pallone, and Mr. Udall of Colorado):

H.R. 1433. A bill to authorize the Secretary of Housing and Urban Development to make grants to assist States, tribal governments, and Native Hawaiian organizations in their efforts to develop or update land use planning legislation in order to promote more environmentally compatible and effective urban development, improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP (for himself, Mr. Rangel, Mr. Foley, Mr. Levin, Mr. Gordon, Mr. Manzullo, Mr. Ryan of Wisconsin, and Mr. LaTourette):

H.R. 1434. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mr. Evans, Mr. Towns, Ms. Jackson-Lee of Texas, Mr. Luther, Ms. Norton, Mr. Moore, Mr. Kildee, Mr. Ross, Mr. Owens, Ms. Woolsey, Mr. Doyle, Mr. Lantos, Mr. Gonzalez, Ms. McKinney, Mr. Blumenauer, Mr. Sanders, Mr. Holden, Ms. Waters, Mr. Honda, Mr. Pascrell, Mrs. Maloney of New York, Mrs. Christensen, Mr. Strickland, Mr. Meehan, Mrs. Napolitano, Mr. Mascara, Mr. Neal of Massachusetts, Mr. Hinojosa, Mr. Boucher, Mr. Sherman, Ms. DeLauro, Mr. Wynn, Ms. Kilpatrick, Mr. Mollohan, Mr. Udall of New Mexico, Mr. Filner, Mr. Faleomavaega, Mr. Coyne, Ms. Hooley of Oregon, Mr. Frost, Mr. Lewis of Georgia, Mr. Rahall, Mr. Moran of Virginia, Mr. Oberstar, Mr. Wexler, Mr. Becerra, Mr. Rodriguez, Mr. Kind, Ms. Slaughter, Mr. Underwood, Mr. Berman, Ms. Baldwin, Ms. Carson of Indiana, Mrs. Tauscher, Mr. Stupak, Mr. Ehrlich, and Mr. English):

H.R. 1435. A bill to authorize the Secretary of Veterans Affairs to award grants to provide for a national toll-free hotline to provide information and assistance to veterans; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself, Mrs. Kelly, Mrs. McCarthy of New York, Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, Mr. Gilman, Ms. Hooley of Oregon, Mr. Larson of Connecticut, Mr. Towns, Mr. Langevin, Mr. Stenholm, Mr. Pascrell, Mr. DeFazio, Mr. Rush, Mr. Baldacci, Mr. Frost, Mr. Pomeroy, Mr. Matsui, Ms. Solis, Mr. Barrett, Mr. Lantos, Mr. McGovern, Mr. Kind, Mr. Abercrombie, Mr. Green of Texas, Ms. Eshoo, Mr. Wynn, and Mr. Dingell):

H.R. 1436. A bill to amend the Public Health Service Act, titles XVIII and XIX of the Social Security Act, and the Internal Revenue Code of 1986 with respect to alleviating the nursing profession shortage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS (for himself, Mr. Norwood, Mr. Deal of Georgia, and Mr. Chambliss):

H.R. 1437. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum estate and gift tax rate to 45 percent, to replace the unified credit against the estate and gift tax with a unified exemption amount, and to increase the gift exclusion amount; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1438. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Ways and Means.

By Mr. COYNE (for himself and Mr. Weller):

H.R. 1439. A bill to amend the Internal Revenue Code of 1986 to extend permanently environmental remediation costs; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 1440. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEMINT (for himself, Mr. Stenholm, and Mr. Armey):

H.R. 1441. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption to States which adopt certain minimum wage laws; to the Committee on Education and the Workforce.

By Mr. DEUTSCH:

H.R. 1442. A bill to amend the Internal Revenue Code of 1986 to increase the unified credit against estate and gift taxes to the equivalent of a $5,000,000 exclusion and to provide an inflation adjustment of such amount; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. Stark, Mr. Matsui, Mr. Cardin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. Tanner, Mrs. Thurman, Mr. Pomeroy, Mr. Gonzalez, Mr. Holt, Mr. Sherman, Mr. Capuano, and Mr. Etheridge):

H.R. 1443. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to disclose taxpayer identity information through mass communications to notify persons entitled to tax refunds; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. DeLay, Mr. Armey, Mr. Blunt, Mrs. Cubin, Mr. Cox, Mr. Dreier, Mr. Ballenger, Mr. Barr of Georgia, Mr. Barton of Texas, Mrs. Bono, Mr. Bryant, Mr. Burton of Indiana, Mr. Calvert, Mr. Camp, Mr. Cannon, Mr. Cantor, Mr. Culberson, Mr. Cunningham, Mr. Flake, Mr. Gibbons, Mr. Hansen, Mr. Hefley, Mr. Herger, Mr. Hoekstra, Mr. Hostettler, Mr. Hunter, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Largent, Mr. Lewis of Kentucky, Mr. McInnis, Mr. Gary G. Miller of California, Mr. Norwood, Mr. Oxley, Mr. Pence, Mr. Pickering, Mr. Pombo, Mr. Radanovich, Mr. Rohrabacher, Mr. Ryun of Kansas, Mr. Schrock, Mr. Sessions, Mr. Shadegg, Mr. Simpson, Mr. Skeen, Mr. Spence, Mr. Tancredo, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Tiahrt, Mr. Toomey, Mr. Weldon of Florida, Mr. Whitfield, Mr. Young of Alaska, Mr. McCrery, Mr. Boehner, Mr. Everett, Mr. Collins, Ms. Pryce of Ohio, Mr. Lewis of California, Mr. Watkins, Ms. Dunn, Mr. Hayworth, Mr. Crane, Mr. Peterson of Pennsylvania, Mr. Nethercutt, Mr. Knollenberg, Mr. Hastings of Washington, Mr. Issa, Mr. Chambliss, and Mr. Burr of North Carolina):

H.R. 1444. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself and Mr. Gallegly):

H.R. 1445. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election to the House of Representatives or Senate to raise not less than 50 percent of their contributions from residents of the States the candidates seek to represent and not less than 50 percent of their contributions from individuals, and for other purposes; to the Committee on House Administration.

By Mr. ENGLISH:

H.R. 1446. A bill to provide trade negotiating authority; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1447. A bill to amend the Federal Election Campaign Act of 1971 to clarify the right of nationals of the United States to make contributions in connection with an election to political office; to the Committee on House Administration.

By Mr. FALEOMAVAEGA:

H.R. 1448. A bill to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Ackerman):

H.R. 1449. A bill to amend the Immigration and Nationality Act to provide that aliens who commit acts of torture or war crimes abroad are inadmissible and removable and to establish within the Criminal Division of the Department of Justice an Office of Special Investigations having responsibilities under that Act with respect to all alien participants in war crimes or acts of genocide or torture abroad; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. Mica, Mrs. Thurman, Mr. Davis of Florida, Mr. Stearns, Mrs. Meek of Florida, Mr. Wexler, Mr. Diaz-Balart, and Ms. Ros-Lehtinen):

H.R. 1450. A bill to direct the Department of Veterans Affairs to establish a new veterans benefits office in the State of Florida, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOLEY (for himself, Mr. Pomeroy, and Mr. Tanner):

H.R. 1451. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK (for himself, Mr. Frost, Mr. Diaz-Balart, Mr. McGovern, Mr. Kennedy of Rhode Island, Ms. Jackson-Lee of Texas, Mr. Baldacci, Mr. Capuano, Mr. Delahunt, Mr. Filner, Mr. McDermott, Mrs. Mink of Hawaii, Mr. Rangel, Mr. Rodriguez, Ms. Schakowsky, Mr. George Miller of California, and Mr. Langevin):

H.R. 1452. A bill to amend the Immigration and Nationality Act to permit certain long-term permanent resident aliens to seek cancellation of removal under such Act, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 1453. A bill to strengthen warning labels on smokeless tobacco products; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 1454. A bill to prohibit the importation of bidi cigarettes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. Ryun of Kansas, Mr. Cooksey, Mr. Thune, Mr. Barr of Georgia, Mr. Barcia, Mr. Hefley, Mr. Hall of Texas, and Mr. Paul):

H.R. 1455. A bill to repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg amendment; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. Schrock, Mr. Tom Davis of Virginia, Mr. Scott, Mr. Moran of Virginia, and Mr. Boucher):

H.R. 1456. A bill to expand the boundary of the Booker T. Washington National Monument, and for other purposes; to the Committee on Resources.

By Mr. HAYES (for himself, Mr. Graham, Mr. DeMint, and Mr. McIntyre):

H.R. 1458. A bill to limit the exceptions to certain "Buy American" requirements, and to expand such requirements; to the Committee on Armed Services.

By Mr. HAYWORTH (for himself, Mr. English, Mr. Matsui, Mr. Weller, Mr. Neal of Massachusetts, Mr. Houghton, Ms. Baldwin, Mr. King, Mr. Spratt, and Mr. Graham):

H.R. 1459. A bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1460. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1461. A bill to amend the National Parks Omnibus Management Act of 1998 to remove the exemption for nonprofit organizations from the general requirement to obtain commercial use authorizations; to the Committee on Resources.

By Mr. HEFLEY (for himself, Mr. Otter, Mr. Cannon, and Mr. Kennedy of Rhode Island):

H.R. 1462. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on

Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. Crane, Mr. English, Mr. Foley, Mr. Houghton, Mr. Matsui, Mr. McKeon, Mr. Ramstad, and Mr. Neal of Massachusetts):

H.R. 1463. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. Stark, Mrs. Bono, Mr. Cramer, Ms. Hooley of Oregon, Mr. McIntyre, Mr. Brady of Pennsylvania, Mr. Snyder, Mr. Gordon, Mr. Skelton, Mr. Doyle, Mr. Turner, Mr. Borski, Mr. LaHood, Mr. Taylor of North Carolina, Mr. Frost, Mr. LaTourette, Mr. Frank, Mr. Paul, Mr. Kildee, Mr. Andrews, Mrs. Capps, Ms. Rivers, Mr. Boucher, Mr. McNulty, Mr. Baldacci, Mr. Mascara, Mr. Gonzalez, Mr. Weldon of Pennsylvania, Mr. Filner, Mr. Lantos, Mr. Goode, Ms. Brown of Florida, Mr. Boehlert, Mrs. Jones of Ohio, Mr. Crowley, Mr. Stupak, Mr. Pastor, Ms. Schakowsky, Mr. Hinchey, Ms. Hart, Mrs. Emerson, Mr. Ney, Mr. George Miller of California, Mr. Barrett, Mr. Gillmor, Mr. DeFazio, Mr. Evans, Mr. Condit, Ms. Berkley, Mr. Kucinich, Mr. Costello, Mr. Clement, Ms. Solis, Mr. Serrano, Ms. McCarthy of Missouri, Mr. Shays, Mr. Coyne, Mr. Boswell, and Mr. Smith of New Jersey):

H.R. 1464. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. George Miller of California, Mr. Udall of New Mexico, Mr. Hinchey, Mr. Pallone, Mr. Blumenauer, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Lewis of Georgia, Mr. Hoeffel, Ms. McKinney, Ms. DeGette, Mr. Moore, Mr. Farr of California, Mr. Kucinich, Mr. Capuano, Mr. Markey, and Mr. Udall of Colorado):

H.R. 1465. A bill to restrict the use of snowmobiles in units of the National Park System; to the Committee on Resources.

By Mr. HOSTETTLER (for himself, Mr. Ryun of Kansas, Ms. McKinney, Mr. Schaffer, Mr. Bartlett of Maryland, Mr. Pitts, Mr. Chabot, Mr. Pence, Mr. Souder, Mr. Jones of North Carolina, Mr. Goode, Mr. Cox, Mr. Doolittle, Mr. Green of Wisconsin, Mr. Smith of Michigan, Mr. Gibbons, Mr. Cantor, Mr. Schrock, Mr. Smith of New Jersey, Mr. Istook, Mr. Paul, Mr. Sessions, Mrs. Jo Ann Davis of Virginia, Mrs. Tauscher, and Mr. Issa):

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income any enlistment, accession, reenlistment, or retention bonus paid to a member of the Armed Forces; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. Tancredo, Mr. Kingston, Mr. Wamp, Mr. Jones of North Carolina, Mr. Hayes, Mr. Bartlett of Maryland, Mr. Gibbons, Ms. Kaptur, Mr. Spence, Mr. Brown of Ohio, Mr. Stearns, Mr. Barr of Georgia, Mr. Everett, Mr. Burton of Indiana, Mrs. Cubin, Mr. DeFazio, Mr. Sanders, Mr. Hefley, Mr. Graham, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Norwood, Mr. Lipinski, Mr. Aderholt, Mr. Duncan, Mr. Hostettler, Mr. Bilirakis, Mr. Gilman, Mr. Taylor of North Carolina, Mr. Rogers of Michigan, Mr. Taylor of Mississippi, and Mr. Capuano):

H.R. 1467. A bill to withdraw nondiscriminatory treatment (normal trade relations treatment) from the People's Republic of China; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. Baca, Mr. Becerra, Mr. Baird, Mr. Berman, Mr. Blumenauer, Mrs. Capps, Mr. Capuano, Mr. Condit, Mrs. Davis of California, Mr. DeFazio, Mr. Dicks, Ms. Eshoo, Mr. Farr of California, Mr. Filner, Mr. Gephardt, Ms. Harman, Mr. Honda, Ms. Hooley of Oregon, Mr. Lantos, Mr. Larsen of Washington, Ms. Lofgren, Ms. Lee, Mr. Matsui, Mr. McDermott, Mr. George Miller of California, Ms. Millender-McDonald, Mrs. Napolitano, Ms. Pelosi, Ms. Schakowsky, Mr. Sherman, Mr. Smith of Washington, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Waters, Mr. Waxman, Ms. Woolsey, and Mr. Wu):

H.R. 1468. A bill to stabilize the dysfunctional wholesale power market in the Western United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHN:

H.R. 1469. A bill to amend title 38, United States Code, to provide for grants to repair veterans memorials; to the Committee on Veterans' Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Levin, Mr. Shaw, Mr. Cardin, Mr. Hayworth, Mr. Matsui, Mr. Watkins, Mr. Kleczka, Mr. Camp, Mr. Rangel, Mr. Ramstad, Mr. Coyne, Mr. English, Mr. Jefferson, Mr. Houghton, Mr. McDermott, Mr. Walsh, Mr. McNulty, Mr. LoBiondo, Mr. Becerra, Mr. Simmons, Mr. Stark, Mr. Kirk, Mr. George Miller of California, Mr. Shays, Ms. Baldwin, Mr. Shimkus, Mr. Capuano, Mr. Saxton, Mr. Blagojevich, Mrs. Morella, Mr. Doyle, Mr. Smith of New Jersey, Mr. Abercrombie, Mr. Sandlin, Ms. Roybal-Allard, Mr. Maloney of Connecticut, Mr. Allen, Mr. Hinchey, Mrs. Maloney of New York, Mr. McGovern, Ms. Sánchez, Ms. Rivers, Mr. Larson of Connecticut, Mr. Strickland, Ms. Schakowsky, Mrs. Mink of Hawaii, Mr. Menendez, Mr. Baldacci, Mr. Barrett, Mr. Berman, Mr. Cramer, Ms. DeLauro, Mr. Engel, Mr. Frost, Mr. Hall of Ohio, Mr. Hilliard, Mr. Holden, Ms. Jackson-Lee of Texas, Ms. Kilpatrick, Mr. LaFalce, Ms. Lee, and Ms. Pelosi):

H.R. 1470. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, and restore for fiscal year 2002 the ability of States to transfer up to 10 percent of funds from the program of block grants to States for temporary assistance for needy families to carry out activities under the Social Services Block Grant; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Cardin):

H.R. 1471. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Hall of Texas, Ms. Rivers, Mr. Etheridge, Mr. Israel, Mr. Costello, Ms. Jackson-Lee of Texas, Mr. Wu, Mr. Udall of Colorado, Mr. Larson of Connecticut, Ms. Lofgren, Ms. Woolsey, Mr. Gordon, Mr. Baca, Mr. Barcia, Mr. Baird, and Mr. Moore):

H.R. 1472. A bill to authorize appropriations for fiscal years 2002, 2003, 2004, and 2005 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mr. JONES of North Carolina:

H.R. 1473. A bill to provide for expedited consideration by Congress of supplemental appropriations bills for the Department of Defense and the Coast Guard to meet critical national security needs; to the Committee on Rules.

By Mr. JONES of North Carolina (for himself, Mr. Clement, Mr. Baker, Mr. Taylor of Mississippi, Mr. Boehlert, Mr. Shows, Mr. Tauzin, Mrs. Cubin, Mr. Gutknecht, Mr. Brady of Texas, Mr. Herger, Mr. English, Mr. Otter, Mr. Hansen, Mr. Armey, Mr. Rehberg, and Mr. Barcia):

H.R. 1474. A bill to amend the Federal Water Pollution Control Act relating to wetlands mitigation banking, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KILDEE (for himself, Mr. Ney, Mr. Sawyer, Mr. Saxton, Mr. Scott, Mr. Smith of New Jersey, Mr. Stark, Mr. Strickland, Mr. Stupak, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Traficant, Mr. Udall of New Mexico, Mr. Watt of North Carolina, Ms. Woolsey, Mr. Kennedy of Minnesota, Ms. Roybal-Allard, Mr. Langevin, Mr. Rangel, Ms. Solis, Mr. Maloney of Connecticut, Mr. Bonior, Mr. Shays, Mr. Peterson of Minnesota, Mr. Boswell, Mr. Borski, Ms. Schakowsky, Mr. Clement, Mr. LaTourette, Mr. Kucinich, Mr. Shimkus, Mr. Barcia, Mr. Baldacci, Mr. Young of Alaska, Mr. Cramer, Mr. Wexler, Mr. Abercrombie, Mr. Allen, Mr. Berman, Mr. Boyd, Mrs. Capps, Ms. Carson of Indiana, Mr. Conyers, Mr. Costello, Mr. Crowley, Mr. Davis of Florida, Mr. Tom Davis of Virginia, Mr. Delahunt, Mr. Dicks, Mr. Duncan, Mr. Farr of California, Mr. Filner, Mr. Fletcher, Mr. Frost, Mr. Green of Texas, Mr. Green of Wisconsin, Mr. Andrews, Ms. Baldwin, Mr. Barrett, Ms. Berkley, Mr. Gutknecht, Mr. Hall of Ohio, Mr. Hinchey, Mr.

Holt, Mr. Hoyer, Mr. Inslee, Mr. Kanjorski, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. King, Mr. Kleczka, Mr. LaFalce, Mr. LaHood, Mr. Lantos, Mr. Lewis of Georgia, Mr. LoBiondo, Ms. Lofgren, Mrs. Lowey, Mr. Luther, Mrs. Maloney of New York, Mr. Markey, Mr. Matsui, Mrs. McCarthy of New York, Ms. McCarthy of Missouri, Ms. McCollum, Mr. McGovern, Mr. McHugh, Ms. McKinney, Mr. McNulty, Mrs. Meek of Florida, Mr. Menendez, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Moore, Mr. Moran of Virginia, Mrs. Morella, Ms. Norton, Mr. Oberstar, Mr. Olver, Mr. Ortiz, Mr. Owens, Mr. Pallone, Mr. Pascrell, Mr. Payne, Ms. Pelosi, Mr. Pomeroy, Mr. Quinn, Mr. Rahall, Mr. Ramstad, Ms. Rivers, Mr. Rodriguez, Mrs. Roukema, Mr. Sabo, Ms. Sánchez, and Mr. Sanders):

H.R. 1475. A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; to the Committee on Education and the Workforce.

By Mr. KIND:

H.R. 1476. A bill to establish or expand prekindergarten early learning programs; to the Committee on Education and the Workforce.

By Mr. KIND (for himself and Mr. McGovern):

H.R. 1477. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit to elementary and secondary school teachers for teaching expenses; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 1478. A bill to protect the privacy of the individual with respect to the Social Security number and other personal information, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. Barr of Georgia, Mr. Burr of North Carolina, Mr. Bartlett of Maryland, Mr. Camp, Mr. Duncan, Mr. Ehrlich, Mr. Foley, Mr. Frelinghuysen, Mr. Frost, Mr. Goodlatte, Ms. Granger, Mr. Graves, Mr. Gutknecht, Mr. Istook, Mr. John, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. LaHood, Mr. McHugh, Mr. Miller of Florida, Mrs. Myrick, Mr. Nethercutt, Mr. Paul, Mr. Pitts, Mr. Rohrabacher, Mr. Shimkus, Mr. Simpson, Mr. Skeen, Mr. Souder, Mr. Stump, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Upton, and Mr. Young of Alaska):

H.R. 1479. A bill to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies; to the Committee on Energy and Commerce.

By Mr. LAFALCE (for himself, Mr. Kanjorski, Mr. Frank, Ms. Waters, Mr. Towns, Mr. Dingell, and Mr. Markey):

H.R. 1480. A bill to amend the Securities Exchange Act of 1934 to reduce fees on securities transactions; to the Committee on Financial Services.

By Mr. LAFALCE (for himself and Mr. Frank):

H.R. 1481. A bill to prevent the premature shutdown of certain FHA mortgage insurance programs; to the Committee on Financial Services.

By Mr. LANGEVIN (for himself, Ms. McKinney, Mr. Frank, Mr. McGovern, Mr. Baldacci, Mr. Honda, Mr. Lewis of Georgia, and Mrs. Meek of Florida):

H.R. 1482. A bill to establish a grant program administered by the Federal Election Commission for the purpose of assisting States to upgrade voting systems to use more advanced and accurate voting devices and to enhance participation by military personnel in national elections; to the Committee on House Administration, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Kildee, Ms. Waters, Mr. McHugh, Mr. Camp, Ms. Lee, Mr. Frost, Mr. Udall of Colorado, Mr. Kucinich, Mr. Ryan of Wisconsin, Mr. McGovern, Mr. Barcia, Mr. Filner, Mr. Moran of Virginia, Mr. Moakley, Mr. Foley, Mr. Doyle, Ms. Pryce of Ohio, Mr. Houghton, Mr. Evans, Mrs. Thurman, Mr. Waxman, Mr. Etheridge, Mr. Walsh, Mr. Sawyer, Mr. Simmons, Mr. Bereuter, Mr. Jefferson, Ms. Kilpatrick, Mr. Horn, Ms. Rivers, Mr. Coyne, Mr. Baldacci, Ms. Baldwin, Mr. Farr of California, Mr. English, Mr. Matsui, Mr. Dingell, and Mr. Tierney):

H.R. 1483. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. Rangel, Mr. Gephardt, Mr. Bonior, Mr. Matsui, Mr. Neal of Massachusetts, Mr. Jefferson, Mr. Becerra, Mr. Doggett, Mr. Tanner, Mr. Moran of Virginia, Ms. Carson of Indiana, Mrs. Tauscher, Mr. Meeks of New York, Mr. Lantos, Mr. Frank, Mr. Hinchey, Mr. Berman, Mr. Pomeroy, Mr. McNulty, Mr. McDermott, Mr. Lewis of Georgia, and Mr. Cardin):

H.R. 1484. A bill to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO:

H.R. 1485. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. Honda, and Mr. Price of North Carolina):

H.R. 1486. A bill to amend the Internal Revenue Code of 1986 to encourage qualified conservation contributions by allowing an estate tax deduction for such contributions made by the heirs of the estate; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mrs. Tauscher, Ms. Sánchez, Mr. Farr of California, Ms. Woolsey, Mr. Jefferson, Mr. Matsui, Ms. Eshoo, Mr. Honda, Ms. Harman, Mr. Baird, Ms. Pelosi, Mr. Sherman, and Mr. Moran of Virginia):

H.R. 1487. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax treatment of incentive stock options, thereby changing the taxable event from the exercise of the stock option to the sale of stock; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mrs. Morella, Mr. Tierney, Mrs. Maloney of New York, Mr. Frank, Mr. DeFazio, Ms. Eddie Bernice Johnson of Texas, Ms. McKinney, Mr. Lantos, and Ms. Carson of Indiana):

H.R. 1488. A bill to restore the jurisdiction of the Consumer Product Safety Commission over amusement park rides which are at a fixed site, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mrs. Morella, Mr. Brady of Pennsylvania, Mrs. Maloney of New York, Mr. George Miller of California, Mr. Owens, Mr. McGovern, Mr. Sanders, Ms. Eddie Bernice Johnson of Texas, Mr. Brown of Ohio, Mr. Cummings, Ms. Carson of Indiana, Mrs. Jones of Ohio, Mrs. Mink of Hawaii, Mrs. Christensen, Mr. Rush, Ms. Woolsey, Ms. McKinney, Mr. Lewis of Georgia, Mr. Green of Texas, Mr. Nadler, Ms. Baldwin, Mr. Crowley, Mr. Towns, and Mr. Sandlin):

H.R. 1489. A bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. Smith of New Jersey, Mr. King, Mr. McDermott, Mr. Holt, Mr. Matsui, Mr. Waxman, Mr. Baldacci, Mr. Meehan, Mr. Hilliard, Mr. Riley, Ms. Slaughter, Mrs. Mink of Hawaii, Mr. Kucinich, Mr. Gutierrez, Mr. Bonior, Mr. Sandlin, Ms. Schakowsky, Mr. Delahunt, Mr. Gordon, Mr. Inslee, Mr. Reyes, Mr. Andrews, and Mr. DeFazio):

H.R. 1490. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. Hansen, and Mr. Cannon):

H.R. 1491. A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; to the Committee on Resources.

By Mr. MATSUI:

H.R. 1492. A bill to amend the Internal Revenue Code of 1986 to enhance the competitiveness of the United States leasing industry; to the Committee on Ways and Means.

By Mr. MCCRERY:

H.R. 1493. A bill to amend the Internal Revenue Code of 1986 to enhance the competitiveness of the United States leasing industry; to the Committee on Ways and Means.

By Ms. MCKINNEY (for herself, Mr. LEACH, Mr. DELAHUNT, Mr. OLVER, Mrs. LOWEY, Mr. SAWYER, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. SANDERS, Mr. LEWIS of Georgia, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. WEINER, Mr. PALLONE, Mrs. MEEK of Florida, Mr. BONIOR, Mr. LANTOS, Ms. PELOSI, Mr. FATTAH, Mr. SCOTT, Mr. OWENS, Mr. CLAY, Mr. STARK, Ms. RIVERS, Ms. MCCARTHY of Missouri, Mr. HOLT, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. SHERMAN, Mr. NADLER, Mr. MORAN of Virginia, Ms. BALDWIN, Mr. MARKEY, Mr. MCDERMOTT, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. PASCRELL, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, Mr. WYNN, Ms. NORTON, Mr. EVANS, Mr. BORSKI, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. TIERNEY, Mr. CAPUANO, Mr. KUCINICH, Mr. MCGOVERN, Ms. DELAURO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. SIMMONS, Mr. CONYERS, Ms. SOLIS, Ms. LEE, Mr. HINCHEY, Ms. SLAUGHTER, Ms. CARSON of Indiana, Ms. SÁNCHEZ, Mr. TOWNS, Ms. BERKLEY, Mr. KLECZKA, Mrs. DAVIS of California, and Mr. BECERRA):

H.R. 1494. A bill to save taxpayers money, reduce the deficit, cut corporate welfare, protect communities from wildfires, and protect and restore America's natural heritage by eliminating the fiscally wasteful and ecologically destructive commercial logging program on Federal public lands, restoring native biodiversity in our Federal public forests, and facilitating the economic recovery and diversification of communities affected by the Federal logging program; to the Committee on Resources, and in addition to the Committees on Agriculture, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 1495. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public and private sector employers to foster or exacerbate pay inequity; to the Committee on Education and the Workforce.

By Mr. MORAN of Virginia (for himself and Mr. WYNN):

H.R. 1496. A bill to allow credit under the Federal Employees' Retirement System for certain Government service which was performed abroad after December 31, 1988, and before May 24, 1998; to the Committee on Government Reform.

By Mr. MURTHA (for himself, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. RODRIGUEZ, Mr. TAYLOR of Mississippi, Mr. CAPUANO, and Mr. LARSON of Connecticut):

H.R. 1497. A bill to revoke the authority to extend permanent normal trade relations to the People's Republic of China; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. RANGEL, Mr. MATSUI, Mr. COYNE, and Mr. ANDREWS):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit for elective deferrals and IRA contributions and to allow small employers credits for pension plan startup costs and for pension plan contributions; to the Committee on Ways and Means.

By Ms. NORTON (for herself, Mrs. MORELLA, and Mr. TOM DAVIS of Virginia):

H.R. 1499. A bill to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes; to the Committee on Government Reform.

By Mr. NUSSLE:

H.R. 1500. A bill to amend the Individuals with Disabilities Education Act to allow State educational agencies and local educational agencies to establish and implement uniform policies with respect to discipline and order applicable to all children within their jurisdiction to ensure safety and an appropriate educational atmosphere in their schools; to the Committee on Education and the Workforce.

By Mr. OSBORNE (for himself, Mr. KELLER, and Mr. FORD):

H.R. 1501. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants to support local mentoring programs for children in need, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PALLONE (for himself and Mr. PASTOR):

H.R. 1502. A bill to clarify the citizenship eligibility for certain members of the Tohono O'odham Nation of Arizona, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 1503. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Ms. PELOSI (for herself, Ms. DUNN, Mr. RANGEL, Mr. MCDERMOTT, Mrs. MORELLA, Mrs. CHRISTENSEN, Mr. FOLEY, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DEUTSCH, Mr. SERRANO, Ms. WOOLSEY, Mr. JEFFERSON, Mr. FILNER, Mr. MCNULTY, Ms. ROYBAL-ALLARD, Mr. LANTOS, Mr. ENGLISH, Mrs. THURMAN, Ms. DELAURO, Ms. MILLENDER-MCDONALD, and Mr. WYNN):

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mr. OBEY, Mr. SENSENBRENNER, Mr. KIND, Ms. BALDWIN, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin):

H.R. 1505. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture.

By Mr. PICKERING (for himself, Mr. THOMPSON of California, Mr. HAYES, Mr. PHELPS, Mr. JONES of North Carolina, Mr. LEACH, Mr. THOMPSON of Mississippi, Mrs. EMERSON, Mr. MCHUGH, Mr. MORAN of Kansas, Mr. BEREUTER, Mr. DELAHUNT, Mr. BOEHLERT, Mr. COOKSEY, Mr. DINGELL, Mr. CHAMBLISS, Mr. DICKS, Mr. KOLBE, Mr. JOHN, Mr. CUNNINGHAM, Mr. BENTSEN, Mr. WICKER, Mr. TURNER, Mr. STUPAK, Ms. BROWN of Florida, Mr. BURR of North Carolina, Mr. DEAL of Georgia, Ms. PRYCE of Ohio, Mr. SCHAFFER, Mrs. THURMAN, Mr. WATKINS, Mr. REGULA, Mr. HUTCHINSON, Mr. GUTKNECHT, Mr. CALVERT, Mr. WELDON of Pennsylvania, Mr. PRICE of North Carolina, and Mr. ROSS):

H.R. 1506. A bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes; to the Committee on Agriculture.

By Mr. RAMSTAD (for himself and Mr. LEWIS of Kentucky):

H.R. 1507. A bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1508. A bill to amend title X of the Elementary and Secondary Education Act of 1965 to provide for elementary and secondary school counseling programs; to the Committee on Education and the Workforce.

By Ms. ROYBAL-ALLARD (for herself, Mr. WOLF, Ms. PELOSI, Mr. WAMP, Mr. WAXMAN, Mrs. MORELLA, Mrs. LOWEY, and Mr. COOKSEY):

H.R. 1509. A bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States; to the Committee on Energy and Commerce.

By Mr. RYAN of Wisconsin (for himself and Mr. POMEROY):

H.R. 1510. A bill to establish a demonstration project to waive certain nurse aide training requirements for specially trained individuals who perform certain specific tasks in nursing facilities participating in the Medicare or Medicaid Programs, and to conditionally authorize the use of resident assistants in such nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mrs. DAVIS of California, Mr. SHOWS, Mr. GIBBONS, and Mr. TIAHRT):

H.R. 1511. A bill to amend title 10, United States Code, to eliminate the requirement that covered beneficiaries under chapter 55 of such title obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr. Kucinich, Mr. Bonior, Mr. Conyers, Mr. Hilliard, Ms. Lee, Mr. DeFazio, Mr. Abercrombie, Mr. Nadler, Ms. Kaptur, Mr. Hinchey, Mr. Olver, Mr. Serrano, Mr. Thompson of Mississippi, Mr. Clay, Ms. Carson of Indiana, Ms. Woolsey, Mr. Payne, Ms. McKinney, Mr. Pastor, Ms. Norton, Mr. Owens, Mr. McGovern, and Mr. Filner):

H.R. 1512. A bill to amend title XVIII of the Social Security Act to provide a prescription benefit program for all Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT (for himself, Mr. Capuano, Mr. Jefferson, Mr. Towns, Mr. Owens, Mr. Jackson of Illinois, Mr. Payne, Mr. Conyers, Ms. Lee, Mr. Tierney, Ms. Carson of Indiana, and Mr. Baca):

H.R. 1513. A bill to provide for fairness and accuracy in high stakes educational decisions for students; to the Committee on Education and the Workforce.

By Mr. SHAW (for himself, Mr. Stark, Mr. Ramstad, Mr. Neal of Massachusetts, Ms. Dunn, Mr. Coyne, Mr. English, Mr. Matsui, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Kleczka, Mr. Houghton, Mr. Levin, Mr. Hayworth, Mr. Becerra, Mr. Watkins, Mr. McDermott, Mr. Brady of Texas, Mr. Cardin, Mr. Pomeroy, and Mrs. Thurman):

H.R. 1514. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1515. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment for foreign tax credit limitation purposes of certain transfers of intangible property; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1516. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. Bachus):

H.R. 1517. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS:

H.R. 1518. A bill to require the Secretary of the Interior to include on the National Register of Historic Places the Avery Point Lighthouse in Groton, Connecticut, and provide $200,000 for the restoration of that lighthouse; to the Committee on Resources.

By Mr. SIMPSON:

H.R. 1519. A bill to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mrs. Morella, Mr. Hastings of Florida, Mr. Allen, Mr. Baca, Mr. Baldacci, Mr. Blagojevich, Mr. Bonior, Mr. Borski, Mr. Brady of Pennsylvania, Mr. Capuano, Ms. Carson of Indiana, Mr. Coyne, Mr. Cramer, Mr. Doyle, Ms. Eshoo, Mr. Filner, Mr. Foley, Mr. Frost, Mr. Gonzalez, Mr. Green of Texas, Mr. Gutierrez, Mr. Hilliard, Mr. Hinchey, Mr. Kanjorski, Mr. Lantos, Mrs. Lowey, Mrs. Maloney of New York, Mr. McIntyre, Mr. McNulty, Ms. Millender-McDonald, Mrs. Mink of Hawaii, Mr. Moore, Mr. Moran of Virginia, Mr. Pascrell, Mr. Payne, Mr. Platts, Mr. Rangel, Mr. Rush, Ms. Sánchez, Mr. Sandlin, Ms. Schakowsky, Mr. Sherman, Mr. Spratt, Mr. Stark, Mrs. Thurman, Mr. Tierney, Mr. Towns, and Ms. Woolsey):

H.R. 1520. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to require coverage for colorectal cancer screenings for group health plans and group and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan (for himself, Mr. Kingston, Mr. Akin, Mr. Hostettler, Mr. Schaffer, Mr. Hoekstra, Mr. DeMint, Mr. Largent, Mr. Bartlett of Maryland, Mr. Flake; Mr. Sam Johnson of Texas, Mr. Doolittle, Mr. Goode, Mr. Jones of North Carolina, Mr. Souder, and Mr. Tancredo):

H.R. 1521. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for sequestration of Federal spending in excess of 18 percent of gross domestic product; to the Committee on the Budget.

By Mr. STARK (for himself, Mr. Matsui, Mr. Farr of California, Mr. Gutierrez, Mr. Frank, Mr. Blagojevich, Ms. Schakowsky, Ms. DeLauro, Mr. Frost, Mr. McNulty, Mr. Kennedy of Rhode Island, Ms. Kaptur, Mr. Waxman, Mr. Strickland, and Mr. Baldacci):

H.R. 1522. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 1523. A bill to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. Lipinski, Mrs. Johnson of Connecticut, Mr. Peterson of Minnesota, Mr. Crane, Mr. Phelps, Mr. McCrery, Mr. Deutsch, Mr. Camp, Mr. Hall of Texas, Mr. Ramstad, Mr. Lucas of Kentucky, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. English, Mr. Hayworth, Mr. McInnis, Mr. Lewis of Kentucky, Mr. Brady of Texas, Mr. Armey, Mr. DeLay, Mr. Miller of Florida, Mr. Paul, Mr. Rogers of Michigan, Mr. Fossella, Mr. Tancredo, Mr. Schaffer, Mr. Walsh, Mr. Reynolds, Mr. Cooksey, Mr. Sessions, Mr. Ose, Ms. Hart, and Mrs. Kelly):

H.R. 1524. A bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. Frank, Mr. Filner, Mrs. Tauscher, Mr. Baldacci, Mr. Brown of Ohio, Mr. Frost, and Mr. McGovern):

H.R. 1525. A bill to increase the authorization of funds under the Library Services and Technology Act, to provide funds for construction of libraries under such Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THUNE (for himself and Mr. Hill):

H.R. 1526. A bill to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities; to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. Souder, Mr. Wicker, Mr. Paul, Mr. Jones of North Carolina, and Mr. Bartlett of Maryland):

H.R. 1527. A bill to provide funding flexibility to States and local educational agencies with respect to programs to provide special education and related services to children with disabilities; to the Committee on Education and the Workforce.

By Mr. TOWNS:

H.R. 1528. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 1529. A bill to authorize assistance for electric power utility privatization efforts in the Federal Republic of Nigeria; to the Committee on International Relations.

By Mr. WAXMAN (for himself, Mr. Berry, Mr. Stark, Mr. Brown of Ohio, and Mr. Deutsch):

H.R. 1530. A bill to ensure the timely availability of generic drugs through enhancement of drug approval and antitrust laws enforced by the Food and Drug Administration and the Federal Trade Commission regarding brand name drugs and generic drugs; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. Kucinich, Mr. Stark, Mr. Pascrell, Mr. Lantos, Ms. McKinney, Ms. Roybal-Allard, Mrs. Christensen, Mr. LaFalce, and Mr. Hill):

H.R. 1531. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to monitor complaints regarding the quality of wireless telephone service; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 1532. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. Sensenbrenner, Mr. Petri, Mr. Royce, Mr. Smith of New Jersey, Mr. Bachus, Mr. Norwood, Mr. Largent, Mr. Pitts, Mr. Stearns, and Mr. Souder):

H.R. 1553. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself, Mr. Strickland, Mr. Udall of Colorado, Mr. Brown of Ohio, Ms. Berkley, Mr. Gibbons, Mr. Wamp, Mr. Conyers, Mr. Duncan, and Mr. Hilleary):

H.R. 1534. A bill to designate the Federal agencies responsible for implementing the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF:

H.R. 1535. A bill to amend title 18, United States Code, to authorize pilot projects under which private companies in the United States may use Federal inmate labor to produce items that would otherwise be produced by foreign labor, to revise the authorities and operations of Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

By Ms. WOOLSEY (for herself, Mr. Baca, Mr. Costello, Mr. Etheridge, Mr. Holt, Ms. Jackson-Lee of Texas, Mr. Kildee, Mr. Kind, Mr. Lampson, Mr. George Miller of California, Mrs. Mink of Hawaii, Mr. Olver, Mr. Payne, Ms. Rivers, Ms. Sánchez, Mr. Scott, Mr. Tierney, and Mr. Wu):

H.R. 1536. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls to pursue studies and careers in science, mathematics, engineering, and technology; to the Committee on Education and the Workforce.

By Mr. KNOLLENBERG:

H.J. Res. 43. A joint resolution expressing Congressional disapproval of a rule issued by the Department of Energy with respect to residential central air conditioners and heat pumps; to the Committee on Energy and Commerce.

By Mr. KNOLLENBERG:

H.J. Res. 44. A joint resolution expressing Congressional disapproval of a rule issued by the Department of Energy with respect to clothes washers; to the Committee on Energy and Commerce.

By Mr. ANDREWS (for himself, Mr. Bilirakis, Mr. McGovern, Mrs. Morella, Ms. Lee, Mr. Capuano, Mr. Blagojevich, Mrs. Maloney of New York, Mr. McNulty, Mr. Ackerman, and Mr. Knollenberg):

H. Con. Res. 97. Concurrent resolution expressing the sense of the Congress regarding Turkey's claims of sovereignty over islands and islets in the Aegean Sea; to the Committee on International Relations.

By Ms. BERKLEY (for herself, Mrs. Napolitano, Mr. Stark, Mr. Ackerman, Mr. Hinchey, Ms. Carson of Indiana, and Mr. Hinojosa):

H. Con. Res. 98. Concurrent resolution expressing the sense of the Congress in support of National Children's Memorial Flag Day; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Ms. Schakowsky, Mr. Tierney, Ms. Lee, Mrs. Christensen, Mr. Bonior, Mr. Kucinich, Mr. Hilliard, Mr. Hinchey, Mr. Nadler, Mr. Payne, Mr. Fattah, Mr. DeFazio, Mr. Lewis of Georgia, Ms. Baldwin, Mrs. Jones of Ohio, Mr. Frank, Mr. Waxman, Ms. McKinney, Mr. Langevin, Mr. George Miller of California, Mr. Hastings of Florida, Mrs. Mink of Hawaii, Mr. Olver, Mr. Thompson of Mississippi, Mr. Stark, Ms. Carson of Indiana, and Mr. Capuano):

H. Con. Res. 99. Concurrent resolution directing Congress to enact legislation by October 2004 that provides access to comprehensive health care for all Americans; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H. Con. Res. 100. Concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. Ackerman, Mr. Lantos, Mr. Weiner, Mr. Sherman, Mr. Rohrabacher, Mr. Smith of New Jersey, Mr. King, Mr. Wicker, and Mr. Saxton):

H. Con. Res. 101. Concurrent resolution expressing the sense of Congress that the International Committee of the Red Cross should immediately recognize the Magen David Adom Society, and for other purposes; to the Committee on International Relations.

By Mr. LEACH (for himself and Mr. Payne):

H. Con. Res. 102. Concurrent resolution relating to efforts to reduce hunger in sub-Saharan Africa; to the Committee on International Relations.

By Mrs. MALONEY of New York:

H. Con. Res. 103. Concurrent resolution honoring The American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals; to the Committee on Agriculture.

By Mr. SHOWS (for himself, Mr. Smith of New Jersey, Mr. Evans, Mr. Andrews, Mr. Baca, Mr. Bachus, Mr. Baldacci, Ms. Baldwin, Mr. Barcia, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Berman, Mr. Bilirakis, Mr. Boehlert, Ms. Brown of Florida, Mr. Brown of South Carolina, Mr. Brown of Ohio, Mr. Buyer, Mr. Clement, Mr. Condit, Mr. Costello, Mr. Cummings, Mr. Davis of Florida, Mrs. Davis of California, Mr. Dingell, Mrs. Emerson, Mr. Filner, Mr. Foley, Mr. Fossella, Mr. Frost, Mr. Gibbons, Mr. Gilchrest, Mr. Graves, Mr. Green of Texas, Mr. Grucci, Mr. Hall of Texas, Ms. Hart, Mr. Hastings of Florida, Mr. Hayworth, Mr. Hill, Mr. Hinchey, Mr. Holden, Mr. Hutchinson, Mrs. Jones of Ohio, Mr. Jones of North Carolina, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. King, Mr. Kirk, Mr. Kucinich, Mr. LaHood, Mr. Lampson, Mr. Langevin, Mr. Maloney of Connecticut, Mr. McIntyre, Ms. McKinney, Mr. McNulty, Mr. Moore, Mrs. Northup, Mr. Ose, Mr. Pallone, Mr. Quinn, Mr. Reyes, Mr. Rodriguez, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Saxton, Mr. Simmons, Mr. Snyder, Mr. Spence, Mr. Stupak, Mr. Tierney, Mr. Turner, and Mr. Udall of New Mexico):

H. Con. Res. 104. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; to the Committee on Government Reform.

By Mr. CALVERT (for himself, Mr. Boswell, Mr. Baird, Mr. Cannon, Mr. Herger, Ms. Hooley of Oregon, Mr. Matsui, Mr. Larsen of Washington, Mr. Wamp, Mr. Radanovich, Mr. Smith of Washington, Mr. Nethercutt, Mr. Berry, Mr. Dicks, Mr. Baca, Mr. Hutchinson, Mr. Moran of Kansas, Mr. Bereuter, Mrs. Tauscher, Mr. Latham, Mr. Matheson, Mr. Condit, Mrs. Northup, Mr. Ose, Mr. Evans, Mr. Ross, Mr. Watts of Oklahoma, Mr. Schaffer, Mr. Sandlin, Mr. Hilleary, Ms. Berkley, Mr. Gilman, Mr. Osborne, Ms. Dunn, Mr. Sessions, Mr. Inslee, Mrs. Bono, Mr. McInnis, Ms. Sánchez, Mr. McDermott, Mr. Peterson of Pennsylvania, Mr. Tiahrt, Mr. Shows, Mr. Lucas of Oklahoma, Ms. McCarthy of Missouri, Mr. Udall of New Mexico, Mr. Reyes, Mrs. Emerson, Mr. Graves, Mr. Hulshof, Mr. Leach, Mr. Goodlatte, Mr. Thomas, Mr. Horn, Mr. Pombo, Mr. McGovern, and Mr. Smith of New Jersey):

H. Res. 114. A resolution recognizing the bravery, dedication, and commitment of Federal, State, county, city, and other law enforcement officers for their daily efforts in battling the use and production of methamphetamine; to the Committee on the Judiciary.

By Mr. GREEN of Texas (for himself, Mr. Sanders, Mr. Dicks, Mr. Burton of Indiana, Mr. Bachus, Mr. Hinchey, Mr. Clyburn, Mr. Davis of Florida, Mr. Wamp, Mr. LaHood, Mr. Price of North Carolina, Mr. Blumenauer, Mr. Holt, Mr. Doyle, Mr. Gordon, Mr. Moran of Virginia, Mr. Watkins, Mr. Wicker, Mr. Frank, Mr. Kingston, Ms. Hooley of Oregon, Mr. Boucher, Mr. Luther, Mr. Ehlers, Mr. Castle, Mr. Serrano, Mr. Baldacci, Ms. McCollum, Mr. Upton, Mr. Coyne, Mr. McIntyre, Mr. Clement, Mr. Snyder, Mr. Greenwood, Mr. Gonzalez, Ms. Carson of Indiana, Mr. Brady of Pennsylvania, Mr. Deutsch, Mr. Cramer, Mr. Blagojevich, and Ms. Slaughter):

H. Res. 115. A resolution expressing the sense of the House of Representatives concerning health promotion and disease prevention; to the Committee on Energy and Commerce.

By Mr. HEFLEY (for himself, Ms. Baldwin, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Berman, Mr. Bonior, Mr. Borski, Mr. Brown of Ohio, Mr. Castle, Mr. Clement, Mr. Cooksey, Mr. Costello, Mr. Cramer, Mr. Ehrlich, Mr. Ferguson, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Gilman, Mr. Gonzalez, Mr. Holden, Mr. Horn, Mr. Hyde, Mr. Inslee, Mr. Issa, Mrs. Jones of Ohio, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. King, Mr. Knollenberg, Mr. Kucinich, Mr. Langevin, Mr. Lantos, Ms. Lofgren, Mr. McGovern, Mr. McHugh, Mr. McInnis, Ms. McKinney, Mr. McNulty, Mr. Moore, Mr. Nethercutt, Mr. Pascrell, Mr. Pastor, Mr. Rodriguez, Mr. Royce, Mr. Saxton, Mr. Sessions, Mr. Simmons, Mr. Souder, Mr. Stupak, Mr. Sununu, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Walsh, Mr. Wolf, and Mr. Wynn):

H. Res. 116. A resolution commemorating the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers; to the Committee on Government Reform.

By Ms. LEE (for herself, Mr. Waxman, Ms. Jackson-Lee of Texas, Mr. Sanders, Mr. Hastings of Florida, Mr. Wexler, Mr. Frank, Ms. Rivers, Ms. DeLauro, Mr. Olver, Mr. Nadler, Mr. Baldacci, Mr. Smith of Washington, Mr. Allen, Mr. Filner, Ms. Norton, Mr. George Miller of California, Mr. Hinchey, Mr. Payne, Mr. Lewis of Georgia, Ms. Carson of Indiana, Ms. McKinney, Ms. McCollum, Mr. Davis of Illinois, Mrs. Mink of Hawaii, Mr. Honda, Mr. Kucinich, Mr. Rush, Ms. Woolsey, Mr. Berman, Ms. Schakowsky, Mr. Udall of Colorado, Ms. Baldwin, Ms. Pelosi, Mr. Owens, Mr. Stark, Ms. Solis, Mr. Pallone, Mr. Farr of California, Mr. McGovern, Ms. Eshoo, and Mrs. Thurman):

H. Res. 117. A resolution expressing the sense of Congress that the United States should develop, promote, and implement policies to reduce emissions of fossil fuel generated carbon dioxide with the goal of achieving stabilization of greenhouse gas emissions in the United States at the 1990 level by the year 2010; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McINTYRE:

H.R. 1537. A bill for the relief of Perla Franccesca Segovia; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 1538. A bill for the relief of Thomas McDermott, Sr.; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 1539. A bill for the relief of Ghassan Mohamad Rajeh; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

15. The SPEAKER presented a memorial of the Legislature of the State of Kansas, relative to Resolution No. 1607 memorializing the United States Congress to encourage the development of a federal energy policy that considers all possible future sources of energy; to the Committee on Energy and Commerce.

16. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Resolution No. 651 memorializing the United States Congress to express its commitment to the principles represented by the Electoral College, for its embodiment of the well-balanced framework of this nation's state and federal governments, and for its role in assuring the preservation of the liberty enjoyed by all citizens; to the Committee on House Administration.

17. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Resolution No. 39 memorializing the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress; to the Committee on House Administration.

18. Also, a memorial of the Legislature of the State of Wyoming, relative to Resolution No. 4 memorializing the United States Congress to establish a Northern Rocky Mountain Grizzly Bear and Gray Wolf Management Trust to find management of these wildlife populations; to the Committee on Resources.

19. Also, a memorial of the General Assembly of the State of North Dakota, relative to Resolution No. 3031 memorializing the United States Congress to prepare and submit an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instuct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; to the Committee on the Judiciary.

20. Also, a memorial of the House of Representatives of the State of Michigan, relative to Resolution No. 24 memorializing the United States Congress to enact legislation that offers a regional solution to the problems of nonindigenous species being released in the ballast water of ships on the Great Lakes; to the Committee on Transportation and Infrastructure.

21. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to enact legislation to provide parity of benefits to all retired career military personnel; jointly to the Committees on Armed Services and Veterans' Affairs.

22. Also, a memorial of the House of Representatives of the State of Kansas, relative to Resolution No. 5011 memorializing the United States Congress to address, for rectification, the aforementioned concerns regarding the health care coverage of our retired military veterans and their immediate families; jointly to the Committees on Veterans' Affairs and Armed Services.

23. Also, a memorial of the Legislature of the State of Kansas, relative to Resolution No. 5011 memorializing the United States Congress to address, for rectification, the aforementioned concerns regarding the health care coverage of our retired military veterans and their immediate families; jointly to the Committees on Veterans' Affairs and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Ms. Granger, Mr. Frelinghuysen, Mr. Mica, and Mr. Tiahrt.

H.R. 10: Mr. Wicker.

H.R. 15: Mr. Flake, Mr. Shays, Mr. Cantor, and Mrs. Emerson.

H.R. 21: Mr. Watt of North Carolina.

H.R. 25: Mr. Sanders and Mr. Crowley.

H.R. 31: Mr. Boucher and Mr. Aderholt.

H.R. 39: Mr. John, Mr. Bishop, Mr. Stenholm, and Mr. Baca.

H.R. 40: Mr. Cummings.

H.R. 41: Mr. Paul, Mr. Blumenauer, and Mr. Schaffer.

H.R. 42: Mr. Edwards.

H.R. 46: Mrs. Meek of Florida.

H.R. 96: Ms. Hart.

H.R. 97: Mr. LaTourette, Mr. Kildee, and Mr. Ackerman.

H.R. 99: Mr. Stump.

H.R. 100: Mr. Cramer and Mr. Calvert.

H.R. 101: Mr. Cramer and Mr. Calvert.

H.R. 102: Mr. Cramer and Mr. Calvert.

H.R. 123: Mrs. Emerson.

H.R. 134: Mr. Ryan of Wisconsin.

H.R. 144: Mr. Kleczka.

H.R. 150: Mr. Shimkus and Mr. Hyde.

H.R. 168: Mr. Otter.

H.R. 179: Mr. Akin.

H.R. 228: Mr. Bonior, Mr. Luther, Mr. Price of North Carolina, Ms. Slaughter, and Mr. Spratt.

H.R. 230: Mrs. Thurman.

H.R. 236: Mr. Largent, Mr. Hobson, Mr. Walden of Oregon, and Mr. Tiahrt.

H.R. 239: Mr. Towns, Ms. Ros-Lehtinen, and Mr. Waxman.

H.R. 245: Mr. Kildee, Mrs. thurman, and Mr. Lampson.

H.R. 280: Mr. Weldon of Pennsylvania and Mr. Gibbons.

H.R. 281: Mr. Hilliard and Mr. Grucci.

H.R. 285: Mr. Sandlin.

H.R. 287: Mrs. Lowey.

H.R. 298: Mr. Kucinich.

H.R. 303: Ms. Sánchez, Mr. Rush, Mr. Barr of Georgia, Mr. Gilchrest, and Mr. Faleomavaega.

H.R. 317: Mr. Crane.

H.R. 322: Mr. Putnam and Mr. Ehrlich.

H.R. 323: Mr. Green of Texas and Mr. Barrett.

H.R. 324: Mr. McHugh and Mr. Smith of New Jersey.

H.R. 330: Mr. Rehberg.

H.R. 340: Mr. Langevin.

H.R. 357: Mr. Frank and Ms. McCollum.

H.R. 371: Mr. Thompson of Mississippi.

H.R. 379: Mr. Bereuter and Mr. Keller.

H.R. 415: Mr. Honda.

H.R. 425: Ms. Schakowsky and Mr. Ramstad.

H.R. 435: Ms. Sánchez.

H.R. 436: Mr. Houghton, Mr. Udall of Colorado, Mr. Blumenauer, Mrs. Roukema, Mr. Camp, and Mr. Rush.

H.R. 437: Mr. Ehrlich and Mr. Collins.

H.R. 439: Mr. Foley.

H.R. 440: Mr. Stearns, Mr. Rahall, Mr. Coyne, Mr. Foley, Mrs. Mink of Hawaii, and Mr. Frank.

H.R. 442: Mr. Foley.

H.R. 457: Mr. Langevin.

H.R. 459: Mr. Rothman.

H.R. 460: Mr. Hinchey and Ms. Kaptur.

H.R. 478: Mr. Carson of Oklahoma and Mrs. Thurman.

H.R. 481: Ms. Sánchez.

H.R. 488: Mrs. Napolitano.

H.R. 499: Mr. Rangel.

H.R. 503: Mr. Pence.

H.R. 507: Mr. Rahall and Mr. Doolittle.

H.R. 510: Mr. Moore, Mr. Peterson of Pennsylvania, and Mr. Sandlin.

H.R. 516: Mr. Rehberg, Mr. Baird, and Mr. Nussle.

H.R. 525: Mrs. Thurman.

H.R. 526: Mr. Schiff and Mr. Dicks.

H.R. 536: Mr. Smith of New Jersey, Mr. Honda, Mr. Sandlin, Ms. McKinney, and Mr. Oberstar.

H.R. 570: Mr. Sandlin.

H.R. 572: Mr. Frank, Ms. Ros-Lehtinen, Mr. Stupak, and Mr. Hostettler.

H.R. 577: Mrs. Thurman.

H.R. 582: Mr. Rangel.

H.R. 600: Mr. Barcia, Mr. Sawyer, Mr. Schrock, Mr. Crowley, Mr. Baird, Mr. Phelps, Mr. Shows, Mr. LaFalce, Mr. Smith of Washington, Mr. Osborne, Mr. Ferguson, Mr. Lewis of Georgia, Mr. Bachus, Mr. Wamp, and Mrs. Napolitano.

H.R. 606: Mr. Wu, Mr. Engel, Mr. Kucinich, Mr. Simmons, and Mr. Towns.

H.R. 611: Mr. Hobson, Mrs. Davis of California, Mr. Schiff, Mr. Coyne, Mr. Hulshof, and Mr. Blagojevich.

H.R. 612: Mr. Schiff, Mr. Peterson of Minnesota, and Mr. Jenkins.

H.R. 620: Mr. Rangel.

H.R. 622: Mr. George Miller of California, Mr. Saxton, Mr. Kildee, Ms. Velázquez, Mr. Hilleary, Mr. Clyburn, Mr. Abercrombie, and Mr. Deal of Georgia.

H.R. 633: Ms. McKinney, Mr. Hastings of Florida, Mr. Ganske, Mrs. Lowey, Mr. Langevin, and Mr. Moran of Virginia.

H.R. 634: Mr. Grucci, Mr. Pickering, Mr. Portman, and Mr. Rehberg.

H.R. 647: Mr. Tiahrt, Mr. Boucher, Mr. Schaffer, and Mr. Tom Davis of Virginia.

H.R. 648: Mr. Osborne.

H.R. 661: Mrs. Thurman.

H.R. 668: Mr. Sawyer, Mr. Thompson of California, Mr. Simmons, Ms. Dunn, Mr. Frelinghuysen, Ms. Slaughter, and Mr. Stupak.

H.R. 683: Mr. Blumenauer.

H.R. 686: Mr. Stupak.

H.R. 687: Mr. Sandlin.

H.R. 692: Mr. Kind.

H.R. 698: Ms. Schakowsky and Ms. McKinney.

H.R. 701: Mr. McDermott, Mr. Watts of Oklahoma, Ms. Rivers, Mrs. Bono, Ms. Velázquez, Mr. Ney, Mr. Pastor, Mr. LaHood, Mr. Gordon, Mr. Smith of New Jersey, Mr. Hefley, Mr. Acevedo-Vila, Mr. Kennedy of Rhode Island, Mr. Skelton, Mr. Isakson, Mrs. Lowey, Mr. Lucas of Kentucky, Mr. Sanders, Mr. Udall of New Mexico, Mr. Rodriguez, Mr. Simmons, Mr. Brady of Texas, Ms. Carson of Indiana, Mr. Schiff, Mr. Quinn, Mr. Bishop, Mr. Goss, Mr. McGovern, Mr. Borski, Mr. Gekas, Mr. McInnis, Mr. Bentsen, Mr. Camp, Mr. Sawyer, Mr. Frost, Mr. Bonior, Mrs. Capps, Mr. Green of Texas, Mr. Moakley, Mr. Rangel, Mr. Upton, and Mr. Leach.

H.R. 717: Mr. Smith of Texas, Mr. Lucas of Oklahoma, Mr. Aderholt, Mr. Platts, Mr. Gibbons, Mr. Serrano, Mr. Everett, Mr. Collins, Mr. Gilchrest, Mrs. Cubin, Mr. Camp, Mr. Bass, Mr. Ballenger, Mr. Cantor, Mr. Brady of Texas, Mr. Culberson, Mr. Kind, Ms. Sánchez, Mr. Ramstad, Mr. Waxman, Mr. Luther, Ms. McCollum, and Mr. Sununu.

H.R. 721: Ms. Velázquez, Mr. Traficant, Mr. Sandlin, Mr. Rothman, Mr. Leach, Mr. Clement, Mr. Doyle, Mr. Gilman, Mr. Rush, Mr. Lampson, Mr. Acevedo-Vila, Mr. Brady of Pennsylvania, and Mr. Lewis of Georgia.

H.R. 730: Mr. Stupak.

H.R. 737: Mr. Ryan of Wisconsin and Ms. Baldwin.

H.R. 742: Ms. Rivers and Mr. Farr of California.

H.R. 746: Mr. Brown of South Carolina, Mr. McDermott, and Mr. Buyer.

H.R. 747: Ms. Sánchez and Ms. Solis.

H.R. 752: Mr. Gordon.

H.R. 755: Mr. Green of Texas, Mr. Barrett, Mrs. Capps, Mr. Markey, and Mr. Luther.

H.R. 758: Mr. Langevin.

H.R. 761: Mr. McNulty, Mr. Acevedo-Vila, and Mr. Baldacci.

H.R. 762: Ms. Sánchez.

H.R. 764: Mr. Foley.

H.R. 765: Mr. Berman and Mrs. Mink of Hawaii.

H.R. 777: Mr. Shimkus.

H.R. 781: Mr. Kind and Mr. Hoeffel.

H.R. 782: Mr. Smith of New Jersey and Mr. Shays.

H.R. 783: Mr. Schaffer.

H.R. 791: Mr. Hastert, Mr. Shimkus, Mr. Phelps, and Mr. Hyde.

H.R. 792: Mr. Spence, Mr. Rush, and Mr. Lewis of Georgia.

H.R. 795: Mrs. Lowey.

H.R. 804: Mrs. Thurman.

H.R. 808: Mr. Delahunt, Mr. Gephardt, and Mr. Aderholt.

H.R. 817: Ms. Baldwin.

H.R. 827: Mr. Filner.

H.R. 830: Mr. Tiahrt, Mr. Graham, Mr. Putnam, Mr. Platts, Mr. Saxton, and Mr. Riley.

H.R. 840: Mr. Isakson, Mr. Udall of Colorado, Mr. Kucinich, Ms. Pelosi, and Mr. Shays.

H.R. 848: Mr. Blunt, Mr. Foley, Mr. Owens, Ms. Roybal-Allard, Ms. McCollum, Ms. Velázquez, Mr. Traficant, and Mr. Kildee.

H.R. 850: Mr. Barcia, Mr. Souder, Mr. McIntyre, and Mr. Grucci.

H.R. 853: Mrs. Lowey.

H.R. 868: Mr. Langevin, Mr. Ose, Mr. Moakley, Mr. Lucas of Oklahoma, Mr. Baird, Mr. Riley, Mr. Herger, Mr. Young of Alaska, and Mr. Graham.

H.R. 869: Mr. Oxley, Mr. Schiff, Mr. Dooley of California, and Mrs. Biggert.

H.R. 876: Mrs. Johnson of Connecticut and Mr. Bentsen.

H.R. 877: Mr. Gillmor and Mr. Hobson.

H.R. 883: Mr. Hastings of Washington.

H.R. 902: Mr. Gordon, Mrs. Jo Ann Davis of Virginia, Ms. Ros-Lehtinen, and Mr. Smith of New Jersey.

H.R. 918: Mr. Rogers of Michigan, Mr. Moran of Virginia, Mr. DeFazio, and Mr. Allen.

H.R. 920: Mr. Davis of Illinois.

H.R. 933: Ms. Eddie Bernice Johnson of Texas, Mr. Thompson of Mississippi, Mr. Sandlin, and Mr. Langevin.

H.R. 938: Mr. Wynn, Mr. Waxman, and Mrs. Morella.

H.R. 951: Mr. Graham.

H.R. 959: Mr. Lantos, Mr. Calvert, and Mr. Berman.

H.R. 967: Mr. Brady of Pennsylvania, Mr. Tierney, Mr. Oberstar, Mr. McIntyre, Mrs. Lowey, Mr. Evans, Mr. Nadler, Mr. Doyle, Mr. Gutierrez, Ms. Schakowsky, Mr. Smith of New Jersey, Mrs. Morella, Mr. Gillmor, and Mr. Ehlers.

H.R. 968: Mr. Gilchrest, Ms. Hooley of Oregon, Mr. Mascara, Mr. Ross, Ms. McKinney, Mr. Platts, Mr. LaHood, Mr. Calvert, Mr. Gillmor, Mr. Rahall, Mr. McIntyre, Mr. Pickering, Mrs. Jones of Ohio, and Mrs. Thurman.

H.R. 971: Mr. Baird.

H.R. 975: Mr. Carson of Oklahoma, Mr. Latham, Mr. Shows, Mr. Nadler, and Mr. Hilliard.

H.R. 978: Mr. Frost, Mr. LaHood, Mr. Green of Wisconsin, Mrs. Thurman.

H.R. 984: Mr. Hulshof, Mr. Graves, and Mr. Platts,

H.R. 985: Ms. Kilpatrick.

H.R. 986: Mr. Blunt.

H.R. 990: Mr. Olver

H.R. 993: Mr. Schaffer.

H.R. 999: Mr. Kucinich.

H.R. 1007: Mr. Boehlert and Mr. Langevin.

H.R. 1011: Mr. Davis of Illinois, Mr. Barcia, Mr. Filner, Mr. Gordon, Mr. Osborne, Mr. Rush, and Mr. McKeon.

H.R. 1016: Mrs. Thurman.

H.R. 1018: Mr. Miller of Florida.

H.R. 1020: Mr. Duncan, Mr. Bishop, Mr. Young of Alaska, Mr. Houghton, and Mr. Goode.

H.R. 1030: Mr. Udall of Colorado.

H.R. 1035: Mrs. Morella, Ms. DeLauro, Mr. Hinchey, and Ms. Harman.

H.R. 1037: Mr. Toomey, Mr. Foley, Mr. Terry, and Mrs. Capito.

H.R. 1066: Mr. Honda.

H.R. 1073: Mr. Langevin, Mr. Stupak, Mr. Schiff, and Mrs. Thurman.

H.R. 1076: Mr. Bonior, Ms. Jackson-Lee of Texas, Mrs. Lowey, Mrs. Clayton, Mr. Visclosky, Mr. Thompson of California, Mr. Evans, Ms. Pelosi, Mr. Clement, Mr. Wu, Ms. Woolsey, Mrs. Meek of Florida, Ms. Slaughter, Mr. Tierney, Mr. Borski, Mr. Rahall, Mr. Gonzalez, Mr. Doyle, and Mr. Weiner.

H.R. 1084: Mr. Barrett and Mrs. Thurman.

H.R. 1086: Mr. Barrett.

H.R. 1092: Mr. McGovern, Mr. Greenwood, Mr. Shimkus, Mr. McNulty, Mr. Costello, Mr. Gillmor, Mr. Moore, Mr. Baldacci, Mr. Paul, Ms. Carson of Indiana, and Mr. Stupak.

H.R. 1093: Mr. Johnson of Illinois, Mr. Gillmor, Mr. Shimkus, Mr. Hinchey, and Mr. Souder.

H.R. 1094: Mr. Johnson of Illinois, Mr. Gillmor, Mr. Shimkus, Mr. Hinchey, and Mr. Souder.

H.R. 1096: Mr. Watkins, Mrs. Mink of Hawaii, and Mr. Sandlin.

H.R. 1097: Mr. Andrews, Mrs. Roukema, and Mr. Hoeffel.

H.R. 1101: Mr. Fossella and Mr. Cooksey.

H.R. 1111: Mrs. Maloney of New York and Mr. Maloney of Connecticut.

H.R. 1121: Mr. McHugh.

H.R. 1128: Mr. Schaffer.

H.R. 1140: Mr. Wolf, Mr. Hinchey, Mr. Sessions, Mr. Inslee, Mr. Chambliss, Mr. Ross, Mr. Sherwood, Mrs. Maloney of New York, Mr. Norwood, Mr. Wu, Ms. Dunn, Mr. Owens, Mr. Camp, Mr. Kind, Mr. Hyde, Mr. Moore, Mr. Jones of North Carolina, Mr. Bentsen, Mr. Jenkins, Mr. Dicks, Mr. Gutknecht, Mr. Abercrombie, Mr. Callahan, Mr. Moran of Virginia, Mr. Skeen, Ms. Schakowsky, Mr. Castle, Mr. LaFalce, Mr. Bass, Mr. Scott, Mr. Linder, Ms. Jackson-Lee of Texas, Mr. Graham, Mr. Phelps, Mrs. Cubin, Mr. Towns, Mr. Rogers of Kentucky, Mr. Lewis of Georgia, Mr. Akin, Mr. Sabo, Mr. Gekas, Mr. Edwards, Mr. Oxley, Ms. Baldwin, Mr. Keller, Mr. Gonzalez, Mr. Hulshof, Mr. Jefferson, Mr. Gibbons, Mr. Baird, Mr. Roemer, Mr. Thompson of Mississippi, Mr.

GUTIERREZ, Mr. FILNER, Mr. HASTINGS of Florida, Mr. GREEN of Texas, Mr. CONDIT, Mr. LAMPSON, Mr. JOHN, Mr. LANTOS, Mr. BROWN of Ohio, Mr. HOLT, Mr. MOAKLEY, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Mr. DAVIS of Florida, Mr. STARK, Mr. LUCAS of Kentucky, Mr. WATT of North Carolina, Mr. EVANS, Ms. LEE, Mrs. MINK of Hawaii, Mr. BISHOP, Mr. COYNE, Mr. SPRATT, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. STUPAK, Mr. KENNEDY of Rhode Island, Ms. CARSON of Indiana, Mr. BACA, Mr. HILLIARD, Mr. OLVER, Mr. HILL, Mr. McDERMOTT, Mr. FRANK, Mr. BERMAN, Ms. SLAUGHTER, Mr. CLYBURN, Mr. LANGEVIN, Mr. KUCINICH, Mr. BECERRA, Mr. MARKEY, Mr. CROWLEY, Mr. WEINER, Mr. SAWYER, Mr. DEUTSCH, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. FORD, Mr. McINTYRE, Mr. ROTHMAN, Mr. ENGEL, Mr. PASCRELL, and Mr. ORTIZ.

H.R. 1151: Ms. McKINNEY, Mr. THOMPSON of Mississippi, Mr. ABERCROMBIE, Mr. WEXLER, and Ms. BALDWIN.

H.R. 1170: Mr. GREEN of Texas.

H.R. 1171: Mr. SKEEN, Mr. ISAKSON, Mr. LEWIS of Kentucky, and Mr. PETERSON of Minnesota.

H.R. 1172: Ms. JACKSON-LEE of Texas, Mr. HALL of Ohio, Ms. SOLIS, Mr. SMITH of Texas, Mr. BAKER, Mr. CRAMER, Mr. COOKSEY, Mr. CAPUANO, and Mr. KINGSTON.

H.R. 1174: Mr. DOOLITTLE.

H.R. 1182: Mr. FROST and Mr. RYAN of Wisconsin.

H.R. 1185: Ms. WATERS.

H.R. 1194: Ms. BALDWIN, Mr. KLECZKA, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 1201: Mr. CARSON of Oklahoma.

H.R. 1202: Mr. McHUGH, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mrs. CAPPS, Mr. LANGEVIN, and Mrs. ROUKEMA.

H.R. 1210: Mr. GONZALEZ.

H.R. 1212: Mr. HYDE.

H.R. 1213: Mr. WOLF, Mr. ROEMER, Mr. CAMP, Mr. BORSKI, Mr. TAYLOR of Mississippi, Mr. HOSTETTLER, Mr. SMITH of Michigan, and Mr. COYNE.

H.R. 1214: Mr. WOLF, Mr. BORSKI, Mr. TAYLOR of Mississippi, and Mr. HOSTETTLER.

H.R. 1220: Mr. SMITH of Texas.

H.R. 1238: Mr. HUTCHINSON and Mr. HAYWORTH.

H.R. 1242: Ms. LOFGREN and Mrs. LOWEY.

H.R. 1252: Mr. HASTINGS of Florida, Mr. NADLER, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. FILNER, Mrs. DAVIS of California, Ms. MILLENDER-McDONALD, Mr. LANTOS, Mr. KENNEDY of Rhode Island, Mr. SERRANO, Mr. BALDACCI, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. INSLEE, and Mrs. THURMAN.

H.R. 1254: Mr. NADLER.

H.R. 1255: Mr. NADLER, Mr. CUMMINGS, Ms. ESHOO, Mrs. MINK of Hawaii, and Mrs. THURMAN.

H.R. 1256: Mr. McGOVERN, Mr. DeFAZIO, Mr. LANGEVIN, Mr. HINCHEY, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. WEINER, Mr. BECERRA, Ms. DeLAURO, and Mr. DAVIS of Illinois.

H.R. 1275: Ms. WOOLSEY, Mr. BONIOR, Mr. MARKEY, Mr. SIMPSON, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. DOOLEY of California, Ms. DeGETTE, Ms. SLAUGHTER, Mr. RAMSTAD, and Ms. BERKLEY.

H.R. 1280: Mr. STUPAK.

H.R. 1291: Mr. WELDON of Pennsylvania and Mr. DOYLE.

H.R. 1293: Mr. BUYER, Mrs. KELLY, Mr. FOLEY, and Mr. BALDACCI.

H.R. 1296: Mr. ROYCE, Mr. PITTS, Mr. COOKSEY, Mr. GANSKE, Mr. LaTOURETTE, Ms. HART, Mr. CUMMINGS, Mr. CONYERS, Mr. GILLMOR, Mr. POMEROY, Mr. TOOMEY, Mrs. WILSON, Mr. BURR of North Carolina, Mr. HORN, Mr. BLUNT, Mr. JONES of North Carolina, Mr. SUNUNU, and Mr. EHRLICH.

H.R. 1299: Mr. GRAHAM.

H.R. 1301: Mr. PORTMAN.

H.R. 1304: Ms. HART, Mr. DAVIS of Illinois, and Mr. CLEMENT.

H.R. 1305: Mr. ABERCROMBIE, Mr. BACHUS, Mr. CANTOR, Mr. CRANE, Mrs. EMERSON, Mr. GREEN of Wisconsin, Mr. ISSA, Mr. PLATTS, Mr. TAUZIN, Mr. RODRIGUEZ, and Mr. TIAHRT.

H.R. 1316: Mr. HINCHEY, Ms. DeGETTE, and Mr. PETRI.

H.R. 1331: Ms. McKINNEY, Mr. DeMINT, and Mr. SCHAFFER.

H.R. 1340: Ms. CARSON of Indiana.

H.R. 1343: Mr. STUPAK and Mr. FATTAH.

H.R. 1348: Mr. RAMSTAD.

H.R. 1350: Mr. ENGEL, Mr. GUTIERREZ, Mr. HILLIARD, Mr. KIND, Ms. PELOSI, and Ms. SLAUGHTER.

H.R. 1351: Mr. REYES, Mrs. KELLY, Mr. HOBSON, Mr. STUPAK, and Mr. JENKINS.

H.R. 1354: Mr. WALSH.

H.R. 1357: Mrs. THURMAN.

H.R. 1365: Mr. BERMAN.

H.R. 1371: Mr. CARDIN.

H.R. 1375: Mr. SANDLIN.

H.R. 1377: Mr. SCHROCK, Mr. HAYES, and Mr. GRAHAM.

H.J. Res. 13: Mr. GUTIERREZ and Mr. DAVIS of Illinois.

H.J. Res. 36: Mr. POMEROY.

H.J. Res. 41: Mr. TIAHRT, Mr. CHABOT, Mr. KELLER, Mr. ISSA, and Mr. FLAKE.

H.J. Res. 42: Mr. PASCRELL, Mr. DAVIS of Illinois, Mrs. LOWEY, Mr. GRUCCI, and Ms. LOFGREN.

H. Con. Res. 3: Ms. McKINNEY, Ms. LEE, Mr. SERRANO, Ms. ROYBAL-ALLARD, and Mr. BACA.

H. Con. Res. 9: Mr. McDERMOTT.

H. Con. Res. 12: Ms. BALDWIN.

H. Con. Res. 25: Mr. HILL.

H. Con. Res. 45: Mr. TIAHRT, Mr. TERRY, Mr. SIMMONS, Mr. OXLEY, Mr. SOUDER, and Mr. PRICE of North Carolina.

H. Con. Res. 52: Mr. BROWN of Ohio and Mr. FRANK.

H. Con. Res. 60: Mr. WEXLER.

H. Con. Res. 63: Mr. LUTHER, Mr. WEXLER, and Ms. BALDWIN.

H. Con. Res. 67: Mr. HINCHEY and Mr. SOUDER.

H. Con. Res. 68: Ms. KAPTUR, Mr. HAYWORTH and Mr. ROHRABACHER.

H. Con. Res. 91: Mr. ROTHMAN.

H. Con. Res. 94: Mr. GONZALEZ, Mrs. NAPOLITANO, Ms. SÁNCHEZ, Mr. WATT of North Carolina, and Mr. REYES.

H. Res. 17: Mr. BROWN of Ohio and Mr. HOLT.

H. Res. 18: Mr. FROST, Mr. DELAHUNT, Mr. SMITH of Washington, Mrs. MINK of Hawaii, and Mr. HILLIARD.

H. Res. 72: Mrs. MALONEY of New York and Mr. COYNE.

H. Res. 87: Ms. WOOLSEY, Mr. WALDEN of Oregon, Mrs. CLAYTON, Mr. PRICE of North Carolina, Mr. BLUMENAUER, and Mr. RUSH.

H. Res. 97: Ms. McCARTHY of Missouri, Mr. CLAY, Mr. GUTIERREZ, Ms. SLAUGHTER, Mr. HONDA, and Mr. JACKSON of Illinois.

H. Res. 106: Mr. HOYER, Mr. LANGEVIN, and Mr. CROWLEY.

H. Res. 112: Ms. KAPTUR, Mr. HILLIARD, Mr. TERRY, and Ms. CARSON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. WAMP.

H.R. 1076: Mr. PAUL.

H.R. 1187: Mr. SANDERS.

SENATE—*Wednesday, April 4, 2001*

The Senate met at 9 a.m. and was called to order by the Honorable GEORGE ALLEN, a Senator from the state of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation and Lord of our lives, we don't know all that the future holds, but we do know You hold the future.

We press on with courage and confidence. Here are our minds: Think Your thoughts through them. Here are our imaginations: show us Your purpose and plan. Here are our wills: guide us to do Your will. What You give us the vision to conceive and the daring to believe, You will give us the power to achieve. So go before us to show us Your way, behind us to press us forward toward Your goals, beside us to give us Your resiliency, above us to watch over us; and within us to give us Your supernatural gifts of great leadership—wisdom, discernment, knowledge, and vision. In Your all powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE ALLEN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE ALLEN, a Senator from the state of Virginia, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLEN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, I have been asked on behalf of the distinguished majority leader to announce that today the Senate will immediately resume consideration of the budget resolution with the time between now and 10:30 a.m. equally divided for debate on the Grassley and Johnson amendments regarding agriculture. At 10:30 a.m. there will be two back-to-back votes on these amendments. Senator HARKIN will be recognized to offer the next amendment on education.

Further amendments will be offered with votes to occur throughout the day.

Senators will be notified as votes are scheduled. I thank my colleagues for their attention.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

Pending:

Domenici amendment No. 170, in the nature of a substitute.

Grassley amendment No. 174 (to amendment No. 170), to provide for additional agriculture assistance.

Conrad (for Johnson) amendment No. 176 (to amendment No. 170), to provide emergency assistance to producers of agricultural commodities in fiscal year 2001, and additional funds for farm and conservation programs during fiscal years 2002 through 2011.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I would like to make a few comments on the pending budget resolution.

AMENDMENTS NOS. 174 AND 176

The ACTING PRESIDENT pro tempore. If the Senator will yield, under the previous order, the Senate will now resume concurrent debate on the Grassley amendment No. 174 and the Johnson amendment No. 176 with the time to be equally divided.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. REID. Time will be off the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, it is my view that a $1.6 trillion tax cut is an appropriate figure considering the projected surplus of $5.6 trillion. But I am concerned that projections over a 10-year period are risky. If there is a change of 1 percent in the inflation rate or a change of 1 percent in the unemployment rate, the figures are very different.

I recall the projections in 1981, when we considered the Kemp-Roth tax bill, that surpluses were expected and deficits turned out to be the fact. It is my view that there ought to be the condition that these surpluses do materialize for the $1.6 trillion tax cut to take effect. I personally do not like the concept of a trigger, which means some recall action or some responsive action. It is my view that conceptually the proper approach is that we are to have the tax cut if the surplus holds up, and it is the event of the tax cut about which we are talking.

I have discussed the matter with the distinguished chairman of the Budget Committee and with other Senators. Senator DOMENICI has assured me he is working on language that will satisfy the concerns many of us have expressed. My soundings in Pennsylvania, and really around the country, are that there is enormous concern that we not add to the national debt. When I have polled my constituents—repeatedly in the course of the past many years, up to a decade—I have found that more people are concerned that the national debt be paid down—in fact, paid off—than are concerned about a tax cut.

But as President Bush has projected a $5.6 trillion surplus, to repeat, there is adequate room for a $1.6 trillion tax cut, and there is adequate room to be sure that Social Security is sound, that Medicare is reformed, and that we are able to have the appropriations on the domestic discretionary accounts which are appropriate for the important needs of health, education, and other discretionary domestic programs, and defense as well.

I have also expressed my concern in conversations with the leadership of the Senate, and with the administration in discussions with Vice President

CHENEY and Secretary of the Treasury O'Neill, that at least as I view it, the tax cut ought to be a little more heavily weighted for middle and lower income Americans.

I realize that in the budget resolution we are not going to delineate all of the parameters of these considerations. What we are looking at technically in the budget resolution is the $1.6 trillion without a specification as to conditionality, without a specification as to how the tax cut will be apportioned.

But I think it is important for Senators, such as myself, to express themselves so there will be notice to those on the Finance Committee and the Republican leadership and the White House as to where, at least, this Senator stands when the bills are presented. With the 50–50 Senate, it is important to be looking to take into account the condition of all Senators.

It is my hope and expectation to be able to support our new President. I think he is off to an outstanding start. I had the opportunity to travel with him to Beaver County, PA, several weeks ago when he was talking about his tax plan. I believe we are on the right track.

But this is a body which is not a rubber stamp. Under the separation of powers—the Framers of the Constitution drafted the most impressive document in the history of the world, second to the Bible, and they made the Congress article I, they made the President article II, and they made the judiciary article III. If someone were to rewrite the Constitution, it would appear that the Supreme Court has rewritten the Constitution really to make the judiciary article I. But we are not supposed to be a rubber stamp. But counsel and collaboration is appropriate. That is why I take this occasion to express my views.

With respect to the domestic spending, the 4-percent allocation, candidly, is tight. But I expect this body to work its will on a number of appropriations and on a number of matters which we will offer for amendments on education and health—and agriculture being discussed this morning.

Last year, when the appropriations bill came to the floor for the subcommittee which I chair on Labor, Health, Human Services, and Education, we had established a mark of $106 billion. That was then-President Clinton's figure. After a lot of discussion with him, the Republican caucus, both in the Senate and the House—the Republican leadership—agreed to a figure of $106 billion—somewhat reluctantly, I might say. But my experience had been, in preceding years—without going into details—that if we tried to undercut the President's budget, we ended up paying a lot more.

We then reallocated some of the priorities on the bill presented on the Senate floor. Then, during the course of the amendment process, very substantial funds were added to education and health care. Being a principal author of the budget presented along with my distinguished colleague, Senator HARKIN, I defended the budget. As I said on the Senate floor, I cast more bad votes in 3 days voting against education and health care measures than I had cast in my preceding 19 years in the Senate. But that was my job, to defend the budget, and I did.

Some 13 Republicans joined the Democrats in the add-ons, which I would not be surprised takes place at least to some extent on this budget resolution today. When the $106 billion budget for Labor, Health and Human Services, and Education was not submitted to the White House, because the Republican leadership never saw fit to do that, the figure then ballooned to $114 billion. At which point, I refused to sign the conference report. Then the figure was ultimately lowered to $107.9 billion.

As we consider this budget resolution, the lesson from that is, if we don't adopt a realistic figure at the outset, we are going to end up spending more.

Last year when we took up the budget, there were some on the Budget Committee who wanted $596 billion for discretionary accounts. Finally, the figure arrived at was $600 billion. The result then was a lot of mirrors and smoke on deferred expenditures. The figure which was needed was $616 billion. Had that figure been present, we could have gotten agreement in this body and in the House and then gotten the bill signed. Ultimately, the figure was $640 billion. We spent at least $24 billion more than we should have because of the last minute rush and add-ons became the order of the day.

It is different this year. We have a Republican President. Last year we had a President who was a Democrat. There was pressure from the White House for add-ons. This year it is my expectation that, while there may be some flexibility from the White House, the pressure will be reversed.

The President still has the veto pen. It is my hope that, as we move forward with the budget resolution, we will adopt realistic figures with which those of us on the Appropriations Committee can live and structure bills that can be enacted.

I compliment Senator DOMENICI for the extraordinary work he has done on this budget and budgets in prior years. He has served as chairman or ranking on the Budget Committee since 1981. It is an extraordinarily difficult job. He also sits on the Appropriations Committee where he is caught between a rock and a hard place as he tries to maneuver through the requirements and the wishes, sometimes the demands, of the Budget Committee to try to structure a bill which will pass in Appropriations. He has done just an extraordinary job, as has the chairman of the Appropriations Committee, Senator STEVENS, who has the unenviable job of trying to make ends meet with 13 subcommittees.

I also compliment my colleague, Senator CONRAD, for the work he has done, for his having come to see me on a couple of occasions to go through the budget, as he sees it, in an effort to try to find common ground for a budget which can be approached on a bipartisan basis.

It is regrettable that we have not been able to work through a budget resolution which could be accomplished on a bipartisan basis. It is my thought that if we work at it harder, that is something we can still do. Senator HARKIN and I have had a very close relationship; he earlier as chairman and I as ranking on our subcommittee and I now as chairman and Senator HARKIN as ranking. I learned a long time ago if you want to get something done in Washington and in this body, there has to be bipartisan cooperation.

I also compliment the ranking member of the Appropriations Committee, Senator BYRD, who has performed in that capacity with great distinction, as he has as President pro tempore and majority leader and also, in prior years, as chairman of the Appropriations Committee.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself 10 minutes off the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CONRAD. I thank the Senator from Pennsylvania for his kind words. I have always enjoyed working with him. He is right. I hope it is not too late to have a bipartisan approach to this budget. We are rapidly running out of time. Very soon we will be casting the final votes that will set this budget in place. Nobody should doubt what that will mean for the rest of this year and perhaps for the rest of the decade.

This morning in the Washington Post I noticed an opinion piece by former Republican Senator Warren Rudman, former Democratic Senator Sam Nunn, who are cochairmen of the Concord Coalition, and three former high officials in the Federal Government: Robert Rubin, former Secretary of the Treasury; Paul Volcker, former Federal Reserve Chairman; and Pete Peterson, who was Secretary of Commerce in the Nixon administration. I want to bring to the attention of the Senate this opinion piece because they make a great deal of sense in how they have alerted us.

They say in part in this opinion piece that "great care must be taken to ensure that any tax cut medicine treats the short-term economic symptoms without adversely affecting the long-term prognosis." They go on to say:

> We believe an immediate fiscal stimulus can be provided independently of the proposed 10-year tax cut. Any additional tax cut should be limited to account for the enormous uncertainty—

Something the Senator from Pennsylvania mentioned in his remarks—

> of long-term budget projections and the huge unfunded obligations of Social Security and Medicare. A compromise based on this framework would help ensure passage of a budget resolution with substantial bipartisan support.

They are right. We could have substantial bipartisan support on a plan to provide immediate fiscal stimulus. I wish we would halt work on the budget right now, go to work on a stimulus package right now and pass it this week, get it into the hands of the American people as quickly as possible, and then go to work on a 10-year package that would take account of both the uncertainty of this 10-year forecast and also, as former Senators Nunn and Rudman and their group have advised, "the huge unfunded obligations of Social Security and Medicare."

They go on:

> The first part of the compromise, passing immediate tax relief, already has overwhelming support.

They are right.

> The second part of the compromise involves an entirely separate issue—the extent to which policymakers should gamble on the accuracy of 10-year projections that the Congressional Budget Office itself says could be off by trillions of dollars. In our view, it would be exceedingly unwise to rely on these projections to lock in a series of large, escalating tax cuts, particularly before addressing the implications of the future financing requirements of Social Security and Medicare.

Mr. President, how much time have I consumed?

The ACTING PRESIDENT pro tempore. The Senator has consumed 4 minutes.

Mr. CONRAD. If the Chair will inform me when I have consumed 8 minutes, I would appreciate it.

This chart talks about the uncertainty former Senators Nunn and Rudman have discussed. This is from the Congressional Budget Office itself, the ones who did the forecast. They tell us the projection of a $5.6 trillion surplus has only a 10-percent chance of coming true, a 45-percent chance there will be more money, a 45-percent chance there will be less money. Of course, this forecast was made weeks ago. In the interval, the economy has weakened further.

I will bet that the chances are we will probably have less money over this 10-year period than was previously forecast. Yet we are about to lock in a 10-year plan that leaves little margin for error.

It uses all of the non-trust-fund money for the tax cut. That means if the forecast does not prove out, if there is less money, we will be into the trust funds of Medicare and Social Security, and we will be into them at a critical time—right before the baby boomers start to retire. And all of these surplus numbers will turn to substantial deficits.

I hope very much that colleagues will take a look at this opinion piece by our very respected former colleagues, Republicans and Democrats, who are saying: Enact the stimulus package now. That is something we should do and then go to work on a 10-year plan that takes account not only the uncertainty of the projections but that also takes account of the massive unfunded liability in Social Security and Medicare. That would be the responsible thing to do. That would be the wise thing to do. And I think we could come together on a bipartisan plan to do both of those things.

Let me conclude on the question of the uncertainty of the forecast by saying this chart shows that in the year 2006 we can have anywhere from a $50 billion deficit to more than a trillion dollar surplus, and this is according to the people who made the forecast. That is the uncertainty. It is just unwise to come out here and support a plan that uses all of the non-trust-fund money for a tax cut. I think it virtually assures that we will be raiding the trust funds of Medicare and Social Security if the President's plan passes.

Let me say that the plan we have offered on our side as a potential compromise protects the Social Security and Medicare trust funds—every dollar of those moneys—and then, with what is left, divides it in the following ways: a third for a tax cut; a third for the high-priority domestic needs of prescription drug benefits, money to improve education, money to strengthen our national defense; and then, with the final third, we do what is proposed by our colleagues in this opinion piece this morning—set aside $750 billion to begin to deal with our long-term liability in Social Security and Medicare. That is a conservative approach. To me, it is a wiser course than using all of the non-trust-fund money for a tax cut—a tax cut that is predicated on a 10-year projection that is highly uncertain.

There has been a lot of talk about what the differences are between our plan and the competing plan on the other side. The fundamental difference is right here—short-term and long-term debt reduction. Our plan dedicates $3.65 trillion of the $5.6 trillion projected surplus for short- and long-term debt reduction. President Bush's plan dedicates $2 trillion for that purpose.

I suggest to my colleagues that the plan we are offering is conservative; it takes account of the uncertainty of this forecast; and it gives us maximum paydown of both short-term and long-term debt.

With that, I yield the floor and look forward to our remaining 1 hour of debate on the amendment before us.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GREGG. Mr. President, I yield the Senator from Georgia such time as he may consume.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I rise in support of the amendment that I have introduced jointly with the Senators from Iowa and New Mexico. This amendment to boost agricultural spending comes at a time of great distress for our American farms. It will provide our struggling farmers with the assistance they so desperately need, and we believe it will give Congress the ability to craft a solid farm bill as these negotiations near.

This amendment will provide nearly $64 billion in increased agricultural spending over the next 11 years. More importantly, it addresses our current problems by providing $5 billion for fiscal year 2001—a critical boost for later in this crop year.

This amendment is also fiscally responsible, accounting for only a small portion of our projected surplus; and it will not jeopardize support for other priorities that Congress identifies.

Crops are now going into the ground and farmers are extremely worried. The cost of fertilizer and fuel is expected to hit near record amounts this summer, at the same time we watch commodity prices continue to fall.

While this immediate funding is critical, I say this: It may not prove to be enough. We will have to watch our agricultural situation very closely to determine if additional funds are needed later this year. Nevertheless, I appreciate very much the leadership and cooperation of my colleagues in providing funds for this fiscal year and addressing this problem directly.

We all understand the importance of this effort, and we will have to work together to assist our producers through these difficult times. Farmers are pleading for our help. They are selling their crops at the same level today that they or their parents did 20 years ago, while the cost of production continues to soar.

Without our help, many farms in my State and all around this country will continue to go out of business. Agriculture provides one out of every six jobs in my State, and it has an economic impact of over $60 billion a year. Georgia farmers have a compelling need for stability. The rural communities they support are under great distress as well. And those who know rural America know this type of distress extends far beyond the farm. It affects the car dealership; it affects the local restaurant and the downtown department store. These pieces of rural economies are inextricably linked.

I thank the chairman, the Senator from New Mexico, and the Senator from Iowa for recognizing this shortfall in funding for agriculture and for their willingness to work with me on this amendment. As I mentioned, this is a responsible approach, and while it may not be the final solution, I think it will go a long way and will be a good step forward to ensuring that the needs of America's hard-working farmers are met. I hope my colleagues will support this important and timely amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOMENICI. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I congratulate the Senator from New Mexico for his efforts on this piece of legislation which is so important to our country. I also congratulate the Senator from North Dakota for his fine efforts in presenting the other side of the case in this matter.

I wish to talk about a number of issues that have been raised today. Specifically, however, I want to get into the issue of spending in this bill and the potential for driving a large hole in the concept of controlling spending at the Federal level. The Senator from North Dakota cited a recent op-ed piece written by the cochairmen of the Concord Coalition which has been a force for fiscal discipline in the Congress for many years. I think if the cochairmen of the Concord Coalition had followed the debate over the last few days, and specifically the debate on the agricultural amendments, the debate on the IDEA amendments, the drug proposals as a mandatory exercise, they would have serious concerns and may not have written the op-ed pieces they wrote. They would see that the contingency fund, or the fund for the preservation of Social Security as it is defined, or the reserve for Social Security as defined by the Senator from North Carolina, as defined by the President in his budget, is under serious stress and duress because the dollars are being spent rather aggressively in this Congress as we add more and more mandatory programs to the agenda of the Congress.

Mandatory programs have an insidious way of spending Federal dollars without the Congress having to be responsible in voting for those Federal dollars once the initial vote has occurred.

Regrettably, in this exercise, we are on all sorts of levels adding new mandatory programs to the Federal accounts. In the end, that is going to drive up Federal spending dramatically and, as a result, put pressure on the Social Security trust funds, put pressure on the ability to return to taxpayers in the form of a tax cut the moneys which they rightly deserve, moneys which they are sending us which we do not need to spend, and generally limit fiscal discipline. Mandatory programs essentially are not subject to fiscal discipline.

I want to speak specifically to the mandatory programs now being proposed in the area of agriculture. Regrettably, over the last few years, the agricultural accounts have been the least disciplined accounts within the Federal agenda. In fact, if we go back—and this chart reflects my point—if we go back over the last couple of years, we see the green lines are the Federal caps. This is what we were supposed to spend as a Federal Government. Beginning in 1998, we went way beyond those Federal caps and exploded Federal spending.

That explosion of Federal spending, above what we said we were going to do as a Congress, was driven in large part by emergency events. Those emergency events in large part were agricultural spending. In fact, agricultural spending over the last few years, as a result of increases driven by the Congress, have gone from $9 billion in 1996 up to $38 billion in 2000.

The majority of this increase—which is a staggering percentage increase by the way, almost a 400-percent increase—the majority of this increase has been done under the guise of emergency spending.

Last year there was $31.5 billion in emergency spending in the agricultural accounts. That is why this chart has such a dramatic and regrettable line to it—the actual spending in relation to what we were supposed to spend as a government because emergency spending in the agricultural accounts has been so out of control, for all intents and purposes.

This year there is a new approach. The approach is: Let's not deal with these emergencies anymore; let's just make all this mandatory, and then we will not have to do emergencies. We will just simply spend the money and never have to account for it under any scenario. That is not fiscal discipline.

We need to look at what is happening in the agricultural community to understand the extent of the spending, the largess that is occurring.

In the year 1999, the Government payments as a percentage of farm income in the United States were essentially half. In other words, if you take net farm income, half of the net farm income in this country came from the Federal Government in tax payments raised from Americans and then paid out to farmers.

That is a staggering change because, in the year 1990, only 20 percent of the payments that went to farmers were Federal payments, Federal tax dollars going to farmers. The top 1 percent of farmers received, on average, $660,000 each from the Government. The top 10 percent received $308,000. The average farm income exceeds the average American household income by $1,000.

These numbers are staggering. In some States, net farm income—in other words, what farmers make in profit, what they actually hold in their accounts to operate their day-to-day lives after their expenses—net farm income was exceeded by Government payments by over 100 percent.

In the State of North Dakota, direct Government payments exceeded net farm income by 210 percent. In the State of Indiana, direct Government payments exceeded net farm income by 192 percent. There are eight States in this country where direct Government payments exceed net farm income.

What does that mean? That means we pay more in tax dollars to the farmers in those States than the farmers take home in pay after expenses. That is an incredible figure. It essentially means that, for example, in the State of Indiana, we could say to every farmer in that State: Stop farming, and we are going to pay you twice what you make now in taxes because that is what we are doing today. Yet that is not enough.

Today we have amendments facing us which are calling for an increase—an increase—over this staggering amount which we have already seen in the last 5 years rise to $38 billion. This amendment is calling for an increase over that number. The Johnson-Conrad amendment is calling for an additional $97 billion over the next 10 years. That is going to jump this number up radically and, over the next 10 years, obviously have a huge impact on the budget.

It is going to be a mandatory program. Once we pass it, because of the machinations and procedures of this place, that is going to be the end of the game. It is over. A lot of times on these budget debates we are fighting with rubber bullets. We shoot at each other, but it does not hurt that much. These are not rubber bullets. These are real bullets. When we pass this one, it becomes a mandatory program. When the authorization committee acts, which we absolutely know is going to happen because the authorization committee strongly supports increasing funding, it is over. We will have a mandatory program on the books which is going to cost the American taxpayers a huge amount of money over the years. It makes no sense from the standpoint that we are already paying two times the cost of the net income in States such as Indiana and North Dakota.

It also makes no sense because the price of farm products is going up, as this last chart shows. We have a significant increase in farm prices occurring in many commodities—rice, soybeans, wheat, and corn. One has to wonder, if the prices are going up—and they are projected by CBO to go up. For example, corn prices are projected to go up 30 percent over 10 years; soybeans, 43 percent; wheat, 40 percent; rice, 40 percent—if they are going to go up, why do we have to put the subsidies up?

I do not know. I know every time we have a farm bill, the American taxpayers end up paying a huge amount of money.

The Senator from North Dakota is a strong supporter of this. This is his amendment. For those of us in the rest of the country, we have to ask ourselves: Why would we want to put on the books a mandatory program that is going to cost us these types of dollars? Let us at least have the ability to come back every year and check this number and see whether we really need it.

Mr. President, I suspect my time is up. Therefore, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CONRAD. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. CONRAD. I listened to my colleague and my friend from New Hampshire describe farm prices rising. I would love for him to go to my home State and tell the farmers that farm prices are rising. They are not rising. They have the lowest farm prices in real terms in 75 years. That is what is happening to farm prices.

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. I will be happy to yield in a moment. I would love to have a dialog on this question.

I say to my friend from New Hampshire, I know agriculture is not a dominant industry in New Hampshire but it is dominant in many States in the Nation. For those who represent farmers, we can report to our colleague there is a desperate crisis across farm country. This is about as serious a situation as I have ever seen.

When our colleague says farm prices are rising, he is talking about a projection into the future by the Congressional Budget Office, the very same people who said prices would be rising now, when prices have plummeted. Their record on forecasting farm prices is not very good. It is another indication of why there is great danger in banking on any 10-year forecast. That is what the Senator from New Hampshire was showing, a 10-year forecast for farm prices by people who in the past haven't been able to forecast farm prices worth a hoot and a holler.

Here is what has happened. This is what has really happened from 1991 to now. The red line on this chart is the prices farmers receive. The distribution of this line is quite clear. It is almost straight down. The green line is the prices farmers pay for their input. It is going up, up, up. It is the relationship between the prices farmers pay and what they are paid that has created this farm crisis. It is why there is strong support on a bipartisan basis to respond. It is the reason so much of farm income is currently coming from the Federal Government. If it weren't, we would have an absolute collapse occurring in farm country.

My State is a wheat State. When my colleague from New Hampshire says farm prices are rising—and I say I would love to have him come to my State and address a farm crowd and explain to them how farm prices are rising—this is why he wouldn't get a very good reception. This chart shows what has happened to farm prices ever since we passed the last farm bill which was a disaster in itself. Farm prices have plummeted. That is what has happened to wheat prices. Here is the cost of producing. Here is what has happened to prices. The prices are far below the cost of production.

Mr. GREGG. Will the Senator yield?

Mr. CONRAD. I will yield soon. I want to first devastate the case the Senator made.

Mr. GREGG. You are not devastating my case. You are trying to devastate CBO's case.

Mr. CONRAD. No, the Senator was making the case that CBO made. When you say farm prices are rising, they are not. That is the simple reality. What you have is the lowest prices in real terms in 75 years, and it is a crisis all across rural America, all across agricultural America, and every Senator who represents a farm State, farm constituency, knows it.

Let's talk about some of the underlying reasons we have this serious problem. This is what our major competitors are doing. We cannot talk about agriculture in isolation. We have to talk about what is happening with our major competitors. Our major competitors are the Europeans. This is what the Europeans are doing to support their producers: $313 an acre on average. This is for the period of 1996 to 1999. This is what we are doing in the United States during the same period: $38 an acre. That is nearly a 10-to-1 advantage in terms of what the Europeans are providing their producers versus what we are providing our producers. These are not KENT CONRAD's numbers; these are the numbers from the Organization for Economic Cooperation and Development. They are the international scorekeepers on these questions.

It isn't just what they do for their producers directly; it is also what they are doing in terms of agricultural export support. Here is what the Europeans are doing. This chart shows which countries are providing what percentage of world agricultural export subsidy, according to the World Trade Organization. This is for the last full year for which there are records, 1998. The blue pie on this chart is Europe's share of world agricultural export subsidies. It is 83.5 percent. The U.S. share is 2.7 percent. That is 30 to 1 as a differential. Is there any wonder our farmers are getting killed in the international marketplace? Is there any wonder our market share is going down and Europe's is going up? Is there any wonder Europe was poised to surpass us in world market share last year?

Our friends in Europe have a strategy and a plan. They are working it, and they are working it very effectively. They have told me flatout: We think we are in a trade war with you in agriculture, and we think at some point there will be a cease-fire in this trade war. We believe it will be a cease-fire in place. We want to occupy the high ground. The high ground is world market share. We are going out and buying.

That is exactly what they are doing. They are buying world market share.

We are faced with a circumstance in which we have a crisis in American agriculture. It is deep. It is threatening. It is so serious that if it is left unchecked, it will force thousands of farmers off the land—not because of anything they have done but because of our failure to respond to the European juggernaut.

The Senator from New Hampshire wanted to join in a colloquy, and I am happy to entertain a question on his time.

Mr. GREGG. I am not sure I have any time.

Mr. DOMENICI. The problem is we don't have any time because of the circumstance that occurred this morning. That time was used up by a distinguished Senator who was speaking on a subject unrelated to this. He had authority to do that. He spoke for quite some time, so we ended up very short in time.

My friend got some time this morning, and I wonder if the Senator would object to a request on my part that we be given an additional 15 minutes.

Mr. CONRAD. I object unless we are given an additional 15 minutes, and that extends the time of the vote. I don't think that is a wise course.

Mr. DOMENICI. How much time do they have remaining?

The ACTING PRESIDENT pro tempore. They have 33 minutes.

Mr. DOMENICI. The Senator wants our side to finish debate in 7 minutes, and he has 33.

Mr. CONRAD. The Senator has used his time. I didn't use his time. He used his time. If you add time, the only fair way to do it is for us to then add time, and then we extend the time for the vote, which I don't think should be done. We wouldn't accept that.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 15 minutes off the resolution and I give 3 minutes of that to the Senator.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Senator from New Mexico. I wish to make a couple of points in response to the Senator from North Dakota.

First, as to my original point—and the Senator makes this point with his representations as far as the unpredictability of the pricing of the commodities—I cited a pricing list put forth by CBO, and the Senator rejects CBO as a scorer on this event. Then we should be coming back to the farm issue every year. We should not be making it a mandatory 10-year event where the authorizing committee can essentially create a cost to the taxpayers of this country which will not be adjusted by the actual events that occur in the marketplace.

Second, the fundamental point I am making is that the gross increase in farm spending has been uncontrolled and that the amendment that is being proposed of another $100 billion of new spending on top of the Federal baseline is a massive hole in the Federal budget. It is going to a program which makes no sense any longer. In States such as North Dakota, the American taxpayer is presently paying, in tax subsidies to the average farmer in North Dakota, twice what the farmers make in take-home pay. So it makes no sense. It is a program that makes no sense.

I agree with the Senator from North Dakota on that point. But I do not think the way you resolve it is by putting more and more money into it. In fact, the last Agriculture Secretary, Secretary Glickman, said exactly that. He said the incentive for farms to be efficient any longer has been lost. Essentially, the Government role is requiring the farmer to do something in return, which has been largely eliminated by the Congress. There is essentially a program that is out of control and it is getting more and more out of control. All we are doing is suggesting we throw more and more money at it, so now we have eight States where the Federal Government pays more in subsidy than the farmers take home in pay. What type of program is that? It does not make any sense to me.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, in response to my colleague from New Hampshire, when he uses the figure of 200 percent in North Dakota, what he is taking is a year in which there were two emergency packages paid in the same year: one for the previous year, one for the current year. So it is not an accurate picture of what is occurring.

The Senator is right that agricultural spending has increased. It has increased in response to a crisis. It has increased in response to the lowest farm prices, in real terms, in 75 years.

I put up the chart that shows what has happened to farm prices. They have gone straight down since the last farm bill has passed and the prices that farmers pay have escalated, escalated, escalated, creating a huge gap between the prices they pay and the prices they receive. If we do not respond, we will see tens of thousands of farmers forced off the land.

Talking about a value question, this is a value question. It has nothing to do with our farmers doing something wrong or being somehow incapable of competing. But they are up against the hard reality of what the Europeans are doing. The Europeans are outgunning us 30 to 1 on export support for agriculture—30 to 1. On support to individual producers they are outgunning us almost 10 to 1. That is the reality of what we confront here.

The Senator from New Hampshire can say "tough luck, you are all down the road here," but I do not think that is the response of the American people. I think the American people say if this is what our competitors are doing, we ought to fight back. We ought to level the playing field. We ought to give our farmers a fair, fighting chance.

I know there are other Senators waiting for time. How much time does the Senator from Iowa need?

Mr. HARKIN. May I have 5 or 7 minutes?

Mr. CONRAD. I yield 7 minutes to the Senator.

Mr. DOMENICI. Senator HUTCHINSON has been waiting. Can I give him 3 minutes?

Mr. CONRAD. Certainly.

Mr. DOMENICI. Mr. President, I yield 3 minutes.

The PRESIDING OFFICER (Mr. GREGG) The Senator from Arkansas is recognized for 3 minutes.

Mr. HUTCHINSON. Mr. President, as a new member of the Agriculture Committee, it will take only a moment to give my perspective as the Senator from Arkansas, and it is a little different perspective from what some have been speaking about on agricultural spending. Certainly there are some big issues that have to be addressed on farm policy. They will be addressed in the context of a new farm bill. The reality is farmers are hurting right now. They need a signal from this Senate and this Congress that we are going to address the crisis that agriculture is experiencing.

In my home State of Arkansas, 25 percent of our economy is agricultural related, either directly or indirectly. In east Arkansas, in the Delta of Arkansas, the entire economy is related to agriculture—the implement dealers, the seed stores, the bankers, or the farmers themselves. So this is a critical issue to my State and one we must address.

Because of low commodity prices, because of increasingly high energy costs, because of high fertilizer costs, because of the investments in machinery that are required, all of this compounds to create a very serious situation in farm communities across Arkansas.

What we are seeing is the death of American agriculture by attrition. We may be able to point to a rising graph on spending, but we must acknowledge that what farmers are facing today is a grave crisis. The way we have handled that in recent years has only added to the uncertainty. This signal early in this budget debate will send the right kind of message to the farmers of this Nation that Congress is not going to leave this issue unaddressed, and we are going to address it early. My farmers want predictability that they can take to the bank. I believe the Grassley amendment will provide the funding levels that will lay the foundation for greater certainty in the future.

What is at stake is not just a safe, affordable and reliable food supply for the American people—something we have always taken for granted—it is a quality of life. What is at stake is, in fact, a value system and whether or not we believe that is worth an investment on the part of the Federal Government. I believe it is, and I strongly support the Grassley amendment.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. I yield 7 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I watched the occupant of the chair in his recent remarks on the state of agriculture in America. He had a chart purportedly showing, if I remember his words correctly, that spending was out of control on agriculture. Spending had gone up.

I want to point out that in 1999, farm payments, Government payments to farmers in Iowa, equaled about 130 percent of their net farm income. Think about that. If it were not for the Government payments, Iowa farmers in the aggregate not only would have had no net farm income, they would have been far into the red—negative income. Think about it: Federal Government payments amounted to 130 percent of Iowa's net farm income.

The Chair, in his comments, said spending is out of control. Was the Senator from New Hampshire blaming the farmers for this? I surely hope not because what is happening in agriculture today—high Government spending, yet farmers still being driven out of business—is a reflection of the misguided, defective farm program that we have called Freedom to Farm. I am proud to say I did not vote for it.

These large Government payments in agriculture are a reflection upon a failed agricultural policy in America. We have to get our farm policy back on track again. But we cannot get it back on track by just pulling the rug out from underneath our family farmers and blaming them for the failures of this Congress to pass a farm bill that provides for better incomes from the marketplace.

As I see the Grassley amendment, it basically takes us down the same pathway as Freedom to Farm did. It says, don't worry; be happy; sometime in the future the prices are going to go up, the markets are going to be there, and everything is just going to be fine. The failure of Freedom to Farm was that it told farmers to plant fence row to fence row for markets that did not materialize. Plant all you want. The consumption will be there, the demand will be there, trade will be there, and the foreign markets will be there; not to worry. Well, as we know, they were not there.

I was in China last year. Last year China was exporting corn. We know what Brazil and Argentina are doing to compete with us in soybeans. We are awash in grain in the world markets right now. Yet our policy says keep on producing even more. I certainly hope we are not going to punish U.S. farmers by saying, get out of business, and get off the land because we have a failed farm policy that we have passed in the Congress.

What we need to do is improve that policy. We have to write a new farm bill by next year. The so-called Freedom to Farm bill expires then—and we have to make some changes.

The amendment of my colleague from Iowa will not permit us to make the kind of changes that are necessary to improve our agricultural policy. For example, I believe there is almost universal support for additional conservation spending and for rewarding farmers for being good stewards of our soil and other natural resources.

With the support of both agriculture and conservation groups, as well as other members of Congress, I have a proposal for a conservation incentive program to provide farmers and ranchers the support they deserve for being good stewards of their land and at the same time keep them in business in agricultural production.

But the amendment by my colleague from Iowa, the Grassley amendment, provides only $350 million a year in additional conservation funding. Much more than that is needed if we are going to have a sound, viable farm and conservation and conservation program.

The Johnson amendment, on the other hand, provides a full $1 billion for added conservation spending. And it provides enough funding overall so that the Agriculture Committee can use its judgment to devote more than that to conservation if they need to do that. And I believe we are going to need to do that.

The Grassley amendment fails to provide the funding to permit us to do in the Agriculture Committee what I believe most of us on both sides of the aisle want to do; that is, to have more conservation; to reward farmers for being good stewards of the soil, water and resources; to tell our urban cousins that they are going to get more conservation in return for farm spending—they will get cleaner water, cleaner air, healthier land, and more wildlife. But farmers cannot bear the whole burden of being good conservationists. It takes time, it takes equipment, and it takes money to do that. Farmers are not making much if any money now. They cannot really afford more expense for conservation.

I believe it is in our national interest to shift the agricultural program to put more money into conservation. That will help farm income and while delivering conservation and environmental benefits for all of us. The Johnson amendment will allow us to do that. The Grassley amendment will not.

Right now the Natural Resources Conservation Service of USDA estimates that at least five times as many farmers apply for funds under the Environmental Quality Incentives Program than can be approved. Farmers want to enhance their stewardship of land and natural resources. We ought to be encouraging them—not turning them away.

Again, the Grassley amendment does not provide the money we need to strengthen our farm programs and help our farmers be good stewards of land, water and natural resources.

The amendment doesn't even provide for the core funding that we are going to need in agriculture over the next 10 years. For 2002, the underlying amendment will only provide about $7 billion against a short fall in farm income of some $10 billion. It provides only $5 billion for 2001, which is far, far too low.

The Grassley amendment makes the same fatal mistake as Freedom to Farm. It bets on the hope of expanding markets and rising prices for farm commodities.

Again, as we transition in agriculture, as we get off of the failed Freedom to Farm bill, as we move into a stronger conservation mode—which will help farmers and ranchers not just in the Midwest, but in the Northeast, in the Northwest, the Southeast, and all over America—and meet the requirements and needs we have for environmental and environmental practices and allow farmers to stay in business. The Grassley amendment simply does not provide for that.

Lastly, let me say that especially in Iowa—I am sure it is true in South Dakota also and North Dakota—we have a very high proportion of elderly in our State. I believe Iowa is No. 1 in the Nation in proportion of people over age 85. And we rank near the highest in the proportion of our citizens who are over age 65. Medicare is critically important to my constituents. It is critically important. Yet the underlying amendment takes money away from Medicare to help pay for agriculture. The last thing I want to do is to pit our elderly, who rely on Medicare, our rural hospitals and our rural providers that rely on Medicare, against our farmers. But that is exactly what the Grassley amendment does. It pits the interests of older Iowans against those of farmers. That is the last thing I want to see happen.

The Johnson amendment is much more forthright. It says we don't need to give all of these tax breaks to the superrich. We will take a little bit out of the tax breaks that are given to the upper 1 percent in our country to help meet our needs in agriculture.

There are a lot of reasons to be opposed to the Grassley amendment, but I submit to you that perhaps the single most important reason is that we should not be taking away from Medicare to pay for agriculture and pit the elderly in my State against farmers. That I cannot support. There is enough money if we do not give tax breaks to the wealthiest in our country—at least not 43 percent of the tax reductions. We can give them a little bit. The Conrad amendment provides for a lot of tax reduction, but not the huge amount of tax breaks in this budget proposed by President Bush which prevent us from adequately funding agriculture and other priorities.

The Johnson amendment is one that makes sense. It will help us get our agricultural house in order without going after Medicare.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, maybe I can review the points the Senator from Iowa is making on the amendment that we will vote on very shortly.

The Grassley amendment, while well intended, has a very unfortunate consequence. We have gone back now and looked at the year-by-year numbers in the Republican budget resolution. What we find is very clear. If the Grassley amendment for additional support for agriculture passes, he is going right into the Medicare trust fund in the years 2005, 2006, 2007, and 2008.

I believe strongly that we ought to increase support for agriculture. We have an amendment to do that. It is the Johnson amendment that will follow the Grassley amendment. But we do not raid Medicare trust funds to do it. That is a profound mistake, and it is precisely what the Grassley amendment does.

If one looks at the budget we are considering this year and then the following 10 years, if you take out the

Grassley amendment that previously passed for prescription drugs and the funding in each year for that initiative, then you take out the Grassley agricultural amendment and the funding it requires in each of the years, you find that you are raiding the Medicare trust fund by $15 billion in the year 2005, by $13 billion in the year 2006, by $10 billion in the year 2007, and by $4 billion in the year 2008. So that is a total raid on the Social Security trust fund of $42 billion. It is just wrong. But it is what the amendment of the Senator from Iowa does, perhaps unwittingly.

Mr. HARKIN. If the Senator will yield?

Mr. CONRAD. Yes.

Mr. HARKIN. The Senator has really encapsulated this. The Grassley amendment, first of all, does not meet the legitimate needs of agriculture. It falls far short of what we need. The Johnson amendment meets that need.

Secondly, in terms of conservation, where we want to really move forward, the Grassley amendment does not permit us to support the kind of conservation work we need. The Johnson amendment does.

And lastly, as the Senator pointed out, the Grassley amendment is not going to help us in agriculture, but it still raids Medicare. The Johnson amendment doesn't.

Again, I thank the Senator for pointing this out. His explanation really encapsulates why the Johnson amendment is best for rural America and does not go after the Medicare trust fund.

Mr. CONRAD. It goes to the fundamental problem of the Bush budget and the fundamental problem of the Republican budget which is trying to match the Bush budget. Of course, we don't even have the Bush budget before us. But with the kind of rudimentary outline he has provided us, it simply doesn't add up because the tax cut is so large.

When you try to adjust the spending provisions, as both Republicans and Democrats now want to do—we saw that yesterday; Republicans agreed that we need twice as much money for a prescription drug benefit. Today we see the Republicans agree we need substantially more for agriculture. Unfortunately, what they have proposed is inadequate. It provides $64 billion over the 11 years. Our proposal would provide $97 billion. But the biggest problem is the source of the funds.

Mr. HARKIN. Yes.

Mr. CONRAD. They are—as can be clearly seen with the combined effect of the amendment they adopted yesterday on prescription drugs and the amendment they seek to adopt today —raiding the Medicare trust fund in the years 2005, 2006, 2007, and 2008. That just can't be the way we do business.

The Johnson amendment, instead, provides that we take this money first out of the surplus for the year 2001, and thereafter out of the oversized tax cut which goes disproportionately to the wealthiest 1 percent.

Mr. HARKIN. If the Senator will yield for a question, I didn't read the CONGRESSIONAL RECORD of yesterday's debate, but I heard that the chairman of the Budget Committee had said that the contingency fund should be reserved for Medicare. At least that is what I thought I heard. Yet the Grassley amendment would take money from the contingency fund to pay for agriculture and take it out of Medicare. Did I hear correctly that they wanted to reserve the contingency fund for Medicare?

Mr. CONRAD. That is the description they gave. But the problem is, their budget doesn't work. When you break it down year by year, it doesn't add up. And that is the problem they have. Maybe they were hoping nobody would notice or hoping nobody would bother to add it up and see they are raiding the trust fund. But they are. And it is undeniable they are raiding the trust fund in 2005, 2006, 2007, and 2008. That is the reality.

Does the Senator from South Dakota seek time?

Mr. JOHNSON. Yes, I do, Mr. President.

Mr. CONRAD. How much time?

Mr. JOHNSON. If I might have just 2 minutes.

Mr. CONRAD. I yield 3 minutes to the Senator from South Dakota.

Mr. JOHNSON. I thank the Senator from North Dakota, the ranking member of the Budget Committee, for his leadership, and thank him and my friend from Iowa, Senator HARKIN, for their very able explanation of what the tradeoffs are as we engage in this budget debate.

There is broad-based agreement we need a significant increase in the level of funding necessary for agriculture. In fact, that agreement is bipartisan. Forty-four Senators have written the Budget leadership—including 19 of my Republican colleagues—asking for additional resources for agriculture.

In addition, over 20 farm and commodity organizations have been asking for the resources roughly equivalent to what we are doing in the Johnson amendment, ranging from the very conservative to liberal organizations in the country, from the Farm Bureau to the Farmers Union, and including corn, wheat, dairy, soybean, cotton, rice, and sugar producers. You name it. We have across-the-board support from agricultural organizations.

I think the sense is to do this in a forthright manner rather than playing games with this so-called contingency fund which, in the first measure, is largely composed of Medicare trust fund dollars and should not be used for these reasons anyway and also keeping in mind the tremendous demands that will more than envelop the contingency fund out of defense, out of nonagricultural disasters, out of additional tax cut proposals, and out of prescription drugs.

The more forthright way to do this is to simply recognize that we ought to utilize the surplus this year and downsize very marginally the size of the overall tax cut over 10 years. We can do that and still afford a very significant tax cut.

This is not a question of whether or not we are going to have a tax cut. We will have a tax cut. It will be huge. In fact, we can do this and have a tax cut at least as large as what President Bush has proposed for middle class and working families. We could go even larger and do this as well.

So it is not a tradeoff in terms of a tax cut or no tax cut. It is a matter of whether we are going to be fiscally responsible. It is a matter of whether we are going to deal with the agricultural and conservation needs of this country and do it in a stable, consistent way without jeopardizing Medicare.

Our goal is to get away from these ad hoc multibillion-dollar disaster packages which are unreliable and which no producer can take to his bank with the assurance it is going to happen in the next year and, instead, have a stable, set, and certain kind of level of funding for agriculture for this coming farm bill and this year. It is our goal to do this and to do it in a fiscally responsible way without jeopardizing Medicare, without setting up a fight over whether it is going to be farm relief or whether it is going to be an increase in defense spending but, instead, to set this funding assigned to do it, utilizing some of these projected surpluses over the coming decade as well as for this year.

This is a responsible way to do it, to have some certainty, to not have financing for the agricultural sector of our economy subject to the whims of the politics of any particular given year, and to not be utilizing what, in my view, is a largely bogus contingency fund. It simply doesn't work that way.

Because we have bipartisan support for a significant ramping up of support for agriculture and conservation, I am hopeful that when the dust settles out of this debate we can have that kind of across-the-aisle support for our efforts with this Johnson amendment.

This is badly needed. We are going through a time of great crisis in America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSON. I, again, applaud Senator CONRAD for his leadership in helping to integrate this into a more thoughtful, balanced budget strategy.

Mr. WELLSTONE. Mr. President, I rise to speak in favor of Senator JOHNSON's amendment. This amendment includes $9 billion for emergency farm assistance in Fiscal Year 2001, and $88 billion in additional agricultural assistance above the Congressional Budget Office baseline over Fiscal Years 2002 through 2011. Of this amount $58 billion is provided over Fiscal Year 2003–2007, which will likely be the first five years of a new Farm Bill, and also the period when the need for additional assistance will be greatest. Additionally this increase includes a minimum of $9.4 billion for farm conservation programs. This is approximately a 50 percent increase over baseline funding for current conservation spending.

First, this amendment includes $9 billion in emergency economic assistance for this crop year. This is the second year we have been forced to include emergency farm assistance in the budget resolution. The reason is failed federal farm policy. The 1996 Freedom to Farm Bill, which I call the Freedom to Fail Bill, promised to bring the "free market" to agriculture, by reducing government assistance to producers over the life of the legislation. Unfortunately that legislation has failed to provide an adequate safety net during years of low commodity prices and weather related disasters. Over the last three years Congress has spent over $25 billion in emergency payments. The very largest farming operations have received a majority of these payments, while smaller family farms actually received less under Freedom to Farm. Freedom to Farm did not get the Government out of agriculture, but it sure has been successful in getting family farmers out of agriculture.

Unfortunately, economic forecasts for agriculture remain bleak for the 2001 growing season. According to USDA, net farm income is forecast to decline approximately 20 percent again this year, in the absence of additional assistance. While commodity prices continue to be depressed, input costs, most notably fuel and fertilizer, are skyrocketing. It is my hope that we will not squander the opportunity this amendment presents, as Congress did last year, to deal with the current price crisis, and write a new farm bill that works for family farmers, rural communities and the environment.

In order to ensure that family farmers remain a part of this country's landscape, a new farm bill must be enacted this year. We simply cannot wait until re-authorization in 2002 for Congress to act. Congress should act now to address the impact of plummeting farm incomes and the ripple effect it is having throughout rural communities and their economic base. We must develop a farm bill which will address the immediate price crisis situation, we need a bill that provides a reliable targeted, counter-cyclical safety net to family farmers. For my part, I believe lifting the loan rate would provide relief to farmers who need it and increase stability over the long term. Additionally I believe we must also make a strong commitment to rural development initiatives this year. We must focus on ways to bring the economic boom of the last decade to rural communities who have been left behind. Finally a new farm bill must work for the environment. We must work to include conservation incentives to reward farmers who carry out conservation measures on their land.

This amendment is about priorities. The Senate will go on record. Do we favor a large tax cut that primarily benefits the wealthiest one percent of taxpayers, and fails to address the key priorities of the nation? Or do we provide a level of funding adequate for Congress to write a new Farm Bill this year that meets the needs of farmers and ensures the future of our rural communities. If we cherish the values of family farming and rural communities, we must pass the Johnson amendment.

Mr. GRASSLEY. Mr. President, the Treasury Department has provided us with data showing the number of farms and small businesses, on a state-by-state basis, that would benefit from the President's tax relief plan. This data is reflected in the two charts that I have placed here on the floor.

So now, let's go to our charts and examine the number of small businesses and farms operating in each of our states.

And let's ask ourselves whether the life's work reflected on these charts deserves to be honored by relieving these people of an excessive tax burden.

We continue to hear our Democrat colleagues claim that other provisions in the budget should be increased at the expense of the tax cut.

Well, let's get one thing very clear. Any reduction in the amount of the tax cut means that the benefits of the tax cut proposal are reduced.

We do know what the other side of the aisle intends to take in order to pay for politically motivated expenditures—they intend to take away America's tax cut! So let's take a look at what this would mean to the American taxpayer.

This means that for families with children, the $1,000 child care credit would be reduced for each child in America. And that will occur for every year of the $1,000 credit.

It means that for four-person families earning $45,000 a year will not have their taxes cut in half, as called for in the President's plan.

It means that a four-person family earning $35,000 a year could be subjected to income taxes. The President would take those families off the tax rolls.

It means that expansion of the education savings accounts could be scaled back.

It means that the marriage penalty will continue because there won't be enough funds left to fix it.

It means that small business owners and farmers will see an increase in their tax rates above the levels proposed by the President. They are already paying the highest levels of tax since World War II.

So remember. Every time there is a politically motivated amendment to reduce the size of the tax cut, someone is going to pay a price for that.

So who pays the price of this political posturing?

Families, small business owners and farmers, of course, because their well-deserved tax relief will have to be scaled back.

The bipartisan amendment would add $5 billion in fiscal year 2001 and $58.5 billion between fiscal year 2002 and fiscal year 2011 to agriculture's mandatory commodity credit corporation price supports, related programs and conservation. Adding $63.5 billion to the existing $94.2 billion already assumed in the baseline would total $157 billion of support.

The amendment would stabilize net cash farm income, provide enough funding to greatly strengthen a countercyclical program, provide additional money for regulatory relief, enhance conservation efforts, and be fiscally responsible.

From fiscal year 2002 through fiscal year 2011 the Johnson/Conrad amendment is funded out of the tax cut. Our amendment is funded out of the contingency surplus. In plain language, they take $88 billion out of tax cuts, we don't.

The major criticism raised last night was that it doesn't spend enough money. This is seemingly always the Democratic philosophy: If a little is good, a boat load is better. Well, let me tell you, that's bunk.

The USDA's Economic Research Service has forecast that on-farm income will drop $5.7 billion between 2000 and 2001. But starting in 2002, both the Food and Agricultural Policy Research Institute widely held to be the best source of non-partisan ag-economic information available, and the Congressional Budget Office have forecast that almost all major commodities will realize improved prices. There will not be dramatic growth, but there will be improvement.

We have funded our proposal at $7.35 billion in fiscal years 2003, 2004, and 2005. This far exceeds estimated shortcomings of on-farm net income and provides enough flexibility to help with the cost imposed by new environmental regulations through EPA.

But if your goal is to hurt the family farmer, we should pass a boat load of money here today, then we can stand back and watch cash rent shoot through the roof. Ask any farmer who rents ground how much their rent has increased in the last three years. It's sure not due to inherent value in the land because our commodities have experienced record low prices, yet rent has increased dramatically.

I am not saying we shouldn't help farmers. I have been one of the strongest supporters of increased agriculture spending for additional payments in the Senate. I have also always tried to find bipartisan ground, and I know Senator CONRAD knows this because I have often reached out to Senator CONRAD and Senator Kerrey from Nebraska, when he was in the Senate, to reach that bi-partisan position.

The Grassley-Miller amendment allows us to accomplish the same things we have done for agriculture in the past three years, and also gives us the flexibility to write an outstanding farm bill that fits the need of our family farmers.

Now I want to mention one last point. Remember the crop insurance legislation that we passed last year? Two years ago we provided budget authority for crop insurance and the Agriculture Committee couldn't pass a bill out. The next year Senator ROBERTS and Senator Bob Kerrey found middle-ground and developed a bipartisan, broadly supported crop insurance bill. The problem was it didn't fit the number that we had provided in the Budget. When the Agriculture Committee came back to the Budget Committee and explained the dilemma, Chairman DOMENICI, Senator CONRAD, and myself provided flexibility in the budget to accommodate the legislation.

Let me offer this thought: If the Agriculture Committee finds a bipartisan position that widely accepted as the right thing to do, in a similar fashion to the crop insurance legislation, we will work on providing more flexibility, but for now let's start here.

Mr. COCHRAN. Mr. President, I support the Grassley amendment. This amendment will provide an additional $63.5 billion to the baseline for Commodity Credit Corporation mandatory payments to farmers. This will allow the authorizing committee to write a comprehensive farm bill that will cover major commodities in addition to livestock and specialty crops, rural development, trade, and conservation initiatives.

Conditions in agriculture are not improving. In fact, according to the U.S. Department of Agriculture, the agriculture community will be facing persistently low prices and depressed farm income this year, and possibly the next. This amendment provides an additional $5 billion in fiscal year 2001 for supplemental support that is needed by farmers.

Should farmers need additional assistance in the fall, this amendment also provides for $7.35 billion in fiscal year 2002 that could be used for this crop year.

Again, I support this amendment because it provides additional funding needed by farmers this crop year. It also provides a significant level of agricultural funding in the out years to provide effective and predictable financial support.

Mr. KOHL. Mr. President, I rise today to express my deep disappointment at the failure of Senator JOHNSON's amendment to H. Con. Res 83, the fiscal year 2002 budget resolution. On behalf of the farmers in my State and throughout the country I supported this amendment which would have provided additional economic assistance to producers who continue to face depressed commodity prices and increased fuel and energy costs. Last year, Congress provided a total of approximately $30 billion in total farm spending. Nearly $11 billion of the $30 billion total either carried an emergency designation or was in addition to the spending set forth in the 1996 Freedom to Farm Act. Without these additional funds, we would have witnessed greater numbers of bankruptcies and foreclosures across rural America. We would have witnessed greater economic tragedy in a rural economy that has already suffered too much loss.

The Johnson amendment would have provided $9 billion this year, and similar levels of funding in future years, to continue to meet the real needs of a struggling agricultural sector. Unfortunately, a slim majority of the Senate rejected the amendment choosing to protect a massive $1.6 trillion tax rather than provide adequate assistance for rural America.

I have heard from producers throughout Wisconsin on the difficulties facing the agriculture industry, and more specifically the dairy industry. In dairy, milk prices have hovered around record low levels, as we continue to lose our producers at an alarming rate. We also continue to see dramatic increases in imports of the milk protein concentrates that displace milk produced by American farmers. Last year, Congress approved $667 million in emergency, direct payments to dairy producers to help them remain in business. And a similar amount, or more, will be needed this year to counter what the U.S. Department of Agriculture predicts will be another year of low prices.

I agree with those in this body who complain that year after year of ad hoc emergency agriculture spending is irresponsible and wasteful. I agree with the dairy farmers who would rather have a fair chance to compete than a government handout. We need to re-write the farm bill in a manner that provides adequate and market-oriented support to our farmers and ranchers who continue to produce the safest and most abundant supply of food and fiber in the world. And in the context of that re-write, the Agriculture Committee must enact a national dairy assistance program, a program that allows the competitive family farms of the Midwest to continue to produce and sell their quality product and to support their families, farms and communities with the proceeds.

The levels of spending for agriculture allowed in this budget, as amended by Senator GRASSLEY, are better than where we started: with no provision for responding to the farm crisis this year. However, I am concerned that even the increases now called for in the budget will not be enough to meet the continuing and real needs of the farm economy. And I am equally concerned that, if the Appropriations Committee responds to this shortfall with emergency spending, the White House will not agree. In other words, the Agriculture Appropriations Subcommittee, of which I am the ranking member, and of which my good friend from Mississippi, Senator COCHRAN is the chairman, may not be able to keep the struggling agricultural sector from seeing a real cut in federal funds this year.

I hope that my concerns are misplaced. I hope commodity prices rebound, our farmers experience a good year, and our the Agriculture Committee completes a farm bill that adequately supports rural America with the limited resources provided in this budget. I look forward to working toward that end, and hoping for that end, with Chairman LUGAR and Ranking Member HARKIN on the Senate Agriculture Committee and Chairman COCHRAN and our other Agriculture Appropriations Subcommittee members.

Mrs. LINCOLN. Mr. President, as we consider the budget resolution for fiscal year 2002, I am offering an amendment to provide security for our Nation's farmers and rural communities.

I was disappointed earlier today when we considered the amendments on Agriculture spending.

Those of us from rural areas have always been able to put partisanship aside for one fundamental reason an overriding concern about family farms and rural America. Yet, this institution approved an amendment that provides less than half of the assistance that was delivered to our farmers last year. Half!

I can't believe that my colleagues would kick the farmer when he's down, but that is exactly what they have done by approving this amendment. Crop prices are still at record lows while input costs, such as fertilizer and energy prices, are skyrocketing.

I don't understand how they can justify offering less assistance this year. We have got to address the needs of our farmers today or we will be importing our food from foreign countries tomorrow.

Twenty farm and commodity groups, as well as 32 conservation, religious and environmental groups, have written to the Senate Budget Committee asking for additional spending for agriculture programs. The amount they request is the amount that I am seeking today, $9 billion for emergency funds in 2001 and $12 billion per year for long term assistance.

These groups include the American Farm Bureau, the National Cotton Council, Defenders of Wildlife, The National Cattlemen's Beef Association, the National Milk Producers Federation, and the National Farmers Union, among many, many more.

This country needs a wake-up call! Americans believe that their bacon, lettuce and tomatoes are raised somewhere in the back of the local grocery store.

As the daughter of a seventh generation farm family in Helena, AR, I know where our food supply is produced. It's grown in rural communities by families working from dawn until dusk to make ends meet.

I would like to share with my colleagues a letter that I received recently from one of my constituents.

The letter reads:

> My husband and I have one child. We farm 600 acres of rice and soybeans. Three people, 600 acres—that should translate into a very lucrative living, but it doesn't. For us, it translates into a financial struggle year after year. It translates into a husband, the family provider, who has become so frustrated and discouraged that he needs counseling and medication for depression. It translates into a wife who holds her breath every time the tractor breaks down for fear there won't be enough money for repairs. It translates into a child who is disappointed she can't participate in after-school sports because extra trips to school means extra high-priced gasoline for the car!
>
> We, the American farm family, once felt pride in our occupation. We had a sense of independence and self-sufficiency. Each spring brought renewed hope for a productive season and a bountiful harvest.
>
> Now our hope lies with the bankers who make crop loans and the government who issues supplemental income payments. And there is no pride in having to ask for either one. But for the sake of the families, the very foundation of the agricultural industry, I ask that you give immediate, deliberate attention to our crisis.

Unfortunately this letter is not unique. I have a stack of letters in my office right now from hundreds of Arkansas farm families and they all share the same message—help us, please.

Unfortunately, too many in Washington continue to pay lip-service to our Nation's agricultural producers without actually providing them the tools and assistance they need to sustain their way of life.

Our agricultural communities are hurting. Commodity prices are at record lows, and input costs including fertilizer, energy, and fuel are at record highs.

No corporation in the world could make it today receiving the same prices it received during the Great Depression, yet, we are asking our farmers to do just that.

The American farmer is the most efficient in the world. Yet they are forced to compete with farmers whose countries subsidize their cost of production.

The family I referenced earlier is not competing with their neighbors, or with farmers from across the river. They are competing with farmers from the European Union, Japan, and Brazil, among others, who annually prop their farmers up with subsidies that make the United State's support look like pocket change.

In recent years Congress has recognized that farmers are suffering and delivered emergency assistance to our struggling ag community.

Arkansas' farmers could not have survived without this help. Nearly 40 percent of net farm income came from direct Government payments during the 2000 crop year.

The trouble with this type of ad hoc approach is that farmers and creditors across the country never really know how or when the government is going to step in and help.

Many of my farmers are scared to death that the assistance they have received in the past will be absent this year because the tax cut and other spending programs have a higher priority.

This amendment will provide the security and certainty farmers need for the future.

The Agriculture Committee needs this authority if we are going to adequately develop both a multi-year and multi-title farm bill.

Forcing Agriculture to compete with defense and other needs out of a catch all "contingency fund" does not do our farm families justice.

They are the backbone of this Nation and they deserve better than that.

What is it going to take to get America's attention on the plight of agriculture?

If we don't keep our domestic industry viable and in business, who will grow our food?

Does this institution really want to rely on other countries for its food supply? I, for one, do not.

What in the world would we do if we were relying on Europe for our beef? Or China for our rice? How about South America for those vegetables in your baby's food?

If we can agree that domestic energy production is one key to our economic independence and national security, then isn't domestic agricultural production at least as important?

This country needs to wake up and realize that we are producing the safest, most affordable, and most abundant food supply in the world.

The question for everyone here is, are we going to do what it takes to keep this industry alive? I certainly hope so.

I encourage you to demonstrate your support for rural America by voting with me to ensure that adequate funding will be available to write the next farm bill.

I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 21, 2001.

Hon. PETE DOMENICI,
Chairman, Senate Budget Committee, Washington, DC.

Hon. JIM NUSSLE,
Chairman, House Budget Committee, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Senate Budget Committee, Washington, DC.

Hon. JOHN SPRATT, Jr.,
Ranking Member, House Budget Committee, Washington, DC.

DEAR GENTLEMEN: Recently, you received a copy of a letter we sent to the Chairmen of the Senate and House Agriculture Committees requesting their help in providing significant additional funding for agriculture over the next ten years. Since that time, we have continued to monitor and evaluate the pressing needs facing agriculture and write today to share our further considerations and conclusions with you.

We wish to reiterate our strong belief that agriculture will again need additional emergency assistance in FY2001. While we seek passage of a new Farm Bill at the earliest opportunity, it appears unlikely that a bill could be in place in time to impact producer decision-making for the 2002 crop year. If that is indeed the case, farmers and ranchers will likely need emergency assistance in FY2002 as well.

Congress should approve $9 billion in emergency economic assistance for FY2001 as soon as possible. Delaying this work only harms those producers who are unable to obtain production financing without at least some signal that Congress will approve additional assistance.

In addition, we want to stress the importance of including additional agricultural budget authority for each of the years remaining in the Budget Resolution (FY2003–FY2011) to avoid continued requests for ad hoc assistance packages.

We believe that Congress needs to consider at least $12 billion per year in additional funding needs for each of the remaining years of the Budget Resolution. Such a commitment would provide the necessary funds to cover the options currently being evaluated by the Senate and House Agriculture Committees as essential elements of the new Farm Bill. These include:

A fixed payment for program commodities (such as the current AMTA and oilseed payments);

Rebalancing in the Marketing Assistance Loan program;

A counter-cyclical assistance program;

Export programs;

Conservation incentive programs;

Assistance to livestock and crop producers for compliance with environmental and regulatory requirements;

Research; and

Assistance for non-program crop commodities.

We understand that this request entails a significant increase in spending on agricultural programs. However, we strongly believe that this level of investment in agriculture is critical to both the short-term and long-term health of American agriculture.

Sincerely,

Alabama Farmers Federation, American Farm Bureau Federation, American Soybean Association, American Sugar

Alliance, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Corn Growers Association, National Cotton Council, National Farmers Union, National Milk Producers Federation, National Pork Producers Council, National Sunflower Association, National Turkey Federation, Southern Peanut Farmers Federation, US Canola Association, US Rice Producers Association, USA Dry Pea & Lentil Council, USA Rice Federation, Wheat Export Trade Education Committee.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 4, 2001.

Hon. BLANCHE LINCOLN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LINCOLN: Thank you for offering an amendment to the FY '02 Budget Resolution securing $9 billion for emergency economic assistance for farmers and ranchers this year, and providing for an additional $12 billion in each year 2002–2011. The American Farm Bureau Federation supports your proposal as a stand-alone amendment to Chairman Domenici's budget resolution.

The current financial stress in U.S. agriculture is extraordinary and conditions are not expected to appreciably improve in the near future. The level of additional funding provided by your amendment is the same level of additional assistance the American Farm Bureau Federation Board of Directors concluded would be adequate to allow the Agriculture Committee to write multi-year, comprehensive farm policy. Such additional funding is needed for future farm policy initiatives to provide more certainty for farmers and ranchers rather than year-by-year emergency ad hoc assistance.

Farmers and ranchers clearly prefer receiving their income from the market. However, federal assistance will likely be necessary until such time as market conditions improve.

Again, we appreciate your efforts, to secure additional funding for agriculture.

Sincerely,

BOB STALLMAN,
President.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, time will be charged equally.

Mr. DOMENICI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 27 seconds on the amendments.

Mr. DOMENICI. Five minutes. How much time do they have?

The PRESIDING OFFICER. The Senator from North Dakota has 9 minutes 36 seconds on the amendments.

Mr. DOMENICI. Mr. President, I wonder if the Senator is going to use up some of his time. I would like to make a few remarks at the end.

Mr. CONRAD. Mr. President, while we are waiting—we had a Senator call and request time, so we will wait for that Senator. I hope to give her time. I see her entering the Chamber now.

Let me go back to the point I was making earlier because I think it is critically important for our colleagues to understand. I think everybody knows that this Senator is strongly supportive of additional resources for agriculture. We have an amendment that does that in a straightforward way without taking money from trust funds, the Johnson amendment.

The problem is the Grassley amendment we will vote on first, which provides less of an increase in agriculture and does it in a way that invades the trust fund of Medicare in the years 2005, 2006, 2007, and 2008. I don't believe that is the way we want to fund additional resources for agriculture. That would be a serious mistake.

It is very clear. If one looks at the Republican budget and the Grassley prescription drug amendment that passed yesterday, and then the Grassley agricultural amendment that is pending, and looks at the year-by-year totals, one sees they are raiding and invading the Medicare trust fund in the year 2005 by $15 billion, they are raiding the Medicare trust fund in the year 2006 by $13 billion, they are raiding the Medicare trust fund in the year 2007 by $10 billion, they are raiding the Medicare trust fund in the year 2008 by $4 billion. That is a total of $42 billion taken out of the Medicare trust fund. I don't think that is the way to fund agriculture or anything else. Colleagues should be aware of what they are voting on and what the effect would be.

Mr. President, what is the time remaining on our side?

The PRESIDING OFFICER. The time remaining is 6 minutes 57 seconds.

Mr. CONRAD. I ask the Senator from Michigan if she would like time.

Ms. STABENOW. I would.

Mr. CONRAD. How much time would the Senator like?

Ms. STABENOW. Five minutes.

Mr. CONRAD. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I appreciate the diligence of my distinguished colleague from North Dakota and his effective advocacy and hard work on the budget resolution. We have people on both sides of the aisle who are working hard to put together a vision and a framework for the next year and beyond, up to 10 years, for our country—what are our values, what are our priorities.

Again, we have a discussion about our priorities for the country, and we are focused on a very important part of our economy, an important part of the economy of Michigan. With my great State of Michigan, everyone thinks of automobiles. In fact, we have, in addition to a vibrant manufacturing economy, one of the strongest agricultural economies in the United States and, in fact, in the world. Next to California, we produce more diverse crops than any other State in the Union. We are very proud of that.

My concern is that in Michigan, as in all of our States, we are seeing farmers in great trouble. As I have been here only 4 years in the House of Representatives on the Agriculture Committee and now in the Senate on the Agriculture Committee, I hear from my family farmers, my producers, about how they are working harder, they are producing more, and their paycheck is less; their prices go down. Every year I have been here, we have, in fact, passed an emergency supplemental to help our farmers.

My concern about this budget resolution is that we do not guarantee we will build in the resources for the farm bill we are now working on in the Agriculture Committee and the needs of agriculture over the next 10 years.

We have two approaches in front of us this morning. I am sure they are sincere approaches by colleagues. One I believe is the right direction; one I believe is the wrong direction.

The right direction is the Johnson amendment that will guarantee we are putting aside dollars, $9 billion this year, in order to have an emergency response if we need it before the farm bill is in place, and then $8 billion a year to guarantee we are addressing a wide variety of needs, whether it is conservation, our crop insurance system, the specialty crops in Michigan that are so important, that we need to address in the farm bill. All the areas that need to be addressed in the farm bill—rural development, research extension—are important priorities for the country.

We have a stake in making sure that agriculture is strong in our country. The only way to guarantee that is to pass the Johnson amendment so we clearly state that agriculture is a part of the budget vision for the next 10 years.

My concern about the Grassley amendment, while I am sure it is well intended, is as we discussed last evening: By choosing to go again to the contingency fund for any dollars being proposed, what we are doing is effectively raiding the Medicare trust fund. One of the priorities of the country, in addition to a tax cut, would be to make sure there is a small amount of dollars there, critical dollars, for our farmers, our agricultural producers, our ranchers across the country. The Johnson amendment will place agriculture as a priority.

Unfortunately, the Grassley amendment says we are going to dip into the contingency fund. We heard about that yesterday, and we will hear about it until this budget resolution passes. We will hear: Don't worry about it; the contingency fund will take care of it. Don't worry about it; the contingency fund is there, rather than specifically laying out the priorities of the country. When we look at what that contingency fund is, it is the Medicare trust fund.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Ms. STABENOW. I urge adoption of the Johnson amendment and a "no" vote on the Grassley amendment.

The PRESIDING OFFICER. Who yields time? Time will be charged equally against both sides.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I apologize for the time that we didn't get into a quorum and were not doing any business. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 18 seconds.

Mr. DOMENICI. Mr. President, I will wrap up.

I thank Senator GRASSLEY for taking the lead on this issue. Clearly, I thank Senator ZELL MILLER for being the prime cosponsor. For all those in the Senate who want a practical, responsible addition to the farm surplus, the farm program moneys over the next 10 years, this is the right amendment.

Let me make sure everybody understands right off the bat there is one very big distinction, and that is, once again, in order to spend more on a program, the other side of the aisle would take it out of the $1.6 trillion tax cut that is planned in this budget resolution. If we start down that road for each major amendment, the way we fund it is to take money out of what the people were going to get in tax cuts, then Katie bar the door. Where do we end up? Enough said about that. That is a very big difference. We do not take this money to pay for this program, the Grassley-Miller amendment, out of the tax cuts that are going to the American people.

Essentially this program will cost $59 billion over the decade, with about $5 billion of it going into this year and the balance going into the remaining 10 years. It sends the money to the function called agriculture, wherein it awaits a farm bill that has that much latitude without taking money from any other parts of the budget or becoming subject to a point of order.

Is that enough? According to the experts we have who put this together, clearly if you are going to put together something practical, pragmatic, not trying to get more than you need, not trying to push other things out but, rather, recognizing agriculture's appropriate place among myriad very important programs, then this is a good amendment.

Clearly, the $63.5 billion that is in this bill, including the first year—the year we are in—you add it to the base in this budget and the supports for agriculture amount to—let me repeat this number—$157 billion. That is the kind of support that comes from distinguished Senators who know agriculture, such as Senator GRASSLEY and Senator MILLER.

You know, enough is enough. The other side would have us spend $97 billion over that same period of time. I submit for all Senators to consider, that is just more than enough. That is sort of asking all the rest of the American taxpayers and all of those expecting to get a tax cut—that is saying to them, all of your claims are second rate to an exorbitant agricultural bill. I say that because I depend upon people such as CHUCK GRASSLEY, from an agricultural State, still a farmer, who understands all of these issues intimately. He submits this measure to the Senate as rational, reasonable, and enough money to be sent to the Agriculture Committee upon which a new agricultural bill can be drawn.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 37 seconds.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senators HAGEL and HUTCHINSON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senator BAUCUS and Senator DAYTON be shown as cosponsors of the Johnson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I want to enter into the RECORD letters from Senators requesting approximately $10 billion a year to be added over this 10-year period to the support for agriculture. This is a letter from 44 Senators, including 19 Republicans, asking for an amount of money—actually asking for somewhat more than is in the Johnson amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 30, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Member, Committee on the Budget, Washington, DC.

DEAR CHAIRMAN DOMENICI AND SENATOR CONRAD: We request that at least $10 billion in emergency economic assistance for agriculture for the 2001 crop year be included in the fiscal year 2002 budget resolution. We also ask that the budget resolution contain an increase in the annual baseline spending for agriculture for subsequent crop years by at least $12 billion over fiscal years 2002–2011.

Economic forecasts for agriculture remain bleak for the 2001 growing season and beyond due to the continuation of collapsed commodity prices, while input costs—most notably fuel and fertilizer—skyrocket. We believe that Congress must continue to support agriculture in order to prevent massive farm failures, which would cripple rural America's economy and could further dampen the general economy. We cannot allow this to happen, especially during this time of national economic uncertainty.

As you know, the funds devoted to agriculture in the fiscal year 1997 budget were cut substantially to help reduce our nation's ballooning deficits. The farm bill enacted in 1996 was therefore insufficient to fully address the last three years of collapsed commodity prices and weather disasters. Consequently, Congress has been forced to provide approximately $25 billion in emergency aid to Agriculture since 1998.

We believe the budget resolution must allocate a level of funding adequate for Congress to write a new farm bill that meets the needs of farmers and insures the future of our rural communities. Producers should not be held hostage to the unpredictability of politics and annual ad hoc payments.

Finally, we wish to go on record as supporting the position already taken by our colleagues—Senators Cochran, Hutchinson, Breaux, Landrieu, Bond, Sessions, Lincoln, Shelby, Bunning, Helms, McConnell, Craig, Cleland, Inhofe, Thurmond, Fitzgerald, Miller, Frist, Thomas, Hutchison and Hagel—on this issue in their letter dated March 13, 2001.

We thank you for your attention to this issue.

Sincerely,

Byron Dorgan, Conrad Burns, Tom Daschle, Mike Enzi, Tom Harkin, E. Ben Nelson, John Edwards, Dick Durbin, Mark Dayton, Max Baucus, Jay Rockefeller IV, Tim Johnson, Carl Levin, Patty Murray, Patrick Leahy, Debbie Stabenow, Maria Cantwell, Ron Wyden, Herb Kohl, Jean Carnahan, Evan Bayh.

Mr. CONRAD. I also ask unanimous consent that this letter be printed in the RECORD. It is a request to Senator DOMENICI from Southern Senators, Republicans and Democrats, for an amount of money that is actually in the Johnson amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 13, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR PETE: We are writing to request your assistance in including appropriate language in the FY02 budget resolution so that emergency economic loss assistance can be made available for 2001 and 2002 or until a replacement for the 1996 Farm Bill can be enacted. Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop. We understand it is unusual to ask that funds to be made available in the current fiscal year be provided in a budget resolution covering the next fiscal year, but the financial stress in U.S. agriculture is extraordinary.

According to USDA and other prominent agriculture economists, the U.S. agricultural economy continues to face persistent low prices and depressed farm income. According to testimony presented by USDA on February 14, 2001, "a strong rebound in farm prices and income from the market place for major crops appears unlikely . . . assuming no supplemental assistance, net cash farm income in 2001 is projected to be the lowest level since 1994and about $4 billion below the average of the 1990's." The USDA statement also said . . . "(a) national farm financial crisis has not occurred in large part due to record government payments and greater off-farm income."

In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates. According to USDA, "increases in petroleum prices and interest rates along with higher prices for other inputs, including hired labor increased farmers' production expenses by 4 percent of $7.6 billion in 2000, and for 2001 cash production expenses are forecast to increase further. At the same time, major crop prices for the 2000–01 season are expected to register only modest improvement from last year's 15–25 year lows, reflecting another year of large global production of major crops and ample stocks."

During the last 3 years, Congress has provided significant levels of emergency economic assistance through so-called Market Loss Assistance payments and disaster assistance for weather related losses. During the last three years, the Commodity Credit Corporation has provided about $72 billion in economic and weather related loss assistance and conservation payments. The Congressional Budget Office and USDA project that expenditures for 2001 will be $14–17 billion without additional market or weather loss assistance. With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was provided for the 2000 crop.

Congress has begun to evaluate replacement farm policy. In order to provide effective, predictable financial support which also allows farmers and ranchers to be competitive, sufficient funding will be needed to allow the Agriculture Committee to ultimately develop a comprehensive package covering major commodities in addition to livestock and specialty crops, rural development, .trade, and conservation initiatives. Until new legislation can be enacted, it is essential that Congress provide emergency economic assistance necessary to alleviate the current financial crisis.

We realize these recommendations add significantly to projected outlays for farm programs. Our farmers and ranchers clearly prefer receiving their income from the market. However, while they strive to further reduce costs and expand markets, federal assistance will be necessary until conditions improve.

We appreciate your consideration of our views.

Sincerely,

Thad Cochran, John Breaux, Tim Hutchinson, Mary Landrieu, Kit Bond, Jeff Sessions, Blanche Lincoln, Richard Shelby, Jim Bunning, Jesse Helms, Mitch McConnell, Larry Craig, Max Cleland, James Inhofe, Strom Thurmond, Peter Fitzgerald, Zell Miller, Bill Frist, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel.

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Senator CRAPO asking for an amount of money actually somewhat more than is in the Johnson amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 28, 2001.

Hon. KENT CONRAD,
Ranking Member, Committee on the Budget,
Washington, DC.

DEAR SENATOR CONRAD: I write to request your assistance in including flexibility in the Fiscal Year 2002 budget resolution to address the needs of America's agricultural community. The budget resolution should provide for emergency economic assistance for agricultural producers until the next farm bill can be enacted. Additionally, adequate baseline funding for agriculture needs is vital.

The U.S. agricultural economy continues to face persistent low prices and low farm income. A rebound is unlikely in the near future. In fact, U.S. net farm income is expected to drop 9 percent in 2001. Recognizing the importance of a safe, affordable, and abundant domestic food supply. Congress has provided producers with supplemental farm assistance for the last three years. This assistance has been vital to operator viability. Although our farmers and ranchers would prefer to receive their income from the market, they are facing desperate times. While they work to reduce costs and expand markets, we must do what we can to assist them. Supplemental support should continue until Congress enacts a new farm bill and flexibility to provide this funding should be included in the budget resolution.

As a new farm bill is developed, it is also important that we increase the baseline for agriculture related budget functions. In addition to the demands of the commodity programs, current funding levels do not reflect the growing need for increased market access, conservation, research, and rural development funding.

In a global economy, agricultural profitability is tied to foreign markets. Trade is critical to the future of agriculture. It must be free and fair, unfortunately, at this time we have neither. Increases in the budget will allow for additional funding for market access programs, while barriers are reduced and inequities addressed.

America's farmers are working to meet increasing environmental regulations and reach their own stewardship goals. It is important that we provide them with funding to meet the demand for clean air and water, wildlife habitat, and open spaces. Increasing the natural resources and environment baseline will provide producers the technical and financial assistance necessary to allow them to succeed and remain good stewards of the environment.

Increasing the agricultural baseline will also allow us to support important research efforts. America's farmers and ranchers are the most efficient in the world. Agricultural research is vital to maintaining and building upon efficiencies, improving profitability, protecting the environment, developing new markets and uses, and addressing emerging issues.

The rural development programs administered through the U.S. Department of Agriculture are also important. Rural economic development programs are increasingly valued in rural America. In light of a distressed agricultural economy and declining resource industries, these programs are urgently needed. Additionally, infrastructure needs in rural areas are high and increasing federal mandates add to these costs. Rural development programs are helpful to rural communities trying to comply with the disproportionate costs of federal mandates.

Adequate steps should be taken to ensure these essential programs are funded. I am confident that the budget resolution can provide flexibility for emergency economic assistance and increase baselines in a fiscally-responsible manner. Please rest assured that I remain committed to a balanced budget and will work with the Committee to prioritize competing needs.

Thank you for your consideration of this request.

Sincerely,

MIKE CRAPO,
U.S. Senator.

Mr. CONRAD. Mr. President, the question of the amount of money is guided by what our competitors are doing. The Europeans, who are our major competitors, are outspending us by a very wide margin. The amount of money in the Johnson amendment is intended to approach what our major competitors are doing. It doesn't equal them, but it is to at least give our farmers a fair, fighting chance.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. Mr. President, I yield 5 minutes of the remaining time to Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I thank Senator DOMENICI for yielding.

Let me first say to my colleagues that I have concerns with both of these amendments. We should wait until the new farm bill is written before budgeting money to spend on agricultural programs over the next 10 years.

Our colleague from North Dakota talks about how much the Europeans spend subsidizing production and exports and then holds that out as a standard for something we should be doing. His argument basically is to imitate the worst, most inefficient farm program in the history of the world—a program that would make a commissar from the old Soviet Union have an uneasy stomach.

I am going to vote for the Grassley-Miller amendment for a very simple reason; that is, it provides funds in the budget for this year and sets out an expectation of funding over the next ten years, while allowing us to write a farm bill and determine what is really needed in order for rural America to prosper. Of the two approaches, the Grassley-Miller amendment is by far the more rational option.

The alternative that is presented by Senators JOHNSON and CONRAD would simply create a $97 billion entitlement, put on automatic pilot, massive government spending, when we haven't even written a new farm bill. No logic whatsoever exists to support such an amendment.

The only purpose of the amendment is to take $97 billion away from the tax cut. So what this amendment really does is reduce the tax cut, which means either we aren't going to repeal the death tax, or we are not going to repeal the marriage penalty, or we are not going to double the child credit exemption, or we are not going to reduce rates. Instead, this amendment takes $97 billion away from the tax cut and creates an entitlement before we have even written a farm bill.

So this may be disguised as an agricultural amendment, but this is really an amendment to reduce the tax cut.

I hope my colleagues will vote for the Grassley-Miller amendment. It sets out funding for this year, to address real problems in agriculture, it provides a projected level of funding for the next 10 years, and it allows us to write a new farm bill.

How are we going to write a rational farm bill if we have already committed to an entitlement of almost $100 billion? Does that make any sense whatsoever? The answer is no. The Johnson-Conrad amendment should be rejected.

I urge my colleagues, especially those who are inclined to vote against both amendments to support the Grassley-Miller amendment—life is about choices, and we have a very big evil here in the Johnson-Conrad amendment. I suggest we go with the Grassley-Miller alternative in order to provide funding that we know we are going to need this year to address current problems in agriculture—it would be better to do it through the normal process under an emergency designation, but that is not the choice. Then we can write a farm bill, and, having a farm bill before us, we can make a rational decision about how much money we need for the future. It may be less than $97 billion; it may be more than $97 billion. But the idea of committing money in the year 2001 in an entitlement, when we have not even written a farm bill, really insults our intelligence.

I urge my colleagues to vote for the Grassley-Miller amendment and to vote against the Johnson-Conrad amendment. I think this is an important issue. If we adopt the Johnson-Conrad amendment, we are going to set a precedent that indicates we are not necessarily interested in farm policy, we are just interested in a bid to reduce the tax cut in order to fund a program which has yet to be devised.

So I want everybody to remember, if you vote for the Johnson amendment, you are taking money out of repealing the marriage penalty, or doubling the dependent exemption for children, or repealing the death tax, or reducing rates. It has to come from somewhere. I urge my colleagues to support the Grassley-Miller amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided before vote on the Grassley amendment.

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Senator from Texas makes a very interesting proposition. He said write a new farm bill and then decide on the budget.

That has it exactly backwards. That is not how we do business. We decide on a budget; then we write a farm program.

I also remind my colleagues that the amount of money being sought in the Johnson amendment is the amount of money we have had each of the last 3 years to cope with this farm crisis—the lowest prices in 75 years. That is the basis of the calculation of the need.

The amendment of the Senator from Iowa restricts us to far less than we have had each of the last 3 years to meet this farm crisis. It is also true that our major competitors are outspending us 10 to 1 in support for their producers and are outspending us 30 to 1 in export assistance. It is no wonder our farmers do not have a level playing field.

Finally, the Grassley amendment raids the Medicare trust fund to support the additional resources for agriculture. That is a mistake.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have 1 minute?

The PRESIDING OFFICER. Yes, 1 minute.

Mr. DOMENICI. Mr. President, frankly, I do not have a lot more to say. It seems as if we are adopting a policy of, if we have any time, we ought to use it, so I am going to use it.

I remind everyone, if they want a farm bill that adds substantial money to the program over the next decade, it is my recommendation they vote for the first amendment, the one Senator GRASSLEY has put together with ZELL MILLER. If my colleagues do not, we will have no agricultural bill, it seems to me, looking at how things are.

For those who do not want to vote for the Grassley-Miller amendment and hold out, just remember: You may get no agricultural bill if you do that. The better approach is in the Grassley amendment. I believe it is fair; it is reasonable; it is rational. And clearly a new farm bill built around these numbers might, indeed, pass the Congress. If my colleagues think they are going to pass one with much more than that, they are just dreaming. I yield the floor.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 174. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—51

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 174) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 176

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, there will now be 2 minutes of debate prior to the vote on or in relation to the Johnson amendment.

Mr. CONRAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. CONRAD. How much time was consumed on the last vote?

The PRESIDING OFFICER. Fifty minutes.

Mr. CONRAD. Fifty minutes. I thank the Chair.

Mr. President, we have just passed, after a 50-minute vote, a measure that raids the Medicare trust fund in the years 2005, 2006, 2007, and 2008 to the tune of $42 billion. That is what the amendment just passed does. It raids the Medicare trust fund in each and every one of those years to supply more resources to agriculture.

This amendment provides additional resources to agriculture, but it does it the right way. It doesn't touch any of the trust funds. It doesn't touch the Social Security trust fund. It does not touch the Medicare trust fund. It funds the money out of the tax cut.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank all Senators who supported the Grassley amendment.

Now we consider another amendment. For those who are worried about how much we are going to spend on agriculture, this amendment would increase the spending on agriculture to a total of $98 billion, all of which will come out of the taxes we intend to give back to the American people.

We have done the numbers. We don't touch the Medicare trust fund. I will give Senators the numbers. The total contingency fund is 845. Take off the Medicare trust fund, you have 453 left. Of that, the Grassley amendment uses $59 billion. We don't touch Medicare in any year, nor do we touch it over the 10 years. Actually, I believe we have done the right thing.

We ought to turn this amendment down. We have had a good vote. We ought to leave it as a good vote and make sure that what is passed is what we do for agriculture. Mr. GRASSLEY, who knows more than the average Senator, put this together with the distinguished Senator from Georgia. They worked hard on it. It is a good amendment. Thanks for adopting it.

Don't undo what you did by voting for the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 176.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There seems to be a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—53

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

The amendment (No. 176) was rejected.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I will shortly send an amendment to the desk that deals with education, which I think should be the No. 1 priority of this Congress. Quite frankly, the President has said it should be our No. 1 priority. The American people think it should be our No. 1 priority. Yet in the budget before the Senate, education is somewhere down towards the bottom. This amendment I will shortly send to the desk will move it up to the top tier.

Mr. BYRD. Will the Senator yield?

Mr. HARKIN. I am happy to yield.

Mr. BYRD. Does not the Senator believe that the administration's foremost priority is a $1.6 billion tax cut?

Mr. HARKIN. I will show that shortly on my charts.

Mr. BYRD. Very well.

Mr. HARKIN. I will absolutely show that is their top priority.

Mr. BYRD. I am waiting with bated breath.

Mr. HARKIN. I appreciate Senator BYRD bringing that up.

Our country was founded on an ideal that no matter who you are or the circumstances of your birth, no matter how much money your parents have or don't have, if you are willing to work hard, study, and get a good education, you can be a success. This is the American dream.

Unfortunately, the dream is slipping away. It is slipping because our classrooms are overcrowded, our schools are crumbling, and our students don't have the educational tools from preschool to college they need to learn. For years we have been nibbling around the edges for a solution; we tweak a program here, tweak another program there, but we have not made a real dent in education reform.

The fact is, now only 2 cents of every $1 is invested in education. That is not enough. Ask the constituents in Montana or Iowa, in any town meeting: Of every Federal dollar we spend, how much goes for education? Ask your constituents. I have gotten answers from 25 cents to 10 cents to 12 cents to 8 cents. I have never gotten the right answer, which is 2 cents. Two cents out of every Federal dollar that we spend goes to education. That just is not enough. It shows that education is not a top priority.

In this new century, we need a new plan for American education, a bold, daring plan to demand true accountability from our schools but also to provide the resources they need to meet the standards and to be held accountable. It is one thing to say you will hold the schools accountable but then you will not give them the resources. As my colleague and my chief cosponsor, Senator WELLSTONE, has said many times, you are setting them up for failure when you do that. If you want schools to be accountable—and we all do—we have to get them the resources they need.

We need to use our budget surpluses to prepare for the future by paying down the debt and investing in education. That is why, along with the many other Senators, I am proposing a plan to truly leave no child behind. Cosponsors of this amendment are Senators WELLSTONE, KENNEDY, MURRAY, BINGAMAN, CLINTON, DAYTON, ROCKEFELLER, CORZINE, MIKULSKI, REED of Rhode Island, REID of Nevada, SARBANES, KERRY, LANDRIEU, and DASCHLE.

We have heard a lot of talk about the importance of education. We have heard it from our President, President Bush. He said: "My administration has no greater priority than education." That was during the swearing-in ceremony for Dr. Paige as the new Secretary of Education. I was there. I heard him say that. He also said: "It's important for us to have the national goal of every child being educated in the best public school system possible on the face of Earth." That was President Bush on CNN Columbus, OH, February 20.

The President said there is no greater priority than education. Let's check the facts and look at the President's budget priorities about which Senator BYRD just spoke. Now we see reality versus rhetoric. The President said he wants to leave no child behind; he wants education to be the No. 1 priority; he wants our kids educated in the best public school system possible on the face of the Earth.

And here is the budget. The Bush tax cut for the wealthiest 1 percent, over 10 years, is $697 billion. Keep in mind this is for the wealthiest 1 percent. Bush's education plan is $21.3 billion over 10 years. What are the priorities? A tax cut for the wealthiest, $697 billion; education, $21.3 billion. The President's entire budget devotes $1.6 trillion of the surplus to tax cuts. Only $21.3 billion is for education. The tax cut that the President is proposing is 76 times greater than the investments he would provide for education. These are the wrong priorities. It is time to put the priorities right.

Our amendment will truly leave no child behind. The education plan we are sending to the desk in this amendment provides $250 billion in education over the next 10 years; the President's plan is $21.3 billion. Our investment is 12 times that proposed by the President but about one-third of what he wants to give in tax breaks to the wealthiest 1 percent of Americans. Let me repeat that: Our investment in this plan is about 12 times what the President wants to put in education over the next 10 years: $250 billion in our plan, $21.3

billion in the Bush plan. The $250 billion we have in our plan is still about one-third as much as the President wants to give to the wealthiest 1 percent of Americans. So our priorities are to put the money in education and not in tax breaks for the wealthiest.

This amendment will put the resources in place so we truly can hold schools and teachers accountable. We meet the following five goals by the end of this decade. The first goal is all children will start school ready to learn. If that sounds familiar, that is because that was the first goal set up by the Governors Commission which was headed by a Republican Governor, I might say, 11 years ago. So that ought to be the first national goal in education, to have all children ready and able to learn.

We know that a child who participates in Head Start is more likely to graduate from high school and less likely to end up in jail or on welfare. However, less than 70 percent of children eligible for Head Start are receiving it. Our amendment would fully fund the Head Start Program so every eligible 3- and 4-year-old child will get the services they need so they can start school ready to learn.

No. 2, all students will be educated by a highly qualified teacher in a classroom that is not overcrowded. Project STAR studied 7,000 students in 80 schools in Tennessee. They found students in smaller classes performed better. We know that. But now we have the data to show it. These students were less likely to drop out of high schools, more likely to graduate in the top 25 percent of their classes. Our amendment increases our investment in the Class Size Reduction Program to meet our goal of hiring 100,000 extra teachers in 2005, and to reduce class sizes in grades 1 through 3 to no more than 18 children.

Our amendment would also provide a fourfold increase in professional development to provide our teachers with the opportunity to acquire the knowledge and skills they need. We hear a lot of talk about improving reading skills. If you want to improve reading skills, get smaller class sizes so the teachers can work with the students.

I yield what time he may want to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Iowa for his courtesy. I appreciate it.

The Senator from Iowa has laid out some figures. I am going to try to do this a different way.

This is called the leave-no-child-behind amendment. I had a chance to visit with some students from St. Cloud, MN. Right now there are not many Senators in the Chamber, so we are just laying out the amendment. There will be plenty of debate about this because there comes a point in time where you have to back up your words with the resources.

I say to the Senator from Iowa, I am very proud to introduce this amendment with him and to be a chief cosponsor of this amendment. For me, this is what this debate is all about. This is a values question.

I have said it on the floor before, and I am going to say it one more time. When the Senator from Iowa talked about Head Start, making sure that children are kindergarten ready, he made the point that kids who are kindergarten ready are less likely to be behind and less likely to fall behind in school and are also less likely to get in trouble.

I enjoy saying this. The truth is we should help these little kids—not just because if we help them when they are little, they are more likely to do well in school or less likely to be in trouble or more likely to go on to college—we should help these little kids at the Head Start level because they are all under 4 feet tall and they are all beautiful and we should be nice to them. Nothing else needs to be said.

My God, what are we going to do? Are we going to put our resources into Robin-Hood-in-reverse tax cuts? Paul Krugman had a piece today in the New York Times where he said, actually, when you figure this out, over 50 percent of these tax cut benefits are going to go to the top 1 percent of the population.

Senators, do you want to vote for a tax cut heavily weighted to the top 1 percent of the population or do you want to vote for this amendment which really is about making sure we leave no child behind? What do we do? We are talking about $200 billion that goes to debt reduction and $250 billion that goes to education, as we look over the next 10 years, which means what? It means we get to the point of fully funding the IDEA program for kids with special needs.

At every school I visit in Minnesota, everybody I meet tells me: Listen, if you would just provide the funding for the IDEA program, it would help us out so much in our own finances.

I offered an amendment with Senator HARKIN last year to fully fund the IDEA program. We got 40 votes. Now is the time to step up to the plate. Make sure the kids are kindergarten ready, fully fund the Head Start Program—although, I say to my colleagues, really in the best of all worlds I would like for us to consider not just the 3- and 4-year-olds; I would like for us to consider the 1-year-olds and the 2-year-olds and the Early Head Start Program.

We are talking about afterschool programs. We are talking about teacher training. We are talking about how to recruit the best people into teaching. We are talking about how to make sure higher education is more affordable. We are talking about dramatically expanding the funding for the Pell Grant Program.

Senators, Democrats and Republicans alike, I think in this budget debate this is going to be the litmus test vote. I said it before. I will say it again on the floor. When President Bush, in his inaugural speech, talked about leaving no child behind, I was moved. This is my passion: children, young people, education. I thought those were beautiful words.

The fact is, look at these tax cuts. Let me repeat this one more time. One-third of the children in America live in homes that do not get one penny from these tax cuts; one-half of African American children live in homes that do not get one cent from these tax cuts; and 57 percent of Hispanic children live in homes that will not receive one cent from these tax cuts.

When are we going to make the investment in education? In children? When are we going to make sure we live up to our words?

I am looking at this budget in a broad outline. Next week we are going to see the specifics. When we see the specifics, let me tell you people in Minnesota and people around the country are going to hold all of us accountable. We already know this much. We now know that there are going to be cuts—cuts in child care programs, the CCDBG program, when only 12 percent of low-income families, much less middle-income families, can afford child care and get any assistance.

There are going to be cuts in programs for prevention of child abuse. There are going to be cuts in the training for doctors in our children's hospitals where there are some of the most sick and vulnerable children.

I ask you, President of the United States of America, President Bush: How do you realize the goal of leaving no child behind when you cut these programs? You cannot realize the goal of leaving no child behind on a tin-cup education budget: $23 billion versus $250 billion that Senator HARKIN and I have brought to the floor of the Senate.

I want to make another point because I think this is the vote. This is the vote when it comes to what our priorities are. As we do the speaking on the floor of the Senate, as we do the talking, there are entirely too many children who are not able to get the help they need when they are little and they come to kindergarten way behind.

There are many college students I meet in Minnesota who are struggling. Many of them are at the community colleges. Many of them are in their forties and fifties. They have gone back to school. Many of them are women. They have children. They have jobs, and they are going to school.

Do you want to know something? We are not going to be expanding the Pell

Grant Program anywhere near enough to make sure they can get higher education. That is the best bang for the buck. But instead we are giving tax cuts to the top 1 percent of the population.

As we speak on the floor of the Senate, and as we debate this amendment, there are entirely too many teachers who are working under really difficult circumstances who do not have up-to-date textbooks, do not have the technology we need, are underpaid; and without the resources, many men and women aren't going into teaching any longer.

When are we going to get real?

I like this amendment because this leave-no-child-behind amendment defines education, not K through 12, but prekindergarten all the way through age 65.

Right now, the report on most of the kids who are in child care is that it is inadequate and too dangerous. We are talking about a real investment here.

We have had all of these studies, all of these books, and all of these conferences about the development of the brain. When are we going to get serious about investing in early childhood development?

The taconite workers on the iron range, and a whole lot of other people from farm country in Minnesota where we have a price crisis, and family farmers who don't get a decent price—many of them are being driven off their farms. Many of them will have to go back to work. Many of them will not go back to work but are going to have to go back to school. Many of them are going to go to our community colleges.

Where is the Pell grant assistance? Can't we expand the Pell Grant Program? Can't we expand the Head Start Program? Can't we make the commitment to school modernization? Can't we try to reduce class size? Can't we do better for teacher training?

Any day of the year, I say to my good friend, including the Senator from New Mexico, I want to say to people in Minnesota in any coffee shop anywhere, that I would far prefer to put much more money into children and education—the IDEA program, title I, the afterschool program, Head Start—than Robin-Hood-in-reverse tax cuts where everyone here knows that the vast percentage of the benefits go to the very top 1 percent, the wealthiest and highest income citizens. This is all a matter of priorities and values.

It is time to step up to the plate, and it is time to cast a vote. This amendment Senator HARKIN has brought to the floor and on which other Senators will be speaking—and if I had to be a primary cosponsor of one amendment in this budget debate, this would be the amendment. Basically, it says it is time to get beyond symbolic politics, it is time to get beyond the speeches, and if we say that we all love the children, and we are all for education, and young people are our future, then we ought to be making the investment in their skills, in their intellect, and in their health and character. That is what this leave-no-child-behind amendment is all about.

With all due respect, one more time, you cannot realize the goal of leaving no child behind on a tin-cup budget. Our amendment which calls for an investment of $250 billion is one-third of what goes in these tax cuts to the top 1 percent of the population.

Our amendment, which calls for a dramatic investment in the health, skills, character, and education of children—of young people, and, for that matter, older people—who are going back to school, is one-third of the tax cuts of the Bush plan that go to the top 1 percent of the population. In the President's plan, it is $23 billion. In this plan, it is $250 billion.

I say on the floor of the Senate directly to the people of Minnesota that I am up for reelection, and to me this is what the election is all about. This is what the election is all about. I am for tax cuts that leave some standard of tax fairness. I am for making sure that working people and that low- and moderate-income people get some assistance and benefits. I am for making sure they get that. They will spend it, and it will serve as an economic stimulus. Lots of families will also benefit if you make the tax cut refundable.

But I also believe that far more important than Robin-Hood-in-reverse tax cuts, with most all of them going to the top 1 percent of the population, would be to make this investment in children and make this investment in education.

It is a question of priorities. I come down on the side of education. I come down on the side of children. I come down on the side of hard-working people who are going back to school and trying to rebuild their lives. I come down on the side of taconite workers on the iron range. I come down on the side of family farmers. I come down on the side of ordinary people. I come down on the side of people who believe that education is the foundation of opportunity in America. I come down on the side of this amendment. We should get 100 votes.

I yield the floor.

Mr. CONRAD. Mr. President, how much time is remaining on the amendment and on the resolution?

The PRESIDING OFFICER. The amendment has not yet been offered. On the resolution, there are approximately 16 hours for each side.

Mr. CONRAD. I thank the Presiding Officer.

I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask the Senator from Washington if she is seeking time.

Mrs. MURRAY. I am. How much time may I have?

Mr. CONRAD. How much time would the Senator like?

Mrs. MURRAY. Between 3 and 10 minutes, whatever you can give me.

Mr. CONRAD. I yield 10 minutes to the Senator from Washington. We will take that off the resolution since the amendment is not yet pending. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. So we will take 10 minutes off the resolution for the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about the Harkin-Kennedy-Murray amendment which I understand will be offered shortly. That amendment is going to provide the kind of investment that we need to make if we truly want to leave no child behind. It is a noble goal, and it is one that all of us should endorse. I am glad President Bush has focused on it.

Unfortunately, President Bush's budget that is before us today squanders this opportunity to ensure no child is left behind in favor of an irresponsible tax cut. Putting America's future first means putting our children first. But the sad truth is, this budget shortchanges America's students. This budget focuses on tax cuts for the few, at the expense of our children's education. We cannot ask America's students to wait in line behind a few wealthy Americans for the support they need to succeed.

I have come to the floor to support the amendment that will be offered today to ensure that all students get the educational resources they deserve. The Republicans are claiming that they provide a significant increase for education funding. I have to tell you, in looking at this budget, I am unable to find that "significant" increase. Instead, it is clear to me that this budget jeopardizes our ability to maintain critical priorities like education.

Under this budget, the actual amount of funds available for schools, colleges, and students will only increase by about $2.5 billion, which is 5.9 percent. That is less than half of the average yearly increase Congress has provided in each of the last 5 years.

At a time when we are—and should be—demanding more than ever from our schools, we must now slow down the Federal investment in our schools, we must not go back on our commitment to help reduce class sizes, we must not do away with support for emergency repairs and renovations, and we must not continue to shirk our responsibility to disadvantaged students and to students with disabilities.

Setting a high bar is important, but setting a high bar and failing to give kids the resources to succeed is just setting them up for failure. I want to take a moment to highlight some of the ways I believe this budget fails our country.

Across our country, parents are asking us to reduce overcrowding in classrooms. They know this is a critical step in ensuring every child learns the basics in a disciplined environment. This Republican budget freezes our class size progress. Teachers are asking for more help mastering the best ways to teach our children. They know they cannot rely on skills they learned 10, 20, or 30 years ago. This Republican budget freezes our progress in improving teacher quality.

Students are asking for schools where they can feel safe and secure. Certainly we have an obligation to provide that. But this Republican budget freezes our school safety progress.

Parents are asking for afterschool programs so their children won't get into trouble or become victims of violence after the school bell rings. This Republican budget freezes afterschool programs.

Teachers and students are asking for school buildings that are modern, are up to code, and provide a safe and healthy learning environment. This Republican budget freezes our ability to help communities modernize their aging schools.

The American people are asking for a stronger commitment to the things that make a difference in children's education, and the Republicans are so busy trying to fund an irresponsible tax cut that they aren't listening.

This budget freezes our progress. That is why we will offer this amendment later. It will provide the resources parents, teachers, and students are asking for.

It will ensure more children start school ready to learn, that we continue our bipartisan initiative to improve student achievement and teaching by hiring 100,000 fully qualified teachers to reduce the average size of classes in the early grades. It will provide critical assistance for emergency school repairs and renovation, and will help our local districts ensure there is a high quality teacher in every classroom. It will meet our obligations to children with disabilities and disadvantaged students, and will allow communities to offer more afterschool programs to keep our children safe and learning. It will also help more Americans afford college.

To justify an irresponsible tax cut, the President keeps talking about an enormous surplus. But when people from my home State come to see me, they ask an important question: How can there be a surplus when we still haven't paid our bills on full funding for IDEA, title I, impact aid, or 100,000 new teachers? I agree with them. I am glad that the amendment we will offer will help to ensure that we pay those bills.

With the projected surplus, our country has the opportunity to make important choices as we begin this new century. Are we going to make the investment in education that all our children deserve? Or are we going to give deep tax cuts to just a few?

Are we going to let our children continue to go to school in overcrowded classrooms, in crumbling school buildings, with underpaid, inadequately prepared teachers? Or will we rise to the occasion and make the choice to invest in our children's future?

We know what the needs are out there. We know what works to help our children succeed. We just need the will of the Members of this Congress to stand up and put the money where their mouths are.

Parents, teachers, students, and community leaders are saying: Don't just talk about the importance of funding education. Make the tough choices to show the American public that education is truly a priority of their elected officials.

That means giving our local school districts the resources they need to provide a first rate education to every student in this country by supporting the Harkin-Kennedy-Murray amendment.

I urge my colleagues, when this amendment is proposed, to vote yes for our children and our grandchildren and for their future.

Mr. President, I thank my colleague for yielding me time.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself 10 minutes off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we are in the midst of a debate on the budget resolution for the year. Contained in that is a proposal for 10 years because that is what the rules require of us.

On our side, we have tried to lay out a series of principles that would form the basis of our budget proposal. Perhaps this is a useful time to review those fundamental principles that we have used to form a budget recommendation to our colleagues.

First, we have said we should protect Social Security and Medicare trust funds in every year so those funds are not raided for another purpose.

Second, we have adopted the policy of paying down the maximum amount of the publicly held debt. The publicly held debt, as we stand here today, is $3.4 trillion. We believe $2.9 trillion of that can be paid down without paying any premiums, without having any difficulty.

Third, we provide for an immediate fiscal stimulus of $60 billion. Our proposal has been: Let's put in place that fiscal stimulus now.

Let's not wait. Let's not delay. Let's not hold it hostage to the larger 10-year budget because this would be available in fiscal year 2001. We already have a budget for 2001. We know we have the money available to provide a fiscal stimulus now. We know we have $96 billion of surplus outside of the trust funds available this year in the budget that has already been passed to provide fiscal stimulus, to provide a little boost to this economy in the midst of the downturn we see occurring.

We think that would be a wise policy to pursue. Then we can deal with the longer 10-year plan. But let's put in place right now a fiscal stimulus that would give lift to this economy.

Fourth, we provide for significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform.

We also reserve resources for the high-priority areas we have previously identified: improving education, strengthening our national defense, providing a meaningful prescription drug benefit, and funding for agriculture because of the crisis facing our farmers.

Finally, we provide $750 billion to strengthen Social Security and address the long-term debt problem America sees just over the horizon. When this 10-year period ends, we all know that the baby boom generation starts to retire, and then we face real financial problems. We have, as I think all of us know, a circumstance in which we will face massive deficits as we look ahead.

We have tried to be mindful of the fact that all of these budgets are based on a forecast, a 10-year forecast, a forecast that is highly uncertain. In fact, it is so uncertain that the forecasting agency warned us that it is very likely to be wrong. Our friends on the other side are betting that this entire projection over 10 years comes true, all $5.6 trillion of it.

Let's reflect back on what the Congressional Budget Office told us. They are the ones that made the forecast, and they provided us with this chart, this analysis. They went back and looked over the variants in their previous forecasts. They said: If we apply the difference between what we projected and what actually occurred and we applied it to this forecast, this is what we see.

In the fifth year of this 10-year forecast, they are telling us there could be anywhere from a $50 billion deficit to more than a $1 trillion surplus. That is in the fifth year alone. They say this notion that there is a $5.6 trillion pot of money at the end of 10 years has only a 10-percent chance of coming true, a 45-percent chance there will be less money, and a 45-percent chance there will be more money. That forecast was made weeks ago.

Look at what has happened in the interval. The economy has continued to weaken. We have more announcements of job layoffs and further erosion in the financial markets.

What would a prudent person bet? Would a prudent person bet we are going to have more money or would a prudent person bet maybe we are going to have less money in that forecast, that 10-year projection?

A prudent person would say it is unlikely that all of this is going to come true and that we ought to fashion a fiscal policy that takes account of that uncertainty.

That is precisely what a number of very distinguished Americans said this morning in the Washington Post. In an article entitled "On Taxes, One Step at a Time," former Senator Warren Rudman, Republican Senator from New Hampshire, one of our most distinguished colleagues, former Senator Sam Nunn, Democrat of Georgia, again, one of our most distinguished former colleagues, who are now cochairmen of the Concord Coalition, and three fellow officials of that organization, including former Secretary of the Treasury Robert Rubin, former Federal Reserve Chairman Paul Volcker, and former Secretary of Commerce in the Nixon administration, Pete Peterson, said:

> . . . great care must be taken to ensure that any tax cut medicine treats the short-term economic symptoms without adversely affecting the long-term prognosis. We believe an immediate fiscal stimulus can be provided independently of the proposed 10-year tax cut.

That is exactly what we have proposed on this side. Let's take immediate action on fiscal stimulus and then independently address the 10-year plan. When we address it, they advise us:

> Any additional tax cuts should be limited to account for the enormous uncertainty of long-term budget projections and the huge unfunded obligations of Social Security and Medicare.

They are exactly right. We ought to be very cautious when we talk about not only the 10-year numbers but when we talk about what is going to happen right when we get past this 10-year period.

This chart shows Social Security and Medicare trust funds face cash deficits as the baby boomers retire. What this shows is that we are in surplus going out until the year 2016. Then Social Security and Medicare start running cash deficits in that year. In other words, these surpluses we enjoy now are going to turn to deficits. They aren't just going to be piddly deficits. They are not going to be little itty-bitty deficits. They are going to be huge deficits. Because when the baby boomers start to retire, the number of people eligible for Medicare and Social Security double very quickly. Then we can see what happens. We see this surplus picture change dramatically. We start running massive deficits. That is why we have said on our side, having a tax cut as large as the President proposes, that uses up all of the non-trust-fund money in this period, digs the hole deeper before we start filling it in.

I will show what I mean by that. This is our analysis of the Bush budget proposal. We have the $5.6 trillion of forecasted surplus. But $2.6 trillion of that, according to the President's calculations, are Social Security trust fund money; $500 billion is Medicare trust fund money. That leaves an available surplus of $2.5 trillion. That doesn't count a third set of trust funds we have. That is another $500 billion. Those are the trust funds of civil service retirement, military retirement, airport trust funds, highway trust fund.

I yield myself an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. If the Chair would inform me when I have used 8 minutes, I would appreciate that. I appreciate the courtesy of the Presiding Officer.

As I have indicated, if we just take out the Social Security trust fund and the Medicare trust fund, we are down to $2.5 trillion. That doesn't count the other trust funds. That doesn't count the airport trust fund, the highway trust fund, the military retirement trust fund, or the civil service retirement trust fund. That is another $500 billion. If we counted that, we would be down $2 trillion.

Then let's look at the President's tax plan. He has a tax cut advertised at $1.6 trillion—not billion, not million, trillion, $1.6 trillion—a huge amount of money. We know from the reestimates that have been done on just part of his plan that it costs more than $1.6 trillion.

We know from the reestimates that have been done on just part of the plan with the House of Representatives, it is at least $1.7 trillion. Then, of course, you have other costs—things that will be necessary to fix because of the President's plan. The alternative minimum tax is perhaps the most significant.

The alternative minimum tax now affects about 2 million American taxpayers. But we have been advised by the Joint Committee on Taxation that if the Bush plan passes, more than 30 million taxpayers will be caught up in the alternative minimum tax. That is almost one in every four taxpayers in America. Boy, are they in for a big surprise. They thought they were getting a tax cut. Instead, they are going to find they are caught up in the alternative minimum tax. That was something designed years ago to prevent wealthy people from paying no taxes. We are going to find a quarter of the American people caught up in it because of the changes the Bush tax cut plan makes that are going to push more and more Americans into the alternative minimum tax.

These aren't wealthy people. Some will be, but many will be middle-class people. Tens of millions of people will be pushed into the alternative minimum tax. That was never the intention of anyone, but that is what is going to happen under the Bush plan. And it costs $300 billion to fix, according to the Joint Committee on Taxation.

So you have the Bush tax cut at $1.7 trillion. You have $300 billion to fix the alternative minimum tax, which is made more necessary by the Bush plan. You have the interest costs associated with the first two of $500 billion. You spend money and provide tax cuts. That includes the interest costs to the Federal Government because the money is not being used to pay down debt. So the interest cost is higher than it would be otherwise. That is another $500 billion. Then we have the Bush spending proposals over the baseline that forms the foundation for this 10-year forecast. That is another $200 billion, for a total of $2.7 trillion.

Remember, if we safeguard the Social Security trust fund and the Medicare trust fund, we only have $2.5 trillion available. We will have $2.5 trillion available if we subtract out the Social Security and Medicare trust funds. Of course, as I indicated, if we take out the other trust funds of the Federal Government, that is another $500 billion. So one can readily see that the cost of the Bush budget plan far exceeds the available resources outside of the trust funds.

What does that mean? That means very simply that we are going to be invading the trust funds of Medicare and Social Security under the Bush plan, and they won't say it, but the numbers don't lie: There is no other way to add this up and make it work.

We already see what is happening out here on the floor of the Senate day after day, as they present amendments to try to fix what is wrong in the Bush budget plan.

Yesterday, Senator GRASSLEY of Iowa offered an amendment to add $150 billion for prescription drugs because the President's plan is insufficient. It doesn't have enough money to provide a prescription drug benefit to the American people. So they offered an amendment to put back $150 billion. Today, Senator GRASSLEY offered another amendment to more fully fund agriculture, and they add back another $100 billion.

If you go out and look, year by year, at their budget and you look at the results of these amendments they have passed and you look at the money that is available, what you find is, sure enough, they are raiding Medicare already.

In the year 2005, they are going to take $15 billion from the Medicare trust fund. In the year 2006, they are going to take $13 billion. In the year 2007, they are going to take $10 billion. In the year 2008, they are going to take $4 billion more, for a total of $42 billion from the Medicare trust fund.

Some may be watching and wondering: well, what difference does that make? The difference it makes is that it means Medicare goes broke faster. That means Medicare is out of money more quickly. And already Medicare is the most endangered of the Federal programs. We all know Social Security is in trouble. Medicare is in even more trouble. If you start tapping it to fund other things, guess what. It is in trouble even more quickly.

Mr. President, those are just some of the things I think need to be known before people vote on this budget. It is critically important that we make wise choices, that we make choices that add up, that we make choices that reflect the values of the American people. I hope very much before this debate concludes that we will somehow manage to find a way to change this plan so that it does add up; so that it doesn't raid the trust funds; so that we can provide significant tax relief to the American people but do it in the context of paying down the publicly held debt as quickly as possible and also funding the priorities of the American people, including improving education and providing a prescription drug benefit.

(Ms. CANTWELL assumed the chair.)

Mr. CONRAD. Madam President, we have a circumstance in which we fund those priorities of improving education, providing a meaningful prescription drug benefit, strengthening our national defense, and also set aside some money to deal with this longer term problem.

Our friends on the other side of the aisle haven't provided a nickel to deal with this long-term debt crisis that is coming our way. They haven't provided a dime for that purpose. We have set aside $750 billion to deal with this long-term budget circumstance, this long-term budget challenge of the baby boomers starting to retire and, when they do, us not having sufficient resources to keep the promise that has been made.

Madam President, I will end on this note as I notice other colleagues have arrived. The fundamental difference between the Democrat budget plan and the Republican budget plan can be summed up on this chart of short- and long-term debt reduction. Of the projected $5.6 trillion that is available if this budget forecast comes through, we reserve $3.65 trillion for short- and long-term debt reduction. President Bush's plan reserves $2 trillion. So while he has a bigger tax cut—about twice as big as what we propose—we have about twice as much money for short-term and long-term debt reduction. That is the fundamental difference between these two plans.

It is up to people to decide what they think is the wiser course. We believe, given the uncertainty of these financial projections, given the magnitude of our current debt and the debt that is coming our way when the baby boomers start to retire, it is much wiser to put more of this money aside for short- and long-term debt reduction than to put it aside for a big tax cut.

Those are the differences. Our tax cut would still permit rate reductions. Our tax cut would permit reforming the estate tax, and addressing the marriage penalty, and an immediate fiscal stimulus of $60 billion. But beyond that, we think the money is better put to paying down the short-term and long-term debt.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa seeks recognition.

Mr. CONRAD. Is Senator HARKIN seeking time?

Mr. HARKIN. I inquire; I had to leave the floor momentarily when we were on the education provision. I am ready to send my amendment to the desk.

Mr. CONRAD. The Senator from Nevada wants 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, in the State of Nevada we have a unique situation. We have rural communities. Las Vegas, Clark County, has one of the most unusual situations ever to have occurred in the history of our country. Clark County School District must build one school each month to keep up with the growth. We hold the record. One year, we dedicated 18 new schools. It is a tremendous burden on the people of the State of Nevada to keep up with this tremendous growth. We need help.

I have had lots of meetings with constituents. That is one of our responsibilities. It is something I enjoy, whether it is here in Washington with people coming from the State or when I go home, as we are going to do for 2 weeks beginning next week. We will talk about things they believe are important.

Every time someone talks to me about an issue, I think: What are we doing? For example, a man by the name of Larry Carter came to visit me one day this week. Larry Carter is a State employee. His responsibility is making sure that grants and other moneys that come from the Federal Government for programs dealing with children are distributed fairly.

In effect, he was telling me they do not need less money; they need more money, and that the money we put into programs for children is working. Violent crime among children, for example, has dropped the last 3 years since Congress got serious about this issue and recognized that violent crime among adults was going down because we had 100,000 new police officers on the streets and it has helped a great deal. Violent crime for juveniles was accelerating. So we decided to do something about it, and it has made a tremendous difference. These preventive programs are like preventive medicine: An ounce of prevention is worth a pound of cure. If we support juvenile justice programs up front when they are the most effective, we save taxpayers' dollars from going to after-the-fact programs. There is some debate about how much it would cost to keep a young person in a reformatory or institution, but it is about $40,000 a year. A lot of prevention programs are a lot cheaper than that. We spend so much money building jails to house youth offenders who, sadly, become adult offenders when they are caught up in the cycle of violence.

The programs Larry Carter talked with me about are good programs. They are not giveaways. A grant of $11,000 makes a tremendous difference, according to Larry Carter, in parts of rural Nevada.

I am very concerned about the budget that has been put forth by the majority. It is not fair. I agree with the ranking member of the Budget Committee, Senator CONRAD. He has done such a remarkably good job of describing the real problems facing this country and that the Democrats want tax cuts.

I had the good fortune a few weeks ago to respond to President Bush's Saturday radio address. I said in the first sentence of my response: Democrats believe in tax cuts, and we want them now.

Everyone within the sound of my voice should understand, we are not saying there should not be tax cuts. We believe there should be tax cuts, but we believe there should be tax cuts that we can afford and that go to the people who need them the most.

The one-third, one-third, one-third program we have suggested is a good program. We would take the surplus and spend a third of it on tax cuts, a third of it reducing this huge debt we have, and a third we should save for programs such as helping the people of the State of Nevada build schools. Nothing is more important to Nevada's future and the future of any State in the Union than educating our young people.

Around most of America, schools are overcrowded and underfunded. We have some schools that do not have the same problems as Nevada. The average school in America is 40 years old. These areas have crumbling schools. In Nevada we do not have enough schools; we need new schools.

Nevada has the fifth largest student/teacher ratio in the Nation. Our schools in Nevada are now facing nearly $300 million in deferred maintenance costs. Seventy percent of the state's population live in Las Vegas in the Clark County School District. Another 15 percent live in the metropolitan Reno area. The rest of the State needs help. They have no tax base. They literally are without the ability to even repair their schools. We need to help these crumbling schools in Nevada and other places.

In Nevada, we have about 450 schools. As I have indicated, in southern Nevada schools are being built at the rate of at least one new school a month. The sixth largest school district in the nation is in Clark County. In that school district, there are over 230,000 children. Eighty-three percent of schools in Nevada report a need to upgrade or repair a building to good overall condition.

The last year it was reported, 1999, Nevada paid over $100 million in interest on school bonds, school debt. That is what this school construction legislation addresses. It will not give away money to school districts. It alleviates the burden placed on the schools because of the interest costs on this debt, this bonded indebtedness that school districts all over America are using to construct schools.

It is estimated that Nevada faces another $6 billion for school modernization and construction. This is a tremendous burden. This includes about $400 million for technology needs.

I talked about the new schools we need to build. And we do need to build new schools in Nevada. The biggest Fourth of July celebration in Nevada is in Boulder City. They have a big parade and all kinds of celebrations that go with the Fourth of July. I was asked by people at the parade to visit Boulder City High School: We want to show you what is wrong with this school.

I said to myself: What is wrong with the school? When I was in high school, Boulder City was one of the best schools, if not the top school. They had more merit scholars and great athletic teams. It was a beautiful place in southern Nevada. They had a lot of grass. We do not have a lot of green things in southern Nevada.

I said: I will go to this school that I thought was always so nice. It has not received the largess of the Clark County School District. It was run down. They had no hot water in the showers for the athletes. Parts of the track were gone. Students could not run in some of the outside lanes.

They could not put computers in that school because it was not wired. It was a mess. This wonderful school that I remember was a mess.

Since I went there, the school district has put a little more money in it to modernize that school.

That is an example of what is happening all over America. We need new schools built, and we need to modernize our schools. That is what the amendment of the Senator from Iowa is about.

Madam President, I have had a lot of dealings with my friend from Iowa since I have been in Washington. He is someone for whom I have great respect. He has for many years been on the Appropriations Committee. I have served with him on the Appropriations Committee. He and Senator SPECTER are the leading Democrat and Republican on the very important committee that deals with Health and Human Services and Education. There is no one in the Senate who has a bigger part than the Senator from Iowa.

I attended a hearing yesterday dealing with Alzheimer's disease. This is a terrible, devastating disease. This Congress is putting huge amounts of money into it as a result of the leadership of the Senator from Iowa and the Senator from Pennsylvania, Mr. SPECTER.

Also, in addition to the work he has done in our search to find the cure for devastating diseases in America, he has also been a leader on education. He not only fought to work on improving education for what some refer to as the regular kids; he has spent months and months of his legislative career dealing with disadvantaged children. I greatly admire and respect him. Senator HARKIN has done many things in this Capitol to make sure that hearing-impaired people can witness and view the proceedings in the Capitol. He has done a lot for American children, disadvantaged and otherwise.

This amendment he will offer is in keeping with the Harkin tradition, putting money where it is needed. I can't say enough about my support of this legislation.

I have talked about some of the things that will be helpful to the State of Nevada. There is no question this will be helpful to the State of Nevada, but it will help everyone in America because if we help educate our young people, we benefit also.

A tax cut of the magnitude some are talking about will eliminate any increase in funding for the education of our children. I am gravely concerned we will not have the resources that will be needed to properly fund our obligation to education and in effect give back to the American family what they deserve.

We talk about this money, this surplus. Let's remind everyone from where it came. No one more than the Presiding Officer appreciates that in 1993 we had a budget deficit reduction act. On that occasion in the House, without a single Republican vote, it was passed; in the Senate, without a single Republican vote, it was passed. As a result of that very dramatic vote, we stopped spending in the deficits and started having surpluses. We first cut down the deficits and then we got into a surplus situation. We cut down the size of the Federal Government. We had 300,000 fewer Federal employees than in the past. We had record-breaking employment, with unemployment being low. Inflation was low. It was remarkable what happened to the economy as a result of that vote.

We now have that money, that surplus. That surplus, we are told by the other side, is the people's money; give it back. That is absolutely true; it is the people's money. But it is also the people's debt. We have to do something about the debt. That is why when we talk about what Democrats should do, there is a third in tax cuts, a third to continue to pay down that debt, and of course, a third left over to do some things in education that this amendment offered by my friend from Iowa will do.

I agree with Senator HARKIN; we should not leave a single child behind. Part of not leaving a child behind is ensuring that our teachers are trained, our children have access to Head Start, and our children are in safe, well-equipped classrooms. We must invest in higher education for our children through Pell grant programs, loan forgiveness programs for teachers, the TRIO program, and the Federal Perkins loan programs.

Senator HARKIN's amendment invests an additional $250 billion over 10 years to improve education. With that investment, we can greatly expand child development programs, make Head Start available to all eligible 3- and 4-year-olds, reduce class size to no more than 18 students, triple Federal funding for school repairs and construction, fully fund the Federal share of the Individuals with Disabilities Education Act, and double spending for after-school programs.

It is not fair what has happened to school districts in Nevada and around the country. It is estimated that it costs an extra 40 cents for every student that is disadvantaged, disabled—physically, emotionally handicapped. What are we paying? Less than a dime of that. The Federal Government should pay the extra 40 cents for every student. If we did that, think of the extra money it would give school districts to do some of the things I have spoken of today.

This amendment of Senator HARKIN is good for the heart; it is good for the head. It is the right thing to do.

After-school programs, we know they work. School districts spend millions of dollars to build schools. These are programs that say: Why not use it after school for some programs for kids who may be latch-key children who go home with no parent home. We would have programs there so they would do better in school and in effect keep them occupied. After-school programs are great. They work well.

I support a tax cut. However, we have to have a fiscally responsible tax cut that allows us to fund education and continue to pay down the debt. I know the people of Nevada want a strong educational system. We should not leave any child behind—not a child from Iowa, not a child from Nevada, or anywhere else across this Nation. We must not shortchange our children.

I urge everyone to support the Harkin amendment when it is offered. It is what this country needs. It would improve everyone's life to better educate our children.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 185 TO AMENDMENT NO. 170

Mr. HARKIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. BINGAMAN, Mrs. CLINTON, Mr. DAYTON, Mr. ROCKEFELLER, Mr. CORZINE, Ms. MIKULSKI, Mr. REED, Mr. REID, Mr. SARBANES, Ms. LANDRIEU, Mr. KERRY, Mr. DASCHLE, and Mr. SCHUMER, proposes an amendment numbered 185.

Mr. HARKIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make certain that no child is left behind and to maintain fiscal discipline by making a major investment in education, including a new mandatory investment in the Individuals with Disabilities Education Act, and a commensurate reduction in the share of tax relief given to the wealthiest one percent of Americans)

On page 2, line 18, increase the amount by $15,600,000,000.

On page 3, line 1, increase the amount by $24,700,000,000.

On page 3, line 2, increase the amount by $34,100,000,000.

On page 3, line 3, increase the amount by $43,200,000,000.

On page 3, line 4, increase the amount by $51,100,000,000.

On page 3, line 5, increase the amount by $59,100,000,000.

On page 3, line 6, increase the amount by $66,500,000,000.

On page 3, line 7, increase the amount by $73,000,000,000.

On page 3, line 8, increase the amount by $80,200,000,000.

On page 3, line 14, increase the amount by $15,600,000,000.

On page 3, line 15, decrease the amount by $24,700,000,000.

On page 3, line 16, decrease the amount by $34,100,000,000.

On page 3, line 17, decrease the amount by $43,200,000,000.

On page 3, line 18, decrease the amount by $51,100,000,000.

On page 3, line 19, decrease the amount by $59,100,000,000.

On page 3, line 20, decrease the amount by $66,500,000,000.

On page 3, line 21, decrease the amount by $73,000,000,000.

On page 3, line 22, decrease the amount by $80,200,000,000.

On page 4, line 3, increase the amount by $12,200,000,000.

On page 4, line 4, increase the amount by $16,300,000,000.

On page 4, line 5, increase the amount by $20,300,000,000.

On page 4, line 6, increase the amount by $23,800,000,000.

On page 4, line 7, increase the amount by $27,300,000,000.

On page 4, line 8, increase the amount by $30,900,000,000.

On page 4, line 9, increase the amount by $34,000,000,000.

On page 4, line 10, increase the amount by $37,200,000,000.

On page 4, line 11, increase the amount by $40,000,000,000.

On page 4, line 17, increase the amount by $7,800,000,000.

On page 4, line 18, increase the amount by $12,300,000,000.

On page 4, line 19, increase the amount by $17,000,000,000.

On page 4, line 20, increase the amount by $21,600,000,000.

On page 4, line 21, increase the amount by $25,500,000,000.

On page 4, line 22, increase the amount by $29,500,000,000.

On page 4, line 23, increase the amount by $33,300,000,000.

On page 5, line 1, increase the amount by $36,500,000,000.

On page 5, line 2, increase the amount by $40,100,000,000.

On page 5, line 8, increase the amount by $7,800,000,000.

On page 5, line 9, increase the amount by $12,300,000,000.

On page 5, line 10, increase the amount by $17,000,000,000.

On page 5, line 11, increase the amount by $21,600,000,000.

On page 5, line 12, increase the amount by $25,500,000,000.

On page 5, line 13, increase the amount by $29,500,000,000.

On page 5, line 14, increase the amount by $33,300,000,000.

On page 5, line 15, increase the amount by $36,500,000,000.

On page 5, line 16, increase the amount by $40,100,000,000.

On page 5, line 21, decrease the amount by $7,800,000,000.

On page 5, line 22, decrease the amount by $20,100,000,000.

On page 5, line 23, decrease the amount by $37,200,000,000.

On page 5, line 24, decrease the amount by $58,800,000,000.

On page 5, line 25, decrease the amount by $84,300,000,000.

On page 6, line 1, decrease the amount by $113,800,000,000.

On page 6, line 2, decrease the amount by $147,100,000,000.

On page 6, line 3, decrease the amount by $183,600,000,000.

On page 6, line 4, decrease the amount by $223,700,000,000.

On page 6, line 9, decrease the amount by $7,800,000,000.

On page 6, line 10, decrease the amount by $20,100,000,000.

On page 6, line 11, decrease the amount by $37,200,000,000.

On page 6, line 12, decrease the amount by $58,800,000,000.

On page 6, line 13, decrease the amount by $84,300,000,000.

On page 6, line 14, decrease the amount by $113,800,000,000.

On page 6, line 15, decrease the amount by $147,100,000,000.

On page 6, line 16, decrease the amount by $183,600,000,000.

On page 6, line 17, decrease the amount by $223,700,000,000.

On page 27, line 3, increase the amount by $8,300,000,000.

On page 27, line 4, increase the amount by $1,000,000,000.

On page 27, line 7, increase the amount by $12,200,000,000.

On page 27, line 8, increase the amount by $7,800,000,000.

On page 27, line 11, increase the amount by $16,300,000,000.

On page 27, line 12, increase the amount by $12,300,000,000.

On page 27, line 15, increase the amount by $20,300,000,000.

On page 27, line 16, increase the amount by $17,000,000,000.

On page 27, line 19, increase the amount by $23,800,000,000.

On page 27, line 20, increase the amount by $21,600,000,000.

On page 27, line 23, increase the amount by $27,300,000,000.

On page 27, line 24, increase the amount by $25,500,000,000.

On page 28, line 2, increase the amount by $30,900,000,000.

On page 28, line 3, increase the amount by $29,500,000,000.

On page 28, line 6, increase the amount by $34,000,000,000.

On page 28, line 7, increase the amount by $33,300,000,000.

On page 28, line 10, increase the amount by $37,200,000,000.

On page 28, line 11, increase the amount by $36,500,000,000.

On page 28, line 14, increase the amount by $40,000,000,000.

On page 28, line 15, increase the amount by $40,100,000,000.

On page 43, line 15, decrease the amount by $8,300,000,000.

On page 43, line 16, decrease the amount by $1,000,000,000.

On page 48, line 8, increase the amount by $8,300,000,000.

On page 48, line 9, increase the amount by $1,000,000,000.

Mr. REID. How much time does the Senator desire?

Mr. HARKIN. I will need 15 minutes.

Mr. REID. Off the resolution, I yield 15 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank my friend from Nevada.

Having been to his State and having visited a couple of cities in Nevada and seeing how the increase in population is there, I know Senator REID understands full well the necessity to invest in education. It is a terrible burden they have in the State of Nevada now in terms of building facilities and getting teachers in classrooms they need to meet the requirements of their rapidly growing population in that State.

I appreciate the kind remarks of Senator REID about me, but I want to return it in kind by saying teachers and students, not just in Nevada but all over the country, have no greater friend than Senator REID. I do appreciate his strong support of this amendment.

I also want to mention the cosponsors of this amendment: Senators WELLSTONE, KENNEDY, MURRAY, BINGAMAN, CLINTON, DAYTON, ROCKEFELLER, CORZINE, MIKULSKI, REED of Rhode Island, REID of Nevada, SARBANES, KERRY, LANDRIEU, DASCHLE, and SCHUMER.

I ask unanimous consent to have printed in the RECORD a list of the groups supporting this amendment. It is a lengthy list.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING LEAVE NO CHILD BEHIND

American Association of Community Colleges.
American Association of School Administrators.
American Association of State Colleges and Universities.
American Council on Education.
American Federation of Teachers.
American Library Association.
Association of Jesuit Colleges and Universities.
Board of Education of the City of New York.
Children's Defense Fund.
The Children's Foundation.
Coalition for Higher Education Assistance Organizations.
Committee for Education Funding.
Council for Exceptional Children.
Council for Opportunity in Education.
Council of Chief State School Officers.
Council of the Great City Schools.
Fight Crime Invest in Kids.
Higher Education Consortium for Special Education.
International Reading Association.
National Association of Counties.
National Association of Independent Colleges and Universities.
National Association of Secondary School Principals.
National Association of State Directors of Special Education, Inc.
National Association for Bilingual Education.
National Association for the Education of Young Children.
National Alliance of Black School Educators.
National Association of Student Financial Aid Administrators.
National Council of Jewish Women.
National Education Association.
National Education Knowledge Industry Association.
National Job Corps Association.
National PTA.
National School Board Association.
New York State Department of Education.
School Social Work Association of America.
Tulare Youth Service Bureau, Inc.
U.S. Conference of Mayors.
U.S. Public Interest Research Group.
Urban Corps San Diego.
University of California.
Workforce Alliance.

Mr. HARKIN. Madam President, our amendment "Leave No Child Behind," the third one says that all students, including special needs students, will master challenging subject matter and Federal education programs will be held accountable and focus on practices proven to work. The title I program provides children who have fallen behind in reading and math with the extra help they need to catch up. However, only one-third of the students who need this extra help are aided.

In addition, the Federal commitment to help educate students with disabilities has lagged behind our goal to provide what we in Congress said 26 years ago, that we would endeavor to provide to the States and local communities at least 40 percent of the average per-pupil expenditure to support the Individuals with Disabilities Education Act.

In our amendment, we have increased investments in title I and in IDEA to help schools meet the tough new accountability standards. I might add, it will also provide much needed relief to local property taxpayers who are struggling to finance their schools.

This amendment we have sent to the desk will fully fund the Individuals with Disabilities Education Act to that level we stated 26 years ago that we wanted to do; that is, provide at least a minimum of 40 percent of the average per-pupil expenditures.

A fourth part of our amendment addresses that all students will attend classes in a school building that is safe, in good repair, and equipped with the latest technology. Fourteen million children attend classes in buildings that are unsafe or inadequate.

Last month, the American Society of Civil Engineers issued a report card on the Nation's infrastructure, on everything from roads and bridges to wastewater treatment, dams, everything—all of the physical infrastructure of America. The one item that got the lowest grade was our public schools, a D-minus. It is a national disgrace that the nicest places our kids see are shopping malls, sports arenas, and movie theaters, and the most run down places they see are the public schools. What signal are we sending to them about the value we place on their education and their future?

This amendment triples funding for the school repair and renovation program that we began in last year's appropriations bill.

Fifth, all students will be able to attend college and get the skills they need to succeed in the global economy without incurring a mountain of debt. Over the past two decades, the purchasing power of the Pell grants has fallen by 25 percent. Loans right now are the principal source of aid for colleges. In this amendment we increase the maximum Pell grant by $600 next year. I think, again, if you talk to any of your constituents, your families out there who have kids in college, there is a new phenomenon happening in America. Kids are going to college. They want to have a better life. They want to succeed. They are piling up mountains of debt by borrowing money to go to school. This is unlike anything we have ever seen in the past. This addresses that by increasing that maximum Pell grant.

We also increase investments in the TRIO Program to make sure some of our most vulnerable students can succeed in college. We also expand loan forgiveness for teachers and increase our investment in Federal job training programs so every adult will have the skills necessary to compete in a global economy.

Again, we know there are a lot of our young people who will not go to college, will not finish college. There are a lot of people in our workforce today who have not gone to college. They need skills upgrading, job retraining, because they are shifting in their jobs. We cannot forget about them either. So our amendment puts the necessary investments in job training programs.

Last, our amendment also maintains our commitment to fiscal discipline by devoting a commensurate amount to reducing the public debt.

Reaching all these goals will require real investments amounting to $250 billion over the next 10 years. But dedicating these funds is simply a matter of priorities. Again I repeat, $250 billion is about one-third as much as the tax cut that President Bush wants to give to the most wealthy 1 percent of Americans.

I will use this chart to show the President's tax cut for the wealthiest 1 percent is about $697 billion. The President's education plan is $21.3 billion. The amendment before us provides $250 billion over 10 years, or slightly more than one-third—one-third of what the President wants to give in tax cuts, just to the wealthiest 1 percent of Americans.

Then, when we consider we are looking at the baby boom generation coming on retirement and the problems we are going to have in Medicare, looking at our economic future, the best investment we can make this decade is to invest in education and make it our top priority.

We are not alone in this. The American people understand this full well. In poll after poll after poll, the American public supports education overwhelmingly. It is not even a close call. These are some of the recent surveys. In fact, one was done by a polling firm that tends to poll more for Republicans that joined with a polling firm that tends to poll more with Democrats. This is what they came up with.

The question was about promoting teaching as a career and raising teacher pay to keep good teachers—91 percent favored that.

Make college more affordable by expanding loan and grant programs and increasing student aid—91 percent approve of that.

Reducing class sizes, using higher pay to attract good teachers, expanding before- and after-school programs—87 percent approved.

Providing funding to repair schools in poor condition and building new schools and wiring classrooms for computers—87 percent approve.

Providing full funding for Head Start, expanding day-care programs in local schools, providing tax credits to help families pay for kindergarten and preschool—85 percent approve.

Requiring the Federal Government to live up to its obligation of 40-percent funding for special education—85 percent approve.

The way I see it, this is not even a close call. I hate to say this since we are talking about education. This ought to be a no-brainer. The American people are on this side. They are telling us in clear, unequivocal terms: Make education your top priority. Invest in these programs.

I have not seen the polls, but I challenge anyone to tell me that they can get these kind of approval ratings for a $697 billion tax break to the wealthiest 1 percent of Americans. Yet that is what the budget has before us. We are elected to represent the people of America. We are all Senators. Yes, I represent Iowa, but I represent the people in Minnesota and everywhere else, too. We are U.S. Senators. We represent the country as a whole. What the people of America are telling us is to invest in education.

Madam President, this amendment provides the necessary funds. So over the next 10 years we can fully fund Head Start for all eligible 3 and 4 year olds, double the title I funding for disadvantaged children, and we can fully fund the Individuals With Disabilities Education Act. We can quadruple professional development, teacher training, and skills upgrades. We can reach our goal of hiring 100,000 extra teachers to reduce class sizes all over America so that no class has more than 18 students in all grades 1 through 12.

We can triple the funding for modernization of school repair, and we can raise the maximum Pell grant by $600 next year.

Mr. WELLSTONE. Madam President, will the Senator yield for a question?

Mr. HARKIN. Yes, I am delighted to yield.

Mr. WELLSTONE. Did the Senator describe the title I program? Did he talk about what title I was? I know he talked about IDEA.

Mr. HARKIN. I talked about helping disadvantaged students with reading and math skills in the title I program.

Mr. WELLSTONE. The Senator pointed out that right now that program is funded about 30 percent. That is about it. Is that correct? He talked about Head Start, but he is also talking about kids who are economically disadvantaged getting that additional help for reading or afterschool through the title I program. We find that it is funded at about a 30-percent level, but now we are going to double it with this proposal. Is that right?

Mr. HARKIN. This will get it to over 60 percent of fully funding the title I program.

Mr. WELLSTONE. In many of our schools in the State of Minnesota—St. Paul, for example—where 65 percent or less of the kids in the free and reduced priced lunch program, do not get a cent from Title I. The state runs out of money.

Again, whether it is about poor children or kids with special needs, or reducing class size, this is the vote in terms of our values.

Mr. HARKIN. I thank the Senator from Minnesota for his strong support of education. No one works quite as hard as Senator WELLSTONE for kids in this country, and especially for disadvantaged kids. He is right. We have to make sure that we invest both in title I and also in the Individuals With Disabilities Education Act.

Again, on the top end of the Pell grant, this is what enables those who are going to college.

The way I see it, this is the vote on the budget and whether or not we are going to have the priority that the American people want us to have or whether we are going to go down the pathway of providing almost unconscionable tax benefits and relief for the wealthiest 1 percent of Americans.

Weigh it. This is the vote. We are not even talking about all of the tax cuts that go to wealthiest 1 percent. We are just taking about one-third of the taxes the wealthiest 1 percent will fund for this education program. This is the vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I was going to ask the distinguished ranking member if he has somebody now to continue, and then we will complete it in about 15 or 20 minutes when the Senator is finished.

Mr. CONRAD. The Senator from Massachusetts would like 15 minutes.

Mr. DOMENICI. We will wait for that and follow after it.

Mr. CONRAD. We thank the chairman very much for his courtesy. I yield the Senator from Massachusetts 15 minutes off the resolution.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank Senators HARKIN and WELLSTONE for bringing forward this extremely important amendment. Over the period of this week we are going to cast some votes here in the U.S. Senate, but I doubt if there is any particular amendment that presents more clearly the question of values and priorities than this amendment does. I doubt if there is any amendment that we will consider that is more about the future of our country and that has a greater relevance to what kind of society we will become over the period of these next several years and into the future.

The numbers that the Senators from Iowa and Minnesota have talked about are very large amounts of money. But when you look at this amount in the context of educational need, these figures are not out of the ordinary. As a matter of fact, they are very modest given the number of children currently attending the nation's schools, and increases in the number of children that are going to be attending our nation's schools and colleges in the coming years.

Senators HARKIN and WELLSTONE are posing a question of priorities. That is, are we prepared to invest in the future of this country and in its children, through reducing the tax breaks for the wealthiest individuals by a third? I commend Senators WELLSTONE and HARKIN for posing that question.

I agree with those who say that money does not solve all of our nation's problems. That point will be debated here this afternoon as this amendment is considered. That point is both valid and worthy of debate. However, money is also a reflection of our Nation's priorities. This is what the budget debate is all about. This is what our votes are all about.

The amendment brought forth by the Senator from Iowa is about placing a priority on what the American family has said is their first priority investment in our nation's children and in our future.

Since fiscal year 1980, the federal share has decreased for education programs. In elementary and secondary education, the investment has dropped from 11.9% to 8.3% in fiscal year 2000, and in higher education from 15.4% to 11%. But, the educational needs of schools and communities are rising.

This chart reflects the number of children who will be entering elementary and secondary schools in the United States of America over the period of the next 90 years. The number of school-aged children will increase from today's enrollments of 53 million students, up to 94 million students in 2100.

This amendment is really about partnership—between federal, State, and local communities. The federal role should lead this partnership through recognizing that the needs of our nation's schools will continue to grow as the population in our nation's schools grows. We must ask ourselves: Does this budget reflect the growing need to invest in elementary and secondary education? Or is it business as usual—

a 5.7 percent over last year's funding level. The Harkin amendment accurately reflects the realities faced by our nation's schools and universities.

Enrollment in higher education has also significantly increased. Our colleges and universities are reaching record enrollments. This year, college enrollment numbered over 15 million students, and is expected to rise over the next 10 years to reach 17.5 million in 2010.

The priority to educate all of our nation's children must begin through an investment in educating children at an early age. Various reports, including those produced by the Carnegie Commission, have shown us what a difference is made through investment at the earliest time in children's lives. Early Start, which is now being funded at 4 or 5 percent of what it should be; the Head Start program at about 40 percent, or 45 percent of what it should be; child care, 17 percent in terms of quality education.

And the list goes on.

As I mentioned, the average annual investment in education has dropped over the past years. Now we are faced, in this budget, with an increase of only 5.7 percent. That is an inadequate amount when talking about the investment needed for the children of this country.

The Senator from Iowa went into considerable detail on a number of features in this amendment, and I would also like to highlight some important points.

I would like to briefly mention the Pell Grant Program. We had a national debate in 1960 regarding aid to education programs. At that time Vice President Nixon was opposed to any aid to education, and President Kennedy supported aid to education. The President believed—and this country went on record during that time—that any student in this country who is able to gain entrance into any college or university on the basis of their academic ability should be able to do so, despite the size of their wallet or the size of their pocketbook. The President believed that students should have access to a range of grants, loans, and work-study programs, and also rely on their own individual efforts, to make up the tuition.

This commitment was reflected in the creation of Pell grants. Over the last 25 years, federal student need has shifted from a grant-based system to a loan-based system. In 1980, 55% of total federal aid for higher education was awarded through grants, and 43% through loans. In 1998, this ratio shifted to 58% through loans; and 40% through grants.

A recent study has found that the maximum award under the Pell grant program has fallen dramatically, from providing 84% of total costs at a public, 4-year university in 1975–1976, to providing 39% of total costs in 1999–2000.

Any Member of this body may visit a college or university in this country and listen to young people. What are they talking about? Are they talking about their books? Are they talking about their studies or what is happening in their lecture halls? No. They are talking about their loans and how they are going to repay their loans. Students are not talking about whether they are able to go into public service, but instead about what they are going to have to do when they get out of school.

The Harkin amendment is a downpayment for putting this country back on the road, and ensuring that young and talented Americans are not turning their backs on the possibility of higher education because do not want to be in debt, nor put their families in debt. This is wrong. It is clear that students cannot afford not to go to college.

We are all working together to ensure that every child has access to a high quality education. But let's also invest in our nation's children. Let's invest in making sure there will be sufficient resources for children to benefit from elementary and secondary education, and move on the furthering their education in colleges and universities.

We need a plan that makes increasing Head Start a priority over tax cuts for the wealthy.

We need a plan that makes full funding for IDEA a priority over tax cuts for the wealthy.

We need a plan that makes increasing Title I a program that helps disadvantaged students master basic skills a priority over tax cuts for the wealthy.

We need a plan that makes reducing class size a priority.

We need a plan that makes improving teacher quality a priority.

We need a plan that makes expanding after-school learning opportunities a priority.

We need a plan that makes modernizing and rebuilding the nation's crumbling and overcrowded school buildings a priority.

We need a plan that makes increasing the maximum level of Pell grants a priority.

We need a strong investment in education that will ensure a bright future for the nation, not a tax cut that leaves the nation's children and students behind.

We know what needs to be done now in terms of education in America. The real question is, Do we have the will? This particular amendment addresses programs that invest in children, and ensures that our future workers are going to have the skills to compete in a modern economy. It reflects the best values of the American people and the best values of our party. That value is investment in children and their futures. That is what this amendment is about. It ought to be adopted.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. I will be glad to yield.

Mr. REID. I have listened intently to what the Senator has said. I think the Senator has clearly said that a child's ability to be educated should not be dependent on how much money their parents have.

Is that what the Senator has said?

Mr. KENNEDY. That is exactly what I have said.

Mr. REID. Today, this week, is when students all over America are going to get notices in the mail as to where they are going to be able to go to school.

Does the Senator agree that many students who are admitted to some schools are not going to be able to go there because they cannot bear the burden of the cost of going to a finer school; they will have to go to some other school, is that correct?

Mr. KENNEDY. If I could answer the Senator's question this way. 97 percent of students in the highest achievement and socioeconomic quartile go on to 4 year college. On the other hand, only 46 percent of children achieving at the same academic level, but in the lowest socioeconomic quartile, go on to a 4-year college or university.

We, as a country and as a society, understand that education is the great equalizer. When we are faced with these facts——

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator has 2 minutes remaining.

Mr. REID. I yield the Senator 5 more minutes.

Mr. KENNEDY. When we are faced with these facts, we have to ask ourselves, What should be our investment? The Harkin amendment is a comprehensive amendment. It will ensure that children are well prepared, ready to learn, and will benefit from the changes and the improvements we have made in elementary, secondary, and higher education.

The question is, Are we going to take the one-third of the tax program and do what the Harkin-Wellstone amendment has asked, or are we going to provide additional billions of dollars to the wealthiest individuals? It is a clear choice.

Mr. WELLSTONE. Will the Senator from Massachusetts yield for one other question?

Mr. KENNEDY. I yield.

Mr. WELLSTONE. There was one comment the Senator made that I think is critically important. I want to make sure I understand it well and that people understand it.

When we marked up the bill dealing with the reauthorization of the Elementary and Secondary Education Act in the HELP Committee, I think all of us went on record saying we were absolutely committed to accountability and holding students to really high standards. But the Democrats on the committee, did we not also say that we have to make sure the students, the children, and the teachers of the schools have the tools; in other words, that we make the investment so that they will have, indeed, the same chance to achieve and do well on these tests? Don't the two go together?

Mr. KENNEDY. The Senator is absolutely correct. It will be a sham if we just have the test without having the support services. We are working to ensure these important services that accelerate learning and academic achievement.

That is addressed in the Harkin amendment.

Mr. HARKIN. Will the Senator yield again?

Mr. KENNEDY. Yes.

Mr. HARKIN. I thank the Senator again for his very eloquent statement and his comments. Certainly, there is no one in either body on Capitol Hill who has worked longer and harder and, I might add, more successfully on the education of all our kids than has the Senator from Massachusetts.

When I was listening to the Senator speak, I was thinking about the prospect of kids who do not have a lot of money who want to get an education, who have achieved well in school, have studied hard. They have made their grades. They have made good grades. The Senator pointed that out in his remarks, that they would have the same desire to go to college as anyone else.

Was the Senator saying that because of the financial barriers, these kids who are high achievers—they are bright, they have studied hard, they have gotten good grades—have some shield that keeps them from advancing on?

Mr. KENNEDY. The Senator is correct.

Mr. HARKIN. And that shield is money. There are going to be other amendments that might focus on one thing or another.

My second question for the Senator: Is it his belief, from all of his long experience involving education, that we have to look at the whole? Each one of these parts isn't a whole. It is important to increase Pell grants, but that alone won't solve it. It is important to increase title I, but that alone won't solve it. It is important to increase funding for individuals with disabilities, but that alone won't solve it. Is it the contention of the Senator that this has to be put together?

Mr. KENNEDY. The Senator is absolutely correct. Over the last 15 years, as the Senator is well familiar, we have learned that a child's mind—almost from the time of birth—should have opportunities to develop. Research has shown us that we must take advantage of the new science in ways that are going to enhance the academic opportunities for these children.

The Senator's amendment focuses not only on the early learning, but also on Head Start, which serves 3- and 4-year-olds.

The Senator is familiar with the excellent hearing that was chaired by Senator JEFFORDS, and during which we learned that 98 percent of young children are receiving important support services at a young age. In Europe, for example, such services have had an important impact on a child's learning ability. That is what the Senator's amendment is about and why it is so compelling.

Mr. HARKIN. I thank the Senator.

Mr. KENNEDY. I yield the floor.

Mr. CONRAD. The Senator from Rhode Island is seeking time?

Mr. REED. Yes.

Mr. CONRAD. How much time would the Senator like?

Mr. REED. Fifteen minutes.

Mr. CONRAD. I yield 15 minutes to the Senator from Rhode Island off the resolution.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in strong support of the Harkin amendment.

Senator HARKIN understands that in America education provides the best opportunity for all of our citizens to achieve and that this country, at its best moments, should always be about opportunity. Senator HARKIN seeks to ensure that every child has an opportunity. He has appropriately titled this amendment "Leave No Child Behind," because he believes sincerely, as do I, that we have to reach out, not just rhetorically but with real resources, to make sure every child can seize opportunity, which is what America is all about.

Unlike the Republican budget resolution before us, which contains only a paltry increase for education—in fact, this increase is smaller than the annual increases in education in the last 4 out of 5 years—the Harkin Amendment provides $250 billion over 10 years for education, a funding level that would truly leave no child behind.

All of our Nation's students have to be given the tools and the opportunity to excel and be successful, in effect, to live out the American dream. The Harkin amendment provides these tools and the opportunity through high quality education that spans a lifetime—from early childhood education, through elementary and secondary education, through higher education, and indeed beyond to postsecondary, lifelong learning. High quality education costs real dollars. The Harkin amendment puts those real dollars into this budget.

President Bush and our Republican colleagues claim that their proposal will leave no child behind, but simply adding accountability to our elementary and secondary schools without providing adequate resources will not do the job.

I have had many opportunities to talk with the Secretary of Education and other leaders in this administration with respect to their education proposal. They talk a good game. They talk about accountability. They talk about standards. But then when you ask them: Where are the resources? They say: Well, we really don't need resources.

That is just not the case. Every American understands that education is worthwhile and that we must invest in education, not just with words but with dollars, to make a high quality education a reality in the life of every child. Indeed, today, the Federal budget only devotes only 2 cents of every Federal dollar to education. We have to do more—not to dispossess the States and the localities of their responsibilities, but to complement and supplement what they are doing.

Today we live in a challenging, international economic order, and students from Massachusetts are not just competing with students from Mississippi; they are all competing against the very best and brightest around the globe. That requires investment. It requires raising our standards and giving every child a chance to reach those standards to ensure that we have the best-educated workforce so we can compete in this competitive global economy. That is what the Harkin amendment will do.

Specifically, Senator HARKIN would help all children start school ready to learn by funding Head Start to make it available to all eligible 3- and 4-year-olds and to expand learning opportunities under the Early Learning Opportunities Act. Making children ready to learn has been a goal of the Federal Government for more than a decade. When President Bush organized the Governor's conference, they determined that their first goal was to ensure that every child should enter school ready to learn. We have failed to achieve that goal. With the resources this amendment provides, we can strive and, I hope, attain that goal.

We also want to ensure that every child is taught by highly qualified teachers in classrooms that are not overcrowded or in ill-repair. The Harkin amendment quadruples funding for professional development, includes money for increasing our effort to reduce class sizes, and increases the resources going to school repair and modernization.

We all understand, too, that every child, including those students with disabilities, must be a part of the educational experience in a meaningful way. That means fully funding the Individuals with Disabilities Education Act.

We also understand that we have a special obligation at the Federal level to provide the most disadvantaged American children with a real chance, and that is why Senator HARKIN will increase title I funding substantially.

Then in order to complete the job, we have to ensure that all of our children with talent and ambition coming out of secondary schools have the resources and the opportunity to go to college. So, Senator HARKIN is calling for an increase in the maximum Pell grant by $600 to $4,350. He is also calling for a significant increase in other need-based student aid programs, such as LEAP, TRIO, and GEAR UP.

All of these proposals go to the heart and soul of what we should be about: giving every child the chance to learn; making them ready for school; giving them good teachers and good facilities; and then giving them the opportunity to go on to postsecondary education.

I cannot think of a more important task, one that is more central to the concerns of all Americans, and one that is more fully realized than this amendment proposed by Senator HARKIN. I support him strongly.

I will be offering two amendments with respect to education. The first I will offer, with my colleagues Senators KENNEDY and BINGAMAN, would support recent initiatives sponsored by the administration and supported by the Health, Education, Labor, and Pensions Committee, that involves testing of our students. The President has called for the testing of all students in grades 3 through 8. I understand, as so many of my colleagues do, that testing is an important aspect of education, not the sole aspect of education, but an important aspect of education. But, I have raised concerns, as have others, that these tests can dominate curriculum so that essentially children are narrowly being taught the test. And one graver concern is that these tests, because so much rides upon them, would be dumbed down or otherwise compromised so that they are not really a valid tool to assess a school's performance. They simply become a routine way to secure Federal funding.

Nevertheless, I believe we should provide the States with the resources if we require them to test every child in reading and math in grades 3 through 8.

The HELP Committee passed the BEST Act under a unanimous vote, 20-0. The bill authorizes $510 million to help States meet this mandate—$400 million for the development and implementation of annual State assessments and $110 million for administering State assessments under the National Assessments of Educational Progress. The National Governors' Association, however, has expressed concern that this level of funding is likely not enough to cover the costs. In fact, with an average testing cost of $50 per student, the real cost may be well over $1 billion. While the amount authorized under the BEST Act is a start, it is really only an initial downpayment on the true cost of implementing these tests.

From what I am hearing from colleagues in Rhode Island, high quality tests are very costly, and the State will need money to implement and administer these tests. It costs a great deal of money to administer and score the tests, to prepare schools and teachers to administer the tests, and to perform other tasks necessary to ensure an appropriate testing regime that will adequately assess the progress of children and will contribute to their education, not distract them from their education.

In Rhode Island, it has been estimated that the cost of an annual testing regime as contemplated by the BEST Act will be about $4 million a year. That is a great deal of money in the State of Rhode Island for education. That money could be used for other purposes in education. I believe if we are mandating these tests, we should at least provide for these resources.

I know a few years ago it was quite in vogue for Republican colleagues to talk about "unfunded mandates," how the Federal Government was imposing these restrictions and requirements and not giving the resources to do it. I can't think of a more transparent and obvious unfunded mandate than to require each State to test each child in grades 3 through 8, which is a traditional province of the States in terms of curriculum, and not give them the Federal resources to carry out that mandate.

So my amendment would, in fact, provide the downpayment on the costs of these tests. I hope it will be agreed to because, right now, this budget does not put the dollars behind the rhetoric when it comes to State testing.

I will offer another amendment along with Senator KENNEDY that would increase our commitment to opening the doors of higher education to our neediest students. Senator HARKIN has indicated in his amendment that he understands the need to increase Pell grants and to support need-based programs. My amendment also would do this. It would increase significantly those resources that are going to programs that are designed to assist talented Americans who are economically deprived. It would increase the maximum Pell grant by $600 to $4,350, something Senator HARKIN also supports. It would increase the LEAP program, a partnership between the Federal Government and the States to provide income-based grants and aid to students going to college by $45 million to $100 million. It would increase the supplemental educational opportunity grants. It would also increase the Federal Work-Study Program to provide students with more resources as they work their way through college. It would increase the TRIO program, designed to identify talented young people, assist them to get into school, and mentor them and help them as they progress through college. It would also increase the Perkins loans capital contribution to assist universities and colleges as they reach out to individual students who need help. It would also help on the loan cancellation part of the Perkins program for reimbursement to colleges for loan forgiveness.

The amendment would also increase funding for the GEAR UP program, another early intervention program. It would also address teacher quality and recruitment through title II of the Higher Education Act by providing additional resources to help teachers better prepare themselves and help communities recruit better teachers.

All of these programs are designed to be consistent with the theme that has been struck by Senator HARKIN in his amendment. If we believe in opportunity, we really have to invest in education. When you get down to the practicalities of school systems in this country, the rhetoric doesn't work. When you get down to the notion that they will simply reorganize themselves effectively and that will make up for additional resources, that clashes with the reality of local education.

What is the reality of local education? Well, the school committees strive for months to come up with a budget. They go ahead and they want increased professional development, and they want increased funds to improve their facilities, to fix roofs. They have made political compromises and struggles to get there. They are just about to announce it, and then they get a call—the superintendent gets a call; it is their health insurance company. They have just announced that premiums are going up 45 percent. So guess what happens to all that money for professional development, library books, and school construction; it is gone.

The virtue and the value that we offer is that we can provide these funds and fence them off, if you will, commit them to libraries, school construction, reducing class size; and by doing that, we can make real progress working with local communities.

The Harkin amendment is the most important amendment in this whole budget because it would put us on record again as saying that we believe in education, in opportunity, and we will support it with dollars and not just words.

I yield the floor.

Mr. CONRAD. Is the Senator from New York seeking time?

Mrs. CLINTON. I am, Madam President.

Mr. CONRAD. Would 7 minutes be all right?

Mr. GREGG. I ask the Senator from North Dakota, are we going to go back and forth on the time?

Mr. CONRAD. There has been no real formality here. If the Senator from New Hampshire would like time at this point——

Mr. GREGG. Why don't we have the Senator from New York speak, and then I will seek recognition after her.

Mr. CONRAD. That is very gracious. I yield 7 minutes to the Senator from New York, and then we will go to the other side.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Madam President, I rise in support of Senator HARKIN's effort to make sure that we as a nation keep our word and that we do, indeed, make education a national priority.

The Senator has called for investing $250 billion in education programs for our children over the next 10 years. I think that is a smart investment. I think it is a prudent investment. I know that improving education has bipartisan support, as I know from my work on the Committee on Health, Education, Labor, and Pensions, where I serve with the distinguished Senator from New Hampshire, where the Elementary and Secondary Education Act reauthorization—now called the BEST Act—passed with unanimous bipartisan support.

I think we need to put the resources behind the title of that act. If it is to be the BEST Act, if it is, indeed, to promote education and provide the kind of opportunities that our children need in the 21st century, then we have to be sure it is not an empty program.

Higher standards will mean absolutely nothing unless we provide our schools and our students—particularly in underserved urban and rural areas—with the resources and support necessary to meet those goals. We have to ask ourselves whether this budget, absent an amendment such as that of Senator HARKIN's, will reflect and meet those priorities.

When we talk about our children's education, we know we have to start early. Does this budget include funding for Head Start, Early Start, the Early Learning Opportunities Act to the extent that our children and families need them? We don't know the details yet, but I am very concerned that what we do know seems to indicate that important programs such as Head Start and the Early Learning Opportunities Act may well be at risk.

In fact, according to the Congressional Budget Office, the administration's spending on education, training, employment, and social services does not actually include a real increase in spending. The numbers have only been adjusted for inflation, which is important and necessary to do, but that means there hasn't been money added to cover the additional children who attend our public schools and rely on these important programs. In fact, I believe it is correct to say that we now have more children in school than we have ever had at any previous time in our history. And in the absence of adding real resources, we are going to find ourselves, once we do get this budget, which I hope will be soon, having to take money away from programs such as Head Start in order to provide services for the elderly, or vice versa. Those are not the kinds of Hobson's choices, at a time of surplus, we want in order to make the best investments, pay down the debt, and provide affordable tax cuts that I think are available to us.

How do we expect children to enter school ready to learn if they don't have the best of resources at home, which many of our children don't have, and we don't help provide them through partnerships in our communities?

It is obviously clear, as Senators HARKIN, REED, and KENNEDY pointed out earlier, the research is absolutely positive that a nurturing, stimulating child care environment has enormous positive impacts on our children. I would like to see us meet the goals outlined by Senator HARKIN of providing eligible 3- and 4-year-olds the opportunity to participate in Head Start.

I also know that once our children get to school, if the classrooms are so crowded, if the teacher cannot even get to all of the children during the day, then many children who come with a disadvantage are never going to catch up. I believe we should continue the efforts we started of reducing class size and putting dollars into getting more qualified teachers into our classrooms.

With both Federal and State funding, for example, New York City has been able to reduce class size for approximately 90,000 students in the early grades. That is nearly 30 percent of our entire K-through-3 population. We know from the research that we are getting better results because of it.

Also, what we claim to be our priorities should be reflected in the school buildings for students to see. We talk about how important education is, and yet I know throughout New York and throughout America, based on my own visits, there are children going to schools in deplorable condition. We have many school buildings that are very old that need to be upgraded.

Modernization costs are soaring. This administration's budget wipes out the $1.2 billion partnership with States and localities for emergency school renovation and repair. I do not believe this is the time to be cutting funds that will help us modernize our schools, equip them with the technologies that are needed—in fact, in some instances, make them safe enough for the children and teachers who spend their days in them.

It is not enough, though, just to reduce class size and have modern, well-equipped schools. We also have to have teachers in those classrooms. We are seeing shortages throughout America. For example, in Buffalo, 231 teachers retired last year, compared with an average of 92 in each of the preceding 8 years. Most telling, Buffalo lost 50 young teachers who moved on to other jobs or other school districts.

Buffalo happens to have the oldest school stock in America. Some of the schools were beautifully built, but their walls are so thick that they cannot be wired. I have seen schools where the wires for computers come out the window and down to be hooked up.

For many teachers, these are impossible circumstances. That is why I introduced the National Teacher and Principal Recruitment Act which I believe will bring up to 75,000 qualified teachers into our highest needs school districts.

Later this week, I will offer an amendment to the budget resolution to reserve funds specifically for teacher recruitment. We have to ensure that all our teachers get the professional development they need.

My friends tell me it is just harder teaching these days. There are a lot of circumstances that make it harder, but the fact is, if we are going to put our money where our words are, then we need to invest in our teachers, in their professional development, in their recruitment, and their retention.

We also need to be sure the Federal Government lives up to its responsibility to fully fund IDEA. Special education students should be provided with the assistance they need to meet the academic standards they are required to meet. I support Senator HARKIN's amendment which will work toward the goal of fully funding the Federal Government's share of IDEA.

Finally, I do not think there is a more important obligation than to make sure those doors to college are wide open to anyone who is willing to work and study hard. I support increasing the maximum Pell grant. I support expanding programs that will help our low-income and minority students get the assistance they need while they are still in high school, and even junior high and middle school, so they are ready to go on to college, by investing in programs such as TRIO and GEAR UP. It is imperative, especially in this economic time, to increase job training by nearly $1 billion a year. These are the investments we should be making.

I urge my colleagues to truly leave no child behind and vote in favor of Senator HARKIN's amendment.

I thank the Chair.

Mr. GREGG. Madam President, I yield myself such time as I may consume off the resolution.

The amendment offered by Senator HARKIN and Senator WELLSTONE has a number of facets to it. The first, of course, is it reduces the tax cut as proposed by the President by $450 billion over 10 years. That means it is taking money out of the taxpayers' pockets and putting that money somewhere in the Federal bureaucracy.

One of the priorities that has been set out is a desire to take from the taxpayers money the Federal Government does not actually need because the Federal Government is running a rather dramatic surplus, $5.6 trillion over the next 10 years.

The first priority the Senators laid out is education. The second priority is debt reduction. It takes $450 billion. It takes $225 billion of that and applies it to what they claim to be debt reduction as the first element.

We need to understand that under the President's proposal, all the debt that can be paid down is being paid down. President Clinton, before he left office, sent us a budget submission which told us how much the nonmarketable debt was, debt which could not be bought down by the Federal Government over the next 10 years.

I have a chart that reflects that number. President Clinton said that number was $1.2 trillion. That is debt that cannot be retired over the next 10 years. We are talking about public debt. President Bush has suggested that the nonretireable debt is $1.15 trillion. Those two numbers are important because President Bush reduces the retireable debt the maximum amount it can be reduced. In other words, he reduces it down to the $1.158 trillion.

There is not any more debt that can be bought. We cannot go into the marketplace and buy more debt unless we are willing to pay a very significant premium. The practical implication of the Harkin-Wellstone amendment is that they want to pay a higher premium to buy back debt than would have to be paid by the American taxpayers if it were purchased in the regular order of events. To accomplish the goals of the Harkin-Wellstone amendment, we would have to, as a Government, take Federal tax dollars and say to people who own American debt: We are going to pay you a premium to buy it back; we are not going to retire it in the regular order of events; we are actually going to require or we are going to ask you to pay it back to us, and because you do not have to pay it back to us and you may not want to pay it back to us, we are going to give you a premium. We end up spending more money than is required to pay down that debt. That makes no sense at all.

What the President has proposed is that we pay down the maximum amount of debt that can be paid down over this period. He has proposed buying back more debt faster than at any other time in history. This is a very significant point because there has been a lot of debate about this in this body over the last few months as to how much debt can be paid down. The problem is there does not seem to be an agreement on this point.

However, if we look at the numbers, we can conclude pretty clearly that the President has chosen a reasonable figure. Why is that?

These are the types of debt, if we were to buy them down today, on which we would have to pay a premium. The first is coupon issues, and that is $670 billion. The second is inflation-indexed issues, and that is $113 billion. The third is savings bonds, and that is $170 billion. Then comes State and local government series; that is $86 billion; bonds backing up emerging markets, the Brady bonds, $19 billion; and bonds issued as part of the S&L cleanup is $30 billion, and other bonds that are nonretireable at $63 billion, adding to $15 billion. This was not a number the President picked out of the air. It is tied to specific obligations of the Federal Government which have been determined to not be retireable.

The practical effect is you cannot get below that number when you are buying back debt. The Harkin-Wellstone amendment has proposed we go below that number; that we take the nonretireable debt number down to about $900 billion. To do that will cost probably another $50 billion. We will have to tax the American taxpayer more in order to raise money to buy back debt at a premium.

Mr. CONRAD. Will the Senator yield?

Mr. GREGG. I am happy to yield when I finish my statement.

Mr. DOMENICI. When you finish, don't yield to him. I want to be recognized.

Mr. GREGG. I will yield to the Senator from New Mexico.

Let me complete this thought. It is so important I have to complete it.

The practical implication of the Harkin-Wellstone amendment is this: The American taxpayers will have to be taxed further to pay down debt which isn't available to be bought back today because it is not retireable. So we end up, instead of saving money, costing the taxpayers money by doing it this way.

That half of the Wellstone-Harkin amendment makes no sense on its face.

I yield to the chairman of the committee.

Mr. DOMENICI. I thank the Senator for coming to the floor and spending so much time while I could not be here.

The poor American taxpayer. Every amendment from the other side wants to spend the surplus so they won't have it. Those on alert out here ought to be the taxpayers. Every time we turn around, a huge amount of money that is scheduled under our President's proposal to go to the taxpayers of America is taken away from them for another program, another activity. Another Senator comes to the floor and talks about how fixing up America will require us to do another 10 things.

Where do you think all those new things come from? They come right out of the surplus that was going to the American taxpayers.

On this particular one, listen up; the President's $1.6 trillion is diminished, not by a little bit but by $450 billion. For those who expressed a desire to have a tax cut, if you had the slightest sympathy toward the President's tax cut, understand that all of these goodies talked about don't come free. They come from somewhere. In this case, they come from the taxpayers of the United States who were going to get a $1.6 trillion tax cut.

Who knows what would be in it? Great Senators with more wisdom than I and more clairvoyance have told you how the tax cut will look. With this surplus we are sending to the tax-writing committee, the $1.6 trillion that the President is suggesting we send to the people of this country instead of spending it, we have no idea what the tax cuts will look like. No idea. That money goes to a Finance Committee that is split even stephen with Democrats and Republicans. They have to get together and write a tax bill. How do we know how it will come out? It will require Democrats to vote with Republicans for a tax bill. What will those people vote for? When the taxpayers of America hear the debate, and there is this huge song, "don't give the rich a tax break," maybe they won't even give the rich a tax break. Maybe they won't even give the rich a tax break. Who knows? They will be given a $1.6 trillion cut, if you adopt these budget numbers. Now they will be given $450 billion less.

All the Senators who spoke of all the good things we could do, they are all good things, but remember, they are not free. In this instance, they come out of a surplus that is $5.6 trillion. And we can't give the taxpayer back $1.6 trillion? We will collect $27 trillion in all kinds of taxes during that period of time. Can we not give them back 6 percent when we have this huge surplus?

I heard the other day that I have been working on budgets when they were mostly in deficits. I find it much easier to handle a budget that is in deficit than I do one that is in surplus. When we have one that is in surplus, everybody wants their hands on the surplus. I am here, maybe the only one, saying $1.6 trillion of that should go back to the taxpayer. I hope I have 51 Senators agree that is what we ought to do.

There are plenty of things that could be done by the tax-writing committees for the American taxpayer that would be very good. I will talk about one right now because it gets a lot of attention from the other side. The other side of the aisle would not argue that the beneficiaries of a growing, prospering American economy are the people. In fact, the more growth for the longest period of time, the more poor people get out of poverty, the more middle-income people climb to a higher middle income because you have prosperity and growth. When you have a surplus, what should you use it for so you can be sure you are providing prosperity and growth, which every single American, rich or poor, certainly would like? Rich, poor, middle income, whoever is sitting around their breakfast table talking, whether they are finishing up right now for April 15 with a $75,000 income or $150,000 income, what do they want? They want to keep on earning money and keep on getting more in their paycheck over the next decade.

How will that happen? It will happen if the American economy is growing so everyone has a real interest in growth, in the innovation that has led to productivity increases—everybody, rich and poor.

The average household in America is going to participate in something called marginal rate reduction. Every level of taxation will get reduced, with the bottom level getting reduced twice as much as the top level. As a candidate for President and as President, why would one ever have dreamed up that in marginal rate cuts everybody gets a tax rate cut. Would he dream it up to help one group of citizens over another? The very best advisers that we could put together were used, and we heard testimony from one in committee, Alan Greenspan.

What kind of use of a surplus is recommended? Pay down the debt as much as you can, they say. Then, surprise, surprise. They don't say, spend it, like we are. They say, if you are finished paying down the debt, cut the marginal rate for Americans under the American tax system. Why do they say it? Because if you want prosperity and you want growth and most of all what you need in today's economy is investment. Ask anyone. Ask some of your Senators, ask their friends, perhaps somebody they trust on Wall Street, ask them what is needed the most. They will say investment. How do you get investment? By cutting the marginal rates.

So everybody has a stake in it no matter what the other side chooses to call it. It is the very best thing we can do with the surplus.

Now, regarding the $1.6 trillion tax cut, since there is a continual carping about who gets the breaks, the average across America is $1,400 in the hands of the taxpayer to use for what they would like, $1,400 on average. In my State, it is $1,800 on average. I wonder what it is in the State of the occupant of the chair. I would guess it is somewhere between $1,400 and $1,800 because of the level of income. But anyway, that is speculative. The others I know.

In any event, the issue is are they apt to use that money right or are we apt to use it more right by spending it the way that is being proposed in this amendment?

I believe I do not have to answer that question. I believe the American taxpayers will answer that question: You give us our $1,200, $1,400, $1,600, or whatever we get in a marginal rate cut. We will spend it better than the Government is going to spend it on new programs or additions to programs that are already adequately funded.

I want to look at this one more time for anybody who has listened to those on the other side of the aisle. Here are President Bush's numbers. We have done it as well as we can to put it in our budget. The first number in red, $5.6 trillion, is the surplus, an incredible surplus—in this Senator's opinion, a credible surplus. If we argue which is most apt to happen, I would say that is most apt to happen, $5.6 trillion, because there are others that might happen. It might be $12 trillion—that is what the economists say—or it might be $1 trillion or $800 billion. But if you ask them what is it the most likely to be, they say use that number.

We take Social Security out of it and that leaves a surplus for the rest of Government of $3.1 trillion. The Bush-Domenici budget said there was plenty of support for it. I could name everybody else on it; it is just I happened to put his budget into language in a resolution.

So the next thing we do is take off the $1.6 trillion we want to give back. Write the tax bill however you want. We send an even number of Democrats with an even number of Republicans to the Finance Committee and they will have to worry about how to spend that $1.6. So anybody who thinks they have that formula, they have to wait around for a couple of months and see what that next group of Senators does with the tax bill.

I repeat, the numbers are even Stephen in that committee: 11 Democrats, 11 Republicans.

Just follow down. The rest of these are pretty obvious: Available for other priorities, $1.5 billion: Medicare/prescription drugs. Make sure you keep the surplus in the health insurance program. And then debt service, for $400 billion, and, lo and behold, there is $500 billion of contingency fund left over.

Let me repeat. Whenever you have a surplus and whenever you plan to give some of it back to the American people, rest assured, it will be a very hard fiscal policy—it will be very hard to get the work done on the floor because everybody wants a fistful of that surplus. Not for the taxpayers; it is for other things that they are certain the Government will fix if we just have more money for the Government to spend.

I will give one other example. You might wonder, hearing the debate, how much more we need. Somebody out there watching might have said it would be interesting to know how much you are spending. Since we are talking about what you want to spend in addition, it must be in addition to something. I thought we would just say what has happened to education nationally and what is going to happen under President Bush, so everybody who has been hearing these debates about all we want to do for education, remember, it all comes out of the taxpayer's hide. Here it is, starting in 1998, 29.9; 1999, 35; 36, 42, and then the President's request of 44.5. That is a 10.6-percent average increase. So education is getting a pretty good chunk of money and the President has asked for $2.5 billion more than we are spending this year.

I could get up here and list 25 new education programs and say we need more. But let me see the next chart and I will be finished. President Clinton requested $34.7 for education. Congress gave him $35.6. In 2001, he requested $40 billion; we gave him $42 billion. In 2002, he asked for $40.1 billion—interesting, no increase in President Clinton's budget—we increased it from 42.1 to 44.6.

There was a whopping 25-percent increase. If there is anybody who thinks we are not helping education, from 2000 to 2002, we will have increased it 25 percent. I am not standing here saying education does not need more money, but I am wondering, when the Federal Government is putting in the largest share each year in education, largest increase in decades, whether or not the taxpayer ought to not be looked at to get the next piece of money out of that surplus, when we are already taking care of education quite well.

So everybody ought to know when my friend Senator WELLSTONE gets up and talks about all the things he would do, I say to Senator LOTT, he has 20, 30, 40 things the Government ought to do that he thinks would make life better. Let me remind everyone, you have to get that from somewhere, and there are only a couple of places to get it. One place to get it is to reduce what the taxpayers are going to get; just take it out of that pocket and decide we have something much better to do with it than do the taxpayers.

We plan to give back to the American people over a decade—not tomorrow, not the next day—over 10 years, $1.6 trillion out of a surplus of $5.6 trillion. This amendment, with all the things that have been spoken about that we will be able to do, takes $450 billion right out of the taxpayers. The taxpayers had a little pool of money they thought they were going to get back. It amounted to $1.6 trillion. This will cut it to $1.150 trillion—just like that. If you do not think this is an important amendment for the taxpayers, just think about that. It is a pretty big change in what they might have been expecting, what the business community, through the lowering of marginal rates, might have expected to get the American economy going permanently. That is going to be reduced by $450 billion.

Think carefully, Senators, when you vote on this. Have we increased education? Absolutely. Does the President intend to increase it? Absolutely. Does he intend to increase special ed? Absolutely, to the highest levels, percentages in many, many years.

You have seen them up here. The facts are the facts. The Senator from New Mexico is not saying you could not spend more on education, but I suggest it is time to put the taxpayer right up there with any new program add-ons and ask: Don't they deserve to be considered up there with any program? It is their money and they clearly ought to have a chance to spend it.

With that, I yield the floor.

Mr. WELLSTONE. Mr. President, this amendment includes provisions that I believe, as the Ranking Member of the Senate Health, Education, Labor, and Pension Committee's Subcommittee on Employment, Safety, and Training, are an essential part of fulfilling promises we have made to the American people. As part of changes we made to the welfare laws, we said to families who were on welfare that if they went out to look for a job, we'd make funds available for training and counseling to help them reach that goal. We have said to workers who have lost their jobs through economic dislocation and down turns that we would make funds available for training and counseling to help them find a new job or start a new career. We have said to the young people in our communities that we'll make funding available to help them reach their full potential and become productive members of their communities.

This was our promise, training, counseling, and other services to help families move out of poverty, move off of welfare and into good paying jobs.

And we funded that promise, last year in the amount of $6.1 billion.

Now, however, although it is somewhat difficult to tell because we have not seen the President's budget, it appears that this Administration wants to cut these funds by nearly $1 billion.

That is totally unacceptable. We need an increase in funding for these important workforce training programs—not a decrease. We need to fully fund our promise to working families. We need to tell the working men and women of this country, and the young people seeking to better their lives, that we believe in them, that we will support them.

That's what this amendment does. It fully funds our promise to the working families of this country. In particular, it 1. restores the nearly $1 billion that we believe may be cut from workforce training programs in this resolution and in the President's proposed budget, and 2. adds an additional $900 million a year for ten years to fund adult, youth, and dislocated worker training programs under the Workforce Investment Act.

These Workforce Investment Act programs that we're trying to protect, and expand funding for, make a huge difference in people's lives. Let me give you just a few examples.

Judy Lundquist from the Minnesota Workforce Center in Grand Rapids shared this story with me:

> For less than $1,000 we were able to train Bridget as a Nursing Assistant, she had been a seasonal cabin cleaner earning less than $2,000 a year, living in housing without electricity or running water. Her husband had injured himself while working for an employer that did not carry worker's compensation and was unable to work in the logging industry as he had been prior to his injury. On the day she passed her Nursing Assistant Certification Test she obtained full-time work. I saw her just before Christmas at Wal-Mart with a shopping cart full of low cost Christmas Presents. They have moved to housing that is more appropriate and actually has running water. Once they moved and were able to afford a telephone, Bridget's husband was also able to find appropriate work.. We have more than recovered the cost of her training in taxes on her earnings. We also trained someone to help fill the urgent need in our community for qualified Nursing Assistants.

And from Hennepin County's Training and Employment Assistance office comes this account:

> Timothy, a 41 year old unemployed factory worker, applied for WIA services hoping to obtain any type of work quickly. He had left his assembly job after ten years because he was very discouraged about continuing this type of work. Timothy had been unemployed for four months and was despondent about his situation.
>
> Through WIA counseling and assessment, it was determined that Timothy had skills and aptitudes for a new career. Timothy had obtained a degree in Divinity 17 years earlier, but had never attained a position related to this degree. He had, however, been active as a church member in many service activities.
>
> Timothy established a job goal of human service counselor. His WIA counselor assisted him in revising his resume and conducting a job search using the career resource room, job opening information and internet job search engines. After three months of participation in job search workshops and interviewing, Timothy was hired as an admissions counselor for an education institution.

And from Workforce Solutions in Ramsey County, we hear this about assistance to dislocated workers:

> Our federal dislocated worker program is funded to serve, in this current program year, 277 individuals. One of those individuals, Steven E. came to us having been laid off by a health care institution. He originally worked in the nursing field. When he reached our counseling staff, not only was he suffering from nearly 12 months of unemployment but chemical dependency and the impact of a recent divorce. Our staff, through intensive and support services, managed to get him into chemical dependency treatment and worked to upgrade his nursing certificate and licensure. He also participated in grief and stress support groups to address his personal life issues. Because of the WIA funding, he successfully completed his nursing licensure upgrade, and the chemical dependency treatment. Four months ago, he was hired by the American Red Cross working for their blood collection and distribution program.

And finally, from Central Minnesota Jobs and Training Service in Monticello, I hear this about the need for funding of youth training programs:

> [A] decrease in funding to the youth programs has a significant effect on the number of youth that are able to be served and the amount of services that are provided under the WIA program. Offering long term services, meeting performance standards, offering at a minimum of 12 month follow-up and retention services, and incorporating all of the new WIA youth elements, has increased the amount of staff time per participant and has limited the number youth to be served compared to past practices. All of the new initiatives are necessary to meet the needs of the youth and long term services is beneficial to their success. Without additional funds, there will be a limited amount of new participants being enrolled into the program in the coming years. The funds will be used to work with youth already enrolled in the program for many years and to offer comprehensive follow-up and retention services.

The State of Minnesota included the need to increase funding for Workforce Investment Act activities in their "Federal Priorities for 2001." These programs are vital to meeting our promises to the American people, promises to move families out of poverty, off of welfare, and into good paying jobs where they can earn a living wage. We must honor those promises by supporting this amendment.

Mr. BAUCUS. Mr. President, today I rise to express my strong support for adequately funding federal education initiatives.

"Education is," as historian Henry Steele Commager said, "essential to change, for education creates both new wants and the ability to satisfy them." In this ever-changing world, it is vitally important that we make sound investments in education. The investments we make today will count every day in our kids' lives.

We have a real opportunity to greatly assist our schools by providing them with additional resources to help them meet the challenges they face. In my home state of Montana, schools are faced with declining enrollments, teacher shortages, rising energy costs, and substantial infrastructure needs. These are real needs that we as a nation can help address.

Providing additional resources to help schools educate students with special needs, to recruit the best teachers, to repair or renovate buildings, and to educate disadvantaged students will greatly help educators in Montana and around the country concentrate on delivering the best education they can to our students.

Senator HARKIN's "Leave No Child Behind" Amendment goes a long way towards providing for these needs, making comprehensive investments in education programs from pre-school to college.

This bill will help ensure that all children start school ready to learn by investing additional resources in Head Start programs. In Billings, Montana, the Head Start facility is inadequate for the number of students it serves. In fact, they can only keep their doors open through April, when most Head Start programs are able to stay open throughout the school year. Providing additional Head Start funding will help give more kids in Billings a chance to start school ready to learn.

This bill also provides for full funding for the Individuals with Disabilities Act (IDEA). Providing this additional funding, a share that we have repeatedly promised to states and schools, would free up local and state education funds that are currently used to cover the cost of educating students with disabilities. With this additional federal support, schools and districts will be able to better address local education priorities.

This bill also substantially increases funding for professional development opportunities for teachers, allowing them to enhance their knowledge and skills. Providing teachers with these opportunities will help teachers help be even better teachers and will let them know that we care about their personal education needs.

Montana schools and teachers have had to do too much with too little for too long. I want to make sure I am doing all I can to help Montana schools overcome their challenges and focus on providing the best possible education to our students.

The price may seem high. But the price we're paying by not investing in our education system—by not equipping our students with the skills they will need to be successful—will be one we'll have to pay year after year.

There can be no doubt that our education system plays a pivotal role in establishing our quality of life and the quality of life our children will enjoy.

John F. Kennedy once said, "Our progress as a nation can be no swifter than our progress in education." Strengthening our education system is a responsibility all of us share—as individuals and as a nation. Let's call on each other to offer our resources as we build a better, stronger country through our commitment to our education system.

Mr. KENNEDY. Mr. President, I am pleased to join Senator SPECTER and Senator HARKIN in sponsoring this important amendment to provide the National Institutes of Health with the resources it needs to continue its lifesaving mission. In a historic vote in 1997, the Senate pledged to double the funding of the NIH over the next five years, and Senator SPECTER's amendment represents the fulfillment of that pledge for the coming fiscal year.

The resources we devote to NIH are a basic investment in a healthy future for all Americans. Biomedical research supported by NIH has given us medical miracles undreamed of by previous generations. An irregular heartbeat once meant a lifetime of disability. This condition can now be corrected with a pacemaker so small that it can be inserted under local anesthetic using fiber optic technology. New drugs now allow many seniors to live a full and active life who once would have been disabled by the terrible pain of arthritis. Transplants save the lives of thousands of patients who once would have died of kidney failure.

Even more astonishing discoveries will be developed in the years to come. New insights into the genetic basis of disease will allow treatments to be developed that are custom-made for an individual patient's genetic signature. Microscopic cameras are now being developed that can be swallowed by patients to give doctors an accurate view of the patient's internal organs without the need for risky surgery.

I'm proud that Massachusetts is leading the way to this remarkable future. Our state is home to many of the nation's leading biomedical research institutions and receives more than one out of every ten dollars that NIH spends on research, or over $1.5 billion last year alone. NIH grants support essential research all across the Commonwealth. In Boston, researchers supported by NIH discovered a link between the immune system and the brain that may lead to better treatments for diseases like Parkinson's and multiple sclerosis. In Worcester, NIH funds are helping to build a new center for cancer research that will become a leading center in finding a cure for that dread disease.

Investment in research is the foundation on which the state's thriving biotechnology industry is built. There are more than 250 biotech companies in Massachusetts that give good jobs to thousands of professionals across the state. These companies are an important partner in the nation's commitment to promoting the health of all our citizens.

The future of biomedical research is bright, provided that we continue our strong national investment in discovery. Senator SPECTER's amendment will give NIH the resources it needs to turn the breakthroughs of today into the cures of tomorrow, and I urge my colleagues to support this important legislation.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I have a unanimous consent request I would like to propound to see if we get agreement. I believe Senator DOMENICI and Senator CONRAD are familiar with it and are prepared to proceed on this basis.

I believe we have all signed off on this.

I ask consent a vote occur in relation to the pending amendment at 3 p.m. today, and the time between now and then be equally divided, and no other amendments be in order prior to the vote.

I further ask consent that the next four amendments in order to the substitute be the following in the following order: Specter regarding NIH, Landrieu regarding defense, Collins regarding health—home health, and Conrad or designee regarding debt reduction.

Mr. REID. Reserving the right to object, if I could say to the leader two things. One, we have a slight problem. The fourth amendment will be a Democratic amendment. We will let you know what it is; we have a couple we are kicking around—a Democratic amendment.

Mr. LOTT. Let me make sure I understand what you are saying. This indicates Conrad or designee amendment regarding debt reduction. Are you now saying it may not be about debt reduction?

Mr. REID. It may not be. There is a small universe. We will let you know what it will be.

Mr. LOTT. If I can then modify my consent, that we line up the next three and we confer further on what the next couple will be after that?

Mr. DOMENICI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, again for clarification, I believe that we have worked it out so we can go back to the original request identified as Specter on NIH, Landrieu regarding defense, Collins regarding home health, and Conrad or designee regarding debt reduction.

Of course, these amendments would be subject to the usual rules, and second-degree or some other agreement as to how they would finally be disposed.

Mr. REID. Madam President, Senator DORGAN has been waiting here literally all afternoon. If we could give him 15 minutes, since he has been waiting since 12:30 today to speak.

Mr. LOTT. Madam President, I am not sure exactly who we may be trying to accommodate. But I feel compelled to want to make some remarks out of leader time, if I have to. I think the best way to do it is to extend the time to 3:15, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I don't mind extending and dividing it. I only intend to have an opportunity to speak for a sufficient amount of time. If that accommodates my interest, I ask my colleague from North Dakota, it is fine with me. If it doesn't, I will object.

Mr. LOTT. I think it accommodates your interest.

Mr. DORGAN. I am asking the Senator from North Dakota.

Mr. CONRAD. Let me say, as I understand it, that we would then have less than 2 minutes left. I ask the Senator from North Dakota how much time he would like.

Mr. REID. How about 3:20?

Mr. CONRAD. And have it equally divided.

Mr. LOTT. Absolutely, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I will try to set the example of not speaking at great length hoping others will follow. I am hoping that maybe the points I make will be sufficient without it being at great length.

My colleagues, I haven't spoken about the budget resolution because we are dealing with a lot of different issues and I have been meeting with foreign dignitaries and because I have such ultimate confidence in the managers of this legislation. Senator DOMENICI doesn't need a speech from me or help from anybody. But we are here to be helpful.

I want to make two or three points that I am really worried about.

Are we fiddling around here while Rome is beginning to burn?

Today, and during the last couple of days, I have been talking with people who are watching the stock market. Who knows what causes the stock market to move around? But I have also been talking to financial service managers from companies that watch very carefully what is happening in the country and in the economy. I have been talking to representatives of manufacturers. They are telling me that the economy is perhaps in more trouble than any of us want to acknowledge.

I ask the question: OK, what do we do about it? Obviously, one thing is for the Federal Reserve System to do more. That is one of the places where I have over the years quite often agreed with Senator DORGAN in my exasperation sometimes with the Federal Reserve System. I am not an economist. I wouldn't presume to try to give advice to the Chairman of the Federal Reserve Board or any others.

But it looks to me as though instead of being overly focused on the possibility of inflation, we are entering a period of deflation—deflation. We need the Fed to give us a little more of a hand while we bring in the cavalry with some additional help.

The only two things to do when you are having sluggishness in the economy is change monetary policy or change fiscal policy. Give it a stimulus—i.e., tax relief.

Everybody on both sides of the aisle has been saying: yes; let's do more. Let's do more now. Let's do it this year. Let's make sure it is going to have a greater impact in the next 2 or 3 years so the people will have confidence, and so they can keep more of their money safe and invest it, and do something about the economy.

We have two choices. The Federal Reserve can do something and/or we can do something.

I think it is time that we pay a little attention to trying to find a way to give this tax relief, give this fiscal boost, and do it quickly.

That is my greatest concern and why I feel compelled, as I watch what is happening even today with the NASDAQ, what is happening with manufacturing jobs, and what is happening with deflation beginning to creep up on us, to say I think we have to do more.

Two other points: The pattern is clear. I have been in Congress for 28 years—the same number of years as the distinguished Senator from New Mexico. Only I spent a few years—16 years—on the other side of the Capitol.

What we are going to have now is amendment after amendment after amendment on both sides to add more spending—there is nothing new about that—and in areas about which I believe very strongly. Mississippi is a State with agriculture that is very important.

I have always thought of myself as a heavily laden hawk when it comes to defense. But I also like to think of myself as a cheap, heavily laden hawk.

We can all say we voted to spend more here or more there. That is the point.

We are on the verge of everybody saying let's spend more. Let's have more for defense, education, home health care, NIH, health care in general, you name it. We get very comfortable when we start raising the level of spending.

But there is an added problem to it now. One amendment after another says: Oh, and by the way, we will pay for it by taking hard-working people's money away from them, bring it to Washington, and keep it here and decide how it is going to be spent. We are taking from millions of laborers the bread that they have earned and bringing it up here.

What is new? We have been doing this for years. Spend more, raise taxes, or in this case reduce, and pretty soon, if we passed every amendment that has been offered to cut the tax bill, it would be a tax increase.

What is happening? I hope we will think about that and try to stop it.

The amendment before us would reduce the tax cut by $448 billion and increase spending for education, and supposedly accumulate cash. But the fact is, once again, the tax relief would be reduced and more moved into education.

I am not going to take a back seat to anybody when it comes to education. I am the son of a schoolteacher. I went to public schools all my life. I worked for the University of Mississippi in four different capacities before I began practicing law.

I believe in public education, and quality education across the board; not just public education but choice. There is lots of variety in my area. Some of the best schools are Catholic or Episcopal schools.

I feel strongly about education. But the question is, How much is enough? How can we do it all at once with a 25-percent increase, as the Senator from New Mexico was just saying?

The President is asking for an increase. We are going to come back after the Easter recess, and we are going to go to an education bill which may be the most bipartisan bill of the year and which is going to have more spending in it. It is going to be thoughtful. It is going to have reform, accountability, teacher training, and all the different components. Yet here we are once again. Oh, yes, we will take out money for agriculture and from the tax relief. We will take out money for education.

My colleagues, it is the same thing we have been doing over all of the years. It is time to stop it.

This is the worst time to be talking about cutting down or eliminating tax relief.

I spoke this morning to the heads of a couple of major companies—J.P. Morgan and Dean Witter. I don't know what the current names are because they are so long. We talked about what we can do. What can we do? They said we support the tax relief and the sooner the better.

I oppose this amendment because I think if we don't do it, we will wind up with no tax relief at the worst possible time, and we will wind up spending the entire surplus. This is a balanced package. It reduces the debt. It provides increases for defense, education, agriculture, and it provides tax relief for working Americans.

There is the sign of good government in this budget resolution. Remember this: We get all overwrought about this. This is just the whistle at the beginning of the game. This allows us to go forward and decide how much we are going to put in appropriations for Interior, for Agriculture, and also the tax relief package. This allows us to just go forward to give the President a chance to have his program considered.

I express my support for this package, express my appreciation to Senator DOMENICI, and urge the defeat of this amendment and all amendments that are going to keep trying to increase spending while cutting tax relief for working Americans.

Thank you. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I remind the majority leader that we offered, last week, to spend this week on a stimulus package. That is the offer we made. We said: Look. We believe we ought to spend this week doing a stimulus package. Don't hold it hostage to a 10-year budget plan. Let's do it now. Let's provide some lift to this economy now. And it was rejected on the other side.

Now they come on to the floor, and all of a sudden they are for taking immediate action on a stimulus package. Where were they on Friday when we made the offer to spend this week on a stimulus package? That is what we should have done. That would have been the right course for the economy. That is what we proposed and they rejected.

Second, on the notion that this President somehow proposed a 25-percent increase for education, that is not so. The chart of the chairman of the Budget Committee shows very clearly the President proposed a 5-percent increase—not a 25-percent increase, a 5-percent increase. Some of us do not think it is enough to deal with the education challenge facing this country.

Third, the majority leader is using language very loosely, and that is a dangerous thing to do. He is suggesting that somebody out here is talking about a tax increase. No one is talking about a tax increase—no one. What we are all talking about is significant tax reduction. We have even agreed on an amount of tax reduction for this year to provide stimulus. But we do believe that over the 10 years in the future the President's tax cut is too big; that it threatens to put us back into deficit; that it threatens to raid the trust funds of Medicare and Social Security. And that is no longer just a worry; that has become a reality.

The two amendments that have been adopted out here—to increase spending on prescription drugs and to increase spending on agriculture—because of the way they were done, raid the Medicare trust fund in the years 2005, 2006, 2007, and 2008—and it is all in their numbers, and it is just as clear as it can be. They are into the trust funds already, exactly what we said would happen.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, the Senator from North Dakota is next, and he is yielded 12 minutes.

The PRESIDING OFFICER. The Senator has 11½ minutes.

Mr. BYRD. Madam President, would the distinguished Senator yield to me for 3 minutes?

Mr. CONRAD. I cannot, I say to the Senator, because we have the prior agreement. Senator DORGAN has been here for 2½ hours.

Mr. BYRD. But I wanted to ask the majority leader a question while he was on the floor.

Mr. DORGAN. Madam President, this is a very interesting debate. You never know when you come to the floor of the Senate whether you are going to be informed or entertained. And sometimes it is a portion of both.

I want to respond to a few things that my colleague from New Mexico said recently. I have great respect for him. He does quite a remarkable job steering the budget on that side of the aisle.

A couple things. One, this surplus for 10 years, if you listened to the Senator from New Mexico, and did not know it, you would believe that surplus was in a bank across the street. Why, that is money that is already here. That is locked in. We have that surplus handled.

The fact is, that surplus represents estimates by economists, some of whom cannot remember their home address, but they know what is going to happen 2, 5, 10 years from now. We know better than that.

My colleague mentioned Alan Greenspan. Ten months ago, Alan Greenspan increased interest rates 50 basis points. Why? Because he was worried our economy was growing too fast. Now he is worried we might be heading toward a recession. He could not see 10 months ahead. We can't see 10 months ahead. I do not know, now maybe there is a Ouija board or tarot card or palm reader someone got ahold of someplace that gives them more confidence than the rest of us about what is going to happen in the future.

I hope we have 10 years of surplus, 10 years of economic growth, but I sure would not bank on it. We would be smart to be reasonably conservative in the way we deal with these estimates.

But I want people to understand, when they listen to this debate, it is as if this surplus is in the bank, and it is not, and those who seem to allege it is know that it is not. That is No. 1.

No. 2, my colleague said: We are going to collect $27 trillion in the coming years; we surely can provide a reasonable tax cut out of that.

I do not think he meant to include $27 trillion. Madam President, $9 trillion of that belongs to Social Security and Medicare. The people who pay that in, pay it in to a trust fund with the expectation that those who handle it will do so responsibly; that is, not spend it for other things but to save it in a trust fund.

I do not expect that the Senator, or others, intend to say that $9 trillion is available to be discussed with respect to a tax cut, and yet they do. It is not right. They know that.

Then the issue of debt. I want to talk about the education issue in a moment. I would like to ask my colleague from New Mexico a question. And I would ask my colleague from North Dakota a question.

What I show you is a description of what President Bush sent us from the Office of Management and Budget. And this is the budget resolution we have on the floor. On page 5, line 19, it says: Public debt. Public debt grows from fiscal year 2001—that is the year we are in—$5.5 trillion, to fiscal year 2011, $6.7 trillion.

Let me show what it looks like on a graph.

Now I will ask a question, if someone would come to the floor from the other side so we can examine why they say you can't pay down additional debt: If during the 10 or 11 years of their budget resolution the gross debt is increasing, and if they say it is not, go to page 5, line 19 of their resolution.

In fiscal year 2011, they say that gross public debt is going to be $6.7 trillion. Is gross public debt increasing or is it decreasing?

We know the answer to that. No one will come to the floor to talk about it. I hope my colleague, Senator CONRAD, will allow us some time when perhaps our colleagues are on the floor—the Senator from New Hampshire, who spoke on this at some length earlier, or the Senator from New Mexico, who said we can discuss this.

There is not enough debt out there to repay? Maybe we can find some on page 5 of your resolution. Maybe we ought to start paying a little on that. Because your debt is increasing.

We will talk more about that when someone will show up to answer a question. I hope we can have a discussion about that.

I happen to think, when we talk about values, that one of the values we ought to think important is that if during tougher times you run up a debt, during better times you ought to try to pay it down. And debt is not just debt held by the public; it is all debt incurred by the Federal Government, all of the Federal Government's liabilities. And this, on page 5 of their own resolution, describes an increase of over $1.2 trillion in indebtedness or liability by the Federal Government.

Let me turn to this amendment because we are obviously not going to have a discussion about this at the moment. The question of whether "Leave No Child Behind" is a bumper sticker, a political slogan, or public policy, is what we will answer in this Chamber. Perhaps there are some who embrace all of that. There are some who certainly would use it as a bumper sticker; some as a political slogan.

How many are there in this Chamber who will embrace "Leave No Children Behind" as public policy? That is the question. We can all describe our experience with education. And for those who trash our education system—and there are many who do it all the time—I ask them, how do you think the United States of America came to this moment in history? How do you think we arrived at this moment? Might it not have been because we have a universal system of education in which we have a public education system that says every child in America—no matter from where they come, no matter how fat or thin the wallet of their parents, no matter their circumstances in life—can be whatever their God-given talent allows them to be as children of this great country? Isn't that perhaps what has given us this opportunity to arrive at this moment in history?

Do we have challenges in this system of education? You bet we do. Should we fix them and address them? Absolutely. Can we do that just by talking? No. No. It takes some money to keep good teachers. It does take some money to reduce classroom sizes so kids are in a classroom of 15 or 18 students, not 30 or 35, so they are in a school that is well repaired, not in some sort of a trailer outside the school, in mobiles that are ill-equipped.

We need to do right by our children. That is what this debate is about. My colleagues have offered an amendment I intend to support. I am happy to support it because it moves us in the right direction. You can't talk about these issues without understanding a requirement to address them boldly.

It is interesting; all the debate on this is about spending. If you don't believe that investment in our children is an investment in this country, then you don't understand anything about the management of money. There is a difference between spending and investing. When we do right by our kids, when we strengthen America's schools, we invest in this country's future. It is just as simple as that.

Some say this is a tradeoff, this is an offset issue; it is between tax cuts and education. We will have a debate about tax cuts at some point. I happen to think we should have a tax cut. My colleague just described our offer to use this week for an immediate tax cut to provide some fiscal stimulus. The other side didn't want to do that. Now we have heard they would like some fiscal stimulus. We offered that, but they didn't want to do that.

We will have a tax cut. We ought to do it in a way that is fair to all taxpayers. We ought to do it in a manner that gives this economy a boost. It is not a circumstance where every single dollar is offset to make a choice between a tax cut or education. There are some of us who believe that if you add the payroll taxes paid by individuals and the income taxes paid by individuals and if the top 1 percent of the American people who have done very well—and God bless them—paid 21 percent of that, and the majority party says, we want to give 43 percent of the tax cuts to them, we say: Wait a second. That is not something we ought to do. That is not a fair tax cut.

We are going to have that debate at some point. But we ought to be able to provide a tax cut and also do right by our children and strengthen America's schools.

The Harkin amendment has $225 billion for education and also $225 billion for debt reduction because he also values not only investing in our kids by strengthening our schools but addressing this issue as well.

My hope, I say to my colleague from North Dakota, Senator CONRAD, and also the distinguished chair of the Budget Committee, is that we can have a good discussion about this issue of debt, the increase in the gross Federal debt. I don't know that we can have it at this moment because we are headed towards a vote.

I would like very much to spend some time understanding how one rationalizes the increase in debt and the increase in liabilities in the Federal budget as outlined on page 5, line 19, of the majority budget—an increase of $1.2 trillion in indebtedness—how one rationalizes that with this notion that we have $27 trillion, according to them, in income.

We have surpluses that are almost locked in a bank, and they have the key in their pocket, and they have apparently used a Ouija board to discern what is going to happen in the coming 10 years. I would like to understand the rationale of all of this. I think it is time to talk straight about all of these things in terms of what we have available, do it conservatively, and then make cautious judgments about what will strengthen and improve this country. Yes, a tax cut will; I support one. Yes, paying down the Federal debt will, and I support that. And yes, investing in America's schools will strengthen this country, and I believe we ought to do that as well.

Madam President, this will be an instructive debate, and it will be an opportunity, as we vote, for people to tell us, is "Leave No Child Behind" a bumper sticker or is it real public policy this Senate embraces.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I believe I have 5 or 6 minutes remaining; is that correct?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. DOMENICI. We then go to a vote under the UC, as it exists.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. So Senators should know that that is about the time we are going to vote. I want to make sure they know that because they have been waiting.

First of all, I think we ought to be careful about accusing the other side of speaking loosely. I can see about 10 examples in my mind's eye of saying they spoke loosely. I choose to say they spoke what they believed and we speak what we believe. I don't think it is loosely; I think it is very deliberate, and it is very thoughtful on both sides.

I have a rough estimate, so the American people will know. We are going to spend $44 billion on education this year, the National Government. We are going to spend $500 billion over the next decade. That is half a trillion dollars. So the point of it is, while some may not think that is enough—and maybe I would even join in saying we ought to do more—I think we are on a pretty good growth path for education. And everybody should know that over the next decade we are a small contributor to education. That is the way it has been. We are between 6.5 and 7.5 percent of public education. So everybody will know the dimension of our involvement.

Nonetheless, we are going to spend half a trillion dollars. It will be growing substantially each year. The point I am trying to make is, at some point you have to raise the level of the concern for the taxpayer to an equal level with those who would increase spending from what is already a very high level of spending. So the American people should know we are spending a lot on education. It is going up each year. I just showed how much. And it is going to continue going up. Should we not at some point in time bring the taxpayer into this and say: OK, Mr. and Mrs. Hard Working American, would you like to get some of your tax dollars back or would you like for us to take every program that sounds good, no matter what the level of spending nationally, and let's add some more to it, and then we will consider you later on? I don't think that is what the American taxpayer wants.

In fact, I think they want a fair break out of this, and a fair break is over the next 10 years giving them back 6.4 percent of what they pay in in taxes. That is what we are talking about. When we get away from the big numbers and get into 6 cents out of every dollar, we are talking about 6 percent, giving 6 percent of the tax taken from the taxpayer back to the taxpayer over the next decade when we are running very big surpluses.

Frankly, I will answer one further insinuation. The insinuation is that the

Senator from New Mexico is talking about these surpluses as if they were there tomorrow. I believe they are as good estimates as we are ever going to get, and there is a high probability that they are going to be right. But if the estimates are not any good, then they ought not to be any good to add spending based on them either.

So if you have something down here where you want to spend half that tax money on new programs, you ought to be thinking, maybe the tax surplus is not real. We don't want you to think it is real because we don't want you to use it for tax dollars, but we would like to use it for something else.

With that, I yield back any time I might have.

Mr. CONRAD. Is there any time remaining?

The PRESIDING OFFICER. The vote is to occur at 3:20 by previous order.

Mr. CONRAD. I ask that Senator HARKIN be given the last 2 minutes.

Mr. DOMENICI. I object. I don't know why we ought to do that. Then I get 2 minutes, too. You have been arguing for about an hour more than we have on this amendment. I just think, being fair, we are finished. I yielded back my time. That is why we still have some time left. I could have still been talking.

Mr. CONRAD. All right.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 185.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 185) was agreed to.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which the amendment was just agreed to. I suggest the absence of a quorum.

The PRESIDING OFFICER. The motion has been entered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator BYRD has indicated he would like to have an exchange, a colloquy. This seems a good time to do it. I might say also, it would be our hope and intent now that we would go on to the next amendment. Senator SPECTER is ready with an amendment on NIH. So I hope we can—I talked to Senator DASCHLE about that—go ahead and proceed with the next amendment that was in order.

I would be glad to respond to a question or a comment Senator BYRD might have.

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the distinguished majority leader for his making possible an inquiry at this point.

As Senators know, I am, I think, the Senator who has had more of a part in writing the Budget Reform Act than any other Senator who today serves in the Senate. I believe, with all my heart, that the reconciliation instruction process was never meant to be used as a procedure for cutting taxes. It has been my belief, from the beginning, that the purpose of the reconciliation process is to reduce deficits. And the process has been useful in that regard over a period of several years.

I am very concerned that the Senate is about to use the process in a way for which it was not intended. I think a point of order, if made, would nail in the precedent that it is quite all right to use the reconciliation process to cut taxes. So I do not want to do that. If, and when, that time comes, I prefer to just vote up or down and let the chips fall where they may.

So I have a couple of questions I wish to ask of the distinguished majority leader. One would be in light of the fact that we only have, I believe, about 30 hours remaining.

Mr. REID. That is true.

Mr. BYRD. And I feel sure the majority leader is concerned about this as much as I am because I have already heard him say some things today that would lead me to believe that.

My question would be—and he might not want to answer it at this point—but when are we going to get to the reconciliation vote on this concurrent resolution on the budget? When are we going to get to it? When we reach that point, we need some time to debate it. I would like to speak at least 45 minutes or an hour on that subject.

Our time is being eaten up. I am not complaining about that except to say we are not going to have enough time to debate the most important question that will come before us unless we get to that matter soon.

Another question which I wish to propound to the distinguished majority leader, I think it is very important that the Senate have before it the President's budget before the Senate votes on final passage of the concurrent resolution on the budget. I think if we can see what is in the President's budget, we will see that some programs, that are very important to Senators on both sides of the aisle, are probably going to be reduced in order to make way for the tax cut. I think Senators should know these things before they vote on this resolution that is before the Senate.

I will not proceed further to make that case. I think it is a solid case, and I think there is every reason why Senators ought to have the budget at their fingertips before they cast that final vote. That has been my hope all along.

The President had earlier indicated, I believe, that he would submit his budget to the Congress on this past Monday, and then later changed his mind to say it would be sent up on the 9th, which will be next Monday.

I must say, earlier I had thought, Mr. Leader, of using some dilatory tactics in order to put the Senate over to Wednesday. I watched the debate on the natural gas bill in 1977, at which time two Senators—Mr. Metzenbaum and Mr. Abourezk—kept this Senate from reaching a decision 13 days and 1 night and still had hundreds of amendments and just as many dilatory actions available as ever.

I know it can be done. I know how to do it. But it was decided in the Democratic Caucus that we would not do that. We do, however, still need to see that budget. I think there is every reason the American people should know what is in the President's budget before their elected representatives in this body cast their votes in connection therewith.

Consequently, I ask this question: Would it be possible—this will be a matter for both leaders, not just the majority leader, but mainly the majority leader—would it be possible to put this matter over until next Wednesday, which would allow Monday for the President to send his budget up to the Congress and then would allow the

Senate Tuesday and Wednesday in which to amend, to debate, and to make a final decision on the concurrent resolution on the budget? In the meantime a decision could be made with respect to the reconciliation resolution as well. It might very well be that a time agreement could be worked out, and the majority leader has been interested in that. I have been interested in it. Mr. GRAMM and Mr. DOMENICI have expressed some interest in it. Mr. NICKLES has expressed interest, and others.

I think there is every good reason why it might be wise to do that. A unanimous consent request hase been under consideration. The majority leader discussed this again with me briefly last night at the time of the reception the Senate was having in honor of the spouses of the Senators. Would it be possible to delay final passage of the budget resolution until next Wednesday? I know it would inconvenience some Senators. But what is more important? The inconvenience to the Senators, or wisdom and the proper judgment when it comes to casting our votes for those whom we represent?

I don't think there is a Senator here who would disagree with my statement that, yes, there will be inconveniences, perhaps some trips would have to be canceled, but that is all in a day's work. We get paid for our work. We have a responsibility to our people. Perhaps there will be no more important vote that will be cast by the Senate than the vote on this concurrent budget resolution and the vote with respect to the reconciliation process.

That ends my question.

Mr. LOTT. Mr. President, I believe there were actually several ideas or questions propounded there. I will try to respond as directly and as briefly to them as I can so we can go forward with the next amendment that is pending.

First of all, as to when to take up the issue of reconciliation and the process for giving working people tax relief to be able to keep a little bit more of their money at home, I think clearly it needs to come relatively shortly, I assume tomorrow, in whatever form it might be so that there will be ample time to discuss it fully. I know that Senators on both sides of the aisle will want to be heard on that.

I must say that if we start down this trail of spending all the money, there won't be anything left for tax relief anyway so we won't need this reconciliation process. I think clearly to have tax cut in reconciliation is something that we would like to have considered and would be prepared to act on it. But as the Senator knows, we would be willing to consider doing it another way, doing it the way it was done even back in the 1980s. We have offered an idea, a unanimous consent agreement to Senator BYRD, and I have discussed it with Senator DASCHLE. Senators on this side have looked at that. I thought perhaps we could get something worked out on that, and we could get that done.

We would have to consult with the chairman of the Finance Committee and the ranking member on the Finance Committee, make sure everybody understood how that would work and make sure that it would give us some of the important benefits that reconciliation gives you, even though it wouldn't do it that way.

We will be glad to continue to work with you and with others on the possibility of doing it through a unanimous consent agreement. I have discussed this with Senator DOMENICI and with Senator GRASSLEY. They are interested, willing to work on it. They just want to make sure they know what is in it, and I think everybody on both sides wants to do that.

As far as the President's budget, we have the outlines of the main categories that the President is suggesting. I guess if we waited later on, we would get line by line by line. I don't think that is what a budget resolution does. A budget resolution sets the broad categories and then we go forward. Then in the Appropriations Committee, for instance, they decide how much they are going to put in there for Interior or Transportation. I don't believe the President dictates that. We have acted before when we didn't have the President's budget.

As far as the idea of postponing it, there would be two or three problems with that. We had not indicated that we were thinking about doing that. We would have to check on both sides with 100 Senators to make sure that their schedules could be changed to that effect. I suspect there would be a lot of resistance to it. We would have to check with both sides of the aisle on that. Worst of all, in my opinion, we need to move forward. We need to move forward with this budget resolution—good, bad, ugly. We ought to move it on into conference and see if we can get an agreement there and then come back and vote on it so we can get on with the substantive business. This just gives us the outlines of how we can proceed and then we get into the details: What we do on Medicare, what we do on defense, and what we do on tax policy.

I think we ought to go ahead. I spoke earlier about my concern about the economy and the need for us to get this process on down the road so that we can be looking at taking some action on tax policy and on substantive issues, too.

I see Senator DOMENICI. As chairman of the Budget Committee, I don't want to try to respond to all of this. Some of it being in his jurisdiction, would he like to comment on this, too?

Mr. DOMENICI. I surely don't want to use much time. You have answered with the authority of the majority leader. I just wanted to say to you, Mr. Leader, and to you, Senator BYRD, I never in my wildest dreams thought we would finish this budget resolution without your spending an hour on a subject you think is most important; namely, reconciliation. We have already spent a lot of hours debating. Frankly, in my opinion, although the debates were luxurious, I think it would have served us well if you would have already taken an hour and I would have taken an hour and Senator CONRAD taken an hour and we discussed reconciliation. I don't intend to get finished without that hour of debate about what it is all about and what it means taking place. As soon as we can, I would be for working it out. Our leader thinks we should work it out on an issue that is formulated before the Senate.

I do want to comment, since you have indicated two things. One, we should have the President's budget first. That is OK. That is a good wish. I would suggest that when we had a new President named Bill Clinton, we didn't have a budget before we approved the budget resolution, including the conference report on the budget resolution. Then we got a budget. I think there is precedent for a new President for us to proceed.

Secondly, I think you did do more than, as much as anyone present here, of course, in drafting this 25-year old Budget Impoundment Act. Frankly, you have one version about reconciliation that the Senator from New Mexico, who has now used your product you developed with others—I have used it as chairman or ranking member or member for 25 years. So while you drew it, I have watched it implemented.

I will present to the Senate my strong conviction that there is nothing in this act that precludes using reconciliation for a tax decrease bill. I just wanted to make sure I amplified to that extent.

Mr. BYRD. I don't want to take a lot of time. Let me just say this: We can argue back and forth as to what has been done in the past. I think we have to deal with what is in the present. We have here "A Blueprint for New Beginnings." My problem with this is that it is kind of a peekaboo budget. You see just a little of the budget. But what I see is disturbing. For example, with respect to the research in fossil fuel, that is going to be cut. That is important to the energy resources of this Nation, particularly at this time.

Now we have the clean coal technology program, for which the President has said he supports a $2 billion increase. That is well and good. But the problem is, as I look through this peekaboo budget, I find that much of the money he is going to put into clean coal technology is going to come out of fossil fuel research. That is important to coal, oil, and gas. That is just one thing of which I got a little glimpse. I think we will find the word "redirect" in this blueprint a number of times.

I noted in the Washington Post of Sunday, April 1, that the Community Policing Service Program, COPS, would be cut by 13 percent, from $1 billion to about $850 million. I noted also in the New York Times—I believe, of yesterday—well, I don't seem to have it at my fingertips, but some programs are going to be cut. I think Senators should know what programs are proposed to be cut in the President's budget before they vote on final passage of this concurrent resolution on the budget before us.

I am going to take my seat soon, but for these reasons, which could be debated at considerable length, I hope it will be possible to have the President's budget before we take the final plunge on the concurrent resolution on the budget. It seems to me it isn't too much to ask that that final action—perhaps the final 10 hours, if it could be worked out that way—be put over until next Tuesday or Wednesday.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. If I have the time, yes.

Mr. REID. I say to the Senator, I appreciate very much directing his attention to this. I think we would be better off putting this off until we got back from the break. I think we have 30 hours left. Everybody is trying to finish this bill by tomorrow. In the back room, I say to the ranking member of the Appropriations Committee, we have over 120 amendments just on our side. You know, unless we have some time to work this out, there is going to be a big vote-a-thon. We need to do this with wisdom and discretion and have a document before making a decision.

I think the Senator is right on the ball, right in the direct line in which we should be going. This is so important. I would be willing to cancel what I have next week in Nevada and do this. But if people are unwilling to do that, let's do it after we come back, set it at a certain time and have a unanimous consent agreement that we can complete this thing in a matter of a day or two. People would feel better about it. We can sift through the 120 amendments and get to what really needs to be done.

Senator CONRAD has done a wonderful job of managing this bill. I don't know of anybody who has ever managed a bill better than he has. But with these time constraints and big things such as debt reduction, defense, reconciliation, his hands are tied to manage this bill properly. I certainly think the Senator from West Virginia is headed in the right direction.

Mr. DOMENICI. If the Senator will yield to me for a moment, and I understand the ranking member wants to speak. What I have here is also a peekaboo budget, but it is not President Bush's, it is President Clinton's. It is a peekaboo budget, borrowing your expression. It is "A Vision of Change for America," but it is not a budget.

Mr. BYRD. That is right.

Mr. DOMENICI. This was sent up here on February 17, and in a marvelous show of support for the new President, before any budget was forthcoming, a budget resolution was adopted based on this peekaboo budget.

Mr. BYRD. That is a peekaboo budget.

Mr. DOMENICI. It went to conference for him, and it came back as a conferred-upon bill. So we are kind of used to looking at what you all do, and then when you are doing something really borderline, spectacular, we say we would like to be a mimic. You did it in such a great fashion for him, we wanted to do a little bit for President Bush.

Mr. BYRD. I wish the distinguished chairman of the Budget Committee, however, had had a markup in the committee, as was the case when that peekaboo budget was sent up here in 1993.

Mr. DOMENICI. Yes.

Mr. BYRD. The Senator will admit, will he not, that the Budget Committee did, in that instance, 1993, have a markup in the committee and then reported that measure out of the committee with a report? And I assume the minority was allowed to publish its views. Would the Senator respond? Was that not the case with that 1993 peekaboo budget?

Mr. DOMENICI. Indeed, it was.

Mr. BYRD. In the case of that 1993 peekaboo budget, did the committee, in that instance, report out a bill? Did it mark up the bill?

Mr. DOMENICI. Yes, it did.

Mr. BYRD. If it did, why doesn't the Senator, who admires that role model, wish to have a markup in the committee and report out a concurrent resolution on this budget?

Mr. DOMENICI. Senator, I tried to explain the difference. You had the luxury of a majority here in the Senate. In fact, you had three votes more than a majority. We went in the Budget Committee not even stephen. Everybody already made up their minds. You had a majority of Democrats willing to vote out a Presidential budget when Republicans didn't want it. So it is the same thing I had, except it turns out 11–11, an equal number. So there is a very big difference.

Mr. BYRD. There is a difference, but, with all due respect, that is no reason not to have a markup. Just because the people saw fit to make it 50/50 in this Senate, that is no reason to avoid having a markup in committee. We have a responsibility to the people who send us here to have a markup in the committee.

The point I am trying to make is that we ought to see the President's budget. It would not be asking too much of all of us, I don't think, to hold over until next Tuesday or Wednesday to complete action on this concurrent resolution on the budget. Let us see the President's budget.

While I have the floor—and then I will sit down—I have the New York Times of Wednesday, April 4. I will read the headline: "Bush Budget on Health Care Would Cut Aid to Uninsured."

That is one example of why I think the Senate ought to have the President's budget. We don't know what is in it.

Mr. CONRAD. Would the Senator yield for a question?

Mr. BYRD. I am glad to yield.

Mr. CONRAD. Isn't it true that while President Clinton had not submitted a full budget, he had submitted sufficient detail so the cost of his budget proposals could be estimated by the Committee on the Budget, the CBO, the Joint Committee on Taxation, and so the Senate, acting in 1993, had all of the reestimates done that told us the cost of his proposal?

Mr. BYRD. Yes, absolutely.

Mr. CONRAD. And is it not true as well that President Bush has not submitted sufficient detail for the Congressional Budget Office or the Joint Committee on Taxation to do the reestimates that were done on the previous President's budget, so we do not have those reestimates; isn't that true?

Mr. BYRD. The Senator is preeminently correct.

Mr. CONRAD. I will go on, if I can, when we look at the level of detail that has been provided by President Bush versus President Clinton, there is a very stark and glaring set of differences. For example, the Clinton document had tables that provided year-by-year budget numbers for 68 specific proposals to reduce discretionary spending.

The tables also included the year-by-year numbers for 90 specific proposals to cut mandatory spending.

The budget also provided year-by-year detail for proposed increases in spending.

The Bush budget does not provide any year-by-year numbers for specific proposed changes in discretionary spending; is that not the case?

Mr. BYRD. Oh, absolutely; no question about it; absolutely.

Mr. CONRAD. So to compare 1993 to this year does not really stack up, does not hold up under much scrutiny because, as the Senator from West Virginia has made so clear, we had full reestimates then of the cost of the President's tax-and-spending proposals, sufficient detail for the Congressional Budget Office and the Joint Committee on Taxation to tell us what those costs were. We do not have it now. And we had a full Budget Committee markup then. We do not have any Budget Committee markup now.

The fact is, we do not have sufficient detail from the President to have the kind of objective independent analysis done to inform the Senate of the cost of the President's tax-and-spending proposals.

Mr. BYRD. Absolutely. Moreover, that was a budget for 5 years. That was a 5-year plan in 1993. This is a 10-year plan. Additionally, the resolution was used in that instance to reduce deficits, not to increase them.

Finally, my good friend from New Mexico speaks of that 1993 budget as a role model. Not one of the Senators on that side of the aisle voted for it. Not one Republican in the House voted for it.

What did it do? It put the Nation on the course for reduction of the deficits and for the accumulation of huge projected surpluses. Whether they ever materialize or not is another question. But what are we so afraid of? Why is this Senate afraid to see the President's budget?

Mr. CONRAD. We were promised the President's budget, were we not? We were promised it was going to be here on April 2 before we took up a budget resolution on the floor. And presto disto, the next thing we know, there is no budget until April 9 when we have completed action. It is a very unusual circumstance.

If we are going to be fair and objective about comparing 1993 to now, we will see there are very significant differences. Most significant, we have had no budget markup in the committee, and there was sufficient detail on what President Clinton sent us that the Congressional Budget Office and the Joint Committee on Taxation were able to give us an objective independent analysis of the cost of the President's spending-and-tax proposals which we do not have here. We do not have them.

Mr. BYRD. Mr. President, I thank the very able majority leader for his courtesy in calling attention to the inquiry I had previously indicated I wanted to make, and for his listening to it. I am sure he will give some consideration to it. I hope he will. And I hope all Senators will be willing to consider the request to go over until next Tuesday or Wednesday so that we might have the benefit of having the information that is in the President's budget.

I am sure it is not very far away. It is probably on the printing presses within three blocks of this Chamber right now. If they plan to have it up here next Monday, it is available somewhere right now.

I thank the majority leader for entertaining my request.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Pennsylvania is going to go next. I did not want to keep burdening Senator BYRD with my statements. He has made his. I want to make mine.

I ask unanimous consent to print in the RECORD the introduction of the President's revenue proposals by the Joint Committee on Taxation, March 8, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTION

> This pamphlet, prepared by the staff of the Joint Committee on Taxation, provides a summary of the revenue provisions included in the President's budget proposal, as submitted to the Congress on February 17, 1993.
>
> The provisions summarized in this pamphlet are those revenue proposals contained in the Department of the Treasury document, Summary of the Administration's Revenue Proposals, February 1993 ("Treasury document"). The pamphlet also summarizes three other revenue proposals included in the Office of Management and Budget document, A Vision of Change for America, February 17, 1993 ("OMB document"), that would amend the Internal Revenue Code: taxation of social security benefits; increase of inland waterways fuel excise tax; and use of Harbor Maintenance Trust Fund amounts for administrative expenses.
>
> The pamphlet descriptions of the President's proposals are taken without modification from the Treasury document and the OMB document. The pamphlet summary description includes present law and a reference to any recent prior Congressional action on the topic and whether the proposal (or a similar proposal) was included in recent budget proposals (fiscal years 1990–1993). Part I of the pamphlet summarizes the revenue-reduction proposals from the Treasury document; Part II summarizes the revenue-raising proposals from the Treasury document; and Part III summarizes three additional revenue proposals from the OMB document.
>
> The Treasury document's introductory statement indicates that "[t]he descriptions included in this report are not intended to be final. Many of the proposals will be revised in the process of finalizing the Administration's fiscal year 1994 Budget. The descriptions are also not intended to be comprehensive. Numerous details, such as rules relating to the prevention of abusive transactions and the limitation of tax benefits consistent with the principles of the proposals, will be provided in connection with the presentation of the Budget and upon submission of legislation to implement the Administration's plan."
>
> Further, the Treasury document states that "[i]n addition to the proposals summarized in this report, the Administration also supports initiatives to promote sensible and equitable administration of the internal revenue laws. These include simplification, good governance and technical correction proposals."

Mr. DOMENICI. Mr. President, that is the Joint Committee's introduction on President Clinton's tax package that was considered, voted on, passed, went to conference with the House and passed, and this is all they could say about what the President submitted:

> The Treasury document's introductory statement indicates that "[t]he descriptions included in this report are not intended to be final. Many of the proposals will be revised in the process of finalizing the Administration's fiscal year 1994 Budget. The descriptions are also not intended to be comprehensive. Numerous details, such as . . . limitation of tax benefits consistent with the principles of the proposals, will be provided in—

And it goes on.

I want everybody to know, according to the tax Web site, no tax revenue tables were available with reference to President Clinton's budget until way past the time the budget resolution was considered. As a matter of fact, the first tax tables were not made available to the Ways and Means Committee until May 4 of 1993, the second tables on June 17, 1993, and we had already produced the budget resolution in both Houses, gone to conference, and adopted it.

I do not care to go on forever. I believe we ought to treat President Bush, as well as Republicans and Members of the Senate, as President Clinton was treated when he was a so-called brand new President.

We will proceed, and I want the RECORD to show, and I will put the letter in tomorrow, that every member of the Budget Committee on the Republican side asked the chairman, this chairman, not to consider markup because they said it would not yield any fruitful results. While that is my decision, I want everybody to know I did not make it singularly. I had a pretty good backing from Republicans who did not think it would amount to anything other than long, protracted debates and nothing positive would be accomplished.

Before we proceed and I yield to my friend from Pennsylvania, I was asked by the majority leader to propose what I assume is a usual consent request.

CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 93, the adjournment resolution and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 93) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection the concurrent resolution is agreed to.

The concurrent resolution (H. Con. Res. 93) was agreed to, as follows:

H. CON. RES. 93

> *Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday,

April 4, 2001, or Thursday, April 5, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 24, 2001, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, April 6, 2001, Saturday, April 7, 2001, Sunday, April 8, 2001, or Monday, April 9, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 23, 2001, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011—Continued

Mr. SPECTER. Mr. President, at the outset, let me say to the distinguished Senator from West Virginia, who holds an extraordinary record in this body, and asked me 45 minutes ago if I would mind yielding for a question. I want the RECORD to show that I agreed to yield for a question. I had no idea that the answer would be so long, Mr. President. I thought it worthy of note.

Mr. BYRD. Mr. President, if my dear friend will yield briefly, just that I might apologize to him for the questions having gone on and on and the answers and the joining by other Senators, which I think added to the importance of the question. I think we performed a service. I certainly thank the Senator most kindly.

Mr. SPECTER. Mr. President, like the incident with the Navy plane, no apology is in order. I have worked with the distinguished Senator from West Virginia for many years when he was the Democratic leader and then majority leader, President pro tempore, and chairman of the Appropriations Committee. I greatly admire what he has done.

I sat and listened to the whole proceeding, but I thought it was worth just a minute of the Senate's time to note I yielded for a question and 45 minutes later I got the floor.

AMENDMENT NO. 186

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Ms. MIKULSKI, Ms. COLLINS, Ms. LANDRIEU, Mr. KERRY, Mr. WELLSTONE, Mr. DEWINE, Mrs. MURRAY, Mr. SARBANES, and Ms. SNOWE proposes an amendment numbered 186.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Increase discretionary health funding by $700,000,000)

On page 28, line 23, increase the amount by $700,000,000.

On page 28, line 24, increase the amount by $700,000,000.

On page 43, line 15, decrease the amount by $700,000,000.

On page 43, line 16, decrease the amount by $700,000,000.

Mr. SPECTER. Mr. President, this is an amendment which adds $700 million to increase the health function in this resolution to assure that the funding for the National Institutes of Health be doubled by the year 2003 as provided for in a resolution of the Senate which goes back to 1997, a 98–0 resolution that we double the funding for the National Institutes of Health. The offset for the $700 million comes from the 920 account, I am advised, which is allowances on administrative costs across the board.

The funding for the National Institutes of Health is a priority second to none. There is nothing more important than health. The National Institutes of Health have made extraordinary progress in their efforts to combat the most serious maladies which confront Americans, and for that matter, people around the world. Among those diseases, including, but not necessarily limited to, are Alzheimer's disease, Parkinson's, epilepsy, cancer of the prostate, breast cancer, cervical cancer, leukemia, melanoma, hearing research, heart disease, stroke, AIDS, and diabetes. I could go on and on and on.

Our effort to secure this funding has been a rather bumpy road. We have managed to persevere. In 1998, Senator HARKIN and I led the attack with a resolution to add $1.1 billion to the health function and the amendment was defeated 63–37. We came back the next year, having sustained that loss for $1 billion and doubled the request to $2 billion. Again the amendment was defeated, but this time by a lesser vote of 57–41.

In those 2 years, notwithstanding the failure of our efforts to get an increase in the budget resolution, we took out our sharp pencils and as a matter of priorities allocated the extra billion in fiscal year 1998 and the $2 billion extra in fiscal year 1999. In fiscal year 2000 we, again, offered an amendment to the budget resolution, this time of $1.4 billion to the health function over and above the $600 million which had been provided by the Budget Committee. This time we lost again by a narrowing vote of 47–52. Again, we found the extra funds as a matter of priority by allocating funds within the overall budget for the subcommittee which has jurisdiction over labor, health, human services, and education.

In fiscal year 2001, we offered an amendment to the budget resolution to add $1.6 billion to the health function. This time, for the first time, the budget resolution was passed 55–45. Our efforts were rewarded with increases over that 4-year period of affirmative votes: 37, to 41, to 47, and finally to 55.

This year, on February 13, Senator HARKIN and I had as additional cosponsors: Senators BREAUX, COCHRAN, COLLINS, DEWINE, FRIST, HUTCHINSON, MIKULSKI, MURRAY, SANTORUM, SARBANES, SCHUMER, and SNOWE on S. Res. 19, the Biomedical Revitalization Resolution of 2001.

This year the administration has come forward with $2.750 billion, so it was necessary only to increase by $700 million. We could not do a figure in less than $100 million amounts under the resolution rules which would enable us to come to the $3.4 billion target which is necessary to keep us on the path to doubling the NIH budget within the 5-year period as called for in the resolution from 1997 which, as I say, passed 98–0.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. CONRAD. Mr. President, would the Senator from Pennsylvania yield for questions on my time?

Mr. SPECTER. I yield.

Mr. CONRAD. I thank the Senator from Pennsylvania for his leadership on this issue. He has brought this body a long way. We have seen it over a number of years by his persistence and persuasion. I publicly acknowledge the leadership he has provided in an area that is critically important. I have seen in the lives of some of my constituents how important the NIH can be and what an incredible contribution it has made to improving health research and extending the longevity of the lives of the American people. The Senator from Pennsylvania can be very proud of his advocacy.

As I understand the Senator's amendment, it provides $700 million to the National Institutes of Health in the fiscal year 2002, is that correct?

Mr. SPECTER. Yes.

Mr. CONRAD. The source of funding for that would be out of the projected surplus for that year?

Mr. SPECTER. No, as I am advised by the experts, out of the 920 account which covers allowances and administrative costs.

Mr. CONRAD. If that is the case, I think it may well be we will support that amendment on this side. I have to check with other colleagues, as I am sure the Senator is aware, in order to give that answer. We are in the process of doing that. Perhaps as we go through that process of checking with other Senators, we can find out what their disposition is. We may be able to either accept this amendment or go to a quick vote on this amendment. We will try to get an answer quickly.

Mr. SPECTER. I thank the distinguished Senator from North Dakota for those comments. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. The Senator from Iowa has arrived.

Mr. HARKIN. I seek time to speak on behalf of this amendment of my colleague.

Mr. CONRAD. I yield 10 minutes to the Senator from Iowa.

Mr. SPECTER. If the Senator from Iowa will yield, I talked about the cosponsors of the earlier resolution we offered. Let me note that I have offered this on behalf of Senators HARKIN, HUTCHINSON, MIKULSKI, COLLINS, LANDRIEU, KERRY, WELLSTONE, MURRAY, DEWINE, SNOWE, and SARBANES, as well as myself.

I yield to my colleague from Iowa.

Mr. HARKIN. Mr. President, I am pleased to stand with my colleague and subcommittee chairman, Senator SPECTER, to offer this important amendment to the budget resolution. We stand at the cusp of a revolution that I believe will result in the overthrow of disease and disability in this country. At no time in our history have we been so close to major advances in the fight against killer diseases. Every day we read about major breakthroughs in medical research: AIDS vaccine, decoding the DNA letters that make up the human genome, new therapy for breast cancer, less invasive surgical techniques. This resolution is a direct result of our investment in medical research.

Four years ago the Senate went on record 98–0 committing to double the NIH budget over 5 years. We are well on our way to doing that. Over the past 3 years, Senator SPECTER and I have made good on that pledge by providing the biggest increases ever for medical research. Last year we were able to provide an unprecedented $2.5 billion, or 15-percent increase, for NIH. We worked hard to make it happen, and I thank all of my Senate colleagues, both Republicans and Democrats, who worked with us on this historic accomplishment.

Unfortunately, if we pass this budget resolution as it is, we will fall short of the 15-percent increase needed to maintain the commitment that 98 Senators made to doubling the NIH budget over 5 years. But if we pass this budget resolution as it is, we will fall short of keeping that commitment.

This budget resolution in fact shortchanges Americans' health. At the same time, this budget skimps on basic investments in America's health care. It also cuts taxes for the wealthiest 1 percent of Americans by almost $700 billion. What this budget should do is spend the additional $3.4 billion needed to ensure that all Americans, no matter what income, can live healthy and productive lives. In this budget, that is only .4 percent of a tax cut for the wealthiest; .4 percent of the tax cut just for the wealthiest Americans would help us fulfill our commitment of doubling medical research at NIH.

In the next 30 years the number of Americans over age 65 will double. Medical research and its discoveries are essential to reduce the enormous economic and social toll posed by chronic diseases that impact our elderly, from Alzheimer's and arthritis, to cancer, Parkinson's, and stroke disease.

Let's take Alzheimer's disease. Just the other day Senator SPECTER chaired a hearing with researchers doing cutting-edge work on Alzheimer's, and we also had patients there, some of whom were diagnosed as having Alzheimer's. One of the witnesses was John Wagenaar of Georgia, IA. He was diagnosed with Alzheimer's at age 60, at the prime of his life, working at a manufacturing plant, taking pride in his children and grandchildren, looking forward to retirement. But in spite of this devastating diagnosis, he is a lucky man. Thanks to medical research, he can now take a pill that has slowed the course of the disease so now he can even continue to work and enjoy his family. John Wagenaar can hope, along with the rest of us, that a drug will soon come on the market that will not just slow Alzheimer's disease but actually stop it.

Researchers have made extraordinary advances in recent years. A decade ago—just 10 years ago—there were no Alzheimer's drugs on the market. Today there are four, and more are on the way. Scientists have developed a vaccine. We saw startling pictures of this at our hearing yesterday. When tested on mice, it takes away, it wards off, the brain-clogging deposits that are associated with Alzheimer's. Plans are now underway to test this vaccine in humans.

We are clearly on the verge of breakthroughs on Alzheimer's and in other areas. At no time in our history have we been so close to major advances in the fight against killer diseases. Now is the time to boost our investment to make sure our Nation's top scientists can turn these dreams into reality.

The amendment Senator SPECTER has offered, which I am proud to cosponsor, is very simple. It ensures the budget resolution will include $3.4 billion for the National Institutes of Health for fiscal year 2002. It is a commonsense amendment. It is bipartisan. It is the right thing to do. We have gone too far now to cut back and to slow down. Millions of Americans, our families, our loved ones, our friends, and our neighbors all over this country are counting on us not to back down in this fight against the diseases that still plague us.

As I said, we have made major strides against Alzheimer's, Parkinson's disease, stroke disease. We have made great strides in doing things that help alleviate the struggle many people have with mental illness. We have come a long way. Now we are on the cusp of finding the interventions, the vaccines, the drugs that will alleviate this human suffering and make life better for so many people. Now is not the time to turn back.

This budget resolution before us would say that investing in NIH is not that important. This budget resolution says investing in medical research is not as important as giving a big tax cut to people who make over $1 million a year.

I disagree with that priority. I believe the priority is elsewhere. Mr. President, .4 percent, that is all it takes. Four-tenths of 1 percent of the tax cuts of those Americans in the top 1-percent bracket would pay for us keeping our commitment to fund medical research at NIH.

I wholeheartedly support this amendment. I hope it has strong bipartisan support on the Senate floor.

I yield my time.

Mr. BOND. Mr. President, a quick word on why I voted against the Specter amendment which made extra room in the budget for $700 million in National Institutes of Health research spending.

I voted against the NIH amendment not because I oppose the valuable research that NIH does, but rather because I wanted to draw attention to the fact that we risk focusing on NIH spending to the exclusion of other important initiatives.

Biomedical research at NIH is important, but we must recognize we have other priorities as well.

The NIH is important, but so is the basic scientific research that we do at the National Science Foundation. Basic research is the foundation on which applied science and technology rests. Understanding how the world works has applications in every field, including health. Without increased funding for basic research, we will soon find that our basic scientific understanding is too limited to get the maximum value from the applied research NIH does.

The NIH is important, but so are community health centers. These local clinics provide basic primary care services to close to 12 million Americans at over 3,000 sites in medically-underserved urban and rural communities across the country. Yet the demand is still great—millions are still uninsured, and millions more simply don't have access to health care providers. The NIH does great work expanding the high-tech envelope of medicine, but the people that health centers serve often cannot get even low-tech services like immunizations and basic doctor visits.

The NIH is important, but so are children's hospitals. These priceless resources care for our sickest children, train a significant portion of our children's doctors, and themselves perform much of the pediatric research that NIH funds. But for three decades we have not treated these children's teaching hospitals fairly. Through the Medicare program, we have provided billions of dollars to help other teaching hospitals train physicians. But until recently, we barely gave children's hospitals pocket change to support their physician training. We still do not have parity between children's hospitals and other teaching hospitals, we need to get there.

I support the President's budget and his tax cut, and thus I supported this budget resolution, at least as it was introduced. Knowing that the appropriations bills that actually provide funds for all of these priorities will be written later this year, I was content to bide my time and deal with funding totals then.

But when the NIH amendment was brought up earlier, I started to worry. Would our focus during this debate be only on the NIH, and not in other areas? Would this mean that later appropriations bills thus focus only on the NIH and ignore others areas? Would the NIH become the guest at the dinner party who stays too long and eats everyone else's food? We must not let this happen.

We voted to make room in the budget for a total increase in NIH spending of $3.5 billion, more than 16 percent above the current spending level. None of these other important programs, the National Science Foundation, community health centers, children's hospitals, receive anywhere close to that much of an increase.

In the remaining time here on the budget resolution, I intend to offer amendments that will address each of these priorities. I hope the Senate will recognize that they are just as important as the vital work the NIH does. And I hope to see those amendments pass in a similarly overwhelming way.

Mr. DOMENICI. Mr. President, whatever time Senator SPECTER had I yield back.

Mr. CONRAD. We yield back our time on our side as well.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays on behalf of Senator SPECTER.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The senior assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The question is on agreeing to amendment No. 186. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy'
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions'
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—4

Bond
Gregg
Smith (NH)
Voinovich

The amendment (No. 186) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Under the agreement, is the next business of the Senate the Landrieu-Cleland amendment on national defense?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. How much time is available on that amendment?

The PRESIDING OFFICER. One hour evenly divided; 30 minutes per side.

Mr. CONRAD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will be sending an amendment to the desk in just a few moments on behalf of myself and Senator CARNAHAN to correct the RECORD. We will be offering this amendment together this afternoon, along with Senator CORZINE, Senator BREAUX, Senator LIEBERMAN, Senator LEVIN, Senator GRAHAM, Senator NELSON, and Senator REED. There may be others who will be joining us in offering what we hope will be a bipartisan amendment because this is surely a principle that both Democrats and Republicans have supported for many years.

Before I get to my prepared remarks, I thank my colleagues, Senator CONRAD and Senator DOMENICI, for their fine work in handling this debate. I will begin by giving a very graphic description of our national defense outlays as a share of GDP.

It is helpful for our party, for the other side, and for our constituents to understand that these numbers have varied widely and fluctuated dramatically based on the current needs and crisis at hand.

As my colleagues can see, we were spending in the 1940s almost 40 percent of our gross domestic product when this country geared up to fight the greatest war machine ever built in the history of the world, when we defended the world. Then we came down to a low of below 5 percent as we recovered from that war and then had to invest again for the Korean war.

This number has fluctuated wildly. I hope this chart can be seen clearly because it is very important for the public to get a sense of this debate and to understand why this amendment is so important and why I am hoping we will have many Members support it.

This is an effort to improve the budget resolution we are debating, and it is a very important debate clearly for the future of our Nation.

As one can see, we came down a great amount in spending, of course, from the 1950s to the current year of 2001, and rightly so perhaps because we used this as a peace dividend. The world generally being at peace, we were able to contribute to our economy, to investments in other areas, and to stabilizing our budget. This was done in a bipartisan fashion.

We can see under President Reagan's leadership these numbers went up slightly, which is referred to as the Reagan buildup, but the numbers have come down. Both candidates for President, Governor Bush and now, of course, President Bush, and Vice President Gore talked about the need to stabilize this line, to make strategic investments now, to not allow this line to continue to slide because the world is not becoming safer. The cold war may be over, but there are still many challenges.

In addition, there has been study upon study, speech upon speech given by our chairman, our ranking member, and members of the committee talking about the time to invest now in our military to help turn around this sliding line; to help stabilize. Words they used: Let's be reliable; let's reinvest in our men and women; let's increase morale; let's improve housing; let's recapitalize. This amendment is a modest step toward that end.

To remind all, during the 2000 election campaign, President Bush made a very compelling national security address at the Citadel, a military school with a rich tradition of history and honor. While we commonly refer to that as the "Citadel speech," the speech has a name. President Bush entitled his remarks that day "A Period of Consequences."

That title is not just a casual descriptive phrase. It has an important legacy. It was first used by a man facing the most consequential period in his nation's history—Sir Winston Churchill.

Assuming the reins of power at a time when Britain was threatened by the greatest war machine ever created, Churchill proclaimed:

> The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to a close. In its place, we are entering a period of consequences.

When he cited those remarks last September, President Bush was right. I agree with him, and so do many Members in the Senate.

Our military has reached a period of consequences, and many difficult decisions need to be made. I will ask the Senate today to make one of those important decisions. This body will go on record with a clear choice of priority: we can either spend everything we have or think we have in a surplus that has not yet materialized or we can give commonsense tax relief, a realistic level of tax relief and also—which is most important—have money to make some strategic investments in one particular area with known shortfalls, and that is in defense.

We just passed Senator HARKIN's amendment. I was proud to support that amendment because this body, in a bipartisan way, made it clear another strategic investment we must make is in education. We must take a second step and make an important decision today to invest in shortfalls in defense.

The President seemed to understand this problem during the campaign when he said:

> Not since the years before Pearl Harbor has our investment in national defense been so low as a percentage of GNP. Yet rarely has our military been so freely used—an average of one deployment every 9 weeks in the last few years. Since the end of the cold war our ground forces have been deployed more frequently, while our defense budget has fallen by nearly 40 percent.

One cannot argue with the numbers or argue with the trend line on this chart. The budget we are debating, unfortunately, without this amendment, will not stabilize this line. It will not turn it around. It will not invest in the quality of life issues so important to retain our soldiers and their families, to build morale, and to strengthen our troops, and most importantly, live up to promises we have made to them in terms of their pay, in terms of their benefits, in terms of the kind of housing we promised them.

These words do not sound like those of someone advocating the status quo. I and many of my colleagues are baffled. I didn't imagine, frankly, that this amendment would need to be offered. But here we are, 7 months after the election, having this debate.

Let me ask my colleagues, since the election, has the world gotten automatically safer? Did our military find a secret storage site filled with spare parts? Did the 13-percent civilian pay gap disappear? Did the dilapidated facilities we heard about in the campaign start repairing themselves? Maybe all of our military families at wit's end with TRICARE have been cured.

We know that is not the reality and the needs still exist. The budget we are debating is deficient in that regard. The amendment of Senator CARNAHAN and myself which we are now debating we hope will begin to fix this and make a modest investment.

Let me show a couple of pictures to highlight some of the problems we have in our own State. I have the great privilege of representing Fort Polk, one of the premier training centers in the Nation, in the view of our commanders. This is where our men and women train before being sent to Bosnia or to Korea or other places where we have either conflicts or have engaged in serious peacekeeping efforts. This is just one picture. I could show 100 pictures of housing, of dilapidated structures, of mold and mildew.

If you go to Fort Polk's website, you will see old photographs taken at its creation in 1941. These are the same makeshift wooden huts, now used as dining facilities, that were there when Churchill was making his speech about "a period of consequences." How long does this building need to serve its country before it can retire? I would say World War II, Korea, Vietnam, Grenada, Desert Storm, and Kosovo should just about cover any building's life span. Not at Fort Polk.

This is only one of many examples of situations repeated all across our country at our military bases. There are a variety of reasons for this crumbling infrastructure. However, if you talk to the base commanders you hear one refrain again and again. Real property maintenance is the first casualty. When officers are forced to choose between installing air conditioners for the Louisiana summer, or continue training their men and women for war, officers correctly choose training. However, it is wrong for Congress to force our military leadership to opt between essential quality of life initiatives and basic readiness, maintenance and safety. Yet that is the choice our post commanders are forced to make year after year. Furthermore, while the newer housing that the military is building is very nice, there is not nearly enough of it to go around. In the meantime, we force our servicemen and women to live in substandard housing. I would be willing to bet that you could go on nearly every base in America and find military housing that does not meet HUD's standards. Nonetheless, we wonder why we have a recruiting and a retention problem. If it were not for the extraordinary patriotism of our men and women, our "problem" would be an epidemic.

Still, I suspect that many colleagues will respond that we are undertaking a strategic review, and we should not prejudge and rush to any conclusion. We should wait. To that, I refer my colleagues back to Winston Churchill. We are in a period of consequences. We should be done with the era of procrastination. In any case, we can study this problem to death, and it will not change the fundamental reality. These problems need a resolution today, not ten years from now. They will require a greater portion of our nation's resources to address. Yet if we do not set those resources aside in this budget resolution, they will not be there for us to invest later.

The other irony about the supposed need for delay is the study itself. In all the reports that have come out, there has not been any indication that these quality of life initiatives are even being considered. Even if they were considered, it is extremely unlikely that any study would conclude that we need to spend less money on these issues. More likely than not, this amendment adding $10 billion a year would be viewed as a modest down-payment on a much larger debt coming due.

Perhaps the real savings comes from military transformation? Maybe if we adopt new technologies and techniques we can forestall the need for more military spending? Not likely. Although Secretary Rumsfeld and Mr. Marshall may be the latest to study military transformation, they are not exactly the only study. I have brought with me a stack of studies that reach the same conclusion. We need military transformation. We need to recapitalize our forces. We need to encourage joint experimentation and operations, and we must prepare for the emerging threats of the 21st century. All the reports have a different emphasis. They come from the broadest possible political spectrum, but they all endorse these same principles. What is more, they all believe we need a top line increase in defense to accomplish these goals. Again you will find a range of perspectives from about a $30 billion annual increase at the low end, to a $100 billion annual increase at the very high end. Either way, the conclusion is the same.

The problem is that if we do conclude that we need a significant investment, there will be no money for us to invest. I support the strategic review. I imagine that I will support a good deal of what Secretary Rumsfeld has to say. We have reason to believe there is a big bill on the horizon. We have the money in the bank. I suggest we allocate some of that money toward this bill that is due today. Unfortunately, the Republican leadership is taking those savings and living for the moment. How they will account for this decision, I do not know.

The other important point to keep in mind is that this amendment does not change the bottom line need for reform at the Pentagon. I agree with Senator BYRD's insistence that the Pentagon get its books in order. Furthermore, the low end estimates for the need to recapitalize our current force are an additional $30 billion per year. My amendment is providing the services $10 billion. If this is all the services get, they still have to cover that two-thirds gap somehow. To do so will require the services to rethink what they are doing, and how they are doing it. This fundamental rethinking is an exercise we all should endorse. It will not be any less necessary should our amendment pass.

I invite the Senate to look at the build rates for the Navy. Last year, the Navy CinC's stated that they could not perform their missions with fewer than 360 ships. Yet, for the past eight years, the Navy has been procuring only an average of six ships per year. This build rate is the lowest since 1932, and will result in a Naval fleet of 180 ships if continued. All of our military forces serve the dual function of good-will ambassadors and "cooperation builders" with our allies. This role is even more prominently performed by our Navy. It also serves as an important signal of American resolve at crisis points. However, we may soon reach a point where our Navy, rather than an instrument of American power projection, is relegated to protecting an increasingly tenuous forward-presence.

I might also mention that we take a hard look at what we are saying to our NATO allies about their defense budgets. As we insist that our allies take greater strides to bridge the capability gap, we also remind them that the whole solution will not be found in greater efficiency or reform. We consciously assert that transformation costs money, and no nation can expect to improve capabilities without an increase in the top-line budget. I would submit that the logic of these arguments applies no less to the United States than it does Belgium or Norway.

This amendment acknowledges the truth, we are in a period of consequences for our military. We can acknowledge that fact and pass this amendment, or stick our heads in the sand. With the People's Republic of China increasing defense spending 15 percent, with the Middle East edging toward open conflict, with the conflict in the Balkans spilling over to Macedonia, with increased military cooperation between Iran and Russia—this seems like a very dangerous time to ignore reality for the sake of political posturing. A tax cut that robs our military of much needed reinvestment is wrong-headed and reckless.

Another great English Prime Minister Lloyd George once said of America that "she always does the right thing, after she has tried all other options." Today I present the Senate with the option to do the right thing. Pass this amendment, put the needs of our military and our nation before short-term political gain.

When we asked people to reenlist, we asked the spouses: Would you like your spouse to reenlist? Have your children live in places that we don't even allow our Housing and Urban Development to build and to fund? We ask our service men and women to live in substandard housing with inadequate pay, with health care that is less than what was promised when they signed up to serve. These are the things I hope my amendment will fix and make the minimum downpayment.

Mr. CONRAD. Will the Senator yield?

Ms. LANDRIEU. Yes.

Mr. CONRAD. Might I inquire how much time we have consumed?

The PRESIDING OFFICER. The Senator has consumed 11 minutes.

Mr. CONRAD. I yield 15 minutes off the resolution to the Senator.

Mr. WARNER. Parliamentary inquiry: It is the intention of the Senator from Virginia at the appropriate juncture to offer an amendment in the second degree. I value greatly the participation of my distinguished colleague on the Armed Services Committee. I find myself in a position of requiring to express my views and those of others in the form of a second degree. My amendment would be very simple. It would ask for an $8.5 billion increase solely for 1 fiscal year, which is 2002, and at the appropriate time I will give further details.

Could I inquire of the leadership, I want to be very careful with the protocol toward my good colleague, and presumably I can put the amendment at the desk now, but I wish to have the Senator complete her opening remarks first, and at that time if I might inquire of the distinguished managers, what would be their desire with respect to a second degree? I would need but 15 minutes to describe it. There may be others who would like to speak.

Mr. DOMENICI. I would be pleased, if the other side agrees, to make it in order that the Senator offer it, but we have to use up the time on the amendment before it would be in order under current practice. It is in their hands. I would be glad to let you send it up so people could see it. It would not be ripe until all time were yielded on the amendments.

Mr. CONRAD. Might I inquire of the Senator from Virginia, would the Senator consider offering his amendment in the first degree with an understanding that he would get the first vote? If the Senator offers his amendment in the second degree——

Mr. WARNER. In the nature of a substitute, yes.

Mr. CONRAD. Not as a substitute, as a first degree.

I am suggesting this for this reason: We are going to want to get a vote on the amendment of the Senator from Louisiana. We can go through all kinds of parliamentary maneuvers to do that and ultimately succeed. We have found so far it works better if we handle both amendments in the first degree. You would get the first vote because you would have been offering it in the second degree.

Mr. WARNER. I yield to the distinguished managers. They are handling this bill. I want to hear from the Senator from New Mexico on that.

Mr. DOMENICI. Senator, from what I understand, we don't want to deny her a vote. We want a vote on his first. Whatever happens to it, you get a vote. But we will have a vote on it first. Is my understanding correct?

Before I do that, if we could proceed and let me make an inquiry. It looks as if that is what we ought to agree to. For now, let us proceed in the normal course.

Mr. CONRAD. Fair enough. We appreciate the chairman looking into that, and we appreciate the consideration of the chairman of the Armed Services Committee as well.

Mr. WARNER. I thank all colleagues. Basically, I sought recognition so the Senate will understand there will be an amendment of some type which will be, in a sense, in opposition to my distinguished friend and colleague from Louisiana.

Ms. LANDRIEU. I appreciate that. Let me comment briefly as we decide the appropriate way to proceed. I must certainly note we will have a vote on this amendment that Senator CARNAHAN and I are offering. I suggest to the distinguished managers, our amendment and that of Senator WARNER could be complementary. His amendment deals only with 1 year of an increase, which I actually support. I agree we need an increase for the 2002 budget. My amendment makes a longer, more reliable, stable commitment over 10 years. Given the underlying budget resolution does the same, we are not necessarily in disagreement, except for the fact that mine has a 10-year outlook and his has only 1 year. I simply argue that while his amendment might be a step to take, we could certainly take this step as we make a decision for the strategic investment that we need to make over this decade—not just for 1 year.

On another point, some may say: Senators, you know there is a strategic review under way. Shouldn't we wait before we consider this amendment?

I have brought to the floor today studies that I could submit for the RECORD. This one is a "Strategy For Long Peace," by the Center for Strategic and Budgetary Assessments. I am just going to refer to two.

This one is called "Averting the Defense Train Wreck in the New Millennium" by the Center for Strategic and International Studies in Washington, DC. These are two very well known and well-respected think tanks.

As I said, I have with me an additional 15 studies that I have brought, from conservative to liberal think tanks, that have looked at this issue and are actually probably part of the strategic study underway. In no case that I can find, after reviewing all of these studies, do any at all indicate that a strategic review would result in less of an increase or reduction in defense spending—not one. Even with those arguing for transformation from a cold war structure to a new structure, even for those who are arguing for very aggressive transformation, there is not a study that we can find, no expert on either side of this debate, who is going to make an argument that this spending line is going to go down. It is going to go up. Yet the budget resolution we are debating is not, in the current form, going to allow for that.

So our amendment will set aside $100 billion out of the tax cut, $10 billion a year, to make room for the strategic study, to make room for the quality of life, to make room for the improvements that need to be made to boost the morale and to boost the vigor of our Armed Forces. Waiting is not only going to force us to make some very tough decisions down the road, but waiting is also going to cost the taxpayer billions of dollars because of the delay, because of this budget gap. It is not fair and it is not right and it is not smart. We can do it all if we use common sense and reasonableness and we are careful about what numbers we put on the tax cut and on certain strategic investments.

I am going to try to wrap up in just a moment, only to say the President campaigned on this issue when he ran for President. People voted for him based on a promise to support an increased military investment. Many of us who even voted for the other candidate believe it is a very important step to take now, to improve and to strengthen our investments, particularly the quality of life issues of housing, pay, other compensation, and health care; to strengthen our retention of our forces and to provide for them the things that we promised when they signed on the bottom line.

If we are careful, if we make the right decisions today, we can have a reasonable tax cut, we can pass strategic investments in education and defense, and we can pass a budget that will work, not only for this year but for next year and for many years to come. So I am proud to offer this amendment on behalf of my colleagues. I could give many more examples where it comes to our Navy, to our Army, to our Air Force, to Marines, to the things we need to maintain our ships and planes, as well as our quality of life issues.

In closing, let me say with all due respect to my chairman, who is going to offer another amendment, whether he does it before I do or after I offer mine, I agree with him that we need to increase spending by his amendment of $8.5 billion for 2002. But that does not go far enough. We are laying down a budget for the next 10 years. Are we just going to offer our military an increase for 1 year and say you are on your own for years after? We need to be reliable. We need to be trustworthy. We need to live up to our promises. We need to support the Landrieu-Carnahan amendment that will begin to make a modest investment to keep this line stable, to keep our country secure, and to put the money where our mouth is. When we say we support our men and women in the Armed Forces, let's do it now. If we cannot do it now, when are we going to do it?

Once this budget resolution passes without my amendment, it will not matter if 100 strategic studies come back. There is not going to be any money to fund it. Let us, while we can, make the investment for our men and women in the Armed Forces.

I yield the remainder of my time back. I think the manager has done a beautiful job. Senator CARNAHAN would like to speak for a few minutes on this amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Louisiana, who is a distinguished Member of the Armed Services Committee, for her amendment. I think it is an important amendment, one of the most important amendments we will consider in the context of a budget resolution. On the Budget Committee we heard witness after witness tell us we needed to add $5 billion to $10 billion a year over the next 10 years to the defense budget to be responsible. The Senator from Louisiana has added that $10 billion.

Let me say we had a hearing before the Budget Committee with four witnesses: two Republican witnesses, two Democrat witnesses. They were in agreement on the amount of money needed to be added to defense, given the stress on the defense budget, with the higher rate of operations, with the need for additional resources to meet demands we have put on the Defense Department.

President Bush has called for a strategic review. We agree absolutely that is important and that is appropriate. We also believe there is no question that additional resources have to be provided to the Defense Department. We need to strengthen our national defense. If we do not provide the money in a budget resolution, it is not going to be available. So this amendment is critically important.

I understand the Senator from Missouri, Mrs. CARNAHAN, would like to speak on the amendment as well.

Mrs. CARNAHAN. Yes.

AMENDMENT NO. 188

Ms. LANDRIEU. If I may interrupt for one moment, I understand the amendment is now at the desk, so I would like to officially call it up.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana (Ms. LANDRIEU) for herself, Mrs. CARNAHAN, Mr. LIEBERMAN, Mr. REED, Mr. LEVIN, Mr. BREAUX, Mr. CORZINE, Mr. GRAHAM, and Mr. NELSON of Florida, proposes an amendment numbered 188.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CONRAD. The Senator from Missouri has requested 10 minutes? The Senator from Missouri is provided 10 minutes off the resolution.

Mr. WARNER. Mr. President, parliamentary inquiry: Would it be appropriate——

The PRESIDING OFFICER. Does the Senator yield? Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REID. Without her losing the floor.

Mrs. CARNAHAN. Yes.

The PRESIDING OFFICER. Without objection, the Senator from Virginia.

Mr. WARNER. Mr. President, the distinguished Republican manager wishes to address a unanimous consent request which I think meets the objectives, such that our valued colleague from Louisiana can get the first vote, then my second-degree would be the second vote. I wonder if the managers would refer to that.

Mr. DOMENICI. Mr. President, I ask unanimous consent the pending Landrieu amendment be laid aside and Senator WARNER be recognized to offer an amendment relative to defense. I further ask the debate run concurrently on both first-degree amendments and be limited to 60 minutes equally divided, and following that time the Senate will proceed to vote in relation to the Landrieu amendment and then in relation to the Warner amendment. I further ask consent no amendments be in order prior to the votes just described and the votes occur in a stacked sequence with 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object, I just have a question.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I have no objection to the 60 minutes divided for the discussion of the Landrieu-Carnahan amendment and the Warner alternative. How will the debate proceed? Will we alternate pro and con or will we take our 60 minutes first or alternately allocate the time?

Mr. CONRAD. Mr. President, it is our intention that the two managers allocate time so there is a fair division.

Reserving the right to object, since Senator CARNAHAN was previously recognized off the resolution, I assume this would follow her remarks. Would that be the intention?

Mr. WARNER. Certainly that would be satisfactory.

Mr. DOMENICI. In which event we ask 10 minutes be added to our side.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object, there are a number of other Members who would want to speak on this amendment. I am wondering if Senator LIEBERMAN, who was here, and Senator REED, who was here, will be given time to speak on this amendment?

Mr. DOMENICI. Sixty minutes divided equally. That is what it says. We will work on rotation.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Reserving the right to object, I would hope that we could work this out so we have a firm understanding of what will occur so feelings are not bruised in the process. It is easy to have happen.

Let's be clear. As I understand it, then, Senator CARNAHAN will proceed with 10 minutes off the budget resolution, and then there will be the 60 minutes between the two sides with respect to these amendments. Is that acceptable?

Mr. DOMENICI. I say to the Senator, I thought you just prevailed. She will get the 10 minutes she had. And then the 1 hour will become operative, at which time we agree we each get half of that; but we will accommodate back and forth so no side gets unfair treatment.

Mr. CONRAD. Good.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, when families across the country plan for the future, they first determine their essential priorities. Then they put money aside to make sure they can pay for them. Only after those priorities are met, do our families decide whether money is left over to pay for other things.

I believe we would be wise to approach the Federal Government's budget the same way.

First, we should determine how much we need to invest for vital national priorities. The remaining funds should be returned to the people through a tax cut. We can meet our national priorities and still provide for substantial tax relief to America's working families.

But the budget we are considering seems to have been constructed exactly the opposite way. It appears to have been built around the $1.6 trillion tax cut, leaving us without adequate funds to meet our budgetary needs.

One of the most glaring shortfalls in the President's budget is in the area of national defense.

Of the $5.6 trillion in anticipated surpluses, the budget proposed by President Bush spends only $60 billion—about 1 percent—on defense.

I believe that this level of military funding is inadequate to meet our military's current and long-term needs. The amendment that Senator LANDRIEU and I have proposed will remedy this flaw by increasing defense spending over the next 10 years by $100 billion above what the President has proposed. I commend Senator LANDRIEU for her leadership on this issue and am pleased to join with her in supporting the men and women of our Armed Forces and in protecting the national security.

Leaders of our Armed Forces tell us that we must invest in both personnel and equipment to preserve our preeminence in the 21st century. The list of military needs is exceptionally long. That list includes, but is not limited to, modernizing our tactical aircraft and other aging weapons systems, increasing the readiness of our forces, building decent housing on our bases at home and abroad, improving the quality of military life, increasing military salaries and health benefits, maintaining and repairing our aging infrastructure, and securing our information technology.

Virtually every expert that has looked at the state of our military agrees that major new investments are required.

Just last September, the Joint Chiefs of Staff estimated that $50 billion per year in additional funds were needed to maintain readiness and to modernize our forces. And the Joint Chiefs were only talking about modernization and readiness. The $50 billion figure did not include the investments needed to increase retention of personnel and improve the standards of living for military families.

Examples of urgent funding requirements abound. But let me take a few minutes to discuss the situations on the two major bases in Missouri, Fort Leonard Wood and Whiteman Air Force Base, with a special focus on housing.

Fort Leonard Wood's housing units were constructed between 1958 and 1964. Only one out of six units has been fully renovated. The floor plans are outdated. There are insufficient playgrounds and storage space. Many homes are below Army standards in size and quality. The poor grade of housing at Fort Leonard Wood is one of the factors that makes it difficult for us to retain our highly trained and skilled senior enlisted personnel and officers.

Numerous other infrastructure improvements are needed at Fort Leonard Wood. The most disturbing one that has been reported to me is the lack of running water or sewers on the 48 ranges used to train our young men and women. The latrines on the ranges are some of the worst in the command. Some soldiers are said to limit their water intake to avoid using these decrepit facilities.

Military personnel at Whiteman Air Force Base face other indignities. Family housing suffers from termite damage, water seepage, and flooding of playgrounds. Twenty percent of all units have been vacated due to termite and water damage.

Unfortunately, I cannot say that help is on the way.

The backlog of deferred maintenance at Fort Leonard Wood comes to about $66 million. The current annual budget of $13 million is $2 million less than necessary to sustain the current housing stock and $6.6 million less than what is necessary to reducing the backlog. To make matters worse, high utility costs this year have caused a shortfall of $1.8 million, which is being taken from the housing maintenance budget.

At Whiteman, $125 million are needed to fix 900 units, construct 129 new units, and repair playgrounds, streets, and other common areas. But Whiteman's annual housing budget is $7 million less than necessary to implement this plan.

The problems in Missouri are duplicated across the country and at our bases abroad. The Commander in Chief of the European Command, General Ralston, testified last month before the Armed Services Committee on which I sit. He said that 70 percent of the housing in Europe did not meet Army standards. And the Department of Defense reports that the backlog of real property maintenance is $27.2 billion.

The Landrieu-Carnahan amendment is designed to meet these needs in the years to come.

The amendment will reduce the President's tax cut by $100 billion and dedicate these funds to defense spending.

Reducing the tax cut by this amount will only slightly lessen the amount returned to the wealthiest Americans under the President's plan. I believe that these Americans would be willing to take this sacrifice if they knew that the money would be spent for better equipment, housing, and salaries for our military personnel.

When I asked new appointees to the Pentagon how they plan to address the shortfall in the budget, they have all told me that these issues are currently being considered in the Pentagon's comprehensive strategic review. I applaud the new administration for conducting this review and for proposing to "transform" the military to meet the security threats of this new century. But no one believes that this new review is going to lead to reduced defense spending over the next decade.

Quite the contrary. One expert, Dr. Andrew Krepinevich of the Center for Strategic and Budgetary Assessments, testified before the Senate Budget Committee. He said that there is a $120 billion mismatch between our current defense plans and projected defense budget. The Pentagon's strategic review may result in some cuts to existing programs. These cuts, however, will not cover both the $120 billion shortfall, plus whatever new costs are required to transform the military.

The bottom line is that there will be calls to spend more, not less, on defense after the strategic review is over.

We should prepare for that certainty now by adopting a budget that contains realistic spending levels for national security.

The problem with waiting until after the review is over is that Congress is poised to pass the President's tax cut now. If this tax cut passes, the necessary funds simply will not be available for the required level of defense spending.

This amendment is a much more prudent approach. It sets aside the funds for our military needs over the next decade.

In the unlikely event that the strategic review calls for less spending than this amendment provides, that money can always be used for tax cuts, or other purposes in the future. But everyone in the Chamber knows that we will not be able to undo a tax cut, not even to increase defense spending. If the President's tax cut goes forward, our military budget is going to feel the squeeze in the years and decades to come.

So I strongly advocate this amendment. I urge the Senate to stand behind the men and women who defend our country by adopting this important measure.

I yield the floor.

AMENDMENT NO. 189

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Virginia is recognized to offer his amendment.

Mr. WARNER. Madam President, I send to the desk an amendment. It is a first-degree amendment. As I understand, under the UC there will be sequential votes.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. HUTCHINSON, Mr. ROBERTS, Mr. INHOFE, Ms. COLLINS, Mr. MILLER, and Mr. KYL, proposes an amendment numbered 189 to amendment No. 170.

Mr. WARNER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the levels of new budget authority and budget outlays provided for the National Defense (050) major functional category for fiscal year 2002, and to make corresponding adjustments necessitated by those increases)

On page 10, line 21, increase the amount by $8,500,000,000.

On page 10, line 22, increase the amount by $6,460,000,000.

On page 43, line 15, decrease the amount by $8,500,000,000.

On page 43, line 16, decrease the amount by $6,460,000,000.

On page 48, line 8, increase the amount by $8,500,000,000.

On page 48, line 9, increase the amount by $6,460,000,000.

Mr. WARNER. Madam President, I first pay tribute to my two colleagues, members of the Committee on Armed Services. As I listened very intently to their comments, there is not much with which I can disagree with respect to the need for additional funds.

Where we differ, I say with due respect, is that we have a new President, a new Secretary of Defense, and there are a number of Members in this Chamber on both sides of the aisle who have commended President Bush and Secretary Rumsfeld in their initiatives to go back and reexamine the entirety of America's defense posture and to give greater emphasis to the emerging and ever-changing threats poised against our Nation and providing everyday risk to the men and women of the Armed Forces who are posted beyond our shores standing watch in the cause of freedom.

This amendment prejudges the end result of these studies and prejudges the Bush administration and how they are going to reorient our defense posture for the outyears. It lays out a 10-year program; in a sense it allocates the 10 for each of the years.

My amendment addresses but 1 fiscal year, 2002. It is the budget which we are working on now. President Bush, when he came to office, looked at the Clinton budget and decided to add $14.2 billion for this particular fiscal year. That was done very early on when he arrived into office. Subsequent thereto, the work of our committee produced papers, an analysis which showed that even funding of 14.2 falls short of what is desperately—I use that word very cautiously but very truthfully—needed by all the military departments to get our military through the 2002 fiscal year, to maintain its readiness, to maintain the quality of life for the men and women of the Armed Forces, and to hope to strengthen the ability of the services to retain. I cannot emphasize too strongly the need to retain middle-grade officers and senior enlisted men and women.

We are falling short in those areas, and we now realize we must do more. Whether it is pay, housing, medical, hopefully less deployment, but we are falling short in that way. Every time we lose a pilot, the American taxpayers lose several million dollars of investment in the training that he or she has received through the years. Only a small amount of money, only a small amount of improvement in housing, only a small amount of improvement in health care could well have retained that highly skilled aviator and/or the maintenance chief down on the line working night and day to repair and keep the planes flying.

This amendment by my two colleagues really prejudges what our President and Secretary of Defense will come up with. I would like to hypothetically put this to my colleagues. I think we should give this President the opportunity to make his judgments and to come back in subsequent fiscal years to the Congress and say: This is precisely what I need, or I don't need the full 10 billion, should this amendment become law.

Stop to think about that. It could be in fiscal 2003 that our President wishes to increase the defense budget by 20 billion and represents to the Congress at that time, absent unforeseen contingencies, the following fiscal year he could have level funding and/or maybe just a billion or two additional funding.

This President is reorienting the budget more and more towards the threat, beginning to scale down the number of deployments and hopefully improve the retention.

On the committee—I speak of the committee in terms of its staff because we worked on this in a bipartisan way; I presume my colleague, Mr. LEVIN, will join in this debate—the figures that were worked up were produced in conjunction with analyses supplied by the Department of Defense. We broke out the following amounts in various line items, all in the 05, which is the readiness account:

Three-tenths of a billion for force protection. More and more we recognize that our bases overseas are subjected to terrorism. We have experienced very serious accidents this year, the U.S.S. *Cole* being the most severe. So we need three-tenths of a billion to help augment those expenditures.

Six-tenths of a billion for personnel. Again, special pay, pay directed at those specialties, whether it is flying or maintenance or medical or computers or the like, where we are having difficulty retaining those individuals with the competitive forces in the private sector.

Energy costs. It simply requires that we have this to maintain the barracks, to maintain the housing, to maintain the office buildings, to maintain the hangars, to maintain the ships. Our energy costs have gone up not unlike those being experienced by the civilian sector.

Maintenance. The Senator from Louisiana put up a chart with which I agree. Deterioration of the base infrastructure all throughout our services. Seven-tenths of a billion for that. Base operations. Again, we were underfunded in the accounts. That brings in another nine-tenths of a billion—nine-tenths of a billion in real property maintenance, the buildings. We will, hopefully, go through a base closure piece of legislation within the next 24 months to complete that. But in the meantime, it is absolutely essential to maintain the infrastructure we now have in a condition so that it protects the airplanes in the hangars and protects the personnel in the barracks.

Then we go to the direct health care system. We passed historic legislation last year—TRICARE. It was something that the retired community has wanted for many years, something they were really promised when they joined the military services. Now that is going to be a significant cost item. In years past, we had not even funded TRICARE to the levels that were needed to maintain the costs before our legislation takes effect. As a consequence, we were drawing funds out of the major military hospitals.

I went by and visited both Bethesda and Walter Reed recently in connection with seeing friends there, and the commanding officers, all in a very respectful way, said: Senator, we do not have sufficient funds to maintain these hospitals that are taking care of the active duty, primarily—some retired—and their dependents. And that requires $1.2 billion. But that ties directly to retention. The degree that we properly care for the families and the active-duty personnel reflects the degree to which we can retain these valuable people in uniform.

Fuel. This is different from base. This is for flying the aircraft. This is manning the ships. This is training in the trucks, in the tanks, the artillery pieces, mobile. This is where the fuel is needed. That is a significant cost. Then, of course, in addition, it is for flying hours and the spares.

I expect every Member of this Senate has learned of the cannibalization going on, where you take parts from perfectly good equipment and put them in other pieces to make them run. That is no way to run a first-class military. But, regrettably, those dollars associated with the normal maintenance and the spares have been inadequate for a number of years, and we are asking $1.6 billion to put back on the shelves sufficient spares to enable our troops to train and keep their equipment in readiness. This was very carefully documented.

It is interesting; in the amendment of my distinguished colleague—the Senator from Louisiana—she has the exact sum. My guess is that she, quite rightly, has access to the same information. I must ask that in the form of a question at an appropriate time. But she predicated 2002 on this figure.

I say the proper course of action is to be respectful of the fact that this President has taken an initiative to study our military very carefully, analyze the threat, and then to put together carefully a plan to make such revision as he deems necessary for this year and our outyears under the normal 5-year fit-up program—not 10. I think, in fairness, he should be given that opportunity.

I will leave it to others to address the question of how this reduces the overall proposed tax out, how it goes to other areas of the budget. But my responsibility as chairman of the Armed Services Committee is simply to stick, at this moment in the debate, to those facts as they relate to how this Nation should go forward in providing for the men and women of the Armed Forces. I say out of respect for this President, we should give him the right, the authority, to go ahead and do the studies. We augment, by my legislation, a single fiscal year for necessities, and I don't think anybody can dispute the need. I would be anxious to hear from the proponents of the other legislation. I think the 2002 figure is direct and for the right reasons. For the years beyond 2002, let our President come forward—it may be greater in 2003, and 2004 could be less—and we go about our responsibility under the Constitution to maintain our Nation strong and free, in accordance with the wishes of this President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time did Senator WARNER use?

The PRESIDING OFFICER. The Senator used 14 minutes.

Mr. DOMENICI. Madam President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. This is coming out of the 60 minutes, and then I will, obviously, yield to the other side.

What Senator WARNER is saying to the Senate is, under our unanimous consent request, the Senate will get to vote on the amendment of the Senator from Louisiana, to be followed by a vote on the Senator's amendment, which he has described, an $8.5 billion increase for 2002.

Mr. WARNER. Madam President, the Senator is correct.

Mr. DOMENICI. Having said that, I want to tell everybody there is a big difference between these two amendments, beyond the fact that this distinguished chairman of the Armed Services Committee is saying fund at 2002 and let's wait for the President's request.

The opposition amendment of the junior Senator from Louisiana is an interesting amendment as it deals with defense because it actually cuts the taxes—the taxes the people thought they were going to get back. It reduces that by $100 billion. At first, it was $200 billion. So it reduces that by $100 billion out of the tax cut in order to pay for this amendment.

It seems to me the distinguished Senator who chairs Armed Services has a good point, and I hope everybody who wants to follow his lead will, indeed, understand that the second vote tonight will be on his amendment. He very much desires that this position be made. As chairman, he wants it to be taken by the Senate. We will be here for the next 15, 20 minutes if anybody has any questions. But I send out a little signal that we have a unanimous consent, which means we are going to vote pretty soon. I might speculate with Senator REID that we are going to vote within 30 or 40 minutes. So everybody should know that. All time will be used up.

Senator CONRAD has indicated he may give me an additional 10 minutes if I need it because there was an additional 10 minutes used on that side. You can add that to the mix and figure out the time.

Mr. WARNER. Madam President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> U.S. SENATE,
> COMMITTEE ON ARMED SERVICES,
> *Washington, DC, March 19, 2001.*
>
> Senator PETE DOMENICI,
> *Chairman,*
> Senator KENT CONRAD,
> *Ranking Member,*
> *Committee on the Budget, U.S. Senate, Washington, DC.*
>
> DEAR PETE AND KENT: In accordance with your request, I am forwarding my recommendations on funding for the programs in the jurisdiction of the Armed Services Committee for the Fiscal Year 2002 Budget Resolution.
>
> In the near term, I believe there are some urgent needs for which a Fiscal Year 2001 supplemental is appropriate, including the shortfalls that experts in the Department of Defense have identified in the defense health care program, increased flying hour costs, and full funding for the higher housing allowances currently being paid to military personnel living off base.
>
> With respect to Fiscal Years 2002 through 2006, I agree with the Secretary of Defense that it is prudent for him to conclude his strategy review and present it to the President and the Congress for our consideration before we make final decisions on the shape and overall funding levels for our future defense program.
>
> However, I believe there are certain requirements that must be addressed regardless of the outcome of the ongoing strategy review. Some increases above the projections contained in the President's budget outline of February 28 will be needed to continue the transformation of our military to meet the threats of the new century, to fulfill the commitments the Congress has made to provide quality health care to active and retired military families, and to continue the progress we have made in recent years to improve compensation, housing and other quality of life programs for our military families. I also recommend that the Budget Resolution provide a sufficient mandatory spending allocation for the Armed Services Committee to permit enactment of legislation providing full funding for (1) the transferability of benefits under the Montgomery G.I. Bill to family members; and (2) reform of the statute prohibiting concurrent receipt of military retirement and veterans disability compensation.
>
> For these reasons, I believe it would be prudent to establish a reserve fund in the Budget Resolution to accommodate the near-term and long-term adjustments to current defense plans that the Administration and the Congress may decide to implement once the Secretary's strategy review is completed. I recommend that this reserve fund provide in the range of $80 to $100 billion for the national security priorities I have identified above the levels projected by the President over the next ten years, pending the completion of this review.
>
> In my review, this reserve fund should be over and above amounts set aside to fully protect the Social Security and Medicare Trust Funds, pay down the national debt, and meet other priorities, and should not be lumped into a single reserve fund in which defense funding needs would have to compete against other vital national priorities. I also believe this reserve fund should be established in the Budget Resolution before a decision is reached on the various tax proposals before Congress. I have serious concerns that a tax cut of the size proposed by the President would not leave sufficient funds for future increases in defense and other important programs.
>
> I look forward to working with you on a Budget Resolution for Fiscal Year 2002 that provides the necessary funding to preserve our strong national defense and the other important programs that are essential to our nation's security and prosperity.
>
> Sincerely,
>
> CARL LEVIN,
> *Ranking Member.*

Mr. WARNER. Madam President, this is a letter from Senator LEVIN, the ranking member of the Armed Services Committee, to the distinguished Chairman DOMENICI and the ranking member, Mr. CONRAD, of the Budget Committee addressing the needs, as we see them, for defense in the years to come.

I will read one paragraph which I think is really dispositive of what we are discussing. I quote Mr. LEVIN:

> In the near term, I believe there are some urgent needs for which a Fiscal Year 2001 supplemental is appropriate, including the shortfalls that experts in the Department of Defense have identified in the defense health care program, increased flying hour costs, and full funding for the higher housing allowances currently being paid to military personnel living off base.

He continues:

> With respect to Fiscal Years 2002 through 2006, I agree with the Secretary of Defense that it is prudent for him to conclude his strategy review and present it to the President and the Congress for our consideration before we make final decisions on the shape and overall funding levels for our future defense program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, on behalf of Senator CONRAD, the manager of the bill, I yield time to the Senator from Rhode Island, but prior to doing that, I want to indicate how fortunate we are in the Congress, in the Senate, to have someone of his knowledge.

Senator JACK REED is a graduate of the United States Military Academy at West Point. He was an airborne ranger, a company commander. He was part of the 82nd Airborne. He had 35 jumps. His career in the military, including his time at West Point, consisted of 12 years. He was a professor at West Point.

He not only is a member of the Armed Services Committee in the Senate, but during the time he served as a Member of the House of Representatives, he served on the very important Intelligence Committee.

This man has served our country, including his time at West Point, some 12 years. I do not know of anyone I would rather have speak on issues relating to the military than JACK REED, the senior Senator from Rhode Island. I yield 10 minutes.

Mr. WARNER. Madam President, I associate myself with Senator REID's remarks. Senator JACK REED is a very valuable and well-informed member of the Armed Services Committee, as well as his colleagues, the principal sponsors of the amendment.

Mr. REID. Madam President, the Senator from Virginia and I have a mutual admiration society. We have served on the same committee since I have been in the Senate. I am always impressed with the seriousness of everything he says, especially on the Senate floor.

Mr. WARNER. I thank my colleague. I share his view.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to lend support to the amendment of Senator LANDRIEU and Senator CARNAHAN and commend my chairman for his amendment. All of these individuals recognize the need for additional resources in defense spending. In fact, when it comes to Chairman WARNER, there is no one in this Chamber who has been more solicitous and supportive of the welfare of American fighting men and women and the readiness of those forces than the Senator from Virginia, but I believe this is an important moment in the debate to make a broader point about this budget and defense spending.

Explicitly, this budget calls for a $1.6 trillion or $1.7 trillion tax cut over 10 years. It reserves the money for that tax cut. Yet it ignores anticipated expenses that we already know will be incurred in defense. When it comes to defense spending in this budget, there is only one word for it: this budget is disingenuous.

We are not prejudging President Bush. We are taking him at his word. I quote the President:

> At the earliest possible date, my administration will deploy antiballistic missile systems, both theater and national, to guard against attack and blackmail.

When we look at the estimated costs for a national missile defense, it is approximately $115 billion, and that total is growing with each new reestimation. The $115 billion was an estimate that was included in this week's Defense Week magazine.

This national missile defense is a centerpiece of the President's strategic program. I hardly believe that at the end of the strategic review conducted by the Secretary of Defense—and I commend him for that review—that the Secretary of Defense or the President will recommend that they withdraw their support for national missile defense or theater missile defense.

We already know the President may urge us to spend as much as $115 billion just on national missile defense, and there is nowhere in this budget over 10 years that these costs are recognized. This is in addition to the cost that Senator LANDRIEU was talking about—quality of life for troops and readiness issues.

Let us look again at some of these costs we know will be urged upon us. We will debate these costs. We will debate these programs. Some may be eliminated. But right now we know there is a multibillion-dollar defense program coming our way, and this budget does not provide for it.

What this budget does is cut taxes explicitly to the tune of $1.7 trillion, yet ignores defense programs to which the President is emotionally, passionately committed. I think that is disingenuous, as I said before.

If you look at national missile defense, we started and are developing a land-based system. It is estimated that the cost of 100 interceptors, a very rudimentary system, will be $43 billion. Again, I do not think that number is properly accounted for in this budget going forward 10 years. That system is criticized by many, including President Bush, as being not robust enough; that we have to build a system that is layered, not just a midcourse interception of enemy missiles coming to the United States by land-based systems, but also we have to have sea-based systems perhaps that will intercept in the boost phase and other systems that can intercept in other phases in flight. All of this adds additional cost.

If the Administration chooses to go to a sea-based system, the likely candidate is called the Navy theater-wide missile defense system. That is one system. That system is just being developed now. Estimates for that system—to buy the ships, deploy the radar, deploy the missiles—is about $5.5 billion. Again, we are not talking about this cost.

If we look at another aspect—the spaced-based laser is the program the Air Force is developing—this system would be designed to be orbiting in space and also intercept enemy missiles. That is another multibillion-dollar program that is hardly off the drawing board. Yet the administration may choose to pursue this option and the cost is not accounted for.

That is the realm of national missile defense—about $115 billion and counting. Indeed, every time there is an estimate of costs, the costs go up.

This is a revolutionary innovative system that the Defense Department is already developing. But none of these costs are provided in this budget.

If we look at theater missile defense, we just had good news. The PAC-3 missile system has been successfully tested. It is an advanced theater missile defense, but the sobering fact is that the PAC-3 missiles cost has increased more than 100 percent over the last few years, another cost not appropriately factored into the system.

There is another Navy lower-tier missile defense system with estimates of about $7 billion to develop. Again, it is not recognized in this budget.

The Army is developing a missile defense called THAAD. Once again, that is struggling forward, being tested, being developed, estimated at billions of dollars.

There is the Air Force airborne laser on aircraft, estimated at $6.5 billion in acquisition costs. That, too, is being considered but not budgeted.

After we look at these programs, one after the other, and the President's commitment to have a robust comprehensive national missile defense and theater missile defense, we are talking about hundreds of billions of dollars. It is not in this budget.

Just as the President eloquently and passionately called for a tax cut, he called for national missile defense. This budget is silent about those costs as it trumpets tax cuts.

I do not think that is the way to do a budget. I do not think that is fair to our military forces because we know what will happen. These programs will be urged upon us. We will have a choice to borrow money because there is no money left after the tax cut to fund military programs, or to take money from domestic priorities.

I do not think we should put ourselves in that position. We should honestly and fairly put in this budget those costs we know and the significant costs that are coming regardless of the outcome of this strategic review.

We can illustrate, talk about other costs. We have other responsibilities. In the last few weeks, as a member of the Strategic Subcommittee of the Armed Services Committee, we have had several different commissions report to us. They have already done their studies.

Secretary Schlesinger, former Secretary of Defense and former Secretary of Energy, reported to us on the status of our nuclear safeguarding procedures and all the laboratories that guard the readiness of our nuclear devices. His estimate is $800 million just for maintenance backlog; $300 million to $500 million per year for ten years for recapitalization—new equipment, new computers—billions of dollars a year to clean up nuclear waste sites. We know these costs already. They are not in this budget.

The Department of Energy also runs programs to reduce the threat of weapons in the former Soviet Union, in Russia. We have been funding multimillion-dollar programs which we have to continue to fund to ensure our national security.

The Strategic Subcommittee has heard the Space Commission's report. The Space Commission was chaired by Secretary of Defense Rumsfeld. This Space Commission has urged significant investments in our space capability. They rightly point out we don't have the situational awareness from space to understand what type of missiles might be fired, what might be a threat to us, or not a threat to us. They have not put a price tag on it. But again, we are talking about a very innovative, very expensive system, that the Secretary of Defense is very committed to. Another total not reflected in the budget.

We just had this week a report about the National Reconnaissance Office which is responsible for overhead coverage, our satellites, our intelligence satellite. They, too, are indicating additional moneys must be spent.

These studies have been completed. The verdict is in: We need more resources. Yet this budget does not reflect those costs. We are talking about billions and billions of dollars in military programs. One could debate and argue the merit of each, but we know they will be urged upon us.

We have a budget that ignores the obvious costs in order to fund a very large tax cut. I think we have to be straightforward and honest about this budget. We have to recognize the need for defense. Again, we are not prejudging the President; we are taking him at his word that he wants to build a national missile defense, that he wants to continue on the work of our nuclear stockpile safeguard program, that he wants us to be a leader in space as we have been on the oceans and in the skies and on land. And all of this costs money. There is none of this money in the budget.

I urge the passage of Senator LANDRIEU's amendment. I also urge as fervently that we look carefully at this budget and honestly reserve from this proposed tax cut the real resources we will be asking for and this administration will be asking for within months of our vote on this budget.

I yield the floor.

Mr. WARNER. Madam President, on my time, if I could ask my distinguished colleague a question. I pride myself on being among those who are strong supporters of the concept of a limited missile defense. I have been on this floor much of the 23 years I have been privileged to be in this body arguing for the need for this country to provide for its defense against that threat.

I listened to the very careful recitation of all the options in the outyears. I think some of those options require significant modification of the ABM Treaty. Do I glean from that the Senator could be in favor of modifications to the ABM Treaty, or maybe the abrogation of the treaty if we are unsuccessful in modifications?

Mr. REED. I respond at this juncture the question is premature since the systems we are testing have not proven effective technologically. I would be reluctant to abrogate a treaty until I knew we had a system that worked with a high degree of confidence. I hope some day we have that choice.

Mr. WARNER. I doubt we could proceed to some of the naval systems, which would require modification. You certainly have to concur in that.

Mr. REED. The Senator is likely right about those. As I understand the ABM Treaty, there are restrictions on anything other than a limited land-based system.

Mr. WARNER. It is a point of reference. I also add the historic act adopted by Congress in response to the bill by the distinguished Senator from Mississippi, Mr. COCHRAN, carefully spells out that we can only proceed as technologically feasible, and that would be the pacing item. I am not so sure we can prejudge here in this limited review that we will spend all this money on missile defense that my colleague suggests. It seems to me we will have to pace ourselves as technically feasible.

I think to ask this Chamber at this time to accept as a premise that all of this money is going to develop in the hundreds-plus of billions of dollars at this early date is a little premature.

Mr. REED. I don't think the Senator is saying he suspects that the President is not serious about a missile defense.

Mr. WARNER. No, I am not saying that. I am dead serious. But I think we will pace ourselves, and it is a little early to begin to think about the magnitude of the budgets associated with missile defense.

I didn't hear my distinguished colleague from Louisiana mention missile defense in the course of her direct testimony unless I missed it.

Ms. LANDRIEU. No, the Senator from Virginia did not hear me, but our colleague did such a beautiful job on missile defense.

Mr. WARNER. I yield the floor.

Mr. CONRAD. Madam President, how much time remains on the amendment on our side?

The PRESIDING OFFICER. The Senator has 18 minutes, and there are 9 minutes remaining on the other side.

Mr. CONRAD. I have agreed that if Senator DOMENICI thinks he needs an additional 10 minutes, we will grant that in the interest of fairness.

If I might briefly say, I am kind of surprised at what I am hearing tonight. I hear from the other side they are fully ready to make a 10-year commitment to a tax cut, but they don't want to make a 10-year commitment to defense. There is not a soul in this body who doesn't know when the President's strategic review is completed they will come back and ask for additional money. Does anybody believe they will not do that? When they come back, the cupboard will be bare; the money will be gone.

What we are saying with this amendment is, let's put some money in the cupboard so when we are asked to fund defense with additional dollars, we have it. That is a responsible thing to do.

I commend the Senator from Louisiana. I commend the Senator from Missouri. I commend the Senator from Rhode Island. This is responsible national defense policy.

I understand the Senator from Connecticut is seeking time.

Mr. LIEBERMAN. I was hoping the Senator would have commended me, too, for cosponsoring this amendment.

Mr. CONRAD. I am always glad to commend the Senator from Connecticut, and I yield 10 minutes to the Senator.

Mr. LIEBERMAN. I thank my friend and colleague from North Dakota for his thoughtful and persistent and effective leadership on these budgetary matters. I thank the Chair and will see if I can use less than 10 minutes.

I rise today to support this amendment offered by the lead sponsor, my friend and colleague on the Armed Services Committee, Senator LANDRIEU of Louisiana, and also cosponsored by Senator CARNAHAN, a new member of the committee, from Missouri.

This is an important amendment. The Senator from North Dakota spoke some words that struck me as I listened to my chairman from Virginia about going ahead with this for 1 year but not for the 10 years. Of course, the powerful reality is, we are arguing about priorities and fiscal responsibility.

The concern of so many Members is we are committing to this enormous tax plan from the President which, by the Concord Coalition estimate, will cost $2.3 trillion over the next 10 years, threatening to take us back—not just threatening but likely to take us back—into deficit, higher interest rates, higher unemployment and we are prepared to consider on a 10-year basis. When it comes to the needs of our military, we are only prepared to allot the appropriate amount of money for 1 year.

I think what is appropriate on the revenue side is appropriate on the spending side. What is most appropriate is fiscal responsibility. What this amendment by Senator LANDRIEU puts at issue is what this debate on the budget resolution is all about, which is priorities. I suppose it is not only about that. The other part is fiscal responsibility.

We say it over and over again, and it is true, when it comes to the health of our economy, most of it happens in the private sector. Government doesn't create jobs. The private sector does. But there are a few things that Government can do to create the environment for jobs and give some incentives for jobs and economic growth. The first and most important is to remain fiscally responsible. The second is to make the kinds of investments that help the private sector grow. Incidentally, one of those is to support research and development through the Defense Department, which has traditionally, in our country, led to enormous economic growth.

So this is about fiscal responsibility. But then this amendment really is about priorities. You cannot have it all. You cannot have it all and be fiscally responsible. If you go for the Concord Coalition estimate of $2.3 trillion on the Bush tax plan, then you are making it impossible to do a lot of other things that we must do and that the people want us to do.

Of course, one of the most fundamental responsibilities that Government has is to provide for the common defense of our Nation. That does not come cheaply. There is no free lunch when it comes to national security.

Others have said, and I need not belabor the fact, that in the last campaign then-Governor Bush and Secretary CHENEY were very critical of our allocation of resources for the military and assured the military, particularly personnel, that help was on the way. Here we are in April of 2001. President Bush sends his budget to us, at least in general terms. I think we have to conclude that help may be on the way, but when it comes to our defense budget, the check must have been lost in the mail because we are not meeting the needs all of us know are there.

This amendment, introduced by the two Senators, one from Louisiana, the other from Missouri, of which I am proud to be a cosponsor, would right that wrong. It takes $100 billion from money that would be spent on the tax cut and allocates it, $10 billion a year, to our national security. It also does what folks at the Pentagon will tell you they desperately need, which is to allow for an emergency defense supplemental of $7.1 billion this year. That would make up for the $1.4 billion deficit now in the defense health program and provide immediate assistance for the real serious near-term readiness and personnel needs that have resulted from the military reductions and operating tempo increases we have seen since the end of the cold war.

There are real and present needs now that this amendment would meet. I know there has been reference to the strategic review being done in the Defense Department. I support that review. I am very encouraged by the instructions that Secretary Rumsfeld has given to those who are working on the review. We need to transform our military. We need to use the technology that is available around the world today to make sure that we are ready for the threats that will come in the future and that we are not just prepared to fight the last war, or wars of the past.

But two things about that strategic review: One is that everyone knows there are needs now and there will be needs next year and the year after and for the coming decade that deal with shortfalls—certainly in the near term—shortfalls that are basic, in items as basic to the military as ammunition, flying hours, housing, quality of life for our military personnel as documented by my colleagues who have already spoken, force protection, and aircraft and ship maintenance, including, incidentally, repairs to the U.S.S. Cole. There are immediate needs now, regardless of what the strategic review brings.

Second, as my colleagues have said already, and I will say it, therefore, briefly, no one should be under the illusion that whatever the strategic review brings will it say that we can maintain our national defense by spending less money. We are working through our committee on a bipartisan basis to push the Pentagon to be as efficient as possible. Some members of the committee have come out again with a call for another round of the BRAC, of the base realignment and closure operation, to avoid wasteful spending. But there has never been a strategic review—never been an historic transformation such as we are going through in our military today, attempting to apply the lessons and the products of information technology and high technology to our military—that has cost less. So this is a very measured and moderate amendment.

The fact is, I would wager, my colleagues, that if we had the ability to take ourselves 10 years forward and look back, assuming that we in our time and those who follow us are responsible, which I hope and trust they will be, we will, in fact, spend much more than the extra $100 billion that Senator LANDRIEU's amendment allocates to the military because we will feel it is necessary.

Mr. WARNER. Mr. President, will the Senator yield for a question? I will ask him on my time.

Mr. LIEBERMAN. Yes, indeed. I am happy to yield.

Mr. WARNER. Did I understand the Senator to say his interpretation of the amendment is that it covers the fiscal year 2001 for the supplemental? I bring to the attention of the Senator the amendment. I do not find that provision in it.

Mr. LIEBERMAN. Responding to the Senator from Virginia, noting a very definitive but subtle shake of the head by the Senator from Louisiana, I therefore reached the conclusion that what I thought was the original intention of the amendment, which was to include an emergency supplemental for the defense, is not true?

Ms. LANDRIEU. Will the Senator yield for a clarification?

Mr. LIEBERMAN. I yield to my colleague from Louisiana.

Mr. WARNER. If I may continue the colloquy—but go right ahead.

Ms. LANDRIEU. Which makes it even more important we adopt the Landrieu-Carnahan amendment because at least there will be some money in the bank to pay some bills we know are coming due, in addition to the real and urgent needs that the supplemental represents. So I thank my colleague for raising that issue. This amendment does not cover it, but if there was a way for it to, we most certainly should because that is an additional obligation that we should meet.

Mr. WARNER. Mr. President, I recognize this Senator was one of the first to say there is a need for a supplemental, even at the time when my respected President wasn't totally in agreement with what I was saying, but now there is thinking within the department that this supplemental will be necessary and will be forthcoming. But I don't want anybody coming tonight thinking that supporting the Landrieu amendment is going to provide for the 2001 shortfalls which this Chamber will have to address at some point in time when the Appropriations Committee brings to the floor a supplemental.

I think my good friend slightly misspoke. I wanted to correct it in a very polite way. If I could move on to the second part of my question——

Mr. LIEBERMAN. If I might respond, on my time, I thank the Senator from Virginia, my respected chairman of the committee. I am encouraged. I know the military was very hopeful, as this administration began, that they would have the opportunity to receive a supplemental appropriation. I commend the Senator from Virginia. As I recall, on February 7 he sent a letter, along with 8 colleagues, to the President, stating that there are bills "which must be paid now. If money is not provided in these areas there could be a significant negative impact on readiness for this fiscal year and beyond."

So as Senator LANDRIEU says, this amendment would take care of the "beyond." I hope you and I and Senator LANDRIEU and others can stand on this floor in this fiscal year and support a supplemental for the Pentagon.

Mr. WARNER. Mr. President, let us proceed on the second part of my question.

The PRESIDING OFFICER. The 10 minutes of the Senator has expired.

Mr. WARNER. I want to ask my questions on my time. Perhaps he could just be given another minute or so to respond to the question: Is that agreeable? On his time?

The PRESIDING OFFICER. That is up to the Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. CONRAD. I ask the time be charged to the Senator raising the question. We have additional time that we can grant to the Senator from New Mexico for that purpose.

Mr. DOMENICI. Are you asking the question?

Mr. WARNER. I am going to ask my colleague from Connecticut another question which I thought I would ask on my time but he can respond on his time. It would take him less than a minute, I am sure. He has it right on his fingertips.

Mr. CONRAD. The problem is we do not have the additional time on this side.

Mr. WARNER. Mr. President, I will yield my colleague a half a minute—a minute on my time to answer the following question.

Mr. LIEBERMAN. The Senator from Virginia is showing his normal generosity.

Mr. WARNER. Let me address again the letter to the budget chairman, ranking member, from Senator LEVIN, which is written in very clear, plain language:

> In the near term, I believe there are some urgent needs for which a Fiscal Year 2001 [as we have discussed] supplemental is appropriate, including the shortfalls that experts . . . have identified in the defense . . .

We got that.

> With respect to Fiscal Year[s] 2002 [which we are talking about] . . . I agree with the Secretary of Defense that it is prudent for him to conclude his strategy review and present it to the President and the Congress for our consideration before [Senator] we make final decisions [which this amendment asks] on the shape and overall funding levels for our future defense program.

Do you agree with him?

Mr. LIEBERMAN. Very briefly, I do. Of course, Senator LEVIN's hope, and the rest of us, many on the committee, was that the defense supplemental would come to us before the budget resolution. But here we are on the budget resolution now, needing to make judgments about next year and years after. That is the purpose of this amendment.

Mr. WARNER. Mr. President, the language is clear. I simply ask: Do you agree or disagree with his statement again, that we should receive the results of these studies "before we, the Congress, make final decisions on the shape and overall funding levels for our future defense program?" Our time has expired.

Mr. LIEBERMAN. Very briefly, I say, I think my distinguished colleague from Virginia is misapplying what Senator LEVIN was saying.

Mr. WARNER. I have read it.

Mr. LIEBERMAN. Which is, he wanted an immediate defense supplemental. But here we are on the budget resolution, so our responsibility is to go forward. I will read one sentence. He says very clearly in another sentence:

> However, I believe there are certain requirements that must be addressed regardless of the outcome of the ongoing strategy review.

Mr. WARNER. The letter is in the RECORD. I cannot take more of our time.

Mr. LIEBERMAN. I thank the Senator from Virginia and the Chair. I yield the floor.

Ms. LANDRIEU. I believe I have 5 minutes.

The PRESIDING OFFICER. There are 6½ minutes under the control of the Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time remains on the other side?

The PRESIDING OFFICER. Six minutes 15 seconds.

Mr. CONRAD. Six minutes on the Republican side?

The PRESIDING OFFICER. Correct.

Mr. CONRAD. And we have 6 minutes on our side. I should remind the Senator from Louisiana that I indicated we would be willing to provide another 10 minutes to the Senator from New Mexico in fairness.

Would the Senator from New Mexico like that time at this point?

Mr. DOMENICI. Yes. I think to allocate it would be splendid. I may not use it all. I may give some of it back.

Mr. CONRAD. I think in fairness we should do that. And I so move that we provide an additional 10 minutes to the Republican side so that it is a fair distribution of time.

Mr. DOMENICI. I say to the Senator, thank you.

Mr. President, how much time do we have now from the amendment and the 10 minutes added?

The PRESIDING OFFICER. Sixteen minutes.

Mr. DOMENICI. I thank the Chair.

Now, Mr. President, I am sure the distinguished Senator from Virginia, Mr. WARNER, would desire to speak with some additional time, and I am sure I will not use all of it.

Mr. WARNER. That is all right. Go ahead.

Mr. DOMENICI. First, let me say, it is important we put into perspective, for those who are concerned about defense, what the Warner amendment will do for defense this year. This amendment sets a new level for national defense spending for the year 2002. It adds $22.4 billion in budget authority over the 2001 budget. That is a 7.2-percent increase. Compared to the President's budget, this proposal adds $8.5 billion in 2002. The proposal is also a $23.5 billion increase for national defense over what President Clinton sought for the year 2002.

So I believe those who are concerned about what we ought to spend in the year 2002 should be rather comfortable that when you have this, plus what is in the President's budget, you have a very substantial increase for the year 2002.

I want to make a few assumptions that I don't need anybody to concur on, but I want to make sure the RECORD reflects what I assume.

First, this amendment assumes all the increases in President Bush's plans for pay raises for military personnel—I do not believe there is any disagreement over that—for retention, for housing, for TRICARE, and research and development.

I would also assume that it includes $3.1 billion more for the Defense Health Program. I am not asking does the distinguished Senator agree, but I am suggesting those who support that program expect $3.1 billion out of that $23.5 billion we are speaking of which is added for defense this year. In addition, it will restore the TRICARE costs and all direct care in military treatment facilities.

That is going to be tough. But remember, we voted for it. We voted for it. Now we cannot say we are not going to fund it.

The Defense Health Program has been experiencing annual shortfalls, and this has been occurring recently because the budget requests—I am not speaking of this budget but the budget requests from the administration—have underestimated inflationary costs for health care each and every year when they send the allowance up here for health care programs.

This year Defense Health Program officials have been instructed to use an inflation rate of 4.2, I say to my friend. But this year the Health Care Financing Administration estimates that inflation will be 7 percent, I say to all those interested in our defense. And that can be covered if we are careful in terms of what we use this increase for.

There is going to be a shortfall in the Defense Health Program, and we all know that. I think it is a matter of making sure, with the give-and-take with the administration, we do right by it. Yes, it is a $3.1 billion shortfall. That means we underestimated what they need.

The Surgeons General of the military services have told Congress that they will have to furlough healthcare personnel, close pharmacies, and refuse service at military treatment facilities if additional funding is not found for 2001 very soon. If we do not fully fund the program for 2002, we will have the same problem again next year. This is not acceptable. Does any Senator know of a worse way to address morale and retention?

There is another important element of this amendment. It also restores cuts in the defense activities of the Department of Energy. The proposal fully funds DOE's Stockpile Stewardship Program and its nonproliferation activities. It adds $800 million for the Stockpile Stewardship Program and $100 million for nonproliferation.

Frankly, I do not expect my friend to agree this money is going to be used for that. But I want everybody to know I am going to work hard so it will be. Because one of the things that the defense establishment forgets about every year is that they have a little buddy over there called "nuclear weapons," you see. They pay for all the rest of defense when they start allocating, but when they start having to give up defense money to the Department of Energy to do stockpile stewardship, which I say to my friend from Virginia is a fancy name for making sure we maintain healthy nuclear weapons—the totality of it to be safe and ready—they do not put enough money in it because it seems that it is not defense money.

But I am here to tell you, we are not going to be doing that in the future because this Senator is going to be here saying the nuclear arsenal is part of the defense of our Nation. It is underfunded. Its buildings are falling down.

I say to my good friend, while you never get to appropriate for it, you take a trip up there to the State where they have this Y-12 in the State of Tennessee.

Do you know what is happening up there, Mr. Chairman? There is a great big building that is part of the work being done on three of our nuclear weapons. And the roof is falling in on top of the heads of the workers. They all wear hardhats, even though it is not a hardhat environment. So we have to start by building that building, you see. And then there are a lot of others. We are asking, and so is the general in charge of nuclear weapons asking, that we fund that.

I am willing to add some more money later if somebody wants to argue about it, but I just want to make sure everybody knows I am voting for additional money because I do not think the President funded adequately what I am telling you about. I do not think his budget funds them adequately.

They are going to get funded adequately this year because the Senate is going to understand the precarious nature of not doing it. It might be one of the few times the Senator from New Mexico would ask for a closed session, which I have never done on an issue. But I am very worried about the condition of the science-based stockpile stewardship.

Let me close. If any of you do not understand that, it just means we are no longer doing underground testing, I say to my friends. We are no longer doing that because it is the policy of America.

Underground testing was how we proved the efficacy of nuclear weapons—their health, their effectiveness, their wellness. Now we do not do that anymore. So how in the world would you think we would be sure that some of our 20-, 30-, and 35-year-old weapons are safe and have a well-being about them? We start a science program. We are going to do it through science without underground testing.

That isn't something you get on the cheap. That is one of the most expensive science programs ever invented by man, to prove, without testing, that a nuclear weapons arsenal is safe. And it is very important for America.

So I am voting for the Senator's amendment tonight because I think we need to add some money to defense this year. I do not think we have to dream about missile systems. I think we have to take care of and create a robust, high-morale establishment that maintains and perfects our nuclear weapons.

I never get a chance to tell Senators about this. That is why I asked them to give me 10 minutes because I didn't want to take it away from you. I can't find a better time to discuss it than here tonight when we speak of this very large add-on to the Defense Department. I hope I wasn't too technical. I hope everybody understands a little better what the nuclear weapons issue is all about.

I reserve whatever time we have.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I understand that I have approximately 5 or 6 minutes to close this argument.

First, I thank the Senators from Rhode Island, Connecticut, and Missouri for lending their voice to this important amendment and to this important debate. I also acknowledge the great respect I have for the chairman of the Budget Committee, the Senator from New Mexico, who has just spoken passionately about an issue he has spent a great deal of time and energy working on for many years. He has called us to task many times to try to deal with an issue that is sometimes technical and difficult to explain but nonetheless an obligation this Nation has to protect our children and our grandchildren.

He was speaking so beautifully in the 10 minutes given to him, it could have been allocated to our time, because he made so many of the arguments more eloquently than I can about the fact that this underlying budget does not have enough money or resources to do the things we know we need to do now. He has really helped make the argument of why the Landrieu-Carnahan amendment is so important.

Point No. 2, regarding the costs mentioned by our distinguished chairman for nuclear stockpile stewardship, for the health care shortfall, for TRICARE, for housing, I ask this question: Do these requirements cease after the year 2002? Do these expenses not continue to recur? It defies logic that we could provide for this funding for 1 year and then simply turn our backs and walk away. That is why a 1-year amendment, although it is helpful and I could probably vote for it because it is better than nothing, certainly falls short, terribly short, of what we need to do to make a long-term, 10-year commitment to the basics.

The third point: With all due respect to Senator WARNER, whom I admire so much, the distinguished Senator from Virginia submitted this letter, dated March 19, to Senator DOMENICI and Senator CONRAD signed by Senator LEVIN. He read the first two paragraphs. The most important paragraph is the fourth paragraph, which goes on to say, after saying we should consider the study:

> However, I believe there are certain requirements that must be addressed regardless of the outcome of the ongoing strategic review. Some increases above the projections contained in the President's budget outline of February 28 will be needed to continue the transformation of our military to meet the threats of the new century, to fulfill the commitments the Congress has made to improve quality health care to active and retired military families, and to continue the progress we have made in recent years to improve compensation, housing and other quality of life programs for our military families.

He goes on to say:

> I also recommend that the Budget Resolution provide a sufficient mandatory spending allocation for the Committee. . . .

Point No. 4. Please be clear. Our amendment does not try to prejudge the President. We are trying to prepare to implement the strategic study. We are not standing in the way of the study. We are laying the groundwork that we can walk on, that we can fight on, that we can defend. This is about laying down a priority in our budget for the next 10 years. Are we going to say yes to defense or no? Are we going to live up to our promises or turn our backs again? Are we going to provide help or say, as the Senator from Connecticut said, the check must have been lost in the mail?

I know the Senators from Virginia and New Mexico too well to think they would walk away from obligations we have already made. I know that is not their intention. So let us do what is right. Let us choose the right priority, take the right step, be fiscally responsible. We know this bill is coming due. The question is, Is there going to be any money in the bank to pay it? If we don't vote for my amendment, the bank will be empty. There is nothing you can tell them. We are sorry; we spent the money.

I am not going to do that. Because I am on the committee, because I live in the State of Louisiana, I know how important this is. I know we are not asking for too much: $10 billion a year for 10 years. It is a minimal requirement to lay the groundwork for this study.

I ask the Senate to take this amendment seriously. This is a very important vote. We need to say yes. We can say yes to next year, with Senator WARNER at $8.5 billion, and we can say yes the next year because the need for health care doesn't stop. People aren't going to move out of their homes on the bases. We are not going to end the distribution of spare parts. We are not going to run out of the need for ammunition. We need it in 2003 and 2004.

I say to the Senate, let us live up to our promises, let us make the right decisions, and let's vote for the Landrieu-Carnahan amendment.

Ms. COLLINS. Mr. President, I am pleased to join my distinguished chairman, Senator WARNER, in cosponsoring this amendment to increase the budget for defense by $8.5 billion in fiscal year 2002. This amendment would help address current readiness shortfalls that the Department of Defense faces today, even as the new administration continues its strategic review.

I am hopeful that this strategic review will not only examine these current readiness challenges, but also take a hard look at the current shipbuilding rate and our shrinking industrial base. The numbers are astonishing: the U.S. Navy has shrunk from a fleet of 594 ships in 1987 to 315 ships today, while, during the same period, deployments have increased more than 300 percent. Regional Commanders-in-Chief have repeatedly warned that the fleet is stretched perilously thin and needs to be increased to 360-ships to meet present mission requirements.

Numbers do matter; on a typical day about half the ships in the Navy are at sea, with one-third deployed in the Mediterranean, the Persian Gulf, and the Western Pacific, putting wear and tear on our ships and sailors. In addition to combat over the last 10 years, naval forces have conducted 19 noncombat evacuation operations, 4 maritime intercept operations with more than 5,000 boardings in support of United Nations sanctions or U.S. drug policy, 32 humanitarian assistance operations, and 20 shows of force to send powerful messages to friends and foes alike.

Even though our deployments are at an exceptionally high rate, the U.S. shipbuilding industry is at risk of deteriorating if the current inadequate build rate for the Navy continues. At the current low rate of production, the cost for per ship will go up and the efficiency at the yard will go down.

The new administration and this Congress will be faced with the challenge of rebuilding and re-capitalizing the Nation's naval fleet. The numbers are just as clear as can be: At the present rate of investment our Navy is heading toward a 220-ship fleet, which is alarmingly inadequate.

A few other critical areas that have seemed to get little attention in a budget constrained environment are research and development and training. Steps need to be taken today to attract and retain a highly-skilled workforce necessary to build the complex warships required for our U.S. naval ships to operate against the emerging and traditional threats in the 21st century. Regardless of the result of the strategic review, forward deployed combat power will not only be required, but will continue to be a key element to our strategic posture.

I am standing here before you to support Senator WARNER's amendment and to highlight that the readiness issues facing our Nation's defense are only the tip of the iceberg in terms of the defense challenges facing the new administration and this Congress. Today's shipbuilding account is woefully under-funded and does not provide the financial support necessary to maintain a viable industrial base. We, as the legislative body, need to take aggressive steps to ensure that our armed forces are equipped with the most capable and advanced ships in the world to defend our Nation's interests.

Mr. McCAIN. Mr. President, I intend to vote for the amendment by Senators LANDRIEU, CARNAHAN, CONRAD, LIEBERMAN, REED and LEVIN because I believe that providing for a strong national defense is our most serious obligation.

Two years ago, President Clinton sent a letter to Secretary of Defense Bill Cohen that stated: "Although we have done much to support readiness, more needs to be done." President Clinton made this statement in response to a briefing he had attended with Secretary Cohen, the Joint Chiefs of Staff and Commanders-in-Chief of the military combat commands.

I applauded President Clinton then for his reversal of 6 previous years of vastly underfunded defense budgets and for the reversal of the Service Chiefs in 1998, who confirmed many of the alarming readiness problems that had been identified in countless sources.

The imperative for increasing military readiness and reforming our military is as strong today, as it was two years ago. Anyone who dismisses our serious readiness problems, our concerns with morale and personnel retention, and our deficiencies in everything from spare parts to training is either willfully uniformed or untruthful.

What concerns me the most is that the highly skilled service men and women who have made our military the best fighting force the world has ever seen are leaving in droves, unlikely to be replaced in the near future. Their reason is obvious; they are overworked, underpaid, and away from home more and more often. Failure to fully and quickly address this facet of our readiness problem will be more damaging to both the near and long-term health of our all-volunteer force than we can imagine.

The cure for our defense decline will neither be quick nor cheap. The proper solution should not only shore up the Services' immediate needs, but should also address the modernization and personnel problems caused by years of chronic under funding. The solution will be found by using a comprehensive approach in which the President, civilian and uniformed military leadership, as well as Congress, will be required to make tough choices and even tougher commitments.

I further hope that we do not fall into the trap of comparing defense expenditures of the U.S. versus potential threat countries, because dollar to dollar comparisons are meaningless. Only the U.S. has the global responsibilities that come with being the lone superpower. Our foes can employ asymmetric forces against our weaknesses and achieve a disproportionate level of success.

I was concerned that recently, the USS *Kitty Hawk* battle group, stationed in Japan, reported less-than-favorable readiness numbers, short some 1,000 sailors, at the same time that tensions have increased in the South China Sea.

I hope we do not focus solely on the readiness of front-line forces, because the Army divisions that have good readiness numbers are being supported by units that have less-impressive ratings. We need a comprehensive remedy, not a shotgun approach. These support forces, some of them reserve component forces, have become the backbone of our fighting forces and need the most attention.

This degradation of the "tail" that trains and supports the "teeth" of the U.S. military must be reversed. We have the world's finest military, but that is principally because the people in the military, primarily the young enlisted, our NCOs, petty officers, chiefs, Gunnies, and sergeants, continue to do more with less. Our ability to field credible front-line forces is due to the efforts of our service members, as we live off of the deteriorating remnants of the Reagan buildup. That is difficult to admit, until you review the list of aircraft, ships, artillery, and tanks in our current weapons inventory.

The administration must take several steps: propose realistic budget requests; specifically budget for ongoing contingency operations; provide adequately for modernization; ensure equipment maintenance is adequately funded; resolve the wide pay and benefits disparity that precludes the Services from competing successfully for volunteers with the private sector; and demonstrate strong support for additional base closure rounds.

Mr. THURMOND. Mr. President, as the Senate debates President Bush's first budget proposal, I want to join my colleagues in congratulating the President on his commitment to revitalize our Nation's economy and national security. The President's budget proposal is fiscally responsible and represents a prudent first step as he organizes his administration and focuses on the issues facing both the Nation and the World. I especially want to recognize the President's challenge to Secretary of Defense Rumsfeld to conduct a strategic review of our national security requirements. This review is long overdue and I anticipate it will bring about significant changes to our national security strategy and our military services.

I have been privileged to be a member of the Senate Armed Services Committee since 1959. During this period I have been a witness to both the greatness and tragedy of military service. After the tragic conflict in Vietnam, we saw a sharp decline in the readiness and morale of our armed forces. The Reagan era brought about a revitalization in our armed forces that culminated in the end of the Cold War and the great victory in the desert of Iraq. Now again, our military is showing its age and neglect. Our soldiers, sailors, airmen and Marines are still the best, but the equipment and facilities are wearing out because of under funding and overuse.

In a recent interview on the state of our Armed Forces, the Chairman of the Joint Chiefs of Staff, General Shelton, stated: "If we go back 15 to 16 years, America was spending roughly 6.5 percent of our gross domestic product on defense. Today we spend right at 3 percent. Put another way, if we were spending the same percent of our national wealth, our GDP, on the armed forces today that we were spending in 1985, the defense budget would be double what it is today. The Army in 1989 had 18 divisions. Today it's down to 10. The Air Force had 36 fighter wings. Today it has 20. The Navy had just short of 600 ships. Today it's got just over 300 ships. We have taken 700,000 out of the active force. That is greater than the armed forces of the UK, Germany, the Danes and the Dutch put together. So we have restructured, and we have downsized. As an example, our Army is right now the seventh-largest in the world."

General Shelton's comments show that we have adjusted to the new world, although in my judgement we have gone too far both in terms of force structure and funding. I am especially concerned over the shortfall in funding over the past ten years. We have frequently heard about the aging equipment and lack of spare parts. I would like to focus on our aging military facilities. According to the GAO, in 1992 the military had accumulated an estimated $8.9 billion in deferred facility maintenance. By 1998, that had grown to $14.6 billion. The backlog now exceeds $16 billion and it is still growing. If we do not reverse this trend, our military installations will continue to deteriorate and quality of life and readiness will continue to decline.

President Bush has proposed a $14.2 billion increase over last year's defense budget. Although this is significant, it will not provide the necessary resources to fix the immediate readiness shortfall identified to the Armed Services Committee by the military services. Chairman Warner's amendment to increase the defense budget by another $8.5 billion is a modest increase to fund critical manpower and readiness issues. In my judgement, it is a down payment to the increase that the President will seek after Secretary Rumsfeld completes his strategic review. I urge my colleagues to support the amendment and prove our support to the men and women who wear the uniforms of our military services.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico has 8 minutes.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I say to my distinguished colleague, when I addressed the letter from Senator LEVIN, I put it in its entirety into the RECORD. I didn't in any way try to deceive the Senate as to his feelings about a different approach than my distinguished colleague from Louisiana, his approach being that we should begin to plan for the outyears, but it wasn't sort of a mandatory $10 billion for the outyears. It was more in the nature of some sort of a reserve fund.

The key to it is, who is going to run defense? The Constitution of the United States says very clearly that the President is the Commander in Chief. It is the function of the executive branch to make the determination with regard to the needs and the requirements of our Armed Forces. As Senator LEVIN said very explicitly, he supports the reviews, and he says in absolutely clear language: And Congress, before we make our final decisions on the shape and overall funding levels for our future, let's hear from the President.

That is consistent with the Constitution. That is the way we have done business. I think that is the way we should continue to do business. It may well be in the year 2003 we need additional funding over and above the 10, but the subsequent fiscal years may require less funding.

I say with all due respect to my colleague, let us follow the constitutional mandate: The Commander in Chief, the President, proposes: Congress disposes. Someone far brighter than I in the history of this venerable institution, the Congress of the United States, made that statement. And it has been with us for these years.

Let our President propose, as he is entrusted to do under the Constitution, and then each year we will go through the normal cycles that we do year after year.

What is here is a means by which to reduce the President's tax bill. I respect the difference of opinion on this side of the aisle where I find myself very comfortably ensconced for the remainder of this debate. We should respect your views. But if you are going to do it, let's knock out all the business about defense and say you want to knock down the tax bill by $100 billion, and put the issue straight before the Senate. But as it relates to defense, I don't think we want to start a radical departure. I have been associated with defense for a number of years, starting in the Navy Secretariat in 1969, and now 23 years here. I have never seen the Congress allocate specific sums of increases without the budget request from the President of the United States, which has to be justified. You are speculating—and it may be correct—that we will need increases for one or more fiscal years. But I don't think it is our responsibility now to subvert the Constitution, which says the President is the Commander in Chief. The President will propose and, in due course, the Congress will dispose.

With all due respect to my colleague, I certainly support the basic thrust of 2002. Our bills parallel in many respects. Mine takes care of 2002, lets the President finish his studies, and lets Congress analyze them and then makes the decision.

Ms. LANDRIEU. My colleague from Virginia knows how much I respect him for his leadership on this subject and how difficult I know this debate is for him because he has been a champion of defense spending and strengthening our defenses and actually appropriating money in very wise ways, as we say about boosting the morale.

But I have to go back to this letter. I most certainly know we have both turned it in for the RECORD. I think it is important because Senator LEVIN is on his way to this debate—since this letter is written by him—to make sure the Members understand the context of this letter. If it is read in its entirety, which I tried to do—not just reading the paragraph to which you referred but the next paragraph—it is clear that Senator LEVIN says that, while we do need to support the study, we must set aside now the resources necessary to fund the outcome of the study.

I know the Senator from Virginia is familiar with the Congressional Budget Office study. I know he is familiar with "Defending America, The Plan to Meet Our Missile Defense"—the numerous studies that have been done. Not one study indicates that we will be spending less money, but all suggest that we will be spending more, but differently.

So again, I will conclude because I think my time is up. We are going to have a bill coming due. The question is, Is there money in the bank to pay it? Please vote for the Landrieu-Carnahan amendment so we have money to pay these bills when they come due and live up to our promises to our men and women in uniform. I yield back my time.

Mr. WARNER. Mr. President, I simply say to my colleague, we have had a good debate. We have framed the issue very clearly. My posture is we should proceed to let the Commander in Chief conduct his studies. There is nothing in this debate to refute Mr. LEVIN. He said, ". . . before we make final decisions on the shape and overall funding levels for our future defense programs," we should have those studies. I am saying that we are encroaching on what my distinguished ranking member said in clear English language. I say that with respect to the Senator. I yield back any time I have.

Mr. DOMENICI. I yield back any time I have.

The PRESIDING OFFICER. The question is on agreeing to the Landrieu amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone

NAYS—52

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—1

Boxer

The amendment (No. 188) was rejected.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was rejected.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 189

Mr. DOMENICI. I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to amendment No. 189. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—84

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Grassley
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—16

Boxer
Corzine
Durbin
Feingold
Gramm
Gregg
Harkin
Kennedy
Lincoln
Murray
Reed
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 189) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I understand this consent agreement has been cleared on both sides.

I ask unanimous consent that Senator COLLINS now be recognized to offer her amendment and, following the reporting by the clerk, the amendment be laid aside and Senator CONRAD or his designee be recognized to offer an amendment relative to home health care.

I further ask consent that the debate run concurrently on both first-degree amendments and be limited to 60 minutes equally divided, and following that time the amendments be laid aside.

I further ask consent that no amendments be in order prior to the votes just described, and the votes occur in a stacked sequence, first in relation to the Conrad amendment, and then in relation to the Collins amendment, beginning at 9:30, with 10 minutes for closing remarks equally divided prior to the 9:30 stacked votes.

I also ask consent that following those votes, Senator CONRAD be recognized to offer an amendment relative to deficit reduction, as under the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. CONRAD. And I will not object. This is in accordance with what we discussed?

Mr. DOMENICI. Yes. Has the Chair ruled?

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. DOMENICI. In light of this agreement, there will be no further votes tonight. The next votes will occur in stacked sequence at 9:30 a.m. tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 190

Ms. COLLINS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. BOND, Ms. MIKULSKI, Mr. ROBERTS, Mr. COCHRAN, Mr. SMITH of Oregon, Ms. SNOWE, Mr. ENZI, Mr. HUTCHINSON, and Mr. SANTORUM, proposes an amendment numbered 190.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund to eliminate further cuts in medicare payments to home health agencies)

At the end of title II, insert the following:

SEC. ___. RESERVE FUND FOR MEDICARE PAYMENTS TO HOME HEALTH AGENCIES.

If the Senate Committee on Finance or the House Committee on Ways and Means or Commerce reports a bill, or if an amendment thereto is offered or a conference report thereon is submitted, that repeals the 15 percent reduction in payments under the medicare program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the chairman of the Committee on the Budget of the House or Senate may increase the allocation of new budget authority and outlays to that committee and other appropriate budgetary aggregates and levels by the amount needed, but not to exceed $0 in new budget authority and outlays in 2002, $4,000,000,000 for the period 2002 through 2006, and $13,700,000,000 for the period 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

The PRESIDING OFFICER. Under the previous order, the amendment is laid aside. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, Senator STABENOW is my designee on this amendment. She has the amendment to send to the desk. I yield to Senator STABENOW.

AMENDMENT NO. 191

Ms. STABENOW. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself and Mr. JOHNSON, proposes an amendment numbered 191.

Ms. STABENOW. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate further cuts in Medicare payments to home health agencies)

On page 2, line 18, increase the amount by $700,000,000.

On page 3, line 1, increase the amount by $1,000,000,000.

On page 3, line 2, increase the amount by $1,100,000,000.

On page 3, line 3, increase the amount by $1,300,000,000.

On page 3, line 4, increase the amount by $1,500,000,000.

On page 3, line 5, increase the amount by $1,700,000,000.

On page 3, line 6, increase the amount by $1,900,000,000.

On page 3, line 7, increase the amount by $2,100,000,000.

On page 3, line 8, increase the amount by $2,400,000,000.

On page 3, line 14, decrease the amount by $700,000,000.

On page 3, line 15, decrease the amount by $1,000,000,000.

On page 3, line 16, decrease the amount by $1,100,000,000.

On page 3, line 17, decrease the amount by $1,300,000,000.

On page 3, line 18, decrease the amount by $1,500,000,000.

On page 3, line 19, decrease the amount by $1,700,000,000.

On page 3, line 20, decrease the amount by $1,900,000,000.

On page 3, line 21, decrease the amount by $2,100,000,000.

On page 3, line 22, decrease the amount by $2,400,000,000.

On page 4, line 3, increase the amount by $700,000,000.

On page 4, line 4, increase the amount by $1,000,000,000.

On page 4, line 5, increase the amount by $1,100,000,000.

On page 4, line 6, increase the amount by $1,300,000,000.

On page 4, line 7, increase the amount by $1,500,000,000.

On page 4, line 8, increase the amount by $1,700,000,000.

On page 4, line 9, increase the amount by $1,900,000,000.

On page 4, line 10, increase the amount by $2,100,000,000.

On page 4, line 11, increase the amount by $2,400,000,000.

On page 4, line 17, increase the amount by $700,000,000.

On page 4, line 18, increase the amount by $1,000,000,000.

On page 4, line 19, increase the amount by $1,100,000,000.

On page 4, line 20, increase the amount by $1,300,000,000.

On page 4, line 21, increase the amount by $1,500,000,000.

On page 4, line 22, increase the amount by $1,700,000,000.

On page 4, line 23, increase the amount by $1,900,000,000.

On page 5, line 1, increase the amount by $2,100,000,000.

On page 5, line 2, increase the amount by $2,400,000,000.

On page 30, line 23, increase the amount by $700,000,000.

On page 30, line 24, increase the amount by $700,000,000.

On page 31, line 2, increase the amount by $1,000,000,000.

On page 31, line 3, increase the amount by $1,000,000,000.

On page 31, line 6, increase the amount by $1,100,000,000.

On page 31, line 7, increase the amount by $1,100,000,000.

On page 31, line 10, increase the amount by $1,300,000,000.

On page 31, line 10, increase the amount by $1,300,000,000.

On page 31, line 14, increase the amount by $1,500,000,000.

On page 31, line 15, increase the amount by $1,500,000,000.

On page 31, line 18, increase the amount by $1,700,000,000.

On page 31, line 19, increase the amount by $1,700,000,000.

On page 31, line 22, increase the amount by $1,900,000,000.

On page 31, line 23, increase the amount by $1,900,000,000.

On page 32, line 2, increase the amount by $2,100,000,000.

On page 32, line 3, increase the amount by $2,100,000,000.

On page 32, line 6, increase the amount by $2,400,000,000.

On page 32, line 7, increase the amount by $2,400,000,000.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join with several of my colleagues, including Senators BOND, HUTCHINSON, MIKULSKI, ENSIGN, SNOWE, COCHRAN, GORDON SMITH, and SANTORUM, in introducing this amendment to eliminate the automatic 15-percent reduction in Medicare payments to home health agencies now scheduled to take effect on October 1 of next year.

Our amendment will create a reserve fund of $13.7 billion that can be used solely to eliminate the 15-percent reduction in payments to home health agencies now scheduled to go into effect on October 1, 2002. Our amendment contains a safety mechanism that protects the Medicare HI trust fund for each year covered by the budget resolution. In other words—I want this to be clear—the Medicare trust fund will not be used to pay for the elimination of the scheduled reduction in home health payments.

Health care has gone full circle. Patients are spending less time in the hospital, more and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions have increasingly been taking place in the home. Moreover, the number of older Americans who are chronically ill or disabled in some way continues to grow with each passing year as our population grows older.

As a consequence, home health care has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health nurses provide have enabled millions of our most frail and vulnerable elderly individuals to avoid hospitals and nursing homes and stay just where they want to be—in the comfort, security, and privacy of their own homes.

The rapid growth in home health spending, from 1990 to 1997, understandably prompted the Congress and the Clinton administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to slow the growth in spending and make this important program more cost effective and efficient. Unfortunately, these measures have produced cuts in home health spending far beyond what Congress ever intended.

According to estimates by the Congressional Budget Office, home health spending dropped to $9.2 billion in the year 2000, just about half the amount we were spending in 1997. This is at a time when demand and the need for home health services have only increased. On the horizon and very troubling is an additional 15-percent cut that would put our already struggling home health agencies at risk and would seriously jeopardize access to critical home health services for millions of our Nation's seniors.

The Medicare home health benefit has already been cut far more deeply and abruptly than any other benefit in the history of the Medicare program. It is now abundantly clear that the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met but far surpassed. The most recent CBO projections show that the post-Balanced Budget Act reductions in home health services will amount to about $69 billion between fiscal years 1998 and 2002. This is more than four times the $16 billion that the CBO originally estimated for that time period and is a clear indication that the Medicare home health cutbacks have been far too deep.

Moreover, the financial problems home health agencies have been experiencing have been exacerbated by a host of ill-conceived regulatory requirements imposed by the Clinton administration. As a consequence of these burdensome and costly regulations, as well as the reductions in reimbursements, approximately 3,300 home health agencies have either closed their doors or stopped serving Medicare patients.

Moreover, the Health Care Financing Administration estimates that 900,000 fewer home health patients received services in 1999 than in 1997. That is 900,000 frail, elderly, ill individuals who have lost their access to home health services.

This startling statistic points to the central and most critical issue: Cuts of this magnitude simply cannot be sustained without ultimately harming patient care.

The impact of these cutbacks has been particularly devastating in my home State of Maine. The number of Medicare home health patients in Maine dropped by 23 percent in just 2 years' time. That translates into more than 11,000 home health patients no longer receiving services. There was also a 40-percent drop in the number of home health visits in Maine and a 31-percent cut in Medicare payments to home health agencies in the State.

Keep in mind, Maine's home health agencies were already very prudent in their use of resources. They were low-cost agencies in the beginning. They simply had no cushion to absorb this cut. Indeed, these cutbacks cut to the bone and are harming care in the State of Maine.

Last year I had the opportunity to meet and visit with a number of home health patients and nurses throughout my State. I heard heartbreaking stories about the impact of Medicare cutbacks and how regulatory restrictions have affected both the quality and the availability of home health care services, jeopardizing the health and well-being of numerous senior citizens. For example, a nurse told me of the tragic story of one of her patients, an elderly Maine woman who suffered from advanced Alzheimer's disease, pneumonia, and hypertension, among other illnesses. This patient was bedbound, verbally nonresponsive, and had a series of other troubling health problems, including infections and weight loss. This woman had been receiving home health services for approximately 2 years. During that time, due to the care of the skilled and compassionate home health nurse, her condition had stabilized.

Unfortunately, the care provided to this patient had to end when the home health agency received a Federal notice indicating that this poor woman no longer qualified for home health care.

Mr. President, less than 3 months later this woman died as a result of a wound from an untreated infection in her foot. One cannot help but speculate that this tragedy might well have been prevented had this woman continued to receive home health care.

This is only one of the heart-wrenching stories that I have heard from both patients and dedicated home health nurses throughout the State of Maine. I am, therefore, extremely concerned that there is yet another cut in home health care looming on the horizon, that an additional automatic 15-percent cut is scheduled to go into effect on October 1 of next year. This cut would sound the death knell for many of our already struggling home health agencies, and it would further jeopardize access to critical home health services for millions of our Nation's seniors.

Since we have already surpassed the savings target set by the Balanced Budget Act of 1997, further cuts simply are not necessary.

Mr. President, the fact that Congress has delayed the automatic 15-percent cutback for 3 straight years demonstrates that the cut is not justified, it is not warranted. To simply keep delaying this cut 1 year at a time, year after year, is to leave a "sword of Damocles" hanging over the heads of these home health agencies. It makes it impossible for them to plan how they are going to serve their patients. It causes them to turn down patients who are complicated and costly to serve because they can't count on the reimbursement. This further cut is not needed, and it should be eliminated altogether once and for all.

Mr. President, the amendment we are introducing today will enable us to eliminate this cut once and for all. It will provide a needed measure of relief and certainty for cost-effective home health care providers across this country that are experiencing serious financial difficulties that are inhibiting their ability to deliver much needed care, particularly to those chronically ill elderly with complex care needs.

I urge all of my colleagues to support my amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise to commend my colleague from Maine for her comments. I could not agree more about the importance of home health care for families all across America. We all know there are more and more people who desire to live at home, and they can because of modern medicine. There are more and more of us as baby boomers, and others, who have parents or grandparents we wish to help care for in our own homes or in their homes. Home health care is a critical part of the network of health care for our citizens.

I could not agree more that we need to make sure the next cut—this 15-percent cut that has been delayed three times by the Congress—does not actually take effect in October of 2002.

My problem with the amendment spoken to is it does not guarantee that cut will not take place. In fact, the amendment I am offering would guarantee—no ifs, ands, or buts about it—that this cut would not take effect. When I look at my colleague's amendment, first of all, it says if there is a repeal of the 15-percent reduction, the House and Senate Budget Committees "may" increase the allocation of new budget authority—not that they "shall" or that they "have to" but they "may." I believe we have to say that they "must."

Secondly, unfortunately, the way this is put together, it creates a shell game once again. While appearing to protect the Medicare trust fund and saying that these dollars do not come out of the Medicare trust fund, they, in fact, set up a scenario that does, in fact, guarantee, I believe, that the $13.7 billion will not be available because with all of the things being talked about, with all of the on-budget surplus being used for the tax cut being talked about, with the efforts going on here, and what will be happening with all the other priorities, it will be impossible to keep this commitment; in fact, we will see that cut happen—at least there is no guarantee under this amendment that that horrendous 15-percent cut will not happen.

Mr. President, the amendment I have offered is for the same amount of dollars, $13.7 billion. But instead of having the ifs, ands, maybes, and the mays, what we say is that these dollars are taken off of the top—a small amount of money—of the tax cut and shall be guaranteed and put aside for home health care to guarantee that this 15-percent cut will not take place.

This is a very small amount of dollars. I know people in my State—the people who want us to put forward a balanced approach, who support a tax cut and also want to make sure we are continuing to pay down the debt—also are very concerned about putting aside a small amount of dollars to make sure that our seniors can live at home in dignity; that families can care for loved ones and have the opportunity to have valuable home health care services available to them.

As my colleague from Maine indicated, when the Balanced Budget Act was put into place, it was anticipated that the Medicare home health cuts would be $16 billion, and we find just a few years later that it is estimated to be four times that amount. We did not realize that when the BBA was passed. I argue that it was a case of unintended consequences, and that we have recognized that by delaying the 15-percent cut three different times, because we know they are excessive, that there is something wrong when there has been a 24-percent drop in the number of patients served by home health agencies.

When we see a 30-percent reduction in the number of agencies serving Medicare patients nationwide—30 percent—we are talking about almost a third of a cut in those serving Medicare patients in home health care across this country, while the demand is going up. The citizens of our country are getting older and living longer, and we all celebrate that we are living longer. Unfortunately, with that comes a greater and greater demand with home health care services.

So I agree with my colleague that, in fact, we need to be serious about this. We can all talk about men and women and children and folks of all parts of this country who have been and are today in situations where they are in desperate need of home health care. We can also talk about how it saves dollars—that through home health care we are saving dollars in nursing homes and other institutional care. It means dollars and cents, and it makes sense from a quality of life standpoint.

I strongly agree that we need to protect these dollars and guarantee that this cut does not take effect. Again, my concern is that the amendment of my friend from Maine, unfortunately, does not guarantee that this cut will not take effect. We can do that. We can, in this process, say that we are going to, regardless of the other priorities, regardless of what else is passed, put aside this small amount of dollars to protect the home health agencies and the people they serve all across this country. That is what this is about.

I urge my colleagues to reject the Collins amendment and to support the Stabenow amendment, which is a guarantee that, in fact, we will be able to protect home health services for our citizens. I can't think of an issue that touches so many homes and families more than this one—families who are hoping that they have the opportunity and the resources to care for loved ones at home or for people who wish to live in dignity in their own home.

Again, I commend my colleague on the other side of the aisle for her comments about the importance of home health care. I could not agree more. I believe very strongly that we need to take as firm a position as we can, and the amendment that I offer does.

The amendment I offered is an absolute guarantee that our home health agencies and the people they serve will not lose additional dollars and that those services will be protected.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Will the Senator yield me 2 minutes?

Ms. COLLINS. I yield as much time as the Senator wants.

Mr. DOMENICI. Mr. President, first, so there will be no confusion, the distinguished Senator from Maine, Ms.

COLLINS, has an amendment that makes the money available when the committee of jurisdiction reports back that the repeal has been accomplished. It is a real amendment. It is precisely what would have to happen—and the Senator is saying that it should happen—in order to repeal that statute about which the Senator is talking.

I do not want anybody to think the Senator offered an amendment that does not accomplish her purpose. She has been talking about this problem for a long time.

If the Senator had offered an amendment that was not meaningful, that did not get the job done, we would have already fixed the amendment. We would have looked at it first.

It is a real amendment. It is the real way to do it. I thank the Senator from Maine for her persistence and for the amendment which we will vote on tomorrow.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 22½ minutes remaining.

Ms. COLLINS. Mr. President, I neglected to mention Senator ROBERTS wants to be a cosponsor of the amendment as well. He is on the amendment I sent to the desk. I ask unanimous consent that Senator DOMENICI be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, Senator DOMENICI has been extremely helpful in drafting this amendment. I am grateful for his help. Senator ROBERTS has also been a real leader in this area.

I must say I am very disappointed to hear the comments of my friend and colleague from Michigan, Senator STABENOW. There is no one who has worked harder than I on home health care during the last few years. It was the legislation I introduced that was incorporated into the Medicare Refinement Act that we passed that restored some of the cuts to home health agencies.

I have been honored to work with the trade associations representing our Nation's home health agencies and have been very humbled and privileged to receive their awards as legislator of the year.

For my colleague to suggest that I am offering a sham or phony amendment and to somehow question my sincerity in trying to restore home health care is really most unfortunate and most disappointing.

This is, as the distinguished chairman of the Budget Committee said, a very real amendment. In fact, a reserve account is the fairest way to address this problem. We are still going to have to pass legislation, whether it is the amendment of the Senator from Michigan that is adopted or whether my version is adopted, to actually carry out the elimination of the 15-percent reduction. But my reserve fund amendment provides a mechanism to bring us closer to that goal by reserving those funds that we need, that $13.7 billion that is necessary.

As I said, I am very disappointed and think it is very unfortunate to have my efforts misrepresented. I have worked extremely hard on this issue. I have introduced legislation that has bipartisan support, that has more than 30 cosponsors expressing support for home health care.

I have visited elderly people in Maine who are receiving home health care, and I know how absolutely critical it is to them.

On my most recent home health visit, I accompanied a very dedicated, professional, and compassionate home health nurse to a town outside of Bangor. This woman was receiving home health care while living with her daughter. She had lung cancer. But home health care allowed her to spend her final months of her life in her daughter's home—not in a nursing home, not in a hospital, but surrounded by her loving family.

I do not want anything to jeopardize the ability of such a woman and so many other Maine citizens and citizens across this country to receive the home health care services they need.

I visited another couple in my hometown of Caribou. They were both in their mid-eighties. One was in a wheelchair. Each of them had very serious health problems. Home health care allowed this elderly couple to stay together in their own home where they had lived for more than 60 years rather than be separated and having one sent to a nursing home.

That is how important home health care is, and there is no one who is more committed than I to making sure we undo the damage that was inadvertently done by the Balanced Budget Act of 1997 and the very burdensome and onerous regulations imposed by the Clinton administration.

I urge my colleagues to support the amendment that I and many others have offered so that we can bring ourselves a step closer to making sure we eliminate once and for all this 15-percent ill-advised cut in Medicare home health care reimbursements.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. REID. Will the Senator from Michigan yield?

Ms. STABENOW. I will be happy to yield.

Mr. REID. The Senator from Maine wishes to offer a unanimous consent request.

Ms. COLLINS. I am sorry; I could not hear the Senator.

Mr. REID. It is my understanding the Senator wants to offer a unanimous consent request.

Ms. COLLINS. I believe the Senator from Nevada knew that before I did.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I appreciate the Senator yielding.

Mr. President, I ask unanimous consent that the only first-degree amendments in order on Friday be those amendments submitted at the desk by 2 p.m. on Thursday, with the exception of an amendment to be offered by the minority leader and an amendment to be offered by the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I in no way intended to express doubt about my colleague's sincerity on this issue. I, in fact, indicated in my comments that I appreciated her commitment and understand this is an issue with which she has been very involved and it certainly is an issue she cares deeply about and an amendment, I am sure, that is intended for all purposes to move in the right direction. I commend her for that.

I shared those same experiences when I was in the House of Representatives working with the home health groups and having the opportunity to be very involved as a House Member.

I very much appreciate the work of the Senator from Maine.

What I question is simply the language in the amendment and the mechanism being used. The practical reality is that if we adopt an amendment that indicates the dollars will be put aside but cannot be used if, in fact, the Medicare trust fund is dipped into, that is an impossible situation because the vast majority of the contingency fund is, in fact, the Medicare trust fund.

When we look at what the President has proposed to spend from the contingency fund, which is the Medicare trust fund predominantly, my fear is that we will find a situation where the Senator's well-intended amendment, if adopted, might be in a situation where it could not take effect without dipping into the Medicare trust fund.

This bars dipping into the Medicare trust fund, which I support. But by using this mechanism, it, in fact, may not provide the protection she desires.

My amendment simply takes the same amount of dollars, but by taking it off the top rather than through some language about the contingency fund and not using the Medicare trust fund, by simply taking it off the top, we guarantee that money can be put aside. We can call it a reserve fund. That makes a lot of sense.

Let us work together and call it a reserve fund and put it aside but not make it contingent upon all of the other decisions that will be made by the Budget Committee, the Finance Committee, and others, in ways in which this contingency fund will be structured. That is my concern.

I appreciate the fact there is a desire to keep intact the President's tax proposal. I appreciate that. I have a different view in terms of priorities, wanting to see the tax cut as part of the priorities and paying down the debt, and making sure we can carve out a small amount of the total for home health care. I would like to see it written in stone so it is not dependent upon other conditions.

The amendment says it would be subject to certain conditions, when taken together with all other previously enacted legislation. In total, if the amount involved would reduce the on-budget surplus below the level of the Medicare hospital insurance trust fund, then it would not happen.

The bottom line is, we see this Senate moving in the direction of "combining" when all is said and done because of the desire to move the Medicare trust fund into spending, which is the direction the Senate has been moving. The President has asked to move the Medicare trust fund into spending and because all kinds of things have been promised out of that Medicare trust fund and out of the contingency fund, unfortunately, this language does not guarantee we can protect home health care agencies from the 15-percent cut.

I will gladly work with my colleague to find a way to make sure we can guarantee this 15-percent cut will not take effect. I couldn't agree more. We see a 24-percent drop in the number of patients served by home health agencies. We are talking about real people, real people's lives, families who are struggling, people who need care. I couldn't agree more that we need to make a strong statement in support of those who use and need to use home health care services. My concern is, as with other amendments that relate to the whole question of the contingency fund, there is no guarantee that, in fact, this will be able to happen.

I welcome my colleague joining with me to make sure we put aside $13.7 billion and that we can work together to make sure that is truly available, regardless of what other decisions are made regarding the budget.

As I indicated, in this amendment, unfortunately, it is "subject to the condition that such legislation will not, when taken together with all other previously enacted legislation" dip into the Medicare trust fund.

I argue strongly that given that exception, in fact, the goal would not be met. I urge my colleagues to join with me in truly protecting home health care. I welcome the opportunity to work with my colleague to do that. I know we both share a strong commitment on this issue. I want to make sure, as I am sure she does, I want to make sure this language is the kind of language that will guarantee at the end of the day that this 15-percent cut does not take effect, no ifs, ands, or buts about it, that it does not take effect and our families will have the opportunity to use needed home health care services.

Ms. COLLINS. Mr. President, let's get this straight. Whether the amendment of the Senator from Michigan passes or whether my amendment passes, the Senate Finance Committee is still going to have to report legislation repealing the 15-percent cut. There is no absolute guarantee under either version.

The fact is, under the Collins amendment there is far more likelihood that we will see repeal of the 15-percent cut because I specifically set aside the $13.7 billion in a reserve fund that can only be used to restore the 15-percent cut to eliminate the cut.

By contrast, the amendment of my friend and colleague from Michigan just increases funding in the Medicare account, with no guarantee that the money goes for home health care. Instead, she takes money out of the tax cut.

The approach I have sets aside the $13.7 billion specifically for the purpose of eliminating the 15-percent cut. There is far more of a "guarantee" that we will repeal the 15-percent cut under the Collins amendment than under the amendment offered by the Senator from Michigan.

I think it is unfortunate the Senator from Michigan has not joined on to the Collins amendment. I am very pleased to say, and appreciative of the fact, she is a cosponsor of the legislation that I have introduced, which more than 30 Members have cosponsored, to eliminate the 15-percent cut. If we are talking about what version of the amendment is more likely to bring about the goal that we both share, it is clearly the version I have offered which says that the money can only be used for home health care and for eliminating the 15-percent cut.

I also find it ironic that the amendment is being criticized now for exempting and providing a mechanism of safeguard for the Medicare HI trust fund. That has been an issue that has been repeatedly raised by Members of the minority party, by Members of the Democratic Party, as a concern about these amendments. In an attempt to respond to that concern, I make sure we shield the Medicare trust fund so it could not be tapped for this purpose and that this would be new money. To now hear criticisms of the amendment because we put in those safeguards strikes me as puzzling, to say the least.

Again, my goal is to make sure every elderly American who needs home health care, who wants to receive services in the privacy, security, and comfort of their own homes is able to do so. Home health care has become so important and we must ensure that our frail, vulnerable elderly receive the services they need.

I yield the floor but reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I make it clear I agree with protecting the Medicare trust fund. That is very laudable. I wish we were totally protecting it from any areas of spending. My concern is simply that when we protect it, as this amendment does, it makes it impossible to find the $13.7 billion when you look at the conditions put in this amendment.

It is excellent to protect the Medicare trust fund, but the reality is the contingency fund that has been put forward by the President in this resolution uses the entire Medicare trust fund to fund it. It is really a Catch-22. That is my concern.

I certainly am hopeful we will be able to truly put aside the dollars and make sure that, regardless of what else happens in the process, we have dollars put aside to protect home health care.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. The Senator from Michigan has indicated she is willing to yield back time. I don't know if there is anyone who wishes to speak on the other side.

Mr. BOND. Mr. President, I rise to join with my colleague from Maine, Senator COLLINS, to offer an amendment on Medicare home health care. This amendment will give us the ability later this year to pass the Home Health Payment Fairness Act, a bill I have sponsored with the Senator from Maine and 31 other Senators, that tries to ensure that seniors and disabled Americans have appropriate access to high-quality home health care.

Home health care is a crucial part of Medicare through which seniors can get basic nursing and therapy care in their home. It is convenient. It is cost-effective. But more importantly, home health is the key to fulfilling a virtually universal desire among seniors and those with disabilities, to remain independent and within the comfort of their own homes despite their health problems.

Yet we have a crisis in home health, too many seniors who could and should be receiving home health are not getting it. This is tragic.

We all know the basic history, Congress made cuts in the Balanced Budget Act, the Health Care Financing Administration went too far in implementation, providers struggled or disappeared, and now patients are having a harder time getting care. This has been true for hospitals, for nursing homes, and for home health.

But there are two things that distinguish the home health crisis from all of the other Balanced Budget Act problems. First and most importantly, no other group of Medicare patients and providers, absolutely none, has suffered as much. The numbers don't lie: In 1999, two years after the Balanced Budget Act, almost 900,000 fewer seniors and disabled Americans were receiving home health care than previously. More than 3,300 of the Nation's 10,000 home health agencies have either gone out-of-business, or have stopped serving Medicare patients.

Medicare home health spending has actually gone down for three straight years, dropping by 46 percent from 1997 and 2000.

In my home state of Missouri, 27,000 fewer patients are receiving home care than before, a drop of 30 percent. And almost 140 home health care providers, almost half, have disappeared since the Balanced Budget Act.

The second thing that is unique about home health, the biggest cuts may be yet to come.

While other Medicare providers will still face some additional Balanced Budget Act cuts, nobody faces anything like the 15-percent across-the-board home cuts that are now scheduled for October of 2002. That's a 15-percent cut on top of everything else that has happened thus far.

I do not believe this should happen, and I actually don't know of anybody who believes the 15-percent health cuts should take effect. That's why Congress has already delayed the 25-percent cuts three separate times.

Our amendment would give us the room in the budget to fix this once and for all, no more mere delays, no more half-measures. This amendment will allow us to pass legislation later this year to permanently eliminate these 15-percent cuts.

Home health care has been through enough. Our Nation's dedicated home health providers deserve to be left alone and given a break so they can focus on patient care rather than survival. The last thing they need is more cuts. And that is all our bill tries to do, we try to spare home care patients and agencies additional cuts that threaten to make a bad situation worse. The seniors and disabled Americans who rely on home health for the healthcare, and for their independence, deserve no less.

Ms. COLLINS. Mr. President, I have a unanimous consent request. Senator BURNS would like to be added as a cosponsor of the amendment. I ask unanimous consent that he be so added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes.

Ms. COLLINS. I would like at this time to reserve my time, but if other Senators wish to speak I have no objection.

Mr. REID. If the Senator will yield, we have reserved 5 minutes for the Senator in the morning and 5 minutes for Senator STABENOW. Senator GRASSLEY wishes to speak as in morning business.

Unless the Senator has some urge to speak tonight on this subject, my point is, if she has nothing more to say, we will yield back all time and allow Senator GRASSLEY to speak as in morning business. He wants to speak for an extended time.

Ms. COLLINS. Mr. President, is all the time yielded back on the amendment on the other side?

The PRESIDING OFFICER. Yes.

Ms. COLLINS. Mr. President, I would just like to make certain there are no Members on our side——

Mr. REID. I have checked with staff and they indicated they know of no one.

Ms. COLLINS. In view of those assurances, even though this is one of my favorite topics and I would like to continue to talk about it, as a courtesy to my colleagues, I will yield the remainder of my time.

AMENDMENT NO. 174

Mr. MCCAIN. Mr. President, to move the budget process forward, I voted to support the Grassley amendment today to raise the levels of spending for agriculture programs in the budget resolution. Despite my favorable vote, I wish to express my deep concerns about the form and level of spending included in this amendment.

The Grassley amendment will add an additional $63 billion in mandatory spending to agricultural programs over ten years, which is assumed to be paid from projected budget surpluses. This is above the amount proposed by my Republican colleagues on the budget committee. By designating the extra $63 billion as mandatory spending, much of this funding will be targeted toward farm subsidy programs.

The needs of American family farmers are not being ignored. Congress is in the process of drafting a new Farm bill to reauthorize USDA programs, which many would view as the appropriate vehicle to tackle necessary reform and address farm crises. In the past few years, Congress has approved more than $20 billion in emergency farm aid for crop losses and disaster assistance. The agriculture appropriations bill for fiscal year 2001 was padded with $300 million in porkbarrel spending for towns, universities, research institutes and a myriad of other entities. This is already an exorbitant commitment by the American taxpayer.

I believe it is fundamentally wrong that we are asking taxpayers to pay billions more, above already inflated levels of spending for farm programs and subsidies, particularly when the federal government is not meeting its current obligations for other designated mandatory spending programs such as education. For example, this budget resolution does not account for the federal government's responsibility to pay 40 percent of the Individuals with Disabilities Education Act, IDEA, for special education. I believe many of my colleagues would agree that we should prioritize mandatory spending for existing responsibilities not being fulfilled without requiring the taxpayers to spend an additional $63 billion for farm programs that have already been more than compensated.

After consultation with the leadership on this particular amendment, my colleagues stated that if Senator GRASSLEY's amendment failed, many would be in the position of having to vote for the Johnson amendment, which would have raised mandatory spending on agriculture programs by $97 billion, as the only available alternative. Therefore, while I believe this to be irresponsible fiscal policy, I ultimately decided to vote in favor of the Grassley amendment to move the process forward on the budget resolution and to avoid even greater wasteful spending. I remind my colleagues, however, that we still have an important obligation to American taxpayers to ensure that any spending we approve through the annual appropriations process pursuant to this budget resolution is fair, fiscally responsible, and targeted at those truly in need.

JUDICIARY COMMITTEE VIEWS

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD the Judiciary Committee's views and estimates letter from Senator HATCH.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 21, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Hon. KENT CONRAD,
Ranking Democrat, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR PETE AND KENT: Thank you for your recent letter requesting my views pursuant to Section 301(d) of the Congressional Budget Act. As you know, the Committee on the Judiciary has jurisdiction over Department of Justice programs, as well as matters relating to the U.S. Patent and Trademark Office. After consultation with members of the Committee, I have prepared the following comments regarding the budget of the Department of Justice and the Patent and Trademark Office.

As I noted last year, the fiscal discipline exhibited by Congress in the past several years, culminating with the historic 1997 balanced budget agreement, has helped maintain and ensure a robust economy not just for now, but for the next generation as well. Maintaining a balanced federal budget will, of course, require us to make tough choices about spending priorities. Such changes must be executed in a fashion to ensure that each dollar is spent in a productive fashion. No department should be exempt from careful scrutiny.

Exercising fiscal responsibility, however, does not absolve us of our responsibility to carry out the core functions of government. As I am certain you agree, the administration of justice, including the protection of the public from crime and terrorism, are core functions of government. Indeed, as we begin the new millennium, these threats are becoming more sophisticated and dangerous, making vigilance more important than before. I look forward to working with you to develop a budget resolution that reflects the importance of this category of spending.

With these thoughts in mind, I am pleased to provide you with the views and estimates of the Committee on the Judiciary for the FY 2002 budget.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

State and local law enforcement assistance programs, funded largely through the Office of Justice Programs (OJP), are a major component of the Department of Justice Budget. These federal grants to state and local law enforcement allow the federal government to contribute directly to the fight against crime without involving the Department of Justice in prosecuting crimes that are not federal in nature. As you know, most violent crimes, such as murder, rape, and assault, are state crimes, not federal crimes. By providing these grants, the federal government can help to reduce crime in a manner consistent with our constitutional system of government.

Local Law Enforcement Block Grants: The Local Law Enforcement Block Grant program (LLEBG) provides assistance on a formula basis to local law enforcement agencies. The LLEBG has made it possible for local police and sheriffs departments to acquire efficiency-enhancing technology and equipment. The LLEBG was funded at approximately $500 million in FY 2000 and FY 2001. I urge continued funding of this valuable grant program at a level consistent with the two previous fiscal years.

Byrne Grants: The Edward Byrne Memorial State and Local Law Enforcement Assistance Grant program is a successful and popular program which provides needed assistance to state and local law enforcement for a wide variety of purposes, such as purchasing capital equipment. Like the LLEBG, this program provides needed assistance to state and local law enforcement without entangling the federal government in the prosecution of crimes that are not federal in nature. I urge continued funding of this valuable grant program at a level consistent with the two previous fiscal years.

Juvenile Accountability Block Grants: This program provides valuable grants to states for a variety of law enforcement purposes targeting juvenile crime, including graduated sanctions, drug testing, and juvenile detention and incarceration.

Juvenile crime continues to be among the greatest criminal justice challenges in America. Juveniles account for nearly one-fifth of all criminal arrests. Even with the recent reductions in juvenile crime, there is a potential for significant increases in juvenile crime as the children of the baby boom generation mature into the prime age for criminal activity.

In the last several years, the Juvenile Accountability Block Grants received approximately $250 million per year. This is the only federal money dedicated to juvenile law enforcement and accountability programs. By contrast, the federal government spends billions of dollars in prevention funds for at-risk youth. There should be a balanced approach to juvenile crime with resources dedicated to prevention and accountability. Therefore, I urge continued funding for this program at a level consistent with the two previous fiscal years.

State Criminal Alien Incarceration Grants: The State Criminal Alien Assistance Program (SCAAP) reimburses states and local governments for the costs incurred in incarcerating illegal aliens who commit crimes in this country. Immigration is the responsibility of the federal government. The SCAAP reimbursements fulfill the federal responsibility to at least partially indemnify states for the costs of illegal immigration. These grants should be funded at an adequate level. Last year, the SCAAP grants received approximately $600 million. I urge continued funding for this program at an adequate level which is consistent with the two previous fiscal years.

DNA Analysis Backlog Elimination Grants: DNA samples must be analyzed by accredited laboratories before the samples can be placed in CODIS, the national DNA evidence database. Unfortunately, there is an approximate two-year nationwide backlog of 700,000 unanalyzed convicted offender DNA samples and unanalyzed DNA evidence from unsolved crimes. Authorities estimate that at least 600 felonies will be solved by eliminating the backlog of convicted offender DNA samples alone. Consequently, I urge funding of the recently enacted DNA Analysis Backlog Elimination Grants to help States analyze DNA samples and evidence and expedite their inclusion in CODIS.

In addition, state laboratories desperately need funding for buildings, equipment, and training of personnel in order to eliminate the backlog and to process crime scene evidence in a timely manner. Therefore, I urge adequate funding for the recently enacted Paul Coverdell National Forensic Sciences Improvement Act.

Criminal Technology Grants: Crime technology is critical to effective law enforcement. Millions of dollars have been invested in national systems, such as the Integrated Automated Fingerprint Identification System and the National Criminal Information Center 2000, which require state participation in order to be effective.

Additionally, state and local governments are at a crucial juncture in the development and integration of their criminal justice technology. The Crime Identification Technology Act (CITA) provides for system integration, permitting all components of criminal justice to share information and communicate more effectively on a real-time basis. There is also a tremendous need to integrate the patchwork of federal programs that fund only specific areas of anti-crime technology. Therefore, I recommend funding for CITA at a level consistent with the previous two fiscal years.

DRUG ABUSE

Combating drug trafficking remains one of the Judiciary Committee's top priorities. As you know, drug use among teenagers rose sharply throughout much of the last administration. However, in the past few years, because of the attention paid to the issue by Congress, drug use among teens has leveled off. Still, the rate of teenage use remains far too high.

Drug abuse in not confined to American teenagers. Far too many Americans still abuse illegal drugs, and the problem threatens to worsen as drugs such as methamphetamine and ecstasy become increasingly available throughout the country. We know that an effective drug control strategy can dramatically reduce drug use in this country. Such a strategy must embody a balanced approach and must contain both demand and supply reduction elements. This approach, which has the virtue of being nonpartisan, enjoys wide support. It has been endorsed by the law enforcement community, prevention and treatment experts, state and local government organizations, community-based organizations, and prominent political figures from across the ideological spectrum.

As for the supply reduction component of this strategy, the budget should contain sufficient resources to fund vigorous domestic law enforcement activities, including defending our borders, and international interdiction efforts. Such funding includes supply reduction efforts by the Department of Defense, the Coast Guard, and domestic law enforcement agencies, such as the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Customs Service.

While we know that vigorous law enforcement measures are necessary, we must also provide resources for drug prevention and treatment programs. Such community-based programs, as we learned in the 1980's, can significantly reduce drug use in our communities. I recently introduced S. 304, the "Drug Education, Prevention, and Treatment Act of 2001," which sets forth a comprehensive package of prevention and treatment proposals. I am confident that these programs, if adequately funded, will add the necessary demand reduction component to our national drug control strategy. I believe that if we are to win the war on drugs in America, we need a stronger national commitment to demand reduction as a complement to vigorous law enforcement efforts. Only with such a balanced approach can we remove the scourge of drugs from our society. Therefore, I recommend funding for the Drug Education, Prevention, and Treatment Act of 2001 at a level consistent with its authorization.

VIOLENCE AGAINST WOMEN ACT PROGRAMS

Congress has consistently supported funding for the majority of initiatives contained in the 1994 Violence Against Women Act. Last Fall, Congress re-authorized most of the programs contained in the original act for a five-year period with adjusted funding levels. I believe that this legislation will continue programs with a track record of effectiveness. Therefore, I recommend funding for this important Act at a level consistent with the new authorization.

ANTITRUST DIVISION FUNDING

Recognizing the increasingly numerous and complex merger proposals confronting the Department of Justice, as well as the explosive growth of high technology industries, both in the United States and abroad, a reasonable expansion of the Department's Antitrust Division may be appropriate if a sufficient justification could be made. However, given last fiscal year's increase in the Antitrust Division (and the Federal Trade Commission), it appears that both the Division and the Commission are adequately funded absent a justification for a funding increase.

RADIATION EXPOSURE COMPENSATION ACT FUNDING

The Department of Justice informed the Judiciary Committee last year that there is a severe shortfall in the funding for the Radiation Compensation and Exposure Act

(RECA) Trust Fund. As you know, Congress passed the original Act in 1990 as well as subsequent legislation, S. 1515, last year to update the list of compensable illnesses. The Department is currently unable to meet any of the financial obligations for those individuals whose claims have been approved. As a result, hundreds of individuals are receiving "IOUs" from the federal government in lieu of their payment. Accordingly, in order to meet the government's obligation to provide financial assistance to these beneficiaries, I am requesting $84 million to pay those claims which have already been approved as well as the projected number of approved claims for fiscal year 2001.

INTELLECTUAL PROPERTY RIGHTS (IPR) CENTER

Last year, the President's budget requested $612,000 and eight positions for a joint Intellectual Property Rights (IPR) Center to be co-led by the FBI and the U.S. Customs Service. I supported the creation of this multi-agency enforcement center in last year's budget, which took a very important first step in creating a mechanism for coordinated enforcement of intellectual property rights in the United States. I supported President Clinton's budget request to fund this center this year as a down-payment, and I will continue to be vigilant in seeking to ensure that adequate funding is continued in the years to come. I hope that we will continue to move forward to ensure effective and efficient IPR enforcement and protection against the theft of American technology and intellectual property.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology and innovation are the driving forces behind our economy. Last year, the budget request acknowledged that "[i]n the last 50 years, developments in science and technology have generated at least half of the nation's productivity growth, creating millions of high-skill, high-wage jobs and leading to advances in the economy, national security, the environment, transportation, and medical care." Yet while President Clinton's budget purported to promote science and technology through increased taxpayer funding, it penalized private sector investment in innovation by siphoning off roughly one-third of the total inventor-derived user-fees paid to the United States Patent and Trademark Office (USPTO) for technology-related services.

The USPTO is 100 percent supported by user fees paid by patent and trademark applicants and owners. Since 1992, Congress has been withholding a gradually increasing portion of the USPTO's user fees each year. Examples of recent withholdings include $108 million in Fiscal Year 1999 and $116 million in Fiscal Year 2000. Last December, consistent with the President's budget request, legislation was passed that provides the USPTO with a budget of $1,039 million. Of the $1,039 million, $784 million will be derived from Fiscal Year 2001 and $255 million from a carryover from past years and any fees received in excess of $784 million will not be available to the USPTO in Fiscal Year 2001. With a projected revenue of $1,152 million for Fiscal Year 2001, this means an overall USPTO withholding of approximately $368 million for Fiscal Year 2001.

As you know, I have long opposed the diversion of patent fees as a debilitative tax on innovation. In my view, such a tax flies in the face of the Constitution's patent clause and its vision of government as a promoter, rather than an inhibitor, of innovation. I was pleased to work closely with you to sunset the patent surcharge fee in FY 1998, which for several years had been the source of the patent fee revenue subject to diversion and rescission. Last year, I was encouraged that the President's budget for the first time did not include fee diversion or recission as a means of funding unrelated spending.

Statutory withholding of fees paid for services undermines the integrity of the USPTO's fee-funded agency model and restricts the USPTO's ability to provide service to its customers and to promote American innovation and competitiveness. Withholdings are being made at a time when the USPTO is experiencing unprecedented growth in its workload. In the last five years, patent and trademark filings have been on the rise. Last year, patent filings were up twelve percent and trademark filings were up a staggering forty percent. Reduced availability of fee revenue will prevent the USPTO from replacing and hiring examiners to handle the increased workload. As a result, waiting times for patents and trademarks could drastically increase in 2001 and years to follow and there could be significant delays in bringing important new technologies and products to the marketplace. Companies in high-technology, biotechnology, and many other vital industries depend on prompt and high quality patents and trademarks to protect business investments in R&D and new product promotion. Moreover, fee diversion will force the USPTO to defer certain imperatives in automation, electronic filing, and other implementation of technology to improve the current ability and efficiency of the USPTO to handle increased workload and increasingly complex technologies.

As I understand it, what makes this practice possible is the fact that, in past years, the Budget Committee has delineated a portion of the USPTO's fee revenue as income subject to the discretionary authority of the Committees on Appropriations—an artifact of the patent fee surcharge created by the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), which expired on September 30, 1998. OBRA '90 segregated a portion of fees that were subject to the appropriation discretion, and the remainder of the USPTO fee income was appropriated to the agency on a dollar-for-dollar basis.

With the lapse of the patent fee surcharge, the Judiciary Committee fashioned a modified fee system in which there was no longer a "surcharge" component to patent fees. We set the level of the fees to recover the cost of processing applications and intended that all of the fee revenue would be appropriated to the USPTO on a dollar-for-dollar basis, as was done for the majority of fee income under OBRA '90. We did not intend that there should be any discretion to withhold any portion of the fee revenues.

Accordingly, I recommend that in the upcoming budget all fee revenue of the USPTO be classified in a manner that requires that it be appropriated to the USPTO on a dollar-for-dollar basis. Thus, none of the fee revenues should be considered as discretionary expenditures for the purposes of the appropriations process. I have appreciated working with you on this particular issue in the past. If legislation is necessary to ensure this result, I am pleased to work with you in that regard.

Thank you again for contacting me on this matter and for your consideration of these views. I look forward to working closely with you on this matter and other issues.

Sincerely,

ORRIN G. HATCH,
Chairman.

FEDERAL EMPLOYEE PAY PARITY

Mr. SARBANES. Mr. President, I would like to commend the chairman of the Budget Committee for addressing the issue of Federal employee pay with the senior Senator from Virginia and me today.

The House-passed fiscal year 2002 budget resolution contains important provisions to ensure parity between the pay raises granted to civilian Federal employees and those provided to members of the armed services. Disparate treatment of civilian and military pay goes against longstanding policy of parity for all those who have chosen to serve our Nation—whether that service is with the civilian workforce or in the armed services. In fact, a comparison of military and civilian pay increases by the Congressional Research Service finds that in 17 of these last 20 years military and civilian pay increases have been identical.

Mr. WARNER. In the 106th Congress, an overwhelming majority of the United States Senate agreed, and approved a bipartisan pay parity amendment by a vote of 94 to 6 during consideration of legislation I introduced providing important pay increases for the military—S. 4, the Soldiers', Sailors', Airmen's, and Marines Bill of Rights. I know that Chairman DOMENICI supported that Federal employee pay parity amendment, and has been an advocate for pay parity through his position on the Budget Committee.

Mr. DOMENICI. As the chairman of the Armed Services Committee and the Senator from Maryland know, the Budget Committee has included language assuming parity between the raises granted to Federal employees and members of the armed services in the Committee Report on the Budget Resolution for the past 2 years.

Mr. WARNER. I thank the chairman of the Budget Committee for his strong past support. Would the Chairman explain what provisions regarding Federal employee pay have been included in this budget resolution?

Mr. DOMENICI. In drafting the budget resolution for fiscal year 2002, we have assumed that the historic pay parity between civilian and military employees will be maintained, and that the President's proposed 4.6 percent raise for military personnel will be similarly provided to all Federal workers next year.

Mr. SARBANES. I thank the chairman, and the distinguished Senator from Virginia for their interest and support. I am sure we all agree that a talented Federal and military workforce is crucial to getting the work of the American people done skillfully and efficiently. In many instances, Federal civilian and military employees work side-by-side doing the important work of the Nation, and Congress has recognized that we should not undermine the morale of these dedicated public servants by failing to bring them in line with military personnel. Continuing pay parity is one way to ensure the Federal Government is able to attract and retain qualified public servants.

ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent the Senator from Iowa be recognized to speak as in morning business, and the time not be charged against either party on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are laid aside. The Senator from Iowa is recognized as in morning business.

Mr. GRASSLEY. Did the Senator from Nevada have a closing statement to make?

Mr. REID. I also checked with staff who, as you know, know more about what is going on out here than most of us. I am sorry to admit that. They indicated that would be read upon the completion of your statement.

The PRESIDING OFFICER. The Senator from Iowa.

TAXES

Mr. GRASSLEY. Mr. President, I want to address the issue of tax cuts. It is an issue on which Republicans and Democrats all agree. We may not agree on how much taxes should be cut, but we do agree that the Federal Government is collecting too much tax. The current and projected U.S. tax receipts are far in excess of the amounts needed to operate the Federal Government. The most troubling news is that the bulk of these excess collections come from individual taxpayers. By coming from individual taxpayers, I mean through the individual income tax.

The Congressional Budget Office projects that the Federal Government will accumulate over $3.1 trillion in excess tax collections over the next 10 years. These excess collections are projected at the time when overall Federal tax receipts are at one of the highest levels in the history of the country. You will see from the charts that, even worse, individual income tax collections are near an all-time high, even higher than some levels imposed during World War II.

I have a series of charts to illustrate our present situation. The first chart I have shows total Federal tax receipts as a percentage of gross domestic product for the last 40 years. As you can see from this chart, tax receipts have fluctuated frequently since 1960. But they have escalated very significantly since 1993. The increase in receipts from 1965 to 1969 was attributable to the Vietnam conflict. The runup in receipts from 1976 to 1981 was caused by bracket creep, which occurs when inflation causes wages to increase, forcing people into ever higher rate brackets. We corrected the problem of bracket creep from inflation years ago.

However, the most shocking spike in tax receipts began, as you can see, in 1993. The Congressional Budget Office's January 2001 report to Congress shows that, in 1992, total tax receipts were around 17.2 percent of GDP. However, since that time, Federal receipts have spiked upward very rapidly. By the year 2000, Federal tax receipts had exploded to an astronomical 20.6 percent of GDP. The significance of this percentage can only be appreciated in a historical context.

In 1944, which was at the height of the buildup during World War II, taxes as a percentage of gross domestic product were 20.9 percent, only one-half percent higher than they are this very day. By 1945, those taxes had dropped to 20.4 percent of GDP, which is lower than the collection level this very day.

It is simply unbelievable to me that in times of unprecedented peace and prosperity, the Federal Government should rake in taxes at a level that exceeds the level needed to defend America and the rest of the world during World War II. It simply does not make sense that the Federal Government should be collecting this record amount of taxes.

As bad as what I said sounds, it is not the whole story. That is because Federal agencies are required to exclude a significant piece of Federal collections. I am talking about user fees that taxpayers pay in order to obtain Federal services. These are fees but are still money collected from the people of the United States by the Federal Government.

For example, when someone visits Yosemite or Yellowstone National Park, they pay an entrance fee. Businesses are often required to pay user fees to obtain services of the Federal agencies. The dirty little secret on user fees is that, under our budget laws, they are not included as Federal receipts. Instead, they are treated as an offset to the expenses of the Federal agency collecting those receipts. So you heard me right, they never really show up on the Federal books as money that the Federal Government collects. Under this treatment, user fees, then, are a stealth receipt, one that understates Federal revenues and understates Federal outlays by offsetting the agency's operating expenses. These fees I just mentioned are not insignificant. During the year 2000, they accounted for nearly $212 billion in hidden revenue and expenses. You see on this chart that with user fees, we soon get to an unprecedented tax level of 22.76 percent of gross domestic product.

The most sorry part of this whole story is that this huge increase in taxes has been borne almost exclusively by the individual American taxpayer. As this next chart shows, over the past decade, tax collection levels for payroll taxes, corporate taxes, and all other taxes have been relatively stable.

Just look, every color on that chart—other taxes, corporate taxes, payroll taxes—have been constant over the last decade. But look at the very significant increase in income taxes during that period of time. Corporate taxes during the past 10 years have increased from 1.6 percent of GDP to 2.1 percent. Estate taxes have remained essentially unchanged. Collections of individual income taxes have soared.

As this chart shows, in 1992, tax collections from individual income taxes were 7.7 percent of our gross domestic product. That percentage has risen steadily each year and, as of the year 2000, was an astounding 10.2 percent of gross domestic product. Any wonder, then, why the President and most Members of Congress believe there ought to be a tax cut? That is why the President and most members of his party believe there ought to be a significant tax cut and it ought to be concentrated on reducing income taxes.

Individual income taxes now take up the largest share of gross domestic product in history. Even during World War II, collections from individuals were 9.4 percent of the gross domestic product, nearly a full percentage point below the current level.

So, as you can see, the main source of the current and projected surpluses is from the huge runup in individual tax collections that have occurred since the passage of the biggest tax increase in the history of our country—the 1993 tax Clinton tax increase.

Admittedly, some of this increase is due to our booming economy. A portion of this increase is attributable to real gains in wages, which has forced people into higher tax rate brackets. This real wage growth increase is not compensated for by the usual indexing of income tax brackets.

Since 1992, total personal income has grown an average of 5.6 percent a year. In contrast, however, the Federal income tax collections have grown an average of 9.1 percent a year, outstripping the rate of personal income growth by 64 percent.

That fact alone is outrageous. And it is a simple enough reason why we need to do something about individual income taxes and let American working men and women keep more of their resources.

Again, this started with the biggest tax increase in the history of the country under President Clinton in 1993. The results of these increases are obvious from the charts that we have reviewed. Each chart shows a large increase in taxes from 1993 to the year 2000. The Joint Committee on Taxation, at the request of the Joint Economic Committee, estimated that just repealing the revenue-raising provisions of President Clinton's 1993 tax hike would yield tax relief of more than $1 trillion over 10 years.

So I think the Democrats and Republicans alike can agree, and should agree, that individual taxpayers deserve relief from the Federal Government's overtaxation.

We have a tax surplus. That tax surplus should go to the people who earned it in the first place. It should be retained by the taxpayers. It will do more economic good in their pockets than in the pockets of Federal bureaucrats and Members of Congress, and letting them make a determination of how that money is spent. Sometimes it burns such a hole in our pocket that we do not know how to get rid of it fast enough.

President Bush has offered a plan to reduce individual income tax rates across all rate brackets, and to reduce the number of brackets. This benefits all income tax payers across America. We hear, however, a hue and cry from some on the other side of the aisle that not all taxpayers should receive a rate reduction. We hear that the President's plan is disproportionately benefitting upper income taxpayers, and does not provide enough relief at the lower end of the income scale.

That is a bunch of baloney. We have some news for our colleagues: None of those allegations are true. To begin with, we need to first understand the current distribution of tax burdens in America. We have a highly progressive income tax system. According to the Congressional Budget Office, the top 20 percent of income earners pay over 75 percent of all individual income taxes. Now, by contrast, households in the bottom three-fifths of the income distribution pay 7 percent of all individual taxes.

The President's plan not only preserves this progressive system, but it actually makes it more progressive. Now that is going to sound strange to people who have been concentrating on the rhetoric coming from the other side of the aisle that somehow only the rich are benefitting from the tax cut. But I say—and I can justify through the reports of the Joint Tax Committee—that once the President's program is passed, we are going to end up with an even more progressive system.

So to all those who are trying to engage in class warfare over the President's proposal, I want you to pay special attention to the following two charts.

As this first chart demonstrates, the President's marginal rate reductions, when combined with his increase in the child credit, the additional deduction for lower earning spouses, and his refundable tax credit for individual health insurance, provide the greatest reduction in tax burden for lower income taxpayers. Just see the charts. The $0-to-$30,000 categories actually come out with a 136-percent decrease in taxes.

The upper income taxpayers receive an 8.7-percent reduction in their burdens. Compare a 136-percent reduction at the low income end to the high income end where the reduction is 8.7 percent.

Now, there has to be some reason for a 136-percent reduction in taxes. This is because we take 4 million taxpayers off the income tax rolls. A four-person family earning $35,000 a year will no longer have any income tax burden.

As this chart also shows, a large portion of tax burden reduction is targeted towards taxpayers making between $30,000 and $75,000 a year. These taxpayers will experience relief ranging from 20.8 percent to 38.3 percent of their current tax burdens. This is an important range of benefit because most small business owners and farmers operate their businesses as sole proprietorships, partnerships, limited liability corporations, or S corporations. The income of these types of entities are reported directly on the individual income tax returns of the owners, and a rate reduction for individuals reduces rates for farms and small businesses.

The Department of Treasury has estimated that at least 20 million farmers and small business owners will benefit under the President's tax relief plan when it is fully phased in.

Remember, I also said that the President's plan actually makes our tax system more progressive.

The next chart provides the proof. This is a very important chart for those who are constantly demagoging the President's proposal on the basis of income differences. This is the class warfare that we hear about.

As this chart clearly demonstrates, under the President's proposal, the overall tax burden goes down for all taxpayers earning below $100,000. For taxpayers making $100,000 and above, their share of the Federal tax burden will actually increase under the President's program. That demonstrates the statement I made earlier that based upon a Joint Tax Committee study, when the President's program is in place, the tax system will be more progressive than it is today.

Now, I will give some "for examples."

The share of the tax burden for taxpayers earning between $30,000 and $40,000 will drop from 2.5 percent to 1.8 percent. For those earning between $50,000 and $75,000, their burden share drops from 12.2 percent to 11.3 percent.

This is not the case for taxpayers earning $200,000 or more. Their share of the overall burden will increase by a full 3 percentage points. So as you can see, as I have said now for the third time, the President's plan not only retains the progressivity of our tax system, it actually enhances it. The President's plan gives tax relief to all income-tax payers, and it does so in a fair manner, one that requires more from those who are most able to pay and provides the greatest relief to those with the most need.

Moreover, this tax cut is needed to redress any longstanding slowdown in the economy. No one can witness the events of the past few weeks and not be concerned about where the economy is headed. I was startled by what I read in the Congressional Budget Office's 2001 Budget Options report. The Congressional Budget Office stated that a typical estimate of the economic cost of a dollar of tax revenue ranges from 20 cents to 60 cents over and above each dollar of taxes collected. Based on these numbers, the negative economic effects flowing from the current historically high levels of overtaxation obviously cannot be ignored.

We know from the Finance Committee hearing a few weeks ago that marginal rate reductions are the most efficient means of disbursing the benefits of any tax cut. Just think of the stimulative effect that could be achieved with a broad-based tax reduction that benefits all who pay taxes and targets the benefits to those who need them the most. That is what President Bush's tax plan does. I hope before this budget resolution debate is completed, we will have passed a budget resolution that gives my Finance Committee the ability and the flexibility to get the best possible tax reduction we can in a bipartisan way.

I want to run through a hypothetical calculation of a tax cut agenda and look at each number to see if it accommodates the agenda of its proponents. That is the work of the Senate Finance Committee. I will look at Senator CONRAD's number of $900 billion. The proposal Senators DASCHLE, CONRAD, and the Democratic leadership have been talking about is their stimulus and rate reduction package. Under Joint Tax Committee scoring, the proposal loses $506 billion over 10 years. That leaves about $394 billion for tax cuts that Senator CONRAD and others have said they support. We are talking about other bills beyond what is in their stimulus and rate reduction package.

The Finance Committee's Democratic alternative on marriage tax relief without a sunset contains a revenue loss of $197 billion over 10 years. The Democratic alternative on death tax relief creates a revenue loss of $64 billion over 10 years. So using the Democratic proposals and last year's revenue estimates, which would only go up this year because of the higher revenue baseline, we have less than $133 billion left. Keep in mind, these are only the Democratic proposals we are talking about.

Now let's go to the bipartisan tax cuts that have passed either or both Houses recently. There is a retirement security bill; Senator BAUCUS and I will soon be introducing that. That is a bipartisan bill. A similar bill passed the

House almost unanimously. That bill will run about $52 billion. A bill to repeal the 104-year-old Spanish-American War phone tax passed the House last year by an overwhelming vote. That will run about $50 billion. Then there is the small business and agriculture tax cuts that everybody supports in a bipartisan manner. That package adds up to about $70 billion. Then we have the Educational Tax Relief Act that passed out of our Finance Committee unanimously in the last couple weeks. That runs about $20 billion.

You have Democratic proposals that eat up more than the tax cuts they say they want. Then we have bipartisan proposals that are out there, that are very popular, and which have to fit into a package. These bipartisan tax cuts are left over from last year, and also exceed what is left in the Democratic budget.

Now we have heard a lot of pointed criticism of President Bush's tax cut plan from Senator CONRAD and other leaders on the other side who are handling the Democratic management of the budget resolution. We have heard them talk about the issue of the alternative minimum tax, sometimes referred to as the AMT. Senator CONRAD has said it will take $200 billion to $300 billion to fix this AMT problem under the Bush plan. Remember, under current law, 10 percent of the taxpayers will have to deal with the alternative minimum tax. Senator CONRAD is correct that the President's plan could make the problem worse. As I have said, our Finance Committee should be addressing that problem. Please note, however, that the Senate Democratic economic stimulus package does nothing with the AMT and will in fact make the problem worse.

According to the Joint Tax Committee, by the year 2011 about 21 million taxpayers will be subject to AMT under current law. The Democratic bill will add about another 7 million taxpayers to the AMT hit. So if the Democratic leaders who make such a point of the AMT issue, then let them practice what they preach. These leaders will have to raise their budget tax cut numbers to deal with this alternative minimum tax situation.

Under the tests I have laid out, the Democratic budget number does not accommodate their own tax priorities. We have all of these Democrat proposals before us. We have all the bipartisan proposals, some of them actually having been voted on by both Houses of Congress. These are all ideas that everybody wants passed. But the number put forth for tax reduction by the other political party will not accommodate all the ideas they propose. I know there are a lot of people on the other side of the aisle, such as Senator BREAUX, who know this.

I think those who have proposed numbers in the range between $2 trillion and $4 trillion are also pushing a wrong number. Most of those people are on my side of the aisle or, if not in the Senate, in the House of Representatives. That tax cut number does not balance our priorities of paying down the debt and targeted spending increases.

I believe this brings us back to a low Democratic number that doesn't even accomplish all the tax policy they want adopted. The other extreme is people saying $1.6 trillion is not enough, it ought to be up near $2.5 trillion. This brings us to the point of President Bush's number that he proposed as being very appropriate. It is not appropriate just because President Bush proposed it. It is appropriate because it will allow us—particularly the Senate Finance Committee—to accommodate the bipartisan tax cut priorities that are before us.

Senator BREAUX's number is better than the Democratic number because it allows more tax cuts to be addressed. It is, however, not enough—it does not provide enough flexibility for the Senate Finance Committee to do its work. Unlike the Democratic number, though, Senator BREAUX's number might be enough to cover Democratic priorities, plus a little bit more. But it would ignore the President's priorities. In considering the number, I want to give you my angle, as Chairman of the Senate Finance Committee. Senator BAUCUS and I need the full $1.6 trillion to make the tax cuts that all of the Members of Congress are interested in doing and may have voted on.

I think that many in this body are looking at the 1.6 trillion number in terms of a win or a loss for President Bush, rather than whether it is the right policy. Many Republicans are tending to look at the number, or anything higher, as a win for the President. Democrats are looking at anything less than the number as a loss for President Bush. Senator CONRAD and Senator DASCHLE have been explicit in their objective. They have worked very hard to try to defeat the President's tax cut.

Let me give you an example. I just talked to my staff on a piece of legislation that I am trying to get budget authority for. I had 20 Democrats lined up for the Family Opportunity Act—a bill that last year had 78 cosponsors—and we are getting close to that number this year. But we weren't taking the money for the bill out of the tax cut. So the message went out: Don't help GRASSLEY.

Now, thank God, the main leader on the other side in that effort who is working with me, Senator KENNEDY, has assured me he is going to be with me on what we ought to do. We are going to do the right thing. But that is how desperate the other side is to make sure that there is some victory of subtraction from the $1.6 trillion, just so the President can be defeated. We have to look at the numbers, whatever those numbers are, in terms of the tax cut agenda that is out there, including the President's and our own.

So, Mr. President, when Senator BREAUX's amendment comes up tomorrow, while it is well-intentioned, it just doesn't provide the Finance Committee with the tools necessary to do the job of delivering bipartisan tax relief.

I want to take about 2 minutes—and then I will finish—on another item related to the recent debate.

I was stimulated to give these remarks based upon the overuse of the word "raiding"—the word "raid" or the word "raiding"—like we are raiding the Medicare trust fund. I speak mostly about the leadership on the other side of the aisle. The manager for the Democrats speaks very well and very clearly. But I want to focus his attention on Webster's Dictionary. So I want to speak to Senator CONRAD and others who have suggested that the Domenici budget and the amendments that we have adopted will raid the Medicare trust fund.

I understand how tempting it is to use such colorful language, but I want to point out to my colleagues what the definition of the word "raid" is. As I read from Webster's dictionary, it says, "a sudden hostile attack by an armed, usually mounted, bandit intent on looting."

Well, I suppose we have to use some words from Sol Olinsky's school of political activism—which says that the more extreme you can be, the more attention you are going to get. There are some people in this body who have great aptitude in that respect. But, obviously, any people who study our budget process and who know what a Medicare trust fund is, or what any trust fund is, will know that no one is raiding the Medicare trust fund. I will explain what is really going on.

Under the Domenici budget, Medicare will collect payroll taxes. Those taxes will be credited to the balance in the trust fund. That balance will be reserved for Medicare and is reserved only for Medicare. The Medicare trust fund is just like your bank account. When you make a deposit, your bank account increases the balance in your account, and only you can make a withdrawal from your own personal bank account.

Now, when Senator CONRAD talks about raiding the Medicare trust fund, he is trying to mislead us. He wants people to believe that we are reducing the balance in the Medicare trust fund for some other purpose. That is just not true. The balance in the Medicare trust fund can only be reduced to pay Medicare benefits. That is the law.

Our budget does nothing to change the law. Once you get past the rhetoric, you will see this debate is not about Medicare, it is about debt reduction. In Senator CONRAD's view, we have to use the Medicare surplus to pay down the debt, or else we are raiding Medicare. Now, going back to the example of your own personal bank account, that is like saying your bank has to use your deposit to pay off the bank's mortgage, or else it is raiding your bank account. As everybody who has a bank account knows, that is clearly absurd because when you deposit money in your bank account, you rely on the bank's ability to collect on its loans to repay your money. When the Government borrows from Medicare, we rely on the Government's ability to do one of three things—raise taxes, reduce spending, or borrow from the public to repay Medicare.

It might be easier to repay Medicare if we pay down the debt. But the fact is, we are already doing that, as you have heard so many times during these three days of debate. Under our Domenici budget resolution, we are going to pay down every dollar of national debt that can be paid down between now and the year 2001.

Now, I believe that Senator CONRAD knows that is true. So that is why he has stopped talking about public debt and he is now started talking about long-term debt.

"Reducing long-term debt" is a secret code word for Social Security and Medicare reform. Of course, we have not been presented a plan to reform Social Security or Medicare from the other side of the aisle. As a result, we can only conclude that once the Government runs out of public debt to pay down, it will be forced to invest Social Security and Medicare funds in private assets.

Federal Reserve Chairman Alan Greenspan has warned that such investments will disrupt the financial market and reduce the efficiency of our economy. Chairman Greenspan is not the only one concerned about such investment. In fact, in 1999, the Senate voted 99–0 against investing Social Security money in private assets.

I suggest that instead of talking about our budget raiding Medicare, I believe the Senators on the other side of the aisle who use that word need to explain their secret plan to reduce the long-term debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask unanimous consent that my time be marked against the general resolution and that I have 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I want to recognize the exemplary comments we just heard from the chairman of the Finance Committee, Senator GRASSLEY. That is one of the most complete discussions I have heard on the President's tax policy and how it impacts our total debt goals, actually what we call paying down the public debt and what we are going to do to save Medicare.

Anybody who listened closely fully understands the balance of the President's plan before us. I thought it was an extremely good speech, and I enjoyed listening to what he had to say.

I want to bring a little more discussion to some of the points he made. For example, he talked about the advantage of small business. As a small businessman, I want to talk about some of my thoughts about how cutting taxes really does help the economy.

Senator GRASSLEY talked about paying down the debt. I also want to take some time to talk about my experience in the Congress in efforts to pay down the debt and add my two bits' worth as to why I think the President is on the right track.

Just as the Presiding Officer of the Senate, I started my business from scratch. I know what it is to have to start a small business from scratch. I remember the frustration the first several years I was in business. I began to build up some revenue. I wanted to do a good job of serving my clients as many small businesspeople do. They have a great idea and want to move forward.

At the end of the year, I found the capital I began to accumulate in my business all of a sudden was taken away because of taxes.

That has a dramatic impact on the growth of a small business, particularly at the early stage of growth and when they are starting.

Small businesspeople, such as myself and the Presiding Officer suffer a disproportionate impact from rules, regulations, and taxes on our small business.

I point out to the Members of the Senate, most of the innovative ideas in America and in democracy really start at the small business level. If we can put incentives out there that allow individual businesspeople to retain more of their income, to capitalize their businesses for growth, that means we create more jobs. The end result is that we begin to strengthen our economy.

I do believe these tax cuts will help the economy, and if we make the tax cuts even retroactive starting at the first of the year when they begin to have an impact even on the paycheck that goes home, it will help us.

I encourage Members of the Senate to work hard to put in place the $1.6 trillion tax cut that is proposed by the President.

Let me talk a little bit about my experiences in trying to pay down the debt. I probably have worked harder than any Member of the House or the Senate to try to put in place a plan to pay down the debt. When I first brought a plan forward, I was a Member of the House of Representatives, and as a Member of the Senate I introduced several plans.

When I was first elected to the Senate, I introduced a bill to pay down the debt within 30 years. I had a plan somewhat similar to an amortization schedule. I had a schedule of how we would pay down more money each year so that, over a 30-year period, the Federal Government would have paid down the debt. That was 4 years ago.

Two years ago, I looked at the amount of revenue coming in to the Federal Government, and I was amazed. So I introduced a bill that had a plan to pay down the debt within 20 years.

What I see now is that we are going to be able to pay down the public debt within 10 years and still be able to have the $1.6 trillion tax cut the President is proposing.

That is a reasonable plan he has put together. He is taking a quarter of the surpluses for tax cuts. It is reasonable and certainly a much better proposal than what I hear coming from the Democratic side where they want to take $60 billion and redistribute it to everybody. The President's proposal is that those people who pay taxes are the ones who will get a tax cut.

With the $60 billion plan on the other side, they are talking about a redistribution of income, so everybody gets a rebate, whether you pay taxes or not. It ends up being a massive redistribution income plan basically.

What we need to pass in the Senate is a real tax cut plan that gives a tax cut to the American taxpayer.

I remind Members of the Senate and Americans who might be watching right now that a record amount of their dollars is being sent to Washington. We saw some figures presented on the other side which indicated that as a percentage of gross domestic product, GDP, our tax burden is as low as it ever has been, but the growth in our gross domestic product has been so phenomenal for the last 5, 7, 8 years that any figure one compares to the gross domestic product is going to look low in comparison.

I prefer to look at actual figures. Looking at the actual figures—the amount of money being sent to Washington—the American taxpayer is sending a record amount of money to Washington, DC.

When we look at the plan that is being proposed by the President, it is a very modest tax cut. As was pointed out in testimony before the Budget Committee and other speeches made on the Senate floor, President Kennedy had a greater tax cut than this tax cut. President Reagan's tax cut was greater. In fact, as was pointed out by my colleague from Iowa, the largest tax increase in the history of this country, which was in 1993, with a Democrat Congress and Democrat President, was more than the tax cut that is being proposed by President George W. Bush.

We have to keep in mind that when taxpayers send money to Washington and then we have some sort of scheme where it is sent back to the taxpayers, one might want to call it a grant or maybe call it a rebate or revenuesharing or earned-income tax credits or just a gift. The fact is, when you send your money to Washington and we send it back, there is a passenger charge. The subtle message is somehow or another it is the Government's money. In reality, it is the taxpayers' dollars. That is where it starts. They are the ones who originally send the money to Washington.

We need to institute a policy that recognizes hard work and productivity of the American taxpayers.

I also point out that some of the phenomenal growth we are getting in revenues to the Federal Government is a consequence of having reduced the capital gains tax a couple years back. When you reduce the capital gains tax, historically the revenues to the Federal Government have always increased. We have reduced capital gains rates from 28 percent to 20 percent. What happened? We opened the floodgates of commerce.

With these new dollars coming into the Federal Government from more commerce, you end up having more revenue. I think that is a tax cut. It has been taxpayers who got that advantage. The result is more revenue is coming to the Federal Government. I don't think we have recognized that phenomenon enough on the Senate floor, and I want to take a moment to point that out.

The proposal being suggested by the President is a very balanced proposal. I think it has the right amount of tax cuts. I think it addresses debt reduction.

Now, on debt reduction, as I have looked at the issue of how much you can pay down the debt when you get down to the bottom trillion dollars—that is a lot of money still—there are some fundamental issues at which this Congress needs to look.

For example, in some of the testimony we had before the Budget Committee, the Fed, in managing the money supply of this country, uses debt. There is about $500 billion they use to manage that debt. If we are to completely pay down the debt, there has to be a fundamental discussion as to what you want the role of the Federal Government to be. Do you want the Fed to still have that ability to manage the supply of the dollar? If you want that, we will have to keep some debt in there so they can manage it. If you want to turn the dollar completely free on the market without any opportunity for the Fed to regulate supply, then perhaps the proper solution is to go ahead and pay the debt even further. That is a basic fundamental public policy that I think needs to be discussed in the Congress. I think we need to have some discussion among ourselves about how important that is.

For some people who don't want to turn in their war bonds or their Treasury notes—they have become a collector's item—we find it is costing more today to pay down, in some cases, perhaps as much as 43 percent more than the value of the bond to retire.

The President, again, I think has a right balance on tax relief, on debt reduction. He takes care of basic needs, which I think can be supported. He has overall spending for the 10 years at 4.7 percent. He has very significant increases in education in 2002, an 11.5-percent increase, a significant increase in defense, 4.5. We passed an amendment here that provides another $8.5 billion for that. He has increases for health. I supported doubling NIH research dollars. There is money in there for transportation and veterans health.

I think this is a good budget. It is a good starting place. I am disappointed today we chipped away at some of that tax cut. I think that means there will be less opportunity for economic growth for people, particularly in the small business sector, who look for a reduction in the burden of taxes in order to be able to grow their business and to create jobs.

I thank the chairman of the Appropriations Committee, Senator STEVENS, for allowing me to speak. This is an important issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask my remarks be charged similarly to those of the Senator from Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF SENATOR JOHN HEINZ

Mr. STEVENS. Mr. President, 10 years ago today Pennsylvania lost a great U.S. Senator, America lost a future President, and I lost a very dear friend. On April 4, 1991, Senator John Heinz was tragically killed in an airplane crash. He was not only a close personal friend. I was chairman of the campaign committee when he was elected. We sat by each other on the floor for years. We traveled together. We fished for blues together off Nantucket. And we worked on many issues together in the Senate.

Tonight I make these few comments in remembrance of my colleague. John Heinz was an extraordinary man. A person of great personal wealth, he was a Senator who cared dearly and deeply about average men and women, a Senator who fought to tear down antiquated age discrimination laws which failed to recognize and value the importance of older workers, a Senator who championed trade relief and adjustment for working men and women, as well as business, who fought any administration to ensure that workers hurt by our trade laws would not be victims of poverty or despair, a Senator who clearly recognized that our Nation's Medicare program was in desperate need of overhaul. But he knew his colleagues on each side of the aisle were not then, and are still not today, prepared to fix Medicare.

He was a Senator who believed we could address the myriad of environmental concerns of our Nation while still maintaining a balanced recognition of America's needs for resources and business development, and a Senator who cared deeply and loved his family.

John Heinz left three sons and a marvelous wife, Teresa. Tonight, I believe John Heinz looks down upon his family and, with that big smile he had which so many of us remember, he must be very, very proud. His family has continued his commitment to his values. John Heinz IV has started a school to help children who are on the verge of being discarded by the public school system realize their value and importance and that people really do care about them. André Heinz is pursuing his environmental interests and advocacy by helping businesses across the globe understand how business and the environment can coexist and in many instances make larger returns for investors and working men and women. Christopher Heinz is finishing his MBA degree at the same school from which his father graduated. Christopher is likely to follow a business path, as his father did when Jack left Harvard.

But his greatest untold story, the untold story of the family, concerns Jack Heinz's wife, partner, spirit, and true love. Teresa Heinz is a personal friend of mine and my wife Catherine, someone we have known for many years. "Extraordinary" is the word I use to describe Teresa. Following John's death, she assumed the helm of the many Heinz family philanthropies and has nurtured them since then. They were among the most innovative and pioneering foundations in this Nation.

Teresa made sure that none of us ever forget John or the visionary work he was pursuing by ensuring the Heinz family philanthropies and the Howard Heinz Foundation and endowment continue the pioneering work started by my friend, Jack Heinz. To honor Jack, Teresa created the Heinz Awards in 1993, a program to remember Jack, as Teresa said then, "in a way that would inspire not just me, but the rest of us." When she announced the program, Teresa explained:

> I view the Heinz Awards in a sense as the awards of the 21st century because they recognize the very qualities we must embrace if we are to create the sort of future we would want to live in. . . . The Heinz Awards will measure achievements but also intentions.

I gave one of the first of those Heinz Awards to Andy Grove, a founder of Intel, to show just how important they have been to our economy.

In 1996 Teresa tested in Pittsburgh her idea on how best to ensure early childhood education development was not just talked about but actually pursued. With a coalition of business leaders, the Heinz endowments launched Teresa's early childhood initiative, called ECI, to begin to tackle the issues of early childhood education and make sure that no family was left behind. In 1998 Teresa founded the Women's Institute to secure retirement, called WISER, to ensure that women, whether they work in or out of the home, would understand pension and retirement issues. Through a partnership with Good Housekeeping magazine, a magazine and supplement entitled "What Every Woman Needs to Know About Money and Retirement," women are better able to be informed and educated on how to prepare for their financial future. That supplement has reached more than 25 million readers and is available in English, Chinese, Portuguese, and Spanish today.

Perhaps the most notable is the work that Teresa has done to help explain to legislators at the State and Federal levels, Jack Heinz's vision which he articulated, by the way, more than 14 years ago, that we need to make available a prescription drug benefit to all people 65 and over.

Through her work at Heinz family philanthropies, Teresa has spearheaded an effort to help legislators understand this complex issue and how states can design solutions to solve this problem—now reaching a crisis state in our country. Dubbed HOPE, the Heinz plan to meet prescription expenses is used by many States such as Massachusetts, Maine, Mississippi, and Pennsylvania which work with the foundation on strategies to provide prescription drugs for the elderly.

That is perhaps the best example of what I believe is the spirit of John Heinz, designing a blueprint to help states determine whether and how they can and whether they will address such a crisis.

Because of Teresa Heinz, the Heinz Family Foundation pursues efforts to keep Jack's spirit and vision alive. That is why I am here. And for that, each of us should be grateful. I personally thank her for all she has done.

Mr. President, John Heinz, as I said, was my friend. In my own way, I celebrate his spirit each day when I walk on the Senate floor. He is no longer with us in person, but his spirit, his vision, and his unrelenting belief in hope lives with all of us.

I am proud to have known this man, John Heinz, and I am proud he was my friend. To Teresa and his three sons, John, André and Christopher, I send this message: Jack's spirit is right here on the Senate floor. Be assured we will never, ever forget who he was, what he stood for or his dream for America.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent there be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection it is so ordered.

SENATOR JOHN HEINZ

Mr. SPECTER. Mr. President, 10 years ago today a tragic accident occurred in the Philadelphia suburbs claiming the life of a very distinguished United States Senator. In addition, two 6-year-old girls were killed at the Marion Elementary School, as well as four pilots who were in charge of two aircraft which collided in suburban Philadelphia—a small charter plane carrying Senator Heinz from Williamsport, PA, with the destination of Philadelphia, and two pilots on a Sun Oil helicopter which had attempted to observe the landing gear of the small private plane, which, according to the dashboard, were not in place.

Those two planes collided in midair resulting in the deaths, as I say, of the four pilots and wounding many on the ground, including one young man who had 68 percent of his body covered with burns, and the deaths of two 6-year-old girls, and it was a fatal accident for Senator Heinz.

Senator Heinz had an illustrious career in the Congress of the United States. I first met him in 1971 when he was running for the seat of former Congressman Robert Corbin, who had died. And Elsie Hillman, the matriarch of Pennsylvania politics, and a leading figure nationally, had asked me to come be a speaker for a John Heinz fundraiser in her home.

I was then the district attorney of Philadelphia. I recall very well meeting this good-looking young man who was 32 years old, soon to be elected to the House of Representatives, and saw him in one of his maiden speeches charm the crowd and move on to the House of Representatives.

My next extensive contact with John Heinz was in the 1976 primary election where we squared off in what was a traditional Pennsylvania battle of east versus west. I was no longer the district attorney but had a significant following within the metropolitan area in eastern Pennsylvania, and John Heinz was the "Zion" of the west. It looked promising for a while when Philadelphia came in 10 to 1 in my favor and then United Press International declared me the winner at 1:30. But Allegheny County and some of the western counties came in as much as 15 to 1. This was a very close vote by 2.6 percent. With 26,000 votes out of a million cast, John Heinz became the U.S. Senator following the 1976 election at the age of 38.

He was a very distinguished Senator, as the record shows. He had a place on the Finance Committee. He had a place on the Banking Committee. He was chairman of the Aging Committee. It was rumored that he intended to run for Governor of Pennsylvania in 1994, and that he had aspirations for the White House. Of course, those potentialities were snuffed out by his untimely death.

John Heinz had unlimited political potential and was really one of the rising stars on the American political scene. His death left an enormous void in Pennsylvania politics, in American politics, and in the Senate.

I had seen him just the day before when we were in Altoona, PA, together. We were speaking at a lunch for the hospital association and had become very good friends after our tough primary battle which had occurred some 15 years before. Senator Hugh Scott and his administrative assistant, Bob Kunsic, had counseled John and me when he was elected to the Senate in 1980, that together we wouldn't be twice as strong but we would be four times as strong.

I used to drive John Heinz home. We both lived in Georgetown—he in a mansion and I in a condominium. In the early 1980s, Senator Baker used to work us very late, as did Senator Dole, and then Senator BYRD and then Senator Mitchell, our majority leaders. I would drive him home in the wee hours of the morning. And sometimes after 1 a.m., after one of those 20-hour days, we would sit and talk in his back alley before he entered his home, and we called it an end to the day.

The day before he died, I had Joan with me. I called her Blondie, which I do from time to time, and he was surprised. The last words I heard John Heinz say was, "Does she call you Dagwood?" I said, "No, she doesn't, John."

But in memory of John Heinz there have been many posthumous recognitions. The most important of all are the Heinz Awards, established by his then-widow Teresa Heinz, with very substantial endowments in five categories which were of greatest importance to John Heinz. They were: First, arts and humanities; second, environment; third, human condition; fourth, public policy; and, fifth, technology, the economy, and employment.

John Heinz left behind three extraordinary sons, Henry John IV, Andre, and Christopher. Hardly a day goes by that I don't think of John Heinz and the great contributions he made to the United States Senate.

I am advised that once a Member has been gone for 10 years, the Member is then eligible to have a stamp named after him. I am sure there will be many awards given to John Heinz. Already the numbers are significant, with the John Heinz Pittsburgh Regional History Center; the H. John Heinz Center for Science, Economics and the Environment; the H. John Heinz, III School of Public Policy and Management at Carnegie Mellon University; the John Heinz National Wildlife Refuge at Tinicum; and the H.J. Heinz Department of Veterans Affairs Medical Center.

CAPTAIN WILL BROWN

Mr. LOTT. Mr. President, I rise today to recognize and honor Captain Will Brown, United States Navy, as he retires upon completion of over 26 years of honorable and faithful service to our nation.

A native of Queens, New York, Captain Brown joined the Navy in 1975. A career Supply Officer, he began his service as the Sales Officer aboard USS GUAM, LPH–9, followed by a shore assignment at Naval Aviation Technical Training Center, Lakehurst, New Jersey. Captain Brown returned to sea as the Supply Officer aboard USS BARNEY, DDG–6, and then served as the Combat Systems Analyst at Commander, Naval Surface Force, U.S. Atlantic Fleet. Following graduation from the Naval War College, he was the Director of Consumable Logistics Management on the Chief of Naval Operations Staff followed by an assignment as Director of Repairables at Naval Supply Systems Command, Mechanicsburg, Pennsylvania. Captain Brown was then selected for the prestigious position of Executive Assistant to the Assistant Secretary of the Navy for Financial Management in Washington, DC. Following a successful tour of duty, he next reported to the Navy Office of Legislative Affairs as Congressional Liaison for Readiness Programs. Captain Brown was then chosen to serve as a senior Supply Officer onboard USS PUGET SOUND, AD–38. Recognized for his sustained outstanding leadership and organizational skills, Captain Brown was then selected to serve as the Senior Analyst on the Department of the Navy's Organization, Management and Infrastructure Team.

Returning to a position working with our nation's lawmakers, Captain Brown was handpicked to serve as Director of the Naval Programs Division, Navy Office of Legislative Affairs. In this capacity he was a major asset to the Navy, Marine Corps, and Congress and has been considered a valued advisor to the very top echelons of the Navy and Congress. His consummate leadership and integrity ensured that Naval programs were appropriate, understood, and well communicated. A role model and mentor to those who worked for and with him, he made his impact on people as well as programs. Through his brilliant insight and dedication, he directly contributed to the future readiness of the United States Navy and this nation.

Captain Brown's distinguished awards include the Legion of Merit, the Meritorious Service Medal, the Navy Commendation Medal, the Navy Achievement Medal, the Sea Service Ribbon, Battle "E" Ribbon, Navy Meritorious Unit Commendation and the Navy Unit Commendation.

The Department of the Navy, the Congress, and the American people have been defended and well served by this dedicated naval officer for over 26 years. Captain Will Brown will long be remembered for his leadership, service and dedication. He will be missed. We wish Will, and his lovely wife Phyllis, our very best as they begin a new chapter in their life together.

CERTIFICATION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. VOINOVICH. Mr. President, today I extend my congratulations to President Vojislav Kostunica, Prime Minister Zoran Djindjic and the Government of the Federal Republic of Yugoslavia on their courageous actions this past weekend in arresting former Yugoslav dictator Slobodan Milosevic. This important and encouraging development underscores Belgrade's commitment to making real and significant progress on certification requirements as outlined in the fiscal year 2001 Foreign Operations Appropriations Act.

For Belgrade, arresting Milosevic was an important factor in their ability to achieve certification by the U.S. Therefore, I am pleased with the decision of President Bush and Secretary of State Colin Powell to grant certification to the Federal Republic of Yugoslavia, FRY. I share their view that the Government of the Federal Republic of Yugoslavia has met the requirements for certification outlined by Congress last year, and I fully believe they will continue to make progress in these areas well beyond March 31.

It is clear that the government in Belgrade has taken some difficult steps in recent weeks to further democratize. The presence of hundreds of pro-Milosevic demonstrators rallying outside of Milosevic's villa over the weekend showed that opponents to democratic reform in the Federal Republic of Yugoslavia still exist. Despite those who remain in opposition, it is critical that President Kostunica's government stand strong in its efforts to promote democracy. To help in that regard, I believe that the United States should continue to support those in the FRY who are committed to a new era of peace, stability and democracy in the Balkans.

As one who has a lengthy personal history with southeastern Europe, I was pleased with the certification announcement by the State Department. To me, it was rivaled only by the excitement I felt at the final outcome of the presidential elections in the Federal Republic of Yugoslavia last fall which brought Vojislav Kostunica to the presidency. For years, I had worked to bring about democratic changes in the FRY working with opposition leaders to Slobodan Milosevic in diaspora. Since coming to the Senate, I have made a handful of visits to the region to get first-hand perspectives on the situation in the Balkans and I have visited and remain in contact with a number of top political leaders including President Kostunica, Serbian Prime Minister Zoran Djindjic and U.S. Ambassador to the Federal Republic of Yugoslavia, William Montgomery. I also have my "ear to the ground" via e-mail that I receive on a regular basis from a couple of retired members of the Ohio State Highway Patrol who are now serving as police officers in the United Nations' international police force in Kosovo. Needless to say, I pay attention to what is happening in the region.

To help support the new government of Dr. Kostunica, and as an incentive for Belgrade to make needed democratic changes, last October Congress approved $100 million in assistance for Serbia in the fiscal year 2001 Foreign Operations Appropriations Act. To obtain these funds after March 31, and ensure access to international financial institutions such as the IMF and World Bank, the fiscal year 2001 Foreign Operations bill outlined three certification requirements on the part of President Kostunica's new government: respect for the rule of law and human rights; implementation of the Dayton Accords; and cooperation with the International Criminal Tribunal for the Former Yugoslavia.

As I indicated to Secretary of State Colin Powell when I spoke with him last week, I believe the Federal Republic of Yugoslavia has complied with the spirit of the law outlined by Congress last year. The recent record of the Kostunica/Djindjic government is very positive, and it is my view that they have made considerable progress in all three areas outlined in the Foreign Operations Appropriations Act.

Regarding the rule of law, governments at both the Federal and the Republic levels in the FRY have taken steps to uphold human rights for minorities, particularly in southern Serbia. Deputy Prime Minister of Serbia Nebojsa Covic has worked to give ethnic Albanians in Serbia more control over their local governments and municipalities. During visits to Capitol Hill 2 weeks ago, Prime Minister Djindjic indicated that the Serbian Government now includes minorities. U.S. Ambassador Montgomery has indicated in conversations we have had that President Kostunica and Deputy Prime Minister Covic have worked well together to make progress on this front, and the Ambassador has been encouraged by the results that he has seen.

Further human rights progress can be witnessed in the freeing of Kosovo Albanian prisoners. On February 26, the Serb parliament passed an amnesty law granting amnesty to more than 100 Kosovar Albanians held in Serb prisons. Since the end of the war in 1999, more than 1,500 of 2,000 ethnic Albanian prisoners have been released. While I believe the remaining 500 should be quickly released, especially the Djakovica group, there has been substantial progress in this area.

Regarding implementation of the Dayton Accords, the Federal Republic of Yugoslavia and the Republika Srpska have entered into a special relations agreement between the two which makes Belgrade's assistance to the RS military consistent with the Dayton Accords. In addition, President Kostunica has, on a number of occasions, publically declared his support for the Dayton Accords, the peace agreement reached at the end of the war in Bosnia-Herzegovina, and the FRY and Bosnia have established diplomatic relations. Prime Minister Djindjic also indicated to me during our meeting that the government will cut off pensions to RS army officers.

Regarding cooperation with the Hague Tribunal, President Kostunica's government has reopened a War Crimes Tribunal office in Belgrade, and the government helped to facilitate the extradition to the Hague of indicted war criminals Blagoje Simic and Milomir Stakic. In addition, after Justice Minister of the FRY Momcilo Grubac and Serbian Justice Minister Vladan Batic met with the Chief Prosecutor of the Hague, Carla Del Ponte, she described their talks as a sign of "good progress." When I met with Ms. Del Ponte following the Presidential elections last September, she indicated that the cooperation of the new government, not custody of Milosevic himself, was the Tribunal's first priority. President Kostunica's government has taken a number of additional steps in this area, drafting a memo of understanding on how the government will cooperate with the Hague and writing a new measure to change the current law in the FRY that prohibits citizens from being extradited. The arrest of Milosevic on Sunday, April 1, is an additional factor illustrating the government's commitment to following through with its promises to take action and cooperate with the Tribunal.

I cannot overstate the importance of the Bush administration's decision to grant certification to the Federal Republic of Yugoslavia. By doing so, they have allowed the FRY government access to much-needed support from the IMF, World Bank and international financial institutions. This will help the government deal with a staggering number of outstanding and pressing emergency situations. For instance: the country's economy is failing, there is ongoing violence in the Presevo Valley, there is a nationwide energy crisis complete with rolling blackouts, there are calls for an independent Montenegro led by Montenegro's President Djukanovic, and they still have 800,000 refugees from Croatia and Bosnia, and 200,000 refugees from Kosovo.

President Kostunica and Prime Minister Djindjic are in a fragile political situation, which demands that they proceed with caution in their democratic reform efforts, especially with regard to Milosevic. Serb radical parties, including those with ties to Slobodan Milosevic, Vojislav Seselj and Zeljko "Arkan" Raznatovic, claimed nearly 30 percent of the vote in the December 2000 parliamentary elections, and the coalition government is partly dependent on the inclusion of the Montenegrin Socialist Peoples Party, led by Predrag Bulatovic, who also back Milosevic. Outside the realm of government, there are some Serbs who would like to see the United States walk away from the Federal Republic of Yugoslavia due to anti-American sentiment following the 1999 bombing campaign.

As I came to the decision to recommend certification, I carefully considered the political realities with which the new FRY government is faced. These realities became especially clear last weekend as Milosevic supporters, including members of the Serb Parliament, rallied outside of Milosevic's villa to protest his arrest. In my view, and in the view of many who follow what goes on in the Balkans, President Kostunica and his government offer a remarkable opportunity for beneficial change in the Federal Republic of Yugoslavia. While they have only been in office a short time, Dr. Kostunica has been President for 6 months, while Prime Minister Djindjic and the Parliament in Serbia have been in office for just 2 months. I have positive feelings about the direction they are leading the nation.

The qualified certification of the FRY guarantees that the United States still has leverage over the FRY if they fail to make good on their certification requirements. As the Bush Administration has indicated, U.S. support for an international donors' conference, scheduled to take place this summer, is contingent upon the FRY's continued cooperation with the Hague. Congress has additional funding leverage that may be exercised in the fiscal year 2002 appropriations process, as well as its oversight and approval authority of the State Department's spending plans in the FRY.

In closing, I applaud the progress that has been made in the FRY during this historic period of democratic transition. I am pleased that President Bush has chosen to recognize the efforts that President Kostunica has undertaken to move towards democracy by continuing U.S. assistance to the Federal Republic of Yugoslavia. I believe U.S. support will serve as a stabilizing force as the new government continues to promote a new era of peace in southeast Europe.

COMING TOGETHER TO FIGHT BREAST CANCER

Mr. BIDEN. Mr. President, I commend an initiative in my State that I am quite proud of.

I have stood on this floor many, many times over the past 28 years to laud people, programs, and events in Delaware. There is one statistic in my State, however, that I am not fond of repeating, but it is a sad fact that we must, and are, confronting: Delaware has one of the highest breast cancer death rates in the country.

Having said that, I want to commend the efforts of a special group of people who are determined to raise awareness about breast cancer and save more lives.

A couple weeks ago, a Wilmington salon, "Chez Nicole," hosted a unique event to raise money for breast cancer. A couple hundred women packed this hair and manicuring salon on Sunday, March 4th. The owners, Nicole Testa and Joe Cannatelli, father and daughter, opened their business doors and offered the services of their two dozen employees, all free of charge. Nicole's husband, Ken Testa, was by her side the entire day also. The bottom line: More than $14,000 was raised to fight breast cancer.

The Biden Breast Health Initiative is a program designed to educate young women across Delaware on the importance of proper breast health and the life-saving importance of early detection of breast cancer.

Awareness and early detection are the best defenses in fighting breast cancer mortality, and for these measures to be most effective, they must be raised among young women.

Delaware has ranked, consistently and dismally, number one, two or three nationwide in breast cancer mortality rates over the past ten years.

The Biden Breast Health Initiative Committee found that ranking to be simply unacceptable for women, especially for a State as generally progressive as Delaware.

Since its inception, the "breast health for teens" program has been presented to many thousands of young women in nearly every high school in Delaware, both public and private.

But it takes more than the hard work of highly motivated volunteers to make a program like this work as well as it has, it also takes money.

All educational and support materials provided for the program are financed through fundraisers the committee holds annually, no taxpayer dollars are used to fund any aspect of the program.

The funds raised at the "Chez Nicole" event will be used to reach even more high school students and purchase supplies for the "breast health for teens" program. The money also is needed to train school nurses and health teachers on how to help young women maintain breast health throughout their life time.

I am proud to commend the generosity of Nicole Testa and Joe Cannatelli and their "Chez Nicole" team for their commitment to helping the Biden Breast Health Initiative educate more young women about breast cancer.

HIGHER EDUCATION AND TECHNOLOGY

Mr. TORRICELLI. Mr. President, I rise today to bring to your attention an editorial written by Dr. Harold (Hal) Raveche, president of Stevens Institute of Technology that appeared in the Boston Sunday Globe on February 18, 2001. Dr. Raveche is a highly respected academician. His recent Boston Globe editorial discusses the need to change our higher education system to reflect the changing dynamics of a high technology driven New Economy. Stevens is already teaching its students in a unique, different way called "Technogenesis."

I ask unanimous consent that Dr. Raveche's editorial be printed in the RECORD and urge my colleagues to give it thoughtful consideration.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

If High Schools Can Change, Then Why Not Colleges? Higher Education Largely the Same, Despite Technology Advances

(By Harold J. Raveche)

College freshmen right out of high school are discovering an amazing contradiction once they cross the threshold into higher education: Colleges are far more expensive to attend, yet offer an education style that is out of date and not even up to par with what these kids experienced in high school.

President Bush's first week in office was dubbed education week. If this is truly the case, his administration should see that American colleges are offering students a century-old model of education, still powered by complacency and resistance to change, that lost its relevance nearly 30 years ago. If American high schools and elementary schools were as static as our colleges, the public would demand a major revolution. Yet, colleges continue under systems that seem impervious to change.

What's required is the breaking down of the walls that separate the departments in a college, and collaboration among the faculty, instead of the fiefdoms that are the rule. And, it requires quite a bit of capital to retool the system.

The more advanced high schools have already done this, and now colleges find themselves in the embarrassing position of having their freshmen become bored quickly by old systems of teaching that lack the excitement and challenge of what the students found in their junior and senior years of secondary schools. (This already occurs as the computer skills of recent high school students surpass the information technology sophistication of their college instructors. The teaching of core subjects such as science, mathematics, and writing has not changed for nearly a century. Computer technologies have festooned teaching with many new bells and whistles, but curriculums and content have remained largely the same. No matter what endeavor future graduates choose, they will increasingly face challenges that are inherently interdisciplinary, involving the overlap of people, technology, and global commerce. Yet, we continue to teach courses as we did in 1900, clinging to the belief that we are giving students critical thinking skills. But we aren't.

For example, topics in chemistry and physics, such as acid-base equilibria, electronic structure, Newton's laws, and Einstein's photoelectric effect are important concepts for students to learn. But, must we teach these concepts in the same static way? Can you imagine how many more students would be turned on by science if they studied chemistry through the learning of autoimmune diseases and how synthetic implants become functioning parts of our bodies? Can you imagine learning mechanics through bone and muscle functions? How about teaching quantum physics illustrating how semiconductors in Internet entertainment electronics work?

Further, can you imagine requiring writing assignments for computer science and electrical engineering majors, where papers were graded on content, grammar, and literary style? Can you imagine having math, literature, and marketing majors on the same learning team where their assignments include organizing a presentation for faculty review? Such changes would better prepare tomorrow's graduates.

Team-based learning prepares students to apply their knowledge and skills in context. You are a recent graduate with an economics degree who has just taken a job with a technology start-up company. Your CEO hired you because of your educational background, but she expects you to challenge the assumptions of the inventor, design engineer, production supervisor, and sales manager. Now, what do you do, because in college you studied only with other economics majors and hung out with your circle of friends? Had your college made the commitment to having you learn, in part, through teams consisting of students from different majors, you might be better prepared.

Faculty members also benefit through such curriculum changes because they are better able to assess the overall capabilities of the university's students, whereas today the evaluation of student progress is largely limited to areas of specialization. In this way, faculty will understand the cumulative impact on students of the university's various academic requirements. Graduates, after all, are the product of their total college experience. Beyond academe, it is well understood that organizations thrive when their component elements create synergy. This "best practice" applies to colleges.

Is such innovation a fad? Perhaps, in the view of traditionalists, I, rather, see these changes as the outcome of a whole new approach to undergraduate education, one that redefines instruction and collaboration according to how the world is evolving. Some colleges may claim that they are attempting change by adding new requirements to existing courses of study. That's the problem—courses have been inserted into yesterday's programs of study because of the tugs of technology and other factors. Instead, we must redesign our curriculums to advance our students.

Have you looked under the hood of your car lately? The engine is not just the old one with a few new parts. The former engines have been redesigned and technology is everywhere. Change was necessary to meet environmental, cost, and marketplace issues.

Specialists can't repair newer models without extensive training, new knowledge, and skills. To develop new curriculums, a very difficult task, faculty need training and ample time.

Realizing the new vision for higher education will be expensive. Faculty need opportunities to partner with faculty in other departments, which means paid leaves, reduced teaching loads, and incentives, particularly to engage research-oriented faculty. Workshops are needed for faculty and graduate teaching assistants, where outside professionals, who see connection between technology, social issues, and business, help shape the new curriculums.

Partnerships should include professionals beyond academe. Ongoing input and instruction from accomplished members of the private and government sectors will help ensure that students learn in the context of what they will encounter after graduation.

Classrooms with Internet access and new equipment are needed so that faculty can creatively utilize resources beyond the boundaries of their universities. New laboratories are needed that have equipment that enables students to perform experiments beyond the traditional, narrowly focused exercises in chemistry, physics, and biology labs. Collaboration and innovation must be encouraged. In the current system, faculty are rewarded for teaching in their areas of specialization, research, and service. Faculty should be recognized for collaboration on new courses that go beyond their areas of expertise. How do you reward teamwork?

Policies are needed to minimize turf wars that will inevitably arise if academic units fear that curriculum redesign will cause the number of courses they teach to decrease. Perhaps the most important step in ensuring success is for the president to nurture the campus-wide mindset that interdisciplinary and team-based learning will be rigorous and subject to the highest standards of faculty scholarship.

Predictably, innovation will be accompanied by opinions, from various quarters, that departure from the tried and true will lower standards. On the contrary, by clinging to the status quo, academic preeminence will slowly, but inevitably, erode because changes in the world are outpacing undergraduate education.

Employers are investing more in training college graduates. It takes up to two years before recent graduates are able to contribute at the level expected by their companies. Shortcomings cited include people skills, ability to apply knowledge, and adjusting to projects involving professionals from different backgrounds and with different skill sets.

Each college and university has core values upon which their education is built. Such values do not change with time. However, using them as the foundation, institutions must redesign their curriculums to give students the broadest preparation for a world where traditional boundaries are blurred and disappearing. Without such innovation, colleges will be squeezed at both ends—high school seniors and employers will be disappointed.

ANTI-SEMITISM

Mr. SMITH of Oregon. Mr. President, I rise to make a statement on a matter that troubles me deeply. I do so with considerable reluctance.

It concerns a good friend of the United States, a country that for twenty years has been one of the bedrocks upon which the search of peace in the Middle East has rested. Here I speak about the Arab Republic of Egypt. I am loathe to bring to this floor anything that mars the image of the country that produced a leader of the courage and vision of Anwar Sadat.

I am told that the time is never right for such a statement. This is, as the experts always say, a "critical moment in the Middle East," a "turning point," or a "cross-roads." A wrong word here and a misplaced gesture there, I am told, and the pendulum may swing from tension to confrontation. Well, they may be correct. But then the time may never be right to speak out.

The wrong that has been committed in Egypt on a daily basis is one with which we in the West sadly have far too much experience. Indeed, it is a wrong that mars our history at its very roots and is something that we can never work too hard to remove from our thoughts and our consciousness. But because I know how far we have come in ridding this curse from our minds and hearts, and because I have come to learn how much it has become daily fare in the newspapers, airwaves, and pulpits of Egypt, I have put aside my reluctance to speak out on this issue today.

The issue is anti-Semitism.

I am not speaking of critiques of Israeli policy, but a resurgence of acerbic anti-Semitism and Holocaust denial. I am speaking of the coarsest sort of hatred of Jews as Jews, the kind of hatred that pollutes the mind, infects the soul and ensures that peace remains stone cold.

Caricatures of Jews that could have been lifted directly from the pages of Der Sturmer seem to have been transplanted directly into the leading Egyptian newspapers; accusations of far-fetched Jewish conspiracies that are restricted to the radical fringe in our country are daily fare of the elite press in Cairo—cartoons that are grotesque, stories that are lurid, articles that are filled with nothing but hate, loathing and intolerance. I have a long catalogue of vile statements, pictures, cartoons, and articles, but I will not sully the reputation of this chamber in reciting them to you today. I will, however, request inclusion in the Congressional Record of selections from several major Egyptian newspapers in recent months. These media outlets are all state-owned, pro-government newspapers.

It is a sad reality that anti-Semitism exists in many parts of the globe, alongside its first cousins of racism, sexism, xenophobia, and other forms of intolerance. And I am the first to admit that we as a nation do not have clean hands here. But what separates our experience from the terrible form of anti-Semitism that we see in Egypt today is that we denounce it from the secular and religious pulpits of our society. We give it no sanction and no sanctuary in our public life. And we fight it wherever it rears its ugly head.

Unfortunately, in Egypt the opposite seems to be the rule. Some of the vilest forms of anti-Semitic literature are published not in the sensationalist opposition press but in the major newspapers owned and operated by the Egyptian leaders who either dismiss the numerous examples of anti-Semitism as the stuff of far-left or far-right fringe groups or rush to hide behind the four word safe haven of "freedom of the press." It is disappointing that Egyptian leaders do not take to the airwaves, opinion pages or pulpits of their country to denounce anti-Semitism and condemn those who would traffic in hate.

It is particularly disappointing that Egyptian leaders do not take a stand against this hatred because of its history and its role. Egypt is a leader in the Arab world, which affords her enormous influence. Egypt has been a brave leader in the pursuit of a peace that, on this issue, has sadly lost its moral compass. Two generations after the Holocaust and the founding of Israel, I, for one, can no longer sit idly by as I watch a new generation of Middle Easterners grow up inheriting an ideology of hate. Nor can I sit idly by, as we Americans annually funnel close to $2 billion to Egypt, some of which subsidizes a government-owned press which promulgates hatred and corrupts the minds of its readers.

Therefore, I believe that there needs to be a clear, unequivocal and systematic effort by the Government of Egypt to repudiate the purveyors of anti-Semitic hatred, to build a culture of tolerance on which the prospect of real peace can flourish.

As I said at the outset, I rise today with extreme reluctance. I want to be clear that this is not an issue regarding the freedom of the press in Egypt; rather, it is a call to action. I hope my colleagues will join me in sending a message to our friends in Egypt that such ugly and despicable anti-Semitism rhetoric must be repudiated officially and strongly at every level.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 3, 2001, the Federal debt stood at $5,776,367,926,942.46, Five trillion, seven hundred seventy-six billion, three hundred sixty-seven million, nine hundred twenty-six thousand, nine hundred forty-two dollars and forty-six cents.

One year ago, April 3, 2000, the Federal debt stood at $5,750,620,000,000, Five trillion, seven hundred fifty billion, six hundred twenty million.

Five years ago, April 3, 1996, the Federal debt stood at $5,135,691,000,000, Five trillion, one hundred thirty-five billion, six hundred ninety-one million.

Ten years ago, April 3, 1991, the Federal debt stood at $3,470,646,000,000, Three trillion, four hundred seventy billion, six hundred forty-six million.

Fifteen years ago, April 3, 1986, the Federal debt stood at $2,021,705,000,000, Two trillion, twenty-one billion, seven hundred five million, which reflects a debt increase of almost $4 trillion, $3,754,662,926,942.46, Three trillion, seven hundred fifty-four billion, six hundred sixty-two million, nine hundred twenty-six thousand, nine hundred forty-two dollars and forty-six cents during the past 15 years.

ADDITIONAL STATEMENTS

APRIL 26, 2001, IS NATIONAL D.O. DAY

• Mr. FITZGERALD. Mr. President, April 26 is National D.O. Day, a day when we recognize the more than 47,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. On National D.O. Day, more than 500 members of the osteopathic medical profession, including osteopathic physicians and medical students, will descend upon Capitol Hill to share their views with Congress.

I am pleased that nearly 40 osteopathic representatives will be visiting our Capitol from Illinois. These representatives are practicing osteopathic physicians, staff from the American Osteopathic Association's headquarters in Chicago, and osteopathic medical students from the Midwestern University-Chicago College of Osteopathic Medicine.

For more than a century, D.O.s have made a difference in the lives and health of Americans everywhere. They have treated presidents and Olympic athletes. They have contributed to the fight against AIDS and the fight for civil rights. And D.O.s have been represented at the highest levels of the medical profession. Recently, the U.S. Assistant Secretary of Defense for Health Affairs, the chief medical officer for the U.S. Coast Guard, and the Surgeon General of the U.S. Army were all osteopathic physicians.

As fully licensed physicians able to prescribe medication and perform surgery, D.O.s are committed to serving the health needs of rural and underserved communities. That is why D.O.s make up 15 percent of the total physician population in towns of 10,000 or less.

In addition, 64 percent of D.O.s practice in the primary care areas of medicine, fulfilling a need for more primary care physicians in an era marked by the growth of managed care. Overall, more than 100 million patient visits are made each year to D.O.s.

In recognition of National D.O. Day, I would like to congratulate the over 1,900 osteopathic physicians in Illinois, the approximately 630 students at Midwestern University-Chicago College of Osteopathic Medicine, and the 47,000 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.●

RETIREMENT OF CHIEF DOMBECK

● Mr. BINGAMAN. Mr. President, I rise today to recognize and thank Forest Service Chief Michael Dombeck. He served as Chief for four years, beginning in 1997 until his retirement from Federal service last week.

During his tenure, Chief Dombeck was a good friend to New Mexico. His assistance was critical in crafting the Community Forest Restoration Act. Enacted into law last year, this program provides grants to New Mexico communities to team up with the Forest Service to reduce hazardous fuels in and near national forests. I believe this program will set a good precedent for communities and Federal land management agencies to work in a collaborative manner to take care of our forests.

Chief Dombeck also quadrupled the budget for the Youth Conservation Corps, "YCC". YCC programs provide extraordinary benefits to both our youth and our natural resources. Through YCC, desperately needed restoration work is completed on our public lands. At the same time, young people, particularly those living in rural communities in New Mexico and throughout the West, engage in meaningful summer employment and gain new skills. This program also promotes collaboration between communities and Federal land managers.

Thanks in large part to his efforts and support, YCC is now one of the programs eligible for funding set aside by Title VIII of last year's Interior Appropriations Act, referred to as the "Land Conservation, Preservation and Infrastructure Improvement" account.

Last year, Chief Dombeck provided invaluable expertise as Senator DOMENICI and I worked to provide relief to communities at high risk from wildfire that are located in the vicinity of Federal lands. Specifically, he assisted us in targeting additional hazardous fuel reduction funds near these communities to reduce the threat of fire. In addition, he supported our plans to create employment opportunities in these communities. To accomplish this objective, we provided new authority for the land management agencies to give a preference to local people and YCC work crews when awarding contracts and agreements to complete the projects and conduct monitoring.

I commend Chief Dombeck for his efforts to both sustain community well-being and enhance the ecological integrity of the national forest system. I wish him well as he embarks on a new chapter in his life.●

RECOGNIZING THE WORK OF DR. THOMAS E. STARZL

● Mr. SANTORUM. Mr. President, it is my privilege to rise today to recognize the accomplishments of a living legend. Transplant pioneer Thomas E. Starzl performed the world's first liver transplant in 1963 and the first successful series of kidney transplants between nonidentical twins between 1963 and 1964, and he has for four decades continued to make equally extraordinary advancements in the field of organ transplantation.

This coming April 27, Dr. Starzl's former students and colleagues, representing the span of those 40 years, will pay tribute to Dr. Starzl as he enters emeritus status at the University of Pittsburgh. It will be a celebration much to Dr. Starzl's liking—an academic gathering in order to share important scientific information.

Dr. Starzl is a pioneer. His work has had lasting influence and utility in the field of transplantation and on other fields of medicine as well. His legacy has and will continue to make an impact on us all.

In 1980 he developed a combination of drugs that transformed transplantation of the liver and heart from an experimental procedure to a standard treatment for patients with end-stage organ failure. In 1989, his development of another drug markedly improved survival rates for all kinds of transplants and made possible for the first time successful transplantation of the small intestine.

When Pittsburgh welcomed him 20 years ago, we had no idea the incredible contributions this man would make to medicine and mankind. Indeed, the city has enjoyed an enhanced reputation because he chose to make the University of Pittsburgh his academic home. This year marks the 20th anniversary of the first liver transplant he performed in Pittsburgh. Since then, surgeons at the University of Pittsburgh and the UPMC Health System have performed nearly 6,000 liver transplants and more than 11,300 transplants of all organs. These numbers set the world standard, by far.

But Dr. Starzl's work goes far beyond Pittsburgh—he is truly a national treasure. He is one of history's greatest surgeons, someone who made saving a life routine. Even patients who have not been under his direct care have benefitted from his work. In fact, most of the world's transplant surgeons and physicians have been trained by Dr. Starzl or by those trained by him. By this standard alone his impact is immeasurable and permanent. He has forever changed and improved health care delivery as we know it.

Dr. Starzl, please know that every American is indebted to you for your hard work, your refusal to take no for an answer, and most of all, for your genius and skill as a surgeon and a researcher. The world is a better place because you chose to make Pittsburgh your home.●

HONORING BILL RADIGAN

● Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota's most exceptional public leaders, and a life-long friend in my home town of Vermillion, SD. Bill Radigan led a full life, committed to his family, his nation and his community.

Bill answered America's call to the military during World War II as a member of the Army Air Corps. He served the Vermillion region during his 35 years with the U.S. Postal Service, while simultaneously coordinating Vermillion's school bus system. He served as secretary of the South Dakota teener baseball program for over 30 years and provided needed leadership through the American Legion and VFW. Bill was secretary-treasurer of the Vermillion Volunteer Fire Department for 55 years, and served as city councilman and mayor of Vermillion, where he oversaw the development of progressive new projects in our home town.

I had the privilege of working with Bill on issues ranging from veterans' benefits to the Vermillion-Newcastle Bridge, which will span the Missouri River by the end of this summer. But for all of Bill Radigan's commitment to public service, nothing was more important in his life than his family. He and his wife Susie made a dynamic pair in our community, and their 11 children and many grandchildren were of utmost importance to them. Bill's national, State, and community leadership achievements were extraordinary, but the strong family values he and Susie lived out every day of their marriage serves as well as an inspiration for all.

I had the privilege of attending Bill's funeral this past week, and the outpouring of love and respect from the entire community was extraordinary. Our Nation and South Dakota are far better places because of Bill's life, and while we miss him very much, the best way to honor his life is to emulate his commitment to public service and family.●

HAPPY BIRTHDAY, MARY SAMSON LEFEVRE

● Mr. ROCKEFELLER. Mr. President, today is a special day in our office. We are joining our science fellow, Russ Lefevre, in celebrating the 99th birthday of his mother, Mary Samson Lefevre. She was born on April 4, 1902 and lived on a farm in North Dakota for her early years. Her parents were second generation French-Canadian immigrants, and she was one of eight children. She went to grade school at a Catholic elementary school in a small farming community but dropped out of school after the 8th grade to help on her parents' farm.

She married Ernest Lefevre in 1934. They lived in a small town in North Dakota. She worked most of her life in a bakery, retiring at age 74. Mrs. Lefevre lives in a care center in Maplewood, MN near her daughter. She is in good health and good spirits, as she participates in the many activities in the center. She continues her interest in national affairs.

While she had to leave school early, as often happened at that time, Mrs. Lefevre places great value on education. One of her sources of pride is that all three of her children are college graduates. This is largely due to her strong encouragement. Russ has a Ph. D. in Electrical Engineering. Shirley has a B.S. in Education and teaches in the White Bear Lake, MN Elementary Schools. Robert has a Bachelors degree in Mathematics and worked in the Software industry for over 35 years.

A 99th birthday is a special occasion for her, as well as her family and friends. Over the course of her long life, Mrs. Lefevre has seen an amazing transition in our country and our culture. Such experience brings a wisdom and knowledge that enriches the lives of her loved ones.

Such a celebration is also a chance for each of us to take a moment to appreciate our own family and our own family traditions.•

IN RECOGNITION OF JOHN JOHNSON

• Mr. TORRICELLI. Mr. President, I rise today to recognize the accomplishments and commitment of one of New Jersey's great leaders, John "J.J." Johnson. He has dedicated his life to protecting and promoting the rights of his fellow union members and has worked to help many others build on the promise of the American Dream.

J.J first became active in the labor movement in 1960, when he organized the workers at the Peter Pan factory in East Newark, New Jersey. Since then, J.J. has worn many hats in his long and distinguished career of public service. For ten years, J.J. served as Secretary-Treasurer of Postal Union, Local #10. In 1975, J.J. co-founded Service Employees International Union Local 617, where he served for 25 years as Executive Vice President. Since then, Local 617 has become New Jersey's largest Public Employee Local, representing over 3,500 members.

Throughout the years, J.J. has been on the front line of progress for union members in New Jersey. In 1996, J.J. became the first African American from New Jersey to be elected to the Executive Board of the Service Employees International Union. As a member of the board, J.J. fought for fair wages, better health benefits, and safer working conditions, and was later elected president of the SEIU New Jersey State Council, which represents over 25,000 workers in the State of New Jersey.

In 1998, J.J. had the honor of being the first African American to serve as Grand Marshall of the Essex-West Hudson Labor Council "Celebration of Labor Day Parade," and received the National Leadership Achievement Award from the SEIU Caucus of People of African Descent. In 2000, J.J. also became the first African American to receive the New Jersey AFL–CIO Labor Award, and later this month he will be honored by the National African American Caucus of the SEUI for his outstanding leadership in the Union.

I am proud to recognize the accomplishments of J.J. Johnson, a man who for thirty years has been a standard bearer of the labor movement. His hard work, determination, and service are a model for our labor leaders, indeed all leaders, to follow and learn from.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:09 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 768. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

H.R. 974. An act to repeal the prohibition on the payment of interest on demand deposits, to increase the number of interaccount transfer which may be made from business accounts at depository institutions, to authorize the Board of Governors of the Federal Reserve System to pay interest on reserves, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 59. Concurrent resolution expressing the sense of Congress regarding the prevention of shaken baby syndrome.

H. Con. Res. 93. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

At 4:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 132. An act to designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building."

H.R. 395. An act to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office of West Melbourne, Florida."

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 768. An act to amend the improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; to the Committee on Health, Education, Labor, and Pensions.

H.R. 974. An act to increase the number of interaccount transfers which may be made from business accounts at depository institutions, to authorize the Board of Governors of the Federal Reserve System to pay interest on reserves, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 59. Concurrent resolution expressing the sense of Congress regarding the establishment of National Shaken Baby Syndrome Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions:

Special Report entitled "Special Report entitled "Legislative Activities of the Committee on Health, Education, Labor, and Pensions during the 106th Congress"." (Rept. No. 107–11).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 7: A concurrent resolution expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN (for herself, Mr. ALLARD, and Mr. GRASSLEY):

S. 686. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 687. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 688. A bill to amend title 49, United States Code, relating to the airport noise and access review program; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 689. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 690. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 691. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

By Mr. HELMS:

S. 692. A bill to issue a certificate of documentation for the vessel EAGLE; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. BURNS):

S. 693. A bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. LIEBERMAN, Mr. DODD, Mr. COCHRAN, Mrs. LINCOLN, Mr. REID, and Mr. DOMENICI):

S. 694. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BINGAMAN, and Mr. BYRD):

S. 695. A bill to provide parents, taxpayers, and educators with useful, understandable school report cards; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK:

S. 696. A bill to prohibit the Federal Communications Commission from applying spectrum aggregation limits to spectrum assigned by auction after 2000; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. HAGEL, Mr. ROCKEFELLER, Mr. CRAIG, Mr. BINGAMAN, Mr. CRAPO, Mrs. LINCOLN, Mr. BROWNBACK, Mr. TORRICELLI, Mr. WARNER, Mr. CONRAD, Mr. ROBERTS, Mr. KERRY, Mr. SMITH of Oregon, Mr. DASCHLE, Ms. COLLINS, Mr. BREAUX, Mr. HUTCHINSON, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CARPER, Mr. CLELAND, Mr. SCHUMER, Mr. DORGAN, Mr. BIDEN, Mrs. CARNAHAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. WELLSTONE, Mr. DAYTON, Mr. SARBANES, Mr. DURBIN, Mr. BAYH, and Mr. MILLER):

S. 697. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. REID):

S. 698. A bill to amend the Safe Drinking Water Act to designate chromium-6 as a contaminant, to establish a maximum contaminant level for chromium-6, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 699. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. KOHL, and Mr. HATCH):

S. 700. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMPSON:

S. Con. Res. 31. Concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children; to the Committee on the Judiciary.

By Mr. DURBIN:

S. Con. Res. 32. A concurrent resolution honoring The American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 170, supra.

At the request of Mr. NELSON of Florida, his name and the name of and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 170, supra.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 288

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 288, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes.

S. 316

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 316, a bill to provide for teacher liability protection.

S. 351

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 403

At the request of Mr. COCHRAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 403, a bill to improve the National Writing Project.

S. 413

At the request of Mr. COCHRAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 413, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 426

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 426, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to holders of bonds financing new communications technologies, and for other purposes.

S. 428

At the request of Mrs. CLINTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 428, a bill to provide grants and other incentives to promote new communications technologies, and for other purposes.

S. 429

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 429, a bill to expand the Manufacturing Extension Program to bring the new economy to small- and medium-sized businesses.

S. 430

At the request of Mrs. CLINTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 430, a bill to provide incentives to promote broadband telecommunications services in rural America, and for other purposes.

S. 463

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 463, a bill to provide for increased access to HIV/AIDS-related treatments and services in developing foreign countries.

S. 466

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 534

At the request of Mr. CAMPBELL, the names of the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 534, a bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 599

At the request of Mr. ROBERTS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 599, a bill to amend the Omnibus Trade and Competitiveness Act of 1988 to establish permanent trade negotiating and trade agreement implementing authority.

S. 604

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 604, a bill to amend title III or the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 643

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 643, a bill to implement the agreement establishing a United States-Jordan free trade area.

S. 662

At the request of Mr. DODD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 683

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 683, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

AMENDMENT NO. 174

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. BOND) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of amendment No. 174 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 176

At the request of Mr. CONRAD, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 176 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. CORZINE)

S. 687. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, today, I rise to introduce the Higher Education Affordability and Fairness Act.

It is easy to forget that less than ten years ago this nation faced an endless stream of budget deficits. Today, through fiscal responsibility and the hard work and sacrifice of the American people, an unprecedented budget surplus has taken the place of annual deficits.

Clearly, there are many priorities to be addressed with this good fortune. The time has come to ease the tax burden on the American public through a reduction in tax rates. We must reserve a portion of the surplus for necessary investments in education, a prescription drug benefit, as well as a continuation of the progress we have made in reducing the national debt. Among those priorities we must include programs and policies to increase the affordability of a college education. I believe that this can be done through expanding tax credits and making college tuition tax deductible.

A college degree is becoming a prerequisite for the advanced skills that have become necessary in this global, information-based economy. And financially, a college education is integral to achieving middle-class earning power. In 1999, the average male college graduate earned 90 percent more than the average male high school graduate. In the late 1970's the difference in pay was only 50 percent.

While the benefits and the need of higher education have increased, so, too have the costs. In the last decade, the cost of sending a child to college has increased 40 percent, nearly two and a half times the rate of inflation.

Too often, the struggle to send a child to college consumes the budget of working families. In New Jersey, families spend anywhere from 30 to 50 percent of their incomes on college expenses, leaving little for the mortgage, medical bills, long-term care for a parent, or even a car payment.

In years past, Congress has sought to address college affordability by providing a HOPE Scholarship tax credit of up to $1,500 for the first two years of expenses and a Lifetime Learning tax credit of up to $1,000 for the third and fourth years as well as for graduate school. For low-income families, Congress has increased funding to $8.75 billion for Pell grants, a need-based grant program that will help send four million Americans to college this year.

But more can and should be done.

Under existing law, taxpayers cannot deduct higher education expenses from their taxes, unless the expenses meet a very narrow definition as "work-related". In addition, families living in high cost states like New Jersey or California do not receive the same benefits as those living in lower cost states because of unfair income limitations. Finally, a family who invests in an Education IRA cannot use the savings for a child's college education and also receive the benefits of the HOPE or Lifetime Learning tax credits. Today, I am introducing the Higher Education Affordability and Fairness Act, HEAFA, to address these issues.

HEAFA would allow families who take the HOPE tax credit to deduct up to the next $8,000 in tuition expenses not covered by the credit, capping the deduction at $15,000 in tuition expenses in one year if a family has more than one child in college. Families ineligible for the Hope Scholarship, due to its income limitations, would be able to deduct $5,000 of tuition costs.

The bill would also increase the Lifetime Learning credit to 20 percent of $10,000 of tuition, from the current 20 percent of $5,000, and provide families with the choice of taking either the credit or a deduction on up to $10,000 of tuition, $5,000 if a family earns more than $120,000 a year.

HEAFA would raise the phase-out limit for the HOPE credit to $60,000 for singles and $120,000 for couples, allowing more families to benefit.

In order to ensure that savings go to the intended beneficiaries, families and students, the bill directs an annual study to examine whether the federal income tax incentives to provide education assistance affect higher education tuition rates.

Finally, to address the needs of low-income families, the bill expresses the sense of the Senate that the maximum annual Pell Grant should be increased to $4,700 per student.

With so many families struggling today to pay their mortgages, afford the high cost of prescription drugs and contribute to the long-term care of their parents, helping families better afford college is the least we can do.

By Mr. WELLSTONE:

S. 690. A bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to reintroduce the Medicare Mental Health Modernization Act, a bill to improve the delivery of mental health services through the Medicare health care system. This improvement and modernization of mental health services in the Medicare system is long overdue. It has remained virtually unchanged since it was enacted by Congress in 1965. In the 36 years since then, the scientific breakthroughs in our understanding of mental illnesses and the vast improvements in medications and other effective treatments have dramatically changed our understanding and treatment of mental illness. Yet, the health care systems, both public and private, lag behind in the treatment of this potentially life-threatening disease. As we work to improve health care for all Americans, in all health care systems, the ever-growing population of older Americans make it all the more urgent that we bring the Medicare system into the 21st century, and bring mental health care to those in need.

Though often undetected and untreated, mental health problems among the elderly are widespread and life-threatening. Americans aged 65 years and older have the highest rate of suicide of any population in the United States. Sadly, these suicide rates increase with age. While this age group accounts for just 13 percent of the U.S. population, Americans 65 and older account for 20 percent of all suicide deaths. All too often, depression among the elderly is ignored or inappropriately treated. This disease, and other illnesses such as Alzheimer's disease, anxiety and late-life schizophrenia, can lead to severe impairment or death.

Major depression is strikingly prevalent among older people, with between 8 and 20 percent of older people in community-based studies showing symptoms of depression. Studies of patients in primary care settings show that up to 37 percent report such symptoms, although they often go untreated. Depression is not a "normal" part of aging, but a serious, debilitating disease. Almost 20 percent of individuals age 55 and older experience a serious mental disorder. What is most alarming is that most elderly suicide victims, 70 percent, have visited their primary care doctor in the month prior to their completed suicide. It is critical that the mental health expertise be provided within the Medicare system, and that screening, diagnosis, and treatment be provided in a timely manner.

Despite this need, Medicare coverage for mental health services is much more expensive for elderly patients than coverage for other outpatient services. In order to receive mental health care, seniors must pay, out of their own pockets, 50 percent of the cost of a visit to their mental health specialist, an extremely unfair burden to place on the elderly, who are so often facing other health or life difficulties as well. For all other health care services, the copayment for Medicare participants is 20 percent, not 50 percent.

We know that substance abuse, particularly of alcohol and prescription drugs, among adults 65 and older is one of the fastest growing health problems in the United States. With seventeen percent of this age group suffers from addiction or substance abuse. While addiction often goes undetected and untreated among older adults, aging and disability only makes the body more vulnerable to the effects of these drugs, further exacerbating underlying health problems, and creating a serious need for treatment that recognizes these vulnerabilities.

Medicare also provides health care coverage for non-elderly individuals who are disabled, through Social Security Disability Insurance, SSDI. According to the Health Care Financing Agency, HCFA, Medicare is the primary health care coverage for the 5 million non-elderly, disabled people on SSDI. More than 20 percent of these individuals have a diagnosis of mental illness and/or addiction, and also face severe discrimination in their mental health coverage.

What will this bill do? The Medicare Mental Health Modernization Act has several important components. First, the bill reduces the 50 percent copayment for mental health care to 20 percent, which makes the copayment equal to every other outpatient service in Medicare. This is straightforward, fair, and the right thing to do. By doing so, this provision will increase access to mental health care overall, especially for those who currently forego seeking treatment and find themselves suffering from worsening mental health conditions. Second, the bill adds intensive residential services to the Medicare mental health benefit package. This provision will give people suffering from diseases such as schizophrenia or Alzheimer's disease an alternative to going to nursing homes. Instead, they will be able to be cared for in their homes or in more appropriate residential settings. I also ask the Secretary for Health and Human Services to conduct a study of the current Medicare coverage criteria to determine the extent to which people with these forms of illnesses are receiving the appropriate care that is needed.

Finally, my bill expands the number of mental health professionals eligible to provide services through Medicare to include clinical social workers and licensed professional mental health counselors. Provision of adequate mental health services provided through Medicare requires more trained and experienced providers for the aging and growing population and should include those who are appropriately licensed and qualified to deliver such care.

These changes are needed now. The bill enjoys the strong support of many mental health groups including, among others, the National Alliance for the Mentally Ill, the National Mental Health Association, theAmerican Psychological Association, the National Association of School Psychologists, the National Association of Social Workers, the American Association of Geriatric Psychiatry, the Bazelon Center for Mental Health Law, the International Association of Psychosocial Rehabilitation Services, the American Counseling Association, the American Mental Health Counselors Association, the Association for Ambulatory Behavioral Health, the American Association of Marriage and Family Therapists, the National Association of Psychiatric Health Systems, the American Association of Pastoral Counselors, the Association for the Advancement of Psychology, the National Association of County Behavioral Health Directors, the Tourette Syndrome Association, the National Association of Anorexia Nervosa and Associated Disorders, the Suicide Prevention and Advocacy Network, the Suicide Awareness/Voices of Education organization, the American Foundation for Suicide Prevention, the American Association of Suicidology, the Kristin Brooks Hope Center, the The National Hopeline Network 1-800-SUICIDE, the Suicide Prevention Services of Illinois, and the National Resource Center for Suicide Prevention and Aftercare. I commend these organizations and the American Psychiatric Association for their leadership role in fighting for improved mental health care coverage for seniors under Medicare.

U.S. Surgeon General David Satcher recognized the urgency of the problems with Medicare in his recent reports on mental health: "Mental Health: A Report of the Surgeon General" and "The Surgeon General's Call to Action to Prevent Suicide". Dr. Satcher stated, "Disability due to mental illness in individuals over 65 years old will become a major public health problem in the near future because of demographic changes. In particular, dementia, depression and schizophrenia, among other conditions, will all present special problems for this age group." Dr. Satcher also underscored the life-threatening nature of this problem. He noted that the rate of major clinical depression and the incidence of suicide among senior citizens is alarmingly high. This report cites that about one-half of patients relocated to nursing homes from the community are at greater risk for depression. At the same time, the Surgeon General emphasizes that depression "is not well-recognized or treated in primary care settings," and calls attention to the alarming fact that older people have the highest rates of suicide in the U.S. population. Contrary to what is widely believed, suicide rates actually increase with age, and, as the Surgeon General points out, "depression is a foremost risk factor for suicide in older adults."

Clearly, our nation must take steps to ensure that mental health care is easily and readily available under the Medicare program. The Medicare Mental Health Modernization Act of 2001 takes an important first step in that direction. It is time to take this potential fatal illness seriously. I believe we must do everything we can to make effective treatments available in a timely manner for older adults and others covered by Medicare, and help prevent relapse and recurrence once mental illness is diagnosed.

I urge my colleagues to support this bill as we begin our work in this new century. It is time to treat the elderly in our society, particularly those with serious, debilitating diseases, with the care, respect and fairness they deserve. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the "Medicare Mental Health Modernization Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—ESTABLISHING PARITY FOR MENTAL HEALTH SERVICES

Sec. 101. Elimination of lifetime limit on inpatient mental health services.
Sec. 102. Parity in treatment for outpatient mental health services.

TITLE II—EXPANDING COVERAGE OF COMMUNITY-BASED MENTAL HEALTH SERVICES

Sec. 201. Coverage of intensive residential services.
Sec. 202. Coverage of intensive outpatient services.

TITLE III—IMPROVING BENEFICIARY ACCESS TO MEDICARE-COVERED SERVICES

Sec. 301. Excluding clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system and consolidated payment.
Sec. 302. Coverage of marriage and family therapist services.
Sec. 303. Coverage of mental health counselor services.
Sec. 304. Study of coverage criteria for Alzheimer's disease and related mental illnesses.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Older people have the highest rate of suicide of any population in the United States, and the suicide rate of that population increases with age, with individuals 65 and older accounting for 20 percent of all suicide deaths in the United States, while comprising only 13 percent of the population of the United States.

(2) Disability due to mental illness in individuals over 65 years old will become a major public health problem in the near future because of demographic changes. In particular, dementia, depression, schizophrenia, among other conditions, will all present special problems for this age group.

(3) Major depression is strikingly prevalent among older people, with between 8 and 20 percent of older people in community studies and up to 37 percent of those seen in primary care settings experiencing symptoms of depression.

(4) Almost 20 percent of the population of individuals age 55 and older, experience specific mental disorders that are not part of normal aging.

(5) Unrecognized and untreated depression, Alzheimer's disease, anxiety, late-life schizophrenia, and other mental conditions can be severely impairing and may even be fatal.

(6) Substance abuse, particularly the abuse of alcohol and prescription drugs, among

adults 65 and older is one of the fastest growing health problems in the United States, with 17 percent of this age group suffering from addiction or substance abuse. While addiction often goes undetected and untreated among older adults, aging and disability makes the body more vulnerable to the effects of alcohol and drugs, further exacerbating other age-related health problems. Medicare coverage for addiction treatment of the elderly needs to recognize these special vulnerabilities.

(7) The disabled are another population receiving inadequate mental health care through medicare. According to the Health Care Financing Administration, medicare is the primary health care coverage for the 5,000,000 non-elderly, disabled people on Social Security Disability Insurance. Up to 40 percent of these individuals have a diagnosis of mental illness.

(8) The current medicare benefit structure discriminates against the millions of Americans who suffer from mental illness and maintains an outdated bias toward institutionally based service delivery. According to the report of the Surgeon General on mental health for 1999, intensive outpatient services, such as psychiatric rehabilitation and assertive community treatment, represent state-of-the-art mental health services. These evidence-based community support services help people with psychiatric disabilities improve their ability to function in the community and reduce hospitalization rates by 30 to 60 percent, even for people with the most severe mental illnesses.

TITLE I—ESTABLISHING PARITY FOR MENTAL HEALTH SERVICES

SEC. 101. ELIMINATION OF LIFETIME LIMIT ON INPATIENT MENTAL HEALTH SERVICES.

(a) In General.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended—

(1) in subsection (b)—

(A) by adding "and" at the end of paragraph (1);

(B) by striking "; and" at the end of paragraph (2); and

(C) by striking paragraph (3); and

(2) by striking subsection (c).

(b) Effective Date.—The amendments made by subsection (a) shall apply to items and services furnished on or after January 1, 2002.

SEC. 102. PARITY IN TREATMENT FOR OUTPATIENT MENTAL HEALTH SERVICES.

(a) In General.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by striking subsection (c).

(b) Effective Date.—The amendment made by subsection (a) shall apply to items and services furnished on or after January 1, 2002.

TITLE II—EXPANDING COVERAGE OF COMMUNITY-BASED MENTAL HEALTH SERVICES

SEC. 201. COVERAGE OF INTENSIVE RESIDENTIAL SERVICES.

(a) Coverage Under Part A.—Section 1812(a) of the Social Security Act (42 U.S.C. 1395d(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) intensive residential services (as defined in section 1861(ww)) furnished to an individual for up to 120 days during any calendar year, except that such services may be furnished to the individual for additional days (not to exceed 20 days) during the year if necessary for the individual to complete a course of treatment.".

(b) Services Described.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 102(b) and 105(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by adding at the end the following new subsection:

"Intensive Residential Services

"(ww)(1) Subject to paragraphs (3) and (4), the term 'intensive residential services' means a program of residential services (described in paragraph (2)) that is—

"(A) prescribed by a physician for an individual entitled to benefits under part A who is under the care of the physician; and

"(B) furnished under the supervision of a physician pursuant to an individualized, written plan of treatment established and periodically reviewed by a physician (in consultation with appropriate staff participating in such services), which plan sets forth—

"(i) the individual's diagnosis,

"(ii) the type, amount, frequency, and duration of the items and services provided under the plan, and

"(iii) the goals for treatment under the plan.

In the case of such an individual who is receiving qualified psychologist services (as defined in subsection (ii)), the individual may be under the care of the clinical psychologist with respect to such services under this subsection to the extent permitted under State law.

"(2) The program of residential services described in this paragraph is a nonhospital-based community residential program that furnishes acute mental health services or substance abuse services, or both, on a 24-hour basis. Such services shall include treatment planning and development, medication management, case management, crisis intervention, individual therapy, group therapy, and detoxification services. Such services shall be furnished in any of the following facilities:

"(A) Crisis residential programs or mental illness residential treatment programs.

"(B) Therapeutic family or group treatment homes.

"(C) Residential detoxification centers.

"(D) Residential centers for substance abuse treatment.

"(3) No service may be treated as an intensive residential service under paragraph (1) unless the facility at which the service is provided—

"(A) is legally authorized to provide such service under the law of the State (or under a State regulatory mechanism provided by State law) in which the facility is located or meets such certification requirements that the Secretary may impose; and

"(B) meets such other requirements as the Secretary may impose to assure the quality of the intensive residential services provided.

"(4) No service may be treated as an intensive residential service under paragraph (1) unless the service is furnished in accordance with standards established by the Secretary for the management of such services.".

(c) Amount of Payment.—Section 1814 of the Social Security Act (42 U.S.C. 1395f) is amended—

(1) in subsection (b) in the matter preceding paragraph (1), by inserting "other than intensive residential services," after "hospice care,"; and

(2) by adding at the end the following new subsection:

"Payment for Intensive Residential Services

"(m)(1) The amount of payment under this part for intensive residential services under section 1812(a)(5) shall be equal to an amount specified under a prospective payment system established by the Secretary, taking into account the prospective payment system to be established for psychiatric hospitals under section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–332), as enacted into law by section 1000(a)(6) of Public Law 106–113.

"(2) Prior to the date on which the Secretary implements the prospective payment system established under paragraph (1), the amount of payment under this part for such intensive residential services is the reasonable costs of providing such services.".

(d) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

SEC. 202. COVERAGE OF INTENSIVE OUTPATIENT SERVICES.

(a) Coverage.—Section 1832(a)(2) of the Social Security Act (42 U.S.C. 1395k(a)(2)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (J), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(K) intensive outpatient services (as described in section 1861(xx)).".

(b) Services Described.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 202(b), is further amended by adding at the end the following new subsection:

"Intensive Outpatient Services

"(xx)(1) The term 'intensive outpatient services' means the items and services described in paragraph (2) prescribed by a physician and provided within the context described in paragraph (3) under the supervision of a physician (or, to the extent permitted under the law of the State in which the services are furnished, a non-physician mental health professional) pursuant to an individualized, written plan of treatment established by a physician and is reviewed periodically by a physician or, to the extent permitted under the laws of the State in which the services are furnished, a non-physician mental health professional (in consultation with appropriate staff participating in such services), which plan sets forth the patient's diagnosis, the type, amount, frequency, and duration of the items and services provided under the plan, and the goals for treatment under the plan.

"(2)(A) The items and services described in this paragraph the items and services described in subparagraph (B) that are reasonable and necessary for the diagnosis or treatment of the individual's condition, reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization, and furnished pursuant to such guidelines relating to frequency and duration of services as the Secretary shall by regulation establish (taking into account accepted norms of clinical practice).

"(B) For purposes of subparagraph (A), the items and services described in this paragraph are as follows:

"(i) Psychiatric rehabilitation.

"(ii) Assertive community treatment.

"(iii) Intensive case management.

"(iv) Day treatment for individuals under 21 years of age.

"(v) Ambulatory detoxification.

"(vi) Such other items and services as the Secretary may provide (but in no event to include meals and transportation).

"(3) The context described in this paragraph for the provision of intensive outpatient services is as follows:

"(A) Such services are furnished in a facility, home, or community setting.

"(B) Such services are furnished—

"(i) to assist the individual to compensate for, or eliminate, functional deficits and interpersonal and environmental barriers created by the disability; and

"(ii) to restore skills to the individual for independent living, socialization, and effective life management.

"(C) Such services are furnished by an individual or entity that—

"(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) or meets such certification requirements that the Secretary may impose; and

"(ii) meets such other requirements as the Secretary may impose to assure the quality of the intensive outpatient services provided.".

(c) PAYMENT.—

(1) IN GENERAL.—With respect to intensive outpatient services (as defined in section 1861(xx)(1) of the Social Security Act (as added by subsection (b)) furnished under the medicare program, the amount of payment under such Act for such services shall be 80 percent of—

(A) during 2002 and 2003, the reasonable costs of furnishing such services; and

(B) on or after January 1, 2004, the amount of payment established for such services under the prospective payment system established by the Secretary under paragraph (2) for such services.

(2) ESTABLISHMENT OF PPS.—

(A) IN GENERAL.—With respect to intensive outpatient services (as defined in section 1861(xx)(1) of the Social Security Act (as added by subsection (b)) furnished under the medicare program on or after January 1, 2004, the Secretary of Health and Human Services shall establish a prospective payment system for payment for such services. Such system shall include an adequate patient classification system that reflects the differences in patient resource use and costs, shall provide for an annual update to the rates of payment established under the system.

(B) ADJUSTMENTS.—In establishing the system under subparagraph (A), the Secretary shall provide for adjustments in the prospective payment amount for variations in wage and wage-related costs, case mix, and such other factors as the Secretary determines appropriate.

(C) COLLECTION OF DATA AND EVALUATION.—In developing the system described in subparagraph (A), the Secretary may require providers of services under the medicare program to submit such information to the Secretary as the Secretary may require to develop the system, including the most recently available data.

(D) REPORTS TO CONGRESS.—Not later than October 1 of each of 2002 and 2003, the Secretary shall submit to Congress a report on the progress of the Secretary in establishing the prospective payment system under this paragraph.

(d) CONFORMING AMENDMENTS.—(1) Section 1835(a)(2) of the Social Security Act (42 U.S.C. 1395n(a)(2)) is amended—

(A) in subparagraph (E), by striking "and" at the end;

(B) in subparagraph (F), by striking the period and inserting "; and

(C) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of intensive outpatient services, (i) that those services are reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization, (ii) an individualized, written plan for furnishing such services has been established by a physician and is reviewed periodically by a physician or, to the extent permitted under the laws of the State in which the services are furnished, a non-physician mental health professional, and (iii) such services are or were furnished while the individual is or was under the care of a physician or, to the extent permitted under the law of the State in which the services are furnished, a non-physician mental health professional.".

(2) Section 1861(s)(2)(B) of such Act (42 U.S.C. 1395x(s)(2)(B)) is amended by inserting "and intensive outpatient services" after "partial hospitalization services".

(3) Section 1861(ff)(1) of such Act (42 U.S.C. 1395x(ff)(1)) is amended—

(A) by inserting "or, to the extent permitted under the law of the State in which the services are furnished, a non-physician mental health professional," after "under the supervision of a physician" and after "periodically reviewed by a physician"; and

(B) by striking "physician's" and inserting "patient's".

(4) Section 1861(cc) of such Act (42 U.S.C. 1395x(cc)) is amended—

(A) in paragraph (1), by striking "physician—" and inserting "physician or, to the extent permitted under the law of the State in which the services are furnished, a non-physician mental health professional—" and

(B) in paragraph (2)(E), by inserting before the semicolon the following: ", except that a patient receiving social and psychological services under paragraph (1)(D) may be under the care of a non-physician mental health professional with respect to such services to the extent permitted under the law of the State in which the services are furnished".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

TITLE III—IMPROVING BENEFICIARY ACCESS TO MEDICARE-COVERED SERVICES

SEC. 301. EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "clinical social worker services," after "qualified psychologist services,".

(b) CONFORMING AMENDMENT.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

SEC. 302. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES.

(a) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by sections 102(a) and 105(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(1) by striking "and" at the end of subparagraph (U);

(2) by inserting "and" at the end of subparagraph (V); and

(3) by adding at the end the following new subparagraph:

"(W) marriage and family therapist services (as defined in subsection (yy));".

(b) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 201(b) and 202(b), is further amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services

"(yy)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed provided such services are covered under this title, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least two years of clinical supervised experience in marriage and family therapy; and

"(C) is licensed or certified as a marriage and family therapist in the State in which marriage and family therapist services are performed.".

(c) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services;".

(d) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by sections 105(c) and 223(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(A) by striking "and" before "(U)"; and

(B) by inserting before the semicolon at the end the following: ", and (V) with respect to marriage and family therapist services under section 1861(s)(2)(W), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services [illegible] (ii) 75 percent of the amount determined for payment of a psychologist under clause (L)".

(2) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for marriage and family therapist services for which payment may be made directly to the marriage and family therapist under part B of title XVIII of the Social Security Act under which such a therapist must agree to consult with a patient's

attending or primary care physician in accordance with such criteria.

(e) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended in section 301(a), is further amended by inserting "marriage and family therapist services (as defined in subsection (yy)(1))," after "clinical social worker services,".

(f) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1)),," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), or by a marriage and family therapist (as defined in subsection (yy)(2)),".

(g) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 105(d) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by adding at the end the following new clause:

"(vii) A marriage and family therapist (as defined in section 1861(yy)(2)).".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

SEC. 303. COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES.

(a) COVERAGE OF SERVICES.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended in section 302(a), is further amended—

(1) by striking "and" at the end of subparagraph (V);

(2) by inserting "and" at the end of subparagraph (W); and

(3) by adding at the end the following new subparagraph:

"(X) mental health counselor services (as defined in subsection (zz)(2));".

(b) DEFINITION.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by sections 201(b), 202(b), and 302(b), is further amended by adding at the end the following new subsection:

"Mental Health Counselor; Mental Health Counselor Services

"(zz)(1) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) is licensed or certified as a mental health counselor or professional counselor by the State in which the services are performed.

"(2) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (1)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed provided such services are covered under this title as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.".

(c) PAYMENT.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 13951(a)(1)), as amended by section 302(d), is further amended—

(A) by striking "and" before "(V)"; and

(B) by inserting before the semicolon at the end the following: ", and (W) with respect to mental health counselor services under section 1861(s)(2)(X), the amounts paid shall be 80 percent of the lesser of (i) the actual charge for the services or (ii) 75 percent of the amount determined for payment of a psychologist under clause (L)".

(2) DEVELOPMENT OF CRITERIA WITH RESPECT TO CONSULTATION WITH A PHYSICIAN.—The Secretary of Health and Human Services shall, taking into consideration concerns for patient confidentiality, develop criteria with respect to payment for mental health counselor services for which payment may be made directly to the mental health counselor under part B of title XVIII of the Social Security Act under which such a counselor must agree to consult with a patient's attending or primary care physician in accordance with such criteria.

(d) EXCLUSION OF MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A)(ii)), as amended by sections 301(a) and 302(e), is further amended by inserting "mental health counselor services (as defined in section 1861(zz)(2))," after "marriage and family therapist services (as defined in subsection (yy)(1)),".

(e) COVERAGE OF MENTAL HEALTH COUNSELOR SERVICES PROVIDED IN RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)), as amended by section 302(f), is further amended—

(1) by striking "or" before "marriage and family therapist services"; and

(2) by inserting "or mental health counselor services (as defined in section 1861(zz)(2))," after "marriage and family therapist services (as defined in subsection (yy)(1)),".

(f) INCLUSION OF MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), as amended by section 302(g), is further amended by adding at the end the following new clause:

"(viii) A mental health counselor (as defined in section 1861(zz)(1)).".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2002.

SEC. 304. STUDY OF COVERAGE CRITERIA FOR ALZHEIMER'S DISEASE AND RELATED MENTAL ILLNESSES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study to determine whether the criteria for coverage of any therapy service (including occupational therapy services and physical therapy services) or any outpatient mental health care service under the medicare program under title XVIII of the Social Security Act unduly restricts the access of any medicare beneficiary who has been diagnosed with Alzheimer's disease or a related mental illness to such a service because the coverage criteria requires the medicare beneficiary to display continuing clinical improvement to continue to receive the service.

(2) DETERMINATION OF NEW COVERAGE CRITERIA.—If the Secretary determines that the coverage criteria described in paragraph (1) unduly restricts the access of any medicare beneficiary to the services described in such paragraph, the Secretary shall identify alternative coverage criteria that would permit a medicare beneficiary who has been diagnosed with Alzheimer's disease or a related mental illness to receive coverage for health care services under the medicare program that are designed to control symptoms, maintain functional capabilities, reduce or deter deterioration, and prevent or reduce hospitalization of the beneficiary.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the committees of jurisdiction of Congress a report on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Secretary determines appropriate.

By Mr. REID (for himself and Mr. ENSIGN):

S. 691. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Washoe Tribe Lake Tahoe Access Act.

I introduced this bill in the 106th Congress, and it passed in the Senate with unanimous consent. The bill subsequently passed the House with unrelated amendments. Unfortunately, due to a shortage of time, the two versions of the bill were never reconciled and neither version became law. Although the bill was introduced just last year, it has a much longer history to it. In 1997, I help convene a Presidential Forum to discuss the future of the Lake Tahoe basin. A diverse group of Federal, State, and local government leaders addressed the challenges facing the extraordinary natural, recreational, and ecological resources of the Lake Tahoe region. Goals and an action plan developed during the Lake Tahoe Forum were codified as "Presidential Forum Deliverables". These Deliverables include a commitment to support the traditional and customary use of the Lake Tahoe basin by the Washoe Tribe. Perhaps, most importantly, the Deliverables include a provision designed to provide the Washoe Tribe access to the shore of Lake Tahoe for cultural purposes.

The ancestral homeland of the Washoe Tribe of Nevada and California included an area of over 5,000 square miles in and around the Lake Tahoe basin. The purpose of this Act is to ensure that the members of the Washoe Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe including spiritual renewal, land stewardship, Washoe horticultural and ethno-botany, subsistence gathering, traditional learning, and reunification of tribal and family bonds forever. The parties that participated in the Lake Tahoe Presidential Forum endorsed this important bill, and nearly four years later, the concept embodied by this bill continues to enjoy broad support. For example, the Lake Tahoe Gaming Alliance had indicated its support for this bill. The lands conveyed by this bill to the Washoe Tribe would be managed in accordance with the Lake Tahoe Regional Plan, and would not preclude or hinder public access around the lake.

This act will convey 24.3 acres from the Secretary of Agriculture to the Secretary of the Interior to be held in trust for the Washoe Tribe. This is land located within the Lake Tahoe Management Unit north of Skunk Harbor, Nevada. The land in question would be conveyed with the expectation that it would be used for traditional and customary uses, and stewardship conservation of the Washoe Tribe, and will not permit any commercial use. The provision of this bill prohibiting development of this land was specifically requested by leaders of the Washoe Tribe. The bill provides that if the Tribe attempts to exploit the land for any commercial development purpose, title to the land will revert to the Secretary of Agriculture. Again this is a safeguard, not just agreed to by the Washoe Tribe, but suggested by them. Finally, I would like to highlight the fact that Senator ENSIGN of Nevada joins me today to introduce this important bill. I know that Senator ENSIGN values the wonders of Lake Tahoe, and his support for this bill will help ensure that the Washoe Tribe will one day call the shores of Lake Tahoe home once again.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the "Tribe") included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

By Mr. HELMS:

S. 692. A bill to issue a certificate of documentation for the vessel *Eagle*: to the Committee on Commerce, Science, and Transportation.

Mr. HELMS. Mr. President, today I am sending to the desk S. 692, a bill that would grant a waiver of the so-called Jones Act to the Scour Barge *Eagle*, a ship owned by the State of North Carolina. Enactment of this essential legislation will enable the *Eagle* to clear silt buildup on the river bottom along the dock and wharf facilities of the North Carolina State Ports Authority.

The Scour Barge *Eagle* is an old U.S. Army barge outfitted with a pump and pipe system, commonly known as a "scour jet." The ship directs pressured water at silt build-up points along areas adjacent to the docking facilities of the North Carolina State Ports Authority in Wilmington. Proper drafts at berths along the docking facilities must be maintained in order for ships to on-load and off-load cargo, especially bulk cargos.

While it is clearly documented that the Scour Barge *Eagle* was built by Peden Steel Company in Raleigh, around 1943, this legislation is nevertheless essential because the State of North Carolina is unable to establish a continuous title chain. In the past Congress has passed similar legislation to grant Jones Act waivers so that similar vessels could operate in the coastwise trades.

Mr. President, a bill identical to the one I'm offering today was incorporated into S. 1089, the Coast Guard Authorization Act of 2000, which the Senate approved by unanimous consent last year. The House failed to pass the Senate bill, making it necessary to reintroduce this bill as I am doing today.

I do hope that the Senate will swiftly adopt this legislation. I ask unanimous consent that a copy of the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTIFICATE OF DOCUMENTATION FOR THE EAGLE.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), chapter 121 of title 46, United States Code, and section 1 of the Act of May 28, 1906 (46 U.S.C. App. 292), the Secretary of Transportation shall issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel EAGLE (hull number BK–1754, United States official number 1091389) if the vessel—

(1) is owned by a State, a political subdivision of a State, or a public authority chartered by a State;

(2) if chartered, is chartered to a State, a political subdivision of a State, or a public authority chartered by a State;

(3) is operated only in conjunction with—

(A) scour jet operations; or

(B) dredging services adjacent to facilities owned by the State, political subdivision, or public authority; and

(4) is externally identified clearly as a vessel of that State, subdivision, or authority.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. BURNS):

S. 693. A bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation aimed at protecting Social Security benefits of some of the most vulnerable people in our society.

Today, I am introducing, along with my colleagues Senator BREAUX and Senator BURNS, the Social Security Beneficiaries Protection Act of 2001. This legislation, identical to legislation introduced in the 106th Congress, is meant to provide additional safeguards for beneficiaries with organizational representative payees. Sometimes, beneficiaries are not capable of managing their benefits on their own. Usually, in these situations, a family member or close friend manages their benefits for them. However, there are those who, for whatever reason, don't have family or friends who are able to act as the representative payee. In those cases an organizational representative payee can handle their benefit checks.

Approximately, 750,000 Social Security beneficiaries have an organization handling their monthly checks. These organizations include social service agencies, banks and hospitals. Most of these organizations provide a much needed service.

However, in the spring of last year, the Senate Special Committee on Aging, which I chaired at the time, held a hearing examining the fraudulent misuse of benefits by some organizational representative payees. The hearing highlighted the findings of an investigation conducted by the Social Security Administration's, SSA, Office of Inspector General, OIG. James Huse, Inspector General for SSA testified that since fiscal year 1998 the Social Security Administration has identified over $7.5 million in losses to beneficiaries. In several of those cases, hundreds of individuals were victims of severe abuses by organizational representative payees.

Another witness at the hearing, Ms. Betty Byrd testified to the hardship that is placed on a beneficiary who is the victim of a dishonest representative payee. Ms. Byrd was 70 years old and required a representative payee because of an extended hospital stay 100 miles from her home, followed by placement in an assisted living facility. Her fee-for-service organizational representative payee, Greg Gamble, was responsible for collecting Ms. Byrd's benefits and paying her utility bills, medical expenses, and rent. However, Mr. Gamble had his own ideas for how to spend Ms. Byrd's money. He stopped paying her rent and as a result she was forced to sell her trailer. The power was turned off because he stopped paying her utility bills. Her care facility informed her that Mr. Gamble was several months behind on her payments. The nursing home threatened to evict her. In her own words she was left, "almost homeless, without medical care, and in serious financial trouble." Mr. Gamble was caught and pled guilty to using his clients' benefits for his own purposes. He has agreed to pay back $303,314.

The primary purpose of this legislation, which is based on recommendations by Social Security Administration Office of Inspector General, is to provide immediate relief to victims of representative payee fraud. By providing SSA with the authority to reissue benefits victims would be made whole again.

This legislation would also provide for additional accountability by payees to the SSA in an effort to prevent abuses from taking place in the future. While the Social Security Administration does have a selection process in place, it needs strengthening.

The Social Security Beneficiaries Protection Act of 2001 would require that non-governmental fee-for-service organizational representative payees be licensed and bonded. Under current law, an organization representative payee is only required to get one or the other.

For any month in which the Social Security Commissioner or the courts have determined that an organizational representative payee misused all or part of an individual's benefits he or she would be required to forfeit the fees. The legislation would also make the representative payee liable for any misused benefits.

Ms. Byrd's story demonstrates there is a need for stronger safeguards to protect the elderly and disabled who require an organizational representative payee. I urge my colleagues to cosponsor this important legislation and help protect the most vulnerable Social Security beneficiaries.

By Mr. LEAHY (for himself, Mr. BENNETT, Mr. LIEBERMAN, Mr. DODD, Mr. COCHRAN, Mrs. LINCOLN, Mr. REID, and Mr. DOMENICI):

S. 694. A bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today to introduce legislation, the Artist-Museum Partnership Act, to enable our country to keep cherished art works in the United States and to preserve them in our public institutions, while erasing an inequity in our tax code that currently serves as a disincentive for artists to donate their works to museums and libraries. This is the same bill I introduced last year with my colleagues Senator BENNETT and Senator LIEBERMAN. I would like to thank them for their leadership in this area and also to thank Senators DODD, COCHRAN, LINCOLN, REID, and DOMENICI for cosponsoring this bipartisan bill.

In a nutshell, our bill would allow artists, writers and composers who donate works to museums and libraries to take a tax deduction equal to the fair market value of the work. This is something that collectors who make similar donations are already able to do. If we as a nation want to ensure that art works created by living artists are available to the public in the future, for study or for pleasure, it is something that artists should be allowed to do as well. Under current law, artists who donate self-created works are only able to deduct the cost of supplies such as canvas, pen, paper, ink, which does not even come close to their true value. This is unfair to artists and it hurts museums and libraries, large and small, that are dedicated to preserving works for posterity.

In my State of Vermont, we are incredibly proud of the great works produced by hundreds of local artists who choose to live and work in the Green Mountain State. Displaying their creations in museums and libraries helps develop a sense of pride among Vermonters and strengthens a bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has gazed at a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the tremendous value of these works. I would like to see more of them, not fewer, preserved in Vermont and across the country.

Prior to 1969, artists and collectors alike were able to take a deduction equivalent to the fair market value of a work, but Congress changed the law with respect to artists in the Tax Reform Act of 1969. Since then, fewer and fewer artists have donated their works to museums and cultural institutions. The sharp decline in donations to the Library of Congress clearly illustrates this point. Until 1969, the Library of Congress received 15 to 20 large gifts of manuscripts from authors each year. In the four years following the elimination of the deduction, the library received only one such gift. Instead, many of these works have been sold to private collectors, and are no longer available to the general public.

For example, prior to the enactment of the 1969 law, Igor Stravinsky planned to donate his papers to the Music Division of the Library of Congress. But after the law passed, his papers were sold instead to a private foundation in Switzerland. We can no longer afford this massive loss to our cultural heritage. This loss was an unintended consequence of the tax bill that should now be corrected.

More than 30 years ago, Congress changed the law for artists in response to the perception that some taxpayers were taking advantage of the law by inflating the market value of self-created works. Since that time, however, the government has cut down significantly on the abuse of fair market value determinations. Under this legislation, artists who donate their own paintings, manuscripts, compositions, or scholarly compositions, would be subject to the same new rules that all taxpayer/collectors who donate such works must now follow. This includes providing relevant information as to the value of the gift, providing appraisals by qualified appraisers, and, in some cases, subjecting them to review by the Internal Revenue Service's Art Advisory Panel.

In addition, donated works must be accepted by museums and libraries, which often have strict criteria in place for works they intend to display. The institutions must also certify that it intends to put the work to a use that is related to the institution's tax exempt status. For example, a painting contributed to an educational institution must be used by that organization for educational purposes. It could not be sold by the institution for profit. Similarly, a work could not be donated to a hospital or other charitable institution that did not intend to use the work in a manner related to the function constituting the donee's exemption under Section 501 of the tax code. Finally, the fair market value of the work could only be deducted from the portion of the artist's income that has come from the sale of similar works, or related activities.

This bill would also correct another disparity in the tax treatment of self-created works—how the same work is treated before and after an artist's death. While living artists may only deduct the material costs of donations, donations of those same works after death are deductible from estate taxes at the fair market value of the work. In addition, when an artist dies, works that are part of his or her estate are taxed on the fair market value.

Last year, the Joint Committee on Taxation estimated that our bill would cost $48 million over 10 years. This is a moderate price to pay for our education and the preservation of our cultural heritage. The time has come for us to correct an unintended consequence of the 1969 law and encourage rather than discourage the donations of art works by their creators. This bill could, and I believe would, make a critical difference in an artist's decision to donate his or her work, rather than sell it to a private party, where it may become lost to the public forever.

I want to thank my colleagues again for cosponsoring this bipartisan legislation. I also ask unanimous consent to have printed in the RECORD letters from the Association of Art Museum Directors, The Museum of Fine Arts, Houston, the Theatre Communications Group, Inc., and the Whitney Museum of American Art in support of this bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WHITNEY MUSEUM OF AMERICAN ART,
New York, NY, April 3, 2001.

Senator PATRICK LEAHY,
Senator ROBERT BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEAHY AND BENNETT: On behalf of the staff and Board of Trustees of the Whitney Museum of American Art, I thank you for introducing the "Artist-Museum Partnership Act". This legislation, which would allow artists, writers and composers to deduct the fair-market value of a contribution of their own work to a charitable institution, will benefit museums, and their visitors, across the country.

As a result of changes to the tax code of 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of a contribution of their own work. The artists' deduction is limited to the cost of materials in preparing the work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair-market value deduction for the work. Once the artist dies, his or her spouse may donate the work for a fair-market value deduction. In addition, works of art left to an artist's estate are evaluated at the fair-market value for purposes of determining estate taxes.

Since the 1969 repeal, contributions to museum and libraries by living artists and writers have all but disappeared, depriving the public of access to its cultural heritage. Many of these pieces are sold abroad or into private collections and never seen again.

Thank you again for your continued support of artists and arts institutions in this country. We are all deeply appreciative.

Sincerely,

MAXWELL L. ANDERSON.

THEATRE COMMUNICATIONS
GROUP, INC.,
New York, NY, April 4, 2001.

Senator PATRICK LEAHY,
Senator ROBERT BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEAHY AND BENNETT: On behalf of Theatre Communications Group—the national service organization for the American theatre—and the 384 not-for-profit theatres across the country that comprise our membership and which present performances to a combined annual attendance of more than 17 million people, I thank you for introducing the "Artist-Museum Partnership Act". This legislation, which would allow artists, writers and composers to deduct the fair-market value of a contribution of their own work to a charitable institution, is fully supported by Theatre Communications Group, which endorses its passage.

As a result of changes to the tax code of 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of a contribution of their own work. The artists' deduction is limited to the cost of materials in preparing the work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair-market value deduction for the work. Once the artist dies, his or her spouse may donate the work for a fair-market value deduction. In addition, works of art left to an artist's estate are evaluated at the fair-market value for purposes of determining estate taxes.

Since the 1969 repeal, contributions to museums and libraries by living artists and writers have all but disappeared, depriving the public of access to its cultural heritage. Many of these pieces are sold abroad or into private collections and never seen again.

Thank you again for your continued support of artists and arts institutions in this country.

Sincerely,

BEN CAMERON,
Executive Director.

ASSOCIATION OF
ART MUSEUM DIRECTORS,
New York, NY, April 4, 2001.

Senator PATRICK LEAHY,
Senator ROBERT BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEAHY and BENNETT: On behalf of the Association of Art Museum Directors (AAMD), founded in 1916 and representing 170 art museums nationwide, I thank you for introducing the "Artist-Museum Partnership Act". This legislation, which would allow artists, writers and composers to deduct the fair-market value of a contribution of their own work to a charitable institution, is fully supported by the AAMD, which endorses its passage.

As a result of changes to the tax code of 1969, visual artists, writers and composers can no longer take a deduction based on the fair-market value of contribution of their own work. The artists' deduction is limited to the cost of materials in preparing the work—in the case of a visual artist, canvas and paint. However, a collector, making an identical donation, may take the fair-market value deduction for the work. Once the artist dies, his or her spouse may donate the work for a fair-market value deduction. In addition, works of art left to an artist's estate are evaluated at the fair-market value for purposes of determining estate taxes.

Since the 1969 repeal, contributions to museum and libraries by living artists and writers have all but disappeared, depriving the public of access to its cultural heritage. Many of these prices are sold abroad or into private collections and never seen again.

Thank you again for your continued support of artists and arts institutions in this country.

Sincerely,

MILLICENT HALL GAUDIERI,
Executive Director.

THE MUSEUM OF FINE ARTS, HOUSTON,
Houston, TX, March 28, 2001.
Senator ROBERT BENNETT,
Senator PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS BENNETT AND LEAHY: On behalf of the Trustees of the Museum of Fine Arts, Houston, I would like to express my appreciation to you for introducing the "Artist-museum Partnership Act." The legislation is long overdue and will be useful to museums in soliciting original works of art from artists. May museums do not have funds to purchase art and must rely on donations. Since 1969, when the law was repealed that allowed artists to take a fair-market value deduction, contributions from living artists to museums has dramatically decreased.

Many important works by regional or ethnic artists are sold rather than donated because the majority of artists simply cannot afford to donate their works when they can only take a deduction equal to the cost of materials. The bill you have drafted is an important step in helping small and mid-sized museums add these works to their collections for the public to enjoy.

Thank you again for this thoughtful piece of legislation.

Sincerely,
PETER C. MARZIO,
Director.

Mr. BENNETT. Mr. President, I am proud to join the Senator from Vermont today to introduce the Artist-Museum Partnership Act. This important legislation will remove an unfortunate inequity in our tax code by allowing living artists to deduct the fair-market value of their art work when they contribute the work to museums or other public institutions.

As the tax code is currently written, art collectors are allowed to deduct the fair market value of any piece of art donated to a museum. At the same time, if the artist who created that work of art were to donate the same piece, he or she would be allowed to deduct only the material cost of the work, which may be nothing more than a canvas, a tube of paint, and a wooden frame. This inequity has created a disincentive for artists who would otherwise donate their work to museums. The solution is simple: treat collectors and artists the same way. This bill will do just that.

While this bill will certainly help artists, the real beneficiaries are museums, historians, and most importantly, the general public. This change in the tax code will increase the number of original pieces donated to public institutions, giving scholars greater access to an artist's work during the lifetime of that artist, as well as providing for an increase in the public display of such work. Museum-goers will have a greater opportunity to learn not only from the master artists of past centuries, but also from artists who are at the forefront of their fields today.

I want to thank Senator LEAHY for his work on this bill. He and I have introduced similar legislation in the past, and we hope that our colleagues will see this bill for what it is a reasonable solution to an unintentional inequity in our tax code. I urge my colleagues to support this common-sense legislation. The fiscal impact of the Artist-Museum Partnership Act on the federal budget will be minimal, but the benefit to our nation's cultural and artistic heritage cannot be overstated. This minor correction to the tax code is long overdue, and the Senate should act on this legislation to remedy the problem.

By Mr. DORGAN (for himself, Mr. BINGAMAN, and Mr. BYRD):

S. 695. A bill to provide parents, taxpayers, and educators with useful, understandable school report cards; to the Committee on Health, Education, Labor, and Pensions.

Mr. DORGAN. Mr. President, today I am introducing the Standardized School Report Card Act, along with Senators BINGAMAN and BYRD.

Every six to nine weeks, schools all across the country send parents report cards evaluating how their child is doing. Rarely, however, do parents ever get any sense of how their child's school is performing. And let's face it: The two are inextricably linked. It is not as meaningful for a child to be among the best in his or her school if the school itself is among the worst.

As a parent of two children in public school, I believe it is very important for parents, taxpayers, teachers, and the public to have some way of measuring how their school is performing, relative to other schools in the area, the state, the country, and even the world. The legislation I am introducing today along with Senators BINGAMAN and BYRD would give parents and taxpayers an important tool for evaluating how their school is doing.

Our legislation would require that schools and states develop an annual, easily understandable report card and widely disseminate it to parents, taxpayers, teachers, and the public.

I am pleased that the concept of school report cards has bipartisan support. President Bush called for school-by-school report cards on student achievement in his "No Child Left Behind" education plan. In addition, Senator DASCHLE and the others have provided for school report cards in S. 10, the Educational Excellence for All Learners Act. And the Better Education for Students and Teachers Act, which was reported by the Senate Committee on Health, Education, Labor, and Pensions, includes some limited school report card language that I think can form the basis for helpful reports for parents and taxpayers.

The Standardized School Report Card Act that I am introducing today would require schools and states to cover eight key, basis areas in their report cards, plus any other areas of indicators of quality they want to include. The eight subject areas schools would be "graded" on are: Student performance; attendance, graduation and drop-out rates; professional qualifications of teachers; average class size; school safety; parental involvement; student access to technology; and whether they have been identified by the State for improvement. These eight areas were chosen largely because they were the ones parents themselves said they felt were most critical, in focus groups around the country conducted by the Center for Community Change.

Some might say this legislation is unnecessary. After all, according to Education Week, 36 states already require schools to publish a school report card. In addition, the Congressional Research Services has looked at the kinds of data that states already require their schools to report and/or collect. According to the CRS, 47 states have "report cards" in at least one of the eight areas specified by the Standardized School Report Card Act.

However, the content of these report cards varies widely. In fact, according to a report by Education Week, no two state report cards cover exactly the same information, so they cannot be a useful tool for parents and educators to compare their school with other schools in the state or nation.

For instance, in my State of North Dakota, the state Department of Public Instruction has designed a "school district profile" that is published for each school district in the state. These profiles include lots of interesting and helpful information, including a lot of data not required by my legislation. However, there is also some valuable data missing from this report that parents would want to know about, such as the number of teachers who have emergency certification or the incidents of school violence.

By requiring all schools to report on at least these eight key areas, my school report card legislation will provide parents with the ability to measure how their school is doing relative to other schools.

Schools will also have to be sure that they widely disseminate their report cards. According to Education Week, most people have never seen a report card for their local school, even though 90 percent think a school report card would be helpful.

This legislation is not about the Federal government wresting control of education away from local school boards, where it belongs. Rather, it is about whether parents, no matter where they live, have an opportunity and the ability to measure how well their children are doing from community to community, school to school, state-to-state?

As a nation, we spend more than $375 billion annually to provide an education to our elementary and secondary children. Parents and taxpayers deserve to know what we are getting for the money we are spending on K–12 education.

Those in this country who are concerned about our education system know that we must make some improvements. How do we make improvements? You create a blueprint, a plan, for fixing what is wrong. But before you can do that, you must first assess what is right and what is wrong. And we do not have a basic approach by which parents can measure what is right or wrong with their local school.

The lack of obtainable, understandable information is a major barrier to parents' more active involvement in the education of their children. In Georgia, the number of schools developing local school improvement plans increased by 300 percent following the first publication of report cards in 1996. I feel strongly that's because parents will hold their schools accountable if they have the information they need to determine whether improvements are needed.

Times have changed. This is not 40 years ago when we as a country could tie one hand behind our back and beat anybody else in the world at almost anything, and do it easily. We now face shrewd, tough international competition in every direction we look. We now face competition in the job market, in our economies, and in our schools. Our children compete with countries that send their kids to school 240 days a year, while we send our kids to school 180 days a year.

In short, parents have a right to know whether their kids are receiving a quality education, no matter what State they live in, no matter what city or school district they live in. I encourage my colleagues to cosponsor this legislation. When the Senate begins debate on the Better Education for Students and Teachers Act, I intend to work with my colleagues on both sides of the aisle to strengthen the school report card provisions already in the Senate bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Standardized School Report Card Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 3. PURPOSE.

The purpose of this Act is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 4. DEFINITIONS.

The terms used in this Act have the meanings given the terms under section 14101 of the Elementary and Secondary Education Act of 1965.

SEC. 5. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary schools and secondary schools in the State. The report card shall contain information regarding—

(1) student performance on statewide assessments in language arts, mathematics, and history, plus any other subject areas in which the State requires assessments, including—

(A) comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(B) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels; and

(C) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

(2) attendance and 4-year graduation rates, the number of students completing advanced placement courses, and the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(3) professional qualifications of teachers in the State, including the percentage of class sections taught by teachers who are not certified to teach in that subject, and the percentage of teachers with emergency or provisional certification;

(4) average class size in the State broken down by school level;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994 and the incidence of student suspensions and expulsions;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet;

(8) information regarding the schools identified by the State for school improvement; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school on statewide assessments in language arts, mathematics, and history, plus any other subject areas in which the State requires assessments, including—

(A) comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(B) a statement on the 3-year trend in the percentage of students performing at the basic, proficient, and advanced levels; and

(C) a statement of the percentage of students not tested and a listing of categories of the reasons why such students were not tested;

(2) attendance and 4-year graduation rates, the number of students completing advanced placement courses, and the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(3) professional qualifications of the school's teachers, including the percentage of class sections taught by teachers not certified to teach in that subject, and the percentage of teachers with emergency or provisional certification;

(4) average class size in the school broken down by school level, and the enrollment of students compared to the rated capacity of the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994, and the incidence of student suspensions and expulsions;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet;

(8) information regarding whether the school has been identified for school improvement; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student data reported under subsection (a) or (b), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

(e) Dissemination and Accessibility of Report Cards.—

(1) State report cards.—State annual report cards under subsection (a) shall be disseminated to all elementary schools, secondary schools, and local educational agencies in the State, and made broadly available to the public through means such as posting such reports on the Internet and distribution to the media, and through public agencies.

(2) Local and school report cards.—Local educational agency report cards and elementary school and secondary school report cards under subsection (b) shall be disseminated to all elementary schools and secondary schools served by the local educational agency and to all parents of students attending such schools, and shall be made broadly available to the public through means such as posting such report on the Internet and distribution to the media, and through public agencies.

(f) Grants Authorized.—The Secretary of Education shall award a grant to each State having a State report card that meets the requirements of subsection (a) to enable the State to annually publish report cards for each elementary and secondary school that receives funding under the Elementary and Secondary Education Act of 1965 and is served by the State. The amount of a State grant under this section shall be equal to the State's allotment under subsection (g)(2).

(g) Reservations and Allotments.—

(1) Reservations.—From the amount appropriated under subsection (j) to carry out this Act for each fiscal year the Secretary of Education shall reserve—

(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary of Education consistent with this Act, in schools operated or supported by the Bureau of Indian Affairs on the basis of their respective needs for assistance under this Act; and

(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this Act, as determined by the Secretary of Education, for activities approved by the Secretary of Education that are consistent with this Act.

(2) State allotments.—From the amount appropriated under subsection (j) for a fiscal year and remaining after amounts are reserved under paragraph (1), the Secretary of Education shall allot to each State having a State report card meeting the requirements of subsection (a) an amount that bears the same relationship to such remainder as the number of public school students enrolled in elementary schools and secondary schools in the State bears to the total number of such students so enrolled in all States.

(h) Within-State Allocations.—Each State educational agency receiving a grant under subsection (f) shall allocate the grant funds that remain after carrying out the activities required under subsection (e)(1) to local educational agencies in the State.

(i) State Reservation of Funds.—Each State educational agency receiving a grant under subsection (f) may reserve —

(1) not more than 10 percent of the grant funds to carry out activities described in subsections (a) and (b), and subsection (e)(1), for fiscal year 2002; and

(2) not more than 5 percent of the grant funds to carry out activities described in sections (a) and (b), and subsection (e)(1), for fiscal year 2003 and each of the 3 succeeding fiscal years.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act, $5,000,0000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Mr. BROWNBACK:

S. 696. A bill to prohibit the Federal Communications Commission from applying spectrum aggregation limits to spectrum assigned by auction after 2000; to the Committee on Commerce, Science, and Transportation.

Mr. BROWNBACK. Mr. President, today I rise to reintroduce the Third Generation Wireless Internet Act. This legislation, which I first introduced in the 106th Congress, is needed today more then ever. The Act requires The Federal Communications Commission (FCC) to lift the current cap on the amount of spectrum any one company may be licensed to use in a market.

Today, over 104 million Americans are benefitting from the products and services being offered by our nation's wireless industry. The public has benefited from stiff competition among industry participants as 244.8 million Americans can choose between three and eight wireless service providers, with 181.7 million of them able to choose from at least five service providers. The result of this competition has been a 50 percent decrease in wireless rates between 1988 and 2000, while the total number of minutes used has increased 42 percent over that same period.

Impressive as is the development of the wireless marketplace, our nation's wireless industry is fast approaching a crossroads where it will transition from voice and text messaging services to a marriage of wireless mobility with the power of the Internet and broadband Internet access; the ability to deliver voice, video, and data simultaneously over one wireless device. This transition will be made possible by the deployment of third generation technology, commonly referred to as "3G," which combines wireless mobility with transmission speeds and capacity resembling that of the broad band pipes being laid primarily in urban markets by wireline companies.

Congress, the FCC, and the National Telecommunications and Information Administration continue to work to identify sufficient spectrum resources for a timely 3G deployment. The Third Generation Wireless Internet Act will ensure that companies currently at the limits of the spectrum they are permitted to use under FCC regulations will still be able to participate in 3G deployment once the spectrum is identified.

Just as Internet access, especially broadband Internet access, promises to be a great equalizer across socio-economic lines, 3G promises to be a great equalizer between those consumers with access to broadband and those without. As Congress continues to look for ways to close the digital divide as it relates to broadband, wireless technology can play a key role in ensuring that all Americans have access to broadband irrespective of their geographic location. It is incumbent upon Congress to recognize and act upon the potential of 3G to close the gap between urban and rural broadband access, and the Third Generation Wireless Internet Act does just that.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Third-Generation Wireless Internet Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Mobile telephony has been one of the fastest growing industries of the telecommunications sector, offering consumers innovative services at affordable rates.

(2) Demand for mobile telecommunications services has greatly exceeded industry expectations.

(3) Mobile carriers are poised to bring high-speed Internet access to consumers through wireless telecommunications devices.

(4) Third Generation mobile systems (hereinafter referred to as "3G") are capable of delivering high-speed data services for Internet access and other multimedia applications.

(5) Advanced wireless services such as 3G may be the most efficient and economic way to provide high-speed Internet access to rural areas of the United States.

(6) Under the current Federal Communications Commission rules, commercial mobile service providers may not use more than 45 megahertz of combined cellular, broadband Personal Communications Service, and Specialized Mobile Radio spectrum within any geographic area.

(7) Assignments of additional spectrum may be needed to enable mobile operators to keep pace with the demand for 3G services.

(8) The application of the current Commission spectrum cap rules to new spectrum auctioned by the FCC would greatly impede the deployment of 3G services.

SEC. 3. WIRELESS TELECOMMUNICATIONS SERVICES.

Section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) is amended by adding at the end thereof the following:

"(9) Non-Application of Spectrum Aggregation Limits to New Auctions.—

"(A) The Commission may not apply section 20.6(a) of its regulations (47 C.F.R. 20.6(a)) to a license for spectrum assigned by initial auction held after December 31, 2000.

"(B) The Commission may relax or eliminate the spectrum aggregation limits of section 20.6 of its regulations (47 C.F.R. 20.6), but may not lower these limits.".

By Mr. HATCH (for himself, Mr. Baucus, Mr. Hagel, Mr. Rockefeller, Mr. Craig, Mr. Bingaman, Mr. Crapo, Mrs. Lincoln, Mr. Brownback, Mr. Torricelli, Mr. Warner, Mr. Conrad, Mr. Roberts, Mr.

KERRY, Mr. SMITH of Oregon, Mr. DASCHLE, Ms. COLLINS, Mr. BREAUX, Mr. HUTCHINSON, Ms. MILKULSKI, Ms. LANDRIEU, Mr. CARPER, Mr. CLELAND, Mr. SCHUMER, Mr. DORGAN, Mr. BIDEN, Mrs. CARNAHAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. WELLSTONE, Mr. DAYTON, Mr. SARBANES, Mr. DURBIN, Mr. BAYH, and Mr. MILLER):

S. 697. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

Mr. HATCH. Mr. President, on behalf of myself, Senator BAUCUS, and 18 other of our colleagues, I rise today to introduce the Railroad Retirement and Survivors' Improvement Act of 2001. This bill represents an important opportunity in the 65-year history of the Railroad Retirement system. Rail labor and rail management, working together, developed a proposal that would build on the system's strengths to modernize Railroad Retirement to provide better, more secure benefits at a lower cost to employers and employees. This proposal was further refined as a result of extensive discussions last year between rail labor and management and the congressional committees of jurisdiction.

The bill we are introducing today builds on our efforts in the 106th Congress to reform the Railroad Retirement system. Last year, the predecessor to this bill, H.R. 4844, passed the House by a vote of 391-25, and received similar bipartisan support in the Senate. Eighty Senators signed a letter urging quick passage of the legislation, and on September 28, 2000, it was favorably reported by the Finance Committee. H.R. 4844 was placed on the Senate legislative calendar, but unfortunately, this is where the bill remained. Despite an overwhelming majority of Members in both houses in support of the bill, time ran out and the 106th Congress adjourned without this bill being brought up on the Senate floor.

Both rail labor and rail management have come to the Congress to seek changes to their pension plan because Railroad Retirement is a unique system. It is the only private industry pension plan established in statute and administered by the federal government. As such, any changes in Railroad Retirement can be made only through legislative action. Historically, such legislation has reflected negotiated agreement by management and labor with the Congress followed by congressional consideration and enactment of necessary statutory changes. The legislation we introduce today continues this practice and embodies the reform principles agreed to by rail management and the vast majority of rail labor this past year.

Some may ask, why reform the Railroad Retirement system at this time? Railroad Retirement has served railroad workers, their families, and their surviving spouses well for 65 years. Its roots reach back to the struggle to find answers to the hardships that resulted from the Great Depression of the 1930s. Today, the Railroad Retirement system is fiscally strong, providing benefit payments to more than 673,000 retirees and other beneficiaries. The most recent report to Congress by the Railroad Retirement Board's chief actuary, which addressed the 2000–2073 period, indicated that no cash-flow problems are expected to arise over that period. This strength, combined with the willingness of rail labor and rail management to work together constructively, provides an opportunity to address a number of concerns about Railroad Retirement that have developed in recent years.

First, Railroad Retirement is very costly, both to employers and employees. It has two components: Tier I, which is largely equivalent to Social Security, and Tier II, which provides additional benefits and is similar to a private, defined benefit pension plan. Tier I and Tier II are funded primarily through payroll taxes on employers and employees—15.3 percent combined for Tier I, including Medicare, and 21 percent for Tier II. Together, these payroll taxes make up a staggering 36.3 percent of taxable payroll, a figure substantially higher than the cost other industries face to provide retirement benefits to their employees. This high cost represents a major financial burden to both employees and employers. Perhaps worse still, it constitutes a major disincentive for employers to hire new employees under Railroad Retirement.

A second factor that led to the development of this legislation is the adequacy of the Railroad Retirement benefit structure. One special area of concern among retirees has been the widow's and widower's benefit under the Tier II portion of Railroad Retirement. Indeed, this was the subject of a 1998 hearing by the Ground Transportation Subcommittee of the House Transportation and Infrastructure Committee. That hearing was a spur to rail management and rail labor to engage in discussions about a broad range of issues affecting the system.

Let me explain the reasons why this bill has the strong support of railroad retirees, railroad management, and the great majority of rail labor.

First, it provides for increased responsibility by the railroad industry for the financial health of Railroad Retirement. Under current law, if changes in tax rates or benefits are needed to assure the financial health of the system, Congress is required to pass new legislation. The bill being introduced today would make Tier II tax rates more responsive to actual financing needs by establishing an automatic tax adjustment schedule. Under this statutory schedule, payroll taxes would be raised or lowered automatically, without any further action by Congress, depending on the level of funds available to pay Railroad Retirement benefits. The schedule is designed to maintain a minimum balance of 4 years of benefit payments and a maximum balance of 6 years. The four year minimum reserve balance represents a higher balance than has existed in the Railroad Retirement Account (RRA) for most of the past 40 years. Rail employers have agreed to bear entirely any tax schedule increases—employees and employers would share any tax decreases that might occur. Employees would have the option of seeking congressional action to convert any planned decrease in the employee tax rate to a benefit increase, and management has agreed to support such action.

Second, the bill provides for greater flexibility in the investment of Railroad Retirement assets. This investment provision would apply only to Tier II, the portion of the program that is similar to a private pension plan and is funded entirely from industry sources. Tier I, the portion that is similar to Social Security and is linked to the Social Security system, would not be affected.

Currently, investment of RRA assets is limited by law to U.S. Government securities. Actuarial projections for the RRA assume an annual return of 6 percent on investments. Between 1985 and 1998, the average annual return on RRA investments was unusually high at 9.12 percent, but this still lagged far behind the average annual return to large multi-employer pension plans of 15.17 percent over the same period. The differential in returns between RRA investments and private pension plan investment portfolios contributes significantly to the high cost of funding the benefits provided from the RRA.

This bill would provide the authority for the industry assets in the RRA to be invested in a diversified investment portfolio, as are the assets of private sector retirement plans. In the process of developing this proposal, concerns were raised by some Members of Congress that this aspect of the legislation could result in government intrusion into the equity markets. While the funds that would be invested are, in effect, railroad industry pension funds which, through historical circumstance, have been maintained in a government account, we have included a provision to draw a bright line distinction from current investment practice.

The Congressional Committees of jurisdiction worked with labor and management last year to create a new structure that separates the new investment activity from the Railroad Retirement Account. This structure has been included in the legislation we introduce today. It would establish a new Railroad Retirement Investment Trust (RRIT), whose exclusive purpose would be the investment of RRA assets entrusted to it by the Railroad Retirement Board (RRB). The RRIT would not be an agency or instrumentality of the federal government. RRA assets would be transferred to the RRIT for investment and from the RRIT to a centralized disbursement agent that would pay the various components of the aggregate railroad retirement benefit in a single check to beneficiaries.

The RRIT would have seven trustees chosen by the Railroad Retirement Board: three representing labor, three representing management and one representing the public interest. Trustees of the RRIT would be required to have experience and expertise in the management of financial investments and pension plans, and would be subject to fiduciary standards similar to those required by ERISA. The RRIT trustees would set investment guidelines for the prudent management of the assets entrusted to it, and select outside investment advisors and managers to implement its policies. Earnings on RRIT investments would be available only for the purpose of paying Railroad Retirement benefits and necessary expenses of the RRIT. I believe that these measures will allow for increased returns on the industry's pension plan while building an effective firewall between the government and the private markets.

Third, this legislation would improve benefits for retirees and their families. In particular, it would resolve the concern regarding the benefit for widows and widowers under Tier II. Under current law, while the retired employee is alive, the couple receives a Tier II benefit equal to 145 percent of the retiree's benefit—the retiree's benefit plus a spousal benefit of 45 percent of the retiree's benefit. When the retiree dies, the spouse is left with a Tier II benefit of 50 percent of the retiree's benefit—a reduction of almost two-thirds. Under this bill, the surviving spouse would receive a Tier II benefit equal to that received by the retiree, preventing such a drastic reduction in survivor income.

Also of key importance is a reduction in the current early retirement age of 62 with 30 years of service to age 60 with 30 years of service. This would return the age at which a railroad employee can retire with full benefits to what it was prior to 1984. It is significant that rail labor and rail management have agreed to revise their national collective bargaining agreement to conform the age of eligibility for retiree health benefits to 60, if this legislation is passed. There are also two other benefit improvements: the vesting requirement would be lowered from 10 to 5 years, a change which would align Railroad Retirement with current private industry pension practices; and the bill would also eliminate an arbitrary cap on Tier II benefits, known as the "Railroad Retirement Maximum", which can result in retirees and their spouses having their earned benefits substantially reduced.

Fourth, Tier II payroll tax rates would be reduced for employers. Railroad employers currently pay 16.1 percent of taxable payroll into the RRA, which, as I have mentioned, is a rate substantially higher than other industries' pension contributions. The reduction of employer taxes would be phased in over the first 3 years following enactment of the bill. Employee tax rates would continue at the current 4.9 percent. Further tax reductions for employers and tax reductions for employees would be possible as provided under the tax adjustment mechanism I have already described. In addition, the supplemental annuity tax, a 26.5 cents-per-hour tax paid entirely by rail employers, would be eliminated. Supplemental annuity benefits would continue to be paid to eligible beneficiaries.

The legislation being introduced today is nearly identical to the legislation that was reported last year by the Senate Finance Committee, with the exception of updated effective dates.

I am concerned that certain aspects of this bill have been undeservedly criticized since it was first introduced last year, and I believe it is important to put these criticisms to rest in order to avoid any further misconceptions.

First, the legislation's budget impact has been mischaracterized and overstated. Under current scoring rules, CBO is required to treat the initial purchase of private securities by the Railroad Retirement Investment Trust as a government "outflow." These private securities would become an asset of the RRIT, but would not be scored as a corresponding government "inflow" under current budget scoring rules, a decision which, I am told, the CBO characterized as a "close call." CBO further indicated that some budget experts believe that OMB's long-standing practice under "Circular A-11" may be "ill-suited to purchases of financial assets that the government acquires as a way of preserving, or enhancing, the value of cash balances," and that they "may consider a different budget treatment in the future."

Simply put, even if the estimated $14.8 billion acquisition of private securities is scored as an initial outlay, the assets received in return would produce on-budget revenues in the form of interest, dividends and capital gains. Over time, these revenues will contribute to increasing future surpluses and reducing debt service. In fact, CBO estimated that after the third year under the Railroad Retirement and Survivors' Improvement Act, the program would add to the surplus in every succeeding year in ever-increasing amounts.

Second, some have expressed concern that the transfer of federal income taxes on railroad retirement benefits into the Railroad Retirement trust fund is a Government subsidy. In fact, railroad retirees, concerned about the future of Railroad Retirement, agreed in 1983 to the taxation of their benefits and the dedication of the proceeds to Railroad Retirement as a form of benefit cut to help support the long-term solvency of the program. If benefits had been cut in the conventional way, there would be no question as to whether this would be considered a subsidy.

Third, critics' claims that this legislation relies on Social Security funds or makes any changes to Social Security reflect a total misunderstanding of the relationship between Railroad Retirement and Social Security. Since 1950 there has been a financial interchange mechanism between Railroad Retirement and the Social Security system that ensures that neither system is advantaged or disadvantaged by which system covers a worker. The current bill would make no changes to this interchange process or to Social Security. As in the past, these Tier I funds would be available to pay benefits, would be considered assets of the Railroad Retirement program, and would be limited to investments in federal government securities.

Railroad Retirement has always been a bipartisan concern. I hope that many more of our colleagues will join us in taking this opportunity to improve Railroad Retirement and the lives of its more than 673,000 beneficiaries, and that we act early to ensure that there is plenty of time in this session to accomplish this important task.

Mr. BAUCUS. Mr. President, I am pleased to join Senator HATCH as a lead cosponsor of the Railroad Retirement and Survivors' Improvement Act of 2001. The intent of this legislation is quite simple: improve the benefits of Railroad Retirement and modernize the financing of system. Many would agree that the current railroad retirement system is archaic and inequitable. As an example, one need look no further than the severe reduction in benefit payments faced by the 178,000 widows and widowers under the current policy. This is something that must be addressed promptly and the legislation we are introducing today improves survivor benefits substantially. Montana has about 6,600 railroad retirement beneficiaries and about 3,200 active rail employees. Railroads are an important industry in Montana and many Montanans count on the railroad. I am cosponsoring this legislation to make sure railroad employees, retirees and their families receive adequate benefits from a system they can count on.

This legislation has strong support from railroad companies, labor organizations, and retirees. When enacted, this legislation will provide earlier vesting and a lower minimum retirement age for railroad labor; improved benefits for widows and widowers of railroad retirees; and enhance the investment of pension contributions from rail companies and employees.

Rail labor and rail management have come to the Congress to seek changes to their pension plan because Railroad Retirement is a unique system. It is the only private industry pension plan established in statute and administered by the federal government. As such, any changes in Railroad Retirement can be made only through legislative action. Historically, such legislation has reflected negotiated agreement by management and labor followed by Congressional consideration and enactment of necessary statutory changes. This legislation continues this practice and embodies reform principles agreed to by rail management and a majority of rail labor.

I am pleased we have a significant bipartisan group of Senators joining us as original cosponsors, an indication of the broad support this legislation has earned. I also note that many of the original cosponsors are also members of the Senate Finance Committee, the committee that will receive the bill after its introduction today. I hope the committee will be able to take action on the bill soon.

Mr. ROCKEFELLER. Mr. President, I am proud to be an original cosponsor of the bipartisan Railroad Retirement and Survivors' Improvement Act 2001, and I hope to work closely with Senators HATCH and BAUCUS and the bipartisan coalition to get this legislation enacted into law this year.

In West Virginia, we have over 11,000 retirees and their families depending on railroad retirement. Almost 3,500 West Virginians are working for the railroads and will need their railroad retirement at some point in the future. Nationwide, there are about 673,000 railroad retirees and families, and about 245,000 active rail workers. They deserve a better retirement program, and I want to work with them to promote this historic package supported by both rail labor and rail management.

There can be no doubt that improving retirement benefits for railroad workers, retirees, and their families must be one of our top priorities, and I am fully supportive of that effort. Right now, it takes ten years of service before a railroad worker becomes vested in the retirement plan, while private companies covered by Employee Retirement Income Security Act, ERISA, vest their employees in just five to seven years. The need to dramatically improve benefits for widows and widowers is obvious and has gone unaddressed for too long. It is tragic to slash the benefits of the widow of a railroad retiree upon the death of her spouse, as the current policy does. I understand the importance of these and other changes in retirement benefits for workers.

Today, experts predict that the Railroad Trust Funds are solvent for the next twenty-five years, and existing policy guarantees benefits to railroad retirees and their families. Under the new plan, the railroads would pay a lower sum of taxes into the Railroad Retirement Trust Funds, but the fund would create an investment board to invest its reserves in private equities so the increased rate of returns would cover the expanded benefits. Under the plan, there is a provision to increase railroad taxes in the future, when necessary, to fully fund the railroad retirement benefits.

As a member of the Senate Finance Committee, I want to enact legislation that will improve benefits for railroad retirees and their families, and I will be working with my colleagues to achieve that goal.

Mr. WELLSTONE. Mr. President, I am pleased to join as a cosponsor of this important legislation to modernize the investment policies of the Railroad Retirement System. This legislation reflects an historic agreement reached between rail labor and rail management. It is good for workers, good for retirees, good for widows and widowers, good for rail employers, and good for the rail industry as a whole.

This reform legislation is the product of two and a half years of negotiations and has had the grassroots support of nearly one million employees and beneficiaries who will benefit from its provisions. We came very close to enacting this measure into law at the end of the last Congress. I hope my colleagues will join me in moving the bill as expeditiously as possible.

By Mrs. BOXER (for herself and Mr. REID):

S. 698. A bill to amend the Safe Drinking Water Act to designate chromium-6 as a contaminant, to establish a maximum contaminant level for chromium-6, and for other purposes; to the Committee on Environment and Public Works.

Ms. BOXER. Mr. President, today Senator HARRY REID and I are introducing a bill for the first time ever will require the Environment Protection Agency, EPA, to set a federal standard for chromium 6 in drinking water.

The recent movie, "Erin Brockovich" made front page news of the substance hexavalent chromium, otherwise known as chromium 6, that until last year had only received attention from the scientific community. But Hinkley, California, the town depicted in the movie, is not the only place where chromium 6 has been found in the drinking water supply.

For example, last September, PG&E National Energy Group agreed to close down five unlined wastewater basins and two landfills at its power plants in Massachusetts because they were being sued for dumping waste contaminated with chromium 6 into these basins and landfills, endangering the safety of the groundwater.

Over one year ago in Painesville Township, Ohio, large amounts of chromium 6 were removed from a construction site. Workers at the site were replacing 2,000 feet of pipe in the sewer main when they encountered the contaminated water, which was described as "phosphorescent yellow-green liquid."

Chromium 6 is a chemical that is used by a variety of industries throughout the country. When improperly disposed of, chromium 6 can contaminate ground water, which is the very same water that many communities use to supply their drinking water.

We now know for a fact that chromium 6 causes a host of serious health problems, including cancer, liver damage, kidney damage, immune system suppression, respiratory illness, skin rashes, nose bleeds and neurological damage. What we do not know is the level at which chromium 6 in drinking water causes these problems.

That is why I am introducing this bill today with my colleague Senator HARRY REID. Our bill will require the National Academy of Sciences to study the health effects of chromium 6 in drinking water and to make recommendations to the EPA on an appropriate maximum contaminant level goal. The EPA, based on these recommendations, will then list chromium 6 as a regulated contaminant under the Safe Drinking Water Act and set a federal standard for the levels of chromium 6 that can safely be found in drinking water.

This bill will also ensure that communities are able to get information about the chromium 6 levels in their drinking water from their local water supplies by applying existing right-to-know laws and will provide funding to state and local water authorities to help defray the cost of cleaning up chromium 6.

I look forward to working with my colleagues to secure passage of this vitally important health safety measure.

I ask unanimous consent that the text of the bill be printed the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAXIMUM CONTAMINANT LEVEL FOR CHROMIUM-6.

(a) IN GENERAL.—Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g-

1(b)(12)) is amended by adding at the end the following:

"(C) CHROMIUM-6.—

"(i) DECLARATION OF CHROMIUM-6 AS CONTAMINANT.—Congress declares that chromium-6 is a contaminant subject to regulation under this title.

"(ii) STUDY.—

"(I) IN GENERAL.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences, not later than 1 year after the date of enactment of this subparagraph, shall complete a study to determine, and shall recommend to the Administrator, an appropriate maximum contaminant level goal for chromium-6.

"(II) ESTABLISHMENT OF MCL.—Not later than 30 days after the date on which the Administrator receives the recommendation of the National Academy of Sciences under subclause (I), the Administrator shall establish a maximum contaminant level for chromium-6 at a level consistent with that recommendation.

"(III) REPORT.—Not later than 30 days after the date on which the Administrator receives the recommendation of the National Academy of Sciences under subclause (I), the Administrator shall submit to Congress a report that describes the results of the study.

"(iii) APPLICABILITY OF OTHER LAW.—Chapter 7, and subchapter II of chapter 5, of title 5, United States Code, shall not apply to any action of the Administrator under this clause.

"(iv) REGULATION.—On and after the date of completion of the study under clause (ii), the Administrator shall regulate chromium-6 as an inorganic contaminant in accordance with part 141 of title 40, Code of Federal Regulations (or a successor regulation).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) is amended by striking subsection (m) and inserting the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

"(A) $599,000,000 for fiscal year 1994; and

"(B) $1,000,000,000 for each of fiscal years 1995 through 2005.

"(2) SUBSEQUENT AUTHORIZATIONS.—To the extent that any amount authorized to be appropriated under this subsection for any fiscal year is not appropriated for the fiscal year, the amount—

"(A) is authorized to be appropriated in any subsequent fiscal year before fiscal year 2004; and

"(B) shall remain available until expended.

"(3) CHROMIUM-6 COMPLIANCE.—Of the funds made available under paragraph (1)(B) for each of fiscal years 2002 through 2005, such sums as are necessary shall be made available to the Administrator to provide grants in accordance with this section to States and community water systems for use in carrying out activities to comply with section 1412(b)(12)(C).".

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 699. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I am pleased to introduce the Prescription Drug Fairness for Seniors Act of 2001, legislation that addresses the critical issue facing our older Americans—the cost of their prescription drugs. Studies have shown that older Americans spend almost three times as much of their income on health care than those under the age of 65, and more than three-quarters of Americans aged 65 and over are taking prescription drugs. Study after study has shown that seniors and others who buy their own prescription drugs, are forced to pay over twice as much for their drugs as are the drug manufactures' most favored customers, such as the federal government and large HMOs. Even more alarming is the fact that consumers in the United States pay far more for their prescription drugs than do citizens of other developed nations, resulting in price discrimination against millions of Americans. U.S. consumers are footing the bill for drug manufacturer's skyrocketing profit margins year in and year out. This is wrong and unfair.

The Prescription Drug Fairness for Seniors Act will protect senior citizens and disabled individuals from drug price discrimination and make prescription drugs available to Medicare beneficiaries at substantially reduced prices. The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the drugs' low "average foreign price." Under the bill, the "average foreign price" means the average price that the manufacturer realizes on drugs sold in Canada, France, Germany, Italy, Japan, and the United Kingdom. Last year, the "reimportation" bill had broad bipartisan support. Estimated to reduce prescription drug prices for seniors by over 40 percent, this bill will help those seniors and disabled individuals who often times have to make devastating choices between buying food or medications. Choices that no human being should have to make.

Research and development of new drug therapies is an important and necessary tool towards improving a persons quality of life. But due to the high price tag that often accompanies the latest drug therapies, seniors are often left without access to these new therapies, and ultimately, in far too many instances, without access to medication at all. This legislation is an important step towards restoring the access to affordable medications for all Medicare beneficiaries.

While this may not be the magic bullet that meets all of the long term needs of providing Medicare prescription drug coverage, it does provide a mechanism for immediate relief from rising drug costs. Working together, reaching across the aisle, we can use this time of unparalleled prosperity to do the right thing by our seniors. We should do it this year for their sake, and for the sake of the future of Medicare.

I look forward to working on this important issue in the months to come and hope that Congress will work swiftly in a bipartisan manner to enact this legislation that will benefit millions of senior citizens and disabled individuals across our nation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prescription Drug Fairness for Seniors Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Manufacturers of prescription drugs engage in price discrimination practices that compel many older Americans to pay substantially more for prescription drugs than consumers in foreign nations and the drug manufacturers' most favored customers in the United States, such as health insurers, health maintenance organizations, and the Federal Government.

(2) Older Americans who buy their own prescription drugs often pay twice as much for prescription drugs as consumers in foreign nations and the drug manufacturers' most favored customers in the United States. In some cases, older Americans pay 10 times more for prescription drugs than such customers.

(3) The discriminatory pricing by major drug manufacturers sustains their high profits (for example, $27,300,000,000 in 1999), but causes financial hardship and impairs the health and well-being of millions of older Americans. Many older Americans are forced to choose between buying their food and buying their medicines.

(4) Foreign nations and federally funded health care programs in the United States use purchasing power to obtain prescription drugs at low prices. Medicare beneficiaries are denied this benefit and cannot obtain their prescription drugs at the lower prices available to such nations and programs.

(5) Implementation of the policy set forth in this Act is estimated to reduce prescription drug prices for many medicare beneficiaries by an average of 40 percent.

(6) In addition to substantially lowering the costs of prescription drugs for older Americans, implementation of the policy set forth in this Act will significantly improve the health and well-being of older Americans and lower the costs to the Federal taxpayer of the medicare program.

(7) Older Americans who are terminally ill and receiving hospice care services represent some of the most vulnerable individuals in our Nation. Making prescription drugs available to medicare beneficiaries under the care of medicare-certified hospices will assist in extending the benefits of lower prescription drug prices to those most vulnerable and in need.

(b) PURPOSE.—The purpose of this Act is to protect medicare beneficiaries from discriminatory pricing by drug manufacturers and to make prescription drugs available to medicare beneficiaries at substantially reduced prices.

SEC. 3. PARTICIPATING MANUFACTURERS.

(a) In General.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in subsection (b) at the price described in subsection (c).

(b) Description of Amount of Drugs.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(c) Description of Price.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is a price no greater than the manufacturer's average foreign price.

(d) Enforcement.—The United States shall debar a manufacturer of drugs or biologicals that does not comply with the provisions of this Act.

SEC. 4. SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.

For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under section 3, there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

SEC. 5. ADMINISTRATION.

The Secretary shall issue such regulations as may be necessary to implement this Act.

SEC. 6. REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF ACT.

(a) In General.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of this Act in—

(1) protecting medicare beneficiaries from discriminatory pricing by drug manufacturers; and

(2) making prescription drugs available to medicare beneficiaries at substantially reduced prices.

(b) Consultation.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(c) Recommendations.—The Secretary shall include in such reports any recommendations the Secretary considers appropriate for changes in this Act to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

SEC. 7. DEFINITIONS.

In this Act:

(1) Average foreign price.—

(A) In general.—The term "average foreign price" means, with respect to a covered outpatient drug, the average price that the manufacturer of the drug realizes on the sale of drugs with the same active ingredient or ingredients that are consumed in covered foreign nations, taking into account—

(i) any rebate, contract term or condition, or other arrangement (whether with the purchaser or other persons) that has the effect of reducing the amount realized by the manufacturer on the sale of the drugs; and

(ii) adjustments for any differences in dosage, formulation, or other relevant characteristics of the drugs.

(B) Exempt transactions.—The Secretary may, by regulation, exempt from the calculation of the average foreign price of a drug those prices realized by a manufacturer in transactions that are entered into for charitable purposes, for research purposes, or under other unusual circumstances, if the Secretary determines that the exemption is in the public interest and is consistent with the purposes of this Act.

(2) Covered foreign nation.—The term "covered foreign nation" means Canada, France, Germany, Italy, Japan, and the United Kingdom.

(3) Covered outpatient drug.—The term "covered outpatient drug" has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(4) Debar.—The term "debar" means to exclude, pursuant to established administrative procedures, from Government contracting and subcontracting for a specified period of time commensurate with the seriousness of the failure or offense or the inadequacy of performance.

(5) Hospice program.—The term "hospice program" has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(6) Medicare beneficiary.—The term "medicare beneficiary" means an individual entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, or both.

(7) Participating manufacturer.—The term "participating manufacturer" means any manufacturer of drugs or biologicals that, on or after the date of enactment of this Act, enters into a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(8) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 8. EFFECTIVE DATE.

The Secretary shall implement this Act as expeditiously as practicable and in a manner consistent with the obligations of the United States.

By Mr. CAMPBELL (for himself, Mr. Kohl, and Mr. Hatch):

S. 700. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States; read the first time.

Mr. CAMPBELL. Mr. President, today I am joined by my friends and colleagues, Senator Kohl and Senator Hatch in introducing an expanded version of the Mad Cow Prevention Act of 2001, which we previously introduced on March 14, 2001. Our original bill would establish a Federal Task Force to prevent the spread to and within the United States of Mad Cow Disease, Foot-and-Mouth Disease, and related livestock diseases. This new bill, entitled the Mad Cow and Related Diseases Prevention Act of 2001, would add the Secretary of State and the Director of the Federal Emergency Management Agency to the Task Force.

We also are invoking Rule 14 to have the bill placed directly on the Senate Calendar. We are taking this rare step because of the growing severity of this threat and testimony presented at a hearing this morning before the Senate Subcommittee on Consumer Affairs, Foreign Commerce and Tourism.

We can not take for granted that our food supply will not be tainted by Mad Cow Disease, which has infected over 175,000 cattle in Great Britain and Europe, and other livestock diseases. This is an issue that has a direct impact on my home state of Colorado, and the rest of the nation as a whole.

We need to proceed in a prudent, cautious way to do everything we can to prevent Mad Cow Disease and other devastating livestock diseases from entering and spreading in the United States. Only then can we ensure continued consumer confidence in the safety of the American food supply.

The bill we reintroduce today establishes a Federal Interagency Task Force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of Mad Cow Disease. The agencies will include the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health and Human Service, the Secretary of the Treasury, the Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, the Director of the Centers for Disease Control, the Commissioner of Customs, the Secretary of State, the Director of the Federal Emergency Management Agency, and any other agencies the President deems appropriate.

No later than 60 days after the enactment of this legislation, the task force will submit to Congress a report which will describe the actions the agencies are taking and plan to take to prevent the spread of Mad Cow and other livestock diseases and make recommendations for the future prevention of the spread of this disease to the United States. The Task Force should also consider and report on foot-and-mouth disease, chronic wasting disease and other diseases associated with our meat industries. I urge my colleagues to support its speedy passage.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mad Cow and Related Diseases Prevention Act of 2001".

SEC. 2. INTERAGENCY TASK FORCE.

(a) In General.—There is established a Federal interagency task force, to be chaired by the Secretary of Agriculture, for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease"), foot-and-mouth disease and related diseases in the United States.

(b) MEMBERSHIP.—The membership of the task force shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Commerce;

(3) the Secretary of Health and Human Services;

(4) the Secretary of the Treasury;

(5) the Commissioner of Food and Drug;

(6) the Director of the National Institutes of Health;

(7) the Director of the Centers for Disease Control and Prevention;

(8) the Commissioner of Customs;

(9) the Secretary of State;

(10) the Director of the Federal Emergency Management Agency; and

(11) the heads of such other Federal departments and agencies as the President considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the task force shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States; and

(2) contains any recommendations for legislative and regulatory actions that should be taken to prevent the outbreak of bovine spongiform encephalopathy, foot-and-mouth disease and related diseases in the United States.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 31—COMMENDING CLEAR CHANNEL COMMUNICATIONS AND THE AMERICAN FOOTBALL COACHES ASSOCIATION FOR THEIR DEDICATION AND EFFORTS FOR PROTECTING CHILDREN BY PROVIDING A VITAL MEANS FOR LOCATING THE NATION'S MISSING, KIDNAPPED, AND RUNAWAY CHILDREN

Mr. THOMPSON submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 31

Whereas children are the Nation's greatest asset for the future;

Whereas more than 800,000 children disappear each year in the United States, and the problem of missing, kidnapped, and runaway children potentially affects every community in the Nation;

Whereas the United States is committed to the protection of its children as essential for the Nation's strong and vital growth;

Whereas Clear Channel Communications and the American Football Coaches Association are making the United States the world leader in the protection of children by providing 60,000,000 Inkless Child Identification Kits for use by parents;

Whereas these kits allow parents to keep vital information, current photographs, and fingerprints readily available to provide to law enforcement agencies throughout the Nation in the event of an emergency; and

Whereas Clear Channel Communications and the American Football Coaches Association, through the efforts of board members, officers, employees, and subsidiary companies and the leadership of Lowry Mays, Mark Mays, and Grant Teaff, display an outstanding dedication to the children in communities throughout the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children.

Mr. THOMPSON. Mr. President, today I rise to submit a resolution commending Clear Channel Communications and the American Football Coaches Association, AFCA, for their efforts to protect children by providing a vital means for locating America's missing, kidnapped, and runaway children.

In 1997, the AFCA created the National Child Identification Program with a goal of fingerprinting 20 million children across the country. The AFCA began the program after discovering some startling statistics regarding missing children. The statistics showed that every year 450,000 children run away, 350,000 are abducted by a family member, and over 4,500 are abducted by a stranger. A total of 800,000 children are missing somewhere in America each year, that is one child every 40 seconds.

The National Child Identification Program provides free inkless fingerprint kits for children. These kits allow parents to take and store their child's fingerprints in their own home. If ever needed, this fingerprint record can give authorities vital information to assist them in their efforts to locate a missing child. In its first year, the AFCA distributed 2.1 million child I.D. kits at college football games across the country. To date, there have been 12 million free child I.D. kits distributed.

I am proud to say that many in Tennessee have contributed to this effort. Phil Fulmer, Head Football Coach at the University of Tennessee, has been an active participant in this program. With his help, the AFCA was able to distribute over 200,000 I.D. kits at University of Tennessee football games. Last year, Tennessee Governor Don Sundquist declared March 2000 as "Child Identification Awareness Month" and acknowledged that the program will affect the lives of children all over Tennessee.

Last year, Clear Channel Communications, a Texas-based media company, partnered with AFCA to raise funds to provide 60 million schoolchildren with free I.D. kits. They have committed to raising $78 million over the next three years for this effort.

This revolution gives special recognition to the American Football Coaches Association and Clear Channel Communications for their efforts. I ask my colleagues to join me in supporting this resolution.

SENATE CONCURRENT RESOLUTION 32—HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR ITS 135 YEARS OF SERVICE TO THE PEOPLE OF THE UNITED STATES AND THEIR ANIMALS

Mr. DURBIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 32

Whereas April 10, 2001, is the 135th anniversary of the founding of The American Society for the Prevention of Cruelty to Animals ("ASPCA");

Whereas ASPCA has provided services to millions of people and their animals since its establishment in 1866 in New York City by Henry Bergh;

Whereas ASPCA was the first humane society established in the western hemisphere;

Whereas ASPCA teaches children the character-building virtues of compassion, kindness, and respect for all God's creatures;

Whereas the dedicated directors, staff, and volunteers of ASPCA have provided shelter, medical care, behavioral counseling, and placement for abandoned, abused, or homeless animals in the United States for more than a century; and

Whereas ASPCA, through its observance of April as Prevention of Cruelty to Animals Month and its promotion of humane animal treatment through programs on law enforcement, education, shelter outreach, poison control, legislative affairs, counseling, veterinary services, and behavioral training, has provided invaluable services to the people of the United States and their animals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

(a) IN GENERAL.—Congress honors The American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals.

(b) TRANSMITTAL.—The Secretary of the Senate shall transmit a copy of this concurrent resolution to the president of The American Society for the Prevention of Cruelty to Animals.

Mr. DURBIN. Mr. President, I rise today to submit a resolution honoring The American Society for the Prevention of Cruelty to Animals on the 135th Anniversary of their founding.

The dedicated volunteers of The ASPCA have provided shelter, medical care, and placement for abandoned and abused animals for more than a century.

The ASPCA is the oldest animal welfare organization in North America. Henry Bergh began the organization in 1866 as a platform to prevent the cruel beating of carriage horses in New York City. Today, The ASPCA is a national organization, employing 680,000 workers and providing services to millions of people and their animals. The success of the organization has made the term ASPCA synonymous with "animal rescue", "animal shelter", "animal adoptions" and "humane education."

In my homestate of Illinois, The ASPCA has an Animal Poison Control Center—the first and only non-profit animal-dedicated poison control center in the U.S. In 1996, The ASPCA acquired the center from the University of Illinois in Champaign-Urbana. The center is committed to relieving pain, fear and suffering in animals who have been poisoned, and to provide education on toxicology.

The ASPCA continues to educate adults and children that kindness, caring and respect for all creatures benefits both humans and animals. In addition, millions of Americans have participated in "Prevention-of-Cruelty-to-Animals" activities in the month of April through their schools and civic organizations.

I ask my colleagues in the Senate to join me in congratulating the staff, directors and volunteers at The ASPCA on a successful 135 years of service

AMENDMENTS SUBMITTED AND PROPOSED

SA 179. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table.

SA 180. Mr. GRAHAM (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 181. Mr. GRAHAM (for himself, Mrs. Hutchison, Mr. Grassley, Ms. Collins, Ms. Snowe, Mr. Rockefeller, Mrs. Carnahan, Mrs. Murray, Mr. Schumer, and Mrs. Clinton) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 182. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 183. Mr. KERRY (for himself, Mr. Bond, Mr. Bingaman, Mr. Wellstone, Ms. Landrieu, Mr. Daschle and Mr. Johnson) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83 supra; which was ordered to lie on the table.

SA 184. Mr. HOLLINGS (for himself, Mr. Dayton, Mr. Biden, Ms. Stabenow, and Mrs. Boxer) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83 supra; which was ordered to lie on the table.

SA 185. Mr. HARKIN (for himself, Mr. Wellstone, Mr. Kennedy, Mrs. Murray, Mr. Bingaman, Mrs. Clinton, Mr. Dayton, Mr. Rockefeller, Mr. Corzine, Ms. Mikulski, Mr. Reed, Mr. Reid, Mr. Sarbanes, Ms. Landrieu, Mr. Kerry, Mr. Daschle, and Mr. Schumer) proposed an amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 186. Mr. SPECTER (for himself, Mr. Harkin, Ms. Mikulski, Ms. Collins, Ms. Landrieu, Mr. Kerry, Mr. Wellstone, Mr. DeWine, Mrs. Murray, Mr. Sarbanes, and Ms. Snowe) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 187. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 188. Ms. LANDRIEU (for herself, Mrs. Carnahan, Mr. Lieberman, Mr. Reed, Mr. Levin, Mr. Breaux, Mr. Corzine, Mr. Graham, and Mr. Nelson, of Florida) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 189. Mr. WARNER (for himself, Mr. Hutchinson, Mr. Roberts, Mr. Inhofe, Ms. Collins, Mr. Miller, and Mr. Kyl) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 190. Ms. COLLINS (for herself, Mr. Bond, Ms. Mikulski, Mr. Roberts, Mr. Cochran, Mr. Smith of Oregon, Ms. Snowe, Mr. Enzi, Mr. Hutchinson, Mr. Santorum, Mr. Domenici, and Mr. Burns) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 191. Ms. STABENOW (for herself and Mr. Johnson) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

TEXT OF AMENDMENTS

SA 179. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal year 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . TAX RELIEF FOR PAYROLL TAX ONLY TAXPAYERS.

(a) In General.—It shall not be in order in the Senate to consider a bill reducing revenues or a conference report on such a bill if the bill or conference report reduces revenues by an amount in excess of $500,000,000,000 over the period of fiscal years 2002 through 2011 unless the bill or conference report contains a certification by the Committee on Finance or the conferees, respectively, that the bill or conference report provides substantial tax relief to the 28,000,000 taxpayers who pay payroll taxes but who do not have sufficient earnings to generate income tax liability.

(b) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 180. Mr. GRAHAM (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 2, increase the amount by $319,000,000.

On page 4, line 16, increase the amount by $80,000,000.

On page 4, line 17, increase the amount by $25,000,000.

On page 4, line 18, increase the amount by $25,000,000.

On page 4, line 19, increase the amount by $25,000,000.

On page 4, line 20, increase the amount by $25,000,000.

On page 4, line 21, increase the amount by $25,000,000.

On page 4, line 22, increase the amount by $25,000,000.

On page 4, line 23, increase the amount by $25,000,000.

On page 5, line 1, increase the amount by $25,000,000.

On page 5, line 2, increase the amount by $25,000,000.

On page 5, line 7, decrease the amount by $80,000,000.

On page 5, line 8, decrease the amount by $25,000,000.

On page 5, line 9, decrease the amount by $25,000,000.

On page 5, line 10, decrease the amount by $25,000,000.

On page 5, line 11, decrease the amount by $25,000,000.

On page 5, line 12, decrease the amount by $25,000,000.

On page 5, line 13, decrease the amount by $25,000,000.

On page 5, line 14, decrease the amount by $25,000,000.

On page 5, line 15, decrease the amount by $25,000,000.

On page 5, line 16, decrease the amount by $25,000,000.

On page 32, line 15, increase the amount by $319,000,000.

On page 32, line 16, increase the amount by $80,000,000.

On page 32, line 20, increase the amount by $25,000,000.

On page 32, line 24, increase the amount by $25,000,000.

On page 33, line 3, increase the amount by $25,000,000.

On page 33, line 7, increase the amount by $25,000,000.

On page 33, line 11, increase the amount by $25,000,000.

On page 33, line 15, increase the amount by $25,000,000.

On page 33, line 19, increase the amount by $25,000,000.

On page 33, line 23, increase the amount by $25,000,000.

On page 34, line 3, increase the amount by $25,000,000.

SA 181. Mr. GRAHAM (for himself, Mrs. Hutchison, Mr. Grassley, Ms. Collins, Ms. Snowe, Mr. Rockefeller, Mrs. Carnahan, Mrs. Murray, Mr. Schumer, and Mrs. Clinton) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was ordered to lie on the table, as follows:

On page 27, line 3, increase the amount by $680,000,000.

On page 27, line 4, increase the amount by $510,000,000.

On page 27, line 8, increase the amount by $136,000,000.

On page 7, line 12, increase the amount by $34,000,000.

On page 32, line 15, increase the amount by $180,000,000.

On page 32, line 20, decrease the amount by $40,000,000.

On page 32, line 24, decrease the amount by $20,000,000.

On page 33, line 3, decrease the amount by $15,000,000.

On page 33, line 7, decrease the amount by $15,000,000.

On page 33, line 11, decrease the amount by $15,000,000.

On page 33, line 15, decrease the amount by $15,000,000.

On page 33, line 19, decrease the amount by $15,000,000.

On page 33, line 23, decrease the amount by $15,000,000.

On page 34, line 3, decrease the amount by $15,000,000.

On page 4, line 2, increase the amount by $680,000,000.

On page 4, line 16, increase the amount by $690,000,000.

On page 4, line 17, increase the amount by $96,000,000.

On page 4, line 18, increase the amount by $14,000,000.

On page 4, line 19, decrease the amount by $15,000,000.

On page 4, line 20, decrease the amount by $15,000,000.

On page 4, line 21, decrease the amount by $15,000,000.

On page 4, line 22, decrease the amount by $15,000,000.

On page 4, line 23, decrease the amount by $15,000,000.

On page 5, line 1, decrease the amount by $15,000,000.

On page 5, line 2, decrease the amount by $15,000,000.

On page 5, line 7, decrease the amount by $690,000,000.

On page 5, line 8, decrease the amount by $96,000,000.

On page 5, line 9, decrease the amount by $14,000,000.

On page 5, line 10, increase the amount by $15,000,000.

On page 5, line 11, increase the amount by $15,000,000.

On page 5, line 12, increase the amount by $15,000,000.

On page 5, line 13, increase the amount by $15,000,000.

On page 5, line 14, increase the amount by $15,000,000.

On page 5, line 15, increase the amount by $15,000,000.

On page 5, line 16, increase the amount by $15,000,000.

SA 182. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 10, line 21, increase the amount by $707,000,000.

On page 10, line 22, increase the amount by $707,000,000.

On page 43, line 15, decrease the amount by $707,000,000.

On page 43, line 16, decrease the amount by $707,000,000.

SA 183. Mr. KERRY (for himself, Mr. Bingaman, Mr. Wellstone, Ms. Landrieu, and Mr. Daschle) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table.

On page 21, line 15, increase the amount by $264,000,000.

On page 21, line 16, increase the amount by $154,000,000.

On page 43, line 15, decrease the amount by $264,000,000.

On page 43, line 16, decrease the amount by $154,000,000.

On page 48, line 8, increase the amount by $264,000,000.

On page 48, line 9, increase the amount by $154,000,000.

SA 184. Mr. HOLLINGS (for himself, Mr. Dayton, Mr. Biden, Ms. Stabenow, and Mrs. Boxer) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 43, strike lines 10 through 12, and insert the following:

(A) New budget authority, $95,000,000,000.

(B) Outlays, $95,000,000,000.

(C) The Senate finds that

(i) given the apparent economic slowdown, the Congress should stimulate the economy by passing a 1-year true tax cut stimulus package that provides income tax and payroll tax relief;

(ii) for real economic stimulus the 1-year tax cut should equal approximately 1 percent of the gross domestic product, or $95,000,000,000;

(iii) a meaningful economic stimulus must reach as many taxpayers as possible, or at least 120 million people;

(iv) the broadest range of taxpayers can be reached by offering a direct rebate based on income tax liability or payroll tax liability; and

(v) the tax stimulus bill should be immediate and take effect on or before July 1, 2001.

(D) It is the sense of the Senate that the Senate should as soon as practical consider and pass a stimulus tax package pursuant to this budget resolution that will result in

(i) up to a $500 rebate per individual for 95 million taxpayers by reducing in the current calendar year the 15 percent income tax rate to 10 percent for income brackets

(I) $0–$20,000 for couples;

(II) $0–$16,000 for heads of households; and

(III) $0–$10,000 for single individuals or married individuals making a separate return of tax; and

(ii) up to a $500 payroll tax rebate for the 25,000,000 taxpayers who pay taxes but do not qualify for the income tax.

SA 185. Mr. HARKIN (for himself, Mr. Wellstone, Mr. Kennedy, Mrs. Murray, Mr. Bingaman, Mrs. Clinton, Mr. Dayton, Mr. Rockefeller, Mr. Corzine, Ms. Mikulski, Mr. Reed, Mr. Reid, Mr. Sarbanes, Ms. Landrieu, Mr. Kerry, Mr. Daschle, and Mr. Schumer) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 18, increase the amount by $15,600,000,000.

On page 3, line 1, increase the amount by $24,700,000,000.

On page 3, line 2, increase the amount by $34,100,000,000.

On page 3, line 3, increase the amount by $43,200,000,000.

On page 3, line 4, increase the amount by $51,100,000,000.

On page 3, line 5, increase the amount by $59,100,000,000.

On page 3, line 6, increase the amount by $66,500,000,000.

On page 3, line 7, increase the amount by $73,000,000,000.

On page 3, line 8, increase the amount by $80,200,000,000.

On page 3, line 14, increase the amount by $15,600,000,000.

On page 3, line 15, decrease the amount by $24,700,000,000.

On page 3, line 16, decrease the amount by $34,100,000,000.

On page 3, line 17, decrease the amount by $43,200,000,000.

On page 3, line 18, decrease the amount by $51,100,000,000.

On page 3, line 19, decrease the amount by $59,100,000,000.

On page 3, line 20, decrease the amount by $66,500,000,000.

On page 3, line 21, decrease the amount by $73,000,000,000.

On page 3, line 22, decrease the amount by $80,200,000,000.

On page 4, line 3, increase the amount by $12,200,000,000.

On page 4, line 4, increase the amount by $16,300,000,000.

On page 4, line 5, increase the amount by $20,300,000,000.

On page 4, line 6, increase the amount by $23,800,000,000.

On page 4, line 7, increase the amount by $27,300,000,000.

On page 4, line 8, increase the amount by $30,900,000,000.

On page 4, line 9, increase the amount by $34,000,000,000.

On page 4, line 10, increase the amount by $37,200,000,000.

On page 4, line 11, increase the amount by $40,000,000,000.

On page 4, line 17, increase the amount by $7,800,000,000.

On page 4, line 18, increase the amount by $12,300,000,000.

On page 4, line 19, increase the amount by $17,000,000,000.

On page 4, line 20, increase the amount by $21,600,000,000.

On page 4, line 21, increase the amount by $25,500,000,000.

On page 4, line 22, increase the amount by $29,500,000,000.

On page 4, line 23, increase the amount by $33,300,000,000.

On page 5, line 1, increase the amount by $36,500,000,000.

On page 5, line 2, increase the amount by $40,100,000,000.

On page 5, line 8, increase the amount by $7,800,000,000.

On page 5, line 9, increase the amount by $12,300,000,000.

On page 5, line 10, increase the amount by $17,000,000,000.

On page 5, line 11, increase the amount by $21,600,000,000.

On page 5, line 12, increase the amount by $25,500,000,000.

On page 5, line 13, increase the amount by $29,500,000,000.

On page 5, line 14, increase the amount by $33,300,000,000.

On page 5, line 15, increase the amount by $36,500,000,000.

On page 5, line 16, increase the amount by $40,100,000,000.

On page 5, line 21, decrease the amount by $7,800,000,000.

On page 5, line 22, decrease the amount by $20,100,000,000.

On page 5, line 23, decrease the amount by $37,200,000,000.

On page 5, line 24, decrease the amount by $58,800,000,000.

On page 5, line 25, decrease the amount by $84,300,000,000.

On page 6, line 1, decrease the amount by $113,800,000,000.

On page 6, line 2, decrease the amount by $147,100,000,000.

On page 6, line 3, decrease the amount by $183,600,000,000.

On page 6, line 4, decrease the amount by $223,700,000,000.

On page 6, line 9, decrease the amount by $7,800,000,000.

On page 6, line 10, decrease the amount by $20,100,000,000.

On page 6, line 11, decrease the amount by $37,200,000,000.

On page 6, line 12, decrease the amount by $58,800,000,000.

On page 6, line 13, decrease the amount by $84,300,000,000.

On page 6, line 14, decrease the amount by $113,800,000,000.

On page 6, line 15, decrease the amount by $147,100,000,000.

On page 6, line 16, decrease the amount by $183,600,000,000.

On page 6, line 17, decrease the amount by $223,700,000,000.

On page 27, line 3, increase the amount by $8,300,000,000.

On page 27, line 4, increase the amount by $1,000,000,000.

On page 27, line 7, increase the amount by $12,200,000,000.

On page 27, line 8, increase the amount by $7,800,000,000.

On page 27, line 11, increase the amount by $16,300,000,000.

On page 27, line 12, increase the amount by $12,300,000,000.

On page 27, line 15, increase the amount by $20,300,000,000.

On page 27, line 16, increase the amount by $17,000,000,000.

On page 27, line 19, increase the amount by $23,800,000,000.

On page 27, line 20, increase the amount by $21,600,000,000.

On page 27, line 23, increase the amount by $27,300,000,000.

On page 27, line 24, increase the amount by $25,500,000,000.

On page 28, line 2, increase the amount by $30,900,000,000.

On page 28, line 3, increase the amount by $29,500,000,000.

On page 28, line 6, increase the amount by $34,000,000,000.

On page 28, line 7, increase the amount by $33,300,000,000.

On page 28, line 10, increase the amount by $37,200,000,000.

On page 28, line 11, increase the amount by $36,500,000,000.

On page 28, line 14, increase the amount by $40,000,000,000.

On page 28, line 15, increase the amount by $40,100,000,000.

On page 43, line 15, decrease the amount by $8,300,000,000.

On page 43, line 16, decrease the amount by $1,000,000,000.

On page 48, line 8, increase the amount by $8,300,000,000.

On page 48, line 9, increase the amount by $1,000,000,000.

SA 186. Mr. SPECTER (for himself, Mr. HARKIN, Ms. MIKULSKI, Ms. COLLINS, Ms. LANDRIEU, Mr. KERRY, Mr. WELLSTONE, Mr. DEWINE, Mrs. MURRAY, Mr. SARBANES, and Ms. SNOWE) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 28, line 23, increase the amount by $700,000,000.

On page 28, line 24, increase the amount by $700,000,000.

On page 43, line 15, decrease the amount by $700,000,000.

On page 43, line 16, decrease the amount by $700,000,000.

SA 187. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. . RESERVE FUND FOR FISCAL YEAR 2001 EMERGENCY RELIEF FOR AGRICULTURE.

If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill or joint resolution or a conference report thereon is submitted that provides emergency assistance to family farmers who produce agricultural commodities in calendar year 2001, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Agriculture, Nutrition, and Forestry of the Senate and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $9,000,000,000 in budget authority and outlays for fiscal year 2001, provided that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SEC. . RESERVE FUND FOR FARM BILL AND AGRICULTURAL CONSERVATION PROGRAMS.

If the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill or joint resolution or a conference report thereon is submitted that provides for an improved, multi-year safety net for farmers and revised authorizations for agricultural trade, nutrition, conservation, credit, rural development, research, and related programs, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Agriculture, Nutrition, and Forestry of the Senate and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $12,000,000,000 in budget authority and outlays for fiscal year 2002, and $120,000,000 in budget authority and outlays for the period of fiscal years 2002 through 2011, provided that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SA 188. Ms. LANDRIEU (for herself, Mrs. CARNAHAN, Mr. LIEBERMAN, Mr. REED, Mr. LEVIN, Mr. BREAUX, Mr. CORZINE, Mr. GRAHAM, and Mr. NELSON of Florida) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the

United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

(Revenues)

On page 2, line 17, increase the amount by $5,576,000,000.

On page 2, line 18, increase the amount by $7,796,000,000.

On page 3, line 1, increase the amount by $8,815,000,000.

On page 3, line 2, increase the amount by $9,180,000,000.

On page 3, line 3, increase the amount by $9,408,000,000.

On page 3, line 4, increase the amount by $9,766,000,000.

On page 3, line 5, increase the amount by $9,890,000,000.

On page 3, line 6, increase the amount by $10,251,000,000.

On page 3, line 7, increase the amount by $11,032,000,000.

On page 3, line 8, increase the amount by $11,629,000,000.

(Revenue Reductions)

On page 3, line 13, decrease the amount by $5,576,000,000.

On page 3, line 14, decrease the amount by $7,796,000,000.

On page 3, line 15, decrease the amount by $8,815,000,000.

On page 3, line 16, decrease the amount by $9,180,000,000.

On page 3, line 17, decrease the amount by $9,408,000,000.

On page 3, line 18, decrease the amount by $9,766,000,000.

On page 3, line 19, decrease the amount by $9,890,000,000.

On page 3, line 20, decrease the amount by $10,251,000,000.

On page 3, line 21, decrease the amount by $11,032,000,000.

On page 3, line 22, decrease the amount by $11,629,000,000.

On page 4, line 2, increase the amount by $8,500,000,000.

On page 4, line 3, increase the amount by $9,000,000,000.

On page 4, line 4, increase the amount by $9,500,000,000.

On page 4, line 5, increase the amount by $9,500,000,000.

On page 4, line 6, increase the amount by $9,500,000,000.

On page 4, line 7, increase the amount by $10,000,000,000.

On page 4, line 8, increase the amount by $10,000,000,000.

On page 4, line 9, increase the amount by $10,500,000,000.

On page 4, line 10, increase the amount by $11,500,000,000.

On page 4, line 11, increase the amount by $12,000,000,000.

On page 4, line 16, increase the amount by $5,576,000,000.

On page 4, line 17, increase the amount by $7,796,000,000.

On page 4, line 18, increase the amount by $8,815,000,000.

On page 4, line 19, increase the amount by $9,180,000,000.

On page 4, line 20, increase the amount by $9,408,000,000.

On page 4, line 21, increase the amount by $9,766,000,000.

On page 4, line 22, increase the amount by $9,890,000,000.

On page 4, line 23, increase the amount by $10,251,000,000.

On page 5, line 1, increase the amount by $11,032,000,000.

On page 5, line 2, increase the amount by $11,629,000,000.

On page 10, line 21, increase the amount by $8,500,000,000.

On page 10, line 22, increase the amount by $5,576,000,000.

On page 10, line 25, increase the amount by $9,000,000,000.

On page 11, line 1, increase the amount by $7,796,000,000.

On page 11, line 4, increase the amount by $9,500,000,000.

On page 11, line 5, increase the amount by $8,815,000,000.

On page 11, line 8, increase the amount by $9,500,000,000.

On page 11, line 9, increase the amount by $9,180,000,000.

On page 11, line 12, increase the amount by $9,500,000,000.

On page 11, line 13, increase the amount by $9,408,000,000.

On page 11, line 16, increase the amount by $10,000,000,000.

On page 11, line 17, increase the amount by $9,766,000,000.

On page 11, line 20, increase the amount by $10,000,000,000.

On page 11, line 9, increase the amount by $9,890,000,000.

On page 11, line 24, increase the amount by $10,500,000,000.

On page 11, line 25, increase the amount by $10,251,000,000.

On page 12, line 3, increase the amount by $11,500,000,000.

On page 12, line 4, increase the amount by $11,032,000,000.

On page 12, line 7, increase the amount by $12,000,000,000.

On page 12, line 8, increase the amount by $11,629,000,000.

On page 43, line 15, decrease the amount by $8,500,000,000.

On page 43, line 16, decrease the amount by $5,576,000,000.

On page 48, line 8, increase the amount by $8,500,000,000.

On page 48, line 9, increase the amount by $5,576,000,000.

SA 189. Mr. WARNER (for himself, Mr. HUTCHINSON, Mr. ROBERTS, Mr. INHOFE, Ms. COLLINS, Mr. MILLER, and Mr. KYL) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 10, line 21, increase the amount by $8,500,000,000.

On page 10, line 22, increase the amount by $6,460,000,000.

On page 43, line 15, decrease the amount by $8,500,000,000.

On page 43, line 16, decrease the amount by $6,460,000,000.

On page 48, line 8, increase the amount by $8,500,000,000.

On page 48, line 9, increase the amount by $6,460,000,000.

SA 190. Ms. COLLINS (for herself, Mr. BOND, Ms. MIKULSKI, Mr. ROBERTS, Mr. COCHRAN, Mr. SMITH of Oregon, Ms. SNOWE, Mr. ENZI, Mr. HUTCHINSON, Mr. SANTORUM, Mr. DOMENICI, and Mr. BURNS) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the end of title II, insert the following:

SEC. —. RESERVE FUND FOR MEDICARE PAYMENTS TO HOME HEALTH AGENCIES.

If the Senate Committee on Finance or the House Committee on Ways and Means or Commerce reports a bill, or if an amendment thereto is offered or a conference report thereon is submitted, that repeals the 15 percent reduction in payments under the medicare program to home health agencies enacted by the Balanced Budget Act of 1997 and now scheduled to go into effect on October 1, 2002, the chairman of the Committee on the Budget of the House or Senate may increase the allocation of new budget authority and outlays to that committee and other appropriate budgetary aggregates and levels by the amount needed, but not to exceed $0 in new budget authority and outlays in 2002, $4,000,000,000 for the period 2002 through 2006, and $13,700,000,000 for the period 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SA 191. Ms. STABENOW (for herself and Mr. JOHNSON) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 18, increase the 6 amount by $700,000,000.

On page 3, line 1, increase the amount by $1,000,000,000.

On page 3, line 2, increase the amount by $1,100,000,000.

On page 3, line 3, increase the amount by $1,300,000,000.

On page 3, line 4, increase the amount by $1,500,000,000.

On page 3, line 5, increase the amount by $1,700,000,000.

On page 3, line 6, increase the amount by $1,900,000,000.

On page 3, line 7, increase the amount by $2,100,000,000.

On page 3, line 8, increase the amount by $2,400,000,000.

On page 3, line 14, increase the amount by $700,000,000.

On page 3, line 15, decrease the amount by $1,000,000,000.

On page 3, line 16, decrease the amount by $1,100,000,000.

On page 3, line 17, decrease the amount by $1,300,000,000.

On page 3, line 18, decrease the amount by $1,500,000,000.

On page 3, line 19, decrease the amount by $1,700,000,000.

On page 3, line 20, decrease the amount by $1,900,000,000.

On page 3, line 21, decrease the amount by $2,100,000,000.

On page 3, line 22, decrease the amount by $2,400,000,000.

On page 4, line 3, increase the amount by $700,000,000.

On page 4, line 4, increase the amount by $1,000,000,000.

On page 4, line 5, increase the amount by $1,100,000,000.

On page 4, line 6, increase the amount by $1,300,000,000.

On page 4, line 7, increase the amount by $1,500,000,000.

On page 4, line 8, increase the amount by $1,700,000,000.

On page 4, line 9, increase the amount by $1,900,000,000.

On page 4, line 10, increase the amount by $2,100,000,000.

On page 4, line 11, increase the amount by $2,400,000,000.

On page 4, line 17, increase the amount by $700,000,000.

On page 4, line 18, increase the amount by $1,000,000,000.

On page 4, line 19, increase the amount by $1,100,000,000.

On page 4, line 20, increase the amount by $1,300,000,000.

On page 4, line 21, increase the amount by $1,500,000,000.

On page 4, line 22, increase the amount by $1,700,000,000.

On page 4, line 23, increase the amount by $1,900,000,000.

On page 5, line 1, increase the amount by $2,100,000,000.

On page 5, line 2, increase the amount by $2,400,000,000.

On page 30, line 23, increase the amount by $700,000,000.

On page 30, line 24, increase the amount by $700,000,000.

On page 31, line 2, increase the amount by $1,000,000,000.

On page 31, line 3, increase the amount by $1,000,000,000.

On page 31, line 6, increase the amount by $1,100,000,000.

On page 31, line 7, increase the amount by $1,100,000,000.

On page 31, line 10, increase the amount by $1,300,000,000.

On page 31, line 11, increase the amount by $1,300,000,000.

On page 31, line 14, increase the amount by $1,500,000,000.

On page 31, line 15, increase the amount by $1,500,000,000.

On page 31, line 18, increase the amount by $1,700,000,000.

On page 31, line 19, increase the amount by $1,700,000,000.

On page 31, line 22, increase the amount by $1,900,000,000.

On page 31, line 23, increase the amount by $1,900,000,000.

On page 32, line 2, increase the amount by $2,100,000,000.

On page 32, line 3, increase the amount by $2,100,000,000.

On page 32, line 6, increase the amount by $2,400,000,000.

On page 32, line 7, increase the amount by $2,400,000,000.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 24, 2001 in SD–562 at 9:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 25, 2001 in SR–328A at 9:30 a.m. The purpose of this hearing will be to review agricultural trade issues.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on April 26, 2001 in SR–328A at 9:30 a.m. The purpose of this hearing will be to review agricultural trade issues.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 5, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing to receive the goals and priorities of the United South and Eastern Tribes (USET) for the 107th Congress.

Those wishing additional information may contact Committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 4, 2001 to hear testimony on International Trade and the American Economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 4, 2001 at 9:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, April 4, 2001 at 2:00 p.m. for a hearing regarding the State of the Presidential Appointments Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on States Rights and Federal Remedies: When are Employment Laws Constitutional? during the session of the Senate on Wednesday, April 4, 2001, at 9:30 a.m.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 4, 2001 at 2:30 p.m. in room 485 of the Russell Senate Office Building to conduct a Business Meeting on S. 211, the Native American Education Improvement Act of 2001.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, April 4, 2001, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a roundtable entitled "A Tax Agenda for Small Business".

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet to hold a hearing on the nomination of Tim S. McClain of California to be VA General Counsel. The hearing will be held on Wednesday, April 4, 2001, at 9:30 a.m. in room 418 of the Russell Senate Office Building.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 4, 2001, at 2:00 p.m. to hold a closed hearing on intelligence matters.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a hearing on Wednesday, April 4, 2001 at 10:00 a.m. The hearing will take place in Dirksen Room 226.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 4, 2001 at 9:30 a.m.

on Mad Cow Disease: Are Our Precautions Adequate?

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on Wednesday, April 4, 2001 at 2:00 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 4, 2001 at 9:30 a.m. in open session to receive testimony regarding shipbuilding industrial base issues and initiatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

On April 3, 2001, the Senate amended and passed S. Res. 55, as follows:

S. Res. 55

Whereas the month of April has been designated National Child Abuse Prevention Month as an annual tradition initiated in 1979 by former President Jimmy Carter;

Whereas the most recent Government figures show that almost 1,000,000 children were victims of abuse and neglect in 1998, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 3 children die each day in this country;

Whereas the rate of child fatalities resulting from child abuse and neglect in 1998 for children aged 1 and younger accounted for 40 percent of the fatalities, and for children aged 5 and younger accounted for 77.5 percent of the fatalities;

Whereas head trauma is the leading cause of death of abused children, including the trauma known as Shaken Baby Syndrome;

Whereas Shaken Baby Syndrome is a totally preventable form of child abuse, caused by a caregiver losing control and shaking a baby that is usually less than 1 year of age;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, with thousands more misdiagnosed and undetected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant, and more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and untold grief for many families;

Whereas prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization which began with 3 mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victim families in the health care and criminal justice systems;

Whereas child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the Shaken Baby Alliance, Children's Defense Fund, American Academy of Pediatrics, American Medical Association, Child Welfare League of America, Prevent Child Abuse America, Brain Injury Association, National Child Abuse Coalition, National Exchange Club Foundation, American Humane Association, Center for Child Protection and Family Support, Inc., National Association Of Children's Hospitals and Related Institutions, and many other organizations including the National Basketball Association, which is sponsoring a series of "NBA Child Abuse Prevention Awareness Night 2001" events to generate public awareness about the issue of child abuse and neglect during National Child Abuse Prevention Month 2001;

Whereas a year 2000 survey by Prevent Child Abuse America shows that ½ of all Americans believe child abuse and neglect is the most important issue facing this country compared to other public health issues; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April, as "National Shaken Baby Syndrome Awareness Week" for the year 2001 and all future years; and

(2) requests that the President issue a proclamation urging the people of the United States to remember the victims of Shaken Baby Syndrome and participate in educational programs to help prevent Shaken Baby Syndrome.

MEASURE READ THE FIRST TIME—S. 700

Mr. STEVENS. Mr. President, I understand S. 700 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 700) to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

Mr. STEVENS. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the rule, the bill will receive its second reading on the next legislative day.

Mr. STEVENS. Mr. President, for those reading this, this is the Campbell-Kohl-Hatch Mad Cow and Related Diseases Prevention Act of 2001.

ORDERS FOR THURSDAY, APRIL 5, 2001

Mr. STEVENS. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Thursday, April 5. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, time for the two leaders be reserved for their use later in the day, and the Senate then resume the concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of Senators, speaking for the leader, tomorrow the Senate will resume consideration of the two pending amendments to the budget resolution. Following 10 minutes for debate, there will be two consecutive votes beginning at approximately 9:30 a.m. Those votes are in relation to the Stabenow and Collins amendments regarding home health. Additional votes will occur during the day. Again, a late night is expected as the Senate nears completion of this budget resolution.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:53 p.m., adjourned until Thursday, April 5, 2001, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 2001:

DEPARTMENT OF COMMERCE

THEODORE WILLIAM KASSINGER, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE JAMES A. DORSKIND.

DEPARTMENT OF TRANSPORTATION

SEAN B. O'HOLLAREN, OF OREGON, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE MICHAEL J. FRAZIER, RESIGNED.

DEPARTMENT OF THE TREASURY

JOHN B. TAYLOR, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE TIMOTHY F. GEITHNER.

DEPARTMENT OF STATE

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (GLOBAL AFFAIRS), VICE FRANK E. LOY.

GENERAL SERVICES ADMINISTRATION

STEPHEN A. PERRY, OF OHIO, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE DAVID J. BARRAM, RESIGNED.

THE JUDICIARY

MAURICE A. ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE HENRY F. GREENE, TERM EXPIRED.

ERIK PATRICK CHRISTIAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR

COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS. VICE EUGENE N. HAMILTON. TERM EXPIRED.

DEPARTMENT OF LABOR

CHRIS SPEAR. OF VIRGINIA. TO BE AN ASSISTANT SECRETARY OF LABOR. VICE EDWARD B. MONTGOMERY.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY IN THE NURSE CORPS (AN), DENTAL CORPS (DE), JUDGE ADVOCATE GENERAL'S CORPS (JA), MEDICAL CORPS (MC), MEDICAL SERVICE CORPS (MS), MEDICAL SPECIALIST CORPS (SP) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

MARGRETTA M DIEMER, 5286 MC
KELLY T MCKEE JR., 2544 MC
KATY L REYNOLDS, 9615 MC
PAUL B ROCK, 5383 MC
WILLIAM C WILLIARD III, 3881 MC

To be lieutenant colonel

MARY B BEDELL, 0188 AN
DONNA S GACKE, 4182 AN
RICHARD L HUGHES, 4846 DE
KENNETH W MEADE, 7313 MC
SHERRY J MORREY, 9239 SP
BRENT V NELSON, 7276 MC
JAMES R UHL, 8703 MC
JOHN M WEMPE, 2957 MC

To be major

LARRY M FREYBERGER, 8604 AN
JANICE M GENUA, 6876 AN
PAULINE V GROSS, 5766 SP
YOSHIO G HOKAMA, 7705 SP
DANIEL M JAYNE, 1717 SP
GREGORY T KIDWELL, 1877 AN
RONALD L LANDERS, 5372 AN
VIVIAN G LUDI, 2285 AN
JAY F WIGBOLDY, 7811 MC
THOMAS R YARBER, 5615 AN

To be captain

FARRELL H ADKINS, 7809 AN
GILBERT AIDINIAN, 0546 MS
HERMAN A ALLISON, 3080 AN
AARON G AMACHER III, 1465 MS
CATHERINE Y ANDERSON, 0161 AN
KEVIN P BANKS, 6521 MS
RUSSELL L BARFIELD, 5674 MS
BRUCE J BEECHER, 5559 SP
RONALD D BEESLEY, 2226 MS
JOSEPH B BERGER III, 5542 JA
LOUIS A BIRDSONG, 8569 JA
JASON D BOTHWELL, 5635 MS
KARL W BREWER, 8246 MS
SARA K BUCKELEW, 0833 MS
SUSAN J BURGERHETZEL, 0505 JA
MATTHEW P BURKE, 3020 MS
KAREN H CARLISLE, 5887 JA
JESUS M CASTRO, 4931 AN
MARY T CHRISTAL, 4765 AN
PAUL CIMINERA, 1576 MS
SHERMAN D CLAGG, 8968 AN
DANIEL Z CROWE, 4079 JA
JOHN C DEHN, 1942 JA
JOSEPH G DOUGHERTY, 0734 MS
LISA A DRUMMOND, 1721 AN
GARY L EBERLY, 7820 MS
DAVID J EIGNER, 2915 MS
MATTHEW N FANDRE, 6273 MS
MATTHEW V FARGO, 0921 MS
KENNETH A FERRELL, 8878 AN
BRADLEY C GARDINER, 4729 MS
DALE W GEORGE, 4769 MS
DUNCAN A GILLIES II, 8951 MS
MATTHEW E GRIFFITH, 7983 MS
JEFFREY C HAGLER, 8408 JA
DAVID P HARPER, 8556 MS
JASON S HAWLEY, 9959 MS
JOSHUA P HERZOG, 6104 MS
CRISTL E HIGHTOWER, 3189 AN
MATTHEW S HING, 4505 MS
AARON B HOLLEY, 5016 MS
CHAD K HOLMES, 6020 MS
ROBERT P HUSTON, 6643 JA
JOHN T HYATT, 0091 JA
PAULA J JACKSON, 6767 MS
MATTHEW A JAVERNICK, 2587 MS
JEFFERSON W JEX, 8013 MS
TIMOTHY W JUDGE, 1199 MS
DANIEL E KIM, 9339 MS
BRIAN K KONDRAT, 7482 AN
HERBERT P KWON, 9666 MS
LOUIS J LAND, 0555 MS
LLEWELLYN V LEE, 3677 MS
BILLY W MAHANEY, 8723 MS
GREGORY T MCCAIN, 2290 MS
DAWN M MCDOWELLTORRES, 9676 MS
MATTHEW M MILLER, 4777 JA
STEVE B MIN, 5105 MS
ANGELITA MOORE, 2162 MS
WESLEY A MORGAN, 1059 AN
SHERRY D MOSLEY, 5116 AN
BRETT A NELSON, 3088 MS
CHUCK T NGUYEN, 9884 MS
JEREMY C PAMPLIN, 5271 MS
DINA S PAREKH, 4184 MS
SCOTT L PARIS, 4809 AN
PARESH R PATEL, 9106 MS
WILLIAM D PORTER, 9903 MS
DUNFORD N POWELL, 3416 MC
NANCY L RABAGO, 0396 AN
PATRICK A RANEY, 8415 MS
EDWARD C REDDINGTON, 9021 JA
PHYLLIS A RHODES, 2520 AN
BRENDA A RICHARDS, 0462 AN
PEACHES A RICHARDS, 2160 MS
RUTH A RING, 9484 AN
MARK A ROBINSON, 8575 MS
DOUGLAS W ROGERS, 8308 AN
LARRY S ROGERS, 3289 MS
SONYA I ROWE, 9540 AN
JEFFREY N SCHMIDT, 8199 MS
TOD W SCHNETZLER, 0769 AN
RONALD J SHANK, 3130 AN
DONALD G SHIPMAN, 3051 SP
W B SIMS, 3251 AN
EUGENE K SOH, 6364 MS
JOHN W SONG, 3874 MS
ABRAHAM W SUHR, 1111 MS
BRENT A TINNEL, 5918 MS
BRIAN K TRAWICK, 7443 AN
PAUL S URIBE, 6113 MS
AMBER L VEGH, 5674 MS
MELVIN E WAGNER, 8883 MS
MARVETTA WALKER, 4556 AN
MICHELLE L WICKSTROM, 2331 MS
PATRICIA M WILLIAMS, 9362 SP
JOE C WILSON, 7501 AN
MARY A WITT, 5675 AN

EXTENSIONS OF REMARKS

SOCIAL WORK MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UNDERWOOD. Mr. Speaker, Guam has designated the month of March 2001 as "Social Work Month"—the focus revolving around the 23rd Anniversary of the Guam Association of Social Workers (GASW), their 20th annual training conference and the formal establishment of the Guam Chapter of the National Association of Social Workers (NASW).

For the past 23 years GASW has endeavored to establish a network that would provide professional support for social workers in the region. Already in its 20th year, the annual GASW training conference has served to promote and facilitate this objective. This year, conferees from the many islands of Micronesia gathered together on Guam to discuss, learn, and share the latest issues, techniques, and information pertaining to the rapidly changing and demanding field of Social Work.

This year's theme, "Trends in Health, Technology and Human Services," focused upon key issues such as the formation of communities through the processes of inclusion and exclusion, the complex situations of the people involved, and the need for increased skill, thorough analysis, creative visions, and solutions in order for social workers to become better advocates for the community. These issues were addressed and their objectives were met.

This year also marks the establishment of the Guam Chapter of the National Association of Social Workers (NASW). After seven years of negotiations and plenty of hard work, the organization's president Gerard Schwab recently announced that the board of directors had approved their by laws and articles of incorporation. The Chapter is now registered with the Guam Department of Revenue and Taxation. With creation of the Guam Chapter, members within the region stand to benefit from access to the resources of the national association. In addition, Guam is now a voting member of the NASW in national social policy matters. I am sure that this organization will bring together colleagues in the field of Social Work enabling them to pool their resources together and work collectively towards mutual benefits.

"Social Work Month" culminated with an awards dinner where awards for Community Service and the Social Worker of the Year were presented. This year's Community Service Award was presented to the Community Social Development Unit (CSDU) of the Department of Youth Affairs (DYA). Dr. Ulla-Katrina Craig was named Social Worker of the Year.

First established in 1996, CSDU was brought about by the Department of Youth Affairs to provide community-based outreach programs to troubled youth and their families. From one satellite office, CSDU has now expanded to three district offices where approximately 30 programs are administered by 40 professional staff members. Staff members work weekends and holidays providing services to more than 400 clients per week.

Dr. Craig is the director of the Micronesian Health and Aging Studies at the University of Guam. Originally, an engineer, she decided to shift her area of concentration in order to closely work with people rather than spend her time inanimate objects. She has published numerous articles and is considered an authority on aging and neurological and behavioral disorders. Having worked closely with Dr. Craig, I can vouch for the fact that she is a great communicator, advocate and nurturer. She has a personable, approachable and loving way that crosses over language, culture and social barriers.

Also deserving of note are the Guam Alliance for Mental Health Incorporated (GAMHI), the Guam Housing and Urban Renewal Authority, and PacifiCare Asia Pacific, this year's nominees for the Community Service Award. Louise Toves, Grace R. Taitano, and Monica Tinkham, on the other hand, were the nominees for Social Worker of the Year. They are all winners in my book.

As we go about with our daily lives, we must take a moment to reflect upon the services provided by the people dedicated to the field of Social Work. With the recent unfortunate incidents plaguing the nation, especially, the island of Guam, we depend upon these people to provide the necessary guidance and direction that will enable us to heal and, hopefully, prevent future problems. I congratulate this year's awardees, the Guam Association of Social Workers (GASW), and the Guam Chapter of the National Association of Social Workers (NASW). I urge them to keep up the good work and I wish them all the best in the years to come.

CROATIAN SONS LODGE NUMBER 170

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Croatian Sons Lodge Number 170 of the Croatian Fraternal Union on the festive occasion of its 94th Anniversary and Golden Member banquet on Sunday, April 29, 2001.

This year, the Croatian Fraternal Union will hold this gala event at the Croatian Center in Merrillville, Indiana. Traditionally, the anniversary celebration entails a formal recognition of the Union's Golden Members, those who have achieved fifty years of membership. This year's honorees who have attained fifty years of membership include: Edwin C. Bronikowski, Anthony Bucich, Virginia Carija, Anna Gee, Mary Kocevar, Michael E. Krall, Catherine Michael, Basil Movchan, Dorothy Pavlakovic, Ethel M. Podrebarac, Rose Marie Radulovich, Martha Sablich, Mary Stewart, and Theresa M. Znika.

These loyal and dedicated individuals share this prestigious honor with over 300 additional Lodge members who have previously attained this important designation.

This memorable day will begin with a morning mass at Saint Joseph the Worker Catholic Church in Gary, Indiana, with the Reverend Father Benedict Benakovich officiating. The festivities will be culturally enriched by the performance of several Croatian musical groups. The Hoosier Hrvati Adult Tamburitza Orchestra directed by Jerry Banina, the Croatian Glee Club "Preradovic," and the Croatian Strings Tamburitzans and Junior Dancers directed by Dennis Barunica will perform at this gala event. A formal dinner banquet will end the day's festivities.

Mr. Speaker, I urge you and my other distinguished colleagues to join me in commending Lodge president Betty Morgavan, and all the other members of the Croatian Fraternal Union Lodge Number 170, for their loyalty and radiant display of passion for their ethnicity. The Croatian community has played a key role in enriching the quality of life and culture of Northwest Indiana. It is my hope that this year will bring renewed hope and prosperity for all members of the Croatian community and their families. I am proud to represent these gifted residents of the First Congressional District of Indiana.

RECOGNIZING VALOR IN THE CAPTURE OF JAMIL ABDULLAH AL-AMIN

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BARR of Georgia. Mr. Speaker, all too often, Federal law enforcement agents are criticized for problems that occur under their watch, without receiving the same level of attention when things go well. In an effort to partially correct this trend, I would like to commend three employees of the United States Marshals Service (USMS) for their extraordinary bravery in the capture of Jamil Abdullah Al-Amin.

Formerly known as H. Rap Brown, Al-Amin has a long history of encouraging and participating in violent action. That history continued, when on March 16, 2000, he shot two Fulton County, Georgia sherrif's deputies. After learning that Al-Amin was hiding in the Selma, Alabama area, a Federal manhunt began.

After Al-Amin was located in a wooded area, he fired upon USMS personnel with an assault rifle. Despite the danger Al-Amin posed to their lives, Inspectors Jerry Lowery and Joseph Parker, and Deputy U.S. Marshal James Ergas maneuvered through the snake infested woods toward Al-Amin.

They succeeded in containing the armed suspect for two hours while awaiting backup, and established a perimeter. Due to their competence and bravery, Al-Amin was arrested without further loss of life, and the weapons he used in both incidents were recovered.

The bravery of Inspectors Lowery and Parker, and Deputy Ergas is yet another example of the high standards of professionalism and dedication honored by Federal law enforcement officers every day. I add my voice to the many others who truly appreciate the work they do to keep our homes, schools, and neighborhoods safe.

STRUCTURED SETTLEMENT PROTECTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. STARK. Mr. Speaker, I join today with Mr. Shaw and a broad bipartisan group of our colleagues from the House Ways and Means Committee in introducing the Structured Settlement Protection Act.

I was the Chairman of the Ways and Means Subcommittee that considered the original bipartisan legislation in 1982 that enacted the structured settlement tax rules. The Ways and Means Committee, acting on a bipartisan basis, adopted the structured settlement tax rules that are in the Code today to provide long-term financial protection to seriously-injured victims and their families, so that these families would not have to turn to taxpayer-financed programs to meet their basic living and medical needs.

As a long-time supporter of structured settlements, I have been gravely concerned about the impact of so-called "factoring"—in which future damage payments are sold off for a discounted lump sum—on this long-term financial security that Congress intended to achieve for injured victims and their families. That is why I have worked actively with Mr. Shaw and our colleagues on the Ways and Means Committee over several years to put forward legislation to protect structured settlements and the injured victims and their families who depend upon them.

The Structured Settlement Protection Act that we are introducing today with broad bipartisan support on the Ways and Means Committee will bring a final resolution to the factoring issue, protecting the hundreds of thousands of structured settlement recipients and the longstanding Congressional policy of almost two decades.

The Act works in conjunction with complementary State structured settlement protection legislation that already has been enacted by 19 States and is under active consideration in an additional 20 States. The Act and the complementary State legislation rely upon a State court review process to ensure that the structured settlement fulfills its intended purpose of providing long-term financial protection for injured people, while enabling the victim to get access to future payments if the court determines that such access is in the best interests of the injured person, taking into account the welfare and support of his or her dependents, and determines that the sale of future payments does not violate any State or Federal statutes or existing court orders.

This Federal legislation is necessary to ensure compliance with State regulation given the nationwide operation of the factoring industry, to encourage the remaining States to adopt the necessary regulatory legislation, and to put to rest tax uncertainties that factoring transactions have created for the other parties to the structured settlement.

I understand that the Act has the support of both the National Structured Settlements Trade Association on behalf of the structured settlement industry and the National Association of Settlement Purchasers on behalf of the factoring industry. Given this joint support, the legislation should be non-controversial.

We have worked hard on a bipartisan basis to resolve this issue. I strongly urge that we move forward to enact this bipartisan legislation as soon as possible.

TRIBUTE TO HERMOSA BEACH POLICE CHIEF VAL STRASSER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. HARMAN. Mr. Speaker, a man with an even bigger heart retired March 31 as chief of police for the city of Hermosa Beach.

Chief Val Strasser served the community tirelessly. Joining the Hermosa Beach police force on September 16, 1973, he was promoted through the ranks until he was appointed chief in July 1993. During the course of his career, he made many friends and I am proud to be counted among them.

Chief Strasser was the epitome of community policing. He is remembered for fostering close ties between the department and the community. He understood that for law enforcement to be successful, it has to enlist all citizens and recruit them to be vigilant.

Chief Strasser had an open-door policy and encouraged citizens to drop in without an appointment to share their concerns, offer advice, or just plain complain. He always received them warmly and always tried to be responsive. Along the way, he made many, many friends and admirers.

Mr. Speaker, the city of Hermosa Beach is known for its surf, sand, and sea. Because of the leadership of Chief Strasser and the dedication of his officers and civilian personnel, Hermosa Beach is also a safe city where residents and visitors can enjoy its small town quaintness as well as its diverse cultural and recreational opportunities.

Val Strasser will be remembered fondly by residents and this Member of Congress. I join in wishing the best to Chief Strasser and his wife, Becky, as they look forward to their retirement years together.

IN RECOGNITION OF DR. THOMAS E. STARZL

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MURTHA. Mr. Speaker, I would like to pay tribute to Dr. Thomas E. Starzl, a pioneer in the field of organ transplantation, on this year's 20th anniversary of the first liver transplant performed in Pittsburgh.

Born on March 11, 1926 in LeMars, Iowa, Dr. Starzl received a bachelor's degree in biology at Westminster College before going on to earn a master's degree in anatomy, a Ph.D. in neurophysiology, and an M.D. with distinction at Northwestern University Medical School. Following postgraduate work and a number of surgical fellowships and residencies, he returned to Northwestern University to serve on its faculty. Dr. Starzl moved on to the University of Colorado School of Medicine in 1962, and performed the world's first human liver transplant the following year.

Dr. Starzl joined the University of Pittsburgh School of Medicine, which already had an established kidney transplant program, in 1981 as a professor of surgery. On February 26 of that year he performed the region's first liver transplant. Amazingly, of the 30 transplant patients that first year, 11 are still alive today because of Dr. Starzl's commitment to the great promise of the procedure despite earlier failed attempts.

A major factor in the success of organ transplantation is the development of immunosuppressant drugs. Dr. Starzl was instrumental in this development, which advanced transplantation to an accepted form of treatment for patients with end-stage diseases of the liver, kidney and heart. It also shed light on the possibility that other organs could be successfully transplanted.

With Dr. Starzl as chief, the University of Pittsburgh transplant program soon became the largest in the world. In the past two decades, over 11,300 transplants have been performed at UPMC Presbyterian, Children's Hospital of Pittsburgh, and the VA Pittsburgh Healthcare System, and major advances by university faculty have had a tremendous impact on the entire field of transplantation. Among the countless "firsts" for this transplant program are the world's first multivisceral transplant, heart/liver transplant, and heart/liver/kidney transplant.

From the first successful liver transplant in 1967, through the development of surgical techniques and anti-rejection drugs that revolutionized the field, to his pioneering efforts at xenotransplantation, Dr. Starzl is among the most cited scientists in the field of clinical medicine. Now retired from clinical practice, he continues to influence all aspects of organ transplantation as director emeritus of the institute that now bears his name, the Thomas E. Starzl Transplantation Institute.

Mr. Speaker, I hope my colleagues will join me in honoring Dr. Tom Starzl for his tireless devotion and countless accomplishments in the field of organ transplantation.

TRIBUTE TO THE LATE ALBERT TAITANO CARBULLIDO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UNDERWOOD. Mr. Speaker, the island of Guam bids farewell to an esteemed public servant. Albert Taitano Carbullido, a colleague in the field of government service and public administration, passed away on March 23, 2001, at the age of eighty-two.

He was born on January 19, 1919, in the village of Agat, Guam—the son of Antonio Pangelinan and Maria Taitano Carbullido. On September 23, 1945, he married the former Nieves Pangelinan Martinez. They had eight children: Concepcion, Bernadita, Catalina, Clara, Jaime, Sylvia, Paulina, and Antonio. He was the patriarch of his family—greatly loved by his children and grandchildren. He touched the lives of many nephews, nieces and their children. He understood the meaning of family and served as a role model for parenting on Guam.

Mr. Carbullido's legacy lies in the field of community and public service. He served in executive capacities for the Guam legislature, the Guam Election Commission and the Guam Housing and Urban Renewal Authority. He was also chosen to sit in a number of Government of Guam boards and commissions. He was a member of the Chamorro Heritage Foundation, the Guam Economic Development Authority, and the Agency for Human Resource and Development. He also served as the Arbitrator for the Guam Federation of Teachers (GFT)/Department of Education Grievance Board. In addition to his government service, his record also includes employment in the private sector where he worked in various capacities for the Bank of America, the Bank of Guam, and James Lee Enterprises.

Civic activities and affiliations led Mr. Carbullido towards leadership posts in a number of the island's civic organizations. Aside from being the founder of the Guam Diabetes Association, he was also active with Rotary Club of Guam and the Young Men's League of Guam. Within the Roman Catholic Church, he served as a Eucharistic Minister. He belonged to the parish of Our Lady of the Waters in Mongmong. He was also a member of the Holy Name Society and the Knights of Columbus.

I personally knew Mr. Carbullido for nearly 30 years. He was the quintessential public servant. He provided public service in a number of capacities and he did so with a dignity and demeanor which was inspiring. He was honest, dignified, intelligent and conscientious. He was an excellent role model. We all had notions about his political loyalties, but politics always took a back seat to public service in all of the positions which he took on during his life.

Albert Taitano Carbullido leaves behind not only a grateful wife and family, but a grateful island. I join his family in celebrating his life, honoring his achievements and mourning the loss of a husband, father, community leader, and fellow public servant.

TRIBUTE TO ESTHER KRISTOFF

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and esteem that I congratulate Esther Kristoff on her retirement from the Girl Scouts of the Calumet Council after 32 years of service as the executive director. Esther has dedicated her career to providing the guidance that our children need, a service that is far too rare in today's society. She will be honored at a retirement celebration to be held on April 30, 2001.

Esther Kristoff has enjoyed an outstanding career with the Girl Scouts of the Calumet Council. When she became the executive director in 1969, she had already devoted over 16 years to the organization. She has held a myriad of positions, from troop leader and troop organizer to member of the Board of Directors. Esther has given innumerable hours of service to the Girl Scouts, but it is the quality of her work that is most impressive. She has received every one of the local Girl Scout Council awards that were available to her, including the Appreciation and Honor Pins and Thanks Badges I and II for outstanding service to both the Council and the surrounding community. In 1998, she received the Girl Scout service pin for 45 years of devoted service.

A graduate of Purdue University Calumet in Hammond, Indiana, Esther has undergone extensive training in the field of management. She has trained at such highly regarded institutions as Columbia University and Harvard University. She has also learned tremendously from her instruction experiences at Case Western Reserve University and the GSUSA Training Center in New York. The knowledge she gained from these programs has enabled her to become a true leader within the Council and the community.

Esther's history of volunteerism is impressive and praiseworthy. She has held a variety of positions and enjoys sharing her experiences with others. She served as president of the Hammond Woodmar Kiwanis from 1993-1995 and was recognized for her outstanding work and loyal service. She is an active member and secretary of the executive committee at the Lake Area United Way. Esther has also volunteered her time to work with local political leaders for the improvement of her community. She has worked with the Hammond mayor's office on several committees, the latest being the Hammond Marketing Committee. While on this committee she helped to organize the Keep Hammond Beautiful program and the Hammond Pride Week celebration. Esther has also served as a guest speaker for the Hammond Historical Society and as a volunteer speaker for the Lake Area United Way speaker's bureau.

Mr. Speaker, I ask you and my distinguished colleagues to join me in congratulating Esther Kristoff as she celebrates her retirement from the Girl Scouts of the Calumet Council after 48 years of service and 32 years of service as the executive director. Her commitment to the youth of Northwest Indiana should be recognized and must be commended. She has dedicated her life and her career to helping others, and her efforts will surely be missed.

THE MONUMENT TO FRIENDSHIP, CARTERSVILLE, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BARR of Georgia. Mr. Speaker, the value of true friendship is too easy to lose sight of in today's society. We work so hard to provide for ourselves and our families, that we too often take for granted the selfless and generous deeds done by our closest friends.

I am proud to say Cartersville, Georgia, is home to an eternal reminder of the invaluable gift of unconditional friendship: The Monument to Friendship.

The monument's distinction as the world's only known memorial dedicated to friendship, is just part of its unique story. Mark A. Cooper, who created the monument in 1860, deserves a special place in the annals of Georgia history in his own right. A pioneer of one of Georgia's first railroad and ironworks ventures, Cooper laid the groundwork for the industrial and agricultural development of the Etowah River area of northwest Georgia, in the mid-19th century.

Ironically, Mark Cooper's Etowah Iron Works only survived the region's pre-Civil War economic slowdown because of a loan from 38 of his friends. After repaying the generous loan in full, Cooper honored his creditors with this timeless marble monument.

As if his business and community development endeavors were not enough, Cooper shone as a celebrated volunteer soldier, a longtime state legislator, and a U.S. Congressman. He served on the Board of Trustees of the University of Georgia for 40 years until his death in 1885.

The Monument to Friendship embodies noble Georgia values, just as Mark A. Cooper's memory personifies the ideal Georgia citizen. I join in recognizing the importance of a monument to all of our truest friends.

INTRODUCTION OF THE MEDICARE MENTAL HEALTH MODERNIZATION ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. STARK. Mr. Speaker, today I join with Senator WELLSTONE and my House colleagues to introduce legislation that is long overdue. The Medicare Mental Health Modernization Act of 2001 does just what its title says—it updates and improves Medicare mental health benefits, removing the many roadblocks to treatment faced by seniors and people with disabilities.

This comprehensive legislation modernizes Medicare mental health coverage in three important areas:

Parity for Mental Health Services. Current benefit structure discriminates against people seeking treatment for mental health and substance abuse conditions. In effect, Medicare imposes a "mental health tax" by requiring a 50 percent co-pay for outpatient mental health services instead of the 20 percent co-pay required for most other Part B medical services. In addition, there is a 190 day lifetime cap on psychiatric hospital services—even though no similar cap on inpatient services exists for any other health condition. These discrepancies perpetuate the stigma surrounding mental illness and must be eliminated.

Our bill would eliminate the discriminatory 190 day lifetime cap and reduce the 50 percent co-pay for outpatient mental health services to the 20 percent level enjoyed for other Part B medical services.

Coverage of Community-Based Mental Health Services. Not only does our nation's largest healthcare program impose discriminatory limits and copayments, its overall mental health benefit package is outdated and inadequate. The net result is that seniors and people with disabilities don't have access to the latest, most cost-effective mental health treatments.

In the past few decades, there have been tremendous advances in mental health diagnosis and treatment. We know that mental health conditions are like other health conditions. With appropriate treatment, some conditions can be resolved entirely while others require lifelong management. The same is true for physical illnesses like diabetes or multiple sclerosis. Furthermore, as the 1999 Surgeon General's report concludes, "a wide variety of community-based services are of proven value for even the most severe mental illnesses." Yet with few meager exceptions, Medicare mental health benefits have remained virtually unchanged since they were enacted in 1965.

To correct these flaws, the Medicare Mental Health Modernization Act would allow beneficiaries to access a range of community-based residential and outpatient services that appropriately reflect the state-of-the-art in mental health treatment.

For example, although inpatient psychiatric services remain important, community-based crisis programs provide an evidence-based alternative to institutional care. Recognizing that fact, our bill would create Medicare coverage for up to 120 days/year for intensive residential services, such as mental illness residential treatment programs and substance abuse treatment centers.

In addition, for the relatively small percentage of Medicare beneficiaries with the most serious and disabling mental illnesses, this legislation would make available a range of intensive outpatient services. Research confirms that these innovative services provide necessary skill training and supports that help people with brain disorders, such as schizophrenia and bi-polar disorder, function better. In fact, costly inpatient hospitalizations can be reduced by as much as 60 percent. Examples of intensive outpatient services include Programs of Assertive Community Treatment (PACT), psychiatric rehabilitation, and intensive case-management.

Improved Beneficiary Access to Medicare-Covered Services. The Medicare Mental Health Modernization Act would also address professional shortages and potentially discriminatory coverage criteria that can leave vulnerable beneficiaries unable to access care. According to the Surgeon General,

> the supply of well-trained mental health professionals also is inadequate in many areas of the country, especially in rural areas. Particularly keen shortages are found in the numbers of mental health professionals serving . . . older people."

The Medicare Mental Health Modernization Act addresses these professional shortages by allowing marriage and family therapists and mental health counselors who are licensed or certified at the state level to provide Medicare-covered services. It also ensures that clinical social workers can continue to provide psychotherapy in nursing homes by allowing them to bill Medicare directly for these services as psychiatrists and clinical psychologists can do. Finally, because coverage criteria for therapy services require beneficiaries to demonstrate "continuing clinical improvement," our bill would mandate a study to determine whether these criteria discriminate against people with Alzheimer's disease and related mental illnesses.

There is no question that our country's senior citizens and people with disabilities have significant mental health and substance abuse needs. Consider data from the 1999 Surgeon General's report on mental health and the 2001 Robert Wood Johnson report on substance abuse:

> Major depression is strikingly prevalent among older people. In primary care settings, 37 percent of senior citizens demonstrate symptoms of depression and impaired social functioning. Furthermore, older people have the highest rate of suicide of any age group—accounting for 20 percent of all suicide deaths.
>
> About 20 percent of individuals age 55 and older experience specific mental disorders that are not part of normal aging. Unrecognized and untreated depression, Alzheimer's disease, anxiety, late-onset schizophrenia, and other mental conditions can lead to severe impairment and even death.
>
> Older Americans tend to underutilize mental health services—only 50 percent of those who acknowledge mental health problems receive treatment.
>
> Approximately 17 percent of adults over 65 suffer from addiction or substance abuse, particularly alcohol and prescription drug abuse. While addiction often goes undetected and untreated among older adults, aging and disability makes the body more vulnerable to the effects of alcohol and drugs, further exacerbating other age-related health problems.
>
> Nearly 1 out of every 4 Medicare dollars spent on inpatient hospital care is associated with substance abuse.
>
> About 5 percent of American adults experience a serious mental illness that is disabling with respect to employment, self-care, and interpersonal relationships. In fact, nearly 90 percent of people with serious mental illnesses are unemployed.
>
> Nearly one-third of non-elderly, disabled Medicare beneficiaries have a primary diagnosis of mental illness.

Policymakers on both sides of the aisle agree that Medicare's mental health benefits are woefully inadequate and out-of-date—yet none of the current Medicare reform proposals specifically address mental health. As a country, will we continue to stigmatize mental illness and deny elderly and disabled individuals access to mental health services that can improve their health and well-being? To me, the bottom line is clear—mental health modernization must be part of any fundamental Medicare reform.

On a national level, there is positive movement in this direction. On January 1, 2001, an executive order brought parity to 9 million Federal employees, retirees, and their dependents—providing them with improved mental health benefits equal to those for physical conditions. Most states and even many large corporations now recognize that unequal coverage for mental illnesses is not only discriminatory, but costs more money in the long run.

That's because untreated mental illness can lead to high cost hospitalization and crime—not to mention personal and family suffering, suicide, homelessness, lost productivity, and partial or total disability. These comprise the "indirect" costs of untreated mental illness. Together, these direct and indirect costs are tremendous. Yet over the past decade, spending for mental health care has declined relative to overall health spending and accounts for a mere 7 percent of total health expenditures.

The Medicare Mental Health Modernization Act is an important step forward in providing comprehensive mental health coverage for senior citizens and people with disabilities. It ends Medicare's longstanding discriminatory mental health benefits and recognizes that state-of-the-art mental health care takes place in the community. This bill will assure that the mental health needs of elderly and disabled Americans are more fully addressed.

A range of mental health advocacy organizations representing consumers, family members, and professionals has endorsed this bill. These include: American Association of Geriatric Psychiatry; American Association of Marriage and Family Therapists; American Association of Pastoral Counselors; American Association of Suicidology; American Counseling Association; American Foundation for Suicide Prevention; American Group Psychotherapy Association; American Mental Health Counselors Association; American Occupational Therapy Association; American Orthopsychiatric Association; American Psychological Association; Association for Ambulatory Behavioral Health; Association for the Advancement of Psychology; Bazelon Center for Mental Health Law; Clinical Social Work Federation; International Association of Psychosocial Rehabilitation Services; Kristin Brooks Hope Center; National Alliance for the Mentally Ill; National Association of Anorexia Nervosa and Associated Disorders; National Association of County Behavioral Health Directors; National Association of Psychiatric Health Systems; National Association of School Psychologists; National Association of Social Workers; National Mental Health Association; National Resource Center for Suicide Prevention and Aftercare; Suicide Awareness/Voices of Education; Suicide Prevention and Advocacy Network; Suicide Prevention Services of Illinois; The National Hope Line Network 1–800–SUICIDE; and Tourette Syndrome Association.

I urge my colleagues to join us in support of this important legislation.

A TRIBUTE TO REDONDO BEACH COUNCILMAN BOB PINZLER

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor Bob Pinzler for his outstanding service to the citizens of Redondo Beach, California.

As a member of the Redondo Beach City Council for the past eight years, Bob demonstrated a profound commitment to civic service. He is known as a relentless advocate of better city government. He championed more effective use of technology by municipalities. He fought for infrastructure improvements and community development projects whose positive impacts have been felt throughout the City of Redondo Beach and indeed the entire South Bay.

Responding to his constituents' concerns about increased noise, pollution and traffic resulting from proposed expansion of Los Angeles International Airport, Bob worked with me and other civic leaders and elected officials on a task force shaping a regional approach to solving Southern California's air transportation needs. Our work continues, but Bob has made an invaluable contribution. I know that we will continue to work together on this issue.

In addition to his service on the Redondo Beach City Council, Bob is the current State League Director of the League of California Cities and was President of the League's Los Angeles County Division. He is the past president of the South Bay Cities Council of Governments. He is a member of the Regional Council of the Southern California Association of Governments and was vice-chair of the Santa Monica Bay Restoration Project.

Bob is a friend and an ally. I extend my very best wishes to him and his wife Arlene as they move into an exciting new chapter of their lives. It has always been a privilege to work with Bob and I invite my colleagues to join me in commending his exemplary public service.

ACCESS TO HEALTH CARE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MURTHA. Mr. Speaker, I want to express concern about the increasing challenges facing health care providers, both hospitals and long-term care providers. Pressed by continued government underfunding, inadequate managed care payments, exploding professional liability costs, growing numbers of uninsured, and workforce shortages, these providers are struggling to meet community needs. Access to care is being threatened.

At the Federal level, we have been trying to right the wrongs created when the Balanced Budget Act of 1997 cut millions of dollars in Medicare payments to hospitals. We have made progress to return some of this money, but more must been done.

And to succeed, we need the continued support of all elements. I've spoken with Pennsylvania hospital administrators about efficiency, and Pennsylvania now has the second most cost-efficient system in the Nation. Costs in Pennsylvania acute care hospitals are 6 to 7 percent below their expected costs. Also I've spoken with Governor Ridge and Pennsylvania legislators about growing problems with nurse shortages, long-term care, and care for children and pregnant women and encouraged more support from the Commonwealth to help meet costs and address these problems.

In addition, a special independent Pennsylvania Legislative Budget and Finance Committee study released recently shows that hospitals' financial condition continues to deteriorate, and that Pennsylvania is paying only 74 cents for each dollar of Medical Assistance care provided.

The study reveals Pennsylvania hospital margins have deteriorated markedly since 1997, with total margins dropping to 2.4% in 1999 and operating margins averaging only .03%. Nationwide, total hospital margins in 1999 were 4.65% and operating margins were 1.07%.

The low margins in Pennsylvania's hospitals are not due to cost inefficiency since costs in Pennsylvania acute care hospitals are 6 to 7 percent below their expected costs. Pennsylvania hospitals are the second most cost efficient in the nation.

And add to the overall cost problem the fact that professional liability costs will go up this year a minimum of 35 to 50 percent and that we have a decreasing payment-to-cost ratio of commercial insurers, and a growing uninsured rate, the writing is on the wall. No organization can continue to survive and provide all the services our citizens need.

On the long-term care side, two reports delivered last week to the Pennsylvania Intra-Governmental Council on Long-Term Care revealed that Pennsylvania and long-term care providers must find new ways to raise the pay and status of long-term care workers or face an extended workforce crisis. There is a worker shortage across the "spectrum of elder services" that affects access to care and quality of care for our elderly. Turnover rates are skyrocketing. If we do not get a handle on this problem today, we will have a vulnerable population of seniors counting on a broken system that can't deliver.

Over one-third of long-term care providers reported serious problems finding and keeping direct-care workers. More than 40 percent of private nursing homes and home-care and home-health agencies report a serious problem with either recruitment or retention of workers.

We have Area Agencies on Aging with growing waiting lists because people can't arrange home services for needy clients. Nursing homes are looking to temp agencies to fill vacancies among staff aides, and between one-third and one-fourth of the long-term care workforce in the state have less than one year's experience with their employer.

Currently about 94,000 Pennsylvanians are employed by more than 3,400 providers to help dress, feed, bathe and transport frail elderly persons. Low pay and low respect are to blame. Combine these issues with a growing demand for services and we find long-term care providers in a major dilemma.

We have the second largest senior population in Pennsylvania and an ever-growing number of seniors over the age of 80. Access to healthcare and all forms of long-term care are critical. Pennsylvania leaders, Congress and health care professionals must all work together to resolve these problems.

TRIBUTE TO THE LATE HONORABLE ADRIAN C. SANCHEZ

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise today to make note of the recent passing of the Honorable Adrian C. Sanchez, a distinguished member of the Eleventh, Twelfth and Thirteenth Guam Legislatures. He leaves behind his widow, Young, his children Doris, Diana, Josephine, and Adrian.

Senator Sanchez was born on September 26, 1919 in the village of Hagåtña—the son of Simon Angeles and Antonia Cruz Sanchez. A product of the Guam public school system, he attended Padre Palomo Elementary, Leary Middle School and Seaton Schroeder Junior High School. He later received an Associate's Degree in Public Administration from the University of Guam and a Bachelor's degree in Business Administration from the Western States University.

His diverse and distinguished career began prior to World War II when he worked as a surveyor for the local Department of Records and Accounts. Between 1936 and 1938, he was employed as a school teacher by the Department of Education. He enlisted in the United States Navy in 1938 and served until his retirement in 1964. While in the Navy, he had the chance to serve in various capacities. He was the School Administrator for the Northern Marianas immediately after World War II and he also served as a member of the President's staff from 1958 until 1964. A veteran of World War II, the Korean War and the Vietnam War, he attained the rank of Master Chief Petty Officer—the highest enlisted rank in the United States Navy.

Upon his retirement, Senator Sanchez came back to Guam and was employed as the Assistant Director for the Department of Public Health and Social Services. Prior to his election to the Guam Legislature in 1970, he also served as Director of the Guam Department of Corrections and Deputy Director of the Guam Department of Public Works.

Senator Sanchez held office for three consecutive terms. As a Senator, he was known for his dedication towards the proliferation of the local culture. He is credited for having a day set aside to commemorate Guam's initial contact with European culture. Through his efforts, Discovery Day is now a local holiday celebrated with much fanfare in the village of Umatac.

Although the Senator retired from public service in 1976, his interest in the island's affairs led to memberships in a number of Government of Guam boards and commissions. He was appointed to the Territorial Planning Commission, the Guam Commission of Public Safety, the Guam Visitor's Bureau and the Guam Banking Commission. In addition to this, his civic and community involvement included active participation with the Guam Chapter of the American Cancer Society, the TB & Health Association, the Sons and Daughters of Guam Club in San Diego, the Guam Press Club, the Young Men's League of Guam, the Tamuning Church Holy Name Society and the Former Senators Association. As a military veteran, he also held memberships with the Veterans of Foreign Wars, the Fleet Reserve Association and the Guam Navy Club.

Having been a real estate broker and investor since 1970, Senator Sanchez was also a respected member of the local business community. He was affiliated with the Guam Board of Realtors, the National Association of Realtors, the Environmental Assessment Association, the International Institute of Valuers and the National Association of Review Appraisers and Mortgage Underwriters.

His dedication towards conveying the unique story of his people led Senator Sanchez to author a number of books. "Two Lovers Point" was published in 1971. Its second edition "Two Lovers Point or Puntan Dos Amantes" was released in 1991. In 1990, he wrote "The Chamorro Brown Steward" and his autobiography, "Dano I.", was published in 1993. For his work and accomplishments, Senator Sanchez received numerous awards—the most notable of which was the Governor's Lifetime Art Award.

Senator Adrian C. Sanchez leaves a great legacy of service and devotion to the island and people of Guam. A noted figure in field of education, military and public service, his accomplishments provide inspiration to us and the generations yet to come. His perseverance and energy will forever live in our hearts. We will miss him. Adios, Senator Sanchez.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great admiration and respect that I offer congratulations to some of Northwest Indiana's most dedicated and talented workers. On Saturday, April 7, 2001 the United Brotherhood of Carpenters and Joiners of America Local 599 in Hammond, Indiana will honor those members who have served for 25 years or more during their annual pin presentation award ceremony. Devoted to their craft, these skilled employees represent the hard work and blue-collar work ethic for which the citizens of Northwest Indiana pride themselves.

Local 599, led by President Dan Brown, will celebrate tenures ranging from 25 years to 65 years of service. Those members who will be honored for 65 years of service include: John A. Horvath and Richard C. Simpson. The carpenters who will be honored for 60 years of service include: Aaron F. Droke, Marvin Eriks, and Frank Heitzman. Those members who will be honored for 55 years of service include: Arnold Austgen, Edward J. Behling, Benjamin Boreland, Kenneth L. Brown, Lowell J. Goubeaux, Ralph Govert, Julius Housty, Harold Huntington, Lowell F. Lantrip, Sammy Maniscalco, Chester Przybyla, Lowell Swim, and Leonard Wolak. Those who will be honored for 50 years of service include: Charles Adair, Alan A. Burrell, Thomas J. Devich, Leslie W. Drake, John E. Hoffman, and Richard J. Wilson. Those who will be honored for 45 years of service include: Larnie J. Duncan, Leonard R. Geissendorfer, Chester E. Graham, Alan I. Hausworth, Joseph H. Hindahl, and Donald W. Scholte. John E. Blink will be honored for 40 years of service. Those members who will be honored for 35 years of service include: William J. Courtright, James Jendreas, Kenneth G. Krooswyk, Billy G. Mayo, John P. Potucek, John L. Powers, and John S. Sikich. The members who will be honored for 30 years of service include: Kenneth E. Collmar, Ronald L. Graham, Charles A. Maddox, and Albert J. Ovaert. Finally, those members who will be honored for 25 years of service include: Edward Cisarik, Dennis J. Fleener, James W. Hawk, Gregory F. Murzyn, Kenneth D. Shunway, Denzel K. Taylor, and Darryl A. Tharp.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These workers are all outstanding examples of each. They have mastered their trade and have consistently performed at the highest level throughout their careers. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, hardworking, and honorable members of the United Brotherhood of Carpenters and Joiners of America Local 599 in Hammond, Indiana. They, along with all the local unions in Northwest Indiana, represent the backbone of our economic community, and I am very proud to represent them in Washington. They truly are the cornerstone of America's success.

COMMEMORATING THE 50TH ANNIVERSARY OF THE LOCKHEED-MARTIN PLANT IN MARIETTA, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BARR of Georgia. Mr. Speaker, there is a long list of places most Americans associate with the great efforts expended by our military to create, nurture, and protect democracy. That list includes names like Bunker Hill, Bellau Woods, Midway, Normandy, Chosin, Da Nang, and Kuwait City.

In my opinion, there is another location that is rarely listed on the rolls of great American military efforts, but has more than earned a place there. That place is Marietta, Georgia, home of Lockheed-Martin Aeronautical Systems Company.

This month, Lockheed-Martin will celebrate the 50th anniversary of its plant in Marietta, Georgia. During those years, the plant, and the men and women who have worked in it, have contributed immeasurably to the survival and prosperity of our nation.

Lockheed's Marietta plan began life as a factory for Bell Aircraft during World War II. By the end of World War II, the Bell plant was the biggest employer in Georgia, with over 28,000 employees. According to the Atlanta Journal-Constitution, more than one of every 20 people living in the metro Atlanta area at the end of the war worked for Bell.

In 1951, with the challenge of World War II behind us, and a new Cold War developing, the Bell plant was taken over by Lockheed. Planes manufactured under Lockheed's tenure include America's first production bomber, the B–47 Stratojet, the P–3 Orion subhunter, and the mighty C–5, C–141, and C–130 transports. More recently, the plant has been selected as the final assembly site for America's next generation air dominance fighter, the F–22 Raptor.

These aircraft are some of the most storied names in the history of American military aviation. They have cleared the skies of enemy fighters, deterred nuclear attacks on our shores, carried troops safely to battle, supplied them in the field, and saved the lives of countless wounded soldiers.

I hope all Members of the United States Congress will join me in offering a hearty "thank you" to the men and women of Lockheed-Martin Aeronautical Systems Company, in Marietta, Georgia, who continue to design, build, and repair the aircraft that keep America free and our fighting forces in command.

CONTRIBUTIONS TO FEDERAL CANDIDATES BY U.S. NATIONALS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which will clarify campaign finance respect to contributions to federal candidates by U.S. nationals.

American Samoa is the only jurisdiction under U.S. authority in which a person can be born with the status of U.S. national, and over half of the residents of American Samoa are U.S. nationals but not citizens. A U.S. national is a person who owes his or her allegiance to the United States, but is not a citizen. U.S. nationals travel with U.S. passports and are eligible for permanent residence in the United States. They are not foreign citizens or foreign nationals. In fact, they have the same privileges and immunities as U.S. citizens, except that in the United States, they cannot hold public office, vote, serve as commissioned officers in the military services, hold certain security clearances, or hold positions which require high-level security clearances.

Mr. Speaker, federal campaign law currently specifies that U.S. citizens and permanent resident foreign nationals may make contributions to candidates for federal office. This section of law was enacted into law before American Samoa had a delegate in the House of Representatives. My concern is that if Congress changes this section of campaign finance law while we know of the U.S. national problem, our action could be interpreted to mean that Congress intended to prohibit noncitizen U.S. nationals from contributing to federal elections.

This would cause a major problem in American Samoa, because a majority of the residents of my Congressional district would be prohibited from contributing to candidates running for federal office, particularly the office of Delegate to the U.S. House of Representatives. Moreover, the U.S. nationals residing in the states and other territories of the United States, estimated to be approximately 100,000 to 130,000, would also be prohibited from contributing. Few U.S. nationals are aware of the U.S. citizen/U.S. national distinction made in federal campaign laws, and many contribute to candidates for the U.S. House, U.S. Senate, and to candidates for U.S. President. One interpretation of the law could find these candidates in violation of campaign finance laws for having received contributions from persons not authorized under the law.

This substance of this bill passed the House in the 106th Congress as part of broader legislation on the subject of campaign finance reform, but the provision was not enacted into law. As we continue the debate the financing of federal elections, I hope that we will be able to clarify this point of law also.

TRIBUTE TO RUDY NICHOLS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and esteem that I congratulate Mr. Rudy Nichols and Mr. Lupe Valadez on their retirement from the United Steelworkers of America. Rudy has been a member of the USWA for over 45 years, while Lupe has served for over 50 years. These two men, along with their colleagues, help form the economic backbone for Northwest Indiana. Without their hard work and dedication, the communities of Northwest Indiana would indeed suffer. A retirement celebration will be held in their honor on April 21, 2001 at the Dynasty Banquet Center in Hammond, Indiana.

Rudy Nichols began his distinguished career at the age of 18 as an armature winder and motor inspector for Youngstown Sheet and Tube in East Chicago, Indiana in February, 1956. During that time, he became a member of USWA Local 1011 and served as an apprentice representative and shop steward. He later moved on to the Midwest Steel Division of National Steel in Portage, Indiana, where he became a member of Local 6103. Through his perseverance and undying loyalty he eventually became the president of the local, and served on several committees that were devoted to improving the quality of the workplace for its members. After 13 impressive years at National Steel, Rudy moved on to become the Safety and Health Coordinator for District 31 in August, 1978. He quickly moved up within the union and became the Sub District 4 Director, the position he currently holds. With Mary, his wife of 45 years, by his side, Rudy has watched as their two children, Walter and Rhonda, have grown to be outstanding citizens and parents of their own.

Lupe Valadez was the fourth of six sons born to Gerardo and Ventura Valadez on the south side of Chicago. After serving with the 2nd Infantry Division in Korea, Lupe came home to follow in his father's footsteps and begin working at U.S. Steel South Works, where he immediately became heavily involved in USWA Local 65. He eventually went on to serve the local in many capacities, including Public Relations Director, Assistant Grievanceman, and three terms as Financial Secretary. After more than 20 years of devoted and outstanding service, District 31 Director Jack Parton recognized the important qualities that Lupe could bring to the District office and hired him as an organizer. Within ten short years Lupe became the Organizing Coordinator for District 31. When the union consolidated in 1995, he became the first Organizing Coordinator for District 7, which encompasses the states of Indiana and Illinois. Lupe's first concern, however, has always been his family. His loving wife Olivia, and sons Dino, Nick, Michael, and John Paul can usually be seen helping with the numerous activities he is coordinating.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Rudy Nichols and Lupe Valadez on their retirement from the United Steelworkers of America. Unions are a vital aspect of the communities of Northwest Indiana, and these two men have shown the loyalty, perseverance, and work ethic that allow the unions to thrive. Their efforts will surely be missed by their coworkers and the citizens of Northwest Indiana.

COMMENDING THE AMERICAN FOOTBALL COACHES ASSOCIATION AND CLEAR CHANNEL COMMUNICATIONS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. DUNCAN. Mr. Speaker, today, I introduced legislation commending the American Football Coaches Association and Clear Channel Communications for their dedication and efforts to protect children. These two organizations teamed up to provide a vital means for locating the Nation's missing, kidnapped and runaway children.

In 1997, the National Child Identification Program was created with the goal of fingerprinting 20 million children. This program provides a free fingerprint kit for parents. This ID Kit allows parents to take and store their child's fingerprints in their own home. This information then remains in the parents' possession. If it is ever needed, it gives authorities vital information to assist them in their efforts to locate a missing child.

In the program's first year, over 2 million identification kits were handed out at college football games across the country. Since that time, over 8 million of these kits have been distributed to parents. This is the largest child identification effort ever conducted.

Clear Channel Communications partnered with the American Football Coaches Association last September and has committed to raise millions of dollars to help provide a kit to every child in the country.

Mr. Speaker, I think our Nation would be a much better place if more organizations would join together like these have to help the innocent children in this country. Through this legislation, I would like to commend these two organizations for their efforts, and I hope my colleagues will join me as cosponsors of this bill.

IN TRIBUTE TO SHEILA GONZALEZ

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to Sheila Gonzalez, who is leaving her post this month as executive officer, clerk and jury commissioner for the courts of Ventura County, California, after 14 years of dedicated service.

Fortunately for my constituents in Ventura County and Santa Barbara County's Carpinteria, she won't be going far. Sheila has accepted a position as the first-ever regional administrative director of Southern California for California's Administrative Office of the Courts. As liaison between the state and trial courts on technology, finance, human resources and other issues, Sheila will serve 10 counties, including those in my district.

Southern California is fortunate to have a dedicated, hardworking and intelligent professional working for them.

Sheila began her career in 1968 as a deputy clerk at the Glendale Municipal Court. She rose to court administrator before leaving in 1986 for her position as executive officer and clerk of the Ventura County Municipal Court. In 1989, the administrations and staffs of Ventura County's Municipal and Superior Courts combined, and the county's judges selected Sheila to oversee the new arrangement.

At Ventura County, Sheila earned a statewide reputation as a tireless administrator and innovator, which is why California recruited her for this new position. Among her innovations is the Taking the Courthouse to the Schoolroom program, which aims to educate students and teachers about the court system. She also chairs the Community Outreach Team.

Because of her dedication and innovative spirit, Sheila has received several prestigious awards. She received the 1993 Warren E. Burger Award for outstanding court achievement in court administration and the 1995 Judicial Council Distinguished Service Award for contributions to, and leadership in, the profession of judicial administration.

In addition, Sheila received the 1997 National Association for Court Management's Award of Merit for demonstrated leadership and excellence in administration and application of modern management and technological methods. In 1999, she received the Ernest C. Friesen Award of Excellence from the Justice Management Institute for vision, leadership and sustained commitment to the achievement of excellence in the administration of Justice.

She serves on numerous national, state and local associations, and has shared her expertise in numerous workshops and as a faculty member of the National Judicial College in Reno, Nevada.

Mr. Speaker, I know my colleagues will join me in wishing Sheila our best as she moves into the next phase of her career, and in thanking her for making our courts accessible and efficient for all.

CONGRATULATING NOTRE DAME'S WOMEN'S BASKETBALL TEAM

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KING. Mr. Speaker, I rise today to note that Notre Dame is again a national champion. This past Sunday, Ruth Riley's two free throws with 5.8 seconds left secured a 68–66 victory over Purdue and gave the University of Notre Dame its first ever women's basketball national championship. Mr. Speaker, you can now add the names Riley, Ivey and McGraw to the rich tradition of Notre Dame athletics. The same institution which produced Rockne, the Four Horsemen and 21 national titles now has Muffet McGraw and a women's basketball national championship. It came down to two great teams, both struggling valiantly and never quitting. It truly was a classic confrontation. I want to commend Coach McGraw and the Fighting Irish for their class, grit and determination. Congratulations! Notre Dame is a winner again. Go Irish!

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 5, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 24

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to consider nominations for certain positions within the Department of Agriculture.

SD–562

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Bureau of Reclamation, of the Department of the Interior, and Army Corps of Engineers.

SD–124

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Interior.

SD–138

APRIL 25

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on agricultural trade issues.

SR–328A

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Corporation for National and Community Service.

SD–138

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Army.

SD–192

1:30 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture.

SD–138

APRIL 26

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on agricultural trade issues.

SR–328A

Agriculture, Nutrition, and Forestry

To continue hearings on agricultural trade issues.

SR–328A

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.

SD–124

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on strategic airlift and sealift imperatives for the 21st Century.

SR–232A

MAY 1

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.

SD–124

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.

SD–138

Judiciary

To hold hearings to examine the legal issues surrounding faith based solutions.

SD–226

MAY 2

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans' Affairs.

SD–138

MAY 3

10 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.

SD–138

2 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.

SD–124

MAY 8

10 a.m.

Judiciary

To hold hearings to examine high technology patents, relating to genetics and biotechnology.

SD–226

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.

Room to be announced

MAY 9

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.
SD–138

MAY 10

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD–138

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

SENATE—*Thursday, April 5, 2001*

The Senate met at 9:15 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain, Rev. Campbell Gillon, offered the following prayer:

Let us pray.

Almighty God, on this National Tartan Day we remember pointers of the past. Near 700 years ago William Wallace died crusading for freedom and on this very date 681 years ago, our Scots forebears declared independence from English overlords in the Declaration of Arbroath, made by a parliament gathered there. So we gather at the center of this great Nation of all nations, itself born in a comparable Declaration of Independence, recognizing the influence of distant words and the intricate weaving of faith, kin, and clan.

We bless Thee for a multifaceted heritage left by fellow Scots on this continent. From John Paul Jones, founder of the Navy; Gilbert Stuart, painter of George Washington; Andrew Carnegie, money-maker and giver; John Muir, environmentalist, creator of Yosemite National Park; Rev. James Blair, founder of William and Mary College, to Rev. John Witherspoon, signer of the Declaration of Independence. For such and more, we give thanks.

And yet, O God, we know that in Thy sight, human success is but a passing shadow and that righteousness alone exalts a nation. For goodness is not a kilt we put on, nor a legacy we inherit. It must be sought by each one from the heart—Thy kingdom, Thy righteousness first, and all else will then be added.

Lord, remind us of the far-reaching influence of a tiny country where literacy, that would enable all children to read Thy Word, was stressed from the time of John Knox. And from its pages, see that freedom can easily deteriorate into license; for where there is no spiritual vision, people perish. Grant to us all, O Lord, grace to realize daily that goodness and truth make us free to be our best and can help us to be living pointers for others to a nobler future. God bless the Senate in its deliberations. In Christ's name we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MIKE CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. LOTT. Mr. President, today is the beginning of the Tartan Day weekend, a time to be celebrated nationwide in honor of the millions of Scottish-Americans and their contribution to our Nation. In 1998, the Senate passed Resolution 155 recognizing April 6 as National Tartan Day, the anniversary of the Declaration of Arbroath, signed on April 6, 1320. On that day, a group of Scots declared their independence and stated, "We fight not for glory, nor riches, nor honours, but only and alone we fight for freedom, which no good man surrenders, but with his life." Our own Declaration of Independence was impacted by the wording and spirit of this Declaration of Arbroath.

Today, we begin the Tartan Day celebrations with a special ceremony at 11 a.m. on the West Steps of the Capitol. The William Wallace award will be presented to the distinguished actor, film star, and benefactor, Sir Sean Connery.

In celebration of Tartan Day, it was a pleasure to have The Rev. Campbell Gillon as the guest Chaplain and give our opening prayer this morning. Mr. Gillon is a native Scot who has served as the pastor of the Georgetown Presbyterian Church for 20 years. Our own Chaplain, Dr. Lloyd Ogilvie, who also serves as president of the St. Andrews Society of Washington, is the organizer of the Tartan Day Celebration here at the Capitol today. It's good to see both our Chaplain and the guest Chaplain in their tartan kilts. They are ready for a great day and weekend for the Scots. I'm proud of my own Scots heritage through the Watson clan and look forward to the ceremony this morning.

I will join our Chaplain and the guest Chaplain soon, as will my son and I am sure many other Senators of Scottish ancestry. This will be a great day, a great weekend for all Scots, both in America and in Scotland.

I want to make the Senate aware of the special occasion. Amongst all these amendments and this great debate of the budget resolution. I am sure the spirit of the Declaration of Arbroath will be felt throughout the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will immediately resume consideration of the budget resolution. There will be 10 minutes of debate on the Stabenow and Collins amendments with back-to-back votes to occur at 9:30. Following the votes, Senator CONRAD will be recognized to offer his amendment regarding debt reduction. As a reminder, first-degree amendments to the resolution must be filed by 2 p.m. today. Senators should expect another late session with votes into the night. Votes also will occur throughout the day tomorrow. I thank my colleagues for their attention.

Mr. REID. If the Senator will yield, Senator CONRAD has indicated to me his amendment will be offered by Senator DURBIN.

Ms. COLLINS. I thank the Senator for that clarification.

MEASURE PLACED ON THE CALENDAR—S. 700

Mr. LOTT. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 700) to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. LOTT. Mr. President, I object to further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001-2011

The ACTING PRESIDING pro tempore. Under the previous order, the Senate will now resume consideration of H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

Pending:

Domenici amendment No. 170, in the nature of a substitute.

Motion to reconsider the vote by which Harkin amendment No. 185 (to amendment No. 170), listed above, was agreed to.

Collins amendment No. 190 (to amendment No. 170), to establish a reserve fund to eliminate further cuts in Medicare payments to home health agencies.

Stabenow/Johnson amendment No. 191 (to amendment No. 170), to eliminate further cuts in Medicare payments to home health agencies.

AMENDMENTS NOS. 190 AND 191

The ACTING PRESIDENT pro tempore. The Senate will now resume concurrent debate on the Collins amendment No. 190 and the Stabenow amendment No. 191 with the time to be equally divided. There will now be 10 minutes for explanation prior to votes on or in relation to the Collins amendment No. 190 and the Stabenow amendment No. 191.

Ms. COLLINS. Mr. President, I have offered an amendment that we will soon vote on that is intended to eliminate a further cut in Medicare reimbursements for home health agencies. The statistics tell the story. The combinations of cutbacks in Medicare payments and the onerous regulations imposed by the Clinton administration have cost some 900,000 Medicare patients—often our most frail and vulnerable senior citizens, as well as those citizens with considerable disabilities—to lose access to their home health care.

In Maine, more than 11,000 seniors and disabled citizens have lost their home health care services. Nationwide, 3,300 home health agencies have closed their doors or have stopped serving Medicare patients. And looming on the horizon is yet another 15-percent cutback in Medicare payments to home health agencies.

It is scheduled to go into effect on October 1 of next year. If it does go into effect, it will have a devastating impact that will further jeopardize access to home health services for our senior citizens.

The cutbacks have already caused tragedies. I discussed last night an elderly woman with advanced Alzheimer's disease in the State of Maine who had a number of other problems, who lost access to her home health care services, and as a result died from an untreated infection in her foot.

Surely, one of the dedicated home health nurses would have been able to treat that infection before it got out of control. That is just typical of the problems being created by the cutbacks in home health care.

My amendment establishes a $13.7 billion reserve fund that can be used only to restore Medicare payments to home health agencies. And it protects every dime of the Medicare HI trust fund.

By contrast, my colleague from Michigan has also offered an amendment that would take the money set aside for tax relief and place it in the Medicare budget account. Once there, the funds could be used for any purpose under the Medicare program. Under the amendment of my colleague, there is absolutely no guarantee whatsoever that the funds would be used for home health care. Indeed, there is no mention at all of home health care in the text of the amendment of my friend from Michigan.

In contrast, my amendment would bring us significantly closer to restoring Medicare home health payments. It sets aside $13.7 billion for home health—and home health alone. It also provides a mechanism to move subsequent legislation to eliminate the scheduled 15-percent reduction without being subject to a budget point of order.

I want to make a point clear. Under either approach, subsequent legislation will be needed to repeal the 15-percent reduction. That is precisely the situation that the reserve fund is designed to address.

We have used this approach before. We set aside funds in a reserve account just last year for the cervical and breast cancer program, and subsequently passed authorizing legislation that, because of the reserve account, was passed last year.

Mr. President, I see that my colleague from Missouri, who has been a tremendous leader on this issue, is on the floor as well. I want to make sure I leave some time for him. Could the Presiding Officer inform me how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Ms. COLLINS. With that, let me yield my 1 minute. But let me make one point.

My amendment is endorsed by the National Association for Home Care and the Visiting Nurses Association of America. Those are the two organizations representing home health care providers.

I yield the remainder of my time to the Senator from Missouri.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized for 40 seconds.

Mr. BOND. Mr. President, a very brief comment, necessarily, on the two amendments.

The Democrats claim the difference is that their amendment will guarantee that the money will go to home health care. Unfortunately, that is not the way the amendment is drawn. That is not what will happen. Basically, the Democratic amendment simply says: You may spend more on Medicare, not necessarily on home health. The only thing it truly does is cut the money available for tax cuts. That leaves more money for spending in any area.

The Collins-Bond amendment sets aside a reserve fund specifically for home health. It cannot be used for anything else.

I urge my colleagues to support the Collins amendment and to oppose the Democratic amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. STABENOW addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Good morning.

We have in front of us two approaches to addressing home health care needs and stopping the 15-percent cut that is scheduled to go into effect in October of 2002. I applaud my colleague from Maine for her commitment to this issue. I share that commitment, having worked very closely for 4 years in the House of Representatives with the agencies and associations involved in home health care.

I know we share a deep concern about the fact that there has been a 24-percent cut in patient care in home health care settings as a result of the Balanced Budget Act. I consider that an unintended consequence. I do not believe that it was intended that we see a 30-percent reduction in the number of agencies that serve Medicare patients. And as a result of that, we have seen this 15-percent cut delayed on three different occasions.

Today is the opportunity for us to send a strong message to the patients and families who rely on home health care, and the home health care agencies that do such a wonderful job, and say that, in fact, this cut will not take effect and they can proceed in providing quality care for our families.

The difference in the approach is that my colleague provides for a proposal that says "if." And I will read this: "subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare . . . Trust Fund:" Then, and only then, would we have $13.7 billion available for home health care. Then, and only then, would we stop this incredibly devastating 15-percent cut that is scheduled to take effect.

I offer a different approach. It is very simple. We will protect home health care, period. We take the $13.7 billion off the top, as they say. We take a very minute amount of money away from what is, in effect, a $2.5 trillion tax cut that has been proposed by the President, to say that we are going to make sure the families of America have access to home health care; that seniors can live in dignity in their homes; that families who care for moms and dads and grandmas and grandpas can make sure that home health care services are available so they are not forced to choose a nursing home or another institution when it is not appropriate.

It is very clear: we have two approaches and the same amount of dollars. One says: Maybe, if all other things happen, we will stop the 15-percent cut in home health care.

My amendment very simply says: We take it off the top. We guarantee that we place home health care as a priority.

It certainly is a priority for our families. It needs to be a priority for this Congress. My amendment will simply make sure that that is the case.

I urge colleagues on both sides of the aisle who care deeply about home health care to join with me in guaranteeing that home health care is a priority of this Congress and to make sure this devastating 15-percent cut will not, in fact, take place.

I urge support for the amendment and yield to my colleague and friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the difference between these two amendments is very clear. The Senator from Michigan has an amendment that is paid for. The Senator from Maine has an amendment for which there will be no money if Medicare is being raided for other purposes, which we have seen time after time after time on the floor of the Senate over the last 2 days. The choice is very clear. If Senators want to support home health care, they had better support the Senator from Michigan. It is the only proposal that is paid for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. LOTT. Mr. President, I yield myself such leader time as I might need, although I will be brief.

On the issue before us, the amendment by the Senator from Michigan, once again, this is a continuation of what I referred to yesterday: Fiddling while Rome is burning. Once again we are going to increase spending, albeit in a good cause, and we are going to take it away from tax relief for working Americans.

The Senator from Maine has a better alternative. I say again to all who are watching, the pattern is clear—spend more and tax more. That is what the Congress has been committed to for so many years, and we are trying to change that culture.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will take time off the leader time.

We always welcome the majority leader to the floor, even when he makes statements that don't quite fit the facts. I say to my colleague this morning, I think he knows, as we all know, that the choice is not the choice between spending and a tax cut. It is really more complicated than that. It is the question of what is the appropriate mix of tax cut, debt paydown, and reserving resources for these high-priority domestic needs such as improving education and a prescription drug benefit.

The most stark differences are that we have reserved much more of the projected surplus for the paydown of national debt. They have a tax cut that is about twice as big as ours. We have about twice as much reserved for the paydown of our national debt, both short-term and long-term. We think that is a better set of priorities. We have also reserved additional resources for improving education and for a prescription drug benefit and for strengthening our national defense. We think those are the priorities of the American people.

The President has said very often this is the people's money. We agree with that. Absolutely, this is the people's money. Some of it should be returned to them in a tax cut. Some of it should be used to pay down our collective national debt. After all, that is the people's debt. We also ought to strengthen Social Security because that is the people's Social Security program. We ought to improve education for our kids because, after all, they are our kids. We also ought to do something about a priority that is as important as home health care. The Senator from Michigan has an amendment that is paid for, that would provide an assurance that the resources would be available to improve home health care. It deserves our support.

I reserve the remainder of leader time and yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The question is on agreeing to the Stabenow amendment No. 191.

Ms. STABENOW. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—53

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 191) was rejected.

VOTE ON AMENDMENT NO. 190

The PRESIDING OFFICER. The question is now on agreeing to the Collins amendment.

Ms. COLLINS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)

Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Byrd

The amendment (No. 190) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I understand we have an order entered as to how we proceed. I want to take 5 minutes off the resolution just to talk with the Senate a little bit about where we are. I understand my friend wants to do the same. He is not limited, of course, to 5 minutes. But I want to start that.

Mr. President, I want Senators to know that both of us, as managers of this bill, find ourselves in a position where there are some very big conflicting desires. One desire is that we finish by noon tomorrow. It seems to be a rather pervasive one going around. Whenever you say: Would you like to finish at 12 tomorrow, the roof goes down with shouts of, "Alleluia. Let's do it."

We are trying to figure out how we can do that. The problem, fellow Senators—I speak to all Senators; and then my friend can speak to all, and he can include ours in his comments—it is not possible to do that. Some Senators have five, some have six, some requested three amendments. I don't know if there is anybody with any higher than six that we are aware of, but we have all these requests for amendments, and we want everybody to know we are aware of that. But we also want everybody to know that we are going to have to soon find a way to limit our time. When that happens, it is not going to be possible that all of these amendments are going to be considered. We have a time agreement now that says Senators who have amendments and want them considered have to get them turned in by 2 o'clock today. That is in just a few hours.

I hope my recalling that to Senators does not bring another rash of amendments. If you have them ready, I am hoping you will get them down here. I hope I did not remind you to come up with more because essentially there is not going to be time for more.

We are going to have to get our heads together—that is, the two leaders and the two managers—to talk about how we are going to attempt to assure Senators that we will be finished tomorrow at 12 o'clock. In that process, we have no way of setting a list of 40, 50 amendments that are all going to be considered. I think you understand that would not be the case. If we used all the time we have, many Senators would not get their amendments up other than a vote-athon. We are trying very hard to limit the vote-athon so it is credible, rational, and so people have a couple minutes and we don't just start voting.

With that, I urge anybody on our side who has amendments that they absolutely feel must be considered to talk with us. If they can get by with one amendment, if they have three pending and will put two of them in the vote-athon, and then get them one after another, and very quickly, we will very much appreciate that.

We are trying our best. All Senators should know we are trying to get a consent agreement so that we will be out of here by 12 tomorrow. That means people will get pushed back in terms of the number that can be considered and the time that can be used on amendments. We are going to do our very best on our side. We think we know the Senators who have insisted and worked very hard to make sure they get an opportunity. We are going to try to protect that.

Beyond that, I don't think we can guarantee very much. If indeed Senators want us to lead them to the promised land, the promised land, we thought, was to have a unanimous consent agreement sooner rather than later, saying we will be finished at 12 tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for 3 minutes off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I repeat the theme of the chairman of the Budget Committee on this question of what we have before us. We have had Members come to us and say: We very much want to conclude our work by noon tomorrow.

We want to be faithful to that charge. It is absolutely not possible to do that and to consider all of the amendments that have been reported to us. We have over 110 amendments. If we go into a vote-athon with 110 amendments, that will take 40 hours to complete with 3 votes an hour being conducted.

It is very important that the message go out to our colleagues: It is now time for us to exercise self-discipline. Every Senator has the right to offer their amendment and get it considered under the rules of the Budget Act. Unfortunately, that means if individual Members insist on their right to offer each and every one of the amendments that has been prepared, we are going to be here through Monday. That is just the hard reality of calculating the number of amendments, the amount of time, and how long it takes to vote. If people want to be here through Monday, voting every 20 minutes on an amendment, we can do that. Or we can exercise self-restraint and self-discipline and work with the managers and work with the leadership and winnow down the number of amendments and enter into time agreements so we can dispose of amendments as quickly and efficiently as possible.

One other thing: It is very important that we not have to hold the vote open for 30 minutes so colleagues who are late have a chance to vote. We want every colleague to have a chance to vote. We hope they will consider their other colleagues. We are going to wind up being very late here night after night if we don't exercise that restraint.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if I could have the attention of my colleagues from North Dakota as well as New Mexico, I have an amendment I will offer with Senators BIDEN, NELSON, and DASCHLE. I ask unanimous consent that our 30 minutes on this amendment be divided so that Senator BIDEN of Delaware will be first to speak for 10 minutes, Senator NELSON of Florida for 5 minutes, and that I will speak for the last 15 minutes.

Mr. REID. Mr. President, if I may just say, the Senator from North Dakota has asked to use all the time on the resolution. It is my understanding that the Senator from North Dakota would like to save some time on the amendment. I am sure the Senator from North Dakota would yield time on the resolution as the Senator indicated and reserve the time on the amendment.

Mr. DURBIN. I thank the Senator. If it is permissible at this point to go ahead with this arrangement.

Mr. REID. The arrangement would be fine, but the time would be off the resolution, not off the amendment.

Mr. DURBIN. I ask unanimous consent then that the next 30 minutes of debate on the amendment I am sending to the desk be allocated as I have suggested.

Mr. DOMENICI. Mr. President, reserving the right to object—I must apologize to the Senator—would he please repeat the request.

Mr. DURBIN. I am asking that 30 minutes of the debate that will follow on the amendment be allocated 10 minutes to my colleague from Delaware, Senator BIDEN, and 5 minutes to the Senator from Florida, Mr. Nelson, and that I have the last 15 minutes of that 30 minutes.

Mr. REID. The time will be yielded off the resolution.

Mr. DOMENICI. I understand that the time would not come off the amendment but off the resolution.

Mr. DURBIN. That is my understanding.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 202

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DASCHLE, proposes an amendment numbered 202.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To call for immediate action by the United States Senate on passage of an Economic Stimulus Package in FY01 and to provide for further tax cuts in Fiscal Years 2002-11 as part of a fiscally responsible budget that ensures maximum feasible debt reduction)

On page 2, line 17, decrease the amount by $31.140,000,000.

On page 2, line 18, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $12,100,000,000.

On page 3, line 2, increase the amount by $33,077,000,000.

On page 3, line 3, increase the amount by $57,444,000,000.

On page 3 line 4, increase the amount by $67,821,000,000.

On page 3, line 5, increase the amount by $73,414,000,000.

On page 3 line 6, increase the amount by $71,119,000,000.

On page 3, line 7, increase the amount by $80,281,000,000.

On page 3, line 8, increase the amount by $64,625,000,000.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $10,606,000,000.

On page 3, line 15, decrease the amount by $12,100,000,000.

On page 3, line 16, decrease the amount by $33,077,000,000.

On page 3, line 17, decrease the amount by $57,444,000,000.

On page 3, line 18, decrease the amount by $67,821,000,000.

On page 3, line 19, decrease the amount by $73,414,000,000.

On page 3, line 20, decrease the amount by $71,119,000,000.

On page 3, line 21, decrease the amount by $80,281,000,000.

On page 3, line 22, decrease the amount by $64,625,000,000, and add the following

(a). FINDINGS.—The Senate finds:

(1) That the economy of the United States has consistently grown since 1993, providing increasing prosperity for millions of hard-working Americans;

(2) That the pace of growth of the economy of the United States was measured at only one percent in the fourth quarter of 2000;

(3) That debt reduction is effective in stimulating capital investment that promotes long-term growth;

(4) That the President and Vice President of the United States have noted that the economy of the United States is in need of a stimulus;

(5) That the Democratic Leader of the United States Senate and other Members of the Democratic Caucus have called for immediate passage of a $60 billion Economic Stimulus Package;

(6) That the Chairman of the Senate Committee on the Budget has included in his FY02 budget substitute a $60 billion Economic Stimulus Package;

(7) That the Ranking Member of the Senate Committee on the Budget has also called for a $60 billion Economic Stimulus Package;

(b). SENSE OF SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Senate should discharge H.R. 3 from the Senate Committee on Finance, begin floor consideration of H.R. 3 immediately after passage of H. Con. Res. 83, strike all after the enacting clause and insert the text of the agreed upon $60 billion Bipartisan Economic Stimulus Package, including an immediate economic stimulus check for all payroll and income taxpayers and a permanent reduction of the fifteen percent income tax bracket to a ten percent tax bracket, and proceed to a vote on final passage prior to April recess.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank the Senator from Illinois.

This is a simple amendment. It is an amendment that everyone here, on both sides of the aisle, should be able to support.

When President Bush was campaigning during the Republican primaries, he announced a 10-year across-the-board income tax cut plan. He said that increasing the budget surplus meant the Government was taking much too much money.

Steve Forbes had his flat tax, and Mr. Bush had his tax cut plan. He offered that plan at a time—to repeat what has been said on the floor before—when our economy was booming, when the stock market was still climbing. In late 1999, when the campaign was beginning and this plan was offered, the economy was growing at 8.5 percent. That is a very different circumstance than we have today. We just found out that the economy was still growing in the first quarter of this year, but not at 8.5 percent, at 1 percent.

The President has told us the plan he came up with in the campaign when the economy was expanding was exactly the right size for the economy at that time. Now he is trying to tell us it is exactly the size for the economy at this time.

President Bush has admitted that his plan fails to get enough money out to people at the start of his plan, right now, while the economy is at a low point, while consumer confidence is bumbling around down there, and while people are slowing up on their purchases, slowing up on buying durable goods, and beginning to wonder whether or not the economy is going to take a further tailspin or recover, although consumer confidence bumped up slightly.

The vast majority of the President's tax cut actually happens many years from now. It can't have any effect on the economic problems we face today, on the sluggishness of our economy, and our concerns for recession. In fact, 95 percent of the President's tax cut takes effect after the year 2003. His plan, whatever else we may make of it, is not designed in any way, shape, or form, to stimulate the economy in the short run.

One thing everyone seems in agreement on is what we should be doing. At least what we should be doing is stimulating the economy in the short run. The President himself acknowledges this. In fact, so does the Republican budget resolution before us today. My friend, the chairman of the Budget Committee, has included $60 billion for a stimulus proposal in this resolution. Senator DURBIN, Senator NELSON of Florida, Senator LIEBERMAN, and I suggest that we act on that. We are offering an amendment, with the same $60 billion cost this year as in the Republican plan, that will put money in the pockets of everyone who works for a living and pays payroll taxes.

If this were to become law, as soon as 2 or 3 months from now, we will be able to send a $600 check to eligible couples, $300 to single taxpayers. We also permanently drop—and the President proposes as well—the income tax rate from 15 to 10 percent. This is a permanent cut that affects everyone who pays income tax at the highest and lowest brackets.

The President has a similar proposal, but ours would go into effect immediately. That would mean an additional $300, on average, per person per year on top of the payroll tax rebate check for a married couple through lowering withholding from their paychecks, having lowered the lowest rate from 15 to 10, as the President proposes. That extra 900 bucks per family this year is real money. It is real money for working families, and it has real consequences.

As strange as it may sound, it means a couple that is withholding the purchase of a new toaster or refrigerator or microwave or a durable product that folks like us don't withhold buying now—we are not the reason the economy is slowing down. Everybody always talks about how the Senate is made up of millionaires. I wish I were one of them. But there is no millionaire in this place who is not spending their money. They are not the reason the economy is slowing down.

Average folks, the folks I grew up with, they are the ones who are causing the economy to slow because they are not spending their money. They have lost confidence in the economy. So if we are going to have any hope of an impact beyond what I believe is needed—the monetary stimulus that Mr. Greenspan, hopefully, will continue to provide, this is the only fiscal stimulus that is available to us.

That extra $900 per family, as I said, is real money. It exceeds what they would get under the whole plan, in some cases, of the President. This will mean a lot of people and businesses that depend on them will be able to purchase and sell, keep people employed, keep the economy going. This money would get out this year, and to give a $60 billion jump start to the economy is something, if I read the budget resolution correctly, if I listened to the rhetoric I have heard from Democrats as well as Republicans, as we all acknowledge is needed—maybe the argument will be it is not enough of a stimulus. Some argue it is too much. I don't know anybody arguing that we don't need a stimulus.

This is something I think we can all agree on: the need for a tax cut that actually does something to lift the sagging economy here and now. By the way, as our friend from Arkansas stood up, Senator BLANCHE LINCOLN, a couple weeks ago, I was surprised when she listed how many people in her State would not benefit from any aspect of the President's tax cut because all they do is pay payroll taxes. Nothing. This will see to it that everybody—those folks, real live folks we all say we care about, will get a tax cut, and they will get it now. So the two benefits it has for that cadre of people is, one, they get it now and, two, they get it.

Under the existing proposal of the President, they don't get it, period. I hope we get it and figure it out.

The amendment I am speaking to today, along with my friend from Illinois and my friend from Florida, who will speak next, simply says we should put our money where our mouth is. Both parties in the Senate agree on a $60 billion stimulus plan, and we should act as soon as possible. This amendment calls on us to take the first tax bill that comes over from the House, substitute our $60 billion economic stimulus plan with this bipartisan support, pass it right away, and within weeks get money into people's hands.

I say to my friends on both sides of the aisle, if you believe in doing something right now to pump some life into the economy, this is your chance. Whatever you make of this $2 trillion-plus tax cut cost by the President, whatever you make of its size or its distribution, this amendment does what tax cuts alone do not do—it puts money now, real money, into the hands of every taxpayer in the country in time to respond to the real needs of the economic stimulus. It is not based upon some pie-in-the-sky expectation of what is going to happen over 10 years based upon the growth of the economy and us limiting spending.

I thank my colleague for listening. Whatever time I have left, I yield to my friend from the State of Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized. The remaining time is 1 minute 2 seconds.

Mr. BIDEN. I ask unanimous consent that the remaining time be yielded to my friend from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I had requested 5 minutes, so would you prefer that I go ahead and take it, or let the Senator from Oregon go ahead, and I will be happy to speak after him? What is the pleasure of the Senator from Oregon?

Mr. SMITH of Oregon. I say to my friend, I am awaiting the arrival of the senior Senator from Oregon, Mr. WYDEN, who will be here momentarily. If the Senator won't be long, why doesn't he go ahead and we will wait.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, I thank Senator BIDEN for his comments on the introduction of this particular amendment. He has spoken to the stimulus of the tax package and why we need in a declining economy, which, of course, we hope rebounds, but because there is an indication that the economy is on the decline, we don't need a tax cut to take effect mainly in the last 5 years of the next decade; we need it to take effect now, to inject some financial, some fiscal stimulus into the economy so we can come out of the slump. That is what Senator BIDEN has addressed.

I wish to address another part of this particular amendment, and that is the part of debt reduction, because this amendment takes a portion from the President's proposed tax cut, lowers that tax cut, changes the nature of that tax cut to an immediate fiscal stimulus, and has further a reduction of the national debt down to a level of approximately $500 billion after the decade, after the 10-year period for which we are planning.

Now, why is this important? First of all, it is very important because that is what the people of America want. For decades we have been living in an economy that has been driven by annual deficits; that is, when the Federal Government is paying more out than it has coming in in tax revenues. And the difference—since we spend more than we have in tax revenues—is what we have to borrow each year, called the annual deficit. That deficit then, is added each year, and cumulatively the national debt becomes greater and greater. That figure today on the publicly held national debt is about $3.4 trillion.

Well, not until a year ago did we ever seriously think that we could confront the fact of paying down the national debt, until suddenly we realized that we were in this surplus condition. Now we don't know what the surplus is. We say, in the last estimate, that it is $5.6 trillion over the next 10 years. New estimates are saying it is much lower than that, and that it is really about $4.2 trillion. But if we keep going into a declining economy, the surplus could dwindle to significantly less than we are projecting. But we do know there is a surplus there, at least for the foreseeable future.

So all of this is to say that is why the people out there in America—and I can tell you in my State of Florida—clearly are giving us the message that in this time of beneficence, as a result of the prosperity that we have experienced in the last decade, they want us to use that prosperity to start paying down the national debt, as well as giving a substantial tax cut. That is just good economic common sense. That is what we all do in our individual budgets. We want to pay down debt, get ourselves debt free so we have a much more stable financial condition. So, too, with our country.

In our country there is a little bit of difference. In the $3.4 trillion of publicly held debt, there is some of that debt, as Mr. Greenspan testified in front of our Budget Committee, which you would not necessarily be able to pay off right away because it is long-term bonds and the Federal Government would have to pay a premium to pay those off. That overall publicly held debt is estimated to be about half a trillion dollars, $500 billion, which would be difficult to pay off without paying a premium.

This amendment brings down, over a 10-year projection, that publicly held debt to a level at which we would not have to pay a penalty or a premium to pay off, and that is estimated at $500 billion at the end of the decade.

That is common sense. That is good fiscal discipline. That is good fiscal and economic policy, and it is what the people of our country want.

If we have an opportunity to pay down our national debt, we ought to do it. That is being good stewards of our national economy.

That is the message I wanted to bring as this amendment being offered by Senator DURBIN is considered by the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself 3 minutes off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CONRAD. Mr. President, I commend the Senator from Florida, who is a very distinguished member of the Budget Committee, for his remarks and for the contribution he has made to the work of the committee in this his first year in the Senate. Of course, he is a veteran of Congress because he served with distinction in the House of Representatives. He has been through the

1980s and saw firsthand what happened when very serious fiscal mistakes were made.

The Senator from Florida has been one of the strongest voices in the Senate Budget Committee saying: Let's not repeat those mistakes; let's be serious and sober; let's take a look at the fact that these surpluses are projected, they are forecasted; they are not in the bank; and let's dedicate most of that projected surplus to debt reduction.

Yes, we can spend some money. Yes, we can have a significant tax cut. Yes, we can provide additional resources for improving education, as we did yesterday, and provide a prescription drug benefit, as we did the day before yesterday. Yes, we can strengthen our national defense, as we did last night, over what is in the President's budget. Those are investments. That is prudent spending.

The primary emphasis ought to be: Keep our eye on the ball; keep paying down this national debt. That is what is going to be a time bomb for this country if we fail to keep the pressure on paying down this national debt. That is what this Durbin amendment is about.

The Durbin amendment does two things. It says: Reduce the size of the President's tax cut and with that money pay down more of this debt. Second, it says we have money in this year's budget that will permit an immediate fiscal stimulus.

The PRESIDING OFFICER (Mr. ALLARD). The Senator's time has expired.

Mr. CONRAD. I yield myself an additional minute. We have money in this year's budget for an immediate fiscal stimulus of $60 billion. On both sides, we have agreed that is necessary, that is important. Let us do it, and let us do it before we leave on the April work break. Let us do it now. Let us inject these funds into the economy to give some lift so that America can regain some sense of confidence that the fiscal affairs of the country are being managed in a way that affects this economic downturn in a positive manner.

Again, I thank the Senator from Florida who has been such a valued member of the Senate Budget Committee. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan. Who yields time to the Senator?

Mr. CONRAD. How much time would the Senator from Michigan like?

Ms. STABENOW. I request 5 minutes.

Mr. CONRAD. I yield 5 minutes off the resolution to the Senator from Michigan.

Ms. STABENOW. I thank my esteemed leader from North Dakota.

Mr. President, I rise today to congratulate my colleagues, my friends from Florida and Delaware and the Senator from Illinois, the author of the amendment, on this approach of putting dollars directly into people's pockets as a part of this budget process.

We do that in three ways: First, through an immediate tax cut. The President has proposed a tax cut, most of which would not take effect for at least 6 years. We know that is not what is needed in this economy. We need to be putting dollars directly into people's pockets immediately as a stimulus. This would do that.

Secondly, we put money into people's pockets by lower interest rates. We must keep the economy going. One of the reasons the economy has done as well as it has in the last 8 years is because we began to systematically pay down the debt so our mortgage payments could go down, our car payments could go down, college loan payments could go down. That is a second way we put money back in people's pockets.

The third way is to guarantee we keep this economy going so people have a job. This package does all three of those things. It stimulates the economy so we can continue to focus on creating good-paying jobs for people so they can care for their families and have the resources they need.

It puts tax dollars, this year, directly into people's pockets, and it puts dollars in their pockets by allowing them to refinance their mortgage, as we continue to pay down the debt so interest rates come down.

It is incredibly important we act immediately. We heard over and over in the Budget Committee that if we were going to have any impact through a tax cut, it needs to be immediate. We can do that immediately and at the same time address debt reduction and critical investments that we know will help keep the economy going for the future.

I support these efforts. It is very important we act immediately. We can do that right now. We can make a difference for families right now and stimulate this economy immediately so we can continue to make sure that families benefit from the economy we have had of the last 8 years.

My distinguished colleague from Illinois, who is the chief sponsor and leader in this effort, is in the Chamber. I yield back my time and give the Senator from Illinois an opportunity to address his amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, on behalf of Senator DOMENICI, I ask unanimous consent that the Durbin amendment be laid aside and that Senator BENNETT be recognized to offer an amendment.

I further ask consent that the debate run concurrently on both first-degree amendments and be limited to 60 minutes equally divided, and following that time, the amendments be laid aside.

I further ask consent that no amendments to these amendments be in order prior to the votes just described and the votes occur in a stacked sequence, first, in relation to the Durbin amendment, and then in relation to the amendment offered on behalf of Senator DOMENICI, beginning at 6 p.m., with 10 minutes for closing remarks equally divided prior to the 6 p.m. stacked votes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

Mr. SMITH of Oregon. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Reserving the right to object, the only reservation I have is I hope I have an opportunity at this time to speak for about 15 or 20 minutes on my amendments as we had agreed to under a previous unanimous consent agreement.

Mr. BOND. Mr. President, so long as it comes off the time of the amendment, there is no objection on this side.

Mr. CONRAD. Reserving the right to object, the previous agreement with respect to the Senator from Illinois was that the 20 minutes he had reserved would come off the resolution, not off the amendment. We will now be changing a previous agreement if we do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—AUTHORITY FOR COMMITTEE TO MEET

Mr. NICKLES. I ask unanimous consent the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, April 5, at 10:00 a.m. in Senate Dirksen 226.

Mr. CONRAD. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank everyone for helping on this agreement. I think we have reached an agreement with which everybody agrees.

I ask consent the Durbin amendment be laid aside and Senator BENNETT be recognized to offer an amendment.

I further ask consent the debate run concurrently on both first-degree amendments—both of them—and be limited to 60 minutes equally divided in the usual form and, following that time, the amendments be laid aside.

I further ask consent that no amendments to those amendments be in order prior to votes just described and the votes occur in a stacked sequence, first in relation to the Durbin amendment and then in relation to the Bennett amendment, beginning at a time determined by the two leaders. Further, I ask consent that following that debate, Senator SMITH of Oregon be recognized to offer an amendment and there be 15 minutes of debate equally divided between Senator SMITH and Senator WYDEN and, following that debate, the amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, the only point I would like to add is that after Senator BENNETT's second-degree or substitute amendment is laid down, I would like to have right of recognition first.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Let me be clear. What the Senator from Illinois is asking, as I understand it, is after Senator BENNETT's amendment has been laid down, that he receive the first right of recognition.

Mr. DURBIN. That is correct.

Mr. CONRAD. Is that acceptable?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, reserving the right to object, I would like to see this written agreement. I may not have objection, but I would like to see what we are doing.

Mr. DOMENICI. Fine.

Mr. BYRD. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah is recognized.

AMENDMENT NO. 216

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT] proposes an amendment numbered 216.

Mr. BENNETT. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To call for a quick stimulus for the American economy, linked to a long-term stimulus to guarantee economic expansion and job creation, and oppose a $439 billion tax increase that would threaten economic growth)

On page 2, line 17, decrease the amount by $31,140,000,000.

On page 2, line 18, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $0.

On page 3, line 2, increase the amount by $0.

On page 3, line 3, increase the amount by $0.

On page 3, line 4, increase the amount by $0.

On page 3, line 5, increase the amount by $0.

On page 3, line 6, increase the amount by $0.

On page 3, line 7, increase the amount by $0.

On page 3, line 8, increase the amount by $0.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $0.

On page 3, line 15, decrease the amount by $0.

On page 3, line 16, decrease the amount by $0.

On page 3, line 17, decrease the amount by $0.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $0.

On page 3, line 21, decrease the amount by $0.

On page 3, line 22, decrease the amount by $0.

AMENDMENT NO. 202

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, this may be one of the most important debates we will have about this budget resolution because at issue in this debate, with the Durbin amendment and the Bennett amendment, is a very simple proposition. It is this: America's economy needs a shot in the arm. It needs help immediately—not a year from now, not 5 years from now, not 6, 7, 8, 9, or 10 years from now, but immediately.

What I am proposing with the Durbin amendment is to take from the surplus of some $97 billion, which we know we will have this year on the budget we are debating, $60 billion of that surplus and return it to the American people as quickly as we can prudently return it so we will give that spending power back to families in America immediately. That is what I am proposing.

The amendment by the Senator from Utah proposes to stay with President Bush's approach. They believe in it on their side of the aisle. I understand that. But they will have to concede this point. If they prevail, there will be no immediate relief for taxpayers—none, zero, no help. I can tell you for families across Illinois and across the Nation there is an immediate need for a helping hand.

Let me tell you about this amendment.

Mr. NICKLES. Mr. President, will the Senator yield for a second?

Mr. DURBIN. Yes.

Mr. NICKLES. I inform my colleagues that the Bennett amendment takes the two tax accelerations that the Senator from Illinois has in his first 2 years. If I am correct, the Senator has an additional tax increase of $31 billion in 2002 and $11 billion in 2003. We put that in our amendment. The difference is that we reduce or eliminate the tax cut, and in subsequent years we drop that. But we took the first 2 years of accelerated tax cuts that the Senator has, and that is going to be in the Bennett amendment.

Mr. DURBIN. I see there has been a modification to the amendment since it was given to us earlier. I thank the Senator from Oklahoma for clarifying that point.

If there are any additional modifications, I hope you will bring them to our attention as well.

Let me tell you what we are proposing with this tax stimulus package: a one-time tax refund check for all people who pay income or payroll taxes of $600 per couple and $300 per individual. A new 10-percent tax bracket applies to the first $12,000 of income for every married couple in America, whatever their gross income may be, and $6,000 for single filers. The total 2001 tax cut will be $900 per couple and $450 per individual.

This is the first step in the Democratic tax cut agenda. The reason why people believe this is an important first step is that it deals with reality, and not with speculation. It deals with the reality of an economy that has slowed down and the reality of families who need a helping hand.

It provides a rebate to families, and within a matter of weeks they will be receiving it. This kind of timely tax assistance is going to be important across the Nation. Whether you are paying electric bills in California, or heating bills in Illinois, you have had a tough winter.

I can tell you from my family experience and the people I have spoken to in my State that their heating costs have gone up. People are saying: We would like a helping hand, Senator. If you are going to talk about tax relief, don't talk about a theory in the future. Help us now. Show us that this is something beyond political chin music and that you are actually dealing with reality.

The Durbin tax cut applies immediately. Let me tell you why it is important. The Democratic stimulus plan would provide immediate tax cuts for all taxpayers.

President Bush's tax cut of $1.6 trillion, which was his first proposal, leaves behind 23 million taxpayers in America. The Republicans supporting this proposal say they aren't really taxpayers; that all they pay are payroll taxes; and they do not pay real taxes. Tell the 23 million Americans who pay payroll taxes but not income taxes that they aren't facing a tax burden. They are. Quite honestly, they are the people who are facing a tougher burden than most because they are in lower income categories.

The President right now is holding the economy hostage. He is holding it hostage to his $1.6 trillion proposal. What Senator BENNETT and others have said is, if you want to talk about an immediate stimulus, you can only have it if you buy the whole program. You have to buy the whole package. You have to accept $1.6 trillion over 10 years or we are not going to be signing up for any kind of stimulus right now.

I think that is very shortsighted. I don't think it is fair to families across America. I don't think it is responsible to the real serious economic problem that we face. Our plan is fiscally responsible.

The Senator from Oklahoma makes an important point. We believe the overall tax cut, the long-term tax cut, should be a responsible, prudent, manageable figure, and something that won't drive us back into deficits.

The Republicans think that the President's projections of what will happen to America 5 or 10 years from now are as reliable as they can be.

We know that 6 months ago when Chairman Greenspan, our economic guru in America, was looking at the economy he got it all wrong. Six months ago he said we had to raise interest rates; that the economy was heating up too fast. He was wrong. This man with all the information and all of the wisdom didn't get it right. But the White House is telling us that the President can get it right—not just 6 months from now but 6 years from now; he can tell you what the American economy is going to produce. If you were a stockbroker or an adviser, you could get rich if you had that kind of confidence in the end results. Ordinary people don't. Economists are often wrong.

Let me tell you about this tax cut and what it means.

The American income tax system is a system built on stair steps. Everybody pays the bottom rate of 15 percent. Then, of course, as your income increases, the incremental dollars are taxed at different levels—28 percent, 31 percent, 36 percent, and beyond.

We are proposing a permanent tax cut for all Americans across the board who pay income taxes from 15 percent to 20 percent so that the richest in America as well as those in the lowest income categories paying income taxes will benefit.

The President's proposal, on the other hand, says, let's provide the lion's share of the benefits to those right here at the highest income categories. The President's tax cut gives 43 percent of all the tax benefits to people making over $319,000 a year—43 percent. That is not fair.

The Democratic approach says everyone benefits across the board. The richest down to the lowest in income pay an income tax. The Durbin amendment provides that tax relief.

Let me give you an idea why that is important. Eighty-one percent of all the taxpayers' benefits will go to those who pay the 15-percent rate on income tax. When we reduce this rate, it means that 81 percent of the taxpayers in America are going to benefit from this rate cut.

If you just provide the rate cuts for the higher income categories, you can find that, frankly, smaller and smaller percentages of Americans will benefit.

We want the benefit to go to everyone in America. I can tell you that the home heating bills in Illinois went to people of all income groups—not just to the poor or to the rich but everybody. The folks who got hit the hardest were those in the lower income categories.

When you take a look at the source of individual tax collection in America, here is an interesting statistic: 57 percent of the individual tax collection comes from income taxes and 37 percent from payroll taxes.

Do not forget that President Bush in his tax cut and Senator BENNETT in his amendment leave these people behind. They do not provide the assistance that is needed so that people paying payroll taxes also get some benefit from the tax cut.

If you look at the total Government revenues by source, you can see that 50 percent comes from the income tax but 32 percent comes from payroll taxes.

President Bush ignores this reality. President Bush's tax cut does not provide that kind of tax benefit.

Let's talk for a moment about a stimulus and whether it is needed. I am going to quote some sources of which I think Senator BENNETT will be proud. This is our new President, George Bush, from the Washington Post of January 15 this year:

> I am open to any suggestions people have, particularly as it relates to making sure that the economy gets the kick-start it needs.

I think that is a pretty good endorsement of the Durbin amendment.

Let me see. This is another one from President Bush that is better, on February 7, when the President said:

> The economy is slowing down, and we need to act, and act as quickly as we possibly can. The goal is to get money into the pockets of the working people as quickly as we can.

Part of the Durbin amendment says the Senate will not go home until we vote this tax cut. That is right. We may have to put off Passover observance. We may have to put off a bit of our observance of our Easter holiday. But we ought to observe the obvious; that is, the American people do not need our speeches. They need our help. If they are going to get our help, we shouldn't leave town saying that we got the budget resolution passed, and in a couple of weeks we will come back and think of something new. This is something new. This is tax relief that is real, tangible, and immediate. It says in this amendment which I have introduced that we will immediately take the House tax bill that has come over here, put this tax into it, pass it in the Senate, and send it back to them when they come back to town in a couple of weeks and move on it.

We will be able to say to the American people, almost to the tax day of April 15, that you are going to be assured that a tax rebate is going to come your way and help your family.

There are quotes from a very learned and esteemed colleague of Minnesota, a spokesman for Senator PETE DOMENICI, chairman of the Budget Committee, who said:

> Senator DOMENICI is willing to put off consideration of the marriage penalty relief, estate tax repeal, and other elements of the Bush tax plan. But he said the stimulus tax cut and the reductions in the personal income tax rates must be in the same bill. Sixty billion dollars without the marginal rate cuts doesn't tell taxpayers that help is on the way. It puts them in the boat without any oars.

That is a quote from a staff person of Senator DOMENICI in the Washington Post on March 24 of this year.

We have good news for the Senator from New Mexico. We not only have a boat; we have the oars. We are providing a rebate directly to the families, and we are cutting the tax rate permanently, so families know their tax burden is going to be reduced.

We have more comments from President Bush. And they just keep getting better about the Durbin amendment. Here is one from the Detroit News on March 27. The President said:

> I'm listening to what different members have to say. The key thing is, we have to have meaningful, real tax relief . . . to get money in people's pockets to serve as a stimulus for the economy.

I want to thank the President for those kind words of encouragement.

Then on March 28, in the Orlando Sentinel, the President said, again:

> We must put more money in the hands of consumers in the short term and restore confidence and optimism for the long term.

He goes on to make that point.

My friends, the sad reality is, unless and until we pass a tax rebate that has teeth in it—that means that a check will be coming to families across America, not in a matter of a year or two or beyond but right now—that we are not going to see this economy turn around as quickly as it might. The benefits, of course, to an economy turnaround are pretty obvious.

You pick up the Washington Post this morning, and you go to the Business section and look at the Dow Jones or go to the New York Times—the same story; it is an up-and-down roller coaster but mainly down. People across this country who have 401(k)s and IRAs understand that that little nest egg they put aside for security and safety in their retirement has been battered pretty badly over the last 6 months or a year. We believe we can get this economy back on track.

During the Clinton-Gore administration, we had unparalleled prosperity in this country. We can return to those days, but we have to return to them with the vision of what makes the economy move forward. What helps it move forward is when consumers have some confidence, confidence that they can pay their bills, confidence that this economy is going to be there, so they can turn around and buy a car, a washer and dryer, maybe remodel the kitchen—whatever is important to their family—pay off some tuition bills for their kids.

We want to put money in their pocket to make it happen. The Durbin amendment really addresses that directly.

I say to those on the other side who believe you cannot really offer a stimulus and this kind of tax cut to families unless you talk about what is going to happen in America over the next 10 years, that is an important debate. Let's stick with that debate. Let's have it, but let's not let that debate hold hostage the idea of a stimulus right now, a stimulus that can help the American economy turn around.

I do not believe the support for this idea comes exclusively from Senator DOMENICI or President Bush. I think it comes from the people I represent in Illinois, and I will bet most of the other States that are represented in this Senate.

I ask my colleagues, let's pass this budget and immediately take up H.R. 3 and substitute this bipartisan stimulus package and get checks out to every taxpaying American. Let's do this before we leave for any kind of a break. Then, when we come back, let's debate the marriage tax penalty, let's debate the estate tax, the IRA/pension bill, the charitable giving bill, the ESEA bill, the minimum wage, and so many other important issues.

This does not have to be the end of tax cuts. This does not have to be the end of debating bills such as the Senate of old. Over the last 2 weeks I have been heartened that this Senate has really reverted to what it was for so many decades, a gathering of men and women who studied an important issue and then came to the floor to offer amendments and debate them. We did that on campaign finance reform. We can do it on our tax policy.

The vote yesterday suggested there is a bipartisan sentiment to move away from President Bush's $1.6 trillion figure to one that is more manageable. We believe we can justify a $745 billion or $750 billion tax cut and also dedicate resources in our surplus to important other priorities.

Now the Republicans say: Oh, there they go again; if we don't give it all away in tax cuts, these Democrats will spend it. Well, we want to put money into a stimulus package, have a tax cut right now. We also believe we can pay down more of the national debt. If that is what they call tax and spend, I don't buy it, but I certainly think paying down our national debt is one of the best investments for our future and for our Nation. We collect $1 billion in taxes a day to pay interest on our old debt of $5.7 trillion. I think we ought to try to reduce that debt as much as possible. The Democrats reduce more of the national debt than the Republicans do with President Bush's approach.

We also believe it is naive to ignore the reality that we will need to invest more money in Medicare and Social Security. In 10 years, 53 million Americans will be drawing Social Security as a retirement. In 10 years, 43 million Americans will rely on Medicare.

Should we spend money on those two programs to reform them and make them stronger? Absolutely. We know that balloon payment is coming. The Democrats set money aside so we can make that investment when the baby boomers arrive. We do not want to face any sticker shock when it comes to the expenses of those two invaluable social programs in America.

Mr. President, I am prepared to yield the floor now. I see my colleague, Senator LIEBERMAN, a cosponsor of this amendment, is here to join me.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, may I inquire as to what the time situation is.

The PRESIDING OFFICER. The Senator from Utah has 28 minutes 48 seconds.

Mr. BENNETT. And on the other side?

The PRESIDING OFFICER. The other side has 13 minutes 15 seconds.

Mr. BENNETT. Mr. President, may I be notified when there are only 13 minutes left on our side?

The PRESIDING OFFICER. The Chair will notify the Senator from Utah.

Mr. BENNETT. I thank the Chair.

AMENDMENT NO. 216, AS MODIFIED

Mr. BENNETT. Mr. President, I ask unanimous consent that my amendment be modified. I send a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 2, line 17, decrease the amount by $31,140,000,000.

On page 2, line 18, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $0.

On page 3, line 2, increase the amount by $0.

On page 3, line 3, increase the amount by $0.

On page 3, line 4, increase the amount by $0.

On page 3, line 5, increase the amount by $0.

On page 3, line 6, increase the amount by $0.

On page 3, line 7, increase the amount by $0.

On page 3, line 8, increase the amount by $0.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $10,606,000,000.

On page 3, line 15, decrease the amount by $0.

On page 3, line 16, decrease the amount by $0.

On page 3, line 17, decrease the amount by $0.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $0.

On page 3, line 21, decrease the amount by $0.

On page 3, line 22, decrease the amount by $0.

Mr. BENNETT. Mr. President, I have listened with interest to the statements of the Senator from Illinois, who says we need to kick-start the economy. He went on at great length quoting Senator DOMENICI and President Bush about how we absolutely need to do this, perhaps ignoring the statement by the Senator from Oklahoma that my amendment includes the amounts he says will kick-start the economy.

The issue is not, Do we both agree that there must be something to kick-start the economy? The issue is whether or not, having kick-started it, we then try to kill it at the back end.

Let's make no mistake about what this amendment is about. This amendment is not about stimulating the economy in the short run, because Republicans and Democrats agree, and my amendment has exactly the same numbers in it as the amendment on the other side. The disagreement is on what happens on the back end.

In the name of stimulating the economy in the short term, they want to kill the tax cut in the long term. That is what this is about. It may be couched in other kinds of rhetoric, but basically this is a further attempt on the part of the Democrats in the Senate to see to it that President Bush will not get his tax cut, so that the headline in the Washington Post will be "Bush Suffers A Defeat." That is what they are after. This is not about the economy. This is not about paying heating bills for poor people in Illinois. This is about the political victory of the Senate Democrats to get the headline that says "Bush Suffers A Defeat."

Look at the numbers. The total effect of the underlying amendment, to which my amendment is a second degree, would be to cut, over a 10-year period, the total size of the tax cut by $418 billion. Right now, if the Harkin amendment is not overturned on reconsideration, the tax cut has been scaled down from the $1.6 trillion President Bush asked for to $1.1 trillion. If this amendment passes, that will be scaled down further to $746 billion, which is below the number the Democratic leader offered in the first place as the logical size of the tax cut.

This is a stealth attempt to make sure, in the name of stimulating the economy, that the tax cut gets cut, and cut, and cut.

I suggest that there are other amendments lying in the weeds which, added to this one, will bring it down even lower than the 746. That is a prophecy; prophecies can be wrong. One thing is not wrong is the 746 number. If the underlying amendment passes, the total size of the tax cut is cut to 746. That is what this is all about.

We talk about stimulating the economy, and we need to do it now. Once again, my amendment has exactly the same numbers the underlying amendment has. Make no mistake: We are not debating stimulating the economy. We are debating eviscerating the Bush tax cut.

I wish I had this better than secondhand. It was reported to a group of us yesterday. The source given was Alan Blinder. I am prepared to be corrected if it is wrong. It makes sense. It is right, and I will share it with the Senate with those caveats around it.

Alan Blinder said, if you want to stimulate the economy and you pass a long-term rate structure reduction, the net benefit is 1, whatever 1 is. We are on a scale now. If you do a quick fix kind of stimulus, the net benefit to the economy is, compared to 1, .5. If you do a complete rebate of sending out checks, the net effect on the economy is .3.

We are willing to talk about something that, on the scale I have just described, would be a .5, but we are not willing to sacrifice the 1 in order to do it. We are not willing to kill the most fundamental and beneficial stimulus for the economy, long term as well as short term, in the name of a short-term stimulus that makes for good speeches but bad economics.

We hear a lot of class warfare rhetoric. We heard it again from the Senator from Illinois: We must take care of the little people; we must do something, not for the rich, we must do something for the people at the bottom.

Every time we have had testimony before the Banking Committee, on which I sit, or the Joint Economic Committee, on which I am now vice chairman, from Chairman Greenspan or other distinguished economists, the question comes up: Who benefits the most when the economy is sound and doing well? The answer is always: The people at the bottom.

The best thing we can do for the people at the bottom is see to it that the economy is structurally sound and growing. The best stimulus is to see that the people who control capital have confidence in the future. They will start making the capital investments that create the jobs. They will start putting in place the structural pattern that they have interrupted because they have lost confidence. And that can come by the passage of the Bush tax cut, which may or may not have any immediate stimulation in terms of the people in Illinois the Senator refers to, but will have the kind of impact that will produce both short-term stimulus and long-term stability.

That is what this debate is all about. Are we going to get excited about the short-term stimulus being the only thing to do and kill the long-term stability on the basis that we don't know what the numbers are going to be? Or are we going to do both in a prudent fashion?

I hear a lot of talk about the heating bills. I suggest to the Senator from Illinois and other Senators that if they want to deal with heating bills, they ought to deal with the energy crisis and not try to fiddle round with taxes. But that is another debate for another time.

Let me address one other point that keeps coming up. We must pay down the national debt. Both sides want to pay down the national debt. Let us not pretend that is an exclusively Democratic position or an exclusively Republican position. Let's not go through the motions of saying we are the ones who want to pay down the national debt. Let's ask the question: How much national debt can we prudently pay down?

Once again, the numbers make it clear that the Bush tax proposal is a prudent and intelligent attack on the national debt that will bring us to the place where we want to be in an intelligent fashion.

I spent some time with officials from the Treasury Department. I don't have time in this debate to go into it in detail; I will at some future point. These officials, quite frankly, if we want to put a political cast on it, are holdovers from the Clinton administration. I got the numbers directly from the Treasury. I didn't get them from a columnist. I didn't get them filtered through staff. I got them directly from Clinton-appointed officials at the Treasury Department. I am absolutely satisfied that the level of debt being paid down by the Bush tax cut is prudent and fits perfectly with the numbers they have given us.

These numbers are reality. These numbers are not projections. These numbers are very clear. We don't have time now, in the restricted agreement we have, for me to go into these numbers in any great length.

Fundamentally, we must understand this. If we pay down the debt too rapidly, we will have to go to holders of the debt that are not yet maturing and say: Will you give us the opportunity to pay you in advance? For that, we need to pay them a premium.

Right now, 42 percent of the debt is held by foreign sources. The largest chunk of that is held in Japan. This has been going up dramatically. People say: Does that mean foreigners are buying more of our debt? No. It means the debt is being paid down among American holders, and foreign holders are hanging onto it. That is why the percentage of foreign holders of the debt is going up. The total debt is going down, but their total numbers are staying about the same.

I don't want to be in the position of going to foreign holders of the debt and saying to them we want to pay them a premium to buy their debt back early, just to satisfy some political rhetoric and political points.

I conclude as I began. This is not a debate about whether we will have a short-term stimulus because the numbers in my amendment are identical to the numbers in the Democratic amendment. This is a debate about whether or not we kill the Bush tax cut long term. As long as we understand that, as long as we understand that the effect of the underlying amendment would be to bring the size of the tax cut down below the level the Democratic leader has endorsed, we will understand what we are talking about. Otherwise, we will waste our time in rhetoric about short-term stimulus, when there is, in fact, no difference.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, will the Chair inform us of the time remaining on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 13 minutes 15 seconds. The distinguished Senator from Oklahoma has 17 minutes 35 seconds.

Mr. CONRAD. Does the Senator from Oklahoma desire going now? The Senator from Connecticut has requested 5 minutes, 6 minutes. I would be prepared to yield 6 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The distinguished Senator from Connecticut is recognized for 6 minutes and 15 seconds.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from North Dakota.

It seems to me as we deal with this budget resolution and we think about the condition of our economy and of the Federal Government books, we have a short-term need and a long-term opportunity. The long-term opportunity is to constructively use the surplus that the American people have built up over the 1990s, to continue our prosperity, to continue to act with fiscal responsibility, and to invest in the seeds of growth in our economy so that the private sector, which is where jobs and growth are created, can in fact continue the growth in this decade that we had in the last decade.

We also clearly have a short-term need. It has affected our longer-term discussions because the obvious fact is that the economy, after a period of unprecedented growth, has now slowed. My friend from Utah used the word "prophecy." We all would like to achieve some degree of it. I think it is fair to say that none of us has clear prophecy when it comes to our economy.

Now a $9 trillion economy is affected every day by the decision of now 280 million people. We can't predict what they are going to do next week, let alone 10 years from now.

The economy is slowing. We don't know how long this slowdown will last or how deep it will go. That is why people on both sides of the aisle and folks in the administration are now talking about trying to use part of the surplus that we know will be there on October 1 of this year, when the books close for the Federal Government on September 30, to use that to get some money out into the economy—not with any confidence that it is going to make everything better in our economy but with the confidence that it will help.

I spoke to a number of economists before I worked on the proposal that underlies the amendment that my friend and colleague from Illinois and the Democratic leader offered, of which I am proud to be a cosponsor. I said to these business leaders and economists: What is a reasonable amount of money for us to try to get into people's pockets right away, in the next couple of months, to have an effect on the economy? Interestingly, the consensus was $60 billion. That is a number that has come up on both sides of the aisle in the Senate and from the administration.

One business leader said economists told him we could expect a multiplier effect of 1½ times so that we might—actually, by putting $60 billion back into the public's pockets right away—have a 1½ times multiplier, or a $90 billion effect on the economy. That is 1 percent of the gross domestic product. That would be a tremendous result and a great lift out of the slowdown.

Other experts told us they have done studies that, interestingly, have focused on what taxpayers do with a refund check. I am sure the Chair will not be surprised to hear that 70 percent of those checks are spent within 3 months. It is different than having a reduction in your withholding. It is a check in hand. You may buy something you have needed. Maybe you pay down a bill. Maybe, if you are a young worker, you buy a CD or a new suit.

That is our short-term stimulus package, and the most important part of the amendment that is before the Senate now is the last paragraph sent to the Senate that "the levels in this resolution assume that the Senate should discharge H.R. 3 from the Committee on Finance"—that is the tax bill they sent over—"strike all after the enacting clause and insert the text of the agreed upon $60 billion bipartisan economic stimulus package," including an immediate economic stimulus check for everyone in America who pays payroll taxes or income taxes.

That means everybody. If you don't make enough to pay an income tax, but you are working and you have a lot of money taken out of your paycheck every week, every couple of weeks, you get $300. How did we come to $300? Take 200 million taxpayers and put that into the $60 billion we want to get into the economy. It comes out to $300 per taxpayer.

If you are older and you pay income tax, but you don't have payroll withdrawals or deductions, you still get the $300.

So the point of this amendment is let's do it now and help the economy now. Let's not have it said a year from now that the Senate and the Congress and the Government of the United States fiddled while the American economy was slowing down. One positive step we can take is to adopt this amendment, substitute for the House tax bill sent over here, get a $300 check from the Federal Government into the hands and wallets and pocketbooks of the 200 million Americans who pay payroll or income tax, and let them go out and move this economy out of the dip it is in now.

That is the vote we are casting. Don't hold short-term economic relief hostage to the much more complicated, long-term, controversial partisan debate going on about how to spend the surplus for the next 10 years. America needs help now. Let's do it. I yield the floor.

Mr. BENNETT. Mr. President, on my time, may I ask the Senator from Connecticut a quick question? I ask unanimous consent that that be allowed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask the Senator from Connecticut why he did not address at all the impact of his amendment on the President's tax cut long term. As I said in my remarks, the amount in my amendment and the amount in the Democratic amendment for a short-term stimulus is exactly the same. But the effect of the Democratic amendment would be to cut the total amount of the Bush tax cut down to $746 billion. I ask the Senator from Connecticut why he did not comment on that effect, and if he has a comment now.

Mr. LIEBERMAN. I thank the Senator from Utah. I did not comment because, for me, the distinguishing factor in this amendment is the short-term economic stimulus and the particular method to achieve it, which is spelled out here, which is the substitute for the House tax bill. Those who framed the amendment consistently linked it with the long-term tax cut that, as you know, most Democrats propose because we think it is more fiscally responsible.

Mr. President, if I may return the question, is the Senator from Utah prepared to separate the short-term fiscal stimulus? Again, I think across the aisle we agree that $60 billion is the number. We may disagree about how to distribute it—to separate that from the longer term, 10-year discussion about how to divide the surplus.

Mr. NICKLES. Regular order, Mr. President.

Mr. BENNETT. Mr. President, I would be happy to discuss that with the Senator, but the Senator from Oklahoma is asking for the regular order.

The PRESIDING OFFICER. Under the regular order, the Senator from Oklahoma controls the time.

Mr. NICKLES. Mr. President, I urge my colleagues, Democrats and Republicans, to reject the Durbin amendment. The Durbin amendment reduces the overall size of the tax bill. It stands at $1.6 trillion. An amendment they offered last night reduced it by $448 billion. This amendment reduces it by another $418 billion. In other words, eliminating over half of President Bush's tax cut. If you want to make news, go ahead. You got a nice headline: "Senate Democrats Cut Bush Tax Bill By a Third." My compliments. Now they want to go further and reduce the tax bill even below what the leaders recommend and adopt the Durbin amendment. If we adopt the Durbin amendment we will have a stimulus—I love my friend and colleague from Connecticut who says we want a stimulus. There is a little stimulus in the front, but there are a whole lot of tax increases in the back.

There is tax cut, in the Durbin amendment, in the first 2 years. My friend and colleague from Utah , wants to match those figures and give at least that much of a tax cut in the first 2 years. What you don't read in the rest of the amendment is that Democrats increase taxes all the way through for every other year. The net impact of it is to increase taxes from the underlying resolution by $418 billion.

Senate Democrats, and one or two of our colleagues voted yesterday to cut the President's tax bill by $448 billion. This amendment cuts it by another $418 billion. That is a net tax reduction that is less than what many people on the Democrat side said they would support. But they want to do it under the guise of moving it up a little bit more in a few years without hardly any tax cuts later. Maybe that is the size of the tax reduction some people want.

They act as if they are writing a tax bill, which you cannot do on the floor of the Senate in the budget resolution. And their argument is that this is going to stimulate the economy. Why don't you just fly over a stadium and drop money out of an airplane? That will stimulate the economy as well. They want to turn a tax bill into a spending program, without regard to who paid the taxes, or a tax-cut for taxpayers. We want to gut the President's tax bill. That is what this is really all about.

The tax bill they are proposing is fatally flawed and should not pass, but that will be discussed and dealt with in a bipartisan manner in the Finance Committee. I am absolutely certain the proposal they have made would never, should never, and will never pass Congress. Giving everybody $300—and now that has been raised to $450—is not going to happen.

The real purpose of the amendment is to reduce President Bush's tax cut. It was already reduced yesterday to $1.15 trillion over 10 years. Now they want to take another $418 billion out.

The net result would be a tax reduction over 10 years of $746 billion at a time when we have surpluses estimated to be $5.6 trillion. In other words, let us give President Bush less than half of what he asked for. That is what this amendment does.

The net impact of this amendment is to have a net tax cut over the 10 years of President Bush's proposal of $746 billion. That is basically 45 percent of what President Bush originally requested. We cannot and will not let this happen.

In the last couple of days, my friends on the Democratic side have offered five amendments to have higher taxes and higher spending. They won on one of them yesterday. I consider that a setback, and I hope to repair that damage before we are done by tomorrow night.

This amendment doubly complicates it. Yesterday we adopted the Harkin amendment and we increased taxes from the underlying budget resolution of $448 billion. This increases taxes an additional $418 billion on top of the Harkin amendment.

I urge my colleagues not to go down this road. This would be a serious mistake. The tax proposal that was outlined would be a very serious mistake. Let us work together and see if we cannot have a tax cut and do some positive things to stimulate the economy.

My friend from Utah, Senator BENNETT, has articulately stated that we will come up with more money in the upfront years. We want to do it. We have been trying to do it. Our budget resolution has $60 billion in 2001.

We only have a few months left in 2001. We can increase year 2002 by $31 billion. That is what the amendment of my colleague from Utah says. We will match that and also increase the level in 2003 by $11 billion. We will have that amount of additional tax relief in the upfront years.

What I disagree with in the Conrad amendment is, other than the first two lines which cut taxes, there are dozens of lines that increase taxes. Two lines cut taxes up front, but all the rest of the lines increase taxes to a net total of $418 billion.

They adopted an amendment yesterday to reduce the tax cut by $448 billion. If we adopt the Durbin amendment, we will also reduce the tax cut by another $418 billion. That is a total reduction of President Bush's underlying budget of $866 billion, and total tax increases they have adopted in the last 2 days. That would be a serious mistake, and I urge my colleagues, Democrats and Republicans, to say that is not enough. Taxpayers are paying enormous surpluses, and President Bush gives one-fourth of that back to taxpayers. The taxpayers are paying in the entire surplus, and we are saying taxpayers: We are going to let you keep a fourth of it. The Democrats are saying: No, no, maybe one-eighth; not quite an eighth; maybe the taxpayers get to keep one-eighth. Then they want to give it to people who filed a return, whether they paid taxes or not. I disagree with that totally and completely and urge my colleagues to vote no on the Durbin amendment and vote yes on Senator BENNETT's amendment. They will be voted on at some point later today.

Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I yield myself 3 minutes off the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Ms. STABENOW. Mr. President, I will speak first about the broader perspective of what we have been doing on this resolution. The President of the United States put forth a budget and tax cut that basically said if you take Medicare and Social Security surpluses off the table, every penny of available on-budget surplus is used for a tax cut geared to the wealthiest Americans, hopefully trickling down.

We argue instead of doing that, we definitely need to protect Medicare and Social Security. Because the President uses all non-Medicare and Social Security money for his tax cut, he then spends Medicare; he moves all of the Medicare trust fund into spending.

We say, no, protect Medicare and Social Security and then let us do a balanced approach. Let us use a third of what is projected—hopefully it will happen—for a tax cut, and that is what this amendment does. It reserves a third for a tax cut, putting a stimulus on the front end so we can help the economy with money in people's pockets right now. Let us use a third for debt reduction, looking at long-term debt—and possibly if the surpluses do not materialize, that is our hedge so we do not go into further debt—and let us use a third for critical investments in our people—education, lowering the cost of prescription drugs.

My concern with the comments of my friend from Utah, as a member of the Budget Committee and talking about paying down the debt, is I have heard over and over, as the President has said, we cannot put more than $2 trillion into paying down the debt. We have to leave $1.2 trillion. It cannot be any lower than that.

In the Budget Committee, we heard from more than one speaker that $2.6 trillion will naturally, between now and 2011, become available. We will be able to redeem $2.6 trillion just by allowing it to come to maturity over the next 11 years.

That is very different than what we are hearing today. Chairman Greenspan came to the Budget Committee and indicated a difference of opinion with the President saying that we could, in fact, pay down more debt than what is in the President's budget. We support what Chairman Greenspan is talking about, with those who managed the money directly for the past administration. We support the position of allowing the $2.6 trillion to mature over the next 11 years. We can do a better job of paying down the debt.

We put money in people's pockets in three ways: We give them a tax cut, which I strongly support—not only an immediate stimulus, but a long-term tax cut—we pay down the debt, which puts money in people's pockets by lowering their mortgage payment, car payment, and college loan, and other costs people have, and finally, we stimulate the economy so people have a job, which is the most important way we put money in people's pockets.

I urge we support the Durbin amendment and oppose the amendment of my good friend from Utah.

The PRESIDING OFFICER. The time of the distinguished Senator from Michigan has expired.

The distinguished Senator from Utah is recognized.

Mr. BENNETT. How much time is available on our side?

The PRESIDING OFFICER. The Senator from Utah has 7 minutes 56 seconds.

Mr. BENNETT. I yield myself 3½ minutes and reserve the remainder of the time for the Senator from New Mexico.

Mr. President, the senior Senator from Texas has a great line. He says: Don't argue about facts; look them up. You can argue about opinions, but do not argue about facts.

The former senior Senator from New York, Mr. Moynihan, used to say: Everybody is entitled to his own opinions but not to his own facts. That is why I went to the Treasury Department to try to get the facts on the debt. I have heard people quote this, quote that. I went to the people who manage the debt. They said to me, as they began the conversation: We have been managing debt for over 200 years. We know how to do it.

I have the numbers. I will be glad to discuss them with any Senator. Fundamentally, this is what it comes down to: The amount in the next 10 years of national debt that cannot be paid off without paying a premium, factually, is roughly $800 billion. Alan Greenspan, before the Budget Committee, talked about 70-something. I round up to $800 billion. The Treasury agrees with that number. However, they say we cannot go to that absolute number because we have to have some debt to help cash management.

If I can put it in the context of a family, you may have paid off all your mortgages and paid off all your debt, but the paycheck and the bills don't always correspond exactly in time, so you pay the bills with a credit card, which is debt. You may pay the credit card completely off every 30 days, but you have some debt to manage your cash situation, and the Treasury does. I said: How much money are we talking about? And these Treasury officials who have no political ax to grind said: We have to have about another $300 billion for cash management purposes on top of the amount of debt Alan Greenspan was talking about. If you add 800 to 300 you get $1.1 trillion, which is the number President Bush has been talking about.

Those are the facts. We can look them up. We can have differences of opinion on everything else, but let's not keep fudging those facts.

The President's proposal with respect to debt paydown is the responsible, proper proposal. It should not be factually challenged.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think this has been an excellent discussion and debate this afternoon. I will summarize it my way.

If this amendment is adopted, the so-called stimulus package from the other side, then the tax cut proposed by our President would be reduced to $746 billion. Understand, just doing the arithmetic, we would have taken $854 billion of the President's tax cut and wiped it out. Imagine, in the name of an economic stimulus package, we reduce that which stimulates the economy by $854 billion.

I say to Senators on both sides, if you have been worrying about taking more and more away from the President's tax cut, you have a real humdinger on your platter. This, combined with others, will make the President's tax package $746 billion, which is $854 billion less than he asked for—and he thinks he is giving us a stimulus package. We are saying $60 billion up front and $1.6 trillion over time, with marginal rate deductions, marriage tax penalty, child care credits, and the other things. We say that is exactly what the American economy needs as a stimulus, short and long term. In the name of an economic stimulus package, the tax cuts to the American people are reduced by more than one-half, more than 50 percent.

Once again, Americans, if you have been sitting around thinking maybe Congress will do something right, maybe they will give us back some of our money, over half of it disappears. Between this amendment and a previous Democrat amendment they have taken more than half of what you might have expected. It is out the window. It is gone, gone at the altar of an alleged stimulus package. This is just following suit of almost every amendment offered: Baucus Medicare, higher taxes, $156 billion; Johnson agriculture, higher taxes, $88 billion; Harkin education, $448 billion, higher taxes; Landrieu, $93 billion more; Stabenow, $14 billion more. Adding them up, $798 billion is how much they tried thus far to reduce the tax cuts for the American people.

Only one passed, Harkin, but it is still under consideration, so I don't count it yet. Maybe it won't pass.

Having said that, if I have any remaining time, I yield it to Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and leader.

I say to the American public, Senator DOMENICI has done outstanding work on a very difficult job. This is a tough process. He was right. I mentioned on the floor that the amendment that passed last night is being reconsidered. I don't want to be so presumptive as to say the $448 billion tax increase passed. It made a step towards passing, but it has not been finally passed. I appreciate your correcting me on that because the Senator is right.

The amendment Senator DURBIN offered would also increase taxes from the existing resolution, $418 billion. If you add the two together, it is $866 billion, well over half of the President's proposed tax reduction. I thank my friend and colleague. The Harkin amendment has not yet been adopted, but if it is, and a lot of people are working on the assumption that it is because it got an affirmative vote yesterday, the combined impact would be $866 billion, and 55 percent of President Bush's tax proposal just went out the door.

That is not the way to stimulate the economy. That is the point my colleague and friend from New Mexico and Utah were making. I thank them for that. I urge my colleagues to vote no on the Durbin amendment and vote in favor of Senator BENNETT's amendment.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized.

Ms. STABENOW. On behalf of Senator CONRAD, I yield myself the remaining time on the amendment.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Ms. STABENOW. First, no one is talking about raising taxes. No one on either side is talking about raising taxes. We are talking about a budget for next year and conceivably for 10 years. What are the values and the priorities of the American people? That is what we are talking about in this discussion.

I suggest when we look at the President's proposal, if we lock up Social Security and Medicare, we have $2.5 trillion to make decisions about values and priorities of the American people. The President's tax cut, when added up, takes every penny. There is zero for education increases, zero for prescription drug coverage, and we all have heard why we need to be doing this.

Unfortunately, in the President's budget, in order to pay for spending, Medicare is used because there is nothing left after his tax cut. He takes Medicare out of the lockbox and spends it.

We are suggesting and addressing the need for long-term stimulus. It addresses the need to protect Social Security and Medicare, provide a tax cut, short-term stimulus. We all support a long-term tax cut. Pay down the debt to the maximum amount and make sure we have critical investments to allow the economy to proceed. That is the debate.

Yes, we have a fundamental difference. We are not willing to touch Medicare and Social Security. We say hands off Medicare, hands off Social Security completely. Let's make sure we are paying down the debt. Let's make sure we give tax cuts. Let's make sure we invest in the priorities of the American people.

We can do all of it if we do it the right way. As I said before, there is more than one way to put money in people's pockets. We can put it in their pockets through a tax cut, and the stimulus Senator DURBIN is talking about is exactly what is needed in order to stimulate this economy. Then we can focus on longer term tax cuts. It allows us to pay down maximum debt. That puts money in people's pockets because they can refinance that mortgage and that car payment. And it allows us to invest in critical needs without touching the Medicare trust fund.

That is what we are arguing. I strongly encourage my colleagues on both sides of the aisle to support the short-term economic stimulus that will allow us to protect the Medicare trust fund and that will allow us to pay down the maximum amount of debt. Then we will work together, no question about it, to continue to provide tax relief that is focused particularly on middle-class taxpayers, small businesses, family farmers. We want to work together to be able to do that and make sure we are reflecting the true values and priorities of the American people.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to have printed in the RECORD a table that shows the tax reduction Senator DURBIN offers in the first 2 years and the tax increases he has in the years 2004 through 2011, which net a total tax increase, compared to the underlying resolution, of $418 billion for a net tax of $746, assuming the budget resolution was amended by Senator HARKIN. I want this to be in the RECORD so everyone can see the total evisceration of the Bush tax cut should this amendment be agreed to. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DURBIN AMENDMENT

	Conrad tax increase	Tax cuts (current status)	After Durbin
2001	—	0.2	0
2002	31	29.3	60
2003	11	50.5	61
2004	(12)	74.2	62
2005	(33)	97.5	64
2006	(57)	125.7	68
2007	(68)	141.5	74
2008	(73)	149.2	76
2009	(71)	154.8	84
2010	(80)	170.3	90
2011	(65)	170.5	106
Total	(418)	1,164	746

Mr. REID. Mr. President, I ask unanimous consent the document I have in my hand be printed in the RECORD immediately following the table Senator NICKLES placed in the RECORD regarding the Durbin amendment now before this body.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DURBIN AMENDMENT

	Conrad tax decrease	Tax cuts (current status)	After Durbin
2001		0.2	0
2002	31	29.3	60
2003	11	50.5	61
2004	(12)	74.2	62
2005	(33)	97.5	64
2006	(57)	125.7	68
2007	(68)	141.5	74
2008	(73)	149.2	76
2009	(71)	154.8	84
2010	(80)	170.3	90
2011	(65)	170.5	106
Total	(418)	1,164	746

Mr. REID. Mr. President, on behalf of Senator CONRAD, I yield to Senator STABENOW 1 minute off the resolution.

The PRESIDING OFFICER. The Senator is recognized.

Ms. STABENOW. Mr. President, I reiterate, we are in the process of determining the priorities for the country. No one is talking about a tax cut. This amendment would provide an immediate stimulus this year. President Bush's tax cut for the most part does not take effect for 6 years. We then want to take the next step and work together on a long-term tax package.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask for 3 minutes off the resolution.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. CONRAD. Mr. President, I understand once again today there has been talk that somebody here is for a tax increase. Nobody is for a tax increase. All the proposals on both sides of the aisle are for significant tax cuts. The fundamental difference here is on the question of how much debt reduction we do.

On our side we think there ought to be more debt reduction than is being proposed on the other side. We have a total of $3.65 trillion of the $5.6 trillion projected surplus set aside for short-term and long-term debt reduction. President Bush is setting aside $2 trillion. So we have nearly twice as much set aside for debt reduction as does the President. He has a tax cut that is about twice as big as ours. That is the fundamental difference between the two sides.

I understand Senator BENNETT said you can't do more debt reduction than the President proposes. That is just not so. We had detailed testimony before the Senate Budget Committee by the man who ran the debt reduction program in the U.S. Treasury Department under the previous administration. He says you can reduce far more of the national debt than the Bush administration is calling for. In fact, President Bush says you can only reduce the publicly held debt by $2 trillion. Mr. Gensler, who was in charge of the debt reduction program in the previous administration, pointed out that $2.6 trillion of the debt actually comes due during this 10-year period. You can eliminate all of that. That is $2.6 trillion instead of the $2 trillion the President says is available for debt reduction. But even more than that, we did a detailed cashflow analysis.

I yield myself an additional minute off the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We did a detailed cashflow analysis of debt reduction. What we found is—this is the President's line, the green line. That saves $2 trillion—reduces the publicly held debt by $2 trillion.

The red line is our publicly held debt reduction line. It would reduce publicly held debt—publicly held debt is currently $3.4 trillion. It would reduce that debt by $2.9 trillion—$900 billion more than the President's plan.

This line shows the unredeemable debt line. What this chart reveals is there is absolutely no problem of cash buildup, even if you use $2.9 trillion to reduce publicly held debt.

I yield myself an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Somebody watching me may be very quick with figures and say: Gee, Senator CONRAD is saying the Democrats believe you can reduce $2.9 trillion of the $3.4 trillion publicly held debt. But on his previous chart he showed the Democrats have reserved $3.65 trillion for debt reduction. How can both those things be true?

Simply, they are both accurate, they are both true, because we are dealing with short-term debt and long-term debt. The short-term debt is the publicly held debt, which is $3.4 trillion. We would pay that down by $2.9 trillion. But, in addition to that, we reserve $750 billion more for long-term debt reduction. The long term-debt that is building, that our Federal accounting system does not take account of because of the long-term unfunded liability for Social Security and Medicare, we set aside $750 billion for that purpose. The other side does not set aside a single penny—not a dime—for the long-term debt that is building for this country.

That is the fundamental difference between our two sides. We believe we ought to pay down more of the short-term and long-term debt and have less of a tax cut. It is still a substantial tax cut, one that would permit rate reductions, reform of the estate tax, and also address the marriage penalty.

That is the fundamental difference. I do not want to lose sight of it in the bric-a-brac and the back and forth. That is the best summary I can provide.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Parliamentary inquiry: It is part of the unanimous consent agreement that Senator WYDEN and I have 15 minutes equally divided?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 240

Mr. SMITH of Oregon. Mr. President, I have an amendment I send to the desk. It is an amendment proposed by myself, my colleague Senator WYDEN, Senator BAUCUS, Senator KENNEDY, Senator SNOWE, and Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oregon [Mr. SMITH] for himself and Mr. WYDEN, Mr. BAUCUS, Mr. KENNEDY, Ms. SNOWE, and Mr. SANTORUM, proposes an amendment numbered 240.

Mr. SMITH of Oregon. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase mandatory spending in the Health function by $28,000,000,000 over Fiscal Year 2002, Fiscal Year 2003, and Fiscal Year 2004 for proposals that would expand health insurance coverage to the uninsured, targeting funding for those who need it most, combining public and private coverage options to efficiently target the uninsured, avoiding creating new bureaucracies, promoting state flexibility, protecting employer-based coverage systems, providing a meaningful, affordable health insurance benefit to the uninsured, emphasizing enrollment and not just eligibility, and without taking funding from the HI Trust Fund)

On page 4, line 2, increase the amount by $8,000,000,000.

On page 4, line 3, increase the amount by $10,000,000,000.

On page 4, line 4, increase the amount by $10,000,000,000.

On page 4, line 16, increase the amount by $8,000,000,000.

On page 4, line 17, increase the amount by $10,000,000,000.

On page 4, line 18, increase the amount by $10,000,000,000.

On page 5, line 7, decrease the amount by $8,000,000,000.

On page 5, line 8, decrease the amount by $10,000,000,000.

On page 5, line 9, decrease the amount by $10,000,000,000.

On page 28, line 23, increase the amount by $8,000,000,000.

On page 28, line 24, increase the amount by $8,000,000,000.

On page 29, line 2, increase the amount by $10,000,000,000.

On page 29, line 3, increase the amount by $10,000,000,000.

On page 29, line 6, increase the amount by $10,000,000,000.

On page 29, line 7, increase the amount by $10,000,000,000.

On page 5, line 20, increase the amount by $8,000,000,000.

On page 5, line 21, increase the amount by $18,000,000,000.

On page 5, line 22, increase the amount by $28,000,000,000.

On page 6, line 8, increase the amount by $8,000,000,000.

On page 6, line 9, increase the amount by $18,000,000,000.

On page 6, line 10, increase the amount by $28,000,000,000.

Mr. SMITH of Oregon. Mr. President, when I go home to Oregon I am often asked what is the biggest surprise I have had as a Senator. I often and without any hesitation answer that my biggest surprise is that one of my closest friendships in the Senate, and one of the most constructive relationships I have in the Senate, is with my former opponent, the senior Senator from Oregon, RON WYDEN. After I was elected to replace Mark Hatfield, he and I became more than colleagues; we became friends, confidants, and worked every year to try to establish an agenda that helps and serves the interests of our State as well as our country.

This year we have followed that tradition, announced a bipartisan agenda, toured our State with seven joint townhalls, and tried to listen to the people as to what they wanted. We heard many things. We heard, "Tax cuts." I am for President Bush's tax cut. I make no apology for that.

I believe our economy needs that. I believe our country needs help. I believe we need to be reminded that we are a democratic free enterprise society and not a democratic socialist society.

But having said that, I believe, using the surpluses we are bountifully blessed with, there are things we can and should do.

In Oregon, we have a proud tradition of caring for the underprivileged and the uninsured. I was a State senator when we set about funding the Oregon Health Plan. We accomplished that, but the job is not done in helping the uninsured.

It seems to me appropriate that in a time when we are looking to cut substantial taxes from the paychecks of the American people that we should take time to help those who also work but who do not enjoy some of the basics of American living, which is health care.

There are 170 million Americans who enjoy the best health care in the world. They are Americans. But of our American citizens, there are 43 million who have no health insurance. Many of those folks are working Americans as well.

But Senator WYDEN and I propose, along with the bipartisan coalition, to provide in this budget $28 billion over 3 years to further narrow that gap of the uninsured.

Our plan will build on past actions to give 15 million to 20 million of these uninsured Americans access to affordable quality health insurance without creating huge new Government programs.

First, our plan will give businesses incentives to make quality health insurance more affordable to their low-income workers. Our plan will give businesses a tax credit if they chip in more to offer quality health care to their low-income employees. Many low-wage employees are working hard, but we are having trouble paying the full amount for health insurance.

Second, our plan will extend Medicaid coverage to more low-income Americans. Many low-income adults who cannot afford or are not offered private health insurance would now be eligible under this proposal for Medicaid coverage.

Finally, we will give the State the option to extend the highly successful CHIP program, or the SCHIP program, the State Children's Health Insurance Program. We will work to extend these benefits to the parents of these children.

We are trying to say in this great society that we can narrow this uninsured gap. I believe if we can't do it now, we will never be able to do it.

Senator WYDEN and I are bringing together an extraordinary coalition between liberals and conservatives. I am referring to the Families U.S.A., which is a group of folks who are trying to advance the cause of the uninsured.

Also, the Health Insurance Association of America, a very conservative group, has come together behind what Senator WYDEN and I are trying to give voice to.

I appreciate the chance to offer this amendment. I urge its adoption and, if not by unanimous consent, that it be overwhelmingly approved.

I believe it will be a very nice component of President Bush's effort to extend some passion and conservatism to the American people.

I yield the remainder of my time to my colleague, Senator WYDEN.

The PRESIDING OFFICER. The distinguished Senator from Oregon is recognized.

Mr. WYDEN. Thank you, Mr. President.

First, I commend my colleague and thank him for the opportunity to work with him on this bipartisan agenda. I commend him for a very fine statement this afternoon as well.

Each night more than 43 million Americans go to bed without basic health coverage knowing that a serious illness could wipe their family out. These are Americans who aren't old enough for Medicare. They aren't poor enough for Medicaid. Very often they work as small businesses. And yet in a country as strong and good as ours we have not made sure that they have access to basic health coverage.

In my view, for the Congress not to respond now at a time when there are layoffs, at a time when there is great fragility in our economy, for this Congress not to respond to the needs of the uninsured is, in my view, nothing short of government malpractice.

This amendment ensures, with the $28 billion that would be provided for mandatory spending, that the Senate Finance Committee could develop a program that would allow for public and private options. There are many in the business community who argue—and I think correctly so—that there are a variety of approaches with employer-based health care coverage that makes sense. This amendment would allow for that. There are advocates for the low income who argue—and I think correctly so—that we ought to be spending for important programs like my colleague mentioned, the CHIP program. Senator KENNEDY, for example, has done yeoman and exceptional work in trying to extend coverage for adults whose children are on Medicaid. And yet those adults, for example, who might work at a small business lack coverage. This proposal would make that possible. We would have a chance to cover those individuals who are part of what Senator KENNEDY has correctly termed "family care."

In my view, this proposal represents an opportunity for a major breakthrough on the health care issue which unfortunately to a great extent has been deadlocked since the downfall of the discussion over the Clinton health care plan.

In my view, with this amendment it will be possible to provide immediate relief to millions of our citizens through public and private options and at the same time build a foundation for a longer term approach that, again, looks to both the private and the public sector to fill in these gaps in American health care.

I particularly want to thank Senator KENNEDY and Senator BAUCUS. They have been leaders in our party in the development of advocacy for these individuals.

Senator CONRAD and his staff have been exceptionally helpful as well in ensuring that this amendment was crafted so that it would not in any way allow for a raid of the health insurance trust fund.

I will tell you, Mr. President, since my days when I was codirector of the Gray Panthers, I dreamed that I could one day be part of a bipartisan effort to really fill in the gaps in the American health care system.

I thank my colleague, Senator SMITH, for the opportunity to work with him. These important breakthroughs for the uninsured can, in fact, only be accomplished if they are bipartisan. I thank him for the chance to work with him.

I yield the floor at this time.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Ms. STABENOW. Mr. President, how much time is remaining on the amendment?

The PRESIDING OFFICER. The Senator from Oregon has 2 minutes 43 seconds; the other distinguished Senator from Oregon has 3 minutes 16 seconds.

Ms. STABENOW. I ask for a minute.

Mr. WYDEN. Mr. President, I am happy to yield time to my friend from Michigan, who has already shown that she is going to be a tremendous advocate for working families and seniors on health. I am happy to yield to her.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to commend my colleagues for their hard work. There is nothing more urgent in a family's life than the issue of health care. I often think that if we address this issue in as urgent a manner as a family does when someone has a health care problem, we would have acted much more quickly. When there is a health concern in a family, it seems that the world stops until you fix it or try to figure out how to help your child or your parent or yourself. We need to have that same sense of urgency about health care in this Chamber.

I commend my colleagues for their work.

Mr. WELLSTONE. Mr. President, I join with my colleagues in support of Mr. SMITH's amendment to increase funding in the Resolution by $28 billion over fiscal year 2002 through 2004 for the purpose of expanding health insurance coverage to the uninsured. Yesterday's New York Times reported that the President's proposed budget, details of which we will not see until next week, will suggest cuts of nearly 90 percent to programs that increase access to health care for the uninsured. That obviously is moving in exactly the wrong direction.

I oppose the administration's reported plan to "phase out" the Community Access Program. The program seeks to reduce the number of uninsured through integrated, comprehensive health care delivery systems. I also am troubled that the Administration seems to undervalue one of the most important components of any health care safety net—quality care. We need to continue to train health professionals to ensure that every patient receives the quality care he or she deserves. Moreover, we need to make sure we have enough health professionals in every part of this country so that no one is denied access to care because of where they live. According to New York Times, however, the White House position is that there is "an oversupply of doctors." The truth is there are great disparities in the distribution of health professionals in this country. The majority of the country's counties experience shortages in health professionals and are medically underserved areas.

I support the Smith amendment. This funding will help. But we need to go further. We need quality care for all, which means universal health care coverage. I intend to introduce the Health Security for All Americans Act following this Easter recess. Every American should have quality health care coverage. Meanwhile, the Administration's proposals to cut the Community Access Program, flat-line funding for the care of people living with AIDS and HIV, and cut into funding for the training of our health professionals take us in the wrong direction. This amendment improves the Resolution.

Ms. SNOWE. Mr. President, I rise in support of this amendment that has a very simple purpose: to increase mandatory health spending by $28 billion to increase health insurance coverage.

This is a matter of great national urgency. Today, nearly 33 million adults and 10 million children go without health care coverage. That's 18 percent of all Americans. And despite record employment and a booming economy over the past decade, over eighty percent of the uninsured are in working families.

Quite simply, we cannot afford to be complacent. Both the nation and individuals pay a penalty for the lack of health insurance. Indeed, one of the most deeply disturbing is that health care costs more for the uninsured!

According to a recent New York Times article, because "health insurance companies insist on hefty discounts" for their patients, there can be "extreme price disparities" between what the uninsured are charged for medical care and what people with insurance are charged.

For example, one internal medicine specialist reported that the cost of his bills for "routine exam[s]" can vary by 45 percent, with "the uninsured pay[ing] the most" and those with insurance "pay[ing] much less than their share." As a result of such arrangements, "some uninsured people struggle for years to pay medical bills and others put off seeing a doctor until minor problems become major ones."

How might these funds be spent to improve health insurance coverage? One very promising approach is legislation that will be introduced shortly to expand the SCHIP program to provide health insurance coverage of parents of children eligible for the program.

As I am sure many Members know, in 1997, under the leadership of Senators KENNEDY and ROCKEFELLER, Senators HATCH and the late John Chafee, Congress created the State Children's Health Insurance Program, or "S-CHIP." Since SCHIP was launched just 3 short years ago, this Federal-State partnership has provided health insurance coverage to 3.3 million low-income children. My home State of Maine is justifiably proud of its Cub Care program, covering 9,500 low-income children.

What could be a greater priority of our Nation than the health and well-being of our children? What greater responsibility do we have as leaders and adults? The fact of the matter is, if we are to be stewards of the future, we must be protectors of our children. America's children cannot grow up strong if they do not grow up healthy.

But just as the early results are encouraging, we can and must do more. Despite a team effort to enroll all eligible children, one-third of the remaining 18,000 uninsured children in Maine are currently eligible for coverage under Medicaid or Cub Care, but aren't receiving the benefits. Nationwide, an estimated 6.3 million additional children who could be served by the program remain unenrolled. Like a letter mailed without an address, benefits that aren't delivered are benefits that might as well not exist.

We must reach our goal of covering all those who are eligible. The solution, or the "key prescription" as one Maine pediatrician said is health insurance coverage for their parents.

Here is some evidence. Three of the first States that provided coverage to parents under Medicaid saw their coverage of eligible children increase by 16 percent from 1990 to 1998, compared to 3 percent for States that didn't cover parents.

The bottom line is that parental coverage means that children are more likely to be enrolled in SCHIP; and that means better access to medical care.

Of course, there are many other possible avenues to improve health care coverage. Indeed, no one solution is the answer for all 43 million uninsured Americans. But none of the options is possible without funding.

I urge all Senators who believe as I do that we must improve health insurance coverage to vote for this amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, it is my understanding that this may be agreed to unanimously. But in the event it is not, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Will the Senator withhold?

Mr. SMITH of Oregon. I withhold.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is all time expired on the amendment?

The PRESIDING OFFICER. All time has not yet expired. The Senator from Oregon has 2 minutes 20 seconds; the Senator from Oregon has 2 minutes 34 seconds.

Mr. DOMENICI. I wonder if the Senators would be prepared to yield back their time.

Mr. SMITH of Oregon. Mr. President, I would be willing to yield back my time. I was just asking, if necessary, for the yeas and nays.

Mr. DOMENICI. I do not think it is necessary. I think we are prepared now to have a voice vote and accept the amendment.

Mr. SMITH of Oregon. That would be fine.

Mr. WYDEN. Mr. President, I was always under the impression you ought to quit while you are ahead. I yield my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 240.

The amendment (No. 240) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH of Oregon. Mr. President, I suggest the absence of a quorum and ask unanimous consent it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, this is a unanimous consent agreement that has been worked on by a wide variety of Senators representing leadership on both sides. I will propound it now.

I ask unanimous consent that time from 3:30 p.m. today until 6:30 p.m. be equally divided for the consideration of Senator DOMENICI's reconciliation instructions amendment; that all the time on the budget resolution expire at 6:30 p.m. this evening; that when the Senate votes in relation to the reconciliation amendment, all remaining amendments be limited to 30 minutes each.

I further ask unanimous consent that any votes ordered on remaining amendments to the budget resolution be stacked to occur following the vote on or in relation to Senator DOMENICI's reconciliation amendment at 6:30 p.m., with 2 minutes prior to each vote for explanation.

I further ask unanimous consent that the first-degree amendments to be offered by the minority and majority leaders be the last two amendments in order prior to the vote on the substitute and the vote on adoption of the concurrent resolution, that they be offered in the order listed above and they not be subject to any second-degree amendments.

I further ask that following the disposition of the amendments by the two leaders, the Senate proceed to vote on adoption of the substitute, to be followed immediately by a vote on adoption of the concurrent resolution, all without any intervening action, motion, or debate, if all amendments have been offered and disposed of.

Finally, I ask unanimous consent that disposition of the last two amendments by the two leaders and the final vote on the concurrent budget resolution occur no earlier than 2:30 p.m. on Friday, April 6.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, I think, as it was read, there may be some confusion in the first few lines. It might be helpful to restate it, I say to my colleague; because of changes that have occurred as we have negotiated this, I think it would be useful to restate the first few lines.

Mr. DOMENICI. I will be glad to. I think the Senator is correct.

I ask unanimous consent that the time from 3:30 p.m. until 6:30 p.m. be equally divided for consideration of Senator DOMENICI's reconciliation instructions amendment; that all time on the budget resolution expire at 6:30 p.m.; that when the Senate votes in relation to the reconciliation amendment, all remaining amendments be limited to 30 minutes each.

I further ask unanimous consent that any votes ordered on remaining amendments to the budget resolution be stacked to occur following the vote on or in relation to Senator DOMENICI's reconciliation amendment at 6:30 p.m. with 2 minutes prior to each vote for explanation. I think the rest of it was clearly audible. I propose the rest of it.

Mr. CONRAD. Mr. President, I want to be clear: All remaining amendments be limited to 30 minutes each is intended to apply to what occurs between now and 3:30 p.m.?

Mr. DOMENICI. That is correct.

Mr. CONRAD. And from 3:30 p.m. to 6:30 p.m. will be on reconciliation? That what occurs after that, the 30-minute limitation does not apply. The 30-minute limitation applies to what occurs between now and 3:30 p.m.; is that the understanding of the Senator?

Mr. DOMENICI. That is correct. That is what it says, but if it needs to be further clarified, I accept that clarification.

Mr. REID. Reserving the right to object, this does not preclude any points of order anyone might have during the course of the day?

Mr. DOMENICI. No, it does not.

The PRESIDING OFFICER. Is there objection? The Senator from West Virginia.

Mr. BYRD. Reserving the right to object, two things: First, is it clear that the vote on the Domenici reconciliation amendment will occur at the expiration of the 3 hours allotted to that amendment?

Mr. DOMENICI. The Senator is correct.

Mr. BYRD. Second, will the distinguished Senator from New Mexico read the final proviso which deals with the final vote at 2:30 p.m. tomorrow or circa 2:30 p.m.?

Mr. DOMENICI. Yes, I will. I ask unanimous consent that disposition of the last two amendments by the two leaders and final vote on the concurrent resolution occur no earlier than 2:30 p.m., Friday, April 6, 2001—tomorrow.

Mr. BYRD. That will mean then the vote-arama, which I do not like and I do not believe the distinguished Senator likes either, would occur. Whatever amendments there are, if Senators chose to call them up, they would have votes on them.

Mr. DOMENICI. That is correct.

Mr. BYRD. That is correct.

Mr. DOMENICI. Yes, it is. We hope to make some impression on our friends that we do not have to do them all. The Senator is correct.

Mr. BYRD. Fine. Is it clear that the majority leader will have an amendment and the minority leader? Is it clear, absolutely clear that they will have one amendment each?

Mr. DOMENICI. Yes, both the minority and majority have an opportunity at the end, in the order stated, in the order of minority, majority leader—in that sequence—but they both have that right.

Mr. BYRD. They both have that right.

Mr. DOMENICI. Wraparound right.

Mr. BYRD. They may choose not to offer such amendment.

Mr. DOMENICI. That is correct.

Mr. REID. Mr. President, I want the Senator from West Virginia to understand all amendments will be in order in the vote-arama if filed by 2 o'clock today, as under a previous agreement.

Mr. DOMENICI. I thank the Senator for reminding us of that. Senators should know that.

The PRESIDING OFFICER. Is there objection to the unanimous consent request by the distinguished Senator from New Mexico?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand the distinguished Senator from Delaware wants to speak for 5 minutes with the time coming off the resolution. That is all right with me.

Can we propose the following, not as a UC, but as a planning tool? We have done it before.

Senator FRIST on HIV and Senator CORZINE on energy; Senator BOND, Senator MIKULSKI, Senator DODD on child care; Senator VOINOVICH on process; Senator HOLLINGS on stimulus; Senator ALLEN and Senator BROWNBACK on process. That is what we are trying to accomplish.

Mr. CONRAD. Can we see the list?

The PRESIDING OFFICER. The distinguished Senator from Delaware is recognized.

Mr. CARPER. Mr. President, this is the week baseball season begins anew. I am in a little bit of a baseball mood this week, even this afternoon under bright, sunny skies in our Nation's Capital. We have been working on the budget resolution in the Senate Chamber for the better part of this week, and under the unanimous consent agreement we will wrap it up hopefully tomorrow afternoon.

Using a baseball analogy, this is like the seventh inning stretch. I want to take the opportunity to reflect on what we have agreed to, not agreed to, and maybe some thoughts we can keep in mind over the next 24 hours or so.

As we attempt to adopt, fashion, and agree on a blueprint for spending for our Nation, the thought that creeps into almost every aspect of our discussions is the economy, the shaky nature of the economy, the fragile nature of the economy, and to what extent tax cuts should play as we adopt this budget framework.

There are a number of ways to stimulate the economy, as we all know. One of the ways that is going forward right now is the aggressive monetary policy launched by the Federal Reserve over the last couple of months which will add to the gross domestic product of our country; I am told, somewhere close to half a percentage point this year by virtue of lower interest rates. The Federal Reserve is expected to come back and consider by May 15 whether more interest rate relief is called for. My hope is they will do so, and maybe even before that time.

Those interest rate reductions are already being felt in our economy as people refinance their homes, lower their mortgage rates, and take the moneys they are saving and spend it for other purposes.

Another obvious way to stimulate the economy is through tax policy. I remind my colleagues as we consider a stimulus policy, trying to put some kind of rebates in place now, rate reductions, child credits, or marriage penalty relief, the actual impact we will have through tax policy is de minimis.

Take $3 trillion out of the stock market, as we have seen over the last several months, and pump in $40 billion, $50 billion, $60 billion in tax policy and in reality it is not going to amount to too much.

I hope we will continue our efforts over the next 24 hours—frankly, over the weeks to come—to adopt the best stimulus of all. The best stimulus we could send, not just to the markets but the American people, would be for us to actually agree on a tax policy, not just 51 Republicans with the Vice President casting the tie-breaking vote but for a number of Democrats and Republicans to agree on an incremental approach where we would be able to lower marginal rates, broadly but not as deeply as the President wants, or double the child credit and make it retroactive to the beginning of this year, or we might eliminate the marriage penalty effective the beginning of this year, and do it in a way to provide stimulus to our economy but also some assurance that the taxpayers are going to see long-term rate reduction, long-term relief.

The President was in Delaware a couple days ago, and I talked with him about this. He said: My concern is, Tom, if we do not take a lot of money off the table now, we will spend the money. I reminded the President he plays an activist role in the appropriations process—signing and vetoing appropriations bills, signing and vetoing enhancements to entitlement programs.

In the end, while we are in the seventh inning stretch, the ball game is likely to go into extra innings, and the very best victory the American people can hope for is a bipartisan agreement for an incremental approach to tax cuts that includes restraint on spending and includes a consensus that one of the best things we can do is continue the good work we have begun on reducing our Nation's debt. I yield back my time.

The PRESIDING OFFICER (Mr. KYL). The Senator from New Mexico is recognized.

Mr. DOMENICI. I ask the ranking member, we read off seven names, you added an eighth; can we say the eighth is Senator WELLSTONE?

Mr. CONRAD. Senators WELLSTONE and JOHNSON, if I could add that additional name.

Mr. DOMENICI. Sure. We will try to accommodate all the Senators, saying no more than 15 minutes on each of the amendments.

I yield the floor.

AMENDMENT NO. 215

Mr. FRIST. Mr. President, I have an amendment at the desk, No. 215, on behalf of myself, Senators SMITH of Oregon, LEAHY, DURBIN, KERRY, and FEINGOLD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST], for himself, Mr. SMITH of Oregon, Mr. LEAHY, Mr. DURBIN, Mr. KERRY and Mr. FEINGOLD, proposes amendment numbered 215.

Mr. FRIST. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $500,000,000.

On page 5, line 8, decrease the amount by $500,000,000.

On page 12, line 16, increase the amount by $200,000,000.

On page 12, line 17, increase the amount by $200,000,000.

On page 12, line 20, increase the amount by $500,000,000.

On page 12, line 21, increase the amount by $500,000,000.

On page 43, line 15, decrease the amount by $200,000,000.

On page 43, line 16, decrease the amount by $200,000,000.

On page 48, line 8, increase the amount by $200,000,000.

On page 48, line 9, increase the amount by $200,000,000.

Notwithstanding any other provision of this resolution, it is the sense of the Senate that:

(a) Findings.—The Senate finds the following:

(1) HIV/AIDS, having already infected over 58 million people worldwide, is devastating the health, economies, and social structures in dozens of countries in Africa, and increasingly in Asia, the Caribbean and Eastern Europe.

(2) AIDS has wiped out decades of progress in improving the lives of families in the developing world. As the leading cause of death in Africa, AIDS has killed 17 million and will claim the lives of one quarter of the population, mostly productive adults, in the next decade. In addition, 13 million children have been orphaned by AIDS—a number that will rise to 40 million by 2010.

(3) The Agency for International Development, along with the Centers for Disease Control, Department of Labor, and Department of Defense have been at the forefront of the international battle to control HIV/AIDS, with global assistance totaling $330,000,000 from USAID and $136,000,000 from other agencies in fiscal year 2001, primarily focused on targeted prevention programs.

(4) While prevention is key, treatment and care for those affected by HIV/AIDS is an increasingly critical component of the global response. Improving health systems, providing home-based care, treating AIDS-associated diseases like tuberculosis, providing for family support and orphan care, and making anti-retroviral drugs against HIV available will reduce social and economic damage to families and communities.

(5) Pharmaceutical companies recently dramatically reduced the prices of anti-retroviral drugs to the poorest countries. With sufficient resources, it is now possible to improve treatment options in countries where health systems are able to deliver and monitor the medications.

(6) The UN AIDS program estimates it will cost at least $3,000,000,000 for basic AIDS prevention and care services in Sub-Saharan Africa alone, and at least $2,000,000,000 more if anti-retroviral drugs are provided widely. In Africa, only $500,000,000 is currently available from all donors, lending agencies and African governments themselves.

(b) Sense of the Senate.—It is the sense of the Senate that the spending levels in this budget resolution shall be increased by $200,000,000 in fiscal year 2002 and by $500,000,000 in 2003 and for each year thereafter for the purpose of helping the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated infectious diseases.

Mr. FRIST. Mr. President, the time is at hand for the United States to take another act of leadership in confronting one of the most important moral, humanitarian, and foreign policy decisions of the new century: How to stop the ravages of HIV/AIDS in Africa and other developing countries.

History will indelibly record how the United States, along with other governments, other institutions, other foundations, and other civil societies, responds to the call. Inaction will be measured in millions of lives—lives lost, families destroyed, and economies ruined.

The statistics tell the story. They are chilling. Twenty-two million people have died of AIDS worldwide, more than 3 million last year alone. That is over 8,000 per day or nearly 6 deaths every minute. That number is growing. Thirty-six million people are currently infected with HIV, a staggering number that is increasing by 15,000 new infections every day, mostly in the world's poorest countries. By 2010, 80 million persons could be dead of AIDS. That is more deaths than we saw in military and civilian forces suffered during all of World War II.

In Africa, life expectancy has been reduced by nearly half in many countries. In the next decade, 40 million children will be orphaned by AIDS. That is a number equal to all children in this country living east of the Mississippi. The economic impact is devastating. An entire generation of workforce is being lost. Trained personnel in key sectors needed for economic growth and stability—teachers, health care personnel, law enforcement—are being decimated by the epidemic. In South Africa alone, a once growing economy is being devastated by HIV/AIDS. The projected GDP over the next 10 years will be reduced by 17 percent, or the equivalent of about $22 billion, because of this single virus.

Africa is not alone. The Caribbean region has the second highest rate of HIV infections. Russia has the largest increase of any in the world. The National Intelligence Council has said that Asia, especially India, is on the verge of a catastrophic epidemic. This is especially troubling for those concerned about regional security in the most populous part of the globe.

All Americans, indeed, can be proud of the international leadership in responding by the United States to this epidemic. We have pushed the G–8 to embrace debt relief in exchange for health programs. We have tripled our global commitment to AIDS programs over the last 2 years. But we are not doing enough. We are not alone. In all of sub-Saharan Africa, the combined national, UN, and donor contributions in the fight against AIDS total $500 million. Yet the United Nations estimates the basic prevention and care in Africa alone will cost $3 billion a year, increasing to $5 billion a year if treatment, including access to specific anti-AIDS drugs, is added.

The fundamental question we must ask today is this: If the United States is already doing more than anyone else, why should we do more right now? There are three reasons.

No. 1, the disease is not waiting. It is not waiting for the international community to mount a coordinated response. Just since I have been talking, 18 people have died and there have been 35 new infections. The problem is growing by the minute.

No. 2, a major new initiative by several pharmaceutical companies that has been rolled out over the last several weeks means AIDS treatment drugs for Africa are more affordable today than they have ever been.

No. 3, access to treatment enhances prevention efforts. Access to treatment enhances prevention, a basic underlying premise of public health.

For the first time in history, the drugs that have revolutionized AIDS care and treatment in the United States can become for the first time part of that comprehensive prevention, care, and treatment strategy even in the poorest countries of the world.

But how we supply these drugs where they are needed, given the fact that purchasing them at cost still puts them way beyond the means of infected individuals in poor countries, is a question we must address.

The answer is in the sort of public-private partnerships which we know have worked in the past and can increasingly work in the future. On the private side, U.S. companies took the lead in making drugs available, and now it is appropriate for the U.S. Government in this private partnership approach to take the lead in making these drugs part of a comprehensive plan, strategy, of prevention, care, and treatment in these poorest countries.

Currently, the United States is contributing close to $500 million to fight the scourge of HIV/AIDS in poor countries. The amendment my colleagues and I are putting forth today increases that amount by $200 million next year and by $500 million the following year, effectively doubling our current commitment over 2 years.

These funding resources from the United States will provide the leadership impetus for a powerful coalition of Government, of foundations, of the United Nations, of the pharmaceutical companies, of academic institutions, of the scientific institutions to help fill the gap between the available resources and the need for care and treatment.

Working with authorizing and appropriation committees, working with Secretaries Powell and Thompson, with USAID and other parties, we will be crafting legislation to ensure this new budget authority enhances and complements our bilateral aid programs and also, fundamentally important, creating a mechanism that both encourages participation by other donors and gives the program the appropriate accountability and oversight we all must require.

One possible model would be the strictly monitored fund similar to the successful global alliance on vaccines and immunization. That particular program has combined substantial contributions by the Gates Foundation, as well as that by governments, putting them together. It is managed by those who know how to deliver those programs, to hold them accountable and to make sure the services are delivered to those in greatest need.

In addition, work by community-based organizations, both religious and secular, will be the linchpin of success on the ground. It has to be made clear to the American people and to the world at large that the drugs alone are not enough. Delivery systems and health infrastructures are absolutely mandatory if programs are to be more than just talk or to make us feel good—programs that actually reach the people who are in so much desperate need for them.

Let's be clear about one thing: The new moneys will not be used to add to the coffers of those leaders who have not made AIDS a national priority and who have not yet committed to science-based national plans to address this challenge. There is no point in assisting governments that choose to avoid the hard realities. Let's also remember that until science and the tremendous resources we can provide in this country in terms of science and discovery produce a vaccine, prevention through sustained change in behavior is the first and most important means of AIDS control, and prevention must remain a primary focus of our development assistance.

However, we cannot spend our assistance dollars only on prevention activities. The major new initiative we have seen by the pharmaceutical companies recently gives us some hope for those already suffering from AIDS and their families. After all, how can families and communities and democracies survive when over a third of young adults are becoming infected and are expected to die by the age of 45, leaving millions of children with little support and even less hope. In extending the productive lives of those people affected, treatment can prolong the time that families are together, can provide that support and pass on their cultural tradition and values.

Beyond these humanitarian concerns, treatment makes prevention work. Without some expectation of hope or of care, people have no reason to be tested for AIDS, to go in and seek help. They become outcasts in their communities.

Make no mistake about the fact that much more needs to be done than we are proposing. Other nations absolutely must step up with their involvement as well. We will look to the administration to use expanded U.S. commitments to urge our trading partners to increase their participation.

By using such leverage, an increase of $200 million in U.S. aide should increase aide by others by several times that much. Americans have always been among the first to tackle the most difficult challenges of the times. We must do no less when confronted with perhaps the worst international health crisis since the bubonic plague ravaged Europe over 600 years ago.

When our children and grandchildren asked what we did to help slow down this human tragedy, let us be proud of our answer.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time? The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise today to join Senator FRIST to increase funding for International HIV/AIDS efforts. This amendment will increase by $200 million in fiscal year 2002 to help the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated diseases.

AIDS is one of the most recent and most devastating infectious diseases facing the world today. Since the virus was first identified about 20 years ago, more than 50 million people have been infected—and at the current rate of infection that number will top 100 million within 6 years.

Of those being infected with HIV, half are between the ages of 10 and 24. Five young people will contract HIV/AIDS as each minute passes as I stand here speaking to you on the Senate floor.

These numbers are beyond belief—these youth are the future of the world and yet that future is being endangered as surely as those lives are being endangered.

Last year many of us on the Senate Foreign Relations Committee joined forces to authorize a real boost in funding to fight HIV/AIDS abroad. Senator BOXER, FRIST, KERRY and I—and many others including Chairman HELMS—succeeded in authorizing increased funding to meet the challenges of HIV/AIDS infection.

We did this without care about party politics, ideology or conviction, working together to somehow find solutions to a horrible health problem. I note that last year our focus was basically on Africa.

This year our attention has unfortunately been turned to new continents and new countries that are being impacted by HIV/AIDS.

In the Far East—in Thailand for instance, in the Near East—threatening India and in some countries of Eastern Europe and in Russia, HIV/AIDS is spreading quickly. Asia will soon have more new HIV infections than any other region. In Russia more Russians are projected to be diagnosed with HIV/AIDS by the end of the year than all cases from previous years combined.

I could go on—HIV/AIDS will be responsible for the deaths of more men, women and children than all the soldiers killed in the major wars and conflicts of the 20th Century.

All these facts, again, cause the mind to numb and the imagination to stagger. Vocabulary fails to describe this. I simply ask my colleagues to join Senator FRIST and me in helping to fight HIV/AIDS abroad. Time and lives are wasting, even as we speak.

I yield the floor.

Mr. DASCHLE. Mr. President, I strongly support the amendment offered by Senators FRIST and FEINGOLD. It is a timely amendment that addresses not only a humanitarian crisis, but a key threat to U.S. national security. I commend the sponsors for drafting an amendment that will keep the United States in a leadership role on this critical issue.

HIV/AIDS is a public health crisis throughout Africa, Asia, and the Caribbean. There are more than 50 million people infected with HIV worldwide; more than 25 million of them are in Africa, where some countries experience infection rates between 10 and 20 percent of the population. In India, there are 3500 new cases of HIV daily, and the World Bank projects that India will have 35 million people with HIV by 2005. Although prevention is key to halting the spread of HIV, because of the high costs of drugs and the woeful medical infrastructure, many of those infected are shut out of any treatment or care.

This devastating impact on a large and growing segment of the world population threatens to produce an economic development crisis. It is striking down productive adults, impacting agricultural and economic output in many countries, and creating an estimated 13 million orphans, who face increased risk of malnutrition and reduced prospects for education. Some estimates suggest that the number of orphans will grow to 40 million in the next decade.

This amendment provides the United States with the resources it will need to confront this threat. The President's budget allowed for a 10 percent increase over last year's spending, but this challenge demands a more robust American response, and the Senate is responding here tonight.

This amendment is the first step, a very good first step, in that response. I am encouraged by a study released yesterday by Harvard University that this problem is, in fact, surmountable. It will, however, demand that we follow through on the next steps in this fight making drugs available at affordable prices and providing the medical infrastructure these countries need to meet this threat. It is a threat we can address, and I look forward to working with my colleagues to address it.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. Is the Senator from New Jersey seeking time?

Mr. CORZINE. Mr. President, I call up amendment 257 at the desk.

The ACTING PRESIDENT pro tempore. There is still time remaining on the Frist amendment.

Mr. DOMENICI. Mr. President, if we had time on this amendment, we yield it back.

Mr. FRIST. Mr. President, there was 30 seconds. I yield that time back.

The ACTING PRESIDENT pro tempore. Time remains on the other side.

Mr. CONRAD. Mr. President, we yield back all time on this amendment and we yield 10 minutes to the Senator from New Jersey. Is the Senator from New Jersey seeking 7 minutes?

Mr. CORZINE. Mr. President, 10 minutes total, and I will yield time to other Senators.

Mr. CONRAD. At this time, I yield 7 minutes to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator will withhold for one moment. The time is all yielded back on the Frist amendment. The Senator from New Jersey is recognized to call up an amendment.

AMENDMENT NO. 257

Mr. CORZINE. Mr. President, I call up amendment No. 257, which is currently at the desk. I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. CORZINE] offers an amendment numbered 257.

Mr. CORZINE. I ask unanimous consent further reading be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The ACTING PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. CORZINE. Mr. President, this amendment would restore $50 billion of cuts built into the Republican resolution to environment, natural resources, and energy conservation programs. This means that environmental programs would be increased 4 percent in 2002. But keep in mind, this is the total. We are merely maintaining funding at the increase the President has requested for overall growth in discretionary spending this year.

To offset these adjustments, the amendment would reduce administrative costs for fiscal year 2002 and reduce the size of the tax cuts in subsequent years.

Further, the amendment would set aside an additional $50 billion for debt reduction.

I believe protecting our environment deserves top priority. Yet in the past few months, we have seen the administration wage nothing less than an all-out attack on our environment.

Three weeks ago, the administration pulled a complete 180-degree turn on a clear campaign pledge to address global warming through the regulation of carbon dioxide. They pushed back regulation designed to protect the public from arsenic in drinking water. They proposed drilling in the Arctic National Wildlife Refuge. And they refused to defend regulations designed to protect our national forests.

Unfortunately, the Bush budget and this budget resolution continue this attack on our environment. The President's "Budget Blueprint" proposed a 15-percent cut in environmental and natural resource programs—15 percent. These cuts are a dramatic step backwards and would reverse much of the progress we have made on cleaning our air and water and protecting our Nation's natural resources. These cuts would contribute to the Nation's growing concern about sprawl and would weaken efforts to hold polluters accountable.

These cuts have been especially serious in my State of New Jersey. I know I was sent here to fight to represent New Jersey's interests. Air quality in New Jersey is one of the worst—in six of our counties—in the Nation. We have 115 Superfund sites, 80 percent of our rivers and lakes and streams are unfishable and unswimmable.

Unfortunately, while the President has not revealed all the specific cuts that will be included in his budget, we know that they are coming. We know they will be severe. Just today there is a report in the Wall Street Journal outlining leaked information about these prospective cuts.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH'S BUDGET PLAN TO FACE CRITICS' IRE OVER ENVIRONMENT

(By John D. McKinnon and Sarah Lueck)

WASHINGTON.—President Bush is likely to ignite more controversy over his environmental policies with the release next week of detailed budget plans including big cuts in conservation and energy-efficiency programs.

Democratic strategists say that environmental issues are fast becoming Mr. Bush's biggest political weak spot because of their popularity with middle-class voters. Democrats and their allies among environmental groups are planning to highlight the cuts next week and again on April 22, Earth Day.

"We expect the president's budget is going to be the next big attack on the environment," said Alyssondra Campaigne of the Natural Resources Defense Council.

Based on Mr. Bush's previously released budget outline, environmentalists now estimate that he will propose cutting environmental spending by 10%, including reductions at the Environmental Protection Agency, the Energy and Interior departments and the Army Corps of Engineers.

The Energy Department would endure the biggest cuts, expected to total as much as $120 million, from research programs that promote energy efficiency in manufacturing processes, appliances and building design. The budget plan also would cut as much as $150 million from the department's programs for creating fossil-fuel-production technologies, including some aimed at making oil wells and pipelines safer for the environment.

Much of the savings would be used to beef up other programs within the department, such as weatherization, home-heating aid for the poor and clean-coal research.

Still, activities call the administration's cuts in energy conservation perplexing, given that Mr. Bush has been proclaiming an energy crisis. "The programs that will actually solve the problems, save consumers money and reduce pollution are getting slashed by this administration," said Anna Aurilio of U.S. PIRG, a consumer group.

An administration spokesman declined to provide details of the cuts but said the targeted programs aren't necessarily saving money. A White House official said the president's budget "reflects his support for energy conservation, renewable energy and encouraging entrepreneurs to develop alternative sources," and noted that it proposes significant new tax incentives for energy production.

At the EPA, spending is being reduced by $500 million. Some congressional aides also expect reductions in core funds that pay for EPA enforcement activities, possibly as part of an increase in grants to help states pay for enforcement.

The environment isn't the only area in which Mr. Bush is taking some political heat. In health care, he is expected to propose cutting some programs favored by the Clinton administration, including a $125 million program that helps uninsured people get treatment and one aimed at preventing child abuse. But overall, programs designed to help abused children and the uninsured will receive more funding, officials at the Department of Health and Human Services said.

Mr. CORZINE. This uncertainty aside, we do know this undercuts a commitment the Congress made last year to support the Land and Water Conservation Fund. This blueprint cuts conservation initiatives by $2.7 billion. That is in the blueprint.

Potentially most damaging, the Bush budget would undermine enforcement of our environmental laws. It would require deep cuts in the operating functions of our environmental agencies: the EPA, Interior and the National Oceanic and Atmospheric Administration.

We just can't afford these cuts. If anything, we should be putting more resources into enforcement not less. Consider EPA's own data from just last month. They found that:

Twenty-six percent of industrial facilities were in significant noncompliance with their clean air permits; Nearly 10 percent of industrial facilities were in significant noncompliance with their clear water permits; And 7 percent of industrial facilities were in significant noncompliance with their hazardous waste permits.

When government lets polluters off the hook, all of us pay a price—particularly those least able to protect themselves—our kids and seniors.

The Bush administration has not been in office very long. But it has done a lot of damage and a lot of damage to our environmental laws. And it's time for them to reverse their course.

I hope my colleagues will support the amendment I am offering today. It is really a very limited amendment. It simply would allow us to barely maintain funding for environmental programs at today's levels. Frankly, I think we should do substantially more. But I hope my colleagues can support at least this, because it is protection of where we are today.

The message of this amendment is simple. It says that it's more important to keep our air and water clean than to give huge tax breaks to the very wealthiest Americans. And it's more important to address global warming than to give the top one percent of Americans a tax cut worth $55,000 a year.

I think environmental priorities reflect the values of the American people. I think they're the right priorities for our nation and world. And I hope my colleagues will support the amendment and those values.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, does the Senator from Nevada or the Senator from California seek time?

Mrs. BOXER. I yield to my colleague, the Senator from Nevada.

Mr. CONRAD. Mr. President, I yield 1 minute to the Senator from Nevada.

Mr. REID. Mr. President, I am the ranking member of the environment committee, and I want to express my appreciation to the Senator from New Jersey and the Senator from California who will soon speak on this amendment.

In our committee, every Member on the Democratic side has been extremely concerned about what has happened so far during the Bush administration and what they have done to violate what we have worked on for so long to take care of the environment, whether it is global warming, whether it is arsenic, whether it is lead, or whether it is drilling in ANWR. We need to understand that in our country—no matter if you are from New Jersey or California and all the States in between—people care about the environment. George Bush is a good man. He is simply not getting the word that he is making tremendous mistakes in how he is treating the environment.

The Senator from New Jersey has done an excellent job with this amendment in restoring financing in the budget so we can do something about the environment and to maintain the progress we have made.

Mr. CONRAD. Mr. President, I yield 2 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Thank you very much. I thank my colleague from New Jersey, Senator CORZINE, and my ranking member, Senator REID.

I stand in strong support of Senator CORZINE's amendment. It isn't rocket science to know a few things about our life. If we can't breathe clean air, if we can't drink safe water, and if we can't count on the Government to protect us from events that we cannot protect ourselves against, then what use are we as a Senate?

If you take a look at the Republican budget that is before us, it is a sad commentary on the value that they place on a clean and healthy environment for our people. They can say whatever they want, but they are at $52.5 billion, and they are going below the current level of services.

Again, this President likes arsenic in the water. I don't know. He will have to explain that to the American people. He took a move where he was going to say we are not even going to check for salmonella in the meat that goes to school lunches. Senator DURBIN caught him on that and now he backed off. He has also backed off on the right to know if there is lead in a product, or in the air we breathe. I have to say that is not a family value. That is not a value of a great nation.

Whether it is arsenic in our water or contaminants in our soil or air, this amendment should be supported. It doesn't do us any good to have a thousand dollars in our pocket if we are dying of cancer.

FOREST FIRE FUNDING

Mr. BINGAMAN. Mr. President, first, I commend my colleague, Senator CORZINE, for this amendment and indicate that I am very glad to be a cosponsor of it. It is an important amendment. Second, I would like to engage Senator CORZINE in a brief colloquy at this time.

Mr. CORZINE. Of course.

Mr. BINGAMAN. The spring and summer of 2000 will not soon be forgotten in my home state. A series of fires burned more than 65,000 acres in New Mexico, including the Cerro Grande fire that destroyed more than 400 homes. As a result of these fires and others that raged throughout the country, Congress took a step in the right direction last year by providing substantial funding for fire prevention efforts. In addition, Congress appropriated additional funds to implement the National Fire Plan. This plan, issued by the Secretary of Agriculture and the Secretary of the Interior, contains recommendations to reduce the impacts of wildland fires on rural communities and ensure sufficient firefighting resources in the future. I would like to clarify that it is the Senator's intent that this amendment maintains, at a minimum, current levels of funding for the National Fire Plan and base fire programs.

Mr. CORZINE. Yes, that is my intent.

Mr. BINGAMAN. It is important to ensure sufficient levels of funding for all programs related to the National Fire Plan. For example, Congress specifically instructed the agencies to target hazardous fuel reduction funds near communities that are at high risk from wildfire. In addition, the Rural Fire Assistance program strengthens the wildland fire protection capabilities of rural fire departments by providing technical assistance, training, and supplies. Moreover, economic action programs assist rural communities in developing and marketing products created from the little trees removed as part of fuels reduction efforts. Other cooperative fire protection programs, that provide assistance for complementary hazardous fuels reduction projects on non-Federal lands in the wildland/urban interface and educate homeowners about the proper way to fire proof their homes, are also essential elements of our cohesive efforts to diminish fire risks.

Mr. CORZINE. I agree with the Senator that a multi-faceted approach is necessary.

Mr. BINGAMAN. We need to sustain a commitment to all components of the National Fire Plan over a long enough period of time to make a difference, at least 15 years based on recommendations from the Forest Service and the Department of the Interior. Your amendment ensures that Congress is doing its part with respect to fire prevention without adversely affecting other important programs funded under Function 300. I thank the Senator for the clarification.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know Senators BOND and MIKULSKI are ready to proceed under our previous arrangement. I say to Senator BOND that he is going to have 10 minutes on his amendment. I would like to take a couple of minutes now to explain something about the process, but I don't want to take away from anybody else's time.

Mr. BOND. Mr. President, if I could, I think Senator MIKULSKI and I each wanted 5, and I think Senator BINGAMAN wanted 2, if we could expand that to 12 minutes. Are there others?

Mr. DOMENICI. We will go 12. That is fine.

Mr. President, I want to make sure there is no misunderstanding. Just because we are not offering a second-degree amendment, we are not precluded from offering a second-degree amendment before we vote, from everything I understand. If anybody on the other side has a contrary reading, I wish they would raise that issue now.

Let me ask one simple question of the distinguished Senator from New Jersey. Does this amendment take $100 billion out of the tax cut and put $50 billion of it against the debt and $50 billion of it for increased spending in various environmental areas?

Mr. CORZINE. It is $93.75 billion.

Mr. DOMENICI. I don't want anybody to think we round out those big numbers. But sometimes we refer to $93.75 billion as a hundred.

Mr. CORZINE. We will check those numbers.

Mr. DOMENICI. We plan to have a second degree. We will have to work on it in due course. But we will have a second-degree amendment to that.

We don't have any formal agreement, excepting that a series of Senators are going to be recognized—bipartisan or otherwise—to send an amendment to the desk and talk about it and be limited to 15 minutes so we can have enough time to get them all in. We are going to yield 12 minutes for your team.

Is that satisfactory?

Mr. BOND. Mr. President, I thank the distinguished manager.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 211

Mr. BOND. Mr. President, I call up my amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

> The Senator from Missouri [Mr. BOND], for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. ALLEN, and Mr. FRIST, proposes an amendment numbered 211.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> On page 14, line 11, increase the amount by $1,441,000,000.
>
> On page 14, line 12, increase the amount by $530,000,000.
>
> On page 43, line 15, decrease the amount by $1,441,000,000.
>
> On page 43, line 16, decrease the amount by $530,000,000.
>
> On page 48, line 8, increase the amount by $1,441,000,000.
>
> On page 48, line 9, increase the amount by $530,000,000.

Mr. BOND. Mr. President, the amendment I am offering with my colleagues, Senators MIKULSKI, ALLEN, LIEBERMAN, and BINGAMAN proposes to add $1.44 billion over the President's budget to the Function 250 general science account to boost spending in fiscal year 2002 for the National Science Foundation, Department of Energy, and National Aeronautics and Space Administration. Compared to the fiscal year 2001 enacted levels, this amendment would add $469 million to DOE's science accounts, $674 million to NSF, and $518 million to NASA. This amendment continues the Federal Government's strong commitment to the Nation's basic science research programs. Let us make no mistake, basic science means applied science, which is the foundation of this economy and will be the booster rocket for the future success of our economy and allow this Nation to lead the world in this century.

Of particular interest to me, this amendment maintains the momentum to double the budget of NSF over 5 years. Under this amendment, NSF would receive a 15.3 percent increase over last year's enacted level. As chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee, I began the doubling effort last year with my good friend and colleague on the appropriations subcommittee, Senator MIKULSKI. We are not alone and we have broad support for this funding. Last year, a bipartisan group of 41 Senators also supported this effort and I expect even more direct and enthusiastic support this year. NSF plays an important and unique role in stimulating core disciplines of science, mathematics, and engineering and doubling the NSF budget will help ensure that the economic growth we have enjoyed over the past several years will continue.

I think we can all agree that research and development is a positive and critical investment for the economic and intellectual growth and well-being of our Nation. According to many economists, over the past half century, advances in science and engineering have stimulated at least half of the Nation's economic growth. Further, investment in scientific research has led to innovative developments in the high-tech industry,—most notably the Internet and lasers. The investments have also spawned not only new products, but also entire industries, such as biotechnology, Internet providers, E-commerce, and geographic information systems.

Besides the economic benefits we have enjoyed from our investment in NSF's research programs, NSF has also played a crucial role in the biomedical area. Over the past half century, NSF-supported research has had monumental impact in the field of medical technologies and research. Let me make it clear that I am very supportive of the funding support we have provided to the National Institutes of Health. However, I am very concerned that the work that NIH is doing currently may be jeopardized if the underlying work from NSF research is not adequately supported. Medical technologies such as magnetic resonance imaging, ultrasound, digital mammography and genomic mapping could not have occurred, and cannot now improve to the next level of proficiency, without underlying knowledge from NSF-supported work in biology, physics, chemistry, mathematics, engineering, and computer sciences. Thus, the success of NIH to cure deadly diseases such as cancer depend upon the underpinning research supported by NSF. The connection between NSF and NIH has been recognized by leading medical experts such as former NIH Directors, Bernadine Healy and Harold Varmus. As Dr. Varmus wrote in a letter to me last June 26:

> Essential contributions to both genome sequencing and determination of protein structures have come from work supported by the NSF, and efforts to take advantage of this new information will require expanded activity in disciplines traditionally dependent on the NSF—including computer science, chemistry, physics, and engineering. Indeed, from the perspective of a medical scientist, there could be no more opportune time to guarantee the vitality of American science funded by the NSF.

Let me add on more voice, Dr. Kenneth Shine of the Institute of Medicine. Dr. Shine wrote:

> . . . it is important to note that advances in medicine are very dependent upon other fields of science that are mostly supported by the National Science Foundation . . . . doubling of the NSF budget will pay for itself many times over in terms of saving costs, and, more importantly, improving human health.

To be blunt, supporting NSF supports NIH.

Beyond just the biomedical field, the Senate should also be concerned about our Nation's supply of engineers and scientists. For the past several years, the number of graduates in the science and engineering fields has been declining. This decline has put our Nation's innovation capabilities at risk and at risk of falling behind other industrial nations. In the past decade, growth in the number of Asian and European students earning degrees in the natural sciences and engineering has gone up on average by four percent per year. During the same time, the rate for U.S. students declined on average by nearly one percent each year.

NSF plays a key role in funding the training of the nation's young researchers in university laboratories. Twenty thousand graduate students and nearly 30,000 undergraduates are directly involved in NSF programs and activities every year.

However, as many of my colleagues know, the Congress has had to raise the cap on H1-B visas for immigrant workers due to the shortage of technically-trained workers in this country. The high-tech industry has had to turn to foreign workers because our country is not producing enough scientists and engineers to meet demand. According to NSF, the demand for engineers and computer scientists is expected to grow by more than 50 percent by 2008. While NSF has been active in addressing this problem, it is obvious that it is not enough and we need to provide more support to our Nation's students. I hope my colleagues understand why this amendment is so critical. If we do not support NSF, this problem will continue and our Nation's long-term economic growth and research innovation will be significantly hampered.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mr. BOND. I thank the Chair.

I hope my colleagues will support this important amendment and our efforts to strengthen the country's research and development base. It is important to recognize that if we are to sustain our economic base and support the important work of NIH, we must support NSF.

Mr. President, I urge my colleagues to support this amendment.

I am going to use the last bit of my time to tell my colleagues that I have another amendment at the desk, No. 210, which we will be calling up in the vote-arama. It is cosponsored by Senators HOLLINGS and DEWINE.

Yesterday, the Senate voted overwhelmingly to add to the President's generous proposal for NIH research spending. I hope we get an overwhelming vote for this one, too. It does two things.

First, it adds to the President's proposal on community health centers. Like NIH, the Senate is on record supporting double funding over 5 years for health centers, and like the NIH amendment yesterday, my amendment would put us on track to double the funding for health centers.

Second, the amendment would make room in the budget to finally provide equitable treatment for children's hospitals when it comes to our support of physician training programs. They have not received enough money to train the pediatricians they need. This year, our goal is to end this inequity finally.

The amendment we will be calling up later will provide enough room in the budget to make these things happen. When that amendment comes up, I ask my colleagues to support that one as well.

I thank the Chair and my colleague. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico.

Mr. DOMENICI. Before yielding to Senator MIKULSKI, may I ask the Senator a question?

Mr. BOND. Mr. President, I would be happy to respond to the distinguished manager.

Mr. DOMENICI. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMENICI. May I ask the Senator: The other part of the Government that has basic science research is the Department of Energy. I understand that you included that in the triad. We have done NSF and the National Institutes of Health. You have added for the National Science Foundation and added $469 million for DOE basic research. Is that correct?

Mr. BOND. Mr. President, the total amount of funding goes into section 250. I say to the Senator, $1.44 billion goes into section 250. As I understand it, how that gets sliced up is probably beyond the ability of this particular budget debate to determine. It will ultimately come down, I believe, to a 302(b) allocation. But my recommendation is that the vitally important work of DOE be funded with an additional $469 million out of this function.

There is another function—I believe it is 270—that also funds science.

Mr. DOMENICI. I thank the Senator.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Chair inform us how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Maryland has 5 minutes. Senator BINGAMAN has 2 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an original cosponsor of this amendment with my dear colleague, Senator BOND, to increase the function 250 for general science.

Our amendment seeks to increase funding for science by $1.4 billion by doubling the funding for the National Science Foundation, increasing the NASA budget by $500 million, as well as the Department of Energy funds.

This has strong bipartisan support. We are joined by Senators LIEBERMAN and ROCKEFELLER on my side of the aisle.

Why is it this issue enjoys such strong bipartisan support?

Both sides of the aisle—Senator KIT BOND and Senator BARBARA MIKULSKI—want to make sure that America not only continues to win the Nobel Prizes but that we win the global markets. In order to do so, we need to invest in our Federal labs to create the new ideas that lead to the new products that lead to us winning those prizes and their markets. We are so proud of the fact we are on target to double the funding at NIH. But NIH is not the only place where we need to increase our funding for science and technology.

Our amendment pays for this increase through a $1.4 billion reduction in the proposed contingency fund. This offset does not cut any existing program or agency. Unfortunately, the President's budget cuts NSF research below last year's appropriated level. The President's budget also proposes similar cuts in real terms to NASA and the Department of Energy research programs. This is unacceptable. While we are on target to increase biomedical research at NIH, we must also increase funding in the core areas of science and engineering—the same disciplines that fuel the very biomedical enterprise we seek to strengthen. CAT Scans and MRI's were created by NSF research—not NIH research.

As the former head of NIH, Dr. Harold Varmus, said:

> Scientists can wage an effective war on disease only if we as a nation and as a scientific community harness the energies of many disciplines, not just biology and medicine. The allies must include mathematicians, physicists, engineers and computer and behavioral scientists.

Because it is at NSF, NASA, and also DOE that we are supporting basic science that saves lives and generates jobs today and jobs tomorrow. NASA and NSF made the major innovations in the Internet, satellites, and microelectronics. If it were not for federally funded research, none of this would exist today.

But supporting basic scientific research is not just about saving lives, it is also about creating the jobs of tomorrow. Federal funding for basic scientific research is absolutely necessary for economic growth and job creation. I couldn't even begin to list the technologies and inventions that were created through Federal research, but I will name just a few: the Internet, satellites, and microelectronics. If it weren't for federally funded research, none of this would exist today. The private sector will always be focused on near-term product development—that is what they have to do. But that allows the Government to focus on long-term basic research to provide industry with the foundation for future product development and future job creation for our country. Mr. President, we are on the verge of historic breakthroughs in science and technology that will revolutionize our economy. Nanotechnology is just one area that could transform our economy. Nanotechnology is the science of creating new materials and devices at the atomic and molecular levels, through the manipulation of individual atoms and molecules.

What does this mean? It means inventing new materials that are 10 times stronger than steel—at a fraction of the weight. It means supercomputers the size of a teardrop. It means new sensors that can detect cancer cells at the earliest stages of development. Unfortunately, we may not see the pay-off for 10 or 20 years. Industry on its own cannot support such high risk, long term research. That is why the Federal Government must support long term basic scientific research. For evidence, just look at recent history. The United States had led the world in patenting considered a critical measure of innovation. Entrepreneurial investment in new technologies and services created an estimated one-third of the 10 million new jobs between 1990 and 1997. Since 1995, growth in gross domestic product per capita reached its highest levels in 40 years.

We cannot afford to stop now. That is why this amendment is necessary. Not only do we need to increase funding for research, we need to rebuild our research infrastructure.

According to NSF, there is an $11 billion backlog in modernizing university research labs and research facilities. How can we push the frontiers of new technology if our laboratories aren't ready? We are seeing a decrease in the numbers of graduates in key science and engineering fields. This puts our future innovation capabilities at risk. We must work to expand the pool of U.S. scientists and engineers by increasing support for K–12 math and science education. We must increase support for the education and training at our 2 year colleges, undergraduate institutions and research universities. Our international competitors won't stand still, and neither can we. With all that is confronting us, now is precisely the wrong time to cut funding for scientific research.

I urge all my colleagues to join us by supporting this amendment as a necessary and critical investment in the future well being of the Nation.

Mr. President, yesterday I had a great talk with Dr. Sally Ride, the first woman to go into space. When she went into space, she took the hopes and dreams of so many of us. Dr. Ride holds degrees in both English literature as well as astrophysics. If Dr. Ride were here today to consult with the Senators, she would say she could do what she did because of the funding of the National Science Foundation that helped her get the background to be able to go on to be an astronaut. And look at what it has meant.

Our own National Science Foundation today is leading a breakthrough effort in a new field called nanotechnology. It could transform our economy. It is the science of creating new materials at the atomic and subatomic level.

But what does that mean to those of us who are scientifically literate but not scientists? It means a supercomputer the size of a teardrop, new materials that are 10 times stronger than steel at a fraction of the weight. Think what it means for new materials for our airplanes and our automobiles.

Unfortunately, we will not see this payoff for 10 or 20 years. Industry cannot be the venture capitalists in this area. Government needs to get into it. By getting involved in nanotechnology and infotech technology, we are really taking America to the future. We lead the world in patenting and innovation.

Since 1995, our gross domestic product has increased more. Why? Because of innovation that has led to new products and new productivity. So we really need to focus our research on what will generate this type of activity.

At the same time, while we are looking at the funding of research, there is an $11 billion backlog in modernizing university research labs and research facilities. How can we push these frontiers of new technology if our laboratories are not ready? This program will help with those laboratories.

I think all here know of my passion for bringing often left out constituencies into science and technology—women, people of color.

It is the National Science Foundation that reaches out to bring them into the field of science, mathematics, and engineering. The NSF has done a fantastic job reaching out to historically black colleges and to women. At the same time we see, particularly with some of the NIH money that doesn't necessarily come to States with large rural populations, EPSCoR, an excellent program at NSF that brings high-tech research opportunities to our smaller rural States, that enables them to come up with the new ideas and maybe even jump start efforts of the stodgy universities. This is the competition we love. It is the competition of ideas, the competition for new products.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico has 2 minutes.

Mr. BINGAMAN. Mr. President, I thank the sponsors of the amendment for the opportunity to speak on its behalf. I am a cosponsor of the amendment. I believe very strongly that it is the right thing to do. Of course, it does not actually get the money appropriated for these very important purposes, but it does make it possible for us to do that later in this session of the Congress.

We have seen a commitment over several years now by the Congress to adequately fund the National Institutes of Health. I have strongly supported that. But we have not seen the same level of commitment, the same level of appreciation for the importance of maintaining high levels of funding for research and development in the physical sciences area. That is what this amendment would do. It would try to bring funding for research and development in the physical sciences on a par with the funding for the research and development that is pursued in the life sciences through the National Institutes of Health.

This is an extremely important effort, particularly as it relates to the Department of Energy's Office of Science, their commitment to developing the necessary user facilities across the Nation in two critical areas. One is the nanosciences that have been mentioned by the Senator from Maryland. The second is in advanced scientific computers. In both of these areas, we need to be the world leader. There is no reason we cannot be. In both of these areas we need to commit funds in order to maintain that leadership position.

I strongly support the amendment. I commend the sponsors of the amendment for proposing it and yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished Senator from New Mexico for his kind comments as well as the strong comments of the Senator from Maryland.

The PRESIDING OFFICER. All time has expired.

Mr. BOND. I ask unanimous consent that the distinguished chairman of the Budget Committee be identified as an original cosponsor. It was my mistake not to include him on that list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I yield the floor.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Will the Senator withhold?

Mr. CONRAD. I am pleased to withhold for the Senator.

Mr. DOMENICI. While we are waiting, I yield myself 1 minute off the conglomeration of amendments. We won't exceed our time on those.

I take a minute to respond to the distinguished Senator from California who talked about our President and his environmental record. I want to make sure everybody out there in the hinterlands knows that the Senate had an opportunity to vote on whether it would ever enforce the so-called Kyoto accord. Not one single Senator voted that we would, indeed, enforce that accord. The vote was either 99–0 or 98–0, indicating forthrightly that the treaty would never see the light of day because the Senate said it wouldn't.

I believe we ought to be square with this President and be honest with the people. How can he be blamed for doing damage to the environment when the Senate clearly said, with not a single dissenting vote, that we would not enforce it? If we wouldn't enforce it, it would never be effective. It would have no efficacy on the environment of the world or America.

When our President announced that, somebody should have put a little scorecard up there that said: The President agrees with the Senate, which voted 98–0 that it would not enforce that accord.

On arsenic, which the Senator from California addressed, there are Democratic mayors across this land who have written to the Senator from New Mexico. I don't know very many who supported the old arsenic regulation because it was nonscientific and was not based on any real science. It wasn't only this President. Democratic mayors and councilmen joined by Republicans across the land said: Don't make us spend all this money when there is no benefit to the public health.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the distinguished ranking member, Senator CONRAD, for his skill in managing our presentation from this side on the budget.

I rise to make some comments in general terms but directing my comments to the amendment I introduced today on behalf of myself and Senators NELSON, LANDRIEU, CARNAHAN, CHAFEE, LINCOLN, BAYH, TORRICELLI, and JEFFORDS. The amendment provides for a $1.25 trillion tax cut over the next 10 years for the enactment of marginal rate reductions and estate, marriage penalty, and alternative minimum tax relief, and reserves additional resources for other domestic priorities such as debt reduction, education, agriculture, defense, and prescription drugs. That is the essence of the amendment.

Let me suggest to my colleagues and, indeed, to the American public, that during the Presidential elections of last year, the most important thing President Bush was able to enunciate for the American people who contributed to his victory was not a number but a concept. The number he talked about in the campaign was a $1.3 trillion tax cut for all Americans. But more important than the number was the concept in which he told the American people that if he were to come to Washington, he wanted to change the culture of the way Washington worked or, rather, the way Washington did not work.

He said—I think correctly—that the American people were tired of class warfare. The American people were tired of the blame game. The American people were tired of seeing Democrats blame Republicans for failure. The American people were tired of Republicans blaming Democrats for failure. The American people were tired of the blame game and the essence in which we argued about failure and whose fault it was that nothing was getting done.

He said: If I get the chance to come to Washington, I will change that culture.

The election was not about a number. It was about changing fundamentally the way we do business in this city.

On this budget, we have the opportunity to show the American people that perhaps there is a glimmer of hope, that perhaps with a new President in Washington, if he truly believes, as I think he does, that he wants to change the culture, this is the first test of whether that will be done.

If you took to the American people a tax cut of over a trillion dollars for all Americans and you were able to put together a bipartisan coalition of 55, 60, 65 or more votes together in a package and say, we have worked together to accomplish this in a bipartisan fashion, we have fundamentally changed the way Washington works, that would be a victory for this President. It would be a victory for the Senate and, far more importantly, it would be a victory for the American public.

Let me assure my colleagues of one thing: This body is not the Super Bowl. This body is not the Final Four. In both of those endeavors there has to be a winner and there has to be a loser. I suggest that in the Congress of the United States that is not true. In the Congress of the United States it is far more important that we keep in mind that we should be trying to make the American people the real winners. It is not as important which party wins, but that both parties can work together in order to make a victory available to the people of this country.

I suggest we have an opportunity to do that, and unlike with the Super Bowl and the Final Four, everyone can be a winner and there can be no losers. It is time that we stop thinking that any number under $1.6 trillion is a loss for the President and a victory for the Democrats. That is simply not true. A number in between what Democrats have offered and what the Republicans have offered that is available to all Americans, that receives a substantial degree of support from both sides, is an incredible victory. It is an incredible victory not because it is a number but because we will have changed fundamentally the culture of this city.

It does not behoove any of us to try to pick one Republican off to join this side and for them to try to pick one Democrat off to join them on that side. If the American people see that that is the way Washington works in the year 2001, they will say the last Presidential election meant very little because of all the talk about change in the culture, and we ultimately get back to the same old way of doing things. We pick up one, they pick up two; we pick up one, we get a 50-50 tie; and then we bring down the Vice President to break the tie and one side declares victory.

In essence, I think that is a short-term, shallow victory. In essence, I think it would be a serious defeat for all Americans who think we should change the culture of the way this institution works. We have offered something that I think could be a victory for everyone. We have offered a plan that should bring about serious negotiations, where we all sit together and not try to pick each other off, but we try to create a system that works for the benefit of all Americans.

What is not a victory is trying to pick each other off one at a time, with one more promise than the last group made, to try to say: Be with me for a short while so I can go to the winner's circle and be declared the victor.

We have an opportunity in this divided Congress—a President who won the electoral college but not the popular vote, a House of Representatives that is closer than it has been in decades, and a U.S. Senate that, for only the second time in our country's history, is absolutely deadlocked—that should not be a problem. That should be an opportunity. It should be the opportunity that this President talked about when he was running: "If I am elected and I go to Washington, I will fundamentally change the culture of that city."

This is the first test of whether we are going to change it. This is the first opportunity to show the American people that things will be done differently.

For all of my colleagues on both sides of the aisle who have joined with us in offering this, I think this is the answer to the deadlock in which we are involved. I thank them for their participation. I encourage all of my colleagues to work with us to ensure not just one party's victory but a victory for the American public.

I reserve the remainder of my time.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in favor of the Breaux-Nelson-Jeffords, et al., bipartisan tax cut plan. This compromise is the result of careful consideration of the two philosophies dominating the tax cut debate today. The first was the belief that the $750 billion tax cut was not sufficient, considering the size of our projected surplus. Yet the second was that the $1.6 trillion tax cut could negatively impact programs in agriculture and defense, which are so important to the people of America and the people of Nebraska.

To put it another way, this legislation was written with one specific goal in mind: to cut taxes without cutting hope, and to do so in a bipartisan manner. We have worked deliberately toward that end, and I am pleased to stand here today and help introduce a tax cut package that will, in fact, achieve that goal.

In this plan we have included a $1.25 trillion tax cut proposal, and we put $350 billion back into the surplus so it can be used for increased debt reduction and the programs that are vital to the future of our industry, such as agriculture, defense, education, and a prescription drug benefit.

Acknowledging the discrepancy between the two plans offered today for consideration gives us the chance to negotiate our partisan differences on the tax cut. I believe quite strongly that the Breaux-Nelson-Jeffords, et al., plan is an excellent starting point for this discussion.

I have had the privilege of working with the President back in the days when I was Governor Nelson and he was Governor Bush. So I am familiar with the bipartisan efforts he undertook in the State of Texas. We both campaigned on the premise that we would reach across party lines to find sensible solutions to the Nation's most pressing issues. With this bipartisan proposal on the table, the President and the White House have the opportunity to demonstrate their negotiating skills and their desire to work together to achieve an ideological conclusion that is based not on partisanship, but is based on partnership.

Persuading one or two Democrats to vote with 48 or 49 Republicans doesn't, in my opinion, constitute bipartisanship. However, sitting down and working out our differences to establish a constructive alternative does, in fact, constitute bipartisanship.

On the surface, this legislation is about the tax cut, but it is also about much more than a tax cut. This bill is about changing the partisan tenor in Washington. And when we can successfully negotiate with the people at both ends of Pennsylvania Avenue, as well as with colleagues on either side of the table, we will be taking a step in the right direction. I am confident that if we work together, we will in fact reduce our differences, and we will also in fact reduce taxes; but we will not reduce our hopes and our dreams or those of others.

Mr. CONRAD. Mr. President, I compliment the Senator from Nebraska. He has been an exceptional addition to the Senate. He comes to us as a very distinguished former Governor, and he has made a great contribution to this debate in the Senate. I want to say that we welcome him, and we are so pleased that he has played this constructive role.

Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, at some point, the division of this Senate on the issue of a tax reduction proposal must end. We must find some moment where there is a bipartisan approach that both protects our resources to deal with education and health care initiatives, but also has meaningful tax reduction. This can be that moment.

I join with Senator BREAUX because I believe we have found a reasonable compromise that is bipartisan—a $1.25 trillion tax reduction that lowers rates, offers real relief to middle-income families, but also protects enough resources to deal with our education, prescription drugs, and other family needs.

We have been told in recent months that there is a false choice. We can either deal with these problems or we can provide tax relief, but most assuredly we cannot do both. With this proposal, we achieve both by doing each modestly.

I have in the past indicated my belief that I could support a $1.6 trillion tax reduction as proposed by President Bush. Indeed, if required to do so, at some point I might vote for it, but surely this is the better path—not a tax reduction of 51 votes, no Vice President breaking a tie to decide upon a major national initiative that will decide the basic fiscal parameters of this Government for the next decade. This, a bipartisan plan that is affordable, protects the surplus and allows for a variety of other initiatives.

This is the most important part of the plan because while these are good times in America, they are not perfect times; and while the economy has been strong, it is now troubled.

In the last few years, we began an effort to hire 100,000 teachers; 50,000 remain to be hired to complete the program to reduce class size in America to 18 because we know it is the one variable that does the most to improve the quality of education.

Under the plan I offer with Senator BREAUX, this initiative can proceed. I am not certain it can with a larger tax cut program.

The Nation is living through a virtual revolution of technology with prescription medications prolonging life and helping the quality of life. Yet 15 million Americans have no access to prescription drugs. They are a vital part of their quality of life.

This plan leaves enough resources to write a realistic prescription drug program. Were it larger, I am not certain that would be possible.

I hope Members of the Senate will look carefully at what Senator BREAUX has offered today, our first chance at a bipartisan product to move toward meaningful tax reduction and a balanced program. I am sympathetic with the need to reduce taxes and reduce them substantially and immediately. I do not think a nation at peace, in relatively good economic times, should be taking 28 or 30 percent of the incomes of middle-income families. Indeed, 39 percent of the income of any American family should not be expected in peacetime and in relatively good times.

That is exactly what we are asking of the American people. The average per capita tax in America is $6,300. In my State of New Jersey, it is an astounding $9,400 per person. For a middle-income family, that is money the Federal Government should not expect because the Federal Government does not need it. That is money that should be going to educate children, feed them, house them, to deal with family security and emergencies and savings. That is the better use of these resources.

I believe that meaningful tax reduction in an economy of this size, with these emerging surpluses, can allow for dramatic tax reduction on this scale.

Senator BREAUX has offered a meaningful beginning to writing that tax reduction and providing that relief. I am proud to join with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from New Jersey once again for a powerful and persuasive presentation.

Mr. President, I ask the Senator from Connecticut if he seeks time.

Mr. DODD. I do, Mr. President.

Mr. CONRAD. I yield 10 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, my amendment is currently being crafted, and I have been in discussion with the distinguished chairman of the Budget Committee. I will explain what the amendment is and then I will offer it shortly.

I will be offering this amendment on behalf of myself and several of my colleagues: Senators WELLSTONE, CLINTON, BINGAMAN, CORZINE, MURRAY, LANDRIEU, LINCOLN, ROCKEFELLER, DAYTON, and DURBIN.

This amendment ensures that critical children's programs will be protected from harmful cuts. President Bush, as we all know, campaigned on the promise to leave no child behind. If we heard it once, we heard it a thousand times during the campaign. Those of us who took this President at his word were dismayed, to put it mildly, by the news 2 weeks ago that he intends to pay for the tax cut by cutting programs affecting children's health, children's hospitals, child care, and child abuse prevention treatment programs.

His actions certainly beg the question: When he pledged to leave no child behind, which children did he mean? Not abused and neglected children apparently because he would cut funding for child abuse by 18 percent.

Yesterday I attended a wonderful program sponsored by Child Help USA, a national group supporting programs to eliminate child abuse in this country. I was pleased to have the opportunity to participate in the program. The luncheon was co-hosted by the distinguished wife of our majority leader and my wife. We had speakers from the House and the Senate, as well as many experts from across the country who are involved in child abuse prevention. Groups like Child Help USA, serving the needs of abused and neglected children throughout the nation, deserve our utmost support. The amendment that I offer today is a step in the direction of providing that support.

What we are doing with this amendment is seeing to it that the level of funding for child abuse at the very least remains the same and we do not have an 18-percent cut in that program, as called for in President Bush's budget.

More than 800,000 children are the victims of child abuse each year. Certainly an 18-percent cut in that program can be devastating for these very worthwhile efforts.

Children's hospitals is a second issue addressed by this amendment. These hospitals train more than 25 percent of our Nation's pediatricians and more than 50 percent of the country's pediatric specialists. A $35 million cut in that program which trains pediatricians and pediatric specialists is surely a move in the wrong direction. The most critically ill children in our country are at these children's hospitals, and seeing to it they get the proper assistance and support is critically important.

The third issue addressed by my amendment is the restoration of the $20 million cut in the early learning programs contained in President Bush's budget. These early learning programs were sponsored by our colleague from Alaska, Senator STEVENS, and our colleague from Massachusetts, Senator KENNEDY. I believe the early learning program is certainly worthwhile, and it has to be restored. My amendment will restore this cut.

Lastly, as many of my colleagues know, child care is a very important program to our nation's children and families. Last year, this body, along with the other body, increased funding for child care. Under the President's proposal, child care would be cut by $200 million which is a major step in the wrong direction. Given the needs of children who are on waiting lists for child care and of working families who need help in paying for the cost of child care, child care funding is vitally important. Mr. President, in Texas, 41,000 children are on the waiting list for child care assistance, in Florida, 44,000; Mississippi, 15,000; 16,000 in Massachusetts; 14,000 in North Carolina. Yet if the proposed cuts went into place, 60,000 more families with young children and toddlers would be denied child care assistance under the child care development block grant that was authored by my colleague from Utah, Senator HATCH, and myself. We think the restoration to present levels of funding is the very least we can do as we enter the 21st century with the established need for well-trained pediatricians, good early learning programs, adequately dealing with child abuse, and providing at least the same level of funding for child care assistance in this country.

We are told all the reasons we need to have a tax cut of this size, but to do that, it seems to me, the cost of cutting into programs for the most needy people in our society—children in children's hospitals, children who are abused, children who need early learning programs—is too high a price to pay for tax relief. To say we cannot provide some reduction in that tax cut, where the bulk of it is still going to those who can afford these programs the most, to provide some assistance to these children and these families is something for which this body I believe does not want to be on record.

This is not an increase. I stress to my colleagues, I am not asking for that. I will, however, at some point. Today all I am asking for is the restoration of last year's funding levels. That is all—child abuse, child care, and pediatric care, along with early learning programs that Senator STEVENS and Senator KENNEDY have championed, do not deserve these cuts. All I am asking for with this amendment is that we—at the very minimum—provide the same level of funding we provided just last year. While I surely support adding to these levels, and will work toward boosting funding as we move into the appropriation's process, the amendment I offer today simply restores cuts to these vital programs contained in President Bush's budget. Don't make cuts in these programs at the same time we are offering a substantial tax break for those I know who like it, but many of them would agree that their money could be better invested in programs that serve vulnerable children and families.

I ask my colleagues to support this amendment.

I yield 1 minute to my colleague from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Connecticut for his amendment. I thank him for his passion for children. I am very proud to be an original cosponsor of this amendment. I thank my colleagues on the other side of the aisle, if indeed they support this amendment. To cut funding for a program that would help with prevention of child abuse, to cut funding for child care, little children, to cut funding for training for doctors at some of our children's hospitals where you have some of the sickest children is no way to realize the goal of leaving no child behind.

This amendment restores funding. There will be a number of Senators fighting for more funding for investment in children, especially prekindergarten, little children. This is a good amendment. I thank my colleague from Connecticut. I am proud to be a supporter.

Mr. DODD. We are talking about a very modest amount of money. We Members have been talking about billions of dollars yesterday and today. This amendment does not even get near the $1 billion figure. While we regularly talk of billions and trillion of dollars around here as if they don't count much, they surely count if you have a child in a children's hospital needing help, if you are a parent trying to afford child care and you are working, if you have seen what happens to children that are abused. The millions of dollars that this amendment will restore, while not the billions we usually talk about, can make a huge difference to a family with a sick child or in need of child care. Sixty thousand children could be positively affected by keeping the funding level for child care, not to mention the thousands of kids who need the help in our children's hospitals for pediatric care, and not to mention the abused and neglected children that would benefit from this amendment.

I hope that the request that I am making to my colleagues on the Budget Committee with this amendment will find some room in their hearts to at least keep the playing field level for children and families that need our help. If we reduce the tax cut by this tiny amount, it will not cause any great damage to other people. These programs are deserving. The American public believes that children who are sick and need care, abused kids, deserve to get help.

I urge adoption of this amendment.

Mr. DOMENICI. If the Senator will modify the amendment so the money is taken out of the contingency fund instead of the tax cut it will be passed. Otherwise, we will have to wait and see what we can do.

I will take a minute in response to the Senators who spoke for a tax number considerably lower than the President's. I heard the number was $1.25 trillion. I heard both of the Senators on the other side, led by Senator BREAUX, say we ought to have a bipartisan approach. The President came to town and they are quite sure this is what he would like because it is bipartisan.

I remind everybody what I am willing to do as chairman of the Budget Committee, to make sure the Senate understands—each and every Senator and those who report for them—we are asking for the President's proposal. I have heard him now more than 10 times clarify this. They ask him: What about $1.25 trillion, Mr. President? What about $1.4 trillion, Mr. President? Of course he is good-natured; he listens and he says: I think that is too low. I think that is too low. They ask for a higher amount because some want more than 1.6, and he says that is too high and 1.6 is just about right.

Those who are suggesting they are doing what the President is seeking when they are asking for $1.25 trillion instead of $1.6 trillion, that is their proposal. That is not the President's proposal. It may be they will prevail and we won't get the President's proposal.

I want everybody to know that is my brief response to the two or three speeches made on the other side of the aisle, led by the distinguished senior Senator from Louisiana, the junior Senator from Nebraska, and the senior Senator from New Jersey.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues in advocating passage of the Bond and Mikulski amendment on science and technology research funding. This amendment recognizes the critical importance of Federal science and technology funding in expanding the frontiers of science and laying the groundwork for economic success.

The Bond-Mikulski amendment will increase the funding for the National Science Foundation, the Department of Energy's R&D activities, and NASA. Importantly, the increase to NSF would return us to a path to double that agency's funding over the next five years. I have worked for many years with Senators FRIST, LIEBERMAN and others on the Federal Research Investment Act, which would double federal funding government-wide for science and technology research. That bill has passed the Senate twice, but has yet to become law. This year I hope that it will pass both Houses and become law. This amendment contributes to that larger overall effort by maintaining our funding trajectory for several agencies for the current budget. The Federal Research Investment Act is still necessary to reach our goal on the larger group of agencies that together represent our nation's overall commitment to federal science support, and to ensure that funding will be adequate over a longer time period.

Senators BOND, MIKULSKI, FRIST, LIEBERMAN, and I are not alone in our call for more substantial funding for science and technology research. The House Science Committee, CEOs of our high technology companies, Presidents of our leading universities, our top scientists and economists, and representatives of labor organizations have all made it clear that Congress must make significantly higher long-term investments in science and technology research. Congressional failure to appropriate more funding for science and technology research will threaten America's competitive advantage in information technology, biotechnology, health science, new materials, and other critical technology-intensive fields. As we all know, many of our best economic thinkers, including Alan Greenspan, MIT economist Lester Thurow, and Harvard Business School professor Michael Porter, have asserted that our country's leadership in these areas is a critical ingredient for future economic success.

This amendment gives us a chance to make an important investment in our country's future and to lay the groundwork for continued American high-tech leadership. I urge my colleagues to heed our high-tech, academic, and labor leaders' call to action on federal R&D support and work together to pass this important amendment.

Mr. LIEBERMAN. Mr. President, I am pleased to cosponsor this amendment offered by Senators BOND and MIKULSKI to increase funding authorization for Function 250. Studies have shown that roughly half of the economic growth in the past 50 years is a direct result of technological innovation; science, engineering, and technology play a central role in the creation of new goods and services, new jobs and new capital. Three of the greatest generators of innovative ideas, The National Science Foundation, NASA, and the Department of Energy, receive significant budget increases in this amendment, reaffirming our nation's commitment to achieving advances in science and technology.

This commitment to research and development is also imperative for training the next generation of scientists and engineers. Reductions in R&D translate to reductions in the number of students trained in technical disciplines. In short, strong support for federally-funded R&D is crucial to continued economic and technological success for our Nation.

Mr. DASCHLE. Mr. President, I want to indicate my strong support for the amendment offered by Senator BOND and Senator MIKULSKI that would increase the amount of funding available for scientific research at the National Science Foundation, NASA and the Department of Energy by $1.4 billion.

Our nation's capacity for groundbreaking scientific research is one of its greatest assets. Scientific research strengthens our economy, improves our international competitiveness and raises the quality of life for all of our citizens. President Bush's 2002 budget, however, will retard our nation's investment into such research. For example, it virtually freezes funding for the National Science Foundation, NSF, cutting facility project funding by $13 million, and providing no funding for new projects. Such cuts threaten to throw our country's research portfolio out of balance by not providing for needed advances in the physical sciences and engineering.

Science is a bipartisan issue. A recent Wall Street Journal article reported that to pay for his tax cut, "President Bush is having to chop another Republican priority: increased government spending for science." D. Allen Bromley, a professor of nuclear physics at Yale and science and technology advisor to former President George H. W. Bush, recently wrote, "the proposed cuts by the Bush Administration to scientific research are a self-defeating policy. Congress must increase the federal investment in science. No science, no surplus. It's that simple." Even Former House Speaker Newt Gingrich has been reported as calling the President's NSF budget "a tragic mistake," stating it "should be $11 billion" instead of $4.5 billion.

Earlier this year, a blue-ribbon panel of physicists recommended a site in my state of South Dakota, the Homestake Gold Mine, as its preferred location for a world class underground physics lab. Last year, the Homestake Mining Company announced it will close its doors this December after more than 125 years of operation. The mine has been the economic mainstay of the Black Hills of South Dakota, and its closure would have a devastating effect on the surrounding communities. Converting the mine into a world-class research facility holds great promise for the scientific community at large and would minimize the disruption the mine's closure will have on the region. With an underground laboratory, hundreds of new jobs would be created, business would expand, and new opportunities for growth and learning would abound.

If Homestake is selected as the site for a national underground science laboratory, it is imperative for the project to be funded this year. Unless construction begins this year, Homestake Mining Company will allow the mine shafts to flood when the mine closes, permanently foreclosing any chance of building the lab at Homestake. Moreover, the longer we delay, the more likely it is that the mine's workforce will leave, crippling our ability to construct the lab.

The Bond/Mikulski amendment will greatly enhance the prospects that valuable scientific ventures like the national underground physics laboratory will secure the government support needed to make them viable. I encourage my colleagues to support it.

AMENDMENT NO. 322

Mr. DODD. I call up amendment No. 322.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 322.

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase discretionary funding for Early Learning, Child Care Development Block Grant, Child Abuse Prevention and Treatment, and Pediatric GME programs)

On page 2, line 17, increase the amount by $1,163,000,000.

On page 2, line 18, increase the amount by $1,498,000,000.

On page 3, line 13, decrease the amount by $1,163,000,000.

On page 27, line 3, increase the amount by $243,000,000.

On page 27, line 4, increase the amount by $243,000,000.

On page 28, line 22, increase the amount by $50,000,000.

On page 28, line 24, increase the amount by $50,000,000.

On page 32, line 15, increase the amount by $870,000,000.

On page 32, line 16, increase the amount by $870,000,000.

On page 43, line 15, decrease the amount by $1,163,000,000.

On page 43, line 16, decrease the amount by $1,163,000,000.

On page 48, line 8, increase the amount by $1,163,000,000.

On page 48, line 9, increase the amount by $1,163,000,000.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 288

Mr. VOINOVICH. Mr. President, on behalf of Senators GREGG and FEINGOLD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. FEINGOLD and Mr. GREGG, proposes an amendment numbered 288.

Mr. VOINOVICH. I ask unanimous consent the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the fiscal discipline of the budget process)

At the appropriate place, insert the following:

SEC. . EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, the provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITION OF AN EMERGENCY REQUIREMENT.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) FORM OF THE POINT OF ORDER.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(f) CONFERENCE REPORTS.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) CONFORMING REPEAL.—Section 205 of H. Con. Res. 290 (106th Congress) is repealed.

SEC. . CLOSING BUDGET LOOPHOLES.

(a) CHANGING CAPS.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that changes the discretionary spending limits this resolution.

(b) WAIVING SEQUESTER.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) DIRECTED SCORING.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution.

(d) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. VOINOVICH. Mr. President, when I came to the Senate in 1999, one of my goals was to bring fiscal responsibility to Congress and to our Nation.

In this regard, I have pursued my fiscal priorities, which are: pay down the debt, control spending, and, if possible, return to the taxpayers any of their money that is not needed to meet our most pressing obligations.

Over the last 2 years we have had the proverbial "good news/bad news" with respect to putting our fiscal house in order.

The good news is, we are not using the Social Security surplus or the Medicare Part A surplus to cover our spending, allowing them instead to be used as they were intended. In effect, we have managed to "lock box" Social Security since 1999, and Medicare since 2000. I think we need legislation to make sure we continue to do that.

In addition, because we haven't dipped into Social Security or Medicare surpluses, we have been able to allocate a total of $363 billion towards debt reduction in the last 2 years.

The bad news is, we have spent far too much money over the last 2 years. For fiscal year 2001, we increased nondefense discretionary spending 14.3 percent last year and we had an 8.6 percent increase the year before.

In the last half of last year, the 106th Congress increased spending over 10 years by $598 billion. Nearly $600 billion of the taxpayers' money gone—used up. That is disgraceful.

Therefore, to help avoid a repetition of this sad episode, I am proposing this amendment with my two colleagues, Senator FEINGOLD and Senator GREGG.

The amendment we are offering helps to refine the procedures in the budget process that are designed to control spending. It is clear from the egregious levels of spending in the past couple of years that the existing process needs reinforcement.

Our amendment is designed to tighten the enforcement of existing spending controls. To do this, we create an explicit point of order against emergency spending that does not meet the definition for emergency spending as laid out by OMB.

Under our amendment, Senators may raise a point of order against legislation designated as emergency spending that fails to meet certain criteria.

This provision would apply equally to both discretionary and military spending and would also establish a 60-vote waiver threshold.

I realize we will not completely stop the problem of Congress' over-spending here today, but it is a reasonable first step.

So what we are doing here with this amendment is closing budget loopholes by: Creating a point of order against actions that raise the discretionary spending caps; creating a point of order against efforts to waive sequesters, which is a budget enforcement mechanism; and creating a point of order against directed scoring in essence, telling OMB and CBO how to treat spending that others use in order to dodge spending limits.

Any waiver of these measures will require 60 votes.

I want to reassure my colleagues that our amendment will not preclude the use of emergency spending to meet our true defense needs.

I have no doubt whatsoever that should this Nation face a crisis, there will be well over 60 Senators willing to vote to waive any possible use of this point of order.

I believe that it is important that we have this tool to eliminate the irrelevant spending that so often gets "tacked on" to our defense emergency supplemental appropriations bills.

For instance, in past defense supplementals, we have spent: $1 billion on ballistic missile defense enhancements; $200 million on defense health programs; and $42 million on defense counter-drug and drug interdiction activities.

I would question whether these defense "emergencies" could not have been handled in the normal appropriations process.

Total emergency supplemental defense spending in fiscal year 2000 amounted to $17.5 billion, and in fiscal year 1999, it totaled $16.8 billion.

Even for Washington, these are large sums of money.

I am sure that the vast majority of this spending is for legitimate emergencies.

However, I believe we need an added safeguard to help stop abuses of the emergency spending designation in an effort to circumvent our spending caps.

I believe this amendment is a sensible approach to achieving our goal of fiscal responsibility and it represents a good step toward improving the transparency of our budget process.

I urge my colleagues to support this amendment.

AMENDMENT NO. 322, AS MODIFIED

Mr. DODD. Mr. President, I send a modification of my earlier amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

(Purpose: To increase discretionary funding for Early Learning, Child Care Development Block Grant, Child Abuse Prevention and Treatment, and Pediatric GME programs)

On page 2, line 17, increase the amount by $270,700,000.

On page 3, line 13, decrease the amount by $270,700,000.

On page 27, line 3 increase the amount by $270,700,000.

On page 27, line 4 increase the amount by $243,000,000.

On page 28, line 22 increase the amount by $50,000,000.

On page 28, line 24 increase the amount by $50,000,000.

On page 32, line 15 increase the amount by $870,000,000.

On page 32, line 16 increase the amount by $870,000,000.

On page 4, line 2 increase the amount by $270,700,000.

On page 4, line 16 increase the amount by $270,700,000.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues, Senators VOINOVICH and GREGG, to offer this amendment to improve fiscal discipline.

Our amendment would strengthen enforcement tools. The amendment would restate the procedure on emergency spending from last year's budget resolution, with one change. It would put emergency defense spending on exactly the same footing as emergency domestic spending. All emergency designations would thus be subject to a 60-vote point of order.

As under current practice, if sustained, the point of order would strike the emergency designation, but leave the associated funding. If the funding, without the emergency designation attached, would push the total funding for the bill over its allocation, or over the total discretionary spending cap, another point of order could be raised.

Our amendment would also close several budget loopholes. It would make out of order three separate devices used to evade budget discipline: changing the discretionary spending caps, waiving a sequester, and directing scorekeeping. Under current law, doing any of these three things is out of order on any bill not reported by the Budget Committee. Our amendment would extend that prohibition to all bills.

This amendment will strengthen budget enforcement. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I want to remind my colleagues of one thing. The direct scoring was used in the last two omnibus appropriation bills to, frankly, avoid busting the budget caps. That is why it is so important we have this point of order.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the pending amendment is not germane. Therefore, I am constrained to raise a point of order. The amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. VOINOVICH. Mr. President, I ask the point of order be waived and ask for the yeas and nays on the waiver of the point of order.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Had the Senator used all his time? How much time did he use?

The PRESIDING OFFICER. They used 7 minutes.

Mr. DOMENICI. Would the Senator like to speak a little longer on this amendment in case somebody is interested?

Mr. VOINOVICH. Not necessarily, unless somebody wants to speak against it. Then I will answer.

Mr. CONRAD. Does the Senator from South Carolina seek time?

Mr. HOLLINGS. Mr. President, I ask for 10 minutes from my distinguished chairman?

Mr. CONRAD. I yield to the Senator from South Carolina 10 minutes.

AMENDMENT NO. 225

Mr. HOLLINGS. Mr. President, I call up amendment No. 225 on behalf of myself, Senator BIDEN, Senator DASCHLE, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. BIDEN, and Mr. DASCHLE, proposes an amendment numbered 225.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a $85 billion tax rebate, and for other purposes)

On page 43, strike lines 10 through 12, and insert the following:

(A) New budget authority, $85,000,000,000.

(B) Outlays, $85,000,000,000.

(C) The Senate finds that

(i) given the apparent economic slowdown, the Congress should stimulate the economy by passing a 1-year true tax cut stimulus package that provides income tax and payroll tax relief;

(ii) for real economic stimulus the 1-year tax cut should equal approximately 1 percent of the gross domestic product, or $95,000,000,000;

(iii) a meaningful economic stimulus must reach as many taxpayers as possible, or at least 120 million people;

(iv) the broadest range of taxpayers can be reached by offering a direct rebate based on income tax liability or payroll tax liability; and

(v) the tax stimulus bill should be immediate and take effect on or before July 1, 2001.

(D) It is the sense of the Senate that the levels in this resolution assume that the Senate should as soon as practical consider and pass a stimulus tax package pursuant to this budget resolution that will result in a rebate of

(i) up to $500 per individual or $1,000 per couple for 95 million taxpayers who pay income tax; and

(ii) up to $500 for the 25 million taxpayers who pay payroll taxes but do not have income tax liability.

Mr. HOLLINGS. Mr. President, my appeal now is to all Democratic Senators, all Republican Senators—to the Senate as a body—to heed the distinguished majority leader's admonition to us last evening when he exclaimed: We are fiddling while Rome burns. What we should be doing is taking up a stimulus measure to get the economy moving, not, if you please, worrying about what is going to happen over the 10-year period—not for the elections next year, or education, or housing, or Patients' Bill of Rights, or health care, or any of these other things.

Distinguished members of the Concord Coalition, including the former Secretary of the Treasury, Secretary Rubin, and former Senators Warren Rudman and Sam Nunn, recently wrote an editorial to The Washington Post, "On Taxes, One Step At A Time," saying what we really need:

> We believe an immediate fiscal stimulus can be provided independently of the proposed 10-year tax cut.

That is exactly what my amendment is cut out to do. The previous amendment, the Durbin amendment, involves the tax cut. This has nothing to do with the tax cut. It responds to what Rubin and others have been saying, that is, to at least try to get 1 percent of a $10 trillion economy, around $85 billion or $95 billion, to extend to the greatest number of Americans—namely, the 95 million taxpayers and the 25 million payroll workers, some 120 million Americans—a $500 rebate, Senator Domenici, or $1,000.

You ask me where the money is? This is the most money we can utilize for stimulus without touching the Medicare and Social Security trust funds. I would have put in even more, if it was available. The $60 billion the distinguished Senator from New Mexico has in his bill was called, by Steve Forbes, "an hors d'oeuvre." I call it half a haircut. I do not know whether the $85 billion in this particular measure is going to do the trick. I hope so. But we have the best authorities from all walks of economic life, and from the market itself, in agreement.

MIT professor Lester Thurow:

> If President Bush were really interested in using taxes to stop the plunge in the economy, he would drop his 10-year tax cut and first go for a large 1-year temporary tax cut, a stimulus package that could be extended for another year if needed.

That is exactly what I have done. I am not involved in the budget arguments so as to divorce it from the politics of tax cuts; rather, get a true stimulus package.

Robert Kuttner, whose column appears in the Boston Globe: First, the tax cut should be smaller, quicker, and directed to people who need it.

The best idea proposed by Harvard's Richard Freeman and the Economic Policy Institute is a one-time dividend of $500 for every woman, man, and child. That would inject a lot of stimulus into the economy right now. The Treasury could send out the checks within a month.

We are all complaining about Alan Greenspan, but we have to do our part here. If you want to accept responsibility for the recession, just vote against this amendment, because this is not involved in the politics, tax, or the budget debate. This is involved in what everyone says—Republicans and Democrats, economists and market experts—that we need right now.

David Broder:

> If they can, this country can reap the benefits of an immediate tax cut that will cushion the effects of the slowdown of the economy.

That is just last week. And this week's Business Week headline reads: America Needs That Tax Cut Right Now.

We made it a rebate because I am confident that our friends on the other side of the aisle will not support the Durbin amendment. Of course, the Durbin amendment is not an amendment with respect to the $60 billion amount, it is an endorsement of the same amount. I think it is inadequate on the one hand, but otherwise it gives that 10-year lower bracket of 15 percent down to 10 percent, which costs them $500 billion and goes right in the face of the Bush tax cut.

I do not want to get involved in that political argument. I want a true tax cut for which everybody can vote. That is it.

What we have been doing here has gotten all wound up with the rich, the poor, the high, the low; what are we going to do for medicine, what are we going to do for defense and everything in the next 10 years. But as the distinguished majority leader yesterday afternoon said: Rome is burning.

If you want it to continue to burn, vote the amendment down. If you want to revive the economy and the market so that there will be some surpluses here, then please help us with this particular amendment.

I retain the remainder of my time.

Mr. DOMENICI. Mr. President, may I ask a question of the Senator?

Mr. HOLLINGS. Yes, sir.

Mr. DOMENICI. I read the amendment. Let me see if I am correct. You don't do anything to the rest of the budget and the proposed tax cut.

Mr. HOLLINGS. No. I leave that alone.

Mr. DOMENICI. You just increase the 60 that we have.

Mr. HOLLINGS. Eighty-five, because I understand Senator GRASSLEY has used some emergency agricultural funds in his amendment. That is the only one that is touched for 2001. The Budget Committee staff has been keeping score. I had to cut it back to 85.

Mr. DOMENICI. I am certainly going to explore this with the Senator.

Mr. HOLLINGS. Please do. My goodness, with the smile on your face and with some help, we can really help the economy. That is the whole idea—not to be partisan, or, I am for Bush, or against Bush, or I am for the rich and you are for the poor, and all of that kind of stuff. Let's really get what the economy needs now.

Mr. DOMENICI. I am in fact smiling. My face is in such a big smile that I can't hardly talk. So just give me a moment. I don't want you to answer this. But if I consider your amendment, would you consider my budget?

Mr. HOLLINGS. Oh, yes. I consider your budget. In fact, if we had all of those surpluses, I promise to vote for Bush's budget. As Senator BYRD carries around the Constitution, I carry around the economy. The debt to the penny by the U.S. Treasury, from the Secretary of the Treasury, shows that the debt has gone up this fiscal year already by $102 billion, with a $42 billion increase in the debt owed by the public and $60 billion in debt owed by the Government itself.

We are not paying down the debt. But if you get those surpluses, you will have my help.

Mr. DOMENICI. Mr. President, I close by saying I don't want to ask another question, obviously, because your answer was one that I didn't expect. But I want to remind you that you made a deal with me once. You said as soon as we balance the budget—you and I—wouldn't you jump off of some building?

Mr. HOLLINGS. Off the dome. That is right. You had me looking for a parachute last fall. But now look at what we have going. We are spending money we don't have now on this particular measure.

I go back to Roosevelt's "prime the pump," because I remember for about a 2- to 3-year period back in my hometown they were paying everybody in script. We didn't have the money.

That assumes we don't have the money. But if you want to get this economy moving again, let's vote for this particular amendment so we can do that and not be accused of bogging down in the political argument of tax cuts and budgets.

Mr. DOMENICI. I would have modified my suggestion, and would have said, Will the Senator try a bungee jump? You wouldn't have to jump for real.

I yield the floor.

Mr. HOLLINGS. I thank the distinguished chairman of the Budget Committee and the ranking member, Senator CONRAD. I yield the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 201

Mr. ALLEN. Mr. President, I call up my amendment with Senator BROWNBACK and others, No. 201.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Virginia [Mr. ALLEN], for himself and Mr. BROWNBACK, proposes an amendment numbered 201.

Mr. ALLEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a tax cut accelerator)

At the appropriate place, insert the following:

SEC. . TAX CUT ACCELERATOR.

(a) REPORTING ADDITIONAL SURPLUSES.—If any report provided pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, estimates an on-budget surplus that exceeds the on-budget surplus set forth in such a report for the preceding year, the chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make adjustments in the resolution for the next fiscal year as provided in subsection (b).

(b) ADJUSTMENTS.—The chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make the following adjustments in an amount not to exceed the difference between the on-budget surpluses in the reports referred to in subsection (a):

(1) Reduce the on-budget revenue aggregate by that amount for the fiscal years included in such reports.

(2) Adjust the instruction to the Committee on Ways and Means and the Committee on Finance to increase the reduction in revenues by the sum of the amounts for the period of such fiscal years in such manner as to not produce an on-budget deficit in the next fiscal year, over the next 5 fiscal years, or over the next 10 fiscal years and to require a report of reconciliation legislation by the Committee on Ways and Means and the Committee on Finance not later than March 15.

(3) Adjust such other levels in such resolution, as appropriate, and the House of Representatives and the Senate pay-as-you-go scorecards.

(c) LEGISLATION.—It shall not be in order in the Senate to consider any bill that is reported by the Committee on Finance pursuant to the adjusted instructions described in subsection (b), unless the bill provides for expedited procedures for the consideration of the bill by the Senate no later than 60 days after the bill is reported by the Committee.

Mr. ALLEN. Mr. President, I bring forth this amendment on behalf of myself, Senator BROWNBACK, Senator CRAIG, and Senator HUTCHISON of Texas. This measure is the tax cut accelerator amendment which will help provide the assurance that we live up to our obligation to American families and make sure they receive the tax relief they deserve.

The way this works is if the Congressional Budget Office's January report projects higher than expected on-budget surpluses over the previous year, then this amendment would require the Budget Committee to make the appropriate budgetary adjustments by reducing the on-budget revenue aggregate by the same amount as previously unaccounted for—the unaccounted for on-budget surplus.

It instructs the Finance Committee to increase the amount of tax relief by the same amount, and the bottom line is it sends money back to the people and not to fund increased Government spending.

We hear many issues and ideas about triggers and brakes and circuit breakers designed to slow down tax relief and not enough about a tax cut accelerator in the case that on-budget surpluses are higher than expected.

If you look at the Congressional Budget Office projections over the years, they are generally very pessimistic about what revenues will be coming in and, therefore, surpluses will not be there. But, in fact, they are right about the deficits. They err on the side of caution. I understand that. That is probably a good way of looking at things.

However, if the economy is doing better, if the budget surpluses appear on a year-to-year basis, who ought to have the first claim on those surpluses? In my view, it ought to be the taxpayers.

The Finance Committee and Budget Committee may not want to use the entire surplus for tax cuts being accelerated. They may want to say they want to take care of priorities—let's say expenditures in health, or scientific research, or national defense. They will say: Well, we will use half this for these priorities and half for accelerated reductions in taxes.

The point is, that identified surplus is not spent—not rolled over—but it is determined as a definite, identifiable amount of money that the Budget Committee will act upon, that the Senate Finance Committee will act upon, and then this whole body will act upon and have that scrutiny.

I think it will, of course, in my view, help speed up tax relief to the people.

Because any view is more optimistic than the pessimistic views of the Congressional Budget Office. There is plenty of evidence, and other projections have been too low over the years because they use static estimates—not dynamic estimates.

It is understandable why in 1-year budgets you would use static analysis because you do not have the full impact of tax reductions or any measures until a few years or maybe more than a few years down the road. If you want to look at what the impact of static analysis has on underestimates in the revenue impact because of tax cuts, the Kennedy tax cut under President John F. Kennedy was 12.6 percent of Federal revenues. They reduced rates from 90 to 70 percent. The rate reduction resulted in a return of all expected revenue losses plus an additional 4 percent. The Reagan tax cut, at 18.7 percent of Federal revenues, reduced rates, tax rates from 70 to 50 percent. The static models predicted a revenue impact of a negative $330 billion. The actual fiscal impact on the Treasury was about $78 million—less than one-fourth of the expected impact.

These numbers, coupled with CBO's past inaccuracies, make it reasonable to believe that the on-budget surpluses will come in higher than projected.

I am convinced more than ever that we need a tax cut accelerator. Over the past few days, the Senate has chipped away on the on-budget surplus.

The Senate has reduced drastically the available money for tax relief. Hiding behind the arguments over process about how many reconciliation instructions per budget resolution is really to get in the way of real tax relief for American families.

Real people do not care about reconciliation. They think it is a domestic matter, if you ever bring up reconciliation. It means, at best, some sort of family squabble being resolved. They care about providing for their families. People in the real world care about their future.

This tax relief accelerator will hold Congress accountable to the American people, which I think is very good. This budget represents a promise to the people of America. It protects Social Security and Medicare. Tax cut accelerator does not affect Medicare or Social Security; it is only the on-budget surplus.

This budget helps pay off all available debt. It funds current Government obligations and programs. It provides a $26 billion increase, or 4 percent raise, over last year's budget for Government spending. It ensures for future contingencies. And this budget promises to provide the people of America with the tax relief they deserve.

I generally support this budgetary framework, and I strongly believe we should honor all of its promises. The tax cut accelerator provides the assurance that Washington will fulfill its promise to return excess on-budget surpluses to the people, to the taxpayers, instead of permitting their hard-earned dollars to be spent away by Government bureaucracies.

The accelerator does not—does not—touch Social Security or Medicare funds. It does not threaten funding for current programs. It allows for increases in funding for new and existing priorities, such as defense, education, science, and medical research. And it does not bring back deficit spending.

Today we have a choice. Our choice is, Do we keep our promises? Do we trust the American people and adopt this amendment which provides the necessary mechanism to ensure the return of unexpected on-budget surpluses back to our families and businesses or do we allow Government to keep this money from them?

I say we ought to let the people decide how to best spend their hard-earned dollars. Families must be better able to save and spend for their children's education, to make a downpayment on a new home, to invest in their business, or to prepare for their retirement years. It is my view that we ought to trust people in our free enterprise system. People, better than Government, know how best to allocate their own dollars.

When there is excess money here in Washington, and in an on-budget surplus—money that has not been appropriated; it is not promised, it is just coming in at a greater rate than anticipated—the first claim on that, the first lien, so to speak, the first mortgage, ought to be to the taxpayers of this country with accelerated tax reduction.

So with that, I see my friend from Kansas has risen.

Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Seven minutes.

Mr. ALLEN. OK. I will yield the floor and allow the opposition to make any statements they so desire.

Mr. CONRAD. We do not intend to use time on the amendment. So it would be appropriate for the Senator from Kansas to use the time. It is, unfortunately, the only way we can stay on schedule with what we agreed to on both sides.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I ask unanimous consent that I be allotted 5 minutes to speak on behalf of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Thank you very much, Mr. President.

I thank my colleague from Virginia for his sponsorship in putting forward this amendment. I think this is a key amendment.

We have been talking a lot about reducing the tax cut because we are not sure that the money may come in. What this amendment says is, if the money does come in, then let's require that there be a vote that we have a larger tax cut. That seems to me to be the symmetrical discussion that should be taking place.

We hear concern about: OK, what if the resources do not come in? What if this does not quite work out? Should we lock ourselves into this size tax cut? What we are saying is, once this money comes in—I am confident it is going to come in; I am confident that it will happen—if it does come in, then tax cuts of a larger scale should be voted upon.

Yesterday the step was taken by the Senate to make a smaller tax cut. I think that was a wrong step. I think it is a bad step for our economy. That sends a signal to people that there is going to be less money in their pocket. Less consumer confidence will result and that is going to be a more difficult situation for our economy and for our people.

What we are trying to do is send a different signal, saying that if this economy continues to put these sorts of receipts in the Federal Government—which I am confident that it will—then we are going to return more of that to the American taxpayers. That will create an economic climate that allows individuals to make informed savings and investment decisions. It is the best path for sound, responsible fiscal policy.

If individuals are not confident that the economic decisions they make today will be respected in the Tax Code tomorrow, they will be less likely to take the kind of risks that make our economy one of the most productive and fastest growing in the world. That level of predictability and the assurance is important.

This is why offering taxpayers a one-time rebate, in my estimation, as has been proposed by some of my colleagues, is bad economic policy. The problem is, it gives the veneer of economic growth while only providing really a Band-Aid to the larger underlying problems of sluggish growth and a slowing economy.

The goal of our economic policy should be to encourage savings and investments at the margins, not promoting policies that artificially might prop up the economy through consumption incentives that do nothing to solve long-run economic problems.

Mr. President, because I know our time is short, I want to make an additional point: that is, for people who are also concerned that we are not paying down the debt sufficiently with the policies we put forward, what this says is that if we have more coming in, we will vote on a larger scale tax cut. We are going to continue to pay the debt down. We will pay down all the available debt over a period of 10 years. This has nothing to do with that. We will continue to honor that debt paydown provision that is in the overall budget and is a part of our overall proposal. I want to make sure we set that one off to the side so people are not concerned about that particular issue as well.

With those caveats, and for those reasons, I urge my colleagues to vote for this triggering mechanism that would go into place if—if—the dollars are forthcoming. There really should be no reason to vote against this amendment. That is why I urge my colleagues to support this amendment and vote for it.

With that, Mr. President, I reserve the remainder of our time and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent to be made a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I believe the Senator has allocated me a few minutes.

Mr. ALLEN. Yes.

Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Two minutes 39 seconds.

Mr. WARNER. Might I inquire of the Chair as to the amount of time remaining for the Senator from New Mexico?

The PRESIDING OFFICER. There is no time for the Senator from New Mexico.

Mr. ALLEN. I would like to have just a final closing comment, and then I will yield to the senior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Let me say in a few seconds—and I want to yield the remainder of the time to the senior Senator from Virginia—the Senator from Kansas has it exactly right. We want to have an insurance policy for the people of this country, the taxpayers. We understand their budgets are strained.

If there is a surplus—and we are optimistic there will be because we think reducing taxes helps create jobs, improve our economy, and has a dynamic, positive impact on our country. So if you want to make sure the taxpayers of this country get any of the excess money they have the first claim on, then you should support this amendment because it supports the people of America and will help strengthen our economy.

I yield the remainder of my time to the senior Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague.

Mr. President, I would like to call up amendment No. 265, and ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, what was the request?

The PRESIDING OFFICER. There was a request to call up an amendment.

Mr. REID. I object. There is an amendment pending.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I have it filed at the desk.

Mr. REID. We have a UC that is now in order. There is a unanimous consent agreement in order, and the only amendment in order now is one to be offered by Senator WELLSTONE, after this one is completed.

Mr. WARNER. I had consulted with the Senator from New Mexico. I was told I could have a minute. Obviously, I am in error. I apologize to my distinguished colleague, and I withdraw my comments.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. Twenty-nine seconds.

Mr. BROWNBACK. How much?

The PRESIDING OFFICER. Twenty-six seconds now.

Mr. BROWNBACK. Mr. President, CBO, in January of 1999, said that the 2-year forecast showed a total budget surplus of $2.3 trillion. The surplus announced this year is $5.6 trillion. In that 2-year time period, they more than doubled the size of it. What we are saying is, if that happens again, as is likely, let us vote on a bigger tax cut.

The PRESIDING OFFICER. All time has expired.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, the pending amendment is not germane. Therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

I yield back the remainder of our time on the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, under section 904 of the Budget Act, I move to waive section 305 of the Budget Act for the consideration of this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield 5 minutes to the Senator from Minnesota. We only have 10 minutes remaining, I advise the Senator—actually less than that. We have agreed to provide the other time to the Senator from West Virginia.

Mr. WELLSTONE. That is fine.

Mr. GREGG. Will the Senator from North Dakota yield for a question?

Mr. CONRAD. No, the Senator from North Dakota can't yield at this point for a question because we are rapidly running out of time.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 269

Mr. WELLSTONE. Mr. President, I call up amendment No. 269.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Ms. MIKULSKI, MR. KERRY, Mr. FEINGOLD, Ms. LANDRIEU, Mr. DURBIN, Mr. DASCHLE, and Mr. REID, proposes an amendment numbered 269.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase discretionary funding for veterans medical care by $1.718 billion in 2002 and each year thereafter to ensure that veterans have access to quality medical care)

On page 2, line 17, increase the amount by $1,546,000,000.

On page 2, line 18, increase the amount by $1,689,000,000.

On page 3, line 1, increase the amount by $1,703,000,000.

On page 3, line 2, increase the amount by $1,709,000,000.

On page 3, line 3, increase the amount by $1,718,000,000.

On page 3, line 4, increase the amount by $1,718,000,000.

On page 3, line 5, increase the amount by $1,718,000,000.

On page 3, line 6, increase the amount by $1,718,000,000.

On page 3, line 7, increase the amount by $1,718,000,000.

On page 3, line 8, increase the amount by $1,718,000,000.

On page 3, line 13, decrease the amount by $1,546,000,000.

On page 3, line 14, decrease the amount by $1,689,000,000.

On page 3, line 15, decrease the amount by $1,703,000,000.

On page 3, line 16, decrease the amount by $1,709,000,000.

On page 3, line 17, decrease the amount by $1,718,000,000.

On page 3, line 18, decrease the amount by $1,718,000,000.

On page 3, line 19, decrease the amount by $1,718,000,000.

On page 3, line 20, decrease the amount by $1,718,000,000.

On page 3, line 21, decrease the amount by $1,718,000,000.

On page 3, line 22, decrease the amount by $1,718,000,000.

On page 36, line 6, increase the amount by $1,718,000,000.

On page 36, line 7, increase the amount by $1,546,000,000.

On page 36, line 10, increase the amount by $1,718,000,000.

On page 36, line 11, increase the amount by $1,689,000,000.

On page 36, line 14, increase the amount by $1,718,000,000.

On page 36, line 15, increase the amount by $1,703,000,000.

On page 36, line 18, increase the amount by $1,718,000,000.

On page 36, line 19, increase the amount by $1,709,000,000.

On page 36, line 22, increase the amount by $1,718,000,000.

On page 36, line 23, increase the amount by $1,718,000,000.

On page 37, line 2, increase the amount by $1,718,000,000.

On page 37, line 3, increase the amount by $1,718,000,000.

On page 37, line 6, increase the amount by $1,718,000,000.

On page 37, line 7, increase the amount by $1,718,000,000.

On page 37, line 10, increase the amount by $1,718,000,000.

On page 37, line 11, increase the amount by $1,718,000,000.

On page 37, line 14, increase the amount by $1,718,000,000.

On page 37, line 15, increase the amount by $1,718,000,000.

On page 37, line 18, increase the amount by $1,718,000,000.

On page 37, line 19, increase the amount by $1,718,000,000.

On page 43, line 15, decrease the amount by $1,718,000,000.

On page 43, line 16, decrease the amount by $1,546,000,000.

On page 48, line 8, increase the amount by $1,718,000,000.

On page 48, line 9, increase the amount by $1,546,000,000.

On page 4, line 3, increase the amount by $1,718,000,000.

On page 4, line 4, increase the amount by $1,718,000,000.

On page 4, line 5, increase the amount by $1,718,000,000.

On page 4, line 6, increase the amount by $1,718,000,000.

On page 4, line 7, increase the amount by $1,718,000,000.

On page 4, line 8, increase the amount by $1,718,000,000.

On page 4, line 9, increase the amount by $1,718,000,000.

On page 4, line 10, increase the amount by $1,718,000,000.

On page 4, line 11, increase the amount by $1,718,000,000.

On page 4, line 17, increase the amount by $1,689,000,000.

On page 4, line 18, increase the amount by $1,703,000,000.

On page 4, line 19, increase the amount by $1,709,000,000.

On page 4, line 20, increase the amount by $1,718,000,000.

On page 4, line 21, increase the amount by $1,718,000,000.

On page 4, line 22, increase the amount by $1,718,000,000.

On page 4, line 23, increase the amount by $1,718,000,000.

On page 5, line 1, increase the amount by $1,718,000,000.

On page 5, line 2, increase the amount by $1,718,000,000.

Mr. WELLSTONE. Mr. President, I introduce this amendment on behalf of myself and Senators JOHNSON, BINGAMAN, DORGAN, MURRAY, MIKULSKI, KERRY, FEINGOLD, and LANDRIEU. I ask unanimous consent that Senators DURBIN and DASCHLE be included as original cosponsors as well as Senator HARRY REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, the problem with the President's budget request and this budget resolution is it provides a $1 billion increase over fiscal year 2001 for all of the VA discretionary programs. That is no way to say thank you to veterans. Secretary Principi, who is a great Secretary, testified before the veterans committee last month. I believe he will be a great advocate for veterans, but he had a tough time with the following question: How does a $1 billion increase over fiscal year 2001 do the job for America's veterans when we are going to see a $900 million increase this year in medical inflation alone?

Then if we get beyond the $900 million and add to that our commitment to treating people with hepatitis C, our commitment to emergency medical services for veterans who have no coverage, our commitment to the millennium program for older veterans, our commitment to mental health services for veterans, we get way above $1 billion.

Mr. President, there are huge gaps in the veterans health care system. We can do much better. This amendment would increase the veterans health care budget, contained in this budget resolution, by $1.7 billion annually. The independent budget, which was produced by Amvets, VFW, DAV, the Disabled American Veterans, and Paralyzed Veterans, talked about $2.6 billion. This amendment gets us to that level.

Here is the point: $1 billion for all discretionary programs for the Veterans' Administration is pathetic. It doesn't come close to meeting the needs.

I am joined by Senator ROCKEFELLER, who is the ranking minority member on the veterans committee. He will be speaking in just 1 minute.

The arithmetic is compelling, just on veterans health care: $900 million in inflation, emergency room services for veterans who don't have any coverage, hepatitis C coverage we have committed to, the millennium program, which is so important when we are saying to veterans who are 65 years of age and over, we are going to begin to address your long-term care needs.

When I am in the medical center in Minneapolis and I am talking to a spouse of a World War II veteran, and this happens over and over and over again, she doesn't have a clue what she is going to do when her husband gets home. Where is going to be the care for her? Where will be the supportive services for him? Not to mention all the long waits of veterans for health care.

The county veterans service officers are the best of the best of the best. They do the work down in the trenches. I get my education from them. Even though they are not within the VA system, they talk about the long waits and the gaps.

This amendment is all about living up to our commitment to veterans. We need to provide full funding for veterans health care. This amendment should receive Democratic support and Republican support. The amendment offset by transferring $1.7 billion out of these Robin-Hood-in-reverse tax cuts, of which over 40 percent of the benefits going to the top 1 percent. We surely can transfer $1.7 billion to veterans health care.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be added as a cosponsor of the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Let's be very clear. The Senator from Minnesota is correct. For the Department of Veterans Affairs, under the budget resolution which is proposed, there will be tremendous damage to the Veterans' Administration and to the veterans of our country. It is axiomatic that the increase that is contemplated in the budget resolution simply will not work. It does not come close.

If there is anything which is an immutable fact, it is that the cost of health care and the cost of paying those who deliver it goes up by more than a billion dollars a year, just for health care alone. That is across America, and that is true for the veterans.

Beyond that, we have a very difficult problem of disability claims. We need $132 million for staffing and technology. My veterans in West Virginia are being told they are going to have to wait for a full year even for a preliminary examination of their disability claims.

Lastly, we cannot forget our commitment to the final resting places of honor for our veterans. Our Nation's veterans cemeteries are falling apart in many cases. Graves are sinking. Tombstones are breaking. That may seem incidental to some. It does not seem incidental to any veteran's family.

I urge all to remember our promise to our veterans and support the Wellstone amendment.

I thank the Chair and yield the floor.

Mr. JOHNSON. Mr. President, I would like to first commend Senate Budget Committee Chairman DOMENICI for including an increase in his budget mark for veterans' health care. This funding level is in line with what the Administration proposed in its budget request and shows a renewed commitment to veterans' health care.

While I am pleased that this budget includes an increase in outlays, I am disappointed that it falls short of the funding level proposed in the authoritative Independent Budget endorsed by 40 veterans groups and medical societies, including AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the VFW.

That is why I join Senator WELLSTONE in offering an amendment today that would increase appropriations for veterans health care by $1.718 billion over the Budget Committee's level. With our amendment, the Senate budget resolution would include an increase in appropriations of $2.6 billion for veterans health care over last year's funding level.

Our amendment pays for this increase in health care for our nation's veterans with a modest decrease in the $1.6 trillion in tax cuts proposed by the President.

For a number of years, the VA had to contend with a flat-line appropriation for veterans' health care as the cost of health care far outpaced the rate of inflation. As a result, the VA experienced deep cuts at a time when it should have been addressing the growing need for medical care for this country's veterans.

For the past 2 years, I have offered amendments in the Budget Committee and on the Senate floor to increase veterans funding to allow the VA to continue giving quality care to veterans. With the help of the chairman, we were able to increase VA health care funding by $1.7 billion for fiscal year 2000 and $1.4 billion for fiscal year 2001. These were good steps in restoring budget equity to veterans' health care.

We must continue this process by increasing funding for veterans' health care to the level recommended in the Independent Budget. It is critical that we increase veterans health care funding over and above the Chairman's mark in order to compensate for previous underfunded VA budgets and to allow the VA to meet the growing health care needs of our veterans.

Veterans from South Dakota visited my office recently with stories of understaffed VA hospitals, long waits for appointments, and reductions or cuts in vital services. These situations are not unique to my state and affect every VA hospital and clinic in the country.

With adoption of our amendment, we will have a VA veterans' health care budget that can adequately offset the higher costs of medical care caused by consumer inflation, medical care inflation, wage increases, and legislation passed by Congress.

Without a total increase of $2.6 billion above last year's appropriation in veterans health care, the VA will likely be unable to address the treatment of Hepatitis C, emergency medical services, increased costs due to medical inflation, and long-term care initiatives.

The Independent Budget highlights the need to increase funding in a number of important health care initiatives including: an additional $523 million for mental health care; an additional $848 million for long-term care; an additional $25 million to restore the Spinal Cord Injury program; an additional $75 million to help homeless veterans.

Our efforts over the past 2 years to increase VA veterans' health care have helped to reverse the damaging effects of years of flat-lined VA budgets. We have an opportunity to continue this progress by adopting our amendment to increase funding for VA veterans' health care by $1.718 billion over the Chairman's level in the budget resolution. With our amendment, we will fund veterans' health care at the level requested in the Independent Budget.

I urge my colleagues to support the Johnson-Wellstone amendment on veterans' health care. At this time, I ask unanimous consent to have printed in the RECORD letters of support for our amendment from veterans organizations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INDEPENDENT BUDGET,
A BUDGET FOR VETERANS BY VETERANS,
April 3, 2001.

To All Members of the Senate:

On behalf of the co-authors of The Independent Budget, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and the Veterans of Foreign Wars, we are writing to urge you to support the Johnson-Wellstone Amendment that would increase Department of Veterans Affairs (VA) health care funding to the level we recommended for FY 2002.

The President's "Budget Blueprint," and the Domenici substitute to H. Con. Res. 83 provides a discretionary spending increase of $1 billion. This recommended amount would not even cover the costs of mandated salary increases and the effects of inflation. The Independent Budget has identified an increase for VA health care of $2.6 billion over the amount provided in FY 2001. This recommended increase would provide the resources necessary for the VA to meet the needs of the men and women who have served our Nation, and rely upon the VA for the health care they need.

Again, we ask for your support of the Johnson-Wellstone Amendment that would increase the amount available for VA health care up to the level we have recommended in The Independent Budget.

Sincerely,

DAVID E. WOODBURY,

Executive Director, AMVETS.
KEITH W. WINGFIELD,
Executive Director, Paralyzed Veterans of America.
ROBERT E. WALLACE,
Executive Director, Veterans of Foreign War.
DAVID W. GORMAN,
Executive Director, Disabled American Veterans.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, DC, April 3, 2001.

To All Member of the United Stats Senate:

On behalf of the 2.7 million men and women of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary, we urge you to support the Johnson-Wellstone Amendment to increase the Department of Veterans Affairs' (VA) health care funding by $1.8 billion over the chairman's mark for a total of $2.6 billion for fiscal year 2002.

We and our colleagues of the Independent Budget have identified the need to increase VA health care funding by $2.6 billion over the amount provided in FY 2001. This recommended increase would provide the resources necessary for VA to meet the needs of the men and women who have served our Nation and rely upon VA for health care.

Again, we urge your support of the Johnson-Wellstone Amendment to increase the amount available for VA health care to the level necessary to properly and compassionately provide for veterans' health care needs.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

PVA,
NORTH CENTRAL CHAPTER,
Sioux Falls, SD, April 3, 2001.

Senator TIM JOHNSON,
Hart Senate Office Bldg.,
Washington, DC.

DEAR TIM, the North Central Chapter PVA would like to thank you for the recent correspondence you and Senator Wellstone presented to your fellow Senator's concerning the VA budget. These letters (dated March 12, 2001 and April 2, 2001) highlight the budgetary shortfalls as demonstrated in the Independence Budget and bring attention to this vitally important issue.

As you indicate in your letters, the VA health care system must have adequate funding in order to provide the services our Veterans need and deserve. Anything less than the Independent Budgets' recommended 2.6 billion dollar increase will mean a cut in health care services. We must not and can not return to the days of inadequate health care because of the lack of funding.

Once again, on behalf of all the members of North Central Chapter PVA, we commend you for all your efforts on Veterans' health care issues. If at any time we can be of assistance, please do not hesitate to contact our office or myself and we'll happy to help.

Respectfully,

JOEL NIEMEYER,
Government Relations Director, North Central Chapter PVA.

Mr. ROCKEFELLER. Mr. President, as the Ranking Member of the Committee on Veterans' Affairs, I ask my colleagues to support an amendment offered by Senators WELLSTONE and JOHNSON to S. Con. Res. 20, the concurrent resolution on the fiscal year 2002 Budget. The budget resolution provides for an increase of $1 billion for all veterans funding from the fiscal year 2001 amount. The Wellstone-Johnson amendment goes further and provides for an overall increase of $2.6 billion for veterans' health care.

If the Department of Veterans Affairs is funded at the level that the Budget Resolution provides, a $1 billion increase over the fiscal year 2001 appropriation, which might appear generous at first glance, we can expect VA to eliminate staff, delay providing health care and benefits, and slash vital programs.

While some may describe the funding included in this resolution as a major increase, I must disagree. Much, if not all, of this proposed increase would be consumed in merely overcoming inflation in the costs of providing medical care. After spending vast sums for a tax cut for the wealthiest Americans, there simply isn't enough money to meet VA's needs in the next fiscal year.

The alliance of veterans service organizations that authors the Independent Budget for Fiscal Year 2002—AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars, rightly concluded that "more must be done to meet the increasing needs of an aging veteran population, adapt to the rising cost of health care, enhance and facilitate benefits delivery, and maintain the continuity of funding for VA programs as a whole."

The budget resolution before us would not allow us to fulfill those obligations. We must ensure VA a level of funding that will minimize the impact of inflation, fund existing initiatives, and allow the system to move forward in the ways we all expect.

Urgent demands on the VA health care system make increased funding essential. The landmark Veterans Millennium Health Care and Benefits Act of 1999 significantly expanded VA noninstitutional long-term care, which for the first time is available to all veterans enrolled with the VA health care system. As we contend with the dilemma of developing long-term care for all Americans, VA will begin this effort with our Nation's veterans. The Congressional Budget Office estimates that the VA noninstitutional extended care program will cost more than $400 million a year. We must supply adequate funds to fulfill this legislative mandate.

The Millennium Act also ensures emergency care coverage for veterans with no other health insurance options. Necessity demands this costly provision: nearly 1 million veterans enrolled with the VA are uninsured and in poorer health than the general population. Although this new benefit has not yet been either implemented or publicized, claims are already mounting.

Medical inflation and wage increases, factors beyond VA's control, have been estimated to devour nearly $1 billion of VA's budget annually. At the same time, more and more veterans are turning to the VA for health care. In my own state of West Virginia, the number of veterans seeking care from VA has increased, despite a declining total number of veterans statewide. As an example, the Martinsburg VAMC saw its new enrollees increase by 24.7 percent over the last 2 years. Rapidly expanding enrollment at all four West Virginia VA medical centers has jeopardized their ability to provide high quality care in a timely fashion. Unfortunately, similar examples can be found throughout the Nation.

Between new initiatives—long-term care and emergency care coverage, and simply maintaining current services, we must secure an increase of $1.8 billion for health care alone.

Unfortunately, maintaining current services will not be enough to ensure that VA can meet veterans' health care needs. The aging veterans population faces chronic illnesses and newly recognized challenges, such as the disproportionate burden of hepatitis C, that will further strain VA facilities. We must anticipate the difficulties of treating complex diseases and ensure that we do not neglect the needs of veterans with multiple, coincident medical problems.

If we simply maintain current services, can we expect VA to restore the capacity for PTSD and spinal cord injury treatment to the 1996 legislatively mandated level? In West Virginia, many veterans not only wait months for specialty care, they have to travel hundreds of miles to get it. We can depend on community outpatient clinics to increase veterans' access to primary health care, but we must also ensure that the many veterans who require more intensive, specialized services can turn to adequately funded inpatient programs.

VA research not only contributes to our national battle against disease, but enhances the quality of care for veterans by attracting the best and brightest physicians. The Budget Resolution allows, at best, for a stagnant research budget. Not only will this slow the search for new and better medical treatments, but it could weaken efforts to protect human subjects in VA-sponsored studies. An increase of $47.1 million will be required merely to offset the costs of inflation and to monitor compliance with increasingly stringent research guidelines.

The $2.6 billion increase proposed by Senators WELLSTONE and JOHNSON in the amendment before us will ensure that VA has the resources required to provide veterans with the high quality health care that they need.

Savings may be gained through more resourceful management of VA hospitals and clinics, a possibility that VA is pursuing through its Capital Asset Realignment and Enhancement Studies, CARES. In the meantime, efficiencies should not come at the expense of veterans who turn to the VA health care system for needed treatment, nor should VA neglect essential repairs and maintenance of its infrastructure while awaiting the outcome of the CARES process. Accommodating the backlog of urgently needed construction projects will require an increase of $280 million. A shortsighted focus on immediate gains, by delaying essential projects or neglecting existing facilities, may compromise patient safety and prove even more costly to VA and veterans in the long run.

The Veterans Benefits Administration also faces challenges that require additional funding for staffing. One of these challenges results from an aging workforce. Projections suggest that 25 percent of current VBA decisionmakers will retire by 2004. These losses would be in addition to the staff that has already left service. It takes 2–3 years to fully train a new decisionmaker. Therefore, it is critical that VBA hire new employees now to fully train them before the experienced trainers and mentors have retired.

In addition to this looming succession crisis, extensive new legislation enacted in 2000 will severely affect VBA's workload. Sweeping enhancements to the Montgomery GI Bill are expected to double VA's education claims work. New legislation reestablishing the "duty to assist" veterans in developing their claims, regulations presumptively connecting diabetes to Agent Orange exposure in Vietnam veterans, and new software systems intended to improve the quality of decisionmaking have severely affected VBA's workload and slowed output. West Virginia veterans are already receiving letters from the VA regional office warning them to expect a 9–12 month delay for even initial consideration of their new claims.

If VBA is unable to hire new staff, the increasing backlog of claims—which is already unacceptable—would reach abominable levels. Without an increase in staffing, the backlog of claims is expected to grow from the current 400,000 claims (up from 309,000 in September 2000) to 600,000 by March 2002. VBA will need a minimum increase of $132 million to acquire the tools, staffing and technology, to avert this escalating disaster.

The mission of the National Cemetery Administration, NCA, providing an honorable resting place for our Nation's veterans—is becoming more difficult as we face the solemn task of memorializing an increasing number of World War II and Korean War veterans. It is estimated that 574,000 veterans died last year. The aging of the veterans population is placing additional demands on NCA in interments, maintenance, and other operations. VA has attempted to meet this demand by opening four cemeteries over the last 2 years and planning construction of the six new cemeteries authorized by Congress in 1999. It is estimated that an increase of $21 million will be required to develop these cemeteries.

Increases are also required to maintain the VA's National Shrine Commitment. We must preserve our national cemeteries so that they do not dishonor those who died serving their country. Sunken graves and damaged headstones cannot be tolerated. We applaud VA's commitment to this initiative and encourage VA to continue the project. In order to rise to this task and operate its current facilities, NCA will require an increase of at least $13 million for a total appropriation of $123 million.

If we fail to amend the Budget Resolution before us, we tacitly place the needs of affluent Americans before our obligations to our veterans.

While we consider the best way to cut taxes responsibly, we mustn't lose sight of our obligations. We all need to agree on how much should go to tax cuts and how much should be saved to strengthen Medicare, invest in education, and fully address the needs of the men and women who have served our country. I urge you all to support this amendment so that we can fulfill our Nation's promise to our veterans.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we should observe for our colleagues that we set a goal of going to the debate on reconciliation at 3:30. Wonder of wonders, we have accomplished that goal.

I thank all of our colleagues who have worked together to help make this happen. I single out, of course, the chairman of the Senate Budget Committee, Mr. DOMENICI, who, along with his staff, has worked so diligently to bring us to this point.

I also want to thank on our side, Senator REID, the whip, who has really worked night and day to try to expedite the consideration of this budget resolution. I think working together we have managed to get the trains to run on time, which is not always the case in the Senate.

Again, I thank very much my colleague, the chairman of the Budget Committee along with his very able staff, including the director, Mr. Hoagland, for the very hard work they have done.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, somehow I feel that we are not yet finished, that we have a long way to go. I think I am right. Nonetheless, we ought to stop over and pat ourselves on the back this afternoon because we didn't really have this afternoon all planned out with any unanimous consent agreements. We had 2 hours. I think we have made the best of it. I think from that side four different amendments have been considered with various Senators speaking, and we have had time for others to give speeches on matters of importance. We have taken some on our side. They are all subject to amendment, unless we accept them. We have looked at them to see if we can dispose of them.

I thank Senator CONRAD and his staff because we got a long way today toward accommodating Senators who felt very strongly that they had to give a speech along with their amendment. Nobody is limited in the future, but the vote-arama will take a very long time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 345

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 345.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

(Purpose: To provide for tax relief)

At the end of title I, insert the following:

SEC. . RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

The Committee on Finance of the Senate shall report to the Senate a reconciliation bill—

(1) not later than May 18, 2001; and

(2) not later than September 14, 2001

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues for the period of fiscal years 2001 through 2011 by not more than the sum of the totals set out in Section 101(1)(B) of this resolution and increase the total level of outlays by not more than $60,000,000,000 for the period of fiscal years 2001 through 2011.

Mr. DOMENICI. Mr. President, as I understand it, we have 3 hours to debate this reconciliation instruction.

one-half hour for the distinguished Senator BYRD, or his designee, and one-half hour for the Senator from New Mexico, or his designee; is that right?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, since Senator GRAMM wants to speak in the way that addresses a matter brought up with reference to tax cuts earlier, I will yield on our side 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Budget Committee. This has been a long, hard process and we are only part way through it. Senator DOMENICI and I don't always agree at every single moment, but my admiration for him constantly grows as the years pass and I have an opportunity to work with him more.

We are getting ready to have a serious debate, and I don't want to in any way infringe on it by getting into any kind of partisan bickering, but I did want to respond to one point that was made earlier when we didn't have time to respond. I can be brief about it.

Some of our colleagues lamented the lack of bipartisanship on the budget. I want to respond, with all due respect, that bipartisanship is a two-way street. Since we started considering the budget, we have had amendments offered by Democrat Members of the Senate to spend another $697 billion over the next 10 years. This is coming on top of the last 6 months of last year, where we added $561 billion to the underlying spending projections of the Federal Government over the next 10 years. I just want to say that never in that short a period in American history, to my knowledge, have we ever had a Congress or a Senate propose more spending in a shorter period of time. I guess I would say that you can't have it both ways. You can't have the bipartisanship you seek and, at the same time, propose that level of spending.

Having gotten all that out of my system, let me turn to the issue before us. I thank Senator BYRD for his willingness to talk to Senator DOMENICI, to me, and to others, in trying to find a way out of this conflict. When you serve in the Senate, when you have competing visions for America's future, when you believe in what you are doing, it is easy to get into conflicts that are unavoidable. But when they are avoidable and you don't avoid them, it is not only poor legislative strategy, but I don't think you are living up to the high standards of this great institution.

So when Senator BYRD raised a concern about using reconciliation on the tax bill, even though we feel as strong on our side, based on the precedents that have been used, including the tax increase when President Clinton was President, and the tax cut that was part of reconciliation in 1997, we decided that any time you can accommodate the concerns of another Member without undoing your ability to have a chance to achieve what you want to do, that you ought to do it.

So we undertook what I call a fairly extensive negotiation. We met three or four times off and on. We submitted a proposal in writing. Just to refresh my colleagues' memory, we have about four or five people who work with this law every day. Senator Byrd wrote most of it. But to most Members, and almost everybody else in America, it is all gibberish.

Basically, under reconciliation, we have a very powerful tool that allows you to have special privilege in implementing your budget. You are going to hear a lot of debate about that and what it was intended to do today.

The point is, it does exist. It is part of the law. Under that procedure, it would mean that the tax bill we bring to the Senate would be subject to these special procedures: There would be 20 hours of debate equally divided. The majority could yield back its 10 hours. So we could end up with 10 hours of debate. We have a strict germaneness rule on amendments. When the debate is over, we have an up-or-down vote.

In naming conferees, we have a time limit on debate. We have an up-or-down vote. That is the procedure that exists in the budget process.

What we had sought to do in trying to work out an accommodation—and I am sorry it did not work, as I know Senator BYRD is. I want people to understand there was a good-faith effort to work this out. We proposed that rather than having 20 hours, we have 50 hours equally divided.

We proposed on first-degree amendments there would be no more than 2 hours, unless the managers yielded more time, that is, if there was real debate, and on second-degree amendments, only 1 hour; that all first- and second-degree amendments be germane; that at the end of the process, we have an up-or-down vote; that on naming conferees, we have a time limit on debate and then have an up-or-down vote; and the same procedure would apply to the conference report.

Some concern was raised that even with this agreement, we could come back and use reconciliation again. It was clear from our intent at the time that if we agreed to a unanimous consent agreement, there would be no need to use reconciliation.

In any case, with the best of intentions, we got together. Differences existed at the end of the process, and no agreement was reached. So we are here basically in a debate and with a vote coming that no one wanted, but here it is.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. GRAMM. Mr. President, I want to give a very brief synopsis of my argument for the use of reconciliation. We have had an extensive debate on the floor of the Senate. We are going to adopt a budget at some point. I hope it will be to my liking, but we are going to adopt one whether it is to my liking or not. We are going to go to conference. I hope to be a conferee, and I am confident the conference report will be more to my liking if this bill is not.

In any case, we want to be sure we have an opportunity to have an up-or-down vote on the President's tax cut or something very close to it. Obviously, there is no way we can make people vote for it, but we want to be sure that a new President with a new agenda gets an opportunity to have his program voted on.

We obviously are at an impasse as a Senate on naming conferees. When we worked out this powersharing agreement—an extraordinary agreement, in my opinion, and a very generous agreement from the majority leader, in my opinion—one of the things that was not worked out is what do we do about conferences.

We believe if we pass a tax bill in the Senate and it requires a conference, we do not want to get into a position where we simply try to pass the House bill. It may not be the final product we want. That does not make for good law to do something like that. We ought to be able to name conferees, and on a tax bill we adopt, obviously we believe we should have a majority on the conference committee.

Unfortunately, since we could not work out a unanimous consent agreement, the only way we can be assured that we have this opportunity to make the case and have an up-or-down vote is through reconciliation.

When reconciliation was used to raise taxes in President Clinton's first year in office, not one Republican voted for that tax increase, but no one challenged the right of our colleagues who were in the majority then to use reconciliation. No one challenged that right. It was used.

In 1997, in the budget when reconciliation was used to adopt a bipartisan tax cut, that was a hammered out agreement between the Republican majority then in both Houses and President Clinton. No one challenged our right to use reconciliation for that process.

Now we have a situation where we are trying to do for our new President what President Clinton did. We are trying to follow a procedure that we followed in 1997 when no objection was made. We understand strong feelings. We are sorry we could not work this out, but in the end, we believe the process is the right process, and given our inability to work out an agreement, we want to use it. That is why I urge my colleagues to vote to allow us to use the same process that has been used over and over since the budget process first started.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for his succinct summary of where we are and what we are about.

The reason this is a serious debate is because it did not take me 28 years being a Senator to learn—in fact, probably in the early years, I learned from my opponent who has been in the Senate 43 years—there are some things very special about the Senate that everybody should know. It has a couple of qualities that are rather incredible for parliamentary bodies.

One of those is freedom to debate. Sometimes people call that the right to filibuster. Filibuster does not sound so good, so of late we call it freedom to debate. That really means if you want to delay things or if you want to get your way or you want to make some changes your colleagues do not want to make in the Senate, you can get the floor and can talk as long as you can talk and nobody can stop you until you stop yourself. It even means more than that.

Essentially, it is the right to debate as long as you want and as long as you can.

The second quality that makes this a very different institution is the right to offer amendments. It takes some people a while to know what that really means.

I can recall during the Vietnam war there was a Senator from the west coast who used to sit at one of the desks in the back. I am going to be as plain and honest about it as I can. Come 8 o'clock at night, it was 5 o'clock in the Senator's State. At about that time in the afternoon, regardless of what we were debating, that Senator would try to get the floor and try to offer either an amendment or resolution regarding the Vietnam war because he was becoming known as an anti-Vietnam war Senator.

Of course, at 8 o'clock in the Senate, it was 5 o'clock in the State on the west coast. If one does that every 5 or 6 days, you get to be known as the anti-Vietnam Senator. A Senator can also offer that to any kind of bill. It can be offered to an appropriations bill. It can be offered to an authorizing bill unless there is an agreement to the contrary. It is a Senator's right.

Those are the two qualities that are most significant about the Senate. I learned them rather quickly. I do not think I appreciated them in terms of the institution for maybe about 10 years.

I soon found, once I became a member of the Budget Committee —in fact, through a quirk of things, I got on very early and I did not choose to ever get off because I could see myself moving up, never thinking I would ever be chairman. I could see myself moving up and being ranking member. All of a sudden, the Republicans took over the Senate, and I got a call from Senator Baker who said: Hi, Mr. Chairman, you are chairing the Budget Committee. If I was not in that position, I was in the position of lead Republican.

I found out very quickly those two qualities—the right to filibuster or debate as long as you want and the right to amend —were changed by a law that changed the rules of the Senate. I am holding it up.

This is the law. It was adopted 25 years ago. It changed, for as long as this law is operative, the rules of the Senate because if you have a reconciliation instruction under this Budget Act, which changes the rules of the Senate, that reconciliation instruction no longer carries with it on the floor of the Senate those two cherished privileges.

It has a limited debate because this law says the debate is limited. It says only 50 hours of debate on a resolution and only 20 hours of debate on a bill that comes forward from this document and a resolution called reconciliation.

Guess what else it did. You do not have a right to amend a bill that is a creature of a reconciliation instruction which is a creature of this law. You don't have that right. Laws on amendments are very narrowly construed.

I know my good friend, Senator BYRD, is going to attempt to draw a distinction between what we are doing in this budget resolution because we have a surplus and what we did other times—either by increasing the taxes, as we did for President Clinton in a reconciliation instruction, which meant 20 hours of debate and, for all intents and purposes, no amendments. We were in the minority, and every single Democrat voted to give the Finance Committee that authority, and then every Democrat voted to pass the bill that was the creature of that reconciliation—split exactly down party lines. But taxes were increased under the process created by this act, in derogation of the normal rules of the Senate.

I happened to have been here through almost every reconciliation, and my friend from West Virginia frequently calls it "re-conciliation," and we have agreed that both pronunciations are correct.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I am happy to yield.

Mr. BYRD. The pronunciation by the distinguished Senator from New Mexico is the correct one. I have just gotten into a habit for a long time of saying "re-conciliation." I think it is reconciliation. I am liable to stay in the same old habit.

Mr. DOMENICI. Mr. President, I believe the budget resolution before the Senate today is like other budget resolutions. And I have been a party to every single one. If somebody wants to write the history of what has happened that is most significant to the Senate in the past 25 years, they can start off with this bill. This has caused the most significant changes that the Senate has had imposed upon it by virtue of a reconciliation instruction that has, on some occasions, reduced spending. On other occasions, it has increased taxes. On other occasions—and if we get around to the details I will list them for everyone—we have used it to cut taxes or reduce taxes.

Those who will write the history of the past 25 years will probably say that no other document has caused more changes in the tax laws up and down, in the changing of entitlements up and down, without full debate and without the right to amend, than this document over this 25 years.

I was thinking I would come to the floor and tell the Senate every reconciliation bill of which I have been a part. But the list is too long. It is very long. There have been many. You can tell if you read statutes of the U.S. Congress and you find something that says Omnibus Budget Reconciliation Act of 1976 or 1981, almost without exception they are the creature of a reconciliation instruction done on the floor of both Houses ultimately to their respective committees.

Frankly, I don't see any difference between what we have done in the past and what we have done here. As a matter of fact, there was an occasion in 1996 when the other side of the aisle challenged a proposal in a budget resolution to reduce taxes. They actually raised the point of order that it wasn't right, it wasn't permitted under this act. The Parliamentarian agreed that it was. We had a vote where the other side challenged that and sought to appeal the ruling of the Chair. The Chair was sustained. The Chair was sustained by a partisan vote. We had the majority by three then. We had 53 Senators then. The Senate decided you could use reconciliation to reduce taxes, as they were in 1976. I might suggest they were done again in 1997 and 1999 and no challenge was made to them.

In two instances we did it, and the President vetoed the bills anyway. So you don't find an omnibus reconciliation tax bill for those years. But one did pass the Congress, both Houses.

All I have sought in the budget resolution and all I seek here is to use the same process we have been using since this Budget Act was adopted. It had many experts, but in order to become what it has become, because it still works, it had to have some knowledgeable input when it was written.

What did they need to do? They needed to make sure that nothing stood in the way of getting a budget resolution, No. 1, including that rules of the Senate could not stand in the way of the budget resolution. It had a limited amount of time. And it had to get passed.

Then they didn't want reconciliation to be held up. In particular, section 310 of the act, on page 25 of the act, states: Inclusion of reconciliation directives in a concurrent resolution on the budget—a concurrent resolution on the budget for any fiscal year to the extent necessary to effectuate the provisions and requirements of such a resolution.

That is precisely what we are trying to do with our request that this procedure be made available.

Frankly, some have asked: Senator DOMENICI, how can you keep on doing these year after year? I don't know. I think it is because the reconciliation process provides an opportunity to get something done. If there wasn't something significant happening because we stood here on the floor and produced a budget resolution, I say to my good friend Senator BYRD, I don't think I would have been staying on the Budget Committee, doing budget resolutions, if we just admonished committees and then they didn't have to do it. In fact, I stayed on because we had to tell committees what the parameters were and they did it. We always told them, if they didn't do it, something might happen. They misconstrued us sometimes, and they thought we would write their law. We didn't know what would happen. The leadership would have to find a way to enforce it if the committees didn't.

The point is it has been exciting because we have done 12, 14, maybe 15 reconciliation bills that have literally caused change that would not have happened. Senator GRAHAM you didn't like some of the changes. Some of the changes I didn't like. To tell you the truth, I didn't like many of them. But I don't believe we should deny ourselves an opportunity for this new President to have us use a reconciliation instruction bound and borne by this Budget Act which changes the rules of the Senate for as long as this law exists.

I didn't think we should say: We have used it, but you can't use it now. We thought our President's proposals for 4 percent growth in the expenditures of government in the ordinary and regular appropriation process and a $1.6 trillion tax cut over 10 years out of a surplus of $5.6 trillion seemed to be more than justified by the new President's proposals for sound fiscal policy and, indeed, for sound tax policy for our people.

With that as my introductory remarks and my concern, I offer today an instruction, an instruction that we would ask the Senate to vote on soon, sometime this evening, that essentially says we can use the process called reconciliation to accomplish the tax consequences of this budget resolution in its final form, whatever that is.

I am quite sure that I have not made this interesting for those out there listening; it is pretty hard to make this interesting. But neither do I hope that I appear anything but serious.

A little while ago one of my good friends asked me to smile. I smiled in response, so big that I couldn't talk. Then I said I have to either quit smiling or I can't talk anymore.

In any event, it is serious. I think we should all try very hard to make the average person listening to this understand it is important to their business. The public's business is really affected by the rules and the rights of Senators. But they are also affected by the rules and rights created by this Budget Impoundment Act of 1975. I did not help write it. I voted for it. I think it passed overwhelmingly. I don't know if there were even any negative votes for it. I remember Senators such as Chuck Percy from Government Operations playing a part in it, coming to the floor, saying it was the biggest change we will ever effect.

It took me 5 or 6 years to understand it really was a big change. All we want to do now on our budget is make sure the changes permitted by this law be carried over to this President's tax proposals so we can get a start, as he would say, toward letting the people of this country get back some of their money and also to create a kind of tax policy that will be good for the future.

I am going to read this. I will not go into any detail. I would say reconciliation has been used by the Senate—with reference, Senator GRAMM, to tax law changes—not 1 time, not 5 times, 15 times—one-five times it has been used—10 times to increase taxes and all became law, 5 times to cut taxes, 2 became law, 2 were vetoed, and 1 did not find its way beyond the Halls of Congress. It was what was seen to be a rather useless chore, to send it down to be vetoed. But the Congress did it. So I repeat, over 25 years no wonder the Senator from New Mexico wanted to stay on this. We were changing things dramatically, 15 times—10 to increase taxes, all of which happened; 5 to cut taxes, all of which happened.

With that history I very much appreciate Senator BYRD wanting this matter to be thoroughly discussed. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is a critically important debate. This is not fundamentally a question of the issue of the President's proposal for a tax cut. This is a far bigger issue than that. This is the fundamental question of the role of the Senate in our Government.

Our Founding Fathers had a genius. They created this structure of government to protect the rights of the American people. They built a House of Representatives that they wanted to respond to the immediate feelings of the people, a body elected every 2 years. They wanted them to respond to the will of the people and the immediate passions of the moment.

They created the Senate with Senators having 6-year terms for a very different reason. They wanted the Senate to be the cooling saucer in our Government. They wanted the Senate to be able to debate and amend and to coolly reflect on what the policies should be for our country. That is the role of the Senate, and this debate is consequential because it would dramatically change the role of the Senate.

Reconciliation means no less than Senators giving up their fundamental right to extended debate and amendment. Those are the things that distinguish this body from parliamentary bodies the world around. It is what has made this Chamber the greatest parliamentary body in the world. All of that is at stake in the next 3 hours, because at the end of that time we are going to vote, and how we vote will help determine the future role of this body.

Reconciliation was established in 1974 to allow Congress to make last-minute spending or revenue changes. It was not intended to be used to enact major new spending proposals or major tax cuts or substantive policy changes. It was a device to make small changes. It was in that context that Senators were willing to limit their right to debate and offer amendments, because it was so narrowly to be applied.

By the early 1980s, reconciliation had evolved into a mechanism for deficit reduction. For example, in 1981, Congress used reconciliation to enact the spending cuts that President Reagan called for. It was not used for the tax cuts that President Reagan proposed and that were passed precisely for the reasons I have given. It was for deficit reduction, not for spending, not for tax cuts.

In 1985, Congress passed the Gramm-Rudman-Hollings Balanced Budget Emergency Deficit Control Act and, in separate legislation, the Byrd rule. Both proposals served to limit the focus of reconciliation solely to deficit reduction.

What is being proposed now is precisely the opposite, a $1.6 trillion tax cut with limited debate, limited time for amendment, the rights of each Senator sharply curtailed. That was never the intention of the Founding Fathers of our Nation—never.

There have been attempts in recent years to dramatically alter reconciliation to implement major tax cuts instead of to achieve deficit reduction, but not once have those changes been enacted. No reconciliation package that did not reduce the deficit has ever been enacted—not one.

The Senator from Texas referred to 1993 and President Clinton's budget that included reconciliation. Precisely so, because that was a deficit reduction package.

In example after example that has been given by my colleagues on the other side, they have neglected to point out that when reconciliation actually was used and law was enacted, those were deficit reduction packages.

Every one that involved a tax cut was never enacted—not once.

That is why this debate is so consequential, so profound, and will set a very important precedent.

In 1981, a colloquy occurred during consideration of the reconciliation bill. Majority leader Howard Baker, the Republican leader, and the Democratic leader, Senator BYRD, underscored the belief that the intent of reconciliation was limited to deficit reduction.

According to Senator Howard Baker, the revered Republican leader:

> Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it as such is to break faith with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights. In 1985, Congress passed the Gramm-Rudman-Hollings Balanced Budget Emergency Deficit Control Act in order to reduce the growing budget deficit. The 1985 act provided that no amendments to a reconciliation bill would be in order if the amendment did not have the result of reducing the deficit. That was the purpose of reconciliation, to reduce deficits, to either increase taxes or to cut spending but to reduce deficits. It was not designed to either allow or permit an increase in spending, or cuts in taxes. That is precisely the opposite of what was intended.

I call my colleagues' attention to something the chairman of the Senate Budget Committee said back in 1985. He said:

> Frankly, as chairman of the Budget Committee, I am aware of how beneficial reconciliation can be to deficit reduction. But I am also totally aware of what can happen when we choose to use this kind of process to basically get around the Rules of the Senate as to limiting debate. Clearly, unlimited debate is the prerogative of the Senate that is greatly modified under this process. I have grown to understand that this institution, while it has a lot of shortcomings, has some qualities that are rather exceptional. One of those is the fact that it is an extremely free institution, that we are free to offer amendments, that we are free to take as much time as this Senate will let us to debate and have those issues thoroughly understood both here and across the country.

The Senator from New Mexico, our budget chairman, was right when he said that in 1985.

He said in 1989:

> There are few things about the United States Senate that people understand to be very, very, significant. One is that you have the right, a rather broad right, the most significant right, among all parliamentary bodies in the world to amend freely on the floor. The other is the right to debate and to filibuster. When the Budget Act was drafted, the reconciliation procedure was crafted very carefully. It was intended to be used rather carefully because, in essence, Mr. President, it vitiated those two significant characteristics of this place that many have grown to respect and admire. Some think it is a marvelous institution of democracy, and if you lose those two qualities, you just about turn this U.S. Senate into the United States House of Representatives, our other parliamentary body.

That is what this debate is about. Are we going to have a Senate that functions as our forefathers intended, as the Framers of the Constitution intended, or are we going to turn this body into a second House of Representatives?

That would be a profound mistake—a mistake for our country, a mistake for this Chamber, and a mistake for the future.

I hope very much that cooler heads will prevail, that we will vote to reject reconciliation for this purpose, and that we will reserve it for deficit reduction.

This is a profoundly important decision. We have just a few hours before it will be resolved. I hope very much that we understand and appreciate that we can consider tax cuts in this Chamber without using the reconciliation process that limits the rights of Senators and that changes the role of the Senate.

Massive tax cuts were considered without reconciliation in 1981. They can be considered without reconciliation in the year 2001.

That is what we should do. That is what we must do.

I thank the Chair. I yield the floor. I ask my colleague from West Virginia to proceed.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, Herodotus, the Father of History, instructs us that on his way to Salamis, Xerxes the Great, the Persian monarch, ascended a hill because he had a longing to behold his mighty army, which was probably the largest army that was ever assembled in the history of the world. And arriving there, he paused to look upon all of his mighty hosts.

As there was a throne of white marble, which had been prepared beforehand at his bidding, Xerxes the Great, son of Darius and grandson of Cyrus the Great, took his seat upon it, and he gazed thence upon the shore below, beheld at one view, all of his mighty land forces and all of his ships, which he had assembled for this great battle, which would soon occur in the Sea of Aegina, and which is recalled to us as the battle of Salamis in 480 B.C.

As he looked and saw the whole Hellespont covered with the vessels of his fleet, all the shores and every plain about him as full as possible of men, Xerxes congratulated himself on his great power and his great fortune, but after a little while, he wept.

Then, Artabanus, the King's uncle, when he saw Xerxes in tears, said to Xerxes: "How different, Sire, is what thou art now doing from what thou didst a little while ago? Then thou didst congratulate thyself; now, behold, thou weepest."

Replied Xerxes: "There came upon me a sudden pity when I thought of the shortness of man's life, and considered that all of this mighty host, which has gathered from the many provinces under my control as King of Persia, so numerous as it is, not one —not one—will be alive 100 years from today."

So, Mr. President, as I stand today and gaze upon this Chamber, I, like Xerxes, consider that of the 100 Senators—when I came here there were 96; and there were 100 Senators in the original Roman Senate—of the 100 Senators who will cast their votes today, not one will be alive when 100 years are gone by. But just as we who live today revere the names and the works of our illustrious forebears who framed the Constitution 214 years ago, so will our posterity—our children, our children's children, and our children's children's children—look back upon us and our works. And may our children, oh, God, have cause to bless the memory of their fathers, as we have cause to bless the memory of ours.

Posterity will see fit to look back upon us, whether it be 100 years from today or whether it be 10 years from now, and will have reason to judge us, in considerable measure, by whether we, in our time, so serve as to perpetuate the blessings that have come down to us from our forbears, the greatest blessing of all being the Constitution of the United States—I hold it in my hand—and the perpetuation of the rights of men and women, the perpetuation of the constitutional principles laid down in that document, the perpetuation of the principles of freedom to debate and amend that have been handed down to us as Senators by our forefathers.

Will our posterity thank us for perpetuating a Senate founded upon the bedrock principles of freedom of debate and amendment? Will they remember us as having so acted as to hand down to them unblemished, untarnished, and unstained the right and freedom to speak, to debate, and to amend? The rights of Senators to debate and amend at length are being denied. And such a denial is a denial of due process—due process. And that denial is not only a denial of our rights to amend and to speak freely in this Chamber at length, but a denial to our constituents who send us here.

These rights go back hundreds of years. They did not originate in 1787 in Philadelphia. They did not originate there. They were recognized centuries ago. And their roots are buried deep in the mists of antiquity.

I will read just a few words from the Magna Carta, which was signed at Runnymede, in the meadow at Runnymede, on June 15, 1215, when the King was compelled by his subjects to sign that great document. Let me read briefly therefrom. Chapter 12:

> No scutage nor aid shall be imposed on our kingdom, unless by common counsel of our kingdom. . . .

What was an aid? An aid was a revenue, a kind of revenue that vassals of the King were compelled to pay him.

> No scutage nor aid shall be imposed in our kingdom, unless by common counsel of our kingdom. . . .

That means everybody.

Chapter 14:

> And for obtaining the common counsel of the kingdom anent the assessing of an aid (except in the three cases aforesaid) or of a scutage, we will cause to be summoned the archbishops, bishops, abbots, earls, and greater barons, severally by our letters [under seal]; and we will moreover cause to be summoned generally, through our sheriffs and bailiffs, all others who hold of us in chief, for a fixed date, namely, after the expiry of at least forty days, and at a fixed place; and in all letters of such summons we will specify the reason of the summons. And when the summons has thus been made, the business shall proceed on the day appointed, according to the counsel of such as are present, although not all who were summoned have come.

Now what was King John saying? He was saying: No tax, no aid, no revenue will be imposed upon my vassals, my people, except by the common consent of the kingdom, not just by the common consent of a few. And he indicated in writing, by the way he defined the various groups of people—meaning all of his people would be represented: the archbishops, the bishops, the earls, and so on—that they would gather and that they would pass upon the revenues that he requested.

So as we deal with the matter before us, which involves revenue, let us remember that our rights, our people's rights to be represented by us in full, the roots of those rights go back centuries and centuries ago.

At Runnymede, at Runnymede,
What say the reeds at Runnymede?
At Runnymede, at Runnymede,
Your rights were won at Runnymede!
No freeman shall be fined or bound,
Or dispossessed of freehold ground,
Except by lawful judgment found
And passed upon him by his peers!
Forget not, after all these years,
The Charter signed at Runnymede.

Today we are finding, over the experience of the last few days, that those rights, the roots of which go back to Runnymede and beyond, are being short-circuited. They are being trampled upon.

We are in very uncharted waters with this budget. It is a 10-year budget. This is the first time in my long tenure of nearly 49 years on Capitol Hill that the Congress has ever tried to enact a 10-year budget. No one is very sure of any of the assumptions and estimates underlying this 10-year budget plan—nobody. Even those witnesses who appeared before our committee, the Budget Committee, indicated they couldn't be sure of their estimates. Yet, some in this body are perfectly willing to roll the dice and let the devil take the consequences.

I am amazed that this tactic is even being attempted. We have an equally divided Senate, 50 Republicans, 50 Democrats. The Presidential election was virtually a tie in the popular vote. There is no clear mandate for this President. Mr. Bush is President. He took the oath of office. There is no question regarding his being the President of the United States—no question—no question whatsoever as to his legitimacy in holding this office—none. But there is no clear mandate. We have not heard the voices of the people clamoring for this economic plan. Yet, the majority side is using this procedural straitjacket called reconciliation to keep free-flowing debate, for which our forefathers fought and died, from happening, free-flowing debate and amendment on the forthcoming tax cut. There is no mandate for that tax cut, with 50/50 in the Senate and the membership in the other body being likewise very close insofar as the number of Republicans and number of Democrats are concerned.

This President has said over and over and over again that he wants to change things in Washington. This President has said he wants bipartisanship. Yet we are very far from any attempt at bipartisanship when we resort to heavy-handed tactics to shut out one side of the aisle.

We wanted a markup in the Budget Committee. We asked for a markup in the Budget Committee. We pleaded for a markup in the Budget Committee. We were entitled to have a markup in the Budget Committee. But didn't get it. The Budget Committee is split 11 to 11. In fact, instead of bipartisanship, then, what we have here is gamesmanship—gamesmanship of the worst sort.

There are those in this town who are so polarized, so intent upon winning that nothing else matters but to win. They don't care what they win as long as they win. They don't care what the cost is to this body, the central balance wheel of the Constitution, this body, the master stroke of the Framers, the jewel of the Constitution—the Senate. They don't care what the cost may be to the country. Winning is everything. They have to win.

We are tied here 50/50, and it doesn't matter so much how we attain the end, how we win; the important thing is that we win. At the time of the enactment of the Congressional Budget and Impoundment Control Act of 1974, it was thought that Congress would pass its first budget resolution at the beginning of each session, and this would be followed by the annual Appropriations Bills and any other spending measures. Then, Congress would issue any reconciliation instructions that might be necessary to bring the spending and revenues into line with the Budget Resolution, and that process was to involve the passage of a second Budget Resolution.

Reconciliation involves a two-stage process, in which reconciliation instructions are included in the Concurrent Resolution on the Budget—that is what is before the Senate—to direct appropriate Committees to achieve the desired budgetary results, and then to incorporate those results into an omnibus bill which is considered under expedited procedures in the House and in the Senate.

Fast track procedures were included in the Congressional Budget Act to help Congress quickly to enact necessary changes in spending or revenues so as to insure the integrity of the Budget Resolution targets. The fast track procedures limit Senate debate on reconciliation bills to 20 hours and allow only germane amendments. Time on reconciliation bills may be further limited by non-debatable motion. The managers of a reconciliation bill may yield back their time, which can further cut the time for consideration.

Unfortunately, reconciliation bills have proved to be almost irresistible vehicles for Senators to use to move all manner of legislation because of these fast-track procedures, and, in recent times, the misuse has been gross.

Fast track procedures take away from Senators—the elected representatives of the people in this Chamber—the opportunity to offer their amendments and to fully debate them. Reconciliation, therefore, is a non-filibusterable "bear trap" that should be used very sparingly and only for purposes of fiscal restraint.

In other words, reconciliation should be used only—hear me now—reconciliation should be used only for reducing deficits. I know my good friend from New Mexico says otherwise, but hear me. To trample upon the rights of men and women in this body, to take away from them the right to freely debate and amend measures, is a very serious thing.

We passed that act in 1974 saying, yes, we will, for a very narrow purpose, under certain narrow circumstances, take away for a brief time and for a brief purpose those rights, the right to debate and to amend. The Senate is the foremost upper body in the world today. Why is it so unique? Why? Because in this Chamber, men and women who are elected by the people back home have the right, the constitutional right, to freely debate and amend.

Augustus, the first great Roman Emperor, from 27 B.C. to 14 A.D., didn't like to hear senators argue and debate. So he was critical of senators who had the nerve to debate. And their answer was: "Don't senators have the right to debate, to speak, to criticize the commonwealth?"

Reconciliation was established only for reducing deficits. In 1999, the reconciliation process was used by the Republican leadership to allow for a $792 billion tax cut to be brought to the Senate using fast-track procedures, taking away the right to debate fully and amend that tax cut bill. I believe this was the first time—or at least one of the rare times—that reconciliation instructions were issued that mandated a worsening of fiscal discipline for the Federal Government. Unlike the fiscal year 1997 budget resolution, I do not believe that the budget reconciliation instructions in 1999 resulted in improving the fiscal status of the Federal budget. Again, in the year 2000, the reconciliation process was used to allow for major tax cuts to be brought before the Senate in reconciliation bills. In short, we have, in my view—and I think my view is based upon facts. I am not interested in who wins, whether it is Democrats or Republicans, as far as that is concerned; I am interested in maintaining unblemished, untarnished, and unstained the fundamental principles on which this Senate rests, and they are involved here. In short, we have, in my view, abused and distorted beyond all recognition the original, very limited purpose of the reconciliation procedure.

Now let those who wish to contest that do so. It is obvious that the Republican majority will, for the third straight year, attempt ultimately to fashion a budget resolution that will contain reconciliation instructions to the Senate Finance Committee and House Ways and Means Committee, directing them to bring forth the Bush administration's $1.6 trillion tax cut bill.

Taking advantage of the reconciliation procedures in this way would be the latest in what has become a steady degradation of the congressional budget process. Reconciliation, which was created to make it easier to impose budget discipline, is instead being used to make it easier to get around the Senate's rights to debate and amend. Reconciliation, therefore, is being turned on its head.

Hear me. "O, that my tongue were in the thunder's mouth, then with a passion would I shake the world!" There is no reason whatsoever to consider the President's tax cut proposal as a reconciliation bill. The Senate should take up this massive tax cut proposal as a freestanding bill. That is the way we have always done it. It is a tax cut bill. It should be fully debated and amended. That is what was done in 1981 when President Reagan sent to Congress his tax cut proposal. On that occasion, Congress used the reconciliation process to accomplish the spending cuts in the Omnibus Budget Reconciliation Act, but the Reagan tax cuts were brought before the Senate as a freestanding bill and were fully debated, without depending on reconciliation fast-track procedures. More than 100 amendments were disposed of, and the Reagan tax cut bill was debated for 12 days prior to its passage. The Senate Republican leadership in that instance chose to do the right thing by bringing the Reagan tax cut bill to the Senate as a freestanding measure rather than use fast-track reconciliation procedures. It was thoroughly aired.

Taking the easy way and doing the expedient thing rarely requires much leadership. The former Republican leader, Howard Baker, who was the majority leader—I was the minority leader—did the right thing for the Senate, for the President, and for the country.

In 1993, my own Democratic leadership—now, listen to this. In 1993, my own Democratic leadership pleaded with me. How many of my friends on the Republican side today would stand as firm as the Rock of Gibraltar as I did on that occasion? The Democratic leadership pleaded with me at length to agree to support the idea that the Clinton health care bill should be included in that year's reconciliation package. They came to my office on the floor below. Not only did Majority Leader George Mitchell and others of my colleagues attempt to persuade me to go along and not raise a point of order under the Byrd rule, which would require 60 votes to waive, President Clinton got on the phone and called me also and pressed me to allow his massive health care bill to be insulated by reconciliation's protection. He called me on the telephone. Here is the President of the United States calling this lowly former coal town boy and asking me to let his huge health bill come before the Senate on that fast track. I could not, in good conscience, however, look the other way and not make that point of order and allow what would clearly have been an abuse of congressional intent to occur.

How many others would do that today on that side of the aisle, stand against their President. Well, perhaps that is not too important.

I felt that changes as dramatic as the Clinton health care package, which would affect every man, woman, and child in the United States, should be subject to scrutiny. I said: Mr. President, I cannot in good conscience turn my face the other way. That is why we have a Senate—to amend and to debate freely—and that health bill, important as it is, is so complex, so far reaching that the people of this country need to know what is in it and, moreover, Mr. President, we Senators need to know what is in it.

He accepted that. He accepted that, thanked me, and we said goodbye.

I could not, I would not, and I did not allow that package to be handled in such a cavalier manner. It was the threat of the use of the Byrd rule—and my how that Byrd rule has been maligned and excoriated and criticized by many Members of the other body who should be thanking the Senate for it. It was the threat of the use of the Byrd rule that bolstered my position. My view prevailed then; my view is the same today. It is time for the abuse of the reconciliation process to cease. We should not be using tight, expedited procedures to take up measures that worsen the fiscal situation of the Nation and that have far reaching, profound impacts on the people. Reconciliation was never, never, never intended to be a shield, to be used as a shield for controversial legislation by depriving Senators of their rights and their duty to debate and to amend.

I want the Senate to have an opportunity to work its will and to apply its considered judgment to the massive tax cut that is being proposed by the Bush administration. I strenuously object to having such a far-reaching, critical matter swathed in the protective bandages of a reconciliation process and ramrodded through this body like a self-propelled missile. Nobody who has listened to the testimony of witnesses before the Budget Committee could possibly claim that the right choices are clear. There is vast uncertainty and disagreement about nearly every aspect of the Bush tax cut.

The President's proposal is not an edict, and the Senate is not a quivering body of humble subjects who must obey.

> Come one, come all! this rock shall fly
> From its firm base as soon as I.

This is the Senate. Reliance on reconciliation as the torpedo with which to deliver a knock-out punch for the President is a tactic that ought to be abandoned. It is not a fair course. It is not a wise course. It is not right to enforce this reconciliation gag rule upon the Senate. It is wrong. We must not shackle the intellects of 100 Members of the Senate in this way. We should not fear the wisdom of open and free-ranging debate about a proposal which is, at best, risky business. Now is no time to circle the wagons. Now is the time to hear all of the voices on both sides of the aisle. Now is the time to build consensus among ourselves and among the people we represent.

There will be no victory if we make the wrong choices and plunge this Nation back into a deficit status. There will be no victory. We will have plenty of time to regret and to weep.

The President has said that he wants bipartisanship. He has said that he has faith in his plan. I believe, therefore, that there is no need to hide behind the iron wall of reconciliation. This would be a hollow victory, indeed, for the President, and for the majority leadership in this body.

As to the tax cut itself, the Bush proposal is pretty stale bread. It probably came from last year's campaign wars that blew up in the snows of winter in New Hampshire. If it ever was a good idea, it probably is not now. The economic picture has changed since then and changed radically. The type and size of the tax cut proposed in the President's budget—and we have not seen his budget. Why haven't we seen his budget? It was promised to us for Monday of this week, but now we know that it will be Monday of next week before the budget comes here.

I have been among those who have urged that we just wait a little bit and, before we cross that railroad crossing where the lights are flashing, have the budget before us. We can have it by Monday. It is within 3 blocks of the Capitol right now being printed. So it is around. Why can't we have it?

The economic picture has changed, as I say, and it has changed radically. The type and size of the tax cut proposed in the President's budget obviously bears rethinking. The size of the proposed surplus has already been diminished by the stock market plunge.

Even the staunchest supporters of the President's $1.6 trillion tax cut idea would have to admit that the ground has shifted and that the President's plan might need some adjustment. Only an extremely doctrinaire mind would continue to claim that this tax cut is still a perfect fit for the present economy or the projected surpluses that go out to the far end of 10 years. That would be like claiming that your size 42 pants still fit fine after you have dropped 25 pounds. The economy has lost some weight since the President's plan was created.

I can understand the desire to win one for the new President. I can understand my good friend from Texas, of whom I am very fond and whom I consider a friend. I live with him here 5 days a week, 4 days a week in many of the weeks of the year. I live with the chairman of the Budget Committee who is an extremely able chairman. He is of the true Roman stock, and I admire him. I admire him. I am sorry that on this occasion we have to disagree. We will disagree, but disagreement, as far as I am concerned, lasts only for a day and then it is all in the past.

On the other hand, it is always well to remember that the Senate is an equal branch, with Members having decades—decades—of experience which is their duty, their responsibility to apply. The Senate should not behave like some eager puppy taking slippers to its master for a good word and a pat on the head.

We do this new President no favors to let him have exactly his way if that way is flawed. He will be blamed. President Bush will be blamed if this budget turns out to be a disaster for the American people. And we might be able to avoid some mistakes if the Senate is given a chance to debate and amend the tax proposal in a separate and freestanding bill.

The President would still get the credit if the amount was cut, but why would it not be better if it were handed to him after a freestanding debate?

What is a Republic? Madison in the Federalists No. 14 answered this question:

> In a democracy, the people meet and exercise the government in person; in a Republic, they assemble and administer it by their Representatives and agents:

Madison answered that question. Consequently, to whatever degree that Senators, the elected representatives of the people, are prevented from debating and amending the legislation of that Congress or the Senate, to that same degree the people are denied their rights to be heard and to make decisions through their elected representatives in the Senate.

Benjamin Franklin was asked by a lady following the Constitutional Convention's close on September 17, 1787: Dr. Franklin, what have you given us? The answer: A republic, madam, if you can keep it.

Now, in this regard, let's listen to one of the complaints enunciated in the Declaration of Independence against King George III of England. In this little book is contained the Constitution and the Declaration of Independence. At the beginning of the Declaration of Independence, Thomas Jefferson enunciated the complaints that the people had against King George III and the reasons why the colonialists were going to sever those bonds forever. Listen to this:

> He [meaning King George III] has refused to pass any laws for the accommodations of large districts of people, unless those people would relinquish the Right of Representation in the legislature, a Right inestimable to them, and formidable to tyrants only. He has dissolved representative houses repeatedly.

One of their major complaints was that the King had refused to pass laws unless the people would give up something, would give up their right of representation in the legislature.

That really, in essence, is what is happening here. A budget plan for 10 years is about to be passed and, as a result of that budget, unless the Senate votes otherwise today and/or tomorrow, the people, through their elected representatives, will be relinquishing their rights to have full freedom of debate and amendment when it comes to the Bush tax cut.

I say to Senators, the ranking member of the Budget Committee said only a little while ago that this is the most important legislation the Senate will act upon in this session. Why? Not only because it will involve a huge tax cut, the ramifications of which we cannot clearly see because we have no budget before us, but also because it goes to the root, the very marrow of the bone of Senators' constitutional rights on behalf of their constituents to fully debate and amend.

I say to Senators, our ancestors fought a war with England because of the denial of representation in the legislature where taxation was concerned. When the reconciliation process is employed to curtail debate and amendments on bills making huge tax cuts, the people are being denied true representation in the Senate because their elected representatives here, who happen to be in the minority, are being gagged by the fast-track procedures of the reconciliation process.

When a minority of Senators—and keep in mind, this is the largest minority that it is possible to have in this Chamber; there are 100 Members in the Chamber, 100 Members have been sworn and the breakdown is 50/50, so the minority is as large a minority as the Senate could possibly have. A minority of Senators are being denied by the reconciliation process the right to debate at length and the right to freely amend. The people of the United States, who are represented by that minority in the Senate, are, in essence, being forced to relinquish the right of representation in the legislature.

How much time remains?

The PRESIDING OFFICER. The time remaining is 26½ minutes.

Mr. BYRD. Let me briefly respond to the distinguished chairman of the Budget Committee. A chairman of any committee could be no more distinguished than the chairman of the Budget Committee. Anent the chairman's statement that what we are doing today is fully in accord with the intent of the Budget Act, I am saying that it absolutely is not.

Mr. CONRAD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CONRAD. I inquire as to the time remaining on our side and the time remaining on the Republican side.

The PRESIDING OFFICER. The minority has 25½ minutes and the majority has 61½ minutes.

Mr. CONRAD. I ask the Senator if he could wrap up fairly quickly so we can turn to the other side so we will have some time remaining for requests of other Senators.

Mr. BYRD. Absolutely. I will be glad to do that. I will postpone what I was going to say in response to the chairman's claim that this Budget Act can be in conformity with the act's intent and be used to cut taxes.

I challenge that. I am ready to do so. I will not do so at the moment.

On the other hand, I think I should. Section 310 of the Congressional Budget Act, as enacted in 1974, was arguably neutral in its purpose. The provision merely authorized reconciliation instructions to change laws or bills within a committee's jurisdiction. However, several amendments to the Congressional Budget Act have made it quite clear that the purpose of reconciliation was for deficit reduction.

Section 310 of the act was amended by the Balanced Budget and Emergency Deficit Control Act of 1985, Gramm-Rudman-Hollings, to prohibit amendments to reconciliation bills that reduced revenues, if the amendment caused a committee to fail to meet its reconciliation instruction. This prohibition would make no sense if committees could be instructed to reduce net revenues. It only makes sense if a committee could be instructed to increase revenues. Furthermore, the Byrd rule was added as section 313 of the Budget Act. It prohibits as extraneous any provision reported by a committee that reduces revenues if that committee failed to meet its reconciliation instructions. The Byrd rule also prohibits as extraneous a provision that results in net revenue losses in the years beyond the budget resolution, the outyears, unless those losses are compensated for by outlay reductions.

Again, these provisions make no sense if committees could be given a reconciliation instruction to reduce net revenues. They only make sense if committees could only be instructed to increase revenue.

It should also be noted that section 310 was amended in 1990 to specifically authorize a reconciliation instruction "to achieve deficit reduction". Thus, there is explicit and there is implicit language standing for the principle that the purpose of reconciliation is for deficit reduction. There is nothing in the Congressional Budget Act stating that reconciliation can be used to reduce revenues. The only conclusion that can be drawn is that this process is for deficit reduction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I inquire of the chairman of the Budget Committee if he would prefer to go at this point.

Mr. DOMENICI. I understand the distinguished Senator wanted to speak for 4 minutes. I am delighted to have him do that, if it is all right with Senator CONRAD.

Mr. CONRAD. I am delighted to yield 4 minutes to the Senator from Florida.

Let me say to my colleagues, we have very little time left on this side. It is our intention, after the Senator from Florida has spoken, to allow those on the other side of the aisle to take an extended period of time to express their view before we come back to our side.

With that, I yield 4 minutes to the Senator from Florida.

Mr. DOMENICI. Mr. President, I am happy to hear the Senator's intention, but I do not know what the intention is on our side. We are going to do our very best to be fair. We had to sit through a very lengthy discussion that I thought was very powerful. We would like a little bit of time to make our rebuttal.

I am suggesting you can go another 4 minutes if that is all right with you all.

Mr. CONRAD. Yes. We thought we would go to the Senator from Florida and yield 4 minutes to him.

Mr. DOMENICI. I failed to mention that we have a whole series of votes on amendment. I might say to Senator REID, that might occur tonight after the 6:30 commencement of the vote on the Domenici reconciliation amendment. I hope Senators do not run off after this next vote. I think there could be 3 hours' worth of votes tonight just on what we have already agreed to do.

Mr. REID. I say to my friend, if he will yield, the staff is working to see if any of those eight amendments can be accepted. But whatever, there is going to be a lot of voting starting at 6:30.

Mr. DOMENICI. That is correct. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am moved to speak because of the eloquence of the Senator from West Virginia and what he has taught us today by his statements as the author of the Byrd rule, as the author of the reconciliation act, and how he has woven the importance of this body being able to freely debate and freely amend into the course of history.

He talked about Runnymede. He talked about Xerxes. As he was speaking so eloquently, it recalled to my mind Athens in the fifth century before Christ, one of the greatest golden times in the age of civilization of planet Earth. But Athens had a problem in a bald-headed, bandy-legged little man by the name of Socrates who liked to ask all kinds of questions and who liked to challenge the established order of things Athenian.

In the process of that experience with democracy and free speech, the special interests of the day urged the crowd so that the pack became in full cry to shut up the man who dared to ask the questions—Mr. Socrates. Ultimately they offered him the cup and said: Have a drink, Mr. Socrates.

Socrates was such a part of that Athenian society that rather than break the rules, he drank from the cup. He showed by so doing that he adhered to the highest principles of Athenian society while they were muzzling and shackling and clamping his mouth shut.

It is because of that, as a part of the lessons of history, added to the great lessons of history that the distinguished Senator from West Virginia has shared with us today, that ultimately led to that brilliant band of political thinkers who all came together to fashion this thing we know as the Constitution of the United States, that we do not want to limit debate or limit amendment, especially, as the Senator has so eloquently explained to us, on something as enormous and effective on these United States as a tax bill that will take prevail for 10 years.

I thank the Senator from West Virginia for the history lesson he has given us. I thank him for what he represents as the true historian of this Senate, who can put this debate in perspective and give us another reason we should not have this reconciliation instruction that will muzzle this Senate on something so important to the discourse of the day, an enormous tax bill.

I thank the Senator from West Virginia.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. From our side of the aisle I want to say Senator GRASSLEY is here ready to speak. I understood there were a couple of other Senators, including Senator GREGG, who wanted to speak. I cannot assure you as soon as you walk on the floor that you will be able to speak because time is back and forth and Senator BYRD was entitled to speak. In a few moments I will yield to my colleague. I understand he has some very responsive remarks. I want to hear them myself.

Let me say to Senator BYRD, I have heard often—and perhaps I should say oftentimes—from you of your humble beginnings. I do not in any way want to suggest that I had humble beginnings. I am not sure my humble beginnings are relevant. I am sure yours are.

But just so we will know, my father came all the way from Italy, when he was 14, to the city of Albuquerque. He never learned how to write English. He could not read well, but he could speak three languages. He did all right with a small grocery business. He took care of five children; it looks like all of them went to college; it looks like he left enough for his wife, to take care of her; and that is all he worried about.

But I, too, have been challenged by a President. You were challenged by one. I will explain about that challenge in just a moment. I was challenged by Ronald Reagan. You weren't on the Budget Committee then. I wish you would have been. We were marking up after an Easter recess, having asked the President's Defense Secretary to negotiate with us for 2 months on two different occasions. This Senator from humble beginnings, son of the Italian immigrants, was called by the President, called out from a committee meeting to an office, and he said: Adjourn the meeting. I need to discuss things with you.

Let me tell you that we marked up the bill that afternoon. We finished because I had my job to do and he had his job to do. We gave him more defense money. He ended up getting more when Congress was finished, which is interesting, too.

Let me suggest to the President, and to those who are quite impressed tonight by the remarks given by the senior Senator from West Virginia—and I remind everyone that he has had 43 years to learn about this Senate; I have only had 28. I feel very strongly about the Senate, just as he does, except I don't have any history to quote. That is just because I am not a history person, be it ancient, modern. Whatever the history, I am just not very good at it.

But I can tell you that Senator BYRD's argument tonight is 27 years too late. In fact, he should have made that argument before we adopted the Senate Budget and Impoundment Act. He helped write it. I didn't help write it. I voted for it. But my recollection is that not a single Senator voted against it. Let me tell you that Senator BYRD should have made an argument then. This bill was filled with all the risks he talks about to change forever what the Senate stands for. If that wasn't the case, Senator BYRD should have objected and should have come and given this speech the 15 times that we have used reconciliation—10 times to raise taxes and 5 times to reduce taxes. He did object to one of those. He lost on a reduction of taxes. But that is when the argument tonight, ever so eloquent, should have been made.

For those enraptured about the qualities of the Senate as discussed tonight, let me remind everyone that we changed them. We changed them under the authorship of the distinguished senior Senator from West Virginia who argued tonight about what a serious impact of a negative type this reconciliation instruction is going to impose on the Senate.

I remind everyone. I see the tax-writing staff is here. Some of them have been through all of these. They can probably come over here and help me. They didn't like it when they were told to do a tax increase. That is probably what they liked the least.

We did it. You know what happened on those instructions? The Senate did not have a chance to filibuster them. On not a single one of them did they have a chance to filibuster. Why? Because this act prevailed.

Let me remind you that they did not have a chance to filibuster them or amend them significantly, whether they increased taxes or diminished taxes.

On the argument that this Budget Act is not policy neutral, which the distinguished Senator from West Virginia challenges, let me just say I was part of the whole thing. I think it remains neutral. The only thing it permits us to do of a multiyear nature is to look forward to what will certain policies do in the future. That is what it permits us to do. It doesn't say in this Budget Act that you can do that only if you are reducing deficits. It just doesn't say it. The Senator interprets it that way. I don't interpret it that way.

Let me also talk a minute with the Senate about the event. You know the event, when President Clinton almost got us to vote on a health care plan. I don't say any of this in a contentious manner toward any Senator. But I have already heard two Democratic Senators submit to the Senate, including my friend from West Virginia, that we were responsible for us not considering the plan, which is sometimes called the Hillary Clinton Health Care Plan. They were responsible for its failure—President Clinton's big health care plan.

Let me tell you. The truth is, 3 years before we considered that, my good friend had prevailed in the Senate with a statute—not a ruling, a statute—that created the Byrd budget rule carrying his distinguished name. We did it around here for 3 years before that. And we finally said: You are right. Let's pass the Byrd rule.

Guess what the Byrd rule would have done if they would have brought President Clinton's health care bill to the floor. Any Senator could have raised a point of order under that rule, the Byrd rule. Any Senator would have gotten a ruling from the Chair that it was subject to a point of order.

Guess what next. It would require 60 votes to pass.

So let's be honest and realistic. Senator BYRD has been part of helping fix this up for a number of years, but he has never been able to fix it up to deny its efficacy as changing forever the rules of the Senate so long as this Budget Act exists.

Having said that, I want to comment on something else.

Mr. SARBANES. Will the Senator yield?

Mr. DOMENICI. I haven't had much time. Let me finish. Am I doing something wrong that you would like to correct me on?

Mr. SARBANES. I think you are misstating Senator BYRD's position.

Mr. DOMENICI. I don't believe so. I was here for the whole speech. You can speak on your own time.

Mr. BYRD. Mr. President, will the Chair enforce the rule that Senators must address each other through the Chair and in the third person.

The PRESIDING OFFICER. The Chair will enforce the rule.

Mr. DOMENICI. I understand. I will try to do that.

I want to talk a minute about Leader Baker's role in determining all of this, if you will permit me for a moment.

First, let me put Senator Baker's comments in context. Maybe it would be best to do this. Senator Baker's comments were made, to the recollection of the Senator from New Mexico, with reference to a Commerce Committee bill. The Commerce Committee was then under the chairmanship of Robert Packwood. Senator Packwood took a little, tiny instruction that told that committee to change a fee—something that you are charging. He wrote a whole reauthorization of the telecom bill with a little, tiny instruction for a few hundred thousand dollars. Senator Baker said: You shouldn't do that.

That was the beginning of the Byrd rule. That was the beginning of a rule which said amendments have to be fiscally related and germane.

We are very pleased that the distinguished Senator from West Virginia did that. We are very pleased that rule governs even today. But it doesn't govern with reference to a tax reconciliation bill because, as a matter of fact, we have done that 15 times since the adoption of this bill.

Let me tell you a little bit about the origins of reconciliation. I remember very vividly because we were in the minority. The other side was in the majority by quite a healthy margin. The chairman of the Budget Committee was Senator Ed Muskie when the first reconciliation was used. The other side of the aisle was getting close to election time. There was a concern about a deficit. So a reconciliation instruction was used—$8 billion for all intents and purposes, something we almost round off these days.

Guess what one of the committees was that was reconciled in that instance to raise a few dollars. I know it sounds not right, but it is right. The Agriculture Committee was reconciled to change the School Lunch Program costs to impose an extra 5 cents on the school lunches across America. How do I know that? Because this man right here, the chief of staff on the majority side, was then at the Department of Agriculture. He was asked to enforce that after it was passed. I believe the reason he is with the Senate is because they made him the scapegoat over there for passing the measure that was reconciled by the Congress to them.

Mr. GREGG. Mr. President, will the Senator from New Mexico yield for a question?

Mr. DOMENICI. I am pleased to yield for a question.

Mr. GREGG. In listening to the presentation of the Senator from West Virginia, as I understood it, the Senator from West Virginia was essentially saying you could use the reconciliation for the purposes of raising taxes in order to reduce the deficit but you cannot use it for the purposes of cutting taxes that do not involve addressing a deficit.

Mr. DOMENICI. Yes.

Mr. GREGG. At the same time, the Senator from West Virginia argued reconciliation was an inherently inappropriate concept because it cut off debate here in the Senate and therefore it was inappropriate in the sense that it limited the ability of this Senate to exercise its due privileges on an issue.

Aren't those two arguments inconsistent: To say that reconciliation could be used in one instance, no matter what the instance is, but, on the other side, it is inappropriate to use reconciliation at any time because of the nature of the Senate and its need to have debates?

Mr. DOMENICI. Senator, let me say, I think they are. But I believe implicit in the Senator's argument is that he does not think so. But maybe he should answer that.

Mr. GREGG. Will the Senator yield for a question?

Mr. DOMENICI. Maybe the Senator from West Virginia would like to answer that. I am not asking now. I was trying to follow the admonition not to say "he" but "the Senator from West Virginia." I try very hard. I slip sometimes.

Mr. GREGG. Will the Senator yield for another question?

Mr. DOMENICI. Yes.

Mr. GREGG. In reviewing the RECORD of the Senate, I noted that when the ruling was made in 1996, the question asked by Senator DASCHLE to the Chair was:

> Is it the opinion of the Chair that this resolution would continue to be a budget resolution if it directed the creation of that third reconciliation bill—the one that solely worsens the deficit—

And I underline and emphasize those words, "the one that solely worsens the deficit"—

even under circumstances when the Congress had failed to enact the prior two reconciliation bills?

And the Chair ruled:

> If the Senator's question is, can the budget resolution direct the creation of a reconciliation bill which lowers revenues, the answer is yes.

Can this language be any clearer, I would ask the chairman of the Budget Committee, that the Chair has ruled that reconciliation can be used to reduce taxes even if it worsens a deficit and therefore is not a deficit issue?

Mr. DOMENICI. No question about it, I say to the Senator. As a matter of fact, you might know that the Senator from New Mexico, in preparing the budget resolution, had that in mind. And it was so clear to me that I put the reconciliation in the budget bill because it seemed to me we already decided that—the Chair had already decided it. And unbeknownst to me, even though that is what you read, and that is what I think it says, and that is what I think it says, we had to go around and do what we are doing tonight, even with that interpretation because there was a parliamentary understanding that was somewhat different from that. So that is the case.

I think you are right. But I think you should understand that we asked for that ruling, and we would have been involved in not getting a debate on the budget resolution. It would have been freely debatable if we had tried that.

Mr. GREGG. I understand that. I guess my question is, Hasn't the Chair, in fact, ruled on this issue? Is it not the precedent of the Senate, as defined by this language at least, which is fairly clear?

Mr. DOMENICI. I do not think there is any question. That is my interpretation. I thank you for it. I do not think there is any doubt whatsoever.

Mr. SARBANES. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HUTCHINSON). Does the Senator from New Mexico yield?

Mr. DOMENICI. I say to the Senator, I am not one who is fearful of questions, but I really want you to know I very much would like to answer a few more thoughts because I paid very close attention, and I don't think the Senator from Maryland, in all deference, was even here when I listened to most of this distinguished Senator's remarks. I would like to finish my remarks.

Mr. SARBANES. If the Senator would yield on that point.

Mr. DOMENICI. I will be happy to.

Mr. SARBANES. I was here for a good part of it.

Mr. DOMENICI. Yes, sir.

Mr. SARBANES. I think the Senator from New Mexico was here for all of it.

Mr. DOMENICI. That is correct.

Mr. SARBANES. I cannot claim that. And I respect the Senator from New Mexico for that. But I was here for a good part of the time. Does that qualify me to ask the Senator a question?

Mr. DOMENICI. It does, I say to the Senator. I am glad to answer a question. It qualifies. You do not have to make that statement. You are qualified.

The PRESIDING OFFICER. Does the Senator from New Mexico yield?

Mr. SARBANES. It seems to me what Senator BYRD is underscoring is that the Senate, when they first passed the Budget Act, made a great exception to the process of unlimited debate in order to try to bring the deficit under control. The guiding rationale for making that exception was limited to accomplishing deficit reduction. No one, in their wildest dreams, ever imagined we were going to be out here trying to deal with reconciliation instructions which would lower the surplus or potentially increase the deficit.

Mr. DOMENICI. I say to the Senator, I believe if you are going to make a speech, it ought to be charged to their time.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. SARBANES. Does the Senator disagree with the initial purpose of the Budget Act?

Mr. DOMENICI. I am very glad to answer. I totally disagree. I do not think that was the initial purpose. The Budget Act simply allows us to use reconciliation to carry out the fiscal policies outlined in the budget.

Now if Congress wanted to run deficits with policies it enacted, they could decide to do so with the laws it passed and that were outlined in its budget. In other words, if Congress wants to run surpluses, it could do so under the act. Also under the Act, it could also reduce them. So that is my interpretation. And I want to finish my remarks.

Now, Mr. President, I note the presence of Senator GRASSLEY who I really want to speak on taxes. But I do want to say, underlying a very large quantity of the arguments here tonight is inherently an anti-give-the-people-back-their-money attitude—to wit, tax cuts.

The truth is, there are some who just do not want to have tax cuts. I understand that. I do understand that very clearly. There are Senators who would rather spend the money than give it back. I am not saying every Senator—some Senators.

Frankly, I do not believe those feelings ought to enter this debate. But if a Senator wants to have those feelings, then he ought to be right on this debate because it does not have anything to do with those feelings. It has to do with the Budget Act—a Budget Act that, I repeat, changed the rules of the Senate for so long as we apply that Budget Act.

I want to repeat, we have used that act for small and large tax increases. How do you think the Senators on the Republican side feel who want to do tax cuts? I am standing up here telling them it is somebody's interpretation that you can surely increase taxes with reconciliation, I say to Senator GRASSLEY, chairman of the committee, but you cannot decrease taxes. You cannot reduce taxes. I believe you would have to have a strong, absolute determination in this act that that was the case, or the Senator from Iowa would claim it was discriminatory against whom? The taxpayers, the average person. You can surely get them for increases, but you cannot give them a decrease, right? At least not under this act, if you are going to interpret it as some choose to interpret it tonight.

So I know this is a historic argument. And I don't know if I appreciated its historical significance when we started tonight, but I have been reminded of it.

So if there was any lesser thought on my part, I am right there. It is an historic argument, except that it isn't a very new argument. It isn't a very new use of reconciliation that is being argued tonight; it is a very old use of reconciliation.

With that, how much time does the Senator desire? I ask Senator GRASSLEY.

Mr. GRASSLEY. I would like to have 25 minutes.

Mr. DOMENICI. I yield 25 minutes to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. The Federal Government is collecting too much in taxes. That is what is at the basis of the tax reduction package we hope to get through the Senate in a couple months. The Federal Government will accumulate over $3.1 trillion in excess tax collections over the next 10 years. Federal tax receipts are at one of their highest levels in our Nation's history. The bulk of these excess collections comes from the individual taxpayer, mostly the individual income-tax payer. Individual income tax collections are currently near an all-time high, even higher than they were at some levels imposed during World War II.

So I have a series of charts I would like to have my colleagues review with me to illustrate our present situation.

The first chart shows total Federal tax receipts as a percentage of gross domestic product over the last 40 years. Tax receipts have fluctuated frequently since 1960, but the most shocking spike in tax receipts began in 1993.

The Congressional Budget Office's January 2001 report to Congress shows that in 1992, total tax receipts were around 17.2 percent of GDP. By the year 2000, Federal receipts had exploded to an astronomical 2.6 percent of gross domestic product. The significance of this percentage can only be appreciated by its historical comparison.

In 1944, at the height of World War II, taxes as a percentage of GDP were 20.9 percent, only one-half percent higher than they are this very day. By 1945, those taxes had dropped to 20.4 percent of GDP, which is actually lower than collection levels today.

It is unbelievable that in a time of unprecedented peace and prosperity, the Federal Government should rake in taxes at a wartime level. The sorriest part of this whole story is that this huge increase in taxes has been borne almost exclusively by the individual American taxpayer.

As this next chart shows, over the past decade, tax collection levels for payroll taxes, corporate taxes, and all other taxes have been relatively stable. We can see that corporate taxes during the past 10 years have increased very little, from 1.6 percent of GDP to 2.1 percent, and estate taxes have remained essentially unchanged. Collections of individual income taxes, however, have soared.

As this chart shows, in 1992, tax collections from individual income taxes were 7.7 percent of gross domestic product. That percentage has risen steadily each year and, as of the year 2000, was an astounding 10.2 percent of GDP. Individual income taxes now take up the largest share of GDP in history. Even during World War II, collections from individuals were 9.4 percent of GDP, nearly a full percentage point below the current levels.

As we can see, the source of the current and future surpluses is from the huge runups in a single tax, the individual tax collections. These excess collections are attributable to the tax increases forced through by President Clinton in 1993. Since 1992, total personal income has grown an average of 5.6 percent per year. Federal income tax collections, however, have grown an average of 9.1 percent a year, outstripping the rate of personal income tax growth by 64 percent.

The Joint Committee on Taxation, at the request of their parent committee, estimated that just repealing the revenue-raising provisions of President Clinton's 1993 tax hike would yield tax relief of more than $1 trillion over the 10 years. Democrats and Republicans alike can agree that individual taxpayers deserve relief from the Federal Government's overtaxation.

President Bush has offered a plan to reduce individual income taxes across all tax rates, all brackets, and to reduce the number of brackets as well. This benefits taxpayers all across America.

Now we hear, however, a hue and cry from some on the other side of the aisle that not all taxpayers should receive rate reductions. They say the President's plan disproportionately benefits upper income-tax payers and does not provide enough relief at the lower end of the income scale. There is some good news out there for those who believe that: None of those allegations are true.

We need to first understand the current distribution of the tax burden in America. We have a highly progressive income tax system. According to the Congressional Budget Office, the top 20 percent of income earners pay over 75 percent of all individual income taxes. By contrast, households in the bottom three-fifths of the income distribution pay 7 percent of all individual taxes. The President's plan not only preserves this progressive system but—surprise—actually makes those top income people pay more of the percentage of income coming into the Federal Treasury, if the President's plan is adopted.

To all those who are trying to engage in class warfare over the President's tax proposals, I invite them to pay attention to the next two charts. As the first of these two charts demonstrates, the President's marginal rate reductions, when combined with his increase in the child credit, the additional deduction for the lower earning spouse, and his refundable tax credit for individual health insurance, provides the greatest reduction in tax burden for lower income-tax payers.

Look at the levels of reduction in tax burden shown on this chart. The upper income-tax payers receive an 8.7-percent reduction in their burden. Those at the lower end of the income scale, however, receive a 136.2 percent reduction in their taxes. This is because 4 million taxpayers will be taken off the income tax rolls. A four-person family earning $35,000 a year will no longer have any income tax burden.

As this chart also shows, a large reduction of tax burden is targeted towards taxpayers making between $30,000 and $75,000 a year. These taxpayers will experience relief ranging from 20.8 percent to 38.3 percent of their current tax burden.

Now, I also said the President's plan, when passed, actually makes our tax system more progressive. Look at the next chart to get the proof of that. This is a very important chart for those who will demagogue the President's proposal on the basis of income differences.

As this chart demonstrates, under the President's proposal, the overall tax burden goes down for all taxpayers earning below $100,000. For taxpayers making $100,000 or more, however, their share of Federal tax burden will actually increase under the President's plan.

For example, the share of the tax burden for taxpayers earning between $30,000 and $40,000 a year will drop from 2.5 percent to 1.8 percent. Similarly, for those earning between $50,000 and $75,000, the burden share drops from 12.2 percent to 11.3 percent.

This is not the case, however, for taxpayers earning $200,000 or more. Their share of the overall burden will actually increase, and increase by a full 3 percent.

As we can see, then, the President's plan not only retains the progressivity of our tax system, that progressivity is actually enhanced. The President's plan gives tax relief to all taxpayers, and it does so in a fair manner, one that requires more from those who are able to pay and provides the greatest relief for those most in need.

There are several Members of the Senate who belong to a group called the Centrist Coalition. There is nothing wrong with that group; they are good people. They are out there to try to find compromise and to promote bipartisanship. In a time of a 50-50 Senate, you cannot knock that, and I do not. However, they have a plan on which I will comment.

The Centrist Coalition is concerned that $1.6 trillion is not the right amount of tax reduction and argue that the right number is somewhere between the Democrat's number of $900 billion and the President's number, $1.6 trillion. I thank Senator BREAUX, the head of the Centrist Coalition, for his efforts to find, as he says, a middle ground.

Senator BREAUX has a long history as one who tries to secure bipartisan consensus. He was one of the few Democrats to cross over and support the Senate tax relief plan in 1999. He is widely known for his efforts to find bipartisan consensus on Medicare. I will be relying on Senator BREAUX, along with Senator BAUCUS, when we take up Medicare legislation later this year. Earlier this year, I accepted the centrists' invitation to join their meetings. I attended a meeting in a recent week on tax options and found it to be a very useful discussion.

Senator BREAUX suggests that the middle ground is splitting the difference between the President's number of $1.6 trillion and the Democratic alternative of $900 billion. If those were the only two numbers to consider, I would probably agree that his number of $1.25 trillion is pretty close to middle ground. But the reality is that the numbers range, as Senator CONRAD has said, all the way up to $2.2 trillion down to $900 billion. Some of my colleagues on this side really like that $2.2 trillion number better, and I have to put water to dampen their desires, because we have to be realistic in this game.

In comparing the numbers, I, like Senator BREAUX, am not comfortable with either the Democrat number of $900 billion or the $2.2 trillion being thrown around by some on my side of the aisle. Unlike Senator BREAUX, however, I am comfortable with the $1.6 trillion number, and this is why. I am going to run through a hypothetical calculation of a tax cut agenda and look at each number to see if it accommodates the agenda of its proponents.

I want to look at Senator CONRAD's number of $900 billion. Now Senators DASCHLE, CONRAD, and the Democratic leadership have been talking a lot about their stimulus and rate cut package.

Under Joint Tax scoring, that proposal loses around $506 billion over 10 years. That leaves $394 billion out of their $900 billion for other tax cuts that Senator CONRAD and other Democrats say they support.

The Democrat alternative on marriage tax relief, which was offered in the Finance Committee last year, contained a revenue loss of $197 billion over 10 years, without a sunset.

The Democratic alternative on death tax relief contained a revenue loss of $64 billion over 10 years.

So using Democratic proposals and last year's revenue loss estimates, the Democrats have less than $133 billion in surplus left.

You have to keep in mind that these are only the Democrat proposals we are talking about. We have to consider that there are bipartisan tax cuts that passed either or both Houses of Congress during the past year.

There is the retirement security bill that Senator BAUCUS and I will soon be introducing. A similar bill passed the House almost unanimously. That bill will run about $52 billion.

There is a bill to repeal the Spanish-American War phone tax that passed the House last year by an overwhelming bipartisan margin, and that will run about $50 billion.

Then there is the small business and agricultural tax cuts that everyone supports. That package totals over $17 billion.

The education tax relief that unanimously passed the Finance Committee last month runs about $20 billion.

Now, you have to add up all these bipartisan tax cuts and, when you do, we have now exceeded the $133 billion that was left in the Democrat budget. It is all gone. And we haven't even factored in their greatest objection to the President's proposal, and that is the problem with the alternative minimum tax.

We have heard a lot of pointed criticism of the President's tax plan from Senators on the other side of the aisle on the issue of the alternative minimum tax. Senator CONRAD has said that it takes $200 billion to $300 billion to fix the AMT problem under the Bush plan. Senator CONRAD is correct that the President's plan could make the problem worse. As I have said, I intend to address that problem.

The Senate Democratic stimulus and rate reduction package does nothing about the AMT problem that they have addressed and found fault with in the President's program. In fact, their legislation will make this problem worse. According to the Joint Tax Committee, the Democrats' package will subject an additional 7 million taxpayers to the AMT.

So if Senator CONRAD and other Senators on the other side of the aisle want to practice what they preach, they will have to raise their budget's tax cut numbers to deal with the alternative minimum tax. As they have said, that is another $200 billion to $300 billion.

But at this point, after including their priorities and the bipartisan tax cuts, they don't have any surplus left to redress the AMT problem. So, as you can see, the Democratic budget number of $900 billion does not even accommodate their own tax priorities.

Mr. CONRAD. Will the Senator yield?

Mr. GRASSLEY. I believe many on the other side, like Senator BREAUX, know this.

I would like to finish, and then I'll respond; but I only have 25 minutes allotted.

Mr. CONRAD. Will the Senator yield on my time?

Mr. GRASSLEY. Yes, I will yield on his time.

Mr. CONRAD. Mr. President, I have great respect for the chairman. He and I have worked on many matters together. I want to take this moment to advise the Senator that we have $125 billion of our $750 billion tax cut unallocated. We have specifically not allocated it all so that some of it could be used to address the alternative minimum tax problem. So we have not done what we have criticized the other side for doing.

Mr. GRASSLEY. Mr. President, I thank the Senator for what he thinks is a clarification. But he, I think, makes my point. They have reserved some money, but when you add all of their proposals, and when you take into consideration the AMT, and when you also take into consideration their votes on bipartisan tax proposals, there is no way that you are going to squeeze that into their numbers.

Let me tell you, we have had problems on this side of the aisle. Even if we go at $1.6 trillion, there is going to be a difficulty squeezing everything in. But we have a problem of having the greatest amount of flexibility that we can.

Now, as has been said, the Democratic budget number of $900 billion does not even accommodate their own tax priorities. I believe Senator BREAUX knows that.

I think those who have proposed numbers in the range of $2 trillion to $2.4 trillion are also pushing the wrong number.

That tax cut number doesn't balance our priorities in paying down debt and targeted spending increases.

Senator BREAUX's number is better than the Democratic number because it allows more tax cuts to be addressed. However, it does not have enough room. Unlike the Democratic number, Senator BREAUX's number might be enough to cover Democratic priorities, plus a little bit more; but it would ignore the President's priorities.

So I believe the number that the President has proposed is appropriate but not just because he proposed it. It is appropriate because it will allow us to accommodate the bipartisan tax cut priorities before us.

Senator BAUCUS and I will need the full $1.6 trillion to make the tax cuts for all of you, through these votes and through these proposals, have indicated that you are interested in, and to make it work.

The Democrat side has said they want bipartisan legislation. So in order to do that, the Finance Committee will need $1.6 trillion in tax cut relief authority from the Senate through the budget resolution.

I also think that many in this body are looking at the number too much in terms of a win or loss for President Bush. This is true of Republicans, who tend to look at the $1.6 trillion number, or anything higher, as a win for the President. Democrats are looking at anything less than that number as somewhat of a loss for the President.

Democratic leaders, budgetwise and their elected leadership, have been explicit in this objective. They have worked very hard to try to defeat the President's tax cut. All the amendments we have been voting on take money from the tax cut, which indicates that is their strategy.

We ought to look at the numbers in terms of the tax cut agenda, including the President's proposal, the bipartisan and the bicameral proposals and, of course, the Senate's own proposals.

Senator BREAUX's amendment, while well intentioned, does not provide the Finance Committee with the tools necessary to do the job of delivering bipartisan tax relief to the American people.

I want to bring this down State by State. All politics is local, we are told. The Treasury Department has released data showing the number of individual tax returns on a State-by-State basis that will benefit from the President's tax relief plan. These returns are a mix of married couples filing jointly, single return filers, and heads of household.

The data is significant for all Senators. For example, in my home State of Iowa, over 1 million individual returns would benefit under the President's plan. If even half of those returns are married filing jointly, that means over 1.5 million people in my State will receive a tax benefit from the President's plan.

The numbers are even greater for larger States. For example, the number of individual returns that would receive a tax benefit under the President's plan in: Arkansas, 787,000; California, 11 million; Florida, 5.5 million; Georgia, 2.7 million; Illinois, 4.5 million; Louisiana, 1.3 million; Missouri, 1.9 million; Nebraska, 631,000; New Jersey, 3.2 million; New York State, 6.5 million; North Carolina, 2.7 million.

Keep in mind that these numbers I just listed are the number of individual tax returns. If a substantial portion in each of these States were married filing jointly, the number of taxpayers benefiting under the President's plan could nearly double.

The number of individual taxpayers benefiting under the President's proposal is simply too big to ignore; unless, of course, we focus on the smaller States that do not file as many individual tax returns. For example, North Dakota has only 230,000 individual returns filed. South Dakota has only 236,000 returns; Maine, 465,000; Rhode Island, 385,000; Vermont, 232,000.

Perhaps the tax benefits offered by the President's plan are not relevant to these smaller States. Those taxpayers do not really count, but they certainly count in my State, and I suspect they count in many of the other States as well.

An interesting study was recently released by the Tax Foundation, a nonpartisan tax-exempt organization.

I yield myself 5 more minutes.

The PRESIDING OFFICER (Mr. BENNETT). The Senator has yielded 5 more minutes and is recognized.

Mr. GRASSLEY. I am not going to go through this chart, but one can see we list the benefits of the households in the States, so one can see there is tremendous benefit and savings to the people living in these States.

Just think what these families can do with those dollars if we let them keep their hard-earned money instead of taking it away to squander in Washington. For example, I know the cost-of-living in California is high, but $15,800 in the pockets of the average household in that State would buy quite a bit. If they decide to pay down early on their 30-year mortgage, the interest saved would save them a tremendous number of house payments. It can buy kids clothes, family vacations. Let the family decide how to spend it.

The tax savings offered to the residents of each State is laid out in these charts, and I hope our constituents in each of these States hold us accountable to provide tax savings.

It is time to wrap up the debate on whether the Finance Committee will have an opportunity to cut taxes up to $1.6 trillion over 10 years. I underscore the word "opportunity" because that is what this debate is all about: the opportunity for a tax cut.

This vote is not about what the tax cut contains. That debate and vote will come later. That debate and vote comes when the Finance Committee marks up tax cut legislation. This vote is about whether we will consider the tax cut under reconciliation.

Reconciliation plain and simple, as we sit here today, is the only way we are going to get a tax cut for the American people in a timely manner.

There have been strong statements made by some on the other side about tax cuts and reconciliation. From the tone of the statements, one would think that a reconciled tax cut is a new event. We have gone through the history of it, and I do not want to repeat that history. It has been discussed between the Senator from New Hampshire and the Senator from New Mexico to a great extent, but I think it boils down to the question of cooperation and shared responsibility. A 50/50 Senate means shared power and, just as important, shared responsibility.

The Senate today is operating under a historic powersharing arrangement reached on January 5, 2001. Republicans following our leader yielded a significant concession to the Democrats. What did we get in exchange? What we got was, as Senator LOTT put it, a good-faith promise on the part of Democrats to cooperate.

In the Senate Finance Committee, I have had this sort of cooperation from Senator BAUCUS, and we will continue to do it. However, the opponents of Senator DOMENICI's amendment depart from the spirit of that historic agreement.

In 1993, with a new President and majorities in both Houses, Democrats used reconciliation to raise taxes. Democrats in 1993 used reconciliation within their right to further their President's program, a partisan-designed major tax increase.

Eight years later, we are faced with a similar situation, though I am hopeful more than one Member of the other side will support us. Republicans, by a razor-thin edge, have control of Congress and the Presidency. The core of President Bush's program, much as President Clinton's program 8 years ago, involves taxes. The difference is that President Bush wants to return a portion of the record level of income taxes to folks who pay them. Republicans did not object to use of reconciliation in 1993; Democrats should not object to Republicans' use of reconciliation today.

For those of us on this side of the aisle, this is a very compelling point, especially in the context of our concession in powersharing. I want to quote Senator BYRD from West Virginia on this point. He made this point on January 5, 2001, when this agreement was reached.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. May I do this one quote and then I will quit.

Mr. DOMENICI. I yield whatever the Senator needs.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Senator BYRD said:

> I know it has been difficult for Members, particularly on the Republican side to come to an agreement such as has been reached here, but they have been willing to give up their partisanship for the moment in the interests of the Nation.
>
> Also, it is exceedingly important—I have already mentioned it here—to George Bush. . . . It is vitally important to him, if he is to expect to see his programs considered and adopted. And hopefully, from his standpoint, certainly, and from the standpoint of many others, if he is to see those programs succeed, he—

Meaning President Bush—

> is going to have to have help. He can't depend on all of it coming just from his side—

Meaning the Republican side of the aisle.

> He is going to have some help over here. . . .

Meaning the Democrats side of the aisle.

As always, Senator BYRD said it very well. At this point in history, the President's agenda, including the cornerstone of his proposed tax relief for working men and women, is tied in with his power-sharing agreement. With this power-sharing agreement that govern the operation of this Senate, this year, certainly from the perspective of those on this side of the Aisle, there is a connection.

Therefore, it strikes us as particularly unfortunate that in the context of power sharing a new obstacle is raised to the use of the reconciliation process. It is particularly disappointing to this side of the aisle that this argument on reconciliation is forthcoming now. We believe the Domenici amendment should not be necessary. Reconciliation affords the President an opportunity to consider his program. It is an appropriate opportunity in the context of the history of the budget Act. It is also appropriate, and maybe more so, in the context of the power-sharing agreement governing the operation of the Senate, in this Congress, because the Senate is 50/50.

A vote for the Domenici amendment is not a vote for a tax cut; it is a vote to give the Senate the opportunity we ought to have to consider such tax relief for working men and women.

The PRESIDING OFFICER. The Senate from the North Dakota.

Mr. CONRAD. Mr. President, I remind the Senator form Iowa it was entirely appropriate to use reconciliation in 1993 because that was a deficit reduction piece of legislation. That is the difference. This is not deficit reduction.

Mr. LEVIN. Mr. President, I cannot support including reconciliation instructions in this resolution. This is a very important issue for the Senate as an institution and a very important issue for the future economic well-being of the nation. The Senate is a great legislative body, a deliberative body unique in the world. The central feature of the unique role the Senate plays is the fullness of debate and the openness of the amendment process.

The reconciliation process is a feature of the Budget Act which was adopted in 1974. When it was adopted, it was contemplated that the reconciliation process would be used as a tool of fiscal restraint. That is, that reconciliation would be used to reduce deficits.

The Chairman of the Budget Committee, Senator DOMENICI, himself, said in 1985:

> Frankly, as the chairman of the Budget Committee I am aware of how beneficial reconciliation can be to deficit reduction. But I'm also totally aware of what can happen when we choose to use this kind of process to basically get around the rules of the Senate as to limiting debate. Clearly, unlimited debate is the prerogative of the Senate that is greatly modified under this process. I have grown to understand this institution. While it has a lot of shortcomings, it has some qualities that are rather exceptional. One of those is the fact that it is an extremely free institution, that we are free to offer amendments, that we are free to take as much time as this Senate will let us, to debate and have those issues thoroughly understood both here and across the country.

And, in 1989, Senator DOMENICI said:

> There are a few things about the U.S. Senate that people understand to be very, very significant. One is that you have the right, the rather broad right, the most significant right among all parliamentary bodies in the world, to amend freely on the floor. The other is the right to debate and to filibuster. When the Budget Act was drafted, the reconciliation procedure was crafted very carefully. It was intended to be used rather carefully because, in essence, Mr. President, it vitiated those two significant characteristics of this place that many have grown to respect and admire. Some think it is a marvelous institution of democracy. And if you lose those two qualities you just about turn this U.S. Senate into the U.S. House of Representatives or other parliamentary body.

In 1981, former Majority Leader Howard Baker stated,

> Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights.

The amendment before us today would add reconciliation instructions to this budget resolution for a totally different purpose. The purpose is to shield the massive tax cut proposed by President Bush from full debate and the amending process in the Senate. This is the opposite of fiscal restraint. This is the opposite of deficit reduction. The reconciliation process would restrict debate to only twenty hours and potentially less time and would constrain amendments. It reduces the likelihood of compromise. It reduces the likelihood of the enactment of a tax cut with broad bipartisan support because it weakens minority rights and tempts the majority to force their version on the minority.

This would be a misuse of the reconciliation process and a disservice to the American people. The tax bill will impact the federal budget and the nation's economy for many years to come. It will cost more than $1.6 trillion over the next decade, probably much more. The American people, the people who send us here as their representatives have the right to have this tax cut considered and evaluated, debated and amended under the normal procedures which have made the Senate a great deliberative body.

In 1981, the reconciliation process was used to enact spending reductions which President Reagan sought. That was appropriate. However, the major tax cut which was the centerpiece of his program was considered that same year as a free-standing tax bill in the Senate. That is, it was considered under the normal Senate rules. The tax bill was fully debated for about twelve days and more than a hundred amendments were considered. There were fifty roll call votes. That was a process in the tradition of the Senate and did it credit. I was one of eleven Senators that voted against that bill. But the process that was used to adopt that tax bill was the appropriate and normal process. This is what makes the Senate the world's preeminent deliberative body.

Today, we are being asked to turn our backs on Senate history by adding language to this budget resolution which will make it more difficult for the Senate to fully debate, amend and work its will on tax legislation which we will consider in the weeks ahead. I support a tax cut, but not President Bush's version which I think is too large, relies on highly problematical projections. But, I cannot support this effort the circumvent the Senate's rules in order to pass without full debate and amendment any tax cut bill. Doing so is the opposite of the intent of reconciliation.

Mr. CONRAD. I yield 5 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I think it is useful to sit back and reflect, get a little perspective on this issue.

I remind Members we have a Constitution. Under the Constitution there is an article I, an article II, and an article III. Article I is the legislative article; article II, the executive article; and article III, the judicial.

Why is that important? It is important because we are separate branches of government: The legislative branch, the executive. Why is article I the legislative branch? Our Founding Fathers said because it is where laws are written, it is the most important. We are coequal branches, but article I is legislative, essentially because this is where the laws are made.

We all run for office. We are elected or unelected by our people, the citizens of our States, the people for whom we work. It is a wonderful form of government. It works. We are not a parliamentary form of government. We are not a parliamentary form of government because we have a separate legislative branch. In the parliamentary form of government, the majority party that is elected in the elections is the Government.

Under the Constitution, we are treated differently. We are separate. Of course, we have political parties. That complicates matters. I have the utmost respect for the President of the United States, whether he or she be Republican or Democrat. It is important to state, however, that we are Senators, with all that means, proudly doing what we think is right, representing the people of our States, which is no small matter. It is a tremendous burden, a tremendous responsibility, and a tremendous privilege. That is why we sought this office, that is why we like this job so much, and that is why most Members want to continue and seek reelection.

The question tonight is very narrow. It is whether or not the tax legislation that will be contemplated this year should be within the narrow confines of reconciliation. It is conceded, it is agreed, that reconciliation and all its very narrow constraints is very proper in order to reduce deficits, to raise taxes, or cut spending. No one disputes that. Under reconciliation, the Senate is not the Senate; the Senate is a different institution with very narrow constraints on amendments, germaneness, and debate.

Rather, the issue before the Senate is whether those extremely tight constraints should also apply to cutting taxes and increasing outlays. That is the question.

It has been argued on the other side, yes, it should. It has been argued that reconciliation is policy neutral. If we do believe that, then we believe that anything can be in reconciliation that in any way affects outlays or revenues—anything: The highway bill, the former health care bill that has been mentioned. That is what that argument means.

I ask my good friend from Iowa, the chairman of the Finance Committee, who enjoys the prerogatives of the chairman of the Finance Committee—I plead with him—to have a process where the Finance Committee has more opportunity to write more legislation in the committee and also on the floor.

The central point is, we have an opportunity tonight to do what is right. There have been a lot of red herrings. For example, the point has been made that Senator BYRD should have made the argument 27 years ago. That is irrelevant. We are the Senate. We can vote on what we want to vote on. Tomorrow we can vote again on a different matter. It is up to us to decide what is right.

What is right is to use reconciliation where it should be used, in reducing deficits. It should not be used to craft anything else under the sun. Because the latter approach disenfranchises, literally, a majority of Americans. The right to offer amendments on the floor of the Senate and the right of unlimited debate are essential. Under reconciliation, we have constraints on unlimited debate—which disenfranchises voters.

It is wrong for this amendment to pass. It is undermining why we came here. I urge Senators to vote against the pending amendment.

Mr. CONRAD. I yield 3 minutes to the Senator from Florida.

Mr. GRAHAM. Mr. President, the issue is not whether we are going to have a tax cut or what the specific details of the tax cut will be. The question is, Are we going to take this historic opportunity with over $5.5 trillion of surplus available in the next 10 years and make decisions on how to allocate that surplus in the most rational manner?

One of the issues, I am afraid, that will be trampled upon if we do not defeat this amendment, and deny us the opportunity for full debate, is the question of how we will finance a prescription drug benefit through Medicare. Virtually every Member of the Senate, on both sides of the aisle, has voted in favor of a prescription drug benefit. Virtually every Member has also voted that that benefit should be in the range of $300 billion to $311 billion over the next 10 years. Where we disagree is how we should pay for it.

This side of the aisle has voted to pay for it in the traditional manner, general revenue and premiums paid by the beneficiaries. The other side of the aisle has voted to pay for it by taking the excess funds that are in the hospital trust fund.

For 35 years, there has been a contract between the people of the United States and their Federal Government. That contract has said: You pay me every month 1.5 percent of your salary, and when you reach retirement age, we will provide you a range of benefits that includes hospital, skilled nursing home, and home health care.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GRAHAM. That contract is now about to be broken. We should have a full debate in the Senate before we engage in that unilateral abolition of a 35-year commitment by the American people. Before I yield the remainder of my time to the Senator from Michigan, I ask unanimous consent that a letter from the American Hospital Association dated today be printed in the RECORD, which states:

> We believe the Part A Trust Fund should be used for the purpose for which it was intended.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> AMERICAN HOSPITAL ASSOCIATION,
> *Washington, DC, April 5, 2001.*
>
> Hon. BOB GRAHAM,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR GRAHAM: On behalf of the American Hospital association (AHA), I would like to express our strong support of your amendment to H. Con. Res. 83, the fiscal year (FY) 2002 budget resolution requiring a "super majority" of 60 votes in the Senate in order to spend Hospital Insurance (HI) Trust Fund dollars for non-Part A services.
>
> The AHA represents nearly 5,000 hospitals, health systems, networks and other health care provider members.
>
> The Medicare program is expected to experience very rapid growth over the next decade as our nation's 78 million "baby boomers" begin to retire. The Part A Trust Fund, which is supported by a payroll tax, is projected to see its obligations exceed its income by 2015, and its assets could be exhausted by 2029.
>
> We believe that the Part A Trust Fund should be used for the purpose for which it was intended: to provide beneficiaries with the highest quality hospital acute care services. Congress must be careful not to dilute the trust fund or divert dollars currently in the trust fund for other purposes. It is imperative that Congress avoids legislation that accelerates the insolvency of the Medicare Part A Trust Fund. We need to ensure that Medicare Part A services are there when our seniors need them.
>
> Since its inception, the Medicare program has ensured seniors access to high quality affordable health care. It is incumbent upon all of us to ensure that the program is preserved, protected and strengthened for future generations.
>
> Sicnerely,
> RICK POLLACK,
> *Executive Vice President.*

Mr. GRAHAM. I yield the remainder of my time to my distinguished colleague from Michigan.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from North Dakota.

Mr. CONRAD. I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, this is a debate about a reconciliation process by which a tax cut will occur. I think most Members of this Congress would, in quiet moments, agree we are unlikely to have 10 years of relentless surpluses. This is truly a triumph of hope over experience, but that is the way politics is sometimes.

I want to introduce into the RECORD a memorandum by Alan Blinder, Gene Sperling, and Jason Furman, three very distinguished economists who have reviewed the assessment of the 51 leading private sector forecasts with respect to recent economic trends on the surplus.

I am going to ask consent to have it printed in the RECORD in its entirety, but essentially they say:

> . . . altering only the 2001 growth forecast [with the last three months of information] leaving all other projections unchanged, would result in a roughly $215 billion reduction in the unified surplus. . . .

They go on to say the effect of the stock market difficulties could well lower the unified surplus by $1 trillion or more.

> Standard & Poor's DRI, for example, project stock market factors could reduce the unified surplus by more than $1 trillion over the next decade.

My point is very simply if we proceed with the size of a tax cut proposed by the Republican Party and by the President and do not experience these surpluses, which is very likely—very likely we will not experience these surpluses—we will head back into big deficits. The discussion is as if these surpluses already exist. They do not. They are not in a silk purse; they are not in a mattress; they are not in a bank account. They do not exist. They are projections and they are projections which we may not see. Let's be cautious and conservative. Let's have a tax cut, yes; pay down the debt, yes; meet our priorities—improving schools and other things—but do it in a prudent and thoughtful way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. I ask unanimous consent the memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM FOR SENATOR DORGAN

From: Alan Blinder, Princeton University, Gene Sperling, Brookings Institution, Jason Furman, Harvard University

Subject: Analysis of the impact of recent economic conditions on the 10-year projection of the surplus

Summary

Many observers have questioned whether or not the most recent surplus projections would be altered by the recent slowdown in economic activity and fall in the stock market. Although many of the fundamentals of the economy remain strong—with unemployment near 30 year lows, productivity growth still high, and many indications that consumer demand is holding up—other weaker indicators have led many forecasters to lower their growth projections for 2001. In assessing the impact of recent economic trends on the surplus, we have chosen not to offer our own economic projections, but simply to examine how changes in the 51 leading private-sector forecasters who make up the Blue Chip consensus would impact surplus projections.

The analysis is informative for at least a couple of key reasons. First, this analysis highlights the degree of uncertainty surrounding the projection of the surplus. Indeed, it shows that altering only the 2001 growth forecast, leaving all the other projections unchanged, would result in a roughly $215 billion reduction in the unified surplus relative to the CBO baseline projection. It should be noted that this change is result of taking into account only three months of new information, representing just 2½ percent of the 10-year period. Second, the recent fall in the stock market further highlights the uncertainty of budget projections that are based not only on economic growth projections but on projections of revenues from taxation of capital gains, stock options, and taxable withdrawals from retirement accounts—all of which are highly dependent on the level of stock market. Indeed, if individual income tax receipts as a share of GDP fall back slightly from the very high levels achieved in 2000, the unified surplus could be lowered by $1 trillion or more. Standard & Poor DRI, for example, project that stock market factors could reduce the unified surplus by more than $1 trillion over the next decade.

While we remain optimistic about the future of the American economy, such significant swings in just three months show why even optimists should exercise prudence when making ten-year policy commitments based on ten-year projections. Over the next ten years, there are likely to be many other periods in which economic activity departs substantially from the current projections, resulting in substantial deviations of the actual surplus from the projections that are being made today. CBO estimates that, based on their track record, the unified surplus in 2002 could be anywhere from $69 billion to $556 billion. The uncertainty grows so that in 2006, with no tax cuts or spending increases in the interim, the budget balance could be anywhere from a $92 billion deficit to a $1.1 trillion surplus. After setting aside the Social Security and Medicare surpluses, the probability of running into deficits increases substantially: the Center for Budget and Policy Priorities (CBPP), relying on CBO analysis, has estimated that there is a "20 percent chance that, under current law, the budget excluding Social Security and Medicare will be in deficit in each year from 2002 through 2006."

These reductions in the projected surplus and uncertainty come on top of the predictable factors that will reduce the surplus over the next decade, including the likelihood that real discretionary spending will grow with population, several popular tax credits will be extended, and the Alternative Minimum Tax (AMT) will be reformed so that it does not affect a growing share of middle-class families. These factors will likely reduce the available surplus by an additional $800 billion.

Revisions to GDP Growth and Their Impact on the Surplus

The Congressional Budget Office (CBO) finalized the economic forecast underlying their latest budget projections in December 2000. Both CBO and the Administration project 2.4 percent GDP growth in 2001.

When CBO made its economic forecast, 2.4 percent GDP growth was consistent with the Blue Chip consensus of leading forecasters. Since December, however, the Blue Chip consensus has been revised down and now stands at 1.9 percent growth for 2001. The Blue Chip forecasters have also revised down their predictions for growth in 2002 to 3.4 percent, the same rate predicted by CBO, and left their growth predictions essentially unchanged thereafter.

Estimating the budget impact of the latest Blue Chip short-run macroeconomic forecast provides an example of how just three months of data might lead to revisions in the projected surplus. It is important to note that although the Blue Chip forecast is slightly more pessimistic than CBO, it is still relatively optimistic compared to the recessionary projections of many commentators. Nevertheless, even this relatively small change in the outlook would result in a substantial reduction in the projected surplus over the next decade.

To estimate the likely magnitude of this reduction we have relied on Table 1-6 "Sensitivity of the Budget to Economic Assumptions" from the Analytical Perspectives volume of the Administration's FY 2001 budget. We updated these estimates to reflect a GDP slowdown in 2001 and projected them forward to cover the period 2002-11 (the Analytical Perspectives table only covers 2000-05). Based on this, every one percentage point reduction of GDP growth in 2001—with unchanged growth projections in 2002-11—will reduce the unified surplus by about $430 billion over 10 years:

IMPACT OF A 1 PERCENTAGE POINT REDUCTION IN GDP GROWTH IN 2001 ON THE UNIFIED SURPLUS

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2002-2011
Receipts	9	19	23	24	25	26	27	28	30	31	33	265
Outlays	2	6	6	6	6	6	7	7	7	8	8	67
Interest	0	1	2	4	6	8	10	13	16	18	22	100
Total	11	27	31	34	37	40	44	48	52	57	62	432

Source: Authors' calculations based on Table 1-6 of FY 2001 Analytical Perspectives

Based on the latest Blue Chip projections, the slowdown would reduce GDP growth by 0.5 percentage point relative to the current CBO forecast—reducing the unified surplus by about $215 billion over 10 years.

The actual revision to the surplus forecast based on the latest outlook for aggregate economic activity could be more or less than this $215 billion prediction which is based on the assumption that the level of real GDP remains 0.5 percent lower from 2002-11. On the one hand, the reduction to the surplus would be even larger if the future growth rate of real GDP were slower. CBO estimates that if the GDP growth rate were 0.1 percentage point lower per year, the unified surplus would be reduced by an additional $244 billion. On the other hand, the reduction to the surplus would be less than $215 billion if the current slowdown is followed by a period of stronger growth that returns the economy to potential GDP. In its recent Economic and Budget Outlook CBO presents a "recession scenario" in which a sharp slowdown in 2001 is followed by substantially stronger growth, leading to only a $133 billion reduction in the unified surplus from 2002-11. CBO's scenario, however, would be less likely if the economy in 2000 was well above potential, if the recent slowdown causes economists to revise down their estimate of the level of potential GDP, or if the adjustment back to potential is very slow.

Uncertainty from the short-term economic outlook

The key point from examining the impact of recent economic changes on the long-run surplus projections is the large amount of uncertainty, which has only been increased by the uncertainty over the short-run outlook. The bottom 10 Blue Chip forecasters project growth of 1.3 percent in 2001—compared to the 2.6 percent GDP growth projection of the top 10 Blue Chip forecasters. Taking the range of Blue Chip projections for GDP growth in 2001 and 2002 would lead to a range in projections of the unified surplus of roughly $370 billion more than CBO's current forecast to roughly $730 billion less than CBO's current forecast.

Additional sources of downward revisions in the surplus: The impact of the stock market on Revenues

The level of economic activity is not the only factor that affects the surplus. A major factor in the recent rise in the surplus is the increase in individual income tax receipts from 8.1 percent of GDP in 1995 to 10.2 percent of GDP in 2000. Although legislation in 1997 reduced taxes, several factors contributed to tax receipts growing more quickly than the economy. CBO estimates that half of the recent increase has been due to rising capital gains realizations and higher income for high-income taxpayers. The strong stock market has clearly played an important role in these strong tax receipts.

Going forward, CBO projects that individual income tax receipts will stay above 10.2 percent of GDP for the next decade. Part of this is driven by the projection of continued strong capital gains. Although CBO builds in some declines in capital gains from the extraordinarily high levels in the last few years, it still projects capital gains realizations of around 4½ percent of GDP going forward, which is substantially higher than the 2.4 percent of GDP that prevailed from 1990–96.

In addition to capital gains, the level of the stock market has a substantial impact on individual income tax receipts as a share of GDP through its impact on the flow of nonqualified stock options (which are taxed as ordinary income) and withdrawals from taxable savings accounts. Standard & Poors DRI estimates that 15 percent of Federal revenue "is coming from the stock market."

With the broad Wilshire 5000 stock index down 14 percent since December 31st, this factor is likely to reduce the surplus even more than the conservative projection based on the GDP slowdown alone. It is difficult to estimate the impact of the past changes in the stock market, let alone to predict future changes in the stock market. But even small changes could have a big impact on the surplus. For example, if individual income tax receipts stay at 9.6 percent of GDP—their level in 1998–99 and well above their level from 1994–97—then the unified surplus over the next decade would be $1.2 trillion lower than the current projections. In this example, receipts as a share of GDP are still substantially higher than CBO's "pessimistic scenario,"

Several investment banks and economic forecasters have made rough estimates about the likely impact of economic conditions on the surplus that are very large in magnitude. These predications include:

Merrill Lynch has projected that the surplus for FY 2001 will be $250 billion, $31 billion less than CBO's projection. Merrill Lynch's more pessimistic projections for GDP growth only accounts for about one-quarter of this difference from CBO; the majority of the difference is due to other factors like the fall in the stock market.

Standard & Poors DRI estimates that CBO's underestimate of the impact of the stock market on the economy could wipe out $1 trillion of the projected surplus over 10 years.

Mark Zandi, chief economist of economy.com, has been quoted as saying that the 10-year surplus could be half the current projections—$2.7 trillion downward revision.

General uncertainty about the future

If a new budget forecast were to take into account the news from the last three months, it would most likely revise down the projected surplus. As an example, just taking into account the revised short-run economic outlook by the Blue Chip forecasters would lead to a downward revision of about $215 billion in the projected surplus. Taking into account the stock market and other factors could reduce the surplus by substantially more.

These changes appear to be relatively small compared to the projected $5.6 trillion surplus. But these revisions, which are only based on three months of additional data, highlight how much uncertainty surrounds projections of the forecast ten years in the future. The uncertainty in the projection of the unified surplus grows over time, from a margin of error of plus or minus $244 billion in 2002 to plus or minus $612 billion in 2006. This is especially important in light of the fact that 71 percent of the 10-year non-Social Security, non-Medicare surplus occurs after 2005.

CBO itself captures the uncertainty in its estimates by making projections for an "optimistic scenario" and a "pessimistic scenario." On this basis the projected 10-year non-Social Security balance ranges from a $525 billion deficit to a $6.2 trillion surplus. In assessing these projections, CBO writes "If CBO's track record is any guide, both the optimistic and pessimistic scenarios lie well within the range of uncertainty of the budget projections."

Likely expenditures not included in CBO's forecast

In addition to the uncertainties about the future, there are several ways that policies are likely to deviate from the interpretation of "current law" that is used by CBO and the Administration in putting together their budget baselines. Independent groups and experts like the Concord Coalition, the Center on Budget and Policy Priorities, and William Gale and Alan Auerbach have all estimated that the available surplus is about $900 billion to $1.4 trillion lower than the projected on-budget surplus. The elements of this predictable reduction in the surplus are:

Medicare off-budget. Virtually the entire House and a majority of the Senate have voted to make the Medicare HI surplus unavailable for tax cuts or spending increases—taking $392 billion off CBO's projection of the non-Social Security surplus.

Real discretionary spending rising with population. The current baseline does not incorporate the impact that increasing population has on the cost of maintaining a constant level of government services. This could reduce the surplus by $300 billion.

Alternative Minimum Tax. The Alternative Minimum Tax will affect an increasing number of middle-class families over the next decade; policymakers are likely to fix this provision so that it serves its historic intent which is to ensure a minimum level of taxation for upper-income taxpayers. This reform would cost about $80 billion.

Expiring tax provisions. Several popular tax provisions are set to expire at the end of this year; extending them, as is likely, will cost $112 billion over 10 years according to CBO.

Taking into account these realistic expenditures reduces the available surplus to about $2 trillion over 10 years—without even taking into account the recent changes in the outlook for the economy. Taking recent economic factors into account, it is more than likely that less $2 trillion will be available for tax cuts, spending increases, or additional debt reduction.

Mr. CONRAD. How much time is remaining on this side?

The PRESIDING OFFICER. There is 4 minutes 44 seconds.

Mr. CONRAD. I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I hope all of our colleagues were listening very carefully to Senator BYRD as he made that very powerful statement about the Senate as an institution.

The reconciliation process, this great exception to Senate rules, was allowed and adopted in order to bring down the deficit. It has been twisted all out of shape. This amendment proposes to use it for a purpose that is not relevant to reducing the deficit.

They talk about taxes going up, taxes going down—the end objective is supposed to be reducing the deficit. That is absent in this situation. Reconciliation is now being used, in effect, for any purpose whatsoever.

I very much hope the Senate will reject this amendment. I thank Senator BYRD for a very powerful statement. I also want to commend the very able Senator from North Dakota for his leadership on the budget. As he has often said, it is a matter of balance. It is a matter of prudence. It is a matter of restraint. We can do a tax cut to help working people, we can strengthen Social Security and Medicare, we can pay down the national debt, and we can invest in the future of our country, in education, in health, in environment, in infrastructure. All of this can be done if we use prudence and caution. But we cannot do it if we go to excess.

That was demonstrated yesterday when we adopted an important education amendment. But in order to do it, we had to bring down the amount of the tax proposal.

What matters is how you blend these priorities together. What balance do you achieve? The Senator from North Dakota, in my judgment, has done an extraordinary job of laying out an approach which encompasses these multiple goals, reconciles them, and moves the Nation forward. That is what we ought to be doing. That would not give away our fiscal responsibility. Under that approach, we would not do a huge tax cut based on 10-year surplus projections, 70 percent of which appear only in the last 5 years of the 10-year period. No one in their private or business life would engage in that kind of reliance on tenuous projections. We ought not to do it on the floor of the Senate.

I thank the Senator from North Dakota for the tremendous leadership he has provided and the vision he has outlined of a balanced program that will encompass tax reduction, protect Social Security and Medicare, pay down the debt, and invest in the future of our country.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico.

Mr. DOMENICI. I yield 3 minutes to my good friend, Senator Sessions from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senators DOMENICI and GRASSLEY for their courageous effort to make sure this body has a full chance to vote on the President's tax cut proposal. It has been objected to by a host of procedural objections in a desperate effort to throw it off track, but we are going to get that vote up, I believe, and have a chance to let the American people fully consider the issue.

The question I want to raise is why do we have this extraordinary surplus? Why are we having big surpluses this year? In fact, we were told recently, within the last week, that even though we have had a slowdown in this year's economy, our projection of last year underestimates the surplus we will have this year—maybe by 20 or more billion dollars. We will see how it turns out. But even with this slowdown, we have more coming in than we projected and we have had more coming in for the last 3 years than has been projected by the CBO or OMB.

Why is it happening? It is because the Federal Government not only is taking in more, and not only are the American people making more, the Federal Government is taking a larger percentage. It is taking a larger percentage of America's wealth—too much.

In 1992, the Federal Government took 17.6 percent of the total gross domestic product, all that we make and manufacture in the United States. Today it has hit 20.7 percent, a monumental increase. That is the highest percentage of the economy taken by the Federal Government since the height of World War II. The American people are entitled to not see that continue upwards. In fact, this tax reduction, if passed fully, would not really reduce that number but just flatten it out and keep it from going up.

We need this tax cut now. We need to have this bill on the floor so we can fully debate the President's proposals. I say let it go. Let the Senators vote, vote to move this budget forward.

I thank the Senator from New Mexico for his effective leadership.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator CLINTON. I want to say if I referred to the distinguished Senator in the first person an hour or so ago, I apologize.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, will the distinguished Senator from New Mexico yield?

Mr. DOMENICI. Yes. I yield.

Mrs. CLINTON. Thank you very much.

Mr. President, I say to the chairman of the Budget Committee, on which I am honored to serve, that I appreciate those words. I came down to the floor after hearing that to say just two quick things.

One, in 1993, we made a considerable effort to reform health care. I learned a lot from that experience. I learned that we had to go in a step-by-step, progressive way to try to achieve quality, affordable health care. I also learned that we needed to have an open, spirited debate about what needed to be done for the good of our country.

I appreciate the chance to rise and state my objections to adding reconciliation instructions to the budget resolution because I think the lesson we learned is a lesson we should apply.

I thank the distinguished Senator for his remarks.

Mr. DOMENICI. I am glad to do that.

Mr. President, to all of those on the other side who have spoken eloquently about the Senate rules and the fact that we ought to have free and open debate, I want to say one more time that the time for those arguments was 27 years ago. When this bill, the Budget Impoundment Act, was adopted, it essentially permitted reconciliation instructions. And if they were given by majority vote of the Senate and the House, then a committee had to adopt laws consistent with it.

If that was too early, we have adopted 15 tax bills under this Budget Act—10 were tax increases; 5 were tax decreases. If 27 years ago was too long ago to raise the objection, we had 15 different budget resolutions that came to the floor that had taxes in them. Some might have objected. But the truth is, the strongest arguments have been made on this particular reconciliation instruction. I believe it is because some don't want to let the President have a chance to have his taxes voted on—plain, pure, and simple. I think that is going to fail tonight. He is going to get his chance. I think eventually his tax plan will get taken care of in the Finance Committee and the Ways and Means Committee. Those members will pass the bill out of their committee and it will come to the floor under this Budget Act, which is now 27 years old.

I yield the floor. Whatever time I have remaining, I yield to the majority leader. However, he doesn't need my time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I yield myself such time as I might need off the leader time for the opportunity to sort of go over what is going to be the process at this point. The chairman and ranking member might want to be prepared to comment or respond.

For the information of all Senators, we are about to start a series of votes, which has been unfortunately referred to correctly as the "vote-arama." The first of these votes will be in relation to the Domenici amendment regarding reconciliation. Following that vote, we will have votes on the remaining pending amendments in the order in which they have been offered. I believe Senators have access to those amendments in their order and, therefore, will know when they will come up.

I also announce that in order for us to be able to bring this to some conclusion, it is going to be necessary to move forward into the night, and we will shorten the voting period from 15 minutes after the first vote to 10 minutes on the subsequent amendments.

There are approximately, as I understand it, 160 amendments that have been filed. I hope Senators will show restraint, not offer the amendments, and work with the chairman and the manager to identify the amendments we really do want to consider. If we did all of the amendments on the list that are available here tonight, assuming we could do about three votes an hour, we would be here until I guess until 9 or 9:30—something such as that.

I know the chairman, the manager, and the sponsors will work with them. Maybe they can work through some of those amendments to reduce them. Of course, tomorrow morning we will continue with the so-called vote-arama every 15 minutes to vote on other amendments that would be pending or would be necessary to be voted on, with the idea that we would get conclusion of voting sometime and final passage tomorrow around 2:30.

I know it is going to take a lot of patience to get to that point. But that is our goal. I believe that is the way it is presently lined up. Is that correct?

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. REID. Mr. President, one of the things that would help tremendously and which would help the staff is when we have a 10-minute vote, it should end at 10 minutes. These votes take forever. Members walk off, go back to their offices, or go have dinner, whatever it is. I think if you called the vote to an end at 10 minutes and set an example, some Members would simply miss the votes, but I think we can move this along.

Mr. LOTT. I think we need to do that. We quite often have legitimate requests. Senators are stuck in elevators, are in the area and we can't find them, or whatever. After the first vote I will remind Senators again, if you will join me and remind them that we need them to stay in the Chamber, we can get through at a more reasonable hour and still be able to complete the list of amendments tomorrow and get to final passage at a reasonable time tomorrow afternoon.

Senator DASCHLE I see just came on the floor. I was just going over the process of how we will proceed tonight and tomorrow.

With that, I believe we are ready to proceed to the first vote.

Mr. DOMENICI. Mr. President, will the distinguished leader yield to me for a couple of observations? I believe both the ranking member and I have agreed on sense-of-the-Senate resolutions that are nongermane, both of us will object to them, which I believe means that they are going to fall. I think that is the rule now if they are not germane. We will make a point of order, which means they will fall. There are a lot of sense-of-the-Senate proposals.

But I would like to yield to my ranking member of the committee for his observations on those kinds of amendments that are pending.

Mr. CONRAD. Mr. President, it should sober us up to understand that if we don't show some restraint and self-discipline, we face 50 hours of straight voting. That is the harsh reality of what confronts us tonight—50 straight hours of voting every 10 minutes. That is not a good process. It is not credible. And it can't be allowed to happen.

We have to simply say to Members that they cannot expect to have each and every one of these amendments voted on. We will join in resisting amendments that are not practical, that are not fiscally responsible, and others that are just sense-of-the-Senate amendments. We hope that message goes out very clearly. We ask leaders, if they could, to rivet that point to our colleagues.

Mr. LOTT. We will do that on an individual basis, and also publicly after the next vote. We don't want to eat up a lot of time. We will remind them of that.

Mr. DASCHLE. Mr. President, I wanted to weigh in as well. I appreciate so much the leadership and partnership shown by our chairman and ranking member.

Let me go to the point the majority leader has made. If we want to finish by 2:30 tomorrow—and the reason we need to finish by 2:30 tomorrow, of course, is that we have a Jewish holiday coming up, and there are a number of personal matters that have to be tended to. I hope we can get everyone's cooperation tomorrow morning. If we are going to do that, we have to be at a point tonight with no more than 20 amendments, and 2 minutes on each, if we come in at 9 o'clock in the morning. That doesn't leave us with a lot tomorrow. In other words, we have to virtually finish our work tonight.

A number of us are going to go to our colleagues and ask for their full cooperation and partnership and effort to try to get us to the point that we have nothing left but no more than 20 amendments in the morning. I hope we can all work together to make that happen.

I appreciate very much the leader yielding.

Mr. LOTT. I thank Senator DASCHLE. We will work with you on that.

Parliamentary inquiry: Has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. LOTT. Are we prepared to go to the first in a series of votes? Have the yeas and nays been ordered?

Mr. CONRAD. Parliamentary inquiry: Has all time expired? We understood that we had 1 minute left, and that the other side had 1 minute 30 seconds. We have been on leader time.

The PRESIDING OFFICER. The Senator from New Mexico yielded his time to the leader, which was used. Then leader time was used. The Senator from North Dakota spoke and he was charged 1 minute 40 seconds.

Are you pondering a request to have 1 minute 30 seconds restored?

Mr. CONRAD. I ask unanimous consent that we have 1 minute restored on both sides so the managers can conclude the argument on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, it may sound, to those listening, as though this is a debate on the President's tax cut. It is not. This is a debate on how the President's tax cut will be considered.

On our side, we do not believe we should restrict the Senators' right of freedom to debate and freedom to amend. That is what this vote is about.

Let me cite Senator DOMENICI in a debate in 1989 on an amendment from the majority and minority leaders at the time to limit the scope of the bill that was then being considered to deficit reduction. Senator DOMENICI said:

> We are going to use the process available under the Budget Act to strip from this bill not only those matters which the Parliamentarian would call extraneous but also those which were never intended because they were not pure deficit reduction matters.

That is the issue. This is not a deficit reduction matter. It should not be considered under reconciliation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, deficit reduction was the issue then; surpluses are the issue today.

But the real issue is whether or not we are going to consider and give the American people a tax break. The issue is whether the President of the United States is going to have his proposals considered by a committee and then voted on by the Senate, instead of being whittled away by time and by the consumption of all types of amendments and all types of dilatory tactics.

Last, without question, we have tried by unanimous consent—we have offered unanimous consent approaches—so we would not have to do reconciliation. We cannot get that done. When that cannot be done, we have to do this one, or we will not get a tax cut for the American people. That is the issue. The rest is talk. The issue tonight is, will we or will we not have a tax cut for the American people?

I yield whatever time I have and ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 345.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—51

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 345) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Nevada is recognized.

Mr. REID. Mr. President, is the Senate in order at this time? There is no quorum call; right?

The PRESIDING OFFICER. The Senate is not in order.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my colleague, the Senator from Nevada, as well as the Senator from North Dakota for their willingness to work with the majority leader and me and others to try to reduce the amount of amendments and the time and try to get through this process as best we can. These vote-aramas are not pretty or very pleasant.

Mr. President, I ask for the regular order with respect to the amendment so that we will vote on the remaining amendments in the order offered and, further, that the next votes in this series be limited to 10 minutes in length.

Mr. REID. Reserving the right to object—how about all votes rather than just the next vote?

Mr. NICKLES. All the votes in this series.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. We have some problems we need to work out before the first vote. With everybody's cooperation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 202

Mr. REID. Mr. President, on the Durbin amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 2 minutes equally divided in favor and in opposition to the amendment.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of the amendment. This is the economic stimulus amendment that provides an immediate rebate to the taxpayers of America, both income-tax payers and payroll-tax payers, of at least $300 per person, $600 per family.

It also provides a permanent rate reduction of the lowest rate from 15 percent to 10 percent. It will cost us $60 billion. It will go into effect immediately. It will help families across America this year.

This also provides that the total tax cut in addition to this will be $745 billion. This has been mischaracterized as a tax increase. We do not have a tax cut in place. We are debating the size of the tax cut.

We think a third of the surplus should go to a tax cut, a third to deficit reduction, and a third to crucial priorities, such as Social Security, Medicare, and investments in education. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I want to correct the record. The pending amendment provides additional tax relief in the year 2002, $31 billion, and in 2003, $11 billion, but it also has over $400 billion in tax increases compared to the resolution before us.

If we adopt this amendment, the net tax cut will boil down to not $1.6 trillion, not $1.1 trillion, which is where we ended up last night, but a total of $746 billion. That means the President gets less than half the tax cut he proposed.

There is a lot of spending. My colleagues on the Democratic side have offered $697 billion in new spending and higher taxes, now $1.3 trillion.

The pending amendment raises taxes $418 billion over and above the tax increase we passed last night, which was $448 billion.

If my colleagues want a tax cut that is less than half of what the President proposed, adopt this amendment. I urge my colleagues to vote no on the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 202. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 39, nays 61, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—39

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—61

Allard
Allen
Baucus
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

The amendment (No. 202) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I had understood from the distinguished Senator who offered the next amendment there was no need to have a rollcall vote on it.

Mr. CONRAD. If I may say, we have not yet cleared this on this side. We are not prepared. I recommend we go to a quorum call.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. May we have order.

AMENDMENT NO. 216

The PRESIDING OFFICER. The Senate will please come to order.

The question is on agreeing to the amendment.

The amendment (No. 216) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 215

The PRESIDING OFFICER. We have 2 minutes. We have 2 minutes now on the amendment of the Senator from Tennessee, Mr. FRIST.

Mr. DOMENICI. Mr. President, the Senator can take his minute, but I wonder if we need a rollcall vote. We are willing to accept it.

Mr. FRIST. I would like a rollcall vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Might I say to the Senator from Tennessee, if he can accept a voice vote, he will have strong support. If we have to go to a vote, he may lose the amendment.

We urge the Senator to think about the circumstance and to accept the voice vote.

Mr. FRIST. I request a rollcall vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have had 154 amendments. We are never going to end this thing unless people cooperate a little bit. If the other side is worried about us getting out of here tomorrow, they had better start cooperating a little bit. There is no need to have a vote on this amendment. We agree. We accept it.

Mr. DOMENICI. Mr. President, I have done my best. I talked to Senators. He has requested a rollcall vote since early this afternoon. He told me about it. We can waste more time talking about why he should not get it than to go ahead and have the vote. Then we will get on to the next one and do everything we can to avoid it.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I recommend we move to a vote.

The PRESIDING OFFICER. There is 2 minutes equally divided on the amendment of the Senator from Tennessee, Mr. FRIST.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have the concurrence of the distinguished Senator from Tennessee and the ranking member of our committee that we set this amendment aside temporarily. I ask unanimous consent that be the status of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

Mr. CONRAD. Mr. President, if I might just say to our colleagues, please understand. We are set up to have 50 straight hours of voting unless people show a little restraint, a little discipline, and a little courtesy towards our colleagues. Please, let's not get into a circumstance in which we spend the next 50 hours in this Chamber voting every 10 minutes.

The PRESIDING OFFICER. The question is now on the Corzine amendment.

AMENDMENT NO. 346

Mr. DOMENICI. Mr. President, I understand the situation is such that Senator MURKOWSKI wants to offer a second degree. But I understand that we want to handle that as we have handled other second-degree amendments.

Is that correct?

Mr. CONRAD. That is correct.

Mr. DOMENICI. That means they will have an amount of time to debate between them. It should be 2 minutes. It was going to be 1. Then we will be able to vote on the two amendments side by side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will please report the amendment.

The legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment No. 346.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, this amendment would raise the level of the conservation spending cap to the statutory level of $1.76 billion in budget authority and $1.38 billion in outlays at 2002.

Last year, this cap was created through careful compromise in the Interior appropriations bill. It assures funding for certain high-priority conservation programs. Those include the Land and Water Conservation Fund; National Park Service; management urban and community forestry; State wildlife grants; Pacific coastal salmon recovery; urban parks restoration; historic preservation; payment in lieu of taxes; and other important programs which provide funding to maintain our national parks, provide funding to help support communities with large Federal land ownership, help create urban parks, assure the survival of the Pacific salmon, and many other worthwhile projects.

Last year, we made a commitment to these programs. We should keep our commitment to these programs and to our natural resources.

I urge my colleagues to join me in support of the amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Thank you, Mr. President.

Mr. President, I rise in support of the amendment. The amendment will restore $50 billion in cuts included in the underlying resolution. The amendment will fund priority environmental and natural resource energy conservation programs—programs such as brownfield restoration, wildfire prevention, sewer and water infrastructure programs, energy conservation and efficiency programs, and the Land and Water Conservation Fund. These restorations are offset by reduced tax cuts and administrative savings.

The amendment also sets aside an additional $50 billion for debt reduction. I urge my colleagues to stand up for our legacy to future generations. I urge my colleagues to stand up for our environment and support the amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. The question is on the Murkowski amendment.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

Mr. CONRAD. Mr. President, let me ask colleagues, we are going to have to exercise discipline tonight or we are going to have chaos. This is just as clear as it can be. So, please, let's try to be quiet while Senators are speaking, and let's try to restrict debate so that we can finish. The manager and I believe, given the fact that none of us have seen the amendment of the Senator from Alaska, that it would be appropriate to give him another minute to explain his amendment, and another minute on the side of the Senator from New Jersey in response. We ask unanimous consent for an additional minute for the Senator from Alaska and an additional minute for the Senator from New Jersey.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I yield time to the Senator from Texas on the amendment that I have offered.

Mr. GRAMM. Mr. President, the Corzine amendment spends another $46 billion, adding to total spending in a budget which is now already grossly bloated. Our Democrat colleagues in the last 2 days have in the process of adding spending, added $697 billion of new spending in their amendments. That is more than the entire Government spent in the first 150 years of our great Republic.

If anybody has any doubt as to what the two parties are about, all they have to do is look at this spending orgy.

I urge my colleagues to vote no on the Corzine amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for a minute

Mr. CORZINE. Mr. President, I yield 1 minute to the distinguished Senator from Nevada.

Mr. REID. Mr. President, in the short time we have had to look at the amendment of the distinguished Senator from Alaska, we recognize that it is quite good. It has $200 million to help fund CARA. It is "CARA-lite," though.

What the Senator from New Jersey has done is recognize that there have been tremendous cuts in this underlying budget in programs in which we all believe, not the least of which is arsenic in the water and all these things we talked about during the day.

We believe the amendment of the Senator from Alaska is very weak. It is about $50 billion weak. It does nothing to address the real problems this country faces, and it does not reduce the debt.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Alaska.

Mr. DOMENICI. Mr. President, I ask the distinguished ranking member if we could let Senator CORZINE have the first vote.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, the amendment of the Senator from Alaska was an amendment in the second degree. Normally that would be the first vote.

Mr. MURKOWSKI. That is correct.

Mr. CONRAD. So the amendment of the Senator from Alaska would normally be considered as the first vote.

Mr. DOMENICI. Senator, that isn't true. Just a while ago we agreed to a unanimous consent that they would be side-by-side amendments. That is not a second-degree amendment.

Mr. REID. No. No.

Mr. CONRAD. But it is in the form of a second degree.

I think we have also in every one of these circumstances but one——

Mr. DOMENICI. I am not going to argue. We are going to vote for Senator

MURKOWSKI's first. I hope they vote for it because the alternative is going to be the Corzine amendment.

I yield the floor.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I ask for the yeas and nays.

Mr. CONRAD. Might I ask that we take the Senator's vote on a voice vote? Would the Senator accept a voice vote?

Mr. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We believe we have an agreement to go to a voice vote on the amendment by the Senator from Alaska.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 346.

The amendment (No. 346) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 257

The PRESIDING OFFICER. The question is on agreeing to Corzine amendment No. 257.

Mr. REID. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—54

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 257) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 211

The PRESIDING OFFICER. There are 2 minutes now on the Bond amendment.

Mr. DOMENICI. Mr. President, I suggest that as to the Bond amendment, which is going to be discussed, and the Dodd-Collins amendment which follows, we accept those two amendments. They are bipartisan. I am willing to accept them, and we won't have to have votes. That means the next vote will be on the Voinovich amendment, which is an appeal.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are willing to accept those mentioned amendments as well, the Bond-Mikulski amendment and the Dodd-Collins amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, this amendment, cosponsored by Senators MIKULSKI, LIEBERMAN, ALLEN, BINGAMAN, and DOMENICI, adds a very important $1.4 billion to function 250, the general science function.

Basic science research in this country is suffering because we have not adequately funded the National Science Foundation in recent years. The funding in this function leverages the research done in NIH and other areas. We believe it is extremely important. We expect that we are on a path for doubling the NSF budget in 5 years. This will put us back on the path.

I yield to my colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the United States of America every year wins Nobel Prizes. We want to be sure that every year we win the global markets, as well as the Nobel Prizes. By doubling the National Science Foundation, by increasing funding for NASA and increasing funding for the Department of Energy, we are making public investments in great core science and engineering laboratories.

This is where we create the new ideas that lead to new products as well as educate the next generation of Sally Rides, of other great scientists, the Dr. Varmuses who go on and lead our Nation. If we don't increase the funding for the National Science Foundation, we are not going to have the mathematicians, the physicists, and the engineers we need.

We are the greatest country in the world because we are willing to take risks. We are the greatest country in the world because we are inventors and we are discoverers. Why don't we put our public money where our national values are? Let's pass the Bond-Mikulski amendment and take America right into the 21st century.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to proceed with the first of those amendments, the Bond amendment No. 211.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 211.

The amendment (No. 211) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 322, AS MODIFIED

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, on behalf of myself and the Senator from Maine, we offer this amendment which restores some funding that is being cut for children's hospitals, as well as for the child care development block grant and the child abuse prevention programs. These moneys total around $270 million, which gets us back to the level of funding for this year. It is not beyond that at all. It just brings these numbers up to the present year level.

I thank my colleague from Maine, who has worked tirelessly over the years on this issue.

I urge my colleagues' support. I thank the chairman of the Budget Committee for his support, as well as my own ranking Democrat on the Budget Committee.

Mr. DOMENICI. Mr. President, we are prepared to vote.

The PRESIDING OFFICER (Mr. THOMAS). The question is on agreeing to the amendment.

The amendment (No. 322), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 288

Mr. DOMENICI. The next amendment is Senator VOINOVICH's appeal of the ruling of the Chair.

I yield the floor.

Mr. VOINOVICH. Mr. President, I am offering this amendment with my colleagues, Senators FEINGOLD, GREGG, and DOMENICI. This amendment we are offering helps to refine the procedures in the budget process that are designed to control spending. It is clear from the egregious levels of spending in the past couple of years that the existing process needs reinforcement. That is what this amendment does.

Our amendment is designed to tighten the enforcement of existing spending controls. To do this, we create an explicit point of order against the emergency spending that doesn't meet the definition for emergency spending as laid out by OMB.

The amendment also closes budget loopholes by creating a point of order against actions that raise the discretionary spending caps; creating a point of order against efforts to waive sequesters, which is a budget enforcement mechanism; and last, creating a point of order against directed scoring—in essence, telling OMB and CBO how to treat spending that others use in order to dodge spending limits. Any waiver of these measures will require 60 votes.

I urge my colleagues' support. It will guarantee that the budget process is more transparent.

I ask unanimous consent that Senators DOMENICI and GRAMM be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this is a nongermane amendment. As a result, this is subject to a 60-vote point of order. This amendment has some parts that are good, but, unfortunately, it also contains a fatal flaw. It would establish a 60-vote point of order against all emergency designations, both defense and nondefense. I don't think we want to set a precedent here that we require supermajority points of order to respond to a defense emergency or a natural disaster emergency.

I urge colleagues to defeat the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to the Senate we thank you very much for the way things are going. We very much appreciate your attention. We haven't had much disturbance or much talking on the floor. For that, I thank each Senator on both sides of the aisle. We thank you very much for your cooperation.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—54

Allard
Allen
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Carnahan
Carper
Chafee
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Cleland
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Stevens
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER (Mr. ALLEN). On this vote, the yeas are 54, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. CONRAD. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we laid aside the amendment of the distinguished Senator from Tennessee, Mr. FRIST. He will accept a voice vote. If we can proceed to that now, he will not ask for a rollcall.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I want to publicly apologize to my friend from Tennessee for raising my voice to him and the rest of the Senate. I recognize being unreasonable is not only on one side of the aisle. I apologize to the Senator.

AMENDMENT NO. 215

The PRESIDING OFFICER. The Senator from Tennessee..

Mr. FRIST. Mr. President, it is time for the world to wake up. We are confronted today with the worst international health crisis in 600 years: the international scourge of HIV/AIDS; 8,000 people died today, 15,000 new infections today.

In Africa, the life expectancy in more than a handful of the countries has been cut in half.

Currently, the United States spends about $500 million annually. Our amendment increases that by $200 million next year, ultimately doubling our commitment.

The goal is simple: Reduce the devastation of the most significant moral, humanitarian, and developmental challenges of our time.

Mr. KERRY. Mr. President, a year ago we joined together in the Senate with Senator HELMS as leader, and others in the Foreign Affairs Committee, to make a major effort with respect to the international AIDS program. President Bush and his security team the other day joined what President Clinton and his security team had found, which is that this is an international security issue. It is a national security issue for the United States. I hope all of our colleagues will join together in restoring this critical funding that will deal with prevention, care, and treatment across the globe.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 215) was agreed to.

Mr. SANTORUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 225

Mr. DOMENICI. I understand the next amendment is amendment No. 225 offered by the distinguished Senator HOLLINGS. We have a second-degree amendment we will offer, but we would like to treat them side by side as we have other amendments. Senator HUTCHISON of Texas will offer it.

I yield the floor.

Mr. HOLLINGS. I didn't know about the second degree. I thought there would not be a second-degree amendment.

Mr. DOMENICI. It is a simple amendment. It is an amendment about which the Senator feels strongly.

Mr. HOLLINGS. I think the real point here is to send a message to the market, to the consumers, and to the people of this country that we feel their pain. As the old expression goes around this town, we know that we need an immediate stimulus to the economy to stop this downturn. This is divorced entirely from the tax cut, divorced entirely from budgets for 10-year considerations. It is a 1-year immediate repayment to the 95 million income-tax payers and another $500 to the 25 million payroll-tax payers who do not pay income tax for a total of 120 million, as recommended by Harvard Business School, Lester Thurow, the Concord Coalition, Business Week, former Secretary of the Treasury Bob Rubin, the Economic Policy Institute, and others.

This is the need. We have been going on and on about the tax cut for the rich, poor, and everyone else.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 347

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk which adds language to the Hollings amendment that basically assures the marriage penalty is fully repealed.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 347.

The amendment is as follows:

At the appropriate place add:

SEC. . Notwithstanding any other provision of this resolution, the revenue levels and other aggregates in this resolution shall be adjusted to reflect an additional $69 billion in revenue reductions for the period of fiscal years 2002 through 2011.

Mrs. HUTCHISON. It would add $69 billion to assure that there is a marriage penalty elimination for this country. We have said we want to eliminate it. Now is the time to do it. We want to add the amount we believe it will cost to fully eliminate the marriage penalty in this country.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I rise in opposition to the amendment of the Senator from Texas because after doing an analysis of the amendments previously agreed to and passed, it is very clear that this amendment will raid the Medicare trust fund. We can't accept an amendment that would do that. I am asking colleagues to oppose this amendment because it raids the Medicare trust fund in the years 2004, 2005, 2006, 2007, 2008, and 2009.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CONRAD. Parliamentary inquiry: On whose time is the Senator from Texas proceeding?

The PRESIDING OFFICER. There are 2 minutes allotted before each vote.

Mr. CONRAD. The Senator from Texas already spoke.

Mr. DOMENICI. Would the Senator like another minute?

Mrs. HUTCHISON. I don't think we exhausted the time. I spoke, but I did not speak for 2 minutes.

Mr. CONRAD. The Senator had 1 minute.

Mr. DOMENICI. Will the Chair explain this to Senators.

Mrs. HUTCHISON. Mr. President, I ask for 30 seconds to respond to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Texas spoke for 1 minute in opposition to the Hollings amendment. She is allowed 1 minute to speak in favor of her own amendment.

The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. Mr. President, I respectfully disagree with the numbers that my colleague from North Dakota has given. We did not raid the Medicare trust fund when we had $1.6 billion in tax cuts. Now we are talking about $1.1 billion or so, and we are adding $69 billion. This is to eliminate the marriage penalty tax. We are squeezing down the tax cuts and I do not want married couples in this country to think that it is not important for us to eliminate the marriage penalty. We should not penalize people for getting married. I hope you will vote for my amendment, and I hope you will vote for the amendment of Senator HOLLINGS as well.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the budget resolution does not determine any specific tax policy. All of us know that. This does not eliminate the marriage penalty or anything else. It simply adds $69 billion to the tax cut, which raids the Medicare trust funds in each of the years I previously referenced.

Mrs. HUTCHISON. The $69 billion will go to the marriage penalty because we will say so. I hope my colleagues will support elimination of the marriage penalty.

I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—50

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the amendment is agreed to.

The amendment (No. 347) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 225

The VICE PRESIDENT. The question is on agreeing to the Hollings amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—94

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
Dayton
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Carper
Corzine
Dodd
Feingold
Graham
Nelson (FL)

The amendment (No. 225) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, may I just inform Senators where we are. People would like to go home this evening. The next amendment is that of Senator ALLEN from Virginia. We have a minute; whoever opposes him has a minute. The next amendment would be Senator WELLSTONE with reference to veterans spending, and we have a second-degree amendment to that. They will be voted side by side. If we can get those finished, that is all we have lined up by way of votes.

We have an amendment on vote-arama and streamlining the process so we won't get into these problems next year.

We should proceed with the votes we have: Senator ALLEN, to be followed by WELLSTONE and a second degree.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to indicate to our colleagues and to the manager of the bill that there will be a second-degree amendment to Senator ALLEN's amendment as well, so everybody is on notice with respect to how that amendment will be treated.

AMENDMENT NO. 201

The PRESIDING OFFICER. The Senator from Virginia has 1 minute.

Mr. ALLEN. Mr. President, on behalf of Senators BROWNBACK, HUTCHISON, CRAIG, WARNER, and myself, the tax cut accelerator ensures that unexpected on-budget surpluses are used to accelerate tax cuts rather than accelerate more Government spending. The tax relief accelerator provides a tax relief insurance policy so that the Federal Government will fulfill its promise to return excess tax collections to the taxpayer. The tax cut accelerator does not touch Social Security or Medicare. It does not threaten funding for current programs. It allows us to set priorities in education, national defense, and scientific research.

It does hold the Government accountable to the American people, setting priorities, determining the amount and type of tax relief, taking action, and justifying our decisions to the American people.

I respectfully ask my colleagues to please say yes to the taxpayers of America and improve our economic vitality.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this amendment is a nongermane amendment. It is subject to a 60-vote point of order. We have brought that order under the Budget Act. I hope my colleagues will support that point of order.

This would require fully expedited procedures beyond even what reconciliation provides. I hope our colleagues will reject this amendment on a point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 45, nays 55, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—45

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment fails.

Mr. CONRAD. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I will address colleagues on my side for a moment to say we still have 27 amendments pending. This would be a wonderful opportunity, while we are waiting to work things out, for colleagues to come down and voluntarily give up their amendment in the interest of the whole body. What a good way to end the evening, to have a few more amendments given up so we could finish by our goal of 2:30 tomorrow afternoon.

I am making the offer. We will be here. We will be in business, and we will be eagerly awaiting our colleagues who want to give up amendments this evening.

Mr. DOMENICI. Might I thank the distinguished Senator. I thank him for his request on his side. I say to our side, we have 10 amendments. We sure hope we can find some way to narrow that down to three or four. We will be working with Senators when we finish tonight.

Let me tell Members what these amendments are: 289 is Crapo-Murray; 237 is Grassley; 286, Santorum; 236, DeWine; 214, Collins; and four Smith amendments, 83, 46, 45, and 57.

We very much would like to get the list down to about three.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we have been consulting on both sides of the aisle as to how to complete action tonight and how we will begin in the morning. I think everybody understands the best way to proceed at this point. I ask consent the Wellstone amendment be laid aside and the Senator from Louisiana be recognized to offer a first-degree amendment; that it be laid aside and the Senator from Maine, Ms. COLLINS, offer a first-degree amendment; that no amendments be in order to these amendments prior to the votes, and votes occur in relation to these amendments; also in a stacked sequence, first in relation to the Breaux amendment and then in relation to the Collins amendment.

I further ask consent the first vote tomorrow morning occur in relation to the Wellstone amendment beginning at 9:30.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object.

Mr. LOTT. To clarify that, on the two I just outlined, the Collins and the Breaux amendments, those votes would occur tonight. Then tomorrow, of course, we would have the Wellstone amendment which would have the parallel second-degree amendment to it also.

The PRESIDING OFFICER. Did the Senator from Minnesota object?

Mr. WELLSTONE. Mr. President, I object for right now. I want to try to understand a little bit further how we are proceeding.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I do not object.

Mr. LOTT. I renew my request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe we are ready to proceed, then, with the two amendments. Of course, they would be 10-minute votes with a brief explanation of the two amendments, a minute each.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 348

Mr. BREAUX. Mr. President, I have an amendment at the desk. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX], for himself and Mr. JEFFORDS, proposes an amendment numbered 348.

Mr. BREAUX. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for IDEA amendment)

At the appropriate place add:

SEC. . Notwithstanding any other provision of this resolution, the spending aggregates, functional totals, allocations, and other levels in this resolution shall be adjusted to reflect an additional $70 billion in budget authority and outlays for function 500 for the period of fiscal years 2002 through 2011, and a reduction of $70 billion in revenue reductions (and an increase of $70 billion in total revenues) for the period of fiscal years 2002 through 2011.

Mr. BREAUX. Mr. President, we have only a minute. For the sake of our colleagues, this amendment simply takes $70 billion off the tax cut which is now at approximately a level of $1.275 trillion, I think. It says that $70 billion is going to be used for education purposes, and the purpose is to fund the Individuals with Disabilities Education Act, IDEA: to put the money back where I think it is a high priority. This amendment is offered on behalf of myself and Senator JEFFORDS who has been a long-time champion for the funding of the IDEA program.

This amendment does not take it out of the contingency fund. There is no more contingency fund. Remember the spectrum? Remember how many times we spent it? It is gone; agriculture and defense and everything else ate it up. If you want the $70 billion, there is only one place to get it, and my amendment provides the one place to get it by reducing the tax cuts. I ask my colleagues to support this effort.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GRAMM. I reserve the time.

Mr. DOMENICI. Senator COLLINS would like to offer an amendment. I think that is the way we have been doing it.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 349

Ms. COLLINS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 349.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Propose: To provide tax credits for small business to purchase health insurance for their employees and to provide for the deductibility of health insurance for the self-employed and those who don't receive health insurance from their employers and for long-term care)

At the appropriate place, insert:

SEC. . Notwithstanding any other provision of this resolution, the revenue levels and other aggregates in this resolution shall be adjusted to reflect an additional $70 billion in revenue reductions for the period of fiscal years 2002 through 2011.

Ms. COLLINS. Mr. President, first let me make clear that the amendment I am offering does not change the amendment offered by the distinguished Senator from Louisiana. What it would do instead is add to the tax cut $70 billion in order to cover the following: A tax credit for small businesses to help them purchase health insurance.

This is based on legislation that the Senator from Louisiana—the other Senator from Louisiana, Ms. LANDRIEU—and I recently introduced to address the problem of small businesses having a difficult time in affording health insurance for their employees. It would provide for full deductibility of health insurance for the self-employed, an issue that I know is something the Senator from Illinois, Mr. DURBIN, and the Senator from Missouri, Mr. BOND, have worked on. And it would provide for long-term care insurance above the line deduction to help people and encourage them to purchase long-term care insurance.

The combined total of those provisions would be approximately $70 billion over the next 10 years. That would bring the total tax cut to approximately $1.3 trillion.

I reserve the remainder of my time.

Mr. BREAUX. Mr. President, how much time is left in opposition to the amendment of the Senator from Maine?

The PRESIDING OFFICER. The opposition has 1 minute remaining.

Mr. BREAUX. I might just take a minute in opposition to the Senator's amendment. I have a great deal of respect for her, but I suggest the budget authorization doesn't do any of those things. The respective committees that are going to be authorizing this will decide how it is going to be spent. While the list is a nice list, it has nothing to do with reality because the Budget Committee does not make that decision. The respective committees that had jurisdiction are going to make the decision on how to spend the money.

Anyone can stand up and read a laudatory list of noble things, but there is no assurance that will happen. I respect everything she said about the intent, but the committee of jurisdiction has to make those decisions. We do not make those decisions on the floor.

Our amendment, however, does provide $70 billion specifically for education which allows that decision to be made. It does not come out of a nonexistent fund. That is the big difference.

Mr. GRAMM. Mr. President, we have 1 minute in opposition to the Breaux amendment. Exactly the same argument is true with regard to the Breaux amendment.

Nothing in the Breaux amendment in any way requires that the money go for the purpose he specifies. All his amendment does is basically reduce the tax cut by $70 billion and add it to spending. What Senator COLLINS has done is given us an opportunity as a Senate to go on record in favor of something we all claim we are for; that is, to provide $70 billion for the purpose of making a health insurance tax credit for small business, so they can cover their employees, and to give deductibility for health insurance.

I yield to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time has expired?

The PRESIDING OFFICER. The Senator from Louisiana has 11 seconds.

Mr. BREAUX. I can only say in 11 seconds that it specifies it has to be for education, and it comes out of the function 500. That is the education function. It can't be used for anything else.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment by the Senator from Louisiana.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 82 Leg.]

YEAS—54

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 348) was agreed to.

Mr. CONRAD. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 349

The PRESIDING OFFICER. The question is on agreeing to the Collins amendment No. 349.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 349) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we are working on a UC. We are going to try not to delay the Senate. We have four amendments that have been approved on both sides. I may call them up and ask that they be adopted en bloc.

Mr. CONRAD. What is the chairman's intention about how we proceed? Does the Senator want to do them one at a time?

AMENDMENT NO. 208

Mr. DOMENICI. Mr. President, we will just do these one at a time. I will call up 208.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BYRD, proposes an amendment numbered 208.

The amendment reads as follows:

(Purpose: To foster greater debate of amendments to a reconciliation bill or a budget resolution)

At the end of title II, insert the following:

SEC. ___. LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER RECONCILIATION AND A BUDGET RESOLUTION.

(a) RECONCILIATION AND BUDGET RESOLUTIONS.—For purposes of consideration of any reconciliation bill reported under section 310(e) of the Congressional Budget Act of 1974 or any budget resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) debate, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours;

(2) time on a bill or resolution may only be yielded back by consent;

(3) time on amendments shall be limited to 60 minutes to be equally divided in the usual form and on any second degree amendment or motion to 30 minutes to be equally divided in the usual form;

(4) no first degree amendment may be proposed after the 10th hour of debate on a bill or resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(5) no second degree amendment may be proposed after the 20th hour of debate on a bill or resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour; and

(6) after not more than 40 hours of debate on a bill or resolution, the bill or resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the bill or resolution continues.

(b) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DOMENICI. Mr. President, we are willing to accept this amendment. It is a procedural change that makes all of the processes much better. We will work on it in conference. On our side we are willing to accept it.

Mr. CONRAD. We are as well.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 208) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 289

Mr. DOMENICI. I send to the desk amendment No. 289, the Crapo-Murray amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. CRAPO and Mrs. MURRAY, proposes an amendment numbered 289.

The amendment reads as follows:

(Purpose: To ensure that the Department of Energy's Environmental Management program is funded at a level adequate to continue progress in waste treatment and management, site maintenance and closure, environmental restoration, and technology development, while meeting its legally binding compliance commitments to the states, the Atomic Energy Defense Account is increased by $1 billion in fiscal year 2002)

On page 10, line 21, increase the amount by $1 billion. On page 10, line 22, increase the amount by $650 million. On page 43, line 15, decrease the amount by $1 billion. On page 43, line 16, decrease the amount by $650 million. On page 48, line 8, increase the amount by $1 billion. On page 48, line 9, increase the amount by $650 million.

Mr. DOMENICI. Mr. President, we should note that the cosponsor is Senator MURRAY, so that we have the right sponsors. We have no objection to this amendment. It has to do with funding environmental cleanup that we are committed to doing. Most of us think we are going to have to do it in any event. This makes it clear that we have the money to do that.

Mr. CONRAD. Mr. President, we are willing to accept this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 289) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 210

Mr. CONRAD. Mr. President, we have clearance for another amendment on the list, No. 210, the Bond amendment.

Mr. DOMENICI. Mr. President, we have been willing to do that. Senator Bond has graciously told us he would not insist on a rollcall vote. He said that to us an hour ago.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Bond, proposes an amendment numbered 210.

The amendment reads as follows:

(Purpose: To provide funds for consolidated health centers under section 330 of the Public Health Service Act and for children's hospitals graduate medical education programs under section 340E of such Act)

On page 28, line 23, increase the amount by $136,000,000.

On page 28, line 24, increase the amount by $136,000,000.

On page 43, line 15, decrease the amount by $136,000,000.

On page 43, line 16, decrease the amount by $136,000,000.

On page 48, line 8, increase the amount by $136,000,000.

On page 48, line 9, increase the amount by $136,000,000.

At the appropriate place, insert the following:

Sec. . Sense of the Senate on Consolidated Health Centers.—It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health services at community, migrant, homeless, and public housing health centers.

Mr. DOMENICI. Mr. President, we accept the amendment.

Mr. CONRAD. We have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 210) was agreed to.

AMENDMENT NO. 237

Mr. CONRAD. Mr. President, we have good news. We have another amendment on which we have agreement, and that is amendment No. 237. We just received clearance on amendment No. 237, the Grassley-Kennedy amendment.

Mr. DOMENICI. It is OK on our side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Grassley, for himself and Mr. Kennedy, proposes an amendment numbered 237.

The amendment is as follows:

(Purpose: To establish a reserve fund for the Family Opportunity Act)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered, or a conference report is submitted which provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the "Family Opportunity Act of 2001"), the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $200,000,000 in new budget authority and outlays for fiscal year 2002 and $7,900,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Federal Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Mr. DOMENICI. It is acceptable on our side.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 237) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VITIATION OF ACTION ON AMENDMENT NO. 237

Mr. DOMENICI. I ask unanimous consent we vitiate the adoption of the amendment numbered 237 because it has technical problems we have to work out. We will work them out overnight.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 256

Mr. CONRAD. We have now cleared on this side amendment 256, the Reid-Hutchinson amendment.

Mr. DOMENICI. We call up amendment No. 256, Reid-Hutchinson.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Reid of Nevada and Mr. Hutchinson, Mr. Warner, Mr. Leahy, Mr. Johnson, Ms. Collins, and Mr. Levin, proposes an amendment numbered 256.

Mr. DOMENICI. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for the payment of retired pay and compensation to disabled military retirees)

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR THE PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

If the Committee on Armed Services of the Senate or the House of Representatives reports the Department of Defense authorization bill and includes a provision to fund the payment of retired pay and compensation to disabled military retirees, the chairman of the Committee on the Budget of the Senate or the House of Representatives, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $2,900,000,000 in new budget authority and outlays for fiscal year 2002, and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Mr. DOMENICI. We have no objection.

Mr. CONRAD. No objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 256.

The amendment (No. 256) was agreed to.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL ROMA DAY

Mr. CAMPBELL. Mr. President, in my capacity as chairman of the Helsinki Commission, I take this opportunity to let my colleagues know that on Sunday, April 8, Roma from around the world will commemorate the 30th anniversary of the inaugural meeting of World Romani Congress. In countries across Europe as well as in North America, Roma will gather together to demonstrate solidarity with each other and to draw attention to the human rights violations they continue to face.

Roma are a dispersed minority, present in virtually every country in the region covered by the Organization for Security and Cooperation in Europe, OSCE, including the United States. They first arrived in Europe around the 13th century, after migrating from Northern India and their language, Romani, is related to Sanskrit. Roma were enslaved in what is now modern Romania and Moldova until 1864 and, in much of the rest of Europe, the Romani experience has been marked by pronounced social exclusion.

The single most defining experience for Roma in the 20th century was the Holocaust, known in Romani as the Porrajmos, the Devouring. During the war itself, Roma were targeted for death by the Nazis based on their ethnicity. At least 23,000 Roma were brought to Auschwitz. Almost all of them perished in the gas chambers or from starvation, exhaustion, or disease.

Not quite a year ago, the Helsinki Commission, which I now chair, held a hearing on Romani human rights issues. I heard from a panel of six witnesses, four of whom were Romani, about the problems Roma continue to face. Unfortunately, since the fall of Communism, the situation for Roma in many post-Communist countries has actually gotten worse. As Ina Zoon said, "the defense of Roma rights in Europe is probably one of the biggest failures of the human rights battle in the last ten years."

The more I learn about the plight of Roma, the more I am struck by certain parallels with the experience of American Indians here in our own country. Increasingly, Roma have begun to raise their voices not in search of special treatment, but for an opportunity to freely exercise their human rights and fundamental freedoms without discrimination.

At the OSCE's Summit of Heads of State and Government, held in Istanbul in 1999, the United States strongly supported the commitment, adopted by all OSCE participating States, to adopt anti-discrimination legislation to protect Roma. It is heartening that a number of Central European governments, countries where Roma are the most numerous, have publicly recognized the need to adopt legislation that will protect Roma from the discrimination they face. The adoption last year of the European Union's "race directive", which will require all current EU member states, as well as applicant countries to adopt comprehensive anti-discrimination legislation, should spur this effort.

The Helsinki Commission will continue to monitor the plight of the Roma in the 107th Congress.

CHINA RISKS FLUNKING INTERNATIONAL RELATIONS 101

Mr. AKAKA. Mr. President. Ralph Cossa, President of the Pacific Forum CSIS, which is based in Honolulu, recently published an insightful analysis in the International Herald Tribune entitled "Spy Plane Poses Test That Beijing Risks Flunking." I will ask unanimous consent that his article be printed in the RECORD following my remarks, and I urge my colleagues and Chinese officials to read carefully his article. A recent colleague of Mr. Cossa's at CSIS, James Kelly, has been nominated by President Bush to be the Assistant Secretary of State for East Asia and the Pacific.

The Center for Strategic and International Studies' pacific Forum has a long history of both monitoring and working to improve relations between the United States and China. For this reason especially, Mr. Cossa's analysis of the current crisis in American-Chinese relations is particularly disturbing.

As Mr. Cossa points out, "Beijing's automatic reaction to any mishap is to quickly incite anti-American sentiments. This is contrary to China's stated desire to develop improved relations with Washington."

He makes the point that some in China in the past have accused the United States of a "Cold War mentality" but that today it is China "that is demonstrating such a mindset in the way it has reacted to this accident."

Yesterday, Secretary of State Colin Powell expressed regret for the death of the Chinese pilot and has made suggestions to the Chinese on how to resolve the current crisis and prevent further such incidents. Now it is time for China to respond with similar magnanimous gestures by releasing our air men and women and returning our aircraft. Any further delay may damage American-Chinese relations in an irreparable way.

I ask unanimous consent that the analysis to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the International Herald Tribune, Apr. 4, 2001]

SPY PLANE POSES TEST THAT BEIJING RISKS FLUNKING

(By Ralph A. Cossa)

HONOLULU—The collision between a Chinese fighter and an American reconnaissance aircraft in international airspace over the South China Sea is an unfortunate, unplanned, but nonetheless important test of the maturity of both the relationship between China and the United States. So far, Beijing appears to be flunking the test.

The collision, about 70 miles southeast of China's Hainan Island while the American plane was on a routine, unarmed surveillance mission, was probably caused by overzealousness on the part of the Chinese pilot.

Chinese jets routinely conduct intercept training against such convenient American "targets" but have reportedly become more aggressive, if not reckless, in recent months. The rules of the road call for the faster, more maneuverable Chinese F–8 jets that were involved in the collision to yield to the slower, larger EP–3 propeller-driven aircraft.

China's immediate handling of the incident—to publicly blame the United States even before the facts were known and to protest the U.S. spy plane's "violation" of Chinese airspace—was reminiscent of Beijing's handling of the aftermath of the Belgrade bombing, which was immediately branded a deliberate act. It seems that Beijing's automatic reaction to any mishap is to quickly incite anti-American sentiments. This is contrary to China's stated desire to develop improved relations with Washington.

Equally disturbing was Chinese refusal to grant American diplomats immediate access to the crew or to the plane, which is loaded with sensitive surveillance equipment (although much of it was no doubt destroyed by the crew before landing at the Chinese airfield).

Will China, the self-proclaimed defender of national sovereign rights, treat the plane as the piece of American sovereign territory that it is, or—as it has already done, according to some reports—board the plane and attempt to exploit its sensitive equipment? How China behaves will be a sign of just how important maintaining good relations with Washington really are for Beijing.

Some elements in China have long accused the United States of harboring a Cold War mentality. But it is China today that is demonstrating such a mindset in the way it has reacted to this accident. In his recent meeting with Deputy Prime Minister Qian Qichen of China, President George W. Bush pledged to treat the Chinese with respect. But respect must work both ways. The longer the release of the crew members is delayed, the more one must conclude that Mr. Qian's pledge to cooperate with Washington was an empty promise.

Continued Chinese heavy-handedness will certainly result in more calls for increased arms sales by Taiwan's supporters in the United States. Any attempt by Beijing to trade the crew or aircraft's release for a reduction in arms sales is sure to backfire.

Poor handling of this incident by either side could result in a serious setback in the broader relationship and would magnify the impact of other decisions. Instead of merely asserting that the other is to blame, both sides should agree to cooperate in a full inquiry into the accident, aimed first and foremost at ensuring that this type of tragedy does not occur again.

The Chinese government should also ensure that a full, fair, and objective accounting of what actually happened reaches the Chinese people.

UND HOCKEY TEAM

Mr. CONRAD. Mr. President, I would like to take a few minutes to recognize the University of North Dakota's Hockey team. As a native North Dakotan, I am very proud of the rich hockey tradition at the University of North Dakota. The defending NCAA Champion "Fighting Sioux" defeated Michigan State in NCAA hockey's "frozen four" semi-final today in Albany, New York by a final score of 2–0. They will defend their title Saturday at 4 p.m. in the national championship game.

Dean Blais, the team's coach, has done a fantastic job in continuing the UND hockey program's tradition of excellence. The "Fighting Sioux" have won a total of 7 national championships. In just 6 years as head coach, Blais has led the team to four Western Collegiate Hockey Association regular season titles in the past five years and National championships in 1997 and 2000. Last year, the "Fighting Sioux" were honored as the first collegiate hockey team ever invited to the White House.

The "Fighting Sioux" are led by Jeff Panzer, a Grand Forks, North Dakota native who is nominated for the Hobey Baker Award, which recognizes college hockey's top play. Panzer had 26 goals and 55 assists during the regular season and led the Nation in scoring with 81 points. But at UND, teamwork and team spirit has always been a paramount, and the team's success this year has once against been the product of a team effort.

On behalf of the entire State of North Dakota, I wish the "Fighting Sioux" the best of luck in the championship game on Saturday. I'll be cheering for you.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 4, 2001, the Federal debt stood at $5,777,864,856,329.85, Five trillion, seven hundred seventy-seven billion, eight hundred sixty-four million, eight hundred fifty-six thousand, three hundred twenty-nine dollars and eighty-five cents.

One year ago, April 4, 2000, the Federal debt stood at $5,758,855,000,000, Five trillion, seven hundred fifty-eight billion, eight hundred fifty-five million.

Five years ago, April 4, 1996, the Federal debt stood at $5,137,761,000,000, Five trillion, one hundred thirty-seven billion, seven hundred sixty-one million.

Ten years ago, April 4, 1991, the Federal debt stood at $3,465,170,000,000, Three trillion, four hundred sixty-five billion, one hundred seventy million.

Fifteen years ago, April 4, 1986, the Federal debt stood at $2,021,383,000,000, Two trillion, twenty-one billion, three hundred eighty-three million, which reflects a debt increase of almost $4 trillion, $3,756,481,856,329.85, Three trillion, seven hundred fifty-six billion, four hundred eighty-one million, eight hundred fifty-six thousand, three hundred twenty-nine dollars and eighty-five cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO L. RICHARDSON PREYER, FORMER NORTH CAROLINA CONGRESSMAN AND JUDGE

• Mr. EDWARDS. Mr. President, I rise today to note with sadness the death of a truly great North Carolinian and a great personal friend of mine, Richardson Preyer. Richardson Preyer succumbed to cancer on April 3 at the age of 82 after a long and productive life serving the people of North Carolina.

Many of you may remember Richardson Preyer from his distinguished service in the House, but I'd like to share with you today a few things you may not know about this truly inspirational North Carolinian.

Rich Preyer left his native Greensboro, NC as a young man to attend college at Princeton University and law school at Harvard. He served honorably in World War II, earning a Bronze Star from the Navy for his courage at Okinawa.

After the war, Rich could've chosen a lucrative career in the family business, Vick Chemical, or made his mark and fortune in any number of fields. Instead, he dedicated his life to public service, and went on to become one of the finest, noblest servants of the public good my state has ever known.

Richardson Preyer began his career in Greensboro as a municipal court judge before rising to the state Superior Court bench. In a landmark 1957 decision, Judge Preyer courageously upheld a ruling that allowed five African-American children to attend an all-white Greensboro school. This marked the first time that black and white children would learn together in a Greensboro school.

Rich's courage and his absolute respect for the law and for people caught the eye of President John F. Kennedy, who named him to a U.S. District Court judgship in 1961. Judge Preyer stepped down in 1963 to launch an unsuccessful bid for Governor.

Now, the early '60's were a contentious time in this country, particularly in the South. Many people speculated that he could win the governor's race if he would just denounce school integration, but anyone who knew Richardson Preyer knows that he could never compromise his principles for victory.

An unabashed optimist, Rich turned his loss into opportunity. Four years after his defeat, he ran for Congress. Congressman Preyer went on to serve the people of North Carolina's 6th District for 6 terms, from 1968 to 1980.

As a member of Congress, he won the respect of both Republicans and Democrats for his dignity, intelligence and integrity. He chaired the House Select Committee on Ethics, crafting the Congressional code of ethics. He also served on the House Select Committee on Assassinations, helping to investigate the deaths of President Kennedy and Martin Luther King Jr.

Congressman Preyer left the House of Representatives in 1980. He and his wife Emily returned home to Greensboro, where they continued to touch the lives of so many in their community and in their state. I am personally grateful to Rich for encouraging me during my Senate campaign in 1998.

Richardson Preyer was truly a blessing to those of us who knew him, and to all the people of North Carolina. We will miss him deeply. Our prayers go out to his family.•

TRIBUTE TO JOHN "ANDY" LOVE'S PROMOTION TO MAJOR GENERAL

• Mr. CAMPBELL. Mr. President, today I want to recognize and congratulate a special Coloradan, John A. Love, for his promotion to Major General of the Colorado Air National Guard.

Just last week, on March 30, 2001, John Love, who is better known as Andy by his family and friends, earned his second star as a Major General when the U.S. Senate unanimously approved his promotion. His promotion to Major General was Andy's 7th promotion since he first started his military career with the Colorado National Guard as a Second Lieutenant on June 1st, 1968. I send my congratulations to Andy from the floor of the U.S. Senate for this well deserved promotion.

Major General Andy Love's roots run deep and true in Colorado. His distinguished father, John Arthur Love, was elected to serve as the Governor of Colorado three times. Governor Love was first elected Governor in 1962 and served the people of Colorado well. Governor Love also served as the Chairman of the National Governors' Conference from 1969–1970. In 1972, his time as Governor ended when he was appointed by President Nixon to serve as our nation's first Director of the Energy Policy Office, a predecessor of the U.S. Department of Energy.

In addition, Andy's sister, Rebecca Love Kourlis, currently serves the people of Colorado as a Justice on the Colorado Supreme Court. Other members of the Love family have also served Colorado, and continue to serve to this day.

Major General Love's career with the Colorado Air National Guard has gone far beyond the "one weekend a month, two weeks a year" commitment we usually think of when we think of this kind of service. For the past 34 years, Andy has dedicated time every week, putting in more than 2,500 flying hours. He did this to keep his skills as a fighter pilot sharp and current. Over the past 34 years he has mastered several generations of fighters, including the F–100, A–7 and F–16. Andy's proficiency and commitment has been underscored twice by his winning the squadron's "Top Gun" award, and he won these distinctions on two different fighter jets.

In his newest role, Major General Love serves as an assistant to the commander of the Air Force Space Command and the director of Air National Guard Forces at Peterson Air Force Base. He is responsible for advising the commander on all issues impacting the Air National Guard and provides administrative oversight of assigned personnel. He also is slated with assuring the successful planning, programming and execution of the Guard's missions, including total force and space operations.

While serving our nation, and the state of Colorado, is an important part of Andy's active and busy life's work, it is important to point out that it is just one of numerous other important parts of his life. He also has a civilian job as a Principal of Morrison, Love & Company.

For nearly 10 years, Andy has been married to a charming and successful lady, Virginia Morrison Love. Not only is Virginia his partner in life, she is also one of Andy's key partners in his civilian job. Virginia's 15-plus years of government affairs experience and accumulated expertise enable her as a partner in her role as a Principal at Morrison, Love & Company. Her community service also distinguishes her as one of Colorado's leading ladies.

Like his wife, Major General Love also has dedicated many hours to community service. He serves as the Chairman of the Denver Health and Hospital Foundation, as a member of Colorado's State Board of Agriculture and as a member of the Cherry Hills Planning and Zoning Commission, just to name a few.

In his free time, which I understand is quite limited due to his public service and work and family commitments, Andy enjoys fly fishing and vigorous horseback riding. I understand that each summer, Andy sets off on a week-long pack trip along Colorado's Continental Divide with the Roundup Riders of the Rockies.

Major General Love is an outstanding Coloradan and a patriotic American. He has earned, and deserves, our appreciation and applause.•

TRIBUTE TO SCARLET CROW

• Mr. DORGAN. Mr. President, I rise today to pay tribute and restore honor to a Native American who contributed much to the expansion of our Nation and the development of what would later become my home State of North Dakota.

After seeing an exhibit at the Library of Congress recently, I became interested in learning more about the Native Americans who are buried in the Congressional Cemetery. Through my research, I came across the name of Scarlet Crow. Scarlet Crow, a member of the Wahpeton Sisseton Sioux Tribe, died in Washington, DC., under mysterious circumstances in 1867, and was buried in the Congressional Cemetery east of Capitol Hill.

I learned from further research that Scarlet Crow's death certificate reported his cause of death to be suicide. But the facts reveal a different, more tragic story.

In February 1867, Scarlet Crow left a family that included eight children to undertake a long journey from the Dakota Territory to Washington, DC. He was a tribal chief who came here to renegotiate a treaty with the U.S. Government. He was, in fact, one of many Native Americans who came to the Nation's capital in those days to negotiate in good faith, only to discover that the United States continued to mistreat Native Americans by forging agreements the Government subsequently failed to honor.

Before his work here was done, tragedy struck. Scarlet Crow was reported missing on February 24th that year. Two weeks later, his body was discovered near the Occoquan Bridge in Northern Virginia several miles outside Washington. At first, his death was reported to be a suicide. But investigators later described evidence that could not support that conclusion.

The mystery of what really happened to Scarlet Crow still remains. We do know that criminal investigators pointed out that the cloth Scarlet Crow would have used to hang himself would not have supported a weight of more than 40 pounds. The branch from which he supposedly hung himself would have broken under the weight of a small child, they said. In addition, his blanket was folded neatly by his body, with no signs of a struggle. Despite this evidence, which might suggest that Scarlet Crow was murdered, there is no record that anyone followed up on the investigation. And today, Scarlet Crow's death certificate still lists suicide as the cause of death.

There are no records to tell us when and how Scarlet Crow's family learned of his death, or what happened to his family afterward. Records do tell us, however, that he was an honorable and trustworthy man who devoted his efforts to a peaceful life with the settlers who came to tame the great Midwest. He is described in one Government letter as an industrious man who worked to promote agriculture among his fellow Native Americans. And at one time, it was reported that his "laborious habits had made him a prosperous farmer," a prosperity that was later lost during hostilities in 1862.

In 1916, Congress voted to provide a headstone for Scarlet Crow's grave, at the request of North Dakota Senator Asle J. Gronna. Since that action nearly a century ago, the memory of Scarlet Crow has been relegated to obscurity.

The mysterious circumstances of Mr. Crow's death and the unusual story about his burial in the Congressional Cemetery led me to visit the cemetery recently to locate his tombstone.

The cemetery has fallen into some disrepair over the years and it is in some ways a rather forlorn place. Perhaps as we move forward with our planning for this year, Congress can find the resources to restore dignity to our Congressional Cemetery. In the meantime, I urge my colleagues to find time to visit this cemetery. And while there, I hope you will pause a moment in tribute to this dedicated Native American, Scarlet Crow, whose life came to such a tragic and untimely end in our Nation's capital.•

CONGRATULATIONS TO SENATOR BUNNING

• Mr. SANTORUM. Mr. President, I rise today to congratulate our friend and colleague from the Commonwealth of Kentucky, Senator BUNNING, on the occasion of his number being retired by the Philadelphia Phillies.

On April 6, Senator BUNNING's number, 14, will become only the fifth number to be retired in the franchise's 119-year history. The Senator from Kentucky will join fellow Hall of Famers Robin Roberts, Richie Ashburn, Steve Carlton, and Mike Schmidt. The honor to be bestowed is fitting for the pitcher who led the majors in wins, innings and strikeouts from 1955 to 1971.

This is one of many accolades in a distinguished career in professional athletics and public service. Senator BUNNING was elected to the baseball Hall of Fame after a career in the Major Leagues which spanned seventeen seasons. At the time of his retirement from the big leagues in 1971, he ranked second only to the great Walter Johnson in career strikeouts with 2,855. The Senator is identified as an "intimidating right-handed sidearmer" on his Hall of Fame plaque. His brilliant career may have reached its pinnacle on June 21, 1964, Father's Day, when the father who has raised nine children threw a perfect game. With this feat Jim Bunning became the first pitcher in the twentieth century to throw a no-hitter both in the National and American leagues.

I have been fortunate enough to witness many of the distinguished Senator's accomplishments in public service. I first met Jim Bunning in the House of Representatives in the 102nd Congress. My wife Karen also met Mary Bunning, Jim's amazing wife and mother of those nine children. She was Karen's big sister and continues to be a great friend to both of us. During the 103rd Congress I served with Jim on the Ways and Means Committee. In 1998, the people of Kentucky elected Jim Bunning to the U.S. Senate where I am proud to serve with him once again.

It is with great pleasure that I commend my friend and colleague, Senator BUNNING, for his remarkable career as a Hall of Fame pitcher. I ask my colleagues to join with me in congratulating him on this milestone relative to his performance as a member of the Philadelphia Phillies. Once again quoting from the right-hander's Hall of Fame plaque, he has "maintained dedication and consistency" throughout his career as a Major League pitcher, as a member of the U.S. House of Representatives and the U.S. Senate. His service is an example of excellence for young and old, including his thirty-five grandchildren. I congratulate him and I applaud him for his service.●

TRIBUTE TO WILLIE LOUIS KING

● Mrs. CLINTON. Mr. President, Willie Louis King of Niagara Falls, NY, took seriously his role as citizen-activist and acted on the democratic ideals that many of us only talk about. To honor Mr. King's memory, I ask that Ken Hamilton's eloquent tribute be printed in the RECORD.

The tribute follows:

WILLIE KING WALKED TO THE CIRCLE'S EDGE

I read Willie King's obituary, and it did not say enough. One of the problems with obituaries is that they are hastily written biographies of loved ones that attempt to convey to the world "who" the individual was and "whom" they leave to mourn. For most of us, that is fine, because our lives are about the "whos" (ourselves) and "whoms" closest to us, those who will mourn the end of our existence, as we know it.

More often than we know, many of those same people were about much more than just "who" and "whom," and their lives are not simply measured in the many names that are listed in the "survived by" paragraph of their obituaries. Though their lives were not ideal, nonetheless, they lived their lives based on ideals.

It was hard for the principled Willie King to change his mind about the things he strongly believed in. He was a dyed-in-the-wool Democratic committeeman, and I, a registered Republican and former committeeman who believes, among other things, that while party affiliation is a consideration, the value of the person is more important.

We were members of the same church, but even there, our encounters ended in political talk. Though Willie King and I disagreed upon many issues, he was the one man I knew who believed in one thing more than anything else in the world: It was more than everyone's right to vote; it was their responsibility to do so.

Perhaps it was his rural, southern upbringing and the associated hardships and attitude that were endemic in a then-segregated South, that led him to believe that ideal. He often spoke, and was qualified to do so, of those who had died—of all races—so that we might have that privilege. Yet while the youthful Willie King endured inequity in the South, the elder King believed in, and at every opportunity that he had, practiced equality in the North.

I know this because, as expected, this dyed-in-the-wool Democrat crossed racial lines and voted against me when I ran for state Senate and boldly let me know that he did so. Moreover, our mutual dear and tearful Italian friend, Tony Mondi, called me to tell me of Willie's passing. In the telling, he spoke of his last time seeing Willie.

It was Election Day, and Tony had talked to Zola, Willie's wife, and found that Willie, who was rapidly succumbing to the cancer that was ravaging his body, was too sick to go to the polls to vote. As far as anyone knew, this would be the first time that he would not exercise that privilege—no—responsibility, that he so dearly believed in.

Hanging around campaign headquarters that day were a couple of firefighters. Tony knowing how important it was to his friend, talked to them about the situation. "No problem," they said. "We'll go get him so that he can vote."

Tony called Zola, and all that she asked for was for 15 minutes. Off they went, into the rain, to exercise the ideal. Tony "chauffeured" his own big, black Cadillac, and the two firefighters, Greg Colangelo and Rick Horn, went into the house to "pick up" this man and "carry" him to the polls. There was a wheelchair available, but Willie was not going to have that! For as many years that he had voted, he had proudly walked into the polls and done so. There would be no prouder time for him than Tuesday, November 2, 1999. With all of the strength that he, and all of his ancestors, could muster, he again "walked" into those polls and voted—most probably, straight across the line!

Yes, this one-time fruit picker, Willie King, one rainy afternoon, dragging death behind him and carrying with him the memories of counseling with great political leaders, walked into the polls.

You know, I often hear people speak of others whom I have never met, and whom I will never know, of how they gave their lives for the ideal of democracy and our right to vote. These heroes all stand together in a very special place in history—Abraham, Martin, John, and others. On Nov. 12, as Willie King slept, cared for by his beloved wife; those heroes welcomed him, another King, to the edge of that very special circle.

Therefore, next Election Day, I am interested in hearing your excuse for knowing the issues, but not going out to vote. Walk proudly into those polls.

Willie did.●

KARI WARBERG WINS ENTREPRENEURIAL AWARD

● Mr. DORGAN. Mr. President, I want to congratulate Kari Warberg, a constituent of mine from New Town, ND, who was recently awarded the Regional Working Women's Excellence Award for 2001. Kari's farm-based business, Earthkind, Inc, was determined to have demonstrated the most outstanding entrepreneurial achievement for a woman-owned business in a region that covers eight States.

Earthkind, Inc. sells potpourri, candles, air freshener, and other products using plants from her garden. Kari spent five years developing her products, and through self-discipline and perseverance, she has made her business a success. Currently these products are sold in 5,000 stores throughout the U.S., Canada, and Europe. She also sells her wares over the Internet.

This well-deserved award is a great honor for Kari Warberg, and I applaud her inventive spirit and her hard work. I hope that my colleagues will join me in sending her our congratulations.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 8. An act to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes.

H.R. 642. An act to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes.

The message also announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 66. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled "Women in Congress, 1917–1990."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 642. An act to reauthorize the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 66. Concurrent resolution authorizing the printing of a revised and updated version of the House document entitled: "Women in Congress, 1917–1990"; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 700. A bill to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 8. An act to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted on April 5, 2001:

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 219: A bill to suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. HELMS for the Committee on Foreign Relations.

Argeo Paul Cellucci, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Nominee: Argeo Paul Cellucci.

Post: Ambassador to Canada.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $50, 2000, Elmer Eubanks Committee, Candidate for State Representative; $100, 2000, Friends of George Allen, Candidate for U.S. Senate; $100, 1998, Richard Tisei Committee, Candidate for State Senator; and $50, 1998, Committee, to elect Robert Taki, Candidate for State Representative.

2. Spouse: Janet Garnett Cellucci (none).

3. Children and Spouses: Kate Cellucci (none); Anne Cellucci (none).

4. Parents: Argeo R. Cellucci, Jr. (see attachment); Priscilla M. Cellucci (none).

5. Grandparents: Argeo L. Cellucci (deceased), Rose Cellucci (deceased) and Julian Rose (deceased), Mildred Rose (deceased).

6. Brothers and Spouses: Peter Cellucci (see attachment); Barbara Cellucci (none).

7 Sisters and Spouses: Roseann Canny (see attachment); Brian W. Canny (see attachment).

ATTACHMENT.

Argeo R. Cellucci, Jr. (father).

1997: Republican National Committee, $25; Massachusetts Republican Party, $50; Campaign to re-elect Gladys Beaudette, $25; Committee to Elect Anthony Ranieri, $25; and Westboro Republican Town Committee, $20.

1998: Massachusetts Republican Party, $100; Committee to Elect Anthony Ranieri, $20; The Doug MacLean Committee, $50; Jane Swift Committee, $100; Brad Bailey Committee, $50; Jane Swift Committee, $100; Brad Bailey Committee, $50; Citizens for Peter Torkildsen, $50; Dale Jenkins Committee, $50; Matthew Amorello for Congress, $100; and Jane Swift Committee, $100.

1999: Dick Yurkus Committee, $100; McCain 2000, $25; Massachusetts Republican Party, $25; Jane Swift Committee, $50; Matthew Amorello for Congress, $50; Bush for President, $100; and Massachusetts Republican Party, $50.

2000: Friends of Rudy Giuliani, $100; Republican National Committee, $30; Jane Swift Committee, $100; Republican National Committee, $25; Massachusetts Republican Party, $100; Republican National Committee, $20; Massachusetts Republican Party, $100; RNC Victory 2000, $100; Rick Lazio 2000, $35; Rick Lazio 2000, $50; RNC Victory 2000, $100; Committee to Re-elect Sue Pope, $50; Republican National Committee, $25; Elmer Eubanks Committee, $50; Massachusetts Republican Party, $100; RNC Victory 2000, $100; Rick Lazio 2000, $100; RNC Victory 2000, $100; and Jane Swift Committee, $100.

Peter Cellucci (brother).

1997: Committee to Elect Clair Schroeder, $20

Roseann Canny (sister).

1997: CONNPIRG, $10 and Cellucci Committee, $100.

1998: Republican Women of Boston, $20; Republican Women of Boston, $35; Republican Women of Boston, $20; Republican Women of Boston, $20; Mass Federation of Republican Women, $25; Republican Women of Massachusetts, $40; Cellucci Committee, $500; Women's Republican Club of Worcester, $13.50; and Swift Committee, $50.

1999: Republican Women of Boston, $35; Cellucci Committee, $500; Gov. G.W. Bush Presidential Exploratory Committee, $1,000; Swift Committee, $30; Swift Committee, $200; Swift Committee, $100; and Massachusetts Republican Party, $50.

2000: Committee to Elect Dottrice McPherson, $35 and Republican Women of Boston, $20.

2001: Swift Committee, $100.

Brian W. Canny (brother-in-law).

1997: COPE (IBEW Political Action Committee), $10.

1998: Re-Elect Tony Guglielmo, $50 and COPE (IBEW Political Action Committee), $20.

1999: COPE (IBEW Political Action Committee), $20.

2000: Connecticut Republicans, $20 and RNC Presidential, $1,000.

Janet Cellucci (wife). (None).

Priscilla Cellucci (sister). (None).

Barbara Cellucci (sister-in-law). (None).

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 701. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. Warner, Mr. Helms, Mr. Specter, Mr. Brownback, Mrs. Feinstein, and Mr. Hutchinson):

S. 702. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. Leahy, Mr. Jeffords, Mr. Gregg, Mr. Lieberman, Mr. Dodd, Mr. Kennedy, and Mr. Kerry):

S. 703. A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 704. A bill to prohibit the cloning of humans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 705. A bill to establish a health information technology grant program for hospitals and for skilled nursing facilities and home health agencies, and to require the Secretary of Health and Human Services to establish and implement a methodology under the medicare program for providing hospitals with reimbursement for costs incurred by such hospitals with respect to information technology systems; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. Jeffords, Mr. Daschle, Mrs. Hutchison, Mr. Leahy, Mr. Reid, Mr. Hollings, Mr. Johnson, Mr. Schumer, Ms. Mikulski, Mrs. Murray, Mr. Torricelli, Mr. Inouye, Mr. Reed, Mrs. Clinton, Mr. Bingaman, Mr. Harkin, Mr. Sarbanes, Mr. Lieberman, Mr. Rockefeller, Mr. Kennedy, Mrs. Lincoln, and Ms. Snowe):

S. 706. A bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 707. A bill to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. Harkin, Mr. Campbell, Mr. Durbin, Mr. Daschle, Mr. Roberts, Mr. Dayton, Mr. Conrad, Mr. Dorgan, Mr. Johnson, Mr. Feingold, Mr. Kohl, Mr. Nelson of Nebraska, Mr. Grassley, Mr. Lugar, Mr. Bond, Mr. Brownback, Mrs. Feinstein, Mr. Akaka, Mr. Bingaman, Mr. Baucus, Mr. Burns, Mr. Craig, Mr. Enzi, Mr. Thomas, Mrs. Lincoln, Mr. Edwards, Mr. Hollings, Mr. Helms, Mrs. Clinton, Mr. Crapo, Ms. Mikulski, Mr. Leahy, Mr. Fitzgerald, Mr. Wyden, Mr. Rockefeller, Mr. Allard, and Ms. Stabenow):

S. 708. A bill to provide the citizens of the United States and Congress with a report on coordinated actions by Federal agencies to prevent the introduction of foot and mouth disease and bovine spongiform encephalopathy into the United States and other information to assess the economic and public health impacts associated with the potential threats presented by those diseases; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 709. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Alaska Native Settlement Trusts; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. Helms):

S. 710. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 711. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

By Mr. THOMAS:

S. 712. A bill to prohibit commercial air tour operations over Yellowstone National Park and Grand Teton National Park; to the

Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support a Native Alaskan subsistence whaling; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. Kerry):

S. 714. A bill to urge the United States Trade Representative to pursue the establishment of a small business advocate within the World Trade Organization, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 715. A bill to designate 7 counties in the State of Montana as High Intensity Drug Trafficking Areas and authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 716. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agricultural to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 717. A bill to provide educational opportunities for disadvantaged children, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Brownback, and Mr. Jeffords):

S. 718. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE (for himself, Mr. Kerry, Mrs. Clinton, and Ms. Cantwell):

S. 719. A bill to amend Federal election law to provide for clean elections funded by clean money; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself and Ms. Stabenow):

S. 720. A bill to amend the Public Health Service Act to provide for awards by the National Institute of Environmental Health Sciences to develop and operate multidisciplinary research centers regarding the impact of environmental factors on women's health and disease prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Ms. Mikulski, Mr. Warner, Mr. Enzi, Mr. Bingaman, Mr. Roberts, Mr. Frist, and Ms. Collins):

S. 721. A bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. Reed, and Mr. Lugar):

S. 722. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. Harkin, Mr. Thurmond, Mr. Chafee, Mr. Smith of Oregon, Mr. Hollings, Mr. Reid, Mrs. Murray, Mrs. Clinton, Mr. Corzine, Mrs. Feinstein, Mr. Kerry, and Mr. Inouye):

S. 723. A bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. Kerry, Mr. Warner, Mrs. Feinstein, Mr. Murkowski, Mr. Biden, Mr. Lugar, Mr. Smith of Oregon, Mrs. Clinton, Mr. Brownback, Mr. Baucus, Mr. Roberts, Mr. Nelson of Florida, Mr. Lieberman, Mr. Kennedy, Mr. Dodd, Mr. Torricelli, Mr. Corzine, Mr. McConnell, Mr. Levin, Mrs. Boxer, Mr. Wellstone, Mr. Daschle, Mr. Rockefeller, Mrs. Carnahan, Mr. Conrad, Mrs. Murray, Mr. Thurmond, Mr. Crapo, Mr. Dorgan, Mr. Bayh, Mr. Campbell, Ms. Cantwell, Ms. Collins, Mr. Edwards, Mr. Kohl, Mr. Hutchinson, Mr. Fitzgerald, Mr. Inouye, Mr. Johnson, and Ms. Snowe):

S. Res. 66. A resolution expressing the sense of the Senate regarding the release of twenty-four United States military personnel currently being detained by the People's Republic of China; to the Committee on Foreign Relations.

By Mr. HELMS (for himself and Mr. Edwards):

S. Res. 67. A resolution commending the Blue Devils of Duke University for winning the 2001 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. McCain, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 131

At the request of Mr. Johnson, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 145

At the request of Mr. Thurmond, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. Reid, the names of the Senator from Michigan (Mr. Levin) and the Senator from Missouri (Mrs. Carnahan) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. Akaka, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 237

At the request of Mr. Hutchinson, the name of the Senator from Nevada (Mr. Ensign) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 255

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 258

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 261

At the request of Ms. Snowe, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 261, a bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decisionmaking at the National Cancer Institute.

S. 280

At the request of Mr. Johnson, the name of the Senator from Minnesota (Mr. Dayton) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 284

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 284, a bill to amend the Internal Revenue Code of 1986 to provide incentives to expand health care coverage for individuals.

S. 350

At the request of Mr. CHAFEE, the names of the Senator from Tennessee (Mr. THOMPSON), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 350, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 403

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 403, a bill to improve the National Writing Project.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 462

At the request of Mr. KYL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 462, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to charitable organizations which provide scholarships for children to attend elementary and secondary schools.

S. 503

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 503, a bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 697

At the request of Mr. BAUCUS, the names of the Senator from Montana (Mr. BURNS) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day".

S. RES. 44

At the request of Mr. COCHRAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 44, a resolution designating each of March 2001, and March 2002, as "Arts Education Month".

AMENDMENT NO. 179

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Amendment No. 179 intended to be proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 183

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of Amendment No. 183 intended to be proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 190

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of Amendment No. 190 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself, Mr. WARNER, Mr. HELMS, Mr. SPECTER, Mr. BROWNBACK, Mrs. FEINSTEIN, and Mr. HUTCHINSON):

S. 702. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I rise to introduce legislation on behalf of myself, Senators WARNER, HELMS, SPECTER, BROWNBACK, FEINSTEIN and TIM HUTCHINSON. This bill will grant citizenship to a Chinese woman, Gao Zhan, who has been living in Virginia and is a researcher at American University.

Early this year, Gao Zhan, her husband, Dong Hua Xue and their 5-year-old son, Andrew, went to the People's Republic of China to visit the parents of Gao Zhan and Dong Hua. On February 11, 2001, Gao, Dong Hua, and Andrew were detained as they were leaving the People's Republic of China. They were separated, blindfolded and taken incommunicado to unknown locations.

After 26 days of separated detention, Chinese authorities released Dong Hua and Andrew. Dong Hua and Andrew returned to their home in Virginia. Gao Zhan has remained in a Chinese prison. We do not know where she is and no one has been permitted to visit her.

The U.S. Department of State has made over a dozen protests to the government of the People's Republic of China about this matter but the government of the People's Republic of China has refused to permit access to Gao Zhan.

The requirements to become a U.S. citizen are: Establishing residency for five years prior to application; Passing the INS test on U.S. history, government and language; Passing the FBI background investigation; and Taking the oath of renunciation and allegiance.

Gao Zhan and her husband, Dong Hua, have been permanent resident aliens of the United States since September 28, 1993. They filed applications to become citizens on August 3, 1998. Their applications to become citizens were granted on November 24, 1999. The only step that remained before they could become citizens was to take their oath of renunciation and allegiance.

Gao Zhan and Dong Hua had completed the first three of these requirements before they visited the People's Republic of China. Last Friday, March 30, Dong Hua took his oath of renunciation and allegiance.

This legislation would permit Gao Zhan to become a U.S. citizen without her having to take the oath. In addition, the legislation provides that the Attorney General may deliver the certificate indicating that Gao Zhan is a citizen to her husband if it cannot be delivered personally to her.

This bill will be referred to the Subcommittee on Immigration of the Senate Committee on the Judiciary. I have spoken with Senator BROWNBACK, chairman of the Subcommittee, as well as Senator FEINSTEIN ranking member, and Senator HATCH, chairman of the full Committee, and urged them to move this bill as rapidly as possible.

The first step that will be taken by the Subcommittee on Immigration is to request a report on this case from the Immigration and Naturalization Service, INS, which will provide the Subcommittee with a factual record from which to operate. I have been told that this report may take about two weeks to prepare.

When the Deputy Prime Minister of the People's Republic of China visited the United States last month, President Bush raised the issue of Gao Zhan's continued detention and the refusal to permit officials of the U.S. government to visit her.

Secretary of State Colin Powell recently called for the release of Gao Zhan on humanitarian grounds and criticized the People's Republic of China for holding Andrew, Gao Zhan's 5 year old son and a U.S. citizen, without notifying our Embassy in Beijing as required by treaty.

It has been reported that this past Tuesday, the People's Republic of China formally accused Gao Zhan of "accepting money from a foreign intelligence agency and participating in espionage activities in China." If Gao Zhan is tried on this charge, she is likely to be convicted and given a long prison sentence. China tries such security cases in secret and allows little chance for defendants to respond to the charges.

I hope the introduction of this bill and its consideration by the Congress will improve Gao Zhan's conditions in the People's Republic of China, afford her protections and rights that she doesn't currently have as a permanent resident alien and hopefully lead to her release. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURALIZATION OF GAO ZHAN.

(a) NATURALIZATION.—Notwithstanding any other provision of law, the Attorney General shall naturalize Gao Zhan as a citizen of the United States, without her being administered the oath of renunciation and allegiance pursuant to section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)), not later than 5 days after the date of the enactment of this Act.

(b) CERTIFICATE OF NATURALIZATION.—Not later than 5 days after the date of naturalization under paragraph (1), an appropriate official of the United States Government designated by the Attorney General shall deliver to Gao Zhan a certificate of naturalization prepared by the Attorney General. If the Attorney General determines that delivery of the certificate of naturalization cannot be made within the period specified, the Attorney shall furnish the certificate to Gao Zhan's spouse, Xue Donghua, on her behalf.

By Mr. SMITH of New Hampshire (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. GREGG, Mr. LIEBERMAN, Mr. DODD, Mr. KENNEDY, and Mr. KERRY):

S. 703. A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes; to the Committee on the Judiciary.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce a bill to extend the authorization of the Connecticut River Atlantic Salmon Commission, CRASC, for an additional 20 years.

CRASC is a cooperative effort that includes multiple state and federal agencies, conservation organizations, industry and citizens throughout the Connecticut River basin. It was initially recognized by Congress in 1983. For the past twenty years, the Commission has been working to restore Atlantic salmon and other anadromous fish populations in the Connecticut River watershed.

The Connecticut River basin runs through the states of New Hampshire, Vermont, Massachusetts and Connecticut. The native Atlantic salmon stocks declined through the 18th century, and disappeared from the Connecticut River and its tributaries in the 1800s. Since 1983, CRASC has been successful in reintroducing the Atlantic salmon throughout the watershed.

The success of the CRASC is due to the cooperative nature in which it runs. Without the support of all the stakeholders, the restoration efforts would be slower and more difficult. Restoration efforts include the construction and maintenance of fish passage systems; salmon hatcheries and reintroduction; habitat restoration; research, monitoring and evaluation; and education and public outreach. The health of the salmon population is directly related to the quality of the river, and without these efforts, the two million people who live in the basin would be unable to enjoy the benefits that can be derived from a cleaner, healthier river system.

The legislation that I am introducing does two basic things. First, it reauthorizes the Connecticut River Atlantic Salmon Commission for another twenty years. Second, the bill authorizes $9 million in appropriations to the Secretary of the Interior through 2010 to carry out Atlantic salmon and anadromous fish restoration activities. The U.S. Fish and Wildlife Service provides the Commission with just over half of its annual expenditures; however, the level of funding has not kept pace with needs. This authorization level would provide $5 million a year to federal and state agencies for operations and maintenance needs, and $4 million a year for construction and capital improvement needs for the hatcheries and fish passage systems.

The Connecticut River Atlantic Salmon Commission is the perfect example of federal and state agencies and the public working together to conserve our natural resources. In the past twenty years, this cooperative approach to conservation has resulted in the successful conservation of anadromous fish populations throughout the Connecticut River basin, as well as the improvement in the quality of the river and its tributaries. This kind of effort deserves the continued support of Congress.

By Mr. CAMPBELL:

S. 704. A bill to prohibit the cloning of humans; to the Committee on Health, Education, Labor, and Pensions.

Mr. CAMPBELL. Mr. President, today I am introducing a bill to prohibit the cloning of human beings. This bill, which is similar to the bill I introduced in 1998, would be an outright ban on human cloning, whether publicly or privately funded.

My bill intends to prohibit human reproductive cloning in a comprehensive manner. It includes a ban on the use of human and animal tissues for the purpose of creating a cloned human child. However, this bill does not address the prohibition of embryo cloning, nor does this bill extend to cloning technologies for animals or plants.

Though an executive order in 1997 banned the use of federal money for any project involving the cloning of humans, no law limits such research with private funds. And, though the Food and Drug Administration has declared its authority to regulate human cloning, we have very recently heard testimony before a House subcommittee stating that several research groups are moving ahead in their experiments without such approval.

In addition to the moral dilemma this process presents, a recent Time/CNN poll shows 90 percent of the respondents think it is a bad idea to clone human beings. And, as a nation, we are not alone in rejecting both the notion and the practice of altering creation. There is broad international agreement that the cloning of human beings for reproductive purposes should be prohibited.

I am not a scientist and do not wish to insert myself in the process of scientific research and the advances from that research from which we all benefit. However, when science and technology cross over the boundary of what is ethically and morally appropriate, I believe I have an obligation to respond on behalf of myself and my constituents. Congress, and its law-making authority, is the only mechanism available to assert the will of the American people that human cloning not go forward.

I believe now is the time to enact an immediate ban on such efforts before this research opens doors we will never be able to close.

I urge my colleagues to take swift action to impose a ban on human cloning. In doing so, we must ensure that the prohibition is comprehensive, and covers all possible techniques in this rapidly advancing field. We are all aware of the announced efforts to move forward with human cloning experiments so we must act quickly. I urge my colleagues to work together so we can pass a bill to prevent these and future efforts to clone humans.

I thank the chair and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HUMAN CLONING PROCEDURE.—The term "human cloning procedure" means—

(A) the use of somatic cell nuclear transfer or any other cloning technique for the purpose of initiating or attempting to initiate a human pregnancy;

(B) the implantation of a conceptus, blastocyst, or embryo created through somatic cell nuclear transfer into a mammalian uterus; or

(C) the creation of genetically identical siblings by dividing a conceptus, blastocyst, or embryo for the purpose of initiating or attempting to initiate a human pregnancy.

(2) EGG.—The term "egg" means a mature female germ cell of any species.

(3) OOCYTE.—The term "oocyte" means an immature female germ cell of any species.

(4) PERSON.—The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(5) SOMATIC CELL.—The term "somatic cell" means any diploid cell of the human organism, including a cell of a conceptus, embryo, fetus, child, or adult, not existing as a haploid germ cell.

(6) SOMATIC CELL NUCLEAR TRANSFER.—The term "somatic cell nuclear transfer" means transferring the nucleus of a human somatic cell into an oocyte or egg from which the nucleus has been removed or rendered inert.

SEC. 3. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—It shall be unlawful for any person to engage in a human cloning procedure.

(b) FEDERAL FUNDS.—No Federal funds may be obligated or expended to conduct or support any research the purpose of which is to engage in a human cloning procedure.

SEC. 4. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any person found to be in violation of section 3 shall be subject to a civil penalty of not more than $10,000,000 for each such violation.

(b) INELIGIBILITY FOR FEDERAL FUNDS.—An individual found to be in violation of section 3 shall not be eligible to receive any Federal funding for any research for a period of 15 years after such violation.

(c) CRIMINAL PENALTY.—Any person who is convicted of violating any provision of section 3 shall be fined according to the provisions of title 18, United States Code, or sentenced to up to 10 years in prison, or both.

By Mr. KERRY (for himself, Mr. JEFFORDS, Mr. DASCHLE, Mrs. HUTCHISON, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. JOHNSON, Mr. SCHUMER, Ms. MIKULSKI, Mrs. MURRAY, Mr. TORRICELLI, Mr. INOUYE, Mr. REED, Mrs. CLINTON, Mr. BINGAMAN, Mr. HARKIN, Mr. SARBANES, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. KENNEDY, Mrs. LINCOLN, and Ms. SNOWE.

S. 706. A bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, I am pleased to join my colleague Senator JEFFORDS in introducing the Nurse Reinvestment Act. This legislation will increase the number of nurses in our country, and also ensure that every nurse in the field has the skills he or she needs to provide the quality care patients deserve.

We are in the midst of a serious nursing workforce shortage. Every type of community, urban, suburban and rural, is touched by it. No sector of our health care system is immune to it. Across the country, hospitals, nursing homes, home health care agencies and hospices are struggling to find nurses to care for their patients. Patients in search of care have been denied admission to facilities and told that there were "no beds" for them. Often there are beds, just not the nurses to care for the patients who would occupy them.

Our Nation has suffered from nursing shortages in the past. However, this shortage is particularly severe because we are losing nurses at both ends of the pipeline. Over the past five years, enrollment in entry-level nursing programs has declined by 20 percent. Lured to the lucrative jobs of the new economy, high school graduates are not pursuing careers in nursing in the numbers they once had. Consequently, nurses under the age of 30 represent only 10 percent of the current workforce. By 2010, 40 percent of the nursing workforce will be over the age of 50, and nearing retirement. If these trends are not reversed, we stand to lose vast numbers of nurses at the same time that they will be needed to care for the millions of baby boomers enrolling in Medicare.

The Nurse Reinvestment Act will support the recruitment of new students into our nation's nursing programs. The bill will fund national and local public service announcements to enhance the profile of the nursing profession and encourage students to commit to a career in nursing. Our legislation will also expand school-to-career partnerships between health care facilities, nursing colleges, middle schools and high schools to show our youth the value of a nursing degree.

Our legislation will ensure that barriers to higher education do not dissuade Americans who are interested in nursing from pursuing a degree in the field. The Nurse Reinvestment Act will support remedial education for students who need help getting-up to speed on math, science and medical

English. Our legislation will also ensure that there is support for single moms and dads with children who need a hand in daycare or a lift in getting to their classroom because they are without transportation.

In addition to recruiting new nurses, our legislation will reinvest in nurses who are already practicing by providing them with education and training at every step of the career ladder and at every health care facility in which they work. It will ensure that nurses can obtain advanced degrees, from a B.S. in Nursing to a PhD in Nursing. It will enable nurses to access the specialty training they require to learn how to treat a specific disease or utilize a new piece of technology. Our bill will also help colleges and universities develop curriculum in gerontology and long-term care so that nursing students can pursue concentrations, minors and majors in this growing field of health care and be ready to apply their knowledge to the current and future senior population.

To assist institutions in providing advanced education and training for nurses across the career ladder, our bill will strengthen the partnerships between colleges of nursing and health care facilities. Grants will be available to support such initiatives as the teaching of a courses in gerontology in the conference rooms of a hospital or nursing home. Grants will also support the use of distance learning technology to extend education and training to rural areas, and specialty education and training to all areas.

The Nurse Reinvestment Act will authorize, for the first time in history, a National Nurse Service Corps. Separate from, though modeled after, the National Health Service Corps, the NNSC will administer scholarships to students who commit to working in a health care facility that is experiencing a shortage of nurses. In urban, suburban and rural communities across the country, where facilities turn away patients due to staff shortages, the NNSC will send qualified nurses to serve and provide the care that patients deserve.

Our legislation will place nursing students in hospital-based programs on equal footing with medical students by enabling those nurses to obtain training in community health centers, federally qualified health centers and rural health clinics. To support nurse education and training in non-hospital-based programs, which are not eligible to bill Medicare for their training expenses, our bill establishes a Dedicated Fund for Clinical Nurse Education. Home health care agencies and hospices would be able to draw from the fund to establish new or upgrade old training programs. Finally, the Nurse Reinvestment Act will reauthorize the 1987 Omnibus Budget Reconciliation Act's enhanced federal Medicaid match for clinical nurse education and training in nursing homes. Under our bill, states will be eligible to receive an enhanced federal match of 90 percent for the costs of nurse education and training in nursing homes.

Our country boasts the best health care system in the world. But, that health care system is being jeopardized by the shortage plaguing our nursing workforce. Indeed, state-of-the-art medical facilities are of no use if their beds go unfilled and their floors remain empty because the nurses needed to staff them are not available. The Nurse Reinvestment Act not only seeks to increase the numbers of new nurses in our country, but also ensures that all nurses have the skills they need to provide the high quality care that makes our health care system the best in the world.

Mr. JEFFORDS. Mr. President, in response to the nursing shortage, I am joining Senators KERRY, HUTCHINSON, DASCHLE, and other in introducing the Nurse Reinvestment Act. Our legislation increases the number of qualified individuals entering the nursing profession and provides them with the skills they need to provide care in the twenty-first century.

We are facing a looming crisis. There is a need to encourage more dedicated Americans to enter the profession, and to support them once they are there. All facets of the health care system will have a role to play in ensuring a strong nursing workforce. Nurses, physicians, hospitals, nursing homes, academia, community organizations and state and federal governments all must accept responsibility and work towards a solution.

Yet, the size of our nursing workforce is remaining stagnant, while its average age is increasing rapidly. In 1980, 53 percent of all nurses were under the age of 40. In 2000 that percentage dropped to 32 percent. In Vermont the numbers are even lower, where only 28 percent of nurses are under the age of 40.

The major medical advances of the nineteenth century were in the area of public health. The world population growing exponentially as we expanded access to clean water, sanitary environments, and immunization. Later, driven by numerous wars, the twentieth century saw advances in surgery and clinical care for specific conditions. Likewise, pharmaceutical therapies have improved our ability to cure or manage hundreds of diseases and conditions. All of these developments mean that more of us are living, and we are living longer.

This leads us to the twenty-first century, where I believe we will face the challenge of providing quality long-term care to the very elderly and the chronically ill. We know the population of people over the age of 85 is growing and we know the "Baby-boom" generation is approaching retirement. Much of the care for this population will need to be provided by a skilled nursing workforce.

I would now like to enumerate some of the ways in which the Nurse Reinvestment Act expands and improves the federal government's support of "pipeline" programs which maintain a strong talent pool and develop a workforce that can address the increasingly diverse needs of America's population.

First and foremost, our legislation creates a National Nursing Service Corps that provides scholarships to nursing schools in exchange for a commitment to serve two years in a health facility determined to have a critical shortage of nurses. We have developed this scholarship program to mirror the current Nursing Loan Repayment Program, and we specify that these nursing scholarships shall be qualified as non-taxable income.

The Act authorizes two new grant programs under the Health Resources and Service Administration's Division of Nursing. The first program, Initiatives to Combat Nursing Shortages, develops national, state, and local public service announcements to enhance the profile of nursing. It conducts outreach at primary and secondary schools, and provides appropriate student support services to individuals from disadvantaged backgrounds.

The second grant program, Initiatives to Strengthen the Nursing Workforce, provides financial incentives for the pursuit of additional education across the nursing career ladder. It also helps schools develop curriculums in gerontology, and establishes distance learning partnerships between schools and providers to improve access to care in underserved communities. Such measures recognize the changes in the delivery of care that nurses will face in the coming decades.

Finally, the Nurse Reinvestment Act expands and adjusts the Medicare payments for clinical nurse education to reimburse qualified hospitals for the costs of training nurses in hospital-affiliated provider sites, such as federally qualified community health centers, rural health clinics, nursing homes, home health care agencies and hospices. Nurses will therefore be able to receive their clinical training in the settings in which they are increasingly likely to practice.

I am aware that there is other legislation being introduced today that addresses the nursing shortage. I applaud that action. I believe the numerous nursing bills demonstrate the deep congressional interest in reducing the nursing shortage, and the broad choice of policy proposals available. This is an issue that rises above partisanship and I anticipate that we will be able to work together to produce the very best policy.

Adequate health care services cannot survive any further diminishing of the nursing workforce. All patients depend on the professional care of nurses, and we must make sure it will be there for them. Once again, I want to thank all my fellow cosponsors, and I urge my colleagues to support the Nurse Reinvestment Act.

By Mr. CRAPO:

S. 707. A bill to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities; to the Committee on Environment and Public Works.

Mr. CRAPO. Mr. President, I rise today to introduce legislation to authorize a national environmental grants program for small communities called Project SEARCH.

I am particularly excited about the proposal because with each passing month, I have been hearing from new interested partners in helping with the legislation or have seen similar concepts advanced by others. Because of our mutual interest in helping small communities respond to environmental problems, I invite my colleagues to join me in supporting this measure.

The national Project SEARCH, Special Environmental Assistance for the Regulation of Communities and Habitat, concept is based on a pilot program that operated with great success in Idaho in 1999 and 2000. In short, the bill establishes a simplified application process for communities with populations under 2,500 to receive assistance grants for meeting a broad array of federal, state, or local environmental regulations. Grants would be available for initial feasibility studies, to address unanticipated costs arising during the course of a project, or when a community has been turned down or underfunded by traditional sources. The program would require no match from the recipients.

Some of the major highlights of the program are: A simplified application process—no special grants coordinators required; No unsolicited bureaucratic intrusions into the decision-making process; Communities must first have attempted to receive funds from traditional sources; It is open to studies or projects involving any environmental regulation; Applications are reviewed and approved by citizens panel of volunteers; The panel chooses the number of recipients and size of grants; The panel consists of volunteers representing all regions of the state; and No local match is required to receive the SEARCH funds.

Over the past several years, it has become increasing apparent that small communities are having problems complying with environmental rules and regulations due primarily to lack of funding, not a willingness to do so. They, like all of us, want clean water and air and a healthy natural environment. Sometimes, they simply cannot shoulder the financial burden with their limited resources.

In addition, small communities wishing to pursue unique collaborative efforts might be discouraged by grant administrators who prefer conformity. Some run into unexpected costs during a project and have borrowed and bonded to the maximum. Others are in critical habitat locations and any project may have additional costs, which may not be recognized by traditional financial sources. Still others just need help for the initial environmental feasibility study so they can identify the most effective path forward.

With these needs in mind, in 1998, I was able to secure $1.3 million through the Environmental Protection Agency, EPA, for a grant program for Idaho's small communities. Idaho's program does not replace other funding sources, but serves as a final resort when all other means have been exhausted.

The application process was simplified so that any small town mayor, county commissioner, sewer district chairman, or community leader could manage it without hiring a professional grant writer. An independent citizens committee with statewide representation was established to make the selections and get the funds on the ground as quickly as possible. No bureaucratic or political intrusions were permitted.

Although the EPA subsequently insisted that grants be limited to water and wastewater projects, forty-four communities in Idaho ultimately applied, not including two that failed to meet the eligibility requirements. Ultimately, twenty-one communities were awarded grants in several categories, and ranged in size from $9,000 to $319,000. Communities serving Native Americans and migrants, as well as several innovative collaborative efforts were included in the successful applicants. The communities that were not selected are being given assistance in exploring other funding sources and other advice.

The response and feedback from all participants has been overwhelmingly positive. Environmental officials from the state and EPA who witnessed the process have stated that the process worked well and was able to accomplish much on a volunteer basis. There was even extraordinary appreciation from other funding agencies because some communities they were not able to reach were provided funds for feasibility studies. The only negative comments were from those who wished that the EPA had not limited the program to water and wastewater projects.

The conclusion of all participants was that Project SEARCH is a program worthy of being expanded nationally. So many small communities in so many states can benefit from a program that assists underserved and often overlooked communities. This legislation provides us the opportunity to help small communities throughout the United States.

I have been encouraged by statements from regulatory officials at the federal, state, and local level that have identified small communities as particularly in need of assistance in this area. Environmental organizations have also made favorable remarks about the importance of assisting small communities with the compliance costs of environmental regulations. Finally, I should also note that organizations representing small towns and rural areas recognize this long overlooked problem.

I invite my colleague to take this opportunity to assist small communities in each of their states. Although the grant program provided for in this bill is not large in comparison to other things the federal government funds, these resources could be put to good and effective use, as Idaho has proven. Moreover, I will remind everyone that nowhere does this measure contemplate a change in environmental regulations or standards. This is simply about relief for small communities that would not otherwise be able to serve the public interest or the environment.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 709. A bill to amend the Internal Revenue Code of 1986 to clarify the tax treatment of Alaska Native Settlement Trusts; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senator STEVENS in introducing legislation that will allow Alaska Native Corporations to establish settlement trusts designed to promote the health, education, welfare and cultural heritage of Alaska Natives.

Mr. President, in 1987, the Alaska Native Claims Settlement Act was amended to permit Native Corporations to establish settlement trusts to hold lands and investments for the benefit of current and future generations of Alaska Natives. Assets in these trusts are insulated from business exposure and risks and can be invested to provide distributions of income to Native shareholders and their future generations.

Although the 1987 amendments were designed to facilitate the development of settlement trusts, many Native Corporations have been stymied in their efforts because the tax law, in many cases, imposes onerous penalties on the Native shareholders when the trusts are created. For example, when assets are transferred to the trust, they are treated as a de facto distribution of assets directly to the shareholders themselves to the extent of the corporation's earnings and profits.

Even though the current shareholders receive no actual income at the time of the transfer into the trust, they are liable for income taxes as if they received an actual distribution. This not only requires the shareholder to come up with money to pay taxes on a distribution he or she never received, but also can result in a situation where a trust fund beneficiary is required to prepay taxes on his share of the entire trust corpus, which may be substantially more in taxes than the amount of cash benefits he or she will actually receive in the future.

Our legislation remedies this inequity by allowing an Alaska Native Corporation to transfer property to an electing trust without tax to the beneficiaries. Electing trusts would annually pay tax on their and future distributions to beneficiaries would be taxable only to the extent such distributions exceeded the taxable income of the trust in that year and all prior years for which an election was in effect.

Alaska Native Corporations are unique entities. Unlike Native American tribes in the lower 48, Alaska Native corporations are subject to income tax. But unlike ordinary C corporations, Alaska Native corporations have diverse purposes, one of which is to preserve and protect the heritage of the Native shareholders. The settlement trust concept is well suited to the special needs of Alaska's Natives. As the Conference Committee Report to ANSCA amendments of 1987 stated:

"Trust distributions may be used to fight poverty, provide food, shelter and clothing and served comparable economic welfare purposes. 'Additionally, cash distributions of trust income may be made on an across-the-board basis to the beneficiary population as part of the economic welfare function."

Settlement trusts will ensure that for generations to come, Native Alaskans will have a steady stream of income on which to continue building an economic base. The current tax rules discourage the creation of such trusts with the result that Native corporations are under extreme pressure to distribute all current earnings rather than prudently reinvesting for the future.

It is my hope that we will be able to see this legislation adopted into law this year. For the long-term benefit of Alaska Natives, this tax law change is fundamentally necessary.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Native Settlement Trust Tax Fairness Act of 2001".

SEC. 2. TAX TREATMENT AND INFORMATION REQUIREMENTS OF ALASKA NATIVE SETTLEMENT TRUSTS.

(a) TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.—Subpart A of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1986 (relating to general rules for taxation of trusts and estates) is amended by adding at the end the following new section:

"SEC. 646. TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

"(a) IN GENERAL.—Except as otherwise provided in this section, the provisions of this subchapter and section 1(e) shall apply to all Settlement Trusts.

"(b) TAXATION OF INCOME OF TRUST.—Except as provided in subsection (f)(1)(B)(ii)—

"(1) IN GENERAL.—There is hereby imposed on the taxable income of an electing Settlement Trust, other than its net capital gain, a tax at the lowest rate specified in section 1.

"(2) CAPITAL GAIN.—In the case of an electing Settlement Trust with a net capital gain for the taxable year, a tax is hereby imposed on such gain at the rate of tax which would apply to such gain if the taxpayer were subject to a tax on its other taxable income at only the lowest rate specified in section 1.

"(c) ONE-TIME ELECTION.—

"(1) IN GENERAL.—A Settlement Trust may elect to have the provisions of this section apply to the trust and its beneficiaries.

"(2) TIME AND METHOD OF ELECTION.—An election under paragraph (1) shall be made by the trustee of such trust—

"(A) on or before the due date (including extensions) for filing the Settlement Trust's return of tax for the first taxable year of such trust ending after the date of the enactment of this section, and

"(B) by attaching to such return of tax a statement specifically providing for such election.

"(3) PERIOD ELECTION IN EFFECT.—Except as provided in subsection (f), an election under this subsection—

"(A) shall apply to the first taxable year described in paragraph (2)(A) and all subsequent taxable years, and

"(B) may not be revoked once it is made.

"(d) CONTRIBUTIONS TO TRUST.—

"(1) BENEFICIARIES OF ELECTING TRUST NOT TAXED ON CONTRIBUTIONS.—In the case of an electing Settlement Trust, no amount shall be includible in the gross income of a beneficiary of such trust by reason of a contribution to such trust.

"(2) EARNINGS AND PROFITS.—The earnings and profits of the sponsoring Native Corporation shall not be reduced on account of any contribution to such Settlement Trust:

"(e) TAX TREATMENT OF DISTRIBUTIONS TO BENEFICIARIES.—Amounts distributed by an electing Settlement Trust during any taxable year shall be considered as having the following characteristics in the hands of the recipient beneficiary:

"(1) First, as amounts excludable from gross income for the taxable year to the extent of the taxable income of such trust for such taxable year (decreased by any income tax paid by the trust with respect to the income) plus any amount excluded from gross income of the trust under section 103.

"(2) Second, as amounts excludable from gross income to the extent of the amount described in paragraph (1) for all taxable years for which an election is in effect under subsection (c) with respect to the trust, and not previously taken into account under paragraph (1).

"(3) Third, as amounts distributed by the sponsoring Native Corporation with respect to its stock (within the meaning of section 301(a)) during such taxable year and taxable to the recipient beneficiary as amounts described in section 301(c)(1), to the extent of current accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

"(4) Fourth, as amounts distributed by the trust in excess of the distributable net income of such trust for such taxable year.

Amounts distributed to which paragraph (3) applies shall not be treated as a corporate distribution subject to section 311(b), and for purposes of determining the amount of a distribution for purposes of paragraph (3) and the basis to the recipients, section 643(e) and not section 301(b) or (d) shall apply.

"(f) SPECIAL RULES WHERE TRANSFER RESTRICTIONS MODIFIED.—

"(1) TRANSFER OF BENEFICIAL INTERESTS.—If, at any time, a beneficial interest in an electing Settlement Trust may be disposed of to a person in a manner which would not be permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) if such interest were Settlement Common Stock—

"(A) no election may be made under subsection (c) with respect to such trust, and

"(B) if such an election is in effect as of such time—

"(i) such election shall cease to apply as of the first day of the taxable year in which such disposition is first permitted,

"(ii) the provisions of this section shall not apply to such trust for such taxable year and all taxable years thereafter, and

"(iii) the distributable net income of such trust shall be increased by the current and accumulated earnings and profits of the sponsoring Native Corporation as of the close of such taxable year after proper adjustment is made for all distributions made by the sponsoring Native Corporation during such taxable year.

In no event shall the increase under clause (iii) exceed the fair market value of the trust's assets as of the date the beneficial interest of the trust first becomes so disposable. The earnings and profits of the sponsoring Native Corporation shall be adjusted as of the last day of such taxable year by the amount of earnings and profits so included in the distributable net income of the trust.

"(2) STOCK IN CORPORATION.—If—

"(A) the Settlement Common Stock in the sponsoring Native Corporation may be disposed of to a person in any manner not permitted by section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)), and

"(B) at any time after such disposition of stock is first permitted, such corporation transfers assets to a Settlement Trust,

paragraph (1)(B) shall be applied to such trust on and after the date of the transfer in the same manner as if the trust permitted dispositions of beneficial interests in the trust in a manner not permitted by such section 7(h).

"(3) CERTAIN DISTRIBUTIONS.—For purposes of this section, the surrender of an interest in a Native Corporation or an electing Settlement Trust in order to accomplish the whole or partial redemption of the interest of a shareholder or beneficiary in such corporation or trust, or to accomplish the whole or partial liquidation of such corporation or trust, shall be deemed to be a transfer permitted by section 7(h) of the Alaska Native Claims Settlement Act.

"(g) TAXABLE INCOME.—For purposes of this title, the taxable income of an electing Settlement Trust shall be determined under section 641(b) without regard to any deduction under section 651 or 661.

"(h) DEFINITIONS.—For purposes of this section—

"(1) ELECTING SETTLEMENT TRUST.—The term 'electing Settlement Trust' means a Settlement Trust which has made the election, effective for a taxable year, described in subsection (c).

"(2) NATIVE CORPORATION.—The term 'Native Corporation' has the meaning given such term by section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

"(3) SETTLEMENT COMMON STOCK.—The term 'Settlement Common Stock' has the meaning given such term by section 3(p) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(p)).

"(4) SETTLEMENT TRUST.—The term 'Settlement Trust' means a trust that constitutes a settlement trust under section 3(t) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(t)).

"(5) SPONSORING NATIVE CORPORATION.—The term 'sponsoring Native Corporation' means the Native Corporation which transfers assets to an electing Settlement Trust.

"(i) SPECIAL LOSS DISALLOWANCE RULE.—Any loss that would otherwise be recognized by a shareholder upon a disposition of a share of stock of a sponsoring Native Corporation shall be reduced (but not below zero) by the per share loss adjustment factor. The per share loss adjustment factor shall be the aggregate of all contributions to all electing Settlement Trusts sponsored by such Native Corporation made on or after the first day each trust is treated as an electing Settlement Trust expressed on a per share basis and determined as of the day of each such contribution.

"(j) CROSS REFERENCE.—

"For information required with respect to electing Settlement Trusts and sponsoring Native Corporations, see section 6039H.".

(b) REPORTING.—Subpart A of part III of subchapter A of chapter 61 of subtitle F of such Code (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039G the following new section:

"SEC. 6039H. INFORMATION WITH RESPECT TO ALASKA NATIVE SETTLEMENT TRUSTS AND SPONSORING NATIVE CORPORATIONS.

"(a) REQUIREMENT.—The fiduciary of an electing Settlement Trust (as defined in section 646(h)(1)) shall include with the return of income of the trust a statement containing the information required under subsection (c).

"(b) APPLICATION WITH OTHER REQUIREMENTS.—The filing of any statement under this section shall be in lieu of the reporting requirements under section 6034A to furnish any statement to a beneficiary regarding amounts distributed to such beneficiary (and such other reporting rules as the Secretary deems appropriate).

"(c) REQUIRED INFORMATION.—The information required under this subsection shall include—

"(1) the amount of distributions made during the taxable year to each beneficiary,

"(2) the treatment of such distribution under the applicable provision of section 646, including the amount that is excludable from the recipient beneficiary's gross income under section 646, and

"(3) the amount (if any) of any distribution during such year that is deemed to have been made by the sponsoring Native Corporation (as defined in section 646(h)(5)).

"(d) SPONSORING NATIVE CORPORATION.—

"(1) IN GENERAL.—The electing Settlement Trust shall, on or before the date on which the statement under subsection (a) is required to be filed, furnish such statement to the sponsoring Native Corporation (as so defined).

"(2) DISTRIBUTEES.—The sponsoring Native Corporation shall furnish each recipient of a distribution described in section 646(e)(3) a statement containing the amount deemed to have been distributed to such recipient by such corporation for the taxable year.".

(c) CLERICAL AMENDMENT.—

(1) The table of sections for subpart A of part I of subchapter J of chapter 1 of such Code is amended by adding at the end the following new item:

"Sec. 646. Tax treatment of Alaska Native Settlement Trusts.".

(2) The table of sections for subpart A of part III of subchapter A of chapter 61 of subtitle F of such Code is amended by inserting after the item relating to section 6039G the following new item:

"Sec. 6039H. Information with respect to Alaska Native Settlement Trusts and sponsoring Native Corporations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and to contributions made to electing Settlement Trusts for such year or any subsequent year.

By Mr. KENNEDY (for himself and Mr. HELMS):

S. 710. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today, I am introducing the "Eliminate Colorectal Cancer Act of 2001". I am pleased to have my colleague, Senator HELMS, as the leading co-sponsor of this important legislation.

Colorectal cancer is the second leading cause of cancer deaths among men and women in America. Over 50,000 Americans will die of this disease this year alone.

The good news on colorectal cancer is that if it is detected early, we can dramatically improve the chance of survival. We have tried and true screening techniques that can not only discover this cancer early, but can prevent this disease by finding and eliminating growths before they become cancerous.

The tragedy is that too often Americans do not get these lifesaving screenings. Today; only one-third of those at-risk for colorectal cancer are screened—and screening rates for minorities and women are even lower. All Americans age 50 and over should be screened for this disease, and there are many at increased risk who may need to start screening even earlier.

Some are simply not aware they should be screened and others cannot afford to get this lifesaving test. We must work together for the day when no American is denied access to these lifesaving screening procedures simply because their health insurance company would not foot the bill:

Medicare offers this important benefit. Now it's time that every American has that same assurance.

That is why this week we are introducing "The Eliminate Colorectal Cancer Act of 2001", bipartisan legislation that will ensure that all health insurance covers screening procedures that can discover colorectal cancer in its earliest and most treatable stages.

I am pleased that Representative SLAUGHTER and Representative MORELLA are offering a similar bipartisan bill in the House, and I express my appreciation of so many from the cancer community on this legislation over the past couple of years.

In this case, an ounce of prevention brings a lifesaving cure that could save tens of thousands of lives this year.

I ask unanimous consent that the text of the "Eliminate Colorectal Cancer Act of 2001" be printed in the RECORD with a bill summary.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Eliminate Colorectal Cancer Act of 2001".

(b) FINDINGS.—The Congress finds the following:

(1) Colorectal cancer is the second leading cause of cancer deaths in the United States for men and women combined.

(2) It is estimated that in 2001, 135,400 new cases of colorectal cancer will be diagnosed in men and women in the United States.

(3) Colorectal cancer is expected to kill 56,700 individuals in the United States in 2001.

(4) The adoption of a healthy lifestyle at a young age can significantly reduce the risk of developing colorectal cancer.

(5) Appropriate screenings and regular tests, can save large numbers of lives by leading to earlier identification of colorectal cancer.

(6) The Centers for Disease Control and Prevention, the Health Care Financing Administration, and the National Cancer Institute have initiated the Screen for Life Campaign targeted to individuals age 50 and older to spread the message of the importance of colorectal cancer screening tests.

(7) Education helps to inform the public of symptoms for the early detection of colorectal cancer and methods of prevention.

SEC. 2. COVERAGE FOR COLORECTAL CANCER SCREENING.

(a) GROUP HEALTH PLANS.—

(1) PUBLIC HEALTH SERVICE ACT AMENDMENTS.—

(A) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. COVERAGE FOR COLORECTAL CANCER SCREENING.

"(a) COVERAGE FOR COLORECTAL CANCER SCREENING.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide coverage for colorectal cancer screening at regular intervals to—

"(A) any participant or beneficiary age 50 or over; and

"(B) any participant or beneficiary under the age of 50 who is at a high risk for colorectal cancer, or who may have symptoms or circumstances that indicate a need for colorectal cancer screening.

"(2) Definition of high risk.—For purposes of subsection (a)(1)(B), the term 'high risk for colorectal cancer' has the meaning given such term in section 1861(pp)(2) of the Social Security Act (42 U.S.C. 1395x(pp)(2)).

"(3) Method of screening.—The group health plan or health insurance issuer shall cover the method and frequency of colorectal cancer screening deemed appropriate by a health care provider treating such participant or beneficiary, in consultation with the participant or beneficiary. Such coverage shall include the procedures in section 1861(pp)(1) of the Social Security Act (42 U.S.C. 1395x(pp)(1)) and section 4104(a)(2) of the Balanced Budget Act of 1997.

"(b) Notice.—A group health plan under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(c) Non-Preemption of More Protective State Law With Respect to Health Insurance Issuers.—This section shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage that provides greater protections to participants and beneficiaries than the protections provided under this section.".

(B) Technical amendment.—Section 2723(c) of the Public Health Service Act (42 U.S.C. 300gg-23(c)) is amended by striking "section 2704" and inserting "sections 2704 and 2707".

(2) ERISA amendments.—

(A) In general.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. COVERAGE FOR COLORECTAL CANCER SCREENING.

"(a) Coverage for Colorectal Cancer Screening.—

"(1) In general.—A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide coverage for colorectal cancer screening at regular intervals to—

"(A) any participant or beneficiary age 50 or over; and

"(B) any participant or beneficiary under the age of 50 who is at a high risk for colorectal cancer, or who may have symptoms or circumstances that indicate a need for colorectal cancer screening.

"(2) Definition of high risk.—For purposes of subsection (a)(1)(B), the term 'high risk for colorectal cancer' has the meaning given such term in section 1861(pp)(2) of the Social Security Act (42 U.S.C. 1395x(pp)(2)).

"(3) Method of screening.—The group health plan or health insurance issuer shall cover the method and frequency of colorectal cancer screening deemed appropriate by a health care provider treating such participant or beneficiary, in consultation with the participant or beneficiary. Such coverage shall include the procedures in section 1861(pp)(1) of the Social Security Act (42 U.S.C. 1395x(pp)(1)) and section 4104(a)(2) of the Balanced Budget Act of 1997.

"(b) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a), for purposes of assuring notice of such requirements under the plan; except that the summary description required to be provided under the third to last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.".

(B) Technical and conforming amendments.—

(i) Section 731(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(c)) is amended by striking "section 711" and inserting "sections 711 and 714".

(ii) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(iii) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Coverage for colorectal cancer screening.".

(b) Individual Health Insurance.—

(1) In general.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended by inserting after section 2752 the following new section:

"SEC. 2753. COVERAGE FOR COLORECTAL CANCER SCREENING.

"(a) In General.—The provisions of section 2707(a) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) Notice.—A health insurance issuer under this part shall comply with the notice requirement under section 714(b) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) Technical amendment.—Section 2762(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2753".

(c) Effective Dates.—

(1) Group health plans.—

(A) In general.—Subject to subparagraph (B), the amendments made by subsection (a) shall apply with respect to group health plans for plan years beginning on or after January 1, 2002.

(B) Collective bargaining agreements.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by subsection (a) shall not apply to plan years beginning before the later of—

(i) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(ii) January 1, 2002.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

(2) Individual health insurance.—The amendments made by subsection (b) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2002.

(d) Coordinated Regulations.—The Secretary of Labor and the Secretary of Health and Human Services shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which both Secretaries have responsibility under the provisions of this section (and the amendments made thereby) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

Eliminate Colorectal Cancer Act of 2001

ENDORSEMENTS AND BILL SUMMARY

Colorectal cancer is the second leading cause of cancer deaths among men and women. Each year, more than 56,000 Americans die from this devastating disease, yet colorectal cancer can be easily prevented or treated when it is diagnosed early through regular, appropriate screening tests. Unfortunately, only one-third of the at-risk United States population is currently screened for colorectal cancer. In the Balanced Budget Act of 1997, Congress acted to encourage more screening by creating a new colorectal cancer screening benefit for Medicare beneficiaries. We believe the time has come for persons under age 65.

The Eliminate Colorectal Cancer Act of 2001 would require all health insurance plans to cover colorectal cancer screening for all patients age 50 and over and for others who have significant risk factors for the disease. The screening method and frequency of the test would be based on the patient's medical condition and decided by the treating physician, in consultation with the patient. Methods covered under the Act are those that are available under Medicare.

As colorectal cancer survivors in every state will attest, early detection and treatment are essential to winning this battle. More than 90 percent of people whose colorectal cancer is detected and treated early are able to resume active and productive lives.

This legislation is strongly supported by these and many other leading organizations:

American Cancer Society, American Gastroenterological Association, Cancer Research Foundation of America, American Association for Clinical Chemistry, Digestive Disease National Coalition, Association of Community Cancer Centers, American Association of Homes and Services for the Aging, American College of Gastroenterology, American Society for Gastrointestinal Endoscopy, Colon Cancer Alliance, Hereditary Colon Cancer Association, Crohn's and Colitis Foundation of America, Men's Health Network, Cancercare, Society for Gastroenterological Nurses and Associates.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 711. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, today I am joined by Senator TED STEVENS in introducing legislation that would clarify a provision in the tax code that exempts the State of Alaska from the IRS diesel dyeing rules.

The Small Business Job Protection Act of 1996 included a provision that exempted Alaska from the diesel dyeing requirements during the period the state was exempted from the Clean Air Act low sulfur diesel dyeing rules. For various reasons, it was believed at the time that Alaska would ultimately be permanently exempted from the Clean Air Act rules. However, technological changes suggest that Alaska may in the next few years lose its exemption from the low sulfur rules.

However, in our view, whether Alaska is exempted from the low sulfur rules, it is imperative that Alaska be permanently exempted from the IRS diesel dyeing rules. That is what our bill does.

Today, more than 95 percent of all diesel fuel used in Alaska is exempt from tax because it is used for heating, power generation, or in commercial fishing boats. Under the diesel dyeing rules in place in 49 states, exempt diesel must be dyed. If these diesel dyeing rules were applied to Alaska, refiners would have to buy huge quantities of dye, along with expensive injection systems, to dye all of this non-taxable diesel fuel.

Although the Joint Tax Committee originally estimated in 1996 that repealing the dyeing rules for Alaska could cost the Treasury $500,000 a year, some refiners were spending as much as $750,000 on dye alone. Add on another $100,000 for injection systems and you begin to wonder what happened to common sense regulation. Congress saw it that way and decided to exempt Alaska. Now that exemption should be made permanent.

Approximately 65 percent of the state's communities are served solely by barges. For many of these communities, the fuel oil barge comes in only once a year when the waterways are not frozen. It is absurd to require these communities to build a second storage facility for undyed taxable fuel simply for the few vehicles in town that are subject to tax.

It is currently projected that the state will have to spend from $200 million to $400 million just to repair fuel storage tanks in hundreds of rural communities because of leaking fuel problems. If IRS dyeing rules were in place, millions more would have to be spent simply to maintain a small supply of taxable diesel in each of these communities.

In 1996, Congress acted sensibly in exempting Alaska from the IRS diesel dyeing rules. It is my hope that we will again see the wisdom of exempting Alaska, this time making it a permanent exemption.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALASKA EXEMPTION FROM DYEING REQUIREMENTS.

(a) EXCEPTION TO DYEING REQUIREMENTS FOR EXEMPT DIESEL FUEL AND KEROSENE.—Paragraph (1) of section 4082(c) of the Internal Revenue Code of 1986 (relating to exception to dyeing requirements) is amended to read as follows:

"(1) removed, entered, or sold in the State of Alaska for ultimate sale or use in such State, and".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to fuel removed, entered, or sold on or after the date of the enactment of this Act.

By Mr. THOMAS:

S. 712. A bill to prohibit commercial air tour operations over Yellowstone National Park and Grand Teton National Park; to the Committee on Commerce, Science, and Transportation.

Mr. THOMAS. Mr. President, I rise today to introduce legislation to protect two crown jewels of the National Park Service, Yellowstone and Grand Teton National Parks.

The "Yellowstone and Teton Scenic Overflight Act of 2001" is similar to legislation I introduced last Congress regarding an important issue facing these two parks. Specifically, this legislation would prohibit all scenic flights—both fixed wing and helicopter—over Yellowstone and Grand Teton National Parks. Recently, a proposed scenic helicopter tour operation near Grand Teton had many folks concerned about the impact its operations would have on these magnificent areas.

This legislation is designed to protect Yellowstone and Teton and the natural and historic values of these parks in the interest of all who visit and enjoy these areas. I am aware of that the National Parks Air Tour Management Act, which became law during the 106th Congress, provides a process that attempts to address scenic overflight operations in our parks. Unfortunately, the regulations being developed for the Act continue to be delayed and it is unclear when they will ultimately be published. The unique nature of Yellowstone and Teton parks requires us to act in a quick and decisive manner to address this issue as soon as possible.

Grand Teton National Park is home to the only airport in the continental United States that is entirely within a national park. Commercial air tours by their very nature, fly passengers purposefully over the parks, at low altitudes, often to the very locations and attractions favored by ground-based visitors. The threats posed by these operations to Yellowstone and Teton require our quick action.

As Chairman of the Senate Energy Committee's Subcommittee on National Parks and Historic Preservation, I understand the importance of our nation's parks. They are our national treasures and deserve to be protected to the best of our ability. I hope the Senate will take quick action on this legislation so that visitors can enjoy the sounds of nature at Grand Teton and Yellowstone National Parks now and in the future.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

Mr. MURKOWSKI. Mr. President, I rise on behalf of myself and Senator STEVENS to introduce legislation that would resolve a dispute that has existed for several years between the IRS and native whaling captains in my state. Our legislation would amend the Internal Revenue Code to ensure that a charitable donation tax deduction would be allowed for native whaling captains who organize and support subsistence whaling activities in their communities.

Subsistence whaling is a necessity to the Alaska Native community. In many of our remote village communities, the whale hunt is a tradition that has been carried on for generations over many millennia. It is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with this important activity.

In most instances, the Captain is repaid in whale meat and muktuck, which is blubber and skin. However, as part of the tradition, the Captain is required to donate a substantial portion of the whale to his village in order to help the community survive.

The proposed deduction would allow the Captain to deduct up to $7,500 to help defray the costs associated with providing this community service.

I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost.

This is a very modest effort to allow the Congress to recognize the importance of this part of our native Alaskan tradition. When this measure passed the Senate two years ago, the Joint Committee on Taxation estimated that this provision would cost a mere three million dollars over a 10 year period. I think that is a very small price for preserving this vital link with our natives' heritage.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Alaskan Subsistence Whaling Act of 2001".

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

"(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

"(2) AMOUNT DESCRIBED.—

"(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

"(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

"(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

"(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

"(iii) storage and distribution of the catch from such activities.

"(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

By Ms. SNOWE (for herself and Mr. KERRY):

S. 714. A bill to urge the United States Trade Representative to pursue the establishment of a small business advocate within the World Trade Organization, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce legislation designed to promote export opportunities for our nation's small businesses.

Nationwide, an estimated 13 to 16 million small businesses account for over 99 percent of all employers. They also employ over 50 percent of the workforce, and account for virtually all of the new jobs being created. Maine, in particular, is a state with a historical record of self-reliance and small business enterprise. Of the roughly 37,000 employers, about 97 percent are small firms. Maine also boasts an estimated 73,000 self-employed persons. Surveys credit small businesses with virtually all of the new job creation in the state as well.

In addition, small firms played a central role in the latest economic expansion. From 1992 to 1996, for example, small firms created 75 percent of the new jobs, up 10.5 percent, while large company employment grew only 3.7 percent. In the trade arena, according to the U.S. Small Business Administration, SBA, the number of small U.S. firms engaged in exporting has tripled since 1987, and over the past five years, the dollar value of small business exports has grown 300 percent. Small business now accounts for 31 percent of the value of U.S. exports. Overall, 97 percent of all exporters are small businesses, with the most dramatic export growth among companies employing less than 20 people. Firms engaged in international trade are 20 percent more productive, and employee wages are 15 percent higher in firms that trade as compared to firms that do not engage in trade. These firms are also 9 percent less likely to go bankrupt, and experience 20 percent greater job growth than non-traders.

Despite these impressive statistics, less than one percent of U.S. small businesses are engaged in international trade-related business activities. That is why I believe so strongly that there is substantial export potential in the small business community that has yet to be fully realized.

Small and medium-sized businesses are the fastest growing segment of the international business community. However, many report that their interests have not been given sufficient attention by our international trade negotiators. In addition, small businesses often cannot afford to maintain in-house international trade expertise to resolve complex trade problems. Small business advocacy groups often lack political influence in foreign markets, which hinders solving problems outside of the legal process. Small firms often do not have the sales volume to overcome the costs of trade barriers and substantial overhead expenses in international transactions.

With these concerns in mind, in January, I introduced the Small Business Enhancement Act of 2001, which contains a provision to establish the position of Assistant United Trade Representative for Small Business. I believe that this important step would ensure that small businesses have a seat at the table when international trade agreements are being negotiated.

The measure I am introducing today takes this concept one step further by expressing the sense of the Senate that the United States Trade Representative, USTR, should pursue the establishment of a small business advocate within the World Trade Organization, WTO, as a matter of U.S. policy.

Because the WTO is the principal international organization for rules governing world-wide international trade, it has the potential to address a range of global trade issues of concern to small businesses in the U.S. In addition, it stands to reason that better coordination is needed between small business support and advocacy agencies around the world and small firms and trade associations.

My bill requires the USTR to pursue the establishment of a small business advocate at the WTO in order to safeguard the interests of small firms and represent those interests in trade negotiations and disputes. It also directs the USTR to submit a report to Congress on the steps taken to establish this advocate.

I hope this legislation will provide a foundation for small businesses during the next round of WTO negotiations. I look forward to working with the Senate Small Business Committee and the Senate Finance Committee as we work to ensure that U.S. businesses enjoy the full benefits of international trade.

By Mr. BAUCUS:

S. 715. A bill to designate 7 counties in the State of Montana as High Intensity Drug Trafficking Areas and authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

Mr. BAUCUS. Mr. President, I rise today to introduce critical legislation in the fight against methamphetamine use in rural America.

Methamphetamine also known as "meth" is a powerful and addictive drug. Considered by many youths to be a casual, soft-core drug with few lasting effects. They couldn't be more wrong. Meth can actually cause more long-term damage to the body than cocaine or crack. The physical damage is just the beginning. The societal damage resulting from rampant meth use is incalculable. The damage caused ranges from broken homes to violent crime such as increased child abuse to a higher robbery rate.

Meth use in Montana alone has skyrocketed in the past few years. During 1996, 1 meth lab was seized statewide, 4 in 1997, twelve in 1998, 50 in 1999, 100 in 2000, and at least 150 expected this year. The DEA reported an increase of meth lab seizures in Montana of 900 percent from 1993 to 1998. And according to the Office of National Drug Control Policy, based on admission rates per 100,000 persons, Montana is one of the eight states with a "serious methamphetamine problem."

The meth problem is particularly severe on Montana's Indian reservations, of which our state has seven. Life is hard there. In some reservation towns, over half of the working age adults are unemployed. Because meth is cheap and relatively easy to make, these lower-income individuals are a natural target for meth peddlers. Without viable employment options, too often these young people turn to drugs.

So how does a rural state like Montana deal with such a scourge? The answer is not very well. The fact is, there are a good many talented Montanans working on the meth problem, but they have few resources with which to wage the battle. Fewer every day with no options for leveraging additional resources. Moreover, their efforts are often fragmented, not coordinated to the extent they could be, particularly among the treatment, prevention, and law enforcement communities. Again, it's simply an issue of scarcity of resources.

To make their job easier, Montana has petitioned to be considered part of the Rocky Mountain High Intensity Drug Trafficking Area (HIDTA). Although the Rocky Mountain HIDTA authorities have stated their willingness to include Montana in its organization, they lack the resources to make that happen.

The bill I am introducing today would authorize funding to make Montana's admission to the Rocky Mountain HIDTA a reality. This legislation would provide Montana the resources to put forth a coordinated effort in the fight against meth in Montana. By admitting the seven counties included in the legislation, we begin to attack the scourge at its roots-where it enters the state and is the most problematic for meth use. In a perfect world, we could include all 56 Montana counties, but I believe this is a good start. It will increase law enforcement and forensic personnel in Montana; coordinate efforts to exchange information among law enforcement agencies; and engage in a public information campaign to educate the public about the dangers of meth use.

Mr. President, the time has come to fight this scourge. Montana is under siege by meth, and we must do all we can to continue our efforts to stop it.

By Mr. SANTORUM:

S. 716. A bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make grants to nonprofit organizations to finance the construction, refurbishing, and servicing of individually-owned household water well systems in rural areas for individuals with low or moderate incomes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SANTORUM. Mr. President, I rise today to introduce the "Affordable Drinking Water Act of 2001." I am pleased to reintroduce this bill in the 107th Congress as I believe it sets out an innovative approach to meet the safe drinking water needs of rural Americans nationwide.

The Affordable Drinking Water Act of 2001 provides a targeted alternative to water delivery in rural areas. Low to moderate income households who would prefer to have their own well, or are experiencing drinking water problems, could secure financing to install or refurbish an individually owned household well. In my home state of Pennsylvania, 2.5 million citizens currently choose to have their drinking water supplied by privately-owned individual water wells.

The approach envisioned under this bill would establish a partnership between the federal government and nonprofit entities to administer grants to eligible homeowners for the purposes of: bringing old household water wells up to current standards; replacing systems that have met their expected life; or providing homeowners without a drinking water source with a new individual household water well system.

Another important component of this legislation will afford rural consumers with individually owned water wells the same payment flexibility as other utility customers. Centralized water systems currently are eligible to receive federal grants and loans with repayment spread out over 40 years. The Affordable Drinking Water Act of 2001 would provide loans to low to moderate income homeowners to upgrade or install a household drinking water well now, and then repay the cost through monthly installments. This ability to stretch out payments over the life of the loan gives rural well owners an affordable option that they otherwise do not have.

Mr. President, I am pleased to introduce this legislation today, and believe that it is appropriately balanced to meet the safe-drinking water needs of rural households.

By Mr. McCAIN:

S. 717. A bill to provide educational opportunities for disadvantaged children, and for other purposes; to the Committee on Finance.

Mr. McCAIN. Mr. President, today, I am introducing legislation to authorize a three-year nationwide school choice demonstration program targeted at children from economically disadvantaged families. The program would expand educational opportunities for low-income children by providing parents and students the freedom to choose the best school for their unique academic needs, while encouraging schools to be creative and responsive to the needs of all students.

This bill authorizes $1.8 billion annually for fiscal years 2002 through 2004 to be used to provide school choice vouchers to economically disadvantaged children through the nation. The funds would be divided among the states based upon the number of children they have enrolled in public schools. Then, each state would conduct a lottery among low-income children who attend the public schools with the lowest academic performance in their state. Each child selected in the lottery would receive $2,000 per year for three years to be used to pay tuition at any school of their choice in the state, including private or religious schools. The money could also be used to pay for transportation to the school or supplementary educational services to meet the unique needs of the individual student.

In total, this bill authorizes $5.4 billion for the three-year school choice demonstration program, as well as a GAO evaluation of the program upon its completion. The cost of this important test of school vouchers is fully offset by eliminating more than $5.4 billion in unnecessary pork and inequitable corporate tax loopholes.

Mr. President, we all know that one of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation; economically, intellectually, civically and morally.

We must strive to develop and implement initiatives which strengthen and improve our education system thereby ensuring that our children are provided with the essential academic tools for succeeding professionally, economically and personally. I am sure we all agree that increasing the academic performance and skills of all our nation's students must be the paramount goal of any education reform we implement.

School vouchers are a viable method of allowing all American children access to high quality schools, including private and religious schools. Every parent should be able to obtain the highest quality education for their children, not just the wealthy. Tuition vouchers would finally provide low-income children trapped in mediocre, or worse, schools the same educational choices as children of economic privilege.

Some of my colleagues may argue that vouchers would divert money away from our nation's public schools and instead of instilling competition into our school systems we should be pouring more and more money into poor performing public schools. I respectfully disagree. While I support strengthening financial support for education in our nation, the solution to what ails our system is not simply pouring more and more money into it.

Currently our nation spends significantly more money that most countries and yet our students scored lower than their peers from almost all of the forty countries which participated in the last Third International Mathematics and Science Study (TIMMS) test. Students in countries which are struggling economically, socially and politically, such as Russia, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, we must make significant change beyond simply pouring more money into the current structure in order to improve our children's academic performance in order to maintain a viable force in the world economy.

It is shameful that we are failing to provide many of our children with adequate training and quality academic preparation for the real world. The number of college freshman who require remedial courses in reading, writing and mathematics when they begin their higher education is unacceptably high. In fact, presently, more than 30 percent of entering freshman need to enroll in one of more remedial course when they start college. It does not bode well for our future economy if the majority of workers are not prepared with the basic skills to engage in a competitive global marketplace.

I concede that school vouchers are not the magic bullet for eradicating all that is wrong with our current educational system, but they are an important opportunity for providing improved academic opportunities for all children, not just the wealthy. Examination of the limited voucher programs scattered around our country reveal high levels of parent and student satisfaction, an increase in parental involvement, and a definite improvement in attendance and discipline at the participating schools. Vouchers encourage public schools, communities and parents to all work together to raise the level of education for all students. Through this bill, we have the opportunity to replicate these important attributes throughout all or nation's communities.

Thomas Jefferson said, "The purpose of education is to create young citizens with knowing heads and loving hearts." If we fail to give our children the education they need to nuture their heads and hearts, then we threaten their futures and the future of our nation. Each of us is responsible for ensuring that our children have both the love in their hearts and the knowledge in their heads to not only dream, but to make their dreams a reality.

The time has come for us to finally conduct a national demonstration of school choice to determine the benefits or perhaps disadvantages of providing educational choices to all students, not just those who are fortunate enough to be born into a wealthy family. I urge my colleagues to support this bill and put the needs of America's school children ahead of pork barrel projects and tax loopholes benefitting only special interests and big business.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to assist States to—

(A) give children from low-income families the same choices among all elementary and secondary schools and other academic programs as children from wealthier families already have;

(B) improve schools and other academic programs by giving parents in low-income families increased consumer power to choose the schools and programs that the parents determine best fit the needs of their children; and

(C) more fully engage parents in their children's schooling; and

(2) to demonstrate, through a 3-year national grant program, the effects of a voucher program that gives parents in low-income families—

(A) choice among public, private, and religious schools for their children; and

(B) access to the same academic options as parents in wealthy families have for their children.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act (other than section 10) $1,800,000,000 for each of fiscal years 2001 through 2004.

(b) EVALUATION.—There is authorized to be appropriated to carry out section 10 $17,000,000 for fiscal years 2002 through 2005.

SEC. 3. PROGRAM AUTHORITY.

(a) IN GENERAL.—The Secretary shall make grants to States, from allotments made under section 4 to enable the States to carry out educational choice programs that provide scholarships, in accordance with this Act.

(b) LIMIT ON FEDERAL ADMINISTRATIVE EXPENDITURES.—The Secretary may reserve not more than $1,000,000 of the amounts appropriated under section 2(a) for a fiscal year to pay for the costs of administering this Act.

SEC. 4. ALLOTMENTS TO STATES.

(a) ALLOTMENTS.—The Secretary shall make the allotments to States in accordance with a formula specified in regulations issued in accordance with subsection (b). The formula shall provide that the Secretary shall allot to each State an amount that bears the same relationship to the amounts appropriated under section 2(a) for a fiscal year (other than funds reserved under section 3(b)) as the number of covered children in the State bears to the number of covered children in all such States.

(b) FORMULA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations specifying the formula referred to in subsection (a).

(c) LIMIT ON STATE ADMINISTRATIVE EXPENDITURES.—The State may reserve not more than 1 percent of the funds made available through the State allotment to pay for the costs of administering this Act.

(d) DEFINITION.—In this section, the term "covered child" means a child who is enrolled in a public school (including a charter school) that is an elementary school or secondary school.

SEC. 5. ELIGIBLE SCHOOLS.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Schools identified by a State under paragraph (2) shall be considered to be eligible schools under this Act.

(2) DETERMINATION.—Not later than 180 days after the date the Secretary issues regulations under section 4(b), each State shall identify the public elementary schools and secondary schools in the State that are at or below the 25th percentile for academic performance of schools in the State.

(b) PERFORMANCE.—The State shall determine the academic performance of a school under this section based on such criteria as the State may consider to be appropriate.

SEC. 6. SCHOLARSHIPS.

(a) IN GENERAL.—

(1) SCHOLARSHIP AWARDS.—With funds awarded under this Act, each State awarded a grant under this Act shall provide scholarships to the parents of eligible children, in accordance with subsections (b) and (c). The State shall ensure that the scholarships may be redeemed for elementary or secondary education for the children at any of a broad variety of public and private schools, including religious schools, in the State.

(2) SCHOLARSHIP AMOUNT.—The amount of each scholarship shall be $2000 per year.

(3) TAX EXEMPTION.—Scholarships awarded under this Act shall not be considered income of the parents for Federal income tax purposes or for determining eligibility for any other Federal program.

(b) ELIGIBLE CHILDREN.—To be eligible to receive a scholarship under this Act, a child shall be—

(1) a child who is enrolled in a public elementary school or secondary school that is an eligible school; and

(2) a member of a family with a family income that is not more than 200 percent of the poverty line.

(c) AWARD RULES.—

(1) PRIORITY.—In providing scholarships under this Act, the State shall provide scholarships for eligible children through a lottery system administered for all eligible schools in the State by the State educational agency.

(2) CONTINUING ELIGIBILITY.—Each State receiving a grant under this Act to carry out an educational choice program shall provide a scholarship in each year of the program to each child who received a scholarship during the previous year of the program, unless—

(A) the child no longer resides in the area served by an eligible school;

(B) the child no longer attends school;

(C) the child's family income exceeds, by 20 percent or more, 200 percent of the poverty line; or

(D) the child is expelled or convicted of a felony, including felonious drug possession, possession of a weapon on school grounds, or a violent act against an other student or a member of the school's faculty.

SEC. 7. USES OF FUNDS.

Any scholarship awarded under this Act for a year shall be used—

(1) first, for—

(A) the payment of tuition and fees at the school selected by the parents of the child for whom the scholarship was provided; and

(B) the reasonable costs of the child's transportation to the school, if the school is not the school to which the child would be assigned in the absence of a program under this Act;

(2) second, if the parents so choose, to obtain supplementary academic services for

the child, at a cost of not more than $500, from any provider chosen by the parents, that the State determines is capable of providing such services and has an appropriate refund policy; and

(3) finally, for educational programs that help the eligible child achieve high levels of academic excellence in the school attended by the eligible child, if the eligible child chooses to attend a public school.

SEC. 8. STATE REQUIREMENT.

A State that receives a grant under this Act shall allow lawfully operating public and private elementary schools and secondary schools, including religious schools, if any, serving the area involved to participate in the program.

SEC. 9. EFFECT OF PROGRAMS.

(a) TITLE I.—Notwithstanding any other provision of law, if a local educational agency in the State would, in the absence of an educational choice program that is funded under this Act, provide services to a participating eligible child under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the State shall ensure the provision of such services to such child.

(b) INDIVIDUALS WITH DISABILITIES.—Nothing in this Act shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AID.—

(1) IN GENERAL.—Scholarships under this Act shall be considered to aid families, not institutions. For purposes of determining Federal assistance under Federal law, a parent's expenditure of scholarship funds under this Act at a school or for supplementary academic services shall not constitute Federal financial aid or assistance to that school or to the provider of supplementary academic services.

(2) SUPPLEMENTARY ACADEMIC SERVICES.—

(A) IN GENERAL.—Notwithstanding paragraph (1), a school or provider of supplementary academic services that receives scholarship funds under this Act shall, as a condition of participation under this Act, comply with the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(B) REGULATIONS.—The Secretary shall promulgate regulations to implement the provisions of subparagraph (A), taking into account the purposes of this Act and the nature, variety, and missions of schools and providers that may participate in providing services to children under this Act.

(d) OTHER FEDERAL FUNDS.—No Federal, State, or local agency may, in any year, take into account Federal funds provided to a State or to the parents of any child under this Act in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to a school attended by such child.

(e) NO DISCRETION.—Nothing in this Act shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program under this Act.

SEC. 10. EVALUATION.

The Comptroller General of the United States shall conduct an evaluation of the program authorized by this Act. Such evaluation shall, at a minimum—

(1) assess the implementation of educational choice programs assisted under this Act and their effect on participants, schools, and communities in the school districts served, including parental involvement in, and satisfaction with, the program and their children's education;

(2) compare the educational achievement of participating eligible children with the educational achievement of similar non-participating children before, during, and after the program; and

(3) compare—

(A) the educational achievement of eligible children who use scholarships to attend schools other than the schools the children would attend in the absence of the program; with

(B) the educational achievement of children who attend the schools the children would attend in the absence of the program.

SEC. 11. ENFORCEMENT.

(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this Act.

(b) PRIVATE CAUSE.—No provision or requirement of this Act shall be enforced through a private cause of action.

SEC. 12. FUNDING.

The Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives shall identify wasteful spending (including loopholes to revenue raising tax provisions) by the Federal Government as a means of providing funding for this Act. Not later than 60 days after the date of enactment of this Act, the committees referred to in the preceding sentence shall jointly prepare and submit to the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, a report concerning the spending (and loopholes) identified under such sentence.

SEC. 13. DEFINITIONS.

In this Act:

(1) CHARTER SCHOOL.—The term "charter school" has the meaning given the term in section 10310 of the Elementary and Secondary Education Act of 1965 (as redesignated in section 3(g) of Public Law 105–278; 112 Stat. 2687).

(2) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; PARENT; SECONDARY SCHOOL; STATE EDUCATIONAL AGENCY.—The terms "elementary school", "local educational agency", "parent", "secondary school", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(4) SECRETARY.—The term "Secretary" means the Secretary of Education.

(5) STATE.—The term "State" means each of the 50 States.

By Mr. McCAIN (for himself, Mr. BROWNBACK, and Mr. JEFFORDS):

S. 718. A bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, I am joined by my colleagues, Senators BROWNBACK and JEFFORDS, today in introducing the Amateur Sports Integrity Act. This bill does two things: it amends the Ted Stevens Olympic and Amateur Sports Act to make it illegal to gamble on Olympic, college, and high school sports, and it authorizes appropriations for the National Institute of Standards and Technology to fund the detection and prevention of athletic performance-enhancing drugs.

This bill implements a recommendation made by the congressionally created National Gambling Impact Study Commission. In the summary of its comprehensive report to Congress dated June 1999, the Commission noted that "There is growing concern regarding increasing levels of sports wagering by adolescents in high school and by young adults on college campuses. A 1996 study sponsored by the National Collegiate Athletic Association found that of the over 200 student athletes surveyed in Division I basketball and football programs, 25.5 percent admitted betting on college sports events while in school."

In its report, the NGISC recommended that betting on collegiate and amateur athletic events that is currently legal be banned altogether. The bill that we are introducing today does just that. Just as the use of performance enhancing drugs threatens the integrity of amateur sports, so does gambling. Betting on amateur athletics invites public speculation as to their legitimacy and transforms student athletes into objects to be bet upon. Adding unwarranted pressure from corrupting influences to the pressures that these intensely competitive young people already feel is unacceptable. Congress must act to close the loophole that currently allows one state to serve as a national clearinghouse for betting on our youth.

Let me make one thing clear: Although the Amateur Sports Integrity Act bans legal gambling on amateur athletics, I expect that it also will reduce a substantial amount of illegal gambling as well. The relationship between legal and illegal gambling was addressed by the NGISC, which observed that "legal sports wagering—especially the publication in the media of Las Vegas and offshore-generated point spreads fuels a much larger amount of illegal sports wagering." I won't pretend, however, that closing the one-state loophole on legal gambling on amateur sports will put an end to illegal gambling on these athletes and competitions. For this reason, I say to my colleagues who are backing a bill that has the support of the gaming industry and that provides additional resources to combat illegal gambling—I agree with the intent of your legislation and appreciate your recognition that gambling on amateur athletics is a problem that must be addressed at the federal level. That bill, however, while perhaps acceptable as a complement, is not acceptable as an alternative to the Amateur Sports Integrity Act.

Mr. President, in its report the NGISC recommended that all students should be warned of the dangers of gambling, from the time they are in elementary school to when they finish college. As the Commission concluded, the loophole that currently encourages gambling by, and on, these young people, should be closed. The bill we are introducing today codifies the NGISC recommendation, and further ensures the integrity of amateur sports by addressing athlete doping. I urge my colleagues to support its swift passage.

Mr. BROWNBACK. Mr. President, I am pleased to reintroduce today with Senator McCain, the Amateur Sports Integrity Act. This legislation combats performance enhancing drugs use by athletes, as well as the corruptive influence of legal gambling on high school, college, and amateur sports. I would like to thank my colleague for his continued interest in and leadership on this issue. I look forward to winning an up or down vote on this bill this Congress.

The Amatuer Sports Integrity Act serves two purposes. First, it combats the use of performance enhancing drugs by athletes through the creation a new grant program to be administered by the National Institute of Science and Technology. This program will support research on the use of performance-enhancing drugs, and methods of detecting their use. Quite simply, Mr. President, we need to find out who's cheating and how they're doing it so we can disqualify their dishonorable efforts to compete. The Act will achieve this goal.

Our legislation will also ban the continued and unseemly practice of legal wagering on high school, college, and amateur sports at the expense of the achievements of our nation's student and amateur athletes. This bill closes the loophole in the Professional and Amateur Sports Protection Act that allows legal sports betting in Nevada to negatively impact student athletics in other states.

This bill is supported by the National Collegiate Athletic Association, which represents more than 1000 colleges and universities nationwide. In addition, numerous coaches among the college ranks support this effort, and I can think of no better advocate then the coaches who spend time day in and day out with the athletes and prized sporting institutions negatively affected by legal sports gambling.

My continuing efforts on this issue are in direct response to the recommendation made by the National Gambling Impact Study Commission (NGISC), which in 1999 concluded a two-year study on the impact of legalized gambling in our country. The Commission's recommendation called for a complete ban on all legalized gambling on amateur sports.

The Commission in its report recognized the potential harm of legalized gambling by stating that sports gambling "can serve as a gateway behavior for adolescent gamblers, and can devastate individuals and careers." This Amateur Sports Integrity Act will serve notice that betting on college games or amateur athletics is not only inappropriate but can result in these significant social costs.

Legislation addressing illegal gambling has been introduced in the House and Senate by members of the Nevada delegation. I would like to take a moment to commend my colleagues, Senators Reid and Ensign, for recognizing that the social consequences of gambling for the public must be addressed. I agree with the Nevada delegation that we should be vigilant in our efforts to increase our knowledge regarding illegal gambling activities, and find ways to help law enforcement combat such activities. As a member of the Senate Judiciary Committee to which that bill has been referred, I look forward to working with the Nevada delegation to improve the bill and, ultimately, support its passage.

However, we must also address the fact that legal gambling has a real and telling impact on high school, college, and amateur athletics and the public, and in fact facilitates illegal gambling activity. If there are any doubts, just ask Kevin Pendergast who orchestrated the basketball point-shaving scandal at Northwestern University. He had stated that he never would have been able to pull off his scheme if it weren't for the ability to lay a large amount of money on the Las Vegas sports books.

The frequency of point shaving scandals over the last decade, and the tie-in to the Vegas sports books of the episodes at Northwestern and Arizona State is a clear indication that legal gambling on college sports stretches beyond Nevada, impacting the integrity of other state's sporting events. The now familiar opposition to this bill on the theory of states rights simply does not hold water, and I categorically reject the notion that Kansas college athletics should be jeopardized so the casinos in Vegas can rake in some additional gambling revenues.

Mr. President, I encourage my colleagues to cosponsor the Amateur Sports Integrity Act and I look forward to a vote before the full Senate.

By Mr. WELLSTONE (for himself, Mr. Kerry, Mrs. Clinton, and Ms. Cantwell):

S. 719. A bill to amend Federal election law to provide for clean elections funded by clean money; to the Committee on Rules and Administration.

Mr. WELLSTONE. Mr. President, the Senate this week took a historic step toward fairer elections. I was proud to join a solid majority of my colleagues in voting for the McCain-Feingold bill. However, passage of that bill is not the end of the reform debate, but hopefully merely a beginning.

It is clear to me that we need to go still further to reform our elections comprehensively, and for that reason I rise today along with Senators Kerry, Clinton and Cantwell to re-introduce "Clean Money, Clean Elections" campaign finance reform legislation.

Debates about campaign finance reform should be debates about who is at the table and how to level the playing field. Looking back at the two weeks of debate on McCain-Feingold from this perspective highlights the importance of and also the severe limitations of the bill. I say importance of the bill, because if you believe that reform of our federal elections is essential for the reasons I believe, restoring the centrality of one person, one vote, then you need to get soft money out of the system since it allows too much political power to flow from too few. I say severe limitations of the bill because even if we ban soft money and sham issue ads, we will still have too much money in American politics. And, the wealthy investors will still have an all too prominent role in our elections.

Fundamentally, we need to go beyond legislation that merely seeks to patch a badly broken system. The McCain-Feingold legislation seeks to stop a leak here, and block a loophole there. It does not eliminate private, special interest money flowing to candidates and parties. The Clean Money, Clean Elections legislation that I am reintroducing today will fix this problem—it will reduce the costs of campaigns and provide public funds to eliminate the dependence on wealthy investors entirely. Hence the Clean Money, Clean Elections legislation will truly level the playing field for all candidates and ensure fair elections.

Now that the Senate will finally go on record in favor of the modest reform that McCain-Feingold represents, I believe the time is right to begin the fight for fundamental reform: public financing of elections.

The Clean Money, Clean Elections bill is the "gold standard" of true campaign finance reform, against which any more modest legislation ought to be assessed. The conceptual approach it embodies, replacing special interest money in our current system with clean money, is being adopted by state legislatures and in referenda across the country.

In Maine, for example, there was broad participation in the Clean Money, Clean Elections program during the last election with 116 out of 352 general election candidates both Republicans and Democrats participating.

In Maine, Arizona and Vermont, Clean Money, Clean Elections reduced the influence of special interest money and provided a level playing field by offering qualified candidates a limited and equal amount of public funds. The earliest indications from Maine's first election under the Clean Elections law do inspire hope. Far more candidates than expected stepped forward to seek Clean Elections financing, and all but one succeeded in qualifying. There comments about the process tell us we are on the right track. Some of their comments are for example: "Without Clean Elections I couldn't even think about running for office. I just couldn't afford it." said Shlomit Auciello, democrat challenger; "The main reason I did it was that this is what people want." Chester Chapman, Republican challenger; "I spent a lot of kitchen table time explaining the system to people. Once they knew what it was they really liked it. They like that it means no soft money and no PAC money will be used. I want to work for the people of Maine and I don't want to be beholden to anyone else." Glenn Cummings, Democrat challenger; "It will definitely change some things. For one thing I will have about half the amount of money I raised last time but much more time to talk with people which is a good thing." Gabrielle Carbonear; and "We have an obligation to put into practice the system that was approved by voters in 1996. Maine is in the lead in this area. It will only work if it is used, and it is important for incumbents to embrace it. Also, the Clean Election Act is making it easier to recruit candidates to run for office." Rick Bennet, Republic incumbent, Assistent Senate Minority Leader and a candidate for reelection.

When asked, 60 percent of Americans say they think that reforming the way campaigns are financed should be a high priority on our National agenda. There is no question in my mind that these people are right, reforming the way campaigns are financed should be, must be, a high priority.

Many people believe our political system is corrupted by special interest money. I agree with them. It is not a matter of individual corruption. I think it is probably extremely rare that a particular contribution causes a member to cast a particular vote. But the special interest money is always there, and I believe that we do suffer under what I have repeatedly called a systemic corruption. Unfortunately, this is no longer a shocking announcement, even if it is a shocking fact. Money does shape what is considered do-able and realistic here in Washington. It does buy access. We have both the appearance and the reality of systemic corruption. And we must act. Here in the Senate, we must push forward this spring on tough, comprehensive reform.

I wonder if anyone would bother to argue that our budget debates are unaffected by the connection of big special-interest money to politics? The budget cuts proposed most deeply affect those who are least well off, while the tax cuts proposed mostly go to the wealthy. That is well-documented. The tax breaks we offer benefit not only the most affluent as a group, but numerous very narrow wealthy special interests. Does anyone wonder why we retain massive subsidies and tax expenditures for oil and pharmaceutical companies? What about tobacco? Are they curious why we promote a health care system dominated by insurance companies? Or why we promote a version of "free trade" which disregards the need for fair labor and environmental standards, for democracy and human rights, and for lifting the standard of living of American workers, as well as workers in the countries we trade with? How is it that we pass major legislation that directly promotes the concentration of ownership and power in the telecommunications industry, in the agriculture and food business, and in banking and securities? For the American people, how this happens, I think, is no mystery.

I think most citizens believe there is a connection between big special interest money and outcomes in American politics. People realize what is "on the table" or what is considered realistic here in Washington often has much to do with the flow of money to parties and to candidates. We must act to change this.

We must act to change this because too many people have lost faith in the system. People are turning away from the political process. They are surrendering what belongs most exclusively to them, their right to be heard on the issues that affect them, simply because they don't believe their voices will carry over the sound of all that cash. The degree of distrust, dissatisfaction, and outright hostility expressed by the American people when asked about the political process overwhelms me.

We must act on comprehensive campaign finance reform. We must act to restore Americans' trust in our political process. We must act to renew their hope in the capacity of our political system to respond to our society's most basic problems and challenges. We must act to provide a channel for the anger that many Americans feel about the current system, and acknowledge the grassroots reform movement that's been building for years. These are our duties, and we must act to move the reform debate forward.

As Members of Congress, most pressing for us should be the question of why so many people no longer trust the political process, especially here in Congress, and what we can do to restore that trust. Polls and studies continue to show a profound distrust of Congress, and of our process. Many Americans see the system as inherently corrupt, and they despair of making any real changes because they figure special interests have the system permanently rigged.

Too many Americans believe that a small but wealthy and powerful elite controls the levers of government through a political process which rewards big donors, a system in which you have to pay to play. Why do you think corporate welfare has barely been nicked, but welfare for the poor and needy in this country has been gutted? The not-so-invisible hand of corporate PACs and well-heeled lobbyists, and huge corporate soft money contributions can be seen most openly here.

Too many Americans see our failures: to alleviate the harsh poverty that characterizes the lives of far too many of our inner-city residents; to reduce the widening gulf between rich and poor; to combat homelessness, drug addiction, decaying infrastructure, rising health care costs, and an unequal system of education.

And they want to know why we can't, or won't, act to address these problems head-on. Americans understand that without real reform, attempts to restructure our health care system, create jobs and rebuild our cities, protect our environment, make our tax system fairer and more progressive, fashion and energy policy that relies more on conservation and renewable sources, and solve other pressing problems will remain frustrated by the pressures of special interests and big-money politics.

In thinking about reform legislation, I start with the premise that political democracy has several basic requirements: First, free and fair elections. It is hard to argue plausibly that we have them now. That's why people stay home on election day, why they don't participate in the process. Incumbents outspend challengers 8 or 10-1, and special interests buy access to Congress itself, all of which warps and distorts the democratic process.

Second, the consent of the people. The people of this country, not special interest big money, should be the source of all political power. Government must remain the domain of the general citizenry, not a narrow elite.

Third, political equality. Everyone must have equal opportunity to participate in the process of government. This means that the values and preferences of all citizens, not just those who can get our attention by waving large campaign contributions in front of us, must be considered in the political debate. One person, one vote—no more and no less—the most fundamental of democratic principles.

Each of these principles is undermined by our current system, funded largely through huge private contributions. Contributions that come with their own price tag attached—greater access and special consideration when push comes to shove. It's time for real reform.

Which is why I stand here today, reintroducing the "Clean Money, Clean Elections" legislation that we introduced during the last Congress. We have tightened and strengthened some of the nuts and bolts of the legislation, but it is much the same bill that it was when we first introduced it: simple and sweeping, fundamental campaign finance reform.

Money has always played a role in American politics and campaign spending is not a new problem, but it has exploded during the 1990s. In the 1993-94 election cycle, the national political parties raised $101.6 million dollars in soft money contributions. By the 1997-98 election cycle that figure was up to $224.4 million dollars in soft money. In the 99-2000 election cycle that figure more than doubled to more than $487.5 million.

However, we must not forget that nearly 80 percent of the money spent on elections during the last cycle was hard money. All together, over $2.2 billion in hard money was raised by federal candidates and parties during the 2000 elections, a figure that dwarfs party soft money. Unfortunately, under McCain-Feingold, even more hard money will pour into our elections.

Of all the money given to Congressional candidates, almost none represented the millions of Americans who are poor, or parents of public school children, or victimized by toxic dumping or agri-chemical contamination, or who are small bank depositors and borrowers, or people dependent on public housing, transportation, libraries, and hospitals. It is clear who is represented under the current system and who is shut out.

During the last election, only 4 out of every 10,000 Americans made a contribution greater than $200. Only 232,000 Americans gave contributions of $1000 or more to federal candidates—one ninth of one percent of the voting age population. By raising the hard money limits in McCain-Feingold, the Senate voted to increase the amount of special interest money in politics and entrench candidates' dependence on a narrow, political, elite made up of wealthy individuals. This was step backward and it makes Clean Money reform all the more necessary.

The bill I am introducing today strikes directly at the heart of the crisis in the current system of campaign finance: the only way for candidates of ordinary means to run for office and win is to raise vast sums of money from special interests, who in turn expect access and influence on public policy. Real campaign finance reform needs to restore a level playing field, open up federal candidacies to all citizens, end the perpetual money chase for Members of Congress, and limit the influence of special interest groups. This legislation does all of these things by offering: The strictest curbs on special-interest money and influence. The "Clean Money, Clean Elections" legislation bans completely the use of "soft money" to influence elections, discourages electioneering efforts masquerading as non-electoral "issue ads," provides additional funding to clean money candidates targeted by independent expenditures, and most importantly, allows candidates to reject private contributions if they agree to participate in the clean money system of financing. The greatest reduction in the cost of campaigns. Because it eliminates the need for fundraising expenses and provides a substantial amount of free and discounted TV and/or radio time for Federal candidates, this legislation allows candidates to spend far less than ever before on their campaigns. The most competitive and fair election financing. By providing limited but equal funding for qualified candidates, and additional funding for clean money candidates if they are outspent by non-participating opponents, this legislation allows qualified individuals to run for office on a financially level playing field, regardless of their economic status or access to larger contributors. Right now, the system is wired for incumbents because they are connected to the connected. The big players, the heavy hitters, tend to be attracted to incumbents, becuase that is where the power lies. This bill would allow all citizens to compete equally in the Federal election process. And an end to the money chase, shorter elections, and stronger enforcement. "Clean Money, Clean Elections" campaign finance reform frees candidates and elected officials from the burden of continuous fundraising and thus allows public officials to spend their time on their real duties. In effect, it also shortens the length of campaigns, when the public is bombarded with broadcast ads and mass mailings, by limiting the period of time during which candidates receive their funding. Moreover it strengthens the enforcement and disclosure requirements in Federal campaigns.

What I am proposing are fundamental changes, necessary changes if we hope to ever regain the public's confidence in the political process. This legislation is both simple to understand and sweeping in scope. As a voluntary system this bill is constitutional, and it effectively provides a level playing field for all candidates who are able to demonstrate a substantial base of popular support. "Clean Money, Clean Elections" strengthens American democracy by returning political power to the ballot box and by blocking special interests' ability to skew the system through large campaign contributions.

Most importantly, this legislation attacks the root cause of a system founded on private special interest money, curing the disease rather than treating the symptoms. The issue is no longer one of tightening already existing campaign financing laws, no longer a question of what's legal and what's illegal. The real problem is that most of what's wrong with the current system is perfectly legal. Big money special interests know how to get around the letter of the law as it is now written. This current system of funding congressional campaigns is inherently anti-democratic and unfair. It creates untenable conflicts of interests and screens out many good candidates. By favoring the deep pockets of special interest groups, it tilts the playing field in a way that sidelines the vast majority of Americans. This legislation takes special interest out of the election process and replaces it with the public interest, returning our political process to the hallowed principle of one person, one vote.

This week the Senate took an excellent, but limited, step forward. A complete overhaul of the financing of elections is required to fully restore the public confidence in our democracy. I believe the Clean Money approach is what is needed to get the job done.

By Mr. HUTCHINSON (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ENZI, Mr. BINGAMAN, Mr. ROBERTS, Mr. FRIST, and Ms. COLLINS):

S. 721. A bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes; to the Committee on Health, Education, Labor, and Pension.

Mr. HUTCHINSON. Mr. President, today, I am pleased to introduce the Nurse Employment and Education Development—or NEED Act—critical legislation to address the current and impending nursing shortages in our country. I am joined by Senators MIKULSKI, WARNER, ENZI, BINGAMAN, ROBERTS, FRIST and COLLINS.

This year, the first order of business of the Aging Subcommittee, of which I am Chairman, was to hold a hearing on the nursing shortage and its impact on our health care delivery system. Recent nursing statistics paint a grim picture for the future of the nursing workforce, when millions of Baby Boomers will retire and place an unprecedented strain on the health care system. By the year 2020, it is projected that nursing needs will be unmet by at least 20 percent.

This is in large part due to a shrinking pipeline. The average age of Registered Nurses is 43.3 years. Nurses under age 30 comprise less than 10 percent of today's nurse workforce. Minorities, including men, remain a minuscule percentage of the workforce.

The cumulative effect of all this is that nurses and nurse faculty are retiring or leaving the profession at a rapid rate, and only a small number of nurses and nurse educators are taking their place.

In my home state of Arkansas, 153 eligible nursing students were turned away in 1999 because of the lack of faculty to teach them. In the meantime, over 750 nursing vacancies have been reported by Arkansas hospitals, and I know that this trend is being experienced by many more health care providers across the state. What is happening in Arkansas is becoming a major issue across the country.

The NEED Act builds on the programs currently in the Nurse Education Act and adds several new, innovative approaches to alleviate the nursing shortage. In the area of recruitment, the NEED Act establishes a Nurse Corps, which is essential to attracting able individuals into the nurse workforce to fill current and future health needs. In particular, the NEED Act expands the existing nurse loan repayment program under the Nurse Education Act and by adding scholarships for which nursing students can qualify in exchange for at least 2 years of service in a critical nurse shortage area or in a variety of health care facilities determined to have a shortage in nursing. In addition, the NEED Act adds nursing homes, home health agencies, public health departments and nurse management health centers to the list of eligible entities to fulfill this service requirement.

Changing the image of nursing and promoting workforce diversity is another key recruiting factor to get people, especially young people, interested in nursing careers. The NEED Act provides funding for multi-media campaigns at the federal and state level to reach out to individuals to encourage them to consider nursing as they make career choices.

The NEED Act also provides grants for community partnerships to develop innovative nurse recruiting and retention strategies tailored to a particular community, and authorizes additional funding for workforce diversity grants already provided for under the Nurse Education Act.

In order to strengthen the existing workforce, the NEED Act provides grant funding for: career ladder programs to facilitate educational advancement for individuals with existing nursing degrees or health care training; long-term care training for nurses who will inevitably be dealing with an older patient population; and nursing internships and residencies to meet the current demand for nurses with specialty training, be it in the ER or the labor and delivery room

Finally, the NEED Act provides for a fast-track faculty development program, which seeks to encourage master's and doctoral students to rapidly complete their studies through loans and scholarships. We must realize that getting people into the pipeline will mean very little if we do not have the teachers to teach them. Individuals receiving financial assistance through the fast-track faculty program must agree to teach at an accredited school of nursing in exchange for this assistance.

This is a bipartisan issue and it is becoming a nationwide concern. I hope that we can work together to successfully secure passage of the NEED Act and other meaningful solutions.

I ask unanimous consent that the text of the Nurse Employment and Education Development (NEED Act) be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Employment and Education Development Act" or the "NEED Act".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) Nurse Corps Loan Repayment Program.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by—

(1) in subsection (a)(3), by inserting "in a skilled nursing facility, in a home health agency, in a public health department, in a nurse-managed health center," after "in a public hospital,"; and

(2) in subsection (g), by striking "$5,000,000" and all that follows to the period and inserting "$10,000,000 for fiscal year 2002 and $15,000,000 in 2003".

(b) Grant Programs.—Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended by adding at the end the following:

"PART H—NURSE CORPS SCHOLARSHIP PROGRAM

"SEC. 851. NURSE CORPS SCHOLARSHIP PROGRAM.

"(a) Program Authorized.—The Secretary shall establish a Nurse Corps Scholarship program (referred to in this section as the 'program') to provide scholarships to individuals seeking nursing education in exchange for service from such individuals in a critical nursing shortage area upon completion of such education.

"(b) Purpose.—The purpose of the program is to assure that—

"(1) an adequate supply of nurses, at all preparation levels up to the doctoral level, are available to meet the nursing needs in critical nursing shortage areas;

"(2) an adequate supply of nurse educators are available to meet the nursing education needs of the Nation; and

"(3) preference will be given to the preparation of minority nurses and individuals who demonstrate greatest financial need for nursing and nurse faculty scholarships.

"(c) Critical Nursing Shortage Area.—

"(1) In general.—The term 'critical nursing shortage area' means—

"(A) an urban or rural area that the Secretary determines is experiencing a nursing shortage;

"(B) a population that the Secretary determines has such a shortage; or

"(C) a medical facility or other public or private facility that the Secretary determines has a shortage.

"(2) Factors to consider.—In making a determination regarding a critical nursing shortage area, the Secretary shall the criteria in section 846 for not more than 12 months, and after such period, the following:

"(A) The ratio of available nurses to the number of individuals in the area or population group.

"(B) The demonstrated need of a medical facility or other public health facility in the area.

"(C) The presence of innovative retention strategies utilized by eligible facilities.

"(d) Eligibility.—To be eligible for the program an individual shall—

"(1) be accepted for enrollment, or be enrolled, as a full- or part-time student in an accredited nursing program; and

"(2) submit an application for the program; and

"(3) submit a written contract, at the time of submitting the application, accepting payment of a scholarship in exchange for providing the required service in a critical nursing shortage area.

"(e) Preference.—In selecting individuals to participate in the program, the Secretary shall give priority to any application submitted by an individual—

"(1) who has characteristics that increase the probability that the individual will continue to serve in a critical nursing shortage area after the period of obligated service is complete;

"(2) who has an interest in a practice area of nursing, including teaching nursing, that has unmet needs; and

"(3) who is from a disadvantaged background or demonstrates the greatest financial need.

"(f) Application.—The Secretary shall create an application form for any individual desiring to participate in the program, and include in such form—

"(1) a summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary;

"(2) information respecting meeting a service obligation through private practice under an agreement; and

"(3) any other information that the individual needs to understand the program, including a statement of all factors considered in approving applications for the program.

"(g) Contract.—

"(1) In general.—The Secretary shall prepare a written contract for the program that shall be provided to any individual desiring to participate in the program at the time that an application is provided to such individual.

"(2) Content.—The contract described in paragraph (1) shall be an agreement between the Secretary and individual that states that, subject to paragraph (3)—

"(A) the Secretary agrees to—

"(i) provide the individual with a scholarship in each such school year or years for a period of years (not to exceed 4 school years) determined by the individual, during which period the individual is pursuing a course of study; and

"(ii) accept the individual into the Corps (or for equivalent service as otherwise provided in this section); and

"(B) the individual agrees to—

"(i) accept provision of such a scholarship to the individual;

"(ii) maintain enrollment in a course of study until the individual completes the course of study;

‘‘(iii) while enrolled in such course of study, maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering such course of study); and

‘‘(iv) serve for required period of service equal to—

‘‘(I) 1 year for each school year for which the individual was provided a scholarship under the program, or

‘‘(II) 2 years,

whichever is greater, as a provider of nursing services in a critical nursing shortage area to which he or she is assigned by the Secretary as a member of the program, or as otherwise provided in this section.

‘‘(3) LIMITATION.—The contract described in paragraph (1) shall contain a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section.

‘‘(h) PAYMENT.—

‘‘(1) IN GENERAL.—A scholarship provided to a student for a school year under a written contract under the program shall consist of—

‘‘(A) payment to, or (in accordance with paragraph (2)) on behalf of, the student of the amount of—

‘‘(i) the tuition of the student in such school year; and

‘‘(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

‘‘(B) payment to the student of a stipend of $400 per month (adjusted in accordance with paragraph (3)) for each month the student is enrolled.

‘‘(2) CONTRACT.—The Secretary may contract with an educational institution, in which a participant in the program is enrolled, for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (1)(A).

‘‘(3) MONTHLY STIPEND.—The amount of the monthly stipend, specified in paragraph (1)(B) and as previously adjusted (if at all) in accordance with this paragraph, shall be increased by the Secretary as the Secretary determines to be reasonable.

‘‘(i) BREACH OF AGREEMENT.—

‘‘(1) IN GENERAL.—Subject to paragraph (2), if an individual participates in the program under this section and agrees to provide health services for a period of time in consideration for receipt of an award of Federal funds for education as a nurse, the following applies:

‘‘(A) FAILURE REGARDING EDUCATION.—The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

‘‘(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

‘‘(ii) is dismissed from the nursing program for disciplinary reasons; or

‘‘(iii) voluntarily terminates the nursing program.

‘‘(B) FAILURE REGARDING SERVICE.—The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program for the required time period.

‘‘(2) WAIVER OR SUSPENSION OF LIABILITY.—The Secretary shall waive liability under paragraph (1) if compliance by the individual with the agreement involved is impossible, or would involve extreme hardship to the individual, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

‘‘(j) INFORMATION OF THE PROGRAM.—The Secretary shall distribute material regarding the program to junior and senior high schools, community colleges, universities, and schools of nursing. The Secretary shall encourage such schools to disseminate such material to the students of such schools.

‘‘(k) SERVICE INFORMATION.—The Secretary shall provide to an individual who has participated in the program and is nearing the conclusion of his or her service obligation, information regarding other opportunities for nursing in critical nursing shortage areas.

‘‘(l) REPORT.—Not later than 18 months after the first loan cycle, and annually thereafter, the Secretary shall prepare and submit to Congress a report describing the program, including statements regarding—

‘‘(1) the number of enrollees, scholarship, and grant recipients by year of study;

‘‘(2) the number of graduates;

‘‘(3) the amount of scholarship payments made for each of tuition, stipends, and other expenses;

‘‘(4) which educational institutions the scholar attended;

‘‘(5) the number and placement location of the scholars;

‘‘(6) the default rate and actions required;

‘‘(7) the amount of outstanding default funds;

‘‘(8) to the extent that can be determined, the reason for the default;

‘‘(9) the demographics of the individuals participating in the scholarship program; and

‘‘(10) recommendations for future modifications of the scholarship program.

‘‘(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002 and $15,000,000 for fiscal years 2003 and 2004.

“PART I—NURSE RECRUITMENT

“SEC. 855. PUBLIC AWARENESS AND EDUCATION CAMPAIGN.

‘‘(a) NATIONAL CAMPAIGN.—

‘‘(1) IN GENERAL.—The Secretary shall develop and administer a comprehensive national multi-media public education campaign to enhance the image of the nursing profession, promote diversity in the workforce, encourage individuals to enter the nursing profession, and encourage career development for individuals in the nursing profession.

‘‘(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $5,0000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

‘‘(b) STATE CAMPAIGNS.—

‘‘(1) IN GENERAL.—The Secretary shall award grants to eligible entities to establish the multi-media campaigns described in subsection (a) at a State level.

‘‘(2) DEFINITIONS.—

‘‘(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a professional State nursing association, State health care provider association, school of nursing, and any other entity that provides similar services or serves a like function.

‘‘(B) STATE HEALTH CARE PROVIDER ASSOCIATION.—The term ‘State health care provider association’ means a professional association of hospitals, nursing homes, home health care agencies, hospices, consortia of said associations, or other such entities deemed eligible by the Secretary.

‘‘(3) LIMITATION.—An eligible entity that receives a grant under this subsection shall not use funds received through such grant to advertise particular employment opportunities or recruit members or affiliates of such entity.

‘‘(4) APPLICATION.—Each eligible entity that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

‘‘(5) EQUITABLE BROADCASTING.—The campaigns described in paragraph (1) shall be broadcast in such a manner as to inform diverse populations throughout the State of nursing opportunities, including rural populations.

‘‘(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

“SEC. 856. AREA HEALTH EDUCATION CENTERS PROGRAM.

‘‘(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to schools of nursing to expand the operation of area health education centers under section 751 to work in communities to develop models of excellence for school nurses, public health nurses, perinatal outreach nurses, and other community-based nurses, or to expand any junior and senior high school mentoring programs to include a nurse mentoring program.

‘‘(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

“SEC. 857. COMMUNITY NURSE OUTREACH GRANTS.

‘‘(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration) shall award grants to community-based partnerships to establish programs to recruit and retain nurses.

‘‘(b) COMMUNITY-BASED PARTNERSHIPS.—The term ‘community-based partnerships’ means a health care provider and a community partner, such as a school, nursing program, faith-based organization, university, community college, public health department, State health care provider association, professional State nursing association, hospice care program or other entity deemed eligible by the Secretary, that forms a partnership with not less than 2 other entities in the community to develop a network to recruit and retain nurses in the community.

‘‘(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to—

‘‘(1) community-based partnerships seeking to recruit and retain nurses in rural communities and medically underserved urban communities, and other communities experiencing a nursing shortage; and

‘‘(2) community-based partnerships seeking to address such needs as dependent care, transportation, or others as deemed appropriate by the Secretary.

"(d) APPLICATION.—A community-based partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"SEC. 858. EDUCATIONAL ASSISTANCE IN NURSING REGARDING INDIVIDUALS FROM DIVERSE OR DISADVANTAGED BACKGROUNDS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to assist individuals from disadvantaged backgrounds to pursue nursing education opportunities and nursing career positions.

"(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' has the same meaning given such term in section 801(1).

"(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use funds received under such grant to increase nursing education opportunities for individuals from disadvantaged backgrounds, including by providing student scholarships, stipends, pre-entry preparation, and retention activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"PART J—STRENGTHENING THE NURSE WORKFORCE

"SEC. 861. GRANTS FOR CAREER LADDER PROGRAMS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop programs that aid and encourage individuals in nursing programs to pursue additional nursing education and training.

"(b) DEFINITIONS.—

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a school of nursing or a health care facility, or a partnership of such school and facility.

"(2) HEALTH CARE FACILITY.—The term 'health care facility' means a hospital, nursing home, home health care agency, hospice, federally qualified health center, federally qualified community health center, rural health clinic, or public health clinic.

"(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use such funds received through such grant to—

"(1) provide career counseling to individuals seeking to advance within the nursing profession;

"(2) promote career mobility for nursing personnel by providing training in a variety of settings and specialty training; and

"(3) develop programs to facilitate educational advancement for individuals with existing degrees or health care training.

"(d) APPLICATION.—An eligible entity seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such a manner, and containing such information as the Secretary may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"SEC. 862. GRANTS FOR NURSE TRAINING.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to encourage individuals to enter the nursing profession with a focus on providing long-term care.

"(b)(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a school of nursing or a health care facility, or a partnership of such school and facility.

"(2) HEALTH CARE FACILITY.—The term 'health care facility' means a hospital, nursing home, home health care agency, hospice, federally qualified health center, federally qualified community health center, rural health clinic, or public health clinic.

"(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use such funds received through such grant to—

"(1) provide education and training to individuals who will provide long-term care; and

"(2) expand the enrollment in nursing programs, especially programs that focus on training individuals in the provision of long-term care.

"(d) APPLICATION.—An eligible entity seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such a manner, and containing such information as the Secretary may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"SEC. 863. GRANTS FOR INTERNSHIP AND RESIDENCY PROGRAMS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to an eligible entity to develop internship and residency programs that encourage mentoring and the development of specialties.

"(b) DEFINITIONS.—

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a health care facility, or a partnership of a school of nursing and health care facility.

"(2) HEALTH CARE FACILITY.—The term 'health care facility' means a hospital, nursing home, home health care agency, hospice, federally qualified health center, federally qualified community health center, rural health clinic, or public health clinic.

"(c) USE OF FUNDS.—An eligible entity that receives a grant under subsection (a) shall use such funds received through such grant to—

"(1) develop internship and residency programs and curriculum and training programs for graduates of a nursing program;

"(2) provide funding for faculty and mentors; and

"(3) provide funding for nurses participating in internship and residency programs on both a full-time and part-time basis.

"(d) APPLICATION.—An eligible entity seeking a grant under subsection (a) shall submit an application to the Secretary at such time, in such a manner, and containing such information as the Secretary may reasonably require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 and 2004.

"PART K—NURSE FACULTY DEVELOPMENT

"SEC. 865. FAST-TRACK NURSING FACULTY LOAN PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to enter into an agreement for the establishment and operation of a student loan fund with any public or nonprofit private school of nursing to aid masters or doctoral level students.

"(2) LIMITATION.—Assistance provided under paragraph (1) for a part-time masters degree program shall be provided for not more than 6 years and for a part-time doctoral degree program for not more than 7 years.

"(b) AGREEMENT.—Each agreement entered into under this section shall—

"(1) provide for the establishment of a student loan fund by the school;

"(2) provide for the deposit in the fund of Federal contributions, additional amounts received from other sources, collections of principal and interest on loans made from the fund, and any other earnings of the fund;

"(3) provide that the fund shall only be used for loans to students of the school in accordance with the agreement and for costs of collection of such loans and interest thereon; and

"(4) provide that the loan shall only be used to meet the costs of projects that help individuals seek a masters degree or a doctoral degree.

"(c) LIMITATIONS.—The total of the loans for any academic year made by schools of nursing from loan funds established pursuant to agreements under this section may not exceed $35,000 in the case of any student. In the granting of such loans, a school shall give preference to persons with exceptional financial need.

"(d) TERMS AND CONDITIONS OF LOANS.—Loans from any student loan fund by any school shall be made on such terms and conditions as the school may determine, subject to limitations the Secretary may prescribe (by regulation or in the agreement with the school) to prevent the impairment of the capital of such fund while enabling the student to complete his course of study, except that—

"(1) such a loan may be made only to a student who—

"(A) is in financial need of the amount of the loan to pursue a full- or part-time course of study at the school to obtain a masters degree with a concentration in education or a doctoral degree; and

"(B) is capable, in the opinion of the school, of maintaining good standing in such course of study;

"(2) such a loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period which begins 9 months after the student ceases to pursue a full- or part-time course of study at a school of nursing, excluding from such 10-year period all—

"(A) periods (up to 3 years) of—

"(i) active duty performed by the borrower as a member of a uniformed service; or

"(ii) service as a volunteer under the Peace Corps Act; and

"(B) periods (up to 10 years) during which the borrower is pursuing a full-time or half-time course of study in advanced nursing education at a school of nursing;

"(3) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that the borrower has become permanently and totally disabled;

"(4) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 5 percent per annum;

"(5) such a loan shall be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by the borrower would not, under the applicable law, create a binding obligation, either security or endorsement may be required;

“(6) no note or other evidence of any such loan may be transferred or assigned by the school making the loan except that, if the borrower transfers to another school participating in the program, such note or other evidence of a loan may be transferred to such other school;

“(7) any student receiving a loan shall agree to teach at an accredited school of nursing for each year of assistance after the masters or doctoral degree has been obtained; and

“(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.

“(e) CANCELED LOAN.—Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

“(f) PAYMENTS.—Any loan for any year by a school from a student loan fund established pursuant to an agreement under this section shall be made in such installments as the Secretary determines, and, upon notice to the Secretary by the school that any recipient of a loan is failing to maintain satisfactory standing, any or all further installments of the loans shall be withheld, as may be appropriate.

“(g) CHARGES.—Subject to regulations of the Secretary and in accordance with this section, a school shall assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (d)(2), for any failure to file timely and satisfactory evidence of such entitlement. No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

“(h) REPAYMENT.—Upon application by a person who received and is under an obligation to repay, any loan made under this section, the Secretary may repay (without liability to the applicant) all or a part of such loan, and any interest or portion outstanding, if the applicant—

“(1) failed to complete the nursing studies with respect to which such loan was made;

“(2) is in exceptionally needy circumstances; and

“(3) has not resumed, or cannot reasonably be expected to resume, such nursing studies within 2 years following the date upon which the applicant terminated the studies with respect to which such loan was made.

“(i) APPLICATIONS.—The Secretary shall from time to time set dates by which schools of nursing must file applications for Federal capital contributions.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002 and $15,000,000 for fiscal years 2003 and 2004.

“SEC. 866. STIPEND AND SCHOLARSHIP PROGRAM.

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall establish a scholarship and stipend program to encourage individuals to seek a masters degree or a doctoral degree at a school of nursing.

“(2) LIMITATION.—Assistance provided under paragraph (1) for a part-time masters degree program shall be provided for not more than 6 years and for a part-time doctoral degree program not more than 7 years.

“(b) ELIGIBILITY.—To be eligible to receive a scholarship or stipend under this section, an individual shall—

“(1) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require;

“(2) enter into an agreement with the Secretary to accept the scholarship in consideration for remaining enrolled in a nursing school and teaching at an accredited school of nursing for 1 year for each year of assistance with a course load determined by the school of nursing where the teaching will take place.

“(c) APPLICATION.—The Secretary shall disseminate application forms to individuals and in such forms, include—

“(1) a summary of the rights and liabilities of an individual whose application is approved by the Secretary; and

“(2) information respecting meeting the service obligation described in subsection (b)(2).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2002 and $15,000,000 for fiscal years 2003 and 2004.

“PART L—NATIONAL COMMISSION ON NURSING CRISIS

“SEC. 871. NATIONAL COMMISSION ON NURSING CRISIS.

“(a) IN GENERAL.—There is established a commission known as the National Commission on the Nursing Crisis (referred to in this section as the ‘Commission’).

“(b) DUTIES.—The Commission shall meet at least four times and shall study and make recommendations to the appropriate committees of Congress regarding—

“(1) agency initiatives and legislative actions that are necessary to address the nursing shortage in the short and long term;

“(2) nurse training, nurse recruitment, retention of nurses, workplace issues for nurses, funding for nursing programs in this Act and the Social Security Act, and infrastructure issues;

“(3) the facilitation of career advancement within the nursing profession;

“(4) attracting middle and high school students into nursing careers;

“(5) nurse education issues; and

“(6) the effectiveness of current nursing recruitment and retention programs, and what changes might be needed.

“(c) MEMBERSHIP.—Not later than 3 months after the date of enactment of this section, the Comptroller General shall appoint members of the Commission (taking into account rural and urban areas, geographic diversity, and the diversity of the patient population within such areas) which shall be composed of 19 members of whom—

“(1) at least ⅔ of such members shall be nurses and nursing assistants with different levels of education, and a significant portion of such shall be currently practicing as nurses; and

“(2) the other portion of such members shall be—

“(A) representatives of schools of nursing;

“(B) nursing students;

“(C) representatives of primary and secondary schools;

“(D) representatives of the Departments of Health and Human Services and Education;

“(E) representatives of public health departments;

“(F) representatives of employers and facilities, such as hospitals, long term care facilities, and home health agencies;

“(G) patients and representatives of patients;

“(H) representatives of professional nursing associations;

“(I) representatives of health plans or health insurance issuers;

“(J) union representatives who are nurses; and

“(K) representatives of other health care provider groups.

“(d) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Commission.

“(e) SUBCOMMITTEES.—The Chairperson shall have the authority to create subcommittees as the Chairperson determines is necessary.

“(f) STAFF.—The Secretary shall provide any staff that the Commission shall require.

“(g) QUORUM.—Nine members of the Commission shall constitute a quorum.

“(h) VACANCIES.—Any vacancy in the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment and shall be made not later than 30 days after the date on which the Commission is given notice of such vacancy.

“(i) COMPENSATION.—Members of the Commission shall receive no additional compensation by reason of their service to the Commission. Each member shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(j) REPORT.—Not later than 15 months after the date of enactment of this section, the Commission shall prepare and submit to Congress and the Secretary, a report that makes the recommendations described in subsection (b) and reports on any best practices that such Commission determines.

“(k) SUNSET.—This section shall be effective for 15 months from the date of enactment of this section.

“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 2002.”.

Mr. FRIST. Mr. President, we are in the midst of a nursing workforce shortage. Not only are fewer people entering and staying in the nursing profession, but we are losing nurses at a time of growing need. Today, nurses are needed in a greater number of settings, such as nursing homes, extended care facilities, community and public health settings, nursing education, and ambulatory care settings. Nationally, health care providers, ranging from hospitals and nursing homes to home health agencies and public health departments are struggling to find qualified nurses to provide safe, efficient quality care for their patients.

Though we have faced nursing shortages in the past, this shortage is particularly troublesome because it reflects two trends that are occurring simultaneously: (1) a shortage of people entering the profession and (2) the retirement of nurses who have been working in the profession for many years. Over the past 5 years, enrollment in entry-level nursing programs has declined by 20%, mirroring the declining awareness of the nursing profession among high school graduates. Consequently, nurses under the age of 30 represent only 10% of the current workforce; and by 2010, 40% of the nursing workfoce will be over the age of 50 and nearing retirement. If these trends are not reversed, we stand to lost vast numbers of nurses at the very time that they will be needed to care for the millions of baby boomers reach retirement age.

Further, greater efforts must be made to recruit more men and minorities to this noble profession. Currently, only 10% of the registered nurses in the United States are from racial or ethnic minority backgrounds, even though these individuals comprise 28% of the total United States population. In 2000, only 5.9% of the registered nurses were men. We must work to promote diversity in the workforce, not only to increase the number of individuals within the profession but also to promote culturally competent and relevant care.

Even if nursing schools could recruit more students to deal with the shortage, many schools could not accommodate higher enrollments because of faculty shortages. There are nearly 400 faculty vacancies at nursing schools in this country. And, an even greater faculty shortage looms in the next 10-15 years as many current nursing faculty approach retirement and fewer nursing students pursue academic careers.

Therefore, I am pleased to join Senator HUTCHINSON in introducing the Nursing Employment and Education Development (NEED) Act to expand current programs addressing the increasing number of settings which rely on nurses to provide care, to attract young people to the nursing profession, and to promote career mobility. The NEED Act complements legislation that I am developing as Chairman of the Subcommittee on Public Health—the reauthorization of the National Health Service Corps (NHSC). The NHSC, a program designed to address the geographic maldistribution of health professionals, cannot be the only solution sought to deal with our nursing shortage. Initiatives like the NEED Act are also a critical component of a comprehensive strategy to address this growing problem.

Specifically, the NEED Act will develop a national Nurse Corps Program that will allow nurses to receive scholarships and loan repayment assistance for agreeing to serve at least two years in nursing homes, home health agencies, public health departments, health centers, public hospitals, or rural health clinics. This program expansion more accurately address the number of settings affected by the nursing shortage and allows for stronger recruitment efforts for disadvantaged students.

The bill will also, help to attract young people to the profession by funding a multi-media, public campaign to enhance the image of the nursing profession, promote diversity in the workforce, and encourage career development for those already in the profession. The NEED Act further promotes community involvement by providing community outreach grants to providers and community partners to develop and implement creative strategies for nurse recruitment and retention. The bill also expands the Area Health Education Centers program to enhance recruitment and retention of nurses in rural areas.

The NEED Act promotes career mobility by expanding career ladder programs and encouraging individuals to pursue advanced education through available scholarships and stipends. The bill also authorizes a Fast-Track Nursing Faculty Scholarships and Loan Program—a program providing scholarships, loans, and monthly stipends to college graduates and master's students to allow full-time study and faster completion of doctoral studies. To assist nursing schools in preparing those students, the NEED Act provides needed funding for long-tern care training and for internship or residency programs to encourage mentoring and the development of sub-specialists.

The NEED Act will help assure a strong and vibrant nursing workforce, allowing us to avoid the harmful effects of a long-term nursing shortage. I appreciate Senator HUTCHINSON's work on this issue, and I am pleased to join him to day to introduce a bill that represents an important and thoughtful response to this pressing issue.

Ms. MIKULSKI. Mr. President, I rise to join with my colleague, Senator TIM HUTCHINSON, today to introduce the Nursing Employment and Education Development or "NEED" Act. This bill is sorely needed, because we have a nursing shortage. In Maryland, 15% of the nursing jobs are vacant. Last year, it took an average of 68 days to fill a nurse vacancy, and we need about 1,600 more full-time nurses to fill those vacancies. There were 2,000 fewer nurses in Maryland in 1999 than there were in 1998. The shortage exists across the United States, and will get worse in the future. Nationwide, we will need 1.7 million nurses by the year 2020, but only about 600,000 will be available.

We depend on nurses every day to care for millions of Americans, whether in a hospital, nursing home, health center, hospice, or through home health. They are the backbone of our health care system. If we don't effectively address the crisis in nursing, those hospitals, nursing homes and clinics will soon be on life support.

This bill is a downpayment. It doesn't address the fact that nurses are underpaid, overworked, and undervalued, but it does focus on education. The NEED Act seeks to help bring men and women into the nursing profession, and help them advance within it. The bill does this under five major approaches:

Nurse Corps: Creates a Nurse Corps Scholarhip Program, which provides scholarships in exchange for at least 2 years of service in a critical nurse shortage area, authorizes increased funding for the nursing education loan repayment program,

Nurse Recruitment and Retention:

Creates a public awareness and education campaign, to be carried out on the state and national level, to enhance the image of nursing, promote diversity in the nursing workforce, and encourage people to enter the nursing profession, enables Area Health Education Centers (AHECs) to expand their junior and senior high school mentoring programs for nurses and develop "models of excellence" for community-based nurses, creates networks between health care facilities and community organizations that will recruit and retain nurses in the community.

Nurse Training: Creates "career ladder" programs that will encourage nurses and nursing students to pursue additional education and training and advance within the profession, encourages students to enter the nursing profession with a focus on long-term care develops internship and residency programs that encourage mentoring and the development of specialties such as labor and delivery and emergency room nursing.

Nursing Faculty Development: Provides scholarships and loans for graduate-level education in nursing, to help ensure that we have enough teachers at our nursing schools.

National Commission on the Nursing Crisis: Creates a National Commission on the Nursing Crisis, modeled after the Maryland Commission on the Crisis in Nursing, which will study and make recommendations to Congress within 1 year on how to address the nursing shortage in the short and long term.

This bill is about nursing education, but it's also about empowerment. We can empower people to have a better life and go into a career to save lives.

The bill will empower the single mom who has been working in a dead-end retail job to forge a better life for herself and her family. It will help her get a scholarship to help pay for tuition, books, and lab fees, and by funding child care programs to help her balance work and family.

The bill will empower the nurse who has a baccalaureate degree, but wants to get a Master's degree so she can teach nursing at a community college. It will help her get loans, scholarships, and living stipends to pursue that degree.

This bill also will fund partnerships between schools and health care providers to inspire the next generation of nurses. For example, a 12-year old boy or girl in Suitland, Maryland who is interested in nursing, could like up with a "buddy" or mentor at the local hospital. That mentor could help the student with science homework, or even let the student "shadow" the mentor at work.

It is important that we add these programs to the federal law books. But as a member of the Appropriations Committee, I know how important it is that we fund them and our existing programs in the federal checkbook. That's why I was disturbed to read in the newspaper yesterday that President Bush plans to cut funding for education and training programs for doctors, nurses, pharmacists, and other health professionals from $353 million to just $140 million. That's a cut of $213 million! Such a move would be penny-wise and pound-foolish.

President Bush wants to slow the growth of federal spending, but he can't slow the growth of illness, or of our aging population. He adds money for community health centers, which I support. But who will staff them? Without nurses, more community health centers are a hollow opportunity. He adds more money for medical research at the National Institutes of Health, which I support. But he doesn't fund the programs that will train the pharmacists who will dispense the medicines that come from that medical research, or a real Medicare prescription drug benefit so that seniors can afford them. Again, this is a hollow opportunity. I urge the President to reconsider, and the Congress to reject his approach.

I hope to work with my colleagues on both sides of the aisle to enhance opportunity for nurses and recruit new nurses into the profession by enacting this bill into law this year. Thank you.

By Mr. FRIST (for himself, Mr. REED, and Mr. LUGAR):

S. 722. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketer Identification Act of 2001".

SEC. 2. PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.

(a) IN GENERAL.—Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) PROHIBITION ON INTERFERENCE WITH CALLER IDENTIFICATION SERVICES.—

"(1) IN GENERAL.—It shall be unlawful for any person or entity within the United States, in making any commercial telephone solicitation, to interfere with or circumvent the ability of a caller identification service to access or provide to the recipient of the call the information about the call (as required under the regulations issued under paragraph (2)) that such service is capable of providing.

"(2) REGULATIONS.—Not later than 18 months after the date of the enactment of the Telemarketer Identification Act of 2001, the Commission shall prescribe regulations to implement this subsection. The regulations shall—

"(A) require any person or entity making a commercial telephone solicitation to make such solicitation in a manner such that a recipient of such solicitation having a caller identification service capable of providing such information will be provided by such service with—

"(i) the name of the person or entity on whose behalf such solicitation is being made, or the name of the person or entity making the solicitation; and

"(ii) a valid and working telephone number at which the person or entity making such solicitation or the person or entity on whose behalf such solicitation was made may be reached during regular business hours for the purpose of requesting that the recipient of such solicitation be placed on the do-not-call list required under section 64.1200 of the Commission's regulations (47 CFR 64.1200) to be maintained by the person making such solicitation; and

"(B) provide that any person or entity who receives a request from a person to be placed on such do-not-call list may not use such person's name and telephone number for any other telemarketing purpose (including transfer or sale to any other entity for telemarketing use) other than enforcement of such list.

"(3) PRIVATE RIGHT OF ACTION.—A person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

"(A) an action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation;

"(B) an action to recover for actual monetary loss from such a violation, or to receive $500 in damages for each such violation, whichever is greater; or

"(C) both such actions.

If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

"(4) DEFINITIONS.—In this subsection:

"(A) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of an incoming telephone call.

"(B) TELEPHONE CALL.—The term 'telephone call' means any telephone call or other transmission which is made to or received at a telephone number of any type of telephone service. Such term includes calls made by an automatic telephone dialing system, an integrated services digital network, and a commercial mobile radio source.".

(b) DELAYED EFFECTIVE DATE.—

(1) IN GENERAL.—The regulations prescribed by the Federal Communications Commission under subsection (e) of section 227 of the Communications Act of 1934, as added by subsection (a), shall take effect on the date that is two years after the date of the enactment of this Act.

(2) ADDITIONAL DELAY FOR GOOD CAUSE SHOWN.—The Commission may grant a wavier from compliance with the regulations referred to in paragraph (1) for a period of not more than 24 months upon application (made at such time, in such form, and containing such information as the Commission may require), and after notice to the public and an opportunity for comment, to any person who demonstrates to the satisfaction of the Commission that—

(A) it will comply with the regulations before the expiration of the period of time for which the waiver is requested;

(B) without the requested waiver, timely compliance with the regulations would be technically infeasible because of technical problems associated with the telecommunications equipment used by the applicant; and

(C) replacement or upgrading of the telecommunications equipment used by the applicant in order to comply with the regulations in a timely manner without the waiver—

(i) would impose an unduly onerous financial burden on the applicant;

(ii) is not feasible because the equipment, software, or technical assistance necessary for the replacement or upgrade is not available; or

(iii) cannot be completed before the effective date of the regulations.

SEC. 3. EFFECT ON STATE LAW AND STATE ACTIONS.

(a) EFFECT ON STATE LAW.—Subsection (f)(1) of section 227 of the Communications Act of 1934 (47 U.S.C. 227), as redesignated by section 2 of this Act, is further amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) interfering with or circumventing caller identification services.".

(b) ACTIONS BY STATES.—The first sentence of subsection (g)(1) of such section 227, as so redesignated, is further amended by inserting after "this section," the following: "or has engaged or is engaging in a pattern or practice of interfering with or circumventing caller identification services of residents of that State in violation of subsection (e) or the regulations prescribed under such subsection,".

By Mr. SPECTER (for himself, Mr. HARKIN, Mr. THURMOND, Mr. CHAFEE, Mr. SMITH of Oregon, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mrs. CLINTON, Mr. CORZINE, Mrs. FEINSTEIN, Mr. KERRY, and Mr. INOUYE):

S. 723. A bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the "Stem Cell Research Act of 2001."

As chairman of the Senate appropriations subcommittee that funds medical research, my distinguished colleague, Senator TOM HARKIN and I convened a series of seven hearings to learn more about an exciting medical discovery and the promise it holds. The source of this new hope is what scientists call "stem cells." These are living cells which, in their earliest stages, have the ability to transform into any type of cell in the human body. If the scientists are correct, a stem cell implanted in a heart, for example, would become a healthy heart cell; if the same stem cell were implanted in a liver, it would grow into a healthy liver cell. It is this remarkable adaptability that leads scientists to believe that one day, stem cells could be transplanted to any part of the body to replace tissue that has been damaged by disease, injury or aging.

A team of researchers also found that human embryonic stem cells that were injected into the spinal cords of monkeys stricken with Lou Gehrig's disease showed promising signs of movement. These early research findings indicate that stem cells hold hope for countless patients with cancer, Parkinson's, heart disease, Alzheimer's and spinal cord injury, just to name a few. These cells could become a veritable fountain of youth.

What had been delaying the advancement of this new line of research is a provision in the Labor-HHS appropriations bill that prohibits research on human embryos. In early 1999, the Department of Health and Human Services ruled that Federal researchers could conduct research on stem cell lines derived from private sources. I applaud the HHS ruling and encourage the NIH to review, on an expedited basis, the compliance applications they recently received. However, we have a duty to accelerate medical research by allowing researchers to utilize Federal funds to derive their own stem cells.

Human embryonic stem cell research holds such potential for millions of Americans who are sick and in pain that we believe it is wrong for us to prevent or delay our world-class scientists from building on the progress that has been made.

Our legislation creates one narrow and specific source for Federal researchers to obtain embryos for use in stem cell research: embryos which would otherwise be discarded from in-vitro fertilization clinics, with the expressed consent of the donating families. In addition, a provision is included which requires that all Federally-funded research must adhere to strict procedural and ethical guidelines to ensure that such research is conducted in an ethical, sound manner. It is important to note that as it stands today, embryonic stem cell research in the private sector is not subject to Federal monitoring or ethical requirements.

I am pleased that my colleagues, Senators THURMOND, CHAFEE, G. SMITH, HOLLINGS, REID, MURRAY, CLINTON, CORZINE, FEINSTEIN, KERRY, and INOUYE have joined me and Senator HARKIN as original cosponsors of this vital legislative effort. I urge all of my colleagues to join us in supporting this important legislation that will give many Americans the promise to treat diseases that today are incurable.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Research Act of 2001".

SEC. 2. HUMAN EMBRYONIC STEM CELL GENERATION AND RESEARCH.

Part H of the Title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498B the following:

"SEC. 498C. HUMAN EMBRYONIC STEM CELL GENERATION AND RESEARCH.

"(a) In General.—Notwithstanding any other provision of law, the Secretary may only conduct, support, or fund research on human embryos for the purpose of generating embryonic stem cells and utilizing stem cells that have been derived from embryos in accordance with this section.

"(b) Sources of Embryonic Stem Cells.—For purposes of carrying out research under subsection (a), the human embryonic stem cells involved shall be derived only from embryos that have been donated from in-vitro fertilization clinics after compliance with the following:

"(1) Prior to the consideration of embryo donation and through consultation with the progenitors, it is determined. that the embryos will never be implanted in a woman and would otherwise be discarded.

"(2) The embryos are donated with the written informed consent of the progenitors.

"(c) Restrictions.—

"(1) In general.—The following restriction shall apply with respect to human embryonic stem cell research conducted or supported under subsection (a):

"(A) The research involved shall not result in the creation of human embryos.

"(B) The research involved shall not result in the reproductive cloning of a human being.

"(2) Prohibition.—

"(A) In general.—It shall be unlawful for any person receiving Federal funds to knowingly acquire, receive, or otherwise transfer any human embryos for valuable consideration if the acquisition, receipt, or transfer affects interstate commerce.

"(B) Definition.—In subparagraph (A), the term 'valuable consideration' does not include reasonable payments associated with transportation, transplantation, processing, preservation, quality control, or storage.

"(d) Guidelines.—The Secretary, in conjunction with the Director of the National Institutes of Health, shall issue guidelines that expand on the rules governing human embryonic stem cell research (as in effect on the date of enactment of this section) to include rules that govern the derivation of stem cells from donated embryos under this section.

"(e) Reporting Requirements.—The Secretary shall annually prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.".

Mr. HARKIN. Mr. President, I am pleased to join my distinguished colleague, Senator SPECTER, on the introduction of the "Stem Cell Research Act of 2001." I want to commend Senator SPECTER for having the leadership and foresight to introduce legislation which will broaden the ability of federally-funded scientists to pursue stem cell research, under certain, limited conditions.

From enabling the development of cell and tissue transplantation, to improving and accelerating pharmaceutical research and development, to increasing our understanding of human development and cancer biology, the potential benefits of stem cell research are truly awe-inspiring.

Stem cells hold hope for countless patients through potentially lifesaving therapies for Parkinson's, Alzheimers, stroke, heart disease and diabetes. Also exciting is the possibility that researchers may be able to alter stem cells genetically so they would avoid attack by the patient's immune system.

Currently, for example, researchers are conducting groundbreaking research on the devastating condition commonly known as "Lou Gehrig's disease." They are injecting stem cells into the spinal cords of moneys in an attempt to treat the disease. And they are reporting very promising early results.

But the potential benefits of this study and others could be delayed or even denied to patients without a healthy partnership between the private sector and the federal government.

While market interest in stem cell technology is strong, and private companies will continue to fund this research, the government has an important role to play in supporting the basic and applied science that underpins these technologies. The problem is that early, basic science is always going to be underfunded by the private sector because this type of research does not get products onto the market quickly enough. The only way to ensure that this research is conducted is to allow the NIH to support it.

The Department of Health and Human Services ruled last year that under the current ban on human embryo research, federally-funded scientists can conduct stem cell research if they use cell lines derived from private sources. Unfortunately, the current administration has placed this ruling under review. We are anxiously awaiting the outcome of this review.

In the meantime, I am pleased to join my colleagues in stating my strong support for stem cell research. There is broad agreement, across party lines, that this research is important, it could save lives, and it should not be halted.

In its report, "Ethical Issues in Human Stem Cell Research," the National Bioethics Advisory Commission (NBAC) concludes that stem cell research should be allowed to go forward with federal support, as long as researchers were limited to only two sources of stem cells: fetal tissue and embryos resulting from infertility treatments. And they recommend that federal support to be contingent on an open system of oversight and review.

NBAC also arrived at the important conclusion that it is ethically acceptable for the federal government to finance research that both derives cell lines from embryos and that uses those cell lines. Their report states, "Relying on cell lines that might be derived exclusively by a subset of privately funded researchers who are interested in this area could severely limit scientific and clinical progress."

The Commission goes on to say that "scientists who conduct basic research and are interested in fundamental cellular processes are likely to make elemental discoveries about the nature of ES [embryonic stem] cells as they derive them in the laboratory."

NBAC's report presents reasonable guidelines for federal policy. Our bill bans human embryo research, but allows federally-funded scientists to derive human pluripotent stem cells from human embryos if those embryos are obtained from IVF clinics, if the donor has provided informed consent and the embryo was no longer needed for fertility treatments. The American Society of Cell Biology estimates that 100,000 human embryos are currently frozen in IVF clinics, in excess of their clinical need.

In addition, our language requires HHS and NIH to develop procedural guidelines to make sure that stem cell research is conducted in an ethical, sound manner. As it stands today, stem cell research in the private sector is not subject to federal monitoring or ethical requirements.

Mr. President, stem cell research holds such hope, such potential for millions of Americans who are sick and in pain, it is morally wrong for us to prevent or delay our world-class scientists from building on the progress that has been made.

As long as this research is conducted in an ethically validated manner, it should be allowed to go forward, and it should receive federal support. That is why Senator SPECTER and I have joined together on legislation that will allow our nation's top scientists to pursue critical cures and therapies for the diseases and chronic conditions which strike too many Americans. I urge my Senate colleagues to join us in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 66—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RELEASE OF TWENTY-FOUR UNITED STATES MILITARY PERSONNEL CURRENTLY BEING DETAINED BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS (for himself, Mr. KERRY, Mr. WARNER, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. BIDEN, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. BROWNBACK, Mr. BAUCUS, Mr. ROBERTS, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. KENNEDY, Mr. DODD, Mr. TORRICELLI, Mr. CORZINE, Mr. MCCONNELL, Mr. LEVIN, Mrs. BOXER, Mr. WELLSTONE, Mr. DASCHLE, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mr. CONRAD, Mrs. MURRAY, Mr. THURMOND, Mr. CRAPO, Mr. DORGAN, Mr. BAYH, Mr. CAMPBELL, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. KOHL, Mr. HUTCHINSON, Mr. FITZGERALD, Mr. INOUYE, Mr. JOHNSON, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 66

Whereas, at 9:15 a.m. local time on April 1, 2001, a collision occurred between a United States military EP-3E Aries II reconnaissance aircraft and one of two F-8 jet fighters from the People's Liberation Army-Air Force of the People's Republic of China sent to intercept it;

Whereas both countries agree that the collision occurred in international airspace over the South China Sea near the Chinese island province of Hainan;

Whereas due to the damage incurred in the unfortunate accidental collision, the F-8 and its pilot were lost at sea and the EP-3E was required to make a "Mayday" distress call on the internationally recognized emergency radio frequency;

Whereas because of the resultant structural damage to the EP-3E aircraft it effectuated an emergency landing at a military airbase at Lingshui, Hainan;

Whereas upon landing the twenty-four United States military personnel aboard the EP-3E were removed from the aircraft by Chinese military personnel and detained in an undisclosed location, notwithstanding the fact that the crew of an aircraft forced to land on foreign soil in an emergency is considered under international norms to have sovereign immunity;

Whereas Chinese authorities unnecessarily prevented United States military and consular officials from meeting with the crew members until April3, 2001, then permitting only a short, supervised visit, and has, to date, denied further visits;

Whereas in contravention of international norms Chinese officials have boarded the aircraft and may have removed portions of the equipment therefrom;

Whereas international law recognizes both the right of the crew of an aircraft in distress to land safely on foreign soil and the inviolable sovereignty of an aircraft in distress that has landed on foreign soil;

Whereas international law recognizes the right of a nation which has had an aircraft land in distress on foreign soil to have its citizens and aircraft returned safely and without undue delay; and

Whereas President Bush has requested that the People's Republic of China arrange the "prompt and safe return of the crew and the return of the aircraft without further damage[] or tampering," and has noted that a failure by Chinese authorities to do so would be "inconsistent with standard diplomatic practice;"

Now, therefore, be it

Resolved by the Senate, that:

(1) the Senate expresses its regret at the damage and loss of life occasioned by the accidental collision of the two aircraft;

(2) it is the sense of the Senate that the government of the People's Republic of China should:

(a) immediately release the crew members of the EP-3E into the custody of United States military or consular officials, and allow them to leave the country; and

(b) return the EP-3E aircraft and all its equipment to the possession of the United States, without any further boarding or inspection, or removal of equipment; and

(3) the Senate fully supports the continuing efforts of the President to ensure the safe return of the crew and the aircraft.

Mr. THOMAS. Mr President, I rise today as the Chairman of the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee to speak to S. Res. 66.

As we are all now aware, at 9:15 a.m. local time on April 1, 2001, a collision occurred between a United States military EP-3E Aries II reconnaissance aircraft flying off the coast of the People's Republic of China, PRC and one of two F-8 jet fighters from the People's Liberation Army-Air Force sent to intercept it. Both countries agree that the collision occurred in international airspace over the South China Sea near the Chinese island province of Hainan. Due to the damage incurred in the accidental collision, the F-8 and its pilot were lost at sea and the EP-3E was required to make a "Mayday" distress call on the internationally recognized emergency radio frequency.

In fact, the damage to our plane was so bad that it effectuated an emergency landing at a military airbase at Lingshui, Hainan. Upon landing, the twenty-four United States military personnel aboard the EP-3E were removed from the aircraft by Chinese military personnel and detained in an undisclosed location, notwithstanding the fact that the crew of an aircraft forced to land on foreign soil in an emergency is considered under international norms to have sovereign immunity.

Chinese authorities then unnecessarily prevented United States military and consular officials from meeting with the crew members until April 3, 2001, and even then permitted only a short, supervised visit. There is absolutely *no* reason why we should not have been allowed at the very least telephone access to our military people. China is not a technologically backward country without phone service; our people are not being held in some isolated mountain village in the middle of a jungle. China's behavior in this case in purposefully keeping us from contacting the aircrew is, to me, disturbing.

In addition, I am also concerned that in contravention of international norms, Chinese officials have boarded the aircraft and have apparently removed portions of the equipment from it. International law recognizes both the right of the crew of an aircraft in distress to land safely on foreign soil and the inviolable sovereignty of an aircraft in distress that has landed on foreign soil; it also recognizes the right of a nation which has had an aircraft land in distress on foreign soil to have its citizens and aircraft returned safely and without undue delay.

China's flaunting of these conventions disturbs me not just because of the ramifications in this particular case, but also because it has the capability of wrecking greater havoc on the overall bilateral US-PRC relationship, a relationship I believe to be our most important in Asia along with Japan and South Korea. The Chinese government needs to realize that this issue is bigger than just this crew and this plane. This is about trust, about whether the PRC can be trusted to live up to its word, to live up to international agreements which it has signed, and to be a part of the world community of nations. So far, they have turned their backs on those agreements, and on their obligations. They have shown me, and other Members of Congress, that whether they can be trusted is presently open to question.

If this matter is not resolved immediately and satisfactorily, then the Congress needs to rethink whether Beijing can be trusted to fulfill its obligations as a member of the WTO. And while I have previously stated that I believe it would be a mistake to include such materiel as Aegis-equipped destroyers in this year's weapons sales to Taiwan, if Beijing remains intransigent and continues to violate norms of decent international behavior in this case, then I—for one—will begin to reassess whether Taiwan is not justified in its mistrust of the PRC and whether such sales might not now be justified. It would truly be a shame if, at the beginning of a new Administration, an Administration that has not even had a chance yet to formulate or articulate its China policy, this situation poisoned the well.

The resolution is simple. It expresses our regret over the damage to the aircraft and the loss of life resulting from the collision. It calls on the Chinese government to release the crew, who are, of course, utmost in our thoughts and concern; the aircraft, and the equipment from the aircraft. Finally, it supports President Bush in his efforts. I am pleased that the resolution has a bipartisan list of seventy-five cosponsors, including the ranking member of the East Asia Subcommittee [Mr. KERRY]; the very distinguished President pro tempore [Mr. THURMOND]; the distinguished chairman of the Armed Services Committee [Mr. WARNER]; the Chairman of the Energy Committee [Mr. MURKOWSKI]; three members and the ranking minority member of the Senate Foreign Relations Committee: the distinguished Senator from Indiana [Mr. LUGAR], Mr. SMITH of Oregon and Mr. BROWNBACK, and Senator BIDEN; two Senators who I consider among the most knowledgeable on China in the Senate, Senator FEINSTEIN and Senator BAUCUS; and one of our newest members, Senator CLINTON.

I hope that we will act to put the Senate on record on this issue.

SENATE RESOLUTION 67—COMMENDING THE BLUE DEVILS OF DUKE UNIVERSITY FOR WINNING THE 2001 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. HELMS (for himself and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas the 2000–2001 Duke University Blue Devils' men's basketball team (referred to in this resolution as the "Duke Blue Devils") had a spectacular season;

Whereas the Duke Blue Devils finished the regular season with a 26–4 record, claiming a record 5 straight finishes in first place during the Atlantic Coast Conference regular season;

Whereas the Duke Blue Devils won the 2001 Atlantic Coast Conference Tournament Championship, winning the championship of that tournament for the third year in a row;

Whereas the Duke Blue Devils are the first men's basketball team to be a number 1 seed in the National Collegiate Athletic Association's Men's Basketball Tournament during 4 consecutive seasons since that association began seeding teams in 1979;

Whereas the Duke Blue Devils amassed the most wins, 133, in a 4-year period of any National Collegiate Athletic Association men's basketball team in history;

Whereas Shane Battier received the 2001 Naismith Award as men's college basketball Player of the Year;

Whereas Coach Mike Krzyzewski has taken the Duke Blue Devils to 7 national championship games in 16 years;

Whereas Coach Krzyzewski led the Duke Blue Devils to the team's third national championship;

Whereas the Duke Blue Devils are a fine example of academic and athletic dedication and success;

Whereas the team's success during the 2000–2001 season was truly a team accomplishment; and

Whereas the Duke Blue Devils won the 2001 National Collegiate Athletic Association Men's Basketball Championship: Now, therefore, be it

Resolved, That the Senate commends the Blue Devils of Duke University for winning the 2001 National Collegiate Athletic Association Men's Basketball Championship.

AMENDMENTS SUBMITTED AND PROPOSED

SA 192. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table.

SA 193. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 194. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 195. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 196. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 197. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 198. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 199. Mr. CLELAND (for himself, Mr. JEFFORDS, Mr. LEVIN, Mr. SARBANES, Mr. LIEBERMAN, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 200. Mr. BREAUX (for himself, Mr. NELSON, of Nebraska, Ms. LANDRIEU, Mrs. CARNAHAN, Mr. CHAFEE, Mrs. LINCOLN, Mr. BAYH, Mr. TORRICELLI, and Mr. JEFFORDS) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 201. Mr. ALLEN (for himself, Mr. BROWNBACK, Mr. WARNER, and Mr. SMITH, of New Hampshire) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 202. Mr. DURBIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DASCHLE) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 203. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 204. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 205. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 206. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 207. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 208. Mr. BYRD submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 209. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 210. Mr. BOND submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 211. Mr. BOND (for himself, Ms. Mikulski, Mr. Lieberman, Mr. Frist, and Mr. Domenici) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 212. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 213. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 214. Ms. COLLINS (for herself, Mr. Johnson, and Mr. Daschle) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 215. Mr. FRIST (for himself, Mr. Smith, of Oregon, Mr. Leahy, Mr. Durbin, Mr. Kerry, Mr. Feingold, Mr. Kennedy, Mrs. Feinstein, and Mr. Levin) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 216. Mr. BENNETT proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 217. Mr. SMITH, of Oregon (for himself, Mrs. Clinton, Ms. Snowe, Ms. Collins, Mr. Sarbanes, and Mr. Bayh) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 218. Mr. KENNEDY (for himself, Mr. Wyden, and Mr. Corzine) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 219. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 220. Mr. REID (for himself, Mr. Hutchinson, Mr. Warner, Mr. Leahy, Mr. Johnson, Ms. Collins, and Mr. Levin) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 221. Mr. JOHNSON (for himself, Mr. Wellstone, Mr. Bingaman, Mr. Dorgan, Mrs. Murray, Ms. Mikulski, Mr. Kerry, Mr. Feingold, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 222. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 223. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 224. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 225. Mr. HOLLINGS (for himself, Mr. Biden, and Mr. Daschle) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 226. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 227. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 228. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 229. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 230. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 231. Mrs. MURRAY (for herself, Mr. Akaka, Mr. Lieberman, Mr. Edwards, Mrs. Lincoln, Ms. Cantwell, Mrs. Boxer, and Mr. Reid) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 232. Mr. KENNEDY (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 233. Mr. SARBANES (for himself and Mr. Dodd) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 234. Mr. DODD (for himself, Mr. Durbin, Mr. Levin, Mr. Feingold, Mr. Corzine, Mr. Kennedy, and Mr. Bingaman) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 235. Mr. DODD (for himself, Ms. Landrieu, Mr. Feingold, Mr. Levin, Mr. Bingaman, and Mr. Corzine) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 236. Mr. DEWINE (for himself, Mr. Graham, Ms. Snowe, Ms. Mikulski, Mr. Breaux, Ms. Landrieu, and Mr. Murkowski) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 237. Mr. GRASSLEY (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 238. Mr. LEAHY (for himself and Mr. Harkin) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 239. Mr. DAYTON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 240. Mr. SMITH, of Oregon (for himself, Mr. Wyden, Mr. Baucus, Mr. Kennedy, Ms. Snowe, Mr. Santorum, and Ms. Collins) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 241. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 242. Mr. BIDEN (for himself, Mrs. Boxer, Mr. Daschle, Mrs. Clinton, Mr. Dayton, Mr. Levin, Ms. Stabenow, and Mr. Johnson) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 243. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 244. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 245. Mr. SMITH, of Oregon (for himself, Mrs. Clinton, Ms. Snowe, Ms. Collins, and Mr. Sarbanes) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 246. Mr. SMITH, of Oregon (for himself and Mr. Johnson) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 247. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 248. Mr. CORZINE (for himself and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 249. Mr. KERRY (for himself, Mr. Lieberman, Mr. Reid, Mr. Bingaman, Ms. Landrieu, Ms. Cantwell, and Mr. Biden) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 250. Ms. LANDRIEU (for herself and Mr. Carper) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 251. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra: which was ordered to lie on the table.

SA 252. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 253. Mrs. LINCOLN (for herself and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 254. Mrs. LINCOLN (for herself, Mr. Kennedy, Ms. Landrieu, and Mr. Corzine) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 255. Mr. DODD (for himself and Ms. Snowe) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 256. Mr. REID (for himself, Mr. Hutchinson, Mr. Warner, Mr. Leahy, Mr. Johnson, Ms. Collins, Mr. Levin, and Mr. Smith, of Oregon) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 257. Mr. CORZINE (for himself, Mr. Torricelli, Mr. Daschle, Mr. Reid, Mr. Bingaman, Mr. Sarbanes, Ms. Mikulski, Mrs. Murray, Mr. Feingold, Mrs. Boxer, Mr. Kerry, Mr. Dorgan, Mrs. Clinton, Mr. Schumer, Mr. Lieberman, and Mr. Dayton) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 258. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 259. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 260. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 261. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 262. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 263. Mr. ALLEN (for himself, Mr. Brownback, Mr. Craig, and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 264. Mr. THOMPSON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 265. Mr. WARNER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 266. Mr. WARNER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 267. Mr. BIDEN (for himself and Mr. Nelson, of Florida) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 268. Mr. HUTCHINSON (for himself, Mr. Reid, Mr. Warner, Ms. Collins, and Mr. Smith of Oregon) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra which was ordered to lie on the table.

SA 269. Mr. WELLSTONE (for himself, Mr. Johnson, Mr. Bingaman, Mr. Dorgan, Mrs. Murray, Ms. Mikulski, Mr. Kerry, Mr. Feingold, Ms. Landrieu, Mr. Durbin, Mr. Daschle, Mr. Reid, and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 270. Mr. KENNEDY (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 271. Mr. KENNEDY (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 272. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 273. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 274. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 275. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 276. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 277. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 278. Mr. SCHUMER (for himself, Mr. Biden, Ms. Snowe, Mr. Levin, Ms. Landrieu, Mr. Kohl, Mrs. Clinton, Mr. Kennedy, Mr. Bayh, and Mr. Durbin) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 279. Mr. SCHUMER (for himself, Mr. Biden, Ms. Snowe, Mr. Levin, Ms. Landrieu, Mr. Kohl, Mrs. Clinton, Mr. Kennedy, Mr. Bayh, and Mr. Durbin) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 280. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 281. Mr. GREGG (for himself, Mr. Feingold, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 282. Mr. GREGG (for himself, Mr. Feingold, and Mr. Voinovich) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 283. Mr. SMITH, of Oregon (for himself, Mr. Harkin, Mr. Leahy, Ms. Snowe, Mr. Crapo, Mrs. Boxer, Mr. Wyden, Mr. Dayton, Mr. Bingaman, Mr. Levin, Mr. Durbin, Mr. Johnson, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 284. Mr. ENZI (for himself, Mr. Carper, Mr. Bennett, Mr. Kerry, Mr. Allard, Mr. Bayh, Mr. Hutchinson, Mr. Grassley, Ms. Collins, Mr. Hagel, Mr. Miller, Mr. Schumer, Mr. Corzine, Mr. Johnson, Mr. Nickles, Mr. Bunning, Mr. Dodd, and Mr. Nelson, of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 285. Mr. ALLEN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 286. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 287. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 288. Mr. VOINOVICH (for himself, Mr. Feingold, Mr. Gregg, and Mr. Domenici) submitted an amendment to amendment SA 170 intended to be proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 289. Mr. CRAPO (for himself, Mrs. Murray, Mr. Craig, Mr. McConnell, Ms. Cantwell, and Mr. Smith, of Oregon) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 290. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 291. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 292. Mr. KENNEDY (for himself and Mr. Lieberman) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 293. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 294. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 295. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 296. Mr. BINGAMAN (for himself and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 297. Mr. BINGAMAN (for himself and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 298. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 299. Mr. BINGAMAN (for himself, Mr. Rockefeller, Mrs. Clinton, Mrs. Murray, Mr. Corzine, Mr. Levin, and Mr. Dayton) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 300. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 301. Mr. BINGAMAN (for himself, Ms. Cantwell, Mr. Dayton, Mr. Dorgan, Mr. Kerry, Mr. Leahy, Mr. Reid, and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 302. Mr. BINGAMAN (for himself, Ms. Cantwell, Mr. Dayton, Mr. Dorgan, Mr. Durbin, Mr. Kennedy, Mr. Kerry, Mr. Leahy, Mrs. Lincoln, Mr. Reid, Mr. Rockefeller, Mr. Schumer, and Ms. Stabenow) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 303. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 304. Mr. BINGAMAN (for himself, Mr. Daschle, Ms. Cantwell, Mr. Dorgan, Mr. Harkin, Mr. Kennedy, Mr. Levin, Mr. Kerry, Mr. Reid, and Mr. Rockefeller) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 305. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 306. Mr. DURBIN (for himself and Mr. Brownback) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 307. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 308. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 309. Mr. DeWINE (for himself, Mr. Graham, Ms. Snowe, Ms. Mikulski, Mr. Breaux, Ms. Landrieu, and Mr. Murkowski) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 310. Mr. JOHNSON (for himself and Mr. Levin) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 311. Mr. JOHNSON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 312. Mr. JOHNSON (for himself and Mr. Levin) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 313. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 314. Mr. GRAHAM (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 315. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 316. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 317. Mr. GRAHAM (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 318. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 319. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 320. Mr. BINGAMAN (for himself and Mr. Daschle) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 321. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 322. Mr. DODD (for himself and Mr. Kennedy) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra.

SA 323. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 324. Ms. LANDRIEU submitted an amendment intended to be proposed by her to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 325. Mr. DASCHLE (for himself, Mr. Johnson, Mrs. Murray, Mr. Bingaman, and Mr. Baucus) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 326. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 327. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 328. Mrs. CLINTON (for herself, Mr. Durbin, Mr. Leahy, Mr. Harkin, Mr. Dorgan, and Mr. Daschle) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 329. Mrs. CLINTON (for herself and Mr. Corzine) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 330. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 331. Mrs. CLINTON (for herself and Mr. Sarbanes) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, supra; which was ordered to lie on the table.

SA 332. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 333. Mr. CLELAND (for himself, Mr. Schumer, Mr. Dodd, Mr. Daschle, and Mrs. Clinton) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 334. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 335. Mr. NELSON of Florida (for himself and Mrs. Murray) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 336. Mr. LIEBERMAN (for himself, Mr. Bayh, and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 337. Mr. KENNEDY (for himself, Mr. Feingold, Mr. Reed, Mr. Wellstone, Mr. Bingaman, Mr. Sarbanes, Mr. Dayton, Mr. Corzine, Mrs. Murray, Mr. Levin, Mrs. Clinton, Mr. Johnson, Mr. Dodd, Mr. Lieberman, and Mr. Kerry) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 338. Mr. REED (for himself, Mr. Kennedy, Mr. Bingaman, Mr. Corzine, and Mrs. Clinton) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 339. Mr. REED (for himself and Mr. Kennedy) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 340. Mrs. CLINTON (for herself, Mr. Biden, Mr. Schumer, Mrs. Murray, and Mr. Levin) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 341. Mrs. CLINTON (for herself and Mr. Corzine) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 342. Mrs. CLINTON (for herself and Mr. Sarbanes) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 343. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 344. Mrs. CLINTON (for herself, Mr. DASCHLE, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra; which was ordered to lie on the table.

SA 345. Mr. DOMENICI proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 346. Mr. MURKOWSKI (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 347. Mrs. HUTCHISON proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 348. Mr. BREAUX (for himself and Mr. JEFFORDS) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 349. Ms. COLLINS proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) supra.

SA 350. Mr. DOMENICI (for Mr. HATCH) proposed an amendment to the bill S. 700, to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

TEXT OF AMENDMENTS

SA 192. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 2, increase the amount by $23,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $134,000,000.

On page 4, line 5, increase the amount by $164,000,000.

On page 4, line 6, increase the amount by $194,000,000.

On page 4, line 7, increase the amount by $197,000,000.

On page 4, line 8, increase the amount by $201,000,000.

On page 4, line 9, increase the amount by $233,000,000.

On page 4, line 10, increase the amount by $252,000,000.

On page 4, line 11, increase the amount by $266,000,000.

On page 4, line 16, increase the amount by $21,000,000.

On page 4, line 17, increase the amount by $66,000,000.

On page 4, line 18, increase the amount by $130,000,000.

On page 4, line 19, increase the amount by $162,000,000.

On page 4, line 20, increase the amount by $194,000,000.

On page 4, line 21, increase the amount by $197,000,000.

On page 4, line 22, increase the amount by $201,000,000.

On page 4, line 23, increase the amount by $233,000,000.

On page 5, line 1, increase the amount by $251,000,000.

On page 5, line 2, increase the amount by $266,000,000.

On page 5, line 7, decrease the amount by $21,060,000.

On page 5, line 8, decrease the amount by $66,000,000.

On page 5, line 9, decrease the amount by $130,000,000.

On page 5, line 10, decrease the amount by $162,000,000.

On page 5, line 11, decrease the amount by $194,000,000.

On page 5, line 12, decrease the amount by $197,000,000.

On page 5, line 13, decrease the amount by $201,000,000.

On page 5, line 14, decrease the amount by $233,000,000.

On page 5, line 15, decrease the amount by $251,000,000.

On page 5, line 16, decrease the amount by $266,000,000.

On page 5, line 20, increase the amount by $21,000,000.

On page 5, line 21, increase the amount by $86,000,000.

On page 5, line 22, increase the amount by $216,000,000.

On page 5, line 23, increase the amount by $378,000,000.

On page 5, line 24, increase the amount by $571,000,000.

On page 5, line 25, increase the amount by $768,000,000.

On page 6, line 1, increase the amount by $970,000,000.

On page 6, line 8, increase the amount by $21,000,000.

On page 6, line 9, increase the amount by $86,000,000.

On page 6, line 10, increase the amount by $216,000,000.

On page 6, line 11, increase the amount by $378,000,000.

On page 6, line 12, increase the amount by $571,000,000.

On page 6, line 13, increase the amount by $768,000,000.

On page 6, line 14, increase the amount by $970,000,000.

On page 36, line 6, increase the amount by $22,000,000.

On page 36, line 7, increase the amount by $20,000,000.

On page 36, line 10, increase the amount by $66,000,000.

On page 36, line 11, increase the amount by $63,000,000.

On page 36, line 14, increase the amount by $126,000,000.

On page 36, line 15, increase the amount by $122,000,000.

On page 36, line 18, increase the amount by $149,000,000.

On page 36, line 19, increase the amount by $147,000,000.

On page 36, line 22, increase the amount by $169,000,000.

On page 36, line 23, increase the amount by $169,000,000.

On page 37, line 2, increase the amount by $162,000,000.

On page 37, line 3, increase the amount by $162,000,000.

On page 37, line 6, increase the amount by $155,000,000.

On page 37, line 7, increase the amount by $155,000,000.

On page 37, line 10, increase the amount by $175,000,000.

On page 37, line 11, increase the amount by $175,000,000.

On page 37, line 14, increase the amount by $181,000,000.

On page 37, line 15, increase the amount by $180,000,000.

On page 37, line 18, increase the amount by $181,000,000.

On page 37, line 19, increase the amount by $181,000,000.

On page 41, line 19, increase the amount by $1,000,000.

On page 41, line 20, increase the amount by $1,000,000.

On page 41, line 23, increase the amount by $3,000,000.

On page 41, line 24, increase the amount by $3,000,000.

On page 42, line 2, increase the amount by $8,000,000.

On page 42, line 3, increase the amount by $8,000,000.

On page 42, line 6, increase the amount by $15,000,000.

On page 42, line 7, increase the amount by $15,000,000.

On page 42, line 10, increase the amount by $25,000,000.

On page 42, line 11, increase the amount by $25,000,000.

On page 42, line 14, increase the amount by $35,000,000.

On page 42, line 15, increase the amount by $35,000,000.

On page 42, line 18, increase the amount by $46,000,000.

On page 42, line 19, increase the amount by $46,000,000.

On page 42, line 22, increase the amount by $58,000,000.

On page 42, line 23, increase the amount by $58,000,000.

On page 43, line 2, increase the amount by $71,000,000.

On page 43, line 3, increase the amount by $71,000,000.

On page 43, line 6, increase the amount by $85,000,000.

On page 43, line 7, increase the amount by $85,000,000.

SA 193. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 3, increase the amount by $402,000,000.

On page 4, line 4, increase the amount by $579,000,000.

On page 4, line 5, increase the amount by $758,000,000.

On page 4, line 6, increase the amount by $946,000,000.

On page 4, line 7, increase the amount by $1,026,000,000.

On page 4, line 8, increase the amount by $1,118,000,000.

On page 4, line 9, increase the amount by $1,226,000,000.

On page 4, line 10, increase the amount by $1,331,000,000.

On page 4, line 11, increase the amount by $1,450,000,000.

On page 4, line 17, increase the amount by $395,000,000.

On page 4, line 18, increase the amount by $607,000,000.

On page 4, line 19, increase the amount by $706,000,000.

On page 4, line 20, increase the amount by $801,000,000.

On page 4, line 21, increase the amount by $950,000,000.

On page 4, line 22, increase the amount by $1,072,000,000.

On page 4, line 23, increase the amount by $1,178,000,000.

On page 5, line 1, increase the amount by $1,285,000,000.

On page 5, line 2, increase the amount by $1,402,000,000.

On page 5, line 8, decrease the amount by $395,000,000.

On page 5, line 9, decrease the amount by $607,000,000.

On page 5, line 10, decrease the amount by $706,000,000.

On page 5, line 11, decrease the amount by $801,000,000.

On page 5, line 12, decrease the amount by $950,000,000.

On page 5, line 13, decrease the amount by $1,072,000,000.

On page 5, line 14, decrease the amount by $1,178,000,000.

On page 5, line 15, decrease the amount by $1,285,000,000.

On page 5, line 16, decrease the amount by $1,402,000,000.

On page 5, line 21, increase the amount by $395,000,000.

On page 5, line 22, increase the amount by $1,002,000,000.

On page 5, line 23, increase the amount by $1,708,000,000.

On page 5, line 24, increase the amount by $2,509,000,000.

On page 5, line 25, increase the amount by $3,458,000,000.

On page 6, line 1, increase the amount by $4,530,000,000.

On page 6, line 9, increase the amount by $395,000,000,000.

On page 6, line 10, increase the amount by $1,002,000,000.

On page 6, line 11, increase the amount by $1,708,000,000.

On page 6, line 12, increase the amount by $2,509,000,000.

On page 6, line 13, increase the amount by $3,458,000,000.

On page 6, line 14, increase the amount by $4,530,000,000.

On page 17, line 23, increase the amount by $250,000,000.

On page 17, line 24, increase the amount by $199,000,000.

On page 18, line 2, increase the amount by $393,000,000.

On page 18, line 3, increase the amount by $386,000,000.

On page 18, line 6, increase the amount by $544,000,000.

On page 18, line 7, increase the amount by $572,000,000.

On page 18, line 10, increase the amount by $689,000,000.

On page 18, line 11, increase the amount by $637,000,000.

On page 18, line 14, increase the amount by $836,000,000.

On page 18, line 15, increase the amount by $691,000,000.

On page 18, line 18, increase the amount by $869,000,000.

On page 18, line 19, increase the amount by $793,000,000.

On page 18, line 22, increase the amount by $907,000,000.

On page 18, line 23, increase the amount by $861,000,000.

On page 19, line 2, increase the amount by $954,000,000.

On page 19, line 3, increase the amount by $906,000,000.

On page 19, line 6, increase the amount by $993,000,000.

On page 19, line 7, increase the amount by $947,000,000.

On page 19, line 10, increase the amount by $1,040,000,000.

On page 19, line 11, increase the amount by $992,000,000.

On page 41, line 23, increase the amount by $9,000,000.

On page 41, line 24, increase the amount by $9,000,000.

On page 42, line 2, increase the amount by $35,000,000.

On page 42, line 3, increase the amount by $35,000,000.

On page 42, line 6, increase the amount by $69,000,000.

On page 42, line 7, increase the amount by $69,000,000.

On page 42, line 10, increase the amount by $110,000,000.

On page 42, line 11, increase the amount by $110,000,000.

On page 42, line 14, increase the amount by $157,000,000.

On page 42, line 15, increase the amount by $157,000,000.

On page 42, line 18, increase the amount by $211,000,000.

On page 42, line 19, increase the amount by $211,000,000.

On page 42, line 22, increase the amount by $272,000,000.

On page 42, line 23, increase the amount by $272,000,000.

On page 43, line 2, increase the amount by $338,000,000.

On page 43, line 3, increase the amount by $338,000,000.

On page 43, line 6, increase the amount by $410,000,000.

On page 43, line 7, increase the amount by $410,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $199,000,000.

On page 48, line 15, increase the amount by $250,000,000.

On page 48, line 16, increase the amount by $199,000,000.

SA 194. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 14, line 11, increase the amount by $1,441,000,000.

On page 14, line 12, increase the amount by $530,000,000.

On page 43, line 15, decrease the amount by $1,441,000,000.

On page 43, line 16, decrease the amount by $530,000,000.

On page 48, line 8, increase the amount by $1,441,000,000.

On page 48, line 9, increase the amount by $530,000,000.

SA 195. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. . RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

The Committee on Finance of the Senate shall report to the Senate a reconciliation bill—

(1) not later than May 18, 2001; and

(2) not later than September 14, 2001, that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than $1,612,063,000,000 for the period of fiscal years 2001 through 2011 and increase the total level of outlays by not more than $60,000,000,000 for the period of fiscal years 2001 through 2001.

SA 196. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 2, increase the amount by $40,000,000.

On page 4, line 3, increase the amount by $55,000,000.

On page 4, line 4, increase the amount by $70,000,000.

On page 4, line 5, increase the amount by $70,000,000.

On page 4, line 6, increase the amount by $70,000,000.

On page 4, line 7, increase the amount by $70,000,000.

On page 4, line 8, increase the amount by $70,000,000.

On page 4, line 9, increase the amount by $70,000,000.

On page 4, line 10, increase the amount by $70,000,000.

On page 4, line 11, increase the amount by $70,000,000.

On page 4, line 16, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $55,000,000.

On page 4, line 18, increase the amount by $70,000,000.

On page 4, line 19, increase the amount by $70,000,000.

On page 4, line 20, increase the amount by $70,000,000.

On page 4, line 21, increase the amount by $70,000,000.

On page 4, line 22, increase the amount by $70,000,000.

On page 4, line 23, increase the amount by $70,000,000.

On page 5, line 1, increase the amount by $70,000,000.

On page 5, line 2, increase the amount by $70,000,000.

On page 5, line 7, decrease the amount by $40,000,000.

On page 5, line 8, decrease the amount by $55,000,000.

On page 5, line 9, decrease the amount by $70,000,000.

On page 5, line 10, decrease the amount by $70,000,000.

On page 5, line 11, decrease the amount by $70,000,000.

On page 5, line 12, decrease the amount by $70,000,000.

On page 5, line 13, decrease the amount by $70,000,000.

On page 5, line 14, decrease the amount by $70,000,000.

On page 5, line 15, decrease the amount by $70,000,000.

On page 5, line 16, decrease the amount by $70,000,000.

On page 5, line 20, increase the amount by $40,000,000.

On page 5, line 21, increase the amount by $55,000,000.

On page 5, line 22, increase the amount by $70,000,000.

On page 5, line 23, increase the amount by $70,000,000.

On page 5, line 24, increase the amount by $70,000,000.

On page 5, line 25, increase the amount by $70,000,000.

On page 6, line 1, increase the amount by $70,000,000.

On page 6, line 2, increase the amount by $70,000,000.

On page 6, line 3, increase the amount by $70,000,000.

On page 6, line 4, increase the amount by $70,000,000.

On page 6, line 8, increase the amount by $40,000,000.

On page 6, line 9, increase the amount by $55,000,000.

On page 6, line 10, increase the amount by $70,000,000.

On page 6, line 11, increase the amount by $70,000,000.

On page 6, line 12, increase the amount by $70,000,000.

On page 6, line 13, increase the amount by $70,000,000.

On page 6, line 14, increase the amount by $70,000,000.

On page 6, line 15, increase the amount by $70,000,000.

On page 6, line 16, increase the amount by $70,000,000.

On page 6, line 17, increase the amount by $70,000,000.

On page 21, line 15, increase the amount by $40,000,000.

On page 21, line 16, increase the amount by $40,000,000.

On page 21, line 19, increase the amount by $55,000,000.

On page 21, line 20, increase the amount by $55,000,000.

On page 21, line 23, increase the amount by $70,000,000.

On page 21, line 24, increase the amount by $70,000,000.

On page 22, line 2, increase the amount by $70,000,000.

On page 22, line 3, increase the amount by $70,000,000.

On page 22, line 6, increase the amount by $70,000,000.

On page 22, line 7, increase the amount by $70,000,000.

On page 22, line 10, increase the amount by $70,000,000.

On page 22, line 11, increase the amount by $70,000,000.

On page 22, line 14, increase the amount by $70,000,000.

On page 22, line 15, increase the amount by $70,000,000.

On page 22, line 18, increase the amount by $70,000,000.

On page 22, line 19, increase the amount by $70,000,000.

On page 22, line 22, increase the amount by $70,000,000.

On page 22, line 23, increase the amount by $70,000,000.

On page 23, line 2, increase the amount by $70,000,000.

On page 23, line 3, increase the amount by $70,000,000.

On page 43, line 15, decrease the amount by $40,000,000.

On page 43, line 16, decrease the amount by $40,000,000.

On page 43, line 19, decrease the amount by $55,000,000.

On page 43, line 20, decrease the amount by $55,000,000.

On page 43, line 23, decrease the amount by $70,000,000.

On page 43, line 24, decrease the amount by $70,000,000.

On page 44, line 2, decrease the amount by $70,000,000.

On page 44, line 3, decrease the amount by $70,000,000.

On page 44, line 6, decrease the amount by $70,000,000.

On page 44, line 7, decrease the amount by $70,000,000.

On page 44, line 10, decrease the amount by $70,000,000.

On page 44, line 11, decrease the amount by $70,000,000.

On page 44, line 14, decrease the amount by $70,000,000.

On page 44, line 15, decrease the amount by $70,000,000.

On page 44, line 18, decrease the amount by $70,000,000.

On page 44, line 19, decrease the amount by $70,000,000.

On page 44, line 22, decrease the amount by $70,000,000.

On page 44, line 23, decrease the amount by $70,000,000.

On page 45, line 2, decrease the amount by $70,000,000.

On page 45, line 3, decrease the amount by $70,000,000.

SA 197. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Goverment for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $230,000,000.

On page 2, line 18, increase the amount by $230,000,000.

On page 3, line 2, increase the amount by $230,000,000.

On page 3, line 3, increase the amount by $230,000,000.

On page 3, line 4, increase the amount by $230,000,000.

On page 3, line 5, increase the amount by $230,000,000.

On page 3, line 6, increase the amount by $230,000,000.

On page 3, line 7, increase the amount by $230,000,000.

On page 3, line 8, increase the amount by $230,000,000.

On page 3, line 13, decrease the amount by $230,000,000.

On page 3, line 14, decrease the amount by $230,000,000.

On page 3, line 15, decrease the amount by $230,000,000.

On page 3, line 16, decrease the amount by $230,000,000.

On page 3, line 17, decrease the amount by $230,000,000.

On page 3, line 18, decrease the amount by $230,000,000.

On page 3, line 19, decrease the amount by $230,000,000.

On page 3, line 20, decrease the amount by $230,000,000.

On page 3, line 21, decrease the amount by $230,000,000.

On page 3, line 22, decrease the amount by $230,000,000.

On page 4, line 17, increase the amount by $230,000,000.

On page 4, line 18, increase the amount by $230,000,000.

On page 4, line 19, increase the amount by $230,000,000.

On page 4, line 20, increase the amount by $230,000,000.

On page 4, line 21, increase the amount by $230,000,000.

On page 4, line 22, increase the amount by $230,000,000.

On page 4, line 23, increase the amount by $230,000,000.

On page 5, line 1, increase the amount by $230,000,000.

On page 5, line 2, increase the amount by $230,000,000.

On page 25, line 6, increase the amount by $2,300,000,000.

On page 25, line 7, increase the amount by $230,000,000.

On page 25, line 11, increase the amount by $230,000,000.

On page 25, line 15, increase the amount by $230,000,000.

On page 25, line 19, increase the amount by $230,000,000.

On page 25, line 23, increase the amount by $230,000,000.

On page 26, line 3, increase the amount by $230,000,000.

On page 26, line 7, increase the amount by $230,000,000.

On page 26, line 11, increase the amount by $230,000,000.

On page 26, line 15, increase the amount by $230,000,000.

On page 26, line 19, increase the amount by $230,000,000.

On page 43, line 15, decrease the amount by $2,300,000,000.

On page 43, line 16, decrease the amount by $230,000,000.

On page 48, line 8, increase the amount by $2,300,000,000.

On page 48, line 9, increase the amount by $230,000,000.

At the end, add the following:

SEC. ___. SENSE OF THE SENATE ON THE USE OF FEDERAL RESERVE SURPLUSES.

It is the sense of the Senate that the levels in this resolution assume that the $2,300,000,000 increase in revenues over the 2002 through 2011 fiscal year period should be achieved through the transfer of funds from the surplus funds of the Federal Reserve banks to the Treasury.

SA 198. Mr. DORGAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $713,440,000.

On page 2, line 18, increase the amount by $713,440,000.

On page 3, line 1, increase the amount by $713,440,000.

On page 3, line 2, increase the amount by $713,440,000.

On page 3, line 13, decrease the amount by $713,440,000.

On page 3, line 14, decrease the amount by $713,440,000.

On page 3, line 15, decrease the amount by $713,440,000.

On page 3, line 16, decrease the amount by $713,440,000.

On page 4, line 3, increase the amount by $732,000,000.

On page 4, line 4, increase the amount by $732,000,000.

On page 4, line 5, increase the amount by $732,000,000.

On page 4, line 17, increase the amount by $713,440,000.

On page 4, line 18, increase the amount by $713,440,000.

On page 4, line 19, increase the amount by $713,440,000.

On page 25, line 6, increase the amount by $232,000,000.

On page 25, line 7, increase the amount by $213,440,000.

On page 25, line 10, increase the amount by $232,000,000.

On page 25, line 11, increase the amount by $213,440,000.

On page 25, line 14, increase the amount by $232,000,000.

On page 25, line 15, increase the amount by $213,440,000.

On page 25, line 18, increase the amount by $232,000,000.

On page 25, line 19, increase the amount by $213,440,000.

On page 28, line 23, increase the amount by $500,000,000.

On page 28, line 24, increase the amount by $500,000,000.

On page 29, line 2, increase the amount by $500,000,000.

On page 29, line 3, increase the amount by $500,000,000.

On page 29, line 6, increase the amount by $500,000,000.

On page 29, line 7, increase the amount by $500,000,000.

On page 29, line 10, increase the amount by $500,000,000.

On page 29, line 11, increase the amount by $500,000,000.

On page 43, line 15, increase the amount by $732,000,000.

On page 43, line 16, increase the amount by $713,440,000.

On page 48, line 8, increase the amount by $732,000,000.

On page 48, line 9, increase the amount by $713,440,000.

At the appropriate place, insert the following:

SEC. . USE OF FEDERAL RESERVE SURPLUSES.

It is the sense of the Senate that levels in this resolution assume that the $2,853,670,000 increase in revenue over the 2002 through 2005 fiscal year period should be achieved through the transfer of funds from the surplus funds of the Federal reserve banks to the Treasury.

SA 199. Mr. CLELAND (for himself, Mr. Jeffords, Mr. Levin, Mr. Sarbanes, Mr. Lieberman, and Mr. Torricelli) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE TO SUPPORT THE CONCEPTS OF SMART GROWTH WHEN MAKING APPROPRIATIONS AND REVENUE DECISIONS.

(a) Findings.—The Senate finds the following:

(1) Federal programs and policies influence, to some degree, local growth patterns through the location of Federal facilities, spending on public infrastructure, tax incentives, and Federal regulations.

(2) This inadvertent Federal influence in local land use decisions has both positive and negative implications.

(3) Unplanned and random growth often has the negative consequences of increased commuting times, traffic congestion, impaired air quality, loss of open space, and poor accessibility to critical services such as schools and hospitals.

(4) When not properly planned, local development decisions may actually burden the Federal budget by requiring new water, sewer, and transportation infrastructure in low-density areas.

(5) Continued growth, which is necessary to sustain community development and a healthy economy, can have the positive implications reflected in an increased number of homeowners, consumer savings, and advantages for businesses.

(b) Sense of the Senate.—It is the sense of the Senate that the levels in this resolution assume that in making appropriations and revenue decisions, the Senate should—

(1) continue to support economic expansion while taking into consideration the potential effect Federal programs and policies will have in influencing local development and growth patterns;

(2) reject Federal policies which inadvertently encourage growth patterns that are contrary to the wishes of the local community; and

(3) determine whether additional resources are available, in order to allocate budgetary authority and outlays to address the unintended consequences of urban and suburban sprawl resulting from specific Federal programs and policies.

SA 200. Mr. BREAUX (for himself, Mr. Nelson of Nebraska, Ms. Landrieu, Mrs. Carnahan, Mr. Chafee, Mrs. Lincoln, Mr. Bayh, Mr. Torricelli, and Mr. Jeffords) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $6,400,000,000.

On page 2, line 18, increase the amount by $14,458,000,000.

On page 3, line 1, increase the amount by $21,634,000,000.

On page 3, line 2, increase the amount by $28,782,000,000.

On page 3, line 3, increase the amount by $26,956,500,000.

On page 3, line 4, increase the amount by $42,136,000,000.

On page 3, line 5, increase the amount by $45,567,000,000.

On page 3, line 6, increase the amount by $48,414,000,000.

On page 3, line 7, increase the amount by $53,218,000,000.

On page 3, line 8, increase the amount by $54,846,000,000.

On page 3, line 13, decrease the amount by $6,400,000,000.

On page 3, line 14, decrease the amount by $14,458,000,000.

On page 3, line 15, decrease the amount by $21,634,000,000.

On page 3, line 16, decrease the amount by $28,782,000,000.

On page 3, line 17, decrease the amount by $36,956,500,000.

On page 3, line 18, decrease the amount by $42,136,000,000.

On page 3, line 19, decrease the amount by $45,567,000,000.

On page 3, line 20, decrease the amount by $48,414,000,000.

On page 3, line 21, decrease the amount by $53,218,000,000.

On page 3, line 22, decrease the amount by $54,846,000,000.

On page 5, line 7, increase the amount by $6,400,000,000.

On page 5, line 8, increase the amount by $14,458,000,000.

On page 5, line 9, increase the amount by $21,634,000,000.

On page 5, line 10, increase the amount by $28,782,000,000.

On page 5, line 11, increase the amount by $36,956,500,000.

On page 5, line 12, increase the amount by $42,136,000,000.

On page 5, line 13, increase the amount by $45,567,000,000.

On page 5, line 14, increase the amount by $48,414,000,000.

On page 5, line 15, increase the amount by $53,218,000,000.

On page 5, line 16, increase the amount by $54,846,000,000.

SA 201. Mr. ALLEN (for himself, Mr. Brownback, Mr. Warner, and Mr. Smith of New Hampshire) proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States

Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the appropriate place, insert the following:

SEC. ___. TAX CUT ACCELERATOR.

(a) REPORTING ADDITIONAL SURPLUSES.—If any report provided pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, estimates an on-budget surplus that exceeds the on-budget surplus set forth in such a report for the preceding year, the chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make adjustments in the resolution for the next fiscal year as provided in subsection (b).

(b) ADJUSTMENTS.—The chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make the following adjustments in an amount not to exceed the difference between the on-budget surpluses in the reports referred to in subsection (a):

(1) Reduce the on-budget revenue aggregate by that amount for the fiscal years included in such reports.

(2) Adjust the instruction to the Committee on Ways and Means and the Committee on Finance to increase the reduction in revenues by the sum of the amounts for the period of such fiscal years in such manner as to not produce an on-budget deficit in the next fiscal year, over the next 5 fiscal years, or over the next 10 fiscal years and to require a report of reconciliation legislation by the Committee on Ways and Means and the Committee on Finance not later than March 15.

(3) Adjust such other levels in such resolution, as appropriate, and the House of Representatives and the Senate pay-as-you-go scorecards.

(c) LEGISLATION.—It shall not be in order in the Senate to consider any bill that is reported by the Committee on Finance pursuant to the adjusted instructions described in subsection (b), unless the bill provides for expedited procedures for the consideration of the bill by the Senate no later than 60 days after the bill is reported by the Committee.

SA 202. Mr. DURBIN (for himself, Mr. BIDEN, Mr. LIEBERMAN, and Mr. DASCHLE) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 17, decrease the amount by $31,140,000,000.

On page 2, line 18, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $12,100,000,000.

On page 3, line 2, increase the amount by $33,077,000,000.

On page 3, line 3, increase the amount by $57,444,000,000.

On page 3, line 4, increase the amount by $67,821,000,000.

On page 3, line 5, increase the amount by $73,414,000,000.

On page 3, line 6, increase the amount by $71,119,000,000.

On page 3, line 7, increase the amount by $80,281,000,000.

On page 3, line 8, increase the amount by $64,625,000,000.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $10,606,000,000.

On page 3, line 15, decrease the amount by $12,100,000,000.

On page 3, line 16, decrease the amount by $33,077,000,000.

On page 3, line 17, decrease the amount by $57,444,000,000.

On page 3, line 18, decrease the amount by $67,821,000,000.

On page 3, line 19, decrease the amount by $73,414,000,000.

On page 3, line 20, decrease the amount by $71,119,000,000.

On page 3, line 21, decrease the amount by $80,281,000,000.

On page 3, line 22, decrease the amount by $64,625,000,000, and add the following

(a). FINDINGS.—The Senate finds:

(1) That the economy of the United States has consistently grown since 1993, providing increasing prosperity for millions of hard-working Americans;

(2) That the pace of growth of the economy of the United States was measured at only one percent in the fourth quarter of 2000;

(3) That debt reduction is effective in stimulating capital investment that promotes long-term growth.

(4) That the President and Vice President of the United States have noted that the economy of the United States is in need of a stimulus;

(5) That the Democratic Leader of the United States Senate and other Members of the Democratic Caucus have called for immediate passage of a $60 billion Economic Stimulus Package;

(6) That the Chairman of the Senate Committee on the Budget has included in his FY02 budget substitute a $60 billion Economic Stimulus Package;

(7) That the Ranking Member of the Senate Committee on the Budget has also called for a $60 billion Economic Stimulus Package;

(b.) SENSE OF SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Senate should discharge H.R. 3 from the Senate Committee on Finance, begin floor consideration of H.R. 3 immediately after passage of H. Con. Res. 83, strike all after the enacting clause and insert the text of the agreed upon $60 billion Bipartisan Economic Stimulus Package, including an immediate economic stimulus check for all payroll and income taxpayers and a permanent reduction of the fifteen percent income tax bracket to a ten percent tax bracket, and proceed to a vote on final passage prior to April recess.

SA 203. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE ADOPTION TAX CREDIT.

(a) FINDINGS.—The Senate finds that—

(1) promoting permanency and the well being of children has long been a stated priority for Congress and the President;

(2) in 1996, the Federal Government authorized a $5,000 ($6,000 for special needs adoptions) tax credit for the purpose of providing assistance and support to families who adopt;

(3) last year, approximately 130,000 children from all over the world found permanent homes through adoption;

(4) the adoption tax credit has contributed to the constantly increasing number of children who are adopted by loving families;

(5) the tax credit for families adopting a non-special needs child currently will expire in December of 2001; and

(6) according to a report issued by the United States Department of Treasury, there were 31,000 adoptions of children with special needs in 1998, yet only 4,700 of such children received benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any comprehensive tax relief legislation passed during this session of Congress should include a provision for the permanent extension and expansion of the adoption tax credit.

SA 204. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United states Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 17, increase the amount by $2,422,000,000.

On page 4, line 18, increase the amount by $885,000,000.

On page 4, line 19, increase the amount by $416,000,000.

On page 4, line 20, increase the amount by $259,000,000.

On page 4, line 21, increase the amount by $57,000,000.

On page 5, line 8, decrease the amount by $2,422,000,000.

On page 5, line 9, decrease the amount by $885,000,000.

On page 5, line 10, decrease the amount by $416,000,000.

On page 5, line 11, decrease the amount by $259,000,000.

On page 5, line 12, decrease the amount by $57,000,000.

On page 5, line 21, increase the amount by $2,422,000,000.

On page 5, line 22, increase the amount by $885,000,000.

On page 5, line 23, increase the amount by $416,000,000.

On page 5, line 24, increase the amount by $259,000,000.

On page 5, line 25, increase the amount by $57,000,000.

On page 6, line 9, increase the amount by $2,422,000,000.

On page 6, line 10, increase the amount by $885,000,000.

On page 6, line 11, increase the amount by $416,000,000.

On page 6, line 12, increase the amount by $259,000,000.

On page 6, line 13, increase the amount by $57,000,000.

On page 12, line 16, increase the amount by $493,000,000.

On page 12, line 7, increase the amount by $261,000,000.

On page 12, line 21, increase the amount by $108,000,000.

On page 12, line 25, increase the amount by $57,000,000.

On page 13, line 4, increase the amount by $32,000,000.

On page 13, line 8, increase the amount by $17,000,000.

On page 14, line 11, increase the amount by $457,000,000.

On page 14, line 12, increase the amount by $294,000,000.

On page 14, line 16, increase the amount by $168,000,000.

On page 14, line 20, increase the amount by $24,000,000.

On page 14, line 24, increase the amount by $6,000,000.

On page 15, line 3, increase the amount by $4,000,000.

On page 16, line 5, increase the amount by $215,000,000.

On page 16, line 6, increase the amount by $83,000,000.

On page 16, line 9, increase the amount by $97,000,000.

On page 16, line 12, increase the amount by $23,000,000.

On page 16, line 15, increase the amount by $8,000,000.

On page 16, line 19, increase the amount by $4,000,000.

On page 17, line 23, increase the amount by $638,000,000.

On page 17, line 24, increase the amount by $391,000,000.

On page 18, line 3, increase the amount by $141,000,000.

On page 18, line 7, increase the amount by $59,000,000.

On page 18, line 11, increase the amount by $27,000,000.

On page 18, line 15, increase the amount by $21,000,000.

On page 19, line 19, increase the amount by $116,000,000.

On page 19, line 20, increase the amount by $87,000,000.

On page 19, line 24, increase the amount by $22,000,000.

On page 20, line 3, increase the amount by $3,000,000.

On page 20, line 7, increase the amount by $2,000,000.

On page 20, line 11, increase the amount by $1,000,000.

On page 21, line 15, increase the amount by $15,000,000.

On page 21, line 16, increase the amount by $10,000,000.

On page 21, line 20, increase the amount by $4,000,000.

On page 21, line 24, increase the amount by $1,000,000.

On page 23, line 11, increase the amount by $420,000,000.

On page 23, line 12, increase the amount by $113,000,000.

On page 23, line 16, increase the amount by $176,000,000.

On page 23, line 20, increase the amount by $71,000,000.

On page 23, line 24, increase the amount by $25,000,000.

On page 24, line 3, increase the amount by $17,000,000.

On page 24, line 7, increase the amount by $8,000,000.

On page 25, line 6, increase the amount by $1,254,000,000.

On page 25, line 7, increase the amount by $287,000,000.

On page 25, line 11, increase the amount by $315,000,000.

On page 25, line 15, increase the amount by $336,000,000.

On page 25, line 19, increase the amount by $188,000,000.

On page 25, line 23, increase the amount by $70,000,000.

On page 26, line 3, increase the amount by $49,000,000.

On page 27, line 3, increase the amount by $1,470,000,000.

On page 27, line 4, increase the amount by $473,000,000.

On page 27, line 8, increase the amount by $765,000,000.

On page 27, line 12, increase the amount by $122,000,000.

On page 27, line 16, increase the amount by $53,000,000.

On page 27, line 20, increase the amount by $35,000,000:

On page 28, line 23, increase the amount by $848,000,000.

On page 28, line 24, increase the amount by $347,000,000.

On page 29, line 3, increase the amount by $355,000,000.

On page 29, line 7, increase the amount by $88,000,000.

On page 29, line 11, increase the amount by $33,000,000.

On page 29, line 15, increase the amount by $8,000,000.

On page 30, line 19, increase the amount by $73,000,000.

On page 30, line 20, increase the amount by $60,000,000.

On page 30, line 24, increase the amount by $10,000,000.

On page 31, line 3, increase the amount by $1,000,000.

On page 31, line 7, increase the amount by $1,000,000.

On page 31, line 11, increase the amount by $1,000,000.

On page 32, line 15, increase the amount by $943,000,000.

On page 32, line 16, increase the amount by $782,000,000.

On page 32, line 20, increase the amount by $90,000,000.

On page 32, line 24, increase the amount by $32,000,000.

On page 33, line 3, increase the amount by $21,000,000.

On page 33, line 7, increase the amount by $8,000,000.

On page 34, line 11, increase the amount by $73,000,000.

On page 34, line 12, increase the amount by $64,000,000.

On page 34, line 16, increase the amount by $4,000,000.

On page 34, line 20, increase the amount by $2,000,000.

On page 34, line 24, increase the amount by $1,000,000.

On page 36, line 6, increase the amount by $500,000,000.

On page 36, line 7, increase the amount by $429,000,000.

On page 36, line 11, increase the amount by $53,000,000.

On page 36, line 15, increase the amount by $11,000,000.

On page 36, line 19, increase the amount by $4,000,000.

On page 36, line 23, increase the amount by $1,000,000.

On page 38, line 2, increase the amount by $660,000,000.

On page 38, line 3, increase the amount by $513,000,000.

On page 38, line 7, increase the amount by $84,000,000.

On page 38, line 11, increase the amount by $44,000,000.

On page 38, line 15, increase the amount by $14,000,000.

On page 38, line 19, increase the amount by $4,000,000.

On page 39, line 23, increase the amount by $325,000,000.

On page 39, line 24, increase the amount by $273,000,000.

On page 40, line 3, increase the amount by $30,000,000.

On page 40, line 7, increase the amount by $11,000,000.

On page 40, line 11, increase the amount by $1,000,000.

On page 43, line 15, decrease the amount by $8,500,000,000.

On page 43, line 16, decrease the amount by $4,422,000,000.

On page 48, line 8, increase the amount by $8,500,000,000.

On page 48, line 9, increase the amount by $4,422,000,000.

SA 205. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 17, increase the amount by $55,000,000.

On page 4, line 18, increase the amount by $20,000,000.

On page 5, line 8, decrease the amount by $55,000,000.

On page 5, line 9, decrease the amount by $20,000,000.

On page 5, line 21, increase the amount by $55,000,000.

On page 5, line 22, increase the amount by $20,000,000.

On page 6, line 9, increase the amount by $55,000,000.

On page 6, line 10, increase the amount by $20,000,000.

On page 27, line 3, increase the amount by $100,000,000.

On page 27, line 4, increase the amount by $25,000,000.

On page 27, line 8, increase the amount by $55,000,000.

On page 27, line 12, increase the amount by $20,000,000.

On page 43, line 15, increase the amount by $100,000,000.

On page 43, line 16, increase the amount by $25,000,000.

On page 48, line 8, increase the amount by $100,000,000.

On page 48, line 9, increase the amount by $25,000,000.

SA 206. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 51, following line 21, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following finding:

(1) The demand for domestic energy supplies will increase over the next two decades.

(2) The President, speaking before a joint session of Congress on February 27, 2001, stated that "our energy demand outstrips our supply."

(3) The Secretary of Energy, on March 19, 2001, stated that the United States was in an "energy supply crisis."

(4) Despite these statements, the administration's proposed Fiscal Year 2002 budget would cut spending within the Department of Energy's Office of Fossil Energy by $150 million from the level enacted for Fiscal Year 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume an increase in Function 270 (Energy) by an amount of $150 million in Fiscal Year 2002 so as not to undercut the vital domestic energy research being conducted by the Department of Energy's Office of Fossil Energy.

SA 207. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 17, increase the amount by $60,000,000;

On page 4, line 18, increase the amount by $30,000,000;

On page 5, line 8, decrease the amount by $60,000,000;

On page 5, line 9, decrease the amount by $30,000,000;

On page 5, line 21, increase the amount by $60,000,000;

On page 5, line 22, increase the amount by $30,000,000;

On page 6, line 9, increase the amount by $60,000,000;

On page 6, line 10, increase the amount by $30,000,000;

On page 16, line 5, increase the amount by $150,000,000;

On page 16, line 6, reduce the negative amount by $60,000,000;

On page 16, line 9, reduce the negative amount by $60,000,000;

On page 16, line 12, reduce the negative amount by $30,000,000;

On page 43, line 15, increase the negative amount by $150,000,000;

On page 43, line 16, increase the negative amount by $60,000,000;

On page 48, line 8, increase the amount by $150,000,000; and

On page 48, line 9, increase the amount by $60,000,000.

SA 208. Mr. BYRD submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

At the end of title II, insert the following:

SEC. . LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER RECONCILIATION AND A BUDGET RESOLUTION.

(a) RECONCILIATION AND BUDGET RESOLUTIONS.—For purposes of consideration of any reconciliation bill reported under section 310(e) of the Congressional Budget Act of 1974 or any budget resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) debate, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours;

(2) time on a bill or resolution may only be yielded back by consent;

(3) time on amendments shall be limited to 60 minutes to be equally divided in the usual form and on any second degree amendment or motion to 30 minutes to be equally divided in the usual form;

(4) no first degree amendment may be proposed after the 10th hour of debate on a bill or resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(5) no second degree amendment may be proposed after the 20th hour of debate on a bill or resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour; and

(6) after not more than 40 hours of debate on a bill or resolution, the bill or resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the bill or resolution continues.

(b) WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 209. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 17, increase the amount by $180,000,000.

On page 4, line 18, increase the amount by $270,000,000.

On page 4, line 19, increase the amount by $250,000,000.

On page 4, line 20, increase the amount by $160,000,000.

On page 4, line 21, increase the amount by $110,000,000.

On page 5, line 8, decrease the amount by $180,000,000.

On page 5, line 9, decrease the amount by $270,000,000.

On page 5, line 10, decrease the amount by $250,000,000.

On page 5, line 11, decrease the amount by $160,000,000.

On page 5, line 12, decrease the amount by $110,000,000.

On page 5, line 21, increase the amount by $180,000,000.

On page 5, line 22, increase the amount by $270,000,000.

On page 5, line 23, increase the amount by $250,000,000.

On page 5, line 24, increase the amount by $160,000,000.

On page 5, line 25, increase the amount by $110,000,000.

On page 6, line 9, increase the amount by $180,000,000.

On page 6, line 10, increase the amount by $270,000,000.

On page 6, line 11, increase the amount by $250,000,000.

On page 6, line 12, increase the amount by $160,000,000.

On page 6, line 13, increase the amount by $110,000,000.

On page 25, line 6, increase the amount by $1,000,000,000.

On page 25, line 7, increase the amount by $30,000,000.

On page 25, line 11, increase the amount by $180,000,000.

On page 25, line 15, increase the amount by $270,000,000.

On page 25, line 19, increase the amount by $250,000,000.

On page 25, line 23, increase the amount by $160,000,000.

On page 26, line 3, increase the amount by $110,000,000.

On page 43, line 15, increase the negative amount by $1,000,000,000.

On page 43, line 16, increase the negative amount by $30,000,000.

On page 48, line 8, increase the amount by $1,000,000,000.

On page 48, line 9, increase the amount by $30,000,000.

SA 210. Mr. BOND submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

On page 28, line 23, increase the amount by $136,000,000.

On page 28, line 24, increase the amount by $136,000,000.

On page 43, line 15, decrease the amount by $136,000,000.

On page 43, line 16, decrease the amount by $136,000,000.

On page 48, line 8, increase the amount by $136,000,000.

On page 48, line 9, increase the amount by $136,000,000.

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON CONSOLIDATED HEALTH CENTERS.—It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health services at community, migrant, homeless, and public housing health centers.

SA 211. Mr. BOND (for himself, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. FRIST, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

On page 14, line 11, increase the amount by $1,441,000,000.

On page 14, line 12, increase the amount by $530,000,000.

On page 43, line 15, decrease the amount by $1,441,000,000.

On page 43, line 16, decrease the amount by $530,000,000.

On page 48, line 8, increase the amount by $1,441,000,000.

On page 48, line 9, increase the amount by $530,000,000.

SA 212. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 51, after line 21, insert the following: The Senate finds:

it is the stated mission of the United States Department of Agriculture to improve the quality of life in rural America by providing financial assistance and working with rural communities through partnerships, empowerment, and technical assistance;

the Rural Community Advancement Program includes authorities to provide loan and grant assistance to rural areas for infrastructure improvements related to drinking and wastewater systems;

residents in many parts of rural America do not have access to safe and sanitary drinking and wastewater systems;

the Environmental Protection Agency released a report in 1997 that identified unmet needs to upgrade or establish rural wastewater systems totaling nearly $20 billion;

the Environmental Protection Agency released a report in February of this year that identified unmet needs to upgrade or establish rural drinking water systems totaling $48.1 billion, of which $33.5 billion were identified as immediate needs;

the Rural Utilities Service of the United States Department of Agriculture currently has on hand a backlog of application totaling approximately $800 million in grant funds and $2.2 billion in loan funds;

safe and sanitary drinking and wastewater systems are basic necessities of life to which every American should have ready access;

SEC. . It is the Sense of the Senate that the levels in the resolution assume an increase in Function 450 (Community and Regional Development) by an amount of $1 billion, to be made available for drinking and wastewater systems financed through the Rural Utilities Service of the United States Department of Agriculture.

SA 213. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 51, after line 21, insert the following: The Senate finds:

many of our nation's public schools no longer stress a knowledge of American history;

an American student, regardless of race, religion, or gender, must know the history of the land to which they pledge allegiance;

without this knowledge of the land to which they pledge allegiance; these American students cannot appreciate the hard won freedoms that are their birthright;

the Department of Education has developed a program to improve the teaching of American History in the nation's public schools by providing grants to school districts to improve the teaching of American History through cooperative agreements with institutions of higher learning and other organizations.

Sec. It is the Sense of the Senate that the levels in the resolution assume an increase in Function 500 by an amount of $100 million, to be made available for grants to local educational agencies to improve the teaching of American History in public schools through the United States Department of Education.

SA 214. Ms. COLLINS (for herself, Mr. JOHNSON, and Mr. DASCHLE) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR VETERANS' EDUCATION.

If the Committee on Veterans' Affairs of the House or the Senate reports a bill, or an amendment thereto is offered or a conference report thereon is submitted, that increases the basic monthly benefit under the Montgomery G.I. Bill to reflect the increasing cost of higher education, the Chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to such committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $775,000,000 in new budget authority and outlays for fiscal year 2002, $4,300,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2006, and $9,900,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011.

SA 215. Mr. FRIST (for himself, Mr. SMITH of Oregon, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. LEVIN) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $500,000,000.

On page 5, line 8, decrease the amount by $500,000,000.

On page 12, line 16, increase the amount by $200,000,000.

On page 12, line 17, increase the amount by $200,000,000.

On page 12, line 20, increase the amount by $500,000,000.

On page 12, line 21, increase the amount by $500,000,000.

On page 43, line 15, decrease the amount by $200,000,000.

On page 43, line 16, decrease the amount by $200,000,000.

On page 48, line 8, increase the amount by $200,000,000.

On page 48, line 9, increase the amount by $200,000,000.

Notwithstanding any other provisions of this resolution, it is the sense of the Senate that:

(a) FINDINGS.—The Senate finds the following:

(1) HIV/AIDS, having already infected over 58 million people worldwide, is devastating the health, economies, and social structures in dozens of countries in Africa, and increasingly in Asia, the Caribbean and Eastern Europe.

(2) AIDS has wiped out decades of progress in improving the lives of families in the developing world. As the leading cause of death in Africa, AIDS has killed 17 million and will claim the lives of one quarter of the population, mostly productive adults, in the next decade. In addition, 13 million children have been orphaned by AIDS—a number that will rise to 40 million by 2010.

(3) The Agency for International Development, along with the Centers for Disease Control, Department of Labor, and Department of Defense have been at the forefront of the international battle to control HIV/AIDS, with global assistance totaling $330,000,000 from USAID and $136,000,000 from other agencies in fiscal year 2001, primarily focused on targeted prevention programs.

(4) While prevention is key, treatment and care for those affected by HIV/AIDS is an increasingly critical component of the global response. Improving health systems, providing home-based care, treating AIDS-associated diseases like tuberculosis, providing for family support and orphan care, and making anti-retroviral drugs against HIV available will reduce social and economic damage to families and communities.

(5) Pharmaceutical companies recently dramatically reduced the prices of anti-retroviral drugs to the poorest countries. With sufficient resources, it is now possible to improve treatment options in countries where health systems are able to deliver and monitor the medications.

(6) The UN AIDS program estimates it will cost at least $3,000,000,000 for basic AIDS prevention and care services in Sub-Saharan Africa alone, and at least $2,000,000,000 more if anti-retroviral drugs are provided widely. In Africa, only $500,000,000 is currently available from all donors, lending agencies and African governments themselves.

(b) Sense of the Senate.—It is the sense of the Senate that the spending levels in this budget resolution shall be increased by $200,000,000 in fiscal year 2002 and by $500,000,000 in 2003 and for each year thereafter for the purpose of helping the neediest countries cope with the burgeoning costs of prevention, care and treatment of those affected by HIV/AIDS and associated infectious diseases.

SA 216. Mr. BENNETT proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 17, decrease the amount by $31,140,000,000.

On page 2, line 18, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $0.

On page 3, line 2, increase the amount by $0.

On page 3, line 3, increase the amount by $0.

On page 3, line 4, increase the amount by $0.

On page 3, line 5, increase the amount by $0.

On page 3, line 6, increase the amount by $0.

On page 3, line 7, increase the amount by $0.

On page 3, line 8, increase the amount by $0.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $0.

On page 3, line 15, decrease the amount by $0.

On page 3, line 16, decrease the amount by $0.

On page 3, line 17, decrease the amount by $0.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $0.

On page 3, line 21, decrease the amount by $0.

On page 3, line 22, decrease the amount by $0.

SA 217. Mr. SMITH of Oregon (for himself, Mrs. Clinton, Ms. Snowe, Ms. Collins, Mr. Sarbanes, and Mr. Bayh) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $800,000,000.

On page 17, line 24, increase the amount by $800,000,000.

On page 43, line 15, decrease the amount by $800,000,000.

On page 43, line 16, decrease the amount by $800,000,000.

SA 218. Mr. KENNEDY (for himself, Mr. Wyden, and Mr. Corzine) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government by fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,500,000,000.

On page 2, line 18, increase the amount by $2,500,000,000.

On page 3, line 1, increase the amount by $3,000,000,000.

On page 3, line 2, increase the amount by $3,200,000,000.

On page 3, line 3, increase the amount by $4,000,000,000.

On page 3, line 4, increase the amount by $6,000,000,000.

On page 3, line 5, increase the amount by $8,500,000,000.

On page 3, line 6, increase the amount by $12,300,000,000.

On page 3, line 7, increase the amount by $17,000,000,000.

On page 3, line 8, increase the amount by $17,000,000,000.

On page 3, line 13, decrease the amount by $1,500,000,000.

On page 3, line 14, decrease the amount by $2,500,000,000.

On page 3, line 15, decrease the amount by $3,000,000,000.

On page 3, line 16, decrease the amount by $3,200,000,000.

On page 3, line 17, decrease the amount by $4,000,000,000.

On page 3, line 18, decrease the amount by $6,000,000,000.

On page 3, line 19, decrease the amount by $8,500,000,000.

On page 3, line 20, decrease the amount by $12,300,000,000.

On page 3, line 21, decrease the amount by $17,000,000,000.

On page 3, line 22, decrease the amount by $17,000,000,000.

On page 4, line 2, increase the amount by $1,500,000,000.

On page 4, line 3, increase the amount by $2,500,000,000.

On page 4, line 4, increase the amount by $3,000,000,000.

On page 4, line 5, increase the amount by $3,200,000,000.

On page 4, line 6, increase the amount by $4,000,000,000.

On page 4, line 7, increase the amount by $6,000,000,000.

On page 4, line 8, increase the amount by $8,500,000,000.

On page 4, line 9, increase the amount by $12,300,000,000.

On page 4, line 10, increase the amount by $17,000,000,000.

On page 4, line 11, increase the amount by $17,000,000,000.

On page 4, line 16, increase the amount by $1,500,000,000.

On page 4, line 17, increase the amount by $2,500,000,000.

On page 4, line 18, increase the amount by $3,000,000,000.

On page 4, line 19, increase the amount by $3,200,000,000.

On page 4, line 20, increase the amount by $4,000,000,000.

On page 4, line 21, increase the amount by $6,000,000,000.

On page 4, line 22, increase the amount by $8,500,000,000.

On page 4, line 23, increase the amount by $12,300,000,000.

On page 5, line 1, increase the amount by $17,000,000,000.

On page 5, line 2, increase the amount by $17,000,000,000.

On page 28, line 23, increase the amount by $1,500,000,000.

On page 28, line 24, increase the amount by $1,500,000,000.

On page 29, line 1, increase the amount by $2,500,000,000.

On page 29, line 2, increase the amount by $2,500,000,000.

On page 29, line 6, increase the amount by $3,000,000,000.

On page 29, line 7, increase the amount by $3,000,000,000.

On page 29, line 10, increase the amount by $3,200,000,000.

On page 29, line 11, increase the amount by $3,200,000,000.

On page 29, line 14, increase the amount by $4,000,000,000.

On page 29, line 15, increase the amount by $4,000,000,000.

On page 29, line 18, increase the amount by $6,000,000,000.

On page 29, line 19, increase the amount by $6,000,000,000.

On page 29, line 22, increase the amount by $8,500,000,000.

On page 29, line 23, increase the amount by $8,500,000,000.

On page 30, line 2, increase the amount by $12,300,000,000.

On page 30, line 3, increase the amount by $12,300,000,000.

On page 30, line 6, increase the amount by $17,000,000,000.

On page 30, line 7, increase the amount by $17,000,000,000.

On page 30, line 10, increase the amount by $17,000,000,000.

On page 30, line 11, increase the amount by $17,000,000,000.

SA 219. Mr. REID submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 16, line 5 after "authority," strike "$871,000,000" insert "$1,321,000,000 and, notwithstanding any other provisions of the Resolution, it is the Sense of the Senate that the levels in this Resolution assume: (1) That renewable energy resources can provide the nation and the world with clean and sustainable sources of power; (2) That renewable energy technologies developed and deployed in the U.S. and exported abroad will improve our environment and balance of trade; (3) That increased reliance on renewable energy resources to satisfy the nation's growing need for power can provide jobs, reliable electricity supplies, and reduce conventional pollution and greenhouse gas emissions; (4) That research and development of renewable energy resources should be supported strongly by the Federal government; (5) That a minimum of $450 million in FY02 shall be allocated to accelerate the research, development and deployment of wind, photovoltaic, geothermal, solar thermal, biomass and other renewable energy technologies; and, (6) Further, that the amount assumed for renewable energy research and development shall increase by greater than the rate of inflation for each subsequent year.

SA 220. Mr. REID (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. LEAHY, Mr. JOHNSON, Ms. COLLINS, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR THE PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

If the Committee on Armed Services of the Senate or the House of Representatives reports the Department of Defense authorization bill and includes a provision to fund the payment of retired pay and compensation to disabled military retirees, the chairman of the Committee on the Budget of the Senate or the House of Representatives, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $2,900,000,000 in new budget authority and outlays for fiscal year 2002, $17,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2006, and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, if the enactment of such measure will not cause an on-budget deficit for fiscal year 2002, the period of fiscal years 2002 through 2006, and the period of fiscal years 2002 through 2011.

SA 221. Mr. JOHNSON (for himself, Mr. WELLSTONE, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. KERRY, Mr. FEINGOLD, and Ms. LANRIEU) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,546,000,000.

On page 2, line 18, increase the amount by $1,689,000,000.

On page 3, line 1, increase the amount by $1,703,000,000.

On page 3, line 2, increase the amount by $1,709,000,000.

On page 3, line 3, increase the amount by $1,718,000,000.

On page 3, line 4, increase the amount by $1,718,000,000.

On page 3, line 5, increase the amount by $1,718,000,000.

On page 3, line 6, increase the amount by $1,718,000,000.

On page 3, line 7, increase the amount by $1,718,000,000.

On page 3, line 8, increase the amount by $1,718,000,000.

On page 3, line 13, decrease the amount by $1,546,000,000.

On page 3, line 14, decrease the amount by $1,689,000,000.

On page 3, line 15, decrease the amount by $1,703,000,000.

On page 3, line 16, decrease the amount by $1,709,000,000.

On page 3, line 17, decrease the amount by $1,718,000,000.

On page 3, line 18, decrease the amount by $1,718,000,000.

On page 3, line 19, decrease the amount by $1,718,000,000.

On page 3, line 20, decrease the amount by $1,718,000,000.

On page 3, line 21, decrease the amount by $1,718,000,000.

On page 3, line 22, decrease the amount by $1,718,000,000.

On page 36, line 6, increase the amount by $1,718,000,000.

On page 36, line 7, increase the amount by $1,546,000,000.

On page 36, line 10, increase the amount by $1,718,000,000.

On page 36, line 11, increase the amount by $1,689,000,000.

On page 36, line 14, increase the amount by $1,718,000,000.

On page 36, line 15, increase the amount by $1,703,000,000.

On page 36, line 18, increase the amount by $1,718,000,000.

On page 36, line 19, increase the amount by $1,709,000,000.

On page 36, line 22, increase the amount by $1,718,000,000.

On page 36, line 23, increase the amount by $1,718,000,000.

On page 37, line 2, increase the amount by $1,718,000,000.

On page 37, line 3, increase the amount by $1,718,000,000.

On page 37, line 6, increase the amount by $1,718,000,000.

On page 37, line 7, increase the amount by $1,718,000,000.

On page 37, line 10, increase the amount by $1,718,000,000.

On page 37, line 11, increase the amount by $1,718,000,000.

On page 37, line 14, increase the amount by $1,718,000,000.

On page 37, line 15, increase the amount by $1,718,000,000.

On page 37, line 18, increase the amount by $1,718,000,000.

On page 37, line 19, increase the amount by $1,718,000,000.

On page 43, line 15, decrease the amount by $1,718,000,000.

On page 43, line 16, decrease the amount by $1,546,000,000.

On page 48, line 8, increase the amount by $1,718,000,000.

On page 48, line 9, increase the amount by $1,546,000,000.

On page 4, line 3, increase the amount by $1,718,000,000.

On page 4, line 4, increase the amount by $1,718,000,000.

On page 4, line 5, increase the amount by $1,718,000,000.

On page 4, line 6, increase the amount by $1,718,000,000.

On page 4, line 7, increase the amount by $1,718,000,000.

On page 4, line 8, increase the amount by $1,718,000,000.

On page 4, line 9, increase the amount by $1,718,000,000.

On page 4, line 10, increase the amount by $1,718,000,000.

On page 4, line 11, increase the amount by $1,718,000,000.

On page 4, line 17, increase the amount by $1,689,000,000.

On page 4, line 18, increase the amount by $1,703,000,000.

On page 4, line 19, increase the amount by $1,709,000,000.

On page 4, line 20, increase the amount by $1,718,000,000.

On page 4, line 21, increase the amount by $1,718,000,000.

On page 4, line 22, increase the amount by $1,718,000,000.

On page 4, line 23, increase the amount by $1,718,000,000.

On page 5, line 1, increase the amount by $1,718,000,000.

On page 5, line 2, increase the amount by $1,718,000,000.

SA 222. Mr. BYRD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. . UNITED STATES INTERNATIONAL TRADE COMMISSION INVESTIGATION OF STEEL IMPORTS.

(a) FINDINGS.—The Senate finds that—

(1) total steel imports in 2000 were 6.2 percent higher than in 1999, continuing the alarming trend of sharply increasing steel imports over the past decade;

(2) unprecedented levels of steel imports flooded the United States market in 1998 and 1999, causing a crisis—which continues to this day—in which thousands of steelworkers have been laid off and 16 steel companies have declared bankruptcy;

(3) steel prices continue to be depressed, with hot-rolled sheet steel prices approximately 35 percent lower in March 2001 than in May 2000, and cold-rolled sheet steel prices down approximately 25 percent over the same period;

(4) the United States Government must maintain and fully enforce all existing relief against foreign unfair trade;

(5) the United States steel industry is a clean, highly efficient industry having modernized itself at great human and financial cost, shedding over 330,000 jobs and investing more than $50,000,000,000 over the last 20 years;

(6) capacity utilization in the United States steel industry fell sharply during 2000 and the market capitalization and debt ratings of the major United States steel firms are at precarious levels;

(7) the Department of Commerce recently documented the underlying market-distorting practices and long-standing structural problems that plague the global steel trade with excess capacity and cause diversion of unfairly traded foreign steel to the United States; and

(8) a vital steel industry is essential to United States national security and is a key element of the domestic manufacturing base.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the budget of the United States International Trade Commission is increased by $3,340,000 for fiscal year 2002, so that it may improve its utilization of information resources and thereby more effectively assess the impact of steel imports on United States industry;

(2) the President should take all appropriate action within his power to provide the United States steel industry with relief from injury caused by steel imports, without imposing restructuring preconditions that would exact additional human and financial costs on the industry and its employees; and

(3) the President should immediately request that the United States International Trade Commission commence an expedited investigation for positive adjustment under section 201 of the Trade Act of 1974 of such steel imports.

SA 223. Mr. BURNS submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

On page 17, line 23, increase the amount by $250,000,000.

On page 17, line 24, increase the amount by $199,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $199,000,000.

On page 48, line 15, increase the amount by $250,000,000.

On page 48, line 16, increase the amount by $199,000,000.

SA 224. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 16, line 5, increase the amount by $295,000,000.

On page 16, line 6, increase the amount by $295,000,000.

On page 43, line 15, decrease the amount by $295,000,000.

On page 43, line 16, decrease the amount by $295,000,000.

SA 225. Mr. HOLLINGS (for himself, Mr. BIDEN, and Mr. DASCHLE) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

On page 43, strike lines 10 through 12, and insert the following:

(A) New budget authority $85,000,000,000.

(B) Outlays, $85,000,000,000.

(C) The Senate finds that

(i) given the apparent economic slow-down, the Congress should stimulate the economy by passing a 1-year true tax cut stimulus package that provides income tax and payroll tax relief;

(ii) for real economic stimulus the 1-year tax cut should equal approximately 1 percent of the gross domestic product, or $95,000,000,000;

(iii) a meaningful economic stimulus must reach as many taxpayers as possible, or at least 120 million people;

(iv) the broadest range of taxpayers can be reached by offering a direct rebate based on income tax liability or payroll tax liability; and

(v) the tax stimulus bill should be immediate and take effect on or before July 1, 2001.

(D) It is the sense of the Senate that the levels in this resolution assume that the Senate should as soon as practical consider and pass a stimulus tax package pursuant to this budget resolution that will result in a rebate of

(i) up to $500 per individual or $1,000 per couple for 95 million taxpayers who pay income tax; and

(ii) up to $500 for the 25 million taxpayers who pay payroll taxes but do not have income tax liability.

SA 226. Mr. DOMENICI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 36, line 6, increase the amount by $967,000,000.

On page 36, line 7, increase the amount by $998,000,000.

On page 43, line 15, decrease the amount by $967,000,000.

On page 43, line 16, decrease the amount by $998,000,000.

On page 48, line 8, increase the amount by $967,000,000.

On page 48, line 9, increase the amount by $998,000,000.

SA 227. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $44,000,000.

On page 17, line 24, increase the amount by $14,960,000.

On page 18, line 3, increase the amount by $29,040,000.

On page 43, line 15, decrease the amount by $44,000,000.

On page 43, line 16, decrease the amount by $14,960,000.

On page 43, line 20, decrease the amount by $29,040,000.

notwithstanding any other provisions of this resolution it is the sense of the Senate that levels in this resolution assume that—

(1) $44,000,000 is provided to the Environmental Protection Agency to assist communities in upgrading their drinking water systems to comply with the arsenic standard; and

(2) the Federal government's travel expense are cut across-the-board by $44,000,000.

SA 228. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget of the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table, as follows:

On page 27; line 3, increase the amount by $250,000,000.

On page 27, line 4, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $250,000,000.

notwithstanding any other provisions of this resolution it is the sense of the Senate that the levels in this resolution assume that:

(1) afterschool programs under the 21st Century Community Learning Centers are funded at $1.5 billion in FY 2002; and

(2) the Federal Government's travel expenses are cut across-the-board by $250,000,000.

SA 229. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

SECTION . SENSE OF THE SENATE ON CAPPING THE SIZE OF A TAX CUT THAT ANY ONE INDIVIDUAL RECEIVES IN A YEAR.

(a) FINDINGS—The Senate finds that—

(1) the top one percent of taxpayer's income has grown over the past decade at a faster rate than the minimum wage;

(2) this inequality would grow if a tax cut was provided to any one individual greater than twice the sum of a year's earnings for a minimum wage worker;

(3) President Bush's tax cut proposal would provide $46,000 in tax cuts per year to the average income taxpayer in the top 1%, more than four times greater than a minimum wage worker currently earns in one year; and

(4) if the Senate wishes to increase the amount of a tax cut allowed for any one taxpayer in a year, it first has to increase the minimum wage accordingly.

(b) SENSE OF THE SENATE—It is the sense of the Senate that levels in this resolution assume that any funds designated for tax cuts will not be used to provide an annual tax cut to any individual in an amount more than twice the annual pay of a full-time, minimum wage worker.

SA 230. Mrs. BOXER submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $25,000,000.

On page 17, line 24, increase the amount by $8,500,000.

On page 18, line 3, increase the amount by $16,500,000.

On page 43, line 15, decrease the amount by $25,000,000.

On page 43, line 16, decrease the amount by $8,500,000.

On page 43, line 20, decrease the amount by $16,500,000.

SA 231. Mrs. MURRAY (for herself, Mr. AKAKA, Mr. LIEBERMAN, Mr. EDWARDS, Mrs. LINCOLN, Ms. CANTWELL, Mrs. BOXER, and Mr. REID) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $48,000,000.

On page 2, line 18, increase the amount by $77,000,000.

On page 3, line 1, increase the amount by $82,000,000.

On page 3, line 2, increase the amount by $88,000,000.

On page 3, line 3, increase the amount by $92,000,000.

On page 3, line 4, increase the amount by $91,000,000.

On page 3, line 5, increase the amount by $91,000,000.

On page 3, line 6, increase the amount by $93,000,000.

On page 3, line 7, increase the amount by $95,000,000.

On page 3, line 8, increase the amount by $97,000,000.

On page 3, line 13, decrease the amount by $48,000,000.

On page 3, line 14, decrease the amount by $77,000,000.

On page 3, line 15, decrease the amount by $82,000,000.

On page 3, line 16, decrease the amount by $88,000,000.

On page 3, line 17, decrease the amount by $92,000,000.

On page 3, line 18, decrease the amount by $91,000,000.

On page 3, line 19, decrease the amount by $91,000,000.

On page 3, line 20, decrease the amount by $93,000,000.

On page 3, line 21, decrease the amount by $95,000,000.

On page 3, line 22, decrease the amount by $97,000,000.

On page 4, line 3, increase the amount by $110,000,000.

On page 4, line 4, increase the amount by $86,000,000.

On page 4, line 5, increase the amount by $88,000,000.

On page 4, line 6, increase the amount by $90,000,000.

On page 4, line 7, increase the amount by $91,000,000.

On page 4, line 8, increase the amount by $91,000,000.

On page 4, line 9, increase the amount by $93,000,000.

On page 4, line 10, increase the amount by $95,000,000.

On page 4, line 11, increase the amount by $97,000,000.

On page 4, line 17, increase the amount by $77,000,000.

On page 4, line 18, increase the amount by $82,000,000.

On page 4, line 19, increase the amount by $88,000,000.

On page 4, line 20, increase the amount by $92,000,000.

On page 4, line 21, increase the amount by $91,000,000.

On page 4, line 22, increase the amount by $91,000,000.

On page 4, line 23, increase the amount by $93,000,000.

On page 5, line 1, increase the amount by $95,000,000.

On page 5, line 2, increase the amount by $97,000,000.

On page 25, line 6, increase the amount by $108,000,000.

On page 25, line 7, increase the amount by $48,000,000.

On page 25, line 10, increase the amount by $110,000,000.

On page 25, line 11, increase the amount by $77,000,000.

On page 25, line 14, increase the amount by $86,000,000.

On page 25, line 15, increase the amount by $82,000,000.

On page 25, line 18, increase the amount by $88,000,000.

On page 25, line 19, increase the amount by $88,000,000.

On page 25, line 22, increase the amount by $90,000,000.

On page 25, line 23, increase the amount by $92,000,000.

On page 26, line 2, increase the amount by $91,000,000.

On page 26, line 3, increase the amount by $91,000,000.

On page 26, line 6, increase the amount by $93,000,000.

On page 26, line 7, increase the amount by $91,000,000.

On page 26, line 10, increase the amount by $95,000,000.

On page 26, line 11, increase the amount by $93,000,000.

On page 26, line 14, increase the amount by $97,000,000.

On page 26, line 15, increase the amount by $95,000,000.

On page 26, line 18, increase the amount by $98,000,000.

On page 26, line 19, increase the amount by $97,000,000.

On page 43, line 15, decrease the amount by $108,000,000.

On page 43, line 16, decrease the amount by $48,000,000.

On page 48, line 8, increase the amount by $108,000,000.

On page 48, line 9, increase the amount by $48,000,000.

SA 232. Mr. KENNEDY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, decrease the amount by $70,000,000,000.

On page 2, line 17, increase the amount by $5,122,000,000.

On page 2, line 18, increase the amount by $13,106,000,000.

On page 3, line 1, increase the amount by $15,570,000,000.

On page 3, line 2, increase the amount by $17,512,000,000.

On page 3, line 3, increase the amount by $19,780,000,000.

On page 3, line 4, increase the amount by $19,924,000,000.

On page 3, line 5, increase the amount by $19,506,000,000.

On page 3, line 6, increase the amount by $20,334,000,000.

On page 3, line 7, increase the amount by $20,935,000,000.

On page 3, line 8, increase the amount by $21,323,000,000.

On page 3, line 12, increase the amount by $70,000,000,000.

On page 3, line 13, decrease the amount by $5,122,000,000.

On page 3, line 14, decrease the amount by $13,106,000,000.

On page 3, line 15, decrease the amount by $15,570,000,000.

On page 3, line 16, decrease the amount by $17,512,000,000.

On page 3, line 17, decrease the amount by $19,780,000,000.

On page 3, line 18, decrease the amount by $19,924,000,000.

On page 3, line 19, decrease the amount by $19,506,000,000.

On page 3, line 20, decrease the amount by $20,334,000,000.

On page 3, line 21, decrease the amount by $20,935,000,000.

On page 3, line 22, decrease the amount by $21,323,000,000.

On page 4, line 2, increase the amount by $15,973,000,000.

On page 4, line 3, increase the amount by $17,985,000,000.

On page 4, line 4, increase the amount by $19,343,000,000.

On page 4, line 5, increase the amount by $20,165,000,000.

On page 4, line 6, increase the amount by $21,483,000,000.

On page 4, line 7, increase the amount by $21,193,000,000.

On page 4, line 8, increase the amount by $20,463,000,000.

On page 4, line 9, increase the amount by $20,938,000,000.

On page 4, line 10, increase the amount by $21,518,000,000.

On page 4, line 11, increase the amount by $21,548,000,000.

On page 4, line 16, increase the amount by $5,122,000,000.

On page 4, line 17, increase the amount by $13,106,000,000.

On page 4, line 18, increase the amount by $15,570,000,000.

On page 4, line 19, increase the amount by $17,512,000,000.

On page 4, line 20, increase the amount by $19,780,000,000.

On page 4, line 21, increase the amount by $19,924,000,000.

On page 4, line 22, increase the amount by $19,506,000,000.

On page 4, line 23, increase the amount by $20,334,000,000.

On page 5, line 1, increase the amount by $20,935,000,000.

On page 5, line 2, increase the amount by $21,323,000,000.

On page 14, line 11, increase the amount by $1,250,000,000.

On page 14, line 12, increase the amount by $1,195,000,000.

On page 14, line 15, increase the amount by $1,750,000,000.

On page 14, line 16, increase the amount by $1,655,000,000.

On page 14, line 19, increase the amount by $2,250,000,000.

On page 14, line 20, increase the amount by $2,115,000,000.

On page 14, line 23, increase the amount by $2,750,000,000.

On page 14, line 24, increase the amount by $2,575,000,000.

On page 15, line 2, increase the amount by $3,250,000,000.

On page 15, line 3, increase the amount by $3,035,000,000.

On page 15, line 6, increase the amount by $3,250,000,000.

On page 15, line 7, increase the amount by $3,035,000,000.

On page 15, line 10, increase the amount by $3,250,000,000.

On page 15, line 11, increase the amount by $3,035,000,000.

On page 15, line 14, increase the amount by $3,750,000,000.

On page 15, line 15, increase the amount by $3,495,000,000.

On page 15, line 18, increase the amount by $3,750,000,000.

On page 15, line 19, increase the amount by $3,495,000,000.

On page 15, line 22, increase the amount by $3,750,000,000.

On page 15, line 23, increase the amount by $3,495,000,000.

On page 21, line 15, increase the amount by $188,000,000.

On page 21, line 6, increase the amount by $30,000,000.

On page 21, line 19, increase the amount by $225,000,000.

On page 21, line 20, increase the amount by $102,000,000.

On page 21, line 23, increase the amount by $263,000,000.

On page 21, line 24, increase the amount by $186,000,000.

On page 22, line 2, increase the amount by $300,000,000.

On page 22, line 3, increase the amount by $237,000,000.

On page 22, line 6, increase the amount by $338,000,000.

On page 22, line 7, increase the amount by $281,000,000.

On page 22, line 10, increase the amount by $338,000,000.

On page 22, line 11, increase the amount by $312,000,000.

On page 22, line 14, increase the amount by $338,000,000.

On page 22, line 15, increase the amount by $331,000,000.

On page 22, line 18, increase the amount by $338,000,000.

On page 22, line 19, increase the amount by $336,000,000.

On page 22, line 22, increase the amount by $338,000,000.

On page 22, line 23, increase the amount by $338,000,000.

On page 23, line 2, increase the amount by $338,000,000.

On page 23, line 3, increase the amount by $338,000,000.

On page 25, line 6, increase the amount by $300,000,000.

On page 25, line 7, increase the amount by $265,000,000.

On page 25, line 10, increase the amount by $300,000,000.

On page 25, line 11, increase the amount by $288,000,000.

On page 25, line 14, increase the amount by $300,000,000.

On page 25, line 15, increase the amount by $288,000,000.

On page 25, line 18, increase the amount by $325,000,000.

On page 25, line 19, increase the amount by $313,000,000.

On page 25, line 22, increase the amount by $325,000,000.

On page 25, line 23, increase the amount by $313,000,000.

On page 26, line 2, increase the amount by $325,000,000.

On page 26, line 3, increase the amount by $313,000,000.

On page 26, line 6, increase the amount by $325,000,000.

On page 26, line 7, increase the amount by $313,000,000.

On page 26, line 10, increase the amount by $350,000,000.

On page 26, line 11, increase the amount by $338,000,000.

On page 26, line 14, increase the amount by $350,000,000.

On page 26, line 15, increase the amount by $338,000,000.

On page 26, line 18, increase the amount by $350,000,000.

On page 26, line 19, increase the amount by $338,000,000.

On page 27, line 3, increase the amount by $12,055,000,000.

On page 27, line 4, increase the amount by $1,452,000,000.

On page 27, line 7, increase the amount by $12,890,000,000.

On page 27, line 8, increase the amount by $8,241,000,000.

On page 27, line 11, increase the amount by $14,460,000,000.

On page 27, line 12, increase the amount by $10,911,000,000.

On page 27, line 15, increase the amount by $14,780,000,000.

On page 27, line 16, increase the amount by $12,377,000,000.

On page 27, line 19, increase the amount by $15,350,000,000.

On page 27, line 20, increase the amount by $13,931,000,000.

On page 27, line 23, increase the amount by $15,400,000,000.

On page 27, line 24, increase the amount by $14,384,000,000.

On page 28, line 2, increase the amount by $15,950,000,000.

On page 28, line 3, increase the amount by $15,227,000,000.

On page 28, line 6, increase the amount by $16,250,000,000.

On page 28, line 7, increase the amount by $15,915,000,000.

On page 28, line 10, increase the amount by $16,800,000,000.

On page 28, line 11, increase the amount by $16,483,000,000.

On page 28, line 14, increase the amount by $16,800,000,000.

On page 28, line 15, increase the amount by $16,842,000,000.

On page 32, line 15, increase the amount by $2,180,000,000.

On page 32, line 16, increase the amount by $2,180,000,000.

On page 32, line 19, increase the amount by $2,820,000,000.

On page 32, line 20, increase the amount by $2,820,000,000.

On page 32, line 23, increase the amount by $2,070,000,000.

On page 32, line 24, increase the amount by $2,070,000,000.

On page 33, line 2, increase the amount by $2,010,000,000.

On page 33, line 3, increase the amount by $2,010,000,000.

On page 33, line 6, increase the amount by $2,220,000,000.

On page 33, line 7, increase the amount by $2,220,000,000.

On page 33, line 10, increase the amount by $1,880,000,000.

On page 33, line 11, increase the amount by $1,880,000,000.

On page 33, line 14, increase the amount by $600,000,000.

On page 33, line 15, increase the amount by $600,000,000.

On page 33, line 18, increase the amount by $250,000,000.

On page 33, line 19, increase the amount by $250,000,000.

On page 33, line 22, increase the amount by $280,000,000.

On page 33, line 23, increase the amount by $280,000,000.

On page 34, line 2, increase the amount by $310,000,000.

On page 34, line 3, increase the amount by $310,000,000.

On page 43, line 15, decrease the amount by $15,973,000,000.

On page 43, line 16, decrease the amount by $5,122,000,000.

On page 48, line 8, increase the amount by $15,973,000,000.

On page 48, line 9, increase the amount by $5,122,000,000.

At the end of the resolution, insert the following:

SEC. . SENSE OF CONGRESS ON THE NEED FOR A BUDGET THAT PRESERVES AMERICA'S ECONOMIC STRENGTH.

(a) FINDINGS.—Congress finds that—

(1) the historic economic growth that the Nation experienced over the past decade has largely been driven by the increased productivity of American workers and by technological advances;

(2) the Federal budget is an essential tool for responsible economic stewardship, both in providing effective short-term economic stimulus, and in promoting the long-term development of human resources and scientific research that are essential to preserve the Nation's economic health; and

(3) timely Federal tax and spending decisions have the capacity to produce further gains in productivity by building a better educated workforce, and to produce further scientific and technological breakthroughs by supporting ongoing research and development.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that—

(1) calendar year 2001 taxes are reduced by $70,000,000,000 in a manner that provides every taxpayer with a relatively equal amount of tax savings as expeditiously as practicable to provide the economy with an immediate stimulus;

(2) a plan increasing the level of exemption for property subject to the estate tax to $2,000,000 immediately and $4,000,000 over the decade, estimated to cost $66,000,000,000 between fiscal year 2002 and fiscal year 2011, is substituted for the Administration's proposal to repeal the estate tax at a cost of $267,000,000,000 over 10 years;

(3) the $200,000,000,000 that is saved as a result of substituting estate tax reform for repeal is used to strengthen the Nation's economy and keep it strong over the next decade by increasing budget authority by the following amounts over the amounts that were proposed at the outset of the Senate debate on the fiscal year 2002 budget resolution:

(A) Function 250, General Science, Space and Technology, is increased by $30,000,000,000 over the next 10 years, including $1,500,000,000 next year, to continue advancing science and technology through civilian research conducted under the auspices of the National Science Foundation, the National Aeronautic and Space Administration, and the Department of Energy;

(B) Function 370, Commerce and Housing Credit, is increased by $3,000,000,000 over the next 10 years, including $188,000,000 next year, to continue Department of Commerce initiatives that help small businesses create and use technology, including the Advanced Technology Program and the Manufacturing Extension Partnership;

(C) Function 450, Community and Regional Development, is increased by $3,000,000,000 over the next 10 years, including $300,000,000 next year, to clean and develop abandoned industrial sites in communities throughout the Nation under the Brownfields revitalization program administered by the Environmental Protection Agency;

(D) Function 500, Education, Training, Employment, and Social Services, is increased by $150,000,000,000 over the next 10 years, including $12,000,000,000 next year, to ensure that the kind of education and training needed to make economic opportunities available to all over the next decade, including—

(i) $65,000,000,000 for aid to disadvantaged students under title I of the Elementary and Secondary Education Act;

(ii) $12,000,000,000 to improve teacher quality;

(iii) $10,000,000,000 to continue reducing class sizes;

(iv) $7,000,000,000 to ensure access to quality bilingual education;

(v) $4,000,000,000 to continue repairing and modernizing schools;

(vi) $2,000,000,000 to improve teacher training under title II of the Higher Education Act;

(vii) $27,000,000,000 to increase the maximum Pell Grant to at least $4,700;

(viii) $2,000,000,000 for mentoring of low-income youth who have worked to prepare themselves for college;

(ix) $20,000,000,000 to expand employment training opportunities under the Workforce Investment Act and other programs specifically designed to assist workers to develop technology skills; and

(x) $1,000,000,000 to assist institutions of higher education in conducting business incubator initiatives;

(E) Function 600, Income Security, is increased by $14,000,000,000 over the next 10 years, including $2,180,000,000 next year, to ensure that the Nation's Unemployment Insurance System responds to the needs of the modern workforce in times of economic uncertainty;

(4) equally important to the Nation's continued economic health, the tax cuts authorized under this resolution should be structured to include provisions that would—

(A) make the Research and Development Tax Credit permanent;

(B) enable taxpayers to deduct college tuition for income tax purposes;

(C) promote energy conservation and development of renewable and alternative energy sources;

(D) encourage low-income working families to save and build assets, including a first home, small business, and a post-secondary education, through Individual Development Accounts;

(E) bridge the digital divide in small businesses;

(F) encourage employers to make remedial education available to employees; and

(G) adjust tax depreciation periods to accurately reflect the useful life of high-technology capital equipment;

(5) tax cuts provided to individual taxpayers under this resolution should be fairly distributed among all Federal taxpayers, considering the percentage of total Federal taxes paid by individuals, including income, payroll, and excise taxes; and

(6) tax cuts authorized under this resolution should not be backloaded so as to either deprive the economy of the greater short-term stimulus benefits of evenly distributing tax cuts over the decade, or to distort the true size of the tax cuts in later years.

SA 233. Mr. SARBANES (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H.Con.Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—The Senate finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to fund necessary fire safety precautions adequately.

(2) The Federal Government has an obligation to protect the health and safety of the firefighting and emergency medical personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting and emergency medical personnel.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should support the core operations of the Federal Emergency Management Agency by providing needed grant programs for assisting the Nation's firefighters and rescue and emergency medical personnel to respond to more than 17,000,000 emergency calls annually;

(2) to accomplish that task, the Senate supports full funding for the Firefighter Assistance program of grants and other assistance that is authorized by section 33 of the Federal Fire Prevention and Control Act of 1974; and

(3) funding the Firefighters Assistance program at the level of $300,000,000 authorized for the program for fiscal year 2002 will significantly assist local firefighters in adequately protecting themselves, as well as the lives and property of countless Americans from the dangers of fire.

SA 234. Mr. DODD (for himself, Mr. DURBIN, Mr. LEVIN, Mr. FEINGOLD, Mr. CORZINE, Mr. KENNEDY, and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $72,000,000.

On page 3, line 1, increase the amount by $458,000,000.

On page 3, line 2, increase the amount by $589,000,000.

On page 3, line 3, increase the amount by $654,000,000.

On page 3, line 4, increase the amount by $654,000,000.

On page 3, line 5, increase the amount by $654,000,000.

On page 3, line 6, increase the amount by $654,000,000.

On page 3, line 7, increase the amount by $654,000,000.

On page 3, line 8, increase the amount by $654,000,000.

On page 3, line 14, decrease the amount by $72,000,000.

On page 3, line 15, decrease the amount by $458,000,000.

On page 3, line 16, decrease the amount by $589,000,000.

On page 3, line 17, decrease the amount by $654,000,000.

On page 3, line 18, decrease the amount by $654,000,000.

On page 3, line 19, decrease the amount by $654,000,000.

On page 3, line 20, decrease the amount by $654,000,000.

On page 3, line 21, decrease the amount by $654,000,000.

On page 3, line 22, decrease the amount by $654,000,000.

On page 4, line 3, increase the amount by $654,000,000.

On page 4, line 4, increase the amount by $654,000,000.

On page 4, line 5, increase the amount by $654,000,000.

On page 4, line 6, increase the amount by $654,000,000.

On page 4, line 7, increase the amount by $654,000,000.

On page 4, line 8, increase the amount by $654,000,000.

On page 4, line 9, increase the amount by $654,000,000.

On page 4, line 10, increase the amount by $654,000,000.

On page 4, line 11, increase the amount by $654,000,000.

On page 4, line 17, increase the amount by $72,000,000.

On page 4, line 18, increase the amount by $458,000,000.

On page 4, line 19, increase the amount by $589,000,000.

On page 4, line 20, increase the amount by $654,000,000.

On page 4, line 21, increase the amount by $654,000,000.

On page 4, line 22, increase the amount by $654,000,000.

On page 4, line 23, increase the amount by $654,000,000.

On page 5, line 1, increase the amount by $654,000,000.

On page 5, line 2, increase the amount by $654,000,000.

On page 27, line 3, increase the amount by $654,000,000.

On page 27, line 4, increase the amount by $7,000,000.

On page 27, line 7, increase the amount by $654,000,000.

On page 27, line 8, increase the amount by $72,000,000.

On page 27, line 11, increase the amount by $654,000,000.

On page 27, line 12, increase the amount by $458,000,000.

On page 27, line 15, increase the amount by $654,000,000.

On page 27, line 16, increase the amount by $589,000,000.

On page 27, line 19, increase the amount by $654,000,000.

On page 27, line 20, increase the amount by $654,000,000.

On page 27, line 23, increase the amount by $654,000,000.

On page 27, line 24, increase the amount by $654,000,000.

On page 28, line 2, increase the amount by $654,000,000.

On page 28, line 3, increase the amount by $654,000,000.

On page 28, line 6, increase the amount by $654,000,000.

On page 28, line 7, increase the amount by $654,000,000.

On page 28, line 10, increase the amount by $654,000,000.

On page 28, line 11, increase the amount by $654,000,000.

On page 28, line 14, increase the amount by $654,000,000.

On page 28, line 15, increase the amount by $654,000,000.

On page 43, line 15, decrease the amount by $654,000,000.

On page 43, line 16, decrease the amount by $654,000,000.

On page 48, line 8, increase the amount by $654,000,000.

On page 48, line 9, increase the amount by $7,000,000.

SA 235. Mr. DODD (for himself, Ms. LANDRIEU, Mr. FEINGOLD, Mr. LEVIN, Mr. BINGAMAN, and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $4,479,000,000.

On page 3, line 1, increase the amount by $6,079,000,000.

On page 3, line 2, increase the amount by $6,399,000,000.

On page 3, line 3, increase the amount by $6,399,000,000.

On page 3, line 4, increase the amount by $6,399,000,000.

On page 3, line 5, increase the amount by $6,399,000,000.

On page 3, line 6, increase the amount by $6,399,000,000.

On page 3, line 7, increase the amount by $6,399,000,000.

On page 3, line 8, increase the amount by $6,399,000,000.

On page 3, line 14, decrease the amount by $4,479,000,000.

On page 3, line 15, decrease the amount by $6,079,000,000.

On page 3, line 16, decrease the amount by $6,399,000,000.

On page 3, line 17, decrease the amount by $6,399,000,000.

On page 3, line 18, decrease the amount by $6,399,000,000.

On page 3, line 19, decrease the amount by $6,399,000,000.

On page 3, line 20, decrease the amount by $6,399,000,000.

On page 3, line 21, decrease the amount by $6,399,000,000.

On page 3, line 22, decrease the amount by $6,399,000,000.

On page 4, line 3, increase the amount by $6,399,000,000.

On page 4, line 4, increase the amount by $6,399,000,000.

On page 4, line 5, increase the amount by $6,399,000,000.

On page 4, line 6, increase the amount by $6,399,000,000.

On page 4, line 7, increase the amount by $6,399,000,000.

On page 4, line 8, increase the amount by $6,399,000,000.

On page 4, line 9, increase the amount by $6,399,000,000.

On page 4, line 10, increase the amount by $6,399,000,000.

On page 4, line 11, increase the amount by $6,399,000,000.

On page 4, line 17, increase the amount by $4,479,000,000.

On page 4, line 18, increase the amount by $6,079,000,000.

On page 4, line 19, increase the amount by $6,399,000,000.

On page 4, line 20, increase the amount by $6,399,000,000.

On page 4, line 21, increase the amount by $6,399,000,000.

On page 4, line 22, increase the amount by $6,399,000,000.

On page 4, line 23, increase the amount by $6,399,000,000.

On page 5, line 1, increase the amount by $6,399,000,000.

On page 5, line 2, increase the amount by $6,399,000,000.

On page 27, line 3, increase the amount by $6,399,000,000.

On page 27, line 4, increase the amount by $320,000,000.

On page 27, line 7, increase the amount by $6,399,000,000.

On page 27, line 8, increase the amount by $4,479,000,000.

On page 27, line 11, increase the amount by $6,399,000,000.

On page 27, line 12, increase the amount by $6,079,000,000.

On page 27, line 15, increase the amount by $6,399,000,000.

On page 27, line 16, increase the amount by $6,399,000,000.

On page 27, line 19, increase the amount by $6,399,000,000.

On page 27, line 20, increase the amount by $6,399,000,000.

On page 27, line 23, increase the amount by $6,399,000,000.

On page 27, line 24, increase the amount by $6,399,000,000.

On page 28, line 2, increase the amount by $6,399,000,000.

On page 28, line 3, increase the amount by $6,399,000,000.

On page 28, line 6, increase the amount by $6,399,000,000.

On page 28, line 7, increase the amount by $6,399,000,000.

On page 28, line 10, increase the amount by $6,399,000,000.

On page 28, line 11, increase the amount by $6,399,000,000.

On page 28, line 14, increase the amount by $6,399,000,000.

On page 28, line 15, increase the amount by $6,399,000,000.

On page 43, line 15, decrease the amount by $6,399,000,000.

On page 43, line 16, decrease the amount by $320,000,000.

On page 48, line 8, increase the amount by $6,399,000,000.

On page 48, line 9, increase the amount by $320,000,000.

SA 236. Mr. DEWINE (for himself, Mr. GRAHAM, Ms. SNOWE, Ms. MIKULSKI, Mr. BREAUX, Ms. LANDRIEU, and Mr. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States

Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 23, line 11, increase the amount by $250,000,000.

On page 23, line 12, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $250,000,000.

At the end of the amendment, insert the following:

SEC. . SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counter narcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

SA 237. Mr. GRASSLEY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or if an amendment is offered, or a conference report is submitted, which provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the "Family Opportunity Act of 2001"), the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $200,000,000 in new budget authority and outlays for fiscal year 2002 and $7,900,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Federal Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SA 238. Mr. LEAHY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 38, line 2, increase the amount by $1,500,000,000.

On page 38, line 3, increase the amount by $1,500,000,900.

On page 43, line 15, decrease the amount by $1,500,000,000.

On page 43, line 16, decrease the amount by $1,500,000,000.

On page 48, line 8, increase the amount by $1,500,000,000.

On page 48, line 9, increase the amount by $1,500,000,000.

SEC. . FUNDING FOR DEPARTMENT OF JUSTICE PROGRAMS FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

(a) FINDINGS.—The Senate finds that—

(1) the national rate of serious crime dropped for the last 8 years in a row;

(2) the national rate of violent crime, including murders and rapes, is at its lowest level since 1978;

(3) the success in reducing serious crime and violent crime rates across the Nation is due in large part to the crime-fighting partnership between the Department of Justice and State and local law enforcement agencies and benefits from Department of Justice programs for State and local law enforcement assistance;

(4) on February 28, 2001, President George W. Bush submitted to Congress the Administration's budget highlights, "A Blueprint For New Beginnings," which proposed "redirecting" $1,500,000,000 out of a total of $4,600,000,000 that has been dedicated for Department of Justice programs for State and local law enforcement assistance;

(5) for fiscal year 2001, Congress appropriated $523,000,000 for the Local Law Enforcement Block Grant Program, including $60,000,000 to the Boys and Girls Clubs of America for grants to Boys and Girls Clubs across the Nation, within the Department of Justice programs for State and local law enforcement assistance;

(6) for fiscal year 2001, Congress appropriated $25,500,000 for the Bulletproof Vest Partnership Grant Program within the Department of Justice programs for State and local law enforcement assistance and Congress passed the Bulletproof Vest Partnership Grant Act of 2000 (Public Law 106-517) to authorize $50,000,000 for the Bulletproof Vest Partnership Grant Program for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(7) for fiscal year 2001, Congress appropriated $569,050,000 for the Edward Byrne Memorial State and Local Assistance Program for Byrne discretionary and formula grants within the Department of Justice programs for State and local law enforcement assistance;

(8) for fiscal year 2001, Congress appropriated $686,500,000 for State prison grants, including the Violent Offender Incarceration Grant Program and Truth-In-Sentencing Incentive Program, within the Department of Justice programs for State and local law enforcement assistance;

(9) for fiscal year 2001, Congress appropriated $250,000,000 for the Juvenile Accountability Incentive Block Grant Program within the Department of Justice programs for State and local law enforcement assistance;

(10) for fiscal year 2001, Congress appropriated $470,000,000 for Police Hiring Initiatives, $227,500,000 for the Safe Schools Initiative, $140,000,000 for the COPS Technology Program, and $48,500,000 for the COPS Methamphetamine/Drug "Hot Spots" Program under the Community Oriented Policing Services (COPS) Program within the Department of Justice programs for State and local law enforcement assistance;

(11) for fiscal year 2001, Congress appropriated $288,679,000 for grants to support the Violence Against Women Act within the Department of Justice programs for State and local law enforcement assistance and Congress passed the Violence Against Women Act of 2000 (Public Law 106-386) to authorized grants of approximately $390,000,000 for grants to support the Violence Against Women Act for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(12) for fiscal year 2001, Congress appropriated $130,000,000 for the Crime Identification Technology Act within the Department of Justice programs for State and local law enforcement assistance;

(13) for fiscal year 2001, Congress appropriated $279,097,000 for Juvenile Justice and Delinquency Prevention Programs within the Department of Justice programs for State and local law enforcement assistance;

(14) in 2000, Congress passed the Computer Crime Enforcement Act (Public Law 106-572) to authorize $25,000,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(15) in 2000, Congress passed the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) to authorize $65,000,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance; and

(16) in 2000, Congress passed the Paul Coverdell National Forensic Science Improvement Act of 2000 to authorize $85,400,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume an increase of $1,500,000 for fiscal year 2002 for the following Department of Justice programs for State and local law enforcement assistance to be provided for without reduction and consistent with previous appropriated and authorized levels: Local Law Enforcement Block Grant Program; Boys and Girls Clubs of America Grant Program; Bulletproof Vest Partnership Grant Program; Edward Byrne Memorial State and Local Assistance Program; Violent Offender Incarceration Prison Grant Program; Truth-In-Sentencing Prison Grant Program; Juvenile Accountability Incentive Block Grant Program; COPS Program; Violence Against Women Act; Crime Identification Technology Act; Juvenile Justice and Delinquency Prevention Programs; Computer Crime Enforcement Act; DNA Analysis Backlog Elimination Act; and Paul Coverdell National Forensic Science Improvement Act.

SA 239. Mr. DAYTON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING CONSIDERATION OF LEGISLATION PROVIDING MEDICARE BENEFICIARIES WITH OUTPATIENT PRESCRIPTION DRUG COVERAGE.

It is the sense of the Senate that, by not later than June 20, 2001, the Senate should consider legislation that provides medicare beneficiaries with outpatient prescription drug coverage.

SA 240. Mr. SMITH of Oregon (for himself, Mr. WYDEN, Mr. BAUCUS, Mr. KENNEDY, Ms. SNOWE, Mr. SANTORUM, and Ms. COLLINS) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 4, line 2, increase the amount by $8,000,000,000.

On page 4, line 3, increase the amount by $10,000,000,000.

On page 4, line 4, increase the amount by $10,000,000,000.

On page 4, line 16, increase the amount by $8,000,000,000.

On page 4, line 17, increase the amount by $10,000,000,000.

On page 4, line 18, increase the amount by $10,000,000,000.

On page 5, line 7, decrease the amount by $8,000,000,000.

On page 5, line 8, decrease the amount by $10,000,000,000.

On page 5, line 9, decrease the amount by $10,000,000,000.

On page 28, line 23, increase the amount by $8,000,000,000.

On page 28, line 24, increase the amount by $8,000,000,000.

On page 29, line 2, increase the amount by $10,000,000,000.

On page 29, line 3, increase the amount by $10,000,000,000.

On page 29, line 6, increase the amount by $10,000,000,000.

On page 29, line 7, increase the amount by $10,000,000,000.

On page 5, line 20, increase the amount by $8,000,000,000.

On page 5, line 21, increase the amount by $18,000,000,000.

On page 5, line 22, increase the amount by $28,000,000,000.

On page 6, line 8, increase the amount by $8,000,000,000.

On page 6, line 9, increase the amount by $18,000,000,000.

On page 6, line 10, increase the amount by $28,000,000,000.

SA 241. Mr. KENNEDY submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $1,483,000,000.

On page 3, line 1, increase the amount by $2,040,000,000.

On page 3, line 2, increase the amount by $2,185,000,000.

On page 3, line 3, increase the amount by $2,227,000,000.

On page 3, line 4, increase the amount by $2,270,000,000.

On page 3, line 5, increase the amount by $2,313,000,000.

On page 3, line 6, increase the amount by $2,357,000,000.

On page 3, line 7, increase the amount by $2,401,000,000.

On page 3, line 8, increase the amount by $2,447,000,000.

On page 3, line 14, decrease the amount by $1,483,000,000.

On page 3, line 15, decrease the amount by $2,040,000,000.

On page 3, line 16, decrease the amount by $2,185,000,000.

On page 3, line 17, decrease the amount by $2,227,000,000.

On page 3, line 18, decrease the amount by $2,270,000,000.

On page 3, line 19, decrease the amount by $2,313,000,000.

On page 3, line 20, decrease the amount by $2,357,000,000.

On page 3, line 21, decrease the amount by $2,401,000,000.

On page 3, line 22 decrease the amount by $2,447,000,000.

On page 4, line 3, iecrease the amount by $2,156,000,000.

On page 4, line 4, iecrease the amount by $2,198,000,000.

On page 4, line 5, increase the amount by $2,239,000,000.

On page 4, line 6, increase the amount by $2,283,000,000.

On page 4, line 7, increase the amount by $2,326,000,000.

On page 4, line 8, increase the amount by $2,369,000,000.

On page 4, line 9, increase the amount by $2,415,000,000.

On page 4, line 10, increase the amount by $2,461,000,000.

On page 4, line 11, increase the amount by $2,508,000,000.

On page 4, line 17, increase the amount by $1,483,000,000.

On page 4, line 18, increase the amount by $2,040,000,000.

On page 4, line 19, increase the amount by $2,185,000,000.

On page 4, line 20, increase the amount by $2,227,000,000.

On page 4, line 21, increase the amount by $2,270,000,000.

On page 4, line 22, increase the amount by $2,313,000,000.

On page 4, line 23, increase the amount by $2,357,000,000.

On page 5, line 1, increase the amount by $2,401,000,000.

On page 5, line 1, increase the amount by $2,447,000,000.

On page 27, line 3, increase the amount by $2,115,000,000.

On page 27, line 4, increase the amount by $106,000,000.

On page 27, line 7, increase the amount by $2,156,000,000.

On page 27, line 8, increase the amount by $1,483,000,000.

On page 27, line 11, increase the amount by $2,198,000,000.

On page 27, line 12, increase the amount by $2,040,000,000.

On page 27, line 15, increase the amount by $2,239,000,000.

On page 27, line 16, increase the amount by $2,185,000,000.

On page 27, line 19, increase the amount by $2,283,000,000.

On page 27, line 20, increase the amount by $2,227,000,000.

On page 27, line 23, increase the amount by $2,326,000,000.

On page 27, line 24, increase the amount by $2,270,000,000.

On page 28, line 2, increase the amount by $2,369,000,000.

On page 28, line 3, increase the amount by $2,313,000,000.

On page 28, line 6, increase the amount by $2,415,000,000.

On page 28, line 7, increase the amount by $2,357,000,000.

On page 28, line 10, increase the amount by $2,461,000,000.

On page 28, line 11, increase the amount by $2,401,000,000.

On page 28, line 14, increase the amount by $2,508,000,000.

On page 28, line 15, increase the amount by $2,447,000,000.

On page 43, line 15, decrease the amount by $2,115,000,000.

On page 43, line 16, decrease the amount by $106,000,000.

On page 48, line 8, increase the amount by $2,115,000,000.

On page 48, line 9, increase the amount by $106,000,000.

SA 242. Mr. BIDEN (for himself, Mrs. BOXER, Mr. DASCHLE, Mrs. CLINTON, Mr. DAYTON, Mr. LEVIN, Ms. STABENOW, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $295,000,000.

On page 3, line 13, decrease the amount by $295,000,000.

On page 38, line 2, increase the amount by $295,000,000.

On page 38, line 3, increase the amount by $295,000,000.

On page 43, line 15, decrease the amount by $295,000,000.

On page 43, line 16, decrease the amount by $295,000,000.

On page 48, line 8, increase the amount by $295,000,000.

On page 48, line 9, increase the amount by $295,000,000.

SEC. . FUNDING FOR DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) State and local law enforcement officers provide essential services that preserve and protect our freedom and safety and, with the support of the Community Oriented Policing Services program (referred to in this section as the "COPS program"), State and local law enforcement officers have succeeded in dramatically reducing violent crime.

(2) Due in part to the assistance provided under the COPS program, our Nation's crime rate has reached its lowest level in more than a generation.

(3) As a result of the COPS program, State and local law enforcement agencies have received funds for more than 110,000 officers and 73,600 of those officers are on the beat, fighting crime, and improving the quality of life in our neighborhoods and schools.

(4) the COPS in Schools Program fosters important relationships between school systems and local police departments. As the recent acts of school violence have shown us, having a police officer in schools saves lives.

(5) The COPS program has assisted in advancing community policing nationwide. Today, 86 percent of the Nation is served by a law enforcement agency that has full-time officers engaged in community policing activities.

(6) Law enforcement organizations such as the International Association of Chiefs of Police, the International Brotherhood of Police Officers, the Fraternal Order of Police, the National Sheriffs' Association, the National Troopers Coalition, the Federal Law Enforcement Officers Association, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the Police Executive Research Forum, and the Major Cities Chiefs support the continuation and full funding of the COPS program through fiscal year 2007.

(7) The implementation of community policing as a law enforcement strategy is an important factor in the recent reduction of crime in our communities. The national crime rate has fallen for an unprecedented 8½ years. The violent crime rate in 1999 fell to its lowest levels since 1978. The COPS program has demonstrated the Nation's commitment to help reduce the crime rate to levels unseen for the past 26 years.

(8) Despite recent gains, crime is still too high in the United States. A violent crime is committed every 22 seconds, a woman raped every 6 minutes, and person murdered every 34 minutes in the United States.

(9) On February 28, 2001, President George W. Bush submitted to Congress the Administration's budget highlights, "A Blueprint for New Beginnings," which stated, "[t]o a great degree, States and localities have proved themselves able to pursue vigorous law enforcement agendas without relying on Federal grant funding."

(10) "A Blueprint for New Beginnings" makes no mention of the COPS program.

(11) On April 1, 2001, the Washington Post reported that "[t]he Community Policing Services Program (COPS) . . . will be cut by 13 percent, from $1 billion to about $850 million."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume the commitment of the Federal Government to continue funding the COPS program, and that funding for the COPS program will continue at levels necessary to hire up to 50,000 new officers, hire community prosecutors, and assist local police departments in procuring the latest high-technology crime fighting equipment.

SA 243. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND.

(a) FINDINGS.—The Senate finds the following:

(1) Our Federal, State, and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with Federal assistance in the form of the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant program, the COPS program, and the Byrne Grant program, State and local law enforcement officers have succeeded in reducing violent crime. The violent crime rate has dropped in each of the years since the Violent Crime Reduction Trust Fund was established.

(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders, has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation.

(3) Through a comprehensive effort by State and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling, and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women.

(4) Despite recent gains, crime is still too high in the United States. A violent crime is committed every 22 seconds, a woman raped every 6 minutes, and a person murdered every 34 minutes in the United States.

(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a national anti-crime strategy, and should be maintained.

(6) The recent gains by Federal, State, and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and other assistance is required to sustain and build upon these gains.

(7) The Violent Crime Reduction Trust Fund, enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant program, the Violent Offender/Truth in Sentencing Incentive Grants program, the Violence Against Women Act, the COPS program, and the Byrne Grant program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005.

On page 27, line 3, increase the amount by $628,000,000.

On page 27, line 4, increase the amount by $35,000,000.

On page 27, line 7, increase the amount by $657,000,000.

On page 27, line 8, increase the amount by $438,000,000.

On page 27, line 11, increase the amount by $687,000,000.

On page 27, line 12, increase the amount by $619,000,000.

On page 27, line 15, increase the amount by $716,000,000.

On page 27, line 16, increase the amount by $678,000,000.

On page 27, line 19, increase the amount by $747,000,000.

On page 27, line 20, increase the amount by $707,000,000.

On page 27, line 23, increase the amount by $778,000,000.

On page 27, line 24, increase the amount by $738,000,000.

On page 28, line 2, increase the amount by $808,000,000.

On page 28, line 3, increase the amount by $768,000,000.

On page 28, line 6, increase the amount by $841,000,000.

On page 28, line 7, increase the amount by $799,000,000.

On page 28, line 10, increase the amount by $873,000,000.

On page 28, line 11, increase the amount by $831,000,000.

On page 28, line 14, increase the amount by $907,000,000.

On page 28, line 15, increase the amount by $864,000,000.

On page 43, line 15, decrease the amount by $628,000,000.

On page 43, line 16, decrease the amount by $35,000,000.

On page 43, line 19, decrease the amount by $657,000,000.

On page 43, line 20, decrease the amount by $438,000,000.

On page 43, line 23, decrease the amount by $687,000,000.

On page 43, line 24, decrease the amount by $619,000,000.

On page 44, line 2, decrease the amount by $716,000,000.

On page 44, line 3, decrease the amount by $678,000,000.

On page 44, line 6, decrease the amount by $747,000,000.

On page 44, line 7, decrease the amount by $707,000,000.

On page 44, line 10, decrease the amount by $778,000,000.

On page 44, line 11, decrease the amount by $738,000,000.

On page 44, line 14, decrease the amount by $808,000,000.

On page 44, line 15, decrease the amount by $768,000,000.

On page 44, line 18, decrease the amount by $841,000,000.

On page 44, line 19, decrease the amount by $799,000,000.

On page 44, line 22, decrease the amount by $873,000,000.

On page 44, line 23, decrease the amount by $831,000,000.

On page 45, line 2, decrease the amount by $907,000,000.

On page 45, line 3, decrease the amount by $864,000,000.

SA 245. Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Ms. SNOWE, Ms. COLLINS, and Mr. SARBANES) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $800,000,000.

On page 17, line 24, increase the amount by $800,000,000.

On page 43, line 15, decrease the amount by $800,000,000.

On page 43, line 16, decrease the amount by $800,000,000.

SA 246. Mr. SMITH of Oregon (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 5, line 8, decrease the amount by $100,000,000.

On page 4, line 3, increase the amount by $100,000,000.

On page 4, line 17, increase the amount by $100,000,000.

On page 17, line 23, increase the amount by $100,000,000.

On page 17, line 24, increase the amount by $100,000,000.

On page 18, line 2, increase the amount by $100,000,000.

On page 18, line 3, increase the amount by $100,000,000.

On page 43, line 15, decrease the amount by $100,000,000.

On page 43, line 16, decrease the amount by $100,000,000.

SA 247. Mr. SANTORUM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A PROPERTY RIGHT GUARANTEE FOR SOCIAL SECURITY BENEFICIARIES.

(a) FINDINGS.—The Senate finds that—

(1) the social security program is the foundation of retirement income for most Americans, and that solving the financial problems of the social security program is a vital national priority and essential for the retirement security of today's working Americans and their families;

(2) the 2001 Board of Trustee's report states that due to an upward shift in the average age of the population, the current social security system faces significant financing shortages, with cash-flow deficits projected to rise to levels in excess of 6 percent of taxable payroll (more than $1,000,000,000,000 in nominal dollars) by the end of the 75-year period;

(3) saving and strengthening social security must protect current and future beneficiaries, including the disadvantaged and disabled adults or children, who disproportionately depend on social security;

(4) after paying social security taxes over their working lifetimes and planning for retirement with the expectation that they will receive adequate social security benefits, many Americans are unaware that the Supreme Court has established that seniors' social security benefits are not protected or guaranteed under law, that Congress can reduce or end social security benefits at any time; and

(5) Congress and the President have an obligation to enact fiscally sustainable and actuarially sound long-term social security reform in a timely fashion and in a manner that treats successive birth cohorts equitably, and to assure that current and near beneficiaries will not be adversely affected by such reforms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that establishing a legally binding property right to social security retirement benefits for each American who reaches retirement age and applies for benefits should be a legislative priority of Congress.

SA 248. Mr. CORZINE (for himself and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) While various public housing developments suffer from serious crime problems, many have made significant progress in reducing crime through initiatives funded by the Public Housing Drug Elimination Program (PHDEP).

(2) PHDEP was first established in 1988 under former President George Bush and the former Secretary of the Department of Housing and Urban Development, Jack Kemp, and has enjoyed strong bipartisan support since its inception.

(3) PHDEP funds a wide variety of anticrime initiatives, that include—

(A) the employment of security personnel and investigators;

(B) the reimbursement of local law enforcement agencies for additional security;

(C) drug education and prevention, intervention, and treatment programs;

(D) voluntary resident patrols; and

(E) physical improvements designed to enhance security, including fences and cameras.

(4) PHDEP has successfully enabled housing authorities to work cooperatively with residents, local officials, police departments, community groups, Boys and Girls Clubs, drug counseling centers, and other community-based organizations to develop locally-supported anticrime initiatives.

(5) The Internet web site of the Department of Housing and Urban Development has stated that the program's "success is rooted in the fact that the people respond better and become more involved in something they have helped to build".

(6) In addition to providing direct funding for anticrime initiatives, PHDEP has developed housing authorities leverage funding from other sources that might otherwise be unavailable, such as funding for local banks, Rotary and Kiwanis Clubs, and private foundations.

(7) A portion of funding allocated to the PHDEP is also used to reduce crime in privately-owned, publicly assisted housing, and assisted housing on Indian reservations, which also can suffer from serious crime problems.

(8) The Internet web site of the Department of Housing and Urban Development has pointed out that "in several of the Nation's largest public housing authorities—largest in terms of unit size—the rate of crime has fallen since the mid-1990's, even though the crime rate in the respective surrounding communities increased. And know that crime levels in many housing authorities are dropping, in both absolute and percentage terms. These are merely the successes that we can measure. There are many more that are simply immeasurable.".

(9) Congress has recognized the success of the PHDEP by increasing program funding from $8,200,000 in fiscal year 1989 to $310,000,000 in fiscal year 2001.

(10) Evicting residents who engage in unlawful activity can help reduce crime, but much of the crime in public housing is perpetrated by nonresidents, and evictions must be supplemented by the more comprehensive anticrime approach supported by the PHDEP.

(11) Public housing authorities could use operating subsidies to fund some anticrime initiatives under applicable law, but those subsidies are based on a formula that does not account for PHDEP eligible activities and are inadequate to fund most of the anticrime initiatives supported by the program, and PHDEP has the added advantage of requiring public housing authorities to develop and implement anticrime plans with the support and participation of residents and local communities, which has proved critical in ensuring the effectiveness of such plans.

(12) While, as with any program of its size, there have been reports of isolated problems, PHDEP generally has been well run and free of the widespread abuses that have plagued other housing programs in the past, in part because of the broad participation of residents and local communities, and because the program has required housing authorities to provide comprehensive plans before receiving funds, and complete reports on their progress.

(13) During the process leading to his confirmation, the Secretary of the Department of Housing and Urban Development, Mel

Martinez, stated in a written response to a question posed by Senator Jon S. Corzine that, "HUD's Public Housing Drug Elimination Program, PHDEP, supports a wide variety of efforts by public and Indian housing authorities to reduce or eliminate drug-related crime in public housing developments. Based on this core purpose, I certainly support the program.".

(14) PHDEP is critical not only to millions of public and assisted housing residents, most of whom are hard working, law abiding citizens, but also to surrounding communities, residents of which also suffer if neighboring housing developments are plagued with high rates of crime.

(15) Continued funding of PHDEP would demonstrate that the Nation is serious about maintaining its commitment to reducing the problem of crime in public housing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reducing crime in public housing should be a priority; and

(2) the successful Public Housing Drug Elimination Program should be fully funded.

SA 249. Mr. KERRY (for himself, Mr. LIEBERMAN, Mr. REID, Mr. BINGAMAN, Ms. LANDRIEU, Ms. CANTWELL, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $450,000,000.

On page 3, line 1, increase the amount by $450,000,000.

On page 3, line 2, increase the amount by $450,000,000.

On page 3, line 3, increase the amount by $450,000,000.

On page 3, line 4, increase the amount by $450,000,000.

On page 3, line 5, increase the amount by $450,000,000.

On page 3, line 6, increase the amount by $450,000,000.

On page 3, line 7, increase the amount by $450,000,000.

On page 3, line 8, increase the amount by $450,000,000.

On page 3, line 14, decrease the amount by $450,000,000.

On page 3, line 15, decrease the amount by $450,000,000.

On page 3, line 16, decrease the amount by $450,000,000.

On page 3, line 17, decrease the amount by $450,000,000.

On page 3, line 18, decrease the amount by $450,000,000.

On page 3, line 19, decrease the amount by $450,000,000.

On page 3, line 20, decrease the amount by $450,000,000.

On page 3, line 21, decrease the amount by $450,000,000.

On page 3, line 22, decrease the amount by $450,000,000.

On page 4, line 3, increase the amount by $450,000,000.

On page 4, line 4, increase the amount by $450,000,000.

On page 4, line 5, increase the amount by $450,000,000.

On page 4, line 6, increase the amount by $450,000,000.

On page 4, line 7, increase the amount by $450,000,000.

On page 4, line 8, increase the amount by $450,000,000.

On page 4, line 9, increase the amount by $450,000,000.

On page 4, line 10, increase the amount by $450,000,000.

On page 4, line 11, increase the amount by $450,000,000.

On page 4, line 17, increase the amount by $450,000,000.

On page 4, line 18, increase the amount by $450,000,000.

On page 4, line 19, increase the amount by $450,000,000.

On page 4, line 20, increase the amount by $450,000,000.

On page 4, line 21, increase the amount by $450,000,000.

On page 4, line 22, increase the amount by $450,000,000.

On page 4, line 23, increase the amount by $450,000,000.

On page 5, line 1, increase the amount by $450,000,000.

On page 5, line 2, increase the amount by $450,000,000.

On page 12, line 16, increase the amount by $50,000,000.

On page 12, line 17, increase the amount by $33,000,000.

On page 12, line 20, increase the amount by $50,000,000.

On page 12, line 21, increase the amount by $50,000,000.

On page 12, line 24, increase the amount by $50,000,000.

On page 12, line 25, increase the amount by $50,000,000.

On page 13, line 3, increase the amount by $50,000,000.

On page 13, line 4, increase the amount by $50,000,000.

On page 13, line 7, increase the amount by $50,000,000.

On page 13, line 8, increase the amount by $50,000,000.

On page 13, line 11, increase the amount by $50,000,000.

On page 13, line 12, increase the amount by $50,000,000.

On page 13, line 15, increase the amount by $50,000,000.

On page 13, line 16, increase the amount by $50,000,000.

On page 13, line 19, increase the amount by $50,000,000.

On page 13, line 20, increase the amount by $50,000,000.

On page 13, line 23, increase the amount by $50,000,000.

On page 13, line 24, increase the amount by $50,000,000.

On page 14, line 2, increase the amount by $50,000,000.

On page 14, line 3, increase the amount by $50,000,000.

On page 14, line 11, increase the amount by $50,000,000.

On page 14, line 12, increase the amount by $45,000,000.

On page 14, line 15, increase the amount by $50,000,000.

On page 14, line 16, increase the amount by $50,000,000.

On page 14, line 19, increase the amount by $50,000,000.

On page 14, line 20, increase the amount by $50,000,000.

On page 14, line 23, increase the amount by $50,000,000.

On page 14, line 24, increase the amount by $50,000,000.

On page 15, line 2, increase the amount by $50,000,000.

On page 15, line 3, increase the amount by $50,000,000.

On page 15, line 6, increase the amount by $50,000,000.

On page 15, line 7, increase the amount by $50,000,000.

On page 15, line 10, increase the amount by $50,000,000.

On page 15, line 11, increase the amount by $50,000,000.

On page 15, line 14, increase the amount by $50,000,000.

On page 15, line 15, increase the amount by $50,000,000.

On page 15, line 18, increase the amount by $50,000,000.

On page 15, line 19, increase the amount by $50,000,000.

On page 15, line 22, increase the amount by $50,000,000.

On page 15, line 23, increase the amount by $50,000,000.

On page 16, line 5, increase the amount by $205,000,000.

On page 16, line 6, increase the amount by $192,000,000.

On page 16, line 8, increase the amount by $205,000,000.

On page 16, line 9, increase the amount by $205,000,000.

On page 16, line 11, increase the amount by $205,000,000.

On page 16, line 12, increase the amount by $205,000,000.

On page 16, line 14, increase the amount by $205,000,000.

On page 16, line 15, increase the amount by $205,000,000.

On page 16, line 18, increase the amount by $205,000,000.

On page 16, line 19, increase the amount by $205,000,000.

On page 16, line 22, increase the amount by $205,000,000.

On page 16, line 23, increase the amount by $205,000,000.

On page 17, line 2, increase the amount by $205,000,000.

On page 17, line 3, increase the amount by $205,000,000.

On page 17, line 6, increase the amount by $205,000,000.

On page 17, line 7, increase the amount by $205,000,000.

On page 17, line 10, increase the amount by $205,000,000.

On page 17, line 11, increase the amount by $205,000,000.

On page 17, line 14, increase the amount by $205,000,000.

On page 17, line 15, increase the amount by $205,000,000.

On page 17, line 23, increase the amount by $100,000,000.

On page 17, line 24, increase the amount by $60,000,000.

On page 18, line 2, increase the amount by $100,000,000.

On page 18, line 3, increase the amount by $100,000,000.

On page 18, line 6, increase the amount by $100,000,000.

On page 18, line 7, increase the amount by $100,000,000.

On page 18, line 10, increase the amount by $100,000,000.

On page 18, line 11, increase the amount by $100,000,000.

On page 18, line 14, increase the amount by $100,000,000.

On page 18, line 15, increase the amount by $100,000,000.

On page 18, line 18, increase the amount by $100,000,000.

On page 18, line 19, increase the amount by $100,000,000.

On page 18, line 22, increase the amount by $100,000,000.

On page 18, line 23, increase the amount by $100,000,000.

On page 19, line 2, increase the amount by $100,000,000.

On page 19, line 3, increase the amount by $100,000,000.

On page 19, line 6, increase the amount by $100,000,000.

On page 19, line 7, increase the amount by $100,000,000.

On page 19, line 10, increase the amount by $100,000,000.

On page 19, line 11, increase the amount by $100,000,000.

On page 19, line 19, increase the amount by $45,000,000.

On page 19, line 20, increase the amount by $41,000,000.

On page 19, line 23, increase the amount by $45,000,000.

On page 19, line 24, increase the amount by $45,000,000.

On page 20, line 2, increase the amount by $45,000,000.

On page 20, line 3, increase the amount by $45,000,000.

On page 20, line 6, increase the amount by $45,000,000.

On page 20, line 7, increase the amount by $45,000,000.

On page 20, line 10, increase the amount by $45,000,000.

On page 20, line 11, increase the amount by $45,000,000.

On page 20, line 14, increase the amount by $45,000,000.

On page 20, line 15, increase the amount by $45,000,000.

On page 20, line 18, increase the amount by $45,000,000.

On page 20, line 19, increase the amount by $45,000,000.

On page 20, line 22, increase the amount by $45,000,000.

On page 20, line 23, increase the amount by $45,000,000.

On page 21, line 2, increase the amount by $45,000,000.

On page 21, line 3, increase the amount by $45,000,000.

On page 21, line 6, increase the amount by $45,000,000.

On page 21, line 7, increase the amount by $45,000,000.

On page 43, line 15, decrease the amount by $450,000,000.

On page 43, line 16, decrease the amount by $369,000,000.

On page 48, line 8, increase the amount by $450,000,000.

On page 48, line 9, increase the amount by $369,000,000.

SA 250. Ms. LANDRIEU (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE CONCERNING AN ADJUSTMENT FOR USE OF OUTER CONTINENTAL SHELF PROCEEDS.

It is the sense of the Senate that—

(1) the levels in this resolution assume that in making appropriations and revenue decisions in any case in which—

(A) the Committee on Energy and Natural Resources of the Senate reports a bill that would use proceeds from outer Continental Shelf leasing and production to fund historic preservation, recreation, and land, water, and fish and wildlife conservation efforts and to provide coastal impact assistance and support other coastal conservation needs and activities; or

(B) an amendment to such a bill is offered or a conference report on such a bill is submitted;

the Senate supports the use of those proceeds for those purposes; and

(2) the Senate supports an increase in the allocation of budget authority and outlays to the Committee on Energy and Natural Resources of the Senate by the amount of budget authority and resulting outlays provided for under the bill, amendment, or conference report, in an amount not to exceed $3,100,000,000 in new budget authority and outlays for each of fiscal years 2002 through 2011.

SA 251. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $262,000,000.

On page 3, line 1, increase the amount by $1,706,000,000.

On page 3, line 2, increase the amount by $2,655,000,000.

On page 3, line 3, increase the amount by $3,506,000,000.

On page 3, line 4, increase the amount by $4,133,000,000.

On page 3, line 5, increase the amount by $4,402,000,000.

On page 3, line 6, increase the amount by $4,548,000,000.

On page 3, line 7, increase the amount by $4,634,000,000.

On page 3, line 8, increase the amount by $4,722,000,000.

On page 3, line 14, decrease the amount by $262,000,000.

On page 3, line 15, decrease the amount by $1,706,000,000.

On page 3, line 16, decrease the amount by $2,655,000,000.

On page 3, line 17, decrease the amount by $3,506,000,000.

On page 3, line 18, decrease the amount by $4,133,000,000.

On page 3, line 19, decrease the amount by $4,402,000,000.

On page 3, line 20, decrease the amount by $4,548,000,000.

On page 3, line 21, decrease the amount by $4,634,000,000.

On page 3, line 22, decrease the amount by $4,722,000,000.

On page 4, line 3, increase the amount by $3,012,000,000.

On page 4, line 4, increase the amount by $3,707,000,000.

On page 4, line 5, increase the amount by $4,401,000,000.

On page 4, line 6, increase the amount by $4,486,000,000.

On page 4, line 7, increase the amount by $4,572,000,000.

On page 4, line 8, increase the amount by $4,657,000,000.

On page 4, line 9, increase the amount by $7,747,000,000.

On page 4, line 10, increase the amount by $4,836,000,000.

On page 4, line 11, increase the amount by $4,930,000,000.

On page 4, line 17, increase the amount by $262,000,000.

On page 4, line 18, increase the amount by $1,706,000,000.

On page 4, line 19, increase the amount by $2,655,000,000.

On page 4, line 20, increase the amount by $3,506,000,000.

On page 4, line 21, increase the amount by $4,133,000,000.

On page 4, line 22, increase the amount by $4,402,000,000.

On page 4, line 23, increase the amount by $4,548,000,000.

On page 5, line 1, increase the amount by $4,634,000,000.

On page 5, line 2, increase the amount by $4,722,000,000.

On page 27, line 3, increase the amount by $2,318,000,000.

On page 27, line 4, increase the amount by $23,000,000.

On page 27, line 7, increase the amount by $3,012,000,000.

On page 27, line 8, increase the amount by $262,000,000.

On page 27, line 11, increase the amount by $3,707,000,000.

On page 27, line 12, increase the amount by $1,706,000,000.

On page 27, line 15, increase the amount by $4,401,000,000.

On page 27, line 16, increase the amount by $2,655,000,000.

On page 27, line 19, increase the amount by $4,486,000,000.

On page 27, line 20, increase the amount by $3,506,000,000.

On page 27, line 23, increase the amount by $4,572,000,000.

On page 27, line 24, increase the amount by $3,133,000,000.

On page 28, line 2, increase the amount by $4,657,000,000.

On page 28, line 3, increase the amount by $4,402,000,000.

On page 28, line 6, increase the amount by $3,747,000,000.

On page 28, line 7, increase the amount by $4,548,000,000.

On page 28, line 10, increase the amount by $4,836,000,000.

On page 28, line 11, increase the amount by $4,634,000,000.

On page 28, line 14, increase the amount by $4,930,000,000.

On page 28, line 15, increase the amount by $4,722,000,000.

On page 43, line 15, increase the amount by $2,318,000,000.

On page 43, line 16, increase the amount by $23,000,000.

On page 48, line 8, increase the amount by $2,318,000,000.

On page 48, line 9, increase the amount by $23,000,000.

SA 252. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,311,000,000.

On page 2, line 18, increase the amount by $1,311,000,000.

On page 3, line 1, increase the amount by $1,311,000,000.

On page 3, line 2, increase the amount by $1,311,000,000.

On page 3, line 3, increase the amount by $1,311,000,000.

On page 3, line 4, increase the amount by $1,311,000,000.

On page 3, line 5, increase the amount by $1,311,000,000.

On page 3, line 6, increase the amount by $1,311,000,000.

On page 3, line 7, increase the amount by $1,311,000,000.

On page 3, line 8, increase the amount by $1,311,000,000.

On page 3, line 13, decrease the amount by $1,311,000,000.

On page 3, line 14, decrease the amount by $1,311,000,000.

On page 3, line 15, decrease the amount by $1,311,000,000.

On page 3, line 16, decrease the amount by $1,311,000,000.

On page 3, line 17, decrease the amount by $1,311,000,000.

On page 3, line 18, decrease the amount by $1,311,000,000.

On page 3, line 19, decrease the amount by $1,311,000,000.

On page 3, line 20, decrease the amount by $1,311,000,000.

On page 3, line 21, decrease the amount by $1,311,000,000.

On page 3, line 22, decrease the amount by $1,311,000,000.

On page 4, line 2, increase the amount by $1,311,000,000.

On page 4, line 3, increase the amount by $1,311,000,000.

On page 4, line 4, increase the amount by $1,311,000,000.

On page 4, line 5, increase the amount by $1,311,000,000.

On page 4, line 6, increase the amount by $1,311,000,000.

On page 4, line 7, increase the amount by $1,311,000,000.

On page 4, line 8, increase the amount by $1,311,000,000.

On page 4, line 9, increase the amount by $1,311,000,000.

On page 4, line 10, increase the amount by $1,311,000,000.

On page 4, line 11, increase the amount by $1,311,000,000.

On page 4, line 16, increase the amount by $1,180,000,000.

On page 4, line 17, increase the amount by $1,180,000,000.

On page 4, line 18, increase the amount by $1,180,000,000.

On page 4, line 19, increase the amount by $1,180,000,000.

On page 4, line 20, increase the amount by $1,180,000,000.

On page 4, line 21, increase the amount by $1,180,000,000.

On page 4, line 22, increase the amount by $1,180,000,000.

On page 4, line 23, increase the amount by $1,180,000,000.

On page 5, line 1, increase the amount by $1,180,000,000.

On page 5, line 2, increase the amount by $1,180,000,000.

On page 36, line 6, increase the amount by $1,311,000,000.

On page 36, line 7, increase the amount by $1,180,000,000.

On page 36, line 10, increase the amount by $1,311,000,000.

On page 36, line 11, increase the amount by $1,180,000,000.

On page 36, line 14, increase the amount by $1,311,000,000.

On page 36, line 15, increase the amount by $1,180,000,000.

On page 36, line 18, increase the amount by $1,311,000,000.

On page 36, line 19, increase the amount by $1,180,000,000.

On page 36, line 22, increase the amount by $1,311,000,000.

On page 36, line 23, increase the amount by $1,180,000,000.

On page 37, line 2, increase the amount by $1,311,000,000.

On page 37, line 3, increase the amount by $1,180,000,000.

On page 37, line 6, increase the amount by $1,311,000,000.

On page 37, line 7, increase the amount by $1,180,000,000.

On page 37, line 10, increase the amount by $1,311,000,000.

On page 37, line 11, increase the amount by $1,180,000,000.

On page 37, line 14, increase the amount by $1,311,000,000.

On page 37, line 15, increase the amount by $1,180,000,000.

On page 37, line 18, increase the amount by $1,311,000,000.

On page 37, line 19, increase the amount by $1,180,000,000.

SA 253. Mrs. LINCOLN (for herself and Mr. Leahy) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. . RESERVE FUND FOR FISCAL YEAR 2001 EMERGENCY RELIEF FOR AGRICULTURE.

In any case in which the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill or joint resolution, or in any case in which a conference report on such a bill or joint resolution is submitted, that provides emergency assistance to agricultural producers that produce agricultural commodities in calendar year 2001, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Agriculture, Nutrition, Forestry of the Senate and other appropriate budgetary aggregates and allocations of new budget authority (and the resulting outlays) in this resolution by the amount provided for under the bill, joint resolution, or conference report for that purpose, but not to exceed $4,000,000,000 in budget authority and outlays for fiscal year 2001, provided that the bill, joint resolution, or conference report will not, when taken together with all previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SEC. . RESERVE FUND FOR FARM BILL AND AGRICULTURAL CONSERVATION PROGRAMS.

In any case in which the Committee on Agriculture, Nutrition, and Forestry of the Senate reports a bill or joint resolution, or in any case in which a conference report on such bill or joint resolution is submitted, that provides for a multi year safety net for agricultural producers, a strengthened national commitment to agricultural conservation programs, and revised authorizations for agricultural trade, nutrition, credit, rural development, research, and related programs, the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Agriculture, Nutrition, and Forestry of the Senate and other appropriate budgetary aggregates and allocations of new budget authority (and the resulting outlays) in this resolution by the amount provided for under the bill, joint resolution, or conference report for that purpose, but not to exceed $4,650,000,000 in budget authority and outlays for fiscal year 2002 (including for agricultural conservation programs), and $13,950,000,000 in budget authority and outlays for the period of fiscal years 2002 through 2004 (including for agricultural conservation programs), provided that the bill, joint resolution, or conference report will not, when taken together with all previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SA 254. Mrs. LINCOLN (for herself, Mr. Kennedy, Ms. Landrieu, and Mr. Corzine) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $142,000,000.

On page 3, line 1, increase the amount by $308,000,000.

On page 3, line 2, increase the amount by $490,000,000.

On page 3, line 3, increase the amount by $672,000,000.

On page 3, line 4, increase the amount by $846,000,000.

On page 3, line 5, increase the amount by $918,000,000.

On page 3, line 6, increase the amount by $963,000,000.

On page 3, line 7, increase the amount by $995,000,000.

On page 3, line 8, increase the amount by $1,028,000,000.

On page 3, line 14, decrease the amount by $142,000,000.

On page 3, line 15, decrease the amount by $308,000,000.

On page 3, line 16, decrease the amount by $490,000,000.

On page 3, line 17, decrease the amount by $672,000,000.

On page 3, line 18, decrease the amount by $846,000,000.

On page 3, line 19, decrease the amount by $918,000,000.

On page 3, line 20, decrease the amount by $963,000,000.

On page 3, line 21, decrease the amount by $995,000,000.

On page 3, line 22, decrease the amount by $1,028,000,000.

On page 4, line 3, decrease the amount by $364,000,000.

On page 4, line 4, increase the amount by $546,000,000.

On page 4, line 5, increase the amount by $728,000,000.

On page 4, line 6, increase the amount by $910,000,000.

On page 4, line 7, increase the amount by $941,000,000.

On page 4, line 8, increase the amount by $972,000,000.

On page 4, line 9, increase the amount by $1,005,000,000.

On page 4, line 10, increase the amount by $1,038,000,000.

On page 4, line 11, increase the amount by $1,072,000,000.

On page 4, line 17, increase the amount by $142,000,000.

On page 4, line 18, increase the amount by $308,000,000.

On page 4, line 19, increase the amount by $490,000,000.

On page 4, line 20, increase the amount by $672,000,000.

On page 4, line 21, increase the amount by $846,000,000.

On page 4, line 22, increase the amount by $918,000,000.

On page 4, line 23, increase the amount by $963,000,000.

On page 5, line 1, increase the amount by $995,000,000.

On page 5, line 2, increase the amount by $1,028,000,000.

On page 27, line 3, increase the amount by $182,000,000.

On page 27, line 4, increase the amount by $9,000,000.

On page 27, line 7, increase the amount by $364,000,000.

On page 27, line 8, increase the amount by $142,000,000.

On page 27, line 11, increase the amount by $546,000,000.

On page 27, line 12, increase the amount by $308,000,000.

On page 27, line 15, increase the amount by $728,000,000.

On page 27, line 16, increase the amount by $490,000,000.

On page 27, line 19, increase the amount by $910,000,000.

On page 27, line 20, increase the amount by $672,000,000.

On page 27, line 23, increase the amount by $941,000,000.

On page 27, line 24, increase the amount by $846,000,000.

On page 28, line 2, increase the amount by $972,000,000.

On page 28, line 3, increase the amount by $918,000,000.

On page 28, line 6, increase the amount by $1,005,000,000.

On page 28, line 7, increase the amount by $963,000,000.

On page 28, line 10, increase the amount by $1,038,000,000.

On page 28, line 11, increase the amount by $995,000,000.

On page 28, line 14, increase the amount by $1,072,000,000.

On page 28, line 15, increase the amount by $1,028,000,000.

On page 43, line 15, decrease the amount by $182,000,000.

On page 43, line 16, decrease the amount by $9,000,000.

On page 48, line 8, increase the amount by $182,000,000.

On page 48, line 9, increase the amount by $9,000,000.

SA 255. Mr. DODD (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE CHILD TAX CREDIT.

(a) FINDINGS.—The Senate finds that—

(1) over 12,000,000 children live in poverty;

(2) nearly 5,000,000 children live in extreme poverty, in families with incomes less than half the Federal poverty level;

(3) 16,000,000 children—more than two-thirds of whom live in working families - do not benefit from the existing non-refundable child tax credit because their parents earn too little to have Federal tax liability;

(4) 2,000,000 children would be lifted out of poverty—the single greatest anti-poverty proposal in decades—if the child tax credit were made refundable and were increased from $500 to $1,000 per child;

(5) 1,700,000 children would be lifted out of extreme poverty if the child tax credit were made refundable and were increased from $500 to $1,000 per child; and

(6) during the week of March 26, 2001, the House of Representatives passed legislation increasing the child tax credit from $500 to $1,000 per child and making the child tax credit available to more low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any family tax relief legislation passed during this session of Congress should include provisions to increase the child tax credit from $500 to $1,000 per child and to make the child tax credit refundable.

SA 256. Mr. REID (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. LEAHY, Mr. JOHNSON, Ms. COLLINS, Mr. LEVIN, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table as follows:

At the end of title II, insert the following:

SEC. ___. RESERVE FUND FOR THE PAYMENT OF RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

If the Committee on Armed Services of the Senate or the House of Representatives reports the Department of Defense authorization bill and includes a provision to fund the payment of retired pay and compensation to disabled military retirees, the chairman of the Committee on the Budget of the Senate or the House of Representatives, as applicable, may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $2,900,000,000 in new budget authority and outlays for fiscal year 2002 and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

SA 257. Mr. CORZINE (for himself, Mr. TORRICELLI, Mr. DASCHLE, Mr. REID, Mr. BINGAMAN, Mr. SARBANES, Ms. MIKULSKI, Mrs. MURRAY, Mr. FEINGOLD, Mrs. BOXER, Mr. KERRY, Mr. DORGAN, Mrs. CLINTON, Mr. SCHUMER, Mr. LIEBERMAN, and Mr. DAYTON) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting for appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 18, increase the amount by $3,114,000,000.

On page 3, line 1, increase the amount by $9,506,000,000.

On page 3, line 2, increase the amount by $9,766,000,000.

On page 3, line 3, increase the amount by $10,280,000,000.

On page 3, line 4, increase the amount by $10,280,000,000.

On page 3, line 5, increase the amount by $10,280,000,000.

On page 3, line 6, increase the amount by $10,280,000,000.

On page 3, line 7, increase the amount by $10,280,000,000.

On page 3, line 8, increase the amount by $10,278,000,000.

On page 3, line 14, decrease the amount by $3,114,000,000.

On page 3, line 15, decrease the amount by $9,506,000,000.

On page 3, line 16, decrease the amount by $9,766,000,000.

On page 3, line 17, decrease the amount by $10,280,000,000.

On page 3, line 18, decrease the amount by $10,280,000,000.

On page 3, line 19, decrease the amount by $10,280,000,000.

On page 3, line 20, decrease the amount by $10,280,000,000.

On page 3, line 21, decrease the amount by $10,280,000,000.

On page 3, line 22, decrease the amount by $10,280,000,000.

On page 4, line 3, increase the amount by $4,927,000,000.

On page 4, line 4, increase the amount by $5,328,000,000.

On page 4, line 5, increase the amount by $5,140,000,000.

On page 4, line 6, increase the amount by $5,140,000,000.

On page 4, line 7, increase the amount by $5,140,000,000.

On page 4, line 8, increase the amount by $5,140,000,000.

On page 4, line 9, increase the amount by $5,140,000,000.

On page 4, line 10, increase the amount by $5,140,000,000.

On page 4, line 11, increase the amount by $5,139,000,000.

On page 4, line 17, increase the amount by $4,057,000,000.

On page 4, line 18, increase the amount by $4,753,000,000.

On page 4, line 19, increase the amount by $4,883,000,000.

On page 4, line 20, increase the amount by $5,140,000,000.

On page 4, line 21, increase the amount by $5,140,000,000.

On page 4, line 22, increase the amount by $5,140,000,000.

On page 4, line 23, increase the amount by $5,140,000,000.

On page 5, line 1, increase the amount by $5,140,000,000.

On page 5, line 2, increase the amount by $5,139,000,000.

On page 12, line 16, increase the amount by $50,000,000.

On page 12, line 17, increase the amount by $33,000,000.

On page 12, line 20, increase the amount by $50,000,000.

On page 12, line 21, increase the amount by $50,000,000.

On page 12, line 24, increase the amount by $50,000,000.

On page 12, line 25, increase the amount by $50,000,000.

On page 13, line 3, increase the amount by $50,000,000.

On page 13, line 4, increase the amount by $50,000,000.

On page 13, line 7, increase the amount by $50,000,000.

On page 13, line 8, increase the amount by $50,000,000.

On page 13, line 11, increase the amount by $50,000,000.

On page 13, line 12, increase the amount by $50,000,000.

On page 13, line 15, increase the amount by $50,000,000.

On page 13, line 16, increase the amount by $50,000,000.

On page 13, line 19, increase the amount by $50,000,000.

On page 13, line 20, increase the amount by $50,000,000.

On page 13, line 23, increase the amount by $50,000,000.

On page 13, line 24, increase the amount by $50,000,000.

On page 14, line 2, increase the amount by $50,000,000.

On page 14, line 3, increase the amount by $50,000,000.

On page 14, line 11, increase the amount by $50,000,000.

On page 14, line 12, increase the amount by $45,000,000.

On page 14, line 15, increase the amount by $50,000,000.

On page 14, line 16, increase the amount by $50,000,000.

On page 14, line 19, increase the amount by $50,000,000.

On page 14, line 20, increase the amount by $50,000,000.

On page 14, line 23, increase the amount by $50,000,000.

On page 14, line 24, increase the amount by $50,000,000.

On page 15, line 2, increase the amount by $50,000,000.

On page 15, line 3, increase the amount by $50,000,000.

On page 15, line 6, increase the amount by $50,000,000.

On page 15, line 7, increase the amount by $50,000,000.

On page 15, line 10, increase the amount by $50,000,000.

On page 15, line 11, increase the amount by $50,000,000.

On page 15, line 14, increase the amount by $50,000,000.

On page 15, line 15, increase the amount by $50,000,000.

On page 15, line 18, increase the amount by $50,000,000.

On page 15, line 19, increase the amount by $50,000,000.

On page 15, line 22, increase the amount by $50,000,000.

On page 15, line 23, increase the amount by $50,000,000.

On page 16, line 5, increase the amount by $290,000,000.

On page 16, line 6, increase the amount by $320,000,000.

On page 16, line 8, increase the amount by $390,000,000.

On page 16, line 9, increase the amount by $390,000,000.

On page 16, line 11, increase the amount by $420,000,000.

On page 16, line 12, increase the amount by $400,000,000.

On page 16, line 14, increase the amount by $420,000,000.

On page 16, line 15, increase the amount by $420,000,000.

On page 16, line 18, increase the amount by $420,000,000.

On page 16, line 19, increase the amount by $420,000,000.

On page 16, line 22, increase the amount by $420,000,000.

On page 16, line 23, increase the amount by $420,000,000.

On page 17, line 2, increase the amount by $420,000,000.

On page 17, line 3, increase the amount by $420,000,000.

On page 17, line 6, increase the amount by $420,000,000.

On page 17, line 7, increase the amount by $420,000,000.

On page 17, line 10, increase the amount by $420,000,000.

On page 17, line 11, increase the amount by $420,000,000.

On page 17, line 14, increase the amount by $420,000,000.

On page 17, line 15, increase the amount by $420,000,000.

On page 17, line 23, increase the amount by $3,331,000,000.

On page 17, line 24, increase the amount by $1,905,000,000.

On page 18, line 2, increase the amount by $4,392,000,000.

On page 18, line 3, increase the amount by $3,522,000,000.

On page 18, line 6, increase the amount by $4,763,000,000.

On page 18, line 7, increase the amount by $4,208,000,000.

On page 18, line 10, increase the amount by $4,575,000,000.

On page 18, line 11, increase the amount by $4,318,000,000.

On page 18, line 14, increase the amount by $4,575,000,000.

On page 18, line 15, increase the amount by $4,575,000,000.

On page 18, line 18, increase the amount by $4,575,000,000.

On page 18, line 19, increase the amount by $4,575,000,000.

On page 18, line 22, increase the amount by $4,575,000,000.

On page 18, line 23, increase the amount by $4,575,000,000.

On page 19, line 2, increase the amount by $4,575,000,000.

On page 19, line 3, increase the amount by $4,575,000,000.

On page 19, line 6, increase the amount by $4,575,000,000.

On page 19, line 7, increase the amount by $4,575,000,000.

On page 19, line 10, increase the amount by $4,575,000,000.

On page 19, line 11, increase the amount by $4,575,000,000.

On page 19, line 19, increase the amount by $45,000,000.

On page 19, line 20, increase the amount by $41,000,000.

On page 19, line 23, increase the amount by $45,000,000.

On page 19, line 24, increase the amount by $45,000,000.

On page 20, line 2, increase the amount by $45,000,000.

On page 20, line 3, increase the amount by $45,000,000.

On page 20, line 6, increase the amount by $45,000,000.

On page 20, line 7, increase the amount by $45,000,000.

On page 20, line 10, increase the amount by $45,000,000.

On page 20, line 11, increase the amount by $45,000,000.

On page 20, line 14, increase the amount by $45,000,000.

On page 20, line 15, increase the amount by $45,000,000.

On page 20, line 18, increase the amount by $45,000,000.

On page 20, line 19, increase the amount by $45,000,000.

On page 20, line 22, increase the amount by $45,000,000.

On page 20, line 23, increase the amount by $45,000,000.

On page 21, line 2, increase the amount by $45,000,000.

On page 21, line 3, increase the amount by $45,000,000.

On page 21, line 6, increase the amount by $45,000,000.

On page 21, line 7, increase the amount by $45,000,000.

On page 43, line 15, decrease the amount by $3,766,000,000.

On page 43, line 16, decrease the amount by $2,343,000,000.

On page 48, line 8, increase the amount by $3,766,000,000.

On page 48, line 9, increase the amount by $2,343,000,000.

On page 48, line 15, increase the amount by $232,000,000.

On page 4, line 16, increase the amount by $104,000,000.

At the end of the concurrent resolution, add the following new section: Sense of the Senate on Debt Reduction.

It is the sense of the Senate that the levels in this resolution assume that any additional revenues resulting from adoption of the amendment offered by this amendment that are not needed to offset the additional spending provided by that amendment shall be devoted to the reduction of federal debt.

SA 258. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 5, line 8, decrease the amount by $120,000,000.

On page 4, line 17, increase the amount by $120,000,000.

On page 17, line 23, increase the amount by $600,000,000.

On page 17, line 24, increase the amount by $480,000,000.

On page 18, line 3, increase the amount by $120,000,000.

On page 43, line 15, decrease the amount by $600,000,000.

On page 43, line 16, decrease the amount by $480,000,000.

SA 259. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $13,000,000,000.

On page 3, line 1, increase the amount by $23,300,000,000.

On page 3, line 2, increase the amount by $32,000,000,000.

On page 3, line 3, increase the amount by $37,500,000,000.

On page 3, line 4, increase the amount by $42,100,000,000.

On page 3, line 5, increase the amount by $45,800,000,000.

On page 3, line 6, increase the amount by $48,700,000,000.

On page 3, line 7, increase the amount by $51,600,000,000.

On page 3, line 8, increase the amount by $54,300,000,000.

On page 3, line 14, decrease the amount by $13,000,000,000.

On page 3, line 15, decrease the amount by $23,300,000,000.

On page 3, line 16, decrease the amount by $32,000,000,000.

On page 3, line 17, decrease the amount by $37,500,000,000.

On page 3, line 18, decrease the amount by $42,100,000,000.

On page 3, line 19, decrease the amount by $45,800,000,000.

On page 3, line 20, decrease the amount by $48,700,000,000.

On page 3, line 21, decrease the amount by $51,600,000,000.

On page 3, line 22, decrease the amount by $54,300,000,000.

On page 4, line 3, increase the amount by $10,200,000,000.

On page 4, line 4, increase the amount by $12,500,000,000.

On page 4, line 5, increase the amount by $15,800,000,000.

On page 4, line 6, increase the amount by $16,200,000,000.

On page 4, line 7, increase the amount by $15,400,000,000.

On page 4, line 8, increase the amount by $14,500,000,000.

On page 4, line 9, increase the amount by $13,800,000,000.

On page 4, line 10, increase the amount by $13,800,000,000.

On page 4, line 11, increase the amount by $11,800,000,000.

On page 4, line 17, increase the amount by $5,200,000,000.

On page 4, line 18, increase the amount by $10,900,000,000.

On page 4, line 19, increase the amount by $15,000,000,000.

On page 4, line 20, increase the amount by $15,900,000,000.

On page 4, line 21, increase the amount by $16,600,000,000.

On page 4, line 22, increase the amount by $16,300,000,000.

On page 4, line 23, increase the amount by $15,400,000,000.

On page 5, line 1, increase the amount by $15,000,000,000.

On page 5, line 2, increase the amount by $14,200,000,000.

On page 5, line 8, increase the amount by $7,800,000,000.

On page 5, line 9, increase the amount by $12,300,000,000.

On page 5, line 10, increase the amount by $17,000,000,000.

On page 5, line 11, increase the amount by $21,600,000,000.

On page 5, line 12, increase the amount by $25,500,000,000.

On page 5, line 13, increase the amount by $29,500,000,000.

On page 5, line 14, increase the amount by $33,300,000,000.

On page 5, line 15, increase the amount by $36,500,000,000.

On page 5, line 16, increase the amount by $40,100,000,000.

On page 5, line 21, decrease the amount by $7,800,000,000.

On page 5, line 22, decrease the amount by $20,100,000,000.

On page 5, line 23, decrease the amount by $37,200,000,000.

On page 5, line 24, decrease the amount by $58,800,000,000.

On page 5, line 25, decrease the amount by $84,300,000,000.

On page 6, line 1, decrease the amount by $113,800,000,000.

On page 6, line 2, decrease the amount by $147,100,000,000.

On page 6, line 3, decrease the amount by $183,600,000,000.

On page 6, line 4, decrease the amount by $223,700,000,000.

On page 6, line 9, decrease the amount by $7,800,000,000.

On page 6, line 10, decrease the amount by $20,100,000,000.

On page 6, line 11, decrease the amount by $37,200,000,000.

On page 6, line 12, decrease the amount by $58,800,000,000.

On page 6, line 13, decrease the amount by $84,300,000,000.

On page 6, line 14, decrease the amount by $113,800,000,000.

On page 6, line 15, decrease the amount by $147,100,000,000.

On page 6, line 16, decrease the amount by $183,600,000,000.

On page 6, line 17, decrease the amount by $223,700,000,000.

On page 27, line 3, increase the amount by $6,100,000,000.

On page 27, line 4, increase the amount by $1,200,000,000.

On page 27, line 7, increase the amount by $10,200,000,000.

On page 27, line 8, increase the amount by $5,200,000,000.

On page 27, line 11, increase the amount by $12,500,000,000.

On page 27, line 12, increase the amount by $10,900,000,000.

On page 27, line 15, increase the amount by $15,800,000,000.

On page 27, line 16, increase the amount by $15,000,000,000.

On page 27, line 19, increase the amount by $16,200,000,000.

On page 27, line 20, increase the amount by $15,900,000,000.

On page 27, line 23, increase the amount by $15,400,000,000.

On page 27, line 24, increase the amount by $16,600,000,000.

On page 28, line 2, increase the amount by $14,500,000,000.

On page 28, line 3, increase the amount by $16,300,000,000.

On page 28, line 6, increase the amount by $13,800,000,000.

On page 28, line 7, increase the amount by $15,400,000,000.

On page 28, line 10, increase the amount by $13,800,000,000.

On page 28, line 11, increase the amount by $15,000,000,000.

On page 28, line 14, increase the amount by $11,800,000,000.

On page 28, line 15, increase the amount by $14,200,000,000.

On page 43, line 15, decrease the amount by $6,100,000,000.

On page 43, line 16, decrease the amount by $1,200,000,000.

On page 48, line 8, increase the amount by $6,100,000,000.

On page 48, line 9, increase the amount by $1,200,000,000.

SA 260. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $2,784,000,000.

On page 3, line 1, increase the amount by $20,518,000,000.

On page 3, line 2, increase the amount by $37,455,000,000.

On page 3, line 3, increase the amount by $56,114,000,000.

On page 3, line 4, increase the amount by $66,305,000,000.

On page 3, line 5, increase the amount by $73,884,000,000.

On page 3, line 6, increase the amount by $76,730,000,000.

On page 3, line 7, increase the amount by $85,462,000,000.

On page 3, line 8, increase the amount by $80,748,000,000.

On page 3, line 14, decrease the amount by $2,784,000,000.

On page 3, line 15, decrease the amount by $20,518,000,000.

On page 3, line 16, decrease the amount by $37,455,000,000.

On page 3, line 17, decrease the amount by $56,114,000,000.

On page 3, line 18, decrease the amount by $66,305,000,000.

On page 3, line 19, decrease the amount by $73,884,000,000.

On page 3, line 20, decrease the amount by $76,730,000,000.

On page 3, line 21, decrease the amount by $85,462,000,000.

On page 3, line 22, decrease the amount by $80,748,000,000.

At the end of the concurrent resolution, add the following new section:

"SEC. 206. STRATEGIC RESERVE FUND FOR LONG-TERM DEBT AND STRENGTHENING SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Social Security, extend the solvency of the Social Security trust funds, maintain progressivity in the Social Security benefit system, and continue to lift more seniors out of poverty, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $500 billion for the total of fiscal years 2002 through 2011, provided that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution."

SA 261. Mr. CONRAD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2002.

Congress determines and declares that the concurrent resolution on the budget for fiscal year 2001 is revised and replaced and that this resolution is the concurrent resolution on the budget for fiscal year 2002 including the appropriate budgetary levels for fiscal years 2003 through 2011 as authorized by section 301 of the Congressional Budget Act of 1974.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2001 through 2011:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2001: $1,630,462,000,000.
Fiscal year 2002: $1,643,088,000,000.
Fiscal year 2003: $1,721,011,000,000.
Fiscal year 2004: $1,802,235,000,000.
Fiscal year 2005: $1,885,370,000,000.
Fiscal year 2006: $1,971,283,000,000.
Fiscal year 2007: $2,062,055,000,000.
Fiscal year 2008: $2,167,010,000,000.
Fiscal year 2009: $2,276,416,000,000.
Fiscal year 2010: $2,399,302,000,000.
Fiscal year 2011: $2,521,993,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2001: $0.
Fiscal year 2002: $60,400,000,000.
Fiscal year 2003: $61,100,000,000.
Fiscal year 2004: $62,100,000,000.
Fiscal year 2005: $64,400,000,000.
Fiscal year 2006: $68,300,000,000.
Fiscal year 2007: $73,700,000,000.
Fiscal year 2008: $75,800,000,000.
Fiscal year 2009: $83,700,000,000.
Fiscal year 2010: $90,000,000,000.
Fiscal year 2011: $105,900,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2001: $1,632,078,000,000.
Fiscal year 2002: $1,521,028,000,000.
Fiscal year 2003: $1,697,017,000,000.
Fiscal year 2004: $1,765,252,000,000.
Fiscal year 2005: $1,846,591,000,000.
Fiscal year 2006: $1,911,300,000,000.
Fiscal year 2007: $1,982,287,000,000.
Fiscal year 2008: $2,051,590,000,000.
Fiscal year 2009: $2,132,469,000,000.
Fiscal year 2010: $2,215,305,000,000.
Fiscal year 2011: $2,304,344,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2001: $1,577,367,000,000.
Fiscal year 2002: $1,464,522,000,000.
Fiscal year 2003: $1,651,481,000,000.
Fiscal year 2004: $1,732,462,000,000.
Fiscal year 2005: $1,815,722,000,000.
Fiscal year 2006: $1,876,971,000,000.
Fiscal year 2007: $1,945,266,000,000.
Fiscal year 2008: $2,017,499,000,000.
Fiscal year 2009: $2,097,888,000,000.
Fiscal year 2010: $2,180,798,000,000.
Fiscal year 2011: $2,267,549,000,000.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2001: $53,095,000,000.
Fiscal year 2002: $178,566,000,000.
Fiscal year 2003: $69,530,000,000.
Fiscal year 2004: $69,773,000,000.
Fiscal year 2005: $69,648,000,000.
Fiscal year 2006: $94,312,000,000.
Fiscal year 2007: $116,789,000,000.
Fiscal year 2008: $149,511,000,000.
Fiscal year 2009: $178,528,000,000.
Fiscal year 2010: $218,504,000,000.
Fiscal year 2011: $254,444,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2001: $5,637,537,000,000.
Fiscal year 2002: $5,688,939,000,000.
Fiscal year 2003: $5,747,203,000,000.
Fiscal year 2004: $5,800,911,000,000.
Fiscal year 2005: $5,852,734,000,000.
Fiscal year 2006: $5,881,800,000,000.
Fiscal year 2007: $5,885,196,000,000.
Fiscal year 2008: $5,854,890,000,000.
Fiscal year 2009: $5,793,679,000,000.
Fiscal year 2010: $5,981,039,000,000.
Fiscal year 2011: $6,400,364,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2001: $3,220,049,000,000.
Fiscal year 2002: $2,883,867,000,000.
Fiscal year 2003: $2,645,808,000,000.
Fiscal year 2004: $2,393,689,000,000.
Fiscal year 2005: $2,119,078,000,000.
Fiscal year 2006: $1,800,437,000,000.
Fiscal year 2007: $1,438,593,000,000.
Fiscal year 2008: $1,022,966,000,000.
Fiscal year 2009: $603,886,000,000.
Fiscal year 2010: $515,378,000,000.
Fiscal year 2011: $497,401,000,000.

(7) SOCIAL SECURITY.—

(A) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $343,502,000,000.
Fiscal year 2002: $356,592,000,000.
Fiscal year 2003: $369,481,000,000.
Fiscal year 2004: $382,432,000,000.
Fiscal year 2005: $394,786,000,000.
Fiscal year 2006: $406,960,000,000.
Fiscal year 2007: $419,223,000,000.
Fiscal year 2008: $432,229,000,000.
Fiscal year 2009: $448,251,000,000.
Fiscal year 2010: $465,712,000,000.
Fiscal year 2011: $483,892,000,000.

(B) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under section 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2001: $504,109,000,000.
Fiscal year 2002: $532,308,000,000.
Fiscal year 2003: $560,938,000,000.
Fiscal year 2004: $588,674,000,000.
Fiscal year 2005: $620,060,000,000.
Fiscal year 2006: $649,221,000,000.
Fiscal year 2007: $679,935,000,000.
Fiscal year 2008: $712,454,000,000.
Fiscal year 2009: $746,439,000,000.
Fiscal year 2010: $782,029,000,000.
Fiscal year 2011: $819,185,000,000.

(C) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2001:
(A) New budget authority, $3,431,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2002:
(A) New budget authority, $3,579,000,000.
(B) Outlays, $3,525,000,000.
Fiscal year 2003:
(A) New budget authority, $3,695,000,000.
(B) Outlays, $3,655,000,000.
Fiscal year 2004:
(A) New budget authority, $3,819,000,000.
(B) Outlays, $3,763,000,000.
Fiscal year 2005:
(A) New budget authority, $3,939,000,000.
(B) Outlays, $3,881,000,000.

Fiscal year 2006:
(A) New budget authority, $4,064,000,000.
(B) Outlays, $4,004,000,000.
Fiscal year 2007:
(A) New budget authority, $4,194,000,000.
(B) Outlays, $4,132,000,000.
Fiscal year 2008:
(A) New budget authority, $4,331,000,000.
(B) Outlays, $4,267,000,000.
Fiscal year 2009:
(A) New budget authority, $4,471,000,000.
(B) Outlays, $4,405,000,000.
Fiscal year 2010:
(A) New budget authority, $4,619,000,000.
(B) Outlays, $4,551,000,000.
Fiscal year 2011:
(A) New budget authority, $4,773,000,000.
(B) Outlays, $4,702,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2002 through 2011 for each major functional category are:

(1) National Defense (050):
Fiscal year 2001:
(A) New budget authority, $317,398,000,000.
(B) Outlays, $301,914,000,000.
Fiscal year 2002:
(A) New budget authority, $332,916,000,000.
(B) Outlays, $325,617,000,000.
Fiscal year 2003:
(A) New budget authority, $339,599,000,000.
(B) Outlays, $332,289,000,000.
Fiscal year 2004:
(A) New budget authority, $348,190,000,000.
(B) Outlays, $340,854,000,000.
Fiscal year 2005:
(A) New budget authority, $356,715,000,000.
(B) Outlays, $352,851,000,000.
Fiscal year 2006:
(A) New budget authority, $365,569,000,000.
(B) Outlays, $359,300,000,000.
Fiscal year 2007:
(A) New budget authority, $374,710,000,000.
(B) Outlays, $365,523,000,000.
Fiscal year 2008:
(A) New budget authority, $384,097,000,000.
(B) Outlays, $378,105,000,000.
Fiscal year 2009:
(A) New budget authority, $393,924,000,000.
(B) Outlays, $387,854,000,000.
Fiscal year 2010:
(A) New budget authority, $404,735,000,000.
(B) Outlays, $398,333,000,000.
Fiscal year 2011:
(A) New budget authority, $416,419,000,000.
(B) Outlays, $409,645,000,000.

(2) International Affairs (150):
Fiscal year 2001:
(A) New budget authority, $22,424,000,000.
(B) Outlays, $19,088,000,000.
Fiscal year 2002:
(A) New budget authority, $23,916,000,000.
(B) Outlays, $19,610,000,000.
Fiscal year 2003:
(A) New budget authority, $23,865,000,000.
(B) Outlays, $19,874,000,000.
Fiscal year 2004:
(A) New budget authority, $24,503,000,000.
(B) Outlays, $20,429,000,000.
Fiscal year 2005:
(A) New budget authority, $25,377,000,000.
(B) Outlays, $20,790,000,000.
Fiscal year 2006:
(A) New budget authority, $26,175,000,000.
(B) Outlays, $21,405,000,000.
Fiscal year 2007:
(A) New budget authority, $26,942,000,000.
(B) Outlays, $22,151,000,000.
Fiscal year 2008:
(A) New budget authority, $27,457,000,000.
(B) Outlays, $22,836,000,000.
Fiscal year 2009:
(A) New budget authority, $28,046,000,000.
(B) Outlays, $23,593,000,000.
Fiscal year 2010:
(A) New budget authority, $28,432,000,000.
(B) Outlays, $24,171,000,000.
Fiscal year 2011:
(A) New budget authority, $29,618,000,000.
(B) Outlays, $25,020,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2001:
(A) New budget authority, $21,043,000,000.
(B) Outlays, $19,612,000,000.
Fiscal year 2002:
(A) New budget authority, $21,633,000,000.
(B) Outlays, $20,768,000,000.
Fiscal year 2003:
(A) New budget authority, $22,682,000,000.
(B) Outlays, $21,971,000,000.
Fiscal year 2004:
(A) New budget authority, $23,328,000,000.
(B) Outlays, $22,872,000,000.
Fiscal year 2005:
(A) New budget authority, $24,151,000,000.
(B) Outlays, $23,713,000,000.
Fiscal year 2006:
(A) New budget authority, $25,279,000,000.
(B) Outlays, $24,764,000,000.
Fiscal year 2007:
(A) New budget authority, $23,902,000,000.
(B) Outlays, $23,363,000,000.
Fiscal year 2008:
(A) New budget authority, $24,393,000,000.
(B) Outlays, $23,826,000,000.
Fiscal year 2009:
(A) New budget authority, $24,906,000,000.
(B) Outlays, $24,322,000,000.
Fiscal year 2010:
(A) New budget authority, $25,425,000,000.
(B) Outlays, $24,832,000,000.
Fiscal year 2011:
(A) New budget authority, $25,969,000,000.
(B) Outlays, $25,357,000,000.

(4) Energy (270):
Fiscal year 2001:
(A) New budget authority, $1,225,000,000.
(B) Outlays, −$115,000,000.
Fiscal year 2002:
(A) New budget authority, $1,376,000,000.
(B) Outlays, −$3,000,000.
Fiscal year 2003:
(A) New budget authority, $2,186,000,000.
(B) Outlays, $777,000,000.
Fiscal year 2004:
(A) New budget authority, $2,325,000,000.
(B) Outlays, $884,000,000.
Fiscal year 2005:
(A) New budget authority, $2,438,000,000.
(B) Outlays, $1,080,000,000.
Fiscal year 2006:
(A) New budget authority, $2,468,000,000.
(B) Outlays, $1,116,000,000.
Fiscal year 2007:
(A) New budget authority, $1,692,000,000.
(B) Outlays, $348,000,000.
Fiscal year 2008:
(A) New budget authority, $2,116,000,000.
(B) Outlays, $670,000,000.
Fiscal year 2009:
(A) New budget authority, $2,285,000,000.
(B) Outlays, $863,000,000.
Fiscal year 2010:
(A) New budget authority, $2,240,000,000.
(B) Outlays, $918,000,000.
Fiscal year 2011:
(A) New budget authority, $2,209,000,000.
(B) Outlays, $907,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2001:
(A) New budget authority, $28,833,000,000.
(B) Outlays, $26,361,000,000.
Fiscal year 2002:
(A) New budget authority, $30,882,000,000.
(B) Outlays, $28,913,000,000.
Fiscal year 2003:
(A) New budget authority, $32,577,000,000.
(B) Outlays, $31,528,000,000.
Fiscal year 2004:
(A) New budget authority, $33,700,000,000.
(B) Outlays, $32,805,000,000.
Fiscal year 2005:
(A) New budget authority, $34,666,000,000.
(B) Outlays, $33,818,000,000.
Fiscal year 2006:
(A) New budget authority, $35,666,000,000.
(B) Outlays, $34,848,000,000.
Fiscal year 2007:
(A) New budget authority, $36,379,000,000.
(B) Outlays, $35,726,000,000.
Fiscal year 2008:
(A) New budget authority, $37,320,000,000.
(B) Outlays, $36,515,000,000.
Fiscal year 2009:
(A) New budget authority, $38,712,000,000.
(B) Outlays, $37,819,000,000.
Fiscal year 2010:
(A) New budget authority, $39,776,000,000.
(B) Outlays, $38,846,000,000.
Fiscal year 2011:
(A) New budget authority, $40,821,000,000.
(B) Outlays, $39,854,000,000.

(6) Agriculture (350):
Fiscal year 2001:
(A) New budget authority, $35,290,000,000.
(B) Outlays, $32,654,000,000.
Fiscal year 2002:
(A) New budget authority, $23,265,000,000.
(B) Outlays, $21,593,000,000.
Fiscal year 2003:
(A) New budget authority, $29,507,000,000.
(B) Outlays, $27,924,000,000.
Fiscal year 2004:
(A) New budget authority, $29,562,000,000.
(B) Outlays, $28,120,000,000.
Fiscal year 2005:
(A) New budget authority, $29,406,000,000.
(B) Outlays, $27,915,000,000.
Fiscal year 2006:
(A) New budget authority, $27,952,000,000.
(B) Outlays, $26,353,000,000.
Fiscal year 2007:
(A) New budget authority, $26,583,000,000.
(B) Outlays, $25,009,000,000.
Fiscal year 2008:
(A) New budget authority, $21,723,000,000.
(B) Outlays, $20,134,000,000.
Fiscal year 2009:
(A) New budget authority, $21,521,000,000.
(B) Outlays, $20,041,000,000.
Fiscal year 2010:
(A) New budget authority, $21,053,000,000.
(B) Outlays, $19,674,000,000.
Fiscal year 2011:
(A) New budget authority, $21,203,000,000.
(B) Outlays, $19,819,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2001:
(A) New budget authority, $2,516,000,000.
(B) Outlays, $−771,000,000.
Fiscal year 2002:
(A) New budget authority, $9,031,000,000.
(B) Outlays, $5,739,000,000.
Fiscal year 2003:
(A) New budget authority, $9,967,000,000.
(B) Outlays, $4,635,000,000.
Fiscal year 2004:
(A) New budget authority, $14,313,000,000.
(B) Outlays, $10,100,000,000.
Fiscal year 2005:
(A) New budget authority, $14,026,000,000.
(B) Outlays, $10,379,000,000.
Fiscal year 2006:
(A) New budget authority, $13,544,000,000.
(B) Outlays, $9,341,000,000.
Fiscal year 2007:
(A) New budget authority, $14,613,000,000.

(B) Outlays, $10,252,000,000.

Fiscal year 2008:

(A) New budget authority, $14,603,000,000.

(B) Outlays, $10,167,000,000.

Fiscal year 2009:

(A) New budget authority, $14,342,000,000.

(B) Outlays, $9,915,000,000.

Fiscal year 2010:

(A) New budget authority, $14,094,000,000.

(B) Outlays, $9,516,000,000.

Fiscal year 2011:

(A) New budget authority, $13,803,000,000.

(B) Outlays, $9,149,000,000.

(8) Transportation (400):

Fiscal year 2001:

(A) New budget authority, $62,130,000,000.

(B) Outlays, $51,681,000,000.

Fiscal year 2002:

(A) New budget authority, $65,206,000,000.

(B) Outlays, $56,615,000,000.

Fiscal year 2003:

(A) New budget authority, $68,621,000,000.

(B) Outlays, $61,789,000,000.

Fiscal year 2004:

(A) New budget authority, $69,942,000,000.

(B) Outlays, $63,932,000,000.

Fiscal year 2005:

(A) New budget authority, $71,530,000,000.

(B) Outlays, $65,520,000,000.

Fiscal year 2006:

(A) New budget authority, $73,189,000,000.

(B) Outlays, $67,049,000,000.

Fiscal year 2007:

(A) New budget authority, $74,883,000,000.

(B) Outlays, $67,909,000,000.

Fiscal year 2008:

(A) New budget authority, $76,628,000,000.

(B) Outlays, $69,107,000,000.

Fiscal year 2009:

(A) New budget authority, $78,421,000,000.

(B) Outlays, $70,509,000,000.

Fiscal year 2010:

(A) New budget authority, $80,261,000,000.

(B) Outlays, $71,854,000,000.

Fiscal year 2011:

(A) New budget authority, $82,151,000,000.

(B) Outlays, $73,416,000,000.

(9) Community and Regional Development (450):

Fiscal year 2001:

(A) New budget authority, $11,225,000,000.

(B) Outlays, $11,366,000,000.

Fiscal year 2002:

(A) New budget authority, $11,750,000,000.

(B) Outlays, $11,698,000,000.

Fiscal year 2003:

(A) New budget authority, $11,801,000,000.

(B) Outlays, $11,582,000,000.

Fiscal year 2004:

(A) New budget authority, $11,954,000,000.

(B) Outlays, $11,622,000,000.

Fiscal year 2005:

(A) New budget authority, $12,140,000,000.

(B) Outlays, $11,405,000,000.

Fiscal year 2006:

(A) New budget authority, $12,276,000,000.

(B) Outlays, $11,257,000,000.

Fiscal year 2007:

(A) New budget authority, $12,408,000,000.

(B) Outlays, $11,370,000,000

Fiscal year 2008:

(A) New budget authority, $12,548,000,000.

(B) Outlays, $11,492,000,000.

Fiscal year 2009:

(A) New budget authority, $12,691,000,000.

(B) Outlays, $11,607,000,000.

Fiscal year 2010:

(A) New budget authority, $12,836,000,000.

(B) Outlays, $11,728,000,000.

Fiscal year 2011:

(A) New budget authority, $12,983,000,000.

(B) Outlays, $11,856,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2001:

(A) New budget authority, $76,886,000,000.

(B) Outlays, $69,790,000,000.

Fiscal year 2002:

(A) New budget authority, $106,676,000,000.

(B) Outlays, $77,380,000,000.

Fiscal year 2003:

(A) New budget authority, $92,239,000,000.

(B) Outlays, $86,853,000,000.

Fiscal year 2004:

(A) New budget authority, $96,426,000,000.

(B) Outlays, $93,212,000,000.

Fiscal year 2005:

(A) New budget authority, $103,178,000,000.

(B) Outlays, $99,807,000,000.

Fiscal year 2006:

(A) New budget authority, $106,375,000,000.

(B) Outlays, $103,611,000,000.

Fiscal year 2007:

(A) New budget authority, $108,258,000,000.

(B) Outlays, $106,978,000,000.

Fiscal year 2008:

(A) New budget authority, $110,202,000,000.

(B) Outlays, $109,242,000,000.

Fiscal year 2009:

(A) New budget authority, $112,226,000,000.

(B) Outlays, $111,324,000,000.

Fiscal year 2010:

(A) New budget authority, $114,313,000,000.

(B) Outlays, $113,400,000,000.

Fiscal year 2011:

(A) New budget authority, $116,468,000,000.

(B) Outlays, $115,529,000,000.

(11) Health (550):

Fiscal year 2001:

(A) New budget authority, $180,049,000,000.

(B) Outlays, $172,957,000,000.

Fiscal year 2002:

(A) New budget authority, $193,983,000,000.

(B) Outlays, $190,367,000,000.

Fiscal year 2003:

(A) New budget authority, $216,894,000,000.

(B) Outlays, $212,464,000,000.

Fiscal year 2004:

(A) New budget authority, $232,002,000,000.

(B) Outlays, $230,378,000,000.

Fiscal year 2005:

(A) New budget authority, $248,891,000,000.

(B) Outlays, $246,937,000,000.

Fiscal year 2006:

(A) New budget authority, $266,244,000,000.

(B) Outlays, $264,453,000,000.

Fiscal year 2007:

(A) New budget authority, $288,040,000,000.

(B) Outlays, $285,473,000,000.

Fiscal year 2008:

(A) New budget authority, $310,996,000,000.

(B) Outlays, $308,631,000,000.

Fiscal year 2009:

(A) New budget authority, $336,268,000,000.

(B) Outlays, $334,209,000,000.

Fiscal year 2010:

(A) New budget authority, $365,427,000,000.

(B) Outlays, $363,739,000,000.

Fiscal year 2011:

(A) New budget authority, $397,863,000,000.

(B) Outlays, $395,812,000,000.

(12) Medicare (570):

Fiscal year 2001:

(A) New budget authority, $217,531,000,000.

(B) Outlays, $217,708,000,000.

Fiscal year 2002:

(A) New budget authority, $229,306,000,000.

(B) Outlays, $229,248,000,000.

Fiscal year 2003:

(A) New budget authority, $249,138,000,000.

(B) Outlays, $248,896,000,000.

Fiscal year 2004:

(A) New budget authority, $277,696,000,000.

(B) Outlays, $277,897,000,000.

Fiscal year 2005:

(A) New budget authority, $305,597,000,000.

(B) Outlays, $305,518,000,000.

Fiscal year 2006:

(A) New budget authority, $333,127,000,000.

(B) Outlays, $332,861,000,000.

Fiscal year 2007:

(A) New budget authority, $359,260,000,000.

(B) Outlays, $359,475,000,000.

Fiscal year 2008:

(A) New budget authority, $388,264,000,000.

(B) Outlays, $388,156,000,000.

Fiscal year 2009:

(A) New budget authority, $421,267,000,000.

(B) Outlays, $420,982,000,000.

Fiscal year 2010:

(A) New budget authority, $455,190,000,000.

(B) Outlays, $455,427,000,000.

Fiscal year 2011:

(A) New budget authority, $494,742,000,000.

(B) Outlays, $494,729,000,000.

(13) Income Security (600):

Fiscal year 2001:

(A) New budget authority, $255,942,000,000.

(B) Outlays, $256,932,000,000.

Fiscal year 2002:

(A) New budget authority, $278,236,000,000.

(B) Outlays, $271,924,000,000.

Fiscal year 2003:

(A) New budget authority, $283,824,000,000.

(B) Outlays, $282,554,000,000.

Fiscal year 2004:

(A) New budget authority, $294,694,000,000.

(B) Outlays, $293,084,000,000.

Fiscal year 2005:

(A) New budget authority, $305,462,000,000.

(B) Outlays, $303,918,000,000.

Fiscal year 2006:

(A) New budget authority, $316,054,000,000.

(B) Outlays, $314,609,000,000.

Fiscal year 2007:

(A) New budget authority, $326,322,000,000.

(B) Outlays, $324,900,000,000.

Fiscal year 2008:

(A) New budget authority, $337,280,000,000.

(B) Outlays, $335,975,000,000.

Fiscal year 2009:

(A) New budget authority, $348,672,000,000.

(B) Outlays, $347,117,000,000.

Fiscal year 2010:

(A) New budget authority, $359,496,000,000.

(B) Outlays, $357,828,000,000.

Fiscal year 2011:

(A) New budget authority, $366,642,000,000.

(B) Outlays, $364,497,000,000.

(14) Social Security (650):

Fiscal year 2001:

(A) New budget authority, $9,805,000,000.

(B) Outlays, $9,805,000,000.

Fiscal year 2002:

(A) New budget authority, $11,004,000,000.

(B) Outlays, $11,003,000,000.

Fiscal year 2003:

(A) New budget authority, $11,733,000,000.

(B) Outlays, $11,733,000,000.

Fiscal year 2004:

(A) New budget authority, $12,496,000,000.

(B) Outlays, $12,496,000,000.

Fiscal year 2005:

(A) New budget authority, $13,308,000,000.

(B) Outlays, $13,308,000,000.

Fiscal year 2006:

(A) New budget authority, $14,207,000,000.

(B) Outlays, $14,207,000,000.

Fiscal year 2007:

(A) New budget authority, $15,168,000,000.

(B) Outlays, $15,168,000,000.

Fiscal year 2008:

(A) New budget authority, $16,241,000,000.

(B) Outlays, $16,241,000,000.

Fiscal year 2009:

(A) New budget authority, $17,483,000,000.

(B) Outlays, $17,483,000,000.

Fiscal year 2010:

(A) New budget authority, $18,878,000,000.

(B) Outlays, $18,878,000,000.

Fiscal year 2011:

(A) New budget authority, $20,388,000,000.

(B) Outlays, $20,388,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2001:
(A) New budget authority, $46,675,000,000.
(B) Outlays, $45,926,000,000.
Fiscal year 2002:
(A) New budget authority, $53,134,000,000.
(B) Outlays, $52,354,000,000.
Fiscal year 2003:
(A) New budget authority, $54,764,000,000.
(B) Outlays, $54,339,000,000.
Fiscal year 2004:
(A) New budget authority, $56,842,000,000.
(B) Outlays, $56,408,000,000.
Fiscal year 2005:
(A) New budget authority, $58,613,000,000.
(B) Outlays, $58,134,000,000.
Fiscal year 2006:
(A) New budget authority, $60,353,000,000.
(B) Outlays, $59,858,000,000.
Fiscal year 2007:
(A) New budget authority, $62,230,000,000.
(B) Outlays, $61,738,000,000.
Fiscal year 2008:
(A) New budget authority, $63,841,000,000.
(B) Outlays, $63,405,000,000.
Fiscal year 2009:
(A) New budget authority, $66,186,000,000.
(B) Outlays, $65,775,000,000.
Fiscal year 2010:
(A) New budget authority, $68,138,000,000.
(B) Outlays, $67,720,000,000.
Fiscal year 2011:
(A) New budget authority, $70,186,000,000.
(B) Outlays, $69,755,000,000.
(16) Administration of Justice (750):
Fiscal year 2001:
(A) New budget authority, $30,577,000,000.
(B) Outlays, $30,003,000,000.
Fiscal year 2002:
(A) New budget authority, $32,431,000,000.
(B) Outlays, $31,436,000,000.
Fiscal year 2003:
(A) New budget authority, $32,397,000,000.
(B) Outlays, $32,683,000,000.
Fiscal year 2004:
(A) New budget authority, $35,112,000,000.
(B) Outlays, $35,350,000,000.
Fiscal year 2005:
(A) New budget authority, $36,135,000,000.
(B) Outlays, $36,086,000,000.
Fiscal year 2006:
(A) New budget authority, $37,050,000,000.
(B) Outlays, $36,649,000,000.
Fiscal year 2007:
(A) New budget authority, $37,941,000,000.
(B) Outlays, $37,446,000,000.
Fiscal year 2008:
(A) New budget authority, $39,020,000,000.
(B) Outlays, $38,540,000,000.
Fiscal year 2009:
(A) New budget authority, $40,002,000,000.
(B) Outlays, $39,510,000,000.
Fiscal year 2010:
(A) New budget authority, $40,853,000,000.
(B) Outlays, $40,364,000,000.
Fiscal year 2011:
(A) New budget authority, $40,648,000,000.
(B) Outlays, $40,193,000,000.
(17) General Government (800):
Fiscal year 2001:
(A) New budget authority, $16,307,000,000.
(B) Outlays, $16,065,000,000.
Fiscal year 2002:
(A) New budget authority, $16,409,000,000.
(B) Outlays, $16,120,000,000.
Fiscal year 2003:
(A) New budget authority, $16,493,000,000.
(B) Outlays, $16,352,000,000.
Fiscal year 2004:
(A) New budget authority, $16,848,000,000.
(B) Outlays, $16,764,000,000.
Fiscal year 2005:
(A) New budget authority, $17,253,000,000.
(B) Outlays, $16,916,000,000.
Fiscal year 2006:
(A) New budget authority, $17,685,000,000.
(B) Outlays, $17,283,000,000.
Fiscal year 2007:
(A) New budget authority, $18,146,000,000.
(B) Outlays, $17,707,000,000.
Fiscal year 2008:
(A) New budget authority, $18,245,000,000.
(B) Outlays, $17,926,000,000.
Fiscal year 2009:
(A) New budget authority, $18,746,000,000.
(B) Outlays, $18,280,000,000.
Fiscal year 2010:
(A) New budget authority, $19,248,000,000.
(B) Outlays, $18,748,000,000.
Fiscal year 2011:
(A) New budget authority, $19,786,000,000.
(B) Outlays, $19,268,000,000.
(18) Net Interest (900):
Fiscal year 2001:
(A) New budget authority, $274,959,000,000.
(B) Outlays, $274,959,000,000.
Fiscal year 2002:
(A) New budget authority, $257,551,000,000.
(B) Outlays, $257,551,000,000.
Fiscal year 2003:
(A) New budget authority, $250,164,000,000.
(B) Outlays, $250,164,000,000.
Fiscal year 2004:
(A) New budget authority, $244,964,000,000.
(B) Outlays, $244,964,000,000.
Fiscal year 2005:
(A) New budget authority, $237,639,000,000.
(B) Outlays, $237,639,000,000.
Fiscal year 2006:
(A) New budget authority, $232,221,000,000.
(B) Outlays, $232,221,000,000.
Fiscal year 2007:
(A) New budget authority, $226,933,000,000.
(B) Outlays, $226,933,000,000.
Fiscal year 2008:
(A) New budget authority, $219,928,000,000.
(B) Outlays, $219,928,000,000.
Fiscal year 2009:
(A) New budget authority, $211,387,000,000.
(B) Outlays, $211,387,000,000.
Fiscal year 2010:
(A) New budget authority, $201,353,000,000.
(B) Outlays, $201,353,000,000.
Fiscal year 2011:
(A) New budget authority, $190,665,000,000.
(B) Outlays, $190,665,000,000.
(19) Allowances (920):
Fiscal year 2001:
(A) New budget authority, $59,528,000,000.
(B) Outlays, $59,697,000,000.
Fiscal year 2002:
(A) New budget authority, -$138,873,000,000.
(B) Outlays, -$124,608,000,000.
Fiscal year 2003:
(A) New budget authority, -$2,422,000,000.
(B) Outlays, -$7,914,000,000.
Fiscal year 2004:
(A) New budget authority, -$2,366,000,000.
(B) Outlays, -$2,430,000,000.
Fiscal year 2005:
(A) New budget authority, -$2,298,000,000.
(B) Outlays, -$2,375,000,000.
Fiscal year 2006:
(A) New budget authority, -$2,380,000,000.
(B) Outlays, -$2,461,000,000.
Fiscal year 2007:
(A) New budget authority, -$2,524,000,000.
(B) Outlays, -$2,605,000,000.
Fiscal year 2008:
(A) New budget authority, -$2,615,000,000.
(B) Outlays, -$2,701,000,000.
Fiscal year 2009:
(A) New budget authority, -$2,711,000,000.
(B) Outlays, -$2,797,000,000.
Fiscal year 2010:
(A) New budget authority, -$2,809,000,000.
(B) Outlays, -$2,897,000,000.
Fiscal year 2011:
(A) New budget authority, -$2,913,000,000,
(B) Outlays, -$3,003,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2001:
(A) New budget authority, -$38,265,000,000.
(B) Outlays, -$38,265,000,000.
Fiscal year 2002:
(A) New budget authority, -$38,803,000,000.
(B) Outlays, -$38,803,000,000.
Fiscal year 2003:
(A) New budget authority, -$49,012,000,000.
(B) Outlays, -$49,012,000,000.
Fiscal year 2004:
(A) New budget authority, -$57,278,000,000.
(B) Outlays, -$57,278,000,000.
Fiscal year 2005:
(A) New budget authority, -$47,636,000,000.
(B) Outlays, -$47,636,000,000.
Fiscal year 2006:
(A) New budget authority, -$51,753,000,000.
(B) Outlays, -$51,753,000,000.
Fiscal year 2007:
(A) New budget authority, -$49,598,000,000.
(B) Outlays, -$49,598,000,000.
Fiscal year 2008:
(A) New budget authority, -$50,697,000,000.
(B) Outlays, -$50,697,000,000.
Fiscal year 2009:
(A) New budget authority, -$51,904,000,000.
(B) Outlays, -$51,904,000,000.
Fiscal year 2010:
(A) New budget authority, -$53,633,000,000.
(B) Outlays, -$53,633,000,000.
Fiscal year 2011:
(A) New budget authority, -$55,306,000,000.
(B) Outlays, -$55,306,000,000.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

SEC. 201. LOCKBOX FOR DEBT REDUCTION, MEDICARE, AND SOCIAL SECURITY.

(a) DEFINITION.—In this section, the term "Medicare Hospital Insurance Trust Fund Surplus" means the following:
(1) For fiscal year 2001, $28,714,000,000.
(2) For fiscal year 2002, $35,899,000,000.
(3) For fiscal year 2003, $39,282,000,000.
(4) For fiscal year 2004, $40,674,000,000.
(5) For fiscal year 2005, $39,935,000,000.
(6) For fiscal year 2006, $43,752,000,000.
(7) For fiscal year 2007, $41,459,000,000.
(8) For fiscal year 2008, $40,702,000,000.
(9) For fiscal year 2009, $39,327,000,000.
(10) For fiscal year 2010, $37,158,000,000.
(11) For fiscal year 2011, $34,406,000,000.

(b) POINT OF ORDER PROTECTING MEDICARE SURPLUSES.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon), or any bill, joint resolution, amendment, motion, or conference report, that would cause the on-budget surplus to decrease below the level of the Medicare Hospital Insurance Trust Fund Surplus in any fiscal year covered by this resolution.

(c) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment, motion, or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate section 13301 of the Omnibus Budget Reconciliation Act of 1990.

(d) REINFORCEMENT OF SOCIAL SECURITY POINTS OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in

Social Security surpluses in any fiscal year covered by this resolution.

(e) SUPERMAJORITY WAIVER AND APPEAL.—The points of order established in this section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 202. MECHANISM FOR IMPLEMENTING INCREASE OF FISCAL YEAR 2002 DISCRETIONARY SPENDING LIMITS.

(a) FINDINGS.—The Senate finds the following:

(1) Unless and until the discretionary spending limit for fiscal year 2002 (as set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) is increased, aggregate appropriations which exceed the current law limits would still be out of order in the Senate and subject to a supermajority vote.

(2) The functional totals (excluding those for function 920) contained in this concurrent resolution envision a level of discretionary spending—

(A) for fiscal year 2001—

(i) for the discretionary category: $642,504,000,000 in new budget authority and $646,049,000,000 in outlays;

(ii) for the highway category: $27,028,000,000 in outlays;

(iii) for the mass transit category: $5,100,000,000 in outlays; and

(B) for fiscal year 2002 as follows:

(i) for the discretionary category: $685,108,000,000 in new budget authority and $694,330,000,000 in outlays;

(ii) for the highway category: $29,349,000,000 in outlays;

(iii) for the mass transit category: $5,624,000,000 in outlays; and

(iv) for the conservation category: $1,760,000,000 in new budget authority and $1,378,000,000 in outlays.

(3) To facilitate the Senate completing its legislative responsibilities ,for the 1st Session of the 107th Congress in a timely fashion, it is imperative that the Senate consider legislation which establishes appropriate discretionary spending limits for fiscal year 2002 through 2006 as soon as possible.

(b) ADJUSTMENT TO ALLOCATIONS AND OTHER BUDGETARY AGGREGATES AND LEVELS.—Whenever a bill or joint resolution becomes law that increases the discretionary spending limit for fiscal year 2001 or 2002 set out in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget of the Senate shall increase the allocation called for in section 302(a) of the Congressional Budget Act of 1974 to the appropriate Committee on Appropriations and shall also appropriately adjust all other budgetary aggregates and levels contained in this resolution.

(c) LIMITATION ON ADJUSTMENT.—An adjustment made pursuant to subsection (b) shall not result in an allocation under section 302(a) of the Congressional Budget Act of 1974 that exceeds the total budget authority and outlays set forth in subsection (a)(2).

Subtitle B—Reserve Funds

SEC. 211. STRATEGIC RESERVE FUND FOR LONG-TERM DEBT AND SOCIAL SECURITY.

If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Social Security, extend the solvency of the Social Security Trust Funds, maintain progressivity in the Social Security benefit system, and continue to lift more seniors out of poverty, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $750,000,000,000 for the total of fiscal years 2002 through 2011, provided that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SEC. 212. RESERVE FUND PROVIDING FISCAL YEAR 2001 EMERGENCY RELIEF FOR AGRICULTURE.

If legislation is reported by the Senate Committee on Agriculture, Nutrition, and Forestry, or an amendment thereto is offered or a conference report thereon is submitted, that provides emergency assistance to family farmers who produce agricultural commodities in calendar year 2001, the Chairman of the Senate Committee on the Budget may revise the allocations and other appropriate levels and limits in this resolution by up to $9,000,000,000 in budget authority and outlays for fiscal year 2001, provided that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

SEC. 213. RESERVE FUND FOR FARM BILL AND AGRICULTURAL CONSERVATION PROGRAMS.

If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry, or an amendment thereto is offered or a conference report thereon is submitted, that provides for an improved, multiyear safety net for family farmers, a strengthened national commitment to agricultural conservation programs, and revised authorizations for agricultural trade, nutrition, credit, rural development, research, and related programs, the Chairman of the Senate Committee on the Budget may revise the allocations and other appropriate levels and limits in this resolution by up to $4,400,000,000 in budget authority and outlays for fiscal year 2002 (including for agricultural conservation programs), and $88,000,000,000 in budget authority and outlays for the total of fiscal years 2002 through 2011 (including for agricultural conservation programs), provided that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

TITLE III—SENSE OF SENATE PROVISIONS

SEC. 301. SENSE OF THE SENATE REGARDING PRESCRIPTION DRUG COVERAGE.

It is the sense of the Senate that the Medicare function totals in this resolution assume $311,000,000,000 over the next 10 years for a prescription drug benefit under title XVIII of the Social Security Act that is voluntary, accessible to all beneficiaries, designed to assist seniors with the high cost of prescription drugs, protect them from excessive out-of-pocket costs, and give them bargaining power in the marketplace; affordable to all beneficiaries and the programs; administered using private sector entities and competitive purchasing techniques; and consistent with broader Medicare reform.

SEC. 302. SENSE OF THE SENATE REGARDING EXPANDING ACCESS TO HEALTH CARE FOR THE UNINSURED.

It is the sense of the Senate that the Health function totals in this resolution assume $80,000,000,000 over the next 10 years, and that the revenue levels in this resolution include an amount not yet allocated, for proposals that would expand health insurance coverage to the uninsured that target funding for those who need it most, combine public and private coverage options to efficiently target the uninsured, protect employer-based coverage systems, provide a meaningful health insurance benefit to the uninsured, assure that the new insurance benefit is affordable, avoid creating new bureaucracies and promote State flexibility, and emphasize enrollment and not just eligibility.

SEC. 303. SENSE OF THE SENATE ON MEDICARE SURPLUS PROTECTION POINT OF ORDER.

It is the sense of the Senate that this resolution assumes that it should not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon), or any bill, joint resolution, amendment, motion, or conference report, that would cause the on-budget surplus to decrease below the level of the Medicare Hospital Insurance Trust Fund Surplus in any fiscal year covered by this resolution.

SEC. 304. SENSE OF THE SENATE REGARDING A COMPREHENSIVE ENERGY POLICY.

(a) FINDINGS.—The Senate finds that—

(1) it is in the best interest of this country to enact a truly balanced and comprehensive energy policy;

(2) a comprehensive policy is one that not only increases domestic energy supplies, but also helps to better manage that supply; maintains a commitment to energy efficiency in our homes, offices, and vehicles; and works to ensure a stable and prosperous future through diversifying our portfolio of energy sources; and

(3) a comprehensive policy helps not just urban areas, but also rural and tribal populations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that funds will be available to support enactment of a comprehensive energy policy as follows:

(1) An increase of $10,300,000,000 in discretionary funding above baseline levels, including funding to help Indian tribes plan, develop, and fund energy projects.

(2) A decrease of up to $14,300,000,000 in revenues for energy tax credits to ensure investment in energy supply infrastructure, to accelerate market penetration of ultrahigh efficiency technologies, and to promote domestic oil and natural gas development using countercyclical measures.

SEC. 305. SENSE OF THE SENATE REGARDING PAY PARITY FOR FEDERAL EMPLOYEES.

(a) FINDINGS.—The Senate finds that—

(1) members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States;

(2) increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector;

(3) there is a 32 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers, and an estimated 10 percent gap between the compensation levels of

members of the uniformed services and the compensation levels of private sector workers; and

(4) in almost every year of the past 2 decades, members of the uniformed services and civilian employees of the United States have received equal adjustments in compensation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SEC. 306. SENSE OF THE SENATE REGARDING DEFENSE.

It is the sense of the Senate that the levels in this resolution for National Defense assume—

(1) enactment of a $7,070,000,000 fiscal year 2001 emergency defense supplemental appropriations Act providing immediate assistance to rectify shortfalls in accounts related to people and readiness, with emphasis on pay, housing, the Defense Health Program, operations, maintenance, training, spare parts, force protection, and information technology;

(2) continued long-term improvements to pay, housing, health care, and other key benefits for current and former service members and their families;

(3) investment of the funding necessary to maintain the readiness of our armed forces to respond to near-term threats;

(4) preparation for the new threats and new capabilities of the new century through transformation of our military and retooling of our national security bureaucracy, with special emphasis on: increased investment in technologies providing long-range precision strike, speed, stealth, and dominant battlespace knowledge, and in particular command, control, computers, communications, intelligence, surveillance, and reconnaissance (C4ISR) assets; reform of the defense budget and requirements process to emphasize national strategy, jointness, and transition to a joint network-centric force; acquisition reform; increased integration of support organizations and greater efficiency through consolidation, strategic sourcing, or restructuring; and intensified efforts to address performance and accountability challenges documented by the General Accounting Office;

(5) increased funding for nonproliferation programs at the Departments of Defense and Energy; and

(6) increased funding for the other critical atomic energy defense programs of the Department of Energy, including national nuclear laboratory security, Stockpile Stewardship, and nuclear weapons-related environmental clean-up—a particular priority in light of the Department's legal obligations to State and local governments regarding Hanford and other sites.

SA 262. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

"It is the Sense of the Senate that—

"(1) Although much of the responsibility for the current electricity problem in California can be assigned to the failure by the State to maintain adequate supplies of energy and generating capacity and by the legislative and administrative actions taken by the State that interfered with the market and impeded effective competition and, given the most recent stream flow figures for the Western United States, this situation will likely only worsen this summer and could seriously affect virtually every Western State;

"(2) While the long term solution will require new generation and transmission as well as conservation, action will need to be taken by federal, State, and local units of government to address the immediate situation;

"(3) That action requires that we fully understand what opportunities are presently available from existing generating sources as well as those that could brought on line without delay in order for the Administration and Congress to work together on appropriate administrative and legislative actions which, in concert with actions taken by the several Western States, will effectively allocate existing capacity;

"(4) The Secretary of Energy, in consultation with appropriate federal, state, and local agencies as well as with public and private entities producing or capable of producing power, should provide the Congress with an inventory of all actual and potential energy sources to provide electricity to California and also to the other Western States and what actions will be necessary to bring those sources on line or increase their current generation in a form that is as comprehensive as possible and includes generation that is not presently available but that could be made available within a reasonable time, and that such inventory should—

"(A) identify the extent of any back up generation maintained by retail customers and what actions would be necessary to make such generation available during shortages, including identification of fuel source and adequacy of supply;

"(B) examine any regulatory or other constraints that presently limit full operation of existing generating sources, including hydroelectric facilities, and identify what steps would need to be taken on a temporary or permanent basis to make additional generation from those sources available;

"(C) investigate and detail opportunities for additional generation both in and outside the region, the nature of such generation, anticipated costs, likelihood of availability on a firm or interruptible basis, and the particular area that could be served by such generation and the extent to which such service could release other generation capacity for areas under shortage;

"(D) evaluate any transmission constraints and describe what actions would be necessary to alleviate those constraints; and

"(5) The federal government should take such legislative and administrative actions as may be necessary, in conjunction with necessary actions by States and local units of government, to alleviate the effects of the current and impending shortages until adequate supplies of electricity and energy are available on a long-term basis to meet legitimate demands for the entire region."

SA 263. Mr. ALLEN (for himself, Mr. BROWNBACK, Mr. CRAIG, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TAX CUT ACCELERATOR.

a) REPORTING, ADDITIONAL SURPLUSES.—If any report provided pursuant to section 202(e)(1) of the Congressional Budget Act of 1974, estimates an on-budget surplus that exceeds the on-budget surplus set forth in such a report for the preceding year, the chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make adjustments in the resolution for the next fiscal year as provided in subsection (b).

(b) ADJUSTMENTS.—The chairmen of the Committee on the Budget of the House of Representatives and of the Senate shall make the following adjustments in an amount not to exceed the difference between the on-budget surpluses in the reports referred to in subsection (a):

(1) Reduce the on-budget revenue aggregate by that amount for the fiscal years included in such reports.

(2) Adjust the instruction to the Committee on Ways and Means and the Committee on Finance to increase the reduction in revenues by the sum of the amounts for the period of such fiscal years in such manner as to not produce an on-budget deficit in the next fiscal year, over the next 5 fiscal years, or over the next 10 fiscal years and to require a report of reconciliation legislation by the Committee on Ways and Means and the Committee on Finance not later than March 15.

(3) Adjust such other levels in such resolution, as appropriate, and the House of Representatives and the Senate pay-as-you-go scorecards.

SA 264. Mr. THOMPSON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

SEC. . SALES TAX DEDUCTION.

(a) FINDINGS.—The Senate finds that—

(1) in 1986, the ability to deduct state and local sales taxes was eliminated from the Federal tax code;

(2) the States of Tennessee, Texas, Wyoming, Washington, Florida, Nevada, and South Dakota have no state income tax;

(3) the citizens of those seven states continue to be treated unfairly because they are required to pay significantly more in taxes to the federal government than similarly situated taxpayers living in states that raise revenue primarily through an income tax;

(4) the federal tax code provides preferential treatment to citizens of states with state and local income taxes over those without state and local income taxes;

(5) the current federal tax code infringes upon states' rights to tax their citizens as

they see fit, because the federal tax code treats state and local sales taxes differently than state and local income taxes; and

(6) the current and projected non-Social Security budget surpluses provide the opportunity to restore equity to the federal tax code by allowing taxpayers to deduct either their state and local sales taxes or their state and local income taxes on their federal tax returns, but not both.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance should consider legislation to make state and local sales taxes deductible against federal income taxes, as are state and local income taxes now.

SA 265. Mr. WARNER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR THE TEACHER TAX CREDIT ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered, or a conference report is submitted, which provides teachers with a tax credit to reimburse them for certain out of pocket educational expenses, professional development expenses, and interest paid on student loans, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $2.9 billion in budget authority and $2.9 billion in outlays for fiscal year 2002, and $39.5 billion in budget authority and $39.5 billion in outlays for the total of fiscal years 2002 through 2011.

SA 266. Mr. WARNER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR THE TEACHER TAX CREDIT ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered, or a conference report is submitted, which provides teachers with a tax credit to reimburse them for certain out of pocket educational expenses, professional development expenses, and interest paid on student loans, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $2.9 billion in budget authority and $2.9 billion in outlays for fiscal year 2002, and $39.5 billion in budget authority and $39.5 billion in outlays for the total of fiscal years 2002 through 2011.

SA 267. Mr. BIDEN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $427,000,000.

On page 2, line 18, increase the amount by $988,000,000.

On page 3, line 1, increase the amount by $1,573,000,000.

On page 3, line 2, increase the amount by $2,152,000,000.

On page 3, line 3, increase the amount by $2,677,000,000.

On page 3, line 4, increase the amount by $2,867,000,000.

On page 3, line 5, increase the amount by $2,897,000,000.

On page 3, line 6, increase the amount by $2,888,000,000.

On page 3, line 7, increase the amount by $2,852,000,000.

On page 3, line 8, increase the amount by $2,816,000,000.

On page 3, line 13, decrease the amount by $427,000,000.

On page 3, line 14, decrease the amount by $988,000,000.

On page 3, line 15, decrease the amount by $1,573,000,000.

On page 3, line 16, decrease the amount by $2,152,000,000.

On page 3, line 17, decrease the amount by $2,677,000,000.

On page 3, line 18, decrease the amount by $2,867,000,000.

On page 3, line 19, decrease the amount by $2,897,000,000.

On page 3, line 20, decrease the amount by $2,888,000,000.

On page 3, line 21, decrease the amount by $2,852,000,000.

On page 3, line 22, decrease the amount by $2,816,000,000.

On page 4, line 2, increase the amount by $805,000,000.

On page 4, line 3, increase the amount by $1,362,000,000.

On page 4, line 4, increase the amount by $1,918,000,000.

On page 4, line 5, increase the amount by $2,425,000,000.

On page 4, line 6, increase the amount by $3,006,000,000.

On page 4, line 7, increase the amount by $2,886,000,000.

On page 4, line 8, increase the amount by $2,892,000,000.

On page 4, line 9, increase the amount by $2,871,000,000.

On page 4, line 10, increase the amount by $2,851,000,000.

On page 4, line 11, increase the amount by $2,679,000,000.

On page 4, line 16, increase the amount by $427,000,000.

On page 4, line 17, increase the amount by $988,000,000.

On page 4, line 18, increase the amount by $1,573,000,000.

On page 4, line 19, increase the amount by $2,152,000,000.

On page 4, line 20, increase the amount by $2,677,000,000.

On page 4, line 21, increase the amount by $2,867,000,000.

On page 4, line 22, increase the amount by $2,897,000,000.

On page 4, line 23, increase the amount by $2,888,000,000.

On page 5, line 1, increase the amount by $2,852,000,000.

On page 5, line 2, increase the amount by $2,816,000,000.

On page 10 line 21, increase the amount by $750,000,000.

On page 10 line 22, increase the amount by $395,000,000.

On page 10 line 25, increase the amount by $1,262,000,000.

On page 11 line 1, increase the amount by $912,000,000.

On page 11 line 4, increase the amount by $1,768,000,000.

On page 11 line 5, increase the amount by $1,449,000,000.

On page 11 line 8, increase the amount by $2,250,000,000.

On page 11 line 9, increase the amount by $1,994,000,000.

On page 11 line 12, increase the amount by $2,831,000,000.

On page 11 line 13, increase the amount by $2,508,000,000.

On page 11 line 16, increase the amount by $2,711,000,000.

On page 11 line 17, increase the amount by $2,695,000,000.

On page 11 line 20, increase the amount by $2,717,000,000.

On page 11 line 21, increase the amount by $2,724,000,000.

On page 11 line 24, increase the amount by $2,696,000,000.

On page 11 line 25, increase the amount by $2,715,000,000.

On page 12 line 3, increase the amount by $2,676,000,000.

On page 12 line 4, increase the amount by $2,678,000,000.

On page 12 line 7, increase the amount by $2,529,000,000.

On page 12 line 8, increase the amount by $2,659,000,000.

On page 12 line 16, increase the amount by $50,000,000.

On page 12 line 17, increase the amount by $33,000,000.

On page 12 line 20, increase the amount by $100,000,000.

On page 12 line 21, increase the amount by $76,000,000.

On page 12 line 24, increase the amount by $150,000,000.

On page 12 line 25, increase the amount by $125,000,000.

On page 13 line 3, increase the amount by $175,000,000.

On page 13 line 4, increase the amount by $158,000,000.

On page 13 line 7, increase the amount by $175,000,000.

On page 13 line 8, increase the amount by $169,000,000.

On page 13 line 11, increase the amount by $175,000,000.

On page 13 line 12, increase the amount by $173,000,000.

On page 13 line 15, increase the amount by $175,000,000.

On page 13 line 16, increase the amount by $173,000,000.

On page 13 line 19, increase the amount by $175,000,000.

On page 13 line 20, increase the amount by $173,000,000.

On page 13 line 23, increase the amount by $175,000,000.

On page 13 line 24, increase the amount by $173,000,000.

On page 14 line 2, increase the amount by $150,000,000.

On page 14 line 3, increase the amount by $157,000,000.

SA 268. Mr. HUTCHINSON (for himself, Mr. REID, Mr. WARNER, Ms. COLLINS, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. ___. RESERVE FUND FOR MILITARY RETIREES TO RECEIVE BOTH MILITARY RETIRED PAY AND DISABILITY COMPENSATION.

(a) IN GENERAL.—If the Committee on Armed Services of the Senate reports the Department of Defense authorization legislation and includes a provision to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability, the chairman of the Committee on the Budget of the Senate shall increase the allocation of new budget authority and outlays to that committee for that provision.

(b) INCREASE.—The amount of the increase under subsection (a) shall not exceed $3,000,000,000 in new budget authority and outlays for fiscal year 2002, $18,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2006, and $40,000,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, if the enactment of such measure will not cause an on-budget deficit for fiscal year 2002 and the period of fiscal years 2002 through 2011.

SA 269. Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. DORGAN, Mrs. MURRAY, Ms. MIKULSKI, Mr. KERRY, Mr. FEINGOLD, Ms. LANDRIEU, Mr. DURBIN, Mr. DASCHLE, Mr. REID, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,546,000,000.

On page 2, line 18, increase the amount by $1,689,000,000.

On page 3, line 1, increase the amount by $1,703,000,000.

On page 3, line 2, increase the amount by $1,709,000,000.

On page 3, line 3, increase the amount by $1,718,000,000.

On page 3, line 4, increase the amount by $1,718,000,000.

On page 3, line 5, increase the amount by $1,718,000,000.

On page 3, line 6, increase the amount by $1,718,000,000.

On page 3, line 7, increase the amount by $1,718,000,000.

On page 3, line 8, increase the amount by $1,718,000,000.

On page 3, line 13, decrease the amount by $1,546,000,000.

On page 3, line 14, decrease the amount by $1,689,000,000.

On page 3, line 15, decrease the amount by $1,703,000,000.

On page 3, line 16, decrease the amount by $1,709,000,000.

On page 3, line 17, decrease the amount by $1,718,000,000.

On page 3, line 18, decrease the amount by $1,718,000,000.

On page 3, line 19, decrease the amount by $1,718,000,000.

On page 3, line 20, decrease the amount by $1,718,000,000.

On page 3, line 21, decrease the amount by $1,718,000,000.

On page 3, line 22, deincrease the amount by $1,718,000,000.

On page 36, line 6, increase the amount by $1,718,000,000.

On page 36, line 7, increase the amount by $1,546,000,000.

On page 36, line 10, increase the amount by $1,718,000,000.

On page 36, line 11, increase the amount by $1,689,000,000.

On page 36, line 14, increase the amount by $1,718,000,000.

On page 36, line 15, increase the amount by $1,703,000,000.

On page 36, line 18, increase the amount by $1,718,000,000.

On page 36, line 19, increase the amount by $1,709,000,000.

On page 36, line 22, increase the amount by $1,718,000,000.

On page 36, line 23, increase the amount by $1,718,000,000.

On page 37, line 2; increase the amount by $1,718,000,000.

On page 37, line 3, increase the amount by $1,718,000,000.

On page 37, line 6, increase the amount by $1,718,000,000.

On page 37, line 7, increase the amount by $1,718,000,000.

On page 37, line 10, increase the amount by $1,718,000,000.

On page 37, line 11, increase the amount by $1,718,000,000.

On page 37, line 14, increase the amount by $1,718,000,000.

On page 37, line 15, increase the amount by $1,718,000,000.

On page 37, line 18, increase the amount by $1,718,000,000.

On page 37, line 19, increase the amount by $1,718,000,000.

On page 43, line 15, decrease the amount by $1,718,000,000.

On page 43, line 16, decrease the amount by $1,718,000,000.

On page 48, line 8, increase the amount by $1,718,000,000.

On page 48, line 9, increase the amount by $1,546,000,000.

On page 4, line 3, increase the amount by $1,718,000,000.

On page 4, line 4, increase the amount by $1,718,000,000.

On page 4, line 5, increase the amount by $1,718,000,000.

On page 4, line 6, increase the amount by $1,718,000,000.

On page 4, line 7, increase the amount by $1,718,000,000.

On page 4, line 8, increase the amount by $1,718,000,000.

On page 4, line 9, increase the amount by $1,718,000,000.

On page 4, line 10, increase the amount by $1,718,000,000.

On page 4, line 11, increase the amount by $1,718,000,000.

On page 4, line 17, increase the amount by $1,689,000,000.

On page 4, line 18, increase the amount by $1,703,000,000.

On page 4, line 19, increase the amount by $1,709,000,000.

On page 4, line 20, increase the amount by $1,718,000,000.

On page 4, line 21, increase the amount by $1,718,000,000.

On page 4, line 22, increase the amount by $1,718,000,000.

On page 4, line 23, increase the amount by $1,718,000,000.

On page 5, line 1, increase the amount by $1,718,000,000.

On page 5, line 2, increase the amount by $1,718,000,000.

SA 270. Mr. KENNEDY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, decrease the amount by $70,000,000,000.

On page 2, line 17, increase the amount by $5,122,000,000.

On page 2, line 18, increase the amount by $13,106,000,000.

On page 3, line 1, increase the amount by $15,570,000,000.

On page 3, line 2, increase the amount by $17,512,000,000.

On page 3, line 3, increase the amount by $19,780,000,000.

On page 3, line 4, increase the amount by $19,924,000,000.

On page 3, line 5, increase the amount by $19,506,000,000.

On page 3, line 6, increase the amount by $20,334,000,000.

On page 3, line 7, increase the amount by $20,935,000,000.

On page 3, line 8, increase the amount by $21,323,000,000.

On page 3, line 12, increase the amount by $70,000,000,000.

On page 3, line 13, decrease the amount by $5,122,000,000.

On page 3, line 14, decrease the amount by $13,106,000,000.

On page 3, line 15, decrease the amount by $15,570,000,000.

On page 3, line 16, decrease the amount by $17,512,000,000.

On page 3, line 17, decrease the amount by $19,780,000,000.

On page 3, line 18, decrease the amount by $19,924,000,000.

On page 3, line 19, decrease the amount by $19,506,000,000.

On page 3, line 20, decrease the amount by $20,334,000,000.

On page 3, line 21, decrease the amount by $20,935,000,000.

On page 3, line 22, decrease the amount by $21,323,000,000.

On page 4, line 2, increase the amount by $5,918,000,000.

On page 4, line 3, increase the amount by $7,095,000,000.

On page 4, line 4, increase the amount by $6,883,000,000.

On page 4, line 5, increase the amount by $7,385,000,000.

On page 4, line 6, increase the amount by $8,133,000,000.

On page 4, line 7, increase the amount by $7,793,000,000.

On page 4, line 8, increase the amount by $6,513,000,000.

On page 4, line 9, increase the amount by $6,688,000,000.

On page 4, line 10, increase the amount by $6,718,000,000.

On page 4, line 11, increase the amount by $6,748,000,000.

On page 4, line 16, increase the amount by $3,855,000,000.

On page 4, line 17, increase the amount by $5,691,000,000.

On page 4, line 18, increase the amount by $5,959,000,000.

On page 4, line 19, increase the amount by $6,551,000,000.

On page 4, line 20, increase the amount by $7,265,000,000.

On page 4, line 21, increase the amount by $7,156,000,000.

On page 4, line 22, increase the amount by $5,895,000,000.

On page 4, line 23, increase the amount by $6,035,000,000.

On page 5, line 1, increase the amount by $6,267,000,000.

On page 5, line 2, increase the amount by $6,297,000,000.

On page 14, line 11, increase the amount by $1,250,000,000.

On page 14, line 12, increase the amount by $1,195,000,000.

On page 14, line 15, increase the amount by $1,750,000,000.

On page 14, line 16, increase the amount by $1,655,000,000.

On page 14, line 19, increase the amount by $2,250,000,000.

On page 14, line 20, increase the amount by $2,115,000,000.

On page 14, line 23, increase the amount by $2,750,000,000.

On page 14, line 24, increase the amount by $2,575,000,000.

On page 15, line 2, increase the amount by $3,250,000,000.

On page 15, line 3, increase the amount by $3,035,000,000.

On page 15, line 6, increase the amount by $3,250,000,000.

On page 15, line 7, increase the amount by $3,035,000,000.

On page 15, line 10, increase the amount by $3,250,000,000.

On page 15, line 11, increase the amount by $3,035,000,000.

On page 15, line 14, increase the amount by $3,750,000,000.

On page 15, line 15, increase the amount by $3,495,000,000.

On page 15, line 18, increase the amount by $3,750,000,000.

On page 15, line 19, increase the amount by $3,495,000,000.

On page 15, line 22, increase the amount by $3,750,000,000.

On page 15, line 23, increase the amount by $3,495,000,000.

On page 21, line 15, increase the amount by $188,000,000.

On page 21, line 16, increase the amount by $30,000,000.

On page 21, line 19, increase the amount by $225,000,000.

On page 21, line 20, increase the amount by $102,000,000.

On page 21, line 23, increase the amount by $263,000,000.

On page 21, line 24, increase the amount by $186,000,000.

On page 22, line 2, increase the amount by $300,000,000.

On page 22, line 3, increase the amount by $237,000,000.

On page 22, line 6, increase the amount by $338,000,000.

On page 22, line 7, increase the amount by $281,000,000.

On page 22, line 10, increase the amount by $338,000,000.

On page 22, line 11, increase the amount by $312,000,000.

On page 22, line 14, increase the amount by $338,000,000.

On page 22, line 15, increase the amount by $331,000,000.

On page 22, line 18, increase the amount by $338,000,000.

On page 22, line 19, increase the amount by $336,000,000.

On page 22, line 22, increase the amount by $338,000,000.

On page 22, line 23, increase the amount by $338,000,000.

On page 23, line 2, increase the amount by $338,000,000.

On page 23, line 3, increase the amount by $338,000,000.

On page 25, line 6, increase the amount by $300,000,000.

On page 25, line 7, increase the amount by $265,000,000.

On page 25, line 10, increase the amount by $300,000,000.

On page 25, line 11, increase the amount by $288,000,000.

On page 25, line 14, increase the amount by $300,000,000.

On page 25, line 15, increase the amount by $288,000,000.

On page 25, line 18, increase the amount by $325,000,000.

On page 25, line 19, increase the amount by $313,000,000.

On page 25, line 22, increase the amount by $325,000,000.

On page 25, line 23, increase the amount by $313,000,000.

On page 26, line 2, increase the amount by $325,000,000.

On page 26, line 3, increase the amount by $313,000,000.

On page 26, line 6, increase the amount by $325,000,000.

On page 26, line 7, increase the amount by $313,000,000.

On page 26, line 10, increase the amount by $350,000,000.

On page 26, line 11, increase the amount by $338,000,000.

On page 26, line 14, increase the amount by $350,000,000.

On page 26, line 15, increase the amount by $338,000,000.

On page 26, line 18, increase the amount by $350,000,000.

On page 26, line 19, increase the amount by $338,000,000.

On page 27, line 3, increase the amount by $2,000,000,000.

On page 27, line 4, increase the amount by $185,000,000.

On page 27, line 7, increase the amount by $2,000,000,000.

On page 27, line 8, increase the amount by $826,000,000.

On page 27, line 11, increase the amount by $2,000,000,000.

On page 27, line 12, increase the amount by $1,300,000,000.

On page 27, line 15, increase the amount by $2,000,000,000.

On page 27, line 16, increase the amount by $1,416,000,000.

On page 27, line 19, increase the amount by $2,000,000,000.

On page 27, line 20, increase the amount by $1,416,000,000.

On page 27, line 23, increase the amount by $2,000,000,000.

On page 27, line 24, increase the amount by $1,616,000,000.

On page 28, line 2, increase the amount by $2,000,000,000.

On page 28, line 3, increase the amount by $1,616,000,000.

On page 28, line 6, increase the amount by $2,000,000,000.

On page 28, line 7, increase the amount by $1,616,000,000.

On page 28, line 10, increase the amount by $2,000,000,000.

On page 28, line 11, increase the amount by $1,816,000,000.

On page 28, line 14, increase the amount by $2,000,000,000.

On page 28, line 15, increase the amount by $1,816,000,000.

On page 32, line 15, increase the amount by $2,180,000,000.

On page 32, line 16, increase the amount by $2,180,000,000.

On page 32, line 19, increase the amount by $2,820,000,000.

On page 32, line 20, increase the amount by $2,820,000,000.

On page 32, line 23, increase the amount by $2,070,000,000.

On page 32, line 24, increase the amount by $2,070,000,000.

On page 33, line 2, increase the amount by $2,010,000,000.

On page 33, line 3, increase the amount by $2,010,000,000.

On page 33, line 6, increase the amount by $2,220,000,000.

On page 33, line 7, increase the amount by $2,220,000,000.

On page 33, line 10, increase the amount by $1,880,000,000.

On page 33, line 11, increase the amount by $1,880,000,000.

On page 33, line 14, increase the amount by $600,000,000.

On page 33, line 15, increase the amount by $600,000,000.

On page 33, line 18, increase the amount by $250,000,000.

On page 33, line 19, increase the amount by $250,000,000.

On page 33, line 22, increase the amount by $280,000,000.

On page 33, line 23, increase the amount by $280,000,000.

On page 34, line 2, increase the amount by $310,000,000.

On page 34, line 3, increase the amount by $310,000,000.

On page 43, line 15, decrease the amount by $5,918,000,000.

On page 43, line 16, decrease the amount by $3,855,000,000.

On page 48, line 8, increase the amount by $5,918,000,000.

On page 48, line 9, increase the amount by $3,855,000,000.

At the end of the resolution, insert the following:

SEC. . SENSE OF CONGRESS ON THE NEED FOR A BUDGET THAT PRESERVES AMERICA'S ECONOMIC STRENGTH.

(a) Findings.—Congress finds that—

(1) the historic economic growth that the Nation experienced over the past decade has largely been driven by the increased productivity of American workers and by technological advances;

(2) the Federal budget is an essential tool for responsible economic stewardship, both in providing effective short-term economic stimulus, and in promoting the long-term development of human resources and scientific research that are essential to preserve the Nation's economic health; and

(3) timely Federal tax and spending decisions have the capacity to produce further gains in productivity by building a better educated workforce, and to produce further scientific and technological breakthroughs by supporting ongoing research and development.

(b) Sense of Congress.—It is the sense of Congress that the levels in this resolution assume that—

(1) calendar year 2001 taxes are reduced by $70,000,000,000 in a manner that provides every taxpayer with a relatively equal amount of tax savings as expeditiously as practicable to provide the economy with an immediate stimulus;

(2) a plan increasing the level of exemption for property subject to the estate tax to $2,000,000 immediately and $4,000,000 over the decade, estimated to cost $66,000,000,000 between fiscal year 2002 and fiscal year 2011, is substituted for the Administration's proposal to repeal the estate tax at a cost of $267,000,000,000 over 10 years;

(3) the $200,000,000,000 that is saved as a result of substituting estate tax reform for repeal is used to strengthen the Nation's economy and keep it strong over the next decade by increasing budget authority by the following amounts over the amounts that were proposed at the outset of the Senate debate on the fiscal year 2002 budget resolution:

(A) Function 250, General Science, Space and Technology, is increased by $30,000,000,000 over the next 10 years, including $1,500,000,000 next year, to continue advancing science and technology through civilian research conducted under the auspices of the National Science Foundation, the National Aeronautic and Space Administration, and the Department of Energy;

(B) Function 370, Commerce and Housing Credit, is increased by $3,000,000,000 over the next 10 years, including $188,000,000 next year, to continue Department of Commerce initiatives that help small businesses create and use technology, including the Advanced Technology Program and the Manufacturing Extension Partnership;

(C) Function 450, Community and Regional Development, is increased by $3,000,000,000 over the next 10 years, including $300,000,000 next year, to clean and develop abandoned industrial sites in communities throughout the Nation under the Brownfields revitalization program administered by the Environmental Protection Agency;

(D) Function 500, Education, Training, Employment, and Social Services, is increased by $20,000,000,000 over the next 10 years, including $2,000,000,000 next year, to support the worker training needed to make economic opportunities available to all over the next decade, and this amendment also secures the resources that will be necessary for funding the levels contained in Amendment 185;

(E) Function 600, Income Security, is increased by $14,000,000,000 over the next 10 years, including $2,180,000,000 next year, to ensure that the Nation's Unemployment Insurance System responds to the needs of the modern workforce in times of economic uncertainty;

(4) equally important to the Nation's continued economic health, the tax cuts authorized under this resolution should be structured to include provisions that would—

(A) make the Research and Development Tax Credit permanent;

(B) enable taxpayers to deduct college tuition for income tax purposes;

(C) promote energy conservation and development of renewable and alternative energy sources;

(D) encourage low-income working families to save and build assets, including a first home, small business, and a post-secondary education, through Individual Development Accounts;

(E) bridge the digital divide in small businesses;

(F) encourage employers to make remedial education available to employees; and

(G) adjust tax depreciation periods to accurately reflect the useful life of high-technology capital equipment;

(5) tax cuts provided to individual taxpayers under this resolution should be fairly distributed among all Federal taxpayers, considering the percentage of total Federal taxes paid by individuals, including income, payroll, and excise taxes; and

(6) tax cuts authorized under this resolution should not be backloaded so as to either deprive the economy of the greater short-term stimulus benefits of evenly distributing tax cuts over the decade, or to distort the true size of tax cuts in later years.

SA 271. Mr. KENNEDY (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, decrease the amount by $70;000,000,000.

On page 2, line 17, increase the amount by $3,855,000,000.

On page 2, line 18, increase the amount by $5,691,000,000.

On page 3, line 1, increase the amount by $5,959,000,000.

On page 3, line 2, increase the amount by $6,551,000,000.

On page 3, line 3, increase the amount by $7,265,000,000.

On page 3, line 4, increase the amount by $7,156,000,000.

On page 3, line 5, increase the amount by $5,895,000,000.

On page 3, line 6, increase the amount by $6,035,000,000.

On page 3, line 7, increase the amount by $6,267,000,000.

On page 3, line 8, increase the amount by $6,297,000,000.

On page 3, line 12, increase the amount by $70,000,000,000.

On page 3, line 13, decrease the amount by $3,855,000,000.

On page 3, line 14, decrease the amount by $5,691,000,000.

On page 3, line 15, decrease the amount by $5,959,000,000.

On page 3, line 16, decrease the amount by $6,551,000,000.

On page 3, line 17, decrease the amount by $7,265,000,000.

On page 3, line 18, decrease the amount by $7,156,000,000.

On page 3, line 19, decrease the amount by $5,895,000,000.

On page 3, line 20, decrease the amount by $6,035,000,000.

On page 3, line 21, decrease the amount by $6,267,000,000.

On page 3, line 22, decrease the amount by $6,297,000,000.

On page 4, line 2, increase the amount by $5,918,000,000.

On page 4, line 3, increase the amount by $7,095,000,000.

On page 4, line 4, increase the amount by $6,883,000,000.

On page 4, line 5, increase the amount by $7,385,000,000.

On page 4, line 6, increase the amount by $8,133,000,000.

On page 4, line 7, increase the amount by $7,793,000,000.

On page 4, line 8, increase the amount by $6,513,000,000.

On page 4, line 9, increase the amount by $6,688,000,000.

On page 4, line 10, increase the amount by $6,718,000,000.

On page 4, line 11, increase the amount by $6,748,000,000.

On page 4, line 16, increase the amount by $3,855,000,000.

On page 4, line 17, increase the amount by $5,691,000,000.

On page 4, line 18, increase the amount by $5,959,000,000.

On page 4, line 19, increase the amount by $6,551,000,000.

On page 4, line 20, increase the amount by $7,265,000,000.

On page 4, line 21, increase the amount by $7,156,000,000.

On page 4, line 22, increase the amount by $5,895,000,000.

On page 4, line 23, increase the amount by $6,035,000,000.

On page 5, line 1, increase the amount by $6,267,000,000.

On page 5, line 2, increase the amount by $6,297,000,000.

On page 14, line 11, increase the amount by $1,250,000,000.

On page 14, line 12, increase the amount by $1,195,000,000.

On page 14, line 15, increase the amount by $1,750,000,000.

On page 14, line 16, increase the amount by $1,655,000,000.

On page 14, line 19, increase the amount by $2,250,000,000.

On page 14, line 20, increase the amount by $2,115,000,000.

On page 14, line 23, increase the amount by $2,750,000,000.

On page 14, line 24, increase the amount by $2,575,000,000.

On page 15, line 2, increase the amount by $3,250,000,000.

On page 15, line 3, increase the amount by $3,035,000,000.

On page 15, line 6, increase the amount by $3,250,000,000.

On page 15, line 7, increase the amount by $3,035,000,000.

On page 15, line 10, increase the amount by $3,250,000,000.

On page 15, line 11, increase the amount by $3,035,000,000.

On page 15, line 14, increase the amount by $3,750,000,000.

On page 15, line 15, increase the amount by $3,495,000,000.

On page 15, line 18, increase the amount by $3,750,000,000.

On page 15, line 19, increase the amount by $3,495,000,000.

On page 15, line 22, increase the amount by $3,750,000,000.

On page 15, line 23, increase the amount by $3,495,000,000.

On page 21, line 15, increase the amount by $188,000,000.

On page 21, line 16, increase the amount by $30,000,000.

On page 21, line 19, increase the amount by $225,000,000.

On page 21, line 20, increase the amount by $102,000,000.

On page 21, line 23, increase the amount by $263,000,000.

On page 21, line 24, increase the amount by $186,000,000.

On page 22, line 2, increase the amount by $300,000,000.

On page 22, line 3, increase the amount by $237,000,000.

On page 22, line 6, increase the amount by $338,000,000.

On page 22, line 7, increase the amount by $281,000,000.

On page 22, line 10, increase the amount by $338,000,000.

On page 22, line 11, increase the amount by $312,000,000.

On page 22, line 14, increase the amount by $338,000,000.

On page 22, line 15, increase the amount by $331,000,000.

On page 22, line 18, increase the amount by $338,000,000.

On page 22, line 19, increase the amount by $336,000,000.

On page 22, line 22, increase the amount by $338,000,000.

On page 22, line 23, increase the amount by $338,000,000.

On page 23, line 2, increase the amount by $338,000,000.

On page 23, line 3, increase the amount by $338,000,000.

On page 25, line 6, increase the amount by $300,000,000.

On page 25, line 7, increase the amount by $265,000,000.

On page 25, line 10, increase the amount by $300,000,000.

On page 25, line 11, increase the amount by $288,000,000.

On page 25, line 14, increase the amount by $300,000,000.

On page 25, line 15, increase the amount by $288,000,000.

On page 25, line 18, increase the amount by $325,000,000.

On page 25, line 19, increase the amount by $313,000,000.

On page 25, line 22, increase the amount by $325,000,000.

On page 25, line 23, increase the amount by $313,000,000.

On page 26, line 2, increase the amount by $325,000,000.

On page 26, line 3, increase the amount by $313,000,000.

On page 26, line 6, increase the amount by $325,000,000.

On page 26, line 7, increase the amount by $313,000,000.

On page 26, line 10, increase the amount by $350,000,000.

On page 26, line 11, increase the amount by $338,000,000.

On page 26, line 14, increase the amount by $350,000,000.

On page 26, line 15, increase the amount by $338,000,000.

On page 26, line 18, increase the amount by $350,000,000.

On page 26, line 19, increase the amount by $338,000,000.

On page 27, line 3, increase the amount by $2,000,000,000.

On page 27, line 4, increase the amount by $185,000,000.

On page 27, line 7, increase the amount by $2,000,000,000.

On page 27, line 8, increase the amount by $826,000,000.

On page 27, line 11, increase the amount by $2,000,000,000.

On page 27, line 12, increase the amount by $1,300,000,000.

On page 27, line 15, increase the amount by $2,000,000,000.

On page 27, line 16, increase the amount by $1,416,000,000.

On page 27, line 19, increase the amount by $2,000,000,000.

On page 27, line 20, increase the amount by $1,416,000,000.

On page 27, line 23, increase the amount by $2,000,000,000.

On page 27, line 24, increase the amount by $1,616,000,000.

On page 28, line 2, increase the amount by $2,000,000,000.

On page 28, line 3, increase the amount by $1,616,000,000.

On page 28, line 6, increase the amount by $2,000,000,000.

On page 28, line 7, increase the amount by $1,616,000,000.

On page 28, line 10, increase the amount by $2,000,000,000.

On page 28, line 11, increase the amount by $1,816,000,000.

On page 28, line 14, increase the amount by $2,000,000,000.

On page 28, line 15, increase the amount by $1,816,000,000.

On page 32, line 15, increase the amount by $2,180,000,000.

On page 32, line 16, increase the amount by $2,180,000,000.

On page 32, line 19, increase the amount by $2,820,000,000.

On page 32, line 20, increase the amount by $2,820,000,000.

On page 32, line 23, increase the amount by $2,070,000,000.

On page 32, line 24, increase the amount by $2,070,000,000.

On page 33, line 2, increase the amount by $2,010,000,000.

On page 33, line 3, increase the amount by $2,010,000,000.

On page 33, line 6, increase the amount by $2,220,000,000.

On page 33, line 7, increase the amount by $2,220,000,000.

On page 33, line 10, increase the amount by $1,880,000,000.

On page 33, line 11, increase the amount by $1,880,000,000.

On page 33, line 14, increase the amount by $600,000,000.

On page 33, line 15, increase the amount by $600,000,000.

On page 33, line 18, increase the amount by $250,000,000.

On page 33, line 19, increase the amount by $250,000,000.

On page 33, line 22, increase the amount by $280,000,000.

On page 33, line 23, increase the amount by $280,000,000.

On page 34, line 2, increase the amount by $310,000,000.

On page 34, line 3, increase the amount by $310,000,000.

On page 43, line 15, decrease the amount by $5,918,000,000.

On page 43, line 16, decrease the amount by $3,855,000,000.

On page 48, line 8, increase the amount by $5,918,000,000.

On page 48, line 9, increase the amount by $3,855,000,000.

At the end of the resolution, insert the following:

SEC. . SENSE OF CONGRESS ON THE NEED FOR A BUDGET THAT PRESERVES AMERICA'S ECONOMIC STRENGTH.

(a) Findings.—Congress finds that—

(1) the historic economic growth that the Nation experienced over the past decade has largely been driven by the increased productivity of American workers and by technological advances;

(2) the Federal budget is an essential tool for responsible economic stewardship, both in providing effective short-term economic stimulus, and in promoting the long-term development of human resources and scientific research that are essential to preserve the Nation's economic health; and

(3) timely Federal tax and spending decisions have the capacity to produce further gains in productivity by building a better educated workforce, and to produce further scientific and technological breakthroughs by supporting ongoing research and development.

(b) Sense of Congress.—It is the sense of Congress that the levels in this resolution assume that—

(1) calendar year 2001 taxes are reduced by $70,000,000,000 in a manner that provides every taxpayer with a relatively equal amount of tax savings as expeditiously as practicable to provide the economy with an immediate stimulus;

(2) $70,000,000,000 is used to strengthen the Nation's economy and keep it strong over the next decade by increasing budget authority by the following amounts over the amounts that were proposed at the outset of the Senate debate on the fiscal year 2002 budget resolution:

(A) Function 250, General Science, Space and Technology, is increased by $30,000,000,000 over the next 10 years, including $1,500,000,000 next year, to advance science and technology through civilian research conducted under the auspices of the National Science Foundation, the National Aeronautic and Space Administration, and the Department of Energy;

(B) Function 370, Commerce and Housing Credit, is increased by $3,000,000,000 over the next 10 years, including $188,000,000 next year, to continue Department of Commerce initiatives that help small businesses create and use technology, including the Advanced Technology Program and the Manufacturing Extension Partnership;

(C) Function 450, Community and Regional Development, is increased by $3,000,000,000 over the next 10 years, including $300,000,000 next year, to clean and develop abandoned industrial sites in communities throughout the Nation under the Brownfields revitalization program administered by the Environmental Protection Agency;

(D) Function 500, Education, Training, Employment, and Social Services, is increased by $20,000,000,000 over the next 10 years, including $2,000,000,000 next year, to support the worker training needed to make economic opportunities available to all over the next decade;

(E) Function 600, Income Security, is increased by $14,000,000,000 over the next 10 years, including $2,180,000,000 next year, to ensure that the Nation's Unemployment Insurance System responds to the needs of the modern workforce in times of economic uncertainty;

(3) equally important to the Nation's continued economic health, the tax cuts authorized under this resolution should be structured to include provisions that would—

(A) make the Research and Development Tax Credit permanent;

(B) enable taxpayers to deduct college tuition for income tax purposes;

(C) promote energy conservation and development of renewable and alternative energy sources;

(D) encourage low-income working families to save and build assets, including a first home, small business, and a post-secondary education, through Individual Development Accounts;

(E) bridge the digital divide in small businesses;

(F) encourage employers to make remedial education available to employees; and

(G) adjust tax depreciation periods to accurately reflect the useful life of high-technology capital equipment.

(4) tax cuts provided to individual taxpayers under this resolution should be fairly distributed among all Federal taxpayers, considering the percentage of total Federal taxes paid by individuals, including income, payroll, and excise taxes; and

(5) tax cuts authorized under this resolution should not be backloaded so as to either deprive the economy of the greater short-term stimulus benefits of evenly distributing tax cuts over the decade, or to distort the true size of the tax cuts in later years.

SA 272. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $384,000,000.

On page 3, line 1, increase the amount by $678,000,000.

On page 3, line 2, increase the amount by $976,000,000.

On page 3, line 3, increase the amount by $1,273,000,000.

On page 3, line 4, increase the amount by $1,570,000,000.

On page 3, line 5, increase the amount by $1,868,000,000.

On page 3, line 6, increase the amount by $2,165,000,000.

On page 3, line 7, increase the amount by $2,462,000,000.

On page 3, line 8, increase the amount by $2,759,000,000.

On page 3, line 14, decrease the amount by $384,000,000.

On page 3, line 15, decrease the amount by $678,000,000.

On page 3, line 16, decrease the amount by $976,000,000.

On page 3, line 17, decrease the amount by $1,273,000,000.

On page 3, line 18, decrease the amount by $1,570,000,000.

On page 3, line 19, decrease the amount by $1,868,000,000.

On page 3, line 20, decrease the amount by $2,165,000,000.

On page 3, line 21, decrease the amount by $2,462,000,000.

On page 3, line 22, decrease the amount by $2,759,000,000.

On page 4, line 3, increase the amount by $600,000,000.

On page 4, line 4, increase the amount by $900,000,000.

On page 4, line 5, increase the amount by $1,200,000,000.

On page 4, line 6, increase the amount by $1,500,000,000.

On page 4, line 7, increase the amount by $1,800,000,000.

On page 4, line 8, increase the amount by $2,100,000,000.

On page 4, line 9, increase the amount by $2,400,000,000.

On page 4, line 10, increase the amount by $2,700,000,000.

On page 4, line 11, increase the amount by $3,000,000,000.

On page 4, line 17, increase the amount by $384,000,000.

On page 4, line 18, increase the amount by $678,000,000.

On page 4, line 19, increase the amount by $976,000,000.

On page 4, line 20, increase the amount by $1,273,000,000.

On page 4, line 21, increase the amount by $1,570,000,000.

On page 4, line 22, increase the amount by $1,868,000,000.

On page 4, line 23, increase the amount by $2,165,000,000.

On page 5, line 1, increase the amount by $2,462,000,000.

On page 5, line 2, increase the amount by $2,759,000,000.

On page 27, line 3, increase the amount by $300,000,000.

On page 27, line 4, increase the amount by $106,000,000.

On page 27, line 7, increase the amount by $600,000,000.

On page 27, line 8, increase the amount by $384,000,000.

On page 27, line 11, increase the amount by $900,000,000.

On page 27, line 12, increase the amount by $678,000,000.

On page 27, line 15, increase the amount by $1,200,000,000.

On page 27, line 16, increase the amount by $976,000,000.

On page 27, line 19, increase the amount by $1,560,000,000.

On page 27, line 20, increase the amount by $1,273,000,000.

On page 27, line 23, increase the amount by $1,800,000,000.

On page 27, line 24, increase the amount by $1,570,000,000.

On page 28, line 2, increase the amount by $2,100,000,000.

On page 28, line 3, increase the amount by $1,868,000,000.

On page 28, line 6, increase the amount by $2,400,000,000.

On page 28, line 7, increase the amount by $2,165,000,000.

On page 28, line 10, increase the amount by $2,700,000,000.

On page 28, line 11, increase the amount by $2,462,000,000.

On page 28, line 14, increase the amount by $3,000,000,000.

On page 28, line 15, increase the amount by $2,759,000,000.

On page 43, line 15, decrease the amount by $300,000,000.

On page 43, line 16, decrease the amount by $106,000,000.

On page 48, line 8, increase the amount by $300,000,000.

On page 48, line 9, increase the amount by $106,000,000.

SA 273. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $679,000,000.

On page 3, line 1, increase the amount by $856,000,000.

On page 3, line 2, increase the amount by $900,000,000.

On page 3, line 3, increase the amount by $900,000,000.

On page 3, line 4, increase the amount by $900,000,000.

On page 3, line 5, increase the amount by $900,000,000.

On page 3, line 6, increase the amount by $900,000,000.

On page 3, line 7, increase the amount by $900,000,000.

On page 3, line 8, increase the amount by $900,000,000.

On page 3, line 14, decrease the amount by $679,000,000.

On page 3, line 15, decrease the amount by $856,000,000.

On page 3, line 16, decrease the amount by $900,000,000.

On page 3, line 17, decrease the amount by $900,000,000.

On page 3, line 18, decrease the amount by $900,000,000.

On page 3, line 19, decrease the amount by $900,000,000.

On page 3, line 20, decrease the amount by $900,000,000.

On page 3, line 21, decrease the amount by $900,000,000.

On page 3, line 22, decrease the amount by $900,000,000.

On page 4, line 3, increase the amount by $900,000,000.

On page 4, line 4, increase the amount by $900,000,000.

On page 4, line 5, increase the amount by $900,000,000.

On page 4, line 6, increase the amount by $900,000,000.

On page 4, line 7, increase the amount by $900,000,000.

On page 4, line 8, increase the amount by $900,000,000.

On page 4, line 9, increase the amount by $900,000,000.

On page 4, line 10, increase the amount by $900,000,000.

On page 4, line 11, increase the amount by $900,000,000.

On page 4, line 17, increase the amount by $679,000,000.

On page 4, line 18, increase the amount by $856,000,000.

On page 4, line 19, increase the amount by $900,000,000.

On page 4, line 20, increase the amount by $900,000,000.

On page 4, line 21, increase the amount by $900,000,000.

On page 4, line 22, increase the amount by $900,000,000.

On page 4, line 23, increase the amount by $900,000,000.

On page 5, line 1, increase the amount by $900,000,000.

On page 5, line 2, increase the amount by $900,000,000.

On page 27, line 3, increase the amount by $900,000,000.

On page 27, line 4, increase the amount by $92,000,000.

On page 27, line 7, increase the amount by $900,000,000.

On page 27, line 8, increase the amount by $679,000,000.

On page 27, line 11, increase the amount by $900,000,000.

On page 27, line 12, increase the amount by $856,000,000.

On page 27, line 15, increase the amount by $900,000,000.

On page 27, line 16, increase the amount by $900,000,000.

On page 27, line 19, increase the amount by $900,000,000.

On page 27, line 20, increase the amount by $900,000,000.

On page 27, line 23, increase the amount by $900,000,000.

On page 27, line 24, increase the amount by $900,000,000.

On page 28, line 2, increase the amount by $900,000,000.

On page 28, line 3, increase the amount by $900,000,000.

On page 28, line 6, increase the amount by $900,000,000.

On page 28, line 7, increase the amount by $900,000,000.

On page 28, line 10, increase the amount by $900,000,000.

On page 28, line 11, increase the amount by $900,000,000.

On page 28, line 14, increase the amount by $900,000,000.

On page 28, line 15, increase the amount by $900,000,000.

On page 43, line 15, decrease the amount by $900,000,000.

On page 43, line 16, decrease the amount by $92,000,000.

On page 48, line 8, increase the amount by $900,000,000.

On page 48, line 9, increase the amount by $92,000,000.

SA 274. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,000,000,000.

On page 2, line 18, increase the amount by $3,000,000,000.

On page 3, line 1, increase the amount by $4,000,000,000.

On page 3, line 13, decrease the amount by $1,000,000,000.

On page 3, line 14, decrease the amount by $3,000,000,000.

On page 3, line 15, decrease the amount by $4,000,000,000.

On page 28, line 23, increase the amount by $500,000,000.

On page 28, line 24, increase the amount by $500,000,000.

On page 29, line 2, increase the amount by $1,500,000,000.

On page 29, line 3, increase the amount by $1,500,000,000.

On page 29, line 6, increase the amount by $2,000,000,000.

On page 29, line 7, increase the amount by $2,000,000,000.

On page 30, line 19, increase the amount by $500,000,000.

On page 30, line 20, increase the amount by $500,000,000.

On page 30, line 23, increase the amount by $1,500,000,000.

On page 30, line 24, increase the amount by $1,500,000,000.

On page 31, line 2, increase the amount by $2,000,000,000.

On page 31, line 3, increase the amount by $2,000,000,000.

At the end of the amendment, add the following:

SEC. . FUNDING FOR SAFETY NET PROVIDERS AND PROGRAMS.

In order to reduce forthcoming reductions and to improve funding to our Nation's safety net providers, including public hospitals, children's hospitals, teaching hospitals, disproportionate share hospitals, and rural hospitals and providers, through the medicare, medicaid, and State children's health insurance programs for the period of fiscal years 2002 and 2004, and to provide increased funding for safety net programs, such as for community health centers, the Indian Health Service, the National Health Service Corps, title XXVI of the Public Health Service Act (the Ryan White CARE Act), infectious disease programs, mental and dental health programs, and rural health programs for that period, the budget authority and outlays set forth for Functions 550 and 570 in paragraphs (11) and (12) of section 102 of this resolution each assume $8,000,000,000 in new budget authority and $8,000,000,000 in new outlays for that period.

SA 275. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,000,000,000.

On page 2, line 18, increase the amount by $3,000,000,000.

On page 3, line 1, increase the amount by $4,000,000,000.

On page 3, line 13, decrease the amount by $1,000,000,000.

On page 3, line 14, decrease the amount by $3,000,000,000.

On page 3, line 15, decrease the amount by $4,000,000,000.

On page 28, line 23, increase the amount by $500,000,000.

On page 28, line 24, increase the amount by $500,000,000.

On page 29, line 2, increase the amount by $1,500,000,000.

On page 29, line 3, increase the amount by $1,500,000,000.

On page 29, line 6, increase the amount by $2,000,000,000.

On page 29, line 7, increase the amount by $2,000,000,000.

On page 30, line 19, increase the amount by $500,000,000.

On page 30, line 20, increase the amount by $500,000,000.

On page 30, line 23, increase the amount by $1,500,000,000.

On page 30, line 24, increase the amount by $1,500,000,000.

On page 31, line 2, increase the amount by $2,000,000,000.

On page 31, line 3, increase the amount by $2,000,000,000.

At the end of the amendment, add the following:

SEC. . FUNDING FOR SAFETY NET PROVIDERS AND PROGRAMS.

In order to reduce forthcoming reductions and to improve funding to our Nation's safety net providers, including public hospitals, children's hospitals, teaching hospitals, disproportionate share hospitals, and rural hospitals and providers, through the medicare, medicaid, and State children's health insurance programs for the period of fiscal years 2002 and 2004, and to provide increased funding for safety net programs, such as for community health centers, the Indian Health Service, the National Health Service Corps, title XXVI of the Public Health Service Act (the Ryan White CARE Act), infectious disease programs, mental and dental health programs, and rural health programs for that period, the budget authority and outlays set forth for Functions 550 and 570 in paragraphs (11) and (12) of section 102 of this resolution each assume $8,000,000,000 in new budget authority and $8,000,000,000 in new outlays for that period.

SA 276. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,733,000,000.

On page 2, line 18, increase the amount by $146,000,000.

On page 3, line 1, increase the amount by $192,000,000.

On page 3, line 2, increase the amount by $64,000,000.

On page 3, line 3, increase the amount by $41,000,000.

On page 3, line 13, decrease the amount by $1,733,000,000.

On page 3, line 14, decrease the amount by $146,000,000.

On page 3, line 15, decrease the amount by $192,000,000.

On page 3, line 16, decrease the amount by $64,000,000.

On page 3, line 17, decrease the amount by $41,000,000.

On page 4, line 17, increase the amount by $146,000,000.

On page 4, line 18, increase the amount by $192,000,000.

On page 4, line 19, increase the amount by $64,000,000.

On page 4, line 20, increase the amount by $41,000,000.

On page 25, line 6, increase the amount by $457,000,000.

On page 25, line 7, increase the amount by $9,000,000.

On page 25, line 11, increase the amount by $146,000,000.

On page 25, line 15, increase the amount by $192,000,000.

On page 25, line 19, increase the amount by $64,000,000.

On page 25, line 23, increase the amount by $41,000,000.

On page 32, line 15, increase the amount by $1,724,000,000.

On page 32, line 16, increase the amount by $1,724,000,000.

On page 43, line 15, decrease the amount by $2,181,000,000.

On page 43, line 16, decrease the amount by $1,733,000,000.

On page 48, line 8, increase the amount by $2,181,000,000.

On page 48, line 9, increase the amount by $1,733,000,000.

SA 277. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,733,000,000.

On page 2, line 18, increase the amount by $146,000,000.

On page 3, line 1, increase the amount by $192,000,000.

On page 3, line 2, increase the amount by $64,000,000.

On page 3, line 3, increase the amount by $41,000,000.

On page 3, line 13, decrease the amount by $1,733,000,000.

On page 3, line 14, decrease the amount by $146,000,000.

On page 3, line 15, decrease the amount by $192,000,000.

On page 3, line 16, decrease the amount by $64,000,000.

On page 3, line 17, decrease the amount by $41,000,000.

On page 4, line 17, increase the amount by $146,000,000.

On page 4, line 18, increase the amount by $192,000,000.

On page 4, line 19, increase the amount by $64,000,000.

On page 4, line 20, increase the amount by $41,000,000.

On page 25, line 6, increase the amount by $457,000,000.

On page 25, line 7, increase the amount by $9,000,000.

On page 25, line 11, increase the amount by $146,000,000.

On page 25, line 15, increase the amount by $192,000,000.

On page 25, line 19, increase the amount by $64,000,000.

On page 25, line 23, increase the amount by $41,000,000.

On page 32, line 15, increase the amount by $1,724,000,000.

On page 32, line 16, increase the amount by $1,724,000,000.

On page 43, line 15, decrease the amount by $2,181,000,000.

On page 43, line 16, decrease the amount by $1,733,000,000.

On page 48, line 8, increase the amount by $2,181,000,000.

On page 48, line 9, increase the amount by $1,733,000,000.

SA 278. Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. LEVIN, Ms. LANDRIEU, Mr. KOHL, Mrs. CLINTON, Mr. KENNEDY, Mr. BAYH, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MAKING HIGHER EDUCATION AFFORDABLE.

(a) FINDINGS.—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than individuals who were only high school graduates, as compared to the fact that, in 1999, college graduates earned an average of 74 percent more than high school graduates;

(2) over the past 20 years, the cost of college tuition has quadrupled and is increasing—

(A) at a faster rate than any consumer item, including health care; and

(B) at a rate that is nearly twice as fast as the rate of inflation;

(3) despite increases in grant amounts contained in legislation recently enacted by Congress, the value of the maximum Pell Grant has declined 17 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(4) from 1992 to 1998, the demand for student loans soared by 82 percent and the average student loan amount increased by 367 percent; and

(5) according to the Department of Education, there is approximately $150,000,000,000 in outstanding student loan debt and students borrowed more during the decade beginning in 1990 than during all of the decades beginning in 1960, 1970, and 1980.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that tax relief legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to make higher education affordable, including—

(1) an above-the-line deduction of up to $12,000 for a taxable year for higher education expenses of a taxpayer and members of the taxpayer's family for such taxable year (in lieu of the credit for such expenses), including expenses for tuition and fees charged by an institution of higher education and required for the enrollment or attendance of such persons at the institution; and

(2) a credit against tax of up to $1,500 for each taxable year (indexed for inflation) for interest paid during such taxable year on loans incurred for higher education expenses—

(A) during the first 60 months such payments are required; and

(B) paid by individuals who are not dependents.

SA 279. Mr. SCHUMER (for himself, Mr. BIDEN, Ms. SNOWE, Mr. LEVIN, Ms. LANDRIEU, Mr. KOHL, Mrs. CLINTON, Mr. KENNEDY, Mr. BAYH, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING MAKING HIGHER EDUCATION AFFORDABLE.

(a) FINDINGS.—The Senate finds that—

(1) in our increasingly competitive global economy, the attainment of higher education is critical to the economic success of an individual, as evidenced by the fact that, in 1975, college graduates earned an average of 57 percent more than individuals who were only high school graduates, as compared to the fact that, in 1999, college graduates earned an average of 74 percent more than high school graduates;

(2) over the past 20 years, the cost of college tuition has quadrupled and is increasing—

(A) at a faster rate than any consumer item, including health care; and

(B) at a rate that is nearly twice as fast as the rate of inflation;

(3) despite increases in grant amounts contained in legislation recently enacted by Congress, the value of the maximum Pell Grant has declined 17 percent since 1975 in inflation-adjusted terms, forcing more students to rely on student loans to finance the cost of a higher education;

(4) from 1992 to 1998, the demand for student loans soared by 82 percent and the average student loan amount increased by 367 percent; and

(5) according to the Department of Education, there is approximately $150,000,000,000 in outstanding student loan debt and students borrowed more during the decade beginning in 1990 than during all of the decades beginning in 1960, 1970, and 1980.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that tax relief legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to make higher education affordable, including—

(1) an above-the-line deduction of up to $12,000 for a taxable year for higher education expenses of a taxpayer and members of the taxpayer's family for such taxable year (in lieu of the credit for such expenses), including expenses for tuition and fees charged by an institution of higher education and required for the enrollment or attendance of such persons at the institution; and

(2) a credit against tax of up to $1,500 for each taxable year (indexed for inflation) for interest paid during such taxable year on loans incurred for higher education expenses—

(A) during the first 60 months such payments are required; and

(B) paid by individuals who are not dependents.

SA 280. Mr. SCHUMER submitted an amendment intended to be proposed by him to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. . SENSE OF THE SENATE ON RETIREMENT SAVINGS.

It is the sense of the Senate that tax relief legislation enacted pursuant to the instructions contained in this concurrent resolution on the budget should include provisions to promote retirement security, including provisions that would increase the annual contribution limits for retirement plans, including individual retirement accounts and defined contribution plans, as well as other pension reform and expansions.

SA 281. Mr. GREGG (for himself, Mr. FEINGOLD, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION AND ENFORCEMENT OF THE DISCRETIONARY SPENDING CAPS.

(a) EXTENSION AND REVISION OF THE DISCRETIONARY SPENDING CAPS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302 of the Congressional Budget Act of 1974, the term "discretionary spending limit" means—

(1) with respect to fiscal year 2002, for the discretionary category: $699,200,000,000 in new budget authority and $691,100,000,000 in outlays;

(2) with respect to fiscal year 2003, for the discretionary category: $694,600,000,000 in new budget authority and $716,300,000,000 in outlays;

(3) with respect to fiscal year 2004, for the discretionary category: $719,600,000,000 in new budget authority and $742,100,000,000 in outlays;

(4) with respect to fiscal year 2005, for the discretionary category: $745,500,000,000 in new budget authority and $768,800,000,000 in outlays;

(5) with respect to fiscal year 2006, for the discretionary category: $772,400,000,000 in new budget authority and $796,500,000,000 in outlays.

(b) ENFORCEMENT.—

(1) POINTS OF ORDER IN THE SENATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(i) a revision of this resolution or any concurrent resolution on the budget for fiscal years 2002, 2003, 2004, 2005, or 2006 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(ii) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 2002, 2003, 2004, 2005, or 2006 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302 of the Congressional Budget Act of 1974) to be exceeded.

(B) POINT OF ORDER TO EXCISE SPECIFIC PROVISIONS.—If a bill, resolution, amendment, or conference report is out of order under either subparagraph (A) of this section or section 302 of the Congressional Budget Act of 1974, any Senator may raise a point of order during consideration of the bill, resolution, amendment, or conference report against any specific provision that would, by being stricken, make (or contribute toward making) the bill, resolution, amendment, or conference report in order under subparagraph (A) of this section and section 302 of the Congressional Budget Act of 1974. If the Presiding Officer rules that striking material would make (or contribute toward making) the bill, resolution, amendment, or conference report in order under subparagraph (A) of this section and section 302 of the Congressional Budget Act of 1974, the material shall be ruled out of order and stricken. A Senator may not reoffer as an amendment material stricken pursuant to this subparagraph. A Senator may raise a single point of order against several provisions under this subparagraph, and such point of order shall be considered as provided in section 313(e) of the Congressional Budget Act of 1974. A conference report containing material stricken under this subparagraph shall be considered as provided in section 313(d) of the Congressional Budget Act of 1974.

(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(3) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) ALLOCATIONS.—Notwithstanding any other provision of this resolution or law, the joint explanatory statement accompanying the conference report on this resolution may include allocations to the Committees on Appropriations consistent with the discretionary spending limits for fiscal year 2002 in this section.

(d) CONFORMING REPEAL.—Section 201 of H. Con. Res. 84 (105th Congress), insofar as it affects fiscal year 2002, is repealed.

SA 282. Mr. GREGG (for himself, Mr. FEINGOLD, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION AND ENFORCEMENT OF THE DISCRETIONARY SPENDING CAPS.

(a) EXTENSION AND REVISION OF THE DISCRETIONARY SPENDING CAPS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302 of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

(1) with respect to fiscal year 2002, for the discretionary category: $669,200,000,000 in new budget authority and $690,100,000,000 in outlays,

(2) with respect to fiscal year 2003, for the discretionary category: $670,300,000,000 in new budget authority and $717,300,000,000 in outlays;

(3) with respect to fiscal year 2004, for the discretionary category: $728,600,000,000 in new budget authority and $743,100,000,000 in outlays;

(4) with respect to fiscal year 2005, for the discretionary category: $754,800,000,000 in new budget authority and $769,900,000,000 in outlays;

(5) with respect to fiscal year 2006, for the discretionary category: $782,000,000,000 in new budget authority and $797,600,000,000 in outlays.

(1) ENFORCEMENT.—

(b) POINTS OF ORDER IN THE SENATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate-to consider—

(i) a revision of this resolution or any concurrent resolution on the budget for fiscal years 2002, 2003, 2004, 2005, or 2006 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(ii) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 2002, 2003, 2004, 2005, of 2006 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302 of the Congressional Budget Act of 1974) to be exceeded.

(B) POINT OF ORDER TO EXCISE SPECIFIC PROVISIONS.—If a bill, resolution, amendment, or conference report is out of order under either subparagraph (A) of this section or section 302 of the Congressional Budget Act of 1974, any Senator may raise a point of order during consideration of the bill, resolution, amendment, or conference report against any specific provision that would, by being stricken, make (or contribute toward making) the bill, resolution, amendment, or conference report in order under subparagraph (A) of this section and section 302 of the Congressional Budget Act of 1974. If the Presiding Officer rules that striking material would make (or contribute toward making) the bill, resolution, amendment, or conference report in order under subparagraph (A) of this section and section 302 of the Congressional Budget Act of 1974, the material shall be ruled out of order and stricken. A Senator may not reoffer as an amendment material stricken pursuant to this subparagraph. A Senator may raise a single point of order against several provisions under this subparagraph, and such point of order shall be considered as provided in section 313(e) of the Congressional Budget Act of 1974. A conference report containing material stricken under this subparagraph shall be considered as provided in section 313(d) of the Congressional Budget Act of 1974.

(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(3) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(4) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifth of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) ALLOCATIONS.—Notwithstanding any other provision of this resolution or law, the joint explanatory statement accompanying the conference report on this resolution may include allocations to the Committees on Appropriations consistent with the discretionary spending limits for fiscal year 2002 in this section.

(d) CONFORMING REPEAL.—Section 201 of H. Con. Res. 84 (105th Congress), insofar as it affects fiscal year 2002, is repealed.

SA 283. Mr. SMITH of Oregon (for himself, Mr. HARKIN, Mr. LEAHY, Ms. SNOWE, Mr. CRAPO, Mrs. BOXER, Mr. WYDEN, Mr. DAYTON, Mr. BINGAMAN, Mr. LEVIN, Mr. DURBIN, Mr. JOHNSON, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 3, increase the amount by $2,700,000,000.

On page 4, line 17, increase the amount by $2,700,000,000.

On page 5, line 8, decrease the amount by $2,700,000,000.

On page 17, line 23, increase the amount by $1,300,000,000.

On page 17, line 24, increase the amount by $1,300,000,000.

On page 18, line 2, increase the amount by $2,700,000,000.

On page 18, line 3, increase the amount by $2,700,000,000.

On page 43, line 15, decrease the amount by $1,300,000,000.

On page 43, line 16, decrease the amount by $1,300,000,000.

SA 284. Mr. ENZI (for himself, Mr. CARPER, Mr. BENNETT, Mr. KERRY, Mr. ALLARD, Mr. BAYH, Mr. HUTCHINSON, Mr. GRASSLEY, Ms. COLLINS, Mr. HAGEL, Mr. MILLER, Mr. SCHUMER, Mr. CORZINE, Mr. JOHNSON, Mr. NICKLES, Mr. BUNNING, Mr. DODD, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, decrease the amount by $82,000,000.

On page 2, line 18, decrease the amount by $86,000,000.

On page 3, line 1, decrease the amount by $90,000,000.

On page 3, line 2, decrease the amount by $95,000,000.

On page 3, line 3, decrease the amount by $100,000,000.

On page 3, line 4, decrease the amount by $105,000,000.

On page 3, line 5, decrease the amount by $110,000,000.

On page 3, line 6, decrease the amount by $115,000,000.

On page 3, line 7, decrease the amount by $120,000,000.

On page 3, line 8, decrease the amount by $125,000,000.

On page 3, line 13, increase the amount by $82,000,000.

On page 3, line 14, increase the amount by $86,000,000.

On page 3, line 15, increase the amount by $90,000,000.

On page 3, line 16, increase the amount by $95,000,000.

On page 3, line 17, increase the amount by $100,000,000.

On page 3, line 18, increase the amount by $105,000,000.

On page 3, line 19, increase the amount by $110,000,000.

On page 3, line 20, increase the amount by $115,000,000.

On page 3, line 21, increase the amount by $120,000,000.

On page 3, line 22, increase the amount by $125,000,000.

On page 4, line 16, increase the amount by $95,000,000.

On page 4, line 17, increase the amount by $106,000,000.

On page 4, line 18, increase the amount by $116,000,000.

On page 4, line 19, decrease the amount by $317,000,000.

On page 5, line 7, decrease the amount by $177,000,000.

On page 5, line 8, decrease the amount by $192,000,000.

On page 5, line 9, decrease the amount by $206,000,000.

On page 5, line 10, increase the amount by $222,000,000.

On page 5, line 11, decrease the amount by $100,000,000.

On page 5, line 12, decrease the amount by $105,000,000.

On page 5, line 13, decrease the amount by $110,000,000.

On page 5, line 14, decrease the amount by $115,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $125,000,000.

On page 21, line 16, increase the amount by $95,000,000.

On page 21, line 20, increase the amount by $106,000,000.

On page 21, line 24, increase the amount by $116,000,000.

On page 22, line 3, decrease the amount by $317,000,000.

SA 285. Mr. ALLEN submitted an amendment intended to be proposed by him to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR EDUCATIONAL OPPORTUNITY TAX RELIEF.

(a) IN GENERAL.—In the Senate and the House, the Chairmen of the Committees on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that is reported by the Senate Committee on Finance and the House Committee on Ways and Means, respectively, that reduces tax liabilities for parents of primary and secondary education students to increase access to K through 12 education-related opportunities and improve the quality of their children's education experience, especially with regards to, but not limited to, expenses related to the purchase of home computer hardware, education software, and internet access, and for expenses related to tutoring services.

(b) LIMITATION.—The Chairmen shall not make adjustment authorized in this section if legislation described in subsection (a) would cause an on-budget deficit when taken with all other legislation enacted for—

(1) fiscal year 2002;

(2) the period of fiscal years 2002 through 2006; or

(3) the period of fiscal years 2002 through 2011.

(c) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SA 286. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 10, line 21, increase the amount by $707,000,000.

On page 10, line 22, increase the amount by $285,000,000.

On page 43, line 15, decrease the amount by $707,000,000.

On page 43, line 16, decrease the amount by $285,000,000.

On page 48, line 8, increase the amount by $707,000,000.

On page 48, line 9, increase the amount by $285,000,000.

SA 287. Mr. SANTORUM submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011, which was ordered to lie on the table, as follows:

On page , insert the following new section:

SEC. SENSE OF THE SENATE THAT THE 107TH CONGRESS, 1ST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) Findings.—The Senate makes the following findings—

(1) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 127,000 acres on 460 farms since 1996;

(2) Congress provided an additional $17.5 million in Farmland Protection Program funds last year to which 770 applicants responded that would have leveraged $187 million in matching funds;

(3) For every federal dollar that is used to protect farmland, an additional three dollars is leveraged by states, localities, and nongovernmental organizations;

(4) The Farmland Protection Program is a completely voluntary program in which the federal government does not acquire the land or the easement;

(5) Funds from the original authorization for the Farmland Protection Program were expended at the end of Fiscal year 1998, and no funds were appropriated in Fiscal Year 1999 and Fiscal year 2000;

(6) Demand for Farmland Protection Program funding has outstripped available dollars by 600 percent;

(7) Through the Farmland Protection Program, new interest has been generated in communities across the country to help save valuable farmland;

(8) In 1999 alone, the issue of how to protect farmland was considered on twenty-five ballot initiatives;

(9) The United States is losing 3.2 million acres of our best farmland each year which is double the rate of the previous five years;

(10) These lands produce three-quarters of the fruits and vegetables, and over half of the dairy in the United States;

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals contained in this resolution assume that the Farmland protection Program will be reauthorized in the 107th Congress, 1st Session.

SA 288. Mr. VOINOVICH (for himself, Mr. FEINGOLD, Mr. GREGG, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY DESIGNATION POINT OF ORDER IN THE SENATE.

(a) Designations.—

(1) Guidance.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of mangers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) Criteria.—

(A) In general.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) Unforeseen.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) Justification for failure to meet criteria.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) Point of Order—When the Senate is considering a bill, resolution, amendment, motion, or conference report, a point of order may be made by a Senator against an emergency designation in that measure and if the Presiding Officer sustains that point of order, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(c) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Definition of an Emergency Requirement.—A provision shall be considered an emergency designation if it designates any item an emergency requirement pursuant to section 251(b)(20(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Form of the Point of Order.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974

(f) Conference Reports.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(g) Conforming Repeal.—Section 205 of H. Con. Res. 290 (106th Congress) is repealed.

SEC. . CLOSING BUDGET LOOPHOLES.

(a) Changing Caps.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that changes the discretionary spending limits this resolution.

(b) Waiving Sequester.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that waives or suspends the enforcement of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Directed Scoring.—It shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that directs the scorekeeping of any bill or resolution

(d) Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 289. Mr. CRAPO (for himself, Mrs. MURRAY, Mr. CRAIG, Mr. MCCONNELL, Ms. CANTWELL, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011: which was ordered to lie on the table; as follows:

On page 10, line 21, increase the amount by $1 billion.

On page 10, line 22, increase the amount by $650 million.

On page 43, line 15, decrease the amount by $1 billion.

On page 43, line 16, decrease the amount by $650 million.

On page 48, line 8, increase the amount by $1 billion.

On page 48, line 9, increase the amount by $650 million.

SA 290. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

(B) It is the sense of the Senate that the functional totals underlying this resolution on the budget assume that the Senate should debate and vote on legislation to increase the minimum wage and provide tax relief for small business before May 25, 2001: and any increase in the minimum wage should be accompanied by tax relief for the small businesses that hire minimum wage employees, including 100 percent deductibility of health care for the self-employed.

SA 291. Mr. NICKLES submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING THE ENACTMENT OF A PATIENTS' BILL OF RIGHTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President on February 7, 2001, presented the following principles by which he will gauge any Patient's Bill of Rights legislation:

(A) A Federal Patients' Bill of Rights should ensure that every person enrolled in a health plan enjoys strong patient protections. Because many States have passed patient protection laws that are appropriate for their States, deference should be given to these State laws and to the traditional authority of States to regulate health insurance.

(B) A Federal Patients' Bill of Rights should provide patient protections such as—

(i) access to emergency room and specialty care;

(ii) direct access to obstetricians, gynecologists and pediatricians;

(iii) access to needed prescription drugs and approved clinical trials;

(iv) access to health plan information;

(v) a prohibition of gag clauses;

(vi) consumer choice; and

(vii) continuity of care protections.

(C) Patients should have the right to appeal a health plan's decision to deny care through both internal review and independent, binding external review.

(D) Slow and costly litigation should be a last resort. Patients should exhaust their appeals process first and thereby allow independent medical experts to make medical decisions and ensure that patients receive necessary medical care without the expense or delay of going to court.

(E) After an independent review decision is rendered, patients should be allowed to hold their health plans liable in Federal court if they have been wrongly denied needed medical care.

(F) Employers, many of whom are struggling to offer health insurance coverage to their employees, should be shielded from unnecessary and frivolous lawsuits and should not be subject to multiple lawsuits in State court. Increased litigation will only result in higher health care costs, potentially forcing employers to drop employee health coverage altogether. Only employers who retain responsibility for, and make, final medical decisions should be subject to litigation.

(G) Americans want meaningful remedies, not a windfall for trial lawyers resulting in expensive health care premiums and unaffordable health coverage. To protect patients' rights without encouraging excessive litigation, damages should be subject to reasonable caps.

(2) Rapid changes in the health care marketplace have impacted the confidence of Americans in the health system of the United States.

(3) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(4) All Americans deserve quality-driven health care that is supported by sound science and evidence-based medicine.

(5) Patients should receive the health care benefits that they have been promised.

(6) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, patient access to health coverage, and the evolving health care marketplace.

(7) American businesses who voluntarily provide health care benefits to their employees stated that "A Patients' Bill of Rights that allows lawsuits against employers would force many to re-evaluate their roles in voluntarily offering health care coverage to their employees. For some businesses, their only option to avoid costly litigation would be to stop offering coverage altogether.".

(8) Health care costs have begun to rise significantly in the past year. According to a Deloitte and Touch study of private employer health care coverage, health care costs increased by 12.4 percent in 2000, well above the 9 percent increase that was anticipated. Further, the survey predicts a 12.7 percent increase for 2001.

(9) When health insurance premiums rise, Americans lose health insurance coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without health insurance of about 250,000 to 300,000 persons.

(10) There are 7,300,000 Americans who have access to employer subsidized health insurance coverage today but decline such coverage because they cannot afford the cost-sharing requirements. As costs increase, employers tend to shift costs to employees which has a direct, negative impact on employee enrollment rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should consider and pass legislation that meets the President's principles for a Patients' Bill of Rights that—

(1) does not make health care unaffordable;

(2) encourages, not discourages, employers to offer health care; and

(3) empowers doctors, not lawyers or health maintenance organization bureaucrats, to make medical decisions.

SA 292. Mr. KENNEDY (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, decrease the amount by $70,000,000,000.

On page 2, line 17, increase the amount by $5,122,000,000.

On page 2, line 18, increase the amount by $13,106,000,000.

On page 3, line 1, increase the amount by $15,570,000,000.

On page 3, line 2, increase the amount by $17,512,000,000.

On page 3, line 3, increase the amount by $19,780,000,000.

On page 3, line 4, increase the amount by $19,924,000,000.

On page 3, line 5, increase the amount by $19,506,000,000.

On page 3, line 6, increase the amount by $20,334,000,000.

On page 3, line 7, increase the amount by $20,935,000,000.

On page 3, line 8, increase the amount by $21,323,000,000.

On page 3, line 12, increase the amount by $70,000,000,000.

On page 3, line 13, decrease the amount by $5,122,000,000.

On page 3, line 14, decrease the amount by $13,106,000,000.

On page 3, line 15, decrease the amount by $15,570,000,000.

On page 3, line 16, decrease the amount by $17,512,000,000.

On page 3, line 17, decrease the amount by $19,780,000,000.

On page 3, line 18, decrease the amount by $19,924,000,000.

On page 3, line 19, decrease the amount by $19,506,000,000.

On page 3, line 20, decrease the amount by $20,334,000,000.

On page 3, line 21, decrease the amount by $20,935,000,000.

On page 3, line 22, decrease the amount by $21,323,000,000.

On page 4, line 2, increase the amount by $15,973,000,000.

On page 4, line 3, increase the amount by $17,985,000,000.

On page 4, line 4, increase the amount by $19,343,000,000.

On page 4, line 5, increase the amount by $20,165,000,000.

On page 4, line 6, increase the amount by $21,483,000,000.

On page 4, line 7, increase the amount by $21,193,000,000.

On page 4, line 8, increase the amount by $20,463,000,000.

On page 4, line 9, increase the amount by $20,938,000,000.

On page 4, line 10, increase the amount by $21,518,000,000.

On page 4, line 11, increase the amount by $21,548,000,000.

On page 4, line 16, increase the amount by $5,122,000,000.

On page 4, line 17, increase the amount by $13,106,000,000.

On page 4, line 18, increase the amount by $15,570,000,000.

On page 4, line 19, increase the amount by $17,512,000,000.

On page 4, line 20, increase the amount by $19,780,000,000.

On page 4, line 21, increase the amount by $19,924,000,000.

On page 4, line 22, increase the amount by $19,506,000,000.

On page 4, line 23, increase the amount by $20,334,000,000.

On page 5, line 1, increase the amount by $20,935,000,000.

On page 5, line 2, increase the amount by $21,323,000,000.

On page 14, line 11, increase the amount by $1,250,000,000.

On page 14, line 12, increase the amount by $1,195,000,000.

On page 14, line 15, increase the amount by $1,750,000,000.

On page 14, line 16, increase the amount by $1,655,000,000.

On page 14, line 19, increase the amount by $2,250,000,000.

On page 14, line 20, increase the amount by $2,115,000,000.

On page 14, line 23, increase the amount by $2,750,000,000.

On page 14, line 24, increase the amount by $2,575,000,000.

On page 15, line 2, increase the amount by $3,250,000,000.

On page 15, line 3, increase the amount by $3,035,000,000.

On page 15, line 6, increase the amount by $3,250,000,000.

On page 15, line 7, increase the amount by $3,035,000,000.

On page 15, line 10, increase the amount by $3,250,000,000.

On page 15, line 11, increase the amount by $3,035,000,000.

On page 15, line 14, increase the amount by $3,750,000,000.

On page 15, line 15, increase the amount by $3,495,000,000.

On page 15, line 18, increase the amount by $3,750,000,000.

On page 15, line 19, increase the amount by $3,495,000,000.

On page 15, line 22, increase the amount by $3,750,000,000.

On page 15, line 23, increase the amount by $3,495,000,000.

On page 21, line 15, increase the amount by $188,000,000.

On page 21, line 16, increase the amount by $30,000,000.

On page 21, line 19, increase the amount by $225,000,000.

On page 21, line 20, increase the amount by $102,000,000.

On page 21, line 23, increase the amount by $263,000,000.

On page 21, line 24, increase the amount by $186,000,000.

On page 22, line 2, increase the amount by $300,000,000.

On page 22, line 3, increase the amount by $237,000,000.

On page 22, line 6, increase the amount by $338,000,000.

On page 22, line 7, increase the amount by $281,000,000.

On page 22, line 10, increase the amount by $338,000,000.

On page 22, line 11, increase the amount by $312,000,000.

On page 22, line 14, increase the amount by $338,000,000.

On page 22, line 15, increase the amount by $331,000,000.

On page 22, line 18, increase the amount by $338,000,000.

On page 22, line 19, increase the amount by $336,000,000.

On page 22, line 22, increase the amount by $338,000,000.

On page 22, line 23, increase the amount by $338,000,000.

On page 23, line 2, increase the amount by $338,000,000.

On page 23, line 3, increase the amount by $338,000,000.

On page 25, line 6, increase the amount by $300,000,000.

On page 25, line 7, increase the amount by $265,000,000.

On page 25, line 10, increase the amount by $300,000,000.

On page 25, line 11, increase the amount by $288,000,000.

On page 25, line 14, increase the amount by $300,000,000.

On page 25, line 15, increase the amount by $288,000,000.

On page 25, line 18, increase the amount by $325,000,000.

On page 25, line 19, increase the amount by $313,000,000.

On page 25, line 22, increase the amount by $325,000,000.

On page 25, line 23, increase the amount by $313,000,000.

On page 26, line 2, increase the amount by $325,000,000.

On page 26, line 3, increase the amount by $313,000,000.

On page 26, line 6, increase the amount by $325,000,000.

On page 26, line 7, increase the amount by $313,000,000.

On page 26, line 10, increase the amount by $350,000,000.

On page 26, line 11, increase the amount by $338,000,000.

On page 26, line 14, increase the amount by $350,000,000.

On page 26, line 15, increase the amount by $338,000,000.

On page 26, line 18, increase the amount by $350,000,000.

On page 26, line 19, increase the amount by $338,000,000.

On page 27, line 3, increase the amount by $12,055,000,000.

On page 27, line 4, increase the amount by $1,452,000,000.

On page 27, line 7, increase the amount by $12,890,000,000.

On page 27, line 8, increase the amount by $8,241,000,000.

On page 27, line 11, increase the amount by $14,460,000,000.

On page 27, line 12, increase the amount by $10,911,000,000.

On page 27, line 15, increase the amount by $14,780,000,000.

On page 27, line 16, increase the amount by $12,377,000,000.

On page 27, line 19, increase the amount by $15,350,000,000.

On page 27, line 20, increase the amount by $13,931,000,000.

On page 27, line 23, increase the amount by $15,400,000,000.

On page 27, line 24, increase the amount by $14,384,000,000.

On page 28, line 2, increase the amount by $15,950,000,000.

On page 28, line 3, increase the amount by $15,227,000,000.

On page 28, line 6, increase the amount by $16,250,000,000.

On page 28, line 7, increase the amount by $15,915,000,000.

On page 28, line 10, increase the amount by $16,800,000,000.

On page 28, line 11, increase the amount by $16,483,000,000.

On page 28, line 14, increase the amount by $16,800,000,000.

On page 28, line 15, increase the amount by $16,842,000,000.

On page 32, line 15, increase the amount by $2,180,000,000.

On page 32, line 16, increase the amount by $2,180,000,000.

On page 32, line 19, increase the amount by $2,820,000,000.

On page 32, line 20, increase the amount by $2,820,000,000.

On page 32, line 23, increase the amount by $2,070,000,000.

On page 32, line 24, increase the amount by $2,070,000,000.

On page 33, line 2, increase the amount by $2,010,000,000.

On page 33, line 3, increase the amount by $2,010,000,000.

On page 33, line 6, increase the amount by $2,220,000,000.

On page 33, line 7, increase the amount by $2,220,000,000.

On page 33, line 10, increase the amount by $1,880,000,000.

On page 33, line 11, increase the amount by $1,880,000,000.

On page 33, line 14, increase the amount by $600,000,000.

On page 33, line 15, increase the amount by $600,000,000.

On page 33, line 18, increase the amount by $250,000,000.

On page 33, line 19, increase the amount by $250,000,000.

On page 33, line 22, increase the amount by $280,000,000.

On page 33, line 23, increase the amount by $280,000,000.

On page 34, line 2, increase the amount by $310,000,000.

On page 34, line 3, increase the amount by $310,000,000.

On page 43, line 15, decrease the amount by $15,973,000,000.

On page 43, line 16, decrease the amount by $5,122,000,000.

On page 48, line 8, increase the amount by $15,973,000,000.

On page 48, line 9, increase the amount by $5,122,000,000.

At the end of the resolution, insert the following:

SEC. . SENSE OF CONGRESS ON THE NEED FOR A BUDGET THAT PRESERVES AMERICA'S ECONOMIC STRENGTH.

(a) FINDINGS.—Congress finds that—

(1) the historic economic growth that the Nation experienced over the past decade has largely been driven by the increased productivity of American workers and by technological advances;

(2) the Federal budget is an essential tool for responsible economic stewardship, both in providing effective short-term economic stimulus, and in promoting the long-term development of human resources and scientific research that are essential to preserve the Nation's economic health; and

(3) timely Federal tax and spending decisions have the capacity to produce further gains in productivity by building a better educated workforce, and to produce further scientific and technologicalbreakthroughs by supporting ongoing research and development.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that—

(1) calendar year 2001 taxes are reduced by $70,000,000,000 in a manner that provides every taxpayer with a relatively equal amount of tax savings as expeditiously as practicable to provide the economy with an immediate stimulus;

(2) a plan increasing the level of exemption for property subject to the estate tax to $2,000,000 immediately and $4,000,000 over the decade, estimated to cost $66,000,000,000 between fiscal year 2002 and fiscal year 2011, is substituted for the Administration's proposal to repeal the estate tax at a cost of $267,000,000,000 over 10 years;

(3) the $200,000,000,000 that is saved as a result of substituting estate tax reform for repeal is used to strengthen the Nation's economy and keep it strong over the next decade by increasing budget authority by the following amounts over the amounts that were proposed at the outset of the Senate debate on the fiscal year 2002 budget resolution.

(A) Function 250, General Science, Space and Technology, is increased by $30,000,000,000 over the next 10 years, including $1,500,000,000 next year, to continue advancing science and technology through civilian research conducted under the auspices of the National Science Foundation, the National Aeronautic and Space Administration, and the Department of Energy;

(B) Function 370, Commerce and Housing Credit, is increased by $3,000,000,000 over the next 10 years, including $188,000,000 next year, to continue Department of Commerce initiatives that help small businesses create and use technology, including the Advanced Technology Program and the Manufacturing Extension Partnership;

(C) Function 450, Community and Regional Development, is increased by $3,000,000,000 over the next 10 years, including $300,000,000 next year, to clean and develop abandoned industrial sites in communities throughout the Nation under the Brownfields revitalization program administered by the Environmental Protection Agency;

(D) Function 500, Education, Training, Employment, and Social Services, is increased by $150,000,000,000 over the next 10 years, including $12,000,000,000 next year, to ensure that the kind of education and training needed to make economic opportunities available to all over the next decade, including—

(i) $65,000,000,000 for aid to disadvantaged students under title I of the Elementary and Secondary Education Act;

(ii) $12,000,000,000 to improve teacher quality;

(iii) $10,000,000,000 to continue reducing class sizes;

(iv) $7,000,000,000 to ensure access to quality bilingual education;

(v) $4,000,000,000 to continue repairing and modernizing schools;

(vi) $2,000,000,000 to improve teacher training under title II of the Higher Education Act;

(vii) $27,000,000,000 to increase the maximum Pell Grants to at least $4,700;

(viii) $2,000,000,000 for mentoring of low-income youth who have worked to prepare themselves for college;

(ix) $20,000,000,000 to expand employment training opportunities under the Workforce Investment Act and other programs specifically designed to assist workers to develop technology skills; and

(x) $1,000,000,000 to assist institutions of higher education in conducting business incubator initiatives;

(E) Function 600, Income Security, is increased by $14,000,000,000 over the next 10 years, including $2,180,000,000 next year, to ensure that the Nation's Unemployment Insurance System responds to the needs of the modern workforce in times of economic uncertainty;

(4) equally important to the Nation's continued economic health, the tax cuts authorized under this resolution should be structured to include provisions that would—

(A) make the Research and Development Tax Credit permanent;

(B) enable taxpayers to deduct college tuition for income tax purposes;

(C) promote energy conservation and development of renewable and alternative energy sources;

(D) encourage low-income working families to save and build assets, including a first home, small business, and a post-secondary education, through Individual Development Accounts;

(E) bridge the digital divide in small businesses;

(F) encourage employers to make remedial education available to employees; and

(G) adjust tax depreciation periods to accurately reflect the useful life of high-technology capital equipment;

(5) tax cuts provided to individual taxpayers under this resolution should be fairly distributed among all Federal taxpayers, considering the percentage of total Federal taxes paid by individuals, including income, payroll, and excise taxes; and

(6) tax cuts authorized under this resolution should not be backloaded to as to either deprive the economy of the greater short-term stimulus benefits of evenly distributing tax cuts over the decade, or to distort the true size of the tax cuts in later years.

SA 293. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

1. At the end of title II, insert the following:

SEC. ___. MINIMUM LEVEL OF TAX FAIRNESS.

(a) POINT OF ORDER.—In Senate, it shall not be in order to consider a bill, amendment, or conference report that provides tax reductions unless the total percentage of tax reductions in that measure received by those within the top 1 percent of income does not exceed 3 times the percentage received by those in the lower 60 percent of income in the first year, first 5 years, and first 10 years of this resolution.

(b) SCORING.—A point of order made under this section shall be scored using traditional definitions of income and Federal taxes as set forth in the distribution tables of the Joint Committee on Taxation for this calculation.

(c) SUPERMAJORITY WAIVER AND APPEAL.—A point of order under this section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 294. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. ___. SENSE OF THE SENATE ON CONTINUING SATURDAY MAIL DELIVERY.

It is the sense of the Senate that Congress is strongly opposed to the reduction of the six-day mail delivery service and calls on the United States Postal Service to take all of the necessary steps to assure this essential service goes uninterrupted.

SA 295. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 27, line 3, increase the amount by $300,000,000.

On page 27, line 4, increase the amount by $16,700,000.

On page 27, line 7, increase the amount by $314,000,000.

On page 27, line 8, increase the amount by $209,000,000.

On page 27, line 11, increase the amount by $328,000,000.

On page 27, line 12, increase the amount by $296,000,000.

On page 27, line 15, increase the amount by $342,000,000.

On page 27, line 16, increase the amount by $324,000,000.

On page 27, line 19, increase the amount by $357,000,000.

On page 27, line 20, increase the amount by $338,000,000.

On page 27, line 23, increase the amount by $372,000,000.

On page 27, line 24, increase the amount by $353,000,000.

On page 28, line 2, increase the amount by $386,000,000.

On page 28, line 3, increase the amount by $367,000,000.

On page 28, line 6, increase the amount by $402,000,000.

On page 28, line 7, increase the amount by $382,000,000.

On page 28, line 10, increase the amount by $417,000,000.

On page 28, line 11, increase the amount by $397,000,000.

On page 28, line 14, increase the amount by $433,000,000.

On page 28, line 15, increase the amount by $413,000,000.

On page 43, line 15, decrease the amount by $300,000,000.

On page 43, line 16, decrease the amount by $16,700,000.

On page 4, line 3, increase the amount by $314,000,000.

On page 4, line 4, increase the amount by $328,000,000.

On page 4, line 5, increase the amount by $342,000,000.

On page 4, line 6, increase the amount by $357,000,000.

On page 4, line 7, increase the amount by $372,000,000.

On page 4, line 8, increase the amount by $386,000,000.

On page 4, line 9, increase the amount by $402,000,000.

On page 4, line 10, increase the amount by $417,000,000.

On page 4, line 11, increase the amount by $433,000,000.

On page 4, line 17, increase the amount by $209,000,000.

On page 4, line 18, increase the amount by $296,000,000.

On page 4, line 19, increase the amount by $324,000,000.

On page 4, line 20, increase the amount by $338,000,000.

On page 4, line 21, increase the amount by $353,000,000.

On page 4, line 22, increase the amount by $367,000,000.

On page 4, line 23, increase the amount by $382,000,000.

On page 5, line 1, increase the amount by $397,000,000.

On page 5, line 2, increase the amount by $413,000,000.

On page 3, line 14, decrease the amount by $314,000,000.

On page 3, line 15, decrease the amount by $328,000,000.

On page 3, line 16, decrease the amount by $342,000,000.

On page 3, line 17, decrease the amount by $357,000,000.

On page 3, line 18, decrease the amount by $372,000,000.

On page 3, line 19, decrease the amount by $386,000,000.

On page 3, line 20, decrease the amount by $402,000,000.

On page 3, line 21, decrease the amount by $417,000,000.

On page 3, line 22, decrease the amount by $433,000,000.

SA 296. Mr. BINGAMAN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR REFUNDABLE TAX CREDITS.

In the Senate, if any bill reported by the Committee on Finance, amendment thereto, or conference report thereon, has refundable tax provisions that increase outlays, the Chairman of the Committee on the Budget may increase the amount of new budget authority (and outlays flowing therefrom) allocated to the Committee on Finance by the amount provided by such provisions and adjust the budget aggregates and reconciliation directions set forth in this resolution, as applicable, accordingly, but only to the extent that the increase in outlays and reduction in revenues resulting from such bill does not exceed the amounts specified in section 101.

SA 297. Mr. BINGAMAN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR REFUNDABLE TAX CREDITS.

In the Senate, if any bill reported by the Committee on Finance, amendment thereto, or conference report thereon, has refundable tax provisions that increase outlays, the Chairman of the Committee on the Budget may increase the amount of new budget authority (and outlays flowing therefrom) allocated to the Committee on Finance by the amount provided by such provisions and adjust the budget aggregates set forth in this resolution accordingly, but only to the extent that the increase in outlays and reduction in revenues resulting from such bill does not exceed the amounts specified in section 101.

SA 298. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 28, line 23, increase the amount by $1,000,000,000.

On page 28, line 24, increase the amount by $1,000,000,000.

On page 29, line 2, increase the amount by $2,000,000,000.

On page 29, line 3, increase the amount by $2,000,000,000.

On page 30, line 19, increase the amount by $1,000,000,000.

On page 30, line 20, increase the amount by $1,000,000,000.

On page 30, line 23, increase the amount by $2,000,000,000.

On page 30, line 24, increase the amount by $2,000,000,000.

On page 43, line 15, decrease the amount by $2,000,000,000.

On page 43, line 16, decrease the amount by $2,000,000,000.

On page 43, line 19, decrease the amount by $4,000,000,000.

On page 43, line 20, decrease the amount by $4,000,000,000.

At the end of the amendment, add the following:

SEC. . FUNDING FOR SAFETY NET PROVIDERS AND PROGRAMS.

In order to reduce forthcoming reductions and to improve funding to our Nation's safety net providers, including public hospitals, children's hospitals, teaching hospitals, disproportionate share hospitals, and rural hospitals and providers, through the medicare, medicaid, and State children's health insurance programs for each of fiscal years 2002 and 2003, and to provide increased funding for safety net programs, such as for community health centers, the Indian Health Service, the National Health Service Corps, title XXVI of the Public Health Service Act (the Ryan White CARE Act), infectious disease programs, mental and dental health programs, and rural health programs for each of fiscal years 2002 and 2003, the budget authority and outlays set forth for Functions 550 and 570 in paragraphs (11) and (12) of section 102 of this resolution each assume $1,000,000,000 in new budget authority and outlays for fiscal year 2002 and $2,000,000,000 in new budget authority and outlays for fiscal year 2003.

SA 299. Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mrs. CLINTON, Mrs. MURRAY, Mr. CORZINE, Mr. LEVIN, and Mr. DAYTON) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $3,000,000,000.

On page 2, line 18, increase the amount by $8,000,000,000.

On page 3, line 1, increase the amount by $10,000,000,000.

On page 3, line 2, increase the amount by $13,000,000,000.

On page 3, line 3, increase the amount by $15,000,000,000.

On page 3, line 4, increase the amount by $17,000,000,000.

On page 3, line 5, increase the amount by $19,000,000,000.

On page 3, line 6, increase the amount by $20,000,000,000.

On page 3, line 7, increase the amount by $22,000,000,000.

On page 3, line 8, increase the amount by $23,000,000,000.

On page 3, line 13, decrease the amount by $3,000,000,000.

On page 3, line 14, decrease the amount by $8,000,000,000.

On page 3, line 15, decrease the amount by $10,000,000,000.

On page 3, line 16, decrease the amount by $13,000,000,000.

On page 3, line 17, decrease the amount by $15,000,000,000.

On page 3, line 18, decrease the amount by $17,000,000,000.

On page 3, line 19, decrease the amount by $19,000,000,000.

On page 3, line 20, decrease the amount by $20,000,000,000.

On page 3, line 21, decrease the amount by $22,000,000,000.

On page 3, line 22, decrease the amount by $23,000,000,000.

On page 28, line 23, increase the amount by $3,000,000,000.

On page 28, line 24, increase the amount by $3,000,000,000.

On page 29, line 2, increase the amount by $8,000,000,000.

On page 29, line 3, increase the amount by $8,000,000,000.

On page 29, line 6, increase the amount by $10,000,000,000.

On page 29, line 7, increase the amount by $10,000,000,000.

On page 29, line 10, increase the amount by $13,000,000,000.

On page 29, line 11, increase the amount by $13,000,000,000.

On page 29, line 14, increase the amount by $15,000,000,000.

On page 29, line 15, increase the amount by $15,000,000,000.

On page 29, line 18, increase the amount by $17,000,000,000.

On page 29, line 19, increase the amount by $17,000,000,000.

On page 29, line 22, increase the amount by $19,000,000,000.

On page 29, line 23, increase the amount by $19,000,000,000.

On page 30, line 2, increase the amount by $20,000,000,000.

On page 30, line 3, increase the amount by $20,000,000,000.

On page 30, line 6, increase the amount by $22,000,000,000.

On page 30, line 7, increase the amount by $22,000,000,000.

On page 30, line 10, increase the amount by $23,000,000,000.

On page 30, line 11, increase the amount by $23,000,000,000.

At the end of the amendment, add the following:

SEC. ___. FUNDING FOR EXPANSIONS OF THE MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.

To substantially reduce the number of uninsured children, pregnant women, and families through improvements in outreach and enrollment to current eligible beneficiaries and through expansions of the medicaid program established under title XIX of the Social Security Act (42 U.S.C 1396 et seq.) and the State children's health insurance program established under title XXI of that Act (42 U.S.C. 1397aa et seq.) for low-income children, children with disabilities, and the parents of eligible children between fiscal years 2002 and 2011, the budget authority and outlays set forth for Function 550 in paragraph (11) of section 102 of this resolution assume $150,000,000,000 in new budget authority and outlays for that period.

SA 300. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,000,000,000.

On page 2, line 18, increase the amount by $3,000,000,000.

On page 3, line 1, increase the amount by $4,000,000,000.

On page 3, line 2, increase the amount by $4,000,000,000.

On page 3, line 3, increase the amount by $5,000,000,000.

On page 3, line 4, increase the amount by $6,000,000,000.

On page 3, line 5, increase the amount by $6,000,000,000.

On page 3, line 6, increase the amount by $7,000,000,000.

On page 3, line 7, increase the amount by $7,000,000,000.

On page 3, line 8, increase the amount by $7,000,000,000.

On page 3, line 13, decrease the amount by $1,000,000,000.

On page 3, line 14, decrease the amount by $3,000,000,000.

On page 3, line 15, decrease the amount by $4,000,000,000.

On page 3, line 16, decrease the amount by $4,000,000,000.

On page 3, line 17, decrease the amount by $5,000,000,000.

On page 3, line 18, decrease the amount by $6,000,000,000.

On page 3, line 19, decrease the amount by $6,000,000,000.

On page 3, line 20, decrease the amount by $7,000,000,000.

On page 3, line 21, decrease the amount by $7,000,000,000.

On page 3, line 22, decrease the amount by $7,000,000,000.

On page 28, line 23, increase the amount by $500,000,000.

On page 28, line 24, increase the amount by $500,000,000.

On page 29, line 2, increase the amount by $1,500,000,000.

On page 29, line 3, increase the amount by $1,500,000,000.

On page 29, line 6, increase the amount by $2,000,000,000.

On page 29, line 7, increase the amount by $2,000,000,000.

On page 29, line 10, increase the amount by $2,000,000,000.

On page 29, line 11, increase the amount by $2,000,000,000.

On page 29, line 14, increase the amount by $2,500,000,000.

On page 29, line 15, increase the amount by $2,500,000,000.

On page 29, line 18, increase the amount by $3,000,000,000.

On page 29, line 19, increase the amount by $3,000,000,000.

On page 29, line 22, increase the amount by $3,000,000,000.

On page 29, line 23, increase the amount by $3,000,000,000.

On page 30, line 2, increase the amount by $3,500,000,000.

On page 30, line 3, increase the amount by $3,500,000,000.

On page 30, line 6, increase the amount by $3,500,000,000.

On page 30, line 7, increase the amount by $3,500,000,000.

On page 30, line 10, increase the amount by $3,500,000,000.

On page 30, line 11, increase the amount by $3,500,000,000.

On page 30, line 19, increase the amount by $500,000,000.

On page 30, line 20, increase the amount by $500,000,000.

On page 30, line 23, increase the amount by $1,500,000,000.

On page 30, line 24, increase the amount by $1,500,000,000.

On page 31, line 2, increase the amount by $2,000,000,000.

On page 31, line 3, increase the amount by $2,000,000,000.

On page 31, line 6, increase the amount by $2,000,000,000.

On page 31, line 7, increase the amount by $2,000,000,000.

On page 31, line 10, increase the amount by $2,500,000,000.

On page 31, line 11, increase the amount by $2,500,000,000.

On page 31, line 14, increase the amount by $3,000,000,000.

On page 31, line 15, increase the amount by $3,000,000,000.

On page 31, line 18, increase the amount by $3,000,000,000.

On page 31, line 19, increase the amount by $3,000,000,000.

On page 31, line 22, increase the amount by $3,500,000,000.

On page 31, line 23, increase the amount by $3,500,000,000.

On page 32, line 2, increase the amount by $3,500,000,000.

On page 32, line 3, increase the amount by $3,500,000,000.

On page 32, line 6, increase the amount by $3,500,000,000.

On page 32, line 7, increase the amount by $3,500,000,000.

At the end of the amendment, add the following:

SEC. ___. FUNDING FOR SAFETY NET PROVIDERS AND PROGRAMS.

In order to reduce forthcoming reductions and to improve funding to our Nation's safety net providers, including public hospitals, children's hospitals, teaching hospitals, disproportionate share hospitals, and rural hospitals and providers, through the medicare, medicaid, and State children's health insurance programs for the period of fiscal years 2002 and 2011, and to provide increased funding for safety net programs, such as for community health centers, the Indian Health Service, the National Health Service Corps, title XXVI of the Public Health Service Act (the Ryan White CARE Act), infectious disease programs, mental and dental health programs, and rural health programs for that period, the budget authority and outlays set forth for Functions 550 and 570 in paragraphs (11) and (12) of section 102 of this resolution each assume $20,000,000,000 in new budget authority and $20,000,000,000 in new outlays for that period.

SA 301. Mr. BINGAMAN (for himself, Ms. CANTWELL, Mr. DAYTON, Mr. DORGAN, Mr. KERRY, Mr. LEAHY, Mr. REID, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 16, line 5, increase the amount by $349,000,000.

On page 16, line 6, increase the amount by $383,000,000.

On page 16, line 8, increase the amount by $465,000,000.

On page 16, line 9, increase the amount by $466,000,000.

On page 16, line 11, increase the amount by $495,000,000.

On page 16, line 12, increase the amount by $468,000,000.

On page 16, line 14, increase the amount by $600,000,000.

On page 16, line 15, increase the amount by $568,000,000.

On page 16, line 18, increase the amount by $719,000,000.

On page 16, line 19, increase the amount by $686,000,000.

On page 16, line 22, increase the amount by $774,000,000.

On page 16, line 23, increase the amount by $739,000,000.

On page 17, line 2, increase the amount by $506,000,000.

On page 17, line 3, increase the amount by $472,000,000.

On page 17, line 6, increase the amount by $580,000,000.

On page 17, line 7, increase the amount by $546,000,000.

On page 17, line 10, increase the amount by $672,000,000.

On page 17, line 11, increase the amount by $635,000,000.

On page 17, line 14, increase the amount by $766,000,000.

On page 17, line 15, increase the amount by $727,000,000.

On page 43, line 15, decrease the amount by $349,000,000.

On page 43, line 16, decrease the amount by $383,000,000.

On page 4, line 3, increase the amount by $465,000,000.

On page 4, line 4, increase the amount by $495,000,000.

On page 4, line 5, increase the amount by $600,000,000.

On page 4, line 6, increase the amount by $719,000,000.

On page 4, line 7, increase the amount by $774,000,000.

On page 4, line 8, increase the amount by $506,000,000.

On page 4, line 9, increase the amount by $580,000,000.

On page 4, line 10, increase the amount by $672,000,000.

On page 4, line 11, increase the amount by $766,000,000.

On page 4, line 17, increase the amount by $466,000,000.

On page 4, line 18, increase the amount by $468,000,000.

On page 4, line 19, increase the amount by $568,000,000.

On page 4, line 20, increase the amount by $686,000,000.

On page 4, line 21, increase the amount by $739,000,000.

On page 4, line 22, increase the amount by $472,000,000.

On page 4, line 23, increase the amount by $546,000,000.

On page 5, line 1, increase the amount by $635,000,000.

On page 5, line 2, increase the amount by $727,000,000.

On page 3, line 14, decrease the amount by $466,000,000.

On page 3, line 15, decrease the amount by $468,000,000.

On page 3, line 16, decrease the amount by $568,000,000.

On page 3, line 17, decrease the amount by $686,000,000.

On page 3, line 18, decrease the amount by $739,000,000.

On page 3, line 19, decrease the amount by $472,000,000.

On page 3, line 20, decrease the amount by $546,000,000.

On page 3, line 21, decrease the amount by $635,000,000.

On page 3, line 22, decrease the amount by $727,000,000.

On page 48, line 8, increase the amount by $349,000,000.

On page 49, line 9, increase the amount by $383,000,000.

SA 302. Mr. BINGAMAN (for himself, Ms. CANTWELL, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 3, increase the amount by $265,000,000.

On page 4, line 4, increase the amount by $332,000,000.

On page 4, line 5, increase the amount by $361,000,000.

On page 4, line 6, increase the amount by $383,000,000.

On page 4, line 7, increase the amount by $407,000,000.

On page 4, line 8, increase the amount by $433,000,000.

On page 4, line 9, increase the amount by $457,000,000.

On page 4, line 10, increase the amount by $482,000,000.

On page 4, line 11, increase the amount by $509,000,000.

On page 4, line 17, increase the amount by $1,657,000,000.

On page 4, line 18, increase the amount by $584,000,000.

On page 4, line 19, increase the amount by $397,000,000.

On page 4, line 20, increase the amount by $413,000,000.

On page 4, line 21, increase the amount by $437,000,000.

On page 4, line 22, increase the amount by $463,000,000.

On page 4, line 23, increase the amount by $487,000,000.

On page 5, line 1, increase the amount by $512,000,000.

On page 5, line 2, increase the amount by $539,000,000.

On page 5, line 8, decrease the amount by $1,657,000,000.

On page 5, line 9, decrease the amount by $584,000,000.

On page 5, line 10, decrease the amount by $397,000,000.

On page 5, line 11, decrease the amount by $413,000,000.

On page 5, line 12, decrease the amount by $437,000,000.

On page 5, line 13, decrease the amount by $463,000,000.

On page 5, line 14, decrease the amount by $487,000,000.

On page 5, line 15, decrease the amount by $512,000,000.

On page 5, line 16, decrease the amount by $539,000,000.

On page 5, line 21, increase the amount by $6,007,000,000.

On page 5, line 22, increase the amount by $6,591,000,000.

On page 5, line 23, increase the amount by $6,988,000,000.

On page 5, line 24, increase the amount by $7,401,000,000.

On page 5, line 25, increase the amount by $7,838,000,000.

On page 6, line 1, increase the amount by $8,301,000,000.

On page 6, line 2, increase the amount by $8,788,000,000.

On page 6, line 3, increase the amount by $9,300,000,000.

On page 6, line 4, increase the amount by $9,839,000,000.

On page 6, line 9, increase the amount by $6,007,000,000.

On page 6, line 10, increase the amount by $6,591,000,000.

On page 6, line 11, increase the amount by $6,988,000,000.

On page 6, line 12, increase the amount by $7,401,000,000.

On page 6, line 13, increase the amount by $7,838,000,000.

On page 6, line 14, increase the amount by $8,301,000,000.

On page 6, line 15, increase the amount by $8,788,000,000.

On page 6, line 16, increase the amount by $9,300,000,000.

On page 6, line 17, increase the amount by $9,839,000,000.

On page 32, line 15, increase the amount by $6,000,000,000.

On page 32, line 16, increase the amount by $4,350,000,000.

On page 32, line 20, increase the amount by $1,392,000,000.

On page 32, line 24, increase the amount by $252,000,000.

On page 33, line 3, increase the amount by $36,000,000.

On page 41, line 23, increase the amount by $265,000,000.

On page 41, line 24, increase the amount by $265,000,000.

On page 42, line 2, increase the amount by $332,000,000.

On page 42, line 3, increase the amount by $332,000,000.

On page 42, line 6, increase the amount by $361,000,000.

On page 42, line 7, increase the amount by $361,000,000.

On page 42, line 10, increase the amount by $383,000,000.

On page 42, line 11, increase the amount by $383,000,000.

On page 42, line 14, increase the amount by $407,000,000.

On page 42, line 15, increase the amount by $407,000,000.

On page 42, line 18, increase the amount by $433,000,000.

On page 42, line 19, increase the amount by $433,000,000.

On page 42, line 22, increase the amount by $457,000,000.

On page 42, line 23, increase the amount by $457,000,000.

On page 43, line 2, increase the amount by $482,000,000.

On page 43, line 3, increase the amount by $482,000,000.

On page 43, line 6, increase the amount by $509,000,000.

On page 43, line 7, increase the amount by $509,000,000.

On page 43, line 15, decrease the amount by $6,000,000,000.

On page 43, line 16, decrease the amount by $4,350,000,000.

On page 48, line 8, increase the amount by $6,000,000,000.

On page 48, line 9, increase the amount by $4,350,000,000.

SA 303. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

"SEC. . RESERVE FUND FOR PAYMENTS IN LIEU OF TAXES AND REFUGE REVENUE SHARING.

"If the Committee on Energy and Natural Resources of the senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides full, permanent, mandatory funding for Payments In Lieu of Taxes for entitlement lands under chapter 69 of title 31, United States Code and for Refuge Revenue Sharing, the chairman of the Committee on the Budget of the Senate may increase the aggregates, functional totals, allocations and other appropriate levels and limits in this resolution by up to $353,000,000 in new budget authority and outlays for fiscal year 2002 and $3,709,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, provided that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution."

SA 304. Mr. BINGAMAN (for himself, Mr. DASCHLE, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. KENNEDY, Mr. LEVIN, Mr. KERRY, Mr. REID, Mr. ROCKEFELLER, submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

"SEC. . SENSE OF THE SENATE ON ENERGY TAX CREDITS.

"(a) FINDINGS.—The Senate finds that:

"(1) An energy policy balancing increased supplies with increased energy efficiency and conservation is in the national interest;

"(2) An energy policy that accelerates commercialization and investment in a diverse mix of fuels and technologies will provide benefits for the long run;

"(3) Policies that ensure domestic oil and gas development continues during very low price periods will provide greater supply and price stability for natural gas;

"(4) Investments in distributed generation facilities and more efficient buildings and equipment will reduce the need for construction of additional infrastructure;

"(5) Replacement of older, less efficient equipment with new high efficiency models will reduce pressure on the power grid, improve environmental quality and stimulate the economy.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that this budget resolution assume that $14.5 billion of reduced revenues shall:

"(1) provide tax credits of 10 to 30 percent of the cost of investments in renewable energy technologies and energy-efficient property used in business and tax credits of 15 to 30% of the installed cost of certain renewable and fuel cell property for residential use;

"(2) provide tax deductions for increasing energy efficiency in non-residential buildings (commercial buildings, schools, and rental housing) compared to a national model standard and tax incentives for new energy efficient residential construction, including manufactured housing, and certain incentives for modifications to existing housing;

"(3) provide tax credits for the manufacture of high efficiency clothes washers and refrigerators;

"(4) provide a 7-year depreciation schedule for distributed power generation facilities, electric power transmission, and natural gas transmission, distribution and gathering lines;

"(5) provide—

"(A) tax credits for electricity produced from renewable and waste sources, including open-loop biomass, co-firing with biomass, geothermal, landfill methane, incremental hydropower, municipal waste and steel cogeneration, and advanced technology or alternative-fueled vehicles;

"(B) an offset against debate or obligations in lieu of tax credits for cooperative and municipal electric utilities;

"(C) tax exempt financing for Hawaiian facilities using bagasse to produce ethanol; and

"(D) a partial exemption of $0.03 per gallon from the fuel excise tax for diesel fuel that contains at least two percent biodiesel;

"(6) provide an investment tax credit of 10 percent for certain advanced, low emission clean coal technology costs, a production tax credit based on efficiency for each kilowatt generated, and a pool of funds to offset the costs of facility modifications to achieve design performance levels, an offset against debt or obligations in lieu of tax credits for cooperative and municipal electric utilities;

"(7) provide for expensing of the cost of propane and heating oil storage facilities and modification to the arbitrage rules affecting municipal utilities payments for commodities;

"(8) provide tax credits for re-refining lubricating oil and for coal mine methane captured from mining operations;

"(9) provide counter-cyclical tax credits during periods of extremely low prices for domestic oil and gas development drilling and enhanced recovery work and for marginal oil and gas wells, and expensing of delay rental payments and geological and geophysical costs;

"(10) provide use of existing tax credits for cooperatives who are small ethanol producers;

"(11) a small production tax credit to encourage development of a pipeline to transport Alaska natural gas to the lower 48 before January 1, 2009.".

SA 305. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, decrease the amount by $60,000,000,000.

On page 3, line 12, increase the amount by $60,000,000,000.

On page 4, line 15, decrease the amount by $60,000,000,000.

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE REGARDING BUDGET SURPLUS REBATE.

(a) FINDINGS.—The Senate finds the following:

(1) The economy of the United States has consistently grown since 1993, providing increasing prosperity for millions of hard-working Americans.

(2) The pace of growth of the economy of the United States was measured at only 1 percent in January 2001.

(3) The President and Vice President of the United States have noted that the economy of the United States is in need of a stimulus.

(4) The Democratic Leader of the United States Senate and other Members of the Democratic Caucus have called for immediate passage of a $60,000,000,000 economic stimulus package.

(5) The Chairman of the Senate Committee on the Budget has included in the fiscal year 2002 budget substitute a $60,000,000,000 economic stimulus package.

(6) The Ranking Member of the Senate Committee on the Budget has also called for a $60,000,000,000 economic stimulus package.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Senate should proceed to H.R. 3 immediately after the passage of H. Con. Res. 83, strike all after the enacting clause and insert the text of an agreed upon Bipartisan Economic Stimulus Package, including an immediate economic stimulus check for all payroll and income taxpayers.

SA 306. Mr. DURBIN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . RESERVE FUND FOR SMOKING CESSATION.

If the Committee on Finance reports legislation that contains a provision to fund tobacco cessation under the medicare program, the medicaid program and or amendment containing such a provision is offered, or a conference report thereon is submitted, the chairman of the Committee on the Budget of the Senate may increase the allocation of new budget authority and outlays to that committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure but not to exceed the amount of $500,000,000 over the period of fiscal years 2002 through 2011.

SA 307. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $39,000,000.

On page 2, line 18, increase the amount by $40,404,000.

On page 2, line 19, increase the amount by $41,858,544.

On page 2, line 20, increase the amount by $43,365,452.

On page 2, line 21, increase the amount by $44,926,608.

On page 2, line 22, increase the amount by $46,543,966.

On page 2, line 23, increase the amount by $48,219,549.

On page 2, line 24, increase the amount by $49,554,53.

On page 3, line 13, decrease the amount by $39,000,000.

On page 3, line 14, decrease the amount by $40,404,000.

On page 3, line 15, decrease the amount by $41,858,544.

On page 3, line 16, decrease the amount by $43,365,452.

On page 3, line 17, decrease the amount by $44,926,608.

On page 3, line 18, decrease the amount by $46,543,966.

On page 2, line 19, decrease the amount by $48,219,549.

On page 3, line 20, decrease the amount by $49,955,453.

On page 3, line 13, decrease the amount by $51,753,849.

On page 3, line 14, decrease the amount by $53,616,988.

Budget Authority

On page 4, line 2, increase the amount by $39,000,000.

On page 4, line 3, increase the amount by $40,404,000.

On page 4, line 4, increase the amount by $41,858,544.

On page 4, line 5, increase the amount by $43,365,452.

On page 4, line 6, increase the amount by $44,926,608.

On page 4, line 7, increase the amount by $46,543,966.

On page 4, line 8, increase the amount by $48,219,549.

On page 4, line 9, increase the amount by $49,955,453.

On page 4, line 10, increase the amount by $51,753,849.

On page 4, line 11, increase the amount by $53,616,988.

Budget Outlays

On page 4, line 16, increase the amount by $39,000,000.

On page 4, line 17, increase the amount by $40,404,000.

On page 4, line 18, increase the amount by $41,858,544.

On page 4, line 19, increase the amount by $43,365,452.

On page 4, line 20, increase the amount by $44,926,608.

On page 4, line 21, increase the amount by $46,543,966.

On page 4, line 22, increase the amount by $48,219,549.

On page 4, line 23, increase the amount by $49,955,453.

On page 5, line 1, increase the amount by $51,753,849.

On page 5, line 2, increase the amount by $53,616,988.

Function Totals

On page 38, line 2, increase the amount by $39,000,000.

On page 38, line 3, increase the amount by $39,000,000.

On page 38, line 6, increase the amount by $40,404,000.

On page 38, line 7, increase the amount by $40,404,000.

On page 38, line 10, increase the amount by $41,858,544.

On page 38, line 11, increase the amount by $41,858,544.

On page 38, line 14, increase the amount by $43,365,452.

On page 38, line 15, increase the amount by $43,365,452.

On page 38, line 19, increase the amount by $44,926,608.

On page 38, line 19, increase the amount by $44,926,608.

On page 38, line 22, increase the amount by $46,543,966.

On page 38, line 23, increase the amount by $46,543,966.

On page 39, line 2, increase the amount by $48,219,549.

On page 39, line 3, increase the amount by $48,219,549.

On page 39, line 6, increase the amount by $49,955,453.

On page 39, line 7, increase the amount by $49,955,453.

On page 39, line 10, increase the amount by $51,753,849.

On page 39, line 11, increase the amount by $51,753,849.

On page 39, line 14, increase the amount by $53,616,988.

On page 39, line 15, increase the amount by $53,616,988.

Function 92.

On page 43, line 15, decrease the amount by $39,000,000.

On page 43, line 16, decrease the amount by $39,000,000.

On page 48, line 8, increase the amount by $39,000,000.

On page 48, line 9, increase the amount by $39,000,000.

SA 308. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,600,000,000.

On page 2, line 18, increase the amount by $1,600,000,000.

On page 3, line 13, decrease the amount by $800,000,000.

On page 3, line 14, decrease the amount by $800,000,000.

On page 4, line 2, increase the amount by $800,000,000.

On page 4, line 3, increase the amount by $800,000,000.

On page 4, line 16, increase the amount by $776,000,000.

On page 4, line 17, increase the amount by $776,000,000.

On page 4, line 18, increase the amount by $48,000,000.

On page 17, line 23, increase the amount by $800,000,000.

On page 17, line 24, increase the amount by $776,000,000.

On page 18, line 2, increase the amount by $800,000,000.

On page 18, line 3, increase the amount by $776,000,000.

On page 18, line 7, increase the amount by $48,000,000.

On page 43, line 15, decrease the amount by $800,000,000.

On page 43, line 16, decrease the amount by $800,000,000.

On page 48, line 8, increase the amount by $800,000,000.

On page 48, line 9, increase the amount by $800,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget priorities in this resolution assume that Congress should fund the Clean Water State Revolving Loan Fund with at least $1.35 billion in FY 2002 and FY 2003 and fund the Wet Weather Quality Act grants as authorized at $750 million in FY 2002 and FY 2003 and that Congress should reduce the debt by an equal amount in FY 02 and FY 03.

SA 309. Mr. DEWINE (for himself, Mr. GRAHAM, Ms. SNOWE, Ms. MIKULSKI, Mr. BREAUX, Ms. LANDRIEU, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 23, line 11, increase the amount by $250,000,000.

On page 23, line 12, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $250,000,000.

At the end of the amendment, insert the following:

SEC. . SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counternarcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

SA 310. Mr. JOHNSON (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 7, decrease the amount by $31,140,000,000.

On page 2, line 8, decrease the amount by $10,606,000,000.

On page 3, line 1, increase the amount by $12,100,000,000.

On page 3, line 2, increase the amount by $33,077,000,000.

On page 3, line 3, increase the amount by $57,444,000,000.

On page 3, line 4, increase the amount by $67,821,000,000.

On page 3, line 5, increase the amount by $73,414,000,000.

On page 3, line 6, increase the amount by $71,119,000,000.

On page 3, line 7, increase the amount by $80,281,000,000.

On page 3, line 8, increase the amount by $64,625,000,000.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, increase the amount by $10,606,000,000.

On page 3, line 15, decrease the amount by $12,100,000,000.

On page 3, line 16, decrease the amount by $33,077,000,000.

On page 3, line 17, decrease the amount by $57,444,000,000.

On page 3, line 18, decrease the amount by $67,821,000,000.

On page 3, line 19, decrease the amount by $73,414,000,000.

On page 3, line 20, decrease the amount by $71,119,000,000.

On page 3, line 21, decrease the amount by $80,281,000,000.

On page 3, line 22, decrease the amount by $64,625,000,000.

On page 4, line 2, increase the amount by $828,000,000.

On page 4, line 3, increase the amount by $1,914,000,000.

On page 4, line 4, increase the amount by $2,090,000,000.

On page 4, line 5, increase the amount by $1,070,000,000.

On page 4, line 6, decrease the amount by $1,254,000,000.

On page 4, line 7, decrease the amount by $4,729,000,000.

On page 4, line 8, decrease the amount by $8,867,000,000.

On page 4, line 9, decrease the amount by $13,374,000,000.

On page 4, line 10, decrease the amount by $18,273,000,000.

On page 4, line 11, decrease the amount by $23,361,000,000.

On page 4, line 16, increase the amount by $828,000,000.

On page 4, line 17, increase the amount by $1,919,000,000.

On page 4, line 18, increase the amount by $2,090,000,000.

On page 4, line 19, increase the amount by $1,070,000,000.

On page 4, line 20, decrease the amount by $1,254,000,000.

On page 4, line 21, decrease the amount by $4,729,000,000.

On page 4, line 22, decrease the amount by $8,867,000,000.

On page 4, line 23, decrease the amount by $13,374,000,000.

On page 5, line 1, decrease the amount by $18,273,000,000.

On page 5, line 2, decrease the amount by $23,361,000,000.

On page 5, line 7, decrease the amount by $31,968,000,000.

On page 5, line 8, decrease the amount by $12,520,000,000.

On page 5, line 9, increase the amount by $10,010,000,000.

On page 5, line 10, increase the amount by $32,007,000,000.

On page 5, line 11, increase the amount by $56,698,000,000.

On page 5, line 12, increase the amount by $72,550,000,000.

On page 5, line 13, increase the amount by $82,281,000,000.

On page 5, line 14, increase the amount by $84,493,000,000.

On page 5, line 15, increase the amount by $98,554,000,000.

On page 5, line 16, increase the amount by $87,986,000,000.

On page 5, line 20, increase the amount by $31,968,000,000.

On page 5, line 21, increase the amount by $44,488,000,000.

On page 5, line 22, increase the amount by $34,478,000,000.

On page 5, line 23, increase the amount by $2,471,000,000.

On page 6, line 4, decrease the amount by $96,849,000,000.

On page 6, line 8, increase the amount by $31,968,000,000.

On page 6, line 9, increase the amount by $44,488,000,000.

On page 6, line 10, decrease the amount by $34,478,000,000.

On page 6, line 11, decrease the amount by $2,471,000,000.

On page 6, line 17, decrease the amount by $96,849,000,000.

On page 41, line 19, increase the amount by $828,000,000.

On page 41, line 20, increase the amount by $828,000,000.

On page 41, line 23, increase the amount by $1,914,000,000.

On page 41, line 24, increase the amount by $1,914,000,000.

On page 2, line 2, increase the amount by $2,090,000,000.

On page 2, line 3, increase the amount by $2,090,000,000.

On page 42, line 6, increase the amount by $1,070,000,000.

On page 42, line 7, increase the amount by $1,070,000,000.

On page 42, line 10, decrease the amount by $1,254,000,000.

On page 42, line 11, decrease the amount by $1,254,000,000.

On page 42, line 14, decrease the amount by $4,729,000,000.

On page 42, line 15, decrease the amount by $4,729,000,000.

On page 42, line 18, decrease the amount by $8,867,000,000.

On page 42, line 19, decrease the amount by $8,867,000,000.

On page 42, line 22, decrease the amount by $13,374,000,000.

On page 42, line 23, decrease the amount by $13,374,000,000.

On page 43, line 2, decrease the amount by $18,273,000,000.

On page 43, line 3, decrease the amount by $18,273,000,000.

On page 43, line 6, decrease the amount by $23,361,000,000.

On page 43, line 7, decrease the amount by $23,361,000,000.

At the end of the amendment, add the following new section:

SEC. 206. STRATEGIC RESERVE FUND FOR LONG-TERM DEBT, SOCIAL SECURITY, AND MEDICARE.

(a) SOCIAL SECURITY.—If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Social Security, extend the solvency of the Social Security trust funds, maintain progressivity in the Social Security benefit system, and continue to lift more seniors out of poverty, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $385 billion for the total of fiscal years 2002 through 2011, subject to the conditions in subsection (c).

(b) MEDICARE.—If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Medicare, extend the solvency of the Medicare Hospital Insurance Trust Fund, and continue to provide for comprehensive health care benefits for the nation's seniors, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $385 billion for the total of fiscal years 2002 through 2011, subject to the conditions in subsection (c).

(c) LIMITS ON REVISIONS.—The adjustments set forth in subsections (a) and (b) may be made only if the legislation which triggers the adjustment would not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution, and the total amount of the adjustments under both subsections shall not exceed $385 billion in 2002 through 2011.

SA 311. Mr. JOHNSON submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $7,300,000.

On page 3, line 1, increase the amount by $9,300,000.

On page 3, line 2, increase the amount by $10,300,000.

On page 3, line 3, increase the amount by $10,500,000.

On page 3, line 4, increase the amount by $10,700,000.

On page 3, line 5, increase the amount by $10,900,000.

On page 3, line 6, increase the amount by $11,100,000.

On page 3, line 7, increase the amount by $11,400,000.

On page 3, line 8, increase the amount by $11,600,000.

On page 3, line 14, decrease the amount by $7,300,000.

On page 3, line 15, decrease the amount by $9,300,000.

On page 3, line 16, decrease the amount by $10,300,000.

On page 3, line 17, decrease the amount by $10,500,000.

On page 3, line 18, decrease the amount by $10,700,000.

On page 3, line 19, decrease the amount by $10,900,000.

On page 3, line 20, decrease the amount by $11,100,000.

On page 3, line 21, decrease the amount by $11,400,000.

On page 3, line 22, decrease the amount by $11,600,000.

On page 4, line 3, increase the amount by $10,200,000.

On page 4, line 4, increase the amount by $10,400,000.

On page 4, line 5, increase the amount by $10,600,000.

On page 4, line 6, increase the amount by $10,800,000.

On page 4, line 7, increase the amount by $11,000,000.

On page 4, line 8, increase the amount by $11,200,000.

On page 4, line 9, increase the amount by $11,400,000.

On page 4, line 10, increase the amount by $11,600,000.

On page 4, line 11, increase the amount by $11,900,000.

On page 4, line 17, increase the amount by $7,300,000.

On page 4, line 18, increase the amount by $9,300,000.

On page 4, line 19, increase the amount by $10,300,000.

On page 4, line 20, increase the amount by $10,500,000.

On page 4, line 21, increase the amount by $10,700,000.

On page 4, line 22, increase the amount by $10. 900,000.

On page 4, line 23, increase the amount by $11,100,000.

On page 5, line 1, increase the amount by $11,400,000.

On page 5, line 2, increase the amount by $11,600,000.

On page 27, line 3, increase the amount by $10,000,000.

On page 27, line 4, increase the amount by $500,000.

On page 27, line 7, increase the amount by $10,200,000.

On page 27, line 8, increase the amount by $7,300,000.

On page 27, line 11, increase the amount by $10,400,000.

On page 27, line 12, increase the amount by $9,300,000.

On page 27, line 15, increase the amount by $10,600,000.

On page 27, line 16, increase the amount by $10,300,000.

On page 27, line 19, increase the amount by $10,800,000.

On page 27, line 20, increase the amount by $10,500,000.

On page 27, line 23, increase the amount by $11,000,000.

On page 27, line 24, increase the amount by $10,700,000.

On page 28, line 2, increase the amount by $11,200,000.

On page 28, line 3, increase the amount by $10,900,000.

On page 28, line 6, increase the amount by $11,400,000.

On page 28, line 7, increase the amount by $11,100,000.

On page 28, line 10, increase the amount by $11,600,000.

On page 28, line 11, increase the amount by $11,400,000.

On page 28, line 14, increase the amount by $11,900,000.

On page 28, line 15, increase the amount by $11,600,000.

On page 43, line 15, decrease the amount by $10,000,000.

On page 43, line 16, decrease the amount by $500,009.

On page 48, line 8, increase the amount by $10,000,000.

On page 48, line 9, increase the amount by $500,000.

SA 312. Mr. JOHNSON (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table: as follows:

On page 2, line 17, decrease the amount by $31,140,000,000.

On page 2, line 18, increase the amount by $4,994,000,000.

On page 3, line 1, increase the amount by $36,800,000,000.

On page 3, line 2, increase the amount by $67,177,000,000.

On page 3, line 3, increase the amount by $100,644,000,000.

On page 3, line 4, increase the amount by $118,921,000,000.

On page 3, line 5, increase the amount by $132,514,000,000.

On page 3, line 6, increase the amount by $137,619,000,000.

On page 3, line 7, increase the amount by $153,281,000,000.

On page 3, line 8, increase the amount by $144,825,000,000.

On page 3, line 13, increase the amount by $31,140,000,000.

On page 3, line 14, decrease the amount by $4,994,000,000.

On page 3, line 15, decrease the amount by $36,800,000,000.

On page 3, line 16, decrease the amount by $67,177,000,000.

On page 3, line 17, decrease the amount by $100,644,000,000.

On page 3, line 18, decrease the amount by $118,921,000,000.

On page 3, line 19, decrease the amount by $132,514,000,000.

On page 3, line 20, decrease the amount by $137,619,000,000.

On page 3, line 21, decrease the amount by $153,281,000,000.

On page 3, line 22, decrease the amount by $144,825,000,000.

On page 4, line 2, increase the amount by $828,000,000.

On page 4, line 3, increase the amount by $1,549,000,000.

On page 4, line 4, increase the amount by $641,000,000.

On page 4, line 5, decrease the amount by $2,015,000,000.

On page 4, line 6, decrease the amount by $6,599,000,000.

On page 4, line 7, decrease the amount by $12,961,000,000.

On page 4, line 8, decrease the amount by $20,587,000,000.

On page 4, line 9, decrease the amount by $29,203,000,000.

On page 4, line 10, decrease the amount by $38,819,000,000.

On page 4, line 11, decrease the amount by $49,257,000,000.

On page 4, line 16, increase the amount by $828,000,000.

On page 4, line 17, increase the amount by $1,549,000,000.

On page 4, line 18, increase the amount by $641,000,000.

On page 4, line 19, decrease the amount by $2,015,000,000.

On page 4, line 20, decrease the amount by $6,599,000,000.

On page 4, line 21, decrease the amount by $12,961,000,000.

On page 4, line 22, decrease the amount by $20,587,000,000.

On page 4, line 23, decrease the amount by $29,203,000,000.

On page 5, line 1, decrease the amount by $38,819,000,000.

On page 5, line 2, decrease the amount by $49,257,000,000.

On page 5, line 7, decrease the amount by $31,968,000,000.

On page 5, line 8, increase the amount by $3,445,000,000.

On page 5, line 9, increase the amount by $36,159,000,000.

On page 5, line 10, increase the amount by $69,192,000,000.

On page 5, line 11, increase the amount by $107,243,000,000.

On page 5, line 12, increase the amount by $131,882,000,000.

On page 5, line 13, increase the amount by $153,101,000,000.

On page 5, line 14, increase the amount by $166,822,000,000.

On page 5, line 15, increase the amount by $192,100,000,000.

On page 5, line 16, increase the amount by $194,082,000,000.

On page 5, line 20, increase the amount by $31,968,000,000.

On page 5, line 21, increase the amount by $28,523,000,000.

On page 5, line 25, decrease the amount by $14,909,000,000.

On page 6, line 1, decrease the amount by $87,779,000,000.

On page 6, line 2, decrease the amount by $197,333,000,000.

On page 6, line 3, decrease the amount by $362,622,000,000.

On page 6, line 4, decrease the amount by $320,599,000,000.

On page 6, line 8, increase the amount by $31,968,000,000.

On page 6, line 9, increase the amount by $28,523,000,000.

On page 6, line 13, decrease the amount by $14,909,000,000.

On page 6, line 14, decrease the amount by $87,779,000,000.

On page 6, line 15, decrease the amount by $197,333,000,000.

On page 6, line 16, decrease the amount by $362,622,000,000.

On page 6, line 17, decrease the amount by $320,599,000,000.

On page 41, line 19, increase the amount by $828,000,000.

On page 41, line 20, increase the amount by $828,000,000.

On page 41, line 23, increase the amount by $1,549,000,000.

On page 41, line 24, increase the amount by $1,549,000,000.

On page 42, line 2, increase the amount by $641,000,000.

On page 42, line 3, increase the amount by $641,000,000.

On page 42, line 6, decrease the amount by $2,015,000,000.

On page 42, line 7, decrease the amount by $2,015,000,000.

On page 42, line 10, decrease the amount by $6,599,000,000.

On page 42, line 11, decrease the amount by $6,599,000,000.

On page 42, line 14, decrease the amount by $12,961,000,000.

On page 42, line 15, decrease the amount by $12,961,000,000.

On page 42, line 18, decrease the amount by $20,587,000,000.

On page 42, line 19, decrease the amount by $20,587,000,000.

On page 42, line 22, decrease the amount by $29,203,000,000.

On page 42, line 23, decrease the amount by $29,203,000,000.

On page 43, line 2, decrease the amount by $38,819,000,000.

On page 43, line 3, decrease the amount by $38,819,000,000.

On page 43, line 6, decrease the amount by $49,257,000,000.

On page 43, line 7, decrease the amount by $49,257,000,000.

At the end of the amendment, add the following new section:

SEC. 206. STRATEGIC RESERVE FUND FOR LONG-TERM DEBT, SOCIAL SECURITY, AND MEDICARE.

(a) Social Security.—If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Social Security, extend the solvency of the Social Security trust funds, maintain progressivity in the Social Security benefit system, and continue to lift more seniors out of poverty, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $701 billion for the total of fiscal years 2002 through 2011, subject to the conditions in subsection (c).

(b) Medicare.—If legislation is reported by the Senate Committee on Finance, or an amendment thereto is offered or a conference report thereon is submitted, that would strengthen Medicare, extend the solvency of the Medicare Hospital Insurance Trust Fund, and continue to provide for comprehensive health care benefits for the nation's seniors, the Chairman of the Senate Committee on the Budget may revise the aggregates, functional totals, allocations, and other appropriate levels and limits in this resolution by up to $701 billion for the total of fiscal years 2002 through 2011, subject to the conditions in subsection (c).

(c) Limits on Revisions.—The adjustments set forth in subsection (a) and (b) may be made only if the legislation which triggers the adjustment would not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution, and the total amount of the adjustments under both subsections shall not exceed $701 billion in 2002 through 2011.

SA 313. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

SEC. . MECHANISM FOR PROTECTING MEDICARE PART A SERVICES.

(a) Point of Order With Respect to Medicare Part A Benefits.—It shall not be in order in the Senate to consider any bill, resolution, amendment, motion, or conference report that uses funds in the Federal Hospital Insurance Trust Fund for any purpose other than Medicare Part A benefits.

(b) Medicare Part A Benefits Defined.—In this section, the term "Medicare Part A Benefits" means those benefits as provided under Part A of Title XVIII of the Social Security Act as of April 4, 2001.

(c) Waiver and Appeal.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) Form of the Point of Order.—A point of order under this section may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) Conference Reports.—If a point of order is sustained under this section against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(f) Nothing in this section shall be construed as effecting changes in payment levels for Medicare Part A benefits.

SA 314. Mr. GRAHAM (for himself and Mr. Corzine) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 16, increase the amount by $30,000,000,000.

On page 2, line 17, increase the amount by $45,100,000,000.

On page 2, line 18, increase the amount by $10,706,000,000.

On page 3, line 2, decrease the amount by $12,258,000,000.

On page 3, line 3, decrease the amount by $12,258,000,000.

On page 3, line 4, decrease the amount by $12,258,000,000.

On page 3, line 5, decrease the amount by $12,258,000,000.

On page 3, line 6, decrease the amount by $12,258,000,000.

On page 3, line 7, decrease the amount by $12,258,000,000.

On page 3, line 8, decrease the amount by $12,258,000,000.

On page 3, line 12, increase the amount by $30,000,000,000.

On page 3, line 13, increase the amount by $45,100,000,000.

On page 3, line 14, increase the amount by $10,706,000,000.

On page 3, line 16, decrease the amount by $12,258,000,000.

On page 3, line 17, decrease the amount by $12,258,000,000.

On page 3, line 18, decrease the amount by $12,258,000,000.

On page 3, line 19, decrease the amount by $12,258,000,000.

On page 3, line 20, decrease the amount by $12,258,000,000.

On page 3, line 21, decrease the amount by $12,258,000,000.

On page 3, line 22, decrease the amount by $12,258,000,000.

On page 5, line 6, decrease the amount by $30,000,000,000.

On page 5, line 7, decrease the amount by $45,100,000,000.

On page 5, line 8, decrease the amount by $10,706,000,000.

On page 5, line 10, increase the amount by $12,258,000,000.

On page 5, line 11, increase the amount by $12,258,000,000.

On page 5, line 12, increase the amount by $12,258,000,000.

On page 5, line 13, increase the amount by $12,258,000,000.

On page 5, line 14, increase the amount by $12,258,000,000.

On page 5, line 15, increase the amount by $12,258,000,000.

On page 5, line 16, increase the amount by $12,258,000,000.

On page 5, line 19, increase the amount by $30,000,000,000.

On page 5, line 20, increase the amount by $75,100,000,000.

On page 5, line 21, increase the amount by $85,806,000,000.

On page 5, line 22, increase the amount by $85,806,000,000.

On page 5, line 23, increase the amount by $73,548,000,000.

On page 5, line 24, increase the amount by $61,290,000,000.

On page 5, line 25, increase the amount by $49,032,000,000.

On page 6, line 1, increase the amount by $36,774,000,000.

On page 6, line 2, increase the amount by $24,516,000,000.

On page 6, line 3, increase the amount by $12,258,000,000.

SA 315. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 3, increase the amount by $100,000,000.

On page 4, line 4, increase the amount by $150,000,000.

On page 4, line 5, increase the amount by $200,000,000.

On page 4, line 6, increase the amount by $250,000,000.

On page 4, line 7, increase the amount by $300,000,000.

On page 4, line 8, increase the amount by $350,000,000.

On page 4, line 9, increase the amount by $400,000,000.

On page 4, line 10, increase the amount by $450,000,000.

On page 4, line 11, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $100,000,000.

On page 4, line 18, increase the amount by $150,000,000.

On page 4, line 19, increase the amount by $200,000,000.

On page 4, line 20, increase the amount by $250,000,000.

On page 4, line 21, increase the amount by $300,000,000.

On page 4, line 22, increase the amount by $350,000,000.

On page 4, line 23, increase the amount by $400,000,000.

On page 5, line 1, increase the amount by $450,000,000.

On page 5, line 2, increase the amount by $500,000,000.

On page 5, line 8, increase the amount by $100,000,000.

On page 5, line 9, decrease the amount by $150,000,000.

On page 5, line 10, decrease the amount by $200,000,000.

On page 5, line 11, decrease the amount by $250,000,000.

On page 5, line 12, decrease the amount by $300,000,000.

On page 5, line 13, decrease the amount by $350,000,000.

On page 5, line 14, decrease the amount by $400,000,000.

On page 5, line 15, decrease the amount by $450,000,000.

On page 5, line 16, decrease the amount by $500,000,000.

On page 18, line 2, increase the amount by $100,000,000.

On page 18, line 3, increase the amount by $100,000,000.

On page 18, line 6, increase the amount by $150,000,000.

On page 18, line 7, increase the amount by $150,000,000.

On page 18, line 10, increase the amount by $200,000,000.

On page 18, line 11, increase the amount by $200,000,000.

On page 18, line 14, increase the amount by $250,000,000.

On page 18, line 15, increase the amount by $250,000,000.

On page 18, line 18, increase the amount by $300,000,000.

On page 18, line 19, increase the amount by $300,000,000.

On page 18, line 22, increase the amount by $350,000,000.

On page 18, line 23, increase the amount by $350,000,000.

On page 19, line 2, increase the amount by $400,000,000.

On page 19, line 3, increase the amount by $400,000,000.

On page 19, line 6, increase the amount by $450,000,000.

On page 19, line 7, increase the amount by $450,000,000.

On page 19, line 10, increase the amount by $500,000,000.

On page 19, line 11, increase the amount by $500,000,000.

On page 5, line 21, increase the amount by $100,000,000.

On page 5, line 22, increase the amount by $250,000,000.

On page 5, line 23, increase the amount by $450,000,000.

On page 5, line 24, increase the amount by $700,000,000.

On page 5, line 25, increase the amount by $1,000,000,000.

On page 6, line 1, increase the amount by $1,350,000,000.

On page 6, line 2, increase the amount by $1,750,000,000.

On page 6, line 3, increase the amount by $2,200,000,000.

On page 6, line 4, increase the amount by $2,700,000,000.

SA 316. Mr. GRAHAM submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 27, line 3, increase the amount by $680,000,000.

On page 27, line 4, increase the amount by $510,000,000.

On page 27, line 8, increase the amount by $136,000,000.

On page 27, line 12, increase the amount by $34,000,000.

On page 32, line 15, increase the amount by $180,000,000.

On page 32, line 20, decrease the amount by $40,000,000.

On page 32, line 24, decrease the amount by $20,000,000.

On page 33, line 3, decrease the amount by $15,000,000.

On page 33, line 7, decrease the amount by $15,000,000.

On page 33, line 11, decrease the amount by $15,000,000.

On page 33, line 15, decrease the amount by $15,000,000.

On page 33, line 19, decrease the amount by $15,000,000.

On page 33, line 23, decrease the amount by $15,000,000.

On page 34, line 3, decrease the amount by $15,000,000.

On page 4, line 2, increase the amount by $680,000,000.

On page 4, line 16, increase the amount by $690,000,000.

On page 4, line 17, increase the amount by $96,000,000.

On page 4, line 18, decrease the amount by $14,000,000.

On page 4, line 19, decrease the amount by $15,000,000.

On page 4, line 20, decrease the amount by $15,000,000.

On page 4, line 21, decrease the amount by $15,000,000.

On page 4, line 22, decrease the amount by $15,000,000.

On page 4, line 23, decrease the amount by $15,000,000.

On page 5, line 1, decrease the amount by $15,000,000.

On page 5, line 2, decrease the amount by $15,000,000.

On page 5, line 7, decrease the amount by $690,000,000.

On page 5, line 8, decrease the amount by $96,000,000.

On page 5, line 9, decrease the amount by $14,000,000.

On page 5, line 10, increase the amount by $15,000,000.

On page 5, line 11, increase the amount by $15,000,000.

On page 5, line 12, increase the amount by $15,000,000.

On page 5, line 13, increase the amount by $15,000,000.

On page 5, line 14, increase the amount by $15,000,000.

On page 5, line 15, increase the amount by $15,000,000.

On page 5, line 16, increase the amount by $15,000,000.

SA 317. Mr. GRAHAM (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 4, line 2, increase the amount by $319,000,000.

On page 4, line 16, increase the amount by $80,000,000.

On page 4, line 17, increase the amount by $25,000,000.

On page 4, line 18, increase the amount by $25,000,000.

On page 4, line 19, increase the amount by $25,000,000.

On page 4, line 20, increase the amount by $25,000,000.

On page 4, line 21, increase the amount by $25,000,000.

On page 4, line 22, increase the amount by $25,000,000.

On page 4, line 23, increase the amount by $25,000,000.

On page 5, line 1, increase the amount by $25,000,000.

On page 5, line 2, increase the amount by $25,000,000.

On page 5, line 7, decrease the amount by $80,000,000.

On page 5, line 8, decrease the amount by $25,000,000.

On page 5, line 9, decrease the amount by $25,000,000.

On page 5, line 10, decrease the amount by $25,000,000.

On page 5, line 11, decrease the amount by $25,000,000.

On page 5, line 12, decrease the amount by $25,000,000.

On page 5, line 13, decrease the amount by $25,000,000.

On page 5, line 14, decrease the amount by $25,000,000.

On page 5, line 15, decrease the amount by $25,000,000.

On page 5, line 16, decrease the amount by $25,000,000.

On page 32, line 15, increase the amount by $319,000,000.

On page 32, line 16, increase the amount by $80,000,000.

On page 32, line 20, increase the amount by $25,000,000.

On page 32, line 24, increase the amount by $25,000,000.

On page 33, line 3, increase the amount by $25,000,000.

On page 33, line 7, increase the amount by $25,000,000.

On page 33, line 11, increase the amount by $25,000,000.

On page 33, line 15, increase the amount by $25,000,000.

On page 33, line 19, increase the amount by $25,000,000.

On page 33, line 23, increase the amount by $25,000,000.

On page 34, line 3, increase the amount by $25,000,000.

SA 318. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

Section 103 is amended by—

(1) striking "The Committee" and inserting "(a) IN GENERAL.—The Committee"; and

(2) inserting at the end the following:

(b) CIRCUIT BREAKER.—

(1) IN GENERAL.—If a bill is reported from the Committee on Finance under subsection (a) that reduces revenues by an amount in excess of $1,000,000,000,000 over the period of fiscal year 2002 through 2011, the bill shall include the circuit breaker provision described in paragraph (2).

(2) PROVISION REQUIRED.—

(A) IN GENERAL.—The circuit breaker provision shall provide that, in any fiscal year beginning with fiscal year 2004, if the level of debt held by the public for that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th for that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in this resolution, any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending and defer the phasein of the taxcut in a manner that would reduce the debt held by the public for the fiscal year to the level provided in this resolution for that fiscal year. The motion to proceed shall be voted on at the end of 4 hours of debate.

(B) CONSIDERATION OF LEGISLATION.—A bill considered under subparagraph (A) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

SA 319. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

Section 103 is amended by—

(1) striking "The Committee" and inserting "(a) IN GENERAL.—The Committee"; and

(2) inserting at the end the following:

(b) CIRCUIT BREAKER.—

(1) IN GENERAL.—If a bill is reported from the Committee on Finance under subsection (a) that reduces revenues by an amount in excess of $1,000,000,000,000 over the period of fiscal year 2002 through 2011, the bill shall include the circuit breaker provision described in paragraph (2).

(2) PROVISION REQUIRED.—

(A) IN GENERAL.—The circuit breaker provision shall provide that, in any fiscal year beginning with fiscal year 2004, if the level of debt held by the public for that fiscal year (as projected by the Office of Management and Budget sequestration update report on August 20th for that fiscal year) would exceed the level of debt held by the public for that fiscal year set forth in this resolution, any Member of Congress may move to proceed to a bill that would make changes in law to reduce discretionary spending and direct spending and defer the phasein of the taxcut in a manner that would reduce the debt held by the public for the fiscal year to the level provided in this resolution for that fiscal year. The motion to proceed shall be voted on at the end of 4 hours of debate.

(B) CONSIDERATION OF LEGISLATION.—A bill considered under subparagraph (A) shall be considered as provided in section 310(e) of the Congressional Budget Act of 1974 (2 U.S.C. 641(e)).

SA 320. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $1,643,000,000.

On page 2, line 18, increase the amount by $2,250,000,000.

On page 3, line 1, increase the amount by $853,000,000.

On page 3, line 2, increase the amount by $477,000,000.

On page 3, line 3, increase the amount by $25,000,000.

On page 3, line 13, increase the amount by $1,643,000,000.

On page 3, line 14, increase the amount by $2,250,000,000.

On page 3, line 15, increase the amount by $853,000,000.

On page 3, line 16, increase the amount by $477,000,000.

On page 3, line 17, increase the amount by $25,000,000.

On page 4, line 3, increase the amount by $5,000,000.

On page 4, line 17, increase the amount by $2,250,000,000.

On page 4, line 18, increase the amount by $853,000,000.

On page 4, line 19, increase the amount by $477,000,000.

On page 4, line 20, increase the amount by $25,000,000.

On page 10, line 21, increase the amount by $696,000,000.

On page 10, line 22, increase the amount by $324,000,000.

On page 11, line 1, increase the amount by $292,000,000.

On page 11, line 5, increase the amount by $68,000,000.

On page 11, line 9, increase the amount by $10,000,000.

On page 11, line 13, increase the amount by $1,000,000.

On page 14, line 11, increase the amount by $1,400,000,000.

On page 14, line 12, increase the amount by $651,000,000.

On page 14, line 16, increase the amount by $588,000,000.

On page 14, line 20, increase the amount by $136,000,000.

On page 14, line 24, increase the amount by $20,000,000.

On page 15, line 3, increase the amount by $1,000,000.

On page 16, line 5, increase the amount by $383,000,000.

On page 16, line 6, increase the amount by $178,000,000.

On page 16, line 9, increase the amount by $161,000,000.

On page 16, line 12, increase the amount by $37,000,000.

On page 16, line 15, increase the amount by $5,000,000.

On page 21, line 15, increase the amount by $887,000,000.

On page 21, line 16, increase the amount by $205,000,000.

On page 21, line 19, increase the amount by $5,000,000.

On page 21, line 20, increase the amount by $385,000,000.

On page 21, line 24, increase the amount by $158,000,000.

On page 22, line 3, increase the amount by $33,000,000.

On page 22, line 7, increase the amount by $3,000,000.

On page 25, line 6, increase the amount by $92,000,000.

On page 25, line 7, increase the amount by $10,000,000.

On page 25, line 11, increase the amount by $19,000,000.

On page 25, line 15, increase the amount by $19,000,000.

On page 25, line 19, increase the amount by $24,000,000.

On page 25, line 23, increase the amount by $20,000,000.

On page 27, line 3, increase the amount by $1,700,000.

On page 27, line 4, increase the amount by $75,000,000:

On page 27, line 8, increase the amount by $805,000,000.

On page 27, line 12, increase the amount by $435,000,000.

On page 27, line 16, increase the amount by $385,000,000.

On page 39, line 23, increase the amount by $200,000,000.

On page 39, line 24, increase the amount by $200,000,000.

On page 43, line 15, increase the amount by $5,358,000,000.

On page 43, line 16, increase the amount by $1,643,000,000.

On page 48, line 8, increase the amount by $5,358,000,000.

On page 48, line 9, increase the amount by $1,643,000,000.

At the end of the bill, insert the following:

SEC. . SENSE OF THE SENATE ON THE PRESERVATION OF THE CURRENT E-RATE PROGRAM AND THE USE OF FEES BY THE U.S. PATENT AND TRADEMARK OFFICE.

It is the sense of the Senate that—

the E-rate should continue to receive funding at the current $2.25 billion level from universal service contributions assessed on telecommunication carriers, and not be turned into a block-grant and that all patent fees paid to the United States Patent and Trademark Office should be dedicated to the United States Patent and Trademark Office to keep all of the to hire and train additional staff so that U.S. patent applicants do not face roadblocks.

SA 321. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $10,000,000,000.

On page 2, line 18, increase the amount by $00.

On page 3, line 1, increase the amount by $0.

On page 3, line 2, increase the amount by $0.

On page 3, line 3, increase the amount by $0.

On page 3, line 4, increase the amount by $0.

On page 3, line 5, increase the amount by $0.

On page 3, line 6, increase the amount by $0.

On page 3, line 7, increase the amount by $0.

On page 3, line 8, increase the amount by $0.

On page 3, line 13, decrease the amount by $0.

On page 3, line 14, decrease the amount by $0.

SA 322. Mr. DODD (for himself and Mr. KENNEDY) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 17, increase the amount by $1,163,000,000.

On page 2, line 18, increase the amount by $1,498,000,000.

On page 3, line 13, decrease the amount by $1,163,000,000.

On page 27, line 3, increase the amount by $293,000,000.

On page 27, line 4, increase the amount by $243,000,000.

On page 28, line 22, increase the amount by $50,000,000.

On page 28, line 24, increase the amount by $50,000,000.

On page 32, line 15, increase the amount by $870,000,000.

On page 32, line 16, increase the amount by $870,000,000.

On page 43, line 15, decrease the amount by $1,163,000,000.

On page 43, line 16, decrease the amount by $1,163,000,000.

On page 48, line 8, increase the amount by $1,163,000,000.

On page 48, line 9, increase the amount by $1,163,000,000.

SA 323. Mr. DODD submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $760,000,000.

On page 2, line 18, increase the amount by $1,401,000,000.

On page 3, line 1, increase the amount by $2,241,000,000.

On page 3, line 2, increase the amount by $3,433,000,000.

On page 3, line 3, increase the amount by $4,860,000,000.

On page 3, line 4, increase the amount by $5,357,000,000.

On page 3, line 5, increase the amount by $5,702,000,000.

On page 3, line 6, increase the amount by $5,782,000,000.

On page 3, line 7, increase the amount by $6,025,000,000.

On page 3, line 8, increase the amount by $6,236,000,000.

On page 3, line 13, decrease the amount by $760,000,000.

On page 3, line 14, decrease the amount by $1,401,000,000.

On page 3, line 15, decrease the amount by $2,241,000,000.

On page 3, line 16, decrease the amount by $3,433,000,000.

On page 3, line 17, decrease the amount by $4,860,000,000.

On page 3, line 18, decrease the amount by $5,357,000,000.

On page 3, line 19, decrease the amount by $5,702,000,000.

On page 3, line 20, decrease the amount by $5,782,000,000.

On page 3, line 21, decrease the amount by $6,025,000,000.

On page 3, line 22, decrease the amount by $6,236,000,000.

On page 4, line 2, increase the amount by $1,000,000,000.

On page 4, line 3, increase the amount by $1,600,000,000.

On page 4, line 4, increase the amount by $2,500,000,000.

On page 4, line 5, increase the amount by $3,800,000,000.

On page 4, line 6, increase the amount by $5,300,000,000.

On page 4, line 7, increase the amount by $5,500,000,000.

On page 4, line 8, increase the amount by $5,800,000,000.

On page 4, line 9, increase the amount by $5,800,000,000.

On page 4, line 10, increase the amount by $6,100,000,000.

On page 4, line 11, increase the amount by $6,300,000,000.

On page 4, line 16, increase the amount by $760,000,000.

On page 4, line 17, increase the amount by $1,401,000,000.

On page 4, line 18, increase the amount by $2,241,000,000.

On page 4, line 19, increase the amount by $3,433,000,000.

On page 4, line 20, increase the amount by $4,860,000,000.

On page 4, line 21, increase the amount by $5,357,000,000.

On page 4, line 22, increase the amount by $5,702,000,000.

On page 4, line 23, increase the amount by $5,782,000,000.

On page 5, line 1, increase the amount by $6,025,000,000.

On page 5, line 2, increase the amount by $6,236,000,000.

On page 32, line 15, increase the amount by $1,000,000,000.

On page 32, line 16, increase the amount by $1,600,000,000.

On page 32, line 19, increase the amount by $2,500,000,000.

On page 32, line 20, increase the amount by $1,401,000,000.

On page 32, line 23, increase the amount by $2,500,000,000.

On page 32, line 24, increase the amount by $2,241,000,000.

On page 33, line 2, increase the amount by $3,800,000,000.

On page 33, line 3, increase the amount by $3,433,000,000.

On page 33, line 6, increase the amount by $5,300,000,000.

On page 33, line 7, increase the amount by $4,860,000,000.

On page 33, line 10, increase the amount by $5,500,000,000.

On page 33, line 11, increase the amount by $5,357,000,000.

On page 33, line 14, increase the amount by $5,800,000,000.

On page 33, line 15, increase the amount by $5,782,000,000.

On page 33, line 18, increase the amount by $5,800,000,000.

On page 33, line 19, increase the amount by $5,782,000,000.

On page 33, line 22, increase the amount by $6,100,000,000.

On page 33, line 23, increase the amount by $6,025,000,000.

On page 34, line 1, increase the amount by $6,300,000,000.

On page 34, line 2, increase the amount by $6,300,000,000.

On page 34, line 3, increase the amount by $6,236,000,000.

SA 324 Ms. LANDRIEU submitted an amendment intended to be proposed by her to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution H. Con. Res. 83, supra: which was ordered to lie on the table.

On page 2, line 16, increase the amount by $30,000,000.

On page 3, line 12, decrease the amount by $30,000,000.

On page 26, line 24, increase the amount by $30,000,000.

On page 26, line 25, increase the amount by $.

At the end of the amendment, add the following:

SEC. . ADOPTION INCENTIVE GRANT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) under the Adoption and Safe Families Act of 1997, incentive-eligible States that increase the number of adoptions from foster care during fiscal years 1998 through 2002 will receive incentive payments;

(2) during the last 2 years, States have increased the number of finalized adoptions from foster care at an impressive rate—up 7,857 children in fiscal year 1998 and 9,388 children in fiscal year 1999;

(3) preliminary estimates for fiscal year 2000 indicate that at least 28 States have placed more children in adoptive homes than the number of children placed in adoptive homes in the baseline years for such States;

(4) in fiscal year 1999, increases in the number of adoptions warranted $51,500,000 in bonuses to States, yet the 42 eligible States received only $19,300,000 in such payments; and

(5) the $10,800,000 left in the fiscal year 2000 adoption incentive budget is not adequate to cover the expected obligations resulting from the estimated increases in adoptions in fiscal year 2000.

(b) INCREASE IN FUNDING.—In order to provide sufficient funds under the Adoption and Safe Families Act of 1997 to cover expected obligations resulting from estimated increases in adoptions for fiscal year 2001, the budget authority and outlays set forth for Function 500 in paragraph (10) of section 102 of this resolution assume $30,000,000 in new budget authority and $ in new outlays for fiscal year 2001.

SA 325. Mr. DASCHLE (for himself, Mr. JOHNSON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2 line, 17, increase the amount by $4,200,000,000.

On page 2 line, 18, increase the amount by $4,580,000,000.

On page 3 line, 1, increase the amount by $5,290,000,000.

On page 3, line 2, increase the amount by $5,790,000,000.

On page 3 line, 3, increase the amount by $6,320,000,000.

On page 3 line, 4, increase the amount by $6,890,000,000.

On page 3 line, 5, increase the amount by $7,490,000,000.

On page 3 line, 6, increase the amount by $8,160,000,000.

On page 3 line, 7, increase the amount by $8,890,000,000.

On page 3 line, 8, increase the amount by $9,650,000,000.

On page 3 line, 13, decrease the amount by $4,200,000,000.

On page 3 line, 14, decrease the amount by $4,580,000,000.

On page 3 line, 15, decrease the amount by $5,290,000,000.

On page 3 line, 16, decrease the amount by $5,790,000,000.

On page 3 line, 17, decrease the amount by $6,320,000,000.

On page 3 line, 18, decrease the amount by $6,890,000,000.

On page 3 line, 19, decrease the amount by $7,490,000,000.

On page 3 line, 20, decrease the amount by $8,160,000,000.

On page 3 line, 21, decrease the amount by $8,890,000,000.

On page 3, line 22, decrease the amount by $9,650,000,000.

On page 4, line 3, increase the amount by $4,580,000,000.

On page 4, line 4, increase the amount by $5,290,000,000.

On page 4, line 5, increase the amount by $5,790,000,000.

On page 4, line 6, increase the amount by $6,320,000,000.

On page 4, line 7, increase the amount by $6,890,000,000.

On page 4, line 8, increase the amount by $7,490,000,000.

On page 4, line 9, increase the amount by $8,160,000,000.

On page 4, line 10, increase the amount by $8,890,000,000.

On page 4, line 11, increase the amount by $9,650,000,000.

On page 4, line 17, increase the amount by $4,580,000,000.

On page 4, line 18, increase the amount by $5,290,000,000.

On page 4, line 19, increase the amount by $5,790,000,000.

On page 4, line 20, increase the amount by $6,320,000,000.

On page 4, line 21, increase the amount by $6,890,000,000.

On page 4, line 22, increase the amount by $7,490,000,000.

On page 4, line 23, increase the amount by $8,160,000,000.

On page 5, line 1, increase the amount by $8,890,000,000.

On page 5, line 2, increase the amount by $9,650,000,000.

On page 28, line 23, increase the amount by $4,200,000,000.

On page 28, line 24, increase the amount by $4,200,000,000.

On page 29, line 2, increase the amount by $4,580,000,000.

On page 29, line 3, increase the amount by $4,580,000,000.

On page 29, line 6, increase the amount by $5,290,000,000.

On page 29, line 7, increase the amount by $5,290,000,000.

On page 29, line 10, increase the amount by $5,790,000,000.

On page 29, line 11, increase the amount by $5,790,000,000.

On page 29, line 14, increase the amount by $6,320,000,000.

On page 29, line 15, increase the amount by $6,320,000,000.

On page 29, line 18, increase the amount by $6,890,000,000.

On page 29, line 19, increase the amount by $6,890,000,000.

On page 29, line 22, increase the amount by $7,490,000,000.

On page 29, line 23, increase the amount by $7,490,000,000.

On page 30, line 2, increase the amount by $8,160,000,000.

On page 30, line 3, increase the amount by $8,160,000,000.

On page 30, line 6, increase the amount by $8,890,000,000.

On page 30, line 7, increase the amount by $8,890,000,000.

On page 30, line 10, increase the amount by $9,650,000,000.

On page 30, line 11, increase the amount by $9,650,000,000.

On page 43, line 15, decrease the amount by $4,200,000,000.

On page 43, line 16, decrease the amount by $4,200,000,000.

On page 48, line 8, increase the amount by $4,200,000,000.

On page 48, line 9, increase the amount by $4,200,000,000.

SA 326. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 17, increase the amount by $176,000,000.

On page 2, line 18, increase the amount by $5,785,000,000.

On page 3, line 1, increase the amount by $10,058,000,000.

On page 3, line 2, increase the amount by $12,874,000,000.

On page 3, line 3, increase the amount by $15,374,000,000.

On page 3, line 4, increase the amount by $17,869,000,000.

On page 3, line 5, increase the amount by $20,185,000,000.

On page 3, line 6, increase the amount by $21,448,000,000.

On page 3, line 7, increase the amount by $22,228,000,000.

On page 3, line 8, increase the amount by $22,925,000,000.

On page 3, line 13, decrease the amount by $176,000,000.

On page 3, line 14, decrease the amount by $5,785,000,000.

On page 3, line 15, decrease the amount by $10,058,000,000.

On page 3, line 16, decrease the amount by $12,874,000,000.

On page 3, line 17, decrease the amount by $15,374,000,000.

On page 3, line 18, decrease the amount by $17,869,000,000.

On page 3, line 19, decrease the amount by $20,185,000,000.

On page 3, line 20, decrease the amount by $21,448,000,000.

On page 3, line 21, decrease the amount by $22,228,000,000.

On page 3, line 22, decrease the amount by $22,925,000,000.

On page 4, line 2, increase the amount by $8,824,000,000.

On page 4, line 3, increase the amount by $11,324,000,000.

On page 4, line 4, increase the amount by $13,824,000,000.

On page 4, line 5, increase the amount by $16,324,000,000.

On page 4, line 6, increase the amount by $18,824,000,000.

On page 4, line 7, increase the amount by $21,089,000,000.

On page 4, line 8, increase the amount by $21,794,000,000.

On page 4, line 9, increase the amount by $22,495,000,000.

On page 4, line 10, increase the amount by $23,190,000,000.

On page 4, line 11, increase the amount by $23,868,000,000.

On page 4, line 16, increase the amount by $176,000,000.

On page 4, line 17, increase the amount by $5,785,000,000.

On page 4, line 18, increase the amount by $10,058,000,000.

On page 4, line 19, increase the amount by $12,874,000,000.

On page 4, line 20, increase the amount by $15,374,000,000.

On page 4, line 21, increase the amount by $17,869,000,000.

On page 4, line 22, increase the amount by $20,185,000,000.

On page 4, line 23, increase the amount by $21,448,000,000.

On page 5, line 1, increase the amount by $22,228,000,000.

On page 5, line 2, increase the amount by $22,925,000,000.

On page 27, line 3, increase the amount by $8,824,000,000.

On page 27, line 4, increase the amount by $176,000,000.

On page 27, line 7, increase the amount by $11,324,000,000.

On page 27, line 8, increase the amount by $5,785,000,000.

On page 27, line 11, increase the amount by $13,824,000,000.

On page 27, line 12, increase the amount by $10,058,000,000.

On page 27, line 15, increase the amount by $16,324,000,000.

On page 27, line 16, increase the amount by $12,87,000,000.

On page 27, line 19, increase the amount by $18,824,000,000.

On page 27, line 20, increase the amount by $15,374,000,000.

On page 27, line 23, increase the amount by $21,089,000,000.

On page 27, line 24, increase the amount by $17,869,000,000.

On page 28, line 2, increase the amount by $21,794,000,000.

On page 28, line 3, increase the amount by $20,185,000,000.

On page 28, line 6, increase the amount by $22,495,000,000.

On page 28, line 7, increase the amount by $21,448,000,000.

On page 28, line 10, decrease the amount by $23,190,000,000.

On page 28, line 11, decrease the amount by $22,228,000,000.

On page 28, line 14, increase the amount by $23,868,000,000.

On page 28, line 15, increase the amount by $22,925,000,000.

SA 327. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 27, line 3, increase the amount by $300,000,000.

On page 27, line 4, increase the amount by $150,000,000.

On page 27, line 8, increase the amount by $100,000,000.

On page 27, line 12, increase the amount by $50,000,000.

On page 43, line 15, increase the amount by $300,000,000.

On page 43, line 16, increase the amount by $150,000,000.

On page 5, line 8, increase the amount by $100,000,000.

On page 5, line 9, increase the amount by $50,000,000.

SA 328. Mrs. CLINTON (for herself, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, and Mr. DASCHLE) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $40,000,000.

On page 3, line 1, increase the amount by $40,000,000.

On page 3, line 2, increase the amount by $40,000,000.

On page 3, line 3, increase the amount by $40,000,000.

On page 3, line 4, increase the amount by $40,000,000.

On page 3, line 5, increase the amount by $40,000,000.

On page 3, line 6, increase the amount by $40,000,000.

On page 3, line 7, increase the amount by $40,000,000.

On page 3, line 8, increase the amount by $40,000,000.

On page 3, line 14, decrease the amount by $40,000,000.

On page 3, line 15, decrease the amount by $40,000,000.

On page 3, line 16, decrease the amount by $40,000,000.

On page 3, line 17, decrease the amount by $40,000,000.

On page 3, line 18, decrease the amount by $40,000,000.

On page 3, line 19, decrease the amount by $40,000,000.

On page 3, line 20, decrease the amount by $40,000,000.

On page 3, line 21, decrease the amount by $40,000,000.

On page 3, line 22, decrease the amount by $40,000,000.

On page 4, line 3, increase the amount by $40,000,000.

On page 4, line 4, increase the amount by $40,000,000.

On page 4, line 5, increase the amount by $40,000,000.

On page 4, line 6, increase the amount by $40,000,000.

On page 4, line 7, increase the amount by $40,000,000.

On page 4, line 8, increase the amount by $40,000,000.

On page 4, line 9, increase the amount by $40,000,000.

On page 4, line 10, increase the amount by $40,000,000.

On page 4, line 11, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $40,000,000.

On page 4, line 18, increase the amount by $40,000,000.

On page 4, line 19, increase the amount by $40,000,000.

On page 4, line 20, increase the amount by $40,000,000.

On page 4, line 21, increase the amount by $40,000,000.

On page 4, line 22, increase the amount by $40,000,000.

On page 4, line 23, increase the amount by $40,000,000.

On page 5, line 1, increase the amount by $40,000,000.

On page 5, line 2, increase the amount by $40,000,000.

On page 28, line 23, increase the amount by $40,000,000.

On page 28, line 24, increase the amount by $32,000,000.

On page 29, line 2, increase the amount by $40,000,000.

On page 29, line 3, increase the amount by $40,000,000.

On page 29, line 6, increase the amount by $40,000,000.

On page 29, line 7, increase the amount by $40,000,000.

On page 29, line 10, increase the amount by $40,000,000.

On page 29, line 11, increase the amount by $40,000,000.

On page 29, line 14, increase the amount by $40,000,000.

On page 29, line 15, increase the amount by $40,000,000.

On page 29, line 18, increase the amount by $40,000,000.

On page 29, line 19, increase the amount by $40,000,000.

On page 29, line 22, increase the amount by $40,000,000.

On page 29, line 23, increase the amount by $40,000,000.

On page 30, line 2, increase the amount by $40,000,000.

On page 30, line 3, increase the amount by $40,000,000.

On page 30, line 6, increase the amount by $40,000,000.

On page 30, line 7, increase the amount by $40,000,000.

On page 30, line 10, increase the amount by $40,000,000.

On page 30, line 11, increase the amount by $40,000,000.

On page 43, line 15, decrease the amount by $40,000,000.

On page 43, line 16, decrease the amount by $32,000,000.

On page 48, line 8, increase the amount by $40,000,000.

On page 48, line 9, increase the amount by $32,000,000.

At the end of the amendment, insert the following:

SEC. . STRENGTHENING OUR NATIONAL FOOD SAFETY INFRASTRUCTURE.

(a) FINDING.—The Senate finds that the United States food supply is one of the safest in the world, but in order to maintain the integrity of our food supply in the face of emerging threats, we must make the necessary investments now, in a time of surplus.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that at least $100,000,000 more (based on constant funding at fiscal year 2002 level) should be invested at the Food and Drug Administration and the Center for Disease Control food activities next year in order to strengthen our national food safety infrastructure by—

(1) increasing the number of inspectors within the Food and Drug Administration to enable the Food and Drug Administration to inspect high-risk sites at least annually;

(2) supporting research that enables us to meet emerging threats;

(3) improving surveillance to identify and trace the sources and incidence of food-borne illness;

(4) otherwise maintaining at least current funding levels for food safety initiatives in the Food and Drug Administration and the United States Department of Agriculture; and

(5) providing additional funds should such needs arise due to emerging food safety threats.

SA 329. Mrs. CLINTON (for herself and Mr. CORZINE) submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 28, line 23, increase the amount by $1,000,000,000.

On page 28, line 24, increase the amount by $1,000,000,000.

On page 29, line 2, increase the amount by $1,000,000,000.

On page 29, line 3, increase the amount by $850,000,000.

On page 29, line 6, increase the amount by $1,000,000,000.

On page 29, line 7, increase the amount by $1,000,000,000.

On page 29, line 10, increase the amount by $1,000,000,000.

On page 29, line 11, increase the amount by $1,000,000,000.

On page 29, line 14, increase the amount by $1,000,000,000.

On page 29, line 15, increase the amount by $1,000,000,000.

On page 29, line 18, increase the amount by $1,000,000,000.

On page 29, line 19, increase the amount by $1,000,000,000.

On page 29, line 22, increase the amount by $1,000,000,000.

On page 29, line 23, increase the amount by $1,000,000,000.

On page 30, line 2, increase the amount by $1,000,000,000.

On page 30, line 3, increase the amount by $1,000,000,000.

On page 30, line 6, increase the amount by $1,000,000,000.

On page 30, line 7, increase the amount by $1,000,000,000.

On page 30, line 10, increase the amount by $1,000,000,000.

On page 30, line 11, increase the amount by $1,000,000,000.

On page 43, line 15, decrease the amount by $1,000,000,000.

On page 43, line 16, decrease the amount by $400,000,000.

On page 48, line 8, increase the amount by $1,000,000,000.

On page 48, line 9, increase the amount by $400,000,000.

On page 2, line 18, increase the amount by $850,000,000.

On page 3, line 1, decrease the amount by $1,000,000,000.

On page 3, line 2, decrease the amount by $1,000,000,000.

On page 3, line 3, decrease the amount by $1,000,000,000.

On page 3, line 4, decrease the amount by $1,000,000,000.

On page 3, line 5, decrease the amount by $1,000,000,000.

On page 3, line 6, decrease the amount by $1,000,000,000.

On page 3, line 7, decrease the amount by $1,000,000,000.

On page 3, line 8, decrease the amount by $1,000,000,000.

On page 3, line 14, increase the amount by $850,000,000.

On page 3, line 15, increase the amount by $1,000,000,000.

On page 3, line 16, increase the amount by $1,000,000,000.

On page 3, line 17, increase the amount by $1,000,000,000.

On page 3, line 18, increase the amount by $1,000,000,000.

On page 3, line 19, increase the amount by $1,000,000,000.

On page 3, line 20, increase the amount by $1,000,000,000.

On page 3, line 21, increase the amount by $1,000,000,000.

On page 3, line 22, increase the amount by $1,000,000,000.

On page 4, line 3, increase the amount by $1,000,000,000.

On page 4, line 4, increase the amount by $1,000,000,000.

On page 4, line 5, increase the amount by $1,000,000,000.

On page 4, line 6, increase the amount by $1,000,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 8, increase the amount by $1,000,000,000.

On page 4, line 9, increase the amount by $1,000,000,000.

On page 4, line 10, increase the amount by $1,000,000,000.

On page 4, line 11, increase the amount by $1,000,000,000.

On page 4, line 17, increase the amount by $850,000,000.

On page 4, line 18, increase the amount by $1,000,000,000.

On page 4, line 19, increase the amount by $1,000,000,000.

On page 4, line 20, increase the amount by $1,000,000,000.

On page 4, line 21, increase the amount by $1,000,000,000.

On page 4, line 22, increase the amount by $1,000,000,000.

On page 4, line 23, increase the amount by $1,000,000,000.

On page 5, line 1, increase the amount by $1,000,000,000.

On page 5, line 2, increase the amount by $1,000,000,000.

SA 330. Mrs. CLINTON submitted an amendment intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $146,000,000.

On page 3, line 1, increase the amount by $196,000,000.

On page 3, line 2, increase the amount by $246,000,000.

On page 3, line 3, increase/decrease the amount by $250,000,000.

On page 3, line 4, increase/decrease the amount by $250,000,000.

On page 3, line 5, increase the amount by $250,000,000.

On page 3, line 6, increase the amount by $250,000,000.

On page 3, line 7, increase the amount by $250,000,000.

On page 3, line 8, increase the amount by $250,000,000.

On page 3, line 13, decrease the amount by $0.

On page 3, line 14, decrease the amount by $146,000,000.

On page 3, line 15, decrease the amount by $196,000,000.

On page 3, line 16, decrease the amount by $246,000,000.

On page 3, line 17, decrease the amount by $250,000,000.

On page 3, line 18, decrease the amount by $250,000,000.

On page 3, line 19, decrease the amount by $250,000,000.

On page 3, line 20, decrease the amount by $250,000,000.

On page 3, line 21, decrease the amount by $250,000,000.

On page 3, line 22, decrease the amount by $250,000,000.

On page 4, line 3, increase the amount by $150,000,000.

On page 4, line 4, increase the amount by $200,000,000.

On page 4, line 5, increase the amount by $250,000,000.

On page 4, line 6, increase the amount by $250,000,000.

On page 4, line 7, increase the amount by $250,000,000.

On page 4, line 8, increase the amount by $250,000,000.

On page 4, line 9, increase the amount by $250,000,000.

On page 4, line 10, increase the amount by $250,000,000.

On page 4, line 11, increase the amount by $250,000,000.

On page 4, line 17, increase the amount by $146,000,000.

On page 4, line 18, increase the amount by $196,000,000.

On page 4, line 19, increase the amount by $246,000,000.

On page 4, line 20, increase the amount by $250,000,000.

On page 4, line 21, increase the amount by $250,000,000.

On page 4, line 22, increase the amount by $250,000,000.

On page 4, line 23, increase the amount by $250,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $146,000,000.

On page 25, line 6, increase the amount by $100,000,000.

On page 25, line 7, increase the amount by $92,000,000.

On page 25, line 10, increase the amount by $150,000,000.

On page 25, line 11, increase the amount by $146,000,000.

On page 25, line 14, increase the amount by $200,000,000.

On page 25, line 15, increase the amount by $196,000,000.

On page 25, line 18, increase the amount by $250,000,000.

On page 25, line 19, increase the amount by $246,000,000.

On page 25, line 22, increase the amount by $250,000,000.

On page 25, line 23, increase the amount by $250,000,000.

On page 26, line 2, increase the amount by $250,000,000.

On page 26, line 3, increase the amount by $250,000,000.

On page 26, line 6, increase the amount by $250,000,000.

On page 26, line 7, increase the amount by $250,000,000.

On page 26, line 10, increase the amount by $250,000,000.

On page 26, line 11, increase the amount by $250,000,000.

On page 26, line 14, increase the amount by $250,000,000.

On page 26, line 15, increase the amount by $250,000,000.

On page 26, line 18, increase the amount by $250,000,000.

On page 26, line 19, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $100,000,000.

On page 43, line 16, decrease the amount by $92,000,000.

On page 48, line 8, increase the amount by $100,000,000.

On page 48, line 9, increase the amount by $92,000,000.

SA 331. Mrs. CLINTON (for herself and Mr. SARBANES) submitted an amendement intended to be proposed by her to the concurrent resolution H. Con. Res. 83, establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2002, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows

On page 17, line 23, increase the amount by $84,500,000.

On page 17, line 24, increase the amount by $81,965,000.

On page 18, line 2, increase the amount by $167,000,000.

On page 18, line 3, increase the amount by $161,990,000.

On page 18, line 6, increase the amount by $249,500,000.

On page 18, line 7, increase the amount by $242,015,000.

On page 18, line 10, increase the amount by $332,000,000.

On page 18, line 11, increase the amount by $322,040,000.

On page 18, line 14, increase the amount by $414,500,000.

On page 18, line 15, increase the amount by $402,065,000.

On page 18, line 18, increase the amount by $497,000,000.

On page 18, line 19, increase the amount by $482,090,000.

On page 18, line 22, increase the amount by $579,500,000.

On page 18, line 23, increase the amount by $562,115,000.

On page 19, line 2, increase the amount by $662,000,000.

On page 19, line 3, increase the amount by $642,140,000.

On page 19, line 6, increase the amount by $744,500,000.

On page 19, line 7, increase the amount by $722,165,000.

On page 19, line 10, increase the amount by $827,000,000.

On page 19, line 20, increase the amount by $802,190,000.

On page 4, line 3, increase the amount by $167,000,000.

On page 4, line 4, increase the amount by $249,500,000.

On page 4, line 5, increase the amount by $332,000,000.

On page 4, line 6, increase the amount by $414,500,000.

On page 4, line 7, increase the amount by $497,000,000.

On page 4, line 8, increase the amount by $579,500,000.

On page 4, line 9, increase the amount by $662,000,000.

On page 4, line 10, increase the amount by $744,500,000.

On page 4, line 11, increase the amount by $827,000,000.

On page 4, line 17, increase the amount by $161,990,000.

On page 4, line 18, increase the amount by $242,015,000.

On page 4, line 19, increase the amount by $322,040,000.

On page 4, line 20, increase the amount by $402,065,000.

On page 4, line 21, increase the amount by $482,090,000.

On page 4, line 22, increase the amount by $562,115,000.

On page 4, line 23, increase the amount by $642,140,000.

On page 5, line 1, increase the amount by $722,165,000.

On page 5, line 2, increase the amount by $802,190,000.

On page 48, line 8, increase the amount by $84,500,000.

On page 48, line 9, increase the amount by $81,965,000.

On page 43, line 15, decrease the amount by $84,500,000.

On page 43, line 16, decrease the amount by $81,965,000.

On page 2, line 18, increase the amount by $161,990,000.

On page 3, line 1, increase the amount by $242,015,000.

On page 3, line 2, increase the amount by $322,040,000.

On page 3, line 3, increase the amount by $402,065,000.

On page 3, line 4, increase the amount by $482,090,000.

On page 3, line 5, increase the amount by $562,115,000.

On page 3, line 6, increase the amount by $642,140,000.

On page 3, line 7, increase the amount by $722,165,000.

On page 3, line 8, increase the amount by $802,190,000.

On page 3, line 14, decrease the amount by $161,990,000.

On page 3, line 15, decrease the amount by $242,015,000.

On page 3, line 16, decrease the amount by $322,040,000.

On page 3, line 17, decrease the amount by $402,065,000.

On page 3, line 18, decrease the amount by $482,090,000.

On page 3, line 19, decrease the amount by $562,115,000.

On page 3, line 20, decrease the amount by $642,140,000.

On page 3, line 21, decrease the amount by $722,165,000.

On page 3, line 22, increase/decrease the amount by $802,190,000.

SA 332. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 5, line 10, increase the amount by $15,000,000,000.

On page 5, line 11, increase the amount by $13,000,000,000.

On page 5, line 12, increase the amount by $10,000,000,000.

On page 5, line 13, increase the amount by $4,000,000,000.

On page 3, line 2, increase the amount by $15,000,000,000.

On page 3, line 3, increase the amount by $13,000,000,000.

On page 3, line 4, increase the amount by $10,000,000,000.

On page 3, line 5, increase the amount by $4,000,000,000.

On page 3, line 16, decrease the amount by $15,000,000,000.

On page 3, line 17, decrease the amount by $13,000,000,000.

On page 3, line 18, decrease the amount by $10,000,000,000.

On page 3, line 19, decrease the amount by $4,000,000,000.

SA 333. Mr. CLELAND (for himself, Mr. SCHUMER, Mr. DODD, Mr. DASCHLE, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 39, line 23, increase the amount by $1,000,000,000.

On page 39, line 24, increase the amount by $1,000,000,000.

On page 43, line 15, increase the amount by $1,000,000,000.

On page 43, line 16, increase the amount by $1,000,000,000.

SA 334. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 27, line 3, increase the amount by $300,000,000.

On page 27, line 4, increase the amount by $150,000,000.

On page 27, line 8, increase the amount by $100,000,000.

On page 27, line 12, increase the amount by $50,000,000.

On page 43, line 15, decrease the amount by $300,000,000.

On page 43, line 16, decrease the amount by $150,000,000.

On page 5, line 8, decrease the amount by $100,000,000.

On page 5, line 9 decrease the amount by $50,000,000.

SA 335. Mr. NELSON of Florida (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $43,855,000.

On page 17, line 24, increase the amount by $42,538,450.

On page 48, line 8, increase the amount by $43,855,000.

On page 48, line 9, increase the amount by $42,538,450.

On page 43, line 15, decrease the amount by $43,855,000.

On page 43, line 16, decrease the amount by $42,538,450.

SA 336. Mr. LIEBERMAN (for himself, Mr. BAYH, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $6,499,000,000.

On page 3, line 1, increase the amount by $8,320,000,000.

On page 3, line 2, increase the amount by $8,878,000,000.

On page 3, line 3, increase the amount by $8,997,000,000.

On page 3, line 4, increase the amount by $9,148,000,000.

On page 3, line 5, increase the amount by $9,319,000,000.

On page 3, line 6, increase the amount by $9,492,000,000.

On page 3, line 7, increase the amount by $9,672,000,000.

On page 3, line 8, increase the amount by $9,855,000,000.

On page 3, line 14, decrease the amount by $6,449,000,000.

On page 3, line 15, decrease the amount by $8,320,000,000.

On page 3, line 16, decrease the amount by $8,878,000,000.

On page 3, line 17, decrease the amount by $8,997,000,000.

On page 3, line 18, decrease the amount by $9,148,000,000.

On page 3, line 19, decrease the amount by $9,319,000,000.

On page 3, line 20, decrease the amount by $9,492,000,000.

On page 3, line 21, decrease the amount by $9,672,000,000.

On page 3, line 22, decrease the amount by $9,855,000,000.

On page 4, line 3, increase the amount by $8,721,000,000.

On page 4, line 4, increase the amount by $8,974,000,000.

On page 4, line 5, increase the amount by $9,027,000,000.

On page 4, line 6, increase the amount by $9,188,000,000.

On page 4, line 7, increase the amount by $9,370,000,000.

On page 4, line 8, increase the amount by $9,539,000,000.

On page 4, line 9, increase the amount by $9,723,000,000.

On page 4, line 10, increase the amount by $9,906,000,000.

On page 4, line 11, increase the amount by $10,098,000,000.

On page 4, line 17, increase the amount by $6,449,000,000.

On page 4, line 18, increase the amount by $8,320,000,000.

On page 4, line 19, increase the amount by $8,878,000,000.

On page 4, line 20, increase the amount by $8,997,000,000.

On page 4, line 21, increase the amount by $9,148,000,000.

On page 4, line 22, increase the amount by $9,319,000,000.

On page 4, line 23, increase the amount by $9,492,000,000.

On page 5, line 1, increase the amount by $9,672,000,000.

On page 5, line 2, increase the amount by $9,855,000,000.

On page 27, line 3, increase the amount by $8,565,000,000.

On page 27, line 4, increase the amount by $465,000,000.

On page 27, line 7, increase the amount by $8,721,000,000.

On page 27, line 8, increase the amount by $6,449,000,000.

On page 27, line 11, increase the amount by $8,974,000,000.

On page 27, line 12, increase the amount by $8,320,000,000.

On page 27, line 15, increase the amount by $9,027,000,000.

On page 27, line 16, increase the amount by $8,878,000,000.

On page 27, line 19, increase the amount by $9,188,000,000.

On page 27, line 20, increase the amount by $8,997,000,000.

On page 27, line 23, increase the amount by $9,370,000,000.

On page 27, line 24, increase the amount by $9,148,000,000.

On page 28, line 2, increase the amount by $9,539,000,000.

On page 28, line 3, increase the amount by $9,319,000,000.

On page 28, line 6, increase the amount by $9,723,000,000.

On page 28, line 7, increase the amount by $9,492,000,000.

On page 28, line 10, increase the amount by $9,906,000,000.

On page 28, line 11, increase the amount by $9,672,000,000.

On page 28, line 14, increase the amount by $10,098,000,000.

On page 28, line 15, increase the amount by $9,855,000,000.

On page 43, line 15, decrease the amount by $8,565,000,000.

On page 43, line 16, decrease the amount by $465,000,000.

On page 48, line 8, increase the amount by $8,565,000,000.

On page 48, line 9, increase the amount by $465,000,000.

SA 337. Mr. KENNEDY (for himself, Mr. FEINGOLD, Mr. REED, Mr. WELLSTONE, Mr. BINGAMAN, Mr. SARBANES, Mr. DAYTON, Mr. CORZINE, Mrs. MURRAY, Mr. LEVIN, Mrs. CLINTON, Mr. JOHNSON, Mr. DODD, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $1,499,000,000.

On page 3, line 1, increase the amount by $1,745,000,000.

On page 3, line 2, increase the amount by $1,965,000,000.

On page 3, line 3, increase the amount by $2,187,000,000.

On page 3, line 4, increase the amount by $2,418,000,000.

On page 3, line 5, increase the amount by $2,649,000,000.

On page 3, line 6, increase the amount by $2,882,000,000.

On page 3, line 7, increase the amount by $3,124,000,000.

On page 3, line 8, increase the amount by $3,368,000,000.

On page 3, line 14, decrease the amount by $1,499,000,000.

On page 3, line 15, decrease the amount by $1,745,000,000.

On page 3, line 16, decrease the amount by $1,965,000,000.

On page 3, line 17, decrease the amount by $2,187,000,000.

On page 3, line 18, decrease the amount by $2,418,000,000.

On page 3, line 19, decrease the amount by $2,649,000,000.

On page 3, line 20, decrease the amount by $2,882,000,000.

On page 3, line 21, decrease the amount by $3,124,000,000.

On page 3, line 22, decrease the amount by $3,368,000,000.

On page 4, line 3, increase the amount by $1,705,000,000.

On page 4, line 4, increase the amount by $1,925,000,000.

On page 4, line 5, increase the amount by $2,145,000,000.

On page 4, line 6, increase the amount by $2,376,000,000.

On page 4, line 7, increase the amount by $2,607,000,000.

On page 4, line 8, increase the amount by $2,838,000,000.

On page 4, line 9, increase the amount by $3,080,000,000.

On page 4, line 10, increase the amount by $3,322,000,000.

On page 4, line 11, increase the amount by $3,575,000,000.

On page 4, line 17, increase the amount by $1,499,000,000.

On page 4, line 18, increase the amount by $1,745,000,000.

On page 4, line 19, increase the amount by $1,965,000,000.

On page 4, line 20, increase the amount by $2,187,000,000.

On page 4, line 21, increase the amount by $2,418,000,000.

On page 4, line 22, increase the amount by $2,649,000,000.

On page 4, line 23, increase the amount by $2,882,000,000.

On page 5, line 1, increase the amount by $3,124,000,000.

On page 5, line 2, increase the amount by $3,368,000,000.

On page 27, line 3, increase the amount by $1,485,000,000.

On page 27, line 4, increase the amount by $297,000,000.

On page 27, line 7, increase the amount by $1,705,000,000.

On page 27, line 8, increase the amount by $1,499,000,000.

On page 27, line 11, increase the amount by $1,925,000,000.

On page 27, line 12, increase the amount by $1,745,000,000.

On page 27, line 15, increase the amount by $2,145,000,000.

On page 27, line 16, increase the amount by $1,965,000,000.

On page 27, line 19, increase the amount by $2,376,000,000.

On page 27, line 20, increase the amount by $2,187,000,000.

On page 27, line 23, increase the amount by $2,607,000,000.

On page 27, line 24, increase the amount by $2,418,000,000.

On page 28, line 2, increase the amount by $2,838,000,000.

On page 28, line 3, increase the amount by $2,649,000,000.

On page 28, line 6, increase the amount by $3,080,000,000.

On page 28, line 7, increase the amount by $2,882,000,000.

On page 28, line 10, increase the amount by $3,322,000,000.

On page 28, line 11, increase the amount by $3,124,000,000.

On page 28, line 14, increase the amount by $3,575,000,000.

On page 28, line 15, increase the amount by $3,368,000,000.

On page 43, line 15, decrease the amount by $1,485,000,000.

On page 43, line 16, decrease the amount by $297,000,000.

On page 48, line 8, increase the amount by $1,485,000,000.

On page 48, line 9, increase the amount by $297,000,000.

SA 338. Mr REED (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. CORZINE, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $332,000,000.

On page 3, line 1, increase the amount by $138,000,000.

On page 3, line 2, increase the amount by $26,000,000.

On page 3, line 14, decrease the amount by $332,000,000.

On page 3, line 15, decrease the amount by $138,000,000.

On page 3, line 16, decrease the amount by $26,000,000.

On page 4, line 17, increase the amount by $332,000,000.

On page 4, line 18, increase the amount by $138,000,000.

On page 4, line 19, increase the amount by $26,000,000.

On page 27, line 3, increase the amount by $510,000,000.

On page 27, line 4, increase the amount by $15,000,000.

On page 27, line 8, increase the amount by $332,000,000.

On page 27, line 12, increase the amount by $138,000,000.

On page 27, line 16, increase the amount by $26,000,000.

On page 43, line 15, decrease the amount by $510,000,000.

On page 43, line 16, decrease the amount by $15,000,000.

On page 48, line 8, increase the amount by $510,000,000.

On page 48, line 9, increase the amount by $15,000,000.

SA 339. Mr. REED (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $1,710,000,000.

On page 3, line 1, increase the amount by $130,000,000.

On page 3, line 2, increase the amount by $48,000,000.

On page 3, line 14, decrease the amount by $1,170,000,000.

On page 3, line 15, decrease the amount by $130,000,000.

On page 3, line 16, decrease the amount by $48,000,000.

On page 4, line 17, increase the amount by $1,710,000,000.

On page 4, line 18, increase the amount by $130,000,000.

On page 4, line 19, increase the amount by $48,000,000.

On page 27, line 3, increase the amount by $2,298,000,000.

On page 27, line 4, increase the amount by $410,000,000.

On page 27, line 8, increase the amount by $1,710,000,000.

On page 27, line 12, increase the amount by $130,000,000.

On page 27, line 16, increase the amount by $48,000,000.

On page 43, line 15, decrease the amount by $2,298,000,000.

On page 43, line 16, decrease the amount by $410,000,000.

On page 48, line 8, increase the amount by $2,298,000,000.

On page 48, line 9, increase the amount by $410,000,000.

SA 340. Mrs. CLINTON (for herself, Mr. BIDEN, Mr. SCHUMER, Mrs. MURRAY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $350,000,000.

On page 3, line 1, increase the amount by $475,000,000.

On page 3, line 2, increase the amount by $500,000,000.

On page 3, line 3, increase the amount by $500,000,000.

On page 3, line 4, increase the amount by $500,000,000.

On page 3, line 5, increase the amount by $500,000,000.

On page 3, line 6, increase the amount by $500,000,000.

On page 3, line 7, increase the amount by $5000,000,000.

On page 3, line 8, increase the amount by $500,000,000.

On page 3, line 14, decrease the amount by $500,000,000.

On page 3, line 15, decrease the amount by $475,000,000.

On page 3, line 16, decrease the amount by $500,000,000.

On page 3, line 17, decrease the amount by $500,000,000.

On page 3, line 18, decrease the amount by $500,000,000.

On page 3, line 19, decrease the amount by $500,000,000.

On page 3, line 20, decrease the amount by $500,000,000.

On page 3, line 21, decrease the amount by $500,000,000.

On page 3, line 22, decrease the amount by $500,000,000.

On page 4, line 3, increase the amount by $500,000,000.

On page 4, line 4, increase the amount by $500,000,000.

On page 4, line 5, increase the amount by $500,000,000.

On page 4, line 6, increase the amount by $500,000,000.

On page 4, line 7, increase the amount by $500,000,000.

On page 4, line 8, increase the amount by $500,000,000.

On page 4, line 9, increase the amount by $500,000,000.

On page 4, line 10, increase the amount by $500,000,000.

On page 4, line 11, increase the amount by $500,000,000.

On page 4, line 17, increase the amount by $350,000,000.

On page 4, line 18, increase the amount by $475,000,000.

On page 4, line 19, increase the amount by $500,000,000.

On page 4, line 20, increase the amount by $500,000,000.

On page 4, line 21, increase the amount by $500,000,000.

On page 4, line 22, increase the amount by $500,000,000.

On page 4, line 23, increase the amount by $500,000,000.

On page 27, line 3, increase the amount by $500,000,000.

On page 27, line 4, increase the amount by $25,000,000.

On page 27, line 7, increase the amount by $500,000,000.

On page 27, line 8, increase the amount by $350,000,000.

On page 27, line 11, increase the amount by $500,000,000.

On page 27, line 12, increase the amount by $475,000,000.

On page 27, line 15, increase the amount by $500,000,000.

On page 27, line 16, increase the amount by $500,000,000.

On page 27, line 19, increase the amount by $500,000,000.

On page 27, line 20, increase the amount by $500,000,000.

On page 27, line 23, increase the amount by $500,000,000.

On page 27, line 24, increase the amount by $500,000,000.

On page 28, line 2, increase the amount by $500,000,000.

On page 28, line 3, increase the amount by $500,000,000.

On page 28, line 4, increase the amount by $500,000,000.

On page 28, line 6, increase the amount by $500,000,000.

On page 28, line 7, increase the amount by $500,000,000.

On page 28, line 10, increase the amount by $500,000,000.

On page 28, line 11, increase the amount by $500,000,000.

On page 28, line 14, increase the amount by $500,000,000.

On page 28, line 15, increase the amount by $500,000,000.

On page 43, line 15, decrease the amount by $500,000,000.

On page 43, line 16, decrease the amount by $25,000,000.

On page 48, line 8, increase the amount by $500,000,000.

On page 48, line 9, increase the amount by $25,000,000.

SA 341. Mrs. CLINTON (for herself and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 28, line 23, increase the amount by $1,000,000,000.

On page 28, line 24, increase the amount by $1,000,000,000.

On page 29, line 2, increase the amount by $1,000,000,000.

On page 29, line 3, increase the amount by $850,000,000.

On page 29, line 6, increase the amount by $1,000,000,000.

On page 29, line 7, increase the amount by $1,000,000,000.

On page 29, line 10, increase the amount by $1,000,000,000.

On page 29, line 11, increase the amount by $1,000,000,000.

On page 29, line 14, increase the amount by $1,000,000,000.

On page 29, line 15, increase the amount by $1,000,000,000.

On page 29, line 18, increase the amount by $1,000,000,000.

On page 29, line 19, increase the amount by $1,000,000,000.

On page 29, line 22, increase the amount by $1,000,000,000.

On page 29, line 23, increase the amount by $1,000,000,000.

On page 30, line 2, increase the amount by $1,000,000,000.

On page 30, line 3, increase the amount by $1,000,000,000.

On page 30, line 6, increase the amount by $1,000,000,000.

On page 30, line 7, increase the amount by $1,000,000,000.

On page 30, line 10, increase the amount by $1,000,000,000.

On page 30, line 11, increase the amount by $1,000,000,000.

On page 43, line 15, decrease the amount by $1,000,000,000.

On page 43, line 16, decrease the amount by $400,000,000.

On page 48, line 8, increase the amount by $1,000,000,000.

On page 48, line 9, increase the amount by $400,000,000.

On page 2, line 18, increase the amount by $85,000,000.

On page 3, line 1, decrease the amount by $1,000,000,000.

On page 3, line 2, decrease the amount by $1,000,000,000.

On page 3, line 3, decrease the amount by $1,000,000,000.

On page 3, line 4, decrease the amount by $1,000,000,000.

On page 3, line 5, decrease the amount by $1,000,000,000.

On page 3, line 6, decrease the amount by $1,000,000,000.

On page 3, line 7, decrease the amount by $1,000,000,000.

On page 3, line 8, decrease the amount by $1,000,000,000.

On page 3, line 14, increase the amount by $850,000,000.

On page 3, line 15, increase the amount by $1,000,000,000.

On page 3, line 16, increase the amount by $1,000,000,000.

On page 3, line 17, increase the amount by $1,000,000,000.

On page 3, line 18, increase the amount by $1,000,000,000.

On page 3, line 19, increase the amount by $1,000,000,000.

On page 3, line 20, increase the amount by $1,000,000,000.

On page 3, line 21, increase the amount by $1,000,000,000.

On page 3, line 22, increase the amount by $1,000,000,000.

On page 4, line 3, increase the amount by $1,000,000,000.

On page 4, line 4, increase the amount by $1,000,000,000.

On page 4, line 5, increase the amount by $1,000,000,000.

On page 4, line 6, increase the amount by $1,000,000,000.

On page 4, line 7, increase the amount by $1,000,000,000.

On page 4, line 8, increase the amount by $1,000,000,000.

On page 4, line 9, increase the amount by $1,000,000,000.

On page 4, line 10, increase the amount by $1,000,000,000.

On page 4, line 11, increase the amount by $1,000,000,000.

On page 4, line 17, increase the amount by $850,000,000.

On page 4, line 18, increase the amount by $1,000,000,000.

On page 4, line 19, increase the amount by $1,000,000,000.

On page 4, line 20, increase the amount by $1,000,000,000.

On page 4, line 21, increase the amount by $1,000,000,000.

On page 4, line 22, increase the amount by $1,000,000,000.

On page 4, line 23, increase the amount by $1,000,000,000.

On page 5, line 1, increase the amount by $1,000,000,000.

On page 5, line 2, increase the amount by $1,000,000,000.

SA 342. Mrs. CLINTON (for herself and Mr. SARBANES) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 17, line 23, increase the amount by $84,500,000.

On page 17, line 24, increase the amount by $81,965,000.

On page 18, line 2, increase the amount by $167,000,000.

On page 18, line 3, increase the amount by $161,990,000.

On page 18, line 6, increase the amount by $249,500,000.

On page 18, line 7, increase the amount by $242,015,000.

On page 18, line 10, increase the amount by $332,000,000.

On page 18, line 11, increase the amount by $322,040,000.

On page 18, line 14, increase the amount by $414,500,000.

On page 18, line 15, increase the amount by $402,065,000.

On page 18, line 18, increase the amount by $497,000,000.

On page 18, line 19, increase the amount by $482,090,000.

On page 18, line 22, increase the amount by $579,500,000.

On page 18, line 23, increase the amount by $562,115,000.

On page 19, line 2, increase the amount by $662,000,000.

On page 19, line 3, increase the amount by $642,140,000.

On page 19, line 6, increase the amount by $744,500,000.

On page 19, line 7, increase the amount by $722,165,000.

On page 19, line 10, increase the amount by $827,000,000.

On page 19, line 20, increase the amount by $802,190,000.

On page 4, line 3, increase the amount by $167,000,000.

On page 4, line 4, increase the amount by $249,500,000.

On page 4, line 5, increase the amount by $332,000,000.

On page 4, line 6, increase the amount by $414,500,000.

On page 4, line 7, increase the amount by $497,000,000.

On page 4, line 8, increase the amount by $579,500,000.

On page 4, line 9, increase the amount by $662,000,000.

On page 4, line 10, increase the amount by $744,500,000.

On page 4, line 11, increase the amount by $827,000,000.

On page 4, line 17, increase the amount by $161,990,000.

On page 4, line 18, increase the amount by $242,015,000.

On page 4, line 19, increase the amount by $322,040,000.

On page 4, line 20, increase the amount by $402,065,000.

On page 4, line 21, increase the amount by $482,090,000.

On page 4, line 22, increase the amount by $562,115,000.

On page 4, line 23, increase the amount by $642,140,000.

On page 5, line 1, increase the amount by $722,165,000.

On page 5, line 2, increase the amount by $802,190,000.

On page 48, line 8, increase the amount by $84,500,000.

On page 48, line 9, increase the amount by $81,965,000.

On page 43, line 15, increase the amount by $84,500,000.

On page 43, line 16, increase the amount by $81,965,000.

On page 2, line 18, increase the amount by $161,990,000.

On page 3, line 1, increase the amount by $242,015,000.

On page 3, line 2, increase the amount by $322,040,000.

On page 3, line 3, increase the amount by $402,065,000.

On page 3, line 4, increase the amount by $482,090,000.

On page 3, line 5, increase the amount by $562,115,000.

On page 3, line 6, increase the amount by $642,140,000.

On page 3, line 7, increase the amount by $722,165,000.

On page 3, line 8, increase the amount by $802,190,000.

On page 3, line 14, decrease the amount by $161,990,000.

On page 3, line 15, decrease the amount by $242,015,000.

On page 3, line 16, decrease the amount by $322,040,000.

On page 3, line 17, decrease the amount by $402,065,000.

On page 3, line 18, decrease the amount by $482,090,000.

On page 3, line 19, decrease the amount by $562,115,000.

On page 3, line 20, decrease the amount by $642,140,000.

On page 3, line 21, decrease the amount by $722,165,000.

On page 3, line 22, increase/decrease the amount by $802,190,000.

SA 343. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $146,000,000.

On page 3, line 1, increase the amount by $196,000,000.

On page 3, line 2, increase the amount by $246,000,000.

On page 3, line 3, increase the amount by $250,000,000.

On page 3, line 4, increase the amount by $250,000,000.

On page 3, line 5, increase the amount by $250,000,000.

On page 3, line 6, increase the amount by $250,000,000.

On page 3, line 7, increase the amount by $250,000,000.

On page 3, line 8, increase the amount by $250,000,000.

On page 3, line 13, decrease the amount by $0.

On page 3, line 14, decrease the amount by $146,000,000.

On page 3, line 15, decrease the amount by $196,000,000.

On page 3, line 16, decrease the amount by $246,000,000.

On page 3, line 17, decrease the amount by $250,000,000.

On page 3, line 18, decrease the amount by $250,000,000.

On page 3, line 19, decrease the amount by $250,000,000.

On page 3, line 20, decrease the amount by $250,000,000.

On page 3, line 21, decrease the amount by $250,000,000.

On page 3, line 22, decrease the amount by $250,000,000.

On page 4, line 3, increase the amount by $150,000,000.

On page 4, line 4, increase the amount by $200,000,000.

On page 4, line 5, increase the amount by $250,000,000.

On page 4, line 6, increase the amount by $250,000,000.

On page 4, line 7, increase the amount by $250,000,000.

On page 4, line 8, increase the amount by $250,000,000.

On page 4, line 9, increase the amount by $250,000,000.

On page 4, line 10, increase the amount by $250,000,000.

On page 4, line 11, increase the amount by $250,000,000.

On page 4, line 17, increase the amount by $146,000,000.

On page 4, line 18, increase the amount by $196,000,000.

On page 4, line 19, increase the amount by $246,000,000.

On page 4, line 20, increase the amount by $250,000,000.

On page 4, line 21, increase the amount by $250,000,000.

On page 4, line 22, increase the amount by $250,000,000.

On page 4, line 23, increase the amount by $250,000,000.

On page 5, line 1, increase the amount by $250,000,000.

On page 5, line 2, increase the amount by $146,000,000.

On page 25, line 6, increase the amount by $100,000,000.

On page 25, line 7, increase the amount by $92,000,000.

On page 25, line 10, increase the amount by $150,000,000.

On page 25, line 11, increase the amount by $146,000,000.

On page 25, line 14, increase the amount by $200,000,000.

On page 25, line 15, increase the amount by $196,000,000.

On page 25, line 18, increase the amount by $250,000,000.

On page 25, line 19, increase the amount by $246,000,000.

On page 25, line 22, increase the amount by $250,000,000.

On page 25, line 23, increase the amount by $250,000,000.

On page 26, line 2, increase the amount by $250,000,000.

On page 26, line 3, increase the amount by $250,000,000.

On page 26, line 6, increase the amount by $250,000,000.

On page 26, line 7, increase the amount by $250,000,000.

On page 26, line 10, increase the amount by $250,000,000.

On page 26, line 11, increase the amount by $250,000,000.

On page 26, line 14, increase the amount by $250,000,000.

On page 26, line 15, increase the amount by $250,000,000.

On page 26, line 18, increase the amount by $250,000,000.

On page 26, line 19, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $100,000,000.

On page 43, line 16, decrease the amount by $92,000,000.

On page 48, line 8, increase the amount by $100,000,000.

On page 48, line 92, increase the amount by $92,000,000.

SA 344. Mrs. CLINTON (for herself, Mr. DASCHLE, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; which was ordered to lie on the table; as follows:

On page 2, line 18, increase the amount by $8,000,000.

On page 3, line 1, increase the amount by $10,000,000.

On page 3, line 2, increase the amount by $10,000,000.

On page 3, line 3, increase the amount by $10,000,000.

On page 3, line 4, increase the amount by $10,000,000.

On page 3, line 5, increase the amount by $10,000,000.

On page 3, line 6, increase the amount by $10,000,000.

On page 3, line 7, increase the amount by $10,000,000.

On page 3, line 8, increase the amount by $10,000,000.

On page 3, line 14, decrease the amount by $8,000,000.

On page 3, line 15, decrease the amount by $10,000,000.

On page 3, line 16, decrease the amount by $10,000,000.

On page 3, line 17, decrease the amount by $10,000,000.

On page 3, line 18, decrease the amount by $10,000,000.

On page 3, line 19, decrease the amount by $10,000,000.

On page 3, line 20, decrease the amount by $10,000,000.

On page 3, line 21, decrease the amount by $10,000,000.

On page 3, line 22, decrease the amount by $10,000,000.

On page 4, line 3, increase the amount by $10,000,000.

On page 4, line 4, increase the amount by $10,000,000.

On page 4, line 5, increase the amount by $10,000,000.

On page 4, line 6, increase the amount by $10,000,000.

On page 4, line 7, increase the amount by $10,000,000.

On page 4, line 8, increase the amount by $10,000,000.

On page 4, line 9, increase the amount by $10,000,000.

On page 4, line 10, increase the amount by $10,000,000.

On page 4, line 11, increase the amount by $10,000,000.

On page 4, line 17, increase the amount by $18,000,000.

On page 4, line 18, increase the amount by $10,000,000.

On page 4, line 19, increase the amount by $10,000,000.

On page 4, line 20, increase the amount by $10,000,000.

On page 4, line 21, increase the amount by $10,000,000.

On page 4, line 22, increase the amount by $10,000,000.

On page 4, line 23, increase the amount by $10,000,000.

On page 27, line 3, increase the amount by $10,000,000.

On page 27, line 4, increase the amount by $8,000,000.

On page 27, line 7, increase the amount by $10,000,000.

On page 27, line 8, increase the amount by $8,000,000.

On page 27, line 11, increase the amount by $10,000,000.

On page 27, line 12, increase the amount by $10,000,000.

On page 27, line 15, increase the amount by $10,000,000.

On page 27, line 16, increase the amount by $10,000,000.

On page 27, line 19, increase the amount by $10,000,000.

On page 27, line 20, increase the amount by $10,000,000.

On page 27, line 23, increase the amount by $10,000,000.

On page 27, line 24, increase the amount by $10,000,000.

On page 28, line 2, increase the amount by $10,000,000.

On page 28, line 3, increase the amount by $10,000,000.

On page 28, line 4, increase the amount by $10,000,000.

On page 28, line 6, increase the amount by $10,000,000.

On page 28, line 7, increase the amount by $10,000,000.

On page 28, line 10, increase the amount by $10,000,000.

On page 28, line 11, increase the amount by $10,000,000.

On page 28, line 14, increase the amount by $10,000,000.

On page 28, line 15, increase the amount by $10,000,000.

On page 43, line 15, decrease the amount by $10,000,000.

On page 43, line 16, decrease the amount by $8,000,000.

On page 48, line 8, increase the amount by $10,000,000.

On page 48, line 9, increase/decrease the amount by $8,000,000.

SA 345. Mr. DOMENICI proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the end of title I, insert the following:

SEC. . RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.

The Committee on Finance of the Senate shall report to the Senate a reconciliation bill—

(1) not later than May 18, 2001: and

(2) not later than September 14, 2001.

that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues for the period of fiscal years 2001 through 2011 by not more than the sum of the totals setout in Section 101(1)(B) of this resolution and increase the total level of outlays by not more than $60,000,000,000 for the period of fiscal years 2001 through 2011.

SA 346. Mr. MURKOWSKI (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 2, line 18, increase the amount by $0.

On page 3, line 1, increase the amount by $0.

On page 3, line 2, increase the amount by $0.

On page 3, line 3, increase the amount by $0.

On page 3, line 4, increase the amount by $0.

On page 3, line 5, increase the amount by $0.

On page 3, line 6, increase the amount by $0.

On page 3, line 7, increase the amount by $0.

On page 3, line 8, increase the amount by $0.

On page 3, line 14, decrease the amount by $0.

On page 3, line 15, decrease the amount by $0.

On page 3, line 16, decrease the amount by $0.

On page 3, line 17, decrease the amount by $0.

On page 3, line 18, decrease the amount by $0.

On page 3, line 19, decrease the amount by $0.

On page 3, line 20, decrease the amount by $0.

On page 3, line 21, decrease the amount by $0.

On page 3, line 22, decrease the amount by $0.

On page 12, line 16, increase the amount by $0.

On page 12, line 17, increase the amount by $0.

On page 12, line 20, increase the amount by $0.

On page 12, line 21, increase the amount by $0.

On page 12, line 24, increase the amount by $0.

On page 12, line 25, increase the amount by $0.

On page 13, line 3, increase the amount by $0.

On page 13, line 4, increase the amount by $0.

On page 13, line 7, increase the amount by $0.

On page 13, line 8, increase the amount by $0.

On page 13, line 11, increase the amount by $0.

On page 13, line 12, increase the amount by $0.

On page 13, line 15, increase the amount by $0.

On page 13, line 16, increase the amount by $0.

On page 13, line 19, increase the amount by $0.

On page 13, line 20, increase the amount by $0.

On page 13, line 23, increase the amount by $0.

On page 13, line 24, increase the amount by $0.

On page 14, line 2, increase the amount by $0.

On page 14, line 3, increase the amount by $0.

On page 14, line 11, increase the amount by $0.

On page 14, line 12, increase the amount by $0.

On page 14, line 15, increase the amount by $0.

On page 14, line 16, increase the amount by $0.

On page 14, line 19, increase the amount by $0.

On page 14, line 20, increase the amount by $0.

On page 14, line 23, increase the amount by $0.

On page 14, line 24, increase the amount by $0.

On page 15, line 2, increase the amount by $0.

On page 15, line 3, increase the amount by $0.

On page 15, line 6, increase the amount by $0.

On page 15, line 7, increase the amount by $0.

On page 15, line 10, increase the amount by $0.

On page 15, line 11, increase the amount by $0.

On page 15, line 14, increase the amount by $0.

On page 15, line 15, increase the amount by $0.

On page 15, line 18, increase the amount by $0.

On page 17, line 23, increase the amount by $250,000,000.

On page 17, line 24, increase the amount by $199,000,000.

On page 19, line 6, increase the amount by $0.

On page 19, line 7, increase the amount by $0.

On page 19, line 10, increase the amount by $0.

On page 19, line 11, increase the amount by $0.

On page 19, line 19, increase the amount by $0.

On page 19, line 20, increase the amount by $0.

On page 19, line 23, increase the amount by $0.

On page 19, line 24, increase the amount by $0.

On page 20, line 2, increase the amount by $0.

On page 20, line 3, increase the amount by $0.

On page 20, line 6, increase the amount by $0.

On page 20, line 7, increase the amount by $0.

On page 20, line 10, increase the amount by $0.

On page 20, line 11, increase the amount by $0.

On page 20, line 14, increase the amount by $0.

On page 20, line 15, increase the amount by $0.

On page 20, line 18, increase the amount by $0.

On page 20, line 19, increase the amount by $0.

On page 20, line 22, increase the amount by $0.

On page 20, line 23, increase the amount by $0.

On page 21, line 2, increase the amount by $0.

On page 21, line 3, increase the amount by $0.

On page 21, line 6, increase the amount by $0.

On page 21, line 7, increase the amount by $0.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $199,000,000.

On page 48, line 8, increase the amount by $0.

On page 48, line 9, increase the amount by $0.

On page 48, line 15, increase the amount by $250,000,000.

On page 48, line 16, increase the amount by $199,000,000.

At the end of the concurrent resolution, add the following new section: Sense of the Senate on Debt Reduction.

SEC. . It is the Sense of the Senate that Conservation funding is a priority of the 107th Congress.

SA 347. Mrs. HUTCHISON proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the appropriate place add:

SEC. . Notwithstanding any other provision of this resolution, the revenue levels and other aggregates in this resolution shall be adjusted to reflect an additional $69 billion in revenue reductions for the period of fiscal years 2002 through 2011.

SA 348. Mr. BREAUX (for himself and Mr. JEFFORDS) proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the appropriate place add:

SEC. . Notwithstanding any other provision of this resolution, the spending aggregates, functional totals, allocations, and other levels in this resolution shall be adjusted to reflect an additional $70 billion in budget authority and outlays for function 500 for the period of fiscal years 2002 through 2011, and a reduction of $70 billion in revenue reductions (and an increase of $70 billion in total revenues) for the period of fiscal years 2002 through 2011.

SA 349. Ms. COLLINS proposed an amendment to amendment SA 170 proposed by Mr. DOMENICI to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

At the appropriate place, insert:

SEC. . Notwithstanding any other provision of this resolution, the revenue levels and other aggregates in this resolution shall be adjusted to reflect an additional $70 billion in revenue reductions for the period of fiscal years 2002 through 2011.

SA 350. Mr. DOMENICI (for Mr. HATCH (for himself, Mr. HARKIN, Mr. CAMPBELL, Mr. DURBIN, Mr. DASCHLE, Mr. ROBERTS, Mr. DAYTON, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. LUGAR, Mr. BOND, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BINGAMAN, Mr. BAUCUS, Mr. BURNS, Mr. CRAIG, Mr. ENZI, Mr. THOMAS, Mrs. LINCOLN, Mr. EDWARDS, Mr. HOLLINGS, Mr. HELMS, Mrs. CLINTON, Mr. CRAPO, Ms. MIKULSKI, Mr. LEAHY, Mr. FITZGERALD, Mr. WYDEN, Mr. ROCKEFELLER, Mr. ALLARD, Ms. STABENOW, Mr. BREAUX, Mr. MCCONNELL, Mr. WELLSTONE, Mr. TORRICELLI, Mr. COCHRAN, and Mrs. MURRAY) proposed an amendment to the bill S. 700, to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Disease Risk Assessment, Prevention, and Control Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) it is in the interest of the United States to maintain healthy livestock herds;

(2) managing the risks of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States may require billions of dollars for remedial activities by consumers, producers, and distributors of livestock and animal and blood products;

(3) the potential introduction of those diseases into the United States would cause devastating financial losses to—

(A) the agriculture industry and other economic sectors; and

(B) United States trade in the affected animals and animal products;

(4) foot and mouth disease is a severe and highly contagious viral infection affecting cattle, deer, goats, sheep, swine, and other animals;

(5) the most effective means of eradicating foot and mouth disease is by the slaughter of affected animals;

(6) while foot and mouth disease was eradicated in the United States in 1929, the virus could be reintroduced by—

(A) a single infected animal, an animal product, or a person carrying the virus;

(B) an act of terrorism; or

(C) other means;

(7) once introduced, foot and mouth disease can spread quickly through—

(A) exposure to aerosols from infected animals;

(B) direct contact with infected animals; and

(C) contact with contaminated feed, equipment, or humans harboring the virus or carrying the virus on their clothing;

(8) foot and mouth disease is endemic to more than ⅔ of the world and is considered to be widespread in parts of Africa, Asia, Europe, and South America;

(9) foot and mouth disease occurs in over 7 different serotypes and 60 subtypes;

(10) as foot and mouth disease outbreaks have occurred, the United States has banned the importation of live ruminants and swine and many animal products from countries affected by foot and mouth disease;

(11) recently, the United States has implemented bans in response to outbreaks in Argentina, the European Union, and Taiwan;

(12) although United States exclusion programs have been successful at keeping foot and mouth disease out of the United States since 1929, recent outbreaks in Argentina, the European Union, and Taiwan are placing an unprecedented strain on our animal health system;

(13) bovine spongiform encephalopathy is a transmissible, neuro-degenerative disease found in cattle;

(14) in cattle with bovine spongiform encephalopathy, the active agent is found primarily in the brain and spinal cord and has not been found in commonly consumed beef products;

(15) bovine spongiform encephalopathy is thought to have an incubation period of several years but is ultimately fatal to cattle within weeks of onset of the active disease;

(16) bovine spongiform encephalopathy was first widely found in 1986 in cattle in the United Kingdom;

(17) bovine spongiform encephalopathy-carrying cattle have been found in cattle in Belgium, Denmark, France, Germany, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Portugal, Spain, and Switzerland;

(18) cattle infected with bovine spongiform encephalopathy originating from the United Kingdom have been found and intercepted in Canada;

(19) since 1989, the Secretary of Agriculture has prohibited the importation of live grazing animals from countries where bovine spongiform encephalopathy has been found in cattle;

(20) other products derived from grazing animals, such as blood meal, bonemeal, fat, fetal bovine serum, glands, meat-and-bone meal, and offal, are prohibited from entry, except under special conditions or under permits issued by the Secretary of Agriculture for scientific or research purposes;

(21) on December 12, 1997, the Secretary of Agriculture extended those restrictions to include all countries in Europe because of concerns about widespread risk factors and inadequate surveillance for bovine spongiform encephalopathy;

(22) on December 7, 2000, the Secretary of Agriculture prohibited all imports of rendered animal protein products from Europe;

(23) Creutzfeldt-Jacob disease is a human spongiform encephalopathy;

(24) on March 20, 1996, the Spongiform Encephalopathy Advisory Committee of the United Kingdom announced the identification of 10 cases of a new variant of Creutzfeldt-Jacob disease;

(25) all 10 patients developed onsets of the disease in 1994 or 1995;

(26) scientific experts (including scientists at the Department of Agriculture, the Department of Health and Human Services, and the World Health Organization) are studying the possible link (including potential routes of transmission) between bovine spongiform encephalopathy and variant Creutzfeldt-Jacob disease;

(27) from October 1996 to December 2000, 87 cases of variant Creutzfeldt-Jacob disease have been reported in the United Kingdom, 3 cases in France, and 1 case in Ireland; and

(28) to reduce the risk of human spongiform encephalopathies in the United States, the Commissioner of Food and Drugs has—

(A) banned individuals who lived in Great Britain for at least 180 days since 1980 from donating blood in the United States; and

(B) established regulations that prohibit the feeding of most animal-derived proteins to grazing animals.

(b) PURPOSE.—The purpose of this Act is to provide the people of the United States and Congress with information concerning—

(1) actions by Federal agencies to prevent foot and mouth disease, bovine spongiform encephalopathy, and related diseases;

(2) the sufficiency of legislative authority to prevent or control foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States;

(3) the economic impacts associated with the potential introduction of foot and mouth disease, bovine spongiform encephalopathy, and related diseases into the United States; and

(4) the risks to public health from possible links between bovine spongiform encephalopathy and other spongiform encephalopathies to human illnesses.

SEC. 3. REPORT TO CONGRESS.

(a) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committees and Subcommittees described in paragraph (2) a preliminary report concerning—

(A) coordinated interagency activities to assess, prevent, and control the spread of foot and mouth disease and bovine spongiform encephalopathy in the United States;

(B) sources of information from the Federal Government available to the public on foot and mouth disease and bovine spongiform encephalopathy, and

(C) any immediate needs for additional legislative authority, appropriations, or product bans to prevent the introduction of foot and mouth disease or bovine spongiform encephalopathy into the United States.

(2) SUBMISSION OF REPORT TO CONGRESS.—The Secretary shall submit the preliminary report to—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate; and

(D) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(b) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committees and Subcommittees described in subsection (a)(2) a final report that—

(A) discusses the economic impacts associated with the potential introduction of foot and mouth disease, bovine spongiform encephalopathy, and related diseases into the United States;

(B) discusses the potential risks to public and animal health from foot and mouth disease, bovine spongiform encephalopathy, and related diseases; and

(C) provides recommendations to protect the health of animal herds and citizens of the United States from those risks including, if necessary, recommendations for additional legislation, appropriations, or product bans.

(2) CONTENTS.—The report shall contain—

(A) an assessment of the risks to the public presented by the potential presence of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in domestic and imported livestock, livestock and animal products, wildlife, and blood products;

(B) recommendations to reduce and manage the risks of foot and mouth disease, bovine spongiform encephalopathy, and related diseases;

(C) any plans of the Secretary to identify, prevent, and control foot and mouth disease, bovine spongiform encephalopathy, and related diseases in domestic and imported livestock, livestock products, wildlife, and blood products;

(D) a description of the incidence and prevalence of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in other countries;

(E) a description and an analysis of the effectiveness of the measures taken to assess, prevent, and control the risks of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in other countries;

(F) a description and an analysis of the effectiveness of the measures that the public, private, and nonprofit sectors have taken to assess, prevent, and control the risk of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States, including controls of ports of entry and other conveyances;

(G) a description of the measures taken to prevent and control the risk of bovine spongiform encephalopathy and variant Creutzfeldt-Jacob disease transmission through blood collection and transfusion;

(H) a description of any measures (including any planning or managerial initiatives such as interagency, intergovernmental, international, and public-private sector partnerships) that any Federal agency plans to initiate or continue to assess, prevent, and control the spread of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States and other countries;

(I) plans by Federal agencies (including the Centers for Disease Control and Prevention)—

(i) to monitor the incidence and prevalence of the transmission of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States; and

(ii) to assess the effectiveness of efforts to prevent and control the spread of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States;

(J) plans by Federal agencies (including the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, and the National Institutes of Health) to carry out, in partnership with the private sector—

(i) research programs into the causes and mechanism of transmission of foot and mouth disease and bovine spongiform encephalopathy; and

(ii) diagnostic tools and preventive and therapeutic agents for foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases;

(K) plans for providing appropriate compensation for affected animals in the event of the introduction of foot and mouth disease, bovine spongiform encephalopathy, or related diseases into the United States; and

(L) recommendations to Congress for legislation that will improve efforts to assess, prevent, or control the transmission of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States and in other countries.

(c) CONSULTATION.—

(1) PRELIMINARY REPORT.—In preparing the preliminary report under subsection (a), the Secretary shall consult with—

(A) the Secretary of the Treasury

(B) the Secretary of Commerce;

(C) the Secretary of State;

(D) the Secretary of Health and Human Services;

(E) the Secretary of Defense;

(F) the United States Trade Representative;

(G) the Director of the Federal Emergency Management Agency; and

(H) representatives of other appropriate Federal agencies;

(2) FINAL REPORT.—In preparing the final report under subsection (b), the Secretary shall consult with—

(A) the individuals listed in paragraph (1);

(B) private and nonprofit sector experts in infectious disease, research, prevention, and control;

(C) international, State, and local governmental animal health officials;

(D) private, nonprofit, and public sector livestock experts;

(E) representatives of blood collection and distribution entities; and

(F) representatives of consumer and patient organizations and other interested members of the public.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS, AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 26, 2001 at 2:00 p.m., in room SD-366 of the Dirksen Senate Office Building In Washington, D.C.

The purpose of this hearing is to conduct oversight on the energy implications of the Forest Service's Roadless Area Rulemaking.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey (202) 224-2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 5, 2001 to hear testimony on Taxpayer Beware, Schemes, Scams and Cons.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 5, 2001 at 4:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 5, 2001 at 10:00 a.m. for a hearing regarding the State of the Presidential Appointments Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 5, 2001 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a Hearing to receive the goals and priorities of the United South and Eastern Tribes (USET) for the 107th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety be authorized to meet on Thursday, April 5 at 9:00 a.m. to receive testimony on the interaction between our environmental regulations and our nation's energy policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Frank Rodriguez, Traci Gleason, legislative fellows, and Todd Smith, a law clerk from the Democratic staff of the Senate Finance Committee, be granted access to the Senate floor for the duration of the debate on H.R. 83.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, on behalf of Senator FRIST, I ask unanimous consent that Dr. Ken Bernard, a fellow in Senator FRIST's office on loan from the Public Health Service, be granted privileges of the floor during the duration of the debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

On April 2, 2001, the Senate amended and passed S. 27, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Bipartisan Campaign Reform Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101. Soft money of political parties.
Sec. 102. Increased contribution limits for State committees of political parties and aggregate contribution limit for individuals.
Sec. 103. Reporting requirements.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

Sec. 201. Disclosure of electioneering communications.
Sec. 202. Coordinated communications as contributions.
Sec. 203. Prohibition of corporate and labor disbursements for electioneering communications.
Sec. 204. Rules relating to certain targeted electioneering communications.

Subtitle B—Independent and Coordinated Expenditures

Sec. 211. Definition of independent expenditure.
Sec. 212. Reporting requirements for certain independent expenditures.
Sec. 213. Independent versus coordinated expenditures by party.
Sec. 214. Coordination with candidates or political parties.

TITLE III—MISCELLANEOUS

Sec. 301. Use of contributed amounts for certain purposes.
Sec. 302. Prohibition of fundraising on Federal property.
Sec. 303. Strengthening foreign money ban.
Sec. 304. Modification of individual contribution limits in response to expenditures from personal funds.
Sec. 305. Television media rates.
Sec. 306. Limitation on availability of lowest unit charge for Federal candidates attacking opposition.
Sec. 307. Software for filing reports and prompt disclosure of contributions.
Sec. 308. Modification of contribution limits.
Sec. 309. Television media rates for national parties conditioned on adherence to existing coordinated spending limits.
Sec. 310. Donations to Presidential Inaugural Committee.
Sec. 311. Prohibition on fraudulent solicitation of funds.
Sec. 312. Study and report on clean money clean elections laws.
Sec. 313. Clarity standards for identification of sponsors of election-related advertising.
Sec. 314. Increase in penalties.
Sec. 315. Statute of limitations.
Sec. 316. Sentencing guidelines.
Sec. 317. Increase in penalties imposed for violations of conduit contribution ban.
Sec. 318. Restriction on increased contribution limits by taking into account candidate's available funds.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

Sec. 401. Severability.
Sec. 402. Effective date.
Sec. 403. Expedited review.

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

Sec. 501. Internet access to records.
Sec. 502. Maintenance of website of election reports.
Sec. 503. Additional monthly and quarterly disclosure reports.
Sec. 504. Public access to broadcasting records.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

SEC. 101. SOFT MONEY OF POLITICAL PARTIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

“SEC. 323. SOFT MONEY OF POLITICAL PARTIES.

“(a) NATIONAL COMMITTEES.—

“(1) IN GENERAL.—A national committee of a political party (including a national congressional campaign committee of a political party) may not solicit, receive, or direct to another person a contribution, donation, or transfer of funds or any other thing of value, or spend any funds, that are not subject to the limitations, prohibitions, and reporting requirements of this Act.

“(2) APPLICABILITY.—The prohibition established by paragraph (1) applies to any such national committee, any officer or agent of such a national committee, and any entity that is directly or indirectly established, financed, maintained, or controlled by such a national committee.

“(b) STATE, DISTRICT, AND LOCAL COMMITTEES.—

“(1) IN GENERAL.—(A) Except as provided in paragraph (2), an amount that is expended or disbursed for Federal election activity by a State, district, or local committee of a political party (including an entity that is directly or indirectly established, financed, maintained, or controlled by a State, district, or local committee of a political party and an officer or agent acting on behalf of such committee or entity), or by an entity directly or indirectly established, financed, maintained, or controlled by or acting on behalf of 1 or more candidates for State or local office, or individuals holding State or local office, shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

“(B) Nothing in this subsection shall prevent the authorized campaign committee of a candidate for State or local office from raising and spending funds permitted under applicable State law other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

“(2) APPLICABILITY.—

“(A) IN GENERAL.—Notwithstanding clause (i) or (ii) of section 301(20)(A), and subject to subparagraph (B), paragraph (1) shall not apply to any amount expended or disbursed by a State, district, or local committee of a political party for an activity described in either such clause to the extent the expenditures or disbursements for such activity are allocated under regulations prescribed by the Commission as expenditures or disbursements that may be paid from funds not subject to the limitations, prohibitions, and reporting requirements of this Act.

“(B) CONDITIONS.—Subparagraph (A) shall only apply if—

“(i) the activity does not refer to a clearly identified candidate for Federal office; and

“(ii) the expenditures or disbursements described in subparagraph (A) are paid directly or indirectly from amounts donated in accordance with State law, except that no person (and any person established, financed, maintained, or controlled by such person) may donate more than $10,000 to a State, district or local committee of a political party in a calendar year to be used for the expenditures or disbursements described in subparagraph (A).

“(c) Fundraising Costs.—An amount spent by a person described in subsection (a) or (b) to raise funds that are used, in whole or in part, to pay the costs of a Federal election activity shall be made from funds subject to the limitations, prohibitions, and reporting requirements of this Act.

“(d) Tax-Exempt Organizations.—A national, State, district, or local committee of a political party (including a national congressional campaign committee of a political party), an entity that is directly or indirectly established, financed, maintained, or controlled by any such national, State, district, or local committee or its agent, and an officer or agent acting on behalf of any such party committee or entity, shall not solicit any funds for, or make or direct any donations to—

“(1) an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code (or has submitted an application for determination of tax exempt status under such section); or

“(2) an organization described in section 527 of such Code (other than a political committee).

“(e) Candidates.—

“(1) In general.—A candidate, individual holding Federal office, agent of a candidate or an individual holding Federal office, or an entity directly or indirectly established, financed, maintained or controlled by or acting on behalf of 1 or more candidates or individuals holding Federal office, shall not—

“(A) solicit, receive, direct, transfer, or spend funds in connection with an election for Federal office, including funds for any Federal election activity, unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act; or

“(B) solicit, receive, direct, transfer, or spend funds in connection with any election other than an election for Federal office or disburse funds in connection with such an election unless the funds—

“(i) are not in excess of the amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a); and

“(ii) are not from sources prohibited by this Act from making contributions in connection with an election for Federal office.

“(2) State law.—Paragraph (1) does not apply to the solicitation, receipt, or spending of funds by an individual who is a candidate for a State or local office in connection with such election for State or local office if the solicitation, receipt, or spending of funds is permitted under State law for any activity other than for a Federal election activity that refers to a clearly identified candidate for election to Federal office.

“(3) Fundraising events.—Notwithstanding paragraph (1), a candidate or an individual holding Federal office may attend, speak, or be a featured guest at a fundraising event for a State, district, or local committee of a political party.”.

(b) Definitions.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

“(20) Federal election activity.—

“(A) In general.—The term ‘Federal election activity’ means—

“(i) voter registration activity during the period that begins on the date that is 120 days before the date a regularly scheduled Federal election is held and ends on the date of the election;

“(ii) voter identification, get-out-the-vote activity, or generic campaign activity conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot);

“(iii) a public communication that refers to a clearly identified candidate for Federal office (regardless of whether a candidate for State or local office is also mentioned or identified) and that promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate); or

“(iv) services provided during any month by an employee of a State, district, or local committee of a political party who spends more than 25 percent of that individual's compensated time during that month on activities in connection with a Federal election.

“(B) Alternate definition if subparagraph (A)(iii) held unconstitutional.—If clause (iii) of subparagraph (A) is held to be unconstitutional in a final decision by a court of competent jurisdiction, then in lieu of the provisions of that clause, subparagraph (A) shall be applied as if it contained a clause (iii) that read ‘a broadcast, cable, or satellite communication that—

“‘(i) promotes or supports a candidate for Federal office, or attacks or opposes a candidate for Federal office, without regard to whether the communication advocates a vote for or against a candidate; and

“‘(ii) is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate.’.

“(C) Excluded activity.—The term ‘Federal election activity’ does not include an amount expended or disbursed by a State, district, or local committee of a political party for—

“(i) a public communication that refers solely to a clearly identified candidate for State or local office, if the communication is not a Federal election activity described in subparagraph (A)(i) or (ii);

“(ii) a contribution to a candidate for State or local office, provided the contribution is not designated or used to pay for a Federal election activity described in subparagraph (A);

“(iii) the costs of a State, district, or local political convention;

“(iv) the costs of grassroots campaign materials, including buttons, bumper stickers, and yard signs, that name or depict only a candidate for State or local office; and

“(v) the cost of constructing or purchasing an office facility or equipment for a State, district, or local committee.

“(21) Generic campaign activity.—The term ‘generic campaign activity’ means an activity that promotes a political party and does not promote a candidate or non-Federal candidate.

“(22) Public communication.—The term ‘public communication’ means a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.

“(23) Mass mailing.—The term ‘mass mailing’ means a mailing of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

“(24) Telephone bank.—The term ‘telephone bank’ means more than 500 telephone calls of an identical or substantially similar nature within any 30-day period.”.

SEC. 102. INCREASED CONTRIBUTION LIMITS FOR STATE COMMITTEES OF POLITICAL PARTIES AND AGGREGATE CONTRIBUTION LIMIT FOR INDIVIDUALS.

(a) Contribution Limit for State Committees of Political Parties.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C)—

(A) by inserting “(other than a committee described in subparagraph (D))” after “committee”; and

(B) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(D) to a political committee established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000.”.

(b) Aggregate Contribution Limit for Individual.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking “$25,000” and inserting “$30,000”.

SEC. 103. REPORTING REQUIREMENTS.

(a) Reporting Requirements.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

“(e) Political Committees.—

“(1) National and congressional political committees.—The national committee of a political party, any national congressional campaign committee of a political party, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period.

“(2) Other political committees to which section 323 applies.—In addition to any other reporting requirements applicable under this Act, a political committee (not described in paragraph (1)) to which section 323(b)(1)(A) applies shall report all receipts and disbursements made for activities described in section 301(20)(A), other than activities described in section 323(b)(1)(B).

“(3) Itemization.—If a political committee has receipts or disbursements to which this subsection applies from any person aggregating in excess of $200 for any calendar year, the political committee shall separately itemize its reporting for such person in the same manner as required in paragraphs (3)(A), (5), and (6) of subsection (b).

“(4) Reporting periods.—Reports required to be filed under this subsection shall be filed for the same time periods required for political committees under subsection (a)(4)(B).”.

(b) Building Fund Exception to the Definition of Contribution.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking clause (viii); and

(2) by redesignating clauses (ix) through (xv) as clauses (viii) through (xiv), respectively.

TITLE II—NONCANDIDATE CAMPAIGN EXPENDITURES

Subtitle A—Electioneering Communications

SEC. 201. DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 103, is amended by adding at the end the following new subsection:

"(f) Additional Statements on Electioneering Communications.—

"(1) Statement required.—Every person who makes a disbursement for electioneering communications in an aggregate amount in excess of $10,000 during any calendar year shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in paragraph (2).

"(2) Contents of statement.—Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

"(A) The identification of the person making the disbursement, of any entity sharing or exercising direction or control over the activities of such person, and of the custodian of the books and accounts of the person making the disbursement.

"(B) The principal place of business of the person making the disbursement, if not an individual.

"(C) The amount of each disbursement of more than $200 during the period covered by the statement and the identification of the person to whom the disbursement was made.

"(D) The elections to which the electioneering communications pertain and the names (if known) of the candidates identified or to be identified.

"(E) If the disbursements were paid out of a segregated bank account which consists of funds contributed solely by individuals directly to this account for electioneering communications, the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date. Nothing in this subparagraph is to be construed as a prohibition on the use of funds in such a segregated account for a purpose other than electioneering communications.

"(F) If the disbursements were paid out of funds not described in subparagraph (E), the names and addresses of all contributors who contributed an aggregate amount of $1,000 or more to the organization during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

"(3) Electioneering communication.—For purposes of this subsection—

"(A)(i) In general.—The term 'electioneering communication' means any broadcast, cable, or satellite communication which—

"(I) refers to a clearly identified candidate for Federal office;

"(II) is made within—

"(aa) 60 days before a general, special, or runoff election for such Federal office; or

"(bb) 30 days before a primary or preference election, or a convention or caucus of a political party that has authority to nominate a candidate, for such Federal office; and

"(III) is made to an audience that includes members of the electorate for such election, convention, or caucus; and

"(ii) if clause (i) of paragraph (3)(A) is held to be constitutionally insufficient by final judicial decision to support the regulation provided herein, then the term 'electioneering communication' means any broadcast, cable, or satellite communication which promotes or supports a candidate for that office, or attacks or opposes a candidate for that office (regardless of whether the communication expressly advocates a vote for or against a candidate) and which also is suggestive of no plausible meaning other than an exhortation to vote for or against a specific candidate. Nothing in this subsection shall be construed to affect the interpretation or application of section 100.22(b) of title 11, Code of Federal Regulations.

"(B) Exceptions.—The term 'electioneering communication' does not include—

"(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless such facilities are owned or controlled by any political party, political committee, or candidate; or

"(ii) a communication which constitutes an expenditure or an independent expenditure under this Act.

"(4) Disclosure date.—For purposes of this subsection, the term 'disclosure date' means—

"(A) the first date during any calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000; and

"(B) any other date during such calendar year by which a person has made disbursements for electioneering communications aggregating in excess of $10,000 since the most recent disclosure date for such calendar year.

"(5) Contracts to disburse.—For purposes of this subsection, a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

"(6) Coordination with other requirements.—Any requirement to report under this subsection shall be in addition to any other reporting requirement under this Act.".

SEC. 202. COORDINATED COMMUNICATIONS AS CONTRIBUTIONS.

Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) if—

"(i) any person makes, or contracts to make, any disbursement for any electioneering communication (within the meaning of section 304(f)(3)); and

"(ii) such disbursement is coordinated with a candidate or an authorized committee of such candidate, a Federal, State, or local political party or committee thereof, or an agent or official of any such candidate, party, or committee;

such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party; and".

SEC. 203. PROHIBITION OF CORPORATE AND LABOR DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS.

(a) In General.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by inserting "or for any applicable electioneering communication" before ", but shall not include".

(b) Applicable Electioneering Communication.—Section 316 of such Act is amended by adding at the end the following:

"(c) Rules Relating to Electioneering Communications.—

"(1) Applicable electioneering communication.—For purposes of this section, the term 'applicable electioneering communication' means an electioneering communication (within the meaning of section 304(f)(3)) which is made by any entity described in subsection (a) of this section or by any other person using funds donated by an entity described in subsection (a) of this section.

"(2) Exception.—Notwithstanding paragraph (1), the term 'applicable electioneering communication' does not include a communication by an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 or a political organization (as defined in section 527(e)(1) of such Code) made under section 304(f)(2) (E) or (F) of this Act if the communication is paid for exclusively by funds provided directly by individuals who are United States citizens or lawfully admitted for permanent residence as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2)). For purposes of the preceding sentence, the term 'provided directly by individuals' does not include funds the source of which is an entity described in subsection (a) of this section.

"(3) Special operating rules.—For purposes of paragraph (1), the following rules shall apply:

"(A) An electioneering communication shall be treated as made by an entity described in subsection (a) if—

"(i) an entity described in subsection (a) directly or indirectly disburses any amount for any of the costs of the communication; or

"(ii) any amount is disbursed for the communication by a corporation or labor organization or a State or local political party or committee thereof that receives anything of value from an entity described in subsection (a), except that this clause shall not apply to any communication the costs of which are defrayed entirely out of a segregated account to which only individuals can contribute, as described in section 304(f)(2)(E).

"(B) A section 501(c)(4) organization that derives amounts from business activities or receives funds from any entity described in subsection (a) shall be considered to have paid for any communication out of such amounts unless such organization paid for the communication out of a segregated account to which only individuals can contribute, as described in section 304(f)(2)(E).

"(4) Definitions and rules.—For purposes of this subsection—

"(A) the term 'section 501(c)(4) organization' means—

"(i) an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) an organization which has submitted an application to the Internal Revenue Service for determination of its status as an organization described in clause (i); and

"(B) a person shall be treated as having made a disbursement if the person has executed a contract to make the disbursement.

"(5) Coordination with internal revenue code.—Nothing in this subsection shall be construed to authorize an organization exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 to carry out any activity which is prohibited under such Code.".

SEC. 204. RULES RELATING TO CERTAIN TARGETED ELECTIONEERING COMMUNICATIONS.

Section 316(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), as added by section 203, is amended by adding at the end the following:

"(6) Special rules for targeted communications.—

"(A) Exception does not apply.—Paragraph (2) shall not apply in the case of a targeted communication that is made by an organization described in such paragraph.

"(B) Targeted communication.—For purposes of subparagraph (A), the term 'targeted communication' means an electioneering communication (as defined in section 304(f)(3)) that is distributed from a television or radio broadcast station or provider of cable or satellite television service whose audience consists primarily of residents of the State for which the clearly identified candidate is seeking office.".

Subtitle B—Independent and Coordinated Expenditures

SEC. 211. DEFINITION OF INDEPENDENT EXPENDITURE.

Section 301 of the Federal Election Campaign Act (2 U.S.C. 431) is amended by striking paragraph (17) and inserting the following:

"(17) Independent expenditure.—The term 'independent expenditure' means an expenditure by a person—

"(A) expressly advocating the election or defeat of a clearly identified candidate; and

"(B) that is not a coordinated activity with such candidate or such candidate's agent or a person who has engaged in coordinated activity with such candidate or such candidate's agent.".

SEC. 212. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) (as amended by section 201) is amended—

(1) in subsection (c)(2), by striking the undesignated matter after subparagraph (C); and

(2) by adding at the end the following:

"(g) Time for Reporting Certain Expenditures.—

"(1) Expenditures aggregating $1,000.—

"(A) Initial report.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $1,000 or more after the 20th day, but more than 24 hours, before the date of an election shall file a report describing the expenditures within 24 hours.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report within 24 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $1,000 with respect to the same election as that to which the initial report relates.

"(2) Expenditures aggregating $10,000.—

"(A) Initial report.—A person (including a political committee) that makes or contracts to make independent expenditures aggregating $10,000 or more at any time up to and including the 20th day before the date of an election shall file a report describing the expenditures within 48 hours.

"(B) Additional reports.—After a person files a report under subparagraph (A), the person shall file an additional report within 48 hours after each time the person makes or contracts to make independent expenditures aggregating an additional $10,000 with respect to the same election as that to which the initial report relates.

"(3) Place of filing; contents.—A report under this subsection—

"(A) shall be filed with the Commission; and

"(B) shall contain the information required by subsection (b)(6)(B)(iii), including the name of each candidate whom an expenditure is intended to support or oppose.".

SEC. 213. INDEPENDENT VERSUS COORDINATED EXPENDITURES BY PARTY.

Section 315(d) of the Federal Election Campaign Act (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking "and (3)" and inserting ", (3), and (4)"; and

(2) by adding at the end the following:

"(4) Independent versus coordinated expenditures by party.—

"(A) In general.—On or after the date on which a political party nominates a candidate, a committee of the political party shall not make both expenditures under this subsection and independent expenditures (as defined in section 301(17)) with respect to the candidate during the election cycle.

"(B) Certification.—Before making a coordinated expenditure under this subsection with respect to a candidate, a committee of a political party shall file with the Commission a certification, signed by the treasurer of the committee, that the committee, on or after the date described in subparagraph (A), has not and shall not make any independent expenditure with respect to the candidate during the same election cycle.

"(C) Application.—For purposes of this paragraph, all political committees established and maintained by a national political party (including all congressional campaign committees) and all political committees established and maintained by a State political party (including any subordinate committee of a State committee) shall be considered to be a single political committee.

"(D) Transfers.—A committee of a political party that submits a certification under subparagraph (B) with respect to a candidate shall not, during an election cycle, transfer any funds to, assign authority to make coordinated expenditures under this subsection to, or receive a transfer of funds from, a committee of the political party that has made or intends to make an independent expenditure with respect to the candidate.".

SEC. 214. COORDINATION WITH CANDIDATES OR POLITICAL PARTIES.

(a) In General.—

(1) Coordinated expenditure or disbursement treated as contribution.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended—

(A) by striking "or" at the end of subparagraph (A)(i);

(B) by striking "purpose." in subparagraph (A)(ii) and inserting "purpose;";

(C) by adding at the end of subparagraph (A) the following:

"(iii) any coordinated expenditure or other disbursement made by any person in connection with a candidate's election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy; or

"(iv) any expenditure or other disbursement made in coordination with a national committee, State committee, or other political committee of a political party by a person (other than a candidate or a candidate's authorized committee) in connection with an election, regardless of whether the expenditure or disbursement is for a communication that contains express advocacy.".

(2) Conforming amendment.—Section 315(a)(7) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(7)) is amended by striking subparagraph (B) and inserting the following:

"(B) a coordinated expenditure or disbursement described in—

"(i) section 301(8)(C) shall be considered to be a contribution to the candidate or an expenditure by the candidate, respectively; and

"(ii) section 301(8)(D) shall be considered to be a contribution to, or an expenditure by, the political party committee, respectively; and".

(b) Definition of Coordination.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by subsection (a), is amended by adding at the end the following:

"(C) For purposes of subparagraph (A)(iii), the term 'coordinated expenditure or other disbursement' means a payment made in concert or cooperation with, at the request or suggestion of, or pursuant to any general or particular understanding with, such candidate, the candidate's authorized political committee, or their agents, or a political party committee or its agents.".

(c) Regulations by the Federal Election Commission.—(1) Within 90 days of the effective date of this Act, the Federal Election Commission shall promulgate new regulations to enforce the statutory standard set by this provision. The regulation shall not require collaboration or agreement to establish coordination. In addition to any subject determined by the Commission, the regulations shall address—

(A) payments for the republication of campaign materials;

(B) payments for the use of a common vendor;

(C) payments for communications directed or made by persons who previously served as an employee of a candidate or a political party;

(D) payments for communications made by a person after substantial discussion about the communication with a candidate or a political party; and

(E) the impact of coordinating internal communications by any person to its restricted class has on any subsequent "Federal election activity" as defined in section 301 of the Federal Election Campaign Act of 1971.

(2) The regulations on coordination adopted by the Federal Election Commission and published in the Federal Register at page 76138 of volume 65, Federal Register, on December 6, 2000, are repealed as of 90 days after the effective date of this Act.

(d) Meaning of Contribution or Expenditure for the Purposes of Section 316.—Section 316(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)) is amended by striking "shall include" and inserting "includes a contribution or expenditure, as those terms are defined in section 301, and also includes".

TITLE III—MISCELLANEOUS

SEC. 301. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by striking section 313 and inserting the following:

"SEC. 313. USE OF CONTRIBUTED AMOUNTS FOR CERTAIN PURPOSES.

"(a) Permitted Uses.—A contribution accepted by a candidate, and any other donation received by an individual as support for activities of the individual as a holder of Federal office, may be used by the candidate or individual—

"(1) for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual;

"(2) for ordinary and necessary expenses incurred in connection with duties of the individual as a holder of Federal office;

"(3) for contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986; or

"(4) for transfers to a national, State, or local committee of a political party.

"(b) Prohibited Use.—

"(1) In general.—A contribution or donation described in subsection (a) shall not be converted by any person to personal use.

"(2) Conversion.—For the purposes of paragraph (1), a contribution or donation shall be considered to be converted to personal use if the contribution or amount is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or individual's duties as a holder of Federal office, including—

"(A) a home mortgage, rent, or utility payment;

"(B) a clothing purchase;

"(C) a noncampaign-related automobile expense;

"(D) a country club membership;

"(E) a vacation or other noncampaign-related trip;

"(F) a household food item;

"(G) a tuition payment;

"(H) admission to a sporting event, concert, theater, or other form of entertainment not associated with an election campaign; and

"(I) dues, fees, and other payments to a health club or recreational facility.".

SEC. 302. PROHIBITION OF FUNDRAISING ON FEDERAL PROPERTY.

Section 607 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Prohibition.—

"(1) In general.—It shall be unlawful for any person to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election from a person who is located in a room or building occupied in the discharge of official duties by an officer or employee of the United States. It shall be unlawful for an individual who is an officer or employee of the Federal Government, including the President, Vice President, and Members of Congress, to solicit or receive a donation of money or other thing of value in connection with a Federal, State, or local election, while in any room or building occupied in the discharge of official duties by an officer or employee of the United States, from any person.

"(2) Penalty.—A person who violates this section shall be fined not more than $5,000, imprisoned more than 3 years, or both."; and

(2) in subsection (b), by inserting "or Executive Office of the President" after "Congress".

SEC. 303. STRENGTHENING FOREIGN MONEY BAN.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by striking the heading and inserting the following: "CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS"; and

(2) by striking subsection (a) and inserting the following:

"(a) Prohibition.—It shall be unlawful for—

"(1) a foreign national, directly or indirectly, to make—

"(A) a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election; or

"(B) a contribution or donation to a committee of a political party; or

"(2) for a person to solicit, accept, or receive such contribution or donation from a foreign national.".

SEC. 304. MODIFICATION OF INDIVIDUAL CONTRIBUTION LIMITS IN RESPONSE TO EXPENDITURES FROM PERSONAL FUNDS.

(a) Increased Limits for Individuals.—

(1) In general.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended—

(A) in subsection (a)(1), by striking "No person" and inserting "Except as provided in subsection (i), no person"; and

(B) by adding at the end the following:

"(i) Increased Limit To Allow Response to Expenditures From Personal Funds.—

"(1) Increase.—

"(A) In general.—Subject to paragraph (2), if the opposition personal funds amount with respect to a candidate for election to the office of Senator exceeds the threshold amount, the limit under subsection (a)(1)(A) (in this subsection referred to as the 'applicable limit') with respect to that candidate shall be the increased limit.

"(B) Threshold amount.—

"(i) State-by-state competitive and fair campaign formula.—In this subsection, the threshold amount with respect to an election cycle of a candidate described in subparagraph (A) is an amount equal to the sum of—

"(I) $150,000; and

"(II) $0.04 multiplied by the voting age population.

"(ii) Voting age population.—In this subparagraph, the term 'voting age population' means in the case of a candidate for the office of Senator, the voting age population of the State of the candidate (as certified under section 315(e)).

"(C) Increased limit.—Except as provided in clause (ii), for purposes of subparagraph (A), if the opposition personal funds amount is over—

"(i) 2 times the threshold amount, but not over 4 times that amount—

"(I) the increased limit shall be 3 times the applicable limit; and

"(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution;

"(ii) 4 times the threshold amount, but not over 10 times that amount—

"(I) the increased limit shall be 6 times the applicable limit; and

"(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

"(iii) 10 times the threshold amount—

"(I) the increased limit shall be 6 times the applicable limit;

"(II) the limit under subsection (a)(3) shall not apply with respect to any contribution made with respect to a candidate if such contribution is made under the increased limit of subparagraph (A) during a period in which the candidate may accept such a contribution; and

"(III) the limits under subsection (d) with respect to any expenditure by a State or national committee of a political party shall not apply.

"(D) Opposition personal funds amount.—The opposition personal funds amount is an amount equal to the excess (if any) of—

"(i) the greatest aggregate amount of expenditures from personal funds (as defined in section 304(a)(6)(B)) that an opposing candidate in the same election makes; over

"(ii) the aggregate amount of expenditures from personal funds made by the candidate with respect to the election.

"(2) Time to accept contributions under increased limit.—

"(A) In general.—Subject to subparagraph (B), a candidate and the candidate's authorized committee shall not accept any contribution, and a party committee shall not make any expenditure, under the increased limit under paragraph (1)—

"(i) until the candidate has received notification of the opposition personal funds amount under section 304(a)(6)(B); and

"(ii) to the extent that such contribution, when added to the aggregate amount of contributions previously accepted and party expenditures previously made under the increased limits under this subsection for the election cycle, exceeds 110 percent of the opposition personal funds amount.

"(B) Effect of withdrawal of an opposing candidate.—A candidate and a candidate's authorized committee shall not accept any contribution and a party shall not make any expenditure under the increased limit after the date on which an opposing candidate ceases to be a candidate to the extent that the amount of such increased limit is attributable to such an opposing candidate.

"(3) Disposal of excess contributions.—

"(A) In general.—The aggregate amount of contributions accepted by a candidate or a candidate's authorized committee under the increased limit under paragraph (1) and not otherwise expended in connection with the election with respect to which such contributions relate shall, not later than 50 days after the date of such election, be used in the manner described in subparagraph (B).

"(B) Return to contributors.—A candidate or a candidate's authorized committee shall return the excess contribution to the person who made the contribution.

"(j) Limitation on Repayment of Personal Loans.—Any candidate who incurs personal loans made after the date of enactment of the Bipartisan Campaign Reform Act of 2001 in connection with the candidate's campaign for election shall not repay (directly or indirectly), to the extent such loans exceed $250,000, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of such election.".

(b) Notification of Expenditures From Personal Funds.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (E); and

(2) by inserting after subparagraph (A) the following:

"(B) Notification of expenditure from personal funds.—

"(i) Definition of expenditure from personal funds.—In this subparagraph, the term 'expenditure from personal funds' means—

"(I) an expenditure made by a candidate using personal funds; and

"(II) a contribution or loan made by a candidate using personal funds or a loan secured using such funds to the candidate's authorized committee.

"(ii) Declaration of intent.—Not later than the date that is 15 days after the date on which an individual becomes a candidate for the office of Senator, the candidate shall file a declaration stating the total amount of expenditures from personal funds that the candidate intends to make, or to obligate to make, with respect to the election will exceed the State-by-State competitive and fair campaign formula with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iii) INITIAL NOTIFICATION.—Not later than 24 hours after a candidate described in clause (ii) makes or obligates to make an aggregate amount of expenditures from personal funds in excess of 2 times the threshold amount in connection with any election, the candidate shall file a notification with—

"(I) the Commission; and

"(II) each candidate in the same election.

"(iv) ADDITIONAL NOTIFICATION.—After a candidate files an initial notification under clause (iii), the candidate shall file an additional notification each time expenditures from personal funds are made or obligated to be made in an aggregate amount that exceed $10,000 amount with—

"(I) the Commission; and

"(II) each candidate in the same election.

Such notification shall be filed not later than 24 hours after the expenditure is made.

"(v) CONTENTS.—A notification under clause (iii) or (iv) shall include—

"(I) the name of the candidate and the office sought by the candidate;

"(II) the date and amount of each expenditure; and

"(III) the total amount of expenditures from personal funds that the candidate has made, or obligated to make, with respect to an election as of the date of the expenditure that is the subject of the notification.

"(C) NOTIFICATION OF DISPOSAL OF EXCESS CONTRIBUTIONS.—In the next regularly scheduled report after the date of the election for which a candidate seeks nomination for election to, or election to, Federal office, the candidate or the candidate's authorized committee shall submit to the Commission a report indicating the source and amount of any excess contributions (as determined under paragraph (1) of section 315(i)) and the manner in which the candidate or the candidate's authorized committee used such funds.

"(D) ENFORCEMENT.—For provisions providing for the enforcement of the reporting requirements under this paragraph, see section 309.".

(c) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end the following:

"(20) ELECTION CYCLE.—The term 'election cycle' means the period beginning on the day after the date of the most recent election for the specific office or seat that a candidate is seeking and ending on the date of the next election for that office or seat. For purposes of the preceding sentence, a primary election and a general election shall be considered to be separate elections.

"(21) PERSONAL FUNDS.—The term 'personal funds' means an amount that is derived from—

"(A) any asset that, under applicable State law, at the time the individual became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had—

"(i) legal and rightful title; or

"(ii) an equitable interest;

"(B) income received during the current election cycle of the candidate, including—

"(i) a salary and other earned income from bona fide employment;

"(ii) dividends and proceeds from the sale of the candidate's stocks or other investments;

"(iii) bequests to the candidate;

"(iv) income from trusts established before the beginning of the election cycle;

"(v) income from trusts established by bequest after the beginning of the election cycle of which the candidate is the beneficiary;

"(vi) gifts of a personal nature that had been customarily received by the candidate prior to the beginning of the election cycle; and

"(vii) proceeds from lotteries and similar legal games of chance; and

"(C) a portion of assets that are jointly owned by the candidate and the candidate's spouse equal to the candidate's share of the asset under the instrument of conveyance or ownership, but if no specific share is indicated by an instrument of conveyance or ownership, the value of ½ of the property.".

SEC. 305. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking "(b) The charges" and inserting the following:

"(b) CHARGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.".

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2)), as added by subsection (a)(3), is amended by inserting ", or by a national committee of a political party on behalf of such candidate in connection with such campaign," after "such office".

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.".

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

"(d) RANDOM AUDITS.—

"(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

"(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

"(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

"(B) At least 3 of the 51–100 largest designated market areas (as so defined).

"(C) At least 3 of the 101–150 largest designated market areas (as so defined).

"(D) At least 3 of the 151–210 largest designated market areas (as so defined).

"(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.".

(e) DEFINITION OF BROADCASTING STATION.—Subsection (e) of section 315 of such Act (47 U.S.C. 315(e)), as redesignated by subsection (c)(1) of this section, is amended by inserting ", a television broadcast station, and a provider of cable or satellite television service" before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting "IN GENERAL.—" before "If any";

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting "DEFINITIONS.—" before "For purposes"; and

(3) in subsection (f), as so redesignated, by inserting "REGULATIONS.—" before "The Commission".

SEC. 306. LIMITATION ON AVAILABILITY OF LOWEST UNIT CHARGE FOR FEDERAL CANDIDATES ATTACKING OPPOSITION.

(a) IN GENERAL.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by this Act, is amended by adding at the end the following:

"(3) CONTENT OF BROADCASTS.—

"(A) IN GENERAL.—In the case of a candidate for Federal office, such candidate shall not be entitled to receive the rate under paragraph (1)(A) or (2) for the use of any broadcasting station unless the candidate provides written certification to the broadcast station that the candidate (and any authorized committee of the candidate) shall not make any direct reference to another candidate for the same office, in any broadcast using the rights and conditions of access under this Act, unless such reference meets the requirements of subparagraph (C) or (D).

"(B) LIMITATION ON CHARGES.—If a candidate for Federal office (or any authorized committee of such candidate) makes a reference described in subparagraph (A) in any broadcast that does not meet the requirements of subparagraph (C) or (D), such candidate shall not be entitled to receive the rate under paragraph (1)(A) or (2) for such broadcast or any other broadcast during any portion of the 45-day and 60-day periods described in paragraph (1)(A), that occur on or after the date of such broadcast, for election to such office.

"(C) TELEVISION BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a television broadcast, at the end of such broadcast there appears simultaneously, for a period no less than 4 seconds—

"(i) a clearly identifiable photographic or similar image of the candidate; and "(ii) a clearly readable printed statement, identifying the candidate and stating that the candidate has approved the broadcast and that the candidate's authorized committee paid for the broadcast.

"(D) RADIO BROADCASTS.—A candidate meets the requirements of this subparagraph if, in the case of a radio broadcast, the broadcast includes a personal audio statement by the candidate that identifies the candidate, the office the candidate is seeking, and indicates that the candidate has approved the broadcast.

"(E) CERTIFICATION.—Certifications under this section shall be provided and certified as accurate by the candidate (or any authorized committee of the candidate) at the time of purchase.

"(F) DEFINITIONS.—For purposes of this paragraph, the terms 'authorized committee' and 'Federal office' have the meanings given such terms by section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431).".

(b) CONFORMING AMENDMENT.—Section 315(b)(1)(A) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)(A)), as amended by this Act, is amended by inserting "subject to paragraph (3)," before "during the forty-five days".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to broadcasts made after the date of enactment of this Act.

SEC. 307. SOFTWARE FOR FILING REPORTS AND PROMPT DISCLOSURE OF CONTRIBUTIONS.

Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following:

"(12) SOFTWARE FOR FILING OF REPORTS.—

"(A) IN GENERAL.—The Commission shall—

"(i) promulgate standards to be used by vendors to develop software that—

"(I) permits candidates to easily record information concerning receipts and disbursements required to be reported under this Act at the time of the receipt or disbursement;

"(II) allows the information recorded under subclause (I) to be transmitted immediately to the Commission; and

"(III) allows the Commission to post the information on the Internet immediately upon receipt; and

"(ii) make a copy of software that meets the standards promulgated under clause (i) available to each person required to file a designation, statement, or report in electronic form under this Act.

"(B) ADDITIONAL INFORMATION.—To the extent feasible, the Commission shall require vendors to include in the software developed under the standards under subparagraph (A) the ability for any person to file any designation, statement, or report required under this Act in electronic form.

"(C) REQUIRED USE.—Notwithstanding any provision of this Act relating to times for filing reports, each candidate for Federal office (or that candidate's authorized committee) shall use software that meets the standards promulgated under this paragraph once such software is made available to such candidate.

"(D) REQUIRED POSTING.—The Commission shall, as soon as practicable, post on the Internet any information received under this paragraph.".

SEC. 308. MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking "$1,000" and inserting "$2,000"; and

(2) in subparagraph (B), by striking "$20,000" and inserting "$25,000".

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)), as amended by section 102(b), is amended by striking "$30,000" and inserting "$37,500".

(c) INCREASE IN SENATORIAL CAMPAIGN COMMITTEE LIMIT.—Section 315(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(h)) is amended by striking "$17,500" and inserting "$35,000".

(d) INDEXING OF CONTRIBUTION LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in paragraph (1)—

(A) by striking the second and third sentences;

(B) by inserting "(A)" before "At the beginning"; and

(C) by adding at the end the following:

"(B) Except as provided in subparagraph (C), in any calendar year after 2002—

"(i) a limitation established by subsections (a)(1)(A), (a)(1)(B), (a)(3), (b), (d), or (h) shall be increased by the percent difference determined under subparagraph (A);

"(ii) each amount so increased shall remain in effect for the calendar year; and

"(iii) if any amount after adjustment under clause (i) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(C) In the case of limitations under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h), increases shall only be made in odd-numbered years and such increases shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election."; and

(2) in paragraph (2)(B), by striking "means the calendar year 1974" and inserting "means—

"(i) for purposes of subsections (b) and (d), calendar year 1974; and

"(ii) for purposes of subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) calendar year 2001".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of enactment of this Act.

SEC. 309. TELEVISION MEDIA RATES FOR NATIONAL PARTIES CONDITIONED ON ADHERENCE TO EXISTING COORDINATED SPENDING LIMITS.

(a) AVAILABILITY OF TELEVISION MEDIA RATES.—Section 315(b)(2) of the Communications Act of 1934 (47 U.S.C. 315(b)(2)), as amended by this Act, is amended—

(1) by striking "TELEVISION.—The charges" and inserting "TELEVISION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the charges"; and

(2) by adding at the end the following:

"(B) LIMITATIONS ON AVAILABILITY FOR NATIONAL COMMITTEES OF POLITICAL PARTIES.—

"(i) RATE CONDITIONED ON VOLUNTARY ADHERENCE TO EXPENDITURE LIMITS.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national committee of a political party the lowest charge of the station described in paragraph (1) after the date of the Supreme Court holding unless the national committee of a political party certifies to the Federal Election Commission that the committee, and each State committee of that political party of each State in which the advertisement is televised, will adhere to the expenditure limits, for the calendar year in which the general election to which the expenditure relates occurs, that would apply under such section as in effect on January 1, 2001.

"(ii) RATE NOT AVAILABLE FOR INDEPENDENT EXPENDITURES.—If the limits on expenditures under section 315(d)(3) of the Federal Election Campaign Act of 1971 are held to be invalid by the Supreme Court of the United States, then no television broadcast station, or provider of cable or satellite television service, shall be required to charge a national or State committee of a political party the lowest charge of the station described in paragraph (1) with respect to any independent expenditure (as defined in section 301 of the Federal Election Campaign Act of 1971).

"(iii) COORDINATION WITH OTHER PROVISIONS.—Clauses (i) and (ii) shall not apply if section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) does not apply with respect to an expenditure by a State or national committee of a political party by reason of section 315(i)(1)(C)(iii)(III) of that Act.

(b) FEDERAL ELECTION COMMISSION RULEMAKING.—Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended by adding at the end the following:

"(4) If the limits on expenditures under paragraph (3) are held to be invalid by the Supreme Court of the United States, the Commission shall prescribe rules to ensure that each national committee of political party that submits a certification under section 315(b)(2)(B) of the Communications Act of 1934, and each State committee of that political party described in such section, complies with such certification.".

SEC. 310. DONATIONS TO PRESIDENTIAL INAUGURAL COMMITTEE.

(a) IN GENERAL.—Chapter 5 of title 36, United States Code, is amended by—

(1) redesignating section 510 as section 511; and

(2) inserting after section 509 the following:

"§ 510. Disclosure of and prohibition on certain donations.

"(a) IN GENERAL.—A committee shall not be considered to be the Inaugural Committee for purposes of this chapter unless the committee agrees to, and meets, the requirements of subsections (b) and (c).

"(b) DISCLOSURE.—

"(1) IN GENERAL.—Not later than the date that is 90 days after the date of the Presidential inaugural ceremony, the committee shall file a report with the Federal Election Commission disclosing any donation of money or anything of value made to the committee in an aggregate amount equal to or greater than $200.

"(2) CONTENTS OF REPORT.—A report filed under paragraph (1) shall contain—

"(A) the amount of the donation;

"(B) the date the donation is received; and

"(C) the name and address of the person making the donation.

"(c) LIMITATION.—The committee shall not accept any donation from a foreign national (as defined in section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b))).".

(b) REPORTS MADE AVAILABLE BY FEC.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by sections 103, 201, and 212 is amended by adding at the end the following:

"(h) Reports From Inaugural Committees.—The Federal Election Commission shall make any report filed by an Inaugural Committee under section 510 of title 36, United States Code, accessible to the public at the offices of the Commission and on the Internet not later than 48 hours after the report is received by the Commission.".

SEC. 311. PROHIBITION ON FRAUDULENT SOLICITATION OF FUNDS.

Section 322 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441h) is amended—

(1) by inserting "(a) In General.—" before "No person";

(2) by adding at the end the following:

"(b) Fraudulent Solicitation of Funds.—No person shall—

"(1) fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof for the purpose of soliciting contributions or donations; or

"(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).".

SEC. 312. STUDY AND REPORT ON CLEAN MONEY CLEAN ELECTIONS LAWS.

(a) Clean Money Clean Elections Defined.—In this section, the term "clean money clean elections" means funds received under State laws that provide in whole or in part for the public financing of election campaigns.

(b) Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study of the clean money clean elections of Arizona and Maine.

(2) Matters studied.—

(A) Statistics on clean money clean elections candidates.—The Comptroller General of the United States shall determine—

(i) the number of candidates who have chosen to run for public office with clean money clean elections including—

(I) the office for which they were candidates;

(II) whether the candidate was an incumbent or a challenger; and

(III) whether the candidate was successful in the candidate's bid for public office; and

(ii) the number of races in which at least one candidate ran an election with clean money clean elections.

(B) Effects of clean money clean elections.—The Comptroller General of the United States shall describe the effects of public financing under the clean money clean elections laws on the 2000 elections in Arizona and Maine.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress detailing the results of the study conducted under subsection (b).

SEC. 313. CLARITY STANDARDS FOR IDENTIFICATION OF SPONSORS OF ELECTION-RELATED ADVERTISING.

Section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "Whenever" and inserting "Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing, or any other type of general public political advertising, or whenever";

(ii) by striking "an expenditure" and inserting "a disbursement"; and

(iii) by striking "direct"; and

(iv) by inserting "or makes a disbursement for an electioneering communication (as defined in section 304(f)(3))" after "public political advertising"; and

(B) in paragraph (3), by inserting "and permanent street address, telephone number, or World Wide Web address" after "name"; and

(2) by adding at the end the following:

"(c) Specification.—Any printed communication described in subsection (a) shall—

"(1) be of sufficient type size to be clearly readable by the recipient of the communication;

"(2) be contained in a printed box set apart from the other contents of the communication; and

"(3) be printed with a reasonable degree of color contrast between the background and the printed statement.

"(d) Additional Requirements.—

"(1) Audio statement.—

"(A) Candidate.—Any communication described in paragraphs (1) or (2) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(B) Other persons.—Any communication described in paragraph (3) of subsection (a) which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following statement: ' is responsible for the content of this advertising.' (with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor). If transmitted through television, the statement shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.

"(2) Television.—If a communication described in paragraph (1)(A) is transmitted through television, the communication shall include, in addition to the audio statement under paragraph (1), a written statement that—

"(A) appears at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) is accompanied by a clearly identifiable photographic or similar image of the candidate.".

SEC. 314. INCREASE IN PENALTIES.

(a) In General.—Subparagraph (A) of section 309(d)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended to read as follows:

"(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution, donation, or expenditure—

"(i) aggregating $25,000 or more during a calendar year shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both; or

"(ii) aggregating $2,000 or more (but less than $25,000) during a calendar year shall be fined under such title, or imprisoned for not more than one year, or both.".

(b) Effective Date.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. 315. STATUTE OF LIMITATIONS.

(a) In General.—Section 406(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 455(a)) is amended by striking "3" and inserting "5".

(b) Effective Date.—The amendment made by this section shall apply to violations occurring on or after the date of enactment of this Act.

SEC. 316. SENTENCING GUIDELINES.

(a) In General.—The United States Sentencing Commission shall—

(1) promulgate a guideline, or amend an existing guideline under section 994 of title 28, United States Code, in accordance with paragraph (2), for penalties for violations of the Federal Election Campaign Act of 1971 and related election laws; and

(2) submit to Congress an explanation of any guidelines promulgated under paragraph (1) and any legislative or administrative recommendations regarding enforcement of the Federal Election Campaign Act of 1971 and related election laws.

(b) Considerations.—The Commission shall provide guidelines under subsection (a) taking into account the following considerations:

(1) Ensure that the sentencing guidelines and policy statements reflect the serious nature of such violations and the need for aggressive and appropriate law enforcement action to prevent such violations.

(2) Provide a sentencing enhancement for any person convicted of such violation if such violation involves—

(A) a contribution, donation, or expenditure from a foreign source;

(B) a large number of illegal transactions;

(C) a large aggregate amount of illegal contributions, donations, or expenditures;

(D) the receipt or disbursement of governmental funds; and

(E) an intent to achieve a benefit from the Federal Government.

(3) Provide a sentencing enhancement for any violation by a person who is a candidate or a high-ranking campaign official for such candidate.

(4) Assure reasonable consistency with other relevant directives and guidelines of the Commission.

(5) Account for aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements.

(6) Assure the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) Effective Date; Emergency Authority To Promulgate Guidelines.—

(1) Effective date.—Notwithstanding section 402, the United States Sentencing Commission shall promulgate guidelines under this section not later than the later of—

(A) 90 days after the date of enactment of this Act; or

(B) 90 days after the date on which at least a majority of the members of the Commission are appointed and holding office.

(2) Emergency authority to promulgate guidelines.—The Commission shall promulgate guidelines under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under such Act has not expired.

SEC. 317. INCREASE IN PENALTIES IMPOSED FOR VIOLATIONS OF CONDUIT CONTRIBUTION BAN.

(a) Increase in Civil Money Penalty for Knowing and Willful Violations.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(1) in paragraph (5)(B), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)"; and

(2) in paragraph (6)(C), by inserting before the period at the end the following: "(or, in the case of a violation of section 320, which is not less than 300 percent of the amount involved in the violation and is not more than the greater of $50,000 or 1000 percent of the amount involved in the violation)".

(b) Increase in Criminal Penalty.—Section 309(d)(1) of such Act (2 U.S.C. 437g(d)(1)) is amended by adding at the end the following new subparagraph:

"(D) Any person who knowingly and willfully commits a violation of section 320 involving an amount aggregating more than $10,000 during a calendar year shall be—

"(i) imprisoned for not more than 2 years if the amount is less than $25,000 (and subject to imprisonment under subparagraph (A) if the amount is $25,000 or more); or

"(ii) fined not less than 300 percent of the amount involved in the violation and not more than the greater of—

"(I) $50,000; or

"(II) 1,000 percent of the amount involved in the violation; or

"(iii) both imprisoned under clause (i) and fined under clause (ii).".

(c) Effective Date.—The amendments made by this section shall apply with respect to violations occurring on or after the date of enactment of this Act.

SEC. 318. RESTRICTION ON INCREASED CONTRIBUTION LIMITS BY TAKING INTO ACCOUNT CANDIDATE'S AVAILABLE FUNDS.

Section 315(i)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(i)(1)), as added by this Act, is amended by adding at the end the following:

"(E) Special rule for candidate's campaign funds.—

"(i) In general.—For purposes of determining the aggregate amount of expenditures from personal funds under subparagraph (D)(ii), such amount shall include the gross receipts advantage of the candidate's authorized committee.

"(ii) Gross Receipts advantage.—For purposes of clause (i), the term 'gross receipts advantage' means the excess, if any, of—

"(I) the aggregate amount of 50 percent of gross receipts of a candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held, over

"(II) the aggregate amount of 50 percent of gross receipts of the opposing candidate's authorized committee during any election cycle (not including contributions from personal funds of the candidate) that may be expended in connection with the election, as determined on June 30 and December 31 of the year preceding the year in which a general election is held.

TITLE IV—SEVERABILITY; EFFECTIVE DATE

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 30 days after the date of its enactment.

SEC. 403. EXPEDITED REVIEW.

(a) Expedited Review.—Any individual or organization that would otherwise have standing to challenge a provision of, or amendment made by, this Act may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that such provision or amendment violates the Constitution. For purposes of the expedited review provided by this section the exclusive venue for such an action shall be the United States District Court for the District of Columbia.

(b) Appeal to Supreme Court.—Notwithstanding any other provision of law, any order or judgment of the United States District Court for the District of Columbia finally disposing of an action brought under subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 calendar days after such order or judgment is entered; and the jurisdictional statement shall be filed within 30 calendar days after such order or judgment is entered.

(c) Expedited Consideration.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

TITLE V—ADDITIONAL DISCLOSURE PROVISIONS

SEC. 501. INTERNET ACCESS TO RECORDS.

Section 304(a)(11)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(B)) is amended to read as follows:

"(B) The Commission shall make a designation, statement, report, or notification that is filed with the Commission under this Act available for inspection by the public in the offices of the Commission and accessible to the public on the Internet not later than 48 hours (24 hours in the case of a designation, statement, report, or notification filed electronically) after receipt by the Commission.".

SEC. 502. MAINTENANCE OF WEBSITE OF ELECTION REPORTS.

(a) In General.—The Federal Election Commission shall maintain a central site on the Internet to make accessible to the public all publicly available election-related reports and information.

(b) Election-related report.—In this section, the term "election-related report" means any report, designation, or statement required to be filed under the Federal Election Campaign Act of 1971.

(c) Coordination With Other Agencies.—Any Federal executive agency receiving election-related information which that agency is required by law to publicly disclose shall cooperate and coordinate with the Federal Election Commission to make such report available through, or for posting on, the site of the Federal Election Commission in a timely manner.

SEC. 503. ADDITIONAL MONTHLY AND QUARTERLY DISCLOSURE REPORTS.

(a) Principal Campaign Committees.—

(1) Monthly reports.—Section 304(a)(2)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(2)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) additional monthly reports, which shall be filed not later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that monthly reports shall not be required under this clause in November and December and a year end report shall be filed not later than January 31 of the following calendar year.".

(2) Quarterly reports.—Section 304(a)(2)(B) of such Act is amended by striking "the following reports" and all that follows through the period and inserting "the treasurer shall file quarterly reports, which shall be filed not later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter, except that the report for the quarter ending December 31 shall be filed not later than January 31 of the following calendar year.".

(b) National Committee of a Political Party.—Section 304(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(4)) is amended by adding at the end the following flush sentence: "Notwithstanding the preceding sentence, a national committee of a political party shall file the reports required under subparagraph (B).".

(c) Conforming Amendments.—

(1) Section 304.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(A) in paragraph (3)(A)(ii), by striking "quarterly reports" and inserting "monthly reports"; and

(B) in paragraph (8), by striking "quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i)" and inserting "monthly report under paragraph (2)(A)(iii) or paragraph (4)(A)".

(2) Section 309.—Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(b)) is amended by striking "calendar quarter" and inserting "month".

SEC. 504. PUBLIC ACCESS TO BROADCASTING RECORDS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following:

"(e) Political Record.—

"(1) In general.—A licensee shall maintain, and make available for public inspection, a complete record of a request to purchase broadcast time that—

"(A) is made by or on behalf of a legally qualified candidate for public office; or

"(B) communicates a message relating to any political matter of national importance, including—

"(i) a legally qualified candidate;

"(ii) any election to Federal office; or

"(iii) a national legislative issue of public importance.

"(2) Contents of record.—A record maintained under paragraph (1) shall contain information regarding—

"(A) whether the request to purchase broadcast time is accepted or rejected by the licensee;

"(B) the rate charged for the broadcast time;

"(C) the date and time on which the communication is aired;

"(D) the class of time that is purchased;

"(E) the name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable);

"(F) in the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and

"(G) in the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.

"(3) TIME TO MAINTAIN FILE.—The information required under this subsection shall be placed in a political file as soon as possible and shall be retained by the licensee for a period of not less than 2 years.".

NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2001 first quarter mass mailings is April 25, 2001. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

MEASURE READ THE FIRST TIME—H.R. 8

Mr. DOMENICI. Mr. President, I understand that H.R. 8, which was just received from the House, is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes.

Mr. DOMENICI. Mr. President, I ask for its second reading and object to my own request on behalf of my colleagues.

The PRESIDING OFFICER. The bill will remain at the desk.

COMMENDING THE BLUE DEVILS OF DUKE UNIVERSITY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 67, submitted earlier by Senators HELMS and EDWARDS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 67) commending the Blue Devils of Duke University for winning the 2001 National Collegiate Athletic Association Mens Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Monday night, April 2, I was one of the countless North Carolinians—along with students, alumni, and admirers from across the country—watching the Blue Devils of Duke University win the 2001 NCAA Men's College Basketball National Championship.

The talented young men who make up Duke's remarkable team have assembled a fine record in winning its third championship in the last eleven years.

Mr. President, Duke University's Men's Basketball program has indeed achieved a special place in sports history.

North Carolinians have become accustomed to outstanding basketball teams representing our state during the past quarter century. In addition to Duke's three National Championships, the North Carolina Tar Heels brought home the trophy in 1982 and 1993, while the North Carolina State Wolfpack won in 1974 and again in the memorable 1983 tournament when coached by the brave and inspirational Jim Valvano, whom is missed greatly.

But on the April 2 night, after a hard-fought battle with the fine Wildcats of Arizona University, the Duke Blue Devils emerged victorious, 82–72. Led by All-Americans Shane Battier and Jason Williams and boosted by a stellar performance by sophomore sharpshooter Mike Dunleavy, this Duke team is an example of what can be achieved through hard work and dedication.

Mr. President, the 2001 Duke team breezed through the season with customary excellence, finishing tied for first place in the Atlantic Coast Conference regular season, winning or sharing this honor for an unprecedented fifth time in five years. Duke then proceeded to win the ACC championship for the third year in a row.

Coach Mike Krzyzewski has built a much admired program during his 21 seasons at Duke. He recruits talented and committed student-athletes and molds them into a tightly-knit basketball "family". His dedication to the team members has been rewarded with long-lasting relationships between coach and player.

"Coach K's" guidance is often cited by his former players as crucial to each of them realizing his potential both on and off the court.

This program has earned Coach Krzyzewski and his teams not only three national championships, but seven appearances in National Championship games during the past 16 years.

The Duke program is a meaningful example for Americans, especially younger Americans, of determination, perseverance, and success in North Carolina. Day in and day out, whether in the classroom or on the court, the members of this team have shown the country what it takes to be national champions.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 67

Whereas the 2000-2001 Duke University Blue Devils' men's basketball team (referred to in this resolution as the "Duke Blue Devils") had a spectacular season;

Whereas the Duke Blue Devils finished the regular season with a 26-4 record, claiming a record 5 straight finishes in first place during the Atlantic Coast Conference regular season;

Whereas the Duke Blue Devils won the 2001 Atlantic Coast Conference Tournament Championship, winning the championship of that tournament for the third year in a row;

Whereas the Duke Blue Devils are the first men's basketball team to be a number 1 seed in the National Collegiate Athletic Association's Men's Basketball Tournament during 4 consecutive seasons since that association began seeding teams in 1979;

Whereas the Duke Blue Devils amassed the most wins, 133, in a 4-year period of any National Collegiate Athletic Association men's basketball team in history;

Whereas Shane Battier received the 2001 Naismith Award as men's college basketball Player of the Year;

Whereas Coach Mike Krzyzewski has taken the Duke Blue Devils to 7 national championship games in 16 years;

Whereas Coach Krzyzewski led the Duke Blue Devils to the team's third national championship;

Whereas the Duke Blue Devils are a fine example of academic and athletic dedication and success;

Whereas the team's success during the 2000-2001 season was truly a team accomplishment; and

Whereas the Duke Blue Devils won the 2001 National Collegiate Athletic Association Men's Basketball Championship: Now, therefore, be it

Resolved, That the Senate commends the Blue Devils of Duke University for winning the 2001 National Collegiate Athletic Association Men's Basketball Championship.

MAD COW AND RELATED DISEASES PREVENTION ACT OF 2001

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 31, S. 700.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 700) to establish a Federal interagency task force for the purpose of coordinating actions to prevent the outbreak of bovine spongiform encephalopathy (commonly known as "mad cow disease") and foot-and-mouth disease in the United States.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 350

Mr. DOMENICI. Mr. President, Senator Hatch has an amendment at the desk for himself and others. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Hatch, for himself, Mr. Harkin, Mr. Campbell, Mr. Durbin, Mr. Daschle, Mr. Roberts, Mr. Dayton, Mr. Conrad, Mr. Dorgan, Mr. Johnson, Mr. Feingold, Mr. Kohl, Mr. Nelson of NE, Mr. Grassley, Mr. Lugar, Mr. Bond, Mr. Brownback, Mrs. Feinstein, Mr. Akaka, Mr. Bingaman, Mr. Baucus, Mr. Burns, Mr. Craig, Mr. Enzi, Mr. Thomas, Mrs. Lincoln, Mr. Edwards, Mr. Hollings, Mr. Helms, Mrs. Clinton, Mr. Crapo, Ms. Mikulski, Mr. Leahy, Mr. Fitzgerald, Mr. Wyden, Mr. Rockefeller, Mr. Allard, Ms. Stabenow, Mr. Breaux, Mr. McConnell, Mr. Wellstone, Mr. Torricelli, Mr. Cochran, and Mrs. Murray, proposes an amendment numbered 350.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 350) was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 700), as amended, was read the third time and passed, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Disease Risk Assessment, Prevention, and Control Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) it is in the interest of the United States to maintain healthy livestock herds;

(2) managing the risks of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States may require billions of dollars for remedial activities by consumers, producers, and distributors of livestock, and animal, and blood products;

(3) the potential introduction of those diseases into the United States would cause devastating financial losses to—

(A) the agriculture industry and other economic sectors; and

(B) United States trade in the affected animals and animal products;

(4) foot and mouth disease is a severe and highly contagious viral infection affecting cattle, deer, goats, sheep, swine, and other animals;

(5) the most effective means of eradicating foot and mouth disease is by the slaughter of affected animals;

(6) while foot and mouth disease was eradicated in the United States in 1929, the virus could be reintroduced by—

(A) a single infected animal, an animal product, or a person carrying the virus;

(B) an act of terrorism; or

(C) other means;

(7) once introduced, foot and mouth disease can spread quickly through—

(A) exposure to aerosols from infected animals;

(B) direct contact with infected animals; and

(C) contact with contaminated feed, equipment, or humans harboring the virus or carrying the virus on their clothing;

(8) foot and mouth disease is endemic to more than ⅔ of the world and is considered to be widespread in parts of Africa, Asia, Europe, and South America;

(9) foot and mouth disease occurs in over 7 different serotypes and 60 subtypes;

(10) as foot and mouth disease outbreaks have occurred, the United States has banned the importation of live ruminants and swine and many animal products from countries affected by foot and mouth disease;

(11) recently, the United States has implemented bans in response to outbreaks in Argentina, the European Union, and Taiwan;

(12) although United States exclusion programs have been successful at keeping foot and mouth disease out of the United States since 1929, recent outbreaks in Argentina, the European Union, and Taiwan are placing an unprecedented strain on our animal health system;

(13) bovine spongiform encephalopathy is a transmissible, neuro-degenerative disease found in cattle;

(14) in cattle with bovine spongiform encephalopathy, the active agent is found primarily in the brain and spinal cord and has not been found in commonly consumed beef products;

(15) bovine spongiform encephalopathy is thought to have an incubation period of several years but is ultimately fatal to cattle within weeks of onset of the active disease;

(16) bovine spongiform encephalopathy was first widely found in 1986 in cattle in the United Kingdom;

(17) bovine spongiform encephalopathy-carrying cattle have been found in cattle in Belgium, Denmark, France, Germany, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Portugal, Spain, and Switzerland;

(18) cattle infected with bovine spongiform encephalopathy originating from the United Kingdom have been found and intercepted in Canada;

(19) since 1989, the Secretary of Agriculture has prohibited the importation of live grazing animals from countries where bovine spongiform encephalopathy has been found in cattle;

(20) other products derived from grazing animals, such as blood meal, bonemeal, fat, fetal bovine serum, glands, meat-and-bone meal, and offal, are prohibited from entry, except under special conditions or under permits issued by the Secretary of Agriculture for scientific or research purposes;

(21) on December 12, 1997, the Secretary of Agriculture extended those restrictions to include all countries in Europe because of concerns about widespread risk factors and inadequate surveillance for bovine spongiform encephalopathy;

(22) on December 7, 2000, the Secretary of Agriculture prohibited all imports of rendered animal protein products from Europe;

(23) Creutzfeldt-Jacob disease is a human spongiform encephalopathy;

(24) on March 20, 1996, the Spongiform Encephalopathy Advisory Committee of the United Kingdom announced the identification of 10 cases of a new variant of Creutzfeldt-Jacob disease;

(25) all 10 patients developed onsets of the disease in 1994 or 1995;

(26) scientific experts (including scientists at the Department of Agriculture, the Department of Health and Human Services, and the World Health Organization) are studying the possible link (including potential routes of transmission) between bovine spongiform encephalopathy and variant Creutzfeldt-Jacob disease;

(27) from October 1996 to December 2000, 87 cases of variant Creutzfeldt-Jacob disease have been reported in the United Kingdom, 3 cases in France, and 1 case in Ireland; and

(28) to reduce the risk of human spongiform encephalopathies in the United States, the Commissioner of Food and Drugs has—

(A) banned individuals who lived in Great Britain for at least 180 days since 1980 from donating blood in the United States; and

(B) established regulations that prohibit the feeding of most animal-derived proteins to grazing animals.

(b) Purpose.—The purpose of this Act is to provide the people of the United States and Congress with information concerning—

(1) actions by Federal agencies to prevent foot and mouth disease, bovine spongiform encephalopathy, and related diseases;

(2) the sufficiency of legislative authority to prevent or control foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States;

(3) the economic impacts associated with the potential introduction of foot and mouth disease, bovine spongiform encephalopathy, and related diseases into the United States; and

(4) the risks to public health from possible links between bovine spongiform encephalopathy and other spongiform encephalopathies to human illnesses.

SEC. 3. REPORT TO CONGRESS.

(a) Preliminary Report.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committees and Subcommittees described in paragraph (2) a preliminary report concerning—

(A) coordinated interagency activities to assess, prevent, and control the spread of foot and mouth disease and bovine spongiform encephalopathy in the United States;

(B) sources of information from the Federal Government available to the public on foot and mouth disease and bovine spongiform encephalopathy; and

(C) any immediate needs for additional legislative authority, appropriations, or product bans to prevent the introduction of foot and mouth disease or bovine spongiform encephalopathy into the United States.

(2) Submission of report to congress.—The Secretary shall submit the preliminary report to—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate; and

(D) the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(b) FINAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committees and Subcommittees described in subsection (a)(2) a final report that—

(A) discusses the economic impacts associated with the potential introduction of foot and mouth disease, bovine spongiform encephalopathy, and related diseases into the United States;

(B) discusses the potential risks to public and animal health from foot and mouth disease, bovine spongiform encephalopathy, and related diseases; and

(C) provides recommendations to protect the health of animal herds and citizens of the United States from those risks including, if necessary, recommendations for additional legislation, appropriations, or product bans.

(2) CONTENTS.—The report shall contain—

(A) an assessment of the risks to the public presented by the potential presence of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in domestic and imported livestock, livestock and animal products, wildlife, and blood products;

(B) recommendations to reduce and manage the risks of foot and mouth disease, bovine spongiform encephalopathy, and related diseases;

(C) any plans of the Secretary to identify, prevent, and control foot and mouth disease, bovine spongiform encephalopathy, and related diseases in domestic and imported livestock, livestock products, wildlife, and blood products;

(D) a description of the incidence and prevalence of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in other countries;

(E) a description and an analysis of the effectiveness of the measures taken to assess, prevent, and control the risks of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in other countries;

(F) a description and an analysis of the effectiveness of the measures that the public, private, and nonprofit sectors have taken to assess, prevent, and control the risk of foot and mouth disease, bovine spongiform encephalopathy, and related diseases in the United States, including controls of ports of entry and other conveyances;

(G) a description of the measures taken to prevent and control the risk of bovine spongiform encephalopathy and variant Creutzfeldt-Jacob disease transmission through blood collection and transfusion;

(H) a description of any measures (including any planning or managerial initiatives such as interagency, intergovernmental, international, and public-private sector partnerships) that any Federal agency plans to initiate or continue to assess, prevent, and control the spread of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States and other countries;

(I) plans by Federal agencies (including the Centers for Disease Control and Prevention)—

(i) to monitor the incidence and prevalence of the transmission of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States; and

(ii) to assess the effectiveness of efforts to prevent and control the spread of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States;

(J) plans by Federal agencies (including the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, and the National Institutes of Health) to carry out, in partnership with the private sector—

(i) research programs into the causes and mechanism of transmission of foot and mouth disease and bovine spongiform encephalopathy; and

(ii) diagnostic tools and preventive and therapeutic agents for foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases;

(K) plans for providing appropriate compensation for affected animals in the event of the introduction of foot and mouth disease, bovine spongiform encephalopathy, or related diseases into the United States; and

(L) recommendations to Congress for legislation that will improve efforts to assess, prevent, or control the transmission of foot and mouth disease, bovine spongiform encephalopathy, variant Creutzfeldt-Jacob disease, and related diseases in the United States and in other countries.

(c) CONSULTATION.—

(1) PRELIMINARY REPORT.—In preparing the preliminary report under subsection (a), the Secretary shall consult with—

(A) the Secretary of the Treasury

(B) the Secretary of Commerce;

(C) the Secretary of State;

(D) the Secretary of Health and Human Services;

(E) the Secretary of Defense;

(F) the United States Trade Representative;

(G) the Director of the Federal Emergency Management Agency; and

(H) representatives of other appropriate Federal agencies;

(2) FINAL REPORT.—In preparing the final report under subsection (b), the Secretary shall consult with—

(A) the individuals listed in paragraph (1);

(B) private and nonprofit sector experts in infectious disease, research, prevention, and control;

(C) international, State, and local governmental animal health officials;

(D) private, nonprofit, and public sector livestock experts;

(E) representatives of blood collection and distribution entities; and

(F) representatives of consumer and patient organizations and other interested members of the public.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar No. 36, William Taft, IV; Calendar No. 37, Argeo Paul Cellucci; and nominations on the Secretary's desk in the Foreign Service.

I further ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

William Howard Taft, IV, of Virginia, to be Legal Adviser of the Department of State.

Argeo Paul Cellucci, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

Foreign Service nominations (165) beginning E. Cecile Adams, and ending William G.L. Gaskill, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 13, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR FRIDAY, APRIL 6, 2001

Mr. DOMENICI. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, April 6. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H. Con. Res. 83.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. For the information of all Senators, the Senate will resume the final consideration of amendments to the budget resolution at 9:30 a.m. tomorrow. As a reminder, there will be 2 minutes prior to each vote as amendments are called up. This will be a long day and there are still over 40 amendments that have not been resolved. Senators should know that. There will be votes throughout the day. All votes following the first vote will be limited to 10 minutes in length. It is the intention of the bill manager to complete action on the bill by 2:30 or 3 o'clock. Therefore, Senators are asked to stay in the Senate Chamber between the votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOMENICI. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:49 p.m., adjourned until Friday, April 6, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 2001:

DEPARTMENT OF DEFENSE

VICTORIA CLARKE, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE KENNETH H. BACON.

DEPARTMENT OF STATE

LINCOLN P. BLOOMFIELD, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE ERIC D. NEWSOM.

DEPARTMENT OF LABOR

KRISTINE ANN IVERSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE GERI D. PALAST.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 5, 2001:

DEPARTMENT OF STATE

WILLIAM HOWARD TAFT, IV, OF VIRGINIA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

ARGEO PAUL CELLUCCI, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING E. CECILE ADAMS, AND ENDING WILLIAM G.L. GASKILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2001.

EXTENSIONS OF REMARKS

BACK TO HEALTH MONTH

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. KELLY. Mr. Speaker, this past Sunday was the first day of "Back to Health Month," a national campaign created to increase awareness of back pain as well as possible causes and prevention. Sponsored by the North American Spine Society, this month is designed to educate Americans about their spine and how they can prevent common back injuries.

The facts of back pain speak for themselves. Did you know that at some point in their lives, more than 80 percent of American adults will experience back pain? Or, that 1 out of 14 adults will visit a physician this year due to back or neck pain, and that back pain is the second most common reason people visit a physician? These statistics demonstrate how important it is to raise awareness about this health problem that affects too many Americans.

One famous American who suffers from back pain is 1993 Major League Baseball Hall of Fame inductee, Reggie Jackson. Jackson was a two-time World Series MVP and Major League Player of the Year in 1973. During his legendary career, Jackson was named to the Major League All-Star team fourteen times. However, last July, like so many other Americans, following a spine injury, Jackson underwent emergency spine surgery and has been undergoing spine rehabilitation ever since.

Another highlight of "Back to Health Month" is an event to distribute information about back pain. "Back to Health Day" on Capitol Hill will be held on April 24th, in the Rayburn Gold Room. "Back to Health Day" will provide an array of educational materials, including guidelines to a healthy back, exercises to strengthen your back, and how to prevent back pain. In addition, representatives from the North American Spine Society will be on hand to discuss commonly asked questions about back pain, causes and prevention. I encourage my colleagues to join us for "Back to Health Day" as we learn the most effective ways to prevent and alleviate back pain.

I commend the North American Spine Society for organizing "Back to Health Month" and for their commitment to ensuring that Americans learn to keep their backs healthy.

TAX TREATMENT OF BONDS AND OTHER OBLIGATIONS ISSUED BY THE AMERICAN SAMOA GOVERNMENT

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to clarify the tax treatment of bonds and other obligations issued by the American Samoa Government.

Under current federal law, the territories of the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands, have the authority to issue municipal bonds to foster a broad range of economic activity. These bonds are exempt from income taxation by the federal government, state governments, territorial governments, municipal governments, and the government of the District of Columbia. This is known as triple tax exemption. In American Samoa, on the other hand, only industrial development bonds receive triple tax exempt status. The income from all other bonds is subject to taxation by federal, state and municipal governments.

The legislation I am introducing today will give to American Samoa the same authority already held by all other states and territories.

The legislation deletes the current reference to Section 103 of the Internal Revenue Code which excludes interest on qualifying bonds from income, as that cross reference is not necessary. It is the intent of the legislation, however, that interest on qualifying bonds issued by the Government of American Samoa or any of its agencies be exempt from taxation. As with other jurisdictions, the bonds would not be exempt from federal, state or local gift, estate, inheritance, legacy, succession or other wealth transfer taxes which may at any time be in effect.

The legislation uses new language in describing the bonds to reflect changes made to the Internal Revenue Code in 1986.

Finally, this bill repeals current law on this subject—Section 202 of Public Law 98–454 (48 U.S.C. Sec. 1670). Any bonds issued after enactment of the new provision would be subject to the new law; any bonds issued before that date would remain valid and be subject to the current Section 1670 of Title 48.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. MALONEY of New York. Mr. Speaker, on April 3, 2001, I was unavoidably detained and missed Rollcall votes numbered 76 and 77. Rollcall vote 76 was on the motion to suspend the rules and pass H.R. 768, the Need-Based Educational Aid Act. Rollcall vote 77 was on motion to suspend the rules and agree to H. Res. 91, expressing the sense of the House of Representatives regarding the human rights situation in Cuba.

Had I been present I would have voted "yea" on both H.R. 768 and H. Res. 91.

TRIBUTE TO TOM KRIEGISH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Tom Kriegish upon the occasion of his retirement as Chief of the Electrical Division of the state of Michigan's Bureau of Construction Codes. Tom has spent 35 years to working in the electrical industry and for the past 15 years he has used his vast array of knowledge and training to ensure public confidence in the safety of buildings and structures throughout the state.

Such work is critical to the well-being of citizens all over Michigan and Tom has always approached his job with extraordinary dedication and energy. Tom's work ethic and positive attitude in dealing with management, co-workers and customers have served as a shining example for others to follow. Tom has proved in his years of service that it is possible to exhibit character and professionalism in a job, while simultaneously earning the friendship of those with whom and for whom you work.

Tom's successful efforts in ensuring the electrical safety of Michigan homes and buildings often took him on the road. His time away from home certainly was a sacrifice for his wife, Vicki, and three daughters, Leslie, Sandy and Jill. Michigan residents owe a debt of gratitude both to Tom and his family for an unfailing devotion to duty.

As an electrical inspector, Tom became a legend for his ability to quickly react to a problem and solve it satisfactorily. His responsiveness came in handy during his frequent travels in northern Michigan. Once, Tom, who was known to miss a curve or two on slippery winter roads, found his vehicle heading straight for a dump truck hauling a backhoe. Showing his acumen for swift reaction, Tom regained enough control of his vehicle to bury it in a snowbank. Always faithful to the mission at hand, Tom had plenty of time to reflect on electrical inspections protocol while waiting for a wrecker to arrive.

On a more serious note, Tom has always displayed a willingness to give back to the industry to which he dedicated his life. His active role in the Michigan Chapter of the International Association of Electrical Inspectors,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

including terms as President and Executive Board Chairman, have contributed greatly to the industry and to the general public by developing professionalism and expertise among his peers.

I ask my colleagues to join me in extending our deep appreciation to Tom and his family for outstanding service and in wishing them well in all future endeavors.

RECOGNIZING DR. STARZL, A PIONEER IN ORGAN TRANSPLANTS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. ENGLISH. Mr. Speaker, I rise today to recognize the accomplishments of a great man, one who is truly a living legend. Transplant pioneer Thomas E. Starzl not only performed the world's first liver transplant in 1963 and the first successful series of kidney transplants between nonidentical twins between 1963, and 1964, he has for forty decades continued to make equally extraordinary advancements.

For instance, in 1980, just before coming to the University of Pittsburgh, he developed a combination of drugs that transformed transplantation of the liver and heart from an experimental procedure to an accepted form of treatment for patients with end-stage organ failure and opened the door to pancreas and lung transplantation. In 1989, his development of another drug markedly improved survival rates for all kinds of transplants and made possible for the first time successful transplantation of the small intestine.

The entire field of transplantation has advanced because of his courage, his genius, and his compassion for his patients.

When Pittsburgh welcomed him just 20 years ago, no one had any idea the incredible contributions this man would make to medicine and mankind. Indeed, the city has enjoyed an enhanced reputation because he chose to make the University of Pittsburgh his academic home. This year marks the 20th anniversary of the first liver transplant he performed in Pittsburgh. Since then, surgeons at the University of Pittsburgh and the UPMC Health System have performed nearly 6,000 liver transplants and more than 11,300 transplants of all organs. No other center in the world comes close.

But the impact of Dr. Starzl's work goes far beyond Pittsburgh. Patients throughout the world, even those who have not been under his skillful care, have benefited from his contributions. He has trained numerous surgeons and research scientists. In fact, many, if not most of the world's transplant surgeons and physicians have been trained by Dr. Starzl or by those trained by him. Later this month, many of these former students and colleagues will honor Dr. Starzl at a scientific symposium in his honor, and the University of Pittsburgh will unveil his portrait, which will hang in the School of Medicine with the likes of other great pioneers, including Jonas Salk.

Mr. Speaker, I hope my colleagues will join me in honoring and thanking one of history's great surgeons, Dr. Thomas Starzl.

TRIBUTE TO COMMANDER JOHN LITTLE

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander John D. Little who served with distinction and dedication for three years for the Secretary of the Navy and Chief of Naval Operations under the Assistant Secretary of the Navy (FM&C) as the Deputy Director in the Appropriations Matters Office.

It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in April of 1998, Commander Little has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs with timely and accurate support regarding Navy plans, programs and budget decisions. His valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped naval forces attainable for the defense of this nation.

Mr. Speaker, John Little and his wife Marianne have made many sacrifices during his naval career. His distinguished service has exemplified honor, courage and commitment. John's first love is to return to the sea as the Commander of a United States Navy Ship. His dream comes true as later this Spring he assumes command of the U.S.S. *Thorn* (DD–988) and her crew of 330 officers and sailors.

As this great Navy couple and their two daughters Mollie and Frances and their new born son John, Jr. depart the Appropriations Matters Office to embark on yet another Navy adventure in the service of a grateful nation, I call upon my colleagues to wish them both every success and the traditional Navy send-off "fair winds and following seas."

PLUMBING STANDARDS IMPROVEMENT ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Plumbing Standards Improvement Act of 2001. This bill would begin to restore common sense to our government by repealing the ridiculous Congressional mandates on toilet size and showerhead flow, 1.6 gallons per flush and 2.5 gallons per minute, respectively.

With the help of the U.S. Department of Energy, environmental activist and plumbing manufacturers claimed it was essential to restrict water consumption in toilets and showerheads. Instead of allowing individuals to make their own choices, this group claimed the federal government should choose the types of plumbing fixtures Americans can use in their private and public bathrooms. As a result, this group was able to include an obscure rider at the eleventh hour to the Energy Policy Act (EPA), which Congress passed in 1992.

Since passage of the 1992 EPA, the voices in opposition to this policy have become loud and clear. I have heard the cries from across the country and they want the federal government out of their bathrooms. While support for ending these mandates has steadily grown, the importance of this issue has grown even further. Last year the Department of Energy introduced new regulations on washing machines, air conditioners, and heating pumps. The federal government has become too intrusive; regulating people's private lives.

The Plumbing Standards Improvement Act of 2001 does not implement any new restrictions or standards. It simply allows each individual consumer to make choices that best fits their needs. Washington has no business dictating to American consumers on the size of their toilet or the flow of their shower. One-size-fits-all mandates are unfair and a draconian measure to regulate resources. It assumes that every American faces the same situations in their daily lives.

Our failed policy on plumbing fixtures has strangled the market, created innumerable headaches, and put us at risk of suffering further one-size-fits-all mandates. Now is the time to heed the call of suffering Americans, pass the Plumbing Standards Improvement Act of 2001 and restore wisdom to our federal government.

GREAT BASKETBALL IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. COBLE. Mr. Speaker, Durham, North Carolina, is the center of the basketball universe these days as Duke University celebrates its NCAA national men's basketball championship. The Sixth District of North Carolina, however, can also claim to be a basketball hotbed as we celebrate the arrival of two high school basketball champions—and they both reside in the same city. High Point, North Carolina, is the new home of the Girls 2–A state champion High Point Central Bison as well as the Boys 3–A state champion T. Wingate Andrews Red Raiders.

On March 9, the High Point Central girls completed a remarkable basketball season by defeating Eastern Alamance 92–62 to capture the Girls 2–A state title. While the overwhelming victory in the championship game was impressive in itself, it only capped what will be long remembered as one of the greatest high school basketball seasons ever. The Bison completed the season with a perfect record of 30–0. This was High Point Central's first undefeated season since 1993 when the Bison went 31–0 en route to the state 3–A title. Can you mention the word dynasty when you talk about the Bison? Central's championship this year was its second in the last three years and fourth in the last nine years. That's a better record than the Duke Blue Devils!

As the championship game Most Valuable Player Velinda Vuncannon told the High Point Enterprise, "We just played with a lot of heart tonight," she said. "We played as one, as a unit. We came out with a fire. It's great to have another ring on my finger. It's a wonderful way to go out." Vuncannon earned MVP honors with a performance that included 17 points, 13 assists, and four steals. The win, however, was a total team effort. Leslie Cook led the way with 23 points, while Rachel Stockdale added 19 points, and Nikki Warren chimed in with 13.

Congratulations are in order for Head Coach Kenny Carter and his outstanding staff in leading the Bison to their undefeated season. Joining Coach Carter on the bench were Associate Coach Jetanna McClain and Assistant Coaches Chris Martin, Dwain Waddell, Chris Shafer, and Twila Filipiak. Supporting the team effort were Managers Chastity Brown and Shauntae Pratt. Ably assisting were Video Managers Alan Byerly and David Gallemore, along with Scorekeeper Jessica Allen.

Of course, as Coach Carter would be the first to say, the praise must begin with the players. Members of this year's championship squad included Leslie Cook, Kathryn Fulp, Mary Gheen, Erica Green, Brittany Hendley, Laura Kirby, Shameka Leach, Jillian Martin, Krystion Obie, Rachel Stockdale, Velinda Vuncannon, and Nikki Warren. So, we congratulate the players, coaches and staff, along with Athletic Director Gary Whitman and Principal Helen Lankford, and everyone associated with High Point Central High School for winning the Girls 2–A state basketball championship.

Meanwhile, across town, the Red Raiders of T. Wingate Andrews High School are celebrating their own championship. On March 10, Andrews captured the Boys 3–A state basketball championship with a 63–60 victory over Kinston High School. The Raiders proved the old adage that it is good to peak late in the season. Andrews had lost four of its first 10 games to open the season but was riding a 12-game winning streak going into the title contest with the Vikings of Kinston. The Raiders, who finished with a record of 26–6, knew it was their night. "We wanted this more than anybody," Will Price told the High Point Enterprise. "We won 13 games in a row (counting the title game) and proved we're one of the best teams in the state right now." Price, a sophomore point guard, had a game-high 28 points, including hitting 5-of-6 free throws in the final 40 seconds of the contest, to capture Most Valuable Player honors.

This was the second state basketball championship in the school's history. The Red Raiders had last won the state title in 1995. Leading the way this year was Head Coach Frank Hairston. Assistant Coaches David Kirkland and Jim Pierson, Head Athletic Trainer Laura Blacksten and Assistant Athletic Trainer Summer Green, along with Managers Julian Weathers and Aaron Ollis ably assisted him.

The members of the championship squad included Freddie Aughtry-Lindsay, Tim Bowden, Jeff Collie, Lester Dunn, Steve Gillespie, Corey Hill, James Ledbetter, Rod McCollum, Will Price, Brandel Shouse, and Gary Thomas. Everyone at T. Wingate Andrews High School can be justifiably proud of the Red Raiders basketball team. We congratulate Athletic Director David Mizell and Principal Jerry Hairston and everyone at Andrews for winning the state Boys 3–A basketball championship.

While they may still be celebrating in Durham, we know the real home of champions is in High Point, North Caroilna. On behalf of the citizens of the Sixth District, we congratulate High Point Central High School and T. Wingate Andrews High School for winning state basketball championships.

A TRIBUTE TO THE STEWART FAMILY AND THE STEWART FUNERAL HOME 100TH ANNIVERSARY CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. NORTON. Mr. Speaker, last December 2, 2000 in Washington, DC, members of the Stewart Family celebrated the 100th year Anniversary of Stewart Funeral Home.

John Thomas Stewart, Sr., a young African-American Christian man traveled along dirt roads and trolley tracks to Washington, DC, holding tight to a big dream. He was determined to serve his community and to provide dignified funeral services for Washingtonians. He borrowed money from his brothers and sisters to purchase a casket and a gravesite, and then walked to a Northeast Washington home and arranged for the burial of a child. Mr. Stewart founded the Stewart Funeral Home at 62 H Street NW., Washington, DC, marking the beginning of a rich heritage and tradition of professionalism and community service in the Washington, DC metropolitan community, referred to by the Stewart family as "The Tradition of Stewartship."

To meet the needs of rapid growth, John T. Stewart, Sr. and his family expanded the business and twice moved the funeral home to new locations on H Street NE. During this first half-century, the elder John Stewart became well-known throughout the local community for his Christian charity, kindness and benevolence. The Federation of Civic Associations in 1957 dedicated a booklet in commemoration to him that stated, ". . . John Stewart did not aspire to be famous or great. Rather, he was a plain, God-fearing man who sought only to live a full and useful life, devoted to his family, his business, his church and the community. He was dedicated to helping others and lending a helping hand to the less fortunate. He carved out a niche in the hearts of his neighbors through his kindness, tolerance and generosity. His unselfish willingness to help others, without thought of credit or reward, looms large in the rich spiritual legacy he left, transcending fame and greatness." John T. Stewart, Sr. had the wisdom and forethought to share his knowledge and philosophy with his eventual successor, John T. Stewart, Jr.

John T. Stewart, Jr. was indoctrinated with the proud Tradition of Stewartship and continued his father's legacy. He and his wife, Margaret Stewart, who gave up her career as a teacher in Prince George's County, continued the tradition of sympathy and service to the community, serving in both leadership and advisory roles in numerous civic, religious and public service organizations.

In 1964, with continued growth of the business and inherited dedication to providing top quality care and sympathy, John T. Stewart, Jr. built a first rate facility at 4001 Benning Road, NE., which today stands as a landmark institution in Washington, DC. This new and modem facility was built as a memorial to John, Sr., the founder of Stewart Funeral Home. And like his father, John Stewart, Jr. provided guidance to his sons in funeral service and in the importance of community responsibility.

In 2001, Margaret Stewart, her sons, John T. Stewart III and Carlin O. Stewart, and her granddaughter, Stacye, vigilantly continue the Tradition of Stewartship. Stacye, now under the tutelage of her father, John III, represents the fourth generation of the Stewart Funeral Home family. While their business has changed locations a few times over the last hundred years, the Stewart family has held steadfast to the legacy and landmark principles of quality, integrity, and dignified professional services and community involvement.

Mr. Speaker, I am proud to pay tribute to the Stewart family for their outstanding contributions to our community.

JOSEPH BATTISTO HONORED FOR DISTINGUISHED SERVICE IN LEGISLATURE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my very good friend Joseph W. Battisto, who represented Monroe County with distinction in the Pennsylvania House of Representatives from 1983 to 2000.

Since Joe and I had a shared constituency, I had the privilege of working with him on numerous occasions, and I am pleased to join with his many friends, who will hold a dinner in his honor April 19, to thank him for his exceptional service to the people of Monroe County and the Commonwealth of Pennsylvania.

Joe, who was born in 1931 in Mount Pocono, is a lifelong resident of the Poconos. He graduated from Stroudsburg High School in 1949, earned a bachelor's degree from East Stroudsburg University in 1956 and graduated with a master's degree from the University of Scranton in 1966. He served his country in the U.S. Army from 1953 to 1955.

Joe's dedication to education stems from his 23 years as an English teacher. At the end of his teaching career, he was the head of his department at Pocono Mountain High School.

Before serving the people of Monroe County in Harrisburg, he served as a councilman in Mount Pocono Borough from 1970 to 1973 and as mayor from 1974 to 1981.

Mr. Speaker, Joe's accomplishments in the Legislature are too numerous to list them all here, but a few examples will serve to illustrate his dedication to serving the people. Joe worked with Senator Frank O'Connell to preserve a rail line through the county that a company wanted to dismantle. He also worked to obtain funds to promote tourism in Monroe County, so that the Pocono Mountain Vacation Bureau consistently receives among the highest amounts of state dollars of the more than 50 agencies in Pennsylvania each year. He was a leader in establishing the Pocono Mountain Industrial Park, started the Monroe County Litter Control Program and a signage control committee to preserve the natural beauty of the Poconos.

Joe's legislative accomplishments included authoring the Human Relations Act of 1991 that prevents discrimination in areas such as housing, employment and education, authoring a law to allow people 30 days to return defective hearing aids for a full refund, and a law to allow 14- and 15-year-olds to work at ski facilities, which was of great importance to the Poconos. In addition, he started the influential House Bipartisan Anti-Gambling Coalition.

As chairman and leading Democrat on the House Transportation Committee, he worked to ensure the safety of all Pennsylvanians, writing a law that regulates the transportation of solid waste, with a ban on "back hauling" of garbage in trucks that transport food, and the teen driver licensing law that provides for increased instruction for young drivers.

Working for Monroe County, Joe initiated the Route 209 project that is now beginning final design and right-of-way acquisition, obtained funding for all traffic control devices on Route 611 from Stroud Township to Mount Pocono for 15 years, and personally pushed PennDOT to have a church at the intersection of Shafer Schoolhouse Road and Business Route 209 moved and preserved to correct the dangerous intersection.

And from his post on the Education Committee, he initiated School Performance Grants to reward schools that improve in areas such as the graduation rate and percentage of students who go on to higher education. He also helped to develop charter schools and the Early Intervention Education Program.

Mr. Speaker, Joe Battisto was a devoted and enthusiastic legislator. He cared deeply about the impact that the actions of state government have on the lives of ordinary people, and he carefully studied every issue. I could always count on Joe to give me a thoughtful analysis of any issue affecting the people of Monroe County, and I knew that their interests were always uppermost in his mind.

Unlike some politicians who try to justify their positions with one-sided spin, Joe Battisto took the time to explain the pros and cons of every issue to demonstrate his reasoning. Students and senior citizens alike left a discussion with Joe Battisto with a deeper appreciation for the complexity of state issues.

Joe and his wife, Virginia, have four children and five grandchildren.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long history of Joe Battisto's service to the people of Monroe County and all of Pennsylvania, and I join his friends and neighbors in wishing him and his wife all the best.

TRIBUTE TO CHIEF OF POLICE STEPHEN W. OTT

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Chief of Police Stephen W. Ott upon his retirement after forty-eight years of service with the Cheltenham Township Police Department of Montgomery County, Pennsylvania. His long and dedicated service to the citizens of Cheltenham Township has served as an example to all.

Chief Ott was appointed to the Cheltenham Township Police Department on May 11, 1953 and is the longest serving police officer in the history of the Township. He began as a patrol officer and then was quickly promoted to Sergeant. He was promoted to Lieutenant and later was named Chief of Police on February 29, 1980. His tenure as Chief lasted twenty-one years. He has been awarded the Bravery Commendation, which is the department's second highest official commendation that can be awarded.

During his distinguished career, Chief Ott guided the police department as it became the third largest municipal law enforcement agency in Montgomery County. He has been instrumental in adding many special operations units such as the Canine, Highway Safety, Community Relations and Crime Prevention.

Although Chief Ott's tenure began before the information technology age, he embraced technology by adding computers to the Investigative Division, police department operations and record keeping and dispatching. The structure of the department was also overhauled due to Chief Ott's foresight.

It is a privilege to honor the contributions of Chief Stephen W. Ott to the citizens of Cheltenham Township. Chief Ott has my sincere best wishes for a long and happy retirement.

THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MARKEY. Mr. Speaker, today I am introducing the National Amusement Park Ride Safety Act, to restore safety oversight to an largely unregulated industry. I am joined in this effort by Representatives CONNIE MORELLA, JOHN TIERNEY, CAROLYN MALONEY, BARNEY FRANK, PETER DEFAZIO, EDDIE BERNICE JOHNSON, CYNTHIA MCKINNEY, TOM LANTOS, and JULIA CARSON.

It is shocking to realize that one-third of all roller coasters in this country are never inspected by any public safety official at all. These and other rides are large machines used to carry children at high speeds. Industry trends have been to increase the speed and the force of these machines to levels that exceed the forces experienced by shuttle astronauts. Although many of these rides are operated safely and without incident, nevertheless every day riders are hurt, often seriously, requiring hospitalization, visits to emergency rooms. And occasionally, someone who went to the park for a thrill actually is killed by the operation of these machines.

To me, it is inexcusable that when someone dies or is seriously injured on these rides, there is no system in place to ensure that the ride is investigated, the causes determined, and the flaws fixed, not just on that ride, but on every similar ride in every other state.

The reason there is no national clearinghouse to prevent ride injuries is clear—since 1981, the industry has escaped routine product safety regulation through a loophole in the law. The industry carved out an exemption that says that while the Consumer Product Safety Commission can regulate every other consumer product, and while it can regulate small carnival rides that travel from town to town, it cannot step foot in an amusement park for the purpose of regulating a ride that is fixed to the site, such as a roller coaster.

This is the so-called "Roller Coaster Loophole", and it needs to be closed. The bill eliminates the restriction on CPSC safety jurisdiction adopted in 1981. It will allow the CPSC the same scope of authority to protect against unreasonable risks of harm on "fixed-site" rides that it currently retains for carnival rides that are moved from site to site ("mobile rides.") This would include the authority to investigate accidents, to develop and enforce action plans to correct defects, to require reports to the CPSC whenever a substantial hazard is identified, and to act as a national clearinghouse for accident and defect data.

The bill would also authorize appropriations of $500 thousand annually to enable the CPSC to carry out the purposes of the Act.

BACKGROUND

The Consumer Product Safety Act provided the Consumer Product Safety Commission (CPSC) with the same consumer protections authority it has for other consumer products. However, in 1981, following a series of legal challenges by several owners of large theme parks, Congress stepped in and limited CPSC authority only to those rides "not permanently fixed to a site." Thus, the CPSC currently is prohibited from investigating accidents or developing or enforcing safety plans and manufacturers, owners and operators of rides are not required to disclose to the CPSC defects which would create a substantial hazard of consumer injury. Since it cannot gather the information, the CPSC is also effectively prevented from sharing the information with others so that accidents in one state can be prevented in another.

RISING RISK OF SERIOUS INJURY

The CPSC estimates the number of serious injuries on fixed and mobile amusement park rides using the National Electronic Injury Surveillance System (NEISS). This data includes only injuries severe enough to have led the injured party to go to an emergency room. According to its July 2000 summary, emergency-room injuries on fixed rides increased 95 percent over the previous four years, and they rose most rapidly on the rides that are exempt from CPSC oversight.

When one compares the safety record of this industry to other activities that involve traveling—as a passenger at high speed, such as passenger trains, buses and planes, the amusement park industry's fatality rate is actually worse.

Some states try to step in where the CPSC cannot, but states with inspection programs are very uneven depending on which agency has the responsibility and whether its expertise is design, operator training, manufacturing, etc. No state, and no industry organization, provides the national clearinghouse function that the CPSC currently provides for mobile rides and could provide for fixed-site rides.

FATALITIES

Although the overall risk of death on an amusement park ride is very small, it is not zero. In the course of one week in August 1999, for example, 4 deaths occurred on roller coasters, which U.S. News & World Report termed "one of the most calamitous weeks in the history of America's amusement parks":

August 22—a 12-year-old boy fell to his death after slipping through a harness on the Drop Zone ride at Paramount's Great America Theme Park in Santa Clara, California;

August 23—a 20-year-old man died on the Shockwave roller coaster at Paramount King's Dominion theme park near Richmond, Virginia;

August 28—a 39-year-old woman and her 8-year-old daughter were killed when their car slid backward down a 30-foot ascent and crashed into another car, injuring two others on the Wild Wonder roller coaster at Gillian's Wonderland Pier in Ocean City, New Jersey.

Each of these tragedies is an opportunity for the CPSC to search for causes and share its insights with the operators of other similar rides. Unless the law is changed, however, it cannot perform this role.

One final point—the industry has the unfortunate habit of belittling the risk of loved ones getting mangled or killed on these machines by suggesting that the risk of getting hurt is lower than for "bowling" or "watering your garden." In fact, the fatality rate on roller coasters approximates the risk of dying on passenger trains, buses and airplanes. None of those industries claims any exemption from federal oversight, and investigations by federal safety experts of train accidents, bus accidents or plane crashes is central to minimizing the reoccurrence of serious or fatal accidents in America.

Yet this common sense eludes the amusement park industry, to the detriment of the safety of children and adult riders alike.

As the spring and summer riding season begins, I urge my colleagues to cosponsor this modest restoration of safety to all parkgoers. Thank you.

ORGANIZATIONS SUPPORTING THE NATIONAL AMUSEMENT PARK RIDE SAFETY ACT

NATIONAL CONSUMER GROUPS

Consumer Federation of America
Consumers Union
U.S. Public Interest Research Group
National SAFE KIDS Campaign

STATE & LOCAL CONSUMER GROUPS

American Council on Consumer Awareness
Arizona Consumers Council
Center for Public Representation (WI)
Chicago Consumer Coalition
Columbia Consumer Education Council (SC)
The Consumer Alliance (midwest regional alliance)
Consumer Law Center of the South
Democratic Processes Center (AZ)
Empire State Consumer Association (NY)
Massachusetts Public Interest Research Group
Mercer County Community Action Agency (PA)
North Carolina Consumers Council
Oregon Consumer League

THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2001

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. NEY. Mr. Speaker, I urge my colleagues to join my friend from Michigan, Mr. KILDEE, me, and 114 of our colleagues to support the Public Safety Employer-Employee Cooperation Act of 2001. I am proud of this bipartisan effort to aid our firefighters and police in this common sense effort to increase fairness.

This bill is supported by the International Association of Fire Fighters, International Brotherhood of Police Officers, International Union of Police Organizations, National Association of Police Organizations, and the Fraternal Order of Police.

Firefighters and police men and women protect the public everyday. These men and women are true public servants who put themselves in harm's way for others. Is it too much to ask that they be allowed to bargain for wages, hours, and safer working conditions? No. This bill helps workers, management, and the general public, because better employer-employee cooperation leads to cost savings and better delivery of services.

Congress has long recognized the importance of assuring and protecting the right of workers to collectively bargain. Federal laws have been extended to guarantee collective bargaining to different sectors and now the only sizeable group of workers without the right to collectively bargain are employees of State and local government.

Fire fighters and police officers take seriously their oath to protect the public and as a result they do not engage in worker slowdowns or stoppages. This bill would not allow for strikes or slowdowns, only the right to bargain collectively. The absence of this collective bargaining denies them opportunity to influence decisions that affect their livelihoods and families.

The Public Safety Employer-Employee Act establishes basic minimum standards that state laws must meet and provides a process to resolve impasses in States without such laws. States that already have collective bargaining laws would be exempt from the Federal statute. Furthermore, this bill prohibits strikes and does not call for mandatory binding arbitration.

I urge my colleagues to join us in supporting the bipartisan Public Safety Employer-Employee Cooperation Act of 2001.

THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2001

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KILDEE. Mr. Speaker, today I urge my colleagues to join my friend from Ohio, Mr. Ney, myself, and over 100 of their colleagues, to support the Public Safety Employer-Employee Cooperation Act of 2001.

Congress has long recognized the importance of assuring and protecting the right of workers to collectively bargain. Over the years, federal laws have been extended to guarantee collective bargaining to different sectors and now the only sizeable group of workers without the rights to collectively bargain are employees of state and local government.

Fire fighters and police officers take seriously their oath to protect the public and as a result they do not engage in worker slowdowns or stoppages. The absence of the right to collectively bargain denies them the opportunity to influence decisions that affect their livelihoods and families.

The Public Safety Employer-Employee Act establishes basic minimum standards that state laws must meet and provides a process to resolve impasses in states without such laws. States that already have collective bargaining laws would be exempt from the federal statute. Furthermore, this bill prohibits strikes and does not call for mandatory binding arbitration.

Firefighters and police men and women risk their lives every day to protect the public. At the very least, they should be allowed to bargain for wages, hours, and safe working conditions. This bill helps workers, management, and the general public, because employer-employee cooperation leads to cost savings and better delivery of services.

This bill is supported by the International Association of Fire Fighters, International Brotherhood of Police Officers, International Union of Police Organizations, National Association of Police Organizations, and the Fraternal Order of Police.

I urge my colleagues to join us in supporting the Public Safety Employer-Employee Cooperation Act of 2001.

HONORING DEB BUSWELL OF LACROSSE, WI

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KIND. Mr. Speaker, today I rise to pay tribute to a constituent of mine, and a very special teacher, Debra Buswell. Debra Buswell was recently named Outstanding Environmental Educator of the Year. Debra, a teacher at Longfellow Middle School from my home town of La Crosse, Wisconsin, is currently the team leader for the School on the River program, housed within Longfellow. This program allows students to work on a variety of environmental projects, including stocking fish with Wisconsin's Department of Natural Resources and compiling river information for the U.S. Geological Survey's Upper Midwest Environmental Sciences Center.

It is also with great pleasure that I recognize the School on the River program itself as one of eight recipients to receive a Seaworld/Busch Gardens 2001 Environmental Excellence Award. This award recognizes the efforts of students to protect and preserve the environment at a local level. In addition to national recognition for its outstanding achievements, the School on the River will receive $15,000 for specialized equipment, 100 T-shirts, trophies and certificates, and all-expense-paid trips for three students and one teacher to attend ceremonies in Florida and Missouri.

All of us in the La Crosse area applaud the efforts of Debra Buswell and Principal Glen Jenkins for their outstanding efforts to raise environmental consciousness among Longfellow students, and at the same time, to engage students in non-traditional learning environments. This exposure to critical thinking and higher mathematical skills, management techniques, and team building exercises will benefit them for years to come. With the dedication and support of the school, Principal Jenkins, and Debra Buswell, this ten-year old program is now beginning to receive the national recognition it deserves. I congratulate Principal Jenkins, Debra Buswell, and the students who participate in the program for their hard work and dedication to improving the local environment in their home community.

With the continued awareness of the importance to having a healthy environment, I am grateful that students and residents from western Wisconsin remain committed to improving the local environment for the benefit of this generation and the many generations to follow. It is my sincere hope that we can here in Congress take this example back to our own communities to strengthen our own constituents' efforts to raise awareness regarding local environmental issues.

Obviously, the teaching going on at Longfellow Middle School is near and dear to my heart. Growing up, I spent a lot of time along the Mississippi River. Now I live right on the Mississippi, and take my two sons down to the River to fish, or just explore, whenever possible. The important role the Mississippi River plays in the lives of my constituents is, in fact, why I helped form the bipartisan Mississippi River Caucus as one of the first things I did when joining Congress. I also continually support initiatives to benefit the river such as the EMP program and the Upper Mississippi Wildlife Refuge. And this year, I will reintroduce my Upper Mississippi River Basin Conservation Act.

On behalf of the residents of western Wisconsin, I proudly commend Debra Buswell on her recognition as an Outstanding Environmental Educator. I also commend the School on the River for being recognized for its efforts to improve the local environment in western Wisconsin. The La Crosse School District and local community are better places to live thanks to the efforts of these middle-school students and their dedicated teacher.

IN HONOR OF RICHARD KWASNESKI, MAYOR OF LEMONT, IL

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. BIGGERT. Mr. Speaker, I rise today to honor Richard Kwasneski, who in just a few weeks will be retiring as Mayor of Lemont, Illinois, which is located in my congressional district.

Our local governments could not work if it were not for people like Rick—they serve their hometowns for no other reason than because they love where they live.

Rick Kwasneski surely loves Lemont. For the past 16 years, Rick nas served the people of Lemont with dedication and honor, first as a Village Trustee for eight years and then as Mayor for the past eight.

As Mayor, Rick led the economic and physical revitalization of Lemont's historic downtown area, created a Historic District in the downtown area to promote and preserve the rich history of Lemont, and reconstructed the town's aging infrastructure and roadways. He also lowered the Village's property tax rate to its lowest level in 25 years.

Rick is a tireless champion for Lemont, always working to improve the Village wherever there is a need. The residents of Lemont were lucky to have him as Mayor and I know he will be missed.

I am going to miss Rick as well. Since I came to Congress a little over two years ago, Rick has been a valuable partner on issues important to Lemont, such as the southern extension of I–355 and extra train service on the Heritage Corridor rail line that serves Lemont.

Mr. Speaker, let me close by saying that we need more excellent individuals like Rick Kwasneski to go into public service. His selfless hard work and advocacy for Lemont are a model for all of us.

And even though he will no longer serve as Mayor of Lemont, I know that he will continue to have a strong presence in the community, lending a hand whenever and wherever it is needed.

FEBRUARY 22 FOREST ROUNDTABLE IN MISSOULA

HON. DENNIS REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. REHBERG. Mr. Speaker, on February 22 I sponsored a roundtable discussion in Missoula, Montana on forest health issues. This discussion included presentations from a wide array of interests.

Representing the conservation community were Tom France of the National Wildlife Federation, Cesar Hernandez of the Montana Wilderness Association and Steve Thompson of the Montana Conservation Voters. Forest products industry witnesses were Kim Liles of the Pulp and Paperworkers Resource Council, Jim Hurst of Owens and Hurst Lumber, Sherm Anderson of the Montana Logging Association and Roger Johnson of Pyramid Mountain Lumber. County governments were represented by Commissioners Barbara Evans of Missoula County, Alan Thompson of Ravalli County, Dale Williams of Flathead County and Rita Windham of Lincoln County. Providing creative ideas practiced on non-federal lands were Garry Orr of the Salish-Kootenai Tribes and Tom Schultz with the Montana Department of State Lands. Finally, the scientific and academic communities were represented by Drs. Chuck Keegan and Carl Fiedler of the University of Montana and U.S. Forest Service fire ecologist Steve Arno.

This roundtable, and one scheduled for April 18 in Hamilton, will provide me with firsthand accounts of what is working and not working regarding management of Montana's forests. As a member of both the House Committees on Agriculture and Resources, that have jurisdiction over forest management, I am seeking "made in Montana" solutions to our current challenges in forest management.

I encourage my colleagues to read the following article by Sherry Devlin on the Missoula roundtable that appeared in the February 23 Missoulian. I also highly recommend reading the testimony of Kim Liles who is a papermaker for Smurfit-Stone Container in Frenchtown, Montana and a member of Hellgate Local 8–0885 PACE International Union.

[From the Missoulian (MT), Feb. 23, 2001]

REHBERG GETS EARFUL ON FORESTS

INDUSTRY OFFICIALS SAY CONTROL SHOULD STAY WITH LOCAL EXPERTS

(By Sherry Devlin)

The rest of the country should just "butt out" and let Montanans manage the national forests in their back yards, a Eureka sawmill owner told U.S. Rep. Denny Rehberg's forest-management roundtable Thursday.

"I'm not going to tell the people of New York City how to manage Central Park," said Jim Hurst, owner of Owens and Hurst Lumber Co. "So why should they be telling us how to manage the Kootenai National Forest? I say they should butt out."

Montanans, Hurst said, can work their way through even the thorniest forest-management issues. It's the national dictates—of presidents, congressmen and bureaucrats—that make people dig in their heels.

So went the conversation during a four-hour, four-panel series of roundtable discussions at the University of Montana, called by Rehberg—he said—to learn more about forest-management issues and to look for common ground. "Is there anything that we can all agree on?" he asked.

"Yes," said paper maker Kim Liles. "I share everyone's concern for the health, conservation and beauty of this great state. I most certainly do not want to destroy the environment."

"Yes," said environmental lawyer Tom France. "If it's not just a rush to get timber off the hill, but a rush to do right by the land."

"Good," said Rehberg, the Republican elected in November to Montana's single seat in the House of Representatives. "People have this preconceived notion that I have a preconceived notion about forest management. And I don't. I am serious about the consensus process."

Collaboration can work: it can yield timber cutting and endangered-species recovery, said France, an attorney for the National Wildlife Federation in Missoula.

Loggers and environmentalists have been able to look at specific pieces of land and agree upon "appropriate timber harvest" that "lays lightly on the land," he said. "It works best when we are discussing specific tracts of land in our own, local area."

"Let's start talking about salvage logging in burned areas and restoration projects in the urban-wildland interface," said Anne Dahl of the Swan Ecosystem Center. "We are very capable of making good decisions as a community."

"We need to start over and practice sustainable forestry on the millions and millions of acres of forest land that we already roaded and developed," said Steve Thompson, a Whitefish consultant, writer and environmental activist.

Don't get distracted, Thompson advised, by focusing your energy on a repeal of President Clinton's roadless initiative—the last administration's controversial ban on road building and logging on 58 million acres of undeveloped national forest land.

"Many of the forest issues that we face are very polarized, very difficult," France said. "They are not easily resolved by even powerful congressmen in Washington, D.C. I encourage you to focus on the places where we can actually make progress on the ground."

Loggers—who sat with Rehberg on another of the roundtable panels—emphasized that there will be no consensus unless the discussion and decisions are local.

"To manage our national forests from an office back East is unacceptable," said Liles, who works at Smurfit-Stone Container Corp.'s Frenchtown linerboard plant. "The national folks don't have to experience the economic devastation their policies cause. They don't know us or our geography. We have very good people right here in Missoula, Montana, in the Forest Service. We need to allow them to do their jobs."

Hurst told Rehberg that federal land management policies have bankrupted his community and broken its spirit. "Eureka, Montana, is going broke," he said. Earlier this month, he laid off 40 percent of his employees.

Local management works, Hurst said. "Look at Alberta, the most prosperous piece of real estate in North America. Why is that? Why is Alberta so prosperous when Montana is the Appalachian West? The key there is the province has all the control over the natural resources. The local people have control."

Sherm Anderson, who owns Sun Mountain Logging Co., told Rehberg he could help by educating people back East about forests and how they live and grow and die. "If I were king and could change one thing, it would be the perception that our forests—if we don't touch them—will stay the same forever," he said.

"You can't legislate perception," Rehberg said.

"But if people could understand how a forest operates," Anderson said, "maybe we could get some intelligence back into our national forest management."

Forest Service officials were not invited to participate in any of the day's roundtable talks, but several sat in the audience of more than 100 people who crowded around Rehberg and the panelists to listen. And Maggie Pittman, a spokeswoman for the agency's Northern Region office in Missoula, asked Rehberg to include agency officials next time around.

"We are thrilled that Denny Rehberg is holding this forum," Pittman said later. "It's a wonderful way for Denny and his staff to get up to speed fairly quickly. We would have enjoyed a place at that table today. There are some misperceptions that we would like to talk about, but also we consider ourselves a key part of the conversation.

"Public land managers need to be part of the discussion about public land management."

TESTIMONY OF KIM LILES

Representative Rehberg, ladies and gentlemen. I am happy to be here with you today, to have an opportunity to express my concerns and that of my co-workers regarding our ability to continue to earn a living in the natural resource based industries.

I am a member of The Pulp and Paperworkers' Resource Council, a grassroots organization representing over 350,000 workers in the pulp and paper, solid wood manufacturing and related industries. I am also employed by Smurfit-Stone Container and I am a member of Hellgate Local 8–0885 PACE International Union.

First of all let me say that I am an environmentalist like I hope everyone in this room is. I share everyone's concern for the health and conservation of our natural resources, our environment and the beauty of our state. I hope that just because I am employed in the timber industry, people don't assume I want to destroy the environment, or degrade our environmental controls. I most certainly do not and neither do those I work with and for. We all enjoy this great state and most of us are outdoorsmen, Hunters, campers, mountain bikers, snowmobilers and fishermen. We have a vested interest in being good stewards of the land as much as anyone else.

Today, America has 630 wilderness areas encompassing 102 million acres of land under federal control. The National Forest System with 155 national forests, encompassing 200 million acres of land, has in the past been guided by the concept of multiple use for sustained yield—a policy of wise conservation. These uses have always included managed timber harvesting, recreation of all sorts, including skiing, fishing, hunting, camping, snowmobiling and others. These forests have also at the same time been managed for wildlife and the environment.

I as well as my co-workers and others involved in natural resource based industries are deeply concerned with the management of our public lands. To manage our National Forests and public lands from an office back east, by the stroke of a pen is unacceptable. These people do not have to live with outcome of their actions. We can be better served by people here locally and on the State level. They are in touch with the needs of the area and have the know how, ability and a vested interest in being good Stewards of the land as well.

Whether we want to admit it or not this is about jobs, it's about economies, families and communities. How many school closures, plant shutdowns, and economically devastated families and communities are we going to have to endure before we come to the realization that in order to sustain an economy, you have to produce a value added product somewhere in the equation. You cannot sustain an economy with service-based jobs, tourism nor education, it doesn't work. You cannot support a family on a $6.00 an hour job either.

Montana used to be about 7th in the nation in average per capita income. Today we are now 50th in that category. We are however #1 in one area, that being heads of households holding two jobs to support their families, a very sad commentary.

In Montana since 1989, over 17 mills have been shut down, over 2,000 jobs have been eliminated. That is jobs in the timber industry alone, that is not including mining jobs and support industry jobs that have also been eliminated. The cumulative effect of extreme environmental regulations, regulatory rules and a smothering bureaucracy are having and have had a negative impact on our States economy.

I submit to you that we can have both, a vibrant economy utilizing our natural resources, supplying good paying jobs and a healthy and stable environment. We need to find that balance. There is middle ground to be had here. Let common sense be a part of any and all decisions we might make regarding these issues.

I am proud to say I'm a native Montanan and have lived here all of my life. I can only hope my four children can also have that opportunity. I see so many young people leaving our state today to earn a living elsewhere simply because there are no jobs that pay a living wage suitable for raising or sustaining a family. What a sad truth that is.

Again, we need to find the middle ground here. It seems the pendulum has swung too far in one direction, believe me, I do not want to see it go all the way in the other direction. We need to stop it (the pendulum), in the middle. We can do that, and we must do that.

FORTY-THREE BRAVE AMERICAN SOLDIERS

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. TURNER. Mr. Speaker, history almost forgot forty-three American soldiers who were involved in one of the hottest firefights of the Cold War. The morning after Thanksgiving in 1984, the soldiers monitoring the demilitarized zone on the North Korean border saw their North Korean counterparts race across the border towards them, in hot pursuit after a fleeing Soviet defector. What followed for almost an hour was a gunfight between the forty three American soldiers, their South Korean allies, and dozens of attacking North Koreans. In the exchange of fire, an American soldier was injured, one South Korean was killed, and at least two North Koreans were killed and another two wounded.

The forty-three American soldiers faced the danger of combat, protecting our liberty and our commitment to democracy. But for years, they were never recognized with the Combat Infantryman's Badge—a mark of honor and distinction reserved for those American soldiers who faced enemy fire and survived.

Finally, after seventeen years, these brave men will receive the recognition they deserve. The reasons for the delay—bureaucratic politics and inconsistent regulations—might just as well be forgotten by history. But we must never let these men, their courage, their sacrifice, and their honor, be relegated to the status of a footnote in the history books.

Our nation has always had its heros. From the great revolutionaries like Patrick Henry and George Washington to the pioneers like

Daniel Boone and Davy Crockett, we have always looked to those who risked themselves for a greater purpose. Some of our heros left their mark with a flourish, and some carried out their role with only silent dignity, yet we have always respected them with our gratitude and our honor.

The Combat Infantryman's Badge is a simple piece of cloth; a musket bordered by a wreath on a pale blue background. But the risk, sacrifice, and indeed, heroism that it represents is real.

To these forty-three brave American soldiers, we owe a great debt. Decades may have passed since that November morning they stood tall and protected us, but the memory shall not fade. History will never forget their courage.

GETTING OUR GIRLS READY FOR THE 21ST CENTURY ACT (GO GIRL!)

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. WOOLSEY. Mr. Speaker, what's wrong with this picture? Females make up slightly more than 50 percent of this country's population, yet, less than 30 percent of America's scientists are women. Even fewer engineers are women—less than 10 percent!

In 1994 there were 209 tenured faculty at the Massachusetts Institute of Technology—and 15 of them were women!

Of course, these figures aren't surprising when you learn that in 1985 women earned less than thirty percent of the bachelor degrees in the physical sciences, and, less than ten percent of the bachelor degrees in engineering.

You don't even want to hear the percentage of PhD's in science and math-based fields that are earned by women. Just to give you an example, about eight percent of the PhDs in physics in 1988 were awarded to women.

My colleagues may be asking themselves, "So what . . . is this some national problem?"

Yes—this is a big problem. A big problem for employers; a big problem for women as future wage earners; and a big problem for our nation as we compete in the global marketplace.

The Bureau of Labor Statistics projects that between 1994 and 2005, the number of women in the labor force will be growing twice as quickly as men.

A recent study of school-to-work projects found ninety percent of the girls clustered in five traditionally female occupations. My colleagues do not need me to tell them that careers in traditionally female occupations pay far less than careers in science, math, and technology. For example, a data analyst can expect to make $45,000 a year while a licensed practical nurse makes less than $25,000 a year. And a kindergarten teacher makes only $18,044 a year.

In addition, the National Science Foundation reports that the jobs facing workers will require higher skill levels in science, math, and technology than ever before.

The NSF report is verified by a letter I recently received from the American Electronics Association. They wrote to tell me that today the hi-tech industry is facing a critical shortage of skilled workers. And, the future looks even worse. A recent AEA report showed that the number of degrees in computer science, engineering, mathematics and physics have actually declined since 1990.

Quite clearly, there is no way that America can have a technically competent workforce if the majority of students—females—continue not to study science, math and technology.

That is why today I am introducing a bill to help school districts encourage girls to pursue careers in science, math, and technology.

Although my bill is formally titled "Getting Our Girls Ready for the 21st Century Act" it will be known as "Go Girl!"

"Go Girl" will create a bold new workforce of energized young women in science, math and technology.

"Go Girl" is modeled on the Trio program, which has successfully encouraged two million low income students, whose parents never attended college, to attend and graduate from college. Similarly, the lack of female role models hamper female interest in studying science, math, and technology.

Girls, and their parents, first, must be able to envision a career in these fields for themselves and their daughters. Then, they need practical advice on what to study and how to achieve the necessary academic requirements.

"Go Girl" follows girls from the fourth grade, the grade in which girls typically begin to fall behind boys in math and science, through high school.

To encourage girls' interest in math, science and technology in the early grades, girls will participate in events and activities that increase their awareness of careers in these fields, and they will meet female role models.

Older girls will visit college campuses and meet with students and professors in these fields.

"Go Girl" participants benefit from tutoring and mentoring, including programs using the internet, such as the "design your future program" started by Carol Bartz, the president of Autodesk Software Company.

American school girls are close to fifty percent of america's future workforce. If they turn away from careers in science, math, and technology, we will be short changing our employers and our young women.

I hope that my colleagues will join me in sending a new message to our girls in school—a message that says, "you go, girl" to a career in science, mathematics and technology.

WAGE AND LABOR RIGHTS VIOLATIONS IN THE AMERICAN TERRITORIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to speak against the ongoing wage and labor rights violations in factories operating in some of our American territories, and I ask that my colleagues join me in creating reforms that will finally ensure that all workplaces that operate under the American flag do so in compliance with federal law. I have been involved for a number of years in an effort to reduce the well-documented exploitation of temporary foreign workers, particularly Asian women, in the U.S. Commonwealth of the Northern Mariana Islands (US/CNMI). In the past few months, I have been troubled to learn that the practice of exploiting temporary workers has now spread to American Samoa.

According to a recent Department of Labor investigation, the Daewoosa factory in the American Samoa employed 251 Vietnamese "guest workers"—more than 90 percent of them women—for nearly two years under conditions of indentured servitude. These workers took on a debt of up to $8,000 dollars each in order to qualify for what they believed would be good jobs in America, but instead they were constantly paid less than the Samoan minimum wage of only $2.60 per hour. Sometimes the workers of the Daewoosa factory were not paid at all. Many workers also faced verbal, physical and sexual abuse, including a severe beating that caused one young woman to lose an eye. As a result of these violations, Daewoosa owner Kil Soo Lee now faces charges of forced labor in federal court.

While I applaud the Federal Government for prosecuting this particular violator of labor laws, I believe we must take steps to ensure that these injustices never happen again. I urge my colleagues to read the following article from the Honolulu Star-Bulletin and consider whether they would ever tolerate such conditions and exploitation in their own districts. I also invite my colleagues to join me in cosponsoring legislation to bring all of the U.S. territories into compliance with the federal laws that protect workers throughout the United States.

[From the Honolulu Star-Bulletin, Mar. 31, 2001]

HAWAII SHOULD LEAD FIGHT TO END ABUSE OF WORKERS IN U.S. TERRITORIES

The issue: Allegations that Asian workers were forced to work at an American Samoan garment sweatshop under inhuman conditions have resulted in federal charges here.

Human rights and labor abuses uncovered on the Northern Marianas island of Saipan three years ago embarrassed U.S. garment manufacturers, resulting in lawsuits and federal legislation targeted for the islands north of Guam. Sweatshop conditions as bad if not worse in American Samoa have prompted criminal charges in federal court.

The two cases suggest that U.S. territories in the Pacific have been vulnerable to such abuses far more than had been assumed. Reform legislation that failed in the last Congress should be rejuvenated and broadened to include all U.S. possessions.

About 14,000 workers, mostly young women, from China, the Philippines, Bangladesh and Thailand were lured by promises of good wages to pay fees of up to $10,000 to enter the labor force in the Northern Marianas. In 1998, federal lawsuits accused 32 contractors on Saipan of beatings, forced abortions and rat-infested quarters in essentially a prison environment surrounded by barbed-wire and armed guards.

Major clothing retailers in the United States that had bought garments sewn on Saipan settled lawsuits by agreeing to establish a $1.25 million fund to finance monitoring, compensate workers and create a public education program.

Senator Akaka last year won Senate approval of a bill to extend U.S. immigration and minimum-wage laws to the Marianas and allow "Made in the USA" labels only on garments on which more than half the work had been done by American citizens. The measure died in the House.

More recently, a Labor Department investigation has uncovered similar abuses in American Samoa, with work and living conditions so horrid that some garment workers, mostly women from Vietnam, looked like "walking skeletons."

Similar to the situation on Saipan, up to 250 workers had borrowed $2,000 to $7,000 each to acquire their jobs and fly from Vietnam or China to Saipan. Investigators found frequent violations of the Samoan minimum wage ($2.60 an hour) and numerous abuses, including the beating of workers and withholding of meals as a form of punishment.

Daewoosa, a Korean-owned clothing manufacturer that had made apparel for J.C. Penney Co., closed the plant in January. A judge in Samoa placed Daewoosa under receivership after it failed to pay $600,000 in back wages and fines resulting from the Labor Department investigation.

Penney had canceled contracts with the factory immediately after learning of the abuses. Daewoosa owner Kil Soo Lee now faces charges of involuntary servitude and forced labor in federal court in Honolulu.

While the semiautonomous status of U.S. territories in the Pacific may vary, the conditions that were found on Saipan and Samoa should be condoned on none of them. As leaders of the U.S. community in the Pacific, Hawaii's congressional delegation should promote legislation to end these human-rights abuses.

TRIBUTE TO COMMANDER JOHN FRISTACHI

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander John C.P. Fristachi, who served with distinction and dedication for almost three years for the Secretary of the Navy and Chief of Naval Operations under the Assistant Secretary of the Navy (FM&C) as a Principle Assistant in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation as a whole.

During his tenure in the Appropriations Matters Office, which began in April of 1998, Commander Fristachi has provided members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs with timely and accurate support regarding Navy plans, programs and budget decisions. His valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped naval forces attainable for the defense of our nation.

Mr. Speaker, John Fristachi and his wife Betsy have made many sacrifices during his naval career. His distinguished service has exemplified honor, courage and commitment. As they depart the Appropriations Matters Office to embark on yet another great Navy adventure in the service of a grateful nation, I call upon my colleagues to wish them both every success and the traditional Navy send-off "fair winds and following seas."

NATIONAL TELECOMMUNICATORS WEEK

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today in Honor of National Public Safety Telecommunicators Week. Each year, the second week of April is dedicated to the men and women who serve as public safety telecommunicators.

Telecommunicators are civilians across this country who provide the vital link between the public and emergency service responders, be they police, fire or EMS. They provide the radio, telephone, computer and other communication services that save lives and keep our communities safe and secure. Too often, the importance of this job and the contribution these individuals make, go unnoticed.

Today, I would like to recognize and thank the telecommunicators who serve the 20th District of Illinois. They are: Karen Giese, Lora Furlong, Michelle Tarvin, Teri Roado, Nancy Pohlman, Sarah Richey, DeAnna Fare, Lora C. Furlong, Robert I. Castens, Lillian I. Rutherford, Tammy S. Giacomelli, and Sherri M. Deeder.

Mr. Speaker. I extend my deepest appreciation to these and all telecommunicators for talking distressed callers through CPR, calming hysterical crime victims, and making the difficult decisions using limited information to save lives and reduce property damage on a daily basis.

STRUCTURED SETTLEMENT PROTECTION ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SHAW. Mr. Speaker, I rise today to introduce the Structured Settlement Protection Act. This legislation protects the Congressional policy underlying structured settlements and brings a final resolution to the issue known as "factoring" of structured settlement payments.

In introducing this legislation, I am joined by my colleague Mr. STARK and by a broad bipartisan group of our colleagues from the Ways and Means Committee, including Mr. HOUGHTON and Mr. COYNE, the Chairman and the Ranking Minority Member respectively of the Oversight Subcommittee which held a hearing on the structured settlement factoring issue in the last Congress. There are a total of 19 Ways and Means co-sponsors of this important legislation.

I am a long-time supporter of the use of structured settlements to compensate victims of physical injuries. Structured settlements constitute a private sector funding alternative to taxpayer-financed programs to meet the ongoing, long-term medical and living needs of seriously-injured victims and their families. Structured settlements enable these injured people to live with dignity, free of reliance on government. For these reasons, Congress adopted special tax rules to encourage the use of structured settlements to provide long-term financial security to injured victims and their families.

The Structured Settlement Protection Act that I am introducing today addresses concerns which have been raised over the "factoring" of structured settlement payments, in which factoring or settlement purchase companies buy up part or all of the structured settlement recipient's future payments for cash. My legislation is part of a single overall package of complementary Federal and State legislation that has been agreed upon by the structured settlement industry and the factoring industry to resolve these concerns.

Under the Structured Settlement Protection Act, the States are given the consumer protection role. The Act relies upon a State court review process to govern a proposed factoring transaction to ensure that the structured settlement serves the purpose Congress intended—providing long-term financial security for the injured victim and the victim's family—while enabling the victim to get access to future payments should the court determine that such access is in the best interests of the victim, taking into account the welfare and support of the victim's dependents, and does not contravene other applicable statutes and existing court orders.

The complementary State model legislation agreed to by the structured settlement and factoring industries specifies the process for State court review. Legislation similar to the State model has now been enacted in 19 States and is being actively considered in some 20 other States during the current State legislative cycle.

The Structured Settlement Protection Act protects the Congressional policy underlying structured settlements by providing the threat of an excise tax sanction to ensure compliance with State regulation in light of the multi-State nature of the factoring business, as well as resolving Federal tax uncertainties which factoring has created for the other parties to the structured settlement.

The Structured Settlement Protection Act is similar to legislation that I introduced in the last Congress along with Mr. STARK and a similarly broad bipartisan group of our colleagues from the Ways and Means Committee.

This legislation has been agreed to by the National Structured Settlements Trade Association (NSSTA) on behalf of the structured settlement industry and the National Association of Settlement Purchasers (NASP) on behalf of the factoring industry. In light of the joint support of the structured settlement industry and the factoring industry, I believe that this legislation should be non-controversial. In addition, the identical version of the legislation last year was scored by the Joint Tax Committee as being essentially revenue neutral.

The agreement of the two sides to the provisions of the Structured Settlement Protection Act provides us with a critical opportunity to put the structured settlement factoring issue to rest at long last. We should avail ourselves of that opportunity while it is at hand. Accordingly, I strongly urge the enactment of this important legislation as soon as possible.

ARC OF DALLAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. FROST. Mr. Speaker, I would like to recognize and congratulate the Arc of Dallas for its efforts in improving the quality of life of persons with mental retardation and related developmental conditions. The Arc of Dallas will celebrate its 50th anniversary this year and deserves to be recognized for its accomplishments in my district.

The Arc of Dallas formed when a small group of concerned parents met in 1951 to discuss their children's educational needs. This small group was the beginning of an organization that grew into the largest mentally handicapped advocacy group in the Dallas area. Today, there are chapters of the Arc across the United States. While the Arc of Dallas remains connected to the national office, it also works independently to reach the goals of the Dallas community.

The Arc of Dallas works diligently to accomplish its goals and has produced impressive results. Presently, one person in every 10 families in the Dallas area, about 60,000 individuals, has some form of mental retardation and thousands more have related conditions. It is no surprise that in 2000, the Arc of Dallas directly helped nearly 26,000 people. This organization truly makes a difference to the lives of many constituents in my district.

An example of the great success of this advocacy group is it's day-camp program. Last year was the first year to offer a spring and summer day-camp program for children ages 5 to 21. It made a difference in the lives of 140 children last year. This year, the day-camp program will run for 11 weeks and will offer fun summer activities for nearly 220 children such as field trips, crafts, computer centers and outdoor activities. Programs like these truly demonstrate the success of the Arc of Dallas.

Once again, I am very proud to see the honorable work being accomplished in my district. The Arc of Dallas has made a difference in so many peoples' lives in the 50 years of their existence. The difference they are making is immeasurable. I know my colleagues will join me in saluting the Arc of Dallas and chapters across the Nation.

TRIBUTE TO RABBI MARK G. LOEB

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CARDIN. Mr. Speaker, I rise today to honor, Rabbi Mark G. Loeb, an outstanding religious leader who has served the Beth El Congregation of Baltimore for 25 years. He has led this progressive congregation to its present growth of 1,700 families. Rabbi Loeb is recognized for his scholarship and eloquence. He never fails to enlighten and to challenge an audience.

Rabbi Mark Loeb has made his mark on the national scene as well. His message of tolerance and caring is not confined to his pulpit at Beth El. He has championed any number of social and interfaith causes to improve the common good of people of all faiths and ethnic backgrounds. One of his most prized roles has been that of National Chair of MAZON—A Jewish Response to Hunger. He has also served as a past National Program Chair of the Christian-Jewish Workshop, and he has been a Member of the Board of Trustees of the Institute for Christian-Jewish Studies since 1988.

Locally, Rabbi Mark Loeb, has served as Past President of the Baltimore Board of Rabbis and is the current Chairman of the Board of Trustees of the Baltimore Hebrew University. He has promoted and instituted a comprehensive Jewish education program at Beth El with a defined expectation that a formal course of study will be followed by both the student and his or her parents. The parents and their children together commit to an involvement in Jewish learning. This program for Jewish education has been used as a model in other Jewish congregations around the country.

Rabbi Loeb is recognized not only for his own scholarship but for his efforts to promote learning as an important key to a meaningful life. He is also a recognized authority on opera and has formally critiqued and taught others to more fully enjoy this wonderful art form.

I urge my colleagues to join me in congratulating Rabbi Mark G. Loeb for his 25 years of service to Beth El Congregation and to many other individuals in the state of Maryland.

TRIBUTE TO REPRESENTATIVE JOE MOAKLEY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CAPUANO. Mr. Speaker, on the day all of Washington serves tribute to my friend and mentor Congressman JOE MOAKLEY for his exceptional contribution to our nation, I recognize the apt words of another friend, John Silber, Chancellor of Boston University. John's op-ed appeared in the Boston Herald on February 23 of this year, and I submit it into the RECORD. It expresses what all of us who know JOE know best—he is one of the greatest legislators the House has ever known.

MOAKLEY FOLLOWS ADAMS' LEAD

Although some call the Senate the "upper branch," the Founders entrusted the crucial power to initiate money bills to the House. As a consequence, for more than two centuries some of our greatest statesmen have understandably had no higher ambition than to serve their fellow citizens in the House of Representatives.

And from the beginning, Massachusetts has been pre-eminent in the quality of those it has sent to the House. A high example was set early when John Quincy Adams, having held a remarkable array of the highest elective and appointive offices, won a seat in the House following his defeat for re-election as president.

In the 18 years that followed, he forged a record of courage, integrity and intellectual distinction that rivaled his achievements on the path to the White House. In 1848, in the midst of a debate in which he was opposing the immensely successful and popular war with Mexico, he suffered a stroke and, too sick to be moved, died in the Capitol building two days later.

Adams set a standard for Massachusetts congressmen that has never been surpassed. But generations of Massachusetts politicians have stretched to reach the benchmark he established.

In our own time, three members of the Massachusetts delegation have won the highest accolade of their colleagues: Joseph W. Martin, John W. McCormack and Thomas P. O'Neill Jr., each in his turn elected speaker.

The present dean of our delegation, J. Joseph Moakley, has worthily continued this great Massachusetts tradition.

For more than a quarter of a century, he has demonstrated that mixture of profoundly local constituent relations and profoundly national and international vision that is not unique to, but utterly typical of, and pioneered by, Massachusetts. His constituents responded to his service with such enduring approval that when he was asked to speculate on the identity of his successor, he replied, "Until two weeks ago, I didn't think my successor had been born yet."

This is not to say that everything went Joe's way. It would be accurate but inadequate to describe Joe Moakley's later years as those of a survivor. He survived the death of his beloved Evelyn, and he survived medical problems that would have driven most people into retirement to snatch a few years or months doing what they had really wanted to do.

But as Joe has told us, for 30 years he's been doing exactly what he wanted to do. To adapt the words of William Faulkner in his Nobel acceptance speech, Joe Moakley has not merely endured, he has prevailed. And it is the courage and stamina of such men as Joe Moakley that ensure democratic government will prevail.

As he has told us, with his usual calm candor, his own prognosis is not encouraging. He has said that he will not seek another term, and that he may not finish this one. But whenever Joe Moakley's term ends, it will be said of him what Thomas Hart Benton said of John Quincy Adams: "Where could death have found him but in the place of duty?"

Joe Moakley has, at least in one respect, been more fortunate than Adams: For Joe, the place of duty is not only an obligation, but a pleasure.

Joe Moakley exemplifies for our time an earlier type of the Irish Democratic politician. Like Al Smith, he is a happy warrior. And we—in Massachusetts and the nation—have been and will be happy in the life and work of this incomparable exemplar of the American dream.

RECOGNIZING ODE LEE MADDOX, MACK LEE TAYLOR, AND ROBERT C. (BOB) McWILLIAMS III

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. ROSS. Mr. Speaker, I wish to recognize the legacy and achievements of three distinguished Arkansans who passed away recently.

For eight years, I had the privilege of serving in the Arkansas General Assembly with a distinct public servant and a champion for our schools, state representative Ode Lee Maddox. Rep. Maddox was a lifelong resident of a small town called Oden, Arkansas, where he represented the people in the Arkansas House of Representatives from 1957 through 1998.

While I served across the state capitol building in the Senate, I like so many of my colleagues, held the highest respect and admiration for Rep. Maddox.

Rep. Maddox loved politics and loved serving in the state legislature. More importantly, though, he loved education. He spent 42 years working for the Oden School District, including 31 as superintendent of the school district. He started his career as a bus driver and coached two state champion basketball teams in 1948 and 1954.

In the state legislature, colleagues affectionately referred to Rep. Maddox as "Mr. Education." In fact, one of his former colleagues recently noted, "He supported all of the education bills, if they were good bills." In 1983, Rep. Maddox helped secure funding for the Rich Mountain Community College in nearby Mena, Arkansas, which became one of his proudest accomplishments.

Known for his quiet, easygoing personality, Rep. Maddox gained the respect of his peers through his ability to bring people together on important issues, such as education. Away from work, he loved being outdoors—hunting and fishing—and spending time with his family.

Those of us who knew and loved him will remember Rep. Maddox for his devotion to his family and his community, and to seeing that our young people are provided the best education possible.

Mack Lee Taylor, of Magnolia, Arkansas, was also a leader in his community as well as the banking industry. He, too, was a lifelong resident of Arkansas.

Born in Warren, Arkansas, Mack moved with his family to Magnolia as a teenager. After graduating from Magnolia High School, he earned his bachelor's degree at Southern State College—now Southern Arkansas University—and graduated from the Southwest Graduate School of Banking at Southern Methodist University in Dallas, Texas, before starting his career at First National Bank in Magnolia.

During his career, Mack helped organize the Metropolitan National Bank of Little Rock, where he served as executive vice president and director. He later returned to Magnolia to serve as executive vice president and director and, eventually, as president and chief operating officer of Farmers Bank and Trust.

Mack served on the boards of directors for several prominent organizations including the Southern Arkansas University Foundation, Arkansas Children's Hospital Foundation and Arkansas Council on Economic Education. He was an active member of numerous civic groups such as the Magnolia Rotary Club and the Magnolia Economic Development Corporation and was a leader in organizations like the Arkansas Bankers Association, the Southern Arkansas University Board of Governors, the South Arkansas Development Council, the Chamber of Commerce and others.

In 1994, he was honored as a distinguished alumnus of Southern Arkansas University.

Mack Taylor was a pillar in his community. His death is a great loss not only to his friends and loved ones, but to the people of Magnolia and all of Arkansas.

The people of Arkansas also lost a distinguished veteran and outstanding citizen in Robert C. (Bob) McWilliams III.

Born in Memphis, Tennessee, Bob was raised and educated in Little Rock and Jonesboro, Arkansas. After graduating from Arkansas State University in Jonesboro with a bachelor's degree in military science, he received his master's degree in human resources from Central Michigan University and attended the Army Command and General Staff College.

Commissioned into the Army in 1964, Bob served two tours in Vietnam, where he flew helicopters as an Army aviator. During his service to our country, he received numerous awards and decorations including the Distinguished Flying Cross, Air Medal, Bronze Star Medal, Army Commendation Medal, National Defense Service Medal, and senior aviator wings.

Bob spent 30 years as a government employee, during which time he served as Provost Marshal and Chief of Security at the Pine Bluff Arsenal in Pine Bluff, Arkansas, and president of the local chapter of the American Federation of Government Employees (AFGE) at Pine Bluff Arsenal.

He was also pastor of the Sherill United Methodist Church.

Throughout his life, Bob dedicated himself to serving God and our nation, and to helping his fellow citizens and working families. He will be long remembered by all those whose lives he touched.

Today, I honor these three individuals—Ode Lee Maddox, Mack Lee Taylor, and Robert C. (Bob) McWilliams—for their commitment to giving back to their neighbors, their communities, and their country, and I hope that their lives will serve as an example to future generations.

TRIBUTE TO VIOLINIST LIN CHO-LIANG

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WU. Mr. Speaker, I rise today to honor the award-winning violinist Lin Cho-Liang—Jimmy Lin to his English-speaking friends.

Born in Taiwan, Jimmy Lin is an award-winning violinist whose performances bridge cultural and geographical gaps. Shortly after I left for the United States with my family, Jimmy Lin and his family moved into the same house where I lived in Hsinchu, Taiwan and now I am proud to call him a friend.

Jimmy Lin was born in 1960 in Hsinchu. After practicing on a toy violin until he was five years old, his parents bought him a quarter-size violin and he soon started lessons. His father, a physicist, brought home recordings for him to listen to and to study. At age 12, he left for Australia where he spent three years studying the violin before arriving at the Juilliard School in New York.

Jimmy Lin made his New York debut at age 19 at Avery Fisher Hall playing Mozart's Third Concerto and has had a distinguished music career ever since. Last year he was awarded Musical America's Instrumentalist of the Year and, in 1999 received the Musician of the Year award. Lin has also won Gramophone's Record of the Year and has been nominated for a Grammy award.

Jimmy Lin appears annually with major orchestras and on key recital and chamber music series all over the world. He is also a renowned solo artist who is in demand all over the world. Last year, he celebrated Isaac Stern's 80th birthday in a concert in Tokyo. During a trip to Taiwan to meet with business and government leaders this month, I have the opportunity to see my friend, Jimmy Lin, perform in Taipei and to visit our home in Hsinchu together.

As the Los Angeles Times wrote: "Jimmy Lin . . . has become a beloved icon. . . . He communicates through music to that wider audience that always seems to recognize and reward the rare combination of virtuosity and humanity."

Mr. Speaker, I am proud of his accomplishments and pleased to honor him in the United States Congress for his dedication to cultural understanding through music.

WETLANDS RESERVE PROGRAM ENHANCEMENT ACT

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PICKERING. Mr. Speaker, today I am proud to introduce the Wetlands Reserve Program Enhancement Act of 2001 in order to extend authority for the Wetlands Reserve Program (WRP) authorized under the Farm Bill of 1996. The WRP is just the kind of non-regulatory, voluntary approach to conservation that works best for environmental protection and wildlife enhancement.

Since its inception in 1996, the Wetlands Reserve Program has restored over one million acres of former wetlands to the benefit of waterfowl and other wildlife species while providing financial relief to struggling farm families. The program has been so successful, in fact, that for every five farmers that wish to enroll in the WRP, only one is accepted. This clearly shows how popular the program is with farmers and wildlife enthusiasts.

In my home state of Mississippi, the WRP has proven to be extremely popular with private landowners, and for good reason. With commodity prices being as low as they are, the program is a great benefit to Mississippi farmers who could not otherwise afford to stay on their land or pass it on to future generations.

Across the country, thousands of landowners have discovered that the WRP is an attractive alternative to farming high-risk and high-cost crop land that is frequently at risk of flooding. The WRP provides the necessary, voluntary incentives to restore such areas to wetlands. The landowner, in turn, is free to use his or her WRP incentive payment to refinance debt, upgrade machinery, or to buy additional land to make their farming operations more profitable.

This additional land enrolled in the program not only benefits farmers, but also wildlife and wildlife habitat. In the Mississippi Delta states, most WRP land is planted in high-quality hardwood trees that flood in the winter and provide critical habitat for waterfowl and other species. In fact, the WRP has become one of the largest and most successful wetland restoration programs ever attempted on private lands.

The program is also restoring waterfowl breeding habitat in states like South Dakota, Minnesota, and Wisconsin to name a few. It is restoring migration habitat across the United States including Illinois, Iowa, Ohio, and New York. Most of all, the WRP is restoring wintering habitat in such diverse states as California, Texas, Arkansas, and Louisiana.

As the Co-Chairman of the Congressional Sportsmen's Caucus and a lifelong supporter of Ducks Unlimited, I recognize another wonderful benefit of the Wetlands Reserve Program. Like many states, the Great State of Mississippi honors a proud waterfowling tradition. Every day the WRP helps improve waterfowl populations and enhance wetlands habitat to create new opportunities for sportsmen and women to participate in the time-honored tradition of duck hunting. As the father of five young boys, I am blessed with the opportunity to pass the family tradition of waterfowling down to them. I savor the memories of early morning duck hunts that I had with my father and grandfather as a young boy. These opportunities taught me a deep respect for the outdoors and helped me to develop a deep appreciation for nature and wildlife. These are opportunities and values that I am passing down to my own sons, and providing waterfowl habitat through programs like the WRP help make it all possible.

Mr. Speaker, my legislation authorizes up to 250,000 acres of marginal farm land to be enrolled in the WRP through 2005. It is exactly the kind of non-regulatory conservation program that landowners want and wildlife need as we begin our entrance into the next century. I urge my colleagues to join with me and the original cosponsors of the Wetlands Reserve Program Enhancement Act to ensure that this program remains a viable option to farmers, wildlife, and the environment.

UPON INTRODUCTION OF PRISON INMATE ACT OF 2001

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WOLF. Mr. Speaker, today I am introducing the Federal Inmate Work Act of 2001, a bill to help reduce crime by providing federal inmates real-world job skills while in prison. This bill would reform Federal Prison Industries so it can do a better job of rehabilitating our prison population before prisoners are let back out into society. Besides reducing crime through better rehabilitation of our inmate population, this legislation will improve the U.S. economy. It will create jobs by returning industries now operating offshore back to the U.S. and allowing private companies to compete with FPI for federal contracts.

This legislation reforms Federal Prison Industries in a number of ways. First, it would allow private companies in the United States to use federal inmate labor to produce items that would otherwise be produced by foreign labor. It would phase out the mandatory source requirement for federal agency purchases from Federal Prison Industries and puts them under the same authority and standards that govern state prison employment programs. It allows for increased collection for child support and victim restitution. It reduces the cost of incarceration by increasing collections for rooms and board costs. It requires that FPI establish goals for contracts with small, minority or women-owned businesses as well as with organizations that employ blind or severely disabled workers.

Mr. Speaker, today, there are more than 1.9 million Americans behind bars and the prison population continues to rise at an alarming rate. Approximately a quarter of those prisoners complete their sentences every year and return to society. Most of those former inmates, however, have never had a real job. Within the federal system, there were 145,125 inmates confined at the end of FY 2000. Current projections indicate that the federal inmate population will rise to more than 200,000 by the end of FY 2007.

We just cannot continue to lock up thousands of men and women every year and hope that they will somehow mysteriously rehabilitate themselves in prison without learning a skill. We cannot continue to allow federal prisons to become finishing schools for crime, where criminals are paroled as experts in their craft. If the only thing you know how to do when you leave prison is steal or deal drugs, that is what you will do to survive when you are released.

If the current prison work system is not augmented, prisons will become increasingly overcrowded, violent, and, most alarmingly, Americans will face a higher crime rate as the rate of unrehabilitated inmates are let out into society. Prisons should be turning out inmates ready to reenter mainstream society equipped to productively contribute to their communities. The best way to accomplish this is to put federal prisoners to work. Many convicts can be reformed if given the opportunity to learn skills other than those necessary to be successful in crime.

Mr. Speaker, a 16-year study by the Justice Department of federal inmates, the Post-Release Employment Project, has demonstrated convincingly that participation in prison industries/vocational training programs has a positive effect on post-release employment and recidivism. The study revealed that inmates who worked in prison industries or completed vocational apprenticeship programs were 24 percent less likely to commit crimes that nonprogram participants. The data also revealed that these programs provide even greater benefit to minority and low income groups that are at the greatest risk for potentially returning to a criminal lifestyle upon their release.

Employment, particularly industrial jobs, is the key factor in combating the adverse impact of crowding in a prison setting. Work, education, and vocational training not only reduce the debilitating idleness of a crowded institution, but offer important security management benefits such as supervised time out of cells.

Idleness, on the other hand, breeds apathy and discontent. Boredom turns to frustration resulting in violent and criminal behavior. The old adage that “idleness is the devil's workshop” reaffirms what can happen when an inmate's time is not productively occupied.

Mr. Speaker, this legislation will also be beneficial to the U.S. economy. First this legislation would revamp the Federal Prison Industries program by allowing federal inmates to produce goods that are presently being made offshore. For example, our prison populations could learn to produce items such as televisions and VCRs and other products now provided by non-American sources. This public-private partnership may actually help improve our balance of trade by reducing imports. A panel made up of representatives from the Departments of Commerce and Labor, the International Trade Commission, the Small Business Administration, the business community and organized labor would ensure that domestic labor was not threatened by this new authority for FPI.

This also would create ancillary jobs in the domestic economy as a result of bringing back certain industries whose entire economic support structure is located overseas. Bringing back manufacturing jobs that have gone overseas will create other jobs. Raw materials will need to be brought into the prisons and finished products will have to be taken out. This will mean jobs for the local trucking companies. Teachers and craftsmen will need to be hired to teach the inmates the necessary skills. This is more than just giving federal prisoners the necessary skills to become productive members of society, it is about creating jobs for Americans, on American soil.

Finally, the bill also facilitates restitution programs that meet the true meaning of restitution by setting up programs where the inmate directly compensates the victim of that inmate's crime. Programs that merely take money from prisoners and put it into a general fund without earmarking it for their victim are merely fines. Restitution in the true sense, requires that the offender directly compensate the victim and therefore require the offender to acknowledge their responsibility to the victim.

This legislation reforms FPI in a way that will allow us to do a better job of rehabilitating our rising inmate population and reducing the crime rate of released inmates. At the same time, it will help the U.S. economy and will be a better deal for the U.S. taxpayers. I encourage my colleagues to cosponsor this legislation, and support the FPI's mission to rehabilitate our inmates by providing an opportunity for inmates to gain meaningful employment skills and come out of prison as productive members of society.

GLOBAL COMPETITIVENESS OF THE U.S. LEASING INDUSTRY

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. McCRERY. Mr. Speaker, today I am introducing a bill that would eliminate a provision of the tax code which hinders the global competitiveness of the U.S. leasing industry.

The leasing industry is important to the U.S. role in the global economy. Our manufacturers use leasing as a means to finance exports of their goods, and many have leasing subsidiaries that arrange for such financing. Many U.S. financial companies also arrange lease financing as one of their core services. The activities of these companies support U.S. jobs and investment.

Enacted in 1984, the depreciation rules governing tax-exempt use property (referred to as the "Pickle rules") operate to place U.S. companies at a competitive disadvantage in overseas markets. Because of the adverse impact of the Pickle rules on cost recovery, U.S. lessors are unable in many cases to offer U.S.-manufactured equipment to overseas customers on terms that are competitive with those offered by their foreign competitors. Many European countries, for example, provide far more favorable depreciation rules for home-country lessors leasing equipment manufactured in the home country.

There is no compelling tax policy rationale for maintaining the Pickle rules as they apply to export leases. The Pickle rules were enacted in part to address situations where the economic benefit of accelerated depreciation and the investment tax credit were indirectly transferred to foreign entities not subject to U.S. tax through reduced rentals under a lease. That rationale no longer applies. The investment tax credit was repealed in 1986, and property used outside the United States generally is no longer eligible for accelerated depreciation. The present-law requirement that property leased to foreign entities or persons be depreciated over 125 percent of the lease term simply operates as an impediment to U.S. participation in global leasing markets.

The global leasing markets have expanded dramatically since 1984. The competitive pressures on U.S. businesses from their foreign counterparts also have increased dramatically. Repealing the Pickle rules as they apply to U.S. exports will strengthen the competitiveness of the U.S. leasing industry and promote U.S. jobs and investment.

I am pleased my friend and colleague from California, Mr. MATSUI, is introducing similar legislation and look forward to working with him and others to unshackle the leasing industry from these outdated constraints.

WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. DAVIS of California. Mr. Speaker, today I am introducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

When I served in the California State Assembly, I heard from many women that they were being denied access or had to jump through numerous bureaucratic hoops to see their ob-gyn. Statistics show that if there are too many barriers between a woman and her doctor, she is much less likely to get the medical care she needs. This is simply unacceptable. A woman should not need a permission slip to see her doctor. Ob-gyns provide basic, critical health care for women. Women have different medical needs than men, and ob-gyns often have the most appropriate medical education and experience to address a woman's health care needs.

It is not hard to see what a difference direct ob-gyn access makes in women's health care. Imagine a working woman in San Diego who has a urgent medical problem that requires an ob-gyn visit. She works forty-five hours a week and has limited sick and vacation time. On Monday she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for Tuesday morning and takes time off to go see her doctor. Her doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off work and finally gets the care she needs. This unnecessary referral process has resulted in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employee, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

A recent American College of Obstetricians and Gynecologists/Princeton survey of ob-gyns showed that 60% of all ob-gyns in managed care reported that their patients are either limited or barred from seeing their ob-gyns without first getting permission from another physician. Nearly 75% also reported that their patients have to return to their primary care physician for permission before they can see their ob-gyn for necessary follow-up care. Equally astounding is that 28% of the ob-gyns surveyed reported that even pregnant women must first receive another physician's permission before seeing an ob-gyn.

After meeting with women, obstetricians and gynecologists, health plans, and providers in the State of California, I wrote a state law that gives women direct access to their ob-gyn. That law was a good first step; however, it still does not cover over 4.3 million Californians enrolled in self-insured, federally regulated health plans. Clearly, this problem is not unique to California. There are still eight states that do not guarantee a woman direct access to her ob-gyn. Equally important to remember is that even if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan. This means that one in three insured families are not protected by state direct access to ob-gyn laws. The time has come to make direct access to an ob-gyn a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

FAIRNESS AND EQUITY FOR SPOUSES OF FOREIGN SERVICE OFFICERS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing legislation to correct an inequity that affects a number of spouses of Foreign Service Officers in my district and throughout the nation who served in part-time, intermittent, or temporary positions (PITs) in American embassies and missions from 1989 to 1998.

Although countless Foreign Service spouses have given up their own careers to follow officers overseas, many of them hope to continue government service, whether assigned to an embassy or here in Washington. In fact, hundreds have gone to work for the Department of State as civil service employees while their spouses were serving domestically. When the time has come for Foreign Service family members to check their retirement status, many are shocked to hear that the years they worked overseas will not count for retirement purposes.

PIT employees are excluded from receiving credit in the Federal Employees Retirement System because of the generally non-permanent nature of their employment. However, Foreign Service spouses who worked as PITs had no choice over the type of work they performed. These individuals had to take PIT positions because these jobs were the only ones available to them while living abroad. They had no choice between part-time, temporary government work and full-time, permanent work. Even those who worked full-time were still classified as PITs.

The exceptional nature of their situation is reflected in the Department of State's reclassifying this group of workers in 1998 as falling under the new Family Member Appointment. This position allows them to begin accruing retirement credit. However, these individuals are not allowed to pay back into the FERS for time worked in PIT positions. As a result, many Foreign Service spouses who worked as a PIT between 1989 and 1998 have lost up to nine or ten years of retirement credit.

Mr. Speaker, this is a matter of grave consequence to many Americans who devoted their most productive years to public service abroad. Foreign Service Officers and their spouses live lives that often put them in physical danger and cause great emotional distress. One constituent recounted being taken hostage with her husband by terrorists in Peru; while she was released early, she did not know if her husband was alive, injured, or dead.

It is simply unfair that these individuals, who have lived and worked under incredibly stressful conditions and who had no choice as to the type of work they performed, are not able to buy back the retirement credit they earned. As I indicated, some of my constituents have lost up to nine years of retirement credit because this provision has not been corrected. I urge my colleagues to join me in cosponsoring this important legislation.

THE AMERICAN WETLAND RESTORATION ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to announce the introduction of the "American Wetland Restoration Act."

This legislation builds upon the wetlands mitigation banking legislation I introduced in the last 3 Congresses and also the 1995 Federal Guidance issued by the Environmental Protection Agency and the United States Army Corps of Engineers.

My Congressional district in eastern North Carolina includes most of the coast and four major river basins. More than 60% of my district could be classified as wetlands. My constituents are directly impacted by wetlands and the countless regulations that protect them. I have been contacted by farmers, business owners, state and local officials, land owners and even the military for advice and guidance in order to reach a balance between protecting these valuable resources while improving water quality but also providing for strong economic development.

On almost a daily basis, we are reminded of the critical role wetlands play in our ecosystems, specifically in maintaining water quality.

Wetlands mitigation banking is a concept readily embraced by regulators, developers and environmentalists. This balanced approach recognizes the need to protect our wetland resources while ensuring property owners their rights to have reasonable use of their properties.

Federal legislation is not only warranted, it is vital. While mitigation banking is occurring, it is limited because the authorizing agencies have little or no statutory guidance. Also, investors and venture capitalists are hesitant to invest the money needed to restore wetlands without legal certainty. One of the great benefits of private mitigation banking is that the monitoring of one large tract of wetland requires fewer resources than monitoring thousands of tiny, unsuccessful mitigation projects.

But, before a single credit is ever issued and before a wetlands mitigation banker can ever earn a dime, they must acquire land, develop a comprehensive restoration plan and establish a cash endowment for the long-term maintenance of the bank. This daunting challenge is magnified when you recall that there is no current statutory authority!

These mitigation banks give economic value to wetlands, potentially providing billions of dollars to restoring wetlands in sensitive watersheds. Unlike other mitigation projects, mitigation banks are complete ecosystems. So instead of only trying to protect the remaining wetlands, mitigation banking will actually increase wetlands acreage!

My legislation sets a simple but lofty goal: No net loss of wetlands. Specifically, the legislation requires

(1) That mitigation banks meet rigorous financial standards to assure wetlands are restored and preserved over the long term;

(2) That there is an ample opportunity for meaningful public participation;

(3) That banks must have a credible long-term operation and maintenance plan;

(4) That the banks be inspected by the same regulatory agencies who have assigned the credits and permitted the banks; and,

(5) That the banks only receive credits if they prove the continuing ecological success of their project, thus allowing regulators to ensure a 100% success rate of the projects they monitor.

Mitigation banking places the responsibility for restoration and preservation of wetlands in the hands of the experts and establishes the financial incentive to make the restoration work. By applying sound environmental engineering to the restoration process, setting up a longterm monitoring and maintenance endowment, and having the regulatory controls in place—these are the assurances my legislation requires of any potential banking project.

This free-market approach to environmental conservation and stewardship is hard for some to swallow. But I ask you, many organizations have profited greatly from stringent environmental regulations, yet where has all the money gone that was allegedly spent on protecting the environment? And are our lands and waterways really in better hands when the Federal government is the owner or administrator?

I do not believe the interests of the economy and the environment have to be at odds. Wetlands mitigation banking makes conservation good business. It provides the financial and ecological incentives to make restoring, preserving and protecting our environment successful.

The end result, protecting and preserving environmentally sensitive lands, is assured with my legislation. The "American Wetland Restoration Act" will give wetlands mitigation banking the statutory authority it needs to flourish, and it will begin restoring the wetlands that many thought were lost forever.

I hope my colleagues will join me in supporting this bill.

REFORM DAIRY PRICING REGULATIONS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PETRI. Mr. Speaker, today I am introducing a bill that will reform the method by which fluid milk has been priced in our country for too long. The Federal Milk Marketing Order system is a relic that fixes prices and feebly serves the outdated aims of a bygone era. Created in the 1930's, its original purpose was ostensibly to provide a locally produced supply of fresh milk throughout the country. Over sixty years ago, such a system may have made more economic sense. We didn't have the Interstate highway system, efficient refrigerated trucks, or reconstituted milk, for example. Today, conditions are vastly different, necessitating reform of the federal dairy program.

By basing the price of Class I, fluid milk, on the distance from Eau Claire, Wisconsin, the federal government has radically distorted dairy markets and discriminated against the dairy farmers of the Upper Midwest. The resulting inefficient production of milk in areas distant from the Upper Midwest has led to the oversupply of milk and depresses the price of processed dairy products. Dairy farmers in Wisconsin have paid dearly under this system. Today, my state loses approximately five dairy farmers a day.

Furthermore, by using distance to set the price of fluid milk, the federal order system is inherently anti-consumer. Consumers are stuck paying the set price for milk instead of the price determined by a free marketplace where efficiency is rewarded. The Congressional Budget Office estimates that eliminating this market distorting system would save $669 million over five years. In an age of "global free trade," this system that effectively puts a tariff on milk from other regions of the country is absurd.

The bill I introduce today reforms the single most discriminatory element of the Federal Milk Marketing Order program by prohibiting the Secretary of Agriculture from basing the price of fluid milk on distance or transportation costs from any location outside the marketing order area unless 50 percent or more of that area's milk comes from a location outside that order area. By eliminating this factor the Secretary of Agriculture will have to consider supply and demand factors when setting milk prices as required by the Agricultural Marketing Agreement Act. Additionally, the bill requires the Secretary of Agriculture to report to Congress on the specific criteria used to set milk prices. This report will include a certification that the criteria used by the Department in no way attempts to circumvent the prohibition on the use of distance or transportation costs as the basis for milk prices.

Reform of the Federal Milk Marketing Order program is long overdue. The discrimination against the dairy farmers of the Upper Midwest must end. Not only will this bill restore fairness to our dairy policy, but consumers of fluid milk across the nation will also benefit from this reform. I urge my colleagues to do the right thing and support this bill.

TRIBUTE TO VETERANS OF FOREIGN WARS ON LOYALTY DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LIPINSKI. Mr. Speaker, I rise this evening to pay tribute to the Veterans of Foreign Wars of the United States, a fine group of men and women who share a profound commitment of patriotism, comradeship and service to our nation's veterans, both in times of war and in times of peace.

These outstanding men and women of every race, creed and ethnic background will celebrate Loyalty Day on May 1, 2001. This day is set aside as a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom. Yet, this day does not belong to the Veterans of Foreign Wars alone; it belongs to all Americans. We should all pledge ourselves to maintain a free society in which loyalty is always encouraged and respected. We should let the world know that Americans are behind their country and that, because of this, America is still a strong and vibrant nation.

I would like to specifically recognize the people in my district who have dedicated their time to support a Loyalty Day celebration. The Third District Commander Walter Liptak and Ladies Auxiliary President Diane M. Pencak, in conjunction with Loyalty Day Chairman James F. Davis, members of the Veterans of Foreign Wars Barbara Maruszak-Sparr and Anthony S. Maruszak and the local community are gathering on Sunday, April 29, 2001 to commemorate Loyalty Day.

I commend all our Veterans of Foreign Wars on this Loyalty Day, May 1, 2001 and encourage my colleagues to do the same.

HELP MORE FULL-TIME WORKERS BRING HOME A DECENT PAYCHECK

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GUTIERREZ. Mr. Speaker, on March 7 I introduced the "Federal Living Wage Responsibility Act of 2001," legislation to mandate a livable wage for employees under Federal contracts and subcontracts. Seventy representatives currently cosponsor this important legislation.

Nearly a third of the members of the U.S. labor force work full-time, year-round and still do not earn enough to sustain a family of four at no less than the poverty threshold of $17,650 per year for a family of four. Employees who work hard at full-time jobs should be paid a wage that assures they will not live in poverty.

To address this problem, this Act requires that:

Employees of Federal contracts or subcontracts of more than $10,000 be paid the greater of $8.49 per hour or the hourly wage necessary to reach the poverty level.

Individuals hired by the United States government also receive a living wage, helping thousands of more workers to stay above the poverty level.

Employees of Federal contracts or subcontracts and individuals hired by the United States government receive benefits such as medical or hospital care, vacation and holiday pay, disability and sickness insurance, life insurance and pensions.

Although Congress passed laws such as the Davis Bacon Act and the Service Contract Act to help ensure that employees of Federal contractors earn a decent wage, thousands of federal workers and federally contracted workers still do not earn enough to support themselves or their families.

This legislation will allow hard-working Americans to earn quality wages and to increase their savings for such essential needs as their retirement and their children's education. We believe the Federal government must take responsible, workable steps to reward working Americans and to help keep them out of poverty. This bill represents a practical step toward that goal.

Mr. Speaker, I submit the full text of this meaningful legislation for the RECORD and I urge my colleagues to support this important legislation.

H.R. 917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Living Wage Responsibility Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to data from fiscal year 1999, approximately 162,000 Federal contract workers did not earn a wage sufficient to lift a family of four out of poverty. Just under 60 percent of these poorly paid workers work for large firms and 62 percent work on Department of Defense contracts. These workers represent 11 percent of the total 1.4 million Federal contract workers in the United States.

(2) As of September 2000, 14,356 workers employed by the Federal Government earned less than the poverty level for a family of four.

(3) A majority of workers earning less than a living wage are adult females working full-time. A disproportionate number of workers earning less than a living wage are minorities.

(4) The Federal Government provides billions of dollars to businesses each year, through spending programs, grants and Government-favored financing.

(5) In fiscal year 1999, the Federal Government awarded contracts worth over $208 billion.

(6) Congress must ensure that Federal dollars are used responsibly to improve the economic security and well-being of Americans across the country.

SEC. 3. POVERTY-LEVEL WAGE.

(a) GENERAL RULE.—Notwithstanding any other law that does not specifically exempt itself from this Act and except as provided in subsection (b), the Federal Government and any employer under a Federal contract for an amount exceeding $10,000 (or a subcontract under such a contract) shall pay to each of their respective workers—

(1) an hourly wage (or salary equivalent) sufficient for a worker to earn, while working 40 hours a week on a full-time basis, the amount of the Federal poverty level for a family of four (as published in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)); and

(2) an additional amount, determined by the Secretary based on the locality in which a worker resides, sufficient to cover the costs to such worker to obtain any fringe benefits not provided by the worker's employer.

(b) EXEMPTIONS.—Subsection (a) does not apply to the following:

(1) A small-business concern (as that term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(2) A nonprofit organization exempt from Federal income tax under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c), if the ratio of the total wages of the chief executive officer of such organization to the wages of the full-time equivalent of the lowest paid worker is not greater than 25 to 1.

(c) RETALIATION PROHIBITED.—It shall be unlawful for any employer subject to subsection (a) to terminate or suspend the employment of a worker on the basis of such worker's allegation of a violation of subsection (a).

(d) CONTRACT REQUIREMENT.—Any contract subject to subsection (a) shall contain a provision requiring the Federal contractor to ensure that any worker hired under such contract (or a subcontract thereof) shall be paid in accordance with subsection (a).

SEC. 4. ENFORCEMENT BY SECRETARY.

(a) IN GENERAL.—If the Secretary determines (in a written finding setting forth a detailed explanation of such determination), after notice and an opportunity for a hearing on the record, that a Federal contractor (or any subcontractor thereof) subject to section 3 has engaged in a pattern or practice of violations of section 3, the following shall apply to such Federal contractor:

(1) CONTRACT CANCELLATION.—After final adjudication of a pattern or practice of violations, the United States may cancel any contract (or the remainder thereof) with the Federal contractor that is a part of the pattern or practice of violations.

(2) RESTITUTION.—A Federal contractor whose contract is cancelled under paragraph (1) shall be liable to the United States in an amount equal to the costs to the Government in obtaining a replacement contractor to cover the remainder of any contract cancelled under paragraph (1).

(3) CONTRACT INELIGIBILITY.—After final adjudication of a pattern or practice of violations, the Federal contractor shall be ineligible to enter into, extend, or renew a contract with the United States for a period of five years after the date of such adjudication.

(4) PUBLICATION.—Not later than 90 days after final adjudication of a pattern or practice of violations, the Secretary shall publish in the Federal Register a notice describing the ineligibility of the Federal contractor under paragraph (3).

(b) SAFE HARBOR.—Subsection (a) shall not apply if—

(1) the Federal contractor has entered into a consent agreement with the Secretary with regard to a pattern or practice of violations of section 3 and has paid to any aggrieved workers all wages due them, to the satisfaction of the Secretary; or

(2) the Secretary determines, after consultation with the affected Government entity, that cancellation or debarment under subsection (a) would not be in the best interests of the Nation or of such Government entity.

(c) JUDICIAL REVIEW.—Any Federal contractor aggrieved by an adverse determination of the Secretary under subsection (a) may seek review of such determination in an appropriate court.

SEC. 5. EMERGENCIES.

The President may suspend the provisions of this Act in times of emergency.

SEC. 6. PRIVATE RIGHT OF ACTION.

(a) ACTION.—A worker aggrieved by a violation of section 3 may, in a civil action, recover appropriate relief. A civil action under this section shall be filed not later than 3 years after the commission of such violation. A civil action may not be brought under this section if an employer subject to section 3 has paid or reinstated the worker as a result of an administrative action under section 4.

(b RELIEF.—In this section, the term "appropriate relief" means—

(1) injunction of a violation of section 3;

(2) actual damages or, if the court finds that the employer willfully violated section 3, three times actual damages;

(3) reasonable attorney fees and the costs of the action; and

(4) any other relief the court deems appropriate in the circumstances of the case.

SEC. 7. RULEMAKING.

The Secretary shall make rules to carry out this Act, which shall take effect not later than 120 days after the date of enactment of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) The term "employer" means a person who has economic power to set a worker's terms and conditions of employment, regardless of the formality of an employment relationship.

(2) The term "fringe benefits" means—

(A) medical or hospital care or contributions to a health insurance plan;

(B) contributions to a retirement plan;

(C) life insurance;

(D) disability insurance; and

(E) vacation and holiday pay.

(3) The term "Secretary" means the Secretary of Labor.

TRIBUTE TO IRVING M. ROSENBAUM ON HIS 80TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to a great man who will shortly celebrate his 80th birthday—Irving M. Rosenbaum. In addition to the commendable accomplishment of attaining the age of 80, Mr. Rosenbaum, has provided extraordinary commitment and leadership on behalf of the Open University of Israel.

The Open University of Israel, modeled after the Open University in Great Britain, welcomed its first students in 1976. With a current enrollment of approximately 29,000 students, the Open University of Israel has a flexible teaching style that allows many working and older students the opportunity to receive a college education. Students hail from all over Israel and from virtually every walk of life. Utilizing the Internet, satellites, cable TV and other methods, the University is able to provide long distance learning to almost any student who desires it.

Mr. Speaker, Irving Rosenbaum has played an active role in the University's history through the American Friends of The Open University of Israel. During the past thirteen years, under his astute leadership, the American Friends of The Open University of Israel has been transformed from a small group to a large organization which contributes significant funding annually to the University.

Irving was born in Dresden, Germany, and with his family, he fled Nazi Germany and came to the United States in 1938. Here, he joined S.E. Nichols and Co., a variety store chain. His service at the store was interrupted when he served in Europe with the U.S. Army. As a member of the Psychological Warfare Branch, Rosenbaum participated in Allied war efforts in Africa, Italy, France, and Germany. After the war, he remained in Germany where he served as a member of the Allied Control Commission for Germany. When he returned to the United States he received a bachelors degree in Economics from the New School for Social Research and later earned a Masters degree, also in economics.

Mr. Speaker, Irving Rosenbaum's commitment to Jewish and Israeli causes is exceptional. In addition to his leadership of the American Friends of the Open University of Israel, he is a member of the Executive Committee of the American Israel Public Affairs Committee, a Member of the Board of Directors of the United Jewish Appeal Federation of New York, a Member of the Executive Committee of the American Friends of the Israel Philharmonic, and a Member of the Board of the American Friends of Livnot U'Lehibanot.

Mr. Speaker, I invite my colleagues in the Congress to join me in recognizing Irving Rosenbaum's years of commitment and passion for education and public affairs. I also invite my colleagues to join me in wishing him the happiest of birthdays.

GUAM'S EDUCATORS AND STUDENTS MOURN THE PASSING OF DR. MANUEL BARTONICO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise to pay tribute to one of Guam's finest educators, Dr. Manuel Bartonico. He was a highly professional administrator in Guam's public schools who was able to generate a sense of community from students and a commitment to excellence from teachers wherever he went. He was an accomplished teacher, a well-respected principal, a highly regarded member of our island community and a proud husband and father.

His accomplishments were numerous. He was a science teacher in the secondary schools, he was a principal in several secondary schools including some which were difficult to administrate. He had a calming, professional presence which inspired those around him to do the very best that they could. He provided an environment in which good teachers became better and good students become the best. He received a doctorate in education from the University of Oregon and was regularly consulted by his colleagues and policy makers for his insights.

I am requesting permission to insert into the RECORD a column by Aline Yamashita printed in the April 5, 2001 edition of the Pacific Daily News. Dr. Yamashita is a leader in Guam's educational community who understands well the contributions of Dr. B.

Dr. Bartonico passed away as a relatively young man. He passed away on March 30, 2001 at the age of 43 years old. He was participating in a "fun run" event for Agueda Johnston Middle School. I visited Dr. Bartonico on March 23 at Agueda Johnston for a flag presentation. I complimented him for his leadership in what is clearly an overcrowded school in need of substantial repair. The students and teachers clearly had a high regard for him and I could see that he was a role model for his fellow educators. He was my student many years ago when I was a professor at the University of Guam. He was an excellent student. More importantly, I noticed then that he would be an exemplary leader in our island's schools.

Dr. Bartonico leaves behind Rowena Santos Bartonico, his wife, and two daughters, Valerie and Gabriella. I extend to them and his mother, Mrs. Valeriana Bartonico, my deepest condolences in this trying time. We will all miss him.

[From the Guam Pacific Daily News, Apr. 5, 2001]

WE'LL MISS DR. B'S COMPETENCE, COMPASSION, CONCERN FOR EDUCATION

(By Aline Yamashita)

He came across as quiet and reserved. If you didn't work with him, you wouldn't know otherwise.

If you worked with Manny Bartonico, you were thankful he was on your team. When a point needed to be made, he argued and he argued well. When a task needed to be completed, it was done. He was focused and competent. He had a sense of humor that would seem to illuminate from nowhere, always at the right time.

He used to ride a bicycle around Southern High School to get from one point to another. "It's quicker, Aline," he explained to me. At one commencement ceremony, he sang to his graduating seniors.

When he was assigned as the first principal of Southern High School, he knew it was going to be a tough assignment. He had two school communities that did not want to become one. He had a facility that was not completed. He lacked instructional supplies. But the orders to make it work were given. And, considering all of the odds, Manny succeeded.

He had the ability to identify educational leaders. Agnes Pitlik was one such person. Manny recruited her as an assistant principal while they were at Piti Middle School.

"While he worked us hard, he was incredibly compassionate. He had such good people skills," she said. Agnes described how he taught her the need to delegate, to trust others to help get the job done. "His evaluative feedback was useful and meaningful. He made a real difference in my professional growth."

Debra Santos, a teacher at Agueda Johnston Middle School, described Manny as a really good person.

"He worked hard, he expected us to work hard and he LET us work. He empowered us to get the job done. He respected us and trusted us to know what we were doing."

Tom Quinata, Manny's best man at his wedding, described Manny as a caring dad. As I listened to Tom, I remembered the conversations Manny and I had about his growing daughters. Typical adolescent issues faced them. I would listen and smile. He was a dad who was very concerned about what was going on and how to make sure it was going the right direction.

Manny was a school leader at F.B. Leon Guerrero Middle School, Piti Middle School, Southern High, Agueda Johnston Middle School. He was a 1975 John F. Kennedy Islander. He was a certified science teacher. He had a M.Ed. in administration supervision. He earned a doctorate from the University of Oregon.

Tony Diaz, spokesman for the Department of Education, referred to Manny as an anchor. "You could depend on Manny to help form opinions on issues." Tony said.

His opinions were meaningful because he had been a teacher, an assistant principal, and a principal in this system. He knew what he was talking about. And he cared.

Manny had a vision for public education. During the field testing of the regional system, he served as a regional leader. He knew the sense of working with schools that articulated into one another. He knew the importance of cohesiveness and connectivity. He knew the significance of stability.

Manny's death symbolizes the fact that time does not sit still. Manny wanted to see the potential of our system. He was frustrated with the changing mandates and resulting consequences.

To those of us who had the honor of working with Manuel Bartonico, we will always appreciate his focus, discipline, competence, humor and passion. We will miss him leading a school. We will miss the grin that grew into a big smile when he shook his head from side to side.

Manny, thank you for your spirit and for your work. As you keep an eye on us, know that we will continue your work. We will try to match your dedication, commitment, drive and care for the kids.

Rowena, Valerie and Gabby—thank you for sharing your dad with us. While he gave up valuable time with you for other children and families, he held you in the highest regard. He cared deeply about you.

Dr. B., thank you. We miss you.

IN HONOR OF SHELLY LIVINGSTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GILMAN. Mr. Speaker, I rise to recognize the retirement, after many years of service, of a valuable staff member of our International Relations Committee, Shelly Livingston. Shelly's last day in the office was Friday, March 23, 2001.

Shelly has served our Committee since 1974. During that time, she has served six chairmen, including "Doc" Morgan, Clem Zablocki, and Dante Fascell, Lee Hamilton, HENRY HYDE, and myself. We were all fortunate to have her expertise on budget and personnel matters. Shelly had become an expert on the complexities of benefit plans, payroll, budgets, and the House rules.

Shelly moved to the Washington area after graduating from the University of Texas in 1973, and began her career here on Capitol Hill working as a Capitol tour guide.

Shelly has also served as Treasurer for the U.S.-Mexico Interparliamentary Group for many years, and has ensured that those exchanges were run smoothly. Shelly is an experienced, first-rate staff member with respect to administrative Congressional travel, as many members know from experience.

I know first-hand that Shelly is a hard working and dedicated staff member who could tackle any project thrown her way—it is to her credit that the Committee on International Relations has an audio-visually updated, digital-videoconference capable, internet-ready hearing room.

We will miss Shelly's warmth, humor, and friendship to all. She is a model for her experience and for the manner in which she worked well in a bipartisan manner. I thank Shelly for her outstanding service to me, in my chairmanship and to all who have worked with Shelly in our International Relations Committee. I join with my colleagues, staff, and friends in wishing Shelly and her husband, Gill, the very best of good health and happiness in the years ahead.

TRIBUTE TO PORTABLE PRACTICAL EDUCATION PREPARATION, INC. FOR BRIDGING THE DIGITAL DIVIDE FOR RURAL FARMWORKER AND HISPANIC COMMUNITIES

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to Portable Practical Educational Preparation, Inc. (PPEP), and its founder, Dr. John David Arnold, for bridging the digital divide in two ways: 1) by bringing information technologies into under-served rural farmworker and Hispanic communities, and 2) by providing the educational opportunity for at-risk and farmworker students to obtain technology-based skills through PPEP's 13 charter high schools strategically placed in rural areas and inner cities. Through these efforts, PPEP is not only removing barriers of educational and economic inequity by successfully bringing the super information highway infrastructure to rural communities, but also encouraging the use of that highway through education and training.

I applaud PPEP for its dedication to bringing information technologies to rural and small schools in Arizona with the creation of Arizona Educational Network (AzEdNet). This secure network provides an economical link between public and charter school sites and the Arizona Department of Education for the state-required transfer of student data. The unique design of this network saves the taxpayers of Arizona substantial funds while providing fast and secure bandwidth to remote rural areas. This network provides online access to students while protecting them from online predators and unwholesome sites by providing "best efforts" filtering software.

PPEP's educational opportunities are made available through a school system of 13 charter schools. To ensure academic excellence, PPEP has taken a leadership role in creating the Arizona Performance Based Accreditation Program for charter schools. The Arizona Performance Based Accreditation Program has been recognized by the State School Board Association, the Arizona Board of Regents, and the National Office for Charter Schools. With its peer-review system for school accountability, is now a national model for charter school accreditation. In 1998 PPEP was also instrumental in creating the Arizona Regional Resource Center which provides technical support and online consultation for charter schools. These developments have strengthened charter schools as an educational delivery system and have improved the credibility of charter schools. Subsequently, the United States Department of Education selected PPEP to operate the High School Equivalency Program (HEP) for farmworkers through a charter high school. This is the first HEP in the nation funded through a charter school.

Furthermore, PPEP has taken learning beyond the traditional classroom by using emerging technologies to create the migrant farmworker Lap Top Project, "a virtual high school" with self-paced curriculums that have provided the opportunity for some 6,000 rural, at-risk students to obtain technology-based skills since 1996.

I salute this vision to carry rural people forward into the technical diversity of the 21st Century.

A TRIBUTE TO PREBEN MUNCH NIELSEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to one of the great heroes of World War II—Preben Munch Nielsen, a Dane who has received little recognition for his heroism. In many ways, he is a symbol of the gallantry and heroism of the Danish people during the tragedy of that war.

Mr. Speaker, as the only survivor of the Holocaust ever elected to the Congress, I want to pay special tribute to Mr. Munch Nielsen and also to the courage and strong commitment to basic human decency of the Danish people, who saved virtually the entire Jewish community of Denmark from the horrifying fate that befell six million Jews in the rest of Nazi-occupied Europe. The Danish people took spontaneous action—at great risk to their own lives—

to save the lives of Denmark's Jews. That selfless action established that a people deeply committed to basic human decency can prevail against an overwhelmingly powerful evil force.

In many regards, Preben Munch Nielsen's participation in the saving of Danish Jews is typical of what other Danish citizens did during the horriffic period of the Nazi occupation of Denmark. Munch Nielsen was born on June 13, 1926, and was raised in Snekkersten, Denmark, a small fishing village some 25 miles north of Copenhagen. Every day he commuted to Copenhagen, where he attended school with a few Jewish students. Munch Nielsen, however, did not think of them as Jews. As he explained, the Jews in Denmark "were considered neighbors, friends, schoolmates and nothing else."

The Nazi-invasion of Denmark on April 9, 1940, initially brought little change to the lives of Danish Jews. The Danish government and the Danish laws remained in effect ensuring, among other things, that no Jew in Denmark ever had to wear the yellow star. Munch Nielsen joined the resistance movement, helping with the distribution of illegal papers.

On August 29, 1943, the Danish Government resigned under strong pressure from the active Danish anti-Nazi resistance. The Nazi's took over the government and declared Martial Law that very same day. Under the military government, the night of October 1, 1943, was set as the date on which all Jews and communists were to be deported and transferred to concentration camps. On September 28, G.F. Duckwitz, a German diplomat with contacts among the Danish Social Democrats, learned about the deportations that were planned for two days later. He informed the leading Danish Social Democrat, Hans Hedtoft, who quickly passed on the warning to the Jewish community.

Mr. Speaker, the actions of Preben Munch Nielsen were typical of the response of Danes to this effort to exterminate the Jews of Denmark. As Mr. Munch Nielsen said, participating in this effort to save the Jews was "the only way to retain self-respect." He helped guide Jews to hiding places while they were waiting to be taken by boat from harbors and beaches along the Danish coast. He also helped transport Jews on the "illegal" boats and fishing vessels which crossed the straights to the freedom and safety of Sweden, and he aided the fishermen by calming frightened passengers during the crossing.

The results of this heroic effort, Mr. Speaker, were remarkable. Of Denmark's 8,000 Jews, only 475 were caught and deported to the Theresienstadt concentration camp. What began as a spontaneous reaction to human injustice turned into a well-organized underground movement. Upon their return to Denmark, the Jews found their homes and assets in excellent condition. Neighbors and friends cared for their assets and sublet their properties.

As a participant in this remarkable rescue, Preben Munch Nielsen personally was involved in helping to transport nearly 1,400 refugees to Sweden. On a courier mission to Sweden in November 1943 Munch Nielsen was urged by friends of the resistance movement to remain in Sweden because returning to Denmark was too dangerous. In Sweden, he joined the Danish voluntary forces in Sweden ("Den Danske Brigade") and only returned to Denmark in May 1945, when Denmark was liberated from Nazi occupation forces.

After returning to Denmark, Munch Nielsen began working in the import-export business. Only at the age of 59 did he consider a role as a public speaker and educator. After sharing his story with some Jewish travelers to Denmark, he was encouraged by friends to continue to share his personal experience and educate people about the rescue of the Danish Jews in 1943. Now a successful businessman, the head of his own company and the father of three sons, Munch Nielsen tours the world with his wife Sonja, sharing the magnificent story of the rescue of the Danish Jews.

Mr. Speaker, I have the greatest admiration for Preben Munch Nielsen for his courageous participation in helping to save his fellow countrymen at the risk of his own life. I join Munch Nielsen when he says: "That your fellow citizens should be doomed because their human value was considered nothing because of their race is an impossible thought."

A TRIBUTE TO THE EMPLOYEES OF McCLELLAN AIR FORCE BASE

HON. DOUG OSE

OF CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. OSE. Mr. Speaker, we rise in tribute to the outstanding employees of McClellan Air Base. On April 9 and 10, 2001, McClellan will host two events honoring the men and women who have been part of the McClellan workforce for the past 63 years.

McClellan AFB has always been a leader in supporting the defense of the United States of America. In the 5 years since the base closure was announced, numerous awards have been won, and this has been a testament to the abilities and distinction of the men and women of McClellan. Just in the past 3 years, McClellan has won two of former Vice President Al Gore's "Hammer Awards" for improving the way government and the Air Force does business. Base environmental programs, medical programs, financial management programs, and many more individuals and organizations have also been identified as exceptional.

These awards have been won for good reason. The employees of McClellan have continued to distinguish themselves despite the pressures of a pending base closure. The expected turmoil of large-scale reductions in force, vacating facilities and moving equipment caused the Air Force to budget for McClellan to lose $146.6 million over the last 3 fiscal years. Instead, McClellan's workforce managed to turn a profit of $9.1 million, saving the American taxpayers $155.7 million. The men and women of McClellan should take great pride in the completion of their mission with the utmost of professionalism and honor.

As important as these accomplishments have been, it is especially important to note the awards and recognition honoring the people of McClellan for their community involvement. This has included efforts to help feed the poor of Sacramento, supporting the Special Olympics, tutoring disadvantaged students, and raising money for the Muscular Dystrophy Association. Even as McClellan approached closure, its people worked to make their community a better place. Their selflessness in the face of a difficult situation is inspiring and deserves praise.

Mr. Speaker, as the exceptional people of McClellan Air Force Base are recognized, we are honored to pay tribute to some of our areas most important contributors. McClellan has been an invaluable resource to the Sacramento Area, the State of California, and the United States. We ask all of our colleagues to join with us in thanking the men and women of McClellan Air Force Base for their hard work and dedication over the years.

HONORING SOJOURNER TRUTH AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KILDEE. Mr. Speaker, I rise today on behalf of the Pontiac, Michigan branch of the National Association of Negro Business and Professional Women's Clubs, Inc., who on April 7, will hold their annual Sojourner Truth Scholarship and Awards ceremony and present awards to 12 deserving recipients.

The Sojourner Truth Awards are given each year by the National Association of Negro Business and Professional Women's Clubs, Inc. as a reminder of the endless effort which freedom demands of those who would be free and to recall the fact that slavery comes in many forms: enveloping the spirit as well as the body. In this regard, the Club annually acknowledges those members of the community who have shown to represent these ideals with dignity and distinction.

One such award is the Club's Frederick Douglas Award, which this year will be given to Rev. Douglas P. Jones of Welcome Missionary Baptist Church in Pontiac, MI. In addition to his duties as head of the congregation of two thousand, Pastor Jones is one of the area's most influential and respected citizens. He is the founder of the Greater Pontiac Community Coalition, former Director of the Pontiac Area Urban League, and has been at the forefront of such projects as the Youth in Government and Business Program, and the Woodward Dream Cruise, among many others.

The next award is Black Woman Achiever Award, presented to those women making significant strides in their professions. This year, there are four such people. The first is a colleague of mine, Oakland County Commissioner Brenda Causey-Mitchell of Pontiac. Prior to serving on the County Commission, she served for many years as a Trustee and ultimately President of the Pontiac School Board. She has also been a well-respected member of the city's executive staff. For many years she has worked diligently toward the improvement of our community. Another such trailblazer is Pontiac Police Captain Pamela Chambers. Captain Chambers is a true trailblazer: In 1989, she became the Department's first Black female Sergeant, and as such, she is the first to achieve the rank of Captain. By focusing on community policing, she has helped foster a stronger relationship between the city and the police. The third award goes to Makeda Newby. It is fitting that Ms. Newby was born the same year American astronauts landed on the moon; at a very early age, she decided that her goal in life was to fly airplanes. While at Tuskegee University, she studied and flew with Chief Alfred Anderson, one of the famed Tuskegee Airmen. She graduated from Tuskegee with both a Bachelor's Degree and a private pilot license. She went on to the J. Paul Getty Spartan School of Aeronautics in Tulsa, OK, where she became a certified instructor, and the school's first Black female instructor. Last year she was hired by International Freight Leasing, where she will pilot planes filled with automobile parts throughout the United States and Mexico. The fourth honoree is Ms. Margarita Garcia-Boylston. Ms. Boylston decided in 1987 to begin a business with Mary Kay Cosmetics. As she built this business, she worked a full-time job, raised two teenaged girls, graduated with honors from Oakland Community College and Cleary College. As a Mary Kay representative, Ms. Boylston has received many prizes and rewards for her success. Recently she was promoted to the position of Elite Sales Director, and became Senior Sales Director just three months later.

The Club's Community Service Award goes to two individuals, Cheryl Scott and Malkia Geni Maisha. Ms. Scott, known as Shari to her friends, cares very much about giving back to her community. She has tutored academically challenged students throughout Pontiac, and has been an advocate for the Michigan Animal Adoption Network and the recently founded Michigan Animal Protection Agency, where she serves as a Board member. Ms. Maisha works part-time with the Michigan Metro Girl Scout Council in the Pontiac School District, helping teach a curriculum that involves self-esteem, diversity, citizenship, and many other qualities that will help these young ladies grow to be well-rounded members of society. Ms. Maisha also serves as an Executive Board member of the North Oakland NAACP, and is Secretary for the Metropolitan Minority Chamber of Commerce.

Shira Washington, a senior at Pontiac Central High School, will receive this year's Clara Hatchett Musical Scholarship. With a 3.94 GPA, Ms. Washington is a member of the National Honor Society Softball Team, Drama Club, and is President of the A Capella Choir. She has been recognized throughout her high school career for her superior singing ability as well as her literary skills, and this year, where she has had her writings published on several occasions.

The Ombudswoman Award is given to the group's most active member, and this year, that person is Irma Johnson. An elementary school teacher in the Pontiac School District, Ms. Johnson has been a part of the Club for more than 20 years. In addition, she is very active in the community and in her church, where she serves as a member of several ministries and is Sunday School Superintendent. She strives to be aware of all activities and changes, while actively pursuing a Master's Degree in Reading and Language Arts.

Another colleague of mine, Mr. Richard Williams, is being honored with this year's Bridge Builder Award, for his tremendous work in improving communication and interaction between Pontiac and the county administration. As Director of Community and Minority Affairs, reporting directly to the County Executive, Mr. Williams has proven himself invaluable as an advocate for the city. He has worked with numerous groups designed to improve our schools and develop more affordable housing. As an ordained minister, Richard has also been a vital part of the Oakland County Ministerial Alliance.

An award of special recognition is being given to Ms. Tommaleta Hughes. Originally from Detroit, Ms. Hughes joined the Pontiac School District as a teacher, after graduating from Tuskegee University in 1969. She taught elementary school for 15 years, sometimes serving as Head Teacher, operating as building administrator when the Principal was not in attendance. In 1984, she became Principal of Whitmer Human Resources Center, which two years later was recognized as one of the 26 most improved schools in the state. She moved on the School District's administrative level, where she became Director of Personnel and then Assistant Superintendent of Personnel and Employee Relations, the position she held until her retirement in June of last year. Wanting to remain a strong advocate for children, she ran for and currently holds a position as a member of the Pontiac School Board. Ms. Hughes is a true community activist. She has worked on several local government boards, and has been a member of the Pontiac Optimists Club and Kiwanis. She is also a Life Member of the North Oakland NAACP.

Last, but certainly not least, the Sojourner Truth Award itself this year will go to Mrs. Sarah Frances Grady. A Michigan native, Mrs. Grady is a retired computer assembly worker from Rochester, MI who selflessly devotes much of her time volunteering in the Pontiac community. A recipient of the Michigan Association for Leadership Development's Outstanding Volunteer Award, she has served at St. Elizabeth Home for 42 years, helping bathe and feed clients, and also worked at the Pontiac Mini Police Station for several years. For 500 nights, she participated in a march against drugs in the city.

Mr. Speaker, I appreciate the National Association of Negro Business and Professional Women's Club's 35 year commitment to community service, and their mission to seek answers toward critical issues in the areas of health, education, employment, and economic development. These awardees have exemplified the highest of qualities, and I ask my colleagues in the 107th Congress to please join me in congratulating them all.

STATEMENT ON CHILD LABOR TO THE COMMITTEE ON EDUCATION AND THE WORKFORCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LANTOS. Mr. Speaker, on March 28th, I submitted a statement to the Committee on Education and the Workforce during hearings on H.R. 1, the "No-Child-Left-Behind" education proposal. The purpose of my testimony was to call attention to the negative effects that working long hours at after school jobs is having a serious negative impact on our nation's teens. Recent studies have shown that a correlation exists between working long hours after school and decreased academic performance as well as increased drug and alcohol use by teenagers.

Mr. Speaker, the Young American Workers' Bill of Rights Act (H.R. 961) which I introduced earlier this year sets sensible limits to the number of hours teenagers can work during times when school is in session. H.R. 961 would assist both families and teenagers' struggling with the competing interests of holding a job while gaining an education.

Mr. Speaker, I would like to share my statement with our colleagues in the House, and I request that my testimony to the Committee be placed in the CONGRESSIONAL RECORD.

STATEMENT BY CONGRESSMAN TOM LANTOS, THE COMMITTEE ON EDUCATION AND THE WORKFORCE, H.R. 1, "NO CHILD LEFT BEHIND," MARCH 28, 2001

Mr. Chairman, Mr. Ranking Member and distinguished members of the Education and Workforce Committee, I appreciate the opportunity to share my views with you today. As you begin to consider the reauthorization of the Elementary and Secondary Education Act (ESEA), I urge you to keep in mind the negative effects that working long hours is having on our children's education.

Working during the school year has become much more commonplace among America's youth over the past decades. Currently, nearly 25 percent of 14-year-olds and 38 percent of 15-year-olds have regular scheduled employment during the school year (as opposed to casual baby-sitting or yard work). A recent National Longitudinal Survey of Youth (NLSY) indicates that almost two-thirds of high school juniors are employed during the school year and that these students work an average of 18 hours per week. Another study, published by the Bureau of Labor Statistics in December 1999, reports that the number of working teens has grown by 15 percent in the past five years and that nearly seven million teens age 16–19 were employed in all sectors of the United States economy.

Mr. Chairman, as you and your colleagues know, American students continue to score at or below average on international tests. The Third International Mathematics and Science Study showed that American high school seniors on average spend slightly more than three hours a day working at a paid job—more than their counterparts in any of the other 20 nations studied. Some experts believe that such intense work schedules might explain the poor showing of U.S. students on international tests. In both math and science, even America's best 12th graders scored well below the international average.

Laurence Steinberg, a professor of psychology at Temple University recently conducted a three-year study (1987 to 1990) of 20,000 students at nine high schools in northern California and in Wisconsin. He determined that a work-load of more than 20 hours seems to mark the point at which work is increasingly linked to a drop-off in the amount of time students spend on homework an increase in their feelings of detachment from school. His research is backed up by Wendy Piscitelli, head of the foreign language department at Hatboro-Horsham High School in Horsham, PA. She states, "once they get up into 20 or 25 hours. . .they can't keep up the extracurricular activities, and they don't get enough sleep." These conclusions are shared by a teacher at the Governor Livingston Regional High School in Berkeley Heights, N.J., who discussed a problem she is having with one of her students who regularly works past midnight at a local diner. The student, a senior, has trouble making it to school on time, and when confronted about falling asleep in class responds, "but I am making money, Mrs. Tonto."

These students, who are placing after-school employment above their education aren't getting enough sleep at night and are catching up during the day, in the classrooms. A 1999 National Sleep Foundation survey found that 60 percent of children under the age of 18 complained of being tired during the day, and 15 percent reported sleeping at school during the past year. Mr. Chairman, I ask you, how can we expect our children to learn when they are sleeping through the school day? Another problem that arises when students are working more than 20 hours a week is that they begin to cut corners with their school work to accommodate their job. This accommodation manifests itself in many ways, often in the form of cheating, or taking a less challenging schedule.

Moreover, a number of studies document that long work hours are associated with all sorts of undesirable teenage behavior. According to a recent study by the Centers for Disease Control (CDC), working more than 11 hours a week has a strong correlation with the likelihood that teenager will smoke and drink. Working more than 26 hours per week has the same correlation to use of marijuana or cocaine. An earlier CDC study found that students who worked more than 11 hours a week had significantly higher rates of sexually transmitted diseases and unwanted pregnancies. There is also ample evidence that when the number of work hours exceeds 15 hours per week during the school year, academic pursuits suffer. On average, grades go down and truancy increases. When work and school obligations conflict, the great majority will give top priority to their jobs.

Mr. Chairman, studies have shown that the majority of children and teenagers who hold jobs in the United States are not working to support their families, but rather are employed to earn extra spending money. I see nothing wrong with minors working to earn extra spending money and I think we all can agree that it is important for children to learn the value of work. I do think, however, that it is a serious problem when teenagers spend almost the same amount of time working at an after school job as they spend in school. We need to set sensible limits on the hours that minors are permitted to work when school is in session so that our children can focus on their primary job—earning a good education.

Mr. Chairman, under current Federal law, minors aged 14- and 15-years-old may not work for more than three hours a day and a maximum of 18 hours a week, when school is in session. It is also unlawful for 14- and 15-year-olds to work before 7 a.m. and after 7 p.m. so that work will not interfere with learning. Minors who are 16 and 17, however, face no federal restrictions when it comes to the number of hours they can work, and they often are required to work late into the night.

I recently introduced legislation, H.R. 961, the Young American Workers Bill of Rights, which would set sensible limits to the hours teenagers work in addition to their academic schooling. Mr. Chairman, I urge the Committee to consider including the provisions of this bill in your reauthorization of the ESEA. My legislation would reduce the hours 14- and 15-year-olds would be allowed to work while school is in session, while also setting standards for the number of hours that 16- and 17-year-olds can work while school is in session. My legislation caps the hours of 14- and 15-year-olds at fifteen hours per week. The hours for 16- and 17-year-olds would be limited to 20 hours per week. When one adds these hours onto the average amount of time a teenager spends in school, the student is still putting in close to 40 hours a week. This does not include time spent on homework, extracurricular activities, or time spent just being a teenager. I think we can agree that too many teenagers are working long hours at the very time they should be focusing on their education.

Mr. Chairman, let me state unequivocally that I, and supporters of my legislation, do not oppose children taking on after school employment. We firmly believe that children must be taught the value of work. They need to learn the important lessons of responsibility, and they need to enjoy the rewards of working. Furthermore, it is not our aim to discourage employers from hiring young people. Rather, our goal is to ensure that the employment opportunities available to young people are meaningful, safe, healthy, and do not interfere with their important academic responsibilities. A solid education—not after-school employment—is the key to a successful future.

Mr. Chairman, as you and the rest of your committee began to debate the reauthorization of the ESEA, I strongly urge you to consider the sensible labor standards that my legislation sets forth. These common-sense limits provide American teenagers the ability to have both a valuable academic instruction, while learning the value of work.

TRIBUTE TO BEECH ISLAND HISTORICAL SOCIETY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CLYBURN. Mr. Speaker, on April 28, 2001, in Granville South Carolina, the Beech Island Historical Society will host the Fifteenth Annual Beech Island Heritage Day Celebration. As in the past, the theme of Heritage Day is 315 years of Beech Island history. To illustrate that history, the society invites artists and craftsmen to demonstrate ancient skills practiced by Native Americans and early American skills that settlers brought with them to Beech Island. Re-enactors also recreate Beech Island history from Colonial days to the Civil War era.

The theme of this year's 15th Heritage Day is the history of "Silver Bluff—A Celebrated Place." Silver Bluff, located on the South Carolina side of the Savannah River about 10 miles from Beech Island, was visited in the 1500's–1700's by Spanish and English explorers and was the site of Irishman George Galphin's trading post and plantation and British Fort Dreadnought, which was recaptured by revolutionary forces under Lieutenant Colonel Henry "Light Horse Harry" Lee in 1781.

This year's Heritage Day will feature a wide variety of Colonial and Early American craftsmen demonstrating traditional, but almost forgotten skills, such as: molding pewter, gunsmithing, hand sewing, blacksmithing, spinning, quilting, basket weaving and chair caning. Mr. Speaker, please join me and my colleagues in congratulating the Beech Island Historical Society for hosting this wonderful event.

HONORING SERGEANT PHILLIP THICK

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KILDEE. Mr. Speaker, it is a great honor to rise and pay tribute to the men and women of the Lapeer County, Michigan, Sheriff's Department. These brave men and women constantly and diligently work to improve and defend the quality of human life. On May 11, the Department will honor one of its own, as friends, family, and colleagues will gather to celebrate the retirement of Sgt. Phillip Thick after more than 30 years of service.

Phillip Thick was born in my hometown of Flint in 1949. His family moved to Lapeer, where he graduated from Lapeer High School in 1967. From there, Phillip went on and graduated from the police academy, and later attended and graduated from the FBI National Academy in Quantico.

Phillip has enjoyed a tremendous career in Lapeer County. From his beginnings as a police cadet, he became a Detective/Sergeant in 1970, and has maintained this position throughout his career. During this time he became qualified as an expert in fingerprint identification, fire scene investigation, traffic investigation, photography, and drowned body recovery. He became a Deputy Medical Examiner and was state certified as an AFIS Operator last year. In 1995, Sgt. Thick was honored by his peer as Deputy of the Year.

Sgt. Thick's contributions outside the police force are just as significant. In addition to being a member of the FBI National Academy Associates, he is a member of the AFIS Internet Association, and the Lapeer Masonic Lodge. His experience as a photographer has allowed him to become a member of Wedding and Portrait Photographers International.

Mr. Speaker, I am exceptionally proud to have a person in my district like Sergeant Phillip Thick. It takes a special kind of person to patrol our streets and ensure our citizens' safety, and thanks to his dedication and commitment to justice, Lapeer County is a better place. I would also like to recognize Phillip's wife, Christina Lisa, and his children Matthew and Amanda. I ask my colleagues in the 107th Congress to join me in congratulating Phillip and wishing him the best in his future endeavors.

IN HONOR OF CUB SCOUT PACK 180 OF HOLDEN

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to recognize Cub Scouts Pack 180 of Holden, Massachusetts. On this day, April 6, 2001, 6 young men completed one journey and are beginning another. They are Jake Abysahl, Carter Bame-Aldred, Matthew Esposito, Jason O'Connell, Connor Rooke, and Evan Shaughnessy. During a crossover graduation ceremony, they received the Arrow of Light Award, the highest award in Cub Scouts along with their Boy Scout's Badge and Handbook. This ceremony begins their new adventures into Boy Scouts and continues their dedicated work to the community. I congratulate them on their accomplishments and wish them continued success.

IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of the Katyn Forest Massacre, sixty-one years after the horrible tragedy. Memorial Services will be held on April 7, 2001 at the Katyn Monument site in Jersey City, New Jersey.

In September, 1939, Poland was invaded by Soviet troops, while boldly and courageously fighting the Nazi invasion in the West. The Polish army, which was hopelessly overextended fighting both the Germans and the Soviets, succumbed to those incredible odds.

In April and May, 1940, in an area called the Katyn Forest, over four thousand Polish soldiers, army officers, intellectual leaders, prisoners of war, members of the intelligensia, and Polish civilians were executed by Soviet troops and the Soviet secret police on direct order from Joseph Stalin. An estimated 21,000 Polish citizens died in Katyn, Miednoye, and Kharkiv, as well as other areas. These horrendous crimes are commemorated as the Katyn Forest Massacre.

On September 16, 2000, the Polish American Congress, the Katyn Forest Massacre Memorial Committee, and the Siberian Society of Florida sponsored a memorial service in honor of the victims.

Today, I honor the victims of the Katyn Forest Massacre. I commend their courage and sacrifice. They fought against terrible aggression, and not only fought for their own freedom, for the world's freedom as well.

I ask that my colleagues join me in remembering the victims of the Katyn Forest Massacre. And I ask that we honor their sacrifice for freedom.

PERSONAL EXPLANATION

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SCARBOROUGH. Mr. Speaker, due to a cancellation of an airline flight from my district yesterday, I was unavoidably detained and thus absent for three votes. Had I been present, I would have voted "yea" for roll call vote number 76, "yea" for vote number 77, and "yea" for vote number 78.

TRIBUTE TO MR. KATSUYA MIYAHIRA & MR. IHA SEIKICHI SENSEI

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. ROGERS. Mr. Speaker, I rise today to honor Mr. Katsuya Miyahira who has had a distinguished career in martial arts. Currently, he is the President of the Okinawa Shorin Ryu Shido-kan and continues to teach children the art of karate. His teachings are in accordance with Master Itosu, whom he studied under as a student. The form of karate he was taught was of the Chibana Chosin, of which he is the successor and heir.

Mr. Miyahira has lectured about the value of karate to young people and from the "Seven Virtues of Martial Arts" has said, "Martial arts forbids violence, suppresses an uprising, keeps one from corruption, establishes honor for one, pacifies the public, makes harmony among people, and makes one rich. These are the seven virtues of martial arts." He continues to say that martial arts "can be a helpful tool for one's life: it adds value to one's ability, secures a sure means of living, and even makes one rich." Mr. Katsuya Miyahira lives by these words and teaches his pupils by these words also.

In addition to his teachings, Mr. Katsuya Miyahira has been honored by the Japan Martial Arts Association and is a judan 10th dan as a karate Hanshi (master). Furthermore, as an elder in karate he is in charge of the Okinawa Karate Conference while continuing to teach his art to others.

I would also like to recognize Mr. Iha Seikichi Sensei, who is also an accomplished martial arts expert. He presently runs his own center in Lansing, Michigan called the Original Okinawa Karate Dojo. Furthermore, he is the United States Branch Chief of Okinawa shorinryu Karate-do Association.

Iha was taught by the infamous Itosu Ankoh and is an authority of Shuri-te. He was chosen by Miyahira Katsuya in 1963 to teach his Shorin-ryu techniques at the dojo of Latino Gonzales in Manila, a distinguished honor. Furthermore, he continued to teach others in this art including United States Marines stationed in Okinawa.

In addition to his teachings, he is recognized as the first Okinawan Master Instructor of Shorin-ryu to teach in California since 1927. In 1989, he reached rank of Hanshi 9-dan certification, making him the highest certified Okinawan living in the United States.

On July 26th through the 29th, 2001, there will be a celebration honoring the 25th anniversary of Iha bringing Shido-kan Karate to North America sponsored by the North American Beikoku Shido-kan Association. Iha is one of the top people practicing Shido-kan Karate in the world. The Grand Master, Miyahira Katsuya, who lives in Japan is the highest person participating in this type of karate.

Therefore, I would like to personally congratulate Iha for his accomplishments and for teaching many people the art of Shido-kan Karate for the past 25 years. He has brought another form of martial arts to the Lansing, Michigan area and has made a significant impact on the lives of my constituents.

PROVIDING RESOURCES AND EDUCATION FOR KIDS ACT (PRE-K)

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KIND. Mr. Speaker, today I re-introduced the Providing Resources and Education for Kids Act (Pre-K). This legislation would provide a financial incentive to schools to devote resources to establish pre-kindergarten programs. This is a critical step in helping states meet the difficult task of providing early learning services.

Pre-kindergarten programs are crucial for preparing young children for the rigors of the classroom as they begin school. The first five years of a child's life are critical for development. Pre-kindergarten programs during those years will contribute to children's long-term success in school achievement, lead to higher earnings as adults, and quite probably decreased involvement with the criminal justice system. Today, however, kindergarten teachers estimate that one in three children are not ready to take on the challenge of classroom learning. Many children simply do not have access to pre-kindergarten programs. It is time for us to assist states in tackling this important issue.

Good quality early education helps children develop, improves their learning skills, and prepares them to enter school ready to succeed. In fact, studies of several state pre-kindergarten initiatives offer convincing evidence of the benefits of early education, particularly for children at risk of school failure. These benefits include higher mathematics and reading achievement, increased creativity, better school attendance, improved health and greater parental involvement.

Furthermore, pre-kindergarten programs have proven cost-effective over time. The Rand Corporation along with a team of researchers at the University of Wisconsin estimates that the most effective pre-kindergarten programs create savings to the government of

$13,000 to $19,000 per child. This savings is realized in higher school achievement, less retention in a grade, a reduced need for special education, and less crime.

The Providing Resources and Education for Kids Act will help states meet the challenge of providing quality pre-kindergarten programs. This legislation provides grants to state education agencies to help establish or strengthen pre-kindergarten early learning programs for children age five and under. To encourage states to participate and ensure their long-term investment, the bill creates a sliding scale over five years for the federal-state match. Because of inadequate resources in many states, they cannot offer a pre-kindergarten program for young children.

While many states do not have extensive pre-kindergarten initiatives, I have been fortunate that in my own hometown La Crosse, Wisconsin there is an impressive pre-kindergarten program at the Red Balloon Child Care Center. In fact, my two sons are enrolled in this program. Every day my wife Tawni and I see tremendous growth in our sons and we are pleased that we have the opportunity to send our sons to such a wonderful place. Our wish is that every child is able to receive the quality education that this pre-kindergarten program provides for our sons.

Rarely have we had such a unique opportunity to push American education to a higher level. As a member of the Committee on Education and the Workforce, I am committed to making the contributions necessary to advance our nation's education. Nationwide, families are demanding more from their schools, and educators, and elected leaders, are responding. That is why I introduced my Pre-K Act. Investing in our young children before they enter kindergarten is the first step in helping students meet their highest potential. We should not deny students this opportunity by denying them a good quality early education.

Mr. Speaker, educational preparation is crucial for all young children. I would encourage my colleagues to support the Providing Resources and Education for Kids Act (Pre-K).

ESTATE TAX RELIEF ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Estate Tax Relief Act.

The death tax is punitive in nature for all individuals, but it is particularly burdensome for closely-held, family-owned businesses that are the leading job creators in this country. The death tax rate of as much as 60% often means the difference between selling or keeping a family business intact. At a minimum, the death tax should be reduced. No targeted tax should force small businesses to sell or file bankruptcy.

While the House of Representatives has passed the Death Tax Repeal Act (H.R. 8), the measure simply does not provide enough relief soon enough. First, the measure provides no relief for next year, and provides very little for taxpayers until well into the second half of the next decade. We have no assurances that relief will ever be made available in successive Congresses.

The Estate Tax Relief Act ensures that we provide relief right away by converting the current structure to an exemption and ensuring that the first $10 million of an estate (per person) are exempted from the tax. Additionally, it lowers the top rate to 45%. In addition, the bill maintains the current-law step up in basis. With regard to the gift tax, the legislation puts in place a $50,000 per year, per taxpayer exemption.

Mr. Speaker, if we are serious about reducing this onerous tax, my legislation is the right way to do it. Please join me in cosponsoring this measure so that we can ensure we reduce the difficulties this tax imposes on the transfer of assets.

FIGHTING AGAINST LEUKEMIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. MORELLA. Mr. Speaker, as the past chair of the House Science Committee's Technology Subcommittee, I am well aware that technology is improving our lives in immeasurable ways—including health care. I rise to bring to the attention of the House a recent development in the fight against leukemia, a matter of great concern to many of us.

The National Cancer Institute (NCI), located in my district, is engaged in a race to find a drug that may stop the development of leukemia. I am pleased to report today on some innovative research efforts that are now underway with the help of Intel Corporation, which is working in partnership with NCI to advance the search for a cure.

Leukemia is the number one cause of cancer-related death for children. In 1999 alone, over 30,000 new cases were diagnosed in the United States. Scientists have already discovered several proteins important to the growth of leukemia but they must evaluate millions of molecules to see which ones can fight this form of cancer.

A major problem faced by leukemia researchers is the lack of processing abilities. To combat this problem, just yesterday, Craig Barrett, President and CEO of Intel and Dr. John Seffrin, CEO of the American Cancer Society, announced the launch of Intel.com/cure. This website hosts a program which utilizes peer-to-peer technology to assist scientists in their search for a cure. By simply downloading a screensaver, anyone around the world can join this endeavor.

Peer-to-peer technology provides unused computing power of individual machines to be utilized. A screensaver downloaded from Intel.com/cure allows a program to run in the background without disturbing your normal computer usage. The program performs a few of the millions of calculations that can assist researchers in determining which molecules have the greatest cancer-fighting potential.

This program can be of great assistance to researchers to find a cure. The manner and speed of scientific discoveries could be fundamentally enhanced. All our otherwise unused processing power could create the world's fastest computing platform for great causes. Estimates show that this project would be operating at speeds of magnitudes faster than the world's fastest supercomputers at a fraction of the cost.

This program could be expanded to include other qualified projects. Universities and researchers could post their philanthropic projects on the website. PC owners could become part of collaborative research efforts. The potential of this project is potentially significant.

Intel Corporation would like this web site to become a focal point for people who want to help launch a new era of PC philanthropy, where computer owners lend their PC's "Idle time" to a great cause. As a leader and innovator in peer-to-peer computing, Intel believes that this method will accelerate scientific advancements. This leukemia project, developed by United Devices Incorporated, is endorsed by the American Cancer Society, the National Foundation for Cancer Research, and Oxford University.

April is Cancer Control Month, a time when we recognize our nation's long commitment to fighting cancer. Peer-to-peer technology can be a new frontier in how medical research is performed. I commend the efforts of this joint research partnership and hope this can be a substantial step that will lead to the cure for leukemia.

TRIBUTE TO THE OUTSTANDING NEIGHBORHOOD VOLUNTEERS OF THE YEAR AWARD NOMINEES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to honor the nominees for the South Carolina Outstanding Neighborhood Volunteers of the Year. Many of these volunteers nominated for the award are from my district and well deserving of the honor.

The Burton Heights-Standish Acres Neighborhood Association in Columbia, South Carolina is an organization devoted to the safety and cleanliness of their neighborhood; this association has four members who were nominated for the award. Mr. and Mrs. John Watson are dedicated volunteers who have been catalysts for a united, safe, and friendly community. Sylvester Jenkins, a charter member of the Burton Heights-Standish Acres Neighborhood Association, is a model citizen who also serves as President of the Retired Mail Handlers Organization. Venis J. Livingston is noted throughout the neighborhood for her rapport with the youth, a characteristic she utilizes in her role as a Parent educator.

"The Drama Team," a subunit of the Eau Claire Community Council Youth Organization, uses theatrical plays and artistic endeavors to educate community youth about issues ranging from HIV/AIDS to violence and drugs. "The Drama Team" has three fine women who have been nominated for the Outstanding

Neighborhood Volunteers of the Year Award. Angela Cooper is a schoolteacher who provides mentoring to the students on the team, teaching self-esteem and reading skills. Community Advocate Angeline Morris ensures support from the business community to the ECCC so the operations of the team are properly financed. Rubye Finch is a team mentor who excels in the teaching of conflict resolution.

Neighborhood promotion, preservation, and improvement are the goals of the Bradley Community Council; the Council has three outstanding volunteers nominated for the award. Block Captain Sue Finch devotes her time on a regular basis to ensure the success of events such as the annual Hot Dog Night and Crime Out Night. Susan Hamm served as President of the Bradley Community Council from 1995 to 2000 and currently leads a neighborhood bible study. Stacey Shugart leads the Council in the production of a Community Directory and assists in the printing of newsletters and meeting minutes.

The Booker T. Washington High School Foundation nominated one of their founding members, Susan Brown Freeman, as the Outstanding Neighborhood Volunteer of the Year. Mrs. Freeman was the first African American consultant for Special Education teachers in Richland County, SC School District 1. Mary C. Short of the Bethel Bishop Tenant Association is another nominee for the award. Her dedication to the AmeriCorp organization along with her work as an Education Coordinator for Eau Claire Community Council have earned her a nomination. The HOPE volunteer organization nominated Samuel Gadegbeku for his work with the organization and in his community of the Colony Apartments. Mr. Gadegbeku selflessly gives his time to inspire self-esteem and hard work in the youth of his neighborhood.

The members of the Brandon Acres/Cedar Terrace Neighborhood Association are committed to preserving and improving the community in which they reside; they have nominated Dr. Ramona Lagos, professor at the University of South Carolina. Dr. Lagos organized the Association's first meeting with important city officials; she also serves as Secretary. The Seminar Ridge Neighborhood Organization organizes activities to provide the best living environment to its residents. Dr. Lois Fries served as President of this Organization for seven years, during which time she greatly increased its impact in the community. The Read Street/Edgewood Community Improvement Cooperative Council nominated Georgia Davenport for the Outstanding Neighborhood Volunteer of the Year Award. Mrs. Davenport worked extensively in the Read Street clean up, which led to a reduction in drug traffic and violence in the area.

The Booker Washington Heights Neighborhood Organization is dedicated to the improvement of the community of Columbia, South Carolina and has nominated three individuals. Johnnie Edmonds serves as Treasurer and is very active in this organization despite the fact that he moved out of the neighborhood years ago. The late Beverly Hampton left a legacy of community involvement and dedication to her neighbors when she departed this life on May 21, 2000. Kevin Speaks has worked to improve a poor section of the Booker Washington Heights neighborhood by giving his time and showing pride in his community.

Mr. Speaker, please join me in honoring each and every one of these wonderful volunteers. They show all of us what can be done if we give back to the neighborhoods and towns we call home. Every one of the nominees for the Outstanding Neighborhood Volunteers of the Year Award deserves the honor along with our appreciation.

HONORING GARY LEE TIMMER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the loyal men and women of the Lapeer County, Michigan, Sheriff's Department. On May 11, the Department will honor one of its own, as friends, family, and colleagues will gather to celebrate the retirement of Officer Gary Lee Timmer, after nearly 30 years of outstanding service.

Born in Almont, MI, in 1946, Gary Timmer's family moved to Imlay City, where he graduated from Imlay City High School in 1965. He entered the Police Academy in 1969 and joined the Imlay City Police Department soon after. He remained there until 1972, where he then became a member of the Lapeer County Sheriff's Department.

During his time with the Department, Gary has excelled in the proper use of firearms. In 1980, he was certified by the Detroit Firearms School as a gun range expert. The Washtenaw Firearms School bestowed the same certification upon him in 1991, along with an expert certification in semiautomatic weapon use. He has taken the responsibility to use these skills to instruct others. As a long time instructor at local gun clubs, as well as a member of the National Rifle Association, Gary teaches and promotes weapon safety and teaches a hunter's safety course.

Mr. Speaker, many people in the Lapeer area have greatly benefitted from Gary Lee Timmer's insight, experience, and commitment to preserving peace and order. He has helped make the streets safe for all its citizens, especially its children. I would also like to recognize his wife Amy, his children Curt and Shelley, and his six grandchildren. He has obviously been as strong a role model for them as he has for the people he protected for three decades. I ask my colleagues in the 107th Congress to join me in congratulating him for his dedication to justice.

HONORING THE HOPKINTON HIGH SCHOOL GIRL'S INDOOR TRACK TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Hopkinton, Massachusetts in celebrating the achievements and accomplishments of the Hopkinton High School Girl's Indoor Track Team. On Saturday, February 24, 2001 at the Reggie Lewis Center in Boston, the Hillers won their second consecutive state championship.

This accomplishment is impressive in and of itself, but when one considers the obstacles that these outstanding young female athletes had to overcome in their season-long pursuit of the title, their victory is all the more remarkable. Despite construction delays at their practice venue that kept meets from starting until halfway through the season, they remained focused. Despite season-ending injuries to essential runners Vicky Henderson and Melissa Sprachman, they were able to remain positive. And despite illnesses that affected some team members at important meets, they were able to pull together and earn victories.

At the championship, senior co-captain Christine Moschella led the Hillers' charge. She not only won the 300-meter, but set a new state record in the event as well. Freshman Tiana Riel also earned critical points for placing third in the 55-meter high hurdles. Moschella and Riel then joined with senior co-captain Jen McCowan and sophomore Emily Campbell to win the 4200 meter relay. These three placements earned the Hillers 26 points—enough to capture the title.

I would be remiss not to acknowledge the contributions of the other members of the Hillers team without whose hard work, dedication and support this outstanding season would not have been possible: senior Meghan DiNapoli, juniors Alyssa Corsini, Elena Frank, Margo Pyne and Joanna Wood, sophomores Chelsea Keiller, Jess Curran, freshmen Lauren Craft, Lindsay Ferkler, Katie Henderson, Katelyn Mitsock, Marissa Parrish, Alex Savell, and Katie Hoppe, and eighth-graders Stephanie Camille, Louise Cashman, Emily Daly, Kristen Garvey, Kristen Knox, Liz Morgan, Katie Nicol, Lauren Philbrook, Vanessa Wilson, Danielle Corey, Jess Costantino, Lindsay Flieger, Hailley French, Lauren Helstocky, Sarah Kinney, Laurie Monahan, Kirsten Norby, Joelle Pecci, Marie Rivers, Cassic Seery, and Meghan Stewart. Recognition must also be extended to head coach Mike Scanlon and assistant coaches Chris Shea, Martha Thompson and Eric Lammi who guided this team to the Tri Valley League, Class D and State Championships:

Mr. Speaker, it is with tremendous pride that I recognize the exceptional student-athletes of the Hopkinton High School Girl's Indoor Track Team for a remarkable season. I congratulate them on their accomplishments and wish them the best of luck in years to come.

IN RECOGNITION OF WLADYSLAW BARTOSZEWSKI THE FOREIGN MINISTER OF POLAND

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Polish Foreign Minister Wladyslaw Bartoszewski for his contributions to the political and social freedoms enjoyed by the citizens of Poland today, after enduring decades of Soviet domination.

From September 1940 until April 1941, Wladyslaw Bartoszewski was imprisoned in Auschwitz. During World War II, he was active in the Polish military; secretly founded the Zegota Council for Aid to Jews; participated in the Rebirth of the Poland clandestine movement; and proudly took part in the Warsaw Uprising as a Home Army soldier.

Minister Bartoszewski's activism did not stop at the end of the war. He became involved in the Polish Peasant Party and became the coeditor of Gazeta Ludowa (Peasant's Daily). His work with these groups landed him in communist jails twice during that period. After his incarceration, throughout the 1960s and 1970s, Minister Bartoszewski continued to fight for the freedom of Poland by participating in Radio Free Europe and the Polish Independence Alliance. In November of 1980, he founded the Committee for the Defense of Those Harassed for Their Beliefs. Once again, the Minister was arrested for his efforts and placed in the Jaworze Internment Center.

In addition to his dedication to Poland's independence movement, Minister Bartoszewski has spent a great deal of his life in the field of education. He taught at the Catholic University in Lublin, and at universities in Munich, Eichstadt, and Augsburg. In addition to writing 1,000 papers and 40 books, Wladyslaw Bartoszewski holds many honorary academic titles from universities all over the world.

Wladyslaw Bartoszewski reached his position of Minister of Foreign Affairs in December of 1995. During the 1990s, he also served as a Senator and as the Polish Ambassador to Austria.

Today, I ask my colleagues to join me in recognizing Foreign Minister Wladyslaw Bartoszewski for his great struggle to bring freedom to Poland and its people and for his many years of service to his country.

CALLING UPON THE PEOPLE'S REPUBLIC OF CHINA TO END ITS HUMAN RIGHTS VIOLATIONS IN CHINA AND TIBET

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SCARBOROUGH. Mr. Speaker, today I call upon the govenment of the People's Republic of China to immediately end its continuing human rights violations in China and Tibet.

I also endorse H. Res. 56, that strongly supports an American resolution at the 57th Session of the United Nations Human Rights Commission in Geneva, Switzerland, calling upon the government of the People's Republic of China to end its human rights abuses in China and Tibet. As the leader of the free world, we must always encourage the same basic rights we enjoy, for all people, everywhere.

The State Department recently reported that China's human rights record has worsened. We know that several thousand prisoners are detained today for exercising freedoms of belief and expression, and members of the Falun Gong spiritual movement and Tibetan Buddhists suffer increasing opposition from Beijing for their peaceful practices. We must not tolerate widespread violations of internationally recognized human rights standards, like the persecution and torture of people worshiping outside official churches, that occurs in China to this day.

In addition, the Tibetan people are hardly better off now than they were forty years ago. Since 1950, the communist government of China has actively controlled Tibet and has repressed the Tibetan people. During the 1966 to 1976 Cultural Revolution, most monasteries, palaces, and other aspects of Tibetan Buddhism were damaged and destroyed. The Dalai Lama, the highest and most revered leader within Tibet's former government, has been exiled in India since 1959. Today, Tibet's unique cultural fabric is irreparably being torn by the oppressive practices of old guard communists in Beijing.

Mr. Speaker, China must learn to abide by internationally accepted norms of freedom of association, belief, and expression. It must change its laws and the decrees that restrict freedom, and it must stop criminalizing groups it arbitrarily labels as cults or heretical organizations.

Chinese authorities must hear a loud and clear message: the United States, the rest of the world, and the Chinese and Tibetan people themselves, have waited long enough. China should quit throwing tantrums like an unruly child; it needs to grow up, act its age, and learn to take its place at the table for adults.

BON TON SHOPPE ANNIVERSARY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Stella Wingerter and her family on the 40th anniversary of the Bon Ton Shoppe Inc.

Stella Wingerter founded the company in 1961 with the first store opening in Farmington, Michigan. That first store was only 1200 square feet. Now, however, Stella and her family own and operate four stores, all totaling more than 6,000 square feet, with locations in Farmington, Livonia, Milford and Brighton, Michigan. Forty years of enterprise in southeast Michigan is a strong testament of the Wingerter's dedication to their business, their employees and their community.

Therefore, Mr. Speaker I ask my colleagues to join me in recognizing Stella Wingerter and her family on 40 years of success and wish them many more in the future.

TAX CREDITS FOR SCHOOL TEACHERS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KIND. Mr. Speaker, today I introduced legislation that will provide elementary and secondary school teachers with a $500 refundable tax credit when they purchase books, supplies, and equipment out of their own pockets.

With limited resources being stretched to the limit in many public schools, teachers have been incurring out-of-pocket expenses averaging $448 to $1,000 a year. According to the National School Supply and Equipment Association, more than half the money teachers spend in this manner is on instructional materials such as flashcards and workbooks, while the remainder is spent on supplies such as chalk, paper, and pens.

Although current law allows teachers a tax deduction for the school supplies they purchase but for which are not reimbursed by their schools, this provision can be very complicated and does not serve the majority of teachers.

To receive the tax benefit, teachers need to file a Schedule A for itemized deductions, and they must have incurred expenses that exceed a full 2 percent of their adjusted gross income. For example, let's say a teacher earned $50,000 in adjusted gross income, and spent $1,100 on out-of-pocket expenses; with the current formula, the actual deduction would only be $100.

Under my proposal, teachers who incur out-of-pocket expenses but do not meet the current income stipulations would still receive a tax credit. A tax credit is more beneficial than the current deduction because it will allow teachers to utilize the benefit, particularly teachers with low salaries and those in disadvantaged schools.

My Congressional district in western Wisconsin is home to no less than 75 public school districts. I find it unconscionable that teachers must supplement school needs with their own hard earned income to ensure every student receives the same quality education. This bill represents much needed short-term relief, but also renews our long-term commitment to maintaining America's excellence in education. By supporting our teachers in their efforts to provide a quality education to all of our children, we support the very future of our country. Without a doubt, education is the cornerstone of a healthy, productive society, and today's investment represents tomorrow's future success. As we continue the federal government's role in guaranteeing affordable educational opportunities, our commitment to our teachers is one step in the right direction.

Mr. Speaker, I ask my colleagues to support this measure and the scores of dedicated teachers across the nation who spend their own money on classroom materials needed to educate our children. Their sacrifices to alleviate a problem in the structure of education funding should not go without some benefit. I would encourage my colleagues to support this legislation and give our nation's teachers the credit they deserve.

ASBESTOS SETTLEMENT FUND RELIEF LEGISLATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. COLLINS. Mr. Speaker, today I rise, along with my colleague from Georgia (Rep. JOHN LEWIS) to introduce legislation that would help companies and victims that are struggling with asbestos liability. Distinct and separate from the controversy associated with asbestos liability reform, our tax bill has broad and deep bipartisan support. Approximately 70 of our colleagues have agreed to be original cosponsors of the bill.

The bill provides fairness for victims and defendants alike. Many companies that are paying victims for their injuries cannot deduct these costs because the costs exceed their taxable income and these costs can only be carried back to a limited number of tax years in which their expenses already exceed their income. Many asbestos victims rely on settlement funds for compensation. Those settlement funds are currently taxed at 39.6%, which increases the costs of financing the funds and decreases the amount of money available to victims.

Our bill, would (1) exempt from federal tax settlement funds established for the purpose of paying asbestos victims, and (2) allow companies to carry back deductions for the payment of asbestos claims to the tax years giving rise to the current asbestos liabilities.

Our bill will ensure that all companies that pay asbestos claims are allowed to deduct those costs and that all of the money in asbestos settlement funds will be paid only to asbestos victims.

TRIBUTE TO ANNIE MARTIN GIBSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Annie Martin Gibson of Summerton, South Carolina, who died at the age of 90 on March 6. Mrs. Gibson and her late husband William were among the principle petitioners in the lawsuit Briggs v. Elliott, which became the first of the five lawsuits collectively known as Brown v. Board of Education of Topeka, Kansas. Those cases began the process of breaking down racial barriers in our nation's public schools.

Annie Gibson's place in history has been often overlooked. She, along with 19 of her peers, were the original signers of the document that started legal action leading to the desegregation of America's schools. Mrs. Gibson was the last surviving petitioner who set the landmark desegregation movement into motion. For decades following the lawsuit, the Gibson family suffered through stress and unrest due to their decision. Mrs. Gibson was fired from her job as a housekeeper at a local hotel.

While many of the petitioners left the Clarendon County area, the Gibsons remained with their four children. With the land they owned they managed to earn a meager living. A family friend said the family never succumbed to the hardships facing them. Mrs. Gibson has been described by friends and family as a quiet, gentle person who refused to allow her children to receive a second rate education. She was one of many unsung heroes during the Civil Rights Movement who should be celebrated and remembered for putting her country before herself.

Mr. Speaker, I ask you to join me today in honoring Annie Martin Gibson for her great work as a Civil Rights Movement trailblazer. Her sacrifices should be remembered and celebrated by this House. Mrs. Annie Martin Gibson will be sorely missed.

TRIBUTE TO BUTLER MANUFACTURING COMPANY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in salute to the Butler Manufacturing Company and its 100 years of service and leadership to Greater Kansas City, the United States, and countries abroad. Throughout the last century, Butler Manufacturing has remained steadfast in its commitment to providing quality products and services worldwide. I am proud to recognize their achievements.

Butler Manufacturing Company, founded in 1901 by innovators Emanuel Norquist and Charles Butler is now one of the world's leading providers of commercial and industrial construction services. Their first Butler building, completed in 1910, stood in use in central Kansas City for over 45 years. With the successful introduction of a sturdy two car version of the garage, Butler Manufacturing was in the building business to stay because the market demand was so great. With the passing of each decade, Butler Manufacturing has remained on the cutting edge of the nonresidential construction market. The 1920s were devoted to determining customers' needs and satisfying those needs with personal service, concepts that worked successfully for Butler's grain bins. In the 1930s, Butler answered the call from the U.S. Department of Agriculture by mass-producing 14,500 galvanized steel grain bins in under 59 days; one day ahead of schedule. By the 1940s, Butler Manufacturing had a complete line of rigid frame buildings ready to market. The 1950s brought about enormous change and growth within the company with the formation of five product divisions; two of which, commercial, industrial and institutional end users, and rural buildings, continue to be the strength of the company today. Marked as a decade of enhancement and expansion, the 1960s ushered in new technologies and advancements such as construction components which allowed for frames with wider, longer, and lower slopes. In the 1970s, Butler extended the long-term value of buildings by making them virtually weathertight and advanced traditional ideas on pre-engineering buildings through such innovations as Multi-Story, Long Span, and the distinct look of Landmark, which all were pioneering steps in the advancement of building systems. The 1980s were a time of acquisitions for Butler as they sought to grow new markets and increase market share in existing businesses. Throughout the 1980s into the mid-1990s, acquisitions were made to expand Butler's architectural and aluminum market presence. Today, Butler Manufacturing has gained multinational recognition and continues to be a leader in business worldwide, including presence in South America, Europe, the Middle East and Asia, while remaining dedicated to the core ideals of excellence and teambuilding, on which the company was founded. These ideals are also responsible for Butler's being named the recipient of the prestigious 2000 Paragon Award by the Human Resource Management Association of Greater Kansas City. Noted for their excellent practices in a broad range of human resource issues, the recognition of Butler's mentoring program highlights a continued commitment to the Greater Kansas City community as well.

Mr. Speaker, I ask you to join with me today in celebrating Butler Manufacturing Company's 100 years of innovation, customer service, and quality that founded and continues to sustain this company's place as a leader in manufacturing in America and the global community.

INTRODUCTION OF THE PERSONAL INFORMATION PRIVACY ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KLECZKA. Mr. Speaker, I rise today to reintroduce legislation, the Personal Information Privacy Act (PIPA), that safeguards consumers' personal privacy by giving them the ability to protect personal information from being bought and sold by third parties.

This bill would restore consumer control over personal information by requiring that a third party obtain consent from an individual before making commercial use of that person's Social Security number (SSN). In fact, any non-criminal use not explicitly allowed by law would face this restriction, including the growing commercial use of SSNs as personal identifiers by various businesses.

Social Security numbers have become our default identifiers for many businesses, and thereby the key to much of our most personal information. That has to stop. As identity theft and fraud increases, action must be taken to ensure that this personal information remains private.

Under my legislation, refusing to sell services or goods to consumers who choose not to furnish their SSN would be illegal under the Federal Trade Commission Act, and businesses would be liable for up to $10,000 in fines per violation for committing unfair or deceptive business practices. Credit bureaus would also be prevented from giving out SSNs without a person's consent. PIPA would amend the Fair Credit Reporting Act and the

Social Security Act to authorize civil penalties for privacy violations ranging from $25,000 to $500,000.

Information on products or services bought by an individual and from where they were purchased—also known as transaction histories—could not be sold or transferred for marketing purposes unless a consumer gives written consent.

We take for granted that our personal information is private. Unfortunately, that's not the case. We must take action to guard access to our personal information because it's not a commodity to be bought or sold. We as consumers should have the final say over how that information can be used, not some marketing firm.

I first introduced PIPA in the 105th Congress, but this version of the bill is slightly different than last session's because two of the bill's components have been enacted into law. As part of the FY 2000 Transportation Appropriations bill, state DMVs are now prohibited from releasing highly restricted personal information without a person's consent. The law now defines SSNs and photographs as "highly personal information" and requires a person's consent for disclosure by DMVs.

This is a great start, but there's a lot more to be done. We must curb the rampant use of SSNs as personal identifiers. This bill is an important step toward more complete personal privacy protection. I urge my colleagues to support this important legislation.

DEATH OF ROBERT M. TALLON, FATHER OF FORMER REPRESENTATIVE ROBIN TALLON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SPRATT. Mr. Speaker, Members of the House who served with Representative Robin Tallon of South Carolina should know that on January 28, 2001, his father passed away. Robert M. Tallon was 78, and died of a heart attack while doing what he loved, bird hunting in South Carolina.

Bob Tallon was an airborne infantryman in World War II, one of those soldiers of whom it was said, "uncommon valor was a common virtue." As a staff sergeant in the 82nd Airborne Division, Bob Tallon fought his way from Sicily up the boot of Italy. After waging some of the fiercest fighting of the war in Italy, he parachuted with the 82nd into Holland as part of the bloody operation that Cornelius Ryan immortalized in "A Bridge Too Far," and fought his way from Remagen into the Rhineland.

Bob Tallon came home with his chest full of medals, including Bronze Stars and a Purple Heart. Though worthy of being called a hero, he never thumped his chest or boasted of his valor. He lived his life with the quiet abiding confidence that he had served his country and done his duty.

Though he distinguished himself as a soldier, Bob Tallon's finest accomplishment in life was in marrying Mary Williamson Tallon, a school teacher and a dear woman loved by all who know her. Indeed, anyone who has met Bob and Mary Tallon understands how Robin Tallon got his affable personality and affinity for politics. In addition to Robin, our former colleague, Bob and Mary Tallon had another son, Terry, and a daughter, Cameron.

Bob Tallon returned home from the war to Dillon County, South Carolina, and became President of Tomlinson Stores. He was a mainstay in the Methodist Church and a pillar of the community, involved in every good cause from the Lions Club to the Hospice Society.

Though Bob Tallon lived most of his life within the radius of Dillon, a small town in South Carolina, he lived the kind of life that made this country great. As President Clinton said at Anzio of his own father who also fought in Italy, "They made possible the world we live in."

TRIBUTE TO WILLIAM J. HEARIN

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CALLAHAN. Mr. Speaker, I rise today to honor and remember the life of a great man, William J. "Bill" Hearin. Mr. Hearin passed away Monday, February 19, 2001 at the Mobile Infirmary. He was chairman of the boards of the Mobile Register and Energy South, Inc., the parent company of Mobile Gas Service Corp. Our thoughts and prayers go out to his wife Emily, his daughter, Ann Bartlett, and to all of his family at this difficult time.

Bill was very active in the community. He rose through the ranks at the Mobile Register becoming co-publisher, then publisher and president, then chairman. He had one of the longest tenures at the top levels of a metro newspaper, and as a result he had a significant and lasting relationship with Mobile. Hearin was involved professionally in the newspaper industry, where he served as president of the Alabama Press Association, director of the Southern Newspaper Publishers Association and as a member of the American Newspaper Publishers Association.

Bill Hearin was a leader in Mobile's social circles, where he served on the reception committees for a few of Mobile's oldest mystic organizations. He also served on the committee for the Camellia Ball. He was named Mobilian of the Year in 1977, and in 1987 he received an award for Outstanding Civic Leader in the state.

After the death of Ralph B. Chandler, Bill took the reigns of the Chandler Foundation, which later became the Hearin-Chandler Foundation. The foundation distributes more than $10 million among Mobile charities. Mobile can thank Bill Hearin for so many things.

My heart goes out to Mr. Hearin's family and to all those who grieve his passing. He gave unselfishly to the city he loved. William Hearin was a Mobile icon and a true newspaper man in every sense of the word and his contributions to our community will never be forgotten.

TRIBUTE TO WILSON HIGH SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CLYBURN. Mr. Speaker, on April 21–23, 2001, more than 1,200 students from across the United States will be in Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Wilson High School from my district in Florence will represent the state of South Carolina in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained profound knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The students are: Lakisha Boston, Lynette Carr, Christine Chen, Rebecca Derrick, Ashunti Drummond, Elizabeth Fortnum, Albert Hayward, Anthony Henderson, Benjamin Ingram, Janny Liu, Christina Moss, Jason Owens, Anna Stewart, Tyler Thomas, and Dheepa Varadarajan. I would also like to recognize their teacher, Yvonne Rhodes, who deserves much of the credit for the success of the class.

We the People . . . The Citizen and the Constitution is one of the most extensive educational programs in the country specifically developed to educate young people about the Constitution and Bill of Rights. The three-day national competition is modeled after congressional hearings and they consist of oral presentations by the high school students before a panel of judges. The student's testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. The 250th Anniversary of James Madison's birth in 1751 offers an appropriate opportunity to examine this Founder's contribution to American constitutionalism and politics. To this end, the national finals will include questions on Madison and his legacy.

Findings suggest that national finalists are less cynical about politics and public officials and participate in politics at a higher rate than do their peers. Administered by the Center for Civic Education, the We the People program has provided curriculum materials at the upper elementary, middle, and high school levels for more than 26.5 million students nationwide. Members of Congress and our staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities. As a former history teacher, I am pleased to know that this program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of our democratic government.

The class from Wilson High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I wish these young scholars the best of luck at the We the People . . . national finals. My staff and I look forward to greeting them when they visit the Capitol. Mr.

Speaker, please join me and my colleagues as we congratulate the young scholars from Wilson High School as they compete in this national civics competition.

A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO TREAT DISTRIBUTIONS FROM PUBLICLY TRADED PARTNERSHIPS AS QUALIFYING INCOME OR REGULATED INVESTMENT COMPANIES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. HERGER. Mr. Speaker, today I am introducing a bill to allow mutual funds to invest without restriction in publicly traded partnerships, or PTPs. PTPs, which are also known as MLPs, are limited partnerships which are traded on public securities exchanges in shares known as "units." Because interests in PTPs are liquid and can be bought in small increments, they can be and often are bought by small investors. Many of those investing in PTPs are older individuals, who buy them for the reliable income stream they receive from quarterly PTP distributions.

Unfortunately, the tax code currently deters mutual funds representing many small investors from investing in PTPs. As safe, liquid securities which generally provide a steady income stream, PTPs could be an excellent investment for mutual funds. However, the tax code requires that mutual funds get 90 percent of their income from specific sources in order to retain their special tax treatment. Distributions from a partnership do not qualify, nor do most types of partnership income which flow through to the fund. The only way a mutual fund can invest in a PTP is to be certain that the income it receives from that investment and other nonqualifying sources will never exceed 10 percent of its total income. Faced with the burden of keeping track of percentages and the drastic consequences of going over the limit, most mutual fund managers turn to other investments.

It makes no sense for publicly traded partnerships to be excluded from the list of qualifying income sources for mutual funds. While traditional partnership interests—the only kind that existed when these rules were written—were illiquid and not always well regulated, PTPs are traded on public exchanges and must file the same information with the Securities and Exchange Commission as publicly traded corporations.

Mutual funds are an increasingly important part of the capital markets, and the inability to attract them as investors is hindering PTPs in their ability to raise the capital they need to grow and provide new jobs. Many PTPs are in energy-related businesses, the very sector whose growth we wish to encourage right now. Moreover, mutual funds and their investors are being denied an opportunity to earn money through PTP investments.

The legislation I am introducing would rectify this situation by simply adding income received by or allocated to a mutual fund by a PTP to the list of income sources that a mutual fund may use to meet the 90 percent test. This provision has been sponsored by BILL THOMAS, now chairman of the Ways and Means Committee, in the last two Congresses and was approved by Congress as a whole in 1999 as part of the Taxpayer Refund and Relief Act, later vetoed by the President. I am happy to take up the cause in the 107th Congress, and hope that my colleagues will join me in supporting this legislation.

HONORING THE MEMORY OF RAYMOND F. CONKLING

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in paying tribute to the late Raymond F. Conkling, a popular and well-respected professional who gave many years of outstanding public service to this institution. During his years on Capitol Hill, Ray made many friends on both sides of the aisle and made a significant contribution to the work of the Congress.

Mr. Conkling, who passed away on October 25, 2000, lived in Arlington, was born in Michigan and grew up in Peekskill, NY. He graduated from Columbia University, where he also received a law degree. During World War II and the Korean War, he was a naval aviator and received a Distinguished Flying Cross. Later he was a captain in the Navy Reserve.

He began his legal career in New York with the firm of Millbank, Tweed, Hope and Hadley, then in 1954 moved to Washington. He served in the tax legislative counsel's office in the office of the Secretary of the Treasury and later as tax counsel of the House Ways and Means Committee. He was senior tax attorney for Texaco and then legislative counsel to Diamond Shamrock Corp. He returned to government service in 1986 on Representative Guy Vander Jagt's staff, where he handled tax issues. He was a member of the National Democratic Club, the Capitol Hill Club and the Army Navy Country Club.

Survivors include his wife of 28 years Juanita Conkling of Arlington, and a daughter, Tracy Conkling of Maryland.

Mr. Speaker, I know my colleagues join me in honoring Ray Conkling's memory and in expressing our deepest sympathy to his family.

TRIBUTE TO CAROL SPIKER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today as Delaware's lone member of Congress to honor and pay tribute to Carol Spiker, a dear friend and National Winner of the Sporting Goods Manufacturers Association (SGMA) Heroes Award. Carol Spiker, a resident of Wilmington, Delaware, is being honored as a very special individual who, through her unique commitment and humanitarian spirit, has made an exceptional and lasting contribution to the pursuit of sports excellence. She has shown herself to be a dedicated, compassionate, and driving force behind the creation of the Wilmington Lacrosse Association (WLA). Delaware is fortunate to have her as a resident and I am honored to call her my friend.

In 1989, Carol Spiker's son expressed a desire to play lacrosse. With the help of another mom, she established a lacrosse league. She threw herself into this endeavor, using her time, talent, heart and soul. She spent countless hours doing everything including team registration, scheduling fields, teams and officials, coaching, sewing the practice pinneys and mowing and lining the fields. Carol found ways to cover equipment cost and league fees for children from families unable to afford the costs. Through Carol's enthusiasm and dedication, Delaware's lacrosse program grew from 24 boys in 1990 to eight different organizations in the Delaware league with close to 1,000 players today.

In 1998, Carol Spiker and her family were in a terrible car accident that left her with irreversible spinal cord injuries and confined her to a wheelchair. Carol turned this tragedy into a triumph, battling her way back from this life-threatening injury. As she recovered, the support and encouragement from her family and friends in the lacrosse community gave her the strength and courage to keep going.

Carol Spiker continues to run the league she started over 11 years ago with the same energy and compassion as when she began. She buys equipment and waives fees for children who could not afford to pay otherwise. She promotes the league, encourages the players, supports the families, and has been instrumental in helping students go on to private schools and colleges.

I want to thank her on behalf of the people of Delaware for her leadership and dedication and for her lasting contribution to our state.

INTRODUCTION OF BROWNFIELDS CLEAN-UP ACT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. COYNE. Mr. Speaker, today I am introducing legislation that would make the tax incentive for cleaning up and redeveloping brownfields permanent. Mr. WELLER, who has a long history of involvement on this issue, has cosponsored this important legislation.

There are half a million "brownfield" sites around the country—old polluted industrial sites that continue to sit vacant because businesses do not want to deal with the environmental hazards that may exist on those sites.

All across the country, potentially productive pieces of real estate lie vacant because businesses are concerned about the cost of cleaning up after the industries that used to operate mills and factories on those sites.

If we want to bring jobs and tax revenues back to those sites, we have to create an even playing field for businesses making decisions about where to locate their new facilities.

I worked with other Representatives and Senators to provide federal tax support for cleaning up and re-using brownfield sites. In 1997, we succeeded in adding a provision to the federal tax code which allowed taxpayers to expense the costs of environmental remediation of brownfield sites in certain economically distressed areas. Last year, I worked successfully with Congressman WELLER and several colleagues to extend the provision, which was scheduled to sunset at the end of 2000, and to apply it to brownfield sites anywhere in the country.

I believe that one additional change should be made to the brownfields tax provision. I think that Congress should make the brownfields provision a permanent part of the federal tax code. Consequently, I have introduced legislation today to make the brownfields expensing provision permanent. I urge my colleagues to join me in supporting this legislation.

INTRODUCTION OF THE BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT OF 2000

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. BIGGERT. Mr. Speaker, in 1995 and 1996, the United States General Accounting Office (GAO) released reports outlining the deplorable conditions in many of our nation's elementary and secondary schools. A GAO survey showed that America's schools are in need of an estimated $112 billion in repairs and that $11 billion alone is required to get schools in compliance with federal mandates requiring the elimination of hazards such as asbestos, lead in water, radon, and to improve accessibility for the disabled.

It's no small wonder these repair bills are mounting—the U.S. Department of Education has found that the average age of a public school building is 42 years. And while our school buildings are aging, student enrollments are expanding—putting even more pressure on a crumbling infrastructure. According to the Projections of Education Statistics to 2010 by the National Center for Education Statistics, total K–12 student enrollment in 2010 will exceed 53 million.

The decline in the condition of our nation's schools is not limited to one particular region. Every state has schools that are in need of repair and modernization, and my home state of Illinois is no exception. The Illinois State Board of Education estimates that over the next five years, Illinois' school districts will need more than $8.2 billion in infrastructure work.

Mr. Speaker, as a strong supporter of local control of education, I believe that school construction and renovation are areas best directed by states and local communities. That's why I applaud those states that have passed measures designed to help schools replace and modernize their facilities. Illinois is one of those states that have stepped up to the plate in this regard.

In December 1997, The Illinois General Assembly passed a school construction law to address the shortage of classroom space brought on by population growth and aging buildings. To fund the program, the General Assembly approved the sale of $1.4 billion in school construction bonds over a five-year period. Illinois Governor George Ryan's "Illinois FIRST" program later added another $ 1.1 billion to extend the program.

But despite the best efforts of Illinois and other states, the long-term costs of repairing and upgrading our nation's schools are proving more than many state and local governments can bear. In an attempt to assist in their efforts, Congress last year provided over $1 billion in grants for school modernization purposes. But that amount is like a drop in the bucket, and our schools continue to fall into further disrepair and obsolescence.

That's why I rise today to introduce the "Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act"—legislation addressing our nation's burgeoning demand for elementary and secondary education school repair. This legislation is a slightly modified version of legislation I introduced last year and is the companion bill to S. 119, which was introduced in the Senate by my friend and colleague, Senator OLYMPIA SNOWE of Maine.

Here is what the BRICKS Act does. First, it provides $20 billion in interest-free and low-interest federal loans to support school construction and repair at the local level. These loans can be used in two ways. One, at least 50 percent of the loans are designated to pay the interest owed by states and localities to bondholders on new school construction bonds that are issued through the year 2003. And two, the loans can be used to support State revolving fund programs or other State-administered school modernization programs. These loans will be interest-free for the first five years, with low interest rates to follow.

The BRICKS Act allocates these school construction loans on an annual basis, using the Title I distribution formula. Monies would be distributed to states at the request of each state's governor and without a lengthy application process.

The money provided for under this bill is used to support, not supplant, local school construction efforts. These loans are designed to allow states and localities to issue bonds that would not otherwise be made due to financial limitations.

Third, and perhaps most importantly, these loans will be distributed in a fiscally responsible manner that does take away from the Social Security program or the projected on-budget surpluses. Specifically, my bill will generate funding from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and that currently has more than $40 billion in assets. This is a fund that some—including former Federal Reserve Board Governor Lawrence B. Lindsey—have called for liquidating.

Finally, the school construction and modernization loans are not a government handout. The BRICKS Act requires a State entity or local government that receives funding under this legislation to repay the loan to the Exchange Stabilization Fund. At the same time, this proposal ensures that states and local governments will not be burdened by excessive interest rates—or be forced to repay the loan in an unreasonable amount of time.

After the first five interest-free years, the interest rates on these loans will be no greater than 4.5 percent. Again, no payment will be owed, and no interest will accrue for five years, unless the federal government prior to that time meets its financial commitment to funding 40 percent of the costs borne by local school districts for providing special education services, as is currently required by federal law.

Mr. Speaker, the BRICKS Act is a fiscally responsible answer to a serious national problem. I am proud to offer this legislation for the House's consideration. I also am pleased to note how this legislation will help schools located in the 13th Congressional District of Illinois, which I represent. As my colleagues may know, the 13th District encompasses some of the fastest growing communities in the nation.

School administrators in my district have made it known that school construction and renovation have failed to keep pace with the explosive population growth and increased rates of student enrollment. Time and again, they have told me that the growth in tax revenues from new households has not kept up with the costs of construction needed to serve them. By providing schools and states with more fiscal flexibility and options, the BRICKS Act addresses this problem in my congressional district and in districts across the United States.

I urge my colleagues to support the BRICKS Act. This timely legislation makes responsible use of limited federal resources and effectively meets a commitment to giving every child an opportunity to attend school in an, environment that is physically safe and conducive to learning.

CONGRESSIONAL REVIEW ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. KNOLLENBERG. Mr. Speaker, I rise to offer two resolutions under the Congressional Review Act to rescind two egregious regulations promulgated by the previous administration that affect consumers nationwide.

On October 5, 2000, the Department of Energy (DOE) issued proposed regulations on the energy efficiency of clothes washers, air conditioners and heat pumps. Myself, and many of my House colleagues strongly oppose these new mandates.

At the end of the 106th Congress, I introduced H.R. 5613 along with 31 co-sponsors to extend the insufficient 60-day public comment period on these rulemakings. The former Clinton Administration, in its rush to issue a flurry of midnight regulations, overlooked both Congressional and public displeasure with these mandates and issued the final rule in the Federal Register in January.

I am particularly troubled by the proposed rules as they pertain to household clothes washers. Nearly 81 million American households have washers and roughly 10 million new units are shipped every year. The impact of this new rule would effectively double the price of purchasing a new washer and eliminate consumer choice through a defacto mandate of side-loading washers. Many have argued that the proposed standards for clothes washers could be met with conventional top-loading designs, but the reality is that a side-loading washer design is the only means of achieving these efficiency standards.

The cost increases associated with these pending regulations are extravagant. DOE estimates the cost to average consumers to be: $240 more for clothes washers, $274 more for residential central air conditioners, and $486 more for residential heat pumps. In fact, these products are available now and people do not buy them. Side-loading washers make up less than 12% of the washers sold in the U.S. today.

Also, the new washing machines required by this regulation will require an additional ten minutes in run time per wash. Moreover, these machines will require a special brand of soap manufactured specially for these washers. In addition, fears exist that these appliances will require more expensive servicing.

I am especially concerned that consumers have not been made aware of these mandates, and believe a 60-day comment period was insufficient to receive proper input. The poor, the elderly and those on fixed incomes cannot afford such a drastic change in price for the purpose of cleaning our clothes. The American public is not aware that this misguided regulation is being foisted upon them. We should trust the American people to make their own choices and have control over their own lives.

Accordingly, I am introducing Congressional Review Act (CRA) resolutions to rescind these misguided regulations. The American consumers deserve no less.

THE RETIREMENT SECURITY ACT OF 2001

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. NEAL. Mr. Speaker, today I am introducing along with Messrs. RANGEL, MATSUI, COYNE and ANDREWS, the Retirement Security Act of 2001. This legislation expands and improves pension coverage for low- and moderate-income workers, by providing a direct incentive for these workers to save for their retirement through pension plans offered by their employers or through an Individual Retirement Account (IRA).

There are three provisions in this legislation. First, the savings proposal allows eligible low- and moderate-income taxpayers to receive up to a 50 percent tax credit for contributions to an IRA or to an employer sponsored defined contribution pension plan, like a 401(k) plan. The credit is refundable so that workers who have little hope of saving for retirement right now might be encouraged to do so under this bill. It is this group of workers who are most at risk of retiring without adequate retirement savings, and it is this group which has proven to be the most difficult to bring into the pension system. They need additional incentives to help get them off the ground, which is why a refundable credit is key to any proposal to expand pension coverage to this group.

The 50 percent refundable credit would be available for single taxpayers with adjusted gross incomes up to $12,500, and up to $25,000 for joint returns. The credit amount phases down from fifty percent to zero between $25,000 and $75,000 on a joint return. The maximum credit amount would be $1,000. The credit would be claimed on the federal income tax form. While it might be more appealing to workers if the money was given to them up front, a tax credit provides the most efficient form of delivery.

The next two provisions of the bill provide tax credits to small businesses to expand pension coverage and participation. First, a small business tax credit would be given to small employers of 100 or less employees equal to 50 percent of administrative and retirement education expenses for the first three years of a newly established qualified pension plan.

The second small business credit would be for employer contributions to new qualified pension plans, also for up to three years. Under this provision, small employers could take a 50 percent tax credit for employer contributions made to any pension plan on behalf of any non-highly compensated employees covered under the plan. All of these provisions would generally be effective after December 31, 2001.

Mr. Speaker, this is a summary of the provisions contained in this bill. I believe it directly and firmly addresses the issues of pension coverage, participation, and savings for a group of workers who need this help because they are currently excluded from our pension system. This bill would expand the number of employees covered by plans and would provide a strong incentive for many individuals in a plan to save additional amounts for their retirement. In addition, the bill provides needed incentives for small businesses to offer pension coverage to their employees.

I hope the Committee on Ways and Means will consider this approach carefully as an addition to any pension legislation that the Committee adopts this year.

CELEBRATING GREEK INDEPENDENCE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. FILNER. Mr. Speaker, I rise to celebrate with my colleagues the 180th anniversary of Greek independence. Greek culture has been a foundation for the world, spreading from the dense forests of India to the shores of the United States. Its contributions pervade the sciences, arts and literature, and political theory and practice.

The most important influence came from the polis (city-state) of Athens. Unlike the city-states of Corinth, whose mastery of trade and commerce gave it prominence, or Sparta, whose discipline and military gave it strength, Athens drew its power from ideas. The leaders of Athens recognized the equality of its citizens; that progress would be made in stressing not the strength, class, or wealth of any individual, but his ability.

Recognizing that ability is a product of each person's character and not an attribute fated in birth, they strove to promote opportunity for each Athenian citizen to live to the best of his abilities. They concluded that in order for its society to be open, free, and just, the optimal type of government was one in which the people could directly participate in their governance. Because of its democracy, Athenian civilization achieved unparalleled influence, not only during its time, but historically as well.

But we are also paying tribute to the re-emergence of Greek independence. After hundreds of years of governance by foreign powers, the people of Greece rose up as gloriously as their mythological heroes to overcome the Ottoman Empire. Greece's triumphant return to independence in 1821 symbolizes that the light of democracy can only be eclipsed, but never extinguished.

Yet we also learn from the Greeks that there can be a negative effect of military, financial, and cultural success: hubris, or arrogant pride. This, as much as anything else we learn from Greek civilization, is crucial for us to understand and learn. Greece, at the height of its power, because of complacency, neglect, and pride became a victim of its own success. And we must learn from this failure as much as from its success. In the spirit of Greek thought and examination, we must ask ourselves: Will we be guilty of inciting our adversaries, of manipulating our neighbors and allies? Will we destroy the rights and life of an individual so the majority will not be bothered by criticism and truth?

The United States owes many of its achievements to what we have learned, or borrowed, from the Greeks. Our two histories are very much intertwined. We now bask in the light of our own Golden Age. But we must realize that what befell the Athenians, the Spartans, and the Corinthians could happen to us. What we do with our Golden Age dictates our future for years to come. The decisions we make, both domestically and internationally, are critical to our future, even at the height of our power. What will be said of us two millenia from now? Will we be judged a success—or a failure?

Today, we celebrate the freedom of those who first gave birth to the very concept. The enduring legacy of Greece lies as much in the triumph of regaining independence as much as in its first establishment. We honor the Greek spirit and celebrate the liberation of a people and culture whose gifts transcend all ages.

AMENDMENTS TO THE TAXPAYER RELIEF ACT OF 1997

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SHAW. Mr. Speaker, today I am introducing a bill that would eliminate a trap for the unwary that was inadvertently created with the Taxpayer Relief Act of 1997. The bill would clarify the treatment for foreign tax credit limitation purposes of the income inclusions that arise upon a transfer of intangible property to a foreign corporation.

Section 367(d) of the Internal Revenue Code provides for income inclusions in the form of deemed royalties upon the transfer of intangible property by a U.S. person to a foreign corporation. Prior to the 1997 Act, these income inclusions under section 367(d) were deemed to be U.S.-source income and thus were not eligible for foreign tax credits. The international joint venture reforms included in the 1997 Act eliminated this special source rule and provided that deemed royalties under section 367(d) are treated as foreign-source income for foreign tax credit purposes to the same extent as an actual royalty payment.

The amendments made by the 1997 Act were intended to eliminate the penalty that was provided by the prior-law deemed U.S. source rule and that had operated to discourage taxpayers from transferring intangible property in a transaction that would be covered by section 367(d). Prior to the 1997 Act, in order to avoid this penalty, taxpayers licensed intangible property to foreign corporations instead of transferring such property in a transaction that would be subject to section 367(d). The 1997 Act's elimination of the penalty source rule of section 367(d) was intended to allow taxpayers to transfer intangible property to a foreign corporation in a transaction that gives rise to deemed royalty payments under section 367(d) instead of having to structure the transaction with the foreign corporation as a license in exchange for actual royalty payments.

However, the intended goal of the 1997 Act provision is achieved only if the deemed royalty payments under section 367(d) not only are sourced for foreign tax credit purposes in the same manner as actual royalty payments, but also are characterized for foreign tax credit limitation purposes in the same manner as actual royalty payments. Without a clarification that deemed royalty payments are characterized for foreign tax credit limitation purposes in the same manner as an actual royalty payment, there is a risk in many cases that such deemed royalties would be characterized in a manner that leads to a foreign tax credit result that is equally as disadvantageous as the result that arose under the penalty source rule that was intended to be eliminated by the 1997 Act.

The bill I am introducing today provides the needed clarification that deemed royalties under section 367(d) are treated for foreign tax credit limitation purposes in the same manner as an actual royalty, ensuring that the penalty that was intended to be eliminated with the 1997 Act is in fact eliminated. Without this clarification, a taxpayer that transfers intangible property in reliance on the 1997 Act will find that its transfer is in fact effectively subject to the penalty that the taxpayer believed had been eliminated. Without the clarification, those taxpayers that have structured their transactions in reliance on the 1997 Act provision will be worse off than they would have been if the purported repeal of the penalty source rule had never occurred and they had continued to structure their transactions to avoid that penalty. This bill will achieve the intended goals of the 1997 Act and prevent a terrible trap for the unwary that has been inadvertently created.

COMMENDING THE GOVERNMENT OF BULGARIA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BONILLA. Mr. Speaker, I commend the leadership of the government of Bulgaria for its ongoing interest in and support for modernization of the Maritza III East thermal plant. I urge the sitting Parliament in Sofia to express their support for this project by granting, all necessary government approvals before their scheduled dismissal prior to the upcoming, general elections. This will ensure that this important project can move forward expeditiously and successfully.

The Maritza III East thermal plant project has benefits that are well documented and widely-acknowledged at the local, regional and national levels. When the refurbishment work begins, more than $75 million in local goods and services will be purchased and more than 600 construction jobs will be created.

Regionally, refurbishment of the Maritza III East power plant will reduce sulphur dioxide emissions by as much as 90 to 95 percent. The refurbished power plant will meet the emissions requirements of the World Bank, European Union, the Bulgarian government, which in turn, will fulfill important criteria for Bulgaria's ultimate entry into the European Union. Also at the regional level, the joint venture (Entergy & NEK) company that will operate the rehabilitated power plant will provide direct and indirect tax revenues to Bulgaria and to the Galabovo municipality in the Stara Zagora region.

On a broader scale, modernization of this power plant will have several positive impacts on Bulgaria's national economy. Long-term, modernization of this power plant will move Bulgaria closer to competitive energy independence.

INTRODUCTION OF THE EXPENSING TECHNOLOGY REFORM ACT OF 2001

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WELLER. Mr. Speaker, today, Representative NEAL and I have introduced legislation which will update the existing depreciation schedules for high tech assets. Currently, businesses must depreciate much of their high tech equipment over a 5 year period. This bill would allow businesses to expense these assets.

The 5 year depreciation lifetime for tax purposes is outdated since many companies today must update their computers as quickly as every 14 months in order to stay technologically current. We allow businesses to expense their computers, peripheral equipment, servers, networks, wireless telecommunications equipment, software, high tech medical equipment and copiers in this bill.

This will stimulate the economy! According to a study conducted by the Printing Industries of America, printers would purchase 20 percent more computers if the depreciation schedules reflected the actual life of the equipment.

It is time to update an outdated tax code to reflect the realities of today's technology-based workplace. A 5 year depreciation schedule for high tech equipment is no longer realistic.

This legislation will allow every company, from the neighborhood real estate office, to the local hospital, to the local bank to fully depreciate, or expense, their high tech equipment during the tax year in which the equipment is purchased. As a result, these companies will no longer be forced to keep their equipment "on the books" for tax purposes long after its useful life has become obsolete.

Mr. Speaker, I look forward to working with you and my colleagues to get this important pro-business legislation signed into law.

PERSONAL EXPLANATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WALDEN of Oregon. Mr. Speaker, due to my presence at a funeral in Oregon on Tuesday, April 3, I was not able to participate in any roll call votes that took place on that day. If I had been present, I would have voted "yea" on roll call votes #76, #77 and #78.

HONORING THE 50TH ANNIVERSARY OF WMUK RADIO

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. UPTON. Mr. Speaker, I rise today to honor the 50th Anniversary of one of the finest radio stations in my state of Michigan, and indeed the entire Midwest, WMUK, of Kalamazoo, Michigan.

Like many of our country's greatest institutions, WMUK had modest beginnings. In 1951, based on the campus of what was then Western Michigan College, WMUK was founded under the call letters WMCR. WMCR was only on the air for a few hours each day and early programming consisted of music and instructional programs. At the time, WMCR was a pioneer in radio. As such, it was the first FM station in Kalamazoo.

Over the years, WMCR's development mirrored the growth of Kalamazoo. For example, in 1961, WMCR changed their call letters to WMUK to reflect Western Michigan College's name change to Western Michigan University. A few years later, in 1965 WMUK was the first radio station in Kalamazoo to begin broadcasting in stereo. Over the years, as the station's popularity has grown so has their signal strength. From a meager 400 watts in 1951, today, WMUK broadcasts at 50,000 watts.

Today, after 50 years, WMUK is a cornerstone of the Kalamazoo community. I am pleased to say that WMUK is now on the air 21 hours a day offering a wide variety of programming to suit the diverse tastes of our community.

Mr. Speaker, I ask that these remarks be made part of the permanent record of the Congress so that other public broadcasters can emulate the quality example that WMUK has set across our country.

VETERANS MEMORIAL ENHANCEMENT ACT

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. JOHN. Mr. Speaker, a few months ago, a Vietnam Veterans memorial in my district was vandalized, and the cost to repair the memorial is estimated to be $4,000. When I learned of the damage done, I contacted the Department of Veterans Affairs and a number of other federal agencies, and I came to realize there was no federal assistance available for these organizations. While federal veterans memorials are taken care through the National Park Service, local monuments and memorials which are scattered across the nation receive no such assistance. A joint venture with the federal government and veterans is the perfect answer to this unfortunate problem. It requires private organizations to take the initiative as well as provide their own funding to complete the refurbishing.

The bill I am proud to introduce today will do just that. The Veterans Memorial Enhancement Act is a simple and straightforward bill which establishes a grant program for Veterans Service Organizations who need financial assistance in refurbishing or repairing aged or harmed veterans memorials. The grant would provide federal funding for up to fifty percent of the total project cost, thus encouraging local veterans and providing them with the resources necessary to ensure that veterans memorials are treated with the respect they deserve. Even in this time of peace, it is important that we remember and recognize the sacrifices our veterans have made, and I urge my colleagues to join me in cosponsoring the Veterans Memorial Enhancement Act.

PREVENTIVE SCREENING FOR COLORECTAL CANCER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. SLAUGHTER. Mr. Speaker, I am proud to introduce the Eliminate Colorectal Cancer Act, a bill that can save the lives of thousands of people who might otherwise succumb to a type of cancer that could be prevented. This legislation seeks to address the lack of coverage for colorectal cancer screening by all health insurers.

I am proud to introduce this bill along with my distinguished colleagues, Senator EDWARD KENNEDY and Representative CONNIE MORELLA, as well as colorectal cancer survivors and groups dedicated to the effort of preventing this disease.

Colorectal cancer is the second leading cause of cancer death in the U.S. for men and women combined. An estimated 56,700 people will die from colorectal cancer this year and I in 17 people will be diagnosed with colorectal cancer in their lifetime.

This is an unspeakable tragedy because colorectal cancer is preventable, treatable, and curable when detected at an early stage. When colorectal cancer is detected before it has spread, the five year survival rate is over 91 percent.

Further, colorectal cancer is just about the only cancer we know how to prevent. If polyps are discovered in the colon, they can be removed before they become cancerous and the cancer will never develop.

And yet tens of thousands of Americans continue to die from this disease, mostly because their cancer is detected at a later, less treatable stage.

No one should die of colorectal cancer. This cancer is preventable and detectable. It is slowgrowing and easy to stop in its tracks. The fact that over 56,000 Americans die of this disease is nothing more than a massive failure of our preventive health system.

We need to do more to educate Americans about the ways they can avoid this deadly disease. Too many misconceptions persist about colorectal cancer.

For example, many women consider colorectal cancer a man's disease, but it is an equal opportunity killer. In fact, the American Cancer Society estimates that more women than men will die of colorectal cancer this year.

Federal agencies such as the Centers for Disease Control, the National Cancer Institute and Department of Health and Human Services have worked together to develop a nationwide colon cancer awareness and education program. Grassroots efforts by individuals like as Kevin Richardson of the Backstreet Boys are also critical to improving public health and awareness.

Today we continue our efforts to combat colorectal cancer. Too many people are failing to have regular colorectal cancer tests because their insurers will not pay for a screening exam in the absence of symptoms.

What makes colorectal cancer so insidious is that there are often no symptoms until the cancer is widespread.

Our legislation will require insurers to cover a regular colorectal cancer screening exam. Doctors and patients will be able to decide together the appropriate screening method and frequency of testing.

For many Americans, denial of insurance coverage equals denial of care. They simply cannot afford to pay for these tests out-of-pocket when they are already paying thousands of dollars per year for insurance. A colonoscopy costs around $1000 per test.

Our bill makes sense for both consumers and insurance companies. Colorectal cancer screening is cost-effective, considering that treatment for a patient with an advanced form of cancer can easily be $40,000 or more.

In fact, many insurers do cover colorectal cancer screening. But in order to make a meaningful impact and save lives, all insurers should give their enrollees access to this vital form of screening.

Here in the House of Representatives we have already have the support of 48 original cosponsors. The bill would require all insurance plans to cover colorectal cancer screening in accordance with recognized guidelines, such as those issued by the American Cancer Society.

I am proud to be a part of this effort to ensure that all Americans can get tested for colorectal cancer. I look forward to working with everyone here to pass our legislation as soon as possible.

APRIL 26, 2001 IS NATIONAL D.O. DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. DINGELL. Mr. Speaker, Thursday, April 26, is National DO Day. We recognize the more than 47,000 osteopathic physicians (D.O.s) across the country for their contributions to the American healthcare system. On National DO Day, more than 500 members of the osteopathic medical profession, including osteopathic physicians and medical students, from 40 states will descend upon Capitol Hill to share their views with Congress.

For more than a century DOs have made a difference in the lives and health of Americans everywhere. They have treated presidents and Olympic athletes. They have contributed to the fight against AIDS and the fight for civil rights. DOs are represented at the highest levels of the medical profession. Indeed, the U.S. Assistant Secretary of Defense for Health Affairs, the chief medical officer for the U.S. Coast Guard, and the Surgeon General of the U.S. Army were all osteopathic physicians during the last Administration.

As fully licensed physicians able to prescribe medication and perform surgery, DOs are committed to serving the health needs of rural and underserved communities. They make up 15 percent of the total physician population in towns of 10,000 or less. In addition, 64 percent of DOs practice in the primary care areas of medicine, fulfilling a need for more primary care physicians in an era marked by the growth of managed care.

More than 100 million patient visits are made each year to DOs, making them the physician of choice for many people. That's because DOs approach their patients as "whole people." They don't just treat a specific illness or injury. DOs take into account home and work environments, as well as lifestyle, when assessing overall health. This distinct approach provides Americans with the highest quality of healthcare—patients seen as people, not just illnesses or injuries.

From the state-of-the-art healthcare facility in a major city to a clinic in a rural Michigan community, DOs continue to practice the kind of medicine that Andrew Taylor Still envisioned over 100 years ago when he founded the profession.

I am pleased that on National DO Day more than 30 representatives of the osteopathic medical profession will be visiting our Capitol from Michigan. These representatives are practicing osteopathic physicians and osteopathic medical students from the Michigan State University College of Osteopathic Medicine. To the nearly 5,000 osteopathic physicians in Michigan, the approximately 520 students at MSUCOM and the 47,000 DOs represented by the American Osteopathic Association—congratulations on your contributions to the good health of the American people. I look forward to working with you to further our mutual goal of continually improving our nation's healthcare.

INTRODUCTION OF THE COMMUNITY CHARACTER ACT OF 2001

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing the Community Character Act of 2001. This legislation will provide state grants to develop or revise state land use plans and planning legislation that underpin local and state efforts to address public transit, affordable housing, environmental and other livability issues.

States, tribal governments, and native Hawaiian organizations would be eligible for grants of up to $1,000,000 each upon application approval by the Secretary of the Department of Housing and Urban Development. Total appropriations would be limited to $50 million each year. Applicants that receive grants would be required to provide 10 percent in matching funds. Funds may be used to obtain technical assistance in drafting land use planning legislation; carrying out research and development for planning programs; conducting workshops, educating and consulting for local officials and policy makers; and involving citizens in the planning process.

I submit the following letters of endorsement from the American Planning Association, National Association of Realtors, and the American Society of Landscape Architects to be included in the CONGRESSIONAL RECORD.

AMERICAN PLANNING ASSOCIATION,
Washington, DC, April 4, 2001.

Hon. EARL BLUMENAUER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BLUMENAUER: The American Planning Association is pleased to endorse the Community Character Act of 2001. APA is heartened by the introduction of this legislation and the assistance it would provide to the numerous states and communities struggling with the consequences of change, whether it be growth and development or economic decline. This legislation recognizes that the Federal government can, and should, be a constructive partner with those communities seeking innovative solutions to improving local quality of life through better planning and land use. APA, with more than 30,000 members, is the largest private organization working to promote planning for communities that effectively meets the needs of our people, now and in the future.

Planning is the single most effective way to deal with growth issues facing states and communities. Passage of the Community Character Act is among the most important and beneficial things Congress could do to help promote local solutions to such pressing issues as downtown revitalization, traffic congestion, urban sprawl and open space protection.

This legislation responds to widespread citizen interest in—smart growth by providing critical resources to help state and local political leaders, business and environmental interests, and others manage change. In a recent national voter survey, APA found that an overwhelming majority of Americans, regardless of political affiliation, geographic locale, or demographic group, believe Congress should take action to support state and local smart growth initiatives. Seventy-eight percent of those surveyed believe it is important for the 107th Congress to help communities solve problems associated with urban growth. Moreover, three-quarters of voters also support providing incentives to help promote smart growth and improve planning.

The Community Character Act provides vital assistance to meet the serious challenge of reforming outdated planning statutes and supporting planning as the basis for smart growth. Currently, more than half the states are still operating under planning statutes devised in the 1920s. And, even in those states with updated planning laws, communities are struggling to find and implement tools to grow smarter and in ways consistent with the values and vision of the citizens. Thus far in 2001, twenty-seven governors have initiated some type smart growth proposals and there is pending legislative or executive activity related to planning, growth and land use in twenty-two states. This is happening in states as diverse as Oklahoma and New York, Montana and Massachusetts.

This bipartisan legislation would provide $50 million to states, multi-state regional programs and tribal governments to assist in revising land use planning legislation and developing comprehensive plans. The bill is intended to support efforts to promote improved quality of life, economic development and community livability through planning reform. Grants could be used to obtain technical assistance and support for a state's review of growth and planning laws. Activities such as researching and drafting state legislation, conducting workshops, holding public forums, promoting regional cooperation and supporting state planning initiatives would qualify for federal assistance.

Under the Community Character Act states are encouraged to create a framework for smart growth planning, but the bill avoids dictating land use policies. In the best sense, it is a "funded non-mandate." The Community Character Act specifically acknowledges that land use planning is rightfully a local and state prerogative. The bill seeks to encourage states to provide their cities, towns, counties and regions with innovative and updated tools for managing the many challenges presented by growth. Communities would not be forced to pursue smart growth strategies but the legislation would provide assistance to those states that have chosen to do so. Grant guidelines call for comprehensive planning that coordinates transportation, housing and education with infrastructure investments and conserves historic, scenic and natural resources. The bill also acknowledges that it is the collective vision and values of citizens that should guide planning.

Land use planning should not stop at arbitrary jurisdictional boundaries. This bill seeks to promote a vision of land use planning and resource management that works for regions by allowing multi-state regional project to qualify for funding. The legislation also encourages greater cooperation between local planning and federal land management planning. Additionally, the legislation recognizes and seeks to address the tremendous need for planning and community development by the nation's tribal governments.

This legislation promotes smart growth principles and encourages state to create or update the framework necessary for good planning. It creates a federal partnership with communities through incentives, not mandates. The bill does not mandate that states implement specific changes but rather seeks to support and inform that process once it is underway. This program is a small investment that will bring substantial dividends in improving the livability of cities, towns, and neighborhoods throughout the nation.

The American Planning Association applauds your outstanding leadership and vision in introducing the Community Character Act and urges the House of Representatives to enact this legislation.

Sincerely,

BRUCE MCCLENDON, FAICP
President.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, April 3, 2001.

Hon. EARL BLUMENAUER,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE BLUMENAUER: On behalf of its more than 760,000 members, the NATIONAL ASSOCIATION OF REALTORS® (NAR) supports your introduction of the Community Character Act, which would provide grants to assist state governments in developing or updating their land use planning legislation.

NAR supports this bill because it: Recognizes that land use planning is rightfully a State and local government function; provides needed assistance to states and localities to better plan for inevitable growth; requires that planning performed under this Act must provide for housing opportunity and choice and promote affordable housing; promotes improved quality of life, sustainable economic development, and protection of the environment.

In adopting our Smart Growth principles, NAR recognized that property owners, homebuyers, and REALTORS® have a great deal at stake in the debate over livability and growth. REALTORS® are outspoken advocates for policies that preserve housing choice and affordability while protecting and improving the quality of life of our communities.

It is our experience that when communities have not planned for growth, they may overreact to growth pressures by adopting excessive regulations that distort real estate markets and make homeownership less attainable. Planning in advance to accommodate growth and protect the quality of life is the better approach, and the Community

Character Act would promote this needed planning.

We commend your efforts in introducing the Community Character Act and we look forward to working with you toward its adoption.

Sincerely,

LEE L. VERSTANDIG,
Senior Vice President,
Government Affairs.

AMERICAN SOCIETY OF
LANDSCAPE ARCHITECTS,
Washington, DC, April 3, 2001.

Hon. EARL BLUMENAUER,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN BLUMENAUER: On behalf of the American Society of Landscape Architects (ASLA) and its 14,000 members, I'm writing to convey my strong endorsement of "The Community Character Act" (CCA) you have sponsored. ASLA applauds your leadership in promoting legislation that will support state and tribal efforts to develop and update land use plans.

ASLA supports the Community Character Act as an effective tool to promote more livable communities and stewardship of the natural environment, both of which are important aspects of the landscape architecture profession.

Americans are increasingly aware and concerned about the byproducts of unmanaged growth—loss of open space, congestion, strip malls, and loss of ecological boodiversity—as clearly indicated by surveys and the passage of numerous local ballot initiatives to address growth. CCA responds to these concerns by authorizing funding assistance to states and tribal governments that request help in implementing their respective visions of sustainability.

In addition to minimizing some of the harmful impacts that unplanned development can have on local and regional ecosystems, good planning and design makes smart business sense. Planning and design help to create communities with character—places where people want to be. As more people are attracted to such places—both residents and tourists—local economies flourish.

CCA has garnered bipartisan support, as well as the endorsement of a broad array of organizations, including planners, conservationists, preservationists, and the National Association of Realtors.

Thank you again for your sponsorship of "The Community Character Act" and your continued commitment to enhancing more livable communities across America. I look forward to working with you to enact this legislation.

Sincerely,

NANCY C. SOMERVILLE,
Executive Director.

SMART GROWTH AMERICA,
Washington, DC, April 4, 2001.

Hon. EARL BLUMENAUER
Hon. WAYNE GILCHREST,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BLUMENAUER AND REPRESENTATIVE GILCHREST: Smart Growth America would like to commend you on the introduction of the Community Character Act of 2001. We support both the bill and your efforts to assist states, multi-state regions and tribal governments in their efforts to revise their land use planning legislation and develop comprehensive plans.

Planning for future growth and directing development so that it strengthens existing communities while building upon their physical, cultural historical assets is integral to smart growth. We applaud your foresight and willingness to help states, tribal government and regions in their ongoing efforts to achieve smart growth by coordinating transportation, housing and education infrastructure investments while conserving historic, scenic and natural resources.

The Community Character Act makes the federal government a partner in the ongoing efforts of states, regions and tribal governments that want to plan for future growth. We applaud your efforts and look forward to working with you to pass this timely legislation.

Sincerely,

DON CHEN,
Director,
Smart Growth America.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT TECHNICAL CORRECTIONS ACT OF 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 4, 2001

Ms. NORTON. Mr. Speaker, today, I am pleased to introduce the District of Columbia College Access Act Technical Corrections Act of 2001. I am particularly pleased and appreciative to be joined by my colleagues, D.C. Subcommittee Chair CONNIE MORELLA and former Chair TOM DAVIS, who are original cosponsors of this bill and were original cosponsors of the landmark College Access Act that has proved so successful.

This bill is necessary to correct three problems that have arisen in the administration of the District's Tuition Assistance Grant Program, authorized in 1999 with the passage of the District of Columbia College Access Act. The Act allows D.C. residents in-state tuition at public colleges and universities nationwide or a $2500 stipend at private colleges and universities in the region.

First, the bill amends the College Access Act to remove a provision limiting the benefits of the Act to residents who graduated from high school before January 1, 1998. The bill would allow current college seniors and a smaller group of juniors who are presently excluded from the program, but are otherwise eligible for College Access Act benefits to receive those benefits. The arbitrary cutoff date, which was not included in the bill passed by the House, was put in the bill in the Senate out of concern that there might not be enough money to cover all eligible students. Fortunately, the evidence does not support this assumption, allowing the students eligible in the original House bill to be funded. The District has received over 3500 applications and placed over 1600 students at colleges and universities across the country. The program's $17 million appropriation was originally derived with the assumption that current college juniors and seniors would indeed qualify, and the program currently has the funds to allow these students to participate. It is inherently unfair for D.C. residents who are college freshmen and sophomores to get the benefit, while students who are juniors and seniors do not.

Second, the bill removes the arbitrary three year deadline for college admission in order to be eligible for the benefits in the College Access Act. The bill as passed in the House never intended to deny in-state tuition to students who had to work after high school or who have decided to get a college degree later in life. The three year deadline language was also placed in the Act by the Senate to control the cost of the program. However, the District has done a study of the data and it is clear that it has the funds to include these students in the program. It is unfair to penalize otherwise eligible students because their life circumstances necessitated that they work before entering college. The Congress should applaud and encourage these students. The Department of Education, for example, does not place a similar constraint on its programs.

Third, the bill closes the loophole that currently allows foreign nationals who live in the District to receive the benefits of the Act. The congressional intent of the bill was to provide state university system-type higher education options to D.C. residents, not foreign nationals who happen to live in the District. Most of these students already have the option to take advantage of their own country's higher educational systems. The bill merely mirrors the Department of Education's own statutory requirements on this matter.

The positive impact of the College Access Act on the District of Columbia has been extraordinary. For the first time, D.C. students have the same higher educational choices available to them as residents of the fifty states. This bill seeks only to include those who were arbitrarily left out of the Act from receiving these benefits.

The end of the current school year is rapidly approaching and current college seniors will begin to graduate in May. Because of the necessity for swift passage and the noncontroversial nature of this bill, I am asking Chairwoman MORELLA to seek to have the bill placed on the suspension calendar as soon as we return from recess.

I urge all of my colleagues to support this important, noncontroversial measure.

ELEMENTARY AND SECONDARY COUNSELING IMPROVEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 4, 2001

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Elementary and Secondary Counseling Improvement Act, legislation to provide for elementary and secondary school counseling programs. The epidemic of school shootings across the nation exemplifies the urgent need for school-based mental health services for our youth. Many youth who may be headed toward school violence or other tragedies can be helped if we identify their early symptoms.

The lack of mental health interventions can produce devastating results for children, including disrupted social and educational development, academic failure, substance abuse problems, or juvenile justice system involvement. The bottom line is that we need to identify and treat mental illness in youth at its earliest stages.

In January, Dr. David Satcher, the Surgeon General, released a National Action Agenda for Children's Mental Health, in which it was found that the nation is facing a public crisis in mental health for children and adolescents. According to the report, while one in ten children and adolescents suffer from mental illness severe enough to cause some level of impairment, fewer than one in five of these children receive needed treatment. Dr. Satcher urged that "we must educate all persons who are involved in the care of children on how to identify early indicators for potential mental health problems."

According to Dr. Satcher, "the burden of suffering by children with mental health needs and their families has created a health crisis in this country. Growing numbers of children are suffering needlessly because their emotional, behavioral, and developmental needs are not being met by the very institutions and systems that were created to take care of them."

We must ensure that children with mental health needs are identified early and provided with the services they so desperately need to help them succeed in school and become healthy and contributing members of society.

Providing mental health services in schools is a wise long-term, cost-effective approach to reducing youth violence, developing a positive school environment, increasing student achievement and improving the overall well-being of our nation's youth. Schools provide a tremendous opportunity to identify potential mental health problems in children. Children spend a high percentage of their time in school, especially during their critical years of learning and development.

Teachers and other school professionals have the chance to identify potential problems and get children the help they need. Schools can provide underserved youth with or at-risk of emotional or behavioral problems access to the mental health services they need. School-based mental health programs have decreased the number of suspensions and referrals to the principal's office, decreased the use of force, weapons, and threats, and helped students feel safer.

In a March Washington Post article, columnist Abigail Trafford asks, "How many school shootings will it take to focus the nation's attention on unmet mental health needs of children and adolescents?" This is exactly what I have been saying for some time.

The Surgeon General's Report on youth violence cites family connectedness, peer group relationships, and success in school as the three most significant factors influencing the likelihood of young people engaging violent behavior. The Surgeon General describes youth violence as an "epidemic." The report identifies effective programs as those that provide at-risk youngsters with the necessary physical and mental health resources, behavioral interventions, skills development, and academic supports.

Our schools should be equipped to provide early identification, assessment, and direct individual or group counseling services to its students. Teachers should be adequately trained in appropriate identification and intervention techniques. Other solutions being proposed, such as increasing the number of campus security personnel or installing metal detectors in the schools, are indeed important. However, these solutions are merely quick fixes and do not address the needs of the troubled child who contemplates bringing a gun to school. Similarly, I strongly support character education programs for all children. However, it is not enough to teach a child suffering from mental illness right from wrong. It is vital that the child's unmet medical needs also be addressed.

The Elementary School Counseling Demonstration Program (ESCDP) within Title X of the Elementary and Secondary Education Act directs much-needed federal resources for school-based mental health programs. Research shows school-based mental health services are effective in reducing school disruptions and violence. An evaluation of the program on which the ESCDP is modeled found that the number of referrals to the principal's office decreased by nearly half, the use of force, weapons, and threatening of others also decreased, school suspensions were reduced, and students felt safer.

With the increase of violence in our schools, we must reauthorize and expand the Elementary School Counseling Program. Our schools must be better equipped to identify and help youth possibly headed toward school violence or other tragedies.

I strongly urge my colleagues to support this important legislation which ensures that the mental health needs of our nation's children are appropriately addressed.

Mr. Speaker, I submit the text of an article by Abigail Trafford, which appeared in the Washington Post on March 7, 2001 concerning the need for school-based mental health services to address the problem of violence in our schools, to be included in the RECORD.

ANSWER THE WAKE-UP CALL FROM OUR CHILDREN

(By Abigail Trafford)

How many school shootings will it take to focus the nation's attention on unmet mental health needs of children and adolescents?

No one knows what drove 15-year-old Andy Williams on Monday to allegedly fire 30 rounds from a. 22 caliber longbarrel revolver, killing two students and injuring 13 others in Santee, CA. Or why an eighth-grade girl in Williamsport, Pa., pulled out a gun and wounded her classmate today. But in many instances of juvenile violence, the primary cause is undetected and untreated mental illness. To be sure, there are other factors in this level of violence, such as easy access to guns. And most kids with mental health needs do not become murderers.

But after the headlines fade and the tragedy at Santana High School in Santee becomes another statistic next to Columbine—after the calls from parents and neighbors are met to put in more metal detectors in schools and establish hot lines to report threats and weird behavior—where is the long-term commitment to protecting the mental health and emotional development of children?

"You can make a case that youth mental health is the most neglected area in health care," says clinical psychologist Mark Weist, who directs the Center for School Mental Health Assistance at the University of Maryland School of Medicine. "There's a huge gap between their mental health needs and the resources and services that are available to them."

For starters many people still deny that mental illness can occur in children, which increases the stigma. There also aren't enough mental health professionals for young people. Between 12 and 15 million children and adolescents in the United States are in need of mental health services, according to the Surgeon General's Report on Mental Health. There are only about 8,000 child and adolescent psychiatrists in the country. One estimate of the need called for at least 30,000 psychiatrists for this population. There is also a shortage of psychologists, social workers and other mental health workers who are trained to address the emotional and developmental needs of the young.

Services in many parts of the country are fragmented and under-funded. Since the Columbine shootings, the demand for mental health care for children has skyrocketed. With heightened concerns about violence, many schools have adopted a zero-tolerance policy toward disruptive students. In some cities, a typical scenario goes like this: A student makes a threat and is sent by ambulance to a hospital emergency room. There he—usually it's a boy—is diagnosed with a psychiatric disorder but there is no space available in the appropriate level of care whether it's a hospital bed or placement in a special school or residential facility. Either the student "boards" at the hospital until a bed in a mental health unit is found, or he is sent home to wait for outpatient services.

With the move toward zero-tolerance policies, many needy kids are also expelled from school for long periods of time. This often exacerbates their problems and jeopardizes their academic development.

Yet, the most effective arena for providing mental health services for children is the school. A decade of research into school-based health centers suggests that children are more likely to have a problem detected at a school center than in a doctor's office or outpatient clinic. Advocates of comprehensive mental health services in schools point out that such programs can help promote emotional growth as well as detect psychiatric problems early and monitor treatment with medications or therapy.

"There's enough data to suggest that this makes a difference. At the federal level we should look at school-based mental health as routinely as curriculum requirements," says pediatric psychiatrist Richard D'Alli, who directs child and adolescent community programs for the Johns Hopkins Children's Center.

In fact, mental health counseling is the leading reason for visits by students to school-based health centers, according to surveys of users of these centers.

The trouble is that most schools do not have a health center. There are only about 1,400 schoolbased health centers in a country with more than 110,000 schools. About 40 percent of these centers have no mental health services.

These statistics underscore the general lack of psychiatric help for children. Overall, only about a third of kids with a mental illness get any treatment—and only 10 percent get adequate treatment, according to the Surgeon General's report.

It's time to address these needs and not wait for the next shooting. A national commitment to bolster mental health care for children cannot guarantee that there will never be another tragedy like Santana and Columbine. As D'Alli says: "What sets these kids apart? Why are they murderers? We may not have the answer any time soon."

But detecting and treating mental illness in children is one way to reduce the risks of school violence. Researchers know that psychiatric disorders in children arise from a complex mix of factors—genetic vulnerability, social environment, history of traumatic experiences, level of psychological and cognitive strength. They also know that intervention as early as elementary school can protect at-risk children.

"These are troubled kids," continues D'Alli. "The whole concept is to treat [the problem] early. If you don't, you're not sure where it will lead." So why isn't there a louder outcry from parents and teachers for mental health services in schools? Part of the answer is money, Good mental health services are labor-intensive and costly. The other part is leadership.

President Bush was quick to express his sorrow. "When America teaches their children right from wrong . . . our country will be better off," he said. But this problem is not just a moral problem. It's a medical one. And he can do something about it.

ATMOSPHERE OF TRUST MISSING IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SMITH of New Jersey. Mr. Speaker, this fall, the Belarusian Government is planning to hold their second presidential elections since independence. Judging by the continuing actions of the repressive regime of Aleksandr Lukashenka, free, fair, and transparent elections—consistent with Belarus' freely undertaken OSCE commitments—will be very difficult to achieve. Democratic elections require an all-encompassing atmosphere of trust and a respect for basic human rights. Unfortunately, recent actions in Belarus do nothing to encourage such trust.

Most recently, on March 25, Belarusian authorities cracked down on participants of the Independence Day march, arresting and beating several protestors, subsequently fining and jailing some, including Belarusian Popular Front Chairman Vintsuk Vyachorka, who received a 15-day sentence on March 29, Ales Byaletsky, head of the human rights center "Viasna", who received a 10-day sentence, and Yuri Belenky, acting chairman of the Conservative Christian Party, who also received a 10-day sentence. Also detained and beaten was 17-year-old Dmitri Yegorov, a photojournalist for a Grodno-based, non-state newspaper.

On the day of the march, Belarusian state television accused the opposition of "seeking to draw Belaras into some bloody turmoil", reflecting its increasingly shrill tone of late. Earlier this year, for instance, Belarusian television claimed the CIA was intensifying "subversive activity" as the presidential election draws nearer. On March 24, Belarus' KGB chief pledged on Belarusian television to intensify surveillance of foreigners in order to prevent them from interfering in the country's domestic matters.

On March 12, Lukashenka signed Decree #8, which essentially imposes restrictions from abroad offered to NGOs for democracy building and human rights, including election monitoring. Moreover, the Belarusian Government has claimed that the OSCE Advisory and Monitoring Group's (AMG) domestic election observation project does not conform with the Belarusian Constitution and Electoral Code, although nowhere does the law address the conduct of election observation, and the government has resisted AMG efforts to convene a working group regarding the administrative dimension of the elections. Lukashenka himself has asserted that he would ban the training of election observers by non-Belarusian bodies, telling reporters: "There will be no guerillas in Belarus." Earlier this year, Lukashenka also accused the AMG for "exceeding their mandate." saving the OSCE was planning to train some "14,000–18,000 fighters" under the guise of election observers.

Mr. Speaker, I am also concerned about recent assaults on religious communities. Last month, the Council of Ministers restricted visits by foreign clergy for "non-religious" purposes—including contact with religious and other organizations, participation in conferences and other events, or charitable activities. Government officials are also refusing to register some Reform Jewish communities because they do not have "legal" addresses. In February, state-controlled Belarusian television aired a documentary alleging Catholicism as a threat to the very existence of the Belarusian nation. And in January, leaders of Belarus' Protestant community alleged that state newspapers carried biased articles that present Pentecostals as "wild fanatics."

Religious freedom is not the only liberty in peril. Freedom of the press and of self expression are also in jeopardy.

Editors of a variety of newspapers are being fined on fictitious and trumped-up charges for violating the Law on Press and Other Mass Media. Various periodicals are being confiscated and destroyed, and distributors of independent newspapers have been arrested. Youth organizations have been accused of engaging in activities that weaken the Belarusian statehood and undermining socioeconomic stability. Teenagers have been arrested for picketing and protesting, and others have been detained for distributing newspapers or pasting stickers advocating reform and calling on the authorities to solve the cases of political disappearances. Belarusian Television and Radio (BTR) has also canceled scheduled addresses to be made by potential presidential candidates or opposition leaders. The Deputy Minister of Education has ordered heads of the educational community to ban seminars conducted by the People's University.

Lukashenka has also undertaken repressive acts against the potential presidential candidates and their families in an attempt to thwart their campaign progress.

Family members of former Prime Minister Mikhail Chigir have become the target of persecution. Chigir's wife has been accused of interfering with the work of the police, and his son, Alexander, has been charged with large scale larceny. Chigir is not the only potential candidate whose actions have been thwarted by Lukashenka. Semyon Domash's meeting with potential voters at the Tourist Hotel was canceled on orders from the Mogilev authorities and a director of the clubhouse of the Brest Association of Hearing-Impaired People lost her job after hosting a February 3 voters' meeting with Domash. Vladimir Goncharik, a labor leader, has had to deal with newly state-created "unions" trying to muscle out unions supporting him. Two officials of a manufacturing plant were reprimanded by a Borisov city court for hosting a meeting between Chigir and employees at the plant.

When one looks at these and other recent actions of the Lukashenka regime, the inescapable conclusion is that the regime has created an unhealthy environment in advance of the elections. Mr. Speaker, the regime's behavior is obviously not conducive to the promotion of free and fair elections. A few weeks ago, President Lukashenka stressed the need to establish an atmosphere of trust in bilateral Belarusian-U.S. relations. I strongly encourage Mr. Lukashenka to translate his words into concrete deeds that will encourage this trust and lead to the emergence of Belarus from its self-imposed isolation from the Euro-Atlantic community of democracies.

FHA SHUTDOWN PREVENTION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LAFALCE. Mr. Speaker, today, along with Represenative FRANK, I will be introducing a bill I filed last Congress, the "FHA Shutdown Prevention Act."

This legislation provides standby budget authority for HUD to keep a number of FHA loan programs operating even when they run out of credit subsidy, by drawing on the profits from the other FHA specialty loan programs that make a profit for the taxpayer.

As Congress debates the issue of what we might do with the multi-billion dollar annual FHA surplus, I think most people would agree that the first thing we should not do is shut down important existing FHA loan programs merely because of budget technicalities and Congressional and Executive inaction. Yet, that is precisely what looms on the near horizon, for the second time in less than a year.

Last July, HUD was forced to suspend insurance for a number of multi-family and single family loans in the General Insurance/Special Risk Insurance (GI/SRI) Funds. These included a number of multi-family loan programs, the FHA reverse mortgage program, the 203(k) purchase-rehab program, and other important loan programs for low- and moderate-income families.

These programs were not suspended because FHA as a whole is unprofitable since all of the FHA loan programs combined make a net profit to the taxpayer of over $2 billion a year, according to CBO and OMB. These programs were not even suspended because the GI/SRI Funds as a whole are unprofitable, because the profitable specialized FHA loan programs in the GI/SRI Funds make a profit sufficient to pay for the few specialized loan programs that run a small loss.

The reason HUD was forced to suspend these programs is that Congress in effect pockets the profits from FHA programs and uses them to offset other funding or to increase the surplus, while the programs that are projected to run a small loss require an appropriation for a "credit subsidy." This credit subsidy is calculated as the projected percentage loss per loan times the expected loan volume for each applicable program.

When the credit subsidy runs out, HUD has no legal authority to guarantee new loans for the affected loan programs. Last year, when credit subsidies ran out and Congress failed to enact a supplemental credit subsidy appropriation in a timely manner, HUD was forced to suspend the programs. This year, because of favorable interest rates and increasing demand for the construction of affordable rental housing, it seems likely that we will run out of credit subsidy sometime this spring or summer.

At a time when there is increasing bi-partisan support to increase our supply of affordable housing, it makes no sense to shut down the government's loan guarantee program for private sector development of affordable housing. At a time when there is increasing Congressional interest in reinvesting the huge FHA surplus in other housing programs, it ought to start by reserving a very tiny portion of that surplus to make sure that basic FHA programs are not shut down.

The FHA Shutdown Prevention Act would do just that. Last year, this legislation was supported by the National Association of Homebuilders, the National Association of Realtors, the Mortgage Bankers Association of America, the National Housing Conference, the National Reverse Mortgage Lenders Association, the Home Improvement Lenders Association, the National Renovation Lenders Association, and America's Community Bankers.

Their joint support letter noted that last year's suspension "caused delays and disruption affecting the multifamily insurance programs and resulted in delays of construction of needed affordable rental housing and will probably result in the loss of some projects that are no longer feasible due to delays. In addition, the shortfall in the credit subsidy appropriation resulted in the suspension of a number of single family insurance programs."

Don't let this happen again this year. I urge Congress to pass the "FHA Shutdown Prevention Act" immediately.

SUPPORTING THE NATIONAL CHILDREN'S MEMORIAL FLAG DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. STARK. Mr. Speaker, I am pleased to join with my colleague SHELLEY BERKLEY to introduce this concurrent resolution supporting National Children's Memorial Flag Day.

This concurrent resolution supports the commemoration of the 4th Friday of each April as National Children's Memorial Flag Day. In addition this resolution encourages national, State, and local agencies and private organizations to fly the Children's Memorial Flag to remember the children lost to violence and to raise public awareness about the continuing problem of violence against children.

I support this bill nationally because of its successful observance in my Congressional district. In 1996, the Alameda County Board of Supervisors adopted the Children's Memorial Flag Project, and established a National Children's Memorial Day on the fourth Friday in the month of April to remember children who have died by violence. I want to commend Supervisor Gail Steele of Alameda County for her tireless work and dedication to get this resolution adopted. In addition, the California Assembly formally declared the fourth Friday in April as a statewide annual observance day. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally.

This Congressional resolution is particularly timely in the wake of the two school shootings in California at Granite Hills High School in El Cajon, California and Santana High School in Santee, California. Unfortunately, acts of violence against children happen far too often. According to the Child Welfare League of America, three infants and children die from abuse and neglect in the U.S. each day, and ten children die a day as a result of gun violence. In fact, more children lose their lives to criminal violence in the U.S. than in any of the 26 industrialized nations of the world.

We have lost far too many children in violent, preventable deaths. I encourage my colleagues in Congress to work with renewed resolve to ensure that our children have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my fellow members to support the National Children's Memorial Flag Day concurrent resolution.

CHESAPEAKE BAY OFFICE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 3, 2001

Mr. HOYER. Madam Speaker, I rise today in support of H.R. 642, a bill to re-authorize the National Oceanic and Atmospheric Administration's (NOAA) Chesapeake Bay Estuarine Resources Office.

This bill, which I am proud to be a co-sponsor of, will undertake two new activities that I think will further improve the condition of the Chesapeake Bay. First, it provides $6 Million a year through 2006 for a small watershed grant program. This program will make it possible for local governments and environmental organizations, like the Chesapeake Bay Foundation, to undertake locally led restoration projects. They can use this money for such things as oyster and sea grass restoration projects, the creation of artificial reefs, and the improvement of fish passageways.

Second, it requires NOAA, in cooperation with State resource agencies and the scientific community to undertake a five year study to develop a multi-species management strategy. Let me give you an example of one of things they will investigate. Recently we have seen rockfish population, that was once on the brink of collapse, return. That is good news for the Bay and the watermen who now able to again fish for rockfish. The bad news is that the return of the rockfish may be a contributing factor to the decline of the blue crab stocks in the Chesapeake Bay.

The rockfish is a voracious predator that feeds on blue crab hatchlings. These hatchlings, who often lack sufficient habitat due to a loss of sea grass, are easy prey and are not surviving to breeding age. As we work to restore the Bay we need to develop a strategy that preserve and protect the delicate balance of this ecosystem. This study will give us the baseline information we need to rehabilitate one species without harming another.

The preservation of the Chesapeake Bay is a crucial investment that benefits all Americans. My thanks go to Mr. GILCHREST, Mr. CARDIN, Mrs. MORELLA, Mr. CUMMINGS, and Mr. WYNN for their leadership on this issue.

HONORING INDUCTEES INTO MOBILE SPORTS HALL OF FAME APRIL 4, 2001

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to four outstanding gentlemen who will be inducted into the Mobile Sports Hall of Fame on April 12, 2001. I would like to recognize their extraordinary and tireless service to the people of the state of Alabama. These gentlemen's perseverance and commitment have left a lasting imprint on Alabama sports history. Their efforts have cultivated a fine group of young men and women prepared to combat any of life's challenges.

The first inductee is Charles T. Rhodes, who began his illustrious 42 years of service in 1946 as a teacher and assistant football and track coach at Mobile Training School in Plateau, Alabama. Under Mr. Rhodes' direct supervision the team quickly flourished and went on to win two state championships. Rhodes later became the head football coach and athletic director and guided the school to an astonishing record of 117–44–6. Receiving accolades is becoming quite natural to Rhodes who has received honors as "Coach of the Year" three times by the South Alabama Athletic Association and twice by the Mobile County Athletic Association.

In addition to his endeavors in coaching, Rhodes has taught Biology, Economics, American Democracy, American and World History at Mobile County Training School. Furthermore, Mr. Rhodes was a club sponsor, role model and surrogate for many of his students. He was a teacher who excelled above and beyond the call of duty to ensure that all the children received the attention they needed to succeed in school. He brought his expertise to Murphy High School where he served as an assistant principal. While there, Mr. Rhodes provided firm leadership and warm encouragement to both the students and faculty. In the fall of 1973, Rhodes was appointed principal of Toulminville High School.

Another fine individual who will be inducted into the Mobile Sports Hall of Fame is Johnny Brown. Mr. Brown is a graduate of the University of South Alabama and is known as the undisputed king of the Mobile Metro Championship, which is an annual golf tournament played at Azalea City Golf Club.

Moreover, in addition to winning this tournament, Mr. Brown has won more than 150 amateur tournaments, including 14 major titles in Mobile alone. His consistent extraordinary showing at this prestigious golf tournament and others around Mobile is a true testament to Mr. Brown's incredible golfing ability.

Johnny Brown has amazed the city of Mobile with his phenomenal swing and his winning character. However Mr. Brown's contributions far surpass the entertainment he has given all of us through his awe inspiring performances. He has given back to our community and our children through spending much of his time giving assistance and expertise to junior golf in Mobile. Mr. Brown has through his endeavors in sports and commitment to our children, shown us what a true athlete really is.

Judge Lionel W. "Red" Noonan is another great man to be inducted into the Mobile Sports hall of fame. Noonan was both an athlete and a probate judge, he has served our country to the fullest of his ability and deserves our sincere praise. He retired from his position as Mobile County's probate judge earlier this year and after 18 years of devout service, he will hang his judge's robe alongside his Alabama football jersey.

Judge Noonan is a native of Mobile as well as a graduate of Murphy High School. He was a four-year letterman on The University of Alabama football team where he was a headstrong fullback. In addition to his accomplishments on the field, Noonan also excelled off the field. His accomplishments and contributions to the university are still felt today.

Red Noonan carried this strong work ethic with him as he left college and moved on to the professional world. He deeply entrenched himself in a number of organizations and groups that share a firm commitment to the betterment of Mobile's communities. Among these are the board of directors of Downtown Mobile Unlimited, Mobile Junior Chamber of Commerce and the Visiting Nurses Association. Judge Noonan is also a member of the Mobile Chapter of the Foreign Policy Association and the Mobile County Recreational Committee.

He has been an instructor at the University of South Alabama and also at Spring Hill College. Mr. Noonan is a WWII veteran and for this reason alone deserves our gracious thanks. Noonan has made enormous contributions to the citizens of Mobile and will be solely missed. The magnitude of the achievements Mr. Noonan has accomplished speaks for itself. Judge Noonan is a man of character and a true gentleman.

Last, but certainly not least, is a great man named Ray C. "Buddy" Lauten whose name has become synonymous with America's Young Woman of the Year (AYWY formerly America's Junior Miss). He has now retired as head of the program after 35 years of hard work and dedication. In his tenure, he helped develop the program into one of the outstanding events of its kind in the country.

Mr. Lauten is a native of Mobile where he grew up and participated in a number of city sports. He was an outstanding football athlete at University Military School (UMS), where he lettered for five years and was honored as an all-city halfback. In basketball in 1945 and 1946, he was the city's top scorer. While at Spring Hill College, he set an iron man record that still stands today, 109 consecutive games there.

Mr. Lauten has given so much to Mobile and its citizens and like his counterparts deserves heartfelt accolades.

These inductees into the Mobile Sports Hall of Fame Mr. Rhodes, Mr. Brown, Mr. Lauten and Mr. Noonan are true champions.

A TRIBUTE TO RAYMOND W. "JAKE" ENGELHARD ON HIS INDUCTION INTO THE U.P. LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to the late Raymond W. "Jake" Engelhard, a former resident of my northern Michigan congressional district, who spent decades as a miner, a community servant, a local volunteer. Jake was also a union leader, who devoted many years to the labor movement, helping ensure a good quality of life for working men and women.

Jake was born in Rosco, Minnesota and moved to Ishpeming, Michigan, in 1935. He worked as an iron ore miner for 43 years for the Inland Steel Corporation and was the first miner to join the CIO union in the Lake Superior District.

As president of USWA Local 2099 for many years, Jake's effort helped to improve the quality of life for miners on the Marquette Iron Range. Jake was instrumental in waging a successful strike in 1946 that lasted 108 days. Contract demands were met as a result of that strike.

Jake went through many strikes over the years, and he strived tirelessly to improve the wages and working conditions of his fellow workers. He retired in 1970.

In addition to Jake's union activities, he was active in numerous community service and civic organizations. Jake also played on the Ishpeming city baseball team, later coaching the Ishpeming City and American Legion teams.

Jake Engelhard was also a local businessman, the proprietor of the Coffee Pot in Ishpeming during the 1940s. You can be sure, Mr. Speaker, that a good deal of solidarity was served up to each patron along with their orders.

There are many of us in Congress, who are concerned about the impact of world trade—and violations of world trade agreements—on our iron ore production back in Michigan. We fight this fight today with the assistance of administration officials and with the cooperation of varied segments of the steel industry. We fight for this industry, because we know it is vital to both the nation's health and the jobs of the men and women who work in the industry back home.

Men like Jake Engelhard fought an earlier fight on behalf of the working men and women of the iron range, a battle that was vital during its time. But Jake's battles were different. It was the workers themselves with their limited resources, fighting with the weapons of belief in the rightness of their cause and the strength of their united effort. I look for encouragement and inspiration in those old struggles; I am reminded that battles may not be won in a week, a month, a year or perhaps many years. Our men and women who stood on the picket line to improve the lives of families have much to teach us about working on behalf of others.

Jake will be honored Saturday, April 7, 2001, with induction into the U.P. Labor Hall of Fame at a banquet in Northern Michigan University in Marquette, Michigan. It is recognition long due.

INTRODUCTION OF THE CIVIL RIGHTS PROCEDURES PROTECTION ACT OF 2001

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. MARKEY. Mr. Speaker, I am proud to join today with a bipartisan group of colleagues to introduce the Civil Rights Procedures Protection Act of 2001. This bill is designed to reassert workers' rights to have their claims of unlawful employment discrimination.

On March 21, 2001 the U.S. Supreme Court ruled 5–4 that under existing law an employer can require its employees to waive their right to file job-related lawsuits including those involving civil rights, sexual harassment or discrimination. Approximately 10 percent of American workers are covered by similar agreements, which are increasingly used by Wall Street firms, high-tech companies, retailers and other employers seeking to avoid the cost and risks of court cases. This month's Court ruling, encourages more companies to follow this increasingly common practice.

This practice, called "mandatory arbitration", requires employees to sign away their fundamental rights to a court hearing. As a condition of hiring or promotion, employers require workers to agree to submit any future claims of job discrimination to binding arbitration panels. Mandatory arbitration is increasingly relied upon by employers in information technology, health care, engineering and other fields. Such requirements are reducing civil rights protection to the status of the company car: a perk which can be denied at will.

The Constitution guarantees every citizen "equal justice under law". Forcing employees to choose between their civil rights and their job denies them their right to equal justice. Employees who consent to mandatory arbitration give up their right to due process, trial by jury, the appeals process, and full discovery.

By no means does this legislation ban all use of arbitration. Voluntary arbitration in an impartial setting can be a fair and inexpensive way to resolve a wide range of disputes. But when it is forcibly imposed on one party with inherently less bargaining power, it ceases to be fair and just.

Our legislation would protect the rights of workers to bring claims against their employers in cases of employment discrimination. By amending seven Federal civil rights statutes to make it clear that the powers and procedures provided under those laws are the exclusive ones that apply when a claim arises, the Civil Rights Procedures Protection Act would prevent discrimination claims from being involuntarily sent to binding arbitration. In short, this bill prevents employers in all industries from forcing employees to give up their right to go to court when they are discriminated against on account of race, sex, religion, disability, or other illegal criteria.

By reinforcing the fundamental rights established under various civil rights and fair employment practice laws, our bill restores integrity to employer-employee relationships. No employer should be permitted to ask workers to check their Constitutional and civil rights at the front door.

THE GET ARSENIC OUT OF OUR DRINKING WATER ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WAXMAN. Mr. Speaker, I rise today to introduce the "Get Arsenic Out of Our Drinking Water Act." This legislation is necessary in order to prevent the Administration from irresponsibly weakening safe drinking water standards for arsenic.

Without question, safe drinking water is critical to protecting public health. Yet two weeks ago we witnessed an extraordinary reversal in our nation's commitment to safe drinking water. Following extensive lobbying by special interests who contributed millions of dollars in campaign contributions, the Bush Administration revoked the new safe drinking water standard for arsenic. This decision threatens the health of millions of Americans who now drink water with elevated levels of arsenic.

In response to this indefensible action, I—along with one hundred and sixty of my colleagues—are introducing legislation that will codify the standard so that the Bush Administration will not have the authority to revoke it.

In January, the EPA responded to the scientific consensus on the health effects of arsenic and ordered that arsenic levels be reduced to 10 parts per billion. EPA took this action in response to a National Academy of Sciences report that recommended that the 1942 standard of 50 ppb be reduced "as promptly as possible." The Academy determined that arsenic is an extremely potent carcinogen that causes bladder, lung, and skin cancer and may cause kidney and liver cancer, birth defects, and reproductive problems. By adopting this updated standard, the United States joined the rest of the developed world with an arsenic standard that will protect the public's health.

The "Get Arsenic Out of Our Drinking Water Act" will protect the public health by codifying the new arsenic standard. It will also double the existing State Revolving Fund authorization to $2 billion annually, so that public water systems will have funds to meet the new arsenic standard.

Since President Bush took office, the Administration has released anti-environmental initiatives at an alarming rate. The Administration's decision to revoke the arsenic standard for safe drinking water is one of the most egregious. American citizens deserve to have safe drinking water. I urge my colleagues to support this important legislation.

TRIBUTE TO THE HONORABLE WILLIAM H. BRADLEY WARE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the work of the Honorable William H. Bradley of Ware, Massachusetts. In 1993, Mr. Bradley was appointed by President Clinton to be State Director for the Farmers' Home Administration. After eight years of dedicated service to the Clinton-Gore administration, Mr. Bradley has retired.

Over the past few years, Mr. Bradley has made a difference in the lives of many residents of Southern New England. In focusing on rural development, Mr. Bradley has made sure that the rural population of our region has access to affordable housing, safe drinking water, hi-technology jobs and modern community facilities.

Mr. Bradley's outstanding leadership has brought much good to the rural population of Southern New England. Increased housing funding for our region has helped over 600 citizens achieve the dream of home ownership. More than $25 million has been provided to our district to help the workforce compete in the high-technology economy of the twenty-first century. Community facilities programs have brought essential public safety equipment, town halls and libraries to communities in Massachusetts, Connecticut and Rhode Island. And $21 million in loans and grants have helped make drinking water safe across the region.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring William Bradley for his work and service. His presence in the Department of Agriculture will be sorely missed and I wish him the best of luck in his future endeavors.

INTRODUCTION OF THE FINANCIAL SERVICES ANTIFRAUD NETWORK ACT OF 2000

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. ROGERS of Michigan. Mr. Speaker, recently, indicted financier Martin Frankel was extradited to the United States to face felony charges stemming from financial fraud. Originally a stockbroker, Frankel was permanently barred from the securities industry but migrated to the insurance industry. The Frankel case is illustrative of how bad actors can too easily cross state or industry lines in order to deceive financial regulators.

The Financial Services Antifraud Network Act of 2001 is designed with the Frankel case in mind as it seeks to protect the taxpayers and policyholders who end up paying for these scams and to assist the regulators in preventing them.

There are nearly 200 Federal and State financial regulators in the United States, each with their own separate filing systems and anti-fraud records. Over the past three decades, the agencies have attempted to computerize and coordinate their systems, first internally and then within each industry.

For example, the securities regulators have established the Central Registration Depository run by the National Association of Securities Dealers (NASD) to keep track of most securities brokers. The insurance regulators have been working through the National Association of Insurance Commissioners (NAIC) to establish several databases on licensing, disciplinary actions, and consumer complaints of agents and companies. The banking regulators have been working through the Financial Crimes Enforcement Network to coordinate suspicious activity reports for all banks.

Unfortunately, efforts to coordinate information across industry lines have proven much more difficult. Financial regulators have been developing individual agreements to allow the transfer of information on an ad hoc basis in specific cases. However, the sheer number of regulators, concerns about the confidentiality of shared information, and the technical difficulties with networking computer systems have prevented regulators from being able to share information on an automated basis.

The need to coordinate regulatory anti-fraud efforts is particularly important in light of the recent integration of the financial services industries, such as the implementation of the Gramm-Leach-Bliley Act.

On March 6, 2001, the Subcommittee on Oversight and Investigations and the Subcommittee on Financial Institutions and Consumer Credit of the House Committee on Financial Services held a hearing featuring the regulators and the regulated entities. Following compelling testimony from all the witnesses, I remarked that it was a rare sight to see the regulators and the regulated actually agreeing on the concept of sharing information about fraudulent actors across financial sectors.

Taking the suggestions of our witnesses, the Financial Services Antifraud Network Act was drafted. This pro-consumer legislation has five primary purposes. One, it safeguards the public from ongoing fraud. Two, the bill streamlines regulators' anti-fraud coordination efforts. Three, it reduces duplicative information requests by regulators. Four, the legislation assists regulators in detecting patterns of fraud. Five, new technology is utilized to modernize fraud fighting.

The organization of the network is based around the creation of a computerized network linking existing anti-fraud databases of Federal and State financial regulators and law enforcement agencies. An Anti-Fraud Subcommittee (AFS) would be established within the President's Working Group on Financial Markets to administer the network. The regulators would be able to network anti-fraud information on entities and key professionals in the financial services industry; information would not be shared that is unrelated to financial or fraudulent activities, and shared information would only be available to financial regulators. Under the legislation, criminal conviction reviews currently required for licensing would be coordinated for greater efficiency, consumer protection, and cost savings. Most importantly, confidentiality and liability protection would be provided for all networked information to allow the regulators to share information without losing existing legal privileges.

In addition to the primary purposes of the Financial Services Antifraud Network Act, the bill does not create any new federal bureaucracy, there are no new regulations, no new collection of information is authorized, and absolutely no information is shared on consumers.

In closing, I would like to thank House Financial Services Chairman MIKE OXLEY and his hardworking committee staff for their guidance and assistance in crafting commonsense legislation that will ensure greater protection for consumers.

HONORING CHARLENE DINDO AND JUDY REEVES

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CALLAHAN. Mr. Speaker, I wish today to honor two wonderfully inspirational teachers in my district, Charlene Dindo and Judy Reeves, who have recently been selected as winners of the distinguished National Science Foundation's Presidential Awards for Excellence in Mathematics and Science Teaching. The foundation annually recognizes four teachers per state who have excelled in the fields of Math and Science. Teachers are selected at both the elementary and secondary level and are chosen by the foundation from finalists picked by state education boards. The award recognizes teachers for their exceptional teaching and achieving excellence in the classroom. Each winning teacher is also awarded $7,500 to use at their discretion in an effort to bolster the science departments even further at their respective schools. Charlene and Judy's hard work and dedication has demonstrated their commitment to ensuring a brighter future for Alabama's children.

Charlene Dindo is an environmental science teacher at the Fairhope K–1 Center, where she runs the science lab. She has been teaching since 1978 where she started her long and successful career at Woodstock Elementary. She is known for her environmental science experiments that use the bay, rivers and estuaries as her classroom. Her unconventional teaching style has successfully captivated her students for quite some years and continues to be an incredibly effective method of motivating them.

This is not the first time Charlene has been recognized for her exceptional teaching abilities, in March 2000, she was named the Outstanding Environmental Educator of the Year in a new awards competition sponsored by the National Teachers Association. Charlene is a true inspiration to her colleagues and her students. Her tireless efforts over the past twenty years have had an enormous impact on the Alabama educational system.

Judy Reeves is an environmental science teacher at Baldwin County High School in Bay Minette. Judy has also been praised for her work, using outdoor activities to inspire her elementary students. In a courageous effort to help children outside her classroom, she successfully instituted a mentor program for younger students in her community. Judy began teaching almost ten years ago at Fairhope High School, and ever since she has been encouraging and inspiring Alabama's children to excel in both Math and Science.

Over the course of the last few years, Judy has become quite accustomed to receiving awards. Numerous agencies and associations including the Alabama Wildlife Federation and the Alabama Science Teachers Association have recognized her for displaying superior teaching and motivational skills. She stands out among her colleagues as an exceptional teacher and her unflagging efforts to better the level of education for Alabama's children must not go unnoticed.

Mr. Speaker, we seldom meet people who give so tirelessly of their time and efforts as Judy Reeves and Charlene Dindo. Sir, please join me in paying tribute to these two wonderful women whose contributions to their community and the children around them are unmatched. May they continue to educate and enlighten Alabama's youth for a number of years to come.

A TRIBUTE TO PAUL H. SELDENRIGHT ON HIS INDUCTION INTO THE U.P. LABOR HALL OF FAME

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. STUPAK Mr. Speaker, I rise today to pay special tribute to Paul H. Seldenright, who has devoted 41 years of his life to the labor movement, working to ensure a good quality of life for working men and women.

Born and raised In Detroit, Paul began his union career in 1960 as a member of United Steelworkers of America, Local 2659, in Trenton, Michigan. His strong interest in politics led to his becoming chairman of his local's Political Action Committee from 1962 to 1968. In 1968 Paul became assistant director for Vice President Hubert Humphrey's Democratic presidential campaign in Michigan, Michigan Citizens for Humphrey.

A number of jobs in state government followed, including Administrative Assistant to the Deputy Secretary of State, Assistant Secretary of State, and Assistant Director of the Senate Democratic Staff. In 1970, Paul served as Associate manager for the successful G. Mennen "Soapy" Williams for Michigan Supreme Court Campaign.

In 1973 Paul began working for the Michigan AFL–CIO as coordinator for COPE, the AFL–CIO's political arm. He became COPE director in 1982 and, except for a brief stint as the federation's legislative director from 1984 through 1986, he served in that role until his retirement at the end of 2000. As COPE director, Paul was responsible for organizing and implementing the State AFL–CIO's year-round political program in conjunction with the federation's affiliated unions.

Another important responsibility was serving as liaison between the state AFL–CIO and the Upper Peninsula central labor councils. When Paul first took over this role, there were only four central labor councils in the U.P. He was instrumental in helping form two new councils, the Eastern U.P. Labor Council and the Dickinson-Iron Labor Council.

Paul also served key roles in other U.P. initiatives and activities. Along with former Michigan State AFL–CIO President William C. Marshall, he served on the original planning committee for the Italian Hall project in Calumet. The project, now complete, is considered one of the Northwest U.P. Labor council's most important achievements. Mr. Speaker, the Italian Hall memorial commemorates the deaths of more than 70 people—striking miners, their wives and children—who were killed when fire struck their gathering on Christmas Eve in 1913.

Paul also was a member of the Northern Michigan University Labor Studies Advisory and Planning Committee since its inception in the late 1970s. Since the early 1980s he has coordinated the annual U.P. Labor Conference, considered the U.P.'s most important labor event other than Labor Day.

Although officially retired, Paul maintains an active interest in the labor movement and politics. He and his wife Lesley live in the Lansing suburb of DeWitt.

Paul will be honored Saturday, April 7, 2001, with induction into the U.P. Labor Hall of Fame at a banquet in Northern Michigan University in Marquette, Michigan. With his years of work on behalf of the labor movement in Michigan, Paul Seldenright has more than earned this recognition.

TRIBUTE TO RICHARD BREWER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable South Carolinian who was named "MVP 2001" by the South Carolina State Council of Senior Citizens. Richard Brewer has earned this prestigious honor though his constant dedication to his community.

Mr. Brewer is the first elected president of ILA Local 1422 Retirees, where he continues to serve. He is also on the Executive Board of the South Carolina State Council of Senior Citizens. Family and church have always come first for Mr. Brewer, but he selflessly devotes his time to his Chartered ILA Club. He is active in the politics of South Carolina, leading rallies at the State Capitol dealing with issues ranging from the Confederate Flag to workers rights.

Richard Brewer led the ILA Retiree volunteers in hosting a "Legislative Breakfast" in Charleston, South Carolina last year. He also took it upon himself to ensure the attendance of key elected officials, causing the event to be a complete success. The funding for the breakfast was also secured by Mr. Brewer, whose ILA Retirees paid for the event.

Mr. Speaker, I ask you to join me in paying tribute to Richard Brewer and the ILA Local 1422 Retirees. Mr. Brewer has demonstrated tireless dedication and loyalty to the citizens of my state of South Carolina and for this he should be honored.

THE MEDICARE AND MEDICAID NURSING SERVICES QUALITY IMPROVEMENT ACT of 2001

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. POMEROY. Mr. Speaker, today I join my colleague from Wisconsin, Representative PAUL RYAN, in introducing legislation to allow certain non-certified resident assistants to continue to be employed by nursing facilities in North Dakota, Wisconsin, and up to 8 other states under a 3-year demonstration project.

For several years, nursing facilities in these and other states have relied upon single-task employees, specifically assistants who help their residents dine, to supplement professional nurse staffing levels and increase patient care. Unfortunately, the Health Care Financing Administration (HCFA) has given our states' facilities until August 31, 2001 to discontinue the employment of feeding assistants. With the current national shortage in nursing facility employees, the loss of these valuable workers will further strain our nursing homes. Particularly as our elderly population increases in future years, we must ensure that nursing homes do not lose existing staff. Unless Congress acts, significantly fewer trained professionals will be available to ensure that nursing home residents can comfortably and safely enjoy their meals.

In North Dakota alone, 40 percent, or two out of five, of the state's nursing facilities have had to deny new admissions in the past 12 months due to staffing shortages. The state currently has 600 open positions for Certified Nursing Assistants (CNAs). While the North Dakota Long Term Care Association encourages all feeding assistants to become CNAs, many assistants are members of a contingent workforce and are not able to become CNAs due to physical or other limitations.

I understand that certain consumer groups, patient advocates, and labor organizations have concerns regarding the continued employment of feeding assistants in long-term care facilities. I also believe, as do these organizations, that we must act during this Congress to address the nursing shortage in our nation, increase wages for certified and licensed nurse professionals, and improve the work conditions of these individuals. At the same time, I believe that moderate steps can be taken to address the reservations regarding feeding assistants without compromising the ability of nursing facilities to care for our nation's seniors.

Specifically, I support efforts to allow only feeding assistants to continue to be employed by nursing facilities in a few states through a pilot project administered by the Department of Health and Human Services. Under such a program, these assistants augment staffing levels in a facility—they do not supplant professional nurses and are not counted toward any minimum staffing levels. Furthermore, these feeding assistants would have to complete a state-reviewed training and competency evaluation, and would only complete a limited number of tasks under onsite supervision by a licensed health professional. I believe that these safeguards, among others, would ensure the quality of care without obviating the need for CNAs and other nurse professionals in long-term care facilities.

Mr. Speaker, I look forward to working with my colleagues this year to ensure that our nursing facilities have the staff and resources necessary to care for our families and friends in the years to come.

NATIONAL HEALTH PROMOTION RESOLUTION OF 2001

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise today, along with my colleague Mr. BURTON, to introduce the National Health Promotion Resolution of 2001. This resolution recognizes the importance of health promotion and disease prevention, and expresses the sense of Congress that more should be done to integrate lifestyle improvement programs into national policy, health care workplaces, families and communities.

Modifiable lifestyle factors such as smoking, sedentary lifestyle, poor nutrition, unmanaged stress, and obesity account for approximately half of premature deaths in the United States. Spending on chronic diseases related to lifestyle and other preventable diseases accounts for an estimated 70 percent of total health care spending. With the pending retirement of the baby-boom-generation, the financial burden of these preventable diseases will further threaten the solvency of the Medicare program.

Health promotion programs have the potential to improve health, improve quality of life, reduce health care costs, and boost productivity. The Institute of Medicine has recommended that additional research is required to determine the most effective strategies at the individual, organizational, community, and societal level to create lasting health behavior changes, reduce medical utilization and enhance work-place productivity. Unfortunately, a very small percentage of health care spending, is devoted to health promotion.

The National Health Promotion Resolution of 2001 expresses the sense of Congress that more must be done in this area. In light of the pending crisis facing our Medicare system, the federal government stands to benefit greatly from the potential reduction in costs associated with an aggressive health promotion agenda.

This bipartisan legislation has forty original cosponsors, including the gentleman from Indiana, Mr. BURTON, who has worked closely with me and my office to shape this into a meaningful resolution. It is my hope that we will continue to work together to further our commitment to health promotion and disease prevention.

I urge my colleagues to join us on this important resolution.

SNOWMOBILES IN NATIONAL PARKS

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. HOLT. Mr. Speaker, I am today introducing, with 17 of my colleagues, a bill to protect America's national parks from what is expected to be the next environmental rollback by the Bush Administration—an effort to overturn the National Park Service (NPS) decision to phase out snowmobile use in Yellowstone and Grand Teton national parks.

In response to a 1997 lawsuit, the NPS prepared an environmental impact statement (EIS) on the 100,000 snowmobiles entering Yellowstone and Grand Teton each winter. The NPS determined that those snowmobiles produce noise that can be heard by other visitors as much as 95% of the time, produce more air pollution than all other motor vehicles in Yellowstone throughout the year, and disturb bison and wildlife when they already face the stresses of brutal winter conditions. Because of these and other impacts, the NPS adopted a new rule to phase out by the winter of 2003-2004 all snowmobile use in Yellowstone and most of that use in Grand Teton, with expanded service by snowcoaches (multi-passenger vehicles) to provide continued wintertime access to the parks. The rule, the culmination of a 3½ year process, was published in the Federal Register on January 22, 2001.

Three key facts about the Yellowstone-Grand Teton snowmobile rule:

First, it is strongly supported by the public—by most public comments on the EIS, and fully 85% of the public comments on the proposed rule.

Second, the National Park Service determined not only that the snowmobile use in these parks is inappropriate, but also that it is unlawful. The Service determined that it violates the basic NPS mandate, in its Organic Act of 1916, to keep the scenery, natural and historic objects, and wildlife of national parks "unimpaired for the enjoyment of future generations." The Park Service determines that the snowmobile use violates the Clean Air Act. The Service determined that the snowmobile use violates two Executive Orders, one by President Nixon and one by President Carter, setting standards for snowmobile use in national parks. And the Service determined that it violates the NPS's own general regulation on snowmobile use, in effect since 1983, that prohibits snowmobile use in parks that disturbs wildlife or damages other park resources.

Third, this is the first time in the NPS's 84-year history that it has determined that a use it has authorized in parks has gotten so out of control that it has ended up violating the mandate of the Service's Organic Act. In that sense alone, the NPS decision to end all snowmobile use in Yellowstone and most use in Grand Teton is historic.

Still, the Bush Administration has this rule in its sights. It has already delayed its effective date. Now there are published reports that the Administration wants to settle a legal challenge from snowmobile groups, in a backdoor attempt to overturn the rule without going through a new, public process.

Yellowstone and Grand Teton are not the only national parks where inappropriate and unlawful snowmobile use is occurring.

Last year, in response to a petition by 60 environmental organizations, the NPS acknowledged that much of the snowmobile use it has allowed to occur in other national parks violates, in four separate ways, some of the same requirements that are being violated in Yellowstone and Grand Teton. First, in nearly every instance, the Park Service merely allowed areas that were already open to snowmobile use to stay open, without reviewing them to determine if that use is consistent with protection of park resources, as required by President Nixon's Executive Order.

Second, the NPS has allowed snowmobile use to occur in two parks and on some trails without designating them for that use through a public rulemaking process, which is required by the NPS's general regulations.

Third, the NPS has consistently failed to monitor the effects of the snowmobile use it has allowed to occur, as required by President Nixon's Executive Order.

Finally, the NPS concluded that it has allowed snowmobile use to continue that violates the substantive standards of the two applicable Executive Orders and its general regulations. The Park Service concluded that in many instances snowmobiles disrupt the natural wintertime quiet of the parks, disturb the enjoyment of other visitors, adversey affect wildlife, and otherwise harm the resources, values, and management objectives of the parks, all of which is prohibited by the standards of the Executive Orders and the NPS's own regulations. Based on these impacts, the NPS determined that, in general, recreational snowmobile use is not an appropriate use of most national parks.

The NPS developed a plan to end inappropriate snowmobile use and to come into compliance with the standards governing snowmobile use in national parks. That plan would limit snowmobile use in national parks (other than in Alaska and in Voyageurs National Park, where special statutes apply) to short crossing routes providing access to adjacent public lands open to snowmobile use, and to routes providing necessary access to private lands in or adjacent to parks. Under this approach, of the 43 units of the national park system where some snowmobile use is now occurring, that use would be ended in 12 (including Yellowstone), would be allowed to continue but in more limited fashion in 10 (including Grand Teton), and would be allowed to continue without change in 21.

However, in addition to reviewing the Yellowstone-Grand Teton rule, the Bush Administration has halted the rulemaking process to implement this overall NPS approach to snowmobiles in other parks. Because of the Administration's policy, the NPS has not yet been able to finalize a rule proposed last December to restrict snowmobile use in Rocky Mountain National Park, and has not been able to propose other regulatory changes with respect to other parks.

The legislation my colleagues and I are introducing would legislatively adopt the sound approach the National Park Service developed last year to end inappropriate snowmobile use in national parks and come into compliance with the long-established standards of law that are supposed to govern that use. The bill would allow continued snowmobile use in parks when that use meets the current standards of law and is necessary to provide snowmobile access to adjacent public lands that are open to snowmobile use, or to provide access to private lands within or next to the parks. The bill would continue to allow snowmobile use without change next winter, to provide time for new regulations to be adopted under the bill. And in Yellowstone and Grand Teton, the bill would allow an extra year before it takes effect, to accommodate the phase-out period established by the Park Service in its recent rulemaking. Finally, the bill would affect only a portion of the 670 miles of snowmobile trails in all national parks—or a mere one-half of one percent of all 130,000 miles of trails in the United States.

Let's end inappropriate snowmobile use that shatters the wintertime quiet of the national parks, pollutes their air, disturbs wildlife, and bothers other visitors to the parks. Let's keep our national parks, our most special lands, unimpaired for the enjoyment of today's Americans and future generations.

INTRODUCTION OF THE NSF AUTHORIZATION ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today, I am introducing a bill to authorize funding for the National Science Foundation (NSF) for the next four fiscal years. The bill provides for increases of 15% for each year, which together with the 13% appropriations increase for fiscal year 2001, will result in a doubling of NSF's budget by the fourth year of the bill.

The need for this legislative proposal to provide a substantial funding increase for NSF is beyond doubt, and the case supporting this bill can be simply stated:

Federally supported basic research is fundamental to the nation's economic health;

NSF plays a vital role in support of basic research and education across all fields of science and engineering; and

There is ample evidence that the current level of federal research investment is inadequate, particularly for the physical sciences, mathematics, and engineering.

The connection between research funding and the strength of the economy has been expounded by such diverse sources as former presidential science advisor Allen Bromley, Federal Reserve Chairman Alan Greenspan, former speaker of the House Newt Gingrich, and the Hart-Rudman Commission on National Security.

Dr. Bromley, who was former President Bush's science advisor from 1989–1993, commented on the inadequacy of the research and development portion of the Administration's FY 2002 funding request in a March 9 New York Times op-ed. He pointed out the potential damage of proposed budget cuts for NSF, NASA and the Department of Energy agencies, which he characterized as the three primary sources of ideas and personnel in the high-tech economy. His key point was that the future budget surpluses on which the large proposed tax cut depends are tied to research investments made today. He said:

> The proposed cuts to scientific research are a self-defeating policy. Congress must increase the federal investment in science. No science, no surplus. It's that simple.

The importance of research to the economy was stressed by Federal Reserve Chairman Greenspan in recent testimony before the House Budget Committee also. In response to a question on the need for government support for research, Greenspan responded,

> On the issue of research, there is just no question that if you're going to have technology as the base of your economy, which we do, research is crucial. If we don't [enhance the incentives to do research in this economy], we're going to find that we are in a position where we may have awesome technologies, but if you don't continuously nurture them, they won't continue to exist.

The recent report of the U.S. Commission on National Security/21st Century, known as the Hart-Rudman Commission, makes a strong case for the importance of funding for basic research and technology development. The Commission found that, "it is from investment in basic science that the most valuable long-run dividends are realized" and "[the federal] role remains not least because our basic and applied research efforts in areas of critical national interest will not be pursued by a civil sector that emphasizes short- to mid-term return on investment." On the basis of its findings, the Commission recommends a doubling of all federal funding for science and technology research and development by 2010.

In testimony before the House Armed Services Committee on the Hart-Rudman Commission report, former Speaker Gingrich stated that,

> The revolution in science requires larger investments in basic research; we are not getting the money today.

He also pointed out the importance of NSF's support for basic science research.

I agree with Mr. Gingrich on the key role NSF plays in sustaining the nation's research enterprise. NSF-supported researchers have collected 100 Nobel Prizes over the years. They have received recognition for work in the fields of physics, chemistry, physiology and medicine, and economics. In nearly every field of science and engineering are examples of NSF-sponsored research that led to important discoveries and applications:

NSF-funded research in atmospheric chemistry identified ozone depletion over the Antarctic, or the "ozone hole" as it has come to be known. In 1986, NSF researchers established chlorofluorocarbons as the probable cause of the Antarctic ozone hole. Since CFCs are used in many commercial applications, this discovery has driven a search for benign substitutes and also led to regulation of CFC emissions.

When most people think of the Internet they mean the World Wide Web and the Web Browsers, like Netscape, that allow them to find the information they seek. The browser made the World Wide Web. The first browser of note was Mosaic, and a student working at the National Center for Supercomputing Applications at the University of Illinois developed it. This is one of NSF's four original Supercomputing Centers.

In industry, the acronym CAD/CAM brings to mind the best in design and manufacturing techniques. NSF-funded research on solid modeling led to the widespread use of Computer-Aided Design and Computer-Aided Manufacturing. The keys to success were advances in the underlying mathematics and in linking the academic and industrial leaders in the field.

NSF's contributions are also manifest through the accomplishments of scientists and engineers, who were trained under NSF awards. It is well known that the great majority of the seminal work in developing such technologies as cell phones, fiber optics, and computer assisted design was performed by private industry—at labs like Corning, AT&T, and Motorola. A recent NSF sponsored study has shown that many scientists and engineers, who went to graduate school on NSF fellowships and research assistantships, often played important roles in the development of these and other technologies. In a number of cases, they became the entrepreneurs who created new firms and markets. To use the words of the authors of the study—"NSF emerges consistently as a major—often the major, source of support for education and training of the Ph.D. scientists and engineers who went on to make major contributions. . . .".

The resources NSF provides for support of research and education are relatively small, but the impact is great. The agency expends only 3.8% of federal R&D funds, but provides 23% of basic research funding at academic institutions. For specific research areas, the NSF role at universities is even larger: it funds 36% of research in the physical sciences, 49% in the environmental sciences, 50% in engineering, 72% in mathematics, and 78% in computer science. NSF research awards and direct research fellowships help train over 24,000 graduate students each year, the future scientists and engineers essential to fuel our high-tech economy.

Furthermore, NSF programs help to improve science education for all students and to prepare them for citizenship in a world increasingly dominated by technology. Today we continue to have manpower shortages in many high technology fields. The ideal way to alleviate the shortages is by ensuring that children of all races and both genders receive the basic grounding in science and mathematics that will prepare them to pursue careers as scientists, engineers and technologists. We cannot allow inadequate funding to cripple NSF's efforts in this area.

There is really no debate on whether support of basic research is an appropriate role of the federal government. The basic economic argument is well understood. Industry will underinvest in basic research because individual companies cannot capture the full benefits of advances in fundamental knowledge that come from funding basic research.

The question, rather, is what ought to be the level of the federal research investment? The bill I am introducing takes the position that it is too low, particularly for basic research in the fields for which NSF is a major funding agency: the physical sciences, mathematics, and engineering.

The National Research Council's Board on Science, Technology and Economic Policy analyzed federal funding data for FY 1993 through FY 1997. They found that support, in constant dollars, for chemical engineering had declined by 13%, electrical engineering by 36%, mechanical engineering by 50%, physics by 29%, chemistry by 9%, and mathematics by 6%. Even including the substantial increases for research for biomedical sciences during this period, total federal research funding for all fields of science and engineering declined by about 1%.

Inadequacies in the size of NSF's budget are evident from the fact that the agency currently funds less than a third of the research applications it receives and about half of those judged to be of high quality. Even when an applicant receives a NSF award, it is usually suboptimal and perhaps half the amount of a NIH award. The current situation leaves researchers in NSF-funded fields scrambling for funds and spending too much of their time chasing limited funding rather than in the laboratory or mentoring students.

The NSF authorization bill I am introducing will provide increases of 15% per year for fiscal years 2002 through 2004. The bill will result in a NSF budget of $7.7 billion by the final year. The increases provided will allow NSF to go forward with substantial new research initiatives in the mathematical sciences and the social and behavioral sciences and to continue ongoing initiatives in information technology, biodiversity, and nanotechnology. Moreover, the budget growth will allow NSF to—

Increase average grant size and duration;

Fund national research facilities for the earth and atmospheric sciences, astronomy, and the computational and information sciences; and

Support large scientific instruments at colleges and universities.

Finally, the increases will support expansion of NSF's science education programs. Of particular importance will be increased efforts to improve the skills and content knowledge of K–12 science and math teachers and to increase participation in science and engineering by traditionally underrepresented groups. The increases will also expand education research programs, including quantifying the most effective uses of educational technology and strengthening efforts to assess education programs to determine and disseminate information about what methods and approaches are most effective in improving student performance in science and math.

The Coalition for National Science Funding (CNSF), a group of eighty scientific, engineering, and professional societies, universities, and corporations has called for providing no less than $5.1 billion, a 15% increase, for the NSF in FY 2002 as the next step in doubling the NSF budget. CNSF has stated that:

> Our national knowledge base in the sciences, mathematics, and engineering is increasingly important to broad economic and social interests. Doubling the NSF budget by 2006 will fund the crucial investments that the agency makes in key components of this vital knowledge base.

Mr. Speaker, the NSF Authorization Act of 2001 implements the recommendations of CNSF. I hope all my colleagues will join me in ensuring that NSF has the necessary resources to carry out its essential role in support of scientific and engineering research and education by becoming cosponsors and supporters of this authorization bill.

HONORING OUT FRONT COLORADO ON ITS 25TH ANNIVERSARY

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. DEGETTE. Mr. Speaker, I rise today to honor the largest gay, lesbian, bisexual, and transgender publication in the Rocky Mountain region, Out Front Colorado, for its tremendous success over the past 25 years. In April 1976, the first edition of Out Front Colorado hit the streets, only seven years after the historic Stonewall Riots in New York City. As a new publication for a growing community, Out Front Colorado began boldly with its first headline "There's No Turning Back." Indeed, in the last 25 years, Out Front Colorado has played an important role in the cultural and community development of gays, lesbians, bisexuals, and transgender people in Colorado with valuable news coverage, arts and entertainment, community events, and photographs that have documented the vibrant history of Colorado's diverse community. And its impact continues to grow. Today, Out Front Colorado is available across the nation from New York City to Los Angeles.

The success of Out Front Colorado can in large measure be attributed to its extraordinary staff. Out Front Colorado was founded by Phil Price, who sought to create a newspaper specifically tailored toward Colorado's gay and lesbian residents. Out Front Colorado became successful in its reach and influence under his direction. Although Phil Price passed away in 1993, the current staff of Out Front Colorado should be commended for continuing the superb work that Phil pioneered.

I am pleased to support Out Front Colorado as a valuable institution to Colorado's community and history and am pleased to recognize there's still no turning back!

H.R. 1367, THE ATLANTIC HIGHLY MIGRATORY SPECIES CONSERVATION ACT OF 2001

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SAXTON. Mr. Speaker, I rise today to introduce H.R. 1367, the Atlantic Highly Migratory Species Conservation Act of 2001. I am pleased to be here today to talk about such an important issue. We stand at an historic crossroads for the conservation of highly migratory species (HMS). The effective management of Atlantic HMS is one of the most complex and difficult challenges facing the National Marine Fisheries Service. These species range widely throughout international waters and the jurisdictions of many coastal nations with diverse political perspectives on how to properly utilize and manage this valuable resource.

The fishing practices and marketing strategies are equally diverse. Unlike most other domestic fisheries, effective multilateral management is the goal of our nation's HMS policy. In fact, Congress placed Atlantic HMS management authority in the hands of the Secretary of Commerce instead of the Regional Fishery Management Councils, in theory, to ensure that our government maintains an Atlantic-wide perspective and vision.

It is my firm belief that this Congress, together with thousands of concerned fisherman and conservationists, have a unique opportunity to work together to aggressively protect and rebuild stocks of HMS such as billfish, sharks and swordfish.

In August of 1999, I was approached by representatives of the longline industry and three recreation/conservation fishing organizations who suggested I sponsor legislation to: (1) permanently close an area of U.S. waters in the South Atlantic to pelagic longline fishing; (2) establish two time-area closures in the Gulf of Mexico to pelagic longlining; (3) reduce billfish bycatch and the harvesting of juvenile swordfish; and (4) provide affected fishermen a buyout to compensate them for the loss of fishing grounds and fishing opportunities. I remain a strong supporter of this concept.

I first began work on this important issue because I feel very strongly that a balance can be achieved. Prior to and following the introduction of H.R. 3331, my first bill targeting these critical needs, I met with, and spoke to, a number of pelagic longline fisherman, recreational fisherman and their organizations, and a number of conservation and environmental groups.

I introduced H.R. 3331, in the 106th Congress, in part, because the National Marine Fisheries Service established the pelagic longline fishery as a limited-entry fishery through the HMS Fishery Management Plan. As NMFS is well aware, I have been asking them to take this action for many years. The establishment of a limited access system is critical to reduce harvesting capacity through attrition or a buyback program. Hence, once pelagic longline permits for HMS are bought-out as proposed in my bill, there would be no further vessels re-entering the fishery.

I believe in this concept because the current management system whereby NMFS publishes a regulatory rule that is challenged by seemingly endless lawsuits is not an effective way of promoting sound HMS fishery management. This system has to change.

The International Convention for the Conservation of Atlantic Tunas (ICCAT), led by the United States, approved a ten-year rebuilding plan for North Atlantic swordfish. Although the final approved plan did not go as far as I would have liked in reducing the annual quota internationally, it nevertheless set an important tone for conservation. I commend the U.S. ICCAT Commissioners for their tenacity in getting the rebuilding plan approved.

This is the continuation of an arduous process, but I am confident that we can provide a conservation measure that is good for our beleagured highly migratory species of fish. I look forward to continuing to fight until this measure is passed and becomes law.

INTERNATIONAL ROMA DAY REVISITED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SMITH of New Jersey. Mr. Speaker, on International Roma Day last year, the OSCE High Commissioner on National Minorities released a detailed report on the situation of Roma in the OSCE region. Unfortunately, in the intervening months, relatively little progress has been made by government authorities in addressing the problems he described.

The Helsinki Commission, which I co-chair, receives so many reports on an almost daily basis which demonstrate the magnitude of the problems Roma face. We receive reports of Roma who are denied access to public places, like the three Roma who were turned away from a Warsaw restaurant last September 29, just before the OSCE convened its annual human rights meeting in that city. We receive reports of discrimination in housing, like the January 27 Hungarian television report that local authorities in Rabakoez, Hungary, have called for prohibiting the sale of real estate to Roma. We receive reports of police abuse, such as the repeated cases of unlawful police raids in Hermanovce, Slovakia. We receive reports of violent attacks, such as the assault on a Romani church in Leskovac, Serbia, at the beginning of this year.

Too often, courts are part of the problem, not the solution. Rather than providing a remedy for victims, they compound the abuse. Take a recent case from the Czech Republic. The Czech Supreme Court issued a ruling that a violent attack on a Romani man in 1999 was premeditated and organized, and then remanded the case back to the district court in Jesenik for sentencing in accordance with that finding. But the district court simply ignored the Supreme Court's finding and ordered four of the defendants released. I am hopeful that Slovak courts, which are currently weighing the fate of three of the defendants charged in last years brutal murder of Anastazia Balazova, will do a better job of bringing her murderers to justice.

In a few places, there are some glimmers of hope. In Viden, Bulgaria, for example, the Romani organization Drom has led a successful effort to bring 400 Romani children, who previously attended segregated schools, into the mainstream school system. In that instance, the cooperation of local and national authorities, governmental and non-governmental bodies, is paying off.

Unfortunately, too few government leaders demonstrate the courage necessary to address these issues. Some pass the buck, looking to the European Union or the Council of Europe to fix problems that must be tackled, first and foremost, through political leadership at home. Moreover, a number of EU countries have little to teach the applicant countries about tolerance towards Roma. Many OSCE countries—not just the former Communist states—are in need of comprehensive anti-discrimination laws, a priority recognized in the 1999 OSCE summit agreement and by the European Commission in the adoption of its "race directive" in June of last year. Regrettably, nearly two years after Bulgaria received praise from many quarters for agreeing to adopt such legislation, the government is not one step closer to fulfilling its commitment. The Slovak Government's human rights office, in contrast, has undertaken a serious study of legislative options and may soon have a draft ready for a vote.

In addition, it is imperative that political and civic leaders condemn anti-Roma manifestations in clear and unequivocal terms.

Mr. Speaker, when the Mayor of Csor, Hungary—a publicly elected official—said "the Roma of Zamoly have no place among human beings; just as in the animal world, parasites must be expelled," I believe it is the responsibility of Hungary's political leadership to condemn these outrageous slurs. If more leadership was demonstrated, perhaps confidence would have been strengthened and maybe 5,772 Hungarian Roma would not have applied for asylum in Canada over the past three years.

When the Mayor of Usti nad Labem built a wall to segregate Roma from non-Roma, all members of the Czech parliament—not just a paper slim majority of 101 out of 200 MPs—should have voted to condemn it. And when Mayor Sechelariu of Bacau, Romania, announced plans to build a statue of Marshall Antonescu—the World War II dictator who deported 25,000 Roma to Transniestra, where some 19,000 of them perished—Romanian officials, who have pledged to the OSCE community to fight intolerance, should begin at home by ridding their country of every Antonescu statue built on public land.

IN SUPPORT OF LONG BEACH NAVY CREW MEMBER DETAINED IN CHINA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. HORN. Mr. Speaker, I know my fellow Members of Congress join me in calling for the safe return home of the 24 American servicemen and women currently being detained in

China after their surveillance plane made an emergency landing in Chinese territory when they collided with a Chinese fighter jet. Our hearts and our prayers go out to these young men and women and their families.

One of those crew members is a young man from the district I represent. His name is Josef Edmunds and he is from Long Beach. Perhaps China does not realize how profoundly concerned all Americans are about the well-being of their service men and women. On behalf of Josef Edmunds and his family, I submit this article that appeared in today's edition of the Long Beach Press-Telegram expressing the personal concern and uncertainty that this family—like all the others—is experiencing as a result of this incident.

Mr. Speaker, my fellow Members of Congress and I urge the Chinese government to immediately release our service men and women so that they may return home safely.

L.B. Family of Crew Member Full of Hope

(By Wendy Thomas Russell)

Long Beach.—Josef Edmunds, one of 24 Navy crew members being held in China since their surveillance plane made an emergency landing Sunday, was described by his Long Beach mother as "a very courageous young man" captivated by "the idea of putting on a uniform and standing up for his country."

"I think," Amanda De Jesus said Tuesday, "he's always had a little streak of heroism." De Jesus and her husband, Alfredo, said they were waiting anxiously but patiently for contact from Edmunds, a 30-year-old cryptographer and Chinese interpreter.

"It's just a waiting game," said Alfredo De Jesus, a teacher at La Estrella Argentine Tango and Dance School in Long Beach. "We have high hopes that it's going to be over soon without any duress to him at least that's what we hope."

Edmunds and his crewmates have been kept at a military base on China's Hainan Island since Sunday, when their surveillance plane was forced to land after colliding midair with a Chinese jet fighter. The crew is safe, but U.S. officials have expressed concern that the Chinese may have gained insight into classified surveillance systems by tampering with the plane's equipment."

"I really don't worry that much" about the safety of crew members, Alfredo De Jesus said, "because I know that they're not going to be abused, and it's just a political game. It's just politics."

Amanda De Jesus said she moved to Long Beach about five years ago, after both her sons had grown, but Edmunds still visits her here when he's on leave.

She said she was caught off guard when she got the phone call from the Navy on Sunday; she didn't have a clue that Edmunds would be on a plane over China in the first place. The Navy immediately told her that Edmunds was safe, however, so there was no time for panic.

Edmunds, who is stationed in Japan, joined the Navy about eight years ago, shortly after the birth of his first daughter, Sierra. He had been living with his wife in Davis, near Sacramento, and holding down three jobs at the time, his mother said.

The first job was at a car dealership, the second at a pizza place, and "I don't even remember what the third job was," she said.

One day, Edmunds dropped everything and walked into a recruiter's office.

His colorblind eyes ruled out any chance of being a Navy pilot, so he chose an area well-known in his family: foreign-language interpretation.

His mother once taught French and Spanish, and his aunt is a Russian interpreter for the Air Force who also speaks fluent French and German.

Edmunds' hereditary language skills paid off. He learned Chinese and Cambodian and was transferred to several bases before landing in Japan.

Edmunds is now divorced with four children three of whom, ages 8, 7 and 5, still live in Northern California. The fourth, a son, is only about 6 months old and lives with Edmunds' girlfriend in Texas, Amanda De Jesus said.

"He's a great guy," Edmunds' stepfather said. "He's really a good-spirited person. He's the kind of guy that you make friends with just in the moment. He really is."

Despite the stressful situation in China, Amanda De Jesus said she knows her son is acting courageously.

"He's always been gutsy," she said.

Once, while stationed in Texas, Edmunds was among a group of military men who volunteered hours and hours of their time to help people rebuild their tornado-torn houses after their military shifts had ended. He was given an award for his work, his mother said.

Edmunds told his friends that his mother would be "upset to know that he was working for no money."

"But no," she said softly. "I was proud of him."

ON H. RES. 91 AND H. RES. 56

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. WOLF. Mr. Speaker, I regret that I was unable to speak on the floor yesterday when the resolutions on the human rights situation in China and Tibet and in Cuba were debated. I was attending a funeral in my district and on an official leave of absence.

I am an original co-sponsor of both of these resolutions and I am pleased that both were considered by the House.

Given the events in China this past week, it is important that the House adopted H. Res. 56 which expresses the sense of the House urging the appropriate representative of the U.S. to the United Nations Commission on Human Rights to introduce at the annual meeting in Geneva of the commission a resolution calling upon the People's Republic of China (PRC) to end its human rights violations in China and Tibet.

Mr. Speaker, we can look to the China section of the 2000 State Department's Annual Report on Human Rights to see the deplorable human rights record of the PRC: "The Government's poor human rights record worsened, and it continued to commit serious abuses." This same human rights report says that the "PRC is an authoritative state . . . [that] frequently interfere [s] in the judicial process, and the Party and the Government direct verdicts in many high-profile cases.

It is appropriate that the U.S. introduce this resolution at the U.N. because it is the right thing to do in the face of China's alarming human rights record as described further in the State Department human rights report:

> . . . thousands of Falun Gong practitioners . . . were sentenced to re-education through-labor camps or incarcerated in mental institutions . . .
>
> The government continued to commit widespread and well-documented human rights abuses . . . [such as] extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado and denial of due process . . .
>
> . . . 100 or more Falun Gong practitioners died as a result of torture and mistreatment in custody"
>
> The Government's respect for religious freedom deteriorated markedly . . . as the Government conducted crackdowns against underground Christian groups and Tibetan Buddhists and destroyed many houses of worship.

It is appropriate that the U.S. introduce this resolution at the U.N. in light of China's detainment of 24 U.S. service personnel attached to the U.S. EP–3E aircraft. China's behavior throughout this incident should make the true nature of the Chinese Government clear—the regime in Beijing will abuse the rights of anyone, even U.S. service personnel who have to make an emergency landing on Chinese territory.

It is appropriate that the U.S. introduce this resolution at the U.N. in light of the fact that China has arrested a U.S. citizen, professor Li Shaomin. Professor Li has been detained by Chinese authorities since February 25. Professor Li's wife does not know why her husband has been detained.

It is appropriate that the U.S. introduce this resolution at the U.N. in light of the fact that China has detained and charged Ms. Gao Zhan, a permanent resident of the U.S. who lives in my congressional district. Ms. Gao is married to a U.S. citizen and is the mother of a U.S. citizen.

After detaining her husband Xue Donhua (now a U.S. citizen) and their 5-year old son Andrew (a U.S. citizen) for over a month, the government of China has now charged Ms. Gao Zhan with spying. I have met Mr. Xue and his son Andrew and talked about their incarceration. They are a wonderful family. Yet, Andrew was taken away and held separately from his parents for over a month. Andrew needs a mother and needs to be with his mother. What kind of government would separate a family like this? What kind of government would put a 5-year old child through this kind of ordeal?

Similarly, H. Res. 56 instructs the U.S. delegation at the U.N. Human Rights Commission in Geneva to obtain passage of a resolution condemning the Government of Cuba for its human rights abuses. As this resolution states, "the Castro regime systematically violates all of the fundamental civil and political rights of the Cuban people, denying freedoms of speech, press, assembly, movement, religion, and association, the right to change their government and the right to due process and fair trials."

It is no accident that both the Cuban and Chinese governments are serious violators of religious freedom. As both Cuba and China are authoritarian regimes, nothing is more threatening to them than people of faith and conviction who are capable and willing to speak truth to power.

I am proud to co-sponsor both of these resolutions because the U.S. needs to be on the side of pursuing justice and of speaking truth to power. I am hopeful that the U.S. will lead in the efforts in Geneva to speak truth to the authoritarian regimes of Cuba and China.

MARRIAGE PENALTY AND FAMILY TAX RELIEF ACT OF 2001

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2001

Mr. ISRAEL. Mr. Speaker, Getting married shouldn't mean saying 'I do;' to higher taxes. In my state of New York over one and a half million couples are burdened by the marriage penalty, nearly 60,000 in my district alone. This occurs when married couples pay more than an unmarried couple with the same income.

For example two individuals, living together, but not married, each with incomes of $30,000—their combined standard deduction would be $9,100 and their tax rate would be 15%. If that same couple got married, their standard deduction would drop to $7,189 and they would move into the 28% tax rate. The only difference is that they got married.

We should eliminate this inequity by widening the 15% tax bracket to allow joint filers to have two times the income of individuals and still remain taxed at 15%. We should also double the standard deduction for joint filers to twice that of singles. We're talking about people who work hard and play by the rules. At a time when parents are working harder for less money, we need to encourage families, not punish them. Ending the marriage penalty is particularly urgent for the middle-class. This is a wrong that should have been righted a long time ago—making the tax code more fair while providing families with meaningful tax relief for the things that matter—buying a home, ensuring quality family medical care, and sending kids to college.

NAVY EP–3 AIRCRAFT IN CHINA

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mrs. DAVIS of California. Mr. Speaker, the emergency landing of the Navy EP–3 aircraft in China demonstrates the nature of the risk that our service members endure each day. 24 hours a day, 7 days a week, brave men and women put themselves in the face of danger.

My heart goes out to those on the ground in China and to their families who anxiously await their return. I call on President Bush and President Jiang to engage in a dialogue that results in the quickest possible reunion of our Navy personnel and their families.

As we all wait, let us remember the dangers abroad and the sacrifices endured by our service members. Let us also remember the demands that military service places on their families.

I recently spoke with a young woman who had just recently married a young sailor. Until now, she had always expected her husband to return home each night. Now the impact of being a Navy wife hits home. There is always the possibility that "he may not come home."

RECOGNIZING DAVID WOLPER FOR HIS EXCELLENT WORK AND SUPPORT TOWARD THE COMPLETION OF THE NAPA BOYS AND GIRLS CLUB

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize renowned filmmaker and noted philanthropist David L. Wolper. His contributions have made the Napa community a better place for California's youth.

His invaluable aid was instrumental in the construction of the Napa Boys and Girls Club's new facility in the city of Napa. This important endeavor simply could not have been completed without his vital leadership. The new facility at 1515 Pueblo Avenue will be a great asset to the Napa community for many years to come.

Mr. Wolper is a member of the National Board of Directors of the Boys and Girls Club of America and is a member of the Boys and Girls Clubs of America Hall of Fame. In addition, David Wolper is a member of the Foundation Board of the Queen of the Valley Hospital in Napa and a member of the Board of the American Center for Wine, Food, and the Arts. He is an asset in so many ways to the community of Napa and the entire country.

Mr. Wolper, in his fifty years in show business, has made over 700 films, which have won more than 150 awards, including 3 Oscars, 50 Emmys, 7 Golden Globes, and 5 Peabodys. He has been specially recognized at the world's great film festivals for his lifetime achievements, and he has received the entertainment industry's two highest honors—the prestigious Jean Hersholt Humanitarian Oscar Award and was inducted into the Television Hall of Fame.

In addition to his many hours of professional and civic activity, he has remained a devoted husband, father, and grandfather. Mr. Wolper and his wife Gloria have three children—Mark, Michael, and Leslie Ann—and six grandchildren.

Mr. Speaker, it is appropriate at this time that we recognize David L. Wolper for his commitment to building a brighter future for the youth of America.

IN RECOGNITION OF DR. EDWARD C. STONE, RETIRING DIRECTOR OF THE JET PROPULSION LABORATORY

HON. ADAM SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. SCHIFF. Mr. Speaker, I rise today in recognition of Dr. Edward C. Stone, retiring Director of the Jet Propulsion Laboratory in Pasadena, California. After ten years of distinguished service at JPL, Dr. Stone will be returning to full-time teaching and research at the California Institute of Technology, where he has taught since 1967. Dr. Stone, the David Morrisroe Professor of Physics, has been widely regarded as an energetic and thoughtful leader at JPL.

Since his first cosmic-ray experiments on Discoverer satellites in 1961, Dr. Stone has been a principal investigator on nine NASA spacecraft missions and a co-investigator on five other NASA missions for which he developed high resolution instruments for measuring the isotopic and elemental composition of energetic cosmic-ray nuclei. Using these instruments, Dr. Stone and his colleagues undertook some of the first studies of the isotopic composition of three distinct samples of matter. During his tenure at JPL, Dr. Stone's many accomplishments include Galileo's five-year orbital mission to Jupiter, the launch of Assini to Saturn, as well as a new generation of Earth sciences satellites such as TOPEX/Poseidon and SeaWinds, and the spectacularly successful Mars Pathfinder landing in 1997.

He has transformed the direction of JPL from administering a few large projects to managing many new, smaller exploration missions. Dr. Stone's vision has revolutionized the way JPL does business, thus expanding its impact on the field of astrophysics and planetary science. He is a remarkable scientist, whose brilliance is coupled with his ability to lead. Dr. Stone exemplifies integrity, energy, and leadership, and his deep commitment to JPL and its goals has been the touchstone of the Laboratory's success. I would like to commend Dr. Stone for his extraordinary dedication and thank him for his decade of service.

INTRODUCTION OF THE CLEAN AIR INVESTMENT ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BENTSEN. Mr. Speaker, well over 100 million Americans live in metropolitan, suburban, and even rural regions that are facing a serious environmental and economic problem—attainment of air quality standards of the Clean Air Act amendments of 1990. Arguably, the most pressing issue affecting my region's prosperity and quality of life is State Implementation Plans (SIP) to reduce nitrogen oxide emissions (NO$_X$), which are causing the greater Houston area to exceed the EPA standard for ground level ozone. As an effect to assist non-attainment areas meet the requirements of the Clean Air Act I am introducing today a bill the Clean Air Investment Act, along with my colleague Representative KEVIN BRADY. This bill is designed to assist all non-compliance areas achieve improved environmental quality while protecting their economic prosperity.

Failure to attain compliance risks losing essential federal highway funding. Many of my colleagues know that Atlanta's federal highway funding was frozen for two years for non-compliance with the Clean Air Act. Now, while non-compliance carries costs, compliance also carries significant costs, some of which are the responsibility of the federal government. A study commissioned by the Greater Houston Partnership has showed that the SIP for the Houston-Galveston area will cost area households $550 million a year, and could reduce job growth significantly.

Under the law implementation plans are designed by the states, and approval must be made at the federal level by EPA. EPA-regulated sources account for a significant percentage of the NO_X emissions in most non-attainment regions, 40% in the Houston region. These sources are mobile interstate and international NO_X sources, such as automobiles, planes, trains, and ships. In the Clean Air Act, Congress clearly intended for compliance burdens to be borne proportionally by state and federally regulated sources. However, in the forming a plan that would meet EPA approval under the Clean Air Act, the State of Texas through its Texas Natural Resource Conservation Commission ("TNRCC") could not incorporate promised EPA reductions into the SIP. Many EPA reductions from federally regulated sources are supposed to exist, but do not because EPA has failed to meet their statutory deadlines. With serious economic burdens looming for 114 non-attainment areas in 33 states, EPA must make allowance for federally pre-empted items for which they have not met their own deadlines. The EPA failure to act, whether due to budget constraints, political resistance, or bureaucratic inertia is not the fault of local communities.

For instance, the EPA had a statutory deadline to produce regulations for all non-road engines in November 1992. Of the six regulations that have been produced the earliest was finalized in 1994, and one has not yet been finalized. The EPA was required by law to issue regulations covering locomotive engines in November 1995, but the rule was not promulgated until three years later. The rule for commercial diesel marine engines, exceedingly important for our area, was not finalized until November 1999. Further emission regulations for commercial marine engines will not be proposed until April of 2002. At this time, we will begin a debate of whether these marine emission standards can apply to foreign-flagged vessels in U.S. territorial waters. As a major shipping and railroad transportations enter, the greater Houston area is very dependent on the EPA to regulate these sources to reduce the burden on the state regulated industrial sources, which are currently being asked to achieve the steepest emission reduction every attempted—90%. I see the Houston area and many other non-attainment areas around the country engaged full force in a good faith attempt to meet the requirements of the Clean Air Act, and I believe that we owe them some small amount of assistance.

Along with my colleague, KEVIN BRADY, and I am proposing a way for the federal government to assist the state regulated sources that are bearing an increased burden as a result of regulatory delays by the EPA. The U.S. Tax Code provides for tax-exempt bond financing for a number of public and some private entities for a number of purposes that contribute to the public good. Through reduced borrowing costs, the government encourages investment in airports, maritime transport facilities, commuting families, water treatment, solid waste disposal, and local electric transmission. Prior to 1986, investment in air pollution control equipment was also encouraged in this way. However, during the massive rewrite of the tax code in 1986 air pollution was not recognized as a priority. I feel very strongly that at a time when massive air pollution investments are being mandated for the public good, we should allow for some assistance in financing their implementation as quickly as possible.

The Clean Air Investment Act will assist all industries in non-attainment areas finance the necessary investments that we are asking them to make. By reducing the cost of this investment, even by a couple of percentage points, we can help protect our prosperity and save American jobs. All Americans want clean air but we also want a strong economy. By providing lower costs to achieve reduced point service emissions Congress can aid in meeting both of these goals.

REGARDING CHINA, IS IT GETTING PERSONAL?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. BEREUTER. Mr. Speaker, this Member wants to call his colleagues attention to the article by Jim Hoagland in the Washington Post on April 4, 2001. He most assuredly is correct that it is highly unlikely that the collision between a U.S. Navy EP–3E surveillance aircraft and the high performance F–8 fighter interceptor was caused by the American aircraft. That collision, undisputedly, took place in international airspace, so no apology is owed or should be delivered by our Government. The recent harassment of our surveillance aircraft by Chinese interception in the region, as reported by Admiral Dennis Blair, Commander-in-Chief Pacific, in a recent news conference reported that these interceptors have been flying dangerously close to our aircraft and that we had filed a formal protest. Any apology is not the responsibility of the United States. Unfortunately, the immediate comments from the highest level of the Chinese Government informed the Chinese people and the world that the U.S. aircraft invaded Chinese airspace, but it didn't inform them that was the case only after the EP–3E pilot sought the closest landing base for his damaged aircraft on Hainan Island.

[From the Washington Post, Apr. 4, 2001]

REGARDING CHINA, IS IT GETTING PERSONAL?

(By Jim Hoagland)

For reasons physical and political, the probability that an American spy plane deliberately rammed a Chinese jet fighter over the South China Sea on Sunday runs as close to a perfect zero as mathematics allows. Imagine a fully loaded moving van trying to ram a Harley-Davidson motorcycle on an open plain and you get the picture.

So the official Chinese version of the collision that forced a U.S. Navy EP–3 electronic surveillance warplane into a mayday landing on Hainan Island can be dismissed. The Chinese F–8 pilot who went up to harass American spies at work almost certainly overdid his instructions to be particularly aggressive and accidentally flew into the lumbering propeller-driven craft.

But Beijing's false accusation of U.S. responsibility is revealing nonetheless. It tells us much about the air of confrontation that has quickly developed between President George W. Bush's incoming administration and President Jiang Zemin's outgoing leadership team.

The Chinese lie is a reflexive act of pride, and pride is a driving force for Jiang as he draws an ever-clearer line in the sand for Bush. The underlying strategic tensions between the two nations are rapidly getting personal: Jiang sees American actions suddenly threatening his legacy.

Even the best-laid strategies can be blown off course by stray winds. The spy plane incident is the latest in a series of seemingly unrelated, and unplanned, mishaps in American-Chinese relations since Bush's election. Taken together, these incidents illustrate the force of serendipity in politics and policy.

None of their intelligence briefings or position papers would have prepared Bush or Jiang to anticipate that a senior Chinese intelligence officer would defect to the United States in December. News of that defection leaked into Taiwanese newspapers in March, just as China's deputy prime minister was settliing out on a frame-setting trip to Washington and meeting with Bush.

Both the defection and, to Chinese eyes, the suspicious timing of the leak may have put China's heavy-handed security services even more on edge. They terrorized a Chinese-American family visiting relatives in China by arresting the mother, Gao Zhan, on espionage charges Feb. 11, and have arrested at least one other Chinese American scholar since.

Jiang was no more likely to have been consulted on Gao Zhan's arrest than Bush was to have been asked to authorize the specific espionage mission near Hainan that went wrong. But the two leaders must now deal with the consequences of these incidents, and do so at an unsetting moment of dual transition.

Jiang, who is due to retire by 2003, is beginning to gradually yield power, while Bush is trying to grab hold of it with a seriously understaffed administration.

Add to this the reality that China and the United States have never developed the kind of informal crisis-management framework that Washington and Moscow learned to apply to strategic mishap, and the opportunity for the EP–3 incident to become the first crisis of Bush's presidency is evident. It is a time for caution on both sides.

The plane incident comes as Bush moves toward a decision later this month on Taiwan's request to buy new U.S. weapons, including four destroyers equipped with sophisticated Aegis phased radar systems. It was to head off this sale that Jiang dispatched Deputy Prime Minister Qian Qichen to meet with Bush last month.

Bush refused to give Qian any assurances on a subject that Jiang has made into the make-or-break issue in Chinese-American relations. Pride dictates this stand more than strategic calculation, since the radar systems would take nearly a decade to deliver.

Jiang began his term by promising his colleagues on the Politburo to bring China to the point of reabsorbing Taiwan at a time of Beijing's choosing, according to U.S. intelligence reports. The Aegis sale would be a powerful symbol of failure in Jiang's quest for what he said would be his most "historic accomplishment."

Bush must make the decision on the Aegis sale on its own merits and not allow Jiang to gain leverage over the sale through the spy plane incident. There may be other weapons systems that would meet Taiwan's immediate needs as well as the Aegis, but that decision must be made on military and national security criteria, not under the threat of Chinese blackmail.

The Pentagon may have acted unwisely in sending the espionage plane so close to China at this particularly sensitive moment. But there can be no American apology based on the false Chinese version of events, as Beijing demands. That is not just a matter of pride. It is one of justice.

ISLAMIC EXTREMISTS FIND UNWITTING ALLIES IN CENTRAL ASIAN DICTATORSHIPS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Mr. LANTOS. Mr. Speaker, I am utterly appalled by the Taliban regime's vicious campaign to stamp out freedom and religious tolerance in Afghanistan. But the Taliban's zeal to propagate a warped version of Islam—and the support for terrorism and drug trafficking that goes along with it—is not limited to Afghanistan. Already, an Islamic movement which was designated as a terrorist group by the United States Department of State has taken root in the Fergana valley area where the borders of Uzbekistan, Tajikistan and Kyrgyzstan meet. This insurgency has the full support and assistance of the despotic Taliban regime in Afghanistan.

So far, Kazakhstan has not been directly affected by this insurgency. However, because of its oil and mineral wealth, Kazakhstan is the crown jewel of the region and is thus almost certainly the ultimate target of the Islamic extremists. Kazakhstan's authoritarian regime has taken note of the alarming developments with its neighbors to the south and has taken steps to strengthen its defenses. That's the good news. The bad news, however, is that President Nursultan Nazarbayev has also stepped up domestic repression.

Mr. Speaker, the people of Kazakhstan know that they inhabit a rich country, but they also know that very little of that wealth trickles down to them. They are also not blind to the questionable elections, the stifling of press freedom, and the jailing of opposition leaders that have characterized the country's political life. They are losing hope, and thus they are vulnerable to the siren calls of the Islamic extremists. The parallel to the situation under Suharto in Indonesia ought to be instructive. Fortunately for Indonesia, Islamic extremists were not the beneficiaries of Suharto's ouster, but the same could not be said for Kazakhstan and some of its neighbors.

In the March 3 issue of The Economist, there is an excellent article on Kazakhstan's security situation. The author of the article concludes: "Government repression and mismanagement help to nourish extremism and terrorism in Central Asia. An effort to improve social and economic conditions and freedom of expression might make Kazakhstan less fertile ground for militant zealots."

That, Mr. Speaker, is the crux of the issue. I submit the full text of this article from The Economist to be placed in the RECORD following my remarks.

Mr. Speaker, some here in Washington may be tempted to urge U.S. support for President Nazarbayev and the other authoritarian regimes in Central Asia, because they claim to be bulwarks of defense against Islamic extremism. Unfortunately, however, the Central Asian domestic political environment is the problem, not the solution. Only a democratic political system, a free press and respect for human rights will stop Islamic extremists. And the United States must stand with those governments in Central Asia who share these values.

[From The Economist, Mar. 3, 2001]

KAZAKHSTAN—IN DEFENSE

When the Soviet Union broke up ten years ago, the leaders of Central Asia's newly independent states felt safe from possible attacks on their region. Their main concern was to promote order, economic reform and the assertion of power for themselves and their families. The were jolted out of their complacency by bomb blasts in Tashkent, the capital of Uzbekistan, in February 1999 and an attack by Islamic militants in Kirgizstan in August. Last year Islamists again attacked both countries.

Although Kazakhstan was not directly affected by these attacks, they have alerted the country to look to its defences. President Nursultan Nazarbaev has set about making Kazakhstan's armed forces capable of dealing with what he believes are the main threats to the state: terrorism as a result of religious extremism, and organised crime.

He is strengthening defences in the south, in the mountainous border regions from which an Islamic incursion might come. He wants his soldiers to be more mobile. Sniper groups are being formed. Villagers with local knowledge of the terrain are being recruited as guides. The country's defence budget has been more than doubled this year to $171m, or 1% of GDP. Soldiers' pay is to go up by 30–40%.

One difficulty is that Kazakhstan's borders were not clearly defined in Soviet times, so it is difficult to decide what is a "border incursion". Kazakhstan has 14,000km (8,750 miles) of borders with neighbouring states. It has agreed on its border with China, but it is still negotiating with Russia, Kirgizstan, Uzbekistan and Turkmenistan. Bulat Sultanov, of Kazakhstan's Institute of Strategic Studies, worries that "our border troops cannot carry out any operations because there is no legal basis for them."

Last year, Uzbek border guards entered southern Kazakhstan and claimed a stretch of land. Since then, there have been several brushes between Uzbeks and Kazakhs, mostly villagers unclear about which country they are living in. All this is a distraction from the task of making the south of Kazakhstan more secure.

Then there is Afghanistan. Although Kazakhstan is not a direct neighbour, the fiercely Islamic Taliban who control most of Afghanistan are a worry to all of Central Asia. They are believed to provide training for extremists, among them the Islamic Movement of Uzbekistan (IMU), which wants to set up a caliphate in the Fergana valley, where Kirgizstan, Tajikistan and Uzbekistan meet. The IMU was said to be behind the attacks in Kirgizstan and Uzbekistan in the past two years and is thought to be preparing another assault before long.

Most of Kazakhstan's military equipment dates back to the Soviet period. Replacing, say, old helicopters used in the border areas will be expensive, but necessary. In January a Mi-8 helicopter crashed in the south, injuring the defence minister, Sat Tokpakbaev, who was aboard. Another helicopter crashed near the Chinese border two weeks ago, killing six people.

Kazakhstan will receive arms from Russia worth $20m this year as part of its annual payment for the use of a space-rocket site at Baikonur. It is due to receive over $4m from the United States to improve border security. The government might also consider some nonmilitary measures. Government repression and mismanagement help to nourish extremism and terrorism in Central Asia. An effort to improve social and economic conditions and freedom of expression might make Kazakhstan less fertile ground for militant zealots.

TESTIMONY OF DR. IRVING SMOKLER

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 4, 2001

Ms. RIVERS. Mr. Speaker, I would like to share with my colleagues, the testimony of Dr. Irving Smokler, presented to the House Appropriations Subcommittee on Labor, Health, and Human Services, Education and Related Agencies. Dr. Smokler is the president of the NephCure Foundation and testified regarding the need for increased funding for research and raising professional and public awareness on glomerular injury through the National Institute of Diabetes and Digestive and Kidney Diseases.

TESTIMONY REGARDING FISCAL YEAR 2002 FUNDING FOR NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Presented by Irving Smokler, Ph.D., President of the NephCure Foundation, Accompanied by Brad Stewart to the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies—March 20, 2001—10:00 AM

SUMMARY OF FY 2002 RECOMMENDATIONS

1. Continue the effort to double funding for the National Institutes of Health by providing an increase of 16.5%, to $23.7 billion for FY02. Increase funding for the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) by 16.5% to $1,518,443,525 for FY02.

2. Prioritize glomerular injury research at NIDDK (including clinical trials), raise professional and public awareness about glomerular injury, and encourage more aggressive scientific attention to all kidney diseases.

3. Urge NIDDK to develop programs to attract talented researchers to the field of glomerular injury.

Mr. Chairman, and members of the subcommittee, I am pleased to present testimony on behalf of the NephCure Foundation (NCF).

We are a relatively new, non-profit organization with a mission of supporting research and public awareness on glomerular injury, which is related to the filtering mechanism of the kidney. I serve as president of the foundation, and have a son, who has had a glomerular disease since he was eleven months old. Although he is now 24 years old and in remission, eighty percent of those in his situation lose their kidneys or their life by the age of five.

What is glomerular injury?

Mr. Chairman, each kidney contains about one million tiny filtering units called nephrons. Nephrons are the key to the kidney's filtering function, processing a constant flow of waste-laden blood, sorting out the vital fluids, from the toxic and unnecessary elements.

When someone suffers from a glomerular disease, this vital process is impaired. In some instances, an individual will lose protein and sometimes red blood cells in the urine, have high cholesterol levels, and experience severe swelling in the body from too much fluid. Incidence of this disruptive Nephrotic Syndrome is increasing, and this perplexes physicians who cannot identify the cause or cure.

Sometimes damage occurs to the nephrons, specifically, scarring of the glomeruli, which are microscopic capillaries in the nephron. The severe form of this glomerular injury is Focal Segmental Glomerularasclerosis (FSGS). Presently, there is no treatment to reverse this damage. FSGS can lead to end stage renal disease—total, or near total, permanent kidney failure. Costly dialysis treatments become necessary and kidney transplants may be required for severe cases.

The toll of glomerular injury

Glomerular injury affects tens of thousands of patients in the nation, most of them young. While it is unclear exactly how many Americans are impacted, the incidence of glomerular injury is on the rise. Severe forms of glomerular injury are costly to diagnose and treat, and at this time the only relief for these patients is with heavy medication, usually steroids, which have strong and unpleasant side effects and only work for about 30 percent of patients.

Problems of misdiagnosis often occur with glomerular injury. Most patients and parents have stories about the unusual length of time between the first symptoms and diagnosis. The early signs of glomerular injury, swollen eyelids, are often mistaken for allergic reactions. Health care professionals don't appear to be fully knowledgeable about this disease.

The physical changes, extreme swelling of the face and body, can adversely affect all aspects of a young person's life. With a stronger commitment to research and educational awareness, suffering can be minimized and hopefully eliminated.

There is hope for scientific breakthroughs

At a meeting co-sponsored by the NephCure Foundation, preeminent scientists from around the world have shared their findings about the podocyte, a major filtering cell, with tentacle-like feet. The relationship between the podocyte and the glomerulus may be a key to understanding glomerular injury.

Recently, researchers have discovered certain molecules that are essential to the podocyte's function. As this becomes better understood, scientists are hopeful of finding better ways to treat glomeular diseases, and prevent their progression to more grave conditions.

This spring, NIDDK will begin to establish clinical trials, which will test various treatments for hundreds of FSGS patients. But there is a need for more funds to strengthen the basic science behind these studies. Researchers need to study tissue and fluids from those patients to advance their knowledge of the molecular causes of FSGS.

What needs to be done?

Respectfully, Mr. Chairman, the NephCure Foundation urges this subcommittee to:

1. Continue the support for doubling the National Institutes of Health (NIH) and the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK).

2. Provide the funding and recommendations for the National Institute of Diabetes and Digestive and Kidney Diseases to aggressively pursue a scientific program which will advance research into glomerular injury, conduct clinical trials, raise public awareness, and recruit talented scientists to this field of research.

Thank you for the opportunity to appear before you today.

Mr. Chairman, we hoped to have Melanie Stewart here to testify today, but her health would not allow her to be here. Her father, Brad Stewart, will read Melanie's statement.

My name is Melanie Stewart. I'm 13 years old and have had FSGS since I was six. Until a year ago I spent most of my life in the hospital or hooked up to a dialysis machine for 8 hours every day. My kidneys finally died last year, so my dad gave me one of his. I've done my best to keep it by taking 20 pills a day, fighting off infections, hemorrhages, and a blood clot in my heart. The kidney my Dad gave me is failing.

There are thousands of kids just like me who would like a change at a normal life. For all of us, I'm asking for your help in finding a cure for this disease.

Thank you for listening.

SENATE—*Friday, April 6, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, our Creator, Sustainer, loving heavenly Father, it is awesome to us that You have chosen, called, and commissioned us to be Your blessed people. We thank You for the times we trusted You and received Your blessings of wisdom, strength, and determination. Now hear our longing to know and do Your will in the final negotiations on the budget. There is so much on which we do agree; show us how to come to creative compromise in the issues on which we do not agree.

Give us clear heads and trusting hearts. May we earn a new confidence from the American people by the way we press on expeditiously and with excellence. Now we commit ourselves anew to You. With confidence we thank You in advance for a successful day of debate on the issues before us. When votes are counted may we neither be grim over defeat nor gloat over victory but pull together as Americans who put You and our Nation's good above all else. In Your all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 6, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. BROWNBACK thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, today the Senate will immediately resume consideration of the final amendments to the budget resolution. There will be 2 minutes of debate prior to a vote on any of the amendments proposed.

There are, for the information of Senators, between 30 and 40 amendments to be considered during today's session. We are working with Senators on both sides to see which amendments can be accepted, which will require rollcall votes, and perhaps which we will not be required to take action on at all.

Senators should be aware that all votes after the first vote will be limited to 10 minutes. Therefore, Members should stay in the Chamber if possible between votes. We are working to vote on final passage by 2:30 or 3 p.m.

I thank my colleagues for their attention.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have looked at the amendments overnight. We still have 42 amendments pending. Between the two sides we have 42 amendments pending. That does not count the leadership wrap-up amendments or the debate on those amendments. So realistically we would be talking about 16 hours of straight voting unless we are able to find some give in the good hearts of our colleagues. I am going to turn to my side of the aisle and urge colleagues on my side to please relent in the interest of getting the business of the Senate done on this budget resolution.

Senator REID and I have gone to our colleagues and asked them to please refrain from pushing their amendment to a vote. We understand every Senator has a right to take his or her amendment to a vote, but if everyone insists on their absolute right, we are going to be here 16 hours. Truthfully, it would probably be more than that because we have not been able to do three votes an hour.

That is the reality of the situation we confront. We urge our colleagues to try to work with us as the morning proceeds and to reduce amendments.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. WELLSTONE. Just for the record, would the Senator do me the favor of emphasizing this amendment dealing with veterans' health care benefits is an amendment from yesterday? I have, indeed, withdrawn my other two amendments, just so colleagues will know that. Will the Senator amplify that?

Mr. CONRAD. I am pleased to say the amendment of the Senator from Minnesota was actually scheduled for last night for a vote and it was held over because of a parliamentary situation that developed last evening. So I am not making this request of the Senator from Minnesota. He has been patient. He has been one who has cooperated and dropped amendments, which we appreciate very much.

I thank the Chair and yield the floor.

Does the chairman wish we go to a quorum call or go to the vote?

Mr. DOMENICI. Mr. President, let me suggest we have three or four Senators we want to talk with on the phone. We may significantly change our numbers. We do not have anything like those—we are one-third of your number or one-fourth.

I believe we ought to proceed. I believe Senator BOND is ready on our side with a second-degree.

Mr. LEAHY. Mr. President, what is the parliamentary situation? I understood we were going to have votes at 9:30?

Mr. DOMENICI. We are ready to go. We will get an amendment up and be ready to go.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR THE FISCAL YEARS 2001—2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H. Con. Res. 83, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.)

Pending:

> Domenici amendment No. 170, in the nature of a substitute.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Motion to reconsider the vote by which Harkin amendment No. 185 (to amendment No. 170) was agreed to.

Wellstone amendment No. 269 (to amendment No. 170) to increase discretionary funding for veterans' medical care by $1.718 billion in 2002 and each year thereafter to ensure that veterans have access to quality medical care.

AMENDMENT NO. 269

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes for debate on the Wellstone amendment No. 269.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Colleagues, this amendment adds $1.7 billion to the veterans' health care budget over the next 10 years. The President's budget proposal is a terrible proposal; it leaves so many gaps, there is no question about it. This amendment has the support of AMVETS, VFW, Paralyzed Veterans, Disabled American Veterans, and many colleagues have signed on to it. I especially thank Senator JOHNSON and Senator ROCKEFELLER.

The problem is between $900 million of medical inflation and then the commitment we made to elderly veterans with the Millennium Program and the commitment for mental health services, hepatitis C, and the commitment to treat veterans who have no health care coverage, this is totally inadequate.

This is not a game. If we are committed to veterans, you are going to vote for this amendment. This really does deal with some of the unmet needs. There are amendments that can come in with less funding, but this is the only way we say thank you to veterans. It is extremely important. I can't think of any more important vote from the point of view of working with a very, very important group of people.

The ACTING PRESIDENT pro tempore. Who seeks time?

Mr. BOND. Mr. President, I yield myself 1 minute on this side to respond to the comments of the proponent of the underlying amendment.

AMENDMENT NO. 351

Mr. President, I send a second-degree amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 351.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Increase Veterans discretionary spending for FY02)

On page 36, line 6, increase the amount by $967,000,000.

On page 36, line 7, increase the amount by $967,000,000.

On page 43, line 15, decrease the amount by $967,000,000.

On page 43, line 16, decrease the amount by $967,000,000.

On page 48, line 8, increase the amount by $967,000,000.

On page 48, line 9, increase the amount by $967,000,000.

Mr. BOND. Mr. President, this underlying amendment, as others before and after, chips away at the tax relief package proposed by the President. All citizens, including our veterans, deserve tax relief. This amendment that I have just offered on behalf of Senator DOMENICI would increase veterans' discretionary spending for the coming year by almost $2 billion, including a $1.7 billion increase for medical care. This is the highest increase ever; this is the first increase in recent years.

Let me make a point that the President's budget request for VA is an excellent one. This body should recall from previous years that the prior administration proposed to freeze veterans' medical care with no increase at all.

This amendment also provides the highest increase ever for the Veterans' Benefit Administration, where a backlog of claims continues to mount. This is a problem that the prior administration refused to address.

Finally, this amendment does not assume spending beyond fiscal year 2002 because VA has a new administration, new management, and a massive strategic review.

I urge support of the second-degree amendment.

AMENDMENT NO. 269

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President and colleagues, please follow the arithmetic. The President's budget is opposed by so many veterans organizations.

With $1 billion for the whole VA budget, medical inflation alone is $900 million. We passed a millennium bill with a commitment to elderly veterans with another $100 million. We talk about mental health services, and another $100 million for treating veterans with hepatitis C. That provides more resources.

I do not know, in all due respect, where my colleague gets his numbers. I am glad that we have an amendment on the other side of the aisle that calls for a $900 million increase. I am pleased we are pushing this forward. But, in all due respect, the President's budget is no way to say thanks to veterans. Sure, we can take a little bit out of tax cuts with 40 percent going to the top 1 percent and make the commitment to veterans' health care.

This is a clear vote.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. REID. Mr. President, I ask unanimous consent to speak for 1 minute out of order.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Senator MIKULSKI, who has waited patiently for 2 days to offer her amendment, came to us a few minutes ago and said, because of the rush of things, she would be willing to take a voice vote.

The reason I mention that is I think Members have a pretty good idea how the votes are going to turn out. She sets a very good example for this body, as she always does. I suggest others follow her example.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. DOMENICI. Mr. President, I ask that we proceed in the following manner: No amendment be in order to these amendments prior to the vote; that the votes occur in relation to these amendments in a stacked sequence; first, in relationship to the Wellstone amendment and then in relation to Senator BOND's amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the Wellstone amendment.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessary absent.

The PRESIDING OFFICER (Mr. ALLEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—53

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe

Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Bunning

The amendment (No. 269) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 351

The PRESIDING OFFICER. The question is on agreeing to the Bond amendment.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I ask unanimous consent that the following votes in this series be limited to 10 minutes each. We managed to get through with only 45 minutes on that first vote. I think if we can do it in 10 minutes, it might get us home before Monday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—99

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Bunning

The amendment (No. 351) was agreed to.

CHANGE OF VOTE

Mr. VOINOVICH. Mr. President, on rollcall vote No. 85, I voted "no." It was my intention to vote "yes." Therefore, I ask unanimous consent that I be permitted to change my vote. It would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. BOND. I move to reconsider the vote by which the amendment was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 284

Mr. DOMENICI. We are ready to proceed with amendment No. 284, the Enzi-Carper amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. CARPER, Mr. BENNETT, Mr. KERRY, Mr. ALLARD, Mr. BAYH, Mr. HUTCHINSON, Mr. GRASSLEY, Ms. COLLINS, Mr. HAGEL, Mr. MILLER, Mr. SCHUMER, Mr. CORZINE, Mr. JOHNSON, and Mr. NICKLES, proposes an amendment numbered 284.

Mr. ENZI. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the resolution to reflect that there should be no new Federal fees on State-chartered banks)

On page 2, line 17, decrease the amount by $82,000,000.

On page 2, line 18, decrease the amount by $86,000,000.

On page 3, line 1, decrease the amount by $90,000,000.

On page 3, line 2, decrease the amount by $95,000,000.

On page 3, line 3, decrease the amount by $100,000,000.

On page 3, line 4, decrease the amount by $105,000,000.

On page 3, line 5, decrease the amount by $110,000,000.

On page 3, line 6, decrease the amount by $115,000,000.

On page 3, line 7, decrease the amount by $120,000,000.

On page 3, line 8, decrease the amount by $125,000,000.

On page 3, line 13, increase the amount by $82,000,000.

On page 3, line 14, increase the amount by $86,000,000.

On page 3, line 15, increase the amount by $90,000,000.

On page 3, line 16, increase the amount by $95,000,000.

On page 3, line 17, increase the amount by $100,000,000.

On page 3, line 18, increase the amount by $105,000,000.

On page 3, line 19, increase the amount by $110,000,000.

On page 3, line 20, increase the amount by $115,000,000.

On page 3, line 21, increase the amount by $120,000,000.

On page 3, line 22, increase the amount by $125,000,000.

On page 4, line 16, increase the amount by $95,000,000.

On page 4, line 17, increase the amount by $106,000,000.

On page 4, line 18, increase the amount by $116,000,000.

On page 4, line 19, decrease the amount by $317,000,000.

On page 5, line 7, decrease the amount by $177,000,000.

On page 5, line 8, decrease the amount by $192,000,000.

On page 5, line 9, decrease the amount by $206,000,000.

On page 5, line 10, increase the amount by $222,000,000.

On page 5, line 11, decrease the amount by $100,000,000.

On page 5, line 12, decrease the amount by $105,000,000.

On page 5, line 13, decrease the amount by $110,000,000.

On page 5, line 14, decrease the amount by $115,000,000.

On page 5, line 15, decrease the amount by $120,000,000.

On page 5, line 16, decrease the amount by $125,000,000.

On page 21, line 16, increase the amount by $95,000,000.

On page 21, line 20, increase the amount by $106,000,000.

On page 21, line 24, increase the amount by $116,000,000.

On page 22, line 3, decrease the amount by $317,000,000.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be no amendments in order to the Enzi amendment, No. 284,

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, this might be one of the most important amendments you will vote on if you are interested in your State banks. This is an issue we have dealt with every year recently. Mr. CARPER, the Senator from Delaware, and I have worked on this diligently. Members would be amazed at the cosponsors. We have nine Democrats and nine Republicans on it. We have other Members who have pledged their support.

The budget resolution would impose a new federal fee on State banks, but it would be a fee that receives no service. It is a fee we have rejected every year as a new tax.

Don't approve a new tax in this budget. Help roll it back one more time and make sure that State banks will not be charged a new fee.

I especially thank the junior Senator from Delaware, Mr. CARPER, for working with me on this amendment. As a former Governor, he understands the importance of state banks and their contribution to a healthy banking system. I also thank the other cosponsors of this amendment, Mr. BENNETT, Mr. KERRY, Mr. ALLARD, Mr. BAYH, Mr. HUTCHINSON, Mr. GRASSLEY, Mr. MILLER, Ms. COLLINS, Mr. HAGEL, Mr. SCHUMER, Mr. NICKLES, Mr. CORZINE, Mr. JOHNSON, Mr. BUNNING, Mr. DODD, and Mr. NELSON.

The budget resolution before us assumes that the Federal Deposit Insurance Corporation (FDIC) and the Federal Reserve will impose new fees on state-chartered bank and bank holding companies. The amendment we are offering will ensure that these new fees will not be assessed.

The proposal included in the budget would amount to a federal tax on state-chartered entities that have already paid their state chartering agencies for the same service. In effect, these banks would be double-charged, with no added benefit.

The dual-banking system, consisting of both state and national bank charters, has served the United States and its communities well for many years. The current fee structure is identical for state and national banks. They both pay their chartering organization for their examinations. They are also both subject to deposit insurance premiums assessed by the FDIC. Additional fees for state banks will not increase safety and soundness.

Banks should have an option of a federal or state charter, depending upon their particular needs. The new fees assumed to be a part of the budget resolution would reduce the attractiveness of state bank charters, which traditionally have provided a lower-cost alternative to the federal bank charter. The effect would be to drive up costs for both banks and consumers.

Our amendment will help preserve the competitiveness of state-bank charters and maintain the balance of the dual banking system. The amendment would save state banks and bank holding companies approximately $2 billion over 10 years. It would allow these banks to invest this money in their local communities, rather than paying a discriminatory fee.

The Congress has rejected new federal fees on state banks in each of the previous seven budgets. The Senate Banking Committee has consistently opposed this proposal. The major banking associations—the American Bankers Association (ABA), the Independent Community Bankers of America (ICBA), America's Community Bankers (ACB), the Conference of State Bank Supervisors (CSBS) and the Financial Services Roundtable—have all endorsed the amendment. In addition, the National Governor's Association and the National Conference of State Legislatures are supporting the amendment.

I urge my colleagues to support this amendment.

I ask unanimous consent that the letter from the National Governor's Association and the correspondence from the banking associations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 3, 2001.

To: Members of the U.S. Senate.

From: American Bankers Association, America's Community Bankers, Conference of State Bank Supervisors, Independent Community Bankers of America, The Financial Services Roundtable.

Re: Support Enzi/Carper Amendment to Strike Bank Exam Fees from Budget.

The FY 2002 budget that the Senate is expected to vote on this week would require the Federal Deposit Insurance Corporation (FDIC) and Federal Reserve Board (FRB) to charge for their examinations of state-chartered banks and bank holding companies. Similar language was also included in seven Clinton Administration budgets, but was rejected by Congress each time.

The above-noted national member organizations and trade associations, representing all segments of the U.S. banking industry, are united in opposition to this examination fee requirement. It would impose an unfair, new tax on state-chartered banks and bank holding companies, costing them over $2 billion in the next ten years.

The FDIC and FRB have had authority to charge examination fees since 1991, but they never have charged such fees and are already financially healthy, self-funded entities. All banking institutions already pay examination fees to their chartering agencies (whether federal or state), as well as deposit insurance premiums to the FDIC. Thus, imposing examination fees on state-chartered banks and bank holding companies would constitute a discriminatory, double fee imposed on these entities simply on the basis of their charter and/or organizational structure. It would also be a threat to the balance of the dual banking system, which has so well served this country by providing much needed diversification to the U.S. economy.

Senate Banking Committee members Mike Enzi (R-Wyoming) and Tom Carper (D-Delaware) will join together to offer an amendment to strike the examination fees provision. The above-noted parties urge you to support the Enzi/Carper amendment. Just last week, the House of Representatives rejected this new tax during its consideration of the budget. Also, last month, the Senate Banking Committee informed the Senate Budget Committee that it "has consistently opposed" such new examination fees for many of the reasons noted above. Finally, the proposal is quite simply at odds with the Administration's overall tax reduction goals.

Please support the Enzi/Carper amendment to strike new banking examination fees from the FY 2002 budget. We thank you for your consideration of this important matter.

APRIL 4, 2000.

Senator PETE DOMENICI,
Chairman, Senate Budget Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

Senator KENT CONRAD,
Ranking Member, Senate Budget Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOMENICI AND SENATOR CONRAD: On behalf of the nation's Governors, we urge you to support Senator Enzi and Senator Carper's amendment to strike the examination fee on the state-chartered banks provision contained in H. Con. Res. 83, the Congressional Budget Resolution For FY2002. The Governors oppose the imposition of the new fee on the basis that it is discriminatory, costly, and a double fee on the more than 6,000 state-chartered banks and holding institutions in the U.S.

The new fee would only be assessed on state-chartered banks and holding institutions impacting the competitiveness of our dual banking system. The Governors strongly oppose any effort that would penalize the state system for attempting to develop high quality yet cost-effective operations.

The Office of Management and Budget and the Congressional Budget Office have reported that the new fee would cost state-chartered banks and holding institutions two billion dollars over the next ten years. A new fee would also run counter to the declining trend in bank regulatory fees. The Federal Deposit Insurance Corporation (FDIC) has slashed deposit insurance premiums. The Office of Comptroller General has also reduced supervisory fees. Congress rejected seven budget proposals for the previous administration that included these proposed fees.

Although the FDIC and the Federal Reserve Board have existing authority to charge examination fees since 1991, they have elected not to do so as they are financially healthy, self-funded entities. All banking institutions, including state-chartered banks, already pay examination fees to their chartering agency to conduct examinations. The new fee would not increase the number or quality of these examinations. The fee would also penalize the economic efficiencies that state-chartered banks have gained and are represented in declining examination fees.

Thank you for considering our views on this important matter. If the NGA can assist you in any manner on this issue, please contact Frank J. Principi of the NGA staff at 202.624.7818.

Sincerely,

Gov. MIKE JOHANNS,
Chair, Committee on Economic Development and Commerce.
Gov. DON SIEGELMAN,
Vice Chair, Committee on Economic Development and Commerce.

Mr. CARPER. Mr. President, this budget resolution includes a proposal to require new Federal fees on State-chartered banks and bank holding companies. The amendment that I am offering with Senator ENZI would strike these unnecessary and inequitable fees from the budget.

Currently, the exam fee structure for both federally and State-chartered banks is identical: federally chartered banks pay the Federal Government for their examinations, and State-chartered banks pay States for theirs. Charging State-chartered banks a fee on top of what they already pay does not increase safety and soundness or provide for additional exams. These fees only increase the Federal fisc at the expense of the State banking system.

We have seen State-chartered banks be engines of innovation. As a former

Governor, I believe this is one of the great values of our dual banking system. Under this system, States and the Federal Government independently charter and regulate financial institutions. A key benefit of our dual banking system is that it provides for innovations at both the State and Federal level. In fact, State initiatives have spurred most advances in U.S. bank products and services. Everything from checking accounts to adjustable-rate mortgages, from electronic funds transfers to the powers and structures endorsed by Gramm-Leach-Bliley, originated at the State level. State-chartered banks also play an important role in credit availability and economic development. Additional Federal fees for State banks would stifle the innovation taking place at the State level. The very innovation which benefits all consumers by providing competition and creativity in the marketplace.

On seven prior occasions, Congress has wisely rejected these Federal fee proposals. Last week, the House refused to include these fees in its budget resolution. The Senate Banking Committee also opposed these fees in its views to the Budget Committee. In addition, the American Bankers Association, America's Community Bankers, the Conference of State Bank Supervisors, the Independent Community Bankers of America, the Financial Services Roundtable, National Conference of State Legislatures, and the National Governors Association all oppose these new fees on State-chartered institutions.

I urge you to support the dual banking system and vote for this amendment to strike these harmful Federal fees.

Mr. DOMENICI. Senator GRAMM asked to address this issue for 30 seconds, and I ask unanimous consent he be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, as chairman of the Banking Committee, I support this amendment. Obviously, nothing in the proposal actually changes banking law, it merely sets out budgetary assumptions. Broader issues are involved and I pledge to both authors of the amendment to hold hearings or otherwise deal with these broader issues. Given that understanding, I ask our colleagues to not force a rollcall vote so that we can save that time and get on about our business.

Mr. DOMENICI. What is the pleasure of the Senator?

Mr. ENZI. Would the Senator accept a voice vote?

Mr. GRAMM. I would ask for a voice vote.

Mr. DOMENICI. Parliamentary inquiry. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

The question is on agreeing to the amendment, No. 284.

The amendment (No. 284) was agreed to.

AMENDMENT NO. 249

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I call up amendment No. 249.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LIEBERMAN, Mr. REID, Mr. BINGAMAN, Ms. LANDRIEU, Ms. CANTWELL, Mr. BIDEN, and Mr. JEFFORDS, proposes an amendment numbered 249.

Mr. KERRY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of April 5 under "Amendments Submitted.")

AMENDMENT NO. 249, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to modify the amendment, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(For the purpose of reducing greenhouse gas emissions, addressing global climate change concerns, protecting the global environment, and promoting domestic energy security; to provide increased funding for voluntary programs that will reduce greenhouse gas emissions in the near term; to provide increased funding for a range of energy resources and energy efficiency programs; to provide increased funding to ensure adequate U.S. participation in negotiations that are conducted pursuant to the Senate-ratified United Nations Framework Convention on Climate Change; to provide increased funding to encourage developing nations to reduce greenhouse gas emissions; and, to provide increased funding for programs to assist U.S. businesses exporting clean energy technologies to developing nations)

On page 5, line 8, decrease the amount by $450,000,000.

On page 5, line 9, decrease the amount by $450,000,000.

On page 5, line 10, decrease the amount by $450,000,000.

On page 5, line 11, decrease the amount by $450,000,000.

On page 5, line 12, decrease the amount by $450,000,000.

On page 5, line 13, decrease the amount by $450,000,000.

On page 5, line 14, decrease the amount by $450,000,000.

On page 5, line 15, decrease the amount by $450,000,000.

On page 5, line 16, decrease the amount by $450,000,000.

On page 4, line 3, increase the amount by $450,000,000.

On page 4, line 4, increase the amount by $450,000,000.

On page 4, line 5, increase the amount by $450,000,000.

On page 4, line 6, increase the amount by $450,000,000.

On page 4, line 7, increase the amount by $450,000,000.

On page 4, line 8, increase the amount by $450,000,000.

On page 4, line 9, increase the amount by $450,000,000.

On page 4, line 10, increase the amount by $450,000,000.

On page 4, line 11, increase the amount by $450,000,000.

On page 4, line 17, increase the amount by $450,000,000.

On page 4, line 18, increase the amount by $450,000,000.

On page 4, line 19, increase the amount by $450,000,000.

On page 4, line 20, increase the amount by $450,000,000.

On page 4, line 21, increase the amount by $450,000,000.

On page 4, line 22, increase the amount by $450,000,000.

On page 4, line 23, increase the amount by $450,000,000.

On page 5, line 1, increase the amount by $450,000,000.

On page 5, line 2, increase the amount by $450,000,000.

On page 12, line 16, increase the amount by $50,000,000.

On page 12, line 17, increase the amount by $33,000,000.

On page 12, line 20, increase the amount by $50,000,000.

On page 12, line 21, increase the amount by $50,000,000.

On page 12, line 24, increase the amount by $50,000,000.

On page 12, line 25, increase the amount by $50,000,000.

On page 13, line 3, increase the amount by $50,000,000.

On page 13, line 4, increase the amount by $50,000,000.

On page 13, line 7, increase the amount by $50,000,000.

On page 13, line 8, increase the amount by $50,000,000.

On page 13, line 11, increase the amount by $50,000,000.

On page 13, line 12, increase the amount by $50,000,000.

On page 13, line 15, increase the amount by $50,000,000.

On page 13, line 16, increase the amount by $50,000,000.

On page 13, line 19, increase the amount by $50,000,000.

On page 13, line 20, increase the amount by $50,000,000.

On page 13, line 23, increase the amount by $50,000,000.

On page 13, line 24, increase the amount by $50,000,000.

On page 14, line 2, increase the amount by $50,000,000.

On page 14, line 3, increase the amount by $50,000,000.

On page 14, line 11, increase the amount by $50,000,000.

On page 14, line 12, increase the amount by $45,000,000.

On page 14, line 15, increase the amount by $50,000,000.

On page 14, line 16, increase the amount by $50,000,000.

On page 14, line 19, increase the amount by $50,000,000.

On page 14, line 20, increase the amount by $50,000,000.

On page 14, line 23, increase the amount by $50,000,000.

On page 14, line 24, increase the amount by $50,000,000.

On page 15, line 2, increase the amount by $50,000,000.

On page 15, line 3, increase the amount by $50,000,000.

On page 15, line 6, increase the amount by $50,000,000.

On page 15, line 7, increase the amount by $50,000,000.

On page 15, line 10, increase the amount by $50,000,000.

On page 15, line 11, increase the amount by $50,000,000.

On page 15, line 14, increase the amount by $50,000,000.

On page 15, line 15, increase the amount by $50,000,000.

On page 15, line 18, increase the amount by $50,000,000

On page 15, line 19, increase the amount by $50,000,000.

On page 15, line 22, increase the amount by $50,000,000.

On page 15, line 23, increase the amount by $50,000,000.

On page 16, line 5, increase the amount by $205,000,000.

On page 16, line 6, increase the amount by $192,000,000.

On page 16, line 8, increase the amount by $205,000,000.

On page 16, line 9, increase the amount by $205,000,000.

On page 16, line 11, increase the amount by $205,000,000.

On page 16, line 12, increase the amount by $205,000,000.

On page 16, line 14, increase the amount by $205,000,000.

On page 16, line 15, increase the amount by $205,000,000.

On page 16, line 18, increase the amount by $205,000,000.

On page 16, line 19, increase the amount by $205,000,000.

On page 16, line 22, increase the amount by $205,000,000.

On page 16, line 23, increase the amount by $205,000,000.

On page 17, line 2, increase the amount by $205,000,000.

On page 17, line 3, increase the amount by $205,000,000.

On page 17, line 6, increase the amount by $205,000,000.

On page 17, line 7, increase the amount by $205,000,000.

On page 17, line 10, increase the amount by $205,000,000.

On page 17, line 11, increase the amount by $205,000,000.

On page 17, line 14, increase the amount by $205,000,000.

On page 17, line 15, increase the amount by $205,000,000.

On page 17, line 23, increase the amount by $100,000,000.

On page 17, line 24, increase the amount by $60,000,000.

On page 18, line 2, increase the amount by $100,000,000.

On page 18, line 3, increase the amount by $100,000,000.

On page 18, line 6, increase the amount by $100,000,000.

On page 18, line 7, increase the amount by $100,000,000.

On page 18, line 10, increase the amount by $100,000,000.

On page 18, line 11, increase the amount by $100,000,000.

On page 18, line 14, increase the amount by $100,000,000.

On page 18, line 15, increase the amount by $100,000,000.

On page 18, line 18, increase the amount by $100,000,000.

On page 18, line 19, increase the amount by $100,000,000.

On page 18, line 22, increase the amount by $100,000,000.

On page 18, line 23, increase the amount by $100,000,000.

On page 19, line 2, increase the amount by $100,000,000.

On page 19, line 3, increase the amount by $100,000,000.

On page 19, line 6, increase the amount by $100,000,000.

On page 19, line 7, increase the amount by $100,000,000.

On page 19, line 10, increase the amount by $100,000,000.

On page 19, line 11, increase the amount by $100,000,000.

On page 19, line 19, increase the amount by $45,000,000.

On page 19, line 20, increase the amount by $45,000,000.

On page 19, line 23, increase the amount by $45,000,000.

On page 19, line 24, increase the amount by $45,000,000.

On page 20, line 2, increase the amount by $45,000,000.

On page 20, line 3, increase the amount by $45,000,000.

On page 20, line 6, increase the amount by $45,000,000.

On page 20, line 7, increase the amount by $45,000,000.

On page 20, line 10, increase the amount by $45,000,000.

On page 20, line 11, increase the amount by $45,000,000.

On page 20, line 14, increase the amount by $45,000,000.

On page 20, line 15, increase the amount by $45,000,000.

On page 20, line 18, increase the amount by $45,000,000.

On page 20, line 19, increase the amount by $45,000,000.

On page 20, line 22, increase the amount by $45,000,000.

On page 20, line 23, increase the amount by $45,000,000.

On page 21, line 2, increase the amount by $45,000,000.

On page 21, line 3, increase the amount by $45,000,000.

On page 21, line 6, increase the amount by $45,000,000.

On page 21, line 7, increase the amount by $45,000,000.

On page 43, line 15, decrease the amount by $450,000,000.

On page 43, line 16, decrease the amount by $369,000,000.

On page 48, line 8, increase the amount by $450,000,000.

On page 48, line 9, increase the amount by $369,000,000.

Mr. KERRY. Let me say to my colleagues, this is an amendment to add money back on behalf of Senator LIEBERMAN, Senator COLLINS, and others, to the areas which we have already funded, to try to determine what we can do to understand global warming better, to fund new technologies, and to fund the export of American products with respect to those technologies. There is no unauthorized plan in this. There is nothing regulatory in it. This has nothing whatever to do with Kyoto. It is all preauthorized, existing programs, which we bring back to a funding level which most people think is appropriate, $4.5 billion over 10 years. It does not come out of the tax cut; it comes out of the contingency funds. I hope on a bipartisan basis we could signal our approval of the efforts to continue to understand the impact of global climate change on the technologies which can help us respond.

Mr. President, There is a world-wide consensus among climate scientists that global average temperature will rise over the next 100 years if greenhouse gas emissions continue to grow. Scientists report that some of the signs of this warming are already evident: the 90s was the hottest decade on record; glaciers around the world are receding at record rates; 1,000 square miles of the Larsen ice shelf in Antarctica have collapsed into the ocean; Arctic sea ice has thinned by 40 percent in only 20 years; and ocean temperatures throughout the world are rising. And scientists warn that the potential impacts of global warming include the intensification of floods, storms and droughts; the dislocation of millions of people; the spread of tropical diseases; destructive sea level rise; the die-off of species; the loss of forests, coral reefs and other ecosystems and other far reaching and adverse impacts.

To address the threat of global warming, the U.S. has invested in a range of programs aimed at understanding the global climate, reducing greenhouse gas emissions and other pollutants, saving energy and money, spurring innovation in energy technologies, and sequestering carbon. At the same time, we have engaged internationally to encourage the global use of clean energy technologies developed and manufactured here in the U.S. and to craft an international solution to the threat of climate change. Unfortunately, overall funding levels in the Bush budget proposal and press reports of Administration budgeting plans make clear that these important programs are facing drastic cuts—cuts that could cripple even these minimal efforts to understand and mitigate climate change. The Climate Change Amendment increases budget authority by $4.5 billion over 10 years to make up for anticipated cuts to these essential programs. The increased budget authority in the amendment is offset by an equal reduction in the proposed Bush tax cut that amounts to a mere three-tenths of 1 percent of the overall tax cut.

The Climate Change Amendment provides additional budget authority of $4.5 billion over 10 years. It is offset by a reduction in the Bush tax cut of three-tenths of 1 percent. The additional budget authority is allocated to essential programs described below.

International Affairs—Function 150: The amendment increases budget authority by $500 million for 10 years. The increase is to offset cuts to the

Global Environment Facility, USAID, State Department offices engaged in international negotiations on climate change and related programs. The GEF forges international cooperation to address critical threats to the global environment, including climate change but providing financial and technical assistance primarily in developing nations. USAID programs accelerate the development and deployment of clean energy technologies around the world and assist U.S. manufacturers in establishing a position in a clean energy market that it expects to total $5 trillion over the next 20 years. Additional authority for the State Department is to ensure that the budget includes sufficient funding for the U.S. to fully engage with the international community in on-going and highly complex negotiations pursuant to the UN Framework Convention on Climate Change.

Science, Space and Technology—Function 250: The amendment increases budget authority by $500 million over 10 years. The increase is to offset cuts to programs like the United States Global Change Research Program and similar efforts that provide basic and essential research into the global climate system and how pollution may be impacting it. The program is working to improve climate observations and our understanding of the global water cycle, ecosystem changes and the carbon cycle. It is a multiagency effort that draws on the expertise of USDA, NASA, Energy, NOAA and other agencies. This research is fundamental to understanding and responding to the threat of global warming.

Energy—Function 270: The amendment increases budget authority by $2 billion over 10 years. The increase is to offset cuts in energy efficiency, renewable energy and other programs at the Department of Energy that reduce greenhouse gas emissions and save consumers money. These programs are the cornerstone of the U.S. effort to produce clean energy through technological innovation. They include the research, development and deployment of solar, wind, biomass, geothermal and other renewable power and technologies that will increase efficiency and reduce pollution from fossil fuel energy sources. The increased authority will also offset cuts to energy efficiency programs that cut energy use, reduce pollution and save consumers money. These programs also strengthen U.S. energy security by reducing demand and increasing clean domestic energy production.

Natural Resources—Function 300: The amendment increases budget authority by $1 billion over 10 years. The increase is to offset cuts in a range of programs that reduce greenhouse gas emissions, save energy and provide essential research. The Environmental Protection Agency has established several successful, incentive-based, nonregulatory programs to reduce emissions and save money, such as the EnergyStar labeling program for products ranging from computers to refrigerators. Similar programs achieve emissions reductions through increased building efficiency, business-wide efficiency gains and increased transportation efficiency. Also included in this increased budget authority is funding to offset cuts to the U.S. Forest Service and NOAA programs investigating carbon sequestration and basic research into the global climate.

Agriculture—Function 350: The amendment increases budget authority by $450 million over 10 years. The increase is to offset cuts to programs that develop technologies that can produce energy from switchgrass, agricultural waste, timber waste and other biomass. These bioenergy technologies produce very low or no net greenhouse gas emissions and provide a market for U.S. farm products. Also offset are cuts to USDA programs studying how different farming practices and farmland conservation can increase carbon sequestration and reduce atmospheric concentrations.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are trying to work on this issue for a couple of minutes. It will not take us long. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. I yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask Senator JEFFORDS be added as a cosponsor, as well as Senators LIEBERMAN, REID, BINGAMAN, LANDRIEU, CANTWELL, BIDEN, KENNEDY, FEINSTEIN, MURRAY, LEAHY, and COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. I understand the primary sponsor and those cosponsoring it will accept a voice vote. Is that the case?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The Senator from Massachusetts has been here all week working on this amendment. It is one of the most important issues we have taken up all week. The Senator from Massachusetts and the Senator from Maine should be complimented for their brilliant work on this piece of legislation.

Mr. LIEBERMAN. Mr. President, I rise today in support of the amendment sponsored by my distinguished colleagues from Massachusetts and Maine to ensure full funding of all Federal programs aimed at addressing a growing and increasingly troubling international problem, global warming.

If left unchecked, global warming has the potential to dramatically alter life as we know it, leaving our children and grandchildren to inherit a planet suffering from all manner of ailments. While we cannot know precisely how dramatic these changes may be over time, recent science paints a rather bleak picture of what we can expect to happen. The implication to act now could not be more clear. Yet the Bush Administration has inexplicably withdrawn its support for almost all of the initiatives, both domestic and international, to begin to nurse our planet back to health. We must not let this happen. This amendment would ensure that those initiatives are properly funded.

Over the last three months, the United Nation's Intergovernmental Panel on Climate Change, or the IPCC, released its third report on global warming. The report was authored by over 700 expert scientists.

According to these experts, unless we find ways to stop global warming, the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit during this next century. Such a large, rapid rise in temperature will profoundly alter the Earth's landscape in very real and consequential terms. Sea levels could swell up to 35 feet, potentially submerging millions of homes and coastal property under our present-day oceans. Precipitation would become more erratic, leading to droughts that would make hunger an even more serious global problem than it is today. Diseases such as malaria and dengue fever could spread at an accelerated pace. Severe weather disturbances and storms triggered by climatic phenomena, such as El Nino, would be aggravated by global warming and become more routine.

This new data should end serious debate about whether global warming is a fact. The science is now inconvertible. The only thing left to do is debate and decide how we should respond, not if we should.

As the latest scientific report reminds us, this threat is being driven by our own behavior. Let me quote the scientists directly, "There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities." Mr. President, human beings have added more than three billion metric tons of carbon to the atmosphere every year for the past two decades. More amazing, and more disturbing, is the fact that current levels of carbon dioxide are likely the highest they have been in 20 million years of history and 31 percent higher than those present in 1750.

Faced with these findings, President Bush has said that he "takes the issue of global warming very seriously." Unfortunately, his recent acts contradict his statement. In fact, it appears that the only cooling of the globe that will occur under President Bush is the cooling of our foreign relations.

I was deeply disappointed last month when the President reneged on his campaign pledge to regulate carbon dioxide emissions from power plants. Just last week, the Bush Administration unilaterally also announced, without consultation with Congress and apparently without regard for our interests abroad, that it had "no interest in implementing" the Kyoto Protocol. In doing so, they did not just back away from the United States' signature on an international agreement; they backed away from the international process that resulted in the accord. Finally, while we do not yet have the exact numbers of the President's budget, it appears that he plans to significantly cut a number of the programs aimed at reducing greenhouse emissions domestically and overseas.

Most troubling are the reductions in the budgets of the Nation's energy efficiency programs and the funding for USAID's program to encourage developing countries to reduce emissions. How can the White House justify walking away from the Kyoto Protocol because of inadequate participation by developing countries when they are cutting the chief U.S. program aimed at securing that participation?

Global warming is a real threat to us, our children, and our grandchildren. We must demonstrate leadership and confront it now. This amendment will fund the programs we have to provide that leadership. We must pass it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 249), as modified, was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 238

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, on behalf of Senator HARKIN and myself, I call up amendment 238.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. HARKIN, proposes an amendment numbered 238.

Mr. LEAHY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an increase of $1,500,000,000 in fiscal year 2002 to Department of Justice programs for State and local law enforcement assistance)

On page 38, line 2, increase the amount by $1,500,000,000.

On page 38, line 3, increase the amount by $1,500,000,000.

On page 43, line 15, decrease the amount by $1,500,000,000.

On page 43, line 16, decrease the amount by $1,500,000,000.

On page 48, line 8, increase the amount by $1,500,000,000.

On page 48, line 9, increase the amount by $1,500,000,000.

SEC. . FUNDING FOR DEPARTMENT OF JUSTICE PROGRAMS FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE.

(a) FINDINGS.—The Senate finds that—

(1) the national rate of serious crime dropped for the last 8 years in a row;

(2) the national rate of violent crime, including murders and rapes, is at its lowest level since 1978;

(3) the success in reducing serious crime and violent crime rates across the Nation is due in large part to the crime-fighting partnership between the Department of Justice and State and local law enforcement agencies and benefits from Department of Justice programs for State and local law enforcement assistance;

(4) on February 28, 2001, President George W. Bush submitted to Congress the Administration's budget highlights, "A Blueprint For New Beginnings," which proposed "redirecting" $1,500,000,000 out of a total of $4,600,000,000 that has been dedicated for Department of Justice programs for State and local law enforcement assistance;

(5) for fiscal year 2001, Congress appropriated $523,000,000 for the Local Law Enforcement Block Grant Program, including $60,000,000 to the Boys and Girls Clubs of America for grants to Boys and Girls Clubs across the Nation, within the Department of Justice programs for State and local law enforcement assistance;

(6) for fiscal year 2001, Congress appropriated $25,500,000 for the Bulletproof Vest Partnership Grant Program within the Department of Justice programs for State and local law enforcement assistance and Congress passed the Bulletproof Vest Partnership Grant Act of 2000 (Public Law 106–517) to authorize $50,000,000 for the Bulletproof Vest Partnership Grant Program for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(7) for fiscal year 2001, Congress appropriated $569,050,000 for the Edward Byrne Memorial State and Local Assistance Program for Byrne discretionary and formula grants within the Department of Justice programs for State and local law enforcement assistance;

(8) for fiscal year 2001, Congress appropriated $686,500,000 for State prison grants, including the Violent Offender Incarceration Grant Program and Truth-In-Sentencing Incentive Program, within the Department of Justice programs for State and local law enforcement assistance;

(9) for fiscal year 2001, Congress appropriated $250,000,000 for the Juvenile Accountability Incentive Block Grant Program within the Department of Justice programs for State and local law enforcement assistance;

(10) for fiscal year 2001, Congress appropriated $470,000,000 for Police Hiring Initiatives, $227,500,000 for the Safe Schools Initiative, $140,000,000 for the COPS Technology Program, and $48,500,000 for the COPS Methamphetamine/Drug "Hot Spots" Program under the Community Oriented Policing Services (COPS) Program within the Department of Justice programs for State and local law enforcement assistance;

(11) for fiscal year 2001, Congress appropriated $288,679,000 for grants to support the Violence Against Women Act within the Department of Justice programs for State and local law enforcement assistance and Congress passed the Violence Against Women Act of 2000 (Public Law 106–386) to authorized grants of approximately $390,000,000 for grants to support the Violence Against Women Act for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(12) for fiscal year 2001, Congress appropriated $130,000,000 for the Crime Identification Technology Act within the Department of Justice programs for State and local law enforcement assistance;

(13) for fiscal year 2001, Congress appropriated $279,097,000 for Juvenile Justice and Delinquency Prevention Programs within the Department of Justice programs for State and local law enforcement assistance;

(14) in 2000, Congress passed the Computer Crime Enforcement Act (Public Law 106–572) to authorize $25,000,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance;

(15) in 2000, Congress passed the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546) to authorize $65,000,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance; and

(16) in 2000, Congress passed the Paul Coverdell National Forensic Science Improvement Act of 2000 to authorize $85,400,000 for fiscal year 2002 within the Department of Justice programs for State and local law enforcement assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume an increase of $1,500,000 for fiscal year 2002 for the following Department of Justice programs for State and local law enforcement assistance to be provided for without reduction and consistent with previous appropriated and authorized levels: Local Law Enforcement Block Grant Program; Boys and Girls Clubs of America Grant Program; Bulletproof Vest Partnership Grant Program; Edward Byrne Memorial State and Local Assistance Program; Violent Offender Incarceration Prison Grant Program; Truth-In-Sentencing Prison Grant Program; Juvenile Accountability Incentive Block Grant Program; COPS Program; Violence Against Women Act; Crime Identification Technology Act; Juvenile Justice and Delinquency Prevention Programs; Computer Crime Enforcement Act; DNA Analysis Backlog Elimination Act; and Paul Coverdell National Forensic Science Improvement Act.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I have offered this amendment on behalf of Senator HARKIN and myself to provide an increase of $1.5 billion in fiscal year 2002 for Department of Justice programs for State and local law enforcement assistance.

Our amendment pays for these additional funds for our State and local crime-fighting partners from the surplus funds in the budget resolution's contingency reserve.

Senator HARKIN and I are concerned that the Senate is being called upon this week to vote on the Federal budget without having seen a detailed submission of where the Bush Administration may propose cuts in law enforcement programs.

I, for one, would hate to see cuts in our federal assistance to State and local law enforcement. Those programs to help acquire bulletproof vests, reduce DNA backlogs, encourage modern communications, provide modern crime labs, and place cops on the beat have been so helpful to our crime control efforts.

Under Attorney General Reno, and due in part to her emphasis on a coordinated effort with State and local law enforcement, crime rates fell in each of the past 8 years. Violent crimes, including murder and rape, have been reduced to the lowest levels in decades, since before the Reagan Administration. In fact, the national rate of violent crime is at its lowest level since 1978.

We need to redouble our efforts, not cut them short or leave them short of funds.

Unfortunately, President Bush's budget highlights in his "Blueprint for New Beginnings" appears to call for cutting federal assistance to State and local law enforcement by 30 percent—by "redirecting" $1.5 billion in Department of Justice programs for state and local law enforcement assistance.

This is quite troubling.

In addition, this budget resolution cuts $7.5 billion in Department of Justice funding over the next 5 years when compared to the Congressional Budget Office baseline. Over the next 10 years, this budget resolution cuts $19 billion in Department of Justice funding when compared to the CBO baseline.

Why does this budget resolution cut funding for the Department of Justice?

With school shootings continuing across the country and the use of heroin, methamphetamine and other dangerous drugs in rural and urban settings, now is not the time to be "redirecting" $1.5 million away from federal assistance to State and local law enforcement.

Now is not the time to be pulling back from the strong national commitment we should be making to continue to assist those on the front lines in the fight against crime and battle over illegal drug use.

The success in reducing serious crime and violent crime across the nation is due in large part to the crime-fighting partnership between the Department of Justice and state and local law enforcement agencies, which benefits from Department of Justice state and local law enforcement assistance.

We should all remember the bipartisan success stories that make up the Department of Justice's state and local law enforcement assistance programs.

For example, last year, Congress appropriated $60 million to the Boys and Girls Clubs of America for grants to Boys and Girls Clubs across the nation within the Department of Justice's programs for state and local law enforcement assistance. In Vermont and every other state in the nation, Boys and Girls Clubs are a great and growing success in preventing crime and supporting our children.

In FY 2001, Congress appropriated $523 million for the Local Law Enforcement Block Grant Program within the Department of Justice's programs for state and local law enforcement assistance programs.

Republicans and Democrats support this essential block grant for law enforcement equipment and other needs for state and local police departments.

The Department of Justice's programs for state and local law enforcement assistance include the Bulletproof Vest Partnership Grant Program. Senator CAMPBELL and I authored the Bulletproof Vest Partnership Grant Act in 1998.

In its first two years of operation, this program funded more than 325,000 new bulletproof vests for our nation's police officers, including more than 536 vests for Vermont law enforcement officers.

In FY 2001, Congress appropriated $569 million for the Edward Byrne Memorial State and Local Assistance Program for Byrne discretionary and formula grants within the Department of Justice's programs for state and local law enforcement assistance programs.

In Vermont, the Department of Public Safety receives about $2 million in Byrne grant funding a year to maintain the Vermont Drug Task Force to combat heroin and other illegal drugs. Byrne grants fund drug task forces in many other states as well.

The Department of Justice's programs for state and local law enforcement assistance also include such proven crime-fighting and drug-prevention programs as the Violent Offender Incarceration Prison Grant Program; Truth-In-Sentencing Incentive Prison Grant Program; Juvenile Accountability Incentive Block Grant Program; COPS Program; Violence Against Women Act; Crime Identification Technology Act; and Juvenile Justice and Delinquency Prevention Programs.

Moreover, this year's budget request for Department of Justice state and local law enforcement assistance should include new bipartisan crime-fighting programs that Congress passed last year. In 2000, on a bipartisan basis, the Senate and House passed the Computer Crime Enforcement Act, the DNA Analysis Backlog Elimination Act and the Paul Coverdell National Forensic Science Improvement Act.

These Department of Justice programs are needed to support our nation's police officers.

Mr. President, I urge the Senate to adopt the Leahy-Harkin amendment to increase funding by $1.5 billion for the 2002 fiscal year for the Department of Justice programs for state and local law enforcement assistance.

I yield to my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, these are the programs that go right down to our local cops on the beat in our towns and communities all over America, especially the Byrne grant program, which has done much in my State and in the upper Midwest to fight the methamphetamine plague that has surged all over this country. The Bush budget cuts it out—a $1.5 billion shortfall. The Leahy amendment puts that money back to help support local law enforcement.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I say to the distinguished Senators who offered the amendment, I think their intentions are wonderful, but essentially all we are doing is adding more money to the appropriated accounts. No matter what anybody says it is going to be used for, it will not be used for that; it will be used for what the appropriators say.

With that in mind, we accept the amendment if they do not insist on a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEAHY. I ask unanimous consent that the Senator from Minnesota be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 238) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are going to try to take up six amendments here—three on our side, three on their side. They do not affect the appropriations, total appropriations, because they are offset within the budget, each one, for the amount that is being sought.

Can we proceed with Senator Smith, No. 217, in that regard? Is there objection to that?

Mr. CONRAD. We have no objection to Smith amendment No. 217.

AMENDMENT NO. 217

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] for himself, Mrs. CLINTON, Mrs. SNOWE, Ms. COLLINS, and Mr. SARBANES, proposes and amendment numbered 217.

The amendment is as follows:

(Purpose: To protect public health, to improve water quality in the nation's rivers and lakes, at the nation's beaches, and along the nation's coasts, to promote endangered species recovery, and to work towards meeting the nation's extensive wastewater infrastructure needs by increasing funding for wastewater infrastructure in fiscal year 2002 in an amount that will allow funding for the State water pollution control revolving funds at an amount equal to the amount appropriated in fiscal year 2001 and to fully fund grants to address municipal combined sewer and sanitary sewer overflows)

On page 17, line 23 increase the amount by $800,000,000.

On page 17, line 24 increase the amount by $800,000,000.

On page 43, line 15 decrease the amount by $800,000,000.

On page 43, line 16 decrease the amount by $800,000,000.

Mrs. CLINTON. Mr. President, I am pleased to join today with my colleagues, Senators SMITH of Oregon, COLLINS, SNOWE, SARBANES and BAYH to provide additional funding that will help meet our Nation's critical wastewater infrastructure needs.

Specifically, this amendment provides an additional $800 million in fiscal year 2002 for grants for wastewater infrastructure projects, including $50 million for the Clean Water State Revolving Fund and $750 million to fully fund the new grant program authorized under the Wet Weather Water Quality Act of 2000.

These new grants will help municipalities address one of our largest remaining water quality challenges, combined and sanitary sewer overflows. Sewer overflows remain the leading cause of beach closures across the country, putting public health at risk and robbing communities of millions of tourism dollars annually.

This is a real problem in New York where so many cities, big and small, are confronted with pipe and equipment failures or have undersized systems that can't meet the increased demands of their growing populations. according to EPA's most recent estimates, there is a 20-year need of $139 billion for wastewater infrastructure nationwide. And this doesn't even account for the funding needed to adequately address the sanitary sewer overflows problems facing our communities.

This amendment is an important first step towards meeting our country's enormous water infrastructure needs. This amendment will ensure that our beaches are safer for swimming. And it will lead to significant improvements in the quality of the Nation's rivers, lakes, bays and estuaries.

Mr. SMITH of Oregon. Mr. President, I rise today to offer an amendment to the Senate Budget Resolution for Fiscal Year 2002. This amendment will increase the amount available to fully fund the sewer overflow control grants program at a level of $750 million for FY2002. It is important that Congress makes this level of commitment to clean water for a number of reasons.

The condition of our nation's wastewater collection and treatment facilities is alarming. In its 1996 "Clean Water Needs Survey," the EPA estimates that nearly $140 billion will be needed over the next 20 years to address wastewater infrastructure problems in our communities. In March 1999, the EPA revised its figures, infrastructure needs are now estimated at $200 billion. Other independent studies indicate that EPA has undershot the mark, estimating that these unmet needs exceed $300 billion over 20 years.

In my state of Oregon, the challenge of municipal water treatment is ever-present. Roughly seventy percent of Oregon's population lives in the Willamette River watershed, with that number continuing to grow. The increasing demand on water supply and treatment is made even more acute by the responsibility to protect endangered salmon and steelhead in the Willamette River. Add to that the extremely low water and poor snowpack conditions facing the Northwest this year, and the urgency of maintaining high water quality in the river is greatly intensified.

The city of Portland is Oregon's largest, and its proximity to the Willamette River has been a contributor to water quality problems. At its worst, Portland's combined sewage overflow system dumped an estimated 10 billion gallons of combined sewage annually into the river in years past. During the past 7 years, however, Portland has invested over $300 million in clean water infrastructure, and will spend another $300 million in the next 5 years to meet its obligations under the Clean Water Act. I am working closely with the City of Portland to infuse targeted federal funds into its unique efforts to meet rigorous environmental requirements and responsibilities.

I am sponsoring this amendment because I strongly believe that Congress must make a firm commitment to helping cities like Portland, OR that are fully engaged in updating and improving their water treatment programs. The effects of such a commitment will be manifold, particularly upon a river like the Willamette that is long treasured, but heavily used by the many that derive their lives and livelihood from it.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 217) was agreed to.

Mr. DOMENICI. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. There will be order in the Chamber, please. Senators please take your seats.

Is this a motion to vote on these amendments en bloc or separately?

Mr. DOMENICI. If the Senator is willing, I would like to do them en bloc.

Mr. CONRAD. We would be willing to do them en bloc as well.

The PRESIDING OFFICER. Without objection, the Senator from North Dakota.

Mr. CONRAD. Let me go back to the chairman for the next amendment that would be in this en bloc group.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Have we accepted 217?

The PRESIDING OFFICER. We have accepted 217.

AMENDMENTS NOS. 334, 236, 196, 244, AND 335, EN BLOC

Mr. DOMENICI. The five amendments I ask be called up and then be considered en bloc for voice vote are Inhofe No. 334, DeWine No. 236, Dorgan No. 196, Mikulski No. 244, and Nelson of Florida No. 335.

The amendments are as follows:

AMENDMENT NO. 334

(Purpose: To increase Impact Aid funding to $1,293,302,000)

On page 27, line 3, increase the amount by $300,000,000.

On page 27, line 4, increase the amount by $150,000,000.

On page 27, line 8, increase the amount by $100,000,000.

On page 27, line 12, increase the amount by $50,000,000.

On page 43, line 15, decrease the amount by $300,000,000.

On page 43, line 16, decrease the amount by $150,000,000.

On page 5, line 8, decrease the amount by $100,000,000.

On page 5, line 9, decrease the amount by $50,000,000.

AMENDMENT NO. 236

(Purpose: To provide additional funding for the United States Coast Guard for the fiscal year 2002)

On page 23, line 11, increase the amount by $250,000,000.

On page 23, line 12, increase the amount by $250,000,000.

On page 43, line 15, decrease the amount by $250,000,000.

On page 43, line 16, decrease the amount by $250,000,000.

At the end of the amendment, insert the following:

SEC. . SENSE OF THE SENATE REGARDING UNITED STATES COAST GUARD FISCAL YEAR 2002 FUNDING.

It is the sense of the Senate that any level of budget authority and outlays in fiscal year 2002 below the level assumed in this resolution for the Coast Guard would require the Coast Guard to—

(1) close numerous units and reduce overall mission capability, including the counter

narcotics interdiction mission which was authorized under the Western Hemisphere Drug Elimination Act;

(2) reduce the number of personnel of an already streamlined workforce; and

(3) reduce operations in a manner that would have a detrimental impact on the sustainability of valuable fish stocks in the North Atlantic and Pacific Northwest and its capacity to stem the flow of illicit drugs and illegal immigration into the United States.

AMENDMENT NO. 196

(Purpose: To increase the amount of funding for the trade enforcement programs of the International Trade Administration)

On page 4, line 2, increase the amount by $40,000,000.

On page 4, line 3, increase the amount by $55,000,000.

On page 4, line 4, increase the amount by $70,000,000.

On page 4, line 5, increase the amount by $70,000,000.

On page 4, line 6, increase the amount by $70,000,000.

On page 4, line 7, increase the amount by $70,000,000.

On page 4, line 8, increase the amount by $70,000,000.

On page 4, line 9, increase the amount by $70,000,000.

On page 4, line 10, increase the amount by $70,000,000.

On page 4, line 11, increase the amount by $70,000,000.

On page 4, line 16, increase the amount by $40,000,000.

On page 4, line 17, increase the amount by $55,000,000.

On page 4, line 18, increase the amount by $70,000,000.

On page 4, line 19, increase the amount by $70,000,000.

On page 4, line 20, increase the amount by $70,000,000.

On page 4, line 21, increase the amount by $70,000,000.

On page 4, line 22, increase the amount by $70,000,000.

On page 4, line 23, increase the amount by $70,000,000.

On page 5, line 1, increase the amount by $70,000,000.

On page 5, line 2, increase the amount by $70,000,000.

On page 5, line 7, decrease the amount by $40,000,000.

On page 5, line 8, decrease the amount by $55,000,000.

On page 5, line 9, decrease the amount by $70,000,000.

On page 5, line 10, decrease the amount by $70,000,000.

On page 5, line 11, decrease the amount by $70,000,000.

On page 5, line 12, decrease the amount by $70,000,000.

On page 5, line 13, decrease the amount by $70,000,000.

On page 5, line 14, decrease the amount by $70,000,000.

On page 5, line 15, decrease the amount by $70,000,000.

On page 5, line 16, decrease the amount by $70,000,000.

On page 5, line 20, increase the amount by $40,000,000.

On page 5, line 21, increase the amount by $55,000,000.

On page 5, line 22, increase the amount by $70,000,000.

On page 5, line 23, increase the amount by $70,000,000.

On page 5, line 24, increase the amount by $70,000,000.

On page 5, line 25, increase the amount by $70,000,000.

On page 6, line 1, increase the amount by $70,000,000.

On page 6, line 2, increase the amount by $70,000,000.

On page 6, line 3, increase the amount by $70,000,000.

On page 6, line 4, increase the amount by $70,000,000.

On page 6, line 8, increase the amount by $40,000,000.

On page 6, line 9, increase the amount by $55,000,000.

On page 6, line 10, increase the amount by $70,000,000.

On page 6, line 11, increase the amount by $70,000,000.

On page 6, line 12, increase the amount by $70,000,000.

On page 6, line 13, increase the amount by $70,000,000.

On page 6, line 14, increase the amount by $70,000,000.

On page 6, line 15, increase the amount by $70,000,000.

On page 6, line 16, increase the amount by $70,000,000.

On page 6, line 17, increase the amount by $70,000,000.

On page 21, line 15, increase the amount by $40,000,000.

On page 21, line 16, increase the amount by $40,000,000.

On page 21, line 19, increase the amount by $55,000,000.

On page 21, line 20, increase the amount by $55,000,000.

On page 21, line 23, increase the amount by $70,000,000.

On page 21, line 24, increase the amount by $70,000,000.

On page 22, line 2, increase the amount by $70,000,000.

On page 22, line 3, increase the amount by $70,000,000.

On page 22, line 6, increase the amount by $70,000,000.

On page 22, line 7, increase the amount by $70,000,000.

On page 22, line 10, increase the amount by $70,000,000.

On page 22, line 11, increase the amount by $70,000,000.

On page 22, line 14, increase the amount by $70,000,000.

On page 22, line 15, increase the amount by $70,000,000.

On page 22, line 18, increase the amount by $70,000,000.

On page 22, line 19, increase the amount by $70,000,000.

On page 22, line 22, increase the amount by $70,000,000.

On page 22, line 23, increase the amount by $70,000,000.

On page 23, line 2, increase the amount by $70,000,000.

On page 23, line 3, increase the amount by $70,000,000.

On page 43, line 15, decrease the amount by $40,000,000.

On page 43, line 16, decrease the amount by $40,000,000.

On page 43, line 19, decrease the amount by $55,000,000.

On page 43, line 20, decrease the amount by $55,000,000.

On page 43, line 23, decrease the amount by $70,000,000.

On page 43, line 24, decrease the amount by $70,000,000.

On page 44, line 2, decrease the amount by $70,000,000.

On page 44, line 3, decrease the amount by $70,000,000.

On page 44, line 6, decrease the amount by $70,000,000.

On page 44, line 7, decrease the amount by $70,000,000.

On page 44, line 10, decrease the amount by $70,000,000.

On page 44, line 11, decrease the amount by $70,000,000.

On page 44, line 14, decrease the amount by $70,000,000.

On page 44, line 15, decrease the amount by $70,000,000.

On page 44, line 18, decrease the amount by $70,000,000.

On page 44, line 19, decrease the amount by $70,000,000.

On page 44, line 22, decrease the amount by $70,000,000.

On page 44, line 23, decrease the amount by $70,000,000.

On page 45, line 2, decrease the amount by $70,000,000.

On page 45, line 3, decrease the amount by $70,000,000.

AMENDMENT NO. 244

(Purpose: To increase education technology funding to $1.5 billion per year)

On page 27, line 3, increase the amount by $628,000,000.

On page 27, line 4, increase the amount by $35,000,000.

On page 27, line 7, increase the amount by $657,000,000.

On page 27, line 8, increase the amount by $438,000,000.

On page 27, line 11, increase the amount by $687,000,000.

On page 27, line 12, increase the amount by $619,000,000.

On page 27, line 15, increase the amount by $716,000,000.

On page 27, line 16, increase the amount by $678,000,000.

On page 27, line 19, increase the amount by $747,000,000.

On page 27, line 20, increase the amount by $707,000,000.

On page 27, line 23, increase the amount by $778,000,000.

On page 27, line 24, increase the amount by $738,000,000.

On page 28, line 2, increase the amount by $808,000,000.

On page 28, line 3, increase the amount by $768,000,000.

On page 28, line 6, increase the amount by $841,000,000.

On page 28, line 7, increase the amount by $799,000,000.

On page 28, line 10, increase the amount by $873,000,000.

On page 28, line 11, increase the amount by $831,000,000.

On page 28, line 14, increase the amount by $907,000,000.

On page 28, line 15, increase the amount by $864,000,000.

On page 43, line 15, decrease the amount by $628,000,000.

On page 43, line 16, decrease the amount by $35,000,000.

On page 43, line 19, decrease the amount by $657,000,000.

On page 43, line 20, decrease the amount by $438,000,000.

On page 43, line 23, decrease the amount by $687,000,000.

On page 43, line 24, decrease the amount by $619,000,000.

On page 44, line 2, decrease the amount by $716,000,000.

On page 44, line 3, decrease the amount by $678,000,000.

On page 44, line 6, decrease the amount by $747,000,000.

On page 44, line 7, decrease the amount by $707,000,000.

On page 44, line 10, decrease the amount by $778,000,000.

On page 44, line 11, decrease the amount by $738,000,000.

On page 44, line 14, decrease the amount by $808,000,000.

On page 44, line 15, decrease the amount by $768,000,000.

On page 44, line 18, decrease the amount by $841,000,000.

On page 44, line 19, decrease the amount by $799,000,000.

On page 44, line 22, decrease the amount by $873,000,000.

On page 44, line 23, decrease the amount by $831,000,000.

On page 45, line 2, decrease the amount by $907,000,000.

On page 45, line 3, decrease the amount by $864,000,000.

AMENDMENT NO. 335

(Purpose: To provide public water systems the initial funding needed in Fiscal Year 2002 of $43,855,000 to comply with the 10 parts per billion standard for arsenic in drinking water recommended by the National Academy of Sciences 1999 study and adopted by the World Health Organization and European Union)

On page 17, line 23, increase the amount by $43,855,000.

On page 17, line 24, increase the amount by $42,538,450.

On page 48, line 8 increase the amount by $43,855,000.

On page 46, line 9, increase the amount by $42,538,450.

On page 43, line 15, decrease the amount by $43,855,000.

On page 43, line 16, decrease the amount by $42,538,450.

AMENDMENT NO. 244

Ms. MIKULSKI. Mr. President, I call up amendment number 244 on behalf of myself and my cosponsors—Senators BINGAMAN, BOXER, KENNEDY, LEVIN, and SARBANES. My amendment is very simple: it provides $1.5 billion annually for education technology programs, and will be offset by a reduction in the tax cut. It will give every American child a "digital opportunity ladder" to climb to success, as well as help every child to be computer literate by the 6th grade, regardless of race, ethnicity, income, gender, geography, or disability.

My amendment does 3 things: it provides $1 billion a year for consolidated education technology programs, which will go to states based on formula grants. Schools could use these funds for almost any technology-related activity: wiring, hardware, software, training, maintenance or repair.

Second, my amendment doubles teacher training funds by adding $400 million, per year for the next ten years. Teachers want to help their students cross the digital divide but less than 20 percent of them feel confident using technology in their daily lesson plans. Technology without training is a hollow opportunity.

Finally, my amendment also provides $100 million to create one thousand community technology centers. Community technology centers are necessary because kids don't just learn in school—they also learn in their communities. Technology centers make it easier for children to do their homework or to surf the web under adult supervision, and also make it easier for parents to upgrade their skills or write a resume.

The opportunities here are tremendous: to use technology to improve our lives, to use technology to remove barriers such as income, race, ethnicity, or geography. Every student in America should have access to a digital opportunity ladder. My amendment does that and I urge my colleagues' support.

AMENDMENT NO. 236

Mr. DEWINE. Mr. President, I thank the chairman and ranking member of the Budget Committee, Senators DOMENICI and CONRAD, for working with me, Senator GRAHAM from Florida, Senator SNOWE from Maine, and so many others in support of our amendment that would provide additional assistance for one of our most important agencies, the U.S. Coast Guard.

The amendment we have offered would provide an additional $250 million increase in Coast Guard operating expenses above the fiscal year 2002 level recommended by the President. The House has included this $250 million increase in its budget resolution, and I am pleased that the Senate will do the same.

Over the past few years, our Coast Guard has faced significant funding shortfalls, which are directly impacting its operations on an annual basis. Additional funding, would eliminate Coast Guard vessel and aircraft spare parts problems, improve personnel training, fund new Department of Defense entitlements, and run drug interdiction operations at optimal levels.

Because of funding shortfalls in the Fiscal Year 2001 budget, the Coast Guard has been forced to reduce operations by 10 percent in the second quarter of this year. If funding shortfalls go unaddressed, the Coast Guard anticipates cutting operations by 30 percent in the third and fourth quarters. To address budget shortfalls and restore vital operations, the Coast Guard has requested $91 million in supplemental funding from the Office of Management and Budget.

The same thing happened last year. The Coast Guard was forced to reduce operations by 30 percent last summer, and Congress again had to come to the rescue with $77 million in supplemental operating funding.

The Coast Guard has developed an unhealthy budgetary dependence on emergency supplementals to pay for normal ongoing mission operations. The recent enactment of two successive Defense Authorization bills, which increased personnel costs dramatically, has exacerbated the Coast Guard's funding problems even further. These bills mandated pay raises, new medical entitlements, recruiting and retention incentives, and other entitlements that far exceeded what was appropriated in the Transportation Appropriations Bill for the Coast Guard.

The money to fund these initiatives doesn't just magically appear. It must come from someplace. And, what usually happens is that the Coast Guard either absorbs these costs directly from within its own budget, creating service-related cutbacks, or it simply doesn't match benefits provided to other defense personnel. Neither scenario is ideal, and in the end, it is the Coast Guard personnel who lose.

The Coast Guard is reaching the point where it is stretched so thin and the condition of its equipment is so poor that it is essentially cannibalizing equipment for parts, deferring maintenance, and working its people overtime—and this is just to sustain daily operations. This doesn't even take into account rapidly rising fuel costs, which have been exacerbating problems this fiscal year.

We need to provide the Coast Guard with the resources necessary to restore normal operations through the normal budget and appropriations process. We need to adequately fund the Coast Guard on an annual basis so the American people can have the services that they not only expect, but require from our Coast Guard.

Drug interdiction is one of those services and one of our Coast Guard's most important missions. As my colleagues all know, the scourge of drugs is a national and international challenge that threatens our communities here at home, as well as many fragile democracies in the Caribbean and South and Central America.

I am very pleased to report, however, that with the help of additional funding provided by the Western Hemisphere Drug Elimination Act, WHDEA, which my dear friend, the late Senator Coverdell and Senators GRASSLEY, GRAHAM, and I sponsored, our Coast Guard has increased cocaine seizures by an astounding 60 percent over the last two years.

As my colleagues may recall, we passed the Western Hemisphere Drug Elimination Act as part of the Fiscal Year 1999 Omnibus Appropriations Bill. Through this legislation, we were able to allocate an additional $844 million to upgrade U.S. counter-drug and interdiction programs. Out of this funding, the Coast Guard received $276 million. Since receiving this added investment, our Coast Guard went from seizing 82,623 pounds of cocaine in Fiscal Year 1998 to seizing 132,800 pounds in Fiscal Year 2000 at an estimated street value of over $4 billion. That amount represents the value of nearly the entire Coast Guard annual budget.

With adequate resources, this is the kind of success we can expect because we are able to level the playing field with the drug smugglers. In other words, the drug smugglers in the past have had the upper hand in terms of technology and resources to transport drugs into the United States. By giving the Coast Guard additional funding, we are giving them the means to fight against the drug traffickers, and the means to beat them.

Resources allow the Coast Guard to seek innovative solutions to improve the efficiency of counter-drug operations in drug transit zones. Take for example, Operation New Frontier, which was conducted mainly in the Western Caribbean (Windward Passage, off of Haiti, Jamaica, and Colombia), and tested the concept of the Coast Guard's "use of force" helicopters and used Over-the-Horizon cutter boats to successfully seize six "go-fast" drug-smuggling vessels in six attempts. This is an unprecedented success rate. Similarly, the Coast Guard's Deployable Pursuit Boats, DPBs, high-speed, 38-foot, 840-horsepower fiberglass boats—have been operating as another tool to stem the threat posed by drug smugglers' "go-fast" boats.

But unfortunately, despite recent successes, the fact is that we need to do more to help our Coast Guard in the long-term. Past funding shortfalls for the Coast Guard have had negative impacts on its operations. We need to do more. We need to make sure that every year our Coast Guard receives the funds it needs to continue its high level of service and necessary counter-drug operations.

The Coast Guard must be able to perform routine and emergency operations, while still providing vital training and maintenance functions. The Coast Guard must do this within their annual budget and without placing an unreasonable workload on its people.

I stand ready to continue working with my colleagues to make sure our Coast Guard has the funding and the support to meet its missions now and well into the future.

AMENDMENT NO. 244

Ms. MIKULSKI. Mr. President, my amendment is very simple: it provides $1.5 billion annually for education technology programs, and will be offset by a reduction in the tax cut. It will give every American child a "digital opportunity ladder" to climb to success, as well as help every child to be computer literate by the 6th grade, regardless of race, ethnicity, income, gender, geography, or disability.

My amendment does 3 things: it provides $1 billion a year for consolidated education technology programs, which will go to states based on formula grants. Schools could use these funds for almost any technology-related activity: wiring, hardware, software, training, maintenance or repair.

Second, my amendment doubles teacher training funds by adding $400 million, per year for the next ten years. Teachers want to help their students cross the digital divide but less than 20 percent of them feel confident using technology in their daily lesson plans. Technology without training is a hollow opportunity.

Finally, my amendment also provides $100 million to create one thousand community technology centers. Community technology centers are necessary because kids don't just learn in school—they also learn in their communities. Technology centers make it easier for children to do their homework or to surf the web under adult supervision, and also make it easier for parents to upgrade their skills or write a resume.

The opportunities here are tremendous: to use technology to improve our lives, to use technology to remove barriers such as income, race, ethnicity, or geography. Every student in America should have access to a digital opportunity ladder. My amendment does that and I urge my colleagues' support.

AMENDMENT NO. 335

Mr. NELSON of Florida. Mr. President, 2 years ago following an indepth study requested by Congress, the National Academy of Sciences recommended we reduce the level of arsenic in drinking water by a significant amount.

This is the standard that was, in fact, required in a rule issued by the previous administration, but one that the present administration abruptly overturned last month.

In response, I have filed legislation that aims to impose the safer standard of having 80 percent less arsenic in our drinking water than the Bush administration would allow.

I believe this is a step needed to protect consumers, children and our environment. Better safe than sorry is a good rule in such matters.

This amendment would provide first-year funding of $43 million the Environmental Protection Agency says is needed for smaller cities to be able to improve water systems.

This amendment is needed to ensure that cost doesn't prevent public water systems from providing safe, clean drinking water.

Mr. WARNER. Mr. President, I rise today in support of an amendment offered by myself and Senator MIKULSKI.

Today, teachers expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on three types of expenses: education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment; professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors; and interest paid by the teacher for previously incurred higher education loans.

These out-of-pocket costs placed on the backs of our teachers are but one reason our teachers are leaving the profession, and why this country is in the midst of a teacher shortage.

Therefore, I introduced The Teacher Tax Credit. This legislation creates a $1,000 tax credit for eligible teachers for qualified education expenses, qualified professional development expenses, and interest paid by the teacher during the taxable year on any qualified education loan.

This legislation, S. 225, is cosponsored by Senators MIKULSKI, ALLEN, DEWINE, COCHRAN, and HARKIN. It is supported by the National Education Association.

We all agree that our education system must ensure that no child is left behind. As we move towards education reforms to achieve this goal, we must keep in mind the other component in our education system—the teachers.

This amendment to the budget resolution will set a reserve fund of $39.5 billion over the next 10 years to reimburse teachers for these out-of-pocket costs. Teachers will benefit and our children will benefit as well.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. On this side we agree and support all of those amendments en bloc and ask our colleagues' support.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 334, 236, 196, 244, 335) en bloc were agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, last night we called up amendment No. 237, the Grassley amendment. We agreed to it and then withdrew it. It has now been corrected technically. It was agreed to last night, and we ask that it now be agreed to without a vote.

Mr. CONRAD. Mr. President, the Senator describes correctly what happened last night. This is a Grassley-Kennedy amendment. It has been cleared on both sides. We ask again the support of our colleagues. It was a technical glitch last night that has been corrected.

AMENDMENT NO. 237, AS MODIFIED

The PRESIDING OFFICER. Without objection, the clerk will please report the amendment as modified.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. GRASSLEY, proposes an amendment numbered 237, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a reserve fund for the Family Opportunity Act)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR FAMILY OPPORTUNITY ACT.

If the Committee on Finance of the Senate reports a bill or joint resolution which provides States with the opportunity to expand medicaid coverage for children with special needs, allowing families of disabled children with the opportunity to purchase coverage under the medicaid program for such children (commonly referred to as the "Family Opportunity Act of 2001"), the Chairman of the Committee on the Budget of the Senate may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority (and the outlays resulting therefrom) in this resolution by the amount provided by that measure for that purpose, but not to exceed $200,000,000 in new budget authority and outlays for fiscal year 2002 and $7,900,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously-enacted legislation, reduce the on-budget surplus below the level of the Medicare Federal Hospital Insurance Trust Fund surplus in any fiscal year covered by this resolution.

Mr. NICKLES. Mr. President, I would like to express some concerns I have regarding the Family Opportunity Act. I agree with Chairman GRASSLEY's position that it is critically important to make sure that our federal safety net programs do not create disadvantages for families to work and therefore earn their way off federal assistance. He has made the argument that it is wrong that families, who are currently served by public programs such as Supplemental Security Income, must decline promotions and raises which would improve their situation for fear of losing their health care coverage. I agree and will support an effort to address these inequities and help those families move off of federal programs. The legislation currently contemplated by Senators GRASSLEY and KENNEDY does not simply remove the work disincentive in SSI. In fact, the legislation applies to families who have never been on SSI nor would ever qualify for SSI. This legislation would open up Medicaid to a family who earns up to $51,000 for a family of four.

In this situation, these families would be competing against families who do qualify for SSI and are currently waiting, in some cases, up to 900 days to simply get on the program they desperately need. These are the poorest of the poor. They are the people for whom this program was designed but they are not being served effectively. In my opinion it is unacceptable to punish lower income Medicaid eligible persons presently waiting for needed assistance. There are many of us who would wonder about adding more applicants who would not be receiving the SSI benefit but rather just the certification for this Medicaid expansion to an overburdened system.

In recent years, we have seen a series of rifle shot expansions to the Medicaid program based on specific disease categories or groups. I am concerned that those expansions are not consistent with the intention of the program and undermine its purpose. It would be my hope that we could address these issues in the broader context of Medicaid reform and that the Finance Committee could responsibly evaluate any new federal entitlements to ensure that we are not duplicating existing health programs like SCHIP or discouraging private employer insurance.

This country has 43 million uninsured Americans. This bill, which costs $7.9 billion, impacts 200,000 kids: 60,000 of whom have, or have access to, employer sponsored insurance and many of whom have access to SCHIP as well. It is a higher priority to provide health care to the uninsured with no health options than to create multiple health insurance options for a select population.

I do commend Chairman GRASSLEY for his hard work with Senator KENNEDY on this bill. I know that they have been working on this program for a number of years now and hope we can work together in this process toward a final bill. I look forward to working with the chairman and others on the committee to ensure this bill addresses the issue it was designed to fix.

Mr. DOMENICI. We yield back any time in favor of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 237), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I wish to announce to everyone that we are down to three amendments on our side. There are a few more than that on the other side. I wonder if we could have just a little bit of time. I think it would permit us to work out a number of these. I am going to put in a quorum call. I think it might last as long as 10 or 15 minutes for those who are interested.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. First, I want to say to the Senate, we are getting very close. We only have about four amendments on each side. We think we can work them out. And if not, we would not have more than three or four votes on what we have remaining. We need some time to work on modifying these amendments to make them acceptable, in most cases. So we can do that properly, we need until about 12:30. We have consulted with the leadership. I ask unanimous consent that we now stand in recess until 12:30.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the chairman of the committee describes it very well. We have worked through a lot of amendments. We still have some outstanding that will require some additional staff time. Also, we need to do a careful analysis of where we are in terms of spending, where we are on a year-by-year basis. This additional time will help us do that final analysis so Senators, when we are voting on a final package, will have a very accurate picture of where we are in terms of the tax cut, in terms of spending, and in terms of debt reduction.

We hope we can take this time and then come back and finish our business expeditiously.

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have a question for either of the managers. My understanding is that we have a Senator who will not be back until 2:30. Is that affecting our voting schedule?

Mr. DOMENICI. From what I can tell, we need the time now to do some work. We can't move ahead with any dispatch now. We would like this time to work on it. There is no outside reason for this. It is our reason, internal to our work.

RECESS

The PRESIDING OFFICER. Without objection, the Senate stands in recess.

There being no objection, the Senate, at 11:10 a.m., recessed until 12:31 p.m., and reassembled when called to order by the Presiding Officer (Mr. INHOFE).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001–2011—Continued

Mr. HUTCHINSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have been working diligently to get a series of amendments we can accept. We are operating on the premise that any of the amendments that were offered either from our side or the other side—that they be budget neutral in the language that is used to formulate them.

AMENDMENT NO. 214, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent to modify amendment No. 214 offered by Senator COLLINS.

I send the amendment, as modified, to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. COLLINS, for herself, Mr. JOHNSON, and Mr. DASCHLE, proposes an amendment numbered 214, as modified.

The amendment, as modified, reads as follows:

(Purpose: To provide for a reserve fund for veterans' education)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR VETERANS' EDUCATION.

If the Committee on Veterans' Affairs of the House or the Senate reports a bill that increases the basic monthly benefit under the Montgomery G.I. Bill to reflect the increasing cost of higher education, the Chairman of the Committee on the Budget of the House or Senate, as applicable, may increase the allocation of new budget authority and outlays to such committee by the amount of new budget authority (and the outlays resulting therefrom) provided by that measure for that purpose not to exceed $775,000,000 in new budget authority and outlays for fiscal year 2002, $4,300,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2006, and $9,900,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, subject to the condition that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal years covered by this resolution.

Ms. COLLINS. Mr. President, I rise today to offer an amendment that will create a reserve fund for the improvement of veterans' education benefits under the Montgomery GI bill. I am delighted to be joined by my friend and colleague, Senator JOHNSON, in this effort.

This amendment will set aside funding for S. 131, the Veterans' Higher Education Opportunities Act, which Senator JOHNSON and I introduced earlier this year. Our legislation would provide a much-needed increase in the basic monthly benefit under the GI bill, a benefit that over the past 15 years has failed to keep pace with the ever-increasing cost of higher education.

Our legislation is very simple. It establishes a benchmark by which the basic Montgomery GI bill benefit will be calculated, allowing the benefit to increase as the cost of higher education increases. Endorsed by the Partnership for Veterans Education, a broad coalition including over 40 veterans service organizations and education associations, our legislation provides a new model for today's GI bill that is logical, fair, and worthy of a nation that values both higher education and our veterans.

While the Montgomery GI bill has served our country well since its passage in 1985, the value of the educational benefit assistance it provides has greatly eroded over time due to inflation and the escalating cost of higher education. Military recruiters indicate that the program's benefits no longer serve as a strong incentive to join the military; nor do they serve as a retention tool valuable enough to persuade men and women to stay in the military and defer the full or part-time pursuit of their higher education until a later date. Perhaps most important, the program is losing its value as a means to help our men and women in uniform readjust to civilian life after military service.

The basic benefit program of the Vietnam era GI bill provided $493 per month in 1981 to a veteran with a spouse and two children. Before the reforms of last year, a veteran in identical circumstances received only $43 more, a mere 8 percent increase over a time period when inflation has nearly doubled, and dollar buys only half of what it once purchased.

While we made progress last year in increasing stipend levels under the GI bill, the reforms fell short of allocating sufficient funds to cover the current cost of higher education. Moreover, the increase failed to establish a benchmark, the reform most needed to ensure that the GI bill provides sufficient funds for the education of our Nation's veterans long into the 21st century.

Our new model establishes a sensible, easily understood benchmark for GI bill benefits. The benchmark sets GI bill benefits at "the average monthly costs of tuition and expenses for commuter students at public institutions of higher education that award baccalaureate degrees." This commonsense provision would serve as the foundation upon which future education stipends for all veterans would be based and would set benefits at a level sufficient to provide veterans the education promised to them at recruitment.

Today's GI bill is woefully underfunded and does not provide the financial support necessary for our veterans to meet their educational goals. This amendment would provide the budget authority necessary to ensure that GI bill benefits reflect the true cost of higher education. I am very pleased that our amendment has been agreed to by both sides of the aisle and that it will become part of this budget resolution.

Mr. JOHNSON. Mr. President, I am pleased today to join Senator COLLINS in offering an amendment to the budget resolution that provides a reserve fund for veterans' education. This reserve fund will allow for legislation to be passed later this year that would increase the monthly benefit under the Montgomery GI Bill to reflect the rising cost of education.

The 1944 GI Bill of Rights is one of the most important pieces of legislation ever passed by Congress. No program has been more successful in increasing educational opportunities for our country's veterans while also providing a valuable incentive for the best and brightest to make a career out of military service.

Unfortunately, the current Montgomery GI Bill can no longer deliver these results and fails in its promise to veterans, new recruits and the men and women of the armed services.

Over 96 percent of recruits currently sign up for the Montgomery GI Bill and pay $1,200 out of their first year's pay to guarantee eligibility. But only one-half of these military personnel use any of the current Montgomery GI Bill benefits.

There is consensus among national higher education and veterans associations that at a minimum, the GI Bill should pay the costs of attending the average four-year public institution as a commuter student. The current Montgomery GI Bill benefit pays a little more than half of that cost.

In addition to our reserve fund budget amendment, Senator Collins and I have introduced legislation called the Veterans' Higher Education Opportunities Act, S. 131, which creates that benchmark by indexing the GI Bill to the costs of attending the average four-year public institution as a commuter student. This benchmark cost will be updated annually by the College Board in order for the GI Bill to keep pace with increasing costs of education.

The Veterans' Higher Education Opportunities Act is truly a bipartisan effort to address recruitment and retention in the armed forces. The Veterans' Higher Education Opportunities Act has the overwhelming support of the Partnership for Veterans' Education a coalition of the nation's leading veterans groups and higher education organizations including the VFW, the American Council on Education, the Non Commissioned Officers Association, the National Association of State Universities and Land Grant Colleges, and The Retired Officers Association.

As the parent of a son who serves in the Army, these military "quality of life" issues are of particular concern to me. Making the GI Bill pay for viable educational opportunity makes as much sense today as it did following World War II.

Congress took an important step last year toward improving the Montgomery GI Bill. These changes are long overdue, and the next step in restoring the effectiveness of the Montgomery GI Bill is through our veterans' education reserve fund amendment to the budget resolution and the Veterans' Higher Education Opportunities Act.

I urge my colleagues to support our amendment and ask unanimous consent that letters of support for the amendment be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Council on Education,
Government and Public Affairs,
Washington, DC, April 5, 2001.

Re amendment to improve educational opportunities for veterans.

Dear Senator: On behalf of the American Council on Education, representing 1,800 two- and four-year public and private colleges and universities, I write to encourage you to support Senators Collins and Johnson with their amendment to the Senate budget resolution providing a reserve fund for enhancements to the Montgomery G.I. Bill.

While the G.I. Bill has allowed more than two million veterans to pursue the dream of a college education, inflation has severely diminished the value of this vital benefit. Despite the generous intentions of the G.I. Bill, it fails in its promise to help our veterans continue their education, and must be modernized to ensure its viability as education costs continue to increase.

As a member organization of the Partnership for Veteran's Education, we strongly support this amendment, which creates a benchmark for Montgomery G.I. Bill monthly benefits equal to the average cost of a commuter student attending a four-year public institution. The benchmark would be updated annually by the College Board, thereby guaranteeing that G.I. Bill benefits meet the rising costs of higher education. This benchmark is currently reflected in the Veterans' Higher Education Opportunities Act of 2001 (S. 131).

We urge you to support the Collins-Johnson veteran's education amendment, which will ensure that we fulfill our promise to America's veterans.

Sincerely,

Terry W. Hartle,
Senior Vice President.

The Retired Officers Association,
Alexandria, VA, April 4, 2001.

Hon. Tim Johnson,
U.S. Senate,
Washington, DC.

Dear Senator Johnson: the Retired Officers Association (TROA) is writing to express support for the proposed amendment to the Senate Budget Resolution that you are cosponsoring with Senator Collins (R-ME) that would earmark in a reserve fund additional funds for needed increases in the Montgomery GI Bill (MGIB).

The "Collins-Johnson Reserve Fund for Veterans Education Amendment" to the FY2002 Budget Resolution would earmark $775 million in a reserve fund to support a potential increase in the MGIB under your bill, S. 131, the Veterans' Higher Education Opportunities Act of 2001. As you know, S. 131 has broad bi-partisan support including Senate Majority Leader Lott and Senator Minority Leader Daschle. Should the Committee on Veterans' Affairs or the Senate favorably report legislation to increase the basic monthly benefit under the MGIB to reflect the rising cost of education for America's veterans, there would be new budget authority to cover the increase.

Indexing the MGIB to keep pace with the cost of higher education is a legislative goal of TROA and The Military Coalition. TROA supports the amendment you are co-sponsoring with Senator Collins to establish a reserve fund for veterans education and we will continue our efforts to urge passage of S. 131.

Sincerely,

Steve Strobridge,
Colonel, USAF (Ret.), Director, Government Relations.

Veterans of Foreign Wars
of The United States,
Washington, DC, April 4, 2001.

Hon. Tim Johnson,
U.S. Senate,
Washington, DC.

Dear Senator Johnson: On behalf of the 1.9 million members of the Veterans of Foreign Wars, we extend our deepest thanks to you for your efforts in making veterans education a priority in S. 131, legislation offered jointly by you and Senator Susan Collins.

The Montgomery GI Bill has lost ground over the last few years. It is no longer able to meet the educational needs of today's veterans. The funding level has not kept pace with the rising costs of higher education. S. 131 abates the GI Bill's loss of value by creating an index system so funding can be increased as higher education costs rise.

We also thank you for your announced intention to offer an amendment to the Senate Budget Committee to create a reserve fund for veterans education. This amendment would provide the necessary funding to implement S. 131, resulting in a significant increase in funding for the Montgomery GI Bill.

The Montgomery GI Bill is in dire need of additional resources, and we fully support your efforts, both in the original bill, and in the amendment. We are committed to working with you to make this legislation a success.

Sincerely,

Dennis Cullinan,
Director, National Legislative Service.

The American Legion,
Washington, DC, April 4, 2001.

Hon. Tim Johnson,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Johnson: The American Legion thanks you for offering the Collins/Johnson Reserve Fund for Veterans' Education Amendment. We fully support this amendment to the Senate Budget Resolution that would provide a reserve fund for veterans' education.

The American Legion has long supported legislation that would base veterans' educational benefits on the average cost of attending a four-year public institution as a commuter student. The Collins/Johnson amendment will provide the budgetary requirements needed to reach this goal.

The educational enhancements contained in S. 131, the Veterans' Higher Education Opportunities Act, will help to transform the current Montgomery GI Bill (MGIB) program into a true veterans' benefit that parallels the quality of the original "GI Bill of Rights". A strong veterans' educational benefit program will not only strengthen national defense by improving recruitment, it will also prepare veterans for a smooth transition into the civilian workforce.

Once again, The American Legion fully supports the Collins/Johnson Reserve Fund for Veterans' Education Amendment and appreciates your continued leadership in addressing the issues that are important to veterans and active duty servicemembers.

Sincerely,

Steve A. Robertson,
Director,
National Legislative Commission.

Mr. DOMENICI. Mr. President, I believe the other side will concur. I ask unanimous consent that the amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 214), as modified, was agreed to.

AMENDMENT NO. 182, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 182 be modified, and I send the modification to the desk. It is a Santorum amendment to amendment No. 170.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. Domenici], for Mr. Santorum, proposes an amendment numbered 182 to Amendment No. 170.

The amendment is as follows:

(Purpose: To increase in funding $353,500,000 for fiscal year 2002 for Department of Defense basic research conducted in American universities)

On page 10, line 21, increase the amount by $353,500,000.

On page 10, line 22, increase the amount by $353,500,000.

On page 43, line 15, decrease the amount by $353,500,000.

On page 43, line 16, decrease the amount by $353,500,000.

Mr. SANTORUM. Mr. President, I rise today to address the urgent need for increased levels of Department of Defense basic research funding in fiscal year 2002. I offer an amendment which will significantly increase funding for Department of Defense basic research carried out in American universities.

This past September, then-Governor George W. Bush addressed an audience at The Citadel in South Carolina and raised the notion of skipping a generation of weapons systems and of making leap ahead advances in American military capabilities. Governor Bush recognized that 21st century threats facing the United States are qualitatively different than the threats that occupied our military and our industrial base during the cold war and in the decade that followed the downfall of the Soviet Union.

Since that speech, many others have articulated a need to transform our Nation's military to better respond to these threat trends. They note that our current military is ill equipped to meet threats such as incidents of terrorism, information warfare, biological warfare, and urban conflict. The only way to meet these challenges is to redouble our energies on meeting these challenges.

While procuring updated or evolutionary weapons systems might seem like the most expeditious way to meet these new threats, I believe that we need to work our way back and look first at the basic sciences and basic research efforts that will support the development of new weapons systems. Without critical investments in Department of Defense basic research we cannot hope to make key understandings that will drive leap ahead advances or spur on revolutionary weapons systems.

Oftentimes, the funding that supports basic research for the Department of Defense has been referred to as "seed corn" funding. It is funding that, when properly invested, will return advances in our understanding of what we know about a property, an entity, a phenomenon, or relationship. Not all of these investments are successful in outcome, and for this reason basic research can be classified as high-risk in nature. However, these basic research investments inevitably add to our knowledge base and improve our understanding of the world.

Regrettably, we have been taking funds from these crucial accounts and using them to pay for the near-term modernization or procurement needs of today's military. While this has proven to be a useful short-term fix, in the long-run, we have compromised those resources necessary to drive innovation and leap ahead advances, advances necessary to meet 21st century threats. Part of the problem lies in the nature of basic research. Unlike investments in applied research or advanced development research, the incubation period for basic research is perhaps as long as a decade. This requires the executive and legislative branches of government to maintain a long-term focus when making budgetary decisions.

American universities offer the Department of Defense the laboratories and knowledge base necessary to successfully complete this transformation objective. The Department of Defense has historically played a major federal role in funding basic research and has been a significant sponsor of engineering research and technology development conducted in American universities. For over 50 years, Department of Defense investment in university research has been a dominant element of the nation's research and development infrastructure and an essential component of the United states capacity for technological innovation.

According to recent figures, 54 percent of all Department of Defense-sponsored basic research is performed in American universities. Furthermore, in aeronautical, electrical and mechanical engineering, the Department of Defense's share of governmentwide investment exceeds 50 percent. In addition, with respect to the fields of mathematics and computer science, the Department of Defense accounts for nearly 50 percent of all federal investment. Moreover, Department of Defense basic research programs make a significant contribution to the national economy by educating new generations of scientists and engineers and by helping to maintain a university research infrastructure that is the envy of the world.

The unpredictability of long-term research in combination with shortened product cycles and an intense competition has led many private sector companies to retrench their research programs to focus on near-term product development. Only the Department of Defense and other Federal agencies can invest in university research at the levels required to meet future challenges to American security, prosperity and health.

Throughout the decades of the 1950's, 1960's, 1970's and 1980's, the Department of Defense and other Federal agencies sustained their commitments to these investments in American universities. This investment can be measured by the number of systems relied upon by America today to project power and maintain our interests around the globe. For example, fundamental stimulated emission basic research at Columbia University in the 1950's led to military advances in lasers necessary for precision weapon guidance capabilities. Department of Defense basic research funds supported activities at the California Institute of Technology in the 1970's which studied metal semiconductor field effect transistor gallium-arsenide devices now used in ballistic missile ground-based radar. Department of Defense basic research funding supported scientific study at the Massachusetts Institute of Technology and Stanford University on lightweight composite structural materials now utilized by the Marine Corps' AV–8B Harrier aircraft.

As I mentioned earlier, the incubation period for basic research can be as long as a decade. Companies competing in today's market-driven, global economy, are now reducing their investments in long-term, high-risk research. It is up to the federal government to make the critical investment in this high-risk, long-term research if we are to make revolutionary or leap ahead scientific breakthroughs.

Without increased investment in Department of Defense basic research, the number of graduate student opportunities to pursue Department of Defense research cannot increase. A decline in the pool of scientists, engineers, mathematicians, and skilled technicians will prevent the Department of Defense from achieving success in the pursuit of leap ahead technologies. In addition, our cadre of skilled scientists and engineers—cultivated by Department of Defense basic research funds—are the individuals who will drive innovation in the areas of our economy which depend on advances in science and technology.

In the end, there has to be a recognition by U.S. policy leaders that these critical funds are crucial to the U.S. military being able to meet future threats. A recent Defense Science Board (DSB) Task Force identified several key capabilities that would be necessary to allow our military forces to meet future warfighting challenges. The capabilities identified by the DSB Task Force were: Response to engineered biological threats; real-time surveillance and targeting, especially hidden and moving targets; and real-day projection of dominant U.S./Coalition military forces.

For advances to occur in these capabilities, we will first need to make wise investments in key enabling technologies. Department of Defense basic research can provide the stimulus to make this possible. Examples of key enabling technologies include: biotechnology; information technology; microsystems; and energy and materials. The DSB Task Force report observed that commercial sector investment in these technologies are short-term in nature, as opposed to long-term. In addition, the DSB Task Force recommended a focus on the interdisciplinary combinations of these technologies, as it is in these intersections that the truly revolutionary advances in military capabilities take place.

For fiscal year 2001, President Clinton requested $1.22 billion in funding for Department of Defense basic research. Congress, for fiscal year 2001, appropriated $1.35 billion for Department of Defense basic research. With this in mind, my amendment is quite reasonable and, I believe, quite modest. For fiscal year 2002, I propose investing an additional $353.5 million in Department of Defense basic research funding spent in American universities. This amendment begins the process of transforming our military to meet 21st century threats.

Given the importance of these funds in making leap ahead advances in our military capabilities and because our quality of life as Americans is tied to basic research, I believe this is an initiative Congress should support with great enthusiasm.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 182), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator TIM HUTCHINSON of Arkansas be added as a cosponsor of amendment No. 317.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 297

Mr. DOMENICI. Mr. President, we have a series of amendments that have been cleared. I repeat, none of these adds any spending money; they are budget neutral.

First is amendment No. 297, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, proposes an amendment numbered 297.

The amendment is as follows:

(Purpose: To provide a reserve fund for refundable tax credits)

At the end of title II, insert the following:

SEC. . RESERVE FUND FOR REFUNDABLE TAX CREDITS.

In the Senate, if any bill reported by the Committee on Finance, amendment thereto, or conference report thereon, has refundable tax provisions that increase outlays, the Chairman of the Committee on the Budget may increase the amount of new budget authority (and outlays flowing therefrom) allocated to the Committee on Finance by the amount provided by such provisions and adjust the budget aggregates and reconciliation directions set forth in this resolution, as applicable, accordingly, but only to the extent that the increase in outlays and reduction in revenues resulting from such bill does not exceed the amounts specified in section 101.

Mr. DOMENICI. This is Senator BINGAMAN's amendment on scorekeeping. We have nothing further to add.

Mr. CONRAD. No objection on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 297) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 328, AS MODIFIED

Mr. DOMENICI. Mr. President, I have a modification on behalf of Senator CLINTON. I ask unanimous consent that it be appropriate to modify amendment No. 328. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mrs. CLINTON, proposes an amendment numbered 328, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen our national food safety infrastructure by increasing the number of inspectors within the Food and Drug Administration to enable the Food and Drug Administration to inspect high-risk sites at least annually, supporting research that enables us to meet emerging threats, improving surveillance to identify and trace the sources and incidence of food-borne illness, and otherwise maintaining at least current funding levels for food safety initiatives at the Food and Drug Administration and the United States Department of Agriculture)

On page 43, line 16, decrease the amount by $32,000,000.

On page 48, line 8, increase the amount by $40,000,000.

On page 48, line 9, increase the amount by $32,000,000.

Mr. DOMENICI. This affects food safety. We have no objection to the amendment.

Mr. CONRAD. We support the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 328), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 219

Mr. DOMENICI. Mr. President, on behalf of Senator REID, I call up amendment No. 219.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. REID, proposes an amendment numbered 219.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the substitute amendment to H. Con. Res. 83 with respect to increasing funds for renewable energy research and development)

On page 16, line 5 after "authority," strike "$871,000,000" insert "$1,321,000,000 and, notwithstanding any other provisions of the Resolution, it is the Sense of the Senate that the levels in this Resolution assume:

(1) That renewable energy resources can provide the nation and the world with clean and sustainable sources of power;

(2) That renewable energy technologies developed and deployed in the U.S. and exported abroad will improve our environment and balance of trade;

(3) That increased reliance on renewable energy resources to satisfy the nation's growing need for power can provide jobs, reliable electricity supplies, and reduce conventional pollution and greenhouse gas emissions;

(4) That research and development of renewable energy resources should be supported strongly by the Federal government;

(5) That a minimum of $450 million in FY02 shall be allocated to accelerate the research, development and deployment of wind, photovoltaic, geothermal, solar thermal, biomass and other renewable energy technologies; and,

(6) Further, that the amount assumed for renewable energy research and development shall increase by greater than the rate of inflation for each subsequent year.

Mr. DOMENICI. This amendment has to do with energy research. We have nothing further to say on the amendment. It is acceptable on our side.

Mr. CONRAD. Mr. President, we strongly support the amendment on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 219) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 325

Mr. DOMENICI. Mr. President, on behalf of Senator DASCHLE, I ask that amendment No. 325 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DASCHLE, for himself, Mr. JOHNSON, Mrs. MURRAY, Mr. BINGAMAN, Mr. BAUCUS, Mr. DOMENICI, Mr. CONRAD, and Mr. INOUYE, proposes an amendment numbered 325.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase discretionary funding for the Indian Health Service by decreasing the size of the tax cut for the wealthiest Americans)

On page 2, line 17, increase the amount by $4,200,000,000.

On page 2, line 18, increase the amount by $4,580,000,000.

On page 3, line 1, increase the amount by $5,290,000,000.

On page 3, line 2, increase the amount by $5,790,000,000.

On page 3, line 3, increase the amount by $6,320,000,000.

On page 3, line 4, increase the amount by $6,890,000,000.

On page 3, line 5, increase the amount by $7,490,000,000.

On page 3, line 6, increase the amount by $8,160,000,000.

On page 3, line 7, increase the amount by $8,890,000,000.

On page 3, line 8, increase the amount by $9,650,000,000.

On page 3, line 13, decrease the amount by $4,200,000,000.

On page 3, line 14, decrease the amount by $4,580,000,000.

On page 3, line 15, decrease the amount by $5,290,000,000.

On page 3, line 16, decrease the amount by $5,790,000,000.

On page 3, line 17, decrease the amount by $6,320,000,000.

On page 3, line 18, decrease the amount by $6,890,000,000.

On page 3, line 19, decrease the amount by $7,490,000,000.

On page 3, line 20, decrease the amount by $8,160,000,000.

On page 3, line 21, decrease the amount by $8,890,000,000.

On page 3, line 22, decrease the amount by $9,650,000,000.

On page 4, line 3, increase the amount by $4,580,000,000.

On page 4, line 4, increase the amount by $5,290,000,000.

On page 4, line 5, increase the amount by $5,790,000,000.

On page 4, line 6, increase the amount by $6,320,000,000.

On page 4, line 7, increase the amount by $6,890,000,000.

On page 4, line 8, increase the amount by $7,490,000,000.

On page 4, line 9, increase the amount by $8,160,000,000.

On page 4, line 10, increase the amount by $8,890,000,000.

On page 4, line 11, increase the amount by $9,650,000,000.

On page 4, line 17, increase the amount by $4,580,000,000.

On page 4, line 18, increase the amount by $5,290,000,000.

On page 4, line 19, increase the amount by $5,790,000,000.

On page 4, line 20, increase the amount by $6,320,000,000.

On page 4, line 21, increase the amount by $6,890,000,000.

On page 4, line 22, increase the amount by $7,490,000,000.

On page 4, line 23, increase the amount by $8,160,000,000.

On page 5, line 1, increase the amount by $8,890,000,000.

On page 5, line 2, increase the amount by $9,650,000,000.

On page 28, line 23, increase the amount by $4,200,000,000.

On page 28, line 24, increase the amount by $4,200,000,000.

On page 29, line 2, increase the amount by $4,580,000,000.

On page 29, line 3, increase the amount by $4,580,000,000.

On page 29, line 6, increase the amount by $5,290,000,000.

On page 29, line 7, increase the amount by $5,290,000,000.

On page 29, line 10, increase the amount by $5,790,000,000.

On page 29, line 11, increase the amount by $5,790,000,000.

On page 29, line 14, increase the amount by $6,320,000,000.

On page 29, line 15, increase the amount by $6,320,000,000.

On page 29, line 18, increase the amount by $6,890,000,000.

On page 29, line 19, increase the amount by $6,890,000,000.

On page 29, line 22, increase the amount by $7,490,000,000.

On page 29, line 23, increase the amount by $7,490,000,000.

On page 30, line 2, increase the amount by $8,160,000,000.

On page 30, line 3, increase the amount by $8,160,000,000.

On page 30, line 6, increase the amount by $8,890,000,000.

On page 30, line 7, increase the amount by $8,890,000,000.

On page 30, line 10, increase the amount by $9,650,000,000.

On page 30, line 11, increase the amount by $9,650,000,000.

On page 43, line 15, decrease the amount by $4,200,000,000.

On page 43, line 16, decrease the amount by $4,200,000,000.

On page 48, line 8, increase the amount by $4,200,000,000.

On page 48, line 9, increase the amount by $4,200,000,000.

INDIAN HEALTH CARE AMENDMENT TO THE BUDGET RESOLUTION

Mr. DASCHLE. Mr. President, this amendment addresses a huge, but simple problem. American Indians and Alaska Natives were guaranteed health insurance. They are not getting it.

The Indian Health Service is supposed to provide full health coverage and care to every Indian in the country. In fiscal year 2002, the cost of that care is conservatively estimated at $6 billion. The IHS budget for those Personal Clinical Services is $1.8 billion. My amendment would give the Indian Health Service the $4.2 billion it needs to provide the basic, essential health coverage it is required to provide.

What is happening now without that critical funding? Health care is being rationed, often with tragic results. Indians are being told they face a literal "life or limb" test. They cannot see a doctor unless their life is threatened or they are about to lose a limb. They are told they have to wait until they get worse; then, if there is any money left, they might get treatment. Non-emergency care is routinely denied.

It's hard to believe this is happening in America in 2001, but it is.

And the pain is felt not just in Indian Country, but also in the surrounding areas where non-IHS facilities try to fill in some of the treatment gaps. Because IHS has no money to reimburse them, they are facing their own budget crises.

The problem is real; the solution is simple. Give the Indian Health Service the funds it needs to provide 2.45 million Native Americans the health benefits they have been promised.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. We have no objection to the amendment.

Mr. CONRAD. Mr. President, I, too, want to be listed as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. This is an amendment that deals with Indian health and is strongly supported on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 325) was agreed to.

AMENDMENT NO. 246

Mr. DOMENICI. Mr. President, I ask that amendment No. 246 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. DOMENICI], for Mr. SMITH of Oregon, proposes an amendment numbered 246.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 8, decrease the amount by $100,000,000.

On page 4, line 3, increase the amount by $100,000,000.

On page 4, line 17, increase the amount by $100,000,000.

On page 17, line 23, increase the amount by $100,000,000.

On page 17, line 24, increase the amount by $100,000,000.

On page 18, line 2, increase the amount by $100,000,000.

On page 18, line 3, increase the amount by $100,000,000.

On page 43, line 15, decrease the amount by $100,000,000.

On page 43, line 16, decrease the amount by $100,000,000.

Mr. SMITH of Oregon. Mr. President, I rise today to introduce an amendment to the Senate Budget Resolution for Fiscal Year 2002. This amendment would increase the construction funds available to the Bureau of Reclamation by $100 million annually in fiscal years 2002 and 2003.

Mr. President, there is a crying need for water infrastructure in the Western United States. Many existing Reclamation projects are over 40 years old and need improvements and rehabilitation. A new environmental ethic has caused projects to provide more water for the environment, or to be reconfigured to be more environmentally friendly. These types of construction projects include screening diversions, lining canals, and temperature control devices.

The 106th Congress authorized several new projects to be funded by the Bureau of Reclamation, including the Lewis and Clark Water Supply Project in South Dakota, and a reconfigured Dakota Water Supply Project for North Dakota. The views and estimates of the Senate Energy Committee also anticipated Committee action on a major Indian water settlement in Arizona, and the enactment of a CAL-FED authorizations bill.

In the face of these existing and anticipated demands on the Reclamation budget, construction funds available to the agency declined thirty-six percent over the last ten years. This bipartisan amendment would provide $100 million in additional construction funds for the Bureau of Reclamation in both 2002 and 2003. In 2002, the funds come from the function 920 account. In 2003, they come from the budget surplus.

As the National Urban Agricultural Council aptly stated: "It is time to turn the corner on the funding for the Bureau and put it on a course so that the West is not left withering in the desert." I urge my colleagues' support of this amendment.

Mr. CONRAD. Mr. President, we do not have a copy of this amendment.

Mr. DOMENICI. Let's make it sound better and say we thought we had given it to the Senator but perhaps we did not.

Mr. CONRAD. The Senator may well have. As the Senator from New Mexico knows, we are dealing with a large number of amendments. We just do not have it in the stack of amendments.

Mr. DOMENICI. We have no objection to the amendment.

Mr. CONRAD. We support this amendment on this side as well.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 246) was agreed to.

Mr. DOMENICI. This is a zero effect amendment. It affects the Bureau of Reclamation without affecting the budget in any way. It is a neutral amendment.

Mr. CONRAD. We agree, Mr. President, that it is budget neutral.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 283, AS MODIFIED

Mr. DOMENICI. Mr. President, we have reached agreement on a budget-neutral amendment, a modification to amendment No. 283. I ask unanimous consent that I be permitted to send a modification to amendment No. 283 to the desk. The principal sponsors are Mr. SMITH of Oregon, Mr. HARKIN, Mr. LEAHY, Ms. SNOWE, Mr. CRAPO, and Mrs. BOXER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SMITH of Oregon, for himself, Mr. HARKIN, Mr. LEAHY, Ms. SNOWE, Mr. CRAPO, and Mrs. BOXER, proposes an amendment numbered 283, as modified.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To provide an increase in funds of $1.3 billion in fiscal year 2002 for the promotion of voluntary agriculture and forestry conservation programs that enhance and protect natural resources on private lands and without taking from the HI Trust Fund)

On page 17, line 23, increase the amount by $1,300,000,000.

On page 17, line 24, increase the amount by $1,300,000,000.

On page 43, line 15, decrease the amount by $1,300,000,000.

On page 43, line 16, decrease the amount by $1,300,000,000.

Mr. SMITH of Oregon. Mr. President, I want to thank the distinguished Chairman and Ranking Member of the Senate Budget Committee for helping to reach this agreement to adopt this amendment today. While this modified version does not contain the $2.7 billion in fiscal year 2003 that the original did, it does call for the $1.3 billion increase in fiscal year 2002 for agriculture conservation under function 300 of the budget. This amount, combined with $350 million authorized under an amendment adopted yesterday, totals more than $1.6 billion for conservation activities in fiscal year 2002.

As our farmers and ranchers are faced with new environmental regulations and development pressures, agriculture conservation programs become even more important. Right now, demand for conservation assistance far outstrips available funding for such programs as the Environmental Quality Incentives Program. In addition, there is a need for more NRCS technical assistance support and a new incentives-based conservation initiative such as the Conservation Security Act.

I want to thank Senators HARKIN, LEAHY, SNOWE, CRAPO, BOXER, WYDEN, DAYTON, BINGAMAN, LEVIN, DURBIN, JOHNSON, and LANDRIEU who joined me in introducing this bipartisan amendment. I have enjoyed working with them and believe that we have a growing core of interest in agriculture conservation funding here in the Senate. I look forward to working closely with my friends on both sides of the aisle to pursue this funding in the upcoming conference on the budget as well as in future agriculture appropriations acts.

Mr. DOMENICI. We have no objection to the amendment, as modified, on this side.

Mr. CONRAD. We support the amendment, as modified, on this side as well.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 283), as modified, was agreed to.

Mr. DOMENICI. I repeat, this amendment does not increase spending. It is a neutral amendment.

Mr. CONRAD. I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 197

Mr. DOMENICI. Mr. President, I have three amendments we want to voice vote. The first one is amendment No. 197 by Senator DORGAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DORGAN, proposes an amendment numbered 197.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase budget authority and outlays in Function 450 (Community and Regional Development) by $2,300,000,000 to establish a venture capital fund to make equity investments in businesses with high job-creating potential located or locating in rural counties that have experienced economic hardship caused by net outmigration of 10 percent or more between 1980 and 1998 and are situated in States in which 25 percent or more of the rural counties have experienced net outmigration of 10 percent or more over the same period, based on Bureau of the Census statistics; to make available $200,000,000 to that fund for each of fiscal years 2002 through 2011; to require a substantial investment from State government and private sources and to guarantee up to 60 percent of each authorized private investment; and to express the sense of the Senate that this funding should be offset by a transfer of $2,300,000,000 from the surplus amounts held by Federal Reserve banks)

On page 2, line 17, increase the amount by $230,000,000.

On page 2, line 18, increase the amount by $230,000,000.

On page 3, line 2, increase the amount by $230,000,000.

On page 3, line 3, increase the amount by $230,000,000.

On page 3, line 4, increase the amount by $230,000,000.

On page 3, line 5, increase the amount by $230,000,000.

On page 3, line 6, increase the amount by $230,000,000.

On page 3, line 7, increase the amount by $230,000,000.

On page 3, line 8, increase the amount by $230,000,000.

On page 3, line 13, decrease the amount by $230,000,000.

On page 3, line 14, decrease the amount by $230,000,000.

On page 3, line 15, decrease the amount by $230,000,000.

On page 3, line 16, decrease the amount by $230,000,000.

On page 3, line 17, decrease the amount by $230,000,000.

On page 3, line 18, decrease the amount by $230,000,000.

On page 3, line 19, decrease the amount by $230,000,000.

On page 3, line 20, decrease the amount by $230,000,000.

On page 3, line 21, decrease the amount by $230,000,000.

On page 3, line 22, decrease the amount by $230,000,000.

On page 4, line 17, increase the amount by $230,000,000.

On page 4, line 18, increase the amount by $230,000,000.

On page 4, line 19, increase the amount by $230,000,000.

On page 4, line 20, increase the amount by $230,000,000.

On page 4, line 21, increase the amount by $230,000,000.

On page 4, line 22, increase the amount by $230,000,000.

On page 4, line 23, increase the amount by $230,000,000.

On page 5, line 1, increase the amount by $230,000,000.

On page 5, line 2, increase the amount by $230,000,000.

On page 25, line 6, increase the amount by $2,300,000,000.

On page 25, line 7, increase the amount by $230,000,000.

On page 25, line 11, increase the amount by $230,000,000.

On page 25, line 15, increase the amount by $230,000,000.

On page 25, line 19, increase the amount by $230,000,000.

On page 25, line 23, increase the amount by $230,000,000.

On page 26, line 3, increase the amount by $230,000,000.

On page 26, line 7, increase the amount by $230,000,000.

On page 26, line 11, increase the amount by $230,000,000.

On page 26, line 15, increase the amount by $230,000,000.

On page 26, line 19, increase the amount by $230,000,000.

On page 43, line 15, decrease the amount by $2,300,000,000.

On page 43, line 16, decrease the amount by $230,000,000.

On page 48, line 8, increase the amount by $2,300,000,000.

On page 48, line 9, increase the amount by $230,000,000.

At the end, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF FEDERAL RESERVE SURPLUSES.

It is the sense of the Senate that the levels in this resolution assume that the $2,300,000,000 increase in revenues over the 2002 through 2011 fiscal year period should be achieved through the transfer of funds from the surplus funds of the Federal Reserve banks to the Treasury.

Mr. DOMENICI. Mr. President, we oppose this amendment, but we are willing to do this on a voice vote. I have nothing further to say. This adds money to function 470 of the budget. We are against it, but we will have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 197.

The amendment (No. 197) was rejected.

AMENDMENT NO. 198

Mr. DOMENICI. I call up amendment No. 198 on behalf of Senator DORGAN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DORGAN, proposes an amendment numbered 198.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the Bureau of Indian Affairs school construction backlog and to increase funding for Indian health services, by transferring funds from the surplus amounts held by Federal Reserve banks)

On page 2, line 17, increase the amount by $713,440,000.

On page 2, line 18, increase the amount by $713,440,000.

On page 3, line 1, increase the amount by $713,440,000.

On page 3, line 2, increase the amount by $713,440,000.

On page 3, line 13, decrease the amount by $713,440,000.

On page 3, line 14, decrease the amount by $713,440,000.

On page 3, line 15, decrease the amount by $713,440,000.

On page 3, line 16, decrease the amount by $713,440,000.

On page 4, line 3, increase the amount by $732,000,000.

On page 4, line 4, increase the amount by $732,000,000.

On page 4, line 5, increase the amount by $732,000,000.

On page 4, line 17, increase the amount by $713,440,000.

On page 4, line 18, increase the amount by $713,440,000.

On page 4, line 19, increase the amount by $713,440,000.

On page 25, line 6, increase the amount by $232,000,000.

On page 25, line 7, increase the amount by $213,440,000.

On page 25, line 10, increase the amount by $232,000,000.

On page 25, line 11, increase the amount by $213,440,000.

On page 25, line 14, increase the amount by $232,000,000.

On page 25, line 15, increase the amount by $213,440,000.

On page 25, line 18, increase the amount by $232,000,000.

On page 25, line 19, increase the amount by $213,440,000.

On page 28, line 23, increase the amount by $500,000,000.

On page 28, line 24, increase the amount by $500,000,000.

On page 29, line 2, increase the amount by $500,000,000.

On page 29, line 3, increase the amount by $500,000,000.

On page 29, line 6, increase the amount by $500,000,000.

On page 29, line 7, increase the amount by $500,000,000.

On page 29, line 10, increase the amount by $500,000,000.

On page 29, line 11, increase the amount by $500,000,000.

On page 43, line 15, increase the amount by $732,000,000.

On page 43, line 16, increase the amount by $713,440,000.

On page 48, line 8, increase the amount by $732,000,000.

On page 48, line 9, increase the amount by $713,440,000.

At the appropriate place, insert the following:

SEC. . USE OF FEDERAL RESERVE SURPLUSES.

It is the sense of the Senate that levels in this resolution assume that the $2,853,670,000 increase in revenue over the 2002 through 2005 fiscal year period should be achieved through the transfer of funds from the surplus funds of the Federal reserve banks to the Treasury.

Mr. DOMENICI. Mr. President, we oppose this amendment but are willing to do it on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 198.

The amendment (No. 198) was rejected.

AMENDMENT NO. 261

Mr. DOMENICI. Mr. President, we have a third amendment. We hope the same treatment befalls this amendment. This is Conrad amendment No. 261.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 261.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The question is on agreeing to amendment No. 261.

The amendment (No. 261) was rejected.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

AMENDMENT NO. 183

Mr. DOMENICI. Mr. President, we are prepared to proceed with some additional amendments. We call up amendment No. 183, the Kerry-Bond amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. KERRY, Mr. BOND, Mr. BINGAMAN, Mr. WELLSTONE, Ms. LANDRIEU, Mr. DASCHLE, Mr. LEAHY, and Mr. JOHNSON, proposes an amendment numbered 183.

Mr. DOMENICI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise the budget for fiscal year 2002 so that the small business programs at the Small Business Administration are adequately funded and can continue to provide loans and business assistance to the country's 24 million small businesses, and to restore and reasonably increase funding to specific programs at the Small Business Administration because the current budget request reduces funding for the Agency by a minimum of 26 percent at a time when the economy is volatile and the Federal Reserve Board reports that 45 percent of banks have reduced lending to small businesses by making it harder to obtain loans and more expensive to borrow)

On page 21, line 15, increase the amount by $264,000,000.

On page 21, line 16, increase the amount by $154,000,000.

On page 43, line 15, decrease the amount by $264,000,000.

On page 43, line 16, decrease the amount by $154,000,000.

On page 48, line 8, increase the amount by $264,000,000.

On page 48, line 9, increase the amount by $154,000,000.

Mr. DOMENICI. Mr. President, we accept that amendment and we are willing to do that at this time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. If the distinguished managers would not object, I know Senator KERRY would like to add a brief statement.

A recent visitor to my Small Business Committee office spoke excitedly that his small business won a Government contract. But when he sought financing at a local bank, the bank would not lend to him unless he was willing to pay a 28-percent interest rate. It is odd to see the Government willing to do business with him but banks consider the small business too risky. The SBA fills that role, and this amendment will ensure that the SBA can continue to do that.

I urge adoption of this bipartisan amendment on SBA. The funds are critical for SBA programs such as HUBZones, 7(a) loan programs, and the BDC program.

Mr. KERRY. Mr. President, I am offering an amendment that ensures the small business programs at the Small Business Administration are adequately funded for FY 2002 and can continue to provide loans and business assistance to the country's 24 million small businesses. It is necessary to restore and reasonably increase funding to specific programs, such as the 7(a) loan program and the Women's Business Centers, at the SBA because the current budget request would reduce funding for the agency by a minimum of 26 percent. These cuts come at a time when the economy is volatile and the Federal Reserve Board reports that 45 percent of banks surveyed have reduced lending to small businesses by making it harder to obtain loans and more expensive to borrow. This amendment also shores up resources for the agency's management training and counseling programs, which are sometimes more important to the success of small businesses than loans.

This amendment is not controversial, and it is bipartisan. I want to thank my colleagues—Senators BOND, BINGAMAN, WELLSTONE, LANDRIEU, DASCHLE, LEAHY, JOHNSON, SCHUMER, COLLINS, LEVIN, and SNOWE—for cosponsoring what I consider sensible and realistic changes to the budget.

In order to foster small businesses creation and growth in this country, we need to restore $264 million to the SBA's budget for FY2002. That amount would leverage $13.2 billion in loans and venture capital and counsel more than one million entrepreneurs. That may seem tiny compared to some amendments we've been considering, but let me assure you the impact is great on the economy. Small businesses provide 50 percent of private-sector jobs. For less than $2 per taxpayer, we can provide access to credit and capital for our nation's job creators.

Mr. President, every single State in this Nation benefits from the small business support the SBA provides. I ask my colleagues to vote for this amendment.

I ask unanimous consent that letters of support and a summary of the amendment be printed in the RECORD.

THE NATIONAL ASSOCIATION OF GOVERNMENT GUARANTEED LENDERS, INC.,
Stillwater, OK, April 5, 2001.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: I am writing on behalf of NAGGL's nearly 700 members in support of your amendment, number 183, to the Budget Resolution that would revise the proposed budget for the Small Business Administration in fiscal year 2002. Specifically, your amendment would restore $264 million to the SBA's budget in fiscal year 2002 of which $118 million is earmarked for the agency's 7(a) guaranteed loan program. We strongly believe it is in the best interest of small business that your amendment be adopted.

The present budget proposes no fiscal year 2002 appropriations for the 7(a) loan program and instead proposes to make the program self-funding through the imposition of increased fees. The previous SBA Administrator testified before the House Small Business Committee last year that the 7(a) program was already being run at a "profit" to the government. This statement was confirmed in a September 2000 Congressional Budget Office report entitled "Credit Subsidy Reestimates, 1993–1999." Unfortunately, the budget as currently proposed would, in our view, have the effect of imposing additional taxes by increasing program fees. This result would be ironic given the Administration's push for tax cuts.

A recent survey of NAGGL's membership, who currently make approximately 80 percent of SBA 7(a) guaranteed loans, shows that if the budget were adopted as proposed, most lenders would significantly curtail their 7(a) lending activities. Therefore, small businesses would find it more difficult and expensive to obtain crucial long-term financing. The proposed budget would increase the lender's cost of making a loan by 75 percent and would increase the direct cost to the borrower by 12 percent. Any fee increase is unacceptable when the program is already profitable for the government.

The small business consequences of a slowdown in 7(a) guaranteed lending are manifold. Currently, according to statistics available from the Federal Deposit Insurance Corporation and the SBA, approximately 30 percent of all long-term loans, those with a maturity of 3 years or more, carry an SBA 7(a) guarantee. This is because lenders generally are unwilling to make long-term loans with a short-term deposit base. Therefore, reducing the availability of 7(a) capital to small businesses will have a significant effect on them and on the economy.

The average maturity for an SBA 7(a) guaranteed loan is 14 years. The average conventional small business loan carries an average maturity of one year or less. For those conventional loans with original maturities over one year, the average maturity is just three years. The majority of SBA 7(a) borrowers are new business startups or early stage companies. The longer maturities provided by the SBA 7(a) loan program give small businesses valuable payment relief, as the longer maturity loans carry substantially lower monthly payments.

For example, if a small business borrower had to take a 5 year conventional loan instead of a 10 year SBA 7(a) loan, the result would be a 35%–40% increase in monthly payments. The lower debt payments are critical to startup and early stage companies. Small business loans, where they can be found, would have vastly increased monthly payments. This at a time when the economy appears to be struggling and when bank regulators have spurred banks to tighten credit criteria, the current budget only proposes to worsen the situation for small business borrowers.

Your amendment would help mitigate this problem. It would provide small businesses far better access to long-term financing on reasonable terms and conditions at a time when their access to such capital is critical. We urge your colleagues to support your initiative and adopt your amendment.

Respectfully,
ANTHONY R. WILKINSON.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. HISPANIC
CHAMBER OF COMMERCE,
Washington, DC, April 5, 2001.

Hon. JOHN F. KERRY,
Ranking Member, Senate Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: We write in support of the Kerry/Bond Amendment to restore $264 million of the proposed cuts to the Small Business Administration's (SBA) budget. We further support the amendment's proposal to have these funds come out of the contingency fund and not the tax cut or the Medicare/Social Security trust fund. Your amendment would ensure that the small business programs at the SBA are adequately funded and continue to provide loan and business assistance to Hispanic-owned small businesses in this country.

The United States Hispanic Chamber of Commerce (USHCC) represents the interest of approximately 1.5 million Hispanic-owned businesses in the United States and Puerto Rico. With a network of over 200 local Hispanic chambers of commerce across the country, the USHCC stands as the preeminent business organization that promotes the economic growth and development of Hispanic entrepreneurs.

The SBA programs that are currently in jeopardy of losing funds have been extremely instrumental in helping our Hispanic entrepreneurs start and maintain successful businesses in the United States. Without these programs, the Hispanic business community will suffer huge setbacks to the strides we have been able to achieve over the years. It is therefore necessary to restore and increase funding to these programs so that the Hispanic business community will continue to experience economic growth and success in this country.

We support your efforts and urge other members of the Senate to support the Kerry/Bond amendment in restoring these necessary funds to the SBA.

Respectfully submitted,
MARITZA RIVERA,
Vice President for Government Relations.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA,
Washington, DC, April 5, 2001.

To: Members of the U.S. Senate.

From: Independent Community Bankers of America.

Re ICBA support the Kerry-Bond amendment to preserve small business loan programs and to prevent new fees.

On behalf of the 5,300 members of the ICBA, we support the Kerry-Bond amendment to the FY 2002 Budget and urge all Senators to join in support of this important bipartisan amendment. The amendment to be offered by Sens. John Kerry (D-Mass) and Christopher Bond (R-Missouri) would prevent new hidden taxes in the form of additional fees imposed on small business lenders and borrowers. The proposed FY 2002 Budget pending in the Senate would levy significant new fees on the SBA 7(a) loan program. These increased fees would jeopardize needed lending and credit to small business at the worst possible time as our economy has slowed dramatically and small business lending has become more difficult. Therefore, the Kerry-Bond amendment would restore the appropriation for the 7(a) small business loan program and prevent onerous new fees from being levied on borrowers and lenders.

This amendment shares bipartisan support. The Chairmen and Ranking Members of the Senate Small Business Committees oppose new taxes on small businesses in the form of higher loan fees. Specifically, Small Business Committee Chairman Chris Bond and Ranking Member John Kerry have asked for the $118 million appropriation to support the 7(a) loan program to be restored in the FY 2002 Budget. The ICBA applauds the bipartisan efforts of Sens. Kerry and Bond in offering their amendment.

We urge every Senators' support for the Kerry-Bond amendment so that small businesses have continued access to needed credit and that the 7(a) loan program is not devastated by taxing new fees.

ASSOCIATION OF SMALL BUSINESS
DEVELOPMENT CENTERS,
Burke, VA.

Hon. JOHN F. KERRY,
Ranking Minority Member, Senate Small Business Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATOR: We wish to commend you for proposing an amendment to the Budget Resolution calling for the restoration of funding for the Small Business Development Center (SBDC) and 7(a) Guaranteed Loan Programs. During this period of economic downturn, it is even more important that funding for these two critically important programs not be compromised as hundreds of thousands of small businesses will need management and technical assistance and long term debt financing more than ever.

As for the SBDC Program specifically, we are proud to report that the most recent impact survey of the program found that in one year SBDC's helped small businesses create 92,000 new jobs, generate $630 million in new tax revenues, increased by 67,000 the number of entrepreneurs counseled above previous levels, and provided training to more than 84,000 small business owners than were trained during the last reporting period. In all, over 750,000 small business and preventure clients received SBDC assistance in the last fiscal year. And that was during good economic times.

Your seeking funding of $105,000,000 for the SBDC Program is bipartisan as Senator Kit Bond, Chairman of the Senate Small Business Committee in his Views and Estimates letter to the Senate Budget Committee called for the same funding level. Likewise Senator Bond opposed any funding cut for the 7(a) Guaranteed Loan Program. Both recommendations we applaud.

We also understand that your amendment would restore funding for the New Markets and PRIME programs. This association has taken no formal position regarding funding for these well intended programs.

Thank you for soliciting our views. We appreciate your leadership regarding these two outstanding SBA programs.

Sincerely,
DONALD T. WILSON,
Director of Government Relations.

WESST CORP,
Albuquerque, NM, April 5, 2001.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the Association of Women's Business Centers, I am writing to voice our full support for the amendment you have introduced (#183) which would provide adequate funding for the Small Business Administration's programs targeted to lending and business assistance.

As you know, the SBA programs serve the credit and business development needs of women, minorities, and low-income entrepreneurs all across the United States and Puerto Rico. It is absolutely critical that these programs, particularly the Women's Business Centers Program, the Microloan Program, PRIME, and the National Women's Business Council, receive the funding you have recommended in your amendment so that existing and emerging entrepreneurs throughout the country continue to have opportunities to realize the American dream of business ownership.

As an advocate for tens of thousands of women business owners across the country, the AWBC applauds your vision and leadership in helping to ensure that these critical SBA programs continue to serve the entrepreneurial and credit needs of the American people.

We look forward to working with you in the months ahead to ensure the passage of this amendment.

Thank you very much for your ongoing support.

Sincerely,
AGNES NOONAN,
Chair, AWBC Policy Committee, Executive Director.

THE ASSOCIATION OF
WOMEN'S BUSINESS CENTER,
Boston, MA, April 5, 2001.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: As the President of the Association of Women's Business Centers (AWBC), I am writing on behalf of the 80+ Women's Business Centers who have been funded by the Small Business Administration's Office of Women's Business Ownership. We write to support your amendment #183 to increase funding for the SBA programs and, in particular, to fund the Women's Business Center Program at $13.7 million.

The President's budget only provides level funding of $12 million for the WBC program, which is inadequate at this time as women are continuing to start two-thirds of all new businesses. Clearly, we need an increase in funding at this time to continue to ensure that we are keeping pace with this fast growth and providing services to as many women business owners as possible.

Thank you very much for your continued support and advocacy on our behalf.

Sincerely,
ANDREA C. SILBERT,
President, AWBC, and CEO, Center for Women & Enterprise.

HOUSTON, TX,
April 5, 2001.

Senator JOHN KERRY,
Washington, DC.

DEAR SENATOR KERRY: Since I work with small business owners every day to help them obtain the financing they require to start a new business, acquire a business or expand an existing business, I wanted you to know that I strongly support you and your efforts regarding Amendment 183.

Thank you for your continued good work.

Sincerely,
CHARMIAN ROSALES.

SUMMARY OF AMENDMENT NO. 183

(Purpose: To amend the budget for fiscal year 2002 so that the small business programs at the Small Business Administration are adequately funded and can continue to provide loans and business assistance to the country's 24 million small businesses. It is necessary to restore and reasonably increase funding to specific programs at the SBA because the current budget request reduces funding for the Agency by a minimum of 26 percent at a time when the economy is volatile and the Federal Reserve Board reports that 45 percent of banks have reduced lending to small businesses by making it harder to obtain loans and more expensive to borrow)

All funds are added to Function 376, which funds the SBA for FY 2002.

CREDIT PROGRAMS

$118 million for 7(a) loans, funding an $11 billion program.

$26.2 million for SBIC participating securities, will support a $2 billion program.

$750,000 for direct microloans, funding a $30 million program.

$21 million for new markets venture capital debentures, funding $150 million program.

Total request for credit programs=$166 million.

NON-CREDIT PROGRAMS

$4 million for the National Veterans Business Development Corporation.

$10 million for Microloan Technical Assistance, total of $30 million.

$30 million for the Small Business Development Centers, total of $105 million.

$30 million for New Markets Venture Capital Technical Assistance.

$15 million for the Program for Investment in Microenterprise.

$7 million for BusinessLINC.

$1.7 million for Women's Business Centers, bringing total to $13.7 million.

$250,000 for Women's Business Council, bringing total to $1 million.

Total request for non-credit program=$98 million.

Total request for credit and non-credit programs=$264 million.

Mr. KERRY. Mr. President, in conclusion, we have noticed in the last months small businesses have been severely constrained because banks are tightening up credit. This amendment is going to leverage some $13 billion worth of investment in the country. There isn't a State in the Nation where small business doesn't make an enormous difference. Small business represents 50 percent of the jobs in the private sector. By restoring these funds, we are going to help to turn around the slowness that people perceive in the economy today and I think give a lot of relief to an awful lot of businesses in the Nation.

I thank the managers for accepting this amendment.

Mr. DOMENICI. This also is budget neutral. We have no objection to the amendment.

Mr. CONRAD. Mr. President, it is supported on this side as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 183) was agreed to.

AMENDMENT NO. 231, AS MODIFIED

Mr. DOMENICI. We call up Senator MURRAY's amendment No. 231, and I ask unanimous consent to send a modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mrs. MURRAY, Mr. AKAKA, Mr. LIEBERMAN, Mr. EDWARDS, Mrs. LINCOLN, Ms. CANTWELL, Mrs. BOXER, and Mr. REID, proposes an amendment numbered 231, as modified.

(Purpose: To increase budget authority and outlays in Function 450 to provide adequate funding for Project Impact and FEMA Hazard Mitigation grants)

On page 25, line 6, increase the amount by $108,000,000.

On page 25, line 7, increase the amount by $108,000,000.

On page 43, line 15, decrease the amount by $108,000,000.

On page 43, line 16, decrease the amount by $48,000,000.

Mr. AKAKA. Mr. President, I am pleased to cosponsor the amendment offered by the Senator from Washington, Mrs. MURRAY, to reinstate FEMA's pre-disaster mitigation program, Project Impact. Established in 1997, Project Impact assists communities in identifying risks and vulnerabilities, developing programs to lessen risks, and involving the public and private sectors in the process. With over 250 community Project Impact partners nationwide and more than 2,500 business partners, Project Impact is the only Federal program that provides funds for pre-disaster mitigation.

In Hawaii, all four of the state's counties are Project Impact partners. For example, Maui County is using Project Impact to review community mitigation plans in regions that are more isolated than others to reduce disruptions during and after disasters. The County of Kauai is using funds to assist with retrofitting and hardening public structures to protect them from damaging hurricanes, and the state's most populous area, the City and County of Honolulu, is working on an aggressive public education and awareness program, developing a mitigation strategy to include a risk-vulnerability assessment, hardening and retrofitting essential facilities, and flood control measures.

My distinguished colleague from Washington described how Seattle has benefited from its partnership with Project Impact. I was interested that 6 months before the city's massive earthquake, Mayor Paul Schell said, "Seattle Project Impact helps us realize we are not powerless against the threat of earthquakes. This public-private partnership is a stellar example of how local communities can work together to become disaster resistant." Ironically, the President's budget, which was released on the same day as the Seattle earthquake, proposed to terminate Project Impact from FEMA's fiscal year 2002 budget because the program "has not proven effective."

I would like to take a moment to discuss the effectiveness of this program. My first action was to ask OMB Director Mitchell Daniels and FEMA Director Joseph Allbaugh how they reached their decision to eliminate this successful program. During Director Allbaugh's confirmation hearing, he said that, with respect to the importance of disaster mitigation, "taking my lead from Congress' enactment of the 2000 Stafford Act amendments, I plan to focus on implementing pre-disaster mitigation programs that encourage the building of disaster resistant communities. FEMA has made solid progress in this area, but more can be done to limit the human and financial toll of disasters." We must assume that the "solid progress" in pre-disaster mitigation refers to Project Impact since it is the only pre-disaster mitigation program funded by FEMA. Eliminating its funding will not meet the goal of doing more to "focus on implementing pre-disaster mitigation programs" and "limit the human and financial toll of disasters."

Director Daniels recently replied to my earlier letter. He expressed strong support for Project Impact but surprisingly indicated that funding would be eliminated. Instead he suggested that a new National Emergency Reserve fund would be used for disaster mitigation although the President's proposed budget blueprint makes clear that the reserve's funds are "limited to expenditures that are sudden, urgent, unforeseen, and not permanent." His letter, which I ask unanimous consent be entered into the RECORD along with the description of the President's National Emergency Reserve fund, deepens my concern that this program's functions will not be funded. Consequently, there will be no funding for disaster mitigation programs in the President's budget.

I also was interested to learn that there has been no formal review by the General Accounting Office of the effectiveness of this program, either by itself or with respect to the other mitigation programs in FEMA. A March 2000 FEMA Inspector General report outlined some of the management difficulties Project Impact faced as a new and rapidly expanding program. The IG found several areas lacking or in need of reform, and the agency addressed each issue. Moreover, the report stated that many of the benefits derived from Project Impact could not be quantified, which is a never-ending burden of mitigation and prevention programs: a positive outcome results in a smaller effect, or none at all.

Supporters of the President's proposed budget cut may say that all we have heard is anecdotal evidence in support of Project Impact. However, I say that we have not heard any evidence, anecdotal or otherwise, against the program. We must consider qualitative results and benefits, such as public awareness, education and greater community-industry cooperation, when determining its effectiveness. These are very important to a community that hopes to sustain disaster preparedness measures long after the initial seed money is spent.

I urge my colleagues to support our amendment to reinstate the $25 million for Project Impact. With so many of our communities, especially smaller cities and towns, participating in this important program, I believe we must first determine its effectiveness before voting for its elimination. I am asking GAO to provide Congress with a detailed assessment of the program so that we may determined its effectiveness.

Mr. LIEBERMAN. Mr. President, I am pleased to cosponsor this amendment offered by Senators MURRAY and AKAKA to restore funding authorization for the Federal Emergency Management Agency's Project Impact and Hazard Mitigation grants. I have also indicated my opposition to the administration's cuts in these programs in a letter to Chairman DOMENICI and Senator CONRAD, pursuant to my obligation as ranking member of the Governmental Affairs Committee to express views on the President's budget as it affects matters within our jurisdiction.

The administration's proposed cuts in these programs would shift part or all of the funding burden for these programs back on the States, whose resources are already tightly stretched. Moreover, these programs are designed to reduce future losses that would in many cases greatly outstrip the Federal Government's original investment; as a result, we will spend more on recovery programs tomorrow than we will save today by eliminating these programs. Overall, my State of Connecticut is already receiving less federal funding for emergency management than it did in 1995, it will be hard for States like Connecticut to absorb these additional cuts and still maintain the current level of services.

Specifically, the amendment would restore funding authorization for "Project Impact" which the administration proposes to zero out. This is a $25 million pre-disaster mitigation and preparedness program that was recently instituted by FEMA. The agency partners with cities at risk for flooding and other disasters to create programs boosting awareness of how to prepare and lessen the damage from disasters. In Connecticut, for example, four cities have been included in this program: Westport, East Haven, Norwich, and Milford. Since Project Impact is new and still being implemented, it has not yet been fully evaluated; however, one of Project Impact's strengths is providing funding directly to cities. Zeroing this program out without providing something in its place is "not prudent," according to Connecticut's Director of Emergency Management. Moreover, the program helps FEMA to achieve its Strategic Goal 1, which seeks to protect lives and prevent the loss of property by implementing pre-disaster mitigation and preparedness measures. Project Impact is a key part of this effort.

The amendment would also reverse the Administration's decision to cut the federal share of funding for hazard mitigation grants which are given for post-disaster mitigation to prevent future losses. Instead of providing funding to states on a 75–25 ratio, the Administration would reduce the federal government's share to 50 percent. Again, this places the burden back on the states to fund these efforts.

These two programs provide needed assistance to States and communities across the country that experience losses due to major disasters. The amount of money that would be saved by these proposed cuts is relatively small. I urge my colleagues to support this amendment and to restore funding authorization for these two worthy FEMA programs.

Mrs. MURRAY. Mr. President, the amendment Senator AKAKA and I have introduced today would restore funding for FEMA's Project Impact and maintain the existing 75 percent Federal cost-share for hazard mitigation grants. The Murray-Akaka amendment would not increase any funding. It would simply keep the same commitment the Federal Government has provided in previous years.

I would like to thank Senator AKAKA for his work on this important amendment, I would also like to thank Senators LIEBERMAN, EDWARDS, LINCOLN, CANTWELL, BOXER, REID, and MIKULSKI for cosponsoring the Murray-Akaka amendment.

On February 28 an earthquake measuring 6.8 on the Richter scale caused significant damage throughout western Washington State killing one person, injuring more than 400 people, and causing hundreds of millions of dollars in damage. It was a big scare. Everyone in western Washington has an earthquake story.

Some of the biggest stories involve a small program called Project Impact. My home State was very lucky the damage wasn't worse. But communities in my State created some of their own luck by being prepared. I am proud to say the Federal Government was a good partner in those efforts. Project Impact is a pre-disaster mitigation program run by the Federal Emergency Management Agency. The premise is simple: in the 1990s, the Federal Government spent more than $20 billion responding to natural disasters. This sum doesn't count the loss of loved ones. It doesn't count the hardship Americans ensure when Mother Nature strikes.

Congress and the Clinton administration decided that simply responding to disasters wasn't enough. We made the decision to invest in communities that wanted to invest in limiting the damage caused by natural disasters. That philosophy has translated into real life results through Project Impact. But just hours before the earthquake in Washington State, the budget blueprint produced by the Bush administration eliminated Project Impact. The blueprint dismissed Project Impact as ineffective.

As I toured the earthquake damage in the days after the earthquake, I was left wondering who the new administration had spoken with to reach that conclusion. The administration certainly didn't speak with the City of Seattle. Seattle was one of the seven original Project Impact communities. Today, there are nearly 248 Project Impact communities in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Two days after the earthquake, I toured Stevens Elementary School in Seattle. The current school building is one of the oldest run by the Seattle public Schools. The teachers and students practice constantly for earthquakes. Stevens Elementary is one of the 46 Seattle schools that have had overhead hazards removed. In this case, I saw how Project Impact dollars were used to drain an overhead water tank and to secure the tank so it wouldn't fall through a classroom ceiling and onto students during an earthquake. In other Seattle schools, Project Impact dollars are used to disaster-proof classrooms. This involves tying down computers and strapping televisions to ensure they don't fall during an earthquake.

As parents and grandparents, we want to know that our children are safe when they are at school. Project Impact has allowed many communities to make sure that more of their students will be safe when natural disasters strike. Washington State has five Project Impact communities. These communities partner with local businesses and organizations to educate homeowners and professionals about home retrofitting, to do hazard mapping, to set-up better communications systems for disaster situations, to disaster-proof schools, and to help businesses prepare for disasters. These actions are effective. These actions save lives and property and businesses.

The amendment I offer today restores Project Impact funding for fiscal year 2002 and fiscal year 2003. Funding Project Impact for the next 2 years will allow us to better evaluate its success. Last year, Congress passed legislation to authorize a pre-disaster mitigation program. If Project Impact is not meeting the nation's needs for such a program, we will have the next 2 years to develop a program that will meet our goals.

The Bush administration recommended other budget cuts for FEMA as well. I am especially concerned the administration's budget would reduce the Federal cost-share for hazard mitigation grants from 75 percent to 50 percent. Communities covered by a Federal disaster declaration can access hazard mitigation grants to repair or replace damaged public facilities and infrastructure. These grants help to ensure that future disasters will not cripple critical facilities infrastructure and services. The grants allow communities to make the investments when they are most likely to be effective. If the federal cost-share falls from 75 percent to 50 percent cash-strapped States and localities will not be able to afford to use all available grants. This means more lives will be lost, more jobs and businesses will be lost after a disaster, and more Federal spending will be needed to pick up the pieces when the next disaster strikes.

The amendment I am offering will fix this cost-share problem and will restore Project Impact, so that communities across America can take steps today to prevent damage tomorrow. I urge my colleagues to support this important amendment.

Mr. DOMENICI. As modified, this also is budget neutral and we are willing to accept it.

Mr. CONRAD. Mr. President, we support this amendment on this side as well.

The PRESIDING OFFICER. The question is on agreeing to the Murray amendment, No. 231, as modified.

The amendment (No. 231), as modified, was agreed to.

Mr. BOND. Mr. President, I thank the managers for the efficient way they have been handling business. Last night in wrap-up, they passed amendment No. 210 which dealt with restoring money for critical health programs and graduate medical education at community health centers. I ask unanimous consent Senators HOLLINGS, DEWINE, KENNEDY, FEINSTEIN, SMITH of Oregon, KERRY, and DODD be added as cosponsors to Bond amendment No. 210.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. May I be added as a cosponsor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I would like to be listed as a cosponsor on the Kerry-Bond amendment No. 183 of which we have just disposed. I ask unanimous consent to be shown as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 285 WITHDRAWN

Mr. ALLEN. I send to the desk amendment No. 285.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. ALLEN] proposes an amendment numbered 285.

Mr. ALLEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an Education Opportunity Tax Relief Reserve Fund)

At the appropriate place, insert the following:

SEC. . RESERVE FUND FOR EDUCATIONAL OPPORTUNITY TAX RELIEF.

(a) IN GENERAL.—In the Senate and the House, the Chairmen of the Committees on the Budget may reduce the spending and revenue aggregates and may revise committee allocations for legislation that is reported by the Senate Committee on Finance and the House Committee on Ways and Means, respectively, that reduces tax liabilities for parents of primary and secondary education students to increase access to K through 12 education-related opportunities and improve the quality of their children's education experience, especially with regards to, but not limited to, expenses related to the purchase of home computer hardware, education software, and internet access, and for expenses related to tutoring services.

(b) LIMITATION.—The Chairmen shall not make adjustment authorized in this section if legislation described in subsection (a) would cause an on-budget deficit when taken with all other legislation enacted for—

(1) fiscal year 2002;

(2) the period of fiscal years 2002 through 2006; or

(3) the period of fiscal years 2002 through 2011.

(c) BUDGETARY ENFORCEMENT.—Revised allocations and aggregates under subsection (a) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

Mr. ALLEN. This amendment is an amendment to empower parents in education spending, especially if they have children in kindergarten through 12, in purchasing technology such as computers, educational software, Internet access, and tutor funding—but not tuition. The amendment had some problems on the other side of the aisle. This amendment was never intended to allow a tax credit for tuition.

I very much appreciate the work of the staff of Senator DOMENICI and the folks with Finance. I appreciate working with Senator CONRAD and Senator REID, and Senator DASCHLE brought forward some of the problems this would cause with a flood of further amendments. I thank the Presiding Officer, Senator MILLER, for his support and Senator NELSON of Nebraska.

I say to the fellow Members of the Senate I was hoping to achieve a goal and I will continue to do so and hope the Finance Committee, when acting on tax relief, will take into account giving tax relief to hard-working families who have children in schools. We need to reduce their tax burden. Parents ought to be making education decisions for their children. This idea is supported by the technology community, and it also helps bridge the divide to make sure that all children have computers at home or make it more affordable to have computers at home and access information on the Internet. Again, it should not be used for tuition.

Mr. DOMENICI. I thank the distinguished Senator from Virginia, Mr. ALLEN. The way he has worked on this, it is obvious this is not the last we will hear of it. From this Senator's standpoint, I hope we will hear more about it.

Mr. ALLEN. I ask unanimous consent to withdraw my amendment for another day on the tax committee, and hopefully they will have this for parents and education spending and technology for our youngsters across our Nation.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand Senator CLINTON wants to comment on the amendment adopted in her behalf.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 328, AS MODIFIED

Mrs. CLINTON. Mr. President, I rise to thank the chairman and ranking member of the Budget Committee for accepting an amendment that I believe is so important to safeguard the food supplies in our country and thereby safeguard our children from the growing threat of contamination.

Presently we enjoy one of the most safe food supplies in the world, but we are clearly not immune to the threats we read about every day in our newspapers.

I saw a recent headline in the New York Times that the public does have reason to be alarmed. The Times reported that there are only 400 inspectors to investigate problems at the 57,000 plants in our country. Because of this lack of resources, the FDA inspects food manufacturers only once every 8 years. The American people deserve better than that. So this important measure will strengthen our food safety infrastructure by increasing the number of FDA inspectors so high-risk sites can be inspected annually and would also step up research and surveillance to identify the sources of contamination and track the incidence of foodborne illnesses to help us better meet emerging threats from abroad.

Finally, it would protect against cuts in funding for the Department of Health and Human Services and Department of Agriculture food safety initiatives and ensure sufficient funds in the cases of threats from food safety emergencies.

I am very pleased the administration changed its announced policy yesterday about testing the ground meat in our Nation's schools. I thank them for that reversal because clearly there is nothing more important than providing our children with safe food, and particularly in our schools. I am very pleased that in a bipartisan way we have adopted this amendment which I think will go a long way towards easing the concerns and fears of so many parents in ensuring a safe food supply for generations to come.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 253, AS MODIFIED

Mr. DOMENICI. Mr. President, we are prepared to call up amendment 253, Senator LINCOLN's amendment. We ask unanimous consent it be in order to modify the amendment and send a modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. LINCOLN, for herself, Mr. CONRAD, Mr. LEAHY, and Ms. LANDRIEU, proposes an amendment numbered 253, as modified.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 15, increase the amount by $4,000,000,000.

On page 19, line 16, increase the amount by $4,000,000,000.

On page 43, line 11, decrease the amount by $4,000,000,000.

On page 43, line 12, decrease the amount by $4,000,000,000.

Mr. DOMENICI. We have no objection to the amendment. It is budget neutral.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. We support the amendment on this side as well.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 253) as modified, was agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent Senator LANDRIEU and myself be added as original cosponsors on the previously considered Lincoln amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 205, 207, 209 EN BLOC

Mr. CONRAD. Mr. President, I send three amendments to the desk on behalf of Senator BYRD. I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] for Mr. BYRD, proposes amendments 205, 207, 209 en bloc.

Mr. CONRAD. I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (nos. 205, 207, and 209) en bloc are as follows:

AMENDMENT NO. 205

(Purpose: Increase discretionary education funding by $100,000,000 to improve the teaching of American History in America's public schools)

On page 4, line 17, increase the amount by $55,000,000.

On page 4, line 18, increase the amount by $20,000,000.

On page 5, line 8, decrease the amount by $55,000,000.

On page 5, line 9, decrease the amount by $20,000,000.

On page 5, line 21, increase the amount by $55,000,000.

On page 5, line 22, increase the amount by $20,000,000.

On page 6, line 9, increase the amount by $55,000,000.

On page 6, line 10, increase the amount by $20,000,000.

On page 27, line 3, increase the amount by $100,000,000.

On page 27, line 4, increase the amount by $25,000,000.

On page 27, line 8, increase the amount by $55,000,000.

On page 27, line 12, increase the amount by $20,000,000.

On page 43, line 15, increase the negative by $100,000,000.

On page 43, line 16, increase the negative by $25,000,000.

On page 48, line 8, increase the amount by $100,000,000.

On page 48, line 9, increase the amount by $25,000,000.

AMENDMENT NO. 207

(Purpose: To increase investments in Fossil Energy Research and Development for Fiscal Year 2002)

On page 4, line 17, increase the amount by $60,000,000.

On page 4, line 18, increase the amount by $30,000,000.

On page 5, line 8, decrease the amount by $60,000,000.

On page 5, line 9, decrease the amount by $30,000,000.

On page 5, line 21, increase the amount by $60,000,000.

On page 5, line 22, increase the amount by $30,000,000.

On page 6, line 9, increase the amount by $60,000,000.

On page 6, line 10, increase the amount by $30,000,000.

On page 16, line 5, increase the amount by $150,000,000.

On page 16, line 6, reduce the negative amount by $60,000,000.

On page 16, line 9, reduce the negative amount by $60,000,000.

On page 16, line 12, reduce the negative amount by $30,000,000.

On page 43, line 15, increase the negative amount by $150,000,000.

On page 43, line 16, increase the negative amount by $60,000,000.

On page 48, line 8, increase the amount by $150,000,000; and

On page 48, line 9, increase the amount by $60,000,000.

AMENDMENT NO. 209

(Purpose: To increase resources in Fiscal Year 2002 for building clean and safe drinking water facilities and sanitary wastewater disposal facilities in rural America)

On page 4, line 17, increase the amount by $180,000,000.

On page 4, line 18, increase the amount by $270,000,000.

On page 4, line 19, increase the amount by $250,000,000.

On page 4, line 20, increase the amount by $160,000,000.

On page 4, line 21, increase the amount by $110,000,000.

On page 5, line 8, decrease the amount by $180,000,000.

On page 5, line 9, decrease the amount by $270,000,000.

On page 5, line 10, decrease the amount by $250,000,000.

On page 5, line 11, decrease the amount by $160,000,000.

On page 5, line 12, decrease the amount by $110,000,000.

On page 5, line 21, increase the amount by $180,000,000.

On page 5, line 22, increase the amount by $270,000,000.

On page 5, line 23, increase the amount by $250,000,000.

On page 5, line 24, increase the amount by $160,000,000.

On page 5, line 25, increase the amount by $110,000,000.

On page 6, line 9, increase the amount by $180,000,000.

On page 6, line 10, increase the amount by $270,000,000.

On page 6, line 11, increase the amount by $250,000,000.

On page 6, line 12, increase the amount by $160,000,000.

On page 6, line 13, increase the amount by $110,000,000.

On page 26, line 6, increase the amount by $1,000,000,000.

On page 25, line 7, increase the amount by $30,000,000.

On page 25, line 11, increase the amount by $180,000,000.

On page 25, line 15, increase the amount by $270,000,000.

On page 25, line 19, increase the amount by $250,000,000.

On page 25, line 23, increase the amount by $160,000,000.

On page 26, line 3, increase the amount by $110,000,000.

On page 43, line 15, increase the negative amount by $1,000,000,000.

On page 43, line 16, increase the negative amount by $30,000,000.

On page 48, line 8, increase the amount by $1,000,000,000.

On page 48, line 9, increase the amount by $30,000,000.

AMENDMENT NO. 205

Mr. BYRD. Mr. President, my amendment to the budget resolution would add $100 million in Fiscal Year 2002 to Function 500 (Education). This increased funding will allow for the continuation of an American history grant program that I initiated last year. This program is designed to promote the teaching of history as a separate subject in our nation's schools. An unfortunate trend of blending history with a variety of other subjects to form a hybrid called social studies has taken hold in our schools. Further, the history books provided to our young people, all too frequently, gloss over the finer points of America's past. My amendment provides incentives to help spur a return to the teaching of traditional American history.

Every February our nation celebrates the birth of two of our most revered presidents—George Washington, the father of our nation, who victoriously led his ill-fitted assembly of militiamen against the armies of King George, and Abraham Lincoln, the eternal martyr of freedom, whose powerful voice and iron will shepherded a divided nation toward a more perfect Union. Sadly, I fear that many of our nation's school children may never fully appreciate the lives and accomplishments of these two American giants of history. They have been robbed of that appreciation—robbed by schools that no longer stress a knowledge of American history. In fact, study after study has shown that the historical significance of our nation's grand celebrations of patriotism—such as Memorial Day or the Fourth of July—are lost on the majority of young Americans. What a waste. What a shame.

An American student, regardless of race, religion, or gender, must know the history of the land to which they pledge allegiance. They should be taught about the Founding Fathers of this nation, the battles that they fought, the ideals that they championed, and the enduring effects of their accomplishments. They should be taught about our nation's failures, our mistakes, and the inequities of our past. Without this knowledge, they cannot appreciate the hard won freedoms that are our birthright.

Our failure to insist that the words and actions of our forefathers be handed down from generation to generation will ultimately mean a failure to perpetuate this wonderful experiment in representative democracy. Without the lessons learned from the past, how can we ensure that our nation's core ideals—life, liberty, equality, and freedom—will survive? As Marcus Tullius Cicero stated:

> . . . to be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life, unless it is woven into the life of our ancestors by the records of history?

I am not the only one who recognizes the importance of teaching American history. Many groups are interested and have expressed support for this grant program. Representatives from the National Council for History Education, the National Coordinating Committee for the Promotion of History, the American Historical Association, and National History Day have all expressed enthusiasm for this grant program. They are very supportive of this effort.

So, for those reasons, I offer this amendment to the budget resolution to increase Function 500 (Education) by $100 million in Fiscal Year 2002.

AMENDMENT NO. 207

Mr. BYRD. Mr. President, the State of California has been beset by an energy crisis. We see daily reports of rolling blackouts, epidemic shortages of electricity, and, most recently, utility rate hikes, which for some customers could mean a forty percent increase in their electric bill. And, as bad as things are now, it is only going to get worse this summer when the weather heats up and demand for electricity increases. Moreover, the problems being faced today in California are not limited to that state. On the contrary, this crisis threatens other parts of the country as well.

Given that situation, one would think that policymakers here in Washington would be focused like a laser on the idea of increasing energy supplies while at the same time trying to stem demand. The Bush Administration is working to put together a national energy policy. But, until the President's Energy Task Force completes its work and reports to the American people, the only guidance we have from the Administration is that which can be gleaned from official statements and the sparse information contained in the so-called Budget Blueprint.

Mr. President, I am deeply concerned with where this Administration is going, because what I hear with my ears is not the same as what I read with my eyes. When I listen to the President and his senior cabinet officials, I am at a loss to reconcile their verbal pronouncements with what the Administration has proposed by way of its budget. Let me give you some examples.

On February 27, just five weeks ago, President Bush came up to Capitol Hill, and he spoke to the American people before a joint session of Congress. In that address, the President laid out several policy goals, not the least of which was the need for a national energy policy that would enhance this nation's energy security. During his speech, the President said:

> Our energy demand outstrips our supply. We can produce more energy at home while protecting our environment, and we must. We can produce more electricity to meet demand, and we must. We can promote alternative energy sources and conservation, and we must. America must become more energy independent, and we will.

Little more than two weeks ago, on March 19, the Secretary of Energy reiterated the problems with supply when he spoke to the U.S. Chamber of Commerce here in Washington. At an event billed as a National Energy Summit, Secretary Abraham stated flat out that this nation had an energy supply crisis. He went on to say that that supply crisis was not the fault of depleted natural resources; the United States has not run out of coal, or natural gas, or oil. Rather, in the Secretary's opinion, it was "political leadership that has been scarce."

Consequently, when I hear these statements, I come away thinking that this administration is truly committed to increasing our supply of domestic energy. I was heartened by these comments because I believed they meant that the President and the Secretary would understand that the only way we were going to get more supply is through the use of newer and better technology. And, the only way we can get better technology is through the kind of investments in research and development being done by the Department of Energy.

I regret to say, however, that I may have been wrong. I may have overestimated the administration's commitment to increasing domestic energy supplies, particularly, if those increases do not come easily or cheaply. The Budget Blueprint does not appear to include the increases in supply that the President and the Secretary say we need. Why? Because, in its budget plan, the White House has drastically pulled back from a whole-hearted dedication to research and development.

The proposed budget for the Department of Energy's Office of Fossil Energy would underfund—severely underfund—many of our most important fossil energy research programs. It is true that the President will carry through on his promise of proposing $2 billion over the next ten years for the Clean Coal Technology program, a program I started in 1985 and one which has been one of the most successful public/private partnerships ever created. Unfortunately, while fulfilling his campaign promise related to clean coal, the President will do so at the expense of the other gas, oil, and coal research programs.

Specifically, the Budget Blueprint states that Clean Coal funding, which the Secretary of Energy has said would amount to $150 million in FY 2002, ". . . would come from a consolidated budget that redirects research funds from the current Fossil Energy research and development coal budget, matched with balances in the Clean Coal technology account. . . ." However, the "balances" in the Clean Coal account the Blueprint talks about are only $33.7 million, less than 2 percent of the $2 billion commitment. Consequently, we must conclude that, for all intents and purposes, the entire cost of the Administration's Clean Coal proposal is going to come at the expense of basic research and development in the areas of coal, natural gas and oil.

For Fiscal Year 2001, Congress provided $445 million in Fossil Energy Research and Development funding. Taking $150 million for Clean Coal funding out of that $445 million amounts to a 34 percent cut and would devastate the kind of research that is critical to this nation's energy security.

How is one to reconcile this inconsistency? On the one hand, the Administration is adamant that our domestic energy supplies must be increased. Yet, at the same time, it fails to fund the research necessary to make that happen. The natural gas everyone wants to get their hands on is not going to rise from the ground by itself. Nor is the coal that currently supplies fifty-four percent of our nation's electricity. There may be those who wish it were not so, but the fact is that coal remains today—and will for the next several decades—our nation's cheapest and most abundant energy resource. But we cannot get to those domestic energy resources and we cannot get them out of the ground in an economical and environmentally sound manner unless we are willing to investment in the research that will make the technology possible.

Thus, the amendment I am offering today will restore the $150 million in fossil energy research and development that is so important to this nation's energy independence. This amendment, which I urge my colleagues to support, would increase the budget authority allocations for Function 270, the Energy Function, by $150 million in Fiscal Year 2002.

We do not need to wait for the Administration's Energy Task Force to tell us that we need more domestic energy. That is a fact we already know. The President knows it, the Secretary of Energy knows it, and, I suspect, the people of California now know it. Adopting my amendment will be the first step in ensuring that this nation has the energy it needs. I urge my colleagues to support this amendment so that we can get about the task of ensuring that what is happening in California does not spread throughout the United States.

AMENDMENT NO. 209

Mr. BYRD. Mr. President, I am today offering an amendment to the Senate Budget Resolution for fiscal year 2002 that will increase domestic discretionary spending for rural water and wastewater programs. In all parts of the nation, there are men, women, and children who live every day without the basic necessities of clean, safe, drinking water or sanitary wastewater disposal. This is a great nation, and over the past decade we have witnessed tremendous gains in prosperity for much of our population. It would, therefore, surprise a great many of us to realize the poor living conditions with which many Americans have to face day-in and day-out.

The United States Department of Agriculture administers a program through its Rural Utilities Service that provides loans and grants to rural communities with populations less than 10,000 to help establish, expand, or upgrade water and wastewater systems in all states. This program is one of the most successful of all federal programs. It has, perhaps, the best loan default rate within the federal government, it provides an essential catalyst for economic development, and it helps combat conditions which put the health of Americans at risk.

But even more important than all those attributes, it would help erase the schism that separates the "haves" from the "have-nots" across our land. Consider for a moment how most of us take for granted the clean glass of water that we can draw from our nearest faucet. Consider how most of us expect our streets and waterways to be free from flows of raw sewage. Then imagine yourself in small communities and rural areas all across America where clean water means dipping a glass in a rain barrel and wastewater disposal means the nearest ditch. America is greater than that.

In 1997, the Environmental Protection Agency released a report on unmet wastewater improvement needs in rural areas of this country. That document estimated that nearly $20 billion was needed to establish or upgrade systems necessary to avoid runoff of failed septic systems, or worse, from polluting our rivers and streams and posing serious threats to public health. The EPA is now working on a new report on this subject, due to be released in the coming year, and I fear that we will learn that the costs necessary to correct these sad conditions have seriously increased.

In February of this year, the EPA issued a new report on the state of unmet drinking water needs across America. That document finds that for rural areas and communities of 10,000 or less, the total unmet need is nearly $48 billion. Of that total, $33.5 billion has been identified as an immediate need. Even with the surpluses now before the Congress, we may not be able to meet this entire need overnight, but we can, indeed, do better than we have.

As of last month, the Rural Utilities Service at the Department of Agriculture had a backlog of applications awaiting funding totaling nearly $800 million in grants and $2.2 billion in loans. This backlog, which has skyrocketed in this fiscal year, includes applications from every state and I know every Senator is aware of the benefits of this program. My friend from Alaska, the Chairman of the Senate Appropriations Committee knows how important this program is for rural Alaskan Native Villages. My friend from New Mexico, Chairman of the Senate Budget Committee, knows how important this program is to the Colonias region of his state. I can provide many more from my home state of West Virginia.

The amendment I am offering will provide a modest investment in the health and security of the American people. By increasing the total budget authority of this program by $1 billion—which is a mere 2 percent of the outstanding need identified in February by the EPA for drinking water systems alone—we can begin to help speed up services to rural families in every state. With an additional $1 billion, we can make gains in meeting the ever-increasing demands of unfunded applications at the Department of Agriculture. There are certain functions of government that go straight to the basic fabric of the social contract, and helping provide all Americans with the basic necessities of life is paramount among them. My amendment supports this noble role of government, and I ask all Senators to join me in its passage.

Mr. DOMENICI. Mr. President, we have no objection to the amendments being adopted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 205, 207, 209) en bloc were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 317

Mr. DOMENICI. Mr. President, we call up amendment 317.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. GRAHAM, and Mrs. HUTCHISON, proposes an amendment numbered 317.

The amendment is as follows:

(Purpose: To extend the Temporary Assistance for Needy Families (TANF) Supplemental Grants for fiscal year 2002)

On page 4, line 2, increase the amount by $319,000,000.

On page 4, line 16, increase the amount by $80,000,000.

On page 4, line 17, increase the amount by $25,000,000.

On page 4, line 18, increase the amount by $25,000,000.

On page 4, line 19, increase the amount by $25,000,000.

On page 4, line 20, increase the amount by $25,000,000.

On page 4, line 21, increase the amount by $25,000,000.

On page 4, line 22, increase the amount by $25,000,000.

On page 4, line 23, increase the amount by $25,000,000.

On page 5, line 1, increase the amount by $25,000,000.

On page 5, line 2, increase the amount by $25,000,000.

On page 5, line 7, decrease the amount by $80,000,000.

On page 5, line 8, decrease the amount by $25,000,000.

On page 5, line 9, decrease the amount by $25,000,000.

On page 5, line 10, decrease the amount by $25,000,000.

On page 5, line 11, decrease the amount by $25,000,000.

On page 5, line 12, decrease the amount by $25,000,000.

On page 5, line 13, decrease the amount by $25,000,000.

On page 5, line 14, decrease the amount by $25,000,000.

On page 5, line 15, decrease the amount by $25,000,000.

On page 5, line 16, decrease the amount by $25,000,000.

On page 32, line 15, increase the amount by $319,000,000.

On page 32, line 16, increase the amount by $80,000,000.

On page 32, line 20, increase the amount by $25,000,000.

On page 32, line 24, increase the amount by $25,000,000.

On page 33, line 3, increase the amount by $25,000,000.

On page 33, line 7, increase the amount by $25,000,000.

On page 33, line 11, increase the amount by $25,000,000.

On page 33, line 15, increase the amount by $25,000,000.

On page 33, line 19, increase the amount by $25,000,000.

On page 33, line 23, increase the amount by $25,000,000.

On page 34, line 3, increase the amount by $25,000,000.

Mr. DOMENICI. Mr. President, this Graham amendment numbered 317 is cosponsored by Senator HUTCHISON of Texas.

I understand that Senator HUTCHINSON is here on the floor, and he would like to share part of the discussion on the affirmative side.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I applaud Senator KAY BAILEY HUTCHISON of Texas for her leadership and for her aggressive work on this amendment, also Senator BOB GRAHAM of the State of Florida, who has done such great work.

This amendment extends for fiscal year 2002 the supplemental grants for rapidly growing States under the Temporary Assistance for Needy Families program. These States include Arkansas, Florida, Texas, and about 14 other States that are dramatically impacted by this situation—all of which receive lower levels of block grant funding per child than other States.

The TANF program was created back in 1996 to provide States with flexible block grants to meet the needs of low-income families trying to get off traditional welfare rolls. The program has worked well. It has been successful.

Flexibility with this funding is vital to support low-income individuals and families and keep them in the workplace.

These supplemental grants are set to expire. Unless we do something, it is going to dramatically negatively impact these States.

The child poverty rate in the States affected is 19½ percent—a quarter above the child poverty rate in other States.

These supplemental grants are very important. They need to be extended.

I think this has bipartisan support. I appreciate Senator HUTCHISON allowing me to speak on behalf of this amendment.

Mr. GRAHAM. Mr. President, I applaud my colleague from Arkansas for the very excellent description that he gave.

Essentially, we are asking for a 1-year bridge between the time that these supplemental funds will expire in the fall of 2001 and the time that we reauthorize the total Welfare-to-Work Program in 2002.

It is a very important amendment for those States that already start off getting the least amount of funding to meet their welfare-to-work requirements. Because of the growth in low per-capita income, they are particularly in need of this support. Congress recognized that it would continue the program until we reauthorize Welfare-to-Work.

Mr. DOMENICI. Mr. President, there is nothing further on our side to be added.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 317) was agreed to.

Mr. DOMENICI. I thank both Senators for their cooperation.

Mr. President, I say to the ranking Member that Senator SCHUMER still has an issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we understand that Senator STABENOW is next in line, and we understand that she is going to talk about an amendment and withdraw it when she is finished.

Ms. STABENOW. That is correct.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 313

Ms. STABENOW. Mr. President, I rise today with an amendment that I wish we were able to pass at this moment. I realize the votes are not here. But in order to demonstrate grave concern on this side of the aisle about what is happening to the Medicare trust fund, I submit with Senator BOB GRAHAM, a leader on this issue, an amendment that would protect the Medicare Part A trust fund by raising a point of order on the process, and hopefully it will be put into place before we are finished with this budget resolution.

It is supported by the American Health Care Association, and the American Hospital Association.

I ask unanimous consent that two letters in support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, April 6, 2001.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the 12,000 non-profit and for-profit nursing facility, subacute, assisted living, and ICF/MR providers represented by the American Health Care Association nationwide, I am writing to strongly support your amendment to the FY 2002 Budget Resolution.

Your amendment to require a 60 vote majority in the Senate to approve new programs that tap into the Medicare Part A trust fund is critical to protecting the trust fund from new spending programs that would threaten its viability. As we saw from the bankruptcies that followed the BBA of 97, funding levels for skilled nursing facility patients cannot withstand additional cuts to the program that may be forced if additional benefits are financed out of the HI trust fund. Indeed, the only way to ensure the adequate financing of all of our laudable programs is to increase funding to Medicare Part A.

The approximately 2 million Medicare residents who receive skilled nursing care in our homes every year depend on the solvency of the program. The skilled nursing and rehabilitative services we provide are often the difference between life and death for our patients.

Your amendment is critical to "keeping the promise" our country made to the seniors we care for.

Sincerely,

WILLIAM R. ABRAMS,
Chief Operating Officer.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, April 5, 2001.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the American Hospital Association (AHA), I would like to express our strong support of your amendment to H. Con. Res. 83, the fiscal year (FY) 2002 budget resolution requiring a "super majority" of 60 votes in the Senate in order to spend Hospital Insurance (HI) Trust Fund dollars for non-Part A services.

The AHA represents nearly 5,000 hospitals, health systems, networks and other health care provider members.

The Medicare program is expected to experience very rapid growth over the next decade as our nation's 78 million "baby boomers" begin to retire. The Part A Trust Fund, which is supported by a payroll tax, is projected to see its obligations exceed its income by 2015, and its assets could be exhausted by 2029.

We believe that the Part A Trust Fund should be used for the purpose for which it was intended: to provide beneficiaries with the highest quality hospital acute care services. Congress must be careful not to dilute the trust fund or divert dollars currently in the trust fund for other purposes. It is imperative that Congress avoids legislation that accelerates the insolvency of the Medicare Part A Trust Fund. We need to ensure that Medicare Part A services are there when our seniors need them.

Since its inception, the Medicare program has ensured seniors access to high quality, affordable health care. It is incumbent upon all of us to ensure that the program is preserved, protected and strengthened for future generations.

Sincerely,

RICK POLLACK,
Executive Vice President.

Ms. STABENOW. Mr. President, we have been trying all week to pass a prescription drug plan under Medicare to update it. We don't support raiding it, which is what is happening now. We need to be putting in place prescription drug coverage under Medicare. It came before this body on Tuesday with a 50–50 vote. Unfortunately, the tie vote was not cast. Instead, we now find ourselves in a situation where Medicare is being used as a contingency fund.

This is not the direction in which the American people wish us to go. We need to be strengthening and updating Medicare, not dipping into it and spending it as part of a contingency fund.

Unfortunately, with the President's budget and tax cut combined, it is impossible to do what has been suggested without using the Medicare trust fund. That is my concern.

The message that the American people want us to send loudly and clearly is that we need to update Medicare. We need to strengthen it. We don't need to raid it. We need to update it, not raid it. I am very hopeful that this will be the goal and the ultimate conclusion.

I know that is what we have been fighting for on this side of the aisle since this budget process began.

I yield the time and ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I want everybody in the Senate to know that I don't have a sign. I can't put up a sign about our position. But I want everyone to know that we are as concerned about not spending the Medicare Part A trust fund as anybody. Republicans don't take a backseat on that issue. This budget does not spend any of the funds that are being alluded to. So the sign could be placed on our side of the aisle, and we would agree with it.

Actually, I don't think we need to explain our position. We will just do it with our words. We don't need the amendment. It has been withdrawn. Frankly, the budget takes care of that problem. The Republicans are united. We are not going to spend Medicare funds for anything other than Medicare.

I yield the floor at this point and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I advise my colleague that while we are waiting for some additional amendments to arrive that are being redrafted in compliance with our agreement, the Senator from Louisiana would like to talk for just 3 minutes with respect to an issue in which she has been deeply involved.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair and the Senator from North Dakota.

Mr. President, I commend the Senators from New Mexico and North Dakota for their extraordinary management skills in helping to bring us to the final point of this week-long debate. I appreciate their patience in working with each Member on issues that are so important to us and to our States.

While the staff is working on some details of some of the last few amendments that need to be offered, I thought I would make mention of one particular tax cut that is so widely supported on both sides of this aisle and something on which a group of us have worked now for about 2 years. I am hoping the language will be included in the final negotiations and that has to do with the tax credit for adoption.

It is a tax credit that is really one of the smallest calls on the tax cut, on the budget in terms of the dollar amount. It is small, but it goes a long way because it helps families who are trying to open up their homes, and have opened up their hearts, to adopt a child—either an infant or a toddler or an older child; either a child through a traditional adoption through an agency in the United States or the adoption of a child from another country—and we have seen that number increase substantially, which is really wonderful—or it helps us find homes for the more than 100,000 children in foster care who deserve so much to have a home and a family to call their own.

I want to take a moment while we have some time to congratulate the leaders of the House. I understand there are 275 cosponsors in the House of Representatives for this particular tax cut or tax relief.

There are many good ways to give Americans tax relief. We have heard that debate now on this floor—from the marriage penalty relief, to marginal tax relief, which I support, to estate tax relief or reform—but I want to take a moment to thank Senators and House Members who continue to speak out for this adoption tax credit—to extend it, to double it, and to fix it so that it works for foster care children and so that we give families a broad choice, if they have made that terrific decision to adopt children, to help them with those initial expenses, which can be quite high.

In fact, there are families who, as you know, travel to many parts of the world, and not only are there expenses associated with the agencies or the attorneys or facilitators with whom they are working but also there are the travel expenses.

So this $10,000 tax credit we are proposing—it is $5,000 now, and we propose to double it, extend it, and make it work, which was the original intent of the law—for children being adopted out of foster care. It is something we have debated this week and will continue to debate.

I know Senator GRASSLEY, the chairman of the committee, Senator BAUCUS, our ranking member, Senator BREAUX, and others have expressed an interest in being able to include this particular item in the tax package that is finally passed. I know there are many families in Louisiana, in Georgia, the State of the Presiding Officer, and in all of our States who would welcome our fixing, extending, and doubling this tax credit because it can make the difference in finding a child a home who perhaps would never otherwise be able to find one and helping those parents with at least some of the expenses associated with the cost of raising children today.

So I am really very hopeful. There is no amendment pending, but there is language that hopefully will be included in this final package.

I thank the managers for giving me time to talk about this important issue. Again, I want to recognize the great support in the House of Representatives—by both Republicans and Democrats—for this particular tax credit.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, awhile ago I spoke in opposition to the amendment Senator GRAHAM had originally offered that I believe the Senator from Michigan withdrew a while ago. I am not sure when I spoke in opposition to it that I had the microphone on. If you wouldn't mind, may I remake that statement for 30 seconds. When I spoke previously, I wasn't sure we were heard, which was my fault, no one else's.

There was a sign up on that amendment with reference to Medicare that we want to make sure we don't take anything out of Medicare and spend it on anything else or use it for tax cuts. I said: We don't have a sign. All we can do is use our words.

I repeat them: There is nothing in this budget that we intend to in any way spend Medicare money on other than Medicare. That has been our commitment; that will remain our commitment. We will not spend Medicare money on anything other than Medicare. We won't violate that at any time in this budget.

Frankly, I will repeat it every time we have an opportunity. Those supporting this budget, when we finish tonight, need not have any fear that we are going to in any way minimize the totality of that Medicare fund. It will be there.

With that, I am prepared to move on to another amendment.

I thank the Chair.

AMENDMENT NO. 303

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, for himself, Mr. THOMAS, Mr. BAUCUS, Mr. ENZI, Mr. JOHNSON, Mr. DOMENICI, and Mr. CONRAD, proposes an amendment numbered 303.

Mr. DOMENICI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The amendment is as follows:

(Purpose: To establish a reserve fund for permanent, mandatory funding for Payments In Lieu of Taxes and Refuge Revenue Sharing)

Insert at the appropriate place the following:

SEC. . RESERVE FUND FOR PAYMENTS IN LIEU OF TAXES AND REFUGE REVENUE SHARING.

If the Committee on Energy and Natural Resources of the Senate reports a bill, or an amendment thereto is offered, or a conference report thereon is submitted, that provides full, permanent, mandatory funding for Payments In Lieu of Taxes for entitlement lands under chapter 69 of title 31, United States Code and for Refuge Revenue Sharing, the chairman of the Committee on the Budget of the Senate may increase the aggregates, functional totals, allocations and other appropriate levels and limits in this resolution by up to $353,000,000 in new budget authority and outlays for fiscal year 2002 and $3,709,000,000 in new budget authority and outlays for the period of fiscal years 2002 through 2011, provided that such legislation will not, when taken together with all other previously enacted legislation, reduce the on-budget surplus below the level of the Medicare Hospital Insurance Trust Fund surplus in any fiscal year provided in this resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be made a cosponsor of the amendment, as well as Senator CONRAD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, Senators THOMAS, BAUCUS, ENZI, and JOHNSON are also cosponsors of the amendment.

I thank my colleague for his strong support for this effort, as well as Senator CONRAD. What this deals with is the payments in lieu of taxes which are very important for counties in States such as our own where there are substantial amounts of Federal property. There is no tax base, essentially. There is no way for those counties to raise the funds needed to operate county government.

This has been a program for some years, and we have recognized this, but we have not made the funds permanent. This year in this session of Congress, we are going to try to pass legislation which would authorize permanent funding for this. If we are able to, then we would like to have that permitted here for consideration by the Senate.

This is budget neutral. This does not change the figures in the budget, but it is a very important initiative and one that I believe very strongly the Senate ought to approve.

I appreciate the support of all my colleagues and all the cosponsors and urge colleagues to support the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 303) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, this amendment is budget neutral. Clearly, there is nothing added. This amendment says if in the future certain things happen to the PILT fund such that it is higher than in this budget, then allowances can be made for it. I understand, as one of the cosponsors, that that is all the amendment does.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we see this as a budget-neutral amendment because of the language of the amendment that provides that only if the Committee on Energy and Natural Resources reports a bill that provides full, permanent, mandatory funding for PILT, this actually comes through the authorizing committee.

On that basis, this is an important amendment. With payment in lieu of taxes, the Federal Government has made a commitment to those localities within which they have property that they are going to be a good neighbor, that they are going to pay the taxes anybody else would pay.

I salute the Senator from New Mexico. This is an important amendment that says the Federal Government keeps its word. It is as simple as that.

I thank the Chair and yield the floor. I commend the Senator from New Mexico.

AMENDMENT NO. 218, AS MODIFIED

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would like to go in whatever order the format is. If it is appropriate at this time, I will go now.

Mr. CONRAD. Mr. President, this would be an appropriate time for the Senator from Massachusetts to offer his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, Senators BINGAMAN, WYDEN, EDWARDS, ROCKEFELLER, CORZINE, MURRAY, and CLINTON and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. BINGAMAN, Mr. WYDEN, Mr. EDWARDS, Mr. ROCKEFELLER, Mr. CORZINE, Mrs. MURRAY, and Mrs. CLINTON, proposes an amendment numbered 218, as modified.

The amendment is as follows:

On page 3, line 2, increase the amount by $6,000,000,000.

On page 3, line 3, increase the amount by $6,000,000,000.

On page 3, line 4, increase the amount by $7,000,000,000.

On page 3, line 5, increase the amount by $7,000,000,000.

On page 3, line 6, increase the amount by $8,000,000,000.

On page 3, line 7, increase the amount by $8,000,000,000.

On page 3, line 8, increase the amount by $8,000,000,000.

On page 3, line 16, decrease the amount by $6,000,000,000.

On page 3, line 17, decrease the amount by $6,000,000,000.

On page 3, line 18, decrease the amount by $7,000,000,000.

On page 3, line 19, decrease the amount by $7,000,000,000.

On page 3, line 20, decrease the amount by $8,000,000,000.

On page 3, line 21, decrease the amount by $8,000,000,000.

On page 3, line 22, decrease the amount by $8,000,000,000.

On page 4, line 5, increase the amount by $6,000,000,000.

On page 4, line 6, increase the amount by $6,000,000,000.

On page 4, line 7, increase the amount by $7,000,000,000.

On page 4, line 8, increase the amount by $7,000,000,000.

On page 4, line 9, increase the amount by $8,000,000,000.

On page 4, line 10, increase the amount by $8,000,000,000.

On page 4, line 11, increase the amount by $8,000,000,000.

On page 4, line 19, increase the amount by $6,000,000,000.

On page 4, line 20, increase the amount by $6,000,000,000.

On page 4, line 21, increase the amount by $7,000,000,000.

On page 4, line 22, increase the amount by $7,000,000,000.

On page 4, line 23, increase the amount by $8,000,000,000.

On page 5, line 1, increase the amount by $8,000,000,000.

On page 5, line 2, increase the amount by $8,000,000,000.

On page 29, line 10, increase the amount by $6,000,000,000.

On page 29, line 11, increase the amount by $6,000,000,000.

On page 29, line 14, increase the amount by $6,000,000,000.

On page 29, line 15, increase the amount by $6,000,000,00.

On page 29, line 18, increase the amount by $7,000,000,000.

On page 29, line 19, increase the amount by $7,000,000,000.

On page 29, line 22, increase the amount by $7,000,000,000.

On page 29, line 23, increase the amount by $7,000,000,000.

On page 30, line 2, increase the amount by $8,000,000,000.

On page 30, line 3, increase the amount by $8,000,000,000.

On page 30, line 6, increase the amount by $8,000,000,000.

On page 30, line 7, increase the amount by $8,000,000,000.

On page 30, line 10, increase the amount by $8,000,000,000.

On page 30, line 11, increase the amount by $8,000,000,000.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, earlier in the week the Senate accepted an amendment from Senator SMITH and Senator BIDEN to provide resources for a health insurance program for basically the parents of those children who are eligible for the CHIP program. That money would be taken out of the contingency fund. This amendment continues that program for the 10-year period. Therefore, it would take some $50 billion out of the tax cut, and the use of those resources would be to build on the CHIP program which has been so effective for the parents of those CHIP workers, who are American workers at the lower end of the economic scale. They cannot afford health insurance, and the provisions we have in the current budget of some $80 billion could be used as tax incentives for workers.

These workers are not going to be paying the taxes. And even with a refundable tax credit, it will not be sufficient to afford the health insurance. This amendment will help them to do so.

I hope the Senate will take this, with the amendment that is in the budget, and that we will have with that a combination of this amendment and the tax programs that will reach out to look after the health insurance needs of the hardest workers in this country who are pressed every single day for lack of health insurance. That is effectively what the amendment does.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY. I yield the remaining 40 seconds to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank the Senator from Massachusetts for offering this amendment. This is a very important amendment. We have over 6 million children in this country who do not have health insurance. Of course, their parents do not as well. One way to get those children covered with health insurance is to get their parents eligible, too. This program tries to do that. There are 129,000 of these children who are uninsured in my own State.

I yield the floor.

Mr. DOMENICI. Mr. President, we need to have a quorum call for a little while while Senators meet. We are just going to have to wait a while.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask unanimous consent that the pending amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 218) was withdrawn.

Mr. CONRAD. Mr. President, to alert colleagues, we are getting close to the end of our business on the budget resolution. I want to alert colleagues that we still have a few matters that require working out so that we can conclude business. I ask staff who are working on those amendments to inform the managers as to the status of those works in progress so that we can conclude business expeditiously. I don't know if the chairman has an observation or statement at this point. I think we are very close to being able to conclude our business.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first let me say I am very grateful to everybody for being accommodating. We are just about ready to adopt the budget resolution. We have two amendments that are being worked on. They should be worked out soon. I don't think it will be very long before we start the vote. We will be ready to wrap it up. While that is continuing on the other side, and they have amendments they are going to be working on, I want to say this process is a very tough process. It is very difficult when you have five or six votes to spare on one side or the other. It is difficult when it is tied and, as a matter of fact, when you have 50 Senators on each side of the aisle and you are attempting to pass a budget resolution—actually, on a budget resolution, a lot of things are voted on that don't mean what they say.

But we have gotten into the habit of doing that, so everybody thinks they do what they say. We will try to get out of conference as quickly as we can. It is my understanding that we have resolved the issues on that side.

Mr. CONRAD. Mr. President, I say to the chairman, the amendment we previously discussed, the Bingaman amendment, as modified—the Senator's side has a copy of that. This is the low-income heating assistance amendment. We dealt with the PILT amendment. We would be prepared to deal with this one as well and be closer to a conclusion.

AMENDMENT NO. 302

Mr. DOMENICI. Mr. President, the Senator is correct. Senator BINGAMAN has an amendment No. 302 regarding LIHEAP. I ask that it be appropriate to modify that amendment. Two of the cosponsors are Senators MURKOWSKI and JEFFORDS. I ask that I be made a cosponsor also.

I send this amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BINGAMAN, for himself, Ms. CANTWELL, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. LINCOLN, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Ms. STABENOW, Mr. DOMENICI, Mr. CONRAD, Mr. MURKOWSKI, and Mr. JEFFORDS, proposes an amendment numbered 302, as modified.

The amendment is as follows:

On page 32, line 15, increase the amount by $2,600,000,000.

On page 32, line 16, increase the amount by $2,600,000,000.

On page 43, line 15, decrease the amount by $2,600,000,000.

On page 43, line 16, decrease the amount by $2,600,000,000.

Mr. DOMENICI. Mr. President, this is budget neutral.

Mr. CONRAD. The Senator is correct. I also would like to be shown as an original cosponsor, if I might. I ask unanimous consent for that.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Mr. CONRAD. Mr. President, if I might indicate to the chairman, we have one amendment on our side, the

Graham SSBG amendment. It is being modified in accordance with the request of the other side. As I understand it, the Senator is on his way to the floor with that amendment. That would bring us even closer to conclusion.

Mr. DOMENICI. The Senator is correct. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand that on the Bingaman LIHEAP amendment we did not complete action; is that correct?

The PRESIDING OFFICER. The Chair informs the Senator that is correct.

Mr. DOMENICI. We have no objection on this side.

Mr. CONRAD. We have no objection on this side. In fact, we support it on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 302), as modified, was agreed to.

Mr. CONRAD. Mr. President, we modified the amendment. Now we need to move to consideration of the amendment.

The PRESIDING OFFICER. It was adopted. It has been agreed to.

Mr. CONRAD. I thank the Chair.

Mr. DOMENICI. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 316, AS MODIFIED

Mr. CONRAD. Mr. President, our final amendment on this side is an amendment from the Senator from Florida. If we can go to that amendment, we will be very close to completing amendments on this side.

Mr. DOMENICI. I ask the distinguished Senator, has he modified the amendment so it is budget neutral?

Mr. GRAHAM. It is. We made that modification.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, briefly, this amendment fulfills a commitment that the Congress made in 1996 to the States upon the adoption of Welfare-to-Work, and that is that we would support the Social Services Block Grant Program which is a program within Social Security which has provided for a number of important programs that have assisted people on welfare, getting to work, and particularly child care programs. This has broad support. Senators HUTCHISON, GRASSLEY, COLLINS, SNOWE, ROCKEFELLER, CARNAHAN, MURRAY, SCHUMER, WELLSTONE, KENNEDY, LANDRIEU, KERRY, and BINGAMAN are some of the cosponsors of this amendment. I believe it has broad bipartisan support. I urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Ms. COLLINS, Ms. SNOWE, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mrs. MURRAY, Mr. SCHUMER, Mr. WELLSTONE, Mr. KENNEDY, Ms. LANDRIEU, Mr. KERRY, and Mr. BINGAMAN, proposes an amendment numbered 316, as modified.

The amendment is as follows:

(Purpose: To restore the Social Services Block Grants to $2.38 billion in accordance with the statutory agreement made in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996)

On page 27, line 3, increase the amount by $680,000,000.

On page 27, line 4, increase the amount by $680,000,000.

On page 43, line 15, decrease the amount by $680,000,000.

On page 43, line 16, decrease the amount by $680,000,000.

The PRESIDING OFFICER. Does the Senator seek recognition?

Mr. DOMENICI. Only to say we have no objection to the amendment. As drafted, it is budget neutral, and we accept it on our side.

The PRESIDING OFFICER. Are there any other comments concerning this amendment?

Without objection, the amendment, as modified, is agreed to.

The amendment (No. 316), as modified, was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMTRAK

Mr. BIDEN. Mr. President, as we debate the budget resolution, I rise today with the distinguished Senators from Texas, South Dakota, Mississippi and Massachusetts to bring to the attention of our colleagues the urgent need to provide Amtrak and the states with the stable source of capital funding they need for a national system of high speed rail corridors. Specifically, we would like to discuss the need for action on S. 250, the High Speed Rail Investment Act of 2001. We introduced this legislation earlier this year, and already more than 50 of our colleagues from both sides of the aisle have signed on with us.

This bill is cosponsored by both the majority and minority leaders, which brings me to the point of my comments today, as we are considering the budget resolution, that will set our priorities for this year's session of Congress.

Last December, on the very last day of the last session, I took the floor to discuss identical legislation with Senator LOTT, Senator DASCHLE, and other leaders of our body. Our leaders were gracious enough to make a commitment to bring this legislation to the Finance Committee, on which they both serve, and to the Senate floor, during this session.

For reasons beyond our control, we could not include important legislation in the omnibus appropriations bill, but many of us in the Senate, and I was among them, would not take "no" for an answer. My great friend Senator Roth, along with Senators Moynihan and Lautenberg, had worked too long on this issue to let this die.

While we could not get this done last year, we got the next best thing: the word of our leaders, on both sides of the aisle that this legislation would be on their list of priorities for this year. So as we discuss our priorities in this budget resolution, it is important to hear from them that the High Speed Rail Investment Act is still on that list.

I yield to Senator HUTCHISON, who has done so much to promote rational, efficient surface transportation in this country, including the indispensable component of passenger rail.

Mrs. HUTCHISON. I thank the Senator from Delaware. I join with him in thanking our leadership for their commitment to us at the end of the last Congress. As we discuss the budget resolution, it is important to make it clear, on the record, that our determination to pass the High Speed Rail Investment Act this year, as soon as possible, is as strong as ever.

Virtually all of our key modes of transportation are under stress today. From our overcrowded highways to our packed airports, we are losing billions of dollars in wasted time just trying to get to where we need to go. And lying right along side those crowded highways, running right past those overloaded airports, are neglected rail lines that could be carrying passengers between our nations cities.

That is why so many Senators have already joined us in support of our legislation, and that is why the nation's governors, mayors, state legislators, and many others support us, as well.

I ask our leaders directly if this budget resolution, which establishes the overall priorities for this session of the Senate, makes room for the commitment they made here on the floor last year.

Does the distinguished minority leader care to respond?

Mr. DASCHLE. I will be happy to respond to my good friend, the distinguished Senator from Texas. She, and my colleague from Delaware, Senator BIDEN, are correct. Last session we made a promise to consider legislation to provide Amtrak with the authority to issue tax credit bonds for capital improvements. This bonding authority is critical to Amtrak's future and to the economic health of the Northeast and many other areas of the country.

Last year, I discussed this issue with members of my caucus. We had a very spirited discussion on the morning of December 15, and I know how strongly they support Amtrak and this legislation. We kept our promise and re-introduced this praiseworthy legislation earlier this year with 51 original cosponsors. Amtrak supporters will not give up on passing it and we promised to help them accomplish this task. I yield the floor to the majority leader.

Mr. LOTT. Mr. President, I thank the Democratic leader and praise his commitment and dedication to this issue. I am honored to be working with him, and my other colleagues, on strengthening our national rail passenger system. I have been an active supporter, and was very much involved a couple of years ago when we passed the Amtrak legislation. I think we need it.

Now, I must confess one of the reasons I think we need it is I want us to have good service, not just in the Northeast, but I also would like to have access for my own State of Mississippi to be able to get to Atlanta and Washington and Dallas. We are the beneficiaries of Amtrak service. I think we have to support it.

What's most important is that we give Amtrak an opportunity to succeed. If you do not have adequate capital investment, if you don't have modern equipment, if you don't have the new fast trains, if you don't have a rapid rail system, it will not work.

So I support this legislation, and will work with my colleagues to get the appropriate hearings in the Finance Committee and hopefully in the Commerce Committee. I am on both committees, and Senator DASCHLE and I will work with the ranking member and the chairman to get hearings and move this legislation.

When we talk about bipartisanship, transportation is an issue on which we have been able to work together in a bipartisan way, whether it is roads, AIR-21, TEA-21, Amtrak, rapid rail system. We can do it again, and I am committed to ensure that we do.

I now yield to the Distinguished Senator from the state of Massachusetts, Senator KERRY.

Mr. KERRY. The leaders are exactly right. There was a lot of passionate dialogue in our caucus last year about the High Speed Rail Investment Act, and the minority leader listened to all of us very carefully. Our caucus, I must say, was united in its commitment to the notion that those of us who cared about this innovative bonding legislation needed to have some kind of response on the floor that indicated how we could proceed with this legislation. I am pleased with the commitment made by the leadership last year, and I am pleased with the quick introduction and overwhelming support for this legislation this year. I am also very grateful for the majority leader's commitment, given last December, to getting movement on this bill within the first six months of this session.

As summer approaches, intercity travelers can look forward to bottlenecked highways and airports strained beyond capacity. Is it any wonder that Amtrak's ridership is on the rise? But in order to improve our ability to travel the country without delay, the Federal Government needs to provide business travelers and vacationers with a third option. At the moment, the Federal Government invests in road-building and air transportation, but only about 5 percent of our transportation budget over the last 30 years has gone to help Amtrak provide top-quality intercity rail service. We've got to do more in order to have a truly intermodal transportation network, and a large majority of this body recognizes that fact.

Fifty-six Members of the Senate are now cosponsors of this legislation, Mr. President. As I have said many times before, high-speed rail is not a partisan issue. It is not a regional issue. It is not an urban issue. So I look forward to building on the legacy of Senator Moynihan and Senator Lautenberg and completing what is absolutely essential for this country, which is a high-speed intercity rail system of which the Nation can be proud.

FUNDING FOR GRADUATE MEDICAL EDUCATION

Mrs. FEINSTEIN. Mr. President, I would like to raise an important issue impacting close to 60 independent children's hospitals across the Nation and numerous sick children and their families: the need for full funding for graduate medical education (GME) at our Nation's freestanding children's hospitals to train pediatricians.

Independent children's hospitals face a serious financial burden and competitive disadvantage because they do not receive GME support through Medicare. Medicare is the only source of significant and stable GME support available to hospitals for the training of medical residents. In the absence of any movement towards GME reform, the children's hospitals GME discretionary grant program was enacted to ensure that these institutions could sustain their teaching programs—programs that are important not only to the future of these children's hospitals and their essential services, but also to the future of the pediatric workforce and pediatric research.

The Lewin Group, an independent firm, has calculated that pediatric residents at free-standing children's hospitals would receive a total of $285 million from the Federal Government if they were reimbursed according to the formulas established for residents at other teaching hospitals. Consequently, I believe that Congress must commit to provide $285 million for the children's hospitals GME program in the fiscal year 2002 Labor/HHS/Education appropriations bill.

California has six independent children's hospitals across the State. These hospitals provided state-of-the-art care and conduct ground breaking research to make life better for our children. Equally important, these teaching hospitals train future pediatricians. Without the necessary funds, the children's hospitals in my State will be unable to train pediatricians to provide the care and conduct the research necessary to improve the quality of life for some of California's sickest children. These relatively few institutions play an indispensable role in our children's care, serving as centers of excellence in pediatric medicine and as a major piece of the pediatric health care safety net.

I ask the Senator from Missouri if he has anything he would add at this point.

Mr. BOND. Mr. President, I thank Senator FEINSTEIN for her comments. Our goal here is simple: We must, once and for all, treat children's hospitals the same as we do other teaching hospitals when it comes to funding physician training. This year, that means Congress must fully fund the Pediatric GME program as its authorized level of $285 million in fiscal year 2002.

Two years ago, Congress finally recognized this need by passing legislation I sponsored with my friend, former Senator Kerrey of Nebraska, to authorize the children's hospitals GME initiative. Over the last couple of years, I have led the effort to fund this important initiative.

Last year, Congress appropriated $235 million for the children's hospitals GME program—not quite enough for full parity with other teaching hospitals, but a good step forward. This year, we need to continue that momentum and finally treat all teaching hospitals equally. If it is important to train a doctor who treats adults, it's equally as important to train a doctor who treats children. We must make our policies reflect that important principle, and I am confident we can get there this year.

I see the Senator from Massachusetts on the floor, and I ask if he has anything he wishes to add.

Mr. KENNEDY. I thank Senator BOND for his comments. I could not agree more with the Senator from Missouri. We must work together to fully fund the Pediatric GME program at $285 million in fiscal year 2002.

Independent children's hospitals are experiencing very serious financial challenges that affect their ability to sustain their missions. In addition to the challenges of covering the costs of their academic programs, they include challenges in covering the higher costs of sicker patients in a price competitive marketplace, meeting the costs of uncovered services such as child protection services and poison control centers, and assuming the costs of devoting a large portion of their patient care to children from low-income families.

On average, independent acute care children's hospitals devote nearly half of their patient care to children who are assisted by Medicaid or are uninsured. They devote more than 75 percent of their care for children with one or more chronic or congenital conditions. For children with rare and complex conditions, independent children's hospitals often provide the majority of care in their region or even nationwide.

Furthermore, independent children's hospitals—including Boston Children's—serve as advocates for the public health of children, and they are essential to the health care safety net for children of low-income families. Our children are our most vulnerable patients. Pediatricians and pediatric specialists provide a crucial voice for these children who are not able to ensure their own health care. Without funding for this training even our Nation's number one Children's Hospital, Boston Children's, will no longer be able to ensure that our children receive state-of-the-art care targeted to their special needs.

The Senator from Ohio and I have worked together on this issue over the years. I ask the Senator from Ohio, would he agree that graduate medical education programs at children's hospitals are essential to meeting the health care needs of our Nation's children?

Mr. DEWINE. I agree wholeheartedly. I appreciate the comments from the Senator from Massachusetts, and I would like to mention a few more reasons why these funds are so important.

Fully funding the GME program will enable our independent children's teaching hospitals to sustain their core missions medical care, teaching and research which benefit all children. These children's hospitals serve as the health care safety net for low income children and are often the sole regional providers of many critical pediatric services. Their teaching mission is also essential. Even though they comprise less than one percent of all hospitals, children's hospitals train 5 percent of all physicians, nearly 30 percent of all pediatricians, almost 50 percent of all pediatric specialists, and two-thirds of all pediatric critical care doctors. The research that our country's pediatric academic medical centers perform is also essential and the need for more pediatric researchers is growing. Fully funding the GME program within our children's teaching hospitals is an investment in children's health that I would urge my colleagues to support.

DOD CIVILIAN WORKFORCE RESHAPING

Mr. VOINOVICH. Mr. President, last year, my colleague from Ohio, Senator DEWINE and I introduced the Department of Defense Civilian Workforce Realignment Act. The purpose of this legislation was to extend, revise, and expand the Defense Department's limited authority to use voluntary incentive pay and voluntary early retirement in order to restructure the civilian workforce to meet missions needs and to correct skill imbalances, especially in high skilled fields. Given the significant numbers of eligible Federal retirees the Department will face in just a few short years, we believed then and now that the Department needs the ability to better manage this extraordinary workforce transition period. Just as important, this smoother transition period would allow for better and more effective development of our younger workers, who will have a better chance to learn and gain from the expertise of the older generation of innovators. A similar bill was also introduced by our Ohio colleagues in the House, Congressmen DAVE HOBSON and TONY HALL.

After discussions with the chairman of the Armed Services Committee, Senator WARNER, we included language in the fiscal year 2001 Defense authorization bill to allow for voluntary early retirement authority and voluntary separation incentive pay for a total of 9,000 Department of Defense civilian employees for fiscal year 2001 through 2003. This language provided, at least initially, the critical new flexibility to the Department of Defense to better manage its civilian workforce. However, this language simply gave the Defense Department the authority to initiate the program in fiscal year 2001 utilizing discretionary funds, but required that "the Secretary of Defense may carry out the program authorized . . . during fiscal years 2002 and 2003 with respect to workforce restructuring only to the extent provided in a law enacted by the 107th Congress." Senator DEWINE and I intend to work closely with Chairman WARNER, and the Ranking member of the Committee, Senator LEVIN to ensure that the necessary workforce restructuring provisions are enacted this year. I see my colleague from Ohio on the floor, and would yield to him for any comments.

Mr. DEWINE. I thank my friend from Ohio for yielding, and agree with his comments. The reason why we had to settle on limited language in last year's defense authorization bill is mainly because our initial legislation required mandatory, or direct spending, which must be provided for as part of the budget resolution. The actual direct spending involved, according to the Congressional Budget Office, amounts to $82 million through fiscal year 2011. So, as my colleague from Ohio would agree, we are seeking a minimal amount to provide the Defense Department with the maximum flexibility needed to meet its workforce challenges. We are hopeful that the Bush administration will call for this financing as part of the fiscal year 2002 defense budget, and for that reason, we have been working with the chairman of the Budget Committee, Senator DOMENICI, to ensure that the necessary direct spending amounts are assumed in this year's concurrent resolution. I see Chairman DOMENICI on the floor, and will yield to him at this time.

Mr. DOMENICI. I thank the two Senators from Ohio for their interest and hard work in this important issue. This is a matter that impacts a number of states that are home to civilian employees of the Defense Department, including New Mexico. I know my colleagues from Ohio have been working on this issue for several years, and I agree that something needs to be done. As this budget resolution assumes the President's budget, if the President's budget accommodates the direct spending necessary for this program, then the Senators from Ohio can assume that this budget resolution accommodates this program. So, the Senators from Ohio can be sure that if this matter is addressed in the President's budget, I will work with them to be sure that the final budget resolution we will work out with the House will assume all the increases and new programs in the President's budget for important programs, such as this one.

Mr. VOINOVICH. I thank the Chairman of the Budget Committee for his comments, and look forward to working with him and Senator DEWINE to ensure this assumption is maintained in the final budget resolution approved by Congress.

LONG-TERM CARE STAFFING SHORTAGE

Mr. JOHNSON. With the many priorities we have to cope with, I would simply like to point out that we cannot lose sight of the need to address the very critical problem of labor shortages plaguing our health care providers both in my State, and all across the Nation.

It is important that the budget resolution we ultimately pass address these labor shortages.

In my own State of South Dakota, for example, it is not uncommon to have a 100 percent turnover rate for Certified Nursing Assistants—clearly that's a crisis that should not and cannot continue if we are going to maintain quality care for seniors. And for anyone who doesn't know what the Certified Nursing Assistants do—they are the ones who provide the front line, bedside care to the frail and elderly. A very difficult and demanding job.

Another major problem is that the average starting salary for South Dakota's certified nursing assistants is just $7.32 per hour—and the average wage is $8.10 per hour.

Mr. GREGG. We have similar problems in New Hampshire, and I agree with my colleague that we have a shortage of trained health care workers, particularly those providing services to our nation's elderly. If this problem is not addressed, the viability of our nation's entire health care system will be threatened.

Mr. JOHNSON. Just as bad, and yet another problem that creates a parallel crisis, is the fact that many states—including my own—simply do not have realistic Medicaid reimbursement rates.

In my state, Medicaid provides the resources for care for more than two out of three patients in nursing homes. South Dakota's average daily Medicaid reimbursement rate is $83.78 per patient, which, in fact, is a $17.34 shortfall from covering the actual cost of care. It's simply not plausible for $83.78 per day to cover the cost of care, room and board, three meals a day, medicine, specialized equipment and other critical needs.

The net result of these artificially low Medicaid reimbursement rates is that they further squeeze an already difficult labor and staffing situation—and these problems feed on themselves to make matters very, very problematic for our health care providers.

Until we begin increasing Medicaid reimbursement rates to levels more than we pay a babysitter, for example, this squeeze will continue and seniors will be threatened.

Mr. GREGG. Like your State of South Dakota, New Hampshire is currently plagued by low Medicaid reimbursement rates. Skilled nursing facilities caring for our frail and elderly are expected to take this meager reimbursement rate and provide 24-hour care, room, board, meals, and some therapies—and of course, nursing salaries come out of this cost as well. So it is no surprise that the average Certified Nurse Assistant turnover rate is approximately 80 percent.

In New Hampshire, the livable wage for a single parent with two kids is $18.92 an hour. The average starting salary of a Certified Nursing Assistant starts at $8.50 an hour, and the average salary is $10.26. Skilled nursing facilities in our state have their hands tied over how much they can pay due to low reimbursement rates. We simply must invest in the care of our frail and elderly. I hope Congress will address this problem of long term care staffing shortage.

RESTRICTIONS ON ADVANCE APPROPRIATIONS

Mr. WARNER. I bring to your attention, my concern about a provision in the House version of the Concurrent Budget Resolution, H. Con. Res. 83, concerning restrictions on advance appropriations. The Senate provision more properly addresses this issue. The House provision (Section 13) is extremely vague and restricts both the Congress and the Administration concerning the funding of capital projects using advance appropriations. As you prepare to conference the Fiscal Year 2002 Concurrent Budget Resolution, I urge you to sustain the Senate provision (Section 201) in the final conference report.

Mr. LOTT. I strongly concur with the Chairman of the Armed Services Committee on this issue, and also urge that the Senate provision on advance appropriations be included in the final conference report.

Mr. SESSIONS. As Chairman of the Seapower Subcommittee, I fully support the Senate provision concerning advance appropriations in the Concurrent Budget Resolution. I think it is important that members have tools such as advance appropriations available to consider as a financing option for capital projects such as building ships.

Ms. SNOWE. I want to thank the distinguished Chairman of the Budget Committee for his consideration and cooperation in this very important matter as well as the distinguished Chairman of the Armed Services Committee and Majority Leader for bringing this issue to my colleague's attention. The Senate version reinforces the President's budget blueprint for advance appropriations as a full funding mechanism that can be used by various departments, such as the Department of Energy, the Department of Transportation, and the Department of Defense, and agencies, such as NASA, to level fund capital projects. Without this valuable tool, the ability of Congress to budget the federal government's capital investment projects will be severely restricted. I most strongly concur with my esteemed colleagues that the Senate version must be sustained in conference.

Ms. COLLINS. I want to take a moment to commend and thank my distinguished colleagues for their insight and leadership on this critical issue. The use of advance appropriations would provide our federal agencies the flexibility to alternatively fund large capital investments. Specifically, I am aware that the Navy is currently studying advance appropriations as a means to reform the way it acquires its ship in an effort to stabilize the shipbuilding program, flatten out budget spikes, and potentially reduce costs through economic order quantity buys of ships and their systems. I believe that this funding alternative should be pursued, and I hope to see the Senate provision sustained in Conference.

Mr. DOMENICI. These are important concerns that the Majority Leader, the distinguished Chairman of the Armed Services Committee, and Senators SESSIONS, SNOWE and COLLINS have raised. The Senate version, section 201, Restriction on Advance Appropriations, provides for the funding of capital projects, while maintaining the discipline of full advance funding. I assure my colleagues that I will work to ensure that this issue is adequately addressed.

Mr. WARNER. I thank the distinguished Chairman of the Budget Committee for his cooperation.

FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

Mr. STEVENS. Mr. President, I would like to raise a concern with the Chairman of the Budget Committee regarding advance appropriations. Specifically, I am concerned about the funding for public broadcasting.

Consistent with the President's budget request, the Resolution provides that any advance appropriation would be scored in the year in which it is appropriated instead of the year in which it is obligated, the past policy. This provision was included because of past problems with the practice. Last year, for example, the Administration threatened to veto appropriations bills unless increases in funding were provided using the mechanism of advance appropriations. The provision is intended to close that loophole.

Despite its strong support for this provision, the Office of Management and Budget has indicated its willingness to examine specific programs, on a case by case basis, to determine whether an advance appropriation is merited for programmatic reasons. For example, I was informed today the Office may consider advance funding for certain defense construction or procurement items which by definition often involve multi-year obligations.

My office has talked to OMB officials as recently as this morning on this issue. They are willing to work with the Appropriations Committee and the Budget Committee over the recess to determine whether CPB should be granted an exception to the rule. If an agreement could be worked out acceptable to all the parties, I believe the Budget Committee should have the flexibility to consider it in conference if it so chooses.

Mr. SPECTER. Mr. President, If the distinguished Chairman of the Budget Committee is willing to review this matter with OMB and the Appropriations Committee, there are several issues I hope he will consider. First and most important, the practice provides the lead time stations need to line up programs that may take up to two or three years to produce—programs like Baseball and the Civil War that are years in the making. In other words, advance funding encourages prudent planning.

Second, it allows the stations to use the availability of federal funds to leverage private sector funding both through foundations and viewer fundraising to maximize the resources available for quality programs. And lastly, advance funding reduces the potential of political interference in programming decisions.

DEDUCTIBILITY OF STATE AND LOCAL SALES TAX

Mr. THOMPSON. Mr. President, Section 17 of the House-passed budget resolution for fiscal year 2002, H. Con. Res. 83, contains language relating to an issue that is important to the citizens of my home State of Tennessee, and the citizens of Texas, Wyoming, Florida, South Dakota, Nevada and Washington. The issue is the deductibility of state and local sales taxes. Section 17 of H. Con. Res. 83 states that it is the sense of the House of Representatives that the Committee on Ways and Means should consider legislation to make State sales taxes deductible against Federal income tax.

Earlier this year, I introduced the AMT and Tax Deduction Fairness Act of 2001, S. 291. My bill would allow individuals to deduct either their state and local sales taxes, or their state and local income taxes on their federal tax return, but not both. Currently, the federal tax laws discriminate against residents of states like mine that choose to raise revenue primarily through a sales tax, because federal law does not permit a deduction for state and local sales taxes. Federal tax law does provide a deduction for state and local income taxes, however. Prior to 1986, taxpayers were permitted to deduct all of their state and local taxes paid, income, sales and property. This deduction was based on the principle that imposing a tax on a tax is unfair. The Tax Reform Act of 1986 eliminated the deductibility of state and local sales taxes, but retained the deduction for state and local income taxes. My bill is simply intended to address this inequity in the tax code. According to a March 2000 Joint Committee on Taxation revenue estimate, the cost of allowing individuals to deduct either their state and local sales taxes or state and local income taxes, but not both, is $25.1 billion over 10 years.

It was my intent to offer an amendment to the Senate budget resolution similar to Section 17 of H. Con. Res. 83, expressing the sense of the Senate that the Committee on Finance should consider legislation to make state and local sales taxes deductible against federal income tax. However, I recognize that such an amendment would be ruled non-germane under the Senate's budget rules. Therefore, I want to ask the Chairman of the Senate Budget Committee to work with me during the conference on the budget resolution to retain the House language on this issue with some minor modifications.

Mr. DOMENICI. Mr. President, I recognize the importance of this issue to the Senator from Tennessee, as well as the Senators from Texas, Wyoming, Florida, South Dakota, Nevada and Washington. New Mexico has a gross receipts tax which is a complicated type of sales tax. New Mexico raises about the same amount of revenue from its gross receipts tax as it does from its state income tax. I point this out so that the Senate realizes that the Senator from Tennessee's proposal is an improvement for some states, but it may be a wash for other states.

I believe that it is not good federal income tax policy for the code to favor one state's revenue raising scheme over another state's. This is the situation in the code now. States that have substantial state income taxes, but low or no state sales tax are favored over states that rely exclusively, or more heavily on state sales taxes. A fairness argument can be made for fully restoring the state sales tax deduction, however, to do so would cost the Treasury $83 billion over ten years. Nonetheless, the Senator from Tennessee has raised an important issue, and I pledge to work with my colleague during the conference on the budget resolution to include language regarding the deductibility of state and local sales taxes.

Mr. THOMPSON. I thank the Senator from New Mexico for his assistance.

Mr. BYRD. Mr. President, over the past few days, we have heard a great deal of promises made regarding the FY 2002 budget resolution. As I have listened to the arguments made in support of this budget resolution, I am reminded of a scene from Jerome Lawrence's and Robert E. Lee's play, Inherit the Wind.

On a sultry summer evening in a small town, two men sit in rocking chairs, reminiscing about their childhoods. One man tells the other of a beautiful rocking horse that he had longed for as a child. That rocking horse—Golden Dancer—shimmered in the sunlight that streamed through a storefront window. Knowing the rocking horse would cost his father a week's wages, he harbored little hope of ever owning that magnificent steed—expecting that it would always lie just beyond his reach, behind the storefront glass. But knowing of their son's dream, his father worked nights and his mother scrimped on groceries to buy that rocking horse. On the morning of his birthday, he awoke to find, at the foot of his bed, the rocking horse of his dreams, Golden Dancer. He hopped out of bed, jumped into the saddle, and began to rock. Almost in an instant, the rocking horse split in two. The wood was rotten. The whole thing had been put together "with spit and ceiling wax. All shine and no substance . . . all glitter and glamour." That's how I feel about the promises made regarding this budget resolution and the approximately $1.5 trillion tax cut it authorizes.

Mr. President, it was not too long ago that the American people were being enticed by the glittering promises of another Republican Administration. In 1981, President Reagan promised that massive tax cuts would balance the budget and reinvigorate an economy plagued by unemployment and inflation. Congress approved the Reagan economic plan. I even voted for it. I said at the time, President Reagan "is the new President, give him a chance." But four years later, I stood on this floor and spoke of my regret at having cast that vote.

That was in 1985, the year President Reagan had promised a balanced budget. In fact, according to the Reagan Administration's 1981 projections, our nation was supposed to be enjoying a $500 million surplus in FY 1984, a $6 billion surplus in FY 1985, and a $28 billion surplus in FY 1986. Instead, the nation recorded a $185 billion deficit in FY 1984, a $212 billion deficit in FY 1985, and a $221 billion deficit in FY 1986. As a result, President Reagan's deficit/surplus estimates for FY 1982–FY 1986 fell short of their targets by $921 billion. That golden promise of a bright fiscal reward turned out to be mere fool's gold.

The American economy was in shambles. In 1982 and 1983, the annual unemployment rate was 9.7 and 9.6 percent, respectively, the highest rates recorded since 1950. In 1985, while America's wealthy were reaping the largest share of the national income since World War II, businesses and banks were failing at a record breaking pace. Our savings rate was the lowest in four decades, and our national trade deficit was ascending to a record high. There were record poverty rates in that year as well.

Instead of beginning to pay off the federal debt, our debt obligations had more than doubled, soaring from $1 trillion in 1981 to $2.1 trillion in 1986. In 5 years, the Reagan Administration, with its sacred tax cuts, had accomplished what it took the previous 39 presidential administrations the entire history of the United States to do—increase the Federal debt by a trillion dollars.

In 1981, then-Senate Republican Leader Howard Baker had called the Reagan economic plan a "river boat gamble." It is clear that the country had lost the bet.

It took the hard-nosed, realistic 1993 Democratic plan to put America's economic house back in order. That was a real budget, a budget of hard choices and hard decisions, including tax increases. Democrats understood the political fall out that would come from raising taxes. No one really wanted tax increases. No one ever does. But we put the country first, we did what was necessary to cut the deficit, and we paid for it in the 1994 congressional elections.

I call that 1993 budget a Democratic budget because not one single Republican in either the House or the Senate, voted for it. The Republican Senate Leader at the time claimed that the budget did "not tackle the deficit." Another Republican Senator said: "the plan cannot help the economy." Another even used the dreaded "R" word, claiming that it was a "one-way ticket to a recession." And yet another Republican Senator said of the tax increases in that budget: "make no mistake, these higher rates will cost (American) jobs."

Yet, no recession came. There were eight years of solid economic growth, eight years of job growth. We finally achieved a balanced budget, and we are paying off the national debt.

Now, 20 years after the 1981 Reagan fiscal disaster, a new Republican Administration is making the same glittering promises to the American people. The Senate today was asked to buy another "Golden Dancer." This budget resolution looks alluring sitting in the store window. But all that holds it together are the spit and ceiling wax of rosy ten-year surplus projections and unrealistic spending cuts.

Mr. President, I have already spoken at length this week about how the Senate has considered this year's budget resolution with maximum hurry and minimal information, debate, and opportunity for amendment. First, the Budget Committee—for the first time ever—was not allowed to draft a budget resolution. Instead, one was presented to the Senate by the Chairman of the Budget Committee and his party's leadership. Second, the Senate considered this budget resolution without the benefit of the President's budget, which means that the Senate has no way of knowing what programs will be cut to make room for these massive tax cuts.

The most egregious example of this can be found as a footnote on page 188 of the President's budget outline, A Blueprint For New Beginnings, at the bottom of Table S-4. The footnote reads: "The final distribution of offsets has yet to be determined." Until April 9th, when the Congress receives a detailed copy of the President's budget, the Senate has no way of knowing what the specific reductions will be for $20 billion in spending cuts that are proposed on page 188 of the President's "Blueprint" for this year's budget.

What we do know is based on what was presented to us by the Budget Committee Chairman and the Republican leadership in the form of this budget resolution. What we have here is a ten-year spending plan built on the Congressional Budget Office's ten-year surplus projections. But what of those projections?

In testimony before the Senate Budget Committee, Deputy Director Barry Anderson repeatedly warned about the volatility of these projections. In fact, the Congressional Budget Office devoted an entire chapter in its Budget and Economic Outlook: Fiscal Years 2002–2011 to the uncertainties in forecasting economic and budget conditions. On page 93 of that document CBO cautions that there is only a 10 percent chance that budget surpluses will materialize as they have projected. On page 95 the CBO warns that, based on historical averages, its projections will be off by $52 billion in FY 2001, $120 billion in FY 2002, and $412 billion in FY 2006.

To be considering a ten-year budget plan that includes permanent tax cuts, after the Congressional Budget Office has gone to such lengths to explain just what a crapshoot these projections are, is the pinnacle of fiscal irresponsibility. The Congressional Budget Office has put warning labels on everything this year. CBO officials say that this budget could be hazardous to the fiscal health of the nation. Yet, we hopped onto a ten-year budget plan without so much as blinking.

Why? What was the hurry? Why couldn't we have waited until we saw a copy of the President's budget? Why couldn't we have waited until the Joint Tax Committee and the Congressional Budget Office had the details they needed to examine the President's budget and report back its findings to the Congress? We accepted these surplus projections based on little more than faith, without any real idea how these massive tax cuts would affect the overall budget.

Fiscal prudence dictates that we should move slowly before enacting massive tax cuts based on these highly speculative surpluses. Does this budget resolution embrace that notion? No. In fact, it includes reconciliation instructions to expedite—not delay—but expedite consideration of these tax cuts.

I have already spoken at length about reconciliation, and how using such a procedure to limit the Senate's consideration of the President's tax cut plan would "break faith with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights." This is my greatest concern. But reconciliation would also put us on the fast track for passing massive tax cuts without any room to reverse or correct our course later if these surplus projections turn out to be false. This train has us speeding through a long, dark tunnel with no lights and with no idea of what lies ahead.

The only thing that we know for certain is that these tax cuts will prevent any substantial domestic investments over the next ten years, even if we accept these surplus projections at face value. This budget resolution barely keeps pace with what the Congressional Budget Office says is necessary to maintain current services. In addition, this budget contains no adjustment for the fact that we are a growing nation, with our population expected to increase by 8.9 percent over the next ten years. There will not be enough money to address the backlog of infrastructure needs that have built up over the past years. Our schools are crumbling, our roads need repair, our bridges are falling down, our drinking water is polluted, our sanitation systems are inadequate, our dams are unsafe. Are we expected to ignore these problems so that we can finance a tax cut for the wealthy!

What about Social Security and Medicare reform? When the baby-boom generation begins to retire over the next ten years, financial pressure on the Social Security and Medicare trust funds will rise rapidly as payroll tax income falls short of what is needed to pay benefits. Both programs are expected to have expenditures in excess of receipts in 2016. Where will the federal government find the money to finance these benefits? In the absence of budget surpluses for the rest of the government's operations, policymakers would have three options: raise other taxes, curtail other spending, or borrow money from the financial markets. If we go along with these massive tax cuts, how will we honor our pledge to protect Social Security and Medicare?

And, what about the unforseen disasters that will inevitably occur over the next ten years, or the increases in defense spending that ultimately be recommend by the President's advisory committee? How is Congress expected to pay for these needs if it has already frittered away available surpluses?

Mr. President, 170 years ago, a frustrated German philosopher Friedrich Hegel pointed out that "what experience and history teach is this—that people and governments never have learned anything from history, or acted on principles deduced from it." What better way to reaffirm that opinion than by the Congress enacting a massive tax cut based on highly speculative surplus projections.

By passing this budget resolution today, the Senate has ignored what history has tried to teach us. I say to my colleagues, we have taken this ride before. This budget is nothing more than spit-shined Reaganomics, and it deserved to be defeated.

Mr. McCAIN. Mr. President, I will vote for the budget resolution for fiscal year 2002 in the interest of moving the budget process forward. My vote for the resolution should not be interpreted as an endorsement of the budget package. Indeed, I have some serious reservations about the priorities and assumptions contained in this resolution. At this point in the process, we do not know the details of a final budget. Rather, the Senate is only voting on a blueprint, not a completed budget document.

I have a statement of principles that I believe should be reflected in the final budget proposal. I believe that these five principles reflect the Main Street economic realities that Americans talk about at their dinner tables.

My first principle is that the budget must provide sufficient resources for our national security. We have a solemn obligation to provide enough resources for those American military personnel who have volunteered to risk their lives to defend the rest of us.

For too many years, the Clinton Administration neglected the people who volunteered for military service. But with appropriate increases and money freed up from eliminating waste and inefficiency in the defense budget, we can make progress toward restoring the morale and readiness of our Armed Forces.

Currently, the Administration is undertaking an extensive review of our defense needs and necessary reforms. I want to make certain that the budget provides the resources for these overdue reforms, but also recognize that in the near term our air, sea, and land forces need to be substantially strengthened. That is why I supported the amendment by Senator LANDRIEU to substantially increase our defense budget over the next ten years.

The second principle that will guide my judgement of a final budget is tax relief for those who need it the most, lower- and middle-income working families. I am in favor of a tax cut, but a responsible one that provides much needed tax relief for lower and middle-income families.

I agree with the President that consumer debt is a massive problem for working Americans. If there is an economic downturn, I am concerned that debt will overwhelm many American households. That is why tax relief should be targeted to middle-income Americans. The more fortunate among us have less concern about debt. It is the parents struggling to make ends meet who are most in need of tax relief.

I hope that when the reconciliation bills are reported out of the Senate Finance Committee, the tax cuts outlined will also address the pressing issues such as the child tax credit, reduction of the marriage tax penalty, payroll tax reform to lighten the burden of this tax on hard-working Americans, and estate tax reform that will take into account the effect such reform will have on our robust charitable community. For this and other reasons, I support a $5 million cap with regard to the estate tax cut.

In this tax debate, we should avoid class war rhetoric, but a final budget plan should reflect Main Street realities. The Senate Finance Committee should firmly resist granting tax relief that benefits the special interests and K Street lobbyists at the expense of lower- and middle-income American taxpayers.

That kind of tax relief I would never support.

Third, the budget must provide for future obligations in Social Security and Medicare. Reforms are urgently needed in both programs, but we must have the resources to pay for them.

For the first time in history, economic projections show a surplus of $3.1 trillion over the next ten years, exclusive of the surplus in the Social Security Trust Fund. At the same time, we know that the Social Securities system is projected to be bankrupt by about 2037 and Medicare will be broke around 2023, leaving millions of elderly Americans without the promised benefits they need to live comfortably in their retirement years. I am concerned that this budget resolution uses none of the surplus to shore up Social Security, does not use enough to shore up Medicare, and does not provide the resources needed to support reforms of these entitlement programs that will ensure their long-term solvency.

My fourth principle is paying down as much of the national debt as possible. On Main Street, Americans believe it is conservative common sense to meet your financial obligations. Lower federal debt means lower interest rates on consumer loans, especially lower mortgage payments so people will have more money to spend or save.

I applaud the resolution's goal of reducing the level of debt held by the public by nearly $2.4 trillion from a level of $3.2 trillion today to $818 billion in 2011. But I believe that we should use even more of the non-Social Security surplus in the early years to reduce the federal debt burden on future generations, given these surplus projections in the out years could be significantly off.

My fifth principle is restraining spending, which Federal Reserve Chairman Greenspan warns could "resurrect the deficits of the past." Many of the specific funding assumptions in the resolution are laudable, but I have identified tens of billions of dollars of portbarrel spending in annual appropriations bills over the past several years—earmarks that never went through a merit-review process. Because of the compelling need to deal with the problems in Social Security and Medicare, we should look within the budget to eliminate waste in order to fund higher priority requirements, rather than spend the entire surplus on more government.

I am pleased to note that the resolution includes a provision to ensure Congress complies with the revenue and spending levels in the resolution to limit budgetary gimmicks such as a new scoring rule that prevents the use of advanced appropriations to circumvent spending limits.

I also fully support President Bush's intention to eliminate funding for earmarks in his first budget.

While I am concerned that this budget resolution rests on uncertain surplus projections that will surely be affected by a changing domestic and world economic environment, this is just a resolution, not a final budget. In the coming weeks and months, I look forward to working with the Administration and my colleagues for a budget that reflects the principles that I outlined today.

I thank the Chairman and Ranking Member of the Budget Committee for conducting the debate in a civilized and constructive manner. The reconciliation bill that results from this budget blueprint should provide for necessary defense increases, tax relief for the American taxpayer, adequate funding for Social Security or Medicare reform, significant debt reduction, and spending restraint.

Mr. LIEBERMAN. Mr. President, I rise to speak about our country's future and how it is being determined in the debate over this budget resolution, H. Con. Res. 83, which I oppose.

At this propitious moment, we face a set of choices, both pleasant and consequential, about what to do with this precious surplus we have worked so hard as a nation to accumulate. The question is, how do we make the projected surplus work best for us? How do we take advantage of this extraordinary opportunity today to strengthen our economy and country for tomorrow, to expand this prosperity and security for generations to come?

It is my view that this Congress must implement an effective long-term vision. The central point I want to make today is that as we develop a budget, we need to be concerned with more than just a tax plan. We need a strategic blueprint for how to extend and expand our economic growth and how to widen the circle of opportunity and security to allow more Americans to share in the nation's prosperity.

Unfortunately, that blueprint is not coming from our Republican colleagues or from the White House. The President has put forward a tax cut that was designed 15 months ago, in the midst of the Republican primaries, when one of his opponents, Steve Forbes, was promoting flat taxes. The Bush tax plan abandons fiscal responsibility and blithely spends, indeed, overspends, a projected surplus whose size six months down the road is unclear, to say nothing of its dimensions 10 years later. It is a tax plan that gives the most to those who need it least and leaves little or nothing for making the kinds of investments that will secure and brighten our future. Our Republican colleagues have put together a partisan budget blueprint that simply accommodates the President's tax cut.

But neither the Bush plan nor the Republican budget are right for our country. They will waste the wealth our nation has earned over the last eight years and send us back down the road to debt, higher interest rates, and higher unemployment. They cannot answer the big questions of what kind of country we want to be ten years from now, because they do not ask the right questions. They lack vision and therefore squander this moment's opportunity.

The Republican Budget Resolution does not protect the Social Security or Medicare trust fund surpluses. It claims to set aside $453 billion for a "contingency fund" in order to prevent Congress from spending the Social Security and Medicare surpluses; however, that amount is not sufficient to maintain current policies, such as extending expiring tax credits, reforming the alternative minimum tax, and providing agricultural assistance—and to pay for the cost of new initiatives such as a national missile defense system. Because of the excessive Republican tax cut and the inadequate size of this contingency fund, Congress may be forced to raid the Social Security and Medicare trust funds or face the prospect of a return to budget deficits. The GOP budget imposes deep cuts on important programs. The Budget Resolution would cut non-defense discretionary spending by about $8 to $9 billion or two percent below the level needed to keep pace with what was provided last year, adjusted for inflation. Funding for environmental protection, disaster assistance, veterans' medical care, Community Oriented Policing (COPS) and the Army Corps of Engineers would be particularly hard hit.

The Republican budget also falls short on debt reduction. The Budget Resolution would reduce the publicly-held federal debt from $3.4 trillion at the end of Fiscal Year 2000 to $818 billion by Fiscal Year 2011. Many experts believe that the publicly-held debt could be reduced to under $500 billion, $300 billion more in debt reduction than proposed by the Republicans.

If we are to seize this moment, we must have a clear vision and a long view of where we want to go, and how best to get there. We need a new approach, rooted in old values—the broadly cherished principles of freedom, opportunity, responsibility and community upon which this democracy was built—values so ingrained in our national consciousness as to transcend the rhythms of history. We must be guided by the promise of growth and opportunity that moved the pioneers, by the hard-work and enterprise that gave rise to the middle class, by the sense of responsibility to one another that has created good citizens and strong communities, and by that indefatigable American spirit of optimism and innovation that drives us forward in our pursuit of better lives and brighter vistas. What we need is a budget based on fiscal responsibility and wise investments, an agenda that empowers our citizens to succeed in the near term but that also guarantees their long term security.

We must begin with a fiscally sensible budget, a budget that places the highest priority on paying down the national debt. One of the most enduring lessons of the last 20 years is that debt reduction pays off in the long term. Our surplus now gives us a historic opportunity to be debt free by the end of this decade, which will keep interest rates down on home mortgages, car loans, credit card bills and student loans, loosening the budgets of millions of American families. Low interest rates also cut the cost for capital available for business innovation and expansion. We must set aside at least one-third of the projected surplus to continue to pay off America's long-term debt. If the surplus does not turn out to be as large as we hope it will, then we will not have committed to obligations that might drive us into deficit spending again. The funds we set aside for debt reduction will become a rainy day fund.

The next steps would be to invest in the building blocks of our society and economy: defense, healthcare, the environment, education, scientific research and development, and a robust private sector. And yet, the Bush partisan budget does just the opposite.

For example, in healthcare the Bush budget would cut aid to the uninsured. By decreasing the funding for programs that increase access to health services for people without health insurance by 86 percent, the President jeopardizes the health and well being of the nearly 42 million Americans that cannot afford health insurance and will actually decrease their access to health care services. His budget also fails to provide an adequate prescription drug benefit, providing only $153 billion over 10 years to provide for a four year, low-income prescription drug benefit. CBO estimates this level of funding "won't provide a great deal for any one person." I believe America should be increasing access to health insurance and health care services . . . not cutting critical programs. I am committed to passing a prescription drug plan that meets the need of seniors.

I also am discouraged by the lack of funding that the Bush administration plans to designate for essential programs to protect our public health and environment. At the same time the Bush Administration has rolled back a number of regulations for protection in these areas and has walked away from its domestic and international commitments to address the problem of climate change, it also has slashed the funds available to the agencies responsible for these important issues. The amount the Republican Budget Resolution designates for these essential environmental programs is 15 percent below what is needed to maintain FY2001 spending power.

I have supported efforts to put this funding back in the budget resolution. The amendment that I co-sponsored with Senator KERRY renewed the funding for the range of government programs intended to address our climate change problem. I thank my colleagues for recognizing the dire need for these programs and passing the amendment. I also supported the amendment sponsored by Senator CORZINE, which would have provided the funding that is needed for the full range of environmental programs. Mr. President, the protection of the environment is not a luxury item; we must not sacrifice it to pay for a tax cut.

This budget resolution also must recognize that skills and learning not only drive productivity growth, but increasingly determine individual opportunity. We must concentrate our resolve and our resources on changing the way we teach and train our labor force. We need to start at the beginning and reform our K–12 system to raise academic achievement for all children. Congressional Democratic education proposals all provide more funding for our public schools than President Bush and the Republicans do, and that is undoubtedly because they spend so much on his tax cut plan, that he has little left over for other critical societal investments.

As we move forward, we can and should create a direct and progressive connection between taxes and education. Parents, workers and employees should be given tax credits to make lifelong learning easier. The expenses of employers investing in remedial education—to make up for failures in the performances of our K–12 school system—should be offset with a new education tax credit. And most importantly, I support tax relief for low- and middle-income families struggling to pay the cost of their children's college education and their own mid-career retraining. These families should be allowed to deduct up to $10,000 of higher education costs from their income tax each year.

Equally as important are adequate funds for basic science and research and development. The role of scientific innovation is central to our country's economic growth. The story of the American economy is the story of scientific breakthroughs leading to economic growth. Yet, President Bush's budget outline starves three of the greatest generators of innovative ideas: The National Science Foundation, NASA, and the Department of Energy. For instance, the National Science Foundation is slated for a 1.3 percent funding boost, which is effectively a cut, since that increase is less than the rate of inflation. Rather than curtailing physical science R&D funding, we should be doubling the federal basic research investment over the next 10 years and promoting education initiatives to expand the technically-trained workforce. Increases in federal research dollars, at NSF, NASA, and DoE are critical to educating the next generation of scientists and engineers.

A visionary budget must allow for a tax package with a purpose. And that purpose must be, above all else, to stimulate economic growth, to raise the tide that lifts the lot of all Americans. One-third of the projected surplus should be dedicated to tax reductions, some to reward working families and the rest to business tax cuts that stimulate economic growth and new jobs. In the spirit of the Innovation Economy, we should look to tax incentives that will spur the drivers of growth: innovation investment, a skilled workforce, and productivity and there are many possibilities to consider.

In 1997, I supported reducing the capital gains rate to help reduce the cost of innovation investment in our economy, and I think it helped build our economic boom. I believe the capital gains rate should be reduced again. Eliminating capital gains entirely for long-term investments in start-up entrepreneurial firms would encourage a strong venture capital market, and the investment in new companies that is falling off now.

Small firms lagging behind their larger brethren in productivity growth should be given tax credits to invest in information technology. Small business accounts for 40 percent of our economy and 60 percent of the new jobs. But less than one-third of small businesses are wired to the Internet today. Those that are wired—and this is a stunning statistic—have grown 46 percent faster than their counterparts who are unplugged.

One of the most effective ways to spur business investment, productivity increases and economic growth is adjusting depreciation schedules in the tax code to more accurately reflect the lifetime of a product. For some classes of investments, particularly rapidly changing information technology equipment, current depreciation schedules no longer match actual replacement rates, so companies that use technology must continue to carry an expense on their books long after the expenditure has ended its useful life. I suggest that, where appropriate, depreciation schedules should be shortened to reflect actual replacement rates.

Removal of economic and governmental barriers to the build-out of a broadband should be a top priority so we can erect the next stage of the IT infrastructure. Broadband offers new opportunities for new products, services, and efficiencies. We should offer a tax credit to get this new infrastructure build-out promptly.

Making the R&D tax credit permanent would encourage industry to invest in research and technological innovation. Additional reforms to the credit could make it more accessible to small businesses and start ups and encourage more cooperative research consortia.

If we are successful in building on our prosperity, we will be able to guarantee the future of Social Security and Medicare. Everyone knows that strengthening Medicare will require more resources, not less. Yet the President's tax cut reaches into the Medicare surplus, leaving scant hope for modernization, or a new, meaningful prescription drug benefit, as the President promised. While today's workers will rely more and more on personal savings for retirement, for millions of Americans, Social Security is still the foundation of their old-age support. We must meet our obligations to our retirees, but we must also seek reforms that will make their retirements more secure.

A responsible, long term budget also must be attentive to short term challenges. While I am confident it is the inherent strength of our private sector that will do most to bring our economy out of its current dip, we in government can provide some help through Federal Reserve monetary policy and federal government fiscal policy. Finally, the administration and its congressional allies have acknowledged that the $1.6 trillion Bush tax cut plan would give nothing back to taxpayers this year and little next year. So now, they talk about wanting to add a one year economic stimulus to their larger plan and pass the two together. Mr. President, as I have stated before, I fear that doing so would hold hostage the help our lagging economy needs now to a drawn-out congressional debate about the long-term Bush plan. In other words, help would not come until it was too late.

We need a fair, fast and fiscally responsible tax stimulus. Economists tell us that it would take a tax cut of at least $60 billion to have a positive effect on our economy this year. Current estimates are that the federal government will have a surplus of about $100 billion at the end of this fiscal year, September 30, so we can safely afford a $60 billion stimulus. I would divide that $60 billion by the 200 million Americans who paid income or payroll taxes last year and send each one of them a $300 check as soon as possible—a surplus dividend tax rebate that can give our economy and our national confidence the kick-start they need. That check would go to every member of a family who worked last year.

Ten years from now, we will be judged by the decisions we make today. People will ask, did we fully understand the awesome changes taking place in our economy and in our society? Did we direct our unprecedented surpluses into investments with the greatest returns? Did we give our workers the tools they need to seize the opportunities an innovation economy offers? And were we guided by those proud American values that have brought us this far?

If we keep that perspective in view from the vantage point of our daily lives, we'll have a good shot at answering those questions affirmatively. But we must exercise discipline and follow a regimen: We cannot spend money we don't have, despite the temptations to do so. We must pay our bills and make investments for our future before we take vacations. A short term economic stimulus to help lift us out of this economic slowdown has to be followed by business tax credits and smart investments to sustain longer-term growth. Only then, can we be confident of our ability to provide comfort and security to our parents and for a bright future to our children.

Ms. SNOWE. Mr. President, I rise today to thank the Chairman of the Budget Committee for provisions in his substitute amendment that reinforce President Bush's budget blueprint for the use of advance appropriations as a mechanism for capital investment. The chairman's extraordinary foresight will ensure that the option to use advance appropriations will still be available as a budget management tool for Congress and Federal departments and agencies.

As described by OMB Circular A-11, advance appropriations is a funding mechanism, which together with funding in the current year, provides full funding of capital projects and scores following year funds as new budget authority in the year in which funds become available for obligation. This mechanism is used by various departments, such as the Department of Energy and the Department of Transportation, and agencies, such as NASA, to level fund capital projects. In addition, the Department of Defense is considering employing advance appropriations for capital projects in the future.

Section 13 of the House Budget Resolution recommends severely restricting the ability to use the method of advance appropriations by requiring a capital investment program be scored against 302(a) allocations and totaled in the year in which these appropriations are enacted. This differs from scoring the appropriations in the year in which it is obligated.

The flexibility to use the advance appropriations method is an important management tool that enables federal agencies and departments to score capital investment project appropriations in the year in which they are obligated rather than scoring the whole cost of the project in the year in which the appropriations are enacted. This option allows the federal government to make selected capital investments in much the way the American people would, and that is pay as you go. I urge my colleagues to support and sustain the advance appropriations provision included by our distinguished Budget Committee chairman in his substitute amendment.

WORKFORCE INVESTMENT

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the attached letters of support for the Harkin-Wellstone amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MINNESOTA GOVERNOR'S WORKFORCE
DEVELOPMENT COUNCIL,
Saint Paul, MN, April 3, 2001.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

The Minnesota Governor's Workforce Development Council (GWDC) is in support of your efforts to increase funding for workforce development programs in the FY2002 budget resolution.

As you know, Minnesota is experiencing a long-term labor shortage and, in some sectors, short-term economic slowdowns. The combination makes a particularly compelling case for increased federal support for workforce development efforts that benefit incumbent workers, new entrants into the labor market including new Americans, working families, and others seeking to advance their education and upgrade their skills.

Minnesota has worked hard to build a strong and dynamic workforce system. We are currently exploring several options to further strengthen our efforts through a reorganization of some state agencies and a shift toward more local decisionmaking about workforce investments. A constant theme we have heard during these discussions is that the federal resources for training and skill advancement are woefully inadequate.

We have successfully used Workforce Investment Act (WIA), Temporary Assistance to Needy Families (TANF), and Welfare-To-Work Block Grant funds, augmented by significant state resources, to transition thousands into the labor market and advance through the workforce. However, the broad workers shortage, coupled with significant dislocations right now, strains our resources. Additional federal funding would allow us to better serve Minnesotans who need skills training to advance, other training and support to enter the workforce, and training and education to transition to new jobs after a layoff. Additional investment by Congress now would go a long way toward moving us through this short-term dip in the economy and addressing our longer term workforce needs.

On behalf of the Governor's Council, stakeholders in Minnesota's workforce system, and your Minnesota constituents, I urge you to move forward with your efforts knowing that you have our support and confidence. If you need any additional information or assistance, please contact me directly or GWDC staff Luke Weisberg (651-205-4728 or luke.weisberg@state.mn.us) or Kathy Sweeney (651-296-3700 or ksweeney@ngwmail.des.state.mn.us).

Again, we applaud your efforts and appreciate your support on this and other issues.

Sincerely,

ROGER L. HALE,
Chair.

MINNESOTA WORKFORCE COUNCIL
ASSOCIATION,
Saint Paul, MN, April 3, 2001.

Re Senate Budget Resolution—Amendment to Increase WIA Funding.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the members of the Minnesota Workforce Council association (MWCA), I am writing to express our strong support for your efforts to increase funding for Workforce Investment Act (WIA) programs. MWCA's membership consists of the workforce investment board chairs, chief local elected officials, and the program administrators from each of the 16 workforce services areas in Minnesota.

We agree with you that now is the time to invest in workforce development! Unfortunately, President Bush's budget blueprint indicates that funding for WIA programs would be significantly reduced.

Attached is a chart that highlights the funding trends over the past eight years, adjusted for inflation, for the Minnesota Job Services and the Minnesota Job Training Partnership Act (JTPA)/Workforce Investment Act (WIA). As you can see, funding for these key workforce development programs has significantly declined from 1993 to 2000. In Minnesota, using CPI adjusted numbers, we have experienced nearly a 60% reduction in funding for JTPA/WIA (FY 1993 = $34,391,000; FY 2000 $14,522,000).

The Workforce Investment Act provides a structure for coordinating programs that are designed to help individuals escape poverty, achieve economic independence,and recover from job loss. Further, WIA provides a foundation for developing the skilled workforce that is critical to our long-term economic success. When Congress passed WIA, one of the key goals was to create a more integrated system that is flexible and responsive to the community needs. Through our onestop WorkForce Center System in Minnesota, we have started to realize the benefits of working cooperatively across programs to deliver better services to both job seekers and employers within our communities. Without adequate funding, we will not be able to realize the vision of a seamless workforce development system that meets demands of both job seekers and employers.

Thank you for your efforts to secure additional funding for WIA programs. If the members of MWCA can be of further assistance, please contact Lee Helgen, MWCA Executive Director, at 651-224-3344.

Sincerely,

GORDON AANERUD,
Carlton County Commissioner, Chair,
Minnesota Workforce Council Association.

RURAL MINNESOTA CEP, INC.,
Detroit Lakes, MN, April 2, 2001.

Senator PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of rural counties and their residents, I am writing to urge you to support any amendment to the budget resolution that would increase funding for workforce investment act (WIA) programs.

WIA Dislocated Worker Programs: WIA programs are critical to the future economy of rural areas. In our 19 county service area, workers are being laid off from their jobs every day. Our unemployment rate is significantly higher than the state average. We need the resources to help these people get back on their feet so they can support their families and contribute to our local economy. A $200 million cut, as proposed in the President's budget, in dislocated worker programs will have a very negative impact on your constituents.

WIA Adult Programs: Our Nation is experiencing a skill shortage. Many more people could get high paying jobs if they had the right skills. Rural businesses have a tough enough time making their hard earned dollars stretch. Taking away funds that provide them with a skilled workforce is taking away any hope of their survival. If Congress cuts our training budget, we won't be able to provide your constituents with the skills training they need to get these better jobs. A $100 million cut in the adult training budget is going to make it very difficult for rural employers to be competitive.

We have helped rural people move from welfare dependency to financial independence. Our success includes moving people into good jobs with career potential and upward mobility. We will not be able to continue that if WIA program funds are slashed by $500 million from current levels, as proposed in the President's budget.

WIA Youth Programs: Many of our youth remain at risk. If Congress doesn't fund this program adequately, too many of our young people are going to be left behind. A $100 million cut in the youth employment program will surely cost tax payers increased expenditures in public assistance or juvenile offender costs. And then there is the long-term cost of a poorly prepared, inadequate workforce.

On behalf of employers, workers and future workers in my 19 country service area, I am asking you to support any efforts to increase budget authority for these Workforce Investment Act programs. Please remember this is not a partisan issue. It is an issue that deeply affects rural areas. Your support will assure that rural people will receive the kind of assistance that they need to succeed in the workplace.

Sincerely,

LARRY G. BUBOLTZ,
Director.

BOARD OF HENNEPIN COUNTY
COMMISSIONERS,
Minneapolis, MN, April 3, 2001.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: I am sending you this note to urge you to support the Kennedy/Harkin amendment to the Budget Resolution to increasing funding for the Workforce Investment Act programs.

Here in Hennepin County, Minnesota, we have seen a decline in the JTPA and then the WIA funding from $1,688,652 in 1984 to $234,779 in 1999. As a county of over 1 million people, the $200,000 dollar funding level is not adequate to meet the needs of our constituents. In the area of dislocated workers, the recent downturn in economic conditions has resulted in daily notices of layoffs from companies in and around Hennepin County. One of our major companies, ADC a major supplier to the telecommunications industry, had an initial layoff of some 500 people and last week indicated additional layoffs of another 400-500 people. This is just one example of many that we are seeing in our community. In today's economy a skilled workforce in the cornerstone of economic growth and prosperity and we believe that the Workforce Investment Act allows us to respond to the needs of employers and allows our residents the opportunity for jobs that can support a family.

The outcomes for the Workforce Investment Act programs in our area are as follows:

Enrolled	238
Program terminations	194
Placed in jobs	164
Average wage at placement	$10.92
Cost per enrollment	$1,195.70
Cost per job placement	$2,735.23

As you can see from the data, this program is cost effective, driven by performance standards and performs beyond the expectations set by Congress and the Department of Labor.

Again, I urge you to vote for the amendment at $1 billion per year over the next ten years.

Sincerely,

PETER MCLAUGHLIN,
Commissioner.

Mr. ALLARD. Mr. President I rise today to join my colleagues in the important dialogue surrounding the budget resolution. As has been well documented this week, the Bush-Domenici Resolution before this body is a close approximation of the President's Budget Blueprint for New Beginnings. As member of the Senate Budget Committee I have been studying this document for a number of weeks. I am convinced that this Budget represents a commitment to tax cuts, the repayment of the Debt Owed to the Public, and sensible reform.

Many of our priorities in Colorado are not radically different from those of Americans all over this vast country. We are concerned with education, the solvency of Social Security and Medicare, the strengthening of our national defense, and the protection of our wonderful natural resources and environment. The President has also addressed one of the most pressing needs for our soldiers, providing funding to improve the quality of life for our troops and their families. I am pleased to say that I believe President Bush has addressed these national priorities in a direct and sensible way while also speaking to the unique needs of Colorado.

The budget blueprint proposed by President bush makes an historic attack on the debt owed to the American people. If we have the courage to pass this budget we will begin the fastest and largest debt reduction in history. Lower government debt means greater fiscal security for large government programs such as Social Security and lower interest rates on Coloradans who purchase homes, automobiles, and use credit cards. Most importantly, future generations will not beard the burden of our past fiscal irresponsibility. My grandchildren are seventh generation Coloradans, and I am dedicated to leaving them a brighter fiscal outlook than we have before us today.

Fair tax relief for all taxpayers is a clear priority in the Budget Resolution. In recent weeks there have been numerous assaults against the tax cuts provided for in this legislation. In January, addressing the Senate Budget Committee, Federal Reserve Chairman Alan Greenspan described this tax cut as moderate. In the scope of a $5.6 trillion federal surplus over the next ten years I find it laughable that there are members of this body who claim this tax cut is unaffordable. In Colorado the tax cut results in $1,600 of tax relief for a typical tax paying family of four. A Colorado family of four making thirty-five thousand dollars a year will receive a one-hundred percent federal income tax cut. Families making fifty thousand dollars will receive a fifty percent tax cut. More than one-and-a-half million Colorado taxpayers will benefit from the new, lowered rate structure, as will 329,000 Colorado small businesses and entrepreneurs.

The President's Budget also locks away every penny of the $2.6 trillion Social Security surplus, an important step in preparing to address the much needed reform of Social Security in the coming years. The budget likewise directs every dollar of Medicare receipts be spent solely for Medicare expenditures, including a modern and fiscally responsible prescription drug program for the senior citizens of Colorado and the nation.

The proposal before us dedicates the largest percentage spending increase of any federal department to the Department of Education, an increase of 11.5 percent. Further, the resolution before us will triple funding for children's reading programs. Colorado's education funding will increase over current levels to more than $461 million to give local schools more options and opportunities. Colorado's Head Start funding will increase over current levels to more than $63.9 million. This is truly an enormous fiscal commitment to the children of Colorado. I would be remiss not to note, I am encouraged to see increased funding over current levels to more than $21 million to help more Colorado children awaiting adoption find homes faster.

The Budget Resolution also fully funds the Land and Water Conservation Fund and gives the Environmental Protection Agency its second highest operating budget ever. In Colorado the budget provides more than $6.6 million in funding for water resource projects, $32.8 million to fund Colorado environmental protection efforts, and over $8 million to help conserve Colorado's natural resources. As anyone who has visited my home state in recent months knows, transportation capacity is also an issue, and one this budget addresses. An estimated $334.8 million will go to Colorado highway funding.

Recognizing the long-term social benefits of accessible health services and medical research the Bush-Domenici Resolution continues our pledge to double funding for the National Institutes of Health and creates more than 1,200 new community health centers nationwide. The budget further provides $391 million for programs and grants to help local fire departments and emergency services all across America with training, equipment and life-saving efforts.

I am pleased to support the Bush-Domenici Resolution and I look forward to working with my colleagues this year as we appropriate the funds as outlined in this budget.

Mr. KERRY. Mr. President, I rise today to speak on the budget resolution as well as an amendment I am offering which concerns the tax cut portion of the resolution.

This week's debate is quite likely the most important debate in this body we have had, and will have, for several years. What we have before us is a budget blueprint that would completely reverse the direction of the United States federal government budget, a 180 degree change from budget policies we have pursued over the last eight years. What the Majority is offering is a repudiation of the fiscal discipline of the 1990s and a return to the bold tax-cutting era of the 1980s.

And why not? The Congressional Budget Office projects surpluses as far as the eye can see. Ten years from now, in 2011, they project a unified budget surplus of nearly 900 billion dollars. Social Security and Medicare, for at least several years, are on firm footing. Let's get this surplus money out of town, they say, before Washington bureaucrats have an opportunity to throw it down the drain.

It's a strong argument, it sounds good in TV ads and Sunday morning talk shows. The American people should decide how their money is spent, not Washington politicians detached and removed from Mainstreet, USA.

But the reality is quite different. The American people are not so easily deceived. Thanks to a previous Administration that demonstrated the benefits for everyone of turning around government deficits, taxpayers understand and appreciate the undeniable advantages of fiscal discipline. That is why when one puts before the public the following question, should the government send the surplus back in a tax cut or divide the surplus equally between debt reduction, tax relief, and priority investments, the second option, the prudent and reasonable option, always wins.

So let's take a close look at the two options we have before us. This debate should not be about sound bites. It is far too important.

The two options are the Democratic-favored balanced budget approach based on principles of fairness, reasonable tax relief, and fiscal discipline or the Republican-favored approach of risky, back-loaded tax cuts dependent on surpluses which may or may not appear. Is this Democratic approach, as the able senior Senator from Texas calls it, just an excuse not to support a tax cut? Far from it.

For the last 8 years, fiscal discipline has meant turning around 300 billion dollar deficits into 200 billion plus surpluses. And what is a surplus, it is savings. It means the government is a net saver instead of a net debtor. It means that the federal government is buying back outstanding Treasury bonds from the public. The public turns around and invests that money elsewhere. In effect, every dollar of paid-down debt frees up a dollar for the public to invest in the private sector, the engine of growth.

With the government acting as a net saver rather than a debtor, inflation is held in check and interest rates come down. The benefits to the American people are real. Auto loan rates are lower. Home mortgage rates are lower. Businesses have access to credit for investments, leading them to hire more workers and keeping unemployment down. As everyone from Greenspan to Rubin to Summers have recognized, it is a virtuous cycle.

So what we have before us today is an effort to reverse that cycle, an effort to revert to another era, a prior era. We have been down that road. Is that the direction we want to steer the country?

In the real world, a business would never write a check that it was not sure it could pay. But that is exactly what Republicans want to do with the biggest check of all. Let's write the check now and hope that when it comes due, there will be enough money in the bank to pay for it. Would any self-respecting businessman manage his company in such a fashion? The answer is no.

The reality is that most of the Republican tax cut would not even take effect for several years, many provisions are so far into the future that they won't show up in any IRS form you file for nine or ten years. Building an estate? Great. I just hope you don't have the misfortune to pass away before 2011 because that is the year they repeal the estate tax.

Can we really afford the check they are writing? That is the $64,000 question. Economic and budget forecasting is somewhat like a weather forecast, the further you go into the future and the more long-range the forecast, the less likely it is to prove accurate.

What we do know is that if productivity levels drop to their historical average, rather than staying at the levels they reached in the last few years, the surplus could fall by as much as $2 trillion.

And 84 percent of the surplus comes after the next presidential election. Or put another way, two-thirds of the surplus comes in the second five years of the 10-year projection.

But we need to pass a tax cut today to keep from spending the money. Last time I checked there were no spending proposals on the table that postpone their effective dates for 5 years. In the same way, we shouldn't be passing tax cuts that don't take effect for another 5 years. Let's pass a short-term tax cut, and if the money comes in like the rosy forecasts indicate, we can extend it when the date arrives.

I want to address some specific aspects of this budget before us. Back in February, we held a special joint session to hear our new President's priorities for the future. President Bush stated, "Education is my top priority and, by supporting this budget, you'll make it yours, as well." The truth rests in the numbers. The Bush budget includes 40 dollars in tax cuts for every one dollar increase in education.

This budget resolution makes clear that President Bush's tax cut proposal is a higher priority than addressing key priorities, such as education and child care and that his enormous tax cut crowds out significant investments in education.

Yesterday this body made significant strides toward increasing the budget numbers for education by reducing the tax cut. I am thrilled that the Senate voted to increase funding for important education priorities by $250 billion over 10 years. The majority leader has expressed his intention to attempt to overturn that vote later this week. I sincerely hope that that does not occur. The President's budget does not include a sufficient investment in public education. The amendment passed yesterday brings us much closer to the investment that we must make in public education in order to ensure each child has access to a first-rate education.

Despite the President's claims, education funding in his budget does not keep pace with previous congressional funding increases for education. The President says that he is requesting an increase of $4.6 billion for education, and he takes great pride in claiming a 11.5 percent funding increase over the last fiscal year. But the President's outline includes only a 5.9 percent increase at the program level. To put that in plain English, almost half of the increase that Bush is touting as his major investment in education would happen even if the budget didn't pass and the appropriations process did not occur.

About $2 billion of Bush's funding increase for his so-called "top priority" was forward-funded last year. So the actual increase in new spending that Bush is proposing is only about $2.5 billion. That is one-third the average rate of increase in education spending over the past four years, after adjusting for inflation. Here is the area that the President has identified as his highest priority, education, and it would have its recent rate of growth reduced by two-thirds.

We don't know yet exactly which education programs Bush will increase funding for, because none of us have seen the details of Bush's budget. But he has said that he plans to provide funding for his reading first initiative, increase funding for special education, increase the maximum level of Pell Grants, increase funding for improving teacher quality, and provide more funding for character education. All of these are laudable goals and funding increases that I wholeheartedly support. But what about Title I funding? Does the President propose to increase funding for the most disadvantaged students? And what about after-school programs and making our schools safe? What about more funding for education technology? In the last administration, we accomplished the amazing feat of connecting every school to the Internet. But will this President help schools to incorporate technology into the curriculum? We just don't know, and by math there won't be enough money for these priorities after this massive tax cut. That is why it is so critically important that the Harkin amendment not be overturned and the tax cut be decreased in order to pay for these important initiatives.

One critically important initiative that we know the President's budget will not make a priority is school renovation and construction. There is overwhelming need for school construction funding. Three-quarters of our schools are in need of repairs, renovation, or modernization. More than one-third of schools rely on portable classrooms, such as trailers, many of which lack heat or air conditioning. Twenty percent of public schools report unsafe conditions, such as failing fire alarms or electric problems. At the same time our schools are aging, the number of students is growing, up nine percent since 1990. The Department of Education estimates that 2,400 new schools will be needed by 2003. Last month the American Society of Civil Engineers released their "2001 Report Card for America's Infrastructure," which grades the condition of the nation's schools, drinking water, wastewater, transportation needs and so forth. Of all the categories included in the report, schools received the lowest mark, a D−. Despite these facts, despite the desperate need for repair and renovation, the Bush budget provides only a modest investment in school construction and only allows for the use of private activity bonds for schools, a mechanism that requires a major corporate sponsor to finance a school, which would help only a few communities that are struggling to meet growing enrollments or upgrade their crumbling schools.

As many of my colleagues have already mentioned, there was a very disturbing report in the New York Times several weeks ago about the anticipated cuts to critical children's programs. I am extremely distressed by this news. The President's singular focus on cutting taxes undermines critical programs like child care, early learning funding, child abuse treatment and prevention. The President plans to cut, not just slow the rate of spending, $200 million from the Child Care and Development Fund. I would like to point out that there is a waiting list of more than 16,000 children in Massachusetts who await the opportunity to receive quality child care through this fund.

I cannot figure out what has motivated the President to zero out the Early Learning Opportunities Act. This legislation, sponsored by Senator STEVENS, passed the Congress last year with bipartisan support. President Bush believes strongly in literacy. And we all know that children who begin school lacking the ability to recognize letters, numbers, and shapes quickly fall behind their peers. Students who reach the first grade without having had the opportunity to develop cognitive or language comprehension skills begin school at a disadvantage. Children who have not had the chance to develop social and emotional skills do not begin school ready to learn. I'm sure that President Bush knows these things. So why would he cut funding for the Early Learning Opportunities Act, which seeks to bring together state and local resources to ensure that children begin school ready to learn?

I guarantee you this, if you ask the American people whether they would prefer this enormous tax cut at the expense of funding for child care, child abuse prevention and treatment, and funding for early learning programs, they will unequivocally tell you that they want those programs strengthened and enhanced, not decimated, or in the case of the Early Learning Opportunities Act, zeroed out. It's certainly clear that children are not the President's top priority, his enormous tax cut is. We voted yesterday to support those programs that we know the American people care about. We must hold strong and resist attempts to undermine the funding commitment for these important programs.

As we all know, the real details of the Bush budget are still locked up somewhere in the White House. The President wants Congress to leave town before those numbers are released. And well he should, because those numbers are going to show what we have all known for some time. Compassionate conservatism is code language for cuts in children's programs, health care, the environment and other national priorities.

While we have not yet received the real Bush budget, what we are learning through confirmed accounts is that the budget will: cut child care grants by $200 million, cut child abuse programs by $16 million, and would entirely eliminate the $20 million "early learning" fund for child care and education for children under the age of 5 which is based on legislation I wrote.

Cut funding for training health care providers in medically underserved areas by nearly $100 million.

Cut the Office of Minority Health by 12 percent.

Cut training for doctors at children's hospitals.

Eliminate the COPS, or Community Policy Services Program.

The list goes on. Someone will have to explain to me how cutting child care grants and child abuse programs is compassionate because I just don't see it.

Let's take a couple minutes to look at the President's research and development agenda.

Unfortunately, the President's budget plan will do serious damage to funding available for scientific R&D. Experts agree that over the past 50 years, advances in science and technology have contributed to half our nation's economic growth. It's true that investments in R&D tend to pay off only in the long term. For instance, much of the growth we enjoyed in the 90s stemmed from investments the federal government made in science in the 1960s. The ubiquitous computer which is so critical to our productivity today would not be available to us if serious research had not begun decades ago. But, this budget fails to look to the long term, and by failing to adequately provide for investment in science and technology, will slow economic growth and leave our children and our grandchildren with far fewer opportunities than we had just a few short years ago.

Instead of increasing the growth of science and technology, the President's budget proposal ignores the R&D needs of the nation. Although the Administration has indicated support for a $2.8 billion increase in the National Institutes of Health budget for FY 2002, many other research initiatives will not receive the funding levels they need. The President's budget proposal for next year projects that non-defense R&D will decline by 7.8 percent adjusted for inflation, by fiscal year 2005. This is more than five times faster than the decline in total federal spending. After accounting for inflation, the Bush budget cuts the National Science Foundation by 2.6 percent, NASA by 3.6 percent and the Department of Energy by 7.1 percent. In the end, under the Bush budget federal support for science will decrease by 6 percent by 2005 as a share of the Gross Domestic Product. This is contrary to the commitment we should be making to innovation and entrepreneurship.

This budget's approach to science and technology research is short-sighted and irresponsible. But don't take my word for it. Take the word of the science and technology advisor to the first President Bush. Allan Bromley, a nuclear physics professor at Yale, recently wrote an editorial that was published in the New York Times in which he expressed his concern about the impact the President's R&D cuts will have on the economy. He succinctly stated:

> The proposed cuts to scientific research are a self-defeating policy. Congress must increase the federal investment in science. No science, no surplus. It's that simple.

So we have a budget blueprint before us that essentially rubberstamps a Presidential budget which we have yet to see, but that we are slowly learning, through leaks, will substantially cut a number of priorities that many of my Colleagues and the nation share.

Now, I would like to take some time to discuss the President's tax plan and an amendment I am offering. We hear so much talk about how the President's tax plan provides the largest percentage reductions to low and middle-income families. Mr. President, it's just not true. The reality is that the President's tax cut would leave out 28 million taxpayers, taxpayers who see 15.3 percent of every paycheck go directly to the taxman. I'm talking about people who pay payroll taxes.

For all taxpaying families, the average annual payroll tax burden is over $5,000. The average payroll tax payment has risen from $3,640 in 1979 to $5,010 in 1999. For the vast majority of taxpayers, payroll taxes, Social Security and Medicare, generate the largest tax burden.

Federal payroll taxes actually exceed federal income taxes for 80 percent of all families and individuals with earnings. For single-parent families, the number is even more alarming. Today, 95 percent of single-parent households pay more in payroll taxes than income taxes.

According to the National Women's Law Center, over 3 million women raising children as a single parent, or 36 percent of all single mothers and their families, will receive no tax benefit from the Bush plan. Likewise, almost half of the black and Hispanic women raising children as a single parent would not benefit a one penny.

These taxpayers lose out because the President's tax plan focuses only on marginal income tax rates. The House has made some small steps to address this issue, but more needs to be done if we are going to pass a balanced and fair tax bill.

My amendment would require that any substantial tax relief legislation, 500 billion or greater, which comes to the floor of the Senate this year include a certification by the Senate Finance Committee that it provides significant relief for the 28 million taxpayers who pay payroll taxes but who do not have sufficient earnings to generate income tax liability. Tax legislation which did not include a certification by the Senate Finance Committee, or conferees in the case of a tax bill conference report, would be subject to a 60-vote point of order.

This amendment is a small step we need to take to ensure that as the Senate develops tax legislation, it maintains a commitment to providing REAL relief to all taxpayers, not a selected few. I can not imagine why anyone would oppose such a reasonable amendment. Clearly, any large tax bill should hold dearly the interests of all working families and I urge my colleagues to support it.

Mr. LEAHY. Mr. President, I must oppose this budget because it is an irresponsible gamble with our economic future.

This resolution sets aside trillions of projected budget surpluses for tax cuts proposed by President Bush that are steeply tilted to the wealthy. It pays for the Bush tax plan at the expense of needed investments in Social Security, Medicare, education, law enforcement and the environment. In addition, the cost of the Bush tax plan imperils our ability to pay off the national debt so that this nation can finally be debt free by the end of the decade.

We should remember that the nation still carries the burden of a national debt of $3.4 trillion. Like someone who had finally paid off his or her credit card balance but still has a home mortgage, the federal government has finally balanced its annual budget, but we still have a national debt to pay off. In the meantime, the Federal government has to pay almost $900 million in interest every working day on this national debt.

Paying off our national debt will help to sustain our sound economy by keeping interest rates low. Vermonters gain ground with lower mortgage costs, car payments and credit card charges with low interest rates. In addition, small business owners in Vermont can invest, expand and create jobs with low interest rates.

I want to leave a legacy for our children and grandchildren of a debt-free nation by 2010. We can achieve that legacy if the Congress maintains its fiscal discipline. But this budget resolution tosses out fiscal responsibility for voodoo economics. It is based on a house of cards made up of rosy budget scenarios for the next ten years. Any downturn in the economy, are of which we are now beginning to experience, threatens to topple this house of cards.

The $5.6 trillion surplus that President Bush and others are counting on to pay for huge tax cuts tilted toward the wealthiest one percent is based on mere projections over the next decade. It is not real. Many in Congress have been talking about the $5.6 trillion surplus as if it is already money in the United States Treasury. It is not.

Let us take a close look at this $5.6 trillion. When you subtract the portion of the projected surplus that is expected to come from Social Security, we are left with $3.1 trillion over ten years. When you set the Medicare surpluses to the side, and use more realistic assumptions about taxes and spending over the next several years, that reduces the available surplus to $2.0 trillion. Under this scenario, the President's proposed tax cut of $1.6 trillion therefore has the potential to wipe out the entire surplus in one fell swoop. And that's IF the budget surplus projections are accurate.

While none of us hope that the budget surpluses are lower than we expect, to be responsible we need to understand that this is a real possibility. In its budget and economic outlook released on January 1st, CBO devotes an entire chapter to the uncertainty of budget projections. CBO says that "considerable uncertainty surrounds those projections." This is because CBO cannot predict what legislation Congress might pass that would alter federal spending and revenues. In addition, CBO says—and anyone who watched the volatility of our markets over the past few weeks knows—that the U.S. economy and federal budget are highly complex and are affected by many factors that are difficult to predict.

In their economic outlook CBO warns Congress that there is only a 10 percent chance that the surpluses will materialize as projected. When CBO takes its own track record on forecasting surpluses, they caution that the projected surpluses over the next five years may be off in one direction or the other, on average, by about $52 billion in 2001, $120 billion in 2002, and $412 billion in 2006. Remember, that data is only for five-year projections. CBO has been making 10-year projections for less than a decade, so they admit it is not yet possible to assess their accuracy. But 10-year projections are likely to be even less accurate than five-year projections.

For 2001 alone, there is considerable uncertainty about the size of the budget surplus. In January, CBO estimated that the total surplus in 2001 would reach $281 billion. Earlier in this month, however, Merrill Lynch dropped its estimate to $250 billion. Wells Capital Management, an arm of Wells Fargo, estimates a $225 billion surplus this year and a $185 billion surplus next year, 40 percent lower than the CBO's estimate for 2002.

With all of this uncertainty in projecting future surpluses, it is amazing to me that the budget resolution insists on a fixed $1.2 trillion in tax cut. And the tax cuts proposed by President Bush may cost much more than $1.6 trillion over the next 10 years.

Let us take a closer look at these proposed tax cuts.

The President's tax plan, by focusing only on income tax rate reductions, leaves out millions of taxpayers who do not pay federal income taxes but who do pay payroll taxes. In Vermont, there are 23,000 families who do not pay federal income taxes. But 82 percent of those families do pay payroll taxes. For the vast majority of taxpayers, payroll taxes generate the largest tax burden, and yet the President's plan does not touch payroll taxes.

With all of the uncertainty in these projections, Congress should tread very carefully when considering the size of the tax cut. While rosy surplus projections may have been accurate yesterday, we need to pay attention to circumstances today. Even Goldilocks could tell you that porridge that's just right one day, may be too cold a few days later. Congress needs to recognize that the surplus projections are not set in stone, that it is not only possible, but even likely that the projections will change and that the surpluses themselves will differ from those projections.

I was one of five Senators who are still in the Senate who voted against the Reagan tax plan in 1981. We saw what happened there—we had a huge tax cut, defense spending increased, and the national debt quadrupled.

I am concerned about enacting a huge tax cut before fulfilling our current unfunded federal mandates. The President's budget outline proposed up to a 30 percent cut in grants to state and local law enforcement. I've written a letter to the President and the Department of Justice, along with 17 other Senators, opposing those cuts. I am pleased that my amendment restoring $1.5 billion to fully fund the Department of Justice's local law enforcement programs was accepted.

I supported an amendment to increase funding for private lands agriculture conservation programs by $1.3 billion for Fiscal Year 2002, including the Farmland Protection Program and EQIP—the Environmental Quality Incentives Program. I know there is a need for five to ten times this amount for these programs.

I supported several education amendments. These included amendments to increase the Pell Grant for student financial aid and increased support for the TRIO program, a successful initiative that provides support to first generation college students, particularly those from rural areas. However, the current budget proposal does not commit sufficient funds in this area. I was pleased to join my colleague from Vermont, Senator JEFFORDS, in an effort to fully fund the federal government's portion of IDEA costs.

The President's budget proposes a $1 billion increase in discretionary veterans health spending. Such a meager increase barely covers inflation in the Department of Veterans Affairs' current programs, let alone provides the department flexibility to increase the availability and quality of care. I am also concerned that this budget squeezes this money out of critical veterans health research programs, leaving investigations into spinal injuries and war wounds at inadequate levels.

After years of hard choices, we have balanced the budget and started building surpluses. Now we must make responsible choices for the future. Our top four priorities should be paying off the national debt, passing a fair and responsible tax cut, saving Social Security, and creating a real Medicare prescription drug benefit.

Mr. CRAIG. Mr. President, I rise in support of final passage of the budget resolution and to declare victory.

Today: all Americans who believe in fiscal responsibility, budget, a sound economy, and fair treatment for taxpayers, can declare victory. All of us who want a government that restrains its appetites and lives within its means, while meeting critical national needs, and letting hard-working individuals and families keep a little more of the fruits of their labor, can declare victory.

Today we are approving a budget that is balanced, not only because it is in surplus, but balanced in how it would allocate the resources provided by the American people.

Today we are approving a budget plan that, if we follow it, will: first and foremost, pay off all the publicly held debt that possibly can be paid off in the next ten years; hold the line on the growth of federal spending and the size of government; fully protect Social Security and Medicare for today's and tomorrow's seniors, and begin the process of modernizing them, to make them ready for today's workers; answer the demands of the American people to take action on major needs in areas like education, medical research, national defense, care for our veterans, the environment, and prescription drugs; and provide modest, reasonable, and prompt tax relief to the most heavily taxed generation in American history.

Could we have produced a better budget this week? Of course we could. But I will never let the perfect be the enemy of the very, very good.

The Senate has added several billion dollars in new spending to this budget. I wish we could have done that without raiding the surplus or collecting more taxes. I wish we could have addressed priorities within the reasonable total, the increased total, proposed by the President.

But we have wisely turned down amendments for hundreds of billions of dollars in new spending, and we have stuck fairly close to the responsible plan we and the President started with.

And whether, at the end of the year, we enact ten-year tax relief totaling $1.2 trillion, $1.6 trillion as proposed by the President, or $2 trillion, which this Senator thinks is closer to the right amount, we will have won, commonsense conservatism will have won, and the American people will have won.

To fully appreciate where we are, we need to remember where we have been.

When I first came to Congress, in the other body, I plunged into fighting for a balanced federal budget. The jaded political veterans told me, You will never see it in your lifetime. The problem was so intractable, we formed a bipartisan coalition to push for a balanced budget amendment to the Constitution.

Eight short years ago, the experts told us we faced $300 billion budget deficits as far as the eye could see. The previous president said balancing the budget was a bad idea, and he pushed through the biggest tax increase in history to pay for more and more spending. By 1994, that tax hike, along with the Clinton health care plan to nationalize one-seventh of the economy, produced the first Republican Congress in 40 years.

Observant students of history and those with good memories will recall that the economy was limping and anemic during 1993 and 1994. That new Congress took office declaring that Job One was balancing the budget, so we could produce surpluses that would save Social Security and Medicare, pay down the debt, and provide tax relief. The real upturn, the acceleration of the markets and confidence in the economy, began when we made this commitment to responsible, limited government.

The economy received a booster shot with the bipartisan Taxpayer Relief Act of 1997. In that bill, we cut capital gains taxes, which further unleashed the economic activity that is producing today's surpluses.

Now, with a slowing economy, the time has come, again, for a booster shot. Today's budget resolution, with spending restraint, tax relief, and paying down the debt, is that booster shot.

It is positive that, this week, we have voted to accelerate tax relief. American workers and their families needed tax relief yesterday, relief from the death tax, from the marriage penalty, and to help meet education and other family needs.

We've heard a lot of revisionist history this week, with Senators criticizing President Reagan's 1981 tax relief package. The single biggest mistake Congress made in revising President Reagan's plan was in not starting is soon enough. The economic recovery of 1982 began, the boom of the 1980s began, when President Reagan's tax plan finally took effect. If we really can learn from the mistakes of the past, we should learn that prompt tax relief keeps the nation healthy.

It's also a positive sign for prompt tax relief that the Senate has agreed to keep the tax relief in this budget free from filibusters later in the year.

This is a budget that will keep the nation healthy, if we continue to follow through on it. It is the Senate's budget, and we have made adjustments throughout the week. But make no mistake about it, when you look at all of it, it is still mostly the President's budget, too.

I also want to comment on a couple specifics in this budget.

As a member of the Senate Veterans' Affairs Committee, I am always watchful of how the Congress and the Administration propose to treat our nation's veterans. This President's budget began with a $1 billion increase in discretionary veterans programs and a $4 billion increase, overall—more than 8 percent. Without a doubt, this president has a higher level of commitment to the well-being of veterans than we saw in the previous administration.

The House-passed budget added to that amount and now, so has the Senate. Spending per veteran, not overall, but per veteran, accounting for increased caseload, will be about 50 percent more than in 1995.

The Veterans Administration (VA) represents millions of men and women who have served our great nation, often at extreme sacrifice. Therefore, in gratitude it is important that we insure that our veterans receive the care and services they were promised and most certainly deserve. Over the past years, since I have been a member of the Senate Committee on Veterans' Affairs, there has been a steady increase in spending per veteran. In 1995, VA spending was $1,465 per veteran. In 2002, the Senate committee on Veterans' Affairs recommends spending $2,228 per veteran. That is a 52 percent increase since 1995.

I also commend my Idaho colleague, Senator CRAPO, for the amendment adopted last night by the Senate, to safeguard necessary funding for the Department of Energy's Atomic Energy Defense Account. This is needed to continue progress in waste treatment and management, site maintenance and closure, environmental restoration, and technology development, while meeting its legally binding compliance commitments to the states. This is of vital interest in our home state of Idaho, home of the Idaho National Engineering and Environmental Laboratory, to similar sites in other states, and to the environmental safety and well-being of the nation. I was pleased to cosponsor and support the bipartisan Crapo-Murray-Craig amendment.

I now look forward to resolving the differences between the Senate-passed budget and the House's version and working in the coming months on the legislation necessary to implement this budget. We have made a good start and today is a good day to declare victory for the American people.

Mr. CHAFEE. Mr. President, I rise to express my support of the budget resolution we approved today. This was a long and arduous process, but I am pleased that at the end of the day we have a document that both Republicans and Democrats can embrace.

I also extend my deep appreciation and admiration to Budget Chairman Domenici for doing his usual outstanding job of overseeing the Senate's consideration of the federal budget.

This weeks' debate was about how best to allocate the apparent budget surplus that our nation is beginning to achieve. I appreciate President Bush's leadership in calling for a part of our surplus to be returned to the taxpayers.

While all Americans may desire a tax cut, I believe it is also true that all Americans would like Congress to continue its prudent course of balanced budgets. I am concerned that a tax cut of $1.6 trillion over ten years would seriously impair our ability to maintain a balanced budget, while meeting the necessary priorities of debt reduction, infrastructure development, improvement in health and education, and Social Security and Medicare reform.

I was pleased to work within the Centrist Coalition, a bipartisan group of Senators, to fashion a compromise tax cut. I am very thankful for the friendship and leadership in particular of Senators JOHN BREAUX, JIM JEFFORDS, and BEN NELSON. I believe that we have helped the Senate come to a compromise, and am proud to have joined a group of such thoughtful and constructive people.

I am not without my reservations about the compromise tax cut of $1.2 trillion over ten years that we have approved today. It is still large for my preference, but I recognize that in order to work in a bipartisan manner one must be able to compromise in a principled manner. I believe that that is what we have accomplished here, and that belief is borne out by the fact that 65 Senators supported the final budget, which included the compromise tax cut.

Beyond the tax cut, the Senate has made its mark on this budget. Senator DOMENICI brought to the floor a budget that closely reflected the President's priorities. We took up amendment after amendment, considered each by its merits, and dispensed with them. These amendments reflected our priorities in several areas. We can see those priorities in the document that we now send to the House and Senate conferees to negotiate. We see a doubling of the money set aside for prescription drugs, to $300 billion over ten years. We see $320 billion set aside for education, which includes enough money to fully fund the Individuals with Disabilities Education Act. As a former Mayor who has had to budget for the costs of providing the best service for these special children, it was a particular priority of mine to have the federal government pay its fair share. We see increased money for defense, for veterans, and for farmers. We see the work on environmental issues, including funding for conservation and global warming. And, we see the work on urgent health matters, including increased health care coverage for the uninsured. And, of great importance to those of us in the Northeast, we see an increase of energy funds for our low-income citizens.

This is a good budget. It is perhaps not perfect, but it shows the benefit of having a strong President providing leadership in stating his priorities, and the value of centrist leadership in Congress to win wider acceptance of the President's proposals.

Mr. LEVIN. Mr. President, the Senate has begun debating the Federal budget for next year and the years ahead. We are fortunate after years of large budget deficits, to finally enjoy a projected budget surplus, a real surplus separate and apart from the Social Security surplus. While this new "on-budget" surplus provides us with many possibilities, it also requires us to balance how best to use our resources within a framework of fiscal responsibility. If we choose the wrong path we could return to the days of big Federal deficits and all the damage they did to our economy.

In approaching our Federal budget, I believe we should divide the projected surplus among four budget goals: giving the American people fair and fiscally responsible tax relief, paying down the debt, protecting Social Security and Medicare, and responsibly investing in key priorities such as education, prescription drug coverage for seniors, environmental protection and national defense.

In deciding how to allocate the new surplus, we should first and foremost remember it is a projection for ten years downstream, so it is highly speculative. In fact, the Congressional Budget Office, CBO, cautions legislators that there is only a 10 percent likelihood that its ten-year projection will prove accurate. This is especially troublesome because most of the surplus, upon which the President's tax cuts rely, is not projected to accrue until after 2005, the most unreliable years of the forecast. History has shown that CBO projections only 5 years in to the future have been off by as much as 268 percent.

Understanding that these projections are uncertain, here's what I think should be done with surplus dollars that actually materialize:

First, I would protect the Social Security and Medicare trust funds. We have to take prudent steps today to ensure that as 77 million baby boomers retire over the next 30 years, the costs of their Social Security and Medicare won't explode the Federal budget. In just 15 years, the Social Security and Medicare programs will require transfers from the "non-Social Security and non-Medicare" side of the Federal budget in order to pay benefits. Without reform, these transfers will get larger and larger, placing enormous pressure on the federal budget—pressure that would be compounded if President Bush's proposed tax cuts were enacted. Thus I think it is imperative to set aside the surpluses that are currently accumulating in these trust funds and not use them for new spending or tax cuts—as the President's budget proposes to do.

Next, I would allocate one-third of the projected $2.5 trillion non-Social Security, non-Medicare surplus for tax cuts. We have proposed an immediate stimulus tax cut package that could provide taxpayers with up to $450 of relief this year, $900 for married couples filing jointly. The first part of the package would to give a one-time tax refund to everyone who paid payroll or income taxes last year, in 2000. Couples would get a check for $600 and singles would get a check for $300 as early as July, if the provision were enacted now. The second part of the package would permanently cut the 15 percent income tax rate to 10 percent for the first $12,000 of taxable income for couples and the first $6,000 of taxable income for singles. This would save couples an additional $600 per year and singles an additional $300 per year and, if enacted soon, the decrease in paycheck withholding could begin in July. This package is a truly broad-based relief measure aimed at stimulating the economy.

We also should increase the Earned Income Tax Credit for working families with children, substantial marriage penalty relief, and the amount of money exempt from estate taxes, so that less than one percent of the country's wealthiest estates would remain on the tax roll. Under this approach, all American taxpayers would get a tax cut, but the lion's share would go to middle income Americans, that is to those who need it most.

President Bush's plan mostly benefits the wealthiest among us. Under his plan, 5 percent of taxpayers would get more than 50 percent of the benefit. As a result, most of the surplus is used in tax cuts, leaving little or nothing for debt reduction and other important priorities.

While this top 5 percent would receive huge tax breaks under the President's plan, it leaves 25 million taxpaying Americans, who pay their Federal taxes through payroll taxes, without a single dollar of tax relief. I agreed with President Bush when he said that every American taxpayer should receive tax relief. But his plan, which leaves out 25 million people, falls far short of that goal and leaves out those taxpayers who need relief the most.

In addition to providing tax relief, we need to dedicate a large portion of the surplus to reducing our debt so that we don't push this immense burden onto our children and grandchildren. For the first time in a generation, we have the opportunity and the resources to pay down the enormous debt and we should do so. Additionally, by paying down the debt, we can help keep interest rates low well into the future giving all Americans an economic benefit.

Our plan calls for dedicating one-third of the non-Social Security, non-Medicare surplus to reducing the $3 trillion plus portion of our national debt that is outstanding and held by domestic and foreign investors. In contrast, the President's budget does not use any of the projected non-Social security, non-Medicare surplus for debt reduction.

Finally, we need to invest some of our surplus responsibly in new initiatives and important benefits, like prescription drug coverage for seniors and education programs for our students. Using one-third of our non-Social Security, non-Medicare surplus to meet the basic life-sustaining needs of our seniors, to build a smarter 21st century workforce, and to prepare for other unforeseen challenges, will pay huge dividends in the long run. President Bush's budget—focusing on tax cuts at the expense of everything else—leaves little room for new investments or unanticipated needs and actually makes drastic cuts to some very important federal programs which millions of Americans and the communities they live in count on.

The next chart compares the Democratic plan to President Bush's plan, showing how the Bush plan comes up short in key areas because of the size of the tax cut.

As budget debate continues in the weeks ahead, Congress will be making some important decisions regarding our country's future. We have the ability to provide targeted tax relief, fund some important national priorities and protect Social Security and Medicare for future generations, while dedicating significant resources to paying down the national debt. To achieve all of these goals, we need to act wisely today so that we strengthen our economy in the long run, not weaken it once again by risking a large Federal deficit with an excessive tax cut benefiting mostly those who need it least.

Mr. President, I ask unanimous consent to print the charts in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHART 1

HISTORY OF UNRELIABILITY IN BUDGET PROJECTIONS: FIVE-YEAR PROJECTED V. ACTUAL SURPLUS OR DEFICIT

[Projected in 1985 for 1990, 1986 for 1991, etc. in billions of dollars]

	Projected	Actual	Difference	Percentage of error
1990	-167	-220	-53	31.7
1991	-109	-269	-160	146.8
1992	-85	-290	-205	241.2
1993	-129	-255	-126	97.7
1994	-130	-203	-73	56.2
1995	-128	-164	-36	28.1
1996	-178	-107	71	39.9
1997	-319	-22	297	93.1
1998	-180	-29	151	83.9
1999	-182	124	306	168.1
2000	-134	236	360	268.7

CHART 2

Tax relief for a family of four (2 parents, 2 kids) in 2002:

Income	Bush	Democratic alternative
$25,000	$0	$845
$50,000	320	525
$75,000	426	525
$200,000	1,676	525
$1,000,000	13,777	525

Total tax relief for a family of four (2 parents, 2 kids) during Bush's term (01-04):

Income	Bush	Democratic alternative
$25,000	$0	$2,535
$50,000	1,920	2,325
$75,000	2,344	2,325
$200,000	8,488	2,325
$1,000,000	66,461	2,325

Bush plan phases in all cuts over 10 years, so his cuts would get much larger from 2005–2010; Dem plan is fully phased in by 2003, except for estate tax relief.

Source: Senate Finance Committee, Democratic Staff; Democratic Policy Committee.

CHART 3

Budget cuts to non-protected agencies

Agency	*Percentage Cut*
Agriculture	-8.6
Commerce	-16.6
Energy	-6.8
HUD	-11.3
Interior	-7.0
Justice	-8.8
Labor	-7.4
Transportation	-15.0
Army Corps of Engineers	-16.9
EPA	-9.4
FEMA	-20.2
NASA	-1.1
Small Business Administration	-46.4

Numbers represent the Bush budget's percentage cut in budget authority for appropriated programs for FY2002 below the amount needed, according to CBO, to maintain purchasing power for current services.

CHART 4

DIFFERENCES IN USE OF $3 TRILLION PROJECTED 10-YEAR NON-SOCIAL SECURITY SURPLUS

	Democratic	Bush
Tax Cut	$833 billion	$2,500 billion[1]
Domestic Priorities—such as education & prescription drugs	$833 billion	$200 billion
Debt Reduction	$833 billion	0
"Contingencies"	0	$300 billion[2]
Protect Medicare "Lockbox"	$500 billion	0
Total Projected On-Budget Surplus	$3,000 billion	$3,000 billion
	($3 trillion)	($3 trillion)
Raid on Social Security "Lockbox"	0	$600 billion

[1] Includes $1.7 trillion tax cut, $300 billion to fix the AMT effects of the tax cut, and $500 billion in increased interest costs on debt that would otherwise get retired.

[2] Bush Budget Blueprint designates $800 billion for a "contingency reserve."

Ms. CANTWELL. Mr. President, I rise today to discuss the budget before us and to outline a few points that I believe need to be considered while we debate our national budget priorities.

There is no doubt that the focus of much of this week has been on the perceived need for, and the size of, a tax cut. I support efforts to provide hard-working families in my home state of Washington, and across the country, with tax relief. I expect Congress to take up legislation to eliminate the marriage penalty, provide estate tax relief, make college tuition tax deductible, and assist workers in saving for their retirement. In addition, I believe that comprehensive tax reform proposals must expand the Dependent Care Tax Credit to help families provide care for their children and expand the Earned Income Tax Credit to make it work better for more hard-working families.

However, I am concerned that we balance our efforts to cut taxes with our nation's fiscal and policy responsibilities, and our obligation not to increase our national debt level. Comprehensive tax relief must be measured against the need to maintain fiscal discipline, and stimulate economic growth through continued federal investment in education, job training and infrastructure, while also protecting the environment. We also need to invest in our nation's economic future by making a commitment to public research and development in science and technology—maintaining our status as a global leader. And, it is critical that we meet the needs of the nation's elderly and enact a meaningful prescription drug benefit for Medicare beneficiaries.

Furthermore, we must realize that much of the debate on the shape and size of tax cuts is dependent on the reliability of surplus projections that may or may not materialize.

These are the numbers at issue this week: The projected unified surplus over the next ten years is supposed to be $5.6 trillion. But what we need to be discussing is not this amount—but the amount of the non-Social Security, non-Medicare surplus. And when we take both of those trust funds off the budget line, we are left with $2.7 trillion over ten years with which to work.

It is critical that the funding levels in our budget guarantee that Americans have access to needed health care. We also need to invest in our children's education by hiring more teachers, increasing teacher pay, providing enhanced training opportunities, and modernizing our educational system. And, we need to commit to programs that keep our citizens safe, and our environment clean.

We seem to be tripping over ourselves right now to spend a surplus—either on tax cuts or on increased discretionary spending—that, frankly, we are uncertain will even appear. As we all know, projections are notoriously inaccurate and, therefore, highly likely to be wrong even if they are only for the upcoming year. Based on its track record, the Congressional Budget Office says its surplus estimate for 2001 could be off in one direction or the other by $52 billion. By 2006, this figure could be off by $412 billion.

Remember that last year CBO projected that the ten-year surplus would be $3.2 trillion, $2.4 trillion less than the projection it released this past January. This means that in just one year the surplus estimate has increased by 75 percent.

In fact, CBO admits that it is most uncertain about projections for the years it forecasts the largest surpluses. CBO makes clear that $3.6 trillion of the $5.6 trillion unified surplus is open to question.

Besides debating surpluses that may or may not materialize, this budget process is the first step in outlining our nation's fiscal priorities for the upcoming year. However, we must not forget that in addition to figuring ways to fund our political priorities, it is our duty to focus on meeting our national responsibilities.

And this is where my concern rests with the President's budget. I believe that Congress can enact reasonable and responsible tax relief while fulfilling our nation's responsibilities.

But it seems that the President is funding a $2.0 trillion tax cut at the expense of other programs. A tax cut this large would use 81 percent of the non-Social Security, non-Medicare surplus over the next 10 years, leaving the President and Congress $527 billion, or just 20 percent of the on-budget surpluses to address critical priorities such as additional debt reduction, expanding educational opportunities, providing a prescription drug benefit, keeping our environment safe, and ensuring a strong national defense.

In reviewing the President's Budget Blueprint, I am concerned that his proposals shortchange important needs that Americans depend upon.

I find it remarkable, for example, that the President proposes to cut funding to the Energy Department by almost one billion dollars—in the midst of an energy crisis the likes of which our country hasn't seen in years, if ever. I am particularly concerned that such a cut at the Department of Energy would be taken out of nuclear weapons facilities, particularly the Hanford Reservation in Washington State. This move would break the moral contract between the United States government and the people of Washington State—the moral obligation to protect the people from the hazards of nuclear waste. The Hanford clean-up is an ongoing federal responsibility and a timely clean-up is essential to the quality of our water and environment, as well as our public safety. To fall behind in the clean-up because of ill-advised funding cuts is an unacceptable risk. This is why I joined with Senator CRAPO to introduce an amendment, adopted last night by voice vote, to ensure that the Atomic Energy Defense Account is increased by $1 billion in fiscal year 2002 for just this purpose.

I am also concerned about the President's proposed budget for the Department of Health and Human Services. Although the President does increase funding for the DHHS by $2.8 billion, I see that he is increasing the National Institutes of Health by just that amount. If NIH is getting a $2.8 billion increase in the upcoming fiscal year, while its parent agency is only getting that amount as an overall increase, something else is going to be cut, or level funded. Are the cuts going to come from the Child Care Development Block Grant, funding to investigate child abuse and neglect, or services for our elderly?

The President proposes only $153 billion over 10 years to provide a low-income prescription drug benefit and finance overall Medicare reform. This is completely inadequate considering that over one-third of our nation's elderly lack coverage for their prescription drug needs, that the average senior spends more that $1,100 on medications every year, and despite the fact that prescription drugs are today's fastest growing segment of health care.

On Wednesday, the Senate adopted an amendment to increase the available funding for a new prescription drug benefit by up to $300 billion over 10 years. However, I think it is important to point out that this additional funding is coming from money already earmarked for the Medicare program, and from the broad cuts proposed by the President in other areas.

While I have the floor I want to talk about two very specific cuts that the President has proposed.

Since 1997, the Federal Emergency Management Agency has spent $107 million to help communities to prepare for and mitigate the potentially calamitous consequences of natural disasters. This funding—Project Impact—helps communities plan and implement preventive measures in order to prevent large-scale destruction of property and human life. Yet, when the President released his budget he proposed canceling Project Impact because "it has not proven effective."

Well, I can tell you that the very same morning the President released his budget, my State was hit with a 6.8 earthquake, and, though there was extensive structural damage throughout the region, there were no deaths. And there is no doubt in anyone's mind, especially mine, that one of the main reasons this powerful quake did relatively little damage was because of the millions of dollars my state and our local communities have put into retrofitting buildings and preparing for such an event, dollars that were leveraged by Project Impact. For example, inspectors at Stevens elementary school in the Seattle school district following the earthquake revealed that a 300-gallon water tank directly above a classroom had broken free of its cables. The inspectors concluded that if it were not for a Project Impact retrofit project, the tank could have caused serious, potentially fatal injuries to children in the classroom, as well as significant property damage.

Mr. President, as I toured the communities in my state affected by the earthquake and spoke with local officials, I heard other examples, like this story of Stevens Elementary, that prove the effectiveness of the Project Impact program. By cutting funds for this vital program, we would be depriving cities throughout our country an opportunity to mitigate and possibly avert the potentially catastrophic consequences of natural disaster.

I am also concerned about the massive cuts proposed for the U.S. Export-Import Bank and the Overseas Private Investment Corporation. These two agencies are critical to maintaining U.S. competitiveness in the international economy through assistance programs that effectively increase U.S. exports and provides jobs to American workers. Although Ex-Im represents a minuscule fraction of the Federal budget, it provided $15 billion in export sales last year. The President's proposed 25 percent cut in Ex-Im bank would be a terrible mistake that could eliminate up to $4 billion in U.S. export sales. And OPIC, which over the past thirty years has generated $63.6 billion in U.S. exports and nearly 250,000 American jobs, ultimately operates at no net cost to U.S. taxpayers. Indeed, it actually returns money to the U.S. treasury and provides valuable assistance to U.S. companies seeking to invest and expand their operations abroad.

The support and funding of Ex-Im Bank and OPIC is a highly efficient way to increase U.S. competitiveness, especially for smaller companies exporting to higher-risk markets. The proposed cuts could be devastating to American companies and undermine our efforts to compete in the international economy. Mr. President, these programs should be de-politicized and their efforts to support U.S. exporters globally should be backed solidly by this chamber.

I know there are some in the Senate who support the President's proposed $2.0 trillion tax cut as a means for stimulating the economy. But this proposal would do little toward this end. Ninety-five percent of the tax cuts in the President's plan occur after 2003. By the time the tax cut takes full effect, the economy will have changed dramatically. These back-loaded tax cuts would do little to boost families' spending power immediately, and therefore do little to spur the economy in the months ahead. And in fact, even the Chairman of the Federal Reserve Board, Alan Greenspan, has said tax initiatives historically have proved difficult to implement in a time frame in which recessions have developed and ended.

This tax cut doesn't even go proportionally to every American. Forty-three percent of the benefits of the President's tax plan are targeted to the wealthiest one percent of families—those with an average annual income over $915,000. Surprisingly, 25 percent of Washington's working families and almost 400,000 of the children in Washington State would not get any benefit from the Bush tax plan.

Unfortunately, while relying on surpluses that may or may not appear, and funding a tax cut that goes disproportionately to the wealthiest families and is not interested in areas that will be stimulated in long-term growth, the President's budget eliminates funding to modernize aging schools, cuts maternal and child health programs, eliminates grants to hospitals and community health centers that serve uninsured and under-insured people, and cuts job training and employment services.

Responsible budgeting is a give-and-take. The country is at a critical juncture in setting our fiscal priorities: our choices are maintaining our fiscal discipline and investing in long-term growth, the nation's future education, job training and health care needs, or cutting the very services used daily by our citizens. I believe our budget must fund these critical priorities as well as allow for responsible tax relief. Unfortunately, however, the budget before us today does not do this.

Mrs. MURRAY. Mr. President, over the last 8 years, we learned what a difference a responsible budget can make. We learned it starts with the basics, like using real numbers and not "betting the farm" on rosy projections. We learned that if we invest in the American people and their needs, our country and our economy will benefit. We learned that we need to be fiscally responsible. That means making tough choices and holding the line on deficit spending. And we learned that we have to work together to get things done.

The last eight years have shown us that if we follow those lessons: using real numbers, investing in our people, meeting our needs, being fiscally responsible, and working together, we CAN turn deficits into surpluses, and we can transform the American economy into a job-creating machine.

Today, there is a new President in office. There is a new Congress. And there are new economic challenges as our economy slows and an energy crisis grows.

The times are different, but the lessons are the same. This isn't the time to throw away the handbook we've used for the past eight years. It's time to follow the lessons it offers. Unfortunately, the Administration and the Republican leadership are running in the opposite direction. And I fear that they will repeat the same mistakes of the past, mistakes that we are just now getting over.

The Republican budget ignores the lessons of the past eight years. Instead of focusing on real numbers and realistic estimates, the Republican budget puts all its faith in projected surpluses that may never materialize. What's more, the Republican budget hides some of the most important numbers, the cuts that many Americans will feel, in order to pay for a huge tax cut. Instead of investing in our people, the Republican budget shortchanges America's needs. In a few minutes, I'll detail some of the budget's shortcomings in areas like education, health care and environment. Instead of being fiscally responsible, the Republican budget asks us to commit to a $1.7 trillion tax cut, which is paid for out of the Medicare trust fund. There's nothing fiscally responsible about taking money that pays for seniors' medical care and giving it away to a handful of Americans. Finally, instead of working together, the Republican budget offers an example of partisanship at its worse. The Republican leadership has skipped the committee process entirely, something that is almost unheard of: to avoid having to work out these differences in a responsible, bipartisan way.

As a member of the Senate Budget Committee, I find it completely unacceptable that we would rush to the floor a $1.9 trillion FY 2002 budget with no Committee consideration. Worst of all, because this partisan maneuvering is coming at the beginning of the budget process, it could set the tone for a bitter session ahead. Our country learned a lot about responsible budgeting in the past eight years. Unfortunately today, the Republican leadership is ignoring those lessons so they can ram through an irresponsible tax cut. I don't want the American people to pay the price for such irresponsible budgeting. That's why, together with my Democratic colleagues, we are offering this alternative budget. The Democratic alternative budget takes the lessons of the past few years and applies them to the benefit of the American people.

Now I would like to turn to some of the specific issues addressed in the budget, starting with a tax relief. I want to be clear that I strongly support tax relief. In fact, we should be debating immediate, real tax relief for all Americans that can stimulate the economy and help my constituents pay their growing utility bills. We should be acting on a $60 billion tax rebate that would be available this year, not in three years or five years. This type of immediate tax relief will give American families the added boost and confidence they need to held off a real recession. Instead, this Senate is acting on a budget that calls for $1.7 trillion in tax cuts based on a surplus that has yet to materialize. And we are acting before we even know the true impact of the budget. We won't know that until the President releases his detailed budget on April 9. The leadership would rather have us vote now and learn the consequences later.

Now I would like to turn to a few issues that the Republican budget underfunds, which the Democratic Alternative funds at the right level. Let's begin with prescription drugs. The lack of affordable drug coverage is not just a problem for those with very low incomes. All seniors and the disabled face the escalating cost of prescription drugs and the lack of affordable coverage. One or two chronic conditions can wipe out a couple's life savings in a few short months. Originally a prescription drug benefit was estimated to cost $153 billion. But new, recent estimates show that it will take about twice that amount to provide a real benefit. We know that seniors need an affordable drug benefit that's part of Medicare. The Republican budget does not set aside enough money to provide this benefit. This Democratic amendment does. The Republican budget not only short changes the prescription drug benefit: it also robs the Medicare Part A Trust Fund surplus to pay for a scaled-back benefit.

It takes money from hospitals, skilled nursing facilities and home health agencies to provide a limited prescription drug benefit. The surplus in the Part A Trust Fund should be used to strengthen Medicare and stabilize providers. I believe we can invest more of the surplus into a prescription drug benefit that all Medicare beneficiaries can access—instead of the limited benefit the Republicans offer.

There is another health care issue that the Republican budget shortchanges. Today, 44 million Americans don't have health insurance. When they need care, they go to the emergency room. ER's in this country are overwhelmed and on the verge of collapsing. It is getting harder for them to treat real emergencies. I know we can do better. We can expand programs that help working families secure affordable coverage. The Democratic alternative also reserves as much as $80 billion to address the growing uninsured population. We need to expand coverage for working families to provide a true health care safety net. Congress cannot ignore the uninsured any longer. In fact, as the economy slows down the number of uninsured will only increase. We need a real safety net for working families. The Democratic alternative provides the resources to meet this challenge. The Republican budget does not.

We also need to provide health care to families with severely disabled children. These families are often forced to impoverish themselves to provide care for their children. Some families must make the impossible choice between the welfare of their disabled child and the economic stability of their family. That's a choice that no family should be forced to make. The Democratic alternative invests in health care for those who lack coverage.

Next I'd like to turn to an environmental issue. In the Pacific Northwest, several species of salmon are threatened with extinction. This isn't just a symbolic issue. The people of Washington state have a legal, and a moral, responsibility to save these threatened species. The Pacific Northwest needs approximately $400 million through various federal agencies to meet the biological opinion on salmon recovery. As my colleagues may know, the National Marine Fisheries Service recently finalized a biological opinion. That opinion outlines the steps we need to take to save salmon and keep removal of the Snake River's four dams off the table and out of the courts. The Republican budget does not provide the resources we need. The Democratic alternative does.

In Washington state, we also face the challenge of cleaning up the Hanford Nuclear Reservation. Hanford Cleanup has always been a non-partisan issue, and I want to keep it that way. There were some press reports in February that the Bush budget would cut clean up funds. I talked to the White House budget director, Mitch Daniels, and he assured me that there would actually be an increase in funding for Hanford clean-up. However, the President's proposed cut of the nuclear cleanup program makes it difficult to meet the federal government's legal obligations in this area. Any retreat from our clean-up commitment would certainly result in legal action by the state of Washington. To avoid that and meet our legal obligations to clean up the Hanford Nuclear Reservation, we need an increase of approximately $330 million. The price of America's victory in World War II and the Cold War is buried in underground storage tanks and in facilities. And we've got to clean them up.

Next I'd like to turn to the energy crisis. In Washington state, higher energy prices have already cost us thousands of jobs. One report suggests that Washington state could lose 43,000 jobs if we fail to take any action to stem higher energy costs. The short term solution to the energy crisis in the Pacific Northwest will not be found in the budget resolution. However, the framework for a national energy policy should be. The President is proposing dramatic budget cuts in renewable energy research and development. This is taking us in the wrong direction. As the Democratic alternative promotes, we should be reducing our reliance on fossil fuels by promoting renewable energy, conservation, and efficiency programs.

Finally, the Republican budget shortchanges America's students. Education is a national priority, but this budget doesn't treat it like one. This budget would abandon the commitment made by Congress to education over the past three years to hire additional teachers throughout the country to lower class size. Across the country, there are almost 2 million students learning in classrooms that are less crowded than they were a few short years ago. This budget would also abandon the commitment we made last year to help crumbling schools with emergency repairs and renovations. The GAO estimated that our country needs to invest more than $112 billion to get our schools in decent shape, and we were just beginning to help communities do that. This budget would abandon the commitment we had made to students and communities to provide extra support for disabled students and disadvantaged students. Broken promises to these students means we are offering false hope rather than real support. For years, there was debate about what would improve education. Today, we know the answer: smaller classes, individual attention, good teachers and high standards. For years, there was no funding for these efforts. Today there is. Under the Republican budget, we would abandon those investments. In the Democratic alternative, we meet the need in America's classrooms.

Mr. President, as I have pointed out the Republican budget takes us in the wrong direction.

The Demoractic alternative we are offering today will provide tax relief for the American people, and keep our commitment to national priorities.

I urge my colleagues to support this Democratic alternative.

Mr. KENNEDY. Mr. President, at the heart of the budget dispute between Republicans and Democrats is the size of President Bush's proposed tax cut. Republicans claim the surplus is so large that we can have it all, that their massive tax cut will not interfere with efforts to address the country's most serious concerns. Democrats respond that the Bush tax cut is so large that it will consume virtually all of the available surplus, leaving no resources to meet the Nation's basic needs. Under the Bush budget, the numbers just do not add up.

The vote on the budget resolution is the vote which will determine the size of the tax cut. Once that vote is cast, more than $2 trillion, the real price tag on the tax cut, will effectively be gone. Those dollars will no longer be available for any other purpose—not for education, not for healthcare, not for defense, not for debt reduction, not for Social Security, not for Medicare. That money will be gone.

The impact of the Republican tax cut on the Federal Government's ability to address the most pressing concerns of the American people would be devastating. It is too large to fit into any responsible budget. The available surplus over the next ten years is, at most, $2.7 trillion. Whatever we do over the next decade to address this country's unmet needs must be paid for from that amount. Whatever we want to do to financially strengthen Social Security and Medicare for future retirees must be funded from that amount. Whatever funds we want to hold in reserve for unanticipated problems must also come from that amount.

President Bush tells us his tax cut will only cost $1.6 trillion. But the Administration's own budget documents acknowledge that the tax cut will consume more than $2 trillion of the surplus. Independent analysts have shown that the real cost of the tax cuts which the Republicans support will be close to $2.5 trillion over the next ten years, consuming 90 percent of the available surplus. There will be less than $200 billion, just $20 billion a year, left to finance everything we hope to accomplish in the decade ahead. The Republican budget does not add up.

What would this mean for working families? There will simply be no money left to address the problems that concern them most: An elderly grandmother will not be able to afford the cost of the prescription drugs she needs to avoid serious illness; Her young grandchildren will go to overcrowded schools where the classroom may be in a trailer and where the teachers are too busy to give them the individual attention they need; Their older brother and sister will have difficulty affording college because the grant and loan assistance available to them will not have kept pace with the cost of tuition; Their parents will not have access to the technology training needed to move up the career ladder at work, so they may be stuck in a dead end job; If the family is among the 44 million Americans who do not receive health coverage at work and who cannot afford to purchase it, they will get no significant new help with their medical costs; And if they live in a high crime neighborhood, there will be fewer cops on the street to ensure their safety.

But what about the tax cut? What will the Bush tax plan do for families like this? Unfortunately, it will not do much. The Republican tax cut is heavily slanted toward the wealthy. Over 40 percent of the entire tax cut nearly one trillion dollars in tax breaks will go to the richest 1 percent of taxpayers. They would get an average of $54,000 each year in tax benefits. This is more than most workers earn in a year.

Under the Bush plan, 60 percent of working families will save $500 or less a year in taxes. Twelve million low income working families would not get any tax cut under the Bush plan, even though they pay federal taxes every year. The Republican tax cut is just not fair. It does the least for people who need help the most, the same people who depend on the programs which the Republicans want to cut.

The Democratic budget plan stands in stark contrast to the Republican plan. Budgets are a reflection of our real values, and these two budgets clearly demonstrate how different the values of the two parties are. In political speeches, it is easy to be all things to all people. But the budget we vote for shows who we really are and what we really stand for. Our budget is geared to the needs of working families. It will provide them with tax relief, but it will also address their education and health care needs. And it will protect Social Security and Medicare, on which they depend for secure retirement.

There are four criteria by which we should evaluate a budget plan: 1. is it a fiscally responsible, balanced program? 2. does it protect Social Security and Medicare for future generations?, 3. does it adequately address America's urgent national needs?, and 4. does it distribute the benefits of the surplus fairly amongst all Americans? By each yardstick, the Republican budget fails to measure up. The Democratic budget is a far sounder blueprint for building America's future.

Once the Social Security and Medicare surpluses are reserved for the payment of future benefits, the available surplus is projected to be $2.7 trillion over the next ten years. The heart of the difference between the Democratic and Republican budgets is how each would use this surplus. The Democratic proposal would divide the surplus into thirds; allocating $900 billion for tax cuts, $900 billion for priority programs, and $900 billion for debt reduction. This contrasts sharply with the Republican plan, in which tax cuts would consume 90 percent of the surplus.

When President Bush cites $1.6 trillion as the cost of his tax cut, he neglects the increased cost—more than $400 billion—of interest on the larger national debt caused by the tax cut. He ignores the $240 billion cost already added to elements of the Bush plan by House Republicans. His plan also ignores the $200 billion cost of revising the Alternative Minimum Tax to prevent an unintended increase in taxes on middle income families, and the $100 billion cost of extending existing tax credits through the decade. In reality, the Bush tax cut will consume $2.5 trillion over the decade.

By consuming $2.5 trillion of the $2.7 trillion available surplus on tax cuts, the Republican budget would leave virtually nothing over the next ten years: to strengthen Social Security and Medicare before the baby boomers retire, to begin the quality prescription drug benefit that seniors desperately need,

to provide the education increases that the nation's children deserve,

to train and protect the American workers whose increased productivity has proved essential to our strong economy,

to advance scientific research,

to improve the nation's military readiness,

to improve the security of family farmers, and

to avoid burdening our children with the debt that we have accumulated.

After the Bush tax cut, we will not have the resources to meet these urgent challenges. There will simply be no money left.

The Democratic plan strikes a balance between tax cuts and addressing these important national priorities. It provides $900 billion to finance tax relief for the American people. This amount would allow a tax rate cut for all taxpayers, marriage penalty relief, and a doubling of the child tax credit. It would also enable us to implement several of the most widely supported targeted tax cuts such as making college tuition tax deductible and providing a tax credit for long-term care costs.

I support a substantial tax cut, such as the one I just outlined, but not one that is so large that it crowds out investment in national priorities like education, health care, worker training and scientific research. Not one that is so large that it jeopardizes Medicare and Social Security. Not one that is so large that it threatens to return us to the era of large deficits.

By authorizing a third of the surplus for spending on the nation's most important priorities, the Democratic plan would enable us to improve education by reducing class size and enhancing teacher quality, to provide senior citizens with meaningful assistance with the cost of prescription drug coverage, to extend health care coverage to many uninsured families, and to expand worker training opportunities and scientific research that will strengthen our economy. These are important initiatives that have overwhelming public support. The Democratic budget allows us to pursue these goals. Unfortunately, the Republican budget does not.

By reserving one third of the surplus for debt reduction, the Democratic plan provides a safety valve should the full amount of the projected surplus not materialize. We are not spending every last dollar of the $2.7 trillion, we propose to hold $900 billion in reserve. If the full surplus materializes, it will be used to pay down the debt. If projections fall short, we will have a cushion.

The $2.7 trillion is only a projected surplus. The Congressional Budget Office itself recognizes that a small reduction in the growth rate of the economy would reduce its surplus estimates by trillions of dollars. Its projection for the next decade is based on a growth rate which the economy has only achieved in 5 of the last 35 years. Forecasting a budget surplus ten years in advance is no more reliable than forecasting the weather ten years in advance. Recent events should vividly remind us how difficult it is to predict the economy even one year ahead. CBO acknowledges that there is a 35 percent chance that the on-budget surplus will be less than half the size it has projected . . . less than half! Without a large reserve, Social Security is vulnerable to a new raid if the projected level of surplus fails to materialize.

In order to truly protect Social Security and Medicare, the budget we adopt must 1. reserve the entire Social Security surplus and the Medicare surplus to pay for future retirement and medical benefits; and 2. devote a substantial portion of the available surplus to strengthen Social Security and Medicare by reducing long-term debt. The Democratic budget does both, and the Republican budget does neither.

The Social Security and Medicare surpluses are comprised of payroll taxes that workers deposit with the Government to pay for their future Social Security and Medicare benefits. Just because the Government does not pay all those dollars out this year does not make us free to spend them. Over the next ten years, Social Security will take in $2.5 trillion more dollars than it will pay out and Medicare will take in $400 billion more dollars than it will pay out. But every penny of this will be needed to provide Social Security and Medicare benefits when the baby boomers retire.

The Republican budget fails to set the entire $2.9 trillion aside to cover the cost of future Social Security and Medicare benefits. It only protects $2 trillion of that amount. The remaining $900 billion is used for other purposes. This threatens the retirement benefits of current workers. While the Bush budget is vague on just how this money will be used, it appears that more than $500 billion of it will be used to finance the Administration's scheme to create private retirement accounts. I believe it would be terribly wrong to take money out of Social Security to finance risky private accounts.

The Republican budget is even more reckless in its treatment of the $400 billion Medicare surplus. The Bush Administration would give the Medicare dollars no special protection. It would co-mingle them in a contingency fund available to pay for their tax cuts and new spending.

The threat posed by the Republican budget to Social Security and Medicare is very real. It removes $900 billion that already belong to these essential programs.

Democrats are committed to keeping Social Security and Medicare strong. We do this by reserving all payroll taxes for the retirement and medical benefits that are now promised to seniors under current law. No qualifications, no exceptions. This commitment means that workers' payroll taxes are not available to fund income tax and estate tax cuts, private retirement accounts, or new spending.

The contrast between the Democratic and Republican budgets on Social Security and Medicare could not be greater. The Democrats would use $900 billion of the available surplus to strengthen Social Security and Medicare by paying down the debt. Republicans would remove $900 billion from Social Security and Medicare, and they would spend these dollars for other purposes.

Many of America's most critical unmet needs are in the areas of health care and education. The surplus affords us an unprecedented opportunity to address these national concerns. Unfortunately, the Republican budget seriously short-changes them both.

One of our highest health care priorities should be assisting seniors with the cost of prescription drugs. America's seniors desperately need access to prescription drugs, and President Bush only provides a placebo. He says the right things about how important it is to provide prescription drugs, but the numbers in the Republican budget prove that his words can not pass the truth in advertising test.

There can be no question about the urgent need for a Medicare prescription drug benefit. A third of senior citizens, 12 million people have no prescription drug coverage at all. Only half of all senior citizens have prescription drug coverage throughout the year. Meanwhile, last year alone prescription drug costs increased an average 17 percent.

The Republican budget provides only $153 billion over 10 years to finance prescription drug assistance for seniors. That amount is woefully inadequate. A real drug benefit available to all seniors would cost more than twice that amount. Yet even the $153 billion which the Republican budget purports to provide is illusory. These are not new dollars. They come out of the $400 billion Medicare surplus which was improperly removed from the Medicare Trust Fund.

Unlike Republican proposals, the Democratic plan would provide drug coverage to all seniors through Medicare. The Democratic budget provides $311 billion to make prescription drugs affordable for seniors. It is the only real way to solve the problem.

The Republican budget also fails to address the needs of the Nation's uninsured. An uninsured family is exposed to financial disaster in the event of serious illness. The health consequences of being uninsured are even more devastating. In any given year, one-third of people without insurance go without needed medical care. The chilling bottom line is that 83,000 Americans die every year because they have no insurance. Being uninsured is the seventh leading cause of death in America. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Candidate Bush severely criticized the Clinton-Gore Administration for what he described as an inadequate response to this crisis. But the budget resolution that his Republican colleagues have presented does nothing meaningful to expand health coverage. In this time of unprecedented budget surpluses, isn't it more important to assure that children and their parents can see a doctor when they fall ill than it is to provide new tax breaks for multi-millionaires?

The Democratic budget provides 80 billion new dollars over the decade to extend health care coverage to uninsured families. Over the last few years, we have made great strides providing health coverage for children. However, there are many more children who still lack basic health coverage. These children, and their entire families, desperately need access to health care. The most effective way to provide health coverage is to insure the entire family. We are committed to taking this next step.

Given how much President Bush has talked about education, it may come as a surprise to hear that education is one of the national priorities he has seriously shortchanged. But, sadly that is what the facts of the Republican budget show. The claim that President Bush increases funding for the U.S. Department of Education by $4.6 billion or 11.5 percent this year is the purest fantasy. Smoke and mirrors produced these numbers.

President Bush counts $2.1 billion that President Clinton and the 106th Congress approved last year as part of this year's increase. If President Bush did nothing on education, almost half of "his increase" would happen anyway. The real increase that he proposes is $2.4 billion—only 5.7 percent above a freeze. And $600 million of the $2.4 billion increase is needed just to keep up with inflation. In reality, President Bush proposes only $1.8 billion in new money for education next year, a mere 4 percent above inflation.

President Bush's education budget is a step backwards. It does not keep up with the average 13 percent annual increase Congress has provided for education over the last 5 years, and it will not enable communities and families across the country to meet their education needs.

This year, schools confront record enrollments of 53 million elementary and secondary school students, and that number will continue to rise steadily, reaching an average six percent increase in student enrollment each year. President Bush's budget fails to keep pace with population growth in schools, and under the budget he proposes, Federal education support per student may well decrease over the decade.

I applaud President Bush for making reauthorization of the Elementary and Secondary Education Act a top priority. I applaud him for challenging the nation to "leave no child behind." But I am disappointed that he has not backed his words with the resources needed to produce the action that we all agree is necessary. The Republican budget will leave many children behind.

In sharp contrast, the Democratic budget would increase investment in education by $150 billion over the decade. It is the second largest spending commitment in the Democratic plan.

This will provide the resources which will enable us to keep pace with the needs of the steadily expanding number of students in our public schools. It will allow us to significantly reduce class size, so that teachers can give individual students the attention they need. It will provide for better professional development for teachers and greater access to information technology in the classroom. It will make after school programs available for children who currently have no where constructive to go. And, it will make college financially attainable for many of the students who simply cannot afford it today. It would be extraordinarily shortsighted to turn our back on these national responsibilities.

All these program cuts are made to finance the Republican tax cut, and the tax cut they would enact is grossly unfair. In reality, the wealthiest 1 percent of taxpayers, who pay 20 percent of all federal taxes, would receive over 40 percent of the tax benefits under their plan. Their average annual tax cut would be more than $54,000, more than a majority of American workers earn in a year.

The contrast is stark. Eighty percent of American families have annual incomes below $65,000. They would receive less than 30 percent of the tax benefits under Bush's plan. The average tax cut those families would receive each year is less than $500. Twelve million low-income families who work and pay taxes would get no tax cut at all under Bush's plan. If we are going to return a share of the surplus to the people, that certainly is not a fair way to do it.

Because the Bush tax cut is slanted so heavily to the wealthy, it is possible to enact a tax cut that costs less than half of President Bush's proposal, yet actually provides more tax relief for working families. That is what the Democratic tax cut would do.

The Democratic tax cut proposal incorporated in our budget would cost $900 billion. It would provide a tax cut for everyone who pays income tax. In addition, it would provide tax relief for the 12 million working families that the Bush plan ignored. These low income families pay substantial payroll taxes, and they too deserve relief. The Democratic plan also provides help to couples currently hurt by the marriage penalty. A tax cut of this size would also allow us to help families by doubling in the child tax credit, making college tuition tax deductible, and providing a tax credit for long term care costs. Such a program would provide greater tax relief for a substantial majority of taxpayers than the far more expensive Bush plan. That is because the tax benefits are distributed fairly.

A close look at President Bush's budget only confirms that indeed we can not have it all. There is no way to provide massive tax cuts, eliminate the national debt, and meet the Nation's priority needs. This Republican budget is a fantasy.

In essence, President Bush is asking working families to sacrifice while the wealthiest families in America collect far more than their fair share. This Republican budget threatens our prosperity and ignores the most fundamental national needs. It does not have the support of the American people, and it does not deserve their support.

Mr. SARBANES. Mr. President, I rise in opposition to the budget resolution currently pending before the Senate. In my view, this budget squanders the extraordinary opportunities before us and moves the country in the wrong direction.

As we work to craft a budgetary plan to carry us through the first decade of the 21st century, we would do well not to repeat the mistakes of the last century, mistakes which could send us back into the deficit ditch from which we so recently emerged. In the early days of the Reagan administration, Congress complied with the President's request for a large tax cut. The Nation felt the negative effects of that tax cut for more than a decade, as Federal deficits grew and the national debt exploded. These were not good economic times for the country.

I am proud to have been a part of the effort in 1993 that helped to turn things around. Working together, the President and Congressional Democrats crafted a package that finally brought the Federal deficit under control. By making difficult but critical decisions to cut Federal programs and raise revenues, we tamed the deficits that plagued the Nation throughout the 1980s. Most Republicans argued at the time that this responsible package would ruin the economy and send markets tumbling. They were dead wrong.

Thanks to the approach we adopted in 1993, the Nation enjoyed a remarkable period of economic prosperity. This disciplined fiscal policy gave the Federal Reserve room to run an accommodating monetary policy that allowed the economy to sustain the longest expansion in U.S. history. The economic expansion brought unemployment down to 4 percent, helped turn budget deficits into surpluses, and produced an expansion in investment that led to rising levels of productivity, which in turn kept inflation at very low levels. It was a remarkable achievement.

Although the economy is now slowing somewhat, I do not believe we should embark on a dramatic shift in our fiscal policy. Doing so would only jeopardize the gains we have made thus far. Instead, we must continue to pursue a balanced approach that combines debt reduction, a short-term tax cut benefitting working people, and spending on urgent national needs.

The budget resolution before us takes exactly the opposite approach. It is unbalanced, proposing to cut taxes by more than $1.6 trillion—or close to $2.2 trillion when associated interest costs are included. I am deeply concerned that if we pass this resolution, we will be repeating the mistake we made in 1981 and squandering the fiscal security we have worked so hard to achieve.

Before I consider the substance of the budget resolution in detail, I would like to take a moment to comment on the process. Our consideration of this budget resolution is unusual even unprecedented—in two important ways. First, we have not had a mark-up in the Budget Committee; instead, we are debating the budget for the first time here on the Senate floor. Second, we are debating the budget resolution without the President's detailed budget submission.

I am proud to be a member of the Senate Budget Committee, the only Committee in the Senate that is uniquely focused on the Federal budget. This year, the Budget Committee has held a series of informative hearings on issues such as tax policy, debt management, Medicare reform, defense, and the impact of future demographic changes on our economic outlook. However, the task before the Committee is not simply to hold hearings, but rather to use the perspective and knowledge gained from those hearings to develop a responsible Federal budget. Chairman DOMENICI's unprecedented failure to hold a markup has prevented us from fulfilling the committee's primary duty.

Even more troubling is the fact that we have not yet received the President's detailed budget submission. We have only the vague outlines, and will not receive the specifics until next week. It defies logic to vote on a budget resolution before we have seen the budget. It is impossible to debate the merits of the President's proposed spending cuts when we have not been told which programs will be cut. Nor can we have an informed debate on the President's tax cut proposals, because the Joint Tax Committee has not been given enough detail about those proposals to estimate their true cost. Nonetheless, the Republican leadership has chosen to move forward with their budget resolution.

Let me turn now to the substance of their proposals. First, I think it is important to understand that this budget resolution is based on very uncertain long-term projections. The limitations inherent in economic projections are clearly illustrated by recent experience: just 6 years ago, in January 1995, the Congressional Budget Office projected that we would finish the year 2000 with a $342 billion deficit. Instead, we saw a surplus of $236 billion—a swing of $578 billion.

In fact, most of the projected surplus over the next 10 years is expected to occur in the outyears, when projections are the most uncertain: almost 65 percent of the unified surplus and almost 70 percent of the non-Social Security surplus are projected to occur in 2007–2011, the last 5 years of the projection period. I believe it would be unwise to commit these uncertain surpluses to large, permanent tax cuts, as the Republican budget does.

Moreover, the tax cuts proposed by the Republicans disproportionately benefit the wealthiest among us, and leave few resources for meeting important national priorities. I strongly believe that any surplus realized in the near future should be seen as an opportunity to pay down the Nation's debt, invest in our Nation's future, and shore up vital programs. I am deeply concerned that the budget resolution before us fails to take advantage of an unprecedented opportunity to ensure that the Federal Government will meet its obligations after the baby boomers retire and beyond. This budget would endanger our hard-won progress and shortchange national priorities that the American people want to see addressed. The budget does not ensure that Social Security and Medicare funds will be safeguarded to pay current obligations, but instead allows these funds to be diverted for other purposes. The budget devotes insufficient funds for a Medicare prescription drug benefit. Deep cuts would be required in a variety of crucial programs.

Let me highlight some of the ways in which this budget fails to meet America's urgent priorities. We are facing a number of critical infrastructure needs. For example, EPA estimates that some 218 million Americans still live within 10 miles of a polluted body of water—a river, lake, beach or estuary. Nearly 300,000 miles of rivers and streams and approximately 5 million acres of lakes still do not meet state water quality goals. National treasures like the Chesapeake Bay and Great Lakes still face significant water quality problems from municipal discharges of nutrients and other pollutants. Thousands of communities across the country have separate sanitary sewers or combined sewers which experience overflows under certain conditions, sending raw sewage into nearby waters, posing significant public health and environmental risks. Published studies have estimated that contaminated drinking water is responsible for nearly 7 million cases of waterborne diseases and approximately 1,200 deaths in the U.S. each year.

In February, the Water Infrastructure Network (WIN), a coalition of local elected officials, drinking and wastewater service providers, contractors, unions, and environmental groups, released a report which identified a need for a $57 billion Federal investment to replace aging and failing drinking water, sewer, and stormwater infrastructure over the next 5 years. The report found a gap of $23 billion per year between infrastructure needs and current spending. Similar assessments by EPA and others have also estimated water treatment and drinking water needs in the hundreds of billions of dollars.

If we are to provide clean and safe water for everyone in America, we need to invest in upgrading and maintaining our wastewater and drinking water systems. The budget resolution fails to address these needs.

The budget resolution also fails to address what I consider one of America's most vital priorities—ensuring that all Americans live in decent, safe, and affordable housing. Even as the Nation has achieved record levels of homeownership, we are facing a shortfall of affordable rental housing that is reaching crisis proportions. According to HUD, nearly 5 million American families, despite years of economic growth, job growth, and income growth, continue to suffer from what are called "worst case" housing needs. This means that they pay over half their income in rent.

Take a minute to imagine that. If you were paying half your income in rent, what would you do if your child fell ill and you had an unexpected medical bill? What would you do if your car broke down and needed to be repaired? What would you do if energy prices skyrocketed, forcing you to pay more to heat your home? You'd be forced into a hobson's choice that could result in your losing your job or your home.

A more expansive study by the Center for Housing Policy shows that millions more American families, including 3 million working households, suffer from the same critical housing need. Yet, the budget resolution follows the proposals made by the President to cut the federal housing budget by a total of $1.3 billion, or 5 percent below the freeze level. When you take inflation into account, the cut is really about 8 percent, or $2.2 billion. Specifically, the President proposed that 25 percent of the public housing capital fund be eliminated. This proposal is made in the face of documented capital needs in excess of $20 billion, a backlog that has been confirmed by independent studies.

In 1998, we worked on a bipartisan basis to reform the public housing program. We passed a strong bill that greatly increased local flexibility, and asked housing authorities to be more creative in seeking out new sources of capital to meet their capital needs. Many housing authorities have done just this, working with Wall Street to sell bonds backed by capital account appropriations. The success of this whole endeavor is now put in doubt because of the proposed cuts.

The Republican budget also cuts CDBG by over $400 million, eliminates HUD's small, but important rural housing program, and unnecessarily constrains state and local governments in their use of HOME funds. In addition, the budget inexplicably terminates the Public Housing Drug Elimination Program (PHDEP), arguing that, somehow, evictions solve the problem. PHDEP funds are used to provide tutoring to children; they help provide effective alternatives to keeping kids off the streets, out of gangs, and away from trouble. These funds pay for increased security and increased police presence. They are an integral part of the effort to keep drugs out of public housing. It is preventive medicine, and it is an investment that pays back well in excess of its cost.

These are only a few of the many examples one could cite to show that the budget resolution we are considering today does not invest in America's future, but instead turns us back toward the past.

The Democrats have proposed a responsible budget alternative which balances the need for debt reduction, targeted tax cuts, and investment in critical national needs. The Democratic alternative fully protects the Social Security and Medicare surpluses to ensure that we will be able to meet our obligations to America's seniors, now and in the future. The alternative provides for a meaningful, affordable, and universal prescription drug benefit, and devotes real resources to meeting pressing needs in education, defense, and our national infrastructure. For example, the alternative restores the cuts proposed by the President for the Corps of Engineers civil works program. A safe, reliable, and economically efficient water infrastructure system is vital to our Nation's economic well being and quality of life, and I am proud to say that the Democratic alternative recognizes the importance of the Corps' civil works program.

The alternative recognizes the importance of funding our international affairs account, which includes both State Department operating expenses and foreign operations. At a time when the need for U.S. global leadership is greater than ever, I am pleased to say that the Democratic alternative does not shrink from funding these responsibilities.

In the area of housing, the Democratic alternative makes sure that public housing authorities can continue to maintain and upgrade their developments. In fact, not only does it maintain capital levels, but it adds $200 million per year to the operating subsidy, so that public housing agencies, who house our poorest, most vulnerable citizens, can pay their rising energy bills. In fact, the Democratic alternative restores all the cuts in housing included in the President's blueprint, including restoring the PHDEP program, and all the activities it supports. In addition, it adds another $2 billion over 10 years to get the federal government back in the business of financing the construction of affordable housing through the HOME program, which is a proven, effective delivery system.

In addition, the Democratic alternative ensures funding for some less visible, but no less vital programs. We would fund the Assistance to Firefighters Grant Program, run by the Federal Emergency Management Agency, at the full authorized level, ensuring that our nation's first responders have the resources they need to safeguard America's citizens from the dangers of fire. The Democratic alternative supports liveable communities by funding mass transit programs, environmental protection efforts, and law enforcement programs. These may not be high-profile issues, but they address very real needs felt by many Americans—needs which are not addressed by the Republican budget before us.

We have come far economically and must be very careful as we move forward so as not to return to the deficits which hampered our economic growth for so long. In my view, we must emphasize paying down the national debt, protecting Social Security and Medicare, increasing spending for programs important to our Nation's future, and providing short-term tax cuts for working Americans. The Republican budget falls far short of the mark in almost every respect. I strongly oppose this resolution, and I urge my colleagues to reject it.

Ms. SNOWE. Mr. President, today marks an historic occasion for the Senate. At the end of this fiscal year, not only will the federal government have run a balanced budget without the use of the Social Security surplus for a third consecutive year, the first time that has happened since 1947 to 1949—but the budget resolution we are now considering would reduce the publicly-held debt to its lowest level since World War I.

No longer is business in Washington defined by the terms "deficit" and "debt". "Fiscal responsibility" has been reintroduced into the political lexicon and the result should prove a welcome relief not only to this generation but to those yet unborn generations that will be spared the mountain of debt we would otherwise bequeath in a legacy of lavish spending and fiscal recklessness.

In light of these on-budget surpluses we now enjoy and the era of surpluses we are projected to see over the coming ten years, I would especially like to thank the Chairman of the Senate Budget Committee, Senator PETE DOMENICI, for his unwavering commitment to balanced budgets and responsible decision-making.

Thanks in large part to his leadership and his tireless efforts, the turbulent waves of annual deficits and mounting debt that have rocked this place for decades have been calmed. And, if we are willing to adhere to the kind of sound principles expounded for years by my colleague from New Mexico, in this year's budget resolution and others to come, we may be able to maintain the current budgetary calm for many years into the future.

The budget resolution we are now considering not only maintains fiscal discipline, but it does so within a framework that ensures America's priorities are protected and addressed in fiscal year 2002 and beyond. If the budget is a roadmap, this budget will point us toward four critical goals:

First, it protects every penny of the Social Security and Medicare surpluses in upcoming years.

Second, over the coming ten years, it pays down as much of the publicly-held debt as is considered possible, reducing it to its lowest level since 1916.

Third, it provides a substantial funding increase for discretionary spending programs, including education and defense, and, thanks to the adoption of the Grassley-Snowe amendment yesterday, it includes significant funding for a new prescription drug benefit.

And, fourth, from the non-Social Security surplus that remains, it provides tax relief for Americans during a time of rising economic uncertainty, and a time when the typical family's tax burden exceeds the cost of food, clothing, and shelter combined.

Collectively, I believe these principles and priorities reflect those of most Americans, especially the commitment to protecting Social Security and Medicare surpluses and buying-down publicly-held debt. Accordingly, I believe this resolution deserves broad bipartisan support in the Senate and, ultimately, by the entire Congress.

To truly appreciate how momentous the principles and policies reflected in this budget really are, one need only compare it to where we have been, and where we currently stand, on both tax and spending policies.

As many of my colleagues are all too aware, it was not that long ago that the notion of buying-down federal debt would have been considered akin to a winter without snow in my home state of Maine, or maybe the Boston Red Sox winning the World Series. Except that, when it came to actually reducing the debt, it wasn't even a case of "wait 'till next year". It was more like "Waiting for Godot."

Yet, unlike Godot, the days of paying down our debt are real and have actually arrived. Through a growing economy and fiscal austerity, the federal government has not only paid down more federal debt over the past three years than at any time in history, $363 billion overall, but we now stand poised to buy-down as much of the debt as is considered financially feasible within the next ten years.

While there are understandable differences of opinion on the precise amount of federal debt that can be retired over this time frame, the simple fact is that this budget resolution calls for the retirement of 2.4 trillion dollars of debt over the coming ten years, leaving the publicly-held debt at just over $800 billion in the year 2011. Of note, this level of publicly-held debt, which is the so-called "irreducible" level of debt according to CBO, is even lower than the $1.2 trillion "irreducible" debt level that was identified by both the current administration and the Clinton Administration in its January 2001 report.

By the same token, the spending increases contained in this budget are not only significant—especially when compared to recent history—but targeted toward specific and demonstrated needs.

As my colleagues are aware, it was not that long ago that discretionary spending rarely, if ever, saw an annual increase. In fact, discretionary spending was essentially frozen between 1991 and 1996, with total outlays only $1 billion higher in 1996 than in 1991. Furthermore, from 1996 through the end of the decade, discretionary spending grew at an annual rate of 3.7 percent.

In contrast, this budget resolution provides for an increase in discretionary spending of four percent, a rate even higher than inflation. And although such an increase may not placate those who would prefer that the discretionary spending jumps of the past two years become the norm, the bottom line is that anyone who would have proposed a four percent increase during the past decade would have been considered a "profligate spender"!

In addition to providing a substantial increase in discretionary spending, this budget also provides much-needed funding for a new Medicare prescription drug benefit.

As my colleagues are aware, the need for a new Medicare prescription drug benefit could not be more clear. When Medicare was created in 1965, it followed the private health insurance model of the time—in-patient health care. Today, thirty-six years later, the expiration date on this prescription for health care—treating patients in hospitals rather than treating them at home, has long since come and gone. Correspondingly, the lack of a prescription drug coverage benefit has become the biggest hole, a black hole really, in the Medicare system.

With tremendous leaps in drug therapies occurring almost daily, it is time to bring Medicare "back to the future". It is time to provide our seniors with prescription drug coverage.

In my view, a solution to this pressing problem can't come soon enough. Drug coverage should be part and parcel of the Medicare system, not a patchwork system where some get coverage and some don't. Prescription drug coverage shouldn't be a "fringe benefit" available only to those wealthy enough or poor enough to obtain coverage. It should be part and parcel of the Medicare system that will see today's seniors, and tomorrow's into the 21st Century.

Accordingly, I made the funding of a new prescription drug benefit my highest priority over the past three years on the Budget Committee. And I'm gratified that those efforts—which led to $20 billion being set aside for this purpose in the FY00 budget resolution, and $40 billion in the FY01 budget resolution, have helped pave the way for $153 billion being set aside for prescription drugs in this year's budget resolution, and an additional $147 billion being added for this purpose due to yesterday's adoption of the Grassley-Snowe amendment.

As the Chair of the Finance Subcommittee on Health, I will be doing everything I can to help craft and enact a strong, reliable Medicare prescription drug benefit this year, and in that light I'd especially like to thank the Chairman of the Finance Committee, Senator GRASSLEY, for committing himself and our Committee to developing such a benefit by the August recess. And with the additional monies the Grassley-Snowe amendment provided for this purpose, I am confident that we will not only meet this goal, but also ensure that the benefit we create will be meaningful and secure for years to come.

After we have set aside the Social Security and Medicare surpluses . . . after we have paid down as much debt as possible over the coming 10 years . . . and after we have provided for substantial but responsible and necessary increases in discretionary spending and resources for a new Medicare prescription drug benefit, only then, from the remaining on-budget surpluses, do we provide for a tax cut.

And there should be no mistake, this is much-needed tax relief for the American people. As outlined earlier, I believe that, given growing economic uncertainty, a tax cut is not only warranted in terms of returning some of the surplus to those who created it in the first place, the American people, but also in terms of the well-being of our economy. As for the need, the numbers speak for themselves.

Economic growth has slowed considerably over the past two quarters. Consumer confidence has fallen precipitously since November and only stabilized this past month. The NASDAQ dropped 26 percent during the last quarter and is down 66 percent from its high of 13 months ago. The Dow has dropped nine percent over the past two months alone, with the S&P 500 dropping 16 percent over the same period of time. And reports of layoffs are coming with increased frequency, even as more and more "dot-coms" continue to close their doors and "virtual reality" has turned into harsh reality for countless investors.

While a tax cut may not actually prevent a recession if one is in the offing, it would—as Federal Reserve Chairman Alan Greenspan stated before the Senate Finance Committee—act as "insurance" should our recent downturn prove to be more than an inventory correction. Given the warning signs in the economy, I believe that's an insurance plan that Congress can't afford to forgo, lest we later be justifiably accused of "fiddling while Rome burns."

But it's not just the economy that could use a break, it's also the American taxpayer, especially when you consider that a typical family now pays more in taxes than for the cost of food, clothing, and shelter combined. And, as a percent of GDP, federal taxes are at their highest level, 20.6 percent, since 1944, and all previous record levels occurred during time of war, 1944, 1952, and 1969, or during the devastating recession of the early-1980s in which interest rates exceeded 20 percent and the highest marginal tax rate was 70 percent.

Given this confluence of circumstances, both economic uncertainty and an historically high level of federal taxes, I believe a portion of the remaining on-budget surplus should be utilized for a tax cut. And by providing the blueprint for a tax cut of up to $1.6 trillion over the coming 10 years, Congress will have the ability to make a determination on both the appropriate size and content of such a package in the weeks ahead.

At the same time, I understand the concerns that have been raised about the certainty of long-term economic and budget projections. Accordingly, I found Federal Reserve Chairman Alan Greenspan's recent testimony before the Budget Committee very compelling, especially his suggestion that we create some type of trigger mechanism linking tax and spending policies to actual budgetary performance in the future.

Specifically, Chairman Greenspan stated that long-term tax and spending initiatives should "be phased-in" and should include ". . . provisions that, in some way, would limit surplus-reducing actions if specified targets for the budget surplus and federal debt were not satisfied."

Because the surplus is projected to grow successively larger over the coming 10 years, with two-thirds of the $3.1 trillion surplus accruing in the final five years, any new tax cuts or spending proposals will be forced to be phased-in if we are to preserve the Social Security and Medicare surpluses. Indeed, key provisions of the recent Bush tax proposal, including the marginal rate reductions, are phased-in.

Accordingly, given Chairman Greenspan's suggestion, I believe it would be prudent for the Congress to enact a trigger that links future tax cuts and spending increases to specific targets for debt reduction. Such a proposal would ensure that all "surplus reducing actions", both tax cuts and spending increases, are contingent on actual fiscal performance.

Consistent with Chairman Greenspan's proposal, I worked with Senator BAYH in developing a set of principles underlying a trigger mechanism, and joined in introducing these principles in a bipartisan, bicameral manner last month. The three-point principles we developed, and that were introduced with a total of 11 bipartisan cosponsors in the Senate, were as follows:

> First, long-term, surplus-reducing actions adopted during the 107th Congress should include a "trigger" or "safety" mechanism that links the phase-in of such proposals to actual budgetary outcomes over the coming ten years;
>
> Second, the trigger will outline specific legislative or automatic actions that shall be taken if specific levels of public debt reduction are not achieved;
>
> Third, the trigger will only be applied prospectively and not repeal or cancel any previously implemented portion of a surplus-reducing action. In addition, enactment of the trigger will not prevent Congress from passing other legislation affecting the level of federal revenues or spending should future circumstances dictate such action.

Ultimately, we believe the adoption of such a trigger mechanism will ensure that fiscal discipline and debt reduction remain our top priorities as the projected surplus is designated for various purposes during the months ahead. Ultimately, if the surpluses materialize as projected, the trigger would have absolutely no impact on any tax or spending proposals enacted during the 107th Congress. But if they do not, the trigger will provide an added level of fiscal discipline that will prevent a return to annual budget deficits and increased federal debt.

Given the fact that, only a few weeks ago, some argued that a trigger was essentially "dead," I would like to thank Chairman DOMENICI for agreeing to include these principles in the budget resolution that he planned to offer on the floor. Unfortunately, due to a ruling by the Parliamentarian, I understand that these and other provisions—including the Medicare Lock-box and the tax cut reconciliation instructions—were subsequently removed.

While the removal of the trigger principles from the Senate budget resolution is a disappointment, I am pleased that momentum for this idea is clearly growing. Not only were these principles nearly part-and-parcel of this year's budget resolution, but Senator BAYH and I are now in the process of converting these principles into an actual legislative mechanism—and I know that other members are seeking to craft their own mechanisms.

By protecting Social Security and Medicare surpluses, buying down debt, providing substantial funds for a new Medicare prescription drug benefit, enhancing funding for shared priorities such as education and defense, and only then cutting taxes, I believe the Senate budget resolution deserves strong support.

Ultimately, while members from either side of the aisle may disagree with specific provisions in this resolution, the amendment process we are now undertaking provides each of us with the opportunity to offer or support changes that better reflect our priorities. Furthermore, the simple fact is that this is a budget framework, or "blueprint", that establishes parameters and priorities, but is not the final word on these individual decisions. Rather, specific spending and tax decisions will initially be made in the Appropriations and Finance Committees, and ultimately by members on the floor.

Therefore, I am hopeful that amendments offered to this framework do not harm the broad and reasoned parameters that have been set, and commend the Chairman DOMENICI, again, for his efforts in crafting this balanced resolution.

Mr. ROCKEFELLER. Mr. President, earlier today I filed an amendment to the Budget Resolution to increase funding for the Federal Bureau of Investigation by $39 million a year, adjusted for inflation. As a new member of the Senate Select Committee on Intelligence, and as a Senator representing a rural state that has encountered FBI staffing shortfalls for many years, I believe it is imperative that among our national budget priorities we include adequate funding to address the threat of international terrorism and the spread of urban crime to our rural towns and counties.

In the past few years, Congress has increased the number and scope of federal criminal laws, thereby increasing the responsibilities of the FBI, as well as other federal law enforcement agencies. Because of these changes, and the assistance and technical expertise these agencies give to local law enforcement agencies throughout the country; federal law enforcement resources have been stretched thin. In the Fiscal Year 2001 Commerce-State-Justice Appropriations process, we recognized the need to keep the FBI fully staffed, and we required the Bureau to fully fund salaries and benefits for all authorized "workyears" for special agents and support staff. In order to do this, Director Freeh and his staff were required to reprogram $42 million from the agency's equipment and infrastructure accounts to satisfy this need.

Given the expanded responsibilities of the Bureau, this type of "robbing Peter to pay Paul" would be troubling enough. However, the budgetary gymnastics required of the FBI to get through this fiscal year is just a small example of a much more dangerous trend in our funding of federal law enforcement agencies.

Unless we address this funding issue, by the end of the current fiscal year the FBI will have suffered the net loss of 521 special agents since the beginning of Fiscal Year 2000. In preparation of its budget request for Fiscal Year 2002, Director Freeh determined that in order to maintain salary and benefit levels, the Bureau would need to reduce its staffing by 336 agents and 521 support staff. This force reduction will require the cancellation of almost all of the New Agent training classes for the remainder of this year, and may put in jeopardy another 182 special agent positions and 248 support positions planned for Fiscal Year 2002.

This situation is simply untenable for rural states like my home state of West Virginia. After discussions with our U.S. Attorneys over the past few years, I have come to share their frustration over difficulties in carrying out law enforcement activities in West Virginia because of a shortage of resident agents in all of the federal agencies operating in the state. Having too few federal agents in West Virginia has affected numerous federal criminal investigations and prosecutions. Joint state-federal drug interdiction operations in West Virginia, although successful, require a level of participation by federal law enforcement agencies that current staffing levels sometimes prevent.

Perhaps in the past, it made sense to concentrate our federal agents in big cities. Today, unfortunately, many of the crime problems of our cities have infected rural America. Sadly, West Virginia is not immune from this contagion. I believe the funding increase I have outlined here is absolutely necessary to provide West Virginia and other rural states with the federal law enforcement resources they will need to investigate, fight, and hopefully, prevent crime.

Mr. President, as the Ranking Member of the Committee on Veterans Affairs, I must voice my concern about the level of funding for veterans' health care and benefits proposed in the Senate Concurrent Resolution on the FY 2002 Budget.

If the Department of Veterans Affairs is funded at the level that the Budget Resolution provides, a $1 billion increase over the FY 2001 appropriation, which might appear generous at first glance, we can expect VA to eliminate staff, delay providing health care and benefits, and slash vital programs.

Much, if not all, of this proposed increase would be consumed in merely overcoming inflation in the costs of providing medical care. It simply will not meet VA's needs in the next fiscal year. As we strive to cut taxes in a responsible manner, we must also anticipate and address the concerns of the men and women who served this Nation.

The alliance of veterans service organizations that authors the Independent Budget for Fiscal Year 2002, AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars, rightly concluded that "more must be done to meet the increasing needs of an aging veteran population, adapt to the rising cost of health care, enhance and facilitate benefits delivery, and maintain the continuity of funding for VA programs as a whole."

The Budget Resolution before us would not allow us to fulfill those obligations. We must ensure VA a level of funding that will minimize the impact of inflation, fund existing initiatives, and allow the system to move forward in the ways we all expect.

Urgent demands on the VA health care system make increased funding essential. The landmark Veterans Millennium Health Care and Benefits Act of 1999 significantly expanded VA noninstitutional long-term care, which for the first time is available to all veterans enrolled with the VA health care system. As we contend with the dilemma of developing long-term care for all Americans, VA will begin this effort with our Nation's veterans. The Congressional Budget Office estimates that the VA noninstitutional extended care program will cost more than $400 million a year. We must supply adequate funds to fulfill this legislative mandate.

The Millennium Act also ensures emergency care coverage for veterans with no other health insurance options. Necessity demands this costly provision: nearly 1 million veterans enrolled with the VA are uninsured and in poorer health than the general population. Although this new benefit has not yet been either implemented or publicized, claims are already mounting.

Medical inflation and wage increases, factors beyond VA's control, have been estimated to devour nearly $1 billion of VA's budget annually. At the same time, more and more veterans are turning to the VA for health care. In my own state of West Virginia, the number of veterans seeking care from VA has increased, despite a declining total number of veterans statewide. As an example, the Martinsburg VAMC saw its new enrollees increase by 24.7 percent over the last 2 years. Rapidly expanding enrollment at all four West Virginia VA medical centers has jeopardized their ability to provide high quality care in a timely fashion. Unfortunately, similar examples can be found throughout the Nation.

Between new initiatives, long-term care and emergency care coverage, and simply maintaining current services, we must secure an increase of $1.8 billion for health care alone.

Unfortunately, maintaining current services may not be enough to ensure that VA can meet veterans' health care needs. The aging veterans population faces chronic illnesses and newly recognized challenges, such as the disproportionate burden of hepatitis C, that will further strain VA facilities. We must anticipate the difficulties of treating complex diseases and ensure that we do not neglect the needs of veterans with multiple, coincident medical problems.

If we simply maintain current services, can we expect VA to restore the capacity for PTSD and spinal cord injury treatment to the 1996 legislatively mandated level? In West Virginia, many veterans not only wait months for specialty care, they have to travel hundreds of miles to get it. We can depend on community outpatient clinics to increase veterans' access to primary health care, but we must also ensure that the many veterans who require more intensive, specialized services can turn to adequately funded inpatient programs.

VA research not only contributes to our national battle against disease, but enhances the quality of care for veterans by attracting the best and brightest physicians. The Budget Resolution allows, at best, for a stagnant research budget. Not only will this slow the search for new and better medical treatments, but it could weaken efforts to protect human subjects in

VA-sponsored studies. As increase of $47.1 million will be required merely to offset the costs of inflation and to monitor compliance with increasingly stringent research guidelines.

Savings may be gained through more resourceful management of VA hospitals and clinics, a possibility that VA is pursuing through its Capital Asset Realignment and Enhancement Studies, CARES. In the meantime, efficiencies should not come at the expense of veterans who turn to the VA health care system for needed treatment, nor should VA neglect essential repairs and maintenance of its infrastructure while awaiting the outcome of the CARES process. Accommodating the backlog of urgently needed construction projects will require an increase of $280 million. A shortsighted focus on immediate gains, by delaying essential projects or neglecting existing facilities, may compromise patient safety and prove even more costly to VA and veterans in the long run.

The Veterans Benefits Administration also faces challenges that require additional funding for staffing. One of these challenges results from an aging workforce. Projections suggest that 25 percent of current VBA decisionmakers will retire by 2004. These losses would be in addition to the staff that has already left service. It takes 2–3 years to fully train a new decisionmaker. Therefore, it is critical that VBA hire new employees now to fully train them before the experienced trainers and mentors have retired.

In addition to this looming succession crisis, extensive new legislation enacted in 2000 will severely affect VBA's workload. Sweeping enhancements to the Montgomery GI Bill are expected to double VA's education claims work. New legislation reestablishing the "duty to assist" veterans in developing their claims, regulations presumptively connecting diabetes to Agent Orange exposure in Vietnam veterans, and new software systems intended to improve the quality of decisionmaking have severely affected VBA's workload and slowed output. West Virginia veterans are already receiving letters from the VA regional office warning them to expect a 9–12 month delay for even initial consideration of their new claims.

If VBA is unable to hire new staff, the increasing backlog of claims, which is already unacceptable, would reach abominable levels. Without an increase in staffing, the backlog of claims is expected to grow from the current 400,000 claims, up from 309,000 in September 2000, to 600,000 by March 2002. VBA will need a minimum increase of $132 million to acquire the tools, staffing and technology, to avert this escalating disaster.

The mission of the National Cemetery Administration, NCA, providing an honorable resting place for our Nation's veterans, is becoming more difficult as we face the solemn task of memorializing an increasing number of World War II and Korean War veterans. It is estimated that 574,000 veterans died last year. The aging of the veterans population is placing additional demands on NCA in interments, maintenance, and other operations. VA has attempted to meet this demand by opening four cemeteries over the last 2 years and planning construction of the six new cemeteries authorized by Congress in 1999. It is estimated that an increase of $21 million will be required to develop these cemeteries.

Increases are also required to maintain the VA's National Shrine Commitment. We must preserve our national cemeteries so that they do not dishonor those who died serving their country. Sunken graves, damaged headstones, and even structural deficiencies cannot be tolerated. We applaud VA's commitment to this initiative and encourage VA to continue the project. In order to rise to this task and operate its current facilities, NCA will require an increase of at least $13 million for a total appropriation of $123 million.

While we consider the best way to cut taxes responsibly, we mustn't lose sight of our obligations. We all need to agree on how much should go to tax cuts and how much should be saved to strengthen Medicare, invest in education, and fully address the needs of the men and women who have served our country. I anticipate that during the debate on the budget resolution, the Senate will be asked to increase the funding for VA. I urge you all to remember our nation's promise to our veterans and their families as we deliberate on the critical priorities that will shape their future.

Mr. DOMENICI. Mr. President, I am very pleased that by adopting the budget resolution today, the United States Senate has endorsed the President's recent proposal that would provide mandatory funding for the now-bankrupt Radiation Exposure Compensation trust fund.

We passed the Radiation Exposure Compensation Act in 1990 to provide fair and swift compensation for those uranium miners, Federal workers, and downwinders who had contracted certain debilitating and too often deadly radiation-related illnesses. These individuals helped build our nation's nuclear arsenal and it is unconscionable that there is no funding to indemnify them for their sacrifice and suffering.

Since last May, those who have had their claims approved are receiving only an IOU from the Justice Department. Today we have taken the first step in rectifying this injustice.

The Bush proposal is within the defense function of the budget and would be a declining expenditure from about $100 million in 2002 to less than $5 million at the end of the decade. Total mandatory expenditures budgeted for this program is assumed to be $710 million over the next 10 years. In addition, to our positive actions today, I have introduced, along with Senator HATCH, legislation that would provide the appropriate funding for the Radiation Exposure Compensation trust fund. We are seeking our colleagues support in moving this legislation expeditiously through the Senate.

It is vital that we act quickly to ensure that these victims who gave so much for our nation are never again left holding nothing more than a government IOU.

Mr. REID. Mr. President, I rise today to express my sincere gratitude that the Senate agreed to and accepted my amendment late last evening which is of vital importance to our Nation's veterans.

This amendment will address a resource requirement for a bill that I introduced on January 24, 2001, S. 170, the Retired Pay Restoration Act of 2001, which incidently has over 45 cosponsors and bipartisan support.

The list of cosponsors on S. 170 include the distinguished majority and minority leaders, the chairman and ranking member of the Armed Services Committee. I also would like to recognize Senator HUTCHINSON for his assistance on this legislation.

This amendment will provide funding to correct a 110-year-old injustice against more than 450 thousand of our nation's veterans.

We have repeatedly forced the bravest men and women in our Nation—retired, career veterans—to essentially forgo receipt of a portion of their retirement pay if they happen to also receive disability pay for an injury that occurred in the line of duty.

This requirement discriminates unfairly against disabled career soldiers by fundamentally requiring them to pay their own disability compensation.

S. 170 will permit retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

We are currently losing over one thousand WWII veterans each day. Every day we delay acting on this legislation means that we have denied fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This amendment will ensure that we have the resources necessary to properly fund this legislation and honor those who served our Nation—our veterans.

Recently, President Bush stated that he would support senior veterans.

I urge President Bush to do just that and not to leave our veterans behind. Our veterans have earned both of these entitlements—now is our chance to honor their service to our Nation.

We need to be fiscally responsible and protect social security, provide a prescription drug benefit, fund education, ensure a strong and stable military, continue to pay down the debt, and to ensure the funding is available for our Nation's veterans.

The current prosperity of this nation can partially be attributed to the success of past wars and our Nation's veterans. I am unwilling to jeopardize the domestic dividends that will materialize over the next generation for the health and welfare of our veterans and their families.

We have made a commitment to these great Americans. We must ensure that our Nation's veterans receive the dividends of our current surplus.

Accepting the amendment I offered last evening is simply righting the wrong. Our veterans waited silently when there was no money to pay for this legislation, but today there is a budget surplus which provides the perfect opportunity to honor their service to this great Nation.

Mr. CONRAD. Mr. President, we can go to final passage.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are finished. We are ready to vote on final passage. I do not believe after all these long hours that anyone wants to hear a speech from anyone, regardless of how eloquent the speaker.

Mr. WELLSTONE. Mr. President, I really would like to hear Senator DOMENICI for a while.

Mr. DOMENICI. He is just one of the few, Mr. President. In any event, we have nothing further. The next vote is final passage.

The PRESIDING OFFICER. Are the yeas and nays requested?

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the substitute amendment, as amended, is agreed to.

The amendment (No. 170), as amended, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to H. Con. Res. 83, as amended.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—65

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—35

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Feingold
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

The concurrent resolution (H. Con. Res. 83), as amended, was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

KLAMATH BASIN WATER CRISIS

Mr. SMITH of Oregon. Mr. President, the Senate has just completed a long week debating a budget that I believe will help the American people in many ways, and I am proud of that work. But there are thousands of people in southern Oregon who are today getting some very bad news: the water on which the future of their farms and families depend will not be delivered this year.

As I speak, my state is currently experiencing its worst drought in seventy-seven years. And while the lack of irrigation water is not completely the fault of the federal government, the situation has been exacerbated by the actions of federal agencies, primarily the Fish and Wildlife Service and the National Marine Fisheries Service, that have authority over the quantity of water provided to the farmers and ranchers of the Klamath Basin. In the midst of this natural disaster, these two agencies have issued new requirements that increase lake levels in the Upper Klamath Lake as well as streamflows down the Klamath River. These edicts were issued in spite of admissions by Bureau of Reclamation officials that the proposed water levels are not attainable this year, even if there are no agricultural deliveries.

For eight years, the Clinton Administration waged war on hard-working people who depend on natural resources to sustain their families and their communities. Sharp reductions in timber sales and the growth of onerous regulations has already weakened the economy of the Klamath Basin. Now, without irrigation water the economy stands to lose almost $144 million. This cannot be allowed to happen.

When President Bush was elected, the people of Southern Oregon breathed a collective sigh of relief, believing that help was on the way. And although this decision was set in motion by the prior administration, my constituents cannot help but wonder if better days are yet to come. Unfortunately, one thing they do know for sure is that worse times are coming this year. I do not doubt the President's dedication to farmers, ranchers, and others in the wide rural expanses throughout this land. But I do understand that many of the people in the Klamath Basin cannot help but question this administration's commitment to their needs.

While I appreciate the intermediate assistance the administration has offered, I have to again ask the President to reexamine the draconian orders that have turned a difficult drought into a crisis of immense proportions. In the meantime, I promise the people of the Klamath Basin that I will continue to fight for their needs and for the needs of their families until this dire mistake is rectified.

SUPPORT FOR THE HOPE FOR CHILDREN ACT

Mr. JOHNSON. Mr. President, adoption is a rewarding, but often expensive and frustrating option for many South Dakota families. As a member of the bipartisan "adoption caucus" in the Senate I have tried to make adoption a more viable option for loving parents. During the past couple of years, we have made major improvements in adoption policy including legislation: giving parents of adopted children the same time-off rights as those who give birth; outlawing racial or ethnic discrimination in adoption; automatically giving foreign-born adoptees American citizenship; and implementing international agreements to outlaw trafficking in children and promoting international adoption.

These laws have resulted in an increase of adoptions nationwide by cutting much of the paperwork and bureaucracy of the adoption process. Yet there are still almost half a million kids in foster care nationwide, and a large number of those are minorities and kids with special needs. There are even more families who want to adopt, but simply can't afford to. More needs to be done. For too many South Dakotans, adoption is not an option because of the high costs associated with it. By some estimates, an adoption can cost upwards of $25,000 in fees, paperwork, and legal assistance.

I am pleased to be an original cosponsor of bipartisan legislation called the Hope for Children Act. This bill will help South Dakotans choose adoption by increasing the current tax credits for non-special needs children and special needs children to $10,000. This bill will also make the tax credit permanent, adjust the credit for inflation, and increase the income cap for families to be eligible for the tax credit.

I have talked with a number of South Dakotans who have adopted children with special needs, and I discovered that changes needed to also be made to the types of adoption expenses that can be credited. For example, families adopting a special needs child may have to buy a wheelchair or special van for the adopted child with a physical disability. Counseling may also be needed for the family to cope with the extraordinary challenges of a child with special needs. Instead of being limited to the adoption expenses that the Internal Revenue Service decides are allowable, these families would be entitled to the full credit and exclusion under the Hope for Children Act.

South Dakota families will receive tax relief by the end of this year. The amount that each family gets will be the result of a spirited, yet constructive debate that will take place here in Congress. Throughout this discussion, I will continue to emphasize the need to make changes in our tax code that encourage new and growing South Dakota families through adoption.

SINKING OF THE F/V "ARCTIC ROSE" OFF THE COAST OF ALASKA

Mr. BURNS. Mr. President, I would like to take a moment to make note of the 15 people who have lost their lives in the waters off the coast of Alaska. On Tuesday, April 2 the U.S. Coast Guard received a distress signal from the vessel *Arctic Rose*. The *Arctic Rose* sank with all hands on board in the Bering sea, some 200 miles northwest of St. Paul Island. I would like to join my colleagues from the home states of these people to recognize those whose lives were lost in this tragic event, and would ask that their names be entered into the record.

Aaron Brocker, Jimmy Conrad, Robert Foreman, Edward Haynes, G.W. Kandris, Kenneth Kivlin, Jeff Meinche, and Mike Olney, all from Washington. Kerry Egan from Minnesota. Angel Mendez from Texas. Michael Neureiter from California. Dave Rundall from Hawaii. Shawn Bouchard and James Mills from Montana. I am sure I join with all members of Congress and express our sincerest condolences to the families of these men.

Mrs. MURRAY. Mr. President, I rise today to express my deep condolences to the family and friends of the 15 men who were aboard the *Arctic Rose*, which was lost at sea on April 2, 2001. On March 31, 2001, the trawl vessel left St. Paul Island, AK to fish for flathead sole in the Bering Sea. The boat was supposed to be at sea for about two weeks.

Sometime during the early morning of April 2, however, something happened that caused the *Arctic Rose* to go down. We still don't know why the fishing vessel sank, but we know that 15 men lost their lives in pursuit of their livelihoods. Nine of these men were from Washington state, and all of them leave behind families, friends and coworkers. My thoughts are with the crewmen's loved ones, who are only beginning to cope with this tragedy. I also extend my condolences to the owner of the vessel, Mr. David Olney, to the employees of Arctic Sole Seafood, Inc., and to everyone who is part of this important industry.

Most people are aware that fishing in the seas off Alaska is a dangerous occupation, but it still is a major shock when lives are lost at sea. We must continue our efforts to improve the safety of crews fishing in the Bering Sea and the Gulf of Alaska. One of the ways to improve safety is to allow the creation of individual fishing quotas, which guarantee catch to fishermen. This allows fishermen to wait for better weather before going out to sea. I have consistently supported using quotas as one tool to manage fisheries.

Many of the Alaskan fishing seasons take place during the fall, winter and spring, when the weather is often severe. This business is inherently dangerous. The *Arctic Rose* had survival suits on board, but it seems the ship went down too quickly for most crewmen to even put them on. Nor were they able to get to the life raft. We should continue our efforts to improve the safety of commercial fishing in Alaska, and throughout the country, but I doubt we will ever be able to completely eliminate the hazards.

The loss of the *Arctic Rose* reminds us of the risks commercial fishermen take every day to provide seafood enjoyed by so many people throughout the Northwest and world. Let's not take their work for granted. While we mourn the loss of the *Arctic Rose*, we should also thank the men and women who face these dangers every day to bring food to families across our country.

IMPROVED UNITED STATES-INDIA RELATIONS

Mr. TORRICELLI. Mr. President, I rise today to welcome to our nation's capital the Honorable Jaswant Singh, Minister of External Affairs and Defense for the Republic of India. Minister Singh's visit will be an opportunity to reaffirm the warm relations between our countries as a new Administration gets established in Washington. The Minister's visit to Washington will include meetings with the Secretary of State and the Secretary of Defense, as well as the National Security Advisor.

Minister Singh's visit comes at a time of major transition in U.S.-India relations. Last month, Washington welcomed the arrival of the new Indian Ambassador to Washington, Mr. Lalit Mansingh. Ambassador Mansingh succeeds Ambassador Naresh Chandra, who was well known and admired by many in Congress during his tenure. Ambassador Mansingh presented his credentials to Secretary of State Powell on March 23, and the two discussed a wide range of issues concerning the future of U.S.-India relations. Secretary Powell reiterated President Bush's intention to "build on the good work done in the past."

I hope that the message from the new Administration to Mr. Singh will be one of support for building on the progress in U.S.-India relations that we have seen for much of the past decade. After years of being treated as a relatively low priority, the U.S.-India relationship has, since the early 1990s, steadily moved to a higher priority on the American foreign policy agenda.

President Clinton's Administration recognized the importance of India, as a trading partner, as a force for stability in Asia, and as a leader for democracy and prosperity in the developing world. The Clinton Administration also recognized the wonderful resource that the Indian-American community, over a million strong, represents in building closer ties between the world's two largest democracies.

I hope that the Bush Administration will continue this progress. The early signs are that the Administration recognizes the significance of India to the United States. In announcing the nomination of Robert D. Blackwill as his choice to be the next Ambassador to India, President Bush spoke of "the important place India holds in my foreign policy agenda."

I look forward to reviewing Mr. Blackwill's nomination in my role as a member of the Senate Foreign Relations Committee. If Mr. Blackwill is confirmed, he would succeed U.S. Ambassador Richard Celeste, the former

Governor of Ohio. Ambassador Celeste, who presented his credentials in November 1997, has served during an eventful time in U.S.-India relations. In the past two months, as India recovers from the devastating earthquake that struck the state of Gujarat on January 26, Ambassador Celeste has done an excellent job of helping to coordinate the American aid effort. As he prepares to leave New Delhi, I want to congratulate Ambassador Celeste for a job well done.

In the past year, with President Clinton visiting India in March and Prime Minister Atal Behari Vajpayee visiting the United States in September, the level of friendship and partnership between India and the United States is perhaps the highest it has ever been. During last year's summits between President Clinton and Prime Minister Vajpayee, the United States and India signed a series of agreements to accelerate bilateral cooperation in a wide range of areas. The U.S.-India Vision Statement of March 2000, signed in New Delhi, pledged cooperation on counterterrorism. The two countries also pledged to cooperate on issues of nuclear non-proliferation. That agreement also established the U.S.-India Financial and Economic Forum, the U.S.-India Commercial Dialogue, and the U.S.-India Working Group on Trade. Minister Singh and then Secretary of State Madeleine Albright signed a joint statement on cooperation in energy and environment in a ceremony at the Taj Mahal in March 2000.

This week, President Clinton has returned to India to visit the State of Gujarat, scene of January's devastating earthquake that left an estimated 18,000 people dead, and thousands of people homeless.

While the trend in relations between the United States and India has been positive, there is still a great deal of work to be done. The visit to Washington by External Affairs and Defense Minister Singh, just a few months into the new Administration, offers an opportunity to build in the work of the past few years, while charting a new course for even closer ties between our two countries.

ADDRESSING DOMESTIC VIOLENCE IN SOUTH DAKOTA AND AROUND THE COUNTRY

Mr. JOHNSON. Mr. President, domestic violence is often the crime that victims don't want to admit and communities don't want to discuss. However, almost 15,000 domestic violence victims in South Dakota last year secured help from the Department of Social Services. This represents a low estimate of the number of South Dakotans who are victims of domestic violence, as many victims fail to seek help.

Since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women have declined, and the number of sexual assaults nationwide have gone down as well. Despite the success of the Violence Against Women Act, domestic abuse and violence against women continue to plague our communities. Consider the fact that a woman is raped every 5 minutes in this country, and that nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined. These facts illustrate that there is a need in Congress to help States and communities address this problem that impacts all of our communities.

Last year, I was pleased to join the successful effort to reauthorize the 1994 Violence Against Women Act. In addition to reauthorizing the provisions of the original Violence Against Women Act, the legislation improves our overall efforts to reduce violence against women by strengthening law enforcement's role in reducing violence against women. The legislation also expands legal services and assistance to victims of violence, while also addressing the effects of domestic violence on children. Finally, programs are funded to strengthen education and training to combat violence against women.

This year, I am cosponsoring legislation, S. 540, that would establish a permanent Violence Against Women Office in the Department of Justice. This bill would guarantee that the office will continue its work into future administrations and ensure that the Congress' goals regarding domestic violence, sexual assault, and stalking will be carried out.

As a State lawmaker in 1983, I wrote one of the first domestic violence laws in South Dakota which dedicated a portion of marriage license fees to help build shelters for battered women. I was also a cosponsor of the original Violence Against Women Act in 1990 in the House of Representatives. Even at that time, many people denied that domestic violence existed in our state. Finally, in 1995, the President signed legislation to strengthen federal criminal law relating to violence against women and fund programs to help women who have been assaulted.

Since the Violence Against Women Act became law, South Dakota organizations have received over $6.7 million in federal funding for domestic abuse programs. In addition, the Violence Against Women Act doubled prison time for repeat sex offenders; established mandatory restitution to victims of violence against women; codified much of our existing laws on rape; and strengthened interstate enforcement of violent crimes against women.

The law also created a national toll-free hotline to provide women with crisis intervention help, information about violence against women, and free referrals to local services. Last year, the hotline took its 300,000th call. The number for women to call for help is: 1-800-799-SAFE.

I am hopeful that, with my support, the Senate will approve S. 540 this year so that we can continue fighting domestic abuse and violence against women in our state and communities.

HONORING THE DOOLITTLE RAIDERS

Mr. JOHNSON. Mr. President, I rise today to commend the Doolittle Raiders on the 60th anniversary of their memorable flights.

The surprise Japanese raid of Pearl Harbor was just the beginning of a series of bad news for Americans at the beginning of World War II. In a period of months, the Japanese had invaded and conquered land stretching from Burma to Polynesia. The United States badly needed a boost in morale. The answer was the Doolittle Raid.

The concept was simple: A Navy task force would take 15 B-25s to a point about 450 miles off of Japan where they would be launched from a carrier to attack military targets at low altitude in five major Japanese cities, including the capital city of Tokyo. The planes would then fly to a base in China where they would join the China-Burma-India theater. It was the implementation of the plan that made the men involved in the raid heroes.

On April 18, 1941, sixteen flights of B-25s, one captained by South Dakota native son Capt. Donald Smith, left the deck of the U.S.S. *Hornet*, bound for Tokyo. But the Japanese had seen the Americans coming, and the planes were forced to take off from the *Hornet* at least 650 miles from the Japanese coast. The planes would not have enough fuel to make it to China.

All of the planes made their bombing runs on their respective cities, and then turned westward toward China. One crew, with not enough fuel to make it to China, landed in Russia and were prisoners of war for over a year. Eleven of the other planes that reached China faced terrible weather and empty tanks. They proceeded inland on instruments and bailed out once their fuel tanks reached zero. The remaining four pilots crash-landed their aircraft. Chinese aided the Americans in reaching their base, and more than a quarter-million of the Chinese were subsequently killed by the Japanese for their suspected help. Sixty-four of the "Raiders" eventually made it to the base in China. Others were captured and tortured, or died while ejecting their planes.

The Doolittle mission was the first good news from the Pacific front, and was a huge boost to American morale. It also devastated the Japanese people, who had been told by their leaders that their homeland could never be attacked.

In Belle Fourche, SD, on April 18, South Dakotans will be remembering the 60th anniversary of this daring raid. I commend the Doolittle Raiders, and all American veterans, for they are truly America's heroes. Our country must honor its commitments to veterans, not only because it is the right thing to do, but because it is the smart thing to do.

I will continue to lead efforts to ensure that our nation's military retirees and veterans receive the benefits they were promised years ago. While I am pleased with some improvements in military health care funding passed into law last year, I am concerned that more needs to be done. Assuredly, I will continue to fight for military retirees and veterans programs throughout this session of Congress.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 5, 2001, the Federal debt stood at $5,772,523,327,634.26, Five trillion, seven hundred seventy-two billion, five hundred twenty-three million, three hundred twenty- seven thousand, six hundred thirty-four dollars and twenty-six cents.

One year ago, April 5, 2000, the Federal debt stood at $5,758,941,000,000, Five trillion, seven hundred fifty-eight billion, nine hundred forty-one million.

Five years ago, April 5, 1996, the Federal debt stood at $5,138,150,000,000, Five trillion, one hundred thirty-eight billion, one hundred fifty million.

Ten years ago, April 5, 1991, the Federal debt stood at $3,468,754,000,000, Three trillion, four hundred sixty-eight billion, seven hundred fifty-four million.

Twenty-five years ago, April 5, 1976, the Federal debt stood at $595,781,000,000, Five hundred ninety-five billion, seven hundred eighty-one million, which reflects a debt increase of more than $5 trillion, $5,176,742,327,634.26, Five trillion, one hundred seventy-six billion, seven hundred forty-two million, three hundred twenty-seven thousand, six hundred thirty-four dollars and twenty-six cents during the past 25 years.

ANIMAL DISEASE RISK ASSESSMENT, PREVENTION, AND CONTROL ACT

Mr. BURNS. Mr. President I rise today as one of the proud co-sponsors of the Animal Disease Risk Assessment, Prevention, and Control Act of 2001.

This bill will go a long way toward offering the American public and producers the vital information necessary to begin to understand the economic impacts associated with Hoof and Mouth Disease and Bovine Spongiform Encephalopathy (BSE). The risks associated with these diseases to the public health will also be reviewed.

In the United states, we take great pride and have worked diligently to maintain healthy herds. We have spent years creating our breeding programs and ensuring the animals we produce are the finest in the world. This bill will help ensure that effort will not be jeopardized.

We need to create a solid unified front to ensure that all the information available on these diseases is readily accessible. This bill will not only make that knowledge available, it will provide Congress with the information necessary to move forward quickly with any other type of action that is required. This bill will provide an important tool that will allow us to continue producing the safest meat supply in the world.

I look forward to working with Senators HATCH and HARKIN on this very important piece of legislation.

RETIRED PAY RESTORATION ACT

Mr. BURNS. Mr. President, I rise today in support of S. 170, the Retired Pay Restoration Act of 2001.

S. 170 permits retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reasons of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

Currently, a retired military member will have his or her retirement pay offset dollar for dollar when they receive disability compensation from the Veterans Administration. This law is 110 years old and it is long overdue for change.

The military retirement pay is earned over one's career for longevity, while the VA disability compensation is for a different reason altogether—sustaining an injury while in the service. These are two completely separate issues and military members have suffered over the years by having their retirement pay reduced. The Retired Pay Restoration Act of 2001 will correct this deficiency.

We owe our freedom to those who wore our country's military uniforms. We must honor our commitment to those who served in the military. This year is the time to overturn the provision in the 110 year-old law that prohibits military retirees from receiving concurrent receipt of full military retirement pay along with VA disability compensation. Entitling these people to receive both retirement pay and disability compensation without any deduction is the right thing to do It is not a hand out; it is something they deserve and earned for serving our country honorably.

I encourage my colleagues to support S. 170.

ADDITIONAL STATEMENTS

DEATH OF JOHN C. HOYT OF MONTANA

• Mr. BURNS. Mr. President, I would like to take a moment to make note of the recent death of a great man and fellow Montanan.

Montana lost one of its proudest native sons on Monday, March 26, 2001. John Hoyt died at the Benefis Hospital in Great Falls, during a heart attack catheterization procedure. He was 78.

In Shelby, June 28, 1922, a fascinating and adventurous and truly incredible life began. John's parents had come to Shelby from Iowa. The family's background was in farming and ranching. John's father, a lawyer, raised his family in Shelby during the Great Depression. John spent summers back in Iowa, during the hard times, without modern equipment, without air-conditioning and using a real pitchfork to gather hay in the field and pitch it into the hay mow for the winter. All who knew John, knew those thick hands and fingers of his proved he was no stranger to hard physical work.

John began his college career, on scholarship, at Drake University in Iowa. But, by his own admission, "too much fun" brought that educational experience to an end. Perhaps that was meant to be, because leaving Drake brought John home to Montana, and the University in Missoula, a place where his heart and his loyalty and his support never again left. A true Grizzly is now at rest. But his presence will be forever felt on that campus and in the stadium in Box 102B down on the north end. John will still be cheering on his beloved Grizzlies. He might even give Coach Glenn "a great play" from wherever John is watching!

World War II broke out while John was in undergraduate school at the U of M. The day after Pearl Harbor he joined the Air Force. His eyesight was not good enough to allow him to be the fighter pilot he aspired to be. He proudly became a navigator on a B-24 as a Second Lieutenant. In August of 1944, on a mission between Italy and Vienna, in a fierce air battle involving hundreds of airplanes, John's was shot down by German fighters. The bomber, named the Jolly Roger, spiraled to the ground and only John and one other were able to escape. The spiral carried the other crew to their deaths, and John was captured and was in a P.O.W. camp for most of a year before the army of General George Patton liberated him and many of his comrades.

John finished his education after the war. He graduated from the University of Montana Law School in 1948. For the past fifty-three years John Hoyt stamped Montana legal history, beginning in Shelby, typing his own oil field title reports with five sheets of carbon paper, and then centering his practice out of Great Falls and becoming one of the most creative and innovative and persuasive trial lawyers in Montana's history.

John was so proud of the many talented lawyers he practiced with. It was recently stated by legal pundits that while it was not required to have practiced with John Hoyt to sit on the Montana Supreme Court, it did not hurt.

John's current firm, Hoyt and Blewett, is one of the most prominent in Montana. He and his partner, Zander Blewett, have represented Montanans with pride and dignity, and his clashes with the Burlington Northern led to a memento in his office portraying the Burlington Northern logo and inscribed, for John, with the words, "Any Time is Train Time"!

John had a lifelong passion for agriculture, and established one of the most noted Black Angus ranches in America, the Jolly Roger. He named it after his former comrades in World War II. In the 1990's two bulls that he developed and raised, Juice and Uncle Jim, became important leaders in carcass quality traits throughout the beef industry. Ironically, John's last yearling bull sale was just last Wednesday, March 21. His bull sold to all areas of Montana, several states, and into Canada.

John Hoyt was a gentleman. He had acquaintances that ranged from the most humble to the most powerful of his fellow citizens. All were equally valued by John as friends. He was an outdoorsman who trained hunting dogs and loved bird hunting. His fishing trips that he led friends on in Alaska were, at the very least, memorable. His wit and enthusiasm and his energy made him the center of any gathering he was ever part of.

John belonged to the Cascade County Bar Association, the Montana Bar Association, the Montana and the American Trial Lawyers Association. John was also an active member of the Montana and American Angus Associations. He was awarded a Lifetime Achievement Citation by the Montana Trial Lawyers, in recognition of his fifty years of distinguished trial practice in Montana.

John is survived by his wife, Vickie, of the Jolly Roger Ranch in Belt; his son, John Richard (Rosemary) of Washington state; his daughter, Mary Lou (Dennis) Sandretto, and his grandchildren, Rachel, Ariel and David Sandretto, all of Georgia; and his sister, Lois Matsler, of Bloomington, Illinois. He is also survived by countless friends and colleagues and acquaintances throughout his beloved Montana. Montana may never know the likes of John Hoyt again. He left Montana for a better place. His generous financial gifts to the University of Montana, both the Athletic Department and the Law School will sustain his legacy for generations that come afterwards. As John would say: Up with Montana—Go Griz!●

TRIBUTE TO DON C. NICKERSON

● Mr. HARKIN. Mr. President, I'd like to take a few minutes to honor Don C. Nickerson for his outstanding work as United States Attorney for the Southern District of Iowa.

Don Nickerson has been a leader in the state of Iowa for thirty years, starting back when he served as Student Body Vice President and President of the Senior Men's Honorary at Iowa State, and as President of the Black Law Students Association at Drake Law School. After graduating from law school, he distinguished himself in community service, private practice, and as an Assistant United States Attorney in the Southern District before being appointed as U.S. Attorney for the district in 1993.

During his years in the U.S. Attorney's Office, Don became known as a passionate and innovative leader. He established the Quad Cities Branch Office of the U.S. Attorney's office—the first ever interagency branch office established in the United States. He also served as Chair of the Health Care Fraud Subcommittee of the Attorney General's Advisory Committee and worked closely with Attorney General Reno to combat health care fraud.

And Don was a personal mentor to Iowa's youth because he knew that reaching out to children early in life goes a long way in preventing them from straying in the future. In fact, Don was instrumental in establishing Camp DEFY—a camp and mentorship program to help kids stay away from drugs, alcohol and tobacco in Iowa.

But Don has never been content to confine his service to the official duties of the U.S. Attorney. He's brought his passion for service to the classroom, serving as an Instructor with Drake University Legal Clinic and Des Moines Area Community College. He's brought it to civic organizations like Partnership for a Drug Free Iowa, the United Way of Central Iowa and the Iowa Commission on the Aging. And he's brought it to professional organizations like the Midwest High Intensity Drug Trafficking Area Demand Reduction Subcommittee of which he was chair and the Iowa State and National Bar Associations.

When I think of the work that Don Nickerson has done for our state and our country, I'm reminded of a phrase from the Old Testament: "The Law is a light." Don Nickerson has worked tirelessly to keep that light shining bright in Iowa and to make our state a safer, more just place to raise our children and live our lives.

Don has served our state with honor and loyalty, and it is my pleasure to offer my deepest gratitude for his contributions.●

TRIBUTE TO MR. ARNOLD SPIELBERG

● Mr. WARNER. Mr. President, today I share with you and my colleagues an extraordinary story about an extraordinary American patriot. The gentleman's name is Arnold Spielberg. Yes, he is the father; but his own fame was earned, long before his son's, as a combat airman of the "Greatest Generation."

Like many of us during World War II, Mr. Spielberg heard the call of our great Nation and enlisted in the U.S. Army Signal Corps, just after Pearl Harbor, in January 1942. After several weeks of training at Fort Thomas and in Louisville, KY, he was transferred to the 422nd Signal Company at the New Orleans Army Air Corps Base near Lake Pontchartrain. Private Spielberg then spent the next 3 months doing close order drill and teaching Morse code to unwilling recruits. He recalled that in an effort to get the attention of these unwilling recruits, he would send them "colorful" jokes and stories to keep their attention. It worked.

In May 1942, he boarded a troop ship in Charleston, SC and 2 months later, disembarked in Karachi, India. Once in India, he was stationed at the Leslie Wilson Muslim Hostel working at the Karachi Classification Depot. His job was to essentially open up shipments of war materiel, aircraft parts mostly, check them against the technical manuals to figure out which aircraft they went to and label them. While this was important work, Mr. Spielberg wanted to be closer to the action and asked his Commanding Officer for a transfer to the 490th Bombardment Squadron, Medium. He got it and was on his way.

Corporal Spielberg tackled his new assignment with enthusiasm and vigor. He set up the communications system that serviced the control tower for planes practicing strafing and bombing missions on an island in the Indian Ocean. He also started to train as a radio gunner and learned all about the B-25's, the famous Mitchell bomber, communication equipment, inside and out.

Because of his hard work and diligence, Corporal Spielberg quickly earned the rank of Master Sergeant and the reputation as an expert signalman. He designed a high gain, bi-directional rhombic antenna, using giant bamboo poles for support. Their signal was as clear as "Ma' Bell." He also tackled the somewhat menacing problem of electric power. The base power was supplied by a large British diesel generator that produced 250 volts at 50 cycles. The radio equipment ran on 115 volts at 60 cycles. In order to use the British generator, the voltage output needed to be reduced. Master Sergeant Spielberg requisitioned a step down transformer however, he knew that would take six months or so to secure. In the meantime, by the use of a little "horse trading," he enlisted the help of some squadron mates to refurbish the unit's old generator which was then turned in as a spare and a new generator was issued.

The world over, U.S. soldiers, sailors and airmen used their common sense "to make do" when faced with challenging situations of all kinds. We didn't always do it "by the book," but we succeeded.

Master Sergeant Spielberg also redesigned some electrical circuitry because of a critical safety flaw that he discovered at great risk to himself. While performing maintenance on the squadron's large transmitter one morning, Master Sergeant Spielberg turned off the main power source so as to change the bands. Noting the red power light "out," he reached in to pull out the transmitter-turning coil. As he grabbed it, 2600-volts DC current went through his hand and sent him flying in the air. When he returned from seeing the medics, he inspected the transmitter and noticed the relay that controlled the power to the main transformer was "hot wired" to the power side so that the unit continually received power and could not be shut off. He immediately rewired the unit and drafted a correction notice to be distributed to the entire transmitter-user community.

Master Sergeant Spielberg also had the opportunity to fly combat missions. As the Japanese began their invasion of India with a focus on Imphal, his squadron was pressed to fly more missions. They supplied the British and Indian troops with food and ammo, and carried out the wounded. The aircrew soon became exhausted and "overflown" so the Communications Officer looked to the ground crew. When asked if he would volunteer to fly, Master Sergeant Spielberg said, "Yeah, I'll go first!"—and he did. He flew missions as the radio gunner, at night, into Imphal, to resupply the troops and bring out the wounded.

Because of his extraordinary initiatives and many other forward-thinking actions, Master Sergeant Spielberg was awarded the Bronze Star medal with a citation that read:

> Pursuant to the authority contained in Army Regulations 600-45, War Department, Washington, DC, 22 September 1943, the Bronze Star Medal is hereby awarded to Master Sergeant Arnold M. Spielberg, 15088831:
>
> For meritorious service from 24 July 1942 to 16 October 1944 as communications technician. M/Sgt Spielberg originated numerous modifications and suggestions concerning radio equipment and procedures which were later put in use throughout the Army Air Forces. His untiring efforts and initiative have rendered substantial aid to the operations of his squadron.

By command of Major General Davidson, Headquarters, Tenth Air Force, U.S. Army.

Upon the termination of hostilities in World War II, in the year 1945, all services made an effort to allow those who experienced the battlefields beyond our shores to return, as soon as possible, to their families and homes.

Often the records of their valorous service and the decorations they received had to follow. Given there were over 16 million who proudly wore the uniform of a service, this was a remarkable feat that was accomplished by a war-weary, but joyous nation.

Now, some 56 years later, I was honored to join the present Chief of Staff of the U.S. Air Force, General Michael Ryan, in reviewing the records and expediting the conveyance of the Bronze Star Medal to Master Sergeant Spielberg.●

LOS ALAMOS NATIONAL BANK 2000 MALCOLM BALDRIGE NATIONAL QUALITY AWARD RECIPIENT

● Mr. BINGAMAN. Mr. President, I rise today to applaud one of the many outstanding businesses in New Mexico and one that has distinguished itself remarkably today.

Today the Los Alamos National Bank was one of four recipients of the Malcolm Baldrige National Quality Award for the year 2000. Bill Enloe, Chief Executive Officer and Chairman of Los Alamos National Bank, and Steve Wells, President of the bank, were on hand to receive this distinguished award from President George Bush and former Commerce Secretary Norman Mineta.

While I was unable to attend the ceremony, I understand that the employees attending the ceremony from Los Alamos National Bank gave Bill and Steve a rousing reception that matched the magnitude of the award and the weight of the crystal presented to Bill and Steve.

Los Alamos National Bank (LANB) is an independent community bank in northern New Mexico that employs 167 employees and serves the communities of Los Alamos, White Rock and Santa Fe. LANB received the Baldrige award in the small business category.

While the Baldrige examiners and judges recognized LANB for its quality and business achievements, I would like to recognize LANB for its outstanding response in the wake of the Cerro Grande fire that struck in May 1999. LANB's decision to provide zero interest loans to those who lost their homes in the fire was not something mandated by the government, it was something they felt was the right thing to do. LANB's decision to postpone mortgage payments for residents was also the right thing to do. This type of service is rare in today's business market, but truly reflective of what it means to be a community bank and one that provides exceptional service to its customers in times of prosperity and in times of need.

Years ago LANB recognized that if it wanted to remain an independently owned bank, it would have to rise above all other banks and strive for excellence. It's ability to accomplish that goal was recognized today. LANB now stands with only 39 previous Malcolm Baldrige Award recipients. I congratulate Bill, Steve and their fine staff on their accomplishments and commitment to the people of northern New Mexico.●

TRIBUTE TO EDDIE FROST

● Mr. SESSIONS. Mr. President, during my four years as a member of the United States Senate, I have traveled across the State of Alabama meeting with local community leaders. I am proud to say that I have developed close, personal friendships with many of these folks. However, in all of my travels around the state, and meetings with public officials, I have enjoyed none more than getting to know Eddie Frost, the Mayor of Florence, Alabama, who died on March 15 after a battle with leukemia.

Florence, AL is a wonderful city with a population of 36,000 people. It is located on the banks of the Tennessee River in northwest Alabama, and it is the largest city in the Shoals area. Eddie Frost was raised in the Shoals, graduated from Sheffield High School, and then he graduated from Florence State University in 1961, which is now the University of North Alabama. Before becoming mayor of Florence, Eddie Frost was a teacher and coach at Bradshaw High School in Florence. In 1976, he coached the Bradshaw basketball team to a 6A state championship, and was recognized as the Alabama Coach of the Year.

He was first elected Mayor of Florence in 1984 when the city moved to a mayor-council form of government. He inherited a city with a bleak economic forecast and a high unemployment rate. Throughout his life, however, Eddie Frost always had a vision for bigger and better things. He immediately put to work his positive spirit, his high energy level, and his unsurpassed dedication to Florence. He helped the city revitalize downtown Florence, and today, the downtown area is booming.

He also worked tirelessly to see the Patton Island Bridge completed across the Tennessee River. I remember vividly during my campaign for the Senate, he took me up in the Florence Renaissance Tower and pointed out some lonesome concrete supports standing out in the middle of the river. There was no doubt how strongly he felt about completing that bridge project. He understood the economic importance this bridge would have for the Shoals area, and he worked side by side with us here in Washington to find funding for this worthy project. Thanks to his leadership, the bridge is nearly complete.

I also remember Eddie Frost proudly taking me on a tour of his city's recycling center. I admired greatly his use of city prisoners to separate garbage. It provided work for the prisoners, relieved landfill costs, and produced revenue. I have long advocated such projects and have never seen one better run.

Eddie Frost was also instrumental in helping the City of Florence land the NCAA Division II National Football Championship game in 1986. This is a world-class event, and the game has been very successful in Florence. The game has been a success because of the hospitality shown to the players, coaches, and fans by Eddie Frost, the championship committee, and the great people of Florence, Alabama. In December, the city will celebrate the 16th consecutive Division II Championship game in Florence. In addition to football, Eddie Frost brought his love of basketball to Florence. The city is now the home of the annual Alabama-Mississippi high school all-star basketball game.

He was involved in many civic and volunteer organizations, and his life was full of many achievements. He served as President of the Alabama League of Municipalities, Chairman of the American Public Gas Association, Chairman of the Board of Eliza Coffee Memorial Hospital, the hospital in which my eldest daughter was born, and he was Past President of the North Alabama Industrial Development Association. He was a Deacon at Highland Baptist Church in Florence, active in the Northwest Alabama Boys and Girls Club, the United Way, the Lauderdale County Cancer Society, the Lauderdale County Heart Association, and the Leukemia Society of America.

In 1993 he was named the Florence Civitan Citizen of the Year. He was the University of North Alabama's Alumnus of the Year in 1998, a member of the University of North Alabama Athletic Hall of Fame. Last month he was inducted into the Lauderdale County Sports Hall of Fame and the Alabama High School Sports Hall of Fame.

Eddie Frost not only left his mark on the city of Florence, the Shoals area, and the State of Alabama, he left an impression on our hearts. He was honest, out-going, and he was genuine. But most importantly, he loved people, and he cared deeply for them. He loved his wife Bonnie, and their three children. I want to offer my sincerest condolences to them. I know the last few months since he was diagnosed with leukemia have been especially difficult for them. They will always miss Eddie, but they can take great pride in he life he led, and the hearts he touched along the way.•

NDSU WRESTLING TEAM FLOOR STATEMENT

• Mr. CONRAD. Mr. President, last month the North Dakota State University wrestling team once again showed the strength, grit and determination of North Dakotans by winning the NCAA Division II wrestling championship. Not only was this the second consecutive championship for the Bison, it was the fourth national title in school history.

As a native North Dakotan, I am exceptionally proud of this accomplishment. Defending their NCAA Division II Championship, the Bison finished 7½ points ahead of second place South Dakota State University in the NCAA Division II finals on March 10. This year's dramatic victory came down to the wire needing a victory by Bison heavyweight Nick Severson to secure the victory over second place rival South Dakota State. Severson rose to the occasion by pinning an opponent he has never previously beaten. The stage for the upset heavyweight finale was set when each of the other Bison finalists, Todd Fuller and Steve Saxlund, did their part by becoming national champs at 174 and 184 pounds. For Saxlund, this was an impressive third straight national championship.

I congratulate the Bison wrestling program. Exceptional coaching, determined wrestlers, and remarkable teamwork led the Bison to their fourth national championship. They qualified all 10 members of their wrestling squad for the NCAA tournament. With all but one returning for next season, I expect to have the opportunity to make a similar announcement next year regarding the Bison's success in the world's oldest sport. Again, on behalf of all North Dakotans, I extend congratulations to the Bison on yet another successful season and wish the best of luck to the entire team.•

TRIBUTE TO DR. THOMAS E. STARZL

• Mr. SPECTER. Mr. President, I wish to recognize and honor Dr. Thomas E. Starzl on the 20th anniversary of the first liver transplant performed in Pittsburgh.

On February 26, 1981, Dr. Starzl made history upon his performance of the first liver transplant at Presbyterian University Hospital (now UPMC Presbyterian). In the two decades since that remarkable accomplishment, Dr. Starzl has led the University of Pittsburgh transplant program to national and international prominence. UPMC, now the largest and most successful transplant center in the world, has performed more than 5,700 liver transplants; 3,500 kidney transplants; 1,000 heart transplants; and 500 lung transplants—largely attributed to Dr. Starzl's trailblazing vision.

Dr. Starzl's influence reaches well beyond western Pennsylvania. He has been a pioneer in the field of organ transplantation for more than 40 years, and has compiled a distinguished career that spans the country and medical technology. Dr. Starzl performed the world's first liver transplant in 1963 at the University of Colorado, and helped to develop the truly revolutionary surgical techniques and anti-rejection drugs which have brought organ transplantation to the mainstream of American medicine. Dr. Starzl has authored or co-authored more than 2,000 scientific articles and four books, received 21 honorary doctorates, and has been honored with more than 175 awards. Most recently, he was a co-winner of the King Faisal International Prize in Medicine for the year 2000, sharing the award with two other transplant pioneers. Although retired from clinical practice since 1991, Dr. Starzl continues to actively contribute to biomedical research as the director emeritus of the transplant institute in Pittsburgh, renamed in his honor in 1996. The Thomas E. Starzl Transplantation Institute and the University of Pittsburgh will pay tribute to Dr. Starzl this month with a "Festschrift," a collection of articles by colleagues, former students and others published in his honor. This special event will inaugurate the Starzl Prize in Surgery and Immunology and unveil a portrait of Dr. Starzl that will be displayed in the University of Pittsburgh School of Medicine.

With more than 20 years of landmark advancements in science and medicine to his credit, I salute Dr. Thomas E. Starzl for his remarkable dedication and honor his contribution to the life-saving field of organ transplantation.•

MARY WALTERS

• Mr. BINGAMAN. Mr. President, I learned this morning that Mary Walters, one of New Mexico's most outstanding citizens has died at age 79. She was a pioneering spirit if there ever was one, and many of us who knew and admired her feel this loss keenly.

Not yet twenty-one, she served as a WASP, Women's Auxiliary Service Pilots transport pilot during World War II. In a move that would shape her later career, she used her soon-to-expire GI benefits to go to college and then went on to earn a law degree at age forty. For the next half of her life, she went places no woman had gone before in New Mexico. She was President of the New Mexico Women's Political Caucus and served in a leadership position in the Constitutional Convention. She was the first woman named to the district court. Her service on the New Mexico Court of Appeals, 1978–1984, led to the New Mexico Supreme Court where she became the first woman to sit on that bench.

During a critical period for women's rights, Mary Walters took the lead in our state and in our profession. She had many admirers. My wife, Anne, and I, were among them. She was a marvelous person whose life was a blessing to all who appreciated her strength and spirit, and whose death reminds us all what a force for good she was.•

CELEBRATION OF CHAUL CHHNAM, CAMBODIAN NEW YEAR

• Mr. REED. Mr. President, I rise today to join Cambodian-Americans in celebration of the traditional Cambodian New Year, Chaul Chhnam, one of the major celebrations of the Cambodian culture. For three days this month, there will be gatherings across the United States to celebrate the beginning of the year. I take this opportunity to wish all Cambodian Americans a very happy New Year.

New Year celebrations are about the passing of time and the rejuvenation of optimism for the future. The Cambodian New Year is this and more. It represents a traditional end of the harvest and a celebration of faith. Traditionally, it was a time for farmers to enjoy the fruits of their harvest and relax before the rainy season began. The start of the New Year is marked by the sounding of a bell. With the sounding, it is believed that the New Angel arrives. Throughout the day people participate in ceremonies and bring food to the Buddhist monks and religious leaders. The second day of celebration, or Vana Bat, is a time to show consideration for others. Gifts are given to parents, grandparents and teachers as a show of respect and charity is offered to the less fortunate. The third day, or Loeng Sak, includes more religious ceremonies and rituals to bring good luck and happiness to families.

In my home state of Rhode Island there are numerous businesses owned by Cambodian-American families, most of them in the capital city Providence. These families enrich Rhode Island with their diversity and culture, and their hard work contributes much to the local economy. I would like to wish each one of them a happy New Year.

The Cambodian New Year is an appropriate time to remind all Americans why we must support the political and economic stabilization of Cambodia. As Cambodia continues to recover from three decades of civil conflict, including the atrocities committed by the Khmer Rouge, it is critical that the United States and international community aid the Cambodian people in their efforts to build a lasting democracy.

As we approach the beginning of Chaul Chhnam, I encourage all U.S. citizens to join in the spirit of this special holiday.•

NATIONAL PECAN MONTH

• Mr. CLELAND. Mr. President, April is "National Pecan Month." One of the nation's important agricultural products, pecans are the only major tree nut that can be considered a true American nut. Pecans were first discovered growing in North America and parts of Mexico in the 1600's and were given the name "pecan" based on the Native American word of Algonquin origin, meaning "all nuts requiring a stone to crack." Pecans were favored by pre-colonial residents and served as a major source of food because they were accessible to waterways and easier to shell than other North American nut species.

Today, pecans are grown in Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina and Texas and are enjoyed around the world as the perfect nut. According to U.S. Department of Agriculture statistics, over 346 million pounds of pecans were produced in the U.S. in 1999. In fact, the majority of the world's pecan production, 80 percent, comes from the U.S.

While valued for their wonderful aroma and flavor, scientific research has begun to recently reveal an even more important reason to make pecans part of an everyday, healthy diet. According to researchers at leading academic institutions in this country, pecans have many of the important nutritional attributes that health professionals recommend. Not only are nutrition researchers finding that pecans can lower blood cholesterol levels when incorporated into the diet, food scientists have also found that pecans are a concentrated source of plant sterols, which are widely touted for their cholesterol-lowering ability. Numerous studies have also shown that phytochemicals like those found in pecans act as antioxidants, which can have a protective effect against many diseases.

Since 90 percent of the fat in pecans are of the heart-healthy unsaturated variety, they fit right into the government's latest U.S. Dietary Guidelines for Americans issued in May 2000. The latest dietary guidelines from the American Heart Association, AHA, also bode well for pecan lovers. The new AHA guidelines specifically advise Americans to limit their intake of saturated fat and to "substitute grains and unsaturated fatty acids from fish, vegetables, legumes and nuts" in its place.

In addition to their cholesterol-lowering properties and heart-healthy fats, pecans contain more than 19 important vitamins and minerals, including vitamins A and E, folic acid, calcium, magnesium, phosphorus, potassium, zinc and several B vitamins, and are a good source of fiber. Pecans are part of the protein group in the U.S. Department of Agriculture's Food Guide Pyramid, making them a nutritious alternative for Americans who are vegetarians or striving to eat a more plant-based diet. Pecans, which are naturally sodium-free, are also ideal for anyone who wishes to restrict their sodium intake.

Pecans, a true all-American nut, deserve to be recognized. Not only for their long history of providing sustenance and enjoyment, but for the health benefits they can provide to Americans—especially those striving to eat a healthier diet. I hope my colleagues will join me in celebrating "National Pecan Month."•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 8. An act to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1341. A communication from the Acting Administrator of Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches" (Doc No. FV01–916–1 IFR) received on April 3, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1342. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Fenpyroximate; Time-Limited Pesticide Tolerance" (FRL6773–2) received on April 3, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1343. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerance" (FRL6777–6) received on April 3, 2001; to the Committee on Agriculture , Nutrition, and Forestry.

EC–1344. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL6964–1) received on April 3, 2001; to the Committee on Environment and Public Works.

EC–1345. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check" (FRL6962–9) received on April 3, 2001; to the Committee on Environment and Public Works.

EC–1346. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Signature by Mark" (RIN2900–AK07) received on April 3, 2001; to the Committee on Veterans' Affairs.

EC–1347. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Claims Based on the Effect of Tobacco Products" (RIN2900–AJ59) received on April 3, 2001; to the Committee on Veterans' Affairs.

EC–1348. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Assessments" (RIN2550–AA15) received on April 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1349. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure" (RIN2550–AA16) received on April 2, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–1350. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with the Republic of Korea; to the Committee on Foreign Relations.

EC–1351. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the promulgation of an interim rule which amends 22 CFR 41.81; to the Committee on Foreign Relations.

EC–1352. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Pre-Filing Agreements" (Ann. 2001–38, 2001–17) received on April 3, 2001; to the Committee on Finance.

EC–1353. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Nonconventional Source Fuel Credit" (Notice 2001–31) received on April 3, 2001; to the Committee on Finance.

EC–1354. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Report of the United States Government for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1355. A communication from the Director of the National Science Foundation, transmitting, the report of the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1356. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office Reports for February 2001; to the Committee on Governmental Affairs.

EC–1357. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Annual Performance Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1358. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report of the Annual Performance Plan Report for Fiscal Year 2000 and the Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–1359. A communication from the Secretary of Department of Agriculture, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1360. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1361. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–597, "21st Century Financial Modernization Act of 2000"; to the Committee on Governmental Affairs.

EC–1362. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Annual Performance and Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–1363. A communication from the Executive Director of the Committee for Purchase form People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on April 3, 2001; to the Committee on Governmental Affairs.

EC–1364. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Accountability Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–4. A resolution adopted by the Lexington Fayette Urban County Government relative to parks and other natural resources; to the Committee on Energy and Natural Resources.

POM–5. A joint resolution adopted by the Legislature of the State of Wyoming relative to wildlife management; to the Committee on Appropriations.

ENROLLED JOINT RESOLUTION NO. 4

Whereas, the United States government has adopted and is implementing a plan for the recovery of the grizzly bear and gray wolf in the Northern Rocky Mountain region; and

Whereas, the federal policy to restore the grizzly bear and gray wolf in the Northern Rocky Mountain region has a continuing financial obligation which should be borne by the same broad segment of the United States population which imposed the policy in order to continue the effective management of these species; and

Whereas, significant portions of the range of the grizzly bear and gray wolf are located within the Northern Rocky Mountain region on lands managed by the United States Department of the Interior and the United States Department of Agriculture; and

Whereas, the management of resident wildlife species not listed under the federal Endangered Species Act of 1973, as amended, is the responsibility of the states; and

Whereas, grizzly bear and gray wolf populations are increasing and should therefore be removed from the federal list of endangered species, thereby shifting a substantial responsibility from management of these wildlife species to the state of Wyoming; and

Whereas, the state of Wyoming acknowledges its responsibility and authority for the management of the grizzly bear and gray wolf in the Northern Rocky Mountain region after those species have been removed from the list of endangered species; and

Whereas, providing a substantial permanent and stable source of funding to help pay for the continuing costs of managing these unique species is essential for the successful management of the grizzly bear and gray wolf in the Northern Rocky Mountain region; and

Whereas, the costs to manage these wildlife species in the Northern Rocky Mountain region will be significantly greater than can be sustained through the existing budgets of the responsible state and federal agencies; and

Whereas, a national trust should be established for the management of these wildlife species with the understanding that the responsible state and federal agencies will continue to seek necessary appropriations from their respective legislative bodies for the continuing management of these wildlife species, consistent with their respective statutory mandates. Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming, a majority of all the members of each house, voting separately, concurring therein:

Section 1. That the Wyoming State Legislature endorses the establishment of the Northern Rocky Mountain Grizzly Bear and Gray Wolf Management Trust as a special fund within the National Fish and Wildlife Foundation, to provide funding for the management and compensation payments for losses incurred by individuals and entities, made by state and federal entities arising out of the continuing management of grizzly bear and gray wolf populations in the Northern Rocky Mountain region.

Section 2. That the Wyoming State Legislature requests that the United States Congress fund the corpus of the Management Trust with a minimum of forty million dollars ($40,000,000.00) by January 1, 2003, which is the minimum amount presently anticipated to be required to fund the obligations resulting from the continuing management of these unique species.

Section 3. That the Wyoming State Legislature encourages individuals, businesses, corporations and organizations across the United States to contribute to the corpus of the Management Trust to ensure the continuing management of the grizzly bear and gray wolf in the Northern Rocky Mountain region of the United States.

Section 4. The Secretary of State of Wyoming is directed to transmit copies of this resolution and a copy of the list of members voting for this proposal to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM–6. A joint resolution adopted by the Legislature of the State of Wyoming relative to wildlife management; to the Committee on Environment and Public Works.

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is limited; and

Whereas, the state of Wyoming has certain rights guaranteed to the states by the Constitution of the United States; and

Whereas, under the United States constitution, the states are to determine public policy; and

Whereas, traditionally the state of Wyoming has participated in issues regarding the introduction or reintroduction of threatened or endangered species into boundaries of the state; and

Whereas, the costs of managing and conserving the threatened or endangered species is significantly greater than can be sustained through the annual operating budgets of state agencies; and

Whereas, the introduction or reintroduction of threatened or endangered species may have a negative impact on the state of Wyoming's industries and economy; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without the consent and approval of the state; and

Whereas, the United States Congress should not make decisions for the introduction or reintroduction of threatened or endangered species into the state of Wyoming without providing necessary funding for the management and conservation of these species.

Now, therefore, be it

Resolved by the members of the legislature of the State of Wyoming, a majority of all the members of each house, voting separately, concurring therein:

Section 1. That the Wyoming State Legislature does not condone the introduction of threatened or endangered species pursuant to the federal "Endangered Species Act of 1973" 16 U.S.C. §1531, et seq., as amended, into the state of Wyoming without the approval and consent of the state of Wyoming.

Section 2. That the Wyoming State Legislature strongly encourages the United States Congress to appropriate monies for the management and conservation of threatened or endangered species prior to their introduction or reintroduction into the state of Wyoming, and to establish federal funding sources to provide for state management of the species following delisting.

Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the United States Secretary of Interior and the United States Secretary of Agriculture and to the Wyoming Congressional Delegation.

POM–7. A concurrent resolution adopted by the Legislature of the State of North Dakota relative to amending the Constitution of the United States; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 3031

Whereas, the Constitution of the United States reserves to the states a broad range of powers and the power of the federal government is strictly limited with regard to powers reserved to the states; and

Whereas, under the Constitution of the United States, the states are given full authority over state and local government tax policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the Constitution of the United States through inappropriate federal mandates; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the Constitution of the United States; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; Now, therefore, be it,

Resolved by the House of Representatives of North Dakota, the Senate Concurring therein:

1. That the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

2. That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States.

3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of each of the several states comprising the United States that have not yet made a similar request apply to the United States Congress requesting enactment of an appropriate amendment to the Constitution of the United States, and apply to the United States Congress to propose such an amendment to the Constitution of the United States.

4. That the Secretary of State transmit copies of this resolution to the President and Vice President of the United States, the presiding officer in each house of the legislature in each of the states in the Union, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the North Dakota Congressional Delegation.

POM–8. A concurrent resolution adopted by the Legislature of the State of North Dakota relative to the rescinding of a convention; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 4028

Whereas, the Legislative Assembly, acting with the best of intentions, has, at various times, applied to the Congress of the United States to call a convention to propose amendments to the United States Constitution, pursuant to the provisions of Article V of the United States Constitution; and

Whereas, former Justice of the United States Supreme Court Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than 200 years and has been found to be a sound document that protects the lives and liberties of the citizens; and

Whereas, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation; Now, therefore, be it

Resolved by the Senate of North Dakota, the House of Representatives concurring therein:

That the Legislative Assembly rescinds the following applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to Article V of the United States Constitution:

1967 House Concurrent Resolution "I–1", calling for a convention to amend the Constitution of the United States, relating to apportionment;

1971 Senate Concurrent Resolution No. 4013, calling for a convention to amend the Constitution of the United States to provide revenue sharing;

1975 Senate Concurrent Resolution 4018, calling for a convention to amend the Constitution of the United States to require a balanced cash budget for each session of Congress except in time of war or national emergency;

1979 Senate Concurrent Resolution No. 4033, calling for a convention to amend the Constitution of the United States to prohibit federal estate taxes; and

Be it further resolved, That the Legislative Assembly urges the legislative bodies of each state that have applied to Congress to call a convention to rescind; and

Be it further resolved, That the Secretary of State forward copies of this resolution to the presiding officer of each legislative body in each state, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of the North Dakota Congressional Delegation, and to the administrator of General Services, Washington, D.C.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. SPECTER for the Committee on Veterans' Affairs.

Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND (for himself and Mr. Breaux):

S. 724. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

By Mr. GRASSLEY:

S. 725. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury to issue regulations covering the practices of enrolled agents before the Internal Revenue Service; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. Thompson, Mr. Miller, Mr. Cleland, Ms. Landrieu, Mr. Shelby, Mr. Bunning, and Mr. Frist):

S. 726. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. Feingold):

S. 727. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. Dorgan, and Mr. Conrad):

S. 728. A bill to establish a demonstration project to waive certain nurse aide training requirements for specially trained individuals who perform certain specific tasks in nursing facilities participating in the medicare or medicaid programs, and to conditionally authorize the use of resident assistants in such nursing facilities; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 729. A bill to provide grant money to States to enable States to expand the opportunity for citizens to vote over the Internet; to the Committee on Rules and Administration.

By Mr. JOHNSON (for himself, Mr. Hutchinson, and Mrs. Lincoln):

S. 730. A bill to amend title XVIII of the Social Security Act to provide for the fair treatment of certain physician pathology services under the medicare program; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 731. A bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. THOMPSON:

S. 732. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes; to the Committee on Finance.

By Mr. DEWINE:

S. 733. A bill to eliminate the duplicative intent requirement for carjacking; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. Kerry):

S. 734. A bill to amend the Foreign Service Buildings Act, 1926, to expand eligibility for the award of construction contracts under that Act to persons that have performed similar construction work at United States diplomatic or consular establishments abroad under contracts limited to $5,000,000; to the Committee on Foreign Relations.

By Mr. DEWINE:

S. 735. A bill to amend title 18 of the United States Code to add a general provision for criminal attempt; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. Reid, and Mr. Ensign):

S. 736. A bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes; to the Committee on Armed Services.

By Mr. REID (for himself and Mr. Ensign):

S. 737. A bill to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the "Joseph E. Dini, Jr. Post Office"; to the Committee on Governmental Affairs.

By Mr. SMITH of New Hampshire:

S. 738. A bill to amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces; to the Committee on Rules and Administration.

By Mr. WELLSTONE (for himself, Mrs. Murray, Mr. Dayton, Ms. Stabenow, Mr. Dorgan, Mr. Kennedy, Mr. Durbin, Ms. Landrieu, Mr. Daschle, Mr. Reid, and Mr. Johnson):

S. 739. A bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HUTCHINSON:

S. 740. A bill to preserve open competition and Federal Government neutrality toward the labor relations of Federal Government contractors on Federal and federally funded construction projects; to the Committee on Governmental Affairs.

By Mr. SESSIONS:

S. 741. A bill to amend the Internal Revenue Code of 1986 to provide tax credits with respect to nuclear facilities, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. Baucus, Mr. Graham, Mr. Hatch, Mr. Breaux, Mr. Murkowski, Mr. Kerry, Mr. Jeffords, Mr. Torricelli, Mr. Kyl, Mrs. Lincoln, Mr. Hutchinson, Mr. Johnson, Mr. Hagel, Mr. Durbin, Mr. Gregg, Mr. Schumer, Mrs. Hutchison, Mr. Bayh, Mr. Chafee, and Mr. Reid):

S. 742. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mrs. Clinton, and Mr. Schumer):

S. 743. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. Lieberman, and Mr. Feingold):

S. 744. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Jeffords, Mr. Feingold, Mr. Bingaman, and Mr. Dodd):

S. 745. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 746. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Indian Affairs.

By Mrs. BOXER:

S. 747. A bill to authorize the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 748. A bill to make schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mr. Schumer, Mr. Jeffords, Mr. Bingaman, Mr. DeWine, Mrs. Clinton, Ms. Collins, Mr. Lieberman, Mr. McCain, Mr. Kerry, Mrs. Feinstein, Ms. Snowe, Mrs. Boxer, Mr. Smith of Oregon, and Mr. Torricelli):

S. 749. A bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 750. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

By Mrs. CLINTON:

S. 751. A bill to express the sense of the Senate concerning a new drinking water standard for arsenic; to the Committee on Environment and Public Works.

By Mr. BURNS:

S. 752. A bill to amend the Internal Revenue Code of 1986 to reclassify computer equipment as 3-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. Craig, Mr. Dorgan, Mr. Burns, Mr. Conrad, Mr. Enzi, Ms. Landrieu, Mr. Thomas, Mr. Graham, Mr. Crapo, Mr. Baucus, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Inouye, Mr. Akaka, Mr. Allard, and Mr. Harkin):

S. 753. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas ; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. KOHL, Mr. SCHUMER, and Mr. DURBIN):

S. 754. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Mr. SMITH of Oregon):

S. 755. A bill to continue State management of the West Coast Dungeness Crab fishery; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON:

S. Res. 68. A resolution designating September 6, 2001 as "National Crazy Horse Day"; to the Committee on the Judiciary.

By Mr. BAYH (for himself and Mr. LUGAR):

S. Res. 69. Resolution congratulating the Fighting Irish of the University of Notre Dame for winning the 2001 women's basketball championship; considered and agreed to.

By Mr. DURBIN (for himself and Mr. SMITH of New Hampshire):

S. Res. 70. Resolution honoring The American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals; considered and agreed to.

By Mr. HARKIN:

S. Res. 71. A resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 99

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 99, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 198

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 198, a bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50% by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 570

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 643

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 643, a bill to implement the agreement establishing a United States-Jordan free trade area.

S. 656

At the request of Mr. REED, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 697

At the request of Mr. HATCH, the names of the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 697, supra.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 66

At the request of Mr. THOMAS, the names of the Senator from Delaware (Mr. CARPER), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mr. COCHRAN), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. MILLER), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. NICKLES), the Senator from Missouri (Mr. BOND), the Senator from Georgia (Mr. CLELAND), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. ALLARD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Wyoming (Mr. ENZI), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH), the Senator from Rhode Island (Mr. REED), the Senator from Minnesota (Mr. DAYTON), the

Senator from Ohio (Mr. DEWINE), the Senator from Maryland (Mr. SARBANES), the Senator from Alabama (Mr. SESSIONS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BURNS), the Senator from Nevada (Mr. REID), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. Res. 66, a resolution expressing the sense of the Senate regarding the release of twenty-four United States military personnel currently being detained by the People's Republic of China.

AMENDMENT NO. 183

At the request of Mr. LEAHY, his name was added as a cosponsor of amendment No. 183 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Mr. KERRY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Mr. LEVIN), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 183 proposed to H. Con. Res. 83, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 183 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 210

At the request of Mr. BOND, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Ohio (Mr. DEWINE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. FEINSTEIN), the Senator from Oregon (Mr. SMITH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of amendment No. 210 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 211

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 211 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 231

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 231 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 234

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 234 intended to be proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 235

At the request of Mr. DODD, the names of the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 235 intended to be proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 236

At the request of Mr. DEWINE, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. STEVENS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 236 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 238

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of amendment No. 238 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 249

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. LEAHY), the Senator from Maine (Ms. COLLINS), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 249 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 253

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 253 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 253 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 302

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 302 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of amendment No. 302 proposed to H. Con. Res. 83, supra.

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Indiana (Mr. BAYH), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 302 proposed to H. Con. Res. 83, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 302 proposed to H. Con. Res. 83, supra.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 302 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 303

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

At the request of Mr. THOMAS, his name was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 303 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 312

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 312 intended to be proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 313

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 313 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 316

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Mr. GRAHAM, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. CORZINE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Mrs. CARNAHAN, her name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 316 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 317

At the request of Mr. GRAHAM, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Washington (Mrs. MURRAY), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 317 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

AMENDMENT NO. 325

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 325 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

At the request of Mr. INOUYE, his name was added as a cosponsor of amendment No. 325 proposed to H. Con. Res. 83, supra.

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 325 proposed to H. Con. Res. 83, supra.

AMENDMENT NO. 334

At the request of Mr. INHOFE, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Louisiana (Mr. BREAUX), the Senator from Virginia (Mr. WARNER), the Senator from Florida (Mr. GRAHAM), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. ENZI), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Nebraska (Mr. NELSON), the Senator from Wyoming (Mr. THOMAS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. FRIST), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 334 proposed to H. Con. Res. 83, a concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—APRIL 5, 2001

By Mr. HATCH (for himself, Mr. HARKIN, Mr. CAMPBELL, Mr. DURBIN, Mr. DASCHLE, Mr. ROBERTS, Mr. DAYTON, Mr. CONRAD, Mr. DORGAN, Mr. JOHNSON, Mr. FEINGOLD, Mr. KOHL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. LUGAR, Mr. BOND, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BINGAMAN, Mr. BAUCUS, Mr. BURNS, Mr. CRAIG, Mr. ENZI, Mr. THOMAS, Mrs. LINCOLN, Mr. EDWARDS, Mr. HOLLINGS, Mr. HELMS, Mrs. CLINTON, Mr. CRAPO, Ms. MIKULSKI, Mr. LEAHY, Mr. FITZGERALD, Mr. WYDEN, Mr. ROCKEFELLER, Mr. ALLARD, and Ms. STABENOW):

S. 708. A bill to provide the citizens of the United States and Congress with a report on coordinated actions by Federal agencies to prevent the introduction of foot and mouth disease and bovine spongiform encephalopathy into the United States and other information to assess the economic and public health impacts associated with the potential threats presented by those diseases; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HATCH. Mr. President, I rise today to introduce the Animal disease Risk Assessment, Prevention, and Control Act of 2001. I want to thank my friend and colleague, Senator TOM HARKIN, for his partnership in developing this bipartisan bill. I also want to recognize Senator CAMPBELL's exceptional leadership in bringing to the forefront of public discussion the issue of the health of our domestic cattle herds. We are joined in cosponsorship by Senators DURBIN, LUGAR, DASCHLE, and LEAHY, as well as over one-third of the Senate in this bipartisan effort.

Our bill makes clear the Congress' commitment to our livestock industry and to ensuring our public health. Our goal is to make certain that the Congress and the American public are fully informed as to the reliability of our nation's animal health inspection system, its ability to protect our domestic herds and the American public from the potential introduction into the United States of foot and mouth disease and bovine spongiform encephalopathy (BSE), commonly referred to as mad cow disease. The presence of either of these diseases would have staggering economic consequences for our country.

In addition, it is imperative, as this bill directs, that we learn more about the possible public health consequences of BSE so that we can be confident that our nation continues to successfully prevent any potentially negative impacts on human or animal health. Americans from Salt Lake city, Iowa City and across the country need to maintain confidence that the beef products they purchase and consume are safe.

The public has no doubt heard the media reports on the recent cases in Europe of BSE and the outbreak of FMD, and they have heard about the devastating effect these outbreaks have had on the livestock industries in that part of the world. With all this media coverage, misconceptions have arisen which could make matters worse than the situation merits.

The public deserves to know the facts surrounding these animal diseases, their threat to public health, and their potential means of transmission. This is one of the basic goals of our legislation—to help overcome the lack of information associated with these diseases. However, in the unfortunate event that it becomes necessary to fight this disease at home, we must ensure that the government and other officials have the necessary tools to move swiftly and completely to control these diseases in the United States.

We have been successful so far in preventing the return of FMD to the United States. No case of BSE has ever been identified in the United States. This bill is intended to continue that success into the future.

Here is what the bill does in a nutshell. The legislation lays out a series of detailed findings that set forth the current state of knowledge with respect to these two diseases. A key provision of the bill requires the Secretary of Agriculture to submit two reports to Congress. The first report, to be submitted in 30 days of enactment, requires the Administration to identify any immediate needs for additional legislative authority or funding. The second report, to be submitted within 180 days of adoption, requires the submission of a comprehensive analysis of the risks of FMD and BSE to American livestock and beef products, the potential economic consequences if FMD or BSE are found in the United States, and information concerning the potential linkage between BSE and variant Cruetzfeldt-Jacab Disease (vCJD), a condition affection humans.

The legislation requires the Secretary of Agriculture to consult with the Secretaries of State, Treasury, Defense, Commerce, Health and Human Services, the United States Trade Representative, the Director of the Federal Emergency Management Agency, and other appropriate federal personnel when she develops both the reports mandated by this bill. In addition, in issuing the comprehensive 180 day report, the Secretary of Agriculture must consult with international, State, and local government animal health officials, experts in infectious disease research, prevention and control, livestock experts, representatives of blood collection and distribution entities, and representatives of consumer and patient organizations. A chief goal of that report is to help devise a coordinated plan to prevent the introduction of FMD and BSE into the United States and to help identify the proper corrective steps if FMD and BSE find their way into our country.

Mr. President, let me take this opportunity to comment upon some common myths on this issue. First, the public should know that there is no known etiologic relationship between BSE and FMD. While it is true that these diseases have occurred in the same region within a shared timeframe, the fact is that the two diseases are quite distinct and have occurred independently from one another.

BSE is a transmissible, neuro-degenerative disease in cattle. The disease is believed to have an incubation period of years, but once active in cattle it can quickly become fatal in a matter of a few weeks. It is carried in the brain and spinal cord of the animal, not in the meat products normally consumed by humans.

In a practice banned in the U.S., cattle in Great Britain were fed protein products derived from other animal products, which may have carried BSE. Scientists believe that this practice led to the spread of BSE in Great Britain and Europe. I want to emphasize that the importation into the U.S. of grazing animals from BSE-prevalent countries has been forbidden since 1997. I also want to point out that U.S. law also prohibits the feeding of most animal proteins to grazing animals.

As for foot and mouth disease, it is a highly contagious virus affecting cloven hoofed animals, including cattle, swine, sheep, goats, deer, and others. Although this disease was eradicated in the U.S. in 1929, it could be reintroduced by a single infected animal or animal product from another country, or by a person or conveyance that carries the virus from another country. It can then spread quickly among our domestic herds by animal contact or through the aerosol transmission. We cannot afford to allow that to happen.

The disease can be carried by the wind from one animal to another. Animals infected by FMD can be cured by injections, however, the infected animal will continue to spread the disease during recovery. For that reason, the preferred remedy is to slaughter the animal before it can spread the disease further. To be safe, the entire herd will often be killed even if only one or two animals are found to be infected. This is why our bill also contains a provision to determine whether adequate compensation would be available under existing programs for producers suffering losses from destruction of affected herds.

Mr. President, another concern held by some is that there is a strong risk of humans being infected by these diseases, either by eating meat or through some other means of transmission.

Let me first discuss BSE. There are, in fact, human spongiform encephalopathies. An example of such a disease is the recently discovered variant of Cruetzfeldt-Jacab Disease. Scientists have not determined that a definitive causal link exists between BSE and variant Cruetzfeldt-Jacob Disease or other spongiform encephalopathies found in humans. The Centers for Disease Control and Prevention (CDC) has stated: "Although there is strong evidence that the agent responsible for these human cases is the same agent responsible for the BSE outbreaks in cattle, the specific foods that may be associated with the transmission of this agent from cattle to humans are unknown." Scientists are currently studying the issue further and the Animal Health Risk Assessment, Prevention, and Control Act of 2001 encourages such research.

While these studies are ongoing, the Food and Drug Administration (FDA) has acted to minimize the spread of human spongiform encephalopathies in the United States by disqualifying any individual who lived in the United Kingdom for more than six months since 1980 from donating blood while in the U.S.

With respect to foot and mouth disease, it is principally an animal disease and is not thought to be threatening to human health. Humans can, however, spread the disease to animals.

I am concerned that based on the outbreak of these diseases in Europe and the potential for spread into the U.S., consumers might question the safety and wholesomeness of animal products sold in this country. Because of our vigilance in the past our nation has a very safe and wholesome meat supply, and we should be proud of that. In fact, other nations have been seeking out American meat products, because they know that our animals health system is strong and has successfully kept these diseases out of our domestic livestock herds.

Mr. President, the Animal Health Risk Assessment, Prevention, and Control Act of 2001, will help the United States to maintain the safety of our food supply and will help our nation to evaluate the sufficiency of the steps taken, or planned, to protect our citizens from any potential untoward impacts if these animal diseases enter into the United States.

Mr. HARKIN. Mr. President, today I am pleased to join Senator HATCH and thirty-seven other Senators in introducing the Animal Disease Risk Assessment, Prevention, and Control Act of 2001. This legislation helps make sure that our country is on a solid footing to protect our country's public and economy from the astounding losses that could come from an animal disease such as Food and Mouth Disease, FMD, or Bovine Spongiform Encephalopathy, BSE, arriving on our shores.

As we know all too well from observing the experience of the EU, either of these diseases could potentially wreak tens of billions of dollars in lost livestock and markets if they were ever found in the U.S. BSE, with its suspected linkages to New Variant Cruetzfeld-Jacob Disease, could cause some Americans to suffer its cruel, fatal effects.

Fortunately, we have an animal and public health system that has successfully prevented either of these diseases from entering our country. This is testimony to the men and women who work each day to protect our nation from foreign animal diseases. But the price of this success is unremitting vigilance. We must ensure there are no gaps in our defenses. The sheer volume of travel and commerce between the United States and the European Union is placing unprecedented strain on our animals health system.

This legislation will give Congress a clearer picture of where the potential risks to animal and human health may lie, and what must be done to prevent them. It will provide Congress and the public with a blueprint for what is currently being done, and what must be done in the future.

The health of our animals is inextricably linked with the health of our populace and economy. It is crucial to continuing to provide a safe, abundant supply of food. I hope this legislation will be passed quickly, to send a clear message that Congress stands ready to do what it takes to ensure that our success in protecting our shores from FMD and BSE remains unbroken.

Mr. DASCHLE. Mr. President, the outbreak of Foot and Mouth Disease, FMD, and Bovine Spongiform Encephalopathy, BSE, among some of our closest trading partners is cause for heightened attention to our ability to prevent the spread of these diseases to the United States. Although the U.S. has not had an outbreak of Foot and Mouth Disease since 1929, and has had no known cases of BSE, their recent spread in Europe and other countries has raised serious concerns domestically. Given the extremely contagious nature of FMD, an outbreak in the U.S. could be catastrophic to the domestic farm economy, and would have serious ramifications for other economic sectors as well. BSE is not as contagious as FMD, but it causes a disease in humans that is fatal. Overall, BSE is much less well understood than FMD, which is itself a risk factor.

I appreciate the significant work of USDA and other agencies to control the threat that FMD and BSE may pose to human health, in the case of BSE, and the health of domestic livestock and wildlife. However, we must do more, and we must do it quickly. I believe that the Administration's efforts would benefit from greater coordination among federal agencies, and increased attention to the availability of public information. Additionally, Congress needs data relevant to the development of longer-term disease prevention and management strategies, and guidance as to whether the Administration will require increased statutory or funding to respond to this situation appropriately and expeditiously.

In an effort to contain the spread of FMD, South Dakota has instituted restrictions on individuals traveling from countries with confirmed cases. However, American embassies in the European Union, and possibly other countries, are not aware of these restrictions related to its containment. Additionally, airport and airline personnel appear to be inadequately informed about the need for travelers re-entering this country to take appropriate measures to avoid introducing the disease to U.S. livestock or wildlife.

A constituent of mine recently reported that a visitor coming to South Dakota from France contacted the American Embassy there to inquire about potential restrictions prior to his trip, but was told they knew of none. In fact, the state of South Dakota has banned visits to farms, sale barns and a list of other facilities for five days prior to travel, and contact with livestock or wildlife for five days after arrival in the U.S. In another incident, two producers who were part of a tour group returning from Ireland through Chicago O'Hare International Airport independently sought out disinfectant for their shoes and other belongs before returning to the state, after realizing that no airport or airline personnel were requiring travelers to take any such precautions.

This week I have worked with my colleagues on both sides of the aisle to draft a bill to address these needs. Today, I join Senators HARKIN and HATCH, and over 40 of our colleagues, to introduce The Animal Disease Risk Assessment Prevention and Control Act of 2001. The bill would require USDA, in consultation with other relevant federal agencies, to submit what I think will be very valuable information to Congress, in the shortest time feasible.

First, the bill would require USDA to provide information about the Administration's FMD and BSE prevention and control plan, including: 1. How federal agencies are coordinating their activities on FMD and BSE; 2. how federal agencies are communicating information on FMD and BSE to the public; and 3. whether the Administration needs additional legislative authority or funding to most appropriately manage the threat that FMD, BSE, or related diseases may pose to human health, livestock, or wildlife.

Second, the bill would require USDA to provide information relevant to a longer-term disease prevention and management strategy for reducing risks in the future, including: 1. The economic impacts associated with the potential introduction of FMD, BSE, or related diseases into the United States; 2. The potential risks to public and animal health from FMD, BSE, and related diseases; and 3. recommendations to protect the health of our animal herds and our citizens from these risks, including, if necessary, recommendation for additional legislative authority or funding.

One of the most important steps we can take to prevent the introduction of FMD and BSE to the U.S. is also one of the simplest: improved access to information. In addition to the actions USDA, FDA and other agencies are taking to control the diseases, it is imperative that the State Department, the Department of Treasury, the Department of Transportation, the Department of Defense, and other agencies act immediately to provide the best possible information to travelers, the military, and others, including news of sanitation, travel restrictions, and other precautions.

Again, I commend the actions USDA and other agencies to prevent the incidence of these diseases abroad from creating a crisis in the U.S. I think we all appreciate the sensitivity of this issue, and that no one gains from exaggerating or misrepresenting potential risks in a situation such as this. Neither would the U.S. benefit in the long run by limiting trade with other countries for reasons other than those that are purely health and safety-related, and can be scientifically substantiated. At the same time, we have every right to protect the health of our domestic livestock industry in a pro-active and comprehensive manner. To that end, I look forward to passing this legislation quickly, so we can ensure that the Administration has the information and resources it needs to respond to this situation and to ensure that the public is fully aware of the steps being taken on their behalf.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS—APRIL 6, 2001

By Mr. BOND (for himself and Mr. BREAUX):

S. 724. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that I believe is vitally important to the health care of children and pregnant women in America. The goal of this legislation is simply, to make sure more pregnancy women and more children are covered by health insurance so they have access to the health care services they need to be healthy.

The need is great, on any given day, approximately 11 million children and close to half a million pregnant women do not have health insurance coverage. For many of these women and children, they or their family simply can't afford insurance, and lack of insurance often means inability to pay for care. The further tragedy is that quite a few are actually eligible for a public program like Medicaid or the State Children's Health Insurance Program, but many of those don't know they are eligible and are not signed up.

Lack of health insurance can lead to numerous health problems, both for children and for pregnant women. A child without health coverage is much less likely to receive the health care services that are needed to ensure the child is healthy, happy, and fully able to learn and grow. An uninsured pregnant woman is much less likely to get critical prenatal care that reduces the risk of health problems for both the woman and the child. Babies whose mothers receive no prenatal care or late prenatal care are at-risk for many health problems, including birth defects, premature births, and low birthweight.

The bill I am introducing deals with this insurance problem in two ways.

First, it allows states to provide prenatal care for low-income pregnant women under the State Children's Health Insurance Program—also known as SCHIP—if the state chooses.

Through the joint federal-state SCHIP program, states are currently expanding the availability of health insurance for low-income children. However, federal law prevents states from using SCHIP funds to provide prenatal care to low-income pregnant women over age 19, even though babies born to many low-income women become eligible for SCHIP as soon as they are born.

Approximately 41,000 additional women could be covered for prenatal care. There are literally billions of dollars of SCHIP funds that states have not used yet, so I would hope that most states would choose this option. This provision will not impact federal SCHIP expenditures because it does not change the existing federal spending caps for SCHIP. Babies born to pregnant women covered by a state's SCHIP program would be automatically enrolled and receive immediate coverage under SCHIP themselves.

It is foolish to deny prenatal care to a pregnant mother and then, only after the baby is born, provide the child with coverage under SCHIP. Prenatal care can be just as important to a newborn baby as postnatal care, and the prenatal care is of course important for the mother as well.

We know that states will be interested. Two states have already gone through the difficult Health Care Financing Administration waiver process to get permission to cover pregnant women through their SCHIP programs. But you shouldn't have to get a waiver to do something that makes so much sense. This bill will make it an automatic option that any state can do without the need of a waiver.

Second, the bill will help states reach out to women and children who are eligible for, but are not enrolled in, Medicaid or SCHIP. Approximately 340,000 pregnant women and several million children are estimated to be eligible for but not enrolled in Medicaid. Millions of additional children are eligible for but not yet enrolled in SCHIP. We must reach out to these people to make sure they know they have options which they are not using.

When Congress passed the welfare reform bill back in 1996, we created a $500 million fund that states could tap into to make sure that all Medicaid-eligible people stayed in Medicaid. The problem is that only half of that fund has been used. My bill would give states more flexibility to use this fund to reach out to both Medicaid and SCHIP-eligible women and children.

In addition, my bill tries to make greater use of what is known as presumptive eligibility. Under presumptive eligibility, states are allowed to temporarily enroll children whose family income appears to be below Medicaid or SCHIP income standards, until a final determination of eligibility is made. This is useful because it allows people to get health care services at the same time that they are waiting, sometimes for as much as a month or two, for a final eligibility determination.

Without presumptive eligibility, experience has shown that fewer people will fill out the applications forms, and fewer people will be willing to wait until a final decision is made. When it comes to trying to ensure that people get health care, we need to remove as many barriers as possible. That is why presumptive eligibility is useful, it removes a barrier.

Right now, states may grant presumptive eligibility for both pregnant women in Medicaid and for children in Medicaid and in SCHIP. Because my legislation would allow pregnant women to be covered through SCHIP for the first time, my bill also extends presumptive eligibility for pregnant women into the SCHIP program. In addition, in legislation passed last December, Congress expanded the types of sites states can use to grant presumptive eligibility for children to also include schools and other entities that states think will be able to identify people eligible for these programs. However, we failed to give states the ability to use these additional entities as sites to enroll pregnant women. My bill would correct that omission.

The bottom line is that this bill will help provide health care to more pregnant women. With hundreds of thousands of pregnant women lacking insurance, and with hundreds of thousands lacking adequate prenatal care, we are compelled to focus on this issue.

I believe this is crucial legislation, and urge my colleagues to join me in support of it so that we can pass this bill.

By Mr. GRASSLEY:

S. 725. A bill to amend the Internal Revenue Code of 1986 to codify the authority of the Secretary of the Treasury, to issue regulations covering the practices of enrolled agents before the Internal Revenue Service; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I rise to introduce the Enrolled Agent Credentials Protection Act. This legislation would make it clear that Enrolled Agents have the right to use their federally granted credentials, by making it clear that states shall not restrict enrolled agents from using the words "Enrolled Agent" or the abbreviations "EA" and "E.A."

A number of states have enacted laws that restrict the right of Enrolled Agents to use their credentials or designations as Enrolled Agents. The Supreme Court has held in similar situations that because the Federal Government grants the license, restricting its use is an unmerited exercise of state powers. This legislation is consistent with the Uniform Accountancy Act, Third Edition, as drafted by the American Institute of Certified Public Accountants and National Association of State Accountancy Boards.

Enrolled Agents have been providing valuable services to taxpayers since 1884. Since that time, the profession has evolved and now includes preparing and advising on tax returns for individuals, partnerships, corporations, estates, trusts and any entity with tax-reporting requirements. They also provide affordable representation to individuals and small businesses with disputes before the Internal Revenue Service. At present, there are approximately 35,000 Enrolled Agents in the country providing practical and affordable tax service to taxpayers.

Enrolled Agents are highly qualified tax professionals. While certified public accountants and licensed attorneys also represent taxpayers before the Internal Revenue Service, only Enrolled Agents are required to demonstrate to the IRS their technical competence in the field of taxation. In order to maintain their status as Enrolled Agents, they must take 72 hours of continuing professional education, reported every three years to the IRS. Because Enrolled Agents focus on federal taxes and tax administration, they are able to keep on the forefront of current changes in the law and regulations.

The Enrolled Agent designation dates to the Enabling Act of 1884 and the profession is regulated by Treasury Circular 230, the same body of regulations that governs the practice of attorneys and certified public accountants before the Internal Revenue.

This bill would restate the statutory validation that Enrolled Agents hold and allow them the right to use their credentials as Enrolled Agents. In doing so, this bill does not add to the powers that Enrolled Agents currently maintain, nor would it affect the rules and regulations provided for in Treasury Circular 230.

Section 10.30 of Circular 230 authorizes Enrolled Agents to advertise and display their ability to practice before the IRS provided the designation is not misleading or deceptive to the public. Neither Congress nor the Treasury Department ever intended for states to interfere with the right of Enrolled Agents to inform taxpayers that they hold a license to practice before the Internal Revenue Service.

By Mr. BREAUX (for himself, Mr. THOMPSON, Mr. MILLER, Mr. CLELAND, Ms. LANDRIEU, Mr. SHELBY, Mr. BUNNING, and Mr. FRIST):

S. 726. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas; to the Committee on Finance.

Mr. BREAUX. Mr. President, I am introducing legislation today to address a problem that has prevented municipal gas systems from using their tax exempt borrowing authority to obtain an assured, long-term supply of competitively-priced natural gas. I am joined today by my colleagues, Senators THOMPSON, MILLER, CLELAND, LANDRIEU, SHELBY, BUNNING and FRIST.

There are approximately 1,000 publicly owned gas distribution systems in the United States, the vast majority of which are located in small towns and rural communities across my home state of Louisiana and across the country. In 1993, the Federal Energy Regulatory Commission, FERC, restructured the natural gas industry so that municipal gas systems could no longer purchase natural gas supplies on a reliable and regulated basis from interstate natural gas pipelines. This fundamental change in the marketplace meant that for the first time municipal gas systems had to acquire reliable gas supplies and transport on their own in a deregulated marketplace. In response, many formed joint action agencies—as contemplated in the FERC restructuring, to acquire and manage the delivery of gas.

In today's turbulent natural gas markets, long-term prepaid supply arrangements are the most reliable means of obtaining an assured supply of natural gas. To fund prepaid supply contracts, a municipality or a joint action agency issues tax-exempt bonds. These contracts contain stiff penalties if the supplier fails to fulfill its contract—making this the most reliable gas supply that municipal gas agencies can purchase. The seller discounts the price for several reasons including the fact that a prepaid contract eliminates the normal credit risk associated with selling gas to non-rated governmental entities. Municipal gas systems are able to obtain these firm gas supplies at more competitive prices. Until August of 1999, joint action agencies entered into prepayment supply contracts with gas suppliers to obtain a long-term, e.g., 10-year, supply of gas.

In August 1999, the IRS effectively prevented municipal gas systems from using their tax-exempt borrowing authority to fund the purchase of long-term, prepaid supplies of natural gas for their citizens. In a statement on an unrelated matter, the IRS questioned whether the purchase of a commodity, such as natural gas, under a prepaid contract financed by tax-exempt bonds has a principal purpose of earning an investment return. In this scenario, the bonds would run afoul of the arbitrage rules of the Internal Revenue Code.

Confusion over the IRS' statement and fear of impending regulations has led to the effective elimination of an extremely effective method of securing natural gas for local communities. The IRS has yet to issue any clarification or guidance on this issue.

Under current law, tax-exempt bonds may not be used to raise proceeds that are then used to acquire "investment-type property" having a higher yield than the bonds. Governmental bonds that violate this arbitrage restriction do not qualify for tax-exempt status. Treasury regulations provide that investment-type property includes certain prepayments for property or services "if a principal purpose for prepaying is to receive an investment return." But, "a prepayment does not give rise to investment-type property if . . . the prepayment is made for a substantial business purpose other than investment return and the issuer has no commercially reasonable alternative to the prepayment. . . ." A nearly identical standard is used to determine whether a prepayment transaction is treated as a loan for purposes of the private loan-financing test. If a transaction is considered a private loan financing, the bonds are treated as private activity bonds. Although municipal gas systems clearly have a "substantial business purpose" for entering into prepayment transactions and "no commercially reasonable alternative," the lack of clarification on this IRS language has hampered the most efficient tool available to public gas systems to secure long-term supplies of natural gas.

The bill does not overturn current law or any IRS regulations. It simply clarifies the law, both with respect to the arbitrage rules and the private loan financing rules, to allow an effective and reasonably-priced energy delivery system to continue unimpeded.

The United States is in the midst of an energy crisis. Natural gas distribution systems are scrambling to obtain an assured supply of natural gas, even while prices have skyrocketed in the last few months. The ability of small communities to use their tax-exempt borrowing authority to obtain a long-term, assured supply of competitively-priced natural gas is essential. By clarifying current law, we provide a low-cost natural gas option for millions of Americans across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Utility Natural Gas Supply Act of 2001".

SEC. 2. ARBITRAGE RULES NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) IN GENERAL.—Subsection (b) of section 148 of the Internal Revenue Code of 1986 (defining higher yielding investments) is amended by adding at the end the following new paragraph:

"(4) EXCEPTION FOR CERTAIN PREPAYMENTS TO ENSURE NATURAL GAS SUPPLY.—The term 'investment property' shall not include any prepayment for the purpose of obtaining a supply of natural gas reasonably expected to be used in a business of 1 or more utilities each of which is owned and operated by a State or local government, any political subdivision or instrumentality thereof, or any governmental unit acting for or on behalf of such a utility.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1301 of the Tax Reform Act of 1986.

SEC. 3. PRIVATE LOAN FINANCING TEST NOT TO APPLY TO PREPAYMENTS FOR NATURAL GAS.

(a) IN GENERAL.—Paragraph (2) of section 141(c) of the Internal Revenue Code of 1986 (relating to exception for tax assessment, etc., loans) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following new subparagraph:

"(C) arises from a transaction described in section 148(b)(4).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1301 of the Tax Reform Act of 1986.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 727. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to be joining with my colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing the Teaching Children to Save Lives Act which will help train a generation of potential lifesavers by providing funding for programs to teach children the basic lifesaving skill of cardiopulmonary resuscitation, or CPR.

Approximately 220,000 Americans die each year of sudden cardiac arrest. The American Heart Association estimates that about 50,000 of these lives could be saved each year if more people implemented what it calls the "Chain of Survival," which includes an immediate call to 911, early CPR and defibrillation, and early advanced life support. The Teaching Children to Save Lives Act, which we are introducing today, will help strengthen the second link in this chain by providing grants to schools to implement CPR training programs. Schools could use these funds to work in conjunction with community organizations such as local fire and police departments, hospitals, parent-teacher associations and others to provide CPR training. The legislation authorizes $30 million over three years for the Department of Health and Human Services to award grants to States to support these community partnerships and to help schools train teachers and purchase materials such as mannequins. Those schools that are fortunate enough to have CPR programs will be able to apply for funding to help train students in the use of automated external defibrillators, a life-saving device that shocks a heart back to its normal rhythm when it stops beating.

We have all heard stories about situations where a school age child or teenager has been the witness, perhaps the only witness, to a heart attack or other health emergency. Many kids, and adults for that matter, simply don't know what to do in the face of such an emergency. Given the proper training, however, our young people are perfectly capable of responding calmly and appropriately to a life-threatening situation.

For example, the Red Cross in Maine recently honored Sara Boyorak, a student at Bangor High School, for her quick response when her 22-month old nephew Blake, suddenly stopped breathing. Sara was riding in the car with Blake and her parents to a family get-together. It was a miserably hot day and Blake was suffering from a terrible ear infection. Sara was entertaining Blake in his car seat when he suddenly stopped responding to her. She then noticed that his face was turning a bluish color. Evidently, the heat of the day combined with the fever from his ear infection had caused Blake to stop breathing.

Sara had taken CPR in a Red Cross class at her school so she was prepared and knew just what to do. She immediately leaped into action and initiated the "Chain of Survival." She directed her father to stop the car and her mother to call 911 on the cell phone. She then placed Blake on the back seat of the car, and, when she had determined that he was not breathing and had no pulse, she started performing CPR, just as she had learned in her class. As a consequence of her quick action, Blake regained consciousness before the ambulance arrived, and will soon be celebrating his third birthday, thanks to his Aunt Sara.

The Teaching Children to Save Lives Act will enable more school children like Sara to learn the CPR skills they may need to save the life of a family member or loved one. Moreover, teaching CPR to our children and teens will not only improve their confidence in responding to emergencies, but it will also encourage them to update and maintain these skills into adulthood.

The Teaching Children to Save Lives Act is supported by coalition of groups including the American Heart Association, the Red Cross, the National Education Association, and the School Nurses Association, and I urge all of my colleagues to join us in cosponsoring the legislation.

Mr. FEINGOLD. Mr. President, I rise today to join my friend and colleague from Maine to introduce the "Teaching Children to Save Lives Act." This legislation will help schools in their efforts to provide students with chain of survival training, including training in cardiopulmonary resuscitation, CPR, and in the use of Automated External Defibrillators, AEDs. It is vital that we support local and community based efforts to equip younger generations with the necessary skills to deal with life-threatening cardiac emergencies.

Over two hundred twenty thousand Americans die each year of sudden cardiac arrest. About 50,000 of these victims lives could be saved each year if more people implemented the "Chain of Survival," which includes an immediate call to 911, early CPR and defibrillation, and early advanced life support. The Teaching Children to Save Lives Act will help strengthen the second link in the Chain by providing grants to schools to implement CPR training programs and help some schools train their students in AED use.

In Wisconsin, we've seen many examples where a school age child or teenager is the first witness to a heart attack. Unfortunately, most kids would not know what to do in the face of such an emergency. As a matter of fact, many adults wouldn't know what to do either. In response to this break in the chain of survival, a number of localities have pushed for increased CPR training and public access to defibrillation in schools.

In my home state of Wisconsin, a broad coalition including the Children's Hospital of Wisconsin, the American Red Cross, the American Heart Association and the Children's Hospital Foundation created Project Adam in memory of a student who tragically collapsed and passed away while playing competitive sports. This legislation follows the lead of Project Adam, which fosters awareness of the potential for sudden cardiac arrest in the adolescent population and facilitates training of high school staff and students in CPR and in the use of AEDs.

The Teaching Children to Save Lives Act builds on these efforts by providing funding to teach the basics of the chain of survival and provide funding for AED training devices. This legislation also has sufficient flexibility to allow States and communities the ability to address their local needs. For example, schools could either begin their efforts to teach the Chain of Survival by starting a CPR training program or build on existing efforts by applying for grants to train students to use automatic external defibrillators. As a result of Project Adam, at least one life has been saved so far and three other children have survived episodes because of early defibrillation.

Many of our schools lack the resources they need for basic health educational programs. This legislation would follow the lead of local efforts such as Project Adam and demonstrate that the Federal government wants to be a partner in these lifesaving efforts.

I want to especially thank my friend from Maine, Senator COLLINS, who has worked with me to improve the chain of survival across the United States. Without her leadership last year on our legislation to improve access to defibrillators in rural areas, we would not have been able to move forward with legislation that will improve cardiac survival rates across rural communities.

I hope my colleagues will join us in our continued efforts to improve cardiac arrest rates by working with us to pass this important legislation to provide communities the support they need to effectively teach CPR in the schools.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. CONRAD):

S. 728. A bill to establish a demonstration project to waive certain nurse aide training requirements for specially trained individuals who perform certain specific tasks in nursing facilities participating in the medicare or medicaid programs, and to conditionally authorize the use of resident assistants in such nursing facilities; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Medicare and Medicaid Nursing Services Quality Improvement Act. I am pleased to work with Senators DORGAN and CONRAD in this important effort to improve the quality of care in our nation's nursing homes.

This legislation serves two purposes. First, as part of an 8-State demonstration project, it allows Wisconsin nursing homes to continue utilizing Resident Assistants, or "single task employees" as they are referred to in Wisconsin, to help provide care to residents. Second, it provides for a thorough evaluation of Resident Assistants to assess their impact on quality of care, as well as their impact on the recruitment, retention, and salaries of other nursing staff.

For the past seven years, many nursing facilities in Wisconsin have been utilizing single task employees to help provide care to residents. Single task employees have helped primarily with feeding and hydration services and have provided often-needed extra assistance during the busier mealtime hours. All single task employees must go through a training program. In many cases, those who perform these single tasks are already on staff serving in other non-nursing capacities.

Last year, the Health Care Financing Administration, HCFA, notified the State of Wisconsin that the use of single task employees in nursing homes was not permissible under Federal law. In particular, HCFA noted that only staff who have undergone the required training to become a Certified Nurse Aide, CNA, may perform nursing-related tasks in Medicaid facilities. Therefore, faced with no other recourse, Wisconsin submitted and HCFA approved a plan to phase out the use of single task employees by the end of 2001.

I am deeply concerned that the immediate removal of all single task employees could worsen staffing shortages that many Wisconsin nursing homes already face. A December, 2000 survey of 247 Wisconsin nursing homes found that nearly 32 percent were currently suspending or restricting admissions or had done so in the prior six months due to inadequate staffing.

I recognize that there are many factors that have contributed to staffing shortages in Wisconsin and across the nation. I believe that we need to look for long-term solutions to strengthen training and improve staffing in nursing homes, and I am committed to working in that effort. We must all work together to find ways to attract greater numbers of qualified people to become CNAs, and ensure they receive the support, training and compensation they deserve for their hard work and dedication.

In the meantime, this legislation provides a short-term solution to address the staffing shortages Wisconsin nursing homes face today. Under the bill, Wisconsin would be one of 8 demonstration States and could continue to use single-task workers, referred to in the legislation as "Resident Assistants" to account for differences in terminology between States. The information we obtain from these Demonstration States will help us evaluate the impact of Resident Assistants and provide us with valuable insight to improve the quality of nursing home care.

Because this is a Demonstration Project, this bill provides safeguards to closely monitor the use of Resident Assistants. Under the bill, Resident Assistants would be limited to providing assistance with feeding and hydration. All Resident Assistants would be required to go through a training program approved by the State. They must be trained in feeding and hydration skills, recognizing and alerting licensed staff to the signs of malnutrition and dehydration, understanding the aging and disease processes of the elderly, responding to choking emergencies and alerting licensed staff to other emergencies, taking precautions to prevent the spread of disease, and residents' rights. In addition, all Resident Assistants must be supervised at all times by a licensed health professional.

I also want to stress that this bill strictly prohibits nursing homes from replacing certified nursing staff with Resident Assistants, and Resident Assistants may not be counted toward any minimum staffing requirements that nursing homes are or could be required to meet. Let me be clear: Resident Assistants are not intended to serve as a substitute for the specialized care that nurse aides provide. They are intended to be utilized as supplemental help with feeding and hydration services for residents, to provide an extra pair of hands at busier mealtimes, and to provide some assistance to nurse aides who are stretched so thin so they can focus on other critical nursing tasks.

Most importantly, let me reiterate that this is a time-limited demonstration project. This legislation ensures that we collect reliable data on the use of Resident Assistants, which will be analyzed by an advisory panel made up of nursing home representatives, Long-Term Ombudsmen, State and Federal officials, consumer groups, and labor representatives.

The advisory panel will look at a variety of factors to determine the impact of the project, including: the effect on quality of care compared to non-demonstration States, the effect on staffing levels and ratios in nursing homes, the effect on recruitment, retention and salaries of nursing aides, and resident satisfaction with feeding and hydration services.

The advisory panel will evaluate this data and submit recommendations to the Secretary of the Department of Health and Human Services. The Secretary will then submit a final report to Congress on the demonstration. If the Secretary finds that the Demonstration project resulted in diminished quality of feeding and hydration services, or if recruitment, retention, or salaries of nursing staff decreased as a direct result of the use of Resident Assistants, then the demonstration project would end and all nursing homes must cease using Resident Assistants. However, if the Secretary finds that the demonstration projects were successful, only then may the Secretary expand the use of Resident Assistants nationwide, but with the same safeguards as the demonstration project. They would be limited to feeding and hydration services, required to undergo comprehensive training and be supervised by licensed health professionals, and be subject to the same requirement that they may only augment, not replace nursing staff.

This legislation will not only help stave off an even greater staffing problem in Wisconsin today. It will also give us the opportunity to take a closer look at Resident Assistants so we can make an informed determination as to whether they can help improve the quality of care in our nation's nursing homes. Our nursing homes in Wisconsin believe that Resident Assistants can be a valuable addition, and this bill will allow us to keep an open mind and look at all of the evidence in a thorough evaluation.

This legislation helps address the challenges we face today. At the same time, let me reiterate that I am committed to working with my colleagues to look for longer-term solutions to address staffing shortages in order to ensure quality nursing home care far into the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare and Medicaid Nursing Services Quality Improvement Act of 2001".

SEC. 2. DEMONSTRATION PROJECT TO WAIVE CERTAIN NURSE AIDE TRAINING REQUIREMENTS FOR SPECIALLY TRAINED INDIVIDUALS WHO PERFORM CERTAIN COVERED TASKS IN MEDICARE AND MEDICAID NURSING FACILITIES.

(a) DEMONSTRATION PROJECT.—Not later than October 1, 2001, the Secretary shall conduct a demonstration project under which a resident assistant may perform a covered task for a resident of a covered nursing facility in a demonstration State.

(b) REQUIREMENTS.—

(1) MINIMUM STAFFING REQUIREMENTS NOT AFFECTED.—A resident assistant performing a covered task under this section—

(A) may augment, but not replace, existing staff of a covered nursing facility; and

(B) shall not be counted toward meeting or complying with any requirements for nursing care staff and functions of such a facility, including any minimum nursing staffing requirement imposed under section 1819 or 1919 of the Social Security Act (42 U.S.C. 1395i-3, 1396r).

(2) EXCLUSION OF PARTICIPATION.—

(A) BASED ON REPLACEMENT OF CERTIFIED NURSING STAFF.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary may exclude from participation in the demonstration project any covered facility that the Secretary determines (on the basis of data submitted under subsection (c) or otherwise) has replaced certified nurse assistants with resident assistants.

(ii) LIMITATION.—The Secretary may not exclude a facility under clause (i) unless the Secretary has reviewed all pertinent data that may reflect on a reduction of nursing staff in the facility, including changes in resident population and case mix.

(B) BASED ON POOR TREATMENT RECORDS OR INSUFFICIENT LICENSED STAFF.—The Secretary may exclude from participation in the demonstration project any covered nursing facility that a State survey agency recommends be excluded because of unsatisfactory treatment records or insufficient licensed staff to provide supervision of resident assistants.

(c) DATA COLLECTION.—

(1) DATA REGARDING INITIAL WORKFORCE.—

(A) IN GENERAL.—At the beginning of a covered nursing facility's participation in the demonstration project, the facility shall submit to the appropriate State agency of the demonstration State independently verifiable data regarding the composition of the facility's workforce at the time such participation commences.

(B) DATA REGARDING RESIDENT ASSISTANTS.—Such data shall include—

(i) the number of resident assistants in the facility hired solely to perform covered tasks and the number of such assistants performing additional tasks; and

(ii) the number of residents of the facility who are served by such resident assistants.

(C) TRANSMITTAL OF DATA TO SECRETARY.—The State agency shall forward such data to the Secretary.

(2) DATA REGARDING PERFORMANCE OF RESIDENT ASSISTANTS.—Each such facility shall submit to such State agency data, at such times and in such manner as the Secretary may require; regarding the performance of covered tasks by resident assistants under the demonstration project.

(3) TRANSMISSION OF DATA TO THE SECRETARY.—The State agency shall forward data collected under this subsection to the Secretary. The Secretary shall compile data collected under this section with data collected pursuant to sections 1819 and 1919 of the Social Security Act (42 U.S.C. 1395i-3, 1396r) for purposes of excluding a facility from participation in the project under subsection (b)(2) and performing the analysis under subsection (d)(2).

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORTS.—Not later than December 1 of each of 2002 and 2003, the Secretary shall submit to Congress a report on the project, and include an analysis that meets the requirements of paragraph (3).

(2) FINAL REPORT.—Not later than December 1, 2004, the Secretary shall submit a report to Congress required under section 3(c)(2)(B) that includes the recommendations of the advisory panel convened under paragraph (4).

(3) ANALYSIS REQUIREMENTS.—The analysis required under paragraph (1) shall—

(A)(i) examine the effect of resident assistants on the quality of resident care in facilities in demonstration States, and

(ii) compare such quality of resident care with the quality of resident care in facilities in other States,

by employing quality indicators determined by the Secretary, including with regard to nutrition and hydration, nutrition and hydration levels, unplanned weight loss or gain, and the number of citations for nutrition-related violations relating to such residents;

(B) examine the effect of resident assistants on staffing levels and ratios in covered nursing facilities, including staffing levels for duties performed by resident assistants in other capacities in the facility (such as housekeeping or claims processing);

(C) measure the effect that the presence of such resident assistants has on certified nurse assistants, including—

(i) recruitment and retention within the certified nurse assistant profession;

(ii) wage structures in effect for such certified nursing assistants during the demonstration project and, in particular, whether payment under such structures decreased as a result of the use of resident assistants; and

(iii) instances of resident assistants being promoted to certified nurse assistant positions; and

(D) examine resident satisfaction with respect to nutrition and hydration services provided by resident assistants.

(4) ADVISORY PANEL.—

(A) DUTIES.—Not later than November 1, 2003, the Secretary shall convene an advisory panel that shall—

(i) review and evaluate the data collected in accordance with subsection (c); and

(ii) submit recommendations on the use or improvement of resident assistants in covered nursing facilities.

(B) MEMBERSHIP.—The advisory panel convened under subparagraph (A) shall consist of representatives of the following:

(i) The Health Care Financing Administration of the Department of Health and Human Services.

(ii) National and local organizations representing for-profit and nonprofit covered nursing facilities.

(iii) Consumer groups.

(iv) State long-term care ombudsmen or other nursing facility resident advocates of the State.

(v) Labor organizations.

(vi) State survey and licensure agencies.

(vii) Licensed health care providers.

(viii) Dietitians.

(ix) Speech therapists.

(x) Any other entities or individuals that the Secretary deems appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

(f) DEFINITIONS.—In this section:

(1) DEMONSTRATION STATE.—The term "demonstration State" means—

(A) Wisconsin,

(B) North Dakota, and

(C) not more than 6 States (other than Wisconsin and North Dakota) as selected by the Secretary which, as of the date of enactment of this Act, have established or proposed a project, program, or policy to permit individuals who do not meet nurse aide training requirements to perform a covered task.

(2) COVERED NURSING FACILITY.—The term "covered nursing facility" means—

(A) a skilled nursing facility (as that term is defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a))), and

(B) a nursing facility (as that term is defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a))).

(3) RESIDENT ASSISTANT.—

(A) IN GENERAL.—The term "resident assistant" means an individual who does not meet nurse aide training requirements (as defined in paragraph (5)) but who does meet the requirements specified in subparagraph (B).

(B) RESIDENT ASSISTANT REQUIREMENTS.—For purposes of subparagraph (A), the requirements specified in this subparagraph are the following:

(i) The individual has successfully completed an initial training program administered by the facility that meets the requirements of subparagraph (C) and subsequent competency evaluations, as reviewed and approved by the demonstration State (which, with respect to the training program, may be during the facility's standard survey).

(ii) The individual is performing a covered task under the onsite supervision (as defined in paragraph (6)) of a licensed health professional (as defined in section 1819(b)(5)(G) of the Social Security Act (42 U.S.C. 1395i-3(b)(5)(G))).

(iii) In the case of an individual performing a feeding and hydration covered task, the determination of the residents who may receive such a task from a resident assistant shall be based on the needs and potential risks to the resident, as observed and documented in the resident's written plan of care and the comprehensive assessment of the resident's functional capacity required under section 1818(b) or 1919(b) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)).

(iv) The individual complies with any other limitations on performance of duties which may be established by the demonstration State.

(C) TRAINING PROGRAM REQUIREMENTS.—For purposes of subparagraph (B)(i), a training program shall—

(i) relate to the performance of the covered task to be performed by the individual; and

(ii) include—

(I) feeding skills and assistance with eating;

(II) the importance of good nutrition and hydration, including familiarity with signs of malnutrition and dehydration;

(III) an overview of the aging and disease process, as it relates to nutrition and hydration services;

(IV) how to respond to a choking emergency and alert licensed staff to other health emergencies;

(V) universal precautions for the prevention of the spread of communicable diseases; and

(VI) a statement of residents' rights.

(4) COVERED TASK.—

(A) IN GENERAL.—The term "covered task" means feeding and hydration.

(B) EXCLUSIONS.—Such term does not include—

(i) administering medication,

(ii) providing direct medical care, including taking vital signs, skin care, or wound care, or

(iii) performing range of motion or other therapeutic exercises with residents.

(5) NURSE AIDE TRAINING REQUIREMENTS.—The term "nurse aide training requirements" means the requirements of sections 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F) and 1396r(b)(5)(F)) relating to nurse aides.

(6) ONSITE SUPERVISION.—The term "onsite supervision" means that a licensed health professional referred to in paragraph (3)(B)(ii) is in the unit or floor where services are being provided, and is readily available to provide assistance if necessary.

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(8) DEMONSTRATION PROJECT.—The term "demonstration project" means the demonstration project conducted under this section.

(9) STATE.—The term "State" has the meaning given such term for purposes of titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.).

SEC. 3. AUTHORIZING THE USE OF RESIDENT ASSISTANTS IN NURSING FACILITIES RECEIVING PAYMENTS UNDER THE MEDICARE OR MEDICAID PROGRAM.

(a) IN GENERAL.—Subsection (b) of sections 1819 and 1919 (42 U.S.C. 1395i–3, 1396r) of the Social Security Act, as amended by section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, are each amended by adding at the end the following new paragraph:

"(9) USE OF RESIDENT ASSISTANTS.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a skilled nursing facility may use a resident assistant to perform a covered task for a resident of the facility that would otherwise be performed by a nurse aide.

"(B) DEFINITION.—The term 'resident assistant' means an individual—

"(i) who has successfully completed an initial training program and competency evaluation, and subsequent competency evaluations, approved by the State under subsection (e)(6); and

"(ii) who is competent to perform a covered task.

"(C) REQUIREMENT FOR ONSITE SUPERVISION.—A resident assistant may only perform a covered task under the supervision of a licensed health professional (as defined in paragraph (5)(G)) who is present in the unit or floor where the covered task is performed and who is readily available to provide assistance to the resident assistant.

"(D) REQUIREMENT FOR DETERMINATION OF APPROPRIATE PATIENTS.—A resident assistant may only perform a covered task for a resident who is approved for such purpose based on the needs of, and potential risks to, the resident, as observed and documented in the resident's written plan of care and the comprehensive assessment of the resident's functional capacity required under this subsection.

"(E) ADDITIONAL REQUIREMENTS.—The individual complies with any other limitations on performance of duties which may be established by the State in which the covered task is performed.

"(F) MINIMUM STAFFING REQUIREMENTS NOT AFFECTED.—A resident assistant shall not be counted toward meeting or complying with any requirement for nursing care staff and functions of such facilities under this section, including any minimum nursing staffing requirement.

"(G) COVERED TASK DEFINED.—For purposes of this section, the term 'covered task' means feeding and hydration.".

(b) SPECIFICATION OF TRAINING PROGRAM AND COMPETENCY EVALUATION STANDARDS.—

(1) REQUIREMENT FOR STANDARDS.—Subsection (e) of such sections are each amended by adding at the end the following new paragraph:

"(6) SPECIFICATION AND REVIEW OF RESIDENT ASSISTANT TRAINING PROGRAMS AND COMPETENCY EVALUATION AND OF RESIDENT ASSISTANT COMPETENCY EVALUATIONS.—The State must—

"(A) specify those initial training programs and competency evaluations, and those subsequent competency evaluations, that the State approves for purposes of subsection (b)(9) and that meet the requirements established under subsection (f)(8), and

"(B) provide for the review and reapproval of such evaluations, at a frequency and using a methodology consistent with the requirements established under subsection (f)(8).".

(2) SPECIFICATION OF STANDARDS.—Subsection (f) of such sections are each amended by adding at the end the following new paragraph:

"(8) REQUIREMENTS FOR RESIDENT ASSISTANT TRAINING PROGRAMS AND COMPETENCY EVALUATIONS AND FOR RESIDENT ASSISTANT COMPETENCY EVALUATIONS.—

"(A) IN GENERAL.—For purposes of subsections (b)(9) and (e)(6), the Secretary shall establish requirements for the approval of resident assistant training programs and competency evaluations administered by the facility, including—

"(i) requirements described in subparagraph (B),

"(ii) minimum hours of initial and ongoing training and retraining,

"(iii) qualifications of instructors,

"(iv) procedures for determination of competency, and

"(v) the minimum frequency and methodology to be used by a State in reviewing compliance with the requirements for such evaluations.

"(B) REQUIREMENTS DESCRIBED.—For purposes of subparagraph (A), the requirements described in this subparagraph are the following:

"(i) Feeding skills and assistance with eating.

"(ii) The importance of good nutrition and hydration, including familiarity with signs of malnutrition and dehydration.

"(iii) An overview of the aging and disease process, as it relates to nutrition and hydration services.

"(iv) How to respond to a choking emergency and alert licensed staff to other health emergencies.

"(v) Universal precautions for the prevention of the spread of communicable diseases.

"(vi) Residents' rights.

"(C) SPECIAL RULE FOR STATE DEMONSTRATION PARTICIPANTS.—In the case of a State that was a demonstration State (as that term is defined in subsection (f)(1) of section 2 of the Medicare and Medicaid Nursing Services Quality Improvement Act of 2001), to the extent that the demonstration State has in effect any requirement for the approval of resident assistant training programs and competency evaluations that meets or exceeds the same requirement that the Secretary establishes under this paragraph, notwithstanding subsection (b)(9)(B)(i) resident assistants who performed the covered task in facilities in that State under that demonstration project—

"(i) do not have to complete the entire initial training program and competency evaluation required under that subsection; and

"(ii) shall only be required to meet those requirements for such approval that the Secretary establishes under this paragraph that the State does not have in effect.".

(c) CONTINGENT EFFECTIVE DATE.—(1) The amendments made by this section shall become effective (if at all) in accordance with paragraph (2).

(2)(A) Not later than December 1, 2004, the Secretary of Health and Human Services (in this paragraph referred to as the "Secretary") shall submit to Congress a report on the results of the demonstration project established under section 2 that analyzes the effect on resident care in authorizing the use of resident assistants to furnish feeding and hydration services to residents in skilled nursing facilities under the medicare program and residents in nursing facilities under the medicaid program in the demonstration States.

(B) Such project shall be discontinued, and the amendments made by this section shall become effective, on January 1, 2005, unless the Secretary includes in that report a finding, on the basis of data collected under section 2(c) that—

(i) authorizing the use of such resident assistants to furnish such services diminishes the quality of feeding and hydration services furnished to residents of those facilities; or

(ii) any decreased recruitment and retention of nursing staff of those facilities and reduced salaries for such nursing staff is directly attributable to the use of such resident assistants to furnish such services.

By Mr. DEWINE:

S. 733. A bill to eliminate the duplicative intent requirement for carjacking; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

By Mr. BOND (for himself and Mr. KERRY):

S. 734. A bill to amend the Foreign Service Buildings Act, 1926, to expand eligibility for the award of construction contracts under that Act to persons that have performed similar construction work at United States diplomatic or consular establishments abroad under contracts limited to $5,000,000; to the Committee on Foreign Relations.

Mr. BOND. Mr. President, today I am introducing a bill to improve access for certain small businesses in competing for overseas construction contracts for the Department of State. Small businesses that have been able to participate in smaller construction projects overseas, through one of the small business programs, would be able to compete for larger construction contracts.

The effect of these changes is to enhance competition for these contracts. Moreover, greater competition usually means reduced costs to the taxpayer. Finally, these changes allow us to recoup the benefits from the Government programs directed at small business. We ensure that, after helping businesses grow and develop in our small business programs, they are then able to compete in the open market for Government construction contracts.

This is certainly the goal of these small business programs, but unfortunately a technical glitch currently prevents this goal from being realized in overseas State Department construction contracts. This bill would correct that.

Specifically, these provisions would make a minor change to both the Foreign Service Buildings Act, 1926, and the Omnibus Diplomatic Security and Antiterrorism Act of 1986, both of which impose related restrictions on the firms that may do construction of overseas State Department facilities. Most of the restrictions are security-related and have to do with ensuring the firms are American in their ownership, control, and workforce. Some other provisions seek to ensure they have the technical capacity actually to perform the work.

One provision directed at the "technical capacity" issue says the firms must have performed work, comparable to the work they are seeking, in the United States. The legislative history makes clear that this particular restriction is in the law solely as an issue of past performance, not as a security matter. Since these measures passed, a small number of firms participating in small business programs have done work exclusively overseas, including work on State Department diplomatic and consular establishments. They therefore have a demonstrated past performance ability to do the work, but the two laws above currently exclude them from doing so in State Department contracts over $5 million. (They were previously able to participate because the sole source contracts under a couple of small business programs are limited to $3 million, so the restrictions in these two laws did not come into play.)

The bottom line here is that we have small business programs intended to give firms the opportunity to show what they can do and to help expand the Government's vendor base. However, once these firms move beyond the small business program or seek to compete for larger contracts, we have these two laws that exclude firms who have demonstrated the ability to do overseas construction, simply because they have not done work domestically. This is a waste of the Government's investment in their business development. This bill would allow overseas work done specifically at State Department installations to count in showing their capacity to perform subsequent contracts.

This is a relatively simple change that will increase opportunity and help the State Department maintain a strong contractor base to do this important construction work. It should be noncontroversial, and I look forward to working with the Chairman and Ranking Member of the Foreign Relations Committee to make these changes happen.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF ELIGIBILITY FOR AWARD OF CERTAIN CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Section 11(b)(4)(A) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 302(b)(4)(A)) is amended by inserting "or at a United States diplomatic or consular establishment abroad" after "United States".

(b) CONFORMING AMENDMENT.—Section 402(c)(2)(D) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(D)) is amended by inserting "or at a United States diplomatic or consular establishment abroad" after "United States".

By Mr. DEWINE:

S. 735. A bill to amend title 18 of the United States Code to add a general provision for criminal attempt; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "General Attempt Provision Act".

SEC. 2. ESTABLISHMENT OF GENERAL ATTEMPT OFFENSE.

Chapter 19 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking "Conspiracy" and inserting "Inchoate offenses"; and

(2) by adding at the end the following:

"§ 374. Attempt to commit offense

"(a) IN GENERAL.—Whoever, acting with the state of mind otherwise required for the commission of an offense described in this title, intentionally engages in conduct that, in fact, constitutes a substantial step toward the commission of the offense, is guilty of an attempt and is subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt, except that the penalty of death shall not be imposed.

"(b) INABILITY TO COMMIT OFFENSE; COMPLETION OF OFFENSE.—It is not a defense to a prosecution under this section—

"(1) that it was factually impossible for the actor to commit the offense, if the offense could have been committed had the circumstances been as the actor believed them to be; or

"(2) that the offense attempted was completed.

"(c) EXCEPTIONS.—This section does not apply—

"(1) to an offense consisting of conspiracy, attempt, endeavor, or solicitation;

"(2) to an offense consisting of an omission, refusal, failure of refraining to act;

"(3) to an offense involving negligent conduct; or

"(4) to an offense described in section 1118, 1120, 1121, or 1153 of this title.

"(d) AFFIRMATIVE DEFENSE.—

"(1) IN GENERAL.—It is an affirmative defense to a prosecution under this section, on which the defendant bears the burden of persuasion by a preponderance of the evidence, that, under circumstances manifesting a voluntary and complete renunciation of criminal intent, the defendant prevented the commission of the offense.

"(2) DEFINITION.—For purposes of this subsection, a renunciation is not 'voluntary and complete' if it is motivated in whole or in part by circumstances that increase the probability of detection or apprehension or that make it more difficult to accomplish the offense, or by a decision to postpone the offense until a more advantageous time or to transfer the criminal effort to a similar objective or victim.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 19 of title 18, United States Code, is amended by adding at the end the following:

"374. Attempt to commit offense.".

SEC. 3. RATIONALIZATION OF CONSPIRACY PENALTY AND CREATION OF RENUNCIATION DEFENSE.

Section 371 of title 18, United States Code, is amended—

(1) by striking the second undesignated paragraph; and

(2) in the first undesignated paragraph—

(A) by striking "If two or more" and inserting the following:

"(a) IN GENERAL.—If 2 or more"; and

(B) by striking "either to commit any offense against the United States, or"; and

(3) by adding at the end the following:

"(b) CONSPIRACY.—If 2 or more persons conspire to commit any offense against the United States, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense, the commission of which was the object of the conspiracy, except that the penalty of death shall not be imposed.".

By Mr. REID (for himself and Mr. ENSIGN):

S. 737. A bill to designate the facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, as the "Joseph E. Dini, Jr. Post Office"; to the Committee on Governmental Affairs.

Mr. REID. Mr. President, I rise today along with my colleague from Nevada, Senator ENSIGN, as well as the Nevada delegation in the House of Representatives, to introduce legislation designating the United States Post Office facility located at 811 Main Street in Yerington, NV, as the "Joseph E. Dini, Jr. Post Office."

When the Nevada State Legislature opened its 71st session earlier this year, something was very different. For the first time in more than sixteen years, Joe Dini was not the Speaker of the Assembly. For an unparalleled eight times, Joe Dini was elected Speaker by his peers in the Nevada State Assembly. Now the Speaker Emeritus, Joe Dini is in his eighteenth term representing his beloved home town of Yerington, NV, and is the longest serving Member in the history of the Nevada State Assembly.

Joe Dini was born and raised in the small town of Yerington, NV. Many of my colleagues in the Senate have heard me talk about my hometown of Searchlight at the southern tip of the State of Nevada. As much as I love Searchlight, Joe Dini adores his beloved hometown of Yerington. A native Nevada, Joe attended the University of Nevada in Reno and was first elected to the Nevada State Assembly in 1966. As a freshman elected to the Assembly in 1969, I had the pleasure to work with Joe Dini, and I looked to him as a mentor and a friend. In 1973, he became Speaker pro tempore of the Chamber, and in 1975 he was elected majority leader. During his tenure, Joe became the leading authority in the legislature on western water issues, a subject that is vitally important to our state, especially in the many rural communities throughout Nevada.

Joe is also an active participant with many community service organizations in Yerington and throughout Nevada. He is a member of the Yerington Rotary Club and the Yerington Volunteer Fire Department, and has been recognized by a variety of groups such as the Nevada State Firefighters Association, the Nevada Wildlife Federation, the Nevada State Education Association and the Nevada Judges Association. The Kiwanis Club in Yerington has also recognized Joe Dini as its Man of the Year.

It is a pleasure and honor to join my colleagues from Nevada in introducing this bill naming the post office on Main Street in his beloved hometown of Yerington, Nevada, after Joseph E. Dini, Jr. By recognizing his dedication to a career in public service, we are also thanking Joe for a life-long commitment to the people and the State of Nevada.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH E. DINI, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 811 South Main Street in Yerington, Nevada, shall be known and designated as the "Joseph E. Dini, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Joseph E. Dini, Jr. Post Office.

Mr. ENSIGN. Mr. President, I rise today in order to join my colleague Senator REID and other members of the Nevada Delegation in introducing a bill that would designate the U.S. Post Office facility located at 811 Main Street in Yerington, as the "Joseph E. Dini, Jr. Post Office."

Jospeh Deni was born and raised in Yerington, Nevada. As a native Nevadan, Joe has passionately served the interests of Western Nevadans in the State Assembly for over thirty years. His tenure as the longest-serving assemblyman in Nevada's history includes a record eight terms as Speaker. In 1995, Joe was a co-Speaker over an evenly divided State Assembly, and it was his effective leadership that allowed the Legislature to maintain its productivity and pass sweeping reforms to Nevada's criminal justice system.

In addition to his service to Nevada as a legislator, Joe has been extremely active in a number of community service organizations. Specifically, he serves as a member of the Yerington Rotary Club and has been involved with the Yerington Volunteer Fire Department. Joe has also received special recognition awards from such groups as the Nevada State Firefighters Association, Nevada Farm Bureau, Nevada Judges Association, Nevada Education Association and the Yerington Kiwanis Club.

Joe embodies the best in public service and bipartisanship, and is admired throughout Nevada as a valuable mentor and leader. Joe spent the last three decades working tirelessly and behind the scenes for our State. All Nevadans will be proud to have a post office named after a man who has committed his life to public service.

By Mr. SMITH of New Hampshire:

S. 738. A bill to amend the Voting Rights Act of 1965 to protect the voting rights of members of the Armed Forces; to the Committee on Rules and Administration.

Mr. SMITH of New Hampshire. Mr. President, I rise to offer the Armed Forces Voting Rights Act of 2001. There is a problem with federal law that allowed members of the armed forces to be disenfranchised in Florida in the most recent presidential election. My bill would stop the discrimination.

Over time, federal law has recognized more and more rights for our military personnel that serve overseas. Several federal laws have been enacted since 1942 to enable those in the military and U.S. citizens who live abroad to vote in federal elections. The Soldier Voting Act of 1942 was the first attempt to guarantee federal voting rights for members of the armed forces and that law only applied during wartime. Members of the armed forces were provided the use of a postage free, federal post card application to request an absentee ballot. This law expired once World War II ended and the law never actually was in effect.

In 1955, Congress passed the Federal Voting Assistance Act which recommended, but did not guarantee, absentee registration and voting for members of the military, federal employees who lived outside the U.S. and members of civilian service organization affiliated with the armed forces.

Federal law was again amended in 1968 to include a more general provision for U.S. citizens temporarily residing outside the U.S. Seven years later, the Overseas Citizens Voting Rights Act of 1975 guaranteed absentee registration and voting rights for citizens outside the U.S., whether or not they maintained a U.S. residence.

In 1986, President Reagan signed the Uniformed and Overseas Citizens Voting Act which required States to permit absent uniformed services voters, their spouses and dependents, and overseas voters who no longer maintain a residence in the U.S. to register absentee and vote by absentee ballot in all elections for federal office.

Federal law failed our military men and women in the last election, because many of these military voters were disenfranchised by canvassing boards throughout the State of Florida. My bill fixes federal law to prevent discrimination against military voters stationed overseas.

It was a disgrace to our military men and women the events in Florida last fall. 1,500 overseas ballots were thrown out by Florida election officials initially—1,500 ballots were challenged—that is disturbing.

Brave members of our armed forces spoke out in favor of having their vote counted. In Tallahassee, FL, in November of 2000, Robert Ingram, who was awarded a medal for heroism as a Navy corpsman serving with the Marines in Vietnam, said about Florida elections boards, "They need to count the votes for service people abroad." It truly is an outrage that the state of Florida allowed military ballots to be disqualified.

Morale is traditionally low for our servicemen and women stationed overseas during the Christmas season. Gary Littrell a Medal of Honor winner said, "Can you imagine how low their moral will go when we tell them their vote didn't count?" According to the Miami Herald of November 26, 2000, "Many canvassing boards have said, however they followed state law to the letter in disqualifying overseas ballots with no signature, no witness, incorrect address, no postmark or date and a variety of other problems."

Note that the Miami Herald does not cite actual fraud to disqualify 1,500 votes, mere technicalities in state law. My bill will fix this problem and not allow a ballot to be disqualified without "evidence of fraud."

There were allegations that the Democrat party had a coordinated effort to disenfranchise our military voters. Former Montana Governor Mark Racicot said last fall, "In an effort to win at any cost, the vice president's lawyers launched a statewide effort to throw out as many military ballots as they can." 40 percent of the 3,500 overseas ballots in Florida were thrown out in November of 2000 for technical reasons—that is 40 percent too much.

According to the Miami Herald, 39 felons illegally cast absentee ballots in Broward and Miami Dade counties during the election, yet 1,500 military men and women had their votes challenged. These felons convictions ranged from murder to rape and drunk driving. What crime did our military personnel commit? Is it a crime for the members of the military who chose to vote Republican? Is it a crime to volunteer to serve in the military? I guess every vote must count except for our military votes.

Military ballots in Florida were disqualified for two reasons—the requirement that ballots must be postmarked by election day and failure to either have a proper signature or date on the actual ballot. Neither of these issues are currently addressed in the federal law. Federal law leaves such details to the state, such as postmark requirements and authentication of ballots.

I have a bill to amend the Voting Rights Act of 1965 to include members of the armed forces who were targeted as a result of their propensity to vote for Republicans.

My bill establishes voting rights for members of the armed forces to insure that every military vote is counted. My bill makes it a violation of the Voting Rights Act of 1965 for any person "to disqualify, refuse to count, or otherwise negate the absentee or overseas vote of a member of the Armed Forces of the United States."

A person could not disqualify a ballot because of "circumstances beyond the control of the serviceman," this definition includes a post mark that may not be present on a military person's ballot. The military frequently mail without postage and there is no necessity for a post mark on military mail, therefore there is no evidence on the face of an envelope to prove when a letter, or ballot in this case, is mailed.

My bill further forbids the disqualification of any ballot without "clear and convincing evidence of fraud in the preparation or casting of the ballot by the voter" deadlines for returning ballots vary by state.

If you violate or conspire to violate the Armed Forces Voting Rights Act of 2001, then you are treated similarly to individuals who violate the Voting Rights Act of 1965—you are subject to fines and other criminal penalties. My bill also empowers the Attorney General to make rules consistent with this legislation.

I ask that voting rights be restored to our military voters—it is the least that we can do for those who put their lives on the line so we may live free, to allow our military men and women to have every vote counted.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, Mr. DAYTON, Ms. STABENOW, Mr. DORGAN, Mr. KENNEDY, Mr. DURBIN, Ms. LANDRIEU, Mr. DASCHLE, Mr. REID, and Mr. JOHNSON):

S. 739. A bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. WELLSTONE. Mr. President, I rise today to introduce the "Heather French Henry Homeless Veterans Assistance Act." It is a companion bill to H.R. 936, introduced in the House of Representatives by Representative EVANS. I am pleased to have the support of the following original cosponsors: Senators MURRAY, DAYTON, STABENOW, DORGAN, KENNEDY, DURBIN, LANDRIEU, DASCHLE, REID, and JOHNSON.

The legislation is named to recognize and honor the outstanding contributions of Heather French Henry, Miss America 2000. She has helped lead the struggle to end homelessness affecting more than 300,000 of our nation's veterans. For more than a year, she has given her time, talents and energy to call on Americans to do more to free those who have served our country from homelessness. She has traveled from coast-to-coast with the message that we as a nation are duty-bound to assist homeless veterans again to become productive and contributing members of society.

I recently met Ms. French Henry. I appreciate her work, as well as her support for this bill. She has called it, "a comprehensive package of proposals that will lead to ending homelessness among our nation's veterans so that they can once again be proud citizens."

The bill establishes a national goal of ending homelessness among veterans within a decade. We can and must meet this goal, but achieving it will not be easy. According to the "Independent Budget" for Fiscal Year 2002, more than 275,000 veterans are homeless on any given night. The Independent Budget is a highly regarded analysis issued by four respected veterans organizations, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars. The Independent Budget also found that, "one out of three homeless males . . . sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served our nation." Finally, it stressed that two-thirds of homeless veterans served our nation for at least three years. The vast majority of homeless veterans fully honored their oath to defend and protect the United States. Unfortunately, we haven't fully honored our obligation to rescue them from the degradation and privations of life on the streets.

The causes of homelessness are complex. But the primary reason so many veterans are homeless is simple. We have not done enough. Since 1987, the VA has run some worthwhile and effective programs for homeless veterans, but they are too few, and they are too poorly funded. In FY 2000, the VA spent about $150 million for homeless programs, just $1.31 per homeless veteran per day. According to the Independent Budget, federal funding for homeless veterans serves just one in 10 of those in need.

The VA has reported that there were about 345,000 homeless veterans during 1999. That is 34 percent higher than in 1998, a national scandal during a time of prosperity. If we fail to pass this bill, imagine how many more homeless veterans will be sleeping in doorways, in boxes and on grates in the cold? Who will care for these veterans if we have a prolonged economic downturn?

Three ideas should be kept in mind regarding the bill. First, it does not give homeless veterans a handout. It gives them a hand-up, a hand-up they need to help restore dignity and self-worth. Second, ending veterans homelessness is first and foremost a moral issue. What kind of nation can fail to use the full arsenal of programs and tools available to end pain and suffering among men and women who have served so much and so well? Finally, homelessness among veterans is often tied to those veterans' military service. It is frequently no less service-connected than the loss of limb in battle. Post-Traumatic Stress Disorder, PTSD, can afflict any combat veteran. It not only can cause severe mental health problems, but is also linked to job loss, family breakdown, substance abuse and, of course, homelessness.

The VA can't solve the problem of homelessness among veterans by itself. That is why the bill creates a coordinated and cooperative effort among the VA and other federal, state and local agencies, as well as by community-based organizations.

The legislation includes both proven programs and innovations. It expands programs that have superior track records in assisting homeless veterans. It will increase to $50 million the annual authorization for the Department of Labor's Homeless Veterans Reintegration Project (HVRP). HVRP funds state or local governments, as well as nonprofit organizations, which run highly effective job training and placement programs. It is an exceptional program that has gone underfunded for years. In FY 1999, HVRP placed almost 2,200 homeless veterans in jobs, with an average cost per placement of only about $1,300.

Mental health professionals agree that placement in the community can work, but only with careful monitoring and support of vulnerable populations. The bill therefore also creates incentives for VA to make such services, Mental Health Community Management programs, more widely available.

Supportive, therapeutic housing is an essential component of a homeless veteran's recovery from substance abuse. "Safe havens" provide an environment that facilitates the transition from homelessness. Under the bill, many more veterans could receive intensive medical and psychological treatment, as well as rehabilitation, in such residential settings.

More VA Comprehensive Homeless Centers must be made available in the country's major metropolitan areas. These unique centers provide a continuum of care that includes outreach, medical care, compensated work therapy, job counseling and other social services. Homeless veterans not only can gain access to VA services, but also to services provided by other federal agencies, state and local government entities, and community-based organizations. The centers provide badly needed "one-stop shopping" for services to homeless veterans.

The legislation will increase availability of residential treatment facilities by requiring the VA to develop new domiciliary programs in the 10 largest metropolitan areas without existing programs. At the same time, it will remove the cap on VA Comprehensive Homeless Centers. Today there are only eight, and the bill will require that centers be available in no fewer than 20 metropolitan areas. Veterans in Washington, D.C., for example, currently have neither a VA domiciliary nor a Comprehensive Homeless Center. Both such facilities are needed here in the Nation's Capital.

Community-based organizations play a pivotal role in addressing veterans' homelessness. The bill authorizes additional funding for their work through the VA's Homeless Grant and Per Diem Providers program. That program provides critical support to community-based organizations who furnish transitional services to homeless veterans through grants that supplement local, state and private funding.

The bill also requires that the VA provide mental health services wherever it provides primary care. Approximately 45 percent of homeless veterans suffer from mental illness. More than 70 percent suffer from alcohol or other substance abuse problems. It is vital that VA expand access to mental health services.

Finally, the bill seeks to help some of the most vulnerable homeless veterans and those most at risk of homelessness. Under the bill, VA and community-based providers will be eligible for a new grant program that addresses the special needs of homeless veterans who are women, substance abusers, 50 years of age or older, persons with PTSD, terminally ill, chronically mentally ill or who have dependents. It will require VA to coordinate a multi-agency outreach plan and a program for veterans at risk of homelessness, particularly veterans being discharged from institutions. This includes people discharged from inpatient psychiatric care, substance abuse treatment programs and penal institutions.

It is a familiar principle among veterans of our armed forces not to "leave our wounded behind." Yet, homeless veterans are in a sense our wounded, and we are leaving them behind. It is past time to end this neglect.

The bill is supported by the country's major veterans organizations. It is endorsed by the National Coalition for Homeless Veterans and its hundreds of affiliated organizations throughout the country who daily furnish essential services to homeless veterans. I ask consent that letters of support from the Paralyzed Veterans of America, the Veterans of Foreign Wars, the Disabled American Veterans, and the National Coalition for Homeless Veterans be printed in the RECORD.

Mr. President, I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Heather French Henry Homeless Veterans Assistance Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; definitions.
Sec. 3. National goal to end homelessness among veterans.
Sec. 4. Advisory Committee on Homeless Veterans.
Sec. 5. Annual meeting requirement for Interagency Council on the Homeless.
Sec. 6. Evaluation of homeless programs.
Sec. 7. Changes in veterans equitable resource allocation methodology.
Sec. 8. Per diem payments for furnishing services to homeless veterans.
Sec. 9. Grant program for homeless veterans with special needs.
Sec. 10. Coordination of outreach services for veterans at risk of homelessness.
Sec. 11. Treatment trials in integrated mental health services delivery.
Sec. 12. Dental care.
Sec. 13. Programmatic expansions.
Sec. 14. Various authorities.
Sec. 15. Life safety code for grant and per diem providers.
Sec. 16. Transitional assistance grants pilot program.
Sec. 17. Assistance for grant applications.
Sec. 18. Home loan program for manufactured housing.
Sec. 19. Extension of homeless veterans reintegration program.
Sec. 20. Use of real property.

SEC. 2. FINDINGS; DEFINITIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) On the field of battle, the members of the Armed Forces who defend the Nation are honor-bound to leave no one behind and, likewise, the Nation is honor-bound to leave no veteran behind.

(2) The Department of Veterans Affairs report known as the Community Homeless Assessment, Local Education, and Networking Groups for Veterans (CHALENG) assessment, issued in May 2000, reports that during 1999 there were an estimated 344,983 homeless veterans, an increase of 34 percent above the 1998 estimate of 256,872 homeless veterans.

(3) Male veterans are more likely to be homeless than their nonveteran peers. Although veterans constitute only 13 percent of the general male population, 23 percent of the homeless male population are veterans.

(4) Homelessness among veterans is persistent despite unprecedented economic growth and job creation and general prosperity.

(5) While there are many effective programs that assist homeless veterans to again become productive and self-sufficient members of society, current resources provided to such programs and other activities that assist homeless veterans are inadequate to provide all needed essential services, assistance, and support to homeless veterans.

(6) If current programs to assist homeless veterans are fully maintained but not expanded, veterans will experience as many as

a billion nights of homelessness during the next decade.

(7) The CHALENG assessment referred to in paragraph (2) reports—

(A) that Department of Veterans Affairs and community providers were responsible for establishing almost 500 beds for homeless veterans during 2000, including emergency, transitional, and permanent beds; and

(B) that there is a need for about 45,724 additional beds to meet current needs of homeless veterans.

(8) As of February 28, 2001, the Congressional Budget Office forecasts a Federal budget surplus of $313,000,000,000 for fiscal year 2002 and budget surpluses totaling more than $5,610,000,000,000 over the next 10 years.

(9) At least $750,000,000 will be required to establish the 45,724 additional new beds now needed by homeless veterans, according to an informal Department of Veterans Affairs cost estimate.

(10) Even if the Department of Veterans Affairs and its partners created 2,000 additional beds per year for homeless veterans (roughly quadrupling the number of such beds they currently plan to open annually), it would still take more than two decades to provide the necessary additional beds to meet the current needs of homeless veterans.

(11) Nearly four decades ago, the Nation established a goal of sending a man to the moon and returning him safely to earth within a decade and accomplished that goal, and the Nation can do no less to end homelessness among the Nation's veterans.

(b) DEFINITIONS.—For purposes of this Act:

(1) The term "homeless veteran" means a veteran who—

(A) lacks a fixed, regular, and adequate nighttime residence; or

(B) has a primary nighttime residence that is—

(i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, grant per diem shelters and transitional housing for the mentally ill);

(ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) The term "grant and per diem provider" means an entity in receipt of a grant under section 3 or 4 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note).

SEC. 3. NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.

(a) NATIONAL GOAL.—Congress hereby declares it to be a national goal to end homelessness among veterans within a decade.

(b) COOPERATIVE EFFORTS ENCOURAGED.—Congress hereby encourages all departments and agencies of Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, and individuals to work cooperatively to end homelessness among veterans within a decade.

SEC. 4. ADVISORY COMMITTEE ON HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§546. Advisory Committee on Homeless Veterans

"(a)(1) There is established in the Department the Advisory Committee on Homeless Veterans (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 15 members appointed by the Secretary from among the following:

"(A) Veterans service organizations.

"(B) Advocates of homeless veterans and other homeless individuals.

"(C) Community-based providers of services to homeless individuals.

"(D) Previously homeless veterans.

"(E) State veterans affairs officials.

"(F) Experts in the treatment of individuals with mental illness.

"(G) Experts in the treatment of substance use disorders.

"(H) Experts in the development of permanent housing alternatives for lower income populations.

"(I) Experts in vocational rehabilitation.

"(J) Such other organizations or groups as the Secretary considers appropriate.

"(3) The Committee shall include, as ex officio members—

"(A) the Secretary of Labor (or a representative of the Secretary selected after consultation with the Assistant Secretary of Labor for Veterans' Employment and Training);

"(B) the Secretary of Defense (or a representative of the Secretary);

"(C) the Secretary of Health and Human Services (or a representative of the Secretary); and

"(D) the Secretary of Housing and Urban Development (or a representative of the Secretary).

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed three years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to homeless veterans.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of homeless veterans;

"(ii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting homeless veterans; and

"(iii) provide on-going advice on the most appropriate means of providing assistance to homeless veterans.

"(3) The Committee shall—

"(A) review the continuum of services provided by the Department directly or by contract in order to define cross-cutting issues and to improve coordination of all services in the Department that address the special needs of homeless veterans;

"(B) identify (through the annual assessments under section 1774 of this title and other available resources) gaps in programs of the Department in serving homeless veterans, including identification of geographic areas with unmet needs, and provide recommendations to address those program gaps;

"(C) identify gaps in existing information systems on homeless veterans, both within and outside the Department, and provide recommendations about redressing problems in data collection;

"(D) identify barriers under existing laws and policies to effective coordination by the Department with other Federal agencies and with State and local agencies addressing homeless populations;

"(E) identify opportunities for enhanced liaison by the Department with nongovernmental organizations and individual groups addressing homeless populations;

"(F) with appropriate officials of the Department designated by the Secretary, participate with the Interagency Council on the Homeless under title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.);

"(G) recommend appropriate funding levels for specialized programs for homeless veterans provided or funded by the Department;

"(H) recommend appropriate placement options for veterans who, because of advanced age, frailty, or severe mental illness, may not be appropriate candidates for vocational rehabilitation or independent living; and

"(I) perform such other functions as the Secretary may direct.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to homeless veterans. Each such report shall include—

"(A) an assessment of the needs of homeless veterans;

"(B) a review of the programs and activities of the Department designed to meet such needs;

"(C) a review of the activities of the Committee; and

"(D) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"546. Advisory Committee on Homeless Veterans.".

SEC. 5. MEETINGS OF INTERAGENCY COUNCIL ON THE HOMELESS.

Section 202(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11312(c)) is amended to read as follows:

"(c) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than annually.".

SEC. 6. EVALUATION OF HOMELESS PROGRAMS.

(a) EVALUATION CENTERS.—The Secretary of Veterans Affairs shall support the continuation within the Department of Veterans Affairs of at least one center for evaluation to monitor the structure, process, and outcome of programs of the Department of Veterans Affairs that address homeless veterans.

(b) Annual Report on Health Care.—The Secretary shall submit to Congress on an annual basis a report on programs of the Department of Veterans Affairs addressing health care needs of homeless veterans. The Secretary shall include in each such report the following:

(1) Information about expenditures, costs, and workload under the Department of Veterans Affairs program known as the Health Care for Homeless Veterans program (HCHV).

(2) Information about the veterans contacted through that program.

(3) Information about processes under that program.

(4) Information about program treatment outcomes under that program.

(5) Information about supported housing programs.

(6) Information about the Department's grant and per diem provider program.

(7) Other information the Secretary considers relevant in assessing the program.

(c) Annual Program Assessment.—Section 1774(b) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "annual" after "to make an"; and

(2) by adding at the end the following new paragraph:

"(6) The Secretary shall review each annual assessment under this subsection, and shall consolidate the findings and conclusions of those assessments into an annual report which the Secretary shall submit to Congress.".

SEC. 7. CHANGES IN VETERANS EQUITABLE RESOURCE ALLOCATION METHODOLOGY.

(a) Allocation Categories.—The Secretary of Veterans Affairs shall assign veterans receiving the following services to the resource allocation category designated as "complex care" within the Veterans Equitable Resource Allocation system:

(1) Care provided to veterans enrolled in the Department of Veterans Affairs program for Mental Health Intensive Community Case Management.

(2) Continuous care in homeless chronically mentally ill veterans programs.

(3) Continuous care within specialized programs provided to veterans who have been diagnosed with both serious chronic mental illness and substance use disorders.

(4) Continuous therapy combined with sheltered housing provided to veterans in specialized treatment for substance use disorders.

(5) Specialized therapies provided to veterans with post-traumatic stress disorders (PTSD), including therapies provided by or under the following:

(A) Specialized outpatient PTSD programs.

(B) PTSD clinical teams.

(C) Women veterans stress disorder treatment teams.

(D) Substance abuse disorder PTSD teams.

(b) Treatment of Funds for New Programs for Homeless Veterans.—The Secretary shall ensure that funds for any new program for homeless veterans carried out through a Department health care facility are designated for the first three years of operation of that program as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.

SEC. 8. PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOMELESS VETERANS.

(a) Increase in Rate of Per Diem Payments.—Section 4(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking "at such rates" and all that follows through "homeless veteran—" and inserting the following: "at the same rates as the rates authorized for State homes for domiciliary care provided under section 1741 of title 38, United States Code, for services furnished to homeless veterans—".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 9. GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) Establishment.—The Secretary of Veterans Affairs shall carry out a program to make grants to health care facilities of the Department of Veterans Affairs and to grant and per diem providers in order to encourage development by those facilities and providers of programs targeted at meeting special needs within the population of homeless veterans.

(b) Homeless Veterans with Special Needs.—For purposes of this section, homeless veterans with special needs include homeless veterans who—

(1) are women;

(2) are 50 years of age or older;

(3) are substance abusers;

(4) are persons with post-traumatic stress disorder;

(5) are terminally ill;

(6) are chronically mentally ill; or

(7) have care of minor dependents or other family members.

(c) Study of Outcome Effectiveness.—The Secretary shall conduct a study of the effectiveness of the grant program in meeting the needs of homeless veterans. As part of the study, the Secretary shall compare the results of programs carried out in the grant program under this section in terms of veterans' satisfaction, health status, reduction in addiction severity, housing, and encouragement of productive activity with results for similar veterans in programs of the Department or of grant and per diem providers that are designed to meet the general needs of homeless veterans.

(d) Funding.—From amounts appropriated to the Department of Veterans Affairs for "Medical Care" for each of fiscal years 2003, 2004, and 2005, $5,000,000 shall be available for purposes of the program under this section. Grants under this section to a health care facility of the Department or a grant and per diem provider shall be treated in the manner provided in section 7(b).

SEC. 10. COORDINATION OF OUTREACH SERVICES FOR VETERANS AT RISK OF HOMELESSNESS.

(a) Outreach Plan.—The Secretary of Veterans Affairs, acting through the Under Secretary for Health, shall provide for appropriate officials of the Mental Health Service and the Readjustment Counseling Service of the Veterans Health Administration to initiate a coordinated plan for joint outreach to veterans at risk of homelessness, including particularly veterans who are being discharged from institutions (including discharges from inpatient psychiatric care, substance abuse treatment programs, and penal institutions).

(b) Matters To Be Included.—The plan under subsection (a) shall include the following:

(1) Strategies to identify and collaborate with external entities used by veterans who have not traditionally used Department of Veterans Affairs services to further outreach efforts.

(2) Strategies to ensure that mentoring programs, recovery support groups, and other appropriate support networks are optimally available to veterans.

(3) Appropriate programs or referrals to family support programs.

(4) Means to increase access to case management services.

(5) Plans for making additional employment services accessible to veterans.

(6) Appropriate referral sources for mental health and substance abuse services.

(c) Cooperative Relationships.—The plan under subsection (a) shall identify strategies for the Department to enter into formal cooperative relationships with entities outside the Department of Veterans Affairs to facilitate making services and resources optimally available to veterans.

(d) Review of Plan.—The Secretary shall submit the plan under subsection (a) to the Advisory Committee on Homeless Veterans for its review and consultation.

(e) Submission of Report.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plan under subsection (a), including goals and timelines for implementation of the plan for particular facilities and service networks.

(f) Outreach Program.—(1) The Secretary shall carry out an outreach program to provide information to homeless veterans and veterans at risk of homelessness. The program shall include at a minimum—

(A) provision of information about benefits available to eligible veterans from the Department; and

(B) contact information for local Department facilities, including medical facilities, regional offices, and veterans centers.

(2) In developing and carrying out the program under paragraph (1), the Secretary shall, to the extent practicable, consult with appropriate public and private organizations, including the Bureau of Prisons, State social service agencies, the Department of Defense, and mental health, veterans, and homeless advocates—

(A) for assistance in identifying and contacting veterans who are homeless or at risk of homelessness;

(B) to coordinate appropriate outreach activities with those organizations; and

(C) to coordinate services provided to veterans with services provided by those organizations.

SEC. 11. TREATMENT TRIALS IN INTEGRATED MENTAL HEALTH SERVICES DELIVERY.

(a) Establishment.—The Secretary of Veterans Affairs shall carry out two treatment trials in integrated mental health services delivery. Each such trial shall be carried out at a Department of Veterans Affairs medical center selected by the Secretary for such purpose. The trials shall each be carried out over the same one-year period.

(b) Definition.—For purposes of this section, the term "integrated mental health services delivery" means a coordinated and standardized approach to evaluation between mental health and primary health care professionals for enrollment, treatment, and followup of patients who have both mental health disorders (including substance use disorders) and medical conditions.

(c) Site Selection Criteria.—In reviewing applications from Department medical centers for selection as a site for a treatment trial under this section, the Secretary shall consider models that use the following:

(1) Standardized criteria for admission and enrollment as participant or control.

(2) Focus on prevention and symptom reduction.

(3) Development of a comprehensive, integrated treatment plan.

(4) Patient assignment to a team or teams.

(5) Management of polypharmacy.

(6) Use of evidence-based treatment protocols.

(7) Case management between visits.

(8) Referral and coordination of appropriate Department or community-based services (including housing if necessary).

(9) Ability to maintain and provide outcomes for comparison purposes on veterans with similar diagnoses and characteristics who are not included in the trial, but who are receiving traditional consultative services in the same facility.

(d) Treatment Models To Be Tested.—The two treatment trials shall each use one of the following models:

(1) Mental health primary care teams.

(2) Patient assignment to a mental health primary care team that is linked with the patient's medical primary care team.

(e) Study of Effectiveness.—The Secretary shall compare treatment outcomes (including such outcomes as veterans' satisfaction, health status, treatment compliance, patient functionality, reduction in addiction severity as well as service utilization and treatment costs) of the different treatment trials for chronically mentally ill veterans who are provided treatment through integrated mental health programs with treatment outcomes for similar chronically mentally ill veterans provided treatment through traditionally consultative relationships.

(f) Results.—Not later than 30 months after selection of the two centers under this section, each selected center shall complete measures of treatment outcomes under subsection (e), as well as measures for matched controls.

(g) Mandatory Audit of Results.—The Department of Veterans Affairs Medical Inspector General shall review medical records of participants and controls for both trials to ensure that results are accurate.

(h) Report and Dissemination of Results.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth the results of the comparison under subsection (e) and such recommendations as the Secretary may have. Based upon the Secretary's conclusions, the Secretary shall disseminate the best practices for treatment of mentally ill veterans in such manner as the Secretary determines appropriate on a nationwide basis.

(i) Costs.—The Secretary may use up to $2,000,000 from funds available to the Secretary for Medical Care for costs for each of the treatment trials. Funds identified by the Secretary for the trials shall remain available until expended.

SEC. 12. DENTAL CARE.

(a) In General.—For purposes of section 1712(a)(1)(H) of title 38, United States Code, outpatient dental services and treatment of a dental condition or disability of a veteran described in subsection (b) shall be considered to be medically necessary if—

(1) the dental services and treatment are necessary for the veteran to successfully gain or regain employment;

(2) the dental services and treatment are necessary to alleviate pain; or

(3) the dental services and treatment are necessary for treatment of moderate, severe, or severe and complicated gingival and periodontal pathology.

(b) Eligible Veterans.—Subsection (a) applies to a veteran who is—

(1) enrolled for care under section 1705(a) of title 38, United States Code; and

(2) receiving care (directly or by contract) in any of the following settings:

(A) A domiciliary under section 1710 of such title.

(B) A therapeutic residence under section 1772 of such title.

(C) Community residential care coordinated by the Secretary of Veterans Affairs under section 1730 of such title.

(D) A setting for which the Secretary provides funds for a grant and per diem provider.

(E) Any program described in section 7 of this Act.

SEC. 13. PROGRAMMATIC EXPANSIONS.

(a) Access to Mental Health Services.—The Secretary of Veterans Affairs shall develop standards to ensure that mental health services are available to veterans in a manner similar to the manner in which primary care is available to veterans who require services by ensuring that each primary care health care facility of the Department has a mental health treatment capacity.

(b) Transitional Housing.—Effective October 1, 2001, section 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended to read as follows:

“SEC. 12. FUNDING.

“(a) Amounts for Grant and Per Diem Programs.—From amounts appropriated for ‘Medical Care’ for any fiscal year, the Secretary shall expend not less than $55,000,000 (as adjusted from time to time under subsection (b)) to carry out the transitional housing grant and per diem provider programs under sections 3 and 4 of this Act.

“(b) Periodic Increases.—The amount in effect under subsection (a) shall be increased for any fiscal year by the overall percentage increase in the Medical Care account for that fiscal year from the preceding fiscal year.”.

(c) Comprehensive Homeless Services Program.—(1) The Secretary shall provide for the establishment of centers for the provision of comprehensive services to homeless veterans under section 1773(b) of title 38, United States Code, in at least each of the 20 largest metropolitan statistical areas.

(2) Section 1773(b) of title 38, United States Code, is amended by striking “not fewer than eight”.

(d) Opioid Substitution Therapy.—The Secretary shall ensure that opioid substitution therapy is available at each Department of Veterans Affairs medical center.

(e) Program Expiration Extension.—Sections 1771(b) and 1773(d) of title 38, United States Code, are amended by striking “December 31, 2001” and inserting “December 31, 2006”.

SEC. 14. VARIOUS AUTHORITIES.

(a) Employment Programs.—The Secretary of Veterans Affairs may authorize homeless veterans receiving care through vocational rehabilitation programs to participate in the compensated work therapy program.

(b) Supported Housing for Veterans Participating in Compensated Work Therapies.—The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 1772 of title 38, United States Code, or through grant and per diem providers.

(c) Staffing Requirement.—The Secretary shall ensure that there is assigned at each Veterans Benefits Administration regional office at least one employee assigned specifically to oversee and coordinate homeless veterans programs in that region, including the housing program for veterans supported by the Department of Housing and Urban Development, housing programs supported by the Department of Veterans Affairs, the homeless veterans reintegration program of the Department of Labor, the assessments required by section 1774 of title 38, United States Code, Comprehensive Homeless Centers, and such other duties relating to homeless veterans as may be assigned. In any such regional office with at least 140 employees, there shall be at least one full-time employee assigned to such functions.

(d) Coordination of Employment Services.—(1) Section 4103A(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(11) Coordination of services provided to veterans with training assistance provided to veterans by entities receiving financial assistance under section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).”.

(2) Section 4104(b) of such title is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13) coordinate services provided to veterans with training assistance for veterans provided by entities receiving financial assistance under section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).”.

SEC. 15. LIFE SAFETY CODE FOR GRANT AND PER DIEM PROVIDERS.

(a) New Grants.—Section 3(b)(5) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by striking “, but fire and safety” and all that follows through “in carrying out the grant” and inserting “and the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association”.

(b) Previous Grantees.—Section 4 of such Act is amended by adding at the end the following new subsection:

“(e) Life Safety Code.—(1) Except as provided in paragraph (2), a per diem payment (or in-kind assistance in lieu of per diem payments) may not be provided under this section to a grant recipient unless the facilities of the grant recipient meet the fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association.

“(2) During the five-year period beginning on the date of the enactment of the Heather French Henry Homeless Veterans Assistance Act, paragraph (1) shall not apply to an entity that received a grant under section 3 before that date if the entity meets fire and safety requirements established by the Secretary.

“(3) From amounts available for purposes of this section pursuant to section 12, not less than $5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association.”.

SEC. 16. TRANSITIONAL ASSISTANCE GRANTS PILOT PROGRAM.

(a) Establishment of Program.—The Secretary of Veterans Affairs shall carry out a three-year pilot program of transitional assistance grants to eligible homeless veterans. The pilot program shall be established at not less than three nor more than six regional offices of the Department of Veterans Affairs and shall include at least one regional office located in a large urban area and at least one regional office serving primarily rural veterans. The maximum number of veterans who may participate in the pilot program is 600.

(b) ELIGIBLE VETERANS.—A veteran is eligible for a transitional assistance grant under this section if the veteran is physically present in the geographic area of a regional office which is participating in the pilot program and the veteran—

(1) is a veteran of a period of war or, if not a veteran of a period of war, meets the minimum service requirements specified in section 5303A of title 38, United States Code;

(2) is being released, or within the preceding 60 days was released, from an institution, including a hospital, a penal institution, a homeless shelter, or a facility of a grant and per diem provider;

(3) is a homeless veteran or was a homeless veteran before institutionalization; and

(4) had less than marginal income for the preceding three months.

(c) DURATION OF GRANT ASSISTANCE.—An eligible veteran may be provided a transitional assistance grant under this section for no more than three months.

(d) EXCEPTION TO LIMITATION ON GRANT ASSISTANCE.—(1) A veteran who receives transitional assistance under this section and who while in receipt of such assistance has a claim pending with the Secretary for service-connected disability compensation or nonservice-connected pension shall, notwithstanding subsection (c), continue to be provided transitional assistance under this section after the period prescribed in subsection (c) until the earlier of (A) the date on which a decision on the claim is made by the regional office, or (B) the end of the six-month period beginning on the date of expiration of eligibility under subsection (c).

(2) An extension of transitional assistance under paragraph (1) shall be terminated if, as determined by the Secretary, the veteran, without good cause, fails to cooperate in establishing the pending claim or if the gross monthly income of the veteran for a month exceeds twice the amount of transitional assistance benefits payable to the veteran for that month. The effective date of such a termination shall be the last day of the month following the month in which the extension under paragraph (1) is terminated under the preceding sentence.

(3) Claims of veterans receiving benefits under this subsection shall receive expedited consideration by the regional office.

(e) AMOUNT OF GRANT.—(1) The monthly amount of a grant provided under this section to an eligible veteran shall be the amount of monthly pension that would be payable to that veteran under chapter 15 of title 38, United States Code, if the veteran had a permanent and total nonservice-connected disability.

(2) Once eligibility for a grant under this section has been established, the amount of the grant shall be determined without regard to the veteran's income, other than as provided in subsection (d)(2).

(f) COORDINATION WITH OTHER BENEFITS.—If retroactive benefits from the Department of Veterans Affairs are payable to a veteran with respect to a month for which the veteran received a transitional assistance grant under this section, the amount of such retroactive benefit payable for such month shall be reduced (but not below zero) by the amount of the grant under this section paid for that month. No reduction may be made by the Secretary from an amount otherwise due a veteran for any other month to offset an amount paid under this section for a previous month.

(g) DEFINITIONS.—For purposes of this section:

(1) The term "veteran" means a person who served in the active military, naval, or air service (as defined in section 101 of title 38, United States Code) and who was discharged or released from any such period of service under conditions other than dishonorable.

(2) The term "marginal income", with respect to a veteran, means income below the poverty standard (as determined by the Bureau of the Census) for a family of the size of the veteran's family.

SEC. 17. ASSISTANCE FOR GRANT APPLICATIONS.

(a) GRANT PROGRAM.—The Secretary of Veterans Affairs shall carry out a program to make technical assistance grants to nonprofit community-based groups with experience in providing assistance to homeless veterans in order to assist such groups in applying for grants relating to addressing problems of homeless veterans.

(b) FUNDING.—There is authorized to be appropriated to the Secretary of Veterans Affairs for each of fiscal years 2002 through 2006, $750,000 to carry out the program under this section.

SEC. 18. HOME LOAN PROGRAM FOR MANUFACTURED HOUSING.

Section 3712(a)(1) of title 38, United States Code, is amended by adding at the end the following:

"With respect to a veteran who, as determined by the Secretary, is homeless, the Secretary may waive any otherwise applicable requirement under this chapter that a purchase of a manufactured home include ownership or purchase of a lot by the veteran to which the home is to be permanently affixed.".

SEC. 19. EXTENSION OF HOMELESS VETERANS REINTEGRATION PROGRAM.

Section 4111(d)(1) of title 38, United States Code, is amended by striking subparagraphs (C) and (D) and inserting the following:

"(C) $50,000,000 for fiscal year 2002.
"(D) $50,000,000 for fiscal year 2003.
"(E) $50,000,000 for fiscal year 2004.
"(F) $50,000,000 for fiscal year 2005.
"(G) $50,000,000 for fiscal year 2006.".

SEC. 20. USE OF REAL PROPERTY.

Section 8122(d) of title 38, United States Code, is amended by inserting before the period at the end the following: "and is not suitable for use for the provision of services to homeless veterans by the Department or by another entity under an enhanced-use lease of such property under section 8162 of this title".

DISABLED AMERICAN VETERANS,
Washington, DC, March 12, 2001.

Hon. PAUL D. WELLSTONE,
U.S. Senate, Senate Hart Office Building,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the more than one million members of the Disabled American Veterans (DAV), I urge you to co-sponsor and actively support the Heather French Henry Homeless Veterans Assistance Act soon to be introduced by Senator Paul Wellstone (D-MN).

This important legislation is aimed at ending homelessness among veterans by encouraging alliances between federal, state, and local governments, and private and public sector entities to address the homeless issue and by providing necessary resources to combat homelessness. Veterans who are homeless deserve a better deal than they are currently receiving from our government. This bill is an important key to ending this national shame.

As an organization committed to service, one of the DAV's top priorities is to help America's homeless veterans break the cycle of poverty and isolation, and move from the streets to self-sufficiency. Like any other problem, we can choose whether we will allow former defenders of our nation to be defeated by the tragedy of homelessness. Or we can decide to do something about it, to combine our efforts and strengthen our ability to assist these veterans. "We Don't Leave our Wounded Behind" is more than a clever slogan. It is a principle, a rule, and a promise we need to keep. This is the time to tap our hidden resources and strengths.

I encourage you to co-sponsor and support this important legislation. I appreciate your prompt attention to this matter when Senator Wellstone calls upon you to co-sponsor this legislation.

Sincerely,

ARMANDO C. ALBARRAN,
National Commander.

NATIONAL COALITION FOR
HOMELESS VETERANS,
Washington, DC, March 12, 2001.

SUPPORT STATEMENT

As the first Miss America of the new millennium Heather French Henry chose to do so as a bold spokesperson and advocate for our nation's homeless veterans. She dedicated, not just a year of service, but also her life to creating unprecedented awareness surrounding this issue.

No single individual or group of individuals has been able to bring the homeless veteran issue to the national forefront like Heather French Henry. From the halls of Congress, to homeless shelters, and to communities across America, Heather has mobilized individuals to become involved on a single goal, ending homelessness among America's veterans.

Her sincere dedication and can do attitude has touched hundreds of lives literally and figuratively, as she has spoken out to advocate for our nation's veterans.

The National Coalition for Homeless Veterans sincerely appreciates Heather French Henry's continued commitment to this issue, after the glow of the crown has started to fade.

We also commend the commitment Senator Paul Wellstone has made for many years on the homeless veteran issue. He has been a consistent, outspoken leader in developing and implementing public laws that have brought more Federal resources into community organizations serving homeless veterans.

Senator Wellstone's introduction of the "Heather French Henry Homeless Veteran Assistance Act", a companion to the (H.R. 936) bill introduced in the House by representative Lane Evans (D-IL), is timely because it takes advantage of the unique information collection that was done by Ms. Henry during her travels and visits with veterans and communities, and applies it in the solutions outlined in the bill.

Our expectation is this bill will become the platform to address homeless veteran issues in the 107th Congress and we look forward to a continued active relationship with Ms. Henry and Senator Wellstone towards the goal of ending homelessness among our nation's veterans.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, March 7, 2001.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the Veterans of Foreign Wars of the United States, I would like to take this opportunity to express our enthusiastic support of the Heather French Henry Homeless Veterans Assistance Act.

With at least 275,000 veterans homeless on any given night and more than 500,000 veterans homeless at some point during the year, the obvious need for assistance and community-based intervention is of paramount importance. Your bill recognizes the need to expand existing programs, incorporate new partnerships, and provide short-term assistance to the men and women who have served our nation in uniform. It genuinely embraces our shared goal of ending homelessness among our nation's veterans.

Through your legislative efforts we can work together to remedy this American tragedy.

Thank you for your service to America's veterans and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

ROBERT E. WALLACE,
Executive Director.

PARALYZED VETERANS OF AMERICA,
Washington, DC, March 13, 2001.

Hon. PAUL WELLSTONE,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the members of the Paralyzed Veterans of America (PVA) I am writing to thank you for your support of the many veterans who face the trauma of homelessness. We applaud your planned introduction of the "Heather French Henry Homeless Veterans Assistance Act" to help correct this horrible testament to one of the ongoing ravages of war.

As you are aware, on any given night, an estimated 250,000 homeless veterans sleep in cardboard boxes, in alleys or on subway grates. Many of these individuals suffer from Post-Traumatic Stress Disorder and other illnesses that prevent them from getting and keeping employment, often a precursor to homelessness. We thank former Miss America Heather French Henry for making "help for homeless veterans" her platform and committing herself to insuring these veterans are not forgotten.

Homelessness does not have an easy fix. Only through dedicated efforts can it be reduced. Our veterans deserve those efforts. PVA wholeheartedly supports your proposed legislation. From sensible calculations of per diems to an increased focus on women and special needs veterans, this legislation will apply new approaches to caring for our veterans.

We all have a moral obligation to provide care to those veterans who are most vulnerable. Homelessness can be reduced, and Senator Wellstone, your legislation will mark a big step in the right direction.

Sincerely,

JOSEPH L. FOX, SR.,
National President.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. GRAHAM, Mr. HATCH, Mr. BREAUX, Mr. MURKOWSKI, Mr. KERRY, Mr. JEFFORDS, Mr. TORRICELLI, Mr. KYL, Mrs. LINCOLN, Mr. HUTCHINSON, Mr. JOHNSON, Mr. HAGEL, Mr. DURBIN, Mr. GREGG, Mr. SCHUMER, Mrs. HUTCHISON, Mr. BAYH, Mr. CHAFEE, and Mr. REID):

S. 742. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today along with Senators BAUCUS, GRAHAM, HATCH, BREAUX, MURKOWSKI, KERRY, JEFFORDS, TORRICELLI, KYL, LINCOLN, HUTCHINSON, JOHNSON, HAGEL, DURBIN, GREGG, SCHUMER, HUTCHISON, BAYH, CHAFEE, and REID to introduce bipartisan legislation intended to help Americans build a more secure retirement. Many of these members, such as Senator GRAHAM, HATCH, BREAUX, and JEFFORDS have been engaged in pension reform issues for many years. Others bring new energy to the pension reform debate. I want to take a moment to thank them all for their hard work and enthusiasm in this bipartisan effort.

For five years now, Senate Finance Committee has worked on this comprehensive pension reform legislation. In the last Congress, we came very close to enacting it into law. For example, the Finance Committee unanimously reported out the bill in early September 2000. While our bill was not considered on the floor, my colleagues and I are not discouraged. We have built on the work from the last five years in crafting the Retirement Security and Savings Act of 2001.

Many baby boomers will enter retirement ill prepared for the potentially high costs of supporting themselves. Inflation alone can siphon money from a fixed income, reducing a retiree's standard of living. So it is important to have a considerable sum saved for one's postemployment years. A fixed income for a worker who retires today will have half the purchasing power 20 years from now, assuming the historical average rate of inflation of 3.25 percent. Having adequate retirement savings can protect against inflation and other unexpected costs. Savings rates are at an historical low, but this bill will provide the incentives individuals need to boost their savings rates.

The Retirement Security and Savings Act of 2001 has six titles: individual retirement arrangements; expanding coverage; enhancing fairness for women and families; increasing portability for participants; strengthening pension security and enforcement; and reducing regulatory burdens. Let me highlight a few provisions from each title.

The limit on annual contributions to an IRA has not increased in twenty years. If the contribution limit kept up with inflation, individuals would now be able to contribute around $5000 to an IRA each year. Our bill would increase the maximum contribution limit from $2000 to $5000 and adjust that limit for inflation.

The Retirement Security and Savings Act of 2001 would also eliminate the marriage penalty applicable to contributions to a Roth IRA. The income limits for contributing would now be increased so that the applicable limit for married couples is twice the limit for single taxpayers.

The Small Business Administration reports that, small businesses employ 52 percent of the private sector labor force. An amazing 75 percent of new jobs are created by small businesses. Yet less than 20 percent of small business employees are covered by a retirement plan of any kind. By contrast, approximately 70 percent of employees who work for larger firms are offered a retirement plan. We work to address this disparity in the bill by making pension plans more attractive to business owners. The limitations on annual contributions to 401(k) plans would increase from $10,500 to $15,000. The SIMPLE limit would increase to $10,000. We know that pension plans are bought and not sold. In a voluntary system such as ours, retirement plans must be attractive to the business owner in order for him or her to establish a plan in the first place and maintain it over many years. These higher limits help to make qualified plans more attractive, relative to non-qualified plans. When a business establishes a qualified plan, workers benefit, as well as business owners.

The bill would also help defray the administrative costs of setting up a retirement plan by offering a partial tax credit of the costs associated with starting a plan. Furthermore, the bill would provide an additional credit for small business employers who make an employer contribution to the new retirement plan for the benefit of non-highly compensated employees. These credits have the potential to expand coverage among small businesses and we hope they will help us to accomplish that objective.

This bill also encourages lower or middle income individuals, to save for their retirement by establishing a retirement savings tax credit. This nonrefundable credit will be equal to 50 percent of up to $2000 in contributions for a married couple with an income up to $30,000, and $15,000 for an individual taxpayer. Our goal with this provision is get people, especially young people, in the habit of saving.

The Retirement Security and Savings Act of 2001 would encourage small businesses to start a retirement plan for their employees by eliminating unnecessary administrative complexity in the top heavy rules. Top heavy rules that apply only to small businesses and, according to an Employee Benefits Research Institute, EBRI, survey, are the number one regulatory reason why small business owners do not start a pension. While the language in this bill may not go as far as many would like, the changes we have made are a step in the right direction.

Women tend to be somewhat more at risk of living in poverty as they age. There are many causes for this trend. For example, women may have breaks in service to care for young children or for elderly family members. Consequently, we hope this legislation will help women workers more saving options despite periodic departures from the paid workforce.

The Retirement Security and Savings Act partially restores the artificial limits on how much people can save in their employer's pension plan. One of the most burdensome provisions in the Internal Revenue Code is that 25 percent of compensation limitation contained within section 451(c). Under section 415(c), total contributions by employer and employee into a defined contribution plan are limited to 25 percent of compensation or $35,000, whichever is less.

But the retirement savings vehicle available for most private sector workers is the 401(k) plan where the maximum amount a worker can save is currently $10,500. Thus, a workers who makes $40,000 annually could only save $10,000, but not the additional $500 allowed by the rules in the Code. My colleagues and I see section 415(c) as an artificial barrier to saving of ordinary Americans and believe the 415(c) limit should be removed.

Our bill also allows catch-up contributions for contributions to defined contribution plans and IRAs. The provision is applicable only to individuals age 50 and older—aiding many who may have started saving late in life or after other major financial obligations were out of the way such as paying down mortgages or sending children to college. It may also help those who were not in the paid labor force while they took time off to care for young children or ailing family members.

This provision is also important for those who save for retirement only through an IRA. As I said a moment ago, the limits on IRAs have not escalated for twenty years. IRA savers have lost out on twenty years of contributions and earnings on those contributions that presumably would have been made had the limits increased with inflation as they do in other plans. Under current law, certain workers who save in section 403(b) plans or 457 (or in some cases a 401(k)) deferred compensation plans for state and local government employees are allowed to make catch-up contributions for a period of time prior to their retirement dates.

I know of no justification why catch-up contributions should not be allowed for all types of defined contribution plans. One complaint that plan administrators in the 403(b) and governmental (both 457 and 401(k)) plans have made is that the rules concerning when such catch-up contributions can be and how they must be made are cumbersome. Those plan experts advocate a greatly simplified framework for allowing catch-up contributions such as the one in our bill.

Under current law, an employer may require up to five years of service before an employee is entitled to employer's matching contributions to its retirement savings plan. The legislation would reduce the maximum number of years of service required to vest the employer's matching contributions to only three years. A shorter vesting requirement would ensure that more short-service workers will have a vested right to their employers' matching contributions. Thus, larger accounts will be available to be saved for retirement despite frequent job changes.

The legislation also contains proposals which promote retirement savings plan portability. The lack of portability among plans is one of the weak links in our current retirement saving system. This is an especially difficult problem for our public employees for whom current law does not permit rollovers. A police officer or firefighter who leaves public service at age 50 or 55 and begins another career in the private sector, may not transfer savings to his or her new plan even if the new employer's plan would accept them. Our bill would change this. It removes unnecessary obstacles to portability for all types of plans in the governmental, not-for-profit and the for-profit sectors of our economy.

In addition, this bill allows public sector workers to take benefits from a defined contribution plan and by service credit in their defined benefit plan. For example, many school teachers who move from one school district to another may not accrue sufficient years of service in their defined benefit plan to obtain the maximum benefit they need to retire. Yet many school teachers are good savers. They discipline themselves and save regularly in their defined contribution plans. Our bill will permit those employees who choose to do so, to "purchase service credit" in the defined benefit plan offered by their employing agency.

It is said that knowledge is power. Knowledge about an individual's pension benefits gives him or her the power to plan for retirement and correct errors before they enter retirement. The legislation would require that plan sponsors provide benefit statements to their participants on a periodic basis. For defined contribution plans, the statement would be required annually. For defined benefits plans, a statement would be required every three years. However, employers who provide an annual notice to employees of the availability of a benefit statement would not be required to provide automatic benefit statements to all employees.

The bill also simplifies and repeals some of the legal requirements that burden plans and increase costs for employers who sponsor pension plans. For example, the legislation seeks to repeal the full-funding limit that is imposed on defined benefit plans. This limit prevents employers from funding their defined benefit plans based on the current liability. This depressed funding level threatens the ability of employers to pay benefits, especially as the Baby Boom begins to retire.

This bill will also adjust the section 415 limits that have harmed many participants in multiemployer pension plans over the years. It will also provide a default option for a rollover to an IRA for certain involuntary cash outs. This is our first look at ways to reduce plan leakage.

In the case of a significant restructuring of a pension plan benefit formula, the Retirement Security and Savings Act of 2001 would require that affected recipients be given a benefit estimation tool kit. This would allow pension plan participants to easily determine how their individual benefits would be altered. The bill also directs the Treasury Department to study on the long-term effects of the trend of restructuring retirement plans.

To reduce the burdens of plan compliance, and to encourage voluntary compliance, the legislation includes a number of proposals intended to peel away at the layers of laws and regulations that add costs to plan administration, but don't add many benefits. The legislation would repeal unnecessary rules bogging down pension administration, such as the multiple use test and the same desk rule. Moreover, mistakes made in administering a pension plan are often inadvertent. The IRS would be directed to simplify and expand its voluntary compliance resolution system.

The Retirement Security and Savings Act of 2001 has considerable bipartisan support. Furthermore, over the years that it has been pending, this legislation has received the support of over 100 organizations. These organizations include business groups and labor unions; large companies and small companies; private sector organizations and organizations representing government employees and many individuals. Few bills in the Senate can claim the diversity of support from organizations that traditionally don't agree on policy that the Retirement Security and Savings Act of 2001 enjoys. I am proud of this fact. I think it is the clearest signal that we need to enact comprehensive pension reform this session.

I am happy to add one more organization to the list of organizations supporting the Retirement Security and Savings Act of 2001. Horace Deets, Executive Director of AARP sent a letter to me this week expressing AARP's support for the legislation.

I will work to pass this critical piece of pension reform legislation this Congress. I urge my colleagues who have not already done so, to support the Retirement Security and Savings Act of 2001 and help Americans build a more secure retirement.

I ask unanimous consent that the text of the Retirement Security and Savings Act of 2001 be printed in the RECORD.

There being no objection, the bill S. 742 was ordered to be printed in the RECORD, as follows:

S. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Retirement Security and Savings Act of 2001".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

Sec. 101. Modification of IRA contribution limits.
Sec. 102. Deemed IRAs under employer plans.
Sec. 103. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 104. Modification of AGI limits for Roth IRAs.

TITLE II—EXPANDING COVERAGE

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Deduction limits.
Sec. 207. Option to treat elective deferrals as after-tax Roth contributions.
Sec. 208. Nonrefundable credit to certain individuals for elective deferrals and IRA contributions.
Sec. 209. Credit for qualified pension plan contributions of small employers.
Sec. 210. Credit for pension plan startup costs of small employers.
Sec. 211. Elimination of user fee for requests to IRS regarding new pension plans.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

Sec. 301. Catch-up contributions for individuals age 50 or over.
Sec. 302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 303. Faster vesting of certain employer matching contributions.
Sec. 304. Minimum distribution rules.
Sec. 305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 306. Provisions relating to hardship distributions.
Sec. 307. Waiver of tax on nondeductible contributions for domestic or similar workers.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 401. Rollovers allowed among various types of plans.
Sec. 402. Rollovers of IRAs into workplace retirement plans.
Sec. 403. Rollovers of after-tax contributions.
Sec. 404. Hardship exception to 60-day rule.
Sec. 405. Treatment of forms of distribution.
Sec. 406. Rationalization of restrictions on distributions.
Sec. 407. Purchase of service credit in governmental defined benefit plans.
Sec. 408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Subtitle A—General Provisions

Sec. 501. Repeal of 155 percent of current liability funding limit.
Sec. 502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 503. Excise tax relief for sound pension funding.
Sec. 504. Treatment of multiemployer plans under section 415.
Sec. 505. Protection of investment of employee contributions to 401(k) plans.
Sec. 506. Periodic pension benefits statements.
Sec. 507. Prohibited allocations of stock in S Corporation ESOP.
Sec. 508. Automatic rollovers of certain mandatory distributions.

Subtitle B—Treatment of Plan Amendments Reducing Future Benefit Accruals

Sec. 521. Notice required for pension plan amendments having the effect of significantly reducing future benefit accruals.

TITLE VI—REDUCING REGULATORY BURDENS

Sec. 601. Modification of timing of plan valuations.
Sec. 602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 604. Employees of tax-exempt entities.
Sec. 605. Clarification of treatment of employer-provided retirement advice.
Sec. 606. Reporting simplification.
Sec. 607. Improvement of employee plans compliance resolution system.
Sec. 608. Repeal of the multiple use test.
Sec. 609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 611. Notice and consent period regarding distributions.
Sec. 612. Annual report dissemination.
Sec. 613. Technical corrections to Saver Act.
Sec. 614. Studies.

TITLE VII—OTHER ERISA PROVISIONS

Sec. 701. Missing participants.
Sec. 702. Reduced PBGC premium for new plans of small employers.
Sec. 703. Reduction of additional PBGC premium for new and small plans.
Sec. 704. Authorization for PBGC to pay interest on premium overpayment refunds.
Sec. 705. Substantial owner benefits in terminated plans.
Sec. 706. Civil penalties for breach of fiduciary responsibility.
Sec. 707. Benefit suspension notice.

TITLE VIII—PLAN AMENDMENTS

Sec. 801. Provisions relating to plan amendments.

TITLE I—INDIVIDUAL RETIREMENT ACCOUNTS

SEC. 101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "the deductible amount".

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

"(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

"(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The deductible amount is:
2002	$3,000
2003	$4,000
2004 and thereafter	$5,000.

"(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for such taxable year shall be an amount equal to 150 percent of such amount determined without regard to this subparagraph.

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2004, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.".

(b) INCREASE IN AGI LIMITS FOR ACTIVE PARTICIPANTS.—

(1) JOINT RETURNS.—The table in clause (i) of section 219(g)(3)(B) (relating to applicable dollar amount) is amended to read as follows:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$56,000
2003	$60,000
2004	$64,000
2005	$68,000

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2006	$72,000
2007	$76,000
2008 or thereafter	$80,000.".

(2) Other Taxpayers.—Section 219(g)(3)(B) (relating to applicable dollar amount) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) In the case of any other taxpayer:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2002	$36,000
2003	$40,000
2004	$44,000
2005	$48,000
2006 or thereafter	$50,000.".

.(c) Conforming Amendments.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. DEEMED IRAS UNDER EMPLOYER PLANS.

(a) In General.—Section 408 (relating to individual retirement accounts) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) Deemed IRAs Under Qualified Employer Plans.—

"(1) General rule.—If—

"(A) a qualified employer plan elects to allow employees to make voluntary employee contributions to a separate account or annuity established under the plan, and

"(B) under the terms of the qualified employer plan, such account or annuity meets the applicable requirements of this section or section 408A for an individual retirement account or annuity,

then such account or annuity shall be treated for purposes of this title in the same manner as an individual retirement plan and not as a qualified employer plan (and contributions to such account or annuity as contributions to an individual retirement plan and not to the qualified employer plan). For purposes of subparagraph (B), the requirements of subsection (a)(5) shall not apply.

"(2) Special rules for qualified employer plans.—For purposes of this title, a qualified employer plan shall not fail to meet any requirement of this title solely by reason of establishing and maintaining a program described in paragraph (1).

"(3) Definitions.—For purposes of this subsection—

"(A) Qualified employer plan.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4); except such term shall only include an eligible deferred compensation plan (as defined in section 457(b)) which is maintained by an eligible employer described in section 457(e)(1)(A).

"(B) Voluntary employee contribution.—The term 'voluntary employee contribution' means any contribution (other than a mandatory contribution within the meaning of section 411(c)(2)(C))—

"(i) which is made by an individual as an employee under a qualified employer plan which allows employees to elect to make contributions described in paragraph (1), and

"(ii) with respect to which the individual has designated the contribution as a contribution to which this subsection applies.".

(b) Amendment of ERISA.—

(1) In general.—Section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) is amended by adding at the end the following new subsection:

"(c) If a pension plan allows an employee to elect to make voluntary employee contributions to accounts and annuities as provided in section 408(q) of the Internal Revenue Code of 1986, such accounts and annuities (and contributions thereto) shall not be treated as part of such plan (or as a separate pension plan) for purposes of any provision of this title other than section 403(c), 404, or 405 (relating to exclusive benefit, and fiduciary and co-fiduciary responsibilities).".

(2) Conforming amendment.—Section 4(a) of such Act (29 U.S.C. 1003(a)) is amended by inserting "or (c)" after "subsection (b)".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

SEC. 103. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) In General.—Subsection (d) of section 408 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) Distributions for charitable purposes.—

"(A) In general.—In the case of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c), no amount shall be includible in the gross income of the account holder or beneficiary.

"(B) Special rules relating to charitable remainder trusts, pooled income funds, and charitable gift annuities.—

"(i) In general.—In the case of a qualified charitable distribution from an individual retirement account—

"(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(II) to a pooled income fund (as defined in section 642(c)(5)), or

"(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)),

no amount shall be includible in gross income of the account holder or beneficiary. The preceding sentence shall apply only if no person holds any interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(ii) Determination of inclusion of amounts distributed.—In determining the amount includible in the gross income of the distributee of a distribution from a trust described in clause (i)(I) or an annuity described in clause (i)(III), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

"(I) in the case of any such trust, shall be treated as income described in section 664(b)(1), or

"(II) in the case of any such annuity, shall not be treated as an investment in the contract.

"(iii) No inclusion for distribution to pooled income fund.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

"(C) Qualified charitable distribution.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(ii) which is a charitable contribution (as defined in section 170(c)) made directly from the account to—

"(I) an organization described in section 170(c), or

"(II) a trust, fund, or annuity described in subparagraph (B).

"(D) Denial of deduction.—The amount allowable as a deduction to the taxpayer for the taxable year under section 170 (before the application of section 170(b)) for qualified charitable distributions shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which (but for this paragraph) would have been includible in the gross income of the taxpayer for such year.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 104. MODIFICATION OF AGI LIMITS FOR ROTH IRAS.

(a) Increase in AGI Limit for Roth IRA Contributions.—

(1) In general.—Section 408A(c)(3)(C)(ii) (relating to limits based on modified adjusted gross income) is amended to read as follows:

"(ii) the applicable dollar amount is—

"(I) in the case of a taxpayer filing a joint return, $190,000, and

"(II) in the case of any other taxpayer, $95,000.".

(2) Phaseout amount.—Clause (ii) of section 408A(c)(3)(A) is amended to read as follows:

"(ii) $15,000 ($30,000 in the case of a joint return)."

(b) Increase in AGI Limit for Roth IRA Conversions.—Section 408A(c)(3)(B) (relating to rollover from IRA) is amended by striking "relates" and all that follows and inserting "relates, the taxpayer's adjusted gross income exceeds $100,000 ($200,000 in the case of a joint return).".

(c) Conforming Amendment.—Section 408A(c)(3) is amended by striking subparagraph (D).

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANDING COVERAGE

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) Defined Benefit Plans.—

(1) Dollar limit.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$90,000’” and inserting “one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$160,000’”.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 62” and by striking the second sentence.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking “the social security retirement age” each place it appears in the heading and text and inserting “age 65”.

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking “$90,000” in paragraph (1)(A) and inserting “$160,000”; and

(B) in paragraph (3)(A)—

(i) by striking “$90,000” in the heading and inserting “$160,000”; and

(ii) by striking “October 1, 1986” and inserting “July 1, 2001”.

(5) CONFORMING AMENDMENTS.—

(A) Section 415(b)(2) is amended by striking subparagraph (F).

(B) Section 415(b)(9) is amended to read as follows:

“(9) SPECIAL RULE FOR COMMERCIAL AIRLINE PILOTS.—In the case of any participant who is a commercial airline pilot, if, as of the time of the participant's retirement, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age occurring on or after age 60 and before age 62, paragraph (2)(C) shall be applied by substituting such age for age 62.”.

(C) Section 415(b)(10)(C)(i) is amended by striking “applied without regard to paragraph (2)(F)”.

(b) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking “$150,000” each place it appears and inserting “$200,000”.

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking “October 1, 1993” and inserting “July 1, 2001”; and

(B) by striking “$10,000” both places it appears and inserting “$5,000”.

(c) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

“(1) IN GENERAL.—

“(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

“(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

“For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.”.

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

“(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking “402(g)(8)(A)(iii)” and inserting “402(g)(7)(A)(iii)”.

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking “(other than paragraph (4) thereof)”.

(d) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking “$7,500” each place it appears and inserting “the applicable dollar amount”; and

(B) in subsection (b)(3)(A) by striking “$15,000” and inserting “twice the dollar amount in effect under subsection (b)(2)(A)”.

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

“(15) APPLICABLE DOLLAR AMOUNT.—

“(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

“For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000.

“(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2006, the Secretary shall adjust the $15,000 amount under subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2005, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.”.

(e) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking “$6,000” and inserting “the applicable dollar amount”.

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

“(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

“For taxable years beginning in calendar year:	The applicable dollar amount:
2002	$7,000
2003	$8,000
2004	$9,000
2005 or thereafter	$10,000.

“(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2005, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2004, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.”.

(3) CONFORMING AMENDMENTS.—

(A) Subclause (I) of section 401(k)(11)(B)(i) is amended by striking “$6,000” and inserting “the amount in effect under section 408(p)(2)(A)(ii)”.

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(f) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

“(4) ROUNDING.—

“(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

“(B) $30,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) IN GENERAL.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

“(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term ‘owner-employee’ shall only include a person described in subclause (II) or (III) of clause (i).”.

(b) AMENDMENT OF ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

“(C) For purposes of paragraph (1)(A), the term ‘owner-employee’ shall only include a person described in clause (ii) or (iii) of subparagraph (A).”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking “or any of the 4 preceding plan years” in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

“(i) an officer of the employer having an annual compensation greater than the amount in effect under section 414(q)(1)(B)(i) for such plan year,”;

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively;

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C); and

(E) by adding at the end the following: "For purposes of this subparagraph, in the case of an employee who is not employed during the preceding plan year or is employed for a portion of such year, such employee shall be treated as a key employee if it can be reasonably anticipated that such employee will be described in 1 of the preceding clauses for the current plan year.".

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no key employee or former key employee.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 201, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2001.

SEC. 206. DEDUCTION LIMITS.

(a) MODIFICATION OF LIMITS.—

(1) STOCK BONUS AND PROFIT SHARING TRUSTS.—

(A) IN GENERAL.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "25 percent".

(B) CONFORMING AMENDMENT.—Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "25 percent".

(2) DEFINED CONTRIBUTION PLANS.—

(A) IN GENERAL.—Clause (v) of section 404(a)(3)(A) (relating to stock bonus and profit sharing trusts) is amended to read as follows:

"(v) DEFINED CONTRIBUTION PLANS SUBJECT TO THE FUNDING STANDARDS.—Except as provided by the Secretary, a defined contribution plan which is subject to the funding standards of section 412 shall be treated in the same manner as a stock bonus or profit-sharing plan for purposes of this subparagraph."

(B) CONFORMING AMENDMENTS.—

(i) Section 404(a)(1)(A) is amended by inserting "(other than a trust to which paragraph (3) applies)" after "pension trust".

(ii) Section 404(h)(2) is amended by striking "stock bonus or profit-sharing trust" and inserting "trust subject to subsection (a)(3)(A)".

(iii) The heading of section 404(h)(2) is amended by striking "STOCK BONUS AND PROFIT-SHARING TRUST" and inserting "CERTAIN TRUSTS".

(b) COMPENSATION.—

(1) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(B) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 207. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified Roth contribution program—

"(1) any designated Roth contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED ROTH CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified Roth contribution program' means a program under which an employee may elect to make designated Roth contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified Roth contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated Roth accounts') for the designated Roth contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED ROTH CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED ROTH CONTRIBUTION.—The term 'designated Roth contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated Roth account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated Roth account of the individual from whose account the payment or distribution was made, or "(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated Roth account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated Roth account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated Roth account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated Roth contribution to any designated Roth account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated Roth account from a designated Roth account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated Roth contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND CONTRIBUTIONS AND EARNINGS THEREON.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) or any excess contribution under section 401(k)(8), and any income on the excess deferral or contribution.

"(3) TREATMENT OF DISTRIBUTIONS OF CERTAIN EXCESS DEFERRALS.—Notwithstanding section 72, if any excess deferral under section 402(g)(2) attributable to a designated Roth contribution is not distributed on or before the 1st April 15 following the close of the taxable year in which such excess deferral is made, the amount of such excess deferral shall—

"(A) not be treated as investment in the contract, and

"(B) be included in gross income for the taxable year in which such excess is distributed.

"(4) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated Roth account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1)(A) (as added by section 201(c)(1)) the following new sentence: "The preceding sentence shall not apply the portion of such excess as does not exceed the designated Roth contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated Roth account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated Roth account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W-2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated Roth contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED ROTH CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated Roth contributions (as defined in section 402A) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as Roth contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 208. NONREFUNDABLE CREDIT TO CERTAIN INDIVIDUALS FOR ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

"SEC. 25B. ELECTIVE DEFERRALS AND IRA CONTRIBUTIONS BY CERTAIN INDIVIDUALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of so much of the qualified retirement savings contributions of the eligible individual for the taxable year as do not exceed $2,000.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is the percentage determined in accordance with the following table:

Adjusted Gross Income						Applicable percentage
Joint return		Head of a household		All other cases		
Over	Not over	Over	Not over	Over	Not over	
$0	$30,000	$0	$22,500	$0	$15,000	50
30,000	32,500	22,500	24,375	15,000	16,250	20
32,500	50,000	24,375	37,500	16,250	25,000	10
50,000		37,500		25,000		0

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section—

"(1) IN GENERAL.—The term 'eligible individual' means any individual if such individual has attained the age of 18 as of the close of the taxable year.

"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.—The term 'eligible individual' shall not include—

"(A) any individual with respect to whom a deduction under section 151 is allowed to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins, and

"(B) any individual who is a student (as defined in section 151(c)(4)).

"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified retirement savings contributions' means, with respect to any taxable year, the sum of—

"(A) the amount of the qualified retirement contributions (as defined in section 219(e)) made by the eligible individual,

"(B) the amount of—

"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and

"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4974(c)).

"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the sum of—

"(i) any distribution from a qualified retirement plan (as defined in section 4974(c)), or from an eligible deferred compensation plan (as defined in section 457(b)), received by the individual during the testing period which is includible in gross income, and

"(ii) any distribution from a Roth IRA received by the individual during the testing period which is not a qualified rollover contribution (as defined in section 408A(e)) to a Roth IRA.

"(B) TESTING PERIOD.—For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—

"(i) such taxable year,

"(ii) the 2 preceding taxable years, and

"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.

"(C) EXCEPTED DISTRIBUTIONS.—There shall not be taken into account under subparagraph (A)—

"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g)(2), 404(k), or 408(d)(4), and

"(ii) any distribution to which section 408A(d)(3) applies.

"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.—For purposes of determining distributions received by an individual under subparagraph (A) for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

"(e) ADJUSTED GROSS INCOME.—For purposes of this section, adjusted gross income shall be determined without regard to sections 911, 931, and 933.

"(f) INVESTMENT IN THE CONTRACT.—Notwithstanding any other provision of law, a qualified retirement savings contribution shall not fail to be included in determining the investment in the contract for purposes of section 72 by reason of the credit under this section."

(b) CREDIT ALLOWED AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (a) of section 26 is amended by inserting "(other than the credit allowed by section 25B)" after "credits allowed by this subpart".

(2) CONFORMING AMENDMENT.—Section 25B, as added by subsection (a), is amended by inserting after subsection (f) the following new subsection:

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate credit allowed by this section for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowed by sections 21, 22, 23, 24, 25, and 25A, plus

"(2) the tax imposed by section 55 for such taxable year."

(c) ANNUAL REPORT.—The Comptroller General of the United States shall submit a report annually to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the number of taxpayers receiving the credit allowed under section 25B of the Internal Revenue Code of 1986, as added by subsection (a).

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25A the following new item:

"Sec. 25B. Elective deferrals and IRA contributions by certain individuals."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001, and before January 1, 2007.

SEC. 209. CREDIT FOR QUALIFIED PENSION PLAN CONTRIBUTIONS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45E. SMALL EMPLOYER PENSION PLAN CONTRIBUTIONS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan contribution credit determined under this section for any taxable year is an amount equal to 50 percent of the amount which would (but for subsection (f)(1)) be allowed as a deduction under section 404 for such taxable year for qualified employer contributions made to any qualified retirement plan on behalf of any employee who is not a highly compensated employee.

"(b) CREDIT LIMITED TO 3 YEARS.—The credit allowable by this section shall be allowed only with respect to the period of 3 taxable years beginning with the first taxable year for which a credit is allowable with respect to a plan under this section.

"(c) QUALIFIED EMPLOYER CONTRIBUTION.—For purposes of this section—

"(1) DEFINED CONTRIBUTION PLANS.—In the case of a defined contribution plan, the term 'qualified employer contribution' means the amount of nonelective and matching contributions to the plan made by the employer on behalf of any employee who is not a highly compensated employee to the extent such amount does not exceed 3 percent of such employee's compensation from the employer for the year.

"(2) DEFINED BENEFIT PLANS.—In the case of a defined benefit plan, the term 'qualified employer contribution' means the amount of employer contributions to the plan made on behalf of any employee who is not a highly compensated employee to the extent that the accrued benefit of such employee derived from employer contributions for the year does not exceed the equivalent (as determined under regulations prescribed by the Secretary and without regard to contributions and benefits under the Social Security Act) of 3 percent of such employee's compensation from the employer for the year.

"(d) QUALIFIED RETIREMENT PLAN.—

"(1) IN GENERAL.—The term 'qualified retirement plan' means any plan described in section 401(a) which includes a trust exempt from tax under section 501(a) if the plan meets—

"(A) the contribution requirements of paragraph (2),

"(B) the vesting requirements of paragraph (3), and

"(C) the distribution requirements of paragraph (4).

"(2) CONTRIBUTION REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan—

"(i) the employer is required to make nonelective contributions of at least 1 percent of compensation (or the equivalent thereof in the case of a defined benefit plan) for each employee who is not a highly compensated employee who is eligible to participate in the plan, and

"(ii) allocations of nonelective employer contributions are either in equal dollar amounts for all employees covered by the plan or bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of the employees covered by the plan.

"(B) COMPENSATION LIMITATION.—The compensation taken into account under subparagraph (A) for any year shall not exceed the limitation in effect for such year under section 401(a)(17).

"(3) VESTING REQUIREMENTS.—The requirements of this paragraph are met if the plan satisfies the requirements of subparagraph (A) or (B).

"(A) 3-YEAR VESTING.—A plan satisfies the requirements of this subparagraph if an employee who has completed at least 3 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5-YEAR GRADED VESTING.—A plan satisfies the requirements of this subparagraph if an employee has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions determined under the following table:

"Years of service:	The nonforfeitable percentage is:
1	20
2	40
3	60
4	80
5	100.

"(4) DISTRIBUTION REQUIREMENTS.—In the case of a profit-sharing or stock bonus plan, the requirements of this paragraph are met if, under the plan, qualified employer contributions are distributable only as provided in section 401(k)(2)(B).

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, an employer which has no more than 50 employees who received at least $5,000 of compensation from the employer for the preceding year.

"(B) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(2) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q) (determined without regard to section 414(q)(1)(B)(ii)).

"(f) SPECIAL RULES.—

"(1) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed for that portion of the qualified employer contributions paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(2) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.

"(3) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(g) Recapture of Credit on Forfeited Contributions.—

"(1) In general.—Except as provided in paragraph (2), if any accrued benefit which is forfeitable by reason of subsection (d)(3) is forfeited, the employer's tax imposed by this chapter for the taxable year in which the forfeiture occurs shall be increased by 35 percent of the employer contributions from which such benefit is derived to the extent such contributions were taken into account in determining the credit under this section.

"(2) Reallocated contributions.—Paragraph (1) shall not apply to any contribution which is reallocated by the employer under the plan to employees who are not highly compensated employees.".

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting ", plus", and by adding at the end the following new paragraph:

"(14) in the case of an eligible employer (as defined in section 45E(e)), the small employer pension plan contribution credit determined under section 45E(a)."

(c) Conforming Amendments.—

(1) Section 39(d) is amended by adding at the end the following new paragraph:

"(10) No carryback of small employer pension plan contribution credit before January 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan contribution credit determined under section 45E may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by adding at the end the following new paragraph:

"(10) the small employer pension plan contribution credit determined under section 45E(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45E. Small employer pension plan contributions."

(d) Effective Date.—The amendments made by this section shall apply to contributions paid or incurred in taxable years beginning after December 31, 2001.

SEC. 210. CREDIT FOR PENSION PLAN STARTUP COSTS OF SMALL EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by section 209, is amended by adding at the end the following new section:

"SEC. 45F. SMALL EMPLOYER PENSION PLAN STARTUP COSTS.

"(a) General Rule.—For purposes of section 38, in the case of an eligible employer, the small employer pension plan startup cost credit determined under this section for any taxable year is an amount equal to 50 percent of the qualified startup costs paid or incurred by the taxpayer during the taxable year.

"(b) Dollar Limitation.—The amount of the credit determined under this section for any taxable year shall not exceed—

"(1) $500 for the first credit year and each of the 2 taxable years immediately following the first credit year, and

"(2) zero for any other taxable year.

"(c) Eligible Employer.—For purposes of this section—

"(1) In general.—The term 'eligible employer' has the meaning given such term by section 408(p)(2)(C)(i).

"(2) Requirement for new qualified employer plans.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified employer plan of the employer, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified employer plan.

"(d) Other Definitions.—For purposes of this section—

"(1) Qualified startup costs.—

"(A) In general.—The term 'qualified startup costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(i) the establishment or administration of an eligible employer plan, or

"(ii) the retirement-related education of employees with respect to such plan.

"(B) Plan must have at least 1 participant.—Such term shall not include any expense in connection with a plan that does not have at least 1 employee eligible to participate who is not a highly compensated employee.

"(2) Eligible employer plan.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4972(d).

"(3) First credit year.—The term 'first credit year' means—

"(A) the taxable year which includes the date that the eligible employer plan to which such costs relate becomes effective, or

"(B) at the election of the eligible employer, the taxable year preceding the taxable year referred to in subparagraph (A).

"(e) Special Rules.—For purposes of this section—

"(1) Aggregation rules.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All eligible employer plans shall be treated as 1 eligible employer plan.

"(2) Disallowance of deduction.—No deduction shall be allowed for that portion of the qualified startup costs paid or incurred for the taxable year which is equal to the credit determined under subsection (a).

"(3) Election not to claim credit.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) Credit Allowed as Part of General Business Credit.—Section 38(b) (defining current year business credit), as amended by section 209, is amended by striking "plus" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting ", plus", and by adding at the end the following new paragraph:

"(15) in the case of an eligible employer (as defined in section 45E(c)), the small employer pension plan startup cost credit determined under section 45F(a)."

(c) Conforming Amendments.—

(1) Section 39(d), as amended by section 209(c), is amended by adding at the end the following new paragraph:

"(11) No carryback of small employer pension plan startup cost credit before January 1, 2002.—No portion of the unused business credit for any taxable year which is attributable to the small employer pension plan startup cost credit determined under section 45F may be carried back to a taxable year beginning before January 1, 2002."

(2) Subsection (c) of section 196, as amended by section 209(c), is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ", and", and by adding at the end the following new paragraph:

"(11) the small employer pension plan startup cost credit determined under section 45F(a)."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by section 209(c), is amended by adding at the end the following new item:

"Sec. 45F. Small employer pension plan startup costs."

(d) Effective Date.—The amendments made by this section shall apply to costs paid or incurred in taxable years beginning after December 31, 2001, with respect to qualified employer plans established after such date.

SEC. 211. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING NEW PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 10511 of the Revenue Act of 1987 for requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters or similar requests with respect to the qualified status of a new pension benefit plan or any trust which is part of the plan.

(b) New Pension Benefit Plan.—For purposes of this section—

(1) In general.—The term "new pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan which is maintained by one or more eligible employers if such employer (or any predecessor employer) has not made a prior request described in subsection (a) for such plan (or any predecessor plan).

(2) Eligible employer.—The term "eligible employer" shall not include an employer if, during the 3-taxable year period immediately preceding the taxable year in which the request is made, the employer or any member of any controlled group including the employer (or any predecessor of either) established or maintained a qualified employer plan with respect to which contributions were made, or benefits were accrued for service, for substantially the same employees as are in the qualified employer plan.

(c) Effective Date.—The provisions of this section shall apply with respect to requests made after December 31, 2001.

TITLE III—ENHANCING FAIRNESS FOR WOMEN

SEC. 301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catch-up Contributions for Individuals Age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—

"(A) IN GENERAL.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable percentage of the applicable dollar amount for such elective deferrals for such year, or

"(ii) the excess (if any) of—

"(I) the participant's compensation (as defined in section 415(c)(3)) for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) APPLICABLE PERCENTAGE.—For purposes of this paragraph, the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable percentage is:**
2002	10
2003	20
2004	30
2005	40
2006 and thereafter	50.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation or restriction contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means, with respect to any year, the amount in effect under section 402(g)(1)(B), 408(p)(2)(E)(i), or 457(e)(15)(A), whichever is applicable to an applicable employer plan, for such year.

"(B) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer described in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(C) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(D) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (B)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2001.

SEC. 302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Retirement Security and Savings Act of 2001)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 201(c)(3)) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Retirement Security and Savings Act of 2001)".

(H) Section 664(g) is amended—

(i) in paragraph (3)(E) by striking "limitations under section 415(c)" and inserting "applicable limitation under paragraph (7)", and

(ii) by adding at the end the following new paragraph:

"(7) APPLICABLE LIMITATION.—

"(A) IN GENERAL.—For purposes of paragraph (3)(E), the applicable limitation under this paragraph with respect to a participant is an amount equal to the lesser of—

"(i) $30,000, or

"(ii) 25 percent of the participant's compensation (as defined in section 415(c)(3)).

"(B) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the $30,000 amount under subparagraph (A)(i) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning October 1, 1993, and any increase under this subparagraph which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 2000.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2001, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 2000, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	**The nonforfeitable percentage is:**
2	20
3	40
4	60
5	80
6	100.".

(b) AMENDMENT OF ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2001.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2002; or

(B) January 1, 2006.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 304. MINIMUM DISTRIBUTION RULES.

(a) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to years beginning after December 31, 2001.

(B) DISTRIBUTIONS TO SURVIVING SPOUSE.—

(i) IN GENERAL.—In the case of an employee described in clause (ii), distributions to the surviving spouse of the employee shall not be required to commence prior to the date on which such distributions would have been required to begin under section 401(a)(9)(B) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

(ii) CERTAIN EMPLOYEES.—An employee is described in this clause if such employee dies before—

(I) the date of the enactment of this Act, and

(II) the required beginning date (within the meaning of section 401(a)(9)(C) of the Internal Revenue Code of 1986) of the employee.

(b) REDUCTION IN EXCISE TAX.—

(1) IN GENERAL.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) IN GENERAL.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) WAIVER OF CERTAIN DISTRIBUTION REQUIREMENTS.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) TAX TREATMENT OF PAYMENTS FROM A SECTION 457 PLAN.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (c) shall apply to transfers, distributions, and payments made after December 31, 2001.

(2) AMENDMENTS RELATING TO ASSIGNMENTS IN DIVORCE, ETC., PROCEEDINGS.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2002, except that in the case of a domestic relations order entered before such date, the plan administrator—

(A) shall treat such order as a qualified domestic relations order if such administrator is paying benefits pursuant to such order on such date, and

(B) may treat any other such order entered before such date as a qualified domestic relations order even if such order does not meet the requirements of such amendments.

SEC. 306. PROVISIONS RELATING TO HARDSHIP DISTRIBUTIONS.

(a) SAFE HARBOR RELIEF.—

(1) IN GENERAL.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(2) EFFECTIVE DATE.—The revised regulations under this subsection shall apply to years beginning after December 31, 2001.

(b) HARDSHIP DISTRIBUTIONS NOT TREATED AS ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) MODIFICATION OF DEFINITION OF ELIGIBLE ROLLOVER.—Section 402(c)(4)(C) (relating to eligible rollover distribution) is amended by striking "described in section 401(k)(2)(B)(i)(IV)" and inserting "under the terms of the plan".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to distributions made after December 31, 2002, unless a plan administrator elects to apply such amendment to distributions made after December 31, 2001.

SEC. 307. WAIVER OF TAX ON NONDEDUCTIBLE CONTRIBUTIONS FOR DOMESTIC OR SIMILAR WORKERS.

(a) IN GENERAL.—Section 4972(c)(6) (relating to exceptions to nondeductible contributions), as amended by section 502, is amended by striking "or" at the end of subparagraph (A), by striking the period and inserting ", or" at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph:

"(C) so much of the contributions to a simple retirement account (within the meaning of section 408(p)) or a simple plan (within the meaning of section 401(k)(11)) which are not deductible when contributed solely because such contributions are not made in connection with a trade or business of the employer."

(b) EXCLUSION OF CERTAIN CONTRIBUTIONS.—Section 4972(c)(6), as amended by subsection (a), is amended by adding at the end the following new sentence: "Subparagraph (C) shall not apply to contributions made on behalf of the employer or a member of the employer's family (as defined in section 447(e)(1)).".

(c) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to infer the proper treatment of nondeductible contributions under the laws in effect before such amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—INCREASING PORTABILITY FOR PARTICIPANTS

SEC. 401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) ROLLOVERS FROM AND TO SECTION 457 PLANS.—

(1) ROLLOVERS FROM SECTION 457 PLANS.—

(A) IN GENERAL.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) ROLLOVER AMOUNTS.—

"(A) GENERAL RULE.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) REPORTING.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) DEFERRAL LIMIT DETERMINED WITHOUT REGARD TO ROLLOVER AMOUNTS.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) DIRECT ROLLOVER.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A), or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b) and which is maintained by an eligible employer described in section 457(e)(1)(A).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) which is maintained by an eligible employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403(b) PLANS.—

(1) ROLLOVERS FROM SECTION 403(b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403(b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking “(i), (ii), or (iii)” and inserting “(i) or (ii)”.

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

“(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.”.

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2001.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: “The preceding sentence shall not apply to such distribution to the extent—

“(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

“(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).”.

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: “The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

“(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

“(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).”.

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

“(H) Application of section 72.—

“(i) In general.—If—

“(I) a distribution is made from an individual retirement plan, and

“(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

“(ii) Applicable rules.—In the case of a distribution described in clause (i)—

“(I) section 72 shall be applied separately to such distribution,

“(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

“(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.”.

(d) Effective Date.—The amendments made by this section shall apply to distributions made after December 31, 2001.

SEC. 404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

“(3) Transfer must be made within 60 days of receipt.—

“(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

“(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 403, is amended by adding after subparagraph (H) the following new subparagraph:

“(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment of internal revenue code.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

“(D) Plan transfers.—

“(i) In general.—A defined contribution plan (in this subparagraph referred to as the ‘transferee plan’) shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the ‘transferor plan’) to the extent that—

“(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

“(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

“(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

“(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, and

“(V) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

“(ii) Special rule for mergers, etc.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.”.

(2) Amendment of ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

“(4)(A) A defined contribution plan (in this subparagraph referred to as the ‘transferee plan’) shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the ‘transferor plan’) to the extent that—

“(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

“(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

“(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

“(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election; and

“(v) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

“(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a muitiple employer plan.”.

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

(b) Regulations.—

(1) Amendment of internal revenue code.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: “The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.”.

(2) Amendment of ERISA.—The last sentence of section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29

U.S.C. 1054(g)(2)) is amended to read as follows: "The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment which reduces or eliminates benefits or subsidies which create significant burdens or complexities for the plan and plan participants, unless such amendment adversely affects the rights of any participant in a more than de minimis manner.".

(3) SECRETARY DIRECTED.—Not later than December 31, 2002, the Secretary of the Treasury is directed to issue regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the Employee Retirement Income Security Act of 1974, including the regulations required by the amendment made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2002, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457, as amended by section 401, is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2001.

SEC. 408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT OF INTERNAL REVENUE CODE.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT OF ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2001.

SEC. 409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) MODIFICATION OF TRANSITION RULES FOR EXISTING 457 PLANS.—

(1) IN GENERAL.—Section 1107(c)(3)(B) of the Tax Reform Act of 1986 is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or" and by inserting after clause (ii) the following new clause:

"(iii) are deferred pursuant to an agreement with an individual covered by an agreement described in clause (ii), to the extent the annual amount under such agreement with the individual does not exceed—

"(I) the amount described in clause (ii)(II), multiplied by

"(II) the cumulative increase in the Consumer Price Index (as published by the Bureau of Labor Statistics of the Department of Labor).".

(2) CONFORMING AMENDMENT.—The fourth sentence of section 1107(c)(3)(B) of the Tax Reform Act of 1986 is amended by striking "This subparagraph" and inserting "Clauses (i) and (ii) of this subparagraph".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act with respect to increases in the Consumer Price Index after September 30, 1993.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to distributions after December 31, 2001.

TITLE V—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Subtitle A—General Provisions

SEC. 501. REPEAL OF 155 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENTS TO INTERNAL REVENUE CODE.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in

the case of plan years beginning before January 1, 2005, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	160
2003	165
2004	170.".

(b) AMENDMENT OF ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2005, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2002	160
2003	165
2004	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

"(i) IN GENERAL.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) PLANS WITH LESS THAN 100 PARTICIPANTS.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) RULE FOR DETERMINING NUMBER OF PARTICIPANTS.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) CONFORMING AMENDMENT.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) EXCEPTIONS.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) IN GENERAL.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) DEFINED BENEFIT PLAN EXCEPTION.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 504. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—

(1) IN GENERAL.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(2) CONFORMING AMENDMENT.—Section 415(b)(7) (relating to benefits under certain collectively bargained plans) is amended by inserting "(other than a multiemployer plan)" after "defined benefit plan" in the matter preceding subparagraph (A).

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying subsection (b)(1)(B) to such plan or any other such plan.".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 505. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) IN GENERAL.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) EFFECTIVE DATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) NONAPPLICATION TO PREVIOUSLY ACQUIRED PROPERTY.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 506. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2)—

"(A) the administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually, and

"(ii) to a plan beneficiary upon written request, and

"(B) the administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a plan participant or plan beneficiary of the plan upon written request.

"(2) Notwithstanding paragraph (1), the administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall only be required to furnish a pension benefit statement under paragraph (1) upon the written request of a participant or beneficiary of the plan.

"(3) A pension benefit statement under paragraph (1)—

"(A) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(B) shall be written in a manner calculated to be understood by the average plan participant, and

"(C) may be provided in written, electronic, telephonic, or other appropriate form.

"(4)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i).".

(b) Conforming Amendments.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

SEC. 507. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) In General.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Prohibited Allocations of Securities in an S Corporation.—

"(1) In general.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) Failure to meet requirements.—

"(A) In general.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) Cross reference.—

"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

"(3) Nonallocation year.—For purposes of this subsection—

"(A) In general.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) Attribution rules.—For purposes of subparagraph (A)—

"(i) In general.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) Deemed-owned shares.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), an individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) Disqualified person.—For purposes of this subsection—

"(A) In general.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) Treatment of family members.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) Deemed-owned shares.—

"(i) In general.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) Person's share of unallocated stock.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) Member of family.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) Treatment of synthetic equity.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) Definitions.—For purposes of this subsection—

"(A) Employee stock ownership plan.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) Employer securities.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) Synthetic equity.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) Coordination With Section 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) Excise Tax.—

(1) Application of tax.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) Liability.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) Liability for Tax.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) Definitions.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Definitions.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) Special rules relating to tax imposed by reason of paragraph (3) or (4) of subsection (a).—

"(A) Prohibited allocations.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) Synthetic equity.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) Special rule during first nonallocation year.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) Statute of limitations.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

(2) Exception for certain plans.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

SEC. 508. AUTOMATIC ROLLOVERS OF CERTAIN MANDATORY DISTRIBUTIONS.

(a) Direct Transfers of Mandatory Distributions.—

(1) In general.—Section 401(a)(31) (relating to optional direct transfer of eligible rollover distributions), as amended by section 403, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Certain mandatory distributions.—

"(i) In general.—In case of a trust which is part of an eligible plan, such trust shall not constitute a qualified trust under this section unless the plan of which such trust is a part provides that if—

"(I) a distribution described in clause (ii) in excess of $1,000 is made, and

"(II) the distributee does not make an election under subparagraph (A) and does not elect to receive the distribution directly,

the plan administrator shall make such transfer to an individual retirement account or annuity of a designated trustee or issuer and shall notify the distributee in writing (either separately or as part of the notice under section 402(f)) that the distribution may be transferred without cost or penalty to another individual account or annuity.

"(ii) Eligible plan.—For purposes of clause (i), the term 'eligible plan' means a plan which provides that any nonforfeitable accrued benefit for which the present value (as determined under section 411(a)(11)) does not exceed $5,000 shall be immediately distributed to the participant.".

(2) Conforming amendments.—

(A) The heading of section 401(a)(31) is amended by striking "Optional direct" and inserting "Direct".

(B) Section 401(a)(31)(C), as redesignated by paragraph (1), is amended by striking "Subparagraph (A)" and inserting "Subparagraphs (A) and (B)".

(b) Notice Requirement.—Section 402(f)(1) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) if applicable, of the provision requiring a direct trustee-to-trustee transfer of a distribution under section 401(a)(31)(B) unless the recipient elects otherwise.".

(c) Fiduciary Rules.—Section 404(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(c)) is amended by adding at the end the following new paragraph:

"(3) In the case of a pension plan which makes a transfer to an individual retirement account or annuity of a designated trustee or issuer under section 401(a)(31)(B) of the Internal Revenue Code of 1986, the participant or beneficiary shall, for purposes of paragraph (1), be treated as exercising control over the assets in the account or annuity upon the earlier of—

"(A) a rollover of all or a portion of the amount to another individual retirement account or annuity; or

"(B) one year after the transfer is made.".

(d) Effective Date.—The amendments made by this section shall apply to distributions made after December 31, 2001.

Subtitle B—Treatment of Plan Amendments Reducing Future Benefit Accruals

SEC. 521. NOTICE REQUIRED FOR PENSION PLAN AMENDMENTS HAVING THE EFFECT OF SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) Excise Tax.—

(1) In general.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE TO PROVIDE NOTICE OF PENSION PLAN AMENDMENTS REDUCING BENEFIT ACCRUALS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of an applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) Limitations on Amount of Tax.—

"(1) Tax not to apply where failure not discovered and reasonable diligence exercised.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for the tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) Tax not to apply to failures corrected within 30 days.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) Overall limitation for unintentional failures.—

"(A) In general.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) Taxable years in the case of certain controlled groups.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plan Amendments Significantly Reducing Benefit Accruals.—

"(1) In general.—If the sponsor of an applicable pension plan adopts an amendment which has the effect of significantly reducing the rate of future benefit accrual of 1 or more participants, the plan administrator shall, not later than the 45th day before the effective date of the amendment, provide written notice to each applicable individual (and to each employee organization representing applicable individuals) which—

"(A) sets forth a summary of the plan amendment and the effective date of the amendment,

"(B) includes a statement that the plan amendment is expected to significantly reduce the rate of future benefit accrual,

"(C) includes a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual,

"(D) sets forth examples illustrating how the plan will change benefits for such classes of employees,

"(E) if paragraph (2) applies to the plan amendment, includes a notice that the plan administrator will provide a benefit estimation tool kit described in paragraph (2)(B) to each applicable individual no later than the date required under paragraph (2)(A), and

"(F) includes a notice of each applicable individual's right under Federal law to receive, and of the procedures for requesting, an annual benefit statement.

"(2) Requirement to provide benefit estimation tool kit.—

"(A) In general.—If a plan amendment results in the significant restructuring of the plan benefit formula (as determined under regulations prescribed by the Secretary), the plan administrator shall, not later than the 15th day before the effective date of the amendment, provide a benefit estimation tool kit described in subparagraph (B) to each applicable individual. If such plan amendment occurs within 12 months of an event described in section 410(b)(6)(C), the plan administrator shall in no event be required to provide the benefit estimation tool kit to applicable individuals affected by the event before the date which is 12 months after the date on which notice under paragraph (1) is given to such applicable individuals.

"(B) BENEFIT ESTIMATION TOOL KIT.—The benefit estimation tool kit described in this subparagraph shall include the following information:

"(i) Sufficient information to enable an applicable individual to estimate the individual's projected benefits under the terms of the plan in effect both before and after the adoption of the amendment.

"(ii) The formulas and actuarial assumptions necessary to estimate under both such plan terms a single life annuity at appropriate ages, and, when available, a lump sum distribution.

"(iii) The interest rate used to compute a lump sum distribution and information as to whether the value of any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) is included in the lump sum distribution.

"(3) NOTICE TO DESIGNEE.—Any notice under paragraph (1) or (2) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(4) FORM OF EXPLANATION.—The information required to be provided under this subsection shall be provided in a manner calculated to be reasonably understood by the average plan participant.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan, and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) EXCEPTION FOR PARTICIPANTS WITH LESS THAN 1 YEAR OF PARTICIPATION.—Such term shall not include a participant who has less than 1 year of participation (within the meaning of section 411(b)(4)) under the plan as of the effective date of the plan amendment.

"(2) APPLICABLE PENSION PLAN.—The term 'applicable pension plan' means—

"(A) a defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412.

Such term shall not include a governmental plan (within the meaning of section 414(d)), a church plan (within the meaning of section 414(e)) with respect to which an election under section 410(d) has not been made, or any other plan to which section 204(h) of the Employee Retirement Income Security Act of 1974 does not apply.

"(3) EARLY RETIREMENT.—A plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 411(d)(6)(B)(i)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(g) REGULATIONS.—The Secretary shall, not later than 1 year after the date of the enactment of this section, issue—

"(1) the regulations described in subsection (e)(2)(A) and section 204(h)(2)(A) of the Employee Retirement Income Security Act of 1974, and

"(2) guidance for both of the examples described in subsection (e)(1)(D) and section 204(h)(1)(D) of the Employee Retirement Income Security Act of 1974 and the benefit estimation tool kit described in subsection (e)(2)(B) and section 204(h)(2)(B) of the Employee Retirement Income Security Act of 1974.

"(h) NEW TECHNOLOGIES.—The Secretary may by regulation allow any notice under paragraph (1) or (2) of subsection (e) to be provided by using new technologies. Such regulations shall ensure that at least one option for providing such notice is not dependent on new technologies."

(2) CONFORMING AMENDMENT.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure to provide notice of pension plan amendments reducing benefit accruals."

(b) AMENDMENT OF ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended to read as follows:

"(h)(1) If an applicable pension plan is amended so as to provide a significant reduction in the rate of future benefit accrual of 1 or more participants, the plan administrator shall, not later than the 45th day before the effective date of the amendment, provide written notice to each applicable individual (and to each employee organization representing applicable individuals) which—

"(A) sets forth a summary of the plan amendment and the effective date of the amendment,

"(B) includes a statement that the plan amendment is expected to significantly reduce the rate of future benefit accrual,

"(C) includes a description of the classes of employees reasonably expected to be affected by the reduction in the rate of future benefit accrual,

"(D) sets forth examples illustrating how the plan will change benefits for such classes of employees,

"(E) if paragraph (2) applies to the plan amendment, includes a notice that the plan administrator will provide a benefit estimation tool kit described in paragraph (2)(B) to each applicable individual no later than the date required under paragraph (2)(A), and

"(F) includes a notice of each applicable individual's right under Federal law to receive, and of the procedures for requesting, an annual benefit statement.

"(2)(A) If a plan amendment results in the significant restructuring of the plan benefit formula (as determined under regulations prescribed by the Secretary of the Treasury), the plan administrator shall, not later than the 15th day before the effective date of the amendment, provide a benefit estimation tool kit described in subparagraph (B) to each applicable individual. If such plan amendment occurs within 12 months of an event described in section 410(b)(6)(C) of the Internal Revenue Code of 1986, the plan administrator shall in no event be required to provide the benefit estimation tool kit to applicable individuals affected by the event before the date which is 12 months after the date on which notice under paragraph (1) is given to such applicable individuals.

"(B) The benefit estimation tool kit described in this subparagraph shall include the following information:

"(i) Sufficient information to enable an applicable individual to estimate the individual's projected benefits under the terms of the plan in effect both before and after the adoption of the amendment.

"(ii) The formulas and actuarial assumptions necessary to estimate under both such plan terms a single life annuity at appropriate ages, and, when available, a lump sum distribution.

"(iii) The interest rate used to compute a lump sum distribution and information as to whether the value of any early retirement benefit or retirement-type subsidy (within the meaning of subsection (g)(2)(A)) is included in the lump sum distribution.

"(3) Any notice under paragraph (1) or (2) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(4) The information required to be provided under this subsection shall be provided in a manner calculated to be reasonably understood by the average participant.

"(5)(A) In the case of any failure to exercise due diligence in meeting any requirement of this subsection with respect to any plan amendment, the provisions of the applicable pension plan shall be applied as if such plan amendment entitled all applicable individuals to the greater of—

"(i) the benefits to which they would have been entitled without regard to such amendment, or

"(ii) the benefits under the plan with regard to such amendment.

"(B) For purposes of subparagraph (A), there is a failure to exercise due diligence in meeting the requirements of this subsection if such failure is within the control of the plan sponsor and is—

"(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

"(ii) a failure to provide most of the individuals with most of the information they are entitled to receive under this subsection, or

"(iii) a failure to exercise due diligence which is determined under regulations prescribed by the Secretary of the Treasury.

"(C) For excise tax on failure to meet requirements, see section 4980F of the Internal Revenue Code of 1986.

"(5)(A) For purposes of this subsection, the term 'applicable individual' means, with respect to any plan amendment—

"(i) each participant in the plan, and

"(ii) any beneficiary who is an alternate payee (within the meaning of section 206(d)(3)(K)) under an applicable qualified domestic relations order (within the meaning of section 206(d)(3)(B)),

whose rate of future benefit accrual under the plan may reasonably be expected to be significantly reduced by such plan amendment.

"(B) Such term shall not include a participant who has less than 1 year of participation (within the meaning of subsection (b)(4)) under the plan as of the effective date of the plan amendment.

"(6) For purposes of this subsection, the term 'applicable pension plan' means—

"(A) a defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 302.

"(7) For purposes of this subsection, a plan amendment which eliminates or significantly reduces any early retirement benefit or retirement-type subsidy (within the meaning of section 204(g)(2)(A)) shall be treated as having the effect of significantly reducing the rate of future benefit accrual.

"(8) The Secretary of the Treasury may by regulation allow any notice under this subsection to be provided by using new technologies. Such regulation shall ensure that at least one option for providing such notice is not dependent on new technologies."

(c) REGULATIONS RELATING TO EARLY RETIREMENT SUBSIDIES.—The Secretary of the Treasury or the Secretary's delegate shall, not later than 1 year after the date of the enactment of this Act, issue regulations relating to early retirement benefits or retirement-type subsidies described in section 411(d)(6)(B)(i) of the Internal Revenue Code of 1986 and section 204(g)(2)(A) of the Employee Retirement Income Security Act of 1974.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) TRANSITION.—Until such time as the Secretary of the Treasury issues regulations under section 4980F(e)(2) of the Internal Revenue Code of 1986 and section 204(h)(2) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) SPECIAL NOTICE RULES.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of significant restructurings of plan benefit formulas of traditional defined benefit plans. Such study shall examine the effects of such restructurings on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after restructuring. As soon as practicable, but not later than one year after the date of enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate.

TITLE VI—REDUCING REGULATORY BURDENS

SEC. 601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) IN GENERAL.—Paragraph (9) of section 412(c) (relating to annual valuation) is amended to read as follows:

"(9) ANNUAL VALUATION.—

"(A) IN GENERAL.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) VALUATION DATE.—

"(i) CURRENT YEAR.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) ELECTION TO USE PRIOR YEAR VALUATION.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) ADJUSTMENTS.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) ELECTION.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) AMENDMENT OF ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) EFFECTIVE DATE.—The amendments made by this section, shall apply to plan years beginning after December 31, 2001.

SEC. 602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2001.

SEC. 604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)-6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) EFFECTIVE DATE.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) IN GENERAL.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) QUALIFIED RETIREMENT PLANNING SERVICES DEFINED.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) QUALIFIED RETIREMENT PLANNING SERVICES.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning advice or information provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) NONDISCRIMINATION RULE.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) QUALIFIED EMPLOYER PLAN.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 606. REPORTING SIMPLIFICATION.

(a) SIMPLIFIED ANNUAL FILING REQUIREMENT FOR OWNERS AND THEIR SPOUSES.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) ONE-PARTICIPANT RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) Effective Date.—The provisions of this section shall take effect on January 1, 2002.

SEC. 607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM..

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 608. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2001.

SEC. 609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2001.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2001.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2001, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "Governmental plans".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "Exception for governmental plans".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "Governmental plans.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2001.

SEC. 611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) Amendment of Internal Revenue Code.—

(A) In general.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(B) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(2) Amendment of ERISA.—Section 205(c)(7)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(7)(A)) is amended by striking "90-day" and inserting "180-day".

(3) Effective date.—The amendments made by paragraphs (1)(A) and (2) and the modifications required by paragraph (1)(B) shall apply to years beginning after December 31, 2001.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2001.

(c) Disclosure of Optional Forms of Benefits.—

(1) Amendment of internal revenue code.—Section 417(a)(3) (relating to a plan to provide written explanation) is amended by adding at the end the following:

"(C) Explanation of optional forms of benefits.—

"(i) In general.—If—

"(I) a plan provides optional forms of benefits, and

"(II) the present values of such forms of benefits are not actuarially equivalent as of the annuity starting date,

then each written explanation required to be provided under subparagraph (A) shall include the information described in clause (ii).

"(ii) Information.—A plan to which this subparagraph applies shall include sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow the participant to understand the differences in the present values of the optional forms of benefits provided by the plan and the effect the participant's election as to the form of benefit will have on the value of the benefits available under the plan. Any such information shall be provided in a manner calculated to be reasonably understood by the average plan participant."

(2) Amendment of ERISA.—Section 205(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)(3)) is amended by adding at the end the following:

"(C)(i) If—

"(I) a plan provides optional forms of benefits, and

"(II) the present values of such forms of benefits are not actuarially equivalent as of the annuity starting date,

then such plan shall include the information described in clause (ii) with each written explanation required to be provided under subparagraph (A).

"(ii) A plan to which this subparagraph applies shall include sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow the participant to understand the differences in the present values of the optional forms of benefits provided by the plan and the effect the participant's election as to the form of benefit will have on the value of the benefits available under the plan. Any such information shall be provided in a manner calculated to be reasonably understood by the average plan participant."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2001.

SEC. 612. ANNUAL REPORT DISSEMINATION.

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by striking "shall furnish" and inserting "shall make available for examination (and, upon request, shall furnish)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 2000.

SEC. 613. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council.";

(3) in subsection (e)(2)—

(A) by striking "Committee on Labor and Human Resources" in subparagraph (D) and inserting "Committee on Health, Education, Labor, and Pensions";

(B) by striking subparagraph (F) and inserting the following:

"(F) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(C) by redesignating subparagraph (G) as subparagraph (J); and

(D) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and"; and

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in subparagraph (B) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) RECEPTION AND REPRESENTATION AUTHORITY.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions accepted in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

SEC. 614. STUDIES.

(a) REPORT ON PENSION COVERAGE.—Not later than 5 years after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the effect of the provisions of the Retirement Security and Savings Act of 2001 on pension coverage, including—

(1) any expansion of coverage for low- and middle-income workers;

(2) levels of pension benefits;

(3) quality of pension coverage;

(4) worker's access to and participation in plans; and

(5) retirement security.

(b) STUDY OF PRERETIREMENT USE OF BENEFITS.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a study of—

(A) current tax provisions allowing individuals to access individual retirement plans and qualified retirement plan benefits of such individual prior to retirement, including an analysis of—

(i) the extent of use of such current provisions by individuals; and

(ii) the extent to which such provisions undermine the goal of accumulating adequate resources for retirement; and

(B) the types of investment decisions made by individual retirement plan beneficiaries and participants in self-directed qualified retirement plans, including an analysis of—

(i) current restrictions on investments; and

(ii) the extent to which additional restrictions on investments would facilitate the accumulation of adequate income for retirement.

(2) REPORT.—Not later than January 1, 2003, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate containing the results of the study conducted under paragraph (1) and any recommendations.

TITLE VII—OTHER ERISA PROVISIONS

SEC. 701. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

"(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

"(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

"(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

"(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

"(A) to the corporation, or

"(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

"(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

"(A) in a single sum (plus interest), or

"(B) in such other form as is specified in regulations of the corporation.

"(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

"(A) the plan is a pension plan (within the meaning of section 3(2))—

"(i) to which the provisions of this section do not apply (without regard to this subsection), and

"(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

"(B) at the time the assets are to be distributed upon termination, the plan—

"(i) has missing participants, and

"(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

"(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 702. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2001.

SEC. 703. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 702(b), is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2001.

SEC. 704. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking "(b)" and inserting "(b)(1)", and

(2) by inserting at the end the following new paragraph:

"(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accruing for periods beginning not earlier than the date of the enactment of this Act.

SEC. 705. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

"(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following new subsection:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2001, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) Conforming amendments.—The amendments made by subsection (c) shall take effect on January 1, 2002.

SEC. 706. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) Imposition and Amount of Penalty Made Discretionary.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking "shall" and inserting "may", and

(2) by striking "equal to" and inserting "not greater than".

(b) Applicable Recovery Amount.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

"(2) For purposes of paragraph (1), the term 'applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under paragraph (2) or (5) of subsection (a). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.".

(c) Other Rules.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

"(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

"(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) Transition rule.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 707. BENEFIT SUSPENSION NOTICE.

(a) Modification of Regulation.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan shall—

(A) be made during the first calendar month or payroll period in which the plan withholds payments, and

(B) if a reduced rate of future benefit accruals will apply to the returning employee (as of the first date of participation in the plan by the employee after returning to work), include a statement that the rate of future benefit accruals will be reduced, and

(2) in the case of any employee who is not described in paragraph (1)—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) Effective Date.—The modification made under this section shall apply to plan years beginning after December 31, 2001.

TITLE VIII—PLAN AMENDMENTS

SEC. 801. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 or section 204(g) of the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2005.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2007" for "2005".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

Mr. BAUCUS. Mr. President, I am very pleased to be joining my chairman, Senator GRASSLEY, to introduce this bill today. I also want to express my particular appreciation to Senator BOB GRAHAM and Senator JEFFORDS, without whose tireless work on pension issues this bill would not have been possible.

We all know that our nation is facing a demographic shift of tremendous proportions in the coming decades. There are over 35 million people over the age of 65 today. By 2050, the number of people aged 65 and older is estimated to rise above 81 million.

Yet we have watched the oncoming wave of retirements without adequately preparing for them, either as a nation, or as individuals.

About three in every four workers say they have personally begun saving for retirement outside the Social Security system. But the amounts accumulated by workers as a whole are unimpressive. Most have accumulated less than $50,000 in their retirement accounts. One-half of all 401(k) accounts have balances of less than $10,000. Now some of these small amounts, not surprisingly, belong to younger workers who have more time for those assets to grow. But only one-fourth of those aged 35 and older have saved more than $100,000.

Americans can already expect to live about a quarter of their lives in retirement. As advances in medicine conquer more and more life threatening diseases such as cancer and stroke, more of us will live to see our second century—spending a full one-third of our lives in retirement. Every dollar we save will need to be stretched further as we live longer. Our ability and willingness to save now will define whether those retirement years are spent in comfort or poverty.

The American people have many wonderful qualities. But, these days, unfortunately, thrift isn't one of them.

During the last twenty years, personal savings rates have consistently declined, from a peak of just under 11 percent of GDP in the 1970's and 1980's to today's absymal numbers. Personal saving as a percentage of disposable income have been in negative territory since last July, and the preliminary estimate for February is a negative 1.3 percent, the same as in January.

What does this matter? A low savings rate means that people aren't putting their own money away for retirement. That makes them more dependent on Social Security.

Sixteen percent of today's retirees rely exclusively on Social Security benefits for their retirement income, and two-thirds of all retirees rely on Social Security for over one-half of their retirement income. Yet Social Security only replaces an average of 40 percent of a worker's income, because the program was never designed to be a retiree's sole source of support. If retirees continue to rely so heavily on Social Security, there will still be far too many Americans spending their retirement years one step away from poverty.

On top of that, a low savings rate means that less capital is available for new investments today. Increased capital for investment is an essential element to our international competitiveness, and critical in a time of slow economic growth such as we have now. Helping more Americans save for their retirement will be a long-term economic stimulus for our country.

The bill we are introducing here today represents a bi-partisan effort to reverse this trend. It will expand savings opportunities for those who are not saving enough, and provide incentives for those who are not saving at all. It is endorsed by a broad cross-section of groups representing the pension community, from the Retirement Savings Network to the AARP.

The bill reforms the tax rules for pension plans. It makes pensions more portable, to make it easier for workers to take their pensions with them when they change jobs. It strengthens pensions security and enforcement. It expands coverage for small businesses. It enhances pension fairness of women. And it encourages retirement education.

The bill also increases the contribution limits for Individual Retirement Accounts. IRAs have proven to be a very popular way for millions of workers to save for retirement, particularly for those who don't have pension plans available through their employers. The IRA limits haven't been increased since they were created almost two decades ago. They are long overdue for an increase. In addition to the IRA provisions, the bill increases contribution limits for employer-sponsored pension plans such as 401(k) plans.

These are positive changes. However, by and large, they reinforce the conventional approach to retirement incentives. That approach can best be described as a "top down" approach. We create incentives for people with higher incomes, hoping that the so-called nondiscrimination rules will give the higher paid folks an incentive to encourage more participation by others, such as through employer matching programs.

I don't have a problem with this approach, as far as it goes. But it doesn't do enough to reach out to middle and lower income workers.

That's why I am particularly pleased that the bill goes further, by creating two new savings incentives. One creates new incentives to encourage small businesses to establish pension plans for their employees. The other creates a new matching program to help workers save their own money for retirement.

Let me discuss each in turn.

First, the incentives for small businesses. Unlike larger companies, most small business owners don't offer pension plans. While three out of every four workers at large companies are participating in some form of pension plan, only one out of every three employees of small businesses have pensions. This leaves over 30 million workers without a pension plan.

It's not that small businesses don't want to provide pension plans. They simply can't afford to. In a recent survey of small employers by the Employee Benefit Research Institute, 65 percent of all small business owners said tax credits for start-up costs would be strong incentives for starting retirement plans. They said tax credits are second only to an increase in business profits as a motivation to small employers to offer a pension plan to their employees.

The Grassley-Baucus bill provides this motivation by creating two new tax credits.

The first is a tax credit of up to $500 to help defray the administrative costs of starting a new plan.

The second is a tax credit to help employers contribute to a new plan on behalf of their lower paid employees. In effect, it is a match of amounts employers in small firms put into new retirement plans for their employees, up to a limit of 3% of the salaries of these workers.

Taken together, these new incentives will make it easier for small businesses to reach out to their employees and provide them with a pension.

In addition, the bill creates a new tax credit that's aimed primarily at workers who do not have a pension plan available to them, to encourage them to save for themselves.

Only one-third of families with incomes under $25,000 are saving for retirement either through a pension plan or in an IRA. This compares with 85 percent of families with incomes over $50,000 who are saving for retirement.

We clearly need to provide an incentive for those families who aren't saving right now, and the individual savings credit included in the Grassley-Baucus bill will provide that incentive.

Here's how it works. A couple with a joint income of $30,000 is eligible for a 50% tax credit for the amount that they save each year, for savings of up to $2000. People with higher incomes get a smaller match, up to a joint income of $50,000.

According to the Joint Tax Committee, over 8 million families will be eligible for the individual savings credit. This will provide a strong incentive for these families to begin setting aside money for their retirement.

I understand pension incentives are not currently part of the President's tax plan. But I strongly believe this period of surpluses gives us a unique opportunity to help millions of individual Americans save for the future—an opportunity that we shouldn't pass up. Enacting the Grassley-Baucus bill also will help our economy grow by reducing the cost of capital, providing a long-term stimulus to economic growth.

This bill will help those who are already thrifty and need the government to loosen limits on saving. But it will also help the many people who have been left behind. Good people, who are working hard to make ends meet, but having trouble also saving for a rainy day.

This bill reaches out to all of them. It is a bipartisan effort to give every working person in this country a real stake in the American Dream.

I urge my colleagues to join us as cosponsors.

Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY and BAUCUS to introduce the Retirement Security and Savings Act of 2001. I am honored to be here today, in a bipartisan group, and especially with my colleague Senator GRASSLEY, who has put a tremendous effort into crafting many parts of this bill. He and I recognize that for our nation to solve what will be one of this generation's greatest challenges, building retirement security for today's workers, we need to move in a common sense, bipartisan fashion.

Many of the original cosponsors have dedicated their years in the Senate to crafting key sections of this legislation. Senator GRASSLEY's efforts have expanded fairness for women and families, and highlighted the benefits of retirement education. Senator BAUCUS has also been a prime contributor to this legislation, fostering the proposals to expand pension coverage and ease the administrative burdens on America's small businesses.

We have come here today, from both sides of the aisle, to ensure that future generations have a strong and viable retirement security system.

Retirement today is a much different prospect than it was a generation ago. Retirees can expect to live much longer. Their health care needs are different and they are much more likely to need long-term care.

Planning for retirement has also changed. Thirty years ago retirement planning consisted of picking an employer with a good pension plan and sticking with that company for 30 years.

Traditional pensions, with their clockwork monthly checks in return for a defined term of service, are becoming nostalgic memories. Increasingly, employers are turning to defined contribution plans—401(k)s and the like.

For example, twenty-five years ago nearly 31 million American workers were covered by a pension plan. Of those, 87 percent had a defined benefit plan, according to the Department of Labor. Today, less than one-half of workers covered by a retirement plan have a defined benefit plan, while 54 percent are covered by a defined contribution plan.

An employee with a 401(k) account can count on getting only one thing each month—a statement tracking account investments that rise and fall with financial markets. The burden of ensuring that there are sufficient assets in their 401(k) plans falls upon them.

And these are the lucky workers. Many employers—small businesses in particular—do not offer any kind of employer-sponsored retirement plan. Workers at these businesses are left to fend for themselves.

Recent statistics from the Social Security Administration illustrate the importance of each component of retirement income. 38 percent of retirees' income came from Social Security, 19 percent from employer-sponsored savings plans or pensions, and 19 percent from savings. The rest was unidentified income or earnings from work.

Clearly, Social Security alone is not sufficient basis for a solid retirement plan. Adequate retirement security these days involves planning and coordinating three principal sources of income: Social Security, employer-based pensions and personal savings.

Pensions and personal savings will make up an ever-increasing part of retirement security. Today, if a worker retires with no savings and no pension, nearly 40 percent of his/her retirement income is lost. Even as retirees are becoming more heavily reliant on pensions, statistics show that 45 million working Americans are still not covered by any type of retirement plan.

There are a number of reasons why fewer and fewer working Americans are earning retirement benefits. First, job tenure has fallen. Today's workers no longer dedicate their entire working life to one company. Now, the average worker will have had 7 employers in a 40-year work career. The mobility of working Americans, and the necessity of businesses to restructure their workforce, can create tremendous obstacles in ever being able to fully vest, and obtain retirement benefits.

Second, small businesses, the most dynamic part of our economy, are the least able to offer their workers retirement benefits. Studies indicate that small businesses are responsible for a large portion of the country's job growth, and that this trend will accelerate in the future.

Third, our economy has shifted away from manufacturing jobs, which tend to offer pensions, to service and retail jobs, which tend to have shorter job tenure, more part-time workers, and less likelihood of providing pension and retirement benefits.

And finally, there are fewer union workers. Collective bargaining agreements are the most likely to contain retirement benefits. There are fewer union workers than 20 years ago, and the number is still declining. Therefore, less people will have important lifetime retirement security.

It is imperative that Congress take action to improve the private side of retirement security and encourage personal savings. Our bill, the Retirement Security and Savings Act, will help hard-working Americans build personal retirement savings through 401(k)s and IRAs.

To achieve this goal, we focused on six areas: simplification, portability, expanded coverage for small business, pension security and enforcement, women's equity issues, and expanding retirement planning and education opportunities.

This legislation benefits both employers and workers. Employers get simpler pension systems with less administrative burden, and more loyal employees. And workers build secure retirement and watch their savings accumulate over years of work.

A large section of this legislation deals with expanded coverage for small businesses. It's such an important component of this bill because small businesses have the greatest difficulty achieving retirement security.

The problem: statistics indicate that only a small percentage of workers in firms of less than 100 employees have access to a retirement plan. We take a step forward in eliminating one of the first hurdles that a small business faces when it establishes a pension plan. On one hand, the federal government encourages these businesses to establish pension plans. Yet on the other hand, we turn around and charge the small business, at times, up to one thousand dollars to register their plan with the Internal Revenue Service.

The solution: our bill eliminates this fee for small businesses. We need to encourage small businesses to start plans, not discourage them with high registration fees.

This legislation also addresses the inadequacy of retirement security for women and families. Generally speaking, women live longer than men, and therefore, need greater savings for retirement. Yet our pension and retirement laws do not reflect this. Women are more mobile than men, moving in and out of the workforce due to family responsibilities; thus, they have less of a chance to become vested. Our legislation offers a solution—shrinking the five-year vesting cycle to a three-year cycle.

As I mentioned earlier, the current U.S. worker will have seven different employers over their lifetime. We have the possibility of creating a generation of American workers who will retire with many small accounts—creating a complex maze of statements and features, different for each account. This is a problem—pensions should be portable from job to job.

Unfortunately, our tax laws contain barriers to retirement-account portability and so the major benefit of defined-contribution plans are often rendered unusable. Workers changing jobs are often given their savings back in a lump sum that doesn't always make it back into an Individual Retirement Account or their new employer's 401(k). The result is that retirement savings get spent before retirement.

Our bill provides a solution to this problem. It allows employees to roll one retirement account into another as they move from job to job so that when they retire, they will have one retirement account. It's easier to monitor, less complicated to keep track of, and builds a more secure retirement for the worker.

Portability is important, but we must also reduce the red tape. The main obstacle that companies face in establishing retirement programs is the administrative burden. For example: for small plans, it costs $228 per person per year just to comply with all the forms, tests and regulations.

We have a common sense remedy to one of the most vexing problems in pension administration: figuring out how much money to contribute to the company's plan. It's a complex formula of facts, statistics and assumptions. We want to be able to say to plans that have no problem with underfunding: to help make these calculations, you can use the prior year's data to help make the proper contribution. You don't have to re-sort through the numbers each and every year. Companies will be able to calculate, and then budget accordingly—and not wait until figures and rates out of their control are released by outside sources.

I have said time and time again that Americans are not saving. But those who are oftentimes hit limits on the amounts they can save. The problem is that most of these limits were established more than 20 years ago. Currently, for example, in a 401(k) plan the IRS limits the amount an employee can contribute to $10,500 a year.

Our solution is to raise that limit to $15,000, along with raising many other limits that affect savings in order to build a more secure retirement for working Americans.

Building retirement security will also take some education. One of the principal reasons Americans do not prepare for retirement is that they don't understand the benefits that are available to them.

One solution to this dilemma is regular and easy to read benefit statements from employers reminding workers early in their career of the importance of retirement savings. These statements would clarify what benefits workers are accruing. With this information each American will more easily be able to determine the personal savings they need in order to build a sound retirement.

The new retirement paradigm requires Congress and individual workers to rededicate themselves to the goal of retirement security. If we fail, the consequences will be harsh. That's particularly true in Florida, a popular retirement destination that could be devastated by an influx of seniors inadequately prepared for their retirement.

While Florida would be hit first, the nation as a whole will eventually feel the pain as the population ages faster than the workforce. To those who would suggest this is the distant future, remember how far high school seemed when you were in the sixth grade, how 30 once loomed eons from 25, and how we once thought our parents would be young and healthy forever.

With the introduction of this legislation today it is my goal to ensure that each American who works hard for thirty or forty years has gotten every opportunity for a secure and comfortable retirement.

I thank my colleagues who have worked so hard with me on this measure, and ask for the support of those in this Chamber on this important legislation.

Mr. HATCH. Mr. President, I rise today to express my support for the Retirement Security and Savings Act of 2001, and I am pleased to once again join my colleagues as an original cosponsor of this important legislation. Enactment of this bill would encourage more businesses to offer pension plans to their employees by simplifying the complex and burdensome pension rules they face and would also make it easier for employees to save for their own retirement.

I want to congratulate my colleague, the chairman of the Finance Committee, Senator GRASSLEY, for his effective and persistent leadership on this issue. Senators GRASSLEY, BAUCUS, GRAHAM, and JEFFORDS, along with myself and several other Senators, have been working on enactment of a bipartisan pension simplification and retirement savings enhancement bill for several years now. These efforts led to the successful passage of a bipartisan package of such provisions in the Taxpayer Refund and Reform Act of 1999, which was unfortunately vetoed by President Clinton. We again came close to the goal line last year when the Finance Committee reported out a bill containing similar provisions. The ultimate objective of enactment has been elusive, however. Introduction of this legislation today is the first step of what I hope will be the successful completion to this long quest.

However, I have some serious concerns with some changes that were made to the bill being introduced today, compared with earlier versions. Specifically, important changes to the top-heavy rules that affect small businesses have been left out. Let me explain.

Today's pension laws are complicated and cumbersome and a deterrent to small businesses wanting to establish a retirement plan. In 1996, Congress began the job of pension simplification when it passed the Small Business Job Protection Act. This Act contained important changes to our pension laws, including two simplification provisions important to small and family-owned businesses—an exemption from costly nondiscrimination testing for 401(k) plans that meet certain safe harbors, such as providing a minimum level of benefits to non-highly paid employees, and the elimination of complex and duplicative family aggregation rules.

Unfortunately, these changes did not apply to the top-heavy rules. The top-heavy rules are additional testing and minimum benefit requirements aimed at ensuring that owner-dominated plans do not discriminate against lower-paid workers. Due to their design, top-heavy rules generally only affect business with fewer than 100 employees.

I recognize the need to protect lower-paid employees from discrimination in the design of retirement plans. However, the top-heavy rules can be duplicative and especially harmful in that they discourage small employers from establishing pension plans because they add to the cost and administrative burden of sponsoring a plan. In the end, rules like these that were designed to protect employees can end up harming them by leaving them with no employer-provided retirement coverage. Moreover, the general nondiscrimination rules have been strengthened over the years since the enactment of the top-heavy rules, and are further strengthened by the provisions of the bill being introduced today. Therefore, eliminating these duplicative top-heavy rules would not leave workers unprotected. It would, however, remove a disincentive for small employers to sponsor a retirement plan.

H.R. 1102, the pension simplification bill that passed the House of Representatives and the Finance Committee last year with broad bipartisan support, as well as H.R. 10, this year's version of the so-called Portman-Cardin bill recently introduced in the House, contain two important provisions that were left out of the bill being introduced today. These two omitted provisions would exempt safe-harbor 401(k) plans from the top-heavy rules and remove the family aggregation requirement from the top-heavy rules.

First, the 401(k) safe harbor provides exactly what the top-heavy rules attempt to do—guarantee that non-highly paid workers get a minimum level of benefits and are not discriminated against. In return, employers can avoid costly nondiscrimination testing. Congress provided the safe-harbors to encourage small employers to create new pension plans and provide more generous benefits to employees. However, because qualification for the safe harbor does not exclude a plan from the top-heavy rules, the fear of costly testing can be a serious deterrent to businesses wishing to take advantage of the safe harbor, even if the plan satisfies the minimum benefit requirements. Thus, in order to provide certainty and encouragement to small businesses, 401(k) plans that meet the safe harbor rules should also be exempt from top-heavy testing.

Second, as was noted by Congress in 1996, the family aggregation rules are complex and unnecessary in light of the numerous other provisions that protect against pension plans disproportionately favoring high-paid workers. Moreover, requiring the aggregation of family members when testing pension plans imposes undue restrictions on the ability of a family-owned business to provide adequate retirement benefits for all members of the family working for the business. Therefore, Congress should complete the task of easing this burden on family-owned businesses by removing the family aggregation requirement from the top-heavy rules.

On the whole I support the legislation we are introducing today. It would go a long way toward increasing the retirement security for millions of Americans. However, I am disappointed that these two provisions, along with several others, were dropped from the bill. These two provisions are particularly important tools in our effort to expand employee retirement coverage by encouraging small businesses to establish pension plans. As pension reform legislation makes its way through the legislative process, I will work to try to restore these provisions so that small family-owned businesses will have more certainty and confidence and fewer unnecessary burdens and costs when establishing pension plans for their workers.

By Mr. REED (for himself, Mrs. CLINTON, and Mr. SCHUMER):

S. 743. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I am introducing legislation along with my colleague Senator CLINTON, that establishes a Medical Education Trust Fund to support America's 144 medical schools and 1,250 graduate medical education, GME, teaching institutions. These institutions are national treasures, they are the very best in the world and deserve explicit and dedicated funding to guarantee that the

United States continues to lead the world in the quality of its medical education and its health care delivery system.

The Medical Education Trust Fund Act, METFA, of 2001 recognizes the need to begin moving away from existing medical education payment policies. The primary and immediate purpose of the legislation is to establish as Federal policy that medical education is a public good that all sectors of the health care system must support. This bill ensures that public and private insurers share the burden of financing medical education equitably. As such, METFA will be funded through three sources: a 1.5 percent assessment on health insurance premiums, Medicare, and Medicaid. The relative contribution from each of these sources is in rough proportion to the medical education costs attributable to their respective covered populations.

GME is increasingly becoming hostage to fights over larger questions about the solvency and design of the Medicare system. The very commission entrusted to protect the integrity of the Medicare program, MedPAC, itself has succumbed to political and idelogical pressures by recommending that the GME program be removed from the Health Insurance Trust Fund and thrown into the appropriations process. I cannot stress strongly enough how important it is to reject this recommendation. To subject GME to the annual appropriations process does nothing more than to put a vital program in direct competition with many other important federal priorities in a budget that the Bush Administration is already severely constraining. We have seen this first hand in working through the 2002 budget, where the current Administration has proposed to cut a large portion of the Pediatric GME program to fund other programs. Leaving this program unprotected, will incite the same type of particularized special interest advocacy that we see emerging in other areas of health care. I urge my colleagues to reject this dangerous notion and instead call on all of you to support the concept embodied in this bill.

This legislation, METFA, is not my innovation. It is an idea, pioneered by our former colleague, Senator Moynihan. This bill recognizes that medical education is the responsibility of all who benefit from it and must therefore share in the responsibility to support it. As Senator Moynihan once said "medical education is one of America's most precious public resources." He understood that despite the increasingly competitive health care system of our time, that medical education was a public good, that is, "a good from which everyone benefits but for which no one is willing to pay."

Some health reformers argue that in fact, GME does not meet the requirements of a public good and that therefore, an all-payer system is nothing more than a form of taxation. I beg to differ. Health care is not a commodity. While we can and should rely on competition to hold down costs in much of the health system, we must not allow it to bring a premature end to this great age of medical discovery, an age made possible by this country's exceptionally well trained health professionals and superior medical schools and teaching hospitals. Indeed, through the NIH and the tax code we have successfully and robustly, subsidized the development of new wonder drugs, and I certainly don't think anyone is suggesting that we change this policy, my legislation complements a competitive health market by providing tax-supported funding for the public services provided by teaching hospitals and medical schools.

The legislation we introduce today is only the beginning. It establishes the principle that, as a public good, medical education should be supported by a stable, dedicated, long-term source of funding. To ensure that the United States continues to lead the world in the quality of its medical education and its health system as a whole, the legislation would also create a Medical Education Advisory Commission to conduct a thorough study and make recommendations, including the potential use of demonstration projects, regarding the following: alternative and additional sources of medical education financing; alternative methodologies for financing medical education; policies designed to maintain superior research and educational capacities in an increasingly competitive health system; the appropriate role of medical schools in graduate medical education; polices designed to expand eligibility for graduate medical education payments to institutions other than teaching hospitals, including children's hospital.

The services provided by our nation's teaching hospitals and medical schools, groundbreaking research, highly skilled medical care, and the training of tomorrow's physicians, are vitally important and must be protected in this time of intense economic competition in the health system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medical Education Trust Fund Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Medical Education Trust Fund.
Sec. 3. Amendments to medicare program.
Sec. 4. Amendments to medicaid program.
Sec. 5. Assessments on insured and self-insured health plans.
Sec. 6. Medical Education Advisory Commission.
Sec. 7. Demonstration projects.

SEC. 2. MEDICAL EDUCATION TRUST FUND.

The Social Security Act (42 U.S.C. 300 et seq.) is amended by adding after title XXI the following new title:

"TITLE XXII—MEDICAL EDUCATION TRUST FUND

"TABLE OF CONTENTS OF TITLE

"Sec. 2201. Establishment of Trust Fund.
"Sec. 2202. Payments to medical schools.
"Sec. 2203. Payments to teaching hospitals.

"SEC. 2201. ESTABLISHMENT OF TRUST FUND.

"(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Medical Education Trust Fund (in this title referred to as the 'Trust Fund'), consisting of the following accounts:

"(1) The Medical School Account.

"(2) The Medicare Teaching Hospital Indirect Account.

"(3) The Medicare Teaching Hospital Direct Account.

"(4) The Non-Medicare Teaching Hospital Indirect Account.

"(5) The Non-Medicare Teaching Hospital Direct Account.

Each such account shall consist of such amounts as are allocated and transferred to such account under this section, sections 1886(m) and 1936, and section 4503 of the Internal Revenue Code of 1986. Amounts in the accounts of the Trust Fund shall remain available until expended.

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the accounts of the Trust Fund are available to the Secretary for making payments under sections 2202 and 2203.

"(c) INVESTMENT.—

"(1) IN GENERAL.—The Secretary of the Treasury shall invest amounts in the accounts of the Trust Fund which the Secretary determines are not required to meet current withdrawals from the Trust Fund. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired on original issue at the issue price, or by purchase of outstanding obligations at the market price.

"(2) SALE OF OBLIGATIONS.—The Secretary of the Treasury may sell at market price any obligation acquired under paragraph (1).

"(3) AVAILABILITY OF INCOME.—Any interest derived from obligations held in each such account, and proceeds from any sale or redemption of such obligations, are hereby appropriated to such account.

"(d) MONETARY GIFTS TO TRUST FUND.—There are appropriated to the Trust Fund such amounts as may be unconditionally donated to the Federal Government as gifts to the Trust Fund. Such amounts shall be allocated and transferred to the accounts described in subsection (a) in the same proportion as the amounts in each of the accounts bears to the total amount in all the accounts of the Trust Fund.

"SEC. 2202. PAYMENTS TO MEDICAL SCHOOLS.

"(a) FEDERAL PAYMENTS TO MEDICAL SCHOOLS FOR CERTAIN COSTS.—

"(1) IN GENERAL.—In the case of a medical school that in accordance with paragraph (2) submits to the Secretary an application for fiscal year 2002 or any subsequent fiscal year, the Secretary shall make payments for such year to the medical school for the purpose specified in paragraph (3). The Secretary shall make such payments from the Medical School Account in an amount determined in accordance with subsection (b), and may administer the payments as a contract, grant, or cooperative agreement.

"(2) APPLICATION FOR PAYMENTS.—For purposes of paragraph (1), an application for payments under such paragraph for a fiscal year is in accordance with this paragraph if—

"(A) the medical school involved submits the application not later than the date specified by the Secretary; and

"(B) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(3) PURPOSE OF PAYMENTS.—The purpose of payments under paragraph (1) is to assist medical schools in maintaining and developing quality educational programs in an increasingly competitive health care system.

"(b) AVAILABILITY OF TRUST FUND FOR PAYMENTS; ANNUAL AMOUNT OF PAYMENTS.—

"(1) AVAILABILITY OF TRUST FUND FOR PAYMENTS.—For making payments under subsection (a) from the amount allocated and transferred to the Medical School Account under sections 1886(m), 1936, 2201(c)(3), and 2201(d), and section 4503 of the Internal Revenue Code of 1986, amounts for a fiscal year shall be available as follows:

"(A) In the case of fiscal year 2002, $200,000,000.

"(B) In the case of fiscal year 2003, $300,000,000.

"(C) In the case of fiscal year 2004, $400,000,000.

"(D) In the case of fiscal year 2005, $500,000,000.

"(E) In the case of fiscal year 2006, $600,000,000.

"(F) In the case of each subsequent fiscal year, the amount determined under this paragraph for the previous fiscal year updated through the midpoint of such previous fiscal year by the estimated percentage change in the general health care inflation factor (as defined in subsection (d)) during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this subparagraph in the projected health care inflation factor.

"(2) AMOUNT OF PAYMENTS FOR MEDICAL SCHOOLS.—

"(A) IN GENERAL.—Subject to the annual amount available under paragraph (1) for a fiscal year, the amount of payments required under subsection (a) to be made to a medical school that submits to the Secretary an application for such year in accordance with subsection (a)(2) is an amount equal to an amount determined by the Secretary in accordance with subparagraph (B).

"(B) DEVELOPMENT OF FORMULA.—The Secretary shall develop a formula for allocation of funds to medical schools under this section consistent with the purpose described in subsection (a)(3).

"(c) MEDICAL SCHOOL DEFINED.—For purposes of this section, the term 'medical school' means a school of medicine (as defined in section 799 of the Public Health Service Act) or a school of osteopathic medicine (as defined in such section).

"(d) GENERAL HEALTH CARE INFLATION FACTOR.—The term 'general health care inflation factor' means the Consumer Price Index for Medical Services as determined by the Bureau of Labor Statistics.

"SEC. 2203. PAYMENTS TO TEACHING HOSPITALS.

"(a) FORMULA PAYMENTS TO ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—In the case of any fiscal year beginning after September 30, 2001, the Secretary shall make payments to each eligible entity that, in accordance with paragraph (2), submits to the Secretary an application for such fiscal year. Such payments shall be made from the Trust Fund, and the total of the payments to the eligible entity for the fiscal year shall equal the sum of the amounts determined under subsections (b), (c), (d), and (e) with respect to such entity.

"(2) APPLICATION.—For purposes of paragraph (1), an application shall contain such information as may be necessary for the Secretary to make payments under such paragraph to an eligible entity during a fiscal year. An application shall be treated as submitted in accordance with this paragraph if it is submitted not later than the date specified by the Secretary, and is made in such form and manner as the Secretary may require.

"(3) PERIODIC PAYMENTS.—Payments under paragraph (1) to an eligible entity for a fiscal year shall be made periodically, at such intervals and in such amounts as the Secretary determines to be appropriate (subject to applicable Federal law regarding Federal payments).

"(4) ADMINISTRATOR OF PROGRAMS.—The Secretary shall carry out responsibility under this title by acting through the Administrator of the Health Care Financing Administration.

"(5) ELIGIBLE ENTITY.—For purposes of this title, the term 'eligible entity', with respect to any fiscal year, means—

"(A) for payment under subsections (b) and (c), an entity which would be eligible to receive payments for such fiscal year under—

"(i) section 1886(d)(5)(B), if such payments had not been terminated for discharges occurring after September 30, 2001;

"(ii) section 1886(h), if such payments had not been terminated for cost reporting periods beginning after September 30, 2001; or

"(iii) both sections; or

"(B) for payment under subsections (d) and (e)—

"(i) an entity which meets the requirement of subparagraph (A); or

"(ii) an entity which the Secretary determines should be considered an eligible entity.

"(b) DETERMINATION OF AMOUNT FROM MEDICARE TEACHING HOSPITAL INDIRECT ACCOUNT.—

"(1) IN GENERAL.—The amount determined for an eligible entity for a fiscal year under this subsection is the amount equal to the applicable percentage of the total amount allocated and transferred to the Medicare Teaching Hospital Indirect Account under section 1886(m)(1), and subsections (c)(3) and (d) of section 2201 for such fiscal year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for any fiscal year is equal to the percentage of the total payments which would have been made to the eligible entity in such fiscal year under section 1886(d)(5)(B) if such payments had not been terminated for discharges occurring after September 30, 2001.

"(c) DETERMINATION OF AMOUNT FROM MEDICARE TEACHING HOSPITAL DIRECT ACCOUNT.—

"(1) IN GENERAL.—The amount determined for an eligible entity for a fiscal year under this subsection is the amount equal to the applicable percentage of the total amount allocated and transferred to the Medicare Teaching Hospital Direct Account under section 1886(m)(2), and subsections (c)(3) and (d) of section 2201 for such fiscal year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for any fiscal year is equal to the percentage of the total payments which would have been made to the eligible entity in such fiscal year under section 1886(h) if such payments had not been terminated for cost reporting periods beginning after September 30, 2001.

"(d) DETERMINATION OF AMOUNT FROM NON-MEDICARE TEACHING HOSPITAL INDIRECT ACCOUNT.—

"(1) IN GENERAL.—The amount determined for an eligible entity for a fiscal year under this subsection is the amount equal to the applicable percentage of the total amount allocated and transferred to the Non-Medicare Teaching Hospital Indirect Account for such fiscal year under section 1936, subsections (c)(3) and (d) of section 2201, and section 4503 of the Internal Revenue Code of 1986.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for any fiscal year for an eligible entity is equal to the percentage of the total payments which, as determined by the Secretary, would have been made in such fiscal year under section 1886(d)(5)(B) if—

"(A) such payments had not been terminated for discharges occurring after September 30, 2001; and

"(B) such payments were computed in a manner that treated each patient not eligible for benefits under title XVIII as if such patient were eligible for such benefits.

"(e) DETERMINATION OF AMOUNT FROM NON-MEDICARE TEACHING HOSPITAL DIRECT ACCOUNT.—

"(1) IN GENERAL.—The amount determined for an eligible entity for a fiscal year under this subsection is the amount equal to the applicable percentage of the total amount allocated and transferred to the Non-Medicare Teaching Hospital Direct Account for such fiscal year under section 1936, subsections (c)(3) and (d) of section 2201, and section 4503 of the Internal Revenue Code of 1986.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage for any fiscal year for an eligible entity is equal to the percentage of the total payments which, as determined by the Secretary, would have been made in such fiscal year under section 1886(h) if—

"(A) such payments had not been terminated for cost reporting periods beginning after September 30, 2001; and

"(B) such payments were computed in a manner that treated each patient not eligible for benefits under part A of title XVIII as if such patient were eligible for such benefits.".

SEC. 3. AMENDMENTS TO MEDICARE PROGRAM.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(5)(B), in the matter preceding clause (i), by striking "The Secretary shall provide" and inserting the following: "For discharges occurring before October 1, 2001, the Secretary shall provide";

(2) in subsection (d)(11)(C), by inserting after "paragraph (5)(B)" the following: "(notwithstanding that payments under paragraph (5)(B) are terminated for discharges occurring after September 30, 2001)";

(3) in subsection (h)—

(A) in paragraph (1), in the first sentence, by striking "the Secretary shall provide" and inserting "the Secretary shall, subject to paragraph (7), provide"; and

(B) by adding at the end the following:

"(7) LIMITATION.—

"(A) IN GENERAL.—The authority to make payments under this subsection (other than payments made under paragraphs (3)(D) and (6)) shall not apply with respect to—

"(i) cost reporting periods beginning after September 30, 2001; and

"(ii) any portion of a cost reporting period beginning on or before such date which occurs after such date.

"(B) RULE OF CONSTRUCTION.—This paragraph may not be construed as authorizing any payment under section 1861(v) with respect to graduate medical education."; and

(4) by adding at the end the following:

"(m) TRANSFERS TO MEDICAL EDUCATION TRUST FUND.—

"(1) INDIRECT COSTS OF MEDICAL EDUCATION.—

"(A) TRANSFER.—

"(i) IN GENERAL.—From the Federal Hospital Insurance Trust Fund, the Secretary shall, for fiscal year 2002 and each subsequent fiscal year, transfer to the Medical Education Trust Fund an amount equal to the amount estimated by the Secretary under subparagraph (B).

"(ii) ALLOCATION.—Of the amount transferred under clause (i)—

"(I) there shall be allocated and transferred to the Medical School Account of such Trust Fund an amount which bears the same ratio to the total amount available under section 2202(b)(1) for the fiscal year (reduced by the balance in such account at the end of the preceding fiscal year) as the amount transferred under clause (i) bears to the total amounts transferred to such Trust Fund under title XXII (excluding amounts transferred under subsections (c)(3) and (d) of section 2201) for such fiscal year; and

"(II) the remainder shall be allocated and transferred to the Medicare Teaching Hospital Indirect Account of such Trust Fund.

"(B) DETERMINATION OF AMOUNTS.—The Secretary shall make an estimate for each fiscal year involved of the nationwide total of the amounts that would have been paid under subsection (d)(5)(B) to hospitals during the fiscal year if such payments had not been terminated for discharges occurring after September 30, 2001.

"(2) DIRECT COSTS OF MEDICAL EDUCATION.—

"(A) TRANSFER.—

"(i) IN GENERAL.—From the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, the Secretary shall, for fiscal year 2002 and each subsequent fiscal year, transfer to the Medical Education Trust Fund an amount equal to the amount estimated by the Secretary under subparagraph (B).

"(ii) ALLOCATION.—Of the amount transferred under clause (i)—

"(I) there shall be allocated and transferred to the Medical School Account of such Trust Fund an amount which bears the same ratio to the total amount available under section 2202(b)(1) for the fiscal year (reduced by the balance in such account at the end of the preceding fiscal year) as the amount transferred under clause (i) bears to the total amounts transferred to such Trust Fund under title XXII (excluding amounts transferred under subsections (c)(3) and (d) of section 2201) for such fiscal year; and

"(II) the remainder shall be allocated and transferred to the Medicare Teaching Hospital Direct Account of such Trust Fund.

"(B) DETERMINATION OF AMOUNTS.—For each hospital, the Secretary shall make an estimate for the fiscal year involved of the amount that would have been paid under subsection (h) to the hospital during the fiscal year if such payments had not been terminated for cost reporting periods beginning after September 30, 2001.

"(C) ALLOCATION BETWEEN FUNDS.—In providing for a transfer under subparagraph (A) for a fiscal year, the Secretary shall provide for an allocation of the amounts involved between part A and part B (and the trust funds established under the respective parts) as reasonably reflects the proportion of direct graduate medical education costs of hospitals associated with the provision of services under each respective part.".

SEC. 4. AMENDMENTS TO MEDICAID PROGRAM.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following:

"TRANSFER OF FUNDS TO ACCOUNTS

"SEC. 1936. (a) TRANSFER OF FUNDS.—

"(1) IN GENERAL.—For fiscal year 2002 and each subsequent fiscal year, the Secretary shall transfer to the Medical Education Trust Fund established under title XXII an amount equal to the amount determined under subsection (b).

"(2) ALLOCATION.—Of the amount transferred under paragraph (1)—

"(A) there shall be allocated and transferred to the Medical School Account of such Trust Fund an amount which bears the same ratio to the total amount available under section 2202(b)(1) for the fiscal year (reduced by the balance in such account at the end of the preceding fiscal year) as the amount transferred under paragraph (1) bears to the total amounts transferred to such Trust Fund (excluding amounts transferred under subsections (c)(3) and (d) of section 2201) for such fiscal year; and

"(B) the remainder shall be allocated and transferred to the Non-Medicare Teaching Hospital Indirect Account and the Non-Medicare Teaching Hospital Direct Account of such Trust Fund, in the same proportion as the amounts transferred to each account under section 1886(m) relate to the total amounts transferred under such section for such fiscal year.

"(b) AMOUNT DETERMINED.—

"(1) OUTLAYS FOR ACUTE MEDICAL SERVICES DURING PRECEDING FISCAL YEAR.—Beginning with fiscal year 2002, the Secretary shall determine 5 percent of the total amount of Federal outlays made under this title for acute medical services, as defined in paragraph (2), for the preceding fiscal year.

"(2) ACUTE MEDICAL SERVICES DEFINED.—The term 'acute medical services' means items and services described in section 1905(a) other than the following:

"(A) Nursing facility services (as defined in section 1905(f)).

"(B) Services provided by an intermediate care facility for the mentally retarded (as defined in section 1905(d)).

"(C) Personal care services described in section 1905(a)(24).

"(D) Private duty nursing services referred to in section 1905(a)(8).

"(E) Home or community-based services and other services furnished under a waiver granted under subsection (c), (d), or (e) of section 1915.

"(F) Home and community care furnished to functionally disabled elderly individuals under section 1929.

"(G) Community supported living arrangements services under section 1930.

"(H) Case-management services described in section 1915(g)(2).

"(I) Home health care services referred to in section 1905(a)(7), clinic services, and rehabilitation services that are furnished to an individual who has a condition or disability that qualifies the individual to receive any of the services described in a previous subparagraph.

"(J) Services furnished in an institution for mental diseases (as defined in section 1905(i)).

"(c) ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the Non-Medicare Teaching Hospital Indirect Account, the Non-Medicare Teaching Hospital Direct Account, and the Medical School Account of amounts determined in accordance with subsections (a) and (b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001.

SEC. 5. ASSESSMENTS ON INSURED AND SELF-INSURED HEALTH PLANS.

(a) GENERAL RULE.—Subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by adding after chapter 36 the following new chapter:

"CHAPTER 37—HEALTH RELATED ASSESSMENTS

"SUBCHAPTER A. Insured and self-insured health plans.

"Subchapter A—Insured and Self-Insured Health Plans

"Sec. 4501. Health insurance and health-related administrative services.
"Sec. 4502. Self-insured health plans.
"Sec. 4503. Transfer to accounts.
"Sec. 4504. Definitions and special rules.

"SEC. 4501. HEALTH INSURANCE AND HEALTH-RELATED ADMINISTRATIVE SERVICES.

"(a) IMPOSITION OF TAX.—There is hereby imposed—

"(1) on each taxable health insurance policy, a tax equal to 1.5 percent of the premiums received under such policy, and

"(2) on each amount received for health-related administrative services, a tax equal to 1.5 percent of the amount so received.

"(b) LIABILITY FOR TAX.—

"(1) HEALTH INSURANCE.—The tax imposed by subsection (a)(1) shall be paid by the issuer of the policy.

"(2) HEALTH-RELATED ADMINISTRATIVE SERVICES.—The tax imposed by subsection (a)(2) shall be paid by the person providing the health-related administrative services.

"(c) TAXABLE HEALTH INSURANCE POLICY.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this section, the term 'taxable health insurance policy' means any insurance policy providing accident or health insurance with respect to individuals residing in the United States.

"(2) EXEMPTION OF CERTAIN POLICIES.—The term 'taxable health insurance policy' does not include any insurance policy if substantially all of the coverage provided under such policy relates to—

"(A) liabilities incurred under workers' compensation laws,

"(B) tort liabilities,

"(C) liabilities relating to ownership or use of property,

"(D) credit insurance, or

"(E) such other similar liabilities as the Secretary may specify by regulations.

"(3) SPECIAL RULE WHERE POLICY PROVIDES OTHER COVERAGE.—In the case of any taxable health insurance policy under which amounts are payable other than for accident or health coverage, in determining the amount of the tax imposed by subsection (a)(1) on any premium paid under such policy, there shall be excluded the amount of the charge for the nonaccident or nonhealth coverage if—

"(A) the charge for such nonaccident or nonhealth coverage is either separately stated in the policy, or furnished to the policyholder in a separate statement, and

"(B) such charge is reasonable in relation to the total charges under the policy.

In any other case, the entire amount of the premium paid under such policy shall be subject to tax under subsection (a)(1).

"(4) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

"(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B)—

"(i) such arrangement shall be treated as a taxable health insurance policy,

"(ii) the payments or premiums referred to in subparagraph (B)(i) shall be treated as premiums received for a taxable health insurance policy, and

"(iii) the person referred to in subparagraph (B)(i) shall be treated as the issuer.

"(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement—

"(i) fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided, and

"(ii) substantially all of the risks of the rates of utilization of services is assumed by such person or the provider of such services.

"(d) HEALTH-RELATED ADMINISTRATIVE SERVICES.—For purposes of this section, the term 'health-related administrative services' means—

"(1) the processing of claims or performance of other administrative services in connection with accident or health coverage under a taxable health insurance policy if the charge for such services is not included in the premiums under such policy, and

"(2) processing claims, arranging for provision of accident or health coverage, or performing other administrative services in connection with an applicable self-insured health plan (as defined in section 4502(c)) established or maintained by a person other than the person performing the services.

For purposes of paragraph (1), rules similar to the rules of subsection (c)(3) shall apply.

"SEC. 4502. SELF-INSURED HEALTH PLANS.

"(a) IMPOSITION OF TAX.—In the case of any applicable self-insured health plan, there is hereby imposed a tax for each month equal to 1.5 percent of the sum of—

"(1) the accident or health coverage expenditures for such month under such plan, and

"(2) the administrative expenditures for such month under such plan to the extent such expenditures are not subject to tax under section 4501.

In determining the amount of expenditures under paragraph (2), rules similar to the rules of subsection (d)(3) apply.

"(b) LIABILITY FOR TAX.—

"(1) IN GENERAL.—The tax imposed by subsection (a) shall be paid by the plan sponsor.

"(2) PLAN SPONSOR.—For purposes of paragraph (1), the term 'plan sponsor' means—

"(A) the employer in the case of a plan established or maintained by a single employer,

"(B) the employee organization in the case of a plan established or maintained by an employee organization, or

"(C) in the case of—

"(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

"(ii) a voluntary employees' beneficiary association under section 501(c)(9), or

"(iii) any other association plan,

the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

"(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if any portion of such coverage is provided other than through an insurance policy.

"(d) ACCIDENT OR HEALTH COVERAGE EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The accident or health coverage expenditures of any applicable self-insured health plan for any month are the aggregate expenditures paid in such month for accident or health coverage provided under such plan to the extent such expenditures are not subject to tax under section 4501.

"(2) TREATMENT OF REIMBURSEMENTS.—In determining accident or health coverage expenditures during any month of any applicable self-insured health plan, reimbursements (by insurance or otherwise) received during such month shall be taken into account as a reduction in accident or health coverage expenditures.

"(3) CERTAIN EXPENDITURES DISREGARDED.—Paragraph (1) shall not apply to any expenditure for the acquisition or improvement of land or for the acquisition or improvement of any property to be used in connection with the provision of accident or health coverage which is subject to the allowance under section 167, except that, for purposes of paragraph (1), allowances under section 167 shall be considered as expenditures.

"SEC. 4503. TRANSFER TO ACCOUNTS.

"For fiscal year 2002 and each subsequent fiscal year, there are hereby appropriated and transferred to the Medical Education Trust Fund under title XXII of the Social Security Act amounts equivalent to taxes received in the Treasury under sections 4501 and 4502, of which—

"(1) there shall be allocated and transferred to the Medical School Account of such Trust Fund an amount which bears the same ratio to the total amount available under section 2202(b)(1) of such Act for the fiscal year (reduced by the balance in such account at the end of the preceding fiscal year) as the amount transferred to such Trust Fund under this section bears to the total amounts transferred to such Trust Fund (excluding amounts transferred under subsections (c)(3) and (d) of section 2201 of such Act) for such fiscal year; and

"(2) the remainder shall be allocated and transferred to the Non-Medicare Teaching Hospital Indirect Account and the Non-Medicare Teaching Hospital Direct Account of such Trust Fund, in the same proportion as the amounts transferred to such account under section 1886(m) of such Act relate to the total amounts transferred under such section for such fiscal year.

Such amounts shall be transferred in the same manner as under section 9601.

"SEC. 4504. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) ACCIDENT OR HEALTH COVERAGE.—The term 'accident or health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a taxable health insurance policy (as defined in section 4501(c)).

"(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

"(3) PREMIUM.—The term 'premium' means the gross amount of premiums and other consideration (including advance premiums, deposits, fees, and assessments) arising from policies issued by a person acting as the primary insurer, adjusted for any return or additional premiums paid as a result of endorsements, cancellations, audits, or retrospective rating. Amounts returned where the amount is not fixed in the contract but depends on the experience of the insurer or the discretion of management shall not be included in return premiums.

"(4) UNITED STATES.—The term 'United States' includes any possession of the United States.

"(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

"(1) IN GENERAL.—For purposes of this subchapter—

"(A) the term 'person' includes any governmental entity, and

"(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the taxes imposed by this subchapter except as provided in paragraph (2).

"(2) EXEMPT GOVERNMENTAL PROGRAMS.—

"(A) IN GENERAL.—In the case of an exempt governmental program—

"(i) no tax shall be imposed under section 4501 on any premium received pursuant to such program or on any amount received for health-related administrative services pursuant to such program, and

"(ii) no tax shall be imposed under section 4502 on any expenditures pursuant to such program.

"(B) EXEMPT GOVERNMENTAL PROGRAM.—For purposes of this paragraph, the term 'exempt governmental program' means—

"(i) the insurance programs established by parts A and B of title XVIII of the Social Security Act,

"(ii) the medical assistance program established by title XIX of the Social Security Act,

"(iii) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being—

"(I) members of the Armed Forces of the United States, or

"(II) veterans, and

"(iv) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

"(c) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 36 the following new item:

"CHAPTER 37. Health related assessments."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to premiums received, and expenses incurred, with respect to coverage for periods after September 30, 2001.

SEC. 6. MEDICAL EDUCATION ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established an advisory commission to be known as the Medical Education Advisory Commission (in this section referred to as the "Advisory Commission").

(b) DUTIES.—

(1) IN GENERAL.—The Advisory Commission shall—

(A) conduct a thorough study of all matters relating to—

(i) the operation of the Medical Education Trust Fund established under section 2201 of the Social Security Act (as added by section 2);

(ii) alternative and additional sources of graduate medical education funding;

(iii) alternative methodologies for compensating teaching hospitals for graduate medical education;

(iv) policies designed to maintain superior research and educational capacities in an increasing competitive health system;

(v) the role of medical schools in graduate medical education;

(vi) policies designed to expand eligibility for graduate medical education payments to children's hospitals that operate graduate medical education programs; and

(vii) policies designed to expand eligibility for graduate medical education payments to institutions other than teaching hospitals;

(B) develop recommendations, including the use of demonstration projects, on the matters studied under subparagraph (A) in consultation with the Secretary of Health and Human Services and the entities described in paragraph (2);

(C) not later than January 2003, submit an interim report to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services; and

(D) not later than January 2005, submit a final report to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Secretary of Health and Human Services.

(2) ENTITIES DESCRIBED.—The entities described in this paragraph are—

(A) other advisory groups, including the Council on Graduate Medical Education and the Medicare Payment Advisory Commission;

(B) interested parties, including the Association of American Medical Colleges, the Association of Academic Health Centers, and the American Medical Association;

(C) health care insurers, including managed care entities; and

(D) other entities as determined by the Secretary of Health and Human Services.

(c) NUMBER AND APPOINTMENT.—The membership of the Advisory Commission shall include 9 individuals who are appointed to the Advisory Commission from among individuals who are not officers or employees of the United States. Such individuals shall be appointed by the Secretary of Health and Human Services, and shall include individuals from each of the following categories:

(1) Physicians who are faculty members of medical schools.

(2) Officers or employees of teaching hospitals.

(3) Officers or employees of health plans.

(4) Deans of medical schools.

(5) Such other individuals as the Secretary determines to be appropriate.

(d) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), members of the Advisory Commission shall serve for the lesser of the life of the Advisory Commission, or 4 years.

(2) SERVICE BEYOND TERM.—A member of the Advisory Commission may continue to serve after the expiration of the term of the member until a successor is appointed.

(e) VACANCIES.—If a member of the Advisory Commission does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(f) CHAIR.—The Secretary of Health and Human Services shall designate an individual to serve as the Chair of the Advisory Commission.

(g) MEETINGS.—The Advisory Commission shall meet not less than once during each 4-month period and shall otherwise meet at the call of the Secretary of Health and Human Services or the Chair.

(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—Members of the Advisory Commission shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Commission. Such compensation may not be in an amount in excess of the maximum rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(i) STAFF.—

(1) STAFF DIRECTOR.—The Advisory Commission shall, without regard to the provisions of title 5, United States Code, relating to competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under 5382 of title 5, United States Code.

(2) ADDITIONAL STAFF.—The Secretary of Health and Human Services shall provide to the Advisory Commission such additional staff, information, and other assistance as may be necessary to carry out the duties of the Advisory Commission.

(j) TERMINATION OF THE ADVISORY COMMISSION.—The Advisory Commission shall terminate 90 days after the date on which the Advisory Commission submits its final report under subsection (b)(1)(D).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 7. DEMONSTRATION PROJECTS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish, by regulation, guidelines for the establishment and operation of demonstration projects which the Medical Education Advisory Commission recommends under section 6(b)(1)(B).

(b) FUNDING.—

(1) IN GENERAL.—For any fiscal year after 2001, amounts in the Medical Education Trust Fund under title XXII of the Social Security Act shall be available for use by the Secretary in the establishment and operation of demonstration projects described in subsection (a).

(2) FUNDS AVAILABLE.—

(A) LIMITATION.—Not more than $\frac{1}{10}$ of 1 percent of the funds in such Trust Fund shall be available for the purposes of paragraph (1).

(B) ALLOCATION.—Amounts under paragraph (1) shall be paid from the accounts established under paragraphs (2) through (5) of section 2201(a) of the Social Security Act, in the same proportion as the amounts transferred to such accounts bears to the total of amounts transferred to all 4 such accounts for such fiscal year.

(c) LIMITATION.—Nothing in this section shall be construed to authorize any change in the payment methodology for teaching hospitals and medical schools established by the amendments made by this Act.

Mrs. CLINTON. Mr. President, I rise today to ask my colleagues to join me in ensuring that we maintain a steady stream of funding for the crown jewels of our health care system, out Nation's teaching hospitals. I deeply appreciate Senator REED's leadership on this issue and I am proud to join him and other colleagues as an original cosponsor of this important legislation.

Teaching hospitals play a vital role in our Nation's health care system, both in treatment and research, helping to make our system one of the finest in the world. New York City, for example, leads the world in the number and quality of academic health centers, teaching hospitals, and related medical institutions.

I have long supported academic health center and teaching hospitals, because their work is so essential to our communities. We rely on them to train physicians and nurses, care for the sickest of the sick and the poorest of the poor, and engage in research and clinical trials. Thanks to the research, for example, at Memorial Sloan-Kettering, cancer patients will suffer less while receiving chemotherapy because of a drug that was developed there. And a drug that allows balloon angiplasty to save lives was developed at SUNY Stony Brook.

As my predecessor and friend, Senator Daniel Patrick Moynihan, who I am so honored to be following in the footsteps of, put it so well a few years ago, "We are in the midst of a great era of discovery in the medical science. It is certainly not a time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages in scientific discovery. And it is centered in New York City."

But our Nation's teaching hospitals are at risk. Cuts to Medicare have lowered reimbursements for teaching hospitals and another reduction, which I will work with my colleagues to prevent, is scheduled to take place next year. Teaching hospitals have higher costs not only because of the training functions they perform, but also because they treat patients who require some of the most costly procedures and require longer hospital stays. In addition, the use of advanced technology and presence of experts in various fields also add to teaching hospitals' expenses.

All of us, who rely on the expertise of our doctors, and have access to new technologies, as well as the state-of-the-art services academic medical centers and teaching hospitals offer, benefit from the creation of a trust fund to ensure a steady stream of funds dedicated for these purposes. Some states, including mine, have sought to address these funding needs themselves. However, as Senator Moynihan also pointed out, New York State's GME fund was created as a temporary solution until a Federal fund could be created.

I urge my colleagues in joining me with their support for this critical investment in our teaching hospitals so that they can continue to lead the world in training highly-qualified medical professionals, and generating the state-of-the-art research and treatment that enables our Nation's health care system to flourish.

By Mrs. HUTCHISON (for herself, Mr. LIEBERMAN, and Mr. FEINGOLD):

S. 744. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce today a bill with Senators LIEBERMAN and FEINGOLD that would address a concern that has been raised by state legislators in Texas and across the country.

Last year Congress enacted the Full and Fair Political Activities Disclosure Act of 2000, Public Law 106–230, a law that imposed new IRS reporting requirements on political organizations claiming tax-exempt status under section 527 of the Internal Revenue Code. The purpose of this law was to uncover so-called "stealth PACs," tax-exempt groups which, prior to the enactment of this law, did not have to disclose any contributions or expenditures and were free to influence elections in virtual anonymity.

While Public Law 106–230 was intended to target "stealth PACs," it has had the unintended consequence of imposing burdensome and duplicative reporting requirements on state and local candidates who are not involved in any Federal election activities. In many states like Texas, State and local candidates already file detailed reports with their state election officials.

To correct this problem, I am introducing legislation that would exempt state and local candidates from the IRS reporting requirements of Public Law 106–230. This bill is the product of an agreement that was worked out among Senator LIEBERMAN, Senator FEINGOLD, Senator DODD, Senator MCCAIN, Senator MCCONNELL, and myself.

I originally intended to offer this legislation as an amendment to S. 27, the McCain-Feingold campaign finance bill. Unfortunately, since this particular legislation impacts the Internal Revenue Code, I was unable to offer it at that time without the possibility of invoking a blue slip from the Ways and Means Committee.

Last week, I spoke with the chairman of the Ways and Means Committee about this issue, and he assured me that he would seek to address this issue in his committee. In this vein, I would like to ask the Senator from Iowa, the chairman of the Finance Committee, if he also will work with me to address this problem in the context of the tax bill this year.

Mr. GRASSLEY. Yes, I would be pleased to work with the Senator from Texas on this matter, and pledge my good faith to give serious consideration to including language that meets her concerns in an appropriate tax bill in the near future.

Mrs. HUTCHISON. I'd like to thank the distinguished chairman of the Finance Committee, and I look forward to working with him.

Mr. LIEBERMAN. Mr. President, I am pleased to cosponsor this bill, and I thank my colleague, the Senator from Texas, for working with me to draft this bill in a manner that achieves its purpose, but does not open any loopholes in the original section 527 reform law.

Last year, Congress passed the first significant campaign finance reform measure in a quarter of a century. The so-called section 527 reform bill dealt with a truly troubling development, one whereby organizations that received tax-exempt status by telling the IRS that they existed to influence elections denied the very same thing to the FEC. As a result, these self-proclaimed election organizations engaged in election activity without complying with any aspect of the election laws, influencing our elections without the American public having any idea who, or what, was behind them.

Our law put a stop to that, by requiring organizations claiming tax-exempt status under section 527 of the Internal Revenue Code to do three things: 1. give notice of their intent to claim that status; 2. disclose information about their large contributors and their big expenditures; and 3. file annual informational returns along the lines of those filed by virtually all other tax-exempt organizations.

During the nine months or so that the 527 reform law has been in effect, that law has blasted sunshine onto the previously shadowy operations of a multitude of election-related organizations. Through the filings mandated by that law, the American public has learned a great deal about who is financing many of these organizations and how these organizations are spending their money.

But the law has had another impact, and that is to impose new reporting requirements on a group of organizations that already fully disclose to the public all of the activities covered by the 527 reform law. This bill gives relief to those organizations. In particular it grants relief from the 527 reform law to two categories of organizations that are involved exclusively in State and local elections and that already fully disclose their activities. I thank my colleague from Texas for working with me to ensure that we accomplish that goal without opening up any loopholes in the 527 reform law that will allow undisclosed money to reenter our election system.

First, the bill provides new exemptions for State and local candidate committees. Under the reform law, committees of candidates for State or local office have to notify the IRS of their intent to claim section 527 status, and they have to file annual informational returns if they have over $25,000 in gross receipts. Since the reform law went into effect, we have become convinced that the burden these requirements impose on State and local candidate committees outweigh the public purpose served by requiring them to comply with these mandates.

In contrast to other types of political committees, State and local candidate committees often are not permanent organizations. They often crop up a few months before an election and then cease to exist shortly after the election. They are often staffed by volunteers and run on a shoe string budget. Any new paperwork requirement—regardless of how reasonable it may be in other contexts—can put a significant burden on these minimally staffed and often short-lived committees.

At the same time, State and local candidate committees do not pose the threats the 527 law intended to address. In contrast to other political committees, there is never any doubt as to who is running the candidate committee and as to whose agenda the candidate committee aims to promote. Just as importantly, State laws regulate and require disclosure from all candidate committees.

We therefore have concluded that even though we do not believe the 527 reform law's mandates to be particularly burdensome in general, State and local candidate committees present a special case, one that warrants exempting them from the reform law's requirements to file a notice of intent to claim section 527 status and to file an annual return even if the organization does not have taxable income. I note, though, that these organizations still will have to file and make public annual returns if they have taxable income.

The second group to which we are granting a lesser degree of relief is a very carefully defined group of so-called State and local PACs. In granting this relief, we have walked a very fine line. On one hand, we want to recognize the fact that every State requires disclosure from political committees involved in that State's elections and that many State and local

PACs covered by the 527 reform law therefore are already disclosing the information the 527 law seeks to State agencies. On the other hand, we still believe that there is a strong public interest in knowing how the federal tax-exemption under section 527 is being used by these organizations, and we most decidedly do not want to exempt from the law's disclosure requirements any State or local PAC that does not otherwise publicly disclose all of its activities.

To exempt a State or local PAC merely because it claims that it is involved only in State elections and files information about some of its activities with a State agency would risk creating a massive loophole that could undermine the 527 reform law. That is because just as prior to the passage of the 527 reform law, some 527 groups were claiming that they were trying to influence elections for the purposes of the tax code, but not for the purposes of the election laws, a broad exemption for State or local PACs could lead some groups to claim that they are influencing State elections for the purposes of section 527 but not for the purposes of the State disclosure laws.

So, we have reached the following compromise. First, we are not exempting any of these organizations from the section 527(i) notice requirements. Unlike candidate committees, PACs generally are not transient, volunteer-staffed organizations, and it is not always clear to the public who is behind these groups. Moreover, because we are not completely exempting these groups from the law's other disclosure requirements, the notice requirement will be critical in helping the IRS and outside groups monitor compliance with the law's other mandates. In light of that, we believe the minimal effort required to file the 527(i) notice is worth the tremendous value of giving the public some basic information about these groups.

Second, we are granting an exemption from the section 527(j) contribution and expenditure reporting requirements to some of these organizations, but only if they can meet certain strict requirements. The group's so-called exempt function activity must focus exclusively on State or local elections. The group must file with a State agency information on every contribution and expenditure it would otherwise be required to disclose to the IRS. In addition, these State filings must be pursuant to a State law that requires these groups to file the State reports; this requirement seeks to prevent organizations from hiding truly federal activity by voluntarily reporting to a State where reports may not be as readily accessible as are federal reports. Moreover, no group will be able to take advantage of this exemption if the State reports its files are not publicly available both from the State agency with which the report is filed and from the group itself. Finally, this exemption also is not available to any organization in which a candidate for federal office or someone who holds elected federal office plays a role—whether through helping to run the organization, soliciting money for the organization or deciding how the organization spends its money. In short, this bill exempts from 527(j) reporting obligations only those groups that truly and legitimately engage in exclusively State and local activity and only when they already report publicly on all of the information the 527 law seeks.

Finally, the bill makes a small change to these State and local groups' obligation to file an annual information return when they do not have taxable income. Under the current law, they must file such returns when they have $25,000 in annual receipts; the bill increases that trigger to $100,000. Like all other 527 organizations, though, they still will have to file such returns if they have taxable income.

Again, let me thank Senator HUTCHISON for her efforts on this bill. I believe we have worked out a good compromise, one that grants relief where it is warranted, but does not in any way threaten to open up a loophole in the law. I thank her for that, and I yield the floor.

Mr. FEINGOLD. Mr. President, I am pleased to join Senators HUTCHINSON and LIEBERMAN in cosponsoring this bill.

Our enactment of the 527 disclosure legislation last year was an important step toward breaking the logjam on campaign finance reform. It showed that we could come together to pass commonsense reforms that give the public more information about and more confidence in the political process. Since that law went into effect, we have heard legitimate complaints from state and local candidates and PACs, which are in fact exempt from taxation under section 527 of the Internal Revenue Code, about the burden of complying with the notification and reporting requirements of the law.

Senator HUTCHINSON brought this issue to the fore by offering an amendment to the campaign finance bill that we passed on Monday. I very much appreciate her willingness to withdraw that amendment so we could work out the details together and avoid creating a blue-slip problem with the House that might delay the overall campaign finance bill.

The challenge was to address the legitimate concerns raised by state candidates and PACs without opening new loopholes in the law so soon after its enactment. Particularly as we stand poised to enact even more far reaching reforms in the McCain-Feingold bill, it is extremely important that we not weaken existing law in a way that might be exploited by groups wanting to avoid the sunshine that the 527 disclosure law provided. I believe that the Senator from Texas and the Senator from Connecticut have successfully negotiated this difficult terrain. I am proud to support this bill, and I hope it will be quickly enacted.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. FEINGOLD, Mr. BINGAMAN, and Mr. DODD):

S. 745. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEAHY. Mr. President, I am today introducing a simple, yet forceful, bill designed to address a growing problem among school children. I am tired of major soft drink companies trying to take school lunch money away from children.

It is one thing for the school bully to take lunch money from school kids, it is another for Coca-Cola or Pepsi to take it. In some areas, school scoreboards and school uniforms are now plastered with soda ads under exclusive contracts with vending machines all over the place.

According to a report issued by the Center for Science in the Public Interest, 20 years ago boys consumed more than twice as much milk as soda, and girls 50 percent more; now boys and girls consume twice as much soft drink as they do milk.

I had a huge battle with Coca-Cola in 1994 when they tried to derail my child nutrition bill—"The Better Nutrition and Health for Children Act" because I wanted schools to know they had the right to ban soda vending machines if they chose.

That 1994 controversy began when Coca-Cola sent out letters to school authorities around the country misrepresenting my bill. They were resorting to scare tactics instead of honest debate. The letter sent by Coca-Cola made numerous false allegations including that soft drinks are USDA-approved. That was not, and is still not true.

The controversy now is over exclusive contracts with soda manufacturers so they get to blanket schools with soda vending machines and signs advertising their products. Also, in some schools sodas are actually being given away to children during lunch.

For schools participating in the national school lunch program I want the vending machines turned off during lunch on all school grounds—it is that simple. During lunch, I do not want sodas sold to school children by the school. And the Secretary of Agriculture should carefully consider, based on sound nutritional science, whether to turn off the soda vending machines and stop soft drink sales before lunch.

You don't have to be a scientist to know that eating habits learned in childhood translate into a longer and healthier life. Leaving the vending machines on during lunch sets a bad example, and tempts children to spend their lunch money.

Soft drinks are a $60 billion a year industry. The fancy commercials and bigtime advertising rake in huge profits for the soda manufacturers.

Children don't vote, children don't hand out large sums of PAC money, children don't hire expensive lobbyists. But I have always put the welfare of children ahead of corporate profits, and I always will.

Coca-Cola recently announced that they will encourage other soda manufacturers to stop the practice of negotiating exclusive soda contracts with schools. That does not solve the program. The issue is not which company is selling the sodas, but whether the sodas should be sold at all, before and during lunch. Doing away with exclusive contracts could just mean more soda vending machines in schools.

This is not the way for schools to raise money.

My bill would ban the sale of soda and "pure-sugar" candies such as cotton candy, gum balls, licorice, and the like, to school children in school during the lunch period and during breakfast. It would also prohibit the practice in some schools of giving away soda during lunch.

For the period after breakfast and before lunch, the bill would mandate that the Secretary of Agriculture take into account the nutritional health of children and design a rule based on "sound nutritional science" that could ban the sale (or donation) of sodas and similar high-sugar foods, throughout school property or on some portions of school property. The bill would permit the Secretary to leave the current approach intact—which would allow such sales if the school wanted.

In this nutritional health analysis, the Secretary would have to consider what foods, such as milk or juices, are most likely to be displaced by the consumption of sodas before and during lunch. The Secretary would also have to weigh the low nutritional value of sodas as compared to soda substitutes such as juice or milk.

A recent study published in The Lancet concluded that for each glass of sugar-sweetened drink consumed by a child, their risk of becoming obese increased 1.6 times. It was also recently reported that soda consumption negatively impacts the ability of a child to meet their daily requirements for calcium, vitamin A, and magnesium. Variations in the amount of calcium consumed during childhood can result in decreased bone mass which may lead to a 50 percent greater risk of hip fracture in later years.

I recently heard from one of my constituents on this issue while Jenny Dorman is only in 6th grade, she has a great deal of wisdom for her age. Her letter gets right to the point on this important issue of how soda consumption impacts health. I ask unanimous consent that her letter be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEAR SENATOR LEAHY, I was getting ready for school when my mom told me to look at your article. I want to tell you that I'm with you 100 percent. I used to be a soda addict, and would drink nothing else. Last year in health class the teacher taught us what soda does to your bones. There is 2 percent of calcium in your bones, 1 percent in your teeth, the other 1 percent is in your blood. Soda robs your bones of calcium. If there isn't enough calcium in your blood, your body goes to your bones, where lots of calcium is found. If the soda and your body keeps taking calcium, your bones will get really brittle and easy to break. When you're old you can be very liable to have osteoporosis. Once I learned that, I stopped drinking soda altogether. Now I only drink water, milk, and once in a while juice. I'm in 6th grade now and I haven't had soda for over a year! I haven't had it in so long that even if I get a tiny bit of soda I get a sick feeling inside. Now I'm desperately trying to get the rest of my family off it by switching Sprite with water. Ha Ha!

JENNY DORMAN,
Stockbridge School.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 746. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill with my friend and colleague, the senior Senator from Hawaii, Mr. INOUYE which would clarify the political relationship between Native Hawaiians and the United States. This measure would extend the federal policy of self-determination and self-governance to Hawaii's indigenous, native peoples, Native Hawaiians, thereby establishing parity in federal policies towards Native Hawaiians, Alaska Natives and American Indians.

The bill we introduce today is a modified version of legislation we introduced on January 22, 2001. This modified version improves upon our efforts to clarify the political relationship between Native Hawaiians and the United States. Federal policy towards Native Hawaiians has closely paralleled that of our indigenous brothers and sisters, the Alaska Natives and American Indians. This bill provides a process for federal recognition of the Native Hawaiian governing entity for a government-to-government relationship with the United States.

This bill does three things. First it provides a process for federal recognition of the Native Hawaiian governing entity. Second, it establishes an office within the Department of the Interior to focus on Native Hawaiian issues and to serve as a liaison between Native Hawaiians and the Federal government. Finally, it establishes an interagency coordinating group to be composed of representatives of federal agencies which administer programs and implement policies impacting Native Hawaiians.

This measure does not establish entitlements or special treatment for Native Hawaiians based on race. This measure focuses on the political relationship afforded to Native Hawaiians based on the United States' recognition of Native Hawaiians as the aboriginal, indigenous peoples of Hawaii. As we all know, the United States' history with its indigenous peoples has been dismal. In recent decades, however, the United States has engaged in a policy of self-determination and self-governance with its indigenous peoples. Government-to-government relationships provide indigenous peoples with the opportunity to work directly with the federal government on policies affecting their lands, natural resources and many other aspects of their well-being. While federal policies towards Native Hawaiians have paralleled that of Native American Indians and Alaska Natives, the federal policy of self-determination and self-governance, has not yet been extended to Native Hawaiians. This measure extends this policy to Native Hawaiians, thus furthering the process of reconciliation between Native Hawaiians and the United States.

This measure does not impact program funding for American Indians and Alaska Natives. Federal programs for Native Hawaiian health, education and housing are already administered by the Departments of Health and Human Services, Education, and Housing the Urban Development. The bill I introduce today contains a provision which makes clear that this bill does not authorize eligibility for participation in any programs and services provided by the Bureau of Indian Affairs.

This bill does not authorize gaming in Hawaii. In fact, it clearly states that the Indian Gaming Regulatory Act, IGRA, does not apply to the Native Hawaiian governing entity. Hawaii is one of two states in the Union which criminally prohibits all forms of gaming. Therefore, I want to make clear that this bill would not authorize the Native Hawaiian governing entity to conduct any type of gaming in Hawaii.

Finally, this measure does not preclude Native Hawaiians from seeking alternatives in the international arena.

This measure focuses on self-determination within the framework of federal law and seeks to establish equality in the federal policies extended towards American Indians, Alaska Natives and Native Hawaiians.

We introduced similar legislation during the 106th Congress. While the bill was passed by the House of Representatives, the Senate failed to consider it prior to the adjournment of the 106th Congress. The legislation was widely supported by our indigenous brethren, American Indians and Alaska Natives. It was also supported by the Hawaii State Legislature which passed a resolution supporting a government-to-government relationship between Native Hawaiians and the United States. Similar resolutions were passed by the Japanese American Citizens' League and the National Education Association.

Mr. President, when most people think of Hawaii, they think of paradise. I agree, it is paradise. However, the essence of Hawaii is captured not by the physical beauty of its islands, but by the beauty of its people. Those who have lived in Hawaii have a unique demeanor and attitude which is appropriately described as the "Aloha" spirit. The people of Hawaii demonstrate the Aloha spirit through their actions—through their generosity, through their appreciation of the environment and natural resources, through their willingness to care for each other, through their genuine friendliness.

The people of Hawaii share many ethnic backgrounds and cultures. This mix of culture and tradition is based on the unique history of Hawaii. The Aloha spirit is generated from the pride we all share in the culture and tradition of Hawaii's indigenous, native peoples, the Native Hawaiians. Hawaii's state motto, "Ua mau ke'ea 'o ka 'aina i ka pono," which means "the life of the land is perpetuated in righteousness," captures the culture of Native Hawaiians. Prior to western contact, Native Hawaiians lived in an advanced society, in distinct and structured communities steeped in science. The Native Hawaiians honored their aina, land, and environment, and therefore developed methods of irrigation, agriculture, aquaculture, navigation, medicine, fishing and other forms of subsistence whereby the land and sea were efficiently used without waste or damage. Respect for the environment formed the basis of their culture and tradition. It is from this culture and tradition that the Aloha spirit, which is demonstrated throughout Hawaii, by all of its people, has endured and flourished.

In 1978, the people of Hawaii acted to preserve Native Hawaiian culture and tradition by amending Hawaii's state constitution to establish the Office of Hawaiian Affairs to give expression to the right of self-determination and self-governance at the state level for Hawaii's indigenous peoples, Native Hawaiians. Starting with statehood, Hawaii endeavored to address and protect the rights and concerns of Hawaii's indigenous peoples in accordance with authority delegated under federal policy. The constraints of this approach are evident. This bill extends the federal policy of self-determination and self-governance to Native Hawaiians at the federal level through a government-to-government relationship with the Native Hawaiian governing entity.

This measure is not being introduced to circumvent the 1999 United States Supreme Court decision in the case of Rice v. Cayetano. The Rice case was a voting rights case whereby the Supreme Court held that the State of Hawaii must allow all citizens of Hawaii to vote for the Board of Trustees of a quasi-state agency, the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs was established by citizens of the State of Hawaii as part of the 1978 State of Hawaii Constitutional Convention. The Office of Hawaiian Affairs administers programs and services for Native Hawaiians. The State constitution provided for nine trustees who were Native Hawaiian to be elected by Native Hawaiians. Following the Supreme Court's ruling in Rice v. Cayetano, the elections were not only open to all citizens in the State of Hawaii, but non-Hawaiians were deemed eligible to serve on the Board of Trustees. Whereas the Rice case dealt with voting rights and the State of Hawaii, the measure we introduce today addresses the federal policy of self-determination and self-governance and does not involve the Office of Hawaiian Affairs.

This measure is critical to the people of Hawaii as it begins a process to address many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. By addressing and resolving these matters, we begin a process of healing, a process of reconciliation not only within the United States, but within the State of Hawaii. The time has come for us to be able to address these deeply rooted issues in order for us to be able to move forward as one.

I cannot emphasize how important this measure is for the people of Hawaii. While Hawaii will always be known for its physical beauty, its true essence is in its people. The time has come to provide Hawaii's indigenous peoples with the opportunity to engage in a government-to-government relationship with the United States. I look forward to working with my colleagues to enact this critical measure.

By Mrs. BOXER:

S. 747. A bill to authorize the Attorney General to make grants to local educational agencies to carry out school violence prevention and school safety activities in secondary schools; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, we have seen three shootings and watched three young children lose their lives in the past four weeks. Two of these were in my state of California; the latest shooting was in my colleagues' state of Indiana. These shootings have been terrifying for all of us, children, parents, community members, and the nation as a whole. We must stop these acts of violence, now. We cannot wait for another young life to slip through our hands.

These incidents have reminded us that no place is safe from gun violence. Principals think about the safety of their schools every day; parents worry about the safety of their children's classrooms every day; and children walk to school unsure of their own safety every day. This is sad, but this is the reality.

Today I am proposing to change this reality. My bill reaffirms our commitment to school safety by creating a permanent School Safety Fund. This Fund will allow the Attorney General to provide grants to school districts so that they can create their own comprehensive school safety strategies, incorporating both violence prevention and school safety activities.

What might be included in these safety strategies?

Schools could establish hotlines and tiplines, so that students could anonymously report potentially dangerous situations. They could hire more community police officers and purchase security equipment. I would argue that all schools could use more counselors, psychologists, and school social workers, these funds will help hire them. Schools could use the funds to train teachers and administrators to identify the early warning signs of troubled youth. They could also use the funds to teach our students conflict resolution programs, and to set up a mentoring program for students.

The bottom line is clear: each school needs to decide the extent of its problem, and decide what solution would be best for its community. My bill gives school districts the leeway they need to deal with school safety, providing federal funds to attack school violence where it happens: in the schools.

This approach, in and of itself, is not a novel idea. Since 1999, the federal government has funded a program called "Safe Schools Initiative." A collaboration between the Department of Justice, the Department of Education, and the Department of Health and Human Services, Safe Schools provides grants to school districts to do the activities I outlined above. In fact, 77 school districts have already been awarded funds. Why, then, is my bill necessary?

My bill does two important things. One, it writes this program into law. Currently, the Appropriations Committee decides year-to-year whether to fund this initiative. This program is important—important enough to warrant an authorization. My amendment codifies these grants through fiscal year 2006.

Second, and perhaps most important, my bill speaks to how these grants are funded. All funding would come directly from the Violent Crime Reduction Trust Fund. And rather than set a specific authorization level—rather than pull a number out of thin air and declare that number the "need", my bill would give discretion to the Attorney General to decide how many grants should be awarded, and how much money each grantee should receive.

For example, if a crisis arises, the Attorney General has the flexibility to distribute grants as he sees fit. He does not have to wait for Congress to act, or watch as Congress fails to act. He can identify the need, and address it immediately. On the flip side, if school safety problems improve, as all of us hope, then the Attorney General can spend less on school safety. Again, it is up to his discretion.

You know as well as I do that school safety is a serious problem. We cannot simply stand by the wayside and allow violence to continue disrupting the lives of students and communities. My bill recognizes the widespread reach of these violent outbreaks, and tells communities that the federal government will not fail them. Communities are eager to protect their schoolchildren, and this bill will give them an opportunity to do so.

By Mrs. BOXER:

S. 748. A bill to make schools safer by waiving the local matching requirement under the Community Policing program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, last month there were two school shootings in my state. A mere seventeen days and six miles away from each other, they claimed the lives of two students and wounded eighteen others. These shootings were terrible tragedies for their communities, and a painful reminder of the fragile security of our nation's schools.

To combat these tragic acts of violence, many schools employ safety strategies that protect the millions of children, teenagers and adults that attend them every single day. The federal government plays a role in many of these programs. My amendment speaks to one of them: COPS In Schools.

Although we passed the COPS program in 1994, it was not until 1998 that the Department of Justice created a specific COPS In Schools program. Since then, nearly 3,800 police officers have been placed in 1,800 school districts across the nation. California alone has put 270 new police officers in schools across the state.

Unfortunately, not all schools are so lucky. At the time of last month's shooting at Santana High School in Santee, California, the school happened by pure luck to have two law enforcement officials near campus. The shooting spree at Santana High School lasted a mere six minutes. In this time, more than 30 rounds were shot, two teenagers were killed, and 13 people were wounded. It is dreadful to imagine what might have happened if the police had not responded so quickly.

An even more poignant situation, which underscored the absolutely vital role police officers play in our nation's schools, was the school shooting in El Cajon, California. This time, there were no deaths. A police officer—who had been stationed at Granite Hills High School after the Santana High School shooting occurred—responded immediately after hearing gunshots and managed to stop the shooter from claiming innocent lives. Had a police officer not been on campus, we may have been counting fatalities instead of injuries.

Make no mistake, the police officers put in schools by the COPS In Schools program are not there to simply patrol the hallways, nor are they there to make schools feel like prisons. Police officers in schools serve an important purpose: they work with school staff to develop anti-crime policies on campus, implement procedures to ensure a safer school environment, and reassure parents that a police officer is there to deal with those students that might cause problems.

Local governments are required to provide 25 percent of the funding to hire these police officers, unless the Attorney General grants them a waiver. Under Attorney General Janet Reno, communities routinely received federal funding to hire police officers for schools without having to contribute matching funds. This was extremely generous, and I am hopeful that this policy will continue.

To ensure that it does, my bill permanently waives the local matching fund requirement for placing a police officer in a school. No child, teenager or adult attending one of America's public schools should be put in danger simply because of a lack of funding. Communities should be able to put police officers in their schools, period. My bill will allow them to do just that.

We know that having police officers in schools works. They help ensure the safety of our schools, our schoolchildren and our faculty every single day. I encourage my colleagues to show their commitment to our students by supporting this bill.

By Mr. FITZGERALD (for himself, Mr. SCHUMER, Mr. JEFFORDS, Mr. BINGAMAN, Mr. DEWINE, Mrs. CLINTON, Ms. COLLINS, Mr. LIEBERMAN, Mr. MCCAIN, Mr. KERRY, Mrs. FEINSTEIN, Ms. SNOWE, Mrs. BOXER, Mr. SMITH of Oregon, and Mr. TORRICELLI):

S. 749. A bill to provide that no Federal income tax shall be imposed on amounts received by victims of the Nazi regime or their heirs or estates, and for other purposes; to the Committee on Finance.

Mr. FITZGERALD. Mr. President, today I am introducing the Holocaust Survivors Tax Fairness Act of 2001. This important legislation would prevent the federal government from imposing the federal income tax on Holocaust restitution or compensation payments that victims of their heirs may receive.

More than 50 years after the end of World War II, many banks and companies in Europe are beginning to return stolen assets to survivors of the Holocaust and their heirs. In August of 1998, two of the largest banks in Switzerland agreed to distribute $1.25 billion as restitution for assets wrongfully withheld during the Nazi reign. And in February of 1999, the German government agreed to establish a fund to compensate victims of the Holocaust. The legislation I am introducing ensures that the beneficiaries of these settlements and other Holocaust restitution or compensation arrangements can exclude the proceeds from taxable income on their federal income tax forms.

Holocaust survivors and their families have lived through unspeakable tragedies. While the restitution settlements pale in comparison to what they have lost, this measure ensures that survivors can keep all of what was returned to them without being unnecessarily burdened by taxes.

The Congress must send a clear message that to allow the federal government to tax away any reparations obtained by Holocaust survivors or their families because of their persecution by the Nazis or their sympathizers is simply unacceptable. Given that the average age of Holocaust survivors now exceeds 80 years of age, we believe it is imperative that the Congress act now to prevent the federal government from attempting to tax this money.

Similar legislation was agreed to by the Senate as an amendment to the Taxpayer Refund Act of 1999. The provision was retained in conference and included in the Taxpayer Refund and Relief Act of 1999. The final bill was vetoed, however, preventing this important provision regarding Holocaust reparations from becoming law.

After over 50 years of injustice, Holocaust survivors and their families are reclaiming what is rightfully theirs. Even as we support these efforts to reclaim stolen property, we must do our part in protecting the proceeds.

By Mr. BIDEN:

S. 750. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

Mr. BIDEN. Mr. President, today I introduce a bill which would right a wrong, a small wrong, but a wrong nevertheless. It affects a handful of our nation's diplomats who serve in the world's most dangerous places: places like Bosnia and Lebanon. Our diplomats serve in some pretty difficult places, often in harm's way, just as our soldiers do.

These diplomats who serve in the most dangerous places receive a special allowance, which is aptly called "danger pay." This allowance is not unlike that paid to our military when they are in combat. In fact, in some places where our military and diplomatic personnel serve side by side, both receive a special allowance for their sacrifices.

The military justifiably receives this benefit tax-free. But our diplomatic personnel do not. Through an oversight in the Internal Revenue code, diplomats are taxed on their danger pay, even though they often face similar hardships and dangers. I think that's wrong.

The bill I introduce today, I have a bill which would right this wrong. It affects just a handful of people. But to them it will serve as recognition of the sacrifice they make when they represent the American people in dangerous places overseas.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DANGER PAY ALLOWANCE.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following:

"SEC. 7874. TREATMENT OF DANGER PAY ALLOWANCE.

"(a) GENERAL RULE.—For purposes of the following provisions, a danger pay allowance area shall be treated in the same manner as if it were a combat zone (as determined under section 112):

"(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

"(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

"(3) Section 692 (relating to income taxes of members of Armed Forces on death).

"(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

"(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

"(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

"(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

"(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

"(b) DANGER PAY ALLOWANCE AREA.—For purposes of this section, the term 'danger pay allowance area' means any area in which an individual receives a danger pay allowance under section 5928 of title 5, United States Code, for services performed in such area."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 7874. Treatment of danger pay allowance."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid in taxable years ending after the date of the enactment of this Act.

By Mrs. CLINTON:

S. 751. A bill to express the sense of the Senate concerning a new drinking water standard for arsenic; to the Committee on Environment and Public Works.

Mrs. CLINTON. Mr. President, when Americans turn on their taps, they expect the water that comes out to be clean and safe. Unfortunately, that is not always the case.

I rise today to ask my colleagues to join me in expressing our support for the new health and science-based standard for arsenic in drinking water. The stronger standard can protect millions of Americans from a known carcinogen. A 1999 National Academy of Sciences report concluded that chronic ingestion of arsenic causes bladder, lung, and skin cancer. The Administration's proposal to withdraw this new standard puts the public health at risk.

The science is clear. The National Academy of Sciences has concluded that the current standard, which has not been revised in nearly 60 years, does not meet EPA's goal of public-health protection and has urged that it be revised as quickly as possible.

The new, more protective arsenic standard of 10 parts per billion would put our national drinking water standard for arsenic in line with drinking water standards set at the state level, as well as international standards. The World Health Organization has established a guideline for arsenic in drinking water of 10 parts per billion, indicating that the value would be even lower if it were based on health concerns alone, without consideration for the technological and financial capabilities of certain countries.

Withdrawing this important new drinking water standard for arsenic also creates uncertainty for communities across the country that will ultimately need to construct or upgrade water treatment facilities to meet the new standard. These communities need and deserve as much time as is possible to come into compliance with the new standard.

This bill that I am introducing today expresses the Sense of the Senate that to provide maximum protection for public health and a maximum amount of time for communities to accommodate a new drinking water standard for arsenic, the new standard for arsenic in drinking water should be set no later than the statutory deadline of June 22, 2001.

Rather than rolling back science-based, public health standards for our nation's drinking water, we should be rolling up our sleeves and investing in our water infrastructure so that America's families can rest assured that their drinking water is clean and safe.

By Mr. BURNS:

S. 752. A bill to amend the Internal Revenue Code of 1986 to reclassify computer equipment as 3-year property for purposes of depreciation; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today, to introduce the Technology Depreciation Reform Act of 2001. This bill will update the U.S. Tax Code to reflect the evolution of the computer and other high-tech industries.

High-tech hardware is subjected to an outdated tax code. Currently, businesses must depreciate their computer equipment over a five year period. I believe this five year depreciation life for tax purposes is clearly outdated. Many companies today must update their computers as quickly as every 14 months in order to stay current technologically.

Depreciation schedules for technology assets have not been reformed since 1986. This legislation will amend the U.S. Tax Code by reducing the depreciation schedule for high-tech equipment from five years to three years.

I believe it is time to update an outdated tax code to reflect the realities of today's technology-based workplace. A five year depreciation schedule for business computers is no longer realistic.

The Computer Depreciation Reform Act allows every company, from the neighborhood real estate office, to the local hospital, to the local bank to depreciate their computer equipment on a three year schedule. As a result, these companies will no longer be forced to pay for their high-tech equipment long after its useful life has become obsolete.

In short, the tax code is outdated for high-tech hardware. The five year schedule for technology assets is particularly outdated. In fact, this is an ice age for computer technologies. As the chairman of the Communications Subcommittee, I am very aware of the impact this is having on small businesses. Congress has not addressed this issue since 1986. However, the industry has evolved dramatically since that time.

I look forward to working with my colleagues on both sides of the aisle to update the tax code to reflect the realities of today's technological workplace.

By Mr. BREAUX (for himself, Mr. CRAIG, Mr. DORGAN, Mr. BURNS, Mr. CONRAD, Mr. ENZI, Ms. LANDRIEU, Mr. THOMAS, Mr. GRAHAM, Mr. CRAPO, Mr. BAUCUS, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. INOUYE, Mr. AKAKA, Mr. ALLARD, and Mr. HARKIN):

S. 753. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; to the Committee on Finance.

Mr. BREAUX. Mr. President, unfair trade practices cannot and will not be tolerated. American jobs are hurt, industry suffers, and the economy loses.

Importing stuffed molasses into the United States is a classic example of an unfair trade practice being conducted in this country. Its importation circumvents the United States' GATT-legal sugar import tariff rate quota. It's time to end this scheme because our domestic sugar industry is being hurt by it.

As a trade practice, importing stuffed molasses is a crafty, refined scheme.

Stuffed molasses, as a product, consists of refined sugar being mixed with water and molasses for the purpose of disguising the refined sugar so it can evade the United States' GATT-legal tariff rate quota.

In its disguised state, stuffed molasses has no legitimate commercial use. It does, however, circumvent our legitimate sugar import tariff rate quota.

Once stuffed molasses is brought into the United States, the refined sugar is extracted from the water and molasses and sold in the United States' refined liquid sugar market. Once imported and extracted, it displaces legitimately-produced United States' sugar and legitimately-imported sugar from the 40 countries which export sugar to this country under the tariff rate quota.

The United States company which imports stuffed molasses into this country, a subsidiary of an international conglomerate, brings it in through a tariff category for certain molasses products for which there is little or no tariff.

Senator LARRY CRAIG and I, as Co-Chairmen of the Senate Sweetener Caucus, are introducing today a bipartisan bill which would require the same tariff to be applied to stuffed molasses as is applicable currently to refined sugar imports.

We are pleased that 15 other senators have joined us in introducing the bill. We deeply appreciate their interest and support.

In January of this year, USDA issued a sugar and sweetener report which included the department's analysis of the stuffed molasses situation. For the period 1995/1996 to 1999/2000, USDA's report says stuffed molasses imports escalated from 8,056 short tons raw value to 118,105 short tons raw value, an increase approaching 1400 percent.

USDA's report also says stuffed molasses imports for 1999/2000 were the equivalent of 10.5 percent of imports under the raw and refined sugar tariff rate quotas for that period.

The USDA report forecasts Fiscal Year 2001 imports of stuffed molasses to increase to 125,000 short tons raw value. It also says the sugar used to make this disguised product originates in such countries as Australia and Brazil and is processed into stuffed molasses in Canada, from where it enters the United States.

Our bipartisan legislation makes it clear that its purpose is to stop an unfair trade practice by applying a legitimate tariff to a concocted product which is circumventing our GATT-legal tariff rate quota. It does not affect any other legitimately-traded molasses or molasses product which has been traded historically and has legitimate commercial uses.

This unfair trade practice, is completely unacceptable. It is a total rejection of all that is fair in trade. It must be stopped. Our legislation is designed to do just that. I join with Senator CRAIG and all of the bill's original cosponsors to invite all other Senators who oppose unfair trade practices to join us in cosponsoring the bill and voting for its passage.

By Mr. LEAHY (for himself, Mr. KOHL, Mr. SCHUMER, and Mr. DURBIN):

S. 754. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in the last Congress I introduced a bill, S. 2993, with Senator KOHL to give the Federal Trade Commission, FTC, and the Department of Justice, DOJ, the ability to effectively enforce antitrust laws concerning contract and payment arrangements between drug companies which could hurt consumers.

Unfortunately, no action was taken on that Leahy-Kohl bill, and the newspapers are now full of articles about allegations that Shering-Plough paid $90 million to generic drug manufacturers to delay sales of a low-cost generic drug taken by heart patients.

While these allegations have yet to be resolved for those particular companies, this story highlights the need to pass legislation to prevent this type of problem from happening in the future.

If Dante were writing The Inferno today, he might well have reserved a special place for those who engage in these anti-consumer conspiracies.

The Federal Trade Commission deserves credit for exposing this problem, during last Congress and this Congress. Under the bill we are introducing today, companies are required to give the FTC and the Justice Department the information they need to prevent manufacturers of patented drugs—often brand-name drugs—from simply paying generic drug companies to keep lower-cost products off the market.

These deals which prevent competition hurt senior citizens, hurt families, and cheat healthcare providers.

These pharmaceutical giants and their generic partners then share the profits gained from cheating American families.

The companies have been able to get away with this by signing secret deals with each other not to compete. Our bill, the "Drug Competition Act of 2001", will expose these deals and subject them to immediate investigation and appropriate action by the Federal Trade Commission or the Justice Department.

This solves the most difficult problem faced by federal investigators: finding out about the improper deals. This bill does not change the so-called Hatch-Waxman Act, it does not amend FDA law, and it does not slow down the drug approval process. It allows existing antitrust laws to be enforced by ensuring that the enforcement agencies have information about no-compete deals. The same confidentiality requirements will still apply to the FTC and to DOJ, as under current law.

The issue of making deals which prevent competition was addressed in a New York Times editorial titled, "Driving Up Drug Prices," published on July 26, 2000. The editorial noted that even though the FTC "is taking aggressive action to curb the practice. It needs help from Congress to close loopholes in federal law."

This bill is that help, and the bill slams the door shut on would-be violators by exposing the deals to our competition enforcement agencies.

Under current law, manufacturers of generic drugs are encouraged to challenge weak or invalid patents on brand-name drugs so that consumers can enjoy lower generic drug prices.

Current law grants these generic companies a temporary protection from competition to the first manufacturer that gets permission to sell a generic drug before the patent on the brand-name drug expires.

This approach then gives the generic drug manufacturer a 180-day head start on other generic companies.

That was a good idea. The unfortunate loophole that has been open to exploitation is the fact that secret deals can be made that allow the manufacturer of the generic drug to claim the 180-day grace period, to block other generic drugs from entering the market, while, at the same time, getting paid by the brand-name manufacturer for not selling the lower-cost generic drug.

The bill we are introducing today will shut this loophole down for companies who want to cheat the public, but keeps the system the same for companies engaged in true competition with each other. This bill would give the FTC or the Justice Department the information they need to take quick and decisive action against companies driven more by greed than by good sense.

It is important for Congress not to overreact to these outrages by throwing out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them to do that.

Instead, we should let the FTC and DOJ look at every single deal that could lead to abuse so that only the deals that are consistent with the intent of that law will be allowed to stand.

We look forward to suggestions from other Members on this matter and from brand-name and generic manufacturers who will work with us to make sure this loophole is closed.

We are pleased that Congressman WAXMAN will introduce a companion bill in the House of Representatives. I look forward to working with him and with the other cosponsors in this effort.

I ask unanimous consent that a brief summary of the Drug Competition Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DRUG COMPETITION ACT OF 2001

The bill facilitates Federal Trade Commission and Department of Justice confidential review of agreements between brand-name drug manufacturers and potential generic competitors so that they can more efficiently enforce existing antitrust laws.

The bill covers brand-name drug manufacturers and generic manufacturers that enter into agreements regarding the sale or manufacture of a potentially competing generic equivalent (of any particular brand-name drug).

In cases where those agreements could have the effect of limiting sales of that generic-equivalent drug, or could limit the research or development of that competing generic, both (or all) companies are required to file the texts of those agreements with the Federal Trade Commission and with the Attorney General within 10 business days after the agreement is executed.

Failure to file may result in a civil penalty of not more that $20,000, per day. The Act would take effect 90 days after enactment.

No existing time limits, requirements, or patent or drug approval systems are affected by this limited filing requirement. The bill does not amend the Sherman Act, other antitrust laws, the Federal Trade Commission Act, the Hatch-Waxman Act or other generic drug laws, the Federal Food, Drug and Cosmetic Act, or any patent or drug safety law.

STATEMENTS ON SUBMITTED RESOLUTIONS—APRIL 5, 2001

SENATE RESOLUTION 66—EXPRESSING THE SENSE OF THE SENATE REGARDING THE RELEASE OF TWENTY-FOUR UNITED STATES MILITARY PERSONNEL CURRENTLY BEING DETAINED BY THE PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS (for himself, Mr. KERRY, Mr. WARNER, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. BIDEN, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. BROWNBACK, Mr. BAUCUS, Mr. ROBERTS, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. KENNEDY, Mr. DODD, Mr. TORRICELLI, Mr. CORZINE, Mr. MCCONNELL, Mr. LEVIN, Mrs. BOXER, Mr. WELLSTONE, Mr. DASCHLE, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mr. CONRAD, Mrs. MURRAY, Mr. THURMOND, Mr. CRAPO, Mr. DORGAN, Mr. BAYH, Mr. CAMPBELL, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. KOHL, Mr. HUTCHINSON, Mr. FITZGERALD, Mr. INOUYE, Mr. JOHNSON, and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

Mrs. CLINTON. Mr. President, I rise in support of Senator THOMAS' resolution, which calls for the immediate release of the crew members of the EP-3E that was forced to make an emergency landing at the Lingshui, Hainan airbase on April 1st. Securing the safe return of the crew and their aircraft is a top priority for our country and this resolution makes that clear.

And I know that I speak for my constituents when I say that I am deeply concerned about the safety of the twenty-four U.S. crew members who are being held in China. My thoughts and prayers are with all of them and their family members, including the family of Kenneth Richter, a Navy cryptographer and native of Staten Island, New York.

We are fortunate to have brave men and women like Kenneth Richter serve our country. It is a reminder of how the courage and hard work of those in our armed forces help to keep America free and secure.

All Americans stand as one behind the President as our nation presses for the immediate release of our people and our aircraft. There is absolutely no justification for their detention for one minute, let alone so many days.

STATEMENTS ON SUBMITTED RESOLUTIONS—APRIL 6, 2001

SENATE RESOLUTION 68—DESIGNATING SEPTEMBER 6, 2001 AS "NATIONAL CRAZY HORSE DAY"

Mr. JOHNSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 68

Whereas Crazy Horse was born on Rapid Creek in 1843;

Whereas during his lifetime, Crazy Horse was a great leader of his people;

Whereas Crazy Horse was a warrior and a military genius and his battle strategies are studied to this day at West Point;

Whereas Crazy Horse was a "Shirt Wearer", having duties comparable to those of the United States Secretary of State;

Whereas it was only after he saw the treaty of 1868 broken that Crazy Horse defended his people and their way of life in the only manner he knew;

Whereas Crazy Horse took to battle only after he saw his friend, Conquering Bear, killed and only after he saw the failure of the Federal Government agents to bring required treaty guarantees such as food, clothing, shelter, and necessities for existence; and

Whereas Crazy Horse was killed at Fort Robinson, Nebraska, on September 6, 1877, when he was only 34 years of age: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 6, 2001, as "National Crazy Horse Day"; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. JOHNSON. Mr. President, I rise today to submit a resolution that will commemorate the life of Crazy Horse. Crazy Horse was a great leader of his people, and the designation of September 6 will be the ultimate commendation for his bravery and contribution to Native Americans.

Crazy Horse was born on Rapid Creek in 1843. He was killed when he was only 34 years of age, September 6, 1877. He was stabbed in the back by a soldier at Fort Robinson, Nebraska, while he was under U.S. Army protection. During his life he was a great leader of his people. Crazy Horse was warrior and a military genius. His battle strategies are studied to this day at West Point.

Crazy Horse was bestowed with the honor of becoming a Shirt Wearer. This honor is comparable to duties like that of the Secretary of State.

Crazy Horse defended his people and their way of life in the only manner he knew, but only after he saw the treaty of 1868 broken. He took to the warpath only after he saw his friend Conquering Bear killed; only after he saw the failure of the government agents to bring required treaty guarantees such as food, clothing, shelter and necessities for existence. In battle the Sioux war leader would rally his warriors with the cry, "It is a good day to fight, it is a good day to die."

Throughout recent history, a memorial commemorating the life of this great warrior is under construction in my state of South Dakota. I would like to take these efforts one step further and designate September 6, 2001, the 124th anniversary of Crazy Horse's death, as "National Crazy Horse Day."

I urge my colleagues to join me in the commemoration of this great hero.

SENATE RESOLUTION 69—RESOLUTION CONGRATULATING THE FIGHTING IRISH OF THE UNIVERSITY OF NOTRE DAME FOR WINNING THE 2001 WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. BAYH (for himself and Mr. Lugar) submitted the following resolution; which was considered and agreed to:

S. Res. 69

Whereas the University of Notre Dame women's basketball team won its first national championship by defeating the tenacious Purdue University Boilermakers by the score of 68-66;

Whereas for the first time in NCAA women's basketball history, two teams from the same State appeared in the championship game;

Whereas Ruth Riley, named the Final Four's outstanding player and a native of Macy, Indiana, led the University of Notre Dame with 28 points and made 2 free throws with 5.8 seconds left in the game to secure a victory;

Whereas Niele Ivey battled back from a sprained left ankle and scored 12 points for the Irish;

Whereas the Fighting Irish, coached by Muffet McGraw, finished their season with a 34-2 record;

Whereas the high caliber of the University of Notre Dame Women Fighting Irish in both athletics and academics has advanced the sport of women's basketball and provided inspiration for future generations of young female athletes; and

Whereas the Fighting Irish's season of accomplishment inspired euphoria across the basketball-loving State of Indiana: Now, therefore, be it

Resolved,

SECTION 1. CONGRATULATING THE UNIVERSITY OF NOTRE DAME WOMEN'S BASKETBALL TEAM.

(a) In General.—The Senate congratulates the Fighting Irish of the University of Notre Dame for winning the 2001 NCAA Women's Basketball Championship.

(b) Transmittal.—The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Notre Dame.

SENATE RESOLUTION 70—RESOLUTION HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR ITS 135 YEARS OF SERVICE TO THE PEOPLE OF THE UNITED STATES AND THEIR ANIMALS

Mr. DURBIN (for himself and Mr. Smith of New Hampshire) submitted the following resolution; which was considered and agreed to:

S. Res. 70

Whereas April 10, 2001, is the 135th anniversary of the founding of The American Society for the Prevention of Cruelty to Animals ("ASPCA");

Whereas ASPCA has provided services to millions of people and their animals since its establishment in 1866 in New York City by Henry Bergh;

Whereas ASPCA was the first humane society established in the western hemisphere;

Whereas ASPCA teaches children the character-building virtues of compassion, kindness, and respect for all God's creatures;

Whereas the dedicated directors, staff, and volunteers of ASPCA have provided shelter, medical care, behavioral counseling, and placement for abandoned, abused, or homeless animals in the United States for more than a century; and

Whereas ASPCA, through its observance of April as Prevention of Cruelty to Animals Month and its promotion of humane animal treatment through programs on law enforcement, education, shelter outreach, poison control, legislative affairs, counseling, veterinary services, and behavioral training, has provided invaluable services to the people of the United States and their animals: Now, therefore, be it

Resolved,

SECTION 1. HONORING THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

(a) In General.—The Senate honors The American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals.

(b) Transmittal.—The Secretary of the Senate shall transmit a copy of this concurrent resolution to the president of The American Society for the Prevention of Cruelty to Animals.

SENATE RESOLUTION 71—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED TO PRESERVE SIX DAY MAIL DELIVERY

Mr. HARKIN submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. Res. 71

Whereas the Postal Service has announced it may consider reducing its six-day mail delivery service to five days, ending Saturday home delivery to offset a projected budget shortfall;

Whereas the six-day mail delivery is an essential service that U.S. citizens have relied on since 1912, particularly those working families who depend on their paychecks to arrive in the mail on time;

Whereas many senior citizens only have one source of income through their Social Security checks, which arrive in the mail and any delays would make it difficult for them to purchase items such as food and medicine; and

Whereas ending Saturday home mail delivery will result in inevitable delays in mail delivery and an increase in costs for employee overtime to control the back-up of mail: Now, therefore, be it

Resolved, That it is the Sense of the Senate that it is strongly opposed to the elimination of Saturday home and business mail delivery and calls on the United States Postal Service to take all of the necessary steps to assure that six-day home and business mail delivery not be reduced.

Mr. HARKIN. Mr. President, today I am submitting a resolution regarding recent reports coming out of the U.S. Postal Service.

On Tuesday, the United States Postal Service in an effort to cut costs announced that it may eliminate Saturday mail delivery, thus reducing home delivery to five days a week.

I believe this would be a terrible mistake. Saturday delivery is an essential service, and we should make sure it continues. Eliminating the sixth day will lead to inevitable delays for mail delivery as well as higher costs to pay overtime to our postal workers.

So my resolution would put the Senate on record as strongly opposed to a cut in service. The amendment will also call on the governing body of the Postal Service to take the necessary steps to ensure the essential service goes uninterrupted.

Cutting out the Saturday delivery would represent a major change for the service, a service that many Americans, especially our seniors who don't use e-mail, have depended on for decades.

People across America depend on the services of the Postal system. Millions of working families depend on the mail for their pay checks, millions of seniors depend on the mail for their Social Security checks, and millions of poor Americans can't afford computers and don't have access to things like e-mail which many of us take for granted. We should not let them down.

AMENDMENTS SUBMITTED AND PROPOSED

SA 351. Mr. BOND proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011.

TEXT OF AMENDMENTS

SA 351. Mr. BOND proposed an amendment to amendment SA 170 proposed by Mr. Domenici to the concurrent resolution (H. Con. Res. 83) establishing the congressional budget for the United States Government for fiscal year 2002, revising the congressional budget for the United States Government for fiscal year 2001, and setting forth appropriate budgetary levels for each of fiscal years 2003 through 2011; as follows:

On page 36, line 6, increase the amount by $967,000,000.

On page 36, line 7, increase the amount by $967,000,000.

On page 43, line 15, decrease the amount by $967,000,000.

On page 43, line 16, decrease the amount by $967,000,000.

On page 48, line 8, increase the amount by $967,000,000.

On page 48, line 9, increase the amount by $967,000,000.

ORDERS FOR MONDAY, APRIL 23, 2001

Mr. LOTT. Mr. President, I ask unanimous consent that at 2 p.m. on Monday, April 23, the Senate resume H. Con. Res. 83, and the majority leader, or his designee, be recognized to make a motion for the Senate to insist on its amendment, request a conference with the House on the disagreeing votes thereon, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being: Senators DOMENICI, GRASSLEY, and GRAMM, and Democratic nominees to be announced on Monday, April 23. There will be two of them.

Further, there will be 4 hours equally divided for debate only, and following that debate, the motions be immediately agreed to without any intervening action, motion, or additional debate, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE BUDGET RESOLUTION

Mr. LOTT. Mr. President, if I could take a moment while Senator DASCHLE is present, I thank the managers of this legislation on behalf of all the Senate. Being chairman of a committee and ranking member of a committee always has its challenges. And when you manage a bill on the floor, any of them can present difficulties and take quite some time. But probably no bill is any more difficult than the budget resolution because you have so many different parts. You are dealing with mandatory programs, appropriated accounts, the aggregate numbers, and those categories, as well as what you are going to do with regard to tax policy. It is not an easy job.

I must say that Senator DOMENICI, the chairman of the Budget Committee, and Senator KENT CONRAD, the ranking Democrat on the committee, have done an excellent job. We really appreciate it. It has been long hours. But I watched you working last night and again this morning, and I am sure there are many Senators who would not have believed we would be where we are at this moment—20 minutes to 3—having completed a bipartisan budget resolution.

I am sure many of us would make changes and say it is not perfect, but in the years I have watched votes on budget resolutions—and they now go back over some 25 or 26 years since we first started the budget resolution—I only remember two or three times where it was really a bipartisan budget resolution. This vote of 65–35 was, I think, a good vote, a positive vote, and a good step toward completing our work this year on all the different components of this bill. So I congratulate you and thank you for your work.

I say to Senator DASCHLE, would you like to comment?

Mr. DASCHLE. If the majority leader will yield, I only add my voice to the majority leader's. He has spoken for both of us again in complimenting our chair as well as our ranking member.

This is the first managerial responsibility, under our Budget Committee, that our ranking member has had. I must say, he has made us all proud and very grateful. He has done an extraordinary job. And his staff has been very helpful, as we worked through many of the legislative landmines we faced over the course of the last several days.

I would also like to thank our Democratic whip, Senator REID of Nevada, for the outstanding job he did in helping our ranking member and working through the many challenges we faced. He, as he always does, has been just a tremendous workhorse. Senator REID deserves our thanks and our debt of gratitude as well.

I thank the majority leader for yielding.

Mr. LOTT. In conclusion, Mr. President, I would like to join in expressing appreciation for Senator REID. We consider him the utility player for both sides. He does wonderful work. We do appreciate it.

Also, I want to take note that Senator DOMENICI, as chairman of the committee or ranking member, has been involved in every budget resolution we have worked on since the law went into effect back in the 1970s; and he has been the manager on our side 14 times.

So we have the old pro here, and we have the new ranking member, and they both did a great job and worked together quite well. We do appreciate it.

With that, I yield the floor.

Mr. DOMENICI. Mr. President, I say to my good friend, Senator KENT CONRAD, it is a pleasure working with you. I extend my congratulations for a superb job. It was a very difficult budget from the standpoint of both of us. In the last 36 hours, you and HARRY REID have been miracle workers. We very much appreciate your willingness to help us get through this, and get through quickly, so that our Senators can get on with their Easter recess and so that we could do something significant before we leave.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, first of all, I thank the majority leader and the Democratic leader for their kind comments. It has been terrific working with them. I also want to highlight the work of the chairman of the committee who has done a very fair-handed job of managing the Budget Committee. We thank him for his fairness, and we appreciate very much the working relationship we have established throughout the year.

I think our committee was one of the first to reach agreement in this power-sharing arrangement. And certainly here on the floor, Senator DOMENICI worked in such a constructive and gracious way. We appreciate it very much.

If I might talk, for just a moment, on the reasons I voted in opposition to this budget resolution after these long hours of work. I would sum it up in the following ways.

No. 1, I wanted to do more debt reduction than we ultimately did here. I wanted to reserve 70 percent of the forecasted surpluses for debt reduction. Unfortunately, we fell well short of that. So my first concern with what we passed is there is not sufficient debt reduction.

My second concern is that after a detailed analysis of all the amendments that have passed, we are into the Medicare trust funds in the years 2002, 2005, 2006, and 2007, to the tune of $54 billion. As I enunciated when I laid down a budget alternative, I do not think we should use any of the trust funds of Social Security or Medicare for any year. So that would be the second reason I voted in opposition.

The third reason was that the tax cut we are left with of $1.2 trillion over the 10 years is simply too large to accommodate the kind of additional debt paydown that I believe is in the best interest of the country. Instead of paying down the publicly held debt to about $500 billion, this budget resolution pays down the publicly held debt to about $1.1 trillion. So I would have liked to have seen us pay down the publicly held debt by another $600 billion.

Finally, Mr. President, in the option that I offered our colleagues, we reserved $800 billion to strengthen Social Security for the long term. This budget will fall far short of that at about $160 billion that is available to strengthen Social Security for the long term.

So for those reasons, I voted in opposition.

In saying that, I do want to indicate that we improved this budget substantially. From what we started with—from what we started with; not from my plan, but from what we started with—we reduced the tax cut, we increased the amount of publicly held debt paydown, and we reserved additional resources for improving education, for a prescription drug benefit, for our national defense, and for agriculture.

So those were important improvements. I just would have liked to have seen us do somewhat better. I would have liked to have seen us put more of an emphasis on debt reduction. But we will have other opportunities to make those points and other opportunities to vote on those priorities.

I conclude by thanking all of our colleagues for their patience and their graciousness during this period.

I also want to take this moment to thank the staffs who worked so hard during this period because these have been long nights and difficult days.

I want to start with Mary Naylor, my staff director on the Senate Budget Committee, who did a superb job under difficult circumstances; and Jim Horney, who is also a top staffer, the deputy staff director for the Senate Budget Committee; Sue Nelson, who produced chart after chart that showed us where we stood at every juncture so we knew precisely where we were, which I think helped us make wise decisions; Lisa Konwinski, our counsel, who Lisa drafted amendment after amendment, not only for me but for our colleagues, and did a superb job; Sarah Kuehl, who has primary responsibility in the Social Security area; Steve Bailey, our tax counsel; Dakota Rudesill, who handles national security issues and national defense; Scott Carlson and Tim Galvin, who handle agriculture for the committee; Shelley Amdur, who is our education specialist; Jim Esquea and Bonnie Galvin; Chad Stone, our economist; Rock Cheung, who helped produce those charts, and I think helped us be more successful than we would have otherwise been; and certainly Karin Kullman, who joined the staff to help us do outreach to groups who were interested in the budget; and, finally, my terrific press team, Stu Nagurka and Steve Posner, who had their hands full.

Goodness knows, I appreciate the work all of you have done. I appreciate very much the long hours you have put in and your real dedication. You have made me proud. I think you have helped us improve the budget for our country.

I thank the staff on the other side, especially the staff director for Senator DOMENICI, Bill Hoagland, who is a class act. He deserves all of our thanks for the professionalism with which he conducts himself.

Mr. President, again, I thank everyone who has made this an interesting first experience for me in my position on the Budget Committee.

I thank the Chair and yield the floor.

TRIBUTE TO ROBERT HOFFMAN

Mr. DEWINE. Mr. President, I rise today to say thank you—thank you to my legislative director for the past four years, Mr. Robert Hoffman. Robert—my right-hand man—will be leaving Capitol Hill shortly for a promising career in the private sector.

But I speak for a lot of people on the Hill—Members and staffers, alike—when I say that although we are very happy for Robert and we wish him well, we are saddened by his upcoming departure and will miss him dearly.

We will miss Robert's dedication to this institution.

We will miss his optimism and his sense of humor.

We will miss his unstoppable work ethic.

But most of all, we will just miss him.

Robert Hoffman has, himself, become somewhat of an institution here on Capitol Hill. Almost exactly twelve years ago today—April 3, 1989—Robert started working in Washington for former California Senator, Pete Wilson.

Robert, a California native, didn't start off as Senator Wilson's legislative director. Oh no. He started in the mail room. His dogged determination and his amazing ability to absorb issues quickly propelled him upward within the Wilson operation. In less than a year, Robert had become a legislative correspondent and within another year, he was working in Sacramento as deputy speech writer after Senator Wilson became Governor of California.

Robert, though, missed Capitol Hill—and Capitol Hill missed him. By May 1991, he was back in Washington, this time working as a legislative assistant for another former California Senator, John Seymour. Robert thrived as a legislative assistant, handling complex issues ranging from crime to immigration.

In practically no time, Robert was ready for a managerial role. In December 1992, he started a long tenure with our former colleague from South Dakota, Senator Larry Pressler.

By the young age of only 27, Robert was serving as Senator Pressler's legislative director. Though Robert's loyalty to Governor Wilson called him back for slightly over a year to work as the Governor's Deputy Director of his Washington office, Robert stayed with the Pressler organization until January 1997. To this day, Senator Pressler is thankful for having had Robert at the helm of his legislative operation.

The Senator has described Robert as one of the "all time finest legislative assistants and legislative directors on Capitol Hill. He is a man of great personal values and decency—a decency that is contagious."

Senator Pressler said it well.

I know, too, that Senator Pressler greatly valued—and still values, as I do—Robert's deep grasp and understanding of foreign policy and national security matters. Robert accompanied Senator Pressler and Senator SPECTER on a trip to Africa. Senator Pressler speaks fondly of that trip and of Robert's "superb job of managing it." According to Senator Pressler: "Robert made that trip. He got us there and back in one piece, which was no easy feat! He managed the whole thing, dealt with heads of state, and knew all the issues—forward and back."

Robert came to my office in February 1997. He's been my legislative director for over four years now. And, during that time, I have learned a great deal about this fine man.

I have learned that he is loyal to a fault.

I have learned that he is a workhorse.

I have learned that he is an incredible strategist, manager, teacher, thinker, leader, and friend.

I have also learned that there is nothing Robert Hoffman can't do. To use one of Robert's favorite phrases: "He just gets it. He just gets the joke."

Robert is one of the best "big picture" thinkers I have ever encountered. He gets the whole scene; he understands it. He can put things in their proper perspective. No one does a better job in taking complex issues, simplifying them and explaining them. He understands how all the pieces in a legislative operation fit together.

He understands politics.

He understands policy.

He understands press.

That combination of skills—that kind of raw talent and intuitive intelligence—is a true rarity here in Washington or anywhere, for that matter.

As anyone who has worked with Robert knows, he always gets the job done. No ifs. No buts. No excuses. He just gets the job done. He is a fair and tempered negotiator. Certainly, I have seen that. I have seen him in situations where I didn't think we would be successful, and he went into negotiation and came out with a lot better deal than I imagined we could achieve. He gets it done in a quiet, thoughtful, professional way. Robert Hoffman knows how to get bills passed into law. He knows the ins and outs of the legislative process. And, he has the ability to bring sides together to reach consensus and build bipartisan relationships.

While Robert's professionalism and work ethic are second to none, I would be remiss to not mention Robert's strength of character and personal integrity.

He is a gentleman—a kind man, a sincere man, and a man who cares about people. He cares about every single person in my office.

He cares about them on a professional level, and he cares about them on a personal level. He cares about them as people.

Robert Hoffman is a good man, and I am privileged to have had the extraordinary opportunity to work with him and call him my friend.

As he departs Capitol Hill after twelve fruitful, fearless, and fun years, I wish him and his lovely new wife, Andrea, all the best in the world. Thank you, Robert.

Mr. President, those in the Chamber and on Capitol Hill who will miss Robert Hoffman will still be able to see him. One of the easiest ways to do that is to watch the reruns of "Little House on the Prairie." Robert started his professional career actually before he came to Capitol Hill. He started as one of the stars on the original version of "Little House on the Prairie." Those of you who are up late at night and who have the opportunity to see a rerun, if you see someone who looks like Robert Hoffman, it is. You will have the opportunity to see a much younger version of Robert on that show.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION OF UNANIMOUS CONSENT AGREEMENT WITH RESPECT TO CONFEREES TO THE BUDGET RESOLUTION

Mr. DEWINE. Mr. President, on behalf of Leader LOTT, I ask unanimous consent that the previous consent agreement with respect to conferees to the budget resolution be modified to allow for one additional conferee per side, and further, the Republican conferee be Senator NICKLES and the Democrat nominee be named on April 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 8

Mr. DEWINE. Mr. President, also, on behalf of the leader, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, and for other purposes.

Mr. DEWINE. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. This bill will be placed on the calendar.

CONGRATULATING THE UNIVERSITY OF NOTRE DAME WOMEN'S BASKETBALL TEAM FOR THEIR CHAMPIONSHIP

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 69, submitted earlier today by Senators BAYH and LUGAR.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 69) congratulating the Fighting Irish of the University of Notre Dame for winning the 2001 women's basketball championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, I rise today to join my colleague from Indiana as a cosponsor of this resolution congratulating the women's basketball team of the University of Notre Dame for winning the 2001 women's basketball championship.

This remarkable achievement by the Fighting Irish women's basketball team culminates a season in which Coach Muffet McGraw and her team achieved an outstanding 34-2 record. Player Ruth Riley, an Indiana native, earned the titles Big East Player of the Year and Outstanding Player of the Final Four. Her teammate, Niele Ivey, suffered a sprained ankle during the semifinal game but persevered to help the Fighting Irish win their 68-66 final game victory over the determined Purdue University Lady Boilermakers.

The women basketball players of Notre Dame offer an example of dedication, skill, and sportsmanship as they bring Notre Dame its first national basketball title.

Mr. BAYH. Mr. President, it is with great pride that I rise today with my colleague Senator RICHARD LUGAR to introduce a bipartisan resolution honoring the University of Notre Dame women's basketball team for winning the school's first ever National Collegiate Athletic Association, NCAA, Division I basketball championship.

On April 1, 2001, this remarkable group of young women—led by senior All-American and native Hoosier Ruth Riley, have taken their place in Notre Dame's long and storied tradition of academic and athletic excellence with a victory over the Purdue University Boilermakers.

This match-up made NCAA history, as it was the first time two teams from the same state appeared in the NCAA women's basketball championship game. I cannot think of a more fitting place from which these two special teams could hail than from Indiana, basketball's heartland. It is a wonderful tribute to these two teams and their fine universities, and an honor for the state of Indiana to gain that distinction.

As Hoosiers across our state and basketball fans around the nation watched with excitement and anticipation, both teams put forth a tremendous effort that made for a spectacular game. These true competitors displayed immense talent and ability as they engaged each other relentlessly throughout the forty minute championship game. The determination and commitment of both the Fighting Irish and the Boilermakers exemplifies our Hoosier values and serves as a tremendous source of pride for the state of Indiana.

Behind every great team is a great coach, and Notre Dame's Muffet McGraw is no exception. Coach McGraw provided the Fighting Irish with the stewardship needed for an outstanding record of thirty-four wins and only two losses during the 2000-2001 season, en route to the national championship. The Notre Dame community should be very proud of both Coach McGraw's leadership and her team's outstanding accomplishments as student athletes.

In dramatic fashion, the Fighting Irish turned around a twelve point deficit and tied the game with one minute remaining. With 5.8 seconds remaining, Ms. Riley made two free throws to complete the comeback and secure a 68-66 victory for the Fighting Irish. Ms. Riley, who earned the tournament's Most Outstanding Player honors, was also named national Player of the Year and was a unanimous selection as first team All-American. Through hard work and determination, Ruth Riley and her teammates advanced the sport of women's basketball and provided inspiration for future generations of young female athletes.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, that any statements relating thereto be placed in the RECORD at the appropriate place as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

(The text of the resolution is printed in Today's RECORD under "Statements on Submitted Resolutions.")

HONORING THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR 135 YEARS OF SERVICE

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 70, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) honoring the American Society for the Prevention of Cruelty to Animals for its 135 years of service to the people of the United States and their animals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, that any statements relating thereto be placed in the RECORD at the appropriate place as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in Today's RECORD under "Statements on Submitted Resolutions.")

AUTHORIZING PRINTING OF UPDATED VERSION OF "BLACK AMERICANS IN CONGRESS"

Mr. DEWINE. Mr. President, I ask unanimous consent that the Rules Committee be discharged from the consideration of H. Con. Res. 43 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 43) authorizing the printing of a revised and updated version of the House document entitled "Black Americans in Congress, 1870-1989."

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, all with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 43) was agreed to.

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-696, appoints the Senator form Ohio (Mr. DEWINE) as a member of the United States Capitol Preservation Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, reappoints the Senator from Alaska (Mr. MURKOWSKI) to the Japan-United States Friendship Commission.

AUTHORITY TO MAKE APPOINTMENTS

Mr. DEWINE. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 525

Mr. DEWINE. Mr. President, I ask unanimous consent that a star print of S. 525 be made with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE 1944 DEPORTATION OF THE CHECHEN PEOPLE

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 27, S. Res. 27.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 27) to express the sense of the Senate regarding the 1944 deportation of the Chechen people to central Asia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 27

Whereas for more than 200 years, the Chechen people have resisted the efforts of the Russian government to drive them from their land and to deny them their own culture;

Whereas beginning on February 23, 1944, nearly 500,000 Chechen civilians from the northern Caucasus were arrested en masse and forced onto trains for deportation to central Asia;

Whereas tens of thousands of Chechens, mainly women, children, and the elderly, died en route to central Asia;

Whereas mass killings and the use of poisons against the Chechen people accompanied the deportation;

Whereas the Chechen deportees were not given food, housing, or medical attention upon their arrival in central Asia;

Whereas the Soviet Union actively attempted to suppress expressions of Chechen culture, including language, architecture, literature, music, and familial relations during the exile of the Chechen people;

Whereas it is generally accepted that more than one-third of the Chechen population died in transit during the deportation or while living in exile in central Asia;

Whereas the deportation order was not repealed until 1957;

Whereas the Chechens who returned to Chechnya found their homes and land taken over by new residents who violently opposed the Chechen return; and

Whereas neither the Soviet Union, nor its successor, the Russian Federation, has ever accepted full responsibility for the brutalities inflicted upon the Chechen people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should commemorate the 57th anniversary of the brutal deportation of the Chechen people from their native land;

(2) the current war in Chechnya should be viewed within the historical context of repeated abuses suffered by the Chechen people at the hands of the Russian state;

(3) the United States Government should make every effort to alleviate the suffering of the Chechen people; and

(4) it is in the interests of the United States, the Russian Federation, Chechnya, and the international community to find an immediate, peaceful, and political solution to the war in Chechnya.

URGING THE IMMEDIATE RELEASE OF KOSOVAR ALBANIANS WRONGFULLY IMPRISONED

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 28, S. Res. 60.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 60) urging the immediate release of Kosovar Albanians wrongfully imprisoned in Serbia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas the Military-Technical Agreement Between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (concluded June 9, 1999) ended the war in Kosovo;

Whereas in June 1999, the armed forces of the Federal Republic of Yugoslavia (Serbia and Montenegro) (in this resolution referred to as the "FRY") and the police units of Serbia, as they withdrew from Kosovo, transferred approximately 1,900 ethnic Albanians between the ages of 13 and 73 from prisons in Kosovo to Serbian prisons;

Whereas some ethnic Albanian prisoners that were tried in Serbia were convicted on false charges of terrorism, as in the case of Dr. Flora Brovina;

Whereas the Serbian prison directors at Pozarevac prison stated that of 600 ethnic Albanian prisoners that arrived in June 1999, 530 had no court documentation of any kind;

Whereas 640 of the imprisoned Kosovar Albanians were released after being formally indicted and sentenced to terms that matched the time already spent in prison;

Whereas representatives of the FRY government received thousands of dollars in ransom payments from Albanian families for the release of prisoners;

Whereas the payment for the release of a Kosovar Albanian from a Serbian prison varied from $4,300 to $24,000, depending on their social prestige;

Whereas Kosovar Albanian lawyers, including Husnija Bitice and Teki Bokshi, who are fighting for fair trials of the imprisoned have been severely beaten;

Whereas approximately 600 Kosovar Albanians remain imprisoned by government authorities in Serbia;

Whereas the Geneva Conventions of August 12, 1949, and their protocols give the international community legal authority to press for, in every way possible, the immediate release of political prisoners detained during a period of armed conflict;

Whereas, on July 16, 1999, the United Nations Mission in Kosovo (UNMIK) Special Representative to the Secretary General, Bernard Kouchner, formed an UNMIK commission on prisoners and missing persons for the purpose of advocating the immediate release of prisoners in four categories: sick, wounded, children, and women;

Whereas on March 15, 2000, the Kosovo Transition Council, a co-governing body with the Interim Administrative Council in Kosovo, repeated an appeal to the United Nations Security Council requesting the release of Kosovar Albanians imprisoned in Serbia;

Whereas on February 26, 2001, the FRY Assembly enacted an Amnesty Law under which only 108 of the 600 prisoners are eligible for amnesty; and

Whereas Vojislav Kostunica, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), is responsible for the policies of the FRY and of Serbia: Now, therefore, be it

Resolved,

SECTION 1. URGING THE IMMEDIATE RELEASE OF ALL KOSOVAR ALBANIAN PRISONERS WRONGFULLY IMPRISONED IN SERBIA.

The Senate hereby—

(1) calls on FRY and Serbian authorities to provide a complete and precise accounting of all Kosovar Albanians held in any Serbian prison or other detention facility;

(2) urges the immediate release of all Kosovar Albanians wrongfully held in Serbia, including the immediate release of all Kosovar Albanian prisoners in Serbian custody arrested in the course of the Kosovo conflict for their resistance to the repression of the Milosevic regime; and

(3) urges the European Union (EU) and all countries, including European countries that are not members of the EU, to act collectively with the United States in exerting pressure on the government of the FRY and of Serbia to release all prisoners described in paragraph (2).

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO INVOLVEMENT OF THE GOVERNMENT OF LIBYA IN TERRORIST BOMBING

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 29, S. Con. Res. 23.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) expressing the sense of Congress with respect to the involvement of the Government of Libya in the terrorist bombing of Pan Am Flight 103, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, I rise to support this resolution condemning Libya for its involvement with the Pan Am 103 Lockerbie bombing and reiterating conditions under which sanctions will be lifted.

The conviction of Abdel Basset al-Megrahi by the Scottish court in the Netherlands for the December 21, 1988 terrorist bombing of Pan Am Flight 103 is a victory for the families of the 270 victims, who have been seeking justice for more than 12 years, a victory for our country, which was the real target of the terrorist attack, and a victory for the world community in the ongoing battle against international terrorism.

Now that a Scottish court has concluded that Libya was responsible for the bombing, the hand of the United States has been strengthened in our effort to convince the international community that it is premature to welcome Libya back into the family of nations. The task will not be easy. Oil companies want to invest in the Libyan petroleum sector, and even many of our closest allies are anxious to close the book on the bombing.

Following the verdict, President George Bush wisely stated that the United States will continue to press Libya to accept responsibility and compensate the families. We must demand full disclosure of what Libya knows. The United States must make it clear that we will use our veto in the UN Security Council to block any effort to permanently lift sanctions before Libya accepts responsibility for the actions of its intelligence officer, provides appropriate compensation to the families, accounts for its involvement in the bombing, and fully renounces terrorism. These are the conditions demanded by the international community—not just the United States—and they must be enforced before the sanctions are lifted. We must also be prepared to impose stronger sanctions if Qadhafi refuses to cooperate. This resolution makes clear that this should be American policy.

U.S. sanctions against Libya which prevent trade and investment and bar the import of Libyan oil must also remain in place. Although there is strong interest by the U.S. oil industry in investing in Libya, the Administration must make clear that profits cannot take priority over justice.

It is vital to the ongoing battle against international terrorism that all those responsible for this horrible act are brought to justice.

I am pleased to work with Senator FEINSTEIN on this resolution, and I urge my colleagues to support it.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 23) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 23

Whereas 270 people, including 189 Americans, were killed in the terrorist bombing of Pan Am Flight 103 over Lockerbie, Scotland, on December 21, 1988;

Whereas, on January 31, 2001, the 3 judges of the Scottish court meeting in the Netherlands to try the 2 Libyan suspects in the bombing of Pan Am 103 found that "the conception, planning, and execution of the plot which led to the planting of the explosive device was of Libyan origin";

Whereas the Court found conclusively that Abdel Basset al Megrahi "caused an explosive device to detonate on board Pan Am 103" and sentenced him to a life term in prison;

Whereas the Court accepted the evidence that Abdel Basset al Megrahi was a member of the Jamahiriyah Security Organization, one of the main Libyan intelligence services;

Whereas the United Nations Security Council Resolutions 731, 748, 883, and 1192 demanded that the Government of Libya provide appropriate compensation to the families of the victims, accept responsibility for the actions of Libyan officials in the bombing of Pan Am 103, provide a full accounting of its involvement in this terrorist act, and cease all support for terrorism; and

Whereas, contrary to previous declarations by the Government of Libya and its representatives, in the wake of the conviction of Abdel Basset al Megrahi, Colonel Muammar Qadhafi refuses to accept the judgment of the Scottish court or to comply with the requirements of the Security Council under existing resolutions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Justice for the Victims of Pan Am 103 Resolution of 2001".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the entire international community should condemn, in the strongest possible terms, the Government of Libya and its leader, Colonel Muammar Qadhafi, for support of international terrorism, including the bombing of Pan Am 103;

(2) the Government of Libya should immediately—

(A) make a full and complete accounting of its involvement in the bombing of Pan Am 103;

(B) accept responsibility for the actions of Libyan officials;

(C) provide appropriate compensation to the families of the victims of Pan Am 103; and

(D) demonstrate in word and deed a full renunciation of support for international terrorism;

(3) the President should instruct the United States Permanent Representative to the United Nations to use the voice, and, if necessary, the vote of the United States, to maintain United Nations sanctions against

Libya until all conditions laid out or referred to in the applicable Security Council resolutions are met; and

(4) the President should instruct the United States Permanent Representative to the United Nations to seek the reimposition of sanctions against Libya currently suspended in the event that Libya fails to comply with those United Nations Security Council resolutions.

SEC. 3. POLICY OF THE UNITED STATES TOWARD LIBYA.

It should be the policy of the United States to—

(1) oppose the removal of United Nations sanctions until the Government of Libya has—

(A) made a full and complete accounting of its involvement in the bombing of Pan Am 103;

(B) accepted responsibility for the actions of Libyan officials;

(C) provided appropriate compensation to the families of the victims of Pan Am 103; and

(D) demonstrated in word and deed a full renunciation of support for international terrorism; and

(2) maintain United States sanctions on Libya, including those sanctions on all forms of assistance and all other United States restrictions on trade and travel to Libya, until—

(A) the Government of Libya has fulfilled the requirements of United Nations Security Council Resolutions 731, 748, 883, and 1192;

(B) the President—

(i) certifies under section 620A(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(c)) that Libya no longer provides support for international terrorism; and

(ii) has provided to Congress an explanation of the steps taken by the Government of Libya to resolve any outstanding claims against that government by United States persons relating to international terrorism; and

(C) the Government of Libya is not pursuing weapons of mass destruction or the means to deliver them in contravention of United States law.

SEC. 4. TRANSMITTAL OF CONCURRENT RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

EXPRESSING SENSE OF CONGRESS REGARDING ESTABLISHMENT OF INTERNATIONAL EDUCATION POLICY

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 30, S. Con. Res. 7.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 7) expressing the sense of Congress that the United States should establish an international education policy to enhance national security and significantly further United States foreign policy and global competitiveness, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported by the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

S. CON. RES. 7

Whereas promoting international education for United States citizens and ensuring access to high level international experts are important to meet national security, foreign policy, economic, and other global challenges facing the United States;

Whereas international education entails the imparting of effective global competence to United States students and other citizens as an integral part of their education at all levels;

Whereas research indicates that the United States is failing to graduate enough students with expertise in foreign languages, cultures, and policies to fill the demands of business, government, and universities;

Whereas, according to the Institute for International Education, less than 10 percent of United States students graduating from college have studied abroad;

Whereas, according to the American Council on Education, foreign language enrollments in United States higher education fell from 16 percent in 1960 to just 8 percent today, and the number of 4-year colleges with foreign language entrance and graduation requirements also declined;

Whereas educating international students is an important way to impart cross-cultural understanding, to spread United States values and influence, and to create goodwill for the United States throughout the world;

Whereas, based on studies by the College Board, the Institute for International Education, and Indiana University, more than 500,000 international students and their dependents contributed an estimated $12,300,000,000 to the United States economy in the academic year 1999–2000;

Whereas, according to the Departments of State and Education, the proportion of international students choosing to study in the United States has declined from 40 to 30 percent since 1982;

Whereas international exchange programs, which in the past have done much to extend United States influence in the world by educating the world's leaders, as well as educating United States citizens about other nations and their cultures, are suffering from decline; and

Whereas American educational institutions chartered in the United States but operating abroad are important resources both for deepening the international knowledge of United States citizens and for nurturing United States ideals in other countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS ON THE ESTABLISHMENT OF AN INTERNATIONAL EDUCATION POLICY FOR THE UNITED STATES.

It is the sense of Congress that the United States should establish an international education policy to enhance national security, significantly further United States foreign policy and economic competitiveness, and promote mutual understanding and cooperation among nations.

SEC. 2. OBJECTIVES OF AN INTERNATIONAL EDUCATION POLICY FOR THE UNITED STATES.

An international education policy for the United States should strive to achieve the following:

(1) Enhance the educational infrastructure through which the United States produces citizens with a high level of international expertise, and builds a broad knowledge base that serves the United States.

(2) Promote greater diversity of locations, languages, and subjects involved in teaching, research, and study abroad to ensure that the United States maintains a broad international knowledge base.

(3) Significantly increase participation in study and internships abroad by United States students.

(4) Invigorate citizen and professional international exchange programs and promote the international exchange of scholars.

(5) Support visas and employment policies that promote increased numbers of international students.

(6) Ensure that a United States college graduate has knowledge of a second language and of a foreign area, as well as a broader understanding of the world.

(7) Encourage programs that begin foreign language learning in the United States at an early age.

(8) Promote educational exchanges and research collaboration with American educational institutions abroad that can strengthen the foreign language skills and a better understanding of the world by United States citizens.

(9) Promote partnerships among government, business, and educational institutions and organizations to provide adequate resources for implementing this policy.

Amend the title so as to read: "Expressing the sense of Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, promote mutual understanding and cooperation among nations, and for other purposes.".

Mr. DEWINE. Mr. President, I ask unanimous consent that the committee amendment to the resolution be agreed to; that the resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; that the amendment to the title be agreed to; that the motion to reconsider be laid upon the table and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The amendment to the preamble was agreed to.

The concurrent resolution (S. Con. Res. 7), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. In executive session, I ask unanimous consent the Senate proceed to consideration of Calendar No. 31: Maj. Gen. Joseph M. Cosumano, Jr., to be Lieutenant General, and Tim McClain to be general counsel for the Department of Veterans' Affairs.

I further ask unanimous consent the nominations be confirmed en bloc, the motion to reconsider be laid upon the table en bloc, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Joseph M. Cosumano, Jr., 4186

DEPARTMENT OF VETERANS AFFAIRS

Tim S. McClain, of California, to be General Counsel, Department of Veterans Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR MONDAY, APRIL 23, 2001

Mr. DEWINE. On behalf of Majority Leader LOTT, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of the adjournment resolution H. Con. Res. 93 until 12 noon on Monday, April 23, 2001. I further ask consent that on Monday, immediately following the prayer, the Journal or proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m. with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN or his designee, 12 noon until 1 p.m.; Senator THOMAS or his designee, 1 p.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, again, on behalf of Majority Leader LOTT, I announce on Monday at 2 p.m. the Senate will begin the appointment of conferees process with respect to the budget resolution. A vote is not necessary with respect to those motions, and therefore no votes will occur during Monday's session.

Also, during that week, the Senate may be expected to consider S. 350, the brownfields bill, as well as other authorization bills that may be cleared.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. DEWINE. I ask unanimous consent that committees have between the hours of 12 noon and 2 p.m. on Tuesday, April 17, to file committee-reported legislative and executive items.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. DEWINE. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of H. Con. Res. 93 following the remarks of Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Chair and I thank the distinguished Senator from Ohio.

PRAISE FOR BUDGET MANAGEMENT

Mr. BYRD. Mr. President, allow me to express my appreciation to Mr. DOMENICI and Mr. CONRAD for the excellent way in which they handled the concurrent resolution on the budget. They were fair, they were considerate, and they were very skillful in their performance. I also thank our two leaders, Mr. LOTT and Mr. DASCHLE, for the excellent guidance they gave through their respective caucuses. I also thank my friend, the senior Senator from Alaska, who is presiding over the Senate, for his friendship and for his excellent leadership on the Senate Appropriations Committee. I wish him and his lovely wife and family, especially for Lily, a happy Easter holiday.

EASTER

Mr. BYRD. Mr. President, some years ago I read a story by Tolstoy titled, "How Much Land Does A Man Need?" Inasmuch as a considerable time has gone by since I last read this story, perhaps I shall say at the beginning that I am largely summarizing the story.

The story told of a man who had land hunger. He had orchards and vast other properties, but he could never get enough land. One day there stood in his presence a stranger who promised him all the land that he could cover in a day for 1,000 rubles. The conditions were that he would have to start at sunrise and that he could travel all day and buy as much land as he could cover in a day for 1,000 rubles. He would be required to return to the starting point by sundown; otherwise he would lose both the land that he had covered and the 1,000 rubles.

So the man started out at last to get enough land. He took off his jacket, and as he surveyed the land before him, he thought that this was certainly the richest soil that he had ever seen and the land was so level that he felt that never before had he seen such land. He tightened his belt, and with the flask of water that his wife had provided to him, he began his journey.

At first he walked fast. His plan was to cover a plot of ground 3 miles square. After he covered the first 3 miles, he decided he would walk 3 more miles, and then he walked 3 more miles until at last he had covered 9 miles before he started upon the second side. As he went along, the land seemed to be ever, ever more level, and the soil ever more rich.

He completed the second side just as the Sun crossed the meridian. He sat down and ate the bread and the cheese that had been prepared by his wife. He drank most of the water from the flask, and then turned upon the third side. He completed the third side when the Sun was fairly high still in the heavens, but he was becoming quite tired. He took off his boots, which were becoming heavy, and he pressed on. He turned upon the fourth side. But strangely enough, the land became less level and more hilly. His arms and legs were scratched by the briars, and his feet had been cut by the stones. The whole landscape had changed to the extent that it was very adverse to his being able to continue at the same pace as in the beginning.

The Sun kept dropping closer and closer to the horizon. He kept his eye on the goal. He could see the stranger, waiting at the starting point. His servant had accompanied him and had placed a stake at each corner as a marker for the ground that had been covered.

As the Sun was sinking low, the man had become very tired and no longer could he walk upright. He had to crawl on his hands and knees. He could see the dim face of the stranger waiting at the starting point, and upon that stranger's face was a cruel smile. The man reached the starting point just as the Sun went down, but he had overtaxed his strength and he fell dead on the spot.

The stranger, who was called Death, said: "I promised him all the land he could cover. You see how much it is: 6 feet long, 2 feet wide. I have kept my pledge." The servant dug the grave for him.

The moral of the story is this: that the love of material things and the greed for gain shrivel the soul and leave the life a miserable failure at last.

As we approach the blessed season of Easter, it seems to me to be appropriate to reflect a bit about these things which are pretty mundane when compared with discussions concerning budget resolutions, taxes, projected surpluses, and so on. But once in a while I think it is good to return to the mundane—to the things that perhaps really count most in our lives.

Easter is a promise. Easter reminds each of us of the promise that we can live again, and that we can join our loved ones who have gone on before. To me it is the greatest of all religious days.

I suppose that having attained the age of 83, it becomes even more meaningful. I didn't used to think about these things quite as much as I do now. But at the age of 83, one doesn't have much to look forward to in this life. But there is the hope and the promise that I can see my grandson again, whom I lost 19 years ago.

My grandson was killed in a truck crash, and he died on the Monday morning after Easter Sunday in 1982. So the day itself has a particular significance to me.

I remembered that Mary and Martha in the Scriptures went to the tomb subsequent to the crucifixion of Our Lord. When the tomb was opened, they saw an angel who said to them: "He is risen."

So, if we didn't have that promise to which we can look forward, life would be pretty bleak.

I want to think that there will be another life. I believe it. That is what I was taught. As I say, if I didn't believe that, certainly at this late period in this earthly life the future would be pretty bleak indeed.

We live now in a very materialistic age. Things are quite different than they were when I was a lad walking in the hills of Mercer County and Raleigh County, WV. Times have changed immensely.

But there are some things that don't change. And one of the things that hasn't changed in my life is the belief, as I was taught in the beginning, that there is a Creator, and that there will come a time when each of us will have to meet the eternal judge and give an accounting for our stewardship during this earthly journey.

I believe that.

I find myself quite out of step from time to time in this materialistic age and this increasingly materialistic society, for to express one's belief in a Supreme Being who created the heavens and the Earth, who made man in his own image, and made provision for a life beyond the grave, is looked upon by some as a lack of cultural sophistication.

One who adheres to traditional religious beliefs these days will quite often find himself the possessor of views that are incompatible with a modern outlook.

Traditional religious beliefs are a thing of the past in some quarters. Our intellectual culture in this country, as we stand at the beginning of a new century, and at the beginning of a new millennium, appears to be dominated by skepticism, cynicism, agnosticism, and, alas, to some degree atheism.

Not too long ago, a majority of the Kansas State Board of Education acted to ban the teachings of Darwin—Charles Robert Darwin, a great British naturalist, concerning evolution in the classroom. There was an aroused interest in the subject. A new Board of Education recently restored evolution to the state science curriculum.

Several years ago, I read Charles Darwin's "Origin of the Species." I also read his book "The Descent of Man." I wanted to know what Darwin was saying. My intellectual curiosities were piqued. I wanted to read firsthand his theory about natural selection.

But reading Darwin did not shake my faith in a Creator. Reading Darwin only strengthened my belief in God's word, and strengthened my belief in the Creator, strengthened my belief in the Bible as a book that was written by man, but written through the inspiration from God.

Now, let me say, I do not claim to be good. My Bible says that no man is good. But I do claim to have been reared by two wonderful persons. They were not very well educated. They did not have much by way of this world's possessions. They could not give me much of anything. But they gave me their love, and they taught me to believe in the Scriptures.

And so the chronological account of the Creation—and I hold it right here in this book—as related in the Book of Genesis, seems to confirm my understanding of the chronology of Creation as outlined by science. I have done considerable reading of both—these Scriptures, and books and theses and materials on science.

I have three wonderful grandsons and two granddaughters remaining after the death of the oldest grandson. Two of those grandsons are physicists. They have their Ph.D.s in physics, not political science, which would be much easier, I suppose.

I have two fine sons-in-law, one of whom came to this country from Iran, the old Biblical country of Persia, and who, by the way, is also a physicist.

So my family is well equipped to help maintain this country's cutting edge in physics.

I am not a physicist, and I am not a scientist, and I am not a minister. I do not consider myself to be worthy of standing behind any altar in a church. But I do steadfastly believe in the Bible. I believe in its teachings. And I believe that the account in Genesis is, in my way of looking at it, the greatest scientific essay that was ever written. That Book of Genesis seems to confirm my understanding, as limited as it may be, of the chronology of Creation, as outlined by the scientific articles that I have read.

And, after all, how God made man is not so important; but what is important is that God, a superior intelligence, did make man. The doubters, the skeptics, the non-believers, all of these go out of their way to dispute the account of the Creation as presented in Genesis, but to the doubters and the skeptics and the cynics, I would refer them to that ancient man in the land of Uz, whose name was Job. And, there, we find the question: "Canst thou by searching find out God?"

So, let the cynics, the doubters, and the skeptics answer God's challenge: "Where wast thou when I laid the foundations of the earth? Declare, if thou hast understanding.

"Who hath laid the measures thereof, if thou knowest? Or who hath stretched the line upon it?

"Whereupon are the foundations thereof? Or who laid the cornerstone thereof;

"When the morning stars sang together, and all the sons of God shouted for joy?"

My reading of the theory promulgated by that great English naturalist, Darwin, leads me to conclude that there is something to what Darwin is saying, but let us not carry it too far. I have no problem in putting God's word as revealed in the Holy Bible right up against the teachings of evolution. I have no problem with that. So I have no problem with teaching the theory of natural selection, as suggested by Darwin, Huxley, and others. But I believe that if the Darwinian theory of evolution is to be taught in the classrooms of the Nation, the biblical account of Creation and other teachings of the Bible should likewise be presented so that the inquiring young man or woman may have a better understanding of both. Now, I understand the constitutional problem that might arise from such.

True it is, that "Congress shall make no law respecting an establishment of religion," but I take this first amendment prohibition also to mean that Congress shall make no law respecting an establishment of "anti-religion". If high school students are to be taught a theory, such as evolution—I have no problem with that—which may result in non belief concerning God, non belief in religion, it seems to me that if we are really interested in the search for truth, the search for knowledge, the search for wisdom, then the student should have equal access to the account of Creation as set forth in the Book of Genesis.

I believe that, just as children should be taught the difference between right and wrong, they should also be exposed to the teachings of Holy Writ as well as the claims made by proponents of Darwin's theory of evolution.

Now, I am not here today suggesting that anybody else needs to be a Baptist just because I am a Baptist, or be a Methodist or be a Presbyterian or be an Episcopalian or be a Catholic or be of the Jewish religion, or of the religion of Islam. I have already stated that one of my sons-in-law is an Iranian. His father was a devout—a devout—worshiper in the religion of Islam.

I am like Samuel Adams. I am not a bigot. I can listen to anybody's prayer and will listen to anybody's prayer. But now, back to the subject.

I personally find the theory of evolution as set forth in Darwin's book "The Origin of Species" to be an enormous piece of work, a marvelous, marvelous display of knowledge on the part of that great naturalist. It reflects great scholarship. It also contains—I am not hesitant about saying it at all—but it also contains a great, a huge number of guesses, hypotheses, conjectures, presumptions, assumptions, mere opinions, and considerable guesswork.

For example, such phrases as the following are sprinkled throughout Darwin's Origin: "We may infer," "has probably played a more important part," "it is extremely difficult to come to any conclusion," "seems probable," "this change may be safely attributed to the domestic duck flying much less and walking more, than its wild parents," "I am fully convinced that the common opinion of naturalists is correct," "hence, it must be assumed," "appears to have played an important part," "seems to have been the predominant power," "something, but how much we do not know, may be attributed to the definite action of the conditions of life." "Some, perhaps a great, effect may be attributed to the increased use or disuse of parts."

Additional examples are these: "It is probable that they were once thus connected;" "that certainly at first appears a highly remarkable fact," "it may be suspected," "we have good reason to believe," "it may be believed," "these facts alone incline me to believe that it is a general law of nature," "I conclude that," "we must infer," "we may suppose," "I do not suppose that the process ever goes on so regularly," "it is far more probable," "nor do I suppose that the most divergent varieties are invariably preserved;" "if we suppose," "but we have only to suppose the steps in the process," "thus, as I believe, species are multiplied and genera are formed," "may be attributed to disuse," "we must suppose," "we may conclude that habit, or use and disuse, have, in some cases, played a considerable part in the modification of the Constitution and structure;" "I suspect," "it seems to be a rule that when any part or organ is repeated many times in the same individual, the number is variable, whereas the same part or organ, when it occurs in lesser numbers, is constant;" "the fair presumption is," "it must have existed, according to our theory, for an immense period in nearly the same state;" "the most probable hypothesis to account for the reappearance of very ancient characters, is that there is a tendency in the young of each successive generation to produce the long lost character, and that this tendency, from unknown causes, sometimes prevails;" "by my theory, these allied species are descended from a common time;" "if my theory be true," "must assuredly have existed;" "may we not believe . . .?"

I could go on and shall, indeed, go on for a brief moment. How long is a brief moment?

Here are some more: "it is inconceivable", "it is therefore highly probable", "it may be inferred," "nor is it improbable," "these organs must have been independently developed," and so on, and so on, and so on and on.

Strange, isn't it, that, while many of the devotees of Darwinism are agnostics, or even outright atheists, their idol shows no compunctions with reference to a supreme being?

Let me quote Darwin. I have been quoting Darwin, but I want to quote Darwin to show that he has no compunction with reference to a supreme being. He says:

> May we not believe that a living optical instrument might thus be formed as superior to one of glass as the works of the creator are to those of man.

Darwin himself poses the key question. This is the key question, and it is meant for all of us. It will make us stop and think.

This is what Darwin asked:

> Have we any right to assume that the Creator works by intellectual powers like those of man?

That is the question. That is where so many of us in this intellectual age, this cynical age, that is where so many of us trip over ourselves because we attempt to square God's intelligence with our own. And thus, we become unbelievers or doubters simply because we can't conceive of all of the marvels of creation and how they came about. Therefore, again, I cite this question by Darwin:

> Have we any right to assume that the Creator works by intellectual powers like those of man?

Of course, with man's finite, limited intellectual powers, man finds it difficult to conceive of that which his own puny mind cannot embrace. Hence, while the skeptics doubt the Biblical account of creation, they seem to go out of their way to find alternative theories. The problem is that the alternatives they propose border on the absurd.

Beyond all credulity is the credulousness of atheists who believe that chance could make a world, when it cannot build a house.

Some scientists say that life, and man himself, was the outcome of random mechanisms operating over the ages. It is my belief that there is, and always has been, a super intelligence, an intelligence that foresaw the necessity of preplanning human life on earth.

In order that life might be produced, everything had to be just right from the very start—everything from the fundamental forces, such as electromagnetism and gravity, to the relative masses of various subatomic particles. And I have read that the slightest tinkering with a single one of scores of basic relationships in nature would have resulted in a very different universe from that which we know. It would be a universe with no stars like our sun, or even no stars, period. Life was not accidental, but appeared to be a goal toward which the entire universe, from the very beginning nanosecond of its existence, had been orchestrated and fine-tuned. In other words, there never was a "random universe." But before its origins in the Big Bang, life was preplanned from the very first nanosecond of the cosmos' coming into being. This is the cosmological anthropic principle, and it marks a turning point, in that it takes us toward, rather than away from, the idea that there is a God.

I believe that the universe is the product of a vastly superior intelligence and that in the absence of such a superintelligence having provided guidance for millions of details, vast and small, this world would not exist, this universe would not exist, nor would we exist.

The materialistic paradigm, which is the fundamental modern concept of the random, mechanical universe, is coming apart at the seams. It is not a universe that is random and mechanical; instead, it is a universe of intricate order that reflects an unimaginably vast and intricate master design. The laws of physics that undergird the universe had to be fine-tuned from the beginning and expressly designed for the emergence of human beings. Human life did not come about by accident, the byproduct of material forces randomly churning over the ages, the fundamental constants of gravitational force and electromagnetic force necessary for producing life in the universe.

I have to believe that the evolution of the universe over many billions of years had, from the beginning, apparently been directed toward the creation of human life. From my very limited reading, I find that even the slightest tinkering with the value of gravity, or the slightest alteration in the strength of the electromagnetic force, would have resulted in the wrong kind of stars, or no stars at all. Any weakening of the nuclear "strong" force would have resulted in a universe consisting of hydrogen and not a single other element. That would mean no oxygen and no water—nothing but hydrogen. Even the most minuscule tinkering with the fundamental forces of physics—gravity, electromagnetism, nuclear strong force, or the nuclear weak force—would have resulted in a universe consisting entirely of helium, without protons or atoms, a universe without stars, or a universe that collapsed back in upon itself before the first moments of its existence were up. Even such basics of life as carbon and water depend upon "fine-tuning" at the subatomic level.

Think for a moment about the very nature of water, H2O, which is so vital to life. Unique among the molecules, water is lighter in its solid form than in its liquid form. Ice floats. Every country boy knows that—a country boy like ROBERT BYRD. I learned a long time ago that ice floats—not just Ivory soap, but ice floats. If it did not float, the oceans would freeze from the bottom up, killing all forms of life therein, and the Earth would now be covered with solid ice.

Witness the vast order that pervades the universe! Could random variation have, even in the longest stretch of the imagination, created such magnificent order in the universe? Could chance have hit upon the order that we see all around us? To believe that it could is to believe that a monkey with a typewriter would eventually type the complete works of Shakespeare. But would he? Would he not more likely produce an infinity's worth of gibberish? Regardless of the number of days or the length of time available, what monkey could ever provide a single day's worth of typing Shakespeare—by random, by accident, by chance—let alone the complete works? The works of Shakespeare are complex enough, but they are small potatoes compared to the universe.

Random selection is not the magic bullet that some biologists would hope. One cannot explain away the order in nature by reference to a purely random process. To pretend otherwise is the stuff of science fiction.

Mr. President, as we depart this city for the holidays, let us remember the old, old story. Let us pause at Easter time and think on these things. I close with the reading of the 23rd psalm:

> The Lord is my shepherd; I shall not want.
>
> He maketh me to lie down in green pastures: He leadeth me beside the still waters.
>
> He restoreth my soul: He leadeth me in the paths of righteousness for his name's sake.
>
> Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.
>
> Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.
>
> Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever. Happy Easter!

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session, and I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations, and further that the Senate immediately proceed to their consideration: Chris Spear and Kristine Ann Iverson.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

Chris Spear, of Virginia, to be an Assistant Secretary of Labor.

Kristine Ann Iverson, of Illinois, to be an Assistant Secretary of Labor.

NOMINATION OF CHRIS SPEAR

Mr. HUTCHINSON. Mr. President, I rise today in strong support of President Bush's nomination of Chris Spear to be Assistant Secretary of Labor for Policy. I truly believe that President Bush could not have selected a more competent person for this crucial position nor could he have picked a person of better character. Chris served as my Legislative Director for over a year before his nomination. In that time, I found his counsel to be invaluable and of great aid in forwarding my legislative priorities, and I am proud to say that he is not only a former employee but also a good friend. And, I know that I am not alone in wishing Chris well today, as he has previously served on the staffs of my good friends Senator ENZI and former Senator Alan Simpson. I wish Chris the best of luck in his new position and continued success in his career.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. BYRD. I thank the Chair and I yield the floor.

ADJOURNMENT UNTIL MONDAY, APRIL 23, 2001

The PRESIDING OFFICER. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 noon on April 23, under the previous order.

Thereupon, the Senate, at 4:02 p.m., adjourned until Monday, April 23, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 6, 2001:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

THELMA J. ASKEY, OF TENNESSEE, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE J. JOSEPH GRANDMAISON.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PIYUSH JINDAL, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MARGARET ANN HAMBURG, RESIGNED.

DEPARTMENT OF JUSTICE

CHARLES A. JAMES, JR., OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOEL I. KLEIN, RESIGNED.

DEPARTMENT OF COMMERCE

MARIA CINO, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE MAJORY E. SEARING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD A. LAMONTAGNE, 3494

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LANCE W. LORD, 1026

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRIAN A. ARNOLD, 4452

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. TIMOTHY A. KINNAN, 5802

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED.WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD V. REYNOLDS, 1156

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM J. BEGERT, 2790

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROY E. BEAUCHAMP, 7025

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARRY L. PARKS, 1088

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WADE F. HORN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE OLIVIA A. GOLDEN, RESIGNED.

SCOTT WHITAKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE RICHARD J. TARPLIN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 6, 2001:

DEPARTMENT OF VETERANS AFFAIRS

TIM S. MCCLAIN, OF CALIFORNIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS.

DEPARTMENT OF LABOR

CHRIS SPEAR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

KRISTINE ANN IVERSON, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF LABOR.

(THE ABOVE NOMINATIONS WERE CONFIRMED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE CONSTITUTED COMMITTEES OF THE SENATE.)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH M. COSUMANO JR., 4186

SENATE—*Monday, April 23, 2001*

The Senate met at 12 noon and was called to order by the Presiding Officer, the Honorable JUDD GREGG, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Yaweh our Adonai, how excellent is Your name in all the Earth. Today, as we return from recess and at the beginning of Jewish Heritage Week, we praise You for the immense contribution Jews have made to America. We remember the first Jewish community in Newport, Rhode Island comprised of Sephardim, persecuted Spanish and Portugese Jews who arrived in the spring of 1658. This group of refugees began to worship together in private homes or rented buildings until a synagogue building, the Touro Hebrew Congregation, was constructed. On the wall of this synagogue is a letter from George Washington expressing his belief in religious freedom as the standard for civil liberty: "To bigotry give no sanction, to persecution no assistance." We also echo the words of Roger Williams, the founder of Rhode Island: "All men may walk as their consciences persuade them, everyone in the name of his God."

On this day we thank You for the ten Jewish Senators and their strong moral and social consciences. May Your shalom rest upon us all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 23, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JUDD GREGG, a Senator from the State of New Hampshire, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. GREGG thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from Nevada.

BROWNFIELDS

Mr. REID. Mr. President, I rise today to discuss an important piece of legislation that I believe we should be working on today, certainly tomorrow. This legislation, the bipartisan brownfields bill, S. 350, was reported from the Environment and Public Works Committee on February 27 by a vote of 15-3. This legislation now has 66 cosponsors. It is ready for floor action and has been for more than a month. There were a couple of people in committee who voiced concerns about specific bill language, particularly Senator VOINOVICH. I indicated at that time that we would work with him prior to the bill being ready for floor action to satisfy any problems he might have, and we did that. We worked with him, and I think Senator VOINOVICH is satisfied. Actually we worked day and night to reconcile these differences.

The bill is very important. The bill would produce almost 600,000 jobs around our country. It would increase annual tax revenues up to $2.4 billion. This is important environmental legislation. We need to move forward immediately. There has been a lot of controversy over what President Bush has done and what he has not done, but the one thing that he campaigned on was this legislation. He campaigned on the importance of this legislation. This is a bill the administration endorses. This is a bill the Clinton administration endorsed. This is legislation that we should move forward. I see no reason we cannot. We are ready on this side to move forward. We hope that our friends on the other side of the aisle are ready to move forward. We have worked on this legislation for years. It is just not in the best interests of this country not to move forward. We have to move forward. This bill is truly a compromise. It is a consensus. I think its passage would indicate the true nature of this Senate. We are split 50-50, and this legislation, certainly with 66 cosponsors, indicates our ability to reach across the aisle both ways. When we entered into this historic power sharing agreement this year, we indicated that we had a thoughtful, bipartisan Senate. I think it indicates the bipartisan nature of this bill. There is no need to wait any longer. We have a half million contaminated abandoned sites in the United States that are waiting to be cleaned up to become thriving parts of our communities. Some of these sites would take only a few dollars to clean up.

For example, Mr. President, in Las Vegas, where we have the old National Guard armory, $50,000 in brownfields money cleaned that up and produced a site that is now really a thriving economic entity within the State of Nevada. It is creating jobs. There is now a tax base that will help support the people of Las Vegas and the State of Nevada.

I do not want to be partisan today and I will not be partisan today, but as the days go on I am going to have to be more direct as to what the problem is in holding up this legislation. As I said, we are clear on this side. It is not right to hold up this bill. And I also say that this legislation has the support of the Senate. If we do not move this bill forward—and I think we could finish in just a few hours—in the regular course, I am going to be obligated to attach this bill to other legislation that moves through this body.

I repeat, with 600,000 jobs, 500,000 abandoned sites, increasing annual tax revenues up to $2.4 billion, this is a bill that is good for the environment. It is good for jobs. We should not delay its consideration any longer. It is supported by the last administration, supposedly by this administration, and I hope the leadership in the Senate, the majority leader, will allow this matter to be brought before the Senate.

This legislation has been worked on very closely by Senators VOINOVICH, INHOFE, BOND, and CRAPO, as well as Senators CLINTON, BOXER, CORZINE, and GRAHAM to accommodate all their interests. Senator SMITH and I have worked hard to have this bill reported out of committee. I hope we can have action on the Senate floor at an early date—maybe this afternoon, maybe tomorrow. But I think we should move forward quickly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

VISIT TO THE SENATE BY MEMBERS OF THE DUKE UNIVERSITY MEN'S NCAA CHAMPIONSHIP BASKETBALL TEAM

Mr. HELMS. Madam President, pursuant to the permission given me by the majority leader, and with the agreement of the minority leader, it is my honor to have invited the Duke University basketball team, the NCAA champions of this year, along with the wives of those who have wives, and the coaches and their wives, to come to the Senate floor.

RECESS

Mr. HELMS. Madam President, I ask unanimous consent that the Senate stand in recess for no more than 12 minutes.

There being no objection, the Senate, at 1:04, recessed until 1:16 p.m., and reassembled when called to order by the Presiding Officer (Mrs. FEINSTEIN).

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

EDUCATION

Mr. GREGG. Madam President, I wish to speak in morning business on the issue of education, which the Senate will take up over the next few weeks. There has been a considerable amount of discussion on this issue within the Senate membership but even more discussion within the populace in general. The President ran for election on the issue of education and how he intended to address that issue. In fact, he considered this to be the primary issue before us as a nation—the fact that he wants an educational system which leaves no child behind.

This is a goal that is laudable and which all of us should pursue. So the matter is now coming to the Senate. We have in the committee on which I serve—the Health, Education, Labor, and Pensions Committee—been able to produce a bill which came out of committee 20-0, a bipartisan bill, to try to move the issue of education along in a positive way—the Federal policy on education.

There is still much to do and, therefore, as we in this body take up the debate on the education policy during this week, there will be a considerable discussion of points that were left out of the bill as it came out of committee. I think it is important to note, as we address the issue of education, that the Federal role in education is narrow. Most elementary and secondary education issues are addressed at the local level.

Madam President, the Duke University basketball team is a group of young men who reflect the type of athletes, sportsmen, and good citizens to which citizens of this Nation should strive. I congratulate the leadership of Duke University for producing a basketball program that excels not only in athletic ability but as a role model for our youth and our Nation.

It is very appropriate that before an education speech we should have the opportunity to meet these fine young men who set such a good example for kids across America.

The majority of funds that are spent on education are controlled at the local level. Approximately 93 percent of the funding for elementary and secondary school education comes from the local school districts or the States.

The Federal role in elementary and secondary school education is really quite narrow and is focused on two basic themes: One, making sure, for kids with special needs, special ed programs are funded; and two, making sure that children who come from low-income families have an equal opportunity to succeed as children who come from families who are better off.

For the last 25 years, we have pursued both these goals: special education and the education of low-income children. Unfortunately, both of these Federal programs have fairly significant flaws.

In the special education area, the Federal Government has failed to live up to the obligation of funding the full share of special education. Originally, the Federal Government said it would pick up 40 percent of the cost of special education. Unfortunately, as of 4 years ago, the Federal Government was only picking up 6 percent of the cost.

Due to a concerted effort by myself, quite honestly, and a number of others on our side of the aisle, the majority leader, chairman of the Appropriations subcommittee, Chairman SPECTER, and chairman of the Health, Education, Labor, and Pensions Committee, Chairman JEFFORDS, we took on the issue of funding special education. We have dramatically increased funding—2½ times. We are now up to funding, if we accept the President's budget, almost 20 percent of the needs of special education. In fact, President Bush has proposed the single largest increase in special education funding ever proposed by a President in the history of this country. At least we are trying to address that issue.

The bill that will come to the floor later this week addresses the needs of kids from lower income families. In this area, regrettably, although the Federal Government has chosen to step on the ground in its responsibility, it has done a poor job of pursuing this responsibility.

This program was begun 35 years ago. It is called title I. It helps kids with lower incomes get the same education as their peers. We have spent $120 billion on this program over its life. The vast majority of the spending has occurred since 1990. What have been the results? The results have been that the educational achievement of low-income kids has actually gone down or, at best, has remained stagnant. The average fourth grader today from a low-income family reads at two grade levels lower than his or her peers in that same classroom. The graduation rate, the dropout rate, and the level of academic ability of kids from low-income families in each grade level have been falling back. We have left a lot of children behind even though we spent $120 billion.

We have proved unalterably that money cannot solve the problem. If it could solve the problem, it would have significantly improved or we could have at least seen a marginal improvement in academic achievement.

The President of the United States, President Bush, came into office saying he would change this. He has put forward a series of proposals, the purpose of which is to fundamentally adjust the Federal role as we pursue the improvement of education of low-income kids. It has four basic themes:

First, we will change the Federal role so we don't focus on the bureaucracy; we don't focus on the structure; we don't focus on the administration; rather, we focus on the child. That may seem logical. One may ask, aren't we already doing that? No, the money today does not flow to the child. The money flows to the school system and the bureaucracy. The President said let's look at the child and make our program child centered.

The second thing stressed by this administration and by those on this side of the aisle is, let's give the local school districts, the parents, the teachers, and the principals, flexibility when they get Federal funds.

Today and, unfortunately, for a number of years, the Federal Government, especially the Congress, has believed it knows best how to educate the child in Epping, NH, or Tuscaloosa, AL, or in Cheyenne, WY. Even though we have never met the children—at least I haven't met the ones in Cheyenne or Tuscaloosa—we know best how to educate them, so we have attached innumerable strings to the dollars we have sent out for the purpose of helping the low-income children get better educated. We have had program after program that has been categorical; it specifically says what the money should be spent for, who gets it, when they get it, and where they get it.

The amount of bureaucracy behind the Federal dollars is absolutely staggering. Some States spend almost two-thirds of their time complying with Federal regulations, which represents 7 percent of their actual spending. As a result, we have created a bureaucratic maze of disproportionate complexity. We have strings running out from the desks that intertwine, and we are pulling the strings as they attach to the people who try to teach the kids in the local school districts. The President has said: Let's cut the strings. We have said on this side: Let's cut those strings. Send the money back to the local school districts. Acknowledge the fact that parents, teachers, and principals have as much or more knowledge of how to educate the local child in their school system than we do. Let's give them credibility for being concerned about their kids—something this Congress over the years has not been willing to acknowledge. The money will come back in a flexible form. That is a proposal the President has suggested.

The first proposal is that it be child centered. The second proposal is that the money be flexible.

The third proposal is, in exchange for this new flexibility, in exchange for getting the money with very few strings attached, we are going to ask for one thing. We are going to ask that the children learn, that they have academic achievement levels which reach and exceed, hopefully, their peers, that low-income kids are not left behind in the academic world. That is what we will ask. Instead of controlling all the input and instead of controlling the way the money goes in and how it is spent, we will say, you can take the money, but in exchange for taking the money, you have to make sure the children learn; you have to make them academically capable of competing in the world so they have a prosperous life. Academic achievement is what we are going to request.

The fourth item is an accountability system so we can be assured that there is academic achievement. We are no longer going to allow a system to take the low-income child, and especially the minority child, merge them with a peer group of children in the classroom, have the group achieve an average score that is acceptable, and say everybody in that classroom is learning. We know that by not doing it that way you end up with a lot of problems being masked by the majority. So we are going to require disaggregation. We are going to say for different ethnic groups, different racial groups, different income groups, explain whether or not those kids are learning, along with the whole group in the classroom.

We are going to put in place a testing regime developed at the local level, designed at the local level, which simply says, OK, local school system, decide what a third grader should know, what a fifth grader should know, what a sixth grader should know. Once you decide what that third, fifth, or sixth grader should know in math or English, then make sure the kids actually know that. We are not going to tell them what they should know; we are not going to tell them what the standard should be. We are going to say, after you set the standards, we will expect all the kids in that classroom to achieve at the level that meets that standard.

That is the system being proposed—four new proposals, four new concepts which merge together to, hopefully, create a system where no child will be left behind: One, that it is child centered; two, that there is flexibility; three, that there is academic achievement; and four, that there is accountability.

As we move forward with the debate on this bill, there are going to be a lot of major issues as to how we accomplish those goals. The jury is still out. There are ways this bill could be amended on this floor which would make it hard for me to support, although it came out of the committee 20–0. But there is good intention, I believe. There is a desire to reach a bipartisan agreement and move it forward. That is reflected not only in the committee bill but in the fact that over the last month we have been negotiating, in a very conscientious effort, to reach agreement on some of the more difficult issues of policy and the most difficult issue of money.

As we go forward in this debate, I hope we understand that we are not going to be able to change the educational system for everyone in this country. That is not our role. It is the local school district and the States that control local education, primarily. We do have an obligation to do a much better job for low-income kids. We have extended into this issue. We have spent $120 billion of American taxpayers' hard-earned income, and we have produced very weak results.

It is time for a change. It is time to recognize that we need to take a different approach to help ensure that the low-income child is not left behind. So we have come up with some creative ideas, and we are going to try to pass them. We are going to try to pass them in a bipartisan way. Then we are going to hope they will be used in the system to produce a much better result for a large percentage of our students who, up until now, have been left behind.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I appreciate the comments of the Senator from New Hampshire. Certainly no one in the Senate is more knowledgeable than he about the bill, about the funding, and about the opportunities we have to strengthen education in this country.

This week, as was mentioned, we are going to take up, hopefully, commonsense reform. It means increasing accountability for student performance. It means supporting programs that work, reducing bureaucracy, increasing flexibility, and empowering parents. I think these are the goals we seek to attain. Certainly all of us have to establish goals, to establish where we want to be, and then, as the details come forth, see if indeed what we are proposing to do leads us towards the accomplishment of those goals. I think that is where we are.

When we talk to people about the issues in Washington, certainly education is always at the top of the list. In general terms, I want to share a little bit of my view of what we ought to be talking about. It seems to me that America stands at the dawn of a new century, a shining moment of opportunity certainly for all of us, a moment of hope that our families can, more fully than in the past, achieve the American dream. We dream of peace and continued prosperity in a world where every nation looks to America for leadership. We are challenged to develop new technologies that will improve our lives and find medical breakthroughs to cure cancer and AIDS and Alzheimer's.

If America is to fulfill its dreams in a new century, we cannot forget that tomorrow's leaders, tomorrow's Nobel prize winners, are sitting in the classroom today. We must ask ourselves, do we have a first-class public education system that teaches our children how to think and how to succeed in this century?

Average is not good enough. That is why I am committed to helping parents, teachers, and local leaders build a foundation of excellence and opportunity for every child. That means making sure all children have the best teachers, can learn in safe schools, and they can learn right from wrong in addition to the ABCs.

Fifty years ago, the principal obstacles to learning in schools were talking out of turn or chewing gum in class. Today—just turn on the news—it is violence; it is drug abuse; it is teenage pregnancy. Our test scores, as compared to those of children in other countries, are still too low. The achievement gap between poor and middle-income students is still too wide. Too many students do not read at their own grade level or meet minimum standards in math or science. Too many are unfairly promoted and fall further and further behind. Too many enter college unprepared and have to take remedial courses to improve their basic skills. That is wrong.

It does not have to be that way. Republicans at every level—Congress, governors, local officials—are committed to help children learn and to build better, safer schools for a new century.

Education is first, last, and always, of course, about children. Success is defined by how much our children learn. We must make sure parents, teachers, and local leaders have the power to use Federal dollars as they are needed to meet our children's most important needs. Those closest to the classroom, of course, know better than bureaucrats in Washington what the students need, be it more teachers, math and reading tutors, better textbooks, or new classrooms and computers.

I just returned from Wyoming and have been again reminded of the difference in the needs from Sundance, WY, to Pittsburgh, PA. We ought to have the flexibility to do what needs to be done in that community to make education the most effective. Who cares more about children's future, parents or bureaucrats? Our children's future should not be limited by what seems right in Washington, DC but what is wrong with the schools they attend.

We are spending more money. Republicans are for spending more money on education than the President has requested. The issue, as pointed out by my friend from New Hampshire, is who sets the priorities. We are for more construction, putting more teachers in schools, putting more computers into schools, but we believe State and local administrators, working with parents, ought to decide on how to prioritize those issues based on their needs.

The Senate will begin debate, probably tomorrow, on the Education Opportunities Act, a bill which returns more money, more power, and more flexibility to States and local officials so they can set the educational priorities that are right for their students.

As you know, the vast majority of money for our schools comes from the State and local governments. The Federal Government provides only about 6 percent of all elementary and secondary education funds. Yet these Federal dollars require more paperwork and carry the most red tape.

I hear about this often. My wife is a special education teacher in a public high school. Special ed teachers spend more time on forms than they really should have to, almost as much as they do dealing with kids. That is wrong. That ought to be changed.

Washington has created a system that wastes about 35 cents out of every dollar in bureaucracy. That is money that never reaches the classroom. Recently in the newspapers we read about hundreds of millions of dollars that were unaccounted for, that didn't reach the classroom to help kids. Congress needs to work to make sure the Federal dollars actually get where they can be spent and where they can be effective, with the fewest possible strings attached.

We need more innovators and fewer bureaucrats. Stop and think back to your own education. Each of us can remember at least one teacher who made a positive difference in our lives, a positive impact. Why should such great teachers be rare?

Our children deserve the best teachers, teachers who are qualified, teachers who are experts in the subjects they teach. Local officials should be able to set high teacher standards and reward the best teachers with more pay.

I want not only the best teachers but also the best schools. I am sure you do as well. To achieve that goal we must hold schools and school districts accountable. Unfortunately, reports show the schools in the District are not what we would like them to be. Madam President, 75 percent of fourth graders can barely read. Only 5 percent of eighth graders do eighth grade work in math and science. Forty percent of all high school students drop out before they graduate. That is not good. That is not good at all.

Just this year, the superintendent announced there were 70,762 students in the District—the first time, apparently, they have known the total. We need to change that.

No child should be trapped in an education system that is unworkable. Parents have the right to choose the best public school for their child. Students should have the opportunity for scholarships that allow them to escape failing schools. Schools that fail year after year and refuse to change must be overhauled from top to bottom. Administrators should be changed and new teachers should be hired. It is wrong to do anything less.

We must, of course, do more to make sure our schools do not fail a different kind of test—providing for a safe learning environment. We should empower teachers and principals to remove dangerous students from the classroom. They cannot be allowed to keep other children from learning. Local officials must have the power to put troubled students in special classrooms where they can get the attention they need when they need it. None of us want any child to fall through the cracks.

We must demand that our schools be safe and drug free. For those young people who refuse to change or endanger the lives of their classmates or teachers, we need to get tough. If they refuse to change, they must be punished. If they can only learn one lesson, it must be that society's laws mean something.

It is a Federal crime to bring a gun to school. In 1998, more than 6,000 students were expelled for bringing firearms to school, but the Clinton-Gore administration only prosecuted 8 students—8. What kind of signal does that send?

We should not tolerate one more school shooting. When our society gets used to it, our society is finished. We all had an exposure to this just last week with the anniversary of Columbine, and it affected all our schools and affected the kids who were there.

Certainly there is one more thing that ought to be mentioned—it is probably the most important factor in determining a child's success in school—and that is parents. We are the child's first and most important teachers. The most difficult truth is that the reason our schools are failing, sometimes, is because a lot of families are failing to do their part. Teachers are there to teach. They are not there to raise our children. We cannot expect them to be the best teachers they can be unless they have the support of mom and dad.

Nothing is more important to us than education. It is hard to determine sometimes—and we will argue about it at great length—the role of the Federal Government vis-a-vis State and local. We will talk about where money ought to go and what ought to be required in terms of accountability. Indeed, we should. But to really know, we should pause for a while and ask: What do we want the outcome to be? What is it that we visualize for ourselves and our family and our community? What do we think education ought to be?

We have a responsibility as parents particularly in terms of determining how that can be accomplished. The role I think for the Federal Government is to help provide some additional funding—be it a relatively small percentage. I think it is important we have some kind of testing that is common throughout the country as most of our kids move around when they graduate from college or high school. We need to ensure our schools in Casper, WY, are preparing students as well as they are in Denver or Los Angeles. That is part of today's world.

I think we have a great opportunity now for better education, and one of which I hope we will certainly take full advantage. As I mentioned before, the Republican plan puts more money in education than the President asked for. But money alone does not provide a good education. I don't think you can have good education without it, but there are other requirements as well.

You have to have some accountability and much more.

I am delighted and excited about the opportunity to deal with this bill, S. 1. Why? Because it was considered to be the most important issue before the Congress. This was the issue that the President talked more about than any other and it is the issue that has more to do with the future of this country. The people run the Government. The people must be prepared to do that as well as being successful in a free country and a free market.

Thank you, Madam President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, it is good to be back in the Chamber. I don't think we are going to take all of the 4 hours, from what I understand, unless somebody wants to join us. I have two unanimous consent requests, both of which the Senator from North Dakota is aware, and then I will proceed with a few remarks. It won't be much. Then I will yield, unless he prompts me to give a 2-hour speech, and we will be out.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 2001—2011—Resumed

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order of April 6 with respect to conferees to the budget resolution be modified to add Senator BOND and Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, pursuant to the agreement of April 6, I now move that with respect to H. Con. Res. 83, the budget resolution, the Senate insist on its amendment, request a conference with the House on the disagreeing votes thereon, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. There are now 4 hours of debate on that motion.

Mr. DOMENICI. Mr. President, I don't know why we need 4 hours. If any Senator wants to speak to the issue, the appointment of conferees and sending the completed package which we voted on, 65 Senators voted aye on, to the House and seeking a conference agreement with them, that is why we are here.

I understand that under the previous order, we are going to take up H. Con. Res. 83 and that either this Senator or the majority leader will be recognized to make a motion that we insist on an amendment—we have just done that—request a conference, which we have done, on the disagreeing votes and the Chair be authorized to appoint conferees on the part of the Senate. We have done that.

We now have 4 hours, which have been agreed to, to debate this issue. I don't intend to even come close to spending 2 hours on this matter. To anyone on my side of the aisle, if they want to speak, I will be here for a while, as long as my ranking member wants me to be here by virtue of his speaking. If any Republican wants time, I will give it to them. If we run out of time, I will give some of his people some of my time.

Any time I may have, I will reserve at this time. Essentially, I don't need very much of it.

Now we are in the process of proceeding to conference on two budget resolutions. We begin that process with the appointment of conferees in the Senate. The House has not done that yet. They will appoint their conferees tomorrow. It is my hope that the conference can meet as soon as the House has appointed its conferees, maybe as early as Wednesday.

Over the recess the two staffs of the Budget Committee on the majority side have been meeting to organize the materials for conference, to lay out any technical differences that can be resolved quickly by the conferees, and to highlight the major differences between the two resolutions. I am sure that information will be shared, and wherever the minority thinks there should be matters changed, added to, or in any way described differently, obviously, we will take that into consideration.

I don't think there are very many big secrets about the differences in the two resolutions. The House budget resolution sticks fairly closely to President Bush's budget submission that was submitted in some detail over the recess period. Everyone knows that over the recess, April 15 came and went, with the American public paying their taxes, with the few exceptions being those who get extensions. Taxes are at an all-time high in terms of the totality of collections by the U.S. Government. The House budget resolution assumes a tax cut over the next 11 years of over $1.6 trillion.

The Senate-passed budget resolution assumes a tax cut of nearly $1.3 trillion over the next 11 years, including this year's $85 billion surplus rebate, or, in some way, a refunding of 85.2, which should be implemented quickly to provide both a stimulus to the economy as well as longer term marginal tax rate reductions and whatever else can be accomplished by the Finance Committee within the agreed-upon tax number.

It is fair to say that the Senate-passed budget resolution provided for more spending than the House-passed resolution, both in the annually appropriated and in the accounts sometimes referred to as mandatory spending, or sometimes referred to as entitlement spending.

In the area of appropriated accounts, the Senate-passed budget resolution provided nearly $688 billion in budget authority, or an 8.3-percent increase over current year funding. The House-passed budget resolution was at the President's request of about $661 billion.

When I use these two numbers, 688 and 661, the 661 is the President's 4-percent increase. That increase is in the totality of Defense appropriations and nondefense appropriations. And so is the $688 billion, in which the Senate approved the 8.3 percent. That includes Defense and nondefense.

While the increase or changes in the annually appropriated accounts have received the bulk of the attention in this debate so far, I need to highlight the fact that the Senate-passed budget resolution significantly increased spending for programs we refer to as mandatory spending, compared to the resolution which I introduced and upon which we commenced our debate, and that is before it was amended. We have added nearly $400 billion in so-called mandatory spending, almost all of this in the area of some kind of educational funding, principally funding for special education.

Again, almost every dollar we added back for mandatory spending we took away from the President's proposed tax cuts. It should be obvious that the major challenge before the conference will be to find a compromise in both the areas of tax cuts and spending.

I don't think it requires a great deal of budget or political skill to figure out that an obvious compromise for the House is to reduce its tax cuts and increase its spending assumptions, and the Senate to increase its tax cuts and reduce its spending assumptions.

Finding that balance will indeed be a challenge, but I am confident that within a week or so we will reach an agreement that meets the challenges of drafting a budget blueprint that will allow us to get on with putting together and implementing legislation to provide a tax cut. There will be plenty of time to argue and debate what kind of tax cut and what will be affected and how soon.

Obviously, we need to consider the reduction of debt held by the public and fund national priorities such as health care, Medicare prescription drugs, energy security needs, defense, and environmental programs.

Mr. President, at the appropriate time, as I said before, I will yield back the remainder of my time. I yield the floor at this point.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank my colleague, the chairman of the Senate Budget Committee. I think neither of us believes we need 4 hours for this discussion. In fact, we need a relatively brief period of time on our side. I just want to go through the decisions that were made in the Senate in contrast to what President Bush proposed and in contrast to what we proposed on our side, just to put in some perspective where we are going as we go into the conference.

I have prepared this chart in order to help me do that in as efficient a way as I can. In this column, we have what President Bush proposed. The second column is what we proposed in the Democratic alternative. The third column is what the Senate passed.

If we look at the top, this is the projected surplus over the next 10 years, and we are all in agreement. The agencies that make these forecasts have told us we can anticipate $5.6 trillion over the next 10 years. I am quick to point out that I would not bet the farm on any 10-year forecast or any 10-year projection. The agency that made this forecast themselves warned us of its uncertainty. They have said very clearly there is only a 10-percent chance that number is going to come true. There is a 45-percent chance that there will be more money, according to them. There is a 45-percent chance there will be less money.

After the performance of the economy over the last 8 weeks, since the forecast has been made, I would be willing to bet a lot more money that there is going to be less than what is forecast. With that said, that is the official forecast. Then we go to the various elements of the proposals by the President, and by us on our side, and what passed the Senate.

The next major item is the Social Security trust fund. The President forecasts $2.6 trillion of Social Security surplus over this next 10 years. He allocates $2 trillion of it to paying down national debt. We allocated $2.5 trillion to paying down the debt.

By the way, we had a somewhat different estimate by the Congressional Budget Office as to the amount of the Social Security trust fund surplus. The President's people said $2.6 trillion. The Congressional Budget Office said $2.5 trillion. We are compelled to use the Congressional Budget Office numbers. So we have reserved all of the Social Security trust fund money for the Social Security trust fund because those moneys are not needed immediately. They go to pay down debt. The Senate passed $2.5 trillion.

In the Medicare trust fund, the President reserved none of it for the purpose of paying down the debt. In fact, he moved all of it—in his forecast, it is $526 billion. He moved it to an unallocated category. That is something with which we strenuously disagree. We don't believe that money is unallocated, uncommitted. We believe it is fully committed to the Medicare trust fund. Unless you use it for that purpose, you hasten the insolvency of the Medicare trust fund. So we don't believe it is available for other spending. We don't believe it can be used for any other purpose, nor should it be.

So in our alternative—again, there is somewhat of a different estimate from the President's, who estimates there is over $500 billion in that category, and the CBO estimates $400 billion—we reserve it all for the Medicare trust fund. That is what the final Senate result did as well.

I should make very clear that while, in total, they reserve the full amount for the Medicare trust fund, in 4 of the years they have raided the Medicare trust fund. In 2002, 2005, 2006, and 2007, they go into the Medicare trust fund to fund other priorities. We don't support that; we don't believe in it. We don't believe any private sector company could do such a thing. We don't believe we should be doing it either. That left, under the President's proposal $3.6 trillion and under both the Democratic alternative and what passed the Senate, $2.7 trillion available for other uses.

The President proposed, of the $3.6 trillion in his plan that was available, using $1.6 trillion for a tax cut. We proposed $745 billion. The Senate passed $1.2 trillion—roughly halfway in between the two proposals.

Then we go to the question of high-priority domestic needs. The President proposed $212 billion of spending for high-priority areas. We proposed on our side $744 billion. The Senate actually passed $849 billion. The Senate actually passed spending of $105 billion over and above what we on the Democratic side proposed. If you look at the constituent elements, you can see the President proposed on education over the next 10 years $13 billion—a very modest sum of new money in the President's plan. We don't believe that is sufficient. We proposed $139 billion to strengthen education in the country. The Senate actually passed $308 billion, which is far more than we proposed and obviously dramatically more than the President proposed.

On prescription drugs, the President proposed $153 billion over 10 years. We proposed $311 billion, and the Senate actually passed $300 billion, very close to what we suggested.

On defense, the President proposed $62 billion above the baseline. We proposed $100 billion above the baseline. The Senate actually passed $69 billion more than is in the baseline assumption.

On agriculture, the President actually proposed a cut of $1 billion. We proposed in our Democratic alternative some $88 billion to match what our major competitors are doing for their producers or match it as closely as we can under current trade law. One can see the Senate actually passed an increase of $58 billion, again somewhere in between our proposal and the President's proposal.

On health care coverage, the President proposed no new money. We proposed $80 billion to expand health care coverage, to begin to cover additional people who now do not have the benefit of health care coverage. The Senate actually passed $36 billion, again somewhere in between.

On environment, the President proposed very substantial cuts, $48 billion in cuts on environmental protection. We proposed an $18 billion increase. The Senate actually passed cuts of $41 billion. We believe that goes too far. We believe that is not wise given the environmental threats we face—clean air, clean water—and this is an area that should be addressed in the conference.

In a category we call "other," the President proposed some $33 billion in spending priorities. We proposed $8 billion. The Senate actually passed $119 billion, most of that for our Nation's veterans. Some $68 billion of what passed in the Senate was for our Nation's veterans, $14 billion in home health care, and the rest in other items.

Next is the category of strengthening Social Security. This is where we have a very significant difference. The President proposed using $600 billion from the Social Security trust fund itself to strengthen Social Security for the long term. We believe that is double counting. We do not believe we can take money from the trust fund itself and use it to fund private accounts or anything else. We believe that is double counting, that it hastens the insolvency of the Social Security trust fund itself, and that we ought to reserve every penny of the Social Security trust fund for Social Security, and any additional money to strengthen Social Security should come from outside the trust fund itself.

That to us is the more conservative approach and one that has more prospect of working given the demographic tidal wave we face when the baby boomers start to retire. One can see under our alternative and what passed the Senate, neither of us agreed to take money from the Social Security trust fund for that purpose.

We proposed using non-Social Security, non-Medicare trust fund money to strengthen Social Security in the amount of $750 billion. This is the area in which what finally passed is, frankly, most deficient. There is not a dime in what passed in the Senate to strengthen Social Security for the long term other than reserving the Social Security trust fund surpluses for Social Security. That is important. It is necessary. It is not sufficient. We simply must do more.

All of the testimony before the Senate Budget Committee made very clear that we face a demographic tidal wave just beyond the 10-year window of this budget resolution. That is when the chickens are going to come home to roost. That is when we see these massive surpluses now turning to dramatic deficits. That is why we believe not only should we reserve every penny of the Social Security surplus for Social

Security, but in addition to that, we ought to take money out of this general fund surplus to strengthen Social Security for the long term as well. We believe that is just common sense.

We hope very much before this conference is done that not only will we reserve the trust fund moneys for the trust funds but that we will make an additional commitment in a contribution from general fund surpluses that are projected.

Remember, these are projections. This is not money in the bank. This $5.6 trillion is not money in the bank. This is money that is forecast. That is why we think the President's proposal is especially unwise because he is taking virtually all of the non-trust-fund money and committing it to a tax cut. We just do not think that is wise. We do not think that is prudent.

We do not think any institution, if they were faced with a similar set of facts, would make this kind of decision. We do not think they would say we are going to take virtually all of our non-trust-fund money and put it out in a tax cut or, if you were a private sector enterprise, if you were a company promising a shareholder dividend, lock it in now for the next 10 years, virtually every penny outside the trust funds for the retirement funds of your employees and the health care trust funds of your employees. That is what the President has proposed.

Is that really what people would do if they were running a company? Is that what they would do? I do not think so. I believe they would pay down their debts to the full extent possible. They would invest in the future. Yes, they would have a dividend for the shareholders, but they certainly would not commit all of their non-trust-fund money for that purpose based on a 10-year forecast that the people who made the forecast themselves say is highly uncertain.

Then we have the final differences in the interest costs. The President's interest cost is $461 billion. Ours is $490 billion. The Senate-passed package will cost $572 billion.

People say to me: Gee, what are you talking about, interest cost? What is that about?

Simply, to the extent we provide a tax cut or we spend money, that requires additional interest costs because to the extent we have a tax cut, to the extent we have additional spending, that reduces the amount that is going to pay down the debt. That means we have more debt than we would otherwise have. That means higher interest costs.

Most of the President's additional interest cost is generated by his tax cut. In fact, his tax cut that is advertised to cost $1.6 trillion does not cost $1.6 trillion. It costs, just with the interest cost associated with it, at least $2 trillion.

Then, of course, there are other things that have not been factored into the President's proposal because we now know that because of his proposal we are going to have to reform the alternative minimum tax.

The alternative minimum tax currently affects 2 million American taxpayers. Under the President's proposal, 35 million people are going to be affected, and it costs over $300 billion to fix it. It is nowhere in the President's budget, but we know that cost is there. We know this Congress is never going to allow one in every four taxpayers in America to be caught up in the alternative minimum tax. It makes no sense. It will not happen, and it should not happen. It costs money to fix it. It is not in the President's budget, but it should be because it is a hidden cost.

In addition to that, there are a whole series of other things the President has not included that also cost money. We know that certain tax breaks currently provided in law are going to be extended. Research and development is going to be extended. We certainly are not going to change the energy tax credits that are in current law in the middle of an energy crisis, and we should not.

That costs money, but it is not in the President's proposal. Oh, it is there, it is just not funded, and that is another part of the problem of the President's plan.

He imposes a lot of costs, but he doesn't fund them. You can stick your head in the sand and say we will not fund them, but we know the reality is different.

Finally, on the unallocated category, the President has $845 billion; we propose nothing in the unallocated category: What actually passed the Senate was $129 billion. On the President's side of his $845 billion, I hasten to point out that $526 billion of that is from the Medicare trust fund. His unallocated category is really much less than is advertised. About two-thirds of that money is Medicare trust fund money. All of a sudden he uncommits that money. I don't know from where that idea came. You cannot unallocate it. You cannot uncommit it. It is fully committed. Doing such a thing as the President proposes moves up the insolvency of the Medicare trust fund by 16 years. By 16 years sooner the Medicare trust fund goes broke—sooner than if the money is left where it is supposed to be in the Medicare trust fund.

These are the fundamental differences between what President Bush proposed, what we proposed on our side, the Democratic alternative, and what actually passed the Senate. The major differences are in the areas where the President proposed a tax cut, twice as big as what we proposed. On the other hand, we proposed $900 billion more in debt reduction than the President proposed. That is the biggest set of differences between the President and the Democrats. He has a tax cut that is about $800 billion more than ours. We have about $900 billion more in debt reduction than the President. There is the fundamental difference between the two sides.

In addition to that, there are also differences in high-priority areas. Let's review them. In education, we propose far more in new resources for education than does the President. The Senate agreed with us. In fact, it went well beyond our proposal.

On prescription drugs, we proposed twice as much as the President. And the Senate adopted a number very close to what we proposed. There is no magic to this. There is no secret in it. What the President proposed is totally inadequate. Only 25 percent of people who are Medicare eligible get any help under the President's plan; 25 percent of the people would be helped and 75 percent would not be helped. It is no wonder the Senate adopted a number very close to what the Democrats proposed. Most objective observers say that is what is necessary to provide a meaningful prescription drug benefit.

On defense, we proposed more than the President and more than what passed the Senate.

On agriculture, the final result was somewhere in between. The President proposed a cut—a cut when we are in the midst of an agricultural crisis. It is the worst we have seen in 50 years. The President is proposing less resources. He is proposing the Congress not be able to respond as we have in each of the last 3 years to pass an economic disaster bill for our Nation's farmers. It makes no sense. We propose to be able to fund what we have been doing the last 3 years, and the Senate came somewhere in between.

On health coverage, another major difference, the President proposed no new resources. We proposed $80 billion. The Senate, again, was somewhere in between.

As I see it, those are major differences. Those are the issues that will have to be resolved in a conference committee. The House plan is close to what the President proposed.

I say to the conferees, you will have to come pretty close to what the Senate passed or the conference report simply will not pass in this body. That tells me we will have to make adjustments. The President's tax cut plan will have to be reduced. There will have to be more resources for education, prescription drug benefits, our Nation's defense, and agriculture than what the President has proposed and what the House has adopted.

Also, I hope we come out with a result that is better than what passed the Senate or the House with respect to strengthening Social Security for the long term. Nothing has been done—nothing in the House or Senate versions—to strengthen Social Security for the long term. It has gotten almost no attention. It is going to receive attention. It will receive attention at the end of this 10-year period when the baby boomers start to retire and the surpluses today turn into massive deficits. That is why we ought to take this opportunity with our surpluses to strengthen Social Security for the future. That is our responsibility. That is our obligation. We ought to take it seriously. I hope the conferees will.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously I have on numerous occasions in the Senate Chamber discussed these issues, and on many of them I disagree with my friend. On some I agree. I certainly appreciate his thoughts as to what kind of conference report we will have to have in order for it to pass. He suggests it will have to be close to the Senate version. I don't know how anyone expects the House to accept something like the version passed in the Senate. Nonetheless, we will proceed. We will work carefully to make sure we have enough people in the Senate willing to vote on final passage.

I certainly don't go there operating on the premise discussed with the ranking member on how to get that done. We have to be careful and accept some of the Senate wishes. We certainly don't have to accept them all.

I will go back in history for a moment. The Presiding Officer is a member of the committee and will probably recall on January 23 Dr. Alan Greenspan appeared before the committee. That was the first testimony before a committee by Alan Greenspan, Chairman of the Federal Reserve, during this post-December era, where some serious changes in the American economy became very public and notorious. I have confidence that Alan Greenspan is correct in suggesting the "new" economy is here to stay and the comeback will be in the new economy along with the old economy. The future is built on the new economy which took us through these years of prosperity and which he assumes will come back in due course and lead us to prosperity for a very significant period to come.

In this budget, we have to decide how we can be helpful. The Federal Reserve Board seems, to this Senator, to be doing everything it can to reduce short-term high interest rates. That is very important. It is important because it is also affecting long-term rates. Money is being made available. What is thought to be the biggest problem is investment, capital investments by business—both the new economy businesses and the old economy businesses. It is thought by some that perhaps the new economy has too much inventory around to invest in new capital and new production. We will see. We keep abreast of it as best we can.

Now, what should we do? The Senate had a vote on a Hollings amendment. I am not sure we can come out of the House with $85 billion from this year's surplus because I am not sure they can figure out a way to get that to the people. I submit we ought to get this conference completed; we ought to direct the Finance Committee to start with a tax cut plan. Obviously, I don't know from where that will come.

We are, under our numbers, the way we figure it, at a tax level of 1.28. I round that to say 1.3. Every time I say 1.3, I hope everyone knows the exact number is 1.28.

The House is a little higher than 1.6 in total taxes for a 10-year period. They don't have very much allowed for this year, the year we are in, in which we have a very large surplus for the rest of Government. It does not take anything out of Social Security or Medicare.

What ought to happen is we ought to get out of this conference quickly, resolve that tax issue, resolve some of the other issues where clearly we disagree, and then we ought to prove to the American people that we can get something done. I think getting something done means a tax bill that will come out of the Finance Committee under our reconciliation instructions, which we debated thoroughly and the Senate decided to do that by a 51-49 vote. We decided our committee would work under the expedited process and get us a tax bill.

I am very hopeful they will find a way to allocate back to the American people as much of the surplus that exists for the year 2001—which we said in our Senate resolution was up to $85 billion, which actually in the resolution I introduced we said up to $60 billion—but somewhere in that area. I hope they will find a way. I hope they will apply their wills to finding a way to get back in circulation somewhere between $60 billion and $85 billion, meaning this year Americans will get some tax money back in their hands.

I do not hear anybody who thinks that is anything but the right thing to do. We ought to show the American people we are working in harmony with the Federal Reserve Board to affect the current short-term problems in the economy, hoping if we right them, and if there is a way, that will bring into play a long-term growth all of us very much desire for our people.

In addition, with that same bill under the expedited process—kind of the hurry-up-and-get-it-done process to show Americans you can do it in a timely manner, the part which is called reconciliation—I hope we will produce a tax bill for the remainder of whatever we agree upon.

In the House they say $1.6 trillion over 11 years. We say $1.3 trillion over 11 years. Whatever the number, I hope they do the early stimulus as I have described and then proceed to give us some marginal rate reductions.

Why did I start with Dr. Alan Greenspan? Because I want to close with him. This year, on January 23, and previously to this on two occasions, addressing the issue of surplus and what we should do with it, he said: You should pay the debt down as much as possible, No. 1; No. 2, he did not just say cut taxes, he said reduce or cut marginal tax rates. We asked him, How do we help the economy? That was the precursor question to the answer I just gave. First, pay down the debt as much as possible. Second, reduce or cut marginal tax rates.

I know a lot of people say: Let's help the economy. But then they say: I don't know about this marginal rate business. We would like to do other things.

It would be nice to do other things, but the truth of the matter is we are hearing from the very best that if you do have a surplus that you are going to give back to the people, and you are not in a mode of doing right-now stimulus because we already addressed that issue, do that as much as you can, the answer has been: To help the economy, reduce marginal rates.

I regret to say what was not said was reduce marginal rates for halfway up the tax structure and not the other half. What has been said is reduce the marginal rates. We hope when we are finished under this expedited feature we will get an early stimulus and we will get a bill that helps with the long-term economy in the mode and manner discussed by Dr. Greenspan every year for the last three when we addressed surpluses.

I do not choose today to get into an argument about how much debt reduction is the right amount. My good friend thinks we should have more than we voted in in the Senate, we should have more than I provided in the underlying proposal, and more than the President suggested. But we think we have a very good debt reduction proposal and still can have a good number for tax cuts. We believe when you start with debts—the U.S. Government has debts taking about 17 percent of the budget—and we can say to the public at the end of this time it will be down to between 5 percent and 7 percent, we think we are making a giant stride in reducing the public debt.

I have in my mind showing a pie graph of where the Government money goes. People always say: Why so much to the debt? Because we have a lot of debt. How much are you going to reduce it? We are going to reduce it down to where that sliver, that piece, is going to be between 5 percent and 7 percent; that is going to be the cost remaining. In my opinion that is exactly what we ought to do.

I want to close with one thought. Frankly, I hear the ranking member from the other side, whom I admire and respect, I hear him talking about whether we want to agree and believe that we have the surplus of $5.6 trillion over a decade. I want to remind everybody, when the chips are down and you have sitting before you in the committee those who have figured the numbers and the variables on what might be the case, when you finally ask them which is it going to be, the $11 trillion that it might be or the $1.6 trillion that it might be or the $5.6 trillion—that 50 percent or 75 percent, I think, where the lines end up when you do a model and ask them—if you have to decide which one is right the answer is, use $5.6 trillion.

We can do anything we would like. We could use $2 trillion as the starting point and say that is all we can expect. Some might say, instead of $5.6 trillion, you ought to use $7.5 trillion or $8 trillion because it could be much higher. I think the number that has been chosen, $5.6 trillion, from which you will pay Medicare for sure, from which you will pay for all the Social Security indebtedness that we have—every penny that belongs in that trust fund is used to pay that debt down—when you end up doing that, I think you have a very balanced package and that leaves open the issue of how much do we spend.

Those who are interested have seen the divergence of how we spend, how we spend under what I will call the Democratic proposal, how we would do it under the Domenici proposal, and how we would do that under the proposal that passed the Senate. Clearly, in the Senate, many amendments were accepted on the side of either entitlements or appropriation expectations—the amount we can use in appropriations. Many were accepted on the floor and nobody should believe we are going to take all of those and accept them all in a conference with the House which has started with the President's number. There has to be some give and some take. I think that will happen.

I look forward to chairing the conference in a spirit of getting it done as quickly as we can so we can get on with passing the bills that will carry it out and stopping as quickly as we can the debate of what we ought to do and get into a mode of what we are going to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is clearly an area of major agreement between the two sides. That is the need for fiscal stimulus now. We had in our budget resolution $60 billion in budget stimulus this year, in the year 2001. Maybe it will be helpful for people to understand the differences between what I was talking about and the budget for the years 2002 through 2011. But we are in the year 2001 right now. So when we compare the tax cut under the Bush budget and our proposal and what passed the Senate, we are talking about the 10 years from 2002 through 2011. The President proposed $1.6 trillion. For that period we proposed $745 billion. The Senate passed something roughly in between. But this does not cover the year 2001, the year we are in right now.

Both Senator DOMENICI in his budget proposal, and me in ours, proposed $60 billion of budget stimulus this year, financial stimulus this year, fiscal stimulus now to give a lift to this economy. What actually passed the Senate was even more generous, $85 billion of fiscal stimulus for the year 2001.

What Senator DOMENICI is saying is perhaps we cannot do quite that much in conference, and perhaps we cannot. But we do have $96 billion available outside of the trust funds of Medicare and Social Security, so we know we have budgeted already enough money to accommodate a fiscal stimulus of up to $85 billion without invading the trust funds of Medicare and Social Security, and we are obviously in very close agreement on this question. I think the American people should take heart from that, that we are going to be working together, fighting together, trying to put together a fiscal stimulus package for this year, the year we are in right now, 2001, to get out to the American people to give some lift to this economy. And that would be a good thing to do.

The chairman made mention of a number of other issues that we have talked about in the past—how much debt reduction can you do? We have a disagreement on this question. We believe we can do more debt reduction than they have proposed, certainly than the President has proposed.

I note that the Senate agreed with our position. The Senate provided a good deal more debt reduction than the President has said that he believes is possible. That was a good outcome. I hope we do not shrink from that.

But the place we really did not do as well is in strengthening Social Security for the long term above and beyond the trust funds themselves. All of us know just saving the trust fund money for the purposes intended is important, but it is not enough.

That is why on our side we believe not only should we reserve all of the trust fund money for the Social Security and Medicare trust funds, but then, in addition to that, we ought to take some of the general fund money and use that to strengthen Social Security for the long term because that is what it is going to take to do the job and to prevent a massive buildup of debt from occurring.

I think one thing that often gets lost in the debate is the current indebtedness of our country. The gross debt is $5.6 trillion. Under the President's plan, the gross debt of the United States is going to grow to $7.1 trillion. The gross debt, under his plan, is not going to be reduced; it is going to grow. Under our plan, we are able to keep it about where it is because we are putting more money into debt reduction—both short-term and long-term—than is in the President's plan. We believe that is a wiser course.

We are reserving about 70 percent of this projected surplus for debt reduction. He reserves about 35 percent of the projected surplus for debt reduction. So that is the major difference. That is where we really have a difference of opinion.

We think we ought to put more emphasis on debt reduction because, frankly, given the uncertainty of the forecast—and that is another area where we have a disagreement. Senator DOMENICI says $5.6 trillion is the number. Well, he is right in the sense that is the number that has been given to us by the Congressional Budget Office and the Office of Management and Budget. That is a very professional forecast. I will not argue with that for a minute. It is well done. But it is a 10-year projection—10 years. The people who made the forecast said there is only a 10-percent chance that number is going to come true.

Let's not cast that in concrete. Goodness, that should inform us; it should not lock us into decisions to use every penny of that money. I think what it should tell us is that we should be cautious. That is why we put a greater emphasis on debt reduction because, then, if the forecast does not come true, the worst that has happened is you have reduced the debt less than you anticipated. That is the worst that happens.

Under their plan—because they are using all the money, between their tax cut and other priorities—what happens if that isn't true? It risks putting us back into deficit. It risks us raiding the trust funds of Social Security and Medicare all over again. Goodness knows, we have been down that road. Do we have to repeat the 1980s all over again? I hope not. Can't we learn from the 1980s—the time we had a rosy forecast like this one, had a big tax cut, big defense buildup, and wondered why the deficits and debts of the country multiplied geometrically? I do not want to repeat that exercise. That put our country in a deep hole. It took us 15 years to dig out. I do not want to be digging out for the next 15 years.

The difference between the 1980s and now is that in the 1980s you had time to dig out. If we make a mistake now, there is no time to dig out because in 11 years the baby boom generation starts to retire, and then these surpluses turn into big deficits as the number of people eligible for Medicare and Social Security double. That is what is going to happen. We know it. It is not a projection. The people are alive. They have been born. They are living today. They are going to retire, and they are going to be eligible. And it is going to cost the Government a lot of money, much more than we are currently having to pay out.

So let's be cautious. Yes, let's be conservative. The conservative thing to do is emphasize more debt reduction and to curtail our appetite to spend and curtail our appetite to have tax cuts, which are both living for the moment. It is fun to live for the moment; especially if you are a politician, there is nothing better than to have tax cuts and spending. That is the best of all worlds. The problem with that is that we have a need to be responsible to future generations. Our generation ran up this debt. We have the obligation to pay it down and to do it before we start to retire. Goodness, the last thing we ought to be doing is shoving this debt on to our kids. We ran it up. We ought to retire it.

Mr. President, with that, I yield the floor.

Mr. DOMENICI. Mr. President, I have nothing further to say. I do not think there is anyone on our side who wishes to speak. If the Senator is ready, we can yield back our time.

Mr. CONRAD. Yes. We are prepared to yield back our time on our side.

Mr. DOMENICI. I yield back any time we have reserved under the previous order.

Mr. CONRAD. I do as well.

The PRESIDING OFFICER. Under the previous order, the motions are agreed to.

The PRESIDING OFFICER (Mr. NELSON of Florida) appointed Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. BOND, Mr. CONRAD, Mr. HOLLINGS, Mr. SARBANES, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPRECIATION OF SERVICE BY THE DRUG ENFORCEMENT ADMINISTRATION, UNITED STATES CUSTOMS SERVICE, UNITED STATES COAST GUARD, AND THE NATIONAL GUARD

Mr. GRASSLEY. Mr. President, as chairman of the Senate Caucus on International Narcotics Control, I rise to highlight some of the recent interdiction and investigative successes by the men and women of the Drug Enforcement Administration, DEA, the United States Customs Service, the United States Coast Guard, and the National Guard.

These men and women, and their agencies, are dedicated professionals committed to protecting our great nation from the devastating affects of the illegal drug trade. They are frequently called to place their lies in harm's way in an effort to keep our national secure.

As announced by the Attorney General in January 2001, DEA successfully concluded a 10-month narcotics trafficking investigation named Operation White Horse, that involved the movement of heroin by "swallowers" from Colombia to the United States via the cities of Philadelphia and New York. Sixty-five members of the organization, from the Colombia headquarters of the street-level dealers, were arrested in what was described as a "wholesale dismantling" of the smuggling organization.

The United States Customs Service also had an impressive spring 2001, including a recent week on the Southwest border that netted 61 drug seizures, yielding 5,449 pounds of marijuana and 82 pounds of cocaine, as well as 16 export violations, 6 seizures of prohibited medications, and additional seizures of undeclared merchandise, stolen vehicles, counterfeit credit cards, and illegal fireworks. The Customs Service is rapidly distinguishing itself with the front-line use of X-ray, Gamma-ray, and other non-intrusive technologies at their inspection stations and ports of entry. Customs also completed major domestic and international child pornography cases involving Germany and Russia, as well as continued interdiction of large amounts of the drug Ecstasy.

Coast Guard successes, supported by the Department of Defense, include a 6-day period in February 2001 when it seized 28,845 pounds of cocaine and arrested 24 smugglers, on numerous vessels in both the Caribbean and Eastern Pacific. To date, the Coast Guard has seized 60,636 pounds of cocaine, 20,194 pounds of marijuana, as well as interdicted 1,681 illegal migrants at sea, all in a period of 10-percent operational reductions due to budget constraints.

Finally, I appreciate the superb job the National Guard does in operating the four domestic counterdrug training schools, and hopefully soon a fifth one in Iowa, throughout the country that provide much needed training of Federal, State, local, and community personnel in various counterdrug topics.

I am extremely proud of these successes and the personnel involved. As we consider the budgets for these agencies in the weeks ahead, we need to remind ourselves from time to time that it is real, flesh-and-blood individuals out there on the front lines and not bland numbers on spreadsheets and in our briefing books. Their commitment does us all proud.

NURSING SERVICES QUALITY IMPROVEMENT ACT

Mr. DORGAN. Mr. President, on April 6 my colleagues and I introduced the Medicare and Medicaid Nursing Services Quality Improvement Act of 2001. This legislation is intended to help address a problem currently facing nursing homes in North Dakota and Wisconsin and potentially other nursing homes across the country.

We all know that nursing homes nationwide are facing a looming staffing crisis that is expected to worsen as the baby boomers reach retirement. An American Health Care Association report, entitled "Staffing of Nursing Services in Long Term Care," estimates that the need for registered nurses will grow 66 percent between 1991 and 2020 and the number of licensed practical nurses needed will grow by nearly 72 percent over the same time. Likewise, the number of nurse aides who will be necessary is projected to grow by 69 percent.

In my State, nursing home administrators have a thousand open nurse aide positions that they have been unable to fill. A number of nursing home administrators in North Dakota have told me that they have had to refuse patients because they do not have adequate staff to care for them.

Unfortunately, a problem has arisen in my State that will exacerbate this staffing shortage. By way of background, North Dakota nursing homes have been using trained resident assistants —called feeding assistants in North Dakota,—to help feed nursing home patients. This has been the practice for the last decade with positive results. The data in North Dakota indicates that our nursing home patients experience less weight loss and dehydration than patients nationally, and nursing home officials in North Dakota attribute this to the use of resident assistants.

The problem, however, is that the Health Care Financing Administration has told North Dakota and other nursing homes that they can no longer continue to use these trained resident assistants because they lack certification. In North Dakota, this means that hundreds of resident assistants may need to be laid off later this year, even while my State's nursing homes are experiencing difficulty finding certified staff.

The bill that I introduced along with Senators KOHL and CONRAD would allow North Dakota and Wisconsin to continue using resident assistants for feeding and hydration, while a demonstration project is conducted in our states and others to evaluate what kind of impact the use of these staff has on the quality of feeding and hydration services provided to nursing home patients and on the recruitment and retention of nursing staff. If after the three-year demonstration project, the Secretary of Health and Human Services determines that the use of resident assistants does not result in a reduction in the quality of feeding and hydrating of nursing home residents or in a decrease in the recruitment and retention of nursing staff, other nursing homes around the country would be allowed to use resident assistants to help with feeding and hydration tasks.

This legislation includes a number of safeguards designed to protect nursing home patients. For instance, nursing homes are prohibited from using resident assistants to replace existing nursing staff or to count these assistants toward minimum nursing staffing requirements. In addition, resident assistants would have to complete a state-approved training program related to the feeding and hydration tasks they would be performing. Of course, nursing homes would not be able to use resident assistants to administer medication, provide direct medical care, or perform other nursing tasks.

I recognize that this bill is not the only answer or the whole answer for addressing the staffing crisis in nursing homes. I want to work with my colleagues in Congress, nursing homes, and advocates for nursing home residents to address this larger issue of the staffing shortage.

The staffing shortage in nursing homes is not the only reason for malnutrition and dehydration of patients, but it certainly contributes to the problem. A June, 2000 Commonwealth Fund study estimated that 35 to 85 percent of nursing home patients are malnourished, in part because they do not receive enough assistance from aides while eating because the aides must assist as many as 15 to 20 patients at mealtime. According to a Los Angeles Times article earlier this week, a University of California-San Francisco professor who observed 100 nursing home residents with eating problems found that nursing home workers were often so rushed that they "shoveled" food into their patients' mouths, causing choking and coughing.

The resident assistants in North Dakota provide compassionate care and often have more time to coax their patients into eating, something that overworked certified nurse aides generally don't have time for. I am convinced that if we reduce the number of staff in North Dakota nursing homes, which is what will happen if long-term care facilities can no longer use resident assistants, then patients in North Dakota will suffer.

One resident assistant in North Dakota told me about a patient she feeds who has difficulty holding her head up when she eats. The resident assistant said that when she was on vacation, her patient lost seven pounds. Fortunately, after a few weeks back on the job, the resident assistant got her patient's weight back up to where it needed to be. However, if this resident assistant was forced to leave her post permanently, that weight loss may have been long-term and ultimately life-threatening.

I believe the Medicare and Medicaid Nursing Services Quality Improvement Act is a step that Congress can take to address both the staffing shortage and the malnutrition of patients. This is not the only solution and it may not be the best solution, but I hope my colleagues will work with Senator KOHL, Senator CONRAD and me to tackle these serious issues confronting long-term care facilities and their patients.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 20, 2001, the Federal debt stood at $5,713,631,148,647.61, Five trillion, seven hundred thirteen billion, six hundred thirty-one million, one hundred forty-eight thousand, six hundred forty-seven dollars and sixty-one cents.

One year ago, April 20, 2000, the Federal debt stood at $5,707,061,000,000 Five trillion, seven hundred seven billion, sixty-one million.

Fifteen years ago, April 20, 1986, the Federal debt stood at $1,962,745,000,000, One trillion, nine hundred sixty-two billion, seven hundred forty-five million.

Twenty-five years ago, April 20, 1976, the Federal debt stood at $604,399,000,000, Six hundred four billion, three hundred ninety-nine million, which reflects a debt increase of more than $5 trillion, $5,109,232,148,647.61, Five trillion, one hundred nine billion, two hundred thirty-two million, one hundred forty-eight thousand, six hundred forty-seven dollars and sixty-one cents during the past 25 years.

ADDITIONAL STATEMENTS

MOREHOUSE SCHOOL OF MEDICINE

• Mr. CLELAND. Mr. President, 25 years ago the National Medical Association and other prominent organizations endorsed the development of the Medical School at Morehouse College in Atlanta, GA. This came in light of studies that revealed first, a severe shortage of African American and other minority physicians in the United States, particularly in Georgia and second, that African Americans suffered disproportionately from major diseases. Since its inception, Morehouse School of Medicine has worked to help solve our nation's health care crisis by graduating top-quality physicians who dedicate themselves to serving the more than 32 million people in this country who live in medically neglected communities. More than 80 percent of Morehouse School of Medicine graduates practice in underserved communities. Each year, the School graduates five times the national average of African Americans completing their studies at accredited medical schools in this country.

Since 1975, Morehouse School of Medicine has grown from an entry class of 25 students to a current 40 students per class. Each year, over 20,000 Georgians who are disadvantaged are served by approximately 50 community health promotion projects sponsored by Morehouse School of Medicine. These projects include prevention initiatives associated with substance abuse, teen pregnancy, geriatric services, cancer, lead poisoning and violence prevention. In addition to the Medical School's activities in community health promotion, Morehouse School of Medicine provides about 25,000 patient encounters for approximately 10,000 people per year in community clinics throughout metropolitan Atlanta area. The student body of Morehouse School of Medicine continues to excel and 100 percent of the institution's family medicine and surgery residents passed their board exams in their first sitting for 2 years in a row.

These accomplishments stem in part from the strong leadership of Morehouse School of Medicine's founding dean and president, Louis W. Sullivan, M.D., who has been with the Medical School since its inception. Aside from his years in Washington as U.S. Secretary of Health and Human Services, Dr. Sullivan has dedicated his life's work to producing top-quality physicians. During his tenure, Morehouse School of Medicine established several programs. These include a 4-year undergraduate medical education program, seven residency programs and several centers of excellence including the National Center for Primary Care, the Neuroscience Institute, the Cardiovascular Institute and the NASA/Space Medicine and Life Science Research Center, the first of its kind at a minority medical institution.

Dr. Sullivan has worked tirelessly to provide vision and direction for the institution's future, while continuing to preserve the very best traditions of its past. Morehouse School of Medicine, the State of Georgia and our Nation are truly blessed to have his leadership.•

TRIBUTE TO THE POSTAL EMPLOYEES OF THE NEW HAMPSHIRE PERFORMANCE CLUSTER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Postal Employees of the New Hampshire Performance Cluster, a group of dedicated public servants who have been recognized for exemplary performance of service duties. On April 3rd of this year, The Postal Employees of the New Hampshire Performance Cluster were recognized with the Postal Service's highest award, the Chief Operating Officer Award for overall excellence in the area of customer satisfaction.

New Hampshire Postal Employees have been honored along with four other districts in the nation receiving the Order of the Yellow Jersey Award for Excellence in customer service. This prestigious award is based on the percentage of residential customers who rated the postal service employees as excellent in four areas: overall performance, courteous and friendly clerks, consistency of mail delivery and accuracy of mail delivery.

The Postal Employees of the New Hampshire Performance Cluster have provided dedicated service to the citizens of our state. The people of our state look upon them with tremendous gratitude for all that they have done.

It is an honor and a privilege to serve the Postal Employees of the New Hampshire Performance Center in the United States.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1365. A communication from the General Counsel of the Central Intelligence Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General and the designation of an Acting Inspector General; to the Committee on Intelligence.

EC-1366. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Certification of Evidence for Proof of Service" (RIN2900-AJ55) received on April 18, 2001; to the Committee on Veterans' Affairs.

EC-1367. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report covering those cases in which equitable relief was granted in calendar year 2000; to the Committee on Veterans' Affairs.

EC-1368. A communication from the Inspector General, Department of Veterans Affairs, transmitting, pursuant to law, the report of the Office of Inspector General Strategic Plan for 2001 through 2006; to the Committee on Veterans' Affairs.

EC-1369. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Lessee Construction Allowances For Short-Term Leases" (Rev. Rul. 2001-20) received on April 11, 2001; to the Committee on Finance.

EC-1370. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relating to Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access for 2001; to the Committee on Finance.

EC-1371. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report relating to management performance for 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-1372. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Doc. No. FEMA-7750) received on April 6, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1373. A communication from the Attorney/Advisor, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the discontinuation of service in acting role of Administrator of the Federal Transit Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-1374. A communication from the Attorney/Advisor of the Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the return of the nomination for the position of Administrator of the Federal Transit Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-1375. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report of the annual performance evaluation for fiscal year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-1376. A communication from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports to the Federal Republic of Yugoslavia: Revision of Foreign Policy Controls" (RIN0694-AC39) received on April 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1377. A communication from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Wassenaar Arrangement List of Dual-Use Items: Revisions to Microprocessors, Graphic Accelerators, and External Interconnects Equipment" (RIN0694-AC39) received on April 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1378. A communication from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Entity List: Revisions and Additions" (RIN0694-AB60) received on April 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1379. A communication from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the EAR as a result of the addition of Brazil, Latvia and Ukraine to the Nuclear Suppliers Group (NSG), and Other Revisions" (RIN0694-AB50) received on April 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1380. A communication from the Under Secretary for Export Administration, Department of Commerce, transmitting, a report relating to the Imposition of Foreign Policy-Based Export Controls for Exports to Persons in the Federal Republic of Yugoslavia and Inductees of the International Criminal Tribunal for Yugoslavia; to the Committee on Banking, Housing, and Urban Affairs.

EC-1381. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Food Starch-Modified by Amylolytic Enzymes" (Doc. No. 99F-2082) received on April 6, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1382. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, the report of the audit of the Institute's accounts for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-1383. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the Fiscal Year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-1384. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Recreational Programs" (RIN1820-ZA12) received on April 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1385. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification of Six Cardiovascular Preamendments Class III Devices into Class II" (Doc. No. 99N-0035) received on April 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-1386. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Doc. No. 94F–0008) received on April 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1387. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Animal Feed and Pet Food; Irradiation" (Doc. No. 99F–2799) received on April 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1388. A communication from the Administrator of the Office of Workforce Development, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter (UIPL) 14–01—Treatment of Indian Tribes Under Federal Unemployment Compensation Law; UIPL 14-01, Change 1—Questions and Answers" received on April 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–1389. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Congressional Justification of Budget Estimates for Fiscal Year 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–1390. A communication from the Chairman of the Naval Sea Cadet Corps, transmitting, pursuant to law, the annual financial reports for 2000; to the Committee on the Judiciary.

EC–1391. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual performance evaluation report for calendar year 2000; to the Committee on the Judiciary.

EC–1392. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Adding Colombia to the List of Countries Whose Citizens or Nationals are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program" (RIN1115–AG16) received on April 3, 2001; to the Committee on the Judiciary.

EC–1393. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "United States Attorneys' Office, Giglio Information Files" received on April 6, 2001; to the Committee on the Judiciary.

EC–1394. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a report relating to the Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.

EC–1395. A communication from the Acting Deputy Attorney General, transmitting, pursuant to law, the report under the Freedom of Information Act for 2000; to the Committee on the Judiciary.

EC–1396. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relating to the intent to obligate funds for out-of-cycle Fiscal Year 2001 Foreign Comparative Testing Projects; to the Committee on Armed Services.

EC–1397. A communication from the Principal Deputy Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to identifying, for each agency, the percentage of funds that are projected to be expanded during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

EC–1398. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the withdrawal of the statutory report concerning UN peacekeeping operations in East Timor, Sierra Leone; to the Committee on Armed Services.

EC–1399. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning activities relating to the Defense Nuclear Facilities Safety Board; to the Committee on Armed Services.

EC–1400. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Office of the Secretary, Department of Defense, transmitting, pursuant to law, a report concerning a multi-function cost comparison of the Base Operating Support functions at March Air Reserve Base, California; to the Committee on Armed Services.

EC–1401. A communication from the Acting Assistant Secretary, Force Management Policy, Department of Defense, transmitting, a report relating to the results of the Military Exit Survey; to the Committee on Armed Services.

EC–1402. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–1403. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report required by the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 for the period February 1, 2000 through January 31, 2001; to the Committee on Foreign Relations.

EC–1404. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, a report relative to the designation of an acting officer for the position of Assistant Administrator of the Bureau for Europe and Eurasia, Agency for International Development; to the Committee on Foreign Relations.

EC–1405. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, a report relative to the Discontinuation of service in an acting role as Assistant Administrator of the Bureau for Latin America and the Caribbean, Agency for International Development; to the Committee on Foreign Relations.

EC–1406. A communication from the Acting Executive Secretary, Agency for International Development, a report relative to the nomination for the position of Administrator of the Agency for International Development; to the Committee on Foreign Relations.

EC–1407. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–1408. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Japan; to the Committee on Foreign Relations.

EC–1409. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 to Norway; to the Committee on Foreign Relations.

EC–1410. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Canada; to the Committee on Foreign Relations.

EC–1411. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Foreign Relations.

EC–1412. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with Italy; to the Committee on Foreign Relations.

EC–1413. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed Manufacturing License Agreement with France; to the Committee on Foreign Relations.

EC–1414. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or services under a contract in the amount of $50,000,000 or more to Italy; to the Committee on Foreign Relations.

EC–1415. A communication from the Acting Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, the report mandated by the PLO Commitments Compliance Act from June 16 to December 15, 2000; to the Committee on Foreign Relations.

EC–1416. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–9. A resolution adopted by the House of the Legislature of the State of Kansas relative to the assistance with Gulf War Illness; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 6008

Whereas, Nearly 700,000 members of the United States armed forces, including 7,500 Kansans, deployed to the Persian Gulf region during 1990 and 1991 to participate in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

Whereas, These Gulf War veterans have been, and continue to be, afflicted by an abnormally high rate of unexplained health problems. To date federal research efforts have not identified the prevalence, patterns, causes or treatments for illnesses suffered by Gulf War veterans. Yet thousands of our veterans continue to suffer from a variety of chronic symptoms; and

Whereas, The Kansas Persian Gulf War Veterans Health Initiative, a project of the Kansas Commission on Veterans Affairs, primarily through the efforts of Dr. Lea Stelle, has completed a scientific study of 2,000 Kansas Gulf War veterans with the results being published in the American Journal of Epidemiology. Major findings of this study include:

Kansas Gulf War veterans have significantly more health problems than veterans who served in other areas. The study results indicate these conditions may have been caused by multiple factors.

A pattern of chronic symptoms, Gulf War illness, was identified. Thirty-four percent of Kansas Gulf War veterans report a pattern of chronic symptoms that include joint pain, respiratory problems, neuropsychologic difficulties, diarrhea, skin rashes, and fatigue. Veterans with Gulf War illness experience a pattern of multiple types of symptoms that can persist for years, problems that can be severe and disabling for some veterans.

The rates of Gulf War illness can be linked to where and when veterans served in the Persian Gulf region. Veterans who served on board ship had the lowest rates (21%), with higher rates in veterans who had been stationed in support areas of Saudi Arabia (31%), and highest rates in veterans who were in Iraq or Kuwait (42%). In addition, veterans who served only during Desert Shield have a low rate of illness (9%), while those who were in the Persian Gulf region several months after the war ended have higher rates (36–43%).

Veterans who did not deploy to the Persian Gulf, but reported getting vaccines during the war, may have some of the same health problems as Gulf War veterans; and

Whereas, While it has been established that Gulf War veterans suffer from an abnormally high rate of unexplained health problems, the cause, or causes of these varied conditions have not been determined, and the system for providing care and treatment of these veterans has been inadequate or nonresponsive to the conditions presented; and

Whereas, Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans, and has affected their ability to work, yet adequate compensation for these conditions has not been received by these veterans; and

Whereas, Service connected illnesses have not be addressed adequately for veterans of past wars and conflicts: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research independent of that administered by the United States Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and be it further

Resolved, That we urge further assistance to veterans afflicted with Gulf War illness, whether by the Department of Defense, Department of Veterans Affairs or another designated organization, to provide badly needed health care, vocational assistance and disability compensation; and that there be public service announcements informing veterans across the nation of the findings of this research and informing the veterans of the programs that are available to help them; and be it further

Resolved, That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, National Retired Officers Association, National Retired Enlisted Association and the National Order of the Purple Heart.

POM–10. A resolution adopted by the Brook Park City Council in the State of Ohio relative to the steel industry; to the Committee on Finance.

POM–11. A petition from a citizen from the State of Georgia relative to Senator Max Cleland; to the Committee on Rules and Administration.

POM–12. A concurrent resolution adopted by the Legislature of the State of Kansas relative to the establishment of a federal energy policy; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 1607

Whereas, The nation faces a growing shortage of domestic oil and the world may face petroleum shortages in the next fifty years; and

Whereas, Natural gas has risen dramatically in price because demand has increased faster than supplies are discovered; and

Whereas, Domestic consumers are faced with ever-increasing price spikes and lowered expectations of the market meeting the demand for energy; and

Whereas, The American association of petroleum geologists, in concert with other scientific professional learned societies, is convening in Washington, D.C., on April 23, 2001, to address the need for a national energy supply and to look for new sources of energy; and

Whereas, The United States does not have a public policy on enegy: Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, That the legislature of the state of Kansas encourages the development of a federal energy policy that considers all possible future sources of energy; and be it further

Resolved, That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States; the Vice-President of the United States; Majority Leader and Minority Leader of the United States Senate; the Speaker, Majority Leader and Minority Leader of the United States House of Representatives; the Secretary of the United States Department of Energy; to each member of the Kansas Congressional Delegation; and to the American Association of Petroleum Geologists, P.O. Box 979, Tulsa, Oklahoma 74101-0979.

POM–13. A concurrent resolution adopted by the Legislature of the State of Kansas relative to life time health care benefits for military retirees and their families; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 5011

Whereas, Insomuch as many of our citizens have risen to the defense and safeguard of our state and nation, this Concurrent Resolution of support and honor recognizes those individuals who unselfishly served our state and nation as they defended our democratic way of life and the freedoms set down by the founding fathers of this nation; and

Whereas, The state of Kansas through its Legislature acknowledges and recognizes the contribution these veterans of military service have made to the estate of all our citizens, and we ask the Congress of the United States to acknowledge these retired veterans by continuing to support and improve their quality of life through extended health care; and

Whereas, This population of retired veterans served during foreign and domestic crises of the 20th century, where their involvement with names such as Ardennes, Wake, Guadalcanal, Normandy, Bastogne and Iwo Jima earned our nation's highest respect and accolades; while other names not so common to America were added during the Korean conflict, like Inchon and Choson; later came other Asian names like DaNang, Khe Sanh, Hue and Quang Tri; places these retired veterans know all too well as a battleground which tested their will to survive and return; and

Whereas, These retired veterans now constitute a significant portion of the aging population in this country and, in particular, our state; and

Whereas, These retired veterans were guaranteed through contract, both stated and implied, lifetime access to medical benefits for themselves and their immediate family members upon retirement for serving their nation unselfishly and honorably for 20 years or more; and

Whereas, Prior to retirement at age 65 years, this population of our citizenry were provided health care service through the military health care system or through other U.S. Department of Defense programs; however, upon reaching the age of 65 years and through recent Federal regulatory changes in entitlements for military health care benefits, these individuals that served and their family members, lost significant portions of their health care support system; and

Whereas, The medical benefits which were lost through changes to Federal legislation forced these retired veterans to pay out-of-pocket for medical coverage from alternative sources; and those changes forced these citizens into omnibus national health care programs, such as Medicare; and

Whereas, Many retired veterans and their immediate family members live on fixed incomes where the loss of medical benefits significantly impacts their quality of life, disrupts their needed levels of care and puts out of reach certain health care capabilities and pharmaceutical support to which they had been previously entitled; and

Whereas, Many of these retired veterans suffering from service connected injuries, serious illnesses, or medically-related quality of life developments have found that their access to medical treatment facilities is now limited due to significant downsizing or in many rural areas has become nonexistent; and

Whereas, These honorable men and women of Kansas and of this nation who have sacrificed in the uniformed service of our country are deserving of the health care programs to sustain their quality of life that they were guaranteed for 20 or more years of unselfish service; and

Whereas, The Legislature of the state of Kansas has a special charge to safeguard and maintain the quality of life for its citizens that have served and earned a retirement from military service: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas Legislature respectfully requests and petitions its Congressional representatives of the United States to address, for rectification, the aforementioned concerns regarding the health care coverage of our retired military veterans and their immediate families; and be it further

Resolved, That the Secretary of State is hereby directed to send enrolled copies of this resolution to the President of the United States, the president pro tempore of the United States Senate, the Speaker of the House of Representatives and to each member of the Kansas Congressional Delegation.

POM–14. A joint resolution adopted by the Legislature of the State of Wyoming relative to using Wyoming Powder River Basin super compliant coal, to the Committee on Energy and Natural Resources.

JOINT RESOLUTION

Whereas, the United States, generally and the western states specially are experiencing severe energy shortages, particularly a shortage of electrical energy; and

Whereas, new energy generation facilities are urgently needed to prevent these shortages and the damaging consequence of these shortages as they permeate the economy; and

Whereas, in recent years the timely construction of these necessary facilities has been obstructed through endless litigation and other delaying tactics; and

Whereas, the majority of people of the State of Wyoming desire to pursue sound energy and economic development; and

Whereas, Wyoming is richly endowed with natural resources, including Powder River Basin super compliant coal and Wyoming gas and oil that could solve the pending electrical energy supply crisis: Now, therefore, be it

Resolved By The Members of the legislature of the State of Wyoming:

1. That the President, the Vice-President, the Congress and the Executive Branch of the federal government are urged to immediately secure the construction of critically needed new electric generation facilities, oil, and gas pipeline and transmission facilities using Wyoming Powder River Basin super compliant coal, Wyoming gas and other available Wyoming natural resources.

2. That the United States Congress is urged to enact any legislation that will support the construction of energy and electric generation facilities, transmission facilities and gas pipelines.

3. That the Secretary of State send copies of this resolution to the President of the United States, the Vice-President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Energy and the Wyoming Congressional Delegation.

POM–15. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to Medicaid; to the Committee on Finance.

POM–16. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to the metal industry; to the Committee on Finance.

A RESOLUTION

Whereas, Metal manufacturing is integral to the economy of the Commonwealth of Pennsylvania, employing over 72,900 workers in the primary metal industry and 86,200 workers in the fabricated metal products industry; and

Whereas, The American steel industry holds an important place in the history of the Commonwealth of Pennsylvania for its contribution to business and industry; and

Whereas, The American steel industry plays a vital role in our national security, which depends on a strong domestic steel economy, and in our national defense, which relies on a strong steel manufacturing base, and is of paramount concern for America and our allies; and

Whereas, The specialty steel industry, which includes stainless steel, tool steel and other alloyed metal steel, holds an important position in the economic and industrial history of the Commonwealth of Pennsylvania and the United States and has made significant improvements to restructure, modernize and become a world leader in productivity and competitiveness; and

Whereas, The current economic and financial crises in Russia, Asia and other foreign nations have involved severe devaluation of the currencies of several primary steel-producing and steel-consuming countries along with a collapse in the domestic demand for steel and specialty steel in these countries; and

Whereas, The crises have generated and will continue to generate surges of steel imports into the United States, flooding the American market with foreign steel and foreign steel products at prices severely below production cost, thereby disadvantaging the American steel industry and its workers and families in the marketplace while the United States, through the International Monetary Fund, continues to participate in a massive financial bailout of these countries in a manner that encourages exports; and

Whereas, Imports of specialty steel from foreign producers are being dumped into this country in large quantities at unfair, below-market prices, contributing significantly to reduced earnings and reductions in employment for American workers; and

Whereas, The dumping of stainless steel plate in coils and other specialty steel products is prevalent in the United States market, causing an adverse impact on domestic steel production and the thousands of jobs in this Commonwealth and the United States associated with the regular and specialty steel industry; and

Whereas, Recent reports confirm that this country is headed for a downturn in the economy, thereby requiring prompt Federal action and initiatives; and

Whereas, Recent reports confirm that 14 steel companies have filed for bankruptcy protection, and the impact of this problem goes well beyond one industry; and

Whereas, Statistics over the last three years have proven that the dumping of foreign steel into the American marketplace has had a devastating economic effect on American jobs; and

Whereas, There is a serious need for improvements in the enforcement of United States trade laws to provide an effective response to this situation; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania call on the President of the United States and the Federal Government to take all necessary action to:

(1) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws, including duties relating to stainless steel plate in coils;

(2) continue to impose antidumping duties on imports of specialty steel from these foreign nations;

(3) work to establish a more equitable distribution of the burden of accepting imports of specialty steel from foreign nations;

(4) establish the appropriate forum or mechanism for executive branch interagency cooperation to closely monitor imports of steel, including specialty and stainless steel plate in coils; and

(5) report to the Congress of the United States as soon as possible a comprehensive, workable plan for addressing the surge in all steel imports, including the negative effects on employment, prices and investments in the American specialty and regular steel industry; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the United States Trade Representative and to each member of Congress from Pennsylvania.

POM–17. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to Interstate Route 81 corridor; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 423

Whereas, the Virginia portion of Interstate Route 81 is among the most heavily traveled highway corridors in the United States; and

Whereas, Interstate Route 81 was originally designed to accommodate ten percent truck traffic, but, over time, the percentage of truck traffic has continued to grow, until the highway's traffic today is composed of approximately forty percent trucks; and

Whereas, this large number of heavy vehicles not only contributes to traffic congestion and exacerbates the severity of highway crashes, but also increases the frequency and the cost of highway maintenance and reconstruction on Interstate Route 81 and other highways in the corridor; and

Whereas, transferring freight from highway trucks to rail saves fuel, reduces congestion, minimizes air and water pollution, reduces highway maintenance and construction costs, and promotes safety; and

Whereas, Interstate Route 81 is paralleled for its entire length through Virginia by a railroad, much of which was initially engineered and constructed more than 100 years ago, and which does not currently provide a competitive alternative to the use of Interstate Route 81 by heavy trucks; and

Whereas, the Virginia Department of Rail and Public Transportation has studied whether improvements to the parallel rail infrastructure are likely to result in the diversion of some of the interstate heavy truck traffic from Interstate Route 81 to the railroad, and whether investing public funds in improving the railroad infrastructure would result in measurable benefit to the public; and

Whereas, the Virginia Department of Rail and Public Transportation study concluded that specified improvements to the rail infrastructure in the Interstate Route 81 corridor could divert to the railroad as much as 10 to 25 percent of the interstate truck traffic now moving and projected to move on Interstate 81, with a potential public benefit of as much as $300 million to $2 billion; and

Whereas, diversion to rail of such a substantial number of heavy trucks would reduce congestion, reduce maintenance and construction costs, reduce fuel consumption, reduce air and water pollution, reduce accidents, and is clearly in the public interest; and

Whereas, public funding of improvements to the railroad infrastructure, together with completion of the scheduled improvements to Interstate Route 81, would provide an example to the nation of the significant public benefits resulting from the use of public funds in providing a viable rail alternative for the transportation of interstate freight; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the United States Congress be urged to appropriate funds for improvement of rail infrastructure in the Interstate Route 81 corridor. Such improvement shall ensure that the railroad that parallels Interstate Route 81 in Virginia provides a viable alternative to the use of Interstate Route 81 for the movement of interstate freight traffic; and, be it

Resolved further, That the General Assembly of Virginia support the conclusions of the study conducted by the Virginia Department of Rail and Public Transportation and commend it to the United States Congress for consideration; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Transportation, and the members of the Virginia Congressional Delegation in order that they may be apprised of the Sense of the General Assembly in this matter.

POM–18. A joint resolution adopted by the Legislature of the State of Washington relative to the 1946 Rescission Act; to the Committee on Veterans' Affairs.

HOUSE JOINT MEMORIAL 4002

Whereas, The Philippine Islands was a territory of the United States until July 4, 1946, and the United States had control over Philippine nationals and its internal affairs. The Philippines Commonwealth had no function in matters of foreign affairs and could not declare war nor surrender its forces; and

Whereas, On July 26, 1941, U.S. President Roosevelt issued a Military Order and invoked his powers under Section 2(a)(12) of the Philippine Independence Act (P.L. No. 77–127 Section 10(a)) to "call and order into the service of the Armed Forces of the United States . . . all of the organized military forces of the government of the Commonwealth of the Philippines"; and

Whereas, World War II is remembered as The Good War that President Roosevelt claimed to have defended the great human freedoms against the encroachment and attack of the dark forces of despotism; and

Whereas, Filipino soldiers fought during World War II under the American flag and under the direction and control of United States military leaders pursuant to President Roosevelt's July 1941 Military Order; and

Whereas, Shortly after the war in 1946, the U.S. Congress passed the Rescission Act which specifically mandates that services rendered by Filipino World War II veterans ". . . shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges or benefits . . ."; and

Whereas, The legislative rider appended to the 1946 Rescission Act denies U.S. military status and benefits to those veterans who fought under the command of officers of the U.S. Armed Forces in the Philippines; and

Whereas, The significant and adverse impact of the 1946 Rescission Act is its unjust discrimination against Filipino soldiers of World War II by denying them eligibility for equal benefits administered by the department of veterans affairs; and

Whereas, Filipinos are the only national group singled out for denial of full U.S. veterans status while the soldiers of more than sixty-six other U.S. allied countries, who were similarly inducted into the service of the armed forces of the United States during World War II, were granted full U.S. veterans status; and

Whereas, The United States government has yet to fully restore the rights, privileges, and benefits guaranteed, then taken away from Filipino soldiers of WWII; and

Whereas, The gallantry, loyalty, and sacrifices of Filipino veterans of WWII, who fought for freedom and democracy in the Armed Forces of the United States, deserve recognition and their honor and dignity restored; and

Whereas, There is no pending legislation in the U.S. Congress that will restore full United States veterans status to Filipino WWII veterans: Now, therefore

Your Memorialists respectfully pray that the President and Congress of the United States during the First Session of the 106th Congress take action necessary to amend the 1946 Rescission Act and honor our country's moral obligation to restore these Filipino veterans full United States veterans status with the military benefits that they deserve; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 756. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 757. A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. DASCHLE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 21, a bill to establish an off-budget lockbox to strengthen Social Security and Medicare.

S. 133

At the request of Mr. BAUCUS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 133, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 152

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH of New Hampshire) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation on the student loan interest deduction.

S. 170

At the request of Mr. REID, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. ALLARD), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 219

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 219, a bill to suspend for two years the certification procedures under section 490(b) of the Foreign Assistance Act of 1961 in order to foster greater multilateral cooperation in international counternarcotics programs, and for other purposes.

S. 311

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 326

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 388

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 388, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 389

At the request of Mr. MURKOWSKI, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 389, a bill to protect the energy and security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2011 by enhancing the use of renewable energy resources conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies; improve environmental quality by reducing emissions of air pollutants and greenhouse gases; mitigate the effect of increases in energy prices on the American consumer, including the poor and the elderly; and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 440

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 440, a bill to establish a matching grant program to help State and local jurisdictions purchase bullet-resistant equipment for use by law enforcement departments.

S. 441

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 441, a bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty.

S. 452

At the request of Mr. MURKOWSKI, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Idaho (Mr. CRAPO), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 461

At the request of Mr. FRIST, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 461, a bill to support educational partnerships, focusing on mathematics, science, and technology, between institutions of higher education and elementary schools and secondary schools, and for other purposes.

S. 497

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from South Dakota (Mr. DASCHLE), the Senator from Nevada (Mr. REID), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 590

At the request of Mr. JEFFORDS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 590, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 655

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 655, a bill to amend the Internal Revenue Code of 1986 to exempt from income taxation income derived from natural resources-related activity by a member of an Indian tribe directly or through a qualified Indian entity.

S. 656

At the request of Mr. REED, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 660

At the request of Mr. MCCAIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 660, a bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes.

S. 707

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 707, a bill to provide grants for special environmental assistance for the regulation of communities and habitat ("SEARCH grants") to small communities.

S. 718

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. RES. 66

At the request of Mr. THOMAS, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Virginia (Mr. ALLEN), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 66, a resolution expressing the sense of the Senate regarding the release of twenty-four United States military personnel currently being detained by the People's Republic of China.

S. CON. RES. 14

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 14, a concurrent resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. CON. RES. 24

At the request of Mr. LIEBERMAN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Con. Res. 24, a concurrent resolution expressing support for a National Reflex Sympathetic Dystrophy (RSD) Awareness Month.

S. CON. RES. 28

At the request of Ms. SNOWE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Con. Res. 28, a concurrent resolution calling for a

United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 756. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation to help address the current energy shortage in our country. The legislation, entitled the "Growing Renewable Energy for Emerging Needs [GREEN] Act," will extend and expand the tax credit for homegrown, clean-burning, renewable biomass.

As many of my colleagues know, I authorized the section 45 credit in the Senate and it was included in the Energy Policy Act of 1992. However, the tax credit for the production of energy from biomass is set to expire on January 1, 2002. For this reason, I am introducing legislation to extend and expand the credit to help sustain the many benefits derived from biomass.

Last month, I introduced S. 530 to extend the wind energy portion of section 45, which has been extremely successful. The purpose of today's bill is to extend and expand the biomass portion of section 45 to include technologies such as biomass combustion and cofiring biomass with coal-fired facilities. Formerly, section 45 only allowed the use of closed-loop biomass.

The clean, controlled combustion of biomass, which consists of sawdust, tree trimmings, agricultural byproducts, and untreated construction debris, is another proven, effective technology that currently generates numerous pollution avoidance and waste management public benefits across the nation.

In addition, biomass energy displaces more polluting forms of energy generation while decreasing our dependence on foreign oil. Our national security is currently threatened by a heavy reliance on foreign oil.

Biomass can also produce enormous economic benefits for rural America. Rural economies will grow because of the development of a local industry to convert biomass to electricity. Moreover, studies show that biomass crops could produce between $2 to $5 billion in additional farm income.

In order to retain the environmental, waste management, and the rural employment benefits that we could receive from the existing "open-loop" biomass facilities, my bill rewrites section 45 to allow tax credits for clean combustion of wood waste and similar residues in these unique facilities.

Importantly, we have also ensured that the definition of qualifying biomass materials is limited to organic, nonhazardous materials that are clearly proven to burn cleanly without any pollution risk. Also, to allay any concern that biomass plants might burn paper and thus possibly jeopardize the amount of paper that is available to be recycled, I have specifically excluded paper that is commonly recycled from the list of materials that would qualify for the credit.

I believe this bill provides a common sense combination of current and new technologies to help maintain the economic, environmental and waste management benefits derived from biomass power. The current electricity shortage in California and the soaring prices of home heating fuel and natural gas this winter are reasons enough to support and accelerate this renewable energy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Growing Renewable Energy for Emerging Needs (GREEN) Act".

SEC. 2. CREDIT FOR ELECTRICITY PRODUCED FROM BIOMASS.

(a) Extension and Modification of Placed-in-Service Rules.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) Closed-loop biomass facility.—In the case of a facility using closed-loop biomass to produce electricity, the term 'qualified facility' means any facility—

"(i) owned by the taxpayer which is originally placed in service after December 31, 1992, and before January 1, 2007, or

"(ii) of the taxpayer which is originally placed in service before December 31, 1992, and modified to use closed-loop biomass to co-fire with coal before January 1, 2007.",

(2) by striking "2002" in subparagraph (C) and inserting "2007", and

(3) by adding at the end the following new subparagraphs:

"(D) Biomass facilities.—In the case of a facility using biomass (other than closed-loop biomass) to produce electricity, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service before January 1, 2007.

"(E) Special rules.—In the case of a qualified facility described in subparagraph (B)(ii) or (D)—

"(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this paragraph, and

"(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.".

(b) Biomass Facilities.—

(1) In general.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (C) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(D) biomass (other than closed-loop biomass).".

(2) Biomass defined.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

"(5) Biomass.—The term 'biomass' means any solid, nonhazardous, cellulosic waste material which is segregated from other waste materials and which is derived from—

"(A) any of the following forest-related resources: mill residues, precommercial thinnings, slash, and brush, but not including old-growth timber,

"(B) solid wood waste materials, including waste pallets, crates, dunnage, manufacturing and construction wood wastes (other than pressure-treated, chemically-treated, or painted wood wastes), and landscape or right-of-way tree trimmings, but not including municipal solid waste (garbage), gas derived from the biodegradation of solid waste, or paper that is commonly recycled, or

"(C) agriculture sources, including orchard tree crops, vineyard, grain, legumes, sugar, and other crop by-products or residues.".

(c) Effective Date.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

By Mr. SPECTER:

S. 757. A bill to designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. SPECTER. Mr. President, I rise today to introduce legislation to name the Federal building and courthouse in Allentown, Pennsylvania for retired Judge Edward N. Cahn. Judge Cahn, a native Pennsylvanian and resident of the Lehigh Valley, served with distinction on the Federal bench for 23 years, including 5 years as chief judge.

Judge Cahn attended school at Lehigh University and graduated magna cum laude in 1955. He went on to receive a law degree from Yale University in 1958 and began practicing law in Allentown in 1959. His accomplishments on the basketball court as a 1,000 point scorer for Lehigh University translated into his later success in another court, when President Ford nominated him to be a federal judge in 1974.

Judge Cahn was instrumental in helping build Allentown's new courthouse, which opened in 1995. This beautiful structure is a symbol for the resurgence of the Lehigh Valley, and it is only fitting that the courthouse should bear the name of an individual who did so much to help his community. His dedication to his work and fairness were well recognized throughout Pennsylvania and it is my hope that future jurists who serve in this courthouse will uphold those same ideals.

On February 28, 2001, the House unanimously passed an identical measure, H.R. 558, introduced by my colleagues, Congressmen PATRICK TOOMEY and TIM HOLDEN. I am hopeful that the Senate will also see fit to pass my bill, and I urge my colleagues to join me in honoring Judge Edward N. Cahn.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF EDWARD N. CAHN FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, shall be known and designated as the "Edward N. Cahn Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Edward N. Cahn Federal Building and United States Courthouse".

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, reappoints the Senator from West Virginia (Mr. ROCKEFELLER) to the Japan-United States Friendship Commission.

ORDERS FOR TUESDAY, APRIL 24, 2001

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, April 24. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business, equally divided, with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, it is hoped that the Senate can begin consideration of S. 1, the education bill, tomorrow morning. Negotiations have been ongoing during the recess and throughout the day today. It may be possible to begin consideration of the education legislation shortly after convening on Tuesday. Any Senator who desires to speak on the issue of education is encouraged to come to the floor tomorrow to participate in the debate. Votes are therefore possible during tomorrow afternoon's session.

ORDER FOR ADJOURNMENT

Mr. VOINOVICH. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of Senator NELSON of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

OIL DRILLING

Mr. NELSON of Florida. Mr. President, I rise to discuss a matter of critical importance to the State of Florida; that is, the prospect that soon, under the new administration, we might have the sale-for-lease tracts for offshore oil drilling off the coast of the State of Florida.

There has been in place presently a moratorium in one form or another since 1989 regarding drilling off the coast of the State of Florida. And there is presently offered, through this new administration, through the Department of the Interior, a proposed lease sale called "lease sale 181," which comes within 30 miles of Perdido Key, which is in northwest Florida. It is explained by the new administration that most of the tract for lease is 100 miles off the coast. But there is indeed a part that comes to within a few miles of the coast of Alabama and close to the State of Florida-Alabama line. This lease tract would come within some 20 to 30 miles of the pristine white beaches of the State of Florida.

I can tell you that 16 million Americans residing in the State of Florida do not want drilling off the coast of our State and have spoken vigorously against it, which is why we have had a moratorium off the State of Florida. Yet the administration continues to persist.

Now let me read for you a statement that was made by candidate George W. Bush in the past campaign. He made this statement at West Port Richey, north of Tampa, FL. He said at the time in the campaign, when asked about offshore oil drilling in Florida:

> I'm going to work with your Governor about offshore drilling here in Florida. We are both against it. We are both against it.

Twice he said he was against it. But it is now his position to offer it. Just last week the Tampa Tribune, a very conservative editorial newspaper—in an editorial last Thursday, said:

> Had George W. Bush openly supported the sale of these leases before the election, he would have lost Florida and the Presidency.

Now that is the truth. And promises are being broken. The fact is that they don't need to be because we could address our energy problem if we would be wise by increasing our R&D on alternative fuels, on increased conservation. You don't have to produce your way out of the energy crisis. You can be a lot wiser with using alternative methods.

In the discussion of the budget, we saw some dramatic testimony showing that the consumption of energy in the United States, in large part, is allocated to transportation. Why should we not use research and development to build a new automobile that in fact can get 60 to 80 miles per gallon? That would cause a tremendous conservation of energy in this country. That is just one alternative, but it is an alternative we ought to explore and keep the promises that were made in the election.

This whole matter of offshore oil drilling suddenly caught my attention back in the early 1980s, when, as a junior Congressman representing a congressional district off the east coast of Florida, suddenly I was confronted with the Reagan administration, through the person of the former Secretary of the Interior, James Watt, offering leases for oil drilling off the east coast of the United States, from as far north as Cape Hatteras, all the way as far south as off Fort Pierce, FL. As a junior Congressman, I went to work with the Appropriations Committee in the House to get them to insert language that would say in the Department of the Interior appropriations bill: No money may be used under this appropriations act for the purpose of offering oil and gas leases in tracts such-and-such—and then we described all of the tracts that were being offered.

We won in that year in the Appropriations Committee because of bringing to that committee dramatic testimony from Florida about what would be the environmental and economic damage to our State if waves of oil were lapping up onto the beaches of Florida—not only environmental damage, but economic damage as well, particularly considering Florida's tremendous tourism industry.

Well, I thought my fight was over. But sure enough, after a year's lapse, the Reagan administration came back under a new Secretary of the Interior and proposed those oil leases again. So we had to go to work even harder. This time it escalated all the way up to not just the appropriations subcommittee on the Department of the Interior, but to the full Appropriations Committee, where we finally won the vote by pointing to NASA and the Department of Defense to the fact that you can't be dropping solid rocket boosters from the space shuttle and the first stages from expendable booster rockets being launched from the Kennedy Space Center and the Cape Canaveral Air Force Station if you have oil rigs down below. So we won that vote after a hard fight.

I thought our fight was over on being able to protect Florida's shores from the threat of environmental and economic damage as a result of oil drilling. But my hope back there in the early 1980s was for naught because in the year 2001, despite a promise that was made last fall, in the year 2000, by candidate for President George W. Bush, one of the first acts of the new Bush administration is to offer for sale lease tract 181 off the coast of the State of Florida for oil and gas drilling.

Well, 16 million Floridians will not stand for this. Senator BOB GRAHAM and I will not stand for this. Statewide elected officials expressed many times over, including this Senator who used to be an elected member of the State Cabinet of Florida, will not stand for it. The legislature of the State of Florida will not stand for it. Most of the congressional delegation from the State of Florida will not stand for it. Yet the administration persists.

It looks as if we are in for a donnybrook where we will clash our swords and see if the will, the desire of 16 million Floridians will prevail.

I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

Thereupon, the Senate, at 3:20 p.m., adjourned until Tuesday, April 24, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 2001:

DEPARTMENT OF DEFENSE

POWELL A. MOORE, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JOHN K. VERONEAU.

WILLIAM J. HAYNES II, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE DOUGLAS A. DWORKIN.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT GLENN HUBBARD, OF NEW YORK, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE MARTIN NEIL BAILY, RESIGNED.

FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

EDWARD C. ALDRIDGE, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JACQUES GANSLER.

FEDERAL TRADE COMMISSION

TIMOTHY J. MURIS, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2001, VICE ROBERT PITOFSKY, TERM EXPIRING.

DEPARTMENT OF ENERGY

BRUCE MARSHALL CARNES, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE MICHAEL TELSON, RESIGNED.

DEPARTMENT OF STATE

A. ELIZABETH JONES, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS), VICE JAMES F. DOBBINS.

PETER F. ALLGEIER, OF VIRGINIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE RICHARD W. FISHER, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

LARON L. JENSEN, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER-COUNSELOR:

CARLOS F. POZA, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DOROTHY L. LUTTER, OF MASSACHUSETTS
THOMAS E. MOORE, OF TEXAS
KAREN L. ZENS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

RALPH K. BEAN, OF COLORADO
JAMES P. BUTTERWORTH, OF CALIFORNIA
SARAH D. HANSON, OF WYOMING
MARY ELLEN H. SMITH, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

THOMAS N. AMAN, OF VIRGINIA
MICHAEL JAMES ARD, OF VIRGINIA
ALLISON VAL AREIAS, OF THE DISTRICT OF COLUMBIA
JEFFREY A. ARNOLD, OF WASHINGTON
CRAIG M. ARTIGUES, OF VIRGINIA
STEPHEN M. ASHBY, OF FLORIDA
RAFFI V. BALIAN, OF VIRGINIA
RICHARD R. BALLARD, OF FLORIDA
TIMOTHY D. BEARD IV, OF VIRGINIA
DEVIN L. BEAUREGARD, OF VIRGINIA
BRIGHAM B. BECHTEL, OF VIRGINIA
SHIRLEY J. BECHTEL, OF VIRGINIA
MARC F. BENNETT, OF VIRGINIA
KEVIN O. BLAIR, OF VIRGINIA
CHRISTINA N. BOILER, OF VIRGINIA
RAMON A. BOLANOS, OF VIRGINIA
VINCENT P. BONNER, OF VIRGINIA
JEFFREY J. BONVICIN, OF VIRGINIA
LAUREL A. BOTTS, OF VIRGINIA
BRETT J. BRENNEKE, OF VIRGINIA
ROBERT A. BRISKMAN, OF VIRGINIA
GLEN K. BUCHANAN, OF VIRGINIA
STEVEN C. BULL, OF VIRGINIA
PETER B. BURKE, OF VIRGINIA
TODD M. CARTER, OF VIRGINIA
GAIL CHUN FARAON, OF VIRGINIA
GEOFFREY M. CLEASBY, OF TEXAS
TAYLOR G. CRANWELL, OF VIRGINIA
SUSAN G. CZASKA, OF VIRGINIA
SCOTT DEANGELO, OF VIRGINIA
JERRY JOSEPH DREES, OF VIRGINIA
ANDREW SCOTT DURBIN, OF MARYLAND
SARAH BERKEY FAHEY, OF THE DISTRICT OF COLUMBIA
CONSTATINOS DAVID FAIR, OF SOUTH CAROLINA
JOSEPH RODNEY FARAON, OF VIRGINIA
AMY S. FOX, OF VIRGINIA
QUENTIN L. GEHLE, OF VIRGINIA
CHRISTOPHER B. GOETHERT, OF VIRGINIA
SILVIO I. GONZALEZ, OF FLORIDA
CHARLES EDWARD GOSLIN III, OF VIRGINIA
SHERMAN L. GRANDY, OF IDAHO
KAREN LOUISE GUSTAFSON DE ANDRADE, OF COLORADO
JANE M. HANNAN, OF VIRGINIA
KERRI STRENG HANNAN, OF FLORIDA
MICHAEL HARRIS, OF MARYLAND
CHRISTINE ELISE HART, OF THE DISTRICT OF COLUMBIA
PENELOPE E. HAYS, OF VIRGINIA
IAN TAVISH HILLMAN, OF VIRGINIA
ANDREW THORPE HINTZ, OF VIRGINIA
ELIZABETH K. HORST, OF MINNESOTA
BENJAMIN V. HOUSE III, OF MARYLAND
LAWRENCE CRAIG IMES, OF MARYLAND
EDWARD S. JACKMAN, OF VIRGINIA
BERNT B. JOHNSON, OF FLORIDA
JENNIFER L. JOHNSON, OF NEW YORK
MAURA A. JOHNSON, OF VIRGINIA
RICHARD H. JOHNSON, OF VIRGINIA
LOUIS THOMAS KAHI, OF VIRGINIA
BRADFORD J. KARONY, OF VIRGINIA
MICHAEL A. KEFALAS, OF VIRGINIA
BRIAN R. KELLER, OF VIRGINIA
AMBER LEIGH KEMP, OF VIRGINIA
BRIAN T. KENNEDY, OF VIRGINIA
ANGELA M. KERWIN, OF PENNSYLVANIA
ALEXANDER B. KIRCHNER, OF VIRGINIA
DENNIS R. KIRKLAND, OF VIRGINIA
JOHN H. KLAS, OF VIRGINIA
DEBORAH K. KLOPP, OF MARYLAND
BROOKE ELIZABETH KNOBEL, OF ILLINOIS
ALEXANDER R. KOMONS, OF VIRGINIA
KEISHA KAMILLE LAFAYETTE, OF FLORIDA
KATHERINE E. LAWSON, OF MARYLAND
WILLIAM P. LINDER, OF VIRGINIA
PATRICIA I. MALDONADO, OF VIRGINIA
CLYDE V. MANNING, OF VIRGINIA
JOHN P. MARIETTI, OF MICHIGAN
DAMIEN E. MARQUEZ, OF VIRGINIA
GALEN W. MCBRIDE, OF VIRGINIA
NEIL MCGURTY, OF CALIFORNIA
SHEILAH MILLIKEN, OF VIRGINIA
DAVID MUNIZ, OF VIRGINIA
CARRIE L. MUNTEAN, OF VIRGINIA
WILLIAM G. MUNTEAN III, OF VIRGINIA
WILLIAM D. MURRAY, OF VIRGINIA
JUSTIN D. MYLROIE, OF VIRGINIA
JEREMEY M. NEITZKE, OF OHIO
SUSAN R. OLIVER, OF VIRGINIA
ROLF A. OLSON, OF THE DISTRICT OF COLUMBIA
RICHARD ARTHUR FREDERICK OTTO, OF MARYLAND
MEROE S. PARK, OF VIRGINIA
PAULETTE F. PARKER, OF VIRGINIA
MICHAEL THOMAS PASCUAL, OF MARYLAND
THOMAS PECORA, OF VIRGINIA
CYNTHIA ANNE PENDLETON, OF VIRGINIA
STEPHEN J. POSIVAK JR., OF VIRGINIA
SCOTT D. POZIL, OF WASHINGTON
ROBYN ANISE PUCKETT, OF GEORGIA
CHRISTOPHER PATRICK QUADE, OF VIRGINIA
J. STEVEN RAMIREZ, OF THE DISTRICT OF COLUMBIA
VAN E. REIDHEAD, OF MISSOURI
WILLIAM E. RICHARDSON, OF VIRGINIA
TRACEY A. RINEHART, OF CALIFORNIA
DEBORAH ROBINSON, OF COLORADO
RUTH ANN ROUSH, OF VIRGINIA
PENNY CAROLYN SATCHES, OF VIRGINIA
KARL CHRISTIAN SCHWAB, OF VIRGINIA
THOMAS K. SEEKER, OF VIRGINIA
SAMEER VIJAY SHETH, OF FLORIDA
ANNA SHIN, OF VIRGINIA
MARY K. SIEGEL, OF VIRGINIA
ERIC SILLA, OF VIRGINIA
WILLIAM P. SIMONSEN, OF VIRGINIA
MARSHA LYNNE SINGER, OF FLORIDA
JENNIFER M. SKOTZKO, OF VIRGINIA
CHRISTOPHER B. SMITH, OF VIRGINIA
KIRBY W. SMITH, OF VIRGINIA
NICOLE D. SOBOTKA, OF VIRGINIA
JOHN K. STEIN, OF THE DISTRICT OF COLUMBIA
J. WARREN STEMBRIDGE, OF VIRGINIA
BARBARA P. SUDDATH, OF OREGON
NANCY SZALWINSKI, OF TEXAS
RICK TACY, OF VIRGINIA
JOHN L. TASCO, OF FLORIDA
BARBARA BOS TAYLOR, OF VIRGINIA
BRIAN A. TAYLOR, OF VIRGINIA
DARREN DION TAYLOR, OF VIRGINIA
J. BRET TRAW, OF THE DISTRICT OF COLUMBIA
MARILYN J. TRESSLER, OF PENNSYLVANIA
BYRON F. TSAO, OF VIRGINIA
MARK EDWARD TURNER, OF VIRGINIA
SHARON UMBER, OF MINNESOTA
WILLIAM JAMES VARGO, OF MARYLAND
ENRICO VERDOLIN, OF FLORIDA
JEFFREY S. VRABEL, OF VIRGINIA
LORRAINE TECZA WAGER, OF MARYLAND
GLENN A. WEAVER, OF VIRGINIA
MARK A. WEBSTER, OF VIRGINIA
TODD W. WEGMAN, OF MARYLAND
MARK WEINBERG, OF ILLINOIS
MASON C. WHITE, OF VIRGINIA
RAYMOND M. WHITE, OF MARYLAND
SUSAN E. WOODS, OF VIRGINIA
WALLACE E. WYATT, OF VIRGINIA
ANTHONY J. YOWELL, OF VIRGINIA
MICHAEL ZIKES, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 14, 2000:

DEPARTMENT OF STATE

RICHARD OLIVER LANKFORD, OF LOUISIANA

EXECUTIVE OFFICE OF THE PRESIDENT

ANGELA STYLES, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE DEIDRE A. LEE, RESIGNED.

DEPARTMENT OF EDUCATION

WILLIAM D. HANSEN, OF VIRGINIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE FRANK S. HOLLEMAN III, RESIGNED.

DEPARTMENT OF JUSTICE

VIET D. DINH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ELEANOR ACHESON, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

MAUREEN PATRICIA CRAGIN, OF MAINE, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE JOHN T. HANSON, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID C. HARRIS, 8198

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LAWRENCE J. JOHNSON, 8824

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. PRUITT, 4524

To be brigadier general

COL. TIMOTHY C. BARRICK, 5041
COL. CLAUDE A. WILLIAMS, 0702

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CRAIG T. BODDINGTON, 6953
COL. SCOTT ROBERTSON, 2941

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ALFRED G. HARMS JR., 7295

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) KATHLEEN L. MARTIN, 3639
REAR ADM. (LH) JAMES A. JOHNSON, 6264

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. CHRISTOPHER C. AMES, 2860
CAPT. MICHAEL C. BACHMANN, 0069
CAPT. REUBIN B. BOOKERT, 2839
CAPT. STANLEY D. BOZIN, 5487
CAPT. JEFFREY A. BROOKS, 5383
CAPT. CHARLES T. BUSH, 7136
CAPT. JOHN D. BUTLER, 7534
CAPT. JEFFREY B. CASSIAS, 7214
CAPT. BRUCE W. CLINGAN, 5808
CAPT. DONNA L. CRISP, 1255
CAPT. WILLIAM D. CROWDER, 9877
CAPT. PATRICK W. DUNNE, 9923
CAPT. DAVID A. GOVE, 5823
CAPT. RICHARD D. JASKOT, 2452
CAPT. ROBERT D. JENKINS III, 2940
CAPT. STEPHEN E. JOHNSON, 2239
CAPT. GARY R. JONES, 3181
CAPT. JAMES D. KELLY, 3504
CAPT. DONALD P. LOREN, 4828
CAPT. JOSEPH MAGUIRE, 0399
CAPT. ROBERT T. MOELLER, 1217
CAPT. ROBERT B. MURRETT, 7287
CAPT. ROBERT D. REILLY JR., 8553
CAPT. JACOB L. SHUFORD, 7889
CAPT. PAUL S. STANLEY, 7882
CAPT. PATRICK M. WALSH, 1107

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

LARRY J. CIANCIO, 2531
GERALD G. LUCE, 0999
FREDRIC D. SHEPPARD, 1550

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND THE JUDGE ADVOCATE GENERAL'S CORPS, TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CARLTON JACKSON, 4094 JA
RICHARD D. MILLER, 4226 JA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DALE J. DANKO, 3007

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DELBERT G. YORDY, 0973

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ALEXANDER L. KRONGARD, 6638

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL G AHERN, 5662
DANIEL ALBRECHT, 0284
DIANNE J ALDRICH, 1837
MARGARET D ALEXANDER, 2551
HOWARD H ANDERSON JR., 9179
LARRY H ARCEMENT JR., 8371
CHRISTOPHER R ARMSTRONG, 4791
RALPH W ARNOLD JR., 6222
MICHAEL J ASHE, 6227
FERNAND F AUCREMANNE, 1448
RANDALL J AVERS, 3611
GEORGE P AVRAM, 8168
MARY P BACKMAN, 3491
JOHN C BALEIX, 4713
CHRISTOPHER J BARBER, 9895
RICHARD S BARR, 7004
WILLIAM J BARTZ, 7356
ANDREW L BENSON, 4725
ZACHARY J BERRY, 0381
ROBERT J BIANCHI, 4446
ROBERT E BJELLAND, 0910
TERESA A BOHUSZ, 2345
MARK O BOMAN, 8137
STEVEN E BRAATZ, 0102
MORRIS A BRANCH, 2067
HANS A BRINGS, 3699
MARK A BROWN, 5866
PAULETTE C BRYANT, 0528
ROSE M BULGER, 8577
DARLENE M BURKE, 8298
THOMAS J CANAAN, 5182
JAN M CARRIO, 0249
TIERIAN CASH, 8314
VICTORIA A CASSANO, 0348
CHARLES E CASSIDY, 0664
DONALD J CENTNER, 9684
JOHN W CHERRY, 9404
JAMES M CHIMIAK, 9493
COLIN G CHINN, 4204
SOREN CHRISTENSEN, 6220
WALTER L CLEMENTS, 8217
JEAN S COHN, 4242
NORMAN B COOK, 4653
WAYNE A COX, 6107
JAMES W CRAWFORD III, 3078
JERRI CURTIS, 2628
JERRY F CUSHMAN, 0487
KAREN A DALY, 3023
ROBERT G DARLING, 8447
PAUL DATO, 5172
DAVID R DAVIS, 6202
HARRY W DAVIS, 1437
ROBERT A DEEDMAN, 1074
PAUL M DELANEY JR., 0814
ARNOLD G DELFINER, 2935
MARLENE DEMAIO, 5420
KIM E DIEFENDERFER, 3361
MARK A DOBBS, 9413
WILBUR C DOUGLASS III, 2097
MICHAEL C DUBIK, 0407
ANNE DUNNEHAYES, 8561
ROBERT D EVANS, 4330
JUDITH A FIDELLOW, 2157
DEBORAH M FITZGERALD, 3157
DONALD J FLEMMING, 0431
JEFFREY L FORD, 4962
HEIDI A FOWLER, 5977
KARL K FUNG, 6852
CAROLE J GAASCH, 4763
MICHAEL J GENTILE, 4088
TAMMY S GERSTENFELD, 4405
THU P GETKA, 5961
MICHAEL A GIORGIONE, 3106
RICHARD F GONZALEZ, 4764
GARY G GOODELL, 6170
JOHN GORMAN, 4189
GREGORY M GORSUCH, 6292
DAVID J GRAFF, 3216
THOMAS A GRIEGER, 3989
JEFFREY H GRODEN, 9787
PHILLIP E GWALTNEY, 7327
MARK A HANDLEY, 4095
BILLY W HANES JR., 1208
CHRISTIAN W HANSEN III, 6666
BEVERLY G HARRELLBRUDER, 2477
KATHLEEN G HARTMANN, 9166
THOMAS E HATLEY, 0527
OLAF G HAUGEN, 4610
DAVID F HAYES, 9874
JOHN R HEIL, 0901
LOUIS J HEINDEL, 1043
MARY J HERDEN, 8804
JAMES C HIGGINS, 7258
KENNETH A HIRSCH, 0376
GREG W HOEKSEMA, 6864
WHITNEY H HOWARD, 3040
DENNIS L HUFFORD, 5706
BRADLEY W HUNT, 9127
WILLIAM HURST, 6571
GLEN M IMAMURA, 9387
MICHAEL G IRELAND, 0769
JAMES R JACKSON, 6463
MAX B JENKINS, 0038
KURT A JOHNSON, 9601
MARK H JOHNSTON, 4281
SHAUN B JONES, 7499
EDWARD J KANE JR., 5405
JOHN M KELSO, 6349
BILL C KINNEY, 8702
DOUGLAS R KNITTEL, 3482
KELLY K KOELLER, 9812
FREDERICK G KUHM, 5018
GREGORY T KUHN, 6610
JEFFERY J KUHN, 0410
BRENDA A LARKIN, 3199
MARC G LAVERDIERE, 8516
ANDREW W LEWIS, 2231
BARBETTE H LOWNDES, 6201
JOSEPH D LUDOVICI, 6246
DIANE C LUNDY, 7433
LORETTA A MADDEN, 5961
DENNIS M MAHAN, 3191
MICHAEL E MAHONY, 3947
STEPHEN E MANDIA, 0647
JOSEPH F MANNA, 4381
STEVEN M MARINELLI, 0717
JAMES A MARRON, 5703
ROBERT C MARSHALL, 3817
GREGORY J MARTIN, 9677
SUSAN L MARTINSANDERS, 8841
WAYNE Z MCBRIDE, 4331
DAVID R MCCARTHY, 2158
ERIC C MCDONALD, 5883
JOHN A MCQUESTON, 6555
WALTER H MELTON, 1442
NATHANIEL MILTON, 1006
KATHLEEN H MOELLER, 8456
JON MOLES, 4423
ROBERT L MONETTE, 3063
JOHN F MONROE, 7158
HEIDI L MOOS, 4799
CHRISTOPHER N MORIN, 5801
CAROL J MORONES, 3625
WILLIAM S MUNSON, 9172
PAMELA L MURPHY, 5066
FRANCESCA C MUSIC, 4266
STEVEN M NAGORZANSKI, 5594
PATRICK J NEHER, 3762
STEVEN M NICHOLS, 7704
MURRAY C NORCROSS JR., 1475
MATTHEW J NUTAITIS, 6460
PETER F OCONNOR, 8937
TIMOTHY P OMALLEY, 3599
WAYNE J OSBORNE, 4738
JAMES R OXFORD JR., 5920
STEPHEN M PACHUTA, 5940
THOMAS B PADGETT, 9888
ASA H PAGE III, 5505
RICHARD L PARKER, 3793
MICHAEL J PATTI, 5504
WILLIAM M PEACOCK III, 7828
PAULA A PENDRICK, 9404
GEORGE M PEREZ, 2025
TODD A PERLA, 6752
WILLIAM C PERRY III, 0486
MICHAEL J PESQUEIRA, 3139
WILLIAM M PETRUSKA, 9889

KATHLEEN M PIERCE, 6741
KEVIN R PORTER, 5963
JAMES D PUTTLER, 9346
JOAN R QUEEN, 8887
VINCENT RACANELLI, 2685
CATHY L REARDEN, 5299
JAMES T RECTOR, 2196
BILLY REDMOND, 5090
CHRISTOPHER P RENNIX, 2787
CHARLES B RHODES, 1332
MICHAEL N RIEGER, 0422
WILLIAM P RIEGER, 0685
PAMELA K ROARK, 2649
LAWRENCE B ROBERTS, 2167
SHELIA C ROBERTSON, 0921
STEPHEN L ROBINSON, 2369
STEPHEN M RODGERS, 3024
KATHLEEN A ROHLEDER, 7898
ALAN E ROLFE, 8314
STEVEN J ROMANO, 5095
JIMMY M SAIKU, 0397
BRIAN E SARGENT, 8872
DUANE R SCHAFER, 2969
JOHN K SCHMIDT, 5548
GEORGE J SCHMIEDER, 3675
JAMES J SCHNEIDER, 6633
BRIAN M SCOTT, 4740
TRACY A SCOTT, 0509
JOHN A SIEFERT, 4792
NANCY J SILKI, 8673
KEVIN R SLATES, 7649
LYMAN M SMITH, 8255
THOMAS A SNEAD, 8704
ROBERT J SNYDER, 9735
ROBERT B SORENSON, 1138
PAULINE L SUSZAN, 5500
NANCY A SWANSON, 0124
WILLIAM J SWARTWORTH, 5969
EDWARD J SWEENEY, 5989
ANTHONY G SWERCZEK, 8299
PAUL TALWAR, 9001
THOMAS E THIES, 8721
DAVID E THOMAS, 0436
DAWN M TOMPKINS, 4770
RICKY D TOYAMA, 6389
DANIEL V UNGER IV, 1255
CHARLES A VACCHIANO, 6607
JAMES D VALENTE, 4899
DANIEL O WALKER, 3472
GRIFFIN L WARREN, 8362
GREGORY A WASKEWICZ, 0784
GREGORY L WATFORD, 0922
SCHUYLER C WEBB, 0913
NICHOLAS L WEBSTER, 5952
DANIEL G WHEELAND, 5152
MARGARET G WILSON, 2736
ROBERT F WILSON, 9060
CHARLOTTE O WISE, 4966
JOHN C WOHLRABE JR., 4518
GEORGE A WORONKO, 8586
WALTER F WRIGHT, 9878
DEBRA D YAREMA, 6836
GLENN ZAUSMER, 1311
RICHARD D ZEIGLER, 5522

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MILTON D'ABNER, 4565
JUDITH L C ACKERSON, 3563
TOWNSEND G ALEXANDER, 8946
MARY L ANDERSON, 0089
DOUGLAS M ANDRE, 9050
DAVID S ANGOOD, 6497
LAWRENCE N ASH, 1131
MICHAEL J BAREA, 4881
EDWARD BARFIELD, 7169
THOMAS H BARGE II, 7769
MARK A BAULCH, 4516
THOMAS C BAUS, 0106
THOMAS M BAYLEY, 6615
SCOTT D BEACH, 3898
CHARLES D BEHRLE, 9095
BETSY J BIRD, 0061
RUSSELL E BIRD, 2812
MARK W BOCK, 0648
MARK R BOETTCHER, 7128
CHRISTOPHER D BOTT, 3908
ROBERT W BOUGHER, 5987
KATHLEEN J BRANCH, 7773
JAMES B BRINKMAN, 9238
MICHAEL A BROWN, 0253
ROBERT W BROWN, 9355
GLENN M BRUNNER, 4352
DAVID L BUCKEY, 2449
MICHAEL D BUDNEY, 6748
KENNETH P BUELL, 8845
JOHN M BURDON, 8106
BRIAN E BURLINGAME, 3122
GERALD T BURNETTE, 5393
LAWRENCE D BURT, 0190
PAUL J BUSHONG, 1319
JAMES F CALDWELL JR., 5859
STEPHEN J CAMACHO, 4094
JOSEPH F CAMPBELL, 0035
WELDON J CAMPBELL JR., 8799
DIANA T CANGELOSI, 0932
GLENN E CANN, 4671
CARL A CARPENTER, 1758
CLARENCE E CARTER, 1341
WALTER E CARTER JR., 5750
WILLIAM M CAVITT, 2875
JOHN M CHANDLER, 8029
CARLOS M CHAVEZ, 2778
JOHN N CHRISTENSON, 4645
RANDY W CLARK, 8842
RAY L CLARK JR., 3321
WILLIAM J CLARK JR., 7756
FRED E CLEVELAND, 0036
MICHAEL A COLLINS, 5433
MARK A COMPTON, 9244
EDWARD M CONNOLLY, 0777
MICHAEL J CONNOR, 7632
KATHLENE CONTRES, 8945
JAMES K COOK, 4320
GARY T COOPER, 8641
THOMAS H COPEMAN III, 8822
CYNTHIA A COVELL, 9130
SAMUEL G COWARD, 8547
SCOTT T CRAIG, 3193
ROBERT B CRISLER, 6518
THOMAS A CROPPER, 9981
PAUL A G CRUZ, 4307
WILLIAM P CULLEN, 3676
THOMAS J CULORA, 6715
ALBERT CURRY JR., 6526
BARRY F DAGNALL, 1003
THOMAS J DARGAN, 0577
JOHN R DAUGHERTY, 3299
PHILIP S DAVIDSON, 3050
SUSAN A DAVIES, 7194
RICHARD L DAWE, 4046
THOMAS P DEE, 8747
DANA S DERVAY, 4767
JEFFREY W DESPAIN, 7602
ERNEST W DOBSON JR., 0977
ROBERT E DOLAN, 4119
MICHAEL J DONCH III, 9118
PATRICK F DONOHUE, 8179
TIMOTHY J DOOREY, 7999
WILLIAM G DUBYAK, 7868
JAMES M DUKE JR., 3003
STEVEN R EASTBURG, 0239
CRAWFORD A EASTERLING, 4732
THOMAS J ECCLES, 5294
ALAN E ESCHBACH, 7339
ROBERT D ESTVANIK, 7625
CHARLES EVERETT, 5918
MANUEL E FALCON, 3233
RICHARD H FANNEY, 0862
PEGGY A FELDMANN, 5518
JOEL D FELLOWS, 0236
ROBERT A FFIELD, 1744
TRACEY A FISCHER, 1384
STEPHEN J FITZGERALD, 7847
DEBRA M FORD, 0509
MICHAEL J FOREMAN, 8581
WILLIAM F FOSTER JR., 8248
KEVIN K FRANK, 8062
PETER W FURZE, 4982
DONALD E GADDIS, 8363
GARY D GALLOWAY, 7776
GEORGE G GALYO, 7399
KRISTINE H GEDDINGS, 3113
BRADLEY R GEHRKE, 5451
BARBARA A GERAGHTY, 8455
JEFFREY L GERNAND, 7759
JOSEPH GIAQUINTO, 3900
WILLIAM J GIERI, 6695
LLOYD E GILHAM, 6741
DAVID W GLAZIER, 9734
MICHAEL D GNOZZIO, 3051
DEVON G GOLDSMITH, 6721
ANTHONY J GONZALES, 9365
LEONARD B GORDON, 5500
JEFFERY D GRADECK, 0817
PETER A GUMATAOTAO, 3447
STEPHEN D HANCOCK, 6149
WILLIAM J HARDEN, 4143
DAVID C HARDESTY, 9205
CHARLES G HART, 4332
CHRISTOPHER C HAYES, 3583
RICHARD HEIMERLE, 5864
MARK T HELMKAMP, 1586
ROBERT HENNEGAN, 7883
WILLIAM H HILARIDES, 1848
THOMAS W HILLS, 4699
JOSEPH B HOEING JR., 3861
DONNA S W HOLLY, 3110
JOSHUA P HOLTZMAN, 8554
STEPHEN E HONAN, 4285
RICHARD W HOOPER, 8008
JOSEPH A HORN, 3338
DOUGLAS M HOWARD, 9382
MICHELLE J HOWARD, 6763
STEPHEN H HUBER, 5296
JAMES D HUCK, 4230
GERARD P HUEBER, 4061
JONATHAN W HULTS, 8157
SHANNON M L HURLEY, 9947
JOHN S HUSAIM, 6252
PATRICIA A JACKSON, 5508
PAUL J JAEGER, 6222
SCOTT E JASPER, 3382
BRENT W JETT JR., 3573
ANTHONY W JILES, 8759
THOMAS E JOHNSTON, 8850
JEFFERY S JONES, 8953
MARK D KAVANAUGH, 2443
MARTIN J KEANEY, 3381
HOWARD C KEESE, 8485
GIBSON B KERR, 9409
WILLIAM L KERVAHN, 1782
KEVIN C KETCHMARK, 0976
CRAIG S KLEINT, 2925
PATRICK N KLUCKMAN, 5256
MARY M KOLAR, 8602
TERRY B KRAFT, 8411
WALTER M KREITLER, 3347
JEFFREY S KUNKEL, 5892
NEAL J KUSUMOTO, 8545
DAVID A LABARBERA, 8826
ROBERT J LABELLE JR., 3218
TARA L LACAVERA, 9119
PAUL A LAIRD, 7427
DWIGHT E LAMONT, 3416
DAVID W LANDIS, 0823
WILLIAM F LARSON, 6318
MARK S LAUGHTON, 2114
S J LAUKAITIS, 1645
WENDY B LAWRENCE, 0321
DAVID L LEACH, 4012
JOHN C LEGG, 1735
HARRY LEHMAN JR., 7067
LAWRENCE L LEHMAN, 4492
CRAIG D LESHER, 3572
CHRISTOPHER R LINDSAY, 1844
LEE H C LITTLE, 5343
JEFFREY S LOCKE, 4426
JOSEPH C LODMELL, 6487
DONNA M LOONEY, 5297
MICHAEL E LOPEZALEGRIA, 8709
WILLIE T LOVETT III, 1899
DALE A LUMME, 8861
RUTLEDGE P LUMPKIN, 7350
WILLIAM M LUOMA, 6438
KEVIN B LYNCH, 7137
EILEEN F MACKRELL, 1784
JOHN L MADDEN, 2187
THOMAS J MALONE, 8085
MICHAEL C MANAZIR, 1402
MICHAEL R MARA, 2587
STEPHANIE A MARKAM, 5719
PAMELA A MARKIEWICZ, 1806
LOUIS D MARQUET, 0141
RICHARD D MARVIN JR., 6125
WILLIAM R MASSEY JR., 1870
JOHN R MATHIS, 6831
JAMES E MCALOON, 8084
JOSEPH A MCBREARTY, 9995
TIMOTHY A MCCANDLESS, 9010
MARGARET A MCCLOSKEY, 6797
JEANNE M MCDONNELL, 2586
ANTHONY E MCFARLANE, 1363
JOSEPH L MCGETTIGAN, 3683
KATHLEEN A MCGRATH, 9240
FREDERICK P MCKENNA JR., 6386
MICHAEL E MCLAUGHLIN, 2922
MICHAEL E MCMAHON, 6567
JAMES P MCMANAMON, 5156
STEVEN L MCSHANE, 8020
THOMAS R MEHRINGER, 0152
MICHAEL E MEIER, 2234
JEFFREY B MILLER, 8299
TODD R MILLER, 8611
MARK E MILLS, 2158
PATRICK M MILLS, 5489
ROBERT M MOORE, 7933
MICHAEL L MORAN, 2260
JARRATT M MOWERY, 4450
RICHARD H MOYER, 2022
DENNIS J MURPHY, 0938
MARK R MYERS, 2843
ROBERT M NAVARRO, 4037
THOMAS F NEDERVOLD, 0148
BRIAN S NEUNABER, 9059
MARY B NEWTON, 7853
R J NIEWOEHNER, 0343
CHRISTOPHER D NOBLE, 3429
MARK L NOLD, 6549
GREGORY R NOWAK, 1259
KEVIN O'FLAHERTY, 6958
EDMUND W OCALLAGHAN, 4625
JAMES E OCONNOR, 8797
JOHN F OHARA, 2663
PATRICK W OKANE, 1581
THOMAS P OKEEFE, 3149
ROBERT E OLDANI, 1305
BRIAN C ONEILL, 0046
GEOFFREY T PACK, 4780
TIGHE S PARMENTER, 7763
DEAN M PEDERSEN, 5733
SAMUEL PEREZ JR., 3679
ROBERT H PERRY, 4485
WILLIAM S PERSONIUS, 0375
MATTEW T PETERS, 8203
GEORGE M PETRO, 8630
DAVID T PITTELKOW, 1177
BYRON K PRICE, 5165
DONALD R PRICE, 9403
DOUGLAS S PRINCE, 3834
EDWARD J QUINN, 2204
PATRICK F RAINEY, 2200
JAMES P RANSOM, 8384
JOHN B READ III, 7335
CHRISTOPHER S REAL, 1260
JEFFREY S REED, 2188
MICHAEL S REED, 1170
HELENA E REEDER, 1502
PAULA M P RICKETTS, 6742
PETER J RIESTER, 6578
JOHN W RILEY III, 9194
DAVID W ROBEY, 1093
FREDERICK J ROEGGE, 6573

JOSEPH N ROGERS, 3443
MICHAEL S ROGERS, 9688
EDWARD D ROSEQUIST, 0456
THOMAS S ROWDEN, 5003
FRANCIS E SABLAN, 6864
RIGOBERTO SAEZORTIZ, 5461
NANCY J SANDERS, 3951
RICHARD L SAUNDERS, 9323
ROBERT E SCHUETZ, 5457
DENNIS A SCHULZ, 1333
MICHAEL A SCHWARTZ, 4246
ALAN D SCOTT, 3804
EOLA L SCOTT, 4174
RUSSELL W SCOTT, 3989
JOSEPH SENSI, 0444
THOMAS K SHANNON, 3985
HERMAN A SHELANSKI, 1720
VINCIENT F SHORTS, 4881
MARK R SICKERT, 9230
JOHN H SINGLEY, 5699
WILLIAM G SIZEMORE II, 3622
JOSEPH E SKINNER, 5787
FRANCIS R SLATTERY, 6050
BRADLEY B SMITH, 2506
FRED E SMITH, 0899
GREGORY J SMITH, 2462
JAY M SMITH, 0766
MARTIN P SMITH, 3483
STEPHEN S SMITH, 1877
KENNETH V SMOLANA, 1494
DENNIS R SORENSEN, 7451
JOSEPH A SPATA, 4184
LINDA S SPEED, 0846
JAMES M SPENCE, 1494
CHERYL L SPOHNHOLTZ, 7292
JAMES A STEWART, 8236
SCOTT D STEWART, 8530
MARK H STONE JR., 0839
MARK G STORCH, 7756
EAMON M STORRS, 1296
THOMAS J STREI JR., 1098
JOSEPH STUYVESANT, 7326
PATRICIA M SUDOL, 5934
MITCHELL T SWECKER, 1743
JOSEPH A SYCHTERZ III, 8566
LAUREN TAULMAN, 6547
KEVIN B TAYLOR, 1909
THOMAS R TAYLOR JR., 7319
CATHY A THOMAS, 9389
FRANK THORP IV, 3785
HOWARD W THORP JR., 2832
TIMOTHY S TIBBITS, 8080
DAVID W TITLEY, 5416
JAMES W TRUEBLOOD, 8468
JEFFREY TRUMBORE, 1507
WAYNE A TUNICK, 5851
MICHAEL J TURNER, 5014
RONALD J UNTERREINER, 6436
WILLIAM H VALENTINE, 4482
ANTHONY VANARIA IV, 7805
JAMES T VAZQUEZ, 4905
KENNETH J VOORHEES, 7540
ROBERT M WALL, 6748
DENNIS G WATSON, 3065
MARION E WATSON JR., 8433
DAVID B WAUGH, 9729
THOMAS H WEBBER, 6581
ANNE L WESTERFIELD, 1655
CHRISTY J WHEELER, 1269
JAMES R WHITE JR., 2254
JOHN G R WILSON, 7314
JR R D WILSON, 7335
EDWARD G WINTERS III, 5375
GARE M WRAGG, 2604
STEVEN W WRIGHT, 0902
WALTER J WRIGHT, 2949
TODD A ZECCHIN, 1504
ROBERT A ZELLMANN, 2348
JEFFREY N ZERBE, 0416
RONALD E ZIEMBKO, 8386
MICHAEL A ZIESER, 7854

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 24, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Health and Human Services.

SD-124

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on agricultural trade issues.

SR-328A

Commerce, Science, and Transportation

To hold hearings on the nomination of Brenda L. Becker, of Virginia, to be an Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs; and the nomination of Michael P. Jackson, of Virginia, to be Deputy Secretary of Transportation; to be followed by hearings to examine labor problems facing the airline industry today, focusing on the balance between labor and management in negotiations as well as the effect of a strike at a major airline on the aviation system and the consumer.

SR-253

10 a.m.

Finance

To hold hearings to examine Medicare and social security benefits relative to prisoners, fugitives, the deceased and other ineligibles.

SD-215

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold hearings to examine the Department of Housing and Urban Development's program, budget, and management priorities for fiscal year 2002.

SD-538

Appropriations

Defense Subcommittee

To hold hearings on chemical demilitarization.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Corporation for National and Community Service and the Neighborhood Reinvestment Corporation.

SD-138

Judiciary

To hold hearings to examine certain issues surrounding the use of poligraphs.

SD-226

10:30 a.m.

Foreign Relations

To hold hearings on the nomination of Andrew S. Natsios, of Massachusetts, to be Administrator of the United States Agency for International Development.

SD-419

1:30 p.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture.

SD-138

2 p.m.

Foreign Relations

To hold hearings on the nomination of Paula J. Dobriansky, of Virginia, to be Under Secretary of State (Global Affairs); and the nomination of Lincoln P. Bloomfield, Jr., of Virginia, to be Assistant Secretary of State (Political-Military Affairs).

SD-419

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine west coast gas prices in comparison to other parts of the country.

SR-253

Armed Services

Strategic Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the National Nuclear Security Administration.

SR-232A

APRIL 26

9 a.m.

Aging

To hold hearings to evaluate current developments in assisted living, focusing on consumer protection, staff training, and assistance with medications.

SD-562

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

SD-366

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings to examine the budget oversight on the Army Corps of Engineers program for fiscal year 2002.

SD-628

Commerce, Science, and Transportation

To hold hearings on the nomination of Theodore William Kassinger, of Maryland, to be General Counsel of the Department of Commerce; to be followed by hearings on S. 718, Amateur Sports Integrity Act, which amends federal law to stop legal gambling in Nevada on amateur sports.

SR-253

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on certain ergonomic issues.

SH-216

Banking, Housing, and Urban Affairs

Securities and Investment Subcommittee

To hold hearings to examine securities market data and the United States capital markets.

SD-538

10 a.m.

Foreign Relations

To hold hearings on the nomination of James Andrew Kelly, of Hawaii, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

SD-419

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Justice.

SD-192

Finance

To hold hearings to examine the complexity of the tax code, featuring the release of the congressionally mandated study on simplification from the Joint Committee on Taxation.

SD-215

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of the Treasury.

SR-485

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Transportation.

SD-124

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on strategic airlift and sealift imperatives for the 21st Century.
SR–232A

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to examine energy implications of the Forest Service's Roadless Area Rulemaking.
SD–366

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Nuclear Security Administration, Department of Energy.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the problem of unsolicited commercial email (spam) and possible legislative options to deter it.
SR–253

Foreign Relations
Business meeting to consider the nomination of John Robert Bolton, of Maryland, to be Under Secretary of State for Arms Control and International Security, and other pending calendar business.
SD–419

MAY 1

9:30 a.m.
Armed Services
To hold hearings to examine the report of the panel to review the V–22 Program.
SH–216

Small Business
To hold hearings to examine the Small Business Administration's funding priorities for fiscal year 2002.
SR–428A

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for certain Department of Energy programs relating to Energy Efficiency Renewable Energy, science, and nuclear issues.
SD–124

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Forest Service, Department of Agriculture.
SD–138

Judiciary
To hold hearings to examine the legal issues surrounding faith based solutions.
SD–226

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine the United States military's capabilities to respond to domestic terrorist attacks involving the use of weapons of mass destruction.
SR–222

MAY 2

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Veterans' Affairs.
SD–138

MAY 3

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Agriculture, focusing on assistance to producers and the farm economy.
SD–138

2 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for Department of Energy environmental management and the Office of Civilian Radio Active Waste Management.
SD–124

MAY 8

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to genetics and biotechnology.
SD–226

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Energy.
SD–124

MAY 9

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Aeronautics and Space Administration.
SD–138

MAY 10

10 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Food and Drug Administration, Department of Health and Human Services.
SD–138

MAY 15

10 a.m.
Judiciary
To hold hearings to examine high technology patents, relating to business methods and the internet.
SD–226

MAY 16

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Emergency Management Agency.
SD–138

JUNE 6

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the National Science Foundation and the Office of Science Technology Policy.
SD–138

JUNE 13

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Environmental Protection Agency and the Council of Environmental Quality.
SD–138

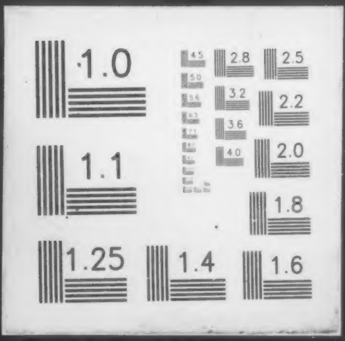
JUNE 20

10 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.
SD–138

POSTPONEMENTS

APRIL 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on agricultural trade issues.
SR–328A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